

MEETING #50 – November 15

At a Regular Meeting of the Madison County Board of Supervisors on Thursday, November 15, 2012 at 3:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chair
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
Ernie Hoch, County Administrator
V. R. Shackelford, III, County Attorney
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 that item "6-a, b, c, d and e" will need to be added. Also, Item 10a (Supplements for November 2012) and 10c (Holiday Pay Action) will need to be added, and Item 11 will need to be changed from "personnel issues" to "consultation with legal counsel."

Supervisor Butler suggested that Item 6-f be added (Tax Deferment [Elderly and Disabled]).

Chairman Allen called for further deletions, corrections or additions to today's agenda.

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:

Supervisor Lackey asked Valerie Ward, Director of Social Services, for an explanation of the monthly report on Medicaid and the foster care program.

Ms. Ward provided the total numbers of applications and explained the process by which compliance is determined. She also explained that FAMIS is a different type of Medicaid that the Department of Medical Assistance Services actually oversees along with the administrative costs for that particular program and that her office only provides the function and not the costs associated with the benefit. Additionally, she advised the SNAP benefit is determined by the number of people living in the household and is fully funded by federal dollars (no County). In closing, she provided a financial breakdown of the foster care programs (i.e. federal dollars, state dollars and local dollars) for the last fiscal year and advised that participation in the program is reviewed every six (6) months.

b. Constitutional Officers (if necessary)

None.

c. VDOT (if necessary)

A monthly report of activities was provided by Roy Tate, Acting Transportation Director.

Howard Tomlinson, Project Manager, and Roy Tate, Acting Transportation Director, were present to provide input on the Six Year Road Improvement plan and the improvements for Twyman's Mill Road.

i. Twyman's Mill Public Hearing (update):

Mr. Tomlinson provided an update on the project, advising that the hillsides along the route will be cut down and the area will be minimally widened to provide adequate site distance. In light of the proposed work that will be needed, the road will be closed for about ten (10) weeks during the summer and residents will have to use an alternative route during that time (through Achsah along Route 15). Also, residents have verbalized concerns regarding drainage issues that are 156' feet outside of the proposed work area, which will require the negotiation of an additional 0.6 acres of additional permanent easement in order to accommodate the request. The additional costs associated with the aforementioned work will be \$81,000.00 along with construction



costs of \$931,000.00 – total cost in the project budget is \$1,013,108.00. It is anticipated the replacement of the pipe in the culvert will take place while the roadway is closed. In closing, he advised that VDOT would like the Board of Supervisors to concur on the project as discussed during the prior public hearing, plus the additional length needed to accommodate the culvert and easement.

Greg Krystyniak, Assistant Director Location & Design Engineer, was present and provided a diagram (compiled after the public hearing) that showed the proposed work that will be implemented to improve safety conditions on the road (156 feet), but will not affect any additional property owners. In speaking with the Whitehouse Family, they verbalized concerns about safety; therefore, larger piping will be installed about six inches (6') lower than the existing stream in an effort to accommodate concerns provided by environmentalists. Also, he advised that slopes will be put into place, as requested by citizens during the prior public hearing, as VDOT was asked to minimize installing guardrails, therefore, character will be retained by installing a ratio slope (four to one) for every four feet (4') that will also improve the stretch of roadway. A caution sign is currently in place on the sharp curve and folks were concerned that if the hillside were taken down, this would provide the tendency for motorists to be less cautious and speed along through the area.

Supervisor Butler asked whether additional funding will be requested, to which Mr. Tomlinson advised there will be no request for additional funds and that concurrence is needed by the Madison County Board of Supervisors regarding today's information. Also, there is currently \$2,000,000.00 allocated for the project and thus far, improvements will only cost a little over \$1,000,000.00. Furthermore, VDOT is planning to address the issue concerning the pipe in order to stabilize the area.

Mr. Krystyniak also advised that a joining property owner has expressed concerns about a historic spring that was in place during the Civil War era on their property that they do not wish to be disturbed; therefore, measures were taken by VDOT so as not to disturb that particular area.

Supervisor Elliott asked whether the existing pipe will come into a 'head wall', and how the proposed fill will suffice on the shoulder without a guardrail in place.

Mr. Krystyniak advised the existing pipe will be pulled out and done away with, and the two foot (2') shoulder will consist of a 'four-to-one' slope ratio to be in place and will allow a driver to correct if they run off the roadway and will actually aide a motorist to return to the roadway in a safer manner.

Supervisor Butler advised that the original estimate was slightly higher than the actual costs, which represents a savings; therefore, he questioned whether these funds will be allocated toward the next project on the County's six year plan.



Mr. Tomlinson indicated that VDOT is holding onto the additional funds and will address whether there are other federal projects that can be identified for improvements listed on the six year plan for Madison County.

Chairman Allen asked about Shifflett's Corner Road, to which Mr. Krystyniak advised that a finalized letter will be done shortly and presented for review. Additionally, he advised that a right-of-way agreement is in the works at the present time with the property owners and it is anticipated a decision will be made by mid-December 2012.

Supervisor Butler advised there are many dead deer along the roadways in Madison County and whether there are contractors in place to respond to this issue.

Mr. Tate advised that citizens are asked to call 1 800 367 ROAD and the report will be received by VDOT's customer service center for dispatch to headquarters to have the dead animal(s) removed, as he is unsure if VDOT has a contract in place for that service in this region.

Supervisor Lackey asked about the proposed speed study on Thoroughfare Road in Madison County, to which Mr. Tate advised the individual from the traffic engineering division that was assigned to this task was recently transferred – he will follow up on this issue and report back.

Chairman Allen advised that citizens have raised concerns about a light outside of the VDOT compound (at the gate) off Route 230 that shines into the eyes of the driver's approaching Route 29 off Route 230 and suggested the light be repositioned, if possible. Also, he spoke about a low lying bridge along Route 644 – this issue was addressed with Dave Cabbage, Residency Engineer, in the past, and citizens have advised the area constantly floods out. In closing, he advised the area is situated between Route 643 as you exit Etlan and come towards Graves Mill along Route 644.

Mr. Tate advised he believed this area has been reviewed in the past; however, this issue is one where approval and funding will need to be in place before improvements can be made and will fall under bridge improvements. In closing, he indicated he will request the area be reassessed.

Supervisor Lackey moved that the Madison County Board of Supervisors concur with the proposed changes to the Twyman's Mill Road Project as provided by the Virginia Department of Transportation to increase the project by 156 feet, 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

Chairman Allen thanked Mr. Tomlinson, Mr. Krystyniak and Mr. Tate for attending today's session and advised it will be good to see one (1) of the projects completed from the six year road improvement plan.

d. School Superintendent (if necessary)

Chairman Allen advised the Board previously discussed the supplemental request submitted by the school system for \$106,591.92; however, the funds haven't yet been received.

Renee' Honaker, Supervisor of Instruction, was present and advised the request is for grant funding that has to go through several approval channels in the State and approval is still needed from one (1) additional person. In closing, she feels the funds will be received very shortly.

Chairman Allen advised this issue was discussed at the October Workshop Session; however, since the funds haven't yet been received, he suggested the Board defer taking action on this item until the December Regular Meeting.

Chairman Allen also wanted to clarify that the funds were spent to purchase computers and technology related equipment for the Waverly Yowell Elementary School, to which Ms. Honaker advised was correct and that based on federal guidelines in place, these funds could be used for the above referenced purchase to enhance reading instruction for students with reading difficulties.

Chairman Allen clarified that the grant is reimbursable and questioned whether the monies used for the purchase were taken from the school's instruction category or the technology category, to which Ms. Honaker advised it was her understanding that the funds were taken out of the category of instruction because the Title I grant falls into this particular category.

e. Bond Release (if any)

f. Minutes #40 through #46

Chairman Allen advised that Minutes #40 through #46 were discussed at a prior meeting.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Butler, the Board approved Minutes #42 through #46 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

5. Consent Agenda:

None.

6. Discussion/Action Items:

a. Park & Recreation Authority

Chairman Allen advised there was discussion at the previous workshop about having the PRA assume activities and maintenance that transpire at a portion of the Hoover Ridge Property. In closing, the Board will need to discuss whether to authorize the County Administrator to develop a memorandum of understanding for review and approval.

Supervisor Butler advised that he would like to see a draft of the document for review before taking action for approval prior to the next meeting.

The County Administrator advised that he will have a draft prepared for review at the November workshop session for discussion, with the potential to take action in December.

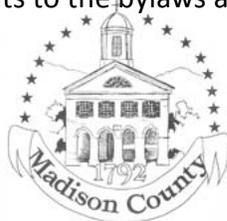
Chairman Allen advised he understands that Mr. Dean (PRA Member) would like an assurance that the Board would approve to move forward; today's vote is simply to indicate the Board will authorize the County Administrator to enter into discussions with PRA members to construct a memorandum of understanding for the Board to review and/or approve.

Supervisor Elliott advised that in his opinion, there is more discussion needed before action is taken, as there needs to be an indication of exactly what the PRA will be doing (i.e. will they assume control of the entire property or part of it, implementation of payroll, etc.).

Chairman Allen advised that he understands the Board will leave the discussion to the County Administrator and members of the PRA to develop a basic proposal and the Madison County Board of Supervisors can approve the proposal or reject it.

Supervisor Butler advised that he'd like to see both governing Boards discuss bylaws, policies and procedures, as he doesn't feel this Board hasn't had a full discussion with the authority and he feels the Board will have no say in matters at Hoover Ridge once the memorandum of understanding is in place.

The County Administrator advised that the above referenced information will be included in the memorandum of understanding and that the PRA has made modifications to their bylaws and as a "Board", they have the authority to make adjustments to the bylaws as they deem appropriate. Additionally, the PRA will be



required to maintain Hoover Ridge, but will only be allowed to maintain what the County authorizes them to maintain. Furthermore, the Board will be able to review the PRA's funding and assess whether to provide funding at any specific time.

Supervisor Butler questions the issue of property lines to denote where and what parts of Hoover Ridge the PRA will be responsible for maintaining.

The County Administrator advised that the agreement will allow the PRA to plan controls and it is deemed they will eventually have enough funding within their own budget to assume maintenance of the property.

The County Attorney advised that a prior Board (of Supervisors) adopted an Ordinance to create the PRA and by statute, the PRA is authorized to adopt their own bylaws. If the Board desires, a copy of the Ordinance can be provided that establishes the aforementioned guidelines in accordance with the State Code.

The County Administrator advised that the memorandum of understanding will also call for the arrangement of a lease that will include the specifics as to what areas of Hoover Ridge the PRA will or will not be authorized to maintain whether they be sports areas or non-sports areas. The lease will also give the County control over everything the PRA will be allowed to do at the property, and it's anticipated that the PRA will eventually have their own budget (by July 1, 2013) and be fully in charge of the property and the County will then have to determine how much, if any, of the maintenance the County will need to handle. In closing, he advised the issue of payroll, benefits [i.e. insurance, VRS, etc.] will also need to be discussed.

Supervisor Lackey asked if the aforementioned criteria would affect the memorandum of understanding and whether the plan is to implement an arrangement for six (6) months or on a more permanent basis.

The County Administrator advised the criteria explained wouldn't affect the MOU, as this particular document will be from January 1, 2013 (or February 1, 2013 through July 1, 2013) and will only allow the PRA to get things started, as it's anticipated they will have their own budget in place by July 1, 2013. In closing, he clarified the arrangement will be temporary in nature and the MOU will probably end in July 2013 and the lease can be implemented at that time.

Supervisor Lackey suggested there be an understanding of the parameters and exactly what portion(s) of the property will be under the PRA's control.

The County Administrator advised the property lines will be easily defined, although the permission 'to do' on the property may get a little complicated when the time comes to expand at the property. If there are plans to install a large bathroom, the Board will need to decide whether to approve and/or sign off on this endeavor. Although the PRA will be implementing fundraisers to assist them financially, the County is still the 'landlord of the property.' In closing, he advised that further details can be discussed at the November workshop session.



Supervisor Lackey moved that the Board authorize the County Administrator to begin the development of a memorandum of understanding to be presented to the Madison County Board of Supervisors for approval, 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

b. Planning Commission (Determine date for joint public hearing w/PC):

Chairman Allen advised Board will need to decide when to hold a joint public hearing with the Madison County Planning Commission to discuss the Ordinance correction on occasional use; he advised this can either be done at the joint meeting in December 2012 or January 2013.

After discussion, it was the consensus of the Board to hold the session at the January 2013 joint meeting on January 2, 2013 at 7:00 p.m. In closing, the County Attorney was asked to advertise the public hearing session.

The County Attorney asked if the Board had made a determination about the Organizational meeting, to which Chairman Allen advised is usually the first business day of the year and will be on Wednesday, January 2, 2013 in the morning.

c. Jail Financing

Chairman Allen advised that he attended a recent jail board meeting. As per information provided by F. Glenn Aylor, Superintendent, the jail is looking to:

- a) Borrow \$2,700,000.00 for the renovations;
- b) Member jurisdictions will be responsible for paying their portion;
- c) Madison County's portion will range between thirteen to fourteen percent (13%-14% [\$238,000.00]);
- d) The jail has \$987,000.00 left over from the previous fiscal year which their board has determined to apply these funds toward the construction project along with monies in their contingency account (i.e. actual amount to be borrowed will be \$1,700,000.00);
- e) The jail will make it optional for participating localities to pay their share in quarterly installments with a three percent (3%) interest rate;

In closing, he advised there was also discussion as to whether the jail will be eligible for the lowest municipal interest rate; however, the Superintendent will make a proposal to the participating localities.

Supervisor Elliott asked if the County could possibly finance this money along with the CIP.



Chairman Allen advised that money saved from the County's CIP could be used to pay our portion toward the construction project at the regional jail.

Supervisor Butler asked when the first payment will be due, to which Chairman Allen advised all information provided thus far has only been preliminary, as nothing has been borrowed to during the current fiscal year to fund the project.

The County Administrator advised that depending on the Board's decision pertaining to the CIP, the County currently has a good cash position based on the fact that the school contributed funding toward the project, and additional funding has also been set aside. In closing, he advised that funding could be used from the County's contingency reserve to pay the jail, if necessary.

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

Chairman Allen opened the floor for public comment and there was none; therefore, the session was closed.

d. Uranium Mining

Chairman Allen advised the issue of uranium mining was discussed at a previous work session and it was found that in 1982, a prior Board did adopt a Resolution regarding Uranium Mining, which has been added to today's notebooks. Although this issue was discussed, the Board didn't come to a consensus as to whether or not to pursue a Resolution.

Supervisor Lackey advised this issue will be discussed during the General Assembly in January 2013 and she feels it's important that our state legislators hear from the Counties as to what their position is on this issue, and suggested the County update the existing document, as Orange, Rappahannock and Fauquier Counties have Resolutions in place regarding this issue. In closing, she advised that yesterday's forum provided the pros and cons of this issue.

Supervisor Elliott questioned if the existing Resolution will still be in place several years from now unless a future Board makes changes.

The County Attorney advised that the Resolution will still be in place; however, some of the content is no longer active. Also, he advised the Resolution will not stop anyone from coming here mining for uranium, but the County's Zoning Ordinance would suffice in its current condition, as the Resolution will not supersede the County's Zoning Ordinance. In closing, he advised the Resolution is merely a political statement.

Supervisor Butler questioned whether a letter should be sent to local legislators regarding the County's concerns.

The County Attorney advised that the County's Ordinance doesn't address uranium mining, as the document in question is a Resolution only.



Chairman Allen advised that VACo has adopted a position on this issue; therefore, he has presented a format similar to what they have done to reaffirm agreement with the prior Board.

After discussion, Supervisor Elliott advised that he wasn't prepared to vote on this issue as nothing has been properly discussed.

Supervisor Butler suggested the County keep what's in place and contact our local representatives.

Supervisor Lackey advised that uranium mining mostly occurs in New Mexico, [where there is not much rainfall](#) which is very different from this locality. In closing, she advised there is no place along the east coast to accommodate uranium mining.

Supervisor Lackey moved that the Madison County Board of Supervisors approve Resolution (#2012-19) on uranium mining as presented, seconded by Supervisor Weakley, 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 explained that he's voting "Nay" on this issue because he feels this is something that only the State and/or Federal government will have to worry about and not Madison County, as he feels this action is politically driven.

Chairman Allen advised the Board will need to discuss Item 6-3 (CIP) at the evening session, as the Board will need to enter into a closed session before recess.

e. CIP Financing Options (if time permits) – moved to the 7:00 p.m. session

f. Tax Deferment (Elderly & Disabled)

Chairman Allen advised the Board will need to discuss tax deferment for the elderly and disabled, as requested by Supervisor Butler.

Supervisor Butler suggested the net worth be increased to \$75,000.00, total household income be set at \$30,000.00 and the exemption include a home and five (5) acres.

Supervisor Lackey asked about the analysis performed by the County Administrator regarding revenue and the amount of citizens that participate in the program.

The County Administrator advised there is one piece of the analysis that he hasn't yet completed; however, the current Ordinance sets a watermark of taxes from 1999 which is what the aforementioned suggestion was calculated on. Currently, there are only a few citizens involved in the program who are getting about sixty to seventy percent (60%-70%) of their taxes deferred and paying about thirty percent (30%). In talking with the Commissioner of the Revenue, [he](#) would like the Board to also consider how the percentage will be set, as based on 1999 tax figures, as problems will exist if the tax year



is changed; therefore, she suggested the County establish a percentage of the tax to be deferred (i.e. seventy-five percent [75%], one hundred percent [100%] or fifty percent [50%], as the current numbers are based on whatever a participating property was set at in 1999. In closing, it was denoted that the current statute allows a locality to use a tax year or percentage rate, and he doesn't have all the data on this factor prepared at the present time.

The County Attorney advised the Virginia Code section pertaining to this issue has been amended and the State Code denotes that the County can establish a cap; therefore, he encouraged the Board to identify a method as simple as possible such as one hundred percent (100%). He further advised that the cap is the net worth and income, but if a percentage is used, this will be one more factor the Commissioner will have to calculate.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, the Board voted to set the elderly tax deferral at \$75,000.00 net worth, a home and five (5) acres to be exempt, and a \$30,000.00 annual household income for one hundred percent (100%) tax deferral, and this information be prepared for advertisement for a public hearing:

The County Attorney clarified that an Ordinance would need to be drafted, followed by a public hearing for the public and assumed this would be effective starting January 1, 2013, and can be retroactive. In closing, he advised this content could be adopted and processed.

The County Administrator advised the requirements will also affect and combat disabled Veterans and if they have additional acreage, this would be calculated as a deferral on said acreage. In closing, he questioned if today's changes will trigger additional participation in the program; however, he will have the information compiled at a later time.

Supervisor Butler advised that tax deferral approved for five (5) years is indefinite; however, if a participant lives beyond the five (5) years, there is a loss of taxes after six (6) years.

The County Administrator advised the aforementioned don't affect disabled Veterans. In closing, he advised that most citizens are reluctant to participate in the program because of the 'roll back' and the fact they don't want to leave their heirs with a tax liability.

Supervisor Lackey advised that she was in favor of approving the motion with the exception of five (5) acres, since most of the land here is in agriculture (A-1), and she suggested the provision include a home and three (3) acres instead.

Supervisor Weakley advised that he'd like to see the numbers (compiled by the County Administrator) and questioned whether there are comparisons for three (3) acres versus five (5) acres.



Chairman Allen advised that he was in favor of moving forward with this, although he is concerned about the economic impact; therefore, he believes that a more responsible decision can be made after projections on the program are provided.

Supervisor Butler advised it will be difficult to make a determination when there isn't any idea as to how many citizens might participate in the program.

The County Administrator advised that he has some preliminary numbers available and would be happy to share them with the Board during the break and provide further numbers during the evening session. In closing, he advised the difference between three (3) acres and five (5) acres will depend on the value of the land.

Supervisor Elliott wanted to clarify that an Ordinance would have to be drafted, followed by a public hearing before anything can be done on this issue; therefore, tonight's vote is only to provide input for the draft Ordinance, to which the County Attorney concurred and advised that adoption can take place after the public hearing is held and will also be contingent upon whether the Board adopts the changes to the Ordinance.

Supervisor Lackey questioned how land is evaluated in land use, to which the County Attorney advised that today's issues pertain to the assessed value and is separate from the land use program.

With the following vote recorded:

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

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.

8. Closed Session

a. 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 interviewing a candidate(s) for employment or appointment to authorities, boards or commissions, specifically the Madison County Board of Equalization, 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. Motion to Reconvene in Open Session:

On motion of Supervisor Butler, seconded by Supervisor Lackey, 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

c. Motion to Certify Compliance:

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board voted to 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 only matters that were identified in the motion to convene in 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

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.

Supervisor Lackey arrived at 7:02 p.m.

10. Public Comment Opportunity (not to exceed five [5] minutes per speaker)

Chairman Allen opened the floor for public comment.

Dave Ashley (Rochelle, VA) was present and stated that the American Flag is at the Administrative Center is in place without a light; if the light isn't working, someone needs to remove the flag after it gets dark. Secondly, he has observed several County employees operating County vehicles without wearing a seatbelt – it's his understanding the State Law requires all drivers to wear a seatbelt and he suggested this matter be addressed with County employees.



Chairman Allen asked Mr. Ashley if he would be compelled to advise the County Administrator as to whom those employees are, to which Mr. Ashley advised that he didn't and will only keep watching and suggested the County put something in writing for County employees; however, if he sees this action after something has been verbalized, he will come forth. In closing, he feels it's only fair to let folks know they are in violation.

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

The Board continued with the afternoon Agenda items:

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

Skyline CAP/PRA

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

Rappahannock-Rapidan Regional Commission (PD-9)/VACO

Supervisor Lackey attended a meeting of the Rappahannock-Rapidan Regional Commission (PD-9) and the Virginia Association of Counties

Skyline CAP/PRA/Headstart;PREP

Supervisor Butler attended a meeting of the Skyline CAP, the Park & Recreation Authority, the Head-start Policy Counsel, the Madison County Planning Commission, and the Culpeper Hospital Committee.

Central Virginia Regional Jail/Piedmont Workforce Counsel

Chairman Allen attended a meeting of the Jail Board, the Piedmont Workforce Strategic Retreat, and provided issues earlier regarding the financial highlights of the proposed construction project of the Central Virginia Regional Jail facility.

10. Finance Office:

i. Certificate of claims – General Operations (September 2012 – FY2013)

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the certificate of claims for general operations totaling \$695,685.02 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 (September 2012 – FY2013)

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the certificate of claims for the debt service totaling \$2,523.80 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

ii. Certificate of claims – Tourism Enhancement (September 2012 – FY2013)

On motion of Supervisor Butler, seconded by Supervisor Lackey, the certificate of claims for tourism enhancement totaling \$125.00 is approved as submitted, with the following vote recorded:

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

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

1. Parks & Recreation	PRA Youth Programs – Oct’s Deposits	\$ 5,016.00
2. Parks & Recreation	PRA Other Programs – Oct’s Deposits	\$ 334.08
3. Sheriff – Law Enf.	Insurance Claim	\$ 688.90
4. Sheriff – Law Enf.	Refund/Restitution for Vehicle Damage	\$ 330.33
	TOTAL:	\$ 6,369.31

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the supplemental requests – general operations totaling **\$6,369.31**, 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. CIP Financing Options (if not discussed earlier):

Chairman Allen advised the Board agreed at the previous workshop to move forward to decide the term and type of financing for the CIP.

The County Administrator provided an overhead document for review; he advised that both loan options (fixed versus variable) and the rates are for a fifteen year (15) loan, and indicated he County can either move forward in January 2013 or split the loan into two (2) separate loans and take half funding for this fiscal year and the other half during the next fiscal year. Furthermore, he advised if the loans are split, the interest rate will be slightly higher and the County will pay a higher interest fee (i.e. 2.15% on a straight loan (Option 1), 2.18% on the first loan and 2.55% on the second loan). By selecting to split the loans, the costs in interest will be an additional \$209,000.00. Today's package also contains information on how the funding will be spent, along with projected payments in interest and funding amounts that the County budgeted toward the CIP.

Chairman Allen asked whether the Board wanted to agree on:

- a) A fixed rate;
- b) Whether to refinance the Courthouse project; and
- c) Whether to move forward and make both loan payments;

Supervisor Weakley and Supervisor Lackey were in favor of Option 1 because of the interest rate and lower projected payment and how this will affect the County's debt service.

Supervisor Butler advised it is believed that interest rates will remain low for the next three (3) to four (4) years; he has a concern about refinancing the Courthouse Project, as he would rather the County pay off the entire loan. Furthermore, he's concerned about borrowing this much money for school projects as they have already made changes without providing specifics, and he'd like to see information on the proposed projects before the County borrows any money.

Supervisor Elliott verbalized concerns as to whether you can borrow interest off a loan to offset costs, and he isn't in favor of refinancing the courthouse project for an additional fifteen (15) years.

The County Administrator advised the County will be paying \$1,000,000.00 toward the principle during the first year of the loan. In closing, the low



interest rate will require a substantial principle amount to be paid; however, pursuing the alternative option would place the County in a tight cash position which may not be very favorable.

Chairman Allen advised that he feels the best plan has always been to pay off the courthouse project; however, things changed based on what needs to be done for the schools. The opportunity to borrow money at 2.15% is favorable – if the courthouse project is paid off next year, the debt service will be close to \$1,900,000.00 and there doesn't appear to be any other way to accomplish this without a significant tax increase, although he doesn't want to see taxes raised again, if at all possible. In closing, he advised the Board will need to determine which avenue to pursue.

The County Administrator advised the project closing date will be January 1, 2013; therefore, he will need to advise VML/VACo whether the County wishes to move forward with the proposed loan.

Supervisor Lackey moved that the Board approve and authorize the County Administrator to secure financing for the 2012 Capital Improvement Project that has been authorized by Board vote on Regular Meeting of the Madison County Board of Supervisors on March 13, 2012 with VML/VACo Finance as submitted in their proposal of October 9, 2012; the terms will be for a fixed rate loan of \$10,762,500.00 closing on or about January 1, 2013 for fifteen (15) years at 2.15%, and this amount will pay off the existing courthouse loan of \$1,010,000.00 with VML/VACo Finance at closing, seconded by Supervisor Weakley:

Supervisor Elliott advised that he fully understands the schools and County building need to be repaired and he wants to see the school's facilities repaired as well as County buildings; however, he doesn't feel enough research has been done, and \$10,000,000.00 isn't going to be enough to finance the projects, as there are bound to be change orders on the proposed projects.

Supervisor Butler concurred with the opinion verbalized by Supervisor Elliott, and also added that he'd like to see the projects grouped as four (4) or (5) at a time. In closing, he is very disappointed with the first project involving the bleachers and the fact that changes were made without advising the Board.

Supervisor Weakley advised there have been many unforeseen incidents to occur this year that could've crippled the County and he questioned whether the proposed financing option would cause a hardship for the County; however, the aforementioned payment will lower the County's debt service, which doesn't translate into a tax increase as a means of trying to find additional monies to offset a higher debt service. In closing, he isn't in favor of change orders and the proposed amount may call for a couple of projects to be put aside.



Supervisor Lackey advised the Board has been talking about the CIP for the past eleven (11) months and for at least two (2) years prior to her election and she feels it's time to act.

Chairman Allen agreed the Board has discussed the CIP for quite some time and the Board did agree on the projects that funding is being sought for; however, there is disappointment with the recent project involving the bleachers, as the project did not include a concession stand or new press box, and/or the proposal to remove light poles. Additionally, by including the press box as a part of the bleacher, this has actually brought about the potential to save about \$10,000.00, and the school system did remain with the budget for the project. In closing, he feels the school system is operating within their parameters for the project.

Supervisor Elliott advised in his opinion, the replacement request for the bleachers should've called for the replacement of what was already on site; the addition of extra seats and a new press box leads him to question whether the school system was honest about their initial intentions.

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. Holiday Pay Action (December Payroll/One-time bonus):

Chairman Allen advised there was discussion regarding potential employee bonuses and the December payroll date.

Ms. Miller advised that the Board has moved the December payroll in the past; instead of making December 28, 2012 the last working day, it would be moved to December 21, 2012, and must be approved by the Board. In closing, there have been several requests in the past from Department Heads to have this done in an effort to help employees during the holidays.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to allow December payroll to be paid out for the month of December on December 21, 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



Supervisor Lackey advised that Supervisor Butler had recommended a bonus for County employees of \$50.00; however, when looking into the taxes involved, this will not leave much of an amount as a bonus; therefore, she suggested the amount be increased to \$100.00.

Supervisor Butler advised he wouldn't consider the \$50.00 as a 'bonus', but a 'gift' since a 'gift' isn't considered as taxable income. In closing, he proposed that a \$50.00 gift be given to all County employees, excluding Constitutional Officers.

The County Administrator advised the bonus will be taxable as there isn't a way to get around this factor, to which Ms. Miller concurred since the County is a governmental entity and the money is still considered as compensation.

Chairman Allen asked where funding would come from if the Board approved a \$100.00 bonus, to which the County Administrator explained funding could be attained from the vacant position with the Facilities departmental budget depending on the amount approved, as well as from additional savings within the Animal Shelter's departmental budget.

After discussion, Supervisor Butler motioned that the Board authorize a \$50.00 'gift' for County employees, excluding Constitutional Officers with no differential between full-time and part-time employees.

Motion died for the lack of a second

Supervisor Lackey moved that the Board authorize a \$100.00 bonus per person for full-time and part-time County employees.

Motion died for the lack of a second

Supervisor Weakley asked about additional time given to employees last year and the cost associated with extra time being given.

Ms. Miller advised the cost for additional compensatory time will actually cost more in the long run than a proposed bonus.

d. Select Board of Equalization (to submit to Madison County Circuit Court)

Chairman Allen advised the Board held interviews for the Madison County Board of Equalization prior to the recess and action was taken. The names of those selected will need to be forwarded onto the Judge for approval in order to move forward with the reassessment meetings.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board recommended that William Craig, Lloyd Williams, and [Alfred Martin, III](#) be selected to serve as members of Madison County Board of Equalization, and that Roger Gooding be selected to serve as the 'alternate', with a recommended monetary compensation of \$2,000.00 per person, as previously paid to past members, with the following vote recorded:



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

Chairman Allen advised that the Board will need to enter into a second closed session to discuss the contract for the Madison County Transfer Station, with the possibility that action may or may not be taken afterward. In closing, he encouraged anyone desiring to remain for the return to open session to feel free to do so.

11. Closed Session

a. Closed Session:

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(7) pertaining to contract negotiations, specifically the Madison County Transfer Station and contract with Waste Management Services, Inc., and Code Section 2.2-3711(A)(1) pertaining to consultation with legal counsel concerning a matter related to a zoning issue 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. Motion to 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

c. Motion to Certify Compliance:

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board voted to certify by roll call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(7) and Virginia Code Section 2.2-3711(A)(1) and only matters that were identified in the motion to convene in 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

12. Information/Correspondence (if any):

December Workshop:

Supervisor advised that the December workshop sessions falls on December 31, 2012, which is New Year's Eve, and the Board is talking about having the Organizational Meeting on Wednesday, January 2, 2012 at 8:00 a.m.; however, she has a longstanding trip during that time frame and wanted to see if the Board would consider cancelling the workshop and possibly reschedule the Organizational meeting to a later time.

After discussion, it was the consensus of the Board to cancel the December Workshop Session scheduled for Monday, December 31, 2012, and the Organization Meeting remained scheduled for Wednesday, January 2, 2012 for 8:00 a.m. in the auditorium.

Upcoming Meetings

Chairman Allen reminded the members of the November Workshop scheduled for Monday, November 26, 2012 at 2:00 p.m. and the November Town Hall Meeting for Wednesday, November 28, 2012 at the Rapidan Hunt Club off Shelby Road, as well as the CIP meeting (with the school system) on Tuesday, November 20, 2012.

Mrs. Frye reminded the Board that the upcoming workshop can return to the Thrift Road Complex as the Registrar is finished using the conference room.

12. 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

Resolutions Adopted 11/15/2012:

Resolution #2012-19 [Uranium Mining]

**ADDENDUM
URANIUM MINING
(IN MADISON COUNTY, VIRGINIA)
RESOLUTION #2012-19**

WHEREAS, Madison County has land that has potential for minable uranium deposits;
and

WHEREAS, the mining and milling of uranium has never taken place in the
Commonwealth of Virginia; and

WHEREAS, the Madison County Board of Supervisors resolved on December 14, 1982, to
support the continuation of a statewide moratorium on uranium mining;

THEREFORE, be it resolved that the Madison County Board of Supervisors reaffirms and
restates the support for leaving in place, a statewide moratorium on uranium mining in
the Commonwealth of Virginia until such time the complete safety of the process can be
assured; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Honorable
Bob McDonnell, Governor of the Commonwealth of Virginia, the Honorable Emmett
Hanger, State Senator, and the Honorable Ed Scott, Member, House of Delegates.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Madison County
Board of Supervisors voted to ratify the declaration of a local emergency in Madison
County, Virginia, with the following vote recorded on this 7th day of November, 2012:



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>	_____	_____	_____

Attest:

Ernest C. Hoch, Madison County Administrator

