

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday January 10, 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. Finance Director Robert Holt gave the Invocation.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of November 8, 2016. Commissioner Don Smith made a motion to approve the Minutes which was seconded by Commissioner Mike Helton and then unanimously adopted.

There were no Petitions or Communications from the Public or Reports of Boards or Committees.

The City Manager reported and/or requested:

(1) that she would like to announce that the Gatlinburg Convention and Visitors Bureau and the Gatlinburg Convention Center have been recognized by ConventionSouth Magazine as a "Best Meeting Site in the South" in the 2016 Reader's Choice Awards; and,

(2) that she would also like to announce that the SportsEvent Media Group has announced Rocky Top Sports World as one of its 2017 Reader's Choice Award winners and that sports events professionals were asked to nominate destinations and sports venues which displayed exemplary creativity and professionalism toward the groups being hosted and that nominations were received throughout the year and the top picks were selected based on results from an online voting system; and,

(3) that she would like to make everyone aware of the upcoming Tunes and Tales Auditions that will be held on Saturday, January 14 and 21 and that these are by appointment only and to contact the Convention and Visitors Bureau Events office for more information.

**DISCUSSION AND CONSIDERATION OF ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2016.**

The first Item under New Business was discussion and consideration of accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2016. Mayor Werner referenced the City Commission workshop in which the Report was reviewed with representatives from Pugh CPAs. Commissioner Helton then made

a motion to accept the Report which was seconded by Commissioner Smith and then unanimously adopted.

**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.**

Item B 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 Smith made a motion to approve the Certificate which was seconded by Commissioner Helton and then unanimously approved.

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

The next Item 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. Vice Mayor Mark McCown made a motion to approve the Certificate which was seconded by Commissioner Helton and then unanimously approved.

**EMERGENCY ORDINANCE NUMBER 2505, AN EMERGENCY 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 WILDFIRES OCCURRING IN THE CITY, FIRST AND FINAL READING.**

Item D under New Business was Emergency Ordinance Number 2505, an Emergency Ordinance suspending the provision 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 wildfires occurring in the City, First and Final Reading. Commissioner Smith made a motion to approve the Ordinance which was seconded by Vice Mayor McCown. The City Manager then commented that this action does not waive having to comply with the adopted Building Codes and the Flood Plain Management regulations. The City Manager further explained that this is the Emergency Ordinance and that, if approved, would allow the provisions of this Ordinance to become effective immediately and for a sixty-one day period

and that the reason for the following Ordinance is to put these provisions in place for a twenty-four month period. The City Manager then asked the Building and Planning Director to further explain. Mr. Ball stated that this Ordinance is related to the 401.2 provisions of the City Zoning Ordinance which states that any structure that has been damaged by fire to 50% or more of its appraised value must be brought into compliance with current Zoning regulations and that in an effort to provide relief and allow these provisions to be suspended, the Emergency Ordinance will allow the 60 days to provide immediate assistance to those who want to start the rebuilding process. Mr. Ball continued that the next Ordinance is identical and will run the normal process for approvals including a public hearing and will allow for the suspension of these same provisions for a twenty-four month period. Mr. Ball then stated that the City Manager made two very important points and that he would like to reiterate that this action does not waive having to comply with adopted Building Codes or the Flood Plain Management regulations and that rebuilds will have to meet those standards. After these comments, Emergency Ordinance Number 2505, was unanimously adopted on First and Final Reading.

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

Item E under New Business was Ordinance Number 2506, an Ordinance suspending the provisions of Section 401.2 of the City Zoning 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, First Reading, (Passed Planning Commission 1/05/17). Vice Mayor McCown made a motion to approve the Ordinance which was seconded by Commissioner Helton. The City Manager then commented that this Ordinance will require a Public Hearing and a Second Reading. After these comments, Ordinance Number 2506 was unanimously adopted on First Reading.

**EMERGENCY ORDINANCE NUMBER 2507, AN EMERGENCY 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, FIRST AND FINAL READING.**

The next Item under New Business was Emergency Ordinance Number 2507, an Emergency 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, First and Final Reading. Vice Mayor McCown made a motion to approve the Ordinance which was seconded by Commissioner Smith. The City Manager then asked the Building and Planning Director to explain and Mr. Ball stated that the current Ordinance provisions do not allow for temporary housing units to be placed on residential properties and stated that to be very clear about this Ordinance, it only relates to people wanting to build their primary residence. Mr. Ball continued and stated that, if the primary residence was destroyed in the fire, this is to provide assistance to those people who want to place a temporary housing unit on the property during the construction of their primary residence and that the Ordinance states that the permit given with the temporary structure would run concurrent with the Building Permit and that when the Certificate of Occupancy is issued the temporary housing unit would have to be removed from the property. Mr. Ball further stated that these provisions would allow for someone to put an RV or some other temporary housing unit, on their property to live in while their primary residence is being constructed and that the Building and Planning Department has been contacted numerous times with this type request. The City Manager then commented that this action does require water and sewer hook-up and connection. After these comments, Emergency Ordinance Number 2507 was unanimously adopted on First 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, FIRST READING, (PASSED PLANNING COMMISSION 1/05/17.)**

Item G under New 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, First Reading, (Passed Planning Commission 1/05/17). Commissioner Smith made a motion to approve the Ordinance which was seconded by Commissioner Helton and then unanimously adopted on First Reading.

**DISCUSSION AND CONSIDERATION OF APPROVING AN IN-LIEU OF PROPERTY TAX CONTRACT RELATED TO THE SEVIER COUNTY ELECTRIC SYSTEM.**

Item H under New Business was discussion and consideration of approving an In-Lieu of Property Tax Contract related to the Sevier County Electric System. Commissioner Helton made a motion to approve the contract which was seconded by Vice Mayor McCown. The City Manager then stated that this is an annual contract in which the Sevier County Electric System (SCES) pays the City in lieu of

paying property taxes. The City Manager further stated that SCES makes this payment as it relates to the equipment that SCES has in the City and that the amount varies somewhat from year to year depending on what equipment might have been added or depreciated. The City Manager concluded that the Contract amount is approximately \$356,000 which is slightly less than the Budget estimate. After these comments the motion to approve an In-Lieu of Property Tax Contract was unanimously adopted.

**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, FIRST READING.**

The next Item under New 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, First Reading. Commissioner Smith made a motion to approve the Ordinance which was seconded by Vice Mayor McCown. The City Manager commented that there are three proposed amendments to the Purchasing Ordinance and that one of these has been discussed with City Commission in the past and the other two have been necessitated more recently due to an audit by the Tennessee Department of Transportation (TDOT) of Mass Transit Operating Grants of the City. The City Manager then asked the Finance Director to further explain. Mr. Holt stated that one of the proposed changes is to raise the bid limit for sealed bids for purchases from \$5,000 to \$10,000 which would greatly help with purchasing procedures and that this is something that has been discussed with City Commission in the past. Mr. Holt then stated that the second proposed change would eliminate the language in the Municipal Code that gives preference to local vendors and that this is something that federal and state regulators no longer allow as well as the Tennessee Attorney General's opinion is that the City cannot give any preference to local vendors and stated that this was as a result of a TDOT audit. Mr. Holt further stated that TDOT requires that the City provide a method whereby if there happens to be a contested bid, there is an avenue whereby the Bidder can protest. After these comments, Ordinance Number 2509 was unanimously adopted on First Reading.

**DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH THE NATIONAL JOINT PURCHASING ALLIANCE (NJPA) FOR THE PURCHASE OF A ROSENBAUER PUMPER TANKER FOR THE FIRE DEPARTMENT.**

Item J under New Business was discussion and consideration of approving a Contract with the National Joint Purchasing Alliance (NJPA) for the purchase of a Rosenbauer Pumper Tanker for the Fire Department. Commissioner Helton made a motion to approve the Contract which was seconded by Vice Mayor McCown. The City Manager then stated that this is a budgeted item and that the budgeted amount for the purchase of the pumper tanker is \$585,000 and that this is similar to a single bid and is in the amount of \$573,000 which is under budget. The City Manager further stated that this was a planned purchase in the Budget and it is requested that this be approved so that the City can move forward with this purchase. Fire Chief Miller then stated that this replaces a 1987 engine. After these comments, the motion to approve the Contract was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF MAKING A CITY COMMISSION APPOINTMENT TO THE GATLINBURG TOURISM DEVELOPMENT AUTHORITY BOARD OF DIRECTORS.**

The next Item under New Business was discussion and consideration of making a City Commission appointment to the Gatlinburg Tourism Development Board of Directors. Commissioner Smith made a motion to nominate Mr. Robert Montgomery which was seconded by Vice Mayor McCown. The motion to appoint Mr. Robert Montgomery to the Gatlinburg Tourism Development Authority Board of Directors was then unanimously approved.

**RESOLUTION NUMBER 933, A RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF TENNESSEE TO ADOPT LEGISLATION REGARDING CONTENTS COVERAGE OF INSURANCE POLICIES.**

The last Item under New Business was Resolution Number 933, a Resolution requesting the Legislature of the State of Tennessee to adopt legislation regarding contents coverage of insurance policies. Vice Mayor McCown made a motion to approve the Resolution which was seconded by Commissioner Helton. The City Manager then commented that this Resolution is to ask the State Legislature to consider passing a special law that would force insurance companies to make full payment on contents coverage and that due to the Wildfires event, many are in the same position that she and the Mayor are in as it relates to negotiations with insurance companies. The City Manager continued that one of Mayor Werner's owners at the former Highlands Condos, who is a very knowledgeable insurance person, reached out to the Mayor and the City a couple of weeks ago and since that time the City has been in discussion with the City Lobbyist to determine an approach to the State legislature about doing a special act and that this is the first step along the way of seeing if it can be accomplished. The City Manager further stated that it is not known if this is something that the State Legislature will do and

that it is extremely appropriate for the City to request this consideration and action. After these comments, Resolution Number 933 was unanimously adopted.

### **UNSCHEDULED ITEMS:**

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

- (1) Thanked all the people that were out during the fires and stated that the whole City Staff did a super job and that the personnel that came in from other Agencies across the State and beyond to assist were amazing and stated that he would just like to say thank you.

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

- (1) Echoed the above related to the fires and the great job everyone did and stated that it is great what all of the Cities have done and first responders coming in from other towns and then stated that he would like to send out a big thank you to the citizens out there who have done a great job themselves getting their property on the go again.

#### **Vice Mayor Mark McCown:**

- (1) Offered praise and thanks to Mike as the Mayor and leader of the City Commission and stated that he has done a fantastic job through this disaster. Commissioner McCown then stated that he was proud of the City Manager and how she handled herself in directing the City and all the City Departments. He also stated that he would like to thank all the City employees who worked overtime and missed vacations and then expressed his appreciation to County Mayor Larry Waters for a job well done. Commissioner McCown then stated to Chief Greg Miller, Chief Randy Brackins and Assistant Chief Gary Waldroup that he was so proud of their professionalism in directing all the first responders and that he just wanted to personally say thank you.

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

- (1) Offered sympathies to Mr. Billy Maples on the loss of his mother; and,
- (2) Thanked everyone for everything that has been done and that it has been a family and group effort that shows the rest of the country what East

Tennessee is all about and then stated that we are all extremely proud of everyone and that we have become a much closer group than we have been before and it is our strong faith in our Lord and Savior Jesus Christ that made this all possible.

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

*Cindy C. Ogle*

---

Cindy Cameron Ogle, City Recorder  
/jv

*Mike Werner*

Mike Werner, Mayor