

CITY OF BANE BERRY
CITY COMMISSION MEETING MINUTES
September 11, 2023

Call to Order:

Mayor Hernandez called the meeting to order at 5:02p.m.

Prayer Delivered:

Vice-Mayor Tom Carter delivered the prayer.

Pledge of Allegiance

Mayor Hernandez led the pledge.

Commission Members Present:

Mayor Donna Hernandez

Vice Mayor Tom Carter

Approval of Agenda:

Vice Mayor Carter made a motion to approve the agenda. Seconded by Mayor Hernandez. Motion passed 2-0

Approval of Minutes:

Vice Mayor Carter made the motion to approve the August 7, 2023, Commission meeting minutes. Seconded by Mayor Hernandez. Motion passed 2-0

Citizen Comments:

Jennifer Harrington, 3441 W. Atherton Ln.:

Reported that the new construction on an adjacent property had adversely affected their property by stopping water drainage. She conveyed that no culvert had been installed under the driveway and that the drainage ditch had been altered. She said they had contacted the property owner, but they felt he was dismissive and was not going to address the problem. She said they had no drainage issues prior to the alteration and that they had communication with the previous owner who indicated that she had not had any storm water problems while residing there.

Mark Plonski 239/240 Back Nine Dr.:

Reported that the change in the culvert on Back Nine drive at the 239/240 property line has caused storm water to back-up. The back-up causes the water to overflow over the road, washes out the driveway, and is getting close to the house. He requests it be repaired before moving forward with paving repairs.

Judy Keane, 230 Back Nine Dr.:

The ditch at the new construction on Back Nine Drive had been obstructed by concrete. She conveyed that there needs to be better communication with regard to identifying who serves on the Road Commission. She also stated that the City may need to consider getting more/different help with the roads.

Jay Brombach, 3543 Mt. View Ln.:

Conveyed that the County won't accept our roads, because that don't meet county standards. He went on to say that the responsibility to get things fixed regarding roads and storm water falls to us. He added that it looks to be an expensive proposition and we are probably going to have to increase taxes to raise the necessary revenue, if we want to get them into proper order.

Shaun Harrinton, 3441 W. Atherton Ln.:

Provided picture of the issue previously discussed by his wife. Stated that nothing will fix the issue until the developer puts a culvert under the driveway of the new construction. Also, stated that a concrete truck had cleaned out in the ditch across the street.

Communication from the Mayor:

Mayor Hernandez reported that City Commissioner Gary Zander had resigned. She also noted that some concerns had been raised about people speeding. She asked the City Manager to check with the Sheriff regarding speed limit signs. She also asked that the appointment of a new commissioner for the planning commission be placed on the agenda of the upcoming Special Called Meeting.

Communication from City Commissioners:

None.

Communication from City Manager:

City Manager Phagan (Phagan) reported that the City's insurance company (Public Entity Partners) had performed an appraisal of the City's insured assets and he provided the resulting report to the Commissioners. Regarding insurance, Phagan also reported the details related to renewing Workers Compensation insurance and that a General Liability claim had been filed and denied. Next, Phagan reported that, assuming the passage of Ordinance 2024-01 later in the meeting, the city would be engaging PDS Technology Services to address several technology issues in the office and to provide ongoing technical services. After that, Phagan reported that the East TN Development District had initiated an ARC grant application on behalf of Baneberry. Finally, he reported that in the very near future he would be looking to hire a part-time Administrative Assistant.

Committee Reports:

- A. **Fire Department (FD):** Volunteer Fireman, Jay Brombach reported on the various calls that the Baneberry FD had responded to as of late.
- B. **Planning Committee:** Chairman / (Vice Mayor) Carter reported there were no plans to review, thus no meeting was held.
- C. **Parks and Recreation/SEC:** SEC Chair Sandi Plonski reported on several upcoming community activities. She also noted that the City would need to secure "Single Event Insurance" for those activities involving alcohol.
- D. **Road Commission:** No report.

Old Business:

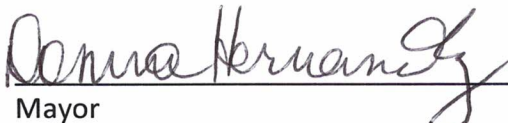
None

New Business:

- A. Phagan explained the shortcomings in Ordinance 2023-012 that necessitated Ordinance 2024-01. He also went over the structural changes in Ordinance 2024-01 and its supporting Budget Detail. Vice Chair Carter moved for passage of Ordinance 2024-01 on first reading. The motion was seconded by Mayor Hernandez. Motion passed 2-0. The public hearing and second reading are to be advertised on the agenda for a special called meeting to occur on Monday, September 25, 2023.
- B. Phagan informed the Commission that MTAS was looking into whether the changes to the rules for meetings would have to be made by resolution or ordinance.
- C. Phagan provided an email from the State of TN conveying the requirement for the Commission to appoint a Municipal Code of Ethics Administrator. Vice Mayor Carter moved for the City Manager to be designated as such. Mayor Hernandez seconded the motion. Motion passed 2-0.
- D. Vice Mayor Carter made a motion to appoint Mr. Mark Howard to serve in the City Commissioner position vacated by Mr. Gary Zander until the election in November 2024. Mayor Hernandez seconded the motion. Motion passed 2-0.

Adjourn:

Motion made by Vice Mayor Tom Carter. Seconded by Mayor Hernandez. Motion passed 2-0.



Mayor



City Manager



Date