

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

Tuesday, June 11, 2013, 7:00 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Henry "Kevin" Fry, Vice Chairman; Claire A. Collins, Phillip "Bart" Perdue; Clifford A. Gilchrest; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Janet G. Bryan, Interim County Administrator. Chairman, Bruce McWilliams was absent from the meeting.

Vice Chairman Fry 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. Carl Chestnut, Cedar Creek District, spoke regarding office relocations within the Courthouse. Mr. Chestnut said he was not in favor of relocating Mountain Soil and Water and Virginia Cooperative Extension to Millboro. He said the Tourism office should move to Hot Springs.

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

Ms. Collins invited everyone to attend the Cedar Creek District meeting scheduled for Monday, June 24, 2013, 7 p.m. at the Hot Springs Fire House.

Mr. Gilchrest said the Blue Ridge Area Food Bank in cooperation with the Department of Social Services has scheduled a program that includes a free meal and a basket of fresh food items to take home. Mr. Gilchrest provided the dates and times for the programs.

Mr. Perdue said he and Mr. Gilchrest attended the most recent Mountain Soil and Water Conservation Board meeting. Mr. Perdue said he is confident the County can work with Mountain Soil and Water to find a solution that works best everyone regarding the proposed move of their office to Millboro.

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

Ms. Collins made the motion to approve the agenda with the addition of a report on hiring a Clerical Assistant in the County Administrator's Office under item 110-13A, and to add under item 112-13A approval to pay invoices for election staff once submitted by the General Registrar and to approve any additional invoices. Mr. Gilchrest seconded the motion which was adopted 4-0.

Vice Chairman Fry asked the Board for a motion to approve or amend the minutes from May 14 and May 28, 2013, meetings of the Board of Supervisors.

Ms. Collins made the motion to approve the minutes with a minor revision to the May 28, 2013 meeting. Mr. Perdue seconded the motion which was adopted 4-0.

Vice Chairman Fry introduced the next agenda item which was a review of proposals for Land Mobile Radio Needs Assessment.

Mr. T.A. Seabolt, Emergency Services Coordinator, gave his report concerning the request for proposals. Mr. Seabolt stated that the County received three responses. Mr. Seabolt recommended engaging RCC Consultants, at a cost of \$53,567 because they provided a more complete and inclusive scope of work than the other two firms. Mr. Seabolt said he removed the purchase of a software package that the County really did not need.

Ms. Collins said she reviewed the proposals and agreed that the scope of work provided by RCC Consultants provided more potential than the other firms. Ms. Collins made the motion to accept the proposal provided by RCC Consultants to perform a radio needs assessment for the

County based on the scope of work provided, and to allow the funds included in the FY 2013 budget to carry over into FY 2014 to fund the project. Mr. Gilchrest seconded the motion which was adopted 4-0.

Vice Chairman Fry introduced the next agenda item which was a report on hiring a Clerical Assistant for the County Administrator's office, and appointments to Boards and Commissions.

Mrs. Janet Bryan, Interim County Administrator, said a vacancy in the County Administrator's office was created when Ms. Crissy Smith accepted the position of Deputy Commissioner of The Revenue. Mrs. Bryan said the position was advertised and interviews had taken place. Mrs. Bryan said an offer was made and accepted by Ms. Janice O'Reilly of Monterey. Mrs. Bryan said she wished Ms. Smith the best in her new position and asked the public and the Board to join her in welcoming Ms. O'Reilly to the County Administrator's Office.

Ms. Collins made the motion to accept and ratify the appointment of Ms. Janice O'Reilly as a Clerical Assistant in the County Administrator's Office beginning June 17, 2013. Mr. Gilchrest seconded the motion which was adopted 4-0.

Ms. Collins made the motion to reappoint Mr. Bruce McWilliams to the Rockbridge Regional Library Board for a term ending June 30, 2017. Mr. Gilchrest seconded the motion which was adopted 4-0.

Ms. Collins made the motion to reappoint Mrs. Sue Hirsh, to the Regional Community Justice board and the Regional VASAP Policy Board both new terms would expire June 30, 2017. Mr. Perdue seconded the motion which was adopted 4-0.

Vice Chairman Fry introduced the next agenda item which was an update of the ongoing Community Development Block Grant (CDBG) in the Pinehurst Heights' neighborhood, and consideration of the Management Team and Rehab Board for the newly announced CDBG in the Thomastown neighborhood.

Mrs. Bryan, Interim County Administrator, gave an overview of the progress in the Pinehurst Heights' community and presented the following individuals for the Boards consideration as a Management Team for the Thomastown project. The County Administrator when hired, Supervisor Claire A. Collins, Janet Bryan, Pamela Webb, County Treasurer, Michael Collins, County Attorney, T.A. Seabolt, Building Official, Brad Craig, Engineer for the Drainage Improvements, Jim Gray, Rehab Specialists, The Grant Administrator when hired, and community members Mike Spurgeon and Gloria Lindsay. Mrs. Bryan said the Rehab Board would be named at a later date once contract negotiations were complete. Ms. Bryan noted that the Thomastown project while similar to the Pinehurst Heights' project it differs in that the Thomastown project is an ability to pay loan program.

Ms. Collins stated that all the program income funds resulting from the loan program will stay in the community and will help cover housing needs for low to moderate income individuals and families.

Ms. Collins made the motion to accept the recommendation for the Thomastown Management Team as submitted. Mr. Perdue seconded the motion which was adopted 4-0.

Vice Chairman Fry said the consent agenda was the next item for consideration.

Ms. Collins made the motion to approve the payment of invoices, including additional invoices and invoices for election staff, approve requests for transfers and appropriations, and to authorize the Interim County Administrator and the Treasurer to work together to close the fiscal year. Mr. Perdue seconded the motion that was adopted 4-0.

Vice Chairman Fry introduced the next agenda item which was a public hearing to consider a proposed Domestic Chicken Ordinance to be presented for inclusion in the Bath County Land Use Regulations.

Mrs. Sherry Ryder, County Planner and Zoning Administrator, the Planning Commission met on April 22, 2013 and voted 5-0 to recommend the ordinance which will be placed in the Gardening section of the Bath County Land Use Regulations to the Board of Supervisors. Mrs. Ryder said the ordinance would allow female chickens in residential areas as long as they are not objectionable by reason of odor, dust, noise, pollution, soil, erosion, sedimentation or drainage. Mrs. Ryder said any structures and pens erected for the purpose of keeping chickens shall be located in the rear yard, not in the front or side yard and must be located a minimum of twenty feet off any side or rear property lines. Chickens are required to be contained within a pen at all times within a fenced area to allow the chickens to run. Mrs. Ryder said she was approached by several citizens who live in residential areas that want to be able to keep chickens for eggs.

The Chairman asked for comments from Board members.

Mr. Gilchrest said he would like to commend the Planning Commission and Mrs. Ryder for their diligence in preparing the ordinance for the Boards consideration.

Ms. Collins said other localities have similar ordinances and referenced the book "City Chicks" by a local author. Ms. Collins said the ordinance was written in a simple and understandable way unlike some others she has read. Ms. Collins said having chickens promotes sustainable agriculture.

The Vice Chairman opened the public hearing.

Mr. Jay Trinca, Warm Springs District, said he has no problem with chickens, however, the chicken coop and litter need to be regulated and "cleaned and screened". Mr. Trinca said chickens in an area like Bacova which is highly dense could cause issues if not regulated. He said runoff from the litter was not addressed in the proposed ordinance. Mr. Trinca said he did not want to see either the chicken coop or the chicken litter. Mr. Trinca said as long as it is placed in the rear and screened from view he could be happy with the ordinance.

Mr. Carl Chestnut, Cedar Creek District, said he was raised on a farm but when you live in a dense area the houses are too close for chickens. He said the ordinance should look at acreage.

The Vice Chairman closed the public comment period and asked if the Board had additional comments.

Ms. Collins said all the comments made were reasonable comments. Ms. Collins asked if lot size was considered when preparing the ordinance.

Mrs. Ryder said lot sizes were addressed in creating the ordinance. Mrs. Ryder said the Planning Commission looked at other ordinances from surrounding localities. The Planning Commissions' thoughts were that if the chickens are within a fence and are off the property line and if the coop and fenced area meets the setbacks there shouldn't be an issue.

Mr. Gilchrest said he felt the language contained within the proposed ordinance that addressed objectionable issues and setbacks would take care of most of the issues could arise.

Mrs. Ryder said Mr. Trinca said he did not want to be able to see the coop.

Mr. Perdue said the Board could add language that stated if objectionable by sight it would be in violation.

Michael Collins, County Attorney suggested adding a sentence that referred to adequate privacy screening and that should give Mrs. Ryder what she needs to interpret the ordinance.

Mr. Gilchrest made the motion to approve the proposed Domestic Chicken Ordinance to be presented for inclusion in the Bath County Land Use Regulations with additional language that states shall have adequate screening. Mr. Perdue seconded the motion which was adopted 4-0.

Vice Chairman Fry opened the floor for the final public comment.

Mr. Keswick Phillips, Cedar Creek District, said he wanted to know why the Clerical Assistant position in the County Administrators office was filled with someone who did not live in Bath County.

Ms. Collins said the County was an equal opportunity employer and could not discriminate based on where someone lived.

Mr. Trinca, Warm Springs District, asked if the County advertised in Military Times for the County Administrator position.

Mr. Carl Chestnut, Cedar Creek District, said he wasn't against chickens but he felt the ordinance should be based on acreage.

Mr. Wally Robertson, Cedar Creek District, said he thought there were too many items being added to the agenda after it was advertised.

Mr. Jack Lindsay, Warm Springs District, said he had heard negative comments about the trees that were trimmed at the Courthouse. Mr. Lindsay said the trees were a safety hazard and needed to be trimmed.

The Vice Chairman closed public comment and asked for Board member comments.

Ms. Collins commented when she was campaigning she asked what people wanted. She said one of the main things people wanted was the ability to house chickens in residential areas. Ms. Collins said if anyone wanted copies of the advertisement for the position in the County Administrators office they could ask and it would be provided. Ms. Collins also commented that preventative measures were being taken to make sure the trees at the Courthouse were well cared for in the future.

Mr. Fry thanked the Planning Commission and Mrs. Ryder for their work on the domestic chicken ordinance.

Ms. Collins made the motion to adjourn the meeting which was seconded by Mr. Gilchrest and adopted 4-0.

Vice Chairman Fry adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., June 25, 2013, for the second monthly meeting of the Board of Supervisors. The next regular meeting is Tuesday, July 9, 2013, at 7:00 p.m.

Janet G. Bryan, Deputy Clerk

APPROVED:

Bruce W. McWilliams, Chairman