

SEPTEMBER 8, 2009

The regular monthly meeting of the Russell County Board of Supervisors was held on Tuesday, September 8, 2009 at the Russell County Governmental Center in Lebanon, Virginia beginning at 6:00 P.M.

PRESENT: Danny L. Brown, Chairman
Mike Puckett, Vice Chairman
Robert Keene, Member
Bill Wampler, Member
Shy Kennedy, Member
Jon Bowerbank, Member

James A. Gillespie, Clerk of the Board of Supervisors

The Chairman called the meeting to order.

The County Administrator led in the invocation followed by the Pledge of Allegiance to the Flag.

CASTLEWOOD WATER & SEWAGE AUTHORITY
RAN LOAN REQUEST

Motion made by Bill Wampler, second by Robert Keene and duly approved by the Board of Supervisors to approve the request by the Castlewood Water & Sewage Authority to borrow \$165,000. from the RAN to payoff the loan at the bank.

The vote was:

AYE: Bill Wampler, Robert Keene, Danny Brown, Mike Puckett, Shy Kennedy and Jon Bowerbank
NAY: None

MOREFIELD BOTTOM SEWER GRANT CONTRACT

Motion made by Bill Wampler, second by Shy Kennedy and duly approved by the Board of Supervisors to approve the following contract:

Contract

THIS AGREEMENT, made and entered into on this the ____ day of _____, 2009, by and between RUSSELL COUNTY, VIRGINIA, a Political Subdivision of the Commonwealth of Virginia, hereinafter referred to as "County" and the CASTLEWOOD WATER AND SEWAGE AUTHORITY, hereinafter referred to as "Authority";

WHEREAS, Russell County, Virginia is a Political Subdivision of the Commonwealth of Virginia; and

WHEREAS, the "County" has obtained funding to install, operate and maintain a sewer system which is to include the Morefield Bottom Community in Russell County, Virginia; and

WHEREAS, the Russell County Water and Sewage Authority is a Political Agency created by the County pursuant to the authority conferred unto the County by the laws of the Commonwealth of Virginia, for the purpose of operating, overseeing and maintaining, a public water and sewer works within the county; and

WHEREAS, the "Authority" is familiar with the system and has the qualified personnel to operate and maintain the system.

NOW THEREFORE, it is agreed by and between the "County" and the "Authority" that the services presently provided by the "Authority" to the "County" and by the "County" to the "Authority" shall proceed

as they have in the past with the exception of the "Authority" agreeing to incorporate the newly constructed sewer system into their system and:

1. The "Authority" will at all times operate and maintain the sewer system in an efficient and cost effective manner, including making all necessary repairs to the sewer system.
2. The "Authority" presently employees an independent Certified Public Accountant who audits and reports to the "Authority" Board on an annual basis concerning reserve, depreciation and debt payment. This practice shall continue with the exception of the Manger of the "Authority" making a quarterly report to the "County" concerning new customers, customer loss and collection rates.
3. The "Authority" will allow the Certified Public Accounting Firm presently employed by the "County" to inspect the books and records of the "Authority", which inspection shall examine the operational and financial statistics of the "Authority" at such times as are mutually agreeable to the "Authority" and the "County".
4. The "County" shall have the authority to periodically review the hiring and employment practices of the "Authority" to insure compliance with all Federal, State and local employment and discrimination law. The "Authority" agrees to comply with all such laws, and to further comply with all requirements related to the receipt of the Federal financial assistance as if it were the actual recipient of the assistance.
5. The "County" hereby agrees to pay \$34,000 to lease land for a drain field for the decentralized sewer system located in Morefield Bottom. Payments will be made in installments (\$6,800) to land owner over a 5-year period.
6. The "Authority" hereby agrees to maintain a separate bank account detailing all transaction concerning the operation and maintenance of the decentralized sewer system located at Morefield Bottom.
7. The "Authority" agrees to charge a minimum fee of \$100 to customers in Morefield Bottom for each service call deemed by the "Authority" to be caused solely by neglect on the part of the customer. All costs above the service fee will be a direct cost to the customer. Fees collected will go into the separate bank account created by the "Authority" to track costs.
8. Failure to comply with any of the terms and conditions of this Agreement by either party shall be deemed a "Default" by that party. Upon receiving written notice of the Default from the non-defaulting party, the defaulting party shall have thirty (30) days in which to cure the default. In the event the defaulting party fails to cure the default, the non-defaulting party shall have the option of declaring the Agreement null and void by either legal action in a court of competent jurisdiction or by serving written notice on the defaulting party stating that the non-defaulting party considers the Agreement null and void. In the event the Agreement is declared null and void, either by a non-defaulting party or a court of competent jurisdiction, upon receiving written confirmation of the nullity of the Agreement the "County" shall immediately take all steps necessary to assume control of the sewer system and begin operation of same. The "Authority" agrees to continue operating and maintaining the sewer system for a reasonable period of time after the Agreement is declared a nullity, but in no event will this time exceed (30) thirty days from the declaration of the Agreement as null and void. The "County" agrees to reimburse the "Authority" for any and all costs incurred by the "Authority" for its continued operation of the sewer system during this time.

9. This contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in the State and the "County" will acquire and maintain all insurance, licenses, certifications, bonds, etc., necessary for the operation and maintenance of the system.
10. Further, if any regulatory agency exercising jurisdiction over this Agreement shall reject, or rule unenforceable any provision in existence at that point in time, then said agency action shall operate as a cancellation of this Agreement except that if the party hereto against which any said agency action may operate, shall waive such cancellation within thirty (30) days of receipt of such action, the Agreement shall remain in full force and effect.
11. This Agreement may be reviewed by the parties upon written request of either party two years from the date of the signing of the Agreement, and every two (2) years thereafter. This Agreement may be modified or amended only in writing, approved by both parties by resolution, and by the signatures of both parties to each medication or agreement.
12. It is understood that all rights, licenses, and easements acquired in this Agreement by the "County" are hereby pledged by the "County" to the Rural Economic Community Development as and for security for certain financing to be granted to the "County".

The vote was:

AYE: Bill Wampler, Shy Kennedy, Danny Brown, Jon Bowerbank, Robert Keene and Mike Puckett

NAY: None

RUSSELL COUNTY PUBLIC SERVICE AUTHORITY
INTERIM FINANCING – RAN

Motion made by Bill Wampler, second by Mike Puckett and duly approved by the Board of Supervisors to approve the request by the Russell County PSA for interim financing for the Mountain Road Water Project in the amount of \$500,000.00 to be borrowed from the RAN.

The vote was:

AYE: Bill Wampler, Mike Puckett, Danny Brown, Jon Bowerbank, Robert Keene and Shy Kennedy

NAY: None

DR. LORRAINE TURNER, RUSSELL COUNTY SCHOOL BOARD

Motion made by Robert Keene, second by Jon Bowerbank and duly approved by the Board of Supervisors to approve the request by the Russell County School Board to contract with an architect on renovations for Honaker High School, Honaker Elementary School and Castlewood Baseball/Football field.

The vote was:

AYE: Robert Keene, Jon Bowerbank, Mike Puckett, Danny Brown, Bill Wampler and Shy Kennedy

NAY: None

CONSTITUTION WEEK

Motion made by Jon Bowerbank, second by Mike Puckett and duly approved by the Board of Supervisors to approve the following resolution:

WHEREAS, September 17, 2009 marks the two hundred and twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 815 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 thru 23 as Constitutional Week;

NOW, THEREFORE, I Danny Brown of the Russell County Board of Supervisors do hereby proclaim September 17 thru 23, 2009 to be

**Constitution Week
IN
RUSSELL COUNTY, VIRGINIA
AND ASK THE CITIZENS TO REAFFIRM THE IDEALS
THE FRAMERS OF THE CONSTITUTION HAD IN 1787.**

The vote was:

AYE: Jon Bowerbank, Mike Puckett, Danny Brown, Shy Kennedy, Bill Wampler and Robert Keene
NAY: None

HARRY RUTHERFORD, IDA

Harry Rutherford, Chairman, Russell County IDA reported to the Board of Supervisors on the completion of paving and striping of the Governmental Center parking lot. The recycling bins will be moved to a new location near Alcoa.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Conrad Hill and J. R. Watson, VDOT, appeared before the Board of Supervisors to receive requests for road maintenance and improvements.

REVENUE SHARING ROAD PROJECTS – RESOLUTIONS (4)

Motion made by Bill Wampler, second by Jon Bowerbank and duly approved by the Board of Supervisors to approve the following resolutions:

RESOLUTION

WHEREAS, the Russell County Board of Supervisors dedicated monies to Revenue Sharing Road Construction projects, and

WHEREAS, project 0633-083-R64 UPC 91077, project 0611-083-R19, N501 UPC 86763, and project 0645-083-466, N501 UPC 78829 have a balance of funds remaining of \$191,823.47 on UPC 91077, \$20,891.20 on UPC 86763, and \$27,285.33 on UPC 78829, and

WHEREAS, the Russell County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project #0636-083-R67, N501 UPC 80132 as a revenue sharing project, Route 636, known as Kent's Ridge Road, to be constructed as a Rural Rustic Route

NOW, THEREFORE BE IT RESOLVED, this Board hereby resolves that \$240,000.00 in funding be transferred to fund project #0636-083-R67, N501 UPC 80132 from project 0633-083-R64 UPC 91077, 0611-083-R19, N501 UPC 86763, and project 0645-083-466, N501 UPC 78829

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

RESOLUTION

WHEREAS, the Russell County Board of Supervisors dedicated monies to Revenue Sharing Road Construction projects, and

WHEREAS, project 9999-083-429, N501 UPC 726510, project 0637-083-428, N501 UPC 72650, and project 0645-083-446, N501 UPC 78829 have a balance of funds remaining of \$75,088.47 on UPC 72651, \$10,642.87 on UPC 72650, and \$39,268.66 on UPC 78829, and

WHEREAS, the Russell County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project #0678-083-R69, N501 UPC 80134 as a revenue sharing project, Route 678, known as Upper Copper Creek Road, to be constructed as a Rural Rustic Route

NOW, THEREFORE BE IT RESOLVED, this Board hereby resolves that \$125,000.00 in funding be transferred to fund project #0678-083-R69, N501 UPC 80134 from project 9999-083-429, N501, UPC 726510, project 0637-083-428, N501 UPC 72650, and project 0645-083-446, N501 UPC 78829

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

RESOLUTION

WHEREAS, the Russell County Board of Supervisors dedicated monies to Revenue Sharing Road Construction projects, and

WHEREAS, project 0928-083-R84, N501 UPC 82606, project 0922-083-R82, N501 UPC 82212, and project 0692-083-419, N501 UPC 67552, project 0640-083-285, N501, UPC 68162, and project 0637-083-428, N501, UPC 72650 have a balance of funds remaining of \$4,932.82 on UPC 82606, \$2,158.15 on UPC 82212, \$4,823.00 on UPC 67552, \$22,426.80 on UPC 68162, and \$40,760.23 on UPC 72650, and

WHEREAS, the Russell County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project #0671-083-R68, N501 UPC 80133 as a revenue sharing project, Route 671, known as Upper Copper Creek Road, to be constructed as a Rural Rustic Route

NOW, THEREFORE BE IT RESOLVED, this Board hereby resolves that \$75,101.00 in funding be transferred to fund project #0671-083-R68, N501 UPC 80133 from project 0928-083-R84, N501 UPC 82606, project 0922-083-R82, N501 UPC 82212, and project 0692-083-419, N501 UPC 67552, project 0640-083-285, N501, UPC 68162, and project 0637-083-428, N501, UPC 72650

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

RESOLUTION

WHEREAS, the Russell County Board of Supervisors dedicated monies to Revenue Sharing Road Construction projects, and

WHEREAS, project 0633-083-R64 UPC 91077 and project 0866-083-R39, N501 UPC 77720 have a balance of funds remaining of \$108,176.53 on UPC 91077 and \$10.00 on UPC 77220, and

WHEREAS, the Russell County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project #0603-083-R85, N501 UPC 93794 as a revenue sharing project, Route 603, known as Dry Branch Road, to be constructed as a Rural Rustic Route

NOW, THEREFORE BE IT RESOLVED, this Board hereby resolves that \$108,186.53 in funding be transferred to fund project # 0603-083-R85, N501 UPC 93794 from project 0633-083-R64 UPC 91077 and project 0866-083-R39, N501 UPC 77720

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

The vote was:

AYE: Bill Wampler, Jon Bowerbank, Danny Brown, Mike Puckett, Shy Kennedy and Robert Keene
NAY: None

PUBLIC COMMENT

Public comment was received from Garnet Hess, Burl Rhea, Dixie Mitchell and Charlie Hess.

The Chairman declared a ten (10) minute recess.

The Chairman called the meeting to order.

Supervisor Jon Bowerbank presented checks from the supervisor's discretionary fund to Lebanon Fire Department and Honaker Fire Department.

APPROVAL OF MINUTES OF AUGUST 3, 2009

Motion made by Robert Keene, second by Mike Puckett and duly approved by the Board of Supervisors to approve the minutes of August 3, 2009 and dispense with the reading thereof.

The vote was:

AYE: Robert Keene, Mike Puckett, Danny Brown, Bill Wampler, Shy Kennedy and Jon Bowerbank

NAY: None

APPROVAL OF INVOICES – GENERAL COUNTY, SWVaASAP AND WIB

Motion made by Shy Kennedy, second by Robert Keene and duly approved by the Board of Supervisors to approve General County invoices in the amount of \$499,516.30 including SWVAASAP and WIB.

The vote was:

AYE: Shy Kennedy, Robert Keene, Danny Brown, Mike Puckett, Jon Bowerbank and Bill Wampler

NAY: None

DEPARTMENT OF SOCIAL SERVICES BOARD MEMBERSHIP LIMIT

County Attorney, Dennis Jones, reported on the Department of Social Services membership limit. There can only be three (3) board members on the Department of Social Services Board according to Virginia Code since Russell County has the County Board form of government.

TIE VOTE – IDA

County Attorney, Dennis Jones, reported a change in the Virginia code which eliminated the Russell County position of tie breaker.

Motion made by Mike Puckett, second by Bill Wampler to nominate Roger Sword and R. D. Snead to the Russell County IDA.

Motion made by Mike Puckett, second by Bill Wampler and duly approved by the Board of Supervisors that nominations cease and Roger Sword and R. D. Snead is appointed by acclamation to the Russell County IDA for a four year term, said term ending on September 9, 2013.

The vote was:

AYE: Mike Puckett, Bill Wampler, Danny Brown, Robert Keene, Shy Kennedy and Jon Bowerbank

NAY: None

OLD DANTE ELEMENTARY SCHOOL

Motion made by Shy Kennedy, second by Bill Wampler and duly approved by the Board of Supervisors to not spend an estimated \$15,000. to \$20,000. to demolish the old Dante Elementary School but to secure a source of funding.

The vote was:

AYE: Shy Kennedy, Bill Wampler, Danny Brown, Mike Puckett, Jon Bowerbank and Robert Keene
NAY: None

SALE OF FORMER VPI EXTENSION OFFICE BUILDING

Motion made by Mike Puckett, second by Robert Keene and duly approved by the Board of Supervisors to sell the former VPI Extension Office Building at auction.

The vote was:

AYE: Mike Puckett, Robert Keene, Danny Brown, Shy Kennedy, Bill Wampler and Jon Bowerbank
NAY: None

Chairman Danny Brown congratulated Jon Bowerbank on his appointment to the State Library Board.

DECLARING ITEMS SURPLUS

Motion made by Mike Puckett, second by Bill Wampler and duly approved by the Board of Supervisors to declare the following items surplus:

Surplus List for 2009 for Courthouse

1. 2) Canon BJC 4200 Bubble Jet Printers
2. 1) HP Laser Jet Printer 62 Printer
3. 1) CI Kidata 390 Printer
4. 1) IBM Printer
5. 2) Lexmark 232 Printers
6. 5) Paper Trays
7. 6) Index File Cabinets
8. 2) Radios
9. 5) Keyboards
10. 1) Mouse
11. 2) Sets of Speakers
12. 2) Keyboard Holders
13. 1) Overhead Projector
14. 1) Fish Slider Viewer
15. 2) Desk Lamps
16. 1) Data Recorder
17. 8) Computer Monitors
18. 1) Copy Star Copier
19. 2) Paper Shredders
20. 1) Set of Window Blinds
21. 2) Desks
22. 3) Phones
23. 2) Fans
24. 1) Sharp 2600 Fax Machine
25. 3) 2381 Lexmark Printers
26. 1) Digital Clock w/Radio
27. 4) File Cabinets
28. 1) Konica 1015 Copier
29. 1) Vacuum Cleaner
30. 2) Chairs
31. 3) Lexmark 2400 Printers
32. 2) Air Conditioners
33. 6) Doors
34. 1) Wheel Cabinet
35. 1) Buffer

- 36. 13) Window Screens
- 37. 1) Letter File
- 38. 8) Stainless Toilet Paper Dispensers
- 39. 4) TV Translators (@ Lebanon Cannery)

The vote was:

AYE: Mike Puckett, Bill Wampler, Danny Brown, Robert Keene, Shy Kennedy and Jon Bowerbank
NAY: None

APPROVAL OF DMV GRANT

Motion made by Mike Puckett, second by Bill Wampler and duly approved by the Board of Supervisors to approve the DMV Grant for the Russell County Sheriff's Office in the amount of \$14,089.00 for the Project Title Russell County's Efforts to Reduce DUI's.

The vote was:

AYE: Mike Puckett, Bill Wampler, Danny Brown, Robert Keene, Shy Kennedy and Jon Bowerbank
NAY: None

Motion made by Mike Puckett, second by Robert Keene and duly approved to adjourn.

Clerk

Chairman

Minutes
Russell County Planning Commission
September 21, 2009

The Russell County Planning Commission met on Monday, September 21, 2009, in the Board of Supervisors Conference Room at the Russell County Governmental Center, 133 Highland Drive, Lebanon, Va.

Members Present

Roger D. Sword
Kirby Meadows
Linda Cross
Charlie Edmonds
Andy Smith
Don Cross
Wayne Young
Greg Stoots
Jack Compton
John Mason

Members Absent

Bill Wampler

Others Present

Harry Ferguson
Kevin Tiller
Tom Taylor

Chairman Meadows called the meeting to order at 6:30 p.m. The minutes were presented for consideration. A motion was made by Mrs. Cross, seconded by Mr. Cross that the minutes be approved. Motion carried.

Mr. Ferguson presented a listing of plats that he, Mr. Sword, and Chairman Meadows had reviewed and found to be exempt from the subdivision ordinance during the past month. The Commission reviewed the list.

Discussion was held concerning the proposed storm water management regulations that are presently being considered in the state. It was decided to attempt to find out more information on the issue and how the regulations will impact development in Russell County. Mr. Sword will contact Dr. Angela White with the local soil and water office to invite her to provide more information and discussion at the October meeting.

Mr. John Watson, VDOT, asked to be on the agenda for this meeting, however, he was unable to attend.

Mr. Taylor presented information about his recent work on the new comprehensive plan. Several members asked questions and made suggestions about the content of the plan. Mr. Taylor reported he feels public meetings will probably begin early in 2010. He will continue to report at each meeting during the next several months.

There being no further business to conduct, a motion was made by Mrs. Cross and second by Mr. Mason that the meeting adjourn. Motion carried unanimously.

Kirby Meadows, Chairman

Roger D. Sword, Corresponding Sect.