

**MEETING #13 – March 7**

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, March 7, 2013 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  
Phillip Targatlia, Finance Director  
Brian Daniel, Erosion & Sedimentation Technician  
Carol Davis, Assistant Zoning Administrator

ABSENT: Betty Grayson, Zoning Administrator  
Ernie Hoch, County Administrator  
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 the Madison County Planning Commission commenced their meeting with the Pledge of Allegiance and a moment of silence.

**3. Adoption of Agenda:**

Chairman Allen advised that Item 6-a will need to be added to tonight’s Agenda for the County to reconsider a motion to fund the County budget in the amount of \$2,478,898.31 to fund the CIP program.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, 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:**

Mr. Brockman advised the minutes from the February Joint Meeting will need to be approved, which were then approved and adopted by the Commission members.

Mr. Brockman also explained the process for tonight's public hearing and the public comment opportunity that will follow.

#### **Cases:**

- a) Case No. 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 acre tract of land. This property is located at 3822 Old Blue Ridge Turnpike (off Route 670) near Syria, zoned C-1.

After discussion, Mr. Brockman advised the applicant has requested the case be tabled and perhaps, heard at the April 2013 Joint Meeting.

- b) Case No. SP-02-13-02: Request by Shenandoah National Park for a site plan to construct a parking lot for Old Rag on property owned by Potomac Appalachian Trail Club, Inc. Also, the site plan shows a proposed future visitor contact station and a vault toilet. This property is located on Route 600 (Nethers Road) and contains 25.298 acres of land near Nethers, zoned A-1. An email has been received from Mr. Dwayne Dixon, Sanitarian, of the Madison Health Department that stated vault privies are allowed and a permit will be needed from the Department of Health prior to its construction. Mr. Steve Herzog hand-delivered a site plans to Mr. Anthony Hurlock of VDOT on January 28, 2013 and a reply hasn't yet been received to date. A message was left for Mr. Hurlock, but no response has been received; therefore, the no approval has been attained from the Virginia Department of Transportation. Also, Brian Daniel, Erosion and Sedimentation Technician, is still waiting on approval from Mr. Richard Jacobs of the Culpeper Soil & Water Conservation District; therefore, the request was tabled until the March 6, 2013 Joint Meeting.

Jennifer Flynn, Acting Superintendent, was present on behalf of the Shenandoah National Park to answer any questions pertaining to tonight's request.

Commission members verbalized concerns regarding the fact that approval hasn't been attained by the Culpeper Soil & Water Conservation District and the leasing negotiations aren't complete.



Ms. Flynn indicated the park is preparing to meet all criteria required; although the lease agreement with the Appalachian Trail Club is still in the negotiation stage, the storm management easement will be incorporated into the finalized lease;

Mr. Brockman opened the floor for public comment; with no comments being brought forth.

After discussion, the Commission motioned and seconded that Case No. SP-02-13-02 be presented to the Madison County Board of Supervisors for approval based on conditions denoted in a letter from Mr. Brian Daniel, Erosion & Sedimentation Technician, and acceptance from the Appalachian Trail Club.

The Madison County Board of Supervisor questioned if

- a) The entrance will be electronic;
- b) The entrance can be attached to the County's request for an entrance to the park;
- c) Will the parking lot be asphalt or gravel;
- d) Will signage be posted to denote handicap spaces;
- e) How will the State interpret the County's action to waive fees for the storm water application;

Ms. Flynn advised provided an overview of the park's concept for the visitor contact station and advised there has been no discussion as to whether an electronic fee will be added.

Mr. Daniel advised that all fees currently charged by the County are in-house fees. In closing, he advised the County has applied for an extension regarding the legislative guidelines, which will not have to be in effect here until 2014.

Ms. Flynn advised the waiver the park received was for the County's per gallon run off rate (CFS), as the anticipated CFS from the site did meet the State's standards, but did not quite meet the County's standards.

Supervisor Lackey moved that the Board approve Case No. SP-02-13-02, as requested by the Shenandoah National Park, for a site plan to construct a parking lot for Old Rag on property owned by Potomac Appalachian Trail Club, Inc., and a future visitor contact station and a vault toilet, as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley, with the following vote recorded:



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

- c) Case No. SP-03-13-03: Request by Woodberry Forest School for a site plan to construct a new Dining Hall, Mathematics & Computer Science Building. This property is located off Route 15, (James Madison Highway) near Woodberry Forest and contains 527.720 acres of land, zoned A-1.

Mr. Brockman opened the floor for public comment; with no comments being brought forth, further discussion from the Commission was called for.

After discussion, the Commission seconded and motioned that case that Case No. SP-02-13-03 be presented to the Madison County Board of Supervisors for approval.

The Madison County Board of Supervisor questioned if:

- Any asbestos has been denoted; and
- Whether demolished materials be left on site (i.e. buried in a vault pit);

The representative from Woodberry Forest School advised that Mr. Bruce Tibbitts, Facilities Director, is looking in whether an adjacent site can be used to demolish the materials, as no asbestos has been identified; the school has also been advised that an approved erosion/sedimentation plan will be needed in order to perform any excavation work, and this plan will be developed through the DCR.

In closing discussions, Supervisor Elliott suggested any motion for approval include wording to specify that if a vault pit is built, this should be applied on the drawings.

Mr. Daniel advised that concrete and non-erosion materials can be buried as long as there are no protruding wires present. In closing, he advised that asphalt was also included on the list of acceptable items to be buried underground.

After discussion, Supervisor Elliott motioned that the Board approved Case No. Case No. SP-02-13-03, presented by Woodberry Forest School, with the condition added that if a vault pit is used, all specifications will be applied, and also require erosion and sedimentation approval by Brian Daniel, Erosion & Sedimentation Technician, seconded by Supervisor Butler, 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. Daniel advised the proposed work can be done based on the manner in which the property is zoned, and can be done administratively.

Mr. Brockman advised the Madison County Board of Supervisors is working on attaining an entrance here to the Shenandoah National Park, and has recently passed a Resolution on this matter. In closing, he suggested the Commission consider passing a Resolution to support an entrance, and asked if all Commission members were in agreement with this endeavor.

After discussion, the Commission motioned and seconded that a Resolution be adopted to support an entrance to the Shenandoah National Park.

With no further action being required by the Commission, Mr. Brockman called for adjournment of their portion of tonight's meeting.

#### **5. Public Hearing: Ordinance #2013-2 [Tax Deferral for the Elderly & Handicapped]:**

Chairman Allen advised that tonight's public hearing process has been schedule to receive public comment on the Ordinance for tax deferral for the elderly and handicapped.

The County Attorney provided an overview of tonight's re-enactment of the Ordinance to provide tax deferral for elderly and handicapped persons; the review was initiated by the Board; basic structure of the Ordinance coincides with the State Code and includes the following proposed changes:

- a. Page 1: A Change to the definition and amount regarding financial worth (i.e. house and an increase in the amount of acreage to five [5] from one [1]); and
- b. Page 2: A Change in gross combined net worth for taxpayers residing in the house (i.e. from \$50,000.00 to \$75,000.00):

In closing, he advised the application date of April 1, 2013 is the date by which the Treasurer and Commissioner of the Revenue will need the information in order to meet the semi-annual tax deadline; he also suggested that in lieu of the tax deadline, action is suggested on the part of the Board in a timely manner, as this information will need to be published for the citizens.



Chairman Allen opened the floor for public comment.

Nan Coppedge was present and advised of non-profit coalitions that may be used to get tonight's information to senior citizens here.

With no further comments being made, Chairman Allen closed the floor for public comment.

The Madison County Board of Supervisors questioned whether the proposed changes will have a financial impact on the County and whether the proposed change in acreage should be implemented at first for a specific period of time.

After discussion, Supervisor Butler motioned that the Board approve Ordinance #2013-2 (Tax Deferral for the Elderly & Handicapped) with five (5) acres, effective January 1, 2013, with the filing deadline to be set as April 1, 2013, seconded by Supervisor Elliott.

With the following vote recorded:

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

**\*Motion failed\***

Supervisor Lackey moved the Board approve Ordinance #2013-2 (Tax Deferral for Elderly & Handicapped Persons) with the amendment that Item #2d regarding value and land not exceed three (3) acres on which a home is situated, seconded by Supervisor Weakley.

With the following vote recorded:

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

Supervisor Lackey moved that the Board authorize the Finance Director to contact the local newspaper to publish the specifics of Ordinance #2013-2 and all attached deadlines thereto, allowing for the expenditure for up to a one-page ad, seconded by Supervisor Weakley, 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 Butler asked the Commissioner of the Revenue to advise the Board of the total number of applicants that have enrolled in the program after the deadline.

## **6. Board Discussion/Action Items:**

### **a. CIP Motion:**

The County Attorney referred to a motion made at the last meeting pertaining to the CIP funding that didn't coincide with State Code requirements; a compromise has been attained through working with the school's attorney and wording has been formulated to cover concerns on the part of both governing Boards. In conjunction with tonight's reconsidered motion, a form has been developed for use with each payment request for the CIP projects; there was also concern on the part of the school system regarding the County's identification for the funding categories is more restrictive than what's specified in the State Code.

The County Attorney also advised that funding can only be used for the specific project for which funding is appropriated for, and that no shifting of funds can transpire without approval and consent by the County. Furthermore, he advised it will be the school system's responsibility to administer the structure of any contracts pertaining to the school projects, and they will have to adhere to the amounts denoted in the specific categories for FY2013.

The County Attorney advised that from a procedural standpoint, a motion to reconsider must be done at the next meeting – the Board can take action tonight or wait until the March Regular Meeting. In closing, he explained the procedural format and advised if nothing is done tonight, the original motion will remain open for consideration.

Supervisor Lackey moved that the Board of Supervisors reconsider the motion to appropriate \$2,478,898.31 to the County's FY2013 budget for the purpose of the CIP School and county projects itemized by category on the spreadsheet dated February 12, 2013, seconded by Supervisor Weakley, 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 Lackey moved that the Board of Supervisors appropriate \$2,478,898.31 to the County FY2013 budget for the purpose of the CIP school and county projects itemized by category on the spreadsheet dated February 12, 2013, and consent to the release, upon request, of the \$2,478,898.31 in amounts not to exceed that which is shown by category on the February 12, 2013 spreadsheet. Requests for the transfer of funding for school projects will be made by the School Superintendent and requests for the transfer of funding for County projects will be made by the County Administrator on the attached request form, and on the County projects, the signature of the Madison County School Board Members will not be required, seconded by Supervisor Weakley.

With the following vote recorded:

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

## **6. Information & Correspondence (if any)**

Chairman Allen advised the County declared a state of emergency on March 6, 2013 as a result of the recent snow storm.

Carl Pumphrey, Emergency Preparedness Coordinator, was present and provided an overview of the recent snow storm; all emergency personnel worked diligently in providing assistance to the citizens.

The Board thanked Mr. Pumphrey and all emergency services personal for their efforts during the recent storm.

Chairman Allen advised the Board will need to adopt a Resolution at the March Regular Meeting to endorse the state of emergency for the County.

## **7. 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: April 9, 2013

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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***Ordinances adopted on March 7, 2013:***

Ordinance #2013-2 – Tax Deferral for the Elderly & Handicapped



## ADDENDUM

### ORDINANCE #2013-2

#### ORDINANCE TO PROVIDE REAL ESTATE TAX DEFERRAL for ELDERLY and HANDICAPPED PERSONS

Pursuant to Virginia Code Section 58.1-3210 et set (1950, as amended) it is hereby ORDAINED by the Board of Supervisors of Madison County, Virginia, that elderly and handicapped taxpayers of Madison County, Virginia, may receive real estate tax deferral as follows:

1. Definitions. The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Commissioner of Revenue. Commissioner of the Revenue of Madison County.

Deferral. Deferral of Madison County, Virginia, real estate taxes pursuant to the provisions of this ordinance.

Permanently and totally disabled. A Madison County taxpayer who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Tax. The annual real estate tax of Madison County, Virginia.

Taxpayer. A person who owns and occupies real property as his/her sole dwelling which is subject to the real estate tax of Madison County, Virginia.

2. Prerequisites for deferral.

(a) Tax deferral is authorized for taxpayers who are not less than sixty-five (65) years of age, or who are permanently and totally disabled, and who are eligible under the provisions of this division. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or is permanently and totally disabled.

(b) Deferral is authorized only if:

(1) The total combined gross income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed thirty thousand dollars (\$30,000.00); and



(2) The gross combined financial worth, including equitable interests, as of December thirty-first of the immediately preceding calendar year of the owner and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding **three (3)** acres, upon which it is situated, does not exceed seventy-five thousand dollars (\$75,000.00).

3. Deferral applies only to residential property.

The real estate deferral under this ordinance applies only to residential real property, and no income producing residential property or combination of business and residential property shall be entitled to real estate tax deferral.

4. Taxpayer's affidavit; certificate of disability.

(a) To qualify for deferral, a taxpayer must file annually prior to April 1 with the Commissioner of the Revenue an affidavit under oath setting forth:

(1) The location and description of property sought for tax deferral; and

(2) The names, ages, combined financial worth and gross income for the preceding calendar year of the owners of the property; and

(3) The names and income for the preceding calendar year of related persons occupying the property.

(b) If a taxpayer is under sixty-five (65) years of age such affidavit shall have attached thereto a certification by the Veterans Administration or the Railroad Retirement Board, or if the taxpayer is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the state that the taxpayer is permanently and totally disabled, as defined in paragraph 1.

5. Commissioner of the Revenue may request documents and make inquiry.

In administering this ordinance, the Commissioner of the Revenue may request certified tax returns or other documents of the taxpayer necessary to establish the income or financial worth of the taxpayer. The Commissioner may make reasonably necessary inquiries of the taxpayer, requiring answers under oath, to determine qualifications specified in this ordinance, including qualification as permanently and totally disabled.

6. Taxpayer's residency in hospital etc.

The fact that a taxpayer who is otherwise qualified for deferral pursuant to this ordinance is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time shall not be construed to mean



that the property for which tax deferral is sought does not continue to be the sole dwelling of such taxpayer during such extended periods of other residence, so long as such property is not used by or leased to others for consideration.

7. Amount of deferral.

A taxpayer who qualifies for deferral shall be entitled to have his/her total real estate tax deferred until the taxpayer no longer qualifies for deferral.

8. Roll-back of deferral.

(a) If a taxpayer who elects deferral of the tax under this ordinance ceases to qualify for deferral, such taxpayer shall pay to Madison County, Virginia, as a roll-back of such deferral, an amount equal to the sum of the deferral tax for the most recent past tax years, not to exceed five (5) past tax years. Such roll-back shall be paid prior to the time real estate tax payment is due for the year when a taxpayer ceases to qualify.

(b) If a taxpayer who elects deferral of tax under this ordinance sells his/her residential real estate, such taxpayer shall pay to Madison County, Virginia, as a roll-back of such deferral, an amount equal to the sum of the deferred tax for the most recent past tax years, not to exceed five (5) past tax years. Such roll-back shall be paid at the time of sale.

(c) If a taxpayer who elects deferral of tax under this ordinance dies and his/her residential real estate is not thereafter owned by a taxpayer who elects deferral of tax under this ordinance, the estate of such deceased taxpayer or the successor to title of such deceased taxpayer's residential real estate shall pay to Madison County, Virginia, as a roll-back of such deferral, an amount equal to the sum of the deferred tax for the most recent past tax years, not to exceed five (5) past tax years. Such roll-back shall be paid within one (1) year after the death of said taxpayer.

(d) The amount of deferred real estate tax shall be a lien upon the real estate of a taxpayer who elects deferral of tax under this ordinance.

9. Effective date.

This ordinance shall be effective upon adoption, and shall apply to the tax year commencing on January 1, 2013.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, adopted this 7<sup>th</sup> day of March, 2013.

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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>	_____	_____
Jonathan Weakley	<u>  x  </u>	_____	_____	_____

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Ernest C. Hoch  
Madison County Administrator

