

TOWN OF CINCO BAYOU
SPECIAL MEETING
SEPTEMBER 27, 1984

The Special Meeting of the Town of Cinco Bayou Town Council was called to order at 7:00 P.M. by Mayor Pro Tem Perry.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Pro Tem Perry requested the Clerk call the roll.

ROLL CALL

Present: Councilman Davis
Councilman Gage
Councilman Johnston
Councilman Laginess
Councilman Perry

Absent: Mayor Usrey

Also Present: Attorney Gontarek Clerk Borchik
Thomas G. Miller

REGULAR BUSINESS

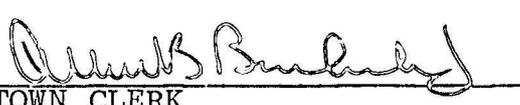
1. PUBLIC HEARING - 2nd Reading and Enactment of Ordinance No. 5
Adopting Ad Valorem Tax Millage Rate and Resolution 84-4 Adoptin
Operating Budget and Capital Improvements Budget for FYE 1985.
Attorney Gontarek read Ordinance No. 95 in its entirety. Councilman
Johnston moved to approve the 2nd reading and adopt Ordinance No. 95,
seconded by Councilman Davis. The motion carried unanimously on
a roll call vote. Attorney Gontarek read Resolution 84-4 in its
entirety. Councilman Gage moved to approve the 2nd reading and
adopt Resolution 84-4, seconded by Councilman Johnston. The
motion carried unanimously on a roll call vote.

2. Ordinance No. 94 - Cosmic Communications - Mayor Pro Tem
Perry explained the reasons for the amendments to the franchise
for Cosmic Communications. Attorney Gontarek read Ordinance No. 6
by title only. Councilman Davis made a motion to approve the
reading and adopt Ordinance No. 96, seconded by Councilman
Johnston. The motion carried unanimously on a roll call vote.
At this time, Mr. Thomas Miller, Cosmic Communications, presented
the Council with a letter accepting the franchise as required by
Section 21.

There being no further business, the meeting was adjourned at 7:1 P.M.


MAYOR PRO TEM

Attest:


TOWN CLERK

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the Town Clerk.

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ADOPTED SEPTEMBER 17, 1984, BY THE TOWN OF CINCO BAYOU WHEREIN COSMIC COMMUNICATIONS, INCORPORATED WAS GRANTED THE RIGHT TO ERECT, MAINTAIN AND OPERATE TRANSMISSION AND DISTRIBUTION FACILITIES AND ADDITIONS THERETO, IN, OVER, ALONG, ACROSS AND UPON THE STREETS, LANES, AVENUES, ALLEYS, BRIDGES, HIGHWAYS AND OTHER PUBLIC PLACES IN THE TOWN OF CINCO BAYOU, FLORIDA AND SUBSEQUENT ADDITIONS THERETO, FOR THE PURPOSE OF TRANSMISSION BY CABLE AND DISTRIBUTION OF TELEVISION IMPULSES AND TELEVISION ENERGY TO THE INHABITANTS OF SAID TOWN FOR A PERIOD OF SIX YEARS, AND PRESCRIBING CERTAIN TERMS AND CONDITIONS UNDER WHICH SAID CORPORATION IS TO OPERATE, ESTABLISHING A THREE PERCENT (3%) FRANCHISE FEE AND A PROCEDURE FOR RESOLVING SUBSCRIBER COMPLAINTS, PROVIDING THAT THE GRANTEE SHALL POST A TWO THOUSAND DOLLAR (\$2,000.00) BOND FOR PAYMENT OF LIQUIDATED DAMAGES TO THE TOWN AND PROVIDING FOR AN EFFECTIVE DATE, INCORPORATING FEDERAL COMMUNICATIONS COMMISSION REGULATIONS, ESTABLISHING RATES AND RATE MAKING PROCEDURE, AND PROVIDING FOR AN EFFECTIVE DATE, SAID AMENDING ORDINANCE INCREASING THE FRANCHISE PERIOD OF SIX (6) YEARS TO A PERIOD OF FIFTEEN (15) YEARS FROM THE DATE OF THIS AMENDING ORDINANCE, AND INCREASING THE PERIOD OF TIME GRANTEE SHALL HAVE OPERATIONAL TELEVISION SERVICE FROM WITHIN TWELVE (12) MONTHS TO WITHIN THIRTY-SIX (36) MONTHS FROM THE DATE OF THIS AMENDING ORDINANCE, RESTRICTING THE TRANSFERABILITY OF THE FRANCHISE, REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE AND PRESCRIBING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the Town Council of Cinco Bayou, Florida, as follows:

Section 1. Section one of an Ordinance enacted on the 17th day of September, 1984, by the Town Council of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

Section 1. Franchise Granted:

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified the right, privilege and authority is hereby granted to Cosmic Communications, Incorporated of Valparaiso, Florida, hereinafter referred to as the "Grantee", to erect, maintain and operate television transmission and distribution facilities and additions thereto in, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges and other public places in the Town of Cinco Bayou, Florida, and subsequent additions thereto, for the purpose of transmission and distribution of coaxial cable and associated appurtenances, television impulses and television energy, both community antenna and closed circuit, F. M. music system and background music system, in accordance with the laws and regulations of the United States of America and the State of Florida, now in existence and hereinafter to be enacted for a period of fifteen years from and after September _____, 1984, subject to the conditions hereof.

Section 2. Section seven of an ordinance enacted on the 17th day of September, 1984, by the Town Council of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

Section 7. Term of Franchise, Termination by Town:

The right, privilege and franchise hereby granted is granted for a period of fifteen (15) years from and after September ____, 1984, and shall cease and terminate at the expiration of such time and at the end of said period. The Town of Cinco Bayou, Florida, shall have the right, upon finding that such service has not been reasonably furnished to the public, upon hearing, and after notice to Grantee, its successors, heirs or assigns to cancel or terminate this franchise.

Section 3. Section twelve of an ordinance enacted on the 17th day of September, 1984, by the Town Council of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

Section 12. Grantee to Post Bond Amount:

Within thirty (30) days, after the effective date of this ordinance, the said Grantee shall post corporate or performance surety bond in the amount of Two Thousand Dollars (\$2,000.00) with the Town of Cinco Bayou. The sum of which shall be to bond the Grantee for payment thereof to the Town as and for liquidated damages in the event the Grantee shall fail to have operational and made available to a minimum of fifty (50) living units television service within thirty-six (36) months from the effective date of this ordinance provided, however, the Town may extend the period for good cause.

Section 4. Section fifteen of an ordinance enacted on the 17th day of September, 1984, by the Town Council of the Town of Cinco Bayou, Florida is hereby amended to read as follows:

Section 15. Transferability:

Cosmic Communication, Incorporated shall not assign or transfer this franchise without the written approval of the Town Council which approval will not be unreasonably withheld, provided however that this section shall not prevent the assignment of this franchise by the grantee as security for debt without such approval.

Section 5. Repeal of Conflicting Ordinances:

All provisions of the ordinance enacted September 17, 1984, which are inconsistent herewith are hereby repealed.

Section 6. Emergency Ordinance:

This ordinance shall be enacted as an emergency ordinance without the necessary readings and public notices required by Florida Statute 166.041(3)(a) because of the September 27, 1984, deadline for Grantee to accept this franchise and because of the previous compliance with Florida Statute 166.041(3)(a) regarding the original franchise grant.

Section 7. Effective Date:

This ordinance shall become effective immediately upon its final passage and adoption.

Passed and Adopted by The Town Council of The Town of Cinco Bayou, Florida, by a two-thirds majority, this 27th day of September, 1984.

APPROVED:

MAYOR

ATTEST:

TOWN CLERK