

**MINUTES OF THE
SCOTTSBORO CITY COUNCIL
MARCH 18, 2019**

The City Council of the City of Scottsboro, Alabama met on March 18, 2019 at 6:00 p.m. in the Gail J. Duffey Auditorium of the Scottsboro City Hall.

The meeting was called to order by Council President Patrick Stewart. Invocation was given by Council Member Gary Stewart. The Pledge of Allegiance was led by Council Member Richard Bailey. The roll was called by the City Clerk Whitney Phillips with the following results:

Present:	Council President:	Patrick Stewart
	Council Members:	Richard Bailey Greg Mashburn Gary Stewart Mike Ashburn
Absent:		none

Also present were Mayor Robin Shelton, City Attorney Stephen Kennamer and City Clerk Whitney Phillips.

Council President Patrick Stewart called for a motion to adopt the agenda as prepared. Motion was made by Council Member Gary Stewart and was seconded by Council Member Mike Ashburn. No discussion. Upon vote being taken all voted aye. The Council President declared the agenda adopted.

A motion was made by Council Member Greg Mashburn and was seconded by Council Member Richard Bailey to approve the Minutes of February 25, 2019. No Discussion. Upon a vote being taken all members voted aye. The Minutes were declared adopted by the Council President.

OLD BUSINESS:

NONE

NEW BUSINESS

**CONSIDER JACKSON COUNTY SPAY NEUTER TOURISM
GRANT APPLICATION**

Council President Patrick Stewart called for a motion to approve the tourism grant application for Jackson County Spay Neuter car show for \$3,500.00. Motion was made by Council Member Gary Stewart and seconded by Council Member Richard Bailey. Council Member Greg Mashburn asked for a balance and activity information on the Tourism Grant account. Upon a vote being taken all members voted aye.

CONSIDER RESOLUTION 2019-03-08: SUPPORT HB61

RESOLUTION 2019-03-08

**A RESOLUTION IN SUPPORT OF 2019 LEGISLATION IN THE
ALABAMA LEGISLATURE KNOWN AS HOUSE BILL NUMBER 61
REGARDING TIER I AND TIER II OF THE EMPLOYEE
RETIREMENT SYSTEM**

WHEREAS, Section 36-27-605, *Code of Alabama, 1975* which separates all employees hired after January 1, 2013 into “Tier II” of Employee Retirement System (“ERS”); and

WHEREAS, the Tier I and II separation created by Section 36-27-605, *Code of Alabama, 1975*, has proven detrimental to the City in the need to retain employees as the Tier 2 retirement benefits are not attractive to younger/newer employees; and

WHEREAS, the City of Scottsboro has recognized the need for retainage and longevity of employees, especially Fire and Police Departments; and

WHEREAS, House Bill 61 was pre-filed in the 2019 Regular Session of the Alabama Legislature which includes, but is not limited to the following:

- Allows municipalities to allow employees to change to Tier I benefits if the municipality passes a Resolution to allow said option; and
- If the municipalities elects to opt in, HB 61 provides Tier II employees under the ERS Tier I benefits when that employee is eligible to retire; and
- The cost of the change in benefits is covered by an increase in payroll contributions by the employee: General employees contribution will be 7.5% and public safety employees will pay 8.5%; and
- If the municipality elects to allow the opt in, the change will be made effective the next fiscal year following receipt by ERS; and
- Said opt in is irrevocable once accepted by the municipality; and

WHEREAS, a copy of proposed House Bill 61, 2019 Regular Session of the Alabama Legislature is marked as Exhibit A, attached to and incorporated into this Resolution Number 2019-03-08 as if written fully therein.

WHEREAS, the Mayor and City Council have reviewed House Bill 61 of the 2019 Alabama Legislative Session and feel it is in the best public interest to support the passage of the legislation and join together to urge the legislators to stand in support of proposed legislation.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBORO, AS FOLLOWS:

1. The Mayor and City Council of the City of Scottsboro urges the congressional delegation to support all efforts to pass and enact House Bill 61 of the 2019 Legislative Session; and
2. This Resolution Number 2019-03-08 shall be signed and a copy filed with each Representative and Senator representing this district; and
3. This Resolution Number 2019-03-08 shall become effective immediately upon adoption and approval.

Adopted and Approved this the 18th day of March, 2019.

Mayor

Attest:

City Clerk

Council President Patrick Stewart called for a motion to approve Resolution 2019-03-08. Motion was made by Council Member Mike Ashburn and seconded by Council Member Richard Bailey. No discussion. Upon a vote being taken all members voted aye.

**CONSIDER RESOLUTION 2019-03-09: AWARD CONTRACT
MOWING BID**

RESOLUTION 2019-03-09

WHEREAS, The City of Scottsboro, Alabama is in need of Mowing Services, and

WHEREAS, Section 41-16-50 through 41-16-63, Code of Alabama 1975 authorizes the municipal governing body to secure sealed bids; and

WHEREAS, Section 11-45-2(c) of the Alabama Code of 1975 authorizes the municipal governing body to accept bids by the adoption of a resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Scottsboro, Alabama as follows:

Section 1. That the City of Scottsboro posted one (1) bid, four (4) bid packets were picked up at the pre-bid meeting, and three (3) bids were received for the mowing service.

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|---|--------------|
| 1. Stapler's Lawncare (Scottsboro, AL) | 65,250.00/yr |
| 2. Right-Way Services (Scottsboro, AL) | 42,800.00/yr |
| 3. Mountain Top Maintenance (Section, AL) | 42,225.00/yr |

Section 2. It is recommended by the Bid Review Committee that the bid be awarded to Mountain Top Maintenance for a term of one (1) year, with the option to renew for one (1) year, as the lowest responsible bidder that met specifications.

Adopted this the 18th day of March, 2019.

Council President, Patrick Stewart

City Clerk, Whitney Phillips

Council President Patrick Stewart called for a motion to approve Resolution 2019-03-09. Motion was made by Council Member Greg Mashburn and seconded by Council Member Mike Ashburn. City Attorney Stephen Kennamer explained that the 3% local preference rule does not apply to contracts for services. Upon a vote being taken all members voted aye.

CONSIDER RESOLUTION 2019-03-10: OPPOSE SB23

RESOLUTION 2019-03-10

**A RESOLUTION OF THE CITY OF SCOTTSBORO OPPOSING ANY ACTION
BY THE ALABAMA LEGISLATURE THAT WOULD RESTRICT OR REMOVE
MUNICIPAL POLICE OR PLANNING JURISDICTIONS**

WHEREAS, there are currently pending before the Alabama Legislature bills, specifically SB23 by Sen. Elliot, which would restrict or remove municipal authority to exercise police and planning jurisdictions; and

WHEREAS the City of Scottsboro and other municipalities enforce municipal Police and/or Planning Jurisdictions to insure the public health, safety, and welfare in these areas and to assist in the planning of future growth for economic development; and

WHEREAS, the City of Scottsboro provides services such as accident responses, 911 calls (including Police, Fire and EMS), robberies, assisting the county on all calls in our police jurisdiction; and

WHEREAS, loss of these services could cause significant harm to citizens and businesses in the police jurisdiction, including potential increases in business and home owner's insurance as a result of increased ISO ratings and possible delayed response times for public safety; and

WHEREAS, the loss of revenue due to this change would cause a detrimental effect on our city; and

WHEREAS, loss of these services to citizens by City of Scottsboro will result in either increased costs to the county to assume responsibility for those services or force citizens to do without those services if the county cannot afford to assume them.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SCOTTSBORO, ALABAMA, that the City Council hereby urges the Alabama State Legislature to oppose Senate Bill 23, and any other bills that would restrict or remove municipal police or planning jurisdiction authority.

Adopted this 18th day of March, 2019.

Attest:

City Clerk

Mayor

Council President Patrick Stewart called for a motion to approve Resolution 2019-03-10. Motion was made by Council Member Mike Ashburn and seconded by Council Member Richard Bailey. City Attorney Stephen Kennamer gave an overview of the bill. Upon a vote being taken all members voted aye.

CONSIDER BUDGET AMENDMENT FOR FIRE DEPARTMENT

Council President Patrick Stewart called for a motion to approve a budget amendment for \$1,118.88 for the Fire Department. (Account 01-02-5560) Motion was made by Council Member Mike Ashburn and seconded by Council Member Greg Mashburn. No Discussion. Upon a vote being taken all members voted aye, Council Member Bailey abstained from voting due to relation to employee.

CONSIDER LEASE AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD

Council President Patrick Stewart called for a motion to approve the lease agreement with the Industrial Development Board for the Winsouth Credit Union building. Motion was made by Council Member Richard Bailey and seconded by Council Member Gary Stewart. No Discussion. Upon a vote being taken all members voted aye.

**ANNOUNCE REQUESTS FOR APPLICANTS FOR
MUNICIPAL JUDGE**

Municipal Judge Scott Berry resigned effective 3-31-2019. His term expired September 2020. Anyone interested in finishing the term should apply in writing to the City Clerk's office by 12 noon on Monday, March 25, 2019.

REPORTS AND ANNOUNCEMENTS

There were no delegations.

Mayor Robin Shelton gave an update on the striping on Broad Street and the Service Road across from Walmart.

Council Member Richard Bailey asked about the status of our recycling program.

Council Member Greg Mashburn gave an update from CDG on the Landfill expansion; stated that we would need to have an SWDA meeting soon to review the permit.

Council Member Gary Stewart thanked everyone for coming.

Council Member Mike Ashburn reminded everyone to fill out a voluntary contribution form from Water, Sewer & Gas to contribute to the School Resource Officer Program.

Council President Patrick Stewart gave a report on the Council's recent trip to the NLC Conference in Washington D.C.

There being no further business to come before the Council at this time, Council President Patrick Stewart called for a motion to adjourn. Motion was made by Council Member Gary Stewart and seconded by Council Member Mike Ashburn. Upon a vote being taken all members voted aye. Meeting adjourned at 6:15 pm.

Date Approved: March 25, 2019

CITY OF SCOTTSBORO

Patrick Stewart, Council President

Attest:

Whitney Phillips, City Clerk

Robin Shelton, Mayor

ATTEST:

Whitney Phillips, City Clerk