

Cleburne County Commission Meeting
Cleburne County, Alabama
October 12, 2010

MINUTES

- Regular Commission Meeting The Cleburne County Commission met in regular session on Tuesday, October 12, 2010, at 4:00 p.m. in the Commission Meeting Room, Room 207 of the County Courthouse, Heflin, Alabama.
- Chairman Ryan Robertson called the meeting to order and open for business.
- Roll Call There were present:
Chairman Ryan Robertson
Commissioner Joel Robinson
Commissioner Tracy Lambert
Commissioner Rex Nolen
Commissioner Dwight Williamson
- There were absent:
None
- Public Comment from Citizens Ms. Donna Robinson discussed the City of Edwardsville annex with the Commission. Ms. Emily Brown and Mr. Mark Laminack with the Cleburne County Chamber of Commerce were present to update the Commission and request funding for upcoming events.
- Commission Discussion The Commission addressed items from the consent agenda from the agenda of today's meeting: a) Approve the Commission meeting minutes of September 2010 as presented, b) Approve to allow the transfer of funds from various line items in the FY10 reappraisal budget to the equipment line item (70540) to allow for the purchase of a new mapping server, c) Approve to allow the carryover of \$30,000 from remaining FY 10 Reappraisal budgeted funds into the FY11 Reappraisal budget line item (70550) for the purchase of a new vehicle for the Revenue Commissioner's office, d) Approve request for a transfer of a lounge retail liquor license, ABC confirmation number: 20100920093050188 to Andrew Kelley for the establishment known as "The Junction", located at 18754 Highway 78, Muscadine, Alabama, e) Approve to authorize the County Engineer to auction the 1992 Ford F350 Flat Bed Truck VIN #FTJW35M7NCB00399 and the 1997 Ford F350 Flat Bed Truck, VIN #FDJW35F6VEC20931 at the auction of his choice, f) Approve to accept the transaction of Charter Communications to CoBridge Telecom, LLC to provide cable system service in the community. Item 4 was moved to Items of New Business.
- Resolution # 4321** **On a motion by Commissioner Tracy Lambert and seconded by Commissioner Dwight Williamson, the Commission passed the following resolution:**
- Be it resolved by the Cleburne County Commission to approve the following resolutions from the items of the consent agenda:**
- 4321-1 The Commission resolves to approve the September 2010 minutes as presented,**
- 4321-2 Whereas, the Cleburne County Reappraisal budget has FY10 budgeted funds remaining in various line items;**
- Whereas, the Cleburne County Revenue Commissioner's office is in need of a new mapping server;**
- Therefore, the Cleburne County Commission resolves to allow the transfer of funds from various line items in the FY10 reappraisal budget to the equipment line item (70540) to allow for the purchase of mapping server.**
- 4321-3 Whereas, the Cleburne County Reappraisal budget has FY10 budgeted funds remaining in various line items;**
- Whereas, the Cleburne County Revenue Commissioner's office is in need of a new vehicle;**
- Therefore, the Cleburne County Commission resolves to allow the carryover of \$30,000 from remaining FY10 Reappraisal budgeted funds into the FY11 Reappraisal budget line item (70550) for the purchase of a new vehicle for the Revenue Commissioner's office.**

**Resolution
4321-4**

Whereas, the Cleburne County Commission recognizes the need to continually provide the Cleburne County Highway Department with the best possible equipment available to effectively and efficiently maintain the infrastructure of the county;

Therefore, the County Commission authorizes the County Engineer to auction the 1992 Ford F350 Flat Bed Truck, VIN #2FTJW35M7NCB00399 and the 1997 Ford F350 Flat Bed Truck, VIN #1FDJW35F6VEC20931 at the auction of his choice. The Probate Judge is also authorized to sign any/all agreements pertaining to the resolution as needed.

**Resolution
4321-5**

Whereas, Charter Communications, LLC d/b/a Charter Communications (“Grantee”) currently holds a franchise as set forth in a Resolution dated August 13, 1990 granted by Cleburne County, Alabama (the “Community”) to own and operate a cable system in the community,(as amended to date, the “Franchise”);

Whereas, on July 9, 2010 Grantee entered into an Asset Purchase Agreement (the “Agreement”) whereby CoBridge Telecom, LLC (“Assignee”) will purchase and acquire certain cable system assets, including the Franchise, from Grantee (“Transaction”);

Whereas, Grantee and Assignee have filed an FCC Form 394 with the Community, and have provided all information required by applicable law related to the Transaction to the Community (collectively, the “Application”);

Whereas, the Community has reviewed the Application and has determined that the Assignee meets the legal, technical, and financial criteria to operate the cable system under the Franchise and all applicable local, state, and federal laws;

Therefore,

1. The Community consents to the Transaction to the extent required by the terms of the Franchise.
2. The Community confirms that (a) the Franchise is valid and outstanding and in full force and effect; (b) Grantee has properly invoked its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984; (c) Grantee is in compliance with the provisions of the Franchise; (d) there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default hereunder; and (e) effective upon the closing of the Transaction, Assignee will be entitled to all rights and privileges granted by the Community pursuant to the Franchise.
3. The Community further authorizes Assignee to assign or transfer its assets, including the Franchise, to a parent or affiliate of Assignee and to assign or pledge, or otherwise grant or convey one or more liens or security interests in, its assets, including its rights, obligations and benefits in and to the Franchise and the cable system, to any lender providing financing to Assignee, in each case without the consent of the Community.
4. The Community releases Grantee, effective upon the closing of the Transaction (the “Closing Date”), from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Assignee shall assume and be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date
5. This Resolution shall take effect upon its passage and publication in accordance with applicable law.

All members present voted for the resolution and none against. The motion carried.

**Commission
Discussion**

The Commission addressed items of New Business from the agenda to today’s meeting: a) Item 4 from the Consent Agenda of today’s meeting-Approval of request for transfer of a lounge retail liquor license, ABC confirmation number: 20100920093050188 to Andrew Kelley for the establishment known as “The Junction”, located at 18754 Highway 78, Muscadine, Alabama.

Commissioner Joel Robinson made a motion and Commissioner Rex Nolen gave a second to approve the request for the transfer of a lounge retail liquor license, ABC confirmation number: 20100920093050188 to Andrew Kelley for the establishment known as “The Junction”, located at 18754 Highway 78, Muscadine, Alabama from #7-A of New Business-Item 4 of the Consent Agenda of today’s meeting. After discussion Commissioner Tracy Lambert asked for the motion and second to be rescinded due to there not being an application presented to the Commission for this transfer. Commissioner Lambert asked for this item to be tabled until a later date.

Resolution # 4322 **On a motion by Commissioner Joel Robinson and seconded by Commissioner Rex Nolen, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to table the request for transfer of a lounge retail liquor license, ABC confirmation number: 20100920093050188 to Andrew Kelley for the establishment known as “The Junction”, located at 18754 Highway 78, Muscadine, Alabama from #7A of New Business-Item 4 of the Consent Agenda of today’s meeting. All members present voted for the resolution and none against. The motion carried.

Commission Discussion Reports from staff were as follows: A) County Administrator Steve Swafford gave the Commission an update report, B) County Engineer, Shannon Robbins updated the Commission on various current projects, C) County Attorney Doug Ghee briefed the Commission on the Town of Edwardsville annex district.

The Commission discussed appointments for the vacant positions on the Cleburne County Hospital Board. Commissioner Rex Nolen has one position open in District 4 and desires to appoint Mr. William Cleino for the unexpired term of Mr. Keith Turner whom resigned. Commissioner Nolen asked the Commission to consider adding the approval of the appointment of Mr. William Cleino to the Cleburne County Hospital Board to the agenda of today’s meeting.

Resolution # 4323 **On a motion by Commissioner Rex Nolen and seconded by Commissioner Joel Robinson, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to add to the agenda of today’s meeting the approval of the following appointment to the Cleburne County Hospital Board: Mr. William Cleino – District 4 – term ending April 2015. All members present voted for the resolution and none against. The motion carried.

Resolution # 4324 **On a motion by Commissioner Rex Nolen and seconded by Commissioner Joel Robinson, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to make the following appointment to the Cleburne County Hospital Board: Mr. William Cleino – District 4 – term ending April 2015. All members present voted for the resolution and none against. The motion carried.

There was no further business to come today before the Commission for the meeting.

Resolution # 4325 **On a motion by Commissioner Dwight Williamson and seconded by Commissioner Joel Robinson, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to adjourn the meeting. All members present voted for the resolution and none against. The motion carried.

