

ORDINANCE NO. **BG2019 - 42**

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE TO WINDSTREAM KENTUCKY EAST, LLC FOR THE USE OF RIGHTS-OF-WAY FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS (OR RELATED NON-CABLE) SYSTEM WITHIN THE CITY OF BOWLING GREEN, KENTUCKY

WHEREAS, Ordinance No. BG2019-6, adopted by the City of Bowling Green Board of Commissioners on April 16, 2019, provided for the creation of a non-exclusive franchise for the privilege of the use of rights-of-way for the operation and maintenance of a telecommunications system within the City of Bowling Green in accordance with the terms and provisions referenced below; and,

WHEREAS, Ordinance No. BG2019-6 also established a sealed bid process which included advertising the invitation for bids, notifying the public of the date for the submission of bids to the City and awarding the franchise to the successful bidder(s); and,

WHEREAS, after publication of the advertisement one (1) bid was received and the Board of Commissioners in Ordinance No. BG2019-29 granted a franchise to North Central Communications (NCTC), Inc.; and,

WHEREAS, subsequent to the granting of that franchise, the City was contacted by Windstream Kentucky East, LLC expressing interest in being granted a franchise under the same terms and conditions; and,

WHEREAS, after publication of the second advertisement on August 8, 2019, as well as advertisement on the City's website, the only bid received by the City on September 4, 2019 was from Windstream Kentucky East, LLC.; and,

WHEREAS, it is in the best interest of the City to accept the bid from and to grant this non-exclusive telecommunications franchise to Windstream Kentucky East, LLC.

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NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. A telecommunications franchise created by Ordinance No. BG2019-6 is hereby granted to Windstream Kentucky East, LLC, the company that submitted a responsive and responsible bid, and shall be effective upon approval and publication.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 17, 2019, and given final reading on October 1, 2019, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: October 1, 2019

APPROVED: Brian Wilkins
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

SPONSORED BY: Jeffery B. Meisel City Manager, 09/09/2019, 4:00 p.m.