

NOVEMBER 2, 2009

The regular monthly meeting of the Russell County Board of Supervisors was held on Monday, November 2, 2009 at the Russell County Governmental Center in Lebanon, Virginia beginning at 6:00 PM.

PRESENT: Danny L. Brown, Chairman
Mike Puckett, Vice Chairman
Bill Wampler, Member
Robert J. 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.

CAROL DOSS – UPPER TENNESSEE ROUNDTABLE

Carol Doss, Upper Tennessee Roundtable, presented a Beautification and Community Improvement Award to Russell County in recognition of outstanding achievements and continued commitment to litter prevention, recycling and beautification for 2008-2009.

VIRGINIA DEPARTMENT OF TRANSPORTATION

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

APPROVAL OF MINUTES OF OCTOBER 5, 2009

Motion made by Robert Keene, second by Jon Bowerbank and duly approved to approve the minutes of October 5, 2009 and dispense with the reading thereof.

The vote was:

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

**APPROVAL OF INVOICES – GENERAL COUNTY, SWVaASAP, WIB AND
RUSSELL COUNTY HOUSING FUND**

Motion made by Jon Bowerbank, second by Mike Puckett and duly approved by the Board of Supervisors to approve General County invoices in the amount of \$480,795.85, including SWVaASAP, WIB and Russell County Housing Fund in the amount of \$500.00.

The vote was:

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

DEMOLITION OF OLD DANTE ELEMENTARY SCHOOL

Motion made by Shy Kennedy, second by Robert Keene and duly approved by the Board of Supervisors to accept the low bid from Taff & Frye Co. Inc. for the demolition of the entire building of the old Dante Elementary School in the amount of \$98,450.00.

The vote was:

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

COAL AND GAS ROAD IMPROVEMENT ADVISORY COMMITTEE

Motion made by Shy Kennedy, second by Jon Bowerbank and duly approved by the Board of Supervisors to request the Circuit Court Judge to appoint the following to the Coal and Gas Road Improvement Advisory Committee: Robert Keene, Conrad Hill, Fred A. Arrington and Larry Stinson.

The vote was:

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

APPOINTMENT – CUMBERLAND MOUNTAIN COMMUNITY SERVICES BOARD

Motion made by Mike Puckett, second by Robert Keene and duly approved by the Board of Supervisors to appoint Robert “Bob” Sutherland to the Cumberland Mountain Community Services Board for a three (3) year term, said term ending on December 31, 2012.

The vote was:

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

APPOINTMENTS – RUSSELL COUNTY PLANNING COMMISSION

Motion made by Mike Puckett, second by Bill Wampler and duly approved by the Board of Supervisors to appoint the following to the Russell County Planning Commission with term ending after each person: Don Cross – October 5, 2013; Jack Compton – October 5, 2013 and Andy Smith – November 6, 2013, each appointed for a four (4) year term.

The vote was:

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

APPROVAL OF SUBDIVISION PLAT – BELVILLE MEADOWS

Motion made by Bill Wampler, second by Robert Keene and duly approved by the Board of Supervisors to approve the final subdivision plat of Belville Meadows, upon the recommendation of the Russell County Planning Commission.

The vote was:

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

RESOLUTION – SUPPORT OF COAL

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

WHEREAS, more than 80,000 jobs depend on surface coal mining in the Appalachian region and coal mining is the economic engine of communities throughout the Appalachian region; and

WHEREAS, the residents of Russell County, Virginia are proud to hail from the coalfields region of the Commonwealth; and

WHEREAS, Russell County is noted for its entrepreneurial spirit and supports region-wide economic development efforts; and

WHEREAS, coal mining operations, in Russell County, rely on the ability to obtain Nationwide Permit 21 (NWP 21) permits in order to produce affordable coal-based electricity and to maintain and create thousands of high paying jobs throughout the eastern United States; and

WHEREAS, the U.S. Army Corps of Engineers (Corps) relies on the ability to issue nationwide permits as a means for managing its workload; and

WHEREAS, the Corps now proposes to eliminate use to these important permits having provided no scientific reason for why such a drastic step is necessary and without fining the public any information about how the Corps will absorb the increased burden on a regulatory program that is already backlogged by more than 250 coal related permits; and

WHEREAS, the economic consequences will be significant on the industry and those communities that rely on the jobs and economic activity that flow from these projects; and

WHEREAS, the entire Appalachian region benefits from the coal industry; and

WHEREAS, the Federal Courts have upheld NWP 21 as legally sound and consistent with Congress' directive that the regulatory agencies should work together to avoid duplication in regulation.

NOW, THEREFORE BE IT RESOLVED by the Russell County Board of Supervisors that Russell County supports the Federal Court decision that has upheld NWP 21 as legally sound and reliable; and supports the Corps' position which has long recognized that "the purpose of the NWP program is to reduce regulatory delays and burdens on the public, to please greater reliance on state and local controls, and to free our limited resources for more effective regulation of other activities with greater potential to adversely impact the aquatic environment." 56 Fed. Reg. 14, 598 - 14, 605 (April 10, 1991).

The vote was:

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

NAY: None

MORAL OBLIGATION RESOLUTION - RUSSELL COUNTY PSA

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

The Russell County Public Service Authority (the "Authority") proposes to issue its \$1,059,765 Water and Sewer Revenue Bond (the "Bond") to the "Fund", as defined below, to finance the construction of water facilities (the "Project") to provide service to the Green Valley West Water Line Extension area of Russell County.

The Authority has requested the Board of Supervisors of Russell County, Virginia (the "County") to facilitate the issuance and sale of the Bond by consenting to the issuance of the Bond and providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond and the Project.

As part of its plan for financing the Project, the Authority proposes to execute the following documents:

- a. Financing Agreement (the "Financing Agreement") between the Authority and the Virginia Resources Authority, as Administrator of the Virginia Water Supply Revolving Fund (the "Fund"); and,
- b. Support Agreement (the "Support Agreement"), between the Authority, the Board of Supervisors of the County and the Fund.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF RUSSELL COUNTY, VIRGINIA:

1. The Authority's plan of financing for the Project, which involves the issuance of the Bond in the principal amount not to exceed \$1,059,765, with interest accruing thereon at the per annum rate of 0% for a term of approximately 30 years, is hereby approved. The Board of Supervisors consent to the issuance of the Bond.
2. The Board of Supervisors agrees to pay to the Authority amounts sufficient to pay the debt service under the Bond, the operation and maintenance expense of the system of which the Project is a part, and additional payment for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions

to be provided in the Support Agreement. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependant upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the county within the meaning of any constitutional or stationary limitation or a pledge of the faith or credit or taxing power of the County.

3. Any one of the Chairman or Vice Chairman of the Board of Supervisors or the County Administrator is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in such a form as may be approved by the officer executing it, his executing to constitute conclusive evidence of his approval of such form; provided, however, that the terms of the Bond are substantially as stated in this resolution. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement.
4. This resolution shall take effect immediately upon its adoption, November 2, 2009.

The members of the Board voted as follows:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Jon Bowerbank	<u>X</u>	_____	_____
Billy Wayne Wampler	<u>X</u>	_____	_____
Ernest "Shy" Kennedy	<u>X</u>	_____	_____
Robert J. Keene	<u>X</u>	_____	_____
Danny Brown	<u>X</u>	_____	_____
C. Michael Puckett	<u>X</u>	_____	_____

LEASE WITH APPALACHIAN AGENCY FOR SENIOR CITIZENS

Motion made by Shy Kennedy, second by Bill Wampler and duly approved by the Board of Supervisors to approve the lease with Appalachian Agency for Senior Citizens for the use of the Pine Creek School for a period of five (5) years.

The vote was:

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

RESOLUTION – VIRGINIA TECH CENTER FOR THE ARTS

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

WHEREAS, Russell County possess a wide array o historical, cultural and recreational sites that reinforce the economic and educational identity of the community including the Old Russell County Courthouse, Russell County Fair and Horse Show, Honaker Red Bud Festival, the Pinnacles, the Lebanon Fourth of July Celebration, Southwest Virginia Technology Development Center, Southwest Virginia Community College, and the celebration of Coal; and,

WHEREAS, in a 2005 report the National Governors' Conference noted that a thriving arts community – especially in rural areas – has become a significant stimulant for high quality job growth and tax revenue and, according to Americans for the Arts, over one billion dollars annually is generated for Virginia businesses through arts and tourism; and

WHEREAS, Russell County preschool through high school students live in dynamic and stimulating environment which requires that schools address learning with interdisciplinary skills and up-to-date technology to motivate children to engage and learn; and

WHEREAS, the Virginia General Assembly mandate under the Higher Education Restructuring Act, stipulates that state universities improve student achievement and upgrade knowledge and skills for educators throughout the Commonwealth; and

WHEREAS, scientific studies demonstrate that the arts and technology significantly enhance educational progress for students in multiple subjects and at all levels; and

WHEREAS, the new facility for the *Center for Creative Technologies in the Arts*, a project of the *Arts Initiative at Virginia Tech*, will expand research, interactive cross-disciplinary collaborations and active partnerships with public schools at the intersection of education, technology and the arts; and

WHEREAS, working directly with schools across Virginia, the *Center for Creative Technologies in the Arts*, will provide teacher training opportunities that result in the collaborative development and delivery of state-of-the-art educational resources designed to improve critical and creative thinking skills, increase SOL performance and advance academic achievement levels from preschool through high school grades; and,

WHEREAS, we believe the formation and development of the *Virginia Tech Center for Creative Technologies in the Art* will provide significant benefits to the residents, students and businesses of Russell County,

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Russell hereby express their support for the *Virginia Tech Center for Creative Technologies in the Arts* and urge the Governor and the Members of the Virginia General Assembly to support its development and growth.

The vote was:

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

NAY: None

SOUTHWEST VIRGINIA RECREATIONAL AUTHORITY

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

WHEREAS, the Virginia General Assembly has established the Southwest Virginia Recreational Authority, as an authority to oversee the development of a trail system in Southwest Virginia; and

WHEREAS, outdoor recreation in Virginia is a significant part of the State's economy with 21% of Virginia's visitors participating in some form of outdoor recreation, thereby spending more tourist dollars and staying a day longer than the average tourist to Virginia; and

WHEREBY, the area to be served by the Southwest Virginia Multi-Use Trail Project includes Buchanan County, Dickenson County, Lee County, Russell County, Scott County, Tazewell County, Wise County and the City of Norton.

NOW, THEREFORE, BE IT RESOLVED by the Russell County Board of Supervisors to fund a FIVE THOUSAND DOLLAR (\$5,000.00) donation for the establishment and operation of the Authority.

The vote was:

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

NAY: None

VOTING PROXY - VACo ANNUAL MEETING

Motion made by Mike Puckett, second by Robert Keene and duly approved by the Board of Supervisors to designate Jon Bowerbank as the Proxy vote for Russell County at the Annual VACo Meeting in November 2009.

The vote was:

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

NAY: None

PUBLIC COMMENT

Public comment was received from Radfert Rhea and Mike Rhea. Marvin Cox requested the Board of Supervisors to consider a law regulating hound dogs running at large.

TV CABLE FRANCHISE

Bill Couch appeared before the Board of Supervisors to request the Board pass a TV Cable Franchise Ordinance. Dennis Jones, County Attorney, was requested to check into this matter.

Motion made by Bill Wampler, second by Mike Puckett and duly approved by the Board of Supervisors to adjourn.

Clerk

Chairman

Minutes
Russell County Planning Commission
November 16, 2009

The Russell County Planning Commission met on Monday, November 16, 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

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

An application for a sign permit by Sam Whited was presented for review. The sign will be located on the site of three new businesses in the Rosedale community. The businesses are: Lookn' Good Salon, B & S Mini Storage, and Nicole Jordyn Photography. All three will use the one sign. After review, a motion was made by Mr. Cross with a second by Mr. Stoots to recommend approval to the Building Official and that a permit be issued. Motion carried unanimously.

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.

Mr. Taylor lead discussion concerning update issues of the new comprehensive 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.

Discussion was held concerning the tremendous amount of effort that has been provided by the Commission membership and staff during the past year, due to the development of a new comprehensive plan and regulation changes at VDOT and DCR. Mr. Wampler moved that each member and the agent and attorney receive a \$50. gift card in appreciation for their extraordinary efforts. The motion was seconded by Mrs. Cross and was passed unanimously. The awards will be made at the next meeting.

Upon the request of Supervisor Bowerbank, discussion was conducted concerning the membership number of the commission roster and by-laws. It appears that the roster number is consistent with the by-laws.

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

Kirby Meadows, Chairman

Roger D. Sword, Corresponding Sect.