

MEETING #32 – May 29

At a Workshop Meeting of the Madison County Board of Supervisors on May 29, 2012 at 2:00 p.m. in the Madison County Fire Hall 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
Ernie Hoch, County Administrator
Teresa Miller, Finance Director
Jacqueline S. Frye, Clerk of the Board

1. Workshop Meeting Agenda

Chairman Allen called the meeting to order and noted that all members, except Supervisor Lackey, are present; therefore a quorum was established.

2. Pledge of Allegiance & Moment of Silence

Chairman Allen advised that in lieu of the Aylor Family setting up the fire hall for tonight's family reception, he suggested the Board forego the pledge of allegiance and move to observe a moment of silence.

Supervisor Lackey arrived at 2:02 p.m.

Chairman Allen advised that Troy Coppage, Fire Chief, visited him on Saturday regarding the request by the Aylor Family to use the fire hall today; therefore, he promised that today's session will be complete by 4:00 p.m. so the family/friends can finish setting up the dining hall.

Chairman Allen advised the Board will need to convene in a closed meeting and would like this to occur around 3:30 p.m.

3. Adoption of Agenda

Chairman Allen advised that an item "cc" will need to be added to today's agenda, per the request of Mr. Carlton Harris. In closing, he asked if there were other additions and/or corrections needed.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Butler, the Board adopted today's Agenda as amended, with the following vote recorded:



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

a. Financial Review

i. General Operations Claims (none)

Chairman Allen advised the Board members haven't received the certificate of claims to be reviewed.

Ms. Miller, Finance Director, was present and provided copies to all members.

Chairman Allen suggested the Board postpone taking action on the general operations claims until they can be reviewed and/or discussed at the June Workshop Session.

ii. Capital Improvement (April 2012-FY2012)

Ms. Miller also provided the Board members with copies of the Certificate of Claims – Capital improvement (April 2012 – FY2012) for review.

Chairman Allen suggested the above referenced claims also be postponed for discussion until the June Workshop Session and then take action at the July Regular Meeting.

Supervisor Lackey questioned if the general operations claims would be acted upon at the next meeting.

Chairman Allen advised the Board will not take action, as discussion must be held first. In closing, he advised the public hearing on the proposed abandonment of Shotwell Road (Route 611) will be held during the 7:00 p.m. session on Monday, June 11, 2012 and he would prefer the Board not tie up the evening with claims as something else may come forth.

iii. Supplemental Appropriations (June 2012-FY2012)

Ms. Miller advised provided a brief explanation of the supplemental appropriations that will need to be approved, which are standard entries, with the exception of the grants for the Sheriff's Department which doesn't represent any new 'cash.'

Supervisor Lackey questioned the supplemental appropriation for Animal Control, to which Ms. Miller explained the 'spay/neuter program' is one hosted by the DMV and designates a certain amount received from the sale of 'animal friendly' license plates sold through the DMV - a portion of sales are returned to the locality for usage in the spay/neuter program, and a portion is also from a memorial fund that was established.



Supervisor Butler questioned what the part-time DMV grant was for, as he thought this grant was for all overtime and whether this only pertained to part-time pay.

Ms. Miller advised that Chief Jenkins advised of the manner in which he desired to have the grant funds broken down and applied, as per an email.

Supervisor Weakley questioned whether the grant was for highway safety, to which Ms. Miller advised it was.

Chairman Allen advised that part-time hours may cover when deputies are working in non-overtime status, or is this only for part-time employees.

Supervisor Butler questioned whether equipment was installed.

Chairman Allen advised that camera equipment was recently installed.

With no further questions/concerns, Chairman Allen advised the Board will take action on the supplemental appropriations at the June Regular Meeting on the regular agenda.

iv. TOT Fund (April 2012 – FY2012)

Chairman Allen questioned whether the supplement for the TOT fund was a standard request by the TOT Committee, to which Ms. Miller advised is being sought to cover a bill.

Chairman Allen questioned whether the Board wanted to take action at the June Regular Meeting, so as not to slow progress for the Committee.

Supervisor Butler questioned whether the Board established an amount to keep in the TOT Fund to be used by the Board.

Chairman Allen advised the Board discussed leaving a certain amount in place; however, at that time, funding was relatively low and he doesn't recall the Board establishing a specific balance.

Supervisor Butler suggested the Board revisit this idea and determine an amount of funding to be in place in the event the Board desired to have an event to promote tourism in the County. Also, he doesn't feel the Tourism Committee represents the entire tourism community within Madison County; therefore, should another group come forth with a tourism project (i.e. joint restaurant venture), then the Board could assist with available funding to promote the event. In closing, he suggested there be some funds in place in the event the Board would like to take some type of action, if so desired.



Ms. Miller advised there are specific guidelines in the code section regarding how the TOT funds can be utilized. In closing, she advised the fund has quite a bit of accumulated funding (i.e. about \$29,000.00).

Chairman Allen advised that he hasn't reviewed the code section since this endeavor was implemented, and he's unsure if the Committee will need to be contacted for funding allocation.

Supervisor Butler advised that he believed all funding was to be implemented for tourism.

Supervisor Lackey asked if there was a budget in place for the TOT Committee and whether there were initial expenditures in place (i.e. advertising).

Chairman Allen advised that advertising was done; however, when the TOT Committee was created by the Board, there was no information as to how much funding would be generated. In closing, he feels the operation is going better than anticipated.

Chairman Allen questioned whether the Board would like to establish a base amount that must be maintained. In closing, if the Board establishes an amount of funding that cannot be spent, the Board will need to return to undo the stipulation before the Board can utilize any funding.

Supervisor Butler suggested the Board have a reserved amount set aside; also, he thinks the groups that are being represented include B&B's (bed/breakfast) and some of the local orchards; however, there are other groups that can assist with promoting tourism. Also, the Shenandoah National Park feels that tourism will pick up and they are displaying posters to this effect; therefore, he feels this is something the Tourism Committee can elect to pay for (for Madison County) and feels the Board should have a say in this endeavor.

Supervisor Lackey suggested the Board ask the Tourism Committee to attend a future meeting and provide information regarding their hope and vision so the Board can have some ideas on which to measure against.

Supervisor Butler also feels the Board should have a clear idea of what it wants to do; the Committee has a relatively clear idea and he feels they're doing a good job and their website received a large number of hits over the past couple of months. In closing, he referred to the tent sales hosted by Plow & Hearth and the fact that Yoder's County Market receives calls from citizens residing in Northern Virginia for orders to be picked up when these individuals are in the County, which can also be considered a part of tourism.

Supervisor Weakley asked if someone has a request, do they go visit Ms. Gardner at the Chamber of Commerce to complete an application.



Ms. Miller advised this is the first year for the TOT Committee and no real policy has been established by the Board regarding this endeavor and she believes the original committee was established in order to determine what could be done through advertising (through the Chamber of Commerce). Also, these funds can only be utilized for tourism and everything that Ms. Gardner has done thus far has been specifically related to this purpose. However, if changes are to be put into place, she suggested that the County Attorney be asked to look at the code section for specifics and advise guidelines to be incorporated into a policy, as there has been no type of appropriations done since the TOT fund was established.

Supervisor Weakley suggested that if this information is given to the County Attorney now, could it possibly be discussed in July.

Chairman Allen advised that it could be discussed at the June Workshop Session.

Ms. Miller advised that the supplements for the committee are ongoing and these supplemental requests will be a monthly occurrence; however, she advised it would be easier if the Board would appropriate a designated amount after July 1, 2012 to cover monthly bills for the committee which will eliminate the need to approve monthly supplemental appropriations for the TOT Fund.

Chairman Allen feels that after July 1, 2012, the Board should have a good idea of the anticipated revenue. In closing, he asked that the Tourism Committee attend the June Workshop Session for discussion and formulate a direction for the future, and provide revenue projections as well for review.

Chairman Allen advised that the study that Ms. Cauthen wants to discuss on June 6th includes a primary recommendation that Madison County promote tourism here, which wasn't a surprise to anyone.

v. VRS Contribution

Ms. Miller provided a handout for the Board members and explained that as part of the appropriation committee of the General Assembly, they decided that employees at the regional jail, towns, and localities would have to start paying their five percent (5%) VRS contribution, effective July 1, 2012, which had to be offset, or by the option to filter the contribution until 2015 by paying a one percent (1%) fee now, (or more). Additionally, the County has already budgeted in the five percent (5%) cost and most localities are doing one percent (1%), two percent (2%) and some are also doing the entire five percent (5%) because of how the scale is (i.e. Madison's scale equates to two [2] steps). Furthermore, localities are also being offered not to pay the full rate on VRS; according to the study, the County's rate will be at 12.74%, which is slightly more than last year, but localities are being given the option to pay a lower rate, either last year's rate, or seventy percent (70%) of the certified rate, which equals 12.74%. Each year thereafter, the locality will need to pay eighty percent (80%) of the certified rate, ninety percent



(90%) of the certified rate, and then one hundred percent (100%) of the certified rate; the main thing to look at from a financial standpoint is:

- a) The Board automatically incorporated the 12.74% in the proposed budget;
- b) If the Board goes with the lower rate, this will mean the County isn't contributing as much funding into the VRS investment fund, which will also mean the liability will be greater each year.

Also, in the past (2008), the County has gone from a liability of \$400,000.00 to \$2,000,000.00, which increases each year because:

- a) There is more staff;
- b) Line of duty coverage for EMS and law enforcement;

and the rate is based on what the County's unfunded liability is.

Also, if the County pays a lesser rate each year, the liability could increase – projections for the next year are already thought to be about 13.81%, and this is based on the type of coverage, how many people will retire, how many have passed, and how many have quit and weren't vested.

Additionally, as of June 30, 2012, the Board will have to make a decision as to how this issue will be handled (i.e. 12.74% certified rate or take the offer to do 9.42%).

Supervisor Lackey asked if there was any idea as to why the State has taken this route.

Ms. Miller advised that she feels this was put into place in an effort to help the localities not have to pay as much funding to the State; this was something that was presented during the past year and was addressed by the former County Administrator. In closing, she advised that by 2014, instead of the rate being at 13.81%, the County may have to pay eighteen to nineteen percent (18%-19%), as it all depends on how much the unfunded liability has been over the years. In closing, she advised that another study may well be done and the projected rate may be less; however, it all depends on what happens during the interim.

Supervisor Lackey questioned if the County proceeds with 12.74%, will there be any anticipated increase.

Ms. Miller advised that rates generally will increase, although there is an attempt to get rates 'locked in' every two (2) years; however, if the rates increase after that point, perhaps another study will be conducted. Also, the projections may be less; however, it all depends on what happens during the trend.



Supervisor Lackey asked if other localities take the 'cheaper way', what the effect will be.

Ms. Miller advised that they will be affected and not Madison County. In closing, she advised that a decision will need to be made before June 30, 2012, as this falls on the weekend; therefore, she suggested the Board take action at the June Regular Meeting.

Supervisor Lackey questioned if there will be any way to advise of the difference in actual dollars.

Ms. Miller advised if the County proceeded with 9.42% this year, the cost will be about \$101,000.00; however, the Board has already budgeted the full 12.74%.

Supervisor Elliott advised if the County moved forward with 9.42%, the difference will need to be compensated for during the next year (i.e. shortfall); however, if the County remains with 12.74%, this will only involve what's added onto the rate, rather than include a shortfall of the proposed \$101,000.00.

Supervisor Weakley verbalized agreement with taking action at the June Regular Meeting and suggested the Board move forward with the percentage that has already been allocated (12.74%).

Supervisor Butler advised that he would like to review today's documentation before making a commitment; however, he is leaning towards moving forward with 12.74%, to which Chairman Allen also concurred.

After discussion, it was the consensus of the Board to place this item on the Agenda for the June Regular Meeting.

vi. Opt Out LOD (Line of Duty)

Ms. Miller explained that the Line of Duty Act (LODA) was created in 1962 to provide death benefits to public safety employees killed in the line of duty. During the course of years, the provisions have changed and are not only extended to law enforcement, but to EMS, paramedics, volunteer fire/rescue, regional jails, to be eligible for the benefit. Not only does the provision include a death benefit, but also includes a disability benefit in the event an individual is unable to work after being hurt in the line of duty, which will also qualify them for a health benefit for the rest of their natural life, to include their spouse (if they're married) and any dependent children until the age of 21. Additionally, the benefit has always been fully paid by the State; the County has one (1) LOD claimant (for about nine [9] years) and the County pays the benefit and then files for a claim reimbursement with the State. However, this all changed in 2010 when the General Assembly decided the benefit would no longer be covered by the State, but made the localities responsible for covering LOD benefits with the State being the administrator.



Essentially, the State established a separate fund from VRS (LOD Trust Fund), and VRS was to administer the program with no say as to the rules or method of payment, as this would still be determined by the State (department of accounts); also, during that time period, every locality, town, city, and regional jail were automatically brought into the trust without any say or options until the following year. Also, in order to get the fund started, the State actually borrowed money from the VRS life insurance fund that was needed in order to pay claims; now localities have the option to stay in the plan or opt, and this is irrevocable (i.e. if you stay in the fund, you're there; if you're out, you may not re-enter). In closing, she advised that either way a locality goes, they're locked in (or out), and will provide the County the following options:

- i) If the County remains in the fund, there is nothing that will need to be done by the Board;
- ii) The County may elect to opt out by:

*Paying as you go: She doesn't recommend this option as Madison County isn't large enough to cover the costs in the event there are at least two (2) individuals to be covered;

*Pre-fund the benefit: This can be done through a different company and the existing member-fund insurance company offers this time of coverage.

In closing, she advised there has been much effort put into trying to determine a way to figure what would be the safest option, and it is thought to be fairer, in that the localities without existing claims will not have to pay as much.

Ms. Miller advised that when the fund was initiated, there was over 75,000 recipients (i.e. individuals who were eligible for LODA), excluding specific localities. During the past year, the County paid \$233,000.00 per paid member and \$58.40 per volunteer which equaled to about \$19,000.00. Since then, over forty-five percent (45%) of covered persons have opted out and the rate for Madison County will be \$474.00 per paid person for this year and \$118.50 per volunteer, which equals to about \$44,000.00. Furthermore, since the rate was established in the early spring, there have already been sixty (60) additional Counties who have opted out.

Supervisor Lackey questioned that the fund was managed by the State, to which Ms. Miller advised is actually mandated by VRS.

Ms. Miller also advised that the County has to determine whether to remain in the fund; the more folks that opt out leave a greater chance that rates will increase. Also, it has also been advised that rates will increase next year to \$522.00 per paid employee for the year.



Ms. Miller advised that VaCORP has provided lesser projections and provided a rate of \$474.00 per paid employee, which the County has fifty-nine (59) of, which also includes part-time members. She also advised that fire and rescue volunteers get paid at twenty-five percent (25%) of the rate; therefore, the total amount paid into VRS on October 1, 2012 will be \$44,450.00 – when the check is cut for the healthcare benefit for the existing benefit, which will be filed with the State for reimbursement; she also explained that a check is cut for \$1,000.00 each month to cover a claim for an individual who went out on disability which the County is later reimbursed for.

Supervisor Butler questioned how the volunteers determined under LODA would fair their unit came from other localities to fight a fire elsewhere and they were injured or killed, to which Ms. Miller advised the member's locality would be responsible for providing the LODA benefit.

Ms. Miller also advised that this year, VRS requested the County provide a roster and she was uncertain what VRS would consider as being 'volunteers. In the past, the local fire department submitted their own roster; therefore, they were asked to verify the information being provided. In closing, she advised lifetime members who never go on calls or participate aren't included, and would only include the active members who actually participate in the fire and/or rescue effort(s).

Ms. Miller advised there were other emergency categorical areas that VRS investigated (i.e. Emergency Preparedness) and the staff member was included since they would be involved in an emergency situation. In closing, she advised that an employee serving as an auxiliary deputy (Robert Finks) wouldn't be included the same as a deputy since this isn't his normal line of work, but he is involved in the local fire department and actively serves. In closing, Madison County has paid individuals who perform various duties and also volunteer, so it has taken a while to get the list in place.

Supervisor Lackey asked if the individuals who are paid staff and also volunteer are counted twice, to which Ms. Miller indicated they are only counted once.

Ms. Miller advised that the volunteer rate increased tremendously this year because the volunteer rescue squad had a lot of new members, which greatly affected the volunteer rate. Furthermore, Mr. Grayson has been advised of the information he's supposed to verify for the volunteers from this point on.

Supervisor Butler referred to the recent airplane crash and whether citizen volunteers who assisted on the project would be covered, to which Ms. Miller advised they aren't covered and that coverage is only allotted to active members of the fire department or volunteer rescue squad.

Supervisor Butler questioned why auxiliary deputies aren't covered, to which Ms. Miller advised they're not, which is a ruling from the State.



Supervisor Elliott questioned how much VACorp will increase this year, to which Ms. Miller advised is unknown at the present time, although it is hoped the rate will remain the same. In closing, she advised she has been notified things to be considered are as follows:

- a) VRS has taken funding from the life insurance fund (i.e. a loan);
- b) If localities opt out, localities will be made to repay what VRS took in 2011 in claims (from the loan they implemented);

Furthermore, the locality will have to repay about \$12,000.00 to cover administration and fees; VACorp (member funded insurance pool) has assured her today, by email, that they will pay the above referenced amount; however, in the future, the County will be charged by the State for investigating/maintenance/determination whether someone is eligible for claims.

Supervisor Lackey questioned how VACorp is set up and whether they have any association with the State or whether they are an independent insurance company.

Ms. Miller stated they are independent and that they do have a base for insurance, but haven't been very successful in pulling in local hospitals, etc. In closing, she advised the type of insurance they sell is called "malmsey" which is owned by United Healthcare and doesn't participate with all hospitals that are in this area (excluding Martha Jefferson).

Supervisor Lackey questioned if the ultimate funding was through United Healthcare, to which Ms. Miller advised they were the 'owners.'

Supervisor Lackey questioned how reliable VACorp is, to which Ms. Miller advised the County has done business with them for almost twelve (12) years as providers for the County's liability insurance and workman's compensation claims.

The County Administrator advised that VACorp deals with most of the counties within the commonwealth and they are endorsed by VACo. In closing, he feels there are three (3) options available which include:

- i. Private insurance adopted by localities;
- ii. VML also has a similar program in place (mostly involves cities): This entity offers programs very similar to the numbers quoted for Madison County and are comparative to numbers provided by VACo.
- iii. Lastly, Counties can always 'self-insure' in the future;

In closing, if the County remains with the State, there will be a mandate that Madison will be a part of their assigned risk; the localities that are remaining are the ones that have many insurance claims because they can't afford to get out. Essentially, if the



County remains, there will be an issue of what effect will come forth because of the loss of other members – most localities have opted out or have ‘self-insured’ because of numbers which they have budgeted for.

The County Administrator also advised that most of the smaller localities are ‘opting out’ and the ones remaining are the ones with high liabilities and cannot afford to do otherwise. In closing, the State is now asking ‘are you in or out.’

Supervisor Butler asked if someone is retired from the State and they’re working as a part-time deputy, will they be covered under State’s VRS system or the County’s system.

The County Administrator advised if the individual is working part-time for the County, then they are covered by the locality.

Supervisor Butler also questioned the result if the school system hired additional resource officers and if they’d be included for LODA.

Chairman Allen advised that the aforementioned individuals are defined as ‘law enforcement’ and would be included.

Supervisor Butler advised that it is his understanding that the regional jail opted out.

Ms. Miller advised that the regional jail doesn’t have any claims.

Supervisor Lackey advised that she feels VRS is going to fail if the membership is constantly decreasing.

Chairman Allen advised he doesn’t feel the system will fail, as the State will put funding there to make it work; therefore, he feels the member jurisdictions will pay to remain. In closing, he stated there were some large jurisdictions that have taken advantage of LODA because it was a State benefit and wasn’t costing the localities anything; therefore, some were very liberal about how hard they pushed so their ‘people’ could tap into the benefit in a way that some jurisdictions wouldn’t have allowed.

Chairman Allen advised that he was against opting out last year, but at this point, he doesn’t feel the County has any option but to opt out.

The County Administrator advised that based on the information received today, he would suggest the County opt out, as there are still options available to the County (i.e. ‘self-insured’) and there may be other companies who will offer products through another competitive organization in the future. In closing, he feels this is merely a ‘life insurance’ policy and doesn’t believe it would be very difficult to predict; however, it would be difficult to get health insurance benefits for a family if the essential member(s) has a disability. Also, if members had no health insurance in place at the time of the disability, they would be entitled; however, if they only had individual coverage provided to them, this type of coverage would be provided to them forever, but if they



had a family plan and were paying out of pocket with no contributed portion from the County, then the County would be required to pay the cost of the entire family plan, which makes it difficult to figure costs. In closing, he feels these options may be available as well.

Ms. Miller advised that she feels it's a gamble either way, as one never knows what VACorp will provide in the future; also, there is no way to predict what will happen with VRS. Furthermore, VACorp has indicated several things they will be responsible for, but if there are subsequent claims and the County pulls out to go with another carrier, VACorp will be responsible for the claims that were already in place. In closing, she feels if the County pulls out of VRS, then the County will be responsible for the management of health insurance and ensuring the cheapest policy can be found for participants, as well as educating staff, etc., which are the responsibilities that VRS now handles; also VACorp advised the above mentioned tasks are goals they are in the process of pursuing, as well as cost savings, training, etc.

Supervisor Butler stated there are certain departments listed as 'public safety' within the County's budget; therefore, he questioned whether building operations will be included in public safety for LODA, to which Ms. Miller advised these individuals will not be covered.

Supervisor Butler asked if there was anything the County should consider about the Town Of Madison, as they don't have any current personnel, but if they bring someone on board that qualifies.

Ms. Miller advised if the Town brings on 'town police', they will have to be responsible for those individuals and they would have to sign up for their own VRS number, as this wouldn't fall under the responsibility of the County.

Supervisor Lackey asked if this was something the Board needed to decide on at the June Regular Meeting, to which Ms. Miller advised will need to be done.

Ms. Miller also advised that the Resolution must be formatted as provided and that any changes will result in the State not approving it and the County will 'automatically be opted in.'

Supervisor Butler questioned whether a representative will need to visit the Sheriff's Department, Fire Department and Volunteer Rescue Squad to receive public comment. In closing, he questioned whether there needs to be a public record of them 'opting out' or whether they'd like to remain, since the County is going to opt out.

Chairman Allen advised that coverage hasn't changed at this point and benefits will remain the same. In closing, he advised the above referenced entities don't have an option as they cannot opt out.



Chairman Allen advised that coverage for the above entities will remain as it currently is and they will not lose anything.

Supervisor Elliott advised the County can't opt out of everything and must do one or the other.

Ms. Miller advised that all entities will need to handle their individual decision.

Chairman Allen advised he feels it's a good idea to let the entities know the Board's decision by consensus as to what is being done. In closing, he asked the County Administrator to advise all affected departments of what the Board is doing, so as to present any concerns they may have.

The County Administrator advised the affected departments may have budgetary concerns and whether their coverage will be affected.

After discussion, it was the consensus of the Board to 'opt out'; however, Supervisor Elliott advised that he wasn't interested in 'self-insured', to which Chairman Allen concurred.

Chairman Allen advised that he was initially opposed to 'opting out', because of the concern that VRS is still not for profit, and the other companies involved will be. In closing, he feels the companies involved will have more motives to do this process as economically as possible (i.e. cost effective).

In closing, the Chairman advised the Board will move forward with a Resolution at the June Regular Meeting.

b. Minutes (#27 through #31)

Chairman Allen asked if there were any questions regarding the minutes that have been sent to all members.

Supervisor Lackey advised that she hasn't reviewed Minutes #31, and she was unclear about the resolution denoted in Minutes #30 regarding the stipulations in the special use permit and that it only pertained to the one (1) acre parcel of land,

Chairman Allen explained the one (1) acre of land is the parcel surrounding the building where Mr. Brown is making use of and isn't an actual 'deeded parcel', but was described during the meeting as being 'the area that was originally used for that business' owned by Mr. Yates.

After discussion, it was the consensus to add Minutes #27 through #30 to the June Regular Agenda.



c. Madison County Planning Commission (Ordinance Recommendations [Rescheduled])

Chairman Allen asked Mrs. Frye to contact the County Attorney to ask him to provide copies of the proposed Ordinances for discussion at the June Workshop Session. In closing, due to the fact the draft Ordinances haven't yet been prepared by the County Attorney, today's discussion is best to be rescheduled.

Chairman Allen advised that the public hearing to discuss the Ordinances has been scheduled for the July Regular Meeting. In closing, he hopes the documents will be provided to the Board for review at the June Workshop Session.

Supervisor Elliott advised that the Commission submitted Ordinances to the Board which were returned and resubmitted again, only to be resubmitted with no changes; therefore, he questioned whether the County Attorney will rewrite the Ordinances and present them for discussion prior to the public hearing.

Chairman Allen advised the issue regarding animal processing was changed to be allowed by 'special use permit' instead of 'by right.'

Chairman Allen referred to the business license tax and the fact that all members knew what the finished product was; however, things didn't end up being what the Board intended. In closing, he advised that he'd like to have the Ordinance in front of him on the evening it's being discussed.

Supervisor Weakley asked if the Board can request the County Attorney to provide the drafts during the week of June 18th, which will allow members at least a week to review them prior to the June Workshop Session.

Supervisor Butler advised that he still has the same objections regarding the farmer's market as he did during the initial discussions.

Supervisor Lackey also suggested there be clarification that the County Attorney is recommending the changes.

Chairman Allen advised that the changes the County Attorney will incorporate will be based from recommendations made by the Commission.

After discussion, it was the consensus of the Board to discuss the Ordinances at the June Workshop Session.

Chairman Allen advised that the Commission voted on some changes (i.e. special use and not by right); therefore the documents can be reviewed at the June Workshop Session prior to the public hearing in July.

Supervisor Weakley suggested the documents could be provided to the Board during the week prior to the workshop session, to which Supervisor Elliott concurred.



Supervisor Butler verbalized he has some objections regarding a farmer's market.

Supervisor Lackey questioned whether the County Attorney is incorporating the recommendations.

Chairman Allen advised that recommendations should be incorporated into the documents the Board will be reviewing.

cc. Property clearing (Carlton Harris [fence between personal property & Hoover Ridge])

Chairman Allen advised that he was approached by Carlton Harris yesterday to inquire if it would be permissible to clear a fence between his property and the Hoover Ridge property (i.e. wild roses and vines) and wanted to ensure the County had no objections to him clearing the area. In closing, he clarified that Mr. Harris only wants to remove some vegetation, to which he advised it shouldn't be a problem, but wanted to present the request before the full Board.

Supervisor Butler questioned whether the Madison Garden Club was doing anything in that area, to which the Chairman advised the area they're working in, is the far, back side of the property.

Supervisor Elliott advised that he's like to look at the area to ensure that a buffer isn't in place before agreeing to the request.

Chairman Allen advised that if there are no further objections, he's like Supervisor Elliott to report to the Board for further advisement, to which the members agreed.

d. Discussion of Minutes.

Chairman Allen advised that Supervisor Lackey asked to discuss minutes. In closing, he presented some information from the Virginia Code that he printed in regards to the minutes (i.e. contents) under Title 2.2 under the Freedom of Information Act, which basically indicates that: "Minutes shall be in writing; shall include the date, time, location of the meeting; members of the public body recorded as present or absent; summary of discussion and the matters proposed and deliberated or decided; and a record of 'votes' taken." On the reverse, there were some discussions about recordings to denote that meetings in which no action is taken don't require written notes, but is optional.

Supervisor Lackey stated there was a memorandum from the County Attorney regarding how long the recordings are to be kept of the minutes, which is a minimum of three (3) years.

Mrs. Frye advised that she hasn't kept prior recordings for three (3) years in the past; after approved, they're bound in the Minute Book.



Chairman Allen advised that written minutes are to be kept for three (3) years.

Supervisor Butler advised that he believed it was at the discretion of the Board as to the length of time tapes are kept.

Supervisor Lackey advised this is personal with her, but she has been involved in minutes for organizations, Roberts' Rules of Orders and what minutes are supposed to be; they are supposed to be a record of actionable items and she understands what the Code of Virginia says about minutes, which is a good description of what minutes should be. Furthermore, she feels that minutes aren't a verbatim of statements made during a discussion, and she feels our minutes are way too long....when there are thirty (30) pages to read of 'he said, she said, so-and-so said', that this is really a poor way of recording the important things that the Madison County Board of Supervisors does. Also, she thinks it is an inordinate and difficult thing to ask Jacqueline to do – the hours that it takes her to listen to those tapes and to try to record and put into the written minutes, what someone said, is a terribly difficult job for anybody. Therefore, she submitted that if the Board read the minutes line by line after every meeting (those thirty [30] page long minutes), I, personally, am embarrassed by the way it makes me sound, and I would think some of the other members would be to because when you don't have the full concept or the inflection in your voice, it comes across nonsensical. Also, she feels if the Board wants 'verbatim' minutes and our words are 'so golden' that they need to be kept for posterity, then we should have a transcript and not ask someone to interpret what is being heard in a discussion. Most times, the Board is looking for information so questions are asked back and forth in an attempt to gather information – other times, someone may say something 'cute or funny' and this isn't a part of the recorded history of the Madison County Board of Supervisors. In closing, she thinks the Board should get back to minutes being a summary of the discussion of matters proposed, deliberated or decided, and a record of the votes.

Supervisor Lackey feels the discussion about the special use permit (at Shelby) is four (4) pages in length and most of the documentation is about the Board trying to understand whether it involves one (1) acre or eight (8) acres, along with various kinds of understanding as to who owned what, which she doesn't feel should be a part of the record. Furthermore, she feels the resolution is the factor that proves a special use permit and the first draft didn't even have the resolution denoted because the recording was poor; and reference to the 'previous discussion' – when she returned to read the previous discussion, she couldn't figure out what was added and Jacqueline had to refer to Betty Grayson – the matter added was that the criteria would only apply to the one (1) acre. She feels that instead of four (4) pages, the sentence could've denoted "discussion ensued about the applicability of the permit and what area it should cover, and it was therefore resolved. Frankly, she feels that some of the questions/answers were rather silly and didn't contribute to the record. Also, she feels this applied to the discussion about the trees at the pond on Hoover Ridge (i.e. emotional statements, threats, jokes) and they're all in the written record and she



doesn't feel they are relevant to the decisions the Board is making. In closing, she believes if anybody wants to hear all that 'stuff', they can go listen to the tape because when you try to put some of that 'stuff' on paper, there is no inflection and it doesn't come out the same to reflect what actually happened; therefore, she intrigued the Board to get the written minutes back to a business-like approach and eliminate all this non-relevant comments.

Supervisor Elliott advised that he totally, adamantly disagreed with Supervisor Lackey's comments, as this gives 'wobble room' for individuals to get out of what was said; also, he referenced to a proven case from 1995 where the minutes that proved something was 'right or wrong' which is what the minutes did – the tape was gone and there was nothing to listen to (i.e. three [3] years) and reading the minutes told what happened. In closing, the minutes were approved and the 'garbage' tells about the loads of gravel being put into place – if all of this wasn't included, one wouldn't know what had been done.

Supervisor Lackey advised there is a difference between facts and opinions.

Supervisor Elliott feels that if comments are removed, this allows individuals to advise that "I didn't say this...." – if comments are left in this can't be done. In closing, he feels if he said something he shouldn't have said, then so be it....it's in the minutes – "if I look stupid, then I shouldn't have said it to start with." Also, when all the members are no longer in place, Betty or Jacqueline can go back and pull the minutes and determine what was created during a meeting process based on the minutes. In closing, if there is no written discussion in the minutes to explain actions, how can you determine how we got to a certain point.

Supervisor Butler verbalized disagreement with Supervisor Lackey, in that he feels the past incident involving a Board member falling under a 'conflict of interest' wouldn't have happened if there was a little more detail in the minutes (no reflection on Mrs. Frye); he feels if the Board has a four (4) hour meeting, she has to sit there for those hours to listen – things don't go any faster when she's listening. However, he feels the details avoid problems – he also advised if a citizen asks where they can go to find a listing of Ordinances, he doesn't think one can be produced for those that go back to the beginning of Madison County. In closing, he questioned how the Board will know what has been previously passed, and in order to find those, you have to go to the Circuit Court to look at the minutes and anything that was passed afterwards; therefore, he'd like to see the full details in the minutes and include Ordinances in the minutes along with a separate book of Ordinances in the County.

Mrs. Frye advised that she has that in place now; however, years ago, this wasn't so.

Supervisor Butler advised that Mrs. Frye has put a book together; however, the Firearms Ordinance is terribly out of date with federal laws. Additionally, he sought to find a



complete listing before running for the Board, and what he found was Zoning Ordinance and loose-leaf updates which he couldn't determine what was changed.

Supervisor Lackey advised she agreed with the suggestion on the Ordinances; however, if anyone wants a verbatim record of the meeting, hire a court reporter and get a verbatim, because it's a misinterpretation when people are speaking from the floor and they have an issue they'd like to address – trying to do verbatim or make a translation into what you hear – a lot has to do with inflection and the context.

Supervisor Weakley advised that he finds relevance in both comments made by Supervisor Lackey and Supervisor Elliott; however, he'd like to understand what other localities are doing. In closing, he doesn't advise the County to move forward and spend, but believes there is technology that can take the recordings and turn it over – also, he understands the suggestion for clean, effective and efficient governing, and perhaps is a way to accomplish a means of translating a word document.

Mrs. Frye advised there was a suggestion to get better equipment, but funding isn't available now.

Chairman Allen advised that in the past, Jacqueline was using a cassette Dictaphone and it was terrible; the Board got caught at a lame time and what's being used now is a 'Band-Aid' – these devices are amazing, but that was the problem with Minutes #30 as she couldn't understand what was being said. Secondly, the County needs a new sound capture system in the auditorium and it would be good if it was a portable system that could be transported; however, this is another issue to look into. In closing, he asked Jacqueline for her opinion on the minutes.

Mrs. Frye advised that she agreed with the comments made by Mrs. Lackey; although this was attempted, it didn't work; this was also suggested by Lisa Robertson, former County Administrator, that the minutes contained too much information. Furthermore, she reviewed what other localities are doing and their minutes are a basic summary of actions, discussions, and not in detail. Also, she agreed the minutes are long, but this is what the majority of the Board wanted, so it's whatever the Board decides. In closing, there are five (5) Board members and we all have to do what is decided, within legal parameters; there was also an attempt to get the electronic audio equipment in the past.

Supervisor Weakley asked if the information was still available, to which Mrs. Frye advised it wasn't but an attempt can be made to get it once again.

The County Administrator advised that he was a little aware of the issue being discussed, and he agrees with both sides and advised that:

- i. Technology has gotten better and can offer the best of both worlds;



- ii. Minutes should be a summary (corrections can still be made if needed);
- iii. Much time is used to transcribe the minutes (needs Mrs. Frye to be working on other things as well);
- iv. Citizens need to speak into the microphones and identify themselves clearly;
- v. Sound system needs to be improved (in the auditorium);

Furthermore, he referenced that it is important to denote what goes on and what's said – many Board's operations are streamlined and many localities have broadband, although this may not be a viable option for the County due to location; digital storage could also be utilized by attaining affordable equipment which will be a good solution to help the County get where it needs to be for now. In closing, he has already identified the need for improvement and also referenced that existing recordings can be converted to a .WAV file and these can be stored on a medium and placed in the library for citizens, if needed.

Supervisor Butler advised that he has received emails about a company that handles automated board meetings which are then uploaded onto a website, and they also offer a method of converting written documents, and they specialize in governmental meetings. In closing, he will see if he saved any of these emails and will pass them along. In closing, he advised that transcripts are rather expensive, but is a verbatim of events.

Chairman Allen advised that most transcripts are never put onto paper unless requested; however based on the section reviewed today, the Board's minutes have to be written, and he doesn't think this can be changed. In closing, as suggested by the County Administrator, perhaps a two-tiered system can be attained and the general sense of the minutes should contain information as to what actually happened during the meeting process.

e. Social Services Board

Chairman Allen advised there will be two (2) positions on the Department of Social Services Board that will be available July 1st – these aren't Board positions; the Board had agreed to advertise these vacancies in the past.

Supervisor Butler agreed the vacancies should be advertised, to which all other members agreed.

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



f. Central Virginia Regional Jail

Chairman Allen advised during the last meeting he indicated the construction project for the jail had been put on hold; however, action by the General Assembly during the eleventh hour changed that and the construction project is back on track; therefore, it is anticipated the project will begin in the fall of 2012 or in the spring of 2013; the financial impact on the County will not be immediate and there will be some costs associated with the construction, but the jail has about \$6,500,000.00 in a construction fund and they are investigating financing options where they can borrow money and defer payments. In closing, he feels the County's ultimate responsibility will not be anything outlandish, and it will be about two (2) to three (3) years before this will be in place.

Supervisor Lackey referred to funding amounts provided by Glen Aylor, Superintendent, at a prior meeting.

Chairman Allen advised the funding will be significant for the renovations; however, if the facility can be opened and they implement contracts to house federal prisoners, it will help the locality regarding annual costs for jail services.

Chairman Allen also advised that effective July 1, 2012, the Jail Board does have a member at large, which is a twelve (12) month position, and Madison County has the responsibility to provide a member for said Board. Furthermore, he advised that he would be very interesting in serving in the position if the Board would agree – he is currently the Alternate to the Jail [and only missed one (1) meeting during the previous year and one (1) meeting this year]. In closing, he feels that with the construction process soon to be underway, it will be in the County's best interest to have a representative on hand to see what's going on.

Supervisor Elliott asked who was serving now, to which Chairman Allen advised this is an 'at large' position and rotates between the jurisdictions.

Chairman Allen advised that Eddie Dean, former Board member, was the last County resident to hold the position. In closing, he advised that Steve Hoffman is the County's appointee.

Chairman Allen advised that action will be needed on the part of the Board; therefore, he suggested this be taken up at the June Regular Meeting.

Supervisor Butler advised that he would also like to be considered to serve in the



5. Information and Correspondence (if any)

County Website:

Chairman Allen advised that Anthony Burke has requested a picture of the Board (in the auditorium) to post on the website.

After discussion, the Board was in agreement to have a photo taken at the June Regular Meeting.

Ambulance Agreement:

Chairman Allen advised that the ambulance agreement discussed at the last meeting to allow the County to bill when there is one (1) paid member on (until the volunteers start charging for services) was signed on May 14, 2012 and is in effect. In closing, an agreement was made to take a vote at the June Regular Meeting.

Supervisor Lackey advised the last time she visited the website, there is much information that is out of date.

Chairman Allen advised that Mr. Burke is the webmaster and suggested he be advised of any needed corrections. In closing, he urged the Board members to review the website, although it's a 'work in progress', he feels it's much easier to navigate and the potential for the use of the website has grown tremendously.

Chairman Allen advised the Board will need to enter into a closed session.

a. Closed Meeting

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(1) pertaining to personnel matters involving a personnel complaint, and Virginia Code Section 2.2-3711(A)(29), a matter involving a contract issue, specifically the Courthouse Project, with the following vote recorded:

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

b. Return to Open Meeting

On motion of Supervisor Lackey, seconded by Supervisor Weakley, 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 Lackey, seconded by Supervisor Butler, 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 taken as a result of closed session.

6. Adjournment:

With no further action being required, on motion of Supervisor Weakley, 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

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk to the Board

Adopted on: July 10, 2012

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

