

The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday January 19, 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. Finance Director Robert Holt gave the Invocation.

Mayor Werner then called for a motion to approve the Minutes of the regular meeting of December 15, 2015. Commissioner Jerry Hays 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 and Items from the audience, Mayor Werner recognized Mr. Jim Steitz and advised that there is a five minute time limit for comments. Mr. Steitz raised questions regarding the City's Tree Preservation regulations and stated that City Staff are not implementing the regulations correctly as he reads and interprets the Ordinance. Mr. Steitz then stated that a property owner cut adjacent trees on Eslinger Drive and that the trees were deemed hazardous trees by the property owner and that the City Planner and Building Official took the property owner at his word and that in an email communication, Mr. Steitz repeated that the land owners assertions or characteristics of the trees were not correct and that his concern is that this was taken at face value which is not his understanding of the Ordinance and that there is supposed to be an objective determination of what is a hazardous tree. The City Manager then suggested getting a report from the City Planner and reporting his findings back to City Commission.

Mayor Werner then recognized Mr. Erik Cooper who stated that he appreciated the time that Commissioners took two weeks ago for the Workshop with Tennessee Wildlife Resources (TWRA) and stated that, with all due respect, he felt it was a sham. Mr. Cooper proceeded to discuss the killing of four bears by TWRA inside the City and stated that TWRA did not contact the City to let them know and that the City has taken the time to put together an Ordinance for trash management programs for proper interaction with bears and tried to work cooperatively with TWRA and he is disappointed with the outcome as to the senseless killing of these four bears. Mr. Cooper continued that Hollywood is not satisfied with Gatlinburg and the way this was handled and are ready to put up billboards at every entrance to the City that would say "Boycott Gatlinburg" and direct traffic to a website gatlinburgkillsbears.com and stated that the City has responsibilities to make sure this does not happen again and move in a positive way to educate visitors and residents on how to properly interact with bears. Mr. Cooper concluded by requesting two things: one, to review his proposal and two, to bring the bear carcasses back to Gatlinburg. Mayor Werner then commented regarding the two hour Workshop and that he is in support of the Bear Wise efforts of TWRA and stated that the City would look to fund this program, monitor it and stated that TWRA ideas are solid and that you can reach so many more people through education. Vice Mayor McCown then stated that as far as getting the bear carcasses, he is not in favor of getting them to put on display in the Visitor Center and that there is a bear already

there that could be used to inform visitors that “garbage kills bears” and that TWRA is responsible for handling the wildlife outside the Great Smoky Mountains National Park, not the City. Vice Mayor McCown continued that the Police Department is working with the Park and TWRA and are citing areas with garbage problems and identifying these and contacting the owners. Commissioner Mike Helton then concurred with the Mayor and Vice Mayor. Commissioner Smith then stated that he too concurs with the Mayor and Vice Mayor and that TWRA does have good ideas and that it will take some time to implement the Bear Wise Program and then stated that he agrees with Vice Mayor McCown in that he does not want the bear carcasses stuffed and put in the Visitor Center. Commissioner Hays then stated that the education is the most important factor as to getting everyone educated as to how to handle the bears and what can be done to improve on these matters. Commissioner Hays further stated that he has a little problem understanding how somebody can come in and put billboards up stating things that are not true and stated that Gatlinburg does not kill bears. Commissioner Hays continued that the bears may have been killed in the City but it does not seem fair that the City would get the publicity that we are not responsible for and that there may be some legal way to prevent such action. Commissioner Hays concluded by stating that he is surprised that they are threatening to do something to this magnitude. Mr. Kevin Tierney then referenced the PEG videos with TWRA and stated that these educational efforts should not be overlooked. Mayor Werner then reiterated the impact of the signs and the magnets of the Bear Wise Program and that there would be much to accomplish out of the education process. Mr. Cooper then commented that the City is not enforcing garbage Ordinances and that is what causes the bears to habituate to people. Mr. Cooper then stated his reasons why the Bear Wise Program would not work and commented that Chief Brackins is willing to support a “Bear Watch Community” and thanked the City Commission for the extended time.

Regarding Reports of Boards and Committees, Gatlinburg Convention and Visitors Bureau 2015 4th Quarter Report was presented by Executive Director Vicki Simms. Ms. Simms proceeded to distribute the Report and also the 2016 Vacation Guide and In Room Guide. Ms. Simms then reviewed the highlights of the 2015 4th Quarter Report and also reviewed the updated 2016 Calendar of Events.

The City Manager reported and/or requested:

- (1) that she would like to announce that Gatlinburg has been named the 2016 top “Cool Spot for Summer Meetings” by Convention South Magazine and stated that the editors compiled a Facebook ballot with a listing of sixty meeting destinations that are well fit for Summer meetings and from those sixty “Cool Spots,” fans were asked to vote for their top picks; and,
- (2) that she would like to announce that the Recreation Department recently completed construction of a greenway around the Rocky Top Sports World and Mills Park; and,

(3) that she would like to advise that National Park Offices have announced the temporary, daytime closure of the Legion Field Bridge near the Gatlinburg Welcome Center for northbound traffic beginning Monday, January 25, through Wednesday, January 27, from 8:00 A.M. to 5:30 P.M. each day and stated that the closure is necessary to allow work crews for Sevier County Electric System and AT&T to safely replace a power pole and associated conduits near the intersection. The City Manager continued that the left lane of the northbound Spur near the bridge intersection will be closed to all northbound motorists who will have to follow the detour to access the southbound Spur and that southbound motorists will be allowed to cross the Legion Field Bridge and all motorists leaving these areas must proceed northbound through the detour. The City Manager concluded by stating that the closures are weather dependent and that the Park website can be visited for more information.

DISCUSSION AND CONSIDERATION OF ACCEPTING THE AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2015.

The first Item under New Business was discussion and consideration of accepting the audited Financial Statements for the year ended June 15, 2015. Commissioner Smith made a motion to approve the Financial Statements which was seconded by Commissioner Jerry Hays. The City Manager then asked Mr. Larry Elmore with Pugh CPAs to review addition information that was not reviewed in the December Workshop meeting. Mr. Elmore proceeded to do so and reviewed the Report to City Commission document. Mr. Travis Lowe from Pugh CPAs then reviewed the letter of transmittal and the Management Discussion and Analysis (MD & A) and stated that it was overall a good year with an increased Fund Balance and completion of the Rocky Top Sports World Project with those assets transferred to the Rocky Top Sports World Corporation. Mr. Lowe continued that there was a good increase in revenues and that expenses held flat for the year and the City is outpacing 2006 revenues when looking at Gross Receipts. Mr. Lowe concluded by stating that the City did not use Fund Balance and no new debt was incurred and paid down \$5,000,000 in debt service. After these comments, the motion to accept the audited financial statements for the year ended June 30, 2015 was unanimously adopted.

ORDINANCE NUMBER 2489, AN ORDINANCE TO AMEND 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, FIRST READING, (PASSED PLANNING COMMISSION 12/17/2015.)

The next Item under New Business was Ordinance Number 2489, an Ordinance to amend 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, First Reading, (Passed Planning Commission 12/17/2015.) Vice Mayor McCown made a motion to approve the Ordinance which was seconded by Commissioner Helton. The City Manager then asked the Building and Planning Director to explain and Mr. Ball stated that this is a little over two acre tract that is

located just out of the intersection of the roundabout that accesses both the High School and Proffitt Road. Mr. Ball continued that this is the former Janice Frederick property that Mr. Duncan has purchased and would like to use the property as a tourist residency and stated that the R-1A does not allow for tourist residency and the R-1 low density would permit him to use the property for overnight rentals. Mr. Ball further explained that Planning Commission sent out notices to adjoining property owners notifying them of the request and, to his knowledge, there were no objections and that there is a favorable recommendation from Planning Commission and the property to be rezoned does adjoin the Campground which is commercial. After these comments, the motion to approve Ordinance Number 2489 was unanimously adopted on First Reading.

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

Item C under New Business was discussion and consideration of approving an In-Lieu of Property Tax Contract related to the Electric System. Commissioner Helton made a motion to approve the Contract which was seconded by Commissioner Smith. The City Manager then commented that this is an annual procedure where the Sevier County Electric System agrees to pay the City a certain amount of money in-lieu of property taxes and that this year it is approximately \$2,000 more than was estimated in the Budget. After these comments, the motion to approve the in-lieu of property tax contract was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING AN AGREEMENT WITH AIRTECH SERVICE COMPANY, INC., FOR THE INSTALLATION OF A NEW HVAC SYSTEM AT THE COMMUNITY CENTER.

Item D under New Business was discussion and consideration of approving an Agreement with Airtech Service Company, Inc., for the installation of a new HVAC System at the Community Center. Vice Mayor McCown made a motion to approve the Agreement which was seconded by Commissioner Smith. The City Manager then commented that this is on the Agenda because it is in the form of a Contract and does exceed the \$20,000 threshold. The City Manager further stated that Airtech was the low bidder and that there were a couple of alternatives that were able to be added to the low bid amount of \$154,800, bringing the total bid to \$169,000, and that there was \$232,000 budgeted and that this is well within the budgeted amount. After these comments, the motion to approve the Agreement with Airtech Service Company, Inc., was unanimously adopted.

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

The next Item under New Business was discussion and consideration of making appointments to the Environmental Design Review Board. Commissioner Helton made a motion to reappoint Mr. Ken Webster and Mr. Mike Anderson which was

seconded by Vice Mayor McCown and then unanimously adopted

DISCUSSION AND CONSIDERATION OF MAKING AN APPOINTMENT TO THE MUNICIPAL BOARD OF ZONING APPEALS.

Item F was discussion and consideration of making an appointment to the Municipal Board of Zoning Appeals. Commissioner Smith made a motion to reappoint Mr. Jack Miller, Jr which was seconded by Vice Mayor McCown and then unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING OTHER THAN THE LOW BID TO LANDMARK TRUCKS, LLC, FOR THE PURCHASE OF A SIDE LOADING GARBAGE TRUCK.

The next Item under New Business was discussion and consideration of approving other than the Low Bid to Landmark Trucks, LLC, for the purchase of a side loading garbage truck. Commissioner Hays made a motion to approve other than the low bid which was seconded by Commissioner Smith. The City Manager then commented that this is the second low bid and there is less than \$1,000 difference and that to have consistency with other equipment and software in servicing City vehicles and parts inventory, it was recommended to take other than the low bid in the amount of \$143,400 to City Commission for consideration. After these comments, the motion to approve other than the low bid was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH CUSTOM CRAFTED CONSTRUCTION, LLC, FOR THE SPUR WELCOME CENTER REMODELING PROJECT.

Item H under New Business was discussion and consideration of approving a Contract with Custom Crafted Construction, LLC, for the Spur Welcome Center Remodeling Project. Commissioner Helton made a motion to approve the Contract which was seconded by Vice Mayor McCown. The City Manager then asked the Finance Director to explain and to introduce the Great Smoky Mountains Association (GSMA) personnel that are present as well as the representative from Custom Crafted Construction. Mr. Holt preceded to do so by introducing the new Director of GSMA, Ms. Laurel Rematore, and her assistant, Mr. Steve Kemp, and Mr. David Proctor with Custom Crafted Construction. Mr. Holt continued that Custom Crafted Construction was the low bid in the amount of \$110,209 and is being recommended and is a good fit for what is needed and that there is \$50,000 in the Budget and the estimated Project amount is \$141,000 which will require a budget amendment of approximately \$90,000 with 50% of that amount coming back to the City from GSMA. After these comments, the motion to approve the Contract with Custom Crafted Construction, LLC, for the Spur Welcome Center was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING AN AMBULANCE BILLING CONTRACT WITH AMERICAN MEDICAL BILLING (AMB).

The last Item under New Business was discussion and consideration of approving an Ambulance Billing Contract with American Medical Billing (AMB). Commissioner Helton made a motion to approve the Contract which was seconded by Vice Mayor McCown. The City Manager then asked the Finance Director to give an overview and he proceeded to do so and stated that NRG Company has been bought out by AMB and that the City's Contract was up for renewal in May 2016 and that by renewing now, it will give the City \$17,000 in software and training services. The Finance Director further advised that the billing rate is 4.95% of fees and is a good rate and that it is recommended that the City do a three year contract. After these comments, the motion to approve the Contract with AMB was unanimously adopted.

UNSCHEDULED ITEMS:

Commissioner Jerry Hays:

- (1) Referenced the passing of Mrs. Karen Ballentine and stated that this is so sad to hear and that she was a fine young lady.

Commissioner Don Smith:

- (1) Echoed the above.

Commissioner Mike Helton:

- (1) Echoed the above and offered prayers for Dave and Claire and the Conner family.

Vice Mayor Mark McCown:

- (1) Referred to a couple of earlier comments from Mr. Erik Cooper and stated that the City Commission and Mrs. Ogle were not all together at Myrtle Beach at the time of this incident and that this body adheres to the Sunshine Law. Mr. Cooper replied that it is his understanding, that when Scott Reasor did not call any of the Commissioners or the City Manager to advise that TWRA was going to kill the bears, was because the Commissioners and the City Manager were out of town. Mr. Cooper then apologized and stated that he was sorry if he misunderstood. Vice Mayor McCown then stated that he will review the report; and,
- (2) Offered condolences to the Ballentine and Conner families.

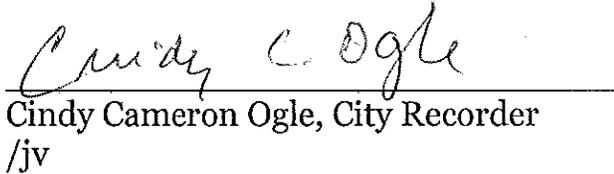
Mayor Mike Werner:

- (1) Stated that Mrs. Karen Ballentine was a longtime friend and that she will be missed by a lot of people and that her funeral is Saturday at 2:00 P.M. at First Baptist Church in Gatlinburg and that a Tremont Scholarship Fund has been set up in her memory.

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