

ORDINANCE NO. O-02-2020

AN ORDINANCE ACCEPTING THE BID OF MCIMETRO FOR A FIVE YEAR NON-EXCLUSIVE FRANCHISE RENEWABLE FOR THREE ADDITIONAL FIVE YEAR PERIODS FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF COMMUNICATION SERVICES THROUGH AND FOR CONSUMPTION WITHIN THE CITY.

WHEREAS, MCImetro is a public utility providing communications services in Kentucky subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045; and

WHEREAS, Section 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise for that use; and

WHEREAS, MCImetro and the City desire to enter into a franchise agreement under which MCImetro may access and use the streets, alleys, and public grounds of the City for the provision of communications services within the City; and

WHEREAS, the City enacted Ordinance O-17-2019 to establish a franchise for the provision of communications services within the City (the “Ordinance”) and has published notice of said Ordinance in accordance with Kentucky law; and

WHEREAS, MCImetro submitted a bid for the provision of communications services within the City; and

WHEREAS, the City has determined that MCImetro’s bid satisfied the requirements of the Ordinance and accepted said bid by an affirmative vote that also authorized and directed the Mayor to enter into this Agreement with MCImetro.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:

SECTION I – Acceptance of Bid

The attached Franchise Agreement from MCImetro satisfies the requirements of Ordinance O-17-2019 and is hereby accepted as tendered.

SECTION II – Grant of Franchise

Pursuant to City of Fort Thomas Ordinance O-17-2019, MCImetro is hereby granted a non-exclusive five (5) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of communication services through and for consumption within the City. The franchise is renewable for three (3) additional five (5) year periods.

SECTION III – Provisions Severable

The provisions of this ordinance are severable. The invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION IV – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION V – Effective Date

This Ordinance shall become effective upon passage, approval, and publication as required by law.

First Reading: February 18, 2020

Second Reading: March 16, 2020

APPROVED:

Eric Haas, Mayor

ATTEST:

Melissa Beckett, City Clerk