

**Minutes**  
**Baneberry City Commission**  
**January 8<sup>th</sup>, 2024, 5:00p.m.**  
**Baneberry City Hall**

**I. Call to Order: 5:45pm**

- A. Prayer: CM Phagan opened the meeting with prayer
- B. Pledge of Allegiance

**II. Roll Call:**

- A. Donna Hernandez, Mark Howard, and Tom Carter were all present.

**III. Approval of Agenda:**

- A. Given the Agenda item in New Business, Mark Howard made a motion to move Citizen Comments to after New Business and to approve the Agenda. Tom carter seconded. Passed 3-0.

**IV. Approval of Minutes:**

- A. December 11, 2023  
Mark Howard made a motion to approve the minutes. Tom Carter seconded. Passed 3-0.

**V. Citizen Comments:**

- A. Natalie Donahue, 372 Back Nine drive, stated she would like the meeting times to go back to 7:00pm. She believes this would create more community involvement.
- B. Craig Murphy, cove Lane, agrees with moving the meeting to 7:00pm. He would also like to see a PA system available. Mr. Murphy also shared concerns for the situation at 2601 Mountain Lane. He stated that his family can no longer walk at night, and he is unable to leave his garage door open. He agrees with a cease-and-desist letter.
- C. Alaina Dubraretz, 3583 East Atherton, stated she would like to see the meetings recorded.
- D. Mark Plonski, 123 Kammann Cove, stated that he is a retired police officer and was able to do some research on the 2601 Mountain view Lane situation. He has shared this research with the city. Mr. Plonski also shared an experience he witnessed concerning a scam with similar circumstances. He agrees with an immediate cease and desist.
- E. Tom Carter added that they may look at zoning to address this issue. There is nothing in the Ordinances concerning a halfway house.
- F. Joshua Moore, 1443 River Run Circle Sevierville, TN mentioned two letters provided by Judge Slone and Rebekkah Lee that will be shared later. Josh continued to share information concerning Greenhouse Recovery Ministries.
  - It is not a permanent housing situation.
  - The house has been completely remodeled.

- They are not a treatment facility. Offer support and counseling.
  - Men are heavily vetted.
  - They all have jobs and attend bible study/church five nights a week.
  - This is not a business.
  - No one comes directly from prison; therefore, no permit is required.
  - I call them “people” and the same ones are there every day.
  - We are trying our best to move the men to a more permanent setting.
  - He offered a heartfelt apology.
- A. Darrell Moody, 553 Betty Lou drive, New Market Provided a background of his experience and ministry working with addicts. He stated that he brought a crisis to Josh and Josh ran with it. Greenhouse Ministries was born. Mr. Moody also read two letters addressing his character and success working with addicts. He stated that it was never their intention to pull the wool over on the citizens of Baneberry. He further commented that this was a ministry and not a profit-making business.
- B. Joshua Moore, 1443 River Run Circle Sevierville, TN, requested a 6-month time frame to relocate the men. He stated he does not want them homeless. He also stated they would seek legal advice, if needed. When asked how old the men were, he stated, “28-64”.

**VI. Communication from the Mayor:**

- A. Mayor Hernandez made mention of the code enforcement bulk mailing. She also thanked Jay Brombach for agreeing to become Interim Fire Chief for the City of Baneberry.

**VII. Communication from City Commissioners:**

- A. A discussion ensued concerning dumpsters on commercial property.

**VIII. Communication from City Manager:**

- A. Code enforcement update.
- CM Phagan described the bulk mailing contents and distribution.
  - CM Phagan provided an update on additional letters that will be sent to residents. These include a commercial vehicle on Back Nine and garage on Harrison Ferry.
- B. Update on 2601 Mountain View Lane
- CM Phagan provided an update on information gathered from the attorney and MTAS. He stated that the attorney’s recommendation is to send a Cease-and-Desist letter to the owner of the residence.
  - Donna Hernandez also provided information she had obtained from Jennifer Correl from the University of Tennessee in reference to certifications not being mandatory.
  - After discussion among the Commission and, with input from Baneberry citizens, Mark Howard made a motion for a cease-and-desist letter be sent by the city attorney with a 90-day expiration period, sooner if possible. Tom Carter seconded. Passed 3-0.

**IX. Reports from Committees:**

- A. Fire Department: None
- B. Planning Commission:
  - Approved a building plan with contingencies, approved a deck, and continued with updates to codes and ordinances.
- C. Parks & Recreation/Social Entertainment Committee:
  - February 6<sup>th</sup> at 5:30pm is the next meeting.
- D. Road Commission: None

**X. Old Business:**

- A. Ordinance to update General Rules of Order for Meetings (BMC 1-1-102 & 1-1-106)
  - Mark Howard made a motion to adopt Ordinance 2024-03 with the addition of 1-106 (4), Emergency city Meetings. Mark Howard Seconded. Passed 3-0
- B. Second reading of Ordinance 2024-04, Title 12
  - Tom carter made a motion to approve Ordinance 2024 04, amendments to Title 12. Mark Howard seconded. Passed 3-0.
- C. Second reading of Ordinance 2024-05, Title 16
  - Tom carter made a motion to adopt Ordinance 2024-05, Amendments to Title 16. Mark Howard seconded. Passed 3-0.
- D. Second Reading of Ordinance 2024-06, Open burning
  - Mark Howard made a motion to adopt Ordinance 2024-06, Open Burning. Tom carter seconded. Past 3-0.

**XI. New Business:**

- A. Ordinance 2024-07 to replace Ord. 2023-07, City of Baneberry purchasing policy and procedures.
  - Postponed until next meeting.

**XII. Adjourn:**

- A. At 6:50pm Mark Howard made a motion to adjourn. Tom Carter seconded. Passed 3-0.

\*Instructions for public comment will be provided at the meeting.

Mayor

*Anna Hernandez*

City Manager

*[Signature]*

Date

*2/12/24*