

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday, January 8, 2013, at 6:00 P.M. in the City Council Room. All members were present. Mayor Mike Werner called the meeting to order and led the Pledge of Allegiance. Vice Mayor Jerry Hays gave the Invocation.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of December 18, 2012. Commissioner Don Smith made a motion to approve the Minutes which was seconded by Commissioner Mike Helton and then unanimously adopted.

Regarding petitions and communications from the Public, Mayor Werner recognized Mr. Bob Waikel who addressed the City Commission related to sprinkler systems in rental properties and expressed concerns as it relates to this requirement being for all properties as opposed to new construction and asked City Commission to consider revising the Ordinance as it relates to overnight rental programs. Mayor Werner then stated that the City will look into this concern to revise to new construction and asked the City Manger to look into and report back to City Commission.

The next Item regarding petitions and communications from the Public was related to a Proclamation. The Mayor then presented a Gold Star Families Proclamation regarding the Mountain Man Memorial March to Captain Mark Farley of the U. S. Air Force and First Sergeant Lee Dalton, Military Science Instructor for the University of Tennessee Army ROTC.

There were no Reports of Boards or Committees.

The City Manager reported and/or requested:

(1) that she wanted to recognize the Assistant City Manager/Finance Director, David Beeler, and asked that he distribute Bond information to the City Commission. Mr. Beeler then distributed copies of the Official Statement related to the recent \$9,730,000 General Obligation Bonds dated December 12, 2012, and advised that this is pursuant to the City's Debt Policy and State Law and stated that the Report has been approved by the State and this is the Final Official Statement.

**DISCUSSION AND CONSIDERATION OF APPROVING AN AGREEMENT WITH THE GATLINBURG PUBLIC BUILDING AUTHORITY RELATED TO THE DEVELOPMENT OF A YOUTH SPORTS COMPLEX.**

Item A under New Business was discussion and consideration of approving an Agreement with the Gatlinburg Public Building Authority related to the development of a Youth Sports Complex. Commissioner Smith made a motion to approve the Agreement which was seconded by Commissioner Mark McCown. The City Manager then commented that this approach is patterned after the Mills Conference Center Project and stated that it was extremely successful in the construction of the Mills Conference Center and then asked the City Attorney to further explain. Mr. Sharp

stated that the State of Tennessee requires the City to competitively bid projects and get the best price, however, there is an exception with the Public Building Authority (PBA) that allows a competitive selection through the Request For Proposal (RFP) process. Mr. Sharp stated that the PBA would enter into a contract with a Construction Manager and that the City would process the paperwork and pay the bills. Mr. Sharp further stated that this will enable individual components of the Project to be bid by the Construction Manager rather than a lump sum for the overall project which is a more cost effective approach that enables a maximum guaranteed price leading to savings and also the usage of local contractors. Mr. Sharp concluded that this approach will also aid in managing costs. Mayor Werner then asked Mr. Allen Newton, Director of the Sevier County Economic Development Council, to discuss the Request For Proposal process and Mr. Newton proceeded to do so and stated that in conjunction with the Architect the Request For Proposals were sent out and that eleven were received. Mr. Newton then stated that it was narrowed to two contractors and that the recommendation to the Public Building Authority is Blaine Construction Corporation. Mr. Newton concluded by stating that this is the best approach due to a tight time schedule and a tight budget for the Youth Sports Complex. After these comments, the motion to approve the Contract with the Public Building Authority was unanimously adopted.

**ORDINANCE NUMBER 2455, AN ORDINANCE TO AMEND THE GATLINBURG ZONING ORDINANCE, BEING ORDINANCE NO. 830, AND FURTHER BEING AN ORDINANCE TO RECLASSIFY PARCELS 5, 7, 8, 9 AND 10 OF TAX MAP 126N, GROUP G, LOCATED ON REAGAN DRIVE AND TRENTHAM LANE IN THE CITY OF GATLINBURG, TENNESSEE, FROM R-2 (MEDIUM DENSITY) RESIDENTIAL DISTRICT TO R-3 (HIGH DENSITY) RESIDENTIAL DISTRICT AND PARCEL 6 OF TAX MAP 126 N, GROUP G, LOCATED ON TRENTHAM LANE IN THE CITY OF GATLINBURG, TENNESSEE FROM C-2 (GENERAL BUSINESS) COMMERCIAL DISTRICT TO R-3 (HIGH DENSITY) RESIDENTIAL DISTRICT, FIRST READING, (PASSED PLANNING COMMISSION 12/20/12).**

Item B under New Business was Ordinance Number 2455, an Ordinance to amend the Gatlinburg Zoning Ordinance, being Ordinance No. 830, and further being an Ordinance to reclassify Parcels 5, 7, 8, 9 and 10 of Tax Map 126N, Group G, located on Reagan Drive and Trentham lane in the City of Gatlinburg, Tennessee, from R-2 (Medium Density) Residential District to R-3 (High Density) Residential District and Parcel 6 of Tax map 126N, Group G, located on Trentham Lane in the City of Gatlinburg, Tennessee from C-2 (General Business) Commercial District to R-3 (High Density) Residential District, First Reading, (Passed Planning Commission 12/20/12). Commissioner McCown made a motion to approve the Ordinance which was seconded by Commissioner Smith. The City Manager then asked the City Planner to give an overview of the Ordinance and Mr. Ball proceeded to do so and stated that the request was made by Mr. Logan Coykendall to rezone one of these parcels for development of office space. The City Planner then stated that during the review process the initial request was for that one parcel to be rezoned and that, after discussion with property

owners, it was determined that a better approach would be to look at the entire area and that the entire area would be better served to be rezoned to R-3. Mr. Ball continued that all of the property owners were in agreement with the proposed rezoning and that the City owned one parcel that the Shilling Center is located on and is being used for office spaces and it was appropriate to include that parcel and stated that the recommendation is to rezone all parcels to R-3. Mayor Werner asked Mr. Coykendall if this action addresses his request and Mr. Coykendall advised in the affirmative. After discussion, the motion to approve Ordinance Number 2455, on first reading, was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH WHALEY AND SONS, INC., RELATED TO THE RIVER ROAD SIDEWALK PROJECT.**

The last Item under New Business was discussion and consideration of approving a Contract with Whaley and Sons, Inc., related to the River Road Sidewalk Project. Commissioner Helton made a motion to approve the Contract which was seconded by Commissioner McCown. The City Manger then asked the engineer for the Project, Mr. Gary Norvell, to give an overview and Mr. Norvell stated that the sidewalk on River Road where the bridge goes across to Mysterious Mansion has been undermined and that the design phase became more involved as a result of not being able to get the slope that was necessary to repair the sidewalk. Mr. Norvell continued that the original estimate for the Project was approximately \$125,000 and that the low bid in the amount of \$99,750 was from Whaley and Sons, Inc. for this Project. Commissioner McCown then asked if road closure would be necessary during this Project and Mr. Norvell responded that two way traffic would be maintained during construction which is estimated to be approximately thirty days. After these comments, the motion to approve the Contract with Whaley and Sons, Inc., was unanimously adopted.

**UNSCHEDULED ITEMS:**


**Commissioner Mike Helton:**

- (1) Wished everyone a Happy New Year and stated that he looks forward to 2013.

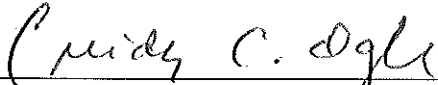
**Mayor Mike Werner:**

- (1) Also wished everyone a Happy New Year; and,
- (2) Asked everyone to continue to pray for Regen Morris who has been moved to St. Jude Children's Hospital.

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

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday, January 22, 2013, at 6:00 P.M. in the City Council Room. All members were present. Mayor Mike Werner called the meeting to order and led the Pledge of Allegiance. Vice Mayor Jerry Hays gave the Invocation.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of January 8, 2013. Commissioner Mike Helton made a motion to approve the Minutes which was seconded by Commissioner Don Smith and then unanimously adopted.

There were no Petitions and Communications from the Public.

Regarding Reports of Boards and Committees, Mayor Werner deferred the presentation of the Gatlinburg Convention and Visitors Bureau Quarterly Report to the next City Commission meeting.

**ORDINANCE 2456, AN ORDINANCE TO REPEAL A PORTION OF ORDINANCE NO. 2453 AND ADDING ADDITIONAL LANGUAGE TO SECTION 5-701 OF THE GATLINBURG MUNICIPAL CODE, AND FURTHER BEING AN ORDINANCE TO REQUIRE NEWLY CONSTRUCTED DWELLINGS ON THE TOURIST RESIDENCY PROGRAM TO HAVE A SPRINKLER SYSTEM, FIRST READING.**

Item A under New Business was Ordinance 2456, an Ordinance to repeal a portion of Ordinance No. 2453 and adding additional language to section 5-701 of the Gatlinburg Municipal code, and further being an Ordinance to require newly constructed dwellings on the Tourist Residence Program to have a Sprinkler System, First Reading. Commissioner Smith Made a motion to approve the Ordinance which was seconded by Commissioner Mark McCown. Ordinance 2456 was then unanimously adopted on First Reading.

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

Item B under New Business was discussion and consideration of making appointments to the Environmental Design Review Board. Commissioner Helton made a motion to defer items B, C, and D related to appointments to various City Boards to the next City Commission meeting which was seconded by Commissioner McCown and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF APPROVING AN IN-LIEU OF PROPERTY TAX CONTRACT FOR THE SEVIER COUNTY ELECTIC SYSTEM.**

The last Item under New Business was discussion and consideration of approving an In-Lieu of Property Tax Contract for the Sevier County Electric System. Vice Mayor Hays made a motion to approve the Contract which was seconded by Commissioner

McCown. The City Manager then gave a brief overview of the Contract and stated that the Contract is in lieu of property tax payments from the Sevier County Electric System for approximately \$360,000 which is more than was budgeted in revenue for this payment. After these comments, the motion to approve the Contract was unanimously adopted.

### **UNSCHEDULED ITEMS:**

#### **Commissioner Mike Helton:**

- (1) Complimented the Street and Police Departments related to the recent inclement weather events and stated that they did a great job; and,
- (2) Offered condolences to the Fred McMahan family and thanked them for his service to the City.

#### **Commissioner Don Smith:**

- (1) Echoed condolences to Mr. McMahan's family and commented that Mr. McMahan had served the City well.

#### **Commissioner Mark McCown:**

- (1) Stated that his sympathies are with the McMahan family and offered his thanks for Mr. McMahan's service to the City and the community.

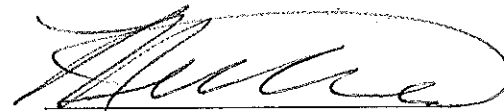
#### **Vice Mayor Hays:**

- (1) Thanked the McMahan family for all that Fred had done for the City and stated that he will be greatly missed by all.

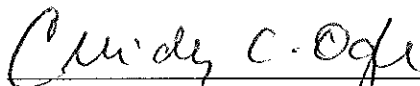
#### **Mayor Mike Werner:**

- (1) Echoed all the above regarding Mr. McMahan's passing and stated that the meeting this evening was shortened for attendance at his service which was occurring just after this meeting.

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



Mike Werner, Mayor



Cindy Cameron Ogle, City Recorder

/jv





**REDING, (PASSED PLANNING COMMISSION 12/20/12 AND FIRST READING 1/08/13).**

Item A under Old Business was Ordinance 2455, an Ordinance amending the Municipal Zoning Ordinance, by reclassifying Parcels 5, 7, 8, 9 and 10 of Tax Map 126N, Group G, located on Reagan Drive and Trentham Lane from R-2 (Medium Density) Residential District to R-3 (High Density) Residential District and Parcel 6 of Tax Map 126N, Group G, located on Trentham Lane from C-2 (General Business) Commercial District to R-3 (High Density) Residential District, Public Hearing and Second Reading, (Passed Planning Commission 12/20/12 and First Reading 1/08/13). Commissioner Helton made a motion to approve the Ordinance which was seconded by Vice Mayor Hays. Mayor Werner then opened a Public Hearing and, there being no comments, closed the Public Hearing. The motion to approve Ordinance 2455 was then unanimously adopted on Second and Final Reading.

**ORDINANCE NUMBER 2456, AN ORDINANCE TO REPEAL A PORTION OF ORDINANCE NO. 2453 AND ADDING ADDITIONAL LANGUAGE TO SECTION 5-701 OF THE GATLINBURG MUNICIPAL CODE, AND FURTHER BEING AN ORDINANCE TO REQUIRE NEWLY CONSTRUCTED DWELLINGS ON THE TOURIST RESIDENCY PROGRAM TO HAVE A SPRINKLER SYSTEM, SECOND READING, (PASSED FIRST READING 1/22/13).**

Item B under Old Business was Ordinance Number 2456, an Ordinance to repeal a portion of Ordinance No. 2453 and adding additional language to Section 5-701 of the Gatlinburg Municipal Code, and further being an Ordinance to require newly constructed dwellings on the Tourist Residency Program to have a Sprinkler System, Second Reading, (Passed First Reading 1/22/13). Commissioner Helton made a motion to table the Ordinance which was seconded by Commissioner Smith. Mayor Werner then stated that Staff has discovered other concerns than just the sprinkler systems and that Staff is looking into those issues and another Ordinance will be forthcoming in the next few weeks. The motion to table Ordinance Number 2456 was then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF MAKING APPOINTMENTS TO THE ENVIRONMENTAL DESIGN REVIEW BOARD, (DEFERRED 1/22/13).**

Item C under Old Business was discussion and consideration of making appointments to the Environmental Design Review Board, (Deferred 1/22/13). Commissioner Helton made a motion to reappoint Mr. Kenneth Webster and Mr. Michael Anderson which was seconded by Commissioner Mark McCown and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF MAKING AN APPOINTMENT TO THE MUNICIPAL BOARD OF ZONING APPEALS, (DEFERRED 1/22/13).**

Item D under Old Business was discussion and consideration of making an appointment to the Municipal Board of Zoning Appeals, (Deferred 1/22/13). Commissioner McCown made a motion to appoint Mrs. Cyndi Bowling to the Municipal Board of Zoning Appeals which was seconded by Vice Mayor Hays and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF MAKING AN APPOINTMENT TO THE REGIONAL BOARD OF ZONING APPEALS, (DEFERRED 1/22/13).**

The last Item under Old Business was discussion and consideration of making an appointment to the Regional Board of Zoning Appeals, (Deferred 1/22/13). Commissioner Helton made a motion to reappoint Mrs. Libby Latham which was seconded by Commissioner McCown and then unanimously approved.

**DISCUSSION AND CONSIDERATION OF APPROVING A CONSTRUCTION CONTRACT WITH RICH CONSTRUCTION, INC., RELATED TO THE PARKWAY VISITOR CENTER PEDESTRIAN PLAZA PROJECT.**

The first Item under New Business was discussion and consideration of approving a Construction Contract with Rich Construction, Inc., related to the Parkway Visitors Center Pedestrian Plaza Project. Vice Mayor Hays made a motion to approve the Contract which was seconded by Commissioner McCown. The City Manager then explained that the City has received Tennessee Department of Transportation concurrence and that a Workshop meeting held a few weeks ago brought everyone up to date on the Project which is approximately \$100,000 - \$150,000 more than anticipated and, at that time, Commission had directed to proceed with the Project and the request for TDOT concurrence. The City Manager concluded that this Contract is with the low bidder in the amount \$773,653.58 and is brought to City Commission for approval to move forward with this Project. After these comments, the motion to approve the Construction Contract with Rich Construction, Inc., was unanimously adopted.

**ORDINANCE NUMBER 2457, AN ORDINANCE TO AMEND SECTION 8-110 OF THE GATLINBURG MUNICIPAL CODE, AND FURTHER BEING AN ORDINANCE TO EXEMPT RETAIL SALES OF PRODUCT PRODUCED AT A STATE LICENSED DISTILLERY FROM THE NUMBERS LIMITATION OF RETAIL LIQUOR PACKAGE STORES WITHIN THE CITY AND ESTABLISHING A SEPARATE NUMBER LIMITATION ON SAID LOCATIONS, FIRST READING.**

The next Item under New Business was Ordinance Number 2457, an Ordinance to amend Section 8-110 of the Gatlinburg Municipal Code, and further being an Ordinance to exempt retail sales of product produced at a state licensed distillery from the numbers limitation of Retail Liquor Package Stores within the City and establishing a separate number limitation on said locations, First Reading. Commissioner Smith made a motion to approve the Ordinance which was seconded by Commissioner McCown. Mayor Werner then asked the City Attorney to give an overview and Mr.

Sharp proceeded to do so and stated that the City has had a numbers limitation on Retail Liquor Package Stores for approximately thirty years and stated that the number limit is six. Mr. Sharp continued that recently the Alcoholic Beverage Commission (ABC) has issued retail liquor package store licenses to retail sales outlets within distilleries and that there are two of those that are currently operating within the City. Mr. Sharp then stated that a decision was necessary to have those repealed or to leave the number limit of Retail Liquor Package Stores at six and to also give an opportunity to the distilleries to have a location for retail sales of their product within the City. Mr. Sharp continued that this Ordinance maintains the original limit of six Retail Liquor Package Store Licenses and creates a new category for retail sales outlets within distilleries, so long as they only sell the product that is made on site, and that the numbers limit for this category would be four. The City Attorney explained that this has come about due to the type of license that the ABC has issued that is a Retail Liquor Package Store License. The ABC has changed their original position on the type of license that they have issued. He stated that the City has the right under State Law to regulate the number of Retail Liquor Package Stores, and, in an effort to preserve what the City has, a new category has been created to limit the retail sales outlets within distilleries and that this Ordinance sets that limit at four. After these comments, the motion to approve Ordinance Number 2457 on First Reading was unanimously adopted.

**ORDINANCE NUMBER 2458, AN ORDINANCE TO AMEND SECTION 8-105(4) OF THE GATLINBURG MUNICIPAL CODE BY REPEALING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW SECTION IN LIEU THEREOF, AND FURTHER BEING AN ORDINANCE TO MODIFY THE RESIDENCY REQUIREMENT FOR A RETAIL LIQUOR PACKAGE STORE, FIRST READING.**

Item C under New Business was Ordinance Number 2458, an Ordinance to amend Section 8-105(4) of the Gatlinburg Municipal Code by repealing it in its entirety and substituting a new section in lieu thereof, and further being an Ordinance to modify the Residency Requirement for a Retail Liquor Package Store, First Reading. Commissioner McCown made a motion to approve the Ordinance which was seconded by Commissioner Smith. The City Attorney then stated that Cities can regulate residency requirements and that the present Ordinance states that you must be a City resident for two years to apply and that this Ordinance will conform the City requirement to what State Law requires which is that you must be a resident of the State of Tennessee for two years to apply for a Retail Liquor Package Store license. After these comments, the motion to approve Ordinance Number 2458 on First Reading was unanimously adopted.

**ORDINANCE NUMBER 2459, AN ORDINANCE TO TRANSFER SECTION 8-202 OF THE GATLINBURG MUNICIPAL CODE TO SECTION 8-111 OF THE GATLINBURG MUNICIPAL CODE AND FURTHER BEING AN ORDINANCE TO CONFIRM THE DISTANCE REQUIREMENTS FOR RETAIL LIQUOR PACKAGE STORES WITHIN DISTILLERIES, FIRST READING.**

Item D under New Business was Ordinance Number 2459, an Ordinance to transfer Section 8-202 of the Gatlinburg Municipal Code to Section 8-111 of the Gatlinburg Municipal Code and further being an Ordinance to confirm the distance requirements for Retail Liquor Package Stores within Distilleries, First Reading. Commissioner McCown made a motion to approve the Ordinance which was seconded by Commissioner Smith. Mayor Werner then asked the City Attorney to explain and Mr. Sharp proceeded to do so and stated that the City has had a one thousand foot separation requirement for retail liquor package store locations on the books since 1979 and that none of the existing liquor stores or distilleries are within one thousand feet of each other. Mr. Sharp then stated that this Ordinance is necessary to put this requirement in the correct Chapter of the Municipal Code and is not a change in requirements. The City Attorney further advised that this move is administrative in nature and to clarify that this also applies to retail sales outlets within distilleries. After these comments, the motion to approve Ordinance Number 2459 on First Reading was unanimously adopted.

**ORDINANCE NUMBER 2460, AMENDING THE FISCAL YEAR 2012-13 BUDGET ORDINANCE, FIRST READING.**

The next Item under New Business was Ordinance Number 2460, amending the Fiscal Years 2012-13 Budget Ordinance, First Reading. Commissioner Helton made a motion to approve the Ordinance which was seconded by Commissioner Smith. The City Manager then commented that she and the Assistant City Manager/Finance Director had reviewed most of the necessary Budget amendments at the Mid Fiscal Year Review and that this Ordinance does amend the existing Budget Ordinance and takes various actions that are outlined in both the Ordinance and the memorandum from Mr. David Beeler. The City Manager then asked Mr. Beeler to further explain and he proceeded to do so by reviewing the highlights of the proposed amendments. After these comments, the motion to approve Ordinance Number 2460 on First Reading was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING CHANGE ORDER NUMBER 1 FROM WHALEY AND SONS, INC., RELATED TO THE RIVER ROAD SIDEWALK PROJECT.**

Item F under New Business was discussion and consideration of approving Change Order Number 1 from Whaley and Sons, Inc., related to the River Road Sidewalk Project. Vice Mayor Hays made a motion to approve the Change Order which was seconded by Commissioner McCown. The City Manager then stated that this does not involve any additional monies and that it simply changes the start date of the Contract from January 2, 2013 to January 14, 2013 and that this is important to the Contractor because there are liquidated damages if they go past the time frame of the Project. Commissioner Helton then asked if this was due to the weather and the Public Services Manager, Larry Henderson, responded that it was actually due to the timing of the City Commission meetings and that the Contractor wanted to start on January 2, 2013,

however, approval by Commission was not until January 8, 2013 and that the start date became the following Monday, January 14, 2013. After these comments, the motion to approve Change Order Number 1 from Whaley and Sons, Inc., related to the River Road Sidewalk Project was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF DECLARING CERTAIN CITY VEHICLES AND EQUIPMENT AS SURPLUS.**

The last Item under New Business was discussion and consideration of declaring certain City Vehicles and Equipment as Surplus. Commissioner Smith made a motion to approve certain City Vehicles and Equipment as Surplus which was seconded by Vice Mayor Hays. The City Manager then commented that once declared surplus, these items will be placed on the Internet for sale. After these comments, the motion to approve as surplus was unanimously adopted.

**UNSCHEDULED ITEMS:**

**Commissioner Mike Helton:**

- (1) Offered condolences to the Melvin King family and stated that he was a longtime member of the community and will be missed.

**Commissioner Don Smith:**

- (1) Echoed condolences to Mr. King's family and stated that his daughter Delea works in the City Finance Department and to keep her and the family in prayers.

**Commissioner Mark McCown:**

- (1) Also offered condolences to the King family; and,
- (2) Welcomed Mrs. Marci Claude the new Public Relations Manager and stated that he thought this was actually her second meeting and was glad that she was part of the Convention and Visitors Bureau.

**Vice Mayor Hays:**

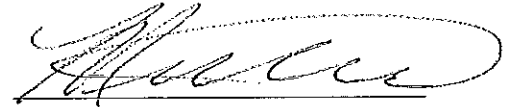
- (1) Stated that Mr. King was a good friend and a golfing buddy and offered his condolences to the family; and,

(2) Also welcomed Mrs. Marci Claude to the Convention and Visitors Bureau Staff.

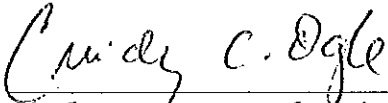
**Mayor Mike Werner:**

- (1) Echoed all the above regarding condolences to the King family; and,
- (2) Complimented Mrs. Vicki Simms on the Convention and Visitors Bureau Report and offered thanks to Mr. Logan Coykendall for all his hard work on the Department of Tourism and Chamber merger and stated that he is excited about this merger and the future.

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



Mike Werner, Mayor



Cindy Cameron Ogle, City Recorder

/jv