

Lebanon Town Council  
Regular Monthly Meeting  
Town Hall, Lebanon, Virginia  
Monday, February 12, 2024  
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  
W. Bradley Lambert, Council Member  
J. Leonard Kegley, Council Member  
Nina J. Fields, 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.
- II. Prayer: Jeff Talent Pastor Lebanon Memorial United Methodist Church

- III. Pledge of Allegiance

- IV. Edit for items not on the agenda:

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

- V. Edit and approve minutes from the 01/08/24 council meeting:

Ms. Jackson advised that the Planning Commission Meeting minutes on February 5, 2024, stated that David Boyd was present as well as absent. Mr. Leonard advised regarding the January 8, 2024, minutes page 4, that his name was not listed in the roll call vote for closed session, but he was present.

Upon motion made by Mr. Leonard, seconded by Mr. Lambert, the minutes of the 01/08/24 council meeting as amended were unanimously approved. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

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

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

VII. Public Hearing

An application submitted by Clyde Garrett and Chris Dye for a conditional use permit to place a double-wide home on the property that is located on Old Fincastle Road in 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  
David Coleman, Member

- A. Enter into public hearing: 6:04 P.M.
- B. Chris Dye stated that he plans to purchase a double-wide mobile home to place on the property located on Old Fincastle Road. Clyde Garrett currently owns the property but if approved to place a double wide mobile home Chris Dye plans to move forward with the purchase of the property. He stated that he will install a driveway to the home. He advised that the home will be placed on a permanent foundation on the property. Mr. Kegley questioned if this would just be a home or would it include a garage. Mr. Dye advised that at this time it would only be a home, but he might request later to add a garage to the property. Ms. Lockridge advised that some people were concerned with water drainage issues. She stated that she wanted him to understand if the application was approved that he would be responsible for making sure all other building permits and DEQ regulations were followed. Mr. Dye stated that he would be responsible for all the permits and guidelines.
- C. David Kegley advised that he was representing his father Hassel Kegley that couldn't attend the meeting. He advised that Mr. Kegley owns the property adjacent to Mr. Garrett on Mays Avenue. He stated that they get a lot of water from this property because there is no drainage. He stated that if Mr. Dye installed a driveway that will allow the water to run off onto Ms. Cross's property as well as the main road plus homes to the left of Old Fincastle Road. Mr. Kegley stated that this property has always created flooding on their property on Mays Avenue. He stated that when Mike Duty was Town Manager that he advised if someone purchased this property, they would be required to purchase a right of way to pipe the water off to Cedar Creek.
- D. Upon motion made by David Coleman, seconded by Drew Shortt, the planning commission approved the conditional use application for Clyde Garrett and Chris Dye to place a double-wide home on the property that is located on Old Fincastle Road. The Vote was as follows: Tim Coleman, Aye; Judy Lockridge, Aye; David Boyd, Nay; J. L. Kegley, II, Nay; DeAnna Jackson, Aye; Drew Shortt, Aye; David Coleman, Aye.
- E. Closed public hearing: 6:17 P.M.

- VIII. Mr. Coleman, chairman, recommended on behalf of the Planning Commission that the conditional use application for Clyde Garrett and Chris Dye to place a double-wide home on the property that is located on Old Fincastle Road be approved.
- IX. Upon motion made by Ms. Jackson, seconded by Mr. Leonard, the Town Council voted to approve the conditional use application for Clyde Garrett and Chris Dye to place a double-wide home on the property that is located on Old Fincastle Road. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Nay; Ms. Fields, Aye.
- X. Public Request

### **Doro Martin-VetFest Request**

Doro Martin advised that she had spoken with Shane Farmer concerning having VetFest at the Town Park, but she wanted to formally address the Town Council for approval. She stated that the participation last year tripled due to having the event in the Town plus their donation amount increased from \$1,900.00 to \$7,500.00. She advised that they have a huge scavenger hunt planned which will involve five states.

Upon motion made by Mr. Leonard, seconded by Ms. Jackson, the Town Council unanimously voted to approve the September 28, 2024, VetFest event to be held at the Town Park. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

### **Sherri Patton-Moss 3 Landfill**

Sherri Patton a Russell County Citizen advised that she was here to speak against the Moss 3 Landfill because it will affect tourism and recreation in the Town of Lebanon. She praised the progress the Town has made by the Russell Theater, new restaurant and downtown renovation. She advised that the Heart of Appalachian report showed that the tourism economic impact in our area has increased tremendously which benefits the Town of Lebanon. She stated that the contaminated ground water from the landfill will reach as far as the Clinch River which will discourage people from visiting the area as well as recreational opportunities for the citizens of this area. She advised that the Board of Supervisor have been made aware of the dangers of putting a landfill on top of a mine site plus in an area with sinkholes. She stated that there will be lawsuits because of the toxic chemicals that will affect the health of people as well as animals. Ms. Patton requested the Town Council help to find a better solution or spot for the landfill.

### **Svitlana Boyd-Question for Town Manager**

Svitlana Boyd expressed her appreciation for the Town Council approving the application of Chris Dye to place a double-wide home on Old Fincastle Road for his family. She advised that today marks the two-year anniversary for her trying to get her manufactured home approved. She questioned Mr. Shortt if her manufactured home bothered him as a neighbor. Mayor Dodi advised that this time is for public comment or to address the Town Council not employees.

### **Dana Tucker-Moss 3 Landfill**

Dana Tucker from the Honaker area stated that he is not happy with the Russell County Board of Supervisors concerning the Moss 3 Landfill issue. He requested, if possible, the Town Council show support to oppose the Moss 3 Landfill. He stated that it is a movement now "Say no to Moss 3" they have a website [www.saverussellcounty.com](http://www.saverussellcounty.com). Mr. Tucker stated that their intention is to get factual information out to the public. He stated that they are planning on 6000 tons of trash a day which makes 12,000,000 pounds a day. He advised that he did not want this for our area, kids and grandkids as well as it will affect the economy.

XI. Enter closed session: 6:35 P.M.

- A. Upon motion made by Mr. Lambert, 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, and legal counsel to speak with Zach Stoots Commonwealth Attorney. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.
- B. Upon motion made by Mr. Leonard, seconded by Ms. Jackson, 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. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, 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. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye; Mr. Tiller, Aye; Mr. Shortt, Aye.

XII. Adjourn closed session: 7:20 P.M.

XIII. Town Managers Report

Mr. Shortt advised that in his last Town Managers report he stated the Virginia Department of Health awarded the Town of Lebanon a \$250,000.00 grant for lead and copper inventory process. He stated that this is 100% grant money with no local match. He stated that the Town Council needs a motion to accept this proposal.

Upon motion made by Mr. Lambert, seconded Mr. Leonard, the Town Council unanimously voted to accept the Virginia Department of Health grant in the amount of \$250,000.00 for lead and copper inventory. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

Mr. Shortt advised that Fire Chief McCoy is requesting renovation of the Fire Department Bathrooms. Chief McCoy has three bids in with his report to renovate the bathrooms, but Pitcher Perfect withdrew their bid because they are not insured. Chief McCoy wishes to use the capital outlay funds for the Fire Department for this project. The Town Council discussed this project.

Upon motion made by Mr. Gilmer, seconded by Mr. Leonard, to approve for Mr. Shortt to direct solicit contractors that the Town has used within the last year or receive additional quotes if needed to meet the Town's purchase policy for renovation of the Fire Department bathrooms project but not to exceed the amount of \$11,500.00. Mr. Leonard stated he didn't feel that was the correct way to receive quotes by stating an exceeding amount therefore he stated that he wished to withdraw his second on the above motion. Mr. Gilmer requested to withdraw his motion. The Town Council agreed for Mr. Shortt to bid out the Fire Department bathroom project.

Mr. Shortt advised that he met with Randy Stinson concerning the parking in front of the Russell Theater. He stated that Mr. Stinson was okay with losing one parking spot but not losing two parking spots. He stated that Mr. Stinson requested to make the third parking spot handicap but to only use signage not anything permanent during his business hours. Mr. Leonard stated that he feels the Town has gone their limit to work with Mr. Stinson regarding the parking in front of the Russell Theater therefore as chairman for the Street Committee he recommends removing the two spots in front of the Russell Theater plus designate the third spot to handicap.

Upon motion made by Mr. Leonard, seconded by Mr. Gilmer, the Town Council voted to approve the Parks and Recreation recommendation to remove the two parking spots in front of the Russell Theater plus have the third spot as a handicap parking spot. Mayor Dodi requested roll call vote. The roll call vote is as follows: Ms. Jackson, Nay; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Nay; Mr. Kegley, Nay; Ms. Fields, Aye. The Town Council discussed the parking spots and how it will affect Randy Stinson. Mayor Dodi requested to table the parking spot issue until they can meet with Randy Stinson to discuss this issue.

Mr. Shortt requested the Town Council consider having a Street Committee meeting to discuss replacing some Town Vehicles. The Town Council agreed to have a Street Committee meeting on February 26, starting at 4:00 P.M. at the Town Shop followed by a Parks and Recreation Committee meeting at 5:30 P.M at the Town Hall.

#### XIV. Chief of Police Report

Chief Deskins presented the monthly Police Report. He advised that the officers are still doing school walk throughs plus business checks. He advised that the officers are going to start leaving cards at the Businesses which will state that their business was checked and the time.

XV. Town Attorney Report

Mr. Tiller advised that he had nothing to report.

XVI. Committee Reports and Recommendations

Mr. Leonard advised that within the past seven months the Street Department has utilized around 27% of their budget for the 2023-2024 fiscal year. He advised that there is around \$350,000.00 allocated for paving and striping. Mr. Leonard discussed replacing the grid smart on route 71 and Pittston Road. Mr. Leonard requested Mr. Shortt prepare a bid packet to accept sealed bids for grid smart or check to see if they are listed on the state bid site. Mr. Leonard questioned the request to replace the sidewalk and curb at the courthouse should those projects be done before or after the asphalt paving on the road.

XVII. Enter closed session: 8:15 P.M.

- A. Upon motion made by Mr. Lambert, seconded by Mr. Kegley, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711(A)(1) (7) for the purpose of personnel, and legal. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.
- B. Upon motion made by Mr. Gilmer, seconded by Mr. Lambert, 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. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.
- C. A. Diane Nunley, Clerk of Council, presented the Roll Call Vote:

Virginia Code, 1950, Section 2.2-3712(D)

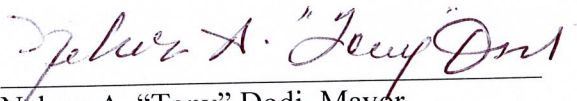
Do you certify that to the best of your knowledge, (1) the Town Council in its' closed session; only discussed public business matters lawfully exempted from open meeting requirements under this Chapter and (2) that only such public business matters as were identified in the motion by which the closed 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.

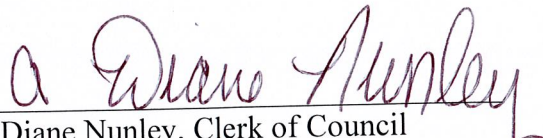
The roll call vote was as follows: Mayor Dodi, Aye; Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye; Mr. Tiller, Aye; Mr. Shortt, Aye.

XVIII. Adjourn closed session: 9:35 P.M.

XIX. Adjourn: 9:37 P.M.

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