

MEETING #34 – June 11

At a Regular Meeting of the Madison County Board of Supervisors on June 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 advised today’s agenda will need to be amended to add:

- i) A bill presented by Pearson’s Appraisal Services, Inc. [this will be added to Item 6c]; and
- ii) Resolution #2012-8(a) [will be denoted as item ‘j-1’];

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

Department of Social Services:

Chairman Allen asked if there were other departments with requests other than Social Services, and there were none.

i. Social Services (CSA & VPA)

Valerie Ward, Director, and Christie Cloniger, CSA Coordinator, were present to request additional funding in the about of \$150,000.00 for the CSA program to provide services for the thirty-five (35) children who are currently in foster care. In closing, there were three (3) children that needed to be placed into foster care as a result of physical abuse in the home, and she feels that based on existing funding trends, increases will continue from this point (i.e. there are currently eighty [80] children being served by CSA).

Concerns verbalized by the Board included:

- o How the increased need for CSA services will effect local law enforcement;
- o Is the match eighty-twenty (80/20) based on state/federal mandates;
- o Are efforts being made to economize expenses as a result of the mandates;

After discussion, the Finance Director advised that today’s request will need to be taken from the general fund, to which the Treasurer advised contained sufficient monies to accomplish the request. In closing, it was denoted that no budget amendment would be needed since today’s request isn’t one percent (1%) of the total overall budget.

Ms. Murray, Treasurer advised the current balance in the general fund is about \$165,000.84 and the County has taken in more revenue than was budgeted (i.e. included undesignated cash of about \$613,000.00 [CIP]) and the actual cash is about \$65,000.00. In closing, she advised she is in the process of balancing County statements.

After discussion, on motion of Supervisor Elliott, seconded by Supervisor Butler, the Board approved the supplemental funding request of \$150,000.00 to CSA/VPA, 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

b. Constitutional Officers (if necessary)

Treasurer:

Stephanie Murray, Treasurer, was present and advised that in the past, her office has published a list in the local newspaper of taxpayer's names who have failed to pay their real estate and/or personal property taxes for the tax year, which will cost about \$1,500.00. Since the inception of the County's website, this information has been uploaded; however, she feels that a greater response is received by publishing the list in the local newspaper and wanted to see if the Board was in agreement with this being done.

After discussion, motion of Supervisor Butler, seconded by Supervisor Weakley, the Board authorized the Treasurer to publish the names of the delinquent taxpayers in the Madison Eagle, with the following vote recorded:

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

Supervisor Elliott advised that he wasn't opposed to publishing the names, but to paying the advertising fee of \$1,500.00.

c. VDOT (if necessary)

Monthly report of activities provided by Dave Cubbage, Transportation Director.

d. School Superintendent (if necessary)

Absent.

e. Bond Release (if any)

None.

f. Certificate of Claims

i. Capital Improvement – None

g. Supplemental Appropriations (FY2012- June 2012)



Chairman Allen advised the Board will need to approve the supplemental requests that were discussed at the previous workshop session.

1. Animal Control	Spay/Neuter Program (35103-5640; 10-160603)	\$ 447.50
2. EMS	Ambulance Billing (32600-3114; 10-160402)	\$9,300.00
3. Parks & Recreation	Youth Programs, April's Deposits (71100-5690; 10-161201)	\$6,008.25
4. Parks & Recreation	Other Programs, April's Deposits (71100-5691;10-161201)	\$ 550.00
5. Parks & Recreation	Sign Program, April's Deposits (71100-5692; 10-161201)	\$ 320.00
6. Sheriff	Grant (Equipment) [DMV Grant] (31200-5897; 10-330101)	\$4,775.00
7. Sheriff	Insurance Claim – (31200-6009; 10-180916)	\$5,465.47
8. Sheriff	Overtime [DMV Grant] (31200-1460; 10-330101)	\$2,780.18
9. Sheriff	Part-time [DMV Grant] (31200-1720; 10-330101)	\$ 269.25
	TOTAL:	\$29,915.65

After discussion, on motion of Supervisor Butler, seconded by Supervisor Lackey, the supplemental appropriations in the amount of \$29,915.65 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. TOT Fund

Chairman Allen advised the Board will need to approve the certificate of claims for the TOT Fund that were reviewed at the workshop session.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the certificate of claims for the TOT Fund in the amount of \$1,000.00, 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



i. Minutes #27 through #30

Chairman Allen advised the Board discussed Minutes #27 through #30 at the workshop session.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, Minutes #27 through #30 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. VRS Mandate [Resolution #2012-8]

Chairman Allen advised the VRS Mandate for VRS contribution for County employees was discussed during the previous workshop session.

The County Administrator advised that the resolution reflects County employees' contribution to VRS (five percent [5%]) directly out of their wages, which is offset by a salary increase during the budget year. In closing, he advised this resolution also reflects a statewide initiative, as most Counties and Cities have done and these funds have already been budgeted.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted Resolution #2012-8 [Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions] as presented, with the following vote recorded:

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

j(i) Resolution #2012-8(a)[Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions]

The County Administrator provided a brief overview of the reason for Resolution #2012-8(a) and the certified rate of 12.74% for Madison County (Employer [VRS] Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions) has already been budgeted. In closing, he explained if the County took the alternate rate of 9.42%, it would compound in future years and make it difficult to budget and cause greater expense down the road.



Concerns were verbalized as to whether the rate would change next year, to which the County Administrator advised the above referenced rate of 12.74% will be effective for the next year and will probably be readjusted in future years regardless.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board adopted Resolution #2012-8(a) [Employee Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In Accordance with the 2012 Appropriation Act Item 468(H))], with the certified rate of 12.74% 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

k. Line of Duty (Addendum to the Member Agreement for VACo Group Self-Insurance Risk Pool)

The County Administrator provided a brief overview of the addendum for the line of duty act and advised this is coverage extended to law enforcement, emergency services, first responders and volunteers, who have all been insured by the Commonwealth of Virginia in the past. At this time, localities are being given the option to 'opt in or opt out' of the State's plan, and the deadline for taking one of these options is June 30, 2012. In closing, the County can either 'opt in' with the State's plan 'forever', or the County can 'opt out' and go forth into the marketplace for this type of coverage.

The County Administrator advised there are two (2) agreements:

- a) The first being to 'opt out' of the State's plan' and
- b) Pursue coverage through VACORp which offers a short-term savings (greater than what was budgeted), as well as a long-term savings by way of utilizing a risk pool.

Supervisor Butler advised that he'd like to see the Board defer making a decision, as this is the first time he has seen the document, and would like the County Attorney to review the document.

Ms. Miller advised that the Board only needs to approve the Resolutions that are being presented and not the Line of Duty Addendum, as the dollar amount is only the contracted amount that will be paid by VACORp, as a part of the contract. In closing, she advised that the County Administrator will need to sign the document along with



the VACORp representative, in the event the Board has decided to opt out and go with VACORp instead for coverage.

I. LODA (Resolution #2012-9 [Irrevocable Election Not to Participate in Line of Duty Act Fund])

Supervisor Elliott questioned the difference in cost (for the County) by electing to opt out.

The County Administrator advised the cost will range from \$6,000.000 to \$8,000.00 (for the County) by electing to opt out of the State's program this year, as the State's cost projections over the next three (3) to four (4) years are substantially greater than what is being offered by VACORp. Additionally, most Counties have elected to opt of the State's program and electing one (1) of three (3) options:

- a) Self-insure themselves (many larger localities are going to do this);
- b) Go with VACORp (County is already insured with this company);
- c) Go with VML;

***Localities who have elected to go with VML are being offered a similar program that is comparable in price to what VACORp is offering.**

The County Administrator clarified that coverage will be available to law enforcement and active emergency services personnel (including active volunteers).

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted Resolution #2012-9 [Irrevocable Election Not to Participate in Line of Duty Act Fund], is approved, with the following vote recorded:

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

m. VACo (Presentation by Dean Lynch)

- i) Dean Lynch of VACO was present and provided handouts to the Board regarding various legislative actions that have been passed in 2012 and a FY2012-2014 Budget Summary items (i.e. education, health/human services; transportation; aide to localities; court fines/fees; courthouse construction; compensation/retirement; commerce/trade; line of duty act; and natural resources).



Additionally, the CSA mandate that was discussed earlier today is something that all localities have to work with and pay 'their share, as well as the VRS mandates that have been added. Also, the line of duty act is an unfunded mandate and localities are required to pay, as a lack of doing so will only call for the State to withhold funding in other categorical areas.

5. Consent Agenda:

None.

6. Discussion/Action Items

a. Ambulance Use Agreement

Chairman Allen advised that the Ambulance Agreement between the Madison County Board of Supervisors and the Madison County Volunteer Rescue Squad was amended to denote a provisional change until the squad begins their revenue recovery program.

Wayne Jones, volunteer, was present and advised that if one (1) paid emergency service personnel are riding with the volunteers on a call, the County can bill for that particular call. In closing, he advised this method will be utilized until the volunteers begin charging for emergency services, as the organization is waiting to attain a Medicaid ID Number.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Ambulance Agreement between the Madison County Board of Supervisors and the Madison County Volunteer Rescue Squad 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

AMBULANCE USE AGREEMENT

Adopted on February 10, 2009 - First Amended on May 14, 2012

WHEREAS, the Madison County Rescue Squad, Inc., a volunteer organization ("Squad") and the Madison County Board of Supervisors, a political subdivision of the Commonwealth of Virginia ("County") entered into an Ambulance Use Agreement dated February 10, 2009; and

WHEREAS, the Squad and the County desire to amend paragraph 3(a) of said Ambulance Use Agreement to add to the last sentence thereof as hereinafter set forth.



NOW, THEREFORE, for and in consideration of the mutual benefits to each party, the Squad and the County hereby amend paragraph 3(a) of said Ambulance Use Agreement as follows:

3. USE OF AMBULANCES.

- a. The County shall have the right to utilize any of the transport ambulances owned by the Squad during such periods as County employees are engaged in the provision of ambulance/emergency medical services (“County Coverage”). For the purpose of this Agreement, the County shall be deemed to be engaged in the provision of such services when two (2) or more of its employees are assigned to an ambulance on which they are responsible for responding to emergency calls; **except for that period of May 14, 2012 until the date that the Madison County Volunteer Rescue Squad, Inc. commences billing for services, the County shall be deemed to be engaged in the provision of such services when at least one (1) of its employees is assigned to an ambulance on which they are responsible for responding to emergency calls.**

Except as amended herein, the Ambulance Use Agreement dated February 10, 2009, shall remain in full force and effect.

This amendment shall become effective May 14, 2012.

By: _____
Steve Grayson, President

By: _____
J. Dave Allen, Chairman

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

b. Central Virginia Regional Jail (At-Large Appointment)

Chairman Allen advised that the Central Virginia Regional Jail has an open appointment for a ‘member at large’ and it’s Madison County’s turn to fill the slot. In closing, he expressed interest in being the County’s representative, should the Board desire.

[Supervisor Butler expressed that he would also like to be considered.](#)

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, Chairman Allen was appointed to fill the “at large” appointment at the Central Virginia Regional Jail, with the following vote recorded:



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

c. Pearson's Appraisal Service (Reassessment Progress Report)

Fred Pearson of Pearson's Appraisal Service, Inc., was present to provide an overview of the reassessment process that is underway in Madison County. Mr. Pearson suggested a public meeting be scheduled for Monday, June 25, 2012 to allow property owners to discuss their property values and present any concerns about the reassessment process.

Mr. Pearson advised there have been a thirty-three percent (33%) decrease in home values and a twenty-three percent (23%) in land values.

Concerns were verbalized from the Board as to whether citizens will have their reassessment information prior to the informational meeting and whether values are being based on similar type homes, as well as the completion date for the reassessment.

Mr. Pearson advised that appraisers are looking at size, improvements and physical data, and all field work should be complete by September 1, 2012. In closing, he asked that citizens can feel free to contact him personally with questions or concerns.

The County Administrator advised that Mr. Pearson has agreed to pay for the advertisement to advise citizens of the future meeting, and he will work with him to get the ad into proper format for publishing.

i. Bill for payment (reassessment)

The County Administrator advised the a first bill has been presented (for \$37,260.00) based on the contract between the County and the appraisal services that indicates payment(s) will be made on a monthly basis based on the number of appraisals that are completed in the County. In closing, based on the information provided by Mr. Pearson, as of June 15, 2012, twenty-five percent (25%) of the total number of County parcels have been assessed and the work appears to be on track.

Concerns verbalized by the Supervisors included:

- a) Is the Commissioner satisfied with the existing reassessment process;
- b) If appraisers aren't exiting the vehicles, how will there be any insight as to whether internal improvements have been implemented;

Gale Harris, Commission, advised her office has received many complaints regarding the fact that appraisers aren't exiting their vehicles; therefore, citizens questioned how an assessment can be conducted in this manner.

The County Administrator advised that he has referred concerns onto Mr. Pearson via email, regarding any citizen inquiries.



The County Attorney reminded the Board that when the reassessment contract was drafted, there wasn't a County Administrator in place; therefore requiring the Board to approve each bill as it's presented for payment.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Lackey, the Board approved payment of the reassessment bill presented by Pearson's Appraisal Services, Inc. totaling \$37,260.00, 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 Board also questioned the retainage amount and the process citizens will need to follow if they'd like the interior of their dwelling assessed.

In closing, Ms. Harris advised that a County employee will need to accompany the appraiser(s) in the event they are asked to enter a private dwelling.

d. Fireworks Permit (Graves Mountain Lodge)

Chairman Allen advised that a fireworks permit request has been presented by Graves' Mountain Lodge to hold an event on July 4th. In closing, he advised the County doesn't have an ordinance in place to deal with fireworks; however, Graves' Mountain Lodge has been holding a display for many years.

After discussion, it was denoted that the State law requires an explosives expert to be on site for displays.

The County Attorney referred the Board to the footnote indicated on the bottom of the standardized form provided.

In closing, Supervisor Butler suggested the wording be changed to "requires" instead of "encourages" before today's request can be approved, to which the County Attorney concurred.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the Board approved the fireworks request submitted by Graves' Mountain Lodge (for July 4, 2012), to include the wording in the footnote be changed to "requires" (instead of "encouraged"), 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. Minutes

Chairman Allen advised that discussions will need to continue regarding the minutes.

Supervisor Lackey advised that based on discussions at the previous workshop session regarding the Code of Virginia requirements for minutes for the Madison County Board of Supervisors, she would like to **move** that:

The minutes of the **regular meetings** of Madison County Board of Supervisors be prepared in accordance with requirements for public records as stated in the Code of Virginia, further that the required digital recording of each meeting be indexed to include date and agenda of each meeting, that after the required three (3) year period, that they be available for public access and records go to the Clerk of the Court's Office of historical records for a determined amount of time, seconded by Supervisor Weakley, with the following vote recorded:

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

Supervisor Butler and Supervisor Elliott verbalized disagreement/opposition with today's request to summarize the meeting minutes (minutes contain full records dating back many years and an extensive history of Madison County).

Supervisor Lackey advised the Virginia Code advised that "minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.' In addition, there will be a digital recording of everything that transpires which will be on file in the Board of Supervisor's Office for three (3) years and it will be indexed so that any member of the public who wishes to search an entire meeting can go and do so; recordings aren't to be thrown away or destroyed, but moved to a permanent location at the directive of the Board of Supervisors, to the Clerk of the Circuit Court's historical files."

The County Administrator advised that he will investigate the possibility of storing recordings online in a digital format; however, a flash drive can be utilized (if necessary) and recordings can be transformed into a .WAV file and stored, although it will be difficult to email these as a high speed connection is required due to the size of the recordings.

Chairman Allen advised that a storage drive has been purchased for use at the current time but doesn't produce a transcript. Also, in the past, Mrs. Frye was using a transcriber (cassette) which broke; the current device was purchased as a 'quick fix'. In closing, he advised the Board needs to explore ways to capture the recordings



In closing of the above referenced issue, Supervisor Elliott advised that ‘this is the worst thing the County has ever done....’

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

Bill Campbell was present and verbalized concerns about an issue from February 2012 regarding the old Chevrolet dealership and concerns he had about the County’s Zoning Ordinance, paragraph 8-9-1 regarding entrances off Route 29; after discussing the issue with Ms. Grayson, Zoning Administrator, he was advised that the site was ‘grandfathered in’, although the language in the Ordinance doesn’t refer to ‘grandfathered’ and he feels this will result in confusion if anyone else in the County should be required to have a special use permit.

Ms. Grayson, Zoning Administrator, was present and explained that the building in question was put in place in 1956 off Route 29 and was upgraded in 1962; furthermore, any parcel that fronts along Route 29 can have an entrance.

The County Attorney advised there are entrance regulations (i.e. 900’ along Route 29; 600’ on primary roads) in place in an effort to refrain from having too many entrances along Route 29 and primary roads.

Dave Ashley was present and verbalized concerns regarding the deputies salaries; revenue removed from the Sheriff’s budget should be returned; there is a serious morale problem (among County employees); more is paid to maintenance, an assistant and a secretary, yet deputies only got a 7.5% increase where some employees got as much as 27%; doesn’t want to call the 911 Center and hear there is no one to respond; urged the Board to return funding to the Sheriff so he can use the revenue (from highway safety) to retain deputies.

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

f. Deputies Salaries

The County Administrator advised that he met with the Sheriff regarding recent turnover in his department which the Sheriff feels is due to current salaries and no other reasons (i.e. there have been nine (9) deputies to leave the department during the past year because of wages and two (2) of the recent deputies were canine officers]. Information was relayed regarding:

- a) Comparative salary ranges throughout the region along with spreadsheets to denote an additional five percent (5%) wage increase (excluding two [2] law enforcement positions);
- b) Comparisons on health care costs compared to surrounding localities and the fact that costs will increase for County employees;
- c) A report of sick, accrued and comp time [for the two (2) deputies that are resigning that equals \$26,000.00)];



- d) Today's request will be 'new money' that hasn't yet been budgeted and will include the 2.5% increase that was provided to all County personnel with no distinction made;
- e) The Compensation Board generally allocates about \$557,000.00 (about thirty-two percent [32%]) towards the Sheriff's departmental budget;
- f) The County's personnel policy has a cap on paid leave time; however, the Sheriff manages his own policy for law enforcement (i.e. leave time calculated for law enforcement personnel is broken down to denote sick leave, personal leave, comp time and accrued holiday leave time);
- g) Leave time rolls into 'accrued time and comp time' for deputies when they work over their scheduled amount of hours (i.e. this time must be paid when an employee leaves);
- h) Accrued holiday time must be used within a one (1) year period;

The Sheriff was present and advised that although he has lost two (2) deputies within the past two (2) weeks, he has several twelve hour (12) shifts to fill and is extremely short on manpower to handle all the upcoming events that will soon be underway in Madison County (i.e. County fair, tractor pull, festivals, etc.) In closing, his department receives about \$137,000.00 in revenue from highway safety and he is willing to dedicate \$70,000.00 (of the aforementioned funds set aside for the purchase of new law enforcement vehicles) to retain new deputies and is requesting \$77,637.00 (in 'new money') to be supplemented.

Concerns verbalized by the Board included:

- a) If the impending raises for the deputies will be 'across the board';
- b) Why discussions weren't brought forth during the budget workshop sessions;
- c) How many law enforcement positions receive state compensation;
- d) The County's population hasn't increased (i.e. to offset the number of deputies);

The County Administrator advised the figures provided today are for eighteen (18) people; however, the proposed 7.5% raise will only involve sixteen (16) individuals, as the two (2) special investigators are 'maxed out' from receiving additional monies.

The Sheriff advised that seven (7) deputies are assigned per 1,500 citizens in a locality and that Madison and Greene are seen as a 'training ground' for new deputies; however, a shortage of available deputies is a safety concern.

Robert Finks, Director of Emergency Communications, was present and explained that all open calls (to the E911 Center) require a deputy to be sent out.

Further concerns verbalized by the Board members included:



- a) Is there a way to reallocate funds;
- b) Losing deputies (because of a few dollars) and trained canines creates a loss of training funds for the County;
- c) The County needs to hold onto what is already in place;

After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, the Board moved to resolve the personnel issue in the Sheriff’s department by adopting the County Administrator’s ten percent (10%) pay increase (for law enforcement deputies) by utilizing \$77,637.00 in ‘new money’ and allocating \$70,000.00 (originally established for the purchase of law enforcement vehicles), with the following vote recorded:

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

Motion failed

Chairman Allen advised that the County Administrator has information today that will also need to be discussed in closed session regarding the aforementioned issue.

**7. Board of Supervisor’s Meetings Attended In Past Month:
Planning District 9:**

Meetings attended during the past month:

Skyline CAP/Broadband Workshop Session/ Park & Recreation Authority:

Supervisor Weakley advised that he attended a meeting of the Skyline CAP, a Broadband Workshop Session, which he hopes is a venture the County can take part in within the future (i.e. broadband), **and a meeting of the Park & Recreation Authority.**

Aging Together:

Supervisor Lackey advised that she attended a meeting of Aging Together.

Emergency Advisory/Social Services/Skyline CAP/Shenandoah National Park/Thomas Jefferson Criminal Justice Services/Madison Town Council

Supervisor Butler advised that he attended a meeting of Emergency Management Services, Social Services, Skyline CAP, Shenandoah National Park, Thomas Jefferson Criminal Justice Services and the Madison Town Council.



Shenandoah National Park

Supervisor Elliott advised he was unable to attend a meeting of the Shenandoah National Park; however, Mr. James Ballard (citizen appointee) did attend and will come to a future Board meeting to provide an update on the events of the meeting session.

Chairman Allen advised that he attended a meeting at Graves' Mountain Lodge regarding a National Weather Service alert for **severe** storms in the area; the County Administrator took the initiative to hold a meeting of all emergency personnel as a precautionary measure (i.e. fire, rescue, EMS, law enforcement, etc.), and thankfully, the storms didn't arrive here. In closing, he thanked the County Administrator for his efforts.

8. Closed Session (if necessary):

a. Closed Meeting

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(1) pertaining to personnel matters involving county employees, and Virginia Code Section 2.2-3711 (A)(29) pertaining litigation and contract negotiations, specifically, the suite brought form by Mr. Herbert Putz and the contract negotiations regarding the Courthouse Project, 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. Return to Open Meeting

On motion of Supervisor Lackey, seconded by Supervisor Elliott, 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 Lackey, seconded by Supervisor Elliott, 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)(1), and (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 the Board did not recess for dinner due to a lengthy closed session to discuss an issue. All members are still present and a quorum is in place.

Chairman Allen advised the Board entered into a closed session prior to the break.

As a result of closed session, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board moved to approve a 7.5% salary increase for the sixteen (16) law enforcement personnel identified by Sheriff, Erik Weaver, being budget neutral to affect the purchase of two (2) law enforcement vehicles, effective July 1, 2012, with the following vote recorded:

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

10. Public Comment Opportunity:

Chairman Allen opened the floor for public comment (not related to Shotwell Road).

Bill Campbell (of Graves Mill) was present and expressed dismay on the Board’s vote not to type all of the recorded minutes in hard copy; he recently spent time reading board minutes from 1925 through 1987, and he was absolutely astounded at the information (general knowledge) that was noted; also the Clerk’s Office is happy to make a copy of any portion of the minutes and folks don’t have to sit and listen to a recorded tape. In closing, he feels the Board is making a disastrous mistake and asked the Board to reconsider.

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



11. Public Hearing (Proposed Abandonment of Old Shotwell Road [Route 611])

Chairman Allen advised the Board will need to move onto the public hearing on the proposed abandonment of Old Shotwell Road (Route 611); this is the third session the Board has held on this issue. In closing, he asked Dave Cubbage of VDOT to provide a brief overview of tonight's case.

Dave Cubbage of VDOT thanked the Board for tonight's opportunity and provided a brief history of the Old Shotwell Road (Route 611) and advised that it used to be Route 239 that served as a 'through road' and connected with Route 600 (now known as Route 231); information was provided based on topographical maps from 1932 to 1997, along with aerial photography of the old road's existence in the 1960's.

Chairman Allen opened the floor for public comment.

Gary Kardos, property owner (and his family), were present to provide information on the family history of the region and the fact that a previous decision was made not to abandon the portion of the Old Shotwell Road being discussed; also, Route 611 doesn't meet the State's guidelines for abandonment; he also provided handouts to denote the specifics of the area and advised that he wasn't in favor of abandonment of the area from Route 600 to Route 231.

Carolyn Kardos, property owner, was present and addressed the Board regarding the fact that the new Board members were misinformed regarding the past history of discussions about the Old Shotwell Road and state laws regarding land issues; also, the property was gifted to her in 1994 (193 acres) and Route 611 runs through the entire length of the property being discussed tonight. In closing, she noted the road is denoted on deeds from 1910 and became known as Route 611 in the 1930's (i.e. used as a field road and house road).

Don Long, Attorney (representing Mr. Douglas Dear, owner of Springhill Farms, Inc.), was present and advised that he was in support of the abandonment of the Old Shotwell Road. Furthermore, the road hasn't been used by the public for many years and it appears that VDOT can't even agree on the actual location of the old road. In closing, he advised if the road isn't abandoned, there will continue to be issues in the future.

Dennis Coppedge (of Duet Road) was present and provided information regarding his familiarity with the property; he asked the Board to 'stop beating around the bush' and 'beating a dead horse' and abandon the old road as he doesn't feel it will be used for any purpose but to benefit one (1) property owner to subdivide their property. Furthermore, he advised that the Commonwealth Transportation Board didn't respond



to the Board's earlier request, and VDOT has incorrectly identified the location of the roadway time after time.

Nancy Byrd Gaylord (Ms. Kardos' sister) was present and advised that **when her father gave land to Carolyn and her family years ago, she didn't think her father ever dreamed that access to the property would ever be challenged.**

Bill Campbell was present and verbalized concerns regarding the 1932 map provided by VDOT's Richmond Office; he feels that folks should be able to access their property and that a discontinuance would be the best option for the old road by utilizing a gravel or dirt surface. In closing, he feels the 'children deserve the right to access the road.'

Robert Legge was present and stated he was in favor of abandoning the road, as the precedence has already been done.

Carl Kirby, property owner, was present and advised that he and his wife purchased property from Mr. Dear in the area; he referenced two (2) roads in the vicinity that are roughly the same distance apart to where VDOT has marked Route 611(the map shows Shotwell Road to the north of this spot), which he feels is indicative as to where the original road was marked. Furthermore, he (and his wife) will break ground shortly to build a house and where VDOT proposed the road is exactly where Mr. Dear's right-of-way is located across a parcel of property. In closing, he advised if the road isn't abandoned, then he will have 'no choice but to side with the Kardos' and ask VDOT to re-establish the road and make it 100% passable.'

With no further comments brought forth, Chairman Allen closed the public hearing. Supervisor Weakley referred to information regarding the Virginia Code.

The County Attorney read from Code Section 33.1-151 established by legislature and advised that the Board has the authority to abandon the road. In closing, he advised that discontinuance of a road can only be declared by the Commonwealth Transportation Board (as was expressed by Mr. Kenneth Smith of VDOT in 2009), and the existing options are as follows:

- a) Abandonment;
- b) Ask the CTB to reconsider;
- c) Leave the roadway in its current state;

Concerns verbalized by the Board included:

- a) Could VDOT change its position and relocate the road;



- b) Contours of the old road exists out of the woods;
- c) VDOT relocated the road in a manner that doesn't have much merit;
- d) Old tax maps have been reviewed and it is deemed that there may have been a connector while the old road was in the system;
- e) Photos from the 1930's show no intersecting roads;
- f) The land was passed from 'owner to owner' (and deed didn't mention the road at issue);

Supervisor Butler asked the County Attorney if deeds usually reflect the presence of a road, to which the County Attorney advised this isn't always so.

Additional concerns verbalized by the Board referenced:

- a) There appears to be no evidence as to where the old road was connected to Route 616;
- b) The Board should contact the Commonwealth Transportation Board to advise of today's intent;

Chairman Allen verbalized concerns that the road was closed and VDOT took maintenance funds to improve the road (without consulting the County).

It was denoted that the Board's tradition has been not to take action on the same night as a public hearing; however, Supervisors Lackey and Weakley suggested the Board take action tonight whether to abandon the Old Shotwell Road.

Supervisor Butler suggested the Board refrain from taking action tonight, to which Supervisor Elliott concurred.

After discussion, on motion of Supervisor **Weakley**, seconded by Supervisor **Lackey**, the Board voted to take action tonight on whether to move forward with abandonment of the portion of the Old Shotwell Road (as advertised), with the following vote recorded:

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

The County Attorney advised that in order to abandon a road, a finding must be in place. Additional concerns verbalized by the Board included:



- a) The County doesn't want to 'land lock' the farm from G and C Tree Farm, LLC;
- b) Could a part of the road still be in the State system;
- c) There is no longer any use of the road in the State system;
- d) Has a traffic study been implemented;

The County Attorney advised the portion of the road to be abandoned is exactly what was advertised and doesn't include the entire length of the Old Shotwell Road, and the road hasn't been used in years. In closing, he advised that if after a public hearing is held, a determination must be made regarding the safety and welfare of the public will be served best by abandoning the road.

Chairman Allen advised that a traffic study was done on March 26, 2012 for a twenty-four (24) hour period and there was no activity on the old road.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted pursuant to Virginia Code Section 33.1-151 (1950, as amended) to abandon the section of State Route 611 (Shotwell Road) located between its intersection with State Route 231 and its intersection with the boundary between real property owned by G and C Tree Farm, LLC (Tax Map 21-90) and real property owned by Joel Thomas Yowell, et als (Tax Map 21-91) upon a finding that the safety and welfare of the public would be served best by abandoning this section, with the following vote recorded:

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

Supervisor Elliott advised that although he wasn't in favor of abandoning any County property (right-of-way) - he feels that the Commonwealth Transportation Board will not stop (performing improvements) and this action could cost the County in the long run, so he will vote "aye."

County Administrator (evaluation format)

Chairman Allen advised that based on the Code of Virginia and the advertisement that was used for the County Administrator (contract employee), an evaluation form has been implemented based on the job description. In closing, he provided a copy to all Board members for review and advisement.

After discussion, it was suggested the Board discuss the aforementioned issue at the June workshop session.



Supervisor Butler asked about a performance appraisal and suggested that goals and objectives should be included.

10. 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

Jacqueline S. Frye, Clerk to the Board
Adopted on: August 14, 2012

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

Resolution #2012-8 [Annual Appropriation of the Adopted FY2012 Budget for Madison County]

Resolution #2012-8(a) [Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions - (In accordance with the 2012 Appropriation Act Item 468(H))]

Resolution #2012-9 [Irrevocable Election Not to Participate in Line of Duty Act Fund]



ADDENDUM

RESOLUTION #2012-8

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

WHEREAS, the Madison County 55156 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 (“FY2013 Employees” for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code §414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Madison County 55156 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code §414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1, of 2012, 2013, 2014, 2015, and 2016, or until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the Madison County 55156 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee’s total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Madison County 55156 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):



Type of Employee	Employee Paid Member Contribution	Employee Paid Member Contribution Plan
1	0	5%
Plan 2	0	5%
FY2013 Employees	0	5%

(NOTE: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designed as member contributions, are to be made by the Madison County in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions by the Madison County under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Madison County shall be reduced by the amount of member contributions picked up by the Madison County on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, THE OFFICERS OF Madison County 55156 are hereby authorized and directed in the name of the Madison County to carry out the provisions of this resolution and said officers of the Madison County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Madison County for this purpose.

Governing Body Chairman



CERTIFICATE

I, Jacqueline S. Frye, Clerk of the Madison County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Madison County held at Madison, Virginia at 3:00 o'clock on Monday, June 11, 2012. Given under my hand and seal of the Madison County this 12th day of June, 2012.

Clerk

Adopted June 11, 2012, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

J. Dave Allen, Chairman
Madison County Board of Supervisors

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

Testee:

Jacqueline S. Frye
Clerk to the Board



ADDENDUM

RESOLUTION #2012-8(a)

Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2012 Appropriation Act Item 468(H))

BE IT RESOLVED, that the Madison County 55156 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(l) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Madison County 55156 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only on box)

The Certified Rate of 12.74% The Alternate Rate of 9.42%; and

BE IT ALSO RESOLVED, that the Madison County 55156 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Madison County 55156 are hereby authorized and directed in the name of the Madison County to carry out the provisions of this resolution and said officers of the Madison County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Madison County for this purpose.

Governing Body Chairman



CERTIFICATE

I, Jacqueline S. Frye, Clerk of the Madison County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Madison County held at Madison, Virginia at 3:00 o'clock on Monday, June 11, 2012. Given under my hand and seal of the Madison County this 12th day of June, 2012.

Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012

Adopted June 11, 2012, on motion of Supervisor Weakley, seconded by Supervisor Lackey.

J. Dave Allen, Chairman
Madison County Board of Supervisors

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

Testee:

Jacqueline S. Frye
Clerk of the Board



ADDENDUM

RESOLUTION #2012-9

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the 2010 Appropriation Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the 2010 Appropriation Act) may make an irrevocable election on or before July 1, 2012, to be deemed anon-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Madison County to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Madison County irrevocably elects to be deemed anon-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities:

Madison County Sheriff's Department
 Madison County EMS Department
 Madison County Volunteer Fire Department
 Madison County Volunteer Rescue Squad

to the best of the knowledge of Madison County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, Madison County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Madison County on or after July 1, 2010 except for benefits paid on your behalf for FY 2012; and it is further

RESOLVED that, as a non-participating employer, Madison County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and



associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that Madison County shall reimburse the State Comptroller no more frequently than on a monthly basis for amounts invoiced by the State Comptroller. Adopted in Madison, Virginia this 11th day of June, 2012, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

J. Dave Allen, Chairman
Madison County Board of Supervisors

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

Testee:

Jacqueline S. Frye
Clerk of the Board

