
**MINUTES OF THE REGULAR MEETING
KIMBALL, TENNESSEE
THURSDAY, FEBRUARY 6, 2014**

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, February 6, 2014 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 Alderman Case to 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 Mark Payne, Alderman Jerry Don Case, Alderman Johnny Sisk and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Case**, seconded by **Alderman Payne** the Minutes of the Public Hearing and Regular Monthly Board Meeting for January 9, 2014 were approved unanimously on a board vote.

OLD BUSINESS

Vice-Mayor Pesnell asked about the status of the striping of the roadway on Industrial Boulevard. The town is waiting on the sewer project to be completed before striping the roadway.

Mayor Jackson stated the scoreboards for the park approved in the previous meeting have been delivered to town hall. The town will be having these installed in the next few weeks.

SCHEDULED AGENDA ITEMS

- a.) **Resolution 2014-01 – A Resolution Requesting that the 2014 Session of the Tennessee State Legislative Adopt Senate Bill 2058-House Bill 1395 to Subject Railroads to the Same Diesel Fuel Tax Treatment as Motor Carriers Under Present Law**

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve Resolution 2014-01 – A Resolution Requesting that the 2014 Session of the Tennessee State Legislation Adopt Senate Bill 2058-House Bill 1395 to Subject Railroads to the Same Diesel Fuel Tax Treatment as Motor Carriers Under Present Law. The motion passed unanimously on a board vote.

- b.) **Resolution 2014-02 – A Resolution to Adopt a Youth Sports Concussion Policy for the Town of Kimball, Tennessee**

Attorney Gouger stated that January 1, 2014 new state law requires all schools or local governments that have organized sports or athletic activities to have a concussion awareness policy. The policy the town has is based upon the state approved policy adopted by the TSSAA for use by all public school activities and athletics. It has all necessary forms required and it requires coaches and athletic directors to be trained and schooled to recognize symptoms of a concussion.

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve Resolution 2014-02 – A Resolution to Adopt a Youth Sports Concussion Policy for the Town of Kimball, Tennessee. The motion passed unanimously on a board vote.

c.) Discuss Bidding Out Mowing Service

A motion was made by **Vice-Mayor Pesnell**, seconded by **Alderman Payne** to approve the town to accept bids for the mowing services for the town. The town will accept bids on the mowing services until March 6, 2014 until 4:00 pm. All interested bidders are required to be at town hall on February 28, 2014 at 10:00 am to meet with members of the Kimball Board of Mayor and Aldermen to review the areas to be mowed and intervals on the areas. The motion passed unanimously on a board vote.

Citizen Jenna Klima wanted to thank Mayor Jackson for mowing the grass at the park.

d.) Jere Davis Memorial Scholarships for 2014

Mayor Jackson stated that the town has \$4,000 in the budget for scholarships which will be awarded to a senior at each of the four high schools in Marion County that is selected from the applications that apply for the scholarship to Chattanooga State Technical Community College.

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve the Jere Davis Memorial Scholarship for 2014 for \$4,000 which is a \$1,000 scholarship per high school in Marion County as budgeted. The high school seniors interested will need to apply through their guidance counselor to be eligible to qualify for this scholarship to Chattanooga State Technical Community College. The motion passed unanimously on a board vote.

e.) Siege of Bridgeport

A motion was made by **Alderman Sisk**, seconded by **Alderman Case** to approve the donation to the Siege of Bridgeport in the amount of \$250 as budgeted. The motion passed unanimously on a board vote.

f.) Discuss Funding of the Extension of sewer lines to Chattanooga State Project

Mayor Jackson stated the town needed to review the funding for the sewer line extension project to the new college site. The town had applied to the Red Leg Program with Rural Development and Sequachee Valley Electric Cooperative for an interest free bearing loan program. The town has been notified that we do not qualify for this program. Mayor Jackson recommends that the town put out bid requests for \$750,000 for a twelve year note to be paid annually to fund this project.

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to approve request for bid proposals for the town to borrow \$750,000 for twelve years from and to accept the lowest bid with a no early repay penalty included in the bid. The motion passed unanimously on a board vote.

g.) Ratify the repairs to the F-350 from Diesel Plus in the amount of \$3224.60

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to ratify the repairs to the F-350 from Diesel Plus in the amount of \$3,224.60. The motion passed unanimously on a board vote.

h.) Discuss Purchasing Powermoon lights for Police Department from GHSO Grant Fund for Roadblock DUI Checkpoint at \$3290

A motion was made by **Alderman Case**, seconded by **Alderman Sisk** to approve the purchase of Powermoon lights for the Police Department from the GHSO Grant from Trilec in the amount of \$3,290. The motion passed unanimously on a board vote.

i.) Discuss purchasing four (4) portable mounds for the baseball fields

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to purchase four (4) portable mounds for the baseball fields in the amount of \$1,400 each. The motion passed unanimously on a board vote.

j.) Install Fence at Park

Mayor Jackson stated the town’s park property connects with Mr. Jack Keef’s property. The town needs to separate these two properties to keep park patrons from entering Mr. Keef’s property for insurance purposes. The town has received a quote from Quality Fence Company to install a fence to separate the two properties with a fence.

A motion was made by **Alderman Payne**, seconded by **Alderman Case** to install a fence at the park from Quality Fence Company in the amount of \$2,950 between the town’s property and Mr. Keef’s property. The motion passed unanimously on a board vote.

k.) Donation for Relay for Life

A motion was made by **Alderman Case**, seconded by **Alderman Payne** to approve the donation to the Marion County Relay for Life in the amount of \$1,000 as budgeted. The motion passed unanimously on a board vote.

l.) Donation for St. Jude

A motion was made by **Alderman Sisk**, seconded by **Vice-Mayor Pesnell** to approve the donation to St. Jude in the amount of \$1,000 as budgeted. 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	\$72.75
Court Costs	\$277.25
Fines	\$50.00
Report Fee	\$60.00
Sessions Court	\$294.50
Total	\$754.50

FIRE REPORT

Vice-Mayor Pesnell gave the fire report for January 2014; the department responded to eleven calls during the month which were one structure fire, three brush fires, five mutual aids, one rescue and one signal nine. The fire department had their Annual Firemen’s Dinner last month and everything went well.

Fire Chief Keef wanted to thank the Board of Mayor and Aldermen for everything they do for the fire department.

PARK AND RECREATION BOARD REPORT

Alderman Sisk stated the Park and Recreation Board meeting for February will be postponed due to the Special Called Meeting next Thursday. Spring Soccer Registration is still going on and will continue until Saturday, February 8, 2014 at 12:00 p.m. The concessions contract can still be picked up to bid on until February 11, 2014.

PLANNING COMMISSION REPORT

Alderman Case stated the January planning commission meeting was held on January 21, 2014. Items on the agenda included the approval of the Mark Reed Subdivision Final Plat.

The next planning meeting is scheduled for February 18, 2014 at 6:00 pm.

SEWER REPORT

Alderman Payne stated that both sewer projects were ongoing at this time. One project was late starting; however, the crew states they are on schedule and will be complete by the project end date. The CDBG project will be shifting a few feet at the North Kingsberry Drive area due to water and gas lines. The shift will not change the project much; however, there may be a need for more asphalt repairs in this area.

Anthony Pelham stated he had some issues he would like addressed at the special called meeting next Thursday concerning the sewer project to the college site.

ATTORNEY REPORT

Attorney Gouger had nothing new at this time.

NEW BUSINESS

Alderman Payne wanted to address the ditch on Ponderosa Drive that needs to be repaired again. The town had rip rap put in the ditch; however, now this rip rap has moved. The discussion was that the ditch needs concrete and rip rap placed on the edges of the ditch for stability.

A motion was made by **Alderman Payne**, seconded by **Alderman Sisk** to approve the town to spend up to \$5,000 to repair the ditch on Ponderosa Drive. Alderman Payne stated he could provide drawings to show what needs to be done on this project. The motion passed unanimously on a board vote.

Alderman Case wanted to inform the public of the new Alert Marion County which is a mass awareness system Marion County has put in place. Citizens may go online or call E-911 to be set up to receive alerts by email, text or phone for severe weather updates and even school updates. Those interested in signing up online may go to alertmarioncounty.com.

Alderman Sisk wanted to know if the article in the paper concerning the mixed drink tax applied to the town. This article does apply to the town; however, Kimball has already paid the county the amount due to the county for the school system. Also, the town will be sending this money in on the mixed drink tax each October which will be an annual payment for the prior fiscal year when the state has all the totals together for the cities and towns.

Mayor Jackson had items under new business as follows:

- The Hampton Inn will have a Ribbon Cutting at 11:00 am and Open House from 11:00 am until 1:00 pm on February 13, 2014.
- Comfort Gallery Mattress and Furniture Store owned by Gary Guess will have a Ribbon Cutting on February 8, 2014 at 10:00 am.
- The town will have soccer registration Saturday, February 8, 2014 from 9:00 am until 12:00 pm.
- The AirMed Care Representative Jimmy Morse will be at town hall on Saturday, February 8, 2014 from 9:00 am until 12:00 pm signing those interested in the insurance. Interest parties may also pick up a form from town hall during normal business hours for the life force insurance.
- The town has a new business located where Susan's Resale Shop was located called Pandora's Box. This business sales new upscale items and gently used upscale items.
- Bubble Boutique should be opening the first part of March. This is a self pet washing facility.
- The sales tax for the month of December 2013 was down \$9,486 compared to December 2012.

- Finances

General Fund

Checking	\$ 150,914
Payroll	\$ 9,018
Checking FJB	\$ 55,391
Savings FVB	\$ 202,510
Savings FJB	\$ 251,680
Savings CSB	\$ 52,033
CD FJB	<u>\$ 272,950</u>
Total	\$ 994,451

State Street Aid

Checking	\$ 19,554
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Drug Fund

Checking	\$ 2,202
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Sewer Fund

Checking	\$ 113,230
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Savings	\$ 25,244
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CD	<u>\$ 77,462</u>
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Total	\$ 215,936
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Grand Total	\$1,232,143
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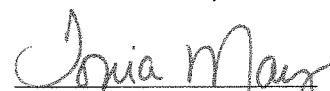
Citizens from Boyd Subdivision attended the board meeting concerning the subdivision of the land owned by Mike Cardin recently sold to Angie Rogers. The re-subdivision of a lot in a subdivision is allowed as long as the lots are at least larger than the minimum size required under the regulations. None of the lots are land locked which means they all have legal access. Beyond this, as long as the subdivision plan that is submitted for the re-subdividing is in compliance with the regulations then the town has no basis for denial for the subdivision approval. According to the drawing, Lot 4 of the new subdivision used to be Lot 19 of Boyd Subdivision and there is no restriction in Boyd Subdivision covenants that prevents a lot from being re-subdivided that Attorney Gouger has found. The Kimball Planning Commission's approval of the submission of the plat from Angie Rogers for the reconfiguration of the property was done in accordance with the town's subdivision regulations; therefore, there was no basis for the town to reject this for any reason. The Boyd Subdivision restrictive covenants are private covenants and the town cannot legally enforce these covenants. The members of the subdivision would have to take their own action against anyone in violation of the covenants. There are four lots in the property now owned by Angie Rogers which is bordered by View Street, South Kingsberry Drive and Boyd Avenue. The town has controls by subdivision regulations, zoning ordinances and building permits and inspections. The town has no other controls to tell a property owner what the owner can do with his or her property. This is a property rights and civil rights issue and the town cannot be involved in these types of concerns; however, the citizens may hire an attorney to seek legal advice. The building permits, plans and plat for the home are open records and available for the public to view. This discussion was very in-depth and can be heard in detail by listening to the recorded meeting.

Mayor Jackson had a letter from Laura Hale from South Pittsburg. She went through the town's soccer program. Currently she is playing college soccer with the Maryville Lady Scotts and they will be playing soccer in Italy.

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