

**City of Baneberry (City) Minutes**  
**City Commission**  
**June 10, 2024, 5:00p.m.**  
**Baneberry City Hall**

- I. **Call to Order:** Mayor Hernandez called the meeting to order at 5:11p.m.
  - A. Prayer-Vice Mayor Carter
  - 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.
  - Steven Marshall, 1105 Blanton Drive, Sevierville, TN, stated that he was representing Darrell Keene and was inquiring if the City had retained counsel in reference to the lawsuit filed by Darrell Keene against the City. Mr. Marshall stated that he had not been contacted by anyone representing the City. CM Phagan confirmed that the City had retained attorney Albert Harb.
- IV. **Approval of Agenda:** Commissioner Howard made a motion to approve the agenda. Vice Mayor Carter seconded. Passed 3-0.
- V. **Approval of Minutes:**
  - A. Vice Mayor Carter made a motion to accept the May 6, 2024, minutes. Commissioner Howard seconded. Passed 3-0.
  - B. Commissioner Howard made a motion to accept the May 23, 2024, Public Hearing minutes, as published. Vice Mayor Carter seconded. Passed 3-0.
  - C. Commissioner Howard made a motion to accept the May 23, 2024, Special Called Meeting minutes, as published. Vice Mayor Carter seconded. Passed 3-0.
- VI. **Communication from the Mayor:**
  - Mayor Hernandez announced that the focus of tonight's meeting was the Annual Budget for the 2024/2025 fiscal year. She also stated that she had reached out to AT&T regarding the open green boxes with exposed wires. However, she was unsuccessful in obtaining information. CM Phagan stated that he was made aware Friday, June 7<sup>th</sup>, 2024, and immediately emailed an AT&T representative and is awaiting a reply. Several members of the audience made the Commissioners aware of additional locations of these boxes. East Atherton, Back Nine, and Saint Andrews were three locations mentioned.

**VII. Communication from City Commissioners: None**

**VIII. Communication from City Manager**

A. Fire Department:

- CM Phagan reported that three City volunteers will be attending the Smokey Mountain Weekend Emergency Vehicle Driving Simulator training on Saturday June 15<sup>th</sup>, 2024.

B. Codes Enforcement Update:

- CM Phagan reported that code violation letters are being updated to include City Court information. City Court is scheduled to begin the 2nd Thursday in August at 6pm. He reported that we would be visiting New Market to observe court proceedings presided over by the City's newly approved Judge, Ed Stiner.

C. Other:

- CM Phagan referenced emailed correspondence from the Election Commission in their packets regarding the two City Commissioner openings in the 2024 election. He stated that the City will have one (1) 4-year and one (1) 2-year term of office on the November ballot. He stated that according to the correspondence, the person receiving the greatest number of votes would fill the 4-year term and the next highest would fill the 2-year term.
- Commissioner Howard stated that, in his opinion, it would make more sense for these two positions to coincide with the 4-year Presidential election cycle and the third seat to be elected on the non-presidential cycle. CM Phagan replied that this might require a change in the City Charter. Mayor Hernandez stated that this had been discussed with Charles Gibson in the past and he stated it would be very difficult to make this change. CM Phagan stated he would look into it; however, it may not be possible within this election time frame.
- CM Phagan referred the Commissioners to a letter dated June 4, 2024, from Tennessee Comptroller of the Treasury. He reminded the City that the former administration did not secure an auditor for the 22/23 fiscal year by the deadline. Therefore, an auditor was not secured for the City until September 2023. This delay has resulted in the City's audit not being complete. CM Phagan also reported, however, the audit report is expected to be issued any day. Vice Mayor Tom Carter asked if the City was using Duane Cline. This was confirmed by CM Phagan.

- CM Phagan referred to email correspondence from Susan Gass, Assessor of Property for Jefferson County, TN, concerning the Certified Tax Rate (CTR). He pointed out that the CTR will decrease by almost half, from .8242 to .4463. CM Phagan explained that the prior CTR was located at the top of the table under Jurisdiction. He further explained that the reduced rate occurred because the appraised value had nearly doubled.

**IX. Reports from Committees:**

- A. Planning Commission: Vice Mayor Carter had nothing to report. The next meeting is scheduled for June 27<sup>th</sup> at 6:00pm.
- B. Parks & Recreation/Social Entertainment Committee: Chrissy Cummins reported that the karaoke and ice cream social was a success. The next event is the 4<sup>th</sup> of July. The golf cart parade will begin at 10am with BBQ ribs, rock painting and outdoor activities to follow.
- C. Road Commission: Mayor Hernandez reported that there was no meeting for the month of May. The next meeting is scheduled for June 25<sup>th</sup> at 6:00pm.

**X. Old Business:**

- A. Review and recommend additional updates to ordinances and codes related to building, site development/improvement, zoning, subdivision, and roads.
  - CM Phagan stated that he would be meeting with ETDD representative Jordan Rockwell on Tuesday June 11<sup>th</sup>. Commissioner Howard inquired about driveway aprons. CM Phagan replied that, based on Planning Commission meeting recommendations, he will provide Jordan an overview for review and research. An update will be made at the July meeting.

**XI. New Business:**

- A. Ordinance No. 2024-11: An Ordinance of the City of Baneberry, Tennessee adopting the Annual Budget for the fiscal year beginning July 1, 2024, and ending June 30, 2025.
  - CM Phagan provided an overview of Ordinance 2024-11. He explained that the City has not received the auditor's report for 22/23 as of the beginning of the meeting. He also stated that he had not carried forward \$8000.00 for the mail center to be expanded. He will provide an updated document that contains both once he receives the auditor's report.

- Vice Mayor Carter inquired about the City receiving hotel/motel tax or Airbnb revenue. CM Phagan stated that the City was not currently receiving this revenue. He has planned to speak with the financial consultant from MTAS to work through why the City hasn't been benefiting from this.
- Commissioner Howard inquired about line item #110-Salaries. He wanted to know if this can be broken down to more specific information such as hourly, janitorial, grounds maintenance, etc. CM Phagan responded that the State has migrated toward standardized municipal codes such as #110 salary and #121 regular employee wages. Commissioner Howard is concerned that there is no way of tracking the expenditures in this line item. Commissioner Howard also inquired about line item #266-Ground Maintenance and what that includes. He asked about liability insurance and does the contracted person provide that? CM Phagan noted that the Grounds Maintenance contractors were required to have their own insurance.  
Commissioner Howard also inquired about the Community Center rental and cleaning fees and wants the building to be mopped more often. He continued with a discussion of rental fees for residents versus non-residents. Mayor Hernandez provided an explanation for why this changed. Unfortunately, some residents were renting for a non-resident to obtain the cheaper rate. This became difficult to manage and therefore, the rates were changed to be consistent for both; \$150.00 rent and \$50.00 cleaning deposit.  
Commissioner Howard continued with inquiries on item #256, donations. He stated that this had increased from \$500.00 to \$1000.00. CM Phagan explained that \$500.00 is a donation to the Jefferson County Chamber of Commerce and the remaining \$500.00 was for C.A.R.E.
- Commissioner Howard made a motion to approve, as published, Ordinance 2024-11. Vice Mayor Carter 2<sup>nd</sup>. Passed 3-0.

B. Ordinance No. 2024-12: An Ordinance amending the 2023-2024 fiscal year budget. Budget Amendment #2.

- CM Phagan explained that Ordinance 2024-12 was included on the agenda in case an amendment was needed.
- Vice Mayor Carter inquired about trash services through Waste Connections. CM Phagan explained that numbers were gathered based on residences currently occupied, even for just part of the year.

- Commissioner Howard inquired about updating fire department equipment. CM Phagan explained the goal is to seek resources such as grants for the fire department.

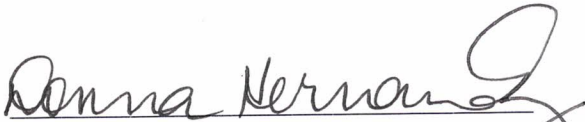
C. BZA Nomination:


- Mayor Hernandez nominated Taylor Atrican, Mountain View Lane, for a seat on the BZA committee. Commissioner Howard made a motion to accept the nomination. Vice Mayor Carter seconded. Passed 3-0.

D. Planning Commission Appointment:

- Mayor Hernandez appointed Beth Mooney, Bonnevista Drive, as the newest member of the Planning Commission. She will take the seat of Doug Catt who resigned in May.

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

  
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Mayor Hernandez

  
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City Manager Phagan

July 1, 2024  
Date