

## MEETING #6 January 28

At a Workshop Session of the Madison County Board of Supervisors on January 28, 2014 at 6:00 p.m. in the Thrift Road Complex located at 302 Thrift Road:

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

### Agenda:

#### 1. Call To Order/Determine Presence of a Quorum

#### 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. Adoption of Agenda

Chairman Lackey called for adoption of today's Agenda.

Supervisor Jackson moved the adoption of today's Agenda, seconded by Supervisor Weakley.

Supervisor Campbell suggested Item 9-g be added to discuss consideration of a pay reduction for the Madison County Board of Supervisors.

Chairman Lackey advised it was previously discussed to add the aforementioned topic to budget discussions on January 29, 2014.

With the following motion recorded:

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

#### 4. Minutes #1:

Chairman Lackey advised that a copy of the minutes have been submitted to all members electronically; standard procedure calls for minutes to be sent to all members; corrections are to be submitted and documented; corrected copy will then be re-sent to all members for review and advisement

Chairman Lackey advised that a correction will be needed on page 2 of Minutes #1 pertaining to the nomination – Supervisor Jackson vote ‘Aye’ instead of ‘Nay.’

In closing, it was suggested that a copy of the minutes be kept in a notebook in the Board of Supervisor’s office for all members to review and denote any corrections rather than to make an individual copy for all members. Also, it was suggested a master copy of the financial reports be made for review in addition to being submitted electronically.

#### **5. Parks & Recreation Authority Sign Request for Hoover Ridge:**

J. T. Price, PRA Chairman, and Gerald Carpenter, PRA Director, were present at today’s session.

Mr. Price advised the PRA would like to have the Board’s permission to erect a sign at Hoover Ridge; fees associated with the request will be funded from the Gentry Memorial Foundation; size will be 16’ x 40’ – inlay will consist of granite sized 10’ x 18’. Location is within the County’s ordinance guidelines pertaining to signage, as per Betty Grayson, Zoning Administrator. In closing, he advised the funding provided through the Gentry Memorial Fund was donated about ten (10) years ago and the endeavor is long overdue; landscaping efforts will be donated by a local nursery. A photo was provided to show the area in which the proposed sign will be situated.

The County Administrator advised the MOU between the County and the PRA indicates that if anything is done at Hoover Ridge beyond the original scope plan, permission must be attained from the County.

Mr. Price also advised the PRA would like to establish a pavilion at Hoover Ridge which will be funded through the Carpenter Foundation. The location for the pavilion will be located at the knoll on the opposite of the road (from the farmhouse); available funding is now \$20,500.00 – size will be 40’ x 70’ with plans for expansion in the future.

The County Administrator advised the Board has generally waived building permit and inspection fees for projects done on County property, which was agreed by the Board.

It was the consensus of the Board to act on today’s requests presented by Mr. Price at the February Regular Meeting, as this endeavor will have a positive impact for the County.

## 6. Storm water Ordinance Review, Update

The County Administrator provided information on the proposed storm water Ordinance fee schedule; a few changes have been incorporated into the existing County Ordinance that will impose an impact on various parcels; fees provided were those suggested by the State and will be collected separately by the State directly.

There are a number of bills on the floor in Richmond which may impose changes, deletions, or a hold on the proposed program; a sheet was provided to denote the fee schedule and how such fees are derived (i.e. Madison Plan Review, State Share, VMP); most one acre lots didn't include the driveway, which will now need to be counted under the new proposed storm water Ordinance (i.e. disturbed land (digging, laying gravel)); proposed changes don't affect farmland. Most home sites in the County are under an acre, although this may change in the future.

The County Attorney read the definition noted in the Ordinance for 'land disturbance activity.' Additionally, laying gravel will fall under 'land disturbance activity'; the storm water guidelines will pose an additional workload on CoCounty staff, as follow up procedures will need to be implemented; the CoCounty must have something in place by May 15<sup>th</sup>; the advertising schedule was provided, which may change based on the 90-day session of the General Assembly.

The County Administrator advised if changes are made by the General Assembly, he will pass this information along to the Board for review and advisement.

Chairman Lackey suggested the County have some justification for the rates when the proposed storm water Ordinance fees are scheduled, to which the County Administrator advised the County may implement its own rates, but the State rates will be required, although this isn't suggested by the State.

The County Administrator advised there will be guidelines in place for post construction inspection which is being pushed by DEQ; if a site plan requires a "BMP" (best management practices for storm water management [i.e. retention pond]) for a development that includes a large run-off, the site will need to be inspected forever by the County; the owner will be requested to make any necessary repairs and if not tended to, they will be fined.

Some grant funding was recently provided through the Culpeper Soil & Water Conservation District and was used to inspect all the "BMP's" located in the County.

The County Attorney advised the next step will be to advertise for a public hearing with the fee schedule attached – fees can be decreased from what's advertised, but not above; changes will also be needed to the County's flood plain Ordinance; he suggested a dual public hearing be scheduled to cover both aforementioned Ordinances.

## **7. Employee Pay Study Review**

The County Administrator indicated a salary study was done in the past, at the request of the Board (2005); a partial study is being presented today for review, as the numbers will need to be updated (figures attained in July 2013); information was attained from surrounding localities with the main focus being on Culpeper County's scale; the current County pay scale was provided for review and advisement as to the job duties, range, and at what range the individual is operating at (i.e. starting, exceeds, expert, maximum); beginner, middle, expert); it was recommended that a 'split' scale be done to denote County government and public safety; E911, the Sheriff's Office and EMS have received recent pay scale upgrades. In closing, he advised the prior Board asked for input and phase in recommended amounts over a period of time; there will need to be an assessment of the date to reorganize pay grades, positions, and possibly implement a plan that will impose a minimal impact; information has also been attained for Greene and Orange localities as well.

It was suggested the Board perhaps look at tenure and use today's document as a planning tool; some salaries are a bit out of line. It was suggested the salaries are a bit out of line; it was also suggested salary information be attained from Greene and Orange as well. After discussion, it was felt that increasing salaries across the Board should be reviewed; the County can't compete with the larger localities in the State.

Supervisor Weakley questioned if the County has any type of policy in place to assist the County when folks receive paid training and then make plans to leave.

The County Administrator advised the Sheriff's Office is looking at the aforementioned concerns; EMS does have something in place. The Sheriff has verbalized interest in seeking to move forward with implementing some type of requirement; the overall financial impact to the County based on today's document tool is \$114,000.00 (3.8% increase).

After discussion, it was suggested the Board review today's information; additional information can be provided upon request of the County Administrator; this topic will be further discussed at a future workshop session.

## **8. Board of Supervisors Code of Ethics, considerations/modifications**

Chairman Lackey advised there will be no changes made to the Code of Ethics at tonight's session, but asked for specific items anyone would like to see changed.

Supervisor Campbell asked that the following items be considered for review:

- Item #7: Communication (page 3): Suggested the Board pay attention to any outside sources outside of the public decision making process (i.e. public interest and/or input); wants to be sure this is adhered to.

- Item #14 (second sentence): The Board of Supervisors delegates authority for the administration of the County to the County Administrator; members shall not interfere with the administrative functions or duties. He suggested this be reworded to advise that 'individual members shall not interfere with the functions of the County, individual staff or the County Administrator.'

Chairman Lackey a motion can be made at the February Regular Meeting to amend Item #14 to state "individual members....."

After discussion, it was advised the understanding is that the County Administrator does tend to things without interference from the Board; anything less would be deemed micromanaging, which would call for the Administrator to come to the Board for everything.

The County Administrator advised the type of government practiced in the County does allow for delegation of authority to the County Administrator; there is a provision that authority can be delegated in this manner.

## **9. Board of Supervisors Bylaws, considerations/modifications**

Supervisor Campbell advised he has many changes he's like to discuss; a copy was made for all members to review.

Chairman Lackey suggested all member review the document and discuss these concerns at a future workshop session; she asked if the Board would like to establish a Committee to handle this task.

Supervisor Campbell questioned the fact that bylaws haven't been adopted.

The County Attorney advised the bylaws and code of ethics remain in place until

- a) Consider eliminating payments to BOS for committee assignments:

The County Administrator provided a listing of committees that pay compensation.

Supervisor Campbell suggested that any Board member that receives compensation from any committee and/or board should refuse the payment; this doesn't include individuals appointed by the Board. In closing, the Board is paid a salary annually and serving on a committee and/or board shouldn't warrant additional compensation for Board members, excluding mileage reimbursement for attendance to conferences and seminars.

Chairman Lackey advised some of the committees/boards are required by Virginia Code, to provide compensation; she questioned the process by which the Board can eliminate any type of stipend.

The County Attorney advised if the agency has to make a payment, the participating Board member can return payment.

Chairman Lackey suggested all members assess whether any boards involved pay a stipend – if so, the stipend could be paid directly to the County or withheld.

In closing, it was advised this matter will be addressed in the form of a motion at the February Regular Meeting.

b) Consider a public comment at every BOS meeting:

Supervisor Campbell advised he feels **there** should be consideration provided to the citizens to provide a public comment, should they desire; he feels this process will improve the relationship between the Board and the citizens – in the past, citizens have generally been dismissed.

Chairman Lackey provided an overview of why there isn't a public comment session at the Board's workshop sessions, as these sessions were designed for the Board to have time to gather important information so that they can make informed decisions on specific issues.

Supervisor Weakley advised the Board does have means of communication; **there** is time for input on the regular meeting Agenda; he'd like to reserve the workshop session for the Board's discussion.

Supervisor Jackson feels the justification for not allowing public comment at the workshop session is horrible; he suggested the Board try to add public comment and remove it if things don't work out – a three to five minute time frame per person will not take a very long amount of time.

Chairman Lackey questioned whether the Board would like to set aside fifteen to thirty minutes of the meeting process.

Chairman Lackey advised if the Board would like to change the workshop session to allow for public comment, the rules for voting at the workshop session will need to be suspended.

After discussion, it was the consensus of the Board to add this matter to the February Regular Meeting Agenda.

c) Consider prayer at BOS meeting:

Supervisor Campbell advised he'd like to see a short, generic prayer be provided by a guest Minister from the local churches at each Board meeting.

The County Attorney advised of legal implications; there's currently a court case in Pittsylvania County where a prayer was held on rotating basis at the Board

meetings; a suit has been filed by a citizen; a federal Judge has issued an injunction to stop the practice of prayer at the Board meetings; the case is currently on appeal to the Court of Appeals (federal court); the issue of attorney's fees is very much alive and there have been motions filed to get the locality to pay the attorney's fees pertaining to the suit; current litigation at the State level; current status indicates that Pittsylvania County Government has been enjoined from doing this type of thing; case is also before the US Supreme Court involving Greece, NY – may already have been argued before the Supreme Court. The law will be when the Supreme Court rules; suggested it would be reasonable for Madison County to wait on a ruling – if the County moves forward now, this may be an invitation for legal trouble.

It was advised the meeting process currently entertains the pledge and a moment of silence, which allows for a time of reflection (or prayer); this practice is also followed by other jurisdictions.

Chairman Lackey called for point of order; the County Attorney has advised against moving forward with tonight's request based on existing information; in closing, she feels good judgment calls for the County not to move forward on this issue. Currently the moment of silence does allow attendees to pray as they deem appropriate.

Supervisor Weakley suggested input on the rendering on the aforementioned case.

The County Administrator advised that a decision on the aforementioned case will probably not be made until the spring of 2014.

## **10. Planning Commission, considerations/appointments**

Chairman Lackey advised there has been a fair amount of discussion about the Commission; three (3) members have recently been reappointed; the considerations are whether to leave the Commission at nine (9), increase the size back to twelve (12) and whether to appoint a Supervisor to serve as the Board's liaison. In closing, she feels a Committee (two members of each Board, the County Attorney and the County Administrator will be beneficial in examining this issue and providing some analysis.

Supervisor Campbell is against the suggestion and doesn't feel the Commission should be decreased to nine (9); citizens should be encouraged to apply, undergo and interview and be assigned....the Commission shouldn't be allowed to select members on its own.

Supervisor Jackson suggested the Board entertain input from Carty Yowell, Commission Chair.

Carlton Yowell was present and suggested the Commission be returned to eleven (11) members; he feels the Commission is very weak now due to there being many

inexperienced members; he hopes the Board can find some good, strong individuals to serve.

Chairman Lackey questioned how many Commission members are familiar with the bylaws and the Comprehensive Plan; she also questioned how many members have participated in the certification program; she referred to the Virginia Code and enabling legislation pertaining to a Planning Commission; those who aren't willing to understand the significance of the course in order to realize the responsibilities involved aren't making a contribution. In closing, she feels the group will more cohesive group if the membership is smaller; Madison County has one of the largest Commissions in the State; she questioned the effectiveness of the group due to its size; feels there aren't many who are studious of the work required because they don't have to. Folks sometimes get on the Commission who aren't truly aware of the seriousness involved; feels there is good reason to implement change.

Supervisor Jackson advised that all members are familiar with the Comprehensive Plan, as much work has been done with that particular document; feels the more people involved, the better it will be for the County overall.

Supervisor Jackson feels there has been much planning and the Commission is doing something right; much effort was implemented on the Route 29 Corridor Study and to date, nothing has been done regarding this study; there was a major contribution toward the Comprehensive Plan; he feels the size of the Commission brings many good opinions and has a diverse membership; he feels the Commission contributes a great service to the County overall and brings many thought/ideas to the County at a very low cost.

Supervisor Campbell feels those want to serve can be required to attend the certification class; he suggested the membership remain at twelve (12); he feels the existing members are very capable.

Supervisor Weakley suggested input be attained from the existing members; he also would like to see a review of the existing Ordinances; if the group contains members who are just there, feels the group should be decreased to nine (9).

Supervisor McGhee doesn't feel that quantity should be accepted in place of quality; the Commission was highly engaged in the Route 29 Corridor Study; he suggested the Committee assess the relationship between the Commission and the Board, as he feels both groups were pulling against one another; feels the Board should gain insight as to what the Commission is all about; the Commission is capable of much more than working on the Comprehensive Plan only to see it spend time on the shelf.

Chairman Lackey doesn't feel there is unanimity; suggested the Commission have a discussion which may bring forth more awareness and a greater understanding of what the Commission is all about; a joint workshop session could also be scheduled between the Commission and the Board to discuss today's concerns; questioned if a

Planning Committee could be established and how this can be implemented in order to resolve present concerns; read an excerpt from a document that indicates what a planning commission should be thinking and working toward; suggested Michael Chandler be invited to speak, as he's an expert on the goals of a Planning Commission and to possibly advise the Board at to what's expected.

Supervisor Jackson: Board should guide the Commission as to what is needed to be done and utilize them as a resource.

The County Administrator advised the Board and Commission should work closely together; he hopes the upcoming summit will provide some input on today's conversation; questioned whether nine (9) members will be most effective or if three (3) additional members should be added; bylaws indicate there can be as many as sixteen (16) members; however, the bylaws must be changed if an adjustment in the size is determined.

The County Attorney advised concerns that the terms of the existing members don't expire on a staggered basis; the intent was to have even classes with experience on the Commission; current terms are not in sync; new appointments should be done in a way to get the terms of office in line where all terms expire January 31 of any given year; terms need to be brought back into sequential order.

Supervisor Jackson suggested some dialogue be established between both governing Boards by scheduling meeting and invite the representative from Virginia Tech.

Chairman Lackey suggested the Board attend a Commission workshop on February 19<sup>th</sup>.

Mr. Yowell advised the Commission is planning to discuss the floodplain ordinance at the February workshop session.

After discussion, it was the consensus of the Board to schedule a joint meeting on February 19<sup>th</sup> beginning at 5:30 p.m. with the Commission and invite Mr. Chandler.

Mr. Yowell indicated he will advise the Commission of tonight's request.

### **11. Thomas Jefferson Area Criminal Justice Board, appointments**

Chairman Lackey advised the Board will need to discuss an appointment.

Supervisor Campbell advised that Mr. Steve Hoffman has indicated a willingness to serve.

Chairman Lackey advised that based on information provided by the Commonwealth Attorney, the County's representative needs to be someone interested in the folks served by the program and works well with people – she suggested Kathy McGhee be considered, as she works in Charlottesville; based on

the work she has done in the community, she feels she be an ideal person to work to gain assistance for citizens here so they will not have to travel to Charlottesville.

Supervisor McGhee advised that Mrs. McGhee is very people oriented; although he feels Mr. Hoffman would be a good candidate, he's like to separate the jail board from the criminal justice board.

Supervisor Weakley questioned if applications should be accepted; he questioned if a description could be provided; the County Administrator advised that interested parties could be directed to the County's website – advertising does cost.

Chairman Lackey indicated the meetings are quarterly; the County does have Mr. Reid, Assistant Commonwealth Attorney, in place; however, she feels someone should be in place very shortly.

Supervisor Campbell was in favor of accepting applications.

## **12. Rappahannock Rapidan Community Services Board, appointment**

Chairman Lackey advised she spoke with Mr. Tidball; he and Mr. McGhee have been looking for someone to recommend; they were unable to attend tonight's session; she has reached out to find someone in the community to find someone interested in community services pertaining to:

- a) Mental health
- b) Services for the aging

The community services board would like one (1) member from each locality to be a consumer who has had a family member that has benefitted from community services. In closing, she'd like to recommend Ms. Martha Thorn, who currently works in the Extensive Office providing nutrition counseling to families in need; she recently provided training at a group home in Orange, Virginia about budgeting and food preparation; she also has a step-daughter who was a recipient of community services.

Supervisor Jackson advised he wasn't sold on either party recommended; however, he's in favor of supporting those who'd like to serve.

After discussion, it was the suggestion of the Board to invite the interested parties to the February Regular Meeting.

Chairman Lackey advised the Madison Health Department has offered to make office space available for a mental health counselor (for Madison County) once a week.

The County Administrator advised when applicants are sought, there are folks who apply that aren't truly knowledgeable of what's involved, although they have good

intentions; he suggested the Board try to gain people who have a background in the areas involved and possess a willingness to serve.

After discussion, it was the consensus of the Board to invite the interested parties to attend the February Regular Meeting and provide input as to their background and willingness to serve.

The Transportation Committee and the Tourism Committee will be deferred until a later meeting.

### **13. Upcoming Economic Tourism Summit 2-13-14**

The County Administrator provided a copy of the agenda for the upcoming tourism summit; a break out session will be planned involving five groups – each Board member will be designated to a specific group; facilitator will run the workshop group; folks will be asked to become engaged in order to develop some ideas as to how the County can move forward and move to the next step. The current reservation list currently includes sixty (60) people – can hold up to 200 – speaker and Early Mountain Winery will be paid from tourism funding; dinner has been scheduled with the speaker that evening to debrief and implement some real planning. Good response received thus far; many citizens have advised they'd like to attend as well; group assignments can be changed if desired; the SNP is a key partner in the meeting.

Supervisor Weakley asked if there will be any advantage to invite the German businessmen.

The County Administrator advised a representative from GCC has been invited; snow date is February 27th.

### **14. Information/Correspondence (if any)**

Supervisor Campbell provided a document on goals for 2014, as constructed by a former Board member; he suggested this be added to a future workshop session for discussion.

Chairman Lackey advised there was previous discussion about scheduling a retreat to bring items for discussion,

### **15. Closed Session (Personnel Review)**

a. On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(1), personnel matters, specifically the County Administrator.

The prior motion was amended by Supervisor Jackson and seconded by Supervisor McGhee to state the County Administrator and the Finance Director:

With the following vote recorded:

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

b. Motion to Reconvene In Open Session

On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board reconvened in open session, with the following vote recorded:

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

c. Motion to Certify Compliance:

On motion of Supervisor Jackson, seconded by Supervisor McGhee, the Board certified 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 in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded:

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

**8. Action (if any following closed session)**

No action was taken as a result of closed session.

**16. Adjournment**

With no further action being required by the Board, Chairman Lackey adjourned the meeting.

Doris G. Lackey, Chairman  
Madison County Board of Supervisors

Clerk of the Board of Madison County Board Supervisors

Adopted on: March 11, 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, January 28, 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/Adoption of Agenda
4. Minutes #1
5. Parks & Recreation Authority Sign Request for Hoover Ridge
6. Storm water Ordinance Review Update
7. Employee pay study review
8. Board of Supervisors Code of Ethics, considerations/modifications
9. Board of Supervisors Bylaws, considerations/modifications
  - a. Consideration eliminating **payments to BOS for committee assignments**
  - b. Consider a public comment at every BOS meeting
  - c. Consider prayer at BOS meeting

10. Planning Commission, considerations/appointments
11. Thomas Jefferson Area Criminal Justice Board, appointments
12. Rappahannock Rapidan Community Services Board, appointment
13. Upcoming Economic Tourism Summit 2-13-14\
14. Information and/or Correspondence (if any)
15. Closed Session (Personnel Review)
16. Adjournment