

COUNTY OF BATH, VIRGINIA  
BOARD OF SUPERVISORS MEETING  
HOT SPRINGS FIRE AND RESCUE BUILDING

(Due to a malfunction in the fire suppression system at the Courthouse the meeting was moved to Hot Springs Fire and Rescue Building)

Tuesday, September 13, 2016, 7:00 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Claire A. Collins, Chairperson; Richard B. Byrd, Vice Chairman; Stuart L. Hall; Edward T. Hicklin; Mathew S. Ratcliffe; Lady and Gentlemen Supervisors; Michael M. Collins, County Attorney; and Ashton N. Harrison, County Administrator.

Claire A. Collins, Chair called the meeting to order.

Upon a motion made by Supervisor Byrd which was adopted 5 in favor, 0 against, the Board went into closed meeting in the Hot Springs Fire and Rescue Meeting Room Pursuant to Code of Virginia of 1950 as amended Section 2.2-3711.A.1 Personnel and Section 2.2-3711.A.29 Discussion of Contracts and Section 2.2-3711.A.7 Consultation with Legal Counsel.

Supervisor Byrd made a motion 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: Claire A. Collins, Richard B. Byrd, Stuart L. Hall, Edward T. Hicklin, and Matthew S. Ratcliffe

Nays: None

Absent: None

Chair Collins called the meeting to order and led the Pledge of Allegiance. Supervisor Hall offered the invocation.

Chair Collins asked the Board if they wished to approve or amend the agenda and the minutes of the August 9, 2016, Board of Supervisors Meeting.

Chair Collins said she was asked to add the following items to the agenda. Item 173-16 (a) Funding Matters and Item 173-16 (b) County Owned Properties.

Supervisor Byrd added the following item. 169-16 Action from closed session he said there would be three (3) motions as a result of closed session that he would make at the appropriate time.

Supervisor Hall made the motion to approve the agenda with amendments as stated by Chair Collins and Supervisor Byrd. The motion was adopted 5-0.

### **Conduct at Public Meetings**

Chair Collins said the Sheriff provided the Board with Code of Virginia Title 18.2 Crimes and Offenses Generally Chapter 9 Section 18.2-415 Disorderly conduct in public places. Chair Collins read paragraph B. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society, or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. Chair Collins said the code section goes on to say the person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose. The governing bodies of counties, cities, towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefor shall not exceed that prescribed for a Class 1 misdemeanor. Any person violating any provision of this section shall be guilty of a Class 1 misdemeanor. Chair Collins said she wanted to call this to the public's attention and while we have not had any real problems we have had a few issues with respect. We need to have civil discourse and we all want to be role models. She said the Sheriff asked that it be called to the public's attention.

### **Approval of minutes from the August 9, 2016, Board of Supervisors Meeting.**

Supervisor Ratcliffe made the motion to accept the minutes as presented. The motion was adopted 5-0.

### **Public Comment**

Mr. Danny Cardwell, Cedar Creek District, said he wanted to speak on behalf of employees who fear reprisal for their stance on issues. He said at last month's Board meeting the Board addressed the issue of the meals and lodging tax. Mr. Cardwell said there has been some dispute inside the County as how that became an issue so fast without any public input. He said his biggest concern was the Board may act in a unilateral way to end something that took a public referendum to put in place. He said his fear is that people could be coerced or influenced to make decisions that are not fiscally responsible for a County to move forward, and it could solely benefit one entity. He said all he asked was if the Board does address this please suspend all politics and use actuarial math and look at what happens when you take money from one place and put it in another. Ask yourself how it would benefit small businesses in our area that have benefited from tourism. Tourism has been a net positive for the county and has added quite a bit of money to the general fund.

Ms. Lucy Ratcliffe, Cedar Creek District, said she owns property adjacent to the property purchased for a visitor's center. She said she is against an amphitheater in Mitchelltown but she favors a memorial for veterans. Ms. Ratcliffe said she wanted to thank Supervisor Hall for all he does for Bath County and she appreciates that his is a true Christian.

Mr. Jay Trinca, Warm Springs District, said the County released a survey to consider uses for the proposed visitor's center. He said it is recommended that a veteran's memorial park be built on the site to commemorate Bath County veteran's of all wars. He said this tribute will benefit both Tourism and veterans by honoring the sacrifice they have made to protect our freedom and way of life while attracting visitors. Mr. Trinca stressed the importance of the memorial as a tribute to the veteran's of WW II and Korea as many of these veterans have passed away and Vietnam veterans are ageing. Mr. Trinca said this could be a learning tool for the younger generation. Mr. Trinca said the memorial would be for the people, for the veterans, and for the visitors. Mr. Trinca said he and others have collected signatures of those who support the effort to create a veterans memorial.

Mr. Carl Chestnut, Cedar Creek District, said he has read articles in the newspaper recently about the Omni Homestead and would like people to know that 53 years ago he went to work at the Homestead for \$1.00 per hour. He said people who are shouting and talking about the Homestead don't know what it's all about. He said the people of this County should be thankful for the Homestead and everything they have done for the County over the years.

Mr. Scott Miller, Williamsville District, was unable to attend the meeting but submitted the following comments. *"I am concerned that Stuart Hall will continue to represent the Williamsville District while the Attorney General and state police investigate him for election fraud. Considering the serious nature of the potential violations and the length of time that the people of the Williamsville district may have been deceived, I suggest that Mr. Hall should be forced to recuse himself from all votes of the Board of Supervisors."*

### **Board Comment**

Supervisor Hicklin congratulated members of the Economic Development Authority, Maggie Anderson, Director of Tourism and Economic Development, and Wayne Anderson,

former EDA Chairman for bringing Speyside Cooperage to the Millboro Industrial Park. He said no one on the Board or the EDA has been able to bring anything there in the last 30 years.

Supervisor Byrd commented on the comment submitted by Scott Miller. Supervisor Byrd said there's more than one person who votes in these districts at election time and I have served with Stuart Hall for over 17 of the 36 years he has been on the Board of Supervisors. He said Stuart Hall, Supervisor Williamsville District has done more than anyone in the county for the poor. Supervisor Byrd said as far as he is concerned Supervisor Hall will continue to serve the people of the Williamsville District until the courts determine otherwise. Supervisor Byrd encouraged Supervisor Hall to stay positive and said he appreciates Supervisor Hall's service.

Supervisor Byrd read the following letter submitted by Buddy Cauley, Valley Springs District.

*When the Bath County Board of Supervisors implemented a meals and lodging tax, why did they target half of the lodging tax for tourism when Bath is already a leader in the state of Virginia for tourism? What was the purpose of creating a tourism director? Does this one person have authority and control to spend these millions of tax revenue? Does the tourism director communicate with The Homestead manager, their main provider? Why is the board of supervisors not saying enough is enough on spending Bath taxes on building an auditorium and outdoor amphitheater that are not needed for tourism (one for summer and one for winter). Does the new committee, economic development committee (EDC) have to answer to anyone? Have you, the supervisors, lost control when some can attend your meeting and laugh and giggle and tell you to shut up? They were employed by you, paid by you, but you have no control because they have the money and do not have to ask you for it. Why? Why was our county government (board of supervisors) — five people — kept in the dark and not told concerning the stove mill in Millboro by the EDC? The EDC members knew, the tourism family knew, the Shenandoah Valley Partnership knew, the Virginia Economic Development Partnership knew, the Department of Agriculture and Consumer Services knew and the Virginia governor knew. But you, our governing body, did not know. Why do some organizations or committees receive advance monies from the county while others like the schools have to submit a yearly budget? Should not all have to submit a budget? A tax is a tax. Should it not all go to the county treasury in one pot? Do you know the plans for the Millboro Industrial Park? Is Speyside buying, spending or taking this instead of the \$250,000. Do you know, for sure, the price the tourism paid for the eight acres of land? Why are the buildings being destroyed that were just remodeled in the late 1990s? Why is the large tourism office building needed for the tourists that come to Bath County for a vacation (and seem to be lost, do not know where to spend the night, where to eat, what to do)? These people (if there are any) need more than a vacation. They should continue down Bath House Hill and check in at the hospital. Thanks, Buddy Cauley Hot Springs”*

Supervisor Ratcliffe said he hoped to secure a memorandum of understanding for internet service and cellular service in the near future. Supervisor Ratcliffe expressed support and appreciation for Supervisor Hall.

Chair Collins said when she was elected she found it was very different sitting in the supervisor's seat than in the audience. She said many politicians never understand their community, state, or country. She said you have to be willing to go to bat for the citizens. Chair Collins said under state law you are allowed to have one domicile and multiple residences. Chair Collins said if the complaint is about a residence then why is it not about a domicile. Chair Collins questioned why the complainants are not coming forward so the people of the County and State will know who they are. Chair Collins said she had an investigation on her and she

knows how it works. She said she knew who the complainant was and was able to talk to them and the complaint was unfounded. Chair Collins said the complainant should pay the costs so the tax payers don't have too. Chair Collins said the truth will come out in the end and no matter the outcome the person can serve until the truth comes out. Chair Collins said when you go after a politician you are in for a long haul because these things are not settled quickly. Chair Collins said you could be destroying a person's reputation or that of their family. She said she wants to know who the complainants are and wants to know what information they have. Chair Collins encouraged Supervisor Hall and reminded him he has support in the community.

#### **Public Hearing – Consideration to Repeal Bath County Land Use Regulations Section 902.04**

Mrs. Sherry Ryder, County Planner and Zoning Administrator, said the County received a request for subdivision of a property. She said in 2015 a two acre parcel was conveyed to a non-family member. Mrs. Ryder said Bath County Land Use Regulations Section 902.04 has a three year time frame during which no further division of the same parcel would be allowed. The matter came before the Board of Zoning Appeals on a variance. Mrs. Ryder said after further research it came to their attention that a similar situation with a similar ordinance was brought before the Circuit Court in Orange County, VA. The Circuit Court ruled that localities have never been given the authority to put a time provision on subdivisions. Virginia is a Dillion Rule State and the authority must be given and set forth in the Code of Virginia. Mrs. Ryder recommended the Board move to repeal section 902.04 of the Bath County Land Use Regulations immediately.

County Attorney Michael Collins said he had seen this ordinance in other County Codes and there have been cases where parcels were subdivided multiple times resulting in an illegal subdivision. Attorney Collins said the state code does not allow localities too arbitrarily set time limits. Attorney Collins said section 902.04 of the Bath County Land Use Regulations has no basis and he agreed with the Planning Commission that there is no need for it to remain on the books.

Chair Collins opened the public hearing.

Mr. John Fischer, Warm Springs District questioned if the Board decided to repeal section 902.04 of the Bath County Land Use Regulation would it be retroactive.

Attorney Collins said he was not aware of any other applicants out there that this would affect.

Mrs. Ryder said if there is a case out there that had been denied the applicant could bring it to her office for consideration.

Chair Collins closed the public hearing.

Supervisor Hall made the motion to repeal section 902.04 of the Bath County Land Use Regulations and make the decision retroactive to 2013. The motion was adopted 5-0.

#### **Reassessment of Real Property Update**

Mr. Steve Wampler, Wampler and Eanes Appraisal Group, provided the Board with an update of the County's real property reassessment activities. Mr. Wampler said reassessment activities began in August 2015 and after a year the process is complete. He said his firm closed the books on September 1, 2016, and notices were mailed to property owners on September 13, 2016. Mr. Wampler said overall values remained stable, with some increases, mainly due to new construction. Mr. Wampler said the average increase was 0.13% which matches the state average. Mr. Wampler said this was the third reassessment his firm had conducted in Bath and thanked the Board for working with them as they completed the reassessment.

### **Preferred Design Practices for Bath County**

Mrs. Sherry Ryder, County Planner and Zoning Administrator, said she presented Preferred Design Practices to the Board at its meeting in July 2016. Mrs. Ryder said at that time the Board requested she take the document back to the Planning Commission to make changes to the wording so the document did not appear mandatory, but voluntary as far as design guideline suggestions were concerned. She said a disclaimer was also suggested and was added at the end of the document. Mrs. Ryder said the Planning Commission recommended adoption of the document as a guideline with no legal requirements.

Chair Collins thanked the Planning Commission and Mrs. Ryder for their work in revising the document and bringing it back to the Board for consideration.

Supervisor Byrd made the motion to deny the request for adoption of Preferred Design Practices for Bath County.

Chair Collins said three years earlier she came to Mrs. Ryder's office to discuss plans she had seen for Hot Springs that she felt did not mesh with the history and heritage of the County. She said everyone remembers when Dollar General built in Mitchelltown if a plan like this had been available Dollar General as they do in other areas would have designed their building to fit better with the local architecture. Chair Collins said the Planning Commission had discussed preferred design practices that could be used as a guideline. Chair Collins said she understands that people can build whatever they want, but this gives a guideline for new businesses to go by.

Mrs. Ryder said Natural Assets had asked for design guidelines when they first located in the County. She said their first renderings did not seem to fit in. She said this document doesn't keep anyone from building whatever they want but it gives the builder an idea of what the County would like to see.

Supervisor Byrd said the County has been in operation for 225 years and has adopted many ordinances that it does not enforce, and here we are again adopting something that is not enforceable. He said he did not agree with putting something on the books that doesn't amount to anything.

Chair Collins said this is not an ordinance it's like a design pattern book that would be used to encourage developers. She said in resort communities the developer will usually conform.

Supervisor Byrd withdrew his motion.

Supervisor Hicklin made the motion to adopt Preferred Design Practices for Bath County. The motion was adopted 4 -1, with Supervisor Hall casting the dissenting vote.

Supervisor Hall said he voted no because he did not think anyone should tell a property owner what they can or cannot build.

**Consider Agreement between Bath County Board of Supervisors and Bath County Airport Authority**

County Administrator Harrison said this is the third iteration of the agreement between the Board of Supervisors and Bath County Airport Authority. He said the agreement has been updated to go from having a full time director and a full time maintenance person to having two fulltime maintenance personnel. He said it is important to have things in writing so management and employees know who they report to. Mr. Harrison said the agreement keeps the same arrangement whereas the Airport Authority continues to reimburse the County for half of the salary and benefits of one employee. Mr. Harrison recommended adoption.

Supervisor Byrd asked if the agreement was a binding legal document.

County Administrator Harrison said both parties have the option to cancel the agreement with a 180 day notice.

Supervisor Byrd said the County funds according to the amount of requests and the amount of money allocated for funding. Supervisor Byrd asked if the agreement would bind the County if in the middle of a budget cycle we ran out of money.

County Administrator Harrison said the clause gives the Airport Authority ample time to come up with a solution should the Board decide to cancel the agreement.

Supervisor Hall moved not to sign the MOU presented. He said it could cause other employees to say the Board had already agreed they were going to keep employees at the airport, and other employees might say "what about my job, what about my wage increase you don't guarantee that". Supervisor Hall said he thought the Board needed to look at all budget requests at budget time and decide how much the Board can invest in the budget at that time. He said everyone needs to be considered at the same time.

Supervisor Byrd made a substitute motion to repeal the MOU already in place between the County and the Airport Authority signed March 2015, and agree not to sign the MOU presented.

Supervisor Hicklin made another substitute motion to adopt the MOU as presented.

Chair Collins called for the vote on Supervisor Hicklin's substitute motion to adopt the MOU as presented. The motion failed with Hicklin and Collins voting aye, and Hall, Byrd and Ratcliffe voting no.

Chair Collins called for the vote on Supervisor Byrd's substitute motion to repeal the MOU already in place between the County and the Airport Authority signed March 2015, and agree not to sign the MOU presented. The motion failed with Byrd voting aye, and Hall, Hicklin, Collins, and Ratcliffe voting no.

Chair Collins called for the vote on Supervisor Hall's original motion to not sign the MOU presented. The motion was adopted with Hall, Byrd, and Ratcliffe voting aye, and Hicklin and Collins voting no.

#### **Amend Parks and Recreation Advisory Committee By-Laws**

Mark Nelson, Director Parks and Recreation, said according to the current by-laws the Parks and Recreation Advisory Committee meets once per month. Mr. Nelson said in the beginning the committee needed to meet monthly but now that the major tasks have been addressed the committee would like the flexibility to meet on an as needed basis. He said the meetings would be scheduled by the committee and advertised two weeks prior to said meeting.

Supervisor Ratcliffe made the motion to amend the Parks and Recreation Advisory Committee by-laws to allow for meetings on an as needed basis. The motion was adopted 5-0.

Mr. Nelson gave an update of the archery program. He said there are 20 to 25 participants that include all ages. Mr. Nelson thanked local businesses and individuals who donated \$2,100 to purchase equipment.

#### **Schedule Public Hearing on Solid Waste**

Supervisor Hall said the former Board of Supervisors eliminated solid waste fees on all businesses costing the County approximately \$50,000 in revenue. Supervisor Hall said the County is not obligated to pay solid waste costs for businesses and contractors. He said it's time to get the fees back on the books. He said everyone needs to pay their fair share. He said the County cannot continue to pay fees for contractors and businesses.

Supervisor Hall made the motion to advertise the previous solid waste ordinance for a public hearing on October 11, 2016, at the regular meeting of the Board of Supervisors at 7 p.m. or as soon thereafter as possible.

Chair Collins asked if there was an opportunity for suggestions from the public and asked if the Board would consider inviting Republic Services, the County's solid waste handler to provide input.

Supervisor Hall said he welcomed all input and agreed there was room for improvement.

Chair Collins called for the vote on Supervisor Hall's motion to advertise the previous solid waste ordinance for a public hearing on October 11, 2016, at the regular meeting of the Board of Supervisors at 7 p.m. or as soon thereafter as possible. The motion was adopted 5-0.

### **Schedule Board of Supervisors Work Sessions**

County Administrator Harrison asked the Board to consider regularly scheduled work sessions to provide guidance to Administration and staff. Mr. Harrison recommended the fourth Tuesday of the month.

Board members agreed to meet on the fourth Tuesday of the month beginning October 25, 2016, at 10 a.m.

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

County Administrator Harrison said the County is seeking an alternate to serve on the Board of Equalization.

Chair Collins asked interested individuals to contact County Administration.

### **Actions from Closed Session**

Supervisor Byrd said during closed session all five members of the Board of Supervisors and the County Attorney were present. The County Administrator was excused due to an evaluation in regards to his position. Supervisor Byrd said the following action is to be taken immediately and is not to be repeated what was said in closed session by any member present in closed session of the degree or the discussion taken while we were there if so I will have the Chair of the Board of Supervisors to personally see if disciplinary action can be taken against any one that says one word about what was discussed. This action is not about who, what, how or when it is action that this Board feels is necessary for it to take to be able to not take this County backwards but to take the County back. We need to head in the direction that this Board thinks we need to go.

Supervisor Byrd made the following motion from closed meeting personnel consideration. County Administrator is to be responsible for Economic Development including but not limited to serving as liaison between the Board of Supervisors and Economic Development Authority (EDA) and assisting the EDA with administrative and clerical needs to take the burden off individual EDA members. Also, County Administrator will be responsible to work with the Board of Supervisors for determining capital projects; the 1% transient occupancy tax revenue will be designated, spent on, as described in Code Section 15-33B paragraph 1. Tourism Coordinator will be responsible for tourism marketing and event coordination and reporting directly to the County Administrator. Position of Tourism and Economic Development Director is eliminated from the County personnel complement that is effective today. That position that was as prior to this motion if it carries will have ample time to remove their personal items wherever they are located within any confines owned by the Bath County Board of Supervisors.

Chair Collins asked for discussion on the motion on the floor made by Supervisor Byrd.

Supervisor Hicklin said I think that is pretty ridiculous, Maggie Anderson has done nothing but good things for the County she has brought lots of money to the County and she has done

great things for the County. You are jeopardizing the jobs coming to Millboro. You are jeopardizing income, jobs, and the future of the County. Supervisor Hicklin said this is not a very smart decision.

Chair Collins asked for further discussion. Chair Collins said she understood the motion to be for personnel consideration to basically be a realignment of personnel with change to the personnel complement.

Supervisor Byrd said yes madam Chair, preciously, that is as discussed in closed session.

Chair Collins called for the question.

Mr. Cliff Gilchrest, Millboro District, interrupted the meeting. He said this deserves the kind of attention it is getting. He said he found this incredulous.

Mr. Jay Trinca, Warm Springs District, yelled for Mr. Gilchrest to sit down.

Chair Collins asked for those being argumentative to leave the meeting. Chair Collins said she was going to poll the Board and said this is a personnel complement change and realignment. So therefore any comments made are about a position not about a person, the action is.

Chair Collins polled the Board on Supervisor Byrd's motion that the County Administrator is to be responsible for Economic Development including but not limited to serving as liaison between the Board of Supervisors and Economic Development Authority (EDA) and assisting the EDA with administrative and clerical needs to take the burden off individual EDA members. Also, County Administrator will be responsible to work with the Board of Supervisors for determining capital projects; the 1% transient occupancy tax revenue will be designated spent on as described in Code Section 15-33B paragraph 1. Tourism Coordinator will be responsible for tourism marketing and event coordination and reporting directly to the Board of Supervisors through the County Administrator. Position of Tourism and Economic Development Director is eliminated from the County personnel complement that is effective today. That position that was as prior to this motion if it carries will have ample time to remove their personal items wherever they are located within any confines owned the Bath County Board of Supervisors.

Supervisor Hall – aye

Supervisor Ratcliffe – aye

Supervisor Byrd – aye

Supervisor Hicklin – no

Chair Collins – aye

The motion was adopted 4-1. Chair Collins said “no comments, the Board took action, it is a personnel matter, we are not at liberty to talk about personnel, if any Board member talks about anything, they are in violation of state law, just sharing that with the public, and I will make sure that is followed under state law.”

Supervisor Byrd made a motion that the lease agreement entered the 13<sup>th</sup> day of September 2016 by and between Christian Mangels and the County of Bath be authorized at \$262 per month for the Dry Run solid waste site. The motion was adopted 5-0.

Supervisor Byrd made a motion to deny a request for a salary increase in the amount of \$5,770 additional compensation, \$441.40 FICA, \$75.59 Group Life, \$713.75 VRS for a total of \$7,000.74, for the Circuit Court Clerk for additional duties as secretary to the Judge. Supervisor Byrd said everyday employees are asked to do more without receiving compensation for the extra duties, just like the extra duties assigned to the County Administrator at tonight's meeting.

Chair Collins called for the vote on Supervisor Byrd's motion to deny a request for additional compensation for the Clerk of the Circuit Court. The motion was adopted 4-1, with Supervisor Hicklin casting the dissenting vote.

Supervisor Byrd said this concludes actions from closed session.

### **Consent Agenda**

Supervisor Hall made the motion to approve the payment of invoices, additional invoices, requests for transfers and appropriations, accept correspondence and monthly reports as submitted. The motion was adopted 5-0.

### **Additional Items**

**Funding Matters** - Supervisor Hall made the motion to reduce funding allocated from the County's General Fund \$12,000 and Tourism Fund 15 \$60,000 to the Chamber of Commerce to zero \$0 effective immediately.

Chair Collins asked for further discussion. She said this was added as an additional item and typically matters that involve funding are not added to the agenda.

Supervisor Hicklin concurred and suggested the item be tabled. He said there was no need to make a hasty decision. Supervisor Hicklin asked what is the reason behind the motion. Supervisor Hicklin questioned "don't you want anything for the County?"

Supervisor Hall said the Board of Supervisors has the right to de-fund anything in its budget. Supervisor Hall said I want everything for the County and I want the Board of Supervisors to have the say in any kind of money that's appropriated anywhere and not an employee of the County that has control over a half million dollar budget.

County Administrator Harrison said Supervisor Hall is correct, the County allocates \$12,000 per year from the general fund to the Chamber and the tourism fund pays the Chamber \$50,000 per year to operate the visitor's center.

Supervisor Hicklin made a substitute motion to table action of funding matters related to the Chamber. The motion failed on a vote of 2-3 with Chair Collins and Supervisor Hicklin voting aye, and Supervisors Ratcliffe, Hall and Byrd voting no.

Chair Collins called for the vote on Supervisor Hall's original motion to reduce funding allocated from the County's General Fund and Tourism Fund 15 to the Chamber of Commerce to

zero \$0 effective immediately. The motion was adopted on a vote of 3-2 with Supervisors Byrd, Hall and Ratcliffe voting aye, and Chair Collins and Supervisor Hicklin voting no.

**County owned property** - Supervisor Ratcliff made the motion to use County owned acreage in Mitchelltown for business, economic development and a veteran's memorial, not for a visitor's center.

Supervisor Hall said if we build a visitors center it needs to be located in downtown Hot Springs where tourists can find it easier.

County Administrator Harrison said he would need to come back to the Board with budgetary adjustments.

Chair Collins said the Board was planning to get input from the public on how they would like to see the property used. She questioned if the Board no longer planned to seek public input.

Supervisor Ratcliffe asked if a public hearing was held when the property was purchased.

Chair Collins replied no there was no requirement for a public hearing.

Supervisor Byrd said the property was purchased through a resolution.

Supervisor Ratcliffe said we can get businesses in there; it's an economic development portion of the County. He said the buildings don't need to be torn down. He said he wanted to see stuff for the people who live here, like an auto parts store, ice cream shop, daycare facility, car wash, or a restaurant where you can get a hamburger at 10 or 11 p.m.

Chair Collins said she was asking if the Board was going to continue to seek public input as we said we were going to have a public forum.

Chair Collins passed the gavel to Vice-Chair Byrd and made a substitute motion to table action on County owned property to seek additional input. She said money was spent on this property so we have a plan for future use and she felt more time was needed for consideration and to make sure we do this properly.

Supervisor Ratcliffe questioned why there was not a public hearing when the property was purchased.

Vice-Chair Byrd acknowledged the substitute motion made by Chair Collins and asked if there was further discussion on the substitute motion.

Supervisor Hicklin said the Board unanimously passed the strategic plan in April 2016 and the very first thing it recommended was a visitor's center. He questioned why would you pass the strategic plan and then not want a visitor's center.

Supervisor Ratcliffe said the visitor's center needs to be in downtown Hot Springs where all the guests from the Homestead come down and can see everything.

Supervisor Hicklin said the County owns land in Mitchelltown not Hot Springs.

Vice-Chair Byrd called for the question on Chair Collins substitute motion to table action on County owned property to seek additional public input. The motion failed on a vote of 2-3 with Chair Collins and Supervisor Hicklin voting aye, and Supervisors Ratcliffe, Hall and Byrd voting no.

Vice-Chair Byrd passed the gavel back to Chair Collins who called for the vote on Supervisor Ratcliffe's original motion to use County owned acreage in Mitchelltown for business, economic development and a veteran's memorial, not for a visitor's center. The motion was adopted 3-2 with Supervisors Byrd, Hall and Ratcliffe voting aye, and Chair Collins and Supervisor Hicklin voting no.

### **Public Comment**

Mr. Geoff Hamill, of the Recorder, said he had been familiarizing himself with the Virginia Freedom of Information Act, specifically what can be considered and legally discussed in a closed meeting. He said he could not find any authorization for discussing reorganizing an office or changing the chain of command. He said that is a policy decision that should be discussed in open meeting, according to the law as he reads it. He said there are personnel exemptions for discussing firing of a specific person or personnel evaluation for specific person, but he said he could not find anything for holding a private session to discuss reorganizing an office within the courthouse, and furthermore he said he could not find anywhere in the open government law that requires secrecy of Board members from disclosing anything in closed meeting. Mr. Hamill said in fact the Virginia law does not require closed meetings at all, so therefore it doesn't follow that there is any state law that would require a Board member from discussing closed session. He said that concluded his comments and thanked the Board.

Supervisor Hall replied that the only thing the Board discussed in closed session was personnel and personnel requests from another person in the courthouse and some things with the County Administrator regarding a contractual agreement we have with him but the other things were not discussed in executive session. He said the other things were added to the agenda after executive session when the agenda was approved.

Mr. Hamill said as a member of the press he felt discussing realignment of an office in the courthouse during closed session violated the Freedom of Information Act.

Supervisor Hall said we discussed eliminating personnel, and that is legal in executive session.

Mr. Hamill said according to the motion that was made it was reorganization of an office and changing the chain of command in the courthouse and not specifically firing an individual.

Supervisor Hall said we didn't fire an individual we eliminated a position.

Mr. Hamill said that is exactly my point and that should be discussed in open session.

Supervisor Byrd said the motion that was made was to do away with the position. He said he used reorganization to alert the County Administrator of how it was going to be set up. He said it was not part of the discussion in closed session. Supervisor Byrd addressed Mr. Hamill “you were not there, so you don’t know what we talked about.” Supervisor Byrd said the Board didn’t talk about the reorganization; “we talked about the position of the person.” He said he put it in the form of a motion because it was direction of what County Administration was going to do to staff, but it was not discussed in closed session, “therefore I disagree with you and I find your thought unfounded because it was not part of the discussion, I used it in my motion for informational purposes.”

Chair Collins opened the floor for public comment.

Mr. Jay Trinca, Warm Springs District, said the previous motions put a cloud over his veteran’s memorial park. He said he had no intentions of including the veteran’s memorial park and all these good veterans in what’s transpired here tonight.

Mr. Bruce McWilliams, Williamsville District, he said he was very concerned and after hearing the Chair talk a lot about what the people want he didn’t think the people are having a lot of opportunity to understand what is going on. He said in the last two meetings we have had significant conversations added to the agenda as amendments and there are people that don’t know these conversations are going on. Mr. McWilliams said he felt the Board is remiss in not advertising what they are going to be talking about and it’s starting to feel like these conversations are being hijacked because of the fear that folks won’t like how you are going to be answering. Mr. McWilliams encouraged the Board to spend more time communicating what their intentions are as everything seems very last minute and secretive. He said the Board did a tremendous amount of changing and in his opinion not for the good. He said you have taken us back to where we started over ten years ago and it seems you have done this without any public input.

Mrs. Ellen Ford, Millboro District, said the word that comes to her mind is laughingstock and she wondered if this Board is making a laughingstock of itself and if some individuals are making laughingstocks of themselves.

Mr. Danny Cardwell, Cedar Creek District, said one of the items discussed tonight was public discourse and civility at public gatherings and meetings. He said the Chair read a section of the code of Virginia about public outbursts. He said the respect or disrespect that’s facing the Board is almost a mirror reflection of the disrespect the Board is giving the County. Mr. Cardwell said there have been several decisions made that feel like autocratic decisions that have been made behind closed doors. He said this is not autocratic rule and any one of you is fallible, everyone professes their Christianity but no one is willing to be fallible and understand that you could be wrong He said there is a lot of vindictive, nasty and personal behavior going on and so what might be a personnel decision might be a personal decision. Mr. Cardwell said he is willing to work with anyone on this Board for the betterment of the county. Mr. Cardwell said tourism and

economic development are not zero sum games in the sense that everybody needs to know what everyone else is doing. He said it is a zero sum game in that there are businesses competing for our dollars and it doesn't mean you yield some of your governing power to the largest voice or biggest pocketbook in the room.

Mr. Jonah Windham, Valley Springs District, said he watched the Board destroy a lot of hard work by a lot of good people. He said he agreed that a lot of this is vindictive. Mr. Windham questioned the change of the property in Mitchelltown because it was purchased with money that under state law must be used for tourism, the law doesn't say economic development, car washes, or ice cream shops. Mr. Windham urged the Board to go home and think about what they had done. He said one of the things that you have done is close the Chamber of Commerce and the visitor's center. He cautioned the Board not to think they could spend tourism dollars on anything other than tourism because the law doesn't allow for it.

Mr. Jon Trees, Warm Springs District, said he was speechless by the Board's actions. Mr. Trees gave a brief history of the County's first 2% of lodging tax. He said the Board at the time attended meetings which included meetings with the Homestead who fully supported the lodging tax. Mr. Trees said what this Board has done tonight was evil and vindictive. He recalled the night the Board hired Maggie Anderson as the County's first Tourism Director. He said a five member committee voted to hire her with one exception, Mr. Hall, who vote no and insisted the committee hire Ms. Collins. Mr. Trees said he served on the Board of Supervisors for eight years and a lot of good came in those years including creating the office of Tourism and hiring Maggie Anderson.

Mr. Carl Chestnut, Cedar Creek District, said in the 6 or 7 years the Tourism office has spent about \$6,000,000 and he can't see anything that is as good now as it was back then. He said the money is gone and the County has nothing to show for it. Mr. Chestnut said the Board was doing a good job and said keep up the good work.

Mrs. Linda Cardwell, Cedar Creek District, said you reap what you sow. She said you cannot go around letting your position think you are dominate over other people.

Mr. John Fischer, Warm Springs District, said the Board made tough decisions as a Board. He said he understood those decisions as the Board wanting to take control of funds because the people elected you. He said there may be further thoughts on tourism and the Chamber. He said people have the right to disagree with you but it disheartened him to hear people call the Board names just because they were making hard decisions.

Mr. Roy Burns, Warm Springs District, said he is very thankful that the community is going to see some economic development in the near future. He said prior to the opening of the Tourism office if this company had started looking around for a community to locate in they wouldn't have known Bath County has asset to offer. He said the advertising of the County allowed intra-national and international companies to know what we have to offer. He said this allowed the company to invest millions of dollars, maybe even the amount mentioned by Mr. Chestnut in Bath County as return on the funds spent by tourism. He said we are seeing a return

and he understands it takes money to make money. He said he is saddened at the loss of the tourism department. He questioned who will advertise for us now.

Mr. Jim Bryan, Valley Springs District, said he heard some of the Board say there were no personal feelings involved, but the Board got rid of Mr. Anderson as a EDA Board member and then when the EDA hired him as a consultant, the company decided to come here and bring 30 jobs. He said now you are going after Mrs. Anderson, and you say it's not personal, but it sure looks like it. Mr. Bryan said he thought the loss of the airport director was a result of the Board's discussions about possibly not funding the airport. He said the Board allows citizens three minutes to speak but a gentleman at a previous meeting spoke for over twenty minutes. He said people buy their land but they aren't free to do whatever they want with it.

Sheriff Robert Plecker asked the Board if the decisions they made that shut down the tourism department should have been in open session for public discussion.

Supervisor Hall said not really it's the Board's decision. He said the public has a right to question anything during public comment.

Chair Collins said you mentioned closing a department, but the Tourism department is still open.

Sheriff Plecker said you are calling it personnel but if you have the authority to do something like this then whose next. He said Mr. Gilcrest and Mr. Trinca were asked to leave the meeting but after they calmed down he invited them back in. Mr. Trinca apologized and returned to the meeting. Mr. Gilcrest also apologized for his outburst and decided not to return. Sheriff Plecker said when the Board makes detrimental decisions like the ones tonight the meetings are going to get worse. He said the Board operates under Roberts Rules of Order and that gives you what you need to operate. Sheriff Plecker urged the Chair to take charge of the meeting. He said he had grave concern for where the County is headed.

Chair Collins closed public comment and asked for comments by the Board.

Supervisor Hicklin suggested while doing research that Chair Collins check to see if any County had done away with tourism. He said he doubted it, and that makes Bath a first.

Supervisor Byrd said he appreciates comments from the public. He said the decisions are hard ones to make. Supervisor Byrd said he didn't walk around all day thinking of ways to do away with departments and he wanted the people that were in attendance tonight to know that he represents a district that communicates with him. He said did they communicate with me about the tourism director and economic development probably not, but they communicated with me about the property across from Valley Supermarket and they also communicated with me about spending five and a half million dollars in six years. He said his constituents told him it doesn't look a bit different than it did six years ago. He said he respects and listens to the people who talk to him. He said he doesn't set in an office in the courthouse, he goes out in the community. He said not all of his constituents feel the same way and he knows he makes mistakes, but he also knows we cannot continue the way it's been the last four years where the local people who

live here are considered to be nothing. He said he will not set on this Board and allow that to happen. He said if you didn't come here and own something for a million dollars or more then you were considered nothing. He said the people who elected him are people like Buddy Cauley who wrote the letter he read earlier. He said the first year of the former Board in FY 2011-12 they gave the school system an additional \$2,000,000. He said when people set there and throw darts at the Board and tell me to shut up and laugh and clap their hands and make fun of the Board this is the body of the County of Bath, it's not about me, it's about the position we hold. He said he respects the position held by people who are elected to office. Supervisor Byrd said he served with Jon Trees and respects him, but he voted for what he felt was right at the time and it wasn't about anyone who works in the courthouse. He said he knows what was discussed and it was done according to the law.

Supervisor Ratcliffe said he values and respects everyone's opinion but the Board was trying to dig out of the last four years. He said he heard someone say the Board was going backwards, but \$784,000 in consultations. He said this evening the Board of Supervisors met with the School Board to discuss paving the parking lot and while he wished the Board could approve it they just don't have the money. He said the \$784,000 that was spent on consultations could have helped pave the parking lot or fix the baseball field. He said we have to start living within our means.

Supervisor Hall said since January the attendance at meetings has been large but the conduct has been awful; the booing, shouting was worse that he had ever seen. He said thirty six years ago when he was elected he decided to represent all the people, not just the rich or the poor. He said the proposed amphitheatre was not for the people of Bath County, it was for a handful, and if they want to drink wine or whatever they want to do, they can go to the Homestead or Garth Newel. He said the local people cannot afford to go there. He said they were talking about spending over a million dollars but we don't have that kind of money to spend, even if its tourism money it needs to be used to support tourism. He said he heard a person say his business was down over \$5,000,000 this year is tourism helping him, I don't think so. He said the Homestead does their own advertising and they are successful at it. He said the tourism office is not shut down, the coordinator is still there, and the County Administrator is still there, and he is going to be her boss. He said the last Board left this Board in a mess. He said the schools received \$1.9M in the first year of the former Board and someone should have been planning for the parking lot and ball field repairs.

Chair Collins said she appreciates the Sheriff's comments. She said she knows there should not be discord in meetings and she felt like she has failed herself as Chair of the Board. She said she has always allowed people to take advantage of her, all her life. She said she loves everyone out there and she does not have negative feelings about anyone.

Supervisor Byrd made the motion to adjourn the meeting. The motion which was adopted 5-0.

Chair Collins adjourned the meeting.

Ordered that this Board do now stand adjourned until 7:00 p.m., October 11 2016, for the regular monthly meeting of the Board of Supervisors.

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Ashton N. Harrison, Clerk

APPROVED:

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Claire A. Collins, Chairperson