

MEETING #55 – December 11

At a Regular Meeting of the Madison County Board of Supervisors on December 11, 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-Chairman
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
Ernie Hoch, County Administrator
V. R. Shackelford, III, County Attorney
Teresa Miller, Finance Director
Jacqueline S. Frye, Clerk of the Board

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 changes needed to today's Agenda.

Supervisor Butler suggested the evening public comment opportunity be placed toward the end of the session (similar to how the afternoon public comment session is handled).

Chairman Allen clarified that the public comment opportunity is placed in accordance with the By-laws; however, he asked for input from the remaining members.

Supervisor Lackey asked if today's suggestion is just for today's session, to which Supervisor Butler advised was correct and also suggested it be continued. In closing, Supervisor Lackey asked if the bylaws should be changed; otherwise, she was in agreement with today's suggestion.

Supervisor Elliott suggested Item "f-v" be added to discuss "Revenue."

Chairman Allen called for any further corrections changes.



After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, today's Agenda is adopted 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. Monthly Reports

a. Department Heads (if necessary)

None.

b. Constitutional Officers (if necessary)

Sheriff's Department:

Erik Weaver, Sheriff, was present and advised that Robert Finks, Director of Emergency Communications, has been recognized in the "Top Twenty-Five" category in the nation for emergency communications operations centers. In closing, Mr. Finks was presented with a trophy of recognition.

i. **Wage Adjustment:** The County Administrator presented an attachment to the Board for review regarding proposed wage adjustments for law enforcement positions within the Sheriff's Department; confirmation was made that sufficient funding is available to cover the proposed adjustments in this fiscal year for the four (4) positions noted in the attachment and savings are denoted as a result of new employees being hired at a lower wage than was earmarked for the positions noted. In closing, he advised the total projected budgetary amount would be \$2,820.00 below the initial departmental budget after the proposed adjustments and will require some funding to be moved from the court security line item into the Sheriff's departmental budget to cover the adjustments.

Concerns were verbalized by several Board members regarding the impact of today's proposed increases.

The County Administrator advised the initial budget is established to cover the existing salaries and no changes can be made without action on behalf of the Board; however, today's request does fall in line with monies allocated during the past year and will not exceed the funding that has already been allocated. In closing, he advised the line item transfer will result in the court security line item showing a slight decrease and the Sheriff's departmental budget will show a slight increase.

Supervisor Lackey asked if next year's budgetary allocations would remain the same.



The County Attorney questioned the guidelines regarding adjusted benefits as a result of the proposed adjusted salary.

The County Administrator advised the benefits are an adjustment of total dollars; therefore, if there was no change in the actual 'body count', there will be no change in VRS, FICA and other benefits.

Chairman Allen asked if any of the staff denoted on today's attachment (with the exception of new hires) were beneficiaries of the past wage adjustment, to which the County Administrator advised that three (3) of the individuals denoted on today's report did receive the past wage adjustment and one is also being promoted.

Supervisor Lackey clarified concerns regarding a proposed reduction in salary which appears to be of a considerable amount.

Supervisor Elliott questioned whether the proposed reduction was brought forth by the hire of someone to perform the job at a lower salary, and whether someone else could possibly be promoted if they had more experience and were able to perform the job better than the new hire.

After discussion, the Sheriff asked if the aforementioned question is something that should be discussed in a closed session, to which the County Attorney clarified that this discussion could only continue if it was regarding categories; however, there can be no discussion about an individual's performance in an open session.

Supervisor Weakley asked if the proposed increase would be 2.5%, 5% or more.

The County Administrator advised that:

*Two (2) individuals would receive an additional 2.5% (for a total net increase of ten percent [10%]);

*One (1) individual would receive a net salary change of 12.5%;

*One (1) individual would receive a salary reduction of 7.5% (below what was originally budgeted for the position);

Supervisor Elliott advised that should today's request be authorized, funding will remain with the budgeted amounts as established.

Sheriff Weaver advised that some of the law enforcement positions do receive funding from the Compensation Board and if these funds are used, they will be lost.

Chairman Allen questioned the fact that three (3) of the positions denoted today are promotions, but don't indicate a rank/merit.



Sheriff Weaver advised that some of the individuals have experience (5, 10, 15 years); however, funding from the Compensation Board only allows a certain amount of funding for specific positions.

Supervisor Lackey clarified that the Sheriff's staff isn't subject to the same policies as the County employees; therefore, she has difficulty seeing this as a fair policy.

Chairman Allen advised there is a possibility that compensation funding will be lost if it isn't used; however, the County Administrator advised that he was unsure of that factor, but only two (2) of today's positions being discussed are funded by the compensation board.

Supervisor Lackey asked if action was needed by the Board to authorize the County Administrator to implement a line item transfer and move forward with the salary adjustments.

Supervisor Butler advised that today's proposal will involve a savings of \$7,610.00.

Supervisor Lackey advised that the Sheriff's Department isn't subject to the same personnel policy as regular County employees; she also questioned the fact that one position is a demotion.

Chairman Allen asked if there was a possibility to lose comp board funding because of the lack of action on today's issue, to which the County Administrator advised that he was unsure.

County Administrator clarified that in order for today's request to be implemented, the Board will need to authorize him to move forward with the salary adjustments as requested by the Sheriff.

Supervisor Weakley advised that he wasn't in favor of supporting any merit increases but could support a promotion, as this technique wasn't utilized for staff at the Animal Shelter with the monetary funding that has been provided. Additionally, there is a morale issue and he feels that the playing field needs to be made level regarding merit increases for all employees. In closing, he suggested that a fair salary analysis be implemented before further determinations are made on salaries.

Supervisor Butler commented that a salary analysis will cost about \$13,000.00; however, Supervisor Weakley reminded him the aforementioned cost information was received in an email and there has been no discussion amongst the Board regarding the issue.

Supervisor Butler also advised that, in his opinion, the Sheriff has the authority to deal with his personnel as he sees fit.



After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, the Board voted to authorize the salary adjustments recommended by the Sheriff for departmental personnel as presented to the Board, with the following vote recorded:

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

c. VDOT (if necessary)

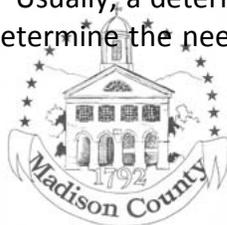
Roy Tate, Acting Residency Manager, was present and advised that the light situated at the VDOT station in Madison County has been redirected, as per the request of the County. Also, questions were brought forth about Route 644 - the site was reviewed about a year ago and it was denoted there are stream issues that impact the flow upstream – a culvert is currently in place but catches a lot of debris, thereby causing the area to over-top. In closing, staff will identify alternative measures to remedy the situation (i.e. box culvert or concrete slab), but there may still be an issue depending on the weather conditions.

Mr. Tate advised that a stream restoration effort will be implemented on Route 670 at Graves' Mountain Lodge and replacement piping will be done on Route 643.

Mr. Tate advised the County Administrator contacted him regarding a citizen request to plant trees; currently, there are requirements in place and no one has contacted the district office regarding the request. Also, the County will be required to partner, as someone has to be responsible for the trees. In closing, he advised that VDOT will approve the request as long as the trees meet site distance and setback requirements.

Chairman Allen asked what the County's responsibility would entail, to which Mr. Tate advised that according to the requirements, the project will not be considered a "VDOT project", but would be a private venture between the "Scout and Madison County" – once the citizen presents something to VDOT, it will be reviewed and details will be provided.

Mr. Tate advised the speed study on Route 630 (Thoroughfare Road) has yielded three (3) crashes in the past three as a result of two (2) motorists running off the road and one (1) motorist hitting a deer, but none of the incidents occurred in the same spot. Furthermore, the study indicated there is no particular safety issue on the route and there are 260 or less travelers on the road and there doesn't appear to be a need to change the existing speed limit on the roadway. Unless the County is aware of a specific location that presents a safety issue, it will be difficult to warrant the need for a speed reduction. Usually, a determination is made on based on crash data and/or fatalities in order to determine the need for a change in speed. Furthermore, if the speed limit is



lowered, enforcement will be needed by local law enforcement and a sign will need to be posted.

Supervisor Weakley asked about debris along the right-of-way of personal property and whether VDOT or the local power company has actively cleared all debris as a result of the recent storm.

Mr. Tate advised that VDOT has currently removed all known debris along most of the right-of-ways; however, he urged citizens to call the VDOT hotline and a representative will come review the site - although VDOT can only work within a thirty foot (30') easement, a representative will be glad to come review any areas and provide advisement.

Chairman Allen advised that a request may be presented regarding a citizen's desire to have 'no parking' signs erected. In closing, he advised that at a recent meeting, Delegate Scott and other representatives in the General Assembly provided positive comments regarding the manner in which VDOT performed clean-up of debris in various localities following the recent storm.

d. School Superintendent (if necessary)

Matthew Eberhardt, School Superintendent, was present and thanked Chairman Allen and the County Administrator for attending the recent school board meeting; he also recognized the recent passing of Mr. George Volchansky and acknowledged his years of service to Madison County within the school system and both local governing boards.

The Superintendent advised that if no changes are implemented regarding the 'fiscal cliff', the school system will see a reduction in federal dollars of about \$77,000.00 (8.2% to 9.2%). The school Board reviewed a report on random drug testing as requested by a committee of parents, students, health professionals, and school employees – out of 105 parents surveyed, 104 were in favor of the random testing and all students were also in favor of testing for student athletes. A review was also done on two (2) HVAC options; however, no action was taken as the school board would like to review more information before a decision is made. In closing, he advised the Band and Forensics Team were sent to competitions and were very successful in moving onto state competition and national recognition.

i. Federal Title I School Impr. Funds (\$106,591.92)

ii. ~~Unbudgeted~~ local funds (\$12,700.00)



Chairman Allen advised that the above referenced funds were utilized for technology at the Waverly Yowell Elementary School, in the form of a grant (\$106,591.92) and the \$12,700.00 was from an educational foundation grant that was used to cover the tuition for a cosmetology student in Category 1,000 of the schools' budget. In closing, it was denoted that these funds have now been received through the Madison County Treasurer's Office. He also explained the \$106,591.92 is a replacement of funding spent out of the budget and the \$12,700.00 is additional income that hasn't been budgeted.

Supervisor Lackey moved that the Board authorize an appropriation of \$106,591.92 that was spent for technology, and also authorize an appropriation of \$12,700.00 for local grants to school budget category 1,000, 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 Weakley thanked the Superintendent for keeping the Board informed of the student's successes and verbalized appreciation for keeping the County abreast of information pertaining to school projects.

e. Bond Release (if any)

None.

f. Finance Office

Certificate of claims – General Operations (October 2012 – FY2013)

Supervisor Butler questioned the monthly electric bill denoted on the report for the courthouse and whether ways are being sought to reduce this cost.

The County Administrator advised the numbers are consistent with past monthly usage rates at the courthouse; however, he will investigate what can be done to reduce costs.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the certificate of claims for general operations totaling \$849,387.99 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

i. Certificate of Claims- Debt Service (October 2012 – FY2013)

On motion of Supervisor Butler, seconded by Supervisor Lackey, the certificate of claims for the debt service totaling \$43,085.10 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

iii. Certificate of claims – Tourism Enhancement (October 2012 – FY2013)

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the certificate of claims for tourism enhancement totaling \$850.00 is approved as submitted, with the following vote recorded:

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

Supervisor Elliott has a concern about revenue and asked Ms. Miller if she would run a copy of information regarding the rent for the Clore house; when looking at the revenue, it appears that \$1,500.00 in rent has been received, although the contract indicates the rent should be paid in full by July 1st of each fiscal year and he's concerned why the rent hasn't been paid.

The County Administrator and the Finance Director advised the rent has been paid. Ms. Miller also explained the funding listed is what is paid to the County for rental of fields (by Mr. Weaver); however, she is unsure where the Treasurer's Department posted the revenue received for the farmhouse.

The County Administrator advised that the Clore House has two (2) pieces:

- a) The rent from PRA for the farmhouse and;
- b) The rent from Mr. Weaver for the fields;



Ms. Miller visited the Treasurer's Office and returned to advise the rental payment has been received; she fully explained the report and where the rental payment has been posted and also explained the difference between the amounts denoted in the columns (i.e. budget appropriations versus actual postings).

iv. Supplemental Requests – General Operations (December 2012 – FY2013)

1. Parks & Recreation	PRA Youth Programs – Nov's Deposits #71100-5690; 161201	\$ 11,196.81
2. Parks & Recreation	PRA Other Programs – Oct's Deposits #71100-5691 – 161201	\$ 775.00
3. Law Enf.	Insurance Claim #31200-6009 – 180916	\$ 2,204.40
4. Water Quality Control Grant –	Sanitation Program #82200-5898; 240906	\$10,917.85
5. Juvenile Probation	Refund unused grant proceeds FY2012 #33300-5893;49999	\$ 1,126.00

TOTAL: \$26,220.06

On motion of Supervisor Butler, seconded by Supervisor Weakley, the supplemental requests – general operations totaling \$26,220.06 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

Ms. Miller advised there was unspent grant funding that was provided for the juvenile probation office; the State requires that any unused funding must be returned, which is denoted in today's supplemental appropriations. As per her conversation with Mr. Hespenshide of the Charlottesville Office, it was advised there were no additional children enrolled in the Crime Prevention Program. Ms. Miller also explained the Sanitation Program is an ongoing program for the grant managed septic systems program.

g. Minutes (#47 through #49):

Chairman Allen advised that Minutes #47 through #49 were discussed at a prior meeting.



After discussion, on motion of Supervisor Butler, seconded by Supervisor Lackey, the Board approved Minutes #47 through #49, 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

5. Consent Agenda:

None.

6. Discussion/Action Items:

i. Citizen Request for “No Parking” Signs (letter attached)

The County Administrator advised that a letter has been received from Mr. James Ballard regarding the dead-end located in the front of his property, where he has implemented a turnaround point for motorists who visit the park. Despite his efforts, visitors to the park continue to block entrances to personal property and he is requesting that VDOT install a “No Parking” sign on his property located near the Shenandoah National Park. Although he has had some discussions with the Commonwealth Attorney and spoken with the Sheriff and VDOT representatives, he has erected personal ‘no parking’ signs in an effort to prevent motorists from blocking driveways, to no avail.

Erik Weaver, Sheriff, was present and advised that two (2) or three (3) visits are made to the area each week and motorists have continued to park on Mr. Ballard’s property and block his driveway. In closing, he advised that law enforcement personnel can only enforce this issue if VDOT installs appropriate signage.

Supervisor Lackey moved that the Board of Supervisors authorize the County Administrator to talk to VDOT about the placement of “no parking” signs, 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

ii. Park & Recreation MOU:

Chairman Allen advised there have been some changes to the MOU between the PRA and County.



The County Administrator explained the changes to MOU which will need to be finalized along with a lease agreement.

Supervisor Lackey asked if the County Attorney has reviewed the updated document, as she has concerns regarding wording contained in the document.

Chairman Allen suggested changes as follows:

- The Farmer's Market will not be charged for the use of Hoover Ridge;
- The Middle Property needs to be added;
- Funding in the amount of \$106,000.00 should be identified as being allocated from the FY2013 budget;

Supervisor Butler suggested a change be implemented to:

- Item 1-b ; and
- The decision whether to charge the Farmer's Market should be within the PRA's control;

The County Administrator advised the Board will need to authorize:

- Whether \$15,000.00 in funding to be provided for the rest of the fiscal year from PRA's existing budget; and
- a) Whether the PRA can hire a Manager;

Additionally, if PRA is going to assume responsibility for Hoover Ridge, they will need to have someone in place by July 1, 2013. In closing, he advised the process can be under review by the County until October 2013 and then a determination can be made regarding whether the PRA can operate effective without County assistance.

Chairman Allen advised the PRA will be unable to move forward unless action is taken today, and feels the updated document does denote the framework that will be needed.

Supervisor Lackey feels there are too many issues in place that need to be addressed; there is no mission statement and the County Attorney hasn't reviewed the updated MOU.

Supervisor Butler advised he's in favor of moving forward today, but would suggest that a caveat be included to denote that the Board will have the option to monitor operations.

Supervisor Elliott suggested the PRA be allowed to move forward; he also suggested the County should not be in control of the PRA Manager position.

Supervisor Weakley agreed with prior comments that the County Attorney should review the document;

The County Administrator advised the lease will need to contain many specifics before the County hands over the keys to the park – the MOU is just the framework needed in order to start the operation process.



Chairman Allen advised that the County will continue to have budgetary control over the property, and funding will still need to be appropriated to the PRA by the County.

Supervisor Butler advised no issues with authorizing the PRA to hire a Manager.

Supervisor Elliott advised there was discussion during a prior workshop that funding could be used from the prior Recreation Director's position that was never filled.

The County Administrator advised there are several other line items that are 'under budget' which may be almost enough to cover the position without the County having to utilize the available funding set aside for the existing vacancy (i.e. Facilities Director). Also, a tracking system will be in place to keep exact totals of all funds that will be used.

Supervisor Weakley asked if the PRA has reviewed today's updated document.

The County Administrator also provided a brief overview of the portions of Hoover Ridge (as denoted on the map).

Supervisor Lackey asked about the number of acres that will be encompassed for football and baseball fields.

Mr. Dean was present advised there are currently four (4) football fields, six (6) baseball/softball fields, eleven (11) soccer fields, and there is observation space beside the fields. In closing, he excused himself from the remainder of the meeting due to a prior evening commitment.

The County Administrator advised the new PRA Manager will need assistance with knowing where to go for certain things (i.e. fuel, supplies, equipment, etc.), and it is anticipated the individual will report to the PRA Board and not to the County.

Supervisor Weakley suggested the wording be edited regarding the full-time PRA position. In closing, he suggested the Board continue discussion on this issue during the evening session, as he would like the County Attorney to review this document during the dinner break, if possible.

After discussion, the Board decided to continue discussions on this issue during the evening session.

iii. MCHS/WWMS Bathroom Renovation

Chairman Allen advised it has advised during the recent CIP meeting, there was discussion that general renovations to the school bathrooms wasn't included in the CIP; therefore, the school system would like to include this option (with no dollar amount attached) to the CIP, and in doing so, the contract with Crabtree, Rohrbaugh Associates, Inc., will need to be changed to include this project. Although the school board voted last evening to include these items, the County will need to take action before this request can be included in the CIP with no dollar amount attached.

On motion of Supervisor Lackey, the Board authorized that the County add the renovations to the bathrooms in the high school and middle school, to the CIP program (with no dollar amount attached), seconded by Supervisor Weakley:



Supervisor Elliott wanted to clarify that the renovations would be added with no dollar value attached, to which Chairman Allen advised was correct, as there was no monetary amount included.

Supervisor Butler questioned whether a scope of work would be included with the contract, to which Chairman Allen advised the request is to make the renovations a part of the project for discussion next week.

With the following vote recorded:

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

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

Chairman Allen opened the floor for public comment.

Bill Campbell was present and verbalized concerns pertaining to the school restrooms; the County has already taken a vote to borrow money for the CIP projects (\$10,700,000.00) and there has been no public hearing to discuss the matter and the loan is to be done before the close of this year; he also questioned that if no one at a future meeting is in favor of the County borrowing the money, will the Board move forward anyway. In closing, he said there was a question asked during a prior meeting as to why the question wasn't put on the ballot as a referendum (similar to Fairfax County), as it's the taxpayers who will be paying the bill - it only takes three (3) hands to go in the air and he feels the Board does what it wants to do without any regard to the public's concerns.

Kim Smith was present and advised that ten percent (10%) of the local population qualifies for food stamps and questioned what is being done in the area of economic development; she also feels the County needs to start looking at what can be done here to help the citizens have a roof over their heads and food on their tables.

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

Chairman Allen advised the Board will need to enter into a closed session to conduct interviews for the Madison County Board of Equalization. Following the interviews, the Board will break for dinner and no action will be announced until the 7:00 p.m. session.

7. Board of Supervisor's Meetings Attended in Past Month:

Skyline CAP/PRA/Rappahannock-Regional Commission



Supervisor Weakley attended a meeting of the Skyline CAP, the PRA and the Rappahannock-Rapidan Watershed Commission.

Chamber of Commerce/Social Services/Thomas Jefferson Criminal Justice Board/Skyline Cap/Culpeper Soil & Water Conservation District

Supervisor Butler attended a meeting of the Chamber of Commerce, Department of Social Services, Thomas Jefferson Criminal Justice Board, Skyline Cap and the Culpeper Soil & Water Conservation District.

Madison County Planning Commission

Supervisor Elliott attended a meeting of the Madison County Planning Commission.

Central Virginia Regional Jail/Rappahannock River Basin/General Assembly

Chairman Allen attended a meeting of the Central Virginia Regional Jail and the Rappahannock River Basin Committee; he and Supervisor Weakley also attended an afternoon session of the General Assembly in Richmond, Virginia.

Supervisor Weakley asked if there was a preference as to where further discussions will be conducted on the MOU for the evening.

Chairman Allen suggested the topic be discussed after legislative updates, followed by the evening public comment.

Chairman Allen recessed for dinner.

8. Closed Session

None.

****Dinner break****

7:00 p.m.

9. Reconvene Meeting

Chairman Allen reconvened the meeting at 7:00 p.m. and advised that a quorum is present.

Chairman Allen advised the Public Comment Opportunity will be moved to the end of tonight's session, prior to the adjournment

10. Legislative Update (Delegate Edward Scott)

Chairman Allen advised of items of concern for Madison County as follows:

- a) Youth Sports (Health Department):



Chairman Allen advised that issues were raised regarding the Youth Sports Program's concessions; contact was made on behalf of the County with both legislators regarding this issue.

Delegate Scott advised that he and Senator Hanger have drafted legislation to correct this issue and a bill will be brought before the General Assembly to have the youth sports groups moved from the existing section (of the guidelines) so they can be exempt. In closing, he is unsure how 'hard' the Health Department will respond to the request, but he feels there is enough common sense behind the request to put this issue to rest.

b) Storm water regulations (Updates on the Rapidan River):

Chairman Allen advised that a fee has been placed on homeowners for disturbing earth; he questioned how this requirement will affect housing costs.

Delegate Scott advised that he was unsure if there will be much change regarding the charges to localities as denoted in last year's legislation, and he feels the regulation on this issue will probably be done at the local level with localities being asked to write their own TMDL's. Additionally, Senator Hanger has expressed concerns regarding the fees needed in order to support the program, as it may be more viable for the localities to work as a region.

Supervisor Weakley questioned how the aforementioned fees will apply to a single family home versus a subdivision; he also advised that Senator Hanger mentioned grant funding; therefore, he questioned how these funds will be disbursed.

Delegate Scott advised that fees charged to the homeowners will be utilized to pay the fees to regulate the aforementioned program. Also, there has been no investigation regarding available grant funds, but this will be researched.

Supervisor Lackey asked what a homeowner will be required to do; how the fees and regulations will be assessed; and whether the locality will be responsible to provide inspections. In closing, she asked if there was any part of the State where regional cooperation has been implemented.

Delegate Scott advised that regulations for storm water will be done locally (or regionally) with the fees being used to support the program. Also details regarding inspections for the life of the program will need to be reviewed. In closing, he advised that the Culpeper Soil & Water Conservation District is familiar with regional cooperation efforts.



Additional concerns verbalized by the Board regarded whether the regulations will be mandated by July 2014, and whether there will also be a mandate to include nutrient management.

Delegate Scott advised that conservation efforts will stem from a voluntary approach; however, the EPA has advised if the proposed goals in the watershed plan aren't met by FY2017, there will be consequences.

c) Rural Broad banding:

Chairman Allen advised the issue of rural broad banding is a constant topic.

Delegate Scott advised the issue of rural broad banding will be most challenging during this year's session; the State is trying to identify areas where this service is needed, but it's hard to find the necessary capital to provide a climate to promote this service. Rural caucuses have met with representatives regarding this issue and he will try to get updates on any progress that has been made.

Supervisor Butler advised the telephone companies want to populate Route 29; he asked if the State can take a look at this and require providers to go off the main roadway so a certain amount of citizens can be included. In closing, he suggested anyone with a monopoly should be responsible.

Delegate Scott advised it will be a challenge to tell a business how to spend their money. Furthermore, even if a survey can be implemented, it would still be difficult to mandate. Additionally, he advised that cable service isn't regulated through the internet and suggested a way be devised to have representatives from Richmond come provide more input on this issue in the spring.

Supervisor Lackey advised that in the past. The USDA did offer some funding opportunities to under-served areas.

Delegate Scott advised that to the best of his knowledge, there was 'supposedly' some funding available in the recovery act, although he doesn't have input on this factor.

d. Unfunded Mandates:

Chairman Allen advised there have been times in the past where localities have experienced difficulty with formulating their budget because of not knowing what will transpire during the session of the General Assembly, or what changes Congress will impose. In closing, he advised the unfunded mandates are difficult and questioned if there is any way to know what will transpire during the upcoming session and the impact on impact on Madison County.



Delegate Scott advised there have been no serious proposals just yet; however, if there was a consensus to move forward, there would be a moderate amount of complexity in determining how to do so. Currently, VDOT is working on a regional level which is more sensible than having every town/county operating separately, as Virginia has one of the largest state-maintained roadway systems in the County. In closing, he doesn't foresee any concrete plans to incorporate significant changes.

Delegate Scott also advised that Senator Hanger has advised this issue is something that needs to be addressed, and it is hoped that a consensus can be achieved to generate construction funding.

Chairman Allen asked if there was anything the County needed to be aware of that may transpire during the session that will impact Madison County.

Delegate Scott encouraged the County to research what the government boards and bonding agencies are looking at in terms of exit liability and teacher pension liability; when the House Appropriations Committee met recently, there was a session on the aforementioned issue and it looks as though these items could have a large impact if driven by the accounting standards which could affect the County's balance sheet and the cost/ability to borrow funds.

e. Uranium Mining:

Chairman Allen advised the County recently passed a resolution on uranium mining.

Delegate Scott advised the legislative committee received a report from the uranium working group, which he is reviewing. In his opinion, he feels the discussion on the issue has been positive and legislators are being asked to provide some framework to the General Assembly; however, no regulations have been provided to date.

Supervisor Lackey advised that uranium mining isn't allowed along the east coast in any state; if the ban is lifted, Virginia will be the first and only State where this activity will be allowed. She also feels that if allowed to transpire, the activity would be complete within a few years because of there being such a small amount of uranium here.

Delegate Scott advised that mining or milling doesn't transpire in certain areas as a result of climate or those that are heavily populated. In closing, he advised the life of a mine is usually twenty (20) years and some areas where mining once transpired have been successfully redeveloped.

e. Legislative Program:

Chairman Allen asked Delegate Scott for any input regarding the legislative program.



Delegate Scott advised the State-aide is geared toward helping the localities due to the economic downfall; he advised this is one of many uncertainties and the impact on the economy and federal funding to enhance economic growth appear to be slowing.

Chairman Allen asked for input on the line of duty/disability, as Senator Hanger recently advised the General Assembly plans to reconsider this issue.

Delegate Scott advised there needs to be a plan in place, along with a determination where funding will come from. Apparently, federal legislation has asked the House and Senate to add volunteers to the program.

Supervisor Butler advised that VACo has verbalized support of the relaxation of the "Dylan Rule"- he questioned if there was a way to extend powers (i.e. land use, procurement, and other issues of local concern) to all local governments.

Delegate Scott feels some specificity will be needed in order to accommodate progress regarding the above referenced concern and there has been discussion about requesting this support be implemented statewide.

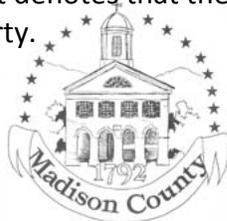
11. Park & Recreation MOU:

The County Administrator provided an overview of the changes that have been incorporated into the draft MOU (i.e. comments from the County Attorney, recommendations from the Board members). Additionally, the MOU is a six (6) month instrument unless otherwise written, and a lease will need to be reviewed and approved by the County and PRA Board, along with an additional MOU containing the framework for the next fiscal year pertaining to equipment and/or whether to continue or terminate the agreement.

Chairman Allen suggested Item 1-g be changed to read 'the 'management/maintenance of the PRA property adjacent to the American Legion.'

Supervisor Butler questioned whether this issue has been discussed with the American Legion.

The County Administrator advised he has spoken with a few members and the agreement denoted a transfer of property to the PRA that surrounds the American Legion. He also advised that in the past, the PRA didn't operate anything at the legion property and the County was responsible for maintaining the property. The new arrangement will call for the PRA to provide complete maintenance of the property without County involvement. Additionally, there was a transfer of the deed between the PRA and the American Legion in 1983, and although the property is 'landlocked', the agreement denotes that the legion has agreed to allow the PRA to have access through the property.



Supervisor Butler asked if a public hearing would be needed on both documents before action can be taken by the County.

The County Attorney advised that a public hearing will not be required before action can be taken on the MOU, but he will need to research if this is correct for the lease agreement.

Supervisor Lackey moved that the Board approve the MOU between the Madison County Park & Recreation Authority and the Madison County Board of Supervisors, as amended and presented in draft form, seconded by Supervisor Weakley.

Supervisor Butler advised he was hesitant to vote on this issue because he would like to see a final draft, but, in doing so will delay moving forward.

With the following vote recorded:

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

7:00 p.m. Public Comment Opportunity (not to exceed five [5] minutes per speaker)

Chairman Allen opened the floor for public comment.

Eleanor Montgomery was present and advised she was shocked to hear that the County Attorney didn't review the MOU between the County and PRA; she is also concerned about the lack of maintenance on the property adjacent to the American Legion building, as it's obvious those at the location aren't maintaining the property. In closing she agreed that the school bathrooms do need to be renovated, but she asked the County to please be careful where the money is going to come from.

Kim Smith was present and verbalized concerns about the legion property; the bath house is a site of drug use; the pavilion beams are rotting and the roof is corroded, which is a liability for the County and the PRA; she would also like to see a financial statement from the PRA before the transfer, public budget statements, and an annual accounting of what will be done with the acreage at Hoover Ridge for non-children living within the community, as the money spent to purchase the property was done so for all citizens.

Bill Campbell was present and asked who the PRA Manager will be and if someone has already been selected; also, the money is already in the budget and he questioned if it



will be available during the next year, as this will be a newly created job. He also asked if the person who currently performs maintenance at Hoover Ridge will continue to make the same salary. In closing, he feels the County shouldn't have any control over PRA's funding – if they can own property and enter into contracts, they should be able to maintain things and manage their financial business.

Supervisor Butler advised the time period will call for a six (6) month transition period, heading to the point where everything is turned over to the PRA. After that time frame, everything will be re-evaluated.

Gerald Stephenson (Legion Member), was present and advised there is a port-a-john at the legion site that doesn't meet ADA requirements and isn't wheelchair accessible; the restrooms and picnic table aren't being maintained and it seems that all County resources are being utilized at Hoover Ridge; the hockey rink behind the legion post is being used, but he believes this will be relocated eventually. In closing, he suggested the County allow the legion to reassume ownership of the property should the PRA remove the hockey rink – the legion can charge a fee for the use of the pavilion and provide maintenance of the property.

Eric Stevens (Legion Member), was present and thanked the Board for incorporating changes to the MOU; he also verbalized concerns about liability issues and advised the pavilion isn't be maintained, drug use is taking place at the pool house, and although the PRA does utilize the hockey rink, the location isn't secured after usage. In closing, he asked if the PRA will assume liability of the property once they are in charge of maintenance, as he believes the agreement advises that if the PRA should ever stop using the property for recreation activities, the property will revert back to the legion. In closing he advised the legion members have worked hard to restore a positive image to the property and wants this to remain intact.

Chairman Allen clarified the deed indicates the property was transferred to the Madison Park & Recreation Authority and not to the County of Madison.

Supervisor Lackey asked who carries insurance on the property, to which the County Administrator advised is provided through the PRA which is paid through funding allocated from the County.

Supervisor Weakley advised that he and Supervisor Butler serve as the Board's liaisons it on the PRA Board – he urged legion members to attend the next meeting scheduled on Monday at 7:30 p.m. at Hoover Ridge.

Supervisor Elliott advised that although the property will be maintained by the PRA, it will still be owned by the citizens of Madison County.



Supervisor Lackey asked if the Sheriff's Office was aware of the drug use at the legion, to which it was advised that deputies have been on site and they have also been advised of break-ins that have transpired at the property.

Adam McCloud expressed concerns about the CIP and the fact that school bathrooms will only be made ADA compliant and not fully renovated; he is also concerned that students eat their lunch while sitting on the hallway floors, to which School Officials advised there wasn't sufficient room to expand the cafeteria. Also, there was discussion about the demolition of the bleachers and he feels citizen volunteers should be asked to assist with recycling efforts; however, school officials expressed concerns regarding liability issues and advised that volunteers could be asked to sign a 'hold harmless' agreement, which he feels could be investigated, as this endeavor would be a cost savings for the County.

Chairman Allen advised that the County has looked at the issues being verbalized; although not all issues have been resolved, the school system has acted within their parameters, as the County doesn't have a say in the aforementioned matter (i.e. demolition of bleachers).

Supervisor Elliott advised that he grew up in Madison County, and most of what has been done here pertaining to youth sports was implemented by local volunteers without any monetary support from the County.

12. Information/Correspondence (if any)

Topping Committee:

The County Administrator advised that \$163,000.00 has been received through the Topping Fund; the recent clinic to promote reduced fees for spay-neuter-adoption has assisted with:

- a) The adoption of thirty-three (3) dogs; and
- b) The spay-neuter of thirteen (13) dogs and seven (7) cats (owned by local citizens);

Furthermore, some residents who had planned to surrender their cats because they were unable to continue caring for them opted to keep their pets when they were advised of the reduced fees for spay/neuter services for local citizens. In closing, he advised that another committee meeting will be scheduled after the New Year, and an invitation for bids will be advertised shortly.

Planning Commission Vacancies

Chairman Allen advised there are two (2) vacancies on the Madison County Planning Commission and three (3) applications have been received; the Board can elect to defer any action until after the first of the year, or decision tonight whether to move forward with scheduling interviews.



After discussion, it was the consensus of the Board to schedule interviews for the three (3) applicants on Thursday, December 20, 2012 beginning at 6:15 p.m. in the auditorium.

Update on Transfer Station

Supervisor Elliott asked for an update on the Transfer Station.

The County Administrator advised the only information he can report today deals with the fees regarding hangtags versus decals.

13. Adjournment:

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

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

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk to the Board

Adopted on: February 12, 2013

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

