

COUNTY OF BATH, VIRGINIA  
BOARD OF SUPERVISORS MEETING  
BATH COUNTY COURTHOUSE, Room 115

Tuesday, April 14, 2015.6:30 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Claire A. Collins, Chairperson; Clifford A. Gilchrest, Vice Chairman; Henry "Kevin" Fry; Phillip "Bart" Perdue, Bruce W. McWilliams; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Ashton N. Harrison, County Administrator.

Claire A. Collins, Chair called the meeting to order.

Claire A. Collins, Chair led the Pledge of Allegiance. Mr. Perdue offered the invocation.

Chairperson Collins asked the Board if they wished to approve or amend the agenda and the minutes from the March 10, 2015, Board of Supervisors meeting.

Supervisor Perdue added a request to waive building permit fees made by Hot Springs Fire and Rescue Association, change the date of a proposed public hearing to consider setting a business license to June 9, 2015, and moved the closed session to the end of the regular meeting schedule. Supervisor Perdue made the motion to approve the agenda with the abovementioned changes. Supervisor Gilchrest seconded the motion which was adopted 5-0.

**Employee Compensation and Classification Study**

County Administration Harrison said the process to develop a compensation and classification plan for the County began in May 2013. Mr. Harrison said the ad-hoc committee recommended adoption of the final draft and asked the Board to consider funding option 2 as part of its FY 2016 budget process. Mr. Harrison said the Board would need to consider the adoption of the plan and funding in separate motions. Mr. Harrison suggested approving the study now and consider funding option 2 as part of the budget proposal.

Supervisor McWilliams made the motion to adopt the Employee Classification and Compensation Plan as developed by Springsted Inc. Supervisor Gilchrest seconded the motion which was adopted 5-0.

**Public Comment**

Mr. John Fischer, Warm Springs District, asked the Board of Supervisors to adopt a resolution to appoint a member of the Board to serve in an advisory capacity to the Bath Community Hospital Board to monitor community healthcare to make sure it complies with the County's Comprehensive Plan. Mr. Fischer said "we need the oversight of our elected leaders to ensure the County's plan objectives." Mr. Fischer added there are important issues in front of the hospital board not the least of which is citizens being able to see their primary care physician, making sure the hospital is not turned into a "rent-a-doctor" facility.

Mr. Carl Chestnut, Cedar Creek District, spoke regarding the hospital and a derogatory letter written referencing local doctors, and the concerned citizens group. Mr. Chestnut said local citizens need to stand together and stated he would like to see Dr. Jim Redington elected chairman of Bath Community Hospital Board.

Mrs. Sharon Lindsay, Rockbridge Regional Library, gave a presentation on new library hours and announced new book mobile services.

Mr. Wally Robertson, Cedar Creek District, expressed displeasure that the Board discussed the employee compensation and classification survey before public comment. Mr. Robertson inquired about reopening the transfer station.

### **Board Member Comment**

Supervisor Gilchrest welcomed everyone and said it was good to see so many people in attendance.

### **Consideration of Board of Supervisors Monthly Meeting Time**

Supervisor Gilchrest made the motion to set the Board of Supervisors monthly meetings to begin at 7:00 p.m. in Room 115 of the Courthouse. Supervisor McWilliams seconded the motion that was adopted 5-0.

### **Public Hearing on County and Schools FY 2015-16 Budget and Tax Levies**

County Administrator Harrison said the proposed budget is posted on the County's website or can be viewed in printed form at the County Administrator's Office. Mr. Harrison said the proposed budget contains no tax increases, keeping the real estate tax at \$0.48 per one hundred of assessed value and personal property tax at \$0.35 per one hundred of assessed value. Mr. Harrison gave an overview of the general fund which included a transfer of \$7,901,466 in county funds to schools and an additional \$332,502 for school food services. Mr. Harrison reviewed funding dedicated to capital projects including Millboro fire truck payment, Hot Springs pumper truck, Bacova to Cedar Creek water line extension, Burnsville Fire Station building enhancement, MARS rescue squad, general reassessment, paving and deferred maintenance on the Courthouse and two sheriff's vehicles. Mr. Harrison said the proposed budget also includes funding option 2 of the employee compensation and classification study and a 10% increase in health insurance premiums. Mr. Harrison said the final result including transfers to the schools is \$18,122,812 for the general fund, \$856,980 for the lodgers fund, \$770,100 for the VPA fund and \$327,000 for the CSA fund. Mr. Harrison said the County can expect revenues to remain relatively flat. Lodgers fund tax projected to be a record year, sales taxes have increased while meals tax has decreased.

The Chair opened the public hearing.

Mr. Matt Ratcliff, Bolar Fire Chief, said he requested \$125,000 for an addition to the Bolar Fire Department building. He stated this is the second year he had asked for funding. Mr. Ratcliff said Bolar works for what they want and \$125,000 is just one truck for other

departments. Mr. Ratcliff said his department needs room to grow and the addition would also be used for a community center. He said he appreciated his members coming out to support him and his department supports 35 square miles in Bath County. Mr. Ratcliff said Bath County has been good to the Bolar Fire Department over the years and his department "is not in it for the guts and glory they are in there to help people."

County Administrator Harrison added all proposed budget requests can be viewed on line and is advertised in the budget, and if the County funded all requests the County would require over \$3.5 million from reserves as opposed to \$2.2 million in the proposed budget.

Mrs. Myrna Davis, Warm Springs District, said the budget looks great on paper but questioned how the County's money really needs to be spent. She said is the best use of the funds to give a 10% raise when your only spending \$330,000 for school food. Mrs. Davis urged the Board to fund Bolar Fire Departments \$125,000 request for assistance to enlarge their fire building.

Dr. Ellen Miller, Warm Springs District, said level funding sounds good but increase costs causes level funding to result in budget cuts. Dr. Miller respectfully asked the Board to look at costs once the insurance costs come in what true level funding would be if costs go up in areas beyond the schools control. Dr. Miller also expressed concern that the proposed budget did not include funding any of the schools capital requests which puts the schools behind schedule on bus replacements.

Mr. Danny Cardwell, Cedar Creek District, said a budget is a list of priorities for the community. He added one of the communities top priorities has to be the children. Mr. Cardwell said he would support a tax increase for education.

Mr. Charlie Hamilton, Cedar Creek District, expressed concerns for the quality of food being served by the school system.

The Chair closed the public hearing.

**Consideration to set a public hearing June 9, 2015, regarding amending County Code Section 14-4 Annual Levy of License; Filing**

County Administrator Harrison said he would prepare a presentation for the Board that he would give prior to the public hearing on June 9, 2015. Mr. Harrison read the current code section followed by the proposed language that the Board will consider after the public hearing.

Chairperson Collins asked if the code section dealing with enforcement would remain the same and asked how the code section would be enforced.

County Administrator Harrison said he did not have the entire ordinance in front of him but would advise the Board of the enforcement process before the public hearing.

Supervisor McWilliams said it was important to note this code section has been on the County's books for years, but never implemented.

County Administrator Harrison recommended a business license fee as opposed to a business license tax because a fee is less burdensome on staff and taxpayers. Mr. Harrison said the EDA also endorsed a business license fee.

Supervisor McWilliams made the motion to set a public hearing for June 9, 2015, at 7:30 p.m. or as soon thereafter as possible to consider amending County Code Section 14-4 Annual Levy of License; Filing. Supervisor Gilchrest seconded the motion which was adopted 3-2, with Collins and Perdue dissenting.

**Appreciation letter recognizing Mr. Jeff Strasser's years of service on the Bath County Public Service Authority**

County Administrator Harrison read the following letter aloud.

Dear Mr. Strasser:

We, the Board of Supervisors of the County of Bath, want to thank you for over 30 years of service to the Public Service Authority and Bath County. Your leadership and service through the PSA's formative years has made a positive difference to Bath County residents then, now, and for future generations. We often speak of "health, safety, and welfare" in public service and providing safe drinking water and treating waste water are the epitome of such service.

We wish you the best with your future plans and we hope you continue to volunteer your time and experience to this community. Jeff, you have made Bath County a better place to live. Thank you.

Supervisor Fry made the motion to send the abovementioned letter of appreciation to Mr. Strasser. Supervisor McWilliams seconded the motion which was adopted 5-0.

**Letter supporting a combined bear, coyote, and bobcat study in Bath County**

County Administrator Harrison read the following letter aloud.

Dear Mr. Duncan:

We, the Bath County Board of Supervisors, would like to express our unanimous support for Virginia Tech - Dept. of Fish & Wildlife Conservation's funding request to conduct a combined bear, coyote, and bobcat study in Bath County. We are proud of Bath County being an outdoor destination and a healthy wildlife population is a vital part of that experience. Thank you for your consideration of Virginia Tech's request.

Supervisor Gilchrest made the motion to send the abovementioned letter supporting a combined bear, coyote, and bobcat study in Bath County to Mr. Bob Duncan, Executive Director, Virginia Department of Game and Inland Fisheries. Supervisor McWilliams seconded the motion which was adopted 5-0.

### **Transfer Station Pad Engineering**

County Administrator Harrison said the County has an engineering study underway with Draper Aden at the transfer station to get a better idea of the costs involved to address the retaining wall and transfer station floor. Mr. Harrison said the proposal in front of the Board for consideration at this time is an engineering study on the concrete pad where waste is unloaded currently. This study will improve drainage to direct clean water away from the site and direct water that has come in contact with waste into the sanitary sewer. Mr. Harrison said the study would also assist smaller contactors with unloading at the concrete pad. Mr. Harrison said the County received two proposals, CHA for \$7,300 and Draper Aden Associates for \$11,000.

Supervisor McWilliams made the motion to award the proposal for engineering services for design and construction documents at the convenience drop off site to provide direct unloading into roll off containers. Supervisor Fry seconded the motion which was adopted 5-0.

### **Revised Parks and Recreation Procedures and Regulations**

County Administrator Harrison said the Recreation Advisory Board made recommendation to amend the Recreation Procedures and Regulations which was presented to the Board last month.

Supervisor Gilchrest made the motion to adopt the Recreation Procedures and Regulations as submitted. Supervisor Fry seconded the motion which was adopted 5-0.

### **Consideration to Relinquish Cedar Creek Waste Water Treatment Permit and Facility to Bath County Service Authority**

Michael Collins, County Attorney, said a couple meetings ago the Board had on its agenda to consider relinquishing Cedar Creek Wastewater Treatment Plant permits and real estate to Bath County Service Authority. Mr. Collins said it was thought that the transfer was pursuant to an agreement between the County, Cedar Creek Associates, and Bath County Service Authority. Mr. Collins said after reviewing the agreement his understanding is the agreement did not include transferring the facility, only the permit. Mr. Collins said if it is the intent of the Board to transfer the real estate as well as the permits the County would have to advertise and hold a public hearing before transferring the real estate. Mr. Collins gave a description of the facility and easements.

Supervisor Gilchrest made the motion to transfer the Cedar Creek Wastewater Permit to Bath County Service Authority and to set a public hearing for May 12, 2015, at 7:30 p.m. or as soon thereafter as possible to seek input on disposing of the Cedar Creek Wastewater Treatment Plant by deeding said property to Bath County Service Authority. Supervisor McWilliams seconded the motion which was adopted 5-0.

### **Appointments to Boards and Commissions**

Supervisor Perdue made the motion to approve the following appointments to Boards and Commissions.

Jason Miller as the Valley Springs District representative on the Planning Commission for a term ending April 12, 2019.

Lonnie Martin and Wayne Hiner, Warm Springs Sanitation Commission for terms ending April 15, 2019. Recommendation will be made to the State Health Commissioner.

Bruce McWilliams as the County's elected representative on Central Shenandoah Planning District Commission, for a term ending June 30, 2018.

Bart Perdue as the County's representative on the Central Shenandoah Emergency Medical Services Council, for a term ending January 25, 2018.

Supervisor Perdue's motion was seconded by Supervisor McWilliams and adopted 5-0.

### **Consent Agenda**

Supervisor Gilchrest made the motion to approve the payment of invoices, additional invoices, requests for transfers and appropriations, and to accept correspondence and monthly reports as submitted. Supervisor Perdue seconded the motion which was adopted 5-0.

### **Additional Items**

Hot Springs Fire and Rescue Association request for waiver building permit fees.

Supervisor Perdue made the motion to grant a waiver for building permit fees to the Hot Springs Fire and Rescue Association as requested by Michael Spurgeon, Rescue Chief. Supervisor Perdue said the approximate cost of the waiver was \$83.60. Supervisor McWilliams seconded the motion which was adopted 4 in favor, 0 against, and 1 abstaining. Supervisor Fry who is member of the Hot Springs Fire Department and Rescue Squad declined to vote.

### **Closed Session**

Upon a motion made by Supervisor Gilchrest, with a second from Supervisor Fry, and adopted 5 in favor, 0 against, the Board went into closed meeting in the Upper Level Conference Room Pursuant to Code of Virginia of 1950 as amended section 2.2-3711.A.3 Acquisition of Real Property for a Public Purpose.

Supervisor Perdue made a motion, with a second from Supervisor Fry which was adopted 5-0, in favor of coming out of closed meeting and returning to the regular meeting and to certify as follows:

### **CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Bath County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Bath County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Bath County Board of Supervisors certifies that, to the best of each member's knowledge (1) Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies and (2) Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Bath County Board of Supervisors.

Ayes: Clifford Gilchrest, Bruce McWilliams, Claire Collins, Bart Perdue and Kevin Fry

Nays: None

Absent: None

#### **Actions From Closed Session**

Supervisor McWilliams made the motion to approve commercial purchase agreement for tax parcels 12C-6-1,2,3,and4 with Cascades Holding Company in the amount of \$310,000 plus 6% commission, and \$5,000 in an escrow account, effective July 1, 2015. Supervisor Gilchrest seconded the motion which was adopted 5-0.

Chairperson Collins said the Board discussed purchase of property in Mitchelldown, formerly known as Milton's Pizza, using capital funds from Fund 16. Ms. Collins said the property will host a future venue for a visitors center and other public uses.

County Administrator Harrison said the County currently collects 4% sales tax to comprise the lodgers tax. Mr. Harrison said 2% goes to the general fund. The remaining 2% is restricted for tourism and split with 1% going to tourism fund 15 for operating expenses and 1% going to tourism fund 16 for capital expenses.

#### **Public Comment**

Messrs. Carl Chestnut, Wally Robertson, Keswick Phillips, and Cecil Armstrong, expressed concern regarding Bath Community Hospital, asking for help from the Board of Supervisors.

Mr. Charlie Hamilton, Cedar Creek District, said if the Board had money to purchase property and considering savings on solid waste disposal, he would urge the Board to fund Bolar Fire Department.

Mr. Matt Ratcliff addressed Supervisor Perdue saying "thanks Bart for taking up for your hometown fire department." Mr. Ratcliff continued by adding "Bart, if anything happens to your house we are the first ones called out, and if you can't help us out, call Hot Springs."

Mr. Glen Criser, Warm Springs District, thanked the Board for their letter of support regarding a countywide bobcat, bear and coyote study.

Mr. Jonah Windham, Cedar Creek District, thanked the Board for approving the purchase of property for a future tourism facility.

Ms. Myrna Davis, Warm Springs District, said "who cares if we have a great tourist center, if there are hungry children in the County." Ms. Davis said the County needs to get its priorities straight.

Mr. Walter Davis, Warm Springs District, asked the Board is your life worth \$125,000, adding Bolar Fire Department has the only truck in the County that can get across the Jackson River.

Ms. Debra Small, Cedar Creek District, said she supports Bath Community Hospital and thinks Bolar Fire Department should be funded. Ms. Small urged the community to get it together.

Mr. Jack Lindsay, Warm Springs District, urged the Board of Supervisors to spend some of the savings from solid waste to make the necessary repairs to the transfer station so it can be reopened.

The Chair closed public comment and asked for comments from the Board.

Supervisor Perdue said Virginia Department of Game and Inland Fisheries (DGIF) will accept comments on rule changes beginning April 8, 2015 ending May 11, 2015. Supervisor Perdue said comments may be submitted on line or by hard copy. Comments will be considered at DGIF's meeting on June 2, 2015.

Supervisor Gilchrest said he was glad to see so many young people in attendance. Supervisor Gilchrest commented on the budget and tax rates.

Supervisor Fry thanked everyone for attending and said he looked forward to the future.

Supervisor McWilliams thanked Maggie Anderson and Celine Pritt for their vision in purchasing property for the future visitors center. Supervisor McWilliams said it will take time for the tourism capital fund to rebuild itself but the community could partner with the County to speed up the process.

Chair Collins said it is always good to see a full house at Board meetings. She said the Board understands the community's concerns and will follow up to make sure the County's Comprehensive Plan is being followed. Chair Collins thanked volunteers and announced that April is national communications month.

Supervisor Perdue made the motion to adjourn the meeting. Supervisor Fry seconded the motion which was adopted 5-0.

Chairperson Collins adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., May 12, 2015 for the regular monthly meeting of the Board of Supervisors.

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Ashton N. Harrison, Clerk

APPROVED:

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Claire A. Collins, Chairperson