

**Baneberry City Commission Minutes**  
**July 1, 2024, 5:00p.m.**  
**Baneberry City Hall**

**I. Call to Order**

- A. Prayer: CM Phagan lead the opening prayer at 5:03pm
- B. Pledge of Allegiance: Lead by Vice Mayor Tom Carter

**II. Roll Call:** All three Commissioners were present.

**III. Public Comments:** Must complete and submit a Public Comment form prior to the start of the meeting. None

**IV. Approval of Agenda**

Vice Mayor Tom Carter made a motion to approve the agenda. Commissioner Howard 2<sup>nd</sup>. Passed 3-0.

**V. Approval of Minutes**

A. June 10<sup>th</sup>, 2024

Commissioner Howard made a motion to approve the minutes for June 10<sup>th</sup>, 2024, as published. Vice Mayor Carter 2<sup>nd</sup>. Passed 3-0.

B. Public Hearing Minutes June 24<sup>th</sup>, 2024

Commissioner Howard made a motion to approve the Public Hearing minutes from June 24<sup>th</sup> as published. Vice Mayor Carter 2<sup>nd</sup>. Passed 3-0.

C. SCM, City Commission, June 24<sup>th</sup>, 2024

Commissioner Howard made a motion to accept the Special Called Minutes from June 24<sup>th</sup> as published. Vice Mayor Carter 2<sup>nd</sup>. Passed 3-0.

**VI. Communication from the Mayor**

Mayor Hernandez announced that she would not be seeking another term as Commissioner for the City of Baneberry. She stated that her role as Mayor/Commissioner had been both rewarding and challenging, and she strived to always put the City's needs first. Mayor Hernandez encouraged anyone willing to seek office to contact Charles Gibson at the Jefferson County Election Commission.

Mayor Hernandez also addressed comments that were made at the June 27<sup>th</sup> Planning Commission (PC) meeting during the Public Comment portion of the agenda. Resident Tina Raddish had implied that there was a conflict of interest within the PC board. However, no identity of said person nor clear picture of conflicted activities were explained. Mayor Hernandez encouraged anyone that had a formal complaint to make to take action as prescribed in BMC Title 1, Chapter 5, Code of Ethics. She felt that making a broad, unclear statement cast a shadow on the PC board and all volunteers serving on that board.

**VII. Communication from City Commissioners**

Commissioner Howard announced the upcoming July 4<sup>th</sup> BBQ and parade hosted by the Social and Entertainment Committee (SEC). He provided details of the event and wanted to make everyone aware.

Commissioner Howard also discussed revising the Ordinance addressing the parking of campers/RVs on personal property. He provided different examples of the positioning of homes and stated that the "frontline of the house" needed clarification. Commissioner

Howard stated that he believes a homeowner should be able to store anything on their property if it is within the setbacks.

Mayor Hernandez asked for this item to be placed on the agenda for the July Planning Commission meeting.

Commissioner Howard also discussed a code issue involving a recently installed pool. He wanted clarification on the definition of a fence. ETDD representative, Jordan Rockwell, stated that a retractable cover meets the intent but is not the same as a fence.

## **VIII. Communication from City Manager**

### **A. Fire Department**

CM Phagan announced that temporary Fire Chief, Jay Brombach had resigned. Mr. Brombach will continue to volunteer for the Baneberry Fire Department (BFD). CM Phagan hopes to make a recommendation for someone to fill the role of Fire Chief by the next City Commission meeting August 5<sup>th</sup>, 2024. CM Phagan also gave an update on three volunteer fireman who attended training in Sevierville, TN.: Bob Fandetti, Clint Hurley, and Jay Brombach.

### **B. Codes Enforcement Update**

CM Phagan announced that Baneberry's Municipal Court will begin in November 2024. The original start date of August had to be postponed due to New Market's court being cancelled and, therefore, CM Phagan and Vicki not being able to observe and meet with their City Manager and Clerk of Court.

### **C. Waste Connections Contract**

### **D. Election Correspondence**

CM Phagan stated that he had reached out to the Election Commission concerning the rotation of terms for Commissioners. He has not gotten a response as of the beginning of this meeting.

### **E. Other**

1. CM Phagan shared an update on information concerning Hotel/Motel Tax revenue from the Inn and Air BnB and Virbo rentals. Tax collected from the Air BnB and Virbo rentals are sent to the state and the state sends to the City. If it is a local rental the City must collect the tax. CM Phagan will consult with MTAS in reference to the Inn's part-time (30 days or less) and full-time rentals.
2. CM Phagan also reported that he has contacted AT&T about removing or repairing the AT&T boxes.
3. CM Phagan provided an update on the mail center. The postmaster from White Pine has located some mailboxes for the City. These will be free of charge saving the City approximately \$5000. The City will need to purchase parcel boxes and pay for the installation of the boxes.
4. CM Phagan also reported that Duane Cline has been secured for the upcoming year's audit. He conveyed that the State will not sign off on the contract until the 2023 report has been submitted.
5. Jordan Rockwell, ETDD representative, provided an overview of the ongoing effort to update Ordinances.

6. CM Phagan referenced the memorandum from the Tennessee Comptroller of the Treasury and stated that the City is in compliance with the Municipal Finance Officer Certification and Education Act.
7. CM Phagan referenced the LGIP (primary investment account) statement along with the most recent bank statements of each account. He provided an overview of each statement and stated that the City is currently 98% invested.
8. CM Phagan stated that the Board of Zoning Appeals (BZA) needs to meet to elect officers. Commissioner Howard stated that he would be on vacation and inquired about a zoom meeting. CM Phagan stated that he can participate in the dialogue of the meeting but can not vote through a zoom connection

**IX. Reports from Committees:**

- A. Planning Commission-no report was given
- B. Parks & Recreation/Social Entertainment Committee-report provided by Commissioner Howard earlier in the meeting.
- C. Road Commission-no report given

**X. Old Business**

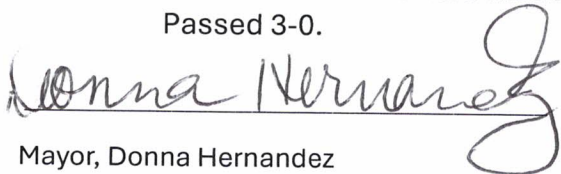
- A. Review and recommend additional updates to ordinances and codes related to building, site development/improvement, zoning, subdivision, and roads.

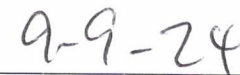
**XI. New Business**

- A. Ordinance 2525-01: An Ordinance Amending the Zoning Ordinance of the City of Baneberry to Require Professional Site Plans for all Commercial and Multifamily Development.  
Vice Mayor Tom Carter made a motion to approve the first reading of Ordinance 2025-01. Commissioner Howard seconded. Passed 3-0. A Public Hearing will be held August 5<sup>th</sup> for Public Comment.
- B. Ordinance 2025-02: An Ordinance Revising the Regulations Pertaining to Minimum Square Footage of Single-Family Homes.
- C. Vice Mayor Tom Carter made a motion to approve the first reading of Ordinance 2025-02. Commissioner Howard seconded. Passed 3-0. A Public Hearing will be held August 5<sup>th</sup> for Public Comment.
- D. Mayor Donna Hernandez appointed Mark Plonski to the Planning Commission Board.

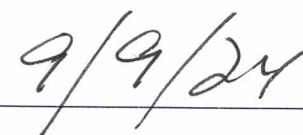
**XII. Adjournment**

Commissioner Howard made a motion to adjourn at 5:30pm. Vice Mayor Carter seconded. Passed 3-0.

  
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Mayor, Donna Hernandez

  
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Date

  
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City Manager, Michael Phagan

  
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Date