

February 20, 1984  
Resolution Book 20 - Page 42

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL ENDORSING THE  
NOVEMBER 30, 1983 RESOLUTION OF THE NATIONAL LEAGUE OF  
CITIES RELATING TO CABLE TELEVISION.

BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it hereby endorses the November 30, 1983 resolution approved by the membership of the National League of Cities relating to cable television, a copy of which is attached; and

BE IT FURTHER RESOLVED that the Mayor is hereby directed to transmit a copy of this resolution to Congressman James G. Martin and the other members of the North Carolina Congressional Delegation.

This the 20th day of February, 1984.

Approved as to form:

*Henry W. Underhill Jr.*  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1984, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page(s) 42.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 1984.

PAT SHARKEY, CITY CLERK

# NLC cable resolution on protecting local authority, consumer interests

**Whereas,** provision of cable television service has proven to be a valuable service to hundreds of communities across the country and holds great promise to all cities in the United States; and

**Whereas,** local governments have had the responsibility for franchising cable television systems in their cities and for overseeing the implementation of those franchises once awarded; and

**Whereas,** the presence of a strong local governmental role in the overseeing of franchise agreements has worked to ensure that contractual obligations are carried out and the public interest served; and

**Whereas,** since 1981, the *National Municipal Policy* of the League has called for the pursuit of federal cable television legislation which protects local regulatory authority; and

**Whereas,** the National League of Cities has provided valuable leadership in developing such legislation; and

**Whereas,** the U.S. House of Representatives has been deliberating on federal cable television legislation; and

**Whereas,** the National League of Cities recognizes that since the U.S. Senate adopted S. 66, circumstances have changed due in part to the complexity of the legislative agenda involving telephone deregulation as well as to rapidly developing technology in the field of telecommunications;

**Now, therefore, be it resolved** that the National League of Cities continue its efforts to achieve cable legislation, consistent with the following goals:

- § that local and state governments not be limited in their option to negotiate the definition of basic services and to regulate the rates charged by cable television companies for basic service, should they believe it to be in the public interest;
- § that at the time of franchise

renewal, cities be able to obtain reasonable upgrades of system hardware to "state-of-the-art" standards; be able to refuse renewal to an operator which has given poor service during the life of the franchise; be able to negotiate the purchase price of a cable franchise when a municipality buys back a cable system or the system is transferred to a third party through a forced sale; and that any court review will not be *de novo* and court review of renewal or non-renewal decisions be the same as that accorded other legislative decisions;

§ that all existing franchises and their terms and conditions and all franchise processes in which a Request for Proposals has been issued be grandfathered;

§ that the legislation protect cities from antitrust liability

for compliance with federal law;

§ that any limitation on franchise fees not apply to fees, charges and taxes charged to or through a cable operator as part of a larger class, for example, utility user taxes;

§ that federal cable legislation not restrict the ability of cities to require public, educational, governmental and leased access to cable television;

§ that cable companies not be provided with the power to abrogate contractual obligations based on a unilateral assertion of a "significant change in circumstances"; and

§ that local government not be restricted from municipal ownership and operation. □

*Approved by the Membership of the National League of Cities, Annual Business Meeting, November 30, 1983, New Orleans.*

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## Cable TV from p. 1

renewal for most operators. Point out also that cities do not oppose.

Second, NLC, together with the U.S. Conference of Mayors, is working to de-

Fourth, at our upcoming Congressional City Conference, March 3-6, we

## Clarification

In the article "First GRS Checks on Way: A Revenue Sharing Review," in

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A RESOLUTION PROVIDING FOR PUBLIC  
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 84-13 through 84-22 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Education Center, Board Meeting Room, Fourth Floor at 701 East Second Street beginning at 6:00 o'clock P.M. on Monday, the 19th day of March, 1984, on petitions for zoning changes numbered 84-13 through 84-22.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

  
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1984, the reference having been made in Minute Book 81 and is recorded in full in Resolution Book 20 at Page 43.

Pat Sharkey  
City Clerk