

Attorney: Airport property was never deeded to Authority

By Tommy Campbell
The Choctaw Sun

BUTLER — A new wrinkle was introduced Monday into what was already a confusing situation regarding the Choctaw Co. Airport Authority, when it was reported that the Airport property was apparently never deeded to the governing board that has been overseeing it for at least the past 17 years.

Attorney Lee McPhearson said that while the Airport Authority has been an active board, there is no deed on file in the Courthouse to show where the property was ever transferred to the Authority.

"So the ownership is still in name of the Choctaw County Commission," McPhearson said. "There is nothing on record to show that a lease agreement was ever executed."

Probate Judge D'Wayne May commented that, "it appears that a number of things that should have been done in 1990 when the Authority was set up were not taken care of."

"That leaves us in a position," May said. "Do we want to reactivate that Authority and lease or transfer ownership, or else let the Commission take over operation of the airport?"

Jack McLemore, apparently the only remaining Authority board member whose term has not expired, said that the Authority wants to do whatever it can to keep the airport open.

In December, the county was notified by the Alabama Dept. of Transportation that the Airport's license was being suspended because it had failed inspection due to a number of deficiencies and violations of state and federal regulations regarding airport safety.

"We reviewed the violations, and met with Volkert and Associates on March 22," McLemore said, referring to the engineering firm that the Authority has contracted with to secure and implement a state grant amounting to several hundred thousand dollars.

The state inspection revealed a number of tall trees at the west end of the runway that were in what is known as an aircraft's "approach zone" to the runway, damaged or blown-out runway lights, shoulder drop-offs at the runway pavement and other issues.

"An ALDOT representative was also at that meeting and gave us some insight on how we can correct these violations," McLemore said. "Most of it is not very serious. We had trouble identifying the specific trees in the approach zone, but we included that in the contract and if Volkert will identify all of the trees in the near future, we agreed to let them do it."

McLemore said that there has been extensive damage to as many as 40 of the runway lights.

"What we want to do is try to get the airport reopened for daytime operation to give us time to correct the lighting situation so that we can have night landings again," he said.

McLemore said that, in order to obtain the grant, and in keeping with new Homeland Security regulations regarding airports, the Authority must submit a security plan for the facility.

"Choctaw County is not real high on terrorist lists," McLemore said, "but if we don't submit a security plan, we won't get this grant." McLemore said he is almost through with the plan but needs some information from county officials to complete the document.

"I plan to fax this draft to ALDOT and let them advise me of any changes that need to be made," he added.

A long-time licensed pilot, McLemore said that another issue adding to the confusion is the name of the facility, which is officially called the Butler/Choctaw County Airport.

"There is some confusion as to whether the City of Butler has any responsibility there," he said.

Commissioner Dandy Brown asked how many board members the Authority has.

"I honestly don't know, at this point," McLemore said. "I know I'm on it, and we have Jeremy Aldridge and Claude Owen. We nominated Butch Owen and Arthur Ward but that's still hanging in the air right now."

The Commission several meetings ago balked at appointing any new members until an unspecified future date after attorney McPhearson advised that any current board members may continue to serve, even if their term has expired, until a successor is appointed.

McLemore's term expires in November, 2007. Jeremy Aldridge's term expired in 2005, and Owens' expired in 2006. One former member was removed by death — Dr. Keith Aldridge, who passed away last year. His term would have also expired in November of this year.

May said he thought it best for McPhearson to discuss all options with the Commission before a decision is made.

"If you get money from the federal government, they are going to require strict security and other measures," May said. "Before we make a decision we need to know if this will require a 24-hour manager, a security guard, and a number of other

things we need to know before we can make a sound decision."

May said that decisions up until this point have been predicated on the assumption that the Authority owned the airport property.

"The thinking was that they were going to apply for the grant, that they were going to decide how to spend it," he said. "But after researching the records, we find out that the Choctaw County Commission never divested itself of the property."

And that could turn out to be a problem, McPhearson added.

"It could affect the grant," he said. "The Commission may have to re-submit the grant, I just don't know at this point. It needs to be looked at very carefully before they go too far with it."

McPhearson said that if the grant is voided or withdrawn because of the ownership issue, the county could find itself liable for any amounts incurred by the contractor — Volkert — up until this point.

Insurance coverage is also an issue, he said.

May said that a representative of the county's insurance carrier was in town last week and that the airport was one of the issues discussed.

"After that meeting, I got a letter asking us to advise them who is running the airport and whose name the title is in," May said. "There's not much we can do until those questions are resolved."

McPhearson said that one "can't help but conclude that it was the Commission's intention at the time" to deed the property to the Authority.

"But that has to be determined," he said.

Commissioner Brown recalled that the county — at one point in the 1980's — had secured a 10-year

lease with the Smith family, which owns the property on the west end of the runway, to allow the county to keep the offending trees cut.

McLemore said that, in order to get the grant, the Authority must own the property at both ends of the approach zone.

"Volkert is in the process of finding out who owns those properties, and seeing if the property can be bought," he said. "Much of this grant will be eaten up buying this property, but if that can be done, we won't be burdened with this anymore."

But that in itself brings up another potential problem, May said.

"What if that property cannot be purchased?" he asked. "Then you would have to go through condemnation proceedings. How long is this grant for?"

"Volkert doesn't see any problem" McLemore said. "The contract has been signed for the first phase, but we couldn't make extended plans until we find out how much the land will cost."

May asked if Volkert is willing to do all of the necessary work pending receipt of the grant.

"In the event that the grant fails, who's going to pay for all of that work?" May wanted to know.

McPhearson said the contract is between the Authority and Volkert, not the Commission. But, May countered, since the county still owns the property, is there a clause that says the county is not responsible if the grant should not be forthcoming.

McLemore said Volkert told the Authority that they would bill the county and the county would be reimbursed through the grant.

May asked if anyone on the board recalled a meeting in November or December, just prior to his taking office, when

applying for the grant under the auspices of the Commission could have been discussed.

"If I recall, there was some discussion at that meeting, before I took office, toward getting the board members reappointed and that the former members would remain on board until successors were appointed," he said. "I recall somebody saying that the grant was being submitted in name of the Choctaw Co. Commission."

May continued by saying that, unless the proper groundwork is laid, "all of the grandiose ideas in the world are a waste of time and money."

"The Commission does not want to be billed for a contract until it has been approved by the Commission," he said. "Grants are a wonderful thing but you have to stay on top of it because if you don't you end up having to pay money back if it is not spent properly."

Treasurer Alice Carol Smith said that the Commission passed a resolution on Nov. 14th, 2006, agreeing to allocate \$7,045.50 in matching funds from the Airport Authority's \$15,000 annual budget for use in getting the \$281,000 grant.

"That was my first meeting as a commissioner, and we were told that they were going to lose this grant if something wasn't done by the next day," Commissioner Henry Lovette said.

But, May said, with the new information that has come to light, the board needs legal counsel to determine if the grant application was properly filed, and time to decide whether to keep the airport in the county's name, or to appoint new members to the Authority, transfer the property and let that group "get on with its business."

Grand Opening of Toxey Walking Trail set for Sunday, April 15

TOXEY — A grand opening celebration and ribbon cutting for the new Toxey Walking Trail will be held on Sunday, April 15, 2007 at 2 p.m. with a reception to follow at the historic, renovated Toxey Masonic Lodge.

The project began in 2000 when Rodney Oglesby, who at that time was Mayor of Toxey, began to make plans for a "Toxey Town Park". The Toxey Historical Society moved the Lodge to the old railroad bed site in that year and then-Mayor Oglesby began seeking funds to renovate the building for use as a Community Center.

An application for a grant was submitted in 2001 and about a year later, the town received \$100,000 to be used toward the renovation.

The upstairs-phase of the renovation was begun in 2003. Many volunteers spent countless hours working on the upstairs portion of

the building, with the Historical Society and the Town of Toxey supplying the funds. This phase was completed in the early part of 2004.

Then-Mayor Oglesby, with the support of Norman Burton, of the Alabama Resource, Conservation and Development Agency, began working on a grant application through ADECA for funds for a walking trail.

An application was submitted in 2004 but funding was denied because of issues with a deed. In 2005, with the corrected warranty deed and an update on cost estimates in hand, an application was submitted again for funds for the 2006 year.

The walking trail project was funded in April 2006, and work on the project began immediately. The trail was completed in November 2006.

Funding for the walking trail

was from the ADECA/Recreational Trails Program Grant (80 percent) and a 20 percent match from the Town of Toxey and the Choctaw Co. Parks and Recreation Board.

"We are really proud of our park and glad to have this park and walking trail completed for all to enjoy", said current Mayor Jeanette Carney.

"We welcome everyone to join us for the grand opening of the Toxey Walking Trail at the Toxey Town Park", said current Council Member and former Mayor Rodney Oglesby.

The Park includes not only the quarter-mile walking trail, but picnic tables and the restored Toxey Masonic Lodge as well. This setting will be used this year for the Toxey Reunion that is scheduled for the following week (Saturday, April 21st.)

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Calendar

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Saturday, April 14th (continued)

FAMILY AND FRIENDS of the late Hattie Abston James are invited to the Gilbertown Nutrition Center, beginning at 10 a.m., for an old-fashioned dinner to celebrate the birthdays of Christine James and Ferrell James. Bring a covered dish and any photos and histories you would like to share. Meal served at noon.

THE GILBERTOWN BASS CLUB, A&D Sporting Goods and McGraw-Webb Chevrolet will sponsor an open bass tournament at Coffeeville's Service Park above the Coffeeville Lock and Dam. The launch site will be Service Park Landing off Hwy. 84. Entry fee is \$80 per boat, which includes the luncheon and lunch fee. First place is a guaranteed \$1,000. The tournament will begin at safe light and conclude at 3 p.m. For more information call Ben Etheridge at 251-276-3449 or Mike Thorn at 251-843-2668.

Sunday, April 15th RIBBON CUTTING AND RECEPTION, Walking Trail dedication, Toxey Town Park, 2 p.m.

COLORAMA PROGRAM, Mt. Olive Baptist Church of Butler, 2 p.m. Rev. Bobby Ray Bolton,

guest speaker. Rev. Cleo McGrew, Sr. pastor.

Monday, April 16th CHOCTAW COUNTY PARKS AND RECREATION BOARD meeting, 5 p.m., Courthouse.

Tuesday, April 17th HEALTH COUNCIL MEETING, noon, Extension Office. Call 205-459-2133.

Saturday, April 21st TOXEY REUNION, 9 a.m. till 3 p.m., at the Toxey Town Park between the Vol. Fire Station and the restored Masonic Lodge.

AIMWELL CEMETERY MEMORIAL, Marengo County.

Tuesday, April 24th AARP SUPPER MEETING, 6 p.m., Butler Senior Citizens Center, Ridewood Drive.

Saturday, April 28th BEAUTY PAGEANT, Southern Choctaw Elementary, 6 p.m. in the gym at SCS. Admission \$5 each. This event is a fundraiser for the Parent Teacher Organization.

DIXIE YOUTH TOURNAMENT, sponsored by Regions Bank. Teams from Butler, Gilbertown, Livingston and other towns will be participating. More details will be announced next week.

Monday, April 30th SCES PTO MEETING/PARENT CON-

FERENCES, 6 p.m., in the gym. Grades 4 and 5 will present the program. Election of new officers.

Thursday, May 3rd NATIONAL DAY OF PRAYER.

Friday, May 11th CHOCTAW CO. RELAY FOR LIFE county-wide event, old Vanity Fair property, Butler. Late afternoon through the night. Watch the Sun for more details.

Fri., July 6th — Sat., July 7th FAMILY REUNION, Sammie and Sherry Moss home, 2510 Ala. Hwy. 10, Lisman. Any family member who would like to participate, please call Shirley Moss Portis at 205-392-5221 or Sammie Moss at 205-398-2144.

August 17th —19th CHOCTAW CO. PICNIC AND REUNION WEEKEND, Atlanta, Georgia. For more information call 770-964-8202, or email seletha96@bellsouth.net., Jennifer Fluker at 678-227-3181 or Jennifer.fluker@adp.com, or Raquel Hampton at 404-547-0064 or rqhmp@aol.com.

Saturday, Oct. 6th "A CONCERT FOR CHOCTAW COUNTY: The Ty Herndon 2007 Homecoming", sponsored by Gilbertown and Friends Relay for Life Team, to be

held in conjunction with Oktoberfest. Watch the Sun and listen to WPRN Radio for ticket information.

Friday, Oct. 12th and Sat., Oct. 13th FOURTH ANNUAL BUTLERFEST. The Backyard Cook-Off will be held Friday (12th) and the Memphis in May Event will be Saturday (13th). If you have questions please call the Butler City Hall at 205-459-3795 or email butlercityhall@tds.net.

Changes made to Sun's office hours schedule

GILBERTOWN — Effective immediately, the **Choctaw Sun's** Butler office will be open as follows:

Mondays, Tuesdays, Thursdays and Fridays, 9 a.m. until 4 p.m. and 8 a.m. until 12:30 p.m. on Wednesdays.

The Gilbertown office will be open Mondays, Tuesdays, Thursdays and Fridays from 8 a.m. until 5 p.m. and from 8 a.m. until 1 p.m. on Wednesdays.

Remember that the deadline for placing items in the paper is **MONDAYS** at 9 a.m.

Just as a reminder, The **Sun** will be closed April 6th in observance of Good Friday.