



Philip Craighead
Mayor

CITY OF LEBANON

Office of the Mayor

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Lebanon, TN 37087

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REGULAR CALLED CITY COUNCIL MEETING

AGENDA - NOVEMBER 1, 2016 - 6:00 P.M.

TOWN MEETING HALL, ADMINISTRATION BUILDING

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE TO FLAG

4. ROLL CALL

5. APPROVAL OF MINUTES:

October 18, 2016 - Regular Called City Council Meeting

6. COMMUNICATION FROM CITIZENS:

7. COMMUNICATION FROM MAYOR:

8. REPORTS FROM COMMITTEES / ALDERMEN / OFFICERS:

9. CONSENT AGENDA:

1. **Ordinance No. 16-5327**, second reading, to approve the payment plan for the Wilson County Expo Center Water/Sewer Fees, by Mayor Philip Craighead, and Jeff Baines, Commissioner of Public Works.

10. NEW BUSINESS:

1. **Ordinance No. 16-5330**, first reading, to authorize the appropriation of funds to construct a Regulator Station and the purchase of steel pipe, all fittings and appurtenances to accommodate gas service for Wonder Porcelain at Highway 109 near Highway 70, by Jeff Baines, Commissioner of Public Works, and Robert Springer, Commissioner of Finance and Revenue.

2. **Ordinance No. 16-5331**, first reading, to authorize the waiver of fees for sanitary sewer extension to serve Dynamic Therapy construction and unsewered pocket near Quarry Loop Road/Highway 70/SR 109, by Mayor Philip Craighead.

11. ADJOURNMENT

**CITY COUNCIL MEETING
October 18, 2016**

The City Council met in regular session in the Town Meeting Hall of the City of Lebanon Administration Building at Castle Heights.

A Public Hearing was held at 5:55 p.m. for:

- 1) Changing unaddressed West Main Street from RS20 (Low Density Single-Family) to CN (Commercial Neighborhood) in Ward 6, by Paul Corder, Planning Director. (Request by Carolyn Eakes, Stephen Piercey & Billy Huff) (5.05 acres; Tax Map 57, part of Parcel 25.04) (Lebanon Planning Commission voted 8-0 to send to City Council with No Recommendation on August 23, 2016.) (9/20/16 City Council passed 1st Reading) (Reference Ordinance No. 16-5311)
No citizens chose to address the Mayor or City Council on this issue.

- 2) Changing 309, 311 and 313 on North Maple Street from CS (Commercial Service) to DMU (Downtown Mixed Use District) in Ward 3, by Paul Corder, Planning Director. (Request by Curtis A. Gibbs, Jr.) (Factory Row; 0.68 acres; Tax Map 68D, Group J, Parcels 20 and 21) (Lebanon Planning Commission recommended approval with a vote of 8-0 on August 23, 2016.) (9/20/16 City Council passed 1st Reading) (Reference Ordinance No. 16-5312)
No citizens chose to address the Mayor or City Council on this issue.

- 3) Changing 1729, 1731 and 1733 West Main Street from CN (Commercial Neighborhood) to CG (Commercial General) in Ward 6, by Paul Corder, Planning Director. (Request by DJS Partners) (4.0 acres; Tax Map 57, Parcels 37, 38 and 39) (Lebanon Planning Commission recommended approval by a vote of 7-1 on August 23, 2016.) (9/20/16 City Council passed 1st Reading) (Ordinance No. 16-5313)
No citizens chose to address the Mayor or City Council on this issue.
The Public Hearing was adjourned at 5:57.

Prior to calling the Regular Called City Council Meeting to order, Mayor Craighead announced there will be one drop-in added to this evening's agenda: Resolution No.16-1999. There will also be a withdrawal of Ordinance No. 16-5329; and Resolution No. 16-1998 will be revised.

Mayor Craighead called the Regular Called City Council Meeting to order at 6:00 p.m.

Invocation was given by William Porter, Director Parks and Recreation.

Mayor Philip Craighead led the Pledge of Allegiance to the United States Flag.

Council members present: Lanny Jewell, Fred Burton, Rob Cesternino, Bernie Ash, Tick Bryan and Rick Bell. Also present were Robert D. Springer, Commissioner of Finance and Revenue; Andy Wright, City Attorney; and Jaci Diebner, Secretary.

Approval of Minutes:

Motion was made by Councilor Bryan, seconded by Councilor Burton, to approve the minutes of the October 4, 2016, Regular Called City Council Meeting. Motion carried unanimously. Minutes were approved.

Communication from Citizens:

No citizens chose to address the Mayor or City Council at this time.

Communication from Mayor:

The Mayor reported the Howl-O-Ween Adopt-A-Thon, will be held at the City of Lebanon Dog Park. Local rescue dogs will be onsite with adoptable pets, and the event will include pet costume contests and prizes. The event will take place Saturday, October 29 from noon to 5 p.m. and is sponsored by the City of Lebanon and Petopia's Boutique.

Reports from Committees / Aldermen / Officers:

- 1) Councilor Bernie Ash reminded everyone that early voting begins tomorrow. He stated that people need to inform themselves, pray a little bit, and above all else get out and vote.

2) Councilor Tick Bryan said quite a few people have gotten the flu. The Mayor noted the City employees have just received their flu shots.

3) Councilor Rick Bell had a few items to discuss. Firstly, item number 2 under New Business, refers to Ordinance No. 16-5320. Councilor Bell would like to state, in the interest of disclosure, that a rezoning request in his ward was made by his Aunt Peggy Keel.

Councilor Bell stated, "The second thing I want to talk about has been in the news a lot lately. For two years I have served on the Planning Commission and during that time I grew to respect all of the people on there; because I can tell you it is a thankless job. There is a lot of research involved-- a lot of study. Sometimes the meetings can get long and it is tough for volunteers to sit back there and make decisions that are going to affect the City and their neighbors. I just believe that if we have people that are trusted to be appointed to a Commission like that then they should be trusted to make decisions. That's all I have to say, thank you." Mayor Craighead responded, "We appreciate them all."

Consent Agenda:

Commissioner of Finance and Revenue Robert Springer read the items for the Consent Agenda. The Mayor asked if there was any discussion on each item. There was none.

Motion was made by Councilor Fred Burton, seconded by Councilor Rob Cesternino, to accept the consent agenda. Motion carried unanimously. Consent Agenda was accepted and all Ordinances were read and passed on second/final reading.

Ordinance No. 16-5317, second reading, to authorize Budget Amendments for the Police Department to appropriate unused donations from the 2015-2016 Fiscal Year Budget and to appropriate donations received in the 2016-2017 Fiscal Year (for Community Events), by Mike Justice, Police Chief.
(Budget Amendment – Before the Fact)

PASSED SECOND/FINAL READING NO OBJECTIONS

Ordinance No. 16-5318, second reading, to amend Title 10, Chapters 1 and 2, Sections 10-108 and 10-207 of the Lebanon Municipal Code relative to the Seizure and Disposition of Animals and Dogs by Lebanon Animal Control, by Mike Justice, Police Chief.

PASSED SECOND/FINAL READING NO OBJECTIONS

Ordinance No. 16-5319, second reading, to authorize Line Item Transfers for the Animal Control Department, by Mike Justice, Police Chief, and Robert Springer, Commissioner of Finance and Revenue.
(*Line Item Transfer – Before the Fact*)

PASSED SECOND/FINAL READING NO OBJECTIONS

OLD BUSINESS:

Ordinance No. 16-5311, second reading, changing unaddressed West Main Street from RS20 (Low Density Single-Family) to CN (Commercial Neighborhood) in Ward 6, by Paul Corder, Planning Director. (Request by Carolyn Eakes, Stephen Piercey & Billy Huff) (5.05 acres; Tax Map 57, part of Parcel 25.04) (Lebanon Planning Commission voted 8-0 to send to City Council with No Recommendation on August 23, 2016.) (9/20/16 City Council passed on 1st Reading)

Motion was made by Councilor Bell, seconded by Councilor Bryan, to pass said Ordinance on second/final reading. Motion carried unanimously. Ordinance was read and passed on second/final reading.

Ordinance No. 16-5312, second reading, changing 309, 311 and 313 on North Maple Street from CS (Commercial Service) to DMU (Downtown Mixed Use District) in Ward 3, by Paul Corder, Planning Director. (Request by Curtis A. Gibbs, Jr.) (Factory Row; 0.68 acres; Tax Map 68D, Group J, Parcels 20 and 21) (Lebanon Planning Commission recommended approval with a vote of 8-0 on August 23, 2016.) (9/20/16 City Council passed on 1st Reading)

Motion was made by Councilor Cesternino, seconded by Councilor Burton, to pass said Ordinance on second/final reading. Motion carried unanimously. Ordinance was read and passed on second/final reading.

Ordinance No. 16-5313, second reading, changing 1729, 1731 and 1733 West Main Street from CN (Commercial Neighborhood) to CG (Commercial General) in Ward 6, by Paul Corder, Planning Director. (Request by DJS Partners) (4.0 acres; Tax Map 57, Parcels 37, 38 and 39) (Lebanon Planning Commission recommended approval by a vote of 7-1 on August 23, 2016.) (9/20/16 City Council passed on 1st Reading)

Motion was made by Councilor Bell, seconded by Councilor Bryan, to pass said Ordinance on second/final reading. Motion carried unanimously. Ordinance was read and passed on second/final reading.

New Business:

Resolution No. 16-1995, to add a new position to the Fire Department Flow Chart (Communications Officer), by Chris Dowell, Fire Chief.

Motion was made by Councilor Burton, seconded by Councilor Bell, to pass said Resolution on second/final reading. Motion carried unanimously. Resolution was read and passed on second/final reading.

Ordinance No. 16-5320, first reading, changing 1743, 1747 and 1751 West Main Street from CN (Commercial Neighborhood) to CG (Commercial General) in Ward 6, by Paul Corder, Planning Director. (5.08 acres; Tax Map 57, Parcels 33, 34 and 35) (Planning Commission recommended approval by a vote of 7-0 on September 20, 2016.) (Request by Peggy Keel and Bobby McMillen)

Motion was made by Councilor Cesternino, seconded by Councilor Bell, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Ordinance No. 16-5322, first reading, changing 107 Carver Lane from CG (Commercial General) to CN (Commercial Neighborhood) in Ward 5, by Paul Corder, Planning Director. (2.4 acres; Tax Map 57, Parcel 71) (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by David Mobley)

Motion was made by Councilor Bryan, seconded by Councilor Bell, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Ordinance No. 16-5323, first reading, to amend the Future Land Use Plan of the City of Lebanon, Tennessee, by changing unaddressed Peyton Road from CO (Commercial Office) to HDR (High Density Residential), by Paul Corder, Planning Director. (5.95 acres; Tax Map 82, part of Parcel 23.03) (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by Staff)

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Ordinance No. 16-5324, first reading, changing unaddressed Peyton Road from CG (Commercial General) to RM6 (High Density Multi-Family Residential Use) in Ward 2, by Paul Corder, Planning Director. (12.63 acres; Tax Map 82, part of Parcel 23.03) (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by Angel Arroyo)

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Resolution No. 16-1996, adopting a Plan of Services for the annexation at unaddressed Bluebird Road (Tax Map 67G, Group C, Parcels 27.01 and 29; 0.68 acres) to be added to Ward 2, by Paul Corder, Planning Director. (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by Williams and Son Properties, LLC)

Motion was made by Councilor Burton, seconded by Councilor Jewell, to pass said Resolution on second/final reading. Motion carried unanimously. Resolution was read and passed on second/final reading.

Resolution No. 16-1997, annexing property at unaddressed Bluebird Road, also identified as Tax Map 67G, Group C, Parcels 27.01 and 29, containing 0.68 acres in the records of the Wilson County Assessor of Property, to be added to Ward 2, by Paul Corder, Planning Director. (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by Williams and Son Properties, LLC)

Motion was made by Councilor Burton, seconded by Councilor Jewell, to pass said Resolution on second/final reading. Motion carried unanimously. Resolution was read and passed on second/final reading.

Ordinance No. 16-5326, first reading, requesting zoning approval of 0.68 acres at unaddressed Bluebird Road (Tax Map 67G, Group C, Parcels 27.01 and 29) to RM6 (High Density Multi-Family Residential) in Ward 2, by Paul Corder, Planning Director. (Planning Commission recommended approval by a vote of 8-0 on September 20, 2016.) (Request by Williams and Son Properties, LLC)

Motion was made by Councilor Burton, seconded by Councilor Jewell, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Ordinance No. 16-5327, first reading, to approve the payment plan for the Wilson County Expo Center Water/Sewer Fees, by Mayor Philip Craighead, and Jeff Baines, Commissioner of Public Works.

Motion was made by Councilor Cesternino, seconded by Councilor Burton to pass said Ordinance on first reading as revised.

Councilor Bell asked if Commissioner Baines was in agreement with the revisions. The Mayor responded, yes.

Motion carried unanimously. Ordinance was read and passed on first reading.

Resolution No. 16-1998, to authorize the Lease Agreements for Public Parking near the Square, by Mayor Philip Craighead.

Motion was made by Councilor Cesternino, seconded by Councilor Burton, to pass said Resolution on second/final reading as revised.

Councilor Cesternino, noted for the record, both parties are friends of his. Even though not a lot of money is involved he would like the record to reflect that he is friends with both parties.

Motion carried unanimously. Resolution was read and passed on second/final reading as revised.

Ordinance No. 16-5328, first reading, to amend Title 13 of the Lebanon Municipal Code by replacing LMC 13-104 with more current legal language regarding removal of weeds, grass, and debris, by Robert Springer, Commissioner of Finance and Revenue.

Motion was made by Councilor Burton, seconded by Councilor Bryan, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

Ordinance No. 16-5329, first reading, to amend Lebanon Municipal Code – LMC 9-202 relative to Exemptions to the Transient Vendor Permit requirements to include vendors at events held on the Wilson County Fairgrounds or in the Wilson County Expo Center, by Mayor Philip Craighead.

Withdrawn prior to Council Meeting.

Resolution No. 16-1999, to authorize the Lease agreements for Public Parking at the Bank of America parking lot, by Mayor Philip Craighead.

Motion was made by Councilor Cesternino, seconded by Councilor Burton, to pass said Resolution on second/final reading.

Councilor Cesternino, noted for the record, both parties are friends of his. Even though not a lot of money is involved he would like the record to reflect that he is friends with both parties.

Motion carried unanimously. Resolution was read and passed on second/final reading.

The Regular City Council Meeting of October 18, 2016 adjourned at 6:13 p.m.

Attest:

Approved:

Robert D. Springer
Commissioner of Finance & Revenue

Philip Craighead
Mayor

Secretary:

Jaci Diebner

RESOLUTION NO. 16-1998

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A LEASE AGREEMENT FOR PUBLIC PARKING NEAR THE SQUARE

WHEREAS, it is in the best interest of the City of Lebanon to approve a lease agreement with Black & Black, LLC in order to provide public parking near the square at the Capitol Theater; and

WHEREAS, such lease agreement is attached hereto by reference as if appearing verbatim herein.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to enter into the lease agreement, attached hereto by reference as if appearing verbatim herein, with Black & Black, LLC for public parking near the square.

Section 2. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this _____ day of _____, 2016.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

Attachments October 18, 2016 Regular Called City Council Meeting Minutes

LEASE

This agreement is made and entered into pursuant to Tenn. Code Ann. § 7-51-902 on this the _____ day of _____, 2016, by and between Black & Black, LLC, hereinafter referred to as "Lessor" and the City of Lebanon, Tennessee, a Municipal Corporation, hereinafter referred to as "Lessee."

Witnesseth:

Lessor does hereby lease unto the Lessee for the consideration stated herein, the following described real property, to-wit:

A tract or parcel of land, together with all improvements and appurtenances belonging, situated and lying in the 10th Civil District of Wilson County, Tennessee, being certain property known as the West Side Hotel property, situated and lying on the southeasterly corner of the intersection of West Main Street and South Maple Street, City of Lebanon, Tennessee.

Beginning at the inside of the concrete walk at the southeast corner of the South Maple Street and West Main Street; thence East 65 feet 10 inches to a point; thence south 83 feet 5-1/2 inches to a point; thence east 20 feet 3 inches to a point; thence East 31 feet 3 inches to a point; thence south 52 feet 11 inches to a point; thence west 117 feet 4 to the inside of the concrete walk on South Maple Street; and thence North along the inside line of a concrete walk, 244 feet 3 inches to the point of beginning.

DEED REFERENCE: Being the same property conveyed to Black & Black, LLC, by deed dated January 29, 2013, from Harold Reed Lannom and wife, Patricia H. Lannom, as shown of record in Deed Book 1526, Page 1219, Register's Office of Wilson County, Tennessee.

Lessor and Lessee agree that the term of this Lease is for a period of ten (10) years beginning on the _____ day of _____, 2016 and continuing through the _____ day of _____, 2026. The parties agree that Ten Dollars (\$10.00) shall be paid by the Lessee for the use of the subject parking area annually.

The parties agree that this lease may be extended beyond the original term, upon agreement of the parties.

The parties further agree as follows:

1. As consideration for this Lease, Lessee agrees to cover the parking lot of said property under its general liability insurance policy and shall provide a Certificate of Insurance

showing liability coverage on the parking lot of said property adding Black & Black, LLC, as additional named insured by listing the names of the Lessor as Certificate holders.

2. The property shall be used for public parking.
3. All notice or demands required or permitted under this Lease shall be in writing and shall be deemed to be properly served if sent by registered mail or certified mail addressed to:
Lessor at: 124 Leeville Pike
Lebanon, TN 37087
Attn: Bob Black

Lessee at: 200 N. Castle Heights Ave.
Lebanon, TN 37087
Attn: Lebanon City Attorney
4. The Lessee, at its option, may grade, gravel and improve said public parking area at its expense.
5. Throughout this lease agreement, in referring to the Lessor and the Lessee, words of any gender shall be deemed to include any other gender, and a reference to the singular shall include the plural and vice versa, unless the context indicates that such reading would be inappropriate.
6. This Lease shall not be affected, added to, varied or modified by any agreements or representations not contained herein, except as may be subsequently agreed to by the parties in writing.
7. This Lease agreement may be terminated by either party, for any reason or not reason at all, upon sixty (60) days written notice to the opposite party.
8. This agreement shall be binding upon the parties hereto, their heirs, successors and assigns.
9. This lease will not prevent, interfere, or restrict the marketing of said property by the owner.
10. The City of Lebanon, Tennessee, will be responsible for placing and maintaining a sign on said property identifying the use of same as "City of Lebanon Public Parking."

11. By evidence of the signatures below, the respective signers acknowledge each has obtained any authorizations required by law to properly execute this lease and create a valid and enforceable contract.

12. The parties agree that the Chancery Court of Wilson County shall have and maintain jurisdiction over any questions of law or litigation that may arise under the terms of this lease.

13. The parties agree that should any provision of this lease be declared void or unlawful by the Chancery Court of Wilson County, or any other judicial forum exercising original jurisdiction over this lease, that the remaining provisions shall remain in effect and the lease shall continue as a valid and enforceable agreement.

14. The parties agree that they have read and fully understand the terms and conditions of this agreement.

IN WITNESS WHEREOF, the parties have executed this instrument on the date and year first above written.

APPROVED AS TO FORM:

LESSOR:

Andy Wright
Lebanon City Attorney
Res. No. 16-1998

Robert E. Black
Black & Black, LLC

ATTEST:

LESSEE:

Robert Springer
City of Lebanon Commissioner of Finance

Mayor Philip Craighead
City of Lebanon

STATE OF TENNESSEE)
)
COUNTY OF WILSON)

On this the _____ day of _____, 2016, before me personally appeared **Robert E. Black**, known by me or proved to me on the basis of satisfactory evidence to be the person described in, and who executed, the foregoing instrument, and who acknowledged that he executed the same as the authorized representative of **Black & Black, LLC**.

Witness my hand and seal at office in Lebanon, Tennessee.

NOTARY: _____

My Commission Expires: _____

STATE OF TENNESSEE)
)
COUNTY OF WILSON)

On this the _____ day of _____, 2016, before me personally appeared **Lebanon Mayor Philip Craighead**, known by me or proved to me on the basis of satisfactory evidence to be the person described in, and who executed, the foregoing instrument, and who acknowledged that he executed the same as the authorized representative of the **City of Lebanon, Tennessee**.

Witness my hand and seal at office in Lebanon, Tennessee.

NOTARY: _____

My Commission Expires: _____

Drop-In

RESOLUTION NO. 16-1999

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A LEASE AGREEMENT FOR PUBLIC PARKING NEAR THE SQUARE

WHEREAS, it is in the best interest of the City of Lebanon to approve a lease agreement with Robert E. Black and Daniel M. Mack in order to provide public parking near the square at the old Bank of America; and

WHEREAS, such lease agreement is attached hereto by reference as if appearing verbatim herein.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to enter into the lease agreement, attached hereto by reference as if appearing verbatim herein, with Robert E. Black and Daniel M. Mack for public parking near the square.

Section 2. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this _____ day of _____, 2016.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

LEASE

This agreement is made and entered into pursuant to Tenn. Code Ann. § 7-51-902 on this the _____ day of _____, 2016, by and between Robert E. Black and Daniel M. Mack, hereinafter referred to as "Lessor" and the City of Lebanon, Tennessee, a Municipal Corporation, hereinafter referred to as "Lessee."

Witnesseth:

Lessor does hereby lease unto the Lessee for the consideration stated herein, the following described real property, to-wit:

Being a tract or parcel of land located in the 10th Civil District containing 1.396+/- acres, as shown on the Alta Land Title Survey, dated 7/29/04, coordinated by International Land Services, Inc., as prepared by Denham Land Surveyors, LLC, Tennessee Register No. 2000, 1733 Winchester Road, Huntsville, Alabama, 35811, as described as follows:

BEGIN at the Southeast corner of the property herein described and being the Southwest corner of Raymond Elmore, Book 329, Page 163, Register's Office of Wilson County, Tennessee; said Point of Beginning lying on the North right-of-way margin of West Main Street; thence North 89°51'36" west along the North right-of-way margin of West Main Street a distance of 119.54 feet to the intersection of the East right-of-way margin of North Maple Street; thence North 00°46'54" East along the East right-of-way margin of North Maple Street a distance of 360.79 feet to the intersection with the South right-of-way margin of West Market Street; thence South 89°13'07" East along the South right-of-way margin of West Market Street a distance of 169.40 feet; thence leaving West Market Street South 00°03'58" West a distance of 180.11 feet; thence South 89°15'03" East a distance of 65.70 feet; thence South 00°48'39" West a distance of 34.19 feet; thence South 89°12'55" West a distance of 50.47 feet; thence South 02°59'38" West a distance of 67.11 feet; thence North 89°37'28" West a distance of 65.30 feet; thence South 00°22'32" West a distance of 76.30 feet to the Point of Beginning, having an area of 60,805.9±p square feet, (1.396± acres).

The above described property is also known as Lot No. 1A, containing 1.40 acre +/-, as shown on the survey entitled, "Subdivision of the Nations Bank Property", dated August 6, 1999, prepared by Paul Burton Crockett, Registered Land Surveyor, Tennessee No. 1394, 427 Park Avenue, Lebanon, TN 37087, of record in Plat Book 22, Page 429, Register's Office for Wilson County, Tennessee.

DEED REFERENCE: Being the same property conveyed to Robert E. Black and Daniel M. Mack, by deed dated November 18, 2015, from First States Investors 5200, LLC, as shown of record in Deed Book 1671, Page 1412, Register's Office of Wilson County, Tennessee.

Lessor and Lessee agree that the term of this Lease is for a period of ten (10) years beginning on the ____ day of _____, 2016 and continuing through the ____ day of _____, 2026. The parties agree that Ten Dollars (\$10.00) shall be paid annually by the Lessee for the use of the subject parking area.

The parties agree that this lease may be extended beyond the original term, upon agreement of the parties.

The parties further agree as follows:

1. As consideration for this Lease, Lessee agrees to cover the parking lot of said property under its general liability insurance policy and shall provide a Certificate of Insurance showing liability coverage on the parking lot of said property adding Robert E. Black and Daniel M. Mack, as additional named insured by listing the names of the Lessor as Certificate holders.

2. The property shall be used for public parking.

3. All notice or demands required or permitted under this Lease shall be in writing and shall be deemed to be properly served if sent by registered mail or certified mail addressed to:

Lessor at: 124 Leeville Pike
Lebanon, TN 37087
Attn: Robert E. Black and Daniel M. Mack

Lessee at: 200 N. Castle Heights Ave.
Lebanon, TN 37087
Attn: Lebanon City Attorney

4. The Lessee, at its option, may grade, gravel and improve said public parking area at its expense.

5. Throughout this lease agreement, in referring to the Lessor and the Lessee, words of any gender shall be deemed to include any other gender, and a reference to the singular shall include the plural and vice versa, unless the context indicates that such reading would be inappropriate.

6. This Lease shall not be affected, added to, varied or modified by any agreements or representations not contained herein, except as may be subsequently agreed to by the parties in writing.

7. This Lease agreement may be terminated by either party, for any reason or not reason at all, upon sixty (60) days written notice to the opposite party.

8. This agreement shall be binding upon the parties hereto, their heirs, successors and assigns.

9. This lease will not prevent, interfere, or restrict the marketing of said property by the owner.

10. The City of Lebanon, Tennessee, will be responsible for placing and maintaining a sign on said property identifying the use of same as "City of Lebanon Public Parking."

11. By evidence of the signatures below, the respective signers acknowledge each has obtained any authorizations required by law to properly execute this lease and create a valid and enforceable contract.

12. The parties agree that the Chancery Court of Wilson County shall have and maintain jurisdiction over any questions of law or litigation that may arise under the terms of this lease.

13. The parties agree that should any provision of this lease be declared void or unlawful by the Chancery Court of Wilson County, or any other judicial forum exercising original jurisdiction over this lease, that the remaining provisions shall remain in effect and the lease shall continue as a valid and enforceable agreement.

14. The parties agree that they have read and fully understand the terms and conditions of this agreement.

IN WITNESS WHEREOF, the parties have executed this instrument on the date and year first above written.

APPROVED AS TO FORM:

LESSOR:

Andy Wright
Lebanon City Attorney
Res. No. 16-1999

Robert E. Black

Daniel M. Mack

ATTEST:

LESSEE:

Robert Springer
City of Lebanon Commissioner of Finance

Mayor Philip Craighead
City of Lebanon

STATE OF TENNESSEE)
COUNTY OF WILSON)

On this the _____ day of _____, 2016, before me personally appeared **Robert E. Black**, known by me or proved to me on the basis of satisfactory evidence to be the person described in, and who executed, the foregoing instrument.

Witness my hand and seal at office in Lebanon, Tennessee.

NOTARY: _____

My Commission Expires: _____

STATE OF TENNESSEE)
COUNTY OF WILSON)

On this the _____ day of _____, 2016, before me personally appeared **Daniel M. Mack**, known by me or proved to me on the basis of satisfactory evidence to be the person described in, and who executed, the foregoing instrument.

Witness my hand and seal at office in Lebanon, Tennessee.

NOTARY: _____

My Commission Expires: _____

STATE OF TENNESSEE)
COUNTY OF WILSON)

On this the _____ day of _____, 2016, before me personally appeared **Lebanon Mayor Philip Craighead**, known by me or proved to me on the basis of satisfactory evidence to be the person described in, and who executed, the foregoing instrument, and who acknowledged that he executed the same as the authorized representative of the **City of Lebanon, Tennessee**.

Witness my hand and seal at office in Lebanon, Tennessee.

NOTARY: _____

My Commission Expires: _____

ORDINANCE NO. 16-5327

Revised

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE THE
PAYMENT PLAN FOR THE WILSON COUNTY EXPO CENTER
WATER/SEWER FEES**

WHEREAS, the Commissioner of Public Works recommends that the Water/Sewer fees for the Wilson County Expo Center be set up on a payment plan; and

WHEREAS, the payment of water connection fee and fire line tap, total \$8,000.00, will be paid immediately; and

WHEREAS, the recommended payment plan is for \$50,000.00 to be paid immediately, and the balance based on actual consumption on or before June 30, 2018 for the following fees:

Water Capacity	\$11,998.00
Sewer Tap	\$19,500.00
Sewer Capacity	\$75,416.00

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to set up the payment plan for the Wilson County Expo Center Water/Sewer Fees as detailed above.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

Passed first reading: _____

Passed second reading: _____

CITY OF LEBANON LITIGATION SUMMARY REPORT

Oct-16

Name of Matter	Description of Matter	Case Status
Bone, W.P. & Denney, Dan; City of Lebanon vs.	Condemnation	Pending Dismissal
Bowen, Scott vs. City of Lebanon	Disciplinary Hearing Appeal	Hearing Pending
City of Lebanon vs. Derek Dodson	Petition for TRO and Perm Injunction	On appeal
Greenwood, George v. City of Lebanon	Civil / Contract	On appeal
Hagood, Doug v. City of Lebanon	Civil / ADA	20 year obligation
Hildebrand, Robert v. City of Lebanon	Civil / crash involving employee	Discovery Phase
Kirkendoll, Casandra v. City of Lebanon	Civil / crash involving employee	Settled 10-12-16
Thompson, Melinda et al. vs. City of Lebanon et al.	Civil / Police	Settled 9-30-16
United Global Investments vs. City of Lebanon, BZA, and members	BZA Appeal	Discovery Pending

ORDINANCE NO. 16-5327

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE THE
PAYMENT PLAN FOR THE WILSON COUNTY EXPO CENTER
WATER/SEWER FEES**

WHEREAS, the Commissioner of Public Works recommends that the Water/Sewer fees for the Wilson County Expo Center be set up on a payment plan; and

WHEREAS, the payment of water connection fee and fire line tap, total \$8,000.00, will be paid immediately; and

WHEREAS, the recommended payment plan is for \$50,000.00 to be paid immediately, and the balance based on actual consumption on or before June 30, 2018 for the following fees:

Water Capacity	\$11,998.00
Sewer Tap	\$19,500.00
Sewer Capacity	\$75,416.00

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to set up the payment plan for the Wilson County Expo Center Water/Sewer Fees as detailed above.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

Passed first reading: 10/18/16

Passed second reading: _____

10/6/16

**Wilson County Expo Center
Water/Sewer Fees**

Water Connection/Installation (4" meter)	\$4,000.00
Fire Line Tap	\$4,000.00
Water Capacity	\$11,998.00
Sewer Tap	\$19,500.00
Sewer Capacity	\$75,416.00

ORDINANCE NO. 16-5330

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE THE APPROPRIATION OF FUNDS TO CONSTRUCT A REGULATOR STATION AND THE PURCHASE OF STEEL PIPE, ALL FITTINGS AND APPURTENANCES TO ACCOMMODATE GAS SERVICE FOR WONDER PORCELAIN AT HIGHWAY 109 NEAR HIGHWAY 70

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary for the Gas Department to appropriate funds for the purpose of constructing a regulator system and for the purchase of steel pipe, all fittings and appurtenances to accommodate gas service for Wonder Porcelain at Hwy 109 near Hwy 70; and

WHEREAS, the specifications for this project were not available before the current budget was approved; and

WHEREAS, minimum proposed consumption indicates this capital cost will be recovered within 4-6 months; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget as follows for the construction of a regulator station and to purchase steel pipe, all fittings, and appurtances:

Department: Gas		
From: 41590001-79010	Gas Retained Earnings	\$100,000.00
To: 415-16520	Construction	\$100,000.00

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

Passed first reading: _____

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM FINANCE DEPT

FY 2016-2017

2016 OCT 21 PM 3:56

FOR ACCOUNTING PURPOSES ONLY

BGT #

POSTED

REF #

INITIALS

DEPARTMENT

Gas

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
415 90001 79010	Gas Retained Earnings	\$ 100,000 ⁰⁰	

Total \$ 100,000 -00

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
415 16520	Construction		100,000 ⁰⁰

Total \$ 100,000 -00

REQUESTED BY

[Signature]

DATE

10/21/16

DEPARTMENT HEAD

[Signature]

DATE

10/21/16

COMM. OF FINANCE

[Signature]

DATE

10/24/16

MAYOR

DATE

REASON FOR THIS TRANSFER:

Appropriate funds for regulator station, steel pipe, fittings and appurtenances to accommodate gas service to the new Wonder Porcelain facility on SR 109

ORDINANCE NO. 16-5331

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE THE
WAIVER OF FEES FOR SANITARY SEWER EXTENSION TO SERVE DYNAMIC
THERAPY CONSTRUCTION AND UNSEWERED POCKET NEAR
QUARRY LOOP ROAD/HIGHWAY 70/SR 109**

WHEREAS, the Dynamic Therapy construction at 368 Quarry Loop Road requires extension of public sewer from the SR 109 area approximately 1650 feet; and

WHEREAS, the City wishes to waive sewer plan review, inspection, tap and capacity fees in the amount of \$9,888.65 for such project.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to waive sewer plan review, inspection, tap and capacity fees in the amount of Nine Thousand, Eight Hundred Eighty-eight Dollars and Sixty-five Cents (\$9,888.65) to support the extension of public sewer to serve Dynamic Therapy construction and unsewered pocket near Quarry Loop Road/Highway 70/SR 109.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

Commissioner of Finance & Revenue

Mayor

Approved as to form:

City Attorney

Passed first reading: _____

Passed second reading: _____