

ORDINANCE NO. 281

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2022-2023

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and to include additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2022-2023 fiscal year as well as list additional non-profit organization to which funds are designated:

GENERAL FUND

EXPENDITURES 110

	Beginning	Amendment	Ending
Fire Protection - Public Relations	\$200	\$300	\$500
Fire Protection - Repair and Maintenance	\$2,000	\$2,000	\$4,000
Highway & Streets - Salaries - Supervisors	\$23,700	\$1,300	\$25,000
Highway & Streets - Memberships, Registration Fees	\$0	\$350	\$350
Sanitation Dept - Salaries - Supervisor	\$23,700	\$1,300	\$25,000
Parks - Wages - Director	\$48,000	(\$31,260)	\$16,740
		(\$26,010)	

CAPITAL PROJECTS

Town Property - Other - Improvements other than bldgs	\$20,000	\$37,100	\$57,100
Highway & Streets - Drainage Improvements	\$20,000	\$20,000	\$40,000
Parks - Park and Recreation Facilities	\$275,000	(\$31,090)	\$243,910
		\$26,010	

SEWER FUND 412

REVENUE 412

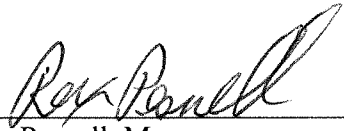
Sewer Service Charges	\$165,000	\$8,500	\$173,500
		\$8,500	

EXPENDITURES 412

Sewer - Repairs	\$9,000	\$5,000	\$14,000
Sewer - Samples and Professional Services	\$3,500	\$3,500	\$7,000
		\$8,500	

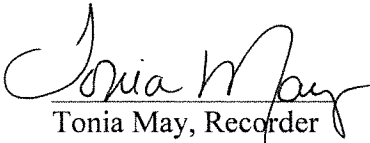
- Section 2:** After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by Tennessee Code Annotated Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.
- Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- Section 4:** If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 5th day of January, 2023.



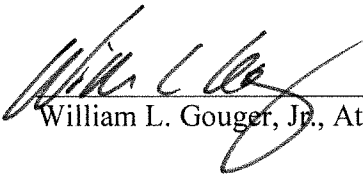
Rex Pesnell, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

First Reading 12-1-2022

Public Hearing 1-5-2023

Passed on Second Reading 1-5-2023

ORDINANCE NO. 282

**AN ORDINANCE TO AMEND THE OFFICAL ZONING MAP TO
REZONE THE WESTERN SIDE OF TAX MAP 133 PARCEL 113.00
FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO C-2
HIGHWAY BUSINESS DISTRICT WITHIN THE CORPORATE LIMITS
OF THE TOWN OF KIMBALL, TENNESSEE**

Marion County Tax Map 133 Parcel 113.00

- WHEREAS,** the authority in Tennessee Code Annotated (TCA) Section 13-7-201 allows for the zoning of territory within a municipality; and
- WHEREAS,** the Kimball Municipal Planning Commission has certified zoning districts as provided for in TCA Section 13-7-202; and
- WHEREAS,** TCA Section 13-7-204 authorizes amendments to a zoning map; and
- WHEREAS,** in accordance with TCA Section 13-7-203 subsection (b), the Kimball Municipal Planning Commission approved and recommended the zoning amendment herein described to the Kimball Board of Mayor and Aldermen; and
- WHEREAS,** in accordance with TCA Section 13-7-203, subsection (a), a public hearing was held with at least fifteen (15) days' notice being given prior to final reading of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Kimball Zoning Map be amended to rezone property described more accurately within the body of this ordinance:

Section 1: The western portion of the following described property shall be rezoned from R-1 Low Density Residential District to C-2 Highway Business District on the Official Kimball Zoning Map:

Boundary Description:

The boundary includes 70,000+ square feet on the south western side of Tax Map 133 Parcel 113.00, which split zones the property. Over 300,000+ square feet of the property is already zoned C-2 Highway Business District, and rezoning the R-1 portion will convert the entire parcel to C-2.

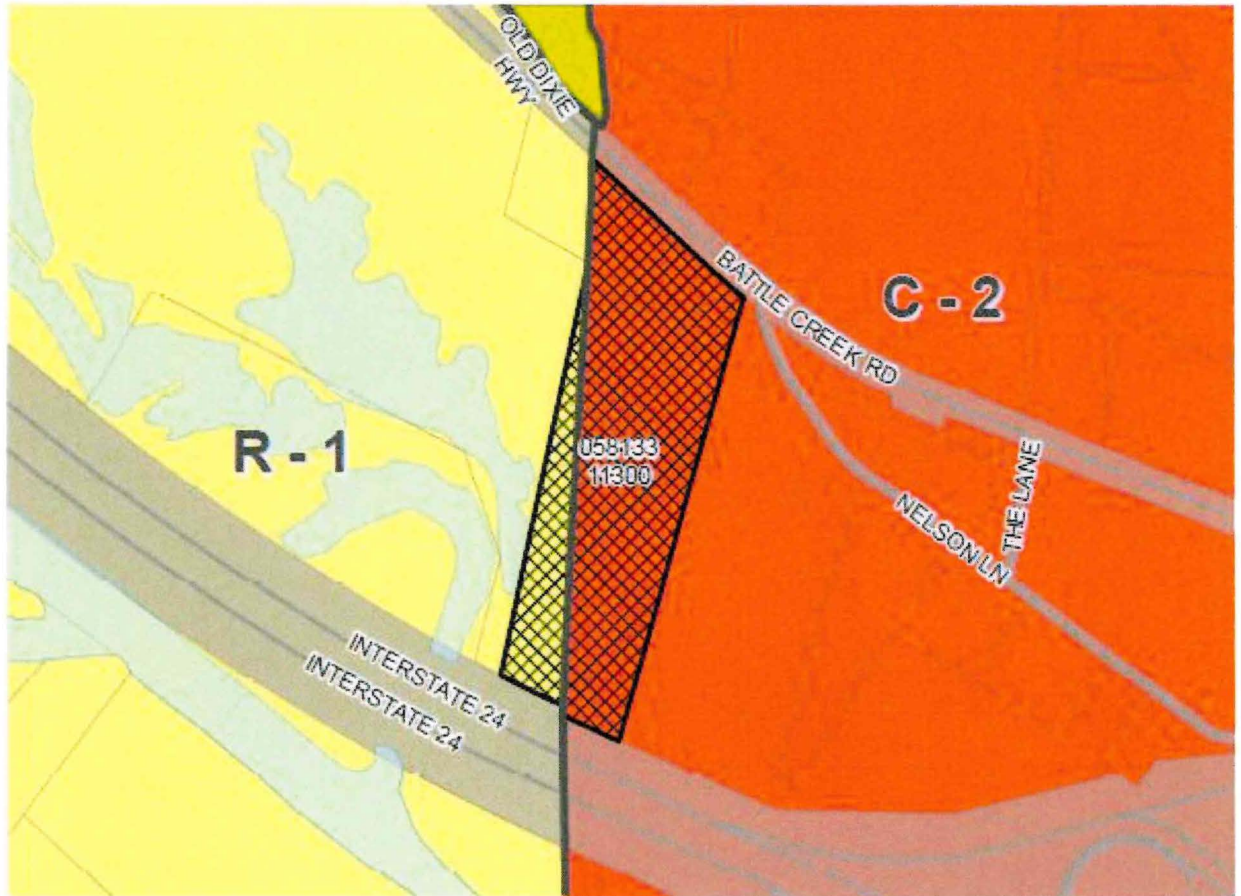
The property to be rezoned is illustrated on the attached map.

Kimball, Tennessee

Marion County Tax Map 133 Parcel 113.00

Rezoning Request R-1 to C-2

Ordinance No 282



Legend

Are to be Rezoned C-2

C-2

Highway Commercial

R-1

Single Family Residential

Zoning Districts

I-1

Industrial

R-2

Multi Family Residential

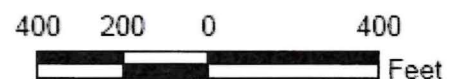
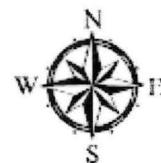
A-1

Agricultural

Map Prepared By:
Community Development
Southeast Tennessee Development District
Chattanooga, TN
Geographic Information Systems

This map is for planning purposes only.
This is not an engineering map.

Source: SETD & TNCOT 2023 Parcel Data



3/3/2023

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage by the Kimball Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

PASSED AND APPROVED by the Board of Mayor and Aldermen on the 2nd and final reading on the 4th day of May, 2023.

TOWN OF KIMBALL, TENNESSEE

By: *Rex Pesnell*
Rex Pesnell, Mayor

ATTEST:
Tonia May
Tonia May, Town Recorder

APPROVED AS TO FORM:
William L. Gouger, Jr.
William L. Gouger, Jr.
Attorney for Town of Kimball

FIRST READING PASSED ON March 30, 2023: Ayes 5 Nays _____

DATE OF PUBLIC HEARING: May 4, 2023

SECOND READING PASSED ON May 4, 2023: Ayes 5 Nays _____

Return Copy of Signed Ordinance to Southeast Tennessee Development District for Official Zoning Map to be updated

ORDINANCE NO. 283

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2022-2023

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and to include additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2022-2023 fiscal year as well as list additional non-profit organization to which funds are designated:

GENERAL FUND

EXPENDITURES 110	Beginning	Amendment	Ending
Town Property - Utilities	\$143,000	\$20,000	\$163,000
Other General Government - Data Processing	\$50,000	\$5,000	\$55,000
Police - Patrolman Wages	\$445,000	\$8,000	\$453,000
Police - Overtime	\$40,000	\$15,000	\$55,000
Police - THSO Overtime	\$10,000	(\$7,000)	\$3,000
Police - Tires, Tubes and Etc.	\$5,000	\$1,200	\$6,200
Fire Protection - Repair and Maintenance	\$4,000	\$2,000	\$6,000
Fire Protection - Meals and Entertainment	\$1,500	\$600	\$2,100
Highway & Street - Repair and Maint. Traffic Lights	\$4,500	\$6,000	\$10,500
Highway & Streets - Repair and Maintenance Motor Vehicle	\$2,000	\$5,000	\$7,000
Highway & Streets - Food	\$600	\$600	\$1,200
Highway & Street - Vehicle Parts	\$4,000	\$1,000	\$5,000
Animal Control - Operating Supplies	\$0	\$400	\$400
Sanitation Dept - Landfill Services	\$48,000	\$3,000	\$51,000
Parks - Operating Supplies	\$5,000	\$3,500	\$8,500
		\$64,300	

CAPITAL PROJECTS

Town Property - Improvements other than bldgs	\$57,100	\$4,800	\$61,900
Other General Government - Grant Bills MC Partnership	\$280,000	(\$55,000)	\$225,000
Other General Government - Water Line Relocation	\$130,000	\$55,000	\$185,000
Other General Government - Office Equipment	\$10,500	\$10,500	\$21,000
Parks - Park and Recreation Facilities	\$243,910	(\$79,600)	\$164,310
		(\$64,300)	

SEWER FUND 412**REVENUE 412**

Fund Balance	\$1,066,682	(\$39,500)	\$1,027,182
		(\$39,500)	

EXPENDITURES 412

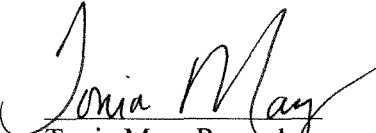
Sewer - Electric	\$7,500	\$4,500	\$12,000
Sewer - Repairs	\$14,000	\$35,000	\$49,000
		\$39,500	

- Section 2:** After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by Tennessee Code Annotated Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.
- Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- Section 4:** If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.


PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 4th day of May, 2023.


Rex Pesnell, Mayor

ATTEST:


Tonia May, Recorder

APPROVED AS TO FORM:


William L. Gouget, Jr., Attorney

First Reading March 30, 2023

Public Hearing May 4, 2023

Passed on Second Reading May 4, 2023

ORDINANCE NO. 285

**AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I
AND ORDINANCE NOS. 160, 164, AND 248 TO INCREASE THE
COMPENSATION OF THE MAYOR AND ALDERMEN OF THE TOWN
OF KIMBALL, TENNESSEE.**

WHEREAS, Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance No. 164 of the Town, sets forth compensation of the Mayor of the Town of Kimball at One Thousand Four Hundred Fifty Dollars (\$1,450.00) per month; and

WHEREAS, Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance No. 160 of the Town, sets forth compensation of the Aldermen of the Town of Kimball, including the Vice-Mayor, at Six Hundred Dollars (\$600.00) per month; and

WHEREAS, Ordinance No. 248 of the Town established the Mayor's compensation at \$2,175.00 per month and the Vice-Mayor's compensation at \$800.00 per month, with compensation of the Aldermen remaining at \$600.00 per month; and

WHEREAS, due to the continued and extensive growth in the Town and the number of hours required by the Mayor, Vice Mayor, and Aldermen to perform their duties as a result of extra meetings, functions, and attention to various and numerous matters, and in recognition of the fact that no increase has been made in such compensation since 2017, the Board of Mayor and Aldermen feel that an increase in the pay of the Mayor, Vice-Mayor, and Aldermen is proper; and

WHEREAS, the financial condition of the Town of Kimball, Tennessee will not be substantially impacted by the increase in the monthly compensation paid to the members of the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has determined that the Mayor's compensation should increase from the sum of \$2,175.00 per month to \$2,500.00 per month; the Vice-Mayor's compensation should increase from the sum of \$800.00 per month to \$1,000.00 per month; and the compensation of each Alderman should increase from \$600.00 per month to \$800.00 per month, such increases to become effective as of July 1, 2023.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

SECTION 1. Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance Nos. 160, 164, and 248 of the Town of Kimball in relation thereto, shall be amended by deleting the entire section of said Code and replacing it with the following:

1-101. Compensation of Mayor, Vice-Mayor, and Aldermen. The position of Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) per month.

The Alderman appointed to the position of Vice-Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of One Thousand Dollars (\$1,000.00) per month.

All other Aldermen of the Town of Kimball shall receive compensation in the amount of Eight Hundred Dollars (\$800.00) per month.

The compensation for mayor, vice-mayor, and aldermen as mandated herein shall continue so long as the Town of Kimball shall remain in good financial standing. In the event it becomes necessary to layoff Town employees due to financial difficulties, the compensation specified herein shall be suspended until such financial difficulties are resolved and the Town has regained good financial standing.

The determination of the financial standing of the Town shall be made by the Board of Mayor and Aldermen, and the compensation established herein shall not be affected by layoffs necessitated by lack of work.

SECTION 2. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3. This Ordinance and the compensation amounts set forth herein shall take effect July 1, 2023, from and after the final passage hereof, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on the 2nd and final reading on the 6th day of July, 2023.

TOWN OF KIMBALL, TENNESSEE

By: Rex Pesnell
Rex Pesnell, Mayor

ATTEST:

Tonia May
Tonia May, Town Recorder

APPROVED AS TO FORM:

William L. Gouger, Jr.
William L. Gouger, Jr.
Attorney for the Town of Kimball

Passed on first reading: June 1, 2023
Public Hearing: July 6, 2023
Passed on second reading: July 6, 2023

ORDINANCE NO. 286

AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE SECTIONS 5-602, 5-604 AND 5-605, AND ORDINANCE NOS. 121, 155, 200, AND 270 TO ESTABLISH A MAXIMUM AMOUNT FOR PURCHASES WITHOUT PUBLIC ADVERTISEMENT AND COMPETITIVE BIDDING

WHEREAS, the Town of Kimball, Tennessee is subject to the provisions of the “Municipal Purchasing Law of 1983”; and

WHEREAS, Title 5, Chapter 6, Sections 5-601, *et seq.*, of the Town of Kimball Municipal Code, sets forth the Town’s Purchasing Policy as authorized by the Tennessee Municipal Purchasing Act of 1983, *Tennessee Code Annotated* Sections 6-56-301, *et seq.*; and

WHEREAS, this law permits municipalities to increase the dollar amount of purchases requiring public advertisement and competitive bidding; and,

WHEREAS, Sections 5-602, 5-604 and 5-605 of said Municipal Code are partial codifications of Ordinance Nos. 121, 155, 200, and 270 as adopted by the Kimball Board of Mayor and Aldermen, and said Sections and Ordinances establish limits for purchases that may be made without competitive bidding and/or without the approval or authorization of the Board of Mayor and Aldermen; and

WHEREAS, the financial condition of the Town of Kimball, Tennessee will not be substantially impacted by an increase in the purchasing limits, provided that such increased limits fall within those limits allowed under the Tennessee Municipal Purchasing Act of 1983; and

WHEREAS, the Board of Mayor and Aldermen has determined that it is in the best interest of the Town to increase the maximum amount for purchases without public advertisement and bidding.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Kimball Municipal Code Sections 5-602, 5-604, and 5-605, and Ordinance Numbers 121, 155, 200, and 270, are hereby amended as follows:

SECTION 1. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding the amount of **TWENTY FIVE THOUSAND DOLLARS (\$25,000)**, except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983.

SECTION 2. Three (3) written quotations are required whenever possible for purchases costing less than the **TWENTY FIVE THOUSAND DOLLAR (\$25,000)** bid threshold adopted for competitive bidding and public advertisement, but more than **FORTY PERCENT (40%)** of the threshold amount, or **TEN THOUSAND DOLLARS (\$10,000)**.


SECTION 3. Any and all parts, provisions or sections of existing Municipal Code Title 5 Chapter 6 and Ordinance Nos. 121, 155, 200, and 270 that are in conflict with the terms and provisions of this Ordinance No. 286 are hereby repealed.

SECTION 4. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 5. This Ordinance and the purchasing limits set forth herein shall take effect immediately after the second reading and final passage hereof, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on the 2nd and final reading on the 7th day of September, 2023.

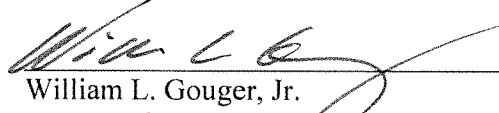
TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTEST:


Tonia May, City Recorder

APPROVED AS TO FORM:


William L. Gouger, Jr.
Attorney for the Town of Kimball

Passed on first reading: August 3, 2023

Public Hearing: September 7, 2023

Passed on second reading: September 7, 2023

ORDINANCE NO. 287

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2023-2024

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

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WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

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Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2023-2024 fiscal year as well as list additional non-profit organization to which funds are designated:

GENERAL FUND

REVENUES 110

	Beginning	Amendment	Ending
Federal Grant – THSO and VCIF	\$20,000	\$57,000	\$77,000

EXPENDITURES 110

Other Insurance on Buildings	\$35,000	\$5,500	\$40,500
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Other Liability Insurance	\$23,000	\$22,800	\$45,800
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Police VCIF Grant	\$0	\$57,000	\$57,000
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Fire Tires	\$2,500	\$3,500	\$6,000
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CAPITAL PROJECTS


Other General Government - Water Line Relocation	\$0	\$185,000	\$185,000
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Fire Protection – Fire Truck/Other Equipment	\$100,000	\$20,000	\$120,000
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FUND BALANCE	\$4,076,150	(\$236,800)	\$3,839,350
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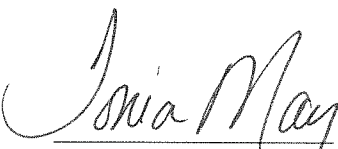
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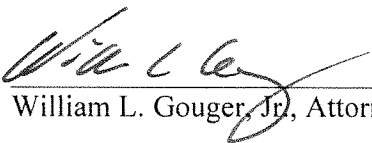
PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 7th day of September, 2023.


Rex Pesnell, Mayor

ATTEST:

APPROVED AS TO FORM:


Tonia May, Recorder


William L. Gouger, Jr., Attorney

First Reading August 3, 2023

Public Hearing September 7, 2023

Passed on Second Reading September 7, 2023