

KIMBALL BOARD OF MAYOR AND ALDERMEN

Monthly Board Meeting Thursday, August 1, 2013 6:00 P.M.

AGENDA

1. Call the Kimball Board of Mayor and Aldermen Meeting to Order
2. Prayer
3. Pledge of Allegiance
4. Roll Call
5. Approval of June 27, 2013 Public Hearing Minutes and Minutes of Regular Meeting
6. Old Business
7. Anthony Pelham concerning the bids on Contract 113 – Sewer System Additions EDA No. 04-01-06667 for the future site of the college on Main Street
8. Anthony Pelham with James C. Hailey and Co. concerning accepting bids on Contract 112-2010 CDBG Sewer Line Additions
9. Marion County Partnership Annual Dues in the amount of \$5,000
10. Ratify Payment of the VFIS/The Steve Frost Agency Renewal Premium for July 1, 2013 through June 30, 2014 Accident and Sickness Coverage for Volunteer Firemen in the Amount of \$3,841
11. Marion County Veteran's War Memorial Donation 2013-2014
12. Sequatchie Valley Honor Guard Donation 2013-2014
13. Dental Insurance Premiums Employee Only \$33.24 per month Family \$99.35 per month
14. Approval of Repairs to Police Car 88 at Automotive Unlimited in the amount of \$5,182.48
15. Public Officials Management & Employment Practices Liability
16. Hiring Part time Park Employee
17. TOSHA findings from July 8, 2013 visit and recommendations
18. Discuss Amending the Zoning Map at the A-1 Building Supply Property off Main Street based on the recommendation of the Kimball Planning Commission
19. Discuss charging a fee for applicants applying for a permit to be heard by the BZA Board based on the recommendation of the Kimball Planning Commission
20. TML Loss Control Safety Matching Grant
21. Discuss Bidding out the Lighting of the three (3) remaining ballfields through the LPRF Grant
22. Police Report
23. Fire Report
24. Park Board Report
25. Planning Commission Report
26. Sewer Report
27. Attorney Report
28. New Business
29. Adjourn

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, AUGUST 1, 2013**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, August 1, 2013 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 Anthony Pelham say the invocation over the meeting.

Mayor Jackson requested Alderman Sisk to lead 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, Alderman Mark Payne and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Case**, seconded by **Alderman Sisk** the Minutes of the Public Hearing and Regular Monthly Board Meeting for June 27, 2013 were approved unanimously on a board vote.

OLD BUSINESS

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

- The town has received the letter from the Comptroller of the Treasury Office acknowledging the receipt of a certified copy of the 2013-2014 fiscal year budget. The letter constitutes approval by their office of the town's budget.
- The town has received a letter from Water and Wastewater Financing Board concerning the surcharge the town has initiated for the municipal buildings on sewer. The board has deferred further action on the town's financial distress condition until November 14, 2013 until the board receives an audit reflecting compliance. Attorney Gouger stated there is a T.C.A. Code concerning the town which allows a municipality to determine reasonable rates. The rate structure is to be treated as regular revenue not a subsidy.
- The town has sent out some recruitment letters and DVDs to various businesses in efforts to advertise our town. The mayor read the list of businesses that were mailed the recruitment letters.

SCHEDULED AGENDA ITEMS

- a.) **Anthony Pelham with James C. Hailey and Company concerning the bids on Contract 113 – Sewer System Additions EDA No. 04-01-06667 for the future site of the college on Main Street**

Mr. Pelham presented the board with a letter concerning the bids opened on July 11, 2013 with a recommendation to accept Lofty Constructions' bid in the amount of \$311,543.36 for the project. The board also received an estimate of the sewer project and certified bid tabulation sheet.

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Sisk** to accept Mr. Pelham's recommendation and approve the Mayor to sign the contract with Lofty Construction Company for Contract 113 – Sewer System Additions EDA No. 04-01-06667 in the amount of \$311,543.36 for sewer to the future site of the college on Main Street. The town does have EDA approval to proceed. The motion passed on a board vote with Alderman Payne abstaining from voting due to relations to Lofty Construction Company.

b.) Anthony Pelham with James C. Hailey and Company concerning accepting bids on Contract 112-2010 CDBG Sewer Line Additions

Mr. Pelham explained that this project had been bid once with the bids coming in higher than anticipated; therefore, he had trimmed the project down and stayed within the guidelines for ECD approval. Mr. Pelham has all the new drawings and project scope ready to bid this revised project. ECD has approved all the revised drawings and scope of project.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve the town to accept bids on Contract 112-2010 CDBG Sewer Line Additions with bids to be opened on Tuesday, September 3, 2013 at 5:00 p.m. and a recommendation by Mr. Pelham on Thursday, September 5, 2013 at the regular meeting at 6:00 p.m. on this project. The motion passed unanimously on a board vote.

c.) Marion County Partnership Annual Dues in the Amount of \$5,000

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Case** to approve the Marion County Partnership Annual Dues in the Amount of \$5,000. The motion passed unanimously on a board vote.

d.) Ratify Payment of the VFIS/The Steve Frost Agency Renewal Premium for July 1, 2013 through June 30, 2014 Accident and Sickness Coverage for Volunteer Firemen in the Amount of \$3,841

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to ratify the payment of the VFIS/The Steve Frost Agency Renewal Premium for July 1, 2013 through June 30, 2014 Accident and Sickness Coverage for Volunteer Firemen in the amount of \$3,841. The motion passed unanimously on a board vote.

e.) Marion County Veteran's Memorial Park Donation 2013-2014

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve the donation to the Marion County Veteran's Memorial Park as budgeted for \$500. The motion passed unanimously on a board vote.

f.) Sequatchie Valley Honor Guard Donation 2013-2014

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to approve the donation to the Sequatchie Valley Honor Guard as budgeted for \$1,100. The motion passed unanimously on a board vote.

g.) Dental Insurance Premiums Employee Only \$33.24 per month Family \$99.35 per month

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the dental insurance premium increase by Delta Dental, which will be Employee Only \$33.24 per month and Family \$99.35 per month effective September 1, 2013. The motion passed unanimously on a board vote.

h.) Approval of Repairs to Police Car #88 at Automotive Unlimited in the Amount of \$5,182.48

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve the repairs to Police Car #88 at Automotive Unlimited in the amount of \$5,182.48. The motion passed unanimously on a board vote.

i.) Public Officials Management & Employment Practices Liability Insurance

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to continue the insurance with Professional Governmental Underwriters, Inc. for the Public Officials Management & Employment Practices Liability Insurance in the amount of \$3,871. The motion passed unanimously on a board vote.

j.) Hiring Part time Park Employee

Mayor Jackson explained that Calvin Case, who was hired in the Spring, has had to resign from the park part time position due to a minor health condition. The fall soccer program will be starting and the town needs to hire a part time park employee to help with the maintenance of the fields and he recommends William King at the town's part time rate.

A motion was made by **Alderman Sisk**, seconded by **Alderman Payne** to hire William King as the Park Part Time Employee at the town's part time rate. The motion passed unanimously on a board vote.

k.) TOSHA findings from July 8, 2013 visit and recommendations

Vice-Mayor Pesnell stated that he met with TOSHA representative Hank Plank who inspects the town's buildings once a year and lets the town know of any findings we may have and gives the town an opportunity to correct the situation. By participating in this program, the town is not fined as others can be for violations if they do not participate in the yearly inspections and corrections. The town had three findings in the two buildings he inspected. There were no blanks in the breaker box at town hall, some breakers were not labeled and the police had not watched certain annual refresher training videos on hazardous chemicals. The town will correct these and respond to TOSHA as required by law.

A motion was made by **Alderman Payne**, seconded by **Vice-Mayor Pesnell** to acknowledge the findings from TOSHA, correct the findings and respond to TOSHA by August 27, 2013. The motion passed unanimously on a board vote.

l.) Discuss Correcting the Zoning Map at the old A-1 Building Supply Property off Main Street based on the recommendation of the Kimball Planning Commission

Alderman Case stated that the Kimball Planning Commission had been approached concerning the zoning map near the old A-1 Building Supply Property and the Colonial Bread Property. This property inadvertently was changed to R-1 on the map when it should still be classified as C-2. The Kimball Planning Commission has recommended that the correction be made to the map to reflect that these properties be changed back to C-2 as originally indicated when the zoning was done in Kimball.

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to correct the zoning map for Kimball based on the Kimball Planning Commission recommendation for the properties at the following: Peoples State Bank of Commerce Map 119 Parcel 055.26, Robert E. Kirk, Trustee Map 119 Parcel 055.09, Sara Lee Earthgrains Map 119 Parcel 055.15 and Robert Wynne Map 132 Parcel 058.00 from R-1 Zoning to C-2 Zoning. The motion passed unanimously on a board vote.

m.) Discuss charging a fee for applicants applying for a permit to be heard by the BZA Board based on the recommendation of the Kimball Planning Commission

Mayor Jackson stated that the town has had recent inquires by applicants for BZA Board Meetings which require an application, public notice in local paper, board members to be contacted and board packet to be prepared. After this is done and the town pays for the public notice to be advertised, the applicants change their minds and cancel their meetings with the BZA Board. In an effort to keep the

town from losing money from these types of meetings, the planning commission has recommended that the town charge a \$50 non-refundable fee along with the application.

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve the recommendation from the Kimball Planning Commission to charge a \$50 non-refundable fee for a BZA application. The motion passed unanimously on a board vote.

n.) TML Loss Control Safety Matching Grant

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve the town applying for the TML Loss Control Safety Matching Grant. The motion passed unanimously on a board vote.

o.) Discuss Bidding out the Lighting of the three (3) remaining ballfields through the LPRF Grant

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to accept bids on the lighting of the three (3) remaining ballfields through the LPRF Grant with bids to be opened at the September meeting. Mayor Jackson stated the town has been approved by the state to allow bids on this project. The town received assistance from TVA and SVEC on the specifications with two options to bid on these lights. The town will be removing the wording "concrete" poles from the specifications as the town wants metal poles installed at the park. The Southeast Tennessee Development District will be the grant coordinator on this project. The bids will be opened at the September meeting. 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	\$180.75
Fines	\$10.00
Department of Safety	\$30.00
Report Fee	\$85.00
Sessions Court	\$344.85
Total	\$694.85

Alderman Case stated that car 88 should be ready soon.

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for July 2013; the department responded to four calls during the month which were three mutual aids and a signal nine.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated the Park and Recreation Board will have a meeting Thursday, August 8, 2013 at 5:00 p.m. Fall Soccer Registration will be Saturday, August 10th and Saturday, August 17th with the last day to sign up Monday, August 19th at 4:00 pm.

PLANNING COMMISSION REPORT

Alderman Case stated the planning commission meeting for July was held on Tuesday, July 16, 2013 at 6:00 p.m. The board discussed the zoning clarification and the fee for the BZA appeal request. The

board also discussed real estate signs and stated that all real estate signs must state "Property for Sale" to be legal. The August meeting is scheduled for Tuesday, August 20, 2013 at 6:00 p.m.

SEWER REPORT

Alderman Payne stated the town needs to start working toward the new regulations on the MOMS program which is basically continual maintenance on the sewer system. The board recommended that Mr. Anthony Pelham set up a meeting with Maintenance Supervisor Mike Nelson to make a recommendation to address the I&I issues the town is having with the sewer system at the next meeting.

ATTORNEY REPORT

Attorney Gouger stated he had nothing further at this time.

NEW BUSINESS

Mayor Jackson had items under new business as follows:

- The Chamber Banquet will be August 22, 2013 at 6:00 p.m. at the First Baptist Church in Jasper.
- A local citizen Charles Rollins had mentioned placing some brochure in the Welcome Centers advertising our town. The mayor thought this was a great idea and would like to get this done with Rob Woodfin printing up some similar to the ones done for the ABA tournament.
- The town received a website comment from Jeff Venable. The comment was thanking the firefighters for all they do for us. It also stated our website was full of information.
- The tax free holiday weekend starts tomorrow Friday, August 2, 2013 and ends Sunday, August 4, 2013.
- The town is having issues with swimming pools that are in disrepair due to either foreclosures or other reasons. This is a safety hazard in various forms. Building Maintenance Code is the town's strongest code to enforce on this issue. The best method will be to allow Building Inspector Earl Geary to send a letter allotting 30 days to remedy the problem. The letter can be mailed to the current property owner and the current mortgage owner.

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to approve the Building Inspector to send a letter allotting 30 days to any property owner and mortgage lender with a swimming pool in need of repairs stating the issue and giving these owners 30 days to remedy the problem. After these 30 days have expired, the Town Attorney will send another letter to the property owner and mortgage lender explaining the issue and allotting another 30 days to correct the situation. If no action is taken after the notices, then the town will take legal action. The motion passed unanimously on a board vote.

- The town received a bill from James C. Hailey and Co. concerning the work done to oversee the new sewer pump station at the Hampton Inn. Their company assisted the town to make sure the new sewer pump was built to the town's standards. The bill was for \$7,950.50; however, the town will only be required to pay half the cost \$3,975.25.

A motion was made by **Alderman Payne** seconded by **Alderman Case** to approve the bill from James C. Hailey and Co. for overseeing the building of the new pump station at the Hampton Inn in the amount of \$3,975.25. The motion passed unanimously on a board vote.

- Finances

General Fund

Checking	\$ 90,260
Payroll	\$ 36,258
Checking FJB	\$ 50,097
Savings FVB	\$ 202,203
Savings FJB	\$ 250,158
Savings CSB	\$ 246,921
CD FJB	<u>\$ 328,259</u>
Total	\$1,204,156

State Street Aid

Checking	\$ 26,144
----------	-----------

Drug Fund

Checking	\$ 1,864
----------	----------

Sewer Fund

Checking	\$ 67,892
----------	-----------

Savings	\$ 25,206
---------	-----------

<u>CD</u>	<u>\$ 77,040</u>
-----------	------------------


Total	\$ 170,138
-------	------------

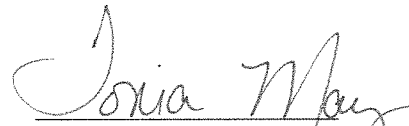
Grand Total	\$1,402,302
--------------------	--------------------

- The next monthly board meeting will be Thursday, September 5, 2013 at 6:00 p.m.

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