

**Regular Meeting of the Mayor and City Council of the
City of Guntersville, Alabama
Monday, February 19th 2024 at 5:00 p.m.
AGENDA**

The Mayor and City Council of the City of Guntersville, Alabama met in a pre-meeting in the Conference Room at City Hall in said city on February 19th, 2024 at 4:30 p.m. to discuss matters to come before the Council. In a regular meeting at the Guntersville Town Hall at 5:00 p.m., Mayor Leigh Dollar presided as Chairman of the meeting. The following members of the Council were present: Sanchez Watkins, Larry Wilson, Carson Ray, Dink Myers, Rich Russell and Randy Whitaker. John Myers was absent. Betty Jones was present and acted as Clerk for the meeting. Councilman Randy Whitaker led the Pledge of Allegiance. Mayor Dollar welcomed visitors, declared that a quorum was present, and opened the meeting for business.

Minutes

Mayor Dollar announced that copies of the minutes from the January 22nd Regular Meeting have been distributed to the members of the Council. There being no corrections or additions to the minutes, there was a motion to approve made by Councilman Dink Myers, seconded by Councilman Whitaker passed unanimously by a voice vote of all Councilmembers present.

Personnel Report: Mayor Dollar called on Renea Rowan who gave the following Personnel Report:

Sanitation: Mr. John Williams was selected by Refuse Manager, Jamie Bishop to fill the open position of Driver. Mr. Williams accepted our job offer and began as a full-time employee on 2/5/24. Mr. Cedrick Kelly and Jessie Johnson were selected by Refuse Manager, Jamie Bishop to fill the open positions of Laborer. Both accepted our job offer. Mr. Kelly began his employment as a full-time employee on 2/5/24 and Mr. Johnson on 2/12/24.

Police Department: Mr. Garry Chapman was selected to fill the position of Police Officer. Mr. Chapman is certified by APOST and he began his employee with the City as a full-time employee on 1/29/24.

Fire Department: Lieutenant Matthew Lang accepted the open position of Fire Marshal. This change went into effect 1/1/24. Due to a retirement in a ranking shift position, promotional testing was conducted on 1/24/24. As a result of this testing, the following promotions took place:

Firefighters Justin Harper and Derek Elliott were promoted to the position of Engineer.

Engineers Matthew Hunter and Michael Varnell were promoted to the position of Lieutenant.

There was a motion to approve made by Councilman Whitaker, seconded by Councilman Ray and passed unanimously by a voice vote of all Councilmembers present. Fire Chief Walls called Matt Lang, Michael Varnell, Matthew Hunter, Justin Harper and Derek Elliot to the podium for the wives to pin the bars on each one. Chief Walls congratulated the men.

Appointment of Police Chief

Mayor Dollar introduced **Resolution No.1364** to appoint Ryan Darnell as the new Guntersville Police Chief to be effective March 1st 2024 when Chief Jim Peterson retires. Chief Darnell has served as the Assistant Chief for years. Mayor Dollar noted that Chief Darnell had come up through the ranks to become chief. There was a motion to approve the appointment made by Councilman Whitaker, seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present. Mrs. Darnell pinned the bars on her husband and he received a standing ovation.

Approve Truck Bids for Public Works and Sanitation/Recycling

Mayor Dollar introduced **Resolution No. 1365** to approve truck bids for Public Works and Sanitation/Recycling Department. Donohoo was the only bidder for both with \$51,919.50 for a 3500 crew cab and chassis for Public Works and \$64,281.50 for a 2500 crew cab for Sanitation Department. Public Works Director Charlie Minor stated that a bed would have to be put on his truck. Sanitation Director Jamie Bishop stated he drove a 1500 truck, but needed a 2500 to move trailers and occasionally the fork lift and felt a bigger truck would meet his needs better. There was a motion to approve made by Councilman Dink Myers, seconded by Councilman Whitaker and passed unanimously by a voice vote of all Councilmembers present.

Approve Bid for Timing System for the Lap Pool

Mayor Dollar introduced **Resolution No 1366** to approve bid for timing system for the lap pool at the Recreation Center. Mayor Dollar called on Recreation Center Director Matt Bryant who stated that this is a whole new system with updated software, 16 touch pads, etc. Industrial Service Technology had the only bid of \$48,314.00 for the new system. This is a budgeted item. There was a motion to approve made by Councilman Whitaker, seconded by Councilman Russell and passed unanimously by a voice vote of all Councilmembers present.

Approve Purchase of Equipment for Public Works

Mayor Dollar introduced **Resolution No. 1367** to approve purchase of a boom mower and tractor from thru Sourcewell Purchasing Cooperative at costs of \$104,768.52 for the John Deere and \$79,264.13 for the Tiger Boom to be used by the Public Works Department. Public Works Director Charlie Minor reported that these will replace old equipment that will be surplus and sold on GOVDEALS. There was a motion to approve made by Councilman Whitaker, seconded by Councilman Dink Myers and passed unanimously by a voice vote of all Councilmembers present.

Approve Lien for 2305 Luther Street Demo

Mayor Dollar introduced **Resolution No 1368** to approve lien (fixing of cost of demo) on property located at 2305 Luther Street (Jackie Robinson). The cost of demo and legal fees totaled \$11,332.00. Ordinance Officer Cheryl Smythe read the resolution and stated that all interested parties had been notified. There was a motion to approve made by Councilman Russell, seconded by Councilman Whitaker and passed unanimously by a voice vote of all Councilmembers present.

Breached Agreement from Resolution No. 12290

Mayor Dollar stated the next item was to address a breached agreement from Resolution No. 1290 concerning 3605 Smith Street. The revised agreement was sent to the Council and Building Department at 4:00 p.m. to day and the Council had not had time to properly review. An engineering report was not included.

- Mr. Byars attorney Barry Jones stated he made copies of it for the council but forgot to bring them and offered one copy to the council. Mr. Jones reported to the council that there were no structural issues on the foundation other than normal settling. He stated cracks do not make it defective.
- Councilman Wilson recommended carrying it over since the Council was given no time to review Councilman Russell stated there is only one timeline until October 2024. There needed to be a graduated timeline to have things done instead of waiting until October 2024. The agreement needs to be worked out by both sides with more specificity and accountability dates for milestones barring force majeure.

There was a motion to table till the next meeting made by Councilman Wilson, seconded by Councilman Russell and passed unanimously by a voice vote of all Councilmembers present.

Sales Tax Issues

Mayor Dollar announced that the next four items dealt with delinquent sales tax and stated that the sales tax was paid by the taxpayer not the business who are the agents to pay the money collected.

- Anthony Looney of A & D LLC located at 12841 U S Hwy 431 passed out a packet to the council stating that he had an arrangement to pay a collection agency and also has put in place an agreement to pay the current to Avenue. Councilman Whitaker read the City's record of him filing 8 times in 2021 and paid nothing but Dec, filing 6 times in 2022 and wrote bad check totaling \$3184.58 but did not file at all last 6 months of year and filed only twice in 2023 and did not pay. Mr. Looney said he is making payments on 2021 in 2023. When asked, the Clerk stated the amount owed with the figures from Avenue was over \$29,000. C. Whitaker stated that nobody wants a business to go under because of taxes, but we can't run a city without taxes. Councilman Whitaker suggested coming back at another meeting to make sure the taxes were being paid the way he presented he was going to pay and that the City Clerk agreed with the figures. Mr. Looney was cautioned against getting behind for 2024. Mr. Looney was instructed to purchase his business license and pay the taxes and report back to the Council. Councilman Russell asked Mr. Looney if he would keep each months taxes paid for 2024 in addition to making payment each month for the delinquent tax and Mr. Looney promised he would. Mr. Looney predicted he could be caught up in 6 or 8 months. Councilman Whitaker suggested to have Mr. Looney come back and report to the council and have the City Clerk confirm the payments have been made. Councilman Russell made it clear that if any payment were not made this year, his license would be revoked by the council. C Russell made a motion that we meet 2nd council meeting in April to see where we are and license will be revoked if any payments are not made, seconded by Councilman Dink Myers and passed on a voice vote with Councilman Watkins abstaining because he is related to Mr. Looney.
- Mayor Dollar called on Jennifer Tavar and Jose Adolfo Cepeda of Clase Azul Night Club & Bar located at 12361 US Hwy 431 S. for delinquent sales tax. Mr. Cepeda paid the first month sales tax through Avenue and then his accountant told him to use My Alabama Taxes and he did not pay it correctly and owes Sept, Oct, Nov, Dec 2023 taxes. Mr. Cepeda stated he owed \$5,675.63. When asked he said he could not pay today. He had a shooting that resulted in a death at the bar Christmas Eve and did not open in January. Mr. Cepeda did pay the liquor tax each month to the City. He stated that he was behind because his rent was still due each month and a relative had stolen \$8500.00 from him. He stated that he is trying to sell his truck and other possessions to catch up. Councilman Whitaker made a motion to have him pay the tax before purchasing a business license. Councilman Wilson stated that we needed to treat taxpayers equally. Councilman Whitaker stated there is a safety concern there. Councilman Russell made a motion to give time to Mr. Cepeda to get a payment plan or pay in full before the next meeting and that if either of these two were in place, the City Clerk could issue a business license. Motion was seconded by Councilman Wilson and passed on a voice vote.
- Mayor Dollar asked if Gabriel Escobar of Jessy Taco & Tortas located at 12383 US Hwy 431 S was in the audience. No representative was there. They received a certified letter to attend the meeting. Councilman Russell made a motion not to issue a license to that business until taxes are paid in full and if they are operating without a license, appropriate action should be taken. This was seconded by Councilman Whitaker and passed on a voice vote.
- Mayor Dollar called on Michelle Garrett of Legends Bar & Grill 7001 Val Monte Dr. Mrs Garrett stated her CPA paid the State taxes and did not pay the City taxes and she admitted she owed the money and promised that she will pay and will set up payments with Avenu.

Public Hearing for Casey's on the Lake

Mayor Dollar Announced that this portion of the meeting would be a public hearing for Casey's on the Lake LLC DBA Casey's on the Lake located at 7001 Val-Monte Drive, Guntersville, AL 35976 for a Restaurant Liquor License. The council asked if there were any relationship between April Simmons and the former owner. Ms. Simmons said there was not. No one spoke in opposition or support. There was a motion to approve made by Councilman Watkins, 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 | Absent | 7. Randy Whitaker | Abstain |
| 4. Carson Ray | Yes | 8. Leigh Dollar | Abstain |

Special Event Permit for Gunters Landing

Mayor Dollar entertained a motion to consider a special event license for Gunters Landing Holdings, LLC for the Chamber Banquet located at 2465 Paddle Wheel Drive March 21st, 2024. There was a motion to approve made by Councilman Whitaker, seconded by C. Ray 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 | Absent | 7. Randy Whitaker | Abstain |
| 4. Carson Ray | Yes | 8. Leigh Dollar | Yes |

Set Public Hearing for D. Ray Enterprises

Mayor Dollar entertained a motion to set a public hearing for D Ray Enterprises LLC DBA D Ray Enterprises located at 2320 Taylor Street, Guntersville, AL 35976 for a Special 360 Retail License. There was a motion to set the hearing for March 4th by Councilman Whitaker, seconded by Councilman Dink Myers passed unanimously by a voice vote of all Councilmembers present.

Rezone Request for 450 Reed Road

Mayor Dollar entertained a motion to set a public hearing for a rezone request for Quoc Van Tran and Jessica T Tran for property located at 450 Reed Road from RS1 to RM1. Mayor Dollar announced that this was not approved by the Planning Commission. There was a motion to set the hearing for March 18th made by Councilman Whitaker, seconded by Councilman Russell passed unanimously by a voice vote of all Councilmembers present.

Proclamation for Jack Powers

Mayor Dollar announced a Proclamation for Jack Powers who had made many contributions to the Industrial Development Board for many years.

Announcements:

- Wild Irish Run will be held March 16th

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 March 5th 2024 at 12:00p.m. at the Guntersville Town Hall

PASSED, APPROVED AND ADOPTED THIS THE 5th DAY OF MARCH 2024.

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

LEIGH DOLLAR, MAYOR

ATTEST: _____
BETTY JONES, CITY CLERK