

# TOWN OF KIMBALL, TENNESSEE

**Record of Minutes of Regular Meeting**

**Date June 4, 2009**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, June 4, 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 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 Rex Pesnell, Alderman John Keef, Alderman Jerry Don Case, Alderman Mark Payne and Attorney William Gouger, Jr.

## **APPROVAL OF MINUTES**

On a motion by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** the Minutes of the Regular Monthly Board Meeting for May 7, 2009 were approved unanimously on a board vote.

## **OLD BUSINESS**

Mayor Jackson had a few items under old business as follows:

- The winners of the Jere Davis Memorial Scholarship are as follows: Mary Melissa Moore for Marion County High School, Bobby Joe Rogers II, for South Pittsburg High School, Johnny Earl White for Whitwell High School and Allison Cagle for Richard Hardy Memorial School.
- The contract with Pat Bales, Architect for Concessions Stand has been signed with the recommended adjustments.
- The French Drain has been completed. During the process, Lofty Construction found two old septic tanks which appeared to be causing the problems. The drain was approved for \$5,500 but completed at a cost of \$5,000.
- Fencing around the Fire Department Training Center has been installed; however, the gate will be put up later.

## **SCHEDULED AGENDA ITEMS**

- a.) **Beer Application from Manuel Ochoa for El Jacal Restaurant located at 180 Battle Creek Road**

Chief Jordan performed the background check and all documents were clear.

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the beer application for Manuel Ochoa for El Jacal Restaurant located at 180 Battle Creek Road. The motion passed unanimously on a board vote.

**b.) Approval of all Changes to Municipal Building at 649 Main Street**

Scott Hawkins, with STH and Associates, presented the Board with a list of each of the 22 changes some increases and other decreases, with number 16 being repairs to brick on town hall and number 18 repairs to electricity to the Park restrooms. The changes totaled \$9,751.19, several changes were already approved individually in past board meetings.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the Kimball Municipal Building Change Orders Numbers 1-22 at a grand total of \$9,751.19. The motion passed on a board vote with Alderman Payne abstaining.

**c.) Marion County Library Board**

Pat Price, Carolyn Stewart and two other ladies were at meeting to discuss a donation to help fund their summer programs.

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve a donation to the Marion County Library in the amount of \$1,500 to be distributed equally amongst the libraries in the county. The motion passed unanimously on a board vote.

**d.) 2009 Outboard Drag Boat Associations World Championship Drag Boat Race at Marion County Park on October 10<sup>th</sup> and 11<sup>th</sup> 2009**

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to approve the donation to Greater Jasper Jaycees for the Boat Races in the amount of \$1,000. The motion passed unanimously on a board vote.

**e.) Local Government Corporation Hardware Maintenance Agreement**

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve the Mayor signing the Local Government Corporation Hardware Maintenance Agreement and the payment of the Hardware and Support Invoice for 2009-2010 in the amount of \$12,413.38. The motion passed unanimously on a board vote.

**f.) 1<sup>st</sup> Reading of Ordinance 202 – An Ordinance to Amend Ordinance 194 Concerning the Budget for the 2008-2009 Fiscal Year Budget for the Town of Kimball, Tennessee**

Mayor Jackson stated we had amendments on three different funds State Street Aid Fund, Drug Fund and Sewer Fund. These amendments will bring all budgets within balance.

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve on 1<sup>st</sup> Reading Ordinance 202 – An Ordinance to Amend Ordinance 194 Concerning the Budget for the 2008-2009 Fiscal Year Budget for the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

**g.) 1<sup>st</sup> Reading of Ordinance 203 – An Ordinance to Adopt a Budget and Levy a Property Tax for the Fiscal Year July 1, 2009 through June 30, 2010**

Mayor Jackson gave the projected budget totals as follows:

General Fund Revenue \$2,358,000	Fund Balance \$1,266,277
State Street Aid Revenue \$34,100	Fund Balance \$22,241
Drug Fund Revenue \$1,500	Fund Balance \$6,456
Sewer Fund Revenue \$84,000	

General Fund Expenditures \$2,491,000  
State Street Aid Fund Expenditures \$34,100  
Drug Fund Expenditure \$4,500  
Sewer Fund Expenditure \$62,700  
Property Tax Rate \$0.10 per \$100 of the assessed value.

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve on 1<sup>st</sup> Reading Ordinance 203 – An Ordinance to Adopt a Budget and Levy a Property Tax for the Fiscal Year July 1, 2009 through June 30, 2010 for the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

**h.) Approval of Bill from Carter Appraisal Services for Summary Narrative Land Appraisal Report for 21.21 acres**

The town was required by the LPRF grant to have the 21.21 acres dedicated to recreation appraised. This was done by Carter Appraisal Services with all paperwork handled by Carter to the State. He valued the property at \$318,000.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve the bill from Carter Appraisal Services for Summary Narrative Land Appraisal Report for 21.21 acres at Industrial Blvd Park in amount of \$2,200. The motion passed unanimously on a board vote.

**i.) Chattanooga State – Sewer Option**

Discussion was made concerning the county purchasing the Holland Farm to build 2-3 buildings for the future of Chattanooga State Technical Community College, in the first phases without an expense to the taxpayers. The County Commission have called a Special Meeting for June 8, 2009 at 6:00 pm. Mayor Jackson has requested the Kimball board to obligate to get sewer to the property line. The idea location would be to continue the sewer from the existing line on Kimball Lane along general area of the interstate way to the property line.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve the town to notify County Mayor Howell Moss that the town will commit to provide a sewer line to the property line of the future Chattanooga State building Site upon approval of the site by the County Commission. The motion passed unanimously on a board vote.

**j.) WiFi**

Discussion was made concerning the proposal of WiFi throughout Kimball by Trinity Communications. Jimmy Gee and Ronnie Case were in attendance with Trinity Communications. The proposal was for a one time set up cost of \$10,000, \$4,000 per month flat fee, \$7,500 per year to compensate for working on citizens computers with a total cost of about \$65,000 first year with an annual expense of \$55,000. This would be a five year contract. If the town decides to do this, this project would be required to be bid. Due to the economy, it was requested to see what cost would be for just some hot spots throughout town. The board will review this subject at a later date.

Another item discussed with Trinity was for the town to purchase a camera and putting town meetings on Trinity Communications. The town would have to purchase the camera for an estimated amount of \$1200 - \$1500. The town would have a button to push to turn the meeting on to have the meeting live on Trinity. This will be discussed more at a later date.

**k.) Inflatables at Parks**

Attorney William Gouger, Jr. provided the board with a General Release, Waiver and Indemnity Agreement and another Release Hold Harmless and Indemnity Agreement Warning: Use of An Inflatable or Bounce Unit May be Dangerous. Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve Attorney William Gouger, Jr. to revise the General Release, Waiver and Indemnity Agreement to include a statement that inflatables, bounce devices, water slide and other similar devices are prohibited from town usage. These agreements would need to be signed by each individual or party using town facilities prior to the usage. The motion passed unanimously on a board vote.

**l.) Jay Totton – Kimball Municipal Planning Commission**

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to re-appoint Jay Totton to the Kimball Municipal Planning Commission. The motion passed unanimously on a board vote.

**m.) Scott Hawkins – Board of Zoning and Appeals**

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to re-appoint Scott Hawkins to the Kimball Board of Zoning and Appeals. The motion passed unanimously on a board vote.

**POLICE REPORT**

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

Litigation Tax	\$123.75
Court Costs	\$518.75
Fines	\$102.00
Report Fee	\$140.00
Sessions Court	\$128.72
License fee	\$0.00
<b>Total</b>	<b>\$1013.22</b>

The Department is in good shape.

**FIRE REPORT**

Alderman Pesnell gave the fire report for May 2009 the department responded to nine calls for the month. The calls were four mutual aids, three signal 9, one rescue and one tree removal. Fire Chief Keef has moved to second shift on his job.

**PARK AND RECREATION BOARD REPORT**

Alderman Keef stated the Park did not meet in May; they are still waiting for architect to get plans back for review of concessions stand. There will be a Free Fishing Day at the back pond on Saturday with registration from 7:00 am until 10:00 am drawing will start at 11:00 am. Next year, they want to reserve the whole park for the Free Fishing Day. TWRA has purchased items for the drawings, the town has purchased items, banks have donated savings bonds, fireworks have been donated and local restaurants have donated free food coupons for the free fishing day. The Soccer Program had about 75 kids this year with the U19 team