

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

Tuesday, January 8, 2013, 6:00 p.m. Closed Session; 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 William G. O'Brien, Interim County Administrator.

Mr. William G. O'Brien, Interim County Administrator called the meeting to order.

Upon a motion made by Ms. Collins, with a second from Mr. McWilliams, 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(1) Personnel.

Ms. Collins made a motion, with a second from Mr. Gilchrest, 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

Mr. O'Brien led the Pledge of Allegiance, and Mr. Gilchrest offered the invocation.

Mr. O'Brien led the meeting pending election of the chairman. Mr. O'Brien asked for nominations for Chairman of the Board.

Mr. Fry nominated Mr. Bruce McWilliams for Chairman of the Board of Supervisors. Mr. Gilchrest made the motion with a second from Mr. McWilliams to close the nominations for Chairman and vote on Mr. Fry's nomination. Mr. McWilliams was elected Chairman with a vote of 3 to 2, with Ms. Collins and Mr. Perdue casting the dissenting votes.

Mr. O'Brien turned the meeting over to Chairman McWilliams.

Chairman McWilliams asked for nominations for Vice Chairman of the Board of Supervisors.

Mr. Gilchrest nominated Mr. Fry for Vice Chairman of the Board of Supervisors. Mr. Fry made the motion with a second from Mr. Gilchrest to close the nominations for Vice Chairman and vote on Mr. Gilchrest's nomination. Mr. Fry was elected Vice Chairman with a vote of 3 to 2, with Ms. Collins and Mr. Perdue casting the dissenting votes.

Chairman McWilliams opened the floor for the first public comment session.

Mrs. Stephanie Forbes, Millboro District, encouraged the Board of Supervisors to support a funding request to reinstate the preschool program at Millboro Elementary School.

Chairman McWilliams closed public comment and asked for Board member comments.

Ms. Collins shared a schedule of District meetings she will hold on the 3rd Monday of each month from 7 p.m. to 9 p.m. at the Hot Springs Fire House.

Mr. Gilchrest welcomed those in attendance and thanked them for participating.

Chairman McWilliams introduced the next agenda items approval of Board of Supervisors by-laws and appointment of Emergency Services Director.

Mr. Gilchrest made the motion to adopt "Roberts Rules of Order" as the Board's by-laws. Ms. Collins seconded the motion which was adopted 5-0.

Mr. Gilchrest made the motion to appoint Mr. Kevin Fry as Emergency Services Director. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams asked the Board if they wished to approve or add to the agenda.

Mr. O'Brien, Interim County Administrator, added discussion of Request for Proposals for Demolition and Asbestos Removal of nuisance structures, and discussion of possible dates to

meet with Highland County Board of Supervisors to the agenda following item 007-13 Millboro Preservation and Cultural Association Status Report.

Chairman McWilliams asked the Board if they wished to adopt a meeting schedule for the Board of Supervisors for 2013.

Ms. Collins made the motion to meet on the second Tuesday of each month at 7 p.m. in Room 115 of the Courthouse in Warm Springs, and to schedule work sessions at the regular meeting on an as needed basis to be held on the fourth Tuesday of the month at the discretion of the full Board. Mr. Perdue seconded the motion.

Mr. Fry made a substitute motion to hold two meetings per month, the regular meeting of the Board on the second Tuesday of the month at 7 p.m. in Room 115 of the Courthouse in Warm Springs, and an additional meeting on the fourth Tuesday of the month at 7 p.m. in Room 115 of the Courthouse in Warm Springs. Mr. Fry noted that if it were determined in advance that the second monthly meeting was not needed it could be cancelled. Mr. Gilchrest seconded the substitute motion which was adopted 3-2, with Ms. Collins and Mr. Perdue dissenting.

Mr. Gilchrest made the motion to approve the minutes of the December 11, 2012, regular session of the Board of Supervisors. Mr. Perdue seconded the motion which was adopted 4-1, with Ms. Collins abstaining from the vote.

Chairman McWilliams introduced the next agenda item a status report from the Millboro Preservation and Cultural Association (MPCA).

Ms. Kim Manion, President MPCA, presented the status report. Ms. Manion gave an overview of projects finished to date and their continued fund raising efforts for future projects.

Mr. Michael Collins, County Attorney, said the County had recognized the Old Millboro School property as a negative asset and agreed to transfer the property as is and all its liability to MPCA. Mr. Collins said in his opinion the County did not retain any interest in the property and the County held no obligation for payment of contractors on behalf of the MPCA.

Board Members thanked the MPCA for their report and for the continuing improvements to the property.

Chairman McWilliams introduced the next agenda item which was review and discussion of Request for Proposals for demolition and asbestos removal of nuisance properties.

Mr. William G. O'Brien, Interim County Administrator, gave an update of properties identified for demolition by the Building Official and the Board. Mr. O'Brien said proposals were received for demolition with Kenny Baugh Excavating being the apparent low bidder for general demolition with a proposal of \$34,800 and Engineering & Testing 2000, Inc. being the

apparent low bidder for asbestos inspection and removal with a proposal of \$4,550. The County has \$24,829.57 set aside in line item 408110-8203 for this purpose; an additional \$14,520.43 will be needed to complete the project. Mr. O'Brien recommended the Board accept the proposals as stated and appropriate the additional funds to complete the project.

Mr. Gilchrest made the motion with a second from Ms. Collins to accept the proposals for general demolition and asbestos inspection and removal as recommended by the Interim County Administrator, and to appropriate \$14,520.43 from contingencies to line item 408110-8203. The motion was adopted 5-0.

Mr. O'Brien asked the Board to look at their schedules and report to the County Administrator's office dates they are available to meet with the Highland County Board. Mr. O'Brien also suggested a committee of two Board members and the Interim County Administrator to review proposals received for consideration of Courthouse renovations.

Chairman McWilliams appointed Mr. Fry and Mr. Gilchrest to assist Mr. O'Brien in reviewing the requests for proposals for proposed renovations of the Courthouse.

Chairman McWilliams introduced the next agenda item a joint public hearing with the Planning Commission to request rezoning of 5155 Sam Snead Hwy., from R-3 Residential Medium Density Mixed Residential to B-2 General Business.

Mr. Michael Grist, Chairman of the Planning Commission called the Planning Commission to order.

Mrs. Sherry Ryder, County Planner and Zoning Administrator, gave background information on the rezoning request. Mrs. Ryder said Mr. Rolf Brunner owner M&H Rentals made application to rezone 1.977 acres from R-3 Residential Medium Density Mixed Residential to B-2 General Business for the purpose of creating a laundromat in a portion of the building located at 5155 Sam Snead Highway. Mrs. Ryder said Mr. Brunner had offered proffers to exclude everything referred to in section 610.02-16 of the Bath County Land Use Regulations ("restaurants, cafes, dairy product stores, and soda fountains, drive-in eating and refreshments establishments"). Mrs. Ryder said since not all adjoining land owners had been notified of the request prior to the Planning Commission meeting it was decided to hold a joint meeting of the Planning Commission and the Board of Supervisors to hear and consider the request. Mrs. Ryder presented several letters of support and opposition to the proposed rezoning.

Mr. Michael Grist, Chairman of the Planning Commission opened the joint public hearing for comments.

Mr. Frank Johnson said he was not opposed to a laundromat, but he was opposed to rezoning the entire property to B-2 General Business. Mr. Johnson said rezoning could be approved for the building that would house the laundromat or a conditional use permit could be

approved for the laundromat facility but he urged the Board not to approve rezoning of the entire 1.977 acre lot.

Mr. Grist closed the joint public hearing and asked the Planning Commission if they had questions for Mr. Brunner.

Mrs. Lynn Ellen Black, Williamsville Planning Commission representative, said she had misunderstood the request and did not realize the entire property was being considered for rezoning to B-2 General Business.

Mr. Brunner assured the Board he did not want to do anything detrimental and that the property is one parcel and not broken down by lots. Mr. Brunner said he saw a need for the laundromat and wanted to develop the property which is in a designated growth area.

Mr. Travis Kay said he lives directly across the street from the property and was in favor of the rezoning.

The Planning Commission and the Board discussed setbacks and drainage issues identified on the property.

Mrs. Trudy Woodzell, Planning Commission Cedar Creek representative made the motion to accept the rezoning request to rezone property owned by M&H Rentals, located at 5155 Sam Snead Hwy., approximately 1.977 acres from R-3 Residential Medium Density Mixed Residential to B-2 General Business with proffers on behalf of the Planning Commission. Mr. Hugh Dunnagan, Valley Springs Planning Commission representative offered the second. The motion was adopted 4-1, with Mrs. Lynn Ellen Black dissenting.

Chairman McWilliams opened the public hearing on behalf of the Board of Supervisors.

Mr. Frank Johnson, Valley Springs District, said he agreed there had been businesses at this location in the past. Mr. Johnson said his concern was not the laundromat opening in the current building but he was concerned about the remaining 1.25 acres that could be developed if the rezoning was approved for the entire lot.

Mr. Wally Robertson, Cedar Creek District, and Mr. Jack Lindsay, Cedar Creek District, spoke in favor of the rezoning request.

Mr. Brunner again said he would not do anything detrimental to the neighborhood and asked the Board to approve his request for rezoning.

Mrs. Ryder, County Planner and Zoning Administrator, said Mr. Brunner would not be able to apply for a conditional use permit or rezoning of this property for a period of one year if his request was denied by the Board. Mrs. Ryder said Mr. Brunner could withdraw his request before the Board voted if he wished to make any changes.

Ms. Collins reminded the Board that zoning followed the property not the owner. Ms. Collins said the rezoning with proffers if approved would stay in place until another application was received.

Mr. Jeff Wilson, Planning Commission Warm Springs representative made the motion to adjourn the Planning Commission meeting. The motion was seconded by Mrs. Lynn Ellen Black, Williamsville representative and adopted 5-0.

Mr. Fry made the motion to approve the rezoning request to rezone property owned by M&H Rentals, located at 5155 Sam Snead Hwy., approximately 1.977 acres from R-3 Residential Medium Density Mixed Residential to B-2 General Business with proffers on behalf of the Board of Supervisors. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a report from Mrs. Susan Hammond, VDOT Resident Administrator.

Mrs. Hammond gave an update of winter weather related events and maintenance activities since her last report and offered to entertain comments and questions.

Mr. Fry and Mr. Gilchrest mentioned speed limit concerns on Route 687 past Bath County Mobile Home Park and on T.C. Walker Road. Mr. Gilchrest also mentioned dead trees near the roadway on Route 42 and issues at the recycling area. Mrs. Hammond suggested they set up a time to meet at the sites in question.

Mr. Perdue asked when the road would be restriped on Pond Hill and mentioned drainage issues were still ongoing near Mr. Hise's property near Chimney Run.

Ms. Collins thanked Mrs. Hammond for work on Paul Siple Drive and Grandview Road. Ms. Collins asked Mrs. Hammond to pay citizens in that area a visit to make sure all work had been completed. Ms. Collins asked that a regular maintenance schedule be developed for Switzerland Trail.

Chairman McWilliams introduced the next agenda items Constitutional Officer and Staff Reports.

Mrs. Sue Hirsh, Superintendent of Schools presented the schools financial report as of December 31, 2012. Mrs. Hirsh asked the Board for consideration of an additional funding request of \$57,232 to \$64,078 to reinstate the preschool program at Millboro Elementary School to fund the program beginning February 2013 to the end of the current academic year. Mrs. Hirsh said the School Board had recently replaced a boiler at Valley Elementary School and did not think they would be able to fund the preschool program at Millboro Elementary without additional funding.

Mr. Perdue questioned icy conditions of the parking lot at Bath County High School.

Mrs. Hirsh said a decision to put salt on the parking lot made conditions worse but that parking was not allowed on the lot until conditions improved and the ice was removed.

Ms. Collins spoke regarding school safety and concerns she had with being able to adequately lock down schools. Ms. Collins said safety in all public buildings needs to be considered in the future.

Mrs. Pam Webb, County Treasurer, gave an overview of accounts as of December 31, 2012.

Mr. Jason Miller, Director Department of Social Services, presented an overview of caseloads for 2012. Mr. Miller recognized Mike Spurgeon, Food Stamp Eligibility worker for developing a computer program that significantly reduced the error rate in processing claims. Mr. Miller said the program was being utilized across the state.

Chairman McWilliams introduced the next agenda item consideration of a proposed contract between the County and the Trustees of the Rockbridge Regional Library.

Mr. Gilchrest made the motion with a second from Mr. Fry to approve the proposed contract between Trustees of the Rockbridge Regional Library and the Cities of Lexington, Buena Vista and the Counties of Bath and Rockbridge. The motion was adopted 5-0.

There were no actions from Closed Session.

Ms. Collins made the motion to approve the payment of invoices and requests for appropriations and transfers as submitted. The motion was seconded by Mr. Perdue and adopted 5-0.

Correspondence and monthly reports were provided for the Boards review but did not require action.

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

Mr. John Fisher, Warm Springs District, urged the Board of Supervisors to direct the County Administrator's Office to produce detailed draw downs of funds for MPCA.

Mr. Wally Robertson, Cedar Creek District asked the Board to consider public comment sessions at all Board meetings.

Mrs. Lynn Ellen Black, Williamsville District, said all districts should have full representation at all Board meetings.

Mr. Jack Lindsay, Cedar Creek District, asked the Board to investigate boiler replacement at Valley Elementary School. Mr. Lindsay said proper maintenance could have prevented the damages.

Mr. Jeff Wilson, Warm Springs District, said he was offended by inappropriate comments from Mr. Fry toward the Planning Commission.

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

Ms. Collins thanked the School Board for addressing issues and thanked the Planning Commission and all Boards and Commissions for their work. Ms. Collins said everyone makes mistakes and reminded everyone that the Chairman and Vice Chairman held no more power than any other member of the Board.

Mr. Fry apologized if he offended anyone. He said he was not criticizing the Planning Commission but wanted to make sure communication was improved for future meetings. Mr. Fry apologized again if he overstepped or said anything that was inappropriate.

Mr. Gilchrest said the end result showed the Board and the Planning Commission worked together to come to a resolution.

Mr. Gilchrest made the motion to adjourn the meeting. Mr. Fry seconded the motion that was adopted 5-0.

The Chairman adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., January 22, 2013, for the second monthly meeting. The next regular session is Tuesday, February 12, 2013, at 7:00 p.m.

William G. O'Brien, Clerk

APPROVED:

Bruce W. McWilliams, Chairman