

## MEETING #45- November 10

At a Regular Meeting of the Madison County Board of Supervisors on November 10, 2015 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  
Kevin McGhee, Member  
Daniel J. Campbell, County Administrator  
V. R. Shackelford, III, County Attorney  
Jacqueline S. Frye, Deputy Clerk

### Agenda Items:

#### Call to Order

#### *Pledge of Allegiance & Moment of Silence*

#### 1. Determine Presence of a Quorum/Adopt Agenda:

Chairman Lackey noted that all members are present; a quorum was established.

Supervisor Jackson moved the Board adopt the Agenda as presented, seconded by Supervisor McGhee.

Recommended changes to today's Agenda:

➤ **Add: Power Line Update (Item 10b)**

Supervisor Jackson amended his original motion to adopt the Agenda, as amended (, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

#### 2. Constitutional Officers: None.

#### 3. County Departments:

**i. Department of Social Services:** Valerie Ward, DSS Director, was present and advised that Chrysalis Counseling Center (located in Culpeper, VA), will be opening an office in Madison County next week to provide mental health services here; several insurance plans and Medicaid will be accepted for payment of services. It was also noted that a community intervention conference will be held at the Daniel Technology Center in Culpeper on December 3, 2015 to address catastrophic issues resulting from the heroin epidemic in surrounding communities.

#### 4. Independent Committees/Organizations: None.

#### 5. Committee Reports: None

#### 6. Finance: Post Year

##### *i. Claims - October & November 2015 - FY2016*

#### Vendor Payments Register:

The County Administrator advised there were two (2) sets of claims (i.e. vendor payments):  
\$8,959.00 (November 9'2015); \$49,620.28 (November 6'2015)  
\$367,445.64 (which include the school literacy loan and VML/VACo Finance Program)

Supervisor Campbell moved the Board approve the vendor payments/claims as presented, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

#### 7. Minutes

##### *a. #40, #41, #42*

Supervisor Jackson moved the Board approve Minutes #40, #41 and #42 as presented, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, McGhee. Nays: Campbell.*

#### 8. Discussions/Actions

**a. Fencing at Old ABC Building:** The County Administrator noted that the Board has discussed the fencing bids at a previous workshop; an updated summary on the two (2) bids that were received was provided for review. It was noted that the Board had previously decided to move forward with chain link fencing with vinyl slats to provide privacy.

Supervisor Jackson moved the Board accept the bid submitted by Quality Fence Company, Inc. with a total amount of \$5,110.00, seconded by Supervisor McGhee.

Discussion:

- Supervisor Campbell verbalized agreement with today's action based on recommendations provided by Roger Berry, Facilities Director.
- Chairman Lackey verbalized agreement with today's action, but noted that the vinyl privacy strips will need to be maintained regularly.

*Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**b. Health Department Local Government Agreement:** The County Administrator provided a brief overview of the agreement (between the County and health department) as presented; the agreement does specify certain responsibilities related to coverage and activities. It was also noted the agreement denotes the amount of funding the state will provide for the administration of the local health department, and that said funding amount coincides with the County's adopted budget.

Supervisor Jackson moved the Board approve the memorandum with the Madison Health Department and authorize the County Administrator to sign the local agreement as presented, seconded by Supervisor Campbell. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**c. Audit Update and Recommendations:** Mary Jane Costello, Interim Finance Director, was present and noted that (as per the auditor's directive), there was a discrepancy noted in the original budget for Fund 30 (Capital Improvement Fund); further clarification was made regarding the fact that a retroactive appropriation totaling \$250,000.00 will need to be approved and incorporated into the original budget. It was noted that the amount in question was approved, and intended to come from the general fund, but wasn't actually presented correctly on the general budget summary. In closing, she noted that today's request will have no impact on the County's general fund.

Supervisor Campbell moved that the County approve a retroactive supplemental appropriation as of June 30, 2015 in the amount of \$250,000.00 in the capital improvement fund to record the budgeted transfer from the general fund and the budgeted capital outlay expenditure, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**d. Update on Wood Waste – Transfer Station:** The County Administrator provided information on the contracts for disposal of wood waste at the landfill; the low bidder has been unable to attain a contractor's license; a bid was resubmitted by Greene Waste & Recycling Inc. that is slightly below the County's allocated amount of funding; contractor will be responsible for chipping, hauling and disposal of the debris after the job is complete.

Supervisor Campbell moved the Board approve the bid submitted by Greene Waste & Recycling, seconded by Supervisor Weakley.

Discussion:

Supervisor Campbell provided a brief overview of the County's desire to attain a local contractor to perform the necessary work; due to the contractor's inability to attain licensure and the need to move forward with the project, the aforementioned contractor's bid has been accepted.

*Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**e. Twyman's Mill Road (Larry Beatty):** Mark Nesbit, Residency Administrator, was present to provide an overview of the Twyman's Mill Road improvements as approved within the County's Six Year Road Improvement Plan, and advised that the project has been in the roadway plan since 2004. Additional information focused on the issues pertaining to the project design (to include site distance issues), and that minor repairs are being done within the right-of-way only.

Mr. Nesbit advised that the property (owned by Mr. Larry Beatty) was purchased from a previous landowner (Mr. Whitehouse) in July 2015; roadway improvements being questioned were already discussed and solidified with the original property owner (prior to July 2015), and were developed to address design only. In closing, he noted that anything outside of the determined design weren't part of the original decision making process.

Comments from additional VDOT representatives in attendance focused on:

- Highlights from the initial public hearing
- Location where improvements would be implemented

Larry Beatty was present and provided documentation pertaining to the project and stated there are issues of erosion on his property. Additional concerns that were presented focused on:

- The initial roadway plans (presented at the opening public hearing)
- Preliminary environmental inventory control
- Whether the SERP process was followed (as developed by the State)
- The initial plan called for water to be diverted to the south of the property (not the north)

The County Attorney advised that in his opinion:

- The County doesn't have a role in supervising or administering projects being done by VDOT
- Today's dispute is between the private landowner and VDOT
- If desired, the County can elect to pull the project from the six year improvement

The County Administrator noted that plans provided for discussion during the initial public hearing process are generally informational in nature and are not finalized plans.

Concerns from the Board were as follows:

- Supervisor Weakley: Referenced a letter submitted by former Delegate, Ed Scott, pertaining to the significant amount of erosion and sedimentation on Twyman's Mill Road. He also questioned whether any remaining funds could be used to correct the issues noted.
- Chairman Lackey: Referenced the significance of property only being taken from one side of the roadway (to accomplish improvements).
- Supervisor Campbell: Advised that he did visit the property in question. Although the landowner does have concerns, the decisions for the project were discussed with the original property and agreed upon. He also concurred with comments made by the County Attorney, and noted funding has already been expended (by VDOT) for the project (i.e. \$550,000.00) which will need to be refunded (by use of local tax dollars) should he County decide to 'pull' the project from the six year road plan, which he's unwilling to approve.
- Supervisor Jackson: Questioned if the landowner has discussed his concerns with Brad Jarvis, Extension Office, or a representative of the Culpeper Soil & Water Conservation District. He also concurred with comments made by the County Attorney.

Concerns were made as to whether the landowner could retain private counsel to resolve today's issues being discussed.

The County Attorney clarified that although the landowners' concerns may be legitimate, the County doesn't have the jurisdiction to deal with today's issues. In closing, he concurred with comments made that suggested the landowner perhaps contact the local Extension Office or Culpeper Soil & Water Conservation District to attain information regarding the CREP Program.

After discussion Chairman Lackey advised that the County isn't willing to remove the Twyman's Mill Road project from the six year road improvement plan.

## **10. Information/Correspondence:**

### **a. Madison County Planning Commission (Expiration of Terms [3]):**

Chairman Lackey referred to the letter to advise of upcoming vacancies on the planning commission (i.e. three [3] slots) as of January 31, 2016.

Supervisor Campbell suggested the County advertise to fill the three (3) upcoming vacancies to allow time to screen and establish interviews after the 2016 Board is in place.

Chairman Lackey advised that it has been recommended that the Chair of the Commission be invited to attend the next workshop and revisit the business of reducing the size of the commission by not filling the upcoming vacancies.

Discussion:

- Supervisor Campbell: Feels the aforementioned suggestion should be discussed after the 2016 Board is in place.
- Supervisor Jackson: Advised that he wasn't in favor of reducing the size of the commission, but feels that a brief consultation during the workshop session would be appropriate.

Supervisor Jackson moved the Board have the Commission Chair to attend the next workshop session.

Supervisor McGhee suggested the Commission Chair be encouraged to discuss today's matter at the Commission's upcoming workshop session.

Supervisor Jackson amended his motion to include that the "Commission Chair be encouraged to discuss today's matter of concern at the Commission's upcoming workshop session,' seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, McGhee. Nays: Campbell.*

Supervisor Campbell questioned whether action will be taken, as he will be absent from the November workshop session, to which Chairman Lackey noted that no vote will be taken on the matter at the workshop session.

#### **b. Power Line Update:**

Supervisor Campbell verbalized concerns regarding the power line matter, and feels there are more questions following each discussion. Additional concerns focused on:

- Language pertaining to the establishment of corridors
- The existing right-of-ways
- Placement of a proposed corridor
- Placement of existing lines in the County
- Proposed devaluation of property (in the right-of-ways)
- Whether the proposed amendment to the comp plan will be legally binding

Supervisor Jackson advised that the issue of establishing a corridor is perplexing and will devalue affected landowners. In closing, he noted that REC (Rappahannock Electric Cooperative) may request a corridor in the future despite disagreement by the County.

#### **c. VACo Conference Highlights:**

Chairman Lackey advised that the recent meeting at the VACo conference included representatives from various localities throughout the State who are dealing with utility issues (i.e. gas, electric).

Discussions focused on:

- The need for continued education and information
- VACo lobbyists will take concerns to the General Assembly
- The need for utility companies to consult with local government officials and landowners before establishing any type of plans/actions to initiate any utility changes
- Cost considerations

Supervisor McGhee advised there were also concerns regarding:

- Massive changes in power consumption (in certain larger localities)
- The fact that the SCC is in control of the overall process
- The need to have as much information (on the issue) as possible

Additional ideas to be considered focused on:

- The need to develop a strong coalition (between citizens and local government)
- The need to initiate efforts to gain the attention of the General Assembly members
- Cost considerations (i.e. value of land and existing right-of-way)

In closing, the Board offered a vote of gratitude to Mr. James Alexander for all the assistance he has provided to the county on the proposed transmission line issue.

Chairman Lackey also noted that educational funding has been diminishing since 2008; VACo has verbalized that its goal will be to convince the General Assembly to restore educational funding for grades K through 12 now that the State has a slight surplus of funding in place.

Chairman Lackey called for a five (5) minute break before the closed session.

Chairman Lackey reconvened the meeting session.

#### **9. Public Comment: Will be held as close to 6:00 p.m. as possible.**

Chairman Lackey opened the floor for public comment.

The following individuals provided public comment:

- Eleanor Montgomery (County website)

Supervisor Weakley suggested the matter of the County website be discussed at the workshop session, and asked that the County's webmaster (Anthony Burke) be invited to attend.

In closing, citizens were encouraged to provide suggestions for consideration.

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

**11. Closed Session – None**

**12. Adjournment:**

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor McGhee, Chairman Lackey adjourned tonight’s meeting.

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Doris G. Lackey, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors

Adopted on: December 8, 2015

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

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**Agenda**  
**Regular Meeting**  
**Madison County Board of Supervisors**  
**Tuesday, November 10, 2015 at 4:00 p.m.**  
**County Administration Building, Auditorium**  
**414 N. Main Street, Madison, Virginia 22727**



**Call to Order**

***Pledge of Allegiance & Moment of Silence***

1. Determine Presence of a Quorum / Adopt agenda
2. Constitutional Officers
3. County Department
4. Independent Committees / Organizations
  - i. **Department of Social Services – Valerie Ward, Director**
5. Committee Reports
6. Finance
  - a. Claims for October & November 2015 – FY2016
7. Minutes:
  - a. #40, #41, #42
8. Discussion/Action:
  - a. Fencing for Old ABC Building
  - b. Health Department Local Government Agreement
  - c. Audit Update and Recommendations
  - d. Update on Wood Waste – Transfer Station
  - e. Twyman’s Mill Road (Larry Beatty)
9. Public Comment Will be held as close to 6:00 p.m. as possible
10. Information/Correspondence (if any)
  - a. Madison County Planning Commission (Expiration of Terms [3])
  - b. **Power Line Update**
  - c. **VACo Conference Highlights**
11. Closed Session [if necessary]
12. Adjournment

**\*AMENDMENTS & ADDITIONS DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT\***  
**\*DELETIONS NOTED IN ROYAL BLUE WITH STRIKETHROUGH\***