

**THE MINUTES OF A REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GUNTERSVILLE, ALABAMA  
HELD ON OCTOBER 18<sup>th</sup> 2021**

The Mayor and City Council of the City of Guntersville, Alabama met in City Hall in said city on October 18<sup>th</sup> 2021 at 4:00 p.m. and went into executive session on the advice of City Attorney Dan Warnes who advised the Council that there was a need for discussion of negotiations concerning the Airport and discussion of possible litigation and that if the discussion was held in public, it would have a detrimental effect upon the position of the City. Councilman Whitaker made a motion to go into executive session, seconded by Councilman John Myers and passed unanimously by a roll call vote (except Councilman Russell who arrived at 4:23p.m.) at 4:00p.m.

- |                    |     |                   |        |
|--------------------|-----|-------------------|--------|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes    |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Absent |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes    |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes    |

The executive session was adjourned at 4:37p.m. by a motion made by Councilman Ray and seconded by Councilman Dink Myers and passed unanimously by a voice vote. The Mayor and Council met in a pre-meeting at 4:30 p.m. and then the Council Meeting began at 5:00 p.m. with Mayor Leigh Dollar presiding 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 October 4<sup>th</sup> Regular Meeting 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 announced that there was no Personnel Report.

### **2021/2022 Budget**

Mayor Dollar entertained a motion to pass the 2021/2022 Budget that had been introduced at the last meeting and highlights had been covered. Motion to approve the budget was made by Councilman Whitaker and seconded by Councilman John Myers and passed unanimously by a voice vote of all Councilmembers present.

### **Resolution to Accept Lighting Bid**

Mayor Dollar introduced **Resolution No. 1231** to accept bids for lighting installation at the Soccer Complex, Pickleball, Basketball, and Skate Park. The low bidder was Complete Construction with a bid of \$141,000.00 for the Soccer Complex and \$21,000.00 for the Pickleball, Basketball and Skate Park. Councilman Russell commented this is for the installation and includes conduit and wiring. Matt Bryant reported to the Council that the installation will also be covered by the warranty. Motion to approve was made by Councilman Dink Myers and seconded by Councilman Watkins and passed unanimously by a voice vote of all Councilmembers present.

### **Ace Aeronautics Lease**

Mayor Dollar called on Dan Warnes to report on the Ace Aeronautics Lease. Mayor Dollar entertained a motion to suspend the rules for discussion and stated that no motions would be made until the rules were unsuspended. Motion to suspend the rules for discussion was made by Councilman Whitaker and seconded by Councilman Dink Myers and passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

A lengthy discussion followed on several points in an agreement presented to the Council concerning an agreement between the City and ACE Aeronautics. The Council, Dan Warnes, Gary McIlquham, Hans Ingold, and Charlie Minor all participated. Discussion included a change in the number of years to make the two agreements match in length, the detention pond and who would maintain it in the future, rent to be paid or not paid in case of an airport shutdown, etc. It was agreed to vote on each question discussed and any other questions the Council had individually. Councilman Russell made a motion to unsuspended the rules in order to make a motion, seconded by Councilman John Myers and the motion passed unanimously by a voice vote of all Councilmembers present.

Dan Warnes stated the City's position and Councilman Russell made a motion to approve the lease based on a rent increase after 2 years and then after each 5 years based on the CPI on page 5 section 4.1.1. A second was made by Councilman Whitaker and was passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | No  | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Dan Warnes stated the City's position and Councilman Russell made a motion that after the lease, ACE will maintain the detention pond on airport property (south of their building) during the term of the lease, page 12 section 8.3.2.

Councilman Whitaker seconded and was passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | No  | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Dan Warnes recommended the language stand as is regarding any future change in ownership or control and Councilman Russell made the motion to accept the language as written on page 19 section 17.1.4. This was seconded by Councilman John Myers and passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Whitaker made a motion that rent would be suspended if the Airport was closed exceeding 7 days and an equitable adjustment would be made to the rent, page 29 section 33.7. A seconded was made by Councilman Ray and was passed by a roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Whitaker made a motion to change the term of the lease from 45/5 years to mirror the current lease of 30/10/10 years. Motion was seconded by Councilman Dink Myers and passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | No  | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Whitaker made a motion that the two-year fee be \$57,206.30 based on footage to be paid up front plus \$2,000.00 per month to now and prorated to the FFA approval date toward the purchase price. A second was made by Councilman Dink Myers and was passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | Yes |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Whitaker stated there is no provision to access the fence on the ACE side and proposed that 24-hour notice be given to ACE if access was needed to mow, repair, etc. and that a 15-foot easement be given to the City for maintenance purposes. Councilman Ray seconded the motion and was passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | No  |
| 2. Larry Wilson    | No  | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Dink Myers asked Hans Ingold if ACE intended to annex the rest of the property into the City and Mr. Ingold stated that they will in the future if the land were used for aeronautical purposes and they needed to access the Airport.

Attorney Dan Warnes suggested a vote on the entire lease with the changes. Councilman Russell made a motion to accept the lease with all the changes voted on and was seconded by Councilman Whitaker and passed by the following roll call vote:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | No  |
| 2. Larry Wilson    | Yes | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

This lease will be sent to ACE for approval and that approval must be received by Friday, October 22<sup>nd</sup> 2021 in order to submit to FAA. If no approval is received by October 22<sup>nd</sup>, Councilman Whitaker made a motion to proceed to install the fence between the Airport and the ACE property. Councilman Ray seconded and the following roll call vote was recorded:

- |                    |     |                   |     |
|--------------------|-----|-------------------|-----|
| 1. Sanchez Watkins | Yes | 5. Dink Myers     | No  |
| 2. Larry Wilson    | No  | 6. Rich Russell   | Yes |
| 3. John Myers      | Yes | 7. Randy Whitaker | Yes |
| 4. Carson Ray      | Yes | 8. Leigh Dollar   | Yes |

Councilman Wilson stated that the City is turning down a lot of money if ACE turns this lease down and that the City needed to be judicious with work session and hold more work sessions. Mayor Dollar stated that in her 9 years there were more held on this subject than any other subject and the Council could not come to a consensus.

### **Resolution to Approve Obtaining Attorney General's Opinion**

Dan Warnes reported to the Council that the City had the engineering firm JBW&T seek bids for paving Railroad Avenue and the parking area. They sent out specifications to 8 bidders and one potential bidder asked for a week extension. JBW&T gave notice to all 8 bidders of the extension and on bid day there were 4 bids received. The advertising was done in 3 state wide papers and the local papers and all 8 bidders were notified of the extension. A question was asked if new advertising should have been done. Mr. Warnes cited several Attorney General opinions that were similar but asked the Council if they wished to submit a request for an opinion on the City's circumstances. Mr. Warnes read the following question that he would submit to the Attorney General:

Whether the City may proceed with executing a construction contract, subject to the Public Works Law, with the low bidder when the bid deadline date published in the requisite number of newspapers for the requisite number of times was changed, without republication, by a written addendum which was sent to the eight (8) bidders who submitted requests for plans and specifications and four (4) of the eight (8) potential bidders submitted their bids by the new date and attended the bid opening.

Motion to pass **Resolution No. 1232** for the Attorney General's Opinion was made by Councilman Russell and seconded by Councilman Watkins and passed unanimously by a voice vote of all Councilmembers present.

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 November 1<sup>st</sup> 2021 at 12:00 p.m.

**PASSED, APPROVED AND ADOPTED THIS THE 1<sup>st</sup> DAY OF NOVEMBER, 2021**

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

\_\_\_\_\_  
**LEIGH DOLLAR, MAYOR**

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