

cont. from page 1

Intense discussion leads to 4-3 vote to sell tower site easements

ing projects must be in place. "We are required to have the money in hand."

The Board of Aldermen had approved the paving project to go forward at a previous meeting. The Mayor had met with the Board members one-on-one in November to discuss four possible options for making up the one million dollar shortfall. At their February work session, Fisher indicated that he thought everyone liked "option four," which included taking money from reserves and borrowing from the water fund. The aldermen indicated they would like to discuss the various options, since the only way the Board can officially act is in an official meeting.

At that time, Ward 2 Alderman Jim Martin began requesting budget information so that he could develop another option that would not include either taking money from reserves or borrowing from the water fund. Martin, after finally securing the information from City Clerk Russell Wall, provided the information at the work session on May 4, with the intention of having a discussion to look at the various options.

Initial discussions about the lease-purchase for the Lagoon Cell Tower (retention pond tower) on Springridge Road came about in November 2019, when American Tower made an offer to purchase the lease for a price of \$272,000. The Board approved accepting the Lagoon Cell Tower site lease purchase in December 2019, then reversed its vote in January 2020.

In their December 3, 2019, meeting, Clinton's Board of Aldermen approved a one-time payment of \$272,000 from American Tower, a company that leases a cell phone tower in the city, for a permanent easement, by a 6-1 vote. Ward 2 Alderman Jim Martin was the dissenting vote.

American Tower currently pays the City \$1,400 a month to lease the tower. During their December 2 work session, Mayor Phil Fisher and the Board discussed options that the com-

pany had proposed, together with changes and details that Fisher had negotiated, regarding extending their contract with the City or buying out their lease.

The acceptance of the one-time buyout was expected to add \$272,000 to the City's coffers. However, at the January 7, 2020, Board meeting, a motion was made by Ward 1 Alderman Dave Ellis to bring the matter back up for reconsideration. The motion passed, and the issue was raised for reconsideration.

During the new discussion, some Board Members said they were confused about which tower was being discussed for a buyout. Some also thought the vote was made without enough information provided and therefore needed to be brought up again for reconsideration.

A new vote to approve the acceptance of the buyout payment failed, 4-3. Alderwoman-at-Large Ricki Garrett, Martin, Ward 5 Alderwoman Cossitt and Ellis voted against the buyout, which angered Fisher.

The lease for the Lagoon Cell Tower, which is one 75-foot monopole with one cell service provider on the tower, will end in January 2021 after a final payment of \$18,000.

"They [American Tower] have indicated they will not renew, but will pick up and move a mile or so and move out of town," Fisher said. If they move down Raymond Road, the new site could wind up being in Jackson instead of Clinton, Fisher said.

"The company [American Tower] recently made an offer to negotiate on the Junior High water tower [cell services]," Mayor Phil Fisher explained. "While on the phone with them, I asked if the [previous] offer for \$272,000 [for Lagoon Cell Tower] was still on the table. They said it was, but the offer was only for \$272,000 [lease buyout], with no monthly options available."

The two tower sites have been leased by American Tower, with the option to renegotiate the lease periodically, usually about every five years. However, the company indicated they want a lump sum lease purchase for both towers instead of continuing with a monthly lease arrangement.

"We looked at the first one on Springridge Road [Lagoon cell tower] three to four months ago. It was a bad deal then and is the same bad deal now," Ward 2 Alderman Jim Martin said, at the May 5 meeting. "They want a perpetual easement. They are not going anywhere. There are trying to scare us into taking rock-bottom prices... I would recommend we don't take either one of those."

"If the plan that we have in front of us is objectionable, what is your alternative?" Ward 6 Alderman Mike Cashion asked Martin. "Is there something we can vote on tonight that is an alternative to what the mayor has proposed?"

The offer for the lease purchase of the Clinton Junior High tower was brought to the City on Friday, May 1.

"We finished negotiating about 2 p.m. Monday," Fisher said. The Board's work session was at 5:30 p.m. on Monday, May 4.

Alderwoman-at-Large Ricki Garrett provided information at the May 5 Board meeting that came from a consulting firm in Florida which works with cities and other landlords on negotiating these cell tower leases. She reported that the consulting firm was emphatic that cities should not fall victim to middleman companies that try to convince owners that they should sell or renegotiate their leases. They indicated that these companies try to convince the owners that they will leave and, in fact, in only 1% of the cases do they actually leave.

At the May 4 work session, Martin suggested that additional funds from other City accounts could be shifted to make up for the paving project shortfall, such as funds left over from other road projects, proposed traffic calming improvements, travel expenses, salaries for unfilled positions and unused equipment funds.

"Mayor, we know we have the money," Alderwoman-at-Large Ricki Garrett said. "No, we don't. I don't know how this Board is going to vote one week to the next. We are required to have the money in hand, not out there. We're not playing games here. This is the obligation, and this is the city," Fisher said.

"Does the plan that you have in your mind include renegeing on the traffic calming proposal?" Cashion asked Martin. "No," Martin replied.

"The other side of this is April sales tax," Fisher said. "Coronavirus has everything topsy-turvy. That money we're talking about, we may need for that [shortfalls in tax revenue]. We have to see the bigger picture."

Both the Mayor and Ward 4 Alderman Keith Perritt said they believed some of the aldermen desired to reduce police and fire positions in the city to make up the one million dollar shortfall and that selling the leases were a better option.

"We never recommended reducing police and fire positions," said Garrett. "However, Alderman Martin did suggest, as one of the options, that we had \$174,065 saved in unfilled positions from October 2019 to April 2020. We could have included those funds, since those positions weren't filled during those months, and, in fact, are still unfilled."

"Basically, there are two issues at play here," clarified Garrett. "The first is the one million dollar shortfall, which the Mayor created by assuming that the Speaker was going to provide a million more dollars to Clinton in the 2019 Legislative Session than he did and then spending the paving money on that assumption. The Board could easily have managed that shortfall by utilizing both the Mayor and Alderman Martin's suggestions together and not selling the cell tower easements. The other issue is the sale of the cell tower easements. That issue should have been decided upon, not as part of a need to fill the million-dollar shortfall, but based upon the wisdom of selling those easements at bargain basement prices."

In the vote to approve the motion of selling the easements, Ward 3 Alderman William O. Barnett, Ward 4 Alderman Keith Perritt, Ward 5 Alderwoman Jan Cossitt and Ward 6 Alderman Cashion voted yes; Ward 1 Alderman David Ellis, Ward 2 Alderman Jim Martin and Alderwoman-at-Large Ricki Garrett voted no.



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