

TOWN OF CUMBERLAND GAP  
BOARD OF MAYOR AND ALDERMAN  
MAY 2, 2016  
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The Board of Mayor and Alderman met in regular session on May 2, 2016 with Mayor McGaffee calling the meeting to order at 7:00 pm at the Town Hall building, 330 Colwyn, Cumberland Gap, TN. Mayor McGaffee called for a roll call of the Board Members. Board Members answered as follows: Susan Bain-here; Chuck Coffey- here; Teresa Fuson- here; Jerry Hopson -here; John Ravnum-here; Phillip Waller-here.

Mayor McGaffee called for approval of the minutes. Chuck Coffey made a motion to the approve minutes, with a second by Susan Bain. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

Mayor McGaffee next called for the Financial Report. Town Recorder, Linda Moyers, reported the balances of all the accounts. Mayor McGaffee called for a motion to approve the Financial Report. Jerry Hopson made a motion to approve the financial report, with a second by Chuck Coffey. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson - yes; John Ravnum-yes; Phillip Waller-yes.

Mayor McGaffee directed the meeting to approval of the bills. Chuck Coffey made a motion to pay the bills, with a second by Susan Bain. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

Mayor McGaffee directed the meeting to the committee reports:

**Planning & Zoning**

The Planning & Zoning Commission met prior to the Board of Mayor and Alderman meeting to discuss the Cumberland Gap Regional Tourism Association Welcome Center/Museum to be located at 708 Brooklyn Street. The building is located in the commercial district but is currently being used as residential. The owner has placed a restriction on the property and the question to be considered tonight is “If the welcome center doesn’t work out or later moves can the building go back to being a residence?”

According to 14-1002 (3) of the Cumberland Gap Municipal Code “When a non-conforming use of any structure or land, excepting non-conforming mobile homes, has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of chapters 2 through 13 of this title. Immediately upon the removal of a non-conforming mobile home or discontinuance of a non-conforming mobile home or travel trailer park, the non-conformity of such structure and use of land shall lapse.” So therefore, if the building is used as a business for more than 6 months it cannot automatically revert back to a residence.

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The majority of the Planning & Zoning Commission voted to allow the change if or when the time came. Now it is up to the Board of Mayor and Alderman to make the final decision.

Carl Nichols presented the plans for the Cumberland Gap Regional Tourism Association. It was designed to promote tourism through events, development, and training, not only in Cumberland Gap but the 10 counties surrounding the area. Plans are being made to develop a map showing tourist attractions, hotels, restaurants and calendar of events in all 10 counties. In order to be on the map the business would first have to be a member of the association (that does not apply to the calendar of events). The map would be reproduced every 3 months in order to include any new members. A website will be set up that links with all 10 counties, listing all members and events in each county. Funding, for the Cumberland Gap Regional Tourism Association, will be paid by membership and sponsorship, and will solely be spend on promotion, such as training and advertising.

Nichols explained that they were originally offered a building in Middlesboro but felt Cumberland Gap would be a better location. They plan to sign a 5 year lease but if everything goes as planned they will renew the lease. If and when they move out the owner wants to be able to go back to residential. The project will move forward but the location depends on the decision made here tonight.

Section 14-1002(1) of the municipal code says: “An existing non-conforming use of a building may be changed to a conforming use (business in this case) or to another non-conforming use of the same classification; provided, however, that establishment of another non-conforming use (some kind of residential, in this case) of the same classification shall be subject to such conditions as the board of zoning appeals may require in order to protect the area.”

According the attorney, the above section gives the board authority to grant the request, and allow the property to become conforming but revert to non-conforming, with the conditions, in 5 years.

According to Nichols this would not be a normal business. It would be more of an associational organization, such as a chamber of commerce. The building is located in the commercial district but is residential. Jerry Hopson brought up the fact that Institutions (including churches, schools offering general education courses, and public libraries) are allowed in the residential district. Since this will be a non- profit organization does that fit into that category and does that section apply in this situation?

The attorney recommends granting a temporary variance for 5 years allowing the nonprofit organization to operate, extending the 6 months to 5 years, as non-conforming for that particular property. After the 5 years, and if the organization does not renew the lease then it would revert back to a residence.

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Phillip Waller made a motion to grant the temporary variance for 5 years, with a second by Teresa Fuson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-abstain; Teresa Fuson- yes; Jerry Hopson - abstain; John Ravnum-abstain; Phillip Waller-yes. Mayor McGaffee broke the tie voting yes.

**Finance**

The board reviewed the FY2017 proposed budget. The general fund proposed budget includes a property tax increase (from .45 to 1.05) and 40 hours a week for the police department (2 part-time police officers at 20 hours a week each). The property tax increase would be used to fund the police department, equipment repairs, and street repairs.

Mayor McGaffee made a correction to the general fund proposed budget. He wanted the number of hours for the police officers to be changed to 20 hours a week (2 part-time officers at 10 hours each). The change will be made and the board will be given a new copy. By changing the number of hours the property tax increase will be changed also.

**Law and Order**

Discussions are taking place with the sheriff about the possibility of subcontracting county officers to patrol in town.

**Historical**

There was nothing to report.

**Streets**

Chuck Coffey is in discussions with someone from T.D.O.T about striping South Cumberland Drive.

**Parks and Recreation**

Volunteers will be cleaning Festival Park later this week.

**Tourism/Events**

Upcoming Events included:

May 21, 2016 – Artist Co-op will be hosting a fundraiser to raise funds for the Harrogate Book Station. There will art exhibits, silent auction, and wine tasting.

May 28, 2016- Cumberland Mountain Music Show

June 3- 4, 2016- Cumberland Gap Art Days (hosted by the Artist Co-op) and the White Lightning Trail Festival

June 9- 11, 2016- Genealogy Jamboree

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June 18, 2016- Go Ye Therefore 5K Walk Run

June 18, 2016- Cumberland Mountain Music Show

On May 16, 2016 WBIR Live at 5 at 4 will be in town to feature Cumberland Gap in their Hometown Spotlight segment.

**Water**

Seven water leaks were fixed last month. The water loss went down from 58% in March to 40% in April.

**Sewer**

There is nothing to report.

**Fire Department**

Mayor McGaffee commended the fire department for the great job they did organizing the Crazy Aunt Sadie's Yard Sale. There are plans for another yard sale later in the fall.

The department is still working on installing fire alarms.

**OSHA Safety Director**

There was nothing to report.

**Litigation**

There was nothing to report.

Mayor McGaffee called for OLD BUSINESS.

**Clean Tennessee Energy Grant**

If the town is not going to install an HVAC unit at the fire department then the Clean Tennessee Energy Grant funds should be released.

Jerry Hopson made a motion to release the funds, with a second by Phillip Waller. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

**Citizens Comments**

The board discussed the proposal for a dog park on the town owned property located by the sewer plant. LMU veterinarian students will purchase all the necessary materials, such as fencing, but the town would still be responsible to maintain the property, such as mowing.

The attorney brought up the potential liability the town would incur.

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The board required more information before a decision could be made. The proposal will be discussed further at the next planning meeting.

Mayor McGaffee called for NEW BUSINESS:  
There was no new business.

**Announcements**

Planning Meeting- Tuesday May 31, 2016 @6:00 pm  
Town Hall will be closed on Thursday May 5, 2016

With no other business to come before the board, Jerry Hopson made a motion to adjourn, with a second by Teresa Fuson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson –yes; John Ravnum-yes; Phillip Waller-yes.

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Mayor

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Recorder