

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, NOVEMBER 22 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

Charles Rhodes asked for comments from certain commissioners at prior meetings to be reflected in minutes regarding the booking engine. It was noted that the minutes are supposed to document action taken by the board and not viewpoints of the commissioners. The minutes were unanimously approved as written following motion by Vice Mayor McClure and second to motion by Commissioner Wear.

Mayor Whaley asked if there were any comments from citizens.

Charles Rhodes asked about possible work shops regarding the booking engine and wanted to know if there would be public meetings (not necessarily with City Commission) in the future. Mayor Whaley stated that the intention is to have other public meetings regarding the booking engine.

James Overstreet stated that based on what he is doing in his personal life, unless the City is willing to donate to all organizations, the City should not give to any.

Allen Newton with the Sevier County Economic Development Council was in attendance to speak about a potential sports complex. His goal is to put heads in beds and thinks this is a way to accomplish that. He stated that a feasibility study is needed to identify the specific needs for the complex. He noted that the choice had been narrowed to three companies to do a study at a cost of approximately \$45,000 to \$50,000. He said private funds have already been donated and the three cities and county are being asked to commit funds up to \$10,000 each. A family is considering donating approximately 135 acres that would be centrally located to all three cities. Commissioner Robinson asked how the project would be funded. Allen Newton said that hopefully this would be a joint effort between the City of Pigeon Forge, City of Sevierville, City of Gatlinburg, Sevier County, and private funding.

No other comments were received.

The authorization for the payment of bills was presented for approval. On a motion by Commissioner Brackins, second by Commissioner Wear, 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

Discussion and consideration of a proposal from SSR to complete a study of the Mill Creek Lift Station and associated collection system was presented for approval. Public Works Director Miller stated that this was an updated proposal from the one deferred at a previous council meeting to consider a gravity flow option in the study. Commissioner Robinson asked if the gravity system should be looked at first to determine if the lift station issue would be needed at that point. Public Works Director Miller stated that it would probably be best to analyze both options since a gravity line would cost approximately \$1,000,000 while the lift station option would cost approximately \$300,000. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

New Business

Resolution No. 777A authorizing the issuance of not to exceed fifty million dollars (\$50,000,000) general obligation public improvement bonds of the City of Pigeon Forge, Tennessee was presented for approval. Chris Bessler with Morgan Keegan briefly explained resolution 777A and 777B noting that A will run in the paper and it is basically a summary of B. Mayor Whaley reiterated that this would not obligate the City to move forward with the bonds if the option was determined to be unfavorable. On a motion by Commissioner Wear, second by Vice Mayor McClure and with all voting “aye” the motion was approved.

Resolution No. 777B authorizing the issuance of general obligation public improvement bonds of the City of Pigeon Forge, Tennessee as federally taxable direct subsidy bonds or as federally tax-exempt bonds in one or more series in the aggregate principal amount of not to exceed fifty million dollars (\$50,000,000); making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds and designating a recovery zone was presented for approval. On a motion by Commissioner Wear, second by Vice Mayor McClure and with all voting “aye” the motion was approved.

Discussion and consideration of a settlement agreement with D.L. Cole and the City of Pigeon Forge and David W. Wear and Jerry Wear was presented for approval. City Attorney Gass stated that the City had been brought into the lawsuit against Jerry and David Wear related to Cole Street that adjoins his property. The court ruled in favor of the City for certain liabilities including water runoff issues but did not exempt the City from a liability recognizing Cole Street as a city street. Therefore, the court had not dismissed the City from the lawsuit. The street is plotted as being 40 feet wide. The road adjoining Mr. Cole’s home is currently a gravel road. A survey done recognizes that Mr. Cole’s house is actually in the right of way of the city street. The two options are to continue to trial or accept a settlement agreement which resolves all issues. If the lawsuit goes to court, the City would be ordered to pave the road that is currently gravel from where the pavement stops to the end of the line which is uphill. The costs of the road to

pave are currently not known but could be expensive. Going to court will require paying a surveyor to testify, an appraiser to testify, and legal expenses of going to trial which will increase costs to the taxpayer. The settlement agreement will ensure that the taxpayers do not have to widen the road and pave and maintain the road. In addition, the right of way under Mr. Cole's house will be relinquished. The city will continue to maintain the ditching and gravel the road as needed. There is also consideration of \$1,000 from the Wears and \$3,000 from the City to be paid to Mr. Cole. Following discussion and on motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the settlement agreement as presented. Commissioner Wear abstained from the vote.

Discussion and consideration of reappointments of Tree Board Members, Cindy Maples, Gene Davis and Amada Fox, for new three year terms was presented for approval. City Manager Teaster stated that the three individuals did a good job and Parks and Recreation Director Wilbanks would like to see the individuals reappointed for another term. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration of appointment of a City of Pigeon Forge representative for the Sevier County Economic Development Council was presented for approval. City Manager Teaster stated that she recommended Eric Brackins for the appointment. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the request as presented. Commissioner Wear abstained from the vote.

Manager's report included the following:

1. The Christmas tree lighting will be held at the Community Center on December 9, 2010 from 6:00 p.m. to 8:00 p.m.
2. There will be a Planning Commission meeting that combines the November and December meeting on December 14, 2010 at 3:00 p.m. in the council room of city hall.
3. There is a group interested in purchasing property from the City of Pigeon Forge on the Music Road property. City Manager Teaster would like permission to advertise property so that proposals can be received. On a motion by Commissioner Wear, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.
4. A press release will be made on November 23, 2010 at 1:00 p.m. at the Titanic.
5. There will be a beer board meeting on November 30, 2010 at 1:00 p.m. in the council room of city hall.
6. City offices will be closed Thursday and Friday November 25, 2010 and November 26, 2010.

- 7. The next regularly scheduled meeting will be December 13, 2010. City Manager Teaster noted that a possible work session may be needed prior to the meeting to discuss the annual audit.
- 8. The City would like to involve the community on the booking engine proposal. Executive Director of Tourism Downey stated that meetings have been held with several businesses and a steering committee is being requested to work out the details of how project could possibly work. Following discussion, Mayor Whaley directed Executive Director of Tourism Downey to begin work towards forming a committee.

Mayor Whaley asked for comments from the board.

Commissioner Wear said that he hated he missed the Winterfest kickoff but appreciates Butch Helton and staff for good job.

Vice Mayor McClure echoed comments from Commissioner Wear regarding the Winterfest kickoff. He also thanked Fire Chief Watson and personnel for fast response to the Scenic Motel fire.

Commissioner Brackins thanked everyone for their hard work regarding Winterfest.

Mayor Whaley thanked everyone for their comments and wished everyone a Happy Thanksgiving.

Having no other comments received, the meeting was duly adjourned at 6:35 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER