

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday February 7, 2017, at 6:00 P.M. in the City Council Room. All members were present with the exception of Commissioner Jerry Hays. Mayor Mike Werner called the meeting to order and led the Pledge of Allegiance. Building and Planning Director David Ball gave the Invocation.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of January 10, 2017. Commissioner Mike Helton made a motion to approve the Minutes which was seconded by Commissioner Don Smith and then unanimously adopted.

Regarding Petitions and Communications from the Public, Mayor Werner recognized Mr. Erik Cooper who stated that he wanted to discuss Item J which is Ordinance Number 2511 on the Agenda and that twenty plus years ago he was in the Risk Management Insurance industry and qualified by thirteen state courts and federal court as an expert in the field. Mr. Cooper continued that he has dealt with terrorists, fires, bombings and everything in between and explained that under a lot of Insurance policies for homeowners and business owners there is coverage that is kicked in if triggered by Ordinance or law and there are a lot of policies in the State of Tennessee that the structure limit is paid out if there is a total loss, and that if the full value of the structure limit is paid, there is nothing left over for debris removal unless an Ordinance or law is passed. Mr. Cooper further stated that if the City Commission passes an Ordinance that establishes a time frame that by a certain date all debris must be removed, that will trigger more coverage for the insurance policies to have to pay for debris removal. Mr. Cooper stated that he wanted to suggest that December is far off and that he will leave that to the discretion of Commission as to changing the date and would recommend an earlier date.

Mayor Werner then recognized Ms. Genie Brabham who read a prepared statement and asked several questions about the future plan for protection and assurances to rebuild. Ms. Brabham continued with additional questions related to evacuation and emergency procedures during the Wildfires. Mayor Werner thanked Ms. Brabham for her comments and advised that they would be reviewed.

Mayor Werner then recognized Reverend James Korzun who requested permission to put a shower trailer behind Our Savior Lutheran Church and stated that it is for volunteers who are in the area with various organizations and that he came up from the Gulf Coast and that this is a well organized group and that it would give the workers an opportunity to shower. Reverend Korzun then stated he would like to know how to get permission to allow this trailer on site. The City Manager then advised Reverend Korzun to meet with the City Building and Planning Director after the City Commission meeting to discuss how this can be

accomplished.

Regarding Reports of Boards and Committees, the Mayor then presented Twenty Year Service Awards to Mr. Robert Holt of the Finance Department, Mr. Myrl Carr of the Sanitation Department and Mrs. Linda Clabo of the Recreation Department.

The City Manager reported and/or requested:

(1) that she would like to announce that the Gatlinburg Convention and Visitors Bureau is conducting a Public Relations Blitz in six cities in February and that teams are going to Indianapolis, Cincinnati, Louisville, Nashville, Huntsville and Birmingham to promote visitation to Gatlinburg and stated that additional television spots and digital advertising have been placed in these markets as well. The City Manager further stated that a new television commercial has been created with the Tombras Group that invites people back to Gatlinburg and that in March, teams will hit regional markets to promote April events; and,

(2) that she would also like to announce that the Gatlinburg Convention and Visitors Bureau is launching a new event this week which is called Smoky Mountain Romance and that it is a social media campaign designed to bring attention to Gatlinburg. The City Manager further explained that there are four specially built picture frames and photo booths that will be placed in different areas of town where people can stop for a photo and that they are encouraged to post on their social media with the hashtag: #gatlinburgromance.

**ORDINANCE NUMBER 2506, AN ORDINANCE SUSPENDING THE PROVISIONS OF SECTION 401.2 OF THE CITY ZONING ORDINANCE, BEING ORDINANCE NO. 830 AND FURTHER BEING AN ORDINANCE TO PROVIDE FOR THE RECONSTRUCTION OF STRUCTURES THAT ARE DAMAGED MORE THAN FIFTY PERCENT (50%) DUE TO THE WILDFIRES OCCURRING IN THE CITY, PUBLIC HEARING AND SECOND READING, (PASSED FIRST READING 1/10/17 AND PLANNING COMMISSION 1/05/17).**

The first Item under Old Business was Ordinance Number 2506, an Ordinance suspending the provisions of Section 401.2 of the City Zoning Ordinance, being Ordinance No. 830 and further being an Ordinance to provide for the reconstruction of structures that are damaged more than fifty (50%) percent due to the Wildfires occurring in the City, Public Hearing and Second Reading, (Passed First Reading 1/10/17 and Planning Commission 1/05/17). Vice Mayor Mark McCown made a motion to approve the Ordinance which was seconded by Commissioner Don Smith. Mayor Werner then opened the Public Hearing and

there being no comments, closed the Public Hearing. Ordinance Number 2506 was then unanimously adopted on Second and Final Reading.

**ORDINANCE NUMBER 2508, AN ORDINANCE PERMITTING THE PLACEMENT OF TEMPORARY STRUCTURES ON SITES WITH AN ACTIVE BUILDING PERMIT TO REBUILD A PRIMARY RESIDENCE DAMAGED OR DESTROYED BY THE WILDFIRES, PUBLIC HEARING AND SECOND READING, (PASSED FIRST READING 1/10/17 AND PLANNING COMMISSION 1/05/17).**

Item B under Old Business was Ordinance Number 2508, an Ordinance permitting the placement of temporary structures on sites with an active Building Permit to rebuild a primary residence damaged or destroyed by the Wildfires, Public Hearing and Second Reading, (Passed First Reading 1/10/17 and Planning Commission 1/05/17). Commissioner Mike Helton made a motion to approve the Ordinance which was seconded by Commissioner Smith. Mayor Werner then opened the Public Hearing and there being no comments, closed the Public Hearing. The motion to approve Ordinance Number 2508 was then unanimously adopted on Second and Final Reading.

**ORDINANCE NUMBER 2509, AN ORDINANCE TO AMEND TITLE 5, CHAPTER 9 OF THE MUNICIPAL CODE AND FURTHER BEING AN ORDINANCE TO MAKE REVISIONS TO THE COMPETITIVE BUDDING PROCESS; DETERMINING THE LOWEST RESPONSIBLE BIDDER; AND TO ADOPT AWARD PROTEST PROCEDURES, SECONDING READING, (PASSED FIRST READING 1/10/17).**

The last Item under Old Business was Ordinance Number 2509, an Ordinance to amend Title 5, Chapter 9 of the Municipal Code and further being an Ordinance to make revisions to the competitive bidding process; determining the lowest responsible bidder; and to adopt award protest procedures, Second Reading, (Passed First Reading 1/10/17). Vice Mayor McCown made a motion to approve the Ordinance which was seconded by Commissioner Helton and then unanimously adopted on Second and Final Reading.

**ORDINANCE NUMBER 2510, AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE, BEING ORDINANCE NO. 830, AND FURTHER BEING AN ORDINANCE TO RECLASSIFY PARCEL 16.01 OF TAX MAP 118, LOCATED AT 810 GLADES ROAD FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-5 (CRAFTS COMMERCIAL) DISTRICT, FIRST READING, (PASSED PLANNING COMMISSION 1/19/17).**

The First Item under New Business was Ordinance Number 2510, an Ordinance to amend the Municipal Zoning Ordinance, Being Ordinance No. 830, and further being an Ordinance to reclassify parcel 16.01 of Tax Map 118, located at 810 Glades Road from R-1 (Low Density Residential) to C-5 (Crafts Commercial) District, First Reading, (Passed Planning Commission 1/19/17). Commissioner Helton made a motion to approve Ordinance Number 2510 which was seconded by Vice Mayor McCown and then unanimously adopted on First Reading.

**DISCUSSION AND CONSIDERATION OF APPROVING AN AGREEMENT WITH PORTLAND UTILITIES CONSTRUCTION CO., LLC, RELATED TO SEWER REHABILITATION PROJECTS IN VARIOUS AREAS OF THE CITY.**

Item B under New Business was discussion and consideration of approving an Agreement with Portland Utilities Construction Co., LLC related to sewer rehabilitation Projects in various areas of the City. Commissioner Smith made a motion to approve the Agreement which was seconded by Vice Mayor McCown. Mayor Werner then asked the City Manager to explain. The City Manager then stated that this is a Project that is being funded from Bond proceeds that were issued a few months ago in the amount of \$3.5 Million and that the larger portion of that is going toward the Digester 2 Rehabilitation Project which is already underway and that this Agreement is related to the sewer rehabilitation projects in various areas of town and that approximately \$666,000 was earmarked for this and the bid amount is \$488,854. The City Manager then asked the Utilities Manager to explain the locations of these sewer rehabilitation projects and Mr. Phelps stated that there are four locations throughout the City and the largest footprint area is behind the City Hall Complex and that the sewer line behind the Post office going upstream across the street from the Fast Stop Market and that this is an existing sewer line that runs the area up the creek. Mr. Phelps continued that another location is in the LeConte Creek area around the old Holiday Inn property and stated that these are existing lines that need to be repaired due to age and deterioration. Mr. Phelps further stated that the next location is on the upper end of River Road between Bennett's Barbecue and the Peddler Restaurant and stated that the last location is on Parkway at School Lane, the entrance road to Arrowmont, and that a man hole will put in at that location and that some work to open cut into the Parkway just before the entrance to the Anakeesta Project and that this will require some traffic diversion. The Engineer, Mr. Richard Yarbrough, then reviewed timing of the work that Mr. Phelps described. Mr. Yarbrough stated that the work on Parkway at School Lane will be done as quickly as possible and that the contractor understands that this is a priority and that it should only take a couple of weeks and that after that is done, they will begin behind the Peddler Restaurant and then the LeConte Creek area and lastly the work on the project that is behind the City Hall Complex will occur. Mr. Phelps then stated that work will

begin in early March and that the contract is to be completed within 150 days. After these comments, the motion to approve the Agreement with Portland Utilities Construction Co., LLC was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A LAND LEASE WITH INTERLINK COMMUNICATIONS PARTNERS, LLC, AND (CHARTER COMMUNICATIONS).**

The next Item under New Business was discussion and consideration of approving a Land Lease with Interlink Communications Partners, LLC, (Charter Communications). Vice Mayor McCown made a motion to table this Item until the next meeting which was seconded by Commissioner Helton. Mayor Werner then asked the City Manager and Staff to discuss an increase in the proposed monthly lease amount. After these comments, the motion to table this Item until the next meeting as unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A SINGLE BID TO MOUNTAIN MACHINE AND WELDING FOR THE CONSTRUCTION AND INSTALLATION OF METAL HANGERS IN THE WINTER LIGHTS WAREHOUSE.**

Item D under New Business was discussion and consideration of approving a Single Bid to Mountain Machine and Welding for the construction and installation of metal hangers in the Winter Lights Warehouse. Commissioner Smith made a motion to approve the single bid which was seconded by Commissioner Helton. The City Manager then explained that this item was unanticipated due to the Wildfires that damaged the Stalcup Warehouse where some of the Winter Lights are stored and that the single bid is in the amount of \$6,500 and that the hangars will be installed in the unaffected warehouse and will create a better situation to store these lights and that there will need to be an off-site storage area that will house the ground displays. After these comments, the motion to approve the single bid to Mountain Machine and Welding was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING THE USAGE OF THE COMMUNITY CENTER AND MILLS PARK FOR THE SEVIER COUNTY SCHOOL SYSTEM FUN AND FITNESS DAY EVENT ON MAY 11, 2017.**

Item E under New Business was discussion and consideration of approving the usage of the Community Center and Mills Park for the Sevier County School System Fun and Fitness Day Event on May 11, 2017. Commissioner Smith made a motion to approve the usage which was seconded by Vice Mayor McCown and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF APPROVING THE USAGE OF THE MCMAHAN PARKING GARAGE APRIL 7-9, 2017, FOR THE ARROWMONT SCHOOL OF ARTS AND CRAFTS STUDENT PARKING.**

The next Item under New Business was discussion and consideration of approving the usage of the McMahan Parking Garage April 7-9, 2017, for the Arrowmont School of Arts and Crafts Student parking. Vice Mayor McCown made a motion to approve the usage which was seconded by Commissioner Smith and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF MAKING APPOINTMENTS TO THE ENVIRONMENTAL DESIGN REVIEW BOARD.**

Item G under New Business was discussion and consideration of making appointments to the Environmental Design Review Board. Commissioner Helton made a motion to reappoint Mr. Dan Booth and Mr. Tim Heinrich which was seconded by Vice Mayor McCown and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF MAKING AN APPOINTMENT TO THE MUNICIPAL BOARD OF ZONING APPEALS.**

The next Item under New Business was discussion and consideration of making an appointment to the Municipal Board of Zoning Appeals. Vice Mayor McCown made a motion to reappoint Mr. Kenny Maples which was seconded by Commissioner Smith and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF MAKING APPOINTMENTS TO THE CITY TREE BOARD.**

Item I under New Business was discussion and consideration of making appointments to the City Tree Board. Vice Mayor McCown made a motion to reappoint Mrs. Jan Lapides, Mr. Heath Soehn and Mr. Dennis Reagan which was seconded by Commissioner Smith and then unanimously approved.

**ORDINANCE NUMBER 2511, AN ORDINANCE TO ESTABLISH A REASONABLE TIME FOR THE REMOVAL OF DEBRIS FROM PRIVATE PROPERTY CAUSED BY THE WILDFIRES, SAID REASONABLE DATE FOR REMOVAL IS HEREBY ESTABLISHED AS DECEMBER 31, 2017, FIRST READING.**

The next Item under New Business was Ordinance Number 2511, an Ordinance to establish a reasonable time for the removal of debris from private property caused

by the Wildfires, said reasonable date for removal is hereby established as December 31, 2017, First Reading. Commissioner Smith made a motion to approve the Ordinance which was seconded by Vice Mayor McCown. Vice Mayor McCown then asked if the date should be earlier and Mr. Cooper stated that the earlier the better from an insurance standpoint. Vice Mayor McCown then asked what would happen if a date was set and debris was not removed and the City Attorney stated that the provisions in the Ordinance state that there is a \$50 per day penalty to property owners that do not have their property cleaned up by the date established in the Ordinance. Vice Mayor McCown then stated that the date should be changed to September 30, 2017 and Commissioner Smith withdrew his original motion. Vice Mayor McCown then made a motion to approve the Ordinance establishing the date as September 30, 2017 for debris removal which was seconded by Commissioner Helton. Ordinance Number 2511 was unanimously adopted, as amended, on First Reading.

**DISCUSSION AND CONSIDERATION OF APPROVING A SINGLE BID TO MOUNTAIN MACHINE AND WELDING FOR THE REPAIR OF THE NORTHEAST STAIRWELL IN THE AQUARIUM PARKING GARAGE.**

The last Item under New Business was discussion and consideration of approving a Single Bid to Mountain Machine and Welding for the repair of the northeast stairwell in the Aquarium Parking Garage. Commissioner Smith made a motion to approve the Single Bid which was seconded by Vice Mayor McCown. The City Manager then commented that this Item was anticipated and is included in the Parking Budget in the Building and Grounds Maintenance Line Item and that the amount budgeted was \$45,000 with the bid amount being \$43,985. The City Manager further stated that this Project was carefully reviewed and considered important to provide a safe and viable for public use. The motion to approve the Single Bid to Mountain Machine and Welding was then unanimously adopted.

**UNSCHEDULED ITEMS:**

**Commissioner Don Smith:**

- (1) Thanked the Twenty Year Service Award recipients Mrs. Linda Clabo, Mr. Myrl Carr and Mr. Robert Holt and stated that he appreciates their hard work and service to the City.

**Commissioner Mike Helton:**

- (1) Echoed the above related to the Twenty Year Service Award recipients and

stated that it show continuity and service to the City for people serving that long; and,

- (2) Reminded everyone that Valentine's Day was next week.

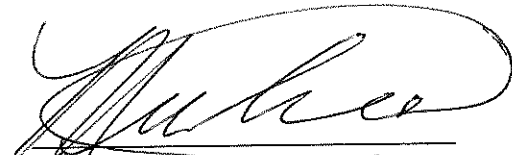
**Vice Mayor Mark McCown:**

- (1) Offered congratulations to the Twenty Year Service Award employees and commended them for a job well done.


**Mayor Mike Werner:**

- (1) Echoed the above regarding the Twenty Year Service Awards and stated that he has seen each of them doing their job and that they do it well and stated that he is thankful for their efforts and hard work for the City; and,
- (2) Thanked everyone for coming to the meeting and offered thanks to all the people who have already cleaned their property and are getting ready to rebuild.

There being no further business to come before the City Commission, Commissioner Helton made a motion to adjourn. Commissioner Smith seconded the motion which was unanimously approved.



Mike Werner, Mayor



Cindy Cameron Ogle, City Recorder  
/jv