

KIMBALL BOARD OF MAYOR AND ALDERMEN

Monthly Board Meeting

Thursday, DECEMBER 6, 2012 6:00 P.M.

AGENDA

1. Call to Order the Monthly Kimball Board of Mayor and Aldermen Meeting
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of November 1, 2012 Minutes of Regular Meeting
6. Old Business
7. Paul Johnson with Johnson, Murphey & Wright, P.C. CPA concerning Town of Kimball's Fiscal Year End Financial Statement June 30, 2012
8. Review Beer Application for Vipul B Desai for Kimball Raceway Inc DBA Raceway #843 for Off Premises Permit
9. Discuss Marion County Chamber
10. Discuss the options for the financing of the town's contribution to the new college location on Main Street and other financing option through Rural Development District
11. Approval of EDA Engineering Contract contingent upon the approval of the EDA through the Southeast Tennessee Development District
12. Agreement for Grant Administration Services for the 2012 LPRF Softball/Baseball Field Lighting & other Park Improvements
13. Ratify the Donation to Marion County Sheriff's Department Needy Children's Christmas Fund from \$250 to \$500 which was budgeted
14. Ratify bill from Ambrester Auto Repair for work done on the dump truck in the amount of \$1,844.57 – work was approved in October meeting; however, estimate of bill amount was not available
15. Ratify bill for installation and part to install two scoreboards at the Chester Blevins Sports Complex by HLP Construction Company in the amount of \$1,930
16. Resolution No. 2012-05 – A Resolution of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee to Adopt a Social Media Use and Internet Posting Policy for the Town
17. Police Report
18. Fire Report
19. Park Board Report
20. Planning Commission Report
21. Sewer Report
22. Attorney Report
23. New Business
24. Adjourn

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, DECEMBER 6, 2012**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, December 6, 2012 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 that Ronnie 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 **Alderman Sisk** the Minutes of the Regular Monthly Board Meeting for November 1, 2012 were approved unanimously on a board vote.

OLD BUSINESS

Mayor Jackson had an item under old business as follows:

- The South Pittsburg Interact Club used the Park facility for a Walk & Wag Program in which their club raised \$1,125.55. The club cleaned up the facility well after the program. The club also used the municipal building for a dinner.

SCHEDULED AGENDA ITEMS

a.) **Paul Johnson with Johnson, Murphey & Wright, P.C. CPA concerning the Town of Kimball's Fiscal Year End Financial Statement June 30, 2012**

Mr. Paul Johnson handed all the board members and staff at the meeting podium a copy of the budget report and reviewed several pages with them. The financial state of the governmental funds was in good shape. The business fund which is the sewer fund had a loss of \$1,572 which is much better than last year's loss. The town had four (4) findings which were findings the town has had in the past such as inadequate separation of duties, accounting expertise, enterprise fund operating at a loss and related party transaction. Overall, Mr. Johnson stated the town should be very proud of its financial audit for the 2011-2012 fiscal year.

b.) **Review Beer Application for Vipul B Desai for Kimball Raceway Inc. DBA Raceway #843 for Off Premises Permit**

The Raceway has been going through some remodeling and the application for beer permit for off premises has been completed. Chief Jordan has completed a background check and this has been provided in the board's packet.

A motion was made by **Alderman Payne** to approve the Off Premises Beer Permit for Vipul B Desai for Kimball Raceway Inc. DBA Raceway #843 for Off Premises Permit. The motion fails for lack of a second. The motion fails so no permit will be issued at this time. This issue can be discussed again at a later time.

c.) Discuss Marion County Chamber

The Marion County Chamber of Commerce Board has approved for the Chamber Office to move to Kimball Town Hall Back Office if the Town of Kimball Board will accept them moving to our town hall. The Chamber Office is open Monday – Friday half a day for \$100 a month.

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the Marion County Chamber of Commerce Office to move to the town hall vacant office for \$100 rent per month. The motion passed unanimously on a board vote.

d.) Discuss the options for the financing of the town’s contribution to the new college location on Main Street and other financing options through Rural Development District

Mayor Jackson has discussed with Clay Copeland with Rural Development the concerns the board had concerning the funding that were discussed during the November meeting.

- The first question was if the town could borrow the defined \$750,000 for the college project and then come back later and borrow another \$750,000. Mr. Copeland stated that is possible; however, there is no guarantee that Rural Development would have the funds available at that time. Also, borrowing at separate times creates two separate bonds and two separate bond costs, which estimates about \$10,000 per bond.
- The second question was if the town borrowed the money could the town defer the first payment to the 2013-2014 fiscal year. If the town does this on an annual payment, then this would fall in the 2013-2014 fiscal year.
- The third question was would there be any loan fees or administration fees. Rural Development does not have fees directly related to them; however, there are legal fees and bond fees associated with the funds.

Town of Kimball

\$750,000/\$1,500,000 - 38 year Term			
\$750,000		\$1,500,000	
\$	750,000.00	Project Cost	\$ 1,500,000.00
		Applicant Contrib.	Project Cost
\$	750,000.00	Loan	\$ 1,500,000.00
	3.50%	Rate Fixed	3.50%
	38 years	Term	38 years
\$	2,977.50	Monthly Payment	\$ 5,955.00
\$	35,992.50	Annual Payment	\$ 71,985.00
		Annual Payment	Annual Payment

All payments are estimates
 There is funding in the town’s budget that could be reviewed to make the \$71,985 annual payment. The funding could be from the following areas of the budget if the board is interested in borrowing the \$1.5 million: \$35,000 for a tractor, \$100,000 for street paving (so far the town has spent \$40,000), two (2) more payments on patrol cars of \$76,000 each, move half of the wholesale beer tax from the solid waste fund back to the general fund which is \$41,000 which is for 38 years. Town’s Auditor Paul Johnson stated the town is in financial condition to borrow this funding. Mayor Jackson stated it is a 3.50% fixed rate. The town can return any unused funds without penalty if the town does not use the funds.

After much discussion, a motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to approve borrowing of the \$1.5 million for the \$750,000 for the college project and \$750,000 for the park enhancement ramp project with workshops to understand all the projects and the best way to spend these funds for the ramp and enhancements for the park. The motion passed unanimously on a board vote.

e.) Approval of EDA Engineering Contract contingent upon the approval of the EDA through the Southeast Tennessee Development District

The draft engineering form contract was presented; however, it was not approved by the town's attorney nor the town's insurance. The attorney has prepared another draft contract to change some of the liability and other items that needed to be changed to the contract. The board will review this contract at a special called meeting on December 18, 2012 at 6:30 pm. The EDA needs this contract to proceed with the grant funds for the new college project.

f.) Agreement for Grant Administration Services for the 2012 LPRF Softball/Baseball Field Lighting & other Park Improvements

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Sisk** to approve the Mayor to sign the Agreement for the Grant Administration Services with the Southeast Tennessee Development District for the 2012 LPRF Softball Field Lighting & Other Park Improvements. The motion passed unanimously on a board vote.

g.) Ratify the Donation to Marion County Sheriff's Department Needy Children's Christmas Fund from \$250 to \$500 which was budgeted

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to amend the donation to Marion County Sheriff's Department Needy Children's Christmas Fund from \$250 to the budgeted \$500. The motion passed unanimously on a board vote.

h.) Ratify bill from Ambrester Auto Repair for work done on the dump truck in the amount of \$1,844.57 – work was approved in October meeting; however, estimate of bill amount was not available

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to ratify the bill from Ambrester Auto Repair for work done on the dump truck in the amount of \$1,844.57. The motion passed unanimously on a board vote.

i.) Ratify bill for installation and parts to install two scoreboards at the Chester Blevins Sports Complex by HLP Construction Company in the amount of \$1,930

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to ratify the bill from HLP Construction Company for installation and parts for the two scoreboards at Chester Blevins Sports Complex in the amount of \$1,930. The motion passed on a board vote with Alderman Payne abstaining from voting.

j.) Resolution No. 2012-05 – A Resolution of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee to Adopt a Social Media Use and Internet Posting Policy for the Town

Attorney Gouger highlighted the resolution as follows: the primary purpose is to maintain personal social rights and the town's social media rights; this is a model policy by MTAS modified to suit the town's needs, it tries not to infringe upon freedom of speech, it also tries to prevent sunshine law and open records law violations. The resolution does require them to maintain a separation between the personal requirement and their employment or volunteer status of the town. Mayor Jackson requested that disciplinary action be added to the resolution for any violations of the policy.

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve Resolution 2012-05 – A Resolution of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee to Adopt a Social Media Use and Internet Posting Policy for the Town with the amendment to add the

disciplinary action. Alderman Payne requested that the board review this at the special called meeting on December 18, 2012. 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	\$191.75
Court Costs	\$709.25
Fines	\$304.00
Report Fee	\$80.00
Sessions Court	\$369.07
Total	\$1654.07

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for November 2012; the department responded to three calls during the month which were one rescue and two mutual aids.

Fire Chief Keef stated the five (5) radios orders have been received.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated that the Park and Recreation Board next meeting will be Tuesday December 11, 2012 at 5:00 pm. to discuss the grant funds and other items on the agenda. Mayor Jackson stated the town may need to move the Park Meeting to another date in order to have a quorum.

PLANNING COMMISSION REPORT

Alderman Case gave the Planning Commission Report as follows: the November meeting was cancelled, the December meeting is scheduled for Tuesday, December 18, 2012 at 5:30 pm.

SEWER REPORT

Alderman Payne stated the new pump station is ready to go with just a few finishing touches.

ATTORNEY REPORT

Attorney Gouger stated he is still working with Judge Smith to try and get a trial date for the Beer Board Appeal Case for the Chaffin's Case. The recent case in city court against the Chaffin's was dismissed therefore; it will only be on the Beer Board Appeal Case. Judge Smith has given some new dates and if Chaffin's attorney cannot pick a date from those Judge Smith will select the date.

NEW BUSINESS

Alderman Payne wanted to thank the Sequatchie Valley Honor Guard for a job well done for the service they are doing at Veteran's and Service Funerals. Mayor Jackson reinforced their efforts and honor that they perform for the fallen service men and women.

Alderman Case wanted to know about the new wet well. There are a few more manholes to be set and then the new sewer wet well will be in operation. Everything is going as planned on the system as the board desired.

Mayor Jackson had items under new business as follows:

- Marion County Economic Development Board Meeting went well. Everyone on the board is working together to move the county forward. In the coming months, the board looks to add the Town of South Pittsburg. The board works to help recruit jobs and add more members to the board.
- Sales Tax for October 2012 was down approximately \$5,400 compared to last year at this same time.
- Mr. Perry Patel former owner of Raceway has come to town hall several times concerning his high sewer bill during the summer months. The bill is back down to normal; however, according to him he did not make any repairs for leaks to cause the high bill. He is asking for relief for the high sewer bill.
- Tomorrow will be the Christmas Dinner for employees and board members starting at 6:00 pm with the dinner served at 6:30 pm.
- Finances

General Fund		State Street Aid	
Checking	\$ 133,258	Checking	\$ 22,025
Payroll	\$ 10,135	Drug Fund	
Savings FVB	\$ 201,628	Checking	\$ 2,797
Savings FJB	\$ 169,467	Sewer Fund	
Savings CSB	\$ 246,463	Checking	\$ 73,285
CD	\$ 328,259	Savings	\$ 25,075
Total	\$1,089,210	CD	\$ 76,562
		Total	\$ 174,922
Grand Total		\$1,288,954	

- Merry Christmas and Happy New Year to everyone.
- The next meeting will be Thursday, January 3, 2013 at 6:00 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 **Alderman Sisk**. The motion passed unanimously on a board vote.


David Jackson, Mayor


Tonia May, Recorder

KIMBALL BOARD OF MAYOR AND ALDERMEN

Special Called Meeting Tuesday, December 18, 2012 at 6:30 P.M.

1. Call to Order Special Called Meeting of the Kimball Board of Mayor and Aldermen concerning a Beer Permit Application for Raceway, an Agreement for Engineering Services, Review Resolution 2012-05 and any other pertinent business that may come before the board.

2. Roll Call

Mayor Jackson	Vice-Mayor Pesnell	Alderman Payne
Alderman Case	Alderman Sisk	Attorney Gouger

3. Review Beer Application for Vipul B Desai for Kimball Raceway Inc DBA Raceway #843 for Off Premises Permit

4. Approval of EDA Engineering Contract contingent upon the approval of the EDA through the Southeast Tennessee Development District

5. Review Approved Resolution 2012-05

6. Any Other Properly Presented Business

7. Adjourn

**MINUTES OF THE SPECIAL CALLED MEETING
KIMBALL, TENNESSEE
TUESDAY, DECEMBER 18, 2012**

A special called meeting of the Kimball Board of Mayor and Aldermen was held on Tuesday, December 18, 2012 at 6:30 p.m. in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Jackson called the special meeting to order at 6:30 p.m. concerning a Beer Application for Raceway, an Agreement for Engineering Services, Review Resolution 2012-05 and any other pertinent business that may come before the board.

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.

SCHEDULED AGENDA ITEMS

a) Review Beer Application for Vipul B. Desai for Kimball Raceway Inc. DBA Raceway #843 for Off Premises Permit

Mayor Jackson stated that during the regular meeting, the application was reviewed and based on the background check the application received a motion; however, no other board member seconded the motion for lack of more knowledge on the applicant. However, since the regular board meeting, the Mayor has met with Raceway's Regional Manager and District Manager for a more broad explanation of the plans for Raceway and their search for long term operators. The Raceway Corporation has invested over \$600,000 in improvements to the station in Kimball. The town told Mr. Desai that the review of the application would be reconsidered at the January meeting. The contractors have plans to turn the building over to the Raceway Corporation on December 21, 2012 in which time the store will begin to stock the shelves. However, without the beer permit, the beer distributors cannot sign contracts to do business with Raceway. Mayor Jackson contacted the town attorney to add this matter to the agenda for tonight's meeting. Mr. Vipul B. Desai and District Manager Randy Morris with Raceway were in attendance at the meeting to explain any questions that might arise from the board on the application. Mr. Morris assured the board their corporation was looking to find long term operators for their stores and Mr. Desai passed all of Raceways background and application processes.

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the Off Premises Beer Permit for Vipul B. Desai for Kimball Raceway Inc. DBA Raceway #843. Mr. Desai stated that all employees will be trained on the beer laws and the verification of identification. The new registers will not let the purchase proceed without the entry of the legal eligible birth date. The motion passed unanimously on a board vote. The Raceway will be open from 5:00 am until 12:00 am everyday with their goal to open on December 28, 2012.

b) Approval of EDA Engineering Contract contingent upon the approval of the EDA through the Southeast Tennessee Development District

Attorney Gouger reviewed the copy of the contract and changes made to the contract from the November meeting. The changes are as follows: Appendix A General Conditions Section 4 Ownership and Reuse of Documents will now be owned by the Town, First Page the approval is in December 2012, Contract Number to 212, and Appendix B Scope of Services I. Services of Hailey. Attorney Gouger read the following:

The *project* mentioned herein being more particularly described as the addition of approximately 2,200 linear feet of gravity sewer, approximately 700 linear feet of sewer force main, a single pumping station, and the connection to the existing 8" sewer force main. The selected Design Alternative by KIMBALL requires the utilization and connection to an existing 8" force main as located and defined by KIMBALL. No warranty or Claim about the existing line's location or integrity is expressed or implied by HAILEY.

Anthony Pellam with James C. Hailey and Company was present at the meeting and stated that their company would pressure test the connection to the existing sewer line along Industrial Boulevard and the connection to the Lowe's Pump Station; however, the estimate given did not include any repairs to the existing sewer line on Industrial Boulevard. The contract will not warranty the existing line outside the connection areas.

Mayor Jackson stated that he had a meeting with James C. Hailey concerning the classification of the pump station. Their company has never had a classified pump station. All the pump stations their company has ever built have been unclassified.

Maintenance Supervisor Mike Nelson stated that with the pump station being classified that the pumps were not allowed to be rebuilt. All pumps had to be purchased new in the event one quit functioning properly.

Alderman Payne requested a letter from Anthony Pellam with James C. Hailey Company stating that the town's new sewer lift station should be classified as an unclassified sewer pump station. Mr. Pellam agreed to research the NFPA laws to review unclassified pump stations and a divisional class 1 division 1 sewer pump station. After his review, he would personally submit his findings to Mr. James C. Hailey to provide a letter to the town from their company and let the town know based on their understanding of the laws how the sewer pump station should be classified.

Mayor Jackson also wanted to reiterate that all emails being sent on the town's projects be copied to him so progress of a project could be kept up with by the Mayor and he could keep the board up to date.

Attorney Gouger stated that to proceed and be on schedule the board needed to authorize Mayor Jackson to sign the Agreement for Engineering Services for Contract 212 for the EDA/Marion County, Tennessee Technical School Off-Site Sewer Additions. The county is in a dilemma of their own in search for a new construction manager as a result of the previous manager's closing of the company due to health conditions at the end of October. The county has sent out RFP's for a new construction manager in which they anticipate approval of the new construction manager in the January County Commission Meeting.

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve Mayor Jackson to sign the Agreement for Engineering Services Contract 212-EDA/Marion County, Tennessee Technical School Off-site Sewer Additions with the changes that were made as noted in the minutes as described above. The motion passed unanimously on a board vote.

c) Review Approved Resolution 2012-05

Resolution 2012-05 was approved at the December 6, 2012 meeting; however, Alderman Payne wanted to review the resolution with the disciplinary action included. Mayor Jackson read the Section 4. Violations of the Resolution as follows:

Any employee or volunteer who violates this policy will be subject to corrective and/or disciplinary action, up to and including immediate termination of employment or any volunteer relationships with the Town.

Attorney Gouger stated that the language in the resolution is similar to the language the town has in the internet and email policy for violations this gives the town a broad variety of punishment. The employee that was in question on this had no bad intention just public awareness; however, the employee is now fully aware of the rules and regulations on the usage.

d) Other properly presented business


Mayor Jackson had the following items:

- December 18th, the Mayor of the County, and Mayors of the Cities and Towns met in Jasper for the first of many quarterly meetings for discussion. The next quarterly meeting will be held in January 2013. The meetings will float from town to town and it was a positive meeting for all in attendance.
- Bill Harmon, Director of SETHRA, has appointed Mayor Jackson to the Board of Directors of SETHRA.
- The town needs to remember the Kennedy Griffith Family during their time of loss.
- The town also needs to remember the families and town of Newtown, Connecticut for the tragedy in their town.

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