

KIMBALL BOARD OF MAYOR AND ALDERMEN
Thursday, June 6, 2013 6:00 P.M.

PUBLIC HEARING

1. Call to Order Public Hearing
 2. Ordinance 222 – An Ordinance to Amend Ordinance Nos. 137 and 177 Regarding Procedures for Conducting Roadblocks in of the Town of Kimball, Tennessee
 3. Close Public Hearing
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Monthly Board Meeting
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 May 2, 2013 Minutes of Regular Meeting
6. Old Business
7. Ratify a bill from Collins Building Material for Material for Rewiring electrical at the barn and also built service and hung lights ball field signs in the amount of \$1,729.05
8. Ratify a bill from Marion Environmental Inc. for additional charges for the N/H Waste Water Manifest #95229 1,500 gallons at \$0.50 per gallon which caused the bill to be \$2,950 instead of \$2,200 for the Services provided during the Wal-Mart Lift Station Repairs
9. Ratify bill from Private Logo for T-Shirts for TBF Fishing Event and Free Fishing Day in amount of \$2,691.45. The town received \$2,800 in donations for these events.
10. Approval of audit contract with Johnson, Murphey and Wright for fiscal year 2012-2013 in the amount of \$22,225
11. Approval of Local Government Corporation Contract for Software and Hardware Support for Fiscal Year 2013-2014 in the amount of \$15,002
12. 1st Reading of Ordinance 223 – An Ordinance Amending the Annual Operating Budget and Capital Program of Kimball, Tennessee for Fiscal Year 2012-2013
13. 1st Reading of Ordinance 224 – An Ordinance of the Town of Kimball, Tennessee adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014
14. Anthony Pelham with James C. Hailey and Co. concerning the changes to Contract 112-2010 CDBG Sewer Line Additions
15. Anthony Pelham with James C. Hailey and Co. concerning the sewer line addition to the future site of the college on Main Street and letting bids on this project
16. Discuss Purchasing the property adjacent to town hall
17. Discuss Property at 120 Raulston Cove Road
18. Discuss Hosting The Tennessee Bass Federation State Tournament in 2014
19. Discuss Hosting National Bass Fishing Trail National Championship in 2015
20. Police Report
21. Fire Report
22. Park Board Report
23. Planning Commission Report
24. Sewer Report
25. Attorney Report
26. New Business
27. Adjourn

**MINUTES OF THE PUBLIC HEARING
KIMBALL, TENNESSEE
THURSDAY, JUNE 6, 2013– 6:00 P.M.**

A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, June 6, 2013 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 Johnny Sisk and Attorney William Gouger, Jr.

Mayor Jackson called the public hearing to order for Ordinance 222 – An Ordinance to Amend Ordinance Nos. 137 and 177 Regarding Procedures for Conducting Roadblocks in the Town of Kimball, Tennessee.

NEW BUSINESS

a) Ordinance 222 – An Ordinance to Amend Ordinance Nos. 137 and 177 Regarding Procedures for Conducting Roadblocks in the Town of Kimball, Tennessee

Mayor Jackson stated last month the town passed the ordinance on 2nd and final reading; however, failed to have the public hearing. This ordinance will allow authorized organizations based on the previous set qualifications to have a roadblock at the intersection of Main Street and Dixie Lee Center Drive. There will only be one roadblock allowed per weekend and participants must be sixteen (16) years of age or older. This is being done for safety for all concerned and to limit the number of roadblocks within the town.

There were no comments from the other board members or public.

ADJOURNMENT

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

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, JUNE 6, 2013**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, June 6, 2013 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.

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 Johnny Sisk and Attorney William Gouger, Jr.
Alderman Mark Payne was absent.

APPROVAL OF MINUTES

On a motion by **Alderman Case**, seconded by **Alderman Sisk** the Minutes of the Regular Monthly Board Meeting for May 2, 2013 were approved unanimously on a board vote.

OLD BUSINESS

Vice-Mayor Pesnell stated that the Fire Hall and Maintenance Buildings are experiencing bat issues again. The company has come back to try and eliminate this problem again for the town.

Mayor Jackson had a couple of items under old business as follows:

- The car show held in town helped the Sequatchie Valley Honor Guard to raise between \$1,500 to \$1,600 for their nonprofit organization. The organization had a church van donated to them. The honor guard has sent a thank you card to the town for the continued support of their organization.
- The town's sewer fund has been in financial distress for two consecutive years; therefore, Mayor Jackson, Attorney Gouger, and Recorder May met with Joyce Welborn, Board Coordinator, with the Water and Wastewater Financing Board on May 9, 2013 concerning the situation on the sewer fund. Ms. Welborn provided all with the last three (3) years financial statements for the town's sewer fund. Mayor Jackson explained that the town had already been reviewing this situation and had taken a proactive approach to prevent further distress in the sewer system by assessing a surcharge for each municipal building connected to the sewer system. Ms. Welborn did state this seemed to be a gray area; however, she did not seem concerned with the town's sewer fund anymore unless the board did not like the town's approach. Her suggestion was to place a 10% increase for all sewer customers. The town attorney will write a letter stating where the town's financials are by June 25, 2013 for her to take to the board in July. The town will no longer be required to be at the board meeting in July; however, if the town is required to go to Nashville to meet with the Water and Wastewater Financing Board it will be in November.
- The Jere Davis Memorial Scholarship Recipients for 2013 were as follows:
Marion County High School – Angela Jones
Whitwell High School – Morgan McGowan
South Pittsburg High School – Kirby Bennett

Richard Hardy Memorial School – Megan White

The guidance counselor from Richard Hardy Memorial School sent an email thanking the town for the scholarship and the selection of Megan White as their winner.

- The TBF Tennessee High School State Fishing Tournament was held on June 1, 2013. There were 71 boats to participate. The winners were Saxton Long and Triston Crowder from Lawrence County High School with a weight of 15 lbs and 4 oz. Hayden Everett and Dustin Mayton from Oliver Springs High School came in second with an even 15 lbs. The team from Oliver Springs won the event last year and had an opportunity to win this year; however, a dead fish penalty took them to second place. There were 217 fish caught on Nickajack Lake with 202 released back into the waters. There were 28 boats which caught the limit with a total weight of all boaters at 476 lbs and 4 oz. The town was pleased with the success of this tournament.
- The paving approved at a previous meeting for sections of Industrial Boulevard and Bob Lofty Lane should be completed soon. The weather keeps interfering in the progress on this project.

Citizen Gary Dixon wanted to address the concrete pad on Ellen Drive. The Jasper Journal had been to the site and taken a picture of the pad with items on it along with an article. After much discussion, Attorney Gouger explained the town's authority and the municipal code addressing this issue allowing the concrete pad on the town's right of way.

SCHEDULED AGENDA ITEMS

a.) Ratify a Bill from Collins Building Material for Material for the Rewiring electrical at the barn and also lights at barn and sign at park in amount of \$1,729.05

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to ratify the bill from Collins Building Material for Material for the rewiring electrical at the barn and also lights at barn and sign at park in the amount of \$1,729.05. The motion passed unanimously on a board vote.

b.) Ratify a bill from Marion Environmental Inc. for additional charges for the N/H Waste Water Manifest #95229 1,500 gallons at \$0.50 per gallon which caused the bill to be \$2,950 instead of \$2,200 for the services provided during the Wal-Mart Lift Station Repairs

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to ratify a bill from Marion Environmental Inc. for additional charges for the N/H Waste Water Manifest #95229 1,500 gallons at \$0.50 per gallon which caused the bill to be \$2,950 instead of \$2,200 for the services provided during the Wal-Mart Lift Station Repairs. The motion passed unanimously on a board vote.

c.) Ratify bill from Private Logo for T-Shirts for TBF Fishing Event and Free Fishing Day in the amount of \$2,691.45. The town received \$2,800 in donations for these events.

A motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to ratify bill from Private Logo for T-Shirts for TBF Fishing Event and Free Fishing Day in the amount of \$2,691.45. The town received \$2,800 in donations for these events. The motion passed unanimously on a board vote.

d.) Approval of audit contract with Johnson, Murphey and Wright for fiscal year 2012-2013 in the amount of \$22,225

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve audit contract with Johnson, Murphey and Wright for fiscal year 2012-2013 in the amount of \$22,225. The motion passed unanimously on a board vote.

e.) Approval of Local Government Corporation Contract for Software/Hardware Support for Fiscal Year 2013-2014 in the amount of \$15,002

A motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to approve Local Government Corporation Contract for Software/Hardware Support for Fiscal Year 2013-2014 in the amount of \$15,002. The motion passed unanimously on a board vote.

f.) 1st Reading of Ordinance 223 – An Ordinance Amending the Annual Budget and Capital Program of Kimball, Tennessee for Fiscal Year 2012-2013

A motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to approve on 1st Reading of Ordinance 223 – An Ordinance Amending the Annual Budget and Capital Program of Kimball, Tennessee for Fiscal Year 2012-2013. The motion passed unanimously on a board vote.

g.) 1st Reading of Ordinance 224 – An Ordinance of the Town of Kimball, Tennessee adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve 1st Reading of Ordinance 224 – An Ordinance of the Town of Kimball, Tennessee adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014. The property tax rate will remain the same. The employees will receive a onetime bonus of \$600 in lieu of a raise this year. The motion passed unanimously on a board vote.

h.) Anthony Pelham with James C. Hailey and Co. concerning the sewer line addition to the future site of the college on Main Street

Anthony Pelham with James C. Hailey and Co. stated that EDA has approved the bidding of the sewer line extension to the future college site on Main Street. There were some changes to the signage and all materials must be made in the USA.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve to accept bids on the sewer line extension to the future college site on Main Street with bids being opened on July 11, 2013 at 5:00 pm. The bid will be awarded or denied at the regular town meeting August 1, 2013. The motion passed unanimously on a board vote.

i.) Anthony Pelham with James C. Hailey and Co. concerning the changes to Contract 112-2012 CDBG Sewer Line Additions

Mr. Anthony Pelham also explained the status of Contract 112-2012 CDBG Sewer Line Additions in which he is working with ECD to obtain approval to change the scope of the plan to trim cost from the original plan.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve Anthony Pelham with James C. Hailey to proceed with changing the scope of Contract 112-2012 CDBG Sewer Line Additions with the Mayor's approval and submit them to ECD for approval and submit to the board at the June 27, 2013. The motion passed unanimously on a board vote.

j.) Discuss Purchasing the Property Adjacent to Town Hall

The Mayor stated the town had made an offer after contacting all board member of \$185,000 for the front portion of the property owned by the Kimball Baptist Church. This offer was declined. There is a contract on the property for \$275,000 for both parcels at this time.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to purchase the front lot from the Kimball Baptist Church for \$225,000. Alderman Case withdrew his motion and Alderman Sisk withdrew his second.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to purchase both lots from the Kimball Baptist Church for \$250,000. Mayor Jackson requested Recorder May to do a roll call vote which is as follows: Mayor Jackson no, Vice-Mayor Pesnell yes, Alderman Case yes, and Alderman Sisk yes. The motion passed on a board vote three (3) to one (1).

k.) Discuss Property at 120 Raulston Cove Road

Mayor Jackson stated this would be tabled until next meeting due to the absence of Alderman Payne.

l.) Discuss Hosting the Tennessee Bass Federation State Tournament in 2014

A motion was made by **Alderman Sisk** to table until next meeting to look over the information. The motion fails for lack of second.

A motion was made by **Alderman Case** to host the Tennessee Bass Federation State Tournament in 2014. The motion fails for lack of second.

m.) Discuss Hosting National Bass Fishing Trail National Championship in 2015

A motion was made by **Alderman Case** to host National Bass Fishing Trail National Championship in 2015. The motion fails for lack of second.

POLICE REPORT

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

Litigation Tax and Training Fees	\$91.50
Court Costs	\$361.50
Fines	\$217.00
Report Fee	\$90.00
Sessions Court	\$196.17
Total	\$956.17

Alderman Case stated that all the new radars had been installed in the police units.

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for May 2013; the department responded to five calls during the month which were two fires, two mutual aids and a signal nine.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated the park and recreation board will meet Thursday, June 13, 2013 at 5:00 pm at the park.

PLANNING COMMISSION REPORT

Alderman Case stated the planning commission meeting for May was cancelled. The June meeting is scheduled for Tuesday, June 18, 2013 at 6:00 pm.

SEWER REPORT

Mayor Jackson stated there would be nothing further on the sewer at this time.

ATTORNEY REPORT

Attorney Gouger stated the board had a copy of the Order Dismissing Appeal on the Chaffin case which was executed on June 3, 2013. Mr. Chaffin will be responsible for the court cost.

Attorney Gouger stated as the town attorney he would like the board to recess before adjourning the meeting so he could have an executive session with the Board of Mayor and Aldermen concerning the property for legal advice before the realtor Tommy Stanfield

NEW BUSINESS

Mayor Jackson had items under new business as follows:

- Sales Tax for April was down this month about \$7,400
- The Southeast Tennessee Development District has submitted the paperwork to Nashville to try and keep the town Benchmarked at a Tier I Level.
- The town has received the LPRF Grant Contract. The board will need to authorize the Mayor to execute the contract so it can be returned to Nashville for their execution.

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve the Mayor to execute the LPRF contract with the State of Tennessee. The motion passed unanimously on a board vote.

- The town currently does not have a leadman in the Maintenance Department when the Supervisor is off.

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to appoint Maintenance Employee Mark Reed as the Leadman for the Maintenance Department with an increase in pay to \$16.50 per hour. The motion passed unanimously on a board vote.

- Finances

General Fund		State Street Aid	
Checking	\$ 159,571	Checking	\$ 20,058
Payroll	\$ 9,660		
Checking FJB	\$ 25,073	Drug Fund	
Savings FVB	\$ 202,105	Checking	\$ 1,819
Savings FJB	\$ 170,888	Sewer Fund	
Savings CSB	\$ 246,859	Checking	\$ 56,140
CD FJB	\$ 328,259	Savings	\$ 25,111
Total	\$1,142,415	CD	\$ 76,810
		Total	\$ 158,061

Grand Total	\$1,322,353
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The next board meeting will be June 27, 2013 at 6:00 pm.

The meeting was recessed for Town Attorney and Board of Mayor and Aldermen to go into an executive session.

Mayor Jackson reconvened the meeting at 7:28 pm after the executive session with the town attorney. The discussion was concerning the property owned by the Kimball Baptist Church. Attorney Gouger wanted the board to understand the legal issues related to offering to purchase the property. The church can make a decision to accept one or the other offer if identical offers were made or neither. The town had previously made an offer to purchase both parcels from the Kimball Baptist Church next to Town Hall for \$250,000.


A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to rescind the action previously taken by the board to offer \$250,000 for both parcels of property owned by the Kimball Baptist Church and to withdraw that offer. The motion passed unanimously on a board vote.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to make an offer on the property of \$275,001 for both parcels of property owned by the Kimball Baptist Church. The motion passed unanimously on a board vote.

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