

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday, December 15, 2015, 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. Building and Planning Director David Ball gave the Invocation and then Finance Director Robert Holt led in singing Joy to the World.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of November 17, 2015. Commissioner Mike Helton made a motion to approve the Minutes which was seconded by Vice Mayor Mark McCown and then unanimously adopted.

Regarding Petitions and Communications from the Public and Items from the audience, Mayor Werner recognized Mrs. Kelly McCarter who proceeded to discuss her concerns regarding bears and trash. Mrs. McCarter distributed information and began to recount various bear activities including an incident where the Tennessee Wildlife Resource Agency (TWRA) had killed a bear and claimed that it was an accident. Mrs. McCarter then showed pictures of dumpsters and referenced the City Ordinance which requires animal proof enclosures and stated that she knew of lots of dumpsters that were not in compliance and then referenced a conversation with the Attorney General in which he advised that it is the TWRA Officer's responsibility to write the tickets and that the court can only fine up to a maximum \$50 fine as the State law allows. Mrs. McCarter continued that it should be up to the City to enforce the Ordinance and that the City could fix this problem by enforcing the Ordinance and that offenders can be fined a maximum up to \$500. Mrs. McCarter continued that with more visitors comes more trash and that citizens and visitors deserve better enforcement of trash regulations with regard to attracting bears and that she would help in any way she can to make a difference. Mayor Werner then recognized Ms. Jane Morris who presented pictures of a dumpster situation at Village East Condos. Ms. Morris then commended the City Sanitation Department for being responsive and cleaning up the area. Ms. Morris then asked on behalf of the Condo Owners as a whole that the City help in dealing with this continuing nuisance and sanitation problem and that more attention needs to be paid to these matters. Mayor Werner recognized Ms. Marsha Hayes of Kodak who stated that she wanted to discuss animal control and stated that she runs a Facebook page for Sevier County, Tennessee, missing pets that reunites pets with owners. Ms. Hayes asked why Gatlinburg did not have an animal control officer and also asked about the leash law and then stated that Gatlinburg Police Department had been called numerous times for animal cruelty complaints and that they never respond and that the Sevier County Humane Society cannot help due to Gatlinburg being a separate organization. Ms. Hayes further stated that these roaming pets and stray animals frequent dumpsters that are not properly maintained and that the City of Gatlinburg could enforce these \$500 fines and fund an animal control officer position.

Regarding Reports of Boards and Committees, Mayor Werner presented the Environmental Design Review Board Awards as follows: **SIGN DESIGN EXCELLENCE - Certificate Awards** – Tennessee Homemade Wines and Art

Studio of the Smokies; **Award Winner** – Greystone Lodge on the River; **BUILDING ADDITION/RENOVATION EXCELLENCE - Certificate Award** – Parkview Inn and Firefly Inn; **Award Winner** – Tennessee Homemade Wines; **LANDSCAPING EXCELLENCE - Award Winner** – Courtyard By Marriott; **NEW BUILDING ADDITION/RENOVATION EXCELLENCE - Award Winner** – Courtyard By Marriott.

The City Manager reported and/or requested:

(1) that she would like to reference the earlier Workshop this evening with the Audit firm and stated that the draft Audit Report for the year ended June 30, 2015, was reviewed with representatives from Pugh CPAs and given to Commission this evening. The City Manager continued that there should be no material changes in the final Report and, therefore, the Report will be filed with the State by the end of this year and the final Report will be presented for Commission acceptance and approval at the January City Commission meeting; and,

(2) that she would like to announce the upcoming New Year's Eve Fireworks Show and Ball Drop and that everyone is invited to ring in the New Year at the Space Needle located at traffic light #8, a family friendly event that will feature dance music beginning at 10:00 P.M. beside the Convention Center and, just before midnight, the ball will drop for the final countdown to the fireworks show. The City Manager concluded by stating that the City saw a record breaking crowd last year and is anticipating a great turnout this year as well; and,

(3) that she would like to announce a recent recognition from TripAdvisor that named Gatlinburg as the #1 Destination on the rise in the United States and #4 in the World for 2015 and that TripAdvisor has identified top destinations from positive feedback and interest in Gatlinburg's excellent hotels, restaurants and attractions and great vacation value; and,

(4) that she would also like to announce another recognition which is from the Southeast Tourism Society which has named the Gatlinburg Beans 'n Cornbread Festival as one of "STS Top 20 Events" in the Southeast for May 2016.

**ORDINANCE NUMBER 2488, AN ORDINANCE AMENDING THE ZONING ORDINANCE RECLASSIFYING PARCEL 14 OF TAX MAP 126M, GROUP A, LOCATED OFF BASKINS CREEK ROAD, FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-1 (TOURIST COMMERCIAL) DISTRICT, PUBLIC HEARING AND SECOND READING, (PASSED FIRST READING 11/17/2015, AND PLANNING COMMISSION 10/15/2015).**

The only Item under Old Business was Ordinance Number 2488, an Ordinance amending the Zoning Ordinance reclassifying Parcel 14 of Tax Map 126M, Group A, located off Baskins Creek Road, from R-1 (Low Density Residential) to C-1 (Tourist Commercial) District, Public Hearing and Second Reading, (Passed First Reading

11/17/2015, and Planning Commission 10/15/2015). Commissioner Don Smith made a motion to approve the Ordinance which was seconded by Commissioner Helton. Mayor Werner then opened the Public Hearing and there being no comments, closed the Public Hearing. The motion to approve ordinance Number 2488 was then unanimously adopted on Second and Final Reading.

**DISCUSSION AND CONSIDERATION OF APPROVING AN OFF-PREMISE CERTIFICATE OF GOOD MORAL CHARACTER FOR WILLIAM L. MAPLES, D/B/A GATLINBURG PACKAGE STORE, 132 PARKWAY.**

The first Item under New Business was discussion and consideration of approving an Off-Premise Certificate of Good Moral Character for William L. Maples, d/b/a Gatlinburg Package Store, 132 Parkway. Commissioner Helton made a motion to approve the Certificate which was seconded by Commissioner Hays and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A CERTIFICATE OF COMPLIANCE FOR WILLIAM L. MAPLES, D/B/A GATLINBURG PACKAGE STORE, 132 PARKWAY.**

Item B under New Business was discussion and consideration of approving a Certificate of Compliance for William L. Maples, d/b/a Gatlinburg Package Store, 132 Parkway. Commissioner Hays made a motion to approve the Certificate which was seconded by Commissioner Smith and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A LETTER OF AGREEMENT FOR PROFESSIONAL SERVICES WITH DAVE HILL FOR THE PREPARATION OF A DRAFT REDEVELOPMENT AND URBAN RENEWAL PLAN FOR THE EAST PARKWAY AT BASKINS CREEK BYPASS DISTRICT.**

Item C under New Business was discussion and consideration of approving a Letter of Agreement for Professional Services with Dave Hill for the preparation of a Draft Redevelopment and Urban Renewal Plan for the East Parkway at Baskins Creek Bypass District. Commissioner Helton made a motion to approve the Agreement which was seconded by Vice Mayor McCown. The City Manager then commented that Mr. Dave Hill is here this evening and that he was introduced into the discussion with Tennessee Strategies Group and is very knowledgeable of the redevelopment process and stated that under Mayor Haslam, Mr. Hill was in charge of the South Knoxville Redevelopment Project which has been a huge success for South Knoxville. The City Manager then commented that this Agreement is being recommended by Staff for Mr. Hill to prepare a Draft Redevelopment and Urban Renewal Plan for the East Parkway at Baskins Creek Bypass District and that the Gatlinburg Redevelopment and Housing Authority, by consensus, determined the district to review and that the Contract is not to exceed \$6,000 and that monies are available in

the Non-Departmental Budget in Consulting Services to cover this Agreement. The City Manager further explained that if approved this evening, there would be a revised schedule to what has been published in the Mountain Press and that the revised time frame made sense due to the Holidays. The City Manager then asked the City Planner to review this new schedule and Mr. Ball stated that February 1, 2016, a Draft Plan would be available for Public Review and that the first public notice would be for the same time frame. Mr. Ball continued that on February 5, 2016, notices would be mailed by certified mail to potentially affected property owners and stated that on February 8, 2016, public hearing notice number two would be sent and published in the Mountain Press and that on February 15, 2016, public hearing and notice number three would be sent and published. Mr. Ball then stated that on February 25, 2016, a Draft Plan and a formal Public Hearing meeting would be held and that following that there would be a Public Hearing with the Gatlinburg Redevelopment and Housing Authority on March 4, 2016 with a follow up on March 8, 2016, with City Commission to review. Mr. Ball then concluded by stating that this moves the schedule out approximately one month from the originally published schedule. After these comments, the motion to approve the Letter of Agreement for Professional Services with Dave Hill was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF MAKING AN APPOINTMENT TO THE SEVIER COUNTY ECONOMIC DEVELOPMENT COUNCIL BOARD OF DIRECTORS.**

The next Item under New Business was discussion and consideration of making an appointment to the Sevier County Economic Development Council Board of Directors. Vice Mayor McCown thanked Mr. Jack Miller, Jr., for his service on the Board and then nominated Mr. Bud Ogle to fill the remaining term until July 2017. Mayor Werner then also thanked Mr. Miller for his twenty years of service on this Board. After these comments, the motion to appoint Mr. Bud Ogle to fill the remaining term on the Sevier County Economic Development Board of Directors was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING AN AGREEMENT WITH J & W ROOFING & SHEET METAL FOR THE WATER PLANT ROOF REPLACEMENT PROJECT.**

Item E under New Business was discussion and consideration of approving an agreement with J & W Roofing & Sheet Metal for the Water Plant Roof Replacement Project. Commissioner Smith made a motion to approve the Agreement which was seconded by Commissioner Hays. The City Manager then asked the Utilities Manager to explain and Mr. Phelps explained that this was funded in last Fiscal Year's Budget and that the cost allotment is within the budgeted amount and that this is to replace the 1950 original roof on the building. Mr. Phelps further stated that contract calls for sixty days to obtain the materials which are simulated slate and ninety days to complete the contract. The City Manager then stated that J & W Roofing & Sheet Metal was the low bidder and that this is before Commission due to the contract

amount exceeding the threshold of \$20,000 and that the total contract amount is \$45,177. After these comments, the motion to approve the Agreement with J & W Roofing & Sheet Metal 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 19, 2016.**

The next Item 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 19, 2016. Vice Mayor McCown made a motion to approve the usage for this Event which was seconded by Commissioner Smith and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING AN ADDENDUM TO THE CONVENTION CENTER CONCESSION AND CATERING CONTRACT WITH TRI-C, INC., D/B/A COLLIER RESTAURANT GROUP.**

Item G under New Business was discussion and consideration of approving an Addendum to the Convention Center Concession and Catering Contract with Tri-C, Inc., d/b/a Collier Restaurant Group. Commissioner Helton made a motion to approve the Addendum which was seconded by Commissioner Hays. The City Manager then asked the Finance Director to explain and Mr. Holt explained that this is a follow up to the original contract and that this is a good time to turn the vending over to the Collier Group who have expressed interest in doing so since the original contract was signed. Mr. Holt further stated that it makes more sense to have all the refreshments with the caterer and that Coca Cola and the State have given their approval with regard to this addendum. Mr. Holt then recognized Mr. Tim Fulton with the Collier Restaurant Group to answer any additional questions. After these comments, the motion to approve the addendum to the Convention Center Concession and Catering Contract was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A SINGLE BID TO DALE PARTON TRUCKING FOR THE HAULING OF GRAVEL.**

The next Item under New Business was discussion and consideration of approving a single bid to Dale Parton Trucking for the hauling of gravel. Commissioner Smith made a motion to approve the single bid which was seconded by Commissioner Helton. The City Manager then asked the Utilities Manager to explain and Mr. Phelps explained that contract hauling is used to haul gravel from the Vulcan production center in Sevierville to a stockpile location at the Utilities Maintenance building and that from there the gravel is utilized in various water and sewer installation projects or backfilling a ditch as well as setting a pipe line or used in water and sewer repairs. Mr. Phelps continued that this is a more cost effective method due to a hauling contractor using a tandem axle dump truck as opposed to the City dump trucks that

use a single axle. The City Manager then commented that the purpose for this item on the Agenda is due to the fact that it is a single bid and commented that this is the same Contractor that the City has used for the last several years. After these comments, the motion to approve the single bid to Dale Parton Trucking for the hauling of gravel was unanimously adopted.

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

Item I under New Business was discussion and consideration of declaring certain vehicles and City equipment as surplus. Commissioner Helton made a motion to declare various items as surplus which was seconded by Commissioner Smith. Vice Mayor McCown then asked about the Public Auction and the Finance Director responded that it will be at the impound lot. After these comments, the motion to declare certain vehicles and City equipment as surplus was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A GOVERNOR'S HIGHWAY SAFETY GRANT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE POLICE DEPARTMENT.**

The last Item under New Business was discussion and consideration of approving a Governor's Highway Safety Grant with the Tennessee Department of Transportation for the Police Department. Commissioner Smith made a motion to approve the Grant which was seconded by Vice Mayor McCown. The City Manager then asked the Police Chief to review a list of items to be purchased with the Grant monies. The Police Chief then stated that the items to be purchased include eleven body cameras with charging stations, Wi-Fi service for 20 in-car tablets, miscellaneous office supplies, the Governor's Highway Conference expenses, which is required, and overtime for officers that work highway safety checkpoints. Chief Brackins concluded by stating that the total Grant amount is \$24,999.73 and is a 100% State funded Grant. After these comments, the motion to approve the Governor's Highway Safety Grant was unanimously adopted.

**UNSCHEDULED ITEMS:**

**Commissioner Jerry Hays:**

- (1) Wished everyone a Merry Christmas and a Happy and prosperous New Year.

**Commissioner Don Smith:**

- (1) Echoed the above.

**Commissioner Mike Helton:**

- (1) Echoed the above.

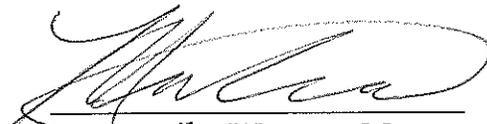
**Vice Mayor Mark McCown:**

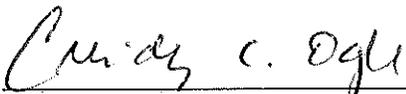
- (1) Thanked Mrs. Kelly McCarter for sharing her concerns and stated that we need to define nuisance areas in the City if we can; and,
- (2) Wished everyone a Merry Christmas and a Happy New Year.

**Mayor Mike Werner:**

- (1) Echoed the above regarding Christmas and New Year's; and,
- (2) Asked Mrs. McCarter about a sticker that said "use the latch save the bear" on one of the handouts that she provided and questioned if it was used in Colorado and Mrs. McCarter responded that yes it was from Colorado and that there was a 3% decrease in human and bear encounters just with this education and suggested that maybe this could be printed on City water bills; and,
- (3) Congratulated the Environmental Design Review Board Award recipients; and,
- (4) Congratulated Mrs. Jackie Leatherwood for her recent Bill Stevens Volunteer Award. Vice Mayor McCown then congratulated Mayor Werner on his recent Zeno Wall Award.

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

  
Mike Werner, Mayor

  
Cindy Cameron Ogle, City Recorder  
/jv

