

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

Tuesday, July 11, 2017, 7:00 p.m. Regular Meeting

At the Regular Meeting of the Board of Supervisors of Bath County, Virginia, Richard B. Byrd; Stuart L. Hall; Edward T. Hicklin; Phillip B. Perdue; Claire A. Collins; Lady and Gentlemen Supervisors; Michael W.S. Lockaby, County Attorney; and Ashton N. Harrison, County Administrator.

Upon a motion made by Supervisor Perdue, seconded by Supervisor Hall, and adopted 5 in favor, 0 against, the Board went into closed meeting in the Upper Level Conference Room Pursuant to Code of Virginia of 1950 as amended Section 2.2-3711.A.8 Consultation with legal counsel on specific legal matters requiring the provision of legal advice by such counsel, relating to the sign ordinance and recent judicial decisions and Section 2.2-3711.A.1 Personnel Discussion, consideration, of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body and Section 2.2-3711.A.3 discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to real property in the Millboro Magisterial District. .

Supervisor Perdue made the motion which was seconded by Supervisor Collins and adopted 5-0, in favor of coming out of closed 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: Supervisors Richard B. Byrd, Stuart L. Hall, Claire A. Collins, Edward T. Hicklin, and Phillip B. Perdue.

Nays: None

Absent: None

Chairman Byrd asked for a motion to call the meeting to order. Supervisor Perdue made the motion to call the July 11, 2017 Board of Supervisors meeting to order at 7 p.m. The motion was seconded by Supervisor Hall and adopted 5 in favor, 0 against, with Supervisors Collins, Byrd, Hall, Perdue and Hicklin voting aye.

Chairman Byrd led the Pledge of Allegiance and Supervisor Perdue offered the invocation.

Chairman Byrd asked the Board if they wished to approve or amend the agenda and minutes from the June 13, 2017 Board of Supervisors Meeting.

Supervisor Collins made the motion to approve the agenda with additional invoices and to table agenda item 096-17 consideration to set a public hearing to receive input on forming Bath Highland Network Authority until August 8, 2017. The motion was seconded by Supervisor Hall and adopted 5 in favor, 0 against, with Supervisors Collins, Byrd, Hall, Perdue and Hicklin voting aye.

Supervisor Collins made the motion to approve the minutes of the June 13, 2017 Board of Supervisors meeting as submitted. The motion was adopted 4-0-1, with Supervisors Collins, Byrd, Hicklin, and Hall voting aye; Supervisor Perdue abstained because he was absent from the meeting.

### **Public Comment**

There were no members of the public who wished to speak during the comment period.

### **Board Member Comment**

Supervisors Collins and Hicklin mentioned upcoming community events and encouraged the public to take part in the events.

### **Public Hearing to Amend Bath County Solid Waste Ordinance**

County Administrator Harrison said the County regularly has to contend with a small group of people who purposefully leave solid waste containers open. This action attracts bears which naturally spread trash everywhere. The current ordinance does not address the issue. Cameras have been installed at some sites allowing the County to monitor the situation. Setting penalties for knowingly leaving open any solid waste collection containers would hopefully alleviate some of the problems. County Administrator Harrison recommended adoption of the revised ordinance which would set penalties at \$100 for the first offense, and \$250 for each subsequent offence.

Chairman Byrd opened the public hearing.

Bruce McWilliams, Williamsville District suggested looking at the overall solid waste program.

Carl Chestnut, Cedar Creek District, Sherry Ryder, Warm Springs District, and Jackie Plecker, Williamsville District expressed support for the ordinance.

Jack Lindsay, Warm Springs District agreed with the ordinance but suggested the Board take a step further and make the person responsible clean up the mess.

Chairman Byrd closed the public hearing.

Supervisor Perdue asked what it cost the County to clean up the sites and agreed fines should be more.

County Attorney Lockaby provided background information and discussed penalties.

County Administrator Harrison recommended \$100 for the first offense and \$500 for each subsequent offense.

Supervisors Hicklin and Collins asked about the community service program and who would be responsible for monitoring the clean up.

Supervisor Byrd agreed the solid waste program may require some modifications in the future.

Supervisors Hall and Perdue commented on bear that get in the solid waste containers and the hazard they pose to the public.

Supervisor Collins made the motion to adopt the amended solid waste ordinance and to set the highest penalties allowed under the law. Supervisor Perdue seconded the motion which was adopted 5-0, with Supervisors Byrd, Hicklin, Hall, Collins and Perdue voting aye.

**Ordinance No. 2017-01**  
**An Ordinance Amending Section 16-10 of the Bath County Code**

WHEREAS, the Bath County Board of Supervisors has duly advertised a public hearing on July 11, 2017 to receive input from the public on amending the Solid Waste Ordinance; and

WHEREAS, in the interest of protecting public health, wildlife, waterways, and the environment it is necessary to regulate the usage of solid waste containers; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Bath County, Virginia that a Subsection (f) shall be added to Section 16-10 of the County of Bath Code and shall read as follows:

**Sec. 16-10. Disposal of solid waste and recyclable materials at solid waste and recycling receiving sites.**

(f) **It shall be unlawful for any person knowingly to leave open any solid waste collection container at a Bath County solid waste transfer station. Any person violating this subsection shall be assessed a civil penalty in the amount of \$200 for a first offense, and \$500 for each subsequent offense.**

### **Public Hearing to Amend Bath County Tax Ordinance**

County Administrator Harrison provided an overview of the proposed ordinance amendment that would allow the Commissioner of Revenue to assess new construction when substantially complete instead of January 1 of each year.

Chairman Byrd opened the public hearing.

Bruce McWilliams, Williamsville District offered a different prospective. He suggested the Commissioner of Revenue continue to assess each January and use the lack of a partial assessment as an advantage to anyone wishing to build in Bath.

Chairman Byrd closed the public hearing.

Supervisor Collins made the motion to adopt ordinance 2017-02 amending section 15-4.1 of the Bath County Code. Supervisor Hall seconded the motion which was adopted 5-0, with Supervisors Byrd, Hicklin, Hall, Collins and Perdue voting aye.

### **Ordinance No. 2017-02 An Ordinance Amending Section 15-4.1 of the Bath County Code**

WHEREAS, the Bath County Board of Supervisors has duly advertised a public hearing on July 11, 2017 to receive input from the public on amending Section 15-4.1 of the Bath County Code; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Bath County, Virginia that Section 15-4.1 of the County of Bath Code shall read as follows:

#### **Sec. 15-4.1. - Assessment of new structures substantially completed.**

(a) All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the commissioner of the revenue shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is filed in the treasurer's office and made available therein for public inspection.

The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment shall commence on the sixth day following the due date of such supplemental bill.

(b) With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

### **Set Public Hearing to Consider Revising Bath County Land Use Regulations**

Sherry Ryder, County Planner/Zoning Administrator asked the Board to consider setting a public hearing for August 8, 2017 at 7 p.m. or soon thereafter to receive public input on Bath County Land Use Regulations Sections 802.04-3, 802.05-2, 805.02-3, 806.02, 806.03 and fee schedule to include mailing return receipt notices to adjoining landowners for conditional use permits, rezoning, and variance applications; and to revise the size of the sign to be posted for public notice to a minimum of two (2) square feet.

Supervisor Collins made the motion to schedule a public hearing for August 8, 2017 at 7 p.m. or soon thereafter to receive public input on Bath County Land Use Regulations Sections 802.04-3, 802.05-2, 805.02-3, 806.02, 806.03 and fee schedule to include mailing return receipt notices to adjoining landowners for conditional use permits, rezoning, and variance applications; and to revise the size of the sign to be posted for public notice to a minimum of two (2) square feet. Supervisor Hicklin seconded the motion which was adopted 4-1, with Supervisors Byrd, Hicklin, Collins and Perdue voting aye, and Supervisor Hall voting no.

### **Bath County Visitor's Center Update**

Celine Pritt, Tourism Manager provided an update on progress in securing an engineering and architectural firm to design the future visitors center and provide a conceptual plan for event grounds. The County released a request for proposals in March 2017, sixteen responses were received. A committee was formed and to date the responses have been narrowed down to a field of five prospective candidates. Interviews will take place in the next few weeks and a final candidate will be selected and brought back for the Boards approval.

### **Unified Environmental Covenant for Closed Landfill**

County Administrator Harrison asked the Board for authorization to submit application for unified environmental covenant for closed landfill. Bath County Landfill is a closed landfill however, the County must continue to comply with post closure care such as groundwater and gas monitoring. The County can terminate the post closure care requirements through the Unified Environmental Covenant application process.

Supervisor Perdue made the motion to authorize County Administrator Harrison to submit application for unified environmental covenant for closed landfill. Supervisor Collins seconded the motion which was adopted 5-0, with Supervisors Byrd, Hicklin, Hall, Collins and Perdue voting aye.

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

Supervisor Hall made the motion to reappoint Bruce Cambata, Claire A. Collins, and Jeff Ford to the Bath County Airport Authority for a three year term to expire August 1, 2020.

Supervisor Perdue seconded the motion which was adopted 5-0, with Supervisors Byrd, Hicklin, Hall, Collins and Perdue voting aye.

**Actions From Closed Session** - There were no actions taken as a result of the closed session.

#### **Consent Agenda**

Supervisor Collins made the motion to approve payment of invoices, additional invoices, requests for transfers and appropriations, accept correspondence and monthly reports as submitted. The motion was seconded by Supervisor Perdue. The motion was adopted 5-0, with Supervisors Byrd, Hicklin, Hall, Collins and Perdue voting aye.

#### **Public Comment**

Dave Powell, Warm Springs District expressed concern that assessing property upgrades midyear would discourage folks from making improvements.

Debra Hunt expressed concerns that individuals may be practicing massage therapy without the proper license and insurance. She also expressed concerns that this is happening from people's homes as opposed to a legitimate business atmosphere.

Linda Wesley-Fry, Valley Springs District disagreed. Ms. Wesley Fry noted that massage therapy is highly regulated by the Board of Nursing and massage therapy professionals have worked hard to overcome stigmas associated with the profession.

Ruth Sturgill suggested better communication and public awareness for the future Visitor's Center plans.

Jackie Plecker, Williamsville District recommended a deadline for political signage.

Harold King, Williamsville District and Trudy Woodzell, Cedar Creek District commented on solid waste.

#### **Board Member Comment**

Chairman Byrd and Supervisor Collins thanked the public for their comments.

Supervisor Hicklin commented that concerns with massage therapy regulations is not a function of the Board of Supervisors.

Supervisor Perdue requested the County Administrator communicate with Susan Hammond, VDOT Residency Administrator and ask her to attend Board of Supervisors meetings at least every other month.

Supervisor Perdue made the motion to continue the meeting to July 24, 2017 at 6 p.m. for a joint meeting with the Planning Commission. The motion was seconded by Supervisor Hicklin.

The motion was adopted 5 in favor, 0 against, with Supervisors Collins, Byrd, Hall, Perdue and Hicklin voting aye.

Chairman Byrd dismissed the meeting at 8:24 p.m.

Ordered that this Board do now stand adjourned until 6:00 p.m., July 24, 2017, for a joint meeting with the Planning Commission. The next regular monthly meeting of the Board of Supervisors is scheduled for August 8, 2017 at 7 p.m.

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Ashton N. Harrison, Clerk

APPROVED:

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Richard B. Byrd, Chairman

