

**MINUTES OF  
CITY COMMISSION MEETING  
MONDAY, DECEMBER 14 2009, 5:30 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

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

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

**PUBLIC HEARING**

Mayor Whaley opened the public hearing to receive public comment regarding amendments to the zoning map of Pigeon Forge, Tennessee by rezoning parcel 4.03 of tax map 84 (located on the East side of Veterans Boulevard across from the Intersection of Veterans Boulevard and Gold Rush Road) from R-1 (Low Density Residential) District to C-2 (Tourist Commercial) District.

There being no comments received, the public hearing was closed.

**REGULAR MEETING**

The minutes were presented and motion to approve was made by Vice Mayor McClure, second by Commissioner Brackins. Commissioner Robinson asked to include language stating he objected to approval of bills at meeting because through extensive discussion, approval on the Bohan bills was made by using prior commissioners approval of a contract dated November 3, 2008 and in minutes from commission meeting November 8, 2008. A friendly amendment to initial motion was made by Vice Mayor McClure, second by Commissioner Brackins and unanimously approved.

The authorization for the payment of bills was approved following motion by Commissioner Brackins, second by Vice Mayor McClure. Commissioner Robinson voted no. Before the vote, Commissioner Robinson asked to read a statement and later asked to include as part of minutes. The letter is included as an attachment to these minutes. Following the reading of Commissioner Robinson's letter, there was more discussion about the legality of paying Bohan bills without an expired contract. Per recommendation of council, they would like review information in a work session at the first of the year and go through the contract regarding Bohan and resolve any issues commissioners may have.

**Ordinance No. 899** to amend sections 706 ("C-4 Planned Unit Commercial Districts C-4"), Section 408.8.2 ("Maximum Signage Permitted – Commercial District C-4"), and Section 801 ("Area, Yard, and Height Requirement") of the text of the zoning

ordinance of Pigeon Forge, Tennessee was presented for the second reading. On a motion by Vice Mayor McClure, second by Commissioner Robinson, and with all voting "aye" the motion was approved on the second reading.

**Ordinance No. 900** to amend the zoning map of Pigeon Forge, Tennessee by rezoning parcel 4.03 of tax map 84 (Located on the East side of Veterans Boulevard across from the Intersection of Veterans Boulevard and Gold Rush Road) from R-1 (Low Density Residential) District to C-2 (Tourist Commercial) District was presented for the second reading. On a motion by Commissioner Wear, second by Vice Mayor McClure, and with all voting "aye" the motion was approved on the second reading.

Acceptance of a grant from the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS) under the American Recovery and Reinvestment Act Assistance to Firefighters Station Construction Grant (ARRA-SCG) in the amount of \$2,045,072.00 was presented for approval. The city will be required to provide a local match not to exceed \$547,500.00 for site preparation. Fire Chief Watson stated that the City was approximately four months away from being able to bid the work. On a motion by Commissioner Brackins, second by Commissioner Wear, it was unanimously approved to accept the grant as presented.

Approval of agreement with Norvell & Poe Engineers to complete a survey for the Dry Fork Gravity Sewer Line to replace the Kings Hills Booster station was presented for approval. Jim Barnes explained noting that the fee for the survey was \$15,500. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the agreement as presented.

Approval of agreement with Facility Planning Group for advice on the design, development, construction and marketing of the Events Center and related facilities was presented for approval. Assistant City Manager Brackins explained that this would allow the City to move forward on plans with the Events Center. The monthly cost will be \$16,666.67 and the terms of the contract shall commence on February 1, 2010 and shall continue until the facility opens, or until February 1, 2012 whichever occurs first. Commissioner Robinson noted that we don't have the money to fund this as there are other priorities ahead of this including wastewater plant and capacity issues. He said the timing is just not good. There was general discussion about the Events Center regarding funding and need but a difficult time due to economy. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was approved to accept the agreement as presented. Commissioner Robinson voted no.

Approval to purchase chemicals for the Water Treatment Plant was presented for approval. Public Works Director Miller recommended caustic soda at a cost of \$.53/lb from Dycho Co. and bleach at a cost of \$.68/gal from Brenntag Mid-South. On a motion by Vice Mayor McClure, second by Commissioner Brackins, it was unanimously approved to accept the request as presented.

Consideration of request from Dollywood to place banners in the median in celebration of the parks 25<sup>th</sup> anniversary was presented for approval. City Manager

Teaster explained that Dollywood was looking at these initiatives to drive visitors to Dollywood and the general area. On a motion by Commissioner Brackins, second by Vice Mayor McClure, it was unanimously approved to accept the request as presented.

Consideration of request from property owner outside of the city to hook onto the city's water system was presented for approval. Community Development Director Taylor stated that this would include four new lots and one existing lot. This has also been approved by the State. On a motion by Vice Mayor McClure, second by Commissioner Wear, it was unanimously approved to accept the request as presented.

Manager's report included the following:

1. There will be a planning commission meeting on December 15, 2009 at 3:00 p.m. in the council room of city hall with the planning commission Christmas Dinner following the meeting.
2. There will be a tourism advisory board meeting on December 15, 2009 at 8:00 a.m. at the Holiday Inn.
3. There will be a beer board meeting on December 15, 2009 at 2:00 p.m. in Meeting Room B of the city hall complex.

Mayor Whaley asked for comments from the floor and/or board.

Following general comments and Randal Robinson offering a closing prayer, the meeting was duly adjourned at 6:20 p.m.

APPROVED:   
MAYOR

ATTEST:   
CITY RECORDER

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Mayor Whaley,

In our last meeting I was against paying a bill to Bohan. I would like to set the record straight. I am not against Bohan, their work or in anyway their credibility or ethics .

I am questioning the practices of our city management, spending money without authorization and without proper bidding procedures.

I was against paying \$131,467.00 to Bohan because city management had not received approval from our board of commissioners to order the work and for Bohan to charge us \$131,467.00. This bill was approved by referring back to an agreement,

approved by our prior board of commissioners on  
November 10, 2008.

Here are the minutes:

Here is the plan:

Does anyone here know what the total amount for  
this contract?

Let me save you some time. I do.

It was \$5,127,552.00.

Does anyone here know the time frame for this  
contract?

Let me save you some more time.

It was from July 1, 2008 thru June 30, 2009.

#1. The contract was for a total amount of \$5,127,552.00. You spent approximately \$6,464,427.00. Exceeding your contract by approximately \$1,336,925.00.

#2. A contract that was agreed upon from July 1, 2008 thru June 30, 2009, approved on November 10, 2008, was back dated to cover approval \$274,000.00 spent without approval for over 4 months.

How can you use a contract that is expired 6 months, overspent by approximately 1 million dollars to cover paying bills in November and December 2009.

The first month I served as commissioner paperwork was laid before me that stated that we couldn't afford uniforms and etc. for our police and other city departments, but we seem to be able to give the Tourism Department an open check book to over spend their written contract by 1 <sup>over</sup> ~~2~~ million dollars.

Leon Downey even stated that deals come along and he doesn't have time to bring them before this board.

I know this is not the time to discuss line items, but I'm trying to figure out if there is a time to discuss line items about the Tourism Department . It was made plain that during the budget time wasn't it.

We just had a workshop and I was told we weren't going to discuss this then. I have a long list of line items that really concern me. I would like to mention a few of them, not to be debated, but just to show some examples of how our money is being spent.

\$63,000.00 for reusable grocery bags distributed to Food Loin and Dollar General, etc.

\$6,897.00 for Vidalia onion insert and reprint.

Another \$29,000.00 to TLC for the Dugger's appearance that was represented to us as being free.

\$4,000.00 for logo development.



With all due respect to <sup>one of our</sup> ~~the other~~ commissioner and his statement in our last meeting about needing to trust management. I don't feel this office is about trusting. I believe it is about oversight, responsibility and accountability for what goes on in our city. All of this controversy could have been avoided if our Tourism Department had presented this account before our commission months ago, before they made commitments on their own, but with waiting until January to present it I'm sure it opens the door to argue that we don't have time to bid this account, it will have to be looked at next year.

Now I've invested a lot of personal time and effort to prove to each of you in black and white, that this is

not legal and should not <sup>have</sup> be approved. ~~we~~ were

looking at approving another \$39,673.10