
**MINUTES OF THE PUBLIC HEARING
KIMBALL, TENNESSEE
THURSDAY, FEBRUARY 6, 2020 – 6:00 P.M.**

A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, February 6, 2020 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor Rex Pesnell, Vice Mayor Jerry Don Case, Alderman John Matthews, Alderman Teresa Lofty, Alderman Johnny Sisk and Attorney William Gouger, Jr.

Mayor Pesnell called the public hearing to order concerning Ordinance No. 263 – An Ordinance to Abandon an Unnamed and Unopened Right-of-Way along Apache Trail and Bordering on Marion County Tax Map 119J, Group A, Parcels 020.00 and 021.00 within the Corporate Limits of the Town of Kimball, Tennessee.


NEW BUSINESS

- a.) **Ordinance No. 263 – An Ordinance to Abandon an Unnamed and Unopened Right-of-Way along Apache Trail and Bordering on Marion County Tax Map 119J, Group A, Parcels 020.00 and 021.00 within the Corporate Limits of the Town of Kimball, Tennessee**


There was just a few questions about the exact whereabouts of this roadway.

ADJOURNMENT

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



Rex Pesnell, Mayor



Tonia May, Recorder

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, FEBRUARY 6, 2020**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, February 6, 2020 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.

INVOCATION AND PLEDGE

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

ROLL CALL

Mayor Pesnell asked Recorder May to call roll.

Those present were: Mayor Rex Pesnell, Vice Mayor Jerry Don Case, Alderman Teresa Lofty, Alderman John Matthews, Alderman Johnny Sisk and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Lofty**, seconded by **Alderman Sisk** the Minutes of the Regular Monthly Board Meeting for January 2, 2020 were approved unanimously on a board vote.

OLD BUSINESS

Mayor Pesnell had the following items under old business:

- The Marion County Partnership for Economic Development has a new policy which should be beneficial to all municipalities in the future. It can be a source for the municipalities and MCPED to combine funds to assist local businesses as the need arises with stipulations.
- Mike Powers with MCA has installed the new computers which makes town hall and the police department Windows 10 compliant. This was required due to Microsoft no longer supporting the Windows 7 version.

SCHEDULED AGENDA ITEMS

- a.) **Second and Final Reading of Ordinance No. 263 – An Ordinance to Abandon an Unnamed and Unopened Right-of-Way Along Apache Trail and Bordering on Marion County Tax Map 119J, Group A, Parcels 020.00 and 021.00 within the Corporate Limits of the Town of Kimball, Tennessee**

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve on Second and Final reading of Ordinance No. 263 – An Ordinance to Abandon an Unnamed and Unopened Right-of-Way along Apache Trail and Bordering on Marion County Tax Map 119J, Group A, Parcels 020.00 and 021.00 within the Corporate Limits of the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

- b.) **Bill from MCA Mobile Communications America for the Annual User Fee or Airtime for the 26 Units for the Police Net Radios/Walkies etc. in the amount of \$2,808**

A motion was made by **Alderman Lofty**, seconded by **Vice Mayor Case** to approve the bill from MCA Mobile Communications America for the Annual User Fee or Airtime for the 26 Units for the Police Net Radios/Walkies etc. in the amount of \$2,808. The motion passed unanimously on a board vote.

- c.) **Review the Annual Renewal of the AirMedCare Employee/Firemen Memberships**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to renew the policy with AirMedCare for the Town of Kimball Employees and Firemen. The motion passed unanimously on a board vote.

d.) Jere Davis Memorial Scholarship

Mayor Pesnell stated that he had contacted Lisa Jackson with Chattanooga State concerning the last two scholarships. She stated the past two recipients receiving the PolyTech Scholarship of \$4,000 are still enrolled and doing well. The new applicants for the next scholarship will be available in the next few weeks. A motion was made by **Alderman Sisk**, seconded by **Alderman Lofty** to continue the Jere Davis Memorial Scholarship program for the PolyTech Program at Chattanooga State West Campus Site. The motion passed unanimously on a board vote.

MAINTENANCE REPORT

Alderman Matthews stated that the Maintenance Department has been working on the sewer lift stations. Their goal is to get all of them back in a good operating form. They had some of the stations pumped recently with certain ones having more debris and what appeared to be clumps of oil/grease formed together. The maintenance crew will continue to monitor these lift stations in the coming months to try and combat the source of the major problem areas.

FIRE REPORT

Alderman Sisk gave the fire report for January 2020; the department responded to nine calls during the month which were three mutual aids, one signal nine, one spill, one vehicle fire, one rekindle of vehicle fire, one fire (skillet on fire) and one rescue.

Alderman Sisk also wanted to bring to the boards attention about an issue that was shared with him at the Annual Fireman’s Dinner. The firemen are interested in obtaining software to assist with their reports, inventory, and other items which could help with ISO in the future. If this software is purchased, the fire department will need a new computer as the current one is outdated. The board requested that the department gather more information such as pricing and exactly what is being requested for consideration.

PARK AND RECREATION BOARD REPORT

Alderman Lofty stated the Park and Recreation Board meeting for January was cancelled. The Kimball Soccer League will have registration at town hall on Saturday, February 8th and February 15th. The next meeting is scheduled for February 27, 2020 at 5:30 pm.

POLICE REPORT

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

Litigation Tax and Training Fees	\$118.00
Court Costs	\$557.00
Fines	\$290.50
Report Fee	\$100.00
Sessions Court	\$0
Total	\$1,065.50

Vice Mayor Case stated the department responded to 220 calls.

PLANNING COMMISSION REPORT

Vice Mayor Case stated the Kimball Planning Commission met on January 21st at 6 pm. The commission reviewed two plats which were denied due to lack of signatures. These will be readdressed once proper signatures have been obtained. The next planning meeting is scheduled for February 18, 2020 at 6:00 pm.

ATTORNEY REPORT

Attorney Gouger stated that he has reviewed the NCSI Service Agreement which allows the background checks. The agreement is somewhat standard one-year agreement with a 60-day out clause for either party. The board has already voted on this item pending the attorney review; therefore, no action necessary.

NEW BUSINESS

Alderman Sisk wanted to see if the town could do anything about getting a turn light at the current traffic light for the intersection of Main Street/Hwy 2 and Wendy's. The traffic heading West on Main Street seems to have a difficult time making a turn into the Wendy's lot. Mayor Pesnell stated he would contact Nabco concerning this request.

Mayor Pesnell had items under new business as follows:

- One of the town police units had an accident which left damage to Tahoe #88. The police chief has obtained quotes for repairs and a claim has been filed with the insurance. The lowest bid for the repairs was from Trussell's Collision Repair in the amount of \$5,852.60 plus the decals and installation. The prices for graphics and installation are as follows: Grafix Shoppe in the amount of \$175 and Joe Blevins in the amount of \$100.

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve repairs to Tahoe #88 to be done by Trussell's Collision in the amount of \$5,852.60 plus decals cost from Grafix Shoppe in the amount of \$175 and installation of the decals from Joe Blevins in the amount of \$100. The motion passed unanimously on a board vote.

- There was a reminder that current property taxes are due without penalty until the end of February.
- Kentucky Fried Chicken will be having a Grand Opening on February 17th at 9 am.
- The Presidential Preference Primary and Marion County Primary Election is Tuesday, March 3rd. Early Voting begins February 12th and Ends February 25th.
- The Tennessee Bass Nation High School Fishing will be in town on February 22nd for one of several tournaments to be held at Marion County Park this year. Whitwell High School Fishing Team, South Pittsburg Pirates Bass Fishing Team Club and Sequatchie County High School Fishing Team will all be working together to help coordinate the events with the directors on this day.
- Goody's will be closing and opening under the name of Gordman's. The official Grand Opening will be March 31st at 9 am.
- Finances

General Fund	\$ 1,732,259
State Street Aid	\$ 50,498
Drug Fund	\$ 9,671
Sewer Fund	\$ 902,138
Grand Total	\$ 2,694,566

- The next regular scheduled meeting will be March 5, 2020 at 6:00 p.m.

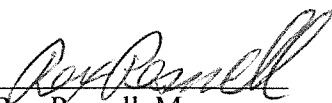
David Riley, Marion County News, updated the board about the election commission extended hours which are Fridays from 8 am until 6 pm and Saturdays from 8 am until 2 pm.

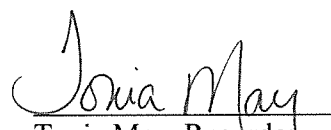
Citizen Roger Haggard wanted to know if there was any news on the Shoney's property. At this time, Mayor Pesnell stated the funds are in place for the demolition; however, the representatives are still working with a developer.

Citizen Mary Jo Talley asked about the ditch/branch behind her residence on Pine Crest Lane. Mayor Pesnell stated that he had asked the town engineer and the town attorney to review the situation on the Kimball Cove Branch located directly behind her property. Both professional opinions were that the town has not done anything to cause any problems. The town has a written opinion from Matthew Tucker with James C. Hailey & Company stating several instances which he claims is his basis for making the determination that Kimball's past actions have not accelerated the rate of erosion near the residence. Attorney Gouger explained that the property deed has the owner owning to the center of the creek in which the town is not authorized to go onto private property and work for any one individual. Attorney Gouger referred to the "public purpose doctrine which dictates that public funds can be used only for public purposes. Courts have reasoned that, since taxes can be levied for only corporation or public purposes, expenditures can legally be made for only those same purposes. A public purpose is generally anything that promotes the public health, safety, welfare, morals, security, prosperity, or contentment of the residents of the municipality". At this time, the town has exhausted all its efforts on this project as deemed allowable by government policy.

ADJOURNMENT

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


Rex Pesnell, Mayor


Tonia May, Recorder