

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, FEBRUARY 13 2012, 5:30 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

Mayor Wear called the meeting to order with the following in attendance: Vice Mayor McClure, Commissioner Brackins, Commissioner Reagan, Commissioner Robinson, City Manager Teaster, City Recorder Clabo, City Attorney Gass, members of the press and interested citizens.

Mayor Wear opened the meeting and Vice Mayor McClure led in the pledge of allegiance.

REGULAR MEETING

The minutes were presented for approval. Vice Mayor McClure made motion to approve which was seconded by Commissioner Brackins. Commissioner Robinson stated that he did not vote and Commissioner Reagan stated he did not vote during agenda item for agreement with S&ME at last commission meeting. On a motion by Commissioner Robinson to change minutes to reflect not voting, second by Commissioner Reagan, it was unanimously approved to accept minutes with change as noted.

Mayor Wear asked if there were any comments from citizens.

Jess Davis asked for a letter he read to be included into the minutes. See Attachment A.

Jeff Ellison finished reading part of Mr. Davis' letter.

James Overstreet asked about a road hazard plan for tires that are blown out. He stated he had a copy of his receipt for \$25.19.

Chuck McAlister discussed C-7 zone and that it appears there are certain privileges that other businesses will not receive.

Jake Suttles asked commissioners to state they oppose decision made by state to allow liquor by the drink.

Leland Wykoff discussed the C-7 zone and said the document is very unclear.

Owen Wetzl stated if people wanted to drink they could go to Gatlinburg.

Bill Akery stated the best way to address liquor by the drink is to put on ballot and let people decide.

Joyce Akery asked how many times voters have to vote this down.

Charles Rhodes asked why a C-7 zone is necessary.

Dana Day asked the difference in lighting between a C-5 and C-7 zone.

Fred Atics said officials will say one thing and then do another.

No further comments were received.

The authorization for the payment of bills was presented for approval. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was approved to accept the bills as noted. Commissioner Robinson noted that he was for the normal bills but opposed items in question that are not bid.

Old Business

There was no old business.

New Business

Mayor Wear read a proclamation for Arbor Day.

Ordinance No. 938 to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcels E-7.00 & E-7.01 of tax map 94D located on 715 Oldham Street, Owned by Renee and Joseph Romeo, from R-1 (Low Density Residential) district to R-2 (High Density Residential) district was presented for the first reading. Community Development Director Taylor spoke and stated this had been recommended by planning commission. On a motion by Vice Mayor McClure, second by Commissioner Brackins, and with all voting "aye" the motion was approved on the first reading.

Ordinance No. 939 to amend the zoning text of Pigeon Forge, Tennessee by adding section 712 (C-7 Planned Unit/Public Use Development District) to article VII was presented for the first reading. Community Development Director Taylor discussed the sections of the ordinance. Commissioner Robinson made a motion to table the item to a work session which was seconded by Commissioner Reagan. The motion to table failed by a no vote from Mayor Wear, Vice Mayor McClure, and Commissioner Brackins. Ordinance was discussed at length. Motion to approve on first reading was made by Vice Mayor McClure and seconded by Commissioner Brackins. Before the vote, Commissioner Robinson made motion to add residential occupancy to the district as a permitted use, which was seconded by Commissioner Reagan. Following amended motion, the motion was approved on the first reading. Commissioner Robinson and Commissioner Reagan voted no.

Ordinance No. 940 to amend **Ordinance No. 930** Annual Appropriations for fiscal year 2011-2012 was presented for the first reading. City Recorder Clabo discussed amendment noting reasons for the adjustments. On a motion by Commissioner Brackins, second by Vice Mayor McClure, the motion was unanimously approved on the first reading.

Resolution No. 788 authorizing the publication of notice regarding delinquent taxes, penalties and interest for the year 2010 was presented for approval. City Manager Teaster explained that this was done annually to address delinquent taxes. Commissioner Robinson asked if the city would attempt to contact individuals on this list. City Recorder Clabo stated

that numerous attempts have been made including letters sent and this was last resort after other attempts have been exhausted. On a motion by Vice Mayor McClure, second by Commissioner Brackins, and with all voting "aye" the motion was approved.

Resolution No. 789 authorizing the filing of a grant application to the United States Fire Administration for the purpose of enhancing fire prevention and life safety services of the City of Pigeon Forge Fire Department was presented for approval. Fire Chief Watson stated that the grant period closes February 26, 2012. On a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved. Commissioner Reagan abstained from the vote.

Discussion and consideration of the 2010-2011 fiscal year audit was presented for approval. Larry Elmore with Pugh and Company was in attendance to discuss and answer any questions regarding the annual audit. Commissioner Robinson stated that in a previous work session there had been discussion about one of the city's contractors adding approximately \$100,000 to one of the power bills to recoup money that had been spent by the contractor without approval of commission and asked if it was included in this audit. Mr. Elmore stated that if it was he was not aware of it but it was not brought to his attention. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the audit as presented. Commissioner Robinson voted no.

Discussion and consideration of bid for a new roof at the Trolley Office Building from L&M Home Improvement Inc. was presented for approval. Parks and Recreation Director Wilbanks stated that six bids had been received and he recommended the lowest bid from L&M Home Improvement Inc. at a cost of \$18,285. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the bid as presented.

Discussion and consideration to purchase televisions from Reagan's TV Center for Fire Station # 2 was presented for approval. Fire Chief Watson stated that he recommended the quote as follows: 1) (8) 24" Toshiba LCD w/LED at a cost of \$2,079.92; 2) (7) wall mounts w/tilt at a cost of \$489.93; 3) (1) articulating mount at a cost of \$89.99; 4) (2) 50" LG Plasma TVs at a cost of \$1,399.98; 5) (1) tilt tall mount at a cost of \$129.99; and 6) (1) ceiling mount at a cost of \$229.99 for a total of \$4,419.80. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the request as presented. Commissioner Reagan abstained from the vote.

Discussion and consideration of bid to purchase (2) motorcycles from Smoky Mountain Harley Davidson for the Police Department was presented for approval. Police Chief Baldwin presented and stated three bids had been received and he recommended the low bid from Smoky Mountain Harley-Davidson & Buell at a cost of \$16,375 per motorcycle for a total of \$32,750. Commissioner Reagan stated he would like to try a Kawasaki motorcycle as an alternative to a Harley Davidson and made a motion to purchase two motorcycles from Smoky Mountain Harley-Davidson & Buell and one Kawasaki which was seconded by Commissioner Robinson. Before the vote, it was discussed that the purchase of a third motorcycle should be postponed until the police department could look at their budget and determine if they would have the funding since only two motorcycles were included in the budget. Following discussion, Commissioner Reagan withdrew his motion to purchase

the third motorcycle and made motion to accept request as presented, second by Commissioner Robinson, and was unanimously approved to accept the bid as presented.

Discussion and consideration to purchase ballistic vests per the bid approved on 9/27/2010 for the police department was presented for approval. Police Chief Baldwin presented and stated the vests would be purchased from Whole Armor at a cost of \$965 per vest for a total of \$10,615. Mr. Baldwin noted that a portion of the vest costs would be recouped for the OJP Bulletproof Vest Partnership Grant. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration of bid to purchase street light maintenance materials from City Electric was presented for approval. Public Works Director Miller stated that four bids had been received and he recommended the low bid from City Electric at a total cost of \$7,246.07. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the bid as presented.

Discussion and consideration of bid to purchase Winterfest LED replacement bulbs from Vickerman Co. was presented for approval. Public Works Director Miller stated that three bids had been received and he recommended the lowest complete bid from Vickerman Co. in the amount of \$12,422.30. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the bid as presented.

Discussion and consideration to purchase (3) potable flow meters from Teledyne Isco, Inc. for the collection system rehab program was presented for approval. Martin Cross with Veolia presented and stated that the cost for three meters would be \$11,685. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Discussion and consideration to repair main lift station pump by Landon Electric was presented for approval. Martin Cross with Veolia presented and noted that the quote would include a new core, bearings, seals and associated labor in the total amount of \$9,138. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Manager's report included the following:

1. Totally Tourism will take place on February 15, 2012 at 1:30 p.m. at the Holiday Inn in Pigeon Forge.
2. The PBS special titled Getting Away Together will be showing at the Pigeon Forge Theater on February 15, 2012.
3. The Pigeon Forge Hospitality Association will meet on February 23, 2012 at the Holiday Inn in Pigeon Forge at 11:30 a.m.
4. Saddle Up Event will be held February 23, 2012 through February 26, 2012.

5. The advertisement of the wastewater plant will be done February 26, 2012. There will be a pre-bid conference on March 22, 2012 and bids will be open on April 12, 2012.
6. The grand opening of the Pigeon Forge Fire Station # 2 will occur on March 25, 2012 between 2:00 p.m. and 5:00 p.m.
7. Continuing to work on a city retreat and should have dates available soon.
8. There will be a planning commission meeting on Tuesday February 28, 2012 at 3:00 p.m. in the council room of city hall.
9. The beer board meeting scheduled for Wednesday February 22, 2012 has been cancelled due to no pending applications.
10. There will be a Public Hearing on Ordinance No. 938 and 939 at the regularly scheduled council meeting on March 12, 2012.

Mayor Wear asked for comments from the board.

Having no comments received, the meeting was duly adjourned at 7:50 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER

PRESS RELEASE

I wish to address this Commission and the general public about what we believe to be the most important issue ever to come before you. I say that because I am part of the group of concerned churches and citizens, and they know everything that I am about to tell you, and they have asked me to take the lead statement but some of them will address you also. I am going to do it by reading a Press Release so that the Mountain Press won't get it wrong because as you have told us yourself, City Manager Teaster, "Don't talk to the Mountain Press because they never get anything right."

What's the issue?

The sell out of our Citizen's Constitutional right for their votes to count.

As you know the Citizens of Pigeon Forge not just once, but twice, defeated liquor by the drink referendums. They did this against out-of-town developers' money, deceptive ads and even anonymous threats against some of our churches and pastors. Our Citizens made their voices and their votes clearly known, and if they have to do it again, rest assured they will.

Now the liquor crowd, as they always do, and as I have seen it before, wants to take away our citizens' fundamental American right to have our votes count, but they can't do it without the help of their government cohorts. It is no longer as important whether you were for liquor by the drink or not. What is important now is that our votes have been attempted to be sold out and our rights stomped on by sinister back room deals by our own City officials and Commissioners with outside developers. Who am I talking about?

We have established what we have been told that this dastardly deal was hatched in two steps:

Step I: We have been told which developers, along with which City Commissioners met with which state congressman that agreed to get another congressman to attach an amendment to an existing bill going through both houses in Nashville for the purpose of allowing liquor by the drink in a special development zone in a Premier Resort City (Pigeon Forge's Belle Island). We have been told where and when their meeting took place and we even knew who the congressman was picked to attach it even before someone told the Mountain Press. Supposedly the fix would be in and our own state and local representatives would appear to be against it while it got passed. However, our Pastors and Leaders have met with Representative Richard Montgomery and he has given his word that he has stopped it in the House, and that he will not allow the voter's voice to be overruled and that he will find a way to thwart any further attempts. Furthermore that picked Representative, Ryan Haynes, has given his word to Dr. Doug Sager, the Pastor at First Baptist Concord, who is a strong supporter of ours, that it is dead, and he will not be introducing it again.

But that is not the worst of it, oh it gets worse.

Step II: Again we have been told that in order to get liquor by the drink they first had to create a special zone in Pigeon Forge for Belle Island, so that it would match with the state amendment. Again, we have been told where, when and which developers met with which City official and which City Commissioners to hatch this plot for their would-be cohorts at the state level. This special zone should not be created because that state amendment could still be introduced again by someone else in the Senate as was their original plan.

Sure, some people wanted liquor by the drink and some didn't, but to negate that fundamental American right of voting with back room deals is bad enough, but for our own City official and two of our Commissioners to be an intricate part of this voter sell out is beyond imagination. You Commissioners were elected to look after our rights and listen to the citizens' voice, not secretly have them negated. But why should we be surprised when we recently saw members of this very Commission totally discount and disregard the voice of our community's finest leaders, our Pastor Leaders, when they in overwhelming numbers stood before you and tried to persuade you from, in effect, putting the Citizens in the beer sales business on their own convention center property. You Commissioners could learn a lot about public service from these pastor leaders.

We have not mentioned the specific individuals' names here tonight because we want to give you Commissioners the opportunity to do the right thing and don't create this liquor zone as was their plan. We are not against the development of Belle Island. If you want to give them zoning variances then let the Planning Commission do it and, as far as I am concerned, give others the same variances if they ask for it and that should also apply to tap fees and hundred year flood zone variances. But if you don't do right and you create this liquor zone then all our citizens will know what you have done to them and rest assured we have already researched the options that we have in order to expose those guilty of this secret plot. In fact, we will soon be setting up a website in order to keep the public informed - citizensellout.com

There is a lot more that we know about that I've not referred to here tonight. So for your own good and for the good of our voters, we are giving you the opportunity to do right thing. Do wrong, and continue this citizen sell out that you've hatched in secret, and it will be at your own demise in public. Once again, we know who you are and what you have done. Soon all America will know of your citizen sell out if this liquor zone goes through against the established will of the voters of Pigeon Forge.

Citizen
Jess Davis