

**AGENDA**  
**DARLINGTON COUNTY COUNCIL**  
**JUNE 7, 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. **APPROVAL OF MINUTES**
  - A. Budget Worksession Of May 10, 2010
  - B. Regular Meeting Of May 17, 2010
- V. **ORDINANCES** - None
- VI. **RESOLUTIONS** - None
- VII. **COMMITTEE REPORTS**
- VIII. **OTHER ITEMS**
  - A. Consent To Time Warner NY Cable, LLC Application For State-Issued Certificate Of Franchise Authority For Hartsville Franchise Area Formerly Serviced By Adelphia Cable
  - B. Quit Claim Deed For Drainage Easement E1 And For Transference Of New Drainage Easement E2 (Located Off Crescent Drive In Hartsville)
  - C. Agreement Between Darlington County Jetport And Progress Energy Carolina, Inc. - H.B. Robinson Steam Electric Plant, Unit No. 2
  - D. Appointments To Boards/Commissions
  - E. Agreement Between Sonoco Products And Darlington County Fire District For Required Firefighter Physicals

F. Cooperative Service Agreement Between Darlington County And Marlboro County and United States Department Of Agriculture (USDA)/Animal & Plant Health Inspection Service (APHIS)/Wildlife Services (WS) For Beaver Program, \$27,500

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

**IX. CONSENT AGENDA**

**ITEMS**

**ACTION**

- |  |                        |
|--|------------------------|
| A. Jetport Commission Minutes, April 8, 2010   | Receive As Information |
| B. Marlboro/Darlington County Beaver Program Report, April 2010  | Receive As Information |
| C. Keep Darlington County Beautiful Minutes, April 20, 2010  | Receive As Information |
| D. Animal Control Report, April 2010   | Receive As Information |
| E. Building Permit Types Report, April 2010  | Receive As Information |
| F. Census Complete Count Committee Minutes, April 29, 2010   | Receive As Information |
| G. Thank You Letter From Rock Hill Local Census Office For Use Of The Society Hill Neighborhood Center & Robert L. Grooms Building | Receive As Information |
| H. Rubicon's Three Year Strategic Plan For Alcohol & Other Drug Abuse Services For Darlington County, FY11-FY13                    | Receive As Information |
| I. Rubicon Advisory Council (Alcohol & Drug Citizen Advisory) Committee Attendance Report  | Receive As Information |
| J. Fire Board Minutes, January 27, 2010 & March 25, 2010   | Receive As Information |

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

**XI. ADMINISTRATIVE UPDATE**

- A. Mrs. Phyllis Griffiths, County Administrator - Update

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

**XIII. VOTE FOR EXECUTIVE SESSION**

**XIV. EXECUTIVE SESSION**

**XV. 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

June 7, 2010

1. Consent To Time Warner NY Cable, LLC Application For State-Issued Certificate Of Franchise Authority For Hartsville Franchise Area Formerly Serviced By Adelphia Cable. In 1997, Darlington County Council entered a Franchise Agreement with Century Cable to provide cable services in Hartsville area through June 2, 2010 (**EXHIBIT A**). In 1999, County Council approved Resolution No. 419 (**EXHIBIT B**) granting consent to transfer control of Century Cable to Adelphia Cable. The resolution stated that the Franchise Agreement with Century Cable would remain effective until June 2, 2010. In 2005, County Council approved Resolution No. 532 (**EXHIBIT C**) approving the assignment of Adelphia Cable to Time Warner Cable NY. This resolution also indicated that Time Warner Cable would assume the obligations under the Franchise Agreement. Time Warner Cable closed on this transaction July 31, 2006 with Century Cable Franchise Agreement being the controlling agreement.

In 2006, the General Assembly approved the Competitive Cable Services Act allowing for state issued certificate of franchise authority. **EXHIBIT D** contains Chapter 12 of Title 58 of the 1976 South Carolina Code of Laws, as amended. The purpose of this legislation is provided in Section 58-12-5 of the Code of laws and the application procedure for certificate provided in Section 58-12-310.

**EXHIBIT E** contains a letter from the Office of Secretary of State and Time Warner Cable's Notice of Application and Application For State-Issued Certificate Of Franchise Authority. The application indicates that Time Warner Cable is seeking to provide cable or video services in Darlington County. In talking with the staff at the Secretary of State's Office, this office uses the name of the County or Municipality for the written description of the area to be serviced. However, Time Warner Cable has indicated that this certificate will **ONLY** include the area in/around Hartsville that was previously serviced by Adelphia Cable. **EXHIBIT F** is a map depicting the Hartsville Franchise Area (former Adelphia Service area) and the Darlington Franchise area. The franchise agreement for the Darlington Franchise area will not expire until August 4, 2018.

As information, the county receives five percent (5%) of the gross annual revenue from the Hartsville Franchise area (former Adelphia Service area) which equated to \$144,135.75 in franchise fees for the period June 2007 through May 2008 and \$154,120.09 for the period June 2008 through May 2009.

Requested Action. Council's consideration to consent to the state-issued certificate of franchise authority for Time Warner Cable to provide cable services in the Hartsville area (former Adelphia Cable service area).

2. Quit Claim Deed For Drainage Easement E1 And For Transference Of New Drainage Easement E2 (Located Off Crescent Drive In Hartsville). As stated in the Quit Claim Deed (**EXHIBIT G**), Jewel Jones conveyed drainage easement E1 to the county and subsequently deeded the property through which the drainage easement crosses to William M. Brown, Jr. and Clara K. Brown. The county would like to realign this existing ditch. To do so, the county wishes to quit claim its interest in the existing easement E1 to the Browns and obtain a new easement E2 from the Browns. The transference of easement E1 from the county to the Browns would occur in conjunction with the signing of a deed to the County for easement E2. On April 13, 2010, the Browns granted the new drainage easement E2 to the county (**EXHIBIT H**).

Requested Action. Council's consideration of the Quit Claim Deed.

3. Agreement Between Darlington County Jetport and Progress Energy Carolina, Inc. - H.B. Robinson Steam Electric Plant, Unit No. 2. On June 15, 2009, Council approved an Acknowledgement Of Agreement between Progress Energy and Darlington County Jetport (**EXHIBIT I**) regarding the H.B. Robinson Steam Electric Plant. In the agreement, Darlington County Jetport agrees to:
- permit aircraft providing support equipment and/or personnel for an emergency response during a large fire at the H.B. Robinson Steam Electric Plant, Unit No. 2 to utilize the Darlington County Jetport for landing those aircraft during hours of operation; and
  - participate in periodic planned drills and exercises at time and resources permit.

The 2009 Agreement indicated that the agreement would automatically renew from year to year, unless amended by mutual consent or terminated by either party upon 30 days written notice.

Progress Energy has revised the agreement (**EXHIBIT J**) as follows: *This agreement shall ~~automatically renew from year to year.~~ **be reviewed annually and** It may be amended by mutual consent or terminated by either party upon giving at least thirty (30) days written notice to the other party."*

Requested Action. Council's consideration of this revised agreement.

4. Appointments To Boards/Commissions. At its meeting of February 15, 2010, County Council approved Ordinance No. 10-1 to increase the membership on all Boards, Commissions, and Committees appointed by Darlington County Council to eight, except for the Board of Fire Control, to allow each County Council member the opportunity to appoint a representative from his/her Council district.

**EXHIBIT K** contains the listing of all Boards/Commissions appointed by County Council and applications from individuals interested in serving on certain Boards/Commissions. On the bottom of the page for each Board/Commission is a list of the Council members who need to make an appointment. If applications were received from individuals wanting to serve on a certain Board/Commission, the names of the applicants are listed on that Board/Commission page beside the Council District in which the applicants reside.

On some Boards/Commissions, there are several members from the same Council District. In such cases, Council may elect to allow the current members from the same Council District to continuing serving until their term expires **or** Council may elect to remove one of the members so that there will be representation from each Council District as of July 1, 2010.

Requested Action. Council's appointments to Boards/Commissions.

5. Agreement Between Sonoco Products And Darlington County Fire District For Required Firefighter Physicals. This Agreement (**EXHIBIT L**) would establish a financial obligation for the joint payment of required physicals performed by Dr. Nickles for firefighters who serve full-time, part-time, or volunteer with both agencies. Each agency would pay one-half the cost of the required NFPA 1582 physicals for these firefighters. Darlington County Fire District would be invoiced for the medical costs and bill Sonoco for fifty percent (50%) of the incurred expense. This is the same type agreement that the Fire District has with the City of Hartsville and Harris Creek Fire Department.

Requested Action. Council's consideration of the agreement.

6. Cooperative Service Agreement Between Darlington County And Marlboro County and United States Department Of Agriculture (USDA)/Animal & Plant Health Inspection Service (APHIS)/Wildlife Services (WS) For Beaver Program, Revision No. 4, \$27,500. **EXHIBIT M** is the Cooperative Service Agreement for beaver control for the period July 1, 2010 through June 30, 2011. The cost for this service has remained at \$55,000 with Darlington County providing one-half of the cost (\$27,500) and Marlboro County providing the other half of the cost (\$27,500). The work plan and financial plan are attached to the agreement. These funds (\$27,500) were included in the FY10/11 budget.

Requested Action. Council's consideration of the Cooperative Service Agreement.