

**SPECIAL MEETING
December 6, 1994**

A Special Meeting of the Annapolis City Council was held on December 6, 1994 in the Council Chamber. Mayor Hopkins called the meeting to order at 6:00 p.m. Alderman Johnson offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke

BUSINESS AND MISCELLANEOUS

1. R-62-94 Sponsored by Mayor Hopkins

For the purpose of authorizing and approving a Franchise Agreement between the City of Annapolis and United CATV, Inc. d/b/a TCI Cablevision of Annapolis; and all matters relating to said agreement.

The Finance Committee reported favorably on R-62-94.

Alderman Johnson moved to adopt R-62-94. Seconded.

Alderman Snowden moved to amend R-62-94 as follows:

Amendment No. 1

Add to Paragraph 3.6:

"The Grantee shall transmit all PEG programs directly from the location of the programming to the head-end over a coaxial or fiber optic line dedicated solely to PEG broadcasting and not over any portion of any main-trunk line. Insertions and quality upgrades required hereunder shall be completed not later than thirty (30) days after the date of this agreement for City Hall and within eighteen (18) months after the date of this agreement for the Annapolis Police Department and Stanton Center."

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-62-94 as follows:

Amendment No. 2

Add to the end of the last sentence of Paragraph 4.1:

"consistent with Section 622 (b) of the Communications act, 47 USC 542 (b)."

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-62-94 as follows:

Amendment No. 3

Revise Paragraph 2.2 to reflect the term of the Agreement as three (3) years with one two (2) year renewal to be exercised at the option of both parties. Paragraph 2.2 to otherwise remain the same unless inconsistent with said amendment.

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-62-94 as follows:

Amendment No. 4

Revise all references in Paragraph 3.2 from "200 feet" to "300 feet".

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-62-94 as follows:

Amendment No. 5

Amend Paragraph 3.5 (D) to provide that the City, in its sole discretion, may negotiate with Anne Arundel County to locate its PEG studio at Anne Arundel Community College. If the City locates PEG at Anne Arundel Community College, TCI shall provide payments and support for that undertaking consistent with current Paragraphs 3.4 and 3.5.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Moyer
NAYS: Aldermen Turner, DeGraff
ABSTAIN: Alderman Gilmer
CARRIED: 6-2-1

Alderman Hammond moved to amend R-62-94 as follows:

Amendment No. 6

If Paragraphs 3.4 and 3.5 are not eliminated or revised as indicated above, revise Section 3.5(E) to include subparagraph "(d) Annual operating costs".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-62-94 as follows:

Amendment No. 7

Add Paragraph 3.18:

"Grantee shall impose no charge to disconnect, discontinue or otherwise terminate any cable service that Grantee is capable of disconnecting, discontinuing or otherwise terminating without the necessity of a service call to subscriber's residence or place of business)".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend R-62-94 as follows:

Amendment No. 8

Revise Paragraph 1.3, to add "Home Team Sports and ESPN 2" as part of the basic services package.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tullier, Snowden, Turner, DeGraff,
NAYS: Mayor Hopkins, Aldermen Johnson, Gilmer, Moyer
CARRIED: 5 - 4

Alderman Snowden moved to amend R-62-94 as follows:

Amendment No. 9

Paragraph 3.2, line 8 strike "eighteen (18) months" and substitute "twelve (12) months".

Seconded. CARRIED on voice vote.

Alderman Turner moved to amend R-62-94 as follows:

Amendment No. 10

Strike Paragraphs 3.4 and 3.5 and all provisions related to the transfer of PEG Operations from Grantee to Franchising Authority.

Alderman Tullier moved to amend the amendment as follows:

Strike Paragraphs 3.4 and 3.5 and all provisions related to the transfer of PEG Operations from Grantee to Franchising Authority and Add in lieu thereof a provision that would require TCI to document \$50,000 in PEG facility and equipment improvements in the first twelve months after the franchise agreement and an additional \$50,000 in the twelve months following the initial period.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Tullier, Snowden, Turner.
DeGraff
NAYS: Aldermen Johnson, Gilmer, Moyer
CARRIED: 6-3

Alderman Turner moved to amend R-62-94 as follows:

Amendment No. 11

Paragraph 3.17, add the following:

"All PEG broadcasts, including but not limited to City Council meetings, shall be audible, the picture shall be clear at all times, and in all regards, shall meet all Society of Cable Television Engineers (SCTE) standards effective at the signing of this agreement."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend R-62-94 as follows:

Amendment No. 12

Paragraph 3.18, add the following:

"Whenever a subscriber's cable services are interrupted for any reason for a period of two consecutive hours, the subscriber shall receive a rebate equal to one-thirtieth of their monthly subscription fee for each such period of interruption. In addition to the preceding rebate, Grantee may provide such other and further rebates to its subscribers for service interruption as its policies may dictate."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-62-94 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

Alderman Snowden moved to extend for thirty (30) days, the agreement between Annapolis CATV Incorporated and the City of Annapolis entitled "Agreement Relating to Television Transmission and Distribution System in Annapolis, Maryland" dated April 10, 1969. Seconded. CARRIED on voice vote.

2. **R-71-94** Sponsored by Alderman Hammond
Revised

For the purpose of reducing the parking meter rates for all meters in the City of Annapolis to the pre-July 1, 1994 rates for a certain period of time; and all matters relating to said rates.

Referred to the Finance Committee.

3. **R-72-94** Sponsored by Aldermen Tullier and DeGraff

For the purpose of reducing the parking meter rates for all meters in the City of Annapolis to the pre-July 1, 1994 rates for a certain period of time; and all matters relating to said rates.

There being no voiced objection R-72-94 was withdrawn.

Alderman DeGraff moved to have a Closed Meeting on Monday, December 12, 1994 at 7:00 p.m. in the City Council Chamber in accordance with the Annotated Code of Maryland Section 10-508 (a)(1):

- (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 7:30 p.m.

Deborah Heinbuch, CMC
Deputy City Clerk