

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

Tuesday, February 11, 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.

Upon a motion made by Mr. Perdue, with a second from Mr. Gilchrest, 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(29) Contracts.

Mr. Perdue made a motion, with a second from Ms. Collins 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, Kevin Fry and Bart Perdue

Nays: None

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

The Chairman opened the first public comment session.

Mr. Carl Chestnut, Cedar Creek District, spoke against the County implementing a tax levy to fund fire and rescue services.

Mr. Wally Robertson, Cedar Creek District, stated that the Boards schedule for open forum meetings was not suitable for the working class.

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

Ms. Collins spoke briefly about bills introduced during the General Assembly that would affect localities, and announced her upcoming district meeting.

Mr. Fry thanked Mark Nelson, Parks and Recreation Director, for holding public meetings to hear comments from the citizens.

The Chairman asked the Board if they wished to amend or approve the agenda.

Ashton N. Harrison, County Administrator, asked the Board to strike item 024-14 actions from closed session, as there were no actions to report.

Ms. Collins made the motion to approve the agenda as amended. Mr. Perdue seconded the motion which was adopted 5-0.

The Chairman asked the Board if they wished to approve the minutes from the January 14, 2014, meeting of the Board.

Ms. Collins made the motion to approve the minutes with one grammatical change. The motion was seconded by Mr. Gilchrest and adopted 5-0.

County Administrator, Ashton N. Harrison, introduced Mr. David J. Jurcak, Managing Director, Omni Homestead Resort.

Mr. David J. Jurcak, Managing Director, Omni Homestead Resort, presented an overview of activities and future plans for the resort.

Mr. Gilchrest thanked Mr. Jurcak for reaching out to the community and developing a positive community relationship.

Mr. Perdue said he was glad to see a commitment to maintenance returning to the resort.

Ms. Collins thanked Mr. Jurcak for attending the Board meeting and sharing his presentation. She commented there is a new level of enthusiasm among the employees and the citizens.

Chairman McWilliams said the Board and County Administration are willing to lend support to the business community and urged Mr. Jurcak to reach out to the County Administrator for support.

Chairman McWilliams introduced the next agenda item which was a presentation of the County's financial report ending June 30, 2013, by Mr. James Kelly, Robertson, Farmer, Cox and Associates.

Mr. Kelly said the County was issued an unmodified opinion which is the highest standard allowed by the profession, meaning the financial statements are fairly stated and any adjustments have been made. Mr. Kelly noted several points in the audit including the balance sheet, pension funding, fund balance, and revenues and expenditures. Mr. Kelly said compliance tests of federal grants presented no questions regarding spending of federal funds.

Mr. Gilchrest thanked the audit firm of Robertson, Farmer, Cox and Associates for their work in preparing the audit.

Ms. Collins concurred.

Chairman McWilliams said the audit represents the County, Public Service Authority, Social Services, and the School System while the Industrial Development Authority and the Airport Authority were not included.

Mr. Kelly responded that it depends on how material the activities of the authorities are to the County's financial statements.

Ms. Collins made the motion to accept the County's Financial Statements for FY ending June 30, 2013, as presented. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda items, a resolution recognizing Auxiliary Deputies within the Sheriff's Office, and a request from the Sheriff to recognize Deputy Richard Chestnut who is retiring after 22 years of service and requested to purchase his service weapon.

Major Jay Bryan, Chief Deputy explained the auxiliary program and asked the Board to approve the resolution which authorized auxiliary deputies to be covered under the County's workers compensation policy.

Ms. Collins made the motion to approve the following resolution. Mr. Gilchrest seconded the motion which was adopted 5-0.

Resolution Recognizing Auxiliary Deputies

WHEREAS, the Sheriff's Office of Bath County Virginia wishes to establish an Auxiliary Deputy Sheriff Program to support the Sheriff's Office in operational functions; and

WHEREAS, the Auxiliary Unit will allow the Sheriff's office to maximize the availability of its current staff to the community; and

WHEREAS, the Auxiliary Deputy Sheriff's will be comprised of non-paid trained volunteers; and

WHEREAS, the Auxiliary Deputy Sheriff's will have the unique opportunity to participate in a working relationship with the Sheriff's Office and the community to assist with daily duties and special events; and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Bath County Sheriff's Office Auxiliary Unit are hereby authorized to be included as employees for the purposes of the Workers' Compensation Act of the Commonwealth of Virginia and are entitled to coverage provided under said Act. Adopted this 11th day of February, 2014. By the Bath County Board of Supervisors.

Major Bryan said the code of Virginia §59.1-148.3 allows retiring law enforcement officers with at least twenty years of service to purchase their service weapon for \$1.00. Major Bryan said Deputy Richard Chestnut was retiring effective February 28, 2014, and requested the Board approve his request to purchase his service weapon.

Ms. Collins made the motion to approve the following resolution recognizing Deputy Chestnut and approving his request to purchase his service weapon for \$1.00. Mr. Perdue seconded the motion which was adopted 5-0.

Resolution Recognizing Deputy Chestnut's Service

WHEREAS, the Bath County Board of Supervisors appropriates funds to provide the Sheriff and his Deputies with service handguns to be used in the performance of their duties if necessary; and

WHEREAS, section 59.1-148.3 of the Code of Virginia provides, under certain circumstances, for the purchase of any such service handguns issued to the Sheriff or his Deputies; and

WHEREAS, the Sheriff wishes to institute a policy to that effect if it is with the consent and approval of the Board of Supervisors; and

WHEREAS, Deputy Richard D. Chestnut is retiring on February 28, 2014 after more than 22 years of service, and wishes to purchase his service handgun issued to him by the Sheriff for the price of \$1.00.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors appreciates Deputy Chestnut's service to the community and wishes him the best in retirement.

Chairman McWilliams introduced the next agenda item which was appointments to Boards and Commissions.

Mr. Perdue made a nomination to appoint Mary Ann Bogan to the Planning Commission for the Warm Springs District for a term expiring April 12, 2018.

Chairman McWilliams asked for other nominations.

Mr. Gilchrest said we have three candidates, all three for any number of reasons are very qualified and all three bring some very unique perspective and experiences to the job of Planning Commissioner, but I would like to nominate Mr. John Loeffler.

Chairman McWilliams asked if there were other nominations and hearing none asked for a motion to present one of the nominees and said he would entertain a motion

Mr. Perdue made the motion to appoint Mary Ann Bogan to the Warm Springs District Planning Commission seat for a term to expire April 12, 2018. Ms. Collins seconded the motion.

Chairman McWilliams asked for questions or discussion.

Mr. Gilchrest made a substitute motion to appoint John Loeffler to complete the existing term which ends April 12, 2014, and said if we are able to appoint him to a full four year term following the expiration of this term that Mr. Wilson has resigned. Mr. Fry seconded the motion.

Mr. Perdue said he was elected by the citizens of the Warm Springs District to make recommendations for the district.

Ms. Collins said the Board was elected by districts and other members of the Board should respect recommendations from the supervisor representing the district.

Mr. Gilchrest said he meant no disrespect to Supervisor Perdue or Ms. Bogan. Mr. Gilchrest said he supported the new policy to advertise and said in moving forward he thought it was a good idea to encourage young people to serve on county positions.

Mr. Perdue said he appreciated the application process, but did not think Mr. Loeffler's application was the strongest application of the three received.

Chairman McWilliams called for a vote on the substitute motion made by Mr. Gilchrest to appoint John Loeffler to complete the existing term which ends April 12, 2014, and said if we are able to appoint him to a full four year term following the expiration of this term that Mr.

Wilson has resigned. Mr. Fry seconded the motion, which was adopted 3-2, with Mr. Perdue and Ms. Collins casting the dissenting votes.

Ms. Collins made the motion to appoint Mrs. Charlotte Haynes to fill a vacancy on the Department of Social Services Board with a term ending June 30, 2016. Mr. Gilchrest seconded the motion that was adopted 5-0.

Consent Agenda: Ms. Collins made the motion to approve the payment of invoices and requests for transfers and appropriations as submitted. Mr. Gilchrest seconded the motion which was adopted 5-0.

The Chairman opened the floor for public comment.

Mr. Carl Chestnut, Cedar Creek District, expressed disappointment in the Board's decision for the Warm Springs Planning Commission seat for the Warm Springs District.

Mr. Wally Robertson, Cedar Creek District, asked the Board to consider a local ordinance prohibiting Sunday hunting in Bath County.

Mr. Jack Lindsay, Warm Springs District, asked the Board if the County had collected the fees on a building permit issued to Lee Fry. Mr. Lindsay also asked if a decision had been made on his property in Pinehurst where a home that was part of the neighborhood improvement grant was built to close to the property line.

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

Mr. Fry said he was encouraged by the attendance at the recent Parks and Recreation public meetings and added the County may reorganize the recreation board.

Ms. Collins said when we were young we learned to show respect for people in certain positions and respect their recommendation. Ms. Collins said all the people who applied for the Planning Commission seat were interested in the position but she was disappointed that the recommendation of the supervisor of the Warm Springs District was not respected.

Mr. Perdue said the vote for the Planning Commission seat just goes to show that the three two is in effect and that they will do whatever they can to control everything.

Mr. Gilchrest said he is opposed to Sunday hunting and had contacted Senator Deeds and Delegate Cline to express his opposition. Mr. Gilchrest said it is only legally permissible to hunt on private lands with the land owner's permission. Mr. Gilchrest commented on bills presented to the legislature by Senator Deeds. Mr. Gilchrest said the Millboro Planning Commissioner has expressed that he is not willing to serve another term. Mr. Gilchrest said he has a couple people

in mind but he understands that the position will be advertised and if the other Board members feels a better fit for the County is not his recommendation then so be it. Mr. Gilchrest said he felt the policy to advertise is an improvement. Mr. Gilchrest said his previous motion was in no way meant to slight Mr. Perdue or Ms. Bogan.

Chairman McWilliams said we have talked a lot about this appointment and this is democracy at work. Chairman McWilliams stated the Board is tasked with trying to find the best person for the position and it is not always comfortable. Chairman McWilliams said he would like to thank Mr. Jurcak for presenting and said the numbers supported sales increases and closely coincided with the Tourism initiative.

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

The Chairman adjourned the meeting.

Ordered that this Board do now stand adjourned until 6:00 p.m., February 26, 2014, for a joint work session with Highland County Board of Supervisors. The next regular monthly meeting of the Board of Supervisors is scheduled for March 11, 2014 at 7 p.m.

Ashton N. Harrison, Clerk

APPROVED:

Bruce W. McWilliams, Chairman