

MEETING #19 – March 13

At a Regular Meeting of the Madison County Board of Supervisors on March 13, 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
V. R. Shackelford, III, County Attorney
Teresa Miller, Finance Director
Jacqueline S. Frye, Secretary/Acting Clerk

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 the Board will need to add discussion on the Six Year Road Improvement Plan, the County Administrator and Hoover Ridge.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board approved today's agenda as amended, with the following vote recorded:

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

Dave Cabbage, Residency Administrator of the Virginia Department of Transportation, was present and requested the Madison County Board of Supervisors add the Six Year Road Improvement Plan for Madison County to today's agenda. In closing, he advised that a booklet will be received shortly.



4. Monthly Reports

a. Department Heads (if necessary)

None.

b. Constitutional Officers (if necessary):

None.

c. VDOT (if necessary);

Dave Cabbage, Transportation Director, was present and provided a monthly report of activities in Madison County

5. Consent Agenda

- a) Approval of Minutes: None.
- b) Approval of Certificate of Claims: None.
- c) Approval Task Force Secretary (County position (to be funded by BRNTF
- d) Approve Regional Water Supply Resolution #2011-19 (Revised)
- e) Approve supplemental appropriation to Schools - \$14,265.95 (from suspension fund)
- f) Approve supplemental appropriation to Schools - \$225,946.00 (Federal SFSF Basic Aid)
- g) Approve supplemental appropriation to Schools - \$44,952.00 to School Textbook Fund

Chairman Allen asked if there were any questions regarding today's Consent Agenda to denote items previously discussed.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the consent agenda 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



6. Discussion/Action Items

a. Parks & Recreation Authority & Germanna Community College Board – Schedule Interviews:

Chairman Allen advised the Board will need to schedule interviews for the above applicants.

Supervisor Lackey suggested the interviews be scheduled for tomorrow.

Supervisor Weakly suggested the Board meet a bit earlier on Monday, March 26th in order to hold the interviews or continue after the workshop session.

After discussion, it was the consensus of the Board to hold the interviews from 4:00 p.m. to 6:00 p.m. on Monday, March 26, 2012 following the workshop session at the firehouse located at 1223 N. Main Street.

b. Shotwell Road:

The County Attorney provided a summary of the letter recently received from the Virginia Department of Transportation which denoted acknowledgement of the prior letters submitted by the Madison County Board of Supervisors, which included an explanation of the difference between a ‘maintenance budget’ (i.e. maintaining an existing passage way roads at various levels) and ‘construction budget’ (i.e. items denoted in the Six Year Road Improvement Plan and include more than just maintaining an existing roadway).

Additionally, Chairman Allen, Supervisor Butler and the County Attorney met with Mr. Cabbage prior to today’s meeting and there doesn’t appear to be any misunderstanding regarding the above referenced explanation. In closing, Mr. Cabbage advised that any work pertaining to Shotwell Road is at a ‘stand still’ and no additional monies are being spent on the road; however, there has not been a final resolution regarding the roadway based on the existing issues. Also, all parties recognize that the County has the authority to abandon the road, if so elected; however, he advised if this procedure is taken, the County will need to schedule another public hearing. Additionally, all parties know the history of how we arrived at the present point, and what the Commonwealth Transportation Board did regarding the recommendation from the Virginia Department of Transportation that “they” (Commonwealth Transportation Board) abandon the road, although “they” (Commonwealth Transportation Board) declined to do so.

The County Attorney advised that it appears all parties involved understand the ‘rules of the game’, although no final resolution has been attained regarding the outstanding issue and includes confusion as to exactly where the old road is located on the property (i.e. conflicting information). In closing, he advised the Virginia Department of Transportation has indicated they will keep the Madison County Board of Supervisors advised.

Supervisor Butler advised that he understands the difference between ‘maintenance funds and construction funds’ but questioned which category Shotwell Road falls under.



Supervisor Lackey questioned whether it's the responsibility of the Virginia Department of Transportation to manage roads so they are accessible to fire and rescue personnel and what is the minimum width requirement is for roads.

Mr. Cabbage indicated there is no general set of provisions for fire and rescue or for vehicles, trailers or to make a roadway passable. In closing, he advised that the department relies on fire and rescue personnel to provide even if the road isn't 'passable.' In closing, he advised the minimum width of roads is eighteen feet (18'), although some roadways are only fourteen feet (14').

Mr. Cabbage also advised that plats show information on the Shotwell Road dating back to 1932 regarding its location, and the Virginia Department of Transportation is utilizing the information that has been provided.

Supervisor Lackey questioned the fact there is controversy as to where the original road was situated.

Supervisor Elliott advised there was an extensive survey completed on the road and it appears to be very accurate.

Chairman Allen questioned whether the definition of 'passable' would change in the event a home was built along the right-of-way.

Mr. Cabbage advised that the guidelines would still be intact; however, if damage is brought forth as a result of the aforementioned action, changes will be brought forth.

Supervisor Elliott questioned if the Virginia Department of Transportation's level of maintenance for Shotwell Road is such that it will allow vehicles to go through the property.

Chairman Allen suggested things remain as they are and the Board move forward with a public hearing to petition abandonment of the existing right-of-way that the Virginia Department of Transportation plans to maintain as a possible right-of-way.

The County Attorney advised that the Virginia Department of Transportation recommended the Commonwealth Transportation Board abandon the roadway, although 'they' (Virginia Department of Transportation) conducted a survey and an environmental study of the road. Additionally, he indicated if the roadway is abandoned, the title will go to the property owner of the right of way. In closing, he clarified that a 'prescriptive right-of-way' can only exist between 'private owners.' Furthermore, he advised that the Virginia Department of Transportation gives a report to advise where funds are being spent and they have the authority to spend such funds in the manner in which they deem appropriate.

Supervisor Elliott advised that the Virginia Department of Transportation is obligated to maintain the roads within the system; however, the environmental study that was done was supposedly done because cattle were using the area.

The County Attorney advised that the property owner has the right to install fencing.



Discussions continued as to whether to leave things as they are or to move forward with scheduling a public hearing.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to schedule another public hearing on Route 611 (Shotwell Road) and make a decision for abandonment of the roadway or petition to leave it in its current state.

Supervisor Butler suggested no more public hearings be scheduled, as he is already at the point to abandon the roadway or leave it in its present state and feels another public hearing would be useless.

Supervisor Elliott advised that he was against abandoning a road or a public right-of-way.

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 he will do the advertisement for a public hearing to be scheduled for Tuesday, April 17, 2012 at 7:00 p.m. in the auditorium, and will advise the Board is a problem exists regarding the advertising guidelines.

c. Animal Control Ordinance (address references to State Code):

Chairman Allen advised the Board will need to discuss a correction in the Animal Control Ordinance in reference to the Virginia State Code.

The County Attorney advised that a public hearing will need to be scheduled in order for the above referenced item can be changed. Additionally, he advised that an amendment was made in 2008 and he'd like to investigate to be sure all references in section 3.1 match those in section 3.2. In closing, he questioned whether there are other areas that will need to be addressed, and advised it will take at least two (2) months to properly advertise the amendments; therefore, he suggested the Board look to have a public hearing at the May Regular Meeting.

Supervisor Butler asked Greg Cave, Animal Control Officer, to investigate whether the employees at the Animal Shelter have any changes they'd like to have discussed during the public hearing in May 2012.

The County Attorney advised that he will work in conjunction with George Webb, Commonwealth Attorney, as well.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board voted to amend the Animal Control Ordinance for Madison County, Virginia, to coincide with Virginia State Law, with the following vote recorded:



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

d. CIP (Approve Projects Identified at February 29, 2012 Joint Meeting w/School Board [contingent upon satisfactory funding options])

Chairman Allen advised that during the recent joint meeting with the Madison County School Board members, the Madison County Board of Supervisors, a motion was passed to endorse the projects identified during that session; therefore, he questioned whether the Madison County Board of Supervisors would like to address the projects denoted, contingent upon finding satisfactory funding.

Supervisor Butler advised that he'd like to have the projects 'costed' first and an order in which they must be accomplished; otherwise, he doesn't think anything should be approved.

Chairman Allen advised that the school system will be responsible for denoting the order of the proposed projects.

Supervisor Lackey advised that she does agree the projects need to be undertaken to promote the health and welfare of the students, and there is a need to get started and get all details in place to include cost and how much funding can be borrowed.

Chairman Allen reiterated that the Madison County Board of Supervisors isn't discussing the approval of the projects, but only denoting the need for them to be accomplished.

Supervisor Butler questioned the fact that control of the projects shouldn't be relinquished and suggested a memorandum of understanding be in place.

Chairman Allen advised that he will meet with representatives from Crabtree, Rohrbaugh, Inc. along with Jeff Early, Chairman of the Madison County School Board, next week and should have something to report shortly thereafter.

Supervisor Elliott advised that he doesn't agree with the process being discussed, as no engineer is in place to identify what type of work will be needed on any of the projects.

Supervisor Butler indicated he feels the projects were 'in limbo' for years until the CIP was in place.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board voted to approve the projects (from the CIP) as agreed upon during the last joint session with the Madison County School Board, subject to an investigation of an applicable financing mechanism and that a memorandum of understanding be included during the second phase, with the following vote recorded:



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

4:00 p.m. Public Comment Opportunity (not to exceed five [5] minutes per speaker)

Gary Kardos was present and thanked the Madison County Board of Supervisors for their interest regarding Route 611 (Shotwell Road). Also, there was a mention of two (2) options, but there is a third option which involves discontinuance of the roadway, which will mean the Commonwealth Transportation Board will advise the Virginia Department of Transportation not spend any money on the roadway. Furthermore, he advised the roadway can be placed in a state of discontinuance which will still give the State the authority to utilize the roadway if they need it in the future; however, if abandoned, it will be a 'done deal.' Additionally, the Commonwealth Transportation Board made a decision regarding the roadway in May 2010; however, the decision made wasn't regarding abandonment, but towards whether the roadway should be discontinued. In closing, he advised that only the Madison County Board of Supervisors can elect to discontinue road; however, he referenced the strong historical evidence of Shotwell Road.

The County Attorney advised that the Commonwealth Transportation Board can elect to discontinue a roadway; however, only the Madison County Board of Supervisors can elect to 'abandon' a roadway within Madison County.

William Campbell was present and advised that he has a building/zoning issue and has been accused of 'costing folks money because of asking questions' and he doesn't appreciate being blamed. Furthermore, he plans to raise this issue further by way of a formal complaint and also stated that he has been accused to being "Mr. Elliott's lapdog" because of having done work for him.

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

Discussion/Action Items (Continued)

e. Supplemental Requests (FY2012 – March 2012)

Parks & Recreation	PRA – Youth Programs (January Deposits) #71100-5690/10-161201)	\$ 1,343.47
Parks & Recreation	PRA – Other Programs (January Deposits) #71100-5691/10-161201	\$ 486.00
Parks & Recreation	PRA – Youth Programs (February Deposits) #71100-5690/10-16201	\$ 7,586.00
Parks & Recreation	PRA – Other Programs (February's Deposits) #71100-5691/10-161201	\$ 283.00
Sheriff – Law Enforcement	Highway Safety Grant (PT Deputies #1720, \$2715.50) (Highway Safety #1730 \$378.60)	\$ 3,094.10



TOTAL: \$12,792.57

After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, the Board approved the supplemental appropriations 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

f. Special Appropriation – TOT Fund FY2012 (March 2012)

Teresa Miller, Finance Director, advised the Board will need to approve the special appropriation as submitted for website advertising.

Chairman Allen reminded the Board that the appointed Madison Tourism Committee consists of three (3) citizens, selected to handle the portion of the transient occupancy tax to promote tourism within Madison County.

Supervisor Elliott wanted to clarify that today's appropriation is in addition to the \$8,000.00 that was recently appropriated.

Ms. Miller advised there is about \$38,000.00 in the transient occupancy fund to date that must be appropriated.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the supplemental appropriation request for the TOT Fund is approved as presented, with the following vote recorded:

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

g. Six Year Road Improvement Plan for Madison County

Chairman Allen advised the Board will need to schedule a public hearing to receive public input on the Six Year Road Improvement Plan for Madison County, and suggested this session be held with the Madison County Planning Commission at their Workshop Session scheduled for Wednesday, March 21, 2012 at 7:00 p.m.

Betty Grayson, Zoning Administrator, was present and advised that Lloyd Williams, Chair of the Madison County Planning Commission, had planned to review the County Ordinances; however, she will email him tomorrow to advise of tonight's request.

Chairman Allen also suggested the Board schedule the Public Hearing on the Six Year Road Improvement Plan for Wednesday, April 4, 2012 at 7:00 p.m.



After discussion, on motion of Supervisor Elliott, seconded by Supervisor Weakley, the Board voted to hold the public information session on the Six Year Road Improvement Plan for Madison County (with the Madison County Planning Commission) on Wednesday, March 21, 2012 at 7:00 p.m. and schedule the public hearing for adoption of the plan on Wednesday, April 4, 2012 at 7:00 p.m., with the following vote recorded:

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

g. Resolution Appointing a Certified Appraiser (Reassessment)

Chairman Allen advised the Board will need to discuss appointing a certified appraiser to handle the upcoming reassessment process for Madison County.

The County Attorney advised that a letter was written to the State and a response was received from the Virginia Department of Taxation to certify all is in order, and the certification documentation is in the mail.

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

Social Services/Skyline CAP/Town Council:

Supervisor Butler advised that he attended meetings for: a) Social Services; b) Skyline CAP; and c) Town Council – nothing significant took place during all sessions.

Park & Recreation Authority/Skyline CAP:

Supervisor Weakley advised that he attended meetings for: 1) Madison County Park & Recreation Authority; b) Skyline CAP and applauded the manner in which personnel commit to serving the community.

Rappahannock Juvenile Detention Center

Supervisor Lackey advised that she attended a meeting at the RJDC in Stafford, Virginia which involved discussions about the challenges they are facing with staff members.

Emergency Services

Chairman Allen advised that he attended an Emergency Services Meeting; he also met with Gale Harris, Commissioner, and Wes Smith, Building Official, to discuss strategies and verbalize concerns about the land use program.

Mr. Finks advised that all parties are well pleased with the new radio system, although there are a few 'kink's still to be addressed.

Chairman Allen advised that the Board will need to enter into a closed session and that any action will be verbalized during the 7:00 p.m. session



8. Closed Session:***Closed Session***

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board convened in a closed session, pursuant to Virginia Code Section 2.2.3711 (A)(1) pertaining to personnel matters concerning consideration or interviews of candidates for employment or appointment to authorities, boards, or commissions, specifically the EMS Department and Madison County Administrator, with the following vote recorded:

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

Lewis Jenkins, Director of Emergency Medical Services, was asked to remain in closed session

Reconvene in Open Session

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board reconvened 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

Certification of Compliance

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board certified by roll call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711 (A)(1) and only matters that were identified in the motion to convene a closed session 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

Open Session

As a result of closed session, on motion of Supervisor Butler, seconded by Supervisor Butler, the Board voted to make an offer to a candidate interviewed for the position of County Administrator, with the following vote recorded

Chairman Allen recessed the meeting until 7:00 p.m.

9. Reconvene Meeting at 7:00 p.m.

Chairman Allen reconvened the meeting and advised that all members are present and a quorum was established.

10. Public Comment Opportunity:

Chairman Allen opened the floor for public comment and there was none.

11. Draft Budget Presentation:

Ms. Miller explained the updated changes to the draft budget that were made during the last work session. Furthermore, she advised that the draft budget isn't yet balanced, and employees will still be required to pay five percent (5%) of their VRS and their pre-tax will have to be supplemented by a mandatory five percent (5%) salary increase in order to offset the proposed increase. In closing, she advised these criteria will also apply to social services employees and will cost an additional \$60,000.00. Additionally, the Board will need to set a tax rate during tomorrow's budget work session to be discussed at the public hearing scheduled for the April Regular Meeting at 7:00 p.m., which will need to be advertised shortly. Also, in lieu of the mandate by VRS, the County's rate will be reduced.

Supervisor Weakley questioned how the State can impose such mandates on localities, to which Ms. Miller provided an explanation and indicated that all employees will be required to pay the five percent (5%) from this point forward; however, school personnel will have a 'hybrid' until 2016 (i.e. they can pay 1% each year at this point until they reach the 5% level).

Supervisor Butler questioned if employees pay an additional one percent (1%), will the County have to match this, to which Ms. Miller advised that the school system will be allowed to follow the 'hybrid' method; however, this method doesn't apply to the County.

Supervisor Butler read the guidelines regarding the local share and suggested level.

Supervisor Lackey verbalized concerns as to why there are so many problems with VRS, to which Ms. Miller advised that the State tapped into the VRS fund and payments are no longer sent to VRS, but to the Treasurer of Virginia instead.



Chairman Allen advised that the Madison County Board of Supervisors wasn't able to allocate the school's request of \$964,000.00 more than last year's request; however, there were some funds identified in the amount of \$264,000.00 that will be provided, coupled with \$300,000.000 which was appropriated within FY2013. Additionally, he advised that significant funding will be allocated into the contingency fund, and there is no way to know what will be received from the State until after the Madison County Board of Supervisors has adopted the proposed budget. Furthermore, an anticipated 2.5% increase for County employees will be proposed in lieu of the fact there have been no raises for almost five (5) years and the fact that staff have had to absorb a portion of their healthcare costs for about two (2) years. In closing, he advised the proposed budget anticipates a three cent (3) tax increase; landfill hangtags will still be required without a fee to provide identification, and the tax rate will probably be denoted at a higher rate during publication of the proposed budget, and whatever rate the Board publishes is only the maximum amount that taxes can be raised. In lieu of not knowing what will be forthcoming from the State, the Board has to make sure the County can be run effectively and it isn't anticipated that the advertised rate will remain in place.

Supervisor Weakley questioned the debt service, to which Ms. Miller advised that the school system's debt service was denoted within the budget; however, after an audit was performed, it was recommended these monies be placed into a separate fund category. In closing, she believes the general public will look at this document and get the impression that a reduction of funding has transpired, but the debt service has now been placed back on the "County side" of the budget, as the County is in charge of cutting checks for debt service payments.

Supervisor Lackey clarified it is the intention of the Madison County Board of Supervisors to borrow money for the CIP projects without increasing the County's existing debt service.

Supervisor Butler asked about the school's debt service payments which are about fifty-eight percent (58%) of the County's overall budget, to which Ms. Miller advised that the debt service is \$758,000.00, and there's about \$390,000.00 still owed on the renovations at the Waverly Yowell Elementary School.

Supervisor Weakley questioned if the 2.5% increase was done before the recent five percent (5%) VRS mandate, to which Ms. Miller advised that the total increase for employees will actually be 7.5% (i.e. 2.5% plus 5% [VRS mandate]).

Chairman Allen advised that the County has been paying all the VRS costs, but now employees will be responsible for paying the full five percent (5%).

The County Attorney wanted to clarify the publishing schedule of the budget synopsis, to which Ms. Miller advised will be once a week for two (2) consecutive weeks.

Ms. Miller advised that updated figures will be provided tomorrow.



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, Acting Clerk to the Board

Adopted on: May 8, 2012

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

