

MEETING #21 May 14

At a Regular Meeting of the Madison County Board of Supervisors on May 14, 2013 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
Phillip Tartaglia, Finance Director
V. R. Shackelford, III, County Attorney
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 called for any changes to today's Agenda.

Supervisor Elliott advised he'd like to discuss some items during information/correspondence."

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

Supervisor Weakley moved that today's Agenda be adopted as presented, seconded by Supervisor Lackey, with the following vote recorded:

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



4. Monthly Reports

a. Department Heads (if necessary)

b. Constitutional Officers (if necessary)

c. VDOT (if necessary)

Roy Tate, Acting Residency Manager, was absent but provided a report of monthly activities for review; the public hearing on the Six Year Road Improvement Plan for Madison County will be held during the evening session.

d. School Superintendent (if necessary)

Dr. Eberhardt, Superintendent, was present and provided an overview of last night’s school board meeting which focused on ‘caring, teaching and learning’, teacher awards and student recognitions.

e. Bond Release (if any)

f. Finance Office

i. Certificate of claims – General Operations (March 2013 – FY2013)

Concerns were noted on page 25 and page 23 (pertaining to the charges for electricity and propane); the County Administrator advised some issues identified last month have been improved; also the change in the temperature has contributed to a reduction in costs; bills for propane charges will be pulled and reviewed; locks had to be replaced at the War Memorial Building as a result of a security concerns.

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Certificate of Claims for General Operations (March 2013 – FY2013) totaling \$622,372.60 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 (March 2013 – FY2013) [None]

iii. Certificate of claims – Tourism Enhancement (March 2013 – FY2013) [None]

iv. Supplemental Requests – General Operations (March 2013 – FY2013)

1.	Parks & Recreation #71100-5690;161201	PRA Youth Programs – March Deposits	\$ 13,496.00
2.	Parks & Recreation #71100-5691;161201	PRA Other Payments – March Deposits	\$ 456.63



3.	Parks & Recreation #71110-5692;161201	PRA Signs Program – March Deposits	\$ 700.00
4.	Parks & Recreation #71110-5694;161201	PRA Camp Crockett – March Deposits	\$ 20,000.00
5.	Sheriff – Law Enf. #31200-6009;180916	Insurance Claim – Vehicle Damage	\$ 1,905.85
6.	Registrar #13100-3211;240107	State Board of Elections – Reimbursement	\$ 3,790.00
7.	EMS #32600-3166;180301	VEHXT Refund	\$ 600.00
8.	Road Constr. #41200-8221;180301	Fox Ridge Road Construction	\$144,000.00

TOTAL: \$184,948.48

Supervisor Lackey moved that the Board approve the supplemental appropriation requests for March 2013 – FY2013, totaling \$184,948.48, seconded by Supervisor Butler, with the following vote recorded:

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

It was denoted that no contract has been awarded for the Fox Ridge Subdivision road project – the supplemented funding is an estimated cost for the work associated with the project and the bid is subject to availability of funding.

The County Attorney advised that Brian Daniel, Erosion & Sedimentation Technician, has done an estimate for the work associated with the project.

g. Minutes #15 through #17

Supervisor Butler advised that due to eye surgery, he was unable to review the minutes as submitted.

After discussion, Chairman Allen asked that the above referenced minutes be added to the June Regular Meeting Agenda for discussion and/or action.

5. Consent Agenda:

None.

6. Discussion/Action Items:

a. Topping Committee Report:

The County Administrator provided an overview of the committee’s recent meeting session which focused on the proposed renovation plans.

- i. **Shelter Addition – Approval of Bid:** Bid results were provided for review an action, with Weaver Works, Inc. coming in as the lowest bid with a base bid of \$53,314.29 and a bid for Option #2 as \$4,841.80, totaling \$58,156.09 – these funds are part of the money donated by the Topping Family (\$166,190.66 [total amount received to date]); funding has been divided among four (4) programs; the Committee



suggested the above referenced bid be accepted – the specifications call for work to begin within fourteen (14) days and all work must be completed within ninety (90) days. A copy of the floor plan was provided for review/discussion and other aspects of improvements that will be done (i.e. flooring, reception area, roofing).

The County Attorney suggested that once approved, the County should advise the Topping Family of what is being done; it was also suggested that a room be named in memory of the Topping Family.

Supervisor Lackey moved that the Board accept the base bid presented by Weaver Works for \$53,314.00 with Option #2 for \$4,841.80 with work to commence within fourteen (14) days after acceptance of the bid, with the following vote recorded:

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

Concerns were verbalized as to whether \$2,000.00 should be included to cover any unforeseen contingencies; however, the County Administrator advised if this should occur, the Committee will return for an additional supplement if needed.

- ii. Spay & Neuter funding:** A breakdown of funding utilized for the program was provided; an appropriation request was made to allocate the following amounts from the Topping Fund to continue promotion of the spay/neuter program: \$2,500.00 for cats and \$2,500.00 for dogs.

Supervisor Weakley moved that the Board approve an appropriation of \$2,500.00 for cats and \$2,500.00 for dogs from the Topping Fund to the spay/neuter program, 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 still doesn't support the spay/neuter program.

- iii. Signage Funding:** A presentation was provided that included draft signage to be erected on both sides of Route 29 and possibly at the shelter building in order to promote adoptions; an appropriation request was made for \$1,000.00 for this purpose.



The Board was advised that the permit fees for the signs and the cost of signage along both sides of Route 29 and at the shelter building would range from \$300.00 to \$1,000.00. VDOT has advised they will inspect the signage and perform the installation – signs must be attained through Virginia Logos, Inc.

The County Administrator advised that an estimate was received to have aluminum sheets painted and attached to the side of the building; no commitment has been made to date.

After discussion, the Board decided to refrain from taking action today and add this topic to the June Regular Meeting Agenda for discussion and/or action after more information has been received.

iv. Trailer Funding: Information was provided for a thirteen foot (13’) and a seventeen foot (17’) aluminum trailer that can be used to transport livestock; the cost will be less than \$10,000.00 – a livestock gate will also be purchased to be used to house cattle that the ACO’s are called to pick up when they’re loose within the County; this purchase will be considered as a normal procurement purchase.

Although funding is available and can be appropriated, the County Administrator advised there is no rush to make the purchase at this time.

After discussion, it was the consensus of the Board to defer the purchase (of a trailer and signage) until more concrete numbers can be provided for review and discussion.

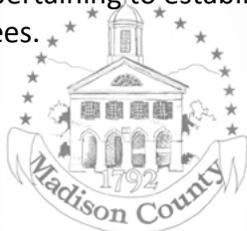
b. Resolution #2013-5 [Appointment/Reappointment of Person(s) To Serve on the Rapidan Service Authority (Steven S. Hoffman)] Workshop Sessions]

Chairman Allen advised that a letter was received from Mr. Dudley Pattie of the Rapidan Service Authority to advise that Mr. Steven Hoffman’s term is about to expire – he has asked to be reappointed, if the Board so desires.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the Board reappointed Mr. Steven Hoffman to serve an additional four year (4) term on the Rapidan Service Authority, with the following vote recorded:

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

There will be a discussion at the May Workshop Session, as per Supervisor Lackey’s request, pertaining to establishing a limit for terms served on Boards, Commissions and Committees.



c. Right-of- Way Easement (REC) – Madison County Park & Recreation Authority

Chairman Allen advised the Board discussed the right-of-way easement at the recent workshop.

The County Attorney advised that he reviewed the documentation for clarity and noted no significant issues.

Concerns were verbalized as to whether the easement could be reinstated in the event the County should need to establish a turning lane at the property in the future.

The County Attorney advised if the placement of a turning lane required moving the underground cable, the County would have to cover any costs associated with relocation of the easement – the REC must also consent to the relocation request.

After discussion, Supervisor Weakley moved to approve the Right-of-Way Easement Agreement - Resolution #2013-6, seconded by Supervisor Butler, with the following vote recorded:

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

d. Madison County School System – Supplemental Requests

Chairman Allen advised the supplements submitted by the Madison County School System were discussed at the April Workshop Session; all funds have been received.

i. \$67,842.26 (1000 Budget Function – FY2013):

On motion of Supervisor Elliott, seconded by Supervisor Butler, the supplemental request totaling \$67,842.26 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. \$156.56 (1000 Budget Function – FY2013):

On motion of Supervisor Butler, seconded by Supervisor Weakley, the supplemental request totaling \$156.56 is approved as submitted, with the following vote recorded:

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



iii.\$100.00 (1000 Budget Function – FY2013):

Supervisor Weakley moved that the supplemental request presented by the school system totaling \$100.00 be approved as submitted, seconded by Supervisor Lackey, with the following vote recorded:

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

iv.\$6,638.23 (CIP Closing Costs):

Supervisor Lackey moved that the supplemental request totaling \$6,638.23 be approved as submitted; funds will come from the CIP loan proceeds to be deposited into the CIP fund; and the County Administrator is granted the authority to transfer the proceeds to the school system, seconded by Supervisor Weakley, with the following vote recorded:

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

The County Attorney explained that at the bond closing, it was advised the Attorney's fees couldn't be treated as a 'closing cost'; therefore, the Resolution passed by the Madison County School Board was done so with the understanding that the County would allow payment of closing costs and fees for legal advice.

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

Chairman Allen opened the floor for public comment.

The following citizen(s) provided public comment:

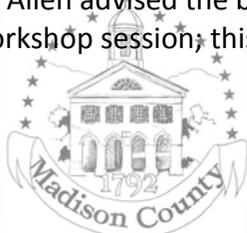
- a. Edwina McKelligett (1961 Wilderness Road), was present and asked what she can do to get her road improved (i.e. paved and a posted speed limit) before a serious fatality occurs.

Chairman Allen advised Ms. McKelligett that a public hearing will commence on the Six Year Road Improvement Plan for Madison County, Virginia at 7:00 p.m. this evening; she was encouraged to return (along with her neighbors) to present her concerns to the VDOT representatives in attendance.

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

e. Central Virginia Regional Jail – Supplemental Request for \$30,621.38

Chairman Allen advised the bill presented by the regional jail was discussed at the recent workshop session; this bill has been submitted to cover medical expenses for an



inmate that were determined not to be pre-existing and occurred while the inmate was housed at the jail.

The County Administrator advised that he spoke with the Superintendent; the State does allocate a small portion to cover these expenses; wording pertaining to this type of expense is contained in the joint agreement with the County and the jail. If payment isn't made on time, a penalty will be assessed.

It was advised that other localities seek reimbursement from the State; it was suggested the County Administrator investigate this option.

Supervisor Weakley moved that the Board approve the supplemental request submitted by the Central Virginia Regional Jail totaling \$30,621.38, seconded by Supervisor Butler, with the following vote recorded:

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

Discussions continued regarding the process by which inmates are convicted, but due to the closing of many federal institutions, inmates can be housed in local jails for up to two (2) years before they are relocated to a federal corrections facility.

f. Madison Department of Social Services (Funding Request):

Valerie Ward, Director, was present and advised there is no new information to provide on the funding request; meetings have recently been attend; recent numbers for services has remained steady (currently eighty-nine [89] open cases).

The County Attorney advised that based on a discussion, there is no question the County is obligated by State mandate, to cover the requested supplemental request; the State has already approved its share of the reimbursement based upon the supplemental request being submitted.

The County Administrator questioned of ways the aforementioned costs could be controlled in the future.

After discussion, Supervisor Elliott moved that the Board approve the supplemental request of \$200,000.00 as submitted by the Department of Social Services, seconded by Supervisor Butler, with the following vote recorded:

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



g. June 11th Meeting Date Change:

Chairman Allen advised that due to the June Primary Election being scheduled for Tuesday, June 11, 2013, the board will need to move the regular meeting to an alternate date.

After discussion, it was the consensus of the Board to reschedule the June Regular Meeting to Monday, June 10, 2013 at 3:00 p.m. and 7:00 p.m.

h. Set Date to Appropriate the FY2014 Budget:

Chairman Allen advised the Board will need to also determine a date to appropriate the FY2014 Budget for Madison County.

After discussion, it was the consensus of the Board to appropriate the FY2014 Budget on Monday, June 10, 2013 during the regular meeting session.

Continuation of Items from the 3:00 p.m. session

7. Board of Supervisors' Reports: Meetings Attended in Past Month

Supervisor Weakley: Skyline CAP; PRA Monthly Meeting & Workshop Session; Topping Committee.

Supervisor Butler: Thomas Jefferson Criminal Justice Board and EMS Counsel; Skyline CAP Non-Profit; Social Services Board; Rescue Squad.

Supervisor Lackey: PRA; PD9; Topping Committee.

Supervisor Elliott: Madison County Planning Commission.

Chairman Allen: Emergency Service Providers.

Chairman Allen advised the Board will need to enter into closed session to conduct interviews; results of an appointment will be announced during the 7:00 p.m. session.

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

On motion of Supervisor Butler, , seconded by Supervisor Weakley, the Board moved to convene 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, and Virginia Code Section 2.2-3711 (A)(7), pertaining to personnel matters, specifically the Madison County Sheriff's Office, 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 Elliott, 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 Elliott, the Board certified 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

****Dinner Break****

8. Reconvene Meeting:

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

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

Chairman Allen opened the floor for public comment, not pertaining to the Six Year Road Improvement Plan public hearing.

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

9. Public Hearing on the Six Year Road Improvement Plan for Madison County (FY2013-2014 through FY2018-2019)

Greg Banks, Project Director, and Roy Tate, Acting Residency Director, were present to provide an overview of the projects denoted in the Six Year Road Improvement Plan for Madison County, which included the following roadways:

- a) Twyman's Mill Road
- b) Shifflett's Corner Lane
- c) Yager Mountain Road
- d) Booten's Lane



- e) Fletcher Road
- f) Forest Drive

In regards to concerns verbalized by Ms. McKelligett, it was advised the road on which she resides doesn't meet the required criteria of having at least fifty (50) cars traveling on it per day.

In regards to how the County can request to have a traffic count done on a particular road, it was advised the County is welcome to submit a request through the County Administrator for consideration.

Chairman Allen opened the floor for public comment.

- a. Waller Jenkins (Radiant) was present and asked about VDOT guidelines pertaining to pulling side drains.

Mr. Tate advised about environmental concerns that are now in place, and also about the required steps that will need to be followed pertaining to the above referenced process and any citizens concerns.

After discussion, on motion of **Supervisor Elliott, seconded by Supervisor Weakley**, the Board approved the Six Year Road Plan for Madison County (FY2013-2014 through FY2018-2019) by Resolution #2013-4-1), 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. Social Services Board – Review Application(s)/ Appoint Unexpired:

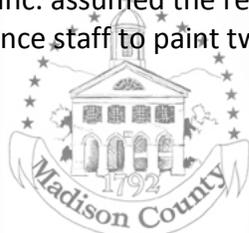
Chairman Allen advised the Board entered into a closed session to conduct interviews pertaining to an appointment to the DSS Board.

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board appointed Margaret Gilley to fill an unexpired term on the Department of Social Services Board, ending January 31, 2014, with the following vote recorded:

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

11. Information/Correspondence (if any):

Supervisor Elliott verbalized concerns that citizens have been told not to return to the landfill unless they can produce a hangtag; camera equipment hasn't been installed at the scale house; County staff have been mowing the grounds when Waste Management Services, Inc. assumed the responsibility; and he wants to know the time spent for maintenance staff to paint two (2) doors and one (1) garage door.



The County Administrator explained that only non-residents (of Madison County) have been turned away; camera equipment has been ordered and will be installed; County personnel have been mowing until Waste Management Services, Inc. can get a contract in place to purchase equipment – although the County is mowing, a charge is being passed along for this service; documentation of time to perform the painting work will be provided for review as requested.

Supervisor Butler questioned the large amount of times the alarms at the courthouse have gone off within the past thirty (30) days; whether safety glass can be installed at the Treasurer’s Office; whether the ‘panic alarm’ has been tested; the cameras in the courtroom need to be cleaned and repositioned.

The County Administrator advised this issue has been addressed and resolved; an investigation will be done regarding safety glass during the space utilization process; concerns pertaining to the cameras in the courtroom have already been resolved. Supervisor Weakley questioned the deterioration of the brick floors at the courthouse. The County Administrator advised of an acoustics check that was done on the courthouse, by request of the Judge (bill provided); he also advised that no seal was placed on the brick floors because of the surface being historical in nature.

12. Adjournment:

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

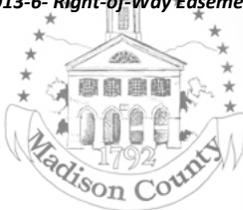
J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk of the Board
Adopted on: June 10, 2013

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

- Resolutions approved on May 14, 2013:**
Resolution #2013-4(1) -Six Year Road Improvement Plan for Madison County
Resolution #2013-5- Reappointment of Persons to Serve on the Rapidan Service Authority
Resolution #2013-6- Right-of-Way Easement Agreement



ADDENDUM

RESOLUTION #2013-4-1

At a Regular Meeting of the Madison County Board of Supervisors held at the Madison County Administration Center located at 414 North Main Street, Madison, Virginia, on Tuesday, May 14, 2013 at 3:00 p.m.

Present were: J. Dave Allen, Chairman
 Doris G. Lackey, Vice Chair
 Jerry J. Butler, Member
 Pete J. Elliott, Member
 Jonathon Weakley, Member

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2013-14 through 2018-2019) as well as the Construction Priority List (2013-2014) on May 14, 2013, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, David Pearce, Acting Residency Administrator , Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2013-14 through 2018-2019) and the Construction Priority List (2013-2014) for Madison County, Virginia;

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Madison County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013-2014 through 2018-2019) and Construction Priority List (2013-2014) are hereby approved on motion of Supervisor Elliott, seconded by Supervisor Weakley, on this 14th day of May, 2013.

 J. Dave Allen, Chairman
 Madison County Board of Supervisors

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

Testee:

 Jacqueline S. Frye/Clerk of the Board



ADDENDUM

RESOLUTION APPOINTING/RE-APPOINTING A PERSON(S) TO SERVE ON THE RAPIDAN SERVICE AUTHORITY

#2013-5

WHEREAS, THE Rapidan Service Authority consists of two (2) members appointed by the Madison County Board of Supervisors to serve a term of four (4) years each; and

WHEREAS, the term of one (1) member of the Authority will expire; although each member has continued to serve and is authorized to serve until reappointment or replaced, it is necessary for the Madison County Board of Supervisors to formally make the appointment and/or reappointments;

NOW, THEREFORE, the Madison County Board of Supervisors does hereby reappoint the following individual to serve on the Rapidan Service Authority for the term indicated below:

Member	Term Expires
Steven S. Hoffman	June 24, 2017

Adopted this 14th day of May, 2013, on motion of Supervisor Butler, 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>	—	—	—

Attest:

Jacqueline S. Frye, Clerk of the Board



ADDENDUM

RIGHT OF WAY EASEMENT AGREEMENT (UNDERGROUND) RESOLUTION #2013-6

Tax Map 48-43C

THIS RIGHT OF WAY EASEMENT AGREEMENT, made and entered into this 14th day of May, 2014, by and between the Madison County Board of Supervisors, hereinafter called "Owner" ("Owner wherever used herein being intended to include the grantors whether one or more or masculine or feminine), and RAPPAHANNOCK ELECTRIC COOPERATIVE, a Virginia public service corporation as Grantee, hereinafter called "Cooperative."

WITNESSETH:

The Owner, in consideration of One Dollar and other valuable consideration paid by Cooperative, the receipt and sufficiency whereof is hereby acknowledged, does grant and convey unto Cooperative, its successors and assigns, the perpetual right, privilege, and easement of right of way, to install, construct, operate and maintain underground conduit and conductor cable lines for transmitting and/or distributing electric power to the public, by one or more circuits, including all cables, trenches, transformers, cabinet enclosures, equipment pads, connection boxes, meters, ground connections, attachments, equipment, accessories, apparatus, appliances, and appurtenances desirable in connection therewith (hereinafter referred to as "Facilities") over, under, upon, across and through the lands of the Owner situated in Madison County, Virginia, further described as off Fairground Road at Hoover Ridge near Madison Primary School as shown and designated on drawing dated September 15, 2011 being attached and made part of this agreement.

The widths of this easement of right of way will be fifteen feet.

The facilities erected hereunder shall remain the property of Cooperative. Cooperative shall have the right to inspect, upgrade, rebuild improve, remove, repair, relocate on the right of way above described, and make such changes, alterations, substitutions, additions to or extensions of its facilities as Cooperative may from time to time deem advisable, including the right to increase and/or decrease the number and/or size of wires.

Owner does further grant and convey to Cooperative, for the purpose of Cooperative constructing, reconstructing, inspecting, replacing, upgrading, maintaining and/or operating its facilities, the right of ingress to and egress from the easement over the lands of Owner, such right to be exercised in such a manner as shall cause the least practicable damage and inconvenience to Owner.

Cooperative shall at all times have the right to trim, cut, remove, control and keep clear by machinery or otherwise, all trees, limbs, undergrowth and other obstructions inside and outside the boundaries that may endanger the safe and proper operation of its facilities. All trees cut by the Cooperative at any time shall remain the property of the Owner.

Cooperative shall repair damage to roads, fences, structures, or other improvements and shall pay Owner for other damage done, including damages to crops, in the process of the construction, inspection, or maintenance of Cooperative's facilities, or in the exercise of its right of ingress and egress; provided Owner gives written notice thereof to cooperative within thirty (30) days after such damage occurs.

Owner covenants that he is seized of and has the right to convey the said easements of right of way, rights and privileges; that the Cooperative shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement of right of way, rights and privileges.

'NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some of all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey these rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying,"

IN WITNESS WHEREOF the following signature(s) of the Owner or his duly authorized agent:

J. Dave Allen, Chairman
Madison County Board of Supervisors



Adopted on May 14, 2013 by motion of Supervisor Weakley, seconded by Supervisor Butler, with the following vote recorded:

	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>	___	___	___

