

**MINUTES OF
CITY COMMISSION MEETING
MONDAY, DECEMBER 10, 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 Robinson, City Manager Teaster, City Recorder Clabo, City Attorney Gass, members of the press and interested citizens. Commissioner Reagan was absent.

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

Prior to the regular meeting, an update was given by Executive Director of Tourism Downey regarding the Smoky Mountain Tourism Development Council.

REGULAR MEETING

The minutes were unanimously approved following motion by Vice Mayor McClure and second to motion by Commissioner Brackins.

Mayor Wear asked if there were any comments from citizens.

James Overstreet thanked those responsible for getting lights fixed on Middle Creek. He inquired if funds from alcohol privilege tax will be going to the schools and if a 3:00 a.m. closing time would mean bars only. Finally, he wished everyone a Merry Christmas.

Kenny Maples wished everyone a Merry Christmas. He stated he was with the Forging Ahead Group. He stated in the November 26, 2012 meeting, Commissioner Robinson wrongly accused Forging Ahead Group of campaigning to allow privilege tax provided for by state law. He further stated Forging Ahead never campaigned for a privilege tax imposed by the City. Instead the group campaigned in support of the state mandated liquor by the drink tax. The group respectively asks for commission to pass on second and final reading Ordinance numbers 953 and 954. Commissioner Robinson asked to respond by stating that the group campaigned that liquor by the drink money was for the schools and this is not money for the schools. It is money for the City.

John Joslyn said that it had been reported that someone had made disparaging remarks about people that go to Myrtle Beach. He doesn't understand where this is coming from since people going there come here and some businesses here have businesses there. Commissioner Robinson said on his personal time he had been interviewed by a newspaper and noted he hadn't been to Myrtle Beach in about 12 years but was very disappointed in the moral decline there.

Executive Director of Tourism Downey asked for a round of applause for the new ISO rating.

No other 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 presented. Commissioner Robinson noted that he was for the normal bills but opposed items in question that are not bid.

Old Business

Ordinance No. 953 to establish a privilege tax for the sale of alcoholic beverages was presented on the second reading. On a motion by Vice Mayor McClure, second by Commissioner Brackins, the motion was approved on the second reading. Commissioner Robinson voted no.

Ordinance No. 954 to modify the time for the sale of beer and the age of the server of beer by licensed alcoholic beverage retailers was presented on the second reading. Motion was made by Commissioner Brackins, which was seconded by Vice Mayor McClure. Before the vote, Commissioner Robinson stated during a work session, City Attorney Gass was asked to see how the City of Gatlinburg is allowed to have different hours from the state. City Attorney Gass stated that when Gatlinburg adopted the sale of intoxicating beverages, the closing time was 1:00 a.m. The state law allows Gatlinburg to opt out of the new time since the closing time was 1:00 a.m. when they adopted the provision. Therefore the City of Sevierville and City of Pigeon Forge are both governed to 3:00 a.m. time. Commissioner Robinson stated there seems to be a loophole somehow. He stated he just wanted to do whatever possible to keep alcohol from being sold until 3:00 a.m. Following the motion and second, the motion was approved on the second reading. Commissioner Robinson voted no.

New Business

Discussion and consideration of the 2013 Spring/Summer media plan for the Department of Tourism was presented for approval. David Bohan discussed and stated the plan is within the budget of the Department of Tourism for advertising and has been unanimously approved by the Tourism Advisory Board. He discussed the media plan for the number of weeks and which markets advertising would be targeted. On a motion by Commissioner Robinson, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Discussion and consideration of the 2011-2012 fiscal year audit was presented for approval. Larry Elmore with Pugh & Company was in attendance to answer any questions. He noted that it had been discussed earlier in a work session. The report this year is an unqualified opinion or clean opinion. If approved tonight, the report will be issued to the State of Tennessee by the end of December. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the audit as presented.

Discussion and consideration of a change order in the amount of \$15,700 from CDM Smith for construction engineering and inspection services for Music Road US 441 traffic signal project was presented for approval. Bob Bowers with CDM Smith was in attendance to discuss. He stated that the engineer has to be on site whenever the contractor works. The contractor determines when they are working. Therefore the extended amount of time contractor was on site required engineer to be on site also. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the change order as presented.

Discussion and consideration to purchase mobile computers for the Police Department from Insight Public Sector via the U.S. Communities IT Products and Services contract was presented for approval. Police Chief Baldwin presented and stated the total cost for 8 computers would be \$50,950.26. This amount includes shipping and mounting costs. On a motion by Commissioner Robinson, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Discussion and consideration to purchase mobile cameras for the Police Department from L3 Mobile Vision via the Statewide contract was presented for approval. Police Chief Baldwin presented and stated the cost for 8 cameras would be \$5,645 each for a total of \$45,160. On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the request as presented.

Discussion and consideration to purchase communication furniture for the Police Department from Watson Furniture Group via GSA pricing was presented for approval. Police Chief Baldwin presented and stated the total cost for 3 platforms is \$5,656.25. This amount includes shipping charges, installation and training. On a motion by Commissioner Brackins, second by Commissioner Robinson, it was unanimously approved to accept the request as presented.

Discussion and consideration to purchase uniforms for the Police Department from Whole Armor utilizing a bid from 9/27/2010 was presented for approval. Police Chief Baldwin presented and recommended approval of uniforms in the amount of \$14,970.25. 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 purchase radios for the Police Department from Motorola Solutions via Statewide contract was presented for approval. Police Chief Baldwin presented and stated the total cost for 5 mobile radios and 4 portable radios is \$50,559.87. On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the request as presented.

Discussion and consideration to purchase ballistic vests for the Police Department from Whole Armor utilizing a bid from 9/27/2010 was presented for approval. Police Chief Baldwin presented and recommended the purchase in the total amount of \$7,800. It was noted that a portion of the cost will be reimbursed from 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 to purchase a 76 passenger tram for the Trolley Department from Specialty Vehicles utilizing a 5311 grant (785311-S3-037) was presented for approval. Mass Transit Director Marine presented and stated that the funds would be 80 percent federal, 10 percent state, and 10 percent local. The total amount of the tram is \$299,997.50. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Discussion and consideration of bid to purchase a cutaway bus for the Trolley Department from National Bus Sales utilizing 5311 grant (785311-S3-037) was presented for approval. Mass Transit Director Marine presented and recommended the bid in the amount of \$49,819. 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 bids to purchase water plant chemicals for the Water Department from Univar USA, and American Development was presented for approval. Public Works Director Miller presented and noted that bids had been received from 7 vendors. He recommended the following low bids: 1) Univar USA Inc. for caustic soda at a cost of \$.916 per gallon; 2) American Development for aqua-mag at a cost of \$10.25 per gallon; and 3) American Development for fluoride at a cost of \$3.65 per gallon. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the bid as presented.

Discussion and consideration of bids to purchase fire hoses for the Fire Department from Dana Safety Supply and NAFECO Inc. was presented for approval. Fire Chief Watson presented and recommended the following: 1) Dana Safety Supply, Inc. for 1" (cloth) and 5" (rubber) in 50' sections for new hose at a cost of \$53.32 and \$289.44, respectively; 1" (cloth) and 5" (rubber) in 100' sections for new hose at a cost of \$91.44 and \$480.66, respectively; and 5" (rubber) in 25' sections for new hose at a cost of \$221.52; 2) NAFECO for 1 3/4", 2", 2 1/2", 3", and 5" (all sizes in cloth) in 50' sections for new hose at a cost of \$88.65, \$118.75, \$121.60, \$166.50, and \$326.70, respectively; 5" (cloth) in 100' sections for new hose at a cost of \$517.10; 1 3/4" (light weight) and 2 1/2" (light weight) in 50' sections for new hose at a cost of \$203.99 and \$263.65, respectively; 5" (cloth) in 25' sections for new hose at a cost of \$231.55; 1", 1 3/4", 2", 2 1/2", and 3" (all sizes in cloth) in 50' sections for demo hose at a cost of \$51.20, \$62.50, \$79.60, \$85.25, and \$113.70, respectively. 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 structural firefighting equipment for the Fire Department from NAFECO Inc. was presented for approval. Fire Chief Watson stated that he recommended the only vendor that met bid specifications as follows: 1) coat in the amount of \$1,284; and 2) pant in the amount of \$870 for a total of \$2,154 per set. On a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the bid as presented.

Discussion and consideration of bid to purchase plant material for Wear Farm City Park from John Deere Landscaping was presented for approval. Parks and Recreation Director Wilbanks stated 3 vendors had submitted bids and he recommended the low bid from John Deere Landscapes with minimal exceptions at a cost of \$37,514.10. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the bid as presented.

Discussion and consideration of bid to purchase concession equipment for the Parks Department from Katom Restaurant Supply was presented for approval. Parks and Recreation Director Wilbanks stated bids had been received from 4 vendors and he recommended the low bid from Katom Restaurant Supply based on the following: 1) Category I – refrigerator/freezer machines at a cost of \$34,097.23; 2) Category II – tables/sinks at a cost of \$6,957.04; 3) Category III – warmers/cookers at a cost of \$12,954.47; and 4) Category IV – miscellaneous equipment at a

cost of \$14,516.42. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the bid as presented.

Discussion and consideration of a water purchase agreement with Sevier County Government was presented for approval. City Manager Teaster presented and explained that a resolution will not be passed by commission. It will be an agreement. Master meters will be installed at designated location at the city limits. Billing and payments will be in accordance with billing cycle and due dates. The cost of water per 1,000 gallons for this original agreement will be \$4.22. The date of the agreement will be December 17, 2012. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Robinson, it was unanimously approved to accept the request as presented.

Discussion and consideration to appoint Kenny Maples to the Sevier County Economic Development Council was presented for approval. Commissioner Robinson stated Kenny was on many boards already and would like to consider a few other names like Jay Ogle or Keith Whaley. Following discussion and on a motion by Vice Mayor McClure, second by Commissioner Brackins, it was approved to accept the appointment as presented. Commissioner Robinson voted no. Mayor Wear abstained from the vote.

Manager's report included the following:

1. There will be a planning commission meeting on Tuesday December 11, 2012 at 3:00 p.m. in the council room of city hall. Following the meeting, board members will have their annual Christmas dinner.
2. The IDB meeting for the month has been cancelled.
3. The Beer Board meeting for the month has been cancelled due to no pending applications.
4. The City Christmas lunch will be held on Friday December 14, 2012 at 11:30 a.m. at the community center.
5. The next regularly scheduled council meeting will be Monday January 14, 2013 at 5:30 p.m. in the council room of city hall.

Mayor Wear asked for comments from the board.

Commissioner Robinson asked if it would be possible to ask Commissioner Brackins to work with the City of Sevierville for the possibility of handling our sewer. He would like to see what the cost would be. Commissioner Robinson made motion to authorize Commissioner Brackins to see what options are. The motion failed due to lack of second motion.

Commissioner Robinson stated he didn't think it was the intention of commission meetings to put a commissioner on trial. He stated what he says in his personal life and about his personal vacation, isn't anyone's business. He further stated that he feels liquor

by the drink will be a moral decline in Pigeon Forge. Commissioner Robinson stated several comments from a paper in Myrtle Beach about seedy areas and stated he does not think there is anything wrong with trying to keep Pigeon Forge from heading in this direction.

Commissioner Brackins wished everyone a blessed holiday season.

Vice Mayor McClure wished everyone happy holidays.

Mayor Wear stated he had a few things to say but instead asked everyone to have a good Christmas.

Having no other comments received, the meeting was duly adjourned at 6:55 p.m.

APPROVED: _____
MAYOR

ATTEST: _____
CITY RECORDER