

AGENDA
DARLINGTON COUNTY COUNCIL
APRIL 19, 2010
6 P.M.

Courthouse Annex/EMS Building
1625 Harry Byrd Highway (Hwy. 151)
Darlington, SC 29532
843-398-4100
www.darcosc.com

- I. **CALL TO ORDER**
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. **CITIZENS' COMMENTS** (Maximum of 2 minutes per citizen; 30 minutes total)
- IV. **COMMENTS FROM FY2010/2011 ACCOMMODATIONS TAX APPLICANTS**
(Maximum of 5 minutes per applicant; Applicants are not required to comment)
- V. **APPROVAL OF MINUTES**
 - A. Darlington County's Municipal Councils, County Council, & School Board Dinner Meeting Of March 29, 2010
 - B. Regular Meeting Of April 5, 2010 - **CARRY OVER REQUESTED**
- VI. **ORDINANCES**
 - A. **THIRD READING** - None
 - B. **SECOND READING**

Ordinance No. 10-2, An Ordinance To Amend Chapter 58 (Taxation), Article V. (Assessment Of Aircraft), Section 58-101 (Assessment Of Aircraft) To Reduce The Assessment Ratio On Aircraft Subject To Property Tax In Darlington County, South Carolina, And To Establish The Effective Date Of This Ordinance

Ordinance No. 10-3, An Ordinance To Provide For The Levy Of Taxes For Corporate Purposes Of Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The General Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Provide For Budget Control Of Said Appropriations By The County Council; And To Make Provisions For The Fiscal Affairs Of Said County For Said Fiscal Year

Ordinance No. 10-4, An Ordinance To Provide For The Levy Of Fees For The Countywide Enhance 9-1-1 Emergency Telephone System For Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The County Emergency Telephone System Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; And To Provide For Budget Control Of Said Appropriations By The County Council

Ordinance No. 10-5, An Ordinance To Provide For The Levy Of Taxes For The County Library System Of Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The County Library System Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; And To Provide For Budget Control Of Said Appropriations By The County Council

Ordinance No. 10-6, An Ordinance To Provide For The Levy Of Taxes For The County Environmental Services Fund For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The County Environmental Services Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; And To Provide For Budget Control Of Said Appropriations By The County Council

Ordinance No. 10-7, An Ordinance To Provide For The Levy Of Taxes For The County Fire District Of Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The County Fire District Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; And To Provide For Budget Control Of Said Appropriations By The County Council

Ordinance No. 10-8, An Ordinance To Provide For The Levy Of Fees For The Development Partnership Fund For Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Make Appropriations From The County Development Partnership Fund Of Said County For Such Purposes For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; And To Provide For Budget Control Of Said Appropriations By The County Council

Ordinance No. 10-9, An Ordinance To Provide For The Levy Of Taxes For Fire Control Purposes Within The Hartsville Fire Protection District For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011; To Appropriate Said Funds For Payment To The City Of Hartsville As Authorized By Darlington County Ordinance No. 97-20, Which Created Said Fire Protection District And Pursuant To An Agreement With The City As Authorized Therein; And To Establish The Effective Date Of This Ordinance

Ordinance No. 10-10, An Ordinance To Designate That Agency In The County For Alcohol And Drug Abuse Planning For Programs And To Make Appropriations Pursuant To Sections 6-27-40(B) And 12-33-245(B) And (C) Of The 1976 Code Of Laws Of South Carolina, As Amended, For Darlington County For The Fiscal Year Beginning July 1, 2010, And Ending June 30, 2011

C. **FIRST READING** - None

VII. **RESOLUTIONS** - None

VIII. **COMMITTEE REPORTS**

IX. **OTHER ITEMS**

A. Accommodations Tax Advisory Committee's FY2010/2011 Funding Recommendations

B. Commitment Letter/Agreement For Ulturnagen, LLC To Construct And Operate A Plasma Gasification Facility In Darlington County

C. Agreement For Caretaker At Lake Darpo

D. Authorization To Pay \$5,000 For Robert Lighty Heir Property In The South Darlington Watershed Project Area

E. Other (*Items taken from the Consent Agenda for discussion*)

X. **CONSENT AGENDA**

ITEMS

ACTION

A. Building Permit Types, February 2010 And March 2010

Receive As Information

B. Hartsville Area Recreation Department Calendar Of Events, April Thru June 2010

Receive As Information

C. Letters From Time Warner Cable RE: Changes In Services And Cost Increase For Premium Services

Receive As Information

D. Letter And Certificate Of Appreciation From SC DHEC Commending The County's Participation In The 2010 Earth Day Awards Program

Receive As Information

E. Marlboro/Darlington County Beaver Program Report, February 2010 And March 2010

Receive As Information

XI. **PERSONAL APPEARANCES** (*Maximum of 10 minutes per appearance*)

XII. **ADMINISTRATIVE UPDATE**

A. Mr. Robert Long, Economic Development Director - Sara Lee Distribution Center

B. Sheriff Wayne Byrd - 2009 Annual Report

C. Mrs. Phyllis Griffitts, County Administrator - Update

XIII. **REQUESTS / COMMENTS - MEMBERS OF COUNCIL**

XIV. **VOTE FOR EXECUTIVE SESSION**

XV. **EXECUTIVE SESSION**

XVI. **ADJOURNMENT**

Assistance will be provided to accommodate the special needs of handicapped persons attending the meeting upon request. Special assistance requests should be made to JaNet Bishop, Clerk to Council, at 843-398-4100 seventy-two (72) hours prior to the meeting.

ADMINISTRATOR'S UPDATE

ACTION ITEMS

APRIL 19, 2010

1. Comments from FY10/11 Accommodations Tax Applicants. During the Accommodations Tax process, it was indicated on the Activity Calendar that applicants would have the opportunity to appear before Council to make a five-minute presentation. This is not a requirement of the applicants. Every applicant, except one, made a presentation before the Accommodations Tax Advisory Committee on March 25, 2010. The meeting minutes are included in the agenda package (Exhibit B). If applicants wish to make a five-minute presentation before Council, they will sign-in prior to the meeting.

Requested Action. No action required.

2. Ordinance No. 10-2, An Ordinance To Amend Chapter 58 (Taxation), Article V. (Assessment Of Aircraft), Section 58-101 (Assessment Of Aircraft) To Reduce The Assessment Ratio On Aircraft Subject To Property Tax In Darlington County, South Carolina, And To Establish The Effective Date Of This Ordinance. At Council's meeting of March 15, 2010, Chairman Baldwin reported that two years ago when he met with the FAA in Columbia, one of the last requests that had not been fulfilled was lowering the tax on aircraft. He said Council needed to look at this and requested that it be placed on this meeting's agenda. Ordinance No. 10-2 would amend the Darlington County Code of Ordinances to reduce the assessment ratio on aircraft subject to property tax in Darlington County from six (6) percent to four (4) percent.

Requested Action. Council's consideration of second reading.

3. Budget Ordinances (No. 10-3 Thru No. 10-10). These are the FY2010/2011 budget ordinances. As stated in the County Administrator's budget message that was presented at Council's meeting on April 5, 2010, the total budget for the General Fund, Emergency Telephone System, the Library, Environmental Services, the Fire District, and the Development Partnership is \$32,442,630.

The county General Fund had a major revenue loss from the Local Government Fund in the amount of \$385,610. The county General Fund operations increased by \$243,780, the capital increased by \$242,895, and the grants decreased by (\$614,685), for a total decrease of (\$128,010). There was a shortfall of revenue differences in the amount of (\$287,980). The Capital Fund balance increased by \$457,740, the sheriff's drug funds increased by \$330,000, and the county grants

decreased by (\$627,770), for a total increase of \$159,970. The General Fund Budget request for FY2010/2011 decreased by (\$128,010).

The Library Fund had a major revenue loss to State Aid in the amount of \$12,200. The Library Fund operations decreased by (\$7,870) and the capital increased by \$30,000 for a total increase of \$22,130. The library fund increased by \$22,130 due to an increase in lottery funds.

The Environmental Services Fund operations decreased by (\$54,630), capital increased by \$139,380, and grants decreased by (\$66,800) for a total increase of \$17,950. The amount of \$86,090 was budgeted under the Capital Fund Balance for capital purchases.

The Fire District Fund operations decreased by (\$63,620), capital increased by \$108,690, and grants decreased by (\$50,000) for a total decrease of (\$4,930). The amount of \$35,070 was budgeted under the Capital Fund Balance for capital purchases.

Fee-In-Lieu of Taxes in the amount of \$281,800 was transferred to Development Partnership from the General Fund. Also, \$143,040 was transferred to the Development Board, \$4,010 for Industrial Development Projects, and \$134,750 for the Jetport for a decrease of \$95,160 compared to last year. The Development Partnership fund budget decreased by \$380,540 due to cuts in the Industrial Incentive Projects and grants.

The budgets were cut and balanced with no millage increase in taxes. County Council will conduct a budget worksession to further review the budgets on Monday, April 12, 2010.

Requested Action. Council's consideration of second reading.

4. Accommodations Tax Advisory Committee's FY2010/2011 Funding Recommendations. **EXHIBIT A** is the Accommodations Tax Advisory Committee's recommendations; **EXHIBIT B** contains the minutes of the three Accommodations Tax Advisory Committee meetings; and the **Red Quick Reference Brochure** contains the definition of travel and tourism, a list of tourism related expenditures, guidelines for tourism related expenditures, and section 6-4-10 from the S.C. Code of Laws regarding the Allocation of Accommodations Tax Funds.

In order to determine whether the events are designed to attract tourists, the Accommodations Tax Advisory Committee looked at all the facts and circumstances including where and how the events will be advertised, the estimated number of tourists the events attracted in the past, the nature of the events, where the events will occur, and the purpose of the events.

As stated in the guidelines, **tourism** is defined as the activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work to any event that brings tourists to a region and boosts the local economy. **Tourism** is further defined as activities associated with all overnight trips away from home in paid **or** unpaid accommodations **and** day trips to places 50 miles or more, one way, from the traveler's origin.

Tourism related expenditures include: (1) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity; (2) promotion of the arts and cultural events; (3) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and the nearby roads and utilities for the facilities; (4) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities based on the estimated percentage of costs directly attributed to tourists; (5) public facilities such as restrooms, dressing rooms, parks, and parking lots; (6) tourist shuttle transportation; (7) control and repair of waterfront erosion; and (8) operating visitor information centers.

As a note, the staff is required to submit certain end-of-the-year reports to the State Tourism Expenditure Review Committee to determine whether the County's allocations are in compliance with the Code. If the State Tourism Expenditure Review Committee finds an expenditure to be in noncompliance, they will notify the State Treasurer, who will withhold the amount of the expenditure found in noncompliance from subsequent distributions in accommodations tax revenue. Committee members were invited to attend this meeting.

Requested Action. Council's consideration of the Accommodations Tax Advisory Committee's FY10/11 funding recommendations.

5. Commitment Letter/Agreement For Ultornagen, LLC To Construct And Operate A Plasma Gasification Facility In Darlington County. At Council's meeting of April 5, 2010, Mr. Frank Hough appeared before County Council on behalf of Mr. Ken Lebby, President of Kramden, LLC, regarding the construction and operation of a Plasma Gasification Facility in Darlington County. Plasma Gasification process converts municipal solid waste and other organic and inorganic feedstock into marketable energy and vitrified by-products. **EXHIBIT C** is a copy of the handout that was presented at Council's last meeting (April 5, 2010). **EXHIBIT D** is a copy of the proposed Commitment Letter/Agreement with Ultornagen, LLC to construct and operate a Plasma Gasification Facility in Darlington County. As stated in the agreement, the Ultornagen Group will own and operate the plant; build an educational training facility for the purpose of qualifying persons for employment; and be responsible for the fees for permits and licenses. The County will assist Ultornagen in acquiring certification for the training facility; assist in the facilitation

of acquiring permits and licenses; assist with the application process for grant certification, if applicable; agree to deposit all of its collected Municipal Solid Waste (MSW) at the Ulturnagen Gasification site; and assist Ulturnagen with tax concessions. **Darlington County will not be responsible for any costs associated with the operation or construction of the plasma gasification facility or the training facility.**

Requested Action. Council's consideration of the Commitment Letter/Agreement with Ulturnagen Group, LLC.

6. Agreement For Caretaker At Lake Darpo. At its meeting of September 21, 2009, County Council approved the position description for the Caretaker. **EXHIBIT E** is an agreement for the Caretaker at Lake Darpo. As stated in the agreement, there will be no monthly rental fee charged in lieu of the Caretaker's duties as described within Exhibit A attached to the agreement. As stated in Exhibit B, attached to the agreement, there will be no rental fee for housing, and the county will pay for basic telephone services (long distance not included) and up to \$100 per month for electricity. The Caretaker residence is located on site at Lake Darpo. This agreement is for the period January 1, 2010 through December 31, 2010.

Requested Action. Council's consideration of the agreement for the caretaker at Lake Darpo.

7. Authorization To Pay \$5,000 For Robert Lighty Heir Property In The South Darlington Watershed Project Area. **EXHIBIT F** is a memorandum from Planning Director Doug Reimold explaining that the staff had contacted all of Robert Lighty's heirs to a lot in the South Darlington Watershed Project area. Council had previously authorized payment of \$1,000 for the easement, and the staff offered compensation of \$1,000 **for the easement** crossing this lot. However, the family declined the offer **for the easement** and countered to accept the fair market value for **the entire lot**, which the Tax Assessor has set at \$5,000. The County Attorney sent the family a letter explaining that the county must have this easement for the project. If the county does not hear from the family within ten working days, the county would move forward with filing a condemnation action for the easement. The County Attorney has also advised the staff that paying \$5,000 for the lot would cost much less than condemning the property. Therefore, the staff is requesting authorization from Council to pay the family the fair market value of \$5,000 to the family for the lot to avoid the additional costs of condemnation. This easement is located off Latern Drive near W. McIver Road.

Requested Action. Council's authorization to pay \$5,000 to the heirs of Robert Lighty for the necessary easement for the South Darlington Watershed Project.