

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Regular Meeting

Date February 5, 2009

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, February 5, 2009 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 Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

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

INVOCATION AND PLEDGE

Mayor Jackson asked Ronnie Case 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 Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Case**, seconded by **Alderman Keef** the Minutes of the Regular Monthly Board Meeting for January 8, 2009 were approved unanimously on a board vote.

OLD BUSINESS

Alderman Payne wanted to address the gasoline and diesel tanks. He recommends doing a request for proposals on the fuel tanks. Attorney Gouger suggests requesting proposals on removing tanks to make sure they go into the hands of those in the field of the tank business.

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to advertise for proposals on the removal of the two fuel tanks and pumps to be due by March 3, 2009 at 4:00 pm and opened March 3, 2009 at 4:30 pm. The motion passed unanimously on a board vote.

Alderman Case wanted to let the board know that the tree has been removed from the house on Raulston Cove Road. This tree was on the city right away and had fallen onto a home. Alderman Payne stated the vehicles had been removed from this property also.

Mayor Jackson stated the chairs that were approved last month are here and the old ones have been taken to the fire hall and Kenny Berry is almost finished with the Welcome to Kimball signs. They should be delivered in the next few weeks.

SCHEDULED AGENDA ITEMS

a.) Beer Application – Brianne Chapman for Remi’s Bar and Grill located at 2013 Main Street

Mayor Jackson pointed out there were two items that needed to be corrected on the application. The items were #15 concerning the nearest church and #17 concerning the nearest resident. Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the Beer Application upon the correction of items #15 and #17 for Brianne Chapman for Remi’s Bar and Grill located at 2013 Main Street. The motion passed unanimously on a board vote.

b.) Kevin Whiteside and Matt Winn with Thunder Enterprises, concerning the town accepting Marion County’s conveyance of the roadway right-of-way through Chattanooga State Technical Community College

Matt Winn with Thunder Enterprises had drawings of the proposed property for the roadway to the future residential development. In order for the project to advance to the next stage, the development needs the town’s acceptance of the conceptual plan. Marion County is willing to convey their property to the town to build the roadway for the future development on top of the mountain. Marion County Commissioners have agreed to convey the property to the town. The Kimball Planning Commission recommended that the town approved the roadway once brought up to the town’s standards. Attorney Gouger stated this was just a conceptual plan. There will need to be two plans submitted, one to the County Planning Commission and the other to Kimball Planning Commission. There will be approval of the final plats by both planning commissions. Once the roadway has been brought up to the standards, Tango November, LLC, Danny Fox and Marion County would have a deed of dedication to the town for the street and right-of-way. The conceptual approval is important to Tango November, LLC for development plans for the investors, lenders, purchasers and others related to this project.

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the conceptual plan for the entry way entering at Chattanooga State West Campus map number 0914-08 and ending at Danny Fox’s property line for Tango November, LLC. The motion passed unanimously on a board vote. A copy of map will be attached to minutes.

c.) Open Bids on Computer System

Mayor Jackson opened the bids as follows:

Local Government – Unable to completely meet the specifications

Communications and Electronics – Unable to submit a bid per your requirements

CDWG – Firewall \$450, Shipping Costs \$42.67, and laser printers \$496 – No Bid on other equipment

SRC Technology Solution, LLC - Server \$2413, Workstations \$7434, Firewall \$656.79,

Powerconnect \$249.99, Setup \$3450, Shipping \$200, Cleaning Old \$1150, Other \$100 and Laser Printers \$497.98 for Grand Total \$16,151.76

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve the bid from SRC Technology Solution, LLC for Computers Systems. Alderman Keef amended his motion to include the two laser printers for town hall. The motion passed unanimously on a board vote.

d.) Ordinance 199 – An Ordinance to Amend Ordinances Nos. 2, 11, 28, and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve on 1st Reading Ordinance 199 – An Ordinance to Amend Ordinance Nos. 2, 11, 28 and 78 to Establish Distance Requirements for Establishments Selling Liquor by the Drink. Mayor Jackson stated the election was on November 4, 2008. The motion passed unanimously on a board vote.

e.) Resolution 2009-04 – A Resolution to Authorize and Appropriate Funds for an Actuarial Study of the Cost(s) Associated with Participation of a Political Subdivision in the Tennessee Consolidated Retirement System in Accordance with Title 8, Section 34 through 37 of the Tennessee Code Annotated

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve Resolution 2009-04 – A Resolution to Authorize and Appropriate Funds for an Actuarial Study of the Cost(s) Associated with Participation of a Political Subdivision in the Tennessee Consolidated Retirement System in Accordance with Title 8, Section 34 through 37 of the Tennessee Code Annotated with no town money being used to pay for the study. The motion passed unanimously on a board vote.

f.) Authorize Mayor to Sign Contract with TDOT on Utility Relocation for Pin Number 102236.00, SR-27 Interchange @ I-24

Attorney Gouger stated that all the utilities on this project are on private right-of-way and will be fully paid for by TDOT.

Motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to Authorize the Mayor to Sign Contract with TDOT on Utility Relocation for Pin Number 102236.00, SR-27 Interchange @ I-24. The motion passed unanimously on a board vote.

g.) Ratify Bill from Nabco for various repairs to Highmast Lights and Red Light at Main Street and Kimball Crossing Drive

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to ratify the payment of a bill from Nabco for various repairs to Highmast Lights and Stop Light in the amount of \$3,438.49. The motion passed unanimously on a board vote.

h.) Jere Davis Scholarship

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve the Jere Davis Scholarship for 2009; this is one \$1000 scholarship per school in Marion County with winner of the scholarship attending Chattanooga State Technical Community College. The motion passed unanimously on a board vote.

i.) 1st Reading of Ordinance 200 – An Ordinance Establishing a Maximum Amount for Purchases without Public Advertisement and Competitive Bidding

This ordinance will raise the amount allowed to spend up to \$10,000 without Bidding. Motion was made by **Alderman Case**, seconded by **Alderman Keef** to approve on 1st Reading Ordinance 200 – An Ordinance Establishing a Maximum Amount for Purchases without Public Advertisement and Competitive Bidding. The motion passed unanimously on a board vote.

j.) Storm Warning System

Mayor Jackson stated that Sentry Siren, Inc. has done a study by gps to estimate the number of sirens needed which would be three and the total cost for Sentry Siren, Inc. to do their portion will cost about \$51,000. The Sequachee Valley Electric Coop would have to build three-phase electrical and set poles for an estimate of \$6,000 - \$8,000. Another option for the town will be to purchase weather radios for all citizens in Kimball with an estimate of cost being \$25,000. Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to advertise for bids on weather radios to be purchase by the town base on the number of houses recorded in the ISO Fire Inspection with bids being opened at the next regular schedule meeting. The motion passed unanimously on a board vote.

k.) SRT Agreement

Attorney Gouger has confirmed with the Sheriff that the town would pay \$3,000 for participation in the agreement anything above \$3000 for our police officers would be covered by the Sheriff's budget.

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to approve the Interlocal Cooperation Agreement Between Town of Kimball, Tennessee and Marion County, Tennessee. The motion passed unanimously on a board vote.

POLICE REPORT

Alderman Keef gave an update on the Police Department as follows:

| | |
|----------------|------------------|
| Litigation Tax | \$178.75 |
| Court Costs | \$966.25 |
| Fines | \$190.00 |
| Report Fee | \$30.00 |
| Sessions Court | \$845.50 |
| License fee | \$0.00 |
| Total | \$2210.50 |

Sergeant Tim Allison has recovered from surgery and is back at work.

FIRE REPORT

Alderman Pesnell gave the fire report for January 2009 the department responded to seven calls for the month. The calls were one car fire, two mutual aids, two signal nines, one LZ for life force and one assistance to Police Department to shut down I-24.

The Christmas Dinner was held on January 31, 2009 at the fire hall everyone enjoyed the meal and fellowship. Tommy Haynes was recognized as the firemen with the most hours in at the fire hall. Wal-Mart gave the Fire Department and Police Department each a \$1,000 community grant to spend on items need for each department.

PARK AND RECREATION BOARD REPORT

Alderman Keef stated the Park Board had a special called meeting on January 29, 2009. The meetings consisted of information to set up the soccer league for Spring 2009. The town needs to have five teams for a league. The board will sign up for soccer each Saturday in February from 9:00 am until 12:00 pm. The next meeting will be February 12, 2009 at 5:00 pm. The Kimball's soccer dates will be April 18th and April 25th. There will be a play date May 16th for our teams only. The former Jasper Soccer League donated the goals to Kimball.

ATTORNEY REPORT

Attorney Gouger stated he had reviewed the authorization to release form and the sign up sheet concerning the Kimball Soccer League. Official changes will be made to the forms and sent to town hall to be used on Saturday for Soccer sign registration.

A question was asked as to how the town reconciles the no discharge of firearms inside city limits ordinance with hunting. Based upon information provided in the Ordinance and TCA Codes, there is no overruling of hunting over the no discharging of firearms in the city limits, the town can revise the existing ordinance to allow hunting with restrictions.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve Attorney Gouger to revise the existing No Discharging of Firearms in the City limits to accommodate hunting with restrictions. The motion passed unanimously on a board vote.

NEW BUSINESS

Alderman Case wanted to request that the Marion County Dispatcher be able to use the building for an Emergency Medical Dispatch class to certify dispatchers with the class hours being from 8:00 am until 5:00 pm on March 3 – March 5.

Alderman Pesnell wanted to request that Crystal Nugent be added to the fire department. Police Chief Tommy Jordan has done the background check on Crystal Nugent and the fire department has approved her.

Motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to approve Crystal Nugent as a new member to the Kimball Volunteer Fire and Rescue Department. She will be required to have a baseline physical. The motion passed unanimously on a board vote.

Mayor Jackson had several items under new business as follows:

- Received a Thank You card from Ronnie Blevins' family for the donation in his memory to the Marion County Relay for Life.
- Sales Tax for December 2008 \$218,783 compared to December 2007 \$237,659. The county as a whole is down about \$8,900 in sales tax revenues.
- WiFi is still being considered for the town, Trinity has been contacted on this issue. The town will consider the estimate when working on the budget for 2009-2010.

- Chester Darden Loss Control Consultant with TML Risk Management was at the town today. The town has not received any of the insurance recovery money on the building at 649 Main Street. The issue will now be turned over to our Attorney to seek the funds owed on this building.
- Work Order Change for the New Municipal Building at 649 Main Street. There was a problem with the drainage system. The power lines that feed to town hall are encased in concrete. The contractor had to work around this issue and put a 90 degree elbow in to accommodate the drain system and the power lines.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the change order for the drainage system problem for the new Municipal Building in the amount of \$1,900. The motion passed on a board vote with Alderman Payne abstaining and Alderman Case passing on the vote.

- Work Order Change for the New Municipal Building at 649 Main Street. There needs to be a French drain and concrete to get water away from the building between the two buildings and the cost for this is \$5,500. This will serve as a sidewalk between the two buildings Municipal Building and Maintenance Building.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the change order for the sidewalk and French drain between the new Municipal Building and the Maintenance Building in the amount of \$5,500. The motion passed on a board vote with Alderman Payne abstaining and Alderman Case passing on the vote.


l.) Sergeant Chris Webb concerning project for Police Department

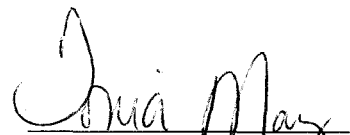
Sergeant Chris Webb would like to work with the Kimball Fire and Rescue Department and Governor's Highway Safety Office on a simulated crash. This will be designed to show teens the dangers of drinking and driving. The juniors and seniors from all four high schools will be present at this simulation. The crash will be hosted at the park on Industrial Blvd. The plan is to use the local ambulance service and maybe even Life Force. The date is April 3rd with Rain out date of April 9th. The board of Mayor and Aldermen are in full support of this program. This will be open to the public.

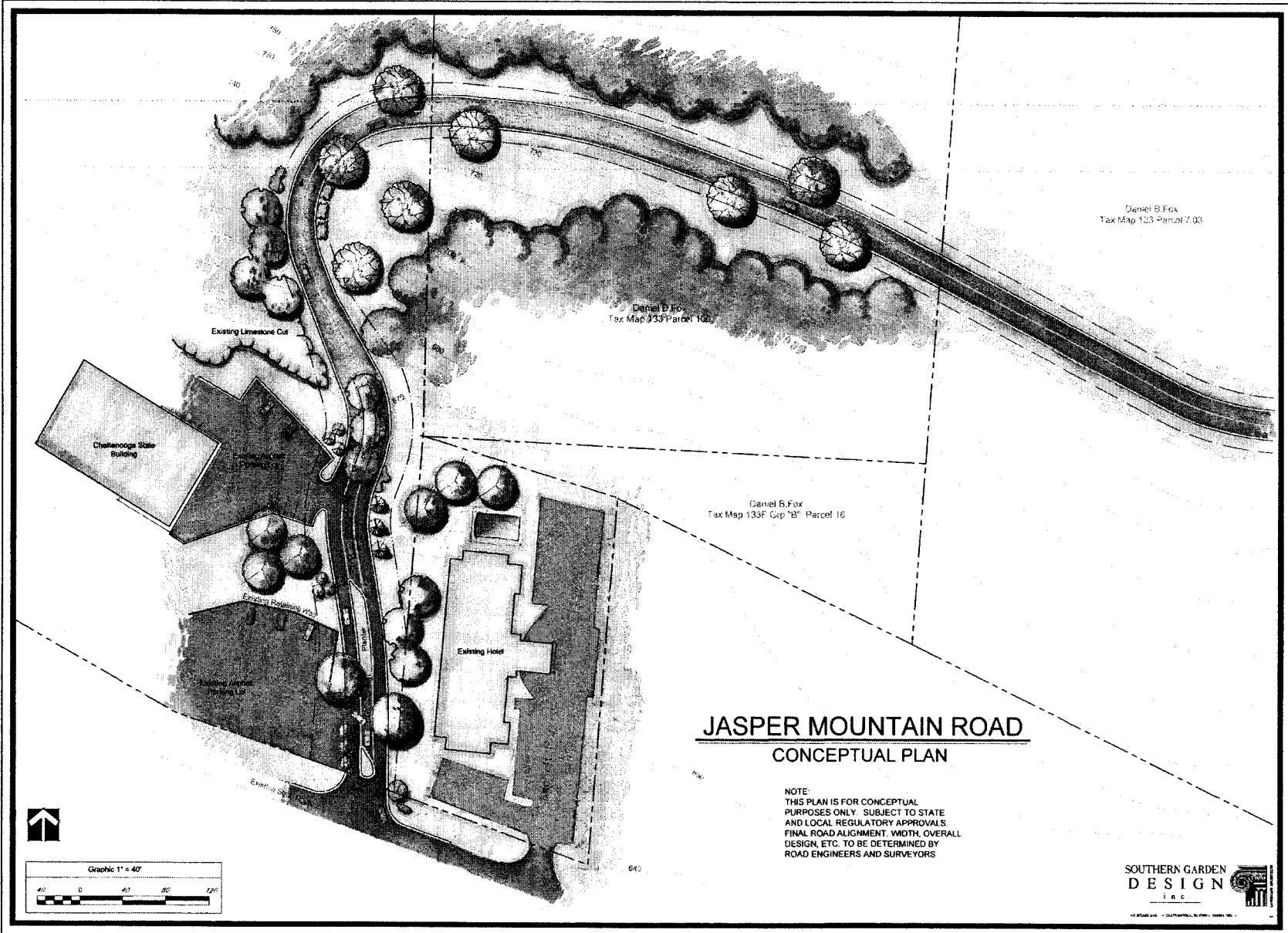
- Next Board Meeting will be March 5th at 6 pm.
- Planning Commission will be February 17th at 6 pm.

ADJOURNMENT

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

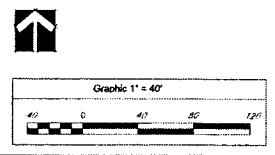

David Jackson, Mayor


Tonia May, Recorder



JASPER MOUNTAIN ROAD
CONCEPTUAL PLAN

NOTE:
 THIS PLAN IS FOR CONCEPTUAL
 PURPOSES ONLY. SUBJECT TO STATE
 AND LOCAL REGULATORY APPROVALS,
 FINAL ROAD ALIGNMENT, WIDTH, OVERALL
 DESIGN, ETC. TO BE DETERMINED BY
 ROAD ENGINEERS AND SURVEYORS



SOUTHERN GARDEN
DESIGN
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