

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

Tuesday, July 8, 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 opened the first public comment session.

Mr. Willie Smith, Warm Springs District, addressed the Board concerning the Bacova Water Line Extension. Mr. Smith said the project had been on the radar for 20 years. Mr. Smith said he thought the Board had agreed to fund the project in three phases beginning with surveying that was included in the County's FY 2014 Capital Improvement Plan. Mr. Smith said he was concerned if the project did not move forward funds already spent on surveying may have to be spent again. Mr. Smith stated the delay is very frustrating. He urged the Board to reconsider and move the project forward. Mr. Smith said having this project completed would give two sources of water to the area and allow for future growth.

Mr. Carl Chestnut, Cedar Creek District, said he didn't like that the County Administrator had given a salary increase without the Board's approval. Mr. Chestnut said the Administrator shouldn't have that much control. Mr. Chestnut said he didn't understand why Susan Hammond, VDOT Residency Administrator, said VDOT could not erect a sign near Run Wild Farm when just up the road there was a similar sign.

Mr. Matt Ratcliff, Warm Springs District, asked the Board to consider helping Bolar Fire Department secure a loan for \$125,000 to build an addition on their building. Mr. Ratcliff said the department did not request operating funds for the FY 2015 budget but would continue to answer calls in Bath County and provide support. He stated Bolar Fire Department has begun the steps necessary to organize a first responder's program that may develop into a full rescue squad program.

Mr. Wayne Purvis, Valley Springs District, asked who he needed to contact at the County level concerning the house at the corner of Sam Snead Hwy. and Incubator Hollow Road. Mr. Purvis said the house either needs to be repaired or demolished.

Mr. Wally Robertson, Cedar Creek District, said he didn't understand why some members of the Board supported staggered terms. Mr. Robertson said the Board needed to concentrate on supporting job growth.

Mr. Keswick Phillips, Cedar Creek District, questioned if the \$10,000 salary increase given to the Animal Control Officer was legal.

Ms. Murphy Wilson, Warm Springs District, encouraged the Board to lobby for VDOT funding by reviewing the 6 year fiscal plan and attending meetings around the region.

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

Ms. Collins invited everyone to attend her July 21, 2014, Cedar Creek District meeting at 7 p.m., at the Hot Springs Fire Department.

Mr. Perdue welcomed everyone and said it was nice to see new faces.

Mr. Gilchrest thanked staff and volunteers who helped make the Triathlon and Millboro Truck Pull a success.

The Chairman asked the Board if they wished to approve or amend the agenda and the minutes from the June 17, 2014, Board of Supervisors meeting.

Mr. Gilchrest made the motion to approve the agenda with the following additions; a presentation on voting centers by General Registrar, Charles Garratt; FY 2015 Fire Programs Fund Disbursement Agreement; and a letter to VDOT concerning road conditions in the County. The motion was seconded by Ms. Collins and adopted 5-0.

Ms. Collins made the motion to approve the minutes from the July 17, 2014, Board of Supervisors meetings as submitted. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced General Registrar, Charles Garratt for his presentation on voting centers.

Mr. Garratt thanked the Board and County Administration for their continued support. Mr. Garratt explained the proposed Vote Center bill. He said the vote center bill authorizes the State Board of Elections to provide for a pilot program allowing localities to establish vote centers for primary elections. Mr. Garratt said vote centers will combine multiple precincts to be used for typically low turnout primaries. Mr. Garratt said the vote centers would be located in highly populated areas where any registered voter would have access to the center providing convenience and significant saving to the locality. Mr. Garratt asked the Board for their support in adopting a resolution in support of the vote center pilot program.

Ms. Collins said the state is experiencing low voter turnout in primaries across all localities. Ms. Collins stated she is in favor of trying the pilot program.

Mr. Fry asked what steps the Board needed to take. Mr. Garratt responded the Board would need to adopt the resolution supporting vote centers.

Mr. Gilchrest asked what would happen after the three year trial period. Mr. Garratt responded before implementation could take place the bill would have to go back to the General Assembly for approval.

Ms. Collins asked if a public hearing would be necessary.

Mr. Fry made the motion to adopt the following resolution in support of a pilot program to establish vote centers for primary elections. Mr. Gilchrest seconded the motion which was adopted 5-0.

Resolution 2014-10 Vote Centers

WHEREAS, the Bath County Electoral Board is charged with the conduct of elections by the Virginia Constitution, is regulated by the *Virginia State Code* and is advised/guided by the State Board of Elections; and

WHEREAS, election costs are borne by the taxpayers, thereby placing on the Electoral Board a fiduciary responsibility to protect the County's treasury; and

WHEREAS, the Bath County Electoral Board has determined that the costs of Primary Elections are compared to General Elections are an extraordinary burden on the treasury because voter turnout is exceeding low; and

WHEREAS, the costs of Primaries could be reduced simply by opening fewer precincts, hiring fewer election officers and programming fewer voting machines without any deleterious impact on voter convenience; and

WHEREAS, the *Virginia Code* has no provisions specific for Primaries and other low-voter-turnout elections; and

WHEREAS, other state jurisdictions have studied, implemented and received positive voter feed-back with the use of Vote Centers for conducting primary elections; and

WHEREAS, these Vote Centers would offer fewer voting sites without negative impact on voter convenience or voter turnout, yet would offer greater tax savings to our locality;

NOW, THEREFORE, BE IT RESOLVED, that the Bath County Electoral Board does hereby unanimously support immediate action by the General Assembly and Governor to enact legislation that would allow jurisdictions to choose to run a Pilot Program to study Vote Centers for a period of three years; and

BE IT FURTHER RESOLVED, that the Bath County Electoral Board understands that Vote Centers may not be seen as useful to some jurisdictions, but that Vote Centers do have the support of both large and small jurisdictions;

BE IT FURTHER RESOLVED, that the Bath County Electoral Board understands that a pilot program could not be implemented until requested by the Electoral Board and approved after public hearing held by the Bath County Board of Supervisors.

Adopted this 8th day of July, 2014, by the Bath County Board of Supervisors.

Chairman McWilliams introduced the next agenda item which was consideration of establishing a Parks and Recreation Advisory Committee.

Mr. Harrison, County Administrator, presented the By-Laws which he reported were the same as presented to the Board at a previous work session. Mr. Harrison said the only change was the number of members were increased from five to seven; one from each district and two at-large.

Mr. Perdue questioned why this committee was not set up to receive compensation and wondered if the Board should consider compensation.

Ms. Collins said the difference is Parks and Recreation wants an advisory committee not a formal Board.

Mr. Gilchrest said he would consider compensating the committee if the Board agreed.

Chairman McWilliams agreed with Ms. Collins and said he was hesitant to set a precedence.

County Attorney, Michael Collins, said the Boards intention was to find volunteers who wanted to be part of a committee which is different than a Board that is regulated by State Code.

Mr. Fry suggested the Board move forward to adopt the by-laws and schedule a work session to talk about compensation for all boards and commissions.

Mr. Gilchrest made the motion to delete section 3-8 regarding compensation and accept the by-laws, and to schedule a work session to discuss compensation for all boards and commissions. Mr. Perdue seconded the motion which was adopted 5-0.

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

Mr. Harrison, County Administrator, presented the draft public notice regarding staggered terms.

County Attorney Michael Collins gave a brief explanation of staggered terms and said the law is vague on whether the School Board has to follow the Board of Supervisors. Mr. Collins said he would like to get clarification before the Board holds a public hearing that includes the School Board.

Mr. Gilchrest said he had heard from a handful of folks who encouraged staggered terms and scheduling a public hearing would allow the Board to hear from citizens.

Mr. Fry concurred and stated that he had championed for staggered terms. Mr. Fry said he wanted a public hearing in order to hear from the citizens.

Ms. Collins said she believes in open government but people are telling her they want to be able to vote on staggered terms.

Mr. Perdue said in order to get the question of staggered terms on the ballot it would require 10% of the voters to sign a petition. He said that should not be a hard to accomplish.

Mr. fry made the motion to set a public hearing for September 9, 2014, to consider staggered terms. Mr. Gilchrest seconded the motion.

The Board discussed the motion and decided upon recommendation from the County Administrator to table any further decisions until the County Attorney completes his research and brings back an opinion to the Board concerning School Boards following the Board of Supervisors regarding staggered terms.

Mr. Fry agreed to withdraw his motion but stated he wanted staggered terms to move forward.

Chairman McWilliams introduced the next agenda item which was allocation of additional capital improvement funds.

Mr. Harrison, County Administrator reviewed the capital improvements plan that was adopted by the Board in May 2014. Mr. Harrison said the Board needed to allocate the additional \$500,000 that was added after the budget was adopted.

Mr. Fry made the motion to allocate \$100,000 to Mountain Grove Fire Department, \$100,000 to Burnsville Fire Department and \$92,500 to Hot Springs Fire Department for the purchase of trucks, the remaining \$207,500 will remain unallocated until more information is received on drainage, lighting, and paving requirements at Bath County High School. Mr. Fry added setting a work session between the Board of Supervisors and the Bath County Public Service Authority to his motion. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was to reverse by motion, the assignment of funds in Fund 2, thereby abolishing Fund 2, as reflected in the County's FY 2015 budget.

Mr. Gilchrest made the motion to reverse the assignment of funds in Fund 2, thereby abolishing Fund 2, as reflected in the County's FY 2015 budget. Ms. Collins seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item the County's financial report as of June 31, 2014.

County Treasurer, Pamela Webb, presented an overview of account balances for FY 2014 and offered to answer questions for the Board. Mrs. Webb said the County would close out the books for FY 2014 in late July. Mrs. Webb said auditors from Robertson, Farmer, Cox and Associates were on site recently for pre-audit activities and would return in the fall to finalize FY 2014.

Appointments to Boards and Commissions:

Mr. Harrison, County Administrator, said the Board had advertised vacancies on the Airport Authority, Board of Zoning Appeals, and the Rockbridge regional Library. There was no interest in the open positions from members of the public.

Ms. Collins made the motion to reappoint Mr. Bruce Cambata and Mr. Kevin Fry to the Bath County Airport Authority for a new term to expire August 1, 2017, and to reappoint the following members of the Community Policy and Management Team and Family Assessment and Planning Team pursuant to the Comprehensive Service Act Policy which is required annually. CPMT: Jason Miller, DSS Director; Cliff Gilchrest, Board of Supervisors; Jackie Baughan, Health Department; Samantha Higgins, Supervisor CSU; Dennis Cropper, Director, RACSB; Jane Hall, Special Education/Pupil Support Director; Bath County Schools Darren Keithley, Parent Representative FAPT: Cherie Beale, DSS; Jon Gilbert, CSU; Jane Hall, Special Education/Pupil Support Director, Bath County Schools; Jackie Baughan, Health Department; Margaret Watkins, RACSB; Mary Adderton, Parent Representative. The motion was seconded by Mr. Perdue which was adopted 5-0.

Consent Agenda:

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

Additional Items:

FY 2015 Fire Programs Fund Disbursement Agreement - County Administrator, Ashton Harrison, said the County is eligible for \$20,000 on an annual basis to be used for equipment that was not already budgeted for. Mr. Harrison said Andy Seabolt and Supervisor Perdue had determined the local fire departments would benefit from the purchase of hose testers and gas monitors.

Mr. Perdue made the motion with a second from Ms. Collins to accept and execute the FY 2015 Fire Programs Fund Disbursement Agreement. The motion was adopted 5-0.

Letter to Virginia Department of Transportation, Richmond Office - Mr. Perdue made the motion to authorize the County Administrator to write a letter to the Richmond VDOT office to address road and maintenance issues in the County. Ms. Collins seconded the motion which was adopted 5-0.

The Chairman open the final public comment session.

Mr. Keswick Phillips, Cedar Creek District, said regarding compensation for future members of the Parks and Recreation Advisory Committee, folks he spoke with didn't ask to be paid they just wanted the ability to serve on the committee and work together to get decisions made.

Mr. Carl Chestnut, Cedar Creek District, said there is more than water flowing in the creek down Route 687. Mr. Chestnut said the County should have used reserve funds to repair the transfer station before new regulations were enacted. Mr. Chestnut said all salary increases should be approve by the Board of Supervisors.

Mr. Buzzard, Warm Springs District, spoke in support of the Bacova Junction to Cedar Creek waterline extension. Mr. Buzzard also said citizens don't want to be dictated to by the Board passing ordinances. He said citizens want to be able to vote on staggered terms for the Board.

Mr. John Hart, Cedar Creek District, thanked Ms. Collins and VDOT for the work on Route 611.

Mr. Jack Lindsay, Warm Springs District, said the water on Route 687 is not safe. He urged the Board to fund the Bacova Junction to Cedar Creek waterline extension so people would have water even if a pump goes out. Mr. Lindsay said this would also help with development in the area.

Mr. Wally Robertson, Cedar Creek District, said he could not understand why some members of the Board continued to push so hard for staggered terms.

Mr. Harold King, Williamsville District, thanked the Board for providing the funds to purchase much needed equipment for fire and rescue departments.

Mr. Matt Ratcliff, Bolar, asked if the Bolar fire department was considered part of the Bath County Fire and Rescue Association.

Mr. Willie Smith, Warm Springs District, thanked the Board for listening and urged the Board, Planning Commission, and County Administrator to get together and move forward with funding the Bacova Junction to Cedar Creek waterline extension.

Mrs. Jackie Plecker said she continues to have problems hearing at Board meetings and asked the Board to address the sound system. Mrs. Plecker said she supported vote centers as presented by General Registrar Charles Garratt. Mrs. Plecker questioned how the Parks and Recreation Advisory Committee would be structured and what happens if Parks and Recreation department doesn't want to take the advice of the committee. Mrs. Plecker had several questions regarding staggered terms and the cost associated with advertising a public hearing as opposed to adding the question to the ballot. Mrs. Plecker urged the Board to work with Bolar fire department because Bolar answers calls in the northern end of the County.

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

Mr. Gilchrest urged everyone to contact Congressman Moran and ask him to vote in favor of continuing Payment in Lieu of Taxes (PILT).

Mr. Perdue stated that Susan Hammond, VDOT Residency Administrator attends Board meetings quarterly. Mr. Perdue said he had emailed the County Administrator regarding the sound system and Mrs. Plecker's concerns but had not heard anything back from him.

Ms. Collins concurred with Mr. Gilchrest regarding PILT and contacting Congressman Moran. Ms. Collins said citizens contacting Congressman Moran would make a big difference.

Ms Collins stressed that it would create a burden on localities if PILT were not available to help fund public education.

Mr. Fry thanked everyone in attendance for their comments and concerns.

Mr. Gilchrest made the motion to adjourn the meeting. Mr. Fry 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., August 12, 2014, for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Bruce W. McWilliams, Chairman