

The Gatlinburg City Commission met in a virtual meeting on Tuesday, July 21, 2020, at 6:00 P.M. The City Manager noted that the electronic meeting was being held in accordance with the Governor's Executive Orders No. 16, No. 34 and No. 51, which temporarily allowed all members to meet via an electronic basis during the COVID-19 pandemic. The City Manager also conducted a roll call of the Commission and all members were present. Mayor Werner called the meeting to order and Commissioner DeSear led the Invocation.

Mayor Werner then called for a motion to approve the minutes of the meeting of June 16, 2020. Commissioner Smith made a motion to approve the minutes which was seconded by Commissioner DeSear and then unanimously approved by a roll call vote.

ORDINANCE NUMBER 2548, AN ORDINANCE AMENDING ORDINANCE NUMBER 2538 THE CAPTION OF WHICH IS AN ORDINANCE MAKING AND FIXING THE ANNUAL APPROPRIATION FOR THE SEVERAL DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING July 1, 2019 AND ENDING JUNE 30, 2020, AND TO CARRY FORWARD APPROPRIATIONS FOR PRIOR YEAR ENCUMBRANCES, Third Reading (Passed First Reading 6/02/20 and Second Reading on 6/16/2020).

Item A under Old Business was Ordinance Number 2548, an Ordinance amending Ordinance Number 2538 the caption of which is an Ordinance making and fixing the Annual Appropriation for the several Departments of the City for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020, and to carry forward appropriations for prior year encumbrances, Third Reading (Passed First Reading 6/2/2020 and Second Reading 6/16/2020). Commissioner Smith made a motion to approve the Ordinance on third reading which was seconded by Vice Mayor McCown. A roll call vote was conducted and the motion to approve the Ordinance on third and final reading was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A CERTIFICATE OF GOOD MORAL CHARACTER FOR RAYLENE BROWNE, D/B/A, SATTERFIELD'S OLD FASHIONED GROCERY, LLC, 201 PARKWAY.

Item A under New Business was discussion and consideration of approving a Certificate of Good Moral Character for Raylene Browne, D/B/A, Satterfield's Old Fashioned Grocery, LLC, 201 Parkway. Commissioner Reagan made a motion to approve the Certificate of Good Moral Character which was seconded by Vice Mayor McCown and unanimously approved by a roll call vote.

DISCUSSION AND CONSIDERATION OF APPROVING A CERTIFICATE OF GOOD MORAL CHARACTER FOR ROBERT T. MCMANUS, D/B/A, DAIQ SHACK GATLINBURG, LLC, 537 PARKWAY.

Item B under New Business was discussion and consideration of approving a Certificate of Good Moral Character for Robert T. McManus, D/B/A, Daiq Shack Gatlinburg, LLC, 537

Parkway. Commissioner Reagan made a motion to approve the Certificate of Good Moral Character which was seconded by Commissioner Smith and unanimously approved by a roll call vote.

DISCUSSION AND CONSIDERATION OF APPROVING THE USAGE OF THE AQUARIUM PARKING GARAGE BY THE FRIENDS OF TENNESSEE’S BABIES WITH SPECIAL NEEDS ON SEPTEMBER 12, 2020.

Item C under New Business was discussion and consideration of approving the usage of the Aquarium Parking Garage by the Friends of Tennessee’s Babies with special needs on September 12, 2020. Vice Mayor McCown made a motion to approve the usage of the Aquarium Parking Garage which was seconded by Commissioner Smith and unanimously approved by a roll call vote.

DISCUSSION AND CONSIDERATION OF MAKING APPOINTMENTS TO THE Recreation Board.

Item D under New Business was discussion and consideration of making appointments to the Recreation Board. Commissioner DeSear made a motion to reappoint Al Shirley, Lester Flynn, Allen Cox, Buster Flynn and Whit Helton to the Recreation Board, which was seconded by Vice Mayor McCown. A roll call vote was held and the appointments were unanimously approved.

RESOLUTION NUMBER 976, A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS (PEP) “SAFETY PARTNERS” LOSS CONTROL MATCHING GRANT PROGRAM.

Item E under New Business was Resolution 976, a Resolution authorizing the City to participate in the Public Entity Partners (PEP) “Safety Partners” Loss Control Matching Grant Program. Commissioner Smith made a motion to approve the Resolution which was seconded by Vice Mayor McCown and unanimously adopted by a roll call vote.

DISCUSSION AND CONSIDERATION OF APPROVING CHANGE ORDER #1 RELATED TO THE POST OFFICE WASTEWATER PUMP RENOVATION PROJECT.

Item F under New Business was discussion and consideration of approving Change Order #1 related to the Post Office Wastewater Pump Renovation Project. Commissioner Reagan made a motion to approve Change Order #1 which was seconded by Vice Mayor McCown. The Utilities Manager explained that the Contractor had started on the Project and discovered a couple of existing conditions that they were unaware of, including the existing sewer force main pipe being significantly deeper than anticipated with a large amount of fill over the pipe which requires additional excavation and he also explained that the existing concrete wet well surface is deteriorated and advised that the Change Order will increase the contract amount

to \$289,869.44 and add 14 calendar days to the Contract with a completion date of October 10, 2020. Commissioner DeSear asked if there are liquidated damages in the Contract if the Contractor does not finish by October 10. The Utilities Manager confirmed that there are liquidated damages included in the Contract. A roll call vote was held and the Change Order was unanimously approved.

DISCUSSION AND CONSIDERATION OF APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE SEVIER COUNTY SCHOOL SYSTEM FOR THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM.

Item G under New Business was discussion and consideration of approving a Memorandum of Understanding with the Sevier County School System for the School Resource Officer (SRO) Program. Commissioner Smith made a motion to approve the Memorandum of Understanding which was seconded by Commissioner DeSear. The City Manager explained that this is the renewal of a five year Agreement and that this Agreement also incorporates adding a School Resource Officer for the new Junior High School facility and explained that the Sevier County School System contributes \$15,000.00 per Officer. Commissioner DeSear asked if these monies were taken out of liquor by the drink taxes and the City Manager explained that the funds come out of the Police Department's regular operating budget. A roll call vote was held and the Memorandum of Understanding was unanimously approved.

DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH FALIN ENTERPRISES, INC. FOR THE IVY ROAD SLOPE STABILIZATION PROJECT.

Item H under New Business was discussion and consideration of approving a Contract with Falin Enterprises, Inc. for the Ivy Road Slope Stabilization Project. Commissioner Smith made a motion to approve the Contract which was seconded by Commissioner Reagan. The City Manager explained that the Project was funded in the 2019-20 Fiscal Budget and the City had opened bids right before COVID-19 in February when several projects were paused in an expense savings effort and that now the City is in a position to recommend approval of the Contract in the amount of \$398,068.50. Commissioner Reagan asked about the Project completion date and the Public Works Director explained that the Contract was a time sensitive project with construction to be finished within 30 calendar days of when the work begins. Commissioner DeSear asked about the process of liquidated damages in contracts and how those were determined. The Public Works Director responded that liquidated damages were determined based on additional costs, inspections and other expenses incurred due to delays. Engineer Robert Campbell said most public works projects were not tied to economic impacts and, as a result, most liquidated damages were tied to the administrative costs. Vice Mayor McCown asked when the Project would start and the Public Works Director explained that it would begin within two to three weeks after the notice of award. A roll call vote was held and the Contract was unanimously approved.

DISCUSSION AND CONSIDERATION OF APPROVING THE IMPROVE ACT GRANT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE MASS TRANSIT DEPARTMENT.

Item I under New Business was discussion and consideration of approving the Improve Act Grant Contract with the Tennessee Department of Transportation for the Mass Transit Department. Commissioner Reagan made a motion to approve the Grant Contract which was seconded by Commissioner Smith. The City Manager explained that this Contract was reviewed at the previous week's Budget presentation and that the Grant Contract was for a total of \$476,858.00 with the local share at an amount of \$158,959 for a total Grant Contract of \$635,810.00. The City Manager also explained that the funds would be used to replace and upgrade the Intelligent Transportation System, radios, security cameras and provide a comprehensive operation analysis of the Trolley System. A roll call vote was held and the Grant Contract was unanimously approved.

ORDINANCE NUMBER 2550, AN ORDINANCE TO AMEND THE GATLINBURG ZONING ORDINANCE, BEING ORDINANCE NO. 830, AND FURTHER BEING AN ORDINANCE TO RECLASSIFY A PORTION OF PARCEL 001.00, TAX MAP 126, LOCATED ON CAMPBELL LEAD ROAD, FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (GENERAL BUSINESS DISTRICT), FIRST READING (Passed Planning Commission 7/16/2020).

Item J under New Business was Ordinance Number 2550, an Ordinance to amend the Gatlinburg Zoning Ordinance, being Ordinance No. 830, and further being an Ordinance to reclassify a portion of Parcel 001.00, Tax Map 126, located on Campbell Lead Road, From R-2 (Medium Density Residential) to C-2 (General Business District), First Reading (Passed Planning Commission 7/16/2020). Commissioner Reagan made a motion to approve the Ordinance which was seconded by Commissioner Smith and then adopted unanimously by a roll call vote.

DISCUSSION AND CONSIDERATION OF APPROVING A RIGHT-OF-WAY USE REQUEST IN WILEY OAKLEY DRIVE FOR A PROPOSED SEWER LINE INSTALLATION (Requested by RSC Properties).

Item K under New Business was discussion and consideration of approving a right-of-way Use Request in Wiley Oakley Drive for a proposed sewer line installation (Requested by RSC Properties). Vice Mayor McCown made a motion to approve the request which was seconded by Commissioner DeSear. The Building and Planning Director explained that the property owners previously requested to install a private sewer line through the public right-of-way by a boring method and are now requesting to install the private sewer line through an open trench cut. A roll call vote was held and the request was unanimously approved.

DISCUSSION AND CONSIDERATION OF APPROVING A RIGHT-OF-WAY USE REQUEST ON E. HIGHLAND DRIVE FOR IMPROVEMENTS TO THE WATER AND SEWER LINE INFRASTRUCTURE (Requested by Powdermill Corporation).

Item L under New Business was discussion and consideration of approving a right-of-way Use Request on E. Highland Drive for improvements to the water and sewer line infrastructure (Requested by Powdermill Corporation). Commissioner Reagan made a motion to approve the Request which was seconded by Commissioner Smith. The City Manager explained that this request involved infrastructure improvements to the public water and sewer system and ultimately would require a letter of credit and bond to be accepted by the City. The Building and Planning Director explained that these are upgrades to the water and sewer lines for future development and that the developer is proposing a four unit cabin development. A roll call vote was held and the request was unanimously approved.

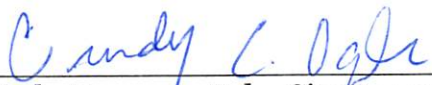
ORDINANCE NUMBER 2551, AN ORDINANCE MAKING AND FIXING THE ANNUAL APPROPRIATION FOR THE SEVERAL DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND ENDING JUNE 30, 2021, AND TO CARRY FORWARD APPROPRIATIONS FOR PRIOR YEAR ENCUMBRANCES, FIRST READING.

Item M under New Business was Ordinance Number 2551, an Ordinance making and fixing the annual appropriation for the several Departments of the City for the Fiscal Year beginning July 1, 2020, and ending June 30, 2021, and to carry forward appropriations for prior year encumbrances, First Reading. Commissioner Smith made a motion to approve the Ordinance which was seconded by Commissioner Reagan. Vice Mayor McCown expressed appreciation to the City Manager and Staff who worked so hard on the proposed Fiscal Year 2020-21 Budget. Commissioner DeSear also expressed his thanks and noted that the Budget was a bare bones budget and that it has been a tough year, due to COVID-19. A roll call vote was held and the Ordinance was unanimously adopted, on first reading.

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



Mike Werner, Mayor



Cindy Cameron Ogle, City Recorder
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