

KIMBALL BOARD OF MAYOR AND ALDERMEN

Monthly Board Meeting Thursday, December 5, 2013 6:00 P.M.

Public Hearing

1. Open Public Hearing
2. Ordinance Number 226 – An Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town
3. Close Public Hearing

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 7, 2013 Minutes of Regular Meeting
6. Old Business
7. Justin Wallace and Steve Troxtel Fishermen that saved ABA Fisher couple on Saturday, September 21, 2013 in a time of distress
8. Paul Johnson with Johnson, Murphey and Wright, P. C., CPA concerning Town of Kimball's Fiscal Year Financial Statement June 30, 2013
9. Health Insurance for Employees
10. Ordinance Number 226 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town
11. Ordinance Number 227 – An Ordinance to Amend the Official Zoning Map to Rezone a Portion of Property on Timber Ridge Drive from R-1 Low Density Residential District to C-2 Highway Business District in the Town of Kimball, Tennessee Marion County Tax Map 133E B 001.00
12. Approve the correct Zoning Map as Recommended by the Kimball Planning Commission for the section on Walnut Street
13. Ratify Bill from Nabco Electric for work done on intersection Stop Light Bad Loop which had to be recut and worked on loop at East Ramp Intersection in amount of \$2,668.26
14. Review Agreement with Kimball and City of South Pittsburg on Recreation Services recommended by Kimball Park Board
15. Discuss Leasing Concession Stand at Kimball Park for Spring 2014
16. Discuss GHSO Purchase for Police Department
17. Water and Wastewater Financing Board Letter
18. Harrison Layne Sewer Waiver Request
19. Police Report
20. Fire Report
21. Park Board Report
22. Planning Commission Report
23. Sewer Report
24. Attorney Report
25. New Business
26. Adjourn

**MINUTES OF THE PUBLIC HEARING
KIMBALL, TENNESSEE
THURSDAY, DECEMBER 5, 2013– 6:00 P.M.**

A Public Hearing of the Town of Kimball Board of Mayor and Aldermen was held on Thursday, December 5, 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. Alderman Mark Payne was absent.

Mayor Jackson called the public hearing to order for Ordinance 226 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131, and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town.

NEW BUSINESS

a) Ordinance 226 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131, and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town

Attorney Gouger stated that the town approved the ordinance on first reading at the last meeting and requested some additional language to be added to the ordinance. The town is currently charging 147% of the rate South Pittsburg charges to its commercial customers. The town requested a sliding scale be included in the ordinance; therefore, anytime an increase or decrease occurs in South Pittsburg's sewer rates, Kimball's rates will also adjust accordingly. The new rate will take effect January 1, 2014. The new commercial minimum rate for sewer will be \$100 per month up to 3,000 gallons per month. The new sewer rates on the usage over 3,000 gallons will be set at \$7 per 1,000 gallons over 3,001 gallons.

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 Case** to adjourn. The motion was seconded by **Vice-Mayor Pesnell**. The motion passed unanimously on a board vote.

**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, DECEMBER 5, 2013**

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

INVOCATION AND PLEDGE

Mayor Jackson requested Alderman Case to say the invocation over the meeting.

Mayor Jackson requested Vice-Mayor Pesnell's granddaughter Ansley Phillips 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, and Attorney William Gouger, Jr.

Alderman Mark Payne was absent due to being out of town for his employer.

APPROVAL OF MINUTES

On a motion by **Alderman Sisk**, seconded by **Alderman Case** the Minutes of the Regular Monthly Board Meeting for November 7, 2013 were approved unanimously on a board vote.

OLD BUSINESS

Mayor Jackson stated the AirMed Care Contract has been signed and the citizens of Kimball are covered if they are flown within the Marion County limits. There will be a health fair at Kimball on January 11, 2014. The citizens are invited to attend this to receive more information about AirMed Care and an extension plan that the citizens can purchase.

SCHEDULED AGENDA ITEMS

a.) Justin Wallace and Steve Troxtel Fishermen that saved ABA Fisher couple on Saturday, September 21, 2013 in a time of distress

Mayor Jackson stated that Justin Wallace and Steve Troxtel were fishing on Nickajack Lake on Saturday, September 21, 2013 during a storm. During this same storm, Mr. and Mrs. Rodgers were also fishing an ABA National Couples Championship Tournament hosted by the Town of Kimball. During the storm, Mr. and Mrs. Rodgers fell out of their boat. The rain gear worn by the Rodgers filled up and began to create a problem for the couple. Mr. Wallace and Mr. Troxtel noticed the couple in trouble and began efforts to rescue the couple from the lake. The men's efforts were successful and the couple was rescued without any harm to any of the four fishermen. The town called for the Rodgers during the meeting, Mrs. Rodgers was the only one available during the call. She proceeded to praise both young men for their efforts and the town for the hospitality. The mayor presented Mr. Wallace and Mr. Troxtel with plaques and gift bags from the town as a token of appreciation for their efforts. The local papers were in attendance at the meeting and took a picture of the fishermen and the Board of Mayor and Aldermen.

b.) Paul Johnson with Johnson, Murphey and Wright, P.C., CPA concerning Town of Kimball's Fiscal Year Financial State June 30, 2013

Paul Johnson, Town Auditor, gave the town a good financial report for the fiscal year ending June 30, 2013. The auditor covered several pages in the annual financial report during the meeting which were all positive statements.

Mr. Johnson also covered another item on the agenda – Water and Wastewater Financing Board Letter that stated the board met and voted to reluctantly accept the actions of the Town, but to reiterate that the act of

charging municipal buildings in such manner is not the best practice. This relates to the efforts Kimball took to keep the sewer fund from being in financial distress.

c.) Health Insurance for Employees

The Board of Mayor and Aldermen and Town Attorney had a workshop concerning the current health care plan and quotes from other plans provided by a local agent. During the review of the plans, it was noted that if the town changed plans the town would not be grandfathered under the affordable health care act and if the town left the state plan then there is a mandatory two years required being out of the state plan before the town can rejoin. The town could save money by changing plans; however, with the uncertainty of the new laws, the town decided it would be in the best interest to remain with the State of Tennessee Health Care Plan.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to remain on the State of Tennessee Health Insurance Plan Partners for Health with the 5% increase for the 2014 calendar year. The motion passed unanimously on a board vote.

d.) Ordinance Number 226 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Sisk** to approve on Second and Final Reading Ordinance Number 226 – An Ordinance to Amend Ordinance Nos. 41, 50, 89, 131 and 138 of the Town of Kimball, Tennessee Regarding the Commercial Sewer Rates in Town. The motion passed unanimously on a board vote.

e.) Ordinance Number 227 – An Ordinance to Amend the Official Zoning Map to Rezone a Portion of Property on Timber Ridge Drive from R-1 Low Density Residential District to C-2 Highway Business District in the Town of Kimball, Tennessee Marion County Tax Map 133 E B 001.00

Alderman Case stated that the Kimball Planning Commission reviewed this item during its meeting and recommends the change from R-1 to C-2. The lot is currently split between the two zones and needs to have one zone for the entire lot. The owner has requested that the lot be zoned C-2 Highway Business District. In the future, the zoning of property will follow property lines as close as possible to avoid these types of situations.

A motion was made by **Alderman Case**, seconded by **Vice-Mayor** to approve on Kimball Planning Commission recommendation on First Reading Ordinance Number 227 – An Ordinance to Amend the Official Zoning Map to Rezone a Portion of Property on Timber Ridge Drive from R-1 Low Density Residential District to C-2 Highway Business District in the Town of Kimball, Tennessee Marion County Tax Map 133 E B 001.00. The motion passed unanimously on a board vote. The town will have a public hearing and second and final reading at the next meeting.

f.) Approve the Correct Zoning Map as Recommended by the Kimball Planning Commission for the section on Walnut Street

Mayor Jackson stated that the property at Mrs. Rose Payne's needs to be corrected on the town's zoning map. The town's zoning map had the property on the wrong side of the roadway marked as C-2; therefore, the Kimball Planning Commission recommended that the zoning map be changed to reflect all of the property owned by Mrs. Rose Payne to be zoned C-2 as a correction to the map.

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve on Kimball Planning Commission recommendation the correction to the Kimball Official Zoning Map at Walnut Street to classify the property owned by Mrs. Rose Payne as C-2 Highway Business District. The motion passed unanimously on a board vote.

g.) Ratify the bill from Nabco Electric for work done on interstate Stop Light Bad Loop which had to be recut and repaired on the East Ramp Intersection in the amount of \$2,668.26

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to ratify the bill from Nabco Electric for work done on interstate Stop Light bad loop which had to be recut and repaired on the East Ramp Intersection in the amount of \$2,668.26. The motion passed unanimously on a board vote.

h.) Review Agreement with Kimball and City of South Pittsburg on Recreation Services recommended by Kimball Park Board

Mayor Jackson stated members of the park board met with the town attorney to develop substance to be included in the draft agreement for consideration on a joint recreation service agreement between the two towns. Alderman Sisk went over the highlights of the agreement with the Board of Mayor and Aldermen. After the board reviewed the agreement, a motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve the Agreement between The Town of Kimball, Tennessee and The City of South Pittsburg, Tennessee for Recreational Facilities. The motion passed unanimously on a board vote.

i.) Discuss Leasing Concessions Stand at Kimball Park for Spring 2014

The town has two options on the Concession Stand, which is the town operate the concession stand or lease the facility. In order to the lease the facility, the town will need lease specification to accept bids on this project. The town can model our lease after Jasper and Powells Crossroads since they already have established facilities. The board requested Attorney Gouger to obtain copies of the lease agreements from Jasper and Powells Crossroads to present at the January park board meeting. The town will need to get bids in the paper soon after the town has decided on the exact specifications as the Spring 2014 Ball Season will be here soon.

j.) Discuss GHSO Purchases for Police Department

Sergeant Chris Webb addressed the board concerning spending some of the Governor's Highway Safety Office (GHSO) Grant Funds on 5.11 Tactical 3-in-1 ANSI Class 3 Reversible Parkas and a radar unit to be installed in Car #86. The department has \$4,750 to spend on Hi-Vis items and radar units. This purchase will be less than the amount allotted.

A motion was made by **Alderman Case**, seconded by **Vice-Mayor Pesnell** to approve the police department to purchase nine (9) 5.11 Tactical 3-in-1 ANSI Class 3 Reversible Parkas from Galls and a Stalker Radar unit for car #86 from Applied Concepts using GHSO Grant Funds. The motion passed unanimously on a board vote.

k.) Harrison Layne Sewer Waiver Request

Mr. Layne stopped by Town Hall concerning his water and sewer bill. There was a leak at his residence which has been repaired and he would like assistance on his bill from the town for his sewer charges if possible since the water did not go into the sewer system.

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to authorize Recorder May to contact Dawn Owenby with South Pittsburg Water and Sewer Department to get an average normal bill for Mr. Harrison over the past few months. Upon retrieving an average, a discount will be giving based on this average. 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	\$132.75
Court Costs	\$546.75
Fines	\$115.50
Department of Safety	\$0.00
Report Fee	\$50.00
Sessions Court	\$1234.10
Total	\$2,079.10

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for November 2013; the department responded to five calls during the month which were an assist, one smoke in automobile and three signal nines.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated the Park and Recreation Board meeting for December will be cancelled; however, there will be a meeting in January to review the concession stand lease agreements from other parks. Mayor Jackson also stated that Gentry Chevrolet Buick GMC, Inc. presented the Kimball Soccer League with a \$500 check for the program through the Chevy Youth Soccer Program.

PLANNING COMMISSION REPORT

Alderman Case gave the planning commission report as follows: the monthly meeting was held on Tuesday, November 19, 2013 at 6:00 p.m. They reviewed two items, the Roger's Subdivision-Final Plat and a Rezoning Request from John Thornton. The Roger's Subdivision is a four lot subdivision that fronts South Kingsberry Drive. This subdivision was approved. The Rezoning Request concerns lot 1 of Timber Ridge Subdivision which currently is zoned both C-2 and R-1. Mr. Thornton has requested that lot 1 be zoned C-2. This rezoning request was approved to make lot 1 in Timber Ridge Subdivision C-2. The BZA will have a meeting on December 10th at 5:00 p.m. to review an application from Mark Reed on a setback variance, James Boren concerning a special exception banner and any other properly presented business. The next planning meeting is scheduled for December 17th.

SEWER REPORT

Anthony Pelham stated that the Chattanooga State sewer line has been installed underneath the interstate. The material submittals have been approved. The project is getting closer to being ready to test the existing 8" sewer line on Industrial Boulevard. The CDBG project with Roy Joe Angel Construction Company is ready to proceed; however, there has been a death in Mr. Angel's family so this is not being pressed due to the death and the holidays. Mike Nelson stated that he has the bid on the man holes and sewer lift station from SES for \$9,500 which has already been approved by the board.

ATTORNEY REPORT

Attorney Gouger stated the town had reviewed an Agreement for Engineering Service from 2012 with James C. Hailey & Company. This agreement has been reviewed again for the CDBG Grant for 2013. The numbers have been adjusted to reflect the amounts in the CDBG Grant. The town needs to have an agreement in the event of an audit to comply with grant requirements.

After review, a motion was made by **Alderman Case**, seconded by **Vice Mayor Pesnell** based on the recommendation from Attorney Gouger; the Agreement for Engineering Services with James C. Hailey and Company was approved. The motion passed unanimously on a board vote.

NEW BUSINESS

Mayor Jackson had items under new business as follows:

- The sales tax for the month of October was up \$7,500.
- The town has tentatively scheduled a Health Fair on Saturday, January 11, 2014, which will be hosted by AirMed at the Kimball Municipal Building from 12:00 p.m. until 2:00 p.m. Life-force will be here. Kimball citizens can sign up for the region-wide AirMed coverage for the additional fee and various health screenings will be available.
- The town would like to welcome two new businesses to town. The new furniture store – Comfort Gallery Mattress & Furniture and a self washing pet facility – Bubbles Boutique.
- The South Pittsburg Pirate Football Team is headed to Cookeville to play for the State Championship. The town would like to wish them the best of luck in their game tomorrow.
- The town will be having its annual Christmas Dinner for the employees, board members, planning commission members, BZA, park board members, beautification committee, judge, attorney and building inspector on Friday, December 13, 2013 with Bones Smokehouse catering.
- The town wanted to thank the Beautification Committee members Wanda Case and Betty Hudson for decorating around town hall and also Melissa Jackson. Also, want to thank the maintenance crew and office staff for their efforts.

Vice-Mayor Pesnell wanted to thank Dean Pesnell and Jerry Don Kennemore for helping with getting the turkeys delivered for the Thanksgiving holiday. The hams will be given out at the Christmas Dinner.

- Finances

General Fund

Checking	\$ 58,705
Payroll	\$ 13,070
Checking FJB	\$ 55,287
Savings FVB	\$ 202,408
Savings FJB	\$ 251,107
Savings CSB	\$ 171,981
CD FJB	<u>\$ 330,392</u>
Total	\$1,082,950

State Street Aid

Checking	\$ 24,544
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Drug Fund

Checking	\$ 2,126
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Sewer Fund

Checking	\$ 100,418
Savings	\$ 25,231
CD	<u>\$ 77,270</u>
Total	\$ 202,919

Grand Total	\$1,312,539
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The Red Leg Loan Program is still a work in progress. The town is working with Mike Partin with the Sequachee Valley Electric Cooperative on this interest free loan.

The next monthly board meeting will be Thursday, January 2, 2014 at 6:00 p.m.

Merry Christmas and Happy New Year!

ADJOURNMENT

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


David Jackson, Mayor


Tonia May, Recorder