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**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, DECEMBER 1, 2011**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, December 1, 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.

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**INVOCATION AND PLEDGE**

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Mayor Jackson requested Ronnie Case 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 **Alderman Sisk**, seconded by **Alderman Case** the Minutes of the Regular Monthly Board Meeting for November 3, 2011 were approved unanimously on a board vote.

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**OLD BUSINESS**

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Alderman Sisk requested the status on the part time employee uniforms. The town will get the pricing and revisit this at a later date.

Mayor Jackson stated that the street lights on Lofty Drive and in the Park have been installed and are operating.

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**SCHEDULED AGENDA ITEMS**

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**a.) Paul Johnson with Johnson, Murphey & Wright, P.C. CPA concerning the Town of Kimball's Fiscal Year End Financial Statement June 30, 2011**

Paul Johnson addressed the board and citizens concerning the town's finances as of June 30, 2011. He stated overall the town had a clean audit with a small amount of debt. The town's major problem is the sewer fund which had more expenses than revenues. The sewer fund has to account for depreciation which this year totaled \$43,514. The sewer fund revenues must cover operating expenses and depreciation without transfers in from other funds to supplement this fund.

**b.) Linda Anderson with Froggy's Bar and Grill concerning remaining open later on Saturday, December 31, 2011 for the New Year's Holiday**

Motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve Froggy's Bar and Grill to remain open until 2:00 am on January 1, 2012 for the New Year's Holiday. The motion passed on a board vote with Alderman Case voting No.

**c.) Proclamation Declaring November National Hospice and Palliative Care Month**

Motion was made by **Alderman Case**, seconded by **Alderman Sisk** to ratify the Proclamation Declaring November National Hospice and Palliative Care Month. The motion passed unanimously on a board vote.

**d.) Discuss Expanding the Urban Growth Plan**

Attorney Gouger stated the proposed map to revise the Urban Growth Map has been completed by Chad Reese the Town Planner with Southeast Tennessee Development District. The next step is to authorize the dates for the public hearings which have to be published for 15 days with the hearing to be conducted

on separate days. After these hearings, a resolution will be approved by the board at the next regular board meeting. The resolution is then submitted to the county coordinating committee. Motion was made by **Alderman Case**, seconded by **Alderman Sisk** to set Thursday, January 5, 2012 at 5:30 pm and Tuesday, January 10, 2012 at 5:30 pm as Public Hearing dates to receive public input on the proposed expansion of Kimball's Urban Growth Boundary to include approximately 3,020 acres of land atop Jasper Mountain. The motion passed unanimously on a board vote.

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

Attorney Gouger spoke with Dee Ware concerning the request for an extension of the ground lease for 55 years. The current lease has 13 years remaining. Ms. Ware with SBA Communications will prepare a draft proposal with the amended lease for the Attorney and Board to review with the term being modified to extend for 40 years.

**f.) 1<sup>st</sup> Reading Ordinance 217 – An Ordinance of the Town of Kimball to Prohibit the Possession, Sale, Delivery, Transfer, or Attempt to Possess, Sale, Deliver or Transfer Synthetic Drugs**

Attorney Gouger stated there has been a request statewide to pass an ordinance similar to this to add enforcement measures for the police departments within the state. The ordinance mirrors the state statute on definitions and chemicals that are contained. The ordinance provides for citation methods to bring people into the town's municipal court and sets the fines. The ordinance allows the items listed in the ordinance to be legal if used in normal uses. It only addresses the items if being used illegally. The ordinance imposes a \$50 fine plus court cost; however, it also gives the police department authority to inspect for other items if a violation is found.

After much discussion, a motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve on 1<sup>st</sup> Reading Ordinance 217 – An Ordinance of the Town of Kimball to Prohibit the Possession, Sale, Delivery, Transfer or Attempt to Possess, Sale, Deliver or Transfer Synthetic Drugs. The motion passed unanimously on a board vote.

**g.) Review Snow Plow Quotes**

Mayor Jackson read the quotes for the snow plow as follows:

Cherokee	EX 80 Snow Dogg snow plow	\$4,965
StringFellow Inc.	Meyer Lot Pro 8' Snow Plow	\$5,193
Municipal Equipment Inc.	EX 80 Snow Dogg Stainless Steel Snow Plow	\$5,990
Municipal Equipment Inc.	EX 85 Snow Dogg 8'6" Plow	\$6,090
Municipal Equipment Inc.	EX 90 Snow Dogg 9' Plow	\$6,190

A recommendation was requested from the Maintenance Supervisor based on the quotes provided and the descriptions as to which would be the preference. The Maintenance Supervisor stated he preferred the StringFellow Inc. quote due to the quality, description on quote and website review.

Motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to accept the quote from StringFellow Inc. for the Meyer Lot Pro 8' Snow Plow in the amount of \$5,193. 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	\$73.75
Court Costs	\$311.25
Fines	\$40.00
Report Fee	\$50.00
Sessions Court	\$283.10
<b>Total</b>	<b>\$758.10</b>

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## **FIRE REPORT**

Vice-Mayor Pesnell gave the fire report for November 2011; the department had six calls during the month. They were four mutual aids, one rescue, and one signal nine (cancelled in route).

The new rescue truck has been used. The department enjoys the convenience of the ability to use the tools onsite and the tools to work with the truck. The department will be participating in the Christmas parades in Jasper and South Pittsburg again this year.

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## **PARK AND RECREATION BOARD REPORT**

Alderman Sisk stated the park board and Board of Mayor and Aldermen met concerning usage of the park. The next meeting will be December 8<sup>th</sup> at 5 pm.

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## **PLANNING COMMISSION REPORT**

Alderman Case stated the planning commission meeting for the month of November was cancelled. The next planning commission meeting is scheduled for Tuesday, December 20, 2011 at 6:00 pm. Thunder Thornton will have a representative on hand to give a presentation.

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## **SEWER REPORT**

Alderman Payne stated the repairs to the sewer lines have helped with the sewer I&I issues; however, there are still some low lying manholes the town will need to consider repairing.

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## **ATTORNEY REPORT**

Attorney Gouger stated this is the second year that he has reported to the auditors that the town has had no litigation claims which is an accomplishment by the efforts of the board and supervisor in each department.

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## **NEW BUSINESS**

Alderman Payne wanted to express that the expanded growth plan does not mean the town has plans for annexation in the near future. This expansion is to prevent storm water runoff and to protect the citizens' property to enforce rules to prevent runoff.

Alderman Case wanted to comment on the Christmas decorations. He wanted to thank Lt. Rowe for covering the sleigh in the vinyl on his days off. He also wanted to thank the ladies in the office, the maintenance crew and others that helped on the Christmas decorations.

Alderman Case also wanted to thank Attorney Gouger for his guidance and efforts as the town's attorney. The town appreciates having him to direct them and he believes this is a reason that there have been no litigations filed against the town in the past two years.

Vice-Mayor Pesnell stated he would second Alderman Case's comment.

Mayor Jackson had items under new business as follows:

- The town sent out 60 marketing packets during the fall. Publix Supermarkets was one of the recipients and they have sent a letter thanking the town for the information and will keep it on file as they are always looking for new areas to research for future development.
- Scott Medlin with TDOT has sent a construction update which stated that there should be 2 lanes opened in both directions within the next two weeks under the interstate bridge.
- The town had a park grant audit which cited the town having weak internal controls. The town will be sending an answer to the audit which is the same as the answer for the annual audit finding on this same issue.
- Sales Tax for October 2011 was \$211,047 and October 2010 was \$202,856 this was up \$8,191.
- The town will run a notice in the local paper for the 2012 regular monthly meeting dates.

- Cindy Miligan with Tennessee Department of Tourism has sent a letter concerning the new Pie in the Sky Brochure which has a route through Tennessee which includes Kimball. The town will need to sign a letter approving the state to install the signs on state right of way throughout town concerning this route.
- The American Bass Angler had scheduled to come to Kimball for the 2012 Fishing Tournament; however, the dates have had to be changed and will conflict with the Jaycees Boat Races. Due to the necessity to change the dates, Debra Talley with American Bass Anglers stated that Kimball will not be a Host Site for their tournament for 2012 and wanted to know if the town would honor the Host Site Contract for 2013. This will be reviewed at a later date.
- David Daniels with the Tennessee Chapter of the Bass Federation is scheduled to meet concerning the possibility of the town hosting a state tournament in September 2012.
- Bill from WeeTek Inc. for Sewer Chemical – Bacteria in the amount of \$1,881.07.

Motion was made by **Alderman Case**, seconded by **Alderman Sisk** to ratify the bill from WeeTek Inc. for Sewer Chemical – Bacteria in the amount of \$1,881.07. The motion passed unanimously on a board vote.

- Finances

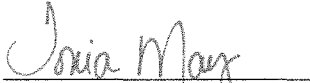
<b>General Fund</b>		<b>State Street Aid</b>	
Checking	\$ 162,255	Checking	\$ 23,308
Payroll	\$ 18,796	<b>Drug Fund</b>	
Savings FVB	\$ 76,195	Checking	\$ 2,435
Savings FJB	\$ 169,072	<b>Sewer Fund</b>	
Savings PSB	\$ 245,047	Checking	\$ 6,905
CD	\$ 325,000	CD	\$ 76,000
Total	\$ 996,365	Savings	\$ 102,094
		Total	\$ 184,999
<b>Grand Total</b>		<b>\$1,207,107</b>	

- The board would like to wish everyone a Merry Christmas and Happy New Year.
- The town Christmas Dinner is Friday, December 9, 2011 at 6:15 pm for employees, committee and board members.
- The next monthly board meeting will be Thursday, January 5, 2012 at 6:00 pm.

#### **ADJOURNMENT**

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

  
David Jackson, Mayor

  
Tonia May, Recorder