

Town of Kimball

May 1, 2008

Public Hearing

- **Call to Order Public Hearing**
- **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 to C-2, Highway Business District (As Shown on Tax Map 133K, Parcel 003.00) Robert Blount Property**
- **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 April 3, 2008 Minutes of Regular Meeting and April 17, 2008 Minutes of Special Called meeting
6. Old Business
7. Teresa Walker – Domestic Violence
8. Gary Pellam – Anti Idling Ordinance
9. Charles Rollins – Open Burning
10. 2nd and Final 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
11. Discuss annexation of a portion of the town's growth plan on Timberridge
12. Settlement and Release Agreement from Charter Communications
13. Open Bids on Christmas Lights
14. Rebuild Building at 649 Main Street
15. Phone Lines near 649 Main Street
16. Electric Lines near 649 Main Street
17. Fuel Tanks
18. Wireless Internet System
19. Employee Benefit Specialist – Agreement, Cafeteria Plan and Summary Plan
20. Memorandum of Understanding Between the Tennessee Bureau of Investigation and the Kimball Police Department
21. Police Report
22. Fire Report
23. Park Board Report
24. Attorney Report
25. New Business
26. Adjourn

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Public Hearing

Meeting Date Thursday, May 1, 2008

A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, May 1, 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 Rex Pesnell, Alderman John Keef, and Attorney William Gouger, Jr.

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

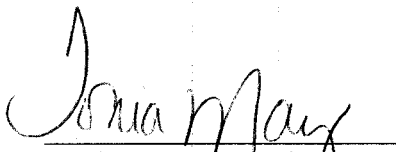
NEW BUSINESS

- a) To receive citizen input into Ordinance No. 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.

Mayor Jackson explained the ordinance and stated that the Kimball Municipal Planning Commission approved this change and has recommended it to the Board of Mayor and Aldermen. There have not been any preliminary designs for the roadway at Sweetens Cove Road to accommodate additional traffic that could be associated with the commercial zone.

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 Keef**. 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 May 1, 2008

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, May 1, 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 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 said 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, and Attorney William Gouger, Jr. Alderman Mark Payne was absent he was in Gatlinburg attending a Landfill Seminar.

APPROVAL OF MINUTES

On a motion by **Alderman Keef**, seconded by **Vice-Mayor Castle** the minutes the Regular Monthly Board Meeting April 3, 2008 and the minutes of the Special Called Board Meeting on April 17, 2008 Mayor Jackson stated that at special called meeting the board approved the bid package for the barn roof and roof for the bathrooms the low bid was Tin Men Construction; however, upon further checking, Tin Men Construction did not have insurance and the bid was awarded to HLP Construction Company in the amount of \$9,200 with addendum of \$950 plus \$1.65 per linear foot for wood work repairs Scott Hawkins recommended HLP Construction Company, Attorney Gouger was in attendance and stated there would be no conflict with the recommendation, also, Rex Pesnell wanted noted the town review insuring the Tin Men Construction company and the price with insurance would have made them the same amount or higher than HLP Construction Company bid, 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:

- New Floods maps have been returned the maps are 150% better than the first copy. There is still one question concerning a coding on the map on Hwy 2 concerning an A code which the town believes should be AE. Mark Payne and Dixie Brackett have worked hard to get the information to URS to get the maps changed for the betterment of our town. The last day for appeal on these maps will be May 15, 2008. These maps will go into effect January 19, 2009.
- The Maintenance Building has been completed and is ready for the guys to start moving back into.
- Had a meeting with Dan Aranda and Jeff Roberts with Grandview Ambulance Service, they do want to have their site located in Kimball. The town wants to

make sure that the county adds the language back to the county ambulance contract with Grandview EMS requiring them to locate an office in Kimball. The town has plans to build a new Activity Center with accommodations for the ambulance service; however, the town wants to know the ambulance will be located before spending the funds to add the space for the service.

- Walking track that will be located at the barn is awaiting TDEC approval. Mark Payne had the drawing completed onto the CAD system and a letter has been drafted to go along with the prints. Upon approval, John Graham with Marion County Highway Department will begin.
- All fire grant items have been ordered and everything except the hose has been received. There has been over \$66,000 deposited into the town's account. The original grant was for \$75,000 the town has requested to use additional funds to purchase another SCBA unit in the amount of almost \$5,000. FEMA grant has a maximum of \$5,000 for use of the additional funds.
- The Nissan Maxima will be auctioned off on Saturday, May 10, 2008 at 10:00 am.
- SBA Cell Tower has been contacted by Attorney Gouger; however, as of meeting time, they have not responded back.
- The Beautification Committee has completed the flower bed at Glovers Hill for the Welcome to Kimball area. The sign and a light will be installed later this month. The town has also planted 21 dogwoods around the park area.
- Attorney Gouger has drafted a release and hold harmless agreement to allow the fire department to give items to other departments. It has been requested that Attorney Gouger draft a release and hold harmless agreement for the police department as well.

SCHEDULED AGENDA ITEMS

a.) Teresa Walker – Domestic Violence Program

Teresa Walker stated the Family Violence Program is operating fully funded. They are working on a three year grant. The program is seeking additional funding for educational materials to help get a program going in the school system. The program is asking for \$2,500 from Kimball and South Pittsburg. They will also be seeking funding from the other towns and cities in Marion County. The program will not seek funding from the county because Marion County gives them in kind services. Mayor Jackson stated the town would consider the request during the budget workshops.

b.) Gary Pellam – Anti Idling Ordinance

Gary Pellam would like the town to consider an Anti Idling Ordinance to help promote better air quality. Currently, Gatlinburg is the only town or city in Tennessee to pass the Anti Idling Ordinance. Wal-Mart Store policy for its delivery trucks is no idling while on property unloading. New Plan is in agreement with the Anti Idling Policy. The program is not to prevent trucks but to better the air quality with each step possible.

Mayor Jackson stated the board will table this issue until the next meeting.

The Wal-Mart Stores Sustainability Program has been a help on the town's Beautification Program.

c.) Charles Rollins – Open Burning

Mr. Rollins has requested help to control burning in his neighborhood. He is requesting that the town issue burning permits for residents to do open burning. Currently, all open burning is regulated through the state. Fire Chief Jeff Keef stated that the state regulates the burning and the only items allowed for burning is leaves and limbs only from the property owners property. The town fire department can be called out to put out the fire. Mr. Rollins was advised if the burning starts, contact dispatch and allow the police department and fire department to handle the situation. Mayor Jackson stated the town will advise the officers to request dispatch to contact Pete with the State to investigate the issue.

d.) 2nd and Final 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

Motion was made by **Vice-Mayor Castle**, seconded by **Alderman Keef** to approve on 2nd and Final 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.

e.) Discuss Annexation of a portion of the Town's Growth Plan on Timberridge

Currently, the town's growth plan is from the 900 ft elevation to the top of the mountain from the city limits towards Jasper to the city limits which adjoins the county on the west end. The town has been asked to consider annexing about 230 acres in and above Timberridge, Daily's and Old Tennessee Alabama area. The top of the mountain sold to Thunder Thorton. This development will have a main entrance near the Mi Jacal Restaurant. Thunder Thorton will put in a temporary office in the lot near the Mi Jacal Restaurant. The developer wants to be annexed by Kimball. The developer would be responsible for putting in the roads and utilities to this development. Attorney Gouger advised that the town can annex by ordinance and this development if annex would have to comply with the town's subdivision regulations. There is about 30 acres located within the city that has been requested to change the zoning from R-1 to C-2 this property touches a current C-2 zone. Alderman Pesnell suggested adding the area so Kimball's Municipal Planning Commission can make decisions on the future development. The board decided to authorize Attorney Gouger to draft an ordinance to annex.

Motion was made by **Vice-Mayor Castle**, seconded by **Alderman Pesnell** to approve Attorney Gouger to draft an ordinance to annex this area and the Calvin Hudson area. The motion passed unanimously on a board vote.

f.) Settlement and Release Agreement from Charter Communications

Attorney Gouger contacted Nick Pavlis with Charter Communications concerning the Settlement release agreement concerning the \$17,691 found in the audit by John Howell's company for unpaid franchise fees. The \$17,000 allowed if paid will be billed to the customers in the town. These are fees that should have been billed to the customers in the past but were not. Mayor Jackson stated John Howell left a message stating these fees were already paid by the customers. Attorney Gouger

said Nick Pavlis was asked this question and that these fees have not already been paid to Charter. Nick Pavlis volunteered to come to the town to meet with the board at any time. There was further discussion about the issue.

Motion was made by **Alderman Keef**, seconded by **Alderman Pesnell** to reject the audit findings from John Howell's company concerning the Charter Communications franchise fees. The motion passed unanimously on a board vote.

g.) Open Bids on Christmas Lights

Mayor Jackson opened the bids as follows:

Company Name	Number of Pole Lights	Size	Cost per Unit	Total Cost	Freight Charges	Deadline
Universal Concepts	68	6'	\$185	\$12,580	Included	May 29, 2008
	68	5'	\$179	\$12,172	Included	
Display Sales	68	6'	\$186	\$12,648	\$985.00	
GP Design, Inc.	68	5'	\$173	\$11,764	Not Included	
	68	5'	\$193	\$13,124	Not Included	
Design Decorations, Inc.	68	5'	\$206.25	\$14,025		
	68	5'	\$187.50	\$12,750		
	68	5'	\$191.25	\$13,005		
	68	6'	\$292	\$19,856		
	68	5'	\$262	\$17,816		
	68	5'	\$281	\$19,108		
	68	6'	\$300	\$20,400		
	68	5'	\$278	\$18,904		
	68	6'	\$319	\$21,692		
	68	5'	\$240	\$16,320		
	68	6'	\$248	\$16,864		
	68	5.5'	\$262.50	\$17,850		
	68	5.5'	\$337.50	\$22,950		

Motion was made by **Vice-Mayor Castle**, seconded by **Alderman Pesnell** to accept the bids from Universal Concepts to purchase 68 snowflake pole Christmas light decorations in the total of \$12,580. The motion passed unanimously on a board vote.

h.) Rebuild Building at 649 Main Street

James Garrett with James C. Hailey and Company is in the process of drawing up the plans for the new Activity Center. The plans will have a kitchen area and common room, back corner police storage room, ambulance toward the junction with two bays, living area, restrooms and two sleeping quarters. The building will have to be extended by about 10 feet. It will be stick built and will have three sides bricked with back side having split faced block. The insurance will pay up to \$328,704. The town hopes to come in under this value as this is part of the rebuilding after the tornado damage.

i.) Phone lines near 649 Main Street

If the building is extended, the phone, cable and electrical lines will have to be moved. There is a drawing of the relocation of the electrical lines which will cost the town \$4,132. The phone company also came by to look at the situation. This move will have to be done in stages, electric first, cable next then phone which is due to the order hung on the poles. The Sequachee Valley Electric Coop will replace the street light that is leaning and move to the new pole. Mayor Jackson advised to wait on any action until the plans have been reviewed.

j.) Fuel Tanks

Estes Equipment Company has sent a quote for a self contained tank 1,000 gallon tank which will be \$2,907.25 per tank for all necessary equipment except the pumps. Mayor Jackson recommended moving the tanks behind the fire hall on a concrete pad. Mayor Jackson will be obtaining additional information concerning the cost for preparing the land, concrete and any other cost and discuss at the next meeting.

k.) Wireless Internet System

Chris Ackerson with SRC, Alcerman Payne, Recorder May and Mayor Jackson had a conference call with Matt Thompson with CISCO concerning wireless internet systems. He estimated it would take 10-15 access points per square mile. The town would need to upgrade the system and if the town purchased the equipment it was estimated at \$100,000 or an option to lease. There are grants available for public service. There has been another meeting scheduled for May 27, 2008 at 4:00 pm. The town will look at the information to find out if it is feasible to buy, lease or best approach.

l.) Employee Benefit Specialist – Agreement, Cafeteria Plan and Summary

The current cafeteria plan needs to be updated with amendments to come into compliance with new IRS regulations.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Castle** to authorize Mayor Jackson to sign the updated Employee Benefit Specialist information. The motion passed unanimously on a board vote.

m.) Memorandum of Understanding Between the Tennessee Bureau of Investigation and the Kimball Police Department

Motion was made by **Alderman Keef**, seconded by **Alderman Pesnell** to authorize Chief Tommy Jordan to sign the memorandum of Understanding Between the Tennessee Bureau of Investigation and the Kimball Police Department. The motion passed unanimously on a board vote.

POLICE REPORT

Alderman Keef gave the Police Report as Follows:

Litigation Tax	\$55.00
Court Costs	\$890.00
Fines	\$220.00
Report Fee	\$44.00
Sessions Court	\$1405.05
License fee	\$0.00
Total	\$2614.05

The department responded to the suicide at the Wal-Mart and wanted to commend the officers on their efforts. Alderman Pesnell stated the next day a gentleman came into Space Age with suicidal thoughts and within minutes of calling, the police were in the parking lot talking to the gentleman. Alderman Keef stated the family told Chief Jordan that this was their second child to take their life. Mayor Jackson said the department is doing a good job they have found three runaways this week. The department is responding to all kind of calls. The department rule is no vest no work. The town only wants to protect our department. Jeff Stephens is alive today due to the bulletproof safety vest.

FIRE REPORT

Alderman Pesnell gave the fire report for April 2008 the department responded to three calls for the month. The calls were two mutual aids, and one rescue. Jeff Stephens is the Assistant Fire Chief for our department, everyone is glad he is doing well after the shooting while working auxiliary police at South Pittsburg.

Chief Keef stated that everything except the fire hose has been received from the FEMA 2007 Grant.

Mayor Jackson stated that Mayor Killian was very appreciated of the actions and professionalism when assisting South Pittsburg on the fire.

PARK AND RECREATION BOARD REPORT

Alderman Keef stated that the park board meeting was cancelled for the month. The restrooms are coming along and the walking track is on hold until TDEC approval.

ATTORNEY REPORT

Attorney Gouger stated that the option agreement on the purchase of the land adjoining the park from the Dobson Land Company that was approved last month has been withdrawn. Upon Josh Dobson receiving the option agreement, the Dobson Company decided they wanted to keep out about 3-4 acres of land on this piece of property.

NEW BUSINESS

Mayor Jackson had several items under new business as follows:

- Contract for the annual audit with Johnson, Murphy and Wright there was a 5% increase plus an additional \$1,650 for internal control regulations from the state. The audit will cost \$17,556.

Motion was made by **Alderman Keef**, seconded by **Alderman Pesnell** to authorize the Mayor to sign the audit contract with Johnson, Murphy and Wright in the amount of \$17,556. The motion passed unanimously on a board vote.

- The board will have budget workshops on May 8th, May 15th, and May 22nd starting at 4:30 pm.
- South Pittsburg Parks and Recreation has sent a thank you letter for allowing them to use the town's garbage truck for South Pittsburg's Sparkle Day.

- Sales Tax for March 2008 was \$218,140 this was an increase from last years amount which was \$205,222 up about \$12,918.
- Email from a lady traveling through from Georgia to Indiana and had a flat tire. She wanted to let everyone know that she appreciated the help from the Wal-Mart employees and the safeness she felt in our town.
- On May 13th, Tonia and I will be attending a TML Risk Management Class from attending this class the town will receive a 5% credit on Errors and Emissions Coverage.
- Marion County Partnership of Economic Community Development met. Brad Carter resigned earlier this year and the Partnership hired Doug Clarke to fill this vacancy. As of April 30th at 1:30, Mr. Clarke is no longer working with the Partnership. The Partnership voted to give the Marion County Chamber a \$1,000 a month to go with the \$10,000 a year that Chamber agreed to designated to a salary to hire someone to be over the Three-Star Program. The Three-Star Program is important to the county and each of the towns and cities located in Marion County because this adds 5 additional points on all grants. If the Three-Star Program discontinues then the Partnership will discontinue the \$1,000 per month.
- The town received a thank you letter from St. Jude on the donation of \$1,000 the town sent last month.
- Finances

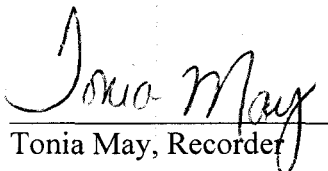
General Fund	
Checking	\$ 191,849
Savings	\$ 351,185
CD	\$ 410,342
Total	\$ 953,376
State Street Aid	
Checking	\$ 21,668
Drug Fund	
Checking	\$ 7,066
Sewer Fund	
Checking	\$ 85,244
Saving	\$ 67,399
Total	\$ 152,643
Grand Total	\$1,134,753


This is after paying \$221,873 on storm related damages.

- The next meeting will be Thursday, June 5, 2008 at 6:00 p.m.

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.


Tonia May, Recorder


David Jackson, Mayor