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**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, APRIL 5, 2018**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, April 5, 2018 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Pesnell called the regular meeting to order at 6:00 p.m.

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**INVOCATION AND PLEDGE**

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Mayor Pesnell requested County Mayor Jackson to say the invocation over the meeting.  
Mayor Pesnell requested Alderman Sisk to lead the Pledge of Allegiance.

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**ROLL CALL**

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Mayor Pesnell asked Recorder May to call roll.

Those present were: Mayor Rex Pesnell, Vice Mayor Jerry Don Case, Alderman Mark Payne, Alderman Johnny Sisk and Attorney William Gouger, Jr.

Alderman John Matthews was absent.

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**APPROVAL OF MINUTES**

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On a motion by **Alderman Payne**, seconded by **Alderman Sisk** the Minutes of the Public Hearing and Regular Monthly Board Meeting for March 1, 2018 were approved unanimously on a board vote.

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**OLD BUSINESS**

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Mayor Pesnell had the following under old business:

- STH & Associates has finished the Truck Shed on Kimball Cove Road. This shed will be primarily used for storage of the two sanitation trucks.
- The town had its annual Egg Hunt at the Kimball Park on Good Friday. The town appreciates everyone that participated to make this event a success. The town could not do this without the support of our local merchants, citizens, employees, board members and South Pittsburg Interact Club.

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**SCHEDULED AGENDA ITEMS**

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**a.) David Jackson, County Mayor**

Mayor Jackson wanted to inform the board about the upcoming Tennessee Bass Federation (TBF) Fishing Tournament that will be held on Nickajack Lake. The tournament will have a mandatory meeting on Thursday with the Tournament to begin May 11- May 12. This will be the 2018 State Tournament East Divisional. Mayor Jackson requested a donation of \$1,000 to support this event.

A motion was made by **Alderman Payne**, seconded by **Vice Mayor Case** to approve the donation to Marion County in support of the Tennessee Bass Federation Fishing Tournament to be held May 10 - May 12 in Marion County in the amount of \$1,000. The motion passed unanimously on a board vote.

**b.) Approval of Responses to the TML Property Loss Control Survey**

Mayor Pesnell stated that Bob Lynch with TML Risk Management Pool visited on February 27, 2018. He did an onsite visit at the town hall, police department, municipal building, maintenance building, fire hall and maintenance storage building. During the visit, he noted minor areas of concern. Some items were corrected while onsite others have been corrected or are in consideration. A repeat item was the fire extinguishers not being inspected and mounted properly. This finding was surprising as the town has a third party to inspect these; however, the town has over 50 extinguishers and some may have been inspected and the card not officially notched or skipped in error. Either way, the town has made contact to have these re-inspected.

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the TML Property Control Survey responses and submit to TML Risk Management Pool. The motion passed unanimously on a board vote.

**c.) Review Tennessee Consolidated Retirement System (TCRS) Employer Rate**

Mayor Pesnell stated that the town received its recommended rate from the state which has set the minimum rate at 4.45%. The town is currently contributing 6%. The town can continue at the 6% rate or may contribute anything from 4.45% or higher. Mayor Pesnell recommended to contribute at least one percent above the minimum rate. Alderman Sisk stated he would like the town to continue at 6% for the retirement contribution.

After some discussion, A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to continue the rate at 6% into the Tennessee Consolidated Retirement System (TCRS) Employer Rate. Alderman Sisk voted yes, all others voted no. Motion does not carry.

After some discussion, A motion was made by **Alderman Payne**, seconded by **Vice Mayor Case** to table the Tennessee Consolidated Retirement System (TCRS) Employer Rate until more information has been determined. The motion passed unanimously on a board vote.

This item will be on the May agenda for reconsideration.

**d.) Discuss Terminating Trinity/BlueBridge Media Cable Franchise Agreement**

Mayor Pesnell stated that the town has been reviewing the franchise issue with Trinity/BlueBridge Media for several years. The company has failed to pay the franchise fees to the town; however, they are still collecting these fees from the Kimball Residents. The town would like to determine if it can terminate its franchise rights so the town's residents are not charged this fee any longer on their bill. Attorney Gouger stated the franchise agreement is part of Ordinance No. 173 adopted in 2006 originally under Trinity Communications now BlueBridge Media. By terminating the contract, the town is forfeiting the company's franchise agreement. Once the company has been given notice the town terminated the franchise agreement the company has 60 days to cure their default which is to become compliant within the timeframe. This would require the company to pay all past due franchise fees which the company has collected. If they pay these fees, the town would reinstate the franchise agreement. However, most if not all of BlueBridge infrastructures are connected to SVEC right-of-way. The decision to terminate by letter of the contract denies them the ability to do business in town; however, the recommendation Attorney Gouger has made is to trigger the forfeiture clause in the contract. The reason the town is pursuing this issue is our Kimball residents are paying the franchise fee and it is not being submitted properly.

A motion was made by **Alderman Payne**, seconded by **Vice Mayor Case** to terminate the franchise agreement with Trinity Cable/BlueBridge Media. The motion passed unanimously on a board vote.

**e.) Approval of the Application of SVE Connect for a State-Issued Certificate of Franchise Authority**

Mayor Pesnell stated the town has received information concerning the intention of SVE Connect to extend Competitive Cable and Broadband throughout its service area. SVE Connect has elected to apply with the state for franchise authority rather than each local entity. The town would like this noted in the minutes for future reference.

**f.) Approval of Naloxone Policy for the Kimball Police Department**

Police Chief Allison stated this policy is the same as the one the Marion County Sheriff's Department and Hamilton County Sheriff's Department has in place. The Naloxone also known as Narcan is a drug used to counter the effect of opioid overdose. The Department needs to be trained in the usage of this for public safety and officers safety. This medicine has no effect if opioids are absent and the department is

covered under the good Samaritan law when administering. The training and supplies will be provided by Hamilton County Coalition.

A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to approve the Naloxone Policy for the Kimball Police Department. The motion passed unanimously on a board vote.

**g.) Approval of Drug Recognition Expert (DRE) Policy for Kimball Police Department**

Captain Webb stated the town would like to certify an officer in the future as a Drug Recognition Expert (DRE). The town currently contacts the state for their experts when the need arises to assist. The town can not do anything without a policy in place so this is the first step to having our own expert.

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the Drug Recognition Expert (DRE) Policy for Kimball Police Department. The motion passed unanimously on a board vote.

**h.) Approval of Kimball Police Department applying for a grant through Tennessee Highway Safety Office (THSO) for 2018-2019 grant cycle**

Captain Webb stated the department is applying for the same amount as in the past which is \$20,000 to be broken into categories as follows: overtime \$10,000, equipment \$6,000 and miscellaneous expenses \$4,000. The grant was audited today and everything was in line for this past grant cycle.

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the Kimball Police Department applying for a grant through the Tennessee Highway Safety Office (THSO) for the 2018-2019 grant cycle. The motion passed unanimously on a board vote.

**i.) Discuss hiring a seasonal worker from April 2018 through October 2018 for the Maintenance/Parks Department to be used at the discretion of the mayor**

A motion was made by **Vice Mayor Case**, seconded by **Alderman Sisk** to hire a seasonal employee for the town. The motion passed unanimously on a board vote.

**j.) Discuss Sewer Agreement**

Attorney Gouger has prepared a draft copy of the original sewer agreement and the sewer addendums. The board is requested to review the draft copy of the new combined sewer agreement for accuracy. This revised agreement should reflect what each party is currently responsible for daily, monthly and yearly.

**k.) Review a Sewer Tap Waiver request from Marion County Regional Institute for Higher Education Phase II – Advance Manufacturing and Information Technology due to this being an Educational Building and Non-Profit**

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve the waiver for the sewer tap fee for the Marion County Regional Institute for Higher Education Phase II – Advanced Manufacturing and Information Technology. The motion passed unanimously on a board vote.

**l.) Authorize Mayor Pesnell to order items for Kimball Park which are budgeted: picnic tables, trash receptacles and soccer goals**

A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to authorize the mayor to spend up to \$9,000 for budgeted park items such as picnic tables, trash receptacles and soccer goals. The motion passed unanimously on a board vote.

**m.) Discuss August Meeting Date**

Mayor Pesnell stated the August Meeting date is scheduled for the same day as the Primary and General Election. If the board has no objection, the recommendation would be to move this meeting to the following Thursday.

A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to approve moving the regular monthly August board meeting date to August 9, 2018. The motion passed unanimously on a board vote.

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## **POLICE REPORT**

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Vice Mayor Case gave an update on the Police Department as follows:

Litigation Tax and Training Fees	\$44.25
Court Costs	\$180.75
Fines	\$285.00
Report Fee	\$34.00
Sessions Court	\$988.47
<b>Total</b>	<b>\$1,532.47</b>

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## **FIRE REPORT**

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Alderman Sisk gave the fire report for March 2018; the department responded to six calls during the month which were two mutual aids, one brush fire, two rescues and one signal nine.

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## **PARK AND RECREATION BOARD REPORT**

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Alderman Sisk stated the Park and Recreation meeting was cancelled for March. The next meeting is scheduled for Thursday, April 26, 2018 at 5:30 pm for its regular monthly meeting.

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## **PLANNING COMMISSION REPORT**

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Vice Mayor Case stated the Kimball Planning Commission meeting for March was cancelled. The next planning meeting is scheduled for April 17, 2018 at 6:00 pm.

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## **SEWER REPORT**

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Alderman Payne stated he needed to get with the engineer to discuss about using the sonar device on the sewer lines. Then from that point pinpoint the areas that will need a camera in order to detect the town's plan on the maintenance of that section of line. The manhole rehab is still in the waiting process on the contractors to coordinate with other municipalities in our area.

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## **ATTORNEY REPORT**

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Attorney Gouger had nothing else to report.

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## **NEW BUSINESS**

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Vice Mayor Case wanted to discuss the pay rate for the seasonal employee. A motion was made by **Vice Mayor Case**, seconded by **Alderman Payne** to set the seasonal employee rate of pay at \$12.50 per hour. The motion passed unanimously on a board vote.

Mayor Pesnell had the following items under new business:

- The town will be interviewing four applicants for an open police officers position on Monday, April 9<sup>th</sup>. The town will have a special called meeting Thursday, April 12, 2018 at 5:15 pm concerning hiring a police officer and any other properly presented business.
- The National Cornbread Festival will be using the town's Sanitation Truck April 28<sup>th</sup> and April 29<sup>th</sup>.
- The town auditors will be onsite May 1<sup>st</sup> and May 2<sup>nd</sup> for preliminary audit work of the town finances.
- The town received a letter from the City of South Pittsburg's Mayor and Commissioners addressed to the Board of Mayor and Aldermen commending the Police and Fire Departments.

Mayor Pesnell read the letter to the public. The board appreciates the departments working together.


- The Town Financial Report is as follows:
  - General Fund \$1,498,705
  - State Street Aid Fund \$ 30,978
  - Drug Fund \$ 7,987
  - Sewer Fund \$ 607,371
  - Grand Total \$2,145,041
- The next regular scheduled meeting is scheduled for Thursday, May 3, 2018.

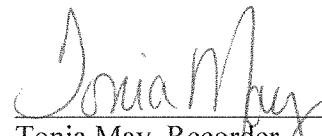
Commercial Business Owner Nannette Taylor wanted to address the board concerning the use of RVs in mobile home parks. She addressed that she was a property tax payer and wanted to be allowed to interchange the RVs with newer models. She stated she puts them on blocks and covers them with roofs. Attorney Gouger stated the first item will be to obtain a building permit before any new RV/Camper/Mobile Home/New Construction is moved in or construction started. After the permit has been applied for, if the building inspector denies the permit, then the requesting applicant can fill out a Board of Zoning Appeals Application along with a \$50 payment to request a hearing. Then the Board of Zoning Appeals will review the application, the code, ordinances, laws and regulations and setup a meeting for the hearing. This board will then make a decision on the application request. Attorney Gouger stated that mobile homes/modular homes are built to a standard regulated by the Residential Building Code and the typical recreational vehicle or travel trailer are not built by these same standards. The code has life safety issues that are addressed such as egress and ingress for fire and other catastrophe issues. Attorney Gouger recommended to first apply for a permit and then go from that point. Kimball does have provisions for replacement for storms, fire or other issues; however, this is not the issue with this particular lot.

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#### ADJOURNMENT

As there was nothing further to come before the board, motion was made by **Vice Mayor Case** to adjourn. The motion was seconded by **Alderman Sisk**. The motion passed unanimously on a board vote.

  
Rex Pesnell, Mayor

  
Tonia May, Recorder