

**CITY OF BANE BERRY**  
**PLANNING/ROADS COMMISSION SPECIAL CALLED MEETING MINUTES**  
**October 31, 2023**

**Call to Order:** Chairman Tom Carter called the meeting to order at 4:00pm

**Board Members:** Present: Tom Carter, Donna Hernandez, Karl Kamman, Jim Stover, Greg Gentry, Rick Powers, George Davis, Doug Catt, Jim Wilson, and Michael Phagan. Absent, Wade Nicely

**Approval of Minutes:**

**Old Business:**

**Citizen Comments:**

**New Business:**

- Planning Board Chairman, Tom Carter provided an overview of the purpose of the meeting and took personal responsibility for not being well versed on the City Ordinances pertaining to the storm water codes and ordinances. He turned the meeting over to the City Manager, Michael Phagan.
- Mr. Phagan provided an overview of his conversation with M.T.A.S representative Brad Peters.
- Mr. Phagan reviewed the handouts in each board members packets:
  1. Email from Brad Peters
  2. Drainage Law of Tennessee
  3. Title 12 Chapter 2
  4. Title 16 Chapter 2
  5. Building Permit Application
  6. Sample of Site Plan previously accepted by Planning Board
- Jim Stover (Planning) asked if the Tennessee Drainage Law pertained to natural streams.
  - a. Michael Phagan-Yes, cannot impede the natural flow of water.
- Mr. Phagan directed the Commissions to Document 12-Chapter 2, documentation required for Building Permits. C-5 specifically addresses the extent of all cuts and/or fill, methods of drainage.
- Rick Powers (Roads, chairman) requested clarification of item 3c in reference to an 18" drainpipe. Mr. Phagan reiterated that there is also reference to 15" diameter pipes. The size of the pipe would be determined by the depth of the ditch.
- Michael Phagan referenced 16-201-Permit requirements and driveway cuts. Commissioners could waive requirements.
- Rick Powers asked for clarification between Title 16 and Title 18.
- Michael Phagan clarified and stipulated Road responsibility.
- Donna Hernandez (Mayor) inquired about the size of a drainpipe on West Atherton.
- John Wilson (Roads) inquired about a final inspection for building projects.
- Michael Phagan stated there is not a site plan inspection currently in place and referenced both commissions to 12-7 for # of inspections.

- Tom Carter suggested including David Gaut with the site plan inspection.
- 4:45 George Davis excused himself from the meeting due to family obligations.
- Karl Kamman inquired about how to fix a drainage problem if the builders get it wrong.
- Tom Carter (Planning chairman) made a motion to adjourn. However, Doug Catt wanted clarification on the resolution of this meeting.
- Michael Phagan stated again that the Commissions can act at this meeting on the Agenda item. He asked the board if they wanted to make a motion to waive or require a fix.
- Donna Hernandez (Mayor) asked if a motion could be made for Charles Tipton to advise Mr. Keene of the location and size of the tile needed to fix the drainage issue.
- Michael Phagan suggested David Gaut also be included in this motion.
- Doug Catt also suggested a time frame be included.
- Donna Hernandez made the motion for David Gaut and Charles Tipton to inspect, prepare a cost estimate, and advise direction for the repairs to the West Atherton drainage issue. This will include a 30-day time frame from the time of the consultation.
- Rick Powers seconded the motion. Passed 8-0.

**Citizen's Comments:**

- Mark Howard inquired about the difference between pipe and tile.
- Mark Howard reiterated the need for a site plan inspection. Also, references road tie-ins for new construction and accountability.
- Mark Plonski stated that the culvert on West Atherton needs to be repaired by the builder.
- Jennifer Hunt described the issue on West Atherton and stated that previous owners had not encountered water issues. Ms. Hunt also inquired as to how the city was going to address this issue moving forward.
- Per Roads Rick Powers request, Darrell Keene explained the issues that lead to the drainage issue on West Atherton. He agreed to pay for the repairs. However, he would like direction from the commissions on how they want it done.

**Adjourn:** Motion to adjourn at 5:35pm made by Donna Hernandez, seconded by Rick Powers. Passed 8-0.

**Signatures**

 Chairman (Roads)	 City Manager	 Date
 Chairman (Planning)	 City Manager	 Date