

## ORDINANCE 2072

### AN ORDINANCE EXTENDING ORDINANCE 1401, WHICH GRANTED THE CABLE TELEVISION FRANCHISE AND SETTING FORTH THE TERMS AND CONDITIONS ACCOMPANYING THIS EXTENSION

**WHEREAS**, on the 13th day of November 1990, the City Council of the City of Eureka Springs adopted Ordinance 1401 in which it granted to Teleservice Corporation of America ("TCA") an extension of its cable television franchise to December 9, 2007; and

**WHEREAS**, CoxCom Inc. (successor in interest to Cox Communications, Inc.) purchased TCA in September of 1999 and was assigned TCA's cable television franchise in Eureka Springs; and

**WHEREAS**, CoxCom Inc. has applied to extend the franchise from December 10, 2007 for five (5) years until December 9, 2012; and

**WHEREAS**, Section 4.12.02 of the Eureka Springs Municipal Code provides that CoxCom Inc. shall have the option of extending its cable television franchise conditioned upon a review of the grantee's qualifications and performance and its approval by the City Council.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Eureka Springs, Arkansas, that:

**Section 1.** That the grant of authority to construct, operate and maintain a cable television system within the City of Eureka Springs, Arkansas, granted under the terms of Ordinance 1401 and now held by Cox Communication is hereby extended from December 9, 2007, to December 9, 2012.

**Section 2.** For the use of the streets and other facilities of the City in the operation of the CATV system and for the municipal supervision thereof, the Grantee shall pay to the City as a franchise fee, annually, an amount equal to five percent (5%) of the Grantee's gross subscriber revenues, starting December 9, 2007, from operations within the City of Eureka Springs. For this purpose, "gross subscriber revenues" does not include sales, excise or other privilege taxes billed to and collected from subscribers by Grantee in addition to charges for services rendered and shall not include amounts collected from installation charges."

**Section 3.** That the franchise agreement between Cox Communications and the City of Eureka Springs, Arkansas, dated \_\_\_\_\_ and for a term of five (5) years is hereby adopted by reference herein, as if set out word for word.

**Section 4.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS,  
ARKANSAS, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk Mary Jean Sell

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Mayor Dani D. Joy