

Date Posted: _____
Time Posted: _____
Posted By: Evelyn Baker
Witnessed: _____

**MINUTES OF THE PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 15, 2005**

The Jackson County Board of Commissioners held a Public Hearing on August 15, 2005 at 5:30 p.m., Room A201, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Roberta Crawford, Vice Chair
Joe Cowan, Commissioner
Eddie Madden, Commissioner
Brian McMahan, Commissioner
Kenneth L. Westmoreland, County Manager
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose of the Public Hearing is to receive public input on the proposed Cable TV Franchise Ordinance.

(1) Maggie Blythe, Mediacom representative, stated the franchise agreements are up for renewal in the municipalities and the county has agreed to enter into early renewal and join with the municipalities in a new franchise. Mediacom prefers an agreement that is consistent across the entire subscriber base. The Town of Sylva has requested that additional language be added concerning customer service. This request is being reviewed by Mediacom's attorneys.

(2) George Rogers addressed the Board and suggested that Mediacom be required to respond to the following questions before considering granting it a franchise: If Mediacom plans on building in the Balsam area, does it plan on offering service to 20 homes per mile? When was the last time Mediacom performed an audit in the county? Does Mediacom plan on placing a local manager in the county? Does Mediacom plan on billing any new homes? When does Mediacom plan on fixing the drop systems? Why is there a three week delay in connecting cable service to new customers at the present? When was the last time that the county looked at Mediacom's system? Why aren't pedestals locked to prevent illegal hook-ups since the county is deprived of the revenue from illegal hook-ups? Does Mediacom plan on adding service to the Balsam area and if not, he would like to have the opportunity to offer service to homes in that area.

He stated he does a drop system and installation contract work for Mediacom at present. Mediacom has wires which have been on top of the ground for two years even though he has offered to put them underground, but has had no contractual response from

Mediacom. Mediacom does not do upgrades, but could do a lot to improve service to its customers.

Ms. Blythe responded that the new franchise agreement does contain a 20 house per mile density requirement. Mediacom tries to keep up with all new construction in the subscriber area. There are some issues Mediacom needs to address, but it does not do any of the underground work. Mediacom does have a local staff who are residents of this community. Even though Sylva is not fully staffed, they are fully trained.

(3) Mr. Westmoreland stated that the proposed franchise is non-exclusive and if any corporation or individual is of the opinion that this service is inadequate, they can petition this Board for a franchise. Mediacom is one of two companies who have applied for a county franchise; the second has applied for a franchise in the Cashiers area.

(4) Franchise Fees: Ms. Blythe stated that the Legislature has implemented in the new budget a 7% sales tax on cable services which has never been done before. The tax will be implemented on January 1, 2006. However, it includes an off-set for the local franchise fees that are paid. While the state will tax at 7%, the cable operator can get a credit for fees paid to counties and municipalities. Mr. Westmoreland stated that during discussions with the municipalities all agreed that 3% would be a fair median level. However, if the state is going to levy a 7% sales tax and give credit to the cable company up to the amount of the local collection, it would be in the county's best interest to require 5%.

(5) October 1st is the deadline for approval of the franchise ordinance.

There being no further public comments, Commissioner Burrell moved that the public hearing be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the hearing adjourned at 6:50 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman