

**THE MINUTES OF A REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GUNTERSVILLE, ALABAMA  
HELD ON JUNE 1<sup>st</sup> 2022**

The Mayor and City Council of the City of Guntersville, Alabama met in a pre-meeting in City Hall in said city on June 1<sup>st</sup> 2022 at 8:00 a.m. to discuss matters to come before the Council. In a regular meeting in Town Hall at 8:30 a.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, and 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 May 16<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 called on Renea Rowan to give the following Personnel Report:

**Garage:** Following an interviewing process, Mr. Billy Joe Simpson was selected to fill the position of Mechanic. Mr. Simpson accepted the job offer and began 5/31/22 as a full-time employee.

**Parks & Recreation:** In support of the City's Pool for the summer months, 35 Seasonal Lifeguards have been hired. Also, Ms. Claire Anne McGehee was selected to for the position of Seasonal Head Swim Coach, in support of the Parks & Recreation swim program. Motion to approve was made by Councilman Whitaker and seconded by Councilman Russell and passed unanimously by a voice vote of all Councilmembers present.

**Resolution for Public Transportation to File Application for DOT Grant**

Mayor Dollar introduced **Resolution No. 1251** for Public Transportation to file an application for DOT Grant (yearly grant) Lori Kirkland reported to the council that this is the application and giving the Mayor authority to enter into the agreement. Motion to approve was made by C. Russell and seconded by Councilman John Myers and passed unanimously by a voice vote of all Councilmembers present.

**Resolution for Public Transportation 5311 Grant**

Mayor Dollar introduced **Resolution No. 1252** for Public Transportation 5311 Grant (yearly grant). This is 50% operating and 20% admin match which amounts in a cost to the city of \$45,790.00 operating and \$21,744.00 in admin for a total of \$67,534.00. The department employs 6 persons and has 6 vehicles. Motion to approve the yearly match was made by Councilman Watkins and seconded by Councilman Ray and passed unanimously by a voice vote of all Councilmember present.

**Resolution to Surplus Dump Truck for Public Works**

Mayor Dollar introduced **Resolution No. 1253** to surplus a Dump Truck for Public Works:  
2008 INTL 4400 VIN# 1HTMKAAR78H638051

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

**Resolution to Close Streets for HydroFest**

Mayor Dollar introduced **Resolution No. 1254** to close streets for HydroFest from Friday June 24 from 9 a.m. to Sunday June 26 midnight: from intersection at Sunset Drive and Highway 69 to Willow Beach Road at Water Treatment and Patterson Street from O'Brig Avenue to Sunset Drive. Motion to approve closure was made by Councilman Whitaker and seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present.

**Resolution to Restrict Drone Usage During HydroFest**

Mayor Dollar introduced **Resolution No. 1255** to restrict drone usage during HydroFest. Motion to approve was made by Councilman Whitaker and seconded by Councilman Watkins and passed unanimously by a voice vote of all Councilmembers present.

**Resolution for Termination of Through the Fence Agreement and Land Purchase Negotiation with ACE**

Mayor Dollar Introduced **Resolution No. 1256** for termination of Through the Fence Agreement and Land Purchase Negotiation with ACE if not closed in compliance by June 17<sup>th</sup> 2022. Councilman Whitaker stated the full compliance included all rent payments paid in full. Councilman Russell stated this is following FAA requirements. Motion to approve resolution was made by Councilman Whitaker and seconded by Councilman Dink Myers and passed on a voice vote with Councilman Wilson voicing a No vote.

**Resolution for Erection of Boundary Fence Between ACE Property and Airport Property**

Mayor Dollar Introduced **Resolution No. 1257** for erection of a boundary fence between ACE Property and Airport Property if ACE was not closed in full compliance by June 17<sup>th</sup> 2022. Motion to approve was made by Councilman Whitaker and seconded by Councilman John Myers and passed on a voice vote of the council with Councilman Wilson voicing a No vote.

**Ordinance to Surplus Real Property Located at Railroad Avenue**

Mayor Dollar introduced an ordinance to surplus real property located at Railroad Avenue. Mayor Dollar called on Rod Kanter to report on the ordinance and then opened the floor for comments following. Mr. Kanter reported there were two agreements before the council: the first is to surplus the 2 acres adjacent to the Harbor development and the second is a hotel development agreement between the City and Lawler Development. Mayor Dollar called on Patrick Lawler to report. Mr. Lawler stated that by the end of July all the businesses should be open and that this was bringing new opportunities for the community and that it just makes sense to have a hotel. Mr. Lawler stated he promised to bring a quality product that would be the best in Marshall County for all to be proud of.

Councilman Russell asked Rod Kantor to opine that all rules had been met as far as notification on these ordinances under civil procedure. Mr. Kantor stated that the question raised by Councilman Russell applied to civil procedures and is separate from the requirements of the 772 Amendment that this project is subject to. The 7-day rule of notification is before the actual vote and this is a first reading, not the final vote, no notice is required on this meeting. Mr. Kantor stated that he does opine that all rules have been met under the 772 Amendment of Alabama Law.

Mayor Dollar stated that this is the first reading to surplus 2 acres on Railroad Avenue that are no longer needed by the City. Councilman Wilson made a motion to get a new appraisal on the property, seconded by C. Russell. The motion failed on a voice vote when there were only two yes votes and 6 no votes. The final vote on the surplus will be carried over until the next meeting.

Mr. Kantor explained the resolution between the City of Guntersville and Lawler Hotels, LLC: The Hotel will be approx. 80-100 rooms, designed to fit with what has already been built. Mr. Lawler will have 45 days for due diligence, then plans will be submitted, any approval will have to be obtained, \$250,000 will have to be spent, he will have to have financial plans and the lender will give a letter to the City. This time can be up to 1 year or the city can terminate. Next phase, Mr. Lawler will be given a deed to the site for \$100, then permit will be purchased, agreement with the hotel flag and paperwork from the financing bank. At this point if he doesn't complete these steps within 1 year, then the City gets the land back. Then he proceeds to break ground within 2 weeks and 90 days to pour foundation. If not completed, Mr. Lawler gives the land back. Then he has 3 years to build the hotel and 5 years to complete, or the city will get the land with a check for \$1.2 million. For 15 years the contract states only, a hotel can be built there for more protection for the City. There are, as stated, several safeguards in this contract. Mr. Kantor stated that other developers had come to the city with requests to develop the same 2 acres and had asked for the city to build a parking deck and another wanted \$1.5 million and the property given to them.

Councilman Wilson question of Section 4.2B that stated that Lawler could not sell the project before complete to anyone but the city. Mr. Kantor stated that was to protect the city if Mr. Lawler wanted to sell, it would give the City first refusal. At that point it would be before the 5 years so the City would get it back free. If the city did not want, it would have to be built as agreed and then the city could buy it if it was sold at that point.

### **Resolution authorizing a Project Development Agreement**

Mayor Dollar introduced a resolution authorizing a Project Development Agreement between the City of Guntersville and Lawler Hotels, LLC (the "Company") respecting the development of a hotel on certain real property of the City, along with a form of conveyance deed and corrective deed under which the City's shall grant the site for the hotel to the Company (Amendment 772)

Mayor Dollar opened the door for the public to speak: The following people spoke in favor:

Roy Rollins, Mary Brewer, Lisa Baker, Randy Jones, Katy Norton, Phil Sims, Matt Arnold, Shane Vandergriff, and Wade Davis stating a hotel was needed, would create a great economic impact, would create more tourism, was best use of the property as a natural addition to the Harbor, create more revenue for the City and schools and were strongly in favor.

Joel Kennamer spoke in opposition stating that the City was surplus the property because it was not needed for a public purpose and in order to give the property away the City says it is for a public purpose. This property used to belong to all citizens. Where does that make sense?

Mr. Kantor stated that this can be done under Amendment 772.

Councilman Russell stated he had calls, some stated it should be used as a park, others thought the hotel a good idea and he stated he will publish his research for the public to see. The city spent \$1.168 million and about \$28,000.00 per year in maintenance. If the City put a park there, it would cost between \$1 and \$2 million and would cost at least \$28,000.00 yearly to maintain. It is important that the public have input, but also understand that the council did do research and not just sit around and think this was a good idea. Councilman Wilson stated he had heard lots of justification, but thinks the City should have competition and not hand pick a developer. He still thought a hotel and a park was possible and there are other sites available for a hotel. Councilman Wilson requested that the vote be delayed because June 20<sup>th</sup> was a federal holiday. Mayor Dollar asked if we had a motion to move the meeting: Councilman Wilson made the motion and Councilman Russell seconded. It failed on a voice vote when 2 voted for it to be moved and all others voted nay.

Councilman Whitaker stated that the purpose the City purchased the land was for economic development because Guntersville was limited on land being surrounded by the lake. In the past the city thought of a convention center and now we have an event center at the harbor. The property has been Kinder Morgan property, Railroad property, Water board Property and Word and Boggess property and all were purchased at different times because the city is land locked and property to develop is at a premium.

### **Approval of One Time Pay Increase**

Mayor Dollar entertained a motion for approval of one time pay increase for full time employees to net \$500 and part time to net \$250 to be paid in June or July. Motion to approve was made by Councilman Russell and seconded by Councilman Watkins and passed unanimously by a voice vote of all Councilmembers present.

### **Approval of Floating Holiday**

Mayor Dollar entertained a motion for approval of a floating holiday This holiday is to be used at employee's request for ethnic holidays or at any time with approval. This will be based on a calendar year to be used. This will also alleviate the whole City being shut down for this holiday. Motion to approve new holiday was made by Councilman Russell and seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present.

### **Public Hearing for a Lounge Liquor License for Soy Borracho Pero Buen Muchacho**

Mayor Dollar announced that this portion of the meeting would be a Public Hearing for a Lounge Liquor License for Soy Borracho Pero Buen Muchacho LLC DBA Soy Borracho Pero Buen Muchacho located at 12361 US Highway 431 North, Guntersville AL. No one spoke in Opposition. The owner April Hopper spoke in Support stating that she wanted a local place for the Latin community. She planned to hire off duty police and security to oversee. Ms. Hopper stated she had remodeled the inside and was going to also redo the outside. Councilman Myers commented there had been several deaths in that area with alcohol involved. Councilman Whitaker said the City has trouble hiring police officers and that that might not be the source to rely on for security. Councilman Ray suggested a sit down with the Police Chief and City Clerk as has been done in the past to discuss best practices. Councilman Russell made a motion to table, seconded by Councilman Ray that passed on a voice vote with Councilman Dink Myers voting No.

**Public Hearing for Hadwin House**

Mayor Dollar announced that this portion of the meeting would be a Public Hearing for an On and Off Premise Beer License for the Hadwin House LLC DBA Hadwin House, Located at 355 Gunter Ave, Suite 1, Guntersville AL. No one spoke in opposition or support. Motion for approval was made by Councilman Dink Myers and seconded by Councilman Watkins and passed on 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	Abstain
4. Carson Ray	Yes	8. Leigh Dollar	Yes

**Announcements:**

- HydroFest to be held June 25<sup>th</sup> and 26<sup>th</sup>
- Shop Local to help the merchants, city and schools

A group from the Sanitation Department spoke to the Council stating they were struggling and in need of a pay increase from starting pay of \$11. They stated there were only 10 employees and needed help. They are working from 6 to 5 each day to get done. The temporary workers from PSI are run off by Jackie Moore’s behavior. Mayor Dollar stated she had just become aware of the situation and their concerns would be addressed. Councilman Russell thanked the workers and the courage to come to the council with concerns.

**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 June 20<sup>th</sup> 2022 at 5:00 p.m.**

**PASSED, APPROVED AND ADOPTED THIS THE 20<sup>th</sup> DAY OF JUNE, 2022**

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

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**LEIGH DOLLAR, MAYOR**

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