

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

Tuesday, May 13, 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 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(29) Contracts and Section 2.2-3711.A.1 Personnel.

Ms. Collins made a motion, with a second from Mr. Perdue 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. Carl Chestnut, Cedar Creek District, asked Ms. Collins to read a letter he had written in place of his public comment. Mr. Chestnut's letter commented on the budget urging the Board to provide level funding for schools. Mr. Chestnut cited declining enrollment, the increase in per pupil expenditures, and the increased amount of local funds that must be allocated from local tax revenue to fund schools. Mr. Chestnut's letter stated that in two years the Board had increased the local share of the school budget by \$1,765,950, or approximately 27% with almost 100 fewer students. Mr. Chestnut questioned how the increase in funding had improved schools. Mr. Chestnut spoke briefly after his comments were read by Ms. Collins. He added that he would like the Board to continue operations at the transfer station and said he disapproved of any increase in taxes.

Mr. Wally Robertson, Cedar Creek District, commented on the conditions of Switzerland Trail. Mr. Robertson said the brush needs cuts out of the roadway and gravel should be added to avoid dust and or mud. Mr. Robertson said he supported the School Board and the Superintendent of Schools but felt funding needed to be decreased because it was getting out of hand.

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

Mr. Gilchrest thanked everyone for attending the meeting and reminded the public that the Blue Ridge Area Food Bank would be holding a food distribution in Millboro on May 22 and in Hot Springs on May 29.

Ms. Collins said this month marks the 100th anniversary of Cooperative Extension. Ms. Collins said the services of Cooperative Extension touches all our lives by the various programs they offer. Ms. Collins also announced teacher appreciation week.

The Chairman asked the Board if they wished to approve or amend the agenda.

Mr. Gilchrest added consideration of the annual agreement for State Health Department services, VRS contribution election, CSPDC telecommunications grant support services agreement, a request for property tax exemption from Millboro Preservation and Cultural Association under item 076-14, and made the motion to approve the agenda with the aforementioned additions. Mr. Perdue seconded the motion which was adopted 5-0.

The Chairman asked if the Board wished to approve or amend the minutes of the April 8, 2014 Board regular session and the April 29, 2014 budget public hearing.

Ms. Collins made the motion to approve the minutes as submitted with the addition of the closing remarks made by Mr. Perdue at the April 8, 2014 meeting which were omitted from the draft minutes released in the Board packet. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a joint public hearing with the Virginia Department of Transportation (VDOT) for the secondary six year improvement plan for FY's 2015-2020.

Ms. Susan Hammond, VDOT Residency Administrator, presented the secondary system construction program outlining the revenue sources and project descriptions.

Ms. Collins thanked Ms. Hammond for the presentation and asked if the public could get a repaving schedule.

Chairman McWilliams inquired about the Route 615 drainage improvement project and asked if VDOT would be able to address the dam behind BB&T bank.

Ms. Hammond said she would be able to provide more detail on the project and the dam in the coming weeks.

The Chairman opened the public hearing on VDOT's secondary six year improvement plan for FY's 2015-2020; reminding the public that this is a public hearing on the six year plan, and that other issues would not be addressed at this time.

Mr. Keswick Phillips questioned the schedule for countywide ditch clearing.

Mr. Wally Robertson, Cedar Creek District, asked if Switzerland could be added to the six year plan in the future.

Ms. Hammond replied the traffic volume on Switzerland Trail did not meet the minimum.

Chairman McWilliams closed the public hearing.

Ms. Collins made the motion to approve the secondary system six year plan for FY's 2015-2020 and the construction program budget as presented. Mr. Fry seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was consideration to approve the County and Schools budget and to set the tax levies for FY 2014-15.

Mr. Gilchrest said he would like to make three motions and vote on each motion separately after Board discussion.

Mr. Gilchrest moved to approve the final budget as presented with one change to approve \$7,901,465 for Bath County Public Schools.

Mr. Gilchrest moved to appropriate the necessary revenue and reserves to fully fund the budget as adopted.

Mr. Gilchrest moved to set the County's personal property tax rate at the current rate of \$0.35 per one hundred of assessed value, and to set the real property tax rate at the current rate of \$0.48 per one hundred of assessed value for FY 2014-15.

The Chairman asked for a second on Mr. Gilchrest's motion to approve the final budget as presented with one change to approve \$7,901,465 for Bath County Public Schools.

Mr. Fry seconded the motions made by Mr. Gilchrest to approve the final budget as presented with one change to approve \$7,901,465 for Bath County Public Schools.

Mr. Perdue said he could not agree with any new money for schools.

Ms. Collins said the budget contained a local revenue stream of \$14,292,708, an increase of \$7,126 in local revenue from last year. Ms. Collins said of the \$14,292,708 in local revenue \$6,960,000 comes from public service corporation real estate taxes, \$4,576,632 is from real estate taxes, \$879,825 from meals tax, \$412,292 from the transient occupancy tax, and \$873,109 from local sales and use tax. Ms. Collins said if you remove the meals tax, transient occupancy tax, and real estate taxes from all sources, and the sales and use taxes, out of the budget you have left \$590,850. Ms. Collins said she stated this to show the lack of diversity in local revenues. Ms. Collins said local revenue for schools as of July 1, 2013, was \$8,052,563 or 56.3% of local revenue not including debt service, with debt service the total would be 63.3% of local revenue. Ms. Collins said she had no doubt that through management analysis and system configuration and as a patron of the schools that schools has the capacity and capability to manage and offer enhanced educational services with level funding. Ms. Collins said she could not support the motion.

The Chairman called for the vote on Mr. Gilchrest's motion to approve the final budget as presented with one change to approve \$7,901,465 for Bath County Public Schools. The motion was seconded by Mr. Fry. The motion was adopted 3-2, with Messrs. Gilchrest, McWilliams, and Fry voting aye, and Ms. Collins and Mr. Perdue voting nay.

The Chairman called for the vote on Mr. Gilchrest's motion to appropriate the necessary revenue and reserves to fully fund the budget as adopted.

Ms. Collins said before voting she wanted to discuss the Board's decision to allocate up to \$500,000 for capital improvements and whether or not the Board wanted to send the requests for capital improvements back to the Planning Commission.

Mr. Perdue said he would rather the Board pick the projects to be funded.

Chairman McWilliams said he was happy for the Planning Commission to prioritize the projects. He said the Planning Commission understood the comprehensive plan and more input could lead to a more thoughtful decision.

Mr. Gilchrest said in prior discussions he thought the Board agreed to send the capital project requests back to the Planning Commission to be prioritized. Mr. Gilchrest said in the end it would be up to the Board to approve the Planning Commission's recommendation.

Ms. Collins said there are specific needs that the community would like to see funded under the capital improvement plan. Ms. Collins said the Planning Commission has heard the

needs and as financial trustees the Board should be responsible for prioritizing the capital projects based on what has been heard from the community.

Mr. Perdue said the Planning Commission has approved all the projects and sent them to the Board. Now it's up to the Board to prioritize the projects based on the amount of money set aside (\$500,000) for capital projects. Mr. Perdue said he did not feel he had a representative on the Planning Commission.

Mr. Fry asked that they vote on the motion on as presented by Mr. Gilchrest to appropriate the necessary revenue and reserves to fully fund the budget as adopted. Mr. Fry seconded the motion which was adopted 3-2, with Messrs. Gilchrest, McWilliams, and Fry voting aye, and Ms. Collins and Mr. Perdue voting nay.

Mr. Gilchrest restated his final motion to set the County's personal property tax rate at the current rate of \$0.35 per one hundred of assessed value, and to set the real property tax rate at the current rate of \$0.48 per one hundred of assessed value for FY 2014-15. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was consideration to approve a proposed contract for governmental accounting services with Mary K. Earhardt, PLLC for FY ending June 30, 2014.

Ms. Collins made the motion to approve a contract for governmental accounting services with Mary K. Earhardt, PLLC for FY ending June 30, 2014. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was execution of Department of Housing and Community Development Bath and Highland Broadband Planning Grant contract.

County Administrator, Ashton N. Harrison said the broadband planning grant was a joint venture between Bath and Highland Counties. Mr. Harrison said usually planning grants are funded at \$25,000 but since this particular grant is considered a regional grant it is being funded at \$40,000. Mr. Harrison recommended the Board authorize him to execute the contract between the County and the Department of Housing and Community Development.

Ms Collins made the motion to authorize the appropriate signatures to execute the contract between the County and the Department of Housing and Community Development for a broadband planning grant. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was execution of Consulting Gateway Corporation and Dewberry Consulting contracts to provide services for the Bath Highland Broadband Planning project.

County Administrator, Ashton N. Harrison, introduced Mr. Robert Huff, Central Shenandoah Planning District Commission GIS Manager/Regional Planner, who gave a brief overview of the project.

Ms. Collins made the motion to approve the contracts with Consulting Gateway Corporation and Dewberry Consulting to move forward with the Bath Highland Broadband project and to authorize the appropriate signatures. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was approval of Buckingham Branch Railroad's resolution endorsing rail preservation.

County Administrator, Ashton N. Harrison, said Buckingham Branch Railroad has applied for funding to improve rail service in the region and have identified projects that are estimated to cost \$6,637,000. Mr. Harrison recommended the Board approve the letter of support in resolution format.

Ms. Collins made the motion to adopt the following resolution in support of Buckingham Branch Railroad. Mr. Perdue seconded the motion which was adopted 5-0.

#### Endorsing Rail Preservation Application Buckingham Branch Railroad Company

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and  
WHEREAS, Buckingham Branch Railroad has identified projects that are estimated to cost \$6,637,000.00; 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, the Buckingham Branch Railroad is an important element of the Bath County Transportation system; and

WHEREAS, the 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 projects and the retention of the rail service; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Bath County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the 13th day of May, 2014 meeting and sent to Buckingham Branch Railroad.

Chairman McWilliams introduced the next agenda item which was execution of solid waste services contracts between the County and Jack's Trash Service and Republic Services, LLC.

County Administrator, Ashton N. Harrison, briefly detailed the contracts noting the County had negotiated a five year contract with both parties and locked in the rates for the first three years. Mr. Harrison said after the initial three period, rate increases will not exceed 3%. Mr. Harrison added that it had been a pleasure working with representatives of both companies and he was very optimistic for the future. Mr. Harrison said the current waste that folks are used to taking to the sites will not change. Mr. Harrison stated Republic Services had suggested placing a compactor and a roll off container at the transfer station and a compactor at the Warm Springs site. Mr. Harrison recommended approval of the contract with Jack's Trash Service and Republic Services.

Ms. Collins asked Mr. Harrison to explain what will happen at the transfer station site; will there be changes.

Mr. Harrison said the current transfer station building will not be used for dumping trash but there will be a roll off for construction debris and a compactor for household waste. Mr. Harrison said he included funds in the FY 2015 budget for an engineer to evaluate the building to decide its future use.

Ms. Collins said she wanted to make sure she understood that waste could be dumped in the roll off or the compactor, and that the same waste would be accepted and citizens would not have to do anything different than they currently do to dispose of their trash.

Mr. Harrison said the compactor will lower than the concrete pad, a roll off container will be provided for construction debris, white goods and tires will still be accepted.

Mr. Gilchrest made the motion to authorize execution of the contracts between the County and Jack's Trash Service and Republic Services, LLC for solid waste services. Mr. Fry seconded the motion which was adopted 5-0.

Ms. Tracy Nestor, Republic Services, thanked the Board, County Administrator and CHA for working with Republic Services to reach this agreement.

Chairman McWilliams introduced the next agenda item which was consideration to surplus a 2000 Jeep Cherokee currently assigned to the County Administrator's Office.

County Administrator, Ashton N. Harrison, recommended transferring the Jeep to the Bath County Public Service Authority.

Mr. Gilchrest made the motion to transfer the 2000 Jeep Cherokee to the Bath County Public Service Authority. Ms. Collins seconded the motion which was adopted 5-0.

### **Appointments to Boards and Commissions**

Ms. Collins made the motion to reappoint Ms. Ramona Garcia to the DSLCC Board with a term to expire June 30, 2018; reappoint Mrs. Beatrice Clark to the Department of Social Services Board with a term to expire June 30, 2018; and to appoint Mr. Jason Miller as the

Valley Springs District Representative to the Planning Commission to fill the unexpired term which will end April 12, 2015. Mr. Gilcrest seconded the motion which was adopted 5-0.

### **Actions from Closed Session**

Mr. Perdue made the motion to offer the part time position in the Parks and Recreation Department to the candidate identified as their first choice. Mr. Fry seconded the motion which was adopted 5-0.

### **Consent Agenda**

Ms. Collins made the motion to approve payment of the invoices and additional invoices for May 2014, and to approve the requests for appropriations and transfers, and to accept correspondence and monthly reports as submitted. Mr. Gilcrest seconded the motion which was adopted 5-0.

### **Additional Items**

a) Schedule a work session of the Board of Supervisors - Board members decided to submit dates for consideration to the County Administrator who would schedule the work session for a mutually convenient time.

b) Annual agreement for State Health Department Services - Ms. Collins made the motion to accept the annual agreement for services from the Virginia Department of Health and to authorize the appropriate signature to execute the agreement. Mr. Perdue seconded the motion which was adopted 5-0.

c) Virginia Retirement System election of political subdivision contributions for FY 2014-15 - Mr. Gilcrest made the motion to approve the contribution rate of 12.72% for FY 2014-15 and to adopt the following resolution. Ms. Collins seconded the motion which was adopted 5-0.

#### **Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2014 Appropriation Act Item 468(H))**

BE IT RESOLVED, that the County of Bath, 55108 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Bath, 55108 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

✓ The Certified Rate of 12.72%                      The Alternate Rate of \_\_\_\_%; and

BE IT ALSO RESOLVED, that the County of Bath, 55108 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of the County of Bath, 55108 are hereby authorized and directed in the name of the County of Bath to carry out the provisions of this resolution, and said officers of the County of Bath are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Bath for this purpose.

d) Central Shenandoah Planning District Commission (CSPDC) Telecommunications Grant Support Services agreement - Mr. Harrison explained this item is to authorize an agreement between the County and CSPDC for their services with the Bath Highland Telecommunications Grant. Mr. Harrison said the cost of the agreement is approximately \$1,500 per month and the agreement should be complete by October 2014. Ms. Collins made the motion to approve the agreement between the County and CSPDC for their services with the Bath Highland Telecommunications Grant and to authorize the appropriate signatures. Mr. Gilchrest seconded the motion which was adopted 5-0.

e) Millboro Preservation and Cultural Association request for real estate tax exemption - Mr. Harrison said this request would require a change to the Bath County local code and if enacted all non-profits would be eligible for the exemption. No actions was taken on this request.

### **Public Comment**

Mr. Carl Chestnut, Cedar Creek District, asked how many compactors the County would have at solid waste sites and who would be responsible for operating them.

Mr. Harrison, County Administrator, replied Republic Services would take over operations of all compactors.

Mr. Chestnut also asked why school gyms can't be opened two nights a week for kids to practice and play. Mr. Chestnut commented on the tourism department and said the Tourism Director should be paid 20% of whatever she brings into the County.

Mr. Wally Robertson, Cedar Creek District, asked if the compactor and roll off container at the transfer station would be at ground level. Mr. Robertson said the transfer station would not be the same as it was before because people would have to unload items by hand into the roll offs.

Mr. Harper Wagner, Warm Springs District, questioned why the County approved the letter of support for Buckingham Branch Railroad.

Mr. Gilchrest said Buckingham Branch Railroad goes directly through Bath County and they hoped to provide additional services in the County in the future.

Ms. Collins agreed and stated it is standard practice for localities to approve endorsements such as the one for Buckingham Branch Railroad.

Mrs. Trudy Woodzell, Jack's Trash Service, thanked the Board and County Administration for authorizing the contract with her company and for the cooperation she received in submitting her proposal.

## Board Member Comments

Mr. Fry thanked the public for attending and thanked his fellow Board members for their work.

Ms. Collins thanked everyone who pulled together to get the solid waste issues resolved. She said there may still be public perceptions that this is not a good arrangement, but we still have the same partners at the table and no local jobs were lost. Ms. Collins said she thinks opinions will change. Ms. Collins invited anyone with concerns to attend her district meetings.

Mr. Perdue said he wanted to see results from the money the County is putting into the Schools.

Mr. Gilchrest thanked Republic Services and Jack's Trash Service for their work. Mr. Gilchrest thanked County Administration for their efforts in the budget process. Mr. Gilchrest gave a brief history of rail service in the Millboro area. Mr. Gilchrest said he was glad the Board approved the resolution in support of Buckingham Branch Railroad.

Ms. Collins 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 7:00 p.m., June 10, 2014, for the regular monthly meeting of the Board of Supervisors.

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Ashton N. Harrison, Clerk

APPROVED:

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Bruce W. McWilliams, Chairman