

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday February 16, 2016, 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.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of February 2, 2016. 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 presented a Proclamation recognizing March as Litter Awareness Month to Keep Sevier Beautiful Board Chairman, Tom Leonard.

There were no Reports of Boards or Committees.

The City Manager reported and/or requested:

(1) that she would like to announce that the Great Smoky Arts and Crafts Community is launching a new event this Spring called "Hands on Gatlinburg" which will be held April 8 through 10, and that more that fifteen studios will offer over forty different hands on arts and crafts classes where participants will make a crafts and take it home. The City Manager continued that some of the crafts offered are knitting, painting, jewelry and scarf making, as well as weaving, pottery and woodworking and that tickets are available on line at Gatlinburg.com; and,

(2) that she would like to announce that the Earth Day 5K event will be Friday, April 22, 2016, and that early registration is encouraged on line at Gatlinburg.com and that the entry fee is \$30 which includes a t-shirt and a goody bag.

**ORDINANCE NUMBER 2489, AMENDING THE ZONING ORDINANCE BY RECLASSIFYING PARCEL 46 OF TAX MAP 118, LOCATED AT 163 PROFFITT ROAD, FROM R-1A (LOW DENSITY RESIDENTIAL) TO R-1 (LOW DENSITY RESIDENTIAL) DISTRICT, PUBLIC HEARING AND SECOND READING, ( PASSED FIRST READING 1/19/2016 AND PLANNING COMMISSION 12/17/2015.)**

The first Item under Old Business was Ordinance Number 2489, amending the Zoning Ordinance by reclassifying Parcel 46 of Tax Map 118, located at 163 Proffitt Road, from R-1A (Low Density Residential) to R-1 (Low Density Residential) District, Public Hearing and Second Reading, (Passed First Reading 1/19/2016 and Planning Commission 12/17/2015). Commissioner Smith made a motion to approve the Ordinance which was seconded by Vice Mayor Mark McCown. Mayor

Werner then opened the Public Hearing. There being no comments, the Mayor closed the Public Hearing. The motion to approve Ordinance Number 2489 was then unanimously adopted on Second and Final Reading.

**ORDINANCE NUMBER 2490, AMENDING THE ZONING ORDINANCE TO DELETE ARTICLE III IN ITS ENTIRETY AND SUBSTITUTE A NEW ARTICLE III IN LIEU THEREOF, BEING THE DEFINITIONS SECTIONS OF THE ZONING ORDINANCE AND FURTHER BEING AN ORDINANCE TO AMEND ARTICLE VIII BY ADDING AN ADDITIONAL FOOTNOTE, BEING FOOTNOTE NO. 5, TO THE AREA, YARD, HEIGHT REQUIREMENTS CHART AS PROVIDED IN SAID ARTICLE, PUBLIC HEARING AND SECOND READING, (PASSED FIRST READING 2/02/2016 AND PLANNING COMMISSION 1/21/2016).**

The last Item under Old Business was Ordinance Number 2490, amending the Zoning Ordinance to delete Article III in its entirety and substitute a New Article III in lieu thereof, being the definitions sections of the Zoning Ordinance and further amending Article VIII by adding an additional Footnote, Being Footnote No. 5, to the area, yard, height requirements chart as provided in said Article, Public Hearing and Second Reading, (Passed First Reading 2/02/2016 and Planning Commission 1/21/2016). Commissioner Helton made a motion to approve the Ordinance which was seconded by Vice Mayor McCown. Mayor Werner then opened the Public Hearing. There being no comments, the Mayor closed the Public Hearing. The motion to approve Ordinance Number 2490 was then adopted on Second and Final Reading with the vote as follows: Mayor Werner, Vice Mayor McCown, Commissioner Helton and Commissioner Smith voting aye and Commissioner Jerry Hays abstaining from the vote.

**DISCUSSION AND CONSIDERATION OF APPROVING A RETAIL FOOD STORE WINE CERTIFICATE OF COMPLIANCE FOR MICHAEL E. MAY, SR., D/B/A/ BEARLAND GENERAL STORE, 305 HISTORIC NATURE TRAIL - AIRPORT ROAD.**

The first Item under New Business was discussion and consideration of approving a Retail Food Store Wine Certificate of Compliance for Michael E. May, Sr., d/b/a Bearland General Store, 305 Historic Nature Trail-Airport Road. Commissioner Helton made a motion to approve the Certificate which was seconded by Commissioner Smith and then unanimously adopted.

**DISCUSSION AND CONSIDERATION OF CONCEPTUAL APPROVAL OF A PROPOSED RIGHT-OF-WAY ABANDONMENT OF A PORTION OF SYCAMORE LANE.**

Item B under New Business was discussion and consideration of conceptual approval of a proposed right-of-way abandonment of a portion of Sycamore Lane. Commissioner Smith made a motion for conceptual approval of the abandonment which was seconded by Vice Mayor McCown. The City Manager then asked the City Planner to explain. Mr. Ball stated that information that was provided to the Planning Department from Mr. Zoder had been provided to City Commission for the consideration of future abandonment and that this is for conceptual approval at this time and with City Commission approval, Mr. Zoder would then need to move forward and present this request to Planning Commission and then it would come back to the City Commission in Ordinance form for formal abandonment. Mr. Ball further stated that the area is approximately 45 feet in length on Sycamore Lane and is the portion of the right-of-way that adjoins the Zoder's Inn property and that Mr. Zoder had contacted City Staff about the abandonment area. Vice Mayor McCown then asked if Sycamore Lane would then no longer be a thru street and Mr. Zoder responded that it has always been a dead end street and that the gate would be closed in order to better protect guests at the motel. After these comments, the motion for conceptual approval of a proposed right-of-way abandonment of a portion of Sycamore Lane was unanimously adopted.

**ORDINANCE NUMBER 2491, AMENDING THE ZONING ORDINANCE BY REPEALING SECTION 406 AND SUBSTITUTING ADDITIONAL SECTIONS IN LIEU THEREOF WITH REGARD TO PLANS APPROVAL IN PLANNED UNIT DEVELOPMENTS, FIRST READING, (PASSED PLANNING COMMISSION 1/21/2016).**

Item C under New Business was Ordinance Number 2491, amending the Zoning Ordinance by repealing Section 406 and substituting additional Sections in Lieu thereof with regard to plans approval in Planned Unit Developments, First Reading, (Passed Planning Commission 1/21/2016). Commissioner Smith made a motion to approve the Ordinance which was seconded by Commissioner Helton. The City Manager then commented that this Item and the next Agenda Item are related as they both pertain to the same topic and that this Item is related to the City Zoning Ordinance and Item D is related to the Regional Zoning Ordinance and from the City's perspective it is to come into compliance with State Law as it relates to vested property rights and planned unit development approval and how long the approvals are effective. The City Manager then asked the City Planner to further explain. Mr. Ball explained that it does relate to plan approvals and that currently the City Zoning Ordinance sets a 12 month expiration date on preliminary plans and a 24 month expiration date of final approval. Mr. Ball further stated that State Law has been changed to create vesting periods so that once approval is granted under a certain adopted standard, those same standards can be used through to the completion of the development. Mr. Ball continued that the new State Law standard allows a 3 year vesting period once plans have received approval and that

under that same standard the opportunity is granted for a two year extension if the permit is obtained within the vesting time period. Mr. Ball continued that other vesting periods for multi-phase developments which are larger and have several phases can be extended up to fifteen years as long as it continues to be an active project. Mr. Ball concluded that this State Law was adopted to protect contractors that get approval under certain adopted standards and can move forward and operate under the same standard for each phase of the development. After these comments, the motion to approve Ordinance Number 2491 was unanimously adopted on First Reading.

**ORDINANCE NUMBER 2492, AMENDING THE REGIONAL ZONING ORDINANCE BY REPEALING SECTION 407.98 OF ARTICLE IV IN ITS ENTIRETY AND SUBSTITUTING A NEW SECTION 407.98 IN LIEU THEREOF, AND FURTHER BEING AN ORDINANCE TO ADOPT A NEW STANDARD FOR VESTED PROPERTY RIGHTS AND PERIODS ON PLAN APPROVALS, FIRST READING, (PASSED PLANNING COMMISSION 1/21/2016).**

The next Item under New Business was Ordinance Number 2492, amending the Regional Zoning Ordinance by repealing Section 407.98 of Article IV in its entirety and substituting a New Section 407.98 in lieu thereof, and further being an Ordinance to adopt a new standard for vested property rights and periods on Plan Approvals, First Reading, (Passed Planning Commission 1/21/2016). Commissioner Smith made a motion to approve the Ordinance which was seconded by Commissioner Helton and then unanimously adopted on First Reading.

**RESOLUTION NUMBER 923, A RESOLUTION REQUESTING THE ADOPTION OF SENATE BILL 2089/HOUSE BILL 1996 CURRENTLY PENDING IN THE TENNESSEE GENERAL ASSEMBLY.**

Item E under New Business was Resolution Number 923, a Resolution requesting the adoption of Senate Bill 2089/House Bill 1996 currently pending in the Tennessee General Assembly. Vice Mayor McCown made a motion to approve the Resolution which was seconded by Commissioner Smith. Vice Mayor McCown then asked as to the distance requirements between establishments and would one corporation be considered an establishment. The City Attorney responded that the distance requirement is between each establishment and that the existing distilleries would be grandfathered. Mayor Werner then stated that the City Commission had unanimously passed Ordinances setting distance requirements and numbers limitations previously and that the City still desires the authority to impose a numbers limitation. After these comments, the motion to approve Resolution Number 923 was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A SINGLE BID TO DOUBLE K, INC., FOR THE PURCHASE OF A COMPRESSED NATURAL GAS (CNG) TROLLEY.**

Item F under New Business was discussion and consideration of approving a single bid to Double K, Inc., for the purchase of a Compressed Natural Gas (CNG) Trolley. Commissioner Helton made a motion to approve the single bid which was seconded by Commissioner Smith. The City Manager then explained that this has been in the works for approximately two years and that it is related to the Congestion Mitigation Air Quality (CMAQ) Grant. The City Manager further explained that is before Commission due to being a single bid and is in the amount of \$205,000 which is under the approved budgeted amount of \$235,000 and that it is an 80% CMAQ Grant that the Sevier County Utility District has worked closely on with the City to obtain this Grant. The City Manager then asked the Mass Transit Manager how long it would take to get the Trolley and Mr. Parton responded that it would take approximately two months. After these comments, the motion approve the single bid to Double K, Inc., was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING CHANGE ORDER NO. 1 RELATED TO THE SPUR WELCOME CENTER RENOVATION PROJECT.**

The next Item under New Business was discussion and consideration of approving Change Order No. 1 related to the Spur Welcome Center Renovation Project. Vice Mayor McCown made a motion to approve the change order which was seconded by Commissioner Hays. The City Manager then commented that this was not anticipated in the original project scope and that the change order is a little over \$3,500 and brings the total contract amount to \$113,722 and that the estimated completion of this Project is early March. After these comments, the motion to approve Change Order No. 1 was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH SWORD AND SHIELD ENTERPRISE SECURITY FOR EMAIL ARCHIVAL AND DATA BACKUP SERVICES.**

Item H under New Business was discussion and consideration of approving a Contract with Sword and Shield Enterprise Security for email archival and data backup services. Commissioner Hays made a motion to approve the Contract which was seconded by Commissioner Smith. The City Manager then commented that this was discussed at the recent Mid Fiscal Year Budget Review and that the three year contract is in the amount of \$38,000 and therefore exceeds the \$20,000 threshold and stated that monies are in the 2015-16 Budget to begin this service. The City Manager then asked the Finance Director to further explain. Mr. Holt

explained that this would centralize the archiving of email and backup data of the City's information and that this more enhanced technology has been recommended by MTAS and will be a good service for the City and keep the City better protected. After these comments, the motion to approve the Contract with Sword and Shield Enterprise Security for email archival and data backup services was unanimously adopted.

**DISCUSSION AND CONSIDERATION OF APPROVING A REQUEST FOR PARKING AT THE AQUARIUM PARKING GARAGE FROM THE MOUNTAIN HOPE GOOD SHEPARD CLINIC FOR THE PIRATE'S BALL FUNDRAISING EVENT ON THURSDAY, MAY 12, 2016.**

The last Item under New Business was discussion and consideration of approving a request for parking at the Aquarium Parking Garage from the Mountain Hope Good Shepard Clinic for the Pirate's Ball Fundraising Event on Thursday, May 12, 2016. Commissioner Helton made a motion to approve the request which was seconded by Commissioner Smith and then unanimously adopted.

**UNSCHEDULED ITEMS:**

**Commissioner Mike Helton:**

- (1) Offered best wishes to Kevin Tierney to get well soon.

**Vice Mayor Mark McCown:**

- (1) Offered condolences to Marci Claude and her family in the recent passing of her Father.

**Mayor Mike Werner:**

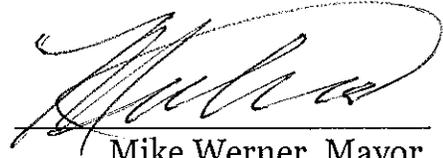
- (1) Echoed the above; and,
- (2) Stated that it was a good Mid-Year Review and that the City Manager and the Finance Director did a great job and he appreciates their hard work; and,
- (3) Referenced the District Basketball Tournament and that both Gatlinburg-Pittman High School Boys and Girls teams will compete and to come out a support them.

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

*Cindy C. Ogle*

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Cindy Cameron Ogle, City Recorder

/jv



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Mike Werner, Mayor