

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

Tuesday, August 12, 2014, 7:00 p.m. Regular Meeting

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

Chairman McWilliams called the meeting to order.

The Chairman led the Pledge of Allegiance, and Mr. Perdue offered the invocation.

The Chairman reviewed the public hearing guidelines and opened the first public comment session.

Mr. Carl Chestnut, Cedar Creek District, commented on the transfer station and questioned the Board about a recent salary increase. Mr. Chestnut complimented bath Community Hospital on recent improvements.

Mr. John Hart, Cedar Creek District, said VDOT had recently cleaned ditches in front of his house but did not clear culverts.

Mr. Willie Smith, Warm Springs District, thanked the Board for holding a joint work session with the Public Service Authority to discuss the Bacova Junction water line extension project. Mr. Smith said the meeting was positive and residents are hopeful the project will move forward. Mr. Smith urged the Board to fully fund the project.

Mr. Wally Robertson, Cedar Creek District, said the draft letter to VDOT needs to list specific issues. Mr. Robertson urged the Board to attend regional VDOT meetings and express citizens concerns. Mr. Robertson asked why the Board was considering changing the Industrial Development Authority to Economic Development Authority.

Ms. Murphy Wilson, Warm Springs District, said she had reviewed VDOT's 6 Year Plan for the Staunton District which includes Bath County and funding for our area is very thin. Ms. Wilson encouraged the Board to lobby for safety improvements.

The Chairman closed public comment and asked for comments from the Board of Supervisors.

Mr. Perdue said he had seen the effects of the recent solid waste changes. He noted dumpsters were overflowing, trash was being burned, and he hoped to see a solution soon.

Ms. Collins said road safety was a concern that needed to be looked at. Ms. Collins said a prayer vigil was in progress at the high school because an accident had occurred involving a student. Ms. Collins commented on the unforgiving nature of rural roads. Ms. Collins said the County did not do enough to educate the public on changes to the solid waste system. She said citizens and contractors did not realize that they would have to offload their materials by shoveling into roll off containers and that they should be using compactors instead of roll offs where available. Ms. Collins said there's a lot of activity in Hot Springs and the Cedar Creek District and the signage is not adequate to let people know where and how long they can park in the downtown area.

Mr. Fry thanked everyone for being patient with him the last several weeks during his surgery and recovery.

Mr. Gilchrest said the compactor in Millboro was full and overflowing but after Mr. Harrison took pictures and sent them to Republic Services the situation was taken care of.

The Chairman asked the Board if they wished to approve or amend the agenda and the minutes from the July 8, 2014, Board of Supervisors meeting.

Mr. Gilchrest made the motion to approve the agenda with the following addition, item 118-14 consideration to set a public hearing to amend the FY 2015 budget. Mr. Perdue seconded the motion which was adopted 5-0.

Ms. Collins made the motion to accept the minutes of the July 8, 2014, Board of Supervisors meeting as submitted. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced Mr. George Philips, Chairman of the Bath Community Hospital Board of Directors.

Mr. Phillips introduced Mr. Jason Paret, Bath Community Hospital CEO and members of the hospital Board of Directors in attendance. Mr. Phillips thanked the Board of Supervisors for allowing them to speak at the meeting. Mr. Paret gave an overview of the hospital construction project and an analysis of the organizations strengths, challenges, vision for the future and financial position. Mr. Paret said Bath Community Hospital is the only stand alone critical access hospital in the state. Mr. Phillips ended the presentation with a video highlighting the Bring it Home Fund Raising Campaign.

Chairman McWilliams introduced the next agenda item which was a resolution for consideration to rename the Bath County Industrial Development to the Bath County Economic Development Authority.

County Administrator, Ashton N. Harrison read the resolution aloud.

Mr. Wayne Anderson, Chairman of the Industrial Development Authority (IDA) said the authority's focus will not change. Mr. Anderson added the change was made at the

recommendation of the Economic Development Director and the County Administrator. Mr. Anderson added the IDA gave careful consideration to the recommendation to make sure it would be beneficial to the community.

Ms. Collins made the motion to adopt the following resolution changing the Industrial Development Authority to the Economic Development Authority. Ms. Collins said the change would allow the Authority to have more power with regard to economic development to create jobs within the community. Mr. Perdue seconded the motion which was adopted 5-0.

**Resolution No. 2014-11**

**A Resolution of the Board of Supervisors of the County of Bath, Commonwealth of Virginia, Renaming the Industrial Development Authority of Bath County as the Economic Development Authority of Bath County**

**WHEREAS**, the Bath County Industrial Development Authority was created on April 9, 1974 by an ordinance of the Bath County Board of Supervisors; and

**WHEREAS**, the term of “economic development” is more broader than the term “industrial development” and more accurately reflects the mission of both the Board of Supervisors and the Industrial Development Authority Board of Directors to improve the economy of Bath County for the benefit of its residents, businesses, and government; and

**WHEREAS**, § 15.2-4903c of the Code of Virginia authorizes the naming of Industrial Development Authorities as Economic Development Authorities by the governing bodies of localities creating such authorities; and

**WHEREAS**, the naming of the Industrial Development Authority of Bath County to the Economic Development Authority does not affect the powers of said authority pursuant to §15.2-4900 of the Code of Virginia; and

**WHEREAS**, at the regular meeting of the Board of Directors of the Industrial Development Authority of Bath County, by unanimous motion, they approved requesting the Bath County Board of Supervisors rename them as the Economic Development Authority of Bath County;

**NOW THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Bath County, Commonwealth of Virginia, hereby renames the “Industrial Development Authority of Bath County” as the “Economic Development Authority of Bath County” effective the 12<sup>th</sup> Day of August, 2014.

Chairman McWilliams introduced the next agenda item which was consideration and discussion of staggered terms for the Board of Supervisors and School Board.

County Attorney Michael Collins said it was recognized in the County Code that it is not always good to have all new Board members at once. Attorney Collins stated in his conclusion the School Board would follow the Board of Supervisors in staggered terms. Attorney Collins said staggered terms are an option and explained the process and procedure for ordering a referendum should the citizens want staggered terms and the Board of Supervisors chose not to pursue it.

Ms. Collins asked Attorney Collins if the Code of Virginia precluded a Board member from being active in a petition to order a referendum.

Board members discussed the process of adopting staggered terms and shared comments from citizens in their districts regarding staggered terms.

Ms. Collins asked Attorney Collins if 10% of the citizens signed and presented a petition asking for a referendum regarding staggered terms would the referendum move forward and be added to the ballot.

Attorney Collins responded a petition from the public to hold a referendum to add staggered terms to the ballot would be necessary if the public wanted staggered terms and the Board was not in favor of putting staggered terms in place.

Mr. Gilchrest made the motion to set a public hearing to consider staggered terms for the Board of Supervisors and School Board at 7 p.m. or soon thereafter on October 14, 2014 during the regular meeting of the Board of Supervisors. Mr. Fry seconded the motion.

Mr. Perdue and Ms. Collins agreed they would not support staggered terms at this time because they have not heard from citizens that this is something that they want.

Chairman McWilliams said the Board needed to hear from the public and a public hearing would allow for that. Mr. McWilliams said he had spoken with Senator Deeds about the pros and cons of staggered terms and was willing to consider it.

Mr. Gilchrest said he hopes the public will come to the public hearing. Mr. Gilchrest said staggered terms would provide the County and Administration a sense of continuity.

Chairman McWilliams called for the vote on Mr. Gilchrest's motion to set a public hearing to consider staggered terms for the Board of Supervisors and School Board at 7 p.m. or soon thereafter on October 14, 2014 during the regular meeting of the Board of Supervisors. The motion was adopted with a vote of 3 in favor and 2 against (Ms. Collins and Mr. Perdue cast the dissenting votes).

Chairman McWilliams introduced the next agenda item which was a presentation from Bolar Fire Department Chief, Matt Ratcliff.

Mr. Ratcliff gave a brief overview of the Bolar Volunteer Fire Department's activities, membership, equipment and service area. Mr. Ratcliff asked the Board to consider assisting Bolar with funding for a building addition to add meeting space and house equipment. Mr. Ratcliff presented the Board with an estimate for the addition and thanked the Board for their continued support.

The Board asked Mr. Ratcliff if the department had approached Highland County for support and if they were seeking low interest loans or grants.

Mr. Ratcliff responded he has looked for grants and low interest loans but nothing is available for construction at this time.

Chairman McWilliams asked Mr. Ratcliff to follow the Capital improvement Plan process for FY 2016 and to consider working with the Bath County Fire and Rescue Association.

The Board expressed their appreciation to Bolar Fire Department for providing mutual aid. Ms. Collins said Bath and Highland Boards of Supervisors needed to work toward a partnership for the future of fire and rescue services.

Chairman McWilliams introduced the next agenda item which was consideration to surplus county owned property.

County Administrator Harrison went over the list of used office equipment and supplies that would be offered at the school's annual surplus sale. Mr. Harrison read a request from Sheriff Plecker to surplus a 2005 Ford Escape to the Bath County Airport Authority.

Mr. Gilchrest made the motion to approve as submitted various office equipment and supplies to be auctioned in the schools surplus sale and to surplus the 2005 Ford Escape to the Bath County Airport Authority. Ms. Collins seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a draft letter to Virginia Department of Transportation.

Chairman McWilliams suggested the Board schedule a work session with VDOT representatives.

Board members agreed a work session was needed to help them understand VDOT's local budget and to learn what projects are on the horizon for Bath County. County Administrator Harrison said he reached out to VDOT representatives and Central Shenandoah Planning District Commission who agreed to meet with the Board. Mr. Harrison suggested the Chairman work with Board members to schedule a meeting.

Chairman McWilliams introduced the next agenda item which was discussion and consideration of securing an engineering firm for the parking lot at Bath County High School.

County Administrator Harrison said during the FY 2015 CIP and budget process the schools requested improvements to the parking lot at the high school. Mr. Harrison presented a letter from Virginia Department of Environmental Quality dated 2011 that referenced a need for storm water analysis and design if future expansion was considered. Mr. Harrison said Balzer and Associates has presented a proposal for \$10,600 to prepare an engineering study and design for parking lot improvements. Mr. Harrison said Balzer would work with school administration to design and bring the proposal back to the Board of Supervisors for consideration.

Ms. Collins asked if a RFP for engineering services was considered.

County Administrator Harrison said Balzer and Associates are very familiar with the project but if the Board preferred he could have the School Board and School Administration get proposals and bring them back to the Board of Supervisors for consideration.

Mr. Fry made the motion to ask the School Board to bring a preliminary engineering study for improvements at the high school parking lot to the Board of Supervisors for consideration. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was discussion and consideration of securing an engineering firm for the transfer station.

County Administrator Harrison said he had received a quote for \$6,500 from CHA the County's long time engineer for the transfer station and waste management. Mr. Harrison explained ground penetrating radar that would be used to access the necessary data to find underlying problems.

The Board asked Mr. Harrison to prepare an RFP for the engineering study at the transfer station building and bring the proposals back to the Board for consideration.

Chairman McWilliams introduced the next agenda item which was discussion and consideration of securing the services of Municipal Code Corporation to codify the County Code.

County Administrator Harrison said one of the Board's priorities was to make the code more user friendly. Mr. Harrison said Muni Code is on the state bid list and the low quote to codify the code was \$9,950 which could increase depending on research and the number of meetings. Mr. Harrison said funds to pay for the project were included in the FY 15 budget.

Ms. Collins said the end result would be a searchable data base with all ordinances on line.

Ms. Collins made the motion to obtain the services of Municipal Code Corporation to codify the County Code. Mr. Gilcrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was consideration to accept the Personal Property Tax Relief Act rate for calendar year 2014.

Mr. Fry made the motion to accept the Personal Property Tax Relief Act rate of 35.83% for calendar year 2014. Ms. Collins seconded the motion which was adopted 5-0.

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

Mr. Harrison, County Administrator, said the County has vacancies on the Airport Authority, Board of Zoning Appeals for the Valley Springs District, Parks and Recreation Advisory Committee and the Rockbridge Regional Library. The Board has one application for consideration for the Airport Authority, Mr. Jeff Ford. If appointed his term of service would expire August 1, 2017. There has been no interest from the public for the Board of Zoning Appeals or the Regional Library Board. The Parks and Recreation Advisory Committee has interest from Shannon Waldeck, Millboro District, Kristopher Phillips, Cedar Creek District, Craig Phillips, Warm Springs District, Selena Lacks and Matt Fussell from the Valley Springs District.

Ms. Collins made the motion to appoint Mr. Jeff Ford to the Bath County Airport Authority for a term to expire August 1, 2017. Mr. Perdue seconded the motion which was adopted 5-0.

Ms. Collins made the motion to appoint Shannon Waldeck, Millboro District, Kristopher Phillips, Cedar Creek District, Craig Phillips, Warm Springs District, Selena Lacks, Valley Springs District and Matt Fussell, at-large. The terms of service are for four years and will expire August 12, 2018. Mr. Perdue seconded the motion which was adopted 5-0.

### **Consent Agenda:**

Mr. Gilchrest made the motion to approve the payment of invoices, additional invoices, and to accept the correspondence and monthly reports as submitted. Ms. Collins seconded the motion which was adopted 5-0.

### **Additional Items:**

Consideration to set a public hearing to amend the FY 2015 budget. County Administrator Harrison said the purpose of the first amendment is to provide full funding in the amount of \$680,000 from the general fund to the Bath County Public Service Authority for the Bacova Junction to Cedar Creek Waterline Extension Project. The purpose of the second amendment is to provide for a direct transfer to the Comprehensive Services Act Fund from the General Fund. Currently funding is transferred to the Virginia Public Assistance Fund from the General Fund and then to the Comprehensive Services Act Fund from the Virginia Public Assistance Fund. The proposed amendment streamlines the transfer from a two-step process to a one-step process. The amendment does not propose any changes to the tax rates. Mr. Harrison said if the Board wanted to schedule the public hearing for September that would allow adequate time for advertising.

Chairman McWilliams said he would feel more comfortable scheduling the public hearing to consider amending the budget in October to allow the Board more time to gather information.

Mr. Gilchrest concurred and said possibly the Board might consider the proposal for the parking lot at the high school at the same time. Mr. Gilchrest made the motion to set the public hearing to amend the FY 2015 budget for October 14, 2014, at 7 p.m. or soon thereafter during the regular meeting of the Board of Supervisors. Mr. Fry seconded the motion.

Ms. Collins agreed with holding the public hearing in October as opposed to September. Ms. Collins said the waterline extension project is ready to go and all easements have been signed. She noted that October may not provide adequate time for the School Board to get the engineering study completed. Ms. Collins said she fully supports the water line extension project.

Chairman McWilliams said in past work sessions Board members said it was important to keep expenditures low, not to increase taxes, and level funding was preferred. Mr. McWilliams said while he can understand the importance of the projects he would like more time to make sure that approving the added expenditures is not jumping the gun.

Mr. Gilchrest said all County taxpayers would be affected by funding the waterline extension and possibly the parking lot project to the budget. Mr. Gilchrest said just a few months after adopting the budget we are considering amending it by \$680,000.

Mr. Perdue said he would like the Board to consider not scheduling two important public hearings on the same date.

Ms. Collins said she wanted to know what the County had gained from the increases to the budget. She said the Board has to be able to show the public what has been improved and what accomplishments have been gained by the increases over the years.

Mr. Gilchrest restated his motion to set the public hearing to amend the FY 2015 budget for October 14, 2014, at 7 p.m. or soon thereafter during the regular meeting of the Board of Supervisors. Mr. Fry seconded the motion which was adopted 5-0.

Mr. Gilchrest made the motion to overturn the motion he made earlier in the meeting that scheduled a public hearing to consider staggered terms for the Board of Supervisors and School Board to be held on October 14, 2014, at 7 p.m. or soon thereafter during the regular meeting of the Board of Supervisors and made a new motion to schedule the public hearing to consider staggered terms for the Board of Supervisors and School Board to be held on November 11, 2014, at 7 p.m. or soon thereafter during the regular meeting of the Board of Supervisors. Mr. Fry seconded the motion which was adopted 5-0.

The Chairman opened the floor for the final public comment session.

Mr. Carl Chestnut, Cedar Creek District, urged the Board fund the waterline extension project. Mr. Chestnut said the drainage at the high school has been addressed and the County did not need to spend more money on an engineering study. Mr. Chestnut expressed dissatisfaction with the changes at the transfer station. He said the public was promised nothing would change but contractors are forced to off load materials by hand. Mr. Chestnut questioned why the County Administrator was allowed to increase an employee's salary without Board approval.

County Administrator Harrison replied page 3 of the employee policy and procedure manual states that the Board of Supervisors and County Administrator are empowered to set salaries.

Mr. Keswick Phillips, Cedar Creek District, said the study at the high school has been done twice and now the Board is throwing it back on the School Board. Mr. Phillips said he supported the waterline extension project. Mr. Phillips thanked the Board for appointing the Parks and Recreation Advisory Committee.

Mr. Willie Smith, Warm Springs District, urged the Board to support the Bacova Junction to Cedar Creek waterline extension project.

Mr. John Hart, Cedar Creek District, thanked the Board for all their work and asked if there was anything that could be done about 4-wheelers running through his neighborhood.

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

Mr. Fry thanked the Board for their spirited discussions and cooperation.

Ms. Collins agreed and stated that being a Board member is a lot like being married it is a give and take relationship. Ms. Collins added that good communication is the key to a successful Board. Ms. Collins reminded everyone of her upcoming district meeting on Monday, August 18, at the Hot Springs Fire House.

Mr. Gilchrest agreed with Mr. Fry and said compromise showed willingness to work together. Mr. Gilchrest said the salary adjustment that was questioned earlier was long overdue and very deserving.

Chairman McWilliams thanked members of the press and County Administrator Harrison for getting information to the public regarding changes at the transfer station. Mr. McWilliams said there had been numerous meetings where the changes were discussed and several articles and interviews that were released to the public.

Mr. Gilchrest made the motion to adjourn the meeting. Ms. Collins seconded the motion which was adopted 5-0.

The Chairman adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., September 9, 2014, for the regular monthly meeting of the Board of Supervisors.

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Ashton N. Harrison, Clerk

APPROVED:

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Bruce W. McWilliams, Chairman