

# ORDINANCE NO. 268

## 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
State Sales Tax - 33510	\$85,000	\$30,320	\$115,320
Interest - 36100	\$8,000	\$6,000	\$14,000
Insurance Recoveries - 36350	\$0	\$9,419	\$9,419
		\$45,739	

EXPENDITURES 110	Beginning	Amendment	Ending
City Hall Buildings – Agricultures & Horticulture - Décor - 41810-321	\$4,000	\$2,000	\$6,000
Other General Government - Printing, Duplicating, Etc. - 41990-220	\$1,800	\$600	\$2,400
Other General Government - Data Processing - 41990-255	\$44,000	\$1,500	\$45,500
Other General Government - Flags - 41990-313	\$1,000	\$800	\$1,800
Police - Memberships, Registration Fees and Tuition - 42100-235	\$5,500	\$1,000	\$6,500
Police - Telephone - Cell Phones 42100-245	\$4,600	\$650	\$5,250
Highway & Streets - Other Contractual Services - 43100-290	\$1,500	\$2,000	\$3,500
Sanitation Dept - Operating Supplies - 43200-320	\$500	\$500	\$1,000
Sanitation Dept - Motor Vehicle Parts - 43200-332	\$1,550	\$450	\$2,000
		\$9,500	

Capital projects and proposed funding amendments are as follows:

CAPITAL PROJECTS	Beginning	Amendment	Ending
Police - Insurance Repairs - 42100-914	\$0	\$9,239	\$9,239
Highway & Street - Drainage Improvements - 43100-931	\$0	\$27,000	\$27,000
Highway & Street - Truck/Equipment/Christmas - 43100-940	\$90,000	(\$5,000)	\$85,000
Sanitation Dept - Truck/Equipment - 43200-940	\$0	\$5,000	\$5,000
		\$36,239	
		\$45,739	

Sewer

Revenue 412	Beginning	Amendment	Ending
Interest Earnings - 36100	\$6,500	\$3,000	\$9,500
Sewer Service Charges - 37210	\$155,000	\$2,500	\$157,500
		\$5,500	

EXPENDITURES - 412	Beginning	Amendment	Ending
Electric - 52200-241	\$4,000	\$500	\$4,500
Repairs - 52200-261	\$30,000	\$5,000	\$35,000
		\$5,500	


**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.

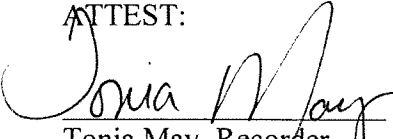
**Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

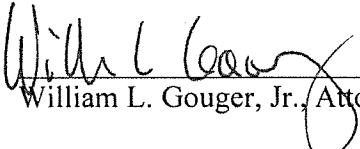
**Section 4:** If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance.

**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 6<sup>th</sup> day of May, 2021.

  
Rex Pesnell, Mayor

ATTEST:  
  
Tonia May, Recorder

APPROVED AS TO FORM:  
  
William L. Gouger, Jr., Attorney

First Reading April 1, 2021

Public Hearing May 6, 2021

Passed on Second Reading May 6, 2021

**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**

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 2022, 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:

<b>GENERAL FUND</b>	<b>Actual FY 2020</b>	<b>Estimated Actual FY 2021</b>	<b>Budget FY 2022</b>
<b>Revenues</b>			
Local Taxes	\$ 2,343,314	\$ 2,213,340	\$ 1,901,100
Licenses And Permits	31,464	41,957	30,700
Intergovernmental	167,492	487,340	401,354
Charges For Services	7,675	5,230	4,400
Fines And Forfeitures	1,028	750	600
Other	99,204	90,645	49,600
<b>Other Financing Sources</b>			
Issuance of Debt / Debt Proceeds	-	-	-
Sale of Capital Assets	-	-	-
Transfers In - from other funds	-	-	-
Transfers In - from other funds (PILOT)	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 2,650,177</b>	<b>\$ 2,839,262</b>	<b>\$ 2,387,754</b>
<b>Appropriations</b>			
<b>Expenditures</b>			
Department of Administration	\$ 182,663	\$ 185,613	\$ 200,532
Town Property	227,775	150,413	219,500
Other Government Expenses	739,745	732,962	792,950
Police Department	556,240	574,612	627,828
Fire and Rescue Department	39,816	34,319	153,600
Highway and Streets along with Animal Control	241,535	333,754	326,360
Sanitation Department	134,817	155,292	200,550
Parks and Recreation	71,618	54,592	115,500
<b>Other Financing Uses</b>			
Transfers Out - to other funds	-	-	-
<b>Total Appropriations</b>	<b>\$ 2,194,209</b>	<b>\$ 2,221,557</b>	<b>\$ 2,636,820</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>455,968</b>	<b>617,705</b>	<b>(249,066)</b>
<b>Beginning Fund Balance July 1</b>	<b>1,967,395</b>	<b>2,423,363</b>	<b>3,041,068</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 2,423,363</b>	<b>\$ 3,041,068</b>	<b>\$ 2,792,002</b>
<b>Ending Fund Balance as a % of Total Appropriations</b>	<b>110.4%</b>	<b>136.9%</b>	<b>105.9%</b>

STATE STREET AID FUND	Estimated		
	Actual FY 2020	Actual FY 2021	Budget FY 2022
<b>Revenues</b>			
State Gas and Motor Fuel Taxes	\$ 37,132	\$ 34,476	\$ 34,800
Gas Tax Increase	12,444	12,245	12,200
<b>Other Financing Sources</b>			
Interest	93	85	90
Transfers In - from other funds	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 49,669</b>	<b>\$ 46,806</b>	<b>\$ 47,090</b>
<b>Appropriations</b>			
Public Works Department	\$ 43,734	\$ 43,833	\$ 47,090
Debt Service - Principal and Interest	-	-	-
<b>Total Appropriations</b>	<b>\$ 43,734</b>	<b>\$ 43,833</b>	<b>\$ 47,090</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>5,935</b>	<b>2,973</b>	<b>-</b>
<b>Beginning Fund Balance July 1</b>	<b>51,183</b>	<b>57,118</b>	<b>60,091</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 57,118</b>	<b>\$ 60,091</b>	<b>\$ 60,091</b>
<b>Ending Fund Balance as a % of Total Appropriations</b>	<b>130.6%</b>	<b>137.1%</b>	<b>127.6%</b>

DRUG FUND	Estimated		
	Actual FY 2020	Actual FY 2021	Budget FY 2022
<b>Revenues</b>			
Fines And Forfeitures	\$ 1,191	\$ 1,862	\$ 1,000
Other	-	-	-
<b>Other Financing Sources</b>			
Issuance of Debt / Debt Proceeds	-	-	-
Transfers In - from other funds	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 1,191</b>	<b>\$ 1,862</b>	<b>\$ 1,000</b>
<b>Appropriations</b>			
Drug Enforcement	\$ -	\$ 2,000	\$ -
Debt Service	-	-	-
<b>Total Appropriations</b>	<b>\$ -</b>	<b>\$ 2,000</b>	<b>\$ -</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>1,191</b>	<b>(138)</b>	<b>1,000</b>
<b>Beginning Fund Balance July 1</b>	<b>8,721</b>	<b>9,912</b>	<b>9,774</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 9,912</b>	<b>\$ 9,774</b>	<b>\$ 10,774</b>
<b>Ending Fund Balance as a % of Appropriations</b>	<b>#DIV/0!</b>	<b>488.7%</b>	<b>#DIV/0!</b>

SEWER FUND	Actual FY 2020	Estimated Actual FY 2021	Budget FY 2022
<b>Operating Revenues</b>			
Sewer Charges	\$ 166,874	\$ 164,800	\$ 160,000
Tap Fees	-	1,000	1,000
Miscellaneous Other Fees	-	20,998	6,000
Total Operating Revenues	<u>\$ 166,874</u>	<u>\$ 186,798</u>	<u>\$ 167,000</u>
<b>Operating Expenses</b>			
Administrative	\$ 4,957	\$ 4,540	\$ 8,000
Sewer Department	22,236	52,666	26,000
Other	-	-	-
Depreciation	83,824	80,000	86,000
Total Operating Expenses	<u>\$ 111,017</u>	<u>\$ 137,206</u>	<u>\$ 120,000</u>
<b>Operating Income (Loss)</b>	<u>\$ 55,857</u>	<u>\$ 49,592</u>	<u>\$ 47,000</u>
<b>Nonoperating Revenues (Expenses)</b>			
Revenue: Investment Income	\$ 16,892	\$ 10,600	\$ 8,000
Grants - Operating	-	-	-
Other Income	-	-	-
Expense: Debt Service - Interest Expense			
Other Expense			
Total Nonoperating Revenue (Expenses)	<u>\$ 16,892</u>	<u>\$ 10,600</u>	<u>\$ 8,000</u>
<b>Income (Loss) Before Capital Contributions and Transfers</b>	<u>\$ 72,749</u>	<u>\$ 60,192</u>	<u>\$ 55,000</u>
<b>Capital Contributions and Transfers</b>			
Capital Contributions - Tap Fees in Excess of Cost	\$ -	\$ -	\$ -
Capital Contributions - Grants	-	-	-
Capital Contributions - Other	-	-	-
Transfers In - from Other Funds	-	-	-
Transfers Out - to Other Funds (PILOT)	-	-	-
Total Capital Contributions and Transfers	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>Change in Net Position</b>	<u>\$ 72,749</u>	<u>\$ 60,192</u>	<u>\$ 55,000</u>
<b>Beginning Net Position July 1</b>	2,784,998	2,857,747	2,917,939
<b>Ending Net Position June 30</b>	<u>\$ 2,857,747</u>	<u>\$ 2,917,939</u>	<u>\$ 2,972,939</u>
<b>Statutory Change in Net Position Reconciliation:</b>			
<b>Change in Net Position</b>	\$ 72,749	\$ 60,192	\$ 55,000
<u>Subtract:</u>			
Capital Contributions - Tap Fees in Excess of Cost	\$ -	\$ -	\$ -
Capital Contributions - Grants	-	-	-
Capital Contributions - Other	-	-	-
Grants - Operating	-	-	-
Transfers In - from Other Funds	-	-	-
Total amount subtracted for statutory change	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>Statutory Change in Net Position*</b>	<u>\$ 72,749</u>	<u>\$ 60,192</u>	<u>\$ 55,000</u>

SECTION 2: At the end of the fiscal year 2021, the governing body estimates fund balances or deficits as follows:

<b>Fund</b>	<b>Estimated Fund Balance/Net Position at June 30, 2021</b>	
General Fund	\$	3,041,068
State Street Street Aid Fund		60,091
Drug Fund		9,774
Sewer Fund		2,917,939

SECTION 3: That the governing body herein certifies that the condition of its sinking funds, if applicable, is compliant pursuant to its bond covenants, and recognizes that the municipality has outstanding bonded and other indebtedness as follows:

<b>Bonded or Other Indebtedness</b>	<b>Debt Authorized and Unissued</b>	<b>Principal Outstanding at June 30, 2021</b>	<b>FY2022 Principal Payment</b>	<b>FY2022 Interest Payment</b>
<b>Bonds -</b> [enter each series individually]	\$ -	\$ -	\$ -	\$ -
<b>Loan Agreements</b> [enter each series individually]				
<b>Notes -</b> [enter each series individually]				
<b>Capital Leases</b> [enter each series individually]				

SECTION 4: That during the coming fiscal year (2022) the governing body has pending and planned capital projects with proposed funding as follows:

<b>Proposed Future Capital Projects</b>	<b>Proposed Future Capital Projects - Total Expense</b>	<b>Proposed Future Capital Projects Expense Financed by Estimated Revenues and/or Reserves</b>
Building Improvements - Storage	\$ 35,000.00	\$ 35,000.00
Improvement Other Than Bldg - Signs/Christmas	\$ 20,000.00	\$ 20,000.00
Fire and Rescue Department - Savings for Truck	\$ 100,000.00	\$ 100,000.00
Streets and Highways - Road Paving	\$ 125,000.00	\$ 125,000.00
Streets and Highways - Drainage Improvements	\$ 15,000.00	\$ 15,000.00
Streets and Highways - Christmas Lights	\$ 15,000.00	\$ 15,000.00
Parks and Recreation - Basketball Court w/ Lights	\$ 85,000.00	\$ 85,000.00

SECTION 5: That 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 6: That money may be transferred from one appropriation to another in the same fund in an amount of up to \$1,500 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 7: That 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 8: That there is hereby levied a property tax equal to the Certified Tax Rate for value on all real and personal property.



SECTION 9: That 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 Town 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.

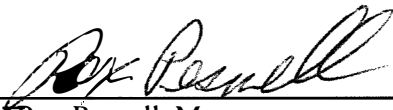
SECTION 10: That all unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

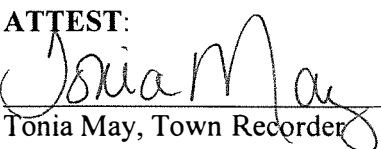
SECTION 11: That all ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

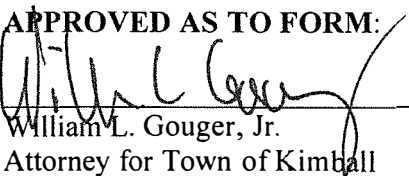
SECTION 12: That this ordinance shall take effect July 1, 2021, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 3<sup>rd</sup> day of June 2021.

**TOWN OF KIMBALL, TENNESSEE**

By:   
Rex Pesnell, Mayor

**ATTEST:**  
  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**  
  
William L. Gouger, Jr.  
Attorney for Town of Kimball

**Passed on first reading: May 6, 2021**

**Date of Public Hearing: June 3, 2021**

**Passed on second reading: June 3, 2021**



**ORDINANCE NO. 270**

**AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE  
SECTIONS 5-602, 5-604 AND 5-605, AND ORDINANCE NOS. 121, 155,  
AND 200 TO MODIFY THE TOWN'S PURCHASING POLICY**

**WHEREAS**, Title 5, Chapter 6, Sections 5-601, *et seq.*, of the Town of Kimball Municipal Code, sets forth the Town's Purchasing Policy as authorized by the Tennessee Municipal Purchasing Act of 1983, Tennessee Code Annotated Sections 6-56-301, *et seq.*; and

**WHEREAS**, Sections 5-602, 5-604 and 5-605 of said Municipal Code are partial codifications of Ordinance Nos. 121, 155, and 200 as adopted by the Kimball Board of Mayor and Aldermen, and said Sections and Ordinances establish limits for purchases that may be made without competitive bidding and/or without the approval or authorization of the Board of Mayor and Aldermen; and

**WHEREAS**, the Town's purchasing or procurement policy has not been amended or updated since 2009, and the monetary limits contained in the current policy are now inadequate to allow the Town to meet its daily purchasing or procurement needs or to manage its daily fiscal affairs, especially given the increased cost of necessary goods, supplies, equipment, and services; and

**WHEREAS**, the financial condition of the Town of Kimball, Tennessee will not be substantially impacted by an increase in the purchasing limits, provided that such increased limits fall within those limits allowed under the Tennessee Municipal Purchasing Act of 1983; and

**WHEREAS**, the Board of Mayor and Aldermen has determined that increases of the purchasing limits as set forth herein are necessary and in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

**SECTION 1.** Municipal Code Section 5-602 is hereby deleted in its entirety and the following Section 5-602 is enacted and substituted in lieu thereof:

**5-602. Purchases less than \$4,000.00.** Any purchase in an amount less than Four Thousand Dollars (\$4,000.00) shall not require approval of or authorization by the Board of Mayor and Aldermen. Such purchases may be made on the open market without competitive bidding or public advertisement pursuant to the authority granted by T.C.A. Section 6-56-305.

**SECTION 2.** Municipal Code Section 5-604 is hereby deleted in its entirety and the following Section 5-604 is enacted and substituted in lieu thereof:

**5-604. Purchases between \$4,000.00 and \$10,000.00.** Any purchase in an amount

between Four Thousand Dollars (\$4,000.00) and Ten Thousand Dollars (\$10,000.00) shall not require approval of or authorization by the Board of Mayor and Aldermen; however, such purchases shall require competitive bidding without public advertisement. At least three (3) competitive bids shall be obtained whenever possible, and this requirement may be met by obtaining pricing from catalogs, electronic data bases or other published materials if such sources generally offer the best pricing available for local government purchases. Otherwise, all competitive bids shall be submitted by bidders in a sealed envelope or package, unless the bid solicitation specifically permits bids to be received by electronic means as authorized by T.C.A. Section 12-4-116. The City Recorder shall maintain complete records of any bids or bid deposits received.

**SECTION 3.** Municipal Code Section 5-605 is hereby deleted in its entirety and the following Section 5-605 is enacted and substituted in lieu thereof:

**5-605. Purchases of \$10,000.00 or more.** Any purchase in the amount of Ten Thousand Dollars (\$10,000.00) or more shall require the approval of or authorization by the Board of Mayor and Aldermen. Per T.C.A. Section 6-56-306, such purchases shall require public advertisement and competitive bidding. An announcement that bids are to be received shall be publicly advertised in a newspaper of general circulation within the Town, and the Town may make additional public advertisement as directed or approved by the Board of Mayor and Aldermen. Bids for transactions involving such expenditures shall be publicly announced or revealed at a date, time, and place set forth in the invitation to bid. Whenever possible, written specifications shall be prepared and included in any advertisement for bids. If inclusion of such written specifications in the advertisement for bids is not practical, such advertisement shall include a reference to such written specifications, and, upon request, the City Recorder shall provide copies of such written specifications to prospective bidders. The City Recorder shall maintain complete records of any bids or bid deposits received. This section shall not apply to purchases specifically exempted from advertisement and bidding by the Tennessee Municipal Purchasing Act of 1983.


**SECTION 4.** Any and all parts, provisions or sections of existing Municipal Code Title 5 Chapter 6 and Ordinance Nos. 121, 155, and 200 that are in conflict with the terms and provisions of this Ordinance No. 270 are hereby repealed.


**SECTION 5.** Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

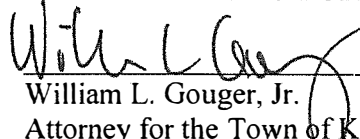
**SECTION 6.** This Ordinance and the purchasing limits set forth herein shall take effect immediately after the second reading and final passage hereof, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on the 2<sup>nd</sup> and final reading on the 3<sup>rd</sup> day of June, 2021.

**TOWN OF KIMBALL, TENNESSEE**

By:   
Rex Pesnell, Mayor

**ATTEST:**   
Tonia May, City Recorder

**APPROVED AS TO FORM:**  
  
William L. Gouger, Jr.  
Attorney for the Town of Kimball

Passed on first reading: May 6, 2021

Public Hearing: June 3, 2021

Passed on second reading: June 3, 2021

**ORDINANCE NO. 271**

**AN ORDINANCE TO AMEND THE OFFICAL 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**

Marion County Tax Map 133E, Group B, Parcels

019.00 (Part), 020.00 (Part), 021.00 (Part), 022.00 (Part), 023.00 (Part), 024.00, 025.00, 026.00, 027.00, 028.00, & 029.00

**WHEREAS,** the authority of Tennessee Code Annotated (TCA) Section 13-7-201 allows for the zoning of territory within a municipality; and

**WHEREAS,** the Kimball Municipal Planning Commission has certified zoning districts as provided for in TCA Section 13-7-202; and

**WHEREAS,** TCA Section 13-7-204 authorizes amendments to a zoning map; and

**WHEREAS,** in accordance with TCA Section 13-7-203 subsection (b), the Kimball Municipal Planning Commission approved and recommended the zoning amendment herein described to the Kimball Board of Mayor and Aldermen; and

**WHEREAS,** in accordance with TCA Section 13-7-203, subsection (a) a public hearing was held with at least fifteen (15) days' notice being given prior to final reading of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Kimball Zoning Map be amended to rezone property described more accurately within the body of this ordinance:

Section 1: The following described property shall be rezoned from C-2 Highway Business District to **R-1 Low Density Residential District** on the Official Kimball Zoning Map:

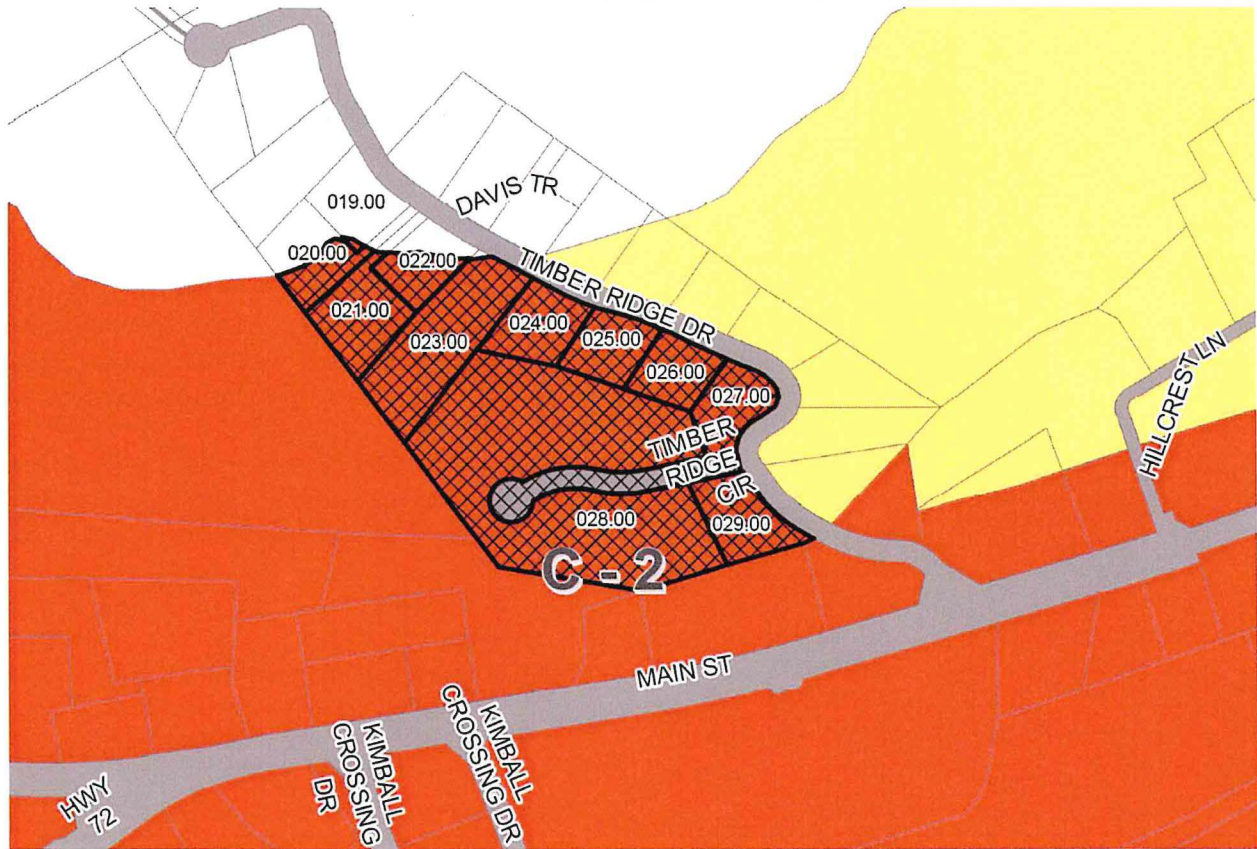
Boundary Description:

Marion County Tax Map 133E, Group B, Parcels 019.00 (Part), 020.00 (Part), 021.00 (Part), 022.00 (Part), 023.00 (Part), 024.00, 025.00, 026.00, 027.00, 028.00, & 029.00, shall be zoned to R-1 Low Density Residential on the entire portions of these lots located within the corporate limits of the Town of Kimball.


The property to be rezoned is illustrated on the attached map.

# Kimball, Tennessee



Marion County Tax Map 133E Group B  
 Parcels 19.00, 20.00, 21.00, 22.00, 23.00,  
 24.00, 25.00, 26.00,  
 27.00, 28.00 and 29.00  
 Rezoning Request C-2 to R-1  
 Ordinance No 271



## Legend

 Subject Area

### Zoning Districts

 A-1 Agricultural  
 C-2 Highway Commercial

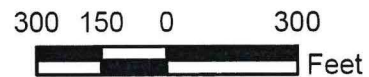
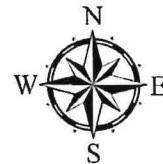
 I-1 Industrial  
 R-1 Single Family Residential  
 R-2 Multi Family Residential

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

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



4/13/2021



**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage by the Kimball Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING PASSED ON** May 6, 2021 : Ayes 5 Nays 0

**SECOND READING PASSED ON** June 3, 2021 : Ayes 5 Nays 0



**Rex Pesnell, Mayor**



**ATTEST**

**Town Recorder**

**Date of Public Hearing:** June 3, 2021

**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.**

**WHEREAS**, by virtue of Ordinance No. 253, the Town of Kimball, Tennessee, adopted the 2012 Editions of the International Residential Code, the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Fire Code, the International Existing Building Code, and International Energy Conservation Code for application and enforcement within the municipal limits of the Town; and

**WHEREAS**, the International Code Council has now adopted 2018 Editions of said Codes and other Codes, and the Building Inspector for the Town has recommended to the Board of Mayor and Aldermen that these updated Codes, with the exceptions as herein noted, are more appropriate for the Town and that adoption of same is in the best interest of the Town and its citizens, and mandated by State law; and

**WHEREAS**, the Board of Mayor and Aldermen has accepted the recommendation of the Building Inspector and determined that adoption of the 2018 Codes created by the International Code Council, subject to said exceptions, is in the best interest of the Town.

**NOW, THEREFORE**, be it ordained and enacted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance No.253 be amended as follows:

**Section 1.** That all references contained and set forth in said Ordinance No. 253 to the 2012 Editions of the International Residential Code, the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Fire Code, the International Existing Building Code, and the International Energy Conservation Code are hereby changed, amended, and supplemented to provide that the Town adopts the following:

**2018 International Residential Building Code (with modifications listed below)**  
**2018 International Building Code**  
**2018 International Plumbing Code**  
**2018 International Mechanical Code**  
**2018 International Energy Conservation Code (with modifications listed below)**  
**2018 International Fuel Gas Code**  
**2018 International Fire Code**  
**2018 International Existing Building Code**

**International Residential Building Code Modifications:**



(a) International Residential Code (IRC), 2018 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, and Appendix Q except that:

1. Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).
2. Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.
3. Figure R301.2(2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
4. Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read: Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.
5. Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.
6. Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
7. Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES CHAPTER 0780-02-23 (Rule 0780-02-23-.02, continued) July, 2020 (Revised) 3 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.
8. Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.
9. Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "1": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
10. Table N1102.1 Insulation and Fenestration Requirements by Component in the

2009 edition is adopted and amended by adding the following as footnote “m”: “Log walls complying with ICC400 and with a minimum average wall thickness of 5” or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used.”

**International Energy Conservation Code Modifications:**

(b) International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

1. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.
2. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.
3. Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

**Section 2.** The 2018 fee schedule set forth in the Appendix to said Codes is hereby adopted.

**Section 3.** All other provisions set forth and contained within said Ordinance No. 253, except as hereinabove modified or amended, shall remain in full force and effect.

**Section 4.** That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

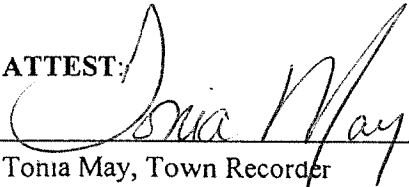
**Section 5.** That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

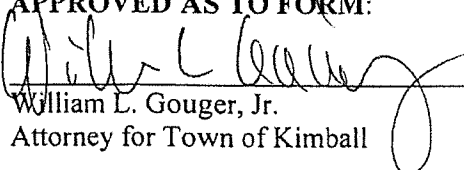
**Section 6.** That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 1<sup>st</sup> day of July, 2021.

TOWN OF KIMBALL, TENNESSEE

By:   
Rex Pesnell, Mayor

ATTEST:   
Tonia May, Town Recorder

APPROVED AS TO FORM:  
  
William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading: June 3, 2021

Passed on second reading: July 1, 2021

# ORDINANCE NO. 273

## AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2021-2022

**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 2021-2022 fiscal year as well as list additional non-profit organization to which funds are designated:

REVENUES 110	Beginning	Amendment	Ending
Local Sales Tax - 33510	\$1,400,000	\$100,000	\$1,500,000
		\$100,000	
<b>EXPENDITURES 110</b>	<b>Beginning</b>	<b>Amendment</b>	<b>Ending</b>
Other General Government - Memberships	\$8,000	\$2,500	\$10,500
Other General Government -Liability Insurance	\$28,000	\$6,000	\$34,000
Other General Government - Vehicle Insurance	\$23,000	\$1,500	\$24,500
Other General Government - Bank Charges	\$100	\$1,300	\$1,400
Police - Repair & Maintenance Motor Vehicles	\$3,000	\$3,750	\$6,750
Police - Motor Vehicle Parts	\$4,000	\$3,000	\$7,000
Fire - Clothing and Uniforms	\$5,000	\$4,000	\$9,000
Highway & Streets - Mechanic Wages	\$22,550	(\$5,000)	\$17,550
Highway & Streets - Crew Wages	\$70,000	\$17,000	\$87,000
Sanitation Dept - Mechanic Wages	\$22,550	(\$5,000)	\$17,550
Sanitation Dept - Crew Wages	\$70,000	\$17,000	\$87,000
Sanitation Dept - Part time Employee	\$10,500	(\$7,300)	\$3,200
Sanitation Dept - Pay Incentive and Bonuses	\$1,500	\$750	\$2,250
Parks and Recreation - Part time Employee	\$10,500	(\$10,500)	\$0
		\$29,000	

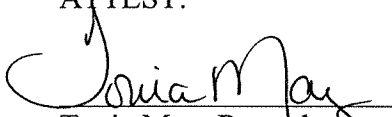
Capital projects and proposed funding amendments are as follows:

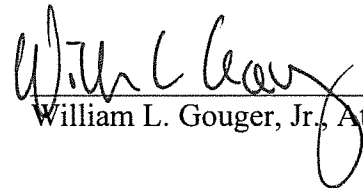
CAPITAL PROJECTS	Beginning	Amendment	Ending
Parks and Recreation - Park and Recreation Facilities	<b>\$85,000</b>	<b>\$71,000</b>	<b>\$156,000</b>
		<b>\$71,000</b>	
		<b>\$100,000</b>	

- 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 4<sup>th</sup> day of November, 2021.

  
 \_\_\_\_\_  
 Rex Pesnell, Mayor

ATTEST:  
  
 Tonia May, Recorder

APPROVED AS TO FORM:  
  
 \_\_\_\_\_  
 William L. Gouger, Jr., Attorney

First Reading      October 7, 2021  
 Public Hearing      11-4-2021  
 Passed on Second Reading 11-4-2021

**ORDINANCE # 274**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO REMOVE  
THE F-1 FLOOD HAZARD DISTRICT AND REPLACE THIS SECTION WITH  
REFERENCE TO THE  
MUNICIPAL FLOODPLAIN ZONING ORDINANCE IN THE  
TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the Planning Commission has recommended this amendment to the Kimball Board of Mayor and Aldermen, as described herein; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing subject to fifteen (15) days public notice prior to the final reading and adoption of this ordinance described herein;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that

**Section 1 Chapter 4 Zoning Districts, Section 14-404 Specific District Regulations, Subsection D. F-1 Flood Hazard District shall be amended as follows:**

**Delete This Section:**

**~~D. F-1 Flood Hazard District.~~**

~~1. District description. The Flood Hazard District is established for the purpose of meeting the needs of the streams to carry floodwaters and protecting the stream channels and flood plains from encroachment so that flood heights and flood damage will not be appreciably increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and their overflow.~~

~~Open type uses are permitted in the F-1 Flood Hazard District subject to approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest.~~

~~2. Uses permitted. In the F-1 Flood Hazard District the following uses are permitted:~~

~~a. Agricultural uses including crop, nursery stock and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.~~

~~b. Railroads, streets, bridges and public utility wire and pipelines for transmission and local distribution purposes.~~

- ~~e. Public parks and playgrounds and outdoor private clubs, including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.~~
- ~~d. Recreational camps, camp grounds and camp trailer parks provided that rest room facilities shall be located and constructed in accordance with the health department requirements.~~
- ~~e. Any other uses customarily accessory or incidental to the above uses.~~
- ~~f. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Kimball or the planning commission or by any officer or employee thereof of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, officer, or employee for any damage that may result pursuant thereto.~~

**Replace Deleted Section with the Following:**

**D. Provisions Governing the Flood Hazard Districts**

Flood hazard districts are established by the Marion County, Tennessee Flood Insurance Rate Maps, produced by FEMA, and are governed by the Kimball Municipal Floodplain Zoning Ordinance #216 adopted October 6, 2011. A copy of this ordinance is located in the appendix of this document.

**NOW, LET IT BE FURTHER ORDAINED**, that this ordinance shall take effect following final reading by the Kimball Board of Mayor and Aldermen, the welfare of the City requiring it.

PASSED ON FIRST READING: 11/4/2021

PASSED ON FINAL READING: 1/6/2022

*Rex Pennell*  
**MAYOR OF KIMBALL, TENNESSEE**

ATTEST: *Jonia May*  
**TOWN RECORDER**

APPROVED AS TO FORM: *Willie Cleary*  
**TOWN ATTORNEY**

PUBLIC HEARING DATE: 12-2-2021