

REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
MAY 12, 2015

REFERENCE VIDEO DATED MAY 12, 2015

The Board of Mayor and Aldermen of the City of Fayetteville, Lincoln County, Tennessee, met in open, public session at the regular meeting place of said Board in the Municipal Building of said City at 5:00 p.m. on May 12, 2015. Mayor Jon Law was present and presiding. The following named Aldermen were present:

Danny Bryant, Anna Catherine Cowley, Violet Harry, Gwen Shelton, Dorothy Small and Michael Whisenant

Also, present were Scott Collins, City Administrator and Johnny D. Hill, Jr., City Attorney

The prayer was lead by Alderman Whisenant and the pledge was lead by Mayor Law

**Adoption of Agenda:**

Motion was made by Danny Bryant, seconded by Michael Whisenant, to adopt the agenda for May 12, 2015, with the addition of adding item I – Notification of Industrial Development Board Appointment. The motion was adopted by unanimous voice vote.

Mayor Law declared the motion approved.

**Approval of Minutes:**

The minutes of April 14, 2015, Minutes were read and approved as written.

**Reports:**

**Fayetteville/Lincoln Chamber of Commerce:**

Chamber Director, Carolyn Denton, reported that the new 2015 Chamber Directory and 2015 City/County map have arrived. Ms. Denton explained that the “Slaw Burger Festival” was a huge success with the committee has started to plan next year’s event. Ms. Denton stated that the “Music in the Park” series will begin June 4<sup>th</sup> and will continue every Thursday during the summer.

**Fayetteville Main Street:**

Main Street Director, Carol Foster, reported that the 3<sup>rd</sup> Quarter State Fayetteville Main Street Meeting will be hosted in Fayetteville. Ms. Foster stated the annual “Table Scapes” and the “Wine, Chocolate, and Cheese” events were both a huge success. Ms. Foster explained that the “Host” committee has started planning this year’s Host event and if anyone would like to help with the event is more than welcome to come to the meetings.

**Fire Report:**

Fire Chief Danny Travis reported that the Fire Department had 51 calls for service and 36 medical calls.

**Police Report:**

Police Chief Richard Howell reported that there were 105 incidents with 41 arrests, 47 crashes and 34 citations for a total of 1,523 events.

**Recreation Report:**

Ricky Honey, Recreation Director, reported that the youth baseball and softball leagues have started their seasons. Mr. Honey stated that the opening day for the swimming pool will be May 23<sup>rd</sup>. Mr. Honey explained that the stage being built at Stone Bridge Park will be completed within the next couple of weeks and will be used for “Music in the Park”, festivals, weddings and etc.

**Public Works:**

Eddie Plunkett, Public Works Director, reported that for the month of April there was 243 tons of sanitation was picked up, along with 325 tons of brush.

**Planning and Codes Report:**

Jeff Siefert, Building Inspector, reported for the month of April there were six (6) building permits issued for approximately Eighty- Six Thousand, Three Hundred Fifty-One Dollars (\$86,351.00) in work to be done, with the fees being Eight Hundred Ninety-Six Dollars (\$896.00).

**Administrator’s Report:**

Mr. Collins explained that there are several projects going on in the City, with the drainage issues along Forrest Street to be completed soon and should help with other drainage issues in that area. The State Senate has passed SB0186, which allows the City to levy a privilege tax on the occupancy of a hotel/motel room.

**Ordinance No. 2015-03:**

Ordinance No. 2015-03, an ordinance entitled, “An Ordinance Levying A Privilege Tax Upon The Occupancy In Any Hotel Or Motel Or Any Place In Which Rooms, Lodgings Or Accommodations Are Furnished To Transients For A Consideration”, was considered. Said Ordinance is as follows:

**CITY OF FAYETTEVILLE  
ORDINANCE NO. 2015-03**

**AN ORDINANCE LEVYING A PRIVILEGE TAX UPON THE  
OCCUPANCY IN ANY HOTEL OR MOTEL OR ANY PLACE IN  
WHICH ROOMS, LODGINGS OR ACCOMMODATIONS ARE  
FURNISHED TO TRANSIENTS FOR A CONSIDERATION.**

**WHEREAS**, Tennessee Code Annotated (TCA) 67-4-1401 authorizes the levy by ordinance of a hotel/motel tax by any city with home rule in accordance with the Tennessee Constitution, Article XI, Section 9, and SB0186; now,

**THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee as follows:

**Section 1. Definitions.** As used in this ordinance:

- (1) Consideration means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever;
- (2) Hotel means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;
- (3) Occupancy means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel;
- (4) Operator means the person operating the hotel whether as owner, lessee or otherwise.
- (5) Persons means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and
- (6) Transient means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**Section 2. Permit Required.** No person will conduct, keep, manage, operate or cause to be conducted, kept, managed or operated, either as owner, lessor, agent or attorney, any hotel in the city without having obtained a permit from the city administrator or his designee to do so.

**Section 3. Fee.** The fee for each hotel permit will be twenty-five (\$25.00).

**Section 4. Not Transferable.** No permit issued under the ordinance shall be transferred or assigned.

**Section 5. Duration.** Hotel permits shall be issued annually and shall expire on the last day of December of each year.

**Section 6. Register Required; Availability for Inspection.** Every person to whom a permit is issued under this ordinance shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the city administrator or his designee.

**Section 7. Rooms to be Numbered.** Each sleeping room and apartment in every hotel in the city shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number.

**Section 8. Privilege tax levied; use.**

(A) Pursuant to the provisions of TCA '67-4-1401 through TCA '67-4-1425, there is hereby levied a privilege of occupancy in any hotel of each transient. From and after the operative date of this ordinance the rate of the levy shall be 3.5% of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of these statutory provisions. The City Administrator shall be designed as the authorized collector to administer and enforce this ordinance and these statutory provisions.

(B) The proceeds received from this tax shall be available for the city's general fund exclusively for tourism development. Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel.

**Section 9. Payment of the Tax.** Payment of the tax by the motel to the city shall be no later than the 20<sup>th</sup> day of each month for the preceding month.

**Section 10. Compensation to the Hotel.** The hotel may deduct 2% from the amount paid to the city.

**Section 11. Interest and penalty for late payment.** The hotel operator is responsible for paying interest on delinquent taxes, 8% per annum, plus a penalty of 1% per month.

**Section 12. Records Requirement.** The hotel operator must keep records for three years, with the right of inspection by the city.

**Section 13.** This ordinance shall take effect upon final passage by two-thirds vote, the public welfare requiring it.

Passed first reading the 12<sup>th</sup> day of May, 2015

Passed second and final reading the \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
City Attorney as to form

Motion was made by Gwen Shelton, seconded by Violet Harry, to approve Ordinance No. 2015-03. Upon roll call, the following voted:

Aye

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton and Anna Catherine Cowley

Nay

None

Mayor Law declared the motion approved.

**Employee Residency Requirement:**

Motion was made by Dorothy Small, seconded by Danny Bryant, to expand the residence requirement for City employees to allow the employees to live outside Lincoln County.

Motion was made by Anna Catherine Cowley, seconded by Violet Harry, to amend the main motion requiring Department Heads to live in Lincoln County. Upon roll call, the following voted on the amendment:

Aye

Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley and Danny Bryant

Nay

None

Mayor Law declared the motion approved.

Upon roll call, the following voted on the main motion:

Aye

Violet Harry, Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant and Dorothy Small

Nay

None

Mayor Law declared the motion approved.

**Deed Property to State of Tennessee for Industrial Access Road:**

Motion was made by Danny Bryant, seconded by Anna Catherine Cowley, to deed property on the Plat recorded at the Register Deeds Office book P9, page 62, to the State of Tennessee for the Industrial Access Road for Frito-Lay, Inc. Upon roll call, the following voted:

Aye

Michael Whisenant, Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small and Violet Harry

Nay  
None

Mayor Law declared the motion approved.

**Parade Permit:**

Motion was made by Anna Catherine Cowley, seconded by Violet Harry, to approve the parade permit for Dairy Day on June 6, 2015, and was adopted by unanimous voice vote.

Mayor Law declared the motion approved.

**Parade Permit:**

Motion was made by Danny Bryant, seconded by Gwen Shelton, to approve the parade permit for Fayetteville Firecracker Chase on June 27, 2015, and was adopted by unanimous voice vote.

Mayor Law declared the motion approved.

**Call for Public Hearing:**

Motion was made by Danny Bryant, seconded by Dorothy Small, to call for a Public Hearing on the Fiscal Year 2016 Budget. Upon roll call, the following voted:

Aye  
Gwen Shelton, Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry and Michael Whisenant

Nay  
None

Mayor Law declared the motion approved.

**Board Appointment:**

Motion was made by Danny Bryant, seconded by Michael Whisenant, to waive the fifteen (15) day notification that the Mayor is required to give prior to appointing a committee member. Upon roll call, the following voted:

Aye  
Anna Catherine Cowley, Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant and Gwen Shelton

Nay  
None

Mayor Law declared the motion approved.

Motion was made by Gwen Shelton, seconded by Dorothy Small, to appoint Lynn Wampler to the Industrial Development Board to fulfill the remaining term of Battle Bagley, III, to expire July 1, 2019. Upon roll call, the following voted:

Aye

Danny Bryant, Dorothy Small, Violet Harry, Michael Whisenant, Gwen Shelton, and Anna Catherine Cowley

Nay

None

Mayor Law declared the motion approved.

**Notification of Fayetteville Public Utilities Board Appointments:**

Mayor Law announced that he would be recommending the appointment of to the Fayetteville Public Utilities Board during June's Board Meeting.

**Notification of Board of Appeals Appointments:**

Mayor Law announced that he would be recommending an appointment to the Board of Appeals during June's Board Meeting.

**Notification of Industrial Development Board Appointments:**

Mayor Law announced that the IDB Oversight Committee will be making two (2) appointments to the Industrial Development Board that the Board of Mayor and Alderman will need to be ratified during June's Board Meeting.

Motion was made, seconded, and unanimously adopted to adjourn.

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Mayor

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City Clerk