

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, JUNE 25, 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.

PUBLIC HEARING 1

A public hearing to receive public comment regarding the proposed changes to the zoning ordinance/map of Pigeon Forge, Tennessee by rezoning certain property located off of the Parkway and Smoky Drive back to Teaster Dr. from C-2 (tourist commercial) district and C-4 (planned unit-commercial) district to C-7 (planned unit/public use development) district.

Walt Winchester with Winchester, Sellers, Foster & Steele law firm representing First Bank spoke. He stated First Bank has a large ownership interest in the property but has not been asked nor consented to the rezoning.

James Overstreet stated he was against the rezoning.

There being no other 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 Brackins.

Mayor Wear asked if there were any comments from citizens.

James Overstreet stated he was concerned about the budget and added if the City can afford funds for Riverwalk Road then it can afford portable toilets. He further noted that he was disappointed with the handling of issue with No Way Jose Restaurant by the planning commission.

Charles Rhodes says that we are overpaying on some of the contracts tonight under tourism budget and have talent in this community that could save a lot of money.

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 noted. Commissioner Robinson noted that he was for the normal bills but opposed items in question that are not bid.

Old Business

Ordinance No. 945 to amend the zoning map of Pigeon Forge, Tennessee, to rezone certain property located off of the Parkway and Smoky Drive back to Teaster Dr. from C-2 (tourist commercial) district and C-4 (planned unit – commercial) district to C-7 (planned unit/public use development) district was presented for the second reading. Community Development Director Taylor presented and noted that there had been two changes since first reading to eliminate two small tracts from the rezoning. The minimum requirement for acreage would still be met. In addition, all non-conforming signs had been removed. Commissioner Robinson asked how someone could have a piece of property with two different zones. Mr. Taylor stated that zoning does not always fall by property lines and can split a parcel. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the second reading. Commissioner Reagan and Commissioner Robinson voted no.

Ordinance No. 948 to set the property tax rate for the 2012-2013 fiscal year was presented for the second reading. On a motion by Commissioner Brackins, second by Vice Mayor McClure, and with all voting “aye” the motion was approved on the second reading.

Ordinance No. 949 to make and fix the annual appropriations for the several departments of the City of Pigeon Forge, Tennessee, for the fiscal year beginning July 1, 2012, and ending June 30, 2013 was presented for the second reading. Assistant City Manager Brackins presented and highlighted the totals in each fund. He further noted that three changes had been recommended at a previous work session to be included in the budget including portable toilets for car shows, adding vision insurance to the insurance plan, and adding the funding of the Sevier County Economic Development Council. Motion to approve was made by Vice Mayor McClure but added he would like recommendation from car show committee to pay for portable toilets during car shows, which was seconded by Commissioner Brackins.

Before the vote Commissioner Robinson asked Mayor Wear if he planned on abstaining from the vote. Mayor Wear stated that he did not plan on abstaining from the vote. Commissioner Robinson stated he thought the Mayor should abstain based on the city charter. Mayor Wear stated he had a letter from Attorney Sid Hemsley with MTAS stating in his opinion the Mayor did not personally benefit from this vote and this has been funded for many years long before the Mayor was on City Council. Commissioner Robinson stated if the Mayor voted on the budget he would challenge the vote and file an ethics violation.

On a separate motion, Commissioner Reagan asked to separate funding for Sevier County Economic Development Council and vote on separately. Motion failed for lack of second. Mayor Wear asked for those in favor of the budget and an “aye” was noted from Vice Mayor McClure and Commissioner Brackins. Mayor Wear, Commissioner Reagan, and Commissioner Robinson did not vote “aye” or “no.” Mayor Wear stated that if commissioners did not vote then they were in favor of the budget. Hearing no one vote “no,” Mayor Wear announced the Ordinance passed. Commissioner Robinson stated he would like to file an ethics violation and challenge the vote. Mayor Wear said the complaint could be filed with the ethics officer which is City Attorney Gass and the challenge would be recorded.

New Business

Ordinance No. 950 to amend Ordinance No. 930 annual appropriations for fiscal year 2011-2012 was presented for the first reading. City Recorder Clabo discussed the proposed amendment by fund. On a motion by Commissioner Brackins, second by Vice Mayor McClure, and with all voting "aye" the motion was approved on the first reading.

Discussion and consideration of the 2012-2013 Scope of Work with Bohan for tourism advertising was presented for approval. Executive Director of Tourism Downey presented the agreement. The agreement is in the amount of \$6,996,100. Motion to approve was made by Vice Mayor McClure, which was seconded by Commissioner Brackins. Before the vote Commissioner Robinson stated that he had no problem budgeting the funds or spending the money for advertising but he feels there is no accountability. He stated travel expenses are not itemized. Commissioner Robinson said he feels the Tourism Advisory Board needs to look at the funds being spent. He further discussed a family challenge trip giveaway that spent \$17,000 in prize money and the cost to hold the challenge was approximately \$200,000. He suggested that the TAB board be included in the costs of these events. Following discussion and per motions as noted, it was approved to accept the scope of work as presented. Commissioner Robinson voted no and Commissioner Reagan abstained from the vote.

Discussion and consideration of the 2012-2013 Scope of Work with USDM for online tourism advertising was presented for approval. Executive Director of Tourism Downey presented the agreement. The agreement for core services is in the amount of \$400,000. The agreement for additional programs is in the amount of \$1,975,000. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was approved to accept the scope of work as presented. Commissioner Robinson voted no and Commissioner Reagan abstained from the vote.

Discussion and consideration of an agreement with Majority Opinion Research for the 2012-2013 marketing research program was presented for approval. Executive Director of Tourism Downey presented. The agreement is in the amount of \$169,000. Motion to approve was made by Vice Mayor McClure, which was seconded by Commissioner Brackins. Before the vote Commissioner Robinson stated he knew that the studies are important and that we need the studies but businesses are telling him that the studies are for select people and the businesses are not getting the results. Mr. Downey said that businesses could come to the Tourism Department to look at information if he/she signed a confidentiality agreement. Following discussion and per motions as noted, it was approved to accept the agreement as presented. Commissioner Reagan abstained from the vote.

Discussion and consideration of a contract to lease three Tennessee State Welcome Center kiosk spotlight packages was presented for approval. Executive Director of Tourism Downey explained and it was noted that the kiosks are located at I-75 S. Jellico Welcome Center, I-75 N. Chattanooga Welcome Center, and I-81 Bristol Welcome Center. The total cost for a lease for a year is \$19,500. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the contract as presented.

Discussion and consideration of a contract with BDS for 2012-2013 brochure distribution was presented for approval. Executive Director of Tourism Downey explained and it was noted that

the brochures would be distributed to the state welcome centers, area welcome centers and area distribution in selected high traffic racks and filler racks in Sevier County. The total cost for the service is \$4,152.00. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the contract as presented.

Discussion and consideration of an agreement with the Thomas Group for selling of ad space etc. was presented for approval. Executive Director of Tourism Downey explained the Thomas Group would be responsible for selling ad space in the department's Travel Planner, Destination Planner, Value Card, and any co-op programs for the group tour/convention/meetings market. They are responsible for picking up contracts from advertisers, for production and approval of ads for advertisers and being on site during the printing of the travel planner. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the agreement as presented.

Discussion and consideration of an agreement with Mills Marketing Group/Southern Destinations for representation at trade/travel and military shows was presented for approval. Executive Director of Tourism Downey presented and stated that Pigeon Forge would be represented at over thirty trade/travel and military shows through June 30, 2013 at a cost of \$7,500. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the agreement as presented.

Discussion and consideration of an agreement with ADG for engineering of a rough grading plan for the City's 50 acre site for the proposed baseball facility in the amount not to exceed \$80,900. Jimmy Taylor presented agreement and discussed services to be provided. Motion to approve was made by Vice Mayor McClure, which was seconded by Commissioner Brackins. Before the vote Commissioner Robinson stated he was for the project but has concerns about the source of funds for the baseball park and how the project is going to be completed. Commissioner Robinson further stated he was concerned that the City would be paying approximately \$80,000 for these services and then turning around and spending another \$38,000 to another company to say is what is being done ok. Assistant City Manager Brackins stated that ADG's work would include working on grading plans and getting all permits in place and then Gresham Smith would pick up from there and be taking through bidding process. Mayor Wear stated that this something similar to what Commissioner Robinson had suggested in a work session about an SSR peer review. Following discussion and per motions as noted, it was unanimously approved to accept contract as presented.

Discussion and consideration of an agreement with Gresham Smith for engineering services for the project coordination and design portion of the agreement for the proposed baseball facility in the amount not to exceed \$38,720 was presented for approval. Jason Brady with Gresham Smith presented the agreement. Commissioner Robinson asked for it to be noted that the agreement would not exceed \$38,720 since the agreement they are reviewing shows costs up to \$467,030. Assistant City Manager Brackins stated the other amount would be brought back to council for consideration once the project has been bid. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the agreement as presented.

Discussion and consideration of supplement for professional engineering services for the Pigeon Falls Development area in the amount of \$20,195 was presented for approval. Jason Brady with Gresham Smith presented the supplement agreement. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the agreement as presented.

Discussion and consideration of a proposal for a City Park playground structure from Miracle Recreation was presented for approval. Parks and Recreation Director Wilbanks presented and noted that six proposals had been received and the proposals were reviewed by staff and input was received from users and it was recommended to accept proposal from Miracle Recreation at a cost of \$15,998. On a motion by Commissioner Brackins, second by Commissioner Robinson, it was unanimously approved to accept request as presented.

Discussion and consideration of an agreement with Pugh and Company for the 2011-2012 fiscal year audit was presented for approval. City Manager Teaster discussed contract and noted the proposed estimated fee for the 2012 audit shown on the contract is \$79,500 - \$89,500. The audit fee for 2011, including adoption of new accounting standards GASB 45, 53, and 54 plus the additional procedures for treatment of the reinstated IDB as a component unit, both of which will be necessary again in 2012, was \$87,978. Motion to approve was made by Vice Mayor McClure, which was seconded by Commissioner Reagan. Before the vote Commissioner Robinson stated he does not think the same audit company should be used every year because it would give more accountability. Following discussion and per motions as noted, it was approved to accept contract as presented. Commissioner Robinson voted no.

Manager's report included the following:

1. There will be a beer board meeting on June 27, 2012 at 1:30 p.m. in the council room of city hall.
2. There will be a planning commission meeting on Tuesday June 26, 2012 at 3:00 p.m. in the council room of city hall.
3. There will be a public hearing for Ordinance No. 947 at the July 9, 2012 regularly scheduled meeting.
4. Bids have been opened on the trolley site and will be putting on upcoming agenda for consideration for approval.
5. City offices will be closed Wednesday July 4, 2012 to observe July 4th holiday.

Mayor Wear asked for comments from the board.

Commissioner Reagan stated that there were areas on Teaster Lane road that needed patched and the sensors for red lights at East Wears Valley do not seem to be working properly.

Commissioner Robinson stated that Gold Rush road appears to be in bad shape.

Commissioner Brackins thanked the Tourism Advisory Board for their service.

Having no further comments received, the meeting was duly adjourned at 6:50 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER