

MEETING #30 – May 2

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, May 2, 2012 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chairman
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
V. R. Shackelford, III, County Attorney
Ernie Hoch, County Administrator
Betty Grayson, Zoning Administrator
Brian Daniel, Erosion & Sedimentation Technician

ABSENT: Jacqueline S. Frye, Clerk of the Board

1. Call to Order/Determine the Presence of a Quorum:

Chairman Allen called the meeting to order and advised that all members are present and a quorum was established.

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors and Planning Commission commenced their meeting with the Pledge of Allegiance and a moment of silence.

3. Adoption of Agenda:

Chairman Allen advised the Board will discuss the following items:

a) Shenandoah National Park (Fee Waiver Request for Old Rag Mountain Parking Lot

b) Town Hall Meetings

c) Park & Recreation Authority (Resolution regarding Master Concept Plan for Hoover Ridge) and

d) Scheduling a public hearing on the zoning amendments.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board adopted the agenda as amended, with the following vote recorded:



J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

4. Joint Meeting Agenda:

Case Number: SP-05-12-02: Request by Woodberry Forest School for a site plan for the Walker Building kitchen additions and renovation. This plan also shows campus road improvements. This property is located off Route 15 (James Madison Highway) near Woodberry Forest and contains 527.710 acres of land, zoned A-1. The final plan has been approved by the Virginia Department of Transportation, dated May 1, 2012, and a letter has been received from Gene Lewis, Plant Operator for WFS dated March 29, 2012 to advise that the facility is close to its capacity. Approval has not yet been received for the erosion and sedimentation, but since the property is zoned A-1, Brian Daniel, Erosion & Sedimentation Technician, can approve the plan when approval is received from the Culpeper Soil & Water Conservation District.

Steve Allen, Architect, was present on behalf of the applicant, and advised the project should be completed by the summer of 2013, with a temporary structure being in place by November 2012.

Supervisor Elliott questioned the fact that there is a lot of asphalt and he'd like to know what will be done with this (i.e. recycle, top soil, staging, mill, dumping). Also, he commented as to where the designated area will be for stockpiling materials.

Mr. Allen advised the asphalt will more than likely be re-milled or recycled, which is the goal specified in the documents provided; also the area for stockpiling materials will be in a staging area at the rear of the field; he does currently have a contractor on board and final details are being addressed at this time. In closing, he anticipates in the future, these materials will be housed within close proximity to the Walker Building and will be surrounded by silt fencing.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Butler, the site plan is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye



Case Number SU-05-12-03, Request by Casey Brown, Lessee, of property owned by Yates Properties of Madison LC for an indefinite special use permit for a retail store to sell buildings, grills, lawn furniture, etc. This property is located off Route 29 Southbound Lane at Shelby and contains 8.758 acres of land, zoned Industrial, M-1. The request was approved by Dwayne Dixon of the Madison Health Department on May 2, 2012. A sketch is also attached showing the existing building, parking, and where the display area will be located.

Casey Brown, Lessee, was present and advised the types of furniture will include play sets, birdhouses, indoor/outdoor lawn furniture, and other household items.

Mr. Williams asked the owner if he would have any objection if “etc.” was changed to read “other household items”, to which there were no problems noted by the applicant.

The County Attorney recommended that “etc” be represented as “lawn furniture and furnishings and other household items.”

Charles Dean, landowner, was present and questioned if the 8.758 acres of the Yates’s Property will be used to house the main building or will some of the property be utilized for storage.

Mr. Williams, Chair, advised that some clarity is needed regarding the special use permit pertaining to the square feet.

Betty Grayson, Zoning Administrator, advised the portion in question is what the business owner is leasing in order to initiate the business. In closing, she advised the entire amount of acreage is zoned Industrial, M-1, and this is the same piece of property where Mr. Yates’ mini storage warehouses are located.

Mark Dawson, private business owner, advised that in his opinion, small businesses are greatly needed in Madison County.

Mr. Brown, lessee, provided insight as to where he would like to situate the building on the property; he also advised there are two (2) separate parcels to the property.

Supervisor Butler questioned whether the special use permit being issued is for the location or the individual.

Ms. Grayson advised the special use permit is actually listed on Mr. Yates’s property for the lessee, but only for one (1) acre; the sketch is also provided although there is no actual survey laid out.

Supervisor Butler asked how the special use permit could be attached to Mr. Brown, to which Ms. Grayson advised this can be attached to Mr. Brown or a future lessee, unless the Board attached a condition to denote it will be “specifically’ for that particular applicant.



Supervisor Lackey questioned if the special use permit covers the entire acreage of the property.

Ms. Grayson advised that it does, as there is no way to separate things out based on the tax map number.

The County Attorney suggested the motion be limited to the portion of the 8.758 acres containing approximately one (1) acre that includes the building interior space of 2,500 square feet.

Supervisor Elliott questioned if the special use permit would still apply in the event Mr. Brown left.

The County Attorney advised this would be so and will need to be a part of the motion, if this is acceptable to the applicant.

Mr. Brown questioned whether the aforementioned suggestion would limit anyone coming behind him who desired to open a retail store in the location, as he wouldn't want to hinder anyone in the future.

Supervisor Lackey asked if there was a special use permit already in place for the property at this time.

Ms. Grayson advised the property is zoned Industrial, M-1 at this time and is in line with what Mr. Yates (property owner) wants to do with the property. In closing, she explained that a retail store is allowed by special use permit in an Industrial, M-1 zone.

Supervisor Lackey questioned if the special use permit applies to the entire 8.758 acres, then retail stores could be situated anywhere on the property, to which Ms. Grayson advised was correct unless there are limits specified to Mr. Brown's application.

Chairman Allen asked, once the special use permit is issued and it isn't attached specifically to Mr. Brown's uses, it will still restrict the use to a retail store selling "buildings, grills, lawn furniture and other household furnishings."

Supervisor Weakley questioned whether the special use permit applies to everything on the 8.758 acres and not just the one acre, to which Ms. Grayson advised is correct.

Ms. Grayson advised that any future businesses will have to sell the same items that are denoted and the special use permit applies to the one (1) acre as denoted in the lease and will apply to the entire area if it involves a retail store.

Ms. Grayson also advised the lease between Mr. Yates and Mr. Brown is only for the one (1) acre, which is covered by the special use permit. Additionally, she clarified that what Mr. Brown desires to do now is allowed in the Industrial, M-1 zone; however, by the special use permit, this will only apply to the retail store to sell the items specified.



Supervisor Elliott asked if a future retail store would be allowed to sell the same items, to which Ms. Grayson advised wouldn't be so if it was only limited to the one (1) acre plat, as the special use permit ties the guidelines to the specific operation in the specified area.

Mr. Yates, property owner, was present and clarified that the storage facility is on a separate parcel and the only thing being discussed is the building.

Supervisor Lackey wanted clarification that the storage facility isn't a part of the 8.758 acres; she asked about the total acreage in the M-1 zone.

Ms. Grayson advised the total acreage is about 14 (fourteen) acres which includes both pieces of property.

Supervisor Lackey asked if the special use permit would apply to the entire acreage, to which Ms. Grayson advised will pertain to a separate tract of land.

The County Attorney advised there has been a suggestion that the special use permit be limited to the one (1) acre lot.

Chairman Allen wanted to clarify that approval of the special use permit, based on amendments by the Madison County Planning Commission, are restricted to the one (1) acre parcel where the building exists, and stipulations of the type of business will restrict any future business, but this ground could be sold to another person if the County doesn't specify items solely utilized by the existing applicant.

The County Attorney advised that the aforementioned comment was correct pertaining to tonight's request.

The County Attorney further advised that any use that's allowed 'by right' can be accomplished at the site being discussed tonight; however, there will be an addition of a 'retail store' by special use permit. Also, in line of the Chairman's comments, if the County doesn't limit the use to what Mr. Brown's uses are, then he could sell the lease and business to another individual and they could continue to operate at the site without having to return to the County to apply for another special use permit.

Supervisor Weakley questioned the guidelines of 'limiting' uses.

Chairman Allen advised if the uses aren't specified on the special use permit, this will have a bearing on the future (use) of the site.

Supervisor Weakley advised that he didn't want to denote stipulations if this will curb future business(es) at the site.

Supervisor Lackey questioned the items included as uses, to which the County Attorney reiterated that the Commission suggested the items be listed as "lawn furniture and



furnishings and other household items.” In closing, she questioned if ‘port-a-potties’ could be sold, to which the County Attorney advised that in his opinion, this could be classified as a portable building and will fall within the definition as denoted, although it would probably not be considered as ‘lawn furnishings’, but one could argue that a ‘port-a-potty’ isn’t a lawn furnishing.’

After discussion, on motion of Supervisor Elliott, seconded by Supervisor Butler, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with stipulations considered in the special permit use for the one (1) acre, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Mr. Williams, Chair, advised that Ms. Grayson has provided all members with a copy of the Commission’s bylaws, as changes needed to be incorporated since the Madison County Board of Supervisors’ changed the meeting time from 7:30 p.m. to 7:00 p.m. – this change has been incorporated into the bylaws. Additionally, there is a document to address the wind energy study, which will need to be addressed at the May workshop session.

Ms. Grayson advised that she contacted Mr. Fishback and he is planning to attend the May workshop session; he is hoping to have his wind study completed by May 6th or 7th; as soon as this is complete, he will deliver a copy and it will be passed along to all members.

The County Attorney advised that the Commission previously discussed the proposed zoning and setback amendments; discussion was also held regarding having a joint meeting with the Madison County Board of Supervisors on June 6th; however, he will be on vacation that day and the Board wanted him to be present for the joint session. Also, the first Wednesday in July is the fourth (4th), which is a holiday.

Ms. Grayson advised that the meeting will be scheduled for the following day, Thursday, July 5, 2012.

The County Attorney advised if the Commission is in agreement, he will schedule the public hearing to commence after the regular agenda on July 5, 2012.

Ms. Grayson advised that the Commission’s bylaws are in agreement with holding meetings that fall on a holiday to the next business day.



Supervisor Lackey questioned whether the meeting could be delayed until June 11th, which is the day of the Supervisor's regular meeting.

The County Attorney clarified if the meeting is a 'joint' public hearing, it will need to be scheduled on a day when both governing bodies can be in attendance.

Mr. Williams, Chair provided an overview of the tasks that lie ahead for the Commission and things are starting to 'stack up'; therefore, the Commission would like to either have its own public hearing, or move forward with a joint session so as to be more efficient toward the citizens. In closing, he recommended the Madison County Board of Supervisors make a determination as quickly as possible.

Ms. Grayson also advised that when meeting dates start being changed, there is a published list of deadline dates that correspond with those meeting dates, and they have been sent out to all the Supervisors and engineers; therefore, if the deadline dates, someone could possibly miss the deadline.

The County Attorney strongly suggested the Madison County Board of Supervisors move forward with the joint session on Thursday, July 5, 2012 and possibly schedule another meeting at a later date, if necessary.

With no further business, Lloyd Williams, adjourned the Commission's portion of tonight's meeting.

Other Items

a. Shenandoah National Park (Fee Waiver Request [Old Rag Mt. Parking Lot])

Chairman Allen advised the Board received correspondence regarding the request and whether a representative was present.

Ms. Grayson advised the letter was submitted by VBH Engineering Company, Inc.

Brian Daniel, Erosion & Sedimentation Technician, was present and advised that he believes a structure will be built; however, the only plans he has seen are ones that denote the details regarding the actual parking lot.

Chairman Allen asked if there has been any receipt of similar requests for these types of fee waivers in the past.

Mr. Daniel advised the Building Department has never waived fees for erosion and sedimentation, but there have been waivers of building inspection fees for certain organizations, etc.

David Jones, Commission member, questioned whether the County will still have to pay fees to the State of Virginia regardless whether the County waives the fees or not.



Mr. Daniel advised that under current guidelines, the State doesn't have any control fees in place.

Supervisor Lackey questioned who VBH Engineering Company, Inc. is and what they'd like to do. In closing, she asked if they were constructing a parking lot or expanding a lot that already exists.

Mr. Daniel advised that VBH Engineering Company, Inc. is a business that performs civil engineering services and is contracted through the Shenandoah National Park to design the parking lot there. In closing, Mr. Daniel advised that he was uncertain, but to the best of his knowledge, believes the area in question is an entirely different area.

Ms. Grayson advised the area being discussed is a different area, based on her conversation with the representative over the telephone; the individual wasn't sure of the tax map number he was dealing with or the property owner's name. In closing, she mailed the representative a packet and hasn't heard anything yet.

Supervisor Lackey questioned that the County is being asked to waive fees for something the engineering company failed to file in time.

Ms. Grayson advised that she informed the representative they will need a site plan, the fees associated with the plan, and called them (at the request of the Chairman) to advise there were associated fees, excluding those in place for erosion and sedimentation. In closing, she also left a message but hasn't received a return call.

Supervisor Butler verbalized agreement that the Board should have written information from the representative as to what their intentions consist of.

Supervisor Elliott advised that he wasn't in favor of requesting the entity to spend a lot of money on plans and/or drawings, but would like a representative to come before the Board to provide input as to what tax map is involved along with a sketch of what they're planning to do. In closing, he isn't in favor of forfeiting the taxpayer's dollars, but is willing to review documentation from the representative, and will then determine how best to proceed.

Supervisor Lackey advised that she feels the park service will pay for the venture.

Mr. Daniel advised this situation is rather unusual, as in the past, the Shenandoah National Park would have the State review their plans and they would do the inspections; however, because this endeavor is on private property, the County is involved because the property isn't exempt from the County since it is private property. In closing, he advised the County usually requires citizens to present a preliminary plan so the County can have input on things that will need to be in place; however tonight's case has different circumstances involved, as the park usually doesn't deal with the



localities, but the State, and there apparently is an agreement in place between the park and the private landowner.

Mr. Daniel advised that he conversed with Richard Jacobs of the Culpeper Soil & Water Conservation District, and he agreed that the plans need to be reviewed by the County.

Supervisor Lackey questioned whether the park purchased land from the private landowner.

Mr. Daniel advised that he was unsure of the specifics, to which Ms. Grayson concurred.

b. Town Hall Meetings

Chairman Allen asked for input regarding a schedule for future town hall meetings and suggested the meetings be held quarterly, beginning in June 2012, and discuss a location.

Supervisor Lackey suggested the meetings be held in the precincts, to which Chairman Allen advised totaled seven (7).

Supervisor Butler verbalized he would be in favor of having the first meeting, assess how it goes, and then schedule additional meetings for the next quarter; he also asked if these would be wide open discussions or specific discussions to include the CIP. In closing, he suggested when the session is advertised, there should be mention of the specifics of the session and also questioned how many supervisors will be present.

Chairman Allen advised these meetings will be for open discussion and not fully controlled by the Board; there was discussion all members who wanted to attend can; however, if there is a quorum present, the Board will have to operate the session as a formal meeting.

Supervisor Elliott advised that the problem he sees is the fact that if the sessions only involve a few members, there may be questions that all members cannot address; also, if a citizen comes forth with a question, he'd like to be able to provide the answer at that time, if possible, rather than to wait. In closing, he feels that all members should be present for a public forum so all members can hear what the citizens have to say, what they'd like to see done, or what they're looking for, and provide answers then, if possible.

Supervisor Lackey suggested the Board try to utilize a possible meeting format at an upcoming session based on various scenarios and consult with the County Attorney as to the levels of business that can be discussed. In closing, she suggested the Board have something on paper in a structured format.



Supervisor Elliott advised that a town hall meeting cannot be based on a format to discuss certain items, as there may not be anyone present who wants to discuss what's on the piece of paper.

Chairman Allen advised that with town hall meetings, if a spokesperson is present to voice specific concerns, this can't be done within five minutes; therefore, he suggested the Board be careful with placing boundaries on the citizens.

Supervisor Lackey advised that no one individual should be allowed to talk on the microphone for the entire session; therefore, she feels there should be some structure so all who'd like to speak will be able to do so.

Chairman Allen advised that the town hall meetings will be a learning process.

Supervisor Weakley advised there can be a 'feedback' leading up to the town hall meetings where a survey box can be positioned for citizens to place their ideas – a box can be placed at the various County offices or the local library – this will be an asset for those who don't have home internet service.

Supervisor Butler questioned whether an agenda will be in place.

Supervisor Weakley suggested the initial meeting be held in a centralized location during the evening hours.

After discussion, the Board decided to hold the first town hall meeting on Tuesday, June 26, 2012 at 7:00 p.m. at the Brightwood Ruritan Club, and the County Administrator will handle placing citizen suggestion boxes at various sites throughout the County to attain input.

c. Park & Recreation Authority (Resolution #2012-6)

Chairman Allen advised the Board will need to act on Resolution #2012-6 to approve/endorse the master concept plan for Hoover Ridge, Phase II. A couple of members of the recreation authority are in attendance tonight. In closing, he asked if there were any questions pertaining to tonight's request.

Supervisor Weakley asked if the only change was to the language to denote "Phase II" or was there something more.

Chairman Allen advised there was also a change to the final sentence, as incorporated by the County Attorney.

Chairman Allen advised that this request was discussed during the recent workshop session with Mr. Dean and Mr. Price, members of the recreation authority.



After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted Resolution #2012-6 [To Approve/Endorse the Concept Plan for Hoover Ridge, Phase II, Presented by the Madison Parks & Recreation Authority]:

Supervisor Butler commended the members of the Madison Parks & Recreation Authority for coming up with a concept plan, and also thanked the volunteers for all of their assistance, at no cost to the County.

Supervisor Lackey suggested that no members leave tonight without presenting a donation to Mr. Dean.

With the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Chairman Allen thanked Mr. Dean and Mr. Price for their efforts and all they've done.

Mr. Dean thanked the Board; the authority isn't quite ready to accept checks but would ask the members to hold onto those checks until the appropriate time. In closing, the authority will be looking to ask 1,000 individuals to pledge \$100.00 annually and would like to review the plan within the next five (5) years.

Supervisor Lackey advised that the recreation authority has come forth with a five (5) year plan and they have goals to achieve for the next five (5) years that will transform Hoover Ridge.

Mr. Dean advised the second page of the concept plan mentions Phase III and the authority wants to be looking at this portion as well, as they will not be content with stopping at Phase II. In closing, he advised that Phase III is a much bigger project and the authority will be looking to contact individuals to assist and will be more than happy to share this information with the community.

d. Public Hearing (Zoning Amendments)

Chairman Allen advised the Board will need to set a date and time to hold the public hearing on the zoning issues.

After discussion, it was the consensus of the Board to have the public hearing on Tuesday, July 10, 2012 during the 7:00 p.m. session to discuss the zoning issues.



5. Adjournment

With no further action being required by the Board, on motion of Supervisor Butler, Supervisor Lackey, Chairman Allen adjourned the meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk to the Board

Adopted on: June 11, 2012

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley, V. R. Shackelford, III & Constitutional Officers

Resolution #2012-6 (To Approve/Endorse the Concept Plan for Hoover Ridge, Phase III Presented by the Madison Park & Recreation Authority]



ADDENDUM

RESOLUTION #2012-6 TO APPROVE/ENDORSE THE CONCEPT PLAN FOR HOOVER RIDGE, PHASE II PRESENTED BY THE MADISON PARK & RECREATION AUTHORITY

WHEREAS, Eddie Dean and J. T. Price appeared before the Madison County Board of Supervisors at its workshop meeting on April 30, 2012, on behalf of the Madison Park & Recreation Authority (the "Authority") to present the Authority's concept plan and the Authority's fundraising plan for the development of Hoover Ridge, Phase II.

Now, therefore, it is hereby RESOLVED that the Madison County Board of Supervisors approves and endorses the Authority's concept plan for the development of Hoover Ridge, Phase II, attached hereto as Exhibit 1; and further that the Madison County Board of Supervisors approves and endorses the Authority's fundraising plan for the development of Hoover Ridge, Phase II, attached hereto as Exhibit 2. All funds collected pursuant to the aforesaid fundraising plan shall be dedicated to the development of Hoover Ridge, Phase II, in accordance with the aforesaid concept plan. Any proposed change in the aforesaid concept plan must be approved by the Madison County Board of Supervisors.

Enacted this 2nd day of May, 2012, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

J. Dave Allen, Chairman
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
J. Dave Allen	<u> x </u>	_____	_____	_____
Doris G. Lackey	<u> x </u>	_____	_____	_____
Jerry J. Butler	<u> x </u>	_____	_____	_____
Pete J. Elliott	<u> x </u>	_____	_____	_____
Jonathon Weakley	<u> x </u>	_____	_____	_____
Testee:				

Ernie Hoch, County Administrator

