

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. for 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

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 effective manner, including making all necessary repairs to the sewer system.
2. The “Authority” presently employs 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 Manager 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 operations 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 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 transactions 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 emergency service call deemed by the “Authority” to be caused solely by neglect on the part of the customer. Costs above the service fee will be a direct cost to the customer. Fees collected will go into a 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

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 render 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, this 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 modification 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 Recreation 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

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

WHEREAS, Public Law 815 guarantees the issuing of a proclamation each year by the President
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 here
claim 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 Keen

NAY: None

HARRY RUTHERFORD, IDA

Harry Rutherford, Chairman, Russell County IDA reported to the Board of Supervisors on
npletion of paving and striping of the Governmental Center parking lot. The recycling bins will
ved 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 requ
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
nervisors to approve the following resolutions:

RESOLUTION

WHEREAS, the Russell County Board of Supervisors dedicated monies to Revenue Sharing R
nstruction projects, and

WHEREAS, project 0622 092 D64 IDB 01077, project 0611 092 D10 N501 IDB 06762, .

WHEREAS, project 9999-083-429, N501 UPC 726510, project 0637-083-428, N501 UPC 726510, project 0645-083-446, N501 UPC 78829 have a balance of funds remaining of \$75,088.47 on U 551, \$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 Second Year Plan Project #0678-083-R69, N501 UPC 80134 as a revenue sharing project, Route 678, known as 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 funds be transferred to fund project #0678-083-R69, N501 UPC 80134 from project 9999-083-429, N501, U 5510, 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 Regional Agency 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, 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 U 5512, \$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 Second Year Plan Project #0671-083-R68, N501 UPC 80133 as a revenue sharing project, Route 671, known as 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 U 5506, 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 Regional Agency Administrator for the Virginia Department of Transportation.

RESOLUTION

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

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.

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 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.

APPROVAL OF DMV GRANT

Motion made by Mike Puckett, second by Bill Wampler and duly approved by the Board Supervisors to approve the DMV Grant for the Russell County Sheriff's Office in the amount of \$14,089 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.

Mark

Chairman

DECLARING ITEMS SURPLUS

- 2) Desk Lamps
- 1) Data Recorder
- 8) Computer Monitors
- 1) Copy Star Copier
- 2) Paper Shredders
- 1) Set of Window Blinds
- 2) Desks
- 3) Phones
- 2) Fans
- 1) Sharp 2600 Fax Machine
- 3) 2381 Lexmark Printers
- 1) Digital Clock w/Radio
- 4) File Cabinets
- 1) Konica 1015 Copier
- 1) Vacuum Cleaner
- 2) Chairs
- 3) Lexmark 2400 Printers
- 2) Air Conditioners
- 6) Doors
- 1) Wheel Cabinet
- 1) Buffer
- 13) Window Screens
- 1) Letter File
- 8) Stainless Toilet Paper Dispensers
- 4) TV Translators (@ Lebanon Cannery)