

AN ORDINANCE TO EXTEND FOR A LIMITED TIME 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") was set to expire by its own terms on March 31, 1998; and

WHEREAS, by Ordinance No. 27-1998, enacted on March 17, 1998, this Council extended the term of said franchise with Cablevision through July 31, 1998, in order to allow time to negotiate a new franchise agreement with Cablevision; and

WHEREAS, negotiations with Cablevision have commenced but have been stalled by the unavailability of Cablevision personnel to meet on a regular basis to complete negotiations; and

WHEREAS, it is in the best interests of the Village, its cable television subscribers and Cablevision to, at this time, extend the operation of the existing franchise with Cablevision for the limited time of an additional four (4) months through December 31, 1998, to attempt to negotiate a new franchise agreement which will be more beneficial to the citizens of the Village;

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for an additional four (4)-month period from the effective date of this ordinance through December 31, 1998, or until superseded by the terms of the new franchise agreement, or termination by this Council, whichever comes first, and that the aforesaid franchise is hereby extended through said date.

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 either reach a new agreement or legally terminate the franchise, 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: September 1, 1998

Michael D. Lydon
President of Council

ATTEST:
Carole Gibson
Clerk of Council

Donald W. Lassen
Mayor

Dated: 9/3/98