

ORDINANCE NUMBER 74-9

INTRODUCED BY: COMMISSIONER GREEN

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ORDINANCE NO. 70-4, WHICH GRANTED A NON-EXCLUSIVE FRANCHISE TO GATEWAY CABLE T.V., INC. TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE COUNTY OF ST. JOHNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING TIME FOR TAKING EFFECT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section I. That Section II of Ordinance No. 70-4 be, and the same is hereby, amended to read as follows:

"Section II. The privilege hereby granted is subject to such reasonable rules and regulations as the county shall hereafter adopt by resolution or ordinance, and subject to rules and regulations as are now or may be hereafter enacted by any Federal or State of Florida agency having jurisdiction; also subject to the rules and regulations as provided in Ordinances No. 218-A and 281-A of the City of St. Augustine, Florida, except that it is not subject to Section 8, Subsections a., b., c. or d. of Section 10, Section 17 or Section 20 of Ordinance No. 218-A of the City of St. Augustine, Florida."

Section II. That Section III of Ordinance No. 70-4 be, and the same is hereby, amended by the addition of the following sentence:

"The initial rates were approved by the Board of County Commissioners after a full public proceeding affording due process of law, and any increases in rates will be subject to the same procedures."

Section III. Section IV of Ordinance No. 70-4 be, and the same is hereby, amended to read as follows:

"Section IV. This non-exclusive franchise shall be for a period of fifteen years from the date of passage of Ordinance No. 70-4."

Section IV. That Section V of Ordinance No. 70-4 be, and the same is hereby, amended to read as follows:

"Section V. The company shall pay to the county a fee of three percent (3%) of the gross subscriber revenues re-

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ceived by it from the operation of the system, including revenues for installation fee, disconnect and reconnect fees and basic monthly services for the relay of broadcast signals, but not including any revenues derived from additional or separate fees such as per-program or per-channel charges, leased channel charges, advertising revenues, or any other income derived from the system. Such payment shall be made semi-annually and shall be due within thirty (30) days after the close of the preceding six (6) months."

Section V. The company has constructed a cable system which has extended energized trunk cable to all areas of the franchise which currently contain 50 or more homes per mile of the system, and shall be required to extend energized trunk cable to any additional areas of the franchise which hereafter contain 50 or more homes per mile of the system within one year of the date upon which that area of the franchise first contains 50 or more homes per mile of the system.

Section VI. The company shall maintain an office within the county open to the public during all reasonable business hours for so long as it continues to operate the system. All complaints against the company relating to its performance under the agreement, including but not limited to those concerning quality of service, equipment malfunction and billing disputes, shall be received at the company's office by duly authorized employees. The company shall endeavor to respond and satisfy any complaints within 36 hours. The County Attorney, or another official duly designated by the Board of County Commissioners, shall receive any complaints which have not been satisfied by the company and shall establish procedures for the speedy resolution of such complaints.

Section VII. Any modifications of the franchise standards of the Federal Communications Commission, resulting from amendments by the Commission, shall be incorporated into this ordinance within one (1) year of adoption of the modification, or at the time of franchise renewal, whichever occurs first.

Section VIII. This ordinance shall take effect immediately upon receipt of the official acknowledgement by the Office of the Secretary of the State to the Clerk of the Board of County Commissioners that the same has been filed.

Section IX. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED by the County Commission of the County of St. Johns, State of Florida, this 13th day of August, A.D. 1974.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *W. P. ...*  
Its Chairman

ATTEST: *James C. ...*  
Deputy Clerk

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8-13-74  
10:00

### The St. Augustine Record

PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
COUNTY OF ST. JOHNS. }

Before the undersigned authority personally appeared \_\_\_\_\_  
W. W. Wilson \_\_\_\_\_ who on oath says that he is  
General Manager \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida;  
that the attached copy of advertisement, being a Legal Notice  
Amending Ordinance 70-1  
\_\_\_\_\_ in the matter of Gateway Cable TV  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
July 12, 1974

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
this 16 day of July, \_\_\_\_\_

A. D. 1974  
*W. W. Wilson*  
Notary Public:  
(SEAL)

Notary Public, State of Florida at Large  
My Commission Expires Oct. 2, 1976  
Entered by American Fidelity Insurance Company

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#### COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 13th day of AUGUST, 1974, AT 10:00 O'CLOCK A.M. IN THE COUNTY COMMISSIONERS MEETING ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL CONSIDER PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ORDINANCE NO 70 4, WHICH GRANTED A NON-EXCLUSIVE FRANCHISE TO GATEWAY CABLE T.V., INC. TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE COUNTY OF ST. JOHNS; - REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING TIME FOR TAKING EFFECT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section I. That Section II of Ordinance No. 70 4 be, and the same is hereby, amended to read as follows:

"SECTION II The privilege hereby granted is subject to such reasonable rules and regulations as the county shall hereafter adopt by resolution or ordinance, and subject to rules and regulations as are now or may be hereafter enacted by any Federal or State of Florida agency having jurisdiction, also subject to the rules and regulations as provided in Ordinances No 218 A and 281 A of the City of St. Augustine, Florida, except that it is not subject to Section 8, Subsections a, b, c or d, of Section 10, Section 17 or Section 20 of Ordinance No 218 A of the City of St. Augustine, Florida"

Section III That Section III of Ordinance No 70 4 be, and the same is hereby, amended by the addition of the following sentence:

"The initial rates were approved by the Board of County Commissioners after a full public proceeding affording due process of law, and any increases in rates will be subject to the same procedures"

Section III Section IV of Ordinance No 70 4 be, and the same is hereby, amended to read as follows:

"Section IV This non-exclusive franchise shall be for a period of fifteen years from the date of passage of Ordinance No 70 4"

Section IV. That Section V of Ordinance No 70 4 be, and the same is hereby, amended to read as follows:

"Section V The company shall pay to the county a fee of three per cent (3 per cent) of the gross subscriber revenues received by it from the operation of the system, including revenues for installation fee, disconnect and reconnect fees and basic monthly services for the relay of broadcast signals, but not including any revenues derived from additional or separate fees such as per program or per-

channel charges, leased channel charges, advertising revenues, or any other income derived from the system. Such payment shall be made semi-annually and shall be due within thirty (30) days after the close of the preceding six (6) months."

Section V. The company has constructed a cable system which has extended energized trunk cable to all areas of the franchise which currently contain 50 or more homes per mile of the system, and shall be required to extend energized trunk cable to any additional areas of the franchise which hereafter contain 50 or more homes per mile of the system within one year of the date upon which that area of the franchise first contains 50 or more homes per mile of the system.

Section VI. The company shall maintain an office within the county open to the public during all reasonable business hours for so long as it continues to operate the system. All complaints against the company relating to its performance under the agreement, including but not limited to those concerning quality of service, equipment malfunction and billing disputes, shall be received at the company's office by duly authorized employees. The company shall endeavor to respond and satisfy any complaints within 36 hours. The County Attorney, or another official duly designated by the Board of County Commissioners, shall receive any complaints which have not been satisfied by the company and shall establish procedures for the speedy resolution of such complaints.

Section VII. Any modifications of the franchise standards of the Federal Communications Commission resulting from amendments by the Commission, shall be incorporated into this ordinance within one (1) year of adoption of the modification, or at the time of franchise renewal, whichever occurs first.

Section VIII. This ordinance shall take effect immediately upon receipt of the official acknowledgement by the Office of the Secretary of the State to the Clerk of the Board of County Commissioners that the same has been filed.

Section IX. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(SEAL)

BOARD OF COUNTY  
COMMISSIONERS OF  
ST. JOHNS COUNTY,  
FLORIDA  
BY: S. OLIVER LAWTON,  
Jy12-L774 Adv.

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Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304  
(904) 488-3918

~~XXXXXXXXXXXX~~  
SECRETARY OF STATE  
Dorothy W. Glisson

MAILED  
107 AUG 20 AM 9 00  
BY CLERK

August 19, 1974

Honorable Oliver Lawton, Clerk  
St. Johns County Board of County Commissioners  
Post Office Drawer 299  
St. Augustine, Florida 32084

Dear Mr. Lawton:

Pursuant to the provisions of Sections 125.66, Florida Statutes, this will acknowledge your letter of August 16 and certified copy of St. Johns County Ordinance No. 74-9, which was filed in this office on August 19, 1974.

Kindest regards.

Cordially,

DOROTHY W. GLISSON  
Secretary of State

*Nancy Kavanaugh*  
By  
(Mrs.) Nancy Kavanaugh  
Chief, Bureau of Laws

NK/mb

74-9 Gateway TV

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GATEWAY TV