

**MINUTES OF THE
SCOTTSBORO CITY COUNCIL
JULY 10, 2023**

The City Council of the City of Scottsboro, Alabama met on July 10, 2023 at 5:00 p.m. in the Gail J. Duffey Auditorium of the Scottsboro City Hall.

The meeting was called to order by Council President Richard Bailey. Formalities were given at the preceding Work Session. The roll was called by the City Clerk Whitney Phillips with the following results:

Present:	Council President:	Richard Bailey
	Council Members:	Nita Tolliver Mike Ashburn Donna Fredrick
Absent:		Ralph Dawe

Also present were Mayor Jim McCamy, City Attorney Stephen Kennamer and City Clerk Whitney Phillips.

Council President Richard Bailey called for a motion to adopt the agenda as read. Motion was made by Council Member Nita Tolliver 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 Donna Fredrick and was seconded by Council Member Nita Tolliver to approve the Minutes of June 26, 2023. 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 ALLOCATION FROM THE TOURISM GRANT
FUND FOR THE SCOTTSBORO BBQ FESTIVAL (OCTOBER
2023)**

Council President Richard Bailey called for a motion to approve the allocation from the tourism grant fund for the Scottsboro BBQ Festival. Motion was made by Council Member Mike Ashburn to approve \$10,000 for the festival. Motion was seconded by Council Member Nita Tolliver. No discussion. Upon a vote being taken all members voted aye.

CONSIDER 772 AGREEMENT WITH FIVE BELOW

Council President Richard Bailey called for a motion to approve the 772 agreement and all documents with Five Below. Motion was made by Council Member Nita Tolliver pending receipt of public notice. Motion was seconded by Council Member Donna Fredrick. No discussion. Upon a vote being taken all members voted aye.

CONSIDER ORDINANCE 650 RELATED TO SHORT-TERM RENTALS

ORDINANCE NO. 650

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Scottsboro, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. The Municipal Code of the City of Scottsboro, Alabama is hereby amended to allow for short-term rentals.

Article I – Short Term Rentals

Section A – Scope, findings, and purpose.

- (a) This Article applies to all short-term rentals and short-term residential rentals, as defined herein, within the city for periods of less than thirty (30) days. Nothing in this Article affects the right of the city to impose or collect other applicable fees, charges, or penalties or take other appropriate action to remedy a violation of other ordinances or laws. The mayor and/or his designee has the authority to promulgate and adopt policies to carry out the provisions of this Article.
- (b) The Rental of Dwellings and Dwelling Units, or any portion thereof, for temporary occupancy for short term rentals and/or short-term residential rentals has been identified as a community concern due to the potential for increased crime, traffic, noise, high occupant turnover, and density in the city’s residential zoning districts.
- (c) The number of occupants occupying short-term rentals and short-term residential rentals has the potential to create a danger to the health and safety of the residential neighborhood, nearby residential properties, neighborhood areas, and residential zoning districts.
- (d) The purpose of this Chapter is to establish regulations for the use of short-term residential rentals in order to provide the framework for a permit system regulating these facilities; impose operational requirements to minimize the potential adverse secondary effects of such uses, including, but not limited to, traffic, noise and density; prevent the increase and over concentration of transient uses in residential neighborhoods and zoning districts; impose reasonable limitations to ensure the long-term availability of housing stock; ensure neighborhood compatibility and maintain harmony with surrounding uses; ensure the collection and payment of taxes; to protect the health, safety and welfare of transient occupants and guests patronizing short-term rentals; and to protect the health, safety, and welfare of the city’s residents.
- (e) The City Council finds that the restrictions established in this article are necessary to protect the public health, safety, and welfare of the residents of the city and the integrity and residential character of the city’s residential zoning districts.

Definitions. For the purposes of this Articles, the following definitions shall apply unless the context clearly indicates a different meaning:

- (a) “*Dwelling*” shall mean a building used, intended, or designed to be used as an abode.

- (b) *“Dwelling Unit”* shall mean (i) any portion of a Dwelling used, intended, or designed as a separate abode within or on the property of a Dwelling, such as a garage apartment, or (ii) any portion of a Dwelling, such as a room.
- (c) *“Owner”* shall mean a Person who has a legal right to possess real property, whether as owner, lessee, sublessee, mortgagee in possession, or licensee.
- (d) *“Person”* shall mean any individual.
- (e) *“Remuneration”* shall mean compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
- (f) *“Rent”* shall mean the consideration or remuneration charged (regardless of actual receipt) in money, goods, labor, or otherwise, including all receipts, cash, credits, property, or services of any kind for the occupancy or possession of space of a Dwelling Unit.
- (g) *“Rental”* shall mean an arrangement between a Transient and an Owner whereby Rent is received in exchange for the right to possess a Dwelling Unit.
- (h) *“Short-term rental”* shall mean (i) the Rental of any Dwelling Unit to a Transient for overnight occupancy for short-term rental purposes.
- (i) *“Short-term rental property”* shall mean a property that is utilized by an Owner for short-term rental(s) purposes as allowed by this article.
- (j) *“Short-term Rental Platform”* is defined as any marketplace that facilitates short-term rentals, through advertising, matchmaking or other means, from which the platform derives revenues, including booking fees or advertising revenues, from or maintaining the marketplace.
- (k) *“Short-term Residential Rental”* is defined as a residential rental where one or more rooms of a Dwelling, the main use of which is residential living, is rented for no more than thirty (30) consecutive days.
- (l) *“Transient”* shall mean those Persons (whether one or more) who reside, possess, or inhabit a Dwelling Unit as defined by this article for a period of less than thirty (30) consecutive days, counting portions of calendar days as full days.

Short-term Rentals of Dwelling Units – Generally. It shall be unlawful for a Person to Rent any portion of a Dwelling Unit to a Transient without complying with the provisions of this Article. The provisions of this article shall not supersede the prohibition of short-term rentals by a homeowner’s association or by other covenants agreed upon by the owner of a property.

Allowed Rentals. Short-term Residential Rentals, as defined by this article, are allowed within the city limits of Scottsboro, Alabama subject to the provisions of this Article.

Annual Permit and Business License required for all Short-term Rentals. An annual short-term rental permit and business license shall be issued by the appropriate city department to any such Owner complying with the provisions of this section. An Owner shall be required to obtain a short-term rental permit for the property on which the short-term rental will occur. An Owner shall be required to obtain only one business license to operate short-term rentals within the city.

(a) **Short-term Rental Permit.**

- (1) *Generally; Duration and Expiration of Permit.* The Building Inspections Department shall be responsible for the issuance of short-term rental permits. Each short-term rental permit will begin on the date of issuance and expire on December 31st of each year.

- (2) *Permit Fee.* Each short-term rental permit application shall be accompanied by a nonrefundable fee of \$25.00 to help defray the city's cost of processing and reviewing the application.
- (3) *Permit Requirements.* Applications for a short-term rental permit shall be on a form prepared by the Building Inspections Department and shall include a minimum of the following:
 - (i) Name of the Owner of the property to be utilized for short-term rental purposes and contact information therefor, including the owner's cell phone number and email address if the Owner is a lessee in possession of the property;
 - (ii) Physical address of the property to be utilized by the Owner for short-term rental purposes;
 - (iii) Name of the emergency contact for the Owner of the short-term rental property, or his or her agent, who is able to respond on premises to complaints at any time during the day or night when the property is occupied by a Transient, including the emergency contact's primary physical mailing address, cell phone number, and email address;
 - (iv) Sworn statement acknowledging receipt of this article and that each of the following is true and accurate:
 - (a) The Dwelling Unit has code compliant smoke detectors and carbon monoxide alarms installed, as required by the most currently adopted and applicable International Fire Code and International Building Code, and as otherwise determined as necessary by the fire marshal and/or Building Inspections Department representative.
 - (b) The Dwelling Unit has posted emergency contact information and diagram/floor plan indicating fire exits and escape routes displayed in a prominent location within the Dwelling Unit.
 - (c) The Dwelling Unit is in compliance with applicable provisions of the city's minimum property maintenance, building, electrical, mechanical and plumbing codes.
 - (d) The property on which the Dwelling Unit sits is in compliance with all the standards and requirements under the zoning ordinance.
 - (e) The Owner has made best efforts to notify the properties immediately adjacent to the desired short-term rental of the application.
 - (f) The property has no outstanding taxes or municipal code violations present thereon; and
 - (v) a list of short-term rental platform(s) that will be used by the Owner to advertise or solicit the property for use as a short-term rental; and
 - (vi) such other information required by the Director of Building Inspections or designee.

- (4) *Documents Required for Permit Process.* The following documentation shall be provided by an applicant along with the short-term rental permit application:
- (i) A copy of the applicant's driver's license or government issued identification.
 - (ii) A copy of the deed evidencing ownership of the property on which the Dwelling Unit sits or a copy of the legal instrument through which the applicant claims the right to possess the property as an Owner.
 - (iii) A list of the short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
 - (iv) A certificate of insurance evidencing current, valid liability insurance either showing:
 - (1) a rider on a homeowner's policy that expressly covers short-term rentals and provides a minimum of one-million dollar (\$1,000,000.00) liability and personal injury coverage; and/or
 - (2) a commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of one million dollars (\$1,000,000.00) of liability and personal injury coverage. Said insurance shall indicate the policy shall not terminate or be cancelled prior to completion of the then current permit period without a thirty (30) day written notice to the city sent in writing to the City of Scottsboro, Alabama, Attn: City Clerk, 316 South Broad Street, Scottsboro, Alabama 35768.
- (5) *Permit Issuance.* Upon submission of the information required herein and the requested documents and the review and approval thereof, the Director of Building Inspections or his/her designee shall issue an annual Short term Rental Permit.
- (i) Short-term Rental Permit Requirements. A short-term rental permit issued by the city shall contain at least the following information:
- (a) the address of the short-term rental property.
 - (b) the permit holder's name;
 - (c) the Owner's contact information, including name, cell phone, and email, for complaints by guests and/or neighbors who shall be available at any time to respond to on-premises complaints concerning the short-term rental;
 - (d) dates of permit duration and expiration; and
 - (e) any other information deemed necessary by the Director of Building Inspections.
- (6) *Continual compliance with requirements of Article required; Fraud, misrepresentation, and/or false statement in short-term rental application.* All requirements set forth in this Article herein shall be continuously

maintained by an Owner of a short-term rental property for the duration of any permit period. Furthermore, any fraud, misrepresentation, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental permit by the City Council.

- (b) **Business License.** Any Owner or other Person engaged in the business of operating a short-term rental within the city shall pay for and take out such license in such manner and in such sums as provided in the Scottsboro License Code.

Limited Occupancy; Parking Restrictions. No Dwelling Unit utilized for short-term rentals shall exceed the maximum guest occupancy of two persons per bedroom or such other occupancy number as determined by the fire marshal. Subject to the limitations of parking availability within the subject property, one (1) parking space per bedroom is required at each Dwelling Unit for use by the short-term rental property. Transients must park all vehicles within designated parking areas of a short-term rental property, which is limited to the driveway, garage, or carport of the property. Overnight street parking by Transients is strictly prohibited.

Suspension and Revocation of Short-term Rental Permit.

- (a) If three (3) valid and substantiated complaints are received by Scottsboro Police within a twelve-month period concerning a short-term rental property, then the Owner's short-term rental permit shall be suspended by the City's Building Inspections Department for a period of no less than six (6) months.
- (b) If an Owner has his/her short-term rental permit suspended for a second time within two (2) consecutive years, then suspension of such short-term rental permit for the second consecutive year shall be for a period of no less than twelve (12) months.
- (c) If an Owner has his/her short-term rental permit suspended for a third time within three (3) consecutive years, the short-term rental permit shall be revoked permanently.
- (d) An Owner may appeal the suspension or revocation of a short-term rental permit to the City Council by serving written notice of appeal to the City Clerk within seven (7) days of the suspension or revocation. The appeal will be heard no later than thirty (30) days following such appeal at the next regularly scheduled City Council meeting.

Violation; Penalties; Process.

- (a) Any Person that has violated or continues to violate this article shall be guilty of a violation. Each act of violation and/or each day upon which any violation shall occur and/or continue to exist shall constitute a separate offense punishable as described herein.
- (b) Upon the determination of the building official of the city or his designee that a violation of this article exists, a written notice of violation shall be issued to all Persons in violation of this article or any one of them. Such notice shall be issued by first class mail or hand delivery. Service shall be deemed effectuated by first class mail on the third day following the date of mailing or upon hand delivery. The notice shall (a) identify the violation, (b) include a correction order specifying the action required to comply with the provisions of this article, and (c) include a specified time within which to comply. If a violation is not sufficiently corrected in the opinion of the building official within the specified period of time contained in the notice, then a citation and/or notice to appear may be issued by the building official or other enforcement officer directing all Persons or any one or more of

them to appear in the municipal court at a time and date stated therein to answer to such violation(s). The defendant(s) shall have all rights secured to persons charged in the city with violations generally. If a defendant is found guilty by the municipal court, the court may impose a fine or imprisonment or both in accordance with the provisions of the Code.

Civil Penalties. A violation of any portion of this article constitutes a public nuisance per se. The city, as an additional or alternate remedy, may institute equitable or injunctive proceedings in a court of competent jurisdiction to abate uses prohibited by this article.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Scottsboro hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. That the City Clerk of the City of Scottsboro is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

Section 8. SHORT TERM LODGING TAX RATES. Any person in the city or its police jurisdiction who rent a short term rental property shall pay a lodging tax in the amount to be determined by adding 7% plus \$2 per night if in the City Limits of the fee or charge for the use of the rental or 3½ % plus \$1 per night if in the City's Police Jurisdiction. All fees shall be paid by the owner/operator to the city on a monthly basis.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Scottsboro does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Scottsboro.

Approved this the 10th day of July, 2023.

CITY OF SCOTTSBORO, ALABAMA

By: _____
President of the City Council

ATTEST:

City Clerk

APPROVED by the Mayor of the City of Scottsboro, on this the _____ day of _____, 20____.

Mayor of the City of Scottsboro

ATTEST:

City Clerk

Council President Richard Bailey called for a motion to approve Ordinance 650 and amend the business license NAICS code 721111 to include short-term rentals. Motion was made by Council Member Donna Fredrick and seconded by Council Member Nita Tolliver. No discussion. Upon a vote being taken all members voted aye.

**CONSIDER BUDGET AMENDMENT FOR MAPPING SURVEY
FOR AIRPORT**

Council President Richard Bailey called for a motion to approve a budget amendment for \$73,290 from excess sales tax for the mapping survey. This will be reimbursed by the FY 2024 Airport Grant. Motion was made by Council Member Mike Ashburn and seconded by Council Member Nita Tolliver. No discussion. Upon a vote being taken all members voted aye.

CONSIDER BUDGET AMENDMENT AND RESOLUTION 2023-07-36 FOR TRANSPORTATION ALTERNATIVE PROGRAM (TAP) FUNDING FOR SIDEWALK PROJECT

**CITY OF SCOTTSBORO
RESOLUTION NO. 2023-07-36**

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SCOTTSBORO, ALABAMA, AS FOLLOWS:

1. THAT THE CITY AUTHORIZES VOLKERT INCORPORATED TO APPLY FOR TRANSPORTATION ALTERNATIVE PROGRAM (TAP) FUNDS FROM THE FEDERAL HIGHWAY ADMINISTRATION (FHWA).
2. THIS FUNDING, IF AWARDED, WILL BE USED FOR THE CONSTRUCTION OF SIDEWALKS ALONG SOUTH HOUSTON STREET FROM THE SCOTTSBORO REC-COM TO CALDWELL PARK.
3. IF TAP FUNDING IS AWARDED, THE CITY AGREES TO PAY REQUIRED EXPENSES, INCLUDING BUT NOT LIMITED TO, **20% MATCHING FUNDS AND PROFESSIONAL FEES.**
4. THAT THE TAP APPLICATION BE EXECUTED IN THE NAME OF THE CITY OF SCOTTSBORO, BY ITS MAYOR, FOR AND ON ITS BEHALF.
5. THAT THE AGREEMENT BE ATTESTED BY THE CITY CLERK AND THE SEAL OF THE CITY AFFIXED THERETO.

BE IT FURTHER RESOLVED, THAT UPON THE COMPLETION OF THE EXECUTION OF THE AGREEMENT BY ALL PARTIES, THAT A COPY OF SUCH AGREEMENT BE KEPT ON FILE BY THE CITY CLERK.

PASSED, ADOPTED AND APPROVED THIS 10th DAY OF JULY, 2023.

JIM MCCAMY, MAYOR

ATTEST:

I, THE UNDERSIGNED CITY CLERK OF THE CITY OF SCOTTSBORO, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE AND FORGOING IS A TRUE COPY OF THE RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBORO, ALABAMA, AT THE REGULAR MEETING OF SAID COUNCIL HELD ON THE 10th DAY OF JULY, 2023, AND THAT SUCH RESOLUTION IS ON FILE IN THE CITY HALL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE CITY ON THIS 10th DAY OF JULY, 2023.

WHITNEY PHILLIPS, CITY CLERK

Council President Richard Bailey called for a motion to approve Resolution 2023-07-36 and a budget amendment for \$57,126 from excess sales tax (20% match). Motion was made by Council Member Nita Tolliver and seconded by Council Member Donna Fredrick. No discussion. Upon a vote being taken all members voted aye.

CONSIDER BUDGET AMENDMENT FOR DOZER REPAIR FOR SOLID WASTE DEPARTMENT

Council President Richard Bailey called for a motion to approve a budget amendment for \$59,769.15 from excess sales tax for the dozer repair for Solid Waste. Motion was made by Council Member Mike Ashburn and seconded by Council Member Nita Tolliver. No discussion. Upon a vote being taken all members voted aye.

CONSIDER ACCEPTANCE AND APPROVAL FOR REIMBURSEMENT GRANT FOR SOLID WASTE

Council President Richard Bailey called for a motion to accept and approve the reimbursement grant from ADEM for Solid Waste and put out bids. Motion was made by Council Member Nita Tolliver and seconded by Council Member Donna Fredrick. No discussion. Upon a vote being taken all members voted aye.

CONSIDER AUTHORIZATION TO ACCEPT LOW BID FOR CALDWELL SCHOOL CULVERT REPLACEMENT PROJECT

Council President Richard Bailey called for a motion to authorize the Mayor to accept the low bid for the project. The project is being bid by Water, Sewer, & Gas in partnership with the City funding the culvert replacement portion. Motion was made by Council Member Donna Fredrick and seconded by Council Member Nita Tolliver. No discussion. Upon a vote being taken all members voted aye.

REPORTS AND ANNOUNCEMENTS

Delegations given at the end of the preceding Work Session.

Mayor Jim McCamy recognized Mr. Jimmy Green (WSG) as the President of the Alabama National Gas Association and has been nominated for the Best Operating Plant award. Also the Street Department will be closing Van Buren Street to Ashmore Lane. Also thanks to Martha Smith with The Clarion for all her work for us and good luck with her new job.

Council Member Donna Fredrick thanked everyone for coming out.

Council Members Nita Tolliver commented on the Swim Meet last week.

Council Member Mike Ashburn had nothing to report.

City Attorney Stephen Kennamer thanked the City Departments and Fire Chief Gene Necklaus for their assistance in drafting the short-term rental ordinance.

Council President Richard Bailey announced there will be a Work Session on Monday, July 17, 2023.

There being no further business to come before the Council at this time, Council President Richard Bailey called for a motion to adjourn. Motion was made by Council Member Nita Tolliver and seconded by Council Member Mike Ashburn. Upon a vote being taken all members voted aye. Meeting adjourned at 5:36 pm.

Date Approved: July 24, 2023

CITY OF SCOTTSBORO

C. Richard Bailey, Council President

ATTEST:

Whitney Phillips, City Clerk

Jim McCamy, Mayor

ATTEST:

Whitney Phillips, City Clerk