

TOWN OF KIMBALL, TENNESSEE

Record of Minutes of Regular Meeting

Date December 4, 2008

A regular meeting of the Kimball Board of Mayor and Aldermen was held on Thursday, December 4, 2008 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 Rance Castle, Alderman John Keef, Alderman Rex Pesnell, Alderman Mark Payne and Attorney William Gouger, Jr.

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

INVOCATION AND PLEDGE

Mayor Jackson asked Butch Witcher 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 Rance Castle, Alderman John Keef, Alderman Rex Pesnell, Alderman Mark Payne and Attorney William Gouger, Jr.

APPROVAL OF MINUTES

On a motion by **Alderman Pesnell**, seconded by **Vice-Mayor Castle** the Minutes of the Regular Monthly Board Meeting for November 6, 2008 were approved unanimously on a board vote.

OLD BUSINESS

Mayor Jackson gave updates on a couple of issues as follows:

- The telemetry system approved at last months meeting has been installed at the Wal-Mart lift station.
- The contract for Cintas Document Security has been decreased to a 90 day contract instead of a year.
- The drainage problem at Misty Meadows has been fixed.
- Scott Medlin with TDOT sent a letter concerning the flood control devices stating these can be installed at a later date than the redesign.
- Patrolman Doug Gouger will return to work on Sunday after being off on workers compensation.
- The Maintenance Department and Town Hall employees have decorated for the Christmas Holiday. All the decorations look great.

SCHEDULED AGENDA ITEMS

- a.) **Paul Johnson with Johnson, Murphy and Wright P.C. concerning Fiscal Year Audit 2007-2008**

Paul Johnson gave the town a clean audit report with normal finds which includes the following: Finding 08-1 Inadequate Separation of duties and Finding 08-02 Accounting expertise. The town had the same two findings in 2007.

- b.) **Resolution 2008-05 – A Honorary Resolution of the Town of Kimball, Tennessee Recognizing Ronnie Raulston**

Motion was made by **Alderman Pesnell**, seconded by **Vice-Mayor Castle** to approve Resolution 2008-05 – A Honorary Resolution of the Town of Kimball, Tennessee Recognizing Ronnie Raulston. The motion passed unanimously on a board vote. The newspaper will be here next Friday to take a picture of the awarding of this Resolution to Mr. Ronnie Raulston.

- c.) **Complete Choice for Business Term Plan – Telephone Contract**

Motion was made by **Alderman Payne**, seconded by **Alderman Keef** to approve the Mayor to sign a contract with AT&T for a 36 month complete choice business telephone contract with a savings of 25% monthly. The motion passed unanimously on a board vote.

- d.) **General Harassment Policy**

TML Loss Control Agent recommended a workplace harassment policy. This policy is different from sexual harassment; however, it does define sexual harassment also.

Motion was made by **Vice-Mayor Castle**, seconded by **Alderman Payne** to approve the Workplace Harassment Policy of the Town of Kimball, Tennessee. Attorney Gouger stated the policy defines sexual harassment and any other type of general harassment. It also defines how to handle the investigation of the harassment. The motion passed unanimously on a board vote.

- e.) **Ratify the Bill from Taylor's Nursery for the Trees and Shrubbery**

The Town purchased 31 trees to be planted down at the park and shrubbery for the police department and town hall. These trees and shrubs are guaranteed.

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to approve the town purchasing the trees and shrubbery from Taylor's Nursery in the amount of \$1596. The motion passed unanimously on a board vote.

- f.) **Ratify Bill from Barco for Park Benches**

Motion was made by **Vice-Mayor Castle**, seconded by **Alderman Payne** to approve the purchasing of four park benches for down at the walking track from Barco in the amount of \$1,586. The motion passed unanimously on a board vote.

g.) Ratify Bill from Pit Stop for Repairs to Police Car #88

Motion was made by **Alderman Keef**, seconded by **Alderman Payne** to approve the replacement of the transmission in Police Car #88 at the Pit Stop in the amount of \$2,277.28. The motion passed unanimously on a board vote.

h.) Fire Department New Member Request Jessica Haynes

The fire department has already approved Jessica Haynes and her background check has been completed.

Motion was made by **Alderman Pesnell**, seconded by **Alderman Keef** to approve the new fire department member Jessica Haynes. She will be required to take a physical. The motion passed unanimously on a board vote.

i.) Set Meeting Date for January 2009

Motion was made by **Alderman Keef**, seconded by **Vice-Mayor Castle** to reschedule the meeting date in January for the 8th due to the New Year Holiday on the 1st. The motion passed unanimously on a board vote.

POLICE REPORT

Alderman Keef gave the Police Report as Follows:

Litigation Tax	\$41.25
Court Costs	\$333.75
Fines	\$130.00
Report Fee	\$46.00
Sessions Court	\$970.42
License fee	\$0.00
Total	\$1521.42

Patrolman Doug Gouger will return to work on Sunday the department is glad to have him returning. The Bonneville that had been seized had a lien and was picked up today.

FIRE REPORT

Alderman Pesnell gave the fire report for November 2008 the department responded to eight calls for the month. The calls were one rescue, three mutual aids, one signal nine, two smoke removals and one chimney fire at Cracker Barrel.

PARK AND RECREATION BOARD REPORT

Alderman Keef stated the Park Board met November 13, 2008 at 5:00 at the town hall. The board discussed some issues with signs that need to be put up at the park. The board discussed the soccer field with hopes to have Spring Soccer if the fields can be prepped by then. Next meeting will be December 11, 2008 at 5:00 pm at town hall. Gene Hargis has some goals, nets and paint machine that he will donate to the town for the soccer program.

ATTORNEY REPORT

Attorney Gouger had a couple of issues for the board as follows:

- SRT Agreement that was requested to be revised has been changed and Sheriff Burnette has a copy with the changes. The new draft is in the packet with the changes being in bold print and underlined. These statements were added at the Sheriff's request. The town agreed to pay \$3,000 for this year, after this money has been exhausted then the county would reimburse. The draft has \$5,000 as this is what the Sheriff thought the figure was. Mayor Jackson stated they would need to talk with Sheriff about the exact dollar figure the town agreed to pay.
- Another issue was to review the Mutual Aid Agreement for the town. In 2004, the state passed a statewide law that creates a mutual aid agreement and sets up a procedure to be followed by the mayor or the emergency personnel. It does recognize the ability for the county or town to keep existing mutual aid agreements; however, the town or county has to adopt them for these to continue. Attorney Gouger recommends using the statewide mutual aid agreements instead of the old one. It was requested to see if churches fall under automatic mutual aid agreements based on the laws reviewed, Attorney Gouger did not find anything for automatic mutual aid on churches.
 The town can still have a mutual aid agreement that goes above and beyond the statewide mutual aid agreement. Unincorporated areas would have to be approved through the Marion County Commissioners and the Fire Departments. Incorporated areas would have to be approved through the Municipalities. Attorney Gouger suggested meeting with Fire Chief Jeff Keef after a rough draft has been drawn up to make sure all departments and situations have been covered by the proposed Automatic Mutual Aid Agreement.
 Insurance on mutual aid, if traveling to or from the emergency scene, then their own insurance covers them. If on scene, then where on scene that municipality liability insurance covers. Workers compensation always follows the employee or volunteer.
 Always make sure that dispatch requests the aid over the radio.
- Liquor by the Drink the Alcoholic Beverage Commission regulates these sales. Licensing, permitting, tax collection, supervision, and law enforcement are handled internally by them. The Referendum passed in November. By law after the election was certified, anyone eligible could have gone to Nashville to get their licensing. There is a 15% per drink tax paid to the state on a monthly basis with 50% to the state department of education and 50% to the local jurisdiction. The town can pass a privilege tax in addition to the gross receipts tax. The standard distance is 1,000 feet regulation. It can be increased to 2,000 feet or reduced to 300 feet. The town will continue to regulate the beer and the state will regulate the liquor at the same establishment. There is a requirement in order to get the licensed, it has to be a food service establishment unless fall under a private club or other special establishment. Food has to be served at least four days a week and be able to seat a minimum of 60 patrons to qualify for the license. Each applicant will have to pay an application fee, background

check, and the investigator will come to the establishment and go through a check list per establishment before granting a license. Attorney Gouger will prepare a draft to amend the beer policy to include the definition of intoxicating liquors to be consistent for review at the next meeting. Chester Blevins wanted to know how the new church location would affect Long's Grocery. Long's Grocery is grandfathered in at this time. Butch Witcher wanted to know if there was any reason a new building could be denied. The facility would have to be built prior to the application being approved. The town will be notified once an establishment is approved. Attorney Gouger has requested that the ABC to send a handbook dealing with Liquor by the Drink.

- A message has been left for Mr. Dobson concerning the land adjacent to the park; however, no response has been made to the attorney's office.

NEW BUSINESS

Mayor Jackson had several items under new business as follows:

- Sales Tax for October 2008 221,276, October 2007 229,349 so the town is down about \$8,000.
- The future of Chattanooga State, the board members attended a workshop about the possibility of the county purchasing the Old Holland Farm 137 acres. It would be purchase to build a training facility with the state offering verbally \$1.5 million dollars. The training facility would start with welding and fabrication training. The county will apply for some grants. The property will cost \$1.3 million. Chattanooga State will eventually relocate to this property. The town questioned our responsibility for getting the infrastructure to the site. With the purchase, the town may have more luck in getting the roadway widened. Attorney Gouger stated the negotiation for the option on the property would be \$1.5 million with the owner making a \$200,000 donation back to the county with the property being used for education purposes only.
- TDOT sent out some information on future projects in Kimball. The current project is the redesign of the interstate at exit 152 with projection of completion by 2011. Another listed is to repair and widen the bridge that crosses the interstate at Kimball Lane with the project start being 2017 and ending 2020.

- Finances

General Fund		Drug Fund	
Checking	\$ 107,977	Checking	\$ 5,152
Savings	\$ 533,335		
CD	<u>\$ 420,819</u>	Sewer Fund	
Total	\$1,062,131	Checking	\$ 119,922
State Street Aid		CD	<u>\$ 70,650</u>
Checking	\$ 24,179	Total	\$ 190,572
Grand Total		\$1,282,034	

- Employees and people serving on the boards the town will have the annual Christmas Dinner will be December 12, 2008 at Western Sizzlin at 6:00 pm.


Dean Pesnell questioned the Kimball Welcome sign. Mayor Jackson stated Kenny Berry has cut three signs and will be engraving and painting them.

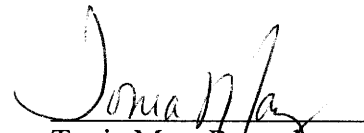
Butch Witcher wanted to know if the state had any budget reducing revenue taxes for the town. Mayor Jackson stated that this was the destination tax. This would be if it is delivered to our town we get the sales tax, if delivered to another municipality they would get the sales tax. This has been postponed to 2010. Their goal is to track internet sales tax. Governor Bredesen has requested all state departments to cut 15% from each department.

- Planning Commission will meet December 16, 2008 at 6 pm.

ADJOURNMENT

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


David Jackson, Mayor


Tonia May, Recorder