

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-14-05

At the regular meeting of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 23rd day of May, 2005:

Present	Vote
James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
W. R. Davis, Jr.	Aye

Motion was made by Mr. Burrell, which carried 5:0 to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CABLE TELEVISION FRANCHISE HELD BY COXCOM, INC. TO INCREASE THE FRANCHISE FEE FROM THREE PERCENT (3%) TO FIVE PERCENT (5%) PURSUANT TO 47 U.S.C. § 542.

WHEREAS, CoxCom, Inc. (“Cox”) is the duly authorized holder of the cable television franchise originally granted to 1st Commonwealth Communications, Inc., and transferred to Cox by resolution dated May 10, 1999 (the “Franchise”); and

WHEREAS, the Franchise currently provides that Cox will pay quarterly to the County a sum equal to three percent (3%) of the gross operating revenue for the preceding quarter as a franchise fee (the “Franchise Fee”); and

WHEREAS, as provided by 47 U.S.C. § 542(b), the County may receive franchise fees up to five percent (5%) of gross revenues and;

WHEREAS, the County has not sought to increase the Franchise Fee since the commencement of the current Franchise and;

WHEREAS, the Board believes that it is in the County’s best interest to increase the current Franchise Fee to five percent (5%) and;

WHEREAS, the Board intends to only to increase the Franchise Fee upon mutual agreement with Cox as provided by Section XXII of the Franchise;

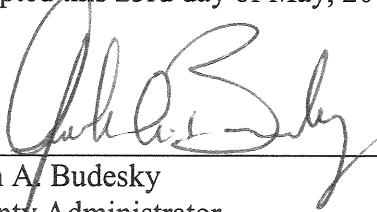
NOW THEREFORE BE IT ORDAINED that pursuant to the authority granted under 47 U.S.C. § 542(b) and Code of Virginia, § 15.2-2108, the Board of Supervisors hereby amends the Franchise as follows (as shown in italics):

SECTION V. REVENUE PAYMENTS.


(a) In consideration of the grants contained herein, the GRANTEE agrees to pay quarterly to the County of New Kent a sum equal to five percent (5%) of the gross operating revenues for the preceding quarter. This sum will be payable 30 days after the end of each calendar quarter. The GRANTEE agrees to provide a statement of gross annual revenues within 60 days following the conclusion of the GRANTEE'S fiscal year which shall be certified by GRANTEE'S senior financial officer.

All other provisions of the Franchise shall remain the same. This Ordinance shall take effect October 1, 2005.

Adopted this 23rd day of May, 2005.



John A. Budesky
County Administrator



W. R. Davis, Jr.
Chair, Board of Supervisors