

## MEETING #44 – September 24

At a Workshop Meeting of the Madison County Board of Supervisors on September 24, 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-Chair  
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.

Chairman Allen advised that Mrs. Mary Breeden's spouse (Marvin) passed away on this past Friday and family night is tonight from 6:30 p.m. to 7:30 p.m. at Preddy's Funeral Home in Madison, Virginia and the funeral is scheduled for tomorrow.

Supervisor Elliott suggested the Board send condolences in light of the fact that Mrs. Breeden has served on the Commission for years.

Mrs. Frye, Clerk of the Board, advised that this has already been done and has been standard procedure for many years.

In light of the aforementioned information, Chairman Allen called for a moment of silence and to also reflect on the Breeden Family and the recent loss of their loved one.

### **3. Adopt Agenda**

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

Supervisor Butler requested that discussions on Animal Control and the Sheriff's Department be moved to the top of today's Agenda to allow personnel to return to their business (before Financial Review).



After discussion, it was the consensus of the Board to incorporate the aforementioned request – these topics will be denoted at Item 4-0 and 4-1.

Chairman Allen advised the Board will have three (3) matters to discuss in a closed session regarding two (2) contract negotiations and one (1) personnel issue; therefore, he suggested the Board convene in a closed at or before 4:00 p.m., to which all the members concurred.

On motion of Supervisor Lackey, seconded by Supervisor Butler, 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

#### **4. Agenda Items:**

Chairman Allen advised there will be no financial reports for this month due to the Finance Director assisting the County Administrator with other duties; these will be followed up at a later date.

#### **Item 4-0: Sheriff's Department (highway safety and overtime):**

The County Administrator provided copies of policies from the State and the Sheriff's Office; he has also conversed with the Grants Manager who confirmed that Teresa Miller, Finance Director, was correct in her interpretation of management of grant finds, and the fact there must be an amendment in the Sheriff's personnel policy in order to allow for the payment of overtime (by grant funds). At a prior meeting, the Sheriff indicated that his policy does contain an amendment; therefore, the County Administrator requested a copy to pass along to the Grants Manager for review.

Supervisor Butler verbalized concerns that deputies are paid two (2) hours less of the total amount of overtime they work, to which the County Administrator advised they will be paid accordingly.

In closing, the County Administrator advised that when questions arose in February 2012, there wasn't a copy of the Sheriff's policy made available for review which the Finance Director had nothing to present to the Grants Manager for review.

After discussion, Chairman Allen clarified that a solution has been found and no further action is required on behalf of the Board.



#### **Item 4-1: Animal Shelter (Topping Committee Report):**

The County Administrator provided a spreadsheet of the trust funding that was donated by the Topping Family in the amount of \$127,000.00, with the understanding that additional monies will be received in the near future, along with printed designs that showed potential improvements at the facility. Also, the Topping's have a surviving relative that lives in Florida and he has agreed to release his address and telephone number to other entities that received donations.

The County Administrator advised the Committee recently held an open forum to discuss needs, potential improvements, spay/neuter programs, etc. Also, the volunteers are concerned about the fact there isn't an area in which folks can spend time with the animal(s) they'd like to possibly adopt. Also, the Committee is looking at the following ideas:

- \*Installing a concrete slab, plumbing, and a pitch roof;
- \*Enhancing a spay/neuter program;
- \*Suggest that cats be adopted as 'barn buddies';
- \*Possibly allocate funding to assist with adoption costs;
- \*Purchase a stock trailer to haul several dogs or horses at once;
- \*Purchase signage, software;
- \*Name a room after the Topping Family as a memorial;
- \*Provide training for citizens; and
- \*Possibly investigate attaining grant funds to fund various other shelter programs in the community;

Further concerns verbalized by the Board included:

- a) Is there a problem with the existing parking pattern and traffic at the facility;
- b) Perhaps a yearly budget and stats could be implemented and be reviewed at the Board's October Regular Meeting;
- c) Will the County design the proposed renovation or will an engineer be hired;
- d) Will the additional space be used to house additional animals;



The County Administrator advised that the plan is a very simple design and can be accomplished by himself along with the Animal Control Officers (Greg Cave and Wes Aylor), and the Building Official (Wes Smith). In closing, he invited the Board to review the recommendations and provide input.

Supervisor Lackey suggested the County fund the program for a year instead of setting funding aside for the future.

Robert Finks, Director of Emergency Communications, advised that in the past, the County issued coupons to assist with local adoptions at the shelter.

**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 (August 2012 – FY2013)]
- ii. Certificate of Claims [Tourism Enhancement (August 2012 – FY2013)]
- iii. Certificate of Claims [Debt Service (August 2012 – FY2013)]

**b. Minutes #40 through #42:**

Chairman Allen asked if there were any questions pertaining to the above sets of minutes which have been disbursed to all members, as these will be discussed at the October Regular Meeting.

**c. Parks & Recreation:**

The County Administrator advised that the Parks & Recreation Authority has been in existence for twenty (20) years, but hasn't been an 'operating authority', in that the County is currently the fiscal manager. In recent times, there has been an attempt to separate the park and recreation department from Facilities, which is why the County has two (2) separate departmental budgets in place. Furthermore, in order to be categorized as an 'operating authority', they will need the essential tools in order to accomplish this goal (i.e. funding), and from a legal standpoint, the County can:

1. Lease Hoover Ridge to the authority (i.e. residual property) and allow them to manage operations at the property for recreational purposes;
2. The County can continue to serve as the fiscal manager, purchasing agent and manage human resource issues, as the authority isn't set up to handles these responsibilities;
3. The County could authorize the authority to manage their own departmental budget;



4. The County can continue to appoint members to the authority as terms expire (the authority must consist of an 'even' number); and Supervisors can also be appointed;
5. The County could require the authority to pay insurance and manage the Farmer's Market at Hoover Ridge;

Additionally, all equipment that is used by the Facilities Department is stored at Hoover Ridge – the actual property and all equipment stored there is insured for \$188,846.00 with annual payments of \$3,500.00. Furthermore, today's proposed changes will require the authority to maintain all the equipment stored at Hoover Ridge with the understanding that the County be allowed to use the equipment when necessary.

The County Administrator advised the County could implement the option to have the authority maintain the Thrift Road Complex and the American Legion, along with some school property and the property at Middle River (to include snow removal). Furthermore, provided highlights on the departmental budget and advised additional personnel will be needed (i.e. full-time secretary, working manager, part-time staff, and volunteers) to assist with various duties. In further information provided, he advised that the open position in the Facilities Department 'has been dropped' which has been budgeted (i.e. Maintenance Technician), which does show some savings in today's reports.

Chairman Allen asked Eddie Dean, Authority member, for input.

Mr. Dean advised that today's concept is very good and should be looked into, as this will help the authority in its fundraising attempt to assist with improving Hoover Ridge and will also be a benefit to the Madison County Board of Supervisors. Furthermore, the idea of having a 'working manager' to assist the authority and facilities staff will be able to assist with improving the facilities at Hoover Ridge. Also, as more things are developed at Hoover Ridge, the demand will become greater. In closing, he advised the authority has motioned (to request the County) to be allowed to manage the facility, and this issue has been discussed amongst several authority members at the September meeting, but not with the entire authority board, and he feels this is a 'big step in the right direction.

The County Attorney advised that Orange County underwent a very similar situation whereas a 'booster club' was taken over by a recreation authority that ended in discord. Although he feels that Madison County is beyond 'youth sports and rec authority problems', he suggested the Board might want to discuss concerns with some of the Supervisors from Orange County to gain an understanding of this issue pursuant to the Virginia State Code.

The County Administrator advised that he has spoken with Ms. Julie Jordan, Orange County Administrator about the above referenced issue and has copies of information (i.e. agreements) to provide to the Board for review.



Chairman Allen advised in the past, the today's direction is one the Board wanted to pursue; however, due to the fact that more information has been provided now, is this something the Madison County Board of Supervisors would like to pursue, although this seems to be something the Park & Recreation Authority would like to implement.

Supervisor Lackey advised she was in favor of the Board moving forward; however, she if there were legal obligations that weren't being met on the part of the County in order for the authority to operate in the manner they'd like to operate. In closing, if the County continues to manage fiscal, human resources and purchasing for the authority, it appears the bulk of authority will continue to be managed by the County instead of the authority, to which Supervisor Elliott concurred.

Supervisor Butler advised he has attended many of the authority's meetings and has seen much improvement demonstrated by their Board taking more authority; however, he does have concerns about management and feels the County should establish a goal (i.e. 2016) to refrain from providing management responsibilities and begin phasing out in 2014 to allow the authority to implement management of fiscal, purchasing and human resource actions. In closing, he feels the County Administrator's time has been well spent in determining 'what aspects are related to the County and to Parks & Recreation' – perhaps the Board should review the denoted items individually.

Supervisor Weakley suggested the County continue to move forward; he also questioned who was responsible for answering questions pertaining to certain issues (i.e. referees), as there seems to be a 'void' in place. Furthermore, the authority's board consists of dedicated volunteers who have brought forth some very creative ideas authority board of volunteers who have very creative in bringing for the ideas and he'd like to see the 'flame continue to be fueled' and would also like to see the County implement a goal of removing some of the managerial positions that are currently undertaken, and feels this will come in time as the authority expands their operation and other existing roles. In closing, he has received comments from Culpeper citizens who played on the soccer fields here and how impressed they are with what Madison County has in place here, which is very encouraging.

Chairman Allen agreed with much of what has been verbalized and feels today's proposal is the direction in which to go; however, as indicated by the County Attorney earlier, the County doesn't need to 'rush in blindly' and needs to have a good grasp on what is being proposed.

In closing, it was the consensus of the Board for the County Administrator to continue with investigating today's process.

Chairman Allen questioned whether it will be possible to implement today's proposal by July 1, 2013.



The County Administrator feels this can be accomplished, as does Mr. Dean. In closing, he feels that any weaknesses will be discovered through an audit.

Chairman Allen asked it would be possible to implement today's proposal by July 1, 2013, to which the County Administrator and Mr. Dean both advised it could be accomplished.

Mr. Dean advised that he has determined there are some advantages to implementing changes earlier as the numbers that have been discussed (i.e. incoming revenue vs. expenditures) needs to be under better control. Furthermore, he feels there has been an overstatement in regards to a fiscal manager, purchasing manager and human resource manager, and that the County's books would be used for record keeping by an individual with parks and recreation under the direction of the County Administrator and Finance Director. Additionally, he feels there is a step currently missing which is part of the reason there are questions about the amount of revenue being received and what's being spent by parks and recreation. Furthermore, he urged the County to move forward with today's proposal as the County is already paying all the bills; therefore, rather than to have two (2) sets of books that will both need to be balanced, it will be more viable to allow the parks and recreation employee utilize the County's software to ensure more accurate records and allow for easier manageability for the County's personnel, which has also been discussed with the County Administrator.

Chairman Allen advised that Supervisor Weakley and Supervisor Butler are appointed to the Parks & Recreation Committee and are available to provide input if necessary.

Mr. Dean also advised that the authority is working on a revised set of bylaws which has also been forwarded to the County Administrator for review and advisement.

Supervisor Weakley asked for an update on the State Code issue brought forth by the Virginia Department of Health concerning parks and recreation.

The County Administrator that a letter of response has been received from Delegate Ed Scott; however, it appears things are still about the same, in that a temporary permit (short-term) or an Ordinance will be needed, as indicated by the Health Commissioner; however, he is unsure of the legal ramifications involved.

The County Attorney advised there are a couple of interpretations and the above referenced suggestion may be a benefit; however, he senses that Delegate Scott and Senator Hangar are looking into possibly amending the State Code, specifically to add sports organizations into the list. In closing, he feels that if there is an amendment to the State Code, then a temporary solution may be incorporated.

Supervisor Weakley advised that Dwayne Dixon, Sanitarian, attended the recent meeting of the park and recreation authority and there was some discussion on suggestions on ways the authority can 'deem' themselves as a 'social group' – he



questioned whether any follow-up information has been provided, as the guidelines are to be implemented effective October 1, 2012, and Mr. Dixon has advised that he will be at the site to do some checking on that date.

The County Administrator advised the first letter from Mr. Switzer stated October 1, 2012; however, the second letter had a date of October 15, 2012 and that the County should be able to comply by October 14, 2012. In closing, he feels that although Mr. Switzer didn't agree with the County's extension request, but identified a different deadline date.

Supervisor Elliott asked whether a letter could be drafted to the Madison Health Department to denote that due to unforeseen consequences imposed upon the County, we will be taking all monies used to fund the local health department to offset the funds necessary to meet the new guidelines.

Supervisor Lackey indicated there are a number of Counties that are exempt, to which it was indicated that several localities have enacted an Ordinance and they have assumed the required responsibilities, which doesn't appear to be an affordable option for the County.

The County Attorney feels the letter from the State Health Commission carries more merit than what Mr. Dixon has indicated. In closing, he advised that some concessions are still able to operate because they are exempt from the imposed guidelines.

Chairman Allen advised that he and Supervisor Weakley attended a recent meeting in which Delegate Scott was still willing to sponsor legislation to exempt youth sports groups from the State Code being imposed. In closing, he advised the next session of the General Assembly isn't until Spring 2013.

The County Attorney advised that another issue of concern is there are many other concessions operating other than youth sports.

Additional comments were made as to whether parks and recreation would be allowed to operate under a sponsorship.

Mr. Dean advised that Mr. Dixon took a copy of the revised bylaws and indicated there was an exemption in place for social clubs, and that the sports organization should qualify as a 'social organization.' In closing, discussions were verbalized regarding the Ruritan Club and the fact they are exempt but do have membership that pay dues, and have a working set of bylaws which makes them qualify as a social club, which is basically what the authority has in place.

Chairman Allen questioned whether there are a number of events that can be sponsored under the imposed exemption.



The County Attorney advised that it appears Mr. Dixon feels the guidelines are very different than what was stated in the letter dated August 15, 2012 where it specifically states that 'youth sports organizations are not listed as an exempt organization.'

Supervisor Butler advised that his perception from the meeting was that folks working the concessions may be able to work out some of the problems in the interim until the issue is resolved.

Mr. Dean advised that none of the folks working concessions are planning to do anything that may place anyone in jeopardy, but only what to do what's necessary to be in compliance with the guidelines established by the Virginia Department of Health (i.e. use of a meat thermometer, utilizing a hand washing station, etc.); however, there appear to be a different set of rules for several scenarios.

After discussion, it was the consensus of the Board to ask the County Administrator to follow up with Mr. Dixon on this issue as it pertains to youth sports.

Supervisor Lackey questioned whether an extension could be granted until the end of the football season, to which Supervisor Weakley advised that was asked for; however, this was presented in the past and doesn't involve the "Boosters", as the food is provided by parks and recreation. In closing, he advised that the "Boosters" are looking to see if the fact of having a 'membership' could qualify parks and recreation as a social club.

Chairman Allen asked if the correspondence being referred to was with the County Administrator or the Park and Recreation Authority.

Supervisor Weakley advised that he asked for the County Administrator to be copied on all correspondence.

After discussion, it was the consensus of the Board to authorize the County Administrator to proceed with the aforementioned issue.

**d. Madison County Planning Commission (expiration of terms):**

Chairman Allen advised that a letter has been presented to denote that two (2) commission members' terms will be expiring at the end of 2012; Mr. Rodney Lillard has served two (2) consecutive terms and isn't eligible for reappointment and Mr. Lloyd Williams is eligible for reappointment, but doesn't wish to be reappointed.

Teresa Miller, Finance Director, advised that the local newspaper has failed to advertise the notice regarding the CIP on two (2) occasions.

The County Attorney advised that when this has occurred with ads he has placed, a charge isn't incurred.



**e. Madison County Board of Equalization (advertisement/timetable):**

Chairman Allen advised a copy of an ad for the Board of Equalization has been provided for review and advisement.

Mrs. Frye advised today's copy is an old version and is provided for review – dates will be changed before publishing.

**f. Fireworks Permit:**

Chairman Allen advised this issue has already been resolved; therefore, no further discussion or action is required.

**g. Festival Ordinance:**

Chairman Allen advised that a list of activities that were identified years ago as being denoted as a 'festival' – he asked if there were any noted that the Board would like to exempt and/or charge.

Supervisor Butler advised the list is the same as the one the Sheriff's Department imposes a charge for. In closing, he advised that no action is required if there are less than 1,000 participants, but the process is different if there are 5,000 (or more) participants.

The County Attorney that he also sent out copies of the information that Orange and Culpeper have in place. In closing, the main issue advised that the County has generally based guidelines on the fact whether music is played at an event.

The County Administrator advised the ordinance does require that emergency services personnel be notified of special events.

After discussion, it was the consensus of the Board to leave the existing festival ordinance as it is.

**h. Auctions:**

Chairman Allen advised there has been some questions regarding a recent auction that took place and whether the event was done in compliance with the County's guidelines.

Supervisor Butler referenced the recent changes to the County's Ordinance pertaining to auctions and feels that everyone should be treated the same (i.e. event held at an establishment or in a yard). In closing, he advised there are no regulations for a State sale.

Supervisor Butler advised that he spoke with the County Administrator regarding the auction that was held at 5698 Seminole Trail and one at Jack's Shop Road (advertised as



estate auctions); in his opinion, the Ordinance was very clear in advising that a special use permit was required, and nothing was done; this is an area the Board needs to make some clarification, as he doesn't feel there is a difference between an estate auction held in a building or in a yard. Furthermore, he feels the Ordinance pertaining auctions was written primarily for one (1) individual and feels that everybody should be treated equally and a special use permit should be required (whether an auction is being held here in a building) until the Board makes some modifications.

Chairman Allen expressed concerns that requiring a special use permit for a one-day auction seems a bit unreasonable, in his opinion; he feels if this term is back into the list of 'occasional uses', it doesn't give anyone the latitude to open up a business, but does allow independent auctions to be held for a day or two; however, if an auction goes for three (3) days, a special use permit will be required, which is different from an auction establishment. In closing, he clarified there is contention as to whether an independent auctioneer holding an estate sale can be allowed to hold an estate sale, which was never addressed in the past. Also, if property is removed from an estate to an alternative location for an auction, this use isn't covered under the existing Ordinance. In closing, if "auctions" is added to "occasional uses", the aforementioned use will be covered and considered as a 'one day sale' and will be exempted if it doesn't occur more than once every thirty days (30).

Supervisor Butler referenced that the Ordinance contained a paragraph that indicated if something (i.e. a specific use) isn't listed, it can't be accomplished, which has caused much controversy. In closing, he feels a procedure needs to be implemented to make an efficient decision as to what can or cannot be accomplished.

Supervisor Elliott indicated that he had no intention of casting a vote on this issue, and feels the Board is confusing an 'estate sale' with 'auctions' which are two (2) different things; auctions entail action where things are sold to the highest bidder and estate sales involve items that are already priced. In closing, he has no issues with someone holding estate sales, but there is a difference when items are brought into an enclosed establishment, as the location must be zoned B-1.

The County Attorney referenced that it would be desirable to have auctions listed as an "occasional use" and require a special use permit for those individuals who desire to hold a one day sale. Furthermore, he unsure whether the issue of having a sale in an enclosed establishment versus having one in the open is a huge difference that isn't irrelevant, if it isn't done on a regular basis (i.e. more than three (3) times per year).

Chairman Allen asked the County Attorney to forward a copy of the Ordinance to all Board members for reference.

Supervisor Butler asked if there were any funds in the highway safety line item to allow the Sheriff to perform this task.



The County Administrator advised that a transfer has been made to resolve this issue (i.e. part-time overtime).

**i. Business License Fee:**

Due to time constraints, it was the consensus of the Board to defer discussion on this item until the October Workshop Session.

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

Due to time constraints of today's session, it was the consensus of the Board to defer discussion on this item until the October Workshop Session.

**k. VACo (Voting Credentials for the Annual Business Meeting):**

Chairman Allen advised the County will need to sign off that people attending the meeting have the right to cast a vote – Supervisor Lackey is denoted as a member that will be attending and that if she isn't present, the County will need to appoint the County Administrator to act as a voting member in her absence (for the one [1] vote).

After discussion, it was the consensus of the Board to allow Ernest Hoch, County Administrator to sign off in the absence of Supervisor Lackey.

Supervisor Lackey advised that October 10, 2012 has been set aside as the day the Rappahannock Rapidan Regional Commission will hold their annual meeting and dinner – she will be out of town and asked if someone from the Board can attend.

It was denoted that all members received this notice and the County Administrator advised that he is planning to attend the function.

**Closed Session:**

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

**a. Closed Meeting**

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(1) pertaining to personnel matters, specifically comp and personal leave time, and Virginia Code Section 2.2-3711 (A)(7) pertaining to contracts, specifically Waste Management, Inc., and a second contract pertaining to real estate, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye



Pete J. Elliott	Aye
Jonathon Weakley	Aye

**\*Supervisor Elliott left at 4:52 p.m. during the closed session and didn't cast a vote on either of the closed session motions\***

***b. Return to Open Meeting***

On motion of Supervisor Butler, 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	Absent
Jonathon Weakley	Aye

***c. Motion to Certify Compliance***

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board voted to individually certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(1) and (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 reminded the Board members that the County Administrator's evaluation will need to be conducted at the October Regular Meeting in closed session – he asked all members to review the form. In closing, he asked Mrs. Frye to remind Supervisor Elliott about the evaluation and to review the form and be ready to discuss performance issues.



**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 to the Board

Adopted on: November 15, 2012

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

