

# **KIMBALL BOARD OF MAYOR AND ALDERMEN**

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**Monthly Board Meeting**  
**Thursday, May 6, 2010 6:00 P.M.**  
**675 Main Street**  
**Kimball, TN 37347**

## **PUBLIC HEARING**

1. Call to Order Public Hearing
2. Ordinance 207 – An Ordinance of the Town of Kimball, Tennessee, Establishing Peddlers and Solicitors Regulations, Providing for Severability, and Establishing an Effective Date
3. Ordinance 208 – An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2) of the Town of Kimball, Tennessee
4. Close Public Hearing

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## **AGENDA**

1. Call to Order the Monthly Meeting of the Board of Mayor and Aldermen of the Town of Kimball
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of April 1, 2010 Minutes of Regular Meeting
6. Old Business
7. Resolution 2010-03 – A Resolution Supporting Participation in 2.5 MGD Regional Wastewater Treatment Plant & Authorizing the Submission of a U.S. rural Development Application for Grant and or Loan Funding
8. Resolution 2010-04 – A Loan Resolution for the Wastewater Treatment Plant for the Town of Kimball, Tennessee
9. Discussion on Town taking Lead to Hire Engineer and overseeing the Construction of the Regional Wastewater Facility
10. 2<sup>nd</sup> and Final Reading of Ordinance 207 – An Ordinance of the Town of Kimball, Tennessee, Establishing Peddlers and Solicitors Regulations, Providing for Severability, and Establishing an Effective Date
11. 2<sup>nd</sup> and Final Reading Ordinance 208 – An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2) of the Town of Kimball, Tennessee
12. Open Bids on Pavilion at Kimball Park
13. Carpet and Installation for the Meeting Room
14. Computer Backups from Allied IT
15. Ratify Bill from Lofty Construction for repairs to area around concession stand and forming road into concession stand
16. Resolution 2010-02 – A Resolution to Exempt the Town of Kimball, Tennessee from the Application of the State Fire Marshall's Minimum Statewide Building Construction Safety Standards to One-Family and Two-Family Dwellings
17. Addition of Street lights at Park on Industrial Blvd
18. Transmission for Police Car #85
19. GHSO Capital Outlay Purchase
20. Police Report
21. Fire Report
22. Park Board Report
23. Planning Commission Report
24. Sewer Report
25. Attorney Report
26. New Business
27. Adjourn

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**MINUTES OF THE PUBLIC HEARING  
BOARD OF MAYOR AND ALDERMEN  
KIMBALL, TENNESSEE  
TOWNHALL MEETING ROOM  
THURSDAY, MAY 6, 2010– 6:00 P.M.**

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A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, May 6, 2010 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 public hearing to order for Ordinance Number 207 – An Ordinance of the Town of Kimball, Tennessee Establishing Peddler and Solicitor Regulations, Providing for Severability, and Establishing an Effective Date and Ordinance Number 208 – An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2), of the Town of Kimball, Tennessee.

**NEW BUSINESS**

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- a) To receive citizen input into Ordinance Number 207 – An Ordinance of the Town of Kimball, Tennessee Establishing Peddler and Solicitor Regulations, Providing for Severability, and Establishing an Effective Date
- b) Ordinance Number 208 – An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2), of the Town of Kimball, Tennessee.

Mayor Jackson stated that Ordinance 207 is to establish set times for door to door salesmen and Ordinance 208 is concerning the number of signs based on the size of the lot.

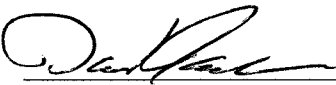
There was no comment by the public.

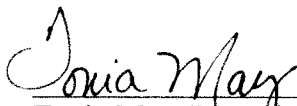
**ADJOURNMENT**

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

  
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David Jackson, Mayor

  
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Tonia May, Recorder

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**MINUTES OF THE REGULAR MEETING**  
**KIMBALL, TENNESSEE**  
**THURSDAY, MAY 6, 2010**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, May 6, 2010 at 6:00 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Jackson called the regular meeting to order at 6:02 p.m.

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**INVOCATION AND PLEDGE**

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Mayor Jackson asked Butch Witcher to say the invocation over the meeting.

Mayor Jackson led the Pledge of Allegiance.

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**ROLL CALL**

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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.

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**APPROVAL OF MINUTES**

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On a motion by **Vice-Mayor Pesnell**, seconded by **Alderman Case** the Minutes of the Regular Monthly Board Meeting for April 1, 2010 were approved unanimously on a board vote.

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**OLD BUSINESS**

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Vice-Mayor Pesnell was still concerned about the Kimball Shopping center roadway. Some repairs have been made; however, more areas are in need of repairs. The board has decided to wait on the owners to see if they will make the necessary repairs before the town takes further steps on the issue.

Mayor Jackson had a couple of items under old business as follows:

- The town has received two payments from the park grant for an amount over \$46,000 which were payments 4 and 5.
- An email has been received from Penny Judd from TVA concerning the TVA I-24 project. The email was read. On April 16, 2010, the land allocation change was approved by the TVA Board of Directors, next step includes the review of easement request by TVA CEO Tom Kilgore, if approved, the TVA Guntersville Watershed Team will finalize the appropriate permits and documents. Congressman Lincoln Davis's office made a call to get this item included in TVA's April Agenda. Scott Medlin said one permit has been received and TDOT is still awaiting the other permits. TDOT hopes to bid the project this summer.
- A letter was received from Western Sizzlin, whom helped host the Easter Egg Hunt, stating that the count for the hunt was 1,300 people.
- The phone line situation at the Marion County E-911 has not been addressed due to lack of Marion County E-911 meeting since the last monthly board meeting. Alderman Case stated there is a meeting scheduled for Tuesday.

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**SCHEDULED AGENDA ITEMS**

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**a.) Resolution 2010-03 – A Resolution Supporting Participating in 2.5 MGD Regional Wastewater Treatment Plant & Authorizing the Submission of a U.S. Rural Development Application for Grant and/or Loan**

The board had a workshop with Southeast Tennessee Development District, Rural Development, Town's Attorney, and Town's Auditor to answer questions concerning the project at extended lengths. There was much discussion during the regular meeting, which was in favor of the project based on the circumstances. The breakdown is as follows:

Kimball	Grant	\$ 513,000	Loan	\$ 627,000	12% of plant with 45% grant
Jasper	Grant	\$1,453,500	Loan	\$1,776,500	34% of plant with 45% grant
South Pittsburg	Grant	\$4,597,500	Loan	\$1,532,500	54% of plant with 75% grant

Kimball's obligation will be \$2,401 Monthly Payment, \$28,974 yearly, for 38 years at 3.25%; however, the town can pay off the loan early with no penalty. The new facility is projected to be built near Jasper's existing plant due to the existing discharge permit and TDEC has agreed to expedite the permit to increase the size of discharge if the project uses an existing discharge permit. The three towns's will each appoint a member to the Wastewater Treatment Authority to run the plant.

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve Resolution 2010-03 – A Resolution Supporting Participating in 2.5 MGD Regional Wastewater Treatment Plant & Authorizing the Submission of a U.S. Rural Development Application for Grant and/or Loan.

Mayor Jackson requested Recorder May to do a roll call vote for the approval of the resolution as follows: Mayor Jackson YES, Vice-Mayor Pesnell YES, Alderman Case YES, Alderman Keef YES, Alderman Payne YES

**b.) Resolution 2010-04 – A Loan Resolution for the Wastewater Treatment Plant for the Town of Kimball, Tennessee**

Attorney Gouger stated the town had to approve this resolution if the town wanted to move forward with Rural Development's funding of the Wastewater Treatment Plant this is the part that is for the grant and loan. This resolution is the next step for the funding and authorizes the application to be submitted. It is set up on a simple interest note with no pre-payment penalty.

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Pesnell** to approve Resolution 2010-04 – A Loan Resolution for the Wastewater Treatment Plant for the Town of Kimball, Tennessee.

Mayor Jackson requested Recorder May to do a roll call vote for the approval of the resolution as follows: Mayor Jackson YES, Vice-Mayor Pesnell YES, Alderman Case YES, Alderman Keef YES, Alderman Payne YES

**c.) Discussion on Town taking Lead to Hire Engineer and overseeing the Construction of the Regional Wastewater Treatment Plant**

One of the town's needs to take the lead in the project to oversee the completion of the Wastewater Treatment Plant, South Pittsburg is ineligible to take the lead or they would lose their 75% grant funding. Therefore, this leaves Kimball or Jasper to take the lead. Southeast Tennessee Development District has requested that Kimball take the lead on the project. This would mean that Kimball would select the engineer from those that submit resume packets to the town, the town would bid the project and select the contractor, oversee the building of the project and payment of the contractor, the funding will be worked out at a later date; however, should be shared with all three towns. The extra work should not affect the town office employees; however, the board will have extra work and responsibility to see the project to completion for the whole of Marion County. There is no obligation until the town takes the money and signs the contracts.

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve the Town of Kimball to take the lead to hire the engineer and overseeing the construction of the Regional Wastewater Treatment Plant. Jackson requested Recorder May to do a roll call vote for the approval as follows:

Mayor Jackson YES, Vice-Mayor Pesnell YES, Alderman Case YES, Alderman Keef YES, Alderman Payne YES

**d.) 2<sup>nd</sup> and Final Reading of Ordinance 207 – An Ordinance of the Town of Kimball, Tennessee Establishing Peddlers and Solicitors Regulations, Providing for Severability, and Establishing an Effective Date**

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Keef** to approve on 2<sup>nd</sup> and Final Reading of Ordinance 207 – An Ordinance of the Town of Kimball, Tennessee Establishing Peddlers and Solicitors Regulations, Providing for Severability, and Establishing an Effective Date. The motion passed unanimously on a board vote.

**e.) 2<sup>nd</sup> and Final Reading Ordinance 208 – An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2) of the Town of Kimball, Tennessee**

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to pass on 2<sup>nd</sup> and Final Reading Ordinance 208 - An Ordinance to Amend Ordinance No. 75 Regarding the Number of Ground Signs Allowed in the Highway Commercial District (C-2) of the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

**f.) Open Bids on Pavilion at Kimball Park**

**Mayor Jackson opens the bids on the Building of the New Pavilion at the Kimball Park as follows:**

<b>STH &amp; Associates</b>	<b>\$38,838</b>	<b>Playworld</b>	<b>No Bid</b>
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Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Keef** to approve the bid for the Pavilion at the Kimball Park from STH & Associates in the amount of \$38,838. The motion passed on a board vote three yes, Case voted No, Payne Abstains.

**g.) Carpet and Installation for the Meeting Room**

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve the purchase of the carpet and installation from Southern Wholesale Carpets in the amount of \$3,394 for the meeting room. The motion passed unanimously on a board vote.

**h.) Computer Backups from Allied IT**

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve the purchase of the computer backup Barracuda from Allied IT with equipment and installation at \$1,930.50. The motion passed unanimously on a board vote.

**i.) Ratify Bill from Lofty Construction for repairs to area around concession stand and forming road into concession stand**

Motion was made by **Alderman Case**, seconded by **Alderman Keef** to approve the bill from Lofty Construction for repairs to area around concession stand and forming road into concession stand in the amount of \$6,969.80. The motion passed on a board vote with Payne abstaining.

**j.) Resolution 2010-02 – A Resolution to Exempt the Town of Kimball, Tennessee from the Application of the State Fire Marshall’s Minimum Statewide Building Construction Safety Standards to One-Family and Two-Family Dwellings**

Gouger stated that Mr. Geary had attended the training session and based on information learned in the session he does recommend the resolution to be passed by the town to be exempt from these regulations. Motion was made by **Alderman Keef**, seconded by **Alderman Case** to approve Resolution 2010-02 – A Resolution Exempt the Town of Kimball, Tennessee from the Application of the State Fire Marshall’s Minimum Statewide Building Construction Safety Standards to One-Family and Two-Family Dwellings. The motion passed unanimously on a board vote.

**k.) Addition of Street lights at Park on Industrial Blvd**

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to authorize Mayor Jackson and Alderman Keef to find proper sites for two new street lights at the park on Industrial Blvd. The motion passed unanimously on a board vote.

**l.) Transmission for Police Car #85**

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to ratify the expense of the transmission for Police Car #85 at \$2,374.27 for parts and labor from Moss Motor Company. The motion passed unanimously on a board vote.

**m.) GHSO Capital Outlay Purchase**

The police department has \$6,000 in Capital Outlay Expense through the Governor’s Highway Safety Office Coordinator’s Grant to purchase specific equipment. The department is requesting to purchase laptops from Wal-Mart at \$348 each, inverters from Wal-Mart at \$32.88 each, and the mounts from Galls at \$239 each for a base price of \$620.87 per car with total cost \$5,587.83. This is grant money and the purchase is approved by the grant.

Motion was made by **Alderman Keef**, seconded by **Alderman Case** to authorize the Police Department to spend the \$5,587.83 for the Capital Expense for laptops and accessories through the GHSO funding. The motion passed on a board vote with Payne abstaining.

**POLICE REPORT**

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

Litigation Tax	\$37.50
Court Costs	\$97.50
Fines	\$40.00
Report Fee	\$80.00
Sessions Court	\$717.72
License fee	\$0.00
<b>Total</b>	<b>\$972.72</b>

Chief Jordan stated the auction brought in \$2,000 for the old police car.

**FIRE REPORT**

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Vice-Mayor Pesnell gave the fire report for April 2010, the department responded to six calls for the month. The calls were two fire (mobile home at 315 Ponderosa Drive and Jim Lofty Construction had a track hoe to burn), one rescue and three mutual aid calls. The fire department will host a meeting on Monday, May 24<sup>th</sup> for all the area fire chiefs. Gary West with MTAS and Roger Hawks, Executive Director, Tennessee Fire Service & Codes Enforcement Academy will be here to discuss the minimum training requirements for firefighters. The Kimball Board has already met with these gentlemen concerning the training issues. The town has two firemen interested in being trained that would train other firefighters; however, the live burn has to be done at Bell Buckle with a weekend stay which cost \$130 for room, board, training and food.

**PARK AND RECREATION BOARD REPORT**

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Alderman Keef stated the park board did not have a meeting last month; however, the next meeting is scheduled for May 11 at 5 pm at the concession stand.

**PLANNING COMMISSION REPORT**

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Alderman Case stated the board reviewed a final minor plat for Karen Boeck Subdivision. Dr. Boeck is requesting to cut one lot from 1.2 acres. The planner gave the annual performance report which details

## SEWER REPORT

Alderman Payne gave a sewer report as follows: the flow meter will be installed next week, the town has 77 or 78 manholes in town and these will be mapped out eventually.

## ATTORNEY REPORT

Attorney Gouger wanted to update the board concerning the property for the new college. The building oversight committee has received ten proposals from architects on this project and the committee has narrowed it down to four. These four architects will be interviewed with proposals for this site.

## NEW BUSINESS

Mayor Jackson had several items under new business as follows:

- May 13, 14 and 27 at 4:30 the Board will have Budget Workshops.
- Sales Tax for March 2010 was at \$205,729 with March 2009 at \$214,661 sales tax revenue was down \$8,932. State taxes included Liquor by the Drink tax which was \$65.50 for March.
- MTAS sent an email for the town to apply for an Energy Efficient Conservation and Block Grant this can be used for lighting, air-conditioning, and traffic lights. The town is going to be compiling the electric bills for the grant application. This is ARRA Funds to help towns and communities to become more energy efficient with a possibility of receiving \$100,000.
- The town had a Certificate of Deposit mature and the town stayed with People's Bank at 2.05%.
- County Commission has discussed clear cutting and selective timber cutting on the new college property. Alderman Payne suggested talking with the representative to let them know how the people feel about this issue.
- Finances

General Fund		Drug Fund	
Checking	\$ 274,000	Checking	\$ 1,653
Payroll	\$ 44,363	<b>State Street Aid</b>	
Savings	\$ 351,450	Checking	\$ 11,943
CD	<u>\$ 434,910</u>	<b>Sewer Fund</b>	
Total	\$1,104,723	Checking	\$ 78,103
		CD	\$ 75,561
		Savings	<u>\$ 100,932</u>
		Total	\$ 254,596


<b>Grand Total</b> <b>\$1,372,915</b>
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Vice-Mayor Pesnell stated that Hank Plain with TOSHA will be at the Town to perform an inspection on May 11<sup>th</sup>. Town hall needs to have the OSHA log books available for inspection and all departments need to be ready for an inspection.

## ADJOURNMENT

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

  
David Jackson, Mayor

  
Tonia May, Recorder