

April 04, 2022

A regular monthly meeting of the Russell County Board of Supervisors was held on Monday, April 04, 2022, at 6:00 pm at the Russell County Government Center in Lebanon, Virginia.

The Chair called the meeting to order.

Present:

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

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

Absent:

Carl Rhea

Invocation by Caleb Johnson, followed by the Pledge of Allegiance to the Flag by the Breaks Boy Scouts District.

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, Rebecca Dye, Oris Christian, Tim Lovelace and Lou Wallace

Nay: None

Presentations

Donna Sproles, Russell County Fair Association addressed the Board concerning the 75th anniversary of the Russell County Fair. She presented (1) one dollar to the Board in exchange for another (10) ten-year lease with the fair association.

Patrick Brunty, Russell County Department of Social Services stated that he has several positions that he has not been able to fill due to lack of qualified applicants. As a result, he has a surplus of funds and would like to give his employees a one-time bonus. He asked that the Board approve this request.

Lonzo Lester, County Administrator gave the Board an update on the upcoming budget issues and discussed the implications of the bonus requested by Mr. Brunty.

PROCLAMATION OF MAY 2022 AS OLDER AMERICANS' MONTH

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to proclaim May 2022 as Older Americans' Month.

The Chair recognized Daniel Hess with The Breaks District Boy Scouts. A \$1000 donation was requested.

PUBLIC HEARING HELD ON THE NOISE ORDINANCE

Pursuant to being advertised in a local newspaper, a public hearing was held on the Noise Ordinance. The Chair opened the public hearing to comments.

Sandy Hess, Swords Creek commented that she opposes this ordinance for common sense reasons. Potential threat to our religious freedoms due to the term "county services." She also had concerns on how exemptions could be easily removed.

Doug Mays, Lebanon supports the ordinance.

Dana Tucker, Honaker gave a written statement along with his comments. This statement is attached at the end of the minutes.

Cody Jackson, Cleveland has concerns about outside church services, believes this ordinance provides an opportunity for the weaponization against neighbors. Finds this ordinance unnecessary, unwise, and unpopular.

Brandon Bise, Cleveland stated that he is against this ordinance.

Jony Baker, Lebanon encouraged the Board to look through the eyes of law enforcement. He personally thinks this ordinance will cause more harm than good. Law enforcement cannot make good neighbors. Could put more burden and stress on law enforcement.

Dwayne Helbert, Lebanon believes that the Board cannot ordinate respect among neighbors and is against this ordinance.

Mike Dye, Honaker presented a list names from Harmony Community Church and Revival Center in Swords Creek against this ordinance. This ordinance has not been passed and churches are already being bashed. Too much government overreach.

Noah Owens, Honaker commented that he is against this ordinance.

Tim Hess, Honaker stated that he was ordained as a preacher by the church, not the county. He does not think that the Board can tell him when or not he can obey God. Don't tell us that we (churches) are exempt when we are not.

TaraDye, Cleveland spoke against the ordinance, it will solve nothing. This would pit neighbor against neighbor. Surely laws are already on the books that can provide solutions without a passing a

blanket ordinance. At the last board meeting, people were discouraged from speaking if they had similar things to say, feels this is not right. The Board is attempting to chip away at our personal freedoms.

B.J. Keene is for this ordinance and is disappointed with the Pastor's reaction at the last board meeting. They should be praying and supporting our people. Asked God to send him a message if he wanted him to keep fighting for this. This noise ordinance needs to be passed.

James Nunley, Lebanon has concerns over the easy removal of exemptions, blanket ordinance to address a few isolated incidents, may keep honest folks' quieter, further exhaustion for overworked deputies, possibly creating another monitor position thereby impacting taxpayers.

Tara Null, Cleveland spoke out against the ordinance. She feels that property owner rights and religious freedoms could be threatened. Exemptions could be voted out and unnecessary calls for law enforcement could occur.

Donald Mitchell, Lebanon stated that he is against this ordinance. He respects his neighbors, and they respect him.

Don Bush, Belfast stated that he is opposed to this ordinance. He thinks that this is governmental overreach and will do more harm than good to our county and its citizens. He understands the issues that people have with their neighbors but does not think this will help. Only God can change the behavior of people.

Larry Hughes, Lebanon stated that he is against this ordinance. He feels that the whole county should not be punished for the few that have complaints. If passed, this overreach could create problems. We need to exercise existing laws to control any problems.

Paul Herndon, Swords Creek is against this, and thinks it is overreach. He also stated that he feels for the neighbors that have issues with others. This is about doing the right thing, but we all have wicked people around us. He questioned the number of people that have called in about noisy neighbors over the past year. We have other issues here in the county that are more important.

Sharon Herndon, Swords Creek is against the ordinance. She stated that she has a place that she goes to pray and doesn't control the volume if she is blessed to shout.

Lynn Hess, Swords Creek stated that he is against this ordinance. Everyone should be heard the same. This ordinance may not even be enforced due to a Virginia Beach supreme court decision concerning a noise ordinance. He feels the expense would be too great to enforce this. He also stated that we are a rural county, and we do not need it.

Jon Smith, Pounding Mill stated that he goes to church in Russell County. He stated that this country was founded on religious freedom. Please think about this before you pass it, these people voted you in. The county does not pay employees enough in the county.

Travis Woods, Gravel Lick explained that he races motorcycles on his property with no complaints from his neighbors. He is against this ordinance.

Randall Smith, Gravel Lick commented against the ordinance. The potential for abuse of this ordinance is not right. Enforcement says “other employees” in the ordinance, this is scary.

Don Zambogna, Lebanon commented that anything with nineteen exemptions needs to go. He feels no law or ordinance can stop sin. This is not something that this community needs.

Jennifer Fletcher, Moccasin stated that she is against the ordinance.

Nate Kiser, Lebanon stated that Virginia code is already in place to manage some of the complaints. He encouraged the Board to trash this ordinance and adopt a disturbing the peace ordinance. This would take care of all the problems addressed here.

Wayne Hubbard, Swords Creek stated that there are already laws on the books to take care of many of the complaints that we have heard tonight. This ordinance would punish the citizens of the county for the few that do have complaints. This would not address drug distribution or activity; this is up to law enforcement.

Camron Shelton, Swords Creek asked that the board members vote “no” on this ordinance.

Jody Shelton, Swords Creek stated that he is against this ordinance. Thinks we need to pray for the ones that do have noise issues with neighbors. Our veterans have paid the ultimate sacrifice to preserve our freedom and rights.

Gina Kraut, Lebanon supports this ordinance. She feels that she has a right to quiet enjoyment. Everyone does not have good neighbors. The minute noise comes across her property line makes it her business and she has rights also.

Stephen Damron, Swords Creek stated that this is government overreach, and he is against this. We serve the same God and if it were not for the churches, we would not have the same rights as we do today. We are a small county and do not need a noise ordinance.

Greg Elam, Gravel Lick stated that civil lawsuits may be able to solve the problems. He feels that this is an overreach, we are not a big city. This is not good for this county.

James Davis, Maple Gap says the best thing to do is to stop this ordinance and stand for something right. The best thing to do is to eliminate this.

Wanda Burke, Lebanon says that her husband will hold everyone accountable, he wanted her to tell the Board to vote no on this ordinance. There are ways to deal with bad neighbors besides passing this.

Chester Ball, Honaker is upset that he pays over \$700 in taxes, mostly land taxes and no one helps him pay them. Taxpayers will start moving out if this ordinance is passed. Also, the churches need to be left alone.

Tammy Hess, Swords Creek commented that the majority of people in the county are saying no to the Noise Ordinance. The majority of people in the last two meetings said no, majority rules. The Board needs to listen.

Ben Price, Belfast stated that he is against this ordinance. He encouraged all the board members to vote no.

In addition to the citizens that made comments at the public hearing, a petition signed by several citizens in support of the Noise Ordinance is attached at the end of the minutes.

The Chair closed the public hearing.

New Business

APPROVAL OF THE MARCH 07, 2022 MINUTES

Motion made by Steve Breeding, second Oris Christian and duly approved by the Board of Supervisors to approve the March 07, 2022 minutes and dispense with the reading thereof.

The vote was:

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

Nay: None

APPROVAL OF GENERAL COUNTY INVOICES

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve general county invoices in the amount of \$995,157.88 including withholdings and reoccurring.

The vote was:

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

Nay: None

Citizens Comment

The Chair opened citizens comment period.

Linda Couch, Cleveland addressed the Board concerning funding for Kid's Fishing Day.

APPROVAL TO APPROPRIATE \$300 FOR KID' S FISHING DAY

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to appropriate \$300 for Kid's Fishing Day.

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

Nay: None

The Chair closed citizen's comment.

County Attorney Reports and Requests

Katie Patton, County Attorney addressed questions and concerns about the Noise Ordinance public hearing. She also discussed the Russell County PSA, Fairgrounds, Operational Medical Director, Russell County Animal Shelter and the CIFA By-laws.

APPROVAL OF A RESOLUTION FOR THE RUSSELL COUNTY PSA

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve a Russell County Public Service Authority Resolution that would limit their stipend to \$200 per month as opposed to \$200 per meeting.

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

APPROVAL OF A RENEWAL LEASE WITH THE RUSSELL COUNTY FAIR ASSOCIATION

Motion made by Tim Lovelace, second Steve Breeding and duly approved by the Board of Supervisors to approve a renewal lease with the Russell County Fair Association.

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

APPROVAL OF A RC OPERATIONAL MEDICAL DIRECTOR CONTRACT

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve a Russell County Operational Medical Director Contract.

The vote was:
Aye: David Eaton, Steve Breeding, Rebecca Dye, Oris Christian, Tim Lovelace and Lou Wallace
Nay: None

PUBLIC HEARING TO BE HELD IN MAY 2022 ON THE RC ANIMAL SHELTER PROPERTY EASEMENT

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve to hold a public hearing on May 2022 on the Russell County Animal Shelter property easement.

The vote was:
Aye: David Eaton, Steve Breeding, Rebecca Dye, Oris Christian, Tim Lovelace and Lou Wallace
Nay: None

APPROVAL OF AN AMENDMENT TO CIFA BY-LAWS

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to amend the CIFA by-laws to include Dickenson County.

The vote was:
Aye: David Eaton, Steve Breeding, Rebecca Dye, Oris Christian, Tim Lovelace and Lou Wallace

Nay: None

APPROVAL TO TABLE THE NOISE ORDINANCE INDEFINITELY

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to table the Noise Ordinance indefinitely.

The vote was:

Aye: Steve Breeding, David Eaton, Tim Lovelace, and Lou Wallace

Nay: None

Abstain: Rebecca Dye and Oris Christian

The Chair called for a break. The meeting was called back to order by the Chair.

County Administrator Reports and Requests

Russell County Litter Officer **James Brooks** introduced himself to the Board.

APPROVAL OF A CDGB GRANT RESOLUTION FOR DANTE REGIONAL SEWER LINE EXTENSION PROJECT

Motion made by Rebecca Dye, second David Eaton and duly approved by the Board of Supervisors to approve a CDGB Grant Resolution for the Dante Regional Sewer Line Extension Project.

The vote was:

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

Nay: None

REBEKAH CAMPBELL HIRED AS ACCOUNTS PAYABLE SPECIALIST

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve the hiring of Rebekah Campbell for the accounts payable specialist position.

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

Nay: None

APPROVAL TO ADVERTISE FOR THE BUILDING OFFICIAL POSITION

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve the advertisement of the Russell County Building Official Position due to the upcoming retirement of Mickey Rhea.

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

Nay: None

MOWER PURCHASE APPROVED FOR THE MAINTENANCE DEPARTMENT

Motion made by Oris Christian, second Steve Breeding and duly approved by the Board of Supervisors to approve the purchase of a mower for the maintenance department.

The vote was:

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

Nay: None

APPROVAL TO SURPLUS (2) TWO COUNTY VEHICLES

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to surplus (2) two county vehicles.

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

Nay: None

APPROVAL OF THE ADVANCEMENT OF HONAKER PARK'S FY2022/2023 APPROPRIATION

Motion made by Rebecca Dye, second David Eaton and duly approved by the Board of Supervisors to approve the advancement of Honaker Park's budget appropriation for FY 2022/2023.

The vote was:

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

Nay: None

AUTHORIZATION FOR THE COUNTY ATTORNEY TO DRAFT AN ORDINANCE FOR A PURPOSED BONUS FOR DSS EMPLOYEES UPON APPROVAL OF THE DSS BOARD

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to authorize the County Attorney to draft an ordinance for a purposed bonus for Department of Social Services employees subject to the Department of Social Services Board approval.

The vote was:

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

Nay: None

Abstain: Rebecca Dye

APPROVAL TO RE-APPROPRIATE FUNDS FROM THE RACE PROGRAM FOR HOUSING FOR RUSSELL COUNTY STUDENTS AT SWCC

Motion made by David Eaton, second by Steve Breeding and duly approved by the Board of Supervisors to re-appropriate funds from the RACE Program to house Russell County students at Southwest Virginia Community College.

The vote was:

Aye: David Eaton and Steve Breeding

Nay: Rebecca Dye, Tim Lovelace and Lou Wallace

Abstain: Oris Christian

MOTION FAILED.

The Chair adjourned the meeting.

Clerk of the Board

Chairperson