

Lebanon Town Council
Regular Monthly Meeting
Town Hall, Lebanon, VA
Monday, November 14, 2016
6:00 P.M.

Council Members Present: Nelson A. "Tony" Dodi, Mayor
J. C. Boyd, Vice Mayor
J. Hassel Kegley, Council Member
A. Doyle Fields, Council Member
DeAnna C. Jackson, Council Member
Kevin B. Ferguson, Council Member
Scott J. Gilmer, Council Member

Staff Members Present: Michael L. Duty, Town Manager
Jackie L. Hubbard, Controller
Stephanie L. Burke, Clerk of Council
Kevin D. Tiller, Town Attorney
Mark A. Mitchell, Chief of Police

I. The meeting was called to order by Mayor Dodi.

II. Prayer: Mr. Mark Mitchell

III. Pledge of Allegiance

IV. Edit for items not on the agenda:

Upon motion made by Mr. Kegley, seconded by Ms. Jackson, the agenda was unanimously approved. The vote was as follows: Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye.

V. Edit and approve minutes from the 10/17/16 special and regular council meetings:

Upon motion made by Mr. Kegley, seconded by Mr. Fields, the minutes from the 10/17/16 special and regular council meetings were unanimously approved. The vote was as follows: Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye.

VI. Approve accounts payable for the month of October:

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, the accounts payable for the month of October were unanimously approved. The vote was as follows: Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye.

VII. Public Hearing to consider:

An application submitted by John M. McCall II for a conditional use permit for an automobile sales dealership located at 73 Regional Park Rd. in a C-1 Commercial District.

Planning Commission Members Present:

Donald Ramey, Chairman
Tim Coleman, Vice Chairman
Michael L. Duty
DeAnna C. Jackson
RD Snead

Planning Commission Members Absent:

J.S. Easterly, Jr., Clerk
Stephen Quillen

- A. The Town Council recessed from regular session, 6:04 P.M.
 - B. Mr. Ramey, Chairman, opened the public hearing, 6:04 P.M.
 - C. Mr. John McCall II was present to speak in favor of the application.
 - D. Upon motion made by Mr. Duty, seconded by Mr. Snead, the Lebanon Planning Commission unanimously voted to recommend to the Council that the application submitted by John M. McCall II for a conditional use permit for an automobile sales dealership located at 73 Regional Park Rd. be approved upon the conditions that all licenses, permits and fees required by the Town of Lebanon be kept current and paid in full at all times; should these conditions not be met, the permit shall become null and void and all business activities shall cease within 60 days of written notice. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Mr. Duty, Aye; Ms. Jackson, Aye; Mr. Snead, Aye.
- VIII. Mr. Ramey closed the public hearing, 6:07 P.M.
- IX. The Town Council returned to regular session, 6:07 P.M.
- X. Mr. Ramey, Lebanon Planning Commission Chairman, recommended on behalf of the Lebanon Planning Commission that the application submitted by John M. McCall II for a conditional use permit for an automobile sales dealership located at 73 Regional Park Rd. be approved upon the conditions that all licenses, permits and fees required by the Town of Lebanon be kept current and paid in full at all times; should these conditions not be met, the permit shall become null and void and all business activities shall cease within 60 days of written notice.
- XI. Upon motion made by Ms. Jackson, seconded by Mr. Fields, the Council unanimously voted to approve the application submitted by John M. McCall II for a conditional use permit for an automobile sales dealership located at 73 Regional Park Rd. upon the conditions that all licenses, permits and fees required by the Town of Lebanon be kept current and paid in full at all times; should these conditions not be met, the permit shall become null and void and all business activities shall cease within 60 days of written notice. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.
- XII. Bid Opening: 2017 Tandem Axle Roll Off Truck/Truck Bed Gantry & Cover/Outside Rail Hoist

Upon motion made by Mr. Boyd, seconded by Mr. Fields, the Council unanimously voted to not consider bids received with 2016 model year roll-off trucks. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

Upon motion made by Mr. Boyd, seconded by Mr. Gilmer, the Council unanimously voted to accept the bid of \$152,696.00 received from Worldwide Equipment for an in-stock 2017 Kenworth T880 with Rudco 60K Hoist and Pioneer Tarp. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XIII. Public Requests:

A. Mr. Reggie Childers was present to express his concern about continued speeding on Church Street and Lively Street and about pedestrian safety. Chief Mitchell explained that patrols in this area have not shown an issue with speeding. Chief Mitchell informed Mr. Childers that he would attempt to locate the specific vehicles mentioned and perform further patrols in the area. The Council also advised Mr. Childers that a crosswalk would be installed from North Church Street to Lively Street for pedestrian safety.

Mr. Childers further recommended that a miniature golf course be installed at the new Old Mill Park. Mr. Boyd informed Mr. Childers that this option is currently being considered and under discussion with the Lebanon Downtown Revitalization Project's consulting firm.

B. Mr. Steve Givens, Russell County Medical Center Administrator, was present to discuss updates at the Russell County Medical Center.

XIV. Town Manager's Report:

Mr. Duty presented the town manager's report for the month of October. Mr. Duty informed the Council that the Main and Church Street traffic light poles would be installed the next day. He advised that the J.S. Easterly Park tennis courts had been paved and that the fence was currently being installed. He further informed the Council that work was continuing on the VFW building and that the water laboratory should be approved and certified by January 1, 2017 allowing for in-house bacteriological testing for coliform and E. coli bacteria.

A. Police Department Report:

Chief Mitchell presented the police department report for the month of October and informed the Council that he is pleased with the new officers. He further advised that the drug enforcement partnership between the Town and county departments is advancing. He also informed the Council that officer Taser certifications were completed on November 13, 2016.

XV. Town Attorney Report:

Mr. Tiller informed the Council that lawsuits for delinquent business licenses have been filed and a hearing is scheduled for December 6, 2016. Mr. Tiller also provided the Council with an update on the Clawback court case. He further advised that, as a result of the recent election, the

sale of mixed alcoholic beverages, weekend sales of alcohol and the operation of a Virginia Department of Alcoholic Beverage Control store will now be permitted in the Town of Lebanon. He advised that the registrar's office will certify the election votes after which Russell County Circuit Court Judge, Michael Moore, will enter an order. After 30 days from issuance of the order, the sale of mixed alcoholic beverages by businesses, restaurants, etc. licensed by the ABC board will be permitted in the Town of Lebanon. The sale of mixed drinks, wine and beer on Sundays will also be permitted after 30 days from issuance of the order. For clarity, Mr. Tiller recommended the repeal of the Town ordinance prohibiting Sunday wine and beer sales.

Upon motion made by Mr. Gilmer, seconded by Mr. Boyd, the Council unanimously voted to repeal Lebanon Town Code Sec. 34-3 Alcoholic Beverages. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XVI. New Business:

A. 2016 Christmas Parade Theme and Marshal Selection:

The Council chose "The True Meaning of Christmas" as the theme for the 2016 Lebanon Christmas parade.

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, the Council unanimously voted to appoint Councilwoman DeAnna C. Jackson as Parade Marshal for the 2016 Lebanon Christmas parade. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

B. 2016 Employee Christmas Dinner Venue Selection:

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, Bonanza Steakhouse was unanimously selected as the venue for the 2016 Employee Christmas Dinner. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XVII. Old Business:

A. National Guard Military Equipment Donation Update:

Mayor Dodi informed the Council that the Town's donation request for the WWII anti-aircraft canon had been approved.

XVIII. Committee Reports and Recommendations:

A. Upon motion made by Mr. Gilmer, seconded by Ms. Jackson, the Council unanimously voted to make a donation of \$500 to the Lebanon High School girls/boys varsity basketball teams and a donation of \$500 to the Lebanon High School girls/boys JV basketball teams. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

- B. Upon motion made by Mr. Boyd, seconded by Mr. Gilmer, the Council unanimously voted to make a donation of \$250 to the Russell County Health Coalition for the 2016 Russell County Health Fair and to include an annual donation for future Russell County health fairs should they continue. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.
- C. Mayor Dodi informed the Council that he was an honored guest of Ms. Ruth Whitt at the Marine Corps 241st birthday celebration during which the Town was presented with a \$200 donation for the Veterans Memorial Park from the Marine Corps League, Detachment 980.
- D. Mr. Boyd informed the Council that work is progressing on the VFW building and that the project to-date is under budget.
- E. Mr. Gilmer informed the Council that consumer surveys for the Lebanon Downtown Revitalization Project are now available on the Town's website and in The Lebanon News. He also advised that the consulting firm for the project plans to have design renderings of the Old Mill Park available soon for the Council's review.

XIX. Capital Assets:

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, the Council unanimously approved the purchase of (2) Limitorque filter rewash actuators at a total cost of \$24,944.00 for use by the Water Treatment Plant. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XX. Recess: 7:35 P.M.

XXI. Resume: 7:40 P.M.

XXII. Enter closed session: 7:40 P.M.

- A. Upon motion made by Mr. Boyd, seconded by Mr. Gilmer, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711 (1), (3), (4) and (7) for the purpose of discussing personnel, acquisition or sale of property, privacy of individuals, and legal issues. The vote was as follows: Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye.
- B. Upon motion made by Mr. Fields, seconded by Mr. Kegley, the Town Council unanimously voted to return to regular session. The vote was as follows: Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Griffith, Aye; Mr. Gilmer, Aye.
- C. Stephanie Burke, Clerk of Council, presented the Roll Call Vote:

Virginia Code, 1950, Section 2.2-3712(D)

Do you certify that to the best of your knowledge, (1) the Town Council in its' closed session; only discussed public business matters lawfully exempted from open meeting requirements under this Chapter and (2) that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or

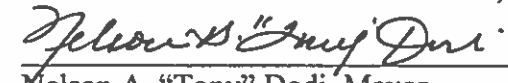
considered in the meeting by the Town Council. Any member of the Town Council who believes that there was a departure from the requirements of clauses (1) and (2), shall so state prior to the vote, indicating the substance of the departure that, in their judgment, has taken place.

The roll call vote was as follows: Mayor Dodi, Aye; Mr. Boyd, Aye; Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Mr. Tiller, Aye; Mr. Duty, Aye.

XXIII. Adjourn closed session: 8:30 P.M.

XXIV. Upon motion made by Mr. Boyd, seconded by Ms. Jackson, the Council unanimously voted to adjourn to reconvene on Monday, November 28, 2016 at 5:00 P.M. at the Lebanon Town Hall for the purpose of conducting personnel interviews. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

Adjourn to reconvene monthly meeting: 8:31 P.M.



Nelson A. "Tony" Dodi, Mayor



Stephanie L. Burke, Clerk of Council

Minutes recorded by: Stephanie L. Burke, Clerk of Council
Minutes prepared by: Stephanie L. Burke, Clerk of Council
Minutes approved by: Michael L. Duty, Town Manager