

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, OCTOBER 12 2009, 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.

PUBLIC HEARING NO. 1

Mayor Whaley opened the public hearing to receive public comment regarding the rezoning of parcel 56 of tax map 95 and parcels 38, 39, 39.01, 39.02 and 42 of tax map 106 (located between U.S. 441 (The "Spur") and Upper Middle Creek Road, owned by Mountain Reflections, LLC from R-1 to C-2 district.

Harvey Abernethy was in attendance stating he was for the rezoning.

There being no further 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 Wear.

The authorization for the payment of bills was unanimously approved following motion by Commissioner Brackins and second to motion by Commissioner Wear.

Ordinance No. 898 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcel 56 of tax map 95 and parcels 38, 39, 39.01, 39.02 42 of tax map 106 (located between U.S. 441 (The "Spur") and Upper Middle Creek Road) owned by Mountain Reflections, LLC from R-1 (Low Density Residential) to C-4 (Planned Unit-Commercial) district was presented for the second reading. Following comments by Community Development Director Taylor and on a motion by Vice Mayor McClure, second by Commissioner Brackins and with all voting "aye" the motion was approved on the second reading.

Ordinance No. 899 to amend Sections 706 ("C-4 Planned Unit Commercial Districts"), Section 408.82 ("Maximum Signage permitted – Commercial District C-4") and Section 801 ("Area, Yard, and Height Requirement") of the text of the zoning ordinance of Pigeon Forge, Tennessee was presented for the first reading. Community Development Director Taylor generally discussed the wording changes in the Ordinance.

On a motion by Vice Mayor McClure, second by Commissioner Wear and with all voting “aye” the motion was approved on the first reading.

Consideration of request from Three Pigeons, LLC and Three Ducks, LLC for approval of sign agreement was presented for approval. City Attorney Gass stated that the agreement that had been approved at previous meeting included some language that Darby Campbell had some concerns with which revised agreement corrects. Changes included removing two words in paragraph 7 (or relocation), adding a second sentence on page 2 in first paragraph, and adding paragraph 8. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the request as presented.

Resolution No. 767 authorizing the issuance of General Obligation Refunding Bonds, in aggregate principal amount of not to exceed thirty-seven million five hundred thousand dollars (\$37,500,000) of the City of Pigeon Forge, Tennessee for the purpose of prepaying all of a portion of the City’s Series III-C-4 and Series V-H-1 Loan Agreements; to pay interest rate termination payments in connection with the Series III-C-4, Series IV-B-12, Series IV-D-1 and Series IV-E-1 Loan Agreements; to make provision for the issuance, sale and payment of said bonds; to establish the terms thereof and the disposition of proceeds therefrom; and provide for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds was presented for approval. Joe Ayers from Morgan Keegan discussed resolution stating that this would allow Morgan Keegan to analyze existing bonds for possible refinancing to remove swap agreement and lock in lower interest rate creating interest savings over the life of the bonds. On a motion by Vice Mayor McClure, second by Commissioner Robinson and with all voting “aye” the motion was approved.

Resolution No. 768 authorizing the novation of Interest Rate Swap Agreements heretofore entered into by the Public Building Authority of Sevier County, Tennessee for the benefit of the City of Pigeon Forge, Tennessee and authorizing the execution and delivery of documents relating to such novated swap agreements was presented for approval. Joe Ayers explained that due to Ambac being downgraded, there is an interest to release Ambac from their liability under its insurance policies related to the bonds and novate the existing swaps to Morgan Keegan and Deutsche Bank. Mr. Ayers explained how this would work and this would be presented to the city for final approval once more details were available. On a motion by Vice Mayor McClure, second by Commissioner Brackins and with all voting “aye” the motion was approved.

Approval of request for extended delivery date for new fire truck was presented for approval. Fire Inspector Price noted that due to change order at a previous council meeting related to fire truck, 4 Guys Fire Truck Inc. is requesting delivery date be extended from October 23, 2009 to November 5, 2009. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept request as presented.

Approval for the library to donate outdated book cassettes, etc. to the Friends of the Pigeon Forge Public Library was presented for approval. City Manager Teaster

explained that this was done a few times each year to clear old library inventory and make room for new books and other materials. On a motion by Commissioner Brackins, second by Commissioner Wear, it was unanimously approved to accept the request as presented.

Approval request from police department to purchase a drug patrol dog from special drug funds was presented for approval. Police Chief Baldwin presented and stated that he recommended purchasing from Jeff Wisecarver, owner of Quality K-9 at a cost of \$9,500. This cost includes the cost of the K-9 and the training. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Approval of five thousand (\$5,000) grant from Governor's Highway Safety Office for High Visibility Law Enforcement Campaign for capital assistance was presented for approval. Police Chief Baldwin explained that this would be 100% federally funded and would be used to purchase portable radios. On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept request as presented.

Approval to allow two (2) car shows to use City parking lot during May and June 2010 after securing necessary approvals from Pigeon Forge Planning Commission was presented for approval. City Attorney Gass briefly discussed proposal. Commissioner Wear noted that these two shows will be used for an actual show where before the lot was solely used for parking. After general discussion and on a motion by Commissioner Wear, second by Vice Mayor, it was unanimously approved to accept the proposal as presented.

Approval of contract and acceptance of new 5309 Capitol Transportation Grant from Tennessee Department of Transportation in the amount of one hundred sixty-seven thousand one hundred fifty-seven dollars (\$167,157) with matching funds of eighteen thousand five hundred seventy-three dollars (18,573) to be included in 2010/2011 City budget was presented for approval. Mass Transit Director Marine presented and stated that this contract would be effective through October 14, 2011. Marine added that this grant would be used to purchase a trolley. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the grant as presented.

Approval of purchase of one (1) mini bus and two (2) trolleys with stimulus money that is 100% federally funded under current bid was presented for approval. Mass Transit Director Marine stated he recommended purchasing mini-bus from low bidder Bus Group, Inc. at a cost of \$80,620 and two trolleys from low bidder Double K, Inc. at a cost of \$189,334 each. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept request as presented.

Approval of quote for WinterFest 20th Anniversary sign display per current budget was presented for approval. Executive Director of Tourism Downey recommended low quote from GP Designs Inc at a cost of \$4,985. He stated that in

future years, the numbers could be changed so that this sign could be used each year. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the request as presented.

Manager's report included the following:

1. There will be a planning commission meeting on October 27, 2009 at 3:00 p.m. in the council room of city hall.
2. Smoky Mountain WinterFest lunch will be held on October 26, 2009 at 11:30 a.m.
3. The agendas for city meetings will now be posted on the website.
4. The next regularly scheduled council meeting will be held on October 26, 2009 at 5:30 p.m. in the council room of city hall.

Mayor Whaley asked for comments from the floor and/or board.

After general comments and Randal Robinson offering a closing prayer, the meeting was duly adjourned at 6:10 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER