

Lebanon Town Council
Regular Monthly Meeting
Town Hall, Lebanon, Virginia
Monday, September 12, 2022
6:00 P.M.

Council Members Present: Nelson A. "Tony" Dodi, Mayor
DeAnna C. Jackson, Vice- Mayor
A. Doyle Fields, Council Member
Scott J. Gilmer, Council Member
Mary J. Stanley, Council Member
M. Elijah Leonard, Council Member

Council Members Absent: W. Bradley Lambert, Council Member

Staff Members Present: Andrew R. Shortt, Town Manager
Kevin D. Tiller, Town Attorney
A. Diane Nunley, Clerk of Council
Richard Eric Deskins, Chief of Police

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

II. Prayer: Gary Crum Pastor Holy Feast Bible Church.

III. Pledge of Allegiance

IV. Edit for items not on the agenda:

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

V. Edit and approve minutes from the 08/08/22 regular council meeting.

Upon motion made by Mr. Leonard, seconded by Mr. Gilmer, the minutes from the 08/08/22 regular council meeting was unanimously approved. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

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

Upon motion made by Mr. Gilmer, seconded by Mr. Fields, the accounts payable for the month of August was unanimously approved. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

VII. Public Hearing to Consider:

Amend the Town of Lebanon Zoning Ordinance C-1 Commercial District Section 21-V-2 (A) 10. Hospital or medical clinic, No OPT (Opioid Treatment Program) or OBOT (Office Base Opioid Treatment) facility shall be located within 13,200 feet (2 ½ miles) of a school or daycare facility.

Planning Commission Members Present:

Tim Coleman, Vice- Chairman
R. D. Snead, Member
DeAnna Jackson, Member
Andrew R. Shortt, Member

Planning Commission Members Absent

J. S. Easterly, Jr., Clerk
Leonard Kegley, Member

- A. The Town Council recessed from regular session, 6:07 P.M.
- B. Mr. Coleman opened the Public Hearing: 6:07 P.M.
- C. Mr. Coleman requested any concerns with this amendment change. Mayor Dodi advised that this amendment is the Town of Lebanon's response to move forward with the Attorney General's response to eliminate any future Suboxone Clinics coming to the Town of Lebanon.
- D. No one spoke in opposition.

Upon motion made by Ms. Jackson, seconded by Mr. Shortt, the Planning Commission voted to approve amending the Town of Lebanon Zoning Ordinance C-1 Commercial District Section 21-V-2 (a) 10 as presented. The vote was as follows: Mr. Coleman, Aye; Mr. Snead, Abstain; Ms. Jackson, Aye; Mr. Shortt, Aye.

VIII. Mayor Dodi closed the public hearing, 6:09 P.M.

IX. The Town Council returned to regular session, 6:09 P.M.

X. Mr. Coleman recommended on behalf of the Planning Commission to amend the Town of Lebanon Zoning Ordinance C-1 Commercial District Section 21-V-2 (a) 10 as presented.

Upon motion made by Ms. Jackson, seconded by Mr. Leonard, the Town Council unanimously voted to amend the Town of Lebanon Zoning Ordinance C-1 Commercial District Section 21-V-2 (a) 10 as presented. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

XI. Recognition

Mayor Dodi presented Easton Breeding a plaque for being the 2022 AAU Xcel Diamond Gymnastics Champion. Mayor Dodi presented Lucy Savage a plaque for placing second in the 2022 AAU Xcel Diamond Gymnastics Championship.

Upon motion made by Ms. Jackson, seconded by Mr. Gilmer, the Town Council unanimously voted to approve the resolutions for Easton Breeding and Lucy Savage as presented. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

XII. Public Request:

Arnold Day-Worldwide Equipment Rotation Program

Arnold Day with Worldwide Equipment discussed the rotation program. He stated that they are the only dealership on the East Coast to offer this program to municipalities. He advised that with their rotation program they spec a truck out that will optimize the return for the Town. He stated that on the Kenworth truck the Town currently owns they would get a number from the auction company for a guarantee minimum price. If the truck brings a dollar or just the guaranteed minimum, you will receive that amount plus if it brings over the guaranteed minimum you receive \$.93 on each dollar. He advised that this program eliminates the bidding process on the Town, they take care of all the bidding. He advised that they use Mack Trucks because they have the best return on their trucks. Mr. Day stated that they recommend a yearly rotation program therefore the vehicle is bumper to bumper warranty, but you may choose a longer rotation period. He advised that they could provide financing. He advised that if you started the rotation program today it would be the third quarter of 2023 before you received the vehicle. Mr. Day addressed the Town Council's questions and concerns.

Shelly Yarber-Sharon Dingler's Home Damage

Shelly Yarber advised that she previously spoke with the Town Council at the July Town Council meeting concerning the damage to her mother's home from the accident regarding a Town Brush truck. Ms. Yarber stated that the siding on her mother's home is no longer available therefore she requested for the Town Council to replace the siding for the entire house rather than repairing the end of the home due to it not matching the current siding. She presented two quotes from Elk Garden Aluminum for replacing the end of homes siding for the amount of \$1960, replacing the entire homes siding for the amount of \$11,758 and two quotes from Gamble Construction to replace the end of homes siding for the amount of \$1,870, replacing the entire homes siding for the amount of \$11,280. Ms. Yarber advised they have received a check from the Town's Insurance to repair the end of the home only. Mr. Leonard questioned if the repair using the insurance funds had been scheduled. Ms. Yarber advised they haven't done anything yet. She stated that they were informed by the Insurance Company that they could use the funds to replace the siding at the end of the home using the siding that closely matches then at that time if it didn't match, they could request the Town replace the siding for the entire home. She stated that they didn't want the homes siding to not match or to look like a patchwork quilt. Mr. Leonard questioned if anyone has done any mitigation efforts to the home to keep water off the underlying materials. Ms. Yarber stated that what they have determined is that the outer layer of siding was put over another layer of older siding therefore no weather damage has been done

so far as what they can tell. Mr. Gilmer questioned if they prefer one company replace the siding over the other company. Ms. Yarber stated that it really didn't matter the quotes are close the same amount, but Elk Garden Aluminum did the original siding. Mayor advised that Ms. Yarber attended a previous meeting regarding this issue and has made her request clear tonight plus she presented proper documentation therefore the Town Council needs to make a decision regarding the direction for this request. Mayor Dodi apologized for the accident that occurred to damage Sharon Dingler's home and the whole area that was affected.

Upon motion made by Mr. Fields, seconded by Ms. Stanley, the Town Council voted to approve replacing the entire siding on Sharon Dingler's home going with the lowest bidder deducting the Insurance Check but if they wished to use the higher bid, they will need to pay the amount difference between the bids.

Discussion-Mr. Leonard questioned if Mr. Shortt received the Police Report from the State Police regarding the accident. Mr. Shortt stated he received a call log with very minimum information, and it was listed as a non-reportable accident. Mr. Leonard questioned if the Virginia State Police listed the Town of Lebanon at fault for the accident. Mr. Shortt advised that the report didn't state. Mr. Leonard questioned Mr. Shortt if he spoke with the driver of the truck if so, did he state that he didn't lower the boom of the truck after he hit the power line. Mr. Shortt stated that the driver said he didn't lower the boom after hitting the power line. Mr. Leonard recommended Mr. Fields amend his motion to repair the end of Sharon Dingler's home first if the siding doesn't match replace the entire homes siding at that time. Mr. Fields declined to amend his motion.

The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Nay.

Pastor Gary Crum-Proclamation Pregnancy & Infant Loss

Pastor Gary Crum with Hold Feast Bible Church stated that Ronald Reagan in 1988 designed October as Pregnancy and Infant Loss month. Mr. Crum stated that a lot of infant child loss or miscarriage goes unrecognized by families and communities. He stated that he and his wife suffered the loss of three miscarriages which they suffered through quietly. He stated that the month of October is recognized as Pregnancy and Infant Loss Awareness/Remembrance Month and a day of remembrance set aside as "Wave of Light" during the month of October. Mr. Crum advised that the Holy Feast Bible Church is hosting all churches and residents to the Lebanon Community Center on October 15, 2022, to a "Wave of Light" candle-lighting memorial event. He stated that there will be speakers at this event. He requested the Town Council approve the Pregnancy and Infant Loss Proclamation as well as attend the event.

Upon motion made by Ms. Jackson, seconded by Ms. Stanley, the Town Council unanimously voted to proclaim October 2022 as the Pregnancy and infant Loss Remembrance month. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

Jason Zombek

Jason Zombek requested the Town Council consider adding additional Stop Signs at the location where Fields Avenue and Conley Street connect because there are several kids in the neighborhood that play outdoors with traffic speeding in this area. Mayor Dodi requested Mr.

Shortt, Mr. Hughes and Chief Deskins coordinate with VDOT for the best possible solution to this issue.

Randy Burke

Randy Burke thanked the Town Council for amending the Town of Lebanon Zoning Ordinance regarding any future Suboxone Clinics coming to the Town of Lebanon. Mr. Burke reminded the Town Council that Maro Mero will be in Lebanon this Thursday September 15, 2022, at the Lebanon Middle School and requested their presence. Mr. Burke advised the Town Council to be aware of abortion clinics coming to Lebanon as women's health clinics.

XIII. New Business

Electronic Town Code

Mr. Leonard advised that he would like for the Town of Lebanon code to be similar to the Virginia State Code therefore if you are looking for a particular subject you can type in a word to search, and it bring up all the information associated with the subject in the entire code. The Town Council agreed for Mr. Shortt to move forward with the Electronic Town Code.

XIV. Recess: 7:08 P.M.

XV. Adjourn: 7:18 P.M.

XVI. Public Request:

Matthew Lindamood-Restaurant Update and bridge at Old Mill Park

Mr. Lindamood presented an update regarding the progress on the Old Mill Restaurant. He stated his expenses as well as what Curkins have invested so far. He stated that the new freezer/cooler was installed today and waiting to have the parking lot paved. He advised that Curkins have hired a couple managers that are training in Big Stone Gap and hired thirteen other employees last week. He stated they are planning to hire sixty employees which has been an issue. He advised that the hemlock arrived which will cover the freezer/cooler area and the new extension at the front entrance plus they will pressure wash the building again before restaining. Mr. Lindamood stated that Curkins is planning on a November 1 opening date with a later grand opening date. He advised that they have spoken with the 49 Winchesters to preform at the Grand Opening. Mr. Lindamood discussed the bridge project and stated his concerns about losing parking spots with the design Nathan Brown presented. Mayor Dodi stated that the Town Council met also with Nathan Brown concerning the bridge at the restaurant plus Mr. Shortt is planning to discuss with the Town Employees about building the bridge to not affect the parking but still follow all ADA guidelines.

XVII. Town Managers Report

Broadband update

Mr. Shortt advised that Point Broadband have started aerial and underground construction. They have permits for all AEP poles, but they are having difficulty getting permits from Verizon.

Guardrail quote for Munsey Drive

Mr. Shortt advised that Mr. Kiser requested the Town place guardrail on Munsey Drive due to the road being a hazard. Mr. Shortt stated that the cost to place 300 feet of guardrail on Munsey Drive is around \$25,000. Mr. Shortt advised that the road is very narrow therefore if they place guardrail on Munsey Drive it would eliminate access for the trash truck, brush truck or any emergency vehicle to these citizens. Mr. Shortt advised that he is checking other avenues to solve this issue.

ARPA Update

Mr. Shortt presented an ARPA sheet update with the projected expenses leaving the balance at \$43,437.90. Mr. Gilmer questioned if grant funds covered all the Big Cedar Creek expenses. Mr. Shortt advised that he has applied through Cumberland Plateau for \$125,000.00 for materials for the Cedar Creek water project plus an additional \$50,000.00 for a sludge truck. Mr. Gilmer suggested that Mr. Shortt meet with the Cumberland Plateau director to discuss these grant applications.

Street Sweeper Hopper

Mr. Shortt presented quotes for the Street Sweeper Hopper. He stated that one is Refuse and Recycling Needs of Wisconsin for a Hopper Weldment with no Shroud for the amount including sales tax \$20,831.97, second one from Atlantic Machinery, Inc. quoted a Hopper Assembly \$19,745.94 plus Shroud \$4,567.50 total quote \$24,313.44, third one from Twin City Welding to fabricate a brand-new vacuum box for \$19,500.00. The Town Council requested Mr. Shortt get a quote on shipping for the new ones and a quote for seals for the fabricated one.

Upon motion made by Mr. Gilmer, seconded by Mr. Leonard the Town Council unanimously voted to move forward to approve for the Town Manager, Public Works Director Billy Hughes and Street Chairman Elijah Leonard to assess the best price to purchase up to \$30,000.00 for either a new or fabricated Street Sweeper Hopper. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

Tax Relief Checks

Mr. Shortt advised that he wishes to speak with the Town Council in closed session regarding the tax relief checks.

Pedestrian Crosswalk Lights

Mr. Shortt advised that Hapco is working to get a quote for the project. He stated that a high-end estimate for this project should be \$50,000 to \$60,000 for four locations Post Office, Lebanon Middle School, Courthouse and Old Mill Park. Mr. Shortt advised that he can go through a VDOT Safety Program for localities that maintain their own roads but if would be for fiscal year

2024. The Town Council agreed for Mr. Shortt to apply for the VDOT Safety Program grant funds for fiscal year 2024.

Mr. Shortt requested the Town Council's pleasure regarding replacing the Town's Chevrolet Venture Van that is to be sold at auction on October 1, 2022. Mr. Leonard recommended to purchase a Chrysler Pacific that is similar to the current van which has electric side doors that can haul up to seven people. Mr. Gilmer requested Mr. Shortt check the availability of purchasing a new van on the state bid site.

Mr. Shortt stated that Chris Dye has a quote from CL Boggs to purchase a 4-inch Flomatic Swing Check Valves for the amount of \$5,519.00 which is vital to the Wastewater Plant operation because if they cannot operate the Belt Press as normal it affect the ability for Water Plant sludge. Mr. Shortt stated that Mr. Dye has not received the second requested quote from Little "B" at this time. The Town Council requested that Mr. Shortt get at least one more quote.

Upon motion made by Ms. Stanley, seconded by Mr. Leonard, the Town Council unanimously voted to approve purchasing the two 4" Check Valves for the Wastewater Plant providing the quote is within the \$6,000 price range and Mr. Shortt get another quote or two if possible. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

Mr. Gilmer questioned if Mr. Shortt was able to obtain any quotes for cameras. Mr. Shortt advised that he and Mr. Farmer have looked at some cameras and also, he spoke with John Michael McCoy concerning the Fire Department cameras. Mr. McCoy stated that the cameras they have does not pay for any subscriptions only the cost to purchase them.

Mr. Gilmer advised that Mr. Lambert stated that the Fire Department's new signage may be delivered by tomorrow. Mr. Gilmer question if Mr. Shortt was working to get the F32 truck door repaired. Mr. Shortt advised that he has two quotes waiting on the third quote. Mr. Gilmer stated that the Fire Chief's truck has damage to the hood and requested for it to be repaired plus he would like to receive an incident report concerning the damages.

XVIII. Chief of Police Report

Chief Deskins presented the monthly police report. Chief Deskins advised that after speaking with Mr. Shortt the Lebanon Police plan to increase patrol at the Lebanon Schools. Mr. Gilmer stated that after running the monthly miles for the Police Department that he would like to see the police to get out more in the community rather than just in their vehicles. Mr. Gilmer requested that when any Police Officer is involved in an accident if the information is not sensitive information that needs to be discussed in closed session, he would like a report to put in the monthly Town Council packets.

XIX. Town Attorney Report

Mr. Tiller requested to speak with the Town Council in closed session.

XX. Committee Reports and Recommendations

Mr. Gilmer questioned planning an ARPA Committee meeting at 5:00 P.M. at the Regular October Town Council meeting.

XXI. Enter closed session: 8:37 P.M.

A. Upon motion made by Mr. Leonard, seconded by Ms. Stanley, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711(A)(1) (7) for the purpose to discuss personnel for positions and legal for consultation issues. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

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

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; Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye; Mr. Shortt, Aye; Mr. Tiller, Aye.

XXII. Adjourn closed session: 11:30 P.M.

XXIII. Upon motion made by Mr. Gilmer, seconded by Ms. Stanley, the Town Council unanimously voted to authorize The Lane Group the Engineering Firm for Phase III of the Russell Theater project to advertise the Bid Packet for the ARC Funding. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

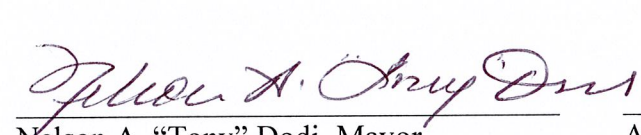
XXIV. Upon motion made by Mr. Leonard, seconded by Mr. Gilmer, the Town Council unanimously voted to hereby move that the motion regarding the refund of real estate taxes adopted on June 20, 2022, be modified and clarified as follows: a refund of 25 percent of the real estate tax paid for the year 2021 on residential property owned by town residents be awarded to the property owners on December 31, 2021. This refund is limited to residential properties owned by town residents, and does not include rental property, commercial property, or vacant land. Only persons whose real estate taxes were not delinquent on May 1, 2022, and who owed no delinquent charges, fees and were in compliance with all town ordinances are eligible for this

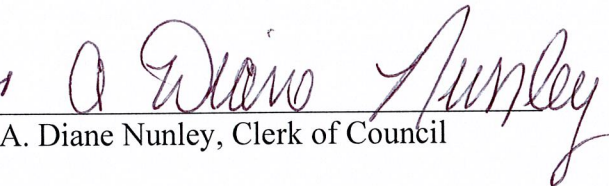
refund. The vote was as follows: Ms. Jackson, Aye; Mr. Fields, Aye; Mr. Gilmer, Aye; Ms. Stanley, Aye; Mr. Leonard, Aye.

XXV. Mayor Dodi advised that Jerry's Signs stated the only way to change the Russell Theater Marque lights to chase is to take the marque back to their shop to be rewired but the shadowbox lights can chase. The Town Council agreed to leave the Russell Theater Marque lights as they currently are.

XXVI. Adjourn: 11:37 P.M.

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