
**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, NOVEMBER 3, 2011**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, November 3, 2011 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

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

INVOCATION AND PLEDGE

Mayor Jackson requested Alderman Jerry Don Case 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 Jerry Don Case, Alderman Mark Payne, Alderman Johnny Sisk and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Case**, seconded by **Vice-Mayor Pesnell** the Minutes of the Public Hearing and Regular Monthly Board Meeting for October 6, 2011 were approved unanimously on a board vote.

OLD BUSINESS

Alderman Payne wanted to express how much he enjoyed the Trunk or Treat festivities.

Alderman Sisk also expressed enjoyment of the Trunk or Treat event. He stated those involved did a good job decorating and getting the park ready for the event.

Mayor Jackson stated there were businesses and citizens involved in this year's event; however, he would like to see more citizens and businesses involved in the Trunk or Treat event next year. He wanted to thank Phyllis Goff for creating the cemetery and decorating the back of the barn. He also wanted to thank the ladies in the office and maintenance crew for decorating.

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

- The trees for the tree grant have been ordered and will be delivered November 15th on the tree grant.
- Jason Collins Construction Company will plant the trees November 16th weather permitting.
- The new rescue truck has been delivered. The fire and rescue department volunteers worked hard on Saturday, October 29th to prepare the new rescue truck with all the equipment needed to be ready to respond when necessary. The town appreciates all the members attending the Trunk or Treat event and bringing the new rescue truck.

SCHEDULED AGENDA ITEMS

a.) Marion County Sheriff's Department Needy Children's Christmas Fund

Motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the donation to the Marion County Sheriff's Department Needy Children's Christmas Fund in the amount of \$250. The motion passed unanimously on a board vote.

b.) Set Holiday Schedule

Motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve Town Hall and Maintenance Department Offices to be closed as follows: Friday, December 23, 2011, Monday, December 26, 2011 and Monday, January 2, 2012 to observe the holidays. The motion passed unanimously on a board vote.

c.) Set Sanitation Schedule During Holidays

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the Sanitation Schedule during the Holidays as follows: Thursday, November 10, 2011, Thursday, December 22, 2011, Tuesday, December 27, 2011, and Tuesday, January 3, 2012. The motion passed unanimously on a board vote.

d.) Christmas Bonus

Motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve a Christmas Bonus for the employees in the amount of \$400. The check will be ready on November 23, 2011. The motion passed unanimously on a board vote. This benefit does not include the Board of Mayor and Aldermen.

e.) Hams/Turkeys

Motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the turkeys for Thanksgiving and hams for Christmas for the employees, BZA, Planning Commission, Park Board, Beautification and Marketing Committee members. The motion passed unanimously on a board vote. This benefit does not include the Board of Mayor and Aldermen.

f.) Ratify Bill from Maximum Sports and Fitness for Soccer Uniforms for Fall 2011 in the amount of \$2,394

Motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to ratify the bill from Maximum Sports and Fitness for Soccer Uniforms for Fall 2011 in the amount of \$2,394. The motion passed unanimously on a board vote.

g.) Discuss Expanding Urban Growth Plan

Attorney Gouger explained that the town expanding the urban growth plan is pending the finalization of the maps from the local planner. The expanding of the growth plan will be tied to the conversion to a municipal regional planning commission. The town wants to expand to have some regulations concerning the development of the property on the mountain. Site plans would be reviewed by the town instead of the county; however, the building permits would be issued through the county.

h.) Discuss placing three (3) street lights on Lofty Drive and one (1) street light in Kimball Park

Motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to approve the installation of three (3) street lights on Lofty Drive and one (1) street light in Kimball Park. The motion passed unanimously on a board vote.

i.) Discuss Lowe's and Bestway Rent To Own Sewer Bills concerning water leaks at their facilities

Bestway Rent To Own requested a sewer adjustment due to a water leak in their restroom which has been repaired. The approximate adjustment for Kimball's portion of excess sewer charges for the water leak was estimated at \$225. Lowe's also contacted the town concerning another water leak in their parking lot which has caused an excess in sewer charges. The town has given credits in 2005 for leaks at this site. There was discussion concerning the waiving of the town's portion of the excess charges for the sewer; however, the town did set a policy to only waive sewer excess charges two times per business.

Motion was made by **Alderman Payne**, seconded by **Mayor Jackson** to approve the credit to Bestway Rent To Own up to \$225 for the excess sewer charges due to a water leak and deny the credit to Lowe's due to the business already reaching the maximum limit on the town's sewer waiver policy. The motion passed unanimously on a board vote.

j.) Discuss Lease with Grandview Emergency Medical Services on waiver of the 90 day written notice to terminate

Mayor Jackson explained that the county commission authorized County Attorney Gouger and County Mayor Graham to start negotiations with Puckett Emergency Services for ambulance services in Marion County with the transition to take place approximately March 1, 2012.

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to waive the 90 day written notice to terminate on the lease with Grandview Emergency Medical Services. The motion passed unanimously on a board vote.

k.) Discuss SBA Communications Request to Extend the Existing Ground Lease

Attorney Gouger addressed the board concerning the letter from SBA Communications with a request to extend. SBA has 13 years remaining on the existing ground lease which they claim hampers their ability to secure new customers. In an effort to secure their customers, they are seeking another lease for 55 years. Attorney Gouger advised that the normal renewals are 40 years and/or life of the project. After some discussion, a motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to authorize Attorney Gouger to negotiate with SBA Communications a new contract 40 years or less for board review at the December meeting. The motion passed unanimously on a board vote.

l.) Review A Sample Ordinance Pertaining to the Prohibition of the Possession, Sale, Delivery, Transfer, or Attempt to Posses, Sale, Deliver or Transfer Synthetic Drugs
The board reviewed a sample ordinance provided. Attorney Gouger provided information concerning state laws already in place to cover this in general session's court.

After much discussion, a motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Sisk** to authorize Attorney Gouger to prepare the town an ordinance to help control synthetic drugs in Kimball for board review at the December meeting. The motion passed unanimously on a board vote.

m.) Discuss Old Police Cameras

Motion was made by **Alderman Case**, seconded by **Alderman Payne** to donate the old in car police cameras to the Jasper Police Department. 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	\$44.25
Court Costs	\$200.75
Fines	\$30.00
Report Fee	\$90.00
Sessions Court	\$1690.52
Total	\$2055.52

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for October 2011; the department had seven calls during the month. They were one stove/grille fire at Krystal, one mutual aid, one rescue, and four signal nine (cancelled in route). The new rescue truck was delivered October 26th. The firemen worked all day on Saturday October 29th equipping the truck. They also brought the truck to Trunk or Treat for everyone to see.

The extermination of the bats is still a work in progress. He has been onsite two days trying to exterminate these creatures.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated the park board and Board of Mayor and Aldermen will meet November 17th at 5 pm.

PLANNING COMMISSION REPORT

Alderman Case stated the planning commission meeting for the month of October was cancelled. The planning commission and BZA boards attended their required four hours of annual training on Tuesday, October 25th. The next planning commission meeting is scheduled for Tuesday, November 15, 2011 at 6:00 pm.

SEWER REPORT

Alderman Payne stated there is less infiltration going into the sewer system; however, he would like the board to meet to have a mechanical sewer workshop. This will be set for Monday, November 14, 2011 at 5:00 pm. The financial sewer workshop is set for Thursday, December 1, 2011 at 4:30 pm.

ATTORNEY REPORT

Attorney Gouger had no business.

NEW BUSINESS

Alderman Case discussed two ditches on Boyd Avenue which have no water during dry or wet times. Mayor Jackson stated Jason Collins Construction has been to the site and should be getting the town an estimate to fill these in as they are serving no purpose for drainage. Alderman Case also was concerned about the new traffic signal light bulbs. These are LED bulbs and the town's current traffic signal lights use a different type. The concern is to be prepared when a bulb needs replacing that the maintenance crew has one on hand to make the repair. Also, the new businesses in town are installing illegal signs. These illegal signs have been addressed. Mayor Jackson stated that Building Inspector Geary and Clerk Case have already prepared packets to be issued with business licenses to help remedy this from happening in the future.

Alderman Sisk wanted to start getting quotes on a snow plow as it is getting close to the winter months. Mayor Jackson stated he would get with Supervisor Nelson to get quotes from a couple of dealers for the snow plow. Alderman Sisk also wanted the board to consider clothing the part-time employee so he can be identified when he is working for the town. The clothing issue will be reviewed and considered.

Vice-Mayor Pesnell wanted to know if there were any solutions to the construction traffic during the holidays. There were several suggestions made; however, this is a state construction project. A member of the audience suggested working with TDOT to let their staff assist the town on the holiday traffic and construction zone. Mayor Jackson will make contact with TDOT on this issue.

Mayor Jackson had items under new business as follows:


- Sales Tax for September 2011 was up \$5,148 from September 2010.
- The town has sent out approximately 60 Marketing DVD's and letters to various retail businesses in efforts to recruit more business to our area. Tanger Outlets responded to the Mayor via email. Their company is currently using their resources to concentrate on the New Mexico and Arizona area; however, they will keep our information.
- The town had a Certificate of Deposit to mature. The town took sealed bids with First Jackson Bank being the highest bidder. The bank received the bid at 1% for a 1 year term on the town's \$325,000 funds which is secured with pledge collateral.
- The next monthly board meeting will be Thursday, December 1, 2011 at 6:00 pm.
- Finances

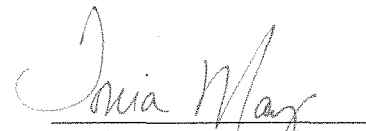
General Fund		State Street Aid	
Checking	\$ 94,302	Checking	\$ 25,565
Payroll	\$ 8,602	Drug Fund	
Savings FVB	\$ 76,176	Checking	\$ 2,426
Savings FJB	\$ 169,018	Sewer Fund	
Savings PSB	\$ 245,047	Checking	\$ 11,943
CD	\$ 325,000	CD	\$ 76,000
Total	\$ 918,145	Savings	\$ 102,068
		Total	\$ 190,011
Grand Total		\$1,136,147	

Citizen Bill Neal expressed concern over the speed of traffic on Kimball Lane and the weight of the trucks crossing the bridge over Interstate 24 on Kimball Lane. The board and citizens discussed ways to remedy this issue; however, the board requested time to review the options for optimal solution. Police Chief Jordan was requested to increase patrol along this stretch of the town's streets, as well as, Industrial Boulevard.

ADJOURNMENT

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


David Jackson, Mayor


Tonia May, Recorder