

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, SEPTEMBER 10 2007, 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 Reagan, City Manager Teaster, City Recorder Clabo, City Attorney Gass, Public Works Director Miller, Community Development Director Jagger, members of the press and interested citizens. Commissioner Sexton was absent.

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

PUBLIC HEARING 1

Mayor Whaley opened the public hearing to receive public comment regarding a proposed amendment to the zoning ordinance regarding the rezoning of parcels 52, 53.01, and 55 of tax map no. 84, owned by Dollywood, from R-1 (Low Density Residential) to C-5 (Commercial Amusement Park).

Arlene Stam asked if her property would be affected. Mike Teske representing Dollywood stated that her property would not be affected. Rhonda Clabo asked about her mailbox being affected. Mike Teske stated that her mailbox should not have to be moved.

There being no further comments, Mayor Whaley closed the public hearing.

REGULAR MEETING

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

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

Ordinance No. 842 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcels 52, 53.01 and 55 of tax map 84, owned by Dollywood, from R-1 (Low Density Residential) to C-5 (Commercial Amusement Park) was presented for the second reading. On a motion by Vice Mayor McClure, second by Commissioner Reagan and with all voting "aye" the ordinance was approved on the second reading.

Ordinance No. 843 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcels D-7, D-8, D-9, D-12 and D-13 of tax map 94-D, owned by Mary Jane Henderson and others, from R-1 (Low Density Residential) to C-2 (Tourist Commercial)

was presented for the first reading. On a motion by Vice Mayor McClure, second by Commissioner Reagan, the ordinance was approved on the first reading.

Ordinance No. 844 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcels B-36 and B-36.02 of tax map 72-P, owned by Jim Medlin, from R-1 (Low Density residential) to R-2 (High Density Residential) was presented for the first reading. On a motion by Commissioner Brackins, second by Commissioner Reagan and with all voting “aye” the ordinance was approved on the first reading.

Ordinance No. 845 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcels 124 of tax map 94, owned by Fairteen, LLC (Robert Morey) from R-1 (Low Density Residential) to R-2 (High Density Residential) was presented for the first reading. On a motion by Vice Mayor McClure, second by Commissioner Reagan and with all voting “aye” the ordinance was approved on the first reading.

Ordinance No. 846 to amend Section 704 (re: permitted uses in the C-2 District) of the text of the zoning ordinance of Pigeon Forge, Tennessee was presented for the first reading. On a motion by Commissioner Brackins, second by Vice Mayor McClure and with all voting “aye” the ordinance was approved on the first reading.

Approval of supplemental engineering services with Gresham Smith and Partners regarding TDEC requirements for issuance of permits on Thomas Farm Development was presented for approval. City Manager Teaster stated that this proposal was to revise the design of the public improvements for the Pigeon Falls Development Site which the majority of the revisions are required changes from Tennessee Department of Environment and Conservation. The cost for the proposal will be \$144,350. On a motion by Vice Mayor McClure, second by Commissioner Brackins, the request was approved as presented. Commissioner Reagan abstained from the vote.

Consideration of billboard relocation by Darby Campbell was presented for approval. City Attorney Gass noted that Darby was requesting an adjustment to the height requirement and also to relocate the sign to a more prominent location. Commissioner Reagan stated he would like to defer this to a workshop. On a motion by Commissioner Reagan, second by Vice Mayor McClure, it was unanimously approved to defer the item to a workshop at a later date.

Consideration of donation of used copier from the community center to Mountain Hope Good Shepard Medical Clinic was presented for approval. City Manager Teaster discussed the need of the clinic. On a motion by Commissioner Brackins, second by Commissioner Reagan, it was unanimously approved to accept the request as presented.

Consideration of Willow Creek Subdivision located in the county to connect a nineteen (19) subdivision to the water systems off the county’s Goose Gap line was presented for approval. Public Works Director Miller stated that the line was acceptable by the city’s engineer. 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 planning commission meeting on September 25, 2007 at 5:30 p.m. in the council room.
2. The next regularly scheduled council meeting will be held on September 24, 2007.
3. There will be a joint city/county dinner on September 25, 2007 in Gatlinburg at 6:00 p.m. to discuss the ridge top study.
4. A public hearing will be held on Ordinance No. 843, 844 and 845 on October 8, 2007 at city hall in the council room at 5:30 p.m.
5. Public Works department had a bid opening on the digester for the wastewater plant. The city's engineer is in the process of reviewing since the bid was over budget.
6. At the September 24, 2007 council meeting, some of the council meeting will be filmed for the city video.

Mayor Whaley asked for comments from the floor or Board.

Jess Davis spoke on behalf of motels/hotels posting rates on signs advertising room rates. He stated that one reason those wanting an ordinance passed to prohibit rate signs is that visitors making reservations weeks in advance may feel that they do not get the best rate. This is because the visitor may see a quoted rate lower at another location.

Mr. Davis next spoke of motivations behind request to remove rate signs. He stated that the other motels would be less constrained by the open market. He noted that those same businesses would be able to perpetrate their potential scamming. This is done by motels using online booking service and having to pass costs on to unsuspecting customers. Davis noted an example of someone using an online booking service to make a reservation and paying more than someone walking into the motel on the check-in date for the same room. Further, this customer would see that they paid more in advance than someone walking in off the street and also see posted rate signs with lower quoted rates.

Mr. Davis then offered a solution for council. He stated that federal and state laws are on the books now that prohibit false advertising. He quoted TCA 62-7-101 b2 for this law. He said the misconception businesses have about posting rates is that some think only one room has to be available at the posted rate. Davis stated that the law actually requires twenty-five percent of the inventory to be priced at the posted rate. He said that a violation of this was considered a class c misdemeanor and could result in thirty days in jail. Davis stated that visitors coming in and feeling cheated could have this investigated by federal or state officials.

Mr. Davis made several general comments and gave a copy of his exhibits with his research to City Recorder Clabo for the city's record.

Richard Balk made general comments.

Bob Sutton made general comments.

Vice Mayor McClure told Fire Chief Watson he was glad he was back to work.

Mayor Whaley asked everyone to keep officer Helton in their prayers. He also thanked the public safety departments and public works department for work during the past car show.

It was noted that a benefit will be held on September 19, 2007 for officer Helton at the Dixie Stampede.

There being no further comments, and Public Works Director Miller offering a closing prayer, the meeting was duly adjourned at 6:40 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER