

**MINUTES OF  
CITY COMMISSION MEETING  
MONDAY, MAY 24 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.

Approval of change order number 2 for the wastewater treatment plant primary digester repair with Southern Constructors was presented for approval. Sam Harrison with SSR explained the requested change order as follows: 1) the specifications required a finish coating of polyurethane in addition to the underlying prime and epoxy base coats. Based on discussions with the contractor, inspector, and coatings supplier it was determined the finish coat could be deleted from the project and resulted in a cost savings of \$7,000. 2) additional deficiencies were discovered during the repair process. These defects could not be observed in the inspection phase due to the location of the defects and the limited accessibility. Numerous additional repairs were required including welding 267 feet of angle iron around the perimeter of the wet side to seal a 1/4-inch gap. Additional pitting was discovered when the blasting crew removed the old coating system that required welding of large metal plates to repair the cover. The additional repair costs to the digester cover were \$16,303. 3) the interior of the attic space is prone to condense water that pools at seams and joints and results in premature rusting of the metal components. The inspector recommended calking the seams on the inside of the attic space to prevent the accumulation of moisture and premature failure. The contractor submitted a price of \$1.45 per linear foot to calk 1760 linear feet of seams. The cost for this change was \$2,568. and 4) the gas draw off system for digester was modified by plant personnel to come from the top of the roof and run down the exterior side of the tank. It was decided to replace the existing gas collection system with an internal gas collection pipe that is similar to the original digester's gas draw off configuration. This change required a new sediment trap and approximately 90 feet stainless steel piping at an additional cost of \$18,124 netting an increase of \$8,124 after considering the miscellaneous allowance in the amount of \$10,000. The total change order is in the amount of \$19,995. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the change order as requested.

Approval of bid for the reroofing of the wastewater treatment plant buildings was presented for approval. Martin Cross with Veolia noted that bids had been received from three vendors and he recommended the low bid from Tram Roofing at a cost of \$68,558. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was recommended to accept the bid as presented.

Approval of agreement with Gresham Smith and Partners for the development of the bid documents and review of the submittals for the Middle Creek pump station control system replacement was presented for approval. Martin Cross explained that this proposal was in the amount of \$3,750. On a motion by Commissioner Brackins, second by Commissioner Wear, it was unanimously approved to accept the request as presented.

Approval of an agreement with Water Resource LLC to purchase wetland mitigation credits was presented for approval. Liz Porter with S&ME explained that the wetland credits that had previously been approved by council during the April 12, 2010 meeting could no longer be used per a letter from TDEC stating that the Shady Valley mitigation site has had its service area reduced and it can no longer service Sevier County for mitigation requests. The costs for the 2.48 wetland credit acres is \$99,200 and a 25% deposit is due or \$24,800. The deposit will apply toward the total cost of the credits. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Approval of an agreement with Pugh and Company for audit services was presented for approval. City Recorder Clabo noted that engagement was for fiscal year end June 30, 2010 and the fee would range between \$75,000 to \$85,000 with any additional time and expense for additional work at hourly rates. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the request as presented. Commissioner Robinson voted no. Commissioner Robinson stated that the reason he was against hiring Pugh & Company was that he felt the audit was critical to accountability to our citizens and that he felt that after being with Pugh & Company for several years that it would be good business to have another audit company to perform the audit not only to check the City's records but to put accountability to Pugh & Company work.

Manager's report included the following:

1. There will be a planning commission meeting on May 25, 2010 at 3:00 p.m. in the council room of city hall.
2. A developer is interested in leasing or purchasing property from the City at the Music Road area and staff needs permission to begin the process. Council agreed.
3. Mass Transit Director Marine asked the board for permission to move forward on applying for a grant for the trolley building which would be 80 percent federal dollars and 20 percent local match. Board agreed for Marine to move forward.

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

City Attorney Gass stated that Commissioner Robison had asked City Recorder Clabo for information regarding ongoing litigation. Commissioner Robison stated that he had never asked for any information regarding the ongoing litigation that the only information that he had requested and ever had any interest in was the documentation from the 2005 order between the City of Pigeon Forge and Riverwalk, LLC. Therefore City Attorney Gass recommended an executive meeting with council to discuss the ongoing litigation. Mayor Whaley asked if commissioners could stay after the meeting to have an executive meeting regarding litigation. All agreed to meeting except for Commissioner Robison who stated he didn't feel comfortable having a meeting about litigation behind closed doors. Mayor Whaley stated they would have the executive meeting minus Commissioner Robison.

Having no other comments received, the meeting was duly adjourned at 5:55 p.m.

APPROVED: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY RECORDER