

**THE MINUTES OF A REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GUNTERSVILLE, ALABAMA  
HELD ON SEPTEMBER 7<sup>th</sup> 2021**

The Mayor and City Council of the City of Guntersville, Alabama met in a pre-meeting in City Hall in said city on September 7<sup>th</sup> 2021 at 11:30 a.m. to discuss matters to come before the Council. In a regular meeting in Town Hall at 12:00 p.m. Mayor Leigh Dollar presided as Chairman of the meeting. The following members of the Council were present: Sanchez Watkins, Larry Wilson, John Myers, Carson Ray, Dink Myers, Rich Russell and Randy Whitaker. Betty Jones acted as City Clerk for the meeting. The Pledge of Allegiance was led by Councilman Randy Whitaker. Mayor Dollar welcomed visitors and declared that a quorum was present and opened the meeting for business.

**Minutes**

Mayor Dollar announced that copies of the minutes from the August 16<sup>th</sup> Regular Meeting and the Special Called Meeting of August 30<sup>th</sup> have been distributed to the members of the Council. There being no corrections or additions the same on motion duly made and second stood approved.

**Personnel Report** – Mayor Dollar called upon Renea Rowan to give the following personnel report:

**Sanitation:** Johnathan Adams, Assistant Supervisor, selected Michael Spier to fill a vacant position of Laborer. Mr. Boswell accepted our job offer and began his employment as a full-time employee on 8/23/21.

**Recycling:** Johnathan Adams also selected Joseph Yarbrough to fill a vacant position of Laborer. Mr. Yarbrough accepted our job offer and began his employment as a full-time employee on 8/23/21.

Motion to approve was made by Councilman Dink Myers and seconded by Councilman Whitaker and passed unanimously by a voice vote of all Councilmembers present.

**Resolution to Approve License Agreement with Publix**

Mayor Dollar introduced **Resolution No.1220** to approve a license agreement with Publix. This resolution gives Publix permission to install a sign at the pier area at Publix to inform boaters that groceries may be purchased and allows the Mayor to enter into the agreement. Mayor Dollar explained that the Publix Developers had given the City \$100,000 to develop the park which included building the pier, the sidewalk, benches, etc. Dan Warnes reported that he knew of no TVA restrictions. Councilman Wilson asked if the sign would be on the pier or land and Mayor Dollar stated that they would work out a location. Dan Warnes stated there was a 60-day window to reconsider. The sign proposed is 3' x 12' at the walk way. Councilman Russell noted it should be wind worthy. Motion to approve was made by Councilman Ray, seconded by Councilman Dink Myers and passed by a voice vote with all voting yes except Councilman Wilson who voted no.

Dan Warnes announced while he was at the microphone that Gary Henley had been kind enough to make several trips to Town Hall to fix the speaker microphone for the public use. He ordered the microphone and installed it only charging the City for the parts and no labor.

**Resolution to Approve Purchase of Police Cars**

Mayor Dollar Introduced **Resolution No. 1221** to Purchase 2022 Police Cars. This authorizes the police dept to purchase up to 9 vehicles up to a cost of \$432,000. Chief Peterson stated that 5 - 2021 cars are on order and doesn't know exactly when to expect them. The 2022 vehicles are going to be capped at 11,000 nationwide so the City needs to preorder. Normally the City purchases 5 per year. Councilman Russell asked if the City had the money earmarked to cover 14 vehicles. Mayor Dollar reported that she is working on the budget and that it could be covered. Councilman Whitaker asked when we pay and the answer was when they are delivered. Chief Peterson stated these may not come in until 2022 or 2023. Councilman Wilson made the motion to approve the resolution, seconded by Councilman Watkins and passed unanimously by a voice vote of all Councilmembers present.

**Resolution to Surplus Items for Sanitation/Recycling**

Mayor Dollar introduced **Resolution No. 1222** to surplus items for Sanitation/Recycling. The list is 2 balers, a forklift and a utility trailer to be sold on GOVDEALS. Motion to approve was made by Councilman Whitaker, seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present.

**Resolution to Surplus Vehicle for Public Transportation**

Mayor Dollar introduce **Resolution No. 1223** to surplus a vehicle for Public Transportation. This is to surplus a 2010 Ford F350 bus VIN #1FDEE3FL9ADA90166 to be sent to West Alabama Public Transportation in Selma. The city has no money in this vehicle and no compensation will be received. Motion to approve was made by Councilman Russell, seconded by Councilman John Myers and passed unanimously by a voice vote of all Councilmembers present.

**Resolution to Approve Gas Purchase from Wex Fleet**

Mayor Dollar introduced **Resolution No. 1224** to approve gas purchased off the State Gas Contract. Liberty Oil has defaulted on their contract with the City to provide gas to City vehicles and the City wishes to purchase under the Wex Fleet State bid. Motion to approve was made by Councilman Dink Myers, seconded by Councilman Russell and passed unanimously by a voice vote of all Councilmembers present.

**Wyndham Boat Ramp Lease**

Mayor Dollar called on Dan Warnes to present an updated lease of the boat ramp at Wyndham with an updated appraisal of \$275 per month instead of \$100 per month. Mr. Warnes reported that the City had entered into a 10-year lease in 2007 in order for the Hotel to build a pier. The Hotel has continued to pay the \$100 after the lease ran out. This will be an update, with the City owning the pier, but the Hotel will maintain it and provide liability insurance and increase the rent. Councilman Whitaker asked that the city be notified by the insurance company if the policy ever lapsed. Motion to approve was made by Councilman Watkins, seconded by Councilman Ray and passed unanimously by a voice vote of all Councilmembers present.

### **Easement Deed to Water Board**

Mayor Dollar called on Bay Chandler, head of the Water Board and their attorney David Jones to report on a request for an easement deed to Water Board. This is needed on two small areas of land bordering land to be acquired from Connect Church. They reported that this was to address Sanitary Sewer Overflows. This will double capacity in this area and reduce the SSO's. Riverkeepers has sued other cities and Guntersville Water Board intends to spend \$5.5 million to mitigate the overflows and work with Riverkeepers rather than spending the money fighting lawsuits. This will be for the betterment of all involved. Mr. Chandler reported that in another area the SSO's had been reduced by 34% so they are headed in the right direction. There is no way to completely eliminate but the goal is to greatly reduce. The City will retain ownership of the property, this is simply an easement for the Water Board. There was also discussion on how to screen the property and the Water Board had reached an agreement with the Church on that. Councilman Wilson asked if they were working on other locations and Mr. Chandler stated they were addressing all chronic locations. Motion to grant easement was made by Councilman Ray, seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present.

### **Lease with Guntersville Aviation Holdings LLC (Nicholas Wood) at Airport**

Dan Warnes introduced a lease with Guntersville Aviation Holdings LLC (Nicholas Wood) at Airport. This will be an \$800,000 hangar with a 45-year lease with rent of \$2,268 per year and an index increase every 5 years. At the end of the lease, the hangar becomes the City's. This is similar to the existing land leases. There will be room for several planes, a lounge and sleeping area for the pilot. This will also house a very valuable antique plane. Motion to approve was made by Councilman Whitaker, seconded by Councilman Ray and passed unanimously by a voice vote of all Councilmembers present.

### **Annexation Request to ACE Aeronautics**

Mayor Dollar announced that several councilmen had requested that the City send a formal Annexation Request to ACE Aeronautics asking them to annex all of their property adjoining the Airport into the City. Councilman Whitaker stated that he requested the property be annexed because the property is uphill and any changes to the ACE property will affect the City property. No permits were issued on past ACE development and wished that City regulations be observed on future development to protect the City Airport. He stated that the water runoff is a problem. Councilman Whitaker made a motion to request ACE to annex all of their remaining property adjoining airport property so the City could protect the City property. Councilman Ray seconded the motion. Councilman Wilson read the following statement:

"I think it unwise to request the annexation of the Ace Marshall County property, which is separate from the airport conveyance and leaseback deal. We are in the middle of negotiating the deal with the FAA. This past Friday, both Ace and the city agreed to forward a deal to the FAA that did not include annexation of additional property. The proposed resolution to annex the Ace property is an attempt to distance the annexation request from the airport deal (to make it seem unrelated), since the FAA would not condone the annexation as part of the deal. The trouble is the City Council has already tied the annexation of the property to the deal during two separate public city council meetings. In April the motive was additional tax dollars. Currently the motive is future issues of compliance.

Ace has already told the city they are not interested in annexation at this time. Having the property is worth more to Ace in the county. The city never requested annexation from the previous landowners. And the city could have bought the property outright.

This is not the way to attract business partners to the city. The city is good for Ace, and Ace is good for the city.

The proposed resolution is a bad business practice that reflects poorly on the city leadership."

Councilman Whitaker stated that FAA has an issue with water, setbacks, water retention pond and air space compatibility and if the property was in the City, plans would have to come before the Planning Commission for approval with engineer drawings. FAA has chastised the City for the actions of ACE in the past, example the digging in the retention pond on City property without permission. The City must have control of the airport in order to comply with FAA. Councilman Ray stated that his second was based on there was no control for the property and ACE could be a good neighbor by annexing. Not demanding, asking. Councilman Wilson stated the ACE and the City had agreed to work out the issues and that he didn't think this was good for negotiations. Councilman Whitaker questioned Councilman Wilson on his knowledge of length of discussions with ACE. Councilman Wilson said he had done research on the history and there were two sides to the story. Councilman Whitaker said FAA wants to know how we are going to address each of the collateral issues and this is a big step in the right direction to satisfy FAA. Councilman Dink Myers spoke supporting the annexation request. Councilman Wilson stated the this was strong arming. Councilman Ray stated this is a request and is not strong arming and that he wanted that stated in the minutes. Councilman Russell asked attorney Dan Warnes if this request was contrary to Alabama law and Mr. Warnes answered no. Then Councilman Russell asked if Mr. Warnes could see anything that would complicate the negotiations with FAA and again Mr. Warnes answered no, it is not affecting the agreement. Councilman Russell then asked if the City has the authority to enter into a binding agreement with ACE that they would agree to City regulations on the property if it were not annexed and Mr. Warnes replied yes, I think so. Mayor Dollar stated she had a motion and a second and the motion was passed by a voice vote with all voting yes except Councilman Wilson who voted no.

### **Audit Presentation**

Mayor Dollar called on Lori Criswell to present the September 30, 2020 Audit. Mrs. Criswell stated the City had a clean opinion and was subject to a single audit due to the amount of Federal money received. The balance sheet showed a good cash position was maintained. Revenues exceeded budgeted amounts by \$1.1 million and expenditures were under budget by \$1.3 million. Motion to accept the audit report was made by Councilman Ray, seconded by Councilman John Myers and passed unanimously by a voice vote of all Councilmembers present.

### **Announcements:**

- Paddle Y'all Event September 18<sup>th</sup> at Rec Center Beach for Rivertown
- The City ISO rating was lowered throughout the City of Guntersville to a 2
- The Whole Back Stage is having a fundraiser Saturday.

**Public Comments:**

- Eddie Allen of 3008 Willow Beach Road asked the Council if the bathrooms bid were going to be put at the beach. Mayor Dollar stated yes and other places on the trail also.
- Council Whitaker asked if CSX had been in contact about the railroad tracks on Hwy 227 and Mayor Dollar stated she had contacted to no avail.
- Hans Ingold of 105 Buck Island Drive stated that ACE's position remains that they agree to annex into the city prior to any construction for aeronautical purposes. Mr. Ingold stated the FAA questions pertained to the portion of the property being given to the city as far as water, access to the airport through the fence and as far as the retention pond, he wished ACE had not dug on City property, but stated that it was better now than before. Mr. Ingold invited the council to see the conditions of the pond, road etc. and discuss the issues.

**There being no further business to come before the Mayor and Council at this time, the meeting on motion duly made and seconded, stood adjourned until September 20<sup>th</sup> 2021 at 12:00 p.m.**

**PASSED, APPROVED AND ADOPTED THIS THE 20<sup>th</sup> DAY OF SEPTEMBER, 2021**

**CITY OF GUNTERSVILLE, ALABAMA  
A MUNICIPAL CORPORATION**

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**LEIGH DOLLAR, MAYOR**

**ATTEST:** \_\_\_\_\_  
**BETTY JONES, CITY CLERK**