The Gatlinburg Board of Commissioners met in a regular meeting on Tuesday, November 7, 2023, 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 October 3, 2023. Vice Mayor Mark McCown made a motion to approve the Minutes which was seconded by Commissioner Jay Horner and then unanimously adopted.

Regarding Reports from Boards and Committees, Chad Netherland, Gatlinburg Convention and Visitors Bureau President & CEO reported that in the third quarter that he attended the Destinations International Conference, had meetings with media partners regarding summer and fall media placement, represented Gatlinburg at the Tennessee Tourism Committee at Governor Lee's residence, worked with DVL and the marketing team in shooting the 2024 summer commercials, attended a stakeholder meeting for Arrowmont, represented Gatlinburg at the US Travel Association conference, attended a breakfast with Governor Lee and Commissioner Exell and met with the executive team of Festival of Trees, which is holding the 50th annual event in 2023.

Mr. Netherland also reported that Gatlinburg.com visitation was up 13.6% comparing quarter three of 2023 to quarter three of 2022, the VisitGatlinburg social media reach in quarter three was over 106 million individuals, that there were 3,600 new downloads of the VisitGatlinburg mobile app and that during the third quarter, 58,000 vacation guides were mailed and 49,000 viewed online. Mr. Netherland also reported that during the third quarter, Gatlinburg received several accolades including the Number One Best Place to Visit in Fall by USA Today, Best Small Towns in the US to See Fall Foliage by Travel + Leisure and These Small Towns Come Alive in Fall by World Atlas.

Mr. Netherland also reported in the third quarter that staff renewed eight trademarks, installed a new point-of-sale system at the Spur Welcome Center, and that there were 40 full-time and 3 part-time employees of the GCVB. Mr. Netherland also reported in the third quarter that visitation to the Welcome Center were up 8 percent over the third quarter of 2022 and that merchandise revenues were also increased over 2022. Also, during the third quarter, the GCVB hosted GatlinBurger Week, the First in the Nation Independence Day Parade, and the Independence Day Fireworks. Mr. Netherland also reported that the Convention Center hosted 92 events, compared to 79 in the third quarter of 2022 and that total building attendance was up approximately 4,000 compared to the previous year. Mayor Werner thanked Mr. Netherland for his presentation and his work to promote Gatlinburg.

The City Manager reported and/or requested:

(1) that she would like to advise that status updates of the City's Active Projects were at the podium; and,

(2) that she would like to announce that the Wintefest Kickoff and Chili Cookoff was being held on Thursday, November 9 from 5-8 p.m. at the Shade Tree Parking Lot located adjacent to the Convention Center and that the musical group, On the Border, an Eagles Tribute Band, will provide entertainment and that Bush's Beans Duke the Dog will be in attendance; and,

(3) that she would also like to announce that the annual Veterans Day Celebration will be held on Saturday, November 11 at 11 a.m. at the Ripley's Aquarium of the Smokies Plaza and that since the year 2000, Gatlinburg has been designated an official Regional Site for the Observance of Veterans Day as designated by the Veterans Day National Committee and the Department of Veterans Affairs; and,

(4) that she would also like to announce that the 48th annual Fantasy of Lights Christmas Parade will be held on Friday, December 1 at 7:30 p.m., beginning at the intersection of Baskins Creek Bypass and East Parkway, and continuing through downtown to Traffic Light No. 10

Old Business:

ORDINANCE NUMBER 2607, AN ORDINANCE TO AMEND THE GATLINBURG ZONING ORDINANCE, BEING ORDINANCE NO.830, AND FURTHER BEING AN ORDINANCE TO RECLASSIFY PARCELS 047.00 AND 042.00, GROUP B, OF TAX MAP 126, LOCATED AT 315 AND 325 LONG BRANCH ROAD FROM R-2 (Medium Density Residential) to C-2 (General Commercial District), Public Hearing and Second Reading (Passed First Reading 10/3/2023 and Planning Commission 9/21/2023).

Item A under Old Business is Ordinance Number 2607, an Ordinance to amend the Gatlinburg Zoning Ordinance, being Ordinance No. 830, and further being an Ordinance to reclassify Parcels 047.00 and 042.00, Group B, of Tax Map 126, located 315 and 325 Long Branch Road from R-2 (Medium Density Residential) to C-2 (General Commercial District), Public Hearing and Second Reading (Passed First Reading 10/3/2023 and Planning Commission 9/21/2023). Commissioner Chad Reagan made a motion to adopt the Ordinance on second reading which was seconded by Vice Mayor McCown. Mayor Werner then opened the Public Hearing and, after no comments were made, the Public Hearing was closed. The Building and Planning Director explained that the two parcels were surrounded by C-2 zoned properties and that the owner wants to develop these parcels like the surrounding properties. After these comments, the motion to adopt the Ordinance on second reading was unanimously approved.

New Business:

DISCUSSION AND CONSIDERATION OF APPROVING A RECOGNITION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT WITH OBER AIR, LLC.

Item A under New Business was discussion and consideration of approving a recognition, Non-Disturbance and Attornment Agreement with Ober Air, LLC. Commissioner Reagan made a motion approve the Agreement which was seconded by Commissioner Kirby Smith. The City Manager explained that this Agreement and the Agreement in Item B were requested from Ober Holding, LCC. due to borrowing money for improvements to Ober Mountain and the Tramway. The City Manager further explained that Item A is related to the Aerial Tramway and Item B is related to improvements at Ober Mountain and that these two Agreements are necessary since the City has Lease Agreements with the Gatlinburg Ski Corporation for the Ober Mountain Agreement and Ober Air, LLC. The City Manager also explained that if either of these businesses seek a financial loan, that the landlord has to act upon these documents to aide them in the process of borrowing money. Mr. Mark Adams, representing Ober Mountain, explained that this was a formality of obtaining a loan and states that the City cannot be held responsible and that this loan was for improvements at the Ober Mountain property and with the Aerial Tramway. Following these comments, the motion to approve the Agreement was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A RECOGNITION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT WITH GATLINBURG SKI CORPORATION AND OBER ADVENTURE, LLC.

Item B under New Business was discussion and consideration of approving a Recognition, Non-Disturbance and Attornment Agreement with Gatlinburg Ski Corporation and Ober Adventure, LLC. Commissioner Smith made a motion to approve the Agreement, which was seconded by Vice Mayor McCown. The motion to approve the Agreement was unanimously adopted.

ORDINANCE NUMBER 2608, AN ORDINANCE TO AMEND THE GATLINBURG ZONING ORDINANCE BEING ORDINANCE No. 830 AND FURTHER BEING AN ORDINANCE TO RECLASSIFY PARCELS 33 AND 34, GROUP B, OF TAX MAP 126O, LOCATED AT 439 AND 433 WINFIELD HEIGHTS ROAD FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL), First Reading (Passed Planning Commission 10/19/2023).

Item C under New Business was Ordinance Number 2608, an Ordinance to amend the Gatlinburg Zoning Ordinance being Ordinance No. 830, and further being an Ordinance to reclassify Parcels 33 and 34, Group B, of tax Map 126O, located and 439 and 433 Windfield Heights Road from R-2 (Medium Density Residential) to R-3 (High Density Residential), First Reading (Passed Planning Commission 10/19/2023). Commissioner Reagan made a motion to adopt the Ordinance on first reading which was seconded by Commissioner Horner. The Building and Planning Director explained that this rezoning request, which has been approved by the Planning Commission, involves two parcels on Winfield Heights Road and that the owner has requested the rezoning which will provide the owner more residential density in developing the property. After these comments, the motion to adopt the Ordinance on first reading was unanimously approved.

DISCUSSION AND CONSIDERATION OF APPROVING A REQUEST FROM EXTENET SYSTEMS, LLC TO REPLACE TWO LIGHT FIXTURES AT 937 AND 653 PARKWAY AND ADD A SMALL CELL POLE AT 234 AIRPORT ROAD.

Item D under New Business was discussion and consideration of approving a request from Extenet Systems, LLC to replace two light fixtures at 937 and 653 Parkway and add a small cell pole at 234 Airport Road. Commissioner Reagan made a motion to approve the request which was seconded by Commissioner Horner. The City Manager explained that this is a request from Extenet Systems, LLC. to replace two of the green street light poles on Parkway and to add a small cell pole in front of the Convention Center. The City Manager also explained that both the Public Works Director and Building and Planning Director had reviewed this request. After these comments, the motion to approve the request was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A SINGLE BID TO SOUTHEASTERN BUILDERS FOR THE CONSTRUCTION OF DUGOUTS RELATED TO THE MYNATT PARK BASEBALL/SOFTBALL FIELD PROJECT.

Item E under New Business was Discussion and Consideration of approving a single bid to Southeast Builders for the construction of Dugouts related to the Mynatt Park Baseball/Softball Field Project. Vice Mayor McCown made a motion to approve the Single Bid which was seconded by Commissioner Horner. The Recreation Director explained that this bid was received from Southeastern Builders and is in the amount of $108,046 and that the bid is within budget of what is allocated for the Project. The Recreation Director further explained that Southeastern Builders just completed the Mills Park Pavilion and Concession Stand Project on time and he is confident in their ability to complete this Project. Following these comments, the motion to approve the Single Bid was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A CONTRACT WITH G & W DIESEL FOR THE PURCHASE OF AN AERIAL PLATFORM LADDER TRUCK FOR THE FIRE DEPARTMENT THROUGH A SOURCEWELL CONTRACT.

Item F under New Business was discussion and consideration of approving a Contract with G & W Diesel for the purchase of an Aerial Platform Ladder Truck for the Fire Department through a Sourcewell Contract. Commissioner Horner made a motion to approve the Contract which was seconded by Commissioner Smith. The City Manager explained that this apparatus is in the amount of $2,183,422 and that as it was discussed during the Budget process, it will take three to four years for the equipment to be delivered. The Fire Chief explained that the current apparatus is 21 years old. Vice Mayor McCown asked if the full cost would be paid up front and the Fire Chief said it would not be. The Finance Director explained that the equipment is being purchased through Sourcewell, which is a purchasing cooperative, so that it does not have to be bid. Following these comments, the motion to approve the Contract was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A PURCHASE AND SALE AGREEMENT FOR PROPERTY LOCATED AT 912 EAST PARKWAY.

Item G under discussion and consideration of approving a Purchase and Sale Agreement for property located at 912 East Parkway. Commissioner Horner made a motion to approve the Agreement which was seconded by Commissioner Smith. The Assistant City Manager explained that this property was adjacent to the City's Public Works Complex and was a 1.1 acre parcel with a 300,000 square foot building, which was a former bank, on the property. The Assistant City Manager also explained that the purchase price for the property is $1,675,000 and that this property will allow the City to better serve the residents and will provide the City additional administrative space. Following these comments, the motion to approve the Agreement was approved with the vote as follows: Mayor Werner, Commissioner Horner, Commissioner Reagan, and Commissioner Smith voting aye and Vice Mayor McCown abstaining.

DISCUSSION AND CONSIDERATION OF A LEASE AGREEMENT WITH ILM RENTALS, L.P., FOR A MEDICAL HELICOPTER LANDING ZONE AND APPROVAL OF FUNDING FOR THE PROJECT.

Item H under New Business was discussion and consideration of a Lease Agreement with ILM Rentals, L.P., for a Medical Helicopter Landing Zone and approval of funding for the Project. Commissioner Horner made a motion to approve the Lease Agreement which was seconded by Commissioner Reagan. The City Manager explained that Commissioners had a letter from Lifestar at the podium which was received today, recommending the creation of this medical helicopter landing zone. The Fire Chief explained currently that there is a landing zone in Pittman Center located adjacent to Pittman Center Elementary School and that there is a need to have one in a better location in Gatlinburg to ensure that patients get care in a more timely fashion. The Fire Chief also explained that the nearest trauma center at the University of Tennessee is 45 minutes away and that he has had several meetings with Lifestar and they have reviewed the location and that they highly recommend this location. The Fire Chief also explained that this proposed location will allow for transportation to occur in the direction of the nearest medical facility. The City Manager explained that this is a ten year lease with the first year's cost being $1,750 per month with an increase of 2.5% every year after that until the lease terminates and that the estimate cost of the improvements to create the landing zone are $181,000. Following these comments, the motion to approve the Lease Agreement and the funding for the Project was approved with the vote as follows: Mayor Werner, Commissioner Horner, Commissioner Reagan, and Commissioner Smith voting aye and Vice Mayor McCown abstaining.

DISCUSSION AND CONSIDERATION OF APPROVING AN EXTENSION OF THE EXISTING RENTAL AGREEMENT WITH CONNECT BY BIGBELLY FOR THE PARKWAY TRASH RECEPTACLES.

Item I under New Business was discussion and consideration of approving an extension of the existing Rental Agreement with Connect by Bigbelly for the Parkway trash receptacles. Commissioner Horner made a motion to approve the extension of existing rental agreement which was seconded by Commissioner Reagan. The Public Works Director explained that this is a five year extension of the existing Agreement and is in the amount of $2,979 and provides for 28 trash receptacles on the Parkway. The Public Works director explained that these receptacles are solar powered trash compactors and hold 40 to 50 pounds of trash. Commissioner Reagan asked if one receptacle breaks down who is responsible for replacement of the container and the Public Works Director explained that the receptacles are under warranty for the full term for normal wear and tear. Following these comments, the motion to approve the extension of the existing rental agreement was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING AN AMENDMENT TO THE MANUFACTURING AND SUPPLY AGREEMENT WITH BEARICUDA, INC., FOR ANIMAL RESISTANT DUMPSTERS.

Item J under New Business was discussion and consideration of approving an Amendment to the Manufacturing and Supply Agreement with Bearicuda, Inc., for Animal Resistant Dumpsters. Commissioner Horner made a motion to approve the amendment which was seconded by Vice Mayor McCown. The Finance Director explained that this amendment clarifies several points including delivery of dumpsters to begin 90 days after the initial payment, added a sentence to protect the vendor from being responsible for supply chain issues beyond their control, and adjusted the days for breaching the contract to be changed from 30 days to 60 days. The City Manager explained that the City has already purchased one order and the Finance Director noted that this includes 50 dumpsters. Mayor Werner asked if the vendor was short on materials and the Finance Director said that they were not. Commissioner Smith asked how many dumpsters would be included in the first order and the Finance Director replied that there was a guarantee of 40 dumpsters but that the vendor noted that they could manufacture up to 50 dumpsters. After these comments, the motion to approve the amendment to the Bearicuda Agreement was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING THE 5311 RURAL TRANSPORTATION OPERATING ASSISTANCE GRANT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE MASS TRANSIT DEPARTMENT.

Item K under New Business was Discussion and Consideration of approving the 5311 Rural Transportation Operating Assistance Grant Contract with the Tennessee Department of Transportation for the Mass Transit Department. Vice Mayor McCown made a motion to approve the Grant Contract which was seconded by Commissioner Reagan. The City Manager explained this is a longstanding Grant and an important source of revenue for the City's Mass Transit Department and that the Grant is in the amount of $793,636.00 with a local share of $259,545.00 for a total Contact amount of $1,053,181.00. After these comments, the motion to approve the Grant Contract was unanimously adopted.

DISCUSSION AND CONSIDERATION OF APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH SRA ARCHITECTS, INC., RELATED TO THE TROLLEY FACILITY PROJECT IN THE PUBLIC WORKS COMPLEX.

Item L under New Business was discussion and consideration of approving a Professional Services Agreement with SRA Architects, Inc., related to the Trolley Facility Project in the Public Works Complex. Commissioner Horner made a motion to approve the Professional Services Agreement which was seconded by Vice Mayor McCown. The City Manager explained that, with the site development portion of the Trolley Facility Project underway, this Professional Services Agreement was for the design of the facility, which includes a 1,600 square foot building for the Trolley drivers and the storage facility for the Trolleys. Mayor Werner asked how big the Trolley storage facility was and the Public Works Director explained that it will hold 30 trolleys and is 19,380 square feet. Following these comments, the motion to approve the Professional Services Agreement was unanimously adopted.

DISCUSSION AND CONSIDERATION OF DECLARING CERTAIN CITY ITEMS AS SURPLUS.

Item M under New Business was discussion and consideration of declaring certain City items as surplus. Vice Mayor McCown made a motion to declare the City items as surplus which was seconded by Commissioner Horner. The Finance Director explained that these items are mostly Winterfest Light Displays which were purchased between 2007 and 2009, along with miscellaneous office furniture items and accessories. Following these comments, the motion to declare the City items as surplus was unanimously adopted.

UNSCHEDULED ITEMS:

Commissioner Jay Horner

(1) Stated that he wanted to thank the Gatlinburg Convention and Visitors Bureau President and CEO Chad Netherland and staff for the hard work they do to help market Gatlinburg as a top destination; and,

(2) Stated that he had talked with Barnes Insurance's Michael McCroskey and that their firm and City Staff are working hard on the City's employee benefits package.

Commissioner Chad Reagan

(1) Stated that he was glad to hear that Herbert Holt Park was scheduled to reopen on November 21 after the renovations project is complete; and,

(2) Stated that he wanted to invite everyone to the Chili Cookoff on November 9 and the Veterans Day Ceremony on November 11.

Mayor Mike Werner

(1) Asked that everyone keep Sevierville businessman Ron Ogle in their prayers as he was undergoing cancer treatment.

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

Mike Werner, Mayor

Cindy C. Ogle

Cindy Cameron Ogle, City Recorder
/mp