

**MEETING #48 – October 29**

At a Workshop Meeting of the Madison County Board of Supervisors on October 29, 2012 at 2:00 p.m. in 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  
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 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.

**3. Adopt Agenda**

Chairman Allen advised there are items that will need to be added to today's Agenda:

- i) Storm Update;
- ii) Discuss today's meeting and how long the Board wants to meet;

Chairman Allen called for further deletions, corrections or additions to today's Agenda.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Agenda is adopted 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

Chairman Allen advised the weather is deteriorating and indicated:

- The Board can meet until completion of the session;



- Establish an end time for today's session; or
- Continue and head home now; or
- Remain until a certain time and continue at a later date;

After discussion, it was the consensus of the Board to move forward and continue with the Agenda items as noted.

**Storm Update:**

The County Administrator advised the Governor declared a 'state of emergency on Saturday, October 28, 2012, and a 'local emergency' (for Madison County) effective Saturday, October 29, 2012; conference calls that have been held report that high winds (up to sixty [60] mph) are expected along with at least six (6) to eight (8) inches of rain and the anticipation that a cold front will come in from the west. He advised that all non-essential County personnel will be allowed to leave at 2:00 p.m. today and there may be a delay opening County offices in the morning. The local schools are closed and there hasn't been anything mentioned as to whether there are plans for school to be in session tomorrow. In closing, the shelter (at the fire house) will be opening at 3:00 p.m. today for citizens who may need shelter; those needing services are being encouraged to come to the fire house now and not to wait until dark. Current reports advise that power outages are sporadic and all essential personnel are in place (i.e. law enforcement and emergency medical services personnel). The current weather report has advised that the storm is moving a bit further to the south than anticipated, but appears to be gaining strength.

Supervisor Lackey asked if the firehouse was the only shelter open here and how many people can be accommodated; she also advised that the Carriage House next to the Piedmont Episcopal Church will be open for service if needed.

The County Administrator advised that all surrounding localities have declared a local emergency and have opened shelters; surrounding localities allowed their personnel to begin leaving offices at 12:00 p.m. today.

Robert Finks, Director of Emergency Communications, was present and advised the firehouse has one hundred (100) cots for use and Social Services is mobilizing and the American Red Cross is currently on standby for assistance; therefore, he feels the existing services should be sufficient, to which Troy Coppage, Chief, concurred. In closing, it was advised there have been a few inquiries for services from residents living in a local mobile home park.

Chairman Allen advised if the storm continues as forecasted, the state of emergency may be lifted sometime tomorrow and the Board will have to vote to ratify the action (within fourteen [14] days) and this can be done at the November Joint Meeting.

**4. Agenda Items:**



**a. Financial Review:**

Chairman Allen asked if there were any questions pertaining to the certificates of claims for August 2012 – FY2013, as these will need to be acted upon at the October Regular Meeting.

i. Certificate of Claims [General Operations (September 2012 – FY2013)]

Supervisor Butler asked about a payment totaling \$15,500.00 for training for twenty-five (25) officers and questioned the fact that the County is making payments to the Central Shenandoah Criminal Justice Training Academy when their certification lapsed, thereby resulting in local deputies having to be resent again for re-training. Also, there are no courses being offered for dispatchers and those employees must be sent to Fredericksburg for training. In closing, he asked how the County can get out of the contract with the academy and institute a contract with the facility located in Fredericksburg.

Mr. Finks advised that he and the County Administrator met with the Chairman of the academy and at this point, it doesn't appear the County can terminate the contract. The County Administrator will be passing the document onto the County Attorney for review and advisement. In closing, he advised that that the next open window isn't until 2016.

The County Administrator advised that an agreement is in place between Madison County and the Academy (under State Statute); it appears the agreement was re-ratified in 2006 and based on the statutes, participants have the option to opt out every five (5) years – otherwise, the agreement continues as stated. Also, the payment made was for the Sheriff's deputies, but the amount pertaining to the dispatchers hasn't been paid, although the funds have been budgeted. These concerns were also discussed with the Chairman of the Academy; it is deemed there may be an option that can be investigated. The facility is being upgraded and there have been financial issues resulting from no audits having been done for quite some time. In closing, he advised there isn't a program in place for additional training for dispatchers, and there have also been concerns regarding the costs associated with the program in relevance to the level of quality of the training that has been provided by the academy.

The County Attorney advised, in his opinion, if the academy can't provide the services the County is contracted to receive, there should be a way to get out of the contract.

Supervisor Butler advised that the contract denotes the academy will provide training for the dispatchers and this hasn't been done.

Mr. Finks clarified that the academy is used to help dispatchers attain their initial certification; however, after that no further in-service courses are made available and the County pays for the dispatchers to be a member of the academy.



Supervisor Weakley asked if the need to have deputies return to the academy for re-training was due to negligence on their part, and if so, is there a way for the County to recoup some of the costs associated with the re-training endeavor.

The County Administrator advised the fees are 'per deputy' (or per dispatcher) and re-training will be held without a fee; however, deputies weren't obligated to retake the entire class, but just 'pieces' of the class. In closing, the fee is about \$600.00 to \$660.00 per individual and the portion that pertains to the dispatchers hasn't yet been paid.

After discussion, it was the consensus of the Board to have the County Administrator investigate this issue and report back at a later meeting.

ii. Certificate of Claims [Tourism Enhancement (September 2012 – FY2013)]

Chairman Allen asked called for any concerns regarding the certificate of claims for tourism enhancement.

iii. Certificate of Claims [Debt Service (September 2012 – FY2013)]

Chairman Allen called for any concerns regarding the certificate of claims for debt service.

Chairman Allen asked if there were any supplemental requests for the month, to which Ms. Miller advised there will be none this month.

**b. Minutes #40 through #46:**

Chairman Allen asked if there were any questions pertaining to the above sets of minutes.

Supervisor Butler had a correction for Minutes #40, which was provided to Mrs. Frye regarding wording pertaining to a motion regarding Animal Control.

**c. Tax Deferment (for the Elderly and Disabled):**

The County Administrator advised that any changes imposed to the program will also affect the disabled veterans.

Supervisor Lackey advised there was prior discussion about increasing the net worth to \$75,000.00.

Supervisor Butler also added there was discussion about leaving the total income at \$30,000.00 and possibly increasing the total house and acreage from five (5) to ten (10), with the idea of implementing incremental increases and reviewing the level of participation.



Chairman Allen asked if the numbers being discussed are palpable to everyone and whether this can be discussed at the November Regular Meeting.

Supervisor Elliott asked if there was a way to determine how much revenue would be lost based on additional citizens participating in the program.

The County Administrator advised he could perform some calculations based on certain points (i.e. ten, fifteen, twenty or fifty additional participants), figure the impact and prepare a chart to show the outcome.

Chairman Allen advised the revenue will need to be made up elsewhere in the County – if participation goes beyond five (5) years, the funding is lost altogether, and there are no actuary figures in place.

After discussion, it was the consensus of the Board to allow the County Administrator to run some numbers and report his findings on a house and up to three (3) acres. Furthermore, it was denoted that by adding additional acreage to the home site, a buffer could be established.

Chairman Allen questioned whether today's poll to increase the acreage would hinder a motion being made at the upcoming November meeting, to which the County Attorney advised that the Ordinance would need to be amended and a public hearing would need to be scheduled in order for the change to be effective January 1, 2013.

In closing, it was also denoted that a public hearing would be needed in order to make any changes effective January 1, 2013.

#### **d. Park & Recreation Authority:**

The County Administrator provided a packet that included a listing of items pertaining to the authority handling all operations at Hoover Ridge, to include:

- i) Legal issues to include:
  - a) Lease Hoover Ridge to the Authority;
  - b) PRA to be the Fiscal Manager (County Administrator & Finance Director advisors);
  - c) PRA to be the HR Manager (County Payroll Clerk does payroll);
  - d) PRA to be Purchasing Manager (County Accounts Payable Clerk pays bills);
  - e) County to level funding to the PRA – additional monies to be raised by the Authority;
  - f) One (1) to two (2) BOS to serve as terms expire (i.e. staggered terms);
  - g) PRA to pay insurance on all their equipment with County as additionally insured;
  - h) PRA to manage the Farmer's Market; work with schools on joint needs/uses; prepare annual budget; amend by-laws;
  - i) All invoices, purchasing, payroll and billing will run through the County's accounting system;
  - j) Complete books for PRA will be kept on County's accounting by PRA Manager or Clerk;
  - k) Additional property (farm land) to remain under the County's control not included in the lease;
- iii. Equipment to include:



- a. One (1) zero-turn, one (1) blower, two (2) trimmers and push mower and one (1) trailing and other hand tools to be identified will be for exclusive use by the County and stored separately;
  - b. All other equipment including two (2) pick-up trucks will be for exclusive use by the PRA;
  - c. PRA will provide storage area for County equipment;
  - d. PRA equipment storage, repair, maintenance and replacement is the responsibility of PRA;
  - e. County may use any equipment as needed (bush hog occasionally) and tractor during snow;
- iii. Staffing issues to include:
- a) Eight (8) PRA Board members;
  - b) Ten (10) youth sports leaders;
  - c) One (1) part-time (75 – 50%) to manage fiscal, human resources, bookkeeping and other duties as assigned by the PRA and secretarial responsibilities of the PRA;
  - d) One (1) full-time manager to maintain parks, schedule events, coordinate with youth sports, organize volunteers’ activities, and supervise position listed above and part-time positions;
  - e) One (1) to three (3) part-time worker(s) to maintain parks;
  - f) On to two (2) part-time worker(s) to open schools for events;’
- iv. Responsibilities to include:
- a) All maintenance repairs and upkeep of:
    - Hoover Ridge (reduced leased by PRA all property owned by Madison County)
    - American Legion (PRA property)
    - Thrift Road Complex (mow and trim grass only)
    - Fields E1 and E2 – Madison County Schools Property
    - River Property (owned by PRA)
    - County will handle snow removal at the American Legion and the Thrift Road Complex

Additional information provided by the County Administrator included the total amount of funding that will need to come out of the Facilities Department and placed into the PRA’s budget, as well as how their budget would be constructed, and the need for a memorandum of understanding to be in place. In closing, he advised that the PRA would like to move forward with this request after the first of the year, if the Board desires.

Supervisor Butler advised that he’d like to see the entire operation be separate (from the County) with a good concept plan in place; he’s also concerned about providing 100,000.00+ in funding to the PRA, but when looking at the departmental budget for Facilities, the monies were already in place although there was no exact figure to determine exactly how much funding was being utilized for parks and recreation. Also, he commended the County Administrator on today’s proposal and also suggested that Board members be appointed to serve on the PRA for four (4) consecutive years instead on only one (1) year. In closing, he asked if the PRA assumes the responsibility for maintaining the farmhouse, who will handle inspections, maintenance, and termite damage, as these issues will need to be addressed.

Supervisor Weakley also thanked the County Administrator for today’s proposal and feels that a memorandum of understanding will help resolve many issues. Additionally, he feels the appointment of two (2) Board members will provide some oversight, as it’s



anticipated the authority will run things, but still ensure that the finances are balancing out so all parties are aware. In closing, he encouraged that procurement issues be addressed, as there are forms already in place through the PRA, but feels any updates or additions should be incorporated as well. Also, he fully agreed with the concept of appointing two (2) Board members to serve staggered terms.

Supervisor Lackey verbalized concerns regarding:

- a) The vast size of the property;
- b) Whether the PRA concentrate on sports and not maintain the trails and/or impose problems for those who participate in the Farmer's Market; and that
- c) The need for a sense of how things will work;

The County Administrator advised the PRA is well aware of the above referenced issues and how things should work, as many local citizens do use the walking trails located at Hoover Ridge; they have identified future projects (i.e. amphitheater) and it will be up to them to de-authorize in the event a future Board decides against what terms are included in the proposed agreement; also, the PRA may be looking to set up an office at the farmhouse.

Additional concerns verbalized by the Board focused:

- a) How the property will be managed as more activities are added;
- b) How will the lease accommodate changes as they transpire; and
- c) Will the lease be specific in listing the responsibilities of the PRA and the County

Supervisor Butler asked about the additional property that extends toward Elly's Road and down from the entrance to walking trails, to which Mr. Dean advised that the backside of the walking trails is all a part of the Hoover Ridge property.

Supervisor Weakley advised that extra activities outside of sports are currently being approved by the PRA, and there are a lot of fundraising activities – the agreement can denote who would handle those areas as well.

Supervisor Lackey asked if the lease should be for twenty-five years and if so, what would transpire in the event a new school would need to be built in the future (at the property).

The County Administrator advised the property to the left of the driveway (at Hoover Ridge) will be excluded (from the lease); he understands there is a very small right of way through the area as well. In closing, he provided an overview of various points on the property map of Hoover Ridge.

Mr. Dean advised that he has a map with explicit details regarding the Hoover Ridge property.

Supervisor Lackey suggested there be some contingency language in the agreement, as the Hoover Ridge property isn't used exclusively for sports.

The County Administrator advised the aforementioned concerns will be contained within the lease agreement (i.e. what can be done), unless the County would like to implement a separate agreement to authorize today's concerns; also, County funding will provide the PRA the means to carry out the required tasks as set forth in the lease agreement.



Supervisor Elliott verbalized concerns about shared equipment and suggested the Board put more thought into this issue. Although he is in favor of the PRA taking full responsibility, he is concerned as to what may happen to the individual that now handles the financial aspects, etc.

The County Administrator advised there will be no need to continue with the existing slot and the PRA will need to decide how to handle this issue.

Supervisor Lackey suggested the property be measured to determine exactly how many acres will be involved; she also suggested there be some recognition regarding sewer/water and where the connectors will be situated.

The County Administrator also advised that the County will continue to keep a portion of the property at Hoover Ridge and will continue to receive revenue for a portion of the designated fields.

Chairman Allen advised the Board will need to commit to enter into a memorandum of understanding in order to allow the PRA to move forward on January 1, 2013. In closing, he asked if the school's existing sewer system will be able to accommodate uses needed by the PRA.

Mr. Dean advised that sewer/water usage has been addressed with the school's representatives for current PRA projects, excluding the amphitheater. He also advised the existing PRA fundraising is moving along slowly. Furthermore, he explained the issue of sewer/water needs has been addressed with school representatives and representatives from the Rapidan Service Authority concerning hook ups, at which time the Superintendent and representatives from the RSA have indicated there are no major concerns regarding the PRA hooking up as the proposed usage will not overload the existing system. Furthermore, folks have expressed a desire to have bathrooms in place at Hoover Ridge instead of the port-a-johns that are currently in place (at a cost of \$15,000.00 annually) – the existing costs could pay for bathrooms within a two-year time frame. In closing, he advised the bathrooms must be handicap accessible and will call for paved parking and easy access, and the PRA is looking at possibly having a bathroom situated near the farmhouse as well.

Chairman Allen asked if the PRA was satisfied with the overall concept that has been discussed, to which Mr. Dean advised was correct. Although the PRA is unable to maintain the facility right now, he advised that funding is being raised in an effort to add to the facility.

Chairman Allen thanked all parties for their work on today's issue. In closing, he asked if the Board was in agreement with doing a memorandum of understanding effective January 1, 2013 to allow the PRA to begin the transition of taking over at Hoover Ridge and create a document for review/approval by the aforementioned date.

Supervisor Weakley asked if there would be any changes in current employee roles.

Supervisor Lackey advised she is ready to support moving forward; however, she would like to see a plat of the Hoover Ridge property in an effort to see how much of the property will be released to the PRA and what will remain, as well as budgetary information to denote which employees will be responsible for managing the property.



Supervisor Elliott advised he was in agreement with moving forward, but not on today's document;

Supervisor Butler advised he was in agreement with moving forward, but would like to review the proposed memorandum of understanding prior to signing.

Chairman Allen advised the process will involve two (2) steps:

- i. Try to enter into an MOU and make a commitment between the PRA and the County to move forward; and
- ii. Have the County Administrator, Mr. Dean and Mr. Price meet and agree on an MOU to present to the Board that will include numbers, specifics, in an effort to enable the PRA to move forward effective January 1, 2013, and enter into the budgetary aspect of having a Park & Recreation Department effective July 1, 2013;

After discussion, it was the consensus of the Board to place this item on the November Workshop Agenda.

Mr. Dean also advised that one member of the PRA has missed at least five (5) consecutive meetings and the bylaws advise that this calls for a replacement of the incumbent. Additionally, Mr. Bruce Parker is asking to be reinstated, if the Board agrees, and one additional vacancy will be forthcoming shortly.

Supervisor Weakley advised another PRA member's term will expire in December 2012; therefore, he suggested this also be advertised.

After discussion, it was the consensus of the Board to have Mrs. Frye contact Mr. Parker to see if he is willing to be reinstated and whether he'd like to be re-interviewed or let his past session remain. Additionally, the Board agreed to have an advertisement published to elicit additional applicants.

Chairman Allen advised that Mr. Parker was interviewed which will be active until the end of 2012. In closing, he advised the Board can take action at the November Joint Meeting, if necessary.

**e. CIP:**

- i. Financing; and ii. Joint Meeting:

The County Administrator provided a handout that contained bid results from Wells Fargo, Stellar One and VML/VACo with interest rates (variable or fixed), interest type, approximate payment, closing costs, and whether the loan will be draw able or have a pre-payment penalty clause. He also advised that the County still has one (1) more payment on the Courthouse Project.

Concerns verbalized by the Board included:



- a) Will there be an option to for the County to negotiate, research financing and perhaps separate the two (2) loans (i.e. CIP and Courthouse); and
- b) Whether the payment on the courthouse Can the County defer payment on the courthouse project and make a new payment another existing loan;

The County Administrator advised that the variable rate will allow the County to wait before locking in; however, the split funding option does increase the life of the loan. He also provided various scenarios for the loan along with a proposed repayment schedule; if the County decides to wait and the interest rate increases slightly, a single point increase will cost the County a difference of \$1,000,000.00 in interest. Furthermore, he advised there are variable options available that would allow the County to pay the interest through the next budget cycle, and explained a scenario in which the County may be able to pay the courthouse loan off by July 1, 2013 by locking in now. In closing, he advised that he will compile options regarding closing costs to be reviewed and asked the Board to make a determination to discuss as the November meeting.

Chairman Allen advised there are two issues that will bring clarity:

- a) Does the Board desire to refinance the Courthouse Project; and
- b) Does the Board want to move forward with a fixed rate or a variable rate;

Supervisor Weakley suggested the County defer and not pay off the loan, or pay it off only if there is enough funding available without imposing a hardship on the County and not rolling the loan into the CIP loan.

Supervisor Elliott and Supervisor Butler were both in favor of paying off the courthouse loan.

After discussion, it was the consensus of the Board to pay off the courthouse project and move forward with a fixed rate for fifteen (15) years, although Supervisor Lackey suggested the project be refinanced in order to save on costs.

The County Administrator advised that he will compile information and email it to all members for review prior to the November Regular Meeting. Although he understands the Boards' concerns regarding paying off the courthouse loan, he advised the County is now paying about \$15,000.00 in interest at a very low rate despite the high loan principle amount.

Chairman Allen reminded the Board that there is some funding in the CIP line item and these funds can be used to help toward repayment of the loan for the first six months in 2013 which will save the County by providing the option to defer making the loan; however, there is no certainty as to what the interest rate will be.



Supervisor Elliott advised that he attended the recent CIP meeting and although the memorandum of understanding is signed and in place, he doesn't feel comfortable with the document based on his assessment of the meeting. In closing, he isn't in agreement with spending funding unless someone comes forth to assure that things will not transpire as verbalized during the recent meeting session. In closing, the County was supposed to receive \$225,000.00 from the school system and it hasn't been received thus far.

Ms. Miller advised that the auditors will be on hand in about two (2) weeks to close out the books.

Supervisor Butler clarified that the memorandum of understanding indicated the County would be advised if any changes were made, and he has the understanding that some changes were implemented during the recent meeting session, although a report hasn't been received.

The County Administrator advised the recent session was the first meeting, and to the best of his understanding, the architect was talking about issues that hadn't been discussed with the school board just yet. Also, the memorandum of understanding is in place as a means of keeping the County abreast of the project, although the County only has control over the actual dollars – if the school system wanted to redesign something to the point where it will affect the budget, the County could stop it; however, small detail changes cannot be controlled. In closing, he advised that the information provided appeared to make sense; although the information wasn't relayed to the County prior to the meeting, he feels it will be discussed at the next CIP meeting.

Chairman Allen also advised the CIP addresses the replacement of bleachers; however, the information presented at the recent meeting was that:

- a) The bleachers would be replaced;
- b) The press box and concession stands would be demolished;
- c) A new press box would be built as an integral part of the bleachers;

In closing, he feels that although the aforementioned change appears to be a part of the process to replace the bleachers, the communication aspect was very poor.

Supervisor Lackey asked if the aforementioned changes would call for additional money, to which Chairman Allen it was denoted it would not, but the parameters of the project have changed.

Supervisor Elliott verbalized concerns regarding whether the schools funding request for CIP project was over estimated.



Chairman Allen clarified the fact that complete renovations weren't to be scheduled for the middle and high school, but only for ADA compliance of the restrooms. Furthermore, Supervisor Elliott brought up the fact that restrooms need to be completely restored, with options also being discussed. In closing, he doesn't feel the issue is funding related, but brings forth the issue of trust and honesty as the changes weren't communicated beforehand.

Supervisor Lackey suggested a letter be written to clarify what's included in the memorandum of understanding.

Chairman Allen advised the school system may feel the changes being made are within the parameters established and they have the right to move forward.

Supervisor Butler verbalized disagreement and read the specifics in the CIP pertaining to the bleachers. In closing, he feels if the school system is going to move forward and there is any cost savings afterwards, this funding should be put toward the ADA of the restrooms or another project.

Supervisor Weakley advised there appears to be a need for the imposed changes. Also, the County Administrator suggested the meetings between all governing parties continue in an effort to see how the events will transpire from this point forward.

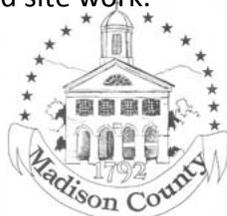
Chairman Allen advised the projected funding needed to correct the restrooms was \$225,000.00; based on the funding the school system was allocated during the budget process during this fiscal year, there should be additional monies borrowed to cover the project. In closing, he was surprised to hear what the projects will be, which also seemed to be the case with the Superintendent in his conversation with the County Administrator.

In closing, Supervisor Lackey clarified that the County didn't want to be 'blindsided' and suggested this message be strongly relayed.

Chairman Allen reiterated the County has the fiduciary responsible of taxpayer's money and this is what must be addressed; he feels that anything written to the school board as earlier suggested will probably make the situation worse at this point, but he encouraged the Board to authorize the County Administrator to handle things for the time being.

Supervisor Elliott advised that he's willing to work with the process, but suggested the Board be made aware of proposed changes. In closing, he feels that representatives from Crabtree, Rohrbaugh Associates were poorly prepared in presenting information on the projects.

Supervisor Butler advised he'd like to see the school's specific definition of all proposed designs and site work.



Supervisor Weakley asked if a Clerk of the Works has been appointed to oversee the projects, to which the Chairman advised there has not, but there is thought to get this in order and there is an assurance that Crabtree, Rohrbaugh Associates, Inc. will not serve in this capacity.

The County Administrator advised that he will get the information pertaining to the bleachers, as the bid process is in order.

**f. Applications Received (Board of Equalization & Building Code Appeals):**

Mrs. Frye advised that an application has been received from Mr. Scott Lohr to be considered to serve as the alternate on the Building Code Appeals Board, as suggested by Wes Smith, Building Official.

After discussion, it was the consensus of the Board to accept Mr. Lohr's application for appointment to serve as the alternate on the Building Code Appeals Board.

Mrs. Frye advised that an advertisement was placed in the newspaper and on the website to attain applicants for the Board of Equalization; however, only two (2) applications received for the Board of Equalization, which isn't enough. Additionally, she took the initiative to call past members to see if they'd be able to serve again and they were unable to commit to serve, and no further calls were made because a citizen verbalized disagreement with the County moving forward to recruit citizens.

Discussions continued regarding whether to recruit citizens, as Supervisor Elliott wasn't in favor of recruiting and suggested the County re-advertise.

Chairman Allen asked if the Board wanted to set up a date to interview and move forward with a mechanism to find additional candidates, as at least three (3) people are needed to serve that have an understanding of property values, [or whether the Board wanted to re-advertise.](#)

[Supervisor Elliott verbalized disagreement with the Board going out to recruit people.](#)

[Supervisor Butler advised he was in favor of reappointing the two \(2\) applicants \(that applied\) and then see if another individual will come forth.](#)

[Supervisor Lackey suggested the Board cast a wider net, as she would like to see the County advertise again.](#)

[After discussion, the Board members agreed they would try to find potential candidates and will re-advertise if no one has come forth by Friday, November 2, 2012.](#)



**g. Business License Fee:**

The County Attorney advised that he checked the statute pertaining to a business license fee and it does indicate the Board “may” charge a fee for the business license fee, which he feels the Board can set the fee at “zero” if desired. Furthermore, he has discussed this information with the County Administrator about who will administer the program, and whether there are businesses in the County that operate in other localities where they are charged with paying a business license fee and will be denoted as the ones who will be charged with paying the established fee.

After discussion, it was indicated that if the County implemented a business license fee, then everybody should be required to pay the fee.

Chairman Allen advised it was the decision of the Board to make participation voluntary, to which the County Attorney advised is workable.

The County Attorney questioned how many businesses will actually participate and whether moving forward will be viable from an administrative standpoint.

Supervisor Weakley raised concerns regarding reciprocity, as he has spoken with an individual who has advised that enforcement of the fee will actually help him; however, he and a few others have advised they’d also rather have a fee.

Supervisor Elliott asked if a business license was in place here and a business owner worked in Culpeper, would the taxes be paid there or to Madison County, to which the County Attorney advised the fee will be paid to the locality where the sale was conducted.

Supervisor Elliott asked if there was difference between a business license fee and a business license tax.

Mrs. Miller explained that a business license tax must be paid in the locality where the guideline is already in place if we don’t have this requirement in place. In closing, she advised if the County implements the business license tax, the merchant’s capital will need to be done away with.

Supervisor Butler advised that he uses Alexandria as the location of his personal business and pays the business tax to that locality; nothing is paid to Madison County because there is no licensure required here, as it all depends on where you denote your place of business actually operates.

The County Attorney advised that he will need to check with the Commissioner on this issue and report back.

Chairman Allen asked if the Board wanted to move forward with enforcement of the business license fee.



After discussion, it was the consensus of the Board to pull this issue off the table for now.

**h. Budget Calendar (2012-2013):**

The County Administrator provided a brief overview of the proposed budget development calendar for FY2014, which has been provided today for review by the Board.

Ms. Miller provided a brief overview of today's document and reiterated to the members to mark the dates.

The County Attorney advised that Virginia Code requirements for the budget process changed and is in contradiction to when the school's budget needs to be provided. In the past, the County has usually waited to assess what the General Assembly would do in order to have a better idea of proposed funding.

**i. School System (supplemental request [Federal Title I School Improvement Fund]):**

The County Administrator provided a brief overview of the school's supplemental request for \$106,591.92 (Federal Title I School Improvement Fund); there was a deadline for the school system to expend the funds for computer equipment. He advised these funds are in lieu of a reimbursement that should be received by the County shortly. In closing, he has asked where they'd like these funds appropriated and should have this information by the November Regular Meeting.

**j. Animal Control:**

The County Administrator provided a printout containing information pertaining to the Topping Committee's report, with nothing pressing being noted.

Chairman Allen suggested this topic be added to the November Regular Meeting.

**k. Citizen Request (Ed Carpenter):**

Ed Carpenter (1895 Ridgeview Road, Reva, VA) was present and advised that his parcel contains about fourteen (14) acres along with a fifty-foot (50') right-of-way, which has an approved entrance; he build his dwelling on the property in accordance with the specifications in place for a single-family home. At this time, his neighbor is utilizing the right-of-way to park his commercial trucks on for his personal business (i.e. parking and loading material); he had pictures of what is transpiring for the Board to review. In closing, he met with the Board last year about this issue and was advised that the County would look into the issue and take care of it – things did change for a while, but his neighbor has returned to using the right-of-way again. He also contacted VDOT and was advised this is a safety issue, and he feels this issue is in violation of the County's zoning guidelines.



Supervisor Elliott questioned if Mr. Carpenter’s fifty-foot (50’) right-of-way was sold to the property and VDOT advises that only one (1) single dwelling can use the right-of-way, can anyone else use the right-of-way.

The County Attorney advised that the actual terms of a right-of-way are governed by the instrument that creates the right-of-way, and VDOT approval is another step in the process, as there are different types of right-of-way’s. Also, he is unsure of the legal issues pertaining to the right-of-way discussed today. Usually, in order to build a right-of-way, various permits/approval must be attained for development of the right-of-way, and the use of the right-of-way is governed by the deed. Also, there are ‘exclusive’ right of way’s and ‘non-exclusive’ right of ways and a non-exclusive right-of-way allows others to use the area. Furthermore, he advised that he will review the deed and contact Mr. Carpenter, but stressed the fact that:

- a) The County doesn’t do title searches;
- b) It’s VDOT’s responsibility to enforce their issues regarding its requirements pertaining the right-of-way to properties;
- c) The County is only responsible for enforcing its zoning requirements; and
- d) The Madison Health Department is also responsible enforcement of their guidelines pertaining to right-of-way of properties;

Supervisor Weakley asked the County Attorney to please copy the Board members on his response for informational purposes.

Mrs. Frye asked about Resolution #2012-18 concerning the impending hurricane.

After discussion, it was the consensus of the Board to add this item to the November Joint Meeting Agenda for action at that time.

**Closed Session:**

Chairman Allen advised the Board will need to enter into a closed session and the Board will not be taking action upon returning to open session.

**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)(7) pertaining to contract negotiations, specifically the Madison County Transfer Station contract with Waste Management Services, Inc., 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 Butler, seconded by Supervisor Lackey, 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)(7), 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	Absent
Jonathon Weakley	Aye

No action was taken as a result of closed session.

**5. Information/Correspondence (if any):**

Chairman Allen called for information/correspondence, and there was none.

**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	Absent
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: December 11, 2012

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

