

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, JUNE 3, 2021**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, June 3, 2021 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Pesnell called the regular meeting to order after the public hearing which began 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.

APPROVAL OF MINUTES

On a motion by **Vice Mayor Case**, seconded by **Alderman Matthews** the Minutes of the Public Hearing and Regular Monthly Board Meeting for May 6, 2021 were approved unanimously on a board vote.

OLD BUSINESS

Mayor Pesnell had the following under old business:

- The restriping of Dixie Lee Center Road has been completed as approved during last month's meeting.

SCHEDULED AGENDA ITEMS

a.) Matthew Tucker, Town Engineer with James C. Hailey and Company concerning updates on several active projects

Matthew Tucker stated that the dive crew visited the Town of Kimball on May 24th and May 25th to replace the hardware on the sewer force main underneath the Battle Creek River. Overall, the sewer line is in fair condition; however, some of the holes are a little worn for the hardware. The dive crew will return in a couple of years to check the line and hardware. The town will need to discuss replacing this force main and a different approach to the sewer line in the future.

Next item of interest was the lot between McDonald's and Wendy's. The town had been approached concerning the relocation of the sewer infrastructure located on the main portion of the lot. If and when a developer decides to get serious about a building project, the town will need to move the existing sewer line which Engineer Tucker has reviewed and given some suggestions, with cost in the amount of approximately \$170,000. At the time of a contract on the property for future growth and a locked in development, the town will have to bid this project before any work can be performed.

The town had also requested for the engineer to get a cost estimate for a pump station grinder to be installed in the lift station. This would be to help fight the existing problem with rags and flushable wipes that are entering the sewer lift station and creating issues for the pump stations and the pumps. After reviewing our existing system, Engineer Tucker has a plan for a pump station grinder manhole which will include moving some existing electrical wiring for our main pump station and setting a new manhole for the grinder near the existing main lift station. This is due to limited space in our main lift station. This quote is approximately \$154,000 for the new manhole and grinder setup. This project would need more specific specifications and will need to be bid whenever the town decides to proceed.

The final item is to address the Kimball Crossing Drive/Dixie Lee Center Road intersection where the curb was cut in 2005 for the two streets to flow for traffic. The town agreed to keep a section of the Kimball Crossing Drive up with maintenance of the street as well as trying to maintain the drainage issues. The agreement for the maintenance is recorded in the Marion County Courthouse Register of Deeds Office. The first recommendation is to clear the vegetation behind the Dollar Tree and Cato's to see what is in this ditch area without putting excavation in the ditch. Tennessee Department of Environment and Conservation requires knowing if this is a stream or a wet weather conveyance. Engineer Tucker has a determination in the works as to whether this area is a stream or a wet weather conveyance. The ditch needs to be graded for proper drainage after the determination and proper paperwork has been obtained. There is a culvert impeding the drainage of the water and this culvert may need to be removed to allow for proper drainage. Another step may be regrading from Harbor Freight towards the ditch area and to repave the road with an extra angle towards the ditch as provided by diagram by Engineer Tucker. Attorney Gouger stated the town can address this for two reasons due to the curb cut agreement and public safety/benefit. There was a lawsuit filed during the curb cutting issue during the Lowe's Project with the shopping center owners in 2005. Following the lawsuit, the town filed a condemnation action to take the property and force the curb cut. While the lawsuit was pending the town and shopping center owners reached an agreement in which the town would maintain the property for a certain distance as defined in the agreement which includes the drainage. As part of the agreement, the town may address the drainage, plus the shopping center owners have given their consent to address the drainage issues. The town may also address the drainage issue for any part that may be on private property by the Public Purpose Doctrine if the work will provide public benefit. This issue will benefit everyone traveling to and from the shopping center. The town may start the initial process by eliminating the vegetation in the ditch line behind Dollar Tree and Cato's and waiting on the next phases as approved.

b.) Second and Final Reading of Ordinance No. 269 – An Ordinance of the Town of Kimball, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2021 and Ending June 30, 2022

A motion was made by **Vice Mayor Case**, seconded by **Alderman Sisk** to approve on Second and Final Reading of Ordinance No. 269 – An Ordinance of the Town of Kimball, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2021 and Ending June 30, 2022. The motion passed unanimously on a board vote.

c.) Second and Final Reading of Ordinance No. 270 – An Ordinance to Amend Kimball Municipal Code Sections 5-602, 5-604, and 5-605, and Ordinances Nos. 121, 155 and 200 to Modify the Town's Purchasing Policy

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve on Second and Final Reading of Ordinance No. 270 – An Ordinance to Amend Kimball Municipal Code Sections 5-602, 5-604, and 5-605, and Ordinances Nos. 121, 155, and 200 to Modify the Town's Purchasing Policy. The motion passed unanimously on a board vote.

d.) Second and Final Reading of Ordinance No. 271 – An Ordinance to Amend the Official Zoning Map to Rezone 11 Properties on Timber Ridge Drive from C-2 Highway Business District to R-1 Low Density Residential District Within the Corporate Limits of the Town of Kimball, Tennessee

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve on Second and Final Reading of Ordinance No. 271 – An Ordinance to Amend the Official Zoning Map to Rezone 11 Properties on Timber Ridge Drive from C-2 Highway Business District to R-1 Low Density Residential District Within the Corporate Limits of the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

e.) First Reading of Ordinance No. 272 – An Ordinance to Amend Ordinance No. 253 to Replace the 2012 Editions of the International Building Codes with the 2018 Editions of Same, with the Exceptions as Herein Noted

A motion was made by **Alderman Matthews**, seconded by **Alderman Sisk** to approve on First Reading of Ordinance No. 272 – An Ordinance to Amend Ordinance No. 253 to Replace the 2012 Editions of the International Building Codes with the 2018 Editions of Same, with the Exception as Herein Noted. Attorney Gouger noted all the exceptions listed in the ordinance for the board and audience’s benefit. The town can have a waiver to go beyond the initial length of time to update the code but at a certain point the waivers expire, and the newer codes must be adopted. The motion passed unanimously on a board vote.

f.) Ratify the bill from Southeast Company, Inc. to change out the pump at the Main Lift Station in the amount of \$6,649.77

A motion was made by **Vice Mayor Case**, seconded by **Alderman Lofty** to ratify the bill from Southeast Company, Inc. to change out the pump at the Main Lift Station in the amount of \$6,649.77. The motion passed unanimously on a board vote.

g.) Maintenance Report

Alderman Matthews stated that Maintenance Supervisor David Henley had taken his Collection System Test and is awaiting the test results.

h.) Fire Report

Alderman Sisk gave the fire report for May 2021; the department responded to five calls during the month which were two fire calls, two (2) mutual aids and one (1) signal nine.

i.) Parks and Recreation Report

Alderman Lofty stated the Park and Recreation Board meeting was held at the Kimball Barn on May 27, 2021. Alderman Lofty stated that the board discussed the recent Spring Soccer Season along with entertaining a recommendation to offer a soccer camp in some type of fashion. Chairman Taylor Case made contact with an organization that puts soccer camps on throughout the state and has secured the week of July 26-July 30th for the camp at the town’s facility. Each player must register with the camp organizers and pay the fee for the camp with a minimum of 30 players for the camp to be held at our location. The town will help promote the camp. The Park Board discussed the baseball/softball recreational league which has ended and noted that the select teams are still using the complex for practice. The Park Board also discussed some short- and long-range plans for the park with plans for each member to submit a list as well as survey questions in the near future via email. TWRA will supply the catfish for the ponds at Kimball for the free fishing day, which is scheduled for Saturday, June 12, 2021. On this day everyone may fish without a license as well as take the days catch with them. All other days a fishing license is required, and the park is catch and release only. The next meeting is scheduled for June 24, 2021 at 5:30 pm.

j.) Police Report

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

Litigation Tax and Training Fees	\$14.75
Court Costs	\$60.25
Fines	\$50.00
Report Fee	\$80.00
Sessions Court	\$1,173.25

Total	\$1,368.25
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The report from Marion County E-911 was provided for the packet, which showed the police department had 265 calls for the month of May 2021

k.) Planning Commission Report

Vice Mayor Case stated the Kimball Planning Commission meeting for May 2021 was cancelled. The next planning commission meeting is scheduled for June 15, 2021 at 5:30 pm.

l.) Attorney Report

Attorney Gouger stated that the paperwork for American Tower Cell Tower Lease agreement has been signed by all parties.

NEW BUSINESS

Mayor Pesnell had items under new business as follows:

- The Sales Tax Holiday for Clothing, School Supplies, and Computers will be Friday, July 30, 2021 to Sunday, August 1, 2021.
- The 2021 Sales Tax Holiday for Food, Food Ingredients, and Prepared Food during the week of Friday, July 30, 2021 to Thursday, August 5, 2021.
- There will also be a one-year Sales Tax Holiday for Gun Safes and Gun Safety Devices beginning July 1, 2021 ending June 30, 2022.
- The Town of Kimball Financial Report is as Follows:
 - **General Fund** \$ 2,611,332
 - **State Street Aid** \$ 50,512
 - **Drug Fund** \$ 9,734
 - **Sewer Fund** \$ 1,043,380
 - **Grand Total** \$ 3,714,958
- The next regular scheduled meeting will be July 1, 2021 at 6:00 p.m.

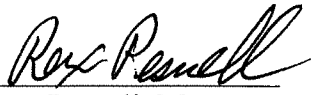
Citizen Jim Lofty has requested that the board consider selling portions of the park property as follows: approximately 25 acres adjacent to his property and the river grade which is currently being farmed by Dewey Gilliam and 2-3 acres on the left as you enter Bob Lofty Road adjacent to the property previously owned by the Mounts. Mr. Lofty stated that he would purchase the 25 acres for \$3,500 per acre and the 2-3 acres for \$5,000 per acre.

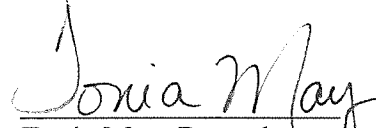
Attorney Gouger stated that real estate assets the town owns may be bought and sold without going through the public auction or bid process. However, the town must buy or sell real estate at or near fair market value. There was a request as to why the property is desired. Mr. Lofty would like to put his cows on this land plus it would eliminate the dust, rodents, and the chemicals from the farming from being near his immediate residence. Alderman Lofty questioned about the future of the park and parking for the complex and soccer fields. Mr. Lofty stated that the portion he was interested in was to the current farm/agricultural gravel road and would not take any of the existing parking for the complex/soccer area. There was discussion about how to add more parking for the park. Mr. Lofty suggested building new parking on the property on the right side entering Bob Lofty Road which was once lowlands and filled in by his company. Attorney Gouger reminded the board that there is a portion of the park property that is restricted and only

allowed for the usage as a park due to the town receiving park grant funds. Mayor Pesnell stated the board will think on the proposal and get an answer back at a later date.

ADJOURNMENT

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


Rex Pesnell, Mayor


Tonia May, Recorder