

## MEETING #42 – October 13

At a Regular Meeting of the Madison County Board of Supervisors on October 13, 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.

Recommended changes to today's Agenda:

- Remove: Item 3-a (Animal Control – Recognition of ACO Staff [ACO is unable to attend]) \*Add to November Regular Meeting Agenda
- Add: Letter/request from the Madison County School Board (Item 4-ii)
- Add: VDOT (Item 4-i)

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

#### 2. Constitutional Officers: None.

#### 3. County Departments:

*a. Animal Control – Recognition of ACO Staff*

#### 4. Independent Committees/Organizations:

**i. VDOT – Mark Nesbit:** Mark Nesbit, Residency Administrator, was present to provide highlights from the monthly report of maintenance activities and projects for Madison County (i.e. Twyman's Mill, Route 230 Bridge Replacement, Shifflett's Corner, Mulatto Bridge Replacement); proposed improvements to Route 29 & Shelby Road will be noted as a rural rustic project – funding should be in place for construction to begin in December 2018.

The County Administrator noted that a letter of support and been completed and forwarded onto Nathan Umberger. It was noted that Mr. Umberger is proceeding with the application.

Mr. Nesbit noted that the Highway Safety Program is a federally funded program that distributes funding to VDOT districts on an annual basis for traffic safety; the intersection in question was discussed and ranked high on the priority list; funding is distributed annually to VDOT for traffic safety; the intersection being discussed was has received a high ranking on the priority list. In closing, it was noted that a public hearing would be scheduled in order to attain comments/concerns from the public; the proposed design is relatively new (for the State), but is also being proposed for an intersection located in Culpeper County.

**ii School Board Request – Tina Cropp:** Tina Cropp, School Finance Director, was present and advised the school system has been awarded a \$100,000.00 grant from the State for school security; the school would like to use the funds to install keyless entry at the school board office and remaining school facilities; total amount of the proposed purchase will be \$133,626.44; proposed grant funding does require a twenty-five percent [25%] match totaling \$33,626.44; the school system is requesting an appropriation or approval for the entire total (\$133,626.44) or for the anticipated carry-over funds (\$33,626.44) that will remain after the FY2015 audit is complete. The County Administrator advised that since the school system would like to proceed quickly with the proposed safety project, the County has the option to:

- Take requested funds from the contingency fund (instead of proposed carryover), since the amount is question isn't realized, or
- Consider approving the matching fund amount of \$33,626.44 and redistribute these funds back (into contingency or general fund) following the realization of any FY2015 carryover funding (for the school system)

Ms. Cropp noted that the school system had another school security grant awarded a few years back that were used for the purchase of doors and security cameras; if necessary, the school system call pull \$100,000.00 from other existing budget line items and request an

appropriation of the proposed grant funds (from the County) once they've been received, but does request the county appropriate funding for the required match, totaling \$33,626.44.

Supervisor Campbell moved the Board authorize an appropriation of \$33,626.44 for the school system from the FY2015 contingency fund with the intent for a reimbursement after unrealized rollover funding from FY2015, seconded by Supervisor Weakley.

**Discussion:**

Supervisor McGhee: Questioned if there was any doubt there would be school rollover funding equal to the amount being approved. To which Ms. Cropper verbalized there will be sufficient rollover funding remaining

*Ayes: Lackey, Jackson, Weakley, McGhee. Nays: Campbell.*

Supervisor Campbell expressed disapproval of the authorization to allocate 'rollover money' due to the fact that the appropriation (totaling \$33,626.44) should be done through the budget process or from the contingency fund.

**a. Madison County Rescue Squad – Waiver of Rezoning Fees:** Steve Grayson was present on behalf of the Madison County Rescue Squad, to advise that five acres of land will be purchased from an adjoining property owner off Gate Road where the future home of the rescue squad will be located. As a result of this proposed purchase, the rescue squad would like to initiate a boundary adjustment to combine two plats (A-1 & B-1 **Conditional**) and file for a rezoning request with the planning commission to have the entire tract of land zoned B-1. As a result of the aforementioned intent, today's request is for the County to consider waiving the \$2,000.00 fee for the rezoning request.

Questions from the Board focused on:

- Whether a boundary adjustment will call for a rezoning of the property (in question)
- Whether the property should be fully acquired before a rezoning request is sought
- What will transpire if the deal falls through (despite the waiver of fees and approval of the application)

The County Attorney advised that today's request has been discussed with Betty Grayson, Zoning Administrator, and there are properties in the locality that have split zoned designations. At some point, the squad may require financing and most lending facilities prefer that all properties be zoned the same. In closing, it's felt to be appropriate for the squad to move forward with getting the property rezoning matter in place.

It was further noted that the property is actually zoned B-1 *Conditional*, and this zoning category will be the same for the main tract of land.

Mr. Grayson stated that the actual plat hasn't been received, but the pending contract is subject to VDOT approval, a satisfactory survey, and rezoning (with conditions). In closing, he noted that the rescue squad plans to use the property primarily for access to the property, - the main structure will not infringe on the property that will be purchased (from the adjoining landowner); the driveway and commercial entrance will be located off Gate Road (on the property to be acquired).

The County Attorney advised that today's proposal isn't unusual (i.e. contract contingent upon rezoning), and that the County's Ordinances will permit the 'contract owner' (or 'contract purchaser) to submit an application.

The County Attorney noted that the County can attach conditions to today's rezoning request to require that:

*"If the property purchase isn't closed or settled by the rescue squad, the rezoning would be null and void, and the original zoning of A-1 will remain intact."*

In closing, he noted that the Board has voted to waive (i.e. zoning, building) for several local entities; however, the Board could require the rescue squad to pay the rezoning fees and then initiate a refund back to the organization.

**Discussion:**

Supervisor Campbell questioned whether:

- Today's request will be granted to other organizations and private citizens
- The County plans to be this business friendly to future business owners

Supervisor Weakley moved the Board approve to waive the rezoning fees requested by the Madison County Rescue Squad (totaling \$2,000.00), seconded by Supervisor Jackson.

*Supervisor Weakley amended his motion of approval to include "**to be conditional upon settlement**", seconded by Supervisor Jackson.*

Mr. Grayson verbalized no issues with the amendment to the aforementioned motion as presented.

**Discussion:**

Supervisor Weakley advised that:

- There have been about twenty (20) new/expanded businesses that have opened in the County
- Today's request is being presented by an organization that has benefitted many citizens
- County EMS will also be housed in the new facility

*Ayes: Lackey, Jackson, Weakley, McGhee. Nays: Campbell.*

**b. Rappahannock Juvenile Detention Center – Board Appointment:** Chairman Lackey advised that due to the resignation of Alfred Goossens, Citizen Representative, the Board will need to appoint a designee to serve on the RJDC Board, and recommended Supervisor Jonathon Weakley be designated as the Board's representative.

Discussions from the members focused on:

- Whether there is a need to appoint the County Administrator instead
- Whether the RJDC's membership criteria has changed

It was advised that the current RJDC Board does consist of Administrators and elected officials from the participating localities. The County Administrator noted that his efforts are currently to focus on the needs of the County, but would be willing to serve should the Board so desire.

Supervisor Jackson moved the Board appoint Supervisor Jonathon Weakley to serve as the Board's representative on the Rappahannock Juvenile Detention Center, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**c. Blue Ridge Committee:** Bruce Bowman, citizen representative, was present to provide highlights on the recent October 1<sup>st</sup> meeting to discuss retrieving hunting dogs in the park. Virginia Code 36 2.15 was discussed (i.e. copy provided) that provided input on this matter; highlights were also provided on the recent BRC meeting held on September 28<sup>th</sup> that involved discussion on the parks infrastructure and other operational facets/improvements that have been initiated at the facility.

**5. Committee Reports: None****6. Finance: Post Year****i. Claims – September 2015 – FY2016****Vendor Payments Register:**

Concerns were verbalized regarding the following claims:

- Bob's Wheel Alignment
- Geo-Comm, Inc.
- Department of Forestry (cost share payment)

Supervisor Campbell moved the Board approve the vendor payments for October 9, 2015 totaling \$154,542.77, as presented, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**7. Minutes****a. #38 & #39**

Supervisor Jackson moved the Board approve Minutes #38 and #39, as presented, seconded by Supervisor McGhee. *Ayes: Lackey, Jackson, Weakley, McGhee. Nays: Campbell.*

**8. Discussions/Actions**

**a. DEQ's Expanded Storm Water Management Plan (Opt Out) [Resolution #2015-13]:** The County Administrator noted that the Board acted on this matter in the past; however, based on anticipated lobbying efforts and discussion during the upcoming session of the General Assembly, the County will need to take action to protect its authority to continue to 'opt out' and allow the DEQ to continue stormwater management regulations on behalf of the County.

Supervisor McGhee moved the Board adopt Resolution #2015-13 [To Opt Out of the Stormwater Management Plan], as presented, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**b. PJM Discussion Highlights:** The County Administrator advised that the recent public open house held in Orange, Virginia was well attended; very little change was presented; plans still call for the submission of an application to the SCC (State Corporation Commission) to rebuild the line from Remington to Gordonsville, and will include a constructible alternative. A copy of the entire application packet will be provided at the time it's submitted to the SCC.

The County Attorney noted that the technical advisory committee (TEAC) has recommended improvements in the existing right-of-way from the Remington/Gordonsville line but not the Pratts loop; reports indicate that Dominion Power plans to include the Pratts loop as the constructible alternative on the application. Mr. Alexander has initiated efforts (with PJM representatives) to remove the proposed constructible alternative; preliminary responses from the PJM Council haven't been very encouraging to date. The next meeting of the PJM Board will be held on October 15<sup>th</sup>.

Additional concerns verbalized by the County Attorney focused on the fact that although Dominion Power has indicated disfavor of the above referenced proposal regarding the Pratts loop, if the application is presented to the SCC and includes the request for a constructible alternative, this will put County government (and landowners) in a position to protect local interests and will force parties to participate in the SCC's proceedings. In closing, he advised that Mr. Alexander is concerned about Dominion Power's past history and feels they could become the County's ally in this matter.

Chairman Lackey suggested the County offer to cover Mr. Alexander's expenses for the upcoming trip to Baltimore (October 15<sup>th</sup>). The County Attorney provided highlights of the recent meeting joint meeting and advised that the Madison County Planning Commission has decided to schedule a joint public hearing on Thursday, November 5<sup>th</sup>, 2015 at 8:00 p.m. (in lieu of the regularly scheduled meeting on November 4<sup>th</sup>) to discuss proposed amendments to the comprehensive plan. The proposed amendment may lead to revisions to the County's Zoning Ordinance and Subdivision Ordinance. It was further noted that the Commission would like to hear from all property owners (along the corridor) that may be affected by the proposal being initiated by Dominion Power.

Discussions continued regarding the intention to:

- Notify all landowners that may be affected (by Dominion Power's proposal)
- Time constraints involved (i.e. advertising, schedule)
- Corridor concept and alternatives (being proposed by Dominion Power)

In closing, it was clarified that all proposals being presented by Dominion Power are still in effect until an application is actually filed with the SCC.

**iii. Fencing Bids for Old ABC Store:** Garry Harvey, Sheriff's Office, was present and advised that the Blue Ridge Task Force would like to have fencing erected to provide some privacy and additional turnaround space for MESA volunteers/staff, who are experiencing difficulty maneuvering in the parking lot.

Supervisor Jackson advised that today's proposal is for a privacy fence and/or a chain link fence with a gate; the task force has been working closely with MESA volunteers and staff (that use the parking lot); feels that today's request will be an investment for all parties involved.

Concerns from the Board focused on:

- Whether today's request is temporary or long-term
- Term of lease agreement (with the BRTF)

After discussion, it was the consensus of the Board to request the County Administrator attain a sketch (of the area in question) to be reviewed at the October Workshop Session.

Supervisor Jackson noted that the small buildings to the rear of the Old ABC Store will be relocated once the storage building (at the landfill) is complete and ready for occupancy by the Sheriff's Office.

**Storage Building Update:** The County Administrator advised the following items (as approved by the Board) have been ordered:

- Shelving
- Security System (from Clark's Security Systems, Inc.)
- Metal ceiling material
- Three foot (3') fan with shutter system & louver mechanisms (MWP Supply, Inc.)

Once all items have been received, installation will be done promptly. In closing, he noted that facilities' staff is working closely with the Sheriff regarding concurrence with the ordering process.

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

### **Central Virginia Regional Jail:**

Supervisor McGhee noted the regional jail's project is progressing; work is being done to determine funding contributions for the next year (for participating localities); no input was discussed on the legal matters.

**Madison Rescue Squad:** Supervisor Campbell noted the outstanding work being done by the rescue squad and that his vote of "nay" has nothing to do with the squad's performance. .

**VACo Conference:** Chairman Lackey advised members of the upcoming VACo conference scheduled in November 2015; VACo will allow time on Monday, November 9<sup>th</sup> (at 4:45 p.m.) for participating members and legislators to discuss any concerns regarding impending utility issues.

**PD9 Annual Meeting:** Chairman Lackey advised of the upcoming PD9 annual meeting scheduled for Tuesday, October 9<sup>th</sup> in Somerset.

**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:

- Pete Elliott (RJDC vacancy wasn't advertised; support rescue squad's rezoning fee waiver; noted a private citizen's request for a fee waiver wasn't approved despite a family hardship; questioned the names of new local businesses that have opened here)

Chairman Lackey noted there are some boards/entities that call for supervisors or other public officials to serve; there are others where private citizens can be a great help to the county and can serve, but there is a distinction between the two. Those organizations that cost the county a lot of revenue are organizations where she feels a Board members needs to be in place to represent the County in order to control the budget.

- Dave Ashley: Requested to see a list of the twenty (20) new/expanded businesses; also asked if a letter of thanks has been written to the regional jail.
- Reuben Woodward: Verbalized concerns about being unable to hear some members; expressed concerns regarding the squad's rezoning request.
- John Lain: Verbalized concerns regarding a recent article about the software system contract, and questioned the process that led to its cancellation.

Chairman Lackey suggested Mr. Lain meet with the County Administrator to discuss issues raised regarding the software contract. A brief overview was provided on how the designated committee provided input that led to the selection of the software package, and not one individual. In closing, she noted that the prior Board approved the purchase as based on the findings provided by the designated committee.

Supervisor Campbell verbalized his personal concerns regarding the prior Board's decision to purchase the program, and feels the County isn't ready for such a complex software system.

Chairman Lackey advised that the prior Board voted unanimously (5-0) to move forward with the purchase a software contract agreement.

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

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

**11. Closed Session –**

**a. Closed Session:**

*On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(7), pertaining to consultation with legal counsel concerning specific legal matters, with the following recorded: Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**b. Motion to Reconvene In Open Session:**

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

**c. Motion to Certify Compliance:**

*On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(7), 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: Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**\*Action as a result of closed session:**

Supervisor Campbell moved the Board authorize the County Administrator to sign the agreement letter to Tyler Technologies, Inc., to terminate the software contract, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, Campbell, McGhee. Nays: (0).*

**12. Adjournment:**

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor Weakley, 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: November 10, 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, October 13, 2015 at 4:00 p.m.**  
**County Administration Building, Auditorium**  
**414 N. Main Street, Madison, Virginia 22727**



**Agenda Items**

**Call to Order**

*Pledge of Allegiance & Moment of Silence*

1. **Determine Presence of a Quorum / Adopt agenda**
2. **Constitutional Officers**
3. **County Departments**
4. **Independent Committees / Organizations**
  - ~~a. Animal Control – Recognition of ACO Staff~~
  - i. VDOT – Mark Nesbit, Residency Administrator**
  - ii. School Board Request – Tina Cropp, Finance Director**
  - b. *Madison County Rescue Squad – Waiver of Rezoning Fees, Steve Grayson*
  - c. *Rappahannock Juvenile Detention Center – Board appointment*
  - d. *Blue Ridge Committee – Bruce Bowman*
5. **Committee Reports**
6. **Finance**
  - a. *Claims for September 2015 – FY2016*
7. **Minutes:**
  - a. *#38 & 39*
8. **Discussion/Action:**
  - a. *DEQ's Expanded Storm Water Management Plan (Opt Out)[Resolution #2015-13]*
  - b. *PJM Discussion Highlights*
  - c. *Fencing Bids for Old ABC Building*
9. **Public Comment Will be held as close to 6:00 p.m. as possible**
10. **Information/Correspondence (if any)**
11. **Closed Session [2.2-3711 (Personnel & Contracts)]**
12. **Adjournment**

**\*AMENDMENTS DENTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT**  
**\*DELETIONS NOTED IN ROYAL BLUE WITH STRIKETHROUGH\***