MEETING #45 – September 26

At a Town Hall Meeting of the Madison County Board of Supervisors on September 26, 2012 at 7:00 p.m. in the George James Center located at 1215 George James Loop in Radiant:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chair
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
V. R. Shackelford, III, County Attorney
Ernie Hoch, County Administrator
Jacqueline S. Frye, Clerk of the Board

ABSENT: Teresa Miller, Finance Director

1. Workshop 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. Meeting Format

Chairman Allen advised tonight is the second town hall meeting that has been held; the format follows a different dynamic than the usual meetings; minutes of this session is kept and he asked that all parties wishing to speak to:

a) Stand;
b) Identify yourself; and
c) Advise of your address;

In closing, he advised the intention is to keep tonight's session as simple as possible; however, order must be maintained in order to have proper minutes recorded.

Chairman Allen advised that during the first session, the Board agreed to delegate a Moderator, who will advise of the ground rules for this session; once this has been determined, this individual will conduct the meeting until adjournment.

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In closing, Chairman Allen asked if the Board was in agreement to use Ernest Hoch, County Administrator, as the Moderator for tonight's session.

On motion of Supervisor Lackey, seconded by Supervisor Butler, the Board voted to designate the County Administrator to serve as the Moderator for tonight's town hall 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

4. Meeting Format

The County Administrator welcomed all in attendance and advised that the first town hall session was a learning experience that went very well; he also touched on the ground rules for tonight's session and the intention to give everyone a chance to speak rather than focus on one (1) particular topic. In closing, he suggested tonight's session include as many topics as possible, and asked if anyone present tonight has anything specific they'd like to discuss.

5. Topics for discussion:

a) Property Rights Amendment:

Frank Stidman (Madison, VA) was present and advised that on behalf of Delegate Rob Bell, County Boards are being asked to endorse the property rights amendment for eminent domain. Additionally, he advised there will be a question on this year's ballot pertaining to an amendment on this issue.

Eleanor Montgomery was present and asked if Madison County belongs to the Virginia Association of Counties, as they do support this issue on the behalf of localities. In closing, she asked about the cost for the County to belong to VACo, as they don't want the property rights amendment on the upcoming ballot, as per Delegate Bell.

The Board responded that:

*Supervisor Lackey serves as the County's liaison on VACo;

*VACo hasn't taken a position on the issue regarding the property rights amendment (as stated during the last legislative meeting;

*Discussions during the General Assembly revealed the amendment will allow realtors the opportunity to take land for economic development (i.e. private and commercial), which most people are opposed of;

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*Mr. Jim Campbell (of VACo) advised they (VACo) weren't taking a position on this issue;

The County Administrator advised that VACo represents ninety-two (92) localities within the State of Virginia – some localities 'bundle' (i.e. non rural localities) and the County's costs are based on the population.

In closing, it was suggested the County Administrator research the total amount the County pays to VACo and provide this information onto Mrs. Montgomery.

b) Real Estate Tax Deferral:

Mr. Charles Slaughter (Radiant) was present and indicated he feels the real estate tax deferral program is very difficult for citizens to get qualified in order to participate.

The Board responded that:

*This issue is slated for discussion at the Board's October Workshop Session;

*The State of Virginia has increased the number of acres required in order for a citizen to participate in the real estate tax deferral program;

*Only six (6) citizens participated in the program during the past year;

*One downfall for citizens is the fact that taxes are deferred for five (5) years – most citizens don't want to leave any heirs with the burden of paying the applicable taxes in the future;

*Tax assistance options may be investigated, as well as other means of helping citizens quality to participate in the program;

c) Ball fields for Slow-Pitch Softball League:

Eleanor Montgomery (Etlan) was present and questioned why the County doesn't have ball fields available for folks who play slow pitch softball, as she feels there will be a monetary gain if teams were allowed to use fields here rather for tournaments rather than using fields in Culpeper County.

The Board responded that:

*Mr. Eddie Dean and Mr. J. T. Price (Park & Recreation Authority) have been contacted regarding this concern and have advised the authority will be happy to assist;

*Discussions at the recent authority meeting focused on this issue – it was identified that smaller ball fields here can be used to accommodate slow pitch events, as well as other types of sporting events to be held at Hoover Ridge;

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In closing, Mrs. Montgomery was provided with Mr. Dean's home number and advised to contact him with this request.

d) Fuel Assistance:

Lottie Strother (Oak Park) was present and advised that she wasn't approved to receive fuel assistance during the past year.

The Board responded that:

*The fuel assistance program through Skyline CAP and the Department of Social Services is starting up now – citizens who may quality are encouraged to contact either of these agencies;

*The fuel companies request that all participates in the fuel assistance program have a minimum order of 150 gallon in order to qualify for assistance, which Ms. Ward is currently working to get this requirement reduced.

In closing, the Board urged Ms. Strother to contact either Ms. Kim Frye Smith (Skyline CAP) or Ms. Valerie Ward (Department of Social Services) for further assistance with this issue.

e) Criglersville Elementary School (Status):

James D. Frye (Etlan) was present and asked for an update on the Board's decision to market the facility.

The Board responded that:

*The prior Board did receive offers, but declined to accept either (i.e. Shiloh Free Will Baptist Church and The Craftsmen Group, Cornerstone Christian School, local citizens);

*The current Board is trying to determine if any realtors are interested in taking a contract to sell the property;

*The Board will look at all legal offers that are made;

The County Attorney clarified that before any public property can be sold, a public hearing must be held.

Ms. Tori Knighting was present and questioned whether prior discussions about seeking grant opportunities have been implemented.

Additional responses from the Board included:

*The above referenced option is still being considered (Ms. Susan Apel); however, it's difficult to identify a use for the facility;

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*The property is rapidly deteriorating and the County doesn't have the funds necessary to fix it;

*Numbers proved at prior meetings were based on figures attained in 2002, which are much higher now;

*The facility can't be 'grandfathered' as a school any longer;

The County Attorney advised that the facility is situated in a flood plain.

Mr. Frank Lewis (Madison) was present and asked if the Board had resolved all possibilities of using the facility as an educational cooperative, and whether State assistance can be attained.

The Board responded that:

*The State is doing less and passing fees onto the localities;

*The Health Department is now requiring that school concessions meet special requirements;

*Most grant opportunities require a 'match' and the County doesn't have the funds available to accomplish this;

*A report was done by Olive, Webb & Pappas in 2002 in which they explored options to borrow money against the property; however, the property will be difficult to rehab;

*Ms. Apel has done much research in trying to implement the approval process for historic buildings;

*Identical options have been explored in a surrounding locality where there were issues regarding space – some older schools were turned into living space;

Mr. Frye asked about the cost (fees to the realtor), to which the Board responded that a contract will be contingent upon whether a sale comes into place.

f) Clore House (at Hoover Ridge):

Robert (Bill) Campbell (Graves Mill) was present and advised there were unanswered questions from a prior meeting as to why the rent (for the farmhouse) was taken out of the budget, and he feels the issue has been 'swept under the rug'. In talking with Mr. Eddie Dean, it was advised that the authority wasn't going to have to pay the rent for the farmhouse any longer; it was also advised that the issue was voted on 'by consensus' although there was nothing on the recording pertaining to this, and it was also discussed at the authority's meeting. In closing, he asked that this issue be put to rest once and for all, as there was an accusation of malfeasance.

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The Board responded that:

*The $6,000.00 in rent has been paid by the authority and there is an active contract in place between the authority and the county;

*There was never an issue that the authority wouldn't pay the fee;

*The contract was implemented in August 2010; there was no vote (at a prior budget work session) regarding the $6,000.00, but a discussion to determine whether to continue establishment of a contract (between the authority and county);

*An overview was provided regarding the budget process (i.e. revenue/expenditures);

*The responsibility of composing the budget was split between the Board members in the absence of a County Administrator;

In relation to the accusation of malfeasance, Chairman Allen noted that he and Supervisor Elliott were charged with working with the Finance Director on the budget; however, there was difficulty in implementing a suitable schedule; therefore, he and the Finance Director composed a draft for Supervisor Elliott to review. Furthermore, there were allegations that some of the authority members weren't satisfied with the lease and were talking about terminating the agreement. With regard to the allegation of malfeasance, there was nothing proven nor was there a charge brought forth.

Discussions continued with Supervisor Elliott asking why the Board had a contract in place if changes were going to be made afterwards.

Supervisor Butler advised his feelings that a wrongful act was committed (i.e. malfeasance).

Supervisor Lackey called for a point of order and advised the Board should refer to the Agenda and the fact that the discussion has nothing to do with tonight's session. In closing, she referred to the guidelines in place for tonight's session which clearly indicates there will be no personal attacks toward County personnel.

In closing, Supervisor Weakly clarified that each Board member spent time on the budget individually and collectively – he also read the Virginia Code which clearly authorizes the Chairman to make critical decisions pertaining to the budget.

Mr. Lewis advised those in attendance tonight don't have an issue with the Board and the aforementioned discussion really doesn't concern those present tonight.

Ms. Knighting advised the citizens are aware the budget process was very difficult, but she was able to go through the entire document line by line and feels the Board should take the same amount of care/concern regarding taxpayer's dollars.

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g) Tax Reassessment (First Acre Value):

Pamela St. Reuben-Grooms (Oak Park) was present and commented on the reassessment process that was implemented on her ten (10) acres of land being done at a very high rate; based on her observations, the fee for her first acre is set at $80,000.00 plus an additional $10,000 for utilities, and it appears the fees are 'across the board' for every property.

The County Administrator advised that the assessor hasn't completed all on-line information and adjustments are still being implemented. He provided a brief overview of the assessment process and how citizens can request and appeal.

Mr. Campbell advised that he served on the Board of Equalization in the past and indicated that the property value rate for Madison County will drop, thereby causing an increase in taxes.

Mr. Lewis asked if the County has any way to control companies bringing internet services here (i.e. Comcast).

The Board responded that:

*Senator Warner recently held a workshop on this issue;

*Providers have maps and review potential funding that can be collected within a community;

*The Madison County Board of Supervisor and the Madison County Planning Commission tried to negotiate with AT&T to install a tower on a particular piece of property; however, the provider wasn't in agreement with the negotiated plan;

*Wiring has been put into place in various parts of the County, although it hasn't yet been activated;

*Providers are looking at what will be a profit to them and rural areas don't appear to be very profitable;

*There doesn't appear to be enough critical mass; however, Senator Warner is trying to get more service for 'under-served' areas, which can only be accomplished with grant funding, which is 'matching', which the County isn't able to provide at this time;

Mrs. Grooms advised that about two (2) years ago, she spent a month with Verizon trying to get her service through a land line in order to provide broadband service; upon further investigation, she was advised the reason this service couldn't be accomplished was due to the Board of Supervisor's blocking Verizon's request to install a small booster

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station here, as the Board felt the station would create a distraction and decrease the beauty of the County. In closing, she attained the service through a vendor located in Charlottesville who was well versed with 'home fusion' which works incredibly fast.

Supervisor Weakley inquired as to whether the representative provided a date as to when the County made the decision, to which Mrs. Grooms advised was sometime in 2010.

Chairman Allen suggested the County Administrator investigate the issue with Verizon regarding what transpired in the past.

Mrs. Estelle Turner commented on the work that will be done on Twyman's Mill Road.

The Board responded that this issue is being implemented through the Virginia Department of Transportation and not the County. In closing, it was advised that the Board is only involved with projects denoted on the County's Six Year Road Improvement Plan.

h. Courthouse Project (Update):

Robert Campbell (Graves Mill) inquired about the budget for the courthouse project being $10,000,000.00, but upon reviewing information, it appears the total budget was actually $11,988,525.00; therefore, he questioned why this figure wasn't used as the actual cost. In closing, he asked if negotiations were still ongoing with the bond company.

The County Administrator advised that budgets are complicated; he also explained the process involving additional funding that is placed into the general fund that helps form the County's 'cash position.' Furthermore, the County tries not over estimate what might come in (revenue) or what will be spent (expenditure). In closing, he advised there are legal fees associated with the courthouse project, as the general contractor went out of business.

Waller Jenkins (Madison) was present and asked how the County was preparing to budget when taxes keep increasing every six months. Additionally, he asked about the school's budget ad why they aren't obligated to advise what they spend the funding on.

The Board responded that:

*The School Board is an independent Board;

*The County is mandated to fund the school system and they aren't obligated to give an accounting until after the funds are spent;

*The School's budget request for this budget year was $1,000,000.00 more than last year;

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*If the Board slashes the school's budget, the students suffer;

*The County can appropriate funding to specific line item categories;

*The school system had 159 line items within their budget that were overspent by $800,000.00;

*The budget must be used as a planning tool for all issues (i.e. maintenance, equipment, salaries, etc.);

Mr. Stidman asked whether the school system utilized a separate accounting system.

Chairman Allen advised that the State law allows the County to require that a county-wide accounting system be put into place; the prior Board passed a resolution in the past (2007) which was never implemented. In closing, the County Administrator has been given a priority to establish this process, and a new software package may need to be attained in order to accomplish this goal.

Mr. Campbell commented regarding the school being allocated a lump sum of money and how this comes into play for the CIP versus school operations; also, he asked if the Board will have control over funding for construction projects.

The Board responded that:

*Once funding is borrowed to fund the CIP, the budget will need to be amended;

*School property belongs to the school;

*The school system can't enter into a contract without money in hand to fund the contract;

*The Madison County Board of Supervisors is looking at ways to appropriate funding as it is spent, although the Board doesn't really have control over how it is spent;

In closing, the Board of Supervisors will have a little control, but not as much as would be desired; however, a memorandum of understanding is in place between both Boards and regular meetings will be scheduled to discuss progress on CIP projects;

Ms. Knighting indicated that citizens will need to also request the school be held accountable for how they're spending the money allocated to them.

Furthermore, the Board advised there are annual audits of the school system and the County.

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In closing, Supervisor Elliott advised that although a memorandum of understanding is in place, the Board should be allowed to stop any actions if the school decides to utilize funding on something else.

The Board also responded that:

*Chairman Allen and Supervisor Elliott will be the representatives (CIP);

*The Board is in support of a centralized accounting system to bring forth fiscal responsibility;

*The prior Board adopted a centralized accounting system, although it wasn't enforced;

In closing, the Board urged the citizens to ask the school board to be accountable.

The Board members thanked all for attending tonight's session, and also thanked Mr. Slaughter for use of the George James Center.

Mr. Lewis complimented the new recycling process at the landfill.

Ms. Knighting advised that when the Early Learning Center closed, the Department of Social Services worked hard to try to find alternative childcare here. In closing, she asked if there has been any further discussion.

The Board members advised that efforts are being made by Skyline CAP to try to keep the center open, as it is approved to operate as a licensed daycare center; however, it costs $6,000.00 per month to operate the center and the sale price is $800,000.00, which Skyline CAP cannot afford at this time. Additionally, there are local citizens who desire to start a licensed daycare, but the County's Zoning Ordinance has requirements that have hindered this process. In closing, suggestions have been made to perhaps 'start small and grow from there.'

6. Adjournment:

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

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

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J. Dave Allen, Chairman
Madison County Board of Supervisors

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Jacqueline S. Frye, Clerk of the Board

Adopted on: November 15, 2012

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

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