

Lebanon Town Council
Regular Monthly Meeting
Town Hall, Lebanon, VA
Tuesday, November 13, 2018
6:00 P.M.

Council Members Present: Nelson A. “Tony” Dodi, Mayor
DeAnna C. Jackson, Vice- Mayor
J. Hassel Kegley, Council Member
A. Doyle Fields, Council Member
Kevin B. Ferguson, Council Member
Scott J. Gilmer, Council Member
Mary J. Stanley, Council Member

Staff Members Present: Mark A. Mitchell, Town Manager/Chief of Police
A. Diane Nunley, Clerk of Council
Kevin D. Tiller, Town Attorney

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

II. Prayer: Mr. Mitchell

III. Pledge of Allegiance

IV. Edit for items not on the agenda:

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

V. Edit and approve minutes from the 10/15/18 regular council meeting and 10/22/18 reconvened council meeting.

Upon motion made by Mr. Kegley, seconded by Ms. Stanley, the minutes from the 10/15/18 regular council meeting and 10/22/18 reconvened council meeting were unanimously approved. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye.

VI. Approve accounts payable and capital assets for the month of October.

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

VII. Public Hearing to consider:

An application submitted by New Peoples Bank for rezoning of property from a R-1 Single Family Dwelling to a C-1 Commercial of the property located on the corner of Pioneer Drive and Donald C. Moore Drive.

Planning Commission Members Present:

Donald Ramey, Chairman
Tim Coleman, Vice-Chairman
R. D. Snead, Member
DeAnna C. Jackson, Member
Mark A. Mitchell, Member

Planning Commission Members Absent:

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

- A. The Town Council recessed from regular session, 6:05 P.M.
- B. Mr. Ramey, Chairman opened the public hearing, 6:05 P.M.
- C. Mr. Ramey presented the request from New Peoples Bank for a continuance for the public hearing until the December meeting.

Upon motion made by Ms. Jackson, seconded by Mr. Snead, the Commission voted to approve a continuance of the public hearing as requested by New Peoples Bank. The vote was as follows: Mr. Ramey, Nay; Mr. Coleman, Aye; Ms. Jackson, Aye; Mr. Snead, Aye; Mr. Mitchell, Nay.

- D. Elijah Leonard, resident of the Homestead, addressed the planning commission, stating that he didn't think it was fair for the planning commission to not proceed with the hearing seeing the large crowd that showed up to oppose it and that New Peoples Bank being a large company could have had representation. Mr. Leonard spoke concerning his desire after serving in the Military was to live in Lebanon. He stated that Homestead is one of the premier neighborhoods in Russell County. He feels that changing the property to Commercial property would take away from the Homestead neighborhood plus with all the commercial property available why would they want to rezone residential property. He spoke concerning the property being in a flood zone and asked if storage units were built would they be free from flooding.
- E. Upon motion made by Ms. Jackson, seconded by Mr. Coleman, the Commission voted to reconsider the approval for a continuance for the public hearing until the December meeting. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Ms. Jackson, Aye; Mr. Mitchell, Aye; Mr. Snead, Aye.
- F. Upon motion made by Mr. Mitchell, seconded by Mr. Snead, the Commission unanimously voted to proceed with the public hearing as scheduled. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Ms. Jackson, Aye; Mr. Snead, Aye; Mr. Mitchell, Aye.

- G. Rebecca Sykes, a Homestead resident who has been in education for 32 plus years, spoke that her concerns with safety issues. The entrance from Pioneer Drive to Donald C. Moore Drive is very busy with all the school traffic plus with younger drivers the storage building traffic would create a greater safety hazard.
- H. Crystal Cross, landowner across from the property, was concerned it would create more of a traffic hazard and she opposed the rezoning. She suggested the area is in need of an extra turn lane.
- I. Dave Gillespie, a Homestead resident, spoke concerning the current views if you were to drive into their subdivision as opposed to seeing storage buildings. He feels rezoning to commercial would change the image of their residential area.
- J. Kevin Blankenship expressed his thanks to the Town Council, Town Manager and Town employees for helping his church install drain pipes and helping the church have an event at the town park.
- K. Larry Rasnake, resident on Pioneer Drive, expressed his concern that more traffic would be added to the area. He opposed the rezoning to change the residential area into commercial.

A motion was made by Mr. Snead for the planning commission to take no action at this time, the motion failed for lack of a second.

Upon motion made by Mr. Coleman, seconded by Ms. Jackson, the Committee unanimously voted to recommend to not approve the rezoning of the property located on Pioneer Drive and Donald C. Moore Drive. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Mr. Snead, Aye; Ms. Jackson, Aye; Mr. Mitchell, Aye.

VIII. Mr. Ramey closed the public hearing, 6:33 P.M.

IX. The Town Council returned to regular session, 6:33 P.M.

X. Mr. Ramey, Lebanon Planning Commission Chairman, recommended on behalf of the Lebanon Planning Commission that the application for New Peoples Bank for rezoning of the property located on the corner of Pioneer Drive and Donald C. Moore Drive be denied.

Upon motion made by Mr. Fields, seconded by Mr. Gilmer, the Town Council unanimously voted to approve the Planning Commission's recommendation to deny the rezoning of the property located on the corner of Pioneer Drive and Donald C. Moore Drive.

Roll call vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XI. Ordinance

A. Urban Archery Ordinance

The Town Council discussed the Urban Archery Ordinance and agreed to remove (4) Hunter shall hunt from an elevated stand located at a height of no less than ten (10) feet above the ground from the ordinance.

Upon motion made by Mr. Fields, seconded by Ms. Stanley, the Town Council voted to approve the Urban Archery Ordinance with amended changes. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Abstain; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XII. New Business

A. J. A. Street - Gym

Mr. Street discussed the pre-construction agreement for the gym. J.A. Street should have the agreement ready by the end of January 2019, they will get actual bids from subcontractors, handle all procurement procedures and present a Guaranteed Maximum Price.

Upon motion made by Mr. Ferguson, seconded by Mr. Gilmer, the Town Council unanimously voted to enter into a pre-construction agreement with J.A. Street for a gymnasium and athletic facility. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

B. Select New Engineers for Downtown Revitalization

Mr. Gilmer recommended, after he, Mr. Mitchell and Mr. Farmer met with the three applicants for engineering services, to begin negotiations to employ The Lane Group because they are based in Abingdon, have 22 plus years of experience and have worked with several localities on downtown projects.

Upon motion made by Mr. Gilmer, seconded by Ms. Jackson, the Town Council unanimously voted to begin negotiations with The Lane Group as engineers for the Downtown Revitalization project. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

C. Approve Transfer of funds to LGIP Funds

Upon motion made by Mr. Gilmer, seconded by Ms. Stanley, the Town Council unanimously voted to relocate the general capital saving funds into the LGIP Funds with the State. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

Upon motion made by Mr. Gilmer, seconded by Mr. Ferguson, the Town Council unanimously voted to transfer the Customer Utility Account funds into the LGIP Funds with the State. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

Upon motion made by Mr. Gilmer, seconded by Ms. Stanley, the Town Council unanimously voted to close the current Money Market account and the checking account at United Southeast Federal Credit Union and deposit into the General Fund Account. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

D. Cater for Employee Christmas Diner

Upon motion made by Mr. Kegley, seconded by Mr. Fields, the Town Council unanimously voted to have the Employee Christmas Dinner at Bonanza Family Restaurant. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

E. Discuss new member for Planning Commission

Mayor Dodi requested to present a plaque to Mr. Quillen at the regular December council meeting for his service on the Planning Commission. The Town Council agreed to wait until the December meeting to replace Mr. Quillen.

XIII. Town Manager's Report

Mr. Mitchell presented the job description which was recommended by VRS due to his titles of both Town Manager and Chief of Police. Mr. Gilmer requested the Personnel Committee meet to review the job description.

Mr. Mitchell advised that power was installed at the Old Mill Park.

Mr. Mitchell advised the council that the Delinquent Tax Sale of the Anna Hunt property that joins the town water tower would be held on December 5, 2018.

Upon motion made by Ms. Jackson, seconded by Mr. Kegley, the Town Council unanimously voted to authorize Mr. Mitchell to represent the Town of Lebanon at the Delinquent Tax Sale with the bid amount to be discussed in closed session. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

Mr. Mitchell presented the pricing from Lighting Unlimited, Inc. for commercial grade Christmas lights for the trees in front of the Town Hall, large tree at the Court House and for all the trees at the Old Mill Park. The council agreed not to purchase the commercial grade Christmas lights just the normal ones from Lowe's.

XIV. Recess: 7:36 P.M.

XV. Resume: 7:46 P.M.

XVI. Enter closed session: 7:46 P.M.

A. Upon motion made by Mr. Gilmer, seconded by Mr. Fields, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711(A)(1)(3)(5)(7)

for the purpose of discussing personnel, acquisition or sale of property, prospective business or industry and legal issues. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye.

B. Upon motion made by Mr. Ferguson, seconded by Mr. Gilmer, the Town Council unanimously voted to return to regular session. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Ferguson, Aye; Mr. Gilmer, Aye; Ms. Stanley.

C. A. Diane Nunley, 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. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye; Mr. Tiller, Aye; Mr. Mitchell, Aye.

XVII. Adjourn closed session: 9:07 P.M.

XVIII. Upon motion made by Mr. Fields, seconded by Ms. Stanley, the Town Council unanimously voted to adjust an employee salary as discussed in closed session. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XIX. Upon motion made by Mr. Gilmer, seconded by Mr. Fields, the Town Council unanimously voted to authorize Mayor Dodi to sign the contract with National Pools as presented and provided by the Town's legal attorney. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XX. Upon motion made by Mr. Gilmer, seconded by Mr. Ferguson, the Town Council unanimously voted to authorize Mayor Dodi to sign an Options Contract on the Russell Theater. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XXI. Upon motion made by Mr. Ferguson, seconded by Ms. Stanley, the Town Council unanimously voted to authorize Mr. Gilmer to attend the delinquent tax property sale. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

XXII. New Business:

A. Parade Theme & Parade Marshal

The Town Council agreed on a parade theme to be Winter Nights and Magical Lights.

Upon motion made by Mr. Ferguson, seconded Ms. Jackson, the Town Council unanimously voted to appoint Sexton Burkett as Parade Marshal for the 2018 Christmas Parade. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

B. Bicentennial Brochure

Ms. Stanley presented the Bicentennial Brochure.

C. Discuss Water & Sewer rate study

Mayor Dodi requested to table the water and sewer rate study.

D. Discuss Lebanon Cannery Building

Mayor Dodi presented that the Russell County Supervisors and Russell County Public Schools were wanting to give the Town of Lebanon the Lebanon Cannery Building. The interior of the building is in good shape and could work as a great storage building for the Christmas decorations. The Town Council agreed to accept the Lebanon Cannery Building.

E. Discuss AEP Downtown Light Proposal

Mayor Dodi discussed that AEP would be presenting a quote to install underground wiring which could be paid with the Downtown Revitalization funds.

XXIII. Bicentennial Update:

Ms. Powers updated the council on the Bicentennial events. She requested to have the Russell County Chamber to help with events on the Lebanon Middle School grounds after the parade. The council agreed for Angela Carpenter to help organize the events at the Lebanon Middle School.

XXIV. Adjourn: 10:00 P.M.

Upon motion made by Mr. Kegley, seconded by Ms. Stanley, the Council unanimously voted to adjourn. The vote was as follows: Mr. Kegley, Aye; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Mr. Ferguson, Aye; Ms. Stanley, Aye.

Nelson A. "Tony" Dodi, Mayor

A. Diane Nunley, Clerk of Council

Minutes recorded by: A. Diane Nunley, Clerk of Council

Minutes prepared by: A. Diane Nunley, Clerk of Council