

Minutes  
Russell County Planning Commission  
October 19, 2009

The Russell County Planning Commission met on Monday, October 19, 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  
Bill Wampler

Members Absent

Others Present

Harry Ferguson  
Kevin Tiller  
Tom Taylor  
Dr. Angela White  
Kelly Miller  
Elizabeth Abe  
John Watson  
Jim Gillespie

Chairman Meadows called the meeting to order at 6:30 p.m. The minutes were presented for consideration. A motion was made by Mr. Edmonds, seconded by Mr. Stoots 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.

Kelly Miller and Elizabeth Abe of DCR presented a program concerning new stormwater management regulations. Dr. Angela White assisted. Discussion centered on how the regulations will impact development activity in Russell County. Also, how the county will administer the regulations. The discussion lasted for more than one hour.

Harry Ferguson presented the final plat of his subdivision located near Belfast. The subdivision is named Belville Meadows and consists of 8 lots, two of which are designated commercial. The health department and VDOT have both approved the plat. After review, Mr. Wampler made a motion with a second by Mrs. Cross to recommend approval of the final plat to the Board of Supervisors. Motion carried.

Mr. Taylor presented proposed land use maps 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.

Mr. Ferguson presented an application for a sign permit by Mr. Sam Whited. The application was not made on the proper form; therefore, the matter was tabled until such time the application is corrected. Mr. Sword will notify Mr. Whited

OCTOBER 5, 2009

The regular monthly meeting of the Russell County Board of Supervisors was held on Monday, October 5, 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  
Bill Wampler, Member  
Robert Keene, Member  
Shy Kennedy, Member  
Jon Bowerbank, Member

James A. Gillespie, Clerk of the Board

The Chairman called the meeting to order.

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

**BRIAN STANLEY, PERMANENT PUMP AND HAUL AGREEMENT AND  
GENERAL PERMIT – CASTLEWOOD CONVENIENCE SITE**

Motion made by Mike Puckett, second by Shy Kennedy and duly approved by the Board of Supervisors to approve the following permit:

RESOLUTION  
REGARDING PERMANENT PUMP & HAUL FACILITIES  
PERMITTING UNDER GENERAL PERMITS IN  
ACCORDANCE WITH THE  
SEWAGE HANDLING AND DISPOSAL REGULATIONS

WHEREAS, the Russell County Board of Supervisors and the State Health Commissioner will enter into a Permanent Pump and Haul Agreement and General Permit pursuant Part IV, Article 4 § 12 VAC5-610-598 and § 12 VAC5-610-599.3 et seq. of the State Board of Health Sewage Handling and Disposal Regulations (July 2000, the "Regulations").

WHEREAS, § 12 VAC 5-610-599.3 of the Regulations states "Permanent pumping and hauling of sewage may be permitted under the following conditions:

1. That the government entity enter into a contract with the department setting forth that the government entity will provide pump and haul services, either directly or through a private contractor holding a sewage handling permit, to the home(s), commercial establishment(s) or occupied structure(s) for the period the occupied structure is utilized or until connection can be made to an approved sewerage facility;
2. Upon completion of the contract between the department and the government entity, the commissioner shall issue a single pump and haul permit to the government entity. A separate construction permit shall be issued to the government entity for each sewage storage facility. The sewage storage facility(s) shall be designed and constructed in accordance with Article 7 (12 VAC 5-610-990 et seq.) of Part V of this chapter; and
3. When the government entity provides the sewage pump and haul services, it shall conform to the conditions contained in 12 VAC 5-610-380 and Article 8 (12 VAC 5-610-1020 et seq.) of Part V of this chapter."

WHEREAS, the proposed Castlewood Solid Waste Facility is unable to obtain a permit to install and/or connect to an approved sewage disposal system or an approved treatment works;

Whereas, the Russell County Board of Supervisors desires to provide permanent pump and haul services to the proposed Castlewood Solid Waste Facility through a private contractor holding a sewage handling permit.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Russell County Board of Supervisors is hereby authorized to execute the PERMANENT PUMP AND HAUL AGREEMENT AND GENERAL PERMIT between the State Health Commissioner and Russell County, Virginia;

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to negotiate a contract with a private contractor holding a valid sewage handling permit to provide permanent pump and haul services to facilities owned or operated by Russell County or a Political Subdivision of Russell County;

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to negotiate agreements between property owners and the County to provide permanent pump and haul services for facilities not owned or operated by Russell County or a Political Subdivision of Russell County;

BE IT FURTHER RESOLVED, that facilities not owned or operated by Russell County or a Political Subdivision of Russell County shall provide the following to the County Administrator:

1. Evidence that the facility is unable to install and/or connect to an approved sewage disposal system or approved treatment works.
2. Property owner(s) shall enter into an agreement with the County, agreeing to construct and operate the permanent pump and haul facility pursuant to all State Health Department Regulations and further holding the County harmless for any and all actions thereby. The County shall require the property owner to post a bond in the amount of \$5,000.00 with surety approved by the County, for the purpose of insuring continuation of the pump and haul operation for a six month period and to assure the County of its proper removal in the event the storage facility is abandoned upon the termination of the County's permission for the facility or the pump and haul operation. Such bond shall be forfeited if the owner ceases to continue the pump and haul operation pursuant to Health Department Regulations and/or said agreement. Forfeiture of the bond shall not relieve the owner of complying with all legal requirements set forth in State and County regulations. The County may waive the bond requirement with another government entity if the government entity provides written documentation that the pump and haul facility will be constructed and operated in accordance with State Health Department Regulations and further hold the County harmless for any and all actions thereby.
3. Evidence of current contract with a private contractor holding a valid sewage handling permit to provide permanent pump and haul services to the facility.
4. Monthly paid invoices or proof from a private contractor holding a valid sewage handling permit that the sewage effluent was pumped to assure compliance with the Regulations. Failure to provide such invoices, proof or evidence in writing within any two month period, shall be taken as evidence that the owner has ceased permanent pump and haul operations and shall result in the revocation of the permanent pump and haul permit.

PERMANENT PUMP AND HAUL  
AGREEMENT AND GENERAL PERMIT

This PERMIT is issued by the State Health Commissioner ("Commissioner") to the Board of Supervisors of the County of Russell ("County") pursuant to Part IV, Article 4 § 12 VAC5-610-598 et seq. of the State Board of Health Sewage Handling and Disposal Regulations (July 2000, the "Regulations").

The Commissioner and County believe that pumping and hauling pursuant to Part IV, Article 4 § 12 VAC5-610-598 et seq. of the Regulations is the only practical method for disposal of sewage in certain cases. Accordingly, the County has adopted, or agrees to adopt, either by ordinance, resolution, or other means, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4 § 12 VAC5-610-598 et seq. of the Regulations, the Commissioner and the County agree as follows:

1. The County will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The County will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited

to the availability of sewer hookup to the structure(s) served and any significant change in the use of a served facility.

- 3. The Commissioner, or the Commissioner's designee, will notify the County in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the County pursuant to Part IV, Article 4 § 12 VAC5-610-598 et seq. of the Regulations to pump and haul sewage on a permanent basis from the facilities or structures listed below:

- 1. Castlewood Solid Waste Facility

The County is furthermore authorized, pursuant to Part IV, Article 4 § 12 VAC5-610-598 et seq. of the Regulations, its ordinances, resolutions, or other approval and this Permit, to add or remove individual facilities from this list (by withdrawing its supervision of the pump and haul). This permit shall be subject to the following conditions:

- 1. County may require bonding or other assurances from the third party owner of any served structure or facility.
2. In order to add a structure or facility, the County shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply; however, the County may require that the third party submit any local fees which may apply.
3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.
4. If the County ceases providing pump and haul services to any individual facility, the County shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the Regulations may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the Regulations.
5. If the General Permit is revoked, the County must cease pump and haul operations at all facilities immediately.

This Resolution was adopted pursuant to a majority vote of the Russell County Board of Supervisors, who voted as follows:

Danny L. Brown X Yea Nay
Mike Puckett X Yea Nay
Bill Wampler X Yea Nay
Robert Keene X Yea Nay
Shy Kennedy X Yea Nay
Jon Bowerbank X Yea Nay

LARRY RASNAKE, RUSSELL COUNTY FARM BUREAU

Larry Rasnake, President of Russell County Farm Bureau, appeared before the Board of Supervisors and introduced Eric Whitesell, Attorney. Mr. Whitesell discussed the fence in and fence out law. No action was taken by the Board of Supervisors.

**RESOLUTION – OPPOSING ELK RESTORATION**

Motion made by Bill Wampler, second by Robert Keene and duly approved by the Board of Supervisors to approve the following:

Whereas, the Russell County Farm Bureau, Inc. has recommended to the Russell County Board of Supervisors to oppose the elk restoration program, as proposed by the Virginia Department of Game and Inland Fisheries, because elk restoration would endanger Russell County by:

- Introduction of diseases such as wasting disease and Brucellosis to the livestock producers in the County.
- Create another highway safety issue.
- Private property damages to structures, landscaping, cemeteries, and gardens.
- Create an adverse affect on the agricultural land infrastructure including crops, pastures, and fences.
- Restoration of elk is contradictory to the current policy to encourage local agricultural production.

The vote was:

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

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

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

**PUBLIC COMMENT**

Public comment was received from Christine Steele and Ted Blankenship.

**RESOLUTION – STAR PROJECT**

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

**WHEREAS**, the Star Christmas Project will benefit a thousand needy children in Russell and neighboring counties; and

**WHEREAS**, the Star Christmas Project has been endorsed as the primary charity for needy children by the Russell County Department of Social Services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Russell County Board of Supervisors to endorse the Star Christmas Project and encourage the citizens of Russell County to support this worthy Project.

The vote was:

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

**REQUEST TO INCREASE SOCIAL SERVICES BOARD FROM  
THREE (3) TO (5) MEMBERS**

Motion made by Robert Keene, second by Bill Wampler and duly approved by the Board of Supervisors to request the Social Services Board be increased from three (3) to five (5) members.

**RESOLUTION**

**TO AMEND THE COUNTY BOARD FORM OF GOVERNMENT  
MEMBERSHIP ON LOCAL BOARD OF SOCIAL SERVICES**

**WHEREAS**, Russell County, Virginia operates pursuant to the County Board Form of Government as set forth in Chapter 4, Title 15.2-400 et. seq. Code of Virginia, 1950, as amended; and,

**WHEREAS**, there are two other counties in Virginia operating under the County Board Form of Government, Carroll and Scott; and,

**WHEREAS**, Section 15.2-412, Code of Virginia, 1950, as amended, set forth the manner and number for the appointment of membership to the Local Board of Social Services; and,

**WHEREAS**, the manner and number of citizens appointed the Local Board of Social Services pursuant to Section 15.2-412, Code of Virginia, 1950, as amended, is limited to three qualified citizens of the county, one of whom may be a member of the Board of Supervisors; and,

**WHEREAS**, Section 63.2-302, Code of Virginia, 1950, as amended, provides that the number for appointment of membership to the Local Board of Social Services where a local board serves a single county may consist of three or more members, as determined by the Board of Supervisors; and,

**WHEREAS**, Section 63.2-303, Code of Virginia, 1950, as amended, provides that where statutes dealing with special forms of county government provide for the appointment of Local Board of Social Services, the provisions of such statutes shall control; and,

**WHEREAS**, the effect of Section 63.2-303, Code of Virginia, 1950, as amended, limits to number of membership on the Local Board of Social Services to three as set forth in Section 15.2-412, Code of Virginia, 1950, as amended, for those counties operating pursuant to the County Board Form of Government; and,

**WHEREAS**, the Russell County Board of Supervisors finds that the citizens of Russell County would be served by an increase in membership on the Local Board of Social Services than is authorized pursuant to Section 15.2-412, Code of Virginia, 1950, as amended.

**NOW THEREFORE BE IT RESOLVED**

1. The Russell County Board of Supervisors finds that the best interests of the citizens of Russell County, Virginia would best be served by expanding to membership of the Local Board of Social Services in accordance with Section 63.2-302, Code of Virginia, 1950, as amended.

2. The Russell County Board of Supervisors seeks the repeal of Section 63.2-303, Code of Virginia, 1950, as amended, or in the alternative an amendment to Section 15.2-412, Code of Virginia, 1950, as amended, authorizing the appointment of membership to the Local Board of Social Services consistent with Section 63.2-302, Code of Virginia, 1950, as amended.

3. That the County Administrator forward a copy of this resolution to all members of the General Assembly serving the citizens of Russell County, Virginia.

This resolution was unanimously passed this the 5<sup>th</sup> day of October, 2009 during the regularly scheduled meeting of the Russell County Board of Supervisors.

The vote was:

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

NAY: None

The Chairman declared a five (5) minute recess.

The Chairman called the meeting back to order.

**APPROVAL OF MINUTES OF SEPTEMBER 8, 2009**

Motion made by Shy Kennedy, second by Mike Puckett and duly approved by the Board of Supervisors to approve the minutes of September 8, 2009 and dispense with the reading thereof.

The vote was:

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

NAY: None

**APPROVAL OF INVOICES – GENERAL COUNTY, SWVaASAP AND WIB**

Motion made by Robert Keene, second by Mike Puckett and duly approved by the Board of Supervisors to approve General County invoices in the amount of \$773,959.17, including SWVaASAP and WIB.

The vote was:

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

NAY: None

**PUBLIC TRANSPORTATION CONTRACT**

Motion made by Jon Bowerbank, second by Shy Kennedy and duly approved by the Board of Supervisors to approve the Public Transportation Grant with Four County Transit-Appalachian Agency for Senior Citizens for one (1) year.

The vote was:

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

NAY: None

**APPROVAL OF TRIAD GRANT**

Motion made by Mike Puckett, second by Robert Keene and duly approved by the Board of Supervisors to approve the Triad Grant for the Russell County's Office in the amount of \$1,300.00 in state funds and \$144.00 in local matching funds.

The vote was:

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

NAY: None

**RUSSELL COUNTY PUBLIC LIBRARY  
50<sup>TH</sup> ANNIVERSARY PROCLAMATION**

Motion made by Bill Wampler, second by Mike Puckett and duly approved by the Board of Supervisors to approve the following proclamation:

WHEREAS, the Russell County Public Library was established as a demonstration library by the Russell County Board of Supervisors and the Virginia State Library in 1959,

WHEREAS, our nation's libraries and their staff play a vital role in supporting the nation's democratic ideals,

WHEREAS, in 2008 the Russell County Public Library had 75, 284 visitors who checked out 60, 394 items and over 3380 citizens attended programs. The library's collections is composed of more than 53,799 books; 5,344 audio, video and DVD materials; and more than 60 magazine and newspaper subscriptions,

WHEREAS, the library has 14 computers with internet access for the public with 680 users each week,

WHEREAS, the Lebanon Library celebrates over 20 years serving the community from its own building on Main Street,

WHEREAS, the Honaker Community Library began serving the community in October 2001 from the former Albert home,

BE IT THEREFORE RESOLVED that the Russell County Board of Supervisors asks all citizens to join us in celebrating 50 years of library service to the community. We congratulate the Library Board of

Trustees, Staff, and Friends. We encourage all citizens to take advantage of the library resources. Visit the library in its 50<sup>th</sup> year and make the library a part of your life every year.

The vote was:

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

NAY: None

**AUTHORIZATION TO APPLY FOR RURAL DEVELOPMENT  
GRANT – RUSSELL COUNTY LIBRARY**

Motion made by Robert Keene, second by Bill Wampler and duly approved by the Board of Supervisors to allow the County to apply for a U.S. Department of Agriculture Rural Development Grant of \$25,000 on behalf of the Russell County Public Library's Honaker Community Library.

The vote was:

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

NAY: None

**RESOLUTION – SUPPORT FOR COAL PRODUCTION**

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

The following resolution of support for support of coal production is requested by the Vectre Corporation to support efforts by the Federation of American Coal, Energy and Security ("FACES").

WHEREAS, the links between coal production, economic growth, prosperity and energy are unbreakable; and

WHEREAS, coal is a main source of energy throughout the world, provides half the electricity used in the United States and as much as 98 percent of the electricity generated in the region; and

WHEREAS, coal mining is responsible for more than 31,000 jobs in Virginia alone; provides coal mining jobs that pay 35 percent higher wages than the average wage in the state; and generates nearly \$7.1 billion in economic output in the state; and

WHEREAS, coal mining in Virginia is balancing the economic needs and environmental expectations of its citizens; and

WHEREAS, coal mine lands are being restored, as part of the reclamation process, to meet ongoing economic, recreational, educational, transportation and housing needs of local communities and the State; and

WHEREAS, the ongoing backlog is Section 404 permit approvals, the lack of transparency in the federal permitting process, the review of the Steam Buffer Zone rule and ongoing court challenges to permit applications are jeopardizing jobs, economic opportunity and coal production throughout Virginia and the region.

NOW, THEREFORE BE IT RESOLVED that the Russell County Board of Supervisors call upon the U. S. Army Corps of Engineers, the U. S. Environmental Protection Agency, the President's Council on Environmental Quality, the Virginia congressional delegation and other state government officials to support coal production and the jobs, economic growth and energy security provided by coal mining.

The vote was:

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

NAY: None

**APPROVAL OF COMPENSATION TIME PAY**

Motion made by Bill Wampler, second by Mike Puckett and duly approved by the Board of Supervisors to approve payment to Carlos Garrett for 27 hours of compensation due to working additional hours for snow removal and court.

The vote was:

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

**CHRISTMAS HOLIDAY – DECEMBER 23, 2009**

Motion made by Bill Wampler, second by Robert Keene and duly approved by the Board of Supervisors to approve December 23, 2009 as a Christmas Holiday for County employees.

The vote was:

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

**ALICE MEADE APPOINTED TO SWVaCC BOARD**

Motion made by Bill Wampler, second by Robert Keene and duly approved by the Board of Supervisors to appoint Alice Meade to the Southwest Virginia Community Corrections Board.

The vote was:

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

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

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairman

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Members Absent

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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.

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Mr. Taylor presented proposed land use maps 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.

Mr. Ferguson presented an application for a sign permit by Mr. Sam Whited. The application was not made on the proper form; therefore, the matter was tabled until such time the application is corrected. Mr. Sword will notify Mr. Whited

The floor was opened for the election of officers for the next year. Mr. Wampler nominated Mr. Meadows for Chairman. Mr. Mason moved that the nominations be closed and that Mr. Meadows be elected by acclimation. Mr. Edmonds seconded and the motion carried.

Mr. Young nominated Mrs. Cross for Vice Chair. Mr. Edmonds moved that the nominations close and that Mrs. Cross be elected by acclimation. Mr. Stoots seconded and the motion carried.

Mrs. Cross nominated Mr. Sword for Secretary. Mr. Edmonds moved that the nomination close and that Mr. Sword be elected by acclimation. Mr. Smith seconded and the motion carried.

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.

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Kirby Meadows, Chairman

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Roger D. Sword, Corresponding Sect.