

**MINUTES OF
CITY COMMISSION MEETING
TUESDAY, MAY 29 2012, 5:30 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

Mayor Wear called the meeting to order with the following in attendance: Vice Mayor McClure, Commissioner Brackins, Commissioner Reagan, Commissioner Robinson, City Manager Teaster, City Recorder Clabo, City Attorney Gass, members of the press and interested citizens.

Mayor Wear opened the meeting and Vice Mayor McClure led in the pledge of allegiance.

REGULAR MEETING

The minutes were presented for approval. Vice Mayor McClure made motion to approve which was seconded by Commissioner Brackins. Commissioner Robinson stated he had asked at the last meeting “who was to pay the fees such as attorney fees, appraisal fees, court costs, etc. associated with the condemnation of the property for the island road. Jim and Bob McManus agreed that the island owners would pay all costs involved. This was left out of the minutes.” Commissioner Robinson asked for the minutes to be changed to reflect this comment. With a friendly amendment motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept minutes with noted change.

Mayor Wear asked if there were any comments from citizens.

Charles Rhodes made comments regarding item six on the agenda and said he had spoken with Mr. Ferguson with TDOT about the State right of way and Mr. Rhodes had concerns about the possibly of using the right of way for private purposes. He also asked how the city is going to cover the excess costs over \$5 million and handle reimbursement issue with the island.

No other comments were received.

The authorization for the payment of bills was presented for approval. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was approved to accept the bills as noted. Commissioner Robinson noted that he was for the normal bills but opposed items in question that are not bid.

Old Business

There was no old business.

New Business

Resolution No. 793 to accept a bid for exercise equipment and authorize the execution of a lease agreement was presented for approval. Item was withdrawn from agenda before consideration given.

Discussion and consideration of an agreement with LeConte Village LLC relating to the construction of certain public improvements entering onto and through the island was presented for approval. City Attorney Gass presented and discussed at length. He noted that the total commitment of the project would not exceed \$5 million. He stated that costs for section one would include right of way acquisition, road/greenway construction, water-sewer utility construction, parkway intersection realignment and signaling and any turn lane. If section one exceeds \$5 million, the developer shall fund all additional costs of the City street described as section one and shall indemnify the City for all cost and expenses in excess thereof. If section one does not exceed \$5 million, the remaining balance of the same shall be expended toward the construction of bridges and city streets shown as section two. City Attorney Gass stated additional language had been added in number four, six, and twelve for further clarification. He added that regarding state right of way, the City will work with State to adhere to lease agreement in place with state.

Commissioner Robinson stated that he thinks the agreement is very vague. He stated he believes the project will cost approximately \$15 million, so if money is not there and project goes over \$5 million, what will happen? He noted he was concerned what would happen in the event of a bankruptcy and said he thought the amount of the bond is low. Commissioner Robinson stated he read nothing in agreement about attorney fees, escrow account, appraisal, etc. City Attorney Gass said this would fall under right of way acquisition. Commissioner Robinson asked if the developer will have the same lease as others. City Attorney Gass stated they would have the same agreement. Commissioner Robinson asked about air rights on Smoky Drive. City Attorney Gass said the air rights were part of section two. Commissioner Robinson asked about a covenant for the property. City Attorney Gass stated the City could not keep someone from litigation issues. Commissioner Robinson asked if the developer should be providing statements in paragraph 12 instead of the city providing documentation. Assistant City Manager Brackins said the city will provide documentation for section one while the developer will provide for section two if all funds for section one have not been depleted. Commissioner Robinson stated that number 5 seems to be a contradiction to charter 6-19-104 noting any amount over \$10,000 must be bid. City Attorney Gass said the city is bidding section one. The developer will build section two and money paid for section two would be paid to developer as a reimbursement.

Following lengthy discussion and on a motion by Vice Mayor McClure to approve with additional language as noted by City Attorney Gass, second by Commissioner Brackins, it was approved to accept the agreement with noted changes. Commissioner Reagan and Commissioner Robinson voted no.

Discussion and consideration to donate 841 audiocassettes/books to the Friends of Pigeon Forge Public Library was presented for approval. City Manager Teaster stated that this was done a few times per year due to lack of use, duplicate copies, and/or no longer appropriate for the collection. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration to appoint Faith Percy to The Sevier County Senior Citizens Office on Aging was presented for approval. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the appointment as presented and recommended.

Manager's report included the following:

1. The City has just been notified that it has received a AA rating for the new bond issue Series 2012.
2. The City has received approval to bid the trolley site.
3. There will be a beer board meeting on June 27, 2012 at 1:30 p.m. in the council room of city hall.
4. There will be a planning commission meeting on Tuesday June 26, 2012 at 3:00 p.m. in the council room of city hall.
5. There will be a public hearing for Ordinance No. 943 and 944 at the June 11, 2012 regularly scheduled meeting.
6. A work session is needed which could possibly take place on Thursday June 7, 2012.

Mayor Wear asked for comments from the board.

Commissioner Robinson stated that he did not like having to rush things pertaining to agenda items.

Mayor Wear stated that the baseball team did great and the Old Time Pottery is now open.

Having no further comments received, the meeting was duly adjourned at 6:20 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER