

**MINUTES OF  
CITY COMMISSION MEETING  
MONDAY, MAY 14 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.

**PUBLIC HEARING**

A public hearing to receive public comment regarding the proposed changes to the zoning ordinance/map by rezoning a portion of parcels 4.00 & 4.04 on tax map 84 located at 2509 Veterans Boulevard, owned by Dollywood, from R-1 (low density residential) district to C-4 (planning unit – commercial) district. (Ordinance No. 942).

James Overstreet asked the location of the property.

There being no other comments received, the public hearing was closed.

**REGULAR MEETING**

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

Mayor Wear asked if there were any comments from citizens.

Charles Rhodes made comments regarding item 13 on the agenda related to condemnation proceedings and asked for it to be reflected in the minutes.

Tony Rast stated he was concerned about the condemnation and asked about the area under lease.

James Overstreet stated he thinks there should be a rebate on property taxes if taxes are doing as good as reported and noted he was concerned that the area was starting to look like a circus.

Steven Houser thanked the City for hard work.

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**

**Ordinance No. 942** to amend the zoning map of Pigeon Forge, Tennessee, by rezoning a portion of parcels 4.00 & 4.04 on tax map 84 located at 2509 Veterans Boulevard, owned by Dollywood, from R-1 (low density residential) district to C-4 (planning unit – commercial) district was presented for the second reading. Ordinance was presented by Community Development Director Taylor. On a motion by Vice Mayor McClure, second by Commissioner Brackins, and with all voting “aye” the motion was approved on the second reading.

### **New Business**

**Ordinance No. 943** to amend the zoning map of Pigeon Forge, Tennessee, by rezoning parcel 3.00 of tax map 84 (located on the East side of Veterans Boulevard, South of Jayell Road) owned by Lowery Companies and others, from R-2 (high density residential) and C-6 (mixed use commercial) to C-4 (planned unit commercial) was presented for the first reading. Community Development Director Taylor presented the ordinance. On a motion by Commissioner Brackins, second by Vice Mayor McClure, and with all voting “aye” the motion was approved on the first reading.

**Ordinance No. 944** to amend the zoning map of Pigeon Forge, Tennessee, by rezoning parcel A-32.00 of tax map 94L (located at Emert Street from C-6 (mixed use commercial) district to C-1 (general commercial) district was presented for the first reading. Community Development Director Taylor presented the ordinance. On a motion by Vice Mayor McClure, second by Commissioner Brackins, and with all voting “aye” the motion was approved on the first reading.

**Ordinance No. 945** to amend the zoning map of Pigeon Forge, Tennessee, to rezone certain property located off of the Parkway and Smoky Drive back to Teaster Dr. from C-2 (tourist commercial) district and C-4 (planned unit – commercial) district to C-7 (planned unit/public use development) district was presented for the first reading. Community Development Director Taylor presented and noted that there were six parcels in total. He noted it was the recommendation of planning commission to approve subject to all agreements being in place to remove all nonconforming signs by the second reading and no building permits issued until all nonconforming signs are removed. Commissioner Robinson asked if the signage could be kept until time to issue the CO in order to continue promoting business. It was noted that the area needs to be in conformity before the ordinance would become final. Commissioner Robinson stated he thought it would be unfair to the businesses and thinks that they need the signage. It was further noted that recommendations are not made when property does not conform.

Following lengthy discussion, Commissioner Robinson made a motion to allow businesses to operate as they currently are, have the monument covered until ready for the CO, and then have regular signage removed. This motion was seconded by

Commissioner Reagan. Motion failed by a no vote from Mayor Wear, Vice Mayor McClure, and Commissioner Brackins.

On a separate motion, Vice Mayor McClure made motion to approve with stipulation that all agreements are in conformity by the second reading, second by Commissioner Brackins, the motion was approved on the first reading. Commissioner Reagan voted no.

**Ordinance No. 946** to amend the zoning map of Pigeon Forge, Tennessee, to rezone certain property located along the Parkway, Community Drive, and Waldens Main Street from C-1 (general commercial) district, C-2 (tourist commercial) district, & M-1 (industrial) district to C-7 (planned unit/public use development) district was presented for the first reading. Community Development Director Taylor presented the ordinance. The same discussion regarding **Ordinance No. 945** also addressed this ordinance. On a motion by Vice Mayor McClure to approve with stipulation that all agreements are in conformity by the second reading, second by Commissioner Robinson, the motion was approved on the first reading. Commissioner Reagan abstained from the vote. Commissioner Robinson noted he would like for this to be discussed further in a work session before the second reading.

Discussion and consideration of bid to purchase coffee for the next two years from Kennedy Coffee Company for all City Departments was presented for approval. Parks and Recreation Director Wilbanks recommended only bid from Kennedy Coffee Service at a cost of \$18,215.78 based on usage. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the bid as presented.

Discussion and consideration of a change order from Progression Electric for the traffic signal installation at Music Road and the Parkway in the amount of \$634.74. Bob Bowers with CDM Smith presented and noted that the costs were associated with construction plans revision to modify the signal plan to replace vehicle loop detectors with a video detection system. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the change order as presented.

Discussion and consideration to reject all bids received for the construction of the wastewater treatment plant, redesign the plant, and rebid was presented for approval. Sam Harrison with SSR was in attendance to discuss. Mr. Harrison stated that all bids were over budget and it is recommended to reject all bids. Commissioner Robinson made a motion to reject all bids but discuss redesigning and rebidding of project in a work session, second by Vice Mayor McClure, it was unanimously approved to reject bids and discuss redesigning and rebidding as presented.

Discussion and consideration to allow the City Manager to initiate condemnation proceedings of property located at 2757 Parkway Pigeon Forge, Tennessee relating to the street improvements agreement with Pigeon River Land Partners LLC was presented for approval. City Attorney Gass presented and noted that this authorization would be for either the Mayor or City Manager. He stated that there is a cap on the development of the project of 5 million dollars. Therefore, monies paid regarding this condemnation would go towards the cap. He also asked 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. Commissioner Robinson stated he was in favor of the road but has reservations about a potential lawsuit. Bob Bowers with CDM Smith stated that from a road perspective, his company is comfortable with the project. Commissioner Robinson stated he would like to know about the appraisal before condemning the property. Following lengthy discussion and on a motion by Commissioner Brackins, second by Vice Mayor McClure, it was approved to accept the request as presented. Commissioner Reagan and Commissioner Robinson voted no.

Discussion and consideration of property tax adjustments for fiscal year 2011-2012 was presented for approval. City Manager Teaster stated that these adjustment were for things such as location being outside the city or business being closed. 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 the Forever Parks Foundation Board was presented for approval. City Manager Teaster stated that the recommendations were: Ben Clabo, Linda Ogle, Mike Smelcer, Charlotte Wear, Jerry Wear, and Keith Whaley. 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 sell 16 Scott Air Packs to EVS was presented for approval. Fire Chief Watson stated that FEMA was contacted about selling the equipment and advised that it is within the guidelines of the grant and is permissible. He recommended selling to EVS with highest proposal in the amount of \$4,800. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to sell the equipment as presented. Commissioner Reagan abstained from the vote.

Discussion and consideration to purchase 12 new computers and a replacement backup battery for Library via the U.S. Communities Contract was presented for approval. IT Director Ogle presented and recommended purchase in the amount of \$14,619.58. 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 purchase an ESXI server for the IT Department from Insight Public Sector via the U.S. Communities Contract was presented for approval. IT Director Ogle presented and recommended purchase in the amount of \$6,759.27. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Manager's report included the following:

1. The Sevier County Water Board would like to purchase approximately 60 customers on Dixon Branch and Jones Cove Road. The line will be capped and water will be provided by Newport. On a motion by Commissioner Reagan, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

2. The next meeting is scheduled for Monday May 28, 2012 which is Memorial Day. Would like to reschedule for Tuesday May 29, 2012.
3. A car show committee has been formed. The members include: Jack Baldwin, Leon Downey, Dennis Adams, Scott Marine, Roger Price, David Taylor, Karl Kreis, Mark Miller, Butch Helton, Ken Maples, and Bill Howell.
4. There will be a planning commission meeting on Tuesday May 22, 2012 at 3:00 p.m. in the council room of city hall.
5. There is a beer board meeting scheduled for Wednesday May 23, 2012 at 1:30 p.m. in the council room of city hall.
6. There will be a public hearing at the regularly scheduled meeting on June 11, 2012 for Ordinance No. 943 and 944.
7. Will deliver the budgets tomorrow.

Mayor Wear asked for comments from the board.

Vice Mayor McClure asked if revenues were up for the month.

Commissioner Brackins thanked individuals for serving on the new committees.

Mayor Wear acknowledged Dixie Stampede for 25 years in business and thanked everyone for their hard work on projects including the parade.

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

APPROVED: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY RECORDER