

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

Tuesday, November 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. Perdue, 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 and section 2.2-3711.A.7 Specific Legal Matters.

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 asked the Board if they wished to approve or amend the agenda and the minutes from the October 14, 2014, Board of Supervisors meeting.

Ms. Collins made the motion to approve the agenda with the addition of discussion of Hazardous Materials Emergency Preparedness Plan Sub Grant and engaging CSPDC to administer said grant, school safety zone signage, and review of revised RFP for general property reassessment, under item 165-14, and additional invoices to include an invoice from South End Construction. Mr. Gilchrest seconded the motion which was adopted 5-0.

Mr. Gilchrest made the motion to approve the minutes of the October 14, 2014, Board of Supervisors meeting as submitted. Ms. Collins seconded the motion which was adopted 5-0.

Chairman McWilliams stated before opening public comment he would like to excuse himself from participating because of expected conversations concerning Bath Community Hospital (BCH). Mr. Fry said because of his professional relationship with the hospital he would need to do the same. Mr. Gilchrest said he too would not be able to participate because of a pending law suit between a family and BCH. Chairman McWilliams passed the gavel to Supervisor Collins for the public comment period of the meeting.

Michael Collins, County Attorney, said "This is a very appropriate public forum for the public to express its opinions, but the board as the legislative body of the county is restricted by law and separation of powers from doing anything that would be construed as trying to influence a tribunal or judiciary of the county," Collins reminded the public to be positive, and reminded them comments made in an open meeting are not privileged and could be subject to a lawsuit if their comments were inappropriate.

Ms. Collins opened public comment.

Mr. Steven Terry, Warm Springs District, said he was a member of the Concerned Citizens of Bath County. Mr. Terry said he is concerned that four doctors have resigned from Bath Community Hospital effective at the end of 2014. Mr. Terry said the hospital board of directors seemed unmoved by citizens concerns. Mr. Terry said the citizens group would like to see a quick resolution and added that the hospital board had promised to meet with the group and answer their questions, but to date this has not happened. Mr. Terry asked the Board to do whatever they could to help.

Mr. Carl Chestnut, Cedar Creek District, and Mr. Michael O'Farrell, Warm Springs District, urged the Board to help with the hospital situation and possibly write a letter.

Ms. Kathy Barden, Millboro District, said the County funds Tourism and the Chamber of Commerce which draws people and businesses to the County. She said the Board needs to provide input regarding Bath Community Hospital.

Mrs. Jackie Plecker, Williamsville District, shared past personal experiences with Bath Community Hospital. She said people want to see a doctor they know and trust. Mrs. Plecker

said if people hear that the hospital doesn't have enough doctors on staff it could affect visitors which decreases meals and lodging taxes.

Ms. Collins closed public comment and passed the gavel back to Chairman McWilliams who asked for comments from Board members.

Ms. Collins announced a change to her regular district meeting schedule.

Mr. Perdue thanked everyone who came out to express their opinions.

Mr. Gilchrest announced the upcoming mobile food pantry and took the opportunity to recognize the 100th anniversary of Veteran's Day.

Chairman McWilliams announced the 100th anniversary of the Courthouse. Mr. McWilliams asked Board members to consider scheduling work session with the School Board, PSA, and Planning Commission.

Public Hearing to consider staggered terms for the Board of Supervisors and School Board.

Chairman McWilliams open the public hearing on staggered terms.

Mr. Wally Robertson, Cedar Creek District, Mr. Carl Chestnut, Cedar Creek District, Mr. Michael O'Farrell, Warm Springs District, and Mrs. Jackie Plecker, Williamsville District, opposed staggered terms. Mr. Robertson said he circulated a petition and presented it to Supervisor Collins with signatures from citizens who oppose staggered terms.

Mrs. Olivia Haney, Millboro District, Mrs. Kathy Barden, Millboro District, and Mr. Harold King, Williamsville District, spoke in favor of staggered terms.

The Chairman closed the public hearing and asked for Board member comments.

Mr. Gilchrest said he polled members of the public and only one person objected and their thoughts were that staggered terms should go to a referendum. Mr. Gilchrest provided an explanation of staggered terms including how the initial two year terms would be selected.

Mr. Perdue said he felt staggered terms should be a vote of the people.

Ms. Collins said she had mixed feelings. She said some citizens in her district may want staggered terms but the majority seems opposed. Ms. Collins said she is worried that staggered terms might discourage people from running for office.

Mr. Fry said he is in favor of staggered terms and he was the one supervisor that pushed for staggered terms the most. He said he cannot understand how having staggered terms would be anything but positive.

Chairman McWilliams said he is not afraid of positive change and if we don't make changes we won't be a part of a modern world where we can attract people and families who want to live and work here.

Mr. Gilchrest made the motion to adopt resolution 2014-13 enacting staggered terms for the Board of Supervisors and School Board. Mr. Fry seconded the motion which was adopted 3-2, with McWilliams, Gilchrest, and Fry voting aye, and Collins and Perdue voting nay.

Resolution 2014-13
Staggered Terms for the Board of Supervisors and School Board

WHEREAS, the Bath County Board of Supervisors has duly advertised, discussed and received public input regarding staggered terms for the Bath County Board of Supervisors and the Bath County School Board; and

WHEREAS, the Bath County Board of Supervisors held a public hearing on November 11, 2014 to receive input from the public on staggered terms; and

WHEREAS, in Pursuant to Code of Virginia, § 24.2-219, 1950 and § 22.1-57.3, as amended, commencing with the next general election on November 3, 2015, the members of the board of supervisors and school board of Bath County, Virginia, shall be elected biennially, for staggered four-year terms; and

WHEREAS, the terms of the supervisors and school boards members elected at the next general election to be conducted on November 3, 2015, shall be that two members of the board of supervisors and two members of the school board shall be elected for terms of two years each. After the November 3, 2015 election, if sufficient successful candidates for the board of supervisors do not volunteer to accept the two-year term, the electoral board will assign the individual terms of members by lot on the day following the election and immediately upon certification of the results in accordance with Code of Virginia, § 24.2-219, as amended. In all elections thereafter, all successful candidates for the board of supervisors and school board shall be elected for terms of four years; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Bath County, Virginia that the County of Bath Code be amended in pursuant of Code of Virginia § 24.2-219, 1950 and §22.1-57.3.

Chairman McWilliams introduced the next agenda item which was consideration to add a County Administrator's report 30 minutes before the regular Board Meetings beginning in January 2015.

County Administrator Ashton N. Harrison said his idea to hold an informal 30 minute session before each regular monthly Board meeting was to allow him to communicate with all five Board members at the same time and to allow for better communication with the Board and public on projects and activities.

Mr. Perdue made the motion beginning January 13, 2015, the County Administrator would provide a monthly report to the Board of Supervisors beginning 30 minutes before the regular Board meeting. Ms. Collins seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was discussion of a security equipment competitive grant for Bath County Schools.

Ms. Sue Hirsh, Division Superintendent, reported the school system had received a security equipment competitive grant by the Virginia Department of Education for the 2014-15 school year in the amount of \$27,708 to help pay for new digital UHF school security radios. Ms. Hirsh said the project will cost \$41, 252, and asked the Board to approve \$13,544 in local revenue as the County's match.

Mr. Fry asked if it was necessary to implement the new system in all schools at the same time in order to accept the grant. Mr. Fry asked for specifics on what equipment was being upgraded.

Ms. Hirsh said no but the required local match is 25% of the grant funds received.

Mr. Lancaster said the department of education funded two-thirds of the schools in the district but the school system wanted to be able to provide the same level of security to all three schools. Mr. Lancaster said the schools currently have VHF radios that work poorly depending on distance. Mr. Lancaster said the elementary schools are using "walkie talkie" type radios. Mr. Lancaster said this is the perfect opportunity to be able to provide excellent communication devices in all schools. Mr. Lancaster noted the grant includes a 6 month implementation period which ends in March 2015.

County Administrator Harrison verified that the schools are asking for an additional appropriation of \$13,544 from the County.

Ms. Hirsh said that is correct her letter asked for the full amount of the grant \$41,252; \$13,544 would be the County's match.

Chairman McWilliams asked if the School Board could find the \$13,544 in the schools budget considering the schools usually return funds at the end of the fiscal year.

Ms. Hirsh said she could work on that but some of the funds returned at the end of the fiscal year are from unanticipated revenues. Ms. Hirsh said the School Board and Administration never seeks to spend every penny just because they have funds. Ms. Hirsh said in order to find the funds in the schools current budget she would have to find somewhere to take it from and another project may have to be put on hold for now.

Ms. Collins said if the schools get into an emergency bind at the end of the school year and need additional funds because we don't yet know what to anticipate from personnel changes and winter weather, the schools can come back to the Board for consideration of additional funding.

Mr. Fry made the motion to approve the pass through amount of \$27,708 for the Security Equipment Competitive Grant for the schools. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was consideration to purchase a vehicle for Department of Social Services.

Mr. Jason Miller, Department of Social Services Director, said he included a request for a new vehicle to replace the departments current vehicle which is 14 years old and had over 116,000 miles on the odometer in his FY 15 budget request. Mr. Miller said the request was not approved in the original budget but he would like to ask the Board to revisit that request considering recent maintenance issues. Mr. Miller said he had a quote for \$25,527 to purchase a 2015 Ford Explorer.

County Administrator Harrison said if the Board approved the request funds could be taken from the \$207,500 in capital monies that have not been allocated or he could try to find the funds in the current budget.

Mr. Gilchrest said he was concerned that children are transported in the vehicle.

Mr. Gilchrest made the motion to approve funding of \$25,527 for the 2015 Ford Explorer and to pay the invoice from capital line item 409410-8348. Mr. Fry seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a review of capital improvements plan procedures for FY 2016.

Mrs. Sherry Ryder, County Planner, said the Planning Commission was asked to review a new ranking system for future capital improvement requests. Mrs. Ryder said after reviewing the new procedure the Planning Commission asked her to verify the Board's intention. Mrs. Ryder said the Planning Commission wanted to make sure the ranking system would be used as guidance for the Board and wanted to make sure departments and agencies understood the Planning Commission does not assign funds and their ranking is only a recommendation.

Chairman McWilliams said he recalled Board conversations about the new process. Mr. McWilliams said the Board of Supervisors relies on the Planning Commission for their recommendation on capital projects.

Mr. Perdue and Ms. Collins agreed that the ranking system would be useful tool for the Board to prioritize requests. Ms. Collins said this is a way to ensure every request gets the same consideration and goes through the same process.

Mr. Gilchrest said this is an effective tool for the Board and will make it easier to justify especially if requests are similar.

Ms. Collins made the motion to endorse the ranking system for capital improvement plan requests and asked the Planning Commission to continue working with staff if issues arise. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda items discussion of the Warm Springs solid waste site and the cost per ton for large waste generators.

County Administrator Harrison introduced Republic staff. Mr. Harrison said the Warm Springs waste site has been a problem with bear getting into the garbage and scattering it across the road and into the stream bank below. Mr. Harrison said Republic employees do a great job keeping the area around the compactor and roll off clean within their contractual area. Mr. Harrison said it was decided to leave the roll off container and add a compactor to Warm Springs. Mr. Harrison said citizens have mixed opinions on removing the roll off.

Mr. Dennis Moriarty, Republic Division Manager, said the County installed a compactor at the Warm Springs site because the compactor holds more waste and therefore allows for fewer hauls saving the County money. Mr. Moriarty said until the public stops using the open top for food and household waste the problem cannot be corrected. Mr. Moriarty said Republic staff will properly sign the open top so the public understands the open top is for construction waste and white goods.

Chairman McWilliams said considering the mess and extra work the open top is causing for Republic employees and the proximity to the transfer station he would like to consider removing the open top at Warm Springs.

After discussion the Board decided Administration should work with Republic to make decisions concerning Warm Springs waste site.

County Administrator Harrison said waste costs the County \$40 per ton and according to the County's code large waste generators are to be billed at \$60 per ton. Mr. Harrison said after consulting with County Attorney Collins the Board cannot change the fee without amending the code. Mr. Harrison recommended back dating the effective date of the fee change to August 1, 2014, and if the Board changes the rates the County would reimburse large waste generators for the difference. Mr. Harrison asked the Board for permission to pursue a possible code change.

Mr. Fry made the motion to allow the County Administrator to work on possible solid waste code and fee changes and bring his findings back to the Board for further consideration. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a request to install safety bollards around the generator behind Bath County High School.

Mr. T.A. Seabolt, Code Official, said the generator at the high school poses a safety issue because it is so close to the roadway. Mr. Seabolt said damage to the generator was also a concern. Mr. Seabolt said he drafted a plan with Mrs. Hirsh's approval to install bollards around the generator. Mr. Seabolt said after soliciting for contractors to perform the scope of work the apparent low bidder for the work was Louie's Welding and Fabrication with a proposal of \$6,576.

Mr. Fry made the motion to approve the contract with Louie's Welding and Fabrication with a proposal of \$6,576 for installation of a traffic barrier system at Bath County High School. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a request to consider a resolution supporting development of the Mountain Region for tourism.

Mrs. MaryAnn Anderson, Tourism Director, presented the resolution in support of creating a Virginia Mountain Region for the purpose of tourism marketing.

Ms. Collins made the motion to adopt the following resolution supporting the creation of a Virginia Mountain Region for the purpose of tourism marketing. Mr. Perdue seconded the motion which was adopted 5-0.

Resolution 2014-14
Resolution in Support of the Creation of a
Virginia Mountain Region
for the Purposes of Tourism Marketing

WHEREAS, Virginia has a vast mountain region comprised of natural beauty encompassing the Blue Ridge and Virginia's Western Highlands and complete with a variety of lodging experiences, history, heritage, artisan and cultural attractions which also provides unmatched diversity of outdoor recreation and activities for visitors; and

WHEREAS, the Virginia Tourism Corporation has a significant role in promoting our state by defined regions, many of which were created nearly a half century ago and which in 1967 identified Bath County as part of the broader Shenandoah Valley region for the purposes of marketing; and

WHEREAS, by creating a new more appropriately defined Virginia Mountain Region, we now have an opportunity to unite "like" tourism assets into one which would then be recognized and marketed collectively by Virginia Tourism Corporation; and

WHEREAS, traveler research shows that the word 'Mountains' is mentioned most frequently by vacation travelers uniting the mountain region which then opens the door to creating a wave of influence and recognition as a unique marketing destination; and

WHEREAS, tourism for the Commonwealth of Virginia is a \$21.5 billion industry, supporting 213,000 jobs and \$14.9 billion in payroll, \$842 million in state taxes and \$581 million in local taxes, the economic impact is an undeniable opportunity; and

WHEREAS, the County of Bath Office of Tourism and Economic Development, the Bath County Chamber of Commerce, the Omni Homestead Resort, the Inn at Gristmill Square, Anderson Cottage, Fort Lewis Lodge, Hidden Valley Bed and Breakfast, Kings Victorian Inn, Vine Cottage Inn, Garth Newel Music Center, The Nature Conservancy, Ingalls Field Airport and the Warm Springs Ranger District of the United State Forest Service supports the creation of a unified marketing region which stretches from along the Blue Ridge to the Virginia's Western Highlands and potentially will include: Alleghany, Bath, Bedford, Botetourt, Craig, Floyd, Franklin, Giles, Highland, Montgomery, Pulaski, and Roanoke Counties; and

WHEREAS, once approved a letter of support from each jurisdiction in the proposed new marketing region would be sent to Virginia Tourism Corporation for consideration and adoption of the change; and

WHEREAS, we are asking for support of the Bath County Board of Supervisors to go forward with this request therefore;

BE IT RESOLVED that the Bath County Board of Supervisors supports the creation of a tourism marketing region to be known as the Virginia Mountain Region which then will be marketed by the Virginia Tourism Corporation and which will include the county of Bath as part of that marketing region. BE IT FURTHER RESOLVED, that when the time comes for the Virginia Tourism Corporation to consider the request to create the Virginia's Mountain Region, this resolution will serve as the letter of support required by the Virginia Tourism Corporation to do so.

Appointments to Boards and Commissions

Mr. Perdue made the motion to appoint Amy Phillips to an additional term on the Rockbridge Area Community Services Board, the term would run through December 31, 2017. Ms. Collins seconded the motion which was adopted 5-0.

Actions from Closed Session

Ms. Collins made the motion to authorize the County Administrator to offer the part time Animal Control position to the top candidate. Mr. Gilchrest seconded the motion which was adopted 5-0.

Consent Agenda

Mr. Gilchrest made the motion to approve the payment of invoices, additional invoices, and the request for transfers and appropriations, and to accept correspondence and monthly reports as submitted. Mr. Perdue seconded the motion which was adopted 5-0.

Additional Items: a) Consideration to accept Hazardous Materials Emergency Preparedness Plan Sub Grant and engage Central Shenandoah Planning District Commission to administer the grant. County Administrator Harrison gave a brief overview of the grant. He stated the grant would allow the County to compile a list of hazardous materials in local businesses so first responders would know what was housed there.

Mr. Perdue made the motion to accept the Hazardous Materials Emergency Preparedness Plan Sub Grant and to engage Central Shenandoah Planning District Commission to administer the grant on behalf of the County. Ms. Collins seconded the motion which was adopted 5-0.

b) School Safety Zone Signage. Mrs. Sherry Ryder, County Planner, said the County considered more visible school safety signage at the intersection of Charger Lane and Sam Snead Highway a few years ago and the project was put on VDOT's 6 year improvement plan. Mrs. Ryder said the project was brought up in conversations with Susan Hammond, VDOT Residency Administrator, who suggested due to affordability the project could be removed from the 6 year plan and funded by the County. Mrs. Ryder said there have been several accidents at this intersection in the past especially during high traffic times before and after school. Mrs. Ryder said she and Mr. Gilchrest met with Mrs. Hirsh, Division Superintendent, who endorsed the project. Mrs. Ryder said the project would cost approximately \$6,800, with County staff installing the signs and lights.

Mr. Gilchrest made the motion to fund and install school safety zone signage at Bath County High School as recommended by Sherry Ryder, County Planner. Mr. Fry seconded the motion which was adopted 5-0.

c) Review of Revised RFP for General Property Reassessment. County Administrator Harrison, thanked Leta Norfleet, Commissioner of the Revenue, and the Board of Supervisors for their comments and help with the request for proposals for the upcoming general property reassessment. Mr. Harrison asked the Board for guidance in posting the request for proposals.

Ms. Collins made the motion to authorize County Administration to advertise RFP for General Property Reassessment. Mr. Fry seconded the motion which was adopted 5-0.

d) Approval of additional invoice for South End Construction.

Mr. Gilchrest made the motion to approve payment of an additional invoice for South End Construction. Mr. Perdue seconded the motion which was adopted 5-0.

Public Comment

Chairman McWilliams passed the gavel to Ms. Collins who conducted the public comment portion of the meeting.

Mr. Wally Robertson, Cedar Creek District, asked for an update on the engineering study for the transfer station building.

County Administrator Harrison said would have more information after his meeting with the engineer.

Ms. Kathy Barden, Millboro District, said she was disappointed the Board decided not to fund the county share of the security equipment grant. Ms. Barden said the school system has prove to be good stewards of county funds.

Mr. Harold King, Williamsville District, thanked Mrs. Ryder and the Planning Commission for developing the new capital improvement plan.

Board Member Comment

Ms. Collins thanked the public for their input. Ms. Collins said the meeting was a good opportunity for building the community and having the community come together to look at where we want to go in the future and how we get there.

Mr. Gilchrest thanked the public in attendance, and said while we as a Board didn't agree on everything the process is an affirmation of our system.

Mr. Perdue announced a rally to be held in Hot Springs on November 18, 2014, from 3:00 p.m. to 5:15 p.m. in support of the doctors at Bath Community Hospital.

Mr. Fry thanked everyone for their input and thanked fellow Board members for working together.

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 7:00 p.m., December 9, 2014, for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Bruce W. McWilliams, Chairman