



Legislation Text

File #: 23-0204, Version: 1

Ordinance Authorizing the First Renewal to the Cable Franchise Agreement Between the City of Hampton, Virginia and Cox Communications Hampton Roads, LLC.

PURPOSE/BACKGROUND:

The City of Hampton (the “City”) granted to Cox Communications Hampton Roads, LLC, (“Cox” or the “Grantee”) that certain Franchise Agreement (the “Agreement” or the “Franchise”) entered into by and between the parties that was effective as of May 12, 2010, subject to the terms and conditions of that certain Ordinance adopted by the City Council at the regular meeting held on May 12, 2010 (“Original Effective Date”), to own, construct, operate and maintain a cable system along the public rights-of-way within the designated franchise area, in order to provide cable service. In accordance with §15.2-2100 of the Code of Virginia, as amended, proper notice was given in this matter by the City of an invitation to bid on a franchise to provide a cable service in the City, and a public hearing was duly held at the aforesaid City Council meeting on May 12, 2010. The Franchise commenced on the Original Effective Date, and expires on July 15, 2023, unless the Franchise is renewed in accordance with the terms and conditions stated therein. The Franchise provided that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the City and Grantee may agree to undertake and finalize informal negotiations regarding renewal of the current Franchise, and the City of Hampton may grant a renewal thereof. The Grantee has requested that the Franchise be renewed and extended under its same terms and conditions for a renewal period of five (5) years being effective on July 16, 2023 and expiring on July 16, 2028. The City agrees that the Grantee is eligible to be and should be granted a renewal of the Franchise per its terms. Under the terms of the Franchise, a public hearing is required.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above.

Recommendation:

Hold public hearing and approve the First Renewal of the Franchise Ordinance

WHEREAS, the City of Hampton (the “City”) granted to Cox Communications Hampton Roads, LLC, (“Cox” or the “Grantee”) that certain Franchise Agreement (the “Agreement” or the

“Franchise”) entered into by and between the parties that was effective as of May 12, 2010, subject to the terms and conditions of that certain Ordinance adopted by the City Council at the regular meeting held on May 12, 2010 (“Original Effective Date”), to own, construct, operate and maintain a cable system along the public rights-of-way within the designated franchise area, in order to provide cable service. A copy of the said Franchise is attached hereto as Exhibit “A” and made a part hereof;

WHEREAS, in accordance with §15.2-2100 of the Code of Virginia, as amended, proper notice was given in this matter by the City of an invitation to bid on a franchise to provide a cable service in the City, and a public hearing was duly held at the aforesaid City Council meeting on May 12, 2010;

WHEREAS, the Franchise commenced on the Original Effective Date, and expires on July 15, 2023, unless the Franchise is renewed in accordance with the terms and conditions stated therein;

WHEREAS, the Franchise provided that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the City and Grantee may agree to undertake and finalize informal negotiations regarding renewal of the current Franchise, and the City of Hampton may grant a renewal thereof;

WHEREAS, the Grantee has requested that the Franchise be renewed and extended under its same terms and conditions for a renewal period of five (5) years being effective on July 16, 2023 and expiring on July 16, 2028; and

WHEREAS, the City agrees that the Grantee is eligible to be and should be granted a renewal of the Franchise per the terms of conditions of the First Renewal to the Franchise Agreement (the “First Renewal”) attached hereto as Exhibit “B” and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hampton, Virginia as follows:

1. That the City grants the First Renewal to the Grantee which will take effect on July 16, 2023, and expire on July 16, 2028, unless otherwise terminated or renewed in accordance with the terms and conditions of the Franchise and the First Renewal; and

2. That the City Manager, or her authorized designee, is hereby authorized to execute the First Renewal attached hereto, in substantially the same form as set forth in this Ordinance, and to take any and all actions necessary to carry out the purposes of this Ordinance, subject to approval by the City Attorney.