

**MINUTES OF THE CLINTON CITY COUNCIL
OCTOBER 16, 2007**

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, October 16, 2007 at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on October 12, 2007.

Mayor Norman called the meeting to order with the following present;

MAYOR: Lynn Norman

COUNCIL: Bob Marcy, Terry Wheeler, Mark Hendrickson, Allen Bryson

CITY MANAGER: Grayson Bottom

CITY CLERK: Lisa Anders

CITY TREASURER: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green and Mike Smith

OTHERS: Brad Aneshansley, Harold Hyman, Leroy Livesay, David & Janice Berrong, Clifton Cabaniss, Derek Adams, Leonard Rogers, Ashley Rogers, Marilyn Norman, David Crabtree, Bob Gauger, Kiesha Lister, and others.

Russell Rayner of the Freewill Baptist Church opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of October 2, 2007

Moved by Councilman Hendrickson and seconded Councilman Bryson, that Consent Agenda Item No. 3 (a) be approved.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Bryson, Wheeler, Marcy, Norman

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER ORDINANCE NO. 906 REGARDING HOSTING AND PERMITTING GATHERINGS WHERE MINORS CONSUME ALCOHOLIC BEVERAGES

Kiesha Lister, representative of Clinton High School Students Against Destructive Decisions thanked the Council for considering this ordinance and encouraged the approval of the ordinance.

SADD sponsor Janice Berrong said she felt the ordinance would be an improvement for the town.

Councilman Hendrickson expressed his appreciation to the students for their efforts on this topic. He said the discussions regarding "Social Host" has made the public more aware of the problem but he questioned if this ordinance is the best back to accomplish the goal.

He explained his concern regarding reducing the penalty at the municipal level rather than addressing it at the district court level. He said there is currently a law in place but this ordinance would reduce the penalty in a non-court of record.

Police Chief David Crabtree said if the ordinance is approved it would be enforced using good judgment. He said there is an option of filing the charges in district court.

Mayor Norman said the selling alcohol to minors is a separate issue and it would be addressed later.

Councilman Bryson said he did not have a problem with duplicate enforcement on this issue.

Councilman Marcy said he liked the flexibility this offers for first time offenders.

Motion was made by Councilman Bryson and seconded by Councilman Wheeler to approve Ordinance No. 906 regarding Hosting and Permitting Gatherings where minor consume alcoholic beverages.

Mayor put the motion to a roll call vote:

Aye: Bryson, Wheeler, Marcy, Norman
Nay: Hendrickson

Mayor declared the motion carried.

4B. CONSIDER RESOLUTION 775 REGARDING THE CITY OF CLINTON LOCAL DEVELOPMENT ACT REVIEW COMMITTEE CREATION

City Manager Grayson Bottom explained that in order to have a TIF (Tax increment Financing) district, the creation of a committee is required. He said Assistant City Attorney Ryan Meacham has reviewed and approved the resolution being presented. He said the creation of the committee is the first step in the process that can be used as a financing mechanism for a specified location and a customized program.

Motion was made by Councilman Hendrickson and seconded by Councilman Marcy to approve Resolution 775 regarding the City of Clinton Local Development Act Review Committee creation.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Marcy, Wheeler, Bryson, Norman
Nay: None

Mayor declared the motion carried.

4C. CONSIDER BUDGET TRANSFER FROM GENERAL FUND TO AIRPORT AUTHORITY TO FUND MATCHING FUNDING RESERVE

City Manager Grayson Bottom reported that earlier Council had approved a bid for minerals on land located in Washita County and accepted the lease agreement with Chesapeake. These funds were unbudgeted funds. He explained that prior to the mineral study conducted by Mart Tisdal these funds would have been receipted in the Airport Authority but since the land is not restricted property the funds were receipted in the General Fund.

Bottom explained that knowing the future grant projects will require a matching fund, he requested the unbudgeted money be transferred to the Airport Authority and placed in reserve for the future projects. He said future project would include the straightening of the taxiway and re-doing in taxiway and runway lighting. He said all of these projects are in preparation for the lengthening of the airport runway.

Motion was made by Councilman Marcy and seconded by Councilman Wheeler to approve the budget transfer from the General Fund to the Airport Authority to fund matching funding reserve.

Mayor Norman put the motion to a roll call vote:

Aye: Marcy, Wheeler, Bryson, Hendrickson, Norman

Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that the City would be assisting Kiwanis with the annual Halloween Parade and the date that Kiwanis had set is Tuesday, October 30, 2007. He said establishing the date for Halloween is not a function of city government.

City Manager Bottom explained that Jesse Hays had announced in the *Clinton Daily News* that he had withdrawn from the Ward Three election to be held on November 13th. Bottom said there would still be an election because ballots have already be prepared and absentee ballots had already been mailed. He encouraged voters to participate because there will still be an election.

City Manager Bottom announced there will be an Open House on Friday, October 19, 2007 at the new Drivers Testing Office located at McLain Rogers Park.

Photos of the newly raised wastewater collection box were shown.

It was announced that the Centennial Clock would be installed and completed by October 27th. The wireless public address system would also be installed for the downtown area.

6. RECOGNITION OF REGISTERED AUDIENCE

None

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Councilman Wheeler and seconded Councilman Marcy, to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Hendrickson, Bryson, Norman

Nay: None

Mayor declared the meeting adjourned at 6:10 P.M.

RESOLUTION NO. 775

RESOLUTION DECLARING THE INTENT OF THE CLINTON CITY COUNCIL TO CONSIDER THE DESIGNATION OF A PORTION OF THE CITY AS A "STATUTORY REINVESTMENT AREA" AND TO CONSIDER CREATION OF A RELATED "TAX INCREMENT DISTRICT" PURSUANT TO OKLAHOMA LAW; CREATING THE CITY OF CLINTON LOCAL DEVELOPMENT ACT REVIEW COMMITTEE (THE "REVIEW COMMITTEE"); DETERMINING MEMBERSHIP OF THE REVIEW COMMITTEE; DESIGNATING MANNER AND TERM OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR MEETINGS OF THE REVIEW COMMITTEE; ESTABLISHING OFFICERS; DETERMINING VOTING RIGHTS AND QUORUM; DIRECTING THE REVIEW COMMITTEE TO CONSIDER PROPOSED PROJECT PLANS AND TO MAKE ANY FINDINGS AND RECOMMENDATIONS REQUIRED BY LAW; DIRECTING THE PLANNING AND ZONING BOARD OF THE CITY OF CLINTON TO CONSIDER PROPOSED PROJECT PLANS AND MAKE ANY RECOMMENDATIONS REQUIRED BY LAW; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, Section 6C of the Oklahoma Constitution, along with provisions of the Oklahoma Local Development Act, Title 62, Section 850 et seq. of the Oklahoma Statutes, as amended (hereinafter, the "Local Development Act"), authorizes cities, towns and counties to adopt incentives for the development or redevelopment of specified areas lying within such cities, towns and counties, and empowers the governing bodies of cities, towns or counties to apportion tax increments to help finance the public costs of such development or redevelopment; and

WHEREAS, the Clinton City Council, as the governing body of the City, is authorized by the Local Development Act to create a tax increment district to further the public purposes of economic and community development in Clinton; and

WHEREAS, to assist the Clinton City Council in considering the creation of a tax increment district, the Local Development Act requires that the governing body of the City appoint a review committee to review and make recommendations and findings concerning the proposed district; and

WHEREAS, in order to meet the requirements of the Local Development Act, the Clinton City Council hereby finds it desirable to establish said review committee by resolution and to specify therein the procedures for determining its membership and its manner of operation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA, AS FOLLOWS:

SECTION 1. Declaring the Intent of the Clinton City Council to Consider the Designation of a Portion of the City As a "Tax Increment District" Pursuant to Oklahoma Law. The City Council hereby finds that there exists within the corporate limits of the City of Clinton: (1) areas which have been designated as an "enterprise zone" by the Oklahoma Department of Commerce pursuant to the provisions of Title 62, Section 690.3 of the Oklahoma Statutes, or (2) areas which may require public improvements: (i) to reverse economic stagnation or decline; (ii) to serve as a catalyst for retaining or expanding employment; (iii) to attract major investment in the area; and (iv) to preserve or enhance the tax base of such area. Accordingly, the City Council hereby states its intention to consider the designation of such area as a "tax increment district", pursuant to the provisions of the Local Development Act.

SECTION 2. Creation of the City of Clinton Local Development Act Review Committee. There is hereby created a committee to be known as the "City of Clinton Local Development Act Review Committee" (hereinafter, the "Review Committee"), which committee is authorized to exercise, on behalf of the City of Clinton, those powers and duties specified in the Local Development Act.

SECTION 3. Determining Membership of the Review Committee. The Review Committee shall be composed of those persons duly appointed as set forth herein, as representatives of the following entities:

- (i) A representative of the City Council for the City of Clinton;
- (ii) A representative of the Planning and Zoning for the City of Clinton;
- (iii) A representative of each taxing jurisdiction within the City of Clinton in which all or a portion of any such tax incentive or tax increment district might be located, specifically:
 - (a) Custer County;
 - (b) Custer County Health Department;
 - (c) Independent School District Number 99, Custer County, Oklahoma ("Clinton Public Schools");
 - (d) Vocational-Technical School District No. 12, ("Western Technology Center");
 - (e) Western Plains Library System District; and
- (iv) Three members representing the public-at-large.

In the event that provisions of the Local Development Act relating to the composition of review committees are hereafter amended to alter the composition of such committees, the provisions of this resolution shall be deemed amended to the extent necessary to comply with state law.

SECTION 4. Designating Manner and Term of Appointment of Committee Members. The members of the Review Committee shall be selected in the following manner for the period or term set forth herein:

1. Governing Body Representative: The Mayor of the City shall nominate a current member of the City Council of the City to serve, with the approval of the City Council, as the representative of the governing body of the City on the Review Committee. Such person shall serve as a member of the Review Committee until he or she resigns, dies or ceases to be a member of the Clinton City Council or until such time as a new representative is nominated by the Mayor and approved by the City Council.

2. Planning and Zoning Board Representative: The Mayor of the City shall nominate a current member of the Planning and Zoning Board of the City to serve, with the approval of the City Council, as the representative of the Planning and Zoning Board on the Review Committee. Such person shall serve as a member of the Review Committee until he or she resigns, dies or ceases to be a member of such Board, or until such time as a new representative is nominated by the Mayor and approved by the City Council.

3. Taxing Jurisdiction Representatives: The Mayor of the City shall request that the governing bodies of each of the taxing jurisdictions listed in clause (iii) of Section 3 hereof nominate a person (who may or may not serve on the governing body of such taxing jurisdiction) to serve as that taxing jurisdiction's representative on the Review Committee. Persons so appointed as representatives of any taxing jurisdiction shall serve for a term of one year from the date of their appointment; provided, however, that, notwithstanding the expiration of such person's term of office, such representative shall continue to serve until such time as a successor has been selected and qualified. Upon the expiration of any term of office or the occurrence of any vacancy in such position, the Mayor shall request that the governing body of the vacating member's taxing jurisdiction nominate a person to serve as a representative on the Review Committee.

4. Public Representatives. At the first meeting following formation of the Review Committee, the Review Committee shall select three persons to represent the public-at-large from a list of seven persons submitted by the Chairman of the Review Committee. The persons so selected by the other members of the Review Committee shall serve for a term of one year from the date of their approval by the Review Committee; provided, however, that, notwithstanding the expiration of such person's term of office, such representative shall continue to serve until such time as a successor has been selected and qualified. Upon the expiration of the term of office or the occurrence of any vacancy, the Chairman of the Review Committee shall submit a list of seven candidates to the Review Committee at which time the Review Committee shall select a replacement for each vacant position.

SECTION 5. Providing for Meetings of the Review Committee. Meetings of the Review Committee shall be subject to the Open Meeting Act, Title 25, Sections 301 et seq. of the Oklahoma Statutes, as amended, and the Open Records Act, Title 51, Sections 24A.1 et seq. of the Oklahoma Statutes, as amended. Any information relating to the marketing plans, financial statements, trade secrets or any other proprietary information submitted to the Committee by a person or entity seeking adoption and approval of a proposed district, plan, or project may be

kept confidential to the extent allowed by law. Executive sessions may be held to discuss such information if deemed necessary by the Committee to the extent allowed by law.

SECTION 6. Establishing Officers. The representative of the Clinton City Council shall serve as Chairman of the Review Committee and shall preside at all meetings and perform such other duties as may be assigned by the Review Committee. The committee members may also select one or more of their members to be Vice-Chairman who shall act in the place of the Chairman during his or her absence or incapacity to act. The committee members shall also select a person to serve as Secretary of the Review Committee, which person may or may not be a member of the Review Committee.

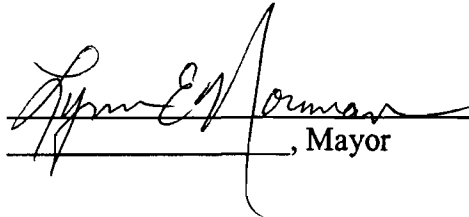
SECTION 7. Determining Voting Rights and Quorum. All members of the Review Committee shall be entitled to fully participate in all meetings of the Review Committee and to cast one vote on any matter coming before the Review Committee for consideration; provided, however, that no representative of any taxing jurisdiction shall be entitled to cast a vote with regard to any finding or recommendation relating to a tax increment district unless some portion of such district is located within the boundaries of the represented taxing jurisdiction. All actions by the Review Committee pursuant to the provisions of this resolution shall be approved by the affirmative vote of a majority of the committee members entitled to vote under the provisions of this resolution.

SECTION 8. Directing the Local Development Act Review Committee to Consider Proposed Project Plans and Make Any Findings and Recommendations Required By Law. The Review Committee shall act in an advisory capacity to the City Council as authorized by the Local Development Act and shall consider and make its findings and recommendations to the City Council with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of any proposed project plans hereinafter referred to it by the Clinton City Council. The Review Committee shall also consider and determine whether any such proposed project plan will have a financial impact on any taxing jurisdiction within the proposed district and shall report its findings to the Clinton City Council. The Review Committee shall also recommend that the proposed district and project plan be approved, denied, or approved subject to conditions set forth by the Review Committee. In making such a recommendation, the Review Committee shall also consider and determine whether the proposed plan or project will have a financial impact on any taxing jurisdiction within the proposed district and shall report its findings to the City Council.

SECTION 9. Directing the Clinton City Planning and Zoning Board to Consider the Proposed Project Plan and Make Any Recommendations Required Law. The Planning and Zoning Board of the City is also hereby authorized and directed to consider any proposed project plans following the consideration of such project plan by the Review Committee and to make any recommendations to the Clinton City Council as may be required by the Local Development Act.

ADOPTED AND APPROVED the 16 day of October, 2007.

CITY COUNCIL OF THE
CITY OF CLINTON, OKLAHOMA


_____, Mayor

(SEAL)
ATTEST:


_____, City Clerk