

ORDINANCE NO.: 09-O-03
SPONSOR: COUNCILMAN ADAMSON
INTRODUCED: SEPTEMBER 16, 2009

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN NEW FRANKLIN; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING THAT THIS LEGISLATION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide “uniform regulatory framework” for the provision of cable television and/or other video service (the “Video Law”); and

WHEREAS, under the Video Law, a video service provider that is providing video service to subscribers in New Franklin pursuant to a state-issued video service authorization must pay New Franklin a video service provider fee (“VSP Fee”) based on a percentage of the provider’s gross revenues received from providing video service in New Franklin, not to exceed five percent (5%) of such gross revenues; and

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in New Franklin (the “VSP Fee Percentage”) or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero percent (0%) of gross revenues unless the City determines by Ordinance that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for this Council (i) to establish the VSP Percentage; and (ii) to authorize the Mayor to provide the appropriate notice of the VSP Fee Percentage to any video service provider providing video service in New Franklin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

The Council of New Franklin hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of three percent (3%) to the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. All video service providers and cable television operators providing video service in New Franklin shall apply the VSP Fee Percentage against gross revenues as defined in the Video Law.

SECTION TWO:

The VSP Fee shall be paid by each video service provider providing service in New Franklin on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

SECTION THREE:

The Mayor is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage as determined by New Franklin Council, which notice shall be given upon receipt of notice from any video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization.

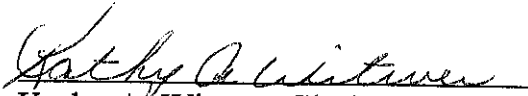
SECTION FOUR:


The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: November 4, 2009


Kathy A. Witwer, Clerk


Joseph Parsons, President

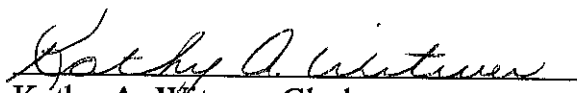
APPROVED: November 4, 2009


Al Bollas, Mayor

ENACTED EFFECTIVE: November 4, 2009

ON ROLL CALL: Adamson, Yes. Hess, Yes. Jones, No
Kalapodis, Yes. Parsons, Yes. Stock, Yes. Tallman, Yes.

Suburbanite Publications on November 8, 2009 and November 15, 2009.


Kathy A. Witwer, Clerk

ORDINANCE NO.: 10-O-01
SPONSOR: MAYOR BOLLAS
INTRODUCED: JANUARY 20, 2010

AN ORDINANCE TO AMEND SECTION 1200.01(C)(1)(e) OF THE NEW FRANKLIN ZONING CODE AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, Section 1200.01(C)(1)(e) addresses off-street parking facilities in zoning districts other than C-D and R districts; and

WHEREAS, the New Franklin Zoning Department and the New Franklin Planning and Zoning Commission have requested that minor modifications be made to this Section.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Section 1200.01(C)(1)(e) of New Franklin Zoning Code is amended as follows:

In ~~all other~~ zoning districts **other than C-D and R districts**, off-street parking facilities are permitted in the required front yard (provided a minimum of twenty (20) foot wide landscaped strip is located between the parking area and the street right-of-way line), side yard, and rear yards pursuant to buffer and screening landscaping requirements set forth in Article 10 (Landscaping Regulations)

SECTION TWO:

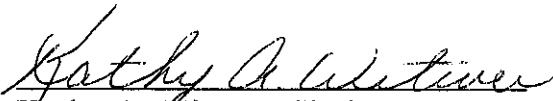
The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.


SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the

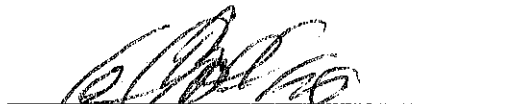
members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: March 3, 2010


Kathy A. Witwer, Clerk


Joseph Parsons, President

APPROVED: March 3, 2010

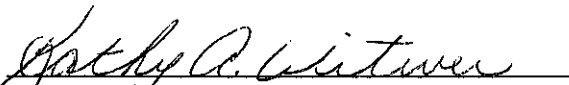

Al Bolas, Mayor

ENACTED EFFECTIVE: March 3, 2010

ON ROLL CALL:

Adamson, Yes. Hess, Yes. Jones, Yes. Kalapodis, Yes.
McKenney, Yes. Parsons, Yes. Stock, Yes.

Suburbanite Publications on March 15, 2010 and March 22, 2010


Kathy A. Witwer, Clerk