

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

Tuesday, October 13, 2015 7:00 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Claire A. Collins, Chairperson; Clifford A. Gilchrest, Vice Chairman; Bruce McWilliams; Henry "Kevin" Fry; Phillip "Bart" Perdue; 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 led the Pledge of Allegiance. Supervisor Perdue offered the invocation.

Chairperson Collins asked the Board if they wished to approve or amend the agenda and the minutes from the September 8, 2015, Board of Supervisors meeting.

Supervisor Perdue moved to approve the agenda as submitted with the following changes; additional list of invoices, surplus auction list, and a resolution of support for the continuance of ability to opt-out of DEQ's expanded stormwater management program. Supervisor Gilchrest seconded the motion which was adopted 5-0.

Supervisor Perdue made the motion to approve the minutes from the September 8, 2015, Board of Supervisors meeting as submitted. Supervisor Gilchrest seconded the motion which was adopted 5-0.

Public Comment

Mr. Charlie Hamilton, Cedar Creek District, asked the Board to consider allocating funds to help the Bath County High School Marching Band replace uniforms.

Mr. Danny Cardwell, Cedar Creek District, thanked everyone who responded to help with flooding at Piney Grove Baptist Church. Mr. Cardwell spoke about each member of the Board of Supervisors and said each member has in his or her own way touched the lives of many in the community. Mr. Cardwell said as the current Board finishes out their term of service and the new Board is sworn in, his hope would be for an environment of civility.

Board Comment

Supervisor Gilchrest said Mr. Herman Cauley passed away today at 105 years old. Mr. Gilchrest said Mr. Cauley was a testament to civic discourse and responsibility. Mr. Gilchrest said Mr. Cauley had an infectious sense of humor and he will be greatly missed. Supervisor Gilchrest said there has been some suggestions that the current board has not lived up to their fiduciary responsibility and have been less than judicious in the way we have spent tax payers funds. Mr. Gilchrest asked the County Administrator to read the reserves from the yearend fiscal report for fiscal year ending 2011 and 2014.

County Administrator Harrison said the audited amount in reserves in the general fund for FY 2011 were \$6,991,221, and for FY 2014 the audited amount was \$9,466,077; an increase of \$2,474,856.

Chair Collins said the Bath County High School Band placed second in music, drum major, and percussion and the Color Guard was awarded a first place finish at recent competition in Lynchburg, VA. Ms. Collins said there were a group of writers touring the County who were very impressed with what the County has to offer and will be promoting Bath County in the coming months. Ms. Collins said there are lots of positive and exciting things happening and the citizens need to keep the positive momentum going.

Public Hearing - Consideration to amend Bath County Code Chapter 16, Solid Waste

County Administrator Harrison said the public hearing was duly advertised and the Board was presented with two possible versions. The first version would reduce solid waste fees to \$40 per ton. The second version which is a recommendation would eliminate all solid waste fees. Mr. Harrison said this is not a new issue. Mr. Harrison said he read several memos from the former County Administrator dating back to 2006, dealing with the same issues. Mr. Harrison said solid waste billing is not equitable. Residents are not billed for household waste. Small and medium generators are billed a minimum fee, but not all pay. The only large generator that pays based on tonnage is the Homestead. Mr. Harrison said there is a misconception that the Homestead is the largest producer of waste when actually they are the largest waste generator that the County bills for waste disposal. Mr. Harrison explained the fee structure for solid waste. Mr. Harrison said it appears the County Code has not kept up with the changes that have been made over the years. Mr. Harrison said the current budget does not contain any revenue for solid waste and although there will be a loss of revenue the loss would not impact the budget.

Chair Collins opened the public hearing.

Mr. Wally Robertson, Cedar Creek District, opposed billing residential customers for solid waste and suggested the County adopt the \$40 per ton version as presented by the County Administrator.

Mr. Jack Lindsay, Warm Springs District, urged the Board to reduce the current fee to \$40 per ton and let the incoming Board of Supervisors make any further changes. Mr. Lindsay said solid waste fees for new construction and remodeling need to be revised.

Mr. Jacob Meck, owner and operator of Alleghany Disposal addressed the Board. Mr. Meck gave the Board a copy of a letter he wrote to the County Administrator in July 2014. In his letter Mr. Meck suggested medium waste generators, large waste generators, construction and demolition generators be classed together as commercial using a per ton fee structure. Mr. Meck said he would like to see the Board take version 2 a step further. He said if the County doesn't charge or accept fees that they would allow the commercial community to pay their own fees. He said by allowing the commercial community to pay their own fees it will encourage recycling.

Ms. Murphy Wilson, Warm Springs District, said she is opposed any type of fees for residential solid waste disposal.

Mr. Keswick Phillips, Cedar Creek District, agreed with Ms. Wilson. He said charging individuals would lead to illegal dumping.

Chair Collins closed the public hearing.

County Administrator Harrison said he would like to point out two changes in both options, to better define what an acceptable landfill is and remove stumps as acceptable waste. Mr. Harrison said since DEQ no longer allows accepting stumps and it should be reflected in the code.

Supervisor McWilliams said according to county records solid waste fees have been a topic of conservation since 2006. He said the Board is not talking about fees for residents. Supervisor McWilliams said we need to consider the equity of the fee structure for all businesses.

Supervisor McWilliams made the motion to amend chapter 16 of the Bath County Code concerning the elimination of fees for solid waste and to amend the code to include a clear definition of an acceptable landfill and to include that the county will no longer accept stumps. Supervisor Gilchrest seconded the motion.

Supervisor Perdue expressed hesitation in making a major change considering the current Board has three months left in its term. Supervisor Perdue said the Board could consider a temporary moratorium on solid waste fees or reducing the per tonnage fee to \$40.

Supervisor Fry said when the new Board is seated in January they can consider the equity in solid waste fees.

Supervisor Gilchrest concurred.

Chair Collins said there are many fees and taxes the county might want to consider to incentivize businesses. She said the newly elected Board members would take this into consideration during the budget process.

Supervisor Perdue asked when the county had to meet DEQ's recycling numbers.

County Administrator Harrison said the county needed to meet recycling number for the calendar year 2016.

After a lengthy discussion regarding solid waste and other taxes and fees the Chair called for the vote on Supervisor McWilliams motion, seconded by Supervisor Gilchrest to amend chapter 16 of the Bath County Code concerning the elimination of fees for solid waste and to amend the code to include a clear definition of an acceptable landfill and to include that the county will no longer accept stumps. The motion was adopted 3-1-1 with Supervisors

McWilliams, Gilchrest, and Fry voting in favor, Chair Collins voting against, and Supervisor Perdue abstaining.

Presentation - Bath County Senior Center

Mary Susan Blankenship gave an overview of summer activities at the Bath Senior Center. Mrs. Blankenship said the senior center had been without a van driver for over four months. Mrs. Blankenship thanked the Board of Supervisors for supporting the seniors.

2015 Hazmat Emergency Response Plan

Mr. Harold King presented the 2015 Hazmat Emergency Response Plan for consideration by the Board, in Mr. Seabolt's absence. Mr. King said the hazmat emergency response plan was prepared by Central Shenandoah Planning District Commission in conjunction with a subcommittee of the Local Emergency Planning Committee (LEPC). The plan was voted on and recommended by the full LEPC membership. Mr. King said Virginia Department of Emergency Management had reviewed the plan and complimented the LEPC on its thoroughness.

Supervisor Fry made the motion to adopt the 2015 Hazmat Emergency Response Plan as presented. Supervisor Perdue seconded the motion which was adopted 5-0.

Cooperative Agreement between Bath County and Mountain Soil and Water Conservation District

County Administration Harrison said the agreement needed to be updated to reflect the new square footage. Mr. Harrison said the agreement will renew annually unless either party initiates a change. Mr. Harrison said Mountain Soil and Water Conservation District leases 319 square feet of office space at \$7.00 per square foot.

Supervisor Gilchrest made the motion to adopt the cooperative agreement between the County and Mountain Soil and Water Conservation District. Supervisor Perdue seconded the motion which was adopted 5-0.

FY 2016 Revenue and Expenditure Update

County Administrator Harrison said he wanted to bring two issues before the Board concerning revenues and expenditures for the current fiscal year. Mr. Harrison said the meals tax has dropped considerably from \$859,248 from the previous fiscal year to \$691,811 for FY ending June 30, 2015. Mr. Harrison said this represents about a 20% reduction which is significant considering the sales tax is back to pre-recession rates and the lodging tax continues to increase. Mr. Harrison said he projected a 10% drop which appears now was not conservative enough. Mr. Harrison said the other concern was the drop in the equalization ratio. He said the change in the valuation of public service corporation went from 100% in FY 14 to 98.7% in FY 15. The budget shortfall will be approximately \$89,000. Mr. Harrison said no action is necessary at this time but he wanted to bring this to the Board's attention.

FY 2017 Budget Calendar

County Administrator Harrison presented the FY 2017 budget calendar. Mr. Harrison said the calendar reflects the Board's wishes to delay the Capital Improvement Process until after the budget is adopted. This will allow the Planning Commission to make better recommendations based on the available funds.

Supervisor McWilliams made the motion to adopt the FY 2017 Budget Calendar. Supervisor Perdue seconded the motion which was adopted 5-0.

VACo 2015 Annual Voting Delegate

Supervisor Perdue made the motion to designate Chair Claire Collins as the County's voting delegate at the 2015 Annual Virginia Association of Counties conference, and to designate Supervisor Cliff Gilchrest as the alternate. Supervisor McWilliams seconded the motion which was adopted 5-0.

Consent Agenda

Supervisor Gilchrest made the motion to approve the payment of invoices, additional invoices, requests for transfers and appropriations, accept correspondence and monthly reports as submitted, and to include additional items to approve surplus list for auction, and to approve resolution for support for the county's continuance of ability to opt-out of DEQ's expanded stormwater management program. Supervisor Perdue seconded the motion which was adopted 5-0.

Public Comment

Sheriff Plecker announced a work safe program to be held at the high school library on Wednesday, October 14, 2015, at 6p.m. The Sheriff also invited the public to stop by the Sheriff's office to see the new search and rescue equipment that was donated by several citizens of the county.

Mr. John Fischer, Warm Springs District, offered his help to County Administration and Commissioner of Revenue to better project public service corporation assessments.

Ms. Trudy Woodzell, Cedar Creek District, said she wanted the public to know that Jack's Trash Service did not make the decision to remove the greenboxes from Burnsville and the Shooting Range sites. Ms. Woodzell said the receptacles were on Forest Service property and the lease was not renewed. Ms. Woodzell said the receptacles had been relocated. Ms. Woodzell also commended Burnsville Rescue Squad for their first place finish at the annual statewide rescue convention.

Mr. Harold King, Bath County Fire and Rescue Association, said having the budget calendar and specifics for submitting capital requests in advance will be beneficial for planning purposes.

Mr. Jack Lindsay, Warm Springs District, said Burnsville Rescue Squad needs major repairs. He thanked Hot Springs Rescue Squad for loaning Burnsville one of their units to use in the interim.

Board Comment

Supervisor Gilchrest recognized the accomplishments of the high school marching band program.

Supervisor Perdue announced community meetings to be held at the library and Mountain Grove community center.

Supervisor Fry said businesses in the county produce about twenty five percent of the waste yet we often think it's the business community that should be responsible for recycling. Supervisor Fry said the community as a whole needs to get more involved with recycling.

Supervisor McWilliams said we spend a lot of time talking about solid waste and how we have always done things this way instead of looking for new and creative ways of handling solid waste and other programs to make them more cost effective and efficient.

Chair Collins said the freshman through senior girls will hold a powder puff football game at the high school Friday night. Chair Collins announced her upcoming Cedar Creek District meeting at the Hot Springs Fire Hall, Monday, October 19, at 7 p.m.

Supervisor Gilchrest made the motion to adjourn the meeting. Supervisor Perdue seconded the motion which was adopted 5-0.

Chairperson Collins adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., November 10, 2015 for the regular monthly meeting of the Board of Supervisors.

Ashton N. Harrison, Clerk

APPROVED:

Claire A. Collins, Chairperson