

Resolution No. R-14-2020
Adopted: November 9, 2020

A Resolution of the Mayor and Council of Town of Kensington renewing a lease agreement with Montgomery Municipal Cable, Inc., for the purpose of operating a PEG cable television channel on behalf of certain municipal governments in Montgomery County, Maryland, subject to certain terms and conditions.

WHEREAS, pursuant to §5-104 (d) of the Local Government Article, Annotated Code of Maryland, the Town may grant a franchise for a cable television system; and

WHEREAS, Montgomery County, Maryland and the Town granted franchises for the operation of cable communications systems within the unincorporated portions of Montgomery County and the Town to Comcast and Verizon (“Cable Franchisees”) upon the terms and conditions set forth in their respective Cable Franchise Agreements; and

WHEREAS, as a result of the cable franchises, the Town and other Montgomery County municipalities were authorized to use a cable television channel to cablecast public, educational and governmental (“PEG”) content; and

WHEREAS, Montgomery Municipal Cable (“MMC”) was incorporated September 16, 1993 as a non-profit organization to facilitate communication between municipal governments and the public by owning and operating cable communications equipment and agreed to operate the PEG cable television channel on behalf of municipal governments in Montgomery County, Maryland, in return for the franchise fees to which the municipal governments are entitled under the Cable Franchise Agreements; and

WHEREAS, the Town leased space within the Kensington Town Hall at 3710 Mitchell Street to MMC for a Cable Studio and broadcasting area upon the incorporation of MMC under a lease that ends on November 20, 2020; and

WHEREAS, in lieu of rent from MMC, the Town is entitled to retain the franchise fees paid through the Cable Franchise Agreements between Montgomery County, Maryland and the Town and the Cable Franchisees; and

WHEREAS, the Mayor and Council have determined that a renewal of the lease for a period of ten years is in the public interest on the terms and conditions set out in this Resolution.

NOW, THEREFORE, the Mayor and Council do hereby authorize a renewal of the lease between the Town and MMC under the terms and conditions as set out below, subject to the approval of the Town Attorney:

1. Use of Town Hall.

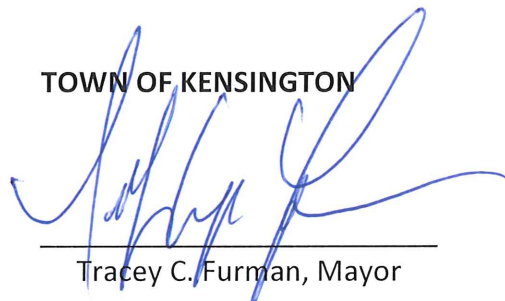
- a. The lease premises encompass the 1200 square foot area located on the first floor of the Kensington Town Hall, adjacent to the Council Chambers, commonly referred to as the Cable Studio.
 - b. The lease agreement provides exclusive use of the Cable Studio to MMC during the lease term.
 - c. Each MMC employee will be provided a key to the Kensington Town Hall, along with a key to the Cable Studio. Additional keys to the Kensington Town Hall may be provided by the Town upon request; however, additional keys to the Cable Studio will be the responsibility of MMC.
 - d. The Town must maintain access to the Cable Studio at all times during the term of the lease.
 - e. MMC employees and guests may use the public parking lot at the Kensington Town Hall for MMC related business.
 - f. Common areas, including the Map Room and Conference Room, may be used by MMC upon notification and approval of the Town Manager or Facilities Manager.
2. Contribution.
- a. In lieu of rental fees the Town will retain the franchise fees to which it is entitled under the Cable Franchise Agreements.
 - b. There will be no additional lease charges by the Town for the term of the lease.
3. Term. The term of this agreement shall be for ten (10) years commencing on November 20, 2020 and concluding on November 19, 2030. The Town or MMC may terminate this agreement upon a 60-day written notice to the other, after which all right of occupancy and utilization of the lease premises shall revert to the Town.
4. Remaining terms. The remaining terms of the lease will be substantially similar to the current lease, subject to the Town Attorney's review and approval.

Adopted by the Town Council in public meeting assembled this 9th day of November, 2020.

Effective this 9th day of November, 2020.

ATTEST:

By: _____
Susan C. Engels, Clerk – Treasurer

TOWN OF KENSINGTON


Tracey C. Furman, Mayor