

Lebanon Town Council
Regular Monthly Meeting
Town Hall, Lebanon, Virginia
Monday, March 11, 2024
5:00 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: James Nunley Pastor Cedar Pointe Baptist Church

III. Pledge of Allegiance

IV. Edit for items not on the agenda:

Mr. Leonard requested to add prospective business update from IDA representative to legal in closed session. Mr. Gilmer requested to move New Business after item VI plus add Nathan Brown Fire Department Renovation under New Business.

Upon motion made by Mr. Leonard, seconded by Mr. Lambert, the agenda as amended 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 02/12/24 council meeting:

Upon motion made by Ms. Jackson, seconded by Mr. Leonard, the minutes of the 02/12/24 council meeting 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 February:

Mr. Shortt requested to add Accounts Payable Preliminary report part B.

Upon motion made by Mr. Gilmer, seconded by Mr. Lambert, the accounts payable for the month of February including accounts payable preliminary report part B 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. New Business

Nathan Brown-Fire Department Renovation

Mr. Brown presented a drawing of the current Fire Department building plus façade changes to the building. Mr. Gilmer advised that with bids to open tonight for the Lebanon Department bathrooms plus the Parks and Recreation director has requested to look at bathrooms in the meeting rooms as well as the floor which he and the Fire Chief discussed these improvements. Mr. Gilmer stated that he and the Fire Chief discussed renovation for the façade of the Fire Department building, which has not had any major improvements since the building was built in 1992. Mr. Gilmer stated that he and Chief McCoy met on site to discuss what they both envisioned concerning the façade for the Fire Department building therefore he requested Nathan Brown to provide an architect rendering for the building. Mr. Gilmer stated that he would like the Town Council to review these improvements for discussion of moving forward with cost estimates then make an a discission concerning this project. Chief McCoy stated that he feels the Fire Department building is in great need of a renovation. Mr. Brown stated that most municipalities take great pride in their Fire Stations building. Mr. Gilmer advised that he would like the project divided into different scopes of work such as contractor, town employees and landscaping. The Town Council agreed for Mr. Shortt, Mr. Gilmer, Mr. Lambert, Chief McCoy and Mr. Leonard to work with Nathan Brown as a committee for the Fire Department renovations. Mr. Brown advised that he should have the bid documents prepared by the April Town Council meeting.

Upon motion made by Mr. Gilmer, seconded by Mr. Lambert, the Town Council unanimously voted to move forward with the Lebanon Fire Department façade improvements and grounds improvements project with consultant Nathan Brown to help prepare the bid documents and other services. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

Sealed Bids-Lebanon Fire Department Bathroom renovation

Mayor Dodi opened the sealed bids for the Lebanon Fire Department Bathrooms renovation.

Bush Builders	\$11,500.00
Steffey Construction	\$15,950.00

Upon motion made by Mr. Lambert, seconded by Mr. Leonard the Town Council unanimously voted to award the Lebanon Fire Department bathroom renovation to the lowest bid provided by Bush Builders at the quote of \$11,500.00. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

The Town Council agreed for Mr. Shortt to get three quotes for the meeting room floor plus the bathroom in the meeting room including fixtures.

VIII. Town Managers Report

Mr. Shortt advised the Little League opening day is April 6, 2024. He requested that Ms. Fields, Mr. Lambert, meet with him to decide on the location to place the stadium chair in memory of Mr. Doyle Fields. Mr. Lambert advised that the Little League parade will start at 10:00 A.M. and the first game around 11:00 A.M.

Mr. Shortt advised that the new PSA rate is \$4.76 per 1000 gallons which is an increase of \$.33 per 1000 gallons from last year one factor was the Southern Corrosion yearly maintenance fee.

Mr. Shortt presented an update regarding the trucks request from the Street Committee meeting. He stated that Mr. Hughes has not received any quotes for dump beds at this time. He stated that Mid-Atlantic drove a new Brush Truck down for the Town Employees to view. Mr. Shortt advised that Mid-Atlantic is preparing a bid to repair the old Brush Truck as well as a quote for a new Brush Truck. Mr. Shortt stated that one quote to replace the motor in the Bucket Truck is \$9,500.00 but he may look at used or new Bucket Truck prices.

Mr. Shortt advised that the Town Employees are ready to pour the second section of the wall at the Russell Theater pavilion. He advised that hopefully within the next week Nathan Brown can advise concerning the electricity for the pavilion plus the lighting at the parking lot. Mr. Shortt stated that the employees will repair the stone wall at the courthouse. Mr. Shortt advised that Chris Mullins with the Lane Group is ready to prepare construction for the Stoots Street sewer project, but he requested for the Town's approval to enter into a task order with the Lane Group.

Upon motion made by Mr. Gilmer, seconded by Mr. Lambert, the Town Council unanimously voted for the Town to enter into a task order with the Lane Group to prepare construction documents for the Stoots Street sewer project. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

IX. Chief of Police Report

Chief Deskins presented the monthly Police Report. He advised that Officer Brown and Officer Campbell plan to attend the police academy in April. Chief Deskins advised that he has found a matching grant to help purchase new vests for the officers. If awarded the amount could possibly be in the \$4,250.00 with the terms to draw down the money as needed up to the year of 2025. He stated that the vest has a 5-year life span. Mr. Lambert thanked Chief Deskins along with all the officers involved in helping with the shooting at Wal-Mart.

X. Town Attorney Report

Mr. Tiller advised that he had a couple of things to discuss in closed session.

XI. Committee Reports and Recommendations

Ms. Jackson advised that the Parks and Recreation Committee met to discuss Cedar Fest events. She stated that the 2024 event Brochures should be ready soon. Mayor Dodi requested to schedule a Parks and Recreation meeting. The Town Council agreed to set the Parks and Recreation meeting for March 21, 2024, at 5:00 P.M.

Mr. Gilmer requested for Mr. Shortt to have a rough draft of the 2024-2025 Budget by the April Town Council meeting.

XII. Public Request

Caleb Perkins director for Appalachian Agency for Senior Citizens stated that their program serves older adults plus provide public transportation. He stated that he previously met with Mayor Dodi to discuss a project with AARP Community Challenge Grant. Mr. Perkins stated that the Appalachian Agency for Senior Citizens plan to apply for a \$9,400.00 Grant to purchase air walkers, more benches and a wheelchair swing to place in the Town Park providing the Town would pardon with them for this project. He stated that this will provide people with disabilities options in the park. He advised that if awarded the grant in May, Appalachian Agency for Senior Citizens will request a MOU with the Town of Lebanon for the Town to install the equipment and Appalachian Agency for Senior Citizens to purchase the items.

Upon motion made by Ms. Jackson, seconded by Mr. Lambert, the Town Council unanimously voted to pardon with Appalachian Agency for Senior Citizens regarding the AARP Community Challenge Grant to install equipment in the Town Park to cater to Senior Citizens and Citizens with disabilities. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

XIII. Recess: 5:51 P.M.

XIV. Resume: 6:00 P.M.

XV. Public Hearing

An application submitted by Leyburn Noe and Kathy Clark for a conditional use permit to place a double-wide home on the property that is located to the right of 517 Career Tech Drive 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: 6:00 P.M.

B. Kathy Clark advised that she is downsizing therefore her intentions are to purchase this property if approved to place a new doublewide mobile home on the property, underpinned with blocks and two porches.

- C. No one present spoke to oppose. Mr. Brandon Rasnake was not able to be present but wrote a letter to oppose. The Letter is as follows:

“My name is Brandon Rasnake. I am the owner of The Cottages at 517 Career Tech Drive. I take great pride in my property and want to preserve the character of the Town of Lebanon and the Gray Heights community. The community Gray Heights, encompassing Career Tech Drive, Dodge Street, Ketron, Chevrolet, Ford, and Gilmer Avenues are stick built homes. Zero mobile homes have been added to the Grey Heights community in over 15 years. The granting of a conditional use permit to allow a mobile home does not conform to the character of the Grey Heights community not the master plan of the Town of Lebanon. I oppose the granting of a conditional use permit for a mobile home to be added to the property located at 543 Career Tech Drive.”

The Planning Commission discussed the conditional use permit. Ms. Lockridge stated that she wished to speak with Mr. Rasnake before approving the permit.

- D. Upon motion made by David Coleman, seconded by David Boyd, the planning commission approved the conditional use application for Leyburn Noe and Kathy Clark to place a double-wide home on the property that is located to the right of 517 Career Tech Drive. The Vote was as follows: Tim Coleman, Aye; Judy Lockridge, Nay; David Boyd, Aye; J. L. Kegley, II, Aye; DeAnna Jackson, Aye; Drew Shortt, Aye; David Coleman, Aye.
- E. Closed public hearing: 6:11 P.M.

- XVI. Mr. Coleman, chairmen, recommended on behalf of the Planning Commission that the conditional use application for Leyburn Noe and Kathy Clark to place a double-wide home on the property that is located to the right of 517 Career Tech Drive be approved upon condition the doublewide is new, porches added, permanent foundation and cinderblock underpinning.
- XVII. Upon motion made by Ms. Jackson, seconded by Ms. Fields, the Town Council voted to approve the conditional use application for Leyburn Noe and Kathy Clark to place a double-wide home on the property that is located to the right of 517 Career Tech Drive provided that these conditions are met doublewide must be new, porches added front and back, permanent foundation and cinderblock underpinning. The vote was as follows: Ms. Jackson, Aye; Mr. Gilmer, Aye; Mr. Leonard, Aye; Mr. Lambert, Aye; Mr. Kegley, Aye; Ms. Fields, Aye.

XVIII. **Public Request**

Keith Viers-Main Street Villas

Keith Viers with Cumberland Plateau Regional Housing Authority stated that he wished to present an update on the Main Street Villas project. He stated that when they first acquired funding for the project materials were a certain price but by the time the project was put out for bids the cost of materials increased dramatically. He stated that initially they planned for a commercial building in the project but due to the cost increase his board has eliminated the component for Commercial space. Mr. Viers advised that he applied for affordable special needs housing funds which they are receiving an additional \$1,088,000.00. He stated that he is applying

for additional tax credits to assist with the funding plus he is looking to pursue a block grant to assist with structural funds. He stated that they stepped back from the original bid to alter the bid process to bring on a construction manager with 4:00 P.M. tomorrow being the cut-off for an RFQ. The request for proposal is for firms that have specific experience that they have received funding through. Mr. Viers advised that they have a committee set-up that will rank the proposals and put out an RFP to bring a construction manager on board hopefully by the Boards May meeting.

Mr. Lambert stated that the time frame for the contractor to complete the project is unrealistic which has detoured several local contractors from bidding. Mr. Viers stated that everything at this time is a tentative schedule which timelines will change as the process moves forward. Mr. Lambert stated that once a contractor signs a contract they are bound, he advised that maybe Mr. Viers could change to verbiage in the contract. Mr. Viers advised contractors to submit a proposal because the proposals will not determine the contract therefore at the ranking of the proposal's discussions will be had to determine the time process. Mr. Gilmer questioned Mr. Viers if he wants someone that is used to working with the funding agencies. Mr. Viers stated that most of the funding they received is certified with green building meeting energy efficient which is mandated by the state and the tax credits with strict requirements on the construction that the contractor will need comply with. Mr. Gilmer questioned if the project was ready to break ground with the current funding now regardless of if additional funding is needed to finish the project. Mr. Viers advised that the block grant will not be announced until Fall this year, but he stated that they are working with First Bank & Trust Company hopefully in closing with them that this will secure funding for the project. Mr. Leonard requested that due to changes in the project could Mr. Viers obtain a new rendering of the project for the Town Council to review due to the fact that the Town of Lebanon invested \$100,000.00 in this project. Mr. Viers stated that his architect is currently working on a new rendering for this project.

Rex Cornett and Joyce Cornett-Commercial Business using residential entrance.

Joyce Cornett Town resident residing at 107 Walnut Street stated that she had spoken with Mr. Shortt a few times concerning the activity since December 2023 on Walnut Street. She presented photos for the Town Council to review. She stated that they placed a porta potty near the cult a sac which was a huge eyesore. She stated that traffic has continued to increase until lately they have hauled in heavy equipment through Pruner Addition to do work on their commercial property which has its own entrance from Main Street. Ms. Cornett stated that she felt this commercial business should not be able to take advantage of their safety and privacy just to satisfy their productive schedule by using their residential subdivision as an easy access to their property instead of using the Main Street entrance. She stated that their dust to dawn light is really bright which it shines through their bedroom and living room windows. She stated that in past history about thirty-five years ago she came to the Town Council because their residential subdivision being used as an easier access to their storage property of a Highway Construction Business because their entrance from Main Street was too junked up to use. She stated that a trailer loaded with concrete barriers, orange barrels and orange cones, she stated that their ten-year daughter was on her bike to go meet her friends when this construction crew truck comes barreling down their street at quitting time to unload. Her daughter managed to get her bike turned over on the side of the road. Ms. Cornett advised that when she came to the past Town Council, they issued a cease-and-desist order to Ellis Huffman and his construction crew from using Pruner Addition for their business. She requested the Town Council pass a cease and desist order using Pruner Addition to this new business.

Dinah Taylor and Roger Taylor-Commercial Business

Roger Taylor stated that Ms. Cornett covered the situation well. He stated his concern for the street no longer being a cul-de-sac, but it will be opened up to become a through street. He stated that from time-to-time kids are present on Walnut Street which was the beauty of what they saw when they moved there. Mr. Taylor stated that he didn't know what the business was but maybe some type of garage doing repair work which he envisions car haulers coming down their street to no longer make this a residential street but a through street. Mr. Taylor stated that he is not opposed to them doing business there, but they can use the entrance from Main Street. He stated if they do a good business, he can see an overrun of cars being parked near the cul-de-sac.

Dinah Taylor stated that they have lived on Walnut Street for the past forty-nine years which it has been a wonderful neighborhood. They take care of each other plus so many kids have learned to ride their bike on that street. She stated it is a neighborhood not a through street for big trucks and a business to take place plus they have an entrance from Main Street there is no reason for them to use Walnut Street. She stated that if they are allowed to use Walnut Street it will destroy their neighborhood plus their safety.

Tammy Garrett-Landfill

Tammy Garrett advised that she wanted to present some information to the Town Council concerning the proposed Russell County Landfill. She stated that Russell County is entertaining a proposal by a privately owned company to place a landfill at the old Moss 3 Preparation Plant site in Clinchfield. She stated that Russell County Reclamation/NOVA owns about 1280 acres and the remaining by Russell County IDA. She stated that they have been selling the coal refuse from the site to Dominion Power to use as power. Ms. Garrett advised that if the privately owned company is approved to purchase this property, they are planning to develop a landfill that will accept trash from other areas out of state. She advised that as of now the landfill will only be 30 acres because modern landfills are built in cells. She stated that at this time Russell County does not have the proper Ordinance to accept this landfill. She advised that several citizens from this area are opposing this landfill which they have a facebook page "Say No to Moss 3 Landfill" plus they are in the process of becoming a non-profit organization Southwest Virginia Conversation Initiative. She discussed the Bristol Landfill issues plus advised that the people that worked on the Bristol Landfill issues are involved with this landfill. She advised that this landfill from the proposal can accept 6,000 tons of garbage a day with 80 % to come in by rail the remaining come in by truck which will pass through the Town of Lebanon. She questioned if any chemicals spilled out from the trucks would the Town be able to handle the hazardous waste. She stated that this landfill could cause so many issues such as land value decline, tourism decline plus the potential for fires at the landfill which could be an issue for the local fire departments. She requested the Town of Lebanon consider writing a letter opposing the landfill because she feels the risks outweigh the benefits.

RD Snead-microphone/sound system

RD Snead reinforced the importance for the Town of Lebanon to oppose the landfill. Mr. Snead stated that he texted Mayor Dodi concerning the importance for the Town Council to have microphones because sometimes it is hard to hear them speak in a meeting.

Svitlana Boyd

Svitlana Boyd advised that today was a sad day for her because they began the process to move her sons' home from her property. She advised that she came today to find out what she can do with her property. She questioned first if she was even located in the Town limits because according to this map she was not. She stated that according to Virginia Law once the Town changes a map it shall be recorded in the Clerks office within 30 days. Mr. Tiller advised that to his knowledge the Town of Lebanon has never adopted an Official Map plus he stated that there is a provision where a Town can have a public hearing to adopt an official map that shows every street, water line, fire hydrant then after the public hearing at that time they can adopt an official map which than must be recorded in the Clerks office. Mr. Leonard advised Ms. Boyd that what was listed in the Town of Lebanon zoning for R-1 Single Family District is what is permitted for her property. Ms. Boyd advised that the Town Ordinance on the Town's website is not the revised version. She questioned how deep to bury a sewer line. Mr. Lambert advised Ms. Boyd that information should be determined when you purchase a permit from Virginia Department Health. Ms. Boyd requested the Town to financially help bear the expenses for moving the manufactured home.

XIX. Enter closed session: 7:33 P.M.

- A Upon motion made by Mr. Lambert, seconded by Mr. Leonard, the Town Council unanimously voted to go into closed session under Code Section 2.2-3711(A)(1)(3)(5) (7) for the purpose of personnel, acquisition or sale of property, prospective business or industry 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. Lambert, 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)

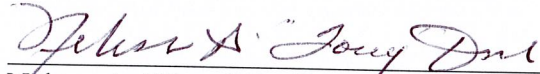
Do you certify that to the best of your knowledge, (1) the Town Council in its' closed session; only discussed public business matters lawfully exempted from open meeting requirements under this Chapter and (2) that only such public business matters as were identified in the motion by which the closed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

XX. Adjourn closed session: 8:31 P.M.

XXI. Adjourn: 8:33 P.M.

Upon motion made by Mr. Lambert, seconded by Mr. Kegley, 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