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Board votes to rescind \$272k American Tower buyout

"It was stated at that time that the proposal would be further considered at a later time and would not appear on the December 3...agenda. An email from the Mayor the next morning informed the Aldermen that the matter would be placed on the agenda that night for consideration of one of three options – in the 'Other Business' section of the agenda. The Board of Aldermen voted 6-1 to accept a lump sum buy-out of the lease for a permanent easement."

"I was the dissenting vote, being concerned about the rushed vote and the lack of information as well as concern over the propriety of the proposal," Martin stated. "During the next few days following the December 3 meeting, copies of the two American Tower letters and a copy of the present Ground Lease were requested and provided for review. A review of the documents provided much additional information that had not previously been provided."

Martin said the "gist of the decision to reconsider the vote was that Aldermen did not have full information to make an informed decision [prior to the December 3 vote]."

Garrett also stated she didn't feel she had complete, correct information about the buyout prior to the December 3, 2019, vote.

"Following the Board of Aldermen meeting in which the American Tower buyout was approved, some of us began to realize that the information we had received on the buyout was either woefully incomplete or inaccurate," said Garrett. "We had also been under the impression that the matter was not going to come before the Board at that particular meeting, and there would be time to further understand the issue. When it did appear on the agenda, we, unfortunately, made a decision to approve it without all of the facts. Fortunately, a board is provided the opportunity to vote to reconsider a previous vote at the next meeting, and since we had additional, relevant information, we did that."

"By rescinding the previous vote (at the January 6 meeting), the Board is able to better analyze the various options relative to the tower and make a

decision that is financially best for the City," said Garrett.

"In the meantime, the current lease is still in place and provides a monthly income to the City," said Garrett. "The Board always appreciates the opportunity to consider the Mayor's proposals and make a decision based on facts and sound reasoning. We will continue to do that on this issue and others."

The current arrangement with American Tower, at \$1,400 a month, increases by three percent escalation, which was explained to the Board by Fisher at the December 3 meeting. The \$1,400 a month goes into the general fund.

Ward 6 Alderman Mike Cashion stated that the "Board did discuss the [buyout] option at length, and it was the position of the majority of the Board that the best option was the guaranteed (sum) of \$272,000. Mayor Fisher placed it on the agenda for the next day's [December 3] meeting, where the proposal was accepted by a 6-1 vote. Over the next month, there was no additional discussion of the vote."

Cashion noted that the tower is located at 1005 Springridge Road.

"At the next work session on January 6, Alderman Martin expressed his opposition to the outcome of the vote, and Alderman Ellis informed the Board that he was going to offer a motion to reconsider the vote at the next meeting," said Cashion. "Alderman Martin indicated that the Board did not have all the necessary information at the time of the vote."

Both Cashion and Ward 4 Alderman Keith Perritt stated that, al-

though the motion was made to bring the matter before the Board again, that there had been no "compelling information provided" to rescind the offer and to vote again.

"The 2057 lease option, mentioned in Tuesday's meeting, is an non-guaran-

teed option potentially leaving the City at risk of losing money," said Perritt, "and in my opinion, is not an overwhelming reason to rescind a 6-1 vote.... Guaranteed money, in my opinion, is always a better option than maybe money."

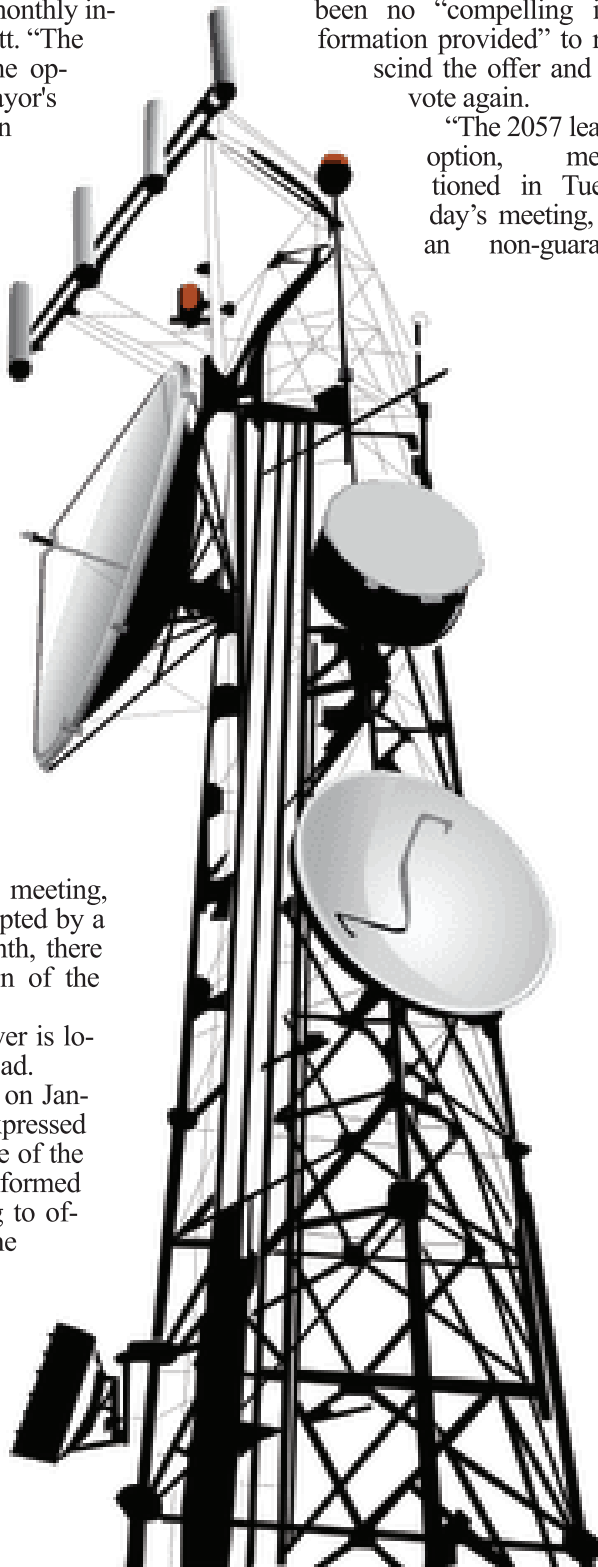
Fisher said that, "I believed then, and believe now, I negotiated a good deal for the City."

"I took it to the December 2 Board of Alderman work session for review and comment. I told them that, with the guarantee of a five-year or ten-year period and the higher buyout option, I was good with any of the three choices (although my personal choice was the buyout). During the discussion, I showed them all three documents from the cell tower company, the amounts offered and my counter offers. Without asking for an opinion or vote (no voting in a work session), six of the seven Alderman, volunteered their approval for the negotiated agreement and a buyout, Jim Martin voiced his opposition."

"Since I felt the Board was in overwhelming support, I opted to put it on the agenda for the December 3 Board meeting and get the documents in a final signing order as soon as possible. When notified the next day (December 3), no Board member objected to that action or requested additional information/time; and the motion passed 6-1...No Alderman came by the office, called, e-mailed, or texted, any issues or desire to relook the issue for the next thirty-four days," said Fisher.

Ward 3 Alderman William O. Barnett stated that he "had all the information I needed to make an informed decision. The \$272,000 is guaranteed money." He stated that the offer for longer-term contracts of fifteen to twenty years was not guaranteed money, as the lease could be terminated by the company with notice before the time is up.

Cashion stated that, with the 4-3 vote to rescind the purchase, the City now reverts back to the current contract, "which we know is not palatable to ATC [American Tower]. The \$272,000 is now at risk. If ATC agrees to come back to the table, we may be able to get more. If ATC walks away, we risk losing the \$272,000."



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3 YEARS



5 YEARS



8 YEARS

