

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday, March 18, 2014, at 6:00 P.M. in the City Council Room. All members were present. Mayor Jerry Hays called the meeting to order and led the Pledge of Allegiance. Finance Director Robert Holt gave the Invocation.

Mayor Hays then called for a motion to approve the Minutes of the regular meeting of March 4, 2014. Commissioner Mike Werner 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 Hays presented a Gold Star Families Proclamation to First Sergeant Lee Dalton, Recruiting Operations Officer for the University of Tennessee Army ROTC, and Veteran Leland Price of the American Legion in recognition and support of the Mountain Man Memorial March and all Veterans and to declare April 11-12, 2014, as Gold Star Family and Mountain Man Memorial March Recognition Weekend in Gatlinburg.

The next Item under Petitions and Communications from the Public, Mayor Hays recognized Mr. Clark King who stated that he was in attendance to talk about the Gatlinburg Police Department (GPD). Mr. King stated that a lady he knows reported a drug deal to the GPD and was later harassed for reporting the crime and that after she requested help from the GPD, she was unable to get any assistance from them. He then referenced that the City Charter requires that the GPD shall relieve complaints insofar as practical of the burden of instituting cases involving the violation of Ordinances. Mr. King then stated that he also has had problems with the GPD as he had his property stolen from the estate of his late parents and that someone had even confessed to taking the assets and that after making multiple requests to the GPD for a police report of the theft that no report was filed because the GPD claimed it was a civil issue. Mr. King stated that the theft of his assets was a crime and asked for the due diligence of the GPD and then stated that he does not want to be discriminated against for his previous politics. He further stated that he was told by the GPD that he would need to go see a magistrate and get a warrant for the theft and he stated that he wants his rights upheld and that, if the GPD does not perform the duties required of them by the City Charter, he is ready to file a Writ of Mandamus against the GPD to have a Judge order them to fulfill their official duties. City Attorney Ron Sharp then stated that this was not the forum for this discussion and that this was a matter that the GPD can investigate or turn over to the Tennessee Bureau of Investigation. Mr. King then concluded by asking the City Commission if the cost to the City was worth it the last time that he had a problem with the City and asked the City Commission if the juice was worth the squeeze.

There were no Reports of Boards and Committees.

The City Manager reported and/or requested:

- (1) that after a great deal of time and effort the City has launched a new website [www.gatlinburgtn.gov](http://www.gatlinburgtn.gov) and that it can still be viewed at [www.ci.gatlinburg.tn.us](http://www.ci.gatlinburg.tn.us) and stated that the website is a great place to learn about the City and that the new website is more user friendly and encouraged everyone to take a look at it; and,
- (2) secondly, that the City has scheduled this year's Sparkle Days for March 31-April 4 to collect commercial debris and April 7-11 for residential pick-ups. The City Manager stated that this 33 year old program allows residents to discard items that are not normally picked up in garbage collection such as scrap metal and old appliances, and to call the Street Department at 430-1370 for pick-up. The City Manager further stated that City crews will not pick-up construction debris, tires or old paint; and,
- (3) that she wanted to remind everyone that the 3<sup>rd</sup> Annual Fit for Duty Firefighter 5K and 10K will be held on Saturday, March 22, 2014, at 9:00 A.M. at the Fire Hall on East Parkway and stated that all proceeds will benefit the Gatlinburg Firefighter's Association in support of community education programs.

**ORDINANCE NUMBER 2473, AN ORDINANCE TO AMEND THE GATLINBURG MUNICIPAL CODE BY ADDING AN ADDITIONAL CHAPTER THERETO, BEING CHAPTER 5 OF TITLE 1, AND FURTHER BEING AN ORDINANCE ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF, ACCESS TO, AND DUPLICATION OF PUBLIC RECORDS PURSUANT TO THE TENNESSEE PUBLIC RECORDS ACT (T.C.A. 10-7-504, ET SEQ.), SECOND READING, (PASSED FIRST READING 03/04/14).**

The first Item under Old Business was Ordinance Number 2473, an Ordinance to amend the Gatlinburg Municipal Code by adding an additional Chapter thereto, being Chapter 5 of Title 1, and further being an Ordinance establishing procedures for public inspection of, access to, and duplication of public records pursuant to the Tennessee Public Records Act (T.C.A. 10-7-504, et seq.), Second Reading, (Passed First Reading 03/04/14). Commissioner Werner made a motion to approve the Ordinance which was seconded by Vice Mayor Mike Helton. Mr. Clark King then asked what was being amended in the Municipal Code and what this change will mean for residents. The City Manager stated that the Ordinance establishes procedures in the Municipal Code for obtaining and copying public records that have already been approved by the City Commission in the form of a Resolution. The City Manager further stated that the Ordinance was drafted to comply with the Tennessee Office of Public Records recent opinion that the procedures be adopted as an Ordinance and then asked the City Attorney Ron Sharp to further explain. Mr. Sharp stated that the Municipal Technical Advisory Service (MTAS) had previously taken the position that any regulations

regarding public records could be adopted by Resolution and that MTAS has now recommended that an Ordinance be adopted based on the recently issued opinion of the Tennessee Office of Public Records. Mr. Sharp then stated that MTAS drafted a model policy for obtaining and copying public records and that this Ordinance is consistent with that model. Mr. King then asked if any changes have been made and Mr. Sharp stated that these policies are essentially the same as the previous regulations. Mr. King then stated that he was required to pay a deposit to the Gatlinburg Police Department (GPD) to copy records and that he had not yet received an invoice for the payment and asked that the City Commission take action to make the GPD send him an invoice for the payment. After discussion, the motion to approve the Ordinance to amend the Gatlinburg Municipal Code was unanimously adopted.

**RESOLUTION NUMBER 904, A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF GATLINBURG, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,800,000, IN ONE OR MORE SERIES; 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.**

The first Item under New Business was Resolution Number 904, a Resolution authorizing the issuance of General Obligation Refunding Bonds of the City of Gatlinburg, Tennessee in the aggregate principal amount of not to exceed \$8,800,000, in one or more series; 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. Vice Mayor Helton made a motion to approve the Resolution which was seconded by Commissioner Werner. Commissioner Mark McCown then asked if reissuing the debt would save the City around \$100,000 per year. The City Manager then stated that the issuance of the Refunding Bonds would involve the refunding of the debt in the Special Revenue/Capital Improvements Program Fund for the remaining six years of the Bonds and that these Bonds would be issued at a lower interest rate which will save the City a little over \$100,000 per year and further stated that Mr. Joe Ayres of Cumberland Securities was in attendance and available to answer questions. Mayor Hays then asked if the issuance of these Bonds is the result of a recommendation from Mr. Ayres and the City Manager confirmed that Mr. Ayres had made a recommendation to issue the Bonds. After discussion, the motion to approve the Resolution authorizing the issuance of General Obligation Refunding Bonds was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING AN ON PREMISE CERTIFICATE OF GOOD MORAL CHARACTER FOR SHANNON PATTERSON, D/B/A TOM & EARL'S BACK ALLEY GRILL, 651 PARKWAY, SUITE 110.**

Item B under New Business was discussion and consideration of approving an On Premise Certificate of Good Moral Character for Shannon Patterson, d/b/a Tom & Earl's Back Alley Grill, 651 Parkway, Suite 110. Commissioner Werner made a motion to approve the Certificate of Good Moral Character which was seconded by Commissioner Smith and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING AN OFF PREMISE CERTIFICATE OF GOOD MORAL CHARACTER FOR MARSHA A. WILSON AND TANYA R. MCCARTER, D/B/A LIQUOR & WINE OF THE SMOKIES, 115 NORTH MOUNTAIN TRAIL.**

The next Item under New Business was discussion and consideration of approving an Off Premise Certificate of Good Moral Character for Marsha A. Wilson and Tanya R. McCarter, d/b/a Liquor & Wine of the Smokies, 115 North Mountain Trail. Vice Mayor Helton made a motion to approve the Certificate of Good Moral Character which was seconded by Commissioner Werner and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A CERTIFICATE OF COMPLIANCE FOR MARSHA A. WILSON AND TANYA R. MCCARTER, D/B/A LIQUOR AND WINE OF THE SMOKIES, 115 NORTH MOUNTAIN TRAIL.**

Item D under New Business was discussion and consideration of approving a Certificate of Compliance for Marsha A. Wilson and Tanya R. McCarter, d/b/a Liquor and Wine of the Smokies, 115 North Mountain Trail. Commissioner Werner made a motion to approve the Certificate of Compliance which was seconded by Commissioner Smith and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH JONES BROS., INC., RELATED TO THE AQUARIUM PEDESTRIAN BRIDGE REFURBISHMENT PROJECT.**

The next Item under New Business was discussion and consideration of approving a Contract with Jones Bros., Inc., related to the Aquarium Pedestrian Bridge Refurbishment Project. Vice Mayor Helton made a motion to approve the Contract which was seconded by Commissioner Werner. The City Manager then stated that this

Project was funded in the 2013-2014 Special Revenue/Capital Improvements Program Budget and that this is the low bid and that the Contract is before City Commission because it exceeds \$20,000. The City Manager further stated that the bid is slightly above the construction budget for the project and that there is a possibility that some structural components of the bridge may have to be replaced which would increase the total cost of the Project. The City Manager then asked the City's Engineering Consultant Mr. Gary Norvell to further explain. Mr. Norvell stated that there is some rust to the steel components of the bridge which will require crews to sandblast the damaged steel. Mr. Norvell then stated that the Contract includes the removal of the concrete decking, the sandblasting and repainting of rusted steel components, and the repouring of the concrete decking, and further stated that he did not think that any of the steel components of the bridge would have to be replaced and that costs for both the repair and replacement of the steel components were included in the Contract in the event that some of the steel needs to be replaced. Commissioner McCown then asked about the time frame of the Project and Mr. Norvell stated that the Contractor wants to start immediately due to the Project deadline being the Wednesday before the Memorial Day weekend and that a \$1,000 per day penalty will be assessed after the deadline if the Project is not complete. Mr. Norvell further stated that the Contractor can work on the weekends but cannot impede any activity in that area of town. After discussion, the motion to approve the Contract with Jones Bros., Inc., related to the Aquarium Pedestrian Bridge Refurbishment Project was unanimously adopted.

### **DISCUSSION AND CONSIDERATION OF APPROVING AN EASEMENT AGREEMENT RELATED TO THE TENNESSEE CIVIL WAR TRAILS PROGRAM.**

Item F under New Business was discussion and consideration of approving an Easement Agreement related to the Tennessee Civil War Trails Program. Commissioner McCown made a motion to approve the Easement Agreement which was seconded by Vice Mayor Helton. The City Manager then asked Ms. Vicki Simms, Executive Director of the Gatlinburg Convention and Visitors Bureau to give an explanation. Ms. Simms stated that the Easement would allow the City to participate in the Tennessee Civil War Trails Program with the placement of a Civil War historical marker at the Special Events Office Building located on the corner of Cherokee Orchard Road and Baskins Creek Bypass. Ms. Simms then stated that looking at the property from the sidewalk, the marker would be placed on the left side of the building which is adjacent to the City parking lot and further stated that the location of the historical marker has to comply with the Americans with Disabilities Act access requirements due to the fact that it is a State program and that there are already handicap parking spaces at the location. Ms. Simms then stated that this is a great opportunity to display and document Gatlinburg's story of the Civil War. After these comments, the motion to approve the Easement Agreement related to the Tennessee Civil War Trails Program was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING THE RENEWAL OF THE UNITED HEALTHCARE MEDICAL INSURANCE PLAN.**

The next Item under New Business was discussion and consideration of approving the renewal of the United Healthcare Medical Insurance Plan. Vice Mayor Helton made a motion to approve the renewal which was seconded by Commissioner Werner. The City Manager then stated that she was pleased to announce that there were no changes made to City's medical insurance plan and that there was no rate increase for the policy year. The City Manager then stated that the City's Insurance Consultant, Mr. Chris Fessenden, was in attendance and available to answer questions. Vice Mayor Helton then asked if the proposed rate included the Affordable Care Act fees and Mr. Fessenden confirmed that the fees are included in the rate. Commissioner Werner then asked how Mr. Fessenden was able to negotiate such a good rate for the City and Mr. Fessenden stated that it was a great team effort and that he appreciated the Administration's help and that United Healthcare was willing to offer the rate because the City has had recent good claims history and has been a good customer for many years which is very unusual in the insurance industry. Commissioner Werner then thanked Mr. Fessenden for doing a great job and Mayor Hays stated that he appreciated Mr. Fessenden's work. After discussion, the motion to approve the renewal of the United Healthcare Medical Insurance Plan was unanimously adopted.

**RESOLUTION NUMBER 905, A RESOLUTION AUTHORIZING THE SUBMISSION OF A LOCAL PARKS AND RECREATION FUND (LPRF) GRANT APPLICATION FOR IMPROVEMENTS AT MILLS PARK.**

Item H under New Business was Resolution Number 905, a Resolution authorizing the submission of a Local Parks and Recreation Fund (LPRF) Grant Application for improvements at Mills Park. Commissioner Werner made a motion to approve the Resolution which was seconded by Commissioner McCown. The City Manager then stated that the City has the opportunity to apply for a Grant that requires 50% matching funds and that this Resolution would authorize the Grant Application. The City Manager then stated that the City is applying for the Grant to replace the playground equipment and the lights around the track at Mills Park and that the total cost of the project is \$196,000, and that if the Grant is funded the City's match would be \$98,000. After discussion, the motion to approve the Resolution authorizing the submission of a Local Parks and Recreation Fund (LPRF) Grant Application was unanimously adopted.

**RESOLUTION NUMBER 906, A RESOLUTION REQUESTING THE STATE LEGISLATORS WHO REPRESENT THE CITY OF GATLINBURG TO INTRODUCE A PRIVATE ACT TO AMEND THE CHARTER OF THE CITY OF**

## **GATLINBURG, TENNESSEE.**

The last Item under New Business was Resolution Number 906, a Resolution requesting the State Legislators who represent the City of Gatlinburg to introduce a Private Act to amend the Charter of the City of Gatlinburg, Tennessee. Commissioner Werner made a motion to approve the Resolution which was seconded by Vice Mayor Helton. Mr. Clark King then asked what the Private Act was about and Commissioner Werner stated that the Private Act would designate the seats of the City Commission as Seats A, B, C, D, and E. Mr. King then asked if the seats would be divided into districts or if candidates would be deciding who they wanted to oppose and Commissioner Werner stated that candidates would designate the seat for which they are seeking election. Mr. King then asked each Commissioner to comment about their opinion of the Private Act and Commissioner Werner stated that the County recently changed to designated seats and that it has seemed to work well. Commissioner McCown stated that he could ask the Commissioners personally about their opinions and then asked the City Manager if the Resolution would require a two-thirds majority vote before it was sent to the State Legislature. The City Manager confirmed that the Resolution must be adopted by a two-thirds majority vote before it can be sent to the State Legislature to be introduced and then if the Private Act is adopted by the State Legislature that it would require another two-thirds majority vote by the City Commission. Vice Mayor Helton then called for the question and the motion to approve the Resolution was unanimously adopted.

## **UNSCHEDULED ITEMS:**

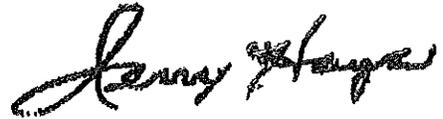
### **Commissioner Mike Werner:**

- (1) Commented that he was saddened by the passing of Mr. Brent Jinks.

### **Commissioner Mike McCown:**

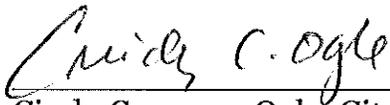
- (1) Stated that the City Commissioners and the City Manager had just returned from the Tennessee Municipal League Conference in Nashville and that it was a good Conference and that they had good meetings with Representative Dale Carr, Representative Andrew Farmer, and Senator Doug Overbey.

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



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Jerry Hays, Mayor



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Cindy Cameron Ogle, City Recorder

/jv