

ORDINANCE NUMBER: 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.

WHEREAS, the Town of Kimball has agreed to abandon an unnamed and unopened right-of-way; and

WHEREAS, the Kimball Board and Mayor and Aldermen wish to formalize this agreement in writing; and

WHEREAS, the Kimball Municipal Planning Commission has reviewed this request and recommends the abandonment of the unnamed and unopened right-of-way as specified herein;

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Town is instructed and authorized to abandon the 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**, which is described more accurately within the body of this ordinance:

Section 1: The right-of-way to be abandoned is described as the approximately fifty (50) feet wide by 118.40' to 140.00' long section of land lying between parcels 020.00 and 021.00. The right-of-way to be abandoned is more accurately shown on the attached illustrations:


Section 2: As agreed to by the adjoining property owners, the owners of **MARION COUNTY TAX MAP 119J, GROUP A, PARCELS 020.00 AND 021.00** shall be entitled to claim property from their adjoining property lines to the center of the unopened right-of-way. It shall be the responsibility of the adjoining property owners to amend their deeds and/or plats to claim their portion of the abandoned right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that the Mayor is authorized and instructed to execute the abandonment on behalf of the Town of Kimball.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect following final reading and passage, the public welfare requiring it.

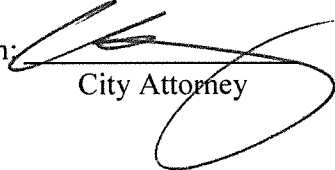
First Reading: **January 2, 2020**

Second Reading: **February 6, 2020**



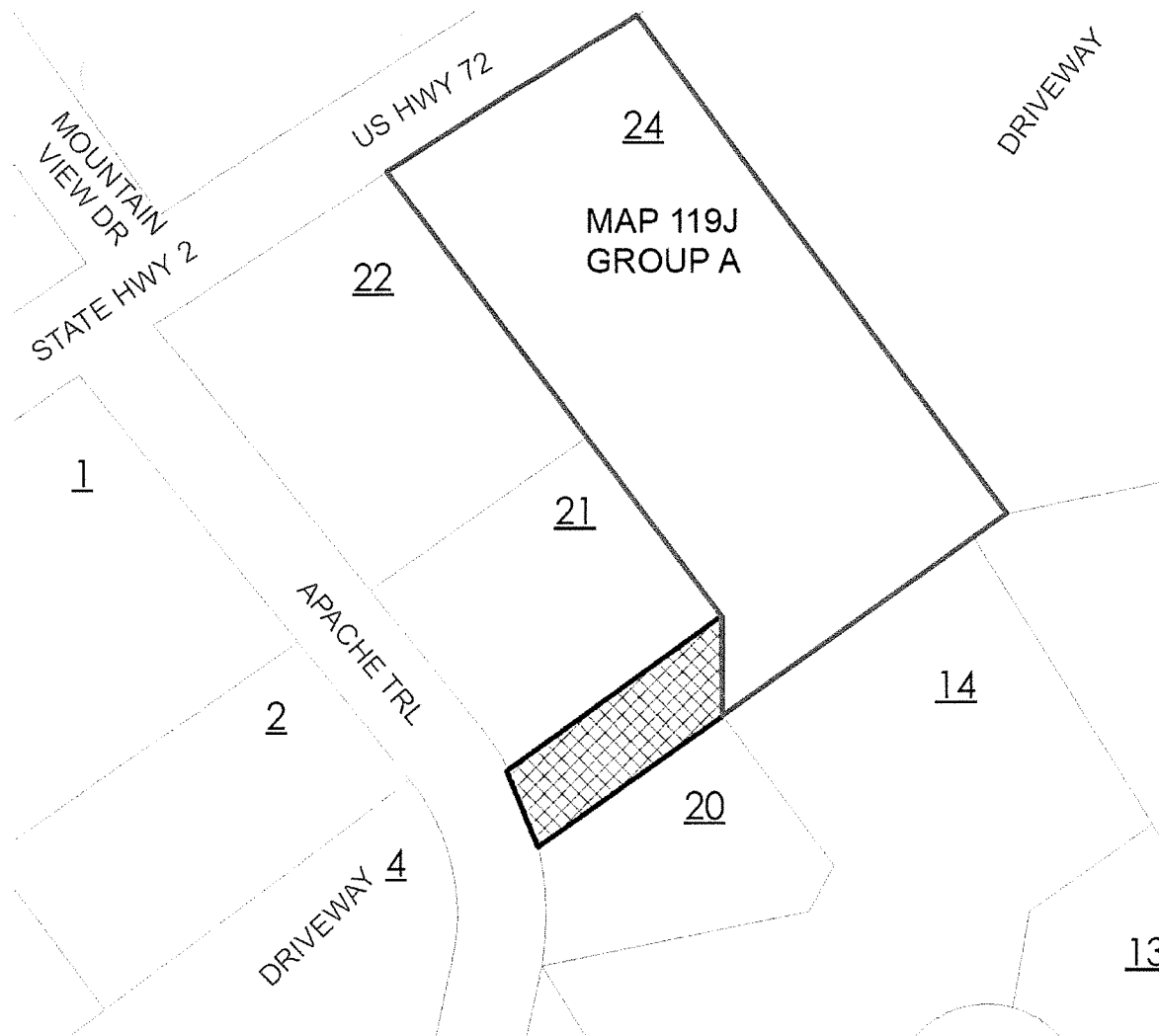
Mayor, Town of Kimball

Attest: 
Town Recorder


Approved as to Form: 
City Attorney

Kimball, Tennessee

ROW Abandonment
Ordinance No. 263



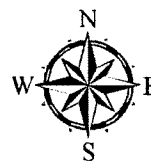
Legend

 Subject Area

Map Prepared By:
Department of Community Development
Southeast Tennessee Development District
Chattanooga, TN
Geographic Information Systems

This map is for planning purposes only.
This is not an engineering map.

Source: SETD & 2019 TNBMP Data

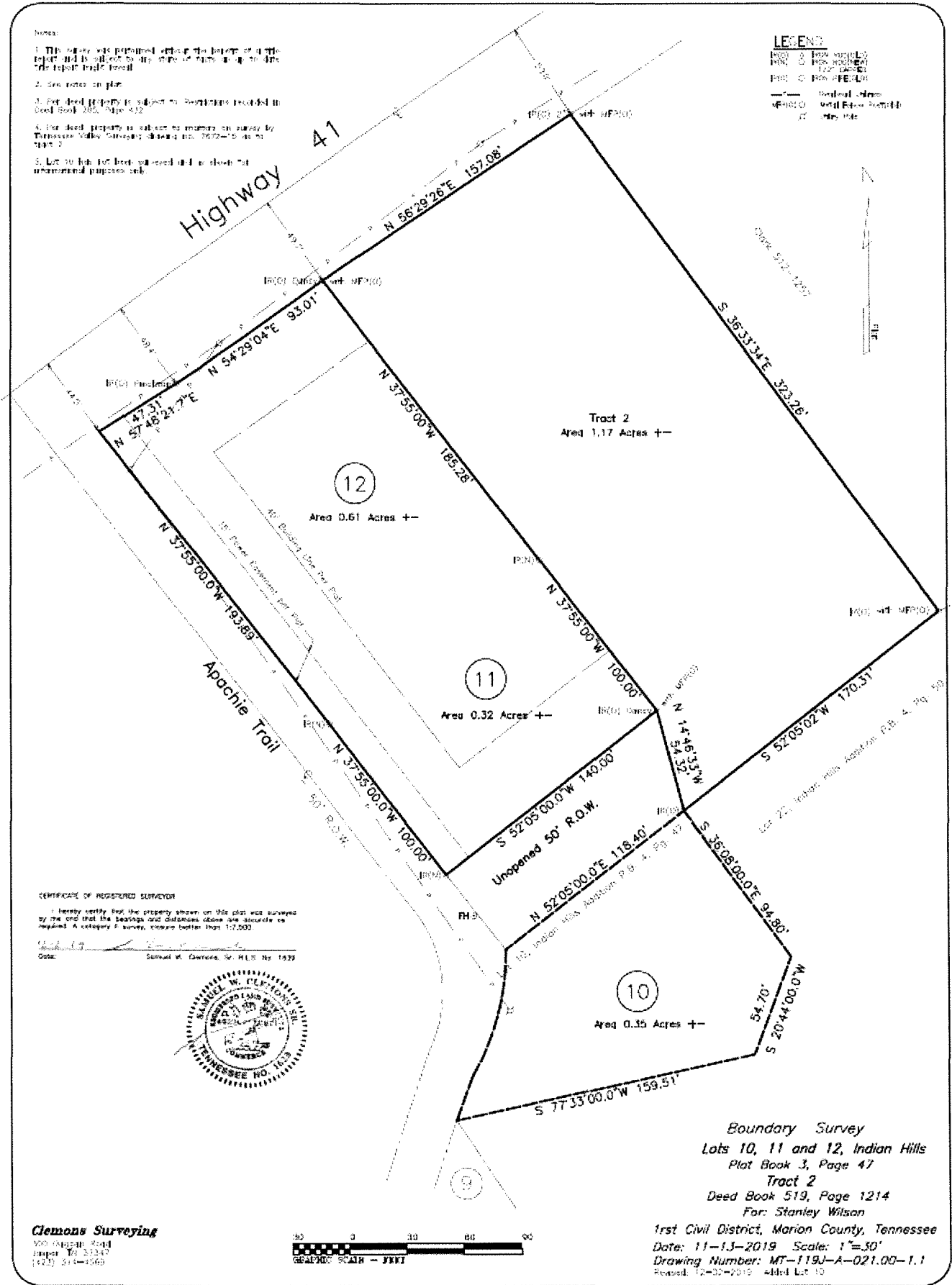


Notes:

1. This survey was performed under the terms of a title report and is subject to any covenants, conditions or restrictions thereon.
2. See notes on plat.
3. For deed property is subject to restrictions recorded in Deed Book 502, Page 432.
4. For deed property is subject to easements on survey by Tennessee Valley Authority showing on 3672-75 as of 2008.
5. Lot 10 has not been surveyed and is shown for informational purposes only.

LEGEND

- Proposed Easement
- Easement
- Right of Way
- Boundary
- Lot Line



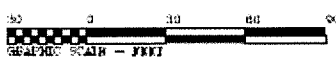
CERTIFICATE OF REGISTERED SURVEYOR

I hereby certify that the property shown on this plat was surveyed by me and that the bearings and distances above are accurate as required. A category F survey, closure better than 1:7,000.

Date: _____
 Stanley W. Cameron, Sr. M.L.S. No. 1633



Clemons Surveying
 500 Campbell Road
 Jasper, TN 37347
 (423) 514-1569



Boundary Survey
 Lots 10, 11 and 12, Indian Hills
 Plat Book 3, Page 47
 Tract 2
 Deed Book 519, Page 1214
 For: Stanley Wilson
 1st Civil District, Marion County, Tennessee
 Date: 11-13-2019 Scale: 1"=50'
 Drawing Number: MT-119J-A-021.00-1.1
 Revised: 12-20-2019 Added Lot 10

ORDINANCE NO. 264

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2019-2020

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and to include additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2019-2020 fiscal year as well as list additional non-profit organization to which funds are designated:

EXPENDITURES 110	Beginning	Amendment	Ending
Police - Memberships, Registration Fees and Tuition 42100-235	\$3,000	\$1,000	\$4,000
Police - Telephone, Cell Phones 42100-245	\$2,300	\$700	\$3,000
Police - Operating Supplies 42100-320	\$3,000	\$1,000	\$4,000
Police - Fire Arm Supplies 42100-327	\$700	\$300	\$1,000
Highway & Streets - Repair & Maint. 43100-260	\$5,000	\$3,000	\$8,000
Sanitation Department – Motor Vehicle Parts 43200-332	\$3,500	\$2,000	\$5,500
		\$8,000	

Capital projects and proposed funding amendments are as follows:

CAPITAL PROJECTS	Beginning	Amendment	Ending
General - Insurance Repairs 41810-914	\$0	\$6,200	\$6,200
General - Buildings 41810-920	\$46,000	\$18,000	\$64,000
General - Improvements Other than Buildings 41810-930	\$135,000	(\$59,400)	\$75,600
Other General Gov - Machinery & Equip 41990-940	\$8,000	\$2,200	\$10,200
Highway & Streets - Road Drainage Improvements 43100-932	\$10,000	\$25,000	\$35,000
		(\$8,000)	


SEWER FUND

Revenue	Beginning	Amendment	Ending
Sewer Service Charges - 37210	\$155,000	\$1,500	\$157,500

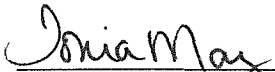
EXPENDITURES	Beginning	Amendment	Ending
Sewer – Membership, Registration, etc. - 52200-235	\$2,500	\$1,500	\$4,000
Sewer – Repairs – 52200-260	\$12,000	\$3,200	\$15,200
Sewer – Sewer Samples & Prof Service – 52200-290	\$6,500	(\$3,200)	\$3,300

- Section 2:** After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by Tennessee Code Annotated Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.
- Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- Section 4:** If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.


PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 4th day of June 2020.


 Rex Pesnell, Mayor

ATTEST:


 Tonia May, Recorder

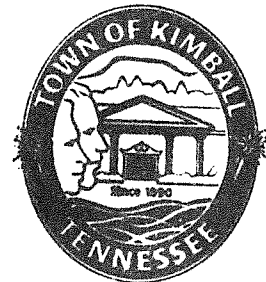
APPROVED AS TO FORM:


 William L. Gouger, Jr., Attorney

First Reading May 7, 2020

Public Hearing June 4, 2020

Passed on Second Reading June 4, 2020



ORDINANCE No. 265

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE ADOPTING
THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING
JULY 1, 2010 AND ENDING JUNE 30, 2021**

WHEREAS, Tennessee Code Annotated § 9-1-116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, the Board of Mayor and Aldermen has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the Board will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body projects anticipated revenues from all sources and appropriates planned expenditures for each department, board, office or other agency of the municipality, herein presented together with the actual annual receipts and expenditures of the last preceding fiscal year and the estimated annual expenditures for the current fiscal year, and from those revenues and unexpended and unencumbered funds as follows for fiscal year 2021, and including the projected ending balances for the budget year, the actual ending balances for the most recent ended fiscal year and the estimated ending balances for the current fiscal years:

Town of Kimball

GENERAL FUND	Actual FY 2019	Estimated FY 2020	Budget FY 2021
Cash Receipts			
Local Taxes	\$ 2,357,640	\$ 2,070,142	\$ 1,837,700
Licenses And Permits	15,152	9,825	10,700
Intergovernmental	266,552	248,750	136,400
Charges For Services	16,978	10,830	11,500
Fines And Forfeitures	9,196	12,600	9,000
Uses of Money And Property	73,392	84,628	40,700
Debt Proceeds	-	-	-
Transfers In - from other funds	-	-	-
Total Cash Receipts	\$ 2,738,910	\$ 2,436,775	\$ 2,046,000
Appropriations			
Department of Administration	\$ 176,982	\$ 182,780	\$ 183,586
Town Property	181,057	233,800	160,500
Other Government	751,086	750,065	779,100
Police Department	885,429	545,765	563,800
Fire Department	29,460	26,960	44,200
Rescue Department	69,153	12,300	10,400
Public Works	260,233	243,820	204,237
Sanitation Department	121,274	134,200	148,603
Parks Department	296,246	72,045	70,124
Debt Service	-	-	-
Total Appropriations	\$ 2,770,920	\$ 2,201,735	\$ 2,164,550
Change in Cash (Receipts - Appropriations)	(32,010)	235,040	(118,550)
Beginning Cash Balance July 1	1,613,624	1,581,614	1,816,654
Ending Cash Balance June 30	\$ 1,581,614	\$ 1,816,654	\$ 1,698,104
Ending Cash as a % of Total Cash Payments/Appropriati	57.1%	82.5%	78.5%

Town of Kimball

STATE STREET AID FUND

	Actual FY 2019	Estimated FY 2020	Budget FY 2021
Cash Receipts			
State Gas and Motor Fuel Taxes	\$49,069	\$ 47,000	\$44,060
Debt Proceeds	-	-	-
Transfers In - from other funds	-	-	-
Total Cash Receipts	\$49,069	\$ 47,000	\$44,060
Appropriations			
Public Works Department	\$41,641	\$ 44,060	\$44,060
Debt Service	-	-	-
Total Appropriations	\$41,641	\$ 44,060	\$44,060
Change in Cash (Receipts - Appropriations)	7,428	2,940	-
Beginning Cash Balance July 1	35,286	42,714	45,654
Ending Cash Balance June 30	\$42,714	\$ 45,654	\$45,654
Ending Cash as a % of Total Cash Payments/Appropriation	102.6%	103.6%	103.6%

Town of Kimball

DRUG FUND

	Actual FY 2019	Estimated FY 2020	Budget FY 2021
Cash Receipts			
Fines And Forfeitures	\$ 695	\$ 1,200	\$ 1,000
Total Cash Receipts	\$ 695	\$ 1,200	\$ 1,000
Appropriations			
Drug Enforcement	\$ -	\$ -	\$ -
Debt Service	-	-	-
Total Appropriations	\$ -	\$ -	\$ -
Change in Cash (Receipts - Appropriations)	695	1,200	1,000
Beginning Cash Balance July 1	8,026	8,721	9,921
Ending Cash Balance June 30	\$ 8,721	\$ 9,921	\$ 10,921
Ending Cash as a % of Total Cash Payments/Appropriation	#DIV/0!	#DIV/0!	#DIV/0!

Town of Kimball

SEWER FUND

	Actual FY 2019	Estimated FY 2020	Budget FY 2021
Cash Receipts			
Interest	\$ 6,450	\$ 3,300	\$ 4,500
Sewer Fees	170,197	158,100	155,000
Tap Fees	5,700	-	1,000
Sale of Equipment	-	-	-
Miscellaneous Other Fees	6,300	5,100	6,000
Debt Proceeds	-	-	-
Total Cash Receipts	\$ 188,647	\$ 166,500	\$ 166,500
Appropriations			
Administrative Department	\$ 511	\$ 950	\$ 2,000
Sewer Department	24,234	32,575	32,000
Debt Service	-	-	-
Transfers Out - to other funds (PILOT)	-	-	-
Total Appropriations	\$ 24,745	\$ 33,525	\$ 34,000
Change in Cash (Receipts - Appropriations)	163,902	132,975	132,500
Beginning Cash Balance July 1	645,161	779,431	902,962
Ending Cash Balance June 30	\$ 779,431	\$ 902,962	\$ 655,462
Ending Cash as a % of Total Cash Payments/Appropriations	3149.9%	2693.4%	1927.8%

Reconciliation to "Regulatory Change in Net Position":			
Change in Cash	\$ 163,902	\$ 132,975	\$ 132,500
Plus: Debt Principal Payments	-	-	-
Minus: Depreciation Expense	86,025	88,000	96,000
Plus: Expenditures on Capital Assets	29,632	9,444	380,000
Minus: Debt Proceeds	-	-	-
Minus: Grants	-	-	-
Regulatory Change in Net Position *	\$ 220,295	\$ 211,531	\$ (151,500)
* Note: A negative Change in Net Position for two consecutive years will result in the local government's referral to the Water/Wastewater Funding Board.			

SECTION 2: At the end of the fiscal year 2020, the governing body estimates fund balances or deficits as follows:

Fund	Estimated Fund Balance at June 30, 2020	
General Fund	\$	2,202,435
State Street Street Aid Fund	\$	54,203
Drug Fund	\$	9,921
Sewer Fund	\$	2,829,973
	\$	-

SECTION 3: During the coming fiscal year (2021) the governing body has pending and planned capital projects with proposed funding as follows:

Pending Capital Projects	Pending Capital Projects - Total Expense	Pending Capital Projects Expense Financed by Estimated Revenues and/or Reserves	Pending Capital Projects Expense Financed by Debt Proceeds
None	\$ -	\$ -	\$ -

Proposed Future Capital Projects	Proposed Future Capital Projects - Total Expense	Proposed Future Capital Projects Expense Financed by Estimated Revenues and/or Reserves	Proposed Future Capital Projects Expense Financed by Debt Proceeds
None COVID-19	\$ -	\$ -	\$ -

SECTION 4: No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 (TCA § 6-56-208). In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Tennessee Code Annotated § 6-56-205.

SECTION 5: Money may be transferred from one appropriation to another in the same fund in an amount of up to \$1,000 by the Mayor, subject to such limitations and procedures as set by the Board of Mayor and Aldermen pursuant to Tennessee Code Annotated § 6-56-209. Any resulting transfers shall be reported to the governing body at its next regular meeting and entered into the minutes.

SECTION 6: A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full-time equivalent employees required by Tennessee Code Annotated § 6-56-206 will be attached.

SECTION 7: There is hereby levied a property tax of \$0.10 per \$100 of assessed value on all real and personal property.

SECTION 8: This annual operating and capital budget ordinance and supporting documents shall be submitted to the Comptroller of the Treasury or Comptroller's Designee for approval if the City has debt issued pursuant to Title 9, Chapter 21 of the Tennessee Code Annotated within fifteen (15) days of its adoption. This budget shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21 of the Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes or as directed by the Comptroller of the Treasury or Comptroller's Designee. If the City does not have such debt outstanding, it will file this annual operating and capital budget ordinance and supporting documents with the Comptroller of the Treasury or Comptroller's Designee.

SECTION 9: All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

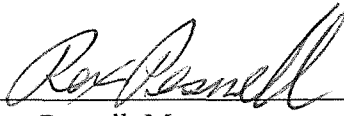
SECTION 10: All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

SECTION 11: This ordinance shall take effect July 1, 2020, the public welfare requiring it.

Passed 1st Reading: May 7, 2020

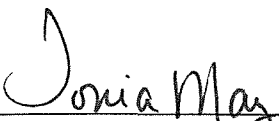
Public Hearing June 4, 2020

Passed 2nd Reading: June, 4, 2020

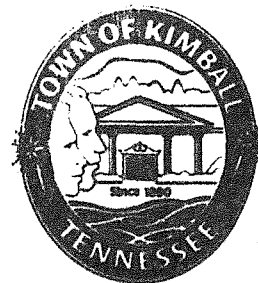


Rex Pesnell, Mayor

ATTESTED:



Tonia May, Recorder/CMFO



TOWN SEAL

ORDINANCE NO. 267

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2020-2021

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and to include additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2020-2021 fiscal year as well as list additional non-profit organization to which funds are designated:

REVENUES 110	Beginning	Amendment	Ending
Local Taxes - 31610	\$1,300,000	\$42,045	\$1,342,045
FEMA - 33130	\$0	\$37,000	\$37,000
State Grants - TN Cares - 33400	\$0	\$88,458	\$88,458
Insurance - Grant COVID - 36355	\$0	\$10,640	\$10,640
		\$178,143	
EXPENDITURES 110	Beginning	Amendment	Ending
Town Recorder Salary - 41510-111	\$62,275	\$863	\$63,138
Town Clerk Salary - 41510-120	\$49,811	\$691	\$50,502
Pay Incentive and Bonuses - 41510-134	\$1,000	\$500	\$1,500

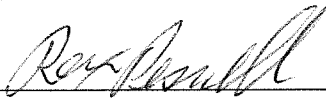
City Hall Buildings – Agricultures & Horticulture-Décor - 41810-321	\$2,000	\$2,000	\$4,000
Other General Government - Town Events / Misc. - 41990-287	\$7,500	(\$4,500)	\$3,000
Police-Chief Salary - 42100-111	\$59,030	\$784	\$59,814
Police-Captain Lt, Sergeant & Patrolmen Wages - 42100-121	\$400,000	\$7,600	\$407,600
Pay Incentive and Bonuses - 42100-134	\$12,000	\$2,000	\$14,000
Police - Memberships, Registration Fees and Tuition - 42100-235	\$3,500	\$2,000	\$5,500
Police - Motor Vehicle Parts - 42100-332	\$2,000	\$2,221	\$4,221
Fire Department - Wages - Part Time Employee - 42200-124	\$3,500	\$1,250	\$4,750
Highway & Streets - Supervisor Salary - 43100-111	\$19,760	\$800	\$20,560
Highway & Streets - Maintenance Dept. Wages - 43100-121	\$58,877	\$600	\$59,477
Pay Incentive and Bonuses - 43100-134	\$1,000	\$500	\$1,500
Highway & Street - Repair & Maint. Other Machinery - 43100-262	\$4,500	\$3,025	\$7,525
Sanitation Dept - Supervisor Salary - 43200-111	\$19,760	\$800	\$20,560
Sanitation Dept - Maintenance Dept. Wages - 43200-121	\$58,877	\$600	\$59,477
Pay Incentive and Bonuses - 43200-134	\$1,000	\$500	\$1,500
Sanitation Dept - Landfill Services - 43200-295	\$40,000	\$10,000	\$50,000
Parks - Director Salary - 44700-121	\$40,314	\$559	\$40,873
Pay Incentive and Bonuses - 44700-134	\$1,000	\$650	\$1,650
		\$33,443	

Capital projects and proposed funding amendments are as follows:

CAPITAL PROJECTS	Beginning	Amendment	Ending
Town/Building - Building Improvements - 41810-920	\$0	\$4,700	\$4,700
Highway & Street - Road Materials and Repairs - 43100-931	\$65,000	\$50,000	\$115,000
Highway & Street - Dump Truck - 43100-940	\$0	\$90,000	\$90,000
		\$144,700	
		\$178,143	
Drug Fund-123			
Revenue	Beginning	Amendment	Ending
Fund Balance - 27100	\$10,921	(\$2,000)	\$8,921
EXPENDITURES - 123	Beginning	Amendment	Ending
Drug Investigation and Control - Operating Supplies-42129-320	\$0	\$2,000	\$2,000
Sewer			
Revenue 412	Beginning	Amendment	Ending
Interest Earnings - 36100	\$4,500	\$2,000	\$6,500
		\$2,000	
EXPENDITURES - 412	Beginning	Amendment	Ending
Repairs - 52200-261	\$12,000	\$18,000	\$30,000
Depreciation - 52200-540	\$96,000	(\$16,000)	\$80,000
		\$2,000	

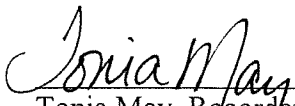
- Section 2:** After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by Tennessee Code Annotated Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.
- Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- Section 4:** If any section, clause, provision or portion of this ordinance is held to be invalid or un-constitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 2nd day of December, 2020.



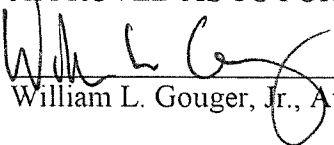
Rex Pesnell, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

First Reading November 5, 2020

Public Hearing December 2, 2020

Passed on Second Reading December 2, 2020