

**BOARD OF MAYOR AND ALDERMEN  
CITY OF SEVIERVILLE, TENNESSEE**

**March 16, 2009**

A regular meeting of the Board of Mayor and Aldermen of the City of Sevierville, Tennessee, was held at the Sevierville Civic Center, 130 Gary Wade Boulevard, Sevierville, Tennessee, on March 16, 2009, at 7:00 PM.

**There were present and participating at the meeting:**

Bryan C. Atchley, Mayor  
Dale Carr, Alderman  
Barry Gibbs, Alderman  
Jerry W. Loveday, Alderman  
Claude Ownby, Alderman  
Travis L. McCroskey, Vice-Mayor

**Senior Staff Present:**

Jim Bryant, Planning Director  
Jim Deanda, Information Services Director  
Bryon Fortner, Public Works Director  
Steve Hendrix, Interim City Administrator  
Lynn McClurg, Chief Financial Office & City Recorder  
Bob Moncrief, Events Center Acct. & Admin. Director  
Don Myers, Police Chief  
Ed Owens, Acting City Attorney  
Bob Parker, Parks & Recreation Director  
Faye Randolph, Golf Director  
Butch Stott, Codes Enforcement Director

Mayor Atchley chaired the meeting with Lynn K. McClurg as secretary of the meeting. A motion was made by Alderman Ownby and seconded by Vice-Mayor McCroskey to approve the minutes of the March 2, 2009 meeting and to dispense with the reading. Motion carried.

**PUBLIC FORUM**

Mayor Atchley opened the public forum section of the meeting. Atchley opened a public hearing on Ordinance O2009-001 entitled "AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE BOUNDARIES OF THE CITY OF SEVIERVILLE, TENNESSEE, A PORTION OF COLLIER DRIVE, PROPERTY LYING ALONG COLLIER DRIVE, A PORTION OF RIDGE ROAD, AND PROPERTY LYING ALONG RIDGE ROAD" and for a Plan of Services R2009-004. Atchley recognized David Sarten, who stated his and his family's opposition to portions of the annexation of their property, and who inquired about the plan of services. Atchley recognized Jerrod Sarten, Joseph Green and Mill Grinstead, each of whom stated their opposition to the annexation. There being no further comments, the public hearing was closed.

Mayor Atchley opened a public hearing on Ordinance O2009-003 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO PLACE THE C-3 INTERMEDIATE COMMERCIAL ZONING DESIGNATION UPON PROPERTY ON COLLIER DRIVE AND TO PLACE THE A-R AGRICULTURE-RESIDENTIAL ZONING DESIGNATION UPON PROPERTY ON COLLIER DRIVE AND RIDGE ROAD (PROPERTIES INCLUDED IN ANNEXATION ORDINANCE O2009-001)." There being no comments, the public hearing was closed.

Mayor Atchley opened a public hearing on Ordinance O2009-002 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO REZONE PROPERTY LOCATED ON THE EASTERN

SIDE OF THE PARKWAY AND NORTH OF THE LITTLE PIGEON RIVER FROM R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO C-4 ARTERIAL COMMERCIAL DISTRICT.” There being no comments, the public hearing was closed. There being no further comments, the public forum was closed.

## COMMUNICATIONS

Council recognized the following community events:

Chamber Coffee Talk	March 17 <sup>th</sup>	Civic Center
Sevier County Republican Party	March 17 <sup>th</sup>	County Courthouse
Growth Readiness Meeting	March 18 <sup>th</sup>	Sevierville
Lodging Association	April 2 <sup>nd</sup>	Dollywood
BMA Retreat	April 6 <sup>th</sup> , 4:00 PM	Council Hall

## REPORTS

Mayor Atchley recognized Steve Hendrix, who presented monthly staff reports, the Sevier Water Board report, and the Sevierville Chamber of Commerce brief.

## OLD BUSINESS

Mayor Atchley presented a Resolution R2009-004 for a Plan of Services Regarding the Annexation of a Portion of Collier Drive, Property Lying Along Collier Drive, a Portion of Ridge Road, and Property Lying Along Ridge Road. A motion was made by Alderman Ownby and seconded by Alderman Loveday to approve the resolution as presented and to dispense with the reading. Motion carried. (Note: This resolution was rendered obsolete by the withdrawal, on third reading, of ordinance O2009-001.)

Mayor Atchley presented and placed for passage an Ordinance O2009-001 entitled “AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE BOUNDARIES OF THE CITY OF SEVIERVILLE, TENNESSEE, A PORTION OF COLLIER DRIVE, PROPERTY LYING ALONG COLLIER DRIVE, A PORTION OF RIDGE ROAD, AND PROPERTY LYING ALONG RIDGE ROAD.” Alderman Loveday inquired about only annexing property on the north side of Collier Drive. Ed Owens recommended restarting the annexation process to achieve that action. A motion was made by Alderman Loveday and seconded by Alderman Carr to return the subject ordinance to the Planning Commission with a recommendation and intent to compromise and annex only the subject properties lying on the north side of Collier Drive. Motion carried.

Mayor Atchley presented and placed for passage an Ordinance O2009-002 entitled “AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO REZONE PROPERTY LOCATED ON THE EASTERN SIDE OF THE PARKWAY AND NORTH OF THE LITTLE PIGEON RIVER FROM R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO C-4 ARTERIAL COMMERCIAL DISTRICT.” A motion was made by Alderman Carr and seconded by Alderman Loveday to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Gibbs, Loveday, McCroskey, Ownby. Those voting No: None. Atchley declared the ordinance passed on third and final reading.

Mayor Atchley withdrew consideration of Ordinance O2009-003 entitled “AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO PLACE THE C-3 INTERMEDIATE COMMERCIAL ZONING DESIGNATION UPON PROPERTY ON COLLIER DRIVE AND TO PLACE THE A-R AGRICULTURE-RESIDENTIAL ZONING DESIGNATION UPON PROPERTY ON COLLIER DRIVE AND RIDGE ROAD (PROPERTIES INCLUDED IN ANNEXATION ORDINANCE O2009-001).” from the agenda due to the withdrawal and referral of ordinance O2009-001 to the Planning Commission.

Mayor Atchley presented and placed for passage an Ordinance O2009-004 entitled “AN ORDINANCE TO AMEND AND REVISE THE FOLLOWING SECTIONS OF TITLE 8, CHAPTER 2 OF

THE SEVIERVILLE MUNICIPAL CODE (BEER ORDINANCE), THOSE SECTIONS BEING SECTION 8-205(7), TO CONFORM WITH STATE STATUTES AND THE REGULATIONS OF THE STATE ALCOHOLIC BEVERAGES COMMISSION; SECTION 8-206(12)(a)(vii), TO CONFORM WITH STATE STATUTES AND THE REGULATIONS OF THE STATE ALCOHOLIC BEVERAGES COMMISSION; SECTION 8-206(12)(a)(viii), TO CHANGE THE REQUIRED HEIGHT OF PATIO ENCLOSURES; SECTION 8-206(12)(a)(vii), TO CONFORM WITH STATE STATUTES AND THE REGULATIONS OF THE STATE ALCOHOLIC BEVERAGES COMMISSION; SECTION 8-206(12)(e), TO CLARIFY THE REQUIREMENTS APPLICABLE TO EVENT CENTER BEER PERMITS AND TO PERMIT BEER TO BE SERVED ON CERTAIN OUTDOOR AREAS ADJACENT TO AN EVENTS CENTER; SECTION 8-208, TO PERMIT AN OWNER/APPLICANT TO SERVE BEER PENDING APPROVAL OF A NEW PERMIT REQUIRED BY A BUSINESS NAME CHANGE; AND SECTION 8-211 TO REVISE PERMITTED HOURS AND DAYS OF OPERATION, TO CONFORM WITH STATE STATUTES AND THE REGULATIONS OF THE STATE ALCOHOLIC BEVERAGES COMMISSION." A motion was made by Alderman Ownby and seconded by Vice-Mayor McCroskey to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Loveday, McCroskey, Ownby. Those voting No: Gibbs. Atchley declared the ordinance passed on third and final reading.

Mayor Atchley presented and placed for passage an Ordinance O2009-005 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO REZONE A PORTION OF STADIUM ACRES SUBDIVISION, A PORTION OF STADIUM DRIVE AND LINE DRIVE FROM C-4 ARTERIAL COMMERCIAL DISTRICT TO C-5 TOURIST COMMERCIAL DISTRICT." A motion was made by Alderman Gibbs and seconded by Alderman Loveday to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Gibbs, Loveday. Those voting No: McCroskey, Ownby. Atchley declared the ordinance passed on second reading.

Mayor Atchley presented and placed for passage an Ordinance O2009-006 entitled "MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE." A motion was made by Alderman Carr and seconded by Alderman Loveday to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Gibbs, Loveday, McCroskey, Ownby. Those voting No: None. Atchley declared the ordinance passed on second reading.

## **NEW BUSINESS**

Mayor Atchley presented and placed for passage an Ordinance O2009-007 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO REZONE PROPERTY ON VETERANS BOULEVARD, TAX MAP 62, PARCEL 33.02 FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-3 INTERMEDIATE COMMERCIAL DISTRICT." A motion was made by Alderman Ownby and seconded by Vice-Mayor McCroskey to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Gibbs, Loveday, McCroskey, Ownby. Those voting No: None. Atchley declared the ordinance passed on first reading.

Mayor Atchley presented and placed for passage an Ordinance O2009-008 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SEVIERVILLE, TENNESSEE, AS SET FORTH IN THE SEVIERVILLE MUNICIPAL CODE, § 14-201, TO REZONE PROPERTY NEAR BLANTON DRIVE AND VETERANS BOULEVARD FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-4 ARTERIAL COMMERCIAL DISTRICT." A motion was made by Alderman Carr and seconded by Alderman Loveday to approve the ordinance as presented and to dispense with the reading. Those voting Yes: Carr, Gibbs, Loveday, McCroskey, Ownby. Those voting No: None. Atchley declared the ordinance passed on first reading.

Mayor Atchley recognized Steve Hendrix, who presented a letter of agreement between the City and the Sevier County School Board regarding the distribution and use of liquor by the drink revenue. A

motion was made by Vice-Mayor McCroskey and seconded by Alderman Ownby to approve the agreement as presented. Motion carried.

Mayor Atchley presented a Resolution R2009-006 Regarding a Referendum on the Levy of an Additional Local Option Sales and Use Tax and Directing the Revenues There From. A motion was made by Alderman Loveday and seconded by Alderman Carr to approve the resolution as presented and to dispense with the reading. Motion carried.

Mayor Atchley recognized Steve Hendrix, who presented information relative to the purchase of the downtown parking lot property from the Wade family. Hendrix explained that the family proposed a sales price of \$1,230,000, to include the removal of existing buildings. Atchley expressed his support of the purchase, lighting and landscaping of the parking lot. Alderman Gibbs noted that it is the intention of the Board to not build a parking garage. A motion was made by Alderman Gibbs to table the item. The motion failed for lack of a second. A motion was made by Alderman Loveday and seconded by Alderman Carr to request that Public Building Authority purchase the Wade property for \$1,230,000 to include the removal of buildings as presented. Motion carried.

Mayor Atchley recognized Steve Hendrix, who presented an amendment to the TDOT street lighting contract. Hendrix explained that TDOT made an error in the contract approved by the Board on January 5, 2009 and that the amended contract is for an 80/20 grant as opposed to a 100/0 grant, resulting in a City expense of \$54,000. The contract is for engineering and construction of street lighting for a section of SR66, SR448 and SR71. A motion was made by Vice-Mayor McCroskey and seconded by Alderman Carr to approve the amended contract as presented. Motion carried.

Mayor Atchley recognized Lynn McClurg, who requested approval and/or ratification of the following expense(s) in excess of \$5,000.00:

- |                                 |                        |            |             |
|---------------------------------|------------------------|------------|-------------|
| 1. United Automation & Electric | 30hp VFD and motor     | \$7,000.00 | Low price   |
| 2. Ebus                         | Trolley parts & repair | \$5,624.63 | Sole source |

A motion was made by Alderman Carr and seconded by Alderman Loveday to approve the expense(s) as presented. Motion carried.

There being no further business to discuss, the meeting adjourned.

Approved: \_\_\_\_\_  
Bryan C. Atchley, Mayor

Attest: \_\_\_\_\_  
Lynn K. McClurg, City Recorder