

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

Tuesday, October 8, 2013, 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.

The Chairman led the Pledge of Allegiance, and Mr. Perdue offered the invocation.

The Chairman opened the first public comment session.

Mr. Jay Trinca, Warm Springs District, commented on the Chairman's article published in The Recorder regarding the handling of the County's solid waste. Mr. Trinca said it appeared to him the Board had reached a hasty conclusion to close the transfer station. Mr. Trinca expressed his opposition to closing the transfer station and direct hauling the County's waste outside the County.

Mr. Wally Robertson, Cedar Creek District, commented on needed culvert work on Switzerland Trail. Mr. Robertson also urged the Board to listen to the citizens and avoid closing the transfer station. Mr. Robertson asked the Board to clarify why they are voting for or against agenda items. Mr. Robertson asked why the Board was moving forward with renovations when it was removed from the budget.

Mr. Keswick Phillips, Cedar Creek District, also expressed his concerns regarding the transfer station. Mr. Phillips said if it is going to cost \$500,000 to keep the transfer station operational then do it. He stated the Board spends money every day. Mr. Phillips said the Animal Shelter cost over \$750,000 and only serves a few people while the transfer station serves everyone.

Mr. Jack Lindsay, Warm Springs District, agreed that the transfer station should remain operational.

Mr. Kenny Woodzell, Cedar Creek District, said he is currently the operations manager at the transfer station. Mr. Woodzell expressed concern that figures stated in the overall study of the transfer station operation may not be correct.

Mr. Robert Lindsay, Warm Springs District, said it concerned him that local jobs would be lost if the transfer station closed. He expressed concerns regarding declining school populations and affordable housing.

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

Mr. Perdue stated he did not appreciate that an employee had resigned from the Building Planning and Zoning Office and he was not informed.

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

Ms. Collins added an additional bills list under the consent agenda.

Mr. Ashton Harrison, County Administrator, said there were three additional items that needed to be added to the agenda. The additional items were added under item 179-13A, Request from the local library to proclaim October 21 through 27, 2013, as National Friends of the Library Week; 179-13B, Funding request from Burnsville Volunteer Fire Department; 179-13C, Approval of a Memorandum of Understanding between the County and Bath Community Hospital.

Ms. Collins made the motion to approve the agenda with the aforementioned additions. The motion was seconded by Mr. Gilchrest and adopted 5-0.

The Chairman asked the Board if they wished to approve or amend the minutes from the September 10, 2013, Board Meeting. Ms. Collins made the motion to approve the minutes as submitted. The motion was seconded by Mr. Gilchrest and adopted 5-0.

Chairman McWilliams introduced the next agenda item which was an update from Mrs. Susan Hammond, Residency Administrator, Virginia Department of Transportation.

Mrs. Hammond gave an overview of maintenance activities and said crews are busy preparing for winter months. Mrs. Hammond noted that several months ago the Board received correspondence from Ms. Darlene Burcham, Clifton Forge Town Manager, requesting their cooperation in restricting thru truck traffic over Route 606. Mrs. Hammond said after further review she determined it would not require action from the Board, and would be handled by VDOT.

Mr. Fry asked Mrs. Hammond to address sidewalk and curb damage.

Mrs. Hammond said she was working to have the damage taken care of by contract.

Ms. Collins asked for a status update of the speed study on Switzerland Trail. Ms. Collins also asked Mrs. Hammond to check on uneven pavement in Dead Man's Curve.

Mrs. Hammond said the speed study had been sent to engineering for review.

Mr. Perdue asked Mrs. Hammond to check Klondike Hill for gravel that continues to wash out in the roadway and on Route 220 near Roseloe Lane there is a drop-off where the asphalt has been washed away.

Mr. Gilchrest thanked VDOT for the resurfacing work on Mill Creek Road, and asked Mrs. Hammond to check another location near Willie Ryder's home.

Chairman McWilliams asked County Administrator Ashton Harrison to introduce the next agenda item, presentation of municipal solid waste and recycling request for proposals for solid waste management and recycling services.

Mr. Harrison introduced Ms. Sandra Warner, CHA Inc., and gave a brief background of the County's relationship with CHA and past solid waste studies. Ms. Warner presented the Request for Proposals regarding the County's Solid Waste Systems. Ms. Warner said the scope of services contained some changes to the current operation of the transfer station but the site itself would still operate so citizens and contractors could take waste to be deposited into a roll off container. Ms. Warner said all bidders are asked to present a base bid for the same level of service that currently exists. Alternatives for running the transfer station and a different disposal location other than Covington can also be submitted. Ms. Warner stated this proposal is set up as a performance based contract that has specific reporting built in to provide the County with additional information.

Mr. Harrison said the County recommended in the proposal that the current contract with Jack's Trash Service be honored and the contractor would need to work in cooperation with Jack's Trash Service.

The Chairman asked for questions from the Board.

Ms. Collins asked if the proposer wanted to come in and do a true MRF (material recovery facility) could that happen under this proposal? Ms. Collins also asked how many businesses have individual contracts for disposal.

Ms. Warner said a MFR could be proposed but the contractor would need to also provide the base bid. Ms. Warner said about 5 or 6 vendors were being directly billed by the County. Mr. Harrison added that the County also has a system for billing an annual fee to medium and small business waste generators. Ms. Warner stated in 2011 twenty percent of the waste collected was billed back.

Mr. Gilchrest said the tables developed for the greenboxes to enable the County to know what is being collected is especially helpful. Mr. Gilchrest referenced appendix B section 2.0 in the request for proposals.

Ms. Collins questioned if the contractor wanted to maintain the transfer station and haul to another location to save money is the request for proposals open ended.

Ms. Warner replied the request for proposals is open ended by all contractors must submit a base bid for services with additions if they wish to propose additional services.

Chairman McWilliams asked the County Administrator if all information would be available online.

Mr. Harrison, County Administrator, replied all studies along with the request for proposals, questions and addendums would be posted on the County website.

Mr. Gilchrest made the motion to approve the request for proposals as submitted by CHA and Ms. Warner. Mr. Fry seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was the selection of a voting delegate and alternate for the 2013 Annual Meeting of the Virginia Association of Counties, and to select a designee to open the meeting.

Mr. Gilchrest made the motion to appoint Ms. Collins to provide the opening remarks for the 2013 Annual Meeting of the Virginia Association of Counties. Mr. Fry seconded the motion which was adopted 5-0.

Mr. Fry made the motion to appoint Mr. Gilchrest as the voting delegate, with Ms. Collins as the alternate for Bath County at the 2013 Annual Meeting of the Virginia Association of Counties. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was to appoint Mr. Ashton N. Harrison, as Clerk to the Board of Supervisors.

Mr. Perdue made the motion in favor of appointing Mr. Harrison as Clerk to the Board of Supervisors. Mr. Gilchrest seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda items which were added to the agenda. A request from Friends of the Library to proclaim October 21-27, 2013, as National Friends of Libraries Week; a funding request from the Burnsville Fire Department; and a request from Bath Community Hospital to approve a Memorandum of Understanding.

The Chairman read the following proclaiming October 21-27, 2013 as National Friends of Libraries Week.

#### **National Friends of Libraries Week**

**Whereas**, Friends of the Bath County Library raise money that enables our library to move from good to great - providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

**Whereas**, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past and present;

**Whereas**, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

**Whereas**, the Friend's gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of the community;

**Now, therefore, be it resolved that the** Bath County Board of Supervisors, the Bath County Library Trustees, and the Bath County Library Staff proclaims October 21-27, 2013, as Friends of Libraries week in Bath County and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

The motion to adopt October 21-27, 2013, as National Friends of Libraries Week was made by Ms. Collins, seconded by Mr. Perdue and adopted 5-0.

#### Burnsville Volunteer Fire Department Funding Request.

Mr. Harrison, County Administrator explained the funds were necessary to award a request for proposals the Burnsville Fire Department has issued earlier in 2013. Mr. Harrison recommended that the Board approve a letter of intent to fund \$15,000 per year over five years. Mr. Harrison said the County could choose to allocate more than \$15,000 if they were in the financial position to do so.

Mr. Harold King, Burnsville Fire Department, asked the Board of Supervisors to support a letter of intent to fund a building project at the Burnsville Volunteer Fire Department. Mr. King said they went forward with the RFP in July thinking they had all their bases covered and the funds were secured. Mr. King said they now have a reputable contractor who is ready to begin work, but his initial bid is good for a period of sixty days which is less than three weeks away. He said since his earlier request for funds the department has secured some funds and they are trying to lower the costs in any way possible.

Mr. Perdue said he felt like the project was a worthwhile project, but he did not like adding any agenda item that requires public funding without prior notice to the public.

Mr. Fry made the motion to approve the letter of intent to fund Burnsville Volunteer Fire Department \$75,000 for a period not to exceed five years. Ms. Collins seconded the motion which was adopted 4-1, with Mr. Perdue casting the dissenting vote.

Consideration to approve a Memorandum of Understanding for Bath Community Hospital.

Mr. Harrison, County Administrator, explained the Memorandum of Understanding that would allow Bath Community Hospital to participate in the 340B program which allows the hospital to continue its historic commitment to the provision of health care to indigent, uninsured, and underinsured residents of Bath County. Under the term of this agreement approximately \$250,000 to \$1,500,000 in indigent care would be provided by Bath Community Hospital.

Mr. Gilchrest made the motion to authorize the County Administrator to sign the Memorandum of Understanding between the County and Bath Community Hospital for participation in the 340B program. Ms. Collins seconded the motion which was adopted 5-0.

Consent Agenda:

Mr. Gilchrest made the motion to authorize the payment of invoices for October 2013, to include a request from the Treasurer to approve a check for a permit mailing of tax tickets, and approve the request for transfers and appropriations. Ms. Collins seconded the motion that was adopted 5-0.

Chairman McWilliams opened the floor for public comment.

Mr. Trinca, Warm Springs District, said Board deliberations can be confusing and asked where the public could get the background information on items for the Board meeting.

Mr. Wally Robertson, Cedar Creek District, said the public has no say in matters and he wondered why the Board calls their meetings public meetings.

Mr. Keswick Phillips, Cedar Creek District, said he would like to say again "do not close the transfer station". He said when trash started showing up in hollows and down in Dunn's gap people would be looking for the Board with the cross hairs on.

Chairman McWilliams asked that public comment not be used to intimidate.

Mr. Rick Neff, Valley Springs District, said as business owner he has come to the County before asking what can be done to increase recycling. Mr. Neff said he was told in the past nothing because the County couldn't afford it. He said the Board pushes tourism and if we want tourists we need to keep the County clean. He said he pays a tipping fee every year for his business and he feels he is one of very few businesses that pays the fee.

Chairman McWilliams said the Board has not made any decisions tonight other than to authorize a request for proposals.

Mr. Jack Lindsay, Warm Springs District, said he owns a parcel of property in Pinehurst. He said a contractor working as part of the community development block grant built a house that is too close to his property. Mr. Lindsay continued by adding the home owner doesn't have a road to get to the new home that was built and when he needs a rescue squad he has to be carried down steps. Mr. Lindsay said the steps were also on his property and felt a house shouldn't have been built on property that does not have a road access. Mr. Lindsay also spoke in opposition of changing the transfer stations operations. He also asked the Board to introduce a business license.

Mr. Gilchrest said cross hairs is an interesting term. Mr. Gilchrest read a portion of the request for proposals that stated with the closing of the transfer station and direct haul of waste to Covington, additional MSW containers and drop-off capacity will have to be provided at the transfer station site by the Contractor to accommodate the private citizens and commercial users. All non-residential and commercial waste that is brought to this site will have to be weighed across the existing scale for County billing purposes. Existing recycling and reuse services, which include recycling materials, drop-off yard waste disposal, scrap tire recycling, white goods and scrap metals, automotive fluids and oil filters, lead-acid battery recycling and electronics waste recycling, and disposal, must be continued by the Contractor. All existing C&D, stump,

and tree/brush services currently provided at the transfer station site will also be continued and provided by the Contractor. Mr. Gilchrest said several vendors would be submitting proposals. Mr. Gilchrest said the County is not closing the transfer station site.

Ms. Collins announced her district meeting that would be held at 7 p.m. on Monday, October 21, 2013 at the Hot Springs Fire Department. Ms. Collins said primary services that citizens care about are children's services, animals and trash. She said the current contract with Republic Services expires December 31, 2013, a right to extend for six months will allow for a transition period. Ms. Collins said anyone that wants to propose to take care of the County's solid waste services will be allowed to do so. She said the door is open for everyone to make a proposal to the County to provide the service the County is accustomed to and make suggestions for improvements. Ms. Collins said she was also not aware of the additional items that were added to the agenda but she has the knowledge base to understand what was being added. She said the Board did not commit any County funds that would create a liability.

Mr. Fry said the Board is half way through their term and he would like to see the Board take a serious look at staggered terms.

Mr. Michael Collins, County Attorney, said there was several comments made during the meeting concerning solid waste fees and collection methods. He said when the current ordinance was adopted to update the solid waste ordinance and unfortunately it wasn't handled very well. He said a lack of information was partly to blame for that.

Ms. Collins said she was working toward a solution to the issue Mr. Jack Lindsay brought up concerning an encroachment on his property in Pinehurst.

Mr. Perdue made the motion to adjourn the meeting. Mr. Fry 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., October 22, 2013, for the second monthly meeting of the Board of Supervisors.

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Ashton N. Harrison, Clerk

APPROVED:

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Bruce W. McWilliams, Chairman