

ORDINANCE NO. 13

(Ordinance 13-2011)

ORDINANCE CONFIRMING RENEWAL AND EXTENSION OF A CABLE FRANCHISE AGREEMENT TO CONSTRUCT AND OPERATE A CABLE SYSTEM

WHEREAS, the City of Druid Hills (“City”) granted a franchise for a cable system to CPI of Louisville, Inc. pursuant to a Franchise Agreement dated April 22, 1980 (“Franchise”), to construct and operate a cable system within the City; and

WHEREAS, Insight Kentucky Partners II, LP (“Insight”) is the current franchise holder; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, as codified at 47 U.S.C. 521, et seq. (“the Act”), contains the procedures to be followed for the renewal of cable franchises throughout the United States; and

WHEREAS, Insight and/or its predecessor(s) had, prior to its expiration, submitted a request to the City for an extension of the Franchise based on the capital commitments Insight and/or its predecessors have made in the City; and

WHEREAS, this Ordinance memorializes the City’s compliance with its obligations under 47 U.S.C. 546; and

WHEREAS, the City finds that the continued development of broadband communications has the potential of having great benefit and impact upon the citizens of the City; and further finds that the public convenience, safety, and general welfare can best be served by exercising the regulatory powers vested in the City by applicable federal and state law.

NOW THEREFORE BE IT RESOLVED, by the City Commission of the City of Druid Hills, Kentucky as follows:

1. The term of the Franchise is hereby renewed, amended, and thereby extended by one (1) year from the date of its current expiration on August 12, 2011 to expire on August 11, 2012 (Expiration Date).
2. All other terms, conditions, provisions, and requirements of the Franchise shall remain in full force and effect until the Expiration Date.
3. This Renewal Ordinance shall be effective upon its passage.
4. The Mayor of the City is authorized and directed to publish and advertise this ordinance as required by law.

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First Reading held this 8th day of August, 2011.

Second Reading held this 12th day of September, 2011.

Effective the 12th day of September, 2011.

Affirmed by 4 ayes and 0 nays.

ATTEST:

Ben Franklin, Mayor

Caroline Westfall, City Clerk