

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

Tuesday, October 14, 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.

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 September 9, 2014, Board of Supervisors meeting.

Ms. Collins made the motion to approve the agenda with the addition of a Memorandum of Understanding between Central Shenandoah Planning District Commission and Bath County for parcel data improvement/maintenance under item 147-14(a) and consideration of a drought resolution under item 135-14(a). Mr. Perdue seconded the motion which was adopted 5-0.

Mr. Gilchrest made the motion to approve the minutes of the September 9, 2014, Board of Supervisors meeting as submitted. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams opened the floor for public comment.

Mr. Wally Robertson, Cedar Creek District, spoke in favor of the proposed Bacova Junction to Cedar Creek water line extension. Mr. Robertson said he noticed on the October 25, 2014, Board of Supervisors work session agenda, the Board would consider the recent compensation and classification study. Mr. Robertson urged the Board to evaluate employees before awarding salary increases.

Mr. John Hart, Cedar Creek District, said approval of the water line extension would increase fire protection.

Mr. Carl Chestnut, Cedar Creek District, commented on the condition of the transfer station. He said it was not being properly staffed or maintained.

Mr. Glen Ciser, Warm Springs District, said he was not in favor of amending the budget. Mr. Ciser said he supports the water line extension but urged the Board to wait until the next fiscal year.

Mrs. Leta Buzzard, Cedar Creek District, spoke in favor of the water line extension project.

Mr. Jack Lindsay, Warm Springs District, asked the board to address conditions at the Warm Springs compactor site. He said people are still using the open top container for household waste which attracts bear that drag the bagged trash over the hill and into the creek bed. Mr. Lindsay also commented that the transfer station site is a muddy mess and needs attention.

Mr. Charlie Hamilton, Cedar Creek District, agreed with comments made regarding the transfer station.

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

Ms. Collins announced the upcoming Cedar Creek District meeting.

Mr. Fry and Ms. Collins thanked fellow Board members for dialogue over the past week.

Mr. Gilchrest announced upcoming events including a mobile food pantry, truck and tractor pull, and the Bath County one day fair.

Chairman McWilliams introduced the next agenda item which was consideration of drought resolution.

Mr. Rodney Leech, Virginia Cooperative Extension Unit Coordinator for Bath and Highland Counties addressed the Board and presented a resolution regarding drought relief for Bath County farmers for the Boards consideration.

Mr. Gilchrest made the motion to adopt the following resolution and authorize the Chairman and the County Administrator to execute the resolution. Mr. Perdue seconded the motion which was adopted 5-0.

Drought Relief for County of Bath Farmers

WHEREAS, the drought conditions in the County of Bath in 2014 have severely affected the farmers; and

WHEREAS, Bath County received only 27 inches of its normal 34 inches of rainfall in 2014 with only 9 inches of precipitation falling since June 1.

WHEREAS, the Bath County office of Virginia Cooperative Extension reports livestock producers are hauling water and feeding hay to sustain herds.

WHEREAS, hay crop is reported to be reduced by 30 to 40 percent with very little second cutting and limited fall grazing in hay meadows.

WHEREAS, it is incumbent upon the County of Bath Board of Supervisors to request the Governor to declare the County of Bath a drought disaster area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Bath, Virginia, that the County Administrator is hereby instructed to file with the Governor of Virginia a request that the County of Bath be designated a drought disaster area.

PUBLIC HEARINGS:

Consideration to Amend the FY 2015 County Budget. County Administrator Ashton N. Harrison, said the public hearing to amend the County's FY 2015 budget consisted of two elements. The first part of the public hearing would be to address a direct transfer to the Comprehensive Services Act Fund from the General Fund. Currently, the funding is first transferred to the Virginia Public Assistance Fund from the General Fund and then to the Comprehensive Services Act from the Virginia Public Assistance Fund. Mr. Harrison explained the proposed amendment streamlines the transfer from a two-step process to a one-step process. The second part of the public hearing would be consideration to provide full funding in the amount of \$680,000 from the General Fund to the Bath County Public Service Authority for the Bacova Junction to Cedar Creek Water Extension Project.

The Chairman said the Board would consider each component separately beginning with the direct transfer to the Comprehensive Services Act Fund from the General Fund. The Chairman opened the public hearing.

Mr. Keswick Phillips, Cedar Creek District, questioned how funds could be spent.

Mr. Jack Lindsay, Warm Springs District, inquired about unspent funds at the end of the fiscal year.

Mr. Wally Robertson, Cedar Creek District, asked why the change was necessary.

The Chairman closed the public hearing.

Ms. Collins made the motion to authorize County Administration working with the Treasurer to amend the budget allowing for creation of the CSA fund and to transfer the funds for expenditures as actual invoices are approved for payment in the normal process of paying invoices by the County. Mr. Gilchrest seconded the motion which was adopted 5-0.

County Administrator Harrison gave a brief overview of the second part of the public hearing to amend the County's FY 2015 budget. Mr. Harrison said the Board would consider providing full funding in the amount of \$680,000 from the General Fund to the Bath County Public Service Authority for the Bacova Junction to Cedar Creek Water Line Extension Project which was in the Capital Improvements Plan presented to the Planning Commission and the Board of Supervisors.

The Chairman opened the public hearing.

Mr. Willie Smith, Warm Springs District, stated in 1992 the community requested the water line extension to be completed in two phases. Phase one would consist of engineering and obtaining necessary easements from land owners. Phase two would consist of construction to extend the water line. Mr. Smith said funds were appropriated for the project but were unfortunately moved back to the fund balance without public knowledge. Mr. Smith said in 2013 the project was requested again and phase one has since been completed. Mr. Smith said

the completion of the project is important to promote growth, infrastructure, and fire protection. In closing Mr. Smith urged the Board to fully fund the water line extension project.

Ms. Linda Woodzell, Cedar Creek District, said she moved to the Cedar Creek area in 2007. Ms. Woodzell said she was concerned about the water but was assured by the realtor that a new water line project was in the works. Ms. Woodzell said everyone deserves quality water.

Mr. Jack Lindsay and Mrs. Jackie Plecker spoke in favor of funding for the project.

The Chairman closed the public hearing.

Ms. Collins asked if there were options to consider other than amending the budget to fund the water line extension.

County Administrator Harrison responded the Board adopted a resolution in 2001, GASB 34. Mr. Harrison explained the Board could make a commitment of funds for July 1, 2015, they could assign funds in the budget, or the FY 2015 budget could be amended. Mr. Harrison said a commitment would allow the Public Service Authority (PSA) to get the project ready for construction beginning with the new fiscal year.

Ms. Collins made the motion to commit \$680,000 of the fund balance in the FY 2015-16 budget to complete the Bacova Junction to Cedar Creek waterline extension phase 2 project allowing the PSA to move forward with bidding the project, making sure all the legalities are in place, the funds will stay in the County budget and will be expended to pay invoices submitted to County Administration by the PSA. Mr. Perdue seconded the motion which was adopted 5-0.

Ms. Collins made an additional motion for the Board of Supervisors to meet on a regular basis with the PSA for better communication to form a partnership to discuss short and long term needs for potable water and waste water within the County, especially in growth areas. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams said the water line extension project had been a very good exercise for the Board and the community. Mr. McWilliams said he agreed with comments made by Ms. Woodzell that everyone deserved safe water and with Mr. Criser that if you don't live within your budget there's no point in going through the budget process. Mr. McWilliams said he attended a meeting of the Service Authority to better understand their process when addressing projects. Mr. McWilliams said in the past the Board of Supervisors has directed the projects and established the priority. He said he didn't feel this was a healthy way to approach projects of this size. Mr. McWilliams said at this time the PSA is not interested in increasing rates because some of the residents are on fixed incomes. He stated that in other areas of the County families many of which are also on fixed incomes haul their water. Their taxes are being affected by this project but they see no direct benefit. Mr. McWilliams said this was a very hard decision for him to make. He asked what are our goals here to put in a redundant system or provide safe water to everyone. He said the County needs to look at the County's needs as a whole.

Ms. Collins said safe and potable water is very important and the County needs to work with the PSA to address all water needs within the County.

Consideration to Rezone 9405 Sam Snead Hwy. County Planner and Zoning Administrator, Sherry Ryder said the Planning Commission meet and held a public hearing to consider a request to rezone a 2.92 acre parcel located at 9405 Sam Snead Hwy., from R-1 Residential Limited to B-2 General Business. Mrs. Ryder said the property is located in Mitchelltown in the Cedar Creek Magisterial District and lies across the street from First and Citizens Bank in a designated growth area. Mrs. Ryder said the Planning Commission recommended approval of the rezoning request with a 4-0 vote (1 member absent). Mrs. Ryder said there has been no opposition from the public to the rezoning request.

The Chairman opened the public hearing.

Mr. Jack Lindsay, Warm Springs District, Mr. Wally Robertson, Mr. Carl Chestnut, and Ms. Linda Woodzell, of the Cedar Creek District, spoke in favor of the rezoning request.

The Chairman closed the public hearing.

Ms. Collins made the motion to rezone a 2.92 acre parcel located at 9405 Sam Snead Hwy., Hot Springs, from R-1 Residential Limited to B-2 General Business as it meets all the requirements of the Comprehensive Plan. Mr. Gilchrest seconded the motion which was adopted 5-0.

Consideration to adopt a revised floodplain management ordinance. County Planner and Zoning Administrator, Sherry Ryder said the Planning Commission meet on August 25, 2014, and with a vote of 4-0 (1 member absent), recommended revisions to the floodplain management ordinance as presented in the packet of information for the Board of Supervisors review. Mrs. Ryder said FEMA added additional parameters and details but regulations basically stayed the same.

Mr. Fry asked if flood zones had been expanded and would the revision cause any hardships.

Mrs. Ryder responded flood zones had not expanded and the revisions would actually help.

Ms. Collins asked if the revised ordinance would help when citizens looked for insurance.

Mrs. Ryder responded yes.

The Chairman opened the public hearing. Hearing no comments the Chairman closed the public hearing.

Ms. Collins made the motion to adopt the revised floodplain management ordinance as recommended by the Planning Commission. Mr. Fry seconded the motion which was adopted 5-0.

General Agenda

Chairman McWilliams introduced the next agenda item which was a request to renew a fireworks permit for The Omni Homestead.

Ms. Collins made the motion to renew the permit to display fireworks for two additional years ending October 1, 2016, for The Omni Homestead. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was a request to set a public hearing for December 9, 2014, to receive input on the County's FY 2014-2019 Comprehensive Plan.

Ms. Collins made the motion to set a public hearing for December 9, 2014, to receive input on the County's FY 2014-2019 Comprehensive Plan. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was review and discussion of the County's budget calendar for FY 2016.

Ms. Collins made the motion to adopt the budget calendar for FY 2016 as presented. Mr. Perdue seconded the motion which was adopted 5-0.

Chairman McWilliams introduced the next agenda item which was selection of the voting delegate for the 2014 VACo annual conference.

Mr. Gilchrest made the motion to appoint Ms. Collins as the County's voting delegate for the 2014 VACo annual conference. Mr. Perdue seconded the motion which was adopted 4-0-1, with Ms. Collins abstaining from the vote.

Appointments to Boards and Commissions

Mr. Fry made the motion to recommend to Judge Franklin, Mr. Ray Rodgers, Cedar Creek District, and Mr. Paul Dressler, Williamsville District, for reappointment to the Bath County Building Code Board of Appeals for terms ending September 18, 2018. Mr. Perdue seconded the motion which was adopted 5-0.

Mr. Perdue made the motion to appoint Mr. Carl Behrens to a four year term on the Rockbridge Regional Library Board of Trustees for a term to expire June 30, 2018. Mr. Gilchrest seconded the motion which was adopted 5-0.

Consent Agenda

Ms. Collins 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. Gilchrest seconded the motion which was adopted 5-0.

Additional Items: Consideration of a Memorandum of Understanding between the Central Shenandoah Planning District Commission and Bath County for parcel data improvement and maintenance.

County Administrator Harrison said funding not to exceed \$12,000 for the Memorandum of Understanding between Central Shenandoah Planning District Commission and Bath County for parcel data improvement and maintenance was included in the County's FY 2015 budget. Mr. Harrison said training and software was negotiated in the cost.

Mr. Gilchrest made the motion to authorize County Administrator Harrison and County Planner and Zoning Administrator Sherry Ryder to execute the Memorandum of Understanding between Central Shenandoah Planning District Commission and Bath County for parcel data improvement and maintenance on behalf of the County. Mr. Perdue seconded the motion which was adopted 5-0.

Public Comment

Mr. Carl Chestnut, Cedar Creek District, questioned the County Administrator's authority to approve salary increases and asked why the legal opinion regarding said increase was released to the press before some members of the Board were notified.

Mr. Harold King, Williamsville District, requested a copy of the budget calendar be placed on the County's website.

Mr. Keswick Phillips, Cedar Creek District, urged the Board to hire people within the County for future open positions.

Mr. Wally Robertson, Cedar Creek District, urged the Board to think before continuing to spend. He said the Board needed to trim the fat from the budget.

Mrs. Jackie Plecker, Williamsville District, announced upcoming fund raisers for Millboro Preservation and Cultural Association. Mrs. Plecker asked about future plans for expanding water services in the Millboro area.

Mr. Glen Criser, Warm Springs District, urged the Board to push VDOT to take care of safety issues. Mr. Criser said the County needs to educate the public about using the compactor instead of the open top containers at solid waste sites for household garbage.

Mr. Willie Smith, Warm Springs District, thanked the Board for considering and approving funds for the Bacova Junction to Cedar Creek waterline extension.

Board Comment

Mr. Gilchrest thanked Willie Smith for showing exemplary decorum and effort during discussions regarding the water line project.

Mr. Perdue thanked everyone who assisted in the search and rescue.

Ms. Collins thanked members of the public for their discussion and participation. Ms. Collins said the Board has the responsibility to answer questions from the public and noted the Board has to have open dialogue and communication in order to provide answers.

Mr. Fry thanked his fellow Board members for the positive communication over the past weeks.

Chairman McWilliams gave a brief overview of the Board's joint work session with VDOT. Mr. McWilliams commented on the cost of capital projects, and the aging infrastructure that supplies water and waste water to the citizens of the County. Mr. McWilliams said the Board needs to explore options and be prepared in the event of a major failure.

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., November 11, 2014, for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Bruce W. McWilliams, Chairman