

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, NOVEMBER 26, 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 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 requested his list of questions and any responses to his questions to be included in the minutes. See attachment A for questions.

Kenny Maples spoke in favor of agenda items five and six as it relates to alcoholic beverages.

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 presented. 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. 953 to establish a privilege tax for the sale of alcoholic beverages was presented on the first reading. Commissioner Robinson asked where the tax collected would go. City Manager Teaster stated that the revenue would go in the general fund. Mayor Wear stated that this is separate from the liquor tax that would go to the schools. On a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the first reading. Commissioner Reagan and Commissioner Robinson voted no.

Ordinance No. 954 to modify the time for the sale of beer and the age of the server of beer by licensed alcoholic beverage retailers was presented on the first reading. Commissioner

Robinson asked if the City can opt out of the hour requirement and if the City could set up hours that are more restrictive than the hours set by the State? City Attorney Gass stated that he would like to research further and would also like to get a representative from the Alcoholic Beverage Commission to attend an upcoming meeting. On a motion by Commissioner Brackins, second by Vice Mayor McClure, the motion was approved on the first reading. Commissioner Reagan and Commissioner Robinson voted no.

Discussion and consideration of a change order in the amount of \$15,700 from CDM Smith for construction engineering and inspection services for Music Road US 441 traffic signal project was presented for approval. Assistant City Manager Brackins stated that the time frame was extended from an original six weeks to thirty-four weeks on the agreement. Motion was made to approve by Vice Mayor McClure and was seconded by Commissioner Brackins. Commissioner Robinson stated that this change order is too much over budget and the engineer should not be able to double the cost. Following discussion and after a motion for a friendly amendment by Vice Mayor McClure, second by Commissioner Reagan, it was unanimously approved to defer consideration on change order until next council meeting.

Discussion and consideration of change orders in the amount of \$6,253, \$2,301, and \$1,150 from Progression Electric for the Music Road US 441 traffic signal project was presented for approval. On a motion by Vice Mayor McClure, second by Commissioner Reagan, it was unanimously approved to accept the change orders as presented.

Discussion and consideration to pave Tiger Drive was presented for approval. Public Works Director Miller presented and it was noted that the proposal for capping the road approximately 850' long X 22' wide with approximately 1" of asphalt would cost \$14,500. On a motion by Commissioner Reagan, second by Commissioner Robinson, it was unanimously approved to accept the request as presented.

Discussion and consideration of proposal from Precision Millwright and Consultants and crane rental for the Middle Creek lift station pump base replacement was presented for approval. Martin Cross with Veolia stated that this was an unscheduled but necessary repair that was done just before Thanksgiving. The low proposal was submitted by Precision Millwright at a cost of \$3,985 and crane rental from Blalock at a cost of \$3,720. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Discussion and consideration of bid to purchase extrication equipment from Res Q Tec for the Fire Department was presented for approval. Fire Chief Watson presented and stated he recommended the low bid from Res Q Tec as follows: 1) V5 Ram at a cost of \$3,460; 2) FX4 Combi Tool at a cost of \$4,600; and 3) G6W Cutter at a cost of \$4,600 for a total of \$12,660. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was approved to accept the request as presented. Commissioner Reagan abstained from the vote.

Discussion and consideration of bid to purchase a utility vehicle for the Parks and Recreation Department from Greenville Turf and Tractor was presented for approval. Parks and Recreation Director Wilbanks presented and recommended the low bid that met bid specifications

from Greenville Turf and Tractor in the amount of \$18,200.55 On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the bid as presented.

Discussion and consideration of bid to purchase a triplex reel mower for the Parks and Recreation Department from Smith Turf and Irrigation was presented for approval. Parks and Recreation Director Wilbanks presented and recommended the low bid that met bid specifications from Smith Turf and Irrigation in the amount of \$28,204.38. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the bid as presented.

Discussion and consideration to accept a tree grant from the Tennessee Department of Agriculture Division of Forestry in the amount of \$13,830 for the Parks and Recreation Department was presented for approval. Parks and Recreation Director Wilbanks presented and stated that the grant would be in the amount \$27,660 with \$13,830 being state funded and \$13,830 being a local match. On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the grant as presented.

Discussion and consideration to give Library books to the Friends of the Pigeon Forge Public Library was presented for approval. City Manager Teaster presented and stated that this is a process that is done a few times per year regarding books based on lack of use, duplicate copies, and/or no longer appropriate for the collection. There are a total of 1,615 books to donate. On a motion by Vice Mayor McClure, second by Commissioner Reagan, it was unanimously approved to accept the request as presented.

Discussion and consideration to appoint Greg Nichols to the Tree Board was presented for approval. City Manager Teaster presented. On a motion by Vice Mayor McClure, second by Commissioner Reagan, it was unanimously approved to accept the request as presented.

Discussion and consideration to name a new City street from the Parkway through the Island to the City's parking lot "The Island Drive" was presented for approval. City Manager Teaster presented. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Manager's report included the following:

1. There will be a Beer Board meeting on Wednesday November 28, 2012 at 1:30 p.m. in the council room of city hall.
2. The only scheduled council meeting in December will be Monday December 10, 2012 since December 24, 2012 will be on an observed holiday.
3. There will be a planning commission meeting on Tuesday December 11, 2012 at 3:00 p.m. in the council room of city hall. Following the meeting, board members will have their annual Christmas dinner.
4. The City Christmas lunch will take place Friday December 14, 2012 at 11:30 a.m. at the community center.

5. The Tourism Advisory Board will have breakfast on Tuesday December 4, 2012 at Partridge and Pear restaurant at 9:00 a.m. to be followed by a meeting at 10:30 a.m. at the Pigeon Forge Information Center.
6. Tourism Talks will be held on Thursday December 6, 2012 at the Holiday Inn at 9:00 a.m.
7. The City's ISO rating has just been received and the rating went from a 5 down to a 3.
8. The water department has just been evaluated and has received a score of 98.
9. Would like to have a work session next week.

Mayor Wear asked for comments from the board.

Vice Mayor McClure and Commissioner Brackins said that the fire department had done a good job with the rating.

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

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER

City Commission Ordinance 954.docx

Question: Request ^{is it} this question and ^{their} its response both be placed in today's City Commission Minutes.

Pigeon Forge has a Beer Board and not a Liquor Board.

Appears Ordinance 954 permits Chapter 2 of Beer Ordinances to overrule State Laws, however in the absence of any specific rules within Chapter 2, State laws rule, is this correct ^{and} please clarify.

Chapter 2 of Beer Ordinances currently addresses hours of sales for "beer and wine" but does not for "liquor sales", thus if Ordinance 954 were to pass, would the city then be obligated for sales after the current 12:15am rule?

What is the age of restaurant servers with ^{"beer" and} "liquor by the drink" under State law?

What is the city's ^{initial} plan for enforcement of codes concerning liquor. Not the typical public offenses but licensee infractions under Chapter 2 and/or T.C.A. 57-4-102?

Handed to City Commission on 11/26/2012.

*By
Charles Rhodes*