

ORDINANCE NO. 77

AN ORDINANCE AMENDING ORDINANCE NO. 69 WHICH GRANTED TO COMMUNITY ELECTRONIC SERVICE, INC., ITS SUCCESSORS AND ASSIGNS (WARNER CABLE CORP.) A FRANCHISE

WHEREAS, the Board of Mayor and Alderman of the town of Mount Carmel by Ordinance No. 15 granted to Community Electronic Service, Inc., a franchise to engage in the business of and to operate a television cable service at a specified rate as set out in Section 3 therein; and

WHEREAS, Ordinance No. 69 amended Ordinance No. 15 in regard to the rates to be charged by said franchise, its successors and assigns for monthly service rates for the first outlet and for each additional outlet; and

WHEREAS, due to the said regional franchise having been succeeded by and franchise assigned to Warner Cable Corp. and said successor having shown that the cost of providing cable service has increased and the franchisee's manager having made representations of improving the quality and availability of cable service to the citizens of the town of Mount Carmel and it further appearing to the Board of Mayor and Aldermen of the town of Mount Carmel that the said franchisee has in fact, improved the quality and availability of cable service to the citizens of the town of Mount Carmel and has expressed the intent to continue such improvements; and

WHEREAS, it appears to the said Board that the franchise rate should be increased by the sum of Sixty (\$.60) cents per month for monthly service and Forty-five (\$.45) cents per month for each additional outlet effective October 1, 1980; and

WHEREAS, in consideration of the rights granted to it by the town of Mount Carmel, the said franchise holder is to pay to

the town of Mount Carmel three (3%) percent franchise fee on the gross receipts derived from cable revenue from October 1, 1980 to December 31, 1980 and said fee on gross receipts for each full year thereafter, said franchise fee to be paid beginning February 28, 1981 and on or before the last day of February of each succeeding calendar year upon which the franchise fee is calculated upon the cable company's gross receipts.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the town of Mount Carmel, Tennessee that said Ordinance No. 69 is amended by deleting therein the words reading: "A. That effective March 1, 1979, the monthly service rates will be Seven Dollars and Eighty Cents (\$7.80) for the first outlet and One Dollar and Fifty Cents (\$1.50) for each additional outlet thereafter;" and by substituting the following provision in its place:

"A. That effective October 1, 1980, the monthly service rates will be Eight Dollars and Forty Cents (\$8.40) for the first outlet and One Dollar and Ninety-Five Cents (\$1.95) for each additional outlet thereafter.

Further, that the franchise holder is to pay to the town of Mount Carmel three (3%) percent franchise fee on the gross receipts derived from cable revenue from October 1, 1980 to December 31, 1980 and said fee on gross receipts for each full year thereafter, said franchise fee to be paid beginning February 28, 1981 and on or before the last day of February of each succeeding calendar year upon which the franchise fee is calculated upon the cable company's gross receipts."

BE IT FURTHER ORDAINED that this Ordinance should be effective from and after its passage, the public welfare requiring it.

Passed on first reading: August 14, 1920

Passed on second reading: September 11, 1920

Passed on third reading: October 9, 1920

C. Sidney Ingham
MAYOR

ATTEST:

Kim Ward
CITY RECORDER

APPROVED AS TO FORM:

John W. Beeler
CITY ATTORNEY