

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

Tuesday, December 8, 2015 7:00 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; Bruce McWilliams; Henry "Kevin" Fry; Phillip "Bart" Perdue; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Ashton N. Harrison, County Administrator.

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

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.7 Consultation with Legal Counsel and section 2.2-3711.A.1 Personnel.

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, Claire Collins, Bart Perdue, Bruce McWilliams and Kevin Fry

Nays: None

Absent: None

Chair Collins called the meeting to order and led the Pledge of Allegiance. Supervisor Perdue offered the invocation.

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

Supervisor Perdue moved to approve the agenda with the addition of a request from Bath County School Board to confirm that \$166,000 remaining in the capital projects line item can be used for additional capital projects. Supervisor McWilliams seconded the motion which was adopted 5-0.

Supervisor Gilchrest made the motion to approve the minutes from the November 10, 2015, Board of Supervisors meeting as submitted. Supervisor Fry seconded the motion which was adopted 5-0.

Swearing In Ceremony

The Honorable M. Wayne Winebriner, Clerk of Bath County Circuit Court, administered the oath of office to members of the Board of Supervisors, Claire A. Collins, Cedar Creek District; Richard B. Byrd, Valley Springs District; Edward T. Hicklin, Millboro District; Stuart L. Hall, Williamsville District; and Matthew S. Ratcliffe, Warm Springs District.

The Honorable M. Wayne Winebriner, Clerk of Bath County Circuit Court, administered the oath of office to members of the School Board, Eddie Ryder, Cedar Creek District; Catherine Lowry, Valley Springs District; Bryan Secoy, Millboro District; Rhonda Grimm, Williamsville District; and Roy Burns, Warm Springs District.

The Honorable M. Wayne Winebriner, Clerk of Bath County Circuit Court, administered the oath of office to Pamela H. Webb, County Treasurer; and Angel M. Grimm, Commissioner of the Revenue.

Public Comment

Mr. Patrick Haynes, Warm Springs District, said he rarely attends Board meetings but wanted to take this opportunity to thank Board members for their service to the community. Mr. Haynes said he especially wanted to thank Warm Springs District Supervisor Perdue for answering his questions over the past four years. Mr. Haynes expressed deep concern that the County is at a tipping point. He said the citizens are aging and population is declining overall. Mr. Haynes said it is much harder to run a business now than it was 30 years ago. Mr. Haynes thanked Supervisor McWilliams for his vision and efforts to turn the county around. Mr. Haynes encouraged citizens to be part of the solution by being open-minded and participating in their community.

Mr. Monroe Farmer, Millboro District, spoke in support of the resolution regarding navigable waters in Bath County.

Mrs. Mary Susan Blankenship, Warm Springs District, updated the Board of Supervisors regarding progress to repair the drainage pond at Mountain Crest Retirement Home. Mrs. Blankenship said the Retirement Home Commission is working closely with Mattern & Craig to develop plan for site work. Mrs. Blankenship said the Retirement Home Commission will present findings to the Board as they are made available and will work to stay within budget.

Mr. Stuart L. Hall, Williamsville District, addressed the Board regarding the navigable waters in the County. Mr. Hall said he was part of the Cowpasture River Association when it was first formed over 40 years ago. Mr. Hall said the only navigable stream that could be detected at that time in Bath and Alleghany County was the lower end of the Cowpasture from Simpson Creek to the James River where iron ore was floated down stream. Mr. Hall said the deeds on the land and the waters upon the land goes back as far as land grants from the King of England. Mr. Hall encouraged the Board to invite a representative from the Virginia Marine Resources Commission to attend a Board meeting.

Mr. Richard B. Byrd, Valley Springs District, thanked Board members for their service over the past four years. Mr. Byrd said when he takes office January 1, 2016, he will not be worrying about the past but rather looking to the future. Mr. Byrd said he will strive to support the people who live and work in Bath County.

Board Comment

Chair Collins presented fellow Board members with certificates of appreciation for their dedication and countless hours of service in preserving the quality of life for the citizens of Bath County.

Recognition of Fall Youth League Sports

Chair Collins and Mark Nelson, Parks and Recreation Director, recognized the "Super Bowl" B League Football team, cheerleaders, parents and coaches for their accomplishments.

Resolution Regarding Navigable Waters in Bath County

County Administrator Harrison said the County was not notified by Virginia Marine Resources Commission (VMRC) in advance and only learned about actions taken to designate the Bull Pasture as navigable from neighboring localities. Mr. Harrison presented a resolution for the Boards consideration regarding navigable waters within the County. Mr. Harrison asked the Board if they wished to add an additional recital to rescind the decision made by the VMRC to designate the Bull Pasture in Bath County as being navigable. Mr. Harrison said the last recital in the resolution would require that VMRC be required by statute to conduct public hearings and notify affected local governments and affected property owners prior to issuing such designations of navigability of streams in the future.

Supervisor Gilchrest made the motion to adopt the following amended resolution to include the additional recital to rescind the decision made by the VMRC to designate the Bull Pasture in Bath County as being navigable as presented by County Administrator Harrison and to require VMRC by statute to conduct public hearings and notify affected local governments and

affected property owners prior to issuing such designations of navigability of streams in the future. Supervisor Fry seconded the motion which was adopted 5-0.

Resolution No. 2015-4

A Resolution Requesting the Virginia Marine Resources Commission Conduct Public Hearing Before Designating Streams as Navigable

Whereas, the Virginia Marine Resources Commission (VMRC) recently re-evaluated the navigability of some 14 streams across the Commonwealth of Virginia and has now determined that those streams are now navigable and open to the public; and

Whereas, VMRC Commissioner John Bull issued a letter in March of this year stating that these 14 streams are navigable and the water bottoms are state property because the watersheds of each exceed five square miles; and

Whereas, one of these streams that has been re-designated as now being navigable and open to the public is the Bull Pasture in Bath County; and

Whereas, prior to issuing the ruling of the navigability for the 14 streams, the VMRC did not notify either the affected local governments or the affected property owners, whose deeds include the water bottoms that are now being declared state property; nor did the VMRC hold any public hearing or solicit public comment prior to issuing its ruling; and

Whereas, the first time Bath County learned of this VMRC ruling was from neighboring localities who, in turn, first learned of the VMRC ruling when they read it in a newspaper article; and

Now, Therefore, Be It Resolved, by the Board of Supervisors of Bath County, Virginia, respectfully request that Delegate Benjamin L. Cline and Senator R. Creigh Deeds introduce and/or support legislation in the upcoming session of the Virginia General Assembly to rescind the decision made by the VMRC to designate the Bull Pasture in Bath County as being navigable; and

Be it Further Resolved, that the VMRC be required by statute to conduct public hearings and notify affected local governments and affected property owners prior to issuing such designations of navigability of streams in the future. Adopted the 8th Day of December, 2015, by the Board of Supervisors of the County of Bath, Commonwealth of Virginia.

Burnsville Solid Waste Site Agreement

County Administrator Harrison said the proposed lease agreement with the Wilfong's is for a solid waste site in the Burnsville community. Burnsville is lacking a waste site at this time. The lease agreement is for \$175 per month and can be terminated by the County after giving a 60 day notice. Mr. Harrison said other solutions may be available in the future but at this time having an agreement in place to help the community is important.

Supervisor McWilliams said the County needs to address other property owners to ensure that we are being equitable with all property owners that are handling greenboxes on their property. Mr. McWilliams said he would like to see property owners have an agreement to receive equitable compensation and understand the liability issues. Mr. McWilliams said he feels property owners may not realize what comes along with having a waste site on their property.

Supervisor McWilliams made the motion to enter into an agreement with Jamie and Melissa Wilfong to lease a parcel of property for solid waste and recycling for \$175 per month and to work with other property owners to compensate them for having solid waste sites on their property, the fee to be determined by County Administration and the property owner. Supervisor Perdue seconded the motion which was adopted 5-0.

Boards and Commissions

Supervisor McWilliams made the motion to reappoint Mrs. Sheri Walters to an additional term on the Rockbridge Area Community Services Board for a term to run through December 31, 2018. Supervisor Fry seconded the motion which was adopted 5-0.

Actions from Closed Session

Supervisor McWilliams said as the Board discussed the \$64,000 allocation to the retirement home commission in 2011, he became concerned about the procedural process. Supervisor McWilliams said he wanted to clarify that while no one ever had any ill intent the procedural process needs to be tightened up to make sure this doesn't happen again. He said public taxpayer funds were allocated almost five years ago and have been sitting on the books but the project has not been completed.

Supervisor McWilliams made the motion to instruct staff to contact by end of business day on Friday, December 11, 2015, the county audit firm of Robertson, Farmer, Cox, and ask them to look at the proper oversight of public funds that were distributed in August 2011, to make necessary repairs to the pond, and to advise the County on better ways to handle unusual funding mechanisms like this. Supervisor Perdue seconded the motion.

Chair Collins asked for a point of clarification on the motion as stated, was the motion to ensure that there is proper procedure for the future so there is a process in place for the use of public funds that are appropriated and disbursed.

Supervisor Gilchrest said he is not opposed to the motion because the audit firm might make valuable recommendations in moving forward with any funding of this type. Supervisor Gilchrest thanked Mrs. Blankenship for working to resolve the issue with the drainage pond and bring it to a favorable end.

Supervisor McWilliams replied yes and in addition we also need to look at the public funds distributed in August 2011, that they are used to make the necessary repairs to the drainage pond.

Chair Collins called for the vote on Supervisor McWilliams motion which was seconded by Supervisor Perdue to instruct staff to contact by end of business day on Friday, December 11, 2015, the county audit firm of Robertson, Farmer, Cox, and ask them to look at the proper oversight of public funds that were distributed in August 2011, to make necessary repairs to the pond, and to advise the County on better ways to handle unusual funding mechanisms like this. The motion was adopted 5 in favor 0 against.

Consent Agenda

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

Additional Items

Bath County School Boards request to confirm the use of remaining funds, \$166,000 included in the FY 15-16 budget in capital funds for school projects. The School Board recommended using the monies to fund the following list of projects: BCHS Parking Lot (finalize drawings and construction documents – estimate \$25,000 - \$30,000) BCHS Band Uniforms (difference between cost and funds raised - up to \$20,000) BCHS Stage Curtains and Auditorium Carpet (estimate \$32,000) and funds identified would also include full funding for a fueling station. Chair Collins reiterated that the funds have already been approved by the board of Supervisors and are not additional funds.

Supervisor Fry made the motion to approve the schools use of the remaining capital funds as previously stated. Supervisor McWilliams seconded the motion which was adopted 5-0.

Public Comment

Mrs. Mary Susan Blankenship, Warm Springs District, explained why the \$64,000 was not spent in a timely manner. Mrs. Blankenship said she had experienced two tragedies in her life since 2011 and that took a lot of time to deal with. Mrs. Blankenship said we make a big "to do" about the \$64,000 when in reality the County has a retirement complex that cost over two million dollars and the county has very little real money invested. Mrs. Blankenship said the Retirement Home Commission has discussed the issue of the drainage pond at several of their previous meetings and will continue to work to resolve the issue.

Mr. Stuart L. Hall, Williamsville District, questioned if anyone contacted Congressman Goodlatte for assistance with the US Forest Service before the solid waste sites at Burnsville and the shooting range were closed. Mr. Hall also asked that the site at the shooting range be cleaned. Mr. Hall commended Mrs. Mary Susan Blankenship, Mrs. Virginia Nowlin and Mrs. Bertha Hise for their diligence in organizing the Retirement Home Commission.

Mrs. Trudy Woodzell, Cedar Creek District, thanked the County Administrator for working with the Wilfong's to establish a solid waste site on their property. Mrs. Woodzell said they worked hard to find someone who would work with the County to establish a site in the Burnsville area.

Board Comment

Supervisor McWilliams thanked his fellow Board members it said it had been a terrific four years and although we had our moments we accomplished some good things. Supervisor McWilliams said he would like to give a tremendous hats off to staff for their work. Supervisor McWilliams said he was inspired by a quote that he came across from someone from Bath County "instead of people who come here and try to take over the county, we need to take care of those who have made it what it is." Supervisor McWilliams shared a list of "those people who come here" and listed their accomplishments. The list included the Ingalls family, which operated The Homestead and left us a wonderful legacy; Lettie Pate Evans, whose foundation provides support to Bath Community Hospital; Tommy Craven and Dutch von Schilling, who donated the land and building for the library; and Jamie McArdle, who formed the Allegheny

Mountain Strings Program; Mr. Ellis who donated the first ambulance that started Hot Springs Volunteer Rescue Squad; Mrs. Hopkins who organized the first art show that eventually turned into the Bath County Arts Association; Mrs. Kendell who donated property for Garth Newel Music Center; Mrs. Ellis and Mr. Vardaman who provide scholarships for county students. Supervisor McWilliams said we all live and work here, and therefore, we are all from here.

Supervisor Fry thanked his fellow Board members for giving four years of their life to serve on the Board. Supervisor Fry said he has faith in the next Board and encouraged to them to look forward and be a voice for the whole County. Supervisor Fry thanked the County and his constituents for the honor bestowed upon him.

Supervisor Gilchrest said we are all a small but important part of a larger community. Supervisor Gilchrest said he appreciated the last four years for the opportunity to renew old friendships and to make new ones. Supervisor Gilchrest added while everyone would like to see more diverse employment opportunities, for the foreseeable future, tourism will continue to be the most important part of that diverse economy, and being a welcoming, open, inclusive community seems to be the most important component of that success. Supervisor Gilchrest encouraged everyone to embrace that we are all in this together and work to recognize that we can agree to disagree in harmony.

Chair Collins said it has been a pleasure to work with current Board members and looks forward to working with the incoming Board members. Chair Collins said Bath County is a very special place with caring giving people. She said per capita Bath County is number two in the state for giving back to the community, in both monetary giving and volunteering their time. Chair Collins said being on the Board gives you the ability to work with the citizens because everyone owns the government and the issues that Board members talk about at meetings. Chair Collins said the incoming Board will work toward a team approach, where they can agree to disagree and work toward the positive because we cannot afford to have a division in community.

Supervisor McWilliams 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., January 12, 2016, for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Claire A. Collins, Chairperson