

MEETING #55 – December 9

At a Regular Meeting of the Madison County Board of Supervisors on December 9, 2014 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chairman
R. Clay Jackson, Vice-Chairman
Jonathon Weakley, Member
Robert Campbell, Member
Ernest C. Hoch, County Administrator
V. R. Shackelford, III, County Attorney
Leo Tayamen, Finance Director
Jacqueline S. Frye, Deputy Clerk

ABSENT: Kevin McGhee, Member

1. Regular Meeting Agenda

Chairman Lackey called the meeting to order; a quorum is present.

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors commenced their meeting with the Pledge of Allegiance and a moment of silence; Supervisor McGhee will be absent; a quorum is present.

3. Adopt Agenda

The following amendments were suggested: Add Item C-a (VDOT); Add Item 6-i(FOIA Case); and that the board convene in a recess at 5:55 p.m. and at 6:40 p.m. prior to tonight's public hearing Chairman Lackey suggested the Board entertain a five (5) minute recess at 5:55 p.m. and at 6:40 p.m. prior to moving forward with the public hearing scheduled at 7:00 p.m.

Supervisor Jackson moved the Board approve the Agenda as amended, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee*

4. Monthly Reports

a. Department Heads (if necessary) - None

b. Constitutional Officers: None.

c. Shenandoah National Park – Jim Northup, Superintendent: *Jim Northup, Superintendent, was present to provide an update to include the number of annual visits, special events (ranger program, kids trail, wayside visits, proposed improvement to the concessions facilities, etc.), and future plans for a proposed increase in admission fees for the upcoming year; the tree at Hoover Camp was recently taken down – a slice of the bark was presented to the County (as requested) for display at the County's historical museum. Input was also provided on the outbreak of emerald ash bore, chronic wasting disease, and reports of there being feral hogs in localities surrounding the national park.*

c-a. VDOT: *Mark Nesbit, Residency Administrator, was present to provide an update on projects underway in the County (i.e. renovations at Mulatto Bridge (completion date will be 12/18/15), pipe replacement (on Route 29 North) that involved installing a guardrail; discussions also focused on the request by Greene County for a 'no thru truck' sign along Route 33 and Route 230 – signage will not prohibit thru truck travel and there will no penalties for using the route; input was also provided on the five year secondary road schedule for FY2015 which has been forwarded to the Richmond office for review and advertising. Concerns were verbalized (by the Board) pertaining to resurfacing and/or placing overlay on roads (Fairgrounds Road & Thrift Road). It was noted that VDOT receives annual funding to be used for resurfacing road; the issue in question will be assessed as requested by the Board.*

d. Finance Office:**i. FY2015 Claims****1. General Operations (Fund 10) General Fund FY2014 – October**

Supervisor Weakley the Board approve the Certificate of Claims (Fund 10) General Operations for October 2014 in the amount of \$658,871.79, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

2. Certificate of Claims (Fund 11) Tourism Enhancement FY2014 – October

Supervisor Weakley moved the Board approve the Certificate of Claims (Fund 11) Tourism Enhancement for October 2014 in the amount of \$10,514.33, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

3. Certificate of Claims (Fund 40) Debt Service FY2015 – October

Supervisor Jackson moved the Board approve the Certificate of Claims (Fund 40) Debt Service for October FY2014 in the amount of \$921,760.86, seconded by Supervisor Weakley. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

4. Supplemental Requests – General Operations FY2015 – October

PRA	71200-5702;161202	PRA Youth Programs – Baseball	\$ 110.00
PRA	71200-5703;161203	PRA Youth Programs – Basketball	\$ 32.82
PRA	71200-5704;161204	PRA Youth Programs – Cheerleading	\$ 72.52
PRA	71200-5705;161205	PRA Youth Programs – Football	\$ 55.00
PRA	71200-5706;161206	PRA Youth Programs – Hockey	\$ 479.15
PRA	71200-5707;161207	PRA Youth Programs – Soccer	\$ 338.00
PRA	71200-5711;161211	PRA Youth Programs – Youth Registration	\$ 50.00
PRA	71200-5712;161212	PRA Youth Programs – Youth Program	\$ 233.73
PRA	71200-5727;161227	PRA Youth Programs – Jazz	\$ 200.00
PRA	71200-5728;161228	PRA Youth Programs – Shelter Rental	\$ 75.00
PRA	71200-5737;161237	PRA Youth Programs – Women’s Volley Ball	\$ 2,450.00
PRA	71200-5730;161230	PRA Youth Programs – Tae Kwon Do	\$ 894.67
PRA	71200-5732;161232	PRA Youth Programs – Tournaments	\$ 320.00
PRA	71200-5734;161233	PRA Youth Programs – Travel Baseball	\$ 350.00
TOTAL SUPPLEMENTS:			\$ 5,660.89

Supervisor Weakley moved the Board approve Supplemental Requests for October FY2014 totaling \$5,660.89, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley. Nays: Campbell. Absent: McGhee.*

5. Minutes #51 through #53

Supervisor Weakley moved the Board approve Minutes #51 through #53 as presented, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley. Nays: Campbell. Absent: McGhee*

6. Discussions/Actions

a. State Aid to Local Governments - Official Certification Selection: The County Administrator advised the State has asked the localities to decide whether to reduce State revenue or pay off the total rebate in the amount of \$50,251.00 (i.e. County’s percentage of State revenue provided for various operations); it was recommended by the Board (at the recent workshop) to submit a single payment (from the contingency fund) by way of a resolution – the payment is due to the Commonwealth by December 31st.

Supervisor Weakley moved the Board approve Resolution #2014-12, with the addition of the breakdown of state reductions in aide to localities itemized, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

- b. No Charge Tire Event at the Transfer Station:** A memorandum was provided (by the Recycling Committee) that suggested the tire recycling event be scheduled for April 18, 2015 during regular operating hours (at the transfer station); each household may recycle up to eight (8) tires at no charge; tires must be off the rim (car or light truck) and no commercial/business vehicle tires will be accepted.

Supervisor Jackson moved the Board adopt the proposed tire recycling event and procedures as outlined in the memorandum presented, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee*

- c. Parks & Recreation Supplemental Request:** The County Administrator advised that PRA appropriations during the past year were done by 'line item'; today's balance of \$17,367.09 is the balance from FY2014 and will need to be appropriated into the PRA's FY2015 budget; it was noted this is PRA's final appropriation for FY2014.

Supervisor Weakley moved the Board approve the supplemental appropriation totaling \$17,367.09 (balance from line item 8223 from FY2014 into the PRA's FY2015 budget), seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

- d. County/Chamber Memorandum of Understanding:** The County Administrator noted the MOU agreement was reviewed during the previous workshop session; the list of annual events noted in the agreement were discussed with the TOT Committee and, as agreed, will still be under the leadership of the Chamber.

Supervisor Weakley moved the Board approve the MOU between Madison County, Virginia (referred to as "the County") and the Madison County Chamber of Commerce, entered on this day, December 9, 2014, with supporting documents, seconded by Supervisor Jackson.

Supervisor Weakley amended the motion to include the MOU will commence on January 1, 2015, seconded by Supervisor Jackson: *Ayes: Lackey, Jackson, Weakley. Abstain: Campbell. Nays: (0) Absent: McGhee*

- e. Planning Commission Reappointments:** A letter was provided from Betty Grayson, Zoning Administrator, that noted all three (3) members desired to be reappointed, should the Board so desire.

Supervisor Campbell moved the reappointment of Carlton Yowell, Gerald Stephenson and George Beach to the Madison County Planning Commission [(for a four [4] year term)], seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee*

- f. Rappahannock-Rapidan Community Services Board Appointments:** During the previous workshop session, a list of interested candidates was provided for consideration.

Supervisor Weakley moved the appointment of: Clare Lillard, Robert Legge and Bonita Burr, seconded by Supervisor Jackson. It was further suggested that each candidate be asked to provide a bio for the record. *Ayes: Lackey, Jackson, Weakley. Nays: Campbell. Absent: McGhee.*

- g. Rappahannock Juvenile Detention Board Reappointment:** Chairman Lackey advised that Mr. Albert Goossens has advised that due to the center's upcoming budget process, he'd be willing to serve for an additional six (6) months as the County's representative.

Supervisor Campbell nominated Steve Hoffman to serve on the Rappahannock Juvenile Detention Board.

Supervisor Jackson moved the Board reappoint Albert Goossens to serve for an additional six (6) months as the County's representative on the Rappahannock Juvenile Detention Board, seconded by Supervisor Weakley. *Ayes: Lackey, Jackson, Weakley. Nays: Campbell. Absent: McGhee.*

- h. December & January Workshop Sessions:** The County Administrator referenced the budget calendar and the budgetary process that will follow during the upcoming week.

Due to the December workshop falling just before the Christmas holiday, it was the consensus of the Board to move the December workshop session to Monday, December 22nd at 6:00 p.m. in the firehouse, with the administrative auditorium as the alternative meeting location. Additional meetings were noted follows:

- January 2015 Organization meeting: Monday, January 5, 2015 at 9:00 p.m.
- January 13, 2015 Regular Meeting: Tuesday, January 13, 2015 at 4:00 p.m.
- January 2015 Special Work Session: (Facilities Plans): Tuesday, January 20, 2014 at 6:00 p.m.
- Budget Work Sessions: Wednesday, January 21st and Thursday, January 22nd at 9:00 a.m.

It was suggested that each department head and constitutional officer attend the budget session to provide input on any budgetary requests for their specific departments

- *January 2015 Workshop Session: Monday, January 26, 2015 at 6:00 p.m.*
- *School Open House (Madison County High School): Tuesday, January 27, 2015 from 5:00 p.m. to 7:00 p.m.*
- *January Joint Meeting (with the School Board): Thursday, January 29th at 4:30 p.m. (1223 N. Main Street, unless otherwise noted)[It was suggested this meeting be scheduled at 5:30 p.m., if possible]*

- i. FOIA Case: The County Attorney and County Administrator presented a Resolution (#2014-13) regarding Judge Durrer's opinion of the recent FOIA case (resolution was read for the record).**

Supervisor Jackson moved the Board approve Resolution #2014-13 as presented, seconded by Supervisor Weakley. Ayes: Lackey, Jackson, Weakley. Abstain: Campbell. Nays (0). Absent: McGhee

Chairman Lackey called for a five (5) minute recess.

Chairman Lackey reconvened the meeting.

Public Comment Opportunity

Chairman Lackey opened the floor for public comment:

The following citizen(s) provided comments:

- Joe May (Committee appointments; PRA; Chamber).
- Dan Jenkins (Committee appointments; Robert's rules of order).
- Pete Elliott (Rules of order; Plow & Hearth news release).

The County Administrator advised the press release was issued by the Commonwealth and no Board vote was necessary at this point due there not being any type of commitment in place.

7. The Good of the Order

- *Supervisor Campbell: Suggested the Board adopt the concept, "In God We Trust...." By Resolution (as adopted by Congress in 1956).*
- *Supervisor Weakley: Agreed with the aforementioned concept and suggested this be discussed at a workshop session.*
- *Chairman Lackey: Asked all members to reflect on past accomplishments, and provided 2-3 goals/ objectives for discussion at the December workshop session.*

8. Information/Correspondence

Miscellaneous:

- ***Slice of Tree (Hoover Camp):*** *The County Administrator suggested the Board authorize him to ask if the Madison Historical Society is willing to take care of the 'slice of the tree' from the Hoover Camp.*
- ***SNP:*** *Chairman Lackey noted that Scott Leake (of Congressman Hurt's Office) was present; also suggested the County question if the park would be willing to offer reduced admission for citizens residing in localities that border the park.*

It was noted the meeting on the proposed fee increase will be next week; a list of questions was presented for review and discussion during the upcoming workshop session

- ***County Records Management Policy:*** *Supervisor Campbell questioned if the County has a policy in place. The County Administrator advised the current policy is in place and is in need of review.*

9. Closed Session

a. Closed Session:

On motion of Supervisor Jackson, seconded by Supervisor Campbell, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(5) pertaining to discussion concerning a prospective business or industry of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Ayes: Lackey, Jackson, Weakley, Campbell. Absent: McGhee. Nays: (0).

Supervisor Campbell moved to rescind the prior motion to enter into a closed session, seconded by Supervisor Jackson. Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee

Supervisor Jackson, moved the Board convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(6) pertaining to a discussion of the investment of public funds where competition or bargaining is involved, where, if made public initially,

the financial interest of the governmental unit would be adversely affected, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

b. Motion to Reconvene In Open Session

On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board reconvened in open session. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0) Absent: McGhee*

c. Motion to Certify Compliance:

On motion of Supervisor Jackson, seconded by Supervisor Campbell, 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) (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. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

No action was taken as a result of closed session.

10. Public Hearing: 7:00 p.m.

Chairman Lackey advised that each speaker will be provided up to five (5) minutes to speak; no personal attacks or inappropriate comments will be allowed; speakers were asked to identify themselves and be respectful. Individuals will be allowed to speak a second time after all have had a change to verbalize any concerns.

- i. **Ordinance ID #2014-5 [Ordinance to Change the Polling Place for the Madison Precinct]:** The County Administrator provided a brief overview of the aforementioned Ordinance; it was noted that Beth Car Baptist Church has submitted a letter approving the proposed polling place change; it was suggested the change not transpire until after the November 2014 election process .

Chairman Lackey opened the floor of the public hearing for the public.

The following citizen(s) provided public comment on the proposed polling change:

- Colt Puryear

Ms. Bonita Burr, of the Madison Electoral Board, was present and expressed no major issues with the proposed polling place change; she did note the proposed change is the best option due to the convenience in location.

With no further comments being brought forth, Chairman Lackey closed the floor of the public hearing.

It was noted that no action will be taken on behalf of the Board pertaining to tonight's Ordinances; anyone wishing to provide additional comments may present them to the County Administrator.

- ii. **Ordinance ID #2014-6 [Noise Ordinance – Madison County]:** The County Attorney provided a brief overview of the origin of the proposed noise ordinance for Madison County; an explanation was provided for the exemptions; although property owners are encouraged to work out any issues amongst themselves pertaining to any type of nuisance, as these types of issues are very difficult to prove in court.

Chairman Lackey opened the floor for the public hearing.

The following citizens provided comments regarding the proposed noise ordinance for Madison County:

- Jimmy Graves
- Bill Price
- Pete Elliott (x2)
- Al Cuppett
- Tim Williams
- Reuben Woodard
- Bonnie Dixon
- Jeff Farry
- Casey Daniels
- Dan Squire
- Edward Napier
- Ralph Nicholson (x2)
- Jason Farry

- Steve Hoffman
- Leri Thomas
- Jacob Alger
- Michelle Washington
- Bob Kane
- Bill Gimble
- Jennifer Kennedy
- Billy Wise
- Valentine Miller, Jr.
- Jeff Wise
- Sherry Brockman
- Bill Walthall
- John Whiteside
- Dan Jenkins
- Amanda Walthall
- Tommy Frazier
- Roger Haynes
- Eric McCord (x2)
- Nathaniel Miller
- **A written comment was provided by Bill Sanford for the record**

With no further comments, Chairman Lackey closed the floor of the public hearing and thanked all for attending tonight's session.

Comments from the Board were as follows:

- Weakley: Not in support of moving forward (on the Ordinance), and no issue with the Board taking action tonight.
- Jackson: Problems noted between some neighbors here; not in favor of supporting the proposed ordinance.
- Campbell: Not in favor of the proposed ordinance; suggested the Board take action tonight.
- Lackey: Referred to those citizens who have come forth with concerns.

After discussion, Supervisor Campbell moved the Board take action tonight on Ordinance #2014-6 [Noise Ordinance for Madison County], seconded by Supervisor Jackson. Aye: Jackson, Weakley, Campbell. Nays: Lackey. Absent: McGhee.

Supervisor Campbell moved the Board vote against Ordinance #2014-6 [Noise Ordinance for Madison County], seconded by Supervisor Jackson. *Aye: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee*

11. Adjournment:

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor Campbell, Chairman Lackey adjourn tonight's meeting. *Ayes: Lackey, Jackson, Weakley, Campbell. Nays: (0). Absent: McGhee.*

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Ernest C. Hoch, Clerk of the Board

Adopted on: January 13, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee,
V. R. Shackelford, III, Constitutional Officers

Resolutions Adopted: December 9, 2014

- Resolution #2014-12 [Reimbursement Payment of \$50,251 to the Commonwealth]
- Resolution #2014-13 [Receipt of Judge Durrer's Opinion - Refund Totaling \$764.05]

Ordinances for December 9, 2014

- Ordinance ID #2014-5 [Ordinance to Change the Polling Place for the Madison Precinct revised 11-10-14]
- **Ordinance ID #2014-6 [Noise Ordinance for Madison County, Virginia] - Not Adopted**



**Regular Meeting Agenda
Madison County Board of Supervisors
Tuesday, December 9, 2014 at 4:00 p.m.
County Administration Building, Auditorium
414 Main Street, Madison, Virginia 22727**



Agenda Items

1. Call to Order
 2. ***Pledge of Allegiance & Moment of Silence***
 3. Determine Presence of a Quorum/Adopt Agenda
 4. Monthly Reports
 - a. Department Reports
 - b. Constitutional Officers
 - c. Shenandoah National Park – Jim Northup, Superintendent
 - a. ***VDOT – Mark Nesbit, Residency Administrator***
 - d. Finance
 - i. **FY2015 Claims**
 1. General Operations (Fund 10) General Fund FY2014 – October
 2. Certificate of Claims (Fund 11) – Tourism FY2015 – October
 3. Certificate of Claims (Fund 40) – Debt Service FY2015 – August
 4. Supplemental Requests – General Operations – FY2015 – September
 5. Minutes: a. #51 through #53
 6. Discussions/Actions:
 - a. State Aid to Local Governments: Official Certification Selection
 - b. No Charge Tire Event at the Transfer Station
 - c. PRA Supplemental Request
 - d. County/Chamber Memorandum of Understanding
 - e. Planning Commission re-appointments
 - f. RRCS Board Appointments
 - g. Juvenile Detention Board Appointment
 - h. Discuss December & January Workshop Dates & Budget Workshop Sessions
 - i. **FOIA Case**
- *6:00 p.m.: Public Comment will occur as close to 6:00 p.m. as possible. Speakers are asked to identify themselves (name and address) and keep their comments to under five (5) minutes per speaker. Written comments shall be accepted and recorded into the minutes.*
7. Good of the Order
 8. Information/Correspondence
 9. Closed Session (if needed)
 10. Public Hearing: 7:00 p.m.
 - a. Ordinance ID #2014-5 [Ordinance to Change the Polling Place for the Madison Precinct
 - b. Ordinance ID #2014-6 [Noise Ordinance – Madison County]
 11. Adjournment

AMENDMENTS DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT

CORRECTIONS DENOTED IN BLACK WITH YELLOW HIGHLIGHT