

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, AUGUST 8 2011, 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. City Recorder Clabo asked to make a correction on the August 1, 2011 minutes to reflect Commissioner Brackins was absent from the meeting. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept minutes with requested change.

Mayor Wear asked if there were any comments from citizens.

Bonnie Denney, Jake Suttles, Jonathan Hatcher, Edward Rogers, Charlotte Sutton, Mary Stinnett, and Jerry Moses all stated that they were against changes to the beer ordinances.

Bruce Johnson and Ken Maples who was representing the Pigeon Forge Hospitality Association stated that they were in favor of changes to the beer ordinances.

Ryan DeSear commented on the flooding in his subdivision in Kings Hills.

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

Ordinance No. 932 to amend section 8-203 of the Pigeon Forge Municipal Code creating events center permit was presented for the first reading. City Attorney Gass

discussed the Ordinance and noted that a change would need to be made correcting reference of Pigeon Forge Beer Board to City of Pigeon Forge. City Attorney Gass noted that only a list of approved caterers would be able to sell beer at the events center or would have to be the City's duly contracted concessionaire. Also, a license can be no longer than 5 years. Further, the sale and consumption of beer shall be limited to the interior of the events center.

Signage regarding beer was discussed by Mike Wilds. Commissioner Robinson stated that he was 100 percent against as this does not follow a family atmosphere. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the first reading. Commissioner Robinson and Commissioner Reagan voted no.

Ordinance No. 933 to amend section 8-203 of the Pigeon Forge Municipal Code relating to outdoor patio sales of beer was presented for the first reading. City Attorney Gass discussed and stated that a restriction may be added not to allow bars on patios. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the first reading. Commissioner Robinson and Commissioner Reagan voted no.

Ordinance No. 934 to amend section 8-203 of the Pigeon Forge Municipal Code relating to hours of beer sale operation was presented for approval. City Attorney Gass discussed the ordinance which would extend hours beer could be sold to 1:00 a.m. Following discussion, ordinance failed for lack of motion.

Discussion and consideration of bid for the Middle Creek Force Main Replacement from Garrison Construction Company was presented for approval. Public Works Director Miller along with Kent Olsen from Vaughn & Melton stated that bids had been opened and it was recommended to accept low bid from Garrison Construction Co. in the amount of \$407,829.20. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration of bid for reflective traffic cones for the Street Department from Safety Zone Specialist was presented for approval. Public Works Director Miller stated discussed that of the nine bids received, he recommended the low bid from Safety Zone Specialist at a cost of \$11.60 per cone for 750 cones for a total of \$8,700. On a motion by Vice Mayor McClure, second by Commissioner Reagan, it was unanimously approved to accept the request as presented.

Discussion and consideration of bid for Winterfest LED replacement bulbs for Winterfest displays from Christmas Lights was presented for approval. Public Works Director Miller stated three bids had been received and he recommend the low bid from Christmas Lights at a cost of \$24,950. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration of Developer Fee payments for the events center was presented for approval (this amount is unbudgeted and will be paid for out of fund balance). Assistant City Manager Brackins discussed and noted the base fee of 4% of the projected cost would be in the amount of \$1,822,575 ($\$45,564,387 \times 4\% = \$1,822,575$); deferred development fee of 1.5% of the projected cost would be in the amount of \$683,466

(\$45,564,387 x 1.5% = \$683,466) if and when a certificate of occupancy for the project is issued on or before September 2, 2013, as such date may be extended for excused performances, and the project completed for less than the final development budget; and Riverwalk Village Incentive of 3.5% of the projected cost would be in the amount of \$1,594,754 (\$45,564,387 x 3.5% = \$1,594,753) if not less than 25,000 square feet on the site described in the agreement is completed and occupied no later than the completion date. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved. Commissioner Robinson and Commissioner Reagan voted no.

Discussion and consideration of agreement with Pigeon River Land Partners, LLC for public improvements onto and through Riverwalk Village was presented for approval (the amount is unbudgeted and will be paid for out of fund balance or through the issuance of bonds). Assistant City Manager Brackins discussed the agreement noting that the public improvements made by the City would not exceed \$5,000,000. Commissioner Robinson said that if condemnation was left "as is" in the agreement, then if necessary it is automatically approved by accepting this agreement. He stated he would like to look at each potential condemnation separately. Commissioner Robinson made motion to separate language regarding potential condemnation from rest of agreement, second by Commissioner Reagan, the motion to amend the agreement failed with Mayor Wear, Vice Mayor McClure, and Commissioner Brackins voting no. On a motion by Vice Mayor McClure to approve agreement as presented, second by Commissioner Brackins, it was approved to accept the agreement as presented. Commissioner Robinson and Commissioner Reagan voted no.

Discussion and consideration of payment to the Sevier County School System for catastrophic insurance for the Smoky Mountain Football Jamboree Kick-off was presented for approval (the amount is unbudgeted). City Manager Teaster stated that the county is asking for sponsorship in the amount of \$5,000. City Attorney stated that if council approved, the council could earmark the funds to be spent on Pigeon Forge schools. On a motion by Commissioner Reagan, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented with restriction that sponsorship be spent on City of Pigeon Forge Schools only.

Discussion and consideration of agreement with Vision Engineering for Dry Fork Flood Analysis was presented for approval (the amount is unbudgeted). Public Works Director and Wantiez with Vision Engineering discussed the scope of service for the Kings Hills subdivision area. Mr. Wantiez stated that the agreement could be separated into four phases so that the City can initiate each phase individually or as a whole. The breakdown is as follows: 1) Phase 1 – FEMA HEC Model Review in the amount of \$3,675; 2) Phase 2 – Survey Field Work and Model Check in the amount of \$3,350; 3) Results & Reports in the amount of \$2,250; and 4) Phase 4 – Design where amount is yet to be determined. The cost total cost for all phases would be \$9,275 plus estimated expenses (travel, printing, shipping, etc.) in the amount of \$200 for a total of \$9,475. On a motion by Commissioner Reagan, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented. It was noted that funds for this agreement could be taken out of undesignated balance in budget. Commissioner Reagan made amendment to his motion to use undesignated balance, second by Vice Mayor McClure and all voted "aye".

Manager's report included the following:

1. Per Executive Director of Tourism Downey, he would like to name the following people to serve on the Agency Review Committee: Ray Ogle – Advisory Board Chairman, Ken Bell – Advisory Board Representative, Ken Maples – Pigeon Forge Business Owner, Mike Wilds – Outside Consultant, David Wear – Mayor, Earlene Teaster – City Manager, Eric Brackins – Assistant City Manager, Sue Carr – Marketing Manager, and Leon Downey – Executive Director of Tourism.
2. Will be receiving bids August 31, 2011 for traffic study on north end of town.
3. There will be a beer board meeting on August 24, 2011 at 1:00 p.m. in the council room of city hall.
4. Congressman Rowe will be at the City of Pigeon Forge Council Room on August 16, 2011 at 2:30 p.m.
5. Community Center will be closed week of August 8, 2011 for annual maintenance.
6. There will be a planning commission meeting on August 23, 2011 at 3:00 p.m. in the council room of city hall.
7. Need to leave August 16, 2011 date open for a possible work session.

Mayor Wear asked for comments from the board.

Commissioner Reagan thanked everyone who has shown support for the citizens of Kings Hill area related to flooding issues.

Having no other comments received, the meeting was duly adjourned at 7:05 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER