

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
POLICE, JUDICIAL & LEGAL COMMITTEE  
Monday, December 3, 2018**

**Municipal Complex, Committee Meeting Room, 3<sup>rd</sup> Floor  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464**

**Minutes**

Present: Mayor Will Haynie, Chair, Gary Santos, Joe Bustos, G.M. Whitley  
Staff: Eric DeMoura, LeVica Kirvin, Chief Ritchie  
Also: David Pagliarini, Corporation Counsel

Mayor Haynie called the meeting to order at 12:17pm

**1. Approval of Minutes from the November 5, 2018 meeting and the November 7, 2018 special meeting.**

Mayor Haynie asked that the minutes from November 5, 2018 and the November 7, 2018 meeting be approved.

*Mr. Bustos made the motion for approval; seconded by Ms. Whitley. All in favor.*

**2. Public Comments**

There were no public comments.

**3. Police Matters**

No agenda items

Mayor Haynie wanted to take a moment and thank the Police Department, Fire Department, Public Services, Recreation Department and Council for being a part of the Make A Wish event they had for

Hunter. He stated it was a wonderful day and the community at large got great publicity showing Mount Pleasant spirit.

#### **4. Judicial matters**

No agenda items

#### **5. Legal Matters**

##### **a. Discussion regarding the transcription of minutes**

Mr. DeMoura stated he had a proposal for the Committee member's consideration. He explained they often receive concerns or complaints about how minutes are transcribed, particularly the content.

Mr. DeMoura stated he had a presentation for the Committee members which included some alternatives to try and improve the current process.

The presentation included three parts; what is currently being done, what some of the concerns are and what they would like the Committee members along with Council to consider. He explained the Town currently provides a full transcription of minutes for all Committees, Council, as well as all the Boards and Commissions. Mr. DeMoura stated there is an audio recording made available for the meetings. In addition, there is video available for all Council meetings. He explained there are more and more questions being received regarding the accuracy of the minutes, and, like the Council members, the Town is interested in making certain the final record of any meeting is accurate and easily decipherable for the public. He stated the challenge usually surrounds context. Mr. DeMoura stated it can be very difficult, after a meeting, for the employees typing the minutes, to understand what the person meant when they say something. Mr. DeMoura added it is also very costly. He explained they estimate the cost, to type the minutes, to be about \$50,000 dollars annually.

Mr. DeMoura stated they believe there may be another way to do it which may be a little bit better and at the same time save a little bit of

money. He explained two cities who are comparable to Mount Pleasant are Charleston and Columbia and they use a summary minutes type format. He added the Town could also offer hyperlink recordings and then bookmark the minutes so that the citizen could find the part of the meeting they are looking for more quickly.

Mr. DeMoura stated the left side of presentation depicted a rollcall type summary format of what happened, the final action, who was present who was in support and then the resolution read by title. The right side of the presentation displayed a combined summary format, which is a brief description of what happened and attach to it the recording. Mr. DeMoura explained there is no having to listen through the entire meeting to get to the area you are interested in, you can get to it right away and hear exactly what was said. He stated with this type of format the Town can be more accurate and more efficient in what they are doing. Mr. DeMoura stated this is being proposed to the Committee to get their feedback and if they see it as a possible means forward.

Mayor Haynie asked if he was correct that it takes 245 staff hours per month to transcribe the minutes along with a cost of \$50,000 per year.

Mr. DeMoura stated that was correct.

Mr. Santos stated he likes the way it is currently being done. He stated using the current format he can pull the minutes and look back and see what each individual Council Member or Commission Member stated and see what their views are. He stated he likes to look at everyone's opinion even if it opposes his because he could change his mind. He added he does not like spending all that money on transcription but stated the system they have in place has worked well over the years and it is easy for him to go back and pull the minutes and look and see what everyone thought about an issue.

Ms. Whitley stated she appreciates the concerns about cost and time spent transcribing the minutes however she stated there is a time savings to be had to having written minutes. She stated she can read the entire minutes of a meeting in five minutes whereas if she had to try and listen to the same meeting it would be 30 minutes to an hour. She asked

if this would result in eliminating a staff position because of the \$50,000 savings.

Mr. DeMoura stated they would redirect those funds to what the next priorities were in the budget.

Ms. Whitley stated she would prefer written minutes as it is easier to read through them quickly and not have to access the bookmark or hyperlink. She added the technology aspect of it could also be a deterrent to some of the older citizens in the Town of Mount Pleasant who would want an ease of access and may not have the equipment to access the minutes that way. Ms. Whitley stated she is leaning the same way as Mr. Santos in keeping things the way they are.

Mr. Bustos asked by using the hyperlink if an individual would be directed to a specific conversation.

Mr. DeMoura stated it would bring the individual to that portion of the meeting.

Mr. Bustos asked if a Council Member wanted to have the verbatim transcript if they could ask Town staff to prepare that for them.

Mr. DeMoura agreed that they could.

Mr. Bustos stated reading it off a computer screen or reading it off a piece of paper is the same for him. He stated Council can go back and ask for a verbatim transcript and have access to the exact portion they want to listen to instead of reading the minutes that right now, for the most part, are generally abbreviated.

Ms. Whitley asked if that would create additional costs and defeat the purpose of cost savings if every single Council Member could make that type of request. She asked if that option would be limited to Council Members or if it would be extended to the public.

Mr. DeMoura stated it would be however Council would want it. He stated if the public asked for verbatim, they probably would not provide that as the administrative burden would be tremendous. They would provide a recording that way they would have access to it.

Ms. Whitley asked if there would be any ADA issues for the deaf or hard of hearing citizenry.

Mr. DeMoura stated there would not be as they are provided with what the vote was and what actually occurred.

Mr. DeMoura stated minutes are done for every meeting, every Committee and every Commission and added they are not even sure who is reading the minutes for all the meetings. Mr. DeMoura stated the ones that get the most traffic would be Council meetings, Planning Commission and some of the major busier Committees. He stated after that there is not much readership on some of the other minutes. He suggested the Committee maybe consider a hybrid or something else the Town could try.

Mayor Haynie asked Mr. Pagliarini what the law requires when it comes to what is kept or reflected in the minutes.

Mr. Pagliarini stated the proposal does meet State Law requirements. It states all public body shall keep written minutes to include the date, time, place of the meeting, the members of the public body recorded as either present or absent, the substance of all matters proposed, discussed or decided and at the request of any member a record by an individual member of any votes taken and then any other information that any member of the public body requests to be included. He stated from a legal standpoint the way the minutes are currently being done along with the proposed method both, in their opinion, meet State Law requirements.

Mayor Haynie asked if it was accurate to say that the law is not written that they have to have people type up a verbatim account of every comment and every word as long as it reflects who was present, what the motions were, and what the outcome of those motions were.

Mr. Pagliarini stated that was correct. He added Columbia and Charleston meet the minimum State requirements and then provide more as necessary.

Mr. Santos stated he likes to review the typed minutes and make notes on them. He stated it is so much easier to take the piece of paper instead of the computer or phone and having to go and listen. He stated he can review the minutes more quickly when they are on paper. Mr. Santos stated he understood it is probably costlier and a burden on staff,

but he likes to have a piece of paper to make notes and highlight. He stated some of the minutes go back many years and this gives the option to go back and pull the original one that was typed up.

Mayor Haynie asked Ms. Sullivan, as a member of the public, if she would come up and give them her perspective.

Ms. Pat Sullivan, 1002 Plantation Court of Mount Pleasant, stated she reads the minutes regularly and appreciates every detail that is in them.

Ms. Sullivan stated she has gone back and pulled the minutes from previous years to refer to. She stated the written minutes are

invaluable. Ms. Sullivan stated this topic has come up before and it was decided to keep transcribing the minutes the way they are. She stated

the way the minutes are being transcribed is extremely valuable. Ms. Sullivan stated typing the minutes for the Planning Commission,

Committee Meetings and Council would be acceptable and not doing it

for some of the Special Commissions would be a way to start. She asked that the Town not stop the way they are currently doing the minutes.

Mayor Haynie asked if they could do a soft opening and start with not doing verbatim for certain Commissions such as the Historical

Commission, Shem Creek Task Force and DRB and note what matters,

who was there, what was proposed and what the outcome was and keep doing it the way they are now for the Planning Commission, Council,

Committees and meetings.

Mr. Santos stated he wanted it noted on the record that the minutes are not currently being transcribed verbatim unless they are requested. He

stated it is a synopsis of what people are saying and if you need it verbatim Council can ask and then staff can provide it verbatim.

Mr. DeMoura stated Town staff does the best they can to transcribe the

minutes verbatim. He added they are not court reporters but as far as the Town is concerned, they are verbatim. Mr. DeMoura explained they

take some liberties in pulling things together but, as evidenced by the stack of papers that constitute the minutes for a meeting, it is a lot. He

stated they can proceed by looking at one of two lightly travelled

Commissions and see how it works and report back.

Ms. Whitley stated she would be alright eliminating the written minutes for Commissions but when there are Council Members present and speaking it is important to have the written minutes readily available to the public because people pull from them and quote them. She added for someone to have to sit there and listen to a 25-minute discussion that could be read in a single page or a couple of page document. Ms. Whitley stated she realizes the amount of time invested is relatively high but the dollar amount in the grand scheme of the Town's budget, this is keeping people employed for the Town to do these minutes.

Mr. Bustos asked how many people come to the Town and ask for copies of the minutes.

Mr. DeMoura stated he is not aware of anyone making that type of request because they are all available online.

Mr. Bustos stated if someone wanted a written copy then they print it. He asked Mr. DeMoura where the Town stores all the minute taking transcripts and if storage was an issue. He stated if the recording is made and if someone wants to access the hyperlink that is fine but if someone wants a verbatim transcript then they will have to go back to the recording and do the best they can to transcribe that verbatim. Mr. Bustos stated if no one is coming in to get minutes they must be going online to get the minutes. He asked if there was a closet that holds all the copies of minutes.

Mr. DeMoura stated there is.

Mr. Bustos stated it would be better and looking forward if they had recordings available of the meetings and if there is something a Council Member wanted typed verbatim then they can find that conversation or ask staff to find that conversation and staff would provide a verbatim transcript of that topic. He stated they are not really losing anything with this new method. He added Committee Members are not provided paper minutes to read before Committee Meetings nor is Council provided with paper minutes to read before the Council Meetings. He added Council meeting minutes are accessible because they are online but now the Town can save a little time and a little money and probably save a little storage space too because at some point that has to become

an issue. Mr. Bustos stated he is okay with a trial run just as long as the public is provided easy access and if a resident came in and asked for a paper transcript of a topic, he thinks staff would provide that to them. He stated all the minutes are online and date back to the 1950's. Mr. Bustos stated if they wanted to do a soft start on it that is good, but he is fine with it either way.

Mayor Haynie asked if the Committee would like to start with some of the Commissions and see how it works. He stated that will avoid any appearance of having a hard time seeing anything your elected officials are doing and then evaluate the process.

Ms. Whitley stated it may become clear, through the web statistics, to understand how many times the minutes are downloaded, and which minutes are downloaded and that it really is the Council meetings that need a written transcript as opposed to who voted and that it is fine for the Committees. She asked Mr. Santos if he would be asking for a written copy of minutes for every meeting.

Mr. Santos stated it would depend on the issue. He stated there are a lot of issues going on especially with the Planning Commission. He added he likes to be able to see what each Commission member thinks. He stated his concern is the senior population as not everyone is going to know how to access the hyperlink and with the current method, they can read the information on paper. Mr. Santos stated for him it is a lot more convenient to grab a piece of paper flip, through to what he wants and move on rather than needing his phone or computer to access the minutes.

Mayor Haynie asked Mr. DeMoura if he needed an action of Council.

Mr. DeMoura stated he did not need any action and understood clearly how to proceed.

**b. Executive session – legal advice with regard to the Impact Assessment for the Boulevard**

*Ms. Whitley moved to go into executive session; seconded by Mr. Bustos. All in favor.*

Mayor Haynie stated, post-executive session, the committee may take action on any item listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

Executive session commenced at 12:40pm and ended at 12:49pm.

**c. Post-Executive Session**

Mayor Haynie stated no action was taken and votes were cast during the executive session. There was no further discussion.

**d. Follow up to November overview of form of Legal Representation for the Town**

Mayor Haynie stated Mr. DeMoura had sent the Committee some financial information for their review. He asked if Mr. DeMoura could give the Committee an overview and comparison and they would review it all at budget time.

Mr. DeMoura stated he had given the Committee a 10-year history of Legal Department expenditures. He stated the first three years are when the Town had inhouse counsel. He explained that is when they had four full time staffers. Mr. DeMoura stated the expenditure history extended all the way through Fiscal Year 2018, where they have a different arrangement now with Corporation Counsel and legal support contracted out to the current firm. He added there are four columns of expenditures and each row varies based on history. Mr. DeMoura gave the example in 2017 they started adding the health insurance cost to each department which is reflected in the Legal Department budget. He stated they also broke down the legal fees and litigation which constitutes several larger litigation cases. Mr. DeMoura stated they broke out the cost of the large cases and this is where they stand right now.

Mayor Haynie asked in the section where legal fees are listed for the larger litigation cases, Middle Street last year in the amount of \$333,000 and Park West this year in the amount of \$384,000, if that reflects the money paid to our own counsel or if that is everything involved with those cases, including experts and other lawyers.

Mr. DeMoura stated that covers experts, other lawyers and whatever is needed to support the litigation. He stated it also triggers the non-standard work of \$185 dollars per contract to our team. He stated wrapped up in the litigation amount would be both numbers.

Mayor Haynie asked what the standard is.

Mr. DeMoura stated the non-standard is \$185 dollars, the standard is the contractual amount per year.

Mayor Haynie asked if the Committee had any other questions.

He stated they would revisit this item and look at the numbers in January.

Mr. Bustos asked if the topic was going to be reviewed at the retreat.

Mayor Haynie stated it would be reviewed at the retreat or at the Committee budget when they go through the budget process.

## **6. Adjourn**

There being no further business, the meeting was adjourned at 12:52pm.

Minutes submitted by:

Laurie Wilson

12/06/2018