

AN ORDINANCE EXTENDING THE NONEXCLUSIVE FRANCHISE GRANTED TO CABLEVISION OF THE MIDWEST, INC., TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE VILLAGE OF RICHFIELD; AND DECLARING AN EMERGENCY.

WHEREAS, the Village's nonexclusive cable television franchise with Cablevision of the Midwest, Inc. ("Cablevision") expires on March 31, 1998; and

WHEREAS, the Village designated a sub-committee of Council to identify the Village's future cable-related needs and interests and to review the performance of Cablevision under the current franchise in order to negotiate a new franchise with Cablevision; and

WHEREAS, based on the recommendations of the cable television task force the Village issued a Request for Proposal incorporating the Village's needs to which Cablevision partially responded on February 28, 1998; and

WHEREAS, the Village has reviewed Cablevision's response and will diligently pursue the negotiation of an appropriate franchise agreement for the Village; and

WHEREAS, it would be in the best interests of this Village to extend the term of the original franchise held by Cablevision for an additional four (4) months or until superseded by the terms of a new franchise agreement, or termination by this Council, whichever comes first, in order to provide additional and necessary time to complete the negotiation process for a new franchise.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio, that:

SECTION 1. This Council finds and determines that it is necessary and appropriate for the nonexclusive franchise granted to Cablevision of the Midwest, Inc. to construct, operate and maintain a cable television system in the Village, be continued under the terms and provisions of the original franchise agreement for an additional four (4)-month period ending July 31, 1998, or until superseded by the terms of the new franchise agreement, or termination by this Council, whichever comes first and that the aforesaid franchise is hereby extended to said time.

SECTION 2. The Clerk of Council shall and is hereby directed to send a certified copy of this Ordinance to Cablevision by certified mail upon its passage.

SECTION 3. It is found that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Richfield, such emergency being that in order to maintain a franchise agreement in effect for the provision of cable television service to Village residents until the Village and Cablevision can reach a new agreement, it is necessary that the within Ordinance become effective at the earliest time allowed by law; wherefore, provided this Ordinance receives the affirmative vote of two-thirds or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 17, 1998

Michael Lipow
President of Council

ATTEST:

Carole Gibson
Clerk of Council

Donald H. Larsen
Mayor

Dated: 3/19/98