

March 04, 2019

The regular monthly meeting of the Russell County Board of Supervisors was held on Monday, March 04, 2019 at 6:00 pm. at the Russell County Government Center in Lebanon, Virginia. An Executive (Closed) Session was held prior to the meeting at 5:00 pm.

The Clerk called the meeting to order.

Roll Call by the Clerk:

Present:

Tim Lovelace
Lou Wallace
Carl Rhea
David Eaton
Steve Breeding
Rebecca Dye
Harry Ferguson

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

Absent:

None

EXECUTIVE (CLOSED) SESSION

Motion made by Harry Ferguson, second Steve Breeding and duly approved by the Board of Supervisors to enter into (closed) executive session pursuant to Section 2.2-3712(5) of the Code of Virginia to discuss prospective business matters and litigation matters pursuant to 2.2-3712(3), (5), (7) and (8).

The vote was:

Aye: Harry Ferguson, Lou Wallace, Tim Lovelace, Carl Rhea, Steve Breeding, Rebecca Dye and David Eaton

Nay: None

CERTIFICATION OF EXECUTIVE (CLOSED) SESSION

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to return to regular session.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

Pursuant to § 2.2-3712(D) of the Code of Virginia 1950, as amended each member of the Board of Supervisors upon the Roll Call certifies that to the best of their knowledge (i) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of

Information Act and (ii) only such public business matters that were identified in the motion(s) by which the closed meeting was convened were heard, discussed or considered in the meeting by the Board of Supervisors.

Any member of the Board of Supervisors who believes that there was a departure from the requirements of clauses (i) and (ii) above shall so state prior to the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

Are there any who believe a departure has taken place? Seeing none, if you agree that the matters heard, discussed or considered during the closed meeting were pursuant only to the motion(s) by which the closed meeting was convened, please signify by saying aye or yes.

Tim Lovelace – AYE
Lou Wallace – AYE
Carl Rhea – AYE
David Eaton – AYE
Rebecca Dye - AYE
Steve Breeding – AYE
Harry Ferguson – AYE

Invocation by Pastor Cuba Porter, Lakeview Church followed by the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve the agenda as amended.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

PUBLIC HEARING ON THE SALE OF THE ELK GARDEN SCHOOL CONTINUED UNTIL APRIL 01, 2019

Motion made by Steve Breeding, second Lou Wallace and duly approved by the Board of Supervisors to continue the public hearing on the sale of the Elk Garden School until the next regularly scheduled Board of Supervisors meeting on April 01, 2019 to continue negotiations as authorized by Virginia Code Section 15.2-1800(B).

The vote was:

Aye: Steve Breeding, Lou Wallace, Tim Lovelace, David Eaton, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

PUBLIC HEARING HELD ON THE UNSAFE BUILDING ORDINANCE

Pursuant to being advertised in a local newspaper for two (2) consecutive weeks, a public hearing was held on the Unsafe Building Ordinance. The Chairperson opened to public hearing to comments, hearing none the public hearing was closed.

COMPLIANCE PERIOD ON UNSAFE BUILDINGS SET AT 30 DAYS

Motion made by Steve Breeding, second Lou Wallace and duly approved by the Board of Supervisors to update the Unsafe Building Ordinance compliance period to thirty (30) days with the option to grant more time as directed by the Building Official.

The vote was:

Aye: Steve Breeding, Lou Wallace, Carl Rhea, David Eaton, Rebecca Dye, Harry Ferguson and Tim Lovelace

Nay: None

PUBLIC HEARING HELD ON THE BELFAST WATER PROJECT BLOCK GRANT

Motion made by Harry Ferguson, second Steve Breeding and duly approved by the Board of Supervisors to accept a Resolution for apply for a Virginia Community Development Block Grant funds for the Belfast Water Line Extension Project, Phase 1 at a total project cost of \$775,000.

The vote was:

Aye: Harry Ferguson, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and David Eaton

Nay: None

Acknowledgements

The Board acknowledged the All-State Achievements of Lebanon High School and Castlewood High School wrestling teams, Lebanon High School Volleyball and Lebanon High School Football.

Presentations

Dr. Greg Brown, Superintendent Russell County Schools addressed the Board concerning the need to update the current Lebanon High School football field or to build a new one. This will be included in the school board's budget for 2019/2020 if approved at the school board meeting this week.

Hyder Hughes, Russell County Sheriff's Department gave a brief update of the enforcement of the Litter Ordinance. Building Official Mickey Rhea also gave a short power point presentation.

APPROVAL TO SEND A THIRTY (30) DAY NOTICE TO A LAND OWNER

Motion made by Lou Wallace, second David Eaton and duly approved by the Board of Supervisors to allow the Building Official to send a thirty (30) day notice to the land owner at 4478 Red Oak Ridge Road, Castlewood, Va. to make the necessary cleanup or be fined.

The vote was:

Aye: Lou Wallace, David Eaton, Tim Lovelace, Carl Rhea, Steve Breeding, Rebecca Dye and Harry Ferguson
Nay: None

Brandon Blevins, Clinch Valley Soil and Water Conservation District gave an overview of the Erosion and Sediment Control Program and some issues that need to be addressed.

The Chairperson appointed Harry Ferguson and Rebecca Dye to serve on a committee to look at the Erosion and Sediment Control Program.

Leah Call, AACS Director of Nutrition and Jackie Ray, Property Manager asked that the Board proclaim March 2019 as March for Meals Month. Ms. Call also noted that she would need an alternate location to store some freezers.

APPROVAL OF A RESOLUTION PROCLAIMING MARCH AS MARCH FOR MEALS MONTH

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve a Resolution that proclaims March 2019 as March for Meals Month.

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson
Nay: None

Board Appointments

JAMES MOUNT APPOINTED TO THE CMCSB

Motion made by David Eaton, second Carl Rhea and duly approved by the Board of Supervisors to appoint James Mounts to the Cumberland Mountain Community Services Board for a three (3) year term, said term ending December 31, 2021.

The vote was:

Aye: David Eaton, Carl Rhea, Tim Lovelace, Steve Breeding, Lou Wallace, Rebecca Dye and Harry Ferguson
Nay: None

New Business

APPROVAL OF THE FEBRUARY 04, 2019 MINUTES

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve the February 04, 2019 minutes and dispense with the reading thereof.

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson
Nay: None

APPROVAL OF GENERAL COUNTY INVOICES

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve general county invoices in the amount of \$724,830.14 including reoccurring and withholdings.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

Citizens Comment

Kelly McBride Delph, RCPL invited the Board to participate in a Community Read Program. She also invited them to attend an upcoming book signing.

Alan Sargent, Honaker asked if any decision has been made on a tax exemption for veterans.

Kaylin Ervin, Castlewood commented that the business near her parent's home is causing a hazard because the view is obstructed by all the appliances that are sitting around it.

County Attorney Reports and Requests

APPROVAL OF A USER AGREEMENT WITH THE TOWN OF LEBANON FOR A SOLID WASTE SITE

Motion made by Steve Breeding, second Tim Lovelace and duly approved by the Board of Supervisors to approve a Solid Waste Convenience Site User Agreement with the Town of Lebanon.

The vote was:

Aye: Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, David Eaton, Rebecca Dye and Harry Ferguson

Nay: None

APPROVAL OF A MORAL OBLIGATION RESOLUTION WITH VA. COMMUNITY CAPITAL

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve a moral obligation Resolution between Russell County and Virginia Community Capital pending review by legal counsel.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

APPROVAL OF A MORAL OBLIGATION WITH THE TOWN OF LEBANON FOR PROJECT "BLUE JAY"

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to approve a moral obligation between Russell County and the Town of Lebanon concerning Project "Blue-Jay".

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson
Nay: None

County Administrator Reports and Requests

APPROVAL TO PROCLAIM MARCH AS AMERICAN RED CROSS MONTH

Motion made by David Eaton, second Carl Rhea and duly approved by the Board of Supervisors to approve a Proclamation designating March 2019 as American Red Cross Month.

The vote was:

Aye: David Eaton, Carl Rhea, Tim Lovelace, Lou Wallace, Steve Breeding, Rebecca Dye and Harry Ferguson
Nay: None

APPROVAL OF AN APPALACHINS AGENCY FOR SENIOR CITIZENS LEASE OF THE SWORDS CREEK COMMUNITY CENTER

Motion made by David Eaton, second Harry Ferguson and duly approved by the Board of Supervisors to authorize a lease with the Appalachian Agency for Senior Citizens for the use of the Swords Creek Community Center.

The vote was:

Aye: David Eaton, Harry Ferguson, Carl Rhea, Lou Wallace, Steve Breeding, Rebecca Dye and Tim Lovelace
Nay: None

APPROVAL OF A VDOT (TAP) GRANT FOR THE DANTE DEPOT

Motion made by Lou Wallace, second David Eaton and duly approved by the Board of Supervisors to authorization to proceed with the program administration of the VDOT (TAP) Grant for the Dante Depot Project.

The vote was:

Aye: Lou Wallace, David Eaton, Tim Lovelace, Carl Rhea, Steve Breeding, Rebecca Dye and Harry Ferguson
Nay: None

AUTHORIZATION OF RUSSELL COUNTY EQUALIZATION BOARD PAY AND EXPENSES

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to authorize a payment of \$125.00 per day, plus expenses to the Russell County Equalization Board.

The vote was:

Aye: David Eaton, Steve Breeding, Lou Wallace, Harry Ferguson, Carl Rhea, Tim Lovelace and Rebecca Dye
Nay: None

APPROVAL OF A TRAVEL REQUEST BY THE ASSESSOR'S OFFICE

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve a travel request from the Assessor's Office.

The vote was:

Aye: Steve Breeding, David Eaton, Tim Lovelace, Lou Wallace, Rebecca Dye, Carl Rhea and Harry Ferguson

Nay: None

AUTHORIZATION FOR THE CHAIR TO SIGN THE VCC DOCUMENTS

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to authorize the Chairperson to sign the Virginia Community Capital documents.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

APPROVAL TO ADJOURN TO RECONVENE

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to adjourn to reconvene on Thursday, March 14, 2019 at 10:00 am.

Aye: Steve Breeding, David Eaton, Tim Lovelace, Lou Wallace, Rebecca Dye, Carl Rhea and Harry Ferguson

Nay: None

Clerk of the Board _____

Chairperson _____

March 14, 2019

A reconvened meeting of the Russell County Board of Supervisors was held on Thursday, March 14, 2019 at 10:00 am at the Russell County Conference Center in Lebanon, Virginia.

The Clerk called the meeting back to order.

Roll Call by the Clerk:

Present:

Tim Lovelace
Lou Wallace
Carl Rhea
David Eaton
Steve Breeding
Rebecca Dye
Harry Ferguson

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

Absent:

None

APPROVAL OF THE AGENDA

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to approve the agenda.

The vote was:

Aye: Steve Breeding, David Eaton, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

EXECUTIVE (CLOSED) SESSION

Motion made by Harry Ferguson, second David Eaton and duly approved by the Board of Supervisors to enter into Executive (closed) Session to discuss legal matters pursuant to Code Section 2.2-3712(A)(7) and (8).

The vote was:

Aye: Harry Ferguson, Lou Wallace, Tim Lovelace, Carl Rhea, Steve Breeding, Rebecca Dye and David Eaton

Nay: None

APPROVAL TO RETURN TO REGULAR SESSION

Motion made by Tim Lovelace, second Lou Wallace and duly approved by the Board of Supervisors to return to regular session.

The vote was:

Aye: Tim Lovelace, Lou Wallace, Carl Rhea, David Eaton, Steve Breeding, Rebecca Dye and Harry Ferguson

Nay: None

CERTIFICATION OF EXECUTIVE (CLOSED) SESSION

Pursuant to § 2.2-3712(D) of the Code of Virginia 1950, as amended each member of the Board of Supervisors upon the Roll Call certifies that to the best of their knowledge (i) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters that were identified in the motion(s) by which the closed meeting was convened were heard, discussed or considered in the meeting by the Board of Supervisors.

Tim Lovelace - Aye

Lou Wallace - Aye

Carl Rhea - Aye

David Eaton -Aye

Steve Breeding -Aye

Harry Ferguson-Aye

Rebecca Dye – Aye

AUTHORIZATION TO FINALIZE THE JOINDER FOR CWSA AND THE RUSSELL COUNTY PSA AND TO SET A PUBLIC HEARING FOR MAY 06, 2018

Motion made by Steve Breeding, second David Eaton and duly approved by the Board of Supervisors to authorize the County Attorney to finalize the draft of the Joinder for Castlewood Water and Sewage Authority, the Russell County Public Service Authority, and the Russell County Board of Supervisors and to set a Public Hearing for May 6th, 2019 at 6:00 PM on the Amended Articles of Incorporation for the Russell County Public Service Authority.

The vote was:

Aye: Steve Breeding, David Eaton, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson

Nay: None

PUBLIC HEARING TO BE HELD ON THE CPRWA AMENDED ARTICLES OF INCORPORATION

Motion made by Steve Breeding, second Harry Ferguson and duly approved by the Board of Supervisors to set a Public Hearing for May 6th, 2019 at 6:00 PM on the Amended Articles of Incorporation for the Cumberland Plateau Regional Waste Management Authority.

The vote was:

Aye: Steve Breeding, Harry Ferguson, Tim Lovelace, Lou Wallace, Carl Rhea, David Eaton and Rebecca Dye

Nay: None

APPROVAL OF A VDOT TAP RESOLUTION FOR DANTE DEPOT

Motion made by Lou Wallace, second Steve Breeding and duly approved by the Board of Supervisors to approve a VDOT TAP Resolution for Dante Depot (Blanket Project Funding Commitment and For Blanket Signature Authority).

The vote was:

Aye: Lou Wallace, Steve Breeding, Carl Rhea, Tim Lovelace, David Eaton, Harry Ferguson and Rebecca Dye

APPROVAL TO ADJOURN

Motion made by David Eaton, second Steve Breeding and duly approved by the Board of Supervisors to adjourn.

The vote was:

Aye: David Eaton, Steve Breeding, Tim Lovelace, Lou Wallace, Carl Rhea, Rebecca Dye and Harry Ferguson
Nay: None

Clerk of the Board _____

Chairperson _____