

ORDINANCE AMENDING AND SUPPLEMENTING A PRIOR ORDINANCE
GRANTING A FRANCHISE TO SKYLINE COMMUNICATIONS CORPORATION
(NOW COMMAND CABLE OF SOUTHERN INDIANA) TO CONSTRUCT, OPERATE
AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWN OF
GEORGETOWN, INDIANA

WHEREAS, the Town of Georgetown passed an Ordinance on or about January 5, 1981, granting a franchise to Skyline Communications Corporation, to construct, operate and maintain a cable television system in the Town of Georgetown, Indiana, and

WHEREAS, Skyline Communications Corporation has now been succeeded by an entity known as Command Cable of Southern Indiana (Command Cable) which successor was approved by the Town of Georgetown, and Command Cable is about to be succeeded by an entity known as Cardinal Communications, Inc. (Cardinal), and

WHEREAS, Command Cable has expressed a willingness to pay a franchise fee to the Town of Georgetown similar to that paid of other municipalities and furthermore that said franchise fee should be retroactive to July 1, 1986, provided the Town of Georgetown extends its original franchise termination period from September 19, 1995 to September 19, 2000, and Cardinal would be required to pay the same franchise fee, and

WHEREAS, the Town of Georgetown wishes to amend and supplement the original ordinance previously referred to above.

IT IS THEREFORE RESOLVED, ENACTED AND ORDAINED by the Town of Georgetown, Indiana, as follows:

SECTION I

DEFINITIONS

(A) "Town" is the Town of Georgetown, a municipal corporation under the laws of the State of Indiana.

(B) "Company" is Command Cable of Southern Indiana, a limited partnership organized and existing under the laws of the State of Indiana, and it is the successor and grantee of rights under this franchise, including but not limited to Cardinal Communications, Inc.

(C) "Gross subscriber revenues" shall include any and all compensation or receipts derived from installation, disconnection, and re-installation charges and recurring monthly service charges in connection with the carriage of broadcast signals and Federal Communications Commission mandated nonbroadcast services, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by Grantee. It does not include revenues derived from per-program or per-channel charges, leased channel revenues, advertising revenues, or any other income derived from the system.

SECTION II

FRANCHISE FEES

The company shall pay to Georgetown, Indiana, as a

franchise fee, a sum equal to 3% of the Company's gross subscriber revenues per year in accordance with the definition of "gross subscriber revenues" contained herein in Section I paragraph C. Said payments shall be made annually within thirty (30) days after the end of the Company's fiscal year. Company also agrees to pay this franchise fee retroactively from July 1, 1986 and said payments shall be made at the time of, and along with, the annual payment for the fiscal year of 1987.

At the time the company pays the franchise fee referred to in the paragraph next above, there shall be accompanying such payment a statement by the company's certified public accountant stating the gross subscriber revenues per year as defined by this agreement.

SECTION III

EXTENSION

In consideration of this retroactive payment, the Town hereby extends the franchise termination date under the original franchise from September 19, ~~1985~~¹⁹⁸⁵ to September 19, 2000.

SECTION IV

This ordinance shall be effective immediately upon its passage and shall replace that certain ordinance regarding the same subject matter passed by the Town Board of Georgetown, Indiana on the 13th day of July, 1987.

ADOPTED by the Town Council of Georgetown, Indiana this
18th day of January, 1990.

Jerol Miller
JEROL MILLER

Gary A. Smith
GARY SMITH

Gus Blumenthal
GUS BLUMENSTIEL

Jay Davis
JAY DAVIS

DORIS HARDY

Attest:

Lisa Eddleman
LISA EDDLEMAN, Clerk/Treasurer

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