

## MEETING #42 – September 5

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, September 5, 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-Chair  
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 have few items to discuss from the workshop to include a Proclamation to recognize Constitution Day.

Additionally, there will be various items for discussion under “Information & Correspondence” to include:

- a) Review of Certificate of Claims (to include post year); and
- b) Transfer Station Holiday Schedule;

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted the agenda as presented, 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: SU-09-12-06: Request by James C. and Rachel N. Graves for an indefinite special use permit to operate a campground (Graves' Mountain Campground) on ten (10) acres of the 900.640 tract of land. This property is located at 3822 Old Blue Ridge Turnpike (off Route 670) near Syria, zoned C-1. A request was sent to the Virginia Department of Transportation on August 17, 2012 and nothing has been received to date. Also, no site plan has been submitted on this request to date.

Lynn Graves was present and advised that soil testing has been done and he is awaiting the results.

Concerns verbalized from the Commission pertained to whether approval has been attained from VDOT.

The County Attorney suggested the applicant be asked to table tonight's request until all information is attained.

Betty Grayson, Zoning Administrator, asked for clarification as to whether the case will be tabled until the October 2012 meeting, as there are no other cases in place.

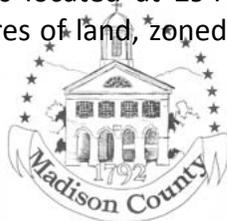
Supervisor Elliott expressed concerns about the fact the applicant is doing what the Madison Health Department has asked them to do; however, when a case is tabled, sometimes it can take an excess of up to ninety (90) days before all criteria is in order and he'd hate to see the applicant lose revenue as a result of tonight's request being tabled.

The County Attorney clarified the request is for the applicant to 'table' the case and not the Commission, as the applicant can table a request as many times as they'd like; however, the Commission can only table a case once.

Mr. Williams, Commission Chair, also advised that if the applicant requests the case be tabled, there is no time frame in place as to when it can be brought forth again.

After discussion, Mr. Graves asked that the case be tabled until the November 2012 Joint Meeting session, and Mr. Williams clarified that the Commission has no additional action to be undertaken on this particular case tonight.

Case Number SU-09-12-07: Request by Tomlinson or Deshna Craig for an indefinite special use permit to operate a kennel for no more than thirty (30) animals. This property is located at 294 Waylands Mill Road (Route 618) near Leon and contains 14.149 acres of land, zoned A-1. The original special use permit request was issued on



September 3, 2008. To date, no information has been received from the Virginia Department of Transportation regarding approval. Also, a letter has been received from Dwayne Dixon, Sanitarian, of the Madison Health Department dated May 20, 2008 with a new date of September 5, 2012, initialed by Mr. Dudley M. Pattie of the Rapidan Service Authority.

Lee Baines, Civil Engineer, was present on behalf of the applicant to answer any questions pertaining to tonight's request, as Ms. Craig resides in Connecticut and is unable to attend. Additionally, he advised the intention of this application for a special use permit was done as a means of reapplying for a permit that was approved at an earlier time that has lapsed, in light of Mr. Craig's passing. In closing, he advised there is nothing special requested other than what was originally asked by the applicant in the past.

David Jones, Commission Member, questioned whether approval was attained by the Madison Health Department and VDOT.

Mr. Baines advised that approval hasn't yet been attained from the EPA, they have been contacted and was advised to submit a separate plan sheet, excluding the site plan, with a letter to outline what the applicant plans to deal with the waste water, as a permit will need to be attained; once the information has been submitted to the EPA, a letter will be forwarded to the applicant. In closing, he advised that approval has been attained from VDOT and the plan has been signed.

Further concerns verbalized by the Commission pertained to a waiver of parking spaces for eight (8) spaces instead of thirteen (13) and what would occur if the operation changed ownership in the future, as the applicant didn't want any parking spaces and felt that thirteen (13) spaces was too much for a location that plans to house at least thirty (30) animals. Also, there were concerns as to whether anything had been advised regarding the need for a soil and erosion plan.

Mr. Baines advised that he will check with his client regarding the parking spaces that have been suggested for the property, as she wasn't in favor of implementing any parking spaces at the site.

Bob Kane was present and expressed concerns regarding:

- The size of the outdoor runs;
- The need for heating/cooling;
- The height of fencing around the exercise area; Outside runs will be covered;
- Will only neutered dogs be served;



- Will vaccinations be required;
- What will be the cost to dog owners; and
- Whether a caretaker has to be on site at all times;

Mr. Baines advised the kennels will have outdoor/indoor runs with concrete floors, (outdoor will be seventy-five percent [75%] covered with fencing height of forty-eight inches to sixty inches (48" to 60")); metal buildings will be air conditioned with posts, beams and wings on either side; and there will also be private dog runs twelve feet by five feet (12' x 5'). In closing, it is anticipated:

- The business will serve a high end clientele from Northern Virginia;
- The caretaker will reside on the premises; and
- This request isn't a land use issue;

After discussion, the Commission requested the conditions denote that:

- a) Thirty (30) animals will be served;
- b) The caretaker will be on site "24/7" and live in the existing house;
- c) State/federal regulations will be met pertaining to the drain field for animal waste; and
- d) That all conditions will 'go with the property' and not just the applicant;

Mr. Baines advised that he spoke with Mr. Richard Jacobs of the Culpeper Soil & Water Conservation District and he indicated the plan was reviewed with no outstanding issues other than drainage next to the building and the fact that the ditch needs to be made wider and flatter; otherwise, there was no reason to implement further changes to the existing plan as presented.

Ms. Grayson advised that neither her office of Brian Daniel, Erosion & Sedimentation Technician hasn't received anything to date as well.

After discussion, the Commission questioned the fact that issues pertaining to the EPA, parking spaces and the fact there is no bathroom in the building for customers (employees will use the bathroom in the existing house). Furthermore, it was denoted there should be one (1) parking space every 250' in a gravel lot with no lines, as required by the EPA and VDOT.



Ms. Grayson also clarified there has been no will recorded for the property and despite the fact that Mr. Craig is now deceased, the records in the Commissioners' office still show both names on the property listing(s).

After discussion, Mr. Baines requested tonight's application be tabled until the October 2012 meeting, to which Mr. Williams, Chair, advised for the record.

Mr. Williams, Chair, advised that a public hearing on the Fishbeck case will be heard at the October Joint Meeting with the Madison County Board of Supervisors.

With no further cases requiring action, the Commission adjourned their portion of tonight's meeting session.

The Madison County Board of Supervisors verbalized concerns pertaining to the special use permit and the fact that the gravel entrance is thirty feet (30') wide and unpaved. Also, there were concerns about wastewater treatment, the fact that approval hasn't been attained from the Madison Health Department or the EPA, and that solid waste will be placed in a trash can daily with the kennels being washed down and treated by utilizing a trench (which meets state and federal regulations for the removal of animal waste).

Mr. Baines advised that he didn't want to limit the applicant only by using one (1) garbage can; also, the issue pertaining to the gravel parking was discussed with VDOT.

Supervisor Lackey verbalized concerns as to whether reference was made toward the special use permit or the site plan when relaying the disposal of animal waste, and questioned if the special use permit will be indefinite.

Ms. Grayson advised that a condition established for the case will be based on whether the applicant meets all state/federal regulations for the disposal of animal waste to be attached to the "indefinite" special use permit but the conditions will be attached to the 'land' and not to the 'applicant'. In closing, she also clarified that when the application was approved in 2008, it was approved with 'the applicant' only; however, today's conditions will allow another applicant to operate the same type of operation (i.e. with no changes) in the event the property is sold by the current owner.

Supervisor Weakley verbalized concerns contained in the letter written by VDOT regarding a commercial entrance, and asked if there was a requirement for such, or if it was waived.

Ms. Grayson advised that when the revised plans were received in her office, they were forwarded to VDOT; the plans were reviewed and Mr. Baines was contacted to discuss further comments, which is what has been presented tonight and was signed off by Anthony Hurlock of VDOT. In closing, she asked Mr. Baines if the requirements from VDOT indicated the need for a commercial entrance.



Mr. Baines advised that a modified commercial entrance was suggested because the particular section of Wayland Mill Road is graveled, and will be thirty feet (30'). Additionally, he advised there has been some discussion with Dwayne Dixon of the Madison Health Department regarding waste water conditions, as information provided has been 'advisory' in nature; he advised the type of permit being suggested is an underground projection control permit, although this isn't a requirement; however, the solid waste will be picked up daily and disposed of in the trash – when the animals are out of the cages, the areas will be washed down, treated, and disposed of by way of a trench drain (i.e. 300 gallons per day). In closing, the applicant expressed concerns that it may be difficult to market the property as a "kennel" if the future buyer cannot operate outside of the conditions attached to the approved special use; therefore, the applicant has been advised to seek to eliminate the aforementioned requirement.

Supervisor Elliott asked if the Commission will include a condition that a drain field must be installed.

Ms. Grayson clarified that the condition for the applicant to 'meet state and federal requirements' for waste removal (for the animals).

Mr. Kane advised this is the first time anyone has applied for a permit to operate a kennel in Madison County; he verbalized concerns about the condition that will be attached to the land rather than the applicant. In closing, he spoke with the operator of a shelter in Culpeper that houses forty-five (45) dogs and they were required to seek approval from the EPA.

After discussion, there was mixed concerns verbalized among the Supervisors regarding whether to attach the condition to the land or to the applicant and the fact that the applicant should be allowed to sell the land without any future attachments.

Supervisor Lackey moved that Case Number SU-09-12-07 be approved as recommended by the Madison County Planning Commission, with the exception that the permit is 'for the applicant only' and to go with 'the land.'

\*Motion died for the lack of a second\*

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the Board approved the special use permit (Case Number SU-09-12-07) as recommended by the Madison County Planning Commission to include the four (4) conditions as follows:

- a) Thirty (30) animals will be served;
- b) The caretaker will be on site "24/7";
- c) EPA approval and state/federal regulations be attained; and



- d) That all conditions will 'go with the property' and not the applicant;

with the following vote recorded:

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

**Board Discussion Action Items:**

- a. Consideration of a Proclamation for "Constitution Day" (September 17, 2012)

Chairman Allen advised the Board will need to discuss approving a Proclamation to acknowledge "Constitution Day" scheduled for September 17, 2012.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the Board voted to adopt a Proclamation to acknowledge Constitution Day on September 17, 2012, with the following vote recorded:

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

Supervisor Weakley asked if the Board would like copies of the Constitution to be placed at various locations (i.e. Library, Administration Center, etc.), to which the members agreed.

- b. Information & Correspondence

Chairman Allen advised the Board members will need to review the financial reports provided by the Finance Director to be acted upon at the September Regular Meeting. In closing, he asked that any questions be referred to Ms. Miller.

- a. Finance:

- i. Certificate of Claims – General Operations (July 2012 – FY2013)
- ii. Certificate of Claims – Debt Service (July 2012 – FY2012)



- iii. Certificate of Claims – Tourism Enhancement (July 2012 – FY2012)
- iv. Certificate of Claims – General Operations (Post Year – FY2012)
- v. Certificate of Claims – Tourism Enhancement (Post Year – FY2012)
- vi. Certificate of Claims – Capital Improvement (Post Year – FY2012)
- vii. Supplemental Requests (September 2012 – FY2013)
- viii. Supplemental Requests (September 2012 – FY2012 )  
PRA Beginning Balances

b. Transfer Station Holiday Schedule

The County Administrator provided a copy of a memorandum to identify the various holidays between now and the New Year and how the holiday(s) will affect operations at the Transfer Station:

Columbus Day- Monday, October 8, 2012 – Landfill will be closed

Thanksgiving - Traditionally closed on Wednesday and Thursday, and will reopen on Friday (although this will be a holiday for remaining staff);

Christmas – The holiday falls on a Tuesday, which will be a holiday along with Christmas Day (Tuesday) – the Transfer Station will open on Wednesday, December 26<sup>th</sup>, which is the normal day for being closed, but staff will receive compensatory time for these hours – the same schedule will be followed for the New Year Holiday’;

The County Administrator advised that the recycling changes are going very well and total waste has decreased from this time last year.

**5. Information & Correspondence (if any)**

**School System**

Chairman Allen advised that he and the County Administrator met with Dr. Eberhardt yesterday to discuss issues regarding a possible new software system, as the school system is experiencing problems.



The County Administrator advised that cost estimates haven't been investigated, as discussions will be held with County Department and will also include school personnel. In closing, he advised that Orange County just implemented an RFP and the plan is to review their results and information. Also, it is deemed there are efficiencies that can be attained, as the existing system does carry a very high maintenance fee; therefore, it is hoped that a new system will yield a lower maintenance fee and 'up front' costs.

The County Administrator advised the Board has wanted to move forward with a centralized accounting system between the County and School System; he feels this is a good time to work toward that endeavor, as there is value in developing a joint venture. and cost estimates will need to be investigated. Also, the Finance Director has been investigating a means of utilizing a program to house all paid invoices instead of dealing with paper copies; however, everything must still be applicable to FOIA requirements.

The County Administrator advised the Board will need to handle the supplemental appropriation presented by the schools at the September Regular Meeting. Also, there was another request by the Superintendent pertaining to a grant (new money) for Title I Schools (hold-over) for remaining stimulus funding with a cut-off date of September 30, 2012 that is fully reimbursable up to \$106,000.00, intended to provide the purchase of technology hardware, projection devises, mobile computer labs, etc. and can only be used for the grade level at Waverly Yowell Elementary School. In closing, he wanted to ensure the Board is comfortable with re-appropriation of the grant funds once they are received through the Treasurer's Office for the school system, as this will come out of the come out of their FY2013 budget and once received, the funds will be re-appropriated. Also, all paperwork for the grant must be in place by November 1, 2012.

### **Fuel Update**

The County Administrator advised he is meeting with representatives from the Department of General Services, along with representatives from the school system, to discuss the fuel program system; he feels the program will make things easier for County staff as it will allow for more flexibility.

Supervisor Elliott questioned whether the fuel program card can be used to handle repairs and miscellaneous service, to which the County Administrator advised there is a maintenance option attached and he will provide an overview at the September Regular Meeting.

The County Administrator also advised there are various ways to purchase fuel (i.e. tank, load, or retail) with a difference in cost of about five (5) cents based on the fuel program being discussed today and perhaps a savings of ten (10) cents if fuel is purchased in bulk. In closing, about 47,000 gallons of fuel was used during the past year and it is anticipated a savings could be attained between \$5,000.00 to \$10,000.00 annually, and it is deemed the school system could save even more by joining the program (i.e. current usage is about 66% school and 33% county).



**Thoroughfare Road (Traffic Study)**

The County Administrator advised that based on discussions with VDOT, citizens can bring a traffic concern before the Board for discussion; if the Board is in agreement with the implementation of a traffic study, nothing more than a letter of request will be needed. In closing, he asked that any citizens with traffic concerns be referred to him for review and action.

**Route 662 (Shelby Road)**

The County Administrator advised that VDOT plans to attend Tuesday's meeting to provide an overview of intentions for Route 662, and wanted to know if the Board would be in agreement with having the road designated as "rural rustic" instead of a full project as denoted in the Six Year Road Improvement Plan, which will be much cheaper.

Additionally, if the rural rustic program is utilized, then VDOT will have enough funding to start improvements now, as currently, there will not be enough funding for a few years.

After discussion, there were concerns as to whether an additional public hearing will be needed in order to move forward with the option to utilize the rural rustic program.

**Criglersville Elementary School**

The County Administrator advised there have been no inquiries received regarding the Old Criglersville Elementary School; however, he was contacted by one realtor who indicated he was unable to meet the deadline and asked if an extension could be granted.

**Topping Family Trust**

Supervisor Weakley advised that he met with Supervisor Lackey, the County Administrator and staff from the Animal Shelter regarding the estate funding provided by the Topping Family; it is anticipated that additional information will be provided at the September workshop session along with suggestions.

**6. Adjournment**

With no further action being required by the Board, on motion of Supervisor Lackey, seconded by Supervisor Weakley, 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



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J. Dave Allen, Chairman  
Madison County Board of Supervisors

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Jacqueline S. Frye, Clerk of the Board

Adopted on: November 15, 2012

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

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