

Lebanon Town Council Monthly Meeting  
Town Hall, Lebanon, VA  
Monday, August 8, 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  
Scott J. Gilmer, Council Member  
Kevin B. Ferguson, Council Member

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

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

V. Edit and approve minutes from the 7/7/16 special joint meeting and the 7/11/16 regular council meeting:

Upon motion made by Ms. Jackson, seconded by Mr. Kegley, the minutes from the 7/7/16 special joint meeting and the 7/11/16 regular council meeting were unanimously approved as edited to update the 7/7/16 meeting time to 12:30 P.M. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

VI. Approve accounts payable for the month of July:

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

VII. Public Hearing to consider comments on the proposed derelict buildings and nuisances ordinances:

Planning Commission Members Present:

Michael L. Duty, Vice Chairman  
J.S. Easterly, Jr., Clerk  
RD Snead  
Stephen Quillen  
Tim Coleman  
DeAnna Jackson  
Donald Ramey

- A. The Town Council recessed from regular session, 6:07 P.M.
- B. Mr. Duty, Vice Chairman, opened the public hearing, 6:07 P.M.
- C. Upon nomination by Mr. Quillen, seconded by Mr. Snead, Mr. Donald Ramey was unanimously appointed as Chairman of the Lebanon Planning Commission. The vote was as follows: Mr. Duty, Aye; Mr. Easterly, Aye; Mr. Snead, Aye; Mr. Coleman, Aye; Ms. Jackson, Aye; Mr. Ramey, Abstain; Mr. Quillen, Aye.
- D. Upon motion by Mr. Quillen, seconded by Ms. Jackson, Mr. Tim Coleman was unanimously appointed as Vice Chairman of the Lebanon Planning Commission. The vote was as follows: Mr. Duty, Aye; Mr. Easterly, Aye; Mr. Snead, Aye; Mr. Coleman, Abstain, Ms. Jackson, Aye; Mr. Ramey, Aye; Mr. Quillen, Aye.
- E. Mr. Tiller explained the proposed derelict buildings ordinance.
- F. Mr. Ramey opened the floor for public comments, 6:17 P.M.
- G. Ms. Susan Breeding spoke in favor of the proposed derelict buildings ordinance and requested that it be strictly enforced.
- H. The Planning Commission discussed the details of the proposed derelict buildings ordinance and discussed editing the ordinance to include a provision allowing an appeal of the Town Manager's decision to be made to the Lebanon Town Council. The Commission also discussed combining this proposed ordinance with the Town's current building ordinance to make one all-inclusive building ordinance.
- I. Mr. Tiller explained the proposed nuisances ordinance.
- J. The Planning Commission discussed the details of the proposed nuisances ordinance and discussed editing the ordinance to include a provision allowing an appeal of the Town Manager's decision to be made to the Lebanon Town Council. The Commission also discussed editing the proposed ordinance to including the following items in the definition of "nuisance": nonoperational recreational equipment and motorized vehicles, interior furniture, household appliances, building debris, overgrowth of shrubs and trees, and weeds and/or grass in excess of 18 inches in height.
- K. Mr. Ramey opened the floor for public comments, 6:25 P.M.

- L. Ms. Susan Breeding spoke in favor of the proposed nuisances ordinance and in favor of the “nuisances” definition being edited to include the additional items mentioned.
- M. Upon motion made by Mr. Duty, seconded by Mr. Easterly, the Lebanon Planning Commission unanimously voted to recommend to the Council that the proposed derelict buildings ordinance be approved as edited to include a provision allowing an appeal of the Town Manager’s decision to be made to the Lebanon Town Council and to combine the derelict buildings ordinance with the existing buildings ordinance. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Mr. Easterly, Aye; Mr. Duty, Aye; Mr. Quillen, Aye; Ms. Jackson, Aye; Mr. Snead, Aye.
- N. Upon motion made by Mr. Duty, seconded by Mr. Easterly, the Lebanon Planning Commission unanimously voted to recommend to the Council that the proposed nuisances ordinance be approved as edited to include a provision allowing an appeal of the Town Manager’s decision to be made to the Lebanon Town Council, and edited to include the following items in the definition of “nuisance”: nonoperational recreational equipment and motorized vehicles, interior furniture, household appliances, building debris, overgrowth of shrubs and trees, and weeds and/or grass in excess of 18 inches in height. The vote was as follows: Mr. Ramey, Aye; Mr. Coleman, Aye; Mr. Easterly, Aye; Mr. Duty, Aye; Mr. Quillen, Aye; Ms. Jackson, Aye; Mr. Snead, Aye.

VIII. Mr. Ramey closed the public hearing, 6:37 P.M.

IX. The Town Council returned to regular session, 6:40 P.M.

X. Mr. Ramey, Lebanon Planning Commission Chairman, recommended on behalf of the Lebanon Planning Commission that the proposed derelict buildings ordinance be approved as edited to include a provision allowing an appeal of the Town Manager’s decision to be made to the Lebanon Town Council and to combine the derelict buildings ordinance with the existing buildings ordinance.

XI. Mr. Ramey, Lebanon Planning Commission Chairman, recommended on behalf of the Lebanon Planning Commission that the proposed nuisances ordinance be approved as edited to include a provision allowing an appeal of the Town Manager’s decision to be made to the Lebanon Town Council, and edited to include the following items in the definition of “nuisance”: nonoperational recreational equipment and motorized vehicles, interior furniture, household appliances, building debris, overgrowth of shrubs and trees, and weeds and/or grass in excess of 18 inches in height.

XII. Upon motion made by Ms. Jackson, seconded by Mr. Boyd, the Council unanimously voted to approve the proposed nuisances ordinance as edited to include decrepit signage and automotive tires in the definition of “nuisance” and to include the recommendations of the Lebanon Planning Commission. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XIII. Upon motion made by Mr. Boyd, seconded by Mr. Fields, the Council unanimously voted to approve the proposed derelict buildings ordinance as edited to include the recommendations of the Lebanon Planning Commission. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XIV. Mr. Tiller informed the Council that he would prepare edited versions of the ordinances to present to the Council.

XV. Flag Box Presentation: In Honor of Ralph Snead

Mayor Dodi presented a Town of Lebanon flag to the family of Ralph Snead in honor and appreciation of Mr. Snead's 25 years of dedicated service to the Town.

The Lebanon Town Council and the Lebanon Planning Commission all spoke in memory and appreciation of Mr. Snead.

XVI. Resolutions to Honor:

A. LHS Girls Softball Team – 2016 VHSL Group 2A Softball State Champions

Upon motion made by Mr. Fields, seconded by Mr. Gilmer, the Council unanimously voted to approve the resolution honoring the 2016 LHS Girls Softball Team. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

B. Shelia Adams – 2016 VHSL Group 2A Softball Coach of the Year

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, the Council unanimously voted to approve the resolution honoring Shelia Adams. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

Mayor Dodi and the Lebanon Town Council congratulated the LHS Girls Softball Team and coaches for their outstanding accomplishments.

XVII. Tammy Lasley – Lebanon Farmers Market

Ms. Lasley addressed the Council and informed them of the upcoming Rooted in Appalachia Road Show and First Annual Farmers Market Car and Truck Show on August 13, 2016.

XVIII. Public Requests:

A. Mr. Reggie Childers addressed the Council and thanked them for their downtown revitalization efforts. Mr. Childers also requested that the Council recognize the Clinch River, Laurel Bed Lake and Hidden Valley Lake as "Blueways". Mr. Childers presented the Council with a proposed Blueway designation resolution and requested that it be considered at the next council meeting.

B. Shane Farmer of the Cumberland Plateau Planning District Commission presented the Council with a Request for Proposals/Request for Qualifications (RFP/RFQ) for a consultant for the Lebanon Downtown Revitalization Project as developed by the Lebanon Downtown Revitalization Project Management Team.

Upon motion made by Mr. Gilmer, seconded by Mr. Kegley, the Council unanimously voted to approve the RFP/RFQ as well as its advertisement in the Bristol Herald Courier and The

Lebanon News. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XIX. Recess: 7:32 P.M.

XX. Resume: 7:37 P.M.

XXI. Town Manager's Report:

Mr. Duty presented the town manager's report for the month of July and informed the Council that a bid notice for the replacement of the traffic light at the intersection of Main Street and Church Streets should be advertised in approximately three weeks. Mr. Duty also advised that W-L Construction, Inc. would begin paving at the J.S. Easterly Park tennis courts at their next availability.

A. Police Department Report:

Chief Mitchell presented the police department report for the month of July. Mr. Ferguson inquired if the police department had seen any issues with the new Pokémon app. Chief Mitchell advised that the department had received several calls in regards to this issue but had recently seen improvement.

XXII. Town Attorney Report: None.

XXIII. New Business:

A. Capital Asset Purchases:

Upon motion made by Ms. Jackson, seconded by Mr. Boyd, the Council unanimously voted to accept the bid from H & M Fence, LLC of \$21,159.99 for fencing at the J.S. Easterly Park tennis courts. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

B. CGI Business License Adjustment Refund:

Upon motion made by Mr. Boyd, seconded by Mr. Ferguson, the Council unanimously voted to approve the refund request of \$40,304.67 made by CGI Technologies & Solutions, Inc. due to a license fee adjustment based on new gross receipts calculations using the VA 14-29 Tax Commissioner Ruling. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XXIV. Committee Reports and Recommendations:

A. Ms. Jackson, Parks and Recreation Committee Chairwoman, informed the Council that the Parks and Recreation Committee reviewed preliminary drawings for the Old Mill Park at their August 1, 2016 meeting. Ms. Jackson inquired when grade work at the park would begin. Mr. Duty advised that the work would begin once the current sewer projects were completed.

Ms. Jackson called a meeting of the Parks and Recreation Committee for Monday, September 12, 2016 at 5:00 P.M. at the Lebanon Town Hall.

- B. Mr. Kegley, Street Committee Chairman, informed the Council of the need for a streetlight on Castle Drive.

Upon motion made by Mr. Kegley, seconded by Mr. Boyd, the Council unanimously voted to approve the installation of a streetlight at Castle Drive. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

XXV. Enter closed session: 8:20 P.M.

- A. Upon motion made by Mr. Boyd, seconded by Mr. Ferguson, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711 (1) and (7) for the purpose of discussing personnel 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. Boyd, seconded by Ms. Jackson, 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; Mr. Mitchell, Aye.

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

XXVII. Personnel:

Upon motion made by Mr. Boyd, seconded by Mr. Kegley, the Council unanimously voted to employ Mr. Anthony W. Walsh as a patrolman on a full-time basis, upon acceptance of the employee work and officer training agreements and to include a one-year probationary period. The vote was as follows: Mr. Ferguson, Aye; Ms. Jackson, Aye; Mr. Kegley, Aye; Mr. Boyd, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye.

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

Adjourn monthly meeting: 8:32 P.M.

*Nelson A. "Tony" Dodi*      *Stephanie L. Burke*  
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