

March 07, 2022

A regular monthly meeting of the Russell County Board of Supervisors was held on Monday, March 07, 2022 at 6:00 pm at the Russell County Government Center in Lebanon, Virginia.

The Clerk called the meeting to order.

**Roll Call by the Clerk:**

**Present:**

Tim Lovelace  
Lou Wallace  
Carl Rhea  
David Eaton  
Steve Breeding  
Rebecca Dye  
Oris Christian

Lonzo Lester, Clerk  
Vicki Porter, Deputy Clerk  
Katie Patton, County Attorney

**Absent:**

None

Invocation by Caleb Johnson, followed by the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA**

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve the agenda as presented.

The vote was:

Aye: Steve Breeding, David Eaton, Carl Rhea, Rebecca Dye, Oris Christian, Tim Lovelace and Lou Wallace  
Nay: None

**Acknowledgement**

**Noah Ball**, Honaker Police Department Officer was recognized and commended by the Board for his heroic efforts during a house fire.

**Presentations**

**Debbie Musick, Cleveland** gave a presentation on tourism in the Town of Cleveland. She commended the Rabbit Ridge Pea Pickers for their long history of "mountain music" in the County.

**Debbie Melton, Cumberland Plateau Planning District Commission** asked the Board to approve the contract for Dante Sewer.

**AUTHORIZATION TO SIGN THE DANTE SEWER CONTRACT**

Motion made by Steve Breeding, second by David Eaton and duly approved by the Board of Supervisors to authorize the signing of the Dante Sewer Contract.

The vote was:

Aye: Steve Breeding, David Eaton, Carl Rhea, Lou Wallace, Rebecca Dye, Tim Lovelace and Oris Christian

Nay: None

**Presentations, Continued:**

**Matthew Sutherland, Russell County Search & Rescue** gave a brief description of what the search and rescue team does and the need for equipment to use with their K-9s. He asked that the Board consider donating the discarded “dog boxes” that are being stored outside the animal shelter.

**APPROVAL TO SUPPLUS AND DONATE DOG CRATES TO THE RUSSELL COUNTY SEARCH AND RESCUE**

Motion made by Steve Breeding, second Carl Rhea and duly approved by the Board of Supervisors to surplus and donate the dog crates being stored at the animal shelter to the Russell County Search and Rescue.

The vote was:

Aye: Steve Breeding, Carl Rhea, Tim Lovelace, David Eaton, Rebecca Dye, Oris Christian and Lou Wallace

Nay: None

**The County Administrator gave a presentation outlining the 2021 County Election Redistricting Plan.**

**PUBLIC HEARING HELD ON THE ORDINANCE AMENDING THE ORDINANCE OF RUSSELL COUNTY ELECTIONS – DISTRICT AND PRECINCT BOUNDARIES**

Pursuant to being advertised in a local newspaper for two (2) consecutive weeks, a public hearing was held on the Ordinance amending the Ordinance of Russell County Elections – District and Precinct Boundaries. The Chair opened the public hearing to comments. Hearing none, the public hearing was closed.

**New Business**

**APPROVAL OF THE FEBRUARY 07, 2022 MINIUTES**

Motion made by Oris Christian, second Rebecca Dye and duly approved by the Board of Supervisors to approve the February 07, 2022 minutes as presented and dispense with the reading thereof.

The vote was:

Aye: Oris Christian, Rebecca Dye, Tim Lovelace, Lou Wallace, Carl Rhea, David Eaton and Steve Breeding

Nay: None

### **APPROVAL OF GENERAL COUNTY INVOICES**

Motion made by Steve Breeding, second by Oris Christian and duly approved by the Board of Supervisors to approve general county invoices in the amount of \$851,263.18, including reoccurring and withholdings.

The vote was:

Aye: Steve Breeding, Oris Christian, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Lou Wallace

Nay: None

### **Committee Appointments**

#### **CYNTHIA COMPTON APPOINTED TO THE SVCC LOCAL COLLEGE BOARD**

Motion made by Tim Lovelace, second Rebecca Dye and duly approved by the Board of Supervisors to appoint Cynthia Compton to SVCC Local College Board to fill the unexpired term of Greg Brown, said term ending October 12, 2025.

The vote was:

Aye: Tim Lovelace, Rebecca Dye, Lou Wallace, Carl Rhea, David Eaton, Steve Breeding and Oris Christian

Nay: None

#### **TOMMY TIGNOR APPOINTED TO THE RUSSELL COUNTY PSA**

Motion made by Tim Lovelace, second by David Eaton and duly approved by the Board to appoint Tommy Tignor to the Russell County Public Service Authority to fill the unexpired term of Carter McGlothlin, said term ending June 24, 2023.

The vote was:

Aye: Tim Lovelace, David Eaton, Lou Wallace, Carl Rhea, Steve Breeding, Rebecca Dye and Oris Christian

Nay: None

### **Citizens Comment**

**Wayne Perkins**, Swords Creek voiced his concerns about the proposed Noise Ordinance and the possibility of church services having to be conducted outside, which had to be done during the pandemic. If this should happen again, will this be a violation? His second job involves mowing and weed eating early in the morning, will this be in violation of the ordinance?

**BJ Keene, Cedar Bluff** stated that the Noise Ordinance was not about church services, he is a minister and veteran. He has rights also. Everyone needs to use common sense, he presented meters to measure loud noises to the Chair. His concerns are with loud music or noises in the middle of the night (maybe drug dealers partying), the Sheriff's Department can do nothing about it.

**Mike Dye**, Honaker commented that he has learned that most of his complaints are supposed to be exempted in the Noise Ordinance. He thinks that an ordinance is not necessary when it includes all these exemptions. There has been no ordinance for all these years, does not understand why we need one now. He also has concerns about church services. Thinks it is very disrespectful that this meeting was not moved to a larger room.

**Cody Jackson**, Cleveland stated that the ordinance proposes potential risks to cause unintended hardships to the citizens of the county. He has concerns about religious services. Exception K – protected expression and not amplified expression. Many exemptions were given with no direct mention of an exemption for a religious service. He asked that the vote be postponed until more public comment can be made.

**Stephen Damron**, Swords Creek stated that he was not aware of all the exemptions to the ordinance. He is concerned with hard of hearing people in his church using amplification to hear when they are having outside services. Will this be a violation of this ordinance?

**Scott McGlothlin**, Honaker commented that he wanted to ask for a donation to Kid's Fishing Day since his concerns with the ordinance seem to be exempt.

**Kirby Meadows**, Honaker asked the board to consider the amplification issue, school functions and church services could be affected. He thinks the Board needs to make sure churches are exempt if this ordinance passes.

**Don R. Zampogna**, Lebanon has questions about who determines the level of noise, what is too loud? Church services are broadcast outside sometimes, for example, during the pandemic. He fears that this ordinance could be more government overreach pit neighbor against neighbor.

**Dorothy Shrader**, Dante voiced her concerns about no longer being able to park along the road outside her home. She stated that since that time, everyone speeds by her house. Her front gate is three feet from her front door, her grandchildren visit often, and her concern is that they could easily step onto the road. When cars were parked there, the other vehicles could not speed past. Her cars are parked in her yard.

**Gary Dotson**, Castlewood commented that the rumor that a previous board member could not be reappointed to a board. If true, the Board should consider only running one time. They should follow their own rule.

**Lynn Hess**, Swords Creek stated that this noise ordinance would be government overreach. He lives in the country because he does not want this overreach. He has had troubled neighbors; country people talk things out and do not need the board to work this out for them. Russell County should not be governed this way, do not pass laws that we do not need. When was the original public meeting, what is the normal noise level, who establishes this?

**Harold Osborne**, Honaker has an issue with loud radios, his daughter is autistic. She begs him to make the music stop. There should be something in place to take care of this, the sheriff can't do anything.

**Ronnie Sharp**, Honaker stated that he wants loud music, noises, bad language in the music turned down. Seems that Russell County is not doing anything for the people.

**Chad Lampkins**, Lebanon agrees with most of the people that have spoken against the ordinance. He does not think this ordinance would help people get along. There has never been a time when someone has not been bothered by dogs barking or noise. There seems to be a lot of exemptions, also concerned about outdoor church activities. Residents need to be able to do what they want on their own property but be respectful to our neighbors. A law cannot make anyone do this.

**Larry Hughes**, Lebanon spoke out against the Noise Ordinance, it is an overreach of the government. Why now? What is noise? Who makes that decision?

**Randall Smith**, Gravel Lick opposes the Noise Ordinance. He has managed to get along with his neighbors so far. He can hear the noise from the fair at his house but does not consider this a nuisance. He sympathizes with everyone, maybe the board could consider a nuisance ordinance. An ordinance may need to be individualized instead of infringing on the citizens of the entire county.

**Nate Kiser**, Lebanon this is far reaching. There are nineteen exemptions in this ordinance and should not be passed. Could a nuisance ordinance be considered? He asked that another public hearing be held on this draft of the ordinance. This ordinance needs to be gone but continuous harassment should be addressed.

**Edward Tiller**, Big A Mountain says our area has been blessed but is concerned about church services and the noise ordinance. We need to learn to live with each other in this life.

**Chester Ball**, Honaker stated that he must weed eat early in the morning due to his lung condition. He cannot breathe if he waits until later in the day. This ordinance is wrong.

**Timothy Hess**, Honaker stated that we were all young once, we all played loud music. We should not force anything like this on our young people. Wants to know what is the difference if its loud music or a jake brake on his truck. If this ordinance is passed, how long will it be before the exemption is removed?

**James Nunley**, Lebanon stated that there are people that will try and weaponize this ordinance if passed. He wants the board to consider this.

**Wayne Hubbard**, Swords Creek said that he has not had a chance to read this ordinance. With so many exemptions, they could be removed one by one. He thinks we need a proper public hearing and have a chance to voice our concerns. The ordinance is different than last week.

**Aaron Burke**, Swords Creek is concerned about being able to target practice on his property. Will this be an issue if his neighbors does not like this? How long is it until you remove the exemptions for churches?

**Jill Dye**, Honaker says she wants the freedom to do what she wants on her land. She feels like this a "wolf in sheep's clothing." Please hear the majority and consider voting no on this ordinance.

**Joshua Hess**, Swords Creek feels like this is overreach by the government. This is about control, where does it end? Do not bring what's in Washington down here. Census numbers will go down if we keep passing ordinances.

The public hearing was closed by the Chair.

**County Attorney Reports and Requests**

**Katie Patton**, County Attorney discussed all the concerns from public comment period about the Noise Ordinance.

**APPROVAL TO HOLD A PUBLIC HEARING ON THE NOISE ORDINANCE**

Motion made by Steve Breeding, second Carl Rhea and duly approved by the Board to conduct a public hearing on the Noise Ordinance on April 04, 2022 at 6:00 pm.

The vote was:

Aye: Steve Breeding, Carl Rhea, Tim Lovelace, Lou Wallace, David Eaton and Oris Christian

Nay: Rebecca Dye

**APPROVAL OF THE ORDINANCE TO AMEND THE ORDINANCE OF RUSSELL COUNTY ELECTIONS – DISTRICT AND PRECINCT BOUNDARIES**

Motion made by Oris Christian, second Rebecca Dye and duly approved by the Board to approve the Ordinance Amending the Ordinance of Russell County Elections – District and Precinct Boundaries.

The vote was:

Aye: Oris Christian, Rebecca Dye, Tim Lovelace, Carl Rhea, David Eaton, Steve Breeding and Lou Wallace

Nay: None

**APPROVAL OF THE CPRWMA2022 MANPOWER AND USER AGREEMENT**

Motion made by Tim Lovelace, second Oris Christian and duly approved by the Board to approve the Cumberland Plateau Regional Waste Management Authority 2022 Manpower and User Agreement.

The vote was:

Aye: Tim Lovelace, Oris Christian, Lou Wallace, David Eaton, Carl Rhea, Rebecca Dye and Lou Wallace

Nay: None

The Chair adjourned the meeting.

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Clerk of the Board

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Chairperson