

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

Tuesday, March 8, 2016, 7:00 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Claire A. Collins, Chairperson; Richard B. Byrd, Vice Chairman; Stuart L. Hall; Edward T. Hicklin; Mathew S. Ratcliffe; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Ashton N. Harrison, County Administrator.

Claire A. Collins, Chair called the meeting to order and moved the meeting to the Circuit Court Room on the second floor.

Upon a motion made by Supervisor Byrd which was 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.7 Consultation with Legal Counsel; Section 2.2-3711.A.1 Personnel; and Section 2.2-3711.A.5 Discussion concerning a prospective business or industry.

Supervisor Byrd made a motion 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: Claire A. Collins, Richard B. Byrd, Stuart L. Hall, Edward T. Hicklin, and Matthew S. Ratcliffe

Nays:None

Absent: None

Chair Collins called the meeting to order and led the Pledge of Allegiance. Supervisor Byrd offered the invocation.

Chair Collins asked the Board if they wished to approve or amend the agenda and the minutes from the February 9, 2016, Board of Supervisors meeting.

County Administrator Harrison said additional invoices, an additional transfer request and additional Board appointments needed to be added to the agenda.

Supervisor Byrd made the motion to approve the agenda as presented with the request for approval of additional invoices, additional transfers, additional board appointments, and to table item# 050-16 Millboro Preservation and Cultural Association request for tax exempt status due to the Board not having the required legal information at this time. The motion was adopted 5-0.

Supervisor Hall made the motion to approve the minutes of the February 9, 2016, Board of Supervisors Meeting as submitted. The motion was adopted 5-0.

Public Comment

Ms. Bonnie Lee, Warm Springs District, thanked Ms. Collins for taking time to hold district meetings and encouraged other Board members to do the same. Ms. Lee suggested web meetings so more people could be exposed to monthly Board of Supervisors meetings. Ms. Lee said the County should develop more than a one year fiscal plan. She said she would like to see a 3, 5, and 10 year fiscal plan. Ms. Lee said the Board's decision to repeal staggered terms was disrespectful to the former Board who established staggered terms.

Mr. Jay Trinca, Warm Springs District, expressed concerns regarding an article he read in the Recorder about the proposed Visitor's Center. He said there should have been a public forum to receive input and small business owners should have been consulted.

Mr. David Jurcak, Cedar Creek District, suggested the County discontinue paying members of regional Boards and Commissions. Mr. Jurcak explained the transient occupancy tax and how the funds are divided between the general county fund and tourism fund. Mr. Jurcak said the proposed visitors center would be supported by the transient occupancy tax and not local tax dollars.

Mr. Roy Burns, Warm Springs District, asked the Board of Supervisors to consider continuity as they make appointments to the Economic Development Authority (EDA). He said the EDA is working to negotiate an agreement with a prospective business who is considering a location in the County. Mr. Burns said this is a very competitive situation and urged the Board to support the EDA's efforts by keeping the current members on the EDA until the negotiations can be finalized.

Mr. John Loeffler, agreed with Mr. Burns and urged the Board of Supervisors to reappoint the current members of the EDA.

Mr. Harold King, Williamsville District, said he was shocked to learn that northern Bath County is being considered as a possible route for Dominion pipeline. He said this would devalue properties and the total impact on the county could be devastating. He said the proposed area runs through karst areas, increasing the potential for water pollution. He said the only way to make a comment is to intervene out of time because Dominion has closed the normal comment period. He urged the Board to reach out to their constituents to hear their comments and concerns.

Mr. Carl Chestnut, Cedar Creek District, spoke against the proposed visitor's center and suggested giving the 2% transient occupancy tax back to the hotels and stop wasting the funds on tourism.

Ms. Anne Bryan, Williamsville District, opposed the pipeline and said it was very upsetting to learn it may come through Bath County. Ms. Bryan encouraged everyone to attend a public meeting to be held in Burnsville.

Mr. Cliff Gilchrest, Millboro District, spoke in support of the County's Tourism efforts.

Mr. Pat Haynes, Warm Springs District, spoke in support of the Economic Development Strategic Plan being considered by the Board of Supervisors. Mr. Haynes said the plan is very impressive and he hopes the county will put it into action.

Ms. Dee Lobe, Valley Springs District, urged the Board to get involved and discourage the proposed pipeline route.

Sheriff Plecker spoke regarding the lack of security in the Courthouse. He said the District Court Judge has requested increased security. Sheriff Plecker said he may need to ask the Board for another School Resource Officer to cover the elementary schools.

Sergeant Dewey Knick, Bath County High School Resource Officer said the Sheriff is trying to be proactive in getting a Resource Officer in the elementary schools. Mr. Knick said statistics show an increase in schools shootings nationwide. Mr. Knick said local deputies are being trained in active shooter scenarios.

Chair Collins closed public comment and asked for Board member comments.

Supervisors Hall and Ratcliffe agreed they were willing to listen to all concerns and needed to gather more information on the proposed pipeline route.

Supervisor Hicklin said he fully supports the EDA. He urged the Board to leave the current EDA membership in place until the EDA can see their proposed project through.

Chair Collins said the public still has options for providing comments concerning the pipeline.

Public Hearing to receive input on disposition of public property

County Attorney Michael Collins said due to a tax sale the County acquired tax map parcels 92-10 and 92-11 located in the Warm Springs District. Mr. Collins said the exact location of the property has not been determined and it appears that the two parcels may be located with the boundaries of another property. Mr. Collins said the County was contacted by the surrounding landowner who in order to clean up his deed offered the County \$1,000 per parcel for the two parcels. Mr. Collins said the County has three options for the parcels. The parcels can be sold at a public sale, sold privately, or the County can choose not to sell the parcels.

Chair Collins opened the public hearing.

Ms. Bonnie Lee, Warm Springs District, said the County should approve the sale to the surrounding landowner who is paying his taxes.

Mrs. Sherry Ryder, County Planner, said she was contacted by two individuals who thought the County should retain the property because it was near the Alleghany County line and runs along the Jackson River Scenic Trail. She said the property could possibly be used for a picnic area or parking area for trail users.

Mr. Jack Lindsay, Warm Springs District, agreed with Mrs. Ryder and said the property could be important to the County in the future.

Chair Collins closed the public hearing.

Supervisors Hall and Ratcliffe agreed the parcels may be useful in the future.

Supervisor Hicklin said there were too many unanswered questions about the parcels. He asked if the exact location of the parcels could be determined and if there were roads to access the property.

County Attorney Collins said after research the exact location of the parcels could not be determined. Mr. Collins said the parcels may be landlocked.

Supervisor Byrd made the motion to defer action on disposition of tax map parcels 92-10 and 92-11 located in the Warm Springs District and have the County Attorney continue to research the parcels and report back to the Board. The motion was adopted 5-0.

Public Hearing Mobile Food Vendor Ordinance

Mrs. Sherry Ryder, County Planner, said Amy Watkins opened a mobile food vendor business "The Little Cheerful" in a modified airstream trailer. Mrs. Ryder said the Health Department has issued the necessary license to operate as a food vendor. Mrs. Ryder said

mobile food vendors are becoming increasingly popular and that lead to the questions of how a mobile food vendor fit within Land Use Regulations and zoning regulations. She said the Planning Commission met on January 25, 2016, to review the proposed ordinance and recommended a \$25 annual fee and recommended the proposed ordinance be included in the Bath County Land Use Regulations as Section 715.00 with inclusion in agriculture and business zoned districts.

Supervisor Hall said he noticed the ordinance included language that a mobile food vendor would not be allowed to set up within three hundred (300) feet of another business. He said he felt that was harsh and he also did not agree with the \$25 permit fee considering the Board just repealed other forms of business license fees.

Supervisor Ratcliffe asked if mobile food vendors would be required to charge Virginia state sales tax and display a tax card.

Mrs. Ryder replied, The Little Cheerful had been approved by the Health Department and Mrs. Watkins would display a VDH issued certificate. Mrs. Ryder said state and local taxes would apply. Mrs. Ryder said if the Board authorized her to do so she would issue Mrs. Watkins a business license card at no charge as the Board had instructed her to do for other businesses who requested a business license card.

Chair Collins opened the public hearing.

Mr. Carl Behrens, Warm Springs District, said he applauded Mrs. Watkins for her innovative business idea. He said the County needs more of this type of business and he urged the Board to support the ordinance.

Mr. Jay Trinca, Warm Springs District, also supported the ordinance but offered a suggestion to change the last paragraph to read "all required meals and sales taxes must be paid and in conformance with the Bath County Code; Virginia Tax Registration should be displayed at all times."

Chair Collins closed the public hearing.

Supervisor Hicklin said he supported the ordinance.

Supervisor Byrd said he would like Mrs. Ryder to issue a business license card at no charge removing the recommended \$25 annual fee from the ordinance. He also recommended omitting the requirement that the food vendor shall be located no closer than three hundred (300) feet from another business.

Chair Collins said the County needs more businesses that offer a different level of service.

Supervisor Byrd made the motion to approve the ordinance as written with the exception of the \$25 annual fee and the required 300 feet from another business. His motion removed the

\$25 annual fee and the requirement that the food vendor shall be located no closer than three hundred (300) feet from another business. The motion was adopted 5-0.

Reassessment Update

Mr. Steve Wampler, Wampler and Eanes Appraisal Group, updated the Board regarding the ongoing reassessment. He said they have completed about 62% of the fieldwork and data entry is underway. He said his staff had encountered about 188 locked entryways and asked the Board for direction.

Supervisor Byrd questioned how they were able to assess the property if they were not able to gain access to see what is there.

Mr. Wampler said they do the best they can with past information and GIS data. He said they leave a notice at the gate with their contact information, but they receive less than 20% call backs. Mr. Wampler said state code allows reassessment on posted property.

Supervisor Byrd made a motion to suspend the rules and add this item to the agenda for action. The motion was adopted 5-0.

Supervisor Byrd made the motion to authorize Wampler and Eanes Appraisal Group to access private property that is posted or has a locked gate and if needed to asked the Sheriff's Office to accompany them. The motion was adopted 5-0.

Supervisor Hall asked County Attorney Collins for his opinion.

County Attorney Collins said the Board is not authorizing the assessment firm to go onto posted property but rescinding a provision put in place by a former Board that asked the assessment firm not to enter posted or locked properties. Mr. Collins said rescinding this provision will allow the reassessment firm to follow what the law allows them to do without restrictions from the County.

Preservation Bath Application for FY 16-17 State Survey & Planning Cost Share Program

Mr. Phil Deemer, President, Preservation Bath, asked the Board to authorize a grant application that if approved would provide a historical survey of the Warm Springs area. Mr. Deemer explained that a historic district did not prohibit property owners in any way, but allows interested property owners to apply for tax credits. Mr. Deemer said grant applications are due April 8, 2016. He said Preservation Bath would like to apply for the lowest cost option and will begin with a review of approximately 150 properties. The maximum match from the County would be \$8,000. Mr. Deemer explained that if selected the Virginia Department of Historic Resources (VDHR) would issue a request for proposals from qualified preservation professionals. VDHR will take care of procurement, contract administration, and any documentation requirements for the project.

Supervisor Ratcliffe said he was not opposed to the grant or the study, but questioned if everyone in the vicinity had been notified of Preservation Bath's intentions. Supervisor

Ratcliffe said he would like to make a motion that contingent upon Preservation Bath notifying everyone in the district by letter and getting signatures before March 21, 2016, because he was not able to tell the people in his district meetings what was going on ahead of time.

Supervisor Hall said the Board of Supervisors will have to put up \$8,000. He said the people in the area that will be able to apply for the tax credits and they should be the ones to raise the \$8,000. Supervisor Hall said he did think it was right to tax residents in other areas for a project that would not be beneficial to them.

Mr. Phil Deemer said people would be able to use the tax credits. He said you don't have to have earned income to be able to use the tax credits. Mr. Deemer said the tax credits could be used or sold.

Supervisor Hall said he would like to make a motion to have Preservation Bath come back to the Board once everyone in the district has been notified by March 31, 2016, and to have Preservation Bath look for other ways to fund the project match. The motion was adopted 4-1, with Ms. Collins casting the dissenting vote. Ms. Collins said she was not voting against her fellow Board members but she felt more information and discussion was needed before the vote.

Economic Development Strategic Plan

Ms. Maggie Anderson, Economic Development Director, said the previous Board tasked the Office of Tourism and Economic Development, and the Economic Development Authority (EDA), with the help of the County Administrator to manage the process that would result in the creation of the Economic Development Strategic Plan. The County received 16 submissions that were narrowed down to 5 finalists. Ultimately RKG Associates of Alexandria, VA was selected to complete the study. Ms. Anderson said the document is a reliable guideline for the future of economic development in the County when partnered with the Comprehensive Plan and the Tourism Plan. Ms. Anderson asked the Board for their approval and adoption of the plan.

Supervisor Byrd made the motion to approve and accept the Economic Development Strategic Plan created by RKG Associates and to implement and utilize the plan for the citizens of Bath County. The motion was adopted 5-0.

Supervisors Hall, Ratcliffe, Hicklin and Collins expressed their appreciation to Ms. Anderson and the EDA for their work on the Economic Development Strategic Plan, and to the community who participated in meetings and provided input.

FY17 PSAP Grants

Ms. Teresa Phillips, explained that the County had been awarded the FY17 PSAP Grant through the E911 Services Board in the amount of \$150,000 to purchase a new phone system. Ms. Phillips also told the Board an additional amount \$2,000 was awarded for training and education. Ms. Phillips said the grants are reimbursement style grants where the County will pay the invoices upfront and submit draw downs to the state for reimbursement back to the

general fund. Ms. Phillips said the vendor of choice is Emergency Call Works but if the County approves Emergency Calls Works their initial bid is \$154,600 and would require the County to add an additional \$4,600.

Supervisor Byrd made the motion to authorize Ms. Phillips to move forward in accepting the grants on behalf of the County and approved her request for the additional \$4,600 in county funds. The motion was adopted 5-0.

Solicit Paving Bids

County Administrator Harrison said the parking lot at the Courthouse and the upper parking area at Parks and Recreation are in need of repair. County Administrator Harrison said the funds to complete the paving project are in the current FY 2016 budget. He said the project amount is beyond his approval limit therefore he is asking the Board to approve releasing the request for proposals.

Supervisor Ratcliffe made the motion to authorize the County Administrator to solicit bids for paving the Courthouse parking lot and the upper lot at Parks and Recreation. The motion was adopted 5-0.

Proclamation Honoring American Red Cross Month

County Administrator Harrison read a proclamation declaring March as American Red Cross Month.

Supervisor Hall made the motion to approve the following proclamation and to authorize the Chair and the County Administrator to sign. The motion was adopted 5-0.

A PROCLAMATION OF THE BOARD OF SUPERVISOR HONORING AMERICAN RED CROSS MONTH MARCH 2016

WHEREAS, March is American Red Cross Month - a special time to recognize and thank our heroes – those who volunteer, donate blood, take life-saving courses or provide financial donations to support an organization whose mission is to help those in need.

WHEREAS, we would like to remember those who help all of us here in the County of Bath by giving their time to help their neighbor, and thank our heroes – our volunteers, blood donors, class takers and financial supporters who help us assist those in need.

WHEREAS, in the County of Bath, the Red Cross works tirelessly through its employees and volunteers to help when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24-hour support to members of the military, veterans and their families, and provides training in CPR, aquatics safety, and first aid.

WHEREAS, across the country, the American Red Cross responds to nearly 70,000 disasters a year. It provides some 400,000 services to military members, veterans and civilians, collects and distributes about 40 percent of the nation's blood supply and trains more than seven million people in first aid, water safety and other life-saving skills every year.

WHEREAS, our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission. Despite these challenging economic times, the American Red Cross continues to offer help and comfort to those in need.

NOW THEREFORE, BE IT RESOLVED, THAT, the Bath County Board of Supervisors, by virtue of the authority vested in me by the Constitution and laws of County of Bath and the Commonwealth of Virginia do hereby proclaim March 2016 as American Red Cross Month. We encourage all Americans to support this organization and its noble humanitarian mission.

Resolution Supporting Buckingham Branch Railroad Company's Application for Grant Funds from VA Department of Rail and Public Transportation Rail Preservation Fund

County Administrator Harrison read a resolution supporting Buckingham Railroad's request for grant funds from the Virginia Department of Rail and Public Transportation Rail Preservation Fund.

Supervisor Hall made the motion to approve the following resolution in support of Buckingham Branch Railroad's request for grant funds from the Virginia Department of Rail and Public Transportation Rail Preservation Fund, and authorized the necessary signatures. The motion was adopted 5-0.

A Resolution in Support of Rail Preservation Application Buckingham Branch Railroad

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the Richmond and Alleghany Tie Replacement Project, which will replace mainline ties, switch ties, siding ties and mainline bridge deck ties. Work will also include adding ballast, tamping, surfacing and drainage improvements on the Buckingham Branch Railroad line located between MP 85.5 in Richmond and MP 276 in Clifton Forge, VA; and

WHEREAS, the Buckingham Branch Railroad estimates that is project will cost \$10,000,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, Buckingham Branch Railroad is an important element of the Bath County transportation system; and

WHEREAS, Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Bath supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provide.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Bath on this 8th Day of March 2016 that it does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the Richmond and Alleghany Tie Replacement Project proposed by Buckingham Branch Railroad for inclusion in the projects funded in the Rail Preservation Program.

Vehicle Surplus Request

County Administrator Harrison asked the Board to surplus a 1998 Jeep Cherokee and a 2000 Ford Explorer that are no longer suitable for their current use. County Administrator Harrison he would like to replace the 1998 Jeep with a 2016 F250 Ford pickup and the 2000 Explorer with a 2016 Ford Explorer. County Administrator Harrison said if approved he will be able to fund the purchase from the current budget.

Supervisor Hall made the motion to authorize the purchase of replacement vehicles and to surplus the 1998 Jeep Cherokee and 2000 Ford Explorer and to make the vehicles available to any fire or rescue companies that provide service in Bath County and if after 30 days there is no reply the vehicles will be sent to auction. The motion was adopted 5-0.

Consideration to Develop an Ordinance for a \$25.00 Probate Tax Fee

County Administrator Harrison asked the Board to authorize him to develop a local ordinance to charge a probate fee of \$25 which is already permitted by state law. County Administrator Harrison said this request comes from Annette Loan, Clerk of the Circuit Court, and would amend the County Code Chapter 15 which covers taxes and fees, therefore requiring a public hearing.

Supervisor Hall made the motion authorizing the County Administrator to develop a local ordinance to charge a probate fee of \$25 and to set a public hearing for April 12, 2016, at 7 p.m. or as soon thereafter as possible. The motion was adopted 5-0.

Mileage Reimbursement Policy

County Administrator Harrison said he created a policy that better defined how and when stipends and mileage reimbursements would be paid.

Supervisor Hall made the motion to adopt the following policy regarding stipends and mileage reimbursements. The motion was adopted 5-0.

Stipends. No Mileage.

Bath County Planning Commission

5 Members, one from each voting district
\$75 per month if members attend regular scheduled meeting
Additional meetings are not reimbursable
No reimbursement for mileage
Note: Approved training/travel is paid for separately

Bath County Board of Zoning Appeals

5 Members, one from each voting district
\$75 per month if members attend regular scheduled meeting
Additional meetings are not reimbursable
No reimbursement for mileage
Note: Approved training/travel is paid for separately

Bath County Building Code Board of Appeals

5 Members, one from each voting district
\$75 per month if members attend regular scheduled meeting
Additional meetings are not reimbursable
No reimbursement for mileage

Bath County Economic Development Authority

7 Members, one from each voting district and 2 at-large
\$75 per month if members attend regular scheduled meeting
Additional meetings are not reimbursable
No reimbursement for mileage

Bath County Service Authority

5 Members, one from each voting district
\$75 per month if members attend regular scheduled meeting
Additional meetings are not reimbursable
No reimbursement for mileage
Note: County reimburses the PSA directly. PSA pays their individual board members as they have a separate payroll system.

Stipends and Mileage.

Dabney S. Lancaster Community College Board

1 Member.
\$50 per month if members attend regular scheduled quarterly meeting.
Additional meetings are not reimbursable.
Mileage to attend the regular meeting is reimbursable.
Mileage for additional meetings are not reimbursable.

Central Shenandoah Planning District Commission

1 Member.
\$75 per month if members attend regular scheduled meeting.
Additional meetings are not reimbursable.
Mileage to attend the regular meeting is reimbursable.
Mileage for additional meetings are not reimbursable.

Rockbridge Regional Library

3 Members.
\$50 per month if members attend regular scheduled meeting.
Mileage to attend the regular meeting is reimbursable.
Mileage for additional meetings are not reimbursable.

Central Shenandoah Emergency Medical Services Council

1 Member.

\$25 per month if members attend regular scheduled meeting.

Mileage to attend the regular meeting is reimbursable.

Additional meetings are not reimbursable.

Mileage. No Stipend.

Shenandoah Valley Partnership

1 Member.

No Stipend.

Mileage to attend the regular meeting is reimbursable.

Mileage for additional meetings are not reimbursable.

Total Action Against Poverty

1 Member.

No Stipend.

Mileage to attend the regular meeting is reimbursable.

Mileage for additional meetings are not reimbursable.

Rockbridge Area Community Services Board

3 Members.

No Stipend.

Mileage to attend the regular meeting is reimbursable.

Mileage for additional meetings are not reimbursable.

Shenandoah Valley Work Force Investment Board

1 Member.

No Stipend.

Mileage to attend the regular meeting is reimbursable.

Mileage for additional meetings are not reimbursable.

No Mileage. No Stipend.

Bath County Airport Authority

9 Members.

No Stipend.

No Mileage.

Parks and Recreation Advisory Committee

7 Members.

No Stipend.

No Mileage.

Regional Community Criminal Justice Board

1 Member.

No Stipend.

No Mileage.

Regional VSAP Policy Board

1 Member.

No Stipend.

No Mileage.

Social Services Fund

Board of Social Services

3 Members.

\$125 per month.

No reimbursement for mileage.

Boards and Commissions

Supervisor Byrd made the motion to reappoint Trudy Woodzell to an additional 4 year term on the Bath County Planning Commission representing the Cedar Creek District for a term to expire April 12, 2020. The motion was adopted 5-0.

Supervisor Hicklin made the motion to reappoint Chad Carpenter to an additional 4 year term on the Bath County Service Authority representing the Millboro District for a term to expire March 24, 2020. The motion was adopted 5-0.

Supervisor Hall made the motion to appoint Rocklynn "Jay" Phillips to fill the vacant seat on the Parks and Recreation Advisory Committee representing the Williamsville District for a term to expire April 12, 2018. The motion was adopted 5-0.

Supervisor Byrd made the motion to appoint Shannon Bogueess to fill an unexpired term on the Parks and Recreation Advisory Committee representing the Valley Springs District for a term to expire April 12, 2018. The motion was adopted 5-0.

Supervisor Byrd made the motion to reappoint Karen Williams to the Economic Development Authority representing the Valley Springs District for a term to expire April 15, 2020. The motion was adopted 5-0.

Supervisor Byrd made the motion to reappoint Gloria Lindsay to the Economic Development Authority representing the Cedar Creek District for a term to expire April 15, 2020. The motion was adopted 5-0.

Supervisor Hicklin made the motion to reappoint Wayne Anderson to the Economic Development Authority at large position.

Supervisor Ratcliffe said he felt the best thing was for the players to stay the same and he would like Wayne Anderson to stay on the Economic Development Authority. Supervisor Ratcliffe made a substitute motion to appoint Wayne Anderson, Claudia Trinca, and John Fischer to serve as at-large members on the Economic Development Authority.

Supervisor Byrd said he asked the County Attorney if additional at-large members could be added in compliance with State and County Code.

County Attorney Collins said he did not have access to the State or County Code but if allowed it may require an amendment to the County Code Section.

Supervisor Ratcliffe amended his substitute motion to appoint Wayne Anderson, Claudia Trinca, and John Fischer to serve as at-large members on the Economic Development Authority pending clarification from the County Attorney.

Chair Collins said to clarify the motion the Board would seek to increase the number of at-large members on the EDA to four (4), expanding the EDA membership to nine (9) members, pending further review by the County Attorney.

Supervisor Byrd asked if all nine (9) could proceed to participate in the EDA until at which time a legal opinion from the County Attorney said otherwise.

Chair Collins questioned what would happen if the County Attorney determined the number could not increase. She asked Supervisor Ratcliffe if Mr. Anderson would be the at-large member.

Supervisor Ratcliffe replied if the number cannot be increased to nine (9) we will need to come back to the drawing board.

Supervisor Hall suggested that if Mrs. Trinca and Mr. Fischer cannot be added tonight the Board could consider this at a later meeting. He said both individuals provide an excellent resume.

Chair Collins called for the question on Supervisor Ratcliffe's substitute motion to appoint Wayne Anderson, Claudia Trinca, and John Fischer to serve as at-large members on the Economic Development Authority pending clarification from the County Attorney. The motion was adopted 5-0

Actions from Closed Meeting - There were no actions from the closed session.

Consent Agenda

Supervisor Byrd made the motion to approve the payment of invoices, additional invoices, requests for transfers and appropriations, accept correspondence and monthly reports as submitted. The motion was adopted 5-0.

Public Comment

Mrs. Virginia Nowlin and Mrs. Mary Susan Blankenship, spoke on behalf of Bath County Retirement Home Commission. Funding for the retirement home and community building were obtained from grants, loans and tax credits. The stipulation for the CDBG grant

through Virginia Department of Housing and Community Development that funded construction of the community building was that a contract be entered into and separated from the retirement home property that includes the individual units. The grant was received and administered by the County. Mrs. Blankenship asked for a definite answer on the ownership of the community building.

County Attorney Collins said the community building sits on a 1/2 acre parcel owned by the Retirement Home Commission. The 1/2 acre parcel was separated off from the original eight (8) acre parcel on which the retirement home units were constructed. Mr. Collins said a lot of things had to happen in order to receive grants for the construction of the community building. Mr. Collins said an amendment to the contract stated that in the future if the community center building was transferred to the County the County would continue to honor the lease that is currently between the Retirement Home Commission and Mountain Crest Partnership. Mr. Collins said at this time none of this has happened and as it stands today the community building located at Mountain Crest Retirement Home is owned by the Retirement Home Commission not Bath County.

Mr. John Fischer, Cedar Creek District, thanked the Chair and members of the Board for conducting a very full agenda in the most efficient way.

Mr. Michael Wildasin, Millboro District, said he would like to extend the conversation regarding Preservation Bath and the cost share grant opportunity. Mr. Wildasin said not everyone living in the district must participate in the study. He said within one month of receiving the grant award a community meeting would be held. He said to ask Preservation Bath at this point in the process to survey everyone in the Warm Springs District would place a tremendous burden on volunteers and there is no way the survey could be completed by the end of the month. Mr. Wildasin said this conversation started with a group of volunteers who were concerned about the Warm Springs Pools. Mr. Wildasin urged the Board to reopen the discussion on Preservation Bath's request to apply for 2016-17 State Survey and Planning Cost Share Program.

Mr. David Jurcak, Cedar Creek District, said guests staying at the Omni Homestead pay 5.3% state sales tax, 4% transient occupancy tax, and 4% tax on food and beverages. He said the Omni Homestead produces about \$1.5 million annually in these taxes. He said the point he is making is the Omni Homestead's purpose is to bring visitors to the Homestead and in the event they venture out and visit off site businesses that's great too. Mr. Jurcak said the Tourism departments purpose is to bring visitors to the County and the ladies in the Tourism department do a phenomenal job and we shouldn't do anything to mess with that.

Mr. Bruce McWilliams, Williamsville District, said regarding item 060-16 appointments to boards and commissions. He said by increasing the membership of the EDA the County has successfully added more government and what we don't need is to add more government to a program that is already working well.

Sheriff Plecker said law enforcement works under state code and they are allowed to enter or go on private posted property in the event of an emergency or for civil process. Sheriff

Plecker said he will not instruct his officers to enter private property unless the County Attorney can show him in the code that this is allowable.

Mr. Roy Burns, Warm Springs District, asked the Board to clarify the EDA appointments. Mr. Burns said he would like to make a formal request that if no one was interested in the 1998 Jeep or the 2000 Ford Explorer the school auto class would like to have the vehicles for practice.

Mrs. Jackie Plecker, Williamsville District, said she had asked the County multiple times to improve the sound system for folks who are hearing impaired. She said she reads the information packet but wants to be able to hear comments and discussion at meetings.

Chair Collins closed Public Comment and asked for comments from the Board.

Supervisor Ratcliffe said he would like to rescind the previous action by the Board regarding item 050-16 Preservation Bath's request to apply for the 2016-17 State Survey and Planning Cost Share Program. The motion was adopted 5-0.

Supervisor Ratcliffe made the motion to hold a duly advertised public meeting at 6:30 p.m. on March 31, 2016, in Room 115 of the Courthouse to receive public comment and to reconsider Preservation Bath's request to apply for the 2016-17 State Survey and Planning Cost Share Program, this will be added to the agenda as an action item. The motion was adopted 5-0.

Supervisor Byrd made the motion to adjourn the meeting. The motion which was adopted 5-0.

Chairperson Collins adjourned the meeting.

Ordered that this Board do now stand adjourned until 6:30 p.m., March 31, 2016, for a work session of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Claire A. Collins, Chairperson