

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, AUGUST 13, 2020**

A meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, August 13, 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 Johnny Sisk, Alderman John Matthews, and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

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

OLD BUSINESS

Alderman Matthews stated a citizen wanted to know about the fire hydrants and if Kimball maintained these or if South Pittsburg Water and Gas was responsible for this service. Vice Mayor Case wanted to answer this with a yes and no answer. He stated that Kimball pays South Pittsburg Water and Gas for the maintenance of these hydrants on an annual basis. Recently, the town's part time fire employee Travis Hullender has been checking each hydrant's flow test along with adding each hydrant to the new software recently purchased for the department. Mr. Hullender will continue checking the hydrants over the coming weeks which should have all fire hydrants in Kimball checked and added to the software. There are a few hydrants that need to be replaced as they are the older style hydrants that are not working. Also, as the hydrants are being checked and tested, they are being added to the IAMResponding App with the flow amounts.

Mayor Pesnell had the following item under old business:

- Mayor Pesnell stated that the town has continued to work with FEMA to get our claim processed on the flood damage from April 12-April 13, 2020. These forms have been completed and the town is awaiting the approval of the appropriate levels at FEMA.

SCHEDULED AGENDA ITEMS

a.) Repairing the Roadway at Mountain View Drive

Matthew Tucker with James C. Hailey and Company stated that he had requested quotes from three local contractors to perform a fix to the issue at Mountain View Drive. The quotes were for 2-30" reinforced Concrete pipe culverts or equivalent approximately 65 feet in length each with construction of a new headwall on the inlet and outlet, plus all the additional materials to complete the job including stone, backfill, binder, topping, topsoil, straw, traffic control.

The contractors each had the same proposal information along with a diagram with Bailey Contracting, LLC submitting a proposal to complete work as noted for \$51,880.59, Payne Construction sent quote subject to Work to be Completed as Weather Allows with ½ of quote to be paid before work begins and remaining due within 3 days of completion in the amount of \$57,978.50 and Lofty Construction Company bid for the Mountain View Culvert Replacement per Draft was \$90,000. Mr. Tucker did state that it was noted that the contractor may use 2-30" pipe culverts or 3-24" pipe culverts with the two headwalls. There will need to be a construction easement from the property owners within the area for the town hired contractor to be on their property during part of the construction. Attorney Gouger and Mr. Tucker will work together to obtain these. Also, TDEC will require a permit as this is an emergency repair; however, it will be the short form application since it is an emergency repair. Vice Mayor Case wanted to verify the process about the quotes versus bids. Attorney Gouger stated the town had declared this an emergency repair in prior meetings which lead to Mr. Tucker's actions to get the three quotes instead of bidding the project.

After more discussion, a motion was made by **Alderman Matthews**, seconded by **Vice Mayor Case** to accept the quote from Bailey Contracting, LLC in the amount of \$51,880.59. The motion passed unanimously on a board vote.

b.) Southern Duplicating of Chattanooga Equipment Maintenance Agreement BW copies \$0.01 per copy and Color \$0.05 per copy August 2, 2020 to August 2, 2021

A motion was made by **Vice Mayor Case**, seconded by **Alderman Sisk** to approve the contract with Southern Duplicating of Chattanooga Equipment Maintenance Agreement BW copies \$0.01 per copy and Color \$0.05 per copy August 2, 2020 to August 2, 2021. The motion passed unanimously on a board vote.

c.) Accept Eric Turney's Resignation from the Park and Recreation Board

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to accept Eric Turney's Resignation from the Park and Recreation Board. Alderman Matthews stated he wanted to honor him for his time served. The motion passed unanimously on a board vote.

d.) Accept Marc Lawrence's Resignation from the Park and Recreation Board

Mayor Pesnell stated that Mr. Lawrence did not do a written resignation; however, when speaking with him about Mr. Turney's resignation he requested to go ahead and be replaced as well since he was building a home out of the city. A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to accept Marc Lawrence's Resignation from the Park and Recreation Board. Alderman Matthews stated he wanted to commend him for his years served and the work done. The motion passed unanimously on a board vote.

e.) Mayor Recommends to Appoint Mary Katherine Dawkins to the Park and Recreation Board to fill the vacancy

A motion was made by **Alderman Lofty**, seconded by **Alderman Matthews** to appoint Mary Katherine Dawkins to the Park and Recreation Board. The motion passed unanimously on a board vote.

f.) Mayor Recommends to Appoint Mitch Butner to the Park and Recreation Board to fill the vacancy

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to appoint Mitch Butner to the Park and Recreation Board to fill the vacancy. The motion passed unanimously on a board vote.

g.) Approve an Addition to the Police Manual for the Town of Kimball, Tennessee Police Department pertaining to Duty to Intervene and Use of Deadly Force in Defense of Human Life

Mayor Pesnell stated that the duty to intervene and use of deadly force were two separate items on the agenda; however, these pertain to the same issues that the Governor requested be addressed by all police departments in Tennessee. Attorney Gouger stated that Captain Webb had sent him some policies to review since the Governor's request in July. However, Attorney Gouger had been waiting on the official recommended language to come from the Governor's site before making a recommendation. Since the state released their recommendations on August 12th this has not been enough time for the police department supervisors, police liaison and attorney to review their policy and compare to the existing Kimball Police Department Manual. Attorney Gouger recommended that the Police Chief issue an order for his department to follow until an official policy has been adopted that covers the duty to intervene and use of deadly force in defense of human life by the Kimball Board with appropriate signatures from all involved acknowledging their understanding of the policy. After some more discussion, a motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to table the issue concerning the updates to the police manual pertaining to duty to intervene and use of deadly force in defense of human life and give the Police Chief the authorization to add an interim policy on these issues until the Kimball Board of Mayor and Aldermen passes a new policy addressing these issues with officers acknowledging by signatures that they received the policy. The motion passed unanimously on a board vote.

h.) Maintenance Report

Alderman Matthews stated he had nothing new to report.

i.) Fire Report

Alderman Sisk gave the fire report for July 2020; the department responded to eight calls during the month which were a fire, standby, two investigations, three mutual aids and signal nine.

Vice Mayor Case wanted to inform the board about the usage of a previously purchased item by the board for the Kimball Fire and Rescue Department. He stated in the recent months that the Kimball Fire and Rescue Department has been called out several times on rescues in which the battery-operated jaws have been used. The operation of this tool has been a life saver within itself as far as the ability to cut through parts of a vehicle as necessary

j.) Parks and Recreation Report

Alderman Lofty stated the Park and Recreation Board meeting for July was cancelled due to not having a quorum. The Kimball Soccer League for Fall was cancelled after the mayor consulted with other members of the board due to the requirement from TSSA amid the COVID-19 pandemic. The next park and recreation board meeting is scheduled for August 27, 2020 at 5:30 pm.

k.) Police Report

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

Litigation Tax and Training Fees	\$59.00
Court Costs	\$141.00
Fines	\$125.00
Report Fee	\$85.00
Sessions Court	\$478.32
Total	\$888.32

The server at Marion County E-911 still is not capable of producing monthly reports on the number of calls.

l.) Planning Commission Report

Vice Mayor Case stated the Kimball Planning Commission meeting for July 2020 was canceled. The next planning commission meeting is scheduled for August 18, 2020 at 5:30 pm.

m.) Attorney Report

Attorney Gouger had nothing new to report.

NEW BUSINESS

Vice Mayor Case stated that he had been approached by Lieutenant Scott Evans with the Jasper Police Department concerning the purchase of a target for the new police firing range on the Town of Jasper's property. The Town of Jasper has acquired property on Chasey Simpson Road which the Jasper Police Department and other Departments are contributing to turn a portion of this into a police firing range. Departments are donating to this either by purchasing a target from AIM Solutions in the amount of \$2,000 or donating directly to the Town of Jasper \$2,000. If departments make the donation, members of that police department may make arrangements to go shoot at any time. If departments do not make a donation these departments will only use the facility during in-service qualification times.

A motion was made by **Vice Mayor Case** seconded by **Alderman Matthews** to purchase a target for the new police firing range on Chasey Simpson Road on the property owned by the Town of Jasper with the donation to AIM Solutions and the funding of the target in the amount of \$2,000 being from the Town of Kimball Drug Fund as this will be a one time purchase and the officers will be using their training with the firearms to assist them in their duties on the job including drug cases. The motion passed unanimously on a board vote.

Mayor Pesnell had items under new business as follows:

- On August 7th, the town received its portion of the Government Entities Grants for Cities in the amount of \$61,360 from the State of Tennessee.
- Both Recorder May and Mayor Pesnell were involved in the Town Hall meetings online to learn about Local Government Funding Program. This is additional funding for Governments through the \$115 Million Local Government COVID-19 Assistance Program. The town is eligible for \$21,315 if the town has eligible expenses.
- The auditors will be at town hall August 19-August 20 to finish up the Fiscal Year 2019-2020 audit. After they have finalized their report, they will return to a meeting later in the year to update the public and the board of their findings and the town's financial status.
- Finances

General Fund	\$ 2,062,339
State Street Aid	\$ 51,094
Drug Fund	\$ 9,996
Sewer Fund	\$ 934,764
Grand Total	\$ 3,058,194

- The next regular scheduled meeting will be September 3, 2020 at 6:00 p.m.


Alderman Sisk requested information about the town's sales tax since the COVID-19 pandemic. Mayor Pesnell stated that the town's sales tax had primarily seen an increase during the COVID-19 pandemic. Recorder May noted some other revenues have had a decrease such as the Hotel/Motel Tax. However, our town has been very fortunate to have revenues still coming into our town.

Vice Mayor Case wanted to know about the new Car Wash located next to Krystal and their process of attaching to the water and sewer system at the site. Mayor Pesnell stated that this site was not attaching to the sewer system at this moment and the water connection will be handled with the South Pittsburg Water and Sewer Company. At this time, the company has not paid a sewer tap fee for sewer connection with the town. Mayor Pesnell said the Car Wash will have a system to filter the water and reuse the water for the car washing process.

Vice Mayor Case stated he would like the police to notify the others to start checking the streetlights and make note of those not working or not working properly.

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