

**SPECIAL MEETING/WORKSHOP OF CITY COUNCIL
APRIL 28, 2016 - 4:00 PM
COUNCIL CHAMBERS
GEORGETOWN, SC**



Notice of this meeting has been made in accordance with the 1976 Code of Laws of South Carolina Freedom of Information Act.

- 1. CALL TO ORDER**
- 2. ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES**
- 3. ORDINANCE**
 - A. Motion to approve second reading of an ordinance granting consent for application for State Franchise for Video Service on behalf of Frontier Communications of the Carolinas LLC.**

Attachments:

 - 1 Ordinance of Consent for Frontier Communications LLC (PDF)
 - 2 Frontier Application (PDF)
- 4. REVIEW OF ANTICIPATED REVENUES AND PROPOSED EXPENDITURES FOR FY 2016/2017 BUDGET.**
- 5. ADJOURNMENT**
 - A. Motion to adjourn the Special Meeting/Workshop of City Council.**



120 North Fraser Street • Georgetown, SC 29440 • (843) 545-4000

ORDINANCE

DOC ID: 2042

B

Council Meeting Date:	28 April 2016
Department:	Administration
Issue Under Consideration:	Motion to approve second reading of an ordinance granting consent for application for State Franchise for Video Service on behalf of Frontier Communications of the Carolinas LLC.
Amount Requested:	n/a
Is Item in Current Budget?	n/a
If no, please explain:	No Financial Impact
Financial Impact:	none
Points to Consider:	1) Application made for State issue Certificate of Franchise. Form approving must be submitted by May 12 th , 2016.
Options:	
Staff Recommendations:	1) Approve absent any reason otherwise.

Reviews:

Chris Carter Completed 04/12/2016 11:35 AM

Chris Carter Completed 04/12/2016 11:35 AM

Finance Completed 04/12/2016 2:30 PM

City Attorney Completed 04/12/2016 3:03 PM

Ann U. Mercer Completed 04/12/2016 3:33 PM

Amend short name and formal title. Change category from budget amendment to ordinance.

Georgetown City Council Completed 04/21/2016 5:30 PM

Attachments:

1. 1 Ordinance of Consent for Frontier Communications LLC (PDF)
2. 2 Frontier Application (PDF)

**MOTION TO APPROVE SECOND READING OF AN ORDINANCE GRANTING CONSENT
FOR APPLICATION FOR STATE FRANCHISE FOR VIDEO SERVICE ON BEHALF OF
FRONTIER COMMUNICATIONS OF THE CAROLINAS LLC.**

STATE OF SOUTH CAROLINA)

CITY OF GEORGETOWN)

**ORDINANCE GRANTING CONSENT TO
APPLICATION FOR FRANCHISE FOR
CABLE OR VIDEO SERVICE AND SETTING
FRANCHISE FEE**

WHEREAS, Article 8, section 15 of the Constitution of the State of South Carolina provides, among other things, that no law shall be passed by the General Assembly granting the right to a utility to construct and operate lines and facilities in a public street or on public property "without first obtaining the consent of the governing body of the municipality in control of the streets or public places proposed to be occupied for any such or like purpose"; and

WHEREAS, the General Assembly by 2006 Act 288 (known as the "South Carolina Competitive Cable Services Act") has imposed a system of a State-Issued Certificate of Franchise Authority ("COFA"), under which a cable or video service provider may designate by application to the Secretary of State those municipalities in which the provider wishes to operate, and the municipality so designated, within the period of time after notice from the Secretary of State as set out in S.C. Code section 58-12-310, is to advise the Secretary of State whether the municipality consents to the COFA or denies consent; and

WHEREAS, S.C. Code section 5-7-260(4) requires that the municipal council act by ordinance in granting, renewing or extending a franchise; and

WHEREAS, the Council has determined, in the exercise of its lawful discretion and authority, to grant its consent to a franchise and to the application for a COFA for the applicant,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Georgetown, in Council, duly assembled, as follows:

1. The Council, as the municipal governing body, consents to the application of Frontier Communications of the Carolinas, LLC (copy attached) to operate cable or video service within the municipality.
2. The maximum franchise fee rate allowed by controlling law shall apply to the applicant's provision of cable or video service within the municipality. The municipality reserves all rights to impose on the applicant all ad valorem taxes, service fees, sales tax, or other taxes and fees lawfully imposed or to be imposed on other businesses within the municipality.
3. All rights of the municipality under Article 8, section 15 of the Constitution of the State of South Carolina, under State law (including the South Carolina

Competitive Cable Services Act), and under any superseding Federal law are specifically reserved.

This Ordinance shall be effective from the date of final reading and adoption.

DONE IN MEETING DULY ASSEMBLED, this 21st day of April, 2016.

Mayor

ATTEST:

Municipal Clerk

First reading: _____

Second reading and adoption: _____

Approved as to form: _____
Municipal Attorney

STATE OF SOUTH CAROLINA
SECRETARY OF STATE



RECEIVED

MAR 08 2016

SC SECRETARY
OF STATE

APPLICATION FOR A STATE-ISSUED
CERTIFICATE OF FRANCHISE AUTHORITY

Pursuant to state law, a person or entity seeking to provide cable or video service must have a certificate of franchise authority, either an existing certificate issued by a local government under prior law, or upon expiration of that certificate issued by a local government, a state-issued certificate of franchise authority issued by the Secretary of State under S.C. Code of Laws §58-12-310(B).

TYPE OR PRINT CLEARLY WITH BLACK INK

Pursuant to S.C. Code Section 58-12-310, the undersigned hereby applies for authorization to provide cable or video service in the state of South Carolina.

1. The name of the applicant is Frontier Communications of the Carolinas LLC

2. The applicant is providing ☐ Cable Service OR ☒ Video Service

3. The street address of the applicant is 919 Lumber Street

Myrtle Beach	Horry	Street Address	29577
City	County	State	Zip Code

The mailing address of the applicant is same

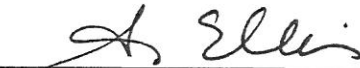
4. The municipalities and unincorporated areas of counties that are proposed to be served by the applicant are to be described in the accompanying Affidavit in Support of State-Issued Certificate of Franchise Authority. For each of the municipalities and unincorporated areas of counties so described, provide the name, address and telephone number for the person to whom the Notice of Application for a State-Issued Certificate of Franchise Authority should be provided.

Municipality/Area	Name & Title	Address	Telephone No.	Expiration Date of Current Franchise (if applicable)
City of Georgetown, SC				
City of Myrtle Beach, SC				
City of North Myrtle Beach, SC				
County of Georgetown, SC	See attached sheet for specified information.			
County of Horry, SC				
Town of Surfside Beach, SC				

Attachment: Frontier Application (2042 : Consent to State Franchise for Video Service)

5. This application is accompanied by an affidavit signed by an officer or general partner of the applicant and fee as required by S.C. Code Section 58-12-310(B).

Date 3/4/16


Officer/General Partner's Signature

Allison M. Ellis, Vice President - Regulatory Affairs

Type or Print Name

2600 Meridian Parkway

Address

Durham, NC 27713

(919) 941-3005

Telephone Number

Attachment: Frontier Application (2042 : Consent to State Franchise for Video Service)

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY

PERSONALLY appeared before me the undersigned who being duly sworn according to law, deposes and says on oath:

My name is Allison M. Ellis and my title/position is Vice President - Regulatory Affairs of Frontier Communications Corporation. This affidavit is based upon my personal knowledge of the facts contained in the Application for State-Issued Certificate of Franchise Authority and this affidavit. I certify and affirm that all such facts are true and correct. I affirm that the applicant agrees to comply with all applicable federal and state laws and regulations.

In this application the applicant seeks to provide cable or video services in the following areas:
The City of Georgetown, SC

The City of Myrtle Beach, SC

The City of North Myrtle Beach, SC

The County of Georgetown, SC - areas surrounding the City of Georgetown an adjacent to Pawleys Island

The County of Horry, SC - area along the southeastern edge of the County

Town of Surfside Beach, SC

(Written description of the municipalities and unincorporated areas of the counties to be served in whole or in part. A map or other graphic representation may supplement, but not substitute for, the written description.)

The principal place of business for the applicant is located at 401 Merritt 7, Norwalk, CT 06851

The principal executive officers of the applicant are:

Name & Title	Address	Telephone No.
Daniel J. McCarthy, President & CEO	401 Merritt 7, Norwalk, CT 06851	203-614-5600
John M. Jureller, CFO	401 Merritt 7, Norwalk, CT 06851	203-614-5600
Mark D. Nielsen, General Counsel & Secretary	401 Merritt 7, Norwalk, CT 06851	203-614-5600

Dated this 7th day of March, 2016.

SWORN to and subscribed before me, this
7th day of March, 2016

[Signature]

Notary Public for _____
My Commission Expires: _____

SUSAN A. MILLER
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires Oct. 5, 2019

[Signature]
Officer/General Partner's Signature
Allison M. Ellis, VP Regulatory Affairs
Type or Print Name
2600 Meridian Parkway
Address
Durham NC 27713
(919) 941-3005
Telephone Number

Attachment: Frontier Application (2042 : Consent to State Franchise for Video Service)