

City of Baneberry (City) Minutes
City Commission
May 6th, 2024, 5:00p.m.
Baneberry City Hall

- I. **Call to Order:** Mayor Hernandez called the meeting to order at 5:05p.m.
 - A. Prayer-CM Phagan
 - B. Pledge of Allegiance- Mayor Hernandez.
- II. **Roll Call:** Mayor Hernandez, Vice Mayor Carter, and Commissioner Howard were all present.
- III. **Public Comments:** Must complete and submit a Public Comment form prior to the start of the meeting.
- IV. **Approval of Agenda:** Commissioner Howard made a motion to approve the agenda acknowledging the Fire Department reported before Public Comments. Vice Mayor Carter seconded. Passed 3-0.
- V. **Approval of Minutes:** Vice Mayor Carter made a motion to accept the minutes, pending corrections, for March 18th, 2024. Commissioner Howard seconded. Passed 3-0.
 - A. Public Hearing: March 18th, 2024
 - B. SCM, City Commission, March 18th, 2024
- VI. **Communication from the Mayor:** None
- VII. **Communication from City Commissioners:** None
- VIII. **Communication from City Manager**
 - A. Fire Department:
 - Russ Gawler, volunteer firefighter for Baneberry and White Pine fire departments, stated that the skid unit water pump on the back of the brush truck was about to fail. The cost to fix or replace the pump could range between \$1500.00 and \$4000.00. He requested this be added to the budget.
 - B. Codes Enforcement Update:
 - CM Phagan referred the City Council to an updated chart for outstanding code violations. He noted that City staff had been addressing issues as they were brought to the attention of the office. However, for this list, staff had toured the City to identify a more complete inventory of violations. He asked if it was the pleasure of the Commission for staff to pursue enforcement in

anticipation of the re-establishment of City court. In response Vice Mayor Carter made a motion for staff to send out the required codes violation correspondence. Mayor Hernandez seconded. Passed 3-0.

- He reviewed the information pertaining to the enforcement of these violations and stressed that the language throughout the ordinances and codes do not align when it comes to the consequences impressed upon those who are in violation. He provided a list of violation and enforcement references, as well as an example of the variation in enforcement language. CM Phagan also referenced Ordinance 2024-10 and reiterated the need for Baneberry City Court to be reestablished to enforce the City's codes and ordinances.
- CM Phagan also provided information from the City Charter regarding the duties of the City Manager. He pointed out that the first duty listed is to "See that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, see that prosecutions are instituted in the City Court." He also pointed out that the Charter and the Municipal Code require a City Court and that the City Commission appoint a judge to preside over it.

C. Waste Connections (WC) Contract:

- CM Phagan reviewed updated contract information. He informed the Commission that the contract required ongoing and annual updates to the number of citizens serviced. He was informed by WC that this apparently had not been happening for several years. Consequently, he had to provide them with an updated count, which increased the number from 226 to 313. As a result, the monthly bill increased from approximately \$3000.00 to \$4000.00.
- He also made them aware that the contract is a five-year rolling contract. This means that each year, prior to January, the City would have to notify WC, if they did not want to renew the contract for the extension year. In other words, it appears that it would take five annual notices to terminate this contract.

D. Election Correspondence:

- CM Phagan shared copies of correspondence with the Jefferson County Election Commission. The information conveyed that the City would have one 4-year full term and one 2-year unexpired term on the ballot for the November 5th, 2024, election. CM Phagan also made the commission aware that he had researched and found no evidence as to how the two positions would be decided. He referred his question to the election commission, and they are currently researching it.

E. Other:

- CM Phagan provided the Tennessee Code, which calls for the City Commission to engage in Municipal planning.
- CM Phagan updated the Commission on the latest statement from the Local Government Invest Pool (LGIP). He noted that LGIP had earned \$6200.00 in the month of April and that since November, when the City began investing in LGIP, it had earned approximately \$26,000.00. He reminded the Commission that the previously developed budget for the 23/24 fiscal year had been \$2500.00.
- CM Phagan apprised the Commission that the development of the 24/25 fiscal year budget would soon begin. In anticipation of that effort, he provided them with the replacement budget for the 23/24 fiscal year and asked that they provide feedback regarding changes they might like to see. He provided an example of changes that he anticipated; one for revenue and another for expenditures. Regarding revenue, he explained that, based on current return, it looked as if the City would have in excess of \$80,000.00 in interest income. However, he would be budgeting a lesser amount in anticipation of some fund balance being used for road improvements. Regarding the expenditures, he noted that the sanitation budget would have to be increased by about \$10,000.00 or \$12,000.00 to cover the previously discussed contract count update.

IX. Reports from Committees:

- A. Planning Commission: Vice Mayor Carter discussed/reviewed:
- Training with ETDD for Planning and Road Commissions.
 - A Site Plan, Napier, corner of Irongate and Nina Road, was submitted then postponed.
 - Motion to Recommend Ordinance 2024-09 to the City Council.
- B. Parks & Recreation/Social Entertainment Committee: Chairman Plonski discussed:
- Cinco de Mayor, Yard Sale, Game Night, City-wide clean-up day, and Karaoke/ice cream social were all discussed.
- C. Road Commission: Mayor Hernandez provided a brief synopsis of the last Road Commission meeting.

X. Old Business: None

- A. Review and recommend additional updates to ordinances and codes related to building, site development/improvement, zoning, subdivision, and roads.

XI. New Business

- A. Ordinance No. 2024-10: An Ordinance to Amend Title 3, Municipal Court, of the Baneberry Municipal Code.
- CM Phagan explained the purpose of the Amendment to Ordinance 2024-10 is to expand the pool for the City Judge selection. He referred to Title 3: Municipal Court, which was in their packets and reiterated the need to expedite this amendment.
 - Vice Mayor Carter made a motion to pass Ordinance 2024-10 on first reading. Commissioner Howard seconded. Passed 3-0.
- B. Ordinance No. 2024-9: An Ordinance Revising the Permitted Uses in the R-2 Multiple Family Residential Zone and the C-1 Commercial/Business District, Removing Single Family Homes as a Permitted Use in the R-2 Zone and Removing Blanket Inclusion of R-2 Uses as Permitted in the C-1 Zone.
- CM Phagan provided an overview of Ordinance 2024-09, and explained that the Planning Commission had made the recommendation to the City Council. The Ordinance was developed by the Planning Commission consultant, Jordan Rockwell. CM Phagan further explained that, if Ordinance 2024-09

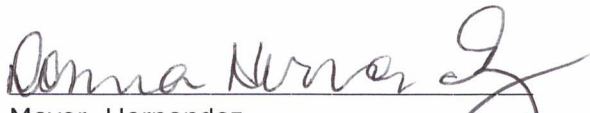
passed, there would be a 15-day advertisement period for a Public Hearing, followed by a Special Called Meeting where the ordinance would be considered for passage on second reading.

- Commissioner Howard made a motion to pass Ordinance 2024-09 on first reading. Vice Mayor Carter seconded. Mayor Hernandez voted no. Passed 2-1.


C. BZA Nomination:

- Mayor Hernandez nominated Brian White as the next BZA representative. Commissioner Howard made a motion to accept Brian Whites nomination. Vice Mayor Carter seconded. Passed 3-0.

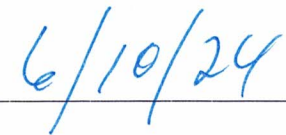
XII. Adjournment: Commissioner Howard made a motion to adjourn at 6:00pm. Vice Mayor Carter seconded. Passed 3-0.



Mayor Hernandez



City Manager Phagan



Date