

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

Tuesday, March 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. Gilchrest, with a second from Mr. Fry, and adopted 3 in favor, 0 against, 2 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(29) Contracts and Section 2.2-3711.A.1 Personnel. (Ms. Collins and Mr. Perdue joined the closed session once it convened in the upstairs conference room. Mr. Fry did not attend the portion of the closed session that addressed phase one renovations of the Courthouse).

Mr. Perdue 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, 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. Wally Robertson, Mr. John Hart, and Mr. Carl Chestnut all of the Cedar Creek District expressed their support for continuing operation of the transfer station and making the necessary repairs to the tipping floor. Mr. Chestnut suggested using tourism funds to pay for the repairs. Mr. Chestnut called for the resignation of the Valley Springs, Millboro and Williamsville Board of Supervisors representatives.

Ms. Mary Ann Bogan, Warm Springs District, apologized for the controversy surrounding her application for the open seat on the Planning Commission. Ms. Bogan said she was sorry that Mr. Dunnagan had resigned from the Planning Commission following the controversy. Ms. Bogan stated she found it ironic that Supervisor Gilcrest who held a higher position than she applied for suggested a younger person, when he is older than she is.

Mr. Jay Trinca, Warm Springs District, asked the Board to listen to the people and not just entertain them with town hall type meetings. Mr. Trinca urged the Board to keep the permits up to date at the transfer station to protect their options in the future. Mr. Trinca referred to the board as inept and suggested an investigation by the inspector general for fraud, abuse of power, and conflict of interest.

Mr. Keswick Phillips, Cedar Creek District, asked the Board to support the Route 220 project spearheaded by former Delegate Bill Wilson. Mr. Phillips also urged the Board to spend whatever it takes to make the repairs to the transfer station and to keep BARC in the County.

Mr. Jack Lindsay, Warm Springs District, said it would hurt local contractors if the transfer station closes. He predicted an increase in illegal dumping.

Mr. Lee Fry, Valley Springs District, addressed an issue with a building permit that resulted in a State Police investigation. He said when he applied for a building permit in April 2013, he knew the \$8,000 solid waste fee was too high for the amount of waste he would generate. Mr. Fry said he estimated the amount he would generate at approximately 35 to 40 tons. Mr. Fry said then Interim County Administrator O'Brien agreed to allow him to pay \$2,500 and the remaining \$5,500 was due if the ordinance was not revisited by the Board. Mr. Fry said he later received a letter asking that he pay the remaining \$5,500 and before he could get that processed, there was an investigation alleging fraud. Mr. Fry said to date he had generated about 22.5 tons of trash on the project. Mr. Fry said he was speaking for everyone and would like to see the ordinance revisited. Mr. Fry said he felt Supervisor Collins was the instigator in the

investigation which could have been cleared up with a few phone calls. Mr. Fry said he thought Ms. Collins owed him an apology.

Mr. Steve Hodge, Warm Springs District said he would like to give his three minutes of public comment time to Mr. Carl Chestnut.

Mr. Chestnut addressed issues with the compactor site in Ashwood and the roll-off containers in Warm Springs. Mr. Chestnut said the Ashwood site was not as well maintained as it had been in the past. He also commented that the roll-off containers in Warm Springs were currently emptied 6 times per week and he was concerned that the proposal from Alleghany Disposal would empty them twice per week. Mr. Chestnut urged the Board to make the repairs to the transfer station tipping floor and keep it open.

Sheriff Plecker introduced Deputy Todd Fry, who joined the Sheriff's office in February. Deputy Fry, a Bath County native, has a long career in law enforcement that started in Bath County.

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

Mr. Gilchrest said recent developments including the article in the Recorder and a petition being circulated, have made more people aware of BARC's efforts to purchase a portion of MPCA property to expand their employee parking. Mr. Gilchrest said folks have commented that BARC has talked about moving to Rockbridge County for years. The difference now is Rockbridge County supervisors are engaged in active negotiations with BARC concerning the future use of the Highland Belle school facility, which until recently had been the administrative offices for Rockbridge County Schools. Mr. Gilchrest gave a brief history of how the old Millboro school property was obtained by the MPCA. Mr. Gilchrest said the County has been reluctant to take a public and proactive role in the negotiations that have been ongoing between BARC and the MPCA since the property is owned by MPCA. Mr. Gilchrest said county officials have had numerous meetings with BARC and MPCA in the last two years. Beginning with Matt Walker in the spring of 2012 and working behind the scenes. Respecting the autonomy of both entities, we have tried to be as proactive as we could be in working for the common good for the community at large. Mr. Gilchrest said BARC is the county's fifth largest private employer behind the Omni Homestead, Bath Community Hospital, Springs Nursing Home and Dominion Power. Mr. Gilchrest said BARC was recently awarded a US Department of Energy grant to develop a community solar project. Plans of where to construct and install this project are still under discussion, but as a former teacher at Millboro Elementary Mr. Gilchrest said he would love to see a community solar project within walking distance of the school and the opportunities for cross curriculum instruction that could evolve. Relative to this, prior conversations between BARC and MPCA have included, as mentioned earlier, BARC's desire to purchase the property, not rent it, and in addition their willingness to both landscape the parking lot area and have it available for community uses on weekends and evenings. Mr. Gilchrest said the foundation of

the MPCA's vision for the old Millboro School was the importance of this critical part of the community to any future economic growth and development. Mr. Gilchrest stated the other two anchors of the Millboro community and its future growth and development have to be BARC and Millboro Elementary School. He believes that good things will happen both for the community of Millboro and Bath County at large when those among us recognize that positive consequences can evolve when a core group of folks, whose principle concerns include fostering the public interest and common good can unite in a collaborative spirit.

Mr. Perdue thanked everyone for attending the meeting and asked everyone to keep former Treasurer Mary Susan Blankenship and her family in their thoughts.

Ms. Collins said she would like to apologize to the people of the Cedar Creek District for doing her job. She stated if it hadn't been for the majority of people who come to her district meetings, she would never have posed the question about the solid waste permits. Ms. Collins said she was asked about the permits in the summer of 2013 and again in the fall. Ms. Collins said she then asked the county building, planning and zoning office about the permit and was told they were trying to collect the fees. Ms. Collins said she did not ask for the investigation she simply asked for answers. Ms. Collins said it is the treasurer's job to make sure all fees are collected, the state code requires her to do this. Ms. Collins said she was simply trying to be the voice of the people she represents.

Chairman McWilliams introduced the next agenda item which was acceptance of a Public Safety Answering Point (PSAP) grant for FY 2014-15.

Sergeant Teresa Phillips, E911 Communications Supervisor, said she applied for a grant to upgrade E911 software and equipment through the Commonwealth of Virginia's E-911 Services Board. Ms. Phillips said she was pleased to report the County was awarded a full grant with no local match required in the amount of \$150,000. Ms. Phillips said the County's equipment has a lifespan of approximately five to ten years; the current equipment has been in place approximately six years. Ms. Phillips said the grant funds will be available beginning July 1, 2014 and will be reimbursed to the County after invoices have been paid and submitted.

Mr. Harrison, County Administrator, said considering this is not a cash match grant, should the Board agree to accept the grant funds. He asked the Board authorize him to sign the necessary documents.

Ms. Collins made the motion to accept the Virginia E-911 Services Board grant and to authorize the County Administrator to execute it upon review from the County Attorney. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a resolution designating April 1-7, 2014, as local government education week. The following resolution was adopted by unanimous vote on a motion made by Ms. Collins and seconded Mr. Perdue.

**Resolution 2014-4 Local Government Education Week In Virginia**

WHEREAS, local governments throughout the Commonwealth provide valuable services to the residents of the communities they serve; and

WHEREAS, local governments and their employees play a vital role in the health and vitality of communities through the enforcement of state and local laws, promotion of public health and safety, provision of recreational opportunities, and education of local children; and

WHEREAS, local government officials across the Commonwealth promote civic education and engagement to help citizens better understand their local government, foster a positive sense of community, and prepare the next generation of local government managers; and

WHEREAS, the designation of a statewide week devoted to educating individuals as to the role that local government plays in their life would more effectively recognize and promote civic education within school systems and in the larger community; and

WHEREAS, the first week of April is an appropriate week to designate, as it was on April 2, 1908, that the Council-Manager form of government was created in the City of Staunton; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the first week in April, in 2012 and in each succeeding year, as Local Government Education Week in Virginia; and, be it RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

Chairman McWilliams introduced the next agenda item which was consideration of an intergovernmental landfill disposal agreement with the City of Covington.

Mr. Harrison, County Administrator, highlighted several points within the agreement. He noted the contract is a nonexclusive five year agreement with a 12 month termination clause. Mr. Harrison recommended adoption of the agreement and authorization for the Chairman to execute the documents.

Ms. Collins asked when Covington planned to consider the agreement.

Mr. Harrison replied the agreement was on Covington City Council's agenda for consideration today.

Mr. Perdue suggested that if the agreement was approved Highland County should be notified as they might be interested in a similar agreement.

Mr. Gilchrest made the motion to approve the agreement as presented by the County Administrator. Ms. Collins seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was consideration of bids received for phase one of courthouse renovations.

Mr. Harrison, County Administrator, said the lowest bona fide bidder was South End Construction Inc. with a bid of \$214,500. Mr. Harrison said he and architect Robert Pilkington, Balzer & Associates, recommend the Board accept the bid from South End Construction Inc.

Ms. Collins asked the dollar amount of phase one.

Mr. Harrison, County Administrator, said a total of \$240,000 was budgeted; \$200,000 for renovations and \$40,000 for exterior painting. Mr. Harrison said the Circuit Court had requested security cameras that were not budgeted and with professional fees the project was approximately \$750 over budget.

Mr. Pilkington, Balzer & Associates, said the majority of the budget would be used to address ADA compliance in the restrooms and work to the parking area. Mr. Pilkington said the base bid included renovations while exterior painting was included as a separate bid.

Ms. Collins said she no longer has a conflict in regard to South End Construction and would like to make the motion that the County accept the lowest bona fide bid from South End Construction, Inc. for \$214,500. Mr. Gilchrest seconded the motion which was adopted 4 in favor, 0 against, and 1 abstention (Mr. Fry).

Chairman McWilliams stated the next agenda item, appointments to Boards and Commissions.

Mr. Harrison, County Administrator, said the Board had reappointments on the Warm Springs Sanitation Commission and the Bath County Service Authority and a new appointment on the Rockbridge Area Community Services Board for consideration.

Mr. Perdue made the motion to reappoint Mr. Glen Criser and Mr. Carl Cleek to the Warm Springs Sanitation Commission to terms that expire April 15, 2018, and to reappoint Mr. David Lindsay to the Bath County Service Authority representing the Valley Springs District with a term that expires March 24, 2018, and to appoint Mr. Jason Miller, to the Rockbridge Area Community Services Board to a term beginning March 12, 2014, and ending December 31, 2016. Mr. Gilchrest seconded the motion that was adopted 5-0.

Mr. Harrison noted there were open seats on the Board of Zoning Appeals and Planning Commission representing the Valley Springs District.

Chairman McWilliams opened the floor for public comment.

Mr. Harper Wagner, and Mr. Carl Chestnut, Cedar Creek District, commented on the importance of keeping BARC in Millboro.

Mr. Jay Trinca, Cedar Creek District, said in his past experience the inspector general would resolve negative perceptions and he would like the Board to initiate an investigation regarding solid waste fees, and conflict of interest among Board members.

Mr. Kenny Woodzell said he has been in charge of daily operations at the transfer station for two years. Mr. Woodzell said he did not understand why anything needed to change. Mr. Woodzell questioned if the possible changes were directed at him personally.

Mrs. Ellen Ford, Millboro District, said she signed the petition urging open lines of communication between BARC and MPCA. Mrs. Ford said it would be detrimental to the Millboro Post Office and other businesses if BARC relocated.

Mr. Lee Fry, Valley Springs District, urged the Board to review the ordinance regarding tipping fees.

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

Mr. Fry said he was not opposed to an investigation but suggested any such investigation should look back over the past 15 to 20 years.

Ms. Collins announced her upcoming district meeting scheduled for Monday, February 17, 2014. Ms. Collins said she would welcome any investigation. Ms. Collins said ethics are very important and if there's a perception of wrong doing there could be a violation of the law.

Mr. Gilchrest said he admired the tenacity and perseverance of those who attended the Board meeting every month to express their opinions and convey their thoughts to the Board. Mr. Gilchrest said over the past month he had received numerous calls from folks who wanted to express their support for where the County is going and expressed appreciation for the fortitude of those on the upside of the 3-2 votes.

Chairman McWilliams said the goal setting sessions are valuable and the Board has been tasked to prioritize a list of goals that the County Administrator will distribute once complete. Mr. McWilliams said the Board is struggling but he can see progress. He stated change is not always comfortable but it's time for the County to address some of the changes and move forward. Mr. McWilliams asked the County Administrator to give his report.

Mr. Harrison, County Administrator, recommended the Board hire a structural engineer to evaluate the soil conditions, building and retaining wall at the transfer station. Mr. Harrison said the Warm Springs District Planning Commission seat would be advertise for anyone interested.

Upon a motion made by Ms. Collins, 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.1 Personnel.

Mr. Gilchrest 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:

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Ayes: Clifford Gilchrest, Bruce McWilliams, Claire Collins, Kevin Fry and Bart Perdue

Nays: None

There were no actions as a result of the closed session.

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

The Chairman adjourned the meeting.

Ordered that this Board do now stand adjourned until 2:00 p.m., April 1, 2014, for a town hall meeting. The next regular session of the Board of Supervisors is scheduled for April 8, 2014.

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Ashton N. Harrison, Clerk

APPROVED:

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Bruce W. McWilliams, Chairman