

MEETING #13 February 27

At a Workshop Meeting of the Madison Board of Supervisors on February 27, 2012 at 2:00 p.m. at the Madison County Firehouse located at 1223 N. Main Street:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chairman
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
V. R. Shackelford, III, County Attorney
Teresa Miller, Finance Director
Jacqueline S. Frye, Secretary/Acting Clerk

Agenda:

1. Call to Order:

Chairman Allen called the meeting to order.

2. Pledge of Allegiance & Moment of Silence:

The Board then proceeded with the Pledge of Allegiance and a Moment of Silence.

Chairman Allen advised that all members are present and a Quorum was established.

3. Adoption of Agenda (as presented):

Chairman Allen asked the Madison County Board of Supervisors if there were any deletions or corrections to the Agenda.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor, the Board adopted today's Agenda as presented in its original content.

4. Agenda Items:

Criglersville Elementary School

Supervisor Butler invited Ms. Susan Apel to today's session to provide a report.

Chairman Allen questioned whether the Board wanted to discuss options about the disposition of the school by auction or for sale.



Ms. Apel provided an overview of information pertaining to a meeting with an architect to discuss the possibility of rehabilitating the facility. Additional information was sought from a preservation historical group regarding financial options based on historical preservation guidelines.

Supervisor Butler also asked Ms. Apel for information regarding uses the building can be utilized for.

Ms. Apel advised that Ms. Monica Lynch has offered to meet with the Board once ideas have been provided. Furthermore, uses could include:

- a) Vocational classes;
- b) Culinary classes;
- c) Agricultural classes;
- d) Career Planning Center;

Ms. Apel made reference to a school located in the southwestern part of Virginia that has been rehabbed to provide a youth enrichment program.

Ms. Apel advised that the citizen group has cleaned the grounds, mulched the playground area, planted flowers in the beds, cleared broken glass (caused by vandalism), and repainted the sign.

Supervisor Lackey questioned whether the citizen group has looked into attaining grant funding to assist with financing and whether by-laws have been formed for the citizen group.

Ms. Apel advised that the citizen group has been looking into the possibility of seeking options for attaining grant funding and they are trying to organize to move forward.

Supervisor Weakley advised that he would like to review the information on the facility. In closing, he questioned whether the structure located in southwest Virginia is situated in a flood plain.

Ms. Apel indicated that the facility in southwest Virginia is about the same age as the Criglersville Elementary School, although she is unsure if the structure is situated in a flood plain. Additionally, she made reference to the Highland Center located in Monterrey, Virginia that offers a business resource center, farmer's market, and a youth employment program, which are all open to the general public. In closing, she advised the locality received grant funding and the support of local businesses.

Supervisor Butler asked Ms. Apel to prepare a written report to include grant information and contact information for the Highland Center.



Ms. Apel also advised there is new legislation in place pertaining to water and sewer systems and she has a lawyer looking into this issue to see how current concerns will affect the use of the facility.

Supervisor Lackey feels there are future possibilities for the facility, but there is also an issue of existing deterioration that is ongoing. Additionally, she feels the County definitely needs a plan and would like to refer the written report onto representatives at Crabtree, Rohrbaugh, Inc., for input. Currently, the building is a liability to the county and will cost 'millions' to upgrade. In closing, if the group formed a foundation, perhaps then the County could lease the property to an organized group; otherwise, the structure will continue to deteriorate.

Supervisor Butler advised that he'd like to see the group move forward with identifying possible grant opportunities.

Ms. Apel questioned whether there are people in the County who specialize in grant writing.

Wes Smith, Building Official, was present and advised if the use of a structure is changed, there are certain code requirements that must be met. In closing, he advised that several criteria were verbalized at the meeting in 2006.

Chairman Allen feels it would be good if a productive use could be found for the structure; however, there will still be many obstacles to overcome.

School Appropriations

Chairman Allen advised that the school system is requesting several appropriations.

Dr. Eberhardt was present and explained the \$225,946.00 (from \$425,946.00) being requested is federal dollars that were obligated in 2011 which can't be spent unless appropriated by the County, and can only be utilized for personnel.

Supervisor Lackey questioned whether the above referenced funds must be spent within the existing fiscal year.

Dr. Eberhardt advised if the \$425,946.00 is appropriated, the school would like it broken down as \$225,946.00 now and \$200,000.00 will be utilized for the next fiscal year. If nothing is appropriated, the school board will be obligated to return the funds. Furthermore, the \$225,946.00 is in a contingency fund at the present time and will be utilized to offset personnel costs.

The County Attorney questioned whether the \$225,946.00 would be used to replace funds that have already been spent.



Supervisor Elliott questioned whether the \$349,000.00 discussed during a prior meeting was grant funding.

Dr. Eberhardt advised the above referenced amount was federal grant funds that have been appropriated.

Supervisor Butler questioned whether these funds were reimbursed federal funds, as he was under the impression these funds were already expended.

Dr. Eberhardt advised the school system is obligated to function during the year. Additionally, the \$425,946.00 hasn't been obligated, but must be used by September 2012. In closing, he advised the school system hasn't applied for reimbursement of ed-job funds.

Supervisor Lackey questioned whether this issue could be acted upon at the next Board meeting.

Supervisor Weakley advised that he'd like to discuss the issue further.

Supervisor Butler suggested the funds be appropriated at the end of the fiscal year.

Supervisor Weakley questioned whether any leftover funds could be used to help fund the CIP.

Dr. Eberhardt also made reference to the earthquake damage to the local school structures.

Supervisor Elliott advised that he had no problems appropriating the \$14,000.00 that has been requested.

Blue Ridge Narcotics Task Force

Erik Weaver, Sheriff, was present and advised that the task force would like to secure a part-time administrative assistant to become full-time and will need a 'host County' in order to move forward with this issue. In closing, he advised that the task force will assume funding responsibility for the employee's salary.

Chairman Allen asked whether the task force will agree to pay in advance (i.e. or at least one [1] month).

After discussion, it was the consensus of the Board to allow the aforementioned request provided by the Sheriff.

Sheriff Weaver advised there are ten (10) agencies participating in the task force.



Animal Shelter (MadisonCAF)

Mary Moore was present and advised that she has been an active volunteer who is leaving because of the despicable manner in which the local shelter treats volunteers. Furthermore, she feels the County has recourses here and simply turns it away, and as a result of this, fifty-two percent (52%) of the animals at the shelter leave in body bags.

Chairman Allen advised that the Board discussed Ms. Moore's request to have a new, non-contaminated area at the shelter for a 'meet and greet'; however, the basic premise was flawed. Additionally, euthanasia is a reality of life and there is no way to save every animal, but he does feel that the staff at the Animal Shelter do their best and do care. In closing, he indicated the Animal Shelter is run professionally and humanely.

Supervisor Butler advised there are already two (2) areas for a 'meet and greet' and these areas can be de-contaminated after each use.

Supervisor Elliott also stated that the staff at the Animal Shelter does a great job and they only euthanize once space has diminished.

Supervisor Lackey stated there are volunteers that work very well at the facility.

Supervisor Weakley advised that the facility is very highly favored and he thanked the staff at the Animal Shelter for their efforts.

Mr. Cave advised that the facility has passed all inspections for the past several years.

Regional Water Supply Plan (Resolution #2011-19 [Revised])

Tammy Stephenson and Sara Jordan from the Department of Environmental Quality were present to provide an update on the resolution that needed to be amended for approval.

Ms. Jordan provided an overview of the criteria involved and what guidelines Lisa Robertson, former County Administrator, undertook in order to get the plan in place. Additionally, she advised this plan will be reviewed every five (5) years.

After discussion, it was the consensus of the Board to place the revised resolution on the Consent Agenda for the March Regular Meeting.

Storm water Management

Wes Smith, Building Official, was present and advised that he forwarded some new information to the Board regarding storm water management regulations that will become effective in 2013. Additionally, there have been a few more chances since the



information was received; therefore, he has asked Brian Daniel, Erosion & Sedimentation Technician, to provide a brief overview of these changes and answer any questions the Board may have.

Brian Daniel, Erosion & Sedimentation Technician, was present and indicated that originally, DCR representatives were here during the past month to discuss whether Madison County would like to opt in to enforce the regulations; however if a locality elected to opt out, the State will be responsible for enforcing the program. Since that a senate bill has been brought forth and passed which mandates that the two programs (i.e. State) and localities will not have an option to 'opt in', as this is now mandated. In closing, he advised the County already has a Storm water Ordinance in place; however, some amendments may be needed in order to compensate for the State's regulations that will be forthcoming. Additionally, there will be a bit more paperwork, as additional inspections will be needed and the fees are set by the State as follows:

a. One (1) to five (5) acre project: \$2,700.00 (with \$756.00 being returned to the State to cover administrative fees and the County keeps the remaining amount) Additionally, he advised the above reference fee covers development of the site and the implementation of having storm water structures on site designed in a manner to handle storm water run off.

Supervisor Weakley questioned whether the above referenced action will mainly pertain to commercial sites, to which Mr. Daniel advised that he feels most cases will involve subdivisions.

Chairman Allen questioned how this mandate will work in conjunction with erosion control.

Mr. Daniel advised the State is trying to integrate everything all into one, so no one will have to be in place to come to the localities to purchase an erosion control permit, but simply go through the State to attain a storm water permit. In closing, he advised that any site that is disturbed by an excess of 10,000 feet is required to have an erosion and sedimentation control permit (i.e. \$500.00 cost) in place, and both permits are separate at the present time.

Chairman Allen questioned the basis for the State mandating fees for the groundwater and whether this is mandatory or suggested.

Mr. Daniel advised that it's mandatory that the State receive twenty-eight percent (28%) of the total fee of \$2,700.00 (i.e. \$756.00 must be paid to the State); however, if the County elected to reduce the amount of the total fee, the amount being forwarded to the State will be less, and the County will be afforded the option to do this. Currently, Culpeper Soil & Water Conservation District reviews Madison County's plan, and he assumes they will implement an agreement to continue with the storm water management guidelines.



Greg Wilchens of Culpeper Soil & Water Conservation District was present and advised that the above referenced work is already being implemented and the cost is included in the funding that Madison County already provides.

Supervisor Elliott questioned what would happen in the event an individual builds a house.

Mr. Daniel advised that the individual would then be responsible for storm water management and erosion & sediment control permits, and silt fencing will not suffice. In closing, he advised that a retention pond may be necessary to aide with nutrient management.

Mr. Daniel advised that the storm water management guidelines were affected in September 2011 and implementation of the guidelines will be in place by 2014.

Mr. Smith advised that it may be possible that grant funding can be attained to get this plan in place.

Chairman Allen encouraged the investigation of grant funding, as he feels the locality will eventually be responsible for the financial management at some point.

Culpeper Soil & Water Conservation (Grant Information [Greg Wilchens])

Greg Wilchens was present to provide an update on the water quality improvement grant (WQIF [Water Quality Improvement] for Madison County.

Mr. Wilchens provided a brief overview of the plan that was put into place about a year ago and advised that success was attained. Concepts of the plan included taking all the historical, on-site septic records housed at the Madison Health Department and convert them into a digital format for future use on the County's GIS system and capacity updates for one (1) year. Also, there was a proposal to inspect and report the condition of all storm water vmp's in the County (with permission of landowners by letter) to include documentation of actions undertaken. Additionally, he advised the historical records should be 100% complete by the end of March 2012. In closing, he advised the cost-share program will continue, and the program is strong on 'pump out' and a bit weaker in the area of repairs and installation.

Supervisor Lackey questioned how repairs or a new system is covered by the grant.

Mr. Wilchens advised that for typical pump repair or installation, there is a fifty percent (50%) cost-share with a cap that denotes the grant will not pay more than \$150.00 towards pump out or \$3,000.00 for the repair (i.e. total of \$6,000.00 for repairs) or \$4,000.00 towards a full system (i.e. total of \$3,500.00 if pumping is required for the



drain field). Also, if changes need to be implemented for an alternative system, the grant manager will need to be contacted in order for permission to be attained.

Supervisor Lackey questioned what efforts are utilized in order to discover who has signed up.

Mr. Wilchens advised that the outreach is extensive; brochures are displayed for the citizens, as well as with pump and haul businesses, septic repairman, plumbers and local churches. Additionally, there has been information published in the local newspaper and word of mouth is also being used as an informative tool. In closing, he advised there is a proposal to perform fifty-two (52) pump outs (out of seventy-five [75] applications on file). In closing, he feels this program is good for the County.

The Board thanked Mr. Wilchens for attending today's session.

Transfer Station

Mark Ford, Manager, was present and provided an update regarding the request by MadCAF and their request that pertained to the Department of Environmental Quality, and he was advised by the representative that nothing can be situated to the right of the Animal Shelter where all the cells are located; However, they could add onto the existing fencing already in place, but nothing can be situated over the septic field(s).

Mr. Ford advised that he also checked on the sign at the transfer station and contacted Brian McClung of Waste Management, Inc., and he's having the signage made and it should be here shortly. In closing, he advised the signage will read "Not Responsible for Accidents."

Chairman Allen thanked Mr. Ford for the information; he also advised that signage would be erected just beyond the trailer next to signage that advised 'what's prohibited' for disposal at the landfill.

Reassessment Contract

The County Attorney was present and advised that he has composed an agreement that has been emailed to all Board members, as well as the Treasurer and Commissioner, and comments were made. Additionally, all comments were referred onto Mr. Pearson of Pearson's Appraisal Services, Inc., and he sent a proposed contract, which has been circulated. Additionally, Mr. Pearson sent an addendum to the bid proposal which filled in information about the schedule, which was made as a part of the agreement proposal.

The County Attorney expects the contract agreement will include:

i. Agreement;



- ii. Exhibit I (request for proposal); and
- iii. Exhibit 2 (Pearson's response to request for proposal);

The County Attorney advised that he believes the appraisers would like to begin by March 1, 2012, so he'd like to forward all documentation onto Mr. Pearson as quickly as possible.

The County Attorney advised there are a few details in the proposal regarding whether or not the contractor will pay the postage; however, he did add to the agreement that the contractor will cover the costs. Additionally, it is his understanding that the County wants the appraiser to have three (3) documents (i.e. field report, property card and have data entered on the County's computer system). In closing, this issue was of concern to the appraiser, but the information was contained very concisely within the agreement contract.

The County Attorney advised there were some 'gaps' filled in regarding mobile homes, new construction, and the appraiser is in agreement with a ten percent (10%) retainage fee, and a schedule of key dates are as follows:

- a. Sales Study by March 31st;
- b. Twenty-five percent (25%) of field work by June 15th;
- c. Fifty percent (50%) by July 15th;
- d. Seventy-five percent (75%) by August 15th;
- e. One hundred percent (100%) by September 15th;
- f. Reassessment book signed by November 30th;
- g. Have entire reassessment process completed by the end of the year;

In closing, the County Attorney advised that he tried to get everything in order for the Board to review prior to today's session, but needed to attain input from the Treasurer and Commissioner as well.

Supervisor Lackey questioned content within the proposal that related to the fact that their field representatives would have laptops with them during the reassessment process in order to enter data. In closing, she verbalized concerns as to whether the County will have to cover the cost for laptops.

The County Attorney advised that he included an option in the proposal that stated:

- a. Contractor shall work jointly with county to design suitable record cards to meet the requirement of the County;
- b. Contractor will enter and print the information collected and set forth in another section (i.e. assessment information) on all field sheets and property record cards;
- c. Contractor shall enter such information on the County's appraisal software compute system;



- d. All costs related to the collection, entry and printing of such information shall be the responsibility of the contractor.”

Supervisor Butler advised that page 6 of the contract proposal indicates that ‘additional options are also available and that laptops are equipped with GIS and other types of software may be utilized in the field; these options may be discussed in greater detail and factored into the final project plan and costs prior to PAS commencing any field work.’

The County Attorney advised that when entering into the agreement, the agreement contact should be expanded, modified and/or altered based on the contractor’s response to the bid proposal. In closing, he feels the issue of postage isn’t insignificant and questioned whether the Commissioner has had an opportunity to speak to anyone about this.

The County Attorney advised that he’d like to get the document off to the appraiser’s very shortly so if there are problems, these can be discussed and resolved at the March Regular Meeting. In closing, he asked the Board, Commissioner and Treasurer to review the document and advise of any updates that may be needed.

Supervisor Lackey questioned the schedule provided by the appraiser and suggested the County take precautions as not to overpay for services provided.

The County Attorney advised that this will be monitored and the County will have the retainage in place.

Ms. Murray questioned if there was anything within the contract that referenced how long building permits will be allowed on new parcels.

The County Attorney advised that the aforementioned concern will be to be clarified, as he did include that issue and believes the fee will be \$20.00 per parcel instead of \$13.80.

Chairman Allen advised there was clarification on page 5, paragraph 5 of the document.

Tax Incentive Discussion (for new business in existing building)

Chairman Allen questioned whether the Board would like to allow a tax incentive for businesses if no change will be made regarding the past usage of a structure, and if so, a maximum allocation will need to be budgeted for a one year (1) period. In closing, he questioned whether this is something the Board would to investigate next year.

Supervisor Lackey advised she wasn’t in favor of the above referenced suggestion, as it will be too difficult to draw parameters. In closing, she feels if the Board is looking for a



way to encourage business here, then perhaps there needs to be some investigation into the fees that are currently being charged.

Supervisor Butler advised there isn't a lot in the comprehensive plan that pertains to new space for business in the County (i.e. location, tax incentives).

Supervisor Elliott suggested the Board look at whether tax incentives will be given to the owner of the building or to whomever is the actual tenant (i.e. business owner).

Supervisor Weakley advised that he doesn't think tax incentives can be implemented at this time, as he would like to discuss this issue further and perhaps put it in place next year.

Information/Correspondence

Robert Finks, Director of Emergency Communications, advised that a proposal has been received from Nighthawk Security Services for the installation of a panic button at the Treasurer's Office:

\$375.00 for installation:

\$ 24.00 monthly monitoring fee

In closing, he advised that the 'panic button' will advise of the location as being 414 N. Main Street, Madison, Virginia

After discussion, it was the consensus of the Board to proceed with the aforementioned process.

Fireworks Display Request

Chairman Allen advised the Board reviewed the fireworks display request at a prior meeting, and concerns were verbalized as to a change in the past guidelines. Furthermore, he provided a printout that denoted the State Fire Code has to apply to any fireworks display even if a locality doesn't have a local ordinance in place, and was attained from the State Fire Marshall's website. Additionally, page 52 denotes that anyone requesting a fireworks display must identify the individual who has been designated by the State Fire Marshall's Office as a 'pryo-technician.'

Chairman Allen advised that he spoke with Delores Coppedge at the local winery and she provided the name of the individual who will be handling the DJ for the activities and the individual will also be doing the fireworks display and claims he is licensed, although nothing can be found regarding the company, which will need to be provided to the County.



Supervisor Lackey questioned whether the Board will need to respond, to which Chairman Allen advised he hasn't contacted anyone just yet.

Mr. Finks questioned whether the County could request they advertise this display, to which Chairman Allen advised "under the minimum terms set forth in the statewide fire prevention code, any additional terms/conditions can be prescribed by the locality.

Supervisor Butler questioned whether a public hearing will be needed in the event the Board prescribes anything.

Chairman Allen advised that it has been relayed the display will last four (4) minutes and will not be anywhere near the magnitude of the past event one New Year's Eve.

Supervisor Elliott advised that the Fire Marshall in Fairfax, Virginia indicated a licensed technician must be on hand if the display includes items that go up and branch out more than seventeen feet (17') in the air.

Supervisor Lackey verbalized concerns about the display occurring at 11:00 p.m., which is a bother to citizens within the community.

The County Attorney advised that he will review the documentation and advise.

Mr. Smith advised there is a Fire Marshall located in Orange (Tom Payne).

Park & Recreation

Supervisor Weakley advised there is an Eagle Scout present at the recent meeting who expressed an interest to build a dog obstacle park as a project to be located on a prescribed area of Hoover Ridge (i.e. one acre lot), or another designated area. In closing, he questioned the consensus of the Board.

Chairman Allen questioned the cost to fence an acre, to which Supervisor Elliott advised will be about \$6.00 - \$7.00 per foot.

Supervisor Lackey advised there may be a need for additional liability insurance.

Supervisor Weakley suggested the individual locate representatives in Albemarle County to attain figures for their dog park as a means of collecting information. In closing, he advised the individual that he would present the idea to the Board for information and also encouraged him to pull together a packet of information for review.

After discussion, it was advised that the liability would be on the County if the area was constructed on county property.



The County Attorney questioned whether this is something that would come under the umbrella of Parks & Recreation.

Joint Meeting w/School Board

Supervisor Lackey encouraged the Board members to review the CIP and make a list of projects to be discussed at the upcoming joint session. In closing, she hopes both entities can identify costs and move forward with action.

Supervisor Elliott suggested that before any decisions are made regarding appropriating the \$225,946.00 to the school system, perhaps information discussed during the budget workshop session should be conveyed to the school system as to what the Board's intentions are.

Chairman Allen advised that what was discussed was a budgetary suggestion; however, he will be more than happy to relay the information if the Board so desires.

After discussion, it was the consensus of the Board to convey the discussions from the work session onto the school system.

Supervisor Butler also suggested a memorandum of understanding be in place similar to what was in place in Clarke County.

Chairman Allen advised that all interviews for the planning commission couldn't be scheduled today; however, one (1) applicant was able to come today, and the Board agreed to handle this before today's session and he suggested the Board go into closed session to conduct the interview. In closing, Chairman Allen advised that no action will be taken following today's closed session.

Amend Agenda

In lieu of the need to go into closed session, Chairman Allen called for a motion to amend today's Agenda.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board voted to amend today's Agenda in order to proceed into closed session for the purpose of conducting interviews, with the following vote recorded:

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



Chairman Allen then called for a motion to amend today's Agenda to include interviewing an applicant for the Madison County Planning Commission.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board voted to amend today's Agenda to include an interview for a vacancy on the Madison County Planning Commission, with the following vote recorded:

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

a. Closed Meeting

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(1) pertaining to interviewing a candidate for employment or appointment to authorities, boards or commissions, specifically the Madison County Planning Commission, with the following vote recorded:

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

b. Return to Open Meeting

On motion of Supervisor Butler, seconded by Supervisor Elliott, the Board voted to reconvene 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 Lackey, the Board voted to individually certify 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 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

d. Return to Open Session –

No action was taken as a result of closed session

Adjournment:

On motion of Supervisor Lackey, seconded by Supervisor Weakley, 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, Acting Clerk for the Board

Date Adopted by the Board: May 8, 2012

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

