

## MEETING #40 – August 14

At a Regular Meeting of the Madison County Board of Supervisors on August 14, 2012 at 3:00 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  
Ernie Hoch, County Administrator  
V. R. Shackelford, III, County Attorney  
Jacqueline S. Frye, Clerk of the Board

ABSENT: **Teresa Miller, Finance Director**

### **1. Regular Meeting Agenda**

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

### **2. Pledge of Allegiance & Moment of Silence**

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

### **3. Adopt Agenda**

Chairman Allen asked if there were any corrections, deletions or additions needed to today's Agenda, and there were none.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, today's agenda is adopted 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. Monthly Reports**

#### ***a. Department Heads (if necessary)***

Transfer Station:



The County Administrator recognized the Transfer Station staff and facilities for operations at the landfill and for receiving a compliance rating per the Department of Environmental Quality on the recent inspection.

The Board acknowledged staff for a job well done and look forward to continued success.

Mark Ford, Transfer Station Manager, was present and advised that he and Roger Davis, work as a team; he also expressed appreciation to Mr. Davis for the exceptional manner in which he deals with the citizens that utilize the facility.

***b. Constitutional Officers (if necessary)***

None.

***c. VDOT (if necessary)***

Monthly report of activities provided by Roy Tate, Acting Transportation Director. Director.

***d. School Superintendent (if necessary)***

***e. i. School System (Memorandum of Understanding – CIP)***

The County Administrator advised the memorandum of understanding is a part of the Resolution that was passed in March 2012 and is to be developed in order to allow both governing groups to work together and seek applicable funding for the joint CIP, and will outline the framework for mutual cooperation. Furthermore, the Madison County School Board unanimously voted on the document last evening, and he suggested the Madison County Board of Supervisors approve the memorandum as well.

Supervisor Butler advised he has pushed for the memorandum of understanding to be in place so the Madison County Board of Supervisors would have some control over the project(s) and funding mechanisms; however, currently, the CIP only shows where the County has the authority to borrow money associated with funding the various projects.

The County Administrator advised the Board can inject authority on the day-today operations based on the State code and can also approve a specific dollar amount for each project, but can't legally have any further control except to be involved in the meetings to receive updates.

Concerns were verbalized as to whether the school system can implement changes if the County appropriates funding for certain items.



The County Attorney advised that once the Board appropriates funds for a specific project, the school system can't use the funds for something else and they can't exceed funding without notifying the Board.

James Nelson, School Board Member, was present and advised that he understands the Board's apprehension, as this is a matter of trust. Additionally, the Madison County School Board doesn't intend to do anything without notifying the Madison County Board of Supervisors and the memorandum of understanding provides mechanism for things to be done that will work best for Madison County.

Supervisor Butler advised the school system had indicated \$225,000.00 would be returned to the County; therefore, he questioned if today's funding request could wait until the end of the school year.

Tina Cropp, School Finance Officer, was present and advised that the school system doesn't close the books until the audit is complete.

In closing, Supervisor Butler advised he would vote "Nay" as he doesn't feel the aforementioned memorandum provides enough control on the part of the Madison County Board of Supervisors.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board approved the memorandum of understanding as presented by the Madison County School System, 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 Elliott advised that he was in support of funding the school projects, but not in favor of spending the money.

Chairman Allen advised that he and Supervisor Elliott have been the County's representatives on the CIP Committee and whether the Board would like them to continue.

After discussion, it was the consensus of the Board to continue with the aforementioned County representatives.

*ii. Construction Schedule (CIP)*

The County Administrator advised that funding mechanisms have been discussed with many vendors and the payment schedule will be at or below the existing debt service already in place.



Concerns were verbalized regarding the repairs needed on County facilities and the replacement of the roof at the Sheriff's Office. Additionally, it was questioned whether there needs to be any mention of waiving all fees associated with renovations, and whether students will be relocated during the summer school sessions.

Dr. Eberhardt was present and advised he wasn't in favor of using mobile classrooms because of the safety issues involved; also, representatives from Crabtree, Rohrbaugh Associates, Inc., feel the work can be done effectively at the middle school and high school over two (2) summer sessions. In closing, he advised that students will be moved to the same location for the summer school sessions.

The County Attorney advised that he and the School's Attorney both had concerns about the compliance of the professional services contract with procurement law in regard to professional services after the first year ending on June 30, 2012. He also noted that the initial contract was not signed by the School Board, although the School Board had agreed to its terms. He stated that the School Board's attorney and he recommended adoption of Amendment No. 1 to the Contract for Professional Services to address these concerns.

In closing, the County Attorney advised that the RFP was issued pursuant to the procurement, with the exception of the issue of the term, which is questionable.

Further comments verbalized revolved around the fact that some things may not be included in the contract and the fact that the original RFP guidelines were undertaken by Crabtree, Rohrbaugh Associates, Inc., as they did a lot of the work involved with the CIP, which could provide an overall cost savings for the County if additional services are needed.

*iii. Amendment to Contract with Crabtree, Rohrbaugh Associates, Inc.*

The County Administrator explained the laws (in the Commonwealth) pertaining to advertising an RFP and how the selection (of a contractor) is made based on their experience and criteria (excluding pricing); he also and advised that professional services are based on time and material.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board approved amendment #1 to the contract for professional services contract between the Madison County Board of Supervisors, the Madison County School Board and Crabtree, Rohrbaugh Associates, Inc., with the following vote recorded:

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



**f. Bond Release (if any)**

None.

**g. Certificate of claims – General Operations (June 2012 – FY2012)**

On motion of Supervisor Lackey, seconded by Supervisor Butler, the certificate of claims for general operations totaling \$823,759.58 are approved as submitted, with the following vote recorded:

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

**h. Certificate of Claims- Capital Improvement**

None.

**i. Supplemental Appropriations (FY2012- Post Year #1)**

1. Parks & Recreation	PRA – Youth Programs, June Deposits 71100-5690; 10-161201	\$6,355.40
2. Parks & Recreation	PRA – Other Programs, June’s Deposits 71100-5691; 10-161201	\$ 287.65
3. Parks & Recreation	PRA – Memorial Program, June’s Deposits #71100-5693; 10-161201	\$ 300.00
	TOTAL:	\$6,943.05

On motion of Supervisor Butler, seconded by Supervisor Elliott, the supplemental appropriations for post year in the amount of \$6,943.05 are approved as submitted, 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. Supplemental Appropriations (FY2013 – August 2012)**

1. Road Construction	Fray’s Mill (Re-appropriation of unused funds) #41200-3165; 10-499999	\$9,411.00
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On motion of Supervisor Butler, seconded by Supervisor Weakley, the supplemental requests for FY2013 – August 2012 in the amount of \$9,411.00 are approved as submitted, with the following vote recorded:

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

***k. TOT Fund***

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the certificate of claims for the TOT Fund in the amount of \$620.00, as submitted, with the following vote recorded:

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

***l. Tourism Committee Appropriation Request***

Chairman Allen advised that the TOT Committee met and adopted a proposed budget.

Tracey Williams-Gardner, Director of Tourism, was present and advised the transient occupancy tax fund and the TOT Committee is also looking into applying for grant opportunities. In closing, she advised there is currently \$58,681.36 in the TOT account and they'd like \$50,000.00 to promote tourism within the County.

On motion of Supervisor Lackey, seconded by Supervisor Butler, the Board approved the supplemental request presented by the TOT Committee in the amount of \$50,000.00 to be utilized to promote tourism in Madison County, 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 advised the aforementioned funds were attained based on the five percent (5%) transient occupancy tax implemented by the Board last year. In closing, he advised the Board would like \$5,000.00 to remain in the account

at the TOT Committee met and adopted a proposed



**m. Minutes #34 through #36**

On motion of Supervisor Butler, seconded by Supervisor Elliott, Minutes #34 through #36 are approved as submitted, with the following vote recorded:

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

**5. Consent Agenda:**

None.

**6. Discussion/Action Items**

i. Commonwealth Attorney (supplemental request)

a) Personnel Funding Request (part-time clerical #1560 for \$7,105.00)

Concerns were verbalized by Supervisor Butler and Supervisor Elliott regarding the fact that the request is being made so early in the budget cycle and the departmental budget was presented without review. Also, the request for Mr. Webb to provide the Board with a monthly report was denied. In closing, it was suggested all part-time funding be utilized before approving today's request for additional monies.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the supplemental request for the Commonwealth Attorney's Office in the amount of \$7,105.00 is approved as presented, with the following vote recorded:

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

ii. Madison County Schools (supplemental requests)

***1) Resolution #2012-14 [Authorizing Appropriation of \$136,454.77 from the County of Madison Lottery Proceeds Nonrecurring Cost Fund]***

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board approved Resolution #2012-14 [Authorizing Appropriation of \$136,454.77 from the County of Madison Lottery Proceeds Nonrecurring Cost Fund], 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

**2) Resolution #2012-15 [Authorizing Appropriation of \$111,306.18 from the County of Madison Capital School Projects Fund]**

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board approved Resolution #2012-15 [Authorizing Appropriation of \$111,306.18 from the County of Madison Capital School Projects Fund], 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

**3) Appropriation request for gas/diesel reimbursement (\$9,175.77)**

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the approved the school's request for the gas/diesel reimbursement totaling \$9,715.77, with the following vote recorded:

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

Dr. Eberhardt, Superintendent, was present and advised that new teacher's arrived today; he also invited the Board members to the convocation for school staff scheduled at the fairgrounds at 12:00 p.m. on Friday, August 17, 2012.

**iii. Rappahannock-Rapidan Community Services Board**

- 1) Resolution #2012-12 [A Resolution to Receive RRCSB FY2013 Performance Contract with the Department of Behavioral & Developmental Services & the Area Plan for Aging Services]

Chairman Allen advised the aforementioned resolution was discussed at the previous workshop session and requested by Mr. Brian Duncan, Executive Director.

On motion of Supervisor Butler, seconded by Supervisor Lackey, Resolution #2012-12 [Resolution to Receive RRCSB FY2013 Performance Contract with the Department of Behavioral & Developmental Services & the Area Plan for Aging Services is approved as submitted, with the following vote recorded.

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye



Pete J. Elliott	Aye
Jonathon Weakley	Aye

**iv. Senior Center (request for fee waiver)**

The County Administrator advised the request presented by the Senior Center involves property owned by Mr. David James. In closing, he advised that the rent (for the space) has been frozen in an effort for the center to work off the value.

Supervisor Butler advised the Senior Center has worked diligently to raise all the money needed for the expansion and nothing was allocated from the Rappahannock Rapidan Community Services Board.

In closing, the County Administrator advised the request is for waiver of zoning and building fees associated with the expansion.

Betty Grayson, Zoning Administrator, was present and advised the structure meets the applicable setback requirements denoted in the County's Zoning Ordinance.

On motion of Supervisor Lackey, seconded by Supervisor Butler, the Board authorized the request presented by the Senior Center for a waiver of all zoning and building permit fees associated with expansion of the facility, with the following vote recorded:

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

**v. Joe Parker (Madison County Outreach – fee waiver request)**

Chairman Allen advised that Mr. Parker completed a project on Williamsburg Pike in Madison County for a non-profit organization affiliated with the Piedmont Episcopal Church.

Wes Smith, Building Official, was present and advised the building lacked a foundation and has suffered structural damage. In closing, he advised the fee paid by Mr. Parker totaled \$76.50.

On motion of Supervisor Lackey, seconded by Supervisor Butler, the Board approved the request presented by Mr. Joe Parker for a waiver of building permit fees totaling \$76.50, with the following vote recorded:

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



**vi. Rochelle Christian Church (fee waiver request)**

The County Administrator advised that Mr. Hunter Seal indicated he would be clearing brush from behind the Church property which will consist of about five (5) to six (6) truckloads.

On motion of Supervisor Elliott, seconded by Supervisor Lackey, the Board approved the request presented by Mr. Hunter Seal for a waiver of landfill fees for brush not to exceed five (5) to six (6) truckloads, with the following vote recorded:

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

**vii Selection of two (2) members to the Social Services Board**

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board appointed Ms. Janet Lohr and Mr. Joseph Goodall to both serve a four (4) year term on the Madison County Social Services Board (four [4] years), with the following vote recorded:

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

**viii Selection of three (3) members to the Industrial Developmental Board**

On motion of Supervisor Elliott, seconded by Supervisor Butler, the Board reappointed Mr. Dudley M. Pattie to fill a four (4) year term; appointed Mr. Stephen R. Hill to fill an unexpired term, and appointed Mr. Steve A. Grayson to serve a four (4) year term on the Industrial Development Board, with the following vote recorded:

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

**ix. Discuss/approve County Administrator employee work profile and performance evaluation criteria**

County Administrator position performance evaluation

Supervisor Butler suggested the Board add a sheet to allow each member to provide comments.

Chairman Allen indicated the form is from the State Board and gives guidance to evaluate an incumbent's performance.



Supervisor Lackey feels the percentages denoted are too constrictive and disagreed with the format provided.

After discussion, it was the consensus of the Board to leave the percentages as denoted on the document provided.

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board approved the position performance and evaluation sheet for the County Administrator as provided, to include the core responsibilities as indicated and allow each Board member to provide comments during the evaluation process, with the following vote recorded:

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

**x. Discuss/approve County Administrator proposals for changes in Four (4) employee job descriptions**

Supervisor Elliott verbalized concerns regarding the requirement for an employee working in facilities and maintenance to life a certain weight.

The County Administrator advised that such guidelines are limited by OSHA and that the requirements can include a weight range, but the County can't discriminate or force someone to life something that's unsafe.

**a) Clerk of the Board:**

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the aforementioned job description is approved 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

**b) Facilities & Maintenance – Maintenance Manager:**

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the aforementioned job description is approved 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



**c) Animal Control Officer (Chief):**

Supervisor Butler suggested these officers be required to investigate animal crimes and that this requirement be added as ‘bullet #6’ of the job description criteria.

After discussion, it was denoted there may be a scenario in which these officers may lack the necessary resources to handle the issue.

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board approved the aforementioned job description and included that animal control officers be charged to initiate investigation of crimes involving animals in consultation with the County Administrator, with the following vote recorded:

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

The County Attorney clarified that all job descriptions should be within the realm of the County Administrator, as he thought it was the Board’s duty to approve job descriptions of the Department Heads only. He also advised it’s very important that the Sheriff take the lead in any criminal investigations, although at times, the animal control staff does work in conjunction with the Sheriff’s Department on these types of cases.

Chairman Allen clarified that positions being discussed today are ‘supervisory’ in nature.

**d) Solid Waste/Recycling Manager:**

Supervision Elliott questioned whether the incumbent will be charged with attaining licensure and if the County will assume financial responsibility for this factor.

The County Administrator advised the County sent two (2) employees for class a few years and the costs associated with this training and licensure will come out of the County Administrator’s line item for continued education.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the aforementioned job description is approved as submitted, with the following vote recorded:

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

**xi. Options for Criglersville Elementary School**

Chairman Allen advised the Board discussed options for the Criglersville Elementary School during the previous workshop session.

Supervisor Lackey moved that the Madison County Board of Supervisor invite Madison County based realtors to submit proposals for the sale of the Criglersville property and



that such proposals should be submitted to the County Administrator by September 1, 2012, and that once the Board of Supervisors selects a firm to market the property, that the firm be given a contract for up to six (6) months to market and sell the property, as seconded by Supervisor Weakley:

Supervisor Butler opposed the sale of the building; suggested some research be done towards attaining grants; there hasn't been any discussion about what can be done with the property. In closing, he asked County Administrator to provide an overview of his recent meeting with Ms. Susan Apel.

The County Administrator advised that he suggested Ms. Apel and her group presents something to the Board regarding future uses for the property; however, he was unsure if this suggestion may conflict with Ms. Apel's ideas. Furthermore, he is aware that a local Church expressed interest in attaining the property at one point, and feels several things can be done simultaneously. In closing, he indicated that Ms. Apel plans to meet with her group of volunteers on August 18, 2012.

Supervisor Butler asked Supervisor Lackey to modify her motion to include the aforementioned options he expressed. In closing, he would like 'selling' of the proper to be an option, as the E911 Director would also like to use the building as a satellite location; the building has been empty for ten (10) years and he feels the County needs to decide what it can be used for before putting it up for sell.

Supervisor Lackey advised that anything is negotiable; however, Ms. Apel and her group have had two (2) years to present ideas and nothing is in place. Additionally, the building has deteriorated over the years and anyone with interest in providing options for the property have had plenty of time to come forth with ideas. In closing, she feels that a timeline needs to be established to allow anyone with interest to come forward with suggestions.

The County Attorney advised the property cannot be sold until a public hearing is held.

Supervisor Elliott questioned the water rights that apply to the property and whether they may be needed in the future.

Chairman Allen advised that a study was done by Oliver, Webb and Pappas in 2002; also, the representatives from Crabtree, Rohrbaugh Associates, Inc. feel the facility isn't worth renovating, as the site has been empty for years and contrary to what the newspaper published, the two (2) houses at the site are suitable to be rented. In closing, there are people with good intentions; however, the reality of the matter is the fact that the County can't afford to finance this endeavor and it will involve a great deal of funding which may difficult for a private organization to raise.

With the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Nay



Pete J. Elliott	Nay
Jonathon Weakley	Aye

### **xii. Approval of Committee for shelter donation from the Topping Family**

Chairman Allen advised the Topping Family Estate left a sizable amount of funding to various County entities to include the Madison County Animal Shelter (\$127,000.00); the County Administrator recommended at the prior workshop session that a Committee be formed to provide input on how best to utilize the trust funds.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board voted to allow the creation of a Committee to determine the best use of the trust funds that have been provided to the Madison County Animal Shelter, to include:

The Shelter Manager, County Administrator, Shelter Staff and volunteers, and Supervisor Weakley and Supervisor Lackey, 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 Elliott asked the County Administrator to see if the Committee could investigate as to whether a new pressure washer can be purchased with some of the funding.

### **xiii Resolution for Topping Family**

Chairman Allen advised the Board agreed to have the Clerk draft a Resolution to thank the Topping Family for the recent financial contribution to various community organizations and entities.

On motion of Supervisor Weakley, seconded by Supervisor Butler, the Board adopted the Resolution for the Topping Family, 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

### **xiv. Resolution for the Woman's Club of Madison County, Virginia**

Chairman Allen advised the Board was asked to provide a Resolution for the Woman's Club of Madison County for their contributions to the community.

On motion of Supervisor Lackey, seconded by Supervisor Butler, the Board approved the request for a resolution to be drafted and provided for the Woman's Club of Madison County, with the following vote recorded:



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

## **7. Board of Supervisor's Meetings Attended In Past Month:**

### **VACO**

Supervisor Lackey plans to attend a VACO meeting in Richmond – discussions will pertain to Governor Relations and technology.

### **Park & Recreation/Skyline CAP/Town Counsel:**

Supervisor Butler attended a meeting of the Park & Recreation Authority, Skyline CAP and the Town Council.

### **Park & Recreation/Skyline CAP**

Supervisor Weakley attended a meeting of the Park & Recreation Authority and Skyline CAP.

### **Central Virginia Regional Jail**

Chairman Allen attended a meeting of the Central Virginia Regional Jail which was a public hearing on the construction project at the facility.

### **4:00 p.m. PUBLIC COMMENT OPPORTUNITY (not to exceed five [5] minutes per speaker)**

Chairman Allen opened the floor for public comment.

Bob Kane was present and asked if performance bonds will be included in the CIP contract; also, he feels there were problems with the budget process as a result of large fiscal expenditures and believes the Board should make the contractors work harder; he also provided a handout to show the process by which the Department of Game & Inland Fisheries implements their meeting minutes (i.e. abbreviated format) for review. In closing, he asked if the recordings would be placed on the County's website, which he feels the County doesn't fully utilize and suggested a stronger 'webmaster' be sought.

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

Chairman Allen advised the Board will need to enter into closed session to discuss a matter; any action taken will be announced at the 7:00 p.m. evening session.



**8. Closed Session (if necessary):**

**a. *Closed Meeting***

Chairman On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(29) for consultation with legal counsel where such consultation or briefing in open session would adversely affect the negotiating or litigating posture of the public body, regarding matters specifically related to the Fray’s Mill Subdivision, with the following vote recorded:

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

**\*Wes Smith, Building Official, and Brian Daniel, Erosion & Sedimentation Technician, were asked to remain in closed session\***

**b. *Return to Open Meeting***

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board voted to reconvene in open session, 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. *Motion to Certify Compliance***

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board voted to individually certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(29) and only matters that were identified in the motion to convene a closed session, were heard, discussed or considered in the closed 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



**9. Reconvene Meeting**

Chairman Allen reconvened the meeting at 7:00 p.m. and advised that all members are present and a quorum is in place.

Chairman Allen advised the Board entered into a closed session at the end of the first session to discuss a resolution on Fray’s Mill Subdivision to request VDOT adopt a section of roadway in that subdivision.

As a result of closed session, on motion of Supervisor Butler, seconded by Supervisor Lackey, the Board moved approved Resolution #2012-13 [Fray’s Mill Subdivision Road Extension], 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

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**10. Public Comment Opportunity:**

Chairman Allen opened the floor for public comment.

Bob Kane was present and reinforced his concerns regarding the County’s website, as he doesn’t feel the County is taking full advantage of this resource; in closing, he suggested a visit be made to Culpeper’s website, as he isn’t in favor of the County suggesting that citizens visit the County office to receive copies when things can be made readily available on the County’s website.

Bill Campbell was present and suggested the Board ‘do the right thing’ and leave the guidelines in place for wild game processing as they currently are.

Shawn Woodfolk was present and provided input on his wild game processing operation and feels today’s changes will hinder his operation during the upcoming hunting season.

Janet Lohr was present and asked for an update regarding the changes to wild game processing.

Chairman Allen advised that the Commission was studying County Ordinances and recommended that wild game processing be allowed ‘by special use’ in C-1 and A-1 zones.

Bob Kane verbalized support of wild game processing ‘by right.’

With no further comments being brought forth, Chairman Allen closed the public comment opportunity.



## **11. Discussion/Action (County Ordinances):**

Chairman Allen advised the Board will need to take action on the County Ordinances that were discussed during the last workshop session, as drafted by the County Attorney.

### **a) Ordinance #2012-3 [Farm Sawmill/Farmer's Market/Farm Winery]**

Chairman Allen suggested changes be made in the definition of "Farmer's Market" to read "Farm Market".

Supervisor Butler suggested the definition also include "produced or processed" in Item #7.

Supervisor Elliott questioned the number of days that a saw mill can be in operation as indicated by the Commission.

Chairman Allen indicated the Commission's desire was to avoid having a commercial sawmill operating as a farm sawmill (may be on an average of [120] days) on a full-time basis.

Carolyn Johnson was present and advised that she and her husband own a farm sawmill; she feels the County needs to determine the difference between a farm sawmill and a commercial sawmill, as imposing a number of days to operate will hinder what they can do on their own farm.

Supervisor Elliott also questioned the percentage (of what is produced) was decreased from seventy-five percent (75%) to fifty-one percent (51%) for the farmer's market; therefore, he questioned if **part** of the products can be brought elsewhere and sold here along with the products that may actually be grown in the County.

**The County Attorney advised the percentage of seventy-five percent (75%) is the percentage the Commission decided upon. Also, the farmer's market has a special use permit and their rule is set at seventy-five percent (75%) as well.**

Supervisor Lackey suggested that 'produced or processed' not be used, which will allow the operator to import items from elsewhere and sell them here. In closing, she suggested the percentage be decreased to forty-nine percent (49%).

On motion of Supervisor Butler, seconded by Supervisor Elliott, the Board adopted Ordinance #2012-3 [Farm Sawmill/Farmer's Market/Farm Winery] to include an amendment to the definition of a **farm sawmill as being sawmill located on real property zoned Conservation, C-1 or Agriculture, A-1, that is sited**



a minimum of two hundred feet (200') from the property line; and to change "Farmer's Market" to "Farm Market" and 'as being a building, structure or place used for the sale of farm or food products or craft products to consumers where fifty-one percent (51%) or more of the products are grow, produced or processed by the operator or under the operator's direction – a farm market must be located at or beyond the setback line and must use an existing entrance as access', with the following vote recorded:

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

**b) Ordinance #2012-4 [Wild Game Processing/Commercial Slaughterhouse/Showroom/Bio-diesel Fuel Production]**

Changes drafted by the County Attorney indicated that wild game processing will be allowed 'by right' in a C-1 and A-1 zone.

On motion of Supervisor Elliott, seconded by Supervisor Butler, the Board adopted Ordinance #2012-4 [Wild Game Processing/Commercial Slaughterhouse/Showroom/Bio-diesel Fuel Production] 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

**c) Ordinance #2012-5 [Auction Establishment]**

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board adopted Ordinance #2012-5 [Auction Establishment], as presented, with the following vote recorded:

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



**d) Ordinance #2012-6 [Nonconforming Uses]**

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board adopted Ordinance #2012-6 [Nonconforming Uses], 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

**e) Ordinance #2012-7 [Small Wind Energy System]**

The County Attorney advised that the Madison County Planning Commission came up with a proposal that will be discussed at their August Workshop Session on Wednesday, August 18, 2012 at 7:00 p.m.

The Board verbalized concerns regarding FAA regulations and the fact that the 500% setback will impose a limitation that few properties in Madison County will be able to meet.

In closing, the County Attorney advised that the setback percentage was proposed by the applicant and not the Commission

Supervisor Lackey questioned whether there will be a request for a special use permit.

**12. Information & Correspondence (if any):**

None.

**13. Adjournment:**

With no further action being required, 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

---

J. Dave Allen, Chairman  
Madison County Board of Supervisors



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Jacqueline S. Frye, Clerk to 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

\*\*\*\*\*

**Resolutions:**

*Resolution #2012-11 [Appointment of Individuals to the Social Services Board] – Adopted August 14, 2012*

*Resolution #2012-12 [Receive RRCSB FY2013 Performance Contract with the Department of Behavioral Health & Developmental Services & the Area Plan for Aging Services] – Adopted August 14, 2012*

*Resolution#2012-13 [Fray's Mill Road Extension] – Adopted August 14, 2012*

*Resolution #2012-14 [Authorizing Appropriation of \$136,454.67 from the County of Madison Lottery Proceeds Nonrecurring Costs Fund] – Adopted August 14, 2012*

*Resolution #2012-15 [Authorizing Appropriation of \$111,306.18 from the County of Madison Capital School Projects Fund] – Adopted August 14, 2012*

*Resolution #2012-16 [Appointment/Reappointment of Individuals to the Industrial Development Board] – Adopted August 14, 2012*

**ADDENDUM  
RESOLUTION #2012-11**

**WHEREAS, the Madison County Social Services Board consists of five (5) members appointed by the Board, and all members appointed by the Board serve terms of four (4) years each, and**

**WHEREAS, the term of one member of the Board will soon expire, and although each member has continued to serve and is authorized to serve until reappointment or replaced, it is necessary for the Board to formally make the reappointments.**

**NOW, THEREFORE, the Board of Supervisors does hereby appoint the following individuals to serve on the Madison County Social Services Board for the term indicated below:**

<b><u>Member</u></b>	<b><u>Term Expires</u></b>
Janet S. Lohr	June 30, 2016
Joseph C. Goodall	June 30, 2016

**Adopted this 14th day of August, 2012, by the Madison County Board of Supervisors, on motion of Supervisor Weakley, seconded by Supervisor Lackey.**

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**J. Dave Allen, Chairman  
Madison County Board of Supervisors**



	Aye	Nay	Absent	Abstain
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>	_____	_____	_____

**ADDENDUM  
RESOLUTION #2012-12**

**A RESOLUTION TO RECEIVE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES (RRCS) FY2013 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES AND THE AREA PLAN FOR AGING SERVICES**

**WHEREAS, in June 2012, RRCS adopted its Performance Contract with the Department of Behavioral Health and Developmental Services, and its Area Plan for Aging Services with the Department of Aging; and**

**WHEREAS, the Madison County Board of Supervisors has received a request from RRCS that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it**

**RESOLVED, by the Madison County Board of Supervisors this 14th day of August, 2012, that the Madison County Board of Supervisors does hereby receive the FY2013 RRCS Performance Contract with the Department of Behavioral Health and Developmental Services and the 2013 Area Plan for Aging Services, and acknowledges that the Madison County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.**

**On motion of Supervisor Butler, seconded by Supervisor Lackey.**

\_\_\_\_\_  
**J. Dave Allen, Chairman  
Madison County Board of Supervisors**

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



Attest:

---

Jacqueline S. Frye, Clerk to the Board

**ADDENDUM  
RESOLUTION #2012-13  
FRAY'S MILL ROAD EXTENSION**

**WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Madison County, and**

**WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and**

**BE IT FURTHER RESOLVED, this Board guarantees the performance of the street(s) requested herein to become a part of the State maintained Secondary System of State Highways for a period of one year from the date of the acceptance of the referenced street(s) by VDOT into the Secondary System of State Highways. This Board will completely reimburse all costs incurred by VDOT, up to \$14,000.00, to repair faults in the referenced streets and related drainage facilities associated with workmanship or materials as determined exclusively by VDOT.**

**NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and**

**BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and**

**BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.**

**Adopted this 14th day of August, 2012, on motion of Supervisor Butler, seconded by Supervisor Weakley.**

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**J. Dave Allen, Chairman  
Madison County Board of Supervisors**



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

Ernest C. Hoch, Madison County Administrator

**ADDENDUM  
RESOLUTION # 2012-14**

**AUTHORIZING APPROPRAITION OF \$136,454.67 FROM THE “COUNTY OF MADISON LOTTERY PROCEEDS NONRECURRING COSTS FUND”**

**WHEREAS, pursuant to Section 22.1-100.1 of the Virginia Code, the governing body of any locality may authorize the local treasurer to create a separate escrow account upon the books of the locality for the deposit of that portion of the locality’s appropriation from the lottery proceeds, pursuant to item 139(B)(4) of Chapter 935 of the 1999 Acts of the General Assembly,**

**WHEREAS, on May 21, 2009, the Board of Supervisors authorized the Treasurer of Madison County to create a separate fund and escrow account upon the books of the County, known as the “County of Lottery Proceeds Nonrecurring Costs Fund” pursuant to the authority set forth within Section 22.1-100.1 of the Virginia Code; and**

**WHEREAS, the Madison County Public Schools received in lottery proceeds \$153,450.87 and said amount was placed in such account by the Treasurer; and**

**WHEREAS, the principal deposit of \$153,450.87, less a previous appropriation by the Board of Supervisors in the amount of \$17,500.00 to the Madison School Board, has generated interest income in the amount of \$503.80, making the total amount in said account \$136,454.67; and**

**WHEREAS, no disbursement from the Lottery Proceeds Nonrecurring Costs Fund may be made except under specific appropriation by the Board of Supervisors; and**

**WHEREAS, the Madison County School Board has requested the Board of Supervisors to appropriate \$136,454.67 to be used solely towards the approved Capital Improvement Plan;**

**NOW, THEREFORE, the Board of Supervisors does hereby appropriate \$136,454.67 to the “County of Madison Lottery Proceeds Nonrecurring Costs Fund”, to be used by the**



Madison County School Board solely for the approved Capital Improvement Plan and in compliance with Section 22.1-100.1 of the Virginia Code.

APPROVED this 14th day of August, 2012, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

---

J. Dave Allen, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Absent	Abstain
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:

---

Ernest C. Hoch  
Madison County Administrator

**ADDENDUM  
RESOLUTION # 2012-15**

**AUTHORIZING APPROPRAITION OF \$111,306.18 FROM THE "COUNTY OF MADISON CAPITAL SCHOOL PROJECTS FUND"**

WHEREAS, the Virginia Public School Construction Grants Program was established by the Commonwealth to provide grants to eligible school divisions for school construction, and the General Assembly authorized each locality that had been awarded any grant under such program, to establish a separate escrow account in which to place the proceeds of any such grant awards; and

WHEREAS, on May 21, 2009, the Board of Supervisors authorized the Treasurer of Madison County to create a separate fund and escrow account upon the books of the County, known as the "County of Madison Capital School Projects Fund" pursuant to the authority set forth within Section 22.1-175.5 of the Virginia Code; and

WHEREAS, the Madison County Public Schools received from the Commonwealth \$110,916.01 under the Virginia Public School Construction Grants Program and said amount was placed in such account by the Treasurer; and



WHEREAS, the principal deposit of \$110,916.01 has generated interest income in the amount of \$390.17, making the total amount in said account \$111,306.18; and

WHEREAS, no disbursement from the Capital School Projects Fund may be made except under specific appropriation by the Board of Supervisors; and

WHEREAS, the Madison County School Board has requested the Board of Supervisors to appropriate \$111,306.18 to be used solely towards the approved Capital Improvement Plan;

NOW, THEREFORE, the Board of Supervisors does hereby appropriate \$111,306.18 to the "County of Madison Capital School Projects Fund", to be used by the Madison County School Board solely for the approved Capital Improvement Plan and in compliance with Section 22.175.5 of the Virginia Code.

APPROVED this 14th day of August, 2012, on motion of Supervisor Weakley, seconded by Supervisor Lackey.

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J. Dave Allen, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Absent	Abstain
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:				

---

Ernest C. Hoch  
Madison County Administrator

**ADDENDUM  
RESOLUTION #2012-16**

Pursuant to Virginia Code Section 15.2-4904 (1950, as amended), it is hereby RESOLVED by the Board of Supervisors of Madison County, Virginia, that the following persons are appointed/reappointed as directors of the Industrial Development Authority of Madison County, Virginia, for terms expiring as set forth herein, to wit:



**Director**

Dudley M. Pattie  
Steve A. Grayson  
Stephen R. Hill

**Term Expiration**

April 11, 2016  
April 11, 2016  
April 11, 2014

Adopted this 14th day of August 2012, on motion of Supervisor Elliott, seconded by Supervisor Butler.

\_\_\_\_\_  
J. Dave Allen, Chairman  
Madison County Board of Supervisors

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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>	_____	_____	_____

**Attest:**

\_\_\_\_\_  
Jacqueline S. Frye, Clerk of the Board



**Ordinances:**

Ordinance #2012-3 [Farm Sawmill/"Farm" Market/Farm Winery]

Ordinance #2012-4 [Wild Game Processing/Showroom/Commercial slaughterhouse/Biodiesel Fuel Production]]

Ordinance #2012-5 [Auction Establishment]

Ordinance #2012-6 -6 [Nonconforming Uses (general provisions)]

**ADDENDUM  
ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE  
ORDINANCE # 2012-3**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Delete Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-6 as follows:

**Sawmill**

Amend Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-6 to read as follows:

**Farm Sawmill**

Sawmill, Farm: A sawmill located on real property zoned Conservation, C-1, or Agricultural, A-1, that is sited a minimum of 200 feet from the property line.

2. Add Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-17 to read as follows:

**Farm market**

3. Delete Article 20 Definitions, Section 20-77A as follows:

Farmers Market: A building, structure or place used by 2 or more individuals for the direct sale of farm or food products or craft products to consumers. A person may not sell farm or food products or craft products at a farmers market unless at least 75% of the product offered for sale by that person was grown or produced by that person or under that person's direction. A farm or food product not grown or processed by that person must have been purchased directly from another farmer.

Amend Article 20 Definitions, Section 20-77A to read as follows:

Farm Market: A building, structure or place used for the sale of farm or food products or craft products to consumers where fifty-one percent (51%) or more of the products are grown, produced or processed by the operator or under the operator's direction. A farm market must be located at or beyond the setback line and must use an existing entrance as access.

4. Delete Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-12 as follows:



**Farm Winery with wholesale sales**

**Amend Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-12 to read as follows:**

**Farm Winery**

**5. Delete Article 3 Conservation, C-1, Special Permit Uses, Section 3-2-18 as follows:**

**Farm Winery with retail sales**

**6. Delete Article 20 Definitions, Section 20-77 as follows:**

**Farm Winery:** An establishment located on a farm in Madison County, Virginia, with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than fourteen percent (14%) alcohol by volume, and the owner or lessee is licensed to do so by the Virginia Alcohol Beverage Control Board and the Federal Bureau of Alcohol, Tobacco and Firearms. At least fifty-one percent (51%) of the fresh fruits or other agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on a farm owned or leased in the Commonwealth of Virginia by the owner of such winery and no more than twenty-five percent (25%) of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth of Virginia unless the Virginia Alcohol Beverage Control Board has authorized the use of a greater quantity of out-of-state products. As used in this definition, the terms "owner" and "lessee" include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" shall include all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

**Amend Article 20 Definitions, Section 20-77 to read as follows:**

**Farm Winery:** An establishment licensed in accordance with Title 4-1 of the Code of Virginia (1950, as amended) (i) located on a farm in Madison County with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume or (ii) located in Madison County with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume. As used in this definition the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

**7. Add Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-18 to read as follows:**

**Processing farm and food products if fifty-one percent (51%) or more of the products are grown on the property and if applicable state and federal regulations are implemented.**



The aforesaid amendments shall be effective upon enactment.

ENACTED this 14th day of August, 2012, on motion of Supervisor Butler, seconded by Supervisor Elliott.

\_\_\_\_\_  
J. Dave Allen, Chairman  
Madison County Board of Supervisors

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

\_\_\_\_\_  
Ernest C. Hoch  
Madison County Administrator

**ADDENDUM**

**ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE**

**ORDINANCE NO. 2012-4**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Add Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-17 to read as follows:  
  
Wild game processing.
2. Delete Article 3 Conservation, C-1, Special Permit Uses, Section 3-2-6 as follows:  
  
Sanitary landfill
3. Delete Article 3 Conservation, C-1, Special Permit Uses, Section 3-2-12 as follows:  
  
Commercial slaughterhouse
4. Add Article 3 Conservation, C-1, Special Permit Uses, Section 3-2-28 to read as follows:  
  
Showroom
5. Add Article 4 Agricultural, A-1, Special Permit Uses, Section 4-2-22 to read as follows:



**Commercial slaughterhouse**

6. Add Article 9 Industrial, Limited M-1, Uses Permitted By Right, Section 9-1-17 to read as follows:

**Commercial slaughterhouse**

7. Add Article 3 Conservation, C-1, Uses Permitted by Right, Section 3-1-19 to read as follows:

**Biodiesel fuel production for use exclusively by the landowner.**

8. Add Article 9 Industrial, Limited M-1, Special Permit Uses, Section 9-2-18 to read as follows:

**Biodiesel fuel production for wholesale or retail sale**

9. Add Article 10 Industrial, General M-2, Uses Permitted By Right, Section 10-1-30 to read as follows:

**Commercial slaughterhouse**

10. Add Article 10 Industrial, General M-2, Special Permit Uses, Section 10-2-11 to read as follows:

**Biodiesel fuel production for wholesale or retail sale**

11. Delete Article 20 Definitions, Section 20-8A as follows:

Alcohol fuel plant - small: A plant regulated by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, established solely for producing, processing, storing, using and or distributing distilled spirits to be used exclusively for fuel use, which produces (including receipts) not more than 10,000 proof gallons of spirits per calendar year.

Amend Article 20 Definitions, Section 20-8A, to read as follows:

Biodiesel fuel production: Production of biodiesel fuel – a renewable, biodegradable, mono-alkyl ester combustible liquid fuel from agricultural plant oils or animal fats that meets American Society for Testing and Materials (ASTM) specifications for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

12. Delete Article 20 Definitions, Section 20-8B as follows:

Alcohol fuel plant - medium: A plant regulated by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, established solely for producing, storing, using and or distributing distilled spirits to be used exclusively for fuel use, which produces (including receipts) more than 10,000 and not more than 500,000 proof gallons of spirits per calendar year.

The aforesaid amendments shall be effective upon enactment.

ENACTED this 14th day of August, 2012 on motion of Supervisor Elliott, seconded by Supervisor Butler.

\_\_\_\_\_  
**J. Dave Allen, Chairman**  
**Madison County Board of Supervisors**

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



\_\_\_\_\_  
Ernest C. Hoch  
Madison County Administrator

ADDENDUM

ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE  
ORDINANCE #2012-5

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

- 1. Add Article 4 Agricultural, A-1, Special Permit Uses, Section 4-2-22 to read as follows:

Auction establishment

- 2. Add Article 8 Business, General, B-1, Uses Permitted By Right, Section 8-1-36, to read as follows:

Auction establishment

- 3. Add Article 20 Definitions, Section 20-14A to read as follows:

Auction Establishment: A structure or enclosure in which goods and/or livestock are displayed and sold by auction.

The aforesaid amendments shall be effective upon enactment.

ENACTED this 14th day of August, 2012 on motion of Supervisor Butler, seconded by Supervisor Lackey.

\_\_\_\_\_  
J. Dave Allen, Chairman  
Madison County Board of Supervisors

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

\_\_\_\_\_  
Ernest C. Hoch  
Madison County Administrator



**ADDENDUM  
ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE  
ORDINANCE #2012-6**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. Add Article 13 Nonconforming Uses, Section 13-3-2 to read as follows:

If a nonconforming use or structure is altered, expanded, enlarged or extended, the new alteration, expansion, enlargement or extension shall comply with the provisions of this ordinance; however the existing nonconforming use or structure can remain in its nonconforming status.

2. Amend Article 14 General Provisions, Section 14-1-3 to read as follows:

Any person making application for a building permit shall pay the County Treasurer a fee as indicated on the Fee/Refund Schedule as adopted by resolution of the Madison County Board of Supervisors. Building permits shall be required for any construction, reconstruction, alteration or enlargement of a building, except that if a storage building is under 150 200 feet or less with no wiring or plumbing, then no building permit will be required. If a storage building is 150 square feet or larger, larger than 200 square feet, a building permit will be required.

The aforesaid amendments shall be effective upon enactment.

ENACTED this 14th day of August, 2012 on motion of Supervisor Butler, seconded by Supervisor Lackey.

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J. Dave Allen, Chairman  
Madison County Board of Supervisors

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

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Ernest C. Hoch  
Madison County Administrator

