

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, FEBRUARY 8 2010, 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.

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 Vice Mayor McClure.

Ordinance No. 897 to amend the Zoning Map of Pigeon Forge, Tennessee by rezoning parcels 156 of tax map 94 and parcel F-31.01 of tax map 94-F, owned by Cindy Owens and Credit Shelter Trust, from R-1 (Low Density Residential) District to C-2 (Tourist Commercial) District was presented for the second reading. City Attorney Gass spoke briefly about issue with rezoning noting that property already exists at proposed rezoning area that is zoned commercial. Vice Mayor McClure stated that he didn't think the City had any choice but to approve the rezoning based on comments from City Attorney Gass. After lengthy discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the second reading. Commissioner Robinson voted no. Commissioner Wear voted present.

Ordinance No. 901 to establish the fee structure for mechanical permits for the City of Pigeon Forge in accordance with title 12, chapter 9, section 12-902 of the City of Pigeon Forge Municipal Code was presented for the first reading. 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. 902 to establish the fee structure for plumbing permits for the City of Pigeon Forge in accordance with title 12, chapter 2, section 12-202 of the City of Pigeon Forge Municipal Code was presented for the first reading. On a motion by Vice Mayor McClure, second by Commissioner Wear, and with all voting "aye" the motion was approved on the first reading.

Ordinance No. 903 to amend section 5-101 "Official depository for City Funds" in its entirety was presented for the first reading. City Manager Teaster stated that this would update ordinance to include additional banks that have opened in Pigeon Forge since ordinance was previously adopted. On a motion by Vice Mayor McClure, second by

Commissioner Brackins, the motion was approved on the first reading. Mayor Whaley abstained from the vote.

Ordinance No. 904 to amend ordinance no.894 annual appropriations for fiscal year 2009-2010 was presented for the first reading. City Recorder Clabo explained that this was done twice annually to adjust line items in the budget that had either exceeded the budgeted amount or departments needed to shift funds within their respective departments from one line to another. On a motion by Commissioner Brackins, second by Commissioner Wear, and with all voting “aye” the motion was approved on the first reading.

Ordinance No. 905 to establish a mission statement and scheduling policy for the City of Pigeon Forge Tourism Development Zone (TDZ) facility was presented for the first reading. Commissioner Robinson stated that he feels that the City is wide open for liability on competing with existing venues. Mayor Whaley commented that all council is voting on right now is a mission statement and a scheduling policy and not whether the City is going to build an events center. City Attorney Gass said that this ordinance will address what is currently available as of the passage of this ordinance. Commissioner Robinson asked if this was an authorization to spend money. Council said no that it was only to approve a mission statement and scheduling policy. 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 an agreement to modify settlement agreement with Three Pigeons, LLC, and Two Ducks, LLC regarding converting a billboard located near Burger King adjoining the Parkway to a digital billboard was presented for approval. City Attorney Gass recommended modifying agreement to say billboards will be subject to regulation changes in the future as needed with regard to brightness, message intervals, and regulations of flashing. On a motion by Vice Mayor McClure to accept agreement per recommendations of City Attorney Gass, second by Commissioner Wear, it was unanimously approved to accept agreement as noted.

Consideration of an agreement to modify settlement agreement with Three Pigeons, LLC, and Two Ducks, LLC regarding converting a billboard located near Sonic Restaurant adjoining the Parkway to a digital billboard was presented for approval. City Attorney Gass recommended modifying agreement to say billboards will be subject to regulation changes in the future as needed with regard to brightness, message intervals, and regulations of flashing. On a motion by Vice Mayor McClure to accept agreement per recommendations of City Attorney Gass, second by Commissioner Wear, it was unanimously approved to accept agreement as noted.

Approval of a request from Bear Creek Crossing Development off Goose Gap Road to be accepted into the City’s water system was presented for approval. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept request as presented.

Approval of request to purchase two portable radios from Motorola on statewide contract 420 for the Police Department was presented for approval. This will be purchased using the Governors Highway Safety Office Grant which will cover \$5,000 and the remaining \$444 will be paid from the police department budget. The cost is \$2,722 each for

a total of \$5,444 from Motorola. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the purchase as presented.

Manager's report included the following:

1. TDOT will have a preconstruction meeting on the rockslide at 2:00 p.m. on Thursday February 11, 2010 in City Hall Complex Meeting Room B.
2. The second rockslide debris has been removed and the road should be open by tonight.
3. The TML conference is scheduled for March 8th through March 9th in Nashville and a response is needed by this Wednesday if attending.
4. The fire department has been awarded a \$200,000 grant for a tanker fire truck.
5. A beer board meeting has been set for February 22, 2010 at 2:00 p.m. in the council room of city hall.
6. There will be a planning commission meeting on February 23, 2010 at 3:00 p.m. in the council room of city hall.
7. The lodging association will meet on Thursday February 11, 2010 at 11:30 a.m. at the Holiday Inn.

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

Following general comments and Leon Downey offering a closing prayer, the meeting was duly adjourned at 6:25 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER