

**AN ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE
WITH TO FALCON VIDEO COMMUNICATIONS, LP,
d.b.a. CHARTER COMMUNICATIONS**

WHEREAS, Charter Communications, VI, a/k/a Charter Communications (“Charter”) is currently operating under the terms of a cable franchise with the Town of Southern Shores, North Carolina (“Town”) granted by Ordinance, August 1, 2001, (the “Franchise”); and

WHEREAS, Charter’s Franchise with the Town is currently in effect; and

WHEREAS, Charter and the Town willingly agree to an amendment to the Franchise to provide for a franchise fee payable by Charter to Town for the remainder of the franchise term; and

WHEREAS, the Town desires and Charter agrees to collect franchise fees for the Town; and

WHEREAS, within sixty (60) days of the adoption of this Ordinance Charter will collect and remit to the Town franchise fees in the amount of five percent (5%) of Charter’s gross revenue as the term “gross revenue” is defined by this Ordinance and in accordance with the terms of this ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Southern Shores, North Carolina that the Cable Television Franchise with Falcon Video Communications, LP, d.b.a. Charter Communications is hereby amended as follows:

Section 2.1 Franchise Fee. is amended by rewriting paragraph A. Compensation to read as follows:
Compensation.

~~The Town has opted to not require the payment of a franchise fee for the term of the Franchise.~~

In further consideration for the rights and privileges granted under this Franchise and the costs and obligations undertaken by the Town as a result of this Agreement, the Charter agrees to pay to the Town during the term of this Agreement, an amount equal to five percent (5%) of the annual Gross Revenue of Charter as herein defined, paid in quarterly installments within forty-five (days) from the last day of January, April, July, and October of each year during the term of this Franchise. “Gross Revenue” shall mean all cash compensation or revenues of any kind or nature received directly or indirectly by the Grantee, its subsidiaries or parent which are cable operators, arising from, attributable to, or in any way derived from the provision of Cable Services and any other Cable Services provided in the future by Charter within the Town, as long as all such Gross Revenues are in accordance with Generally Accepted Accounting Principals, provided, however, that such term shall not include: (1) any local, state or federal tax; (2) un-recovered bad debt; and any EG amounts recovered from subscribers. Gross Revenue includes, but is not limited to, monthly fees charged to subscribers for basic service; monthly fees charged to subscribers for any optional, premium or per-channel or per-program service; monthly fees charged to subscribers for any tier of service other than basic service; installation, disconnection, re-connection, franchise fees collected from subscribers; change-in-

service fees; leased channel fees; late fees; converter fees, rentals or sales; advertising revenues; and revenues derived by Charter from home shopping channel sales to subscribers. Advertising and home shopping revenues shall be allocated on a pro-rata basis based on the proportion of total subscribers on Grantee's cable system represented by subscribers residing within the franchise area, provided they cannot be calculated on a per-franchise basis. Gross Revenue as here defined shall be the basis for computing the franchise fee and includes all revenue, as defined above, provided, however, there shall be excluded from Gross Revenue any service provided by Charter upon which the Town is prohibited by law from imposing a franchise fee.

For the purpose of confirming the franchise fee paid under this section, Charter shall provide to the Town documentation supporting its annual gross revenue statement(s) for the prior year. The Town shall have the right to conduct an independent review of the books and records of the Charter relating to the calculation of the gross revenue calculation, and shall have the right to require an audit of Charter's books and records if the Town has any question about the gross revenue calculation performed by Charter.

ADOPTED the 6th day of December, 2005 following reading and adoption at two regularly scheduled meetings on the 1st day of November, 2005 and the 6th day December, 2005.

Town of Southern Shores, North Carolina

By:

Name/Title: _____

ATTEST:

Town Clerk

(TOWN SEAL)

ACCEPTED this ____ day of _____, _____.

Charter Communications, VI

By: _____

Josh Jamison

Name/Title: Northeast Division Senior VP

**A RESOLUTION OF THE
TOWN COUNCIL OF SOUTHERN SHORES, NORTH CAROLINA,
RELATING TO THE 2006 MEETING SCHEDULE**

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2006 and;

BE IT RESOLVED, by the Town Council of Southern Shores, North Carolina, meeting this 6th day of December, 2005, that regular monthly meetings of the Town Council of the Town of Southern Shores will take place generally on the first Tuesday of each month beginning at 7:00 p.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 3, 2006	Tuesday, August 8, 2006
Tuesday, February 7, 2006	Tuesday, September 5, 2006
Tuesday, March 7, 2006	Tuesday, October 3, 2006
Tuesday, April 4, 2006	Tuesday, November 7, 2006 (Election Day)
Tuesday, May 2, 2006	Tuesday, December 5, 2006
Tuesday, June 6, 2006	Tuesday, January 2, 2007
Wednesday, July 5, 2006	

BE IT FURTHER RESOLVED, that additional regular monthly daytime meetings of Council will take place generally on the fourth Tuesday of each month, being called to order at 9:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 24, 2006	Tuesday, July 25, 2006
Tuesday, February 28, 2006	Tuesday, September 26, 2006
Tuesday, March 28, 2006	Tuesday, October 24, 2006
Tuesday, April 25, 2006	Tuesday, November 28, 2006
Tuesday, May 23, 2006	Tuesday, January 23, 2007

BE IT FURTHER RESOLVED, that to process routine actions in an expeditious manner, a consent agenda may be utilized and administered by the Town Manager as part of Council's regular meeting agenda;

BE IT FURTHER RESOLVED, that the Town Council will conduct a retreat workshop meeting during the period January 26-27, 2006 at a time and place to be established by the Mayor;

BE IT FURTHER RESOLVED, to insure public comment is heard, one or more Public Comment section will be continued on the agenda at regular monthly meetings of Council. Such comments shall be brief and to the point. Neither the Mayor nor Council shall comment on items raised by the public except that the Mayor may refer the item to staff for further investigation or to place the item on the agenda for future consideration.

Adopted this 6th day of December 2005.

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

**A RESOLUTION OF THE
TOWN COUNCIL OF SOUTHERN SHORES, NORTH CAROLINA,
RELATING TO THE STORMWATER POLICY ADVISORY COMMITTEE**

Whereas, the Town of Southern Shores created the Stormwater Policy Advisory Committee (aka "Stormwater Management Committee") through Resolution No. 2004-11-02, which was approved by the Town Council on November 2, 2004; and

Whereas, the Committee has met many times since its creation, taken field trips, received public input, reviewed materials, and is awaiting the results of several Town-funded studies; and

Whereas, the Town Council continues its desire to improve the infrastructure, rules and regulations relating to the management of stormwater in the Town;

Now, Therefore, Be it Resolved, the Southern Shores Town Council meeting this 6th day of December, 2005, does hereby continue the authorities and directions stated in Resolution No. 2004-11-02 and extends the date for receiving the Committee's report and recommendations until on or before December 31, 2006.

Be it Further Resolved that the Committee shall submit its final report and recommendations to the Council on or before 31st day December, 2006 and the Stormwater Policy Advisory Committee shall thereafter cease to exist.

Approved this 6th day of December 2005.

Mayor Don Smith
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores