

# **KIMBALL BOARD OF MAYOR AND ALDERMEN**

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**Monthly Board Meeting  
Thursday, July 7, 2011 6:00 P.M.**

## **PUBLIC HEARING**

1. Call to Order Public Hearing
2. Ordinance 213 – 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 (Oscar Ellis Property)
3. Close Public Hearing

## **AGENDA**

1. Call to Order the Monthly Board Meeting of the Kimball Board of Mayor and Aldermen
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of June 2, 2011 Minutes of Regular Meeting
6. Old Business
7. 2<sup>nd</sup> and Final Reading of Ordinance No. 213 – 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 (Oscar Ellis Property)
8. Discuss An Ordinance to Amend the Official Zoning Ordinance to Allow Mixed Use Developments Within the C-2 Highway Business Zoning District in the Town of Kimball, Tennessee
9. 1<sup>st</sup> Reading of Ordinance No. 214 – An Ordinance to Amend Ordinance No. 210 Concerning the Budget for the Fiscal Year 2010-2011 for the Town of Kimball, Tennessee
10. 1<sup>st</sup> Reading of Ordinance No. 215 – An Ordinance Amending the Annual Operating Budget & Capital Program of Kimball, Tennessee for Fiscal Year 2011-2012
11. Marion County Partnership Annual Membership at \$5,000

12. Local Government Corporation Hardware and Software Agreement for 2011-2012 in the amount of \$13,640.50
13. Discuss TML Risk Management Pool Safety Grant
14. Discuss TAEP Division of Forestry Tree Grant for 2011-2012
15. Discuss Belson Outdoors Quote for 8 Sets of Bleachers for Baseball/Softball Fields in amount of \$8,784 and part of the LPRF Grant
16. Gate at current park entrance
17. Discuss Paving Lofty Drive and George Roberts Lane
18. Appointment of Mark O'Leary to Kimball Planning Commission for another term
19. Appointment of Martha Holland to the BZA Board for another term
20. Ratify bill from Byrd's Electric Motor for Repairs to Sewer Pump in the amount of \$4,528.00
21. Ratify filling in pond on park property by Lofty Construction Company
22. Children at Play Signs
23. Police Report
24. Fire Report
25. Park Board Report
26. Planning Commission Report
27. Sewer Report
28. Attorney Report
29. New Business
30. Adjourn

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**MINUTES OF THE PUBLIC HEARING  
KIMBALL, TENNESSEE  
THURSDAY, JULY 7, 2011– 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, July 7, 2011 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 Jerry Don Case, Alderman Mark Payne, Alderman Johnny Sisk and Attorney William Gouger, Jr.

Mayor Jackson called the public hearing to order for Ordinance Number 213 – 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 (Oscar Ellis Property).

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**NEW BUSINESS**

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- a) **Ordinance No. 213 – 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 (Oscar Ellis Property)**

Mayor Jackson explained the ordinance and stated the property is located on Kimball Lane behind the Kimball Church of Christ.

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**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.

  
David Jackson, Mayor

  
Tonia May, Recorder

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**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, JULY 7, 2011**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, July 7, 2011 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

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

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**INVOCATION AND PLEDGE**

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Mayor Jackson requested Alderman Case 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 Jerry Don Case, Alderman Mark Payne, Alderman Johnny Sisk 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 Sisk** the Minutes of the Public Hearing and Regular Monthly Board Meeting for June 2, 2011 were approved unanimously on a board vote.

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**OLD BUSINESS**

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

- The Comptroller's Office has sent a letter to the town approving the Fiscal Year Budget 2011-2012. The approval was sent after the town separated the Solid Waste Funds and moved revenues to this fund to provided funding to cover the expenditures.
- The sewer line repairs to the line on Hwy 2 are currently in progress. The town had an issue on Tuesday morning; however, this issue has now been resolved.
- The town along with TWRA hosted the Third Annual Free Fishing Day on June 11, 2011. There were approximately 75 children present for the fishing day which included prizes and snacks.

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**SCHEDULED AGENDA ITEMS**

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- a.) **2<sup>nd</sup> and Final Reading of Ordinance 213 – 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 (Oscar Ellis Property)**

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to approve on second and final reading Ordinance No. 213 – 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 (Oscar Ellis Property). The motion passed unanimously on a board vote.

- b.) **Discuss An Ordinance to Amend the Official Zoning Ordinance to Allow Mixed Use Development Within the C-2, Highway Business Zoning District in the Town of Kimball, Tennessee**

There was much discussion on this ordinance; however, the ordinance fails due to lack of motion. This ordinance will be sent to the Kimball Municipal Planning Commission for this commission to consider again.

**c.) 1<sup>st</sup> Reading of Ordinance 214 - An Ordinance to Amend Ordinance No. 210 Concerning the Budget for the Fiscal Year 2010-2011 for the Town of Kimball, Tennessee**

Mayor Jackson explained the amendments on the ordinance for 2010-2011.

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve on first reading Ordinance 214 - An Ordinance to Amend Ordinance No. 210 Concerning the Budget for the Fiscal Year 2010-2011 for the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

**d.) 1<sup>st</sup> Reading of Ordinance 215 – An Ordinance Amending the Annual Operating Budget & Capital Program of Kimball, Tennessee for Fiscal Year 2011-2012**

Mayor Jackson explained the amendments on the ordinance for Sewer Fund 2011-2012.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve on first reading Ordinance 215 – An Ordinance Amending the Annual Operating Budget & Capital Program of Kimball, Tennessee for Fiscal Year 2011-2012. The motion passed unanimously on a board vote.

**e.) Marion County Partnership Annual Membership at \$5,000**

A motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to approve the Marion County Partnership Annual Membership at \$5,000. The motion passed unanimously on a board vote.

**f.) Local Government Corporation Hardware and Software Agreement for 2011-2012 in the amount of \$13,640.50**

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Sisk** to approve the Local Government Corporation Hardware and Software Agreement for 2011-2012 in the amount of \$13,640.50. The motion passed unanimously on a board vote.

**g.) Discuss the TML Risk Management Pool Safety Grant**

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the town applying for the TML Risk Management Pool Safety Grant which is a 50% Pool and 50% town obligation up to \$2,000. The motion passed unanimously on a board vote. The board decided to apply for in-car cameras for the police department for this grant.

**h.) Discuss TAEP Division of Forestry Tree Grant for 2011-2012**

Mayor Jackson stated the town could plant 100 more trees on the park property since the new entrance has been developed, behind the baseball/softball field fencing and various other areas at the park. This grant will be a 50% TAEP and 50% town up to \$40,000.

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to approve the town applying for the TAEP Division of Forestry Tree Grant for 2011-2012. The motion passed unanimously on a board vote.

**i.) Discuss Belson Outdoors Quote for 8 Sets of Bleachers for Baseball/Softball Fields in the amount of \$8,784 which is part of the LPRF Grant**

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to purchase 8 sets of bleachers from Belson Outdoors for the Baseball/Softball Fields in the amount of \$8,784 which is part of the LPRF Grant. The motion passed unanimously on a board vote.

**j.) Gate at current park entrance**

There was much discussion concerning the gate closure at the intersection of Kimball Lane and Industrial Boulevard which the town has been using for the main entrance to the Park. This entrance has been classified as a farm crossing only.

After much discussion, a motion was made by **Alderman Payne**, seconded by **Alderman Case** to close the entrance to the park at the intersection of Kimball Lane and Main Street on August 1, 2011 with all future park participants entering at the new entrance which is located off of Lofty Drive. The motion passed unanimously on a board vote.

**k.) Discuss Paving a Section of Boyd Avenue**

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve Marion County Highway Department to pave a section of Boyd Avenue in the amount of \$13,717.76. The motion passed unanimously on a board vote.

**l.) Discuss Paving Lofty Drive**

The Marion County Highway Department had sent four separate proposals concerning the paving of this roadway. The board discussed the proposals in detail.

After much discussion, a motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve Marion County Highway Department to widen Lofty Drive to 22 feet and pave Lofty Drive with a 3 inch top in the amount of \$64,976.18. The motion passed unanimously on a board vote.

**m.) Re-Appointment of Mark O’Leary to Kimball Planning Commission for another term**

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the Re-Appointment of Mark O’Leary to the Kimball Planning Commission for another term. The motion passed unanimously on a board vote.

**n.) Re-Appointment of Martha Holland to the BZA Board for another term**

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the Re-Appointment of Martha Holland to the BZA Board for another term. The motion passed unanimously on a board vote.

**o.) Ratify bill from Byrd’s Electric Motor for Repairs to Sewer Pump in the amount of \$4,528**

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to ratify the bill from Byrd’s Electric Motor for repairs to the Sewer Pump in the amount of \$4,528. The motion passed unanimously on a board vote.

**p.) Ratify bill from Lofty Construction Company for Filling in pond on the park property in the amount of \$7,500**

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to ratify the bill from Lofty Construction Company for filling in the pond on the park property in the amount of \$7,500. The motion passed on a board vote with Alderman Payne abstaining from voting.

**q.) Children at Play Signs**

Mayor Jackson had an email sent to him that he shared with the board concerning the risk of having signs located in the town regarding “Slow, Children at Play”. Attorney Gouger addressed the board and public concerning the regulation and Federal Manual on Uniform Traffic Control Division’s recommendations.

After much discussion, a motion was made by **Alderman Case**, seconded by **Alderman Sisk** to not install new signs for “Slow Children at Play” signs upon the destruction of the existing signs in town. The motion passed unanimously on a board vote.

**POLICE REPORT**

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

Litigation Tax and Training Fees	\$98.50
Court Costs	\$361.50
Fines	\$90.00
Report Fee	\$90.00
Sessions Court	\$214.25
<b>Total</b>	<b>\$854.25</b>

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### **FIRE REPORT**

Vice-Mayor Pesnell gave the fire report for June 2011. The department responded to six calls for the month which included one vehicle fire, three rescue and two mutual aid calls.

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### **PARK AND RECREATION BOARD REPORT**

Alderman Sisk stated the Park Board met on June 9, 2011. The board discussed fees of soccer versus the registration fees. Soccer registration will be held August 6<sup>th</sup> and August 13<sup>th</sup>. The next park board meeting is scheduled for July 14, 2011 at 5:00 pm.

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### **PLANNING COMMISSION REPORT**

Alderman Case stated the planning commission meeting for the month of June was cancelled. The next planning commission meeting is scheduled for Tuesday, July 19, 2011 at 6:00 pm.

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### **SEWER REPORT**

Alderman Payne stated that the sewer pumps have been repaired. Also, Mike Nelson has stated to him that Henley Construction Company working on the sewer line repair job has been doing a fine job. Alderman Payne wanted to commend Mike Nelson for the way he handled the situation during the issue that arose on the sewer line project.

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### **ATTORNEY REPORT**

Attorney Gouger had no other business.

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### **NEW BUSINESS**

Alderman Case had an item concerning the Police Department in-car cameras. The department has presented a quote from Digital Ally in the amount of \$4,845. The department has a total of seven cameras that are in need of replacement.

After much discussion, a motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to purchase seven in-car cameras for the police department patrol cars up to \$30,000 under emergency powers. The department will use grant funding from the GHSO Grants to cover part of the cost, TML Risk Management Safety Grant will be applied for to use for this purchase and remainder to be paid from the town's general fund. The department will purchase these as emergency powers since it protects the town, police officers, citizens and violators. The motion passed unanimously on a board vote.

Vice-Mayor Pesnell stated that he had the Volunteer Fire Department supplemental insurance which needs to be renewed through the Steve Frost Agency in the amount of \$3,630.

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to approve the Volunteer Fire Department supplemental insurance with the Steve Frost Agency in the amount of \$3,630 for one year. The motion passed unanimously on a board vote.

Mayor Jackson had items under new business as follows:

- The Comptroller's Office has sent a letter to the town requesting the town implement a Debt Management Policy to be effective by December 31, 2011. This is being required of all towns and cities in Tennessee.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to authorize Attorney Gouger to prepare a Debt Management Policy to be presented to the board at the next meeting. The motion passed unanimously on a board vote.

- Phyllis Grove from Evansville, Indiana wrote a letter to the town commending Lieutenant Rowe and Patrolman Gouger on their assistance during her mishap while in town.
- The Tennessee Department of Transportation has sent a letter notifying the town that effective July 1, 2011 a NOC (Notice of Coverage) will be required on all construction sites from here on which states the erosion control compliance.
- On July 26, 2011, Mayor Jackson will be going to a class in Cleveland on use of Utilities on Rights-of-Way.
- The town's LPRF (Park Grant) has an estimated \$70,000 remaining which will need to be spent prior to November 2011. The Park Board will discuss the lighting of the baseball/softball fields with these funds; however, this will not be enough funds to light all fields. The town will be required to pave at least a few handicapped parking spaces with this grant since paving is a line item.
- Sales Tax for 2010 was \$230,149 with 2011 at \$236,761 which is an increase of \$6,612.
- Ben Beene with Tennessee Watershed will be contacted concerning TWRA funding for boat docks and the requirements.
- Finances

<b>General Fund</b>		<b>Drug Fund</b>	
Checking	\$ 167,378	Checking	\$ 2,386
Payroll	\$ 11,541	<b>Sewer Fund</b>	
Savings	\$ 504,787	Checking	\$ 218,493
CD	\$ 437,841	CD	\$ 76,126
Total	\$1,121,547	<u>Savings</u>	\$ 101,946
<b>State Street Aid</b>		Total	\$ 396,565
Checking	\$ 19,115		

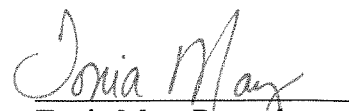
<b>Grand Total</b>	<b>\$1,539,613</b>
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- The next monthly board meeting will be August 4, 2011 at 6:00 pm.
- The next planning commission meeting will be July 19, 2011 at 6:00 pm to discuss the mixed use ordinance.

## 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 Sisk**. The motion passed unanimously on a board vote.

  
David Jackson, Mayor

  
Tonia May, Recorder