

Lebanon Town Council  
Regular Monthly Meeting  
Town Hall, Lebanon, Virginia  
Tuesday, October 10, 2023  
6:00 P.M.

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

Council Members Absent: W. Bradley Lambert, Council Member

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

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

Mayor Dodi requested a moment of silence in remembrance of Doyle Fields, Council Member.

II. Prayer: James Nunley Pastor Cedar Pointe Baptist Church.

III. Pledge of Allegiance

IV. Edit for items not on the agenda:

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

V. Edit and approve minutes from the 09/11/23 council meeting, 10/02/23 called council meeting:

Upon motion made by Ms. Jackson, seconded by Mr. Leonard, the minutes from the 09/11/23 council meeting, 10/02/23 called council meeting were unanimously approved. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

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

Mr. Shortt requested to add account payable section B.

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

VII. Recognition

James S. Easterly, Jr.-Planning Commission Years of Service

Mayor Dodi presented a plaque to Mr. James S. Easterly, Jr. for his 50 years of service on the Lebanon Planning Commission. Mr. Easterly expressed his gratitude to the Town for their support for the Lebanon Planning Commission.

Upon motion made by Ms. Jackson, seconded by Mr. Gilmer, the Town Council unanimously voted to approve the resolution for James S. Easterly Jr. for his 50 years of service on the Lebanon Planning Commission as presented. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

VIII. Public Hearing

An application submitted by Svitlana Boyd for rezoning of property located on 114 Viers Court and 116 Viers Court from a R-1 Single Family District to a R-2 General Dwelling District.

Planning Commission Members Present

Tim Coleman, Chairman  
Judy Lockridge-Vice-Chairman  
David Boyd, Member  
J. L. Kegley, II, Member  
DeAnna Jackson, Member  
Drew Shortt, Member

Planning Commission Members Absent

David Coleman, Member

- A. Enter into public hearing: 6:08 P.M.
- B. Ms. Boyd presented a video presentation from the time the Boyd's moved to the Town of Lebanon up to today involving all the issues with her purchasing and moving the manufactured home on Viers Court. Ms. Boyd stated after the video presentation that this is what has happened to them over the last few months. She stated why does everyone spend time hating each other, why can't everyone get along because we never know if we will make it home at the end of each day.
- C. Ben Price an adjacent property owner advised that he and his wife purchased 25 acres of property at Homestead with plans to build their dream home which was changed once the Boyd's moved the unauthorized structure on the prestigious R-1 Zone. Mr. Price stated that at this point it could go either way, one reason could be not moving forward with the building of their home due to the unauthorized structure or because the local government was overreaching or threatening in their approach to Ms. Boyd. He stated that Russell County's population has declined 12% over the last ten years. He advised that he has spoken with Realtors, Appraisers and people in the Real Estate Industry concerning a

mobile home bringing down the value to adjacent properties but there is no evidence that it does. Mr. Price stated that at first, he didn't want a mobile home next to his property but after speaking with the Boyd family concerning their intentions plus seeing the structure plus the location, he could no longer support not allowing them to have the mobile home on their property. He stated that if the Planning Commission denied Ms. Boyd the opportunity to rezone her property it would not hurt him it would only hurt her and her family.

- D. Clint Sykes adjacent property owner advised that he sold the Boyd's the property on Viers Court. He stated that when the property was developed that he placed no restrictions on the property.
- E. Randy Burke advised that he didn't know the medium income for the citizens in the Town of Lebanon, but some people may not be able to afford a home plus the mobile home is hid from the view of the public.
- F. R. D. Snead questioned by not allowing mobile homes in the Town was it for protection or is it sending a message of fear that you don't want people to move to the Town. He stated that he was sad when the Town amended the zoning in a R-1 Single Family District to not allow any mobile homes. Mr. Snead stated, if possible, he hoped the Town would allow the Boyd's to keep the mobile home on their property.
- G. No one spoke in opposition.
- H. Mr. Coleman requested a motion concerning Ms. Boyd's application to rezone 114 Viers Court and 116 Viers Court from the R-1 Single Family District to a R-2 General Dwelling District. No motion was made.
- I. Closed public hearing: 6:45 P.M.
- IX. Mr. Coleman, chairman, recommended on behalf of the Planning Commission that Svitlana Boyd's application to rezone 114 Viers Court and 116 Viers Court from a R-1 Single Family District to a R-2 General Dwelling District failed for a lack of a motion.
- X. Mayor Dodi questioned if the Town Council had any questions concerning the Svitlana Boyd Application. No one stated any concerns.
- XI. Public Request

Wand Burke expressed her appreciation for the Town's donation to bring Marc Mero back to the Russell County Schools. She stated that after Marc Mero spoke at the Russell County Schools three different kids notified him that they were contemplating suicide. She stated that if any of the board of supervisors that raised shame on the Marc Mero event she stated, "Shame on them." Ms. Burke stated that you cannot put a price on a kid's life. Marc Mero has spoken with the schools to notify them concerning the kids.

XII. New Business

Filling Council Vacancy

Mayor Dodi advised that due to the passing of Councilman Doyle Fields there was some legal obligations they must meet therefore he requested Mr. Tiller explain the process. Mr. Tiller stated that due to the vacancy of Mr. Fields, the Town Council instructed him to petition the Circuit Court for a special election with time being a factor it must be filed within 14 days for when the special election must be held. He stated that after speaking with the registrar there are restrictions on when a special election can be held. He stated the decision was made for the special election date set for November 2024. The Town Council can appoint an interim to serve until the special election within 45 days of the vacancy but if the Town Council doesn't appoint or can't agree on someone to serve the Circuit Court can appoint someone to serve. Mr. Tiller advised that the interim can only serve until the special election plus whomever is elected at the special election will only serve out the remaining of Mr. Fields term.

Upon motion made by Mr. Gilmer, seconded by Ms. Jackson, the Town Council unanimously voted to appoint Nina Fields to serve on the Town Council until the special election in November 2024. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Russell Theater Pavilion Bid Opening

Mayor Dodi opened the sealed bids for the Russell Theater Pavilion.

Steffey Construction	\$59,200.00
Ken Construction	\$143,266.00

Upon motion made by Mr. Kegley, seconded by Mr. Gilmer, the Town Council unanimously voted to approve the bid for Steffey Construction for the amount of \$59,200.00 for the Russell Theater Pavilion. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Parade Marshall & Parade Theme

Upon motion made by Ms. Jackson, seconded by Mr. Kegley, the Town Council unanimously voted for the Parade Theme to be Christmas Memories in remembrance of Doyle Fields and Parade Marshall to be Nina Fields. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

XIII. Town Managers Report

Mr. Shortt discussed briefly how the Text My Gov program works. He advised that citizens could set up their phone to receive text message notifications from the Town. He stated that this program will help with any emergency's, trash day changes or any other alert the Town might need to notify citizens.

Mr. Shortt presented some quotes to purchase a 25' trailer for the Street Department.

Modern Super Center	\$10,995.00
O'Quinn Trailer & Motor Co.	\$15,395.00
Lucky B Trailers	\$20,740.50

Upon motion made by Mr. Kegley, seconded by Ms. Jackson, the Town Council unanimously voted to approve the purchase for a new 25' trailer from Modern Super Center at the quoted price of \$10,995.00. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Mr. Shortt presented the contract negotiation with W-L Construction. He advised that the current contract which expires November 9, 2023, the unit price of asphalt is \$86.46 and the current VDOT liquid asphalt price index per ton is \$378.00. The proposed cost for the unit price of asphalt is \$114.30 and the proposed VDOT liquid asphalt price index per ton is \$608.75.

Upon motion made by Mr. Gilmer, seconded by Mr. Leonard, the Town Council unanimously voted to approve to rebid the asphalt paving contract. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Mr. Shortt presented an update regarding the applied funding grants with Cumberland Plateau. He stated that the storm water drainage was awarded \$9,000.00 plus the Stoots Street sewer project was awarded \$154,523.00. He advised that he plans to have the Lane Group attend the November Council meeting to reopen the discussion concerning the PER's plus he plans to meet with the Lane Group a couple of times before the meeting.

Mr. Shortt advised that Mayor Dodi spoke with the Lane Group to negotiate the proposed fee for the Lead and Copper project. He stated that the Lane Group agreed on a Lead and Copper service fee in the amount of \$30,000.00 and the 120 Water service fee was quoted for \$31,686.00.

Upon motion made by Mr. Gilmer, seconded by Mr. Leonard, the Town Council unanimously voted to approve the Lane Group proposed Lead and Copper service fee for the inventory process for the amount up to \$30,000.00. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Mr. Shortt presented a picture of a stadium chair to place at the ballfield in memory of Doyle Fields.

Upon motion made by Mr. Kegley, seconded by Ms. Jackson, the Town Council unanimously voted to approve the purchase of the stadium chair in memory of Doyle Fields. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

Mr. Shortt stated that the Russell Theater Grand opening needs to be scheduled. Mayor Dodi advised that the Grand Opening needs to include the funding sources plus for the public. Mayor Dodi stated that tentatively plan for October 26, 2023, at 10:00 A.M. for the Grand Opening of the Russell Theater.

The Town Council discussed upcoming events at the Russell Theater.

Upon motion made by Mr. Gilmer, seconded by Mr. Leonard, the Town Council unanimously voted to add Highwaymen Christmas show to the agenda itinerary plus approve all shows for the Russell Theater until the end of the year. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

XIV. Chief of Police Report

Chief Deskins presented the monthly Police Report.

XV. Town Attorney Report

Mr. Tiller advised that he had nothing to report at this time.

XVI. Enter closed session: 7:18 P.M.

- A. Upon motion made by Mr. Kegley, seconded by Mr. Gilmer, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711(A)(1) (7) for the purpose of personnel to discuss water plant operator applications and legal counsel to discuss insurance. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.
- B. Upon motion made by Mr. Leonard, seconded by Mr. Kegley, the Town Council unanimously voted to return to regular session. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, 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. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye; Mr. Tiller, Aye; Mr. Shortt, Aye.

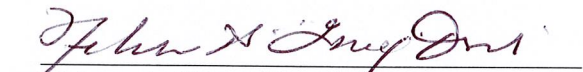
XVII. Adjourn closed session: 7:55 P.M.

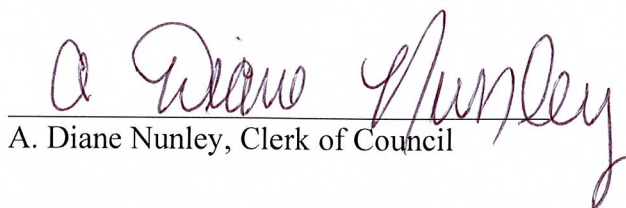
XVIII. Upon motion made by Mr. Kegley, seconded by Mr. Gilmer, the Town Council unanimously voted to promote Darrell Presley as Public Sanitation Crew Chief with a raise of \$2.00 per hour. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Kegley, Aye.

XIX. Chief Deskins advised that the Senate recently passed a bill that states you cannot operate a shooting range in so many feet of a residential area unless it meets certain Department of Health and Energy guidelines. He stated that they followed the DCJS guidelines to build their shooting range therefore he feels confident the Town is within all regulations but to make sure he has requested from the Department of Health and Energy their current regulations for a shooting range. Mayor Dodi requested Chief Deskins, Mr. Shortt, meet with Mr. Tiller to review the Department of Health and Energy guidelines.

XX. Adjourn: 8:00 P.M.

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