

**ORDINANCE NO. 2019 - 5073**

**AN ORDINANCE APPROVING THE TRANSFER OF THE CABLE  
TELEVISION FRANCHISE GRANTED BY  
THE CITY OF PELL CITY, ALABAMA**

**FINDINGS**

- A. The City of Pell City ("City") has received a request from CAP Cable, LLC ("CAP Cable") to assign to Hargray of Alabama, Inc. ("Hargray") the cable television franchise held by CAP Cable ("Franchise").
- B. The Franchise requires that CAP Cable obtain the City's prior consent for the assignment of the Franchise by CAP Cable to Hargray.
- C. CAP Cable and Hargray have properly requested the City's consent to the assignment and transfer of the Franchise and related assets to Hargray.
- D. Hargray has the financial, technical and legal ability to fulfill the obligations of the Franchise and the assignment of the Franchise to Hargray will serve the public interest.

Based on the above findings, the Council ordains as follows:

- 1. The City consents to the transfer to Hargray of the Franchise and all of CAP Cable's rights in and under the Franchise.
- 2. Upon the closing of the sale of CAP Cable's cable system to Hargray ("Closing"), Hargray shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing.
- 3. Upon Closing, the City releases CAP Cable from all obligations and liabilities under the Franchise that relate to periods from and after the Closing.
- 4. Hargray may (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by or under common control with Hargray; (b) restructure debt or change the ownership interests among its existing equity holders; (c) pledge or grant to any lender a security interest in Hargray's assets to secure indebtedness; and (d) sell equity interests in Hargray or any of Hargray's affiliates.
- 5. All City action necessary to approve this Ordinance and the Franchise transfer has been duly and validly taken.

This Ordinance shall become effective upon passage, approval and publication as required by law.

ADOPTED AND APPROVED this 28<sup>th</sup> day of January, 2019.

---

James McGowan - Council President

ATTEST:

---

Penny Isbell - City Clerk

APPROVED this the 28<sup>th</sup> day of January, 2019.

---

William T. Pruitt, IV - Mayor

ATTEST:

---

Penny Isbell - City Clerk

### **CERTIFICATION**

I, Penny Isbell, Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 28<sup>th</sup> day of June, 2019, and that same has been published in accordance with law in the *St. Clair News Aegis* on the \_\_\_\_ day of \_\_\_\_\_, 2019.

---

City Clerk