

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

Tuesday, February 10, 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; Henry "Kevin" Fry; Bruce W. McWilliams; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Ashton N. Harrison, County Administrator. Phillip "Bart" Perdue was absent from the meeting due to illness.

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

Upon a motion made by Mr. Gilchrest, with a second from Mr. Fry, and adopted 4 in favor, 0 against (1 absent), 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, and Section 2.2-3711.A.7 Specific Legal Matters.

Mr. Gilchrest made a motion, with a second from Mr. Fry which was adopted 4-0, (1 absent) 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, and Kevin Fry

Nays: None

Absent: Phillip "Bart" Perdue

County Administrator Ashton N. Harrison provided an administrative report and answered questions posed by the public at the January 10, 2015, Board of Supervisors Meeting. Questions included. 1. Details of the County Administrator's contract. Mr. Harrison said his current contract expires December 31, 2016, but the Board reserves the right to terminate at anytime. 2. Why the general reassessment was being conducted now and why did the County hire an independent firm? County Attorney Collins said smaller County's can have up to six years between reassessments and Bath will be at that threshold by the time the reassessment is complete. Mr. Collins added that if the County did not want to hire an independent firm to perform the reassessment a separate department would have to be set up and could cost more than hiring an independent firm. 3. How does the County hire for open positions? Mr. Harrison said all available positions are duly advertised and a committee narrows the field to the most qualified candidates who are then called for interviews. 4. What are the plans for repairs to the transfer station building and how will be it used? Mr. Harrison said the if the Board approves the agreement with Draper Aden the first step is to focus on the design recommendations for repairs to the retaining wall and transfer station floor. Mr. Harrison added the design will give a general idea of the cost to make repairs identified in the study. 5. A question was asked about cleaning

out the creek bed in Hot Springs. Mr. Harrison said the County has no authority in this matter because the creek is on private property. 6. Parking issues in Hot Springs. Mr. Harrison said Sherry Ryder, County Planner contacted VDOT to inquire about getting the parking spots lined but to date had not received a response. Mr. Harrison said staff researched but did not find any indication that the Board had given direction on removing the roundabout at the pharmacy and if the Board wished to do so costs could be incurred. Mr. Harrison said a question was asked about parking for new businesses on Main Street. Mr. Harrison said County Planner, Sherry Ryder works with new business owners and understands the need for new businesses in the County and said assumptions should not be made without working with Mrs. Ryder.

Chairperson Collins encouraged the public to contact the County Administrator if they have questions or requests for additional information.

Chairperson Collins led the Pledge of Allegiance, and Mr. Gilchrest offered the invocation.

Chairperson Collins asked the Board if they wished to approve or amend the agenda and the minutes from the January 13, 2015, Board of Supervisors meeting.

Mr. McWilliams made the motion to approve the agenda as amended by adding the additional bills list under item 030-15, an additional transfer request under item 031-15, and striking item 028-15. Mr. Gilchrest seconded the motion which was adopted 4-0, (1 absent).

Mr. Gilchrest made the motion to approve the minutes of the January 13, 2015, regular session of the Board of Supervisors as submitted. Mr. Fry seconded the motion which was adopted 4-0, (1 absent).

Public Comment

Chairperson Collins asked the public desiring to speak during public comment to please come forward, state their name and district and direct comments to the Chair. Ms. Collins said this would allow everyone in attendance to hear the speaker.

There was no one who wished to speak during the first public comment session.

Board Comment

Mr. Gilchrest as the Board begins its fourth year he would like to take a few minutes to reflect on the first three years of the Boards current term. Mr. Gilchrest gave an overview of accomplishments and projects the Board had undertaken in the first three years. Mr. Gilchrest shared a list of 25 items, some he noted were passed with a 5-0 vote. Mr. Gilchrest said all of this was accomplished with three different County Administrators.

Chairperson Collins said she recently attended the Chairperson's Institute which was very informative. She said the greatest take away from the meeting was "T & R" which stands for trust and respect. Ms. Collins said trust and respect is not just about the Board it also involves the community. Ms. Collins announced her upcoming district meeting.

General Agenda

FY 2014 Audit Presentation - Mr. James W. Kelly, CPA, MBA, Robertson, Farmer Cox Associates

Mr. Kelly provided a power point presentation and 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 balance sheets, accounts payables, payroll, pension funding, compliance testing, and revenues and expenditures. Mr. Kelly said the County's net position and fund balance increased in FY 2014.

Mr. Gilchrest made the motion to accept the County's Financial Statements for fiscal year ending June 30, 2014, as presented. Mr. McWilliams seconded the motion which was adopted 4-0, (1 absent).

Economic Development Strategic Plan Presentation - Mr. Russ Archambault, Vice President and Principal, RKG Associates

Mr. Archambault gave an overview of the timeline and how RKG would engage the community in developing the Economic Development Strategic Plan for Bath County. Mr. Archambault said his company would prepare a study focused on where Bath County fits within the region, and how to foster growth while providing more opportunities for the community. He said the County already does a good job getting people to visit and spend money here, but the County needs to work on diversifying the County's economic base and attracting new business. Mr. Archambault said everyone within the community will have an opportunity to provide input as the strategic plan is developed. In closing Mr. Archambault asked the Board to think about what economic development success means to them.

Consideration to engage Draper Aden Associates for engineering services at the transfer station - Mr. Ashton N. Harrison, County Administrator

County Administrator Harrison said the agreement with Draper Aden Associates would provide structural and geotechnical engineering services for investigation, design, construction documents for stabilizing the retaining wall and details for repairing the tipping floor at the transfer station building. Mr. Harrison said the cost of the services would be \$21,000 and would include how to improve the drainage around the building. Mr. Harrison said using consultant on demand services provided by Central Shenandoah Planning District Commission meets the County's purchasing and procurement guidelines. Mr. Harrison recommended the Board engage Draper Aden Associates for engineering services at the transfer station.

Mr. Gilchrest made the motion to engage Draper Aden Associates for engineering services at the transfer station. Mr. McWilliams seconded the motion which was adopted 4-0, (1 absent).

Solid Waste Fees for Construction Projects, Demolition, Bath County Code Section 16-14(C) - Mr. Ashton N. Harrison, County Administrator

County Administrator Harrison said this has come up because some contractors want to direct haul to Peter's Mountain Landfill and after reading section 16-14 (C) which reads in part "upon bringing such materials to the transfer station, the applicant shall pay \$60/ton or the prevailing solid waste fees at the transfer station". Mr. Harrison said the prevailing rate at Peter's Mountain Landfill is \$40/per and his interpretation of transfer station means by extension the landfill as well. Mr. Harrison asked the Board to provide direction on setting the rate for contractors who direct haul demolition waste to Peter's Mountain Landfill.

Mr. McWilliams said administration should be allowed to make a straightforward interpretation of the ordinance. Mr. McWilliams said the County no longer handles trash the same way as in the past and considering \$40 per ton is the negotiating cost for disposal, contractors shouldn't have to wait until the next scheduled Board meeting for a decision. Mr. McWilliams said the Board needs to find equity in the fee structures and allow administration to follow the ordinance and take care of decisions.

Mr. Gilchrest said the prevailing rate for disposal at Peter's Mountain Landfill is \$40 per ton and administration should be allowed to make a decision concerning rates based on their interpretation.

Chairperson Collins questioned why the ordinance didn't have a reference that stated subject to the interpretation of the County Administrator or Solid Waste Manager.

Mr. Fry made the motion to adopt a fee of \$40 per ton across the board for demolition waste with the understanding that the Board of Supervisors will work to address the inequities in the County's code. Mr. Gilchrest seconded the motion which was adopted 4-0, (1 absent).

County Administrator Harrison said he continued to work with the County's major solid waste haulers and hoped to bring recommendations to the Board to address the inequities in the County's code at a future meeting.

Radio Needs Assessment - Mr. T.A. "Andy" Sebolt, Emergency Services Coordinator and Mr. Harold King, Chairman, Bath County Fire and Rescue Association.

Mr. Sebolt said a stakeholders meeting was held on January 14, 2015, to review a draft of the Landover Radio Needs Assessment. The assessment found that the County's current system provided approximately 30% coverage on talk out and 20% on talk back, with 95% reliability. Mr. Sebolt said by accepted public safety standards the percentages are extremely poor. Mr. Sebolt said the group discussed options to improve coverage. Mr. Sebolt said while the group is not ready at this time to discuss costs they continue to look at opportunities.

Mr. Harold King, Chairman, Bath County Fire and Rescue Association added the Landover Radio Needs Assessment was an excellent with participation from our organizations. Mr. King said the data was validated by area departments. He noted "we know the needs, we saw the coverage, it's real." Mr. King added we know we cannot afford the cost as it is today but that's where creativity comes into play. Mr. King said the group will continue to explore their options to find an affordable solution and funding sources.

Mr. Gilchrest said the competence, passion for their work, and the concern for the common good shown by Mr. Sebolt and Mr. King was reassuring.

Consideration of Federal Mileage Rate Change - Mr. Ashton N. Harrison, County Administrator

County Administrator Harrison said effective January 1, 2015, the Internal Revenue Service changed the standard mileage rate to \$.575 cents per mile.

Mr. Fry made the motion to set the County's mileage reimbursement rate the same as the Internal Revenue Service standard mileage rate which is effective January 1st of each calendar year. Mr. Gilchrest seconded the motion that was adopted 4-0, (1 absent).

Discussion to Relinquish the Cedar Creek Waste Water Treatment Plant Permits to Bath County Service Authority - Mr. Ashton N. Harrison, County Administrator

County Administrator Harrison said no action is necessary at this time. Mr. Harrison said he is seeking direction to begin work on the paperwork necessary to turn over all permits and facilities of the Cedar Creek Waste Water Treatment Plant to Bath County Service Authority. Mr. Harrison said the original third party agreement was between the County, Bath County Service Authority and Cedar Creek Mobile Home Park. Mr. Harrison said the County being the grantee was required to have the permits but now that the permits are ready to expire Mr. Phillips, PSA Director, has suggested this would be a good time to turn the permits and facilities over to the Service Authority.

County Attorney Collins stated the agreement is clear on transferring the permits but more information is needed on ownership. Mr. Collins said a public hearing is required when transferring real estate.

There were no actions from closed session.

Consent Agenda

Mr. 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. Mr. McWilliams seconded the motion which was adopted 4-0, (1 absent).

Public Comment

Mr. Carl Chestnut, Cedar Creek District, inquired about the cost of removing the roundabout in front of the pharmacy, and commented on parking issues in Hot Springs.

Board Comment

Mr. Gilchrest thanked County Administration and Mrs. Webb, County Treasurer for their diligence in working with the auditors.

Mr. Fry thanked everyone in attendance and commented that change while it is not always easy it is sometimes necessary. Mr. Fry said the County has to adapt with the times and being willing to step forward and embrace the changes that help us move forward.

Mr. McWilliams said in the past there was a culture that needed to know everything all the time. Mr. McWilliams said the relationship between the Board and administration needs to be one of trust and respect. He said administration shouldn't have to work in fear of wondering what will happen if the Board doesn't like a decision that has been made.

Chairperson Collins said trust, respect and communication is a two way street and extends to the community because we represent the community. Ms. Collins said the Board did not take any action to remove the roundabout at the pharmacy. Ms. Collins said the Board would need to discuss this with VDOT. Ms. Collins encouraged the public to bring their ideas to the Board.

Mr. Fry made the motion to adjourn the meeting. Mr. Gilchrest seconded the motion which was adopted 4-0, (1 absent).

Chairperson Collins adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., March 10, 2015 for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Claire A. Collins, Chairperson

