

Baneberry Planning Commission (PC) Minutes
May 23rd, 2024, 6:00p.m.
Baneberry City Hall

- I. **Call to Order:** Mayor Hernandez called the meeting to order at 6:00pm.
- II. **Roll Call:** All 7 members of the Planning Commission were present.
 - A. Tom Carter, Chairman
 - B. Donna Hernandez, Mayor
 - C. George Davis, Secretary
 - D. Jim Stover
 - E. Karl Kammann
 - F. Michael Harriss
 - G. Doug Catt
- III. **Public Comments:** Must complete and submit Public Comment form prior to the start of any Commission meeting.
 - Ken Glover, 3415 Mountain View Lane, inquired about the clubhouse parking lot use and the storage building use. He asked what the direction for the golf course was.
 - Sandra Plonski, 123 Kammann Cove, inquired about driveway aprons. She also expressed support for the changes in ordinances and codes
 - Craig Smith, 3576 E. Atherton, expressed his support for the zoning ordinance revisions.
 - Mark Plonski, 123 Kammann Cove, expressed his support for reinstating the City Court. As a former code enforcement officer, he expressed the need for accountability with violations.
- IV. **Approval of Agenda:**
 - Prior to the PC approving the Agenda for May 23, 2024, CM Phagan made them aware that, on May 22nd, 2024, the day after the agenda was created, investigator Greg Lundee, served the City with a lawsuit naming Darrell Keene as the Plaintiff and the City of Baneberry and Tom Carter as Planning Commission Chairman, the defendants. Due to a potential conflict, the City attorney Rainwater, Drinnon and Churchwell, will not be able to serve as the City's legal counsel. CM Phagan is in touch with MTAS and will secure an attorney as quickly as possible. CM Phagan conversed that MTAS and other legal counsel had suggested it might be prudent to postpone anything related to the lawsuit until legal counsel can be secured.
 - George Davis inquired about new business agenda items C-2 and 3, which are plans for 5-acre Tracts 1 and 2 submitted by Darrell Keene for approval. Mr. Davis asked if these two five-acre tracts were a part of the lawsuit. CM Phagan confirmed and, once again, shared the suggestion to postpone the consideration of Tracts 1 and 2 and any other submissions relevant to the lawsuits inventory. Therefore, Mr. Davis suggested these

be postponed until the City has secured legal counsel. Chairman Carter stated that a motion would need to be made once New Business items C-1 and 2 were addressed on the agenda.

V. Approval of Minutes:

Minutes for April 25th, 2024: Doug Catt made a motion to approve the minutes as published. George Davis 2nd. Passed 7-0.

VI. Communication from the Chairman:

VII. Communication from Planning Commissioners:

VIII. Communication from City Manager:

Building Official Report

- CM Phagan referred the PC to the building official report in their packets. He explained that we have several building permits which have expired. We have little language on expired permits within the City's ordinances and there is a disconnect between the City's ordinances and the IRC. CM Phagan suggested this be an agenda item for the June meeting.

IX. Old Business:

Review and Recommend additional updates/revisions/amendments to ordinances and codes related to building, site development/improvement, zoning, subdivision, and roads.

- Chairman Tom Carter introduced Jordan Rockwell, ETDD representative. Mr. Rockwell has been reviewing the City's ordinances and codes pertaining to zoning. He referenced for review an ordinance amending the zoning ordinance of the City of Baneberry to require professional site plans for all commercial and multifamily development. He reviewed items within the ordinance that commercial development would be required to follow. For example, clear cutting and adhering to the natural lay of the land as much as possible. CM Phagan stated that this was for parcels zoned C-1 and R-2. It did not include R-1 zoning.

Mr. Rockwell advised that the PC could recommend these changes to the City council or refer it back to him for more changes. Doug Catt recommended referring this to the City for approval. Mayor Hernandez asked when these changes would take place. Mr. Rockwell stated that you can add to or amend basic contents of an ordinance anytime to protect yourself. However, he did recommend the City hire an architect or engineer to assist with this process. Doug Catt made a motion to recommend the changes to zoning in C-1 and R-2 be submitted to the City Council for approval. George Davis seconded. Passed 7-0.

X. New Business:

- A. **Title 15, Chapter 6, 15-604.** Campers, motor homes, travel trailers, RV's, boats, trailers and fifth wheels. Parking is permitted on residential property provided the above-listed are parked behind the front line of the house.

Ordinance 212-5, Article VII:

703.1. Tents, trailers, portable or move-in buildings shall not be permitted on any lot. Visiting R.V.'s/travel trailers are permitted for a reasonable period of time-not to exceed seven (7) days.

703.1-1. Recreational vehicles, boats, utility trailers, travel trailers, etc., not for commercial use, owned by the property owners, shall be permitted if they are parked behind the forward-most line of their home completely on their lot and under no circumstances to be used as a residence.

- Chairman Tom Carter reviewed the ordinances and codes mentioned above. He asked if anyone wanted to suggest any changes. He explained that this item was on the agenda as requested by resident Jackie Gorrell and PC member George Davis. Ms. Gorrell was requesting a change to allow her trailer to be parked in front of her condo. Mayor Hernandez stated she did not see how they could approve this request. George Davis and Doug Catt agreed that the above codes and ordinances should remain as written. No changes were recommended by the PC.

- B. **Underground Utilities Resolution:** A resolution amending the subdivision regulations of the City of Baneberry, Tennessee to require installation of underground electrical lines where feasible for new subdivisions.

- Jordan Rockwell referred the PC to the underground utilities' resolution located in their packets. He explained this was more reasonable to do as a development if the requirement was to be for all new changes. He also commented that it requires 5 or more lots to add this to the infrastructure. He suggested it also be added to the zoning ordinance. George Davis clarified that this was only for new construction.

CM Phagan made the board aware that the approval of subdivision amendments/resolutions stay with the PC. This would need to be advertised for a PC public hearing 30 days in advance in a newspaper or general circulation. The PC would hold the hearing and approves it after in a special called meeting, then it becomes law. No City Council action is necessary for subdivision regulation amendments.

George Davis made a motion that the Underground Utilities Resolution be placed on the agenda for the July meeting. Donna Hernandez seconded. Passed 7-0.

C. Permit Approval Pending:

1. **Krista Hutchinson**, 3440 IronGate Drive-Fence

- CM Phagan explained that these plans are for a drive-way guard to assist with protecting the sides of the driveway and the culvert underneath. This would not be an enclosure, but a barrier to assist with entering and exiting the driveway. CM Phagan stated that there is nothing in the Ordinances to address this. CM Phagan, Chairman Carter and Doug Catt stated that they went and evaluated the situation. Mayor Hernandez shared concerns about the height of the barriers. Chairman Carter inquired as to if the barriers would be down in the ditch affecting the water flow. Karl Kamman moved that the PC defer this decision until the owners could be present to answer questions. Jim Stover seconded. Passed 7-0.

2. **Darrell Keene**, 5 Acre-Tract 1 (former Hole 3), off Inverness Dr-New Construction

3. **Darrell Keene**, 5-Acre-Tract 2 (former Hole 1), off Inverness Dr. – New Construction

- George Davis made a motion that, due to the pending lawsuit filed by Mr. Keene against the City of Baneberry and Tom Carter, Chairman of the PC, the City postpone any action on building permit applications that are in any way related to the lawsuit filed by Mr. Keene until the City can secure and be advised by legal counsel. Doug Catt seconded the motion. Karl Kamman stated that he didn't see why the PC would vote to postpone action on these submissions, especially since everything appears to be correct. He asked if an attorney was necessary and stated that maybe if the PC approves Tract 1 and Tract 2 then Mr. Keene would drop his lawsuit. Therefore, Mr. Kamman made a motion to table Mr. Davis's motion to postpone. Mayor Hernandez seconded. Motion failed 2-5. Mr. Davis's motion to postpone was revisited. The motion passed 6-0-. Mr. Kamman abstained.

D. Subdivision Plat Approval:

1. **Dr. Daniel and Celia Napier**, Lot #1 Nina Rd/Iron Gate-Final

- CM Phagan reviewed the documentation provided by Daniel and Celia Napier. The site plan has all the required signatures for moving forward. Donna Hernandez made a motion to approve the subdivision plat. George Davis seconded. Passed 7-0.

XI. Adjournment:

- Chairman Carter recognized Doug Catt for his service to the City of Baneberry and accepted his resignation from the PC. Doug and his wife Mary are off to new adventures.
- Doug Catt made a motion to adjourn. George Davis seconded. Passed 7-0.



Chairman Carter



City Manager Phagan



Date