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**MINUTES OF THE REGULAR MEETING  
KIMBALL, TENNESSEE  
THURSDAY, NOVEMBER 2, 2017**

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A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, November 2, 2017 in the Meeting Room of Town Hall, 675 Main Street, Kimball, Tennessee.

Mayor Pesnell called the regular meeting to order at 6:00 p.m.

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**INVOCATION AND PLEDGE**

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Mayor Pesnell requested Vice Mayor Case to say the invocation over the meeting.  
Mayor Pesnell requested Alderman Sisk to lead the Pledge of Allegiance.

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**ROLL CALL**

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Mayor Pesnell asked Recorder May to call roll.

Those present were: Mayor Rex Pesnell, Vice Mayor Jerry Don Case, Alderman John Matthews, Alderman Johnny Sisk and Attorney William Gouger, Jr.  
Alderman Mark Payne was absent.

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**APPROVAL OF MINUTES**

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On a motion by **Alderman Sisk**, seconded by **Alderman Matthews** the Minutes of the Public Hearing and Regular Monthly Board Meeting for October 5, 2017 were approved unanimously on a board vote.

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**OLD BUSINESS**

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Mayor Pesnell had the following under old business:

- In attendance at the Marion County Chamber Meeting, the chamber and other businesses are working to fight litter in Marion County. The town has been working to fight litter as well for many years and would like to find other ways or incentives to help motivate our businesses to help fight this litter problem as well.
- Mike Nelson, Maintenance Supervisor and Rex Pesnell, Mayor went to Chattanooga to pick up the 2006 F550 Superduty Bucket Truck.
- Tommy Jordan the roofing contractor has been working to get the buildings damaged by the March 2017 storms repaired. His company has been working on the weekends to avoid the normal town hall traffic.
- Lofty Grading and Paving have been working to complete the 2017 paving project approved during the October meeting.

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**SCHEDULED AGENDA ITEMS**

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**a.) Paul Johnson with Johnson, Murphey and Wright P.C. CPA concerning the Fiscal Year Audit for July 1, 2016 through June 30, 2017**

Paul Johnson was in attendance to give the board and public an overview as to the town's finances for July 1, 2016 through June 30, 2017. There were two major items mentioned during the review which were the payment of half the debt and purchase of a new sidearm garbage truck. With all of this being paid out, the town is still in good financial shape. Paul Johnson recommends to pay the remainder of the loan from First Jackson Bank before the end of this fiscal year. The sewer fund is also in the black which is also a positive statement. The board and their financial management skills keeps the town in this shape. Towns are managed by the wisdom of the boards and their financial management plus the support of their staff and all those that continue to shop and stay in the town. Our town appreciates the support shown by everyone to keep our town in good financial shape.

**b.) Approval of the Donation to the Marion County Sheriff Department Christmas for Kids Program for 2017**

A motion was made by **Alderman Sisk**, seconded by **Vice Mayor Case** to approve the donation to the Marion County Sheriff Department Christmas for Kids Program for 2017 in the amount of \$500. The motion passed unanimously on a board vote.

**c.) Approval of Fire Department to Purchase Items on the TML Loss Control Grant**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to approve the Fire Department to Purchase Items from EDarley through TML Loss Control Grant up to \$3,145. The motion passed unanimously on a board vote.

**d.) Approve the Information Security & Privacy Insurance with Electronic Media Liability Data Breach Insurance Renewal with First Volunteer Insurance and Lloyd's for an annual premium of \$5,874.02**

A motion was made by **Alderman Matthews**, seconded by **Vice Mayor Case** to approve the Information Security & Privacy Insurance with Electronic Media Liability Data Breach Insurance Renewal with First Volunteer Insurance and Lloyd's for an annual premium of \$5,874.02. The motion passed unanimously on a board vote.

**e.) Approve Duplicator Supply Company, Inc. Equipment Maintenance Agreement**

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve Duplicator Supply Company, Inc, Equipment Maintenance Agreement. The motion passed unanimously on a board vote.

**f.) Review and Approve the Annual ACH Origination Annual Customer Training and Certification for 2017 with Tower Community Bank**

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve the Annual ACH Origination Annual Customer Training and Certification for 2017 with Tower Community Bank. The motion passed unanimously on a board vote.

**g.) Correction to Fire Hall Gutters Approved at October Meeting – STH and Associates, Inc. total project will not exceed \$3,000 to install new gutters, correct leaks and seal for bats. Gutters will be provided by JDH and billed through STH and Associates, Inc.**

A motion was made by **Alderman Matthews**, seconded by **Vice Mayor Case** to correct approval of the Fire Hall gutters and approve STH and Associates, Inc. total project not to exceed \$3,000 to install new gutters, correct leaks and seal for bats with gutters provided by JDH and billed through STH and Associates, Inc. The motion passed unanimously on a board vote.

**h.) Discuss the For-Profit and Non-Profit usage of the town facilities**

Mayor Pesnell stated that the park board recommended that the municipal building continue to be used as it currently is now which is only allowed for non-profit only. They recommended that the for-profit and non-profit usage at the outdoor facilities be allowed for the best interest of a non-profit entity with it not used for private gain only. The park board recommended reviewing the current waiver forms to see if any language needed to be added to these forms.

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve the park board's recommendation concerning the usage of the town facilities for-profit and non-profit which allows for-profit to use the facilities for the best interest of a non-profit entity with it not being used for private gain only. The motion passed unanimously on a board vote. The board requested Attorney Gouger to review and change the Park Waiver forms as necessary with a copy forwarded to all board members for review.

**i.) Set Sanitation Route Schedule for the November and December Holiday Schedule**

Mayor Pesnell stated he had spoke with Mike Nelson, Maintenance Supervisor concerning the November Holiday Sanitation Schedule which will be as follows: Sanitation Route will run Monday, November 20<sup>th</sup> and

closed Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup> then Sanitation Route will run again Monday, November 27<sup>th</sup>.

Mayor Pesnell also spoke with Mr. Nelson concerning the December Holiday Sanitation Schedule and their normal dates. The Sanitation Route will run its normal schedule on Friday, December 22<sup>nd</sup> and closed Monday, December 25<sup>th</sup> and Tuesday, December 26<sup>th</sup> then Sanitation Route will run on Wednesday, December 27<sup>th</sup> and again on Friday, December 29<sup>th</sup>.

**j.) Discuss Hams and Turkeys**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to approve the town to purchase Turkeys for Thanksgiving and Hams for Christmas for employees, planning commission members, committee members and BZA members as normally done annually. The motion passed unanimously on a board vote.

**k.) Discuss Bonuses**

A motion was made by **Alderman Sisk**, seconded by **Alderman Matthews** to approve bonuses to fulltime employees in the amount of \$500 and to part-time employee in the amount of \$125. The motion passed unanimously on a board vote.

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**POLICE REPORT**

Vice Mayor Case gave an update on the Police Department as follows:

Litigation Tax and Training Fees	\$88.50
Court Costs	\$386.50
Fines	\$40.00
Report Fee	\$55.00
DVD Request	\$32.00
Sessions Court	\$287.85
<b>Total</b>	<b>\$889.85</b>

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**FIRE REPORT**

Alderman Sisk gave the fire report for October 2017; the department responded to six calls during the month which were one mutual aid, one grease fire, two signal nines, one investigation and one vehicle fire.

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**PARK AND RECREATION BOARD REPORT**

Alderman Matthews stated the Park and Recreation meeting was held on October 26, 2017. The park board discussed the softball program and dates for registration. It also discussed the for-profit and non-profit usage of the town facilities. Discussion was made concerning the park rules and whether these were being followed. The next meeting is scheduled for Thursday, November 30, 2017 at 5:30 pm for its regular monthly meeting.

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**PLANNING COMMISSION REPORT**

Vice Mayor Case stated the Kimball Planning Commission meeting for October was cancelled. The annual Planning Commission/BZA Member Training was held on Tuesday, October 24<sup>th</sup> at Sulphur Springs United Methodists Church. The next planning meeting is scheduled for November 21, 2017 at 6:00 pm.

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**SEWER REPORT**

None.

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**ATTORNEY REPORT**

Attorney Gouger has sent a certified letter to the owners at 200 Judy Drive concerning the property maintenance. The owners have received the letter; however, they have not responded to the request at this moment. The town can solicit quotes to clean up the property and put a lien on the property for the cleanup costs.

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to solicit quotes on 200 Judy Drive for cleaning up the property as part of complying with the town's ordinances/policies. The motion passed unanimously on a board vote.

Attorney Gouger stated he had reviewed the codification of ordinances that MTAS had sent from the ordinances through December 2016 which can be found in the Town's Modified Municipal Code. He recommends that the board review this same information and approve at the December meeting.

## **NEW BUSINESS**

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Vice Mayor Case stated that he would like to repeal Ordinance 31 concerning bonuses which puts stipulations on the amount and who is eligible.

A motion was made by **Vice Mayor Case**, seconded by **Alderman Matthews** to approve the repeal of Ordinance 31 concerning the stipulations on bonuses for the amounts and those eligible. The motion passed unanimously on a board vote.

Alderman Sisk requested to know about the TDOT surveying and the concerns by citizens for why they are surveying so much of the property. Mayor Pesnell stated that if they survey any part of the property they have to get so many points of the property to finish their maps for accuracy on the roadway survey.

Mayor Pesnell had items under new business as follows:

- The Annual Car Show will be held this Saturday, November 4<sup>th</sup> at the Kimball Park. This event benefits the Marion County Sheriff Christmas for Kids Fund.
- The town installed a flag pole at the ball complex.
- Daylight Savings Time ends Sunday, November 5<sup>th</sup> at 2 am. Please set your clocks back one hour.
- Town Hall and Maintenance will be closed for the Veteran's Day Holiday Friday, November 10<sup>th</sup>. The Sanitation Route will be run on Thursday, November 9<sup>th</sup>.
- Town Hall and Maintenance will be closed for the Thanksgiving Holiday Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup>.
- The next regular scheduled board meeting will be Thursday, December 7, 2017 at 6 pm.
- The Town Financial Report is as follows:

○ General Fund	\$1,743,359
○ State Street Aid Fund	\$ 35,854
○ Drug Fund	\$ 7,559
○ Sewer Fund	\$ 548,047
○ Grand Total	\$2,334,819

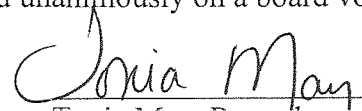
Citizen Mary Joe Talley stated she was concerned about items being removed from Cumberland View Cemetery without proper authorization. She had personally had items removed from family members area and it is upsetting and wanted to know if there was anything that could be done to help with this to keep the area more secure. The board was unsure who owned the property at Cumberland View and wanted to get more information to see who, how and what else can be done. They will be reviewing all this information and contacting Ms. Talley after they have more information. Patrolman Adams stated the police department has already increased patrol in the area per the Police Chief's request.

## **ADJOURNMENT**

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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 Case**. The motion passed unanimously on a board vote.

  
Rex Pesnell, Mayor

  
Tonia May, Recorder