MEETING #23 April

At a Workshop Session of the Madison County Board of Supervisors on April 22, 2014 at 6:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert Campbell, Member
Kevin McGhee, Member
V. R. Shackelford, III, County Attorney
Ernest C. Hoch, County Administrator
Leo Tayaman, Finance Director
Jacqueline S. Frye, Deputy Clerk

Supervisor McGhee arrived at 6:10 p.m.

Agenda:

1. Call to Order

2. **Pledge of Allegiance & Moment of Silence**

The Board of Supervisors commenced their meeting with the Pledge of Allegiance and a moment of silence.

3. Determine Presence of a Quorum

Chairman Lackey advised that a quorum was present.

4. Adoption of Agenda

Chairman Lackey called for adoption of today's Agenda.

Supervisor Jackson moved the adoption of today's Agenda as presented, seconded by Supervisor Campbell, with following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

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5. Financial Reports

Chairman Lackey advised that all members have received a copy of the financial reports for review; any questions pertaining to the reports can be directed to the Finance Director or the County Administrator prior to the May Regular Meeting.

i. General Operations (Fund 10) FY2014 – March
ii.Certificate of Claims (Fund 11) – Tourism Enhancement FY2014 – March
iii.Certificate of Claims (Fund 40) – Debt Service FY2014 – March
iv.Supplemental Requests – General Operations – March 2014 –FY2014
v. TOT Fund Appropriation(s)

The County Administrator advised there is an additional claim for the TOT Fund that will need to be acted upon at the May Regular Meeting. Claim reports were provided to show full details of the total funding collected and expenses today since the inception of the TOT Fund. Today's packet includes a funding request totaling $4,800.00 for appropriation in order to cover the costs associated with hosting the recent Economic-Tourism Summit held earlier this month.

6. Minutes:

Chairman Lackey advised the Board held off on the approval of Minutes #13, which were requested to be reconsidered.

Supervisor Campbell verbalized concerns that the first portion of Minutes #13 were missing; he also felt the conduct during the second half of the meeting was unprofessional.

a. #13
b. #17 through #21

Chairman Lackey asked that any corrections be submitted and corrected copies will then be forwarded to all members for review and advisement.

7. Discussion:

a. VDOT [Six Year Road Improvement Plan for Madison County]

Greg Banks, Program Management Analyst, and Roy Tate, Assistant Residency Administrator, were present for today's presentation.

Mr. Banks provided an overview of the various categories listed in the proposed Six Year Road Improvement Plan for Madison County, Virginia (FY2014-2015 & FY2019-2020); an explanation was also provided pertaining to the available funding which has been reduced from last year. Information was also provided for unpaved road improvement options, and criteria required by the Virginia Code (i.e. traffic

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count) for traditional unpaved, paving in place and the rural rustic program. Current roads included in the County's proposed plan include:

- Twyman's Mill Road
- Shifflett's Corner
- Yager Mountain Road
- Booton's Lane
- Fletcher Road
- Forest Drive

Mr. Banks suggested that VDOT and the Board work together to ensure the above referenced projects are those the County would like to include in the existing plan. He also noted that in the event citizens would like to request VDOT consider a specific roadway for inclusion to the proposed six year plan, signatures are sought from all inhabitants living on the roadway requesting to be considered. A County map was also included that denoted the projects for the County highlighted in ***'yellow.'***

Concerns verbalized by the Board pertained to:

- Tab 13 (Right-of-way)
- 'No plans' projects
- Rural Rustic projects
- Bridges on Route 231jobs

Mr. Banks provided a brief overview of criteria involved with:

- Road widening (that may include right-of-way)
- No plans projects (includes spec/and plans w/o any cross section)
- Rural Rustic projects (actually no plans projects)
- Bridges (Route 231 and one in Hood, VA)

After discussion, it was denoted the ad date for Mulatto Run (Route 231) was scheduled toward the end of 2014; however, the intent has now been to advance the original date and begin construction in early 2015. It was also advised that once the project has been advertised and bid in the summer, construction will begin within (60) to (120) days after bidding; therefore, message boards will be in place to advise the citizens accordingly.

It was questioned whether the funding allotted for the western bypass is now available for reallocation since the project will not be brought to fruition, to which Mr. Banks advised he was uncertain of the status of the aforementioned project.

****Public Comment Opportunity (will be as close to 7:00 p.m. as possible)***

Chairman Lackey opened the floor for public comment.

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Maria Lane (Etlan, VA) expressed concerns about the safety of her road (Leather's Lane) located in Syria Mountain Estates, and whether emergency vehicles can easily access the area. A grant application has been completed and submitted that will help defray costs to provide directional signage in the area.

c. Parks & Recreation (Basketball courts)

Eddie Dean, PRA Board member, to provide an update on project information presented to the County for Hoover Ridge; the PRA would like to request a change in the location of the existing basketball courts; the proposed work will be funded through PRA funds already in place from fundraising. A map was provided to denote the current location and the requested future location, which will require a minimal amount of grading. The proposal will not require any County funding and will also allow a place for recreation during the summer months when the school gyms will be closed for school project renovations.

After discussion, it was the consensus to allow the PRA to move forward with today's proposed request.

f. Storage Building Plans

The County Administrator provided plans for the proposed storage building (i.e. pole barn) for review and advisement. The proposed building will provide storage for the Sheriff's Office (in a separate area) and other County offices. The proposed location will be at the landfill south of the landfill cell – there are currently some small pines that will need to be moved. An E&S plan has been completed and filed. The building will:

- Have concrete flooring
- Be surrounded by gravel and contain chain link fencing for security
- Lighting and insulation (excluding climate control equipment)

And will provide:

- Storage for the Sheriff in a separate portion of the structure
- Storage for other County offices

In closing, it was deemed the building will eliminate the need for law enforcement vehicles to be parked in town, thereby freeing up space for citizen parking.

The County has budgeted $60,000.00 for this endeavor, as denoted in the contingency fund (i.e. County move); options for consideration include:

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- ✓ Option #1: Place the entire project for bid with an individual contractor
- ✓ Option #2: Allow the County to act as the general contractor for the job and sub out various pieces of the work involved (i.e. permits [building, etc.])

The County Administrator suggested that Option #2 be assessed, as this option will provide a cost savings to the County (i.e. materials will be purchased directly) and eliminate the need to hire a contractor.

Erik Weaver, Sheriff, was present and advised that his office is in need of storage space for evidence; some files must be retained for up to thirty (30) years and need to be kept secure. Additionally, space is being utilized for storage in various locations (i.e. Estes House, sallyport, etc.). It was advised that fans will be used to provide some ventilation in the building.

The County Administrator advised that a consensus will be needed today to take action on this issue at the May Regular Meeting, as quotes will need to be attained.

Supervisor Weakley advised he was in favor of attaining pricing, but had concerns about spending since the state hasn't yet passed a budget.

After discussion, it was denoted the required funding will be taken from the contingency fund denoted in the FY2014 budget and will not the FY2015 Budget.

Supervisor Campbell moved the Board continue the workshop session until after the public hearing, seconded by Supervisor Weakley with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

Chairman Lackey reconvened the workshop session and continued with Item (b).

b. Storm Water Program (Opt-in/Opt-out)

The County Administrator presented a copy of a letter received from DEQ along with a memorandum prepared by Brian Daniel, Erosion & Sedimentation Technician, for review and consideration. He advised the storm water permit is a 'State' permit; regulations were initially passed to require localities to manage the permit; a mandated fee was implemented and localities were free to manage the program.

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Additional information advised that:

i. Extensive discussions have taken place within the General Assembly
ii.Rural localities can to an agreement in lieu of a plan (for a single family dwelling)
iii.The State can elect to assume full control of their permit'
iv. The localities can elect to 'opt out' or 'opt in'
v. The County can elect to assume control of the program

He further advised, if the County elects to 'do nothing', the State will automatically assume control of the plan. Currently, mixed views have been verbalized by surrounding localities (Culpeper, Orange, Rappahannock) and most are electing to 'opt out.' In the event the County elects to 'opt out', revisions will be needed to the current Erosion & Sedimentation Ordinance and a repeal of the County's existing Storm Water Ordinance. If the County elects to assume control of the program, there will be costs associated with operations. Regardless of what decision the County ultimately makes, there is a provision that will offer the option to 'opt in' or 'opt out' in the future. Opting in will require the adoption of a Storm Water Ordinance by July 1, 2014 along with a fee structure.

Chairman Lackey called for comments from the Board.

Supervisor McGhee: Suggested the County repeal its current Storm Water Ordinance and allow the State to assume operation of the plan.

Supervisor Campbell: Advised dissatisfaction with any intentions of 'opting out and then opting back in.'

Supervisor Weakley: Questioned the length of time involved with the requested permit.

Mr. Daniel advised the term of the storm water permit will be five (5) years; the State has decided to charge a designated fee amount for each year of the permit; he suggested the County elect to 'opt out' of the program.

After discussion, it was the consensus of the Board to 'opt out', as there is much about the program that hasn't yet been clarified.

The County Administrator advised that he and the County Attorney will work on scheduling a public hearing to repeal existing Storm Water Ordinance and amend the Erosion & Sedimentation Ordinance, preferably at the June meeting.

d. Extension Office (Resolution)

The County Administrator presented a Resolution submitted by the Extension Office to recognize the 100th anniversary of the establishment of extension offices, for review and advisement.

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After discussion, it was suggested this item be added to the May Joint Meeting; Mr. Jarvis will be asked to attend to provide input.

e. Rapidan Better Housing (Weatherization Program)

The County Administrator advised he met with a representative from the Fauquier Housing Corporation/Rapidan Better Housing Corporation recently to discuss a grant application to fund a weatherization project. This program will not interfere with any of the programs offered by MESA or Skyline CAP. A copy of a past letter was submitted for review and consideration. In closing, he asked the Board to authorize a letter of support for the grant (up to $50,000.00).

After discussion, it was the consensus of the Board to authorize the County Administrator to send a letter of support as requested.

8. Information/Correspondence (if any)

<u>FOIA Requests</u>

Chairman Lackey verbalized concerns regarding the extensive amount of time the County Administrator is having to expend on FOIA requests; there has been some indication many of these requests are frivolous and don't involve information that is considered to be FOIA in nature.

The County Administrator advised that many of the questions being submitted are actual 'questions' and appear to be never ending. He has encouraged citizens to schedule a meeting to discuss concerns, or set aside time to meet with a Board member to discuss issues in detail, if they'd like. In his opinion, he feels that some folks don't actually understand what "FOIA" requests involve, as the guideline doesn't require the County to create anything, but to provide what is actually available. At the present time, he's being required to 'create' answers to many of the questions being submitted. In closing, he feels the County should be as transparent as possible, but pulling bits and pieces of information is difficult with limitations on existing staff.

The County Attorney explained that "FOIA" relates to public documents; there are frequent requests that are partially for a FOIA document and partially for an opinion/interpretation. He advised that he feels it's best to provide any public documents requested when part of the request is considered to be for "FOIA" documentation, as he feels the law is very clear on this matter. Furthermore, losing, he urged the County to continue with the current practice and also advised the surrounding localities are experiencing these same types of experiences at the present time. In closing, he advised that folks can be charged for copying time, the fee should exclude the calculation of costs for employee benefits in the overall fee being applied. Also, there is a provision that in the event the charge for information exceeds $200, compliance isn't followed through until said amount is paid.

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Supervisor Jackson suggested that all rational requests should be responded as appropriate.

The County Attorney advised it's the job of the individual requesting documentation to make a comparison of the information provided, and not the responsibility of the County to interpret information that has been requested.

Supervisor Campbell verbalized concerns of being accused of 'creating' the issues pertaining to the influx of FOIA requests.

The County Administrator advised that he's available to discuss concerns with the citizens in lieu of having the Board members handle these types of issues.

Town Hall Meeting:

Supervisor Campbell advised of the upcoming town hall meeting that he will host at the Brightwood Ruritan Club; he invited the Board members to attend if they so desire.

The County Attorney advised in his opinion, the aforementioned session would be an improper public meeting for more than two (2) Board members to attend and/or address any issues being discussed. In closing, he advised the prior Board did host town hall meetings attended by the full Board, during which time all members did attend; however, he interprets the meeting being discussed tonight is one called by Supervisor Campbell.

Supervisor Weakley verbalized concerns about a letter published in last week's edition; he questioned what type of approach the Board can take in order to answer all questions.

Chairman Lackey asked the County Attorney for guidance on the town hall meeting being hosted by Supervisor Campbell, as she has concerns it would be inappropriate for all members to attend and speak.

Supervisor Campbell advised that opinions have been received from several politically connected individuals who have advised it's legally correct for Supervisors to answer citizens' questions if there are no notes being discussed during an open session.

9. Adjournment

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

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Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

_____
Doris G. Lackey, Chairman
Madison County Board of Supervisors

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Clerk of the Board of Madison County Board Supervisors
Adopted on: June 24, 2014
Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, V. R. Shackelford, III & Constitutional Officers

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Agenda
Workshop Session
Madison County Board of Supervisors
Tuesday, April 22, 2014 at 6:00 p.m.
Thrift Road Complex
302 Thrift Road, Madison, Virginia 22727

Agenda

1. Call to Order
2. ***Pledge of Allegiance & Moment of Silence***
3. **Determine Presence of a Quorum**
4. **Adoption of Agenda**
5. **Financial Reports**
   i. General Operations (Fund 10) FY2014 – March
   ii. Certificate of Claims (Fund 11) – Tourism Enhancement FY2014 – March
   iii.Certificate of Claims (Fund 40) – Debt Service FY2014 – March
   iv. Supplemental Requests – General Operations – March 2014 – FY2014
   v. TOT Fund Appropriation(s)
6. **Minutes:**
   a. #13
   b. #17 through #21

Public Comment Opportunity (will be as close to 7:00 p.m. as possible

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7. Discussion:

a. VDOT [Six Year Road Improvement Plan for Madison County]
b. Storm Water Program (Opt-in/Opt-out)
c. Parks & Recreation (Basketball courts) f. Storage Building Plans
d. Extension Office (Resolution)
e. Rapidan Better Housing (Weatherization Program)
f. Storage Building Plans e. Rapidan Better Housing (Weatherization Program)

8. Information/Correspondence (if any)

9. Adjournment

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