

**MINUTES OF  
CITY COMMISSION MEETING  
MONDAY, JANUARY 10 2011, 5:30 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

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

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

**REGULAR MEETING**

The minutes were unanimously approved following motion by Vice Mayor McClure and second to motion by Commissioner Wear.

Mayor Whaley asked if there were any comments from citizens.

Charles Rhodes asked for a copy of the audio tape of the meeting and also asked to read a letter and submit it as part of the minutes. See Attachment A.

Jimbo Whaley representing the Pigeon Forge Football Boosters stated that he was in support of the new park development 100 percent.

No other comments were received.

The authorization for the payment of bills was presented for approval. On a motion by Commissioner Brackins, second by Commissioner Wear, 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**

**Ordinance No. 916** to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcel C-29.00 of tax map 94C (Located approximately 350 feet Northeast from the intersection of Pine Mountain Road and Rena Street) from R-1(Low Density Residential) district to C-2 (Tourist Commercial) district was presented for the first reading. Community Development Director Taylor discussed that Planning Commission had reviewed the request and recommended denying ordinance noting that this could

open up more traffic in the R-1 district. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to deny the ordinance as presented.

Discussion and consideration to approve the 2009-2010 fiscal year audit was presented for approval. Larry Elmore and Barrett Simonis representing Pugh & Company were in attendance to answer any questions regarding audit. Mayor Whaley noted that this had been presented for discussion previously at a work session. Commissioner Robinson stated that he supported the audit but thinks the city should have different audit companies to have more accountability. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the audit as presented.

Discussion and consideration of recommendations from the Tourism Advisory Board to appoint four individuals in addition to the current TAB board members for the Online Booking Search Engine Steering Committee was presented for approval. Executive Director of Tourism Downey stated that the recommendations were as follows: Jamie Douglas – cabins – Cabins USA; Kay Collier – campgrounds – Twin Mountain RV Park & Campground; Candra Carroll – condos – Riverstone Resort & Spa; Mel House – parkway attractions – Titanic. Downey further noted that the four members recommended have IT personnel on staff that can assist as needed. Commissioner Wear made a motion which was seconded by Vice Mayor McClure. Before the vote Commissioner Robinson asked if Charles Rhodes could be added. He said Mr. Rhodes has shown interest and would create an odd number for the committee. Mayor Whaley stated that there will be an odd number now with nine members coming from the Tourism Advisory Board plus four new members gives thirteen. Commissioner Wear stated his concern with Mr. Rhodes is who he is representing. He is not a Pigeon Forge resident and by his own admission he does not represent Pigeon Forge businesses. Mr. Rhodes stated he represented several businesses. Commissioner Wear and Vice Mayor McClure asked Mr. Rhodes if he was officially representing those businesses tonight. Mr. Rhodes stated no. Mayor Whaley stated that a motion and second had been made and the motion would have to be amended to consider Commissioner Robinson's request. Commissioner Wear stated he was not amending his motion. Following the motion and second, it was unanimously approved to accept the request as presented.

Mayor Whaley stated that items eight through twelve on the agenda were related as they pertained to the new wastewater plant and the relocation of existing city park. Mayor Whaley said that if commissioners wanted to discuss any of the items further before taking action on them they could do that now. Commissioner Robinson asked about the Capacity Assurance Plan (CAP) and what the number was and said he was told by Kenny Diehl he did not know. He was unsure how an agreement could be signed with SSR to design a plant without knowing what size plant is needed. He stated that it appeared based on data provided by SSR from previous years and projects approved by planning commission that the proposed plant will be over capacity before project is even started. He stated his concern is that the City will spend approximately 50 million in principal and 50 million in interest and still not be able to meet the demand with projects already approved and parties wanting annexed. Further, Commissioner Robinson suggested that proposed properties for City infrastructure be tested for adequate soil conditions before contracts are authorized to design a plant. Commissioner Robinson

showed further concern that much of the Wear property is in the floodplain or floodway. He asked why the City was authorizing an appraisal of property but also authorizing purchase of 8 million dollars without first getting an appraisal. He did say we was 100 percent behind the expansion of the ballparks and new Boys and Girls Club but does not agree spending millions on a reuse plant when in a few years he thinks the City will probably have to go to the French Broad River anyway.

Commissioner Wear expressed concern that a lot of what Commissioner Robinson said was misinformation. Mayor Whaley said it is his opinion that at some point we will be required by some agency (state or federal) to employ new technology such as reuse. He said he didn't know if we would have to go to the French Broad. We may have to go some day but we may not. Vice Mayor McClure stated that when the commissioners went to Nashville TDEC was pushing reuse. Commissioner Robinson stated they only said it was a possibility. Mayor Whaley commented that the capacity issues Commissioner Robinson is referring to at the existing plant does not take into account the hydraulic capacity of the new plant. Sam Harrison with SSR stated that numbers Commissioner Robinson spoke of were before the economic turn and growth and development dramatically slowed. He further noted that based on wastewater flow, the City is only at peak capacity about three weeks out of each year. Mr. Harrison said he was very comfortable with the 20 percent increase in capacity in that the City would have ample time to find more land to be used for reuse purposes. Mr. Harrison stated that the reason the CAP was not discussed further at the work session was that SSR was advised not to discuss further based on ongoing litigation. Mr. Harrison said some of the approved projects that had been previously presented before Planning Commission will not be built.

Commissioner Robinson asked if the City rezones property for someone that does not have a site plan but wants to put a campground in, do we owe them a plan of service. City Attorney Gass stated that we already owe them a plan of service if they are in the City. Commissioner Robinson said this goes against the argument before. He said he asked for sewer for his personal property and said the commissioners said they didn't owe him sewer as he has no plan of service. Mayor Whaley said that Commissioner Robinson asked for the City to pay for getting sewer to his property. Commissioner Robinson said he asked for a yes or no vote, was the City going to pay for it. Mayor Whaley said that was against the ordinance.

Commissioner Robinson again asked if the City would be able to handle requests for sewer connections. Mayor Whaley asked Community Development Director Taylor if once a development is approved by Planning Commission with a plan of services, is there a time limit on the request. Taylor said he thought it was one year. Commissioner Robinson said he wants to make sure if someone comes in to get a sewer connection that the City has the capacity to handle the request. Mayor Whaley said he agreed that when doing a plant that it has to be done keeping future growth in mind. Mayor Whaley said he is relying on what our engineers are telling us.

Commissioner Robinson said he is concerned that the reuse technology will take water that is not at a quality to put in the creek and put it on ball fields. Commissioners clarified that the water would merely not be treated to the level of drinking water. Sam Harrison said that the reason the water cannot be put into a creek is not because it is a pollutant. It deals with a nutrient level including phosphorus and nitrogen which is what is used as fertilizer. When that is put in a water body it causes an algae bloom and depletes the stream of oxygen. When it is put on grass it grows. Mr. Harrison said that it was not a bacteria issue. Commissioner Wear said that this had been learned at prior meetings. Commissioner Wear said he is very confident in this and thinks it is one of the most forward thinking things this commission has done if it passes.

Mayor Whaley acknowledged Jerry Britton to speak who said this is one of the best things the City could do. It will not only make us more green but water in the future is going to be a commodity. Mayor Whaley said we can take this technology that has been made available and be good stewards with our natural resources. Following lengthy discussion, council was presented next agenda item.

Discussion and consideration to modify our NPDES permit to construct a new wastewater treatment plant utilizing reuse technology at the current city park site was presented for approval. Public Works Director Miller stated that the City currently has two permits. One permit allows 4 million gallons per day be discharged into the Little Pigeon River. The second is a new permit to discharge 8 million gallons per day in the French Broad River. Commissioner Robinson asked for assurance that this process will last. Sam Harrison said in his professional opinion, he feels the City will be alright. Following discussion and on a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration to amend the contract with SSR Engineers to design a new wastewater treatment plant utilizing reuse technology was presented for approval. Mayor Whaley noted that those in attendance that may be unaware, the cost of the reuse plant will cost approximately 7 million more than a normal plant but the savings will be realized by not running a force main to the French Broad River. Commissioner Wear asked for clarification that design work already completed by SSR for a force main could be shelved and as long as permits were kept current, the design could be pulled in the future and be used if the City had to go to the French Broad River. Mr. Harrison said that was correct. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was approved to accept the request as presented. Commissioner Robinson voted no since the City does not currently have dedicated land to spray on.

Discussion and consideration to authorize an appraisal of the Wear Farm Property located on Wears Valley Road was presented for approval. City Attorney Gass stated that the property owner had their own appraisal but recommends the City obtain its own from an independent standpoint and use an appraiser that the City feels comfortable with. Mayor Whaley said that the City was comfortable that the appraisal, if approved, will exceed offer by City based on comps but to do due diligence, an appraisal is needed. On a

motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration to authorize the City Manager to sign a contract to purchase the Wear Farm Property at a price which does not exceed eight million dollars in payment by the City. City Attorney Gass asked that if approved, he recommended vote be contingent on City appraisal being at least 8 million. Commissioner Robinson asked what if property is purchased and State will not allow the City to spray on the property. Mr. Harrison said that City could drip on the property even if property was in floodplain. Commissioner Wear noted that the City still has a permit for 4 million gallons per day discharge and there are not that many days per year according to the engineers that the City is over capacity and will need to reuse the water. On a motion by Commissioner Wear including recommendation by City Attorney Gass, second by Vice Mayor McClure, it was approved to authorize City Manager Teaster to sign a land purchase contract pending favorable appraisal. Commissioner Robinson voted no since a study has not been done to determine if the land can handle the drip irrigation.

Discussion and consideration to construct a new city park at the Wear Farm Property was presented for approval. Parks and Recreation Director Wilbanks stated that the age of the existing park has created a need for many improvements. In addition the park is not currently meeting the needs of the community as it allows no room for growth. However, the proposed new park location provides a tremendous opportunity for growth and expansion of new activities currently not available at the existing park. Commissioner Wear asked if the property is purchased, would the next step to be build at least what the City has now. Wilbanks said that the City will be required to replace all facilities that are currently offered at the existing city park. Commissioner Robinson stated that he loved the idea of the ballparks and the idea of expanding but hoped that with spraying and dedicated land that the City does have the opportunity to expand and not just switch places from one location to another. Mayor Whaley echoed Commissioner Robinson's sentiment but added based on savings from options presented with utilizing reuse and having a brand new park, even if there was not room to grow but the assumption is there will be, we still get a brand new park at less money. Mayor Whaley also asked to keep in mind in going forward that a big need right now is for a little league football program and also a place for soccer. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved accept the request as presented.

Discussion and consideration of city employees' mid-year pay increase was presented for approval. City Recorder Clabo briefly discussed tax revenues for the first six months and showed what different percentage increases would cost. Commissioner Robinson asked if anything had been learned about an increase from a federal level. Assistant City Manager Brackins said that the Social Security Administration has not done anything for the last few years. Mayor Whaley expressed the need to stay fiscally responsible and remain aware of those that currently do not have jobs or taking pay cuts to keep jobs. However, everything being considered, he recommended a 2 percent COLA and reinstate step plans. Commissioner Wear stated that we had 6 more months to go and

need to make sure we continue to meet budget but agreed with Mayor Whaley. Further, he said there were capital items that still needed to be addressed. Mayor Whaley added that he would like the City to look at salaries and make sure that they are in line. On a motion by Commissioner Robinson to implement a 2 percent pay increase and reinstate step plans, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Discussion and consideration of agreement with Robert A. Porter was presented for approval. City Attorney Gass stated that there has been an ongoing agreement with Porter for a period of time to extend Jake Thomas Road. Mr. Porter has donated land for a road extension and this agreement will allow the agreement to be extended by a period of two years. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented. Mayor Whaley asked City Manager Teaster to send Mr. Porter a letter thanking him for his willingness to work with the City.

Manager's report included the following:

1. There will be a beer board meeting on January 26, 2011 at 1:00 p.m. in the council room of city hall. Beginning in January, the Beer Board will begin meeting monthly on the fourth Wednesday of each month at 1:00 in the council room of city hall.
2. There will be a bid opening for the new fire station on February 3, 2011. On January 13, 2011 a pre-bid conference will be held.
3. There will be a Planning Commission meeting on January 25, 2011 at 3:00 p.m. in the council room of city hall.
4. The first reading of a budget amendment ordinance will be presented at an upcoming meeting. One of the amendments will include an adjustment for salt that has gone over budget due to the snow this year.

Mayor Whaley asked for comments from the board.

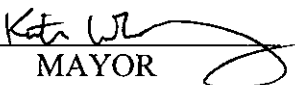
Commissioner Robinson asked about the status of TCRS and wanted to make a motion to go ahead and get a study for the costs. Mayor Whaley stated that commissioners would have to pass a resolution in order to do a study. He also stated that the commissioner would have to decide what options to include in the study. One could include buying back all years. He noted that for the second he would like to know the average number of years worked by the employees which will direct second option of 10 years, 15 years, 20 years, etc. Once an average is obtained then he recommends proceeding with the study. Commissioner Robinson rescinded his motion based on comments from Mayor Whaley.

Commissioner Wear asked when the Boys and Girls Club would be discussed further. Assistant City Manager Teaster said a survey would have to be done next.

Mark Ross spoke for the Boys and Girls Club thanking the City for their help.

Having no other comments received, the meeting was duly adjourned at 7:00 p.m.

APPROVED:

  
MAYOR

ATTEST:

  
CITY RECORDER

Official Request For Adding Technical Staff To Booking Engine Steering Committee

Attachment : A

From: Charles Rhodes

T | Pigeon Forge City Commission

Date: January 10<sup>th</sup>, 2011

Subj: Official Request For Adding Technical Staff to Booking Engine Steering Committee

This is an official request for adding technical staff with web, seo, and programming skills to the Pigeon Forge Booking Engine Steering Committee. Tonight the Pigeon Forge Department of Tourism's (PFDOT) manager, Leon Downey, will recommend four great managers and businesses owners to the City Commissioners for a confirming vote they be added to the Tourism Advisory Board (TAB) in forming the Booking Engine Steering Committee.

Each of these four fine business people are sure to contribute to their particular facet of the travel industry as I am readily sure our current nine TAB members, whom either own or manage property(s) in the city of Pigeon Forge, can do the very same.

Realizing the extreme importance the Booking Engine Steering Committee plays in the following:

- Work with business owners/mangers/IT/staff is summarizing their individual hardware/software needs so as many businesses as possible will work with the initial release of the Pigeon Forge Booking Engine
- Document businesses unable to initially participate, for whatever reason, and work with project development staff seeking additional solutions enabling their ability to participate expeditiously
- Answer and make technical recommendations to other Steering Committee members, with no influence from contractor(s) or their staff, regarding necessities an possibilities for data exchange from the various hardware/software systems currently in use by Pigeon Forge businesses
- Experience in working with project development documentation

Skills that would serve the Booking Engine Steering Committee by reducing development do-overs, keeping project cost down, and guaranteeing maximum allowable participation are as follows:

- Project Manager/Programming in software development
- Internet Web based development
- Programming skills on various web based scripting language platforms
- Database/Data Exchange knowledge on any of a multitude of systems in use by local businesses
- Understands fluently web/hardware/software terminology utilized throughout project development and implementation of the Booking Engine engineering project
- Familiarity with web development documentation. Requirements Documentation, Statement Of Work, and other documentation normally utilized when contracting out a project and necessary to billing or re-work discrepancies

CDR



- Ability to foster a clear technical understanding of the needs of businesses not having in-house IT staff, but desiring to participate. To express their needs and concerns in a provisional manner without added delay or expense to either party

In Downey was asked by another TAB member to consider a sub-committee of technical and web savvy volunteers that would assist the Steering Committee. The request was denied and followed with the statement that USDM could assist with any technical questions.

USDM is not the only reference for technical assistance this city and its businesses has when answering web/software/data sharing questions or working with local businesses in addressing their technical concerns. To overlook the importance and contributions afforded by this type of assistance and rely solely on answers from the source contractor does several things.

- Potential for added costs related to contractor visits, phone calls, electronic conferencing/mail, and usage of contractor's time in researching and responding to technical questions
- Times between questions and responses slows project development
- Eliminates questions being asked that may result in do-overs, adding cost and further delays to the project
- Degrades local area business assurances that their best interest in being handled. That the City Commission has ensured its approved Steering Committee is staffed with independent individuals, with nothing to profit by, whom are skilled in the above mentioned skills combined with skills necessary to aiding to the success of the MyPigeonForge Booking Engine.

There are several individuals, in the local area, willing to contribute their assistance to the success of the Booking Engine Steering Committee, for FREE. It would be negligible of PFDOT, the Pigeon Forge City Commission, and the TAB to overlook these individuals.

I request when the City Commission is called upon tonight to confirm the vote of these fine four individuals, that they amend this recommendation to include myself and/or anyone else with the above skills to assist the Booking Engine Steering Committee in its arduous duties of overseeing the Booking Engine project. To afford maximum participation from ALL businesses wanting to participate and extending the committee's capability in doing so.

Respectfully,



Charles Rhodes

(865)428-2350