

**KIMBALL BOARD OF MAYOR AND ALDERMEN**

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**Public Hearing**

**Thursday, January 5, 2012 5:30 P.M.**

1. Call to Order Public Hearing
2. Input on the Proposed Expansion of Kimball's Urban Growth Boundary to include approximately 3,020 acres of land atop Jasper Mountain
3. Close Public Hearing

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**MINUTES OF THE PUBLIC HEARING  
KIMBALL, TENNESSEE  
THURSDAY, JANUARY 5, 2012 – 5:30 P.M.**

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A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, January 5, 2012 at 5:30 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, Attorney William Gouger, Jr. and Recorder Tonia May.

Mayor Jackson called the public hearing to order concerning the input on the proposed expansion of Kimball's Urban Growth Boundary to include approximately 3,020 acres of land atop Jasper Mountain.

The engineer left some drawings showing the retention ponds which indicate eight ponds to be included in this first section that they are building. The developer's staff attended the last planning commission meeting in which a presentation was given concerning the project. In the presentation, they stated how much water would be reduced by the use of the retention ponds from water coming off the mountain. The plans have been sign by Dr. Urban with TDEC. The town has a map of what the Urban Growth Boundary Expansion will represent for review. There is no public in attendance at the public hearing.

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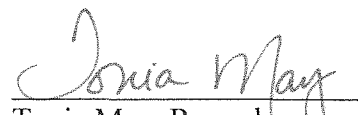
**ADJOURNMENT**

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

  
David Jackson, Mayor

  
Tonia May, Recorder

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**MINUTES OF THE PUBLIC HEARING  
KIMBALL, TENNESSEE  
THURSDAY, JANUARY 5, 2012– 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, January 5, 2012 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 217 – An ordinance of the Town of Kimball, Tennessee to Prohibit the Possession, Sale, Delivery, Transfer, or Attempt to Possess, Sale, Deliver or Transfer Synthetic Drugs.

**NEW BUSINESS**

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- a) **Ordinance No. 217 – An Ordinance of the Town of Kimball, Tennessee to Prohibit the Possession, Sale, Delivery, Transfer, or Attempt to Possess, Sale, Deliver or Transfer Synthetic Drug**

Mayor Jackson explained the ordinance and the reason for ordinance which is to assist the police department with an additional way to stop the sale of synthetic drugs in the town and to allow the police department to search with probable cause for other items. This ordinance will allow for the case to be heard in city court with a maximum fine of \$50 plus court costs. This ordinance is in addition to the exiting state T.C.A. code to enforce the same actions; however, the board desires to keep the use of these illegal items off the streets.

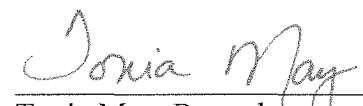
**ADJOURNMENT**

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As there was nothing further to come before the public hearing, 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

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**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, JANUARY 5, 2012**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, January 5, 2012 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 was held at 6:00 p.m.

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**INVOCATION AND PLEDGE**

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Mayor Jackson requested Jerry Don 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 Regular Monthly Board Meeting for December 1, 2011 were approved unanimously on a board vote.

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**OLD BUSINESS**

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Mayor Jackson stated that the snow plow approved at last month's meeting had been installed and was ready to use if the need shall arise.

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**SCHEDULED AGENDA ITEMS**

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**a.) Barry Bealer, Kimball Resident, concerning trucks using engine compression braking devices and excessive noise from motor vehicles mainly bass reverberation**

Barry Bealer addressed the board with his concerns over the engine compression braking devices or jake brakes through town especially near his residence at 1841 Main Street. There was much discussion on this issue. The police department will monitor this area to evaluate the problem and the board will consider placement of signs requesting limited usage of the brakes throughout town. The board will continue to review this issue and study the options available. The excessive noise from motor vehicles mainly bass reverberation was also discussed. The town has an ordinance on excessive noise; however, the police officer has to hear the excessive noise before a citation can be issued.

**b.) 2<sup>nd</sup> and Final Reading of 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**

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to approve on 2<sup>nd</sup> and Final 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.

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

The town has drawings left by the developer of the land on top of the mountain showing the retention ponds which will alleviate the water runoff from the development of the land. The town held a public hearing tonight at 5:30 pm concerning the expansion of Kimball's Urban Growth Plan. The next public hearing is scheduled for Tuesday, January 10, 2012 at 5:30 pm. After the public hearings, the town will approve a resolution to accept Kimball's New Urban Growth Plan to be sent to the county mayor requesting the reconfiguration or reconvening of the county coordinating committee that will trigger the notification of all the other municipalities as well as the county itself. The town has no desire to annex any land at the present time. The town's intentions are to protect its current citizens by being able to control the water runoff. The town will not be spending city funds for roads, water or any other development cost for the project in this section of the growth plan. These roads will have to meet the standards and be paved by the developer.

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

Attorney Gouger spoke with Dee Ware who has prepared a draft lease extension; however, the Town of Jasper would also need to approve this extension since this piece of property is owned by both towns. The draft is being provided for the board to review. The current lease is set to expire in thirteen years. SBA has been unsuccessful in making contact with the Town of Jasper on this matter. Attorney Gouger has not reviewed the draft lease in detail since he just received it this afternoon. A motion was made by **Alderman Case**, seconded by **Alderman Payne** to table the request from SBA Communications to extend the existing ground lease until next month. The motion passed unanimously on a board vote.

**e.) Resolution 2012-01 – A Resolution Authorizing the Mayor to Request Funding from the U.S. Economic Development Administration as a Co-Applicant to Support the Proposed Marion County Regional Technical & Community College**

Beth Jones with the Southeast Tennessee Development District contacted the town concerning being a co-applicant with Marion County on the application for site preparation and utility. The county submitted the application with the town owning the sewer lines after completion. The application was reviewed for accuracy and noted that the town needed to be listed as a co-applicant for this reason. Discussion was made concerning whether the town would be required to take depreciation of the sewer lines if included on this application.

After some discussion, a motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve Resolution 2012-01 – A Resolution Authorizing the Mayor to Request Funding from the U.S. Economic Development Administration as a Co-Applicant to Support the Proposed Marion County Regional Technical & Community College. The motion passed unanimously on a board vote.

**f.) Appoint Planning Commission Member**

Mayor Jackson stated that as a result of one of our fine citizens moving out of town, Lammar Manis, the town is also losing a Planning Commission Member. Mayor Jackson recommends placing Rance Castle on the Planning Commission to fill the vacancy. This will leave a vacancy on the BZA board which will be filled at the next monthly board meeting.

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to appoint Rance Castle to the Kimball Municipal Planning Commission. The motion passed unanimously on a board vote.

**g.) Beverage Agreement with Coca Cola**

The town will be contracting with Coca Cola to sponsor the purchase of four scoreboards with the town selling 20 oz Bottles of Coca-Cola Products. Attorney Gouger had one issue with the beverage agreement under governing law, which is with the laws of the State of Georgia. The town will contact Coca-Cola to see if this could be changed to Tennessee.

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the Beverage Agreement with Coca-Cola Refreshments USA, Inc. d/b/a Scottsboro Coca-Cola Refreshments provided the agreement is changed for the governing law to Tennessee. The motion passed unanimously on a board vote.

**h.) Police Department Holiday Back Pay**

Mayor Jackson stated that during the calculation of the 2011 Holiday Pay he noticed an error on the formula for the holiday pay of police officers. He requested the review of the process which shows the calculation formula started with the bi-weekly implementation; therefore, the town wanted to correct the error and pay the current and former police officers from the 2004 Holiday Pay until 2010 Holiday Pay for the difference in the calculations which totals \$33,536.11.

Motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to pay the police officers the Holiday Pay due for the calculation error from 2004 to 2010 for current and former employees in the amount of \$33,536.11. The motion passed unanimously on a board vote.

**POLICE REPORT**

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

Litigation Tax and Training Fees	\$0
Court Costs	\$0
Fines	\$0
Report Fee	\$130.00
Sessions Court	\$263.62
<b>Total</b>	<b>\$393.62</b>

**FIRE REPORT**

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Vice-Mayor Pesnell gave the fire report for December 2011; the department had six calls during the month. They were one fire at the Arby's sign, three mutual aids, one rescue, and one signal nine (cancelled in route).

The firemen's dinner will be held Saturday, January 28, 2012 at 6:30 pm. The board members and their wives are invited to attend.

**PARK AND RECREATION BOARD REPORT**

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Alderman Sisk had none.

**PLANNING COMMISSION REPORT**

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Alderman Case stated the planning commission meeting for the month of December was held on Tuesday, December 20, 2011 at 6:00 pm. The committee reviewed the Proposed Urban Growth Boundary Amendment Map which was recommended to move forward. The committee listened to a presentation by John Thornton – Developer of Jasper Highlands Subdivision. The committee adopted an updated copy of the planning commission by-laws. The next planning commission meeting is scheduled for January 17<sup>th</sup> at 6:00 pm.

## **SEWER REPORT**

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Alderman Payne had no new business. Mayor Jackson requested that Alderman Payne and Maintenance Supervisor Nelson attend a workshop with the town engineers James Garrett and Nathaniel Green from James C. Hailey & Company and Joe Cate with Southeast Tennessee Development District concerning the Sewer Line Extension on the 2010 CDBG Grant on Tuesday, January 10<sup>th</sup> at 3:15 pm.

## **ATTORNEY REPORT**

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Attorney Gouger had none.

## **NEW BUSINESS**

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Alderman Payne would like to see the Park Entrance off Industrial Boulevard spruced up to look nice so those turning down Lofty Drive know they are headed toward the Kimball Park. The town will look into this since the town does not own the frontage of the property off Industrial Boulevard.

Mayor Jackson had items under new business as follows:

- The town has been sent a bill on the engineering for the Regional Wastewater Treatment Plant. The town agreed to pay half the fees for services rendered when the town agreed to be partners in the plant. The town owes CTI Engineer Inc. \$18, 225.76.

After much discussion, a motion was made by Alderman Payne to pay the town's portion to CTI Engineer Inc. provided that the engineering firm provides the Town of Kimball with copies of the documents. Alderman Payne withdraws this motion.

A motion was made by **Alderman Payne** seconded by **Alderman Case** to send a letter to CTI Engineer Inc. requesting copies of the documents with an invoice addressed to the Town of Kimball for Kimball's portion also stating that the town is not involved in this project anymore due to lack of funding. The motion passed unanimously on a board vote.

- Sales Tax for November 2011 was \$206,274 and November 2010 was \$207,720. This was down \$1,400.
- Linda Capps with TDOT contacted the town concerning a grant for the town to replace all the signs in Kimball including the posts and hardware. The town maintenance crew would be responsible for the installation of the signs within 6 months to a year. Maintenance Supervisor Nelson met with Ms. Capps and toured the town on the number of signs.
- The town is having some issues with employees taking off the day before or day after a holiday without prior approval.

A motion was made by **Alderman Payne** seconded by **Alderman Sisk** to amend the Personnel Policy Holiday Pay to include that an employee will not be paid for the holiday if the employee does not work the regular workday before a holiday or a regular workday after a holiday unless prior approved or the employee can provide a doctor's certificate. The motion passed unanimously on a board vote.

- Kimball Lane was discussed during the November meeting; the town was supposed to have a workshop on the speeding issue. However due to issues, the members have not been able to have the workshop. The police chief has emailed the Mayor a link to a website selling removable speed humps as a possible solution to the problem. The town will order one of the portable speed humps with the two warning signs.

- Finances

**General Fund**

Checking	\$ 107,070
Payroll	\$ 30,588
Savings FVB	\$ 76,215
Savings FJB	\$ 169,128
Savings PSB	\$ 245,352
CD	\$ 325,000
<b>Total</b>	<b>\$ 953,353</b>

**State Street Aid**

Checking	\$ 23,734
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**Drug Fund**

Checking	\$ 2,435
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**Sewer Fund**

Checking	\$ 15,530
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CD	\$ 76,000
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<u>Savings</u>	<u>\$ 102,119</u>
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<b>Total</b>	<b>\$ 193,649</b>
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<b>Grand Total</b>	<b>\$1,173,171</b>
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- The next monthly board meeting will be Thursday, February 2, 2012 at 6:00 pm.
- The public hearing Tuesday, January 10, 2012 at 5:30 pm.

**ADJOURNMENT**

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

  
David Jackson, Mayor

  
Tonia May, Recorder