

REPORT
ON THE
TOWN OF BLUEFIELD-COUNTY OF TAZEWELL
INTERGOVERNMENTAL AGREEMENT



COMMISSION ON LOCAL GOVERNMENT
COMMONWEALTH OF VIRGINIA

OCTOBER 1984

TABLE OF CONTENTS

PROCEEDINGS OF THE COMMISSION 1

SCOPE OF REVIEW 2

GENERAL CHARACTERISTICS OF THE TOWN, THE COUNTY,
AND THE AREA PROPOSED FOR ANNEXATION 3

INTERESTS OF THE PEOPLE OF THE TOWN 8

INTERESTS OF THE PEOPLE OF THE AREA PROPOSED FOR ANNEXATION 13

INTERESTS OF THE PEOPLE OF THE COUNTY 28

RECOMMENDATIONS 30

CONCLUDING COMMENT 31

- APPENDIX A - Proposed Intergovernmental Agreement Between the Town
of Bluefield and the County of Tazewell
- APPENDIX B - Statistical Profile of the Town of Bluefield, County of
Tazewell and the Area Proposed for Annexation
- APPENDIX C - Map of the Area Proposed for Annexation

REPORT OF THE
COMMISSION ON LOCAL GOVERNMENT

TOWN OF BLUEFIELD - COUNTY OF TAZEWELL
INTERGOVERNMENTAL AGREEMENT

PROCEEDINGS OF THE COMMISSION

On March 23, 1984 the Town of Bluefield and Tazewell County formally submitted to the Commission for review a proposed intergovernmental agreement which called for the annexation by the Town of approximately 3.48 square miles of territory in Tazewell County.¹ In addition to this boundary expansion, the intergovernmental agreement also included a number of utility provisions. The proposed intergovernmental agreement was the product of negotiations between the parties which had been initiated in February 1984, and the two jurisdictions were assisted in their interlocal negotiations by an independent mediator designated by the Commission.²

Following its receipt of the notice filed by the Town and the County, on August 3, 1984 members of the Commission toured the area proposed for annexation and relevant sites and facilities in the Town and received oral presentations from the parties in support of the proposed agreement.³ In addition to its receipt and consideration of materials from the Town and the County, the Commission solicited comment from other potentially affected political subdivisions and the public. Each political subdivision receiving notice of the proposed agreement from the Town under the provisions of Section 15.1-945.7(A) of the Code of Virginia was invited by the Commission to submit testi-

¹C. H. Peery, III, County Administrator, County of Tazewell and Art Mead, Town Manager, Town of Bluefield, letter to staff of Commission on Local Government, March 23, 1984. See Appendix A for the full text of the proposed agreement.

²The Commission designated, with the concurrence of the parties, Dr. Roger Richman of Old Dominion University as the independent mediator.

³Dr. Benjamin L. Susman, III, a Commission member who resides in Tazewell County, did not take part in the August 3, 1984 pro-

mony on the agreement. Further, the Commission held a public hearing, advertised in accordance with statutory requirements, on the evening of August 3, 1984 in Bluefield.⁴ The public hearing was attended by approximately 20 persons and produced testimony from two individuals. In order to receive additional public comment, the Commission agreed to keep open its record for the receipt of written submissions through September 3, 1984.

SCOPE OF REVIEW

The Town of Bluefield and Tazewell County have submitted their intergovernmental agreement to the Commission for review pursuant to the provisions of Section 15.1-1167.1 of the Code of Virginia. The agreement negotiated between the Town and the County provides for the voluntary settlement of an annexation issue which is a statutory prerogative set forth in Chapter 25 of Title 15.1 of the Code of Virginia.

It is important to note that Section 15.1-1167.1 of the Code of Virginia directs the Commission to focus its review of interlocal agreements on the question as to "whether the proposed settlement is in the best interest of the Commonwealth." In the Commission's judgment, the principal interest of the State in this and similar interlocal issues is served by an equitable reconciliation of the "best interest" of the parties and the area proposed for annexation, and the promotion of orderly growth and continued viability of the Town and the County.

ceedings and was not a participant in the discussions, deliberations, drafting or approval of the Commission's report on the Town of Bluefield - Tazewell County proposed intergovernmental agreement.

⁴At the request of the Commission all materials which had been submitted to it by the parties relative to the proposed intergovernmental agreement were made available for public review in the offices of both the Town Manager of the Town of Bluefield and the County Administrator of Tazewell County.

GENERAL CHARACTERISTICS OF THE TOWN,
THE COUNTY AND THE AREA PROPOSED FOR ANNEXATION

TOWN OF BLUEFIELD

Although the Town of Bluefield was incorporated by the Virginia General Assembly in 1884, much of its early history dates from the mid-1800's.⁵ By virtue of its location in the extreme eastern end of Tazewell County, the Town shares a common boundary and a number of utility concerns with the City of Bluefield, West Virginia. As of 1980 the Town of Bluefield had a population of 5,946 persons and an area of 4.81 square miles, giving the municipality a population density of 1,236 persons per square mile.⁶ Bluefield, whose last major Town-initiated boundary expansion occurred in 1968, gained population during the previous decade, experiencing a population increase of 12.5% between 1970 and 1980.⁷

With respect to the nature of its population, the evidence indicates that the Town's populace is older and has a higher average income than the State overall. Data reveal that as of 1980 the median age of Bluefield residents was 33.8 years, a statistic greater than that for the State overall (29.8 years).⁸ Further, the percentage of the Town's 1980 population age 65 and over was 12.9% while the

⁵Town of Bluefield, All About Bluefield. The Town was originally incorporated as the Town of Graham. In 1924 the Town's name was changed to coincide with that of the City of Bluefield, West Virginia.

⁶U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Number of Inhabitants, Virginia, Number PC80-1-A48, Table 4. As of the 1980 Census, Bluefield was the largest town in Tazewell County.

⁷Ibid. A citizen petition annexation in 1972 added approximately 311 acres and 65 persons to the Town (U. S. Department of Commerce, Bureau of the Census, Boundary and Annexation Survey, 1970-1979, Number GE-30-4, Table 5).

⁸U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Population Characteristics, Virginia, Number PC80-1-B48, Table 14.

comparable figure for the State generally was 9.5%.⁹ In terms of earnings, data reveal that as of 1979 the median family income in Bluefield was \$20,452, or 102.2% of the median family income figure for the Commonwealth as a whole.¹⁰

In terms of the Town's land use, 1984 data indicate that 31.9% of Bluefield's total area was devoted to residential development, 1.8% to commercial enterprise, 1.3% to industrial activity, 13.9% to public and semi-public uses, and 51.1% was vacant.¹¹ The 51.1% of the Town's total area that was vacant represented 1,572 acres, of which 654 acres had slopes in excess of 20% or were located in the 100-year floodplain. Exclusive of this land with physical limitations to development, the Town had approximately 918 acres, or 29.8% of its total area, vacant and free from environmental constraints.¹²

COUNTY OF TAZEVELL

The County of Tazewell was created in 1799 from territory formerly part of Russell, Washington and Wythe Counties.¹³ Between 1970 and 1980 the County's population increased from 39,816 to 50,511 persons, or by 26.9%.¹⁴ The official population estimate for 1982 places the County's population at 51,600 persons, an increase of 2.2% since the

⁹Ibid.

¹⁰U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Social and Economic Characteristics, Virginia, Number PC80-1-C48, Tables 61, 168.

¹¹D. Chip Harris, Consultant, Town of Bluefield, communication with staff of Commission on Local Government, September 17, 1984.

¹²Ibid.

¹³J. Devereux Weeks, Dates of Origin, Virginia Counties and Municipalities (Charlottesville: Institute of Government, University of Virginia, 1967).

¹⁴1980 Census of Population, Number of Inhabitants, Virginia, Table 4. In addition to Bluefield, there are four other incorporated towns in Tazewell County. The 1980 population of persons residing in the County's five towns was 18,468.

decennial census.¹⁵ On the basis of the 1982 population estimate and an area of 522 square miles, the County has an overall population density of 96.8 persons per square mile.

With respect to the nature of its population, various statistical indices disclose that while the age profile of the County's populace is similar to that of the State generally, the residents of Tazewell County have a lower income than that of the Commonwealth overall. Data indicate that as of 1980 the median age of residents of Tazewell County was 29.6 years, while that of the State as a whole was 29.8 years.¹⁶ Further, statistics reveal that as of 1980 approximately 10.1% of the County's population was age 65 or over, while the percentage of that age category for the State generally was 9.5%.¹⁷ In terms of earnings, the median family income for County residents in 1979 was \$16,431, or only 82.1% of the comparable figure for the State (\$20,018).¹⁸

Employment data for recent years reveal that the County has experienced an increase in its commercial and industrial base. Statistics indicate that between 1975 and 1983 the number of nonagricultural wage and salary positions in the County increased from 11,583

¹⁵Julia H. Martin and Michael A. Spar, Estimates of the Population of Virginia Counties and Cities: July 1, 1981 (Final) and July 1, 1982 (Provisional) (Charlottesville: Tayloe Murphy Institute, University of Virginia, December 1983), Table 2.

¹⁶1980 Census of Population, General Population Characteristics, Virginia, Table 14. Unless otherwise noted, all data cited for Tazewell County includes those persons residing in the Town of Bluefield.

¹⁷Ibid.

¹⁸1980 Census of Population, General Social and Economic Characteristics, Virginia, Tables 61, 180. By 1983, the estimated median family income of the County had increased to \$21,325 while the similar statistic for the State collectively was \$26,153. (John L. Knapp and Philip J. Grossman, Projected 1983 Median Family and Median Household Income in Virginia's Counties, Cities, MSAs, and Planning Districts (Charlottesville: Tayloe Murphy Institute, University of Virginia, September 1983).

to 12,357, or by 6.7%.¹⁹ Since the County's total civilian labor force in 1983 was 22,073, as of that date nearly half the County's work force remained in agricultural activity or was required to seek employment outside the County.²⁰

Agricultural and forestal activities are significant components of the County's economic base. As of 1982 there were 494 farms in Tazewell County occupying a total of 142,015 acres, with the major agricultural operations centered on the raising of livestock or poultry.²¹ In addition to its farming activity, 1977 data disclosed that 204,713 acres, or 61.3% of the County's total land area, was producing or capable of producing wood for commercial usage.²² The significance of these activities is further revealed by the fact that as of 1976, approximately 95.9% of the County's land was classified as

¹⁹Virginia Employment Commission, Population and Labor Force Data, 1975; and Covered Employment and Wages in Virginia for Quarter Ending December 31, 1983 - Tazewell County. In 1983 the largest components of the County's economic base were retail trade (2,889 employees), government (2,602 employees) and services (2,281 employees). Most of these positions were located in one of the County's five incorporated towns.

²⁰Covered Employment and Wages in Virginia for Quarter Ending December 31, 1983 - Tazewell County; and U. S. Department of Labor, Bureau of Labor Statistics, Historical Report on Labor Force and Unemployment, Virginia, March 1, 1984. As of 1980, approximately 35% of County residents age 16 and over were employed outside the borders of Tazewell County (U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Place of Work Destinations, Virginia, Summary Tape File 4, Documentation Supplement 1, p. 8).

²¹U. S. Department of Commerce, Bureau of the Census, 1982 Census of Agriculture, Virginia, Number AC82-A-46, Table 1. In 1982 more than half (52.6%) of farm operators in the County were employed for 100 days or more in non-farm related activities (Ibid., Table 5).

²²Virginia Division of Forestry, Forest Resource Data, Cumberland Plateau Planning District, 1977, Table 2. Land devoted to forestry is included in the Bureau of the Census' definition of farmland.

agricultural, wooded or vacant.²³ Thus, while Tazewell County has experienced population growth during the decade of the 1970's, it remains largely rural and sparsely populated.

AREA PROPOSED FOR ANNEXATION

The area proposed for annexation in the agreement between the Town of Bluefield and Tazewell County contains 3.48 square miles, 294 persons, and \$9.4 million in total assessed property values subject to local taxation. Thus, the proposed annexation would bring into Bluefield 0.7% of the County's total land area, 0.6% of its population, and 1.1% of the total assessed property values subject to local taxation.²⁴

In terms of current development, the area contains two residential areas, a shopping center, a County middle school, the campus of Bluefield College and a portion of the Bluefield, West Virginia City Park.²⁵ According to recent land use data 3.3% of the total area is devoted to residential development, 0.6% to commercial enterprise, 9.9% to public and semi-public uses, with 86.2% of the area remaining vacant or engaged in agricultural production.²⁶

The 86.2% of the area proposed for annexation that is vacant represents 1,935 acres. Of this amount approximately 1,195 acres, or

²³County of Tazewell, Tazewell County Comprehensive Plan, 1977.

²⁴Town of Bluefield, Annexation Feasibility Study, June 1, 1984, p. 2. The assessed value of real property in the area proposed for annexation reflects use value assessment. See Appendix B for a statistical profile of the Town of Bluefield, Tazewell County and the area proposed for annexation. See Appendix C for a map of the area proposed for annexation.

²⁵The City of Bluefield, West Virginia park occupies approximately 170 acres in the area proposed for annexation.

²⁶Harris, communication with staff of Commission on Local Government, September 17, 1984.

61.8% of the vacant land have environmental restrictions due to steep slopes. Thus, the net vacant land in the area suitable for development is approximately 720 acres or 1.1 square miles.²⁷

INTERESTS OF THE PEOPLE OF THE TOWN

LAND FOR DEVELOPMENT

As indicated previously, the Town of Bluefield currently contains approximately 1,572 acres of vacant land, constituting 51.1% of its total land area.²⁸ Excluding from this total property situated on slopes exceeding 20% or lying in the 100-year floodplain (655 acres), the Town has 918 acres (29.8% of its total area) of net developable vacant land.²⁹ Much of this acreage, however, is limited in its development potential by locational concerns, access to utilities or appropriate land use considerations. Further, Town officials have asserted that only one parcel of vacant land unconstrained by environmental factors and exceeding 10 acres in size remains within Bluefield.³⁰

The proposed annexation would add to the Town approximately 740 acres of vacant land unfettered by environmental concerns. A significant portion of this vacant land suitable for development is traversed by the U. S. Highway 460 Bypass.³¹ Further, development potential

²⁷Ibid. A substantial portion of the vacant or agricultural land in the area proposed for annexation is controlled by one landowner (Testimony of Mead, Transcript of Oral Presentations before the Commission on Local Government (hereinafter cited as Transcript) August 3, 1984, p. 131).

²⁸Ibid.

²⁹Ibid.

³⁰Town of Bluefield, Submittal to Virginia Commission on Local Government (hereinafter cited as Town Submittal), July 1984, p. 1. This parcel is approximately 20 acres in size.

³¹Harris, communication with staff of Commission on Local Government, September 17, 1984. The Tazewell County Comprehensive Plan identified the area proposed for annexation as one of the best

of the area proposed for annexation is significantly enhanced by its location in relation to the development patterns of the City of Bluefield, West Virginia. Much of the existing residential and commercial development in the area proposed for annexation emanates from that adjacent City.

Although the Town has experienced industrial, commercial and residential growth during the past decade and while there remains limited pockets of vacant developable land within its present borders, the data suggest that an expansion of the Town's boundaries may be appropriate to promote the continued viability of Bluefield and thus Tazewell County. Town officials have asserted that no new industry has located within the corporate boundaries of Bluefield since the mid-1960's.³² Further, much of the recent industrial development in the Bluefield environs has occurred in areas adjacent to the Town not sought for annexation under the terms of the proposed agreement.³³ Furthermore, in recent years, a number of industrial operations in the Town have ceased operation due to economic conditions.³⁴ In terms of the Town's need for additional land for commercial development, the last major shopping center to open in Bluefield was located within a portion of the 100-year floodplain, and the site required extensive preparation due to the presence of steep terrain.³⁵

areas in the County for large scale residential and commercial development.

³²Mead, communication with staff of Commission on Local Government, September 21, 1984.

³³Most of the new business firms have located in the County's Bluefield Industrial Park, a 76 acre site located contiguous to the Town's western boundary north of the Fincastle Turnpike. Located within the industrial park and adjacent areas are approximately 12 firms employing an estimated 300 persons.

³⁴Mead, communication with staff of Commission on Local Government, September 21, 1984. During the last four years, three manufacturing firms located in the Town and collectively employing approximately 50 persons have gone out of business.

³⁵The parking lot of the Twin City Shopping Center is located

Finally, with respect to the Town's need for land for development, the Commission considers it important to note that the general viability of all localities rests in part upon the capacity of a community to attract and retain a heterogeneous population. Given the scarcity of vacant land suitable for development in the Town, it is unlikely that Bluefield can grow in the future and offer sufficient housing opportunities to younger families. In support of this concern are data indicating that between 1970 and 1980 the percentage of the Town's total population age 65 and over increased from 9.4% to 12.9%. During that same period, the similar statistic for the State as a whole increased from only 7.9% to 9.5%.³⁶

In sum, the evidence suggests that the Town of Bluefield does need land for industrial, commercial and residential development, and that the area proposed for annexation will provide the Town with sufficient land for such development.

FISCAL ASSETS AND PUBLIC SERVICE LIABILITIES

While the Commission notes that the Town of Bluefield remains one of the service and employment centers in Tazewell County, there is evidence to suggest that the Town has not experienced growth in its fiscal base commensurate with that in its parent County. Between 1981 and 1983 the total assessed value of real, personal and public service corporation property subject to local taxation increased by 16.7% in Tazewell County, but only by 3.3% within the Town of Bluefield.³⁷

entirely in the 100-year floodplain of the Beaver Pond Creek. Site preparation for the shopping center required the removal of approximately 80,000 cubic yards of earth and the acquisition of additional acreage in order to relocate a wetlands area (Mead, communication with staff of Commission on Local Government, September 21, 1984).

³⁶U. S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Characteristics of the Population, Virginia, Part 48, March 1973, Table 31; and 1980 Census of Population, General Population Characteristics, Table 14.

³⁷Annexation Feasibility Study, pp. 7-8. The County's assessed values for machinery and tools and merchants capital were not included in the comparison with the Town since Bluefield does not tax

During the same period the total assessed value of real property, Bluefield's principal source of tax revenue, increased by 2.7% while similar values in the County rose by 5.4%.³⁸

In terms of local revenue derived from properties subject to local taxation between 1981 and 1983, Bluefield's receipts increased by 14.6% while those for the County for the same classes of property decreased by 10.1%.³⁹ The Commission recognizes that the tax receipts from property subject to local taxation are, in part, a function of the tax rates established by the Town and the County, however, the data suggest that Bluefield's local tax base as assessed by Tazewell County has not increased in proportion with that of the County.

The proposed agreement would permit the Town to annex an area containing approximately \$9.8 million in real and personal property assessed values subject to local taxation. Thus, the annexation will increase the Town's total assessed property values by approximately 10.8% based on 1983 assessment figures.⁴⁰ In terms of revenue, the proposed annexation is expected to generate initially \$91,000 annually, principally from property and other local tax resources and intergovernmental transfers. These additional receipts would represent 10.3% of the Town's anticipated general fund revenue for Fiscal

those classifications of property. In 1983, machinery and tools and merchants capital assessed values comprised 5.3% of the County's total assessed values (Ibid., p. 8).

³⁸Ibid., pp. 7-8. The assessed value of real property in the County reflects use value assessment.

³⁹Ibid. Between 1981 and 1983, County tax revenues derived from public service corporation properties decreased by 60.8% while revenues from machinery and tools and merchants capital increased by 47.5% during the same period (Ibid., p. 8).

⁴⁰Ibid., pp. 2, 22. Public service corporation assessed values were not estimated for the area proposed for annexation.

Year 1982-83.⁴¹

The annexation by the Town of Bluefield of various fiscal assets will also bring with it certain public service liabilities in the area proposed for annexation. The proposed agreement requires the Town to provide general public services to the citizens in the annexation area at the same level as currently provided within the present Town. In addition, the Town has identified specific service needs of the area to be annexed and has developed a plan to provide facilities and services to meet the needs of that area. In terms of extending services to the area proposed for annexation, the Town contemplates that it will be required to expend an additional \$61,300 annually for general governmental services, and, in addition, expend \$142,600 to make street, drainage and water system improvements in the area within four years after the effective date of the annexation.⁴² Because of the magnitude of the capital expenditures needed in the area proposed for annexation and Bluefield's relatively low net debt per capita (\$12.48 in Fiscal Year 1982-83), the Town proposes to fund the necessary expenditures through the issuance of general obligation bonds.⁴³

Based upon the data cited previously the Commission finds that the proposed annexation would bring within the Town's boundaries a reasonable balance of fiscal assets and public service liabilities.

⁴¹Ibid., pp. 15, 22. Receipts from general revenue sharing are not included.

⁴²Ibid., pp. 21, 23.

⁴³Ibid., p. 23; and Town of Bluefield, Financial Report, June 30, 1983, p. 39. Debt service on the proposed capital improvements is estimated to be \$18,700 per year (Ibid., p. 23).

INTERESTS OF THE PEOPLE
OF THE AREA PROPOSED FOR ANNEXATION

COMMUNITY OF INTEREST

One of the factors for consideration in determining the best interest of the area proposed for annexation is the relative strength of the community of interest which joins the Town with the area it seeks to annex. In this case the evidence suggests that the area proposed for annexation has significant and tangible ties to the Town of Bluefield.

First, the data reveal that Bluefield is the center for the provision of certain urban-type services to the area proposed for annexation. The Commission notes that the Town is presently providing water service to a portion of the area's population and sewage collection service to the County's middle school in the area. The Town is also the headquarters for the volunteer fire department serving the proposed annexation area.⁴⁴ Further, Bluefield contains a number of County facilities, such as a branch library and three schools, which serve the residents of the general area.⁴⁵

Second, Bluefield is a focal point for economic activity in eastern Tazewell County. Employment statistics indicate that as of 1983 approximately 50% of Tazewell County's manufacturing or processing employment positions were located within the Town's boundaries.⁴⁶ Further, data reveal that as of 1977 (the latest year for which such data are available), Bluefield contained 14.7% of the County's retail businesses, 17.7% of its service establishments, and

⁴⁴Approximately two-thirds of the calls responded to by the Town's fire department originate from outside Bluefield's current boundaries (Town Submittal, p. 4).

⁴⁵Two elementary schools and one high school are located within the Town. The branch library is located in the Bluefield Town Hall.

⁴⁶Virginia Employment Commission, Special Area by Industry Listing for Quarter 1-83, Area 185 -- Tazewell County. Approximately 800 manufacturing and processing positions were located within the Town.

56.4% of its wholesale firms.⁴⁷

Third, the presence of a number of public and private facilities in the area proposed for annexation establishes a close tie between that area and the Town. These facilities include a County middle school, the City of Bluefield, West Virginia's municipal park, Bluefield College and Westgate Shopping Center.

Finally, the area proposed for annexation by the Town of Bluefield is geographically isolated from the remainder of Tazewell County. Thus, if urban-type services are to be extended to the area, such services could be more expediently provided by the Town.

For the reasons cited previously, the Commission finds that the area proposed for annexation by the Town under the terms of the intergovernmental agreement is socially, economically and governmentally dependent on Bluefield.

NEED FOR URBAN SERVICES

The 3.48 square miles of territory proposed for annexation by the Town of Bluefield are estimated to contain a population of 294, giving the area a population density of 84.5 persons per square mile. This population density of the area is approximately 88% of that of Tazewell County's overall density of 96.8 persons per square mile. While more than 86% of the area proposed for annexation is currently vacant or in agricultural use, the area does contain two residential concentrations, a major commercial area, and a number of sites of public and semi-public usages. In addition, the Commission notes that the adopted Tazewell County Comprehensive Plan, which was based upon a comprehensive analysis of the County's needs and growth prospectus, identified the proposed area as being suitable for intensive residential and commercial development. Thus the evidence indicates that the area proposed for annexation will experience future development and will increasingly need and benefit from additional urban services.

⁴⁷U. S. Department of Commerce, Bureau of the Census, 1977 Census of Retail Trade, Virginia, Number RC77-A-47, October 1980, Table 7; 1977 Census of Service Industries, Virginia, Number

Water Supply and Distribution

Treated water is available to the area proposed for annexation from the Town of Bluefield and the Bluefield Valley Water Company, the Virginia subsidiary of the West Virginia Water Company which serves the City of Bluefield, West Virginia. The Town of Bluefield, in addition to providing water service to its residents and portions of Tazewell County adjacent to the Town's borders, serves directly approximately 30 connections in the area proposed for annexation.⁴⁸ The Town's water treatment plant, according to its rated capacity, can receive and treat 1.5 million gallons (MGD) per day from the Bluestone River. Since the Town's present distribution system requires approximately 1.0 MGD, the system retains an unused reserve of 0.5 MGD.⁴⁹ In terms of storage capacity, the Town has three storage tanks which collectively hold 0.9 million gallons (MG) of treated water.⁵⁰

In addition to service by the Town of Bluefield, the Bluefield Valley Water Company provides treated water to approximately 75 connections in the area proposed for annexation. The Company purchases

SC77-A-47, April 1980, Table 7; and 1977 Census of Wholesale Trade, Virginia, Number WC77-A-47, May 1980, Table 7. The Bureau of the Census defines retail trade as those establishments engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of those goods. Service industries are defined as those primarily engaged in rendering a wide variety of services to individuals and business establishments (e. g., hotels and motels and personal, business, legal and repair services). Wholesale establishments are defined as those which do not sell to the general public.

⁴⁸Town Submittal, p. 18. In the area proposed for annexation the Town provides water service to the City of Bluefield, West Virginia park, Graham Middle School and the North View Heights subdivision.

⁴⁹Ibid. The Town also has one spring which is also used on a limited basis as a source of raw water. Expansion of the water treatment plant is restricted by the amount of water that can be withdrawn from the Bluestone River.

⁵⁰Gary Crouch, Consultant, Town of Bluefield, "Summary of Presentation to Virginia Commission on Local Government," August 3, 1984.

all of its treated water from its parent concern, the West Virginia Water Company. The West Virginia Water Company currently has an unused reserve of 1.1 MGD in its treatment and distribution system and owns six storage tanks with an aggregate capacity of 2.4 MG.⁵¹

While the Commission has been advised that there are no portions of the area proposed for annexation which currently require an extension of public water service, the evidence suggests that there are some unmet needs in the area caused by inadequacies in both the Town's and the Bluefield Valley Water Company's existing water systems. Expansion of the Town's water system is restricted by inadequate source of supply and insufficient storage capacity.⁵² Although expansion of the water system is not immediately needed to serve the area sought for annexation, the proposed agreement between the Town and Tazewell County allows the County to purchase up to 0.3 MGD of treated water from Bluefield. The identified shortcomings in the Town's system could restrict Bluefield's ability to meet its contractual commitment to Tazewell County.⁵³ Bluefield plans to correct these deficiencies after annexation by constructing a connection between the Town's water system and that of the Bluefield Valley Water Company. This will enable Bluefield to purchase water from the

⁵¹Mead, letter to staff of Commission on Local Government, August 31, 1984. The estimated safe yield from the three reservoirs used by the West Virginia Water Company is 2.4 MGD. The Bluefield Valley Water Company purchases approximately .051 MGD from its parent concern.

⁵²"Summary of Presentation to Virginia Commission on Local Government". The Town's source of raw water, the Bluestone River, is vulnerable to contamination from hazardous chemical spills from industries located in the Bluefield Industrial Park or accidents involving vehicles carrying dangerous cargoes on U. S. Highway 460 which parallels the river. Further, the Town has insufficient storage capacity to repair a major malfunction at the water treatment plant or to restore the Bluestone River to a usable condition if it is ever contaminated by a hazardous chemical accident.

⁵³Ibid.

Company as needed as well as make available to the Town additional storage capacity for emergency situations.⁵⁴ Further, the Town proposes to negotiate an agreement with the Bluefield Valley Water Company to delineate service areas within the area proposed for annexation, and thus reduce any potential political or service problems resulting from the presence of two competing utility operations.⁵⁵

Officials of the Bluefield Valley Water Company have advised the Commission that undersized water lines along State Route 102 (College Avenue) in the area proposed for annexation restricts the Company's ability to deliver the necessary fire flow to that portion of the area Bluefield seeks to annex.⁵⁶ The Town proposes to correct this deficiency by making certain improvements to the Company's lines in the affected area within ten years after the effective date of annexation.⁵⁷ In addition, Bluefield intends to upgrade its water mains serving the North View Heights Subdivision within four years following the effective date of annexation.

Sewage Treatment

All sewage collected in the Town and City of Bluefield, West

⁵⁴Ibid.; and Town Submittal, pp. 19-20. The Town does not anticipate immediate purchases of water from the Bluefield Valley Water Company once the connection is completed, but it will rely on the additional storage capacity of the West Virginia Water Company for emergency situations. Once Tazewell County begins purchasing water from the Town under the terms of the proposed agreement, however, Bluefield plans to buy water from the Bluefield Valley Water Company to meet the needs of the County.

⁵⁵Ibid. It is estimated that approximately two-thirds of the area proposed for annexation would be within the service area of the Bluefield Valley Water Company (Testimony of Crouch, Transcript, p. 69).

⁵⁶Mead, letter to staff of Commission on Local Government, August 31, 1984. Water service is restricted by the presence of two-inch water lines serving the residential areas along College Avenue.

⁵⁷Ibid.; "Summary of Presentation to Virginia Commission on Local Government;" and Town Submittal, p. 16. The Town's plans call

Virginia as well as portions of the area proposed for annexation, is treated at facilities owned by the Sanitary Board of Bluefield, Incorporated, a non-profit corporation governed by a five-member board of directors representing both the Town and the City.⁵⁸ The Sanitary Board operates two sewage treatment plants, the largest of which, the Westside Treatment Plant, is located in Virginia approximately one mile north of the Town.⁵⁹ The Westside Plant, which was constructed in 1980 as a tertiary level treatment facility, has a rated capacity of 3.5 MGD with an average daily flow of approximately 4.0 MGD.⁶⁰ The capacity of the plant is further exceeded frequently due to problems of infiltration of groundwater and inflow of storm-water in the collection lines owned by the Town and City of Bluefield

for the replacement of approximately 3,000 feet of undersized water lines owned by the Bluefield Valley Water Company with eight-inch water mains and the installation of 12 fire hydrants to these and other Company lines in the area proposed for annexation. The Company would receive title to these improvements.

⁵⁸Town Submittal, p. 16; and Mead, letter to staff of Commission on Local Government, August 31, 1984. The Sanitary Board of Bluefield, Incorporated is the Virginia subsidiary of the Sanitary Board of the City of Bluefield, West Virginia. It was incorporated in 1936 as a Virginia company in order to own the real estate in Virginia where its sewage treatment plant was located. The governing board of the Sanitary Board of Bluefield, Inc. consists of three members of the Sanitary Board of the City of Bluefield and two members appointed by the Bluefield Town Council (Mead, letter to staff of Commission on Local Government, August 31, 1984).

⁵⁹The Sanitary Board's other treatment plan, located to the east of the City of Bluefield, West Virginia, has a rated capacity of 1.2 MGD and an average daily flow of 0.5 MGD. It treats sewage from those areas of the City of Bluefield which do not flow by gravity to the Westside Treatment Facility. (Testimony of Terry Honaker, Superintendent, Sanitary Board of Bluefield, Inc., Transcript, p. 104).

⁶⁰Town Submittal, p. 16; and Dallas R. Sizemore, Director, Division of Applied Technology, Abingdon Regional Office, Virginia State Water Control Board, communication with staff of Commission on Local Government, September 26, 1984. The Sanitary Board's older facility, the Bluestone Sewage Treatment Plant, located within the Town's borders, is used as a holding facility for the Westside Plant

within their respective jurisdictions.⁶¹

Sewage collection services as well as sewerage line maintenance and extension in the area proposed for annexation is the responsibility of the Sanitary Board.⁶² The existing Sanitary Board lines serve the eastern portion of the area sought for annexation by the Town.⁶³ With the exception of the Graham Middle School located in the western portion of the proposed area, the Town does not have any collection lines in the area proposed for annexation. The remainder of the area is served by individual septic tanks.

Upon annexation, Bluefield proposes to acquire the existing sewerage collection lines in the area proposed for annexation from the Sanitary Board and assume the responsibility for the maintenance of those lines, but the Town does not plan any immediate extension of additional sewerage lines. Bluefield does propose, however, to install sewerage lines along State Route 102 (College Avenue) and in the North View Heights Subdivision within ten years after the effec-

during periods of high sewage flow. In addition to the approximately 4.0 MGD treated at the Westside Plant, it is estimated that as much as 1.0 MGD of raw sewage is bypassed directly into the Bluestone River during wet weather (Ibid.).

⁶¹Town Submittal, p. 17. The Westside Plant was designed to be expanded to 4.5 MGD without further land acquisition or major construction (Ibid.). The Sanitary Board of Bluefield, Inc. and the Town and City of Bluefield have commenced a program to remove the infiltration and inflow from their respective interceptor and collection lines (Testimony of Stuart P. Tansill, Consultant, Sanitary Board of Bluefield, Inc., Transcript, pp. 101-102). It has been estimated that if the infiltration and inflow could be completely eliminated from all lines, the flow through the Westside Treatment plant would be approximately 1.83 MGD (Ibid., p. 103).

⁶²Tazewell County has a water and sewer authority but it primarily serves the central and western portions of the County.

⁶³The Sanitary Board serves directly Bluefield College, Westgate Shopping Center, the Consolidated Coal Company offices, and approximately 35 dwelling units. The Town of Bluefield, however, provides billing services to the Sanitary Board's customers in the area proposed for annexation (Mead, communication with staff of Commission on Local Government, September 12, 1984).

tive date of annexation.⁶⁴ Further, the Town has indicated that it will extend collection lines to other portions of the area proposed for annexation as the need requires. Although the annexation of the area sought by Bluefield will not result in any changes in the current level of sewage treatment services provided in that area, the Commission concludes that the Town's assumption of the direct responsibility for the maintenance and extension of sewerage lines should benefit the residents of the area proposed for annexation.

Solid Waste Collection and Disposal

At the present time Tazewell County does not provide solid waste collection services within the area proposed for annexation. County residents, including those of Bluefield, can dispose of their waste at the County's landfill for no charge.⁶⁵ In addition, residents and firms in the area proposed for annexation do have available private contractors for solid waste collection services.⁶⁶

The Town of Bluefield provides solid waste collection services to its residents and commercial establishments on a regular basis through the use of Town equipment and personnel. Residential service costs \$5.00 per month for once-a-week curbside collection while commercial users are charged according to their particular needs.⁶⁷ Data submitted by the Town indicate that this solid waste collection service

⁶⁴Annexation Feasibility Study, p. 21. The Town estimates that the cost of providing such improvements would be approximately \$294,000.

⁶⁵Town Submittal, p. 8. The Tazewell County landfill is located 10 miles west of the Town of Bluefield.

⁶⁶Ibid., pp. 8-9. Private residential solid waste collection service in the area proposed for annexation costs \$5.00 per month for once-a-week pick up. The Town serves one commercial customer in the proposed area.

⁶⁷Ibid., p. 8. Commercial collection service costs between \$12.50 and \$125.00 a month depending on the frequency of collection.

is provided to approximately 2,200 residential customers and 75 commercial concerns.⁶⁸ Bluefield disposes of these solid waste collections at the County's landfill.⁶⁹

The Commission notes that the area proposed for annexation appears to be adequately served by private solid waste collectors, however, annexation of that area by the Town will enable Bluefield to extend its solid waste collection services to those residents who do not presently receive such services from private concerns.

Crime Prevention and Detection

Since the law enforcement activities of Virginia towns augment those provided by county sheriff's departments, the proposed annexation by Bluefield will have the effect of extending supplemental law enforcement services to the area's residents. The Town of Bluefield presently has 10 full-time sworn law enforcement personnel of which 8 are assigned patrol responsibility.⁷⁰ This staffing level is sufficient to provide an average of 2 patrol officers per eight-hour shift, an average response time to emergency calls for service of 1 to 5 minutes and 1 patrol officer for each 743 Town residents.⁷¹ The Town's criminal justice efforts are also assisted by Tazewell County's provision of jail facilities, prosecutorial assistance as well as by the activities of the County Sheriff's Department with its complement of 23 law enforcement personnel.⁷² The Town has an organized crime

⁶⁸Ibid. Excluding its commercial customers in the area proposed for annexation, the Town also serves 15 residential and 1 commercial customers outside its borders.

⁶⁹Ibid. Bluefield is not charged for the use of the County's landfill.

⁷⁰Town Submittal, p. 6. Bluefield also employs 4 full-time dispatchers, 2-3 part-time dispatchers, 1 parking monitor, and 1 part-time crossing guard.

⁷¹Ibid.; and Mead, letter to staff of Commission on Local Government, August 31, 1984.

⁷²William E. Osborne, Sheriff, Tazewell County, communication

prevention program although no officer is assigned to that program on a full-time basis.⁷³

In terms of the effectiveness of the Town's law enforcement activities, the Commission notes that in 1983 Bluefield had a crime rate of 1,682 major crimes per 100,000 population, while the similar rate for Tazewell County was 1,177 per 100,000 population. State records indicate that the Town's clearance rate for the 105 major crimes committed within its borders during 1983 was 23.8%, while the County's clearance rate was 29.8% for the 396 major crimes reported from the areas not covered by municipal law enforcement activities.⁷⁴

In order to serve the area proposed for annexation, the Town proposes to hire one additional police officer and to acquire an additional vehicle.⁷⁵ This added investment in law enforcement services by Bluefield should enable it to extend service to the area annexed at a level of intensity comparable to that currently provided within the existing Town. While the Commission has not been informed of any major crime problems in the area proposed for annexation, the growth of the area can be expected to result in a need for intensified law enforcement services.

with staff of Commission on Local Government, September 24, 1984. The County has 22 patrol deputies, and this staffing level provides 1 patrol deputy for each 1,506 County residents, exclusive of the population residing in its five incorporated towns. In addition to the police force in Bluefield, the County's law enforcement efforts are supplemented by a total of 30 officers in the Towns of Cedar Bluff, Pocahontas, Richlands, and Tazewell, as well as the Virginia State Police.

⁷³Mead, communication with staff of Commission on Local Government, September 25, 1984. The Town's crime prevention activities are focused on the neighborhood watch program.

⁷⁴Virginia Department of State Police, Crime in Virginia, 1983. Reported crimes reflect only the number of crimes in seven major categories of criminal activity (murder/nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft).

⁷⁵Annexation Feasibility Study, p. 23.

Public Works

The proposed annexation will result in changes in the policies and procedures by which various public works are provided in the area to be annexed. The new policies and procedures are, in this Commission's judgment, better designed to meet the needs of urbanizing areas than are those which have applied generally in Tazewell County. These changes governing the nature and extension of public works in the area proposed for annexation should be increasingly beneficial to that area as it develops.

Street Maintenance and Snow Removal. The proposed annexation will result in the Town of Bluefield assuming responsibility for the construction and maintenance of public thoroughfares in the annexed area. While the Town receives a significant contribution from the State for the improvement and maintenance of roads within its corporate limits, it has shown a willingness to invest additional local funds to address its thoroughfares needs. The data indicate that during Fiscal Year 1983-84, the Town of Bluefield contributed nearly \$40,000 of local revenue to improve and maintain the approximately 60 lane-miles of roadway within its corporate boundaries.⁷⁶

The proposed annexation will add approximately 12 lane-miles of roadway to the Town's road network, and of this amount, only 6.24 lane-miles are maintained by the State.⁷⁷ Data concerning the condition of the thoroughfares in the area proposed for annexation, however, reveal that there are no significant road improvement needs in the area. In terms of these additional roads, Bluefield will assume responsibility for all of the roads in the area proposed for annexation. Further, the Town proposes to make certain improvements

⁷⁶Mead, letter to staff of Commission on Local Government, August 31, 1984. Although only 41.97 lane-miles of roadway within the Town qualify for State maintenance payments, Bluefield maintains all public roads within its borders.

⁷⁷Ibid.

to the roads in the North View Heights subdivision within four years following the effective date of the annexation.⁷⁸ The Town estimates that the cost of such improvements to the road in that subdivision will be approximately \$25,000.⁷⁹

The Town of Bluefield will also become responsible for the snow removal needs of the area proposed for annexation. Currently, the Town has four snow plows and various other pieces of equipment assigned for snow removal purposes.⁸⁰ Town officials have asserted that upon annexation Bluefield can extend snow removal services to the area to be annexed without the purchase of additional equipment.⁸¹

In the Commission's judgment, the area proposed for annexation will benefit from the local management of public thoroughfares by the Town of Bluefield, and such benefit will increase in significance with the development of the area.

Street Lighting. Tazewell County does not have any policy for the installation, maintenance, or operation of street lights. While portions of the area proposed for annexation do contain some lighting systems on private property for security purposes, no public expenditure is made by the County for street lights in that area. The Town of Bluefield does have a policy by which it will install, maintain, and operate at public expense street lights and, as of July 1984, there were 524 street lights within Bluefield's corporate limits.⁸² In the Commission's judgment, portions of the area pro-

⁷⁸Annexation Feasibility Study, p. 21. The Town proposes to grade, pave and make drainage improvements to approximately 3,000 linear feet of roadway within the subdivision.

⁷⁹Ibid.

⁸⁰Town Submittal, p. 10. The Town assigns 16 employees to snow removal duties.

⁸¹Ibid., p. 11. The Town will not assume responsibility for snow removal on U. S. Highway 460.

⁸²Ibid., p. 12. During Fiscal Year 1983-84 the Town expended

posed for annexation have a current and growing need for street lighting, and that need can be met by the Town of Bluefield. In order to extend appropriate service to the area sought for annexation, the Town proposes to install approximately 60 street lights at a cost of \$6,000 during the first year following annexation.⁸³

Planning, Zoning and Subdivision Regulation

The Town of Bluefield, which established its planning Commission in 1962, has adopted a comprehensive plan and subdivision and zoning ordinance.⁸⁴ Although Tazewell County has adopted a comprehensive plan and subdivision regulations, the Commission finds that the Town currently has a broader array and more effective set for planning and directing growth than does the County. As the area proposed for annexation develops in the future, the Town can fully meet the public planning, zoning and subdivision regulatory needs of that area.

General Service Considerations

The Commission notes that there are certain public services available to the area proposed for annexation will not be affected by the incorporation of that area into the Town of Bluefield. In terms of fire prevention and protection, the annexation will have little or no immediate impact on the residents of the area to be annexed. Bluefield and Tazewell County jointly support the Bluefield Fire Department which serves the Town, the area proposed for annexation, and portions of the eastern part of the County. Currently, the Bluefield Fire Department's fire suppression capabilities are such

approximately \$35,500 for the operation of street lights within its current boundaries (Mead, letter to staff of Commission on Local Government, August 31, 1984).

⁸³Ibid. Bluefield proposes to install street lights in the area proposed for annexation at the same density of coverage as exists within the present Town.

⁸⁴Mead, letter to staff of Commission on Local Government, August 31, 1984. Bluefield adopted its comprehensive plan in 1975 and subjected its zoning and subdivision ordinances to major revisions in

that properties within the Town are rated "6" by the Insurance Services Office (ISO) of Virginia in terms of their exposure to fire loss, whereas similar properties in the area proposed for annexation have a "9" or "10" rating.⁸⁵ Future plans of the Town to install fire hydrants in the area and make other improvements to the fire flow system should result in the ISO rating for the area proposed for annexation being improved to that presently assigned to properties in Bluefield and, thus, should decrease the fire insurance premiums charged residents of the area.⁸⁶

Bluefield and Tazewell County also jointly support a branch of the County library located in the Town Hall. This facility, which is scheduled to be expanded in the near future, offers a full range of services to residents of both jurisdictions.

With respect to public recreational services, residents of the area proposed for annexation currently participate in the recreational programs sponsored by the Town of Bluefield. In addition, park and recreation facilities are available for use by residents of the Town

1979.

⁸⁵Town Submittal, pp. 4-5; and testimony of James Hardy, Assistant Fire Chief, Town of Bluefield, Transcript, pp. 141-142. The ISO rating is based on a scale of "1" to "10" for comparison with other municipal fire protection systems and represents an indication of a system's ability to defend against the major fire which may be expected in any given community. Where protection class "10" is assigned, there is usually no or minimal protection. Protection class "1" represents a fire protection system of extreme capability. The principal features used by ISO in grading a community's fire system, are water supply, fire department, fire communications and fire safety control [John L. Bryan and Raymond C. Picard, Managing Fire Services (Washington, D. C.: International City Management Association, 1979), p. 102]. Residential properties located more than five road miles from a fire station are automatically assigned a protection class of "10" by the ISO.

⁸⁶Annexation Feasibility Study, p. 21; and Mead, letter to staff of Commission on Local Government, August 31, 1984. Improvements to the water lines in the North View Heights subdivision are scheduled to be completed within four years following the effective date of annexation and include the installation of two hydrants. Within ten years, the Town proposes to correct deficiencies in the

and the general area.⁸⁷

Finally, both the Town and the City of Bluefield, West Virginia support the area's public transportation system, the Gateway Regional Transit Authority.⁸⁸ Currently, the fixed-route bus system serves both municipalities and surrounding areas including the Westgate Shopping Center in the area proposed for annexation. The Town has indicated it could negotiate extensions of additional bus service to the area annexed as needed.⁸⁹

While the annexation will assign to the Town the continuing responsibility to meet the fire suppression, library, recreation, and public transportation needs in the area annexed, Bluefield does not propose any immediate modifications of these services as a result of the annexation.

Summary of Service Needs

In the preceding sections of this report the Commission has endeavored to analyze the existing and prospective urban service needs of the area proposed for annexation and the relative ability of the Town of Bluefield to meet those needs. Although this Commission has examined the statistical data which it considers appropriate, this analysis has been conditioned by our direct experience in local government. On the basis of the data cited in the preceding sections the Commission finds that portions of the area sought for annexation

water lines owned by the Bluefield Valley Water Company and install 12 fire hydrants.

⁸⁷Town Submittal, p. 23.

⁸⁸Ibid., p. 22; and Mead, letter to staff of Commission on Local Government, August 31, 1984. The Town provides approximately \$8,500 annually in local funds to the Transit Authority. Ridership from the Town is estimated to be 1,500 persons per month.

⁸⁹Town Submittal, p. 22; and testimony of Mead, Transcript, pp. 149-150.

by the Town under the terms of the intergovernmental agreement with Tazewell County have a need for additional urban services and will benefit by the extension of the Town's services and policies. In addition, the Commission wishes to commend the Town of Bluefield for its innovative approach to the provision of urban services through the use of formal and informal cooperative agreements with Tazewell County and the City of Bluefield, West Virginia as well as the Town's astute policies toward the financing of capital expenditures. In the Commission's judgment, these initiatives are further evidence of the Town's ability to meet the existing and future urban service needs of the area proposed for annexation.

INTERESTS OF THE PEOPLE OF THE COUNTY

The annexation provided for in the proposed agreement between the Town of Bluefield and Tazewell County would have minimal adverse impact on the County. While the annexation would reduce initially some minor revenue sources, all properties annexed by the Town would remain subject to local taxation by Tazewell County.⁹⁰ Further, upon annexation Bluefield will assume the responsibility for certain services, such as law enforcement and planning and development controls, that are currently being provided by the County.

The proposed annexation would also permit the Town to benefit from an immediate infusion of fiscal resources, would assure it of land for future development, and would promote its continued viability. Moreover, the continued viability of the Town of Bluefield and its expanded fiscal resources will facilitate the economic development of the Bluefield area which will redound to the benefit of the citizens of Tazewell County generally.

In addition to the provisions of the proposed agreement dealing specifically with annexation, there are other elements in the inter-local settlement which are of considerable value to Tazewell County.

⁹⁰County revenues affected by town annexations include those from sales, consumer utility, wine, and bank franchise taxes, motor

The agreement contains language which authorizes the County to purchase up to 0.3 MGD in treated water from the Town.⁹¹ The County plans to use this source of water to extend service to areas west and north of Bluefield currently experiencing health hazard problems from contaminated wells.⁹² Further, under the terms of the intergovernmental agreement, Bluefield will remove its surcharge on water service to industrial customers located outside the Town's present boundaries in the County's industrial park.⁹³ This feature of the agreement should lessen the economic burden on a number of business firms which play an important role in Tazewell County's economic base.

These various utility provisions in the proposed agreement with which the County can promote and direct the future development of a portion of its territory, coupled with the insignificant impact of the proposed annexation, are features of the settlement which are, in the Commission's judgment, in the best interest of Tazewell County.

vehicle and business licenses, ABC profit distribution and federal revenue sharing.

⁹¹See "Memorandum of Understanding Regarding the Water Agreement Between the Town of Bluefield and the County of Tazewell" submitted to Commission on Local Government, March 23, 1984. The conditions set forth in the Memorandum of Understanding were included in an agreement approved by the Town Council on August 27, 1984 but at this time it is awaiting action by the Tazewell County Board of Supervisors. The cost of the water to the County under the terms of the agreement will be the lowest bulk rate charged to the Town by the Bluefield Valley Water Company at the time of purchase.

⁹²The County has studied the feasibility of extending water lines north from the Town's boundaries to the Falls Mills area or west to an area known as the "Divides," approximately ten miles (Testimony of Mead, Transcript, pp. 16-18; and Hudson Huffard, Jr., Supervisor, Eastern District, Tazewell County Board of Supervisors, Transcript, pp. 42-43). If the County decides to extend water service to the Falls Mills area, the proposed water agreement commits Tazewell County to pay for certain improvements to the water system within the Town.

⁹³Currently the Town places a 25% surcharge on the cost of water sold to customers in the industrial park. The County also imposes an additional 25% surcharge on those same customers (Testimony of Mead, Transcript, pp. 20-21).

RECOMMENDATIONS

ANNEXATION PROVISIONS

Consolidation of Water Distribution Service

In the development of its plans and policies for the administration of the area to be annexed, there is a significant concern, in the Commission's judgment, which requires further consideration by the Town. As a previous section of this report has indicated, the Town plans to negotiate an agreement with the Bluefield Valley Water Company to delineate water service areas within the area proposed for annexation. Under the terms of the proposed agreement with the Company, the Town of Bluefield would provide water service to existing and future customers in the western one-third of the area proposed to be annexed and water service in the remainder of the area would be the responsibility of the Bluefield Valley Water Company. The agreement would also enable the Town to construct a connection to the Company's lines and purchase water from that firm in emergency situations or to meet anticipated future demands resulting from the Town's water contract with Tazewell County.

The Town's plans for serving the area after annexation would, in effect, continue the present situation of having the proposed area served by two water systems with varying policies, charges and fees. This arrangement is not desirable, and it is one which could result in citizen charges of inequity and public discontent. The Commission strongly recommends that the Town of Bluefield acquire all of the private water lines in the area proposed for annexation to provide unified public management for the water system in that area. The Commission concurs, however, in Bluefield's plans to negotiate an agreement with the Company for the purchase of water to meet the Town's additional needs. The elimination of the existing dual water service arrangement and rate structure in the area proposed for annexation will remove a source of potential difficulty in the area and insure that the service will be provided by a public body which is

responsive to the electorate. Response to this concern can add to the beneficial consequences and equity of the proposed annexation.

Agricultural Land Preservation

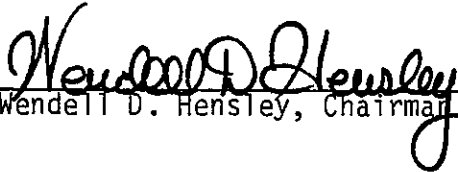
Exhibits presented to the Commission indicate that a substantial amount of land in the area proposed for annexation is devoted to agricultural or forestal uses. Since such land will experience a significant increase in its real property tax rate as a result of the proposed annexation, the Commission would encourage the Town to consider the adoption of a use value assessment program for the four categories of qualifying properties to reduce the impact of incorporation of this land into the Town. Alternatively, since these active agricultural lands may not require the level of services needed in the urbanized area to be annexed, the Town should consider the use of reduced tax rates on such properties for a period of time as authorized by Section 15.1-1047.1 of the Code of Virginia.


CONCLUDING COMMENT

In the preceding sections of this report the Commission has reviewed the provisions of a proposed intergovernmental agreement between the Town of Bluefield and Tazewell County which constitute a voluntary settlement of an annexation issue under Section 15.1-1167.1 of the Code of Virginia. The Commission's analysis and recommendations are based upon this body's collective experience in local government administration and operations.

Based upon the evidence presented by the parties and its analysis of the issue, the Commission finds the various provisions of the agreement to be in the best interest of the Town, the County and the area proposed for annexation. Further, the proposed agreement is promotive of the orderly growth and continued viability of Bluefield and Tazewell County and is consistent with the interest of the Commonwealth.

Respectfully submitted,


Wendell D. Hensley, Chairman


Harold S. Atkinson, Vice Chairman


Edward A. Beck


William S. Hubard

APPENDIX A

THIS AGREEMENT made this the 22nd day of March, 1984, by and between the TOWN OF BLUEFIELD, an incorporated town pursuant to the Acts of Assembly of the Commonwealth of Virginia, hereinafter referred to as "Town", and the COUNTY OF TAZEVELL, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "County".

W I T N E S S E T H

WHEREAS, the parties hereto have heretofore designated negotiating teams for negotiation of possible annexation of a portion of the County by the Town; and

WHEREAS, the aforementioned negotiating teams have heretofore been involved in negotiations under the auspices of an independent mediator appointed by the Virginia Commission on Local Government; and

WHEREAS, the aforementioned negotiating teams reached this Agreement on the 15th day of March, 1984; and

WHEREAS, the aforementioned negotiating teams agreed to submit this Agreement to the governing bodies of the respective entities for approval by Resolution and execution hereof and forwarding to the aforementioned Commission in accordance with the provisions of Section 15.1 - 1167.1 of the Code of Virginia;

NOW, THEREFORE the County and the Town in consideration of the mutual covenants and agreements contained herein, agree to perform the following acts and to be bound by the following statements and principles in settlement of the Annexation issues raised by the Town of Bluefield.

1. The County agrees to the Annexation by the Town of the territory containing approximately 3.3 square miles (approximately 2110± acres) and generally depicted on the map attached to this Agreement. Attachment I.

The Town and the County shall request the Court to declare January 1, 1985 the effective date of the Annexation.

2. In accord with the principles established in the attached Memorandum of Understanding, the Town and the County intend to negotiate a Water Agreement during the period ending April 15, 1984.

2. (continued)

a. Such Water Agreement shall be executed by representatives of the Town and the County, or their designated assignees, on the same date as the Town and County adopt annexation ordinances as provided in 15.1-1167.1 of the Code of Virginia.

b. If such Water Agreement is not completed prior to April 15, 1984, the parties shall request an independent mediator to convene consecutive daily negotiating sessions to conclude the Water Agreement.

c. If such Water Agreement cannot be reached, the annexation shall be null and void, unless otherwise agreed in writing.

3. The Town agrees that, within a reasonable time period, it intends to provide public services in the Annexation area as provided in the Town as a whole.

4. The Town and the County agree to each pay their own costs for preparation of required documents and supporting materials relating to the Annexation. Costs which cannot be attributed to one party shall be shared equally by the parties.

5. This Agreement and the Attachments thereto shall be presented to the Annexation Court for incorporation into its Final Order. The County and the Town intend that this Agreement shall bind and inure to

the benefit of their assignees and successors, and to other public entities sponsored by the governing bodies (with specific reference to the Tazewell County Water and Sewerage Authority).

6. The parties hereto agree that all parts of this Agreement are essential to the entire Agreement and that no single portion or portions of this Agreement shall be severed without agreement of both parties and that if any one portion of this Agreement cannot take effect or is nullified in any way prior to the effective date of the entire Agreement then either party shall have the right to declare null and void this entire Agreement.

TOWN OF BLUEFIELD

By: Cecile Richardson
Mayor

(SEAL)

[Signature]
Clerk

TAZEWELL COUNTY BOARD OF SUPERVISORS

By: Joseph E. Perry, Jr.
Chairman

(SEAL)

[Signature]
Clark

CERTIFICATE

The undersigned duly appointed negotiators for The Town of Bluefield and The County of Tazewell do hereby certify that the above Agreement is as adopted and approved by the aforementioned negotiating teams at a negotiating session held at the Town Hall, Town of Bluefield, Tazewell County, Virginia, on the 15th day of March, 1984, and that it is the same Agreement which these negotiating teams agreed to submit to the prospective governing bodies and to recommend approval hereof at a duly held meeting.

THE TOWN OF BLUEFIELD

THE COUNTY OF TAZEWELL

Cecil Richardson

Chas. Lee

W. David Bowers

Doug B. Campbell

Sam [unclear]

Walter H. [unclear]

[unclear]

MEMORANDUM OF UNDERSTANDING
REGARDING THE WATER AGREEMENT BETWEEN
THE TOWN OF BLUEFIELD AND THE COUNTY OF TAZEWELL

1. That the Town make available to the County a maximum capacity of 300,000 gallons per day of potable water for a period of ten (10) years from the effective date of annexation.
2. That this capacity shall be metered at various locations, two (2) of which are presently known as follows: Near the location of Peters Equipment on State Route 720 west of the corporate limits of The Town of Bluefield, and at a tentative location on State Route 694 at the crest of Stoney Ridge.
3. That the County will have at its disposal the aforementioned 300,000 gallons of capacity, and in the event that such capacity is not being used at the end of the aforementioned ten (10) year term, the same shall revert to the Town, but that capacity being used at the termination of the ten (10) year period shall continue to be available under the same terms and conditions by the Town to the customers of the County of Tazewell or its duly designated agency or authority.
4. That it shall be the County's responsibility to hook on at the designated points and install the meter.
5. That the County or its duly designated agency or authority shall reimburse to the Town its actual costs in supplying water to the Peters Equipment location. Where the same is being purchased by The Town of Bluefield from the West Virginia Water Company or its Virginia subsidiary, the rate shall be at the lowest bulk rate being charged at the time by the aforementioned West Virginia Water Company. In addition the County or its Authority shall pay all allowable and allocable costs

attributable to the delivery of said water as provided by the State Corporation Commission for water rate making purposes at that time.

6. In regard to the Route 694 location the parties anticipate the need for a storage tank of 250,000 gallons and pumping facilities and improvement of the Town's existing water distribution system. In the event this location is exercised by the County or its Authority, the County, whether thru capital expenditures or rate structure on the bulk rate charged, shall pay 100% of the costs of a 250,000 gallon tank, site preparation and line to the tank and pumping facility. Additionally the County shall, in the same manner, pay for 80% of the Town's cost of interior water distribution system improvements to supply the 250,000 gallon tank. All costs for increasing this capacity beyond 250,000 gallons shall be the Town's with the economies of scale accruing to the Town. These facilities shall be owned, operated, and maintained by the Town. The above amortization of the above-mentioned capital improvements plus the operation and maintenance of the improvements shall constitute a minimum user fee to the County or its Authority and the additional water fees shall be at the same rate as at the Peters Equipment location.

7. That at the hook-on point located at Peters Equipment the Town warrants that there will be a minimum of twenty (20) pounds of static pressure on its side of the meter.

8. That The Town of Bluefield intends to and shall negotiate a contract with the aforementioned West Virginia Water Company for the purchase of said water, and that such agreement shall contain a provision that the Tazewell County Board of Supervisors and the Tazewell County Water and Sewerage Authority are third party beneficiaries thereof, giving the County of Tazewell and the Tazewell County Water and

Sewerage Authority standing to enforce the same in its or their own behalf or on behalf and in the name of The Town of Bluefield, in which instance it shall be at the expense of the Tazewell County Board of Supervisors or the Tazewell County Water and Sewerage Authority.

9. The parties recognize that the costs of improvements for the Route 694 location are unknown and further recognize that the decision to construct as set out above is at the County's sole option. The Town may decline to participate in this agreement based upon its determination that the financial burdens of its costs of such improvements are not within acceptable bounds as determined by the Town Council and that such improvements are found to provide a clear and discernable benefit to the Town and in such event the annexation agreement is void unless otherwise agreed in writing.

APPENDIX B

STATISTICAL PROFILE OF THE TOWN OF BLUEFIELD,
COUNTY OF TAZEWELL, AND THE AREA PROPOSED FOR ANNEXATION

	<u>Town of Bluefield</u>	<u>County of Tazewell</u>	<u>Area Proposed For Annexation</u> ¹
Population (1980)	5,946	50,511	294
Land Area (Square Miles)	4.81	522.00	3.48
Total Taxable Values (1983)	\$89,980,901	\$875,286,465	\$9,782,679
Real Estate Values (1983)	\$85,664,570	\$671,914,089	\$9,381,140
Public Service Corporation Values (1983)	\$4,212,524	\$36,478,142	N/A
Personal Property Values (1983)	\$103,807	\$120,477,054	\$401,539
Machinery and Tools Values ² (1983)	N/A	\$39,907,191	N/A
Merchants Capital Values (1983)	N/A	\$6,509,889	N/A
Existing Land Use (Acres)			
Residential	982	N/A	72
Commercial	55	N/A	13
Industrial	41	N/A	-
Public and Semi-Public	427	N/A	220
Agricultural, Wooded or Vacant	1,573	N/A	1,922

NOTES

N/A = Not Available

1 = As estimated by the Town of Bluefield

2 = Town of Bluefield does not levy a machinery and tool or merchants capital tax.

SOURCES

Town of Bluefield, Annexation Feasibility Study, June 1, 1984; and D. Chip Harris, Consultant, Town of Bluefield, communication with staff of Commission on Local Government, September 17, 1984.

TOWN OF BLUEFIELD VA

MAP LEGEND

- Bluefield Town Boundaries
- - Area Proposed for Annexation

SCALE 1" = 300'

