

COMMITTEE ON FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Dennis L. Fish, Council Member District No. 5

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council, was held on Monday **September 26, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:12 p.m.

PRESENT: Mr. Dennis L. Fish, Council Member District No. 5, Chairman; Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Caldwell Pinckney Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mrs. Nicole Scott Ewing, Deputy County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Charles E. Davis, Council Member District No. 4, and Mrs. Judy C. Mims, Council Member District No. 6, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Without objection from the Committee, Supervisor Rozier recommended that this night's agenda be adjusted to first commemorate the upcoming Red Ribbon Week scheduled to be held October 23 – 31, 2005.

Mr. Danny Johnson, member of the Berkeley County Prevention Board sponsored by the Kennedy Center, addressed Council and asked Berkeley County Council to proclaim October 23rd – 31st as Red Ribbon Week. "This year marks the 15th year of the Berkeley County Prevention Board's efforts to create a safe and drug-free County. Red Ribbon Week is celebrated each year to show a visible and unified commitment toward the creation of a drug-free community." This year's Red Ribbon, entitled, "Remember Kiki 1985", commemorates 20 years since the 1985 murder of the Drug Enforcement Agency's Special Agent Enrique "Kiki" Camerena in Mexico. In conclusion, Mr. Johnson thanked Council and the Sheriff for their continued support. This year is the 20th anniversary of the Red Ribbon Movement, and the 2005 theme is "Make a Difference".

Chairman Fish called the meeting of the Committee on Finance to order. Council Member Spooner led in the Invocation, and Council Member Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES

Chairman Fish asked for approval of minutes from the meeting of the Committee on Finance held August 29, 2005.

It was moved by Council Member Crosby and seconded by Council Member Spooner to **approve the minutes** as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration of additional funds for **Public Defender** to provide defense in Magistrate's Court

Supervisor Rozier stated that the State of South Carolina is requiring Berkeley County, by state mandate, to provide public defenders at the Magistrate Court level for certain cases.

Mr. Mitchell Lanier, Attorney and Chairman of the Public Defender Corporation Board, addressed Council and stated that a meeting was held several months ago with the Supervisor, Chief Magistrate and Public Defender, along with other board members. At the present time, the Public Defender's Office cannot represent individuals in the Magistrate's Court, in addition to cases handled in the Court of General Sessions, Juvenile and Family Courts. There was a recent US Supreme Court case, wherein, it was established that no matter what court an individual is in, and there is a likelihood of jail time, that individual is entitled to a court appointed attorney. A solution would be to hire a part-time private attorney to handle the defense of indigents in Magistrate Court cases, in the amount of \$12,000.00. This amount is based on an estimated time of 15 – 20 hours per month. Mr. Lanier recommended that the monies to fund a Public Defender for the Magistrate Court be listed as a separate line item from the Public Defender's Office in the budget.

Council Member Farley asked if the part-time attorney would serve as a floater to serve courts in Moncks Corner, Goose Creek, etc.

Mr. Lanier responded that the part-time attorney would do so if the need arose, although, 99 percent of criminal cases are handled in the Moncks Corner Magistrate Court.

Council Member Crosby indicated concern with the additional scheduling time required by the Magistrate Court with the addition of a Public Defender to defend cases.

Mr. Lanier responded that it would not be a problem.

Council Member Steve Davis indicated concern that the fee for the part-time attorney would escalate as time passed.

Mr. Lanier responded that it would increase as the County grew in population and cases heard by the Magistrate Court increased.

Ms. Patti Kennedy, Attorney with the Public Defender's Office, stated that an experiment was performed over the past 18 months. Representation for offenses has been limited to criminal domestic violence (first offense), simple drug possession and DUI. These are charges where, if someone was convicted, he/she would then go before General Sessions Court and subject to enhancement. The proposed contract for a part-time attorney is not a contract to provide across-the-board representation to anyone who thinks they need an attorney in the Magistrate Court. The contract would be limited to enhancement offenses. It would also be limited to those individuals set up with a payment plan for tickets when they did not follow through with the payment plan and faced jail time because of failure to pay. It would not include individuals involved in code violations and traffic tickets.

Chairman Rozier stated that the provision of a Public Defender in the Magistrate Court is being mandated by the state.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to **approve** a \$12,000.00 increase in the annual **contract** for the **Public Defender's Department**, with funds to come from Contingency. The motion passed by unanimous voice vote of the Committee.

B. Consideration of a resolution authorizing (a) release of land currently subject to an existing fee-in-lieu of taxes lease agreement between Berkeley County, South Carolina and **Namasco Corporation**, and (b) subjecting the same land to an existing fee-in-lieu of taxes lease agreement between Berkeley County, South Carolina and **JM Steel Corporation**.

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve the **consideration** of a **resolution** authorizing release of land subject to a fee-in-lieu of taxes lease agreement with **Namasco** and subjecting same land to a fee-in-lieu of tax agreement with **JM Steel**. The motion passed by unanimous voice vote of the Committee.

C. Consideration of a resolution authorizing the County Supervisor to execute a contract for the **purchase of property** located at 282 Dairy Farm Road, Moncks Corner, South Carolina, more particularly described as **TMS #142-00-00-004**.

It was moved by Council Member Spooner and seconded by Council Member Farley to approve the **consideration** of a **resolution** authorizing execution of a contract for the purchase of property described as **TMS #142-00-00-004**. The motion passed by unanimous voice vote of the Committee.

D. Consideration prior to First Reading of an ordinance authorizing the execution and delivery of a **fee-in-lieu of tax agreement** and certain instruments relating thereto by and between Berkeley County and **Union Underwear Company, Inc.**, whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Union Underwear Company, Inc.; providing for payment by Union Underwear Company, Inc., of certain fees in lieu of ad valorem taxes; and other matters relating thereto.

It was moved by Council Member Farley and seconded by Council Member Spooner to approve the consideration, prior to First Reading, of an ordinance executing a fee-in-lieu of tax agreement between the County and Union Underwear Company, Inc. The motion passed by unanimous voice vote of the Committee.

E. Review prior to Second Reading of the following:

1. **Bill No. 05-62**, an ordinance granting a **franchise renewal** for the construction, acquisition, operation and maintenance of a cable television system within specific unincorporated areas of the County of Berkeley to **Time Warner Cable, Inc.**

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the review, prior to Second Reading, of Bill No. 05-62. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 05-76**, an ordinance authorizing the execution and delivery of a **fee-in-lieu** of tax agreement by and among Berkeley County and **BooneDock, LLC**; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

It was moved by Council Member Spooner and seconded by Council Member Farley to approve the review, prior to Second Reading, of Bill No. 05-76. The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 05-77**, an ordinance establishing a **registration system** for **businesses** located **within Berkeley County**, including businesses located within the corporate boundaries of municipalities within the County, pursuant to SC Code of Laws § 12-37-135 (2005); establishing a fee to defray the administrative expenses of said registration; and other matters related thereto.

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve the review, prior to Second Reading, of Bill No. 05-77.

In discussion, Council Member Steve Davis questioned what the dollar amount to be paid by each business would be (\$1.00 or \$15.00).

Council Member Fish asked if other municipalities were willing to work with Berkeley County in the collection of business personal property taxes.

Supervisor Rozier recommended \$15.00 per year to absorb administrative costs associated with collection of the annual fee. Also, he indicated that other municipalities would not be inclined to close the doors of businesses generating tax revenue in order to help Berkeley County collect business personal property taxes.

The motion passed by majority voice vote of the Committee. Council Member Steve Davis voted, "Nay."

F. Review prior to Third Reading of Bill No. 05-72, an ordinance amending Ordinance No. 05-06-45, providing for the fiscal year beginning July 1, 2005, and ending June 30, 2006, for the operational budget of the Berkeley County Special Fire Tax District within the unincorporated portions of Berkeley County; providing for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year; and amending Ordinances Numbered 96-7-35 and 03-06-37 establishing the uniform service charge to be assessed and collected in the Special Tax District.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the review, prior to Third Reading, of Bill No. 05-72.

Council Member Pinckney asked if there was something in place to assure accountability with monies spent on equipment, etc.

Supervisor Rozier responded that there is a board in each fire district, elected by citizens, with the responsibility of being accountable for funds used. The fire board representing the district where the complaints are initiated should address citizen concerns of irregularities.

The motion passed by unanimous voice vote of the Committee.

G. REPORTS FROM STANDING COMMITTEES:

**1. Committee on Justice and Public Safety
Mr. William E. Crosby, Chairman**

**Increase in payment for service of papers –
Magistrate's Court**

Chairman Crosby reported that the Committee on Justice and Public Safety met on September 12, 2005.

On recommendation of the Committee, Chairman Crosby moved to approve an increase of \$1.50 per paper in the serving of documents by the Constables in the Magistrate Court Department. (No second required.)

The motion passed by unanimous voice vote of the Committee. (That concluded Chairman Crosby's report.)

**2. Committee on Community Services
Mr. Charles E. Davis, Chairman**

Additional personnel funds – Library Department

Acting Chairman Farley reported that the Committee on Community Services met on September 12, 2005.

On recommendation of the Committee, Acting Chairman Farley moved to approve additional personnel funds in the amount of \$5,824.78 for the Library Department, with funds to come from Contingency. (No second required.)

The motion passed by unanimous voice vote of the Committee. (That concluded Chairman Charles Davis' report.)

It was moved by Council Member Crosby and seconded by Council Member Spooner to adjourn the meeting of the Committee on Finance. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:46 p.m.

October 24, 2005
Date Approved

FINANCE

(Standing Committee of Berkeley County Council)

- Chairman: Mr. Dennis L. Fish, District No. 5
- Members: Mr. Phillip Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council, will be held on **Monday September 26, 2005**, following the meeting of the Committee on Public Works and Purchasing, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at **6:00 pm**.

AGENDA

APPROVAL OF MINUTES

August 29, 2005

- A. Consideration** of additional funds for Public Defender to provide defense in Magistrate's Court.
- B. Consideration** of a **Resolution** authorizing (a) release of land currently subject to an existing fee in lieu of taxes lease agreement between **Berkeley County, South Carolina** and **Namasco Corporation**, and (b) subjecting the same land to an existing fee in lieu of taxes lease agreement between Berkeley County, South Carolina and **JM Steel Corp**.
- C. Consideration** of a **Resolution** authorizing the County Supervisor to execute a contract for the **purchase of property** located at 282 Dairy Farm Road, Moncks Corner, South Carolina more particularly described as a 0.82 portion of **TMS # 142-00-00-004**.
- D. Consideration** prior to **First Reading** of an **ordinance** authorizing the execution and delivery of a **Fee-In-Lieu of tax agreement** and certain instruments relating thereto by and between Berkeley County and **Union Underwear Company, Inc.**, whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Union Underwear Company, Inc.; providing for payment by Union Underwear Company, Inc. of certain fees in lieu of ad valorem taxes; and other matters relating thereto.

E. **Review prior to Second Reading** of the following:

1. **Bill No. 05-62**, an ordinance granting a **franchise renewal** for the construction, acquisition, operation, and maintenance of a cable television system within specific unincorporated areas of the County of Berkeley to **Time Warner Cable, Inc.**
2. **Bill No. 05-76**, an ordinance authorizing the execution and delivery of a **Fee-In-Lieu of Tax Agreement** by and among Berkeley County and **BooneDock, LLC**; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.
3. **Bill No. 05-77**, an ordinance establishing a **registration system for businesses located within Berkeley County**, including businesses located within the corporate boundaries of municipalities within the county, pursuant to S. C. Code of Laws § 12-37-135 (2005); establishing a fee to defray the administrative expenses of said registration; and other matters related thereto.

F. **Review prior to Third Reading** of **Bill No. 05-72**, an ordinance **amending Ordinance No. 05-06-45**, providing for the fiscal year beginning July 1, 2005, and ending June 30, 2006, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; providing for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year; and amending Ordinances Numbered 96-7-35 and 03-06-37 establishing the uniform service charge to be assessed and collected in the special tax district.

G. **REPORTS FROM STANDING COMMITTEES:**

1. **COMMITTEE ON JUSTICE AND PUBLIC SAFETY**
MR. WILLIAM E. CROSBY, CHAIRMAN
 - a. Increase in payment for service of papers – Magistrate's Court
2. **COMMITTEE ON COMMUNITY SERVICES**
MR. CHARLIE DAVIS, CHAIRMAN
 - a. Additional personnel funds – Library Department.

September 21, 2005


Barbara B. Austin, CCC
Clerk of County Council