

# Town of Kimball

April 3, 2008

## Public Hearing

- Call to Order Public Hearing
- Ordinance 190 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein Described from Zoning Classification I-1, Industrial District to R-1, Low Density Residential (As Shown on Tax Map 132, Parcel 059.00) Located between Industrial Boulevard and the South Border of Interstate 24
- Close Public Hearing

## AGENDA

1. Call to Order Regular Monthly Board Meeting of the Town of Kimball Board of Mayor and Aldermen
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of March 6, 2008 Minutes of Regular Meeting and March 20, 2008 Minutes of Special Called meeting
6. Old Business
7. 2<sup>nd</sup> and Final Reading of Ordinance 190 - An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein Described from Zoning Classification I-1, Industrial District to R-1, Low Density Residential (As Shown on Tax Map 132, Parcel 059.00) Located between Industrial Boulevard and the South Border of Interstate 24
8. 1<sup>st</sup> Reading of Ordinance 191 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties herein described from Zoning Classification R-1, Low Density Residential District to C-2, Highway Business District (As Shown on Tax Map 133K, Parcel 003.00) Robert Blount Property.
9. Gary Pellam – Anti Idling Ordinance
10. Charles Rollins – Open Burning
11. Settlement and Release Agreement from Charter Communications
12. Christmas Lights
13. Rebuild Building at 649 Main Street
14. Wireless Internet System
15. Storm Warning System
16. Growth Plan
17. Park Board Recommendations
18. Open bids on the six SCBA – 45 minutes with face piece – with extra bottle for the Fire Department FEMA Grant
19. Open bids on the one Thermal Imaging Device for the Fire Department FEMA Grant
20. Seized 1998 Nissan Maxima
21. Bureau of Justice Assistance – Fiscal Year 2008 Bulletproof Vest Partnership Grant 50%-50%
22. Police Report
23. Fire Report
24. Park Board Report
25. Attorney Report
26. New Business
27. Adjourn

## TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Public Hearing

Meeting Date Thursday, April 3, 2008

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A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, April 3, 2008 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kiraball, Tennessee. Those members present were: Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, Alderman Mark Payne and Attorney William Gouger, Jr.

Mayor Jackson opened the floor at 6:00 p.m.

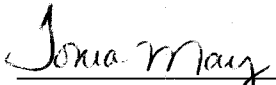
### NEW BUSINESS

- a) To receive citizen input into Ordinance No. 190 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein Described from Zoning Classification I-1, Industrial District to R-1, Low Density Residential (As Shown on Tax Map 132, Parcel 059.00) Located between Industrial Boulevard and the South Border of Interstate 24.

Mayor Jackson explained that this is the Rowland Black property and the Kimball Municipal Planning Commission has recommended approving this change.

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

  
David Jackson, Mayor

  
Tonia May, Recorder

## TOWN OF KIMBALL, TENNESSEE

**Record of Minutes of Regular Meeting**

**Date April 3, 2008**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, April 3, 2008 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor David Jackson, Vice-Mayor Rance Castle, Alderman John Keef, Alderman Mark Payne, Alderman Rex Pesnell and Attorney William Gouger, Jr.

Mayor Jackson called the regular meeting to order after the public hearing at 6:00 p.m.

### **INVOCATION AND PLEDGE**

Mayor Jackson asked Scott Hawkins to say the invocation over the meeting.

Mayor Jackson led the Pledge of Allegiance.

### **ROLL CALL**

Mayor Jackson asked Recorder May to call roll those present were: Mayor David Jackson, Vice-Mayor Rance Castle, Alderman John Keef, Alderman Rex Pesnell, Alderman Mark Payne and Attorney William Gouger, Jr.

### **APPROVAL OF MINUTES**

On a motion by **Vice-Mayor Castle**, seconded by **Alderman Keef** the minutes the Regular Monthly Board Meeting March 6, 2008 and the minutes of the Special Called Board Meeting on March 20, 2008 Mayor Jackson stated that at special called meeting the board approved the bid package for the bathrooms at the barn to HLP Construction Company in the amount of \$18,085, also discussed at length the sewer connection with Jasper, 1<sup>st</sup> Reading of Ordinance 190, hired a part time records manager for fire department which was Peggy Thomas for about 10-12 hours per month and agreed to hire Attorney Gouger at \$150 per hour until the fiscal year ends with no other comments, these minutes were approved unanimously on a board vote.

### **OLD BUSINESS**

Mayor Jackson gave updates on a couple of issues as follows:

- The Maintenance Building is 95% complete the insurance has allowed and estimated \$190,000 for the building and it appears to be coming in around \$140,000. Scott Hawkins would like to have the members to do a walk thru on the building.
- The Siege at Bridgeport sent a thank you card for our support.
- The revised set of Flood Maps should be here sometime next week.
- Katie Ackerson called concerning the Ozone Layer changing from .80 to .75 it does not state which counties will be affected by this decrease.
- Dan Aranda with Ambulance Service left a message concerning the ability of working with Kimball to have an ambulance located in Kimball.
- Fire Grant has been completed for 2008 for a total of about \$90,000 with town's portion being less than \$5,000.

**SCHEDULED AGENDA ITEMS**

- a.) **2<sup>nd</sup> and Final Reading of Ordinance No. 190 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein Described from Zoning Classification I-1, Industrial District to R-1, Low Density Residential (As Shown on Tax Map 132, Parcel 059.00) Located Between Industrial Boulevard and the South Border of Interstate 24**

Motion was made by **Alderman Payne**, seconded by **Alderman Pesnell** to accept on 2<sup>nd</sup> and Final Reading of Ordinance No. 190 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein Described from Zoning Classification I-1, Industrial District to R-1, Low Density Residential (As Shown on Tax Map 132, Parcel 059.00) Located Between Industrial Boulevard and the South Border of Interstate 24. The motion passed on a board vote.

- b.) **1<sup>st</sup> Reading of Ordinance 191 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning Certain Properties Herein described from Zoning Classification R-1, Low Density Residential District to C-2, Highway Business District (As Shown on Tax Map 133K, Parcel 003.00) Robert Blount Property**

The Kimball Municipal Planning Commission recommends this zoning change.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Castle** to approve on 1<sup>st</sup> Reading of Ordinance 191 – An Ordinance to Amend the Official Zoning Map for the Town of Kimball, Tennessee by Rezoning certain properties herein described from Zoning Classification R-1, Low Density Residential District to C-2, Highway Business District (As Shown on Tax Map 133K, Parcel 003.00) Robert Blount Property. The motion passed unanimously on a board vote.

- c.) **Gary Pellam – Anti Idling Ordinance**

Gary Pellam did not attend the meeting.

Mayor Jackson explained that he was requesting an ordinance to keep trucks from parking overnight in the parking lot. Mayor Jackson recommends tabling this issue until Mr. Pellam can attend the meeting.

- d.) **Charles Rollins – Open Burning**

Mr. Rollins did not attend the meeting. This issue is table until Mr. Rollins attends the meeting.

- e.) **Settlement and Release Agreement from Charter Communications**

Settlement release agreement concerning the \$17,691 found in the audit. If the town approves to collect this amount, Charter has a provision in the agreement about passing it on to the subscribers 1. Settlement Amount “the parties hereby acknowledge and agree that any franchise fee payment made pursuant to the Franchise may be recovered by Charter from subscribers bills consistent with FCC regulations at Charter’s Discretion.”

Attorney Gouger was going to contact Charter Communications concerning the provision in the agreement.

**f.) Christmas Lights**

The Beautification Committee has had several meetings and discussed the Christmas pole lights. The town had a snowflake on the pole for several weeks and the public really likes the snowflake. To replace the old ones on Main Street and add some out Hwy 2, the town would need a total of 68 lights and the light displayed cost \$198 each. The Beautification Committee has recommended that the town replace these old lights with the new ones. Currently, there is a sale on the lights through the middle of May.

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Castle** to accept bids for the purchase of 68 snowflake pole Christmas light decorations to be opened at the May 1, 2008 meeting. The motion passed unanimously on a board vote.

**g.) Rebuild Building at 649 Main Street**

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Castle** to hire James C. Hailey Company to do the Architectural work and STH & Associates to be the construction manager on the rebuilding of the building at 649 Main Street. Alderman Payne abstained from voting. The motion passed on a board vote.

**h.) Wireless Internet System**

The town has a tentative meeting set for April 16, 2008 to discuss the wireless internet system. SRC Networking Systems has contacted a company called CISCO that handles wireless internet for towns. CISCO had stated there was about 2 billion dollars worth of federal grant money available last year for this service. There was more discussion on Charter Communications, Trinity and other things about internet service.

**i.) Storm Warning System**

Mayor Jackson would like to visit with Mike Hall, Lincoln County to review their system which is similar to the one the town is reviewing.

**j.) Growth Plan**

The town has the quad maps at town hall to review elevations on the mountain.

**k.) Park Board Recommendations**

Alderman Keef explained of the Park Board's recommendations which were to begin work to use the park area with the development of a walking track, pavilion and basketball court. The proposed walking track has been stepped off and spray with orange marking paint. Alderman Payne tried to do a computer sketch of the proposed track; however, he did not have the proper format on the maps to do a cad drawing, so he did it by hand. The track would be about 3500 feet to walk with a width of 10 feet. The recommendation for the pavilion was near the big tree near where the hospitality tent was set during the Kimball Fireworks Festival. John Graham, Marion County Highway Department quoted \$20,500 for labor and material to develop the walking trail and this price will increase each month with the price of materials.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to hire the Marion County Highway Department to install the 10 feet wide walking trail on the property at 3591 Industrial Blvd. The motion passed unanimously on a board vote.

Mayor Jackson stated the town has \$40,000 in the budget for the park and recreation department. The town will review the other recommendations after the new fiscal year July 1, 2008.

**l.) Open Bids on the six SCBA's – 45 minutes with face piece and extra bottle for the Fire Department through the FEMA Grant**

Mayor Jackson opened the bids as follows:

Name	Units	Cost Per Unit	Grand Total
10-33 Equipment	6	\$4,995.00	\$29,970.00
NAFECO	6	\$5,274.00	\$31,644.00

Motion was made by **Alderman Pesnell**, seconded by **Alderman Payne** to accept the bid from 10-33 Equipment for the six SCBA's with spare bottle for a grand total of \$29,970 purchased through the FEMA Grant. The motion passed unanimously on a board vote.

**m.) Open bids on Thermal Imaging Device for Fire Department through the FEMA Grant**

Mayor Jackson opened the bids as follows:

Name	Units	Total
10-33 Equipment	1	\$8,990.00
NAFECO	1	\$9,800.00

Motion was made by **Alderman Pesnell**, seconded by **Alderman Keef** to approve the bid from 10-33 Equipment for the Thermal Imaging Device for a total of \$8,990 purchased through the FEMA grant. The motion passed unanimously on a board vote.

**n.) Seized 1998 Nissan Maxima**

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to auction the seized 1998 Nissan Maxima Case Number G9943 VIN JN1CA21DXWT602633. The motion passed unanimously on a board vote. Auction Date was set for May 24, 2008 at 10:00 am.

**o.) Bureau of Justice Assistance – Fiscal Year 2008 Bulletproof Vest Partnership Grant 50%-50%**

Sergeant Webb addressed the board to request permission to apply for the grant with the department needing five vests for the fiscal year.

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to allow the Police Department to apply for the Bureau of Justice Assistance – Fiscal Year 2008 Bulletproof Vest Partnership Grant. The motion passed unanimously on a board vote.

**POLICE REPORT**

Alderman Keef gave the Police Report as Follows:

Litigation Tax	\$27.50
Court Costs	\$677.50
Fines	\$120.00
Report Fee	\$64.00
Sessions Court	\$3589.92
License fee	\$0.00
<b>Total</b>	<b>\$4478.92</b>

The motorcycle at the auction brought \$1,000 which will go into the general fund. Ray Durham has paid his final payment on the restitution fees with the final payment being \$2108. The van owners for the counterfeit purses were required to pay \$125 for towing fees.

### FIRE REPORT

Alderman Pesnell gave the fire report for March 2008 the department responded to seven calls for the month. The calls were two fires, four mutual aids, and one interstate cleaning due to mud from truck being pulled from median. Fire Chief Keef wanted to thank the board for the support on the fire grant equipment.

### PARK AND RECREATION BOARD REPORT

Alderman Keef stated the next park board meeting will be April 10, 2008 at 5:00 pm.

### ATTORNEY REPORT

Attorney Gouger stated that negotiations are still ongoing between Jasper and South Pittsburg for a possible Sewer agreement. And also, that negotiation is still ongoing with the Dobson's on the property adjacent to the park property. A text message was received from Josh Dobson that stated \$150,000 for the property.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to authorize Attorney Gouger to enter into an option agreement on the Dobson property in its entirety. The motion passed unanimously on a board vote.

The TDOT Enhancement Grant was pulled because it was within 200 feet of the railroad crossing and increased by \$150,000 to bring the railroad crossing up to the state's standards.

### NEW BUSINESS

Alderman Payne questioned about Mr. Neil's property.

Mayor Jackson had several items under new business as follows:

- Steve Stevens has given price of \$1400 to replace the ceiling tile in the police Department

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Castle** to approve Steve Stevens to install the ceiling tile in the Police Department for \$1,400. The motion passed unanimously on a board vote.

- Sales Tax for February 2008 was \$238,000 this was down about \$12,000 from last year. All cities in Marion County were down.
- SBA has sent another letter requesting to purchase in one lump sum. Attorney Gouger will contact SBA to determine the price and terms.
- Bill Neil on Kimball Lane had a lot of storm damage and there is still debris from the storm. He has requested the town to pick this up. This is still part of the storm clean up.

- St. Jude has sent requesting a donation. The town has \$800 in the budget. Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve the donation to St. Jude in the amount of \$1,000. The motion passed unanimously on a board vote.

- Sales Tax Holiday is April 25-27.
- Marion County Red Cross has received a donated trailer from Lowe's and the town would like to donate to them also, if monetary donation, it goes to Chattanooga Chapter. The town would like to donate items to remain in the Marion County area. Louin Campbell called with items the Red Cross could use such as canopy, table & chairs, flashlights, and coffee makers. The town plans to purchase these items and donate to there Marion County Red Cross.
- Finances

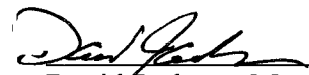
General Fund	
Checking	\$ 280,988
Savings	\$ 350,484
CD	\$ 410,342
State Street Aid	
Checking	\$ 21,665
Drug Fund	
Checking	\$ 7,066
Sewer Fund	
Checking	\$ 85,230
Saving	\$ 67,399
Grand Total	\$1,223,174

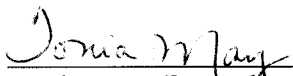
Scott Hawkins, STH & Associates stated they would be opening bids on the barn roof repairs on April 17, 2008 at 4:00 pm.

The Kimball Board of Mayor and Aldermen will have a Special Called Meeting on April 17, 2008 at 4:30 pm to review the bids on the barn roof repairs.

### ADJOURNMENT

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

  
David Jackson, Mayor

  
Tonia May, Recorder



# AGENDA

**April 17, 2008**  
**Special Called Meeting at 4:30 p.m.**

1. Call to Order Special Called Meeting to discuss the bids on the barn roof repair and any other pertinent business that may come before the board.

2. Roll Call

Mayor Jackson  
Alderman Pesnell

Vice-Mayor Castle  
Alderman Keef

Alderman Payne  
Attorney Gouger

3. Review Bid Packages for Barn Roof repairs at 3591 Industrial Blvd

4. Any other properly presented business

- Maintenance Building Walk Thru Monday, April 21 at 4:00 pm
- Auction date for Maxima May 10, 2008 at 10:00 am
- Budget Workshop Dates May 16 at 4:30 pm and May 17 at 8:00 am

5. Adjourn

# TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Special Called Meeting

Meeting Date April 17, 2008

A special called meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, April 17, 2008 at 4:30 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee. Those members present were: Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, Alderman Mark Payne and Attorney William Gouger, Jr.

Mayor Jackson called the special called meeting to order at 4:30 p.m. to discuss the bids on the barn roof repair and any other pertinent business that may come before the board

Mayor Jackson asked Recorder May to call roll those present were: Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, Alderman Mark Payne and Attorney William Gouger, Jr.

## SCHEDULED AGENDA ITEMS

### a.) **Review Bid Package on Barn Roof Repairs at 3591 Industrial Blvd**

Scott Hawkins with STH & Associates opened the bids at 4:00 p.m. at town hall. There were three bidders on the Roof Repair at 3591 Industrial Blvd as follows

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt #1</u>	<u>Alt #2</u>	<u>Time</u>
HLP Construction	\$9,200.00	\$950.00	\$1.65/linear ft	n/e
Imperial Home Improvements	\$23,040.00	\$600.00	\$4.20/linear ft	30 days
Tin Men Construction	\$7,484.74	\$536.34	\$1.00/linear ft	5 days

Scott Hawkins contacted the low bidder Tin Men Construction to verify the price and their insurance. Tin Men Construction does not have liability insurance or worker's compensation insurance, based on no insurance, STH can not recommend them for the job. Therefore, Scott Hawkins with STH and Associates recommends that the town use the next lowest bidder which is HLP Construction for the roof repairs at 3591 Industrial Blvd with the stipulation that the work be completed by May 10, 2008. Attorney Gouger's opinion was requested due to the relationship of HLP Construction and STH & Associates. Attorney Gouger stated there was no conflict of interest since STH & Associates can only make a recommendation. Also Attorney Gouger also stated he would never recommend anyone doing work for the town without worker's compensation insurance.

Motion was made by **Alderman Pesnell**, seconded by **Alderman Keef** to accept the bid from HLP Construction Co. for the Bid Package on the roof repairs at 3591 Industrial Blvd in the amount of \$10,150 plus \$1.65/linear ft for alternate #2 due to the fact that the low bidder did not have insurance. Alderman Payne abstained due to relationship with HLP Construction Company. The motion passed on a board vote.

**b.) Other properly presented business**

Alderman Payne had two issues as follows:

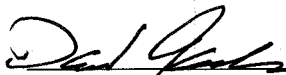
1. To require all working on town property to send an original copy of their insurance to the town before work begins as he does with the Solid Waste Disposal.
2. He contacted Ariel Rexton with Hamilton County Air Pollution and he said Marion County should just wait to see what happens on the air pollution regulations.

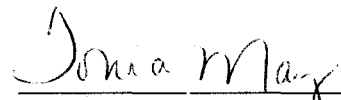
Mayor Jackson has several items to discuss as follows:

- Maintenance Building walk thru will be Monday, April 21<sup>st</sup> at 4:00 pm
- Auction Date for the Maxima will be held on Saturday, May 10<sup>th</sup> at 10:00 am.
- Budget Workshop Dates need to be set as soon as possible.
- Flood Maps have been received and Ranko Pudar has been contacted concerning the A and AE zone.
- James Garrett, Scott Hawkins, Jack Keef and I reviewed the plans for the future Activity Center and Ambulance Building. The building will have to be extended by 10 feet. The power and phone lines will need to be relocated.
- Red Cross will be coming down to get their items the town donated and a picture will be done later.
- The Town has received over \$66,000 from the FEMA grant. All items except hose, microphone and parts for the camera have been received.
- Requested that Attorney Gouger draw up a Hold Harmless Agreement for hose to be given away to other fire departments.

**ADJOURNMENT**

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

  
David Jackson, Mayor

  
Tonia May, Recorder