

## MEETING #36- July 22

At a Workshop Session-Continued Meeting of the Madison County Board of Supervisors on July 22, 2014 at 6:00 p.m. in the Thrift Road Office located at 302 Thrift Road:

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

### **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. Adopt Agenda**

Chairman Lackey called for adoption of today's Agenda.

Supervisor Campbell moved to approve the Agenda as presented, seconded by Supervisor Jackson.

Chairman Lackey called for the addition of Item 7-a-ii (Dog Issue).

Supervisor Campbell questioned the reasoning for a closed session involving the County Administrator.

The County Administrator advised he assumed this topic would be a continuation from the previous meeting's discussion.

Supervisor Weakley advised that Item #7-g (Board Minutes to be transcribed), and questioned whether there is any specific reasons for Items 7-h (FOIA) and 7-j (County Ordinances).

After discussion, it was the consensus of the Board to delete the closed session from today's Agenda.

Supervisor Jackson amended his motion to adopt today's Agenda to include Item 7-a-ii (Dog Issue) and delete Item #8 (Closed Session – County Administrator), 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

## 5. Financial Reports

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

Supervisor Campbell questioned the documentation pertaining to the contingency fund and whether the funds will be rolled into the general fund.

The County Administrator advised the monies being rolled into the general fund would exclude any funds for post-year expenditures.

## 6. Minutes:

- a. #31 through #35*

Chairman Lackey called for any questions on the minutes that have been provided; members were encouraged to provide any comments and/or corrections to the Deputy Clerk for resubmission before the next regular monthly meeting.

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

## 7. Discussion Items:

**a. Economic Summit: Update & the Next Steps:** The County Administrator advised the group meetings are moving along well.

**i. Hoover Day (August 16<sup>th</sup>):** The County Administrator advised a meeting has been set to discuss Hoover Day; additional group meetings will transpire within the next thirty (30) days; activities for the event will include antique cars (preferably 1929 models), tractors, hayrides, music, PRA, homemade ice cream and farmer's market; efforts are being made to connect with Hoover decedents and other distinguished individuals in an effort to invite them to attend the upcoming. The next Hoover Team meeting will be scheduled for July 30, 2014 at 4:00 p.m. – Thrift Road Office.

**ii. Dog Issue:** The County Administrator advised that six (6) charges of a 'vicious dog' have recently been filed – incident is under investigation by the Sheriff, Animal Control and the Commonwealth Attorney; information was provided from the State Code in reference to the definition of a 'vicious dog' (Class Six Felony); canines have been in the custody of the shelter since the day of the alleged event and will be held until the dogs are adjudicated.

Concerns from the Board were as follows:

- ✓ Chairman Lackey: County currently has no ordinance in place (i.e. civil law); it was reported the attached didn't occur on the owner's property, but elsewhere.
- ✓ Supervisor Weakley: Does the County need to be proactive (regarding CES) since the facility's property line extends across the river; should signage be posted.

The County Administrator clarified the incident transpired downstream from the school property.

The County Attorney suggested the Board not discuss the case any further, and allow the Sheriff, Animal Control Officer and Commonwealth Attorney to proceed. In closing, he advised to the best of his knowledge, there has been no indication the Criglersville property was involved in the alleged incident.

### **b. Route 29 Corridor Study – Comprehensive Plan**

The County Administrator advised this request was made by the Madison County Planning Commission for Board consideration in order to move forward with the proposed process.

Dan Painter, VDOT, was present and advised that if the study is adopted and incorporated into the County's comprehensive plan, it could be requested to be

incorporated into the six year road improvement plan with a request for VDOT funding – proposed drawings included the following improvements:

- a) North end of Town (1<sup>st</sup> entrance at stoplight): Project plan talks about implementing separate interchanges in an effort to remove some of stoplights currently in place
- b) The only way to remove the existing stoplights without imposing an impact would be to install an overpass to accommodate the various movement of traffic
- c) Drawing showed that all movements can be accommodated by way of a bridge at the commercial plaza (Plaza Drive) due to the high ground
- d) Will need to figure how to tie the proposed bridge into Business 29

2<sup>nd</sup> Drawing: Fairgrounds Road: Renovations would include the removal of the stoplight and erect an overpass through the existing location, provide all various traffic movements that will allow travelers to enter back into the Town, and remove the option to perform a left turn for northbound traffic (on Business 29), as this is problematic.

The following concerns were presented by the Board members:

- ✓ Chairman Lackey: Will anything be done to the intersection of McDonald's & Oak Park Road; has any consideration been given to the additional amount of traffic (along Route 29) because of the new location of Yoder's Country Market.
- ✓ Supervisor McGhee: The two (2) interchanges being proposed were among the top priorities resulting from the study; efforts were also investigated for Washington Street and Oak Park Road, but weren't favorable; will anything be done at the intersection of McDonald's and Oak Park Road.
- ✓ Supervisor Jackson: Advised of the intersection located at Pratts, as problems have transpired at that particular intersection as well.
- ✓ Supervisor Weakley: Questioned how southbound traffic would flow on Route 29 through the County, as the proposed change resembles a traffic circle.
- ✓ Chairman Lackey: Questioned whether any consideration has been given to the additional amount of traffic (along Route 29) because of the new location of Yoder's Country Market.

Mr. Painter provided the following responses:

- a. When the proposed stoplights are removed, drivers will need an alternate means of getting out to make a safe left turn (east/west) on Route 29 (north or south); it would be more expensive to implement an interchange at

McDonalds; removal of the stoplight at Food Lion isn't being investigated due to the location of the high/middle school which creates cross traffic. Although it's felt that a left turn does create problems, there are times when such a turn is necessary.

- b. Efforts have been discussed to possibly close the median at Pratts (no left turns in or out), and improve the intersection at Sheetz (Wolftown-Hood Road & Gibbs Road) that runs through to Pratts.
- c. Proposed changes will not affect the new location of Yoder's; the store will be situated so traffic can easily utilize the existing crossover already in place.
- d. Proposed changes (at both ends of Main Street) will allow traffic traveling along Route 29 to flow continuously and not have to stop at either location being investigated.

If monitoring efforts show any signs of conflict, the need to reinstall a stoplight will be re-investigated.

Supervisor Campbell: Questioned the time frame for the proposed bridges to be in place.

Mr. Painter advised there is no time frame in place, as the decision to move forward is up to the County whether to implement the plan into the comprehensive plan, and request inclusion into the six year road improvement process. In closing, he advised that most bridges being installed have lanes for pedestrians and cyclists.

It was also noted there's a need for a sidewalk (from Waverly Yowell Elementary School to the Main Post Office); this concern has been discussed with VDOT – suggested location will be to the west side of the existing cemetery; project could possibly be funded through VDOT's grant program.

Supervisor Jackson: Questioned whether property owners will need to relinquish easements on their property.

Mr. Painter advised that any funding for easement and/or right-of-way requests would be funded within the project; feels a crosswalk could also be easily inserted and would be supported. In closing, he noted that VDOT is diligently looking for ways to improve travel along Route 29; therefore, it's deemed that removing the stoplights will be most effective; also reported that changes will transpire in Culpeper County at the Route 666 interchange (Eastern View High School).

The Board thanked Mr. Painter for today's presentation.

Supervisor Jackson noted that he and Supervisor McGhee are on a sub-committee and will tap into available resources, and implement measures to incorporate today's plan into the County's comprehensive plan.

The County Attorney clarified the inclusion of the Route 29 Corridor Study would be considered as an amendment to the County's comprehensive plan; a public hearing will be needed, after which time, a recommendation will be needed from the Madison County Planning Commission that the Board approve the amendment and incorporate it into the existing comp plan. In closing, he encouraged the Board to recommend some dates and where the amendment will be incorporated into the comp plan.

Mr. Painter advised that VDOT usually forwards notices to all jurisdictions of their fall meeting held at the Daniel Technology Center (Culpeper, VA). During this session, representatives make recommendations to attain VDOT funding for various projects that are deemed to be viably essential.

Further concerns from the Board were as follows:

- ✓ Supervisor Weakley: Questioned the amount of funding required as a 'match' to fund a 'flyover.'
- ✓ Chairman Lackey: Questioned how PD9 factors in today's discussion.
- ✓ Supervisor Campbell: Feels that Route 666 (in Culpeper, VA) will probably receive a higher priority because of having a school along the designated route.
- ✓

Mr. Painter advised that:

- Jurisdictions could compile a list of project that are supported by which groups.
- The project would be denoted as a six year plan project and would call for VDOT to review the amount of funding currently being allocated to Madison County
- Some projects denoted in the six year plan can be shifted based on importance/need
- VDOT will begin prioritizing this year by reviewing aspects of economic develop, accident history, safety, etc., and attach a ranking to each project.

After discussion, it was the consensus of the Board to authorize the County Administrator to contact Tracey Elliott regarding today's suggestions (i.e. sidewalk, interchange), and to work on getting the proposed amendment implemented into the County's comp plan.

***c. Duke Energy & Piedmont Natural Gas, Pipeline/Spectra Energy Information:***

The County Administrator clarified the pipeline to be discussed is for "Duke Energy" (not Dominion). Documentation provided for review included a press release and overview of information regarding the proposal.

The County Administrator advised that a lot of research has been put into the endeavor; no application has been filed with FERP to date and he feels it's a bit premature to request a public hearing on this matter.

It was questioned whether the County could be advised of all the companies that provide a bid for the project, to which the County Administrator advised has been asked but not revealed.

Chairman Lackey advised the County receives some revenue for local land that's situated within the park; questioned if there is information to advise of the County's rights (pertaining to the proposed pipeline) and whether any revenue will be allocated to the County and/or landowners for the use of local land.

Supervisor Campbell questioned whether the pipeline could be taxed.

The County Attorney advised that all imposed taxes can only be done by way of an enabling statute at the local level. He further advised that localities in the State of Virginia are unable to tax anything unless the locality is 'enabled' to do so by the General Assembly.

It was also noted there are multiple bidders for the project and that multiple routes are being proposed; there is also some skepticism as to whether the entire project will be based on current natural gas prices. In closing, it was advised the Piedmont Environmental Council here will have information on this process, as should be the County's primary resource on this issue.

The County Attorney advised the PEC recently held a public hearing in several surrounding localities, and he believes they will continue to stay on top of this issue.

The County Administrator advised the pipeline proposed by Duke Energy is to extend from North Carolina, and the pipeline proposed by Dominion Energy is to extend from Norfolk.

Supervisor Campbell clarified the activities being undertaken by Spectra Energy isn't unusual, as permission must be attained regarding private property. In closing, he suggested the County not become too excited about the proposal until a contract has actually been awarded.

Chairman Lackey stressed the need for the Board to remain on top of the pipeline issue in order to do what's best for Madison County overall.

Supervisor McGhee questioned the techniques currently being undertaken by Spectra Energy. In closing, he verbalized concerns whether the landowners have been provided all the necessary information on the proposed project.

The County Administrator clarified that representatives from Spectra Energy are working to attain permission to enter private property; they don't expect any surveys to be implemented, but feel the operation will allow them to learn the lay of the land, so as to give them an advantage in the bidding process. In closing, folks are only being asked to sign a survey and no property rights will be affected; however, it's up to each individual landowner as to what they'd like to do.

Supervisor Jackson questioned the timing involved with the permit process.

Chairman Lackey suspended the discussion on the pipeline in order to move to the public comment opportunity

Chairman Lackey opened the floor for public comment. The following individuals provided public comment on the following issues:

**a. Proposed pipeline**

**b. County roads:**

- Jan Richter : Concerns verbalized pertained to property rights; safety standards; whether the pipeline will be surveyed and monitored regularly; who will train local emergency personnel (in the event of a leak and/or explosion); property values may well decrease; the pipeline will impose a risk to the life, safety and welfare of our citizens.
- Karen Ray: Feels tonight's concerns exceed economics, politics and also include Christianity, ecology, sustainability, community and creation; also feels that local land will be damaged.
- Ren LeVally: Agreed that the process is in the early stages; issues of concern are very complex; feels it will take months to attain all the details that will be involved; advised that an average of 97% of applications are finalized by FERP within a year's time; feels once the process is underway, any further concerns will not be addressed accordingly.
- Reuben Woodward: Suggested the County request VDOT to maintain the roads already in existence here instead of looking to consider building new roadways here; he also feels the proposed energy companies will force their way through County land; the pipeline will decrease property value; the government will do whatever they want; he strongly suggested the Board vote against the entire proposal.
- Jim Lillard: Advised that he has advocated for preventative maintenance of County roads; feels there should be something published in the newspaper about the proposed pipeline as many citizens are confused; questioned whether the pipeline could be forced through by way of eminent domain.
- **David Kalish**: Feels the pipeline will reduce the property value and any adjoining properties (as is the case with his existing property), although the prior owner may have been well compensated; suggested the County take action now rather than wait; advised that Rappahannock County has already passed a resolution to express their view on the pipeline proposal.

- Jan Richter: Advised concerns that if there's an overpass on Route 29 at Fairground Rounds, how will this affect traffic traveling south on Route 231; she also expressed concerns about businesses on Mail Street if the stoplights are removed and also expressed favor of installing sidewalks along the side close to the Waverly Yowell Elementary School.

With no further comments being brought forth, Chairman Lackey closed the public comment opportunity.

Chairman Lackey returned to the discussion on the pipeline and asked if anyone had any additional comments to add.

- ✓ Supervisor Weakley: Questioned if the Board could take a proactive approach and publish an 'opt ed' piece, drafted by the County Administrator and County Attorney.
- ✓ Supervisor Campbell: Advised there are people who are well qualified to write letters to the editor; suggested any letters of concern on the issue should be provided by the citizens at this point instead of the Board.
- ✓ Chairman Lackey: Advised the Board can encourage Rural Madison to write a piece; citizens also don't have to agree to allow anyone to enter onto their property to perform a survey; also suggested the County look into what the State of Virginia can do to protect landowners and address issues pertaining to property values; suggested members of the PEC (Piedmont Environmental Council), Commonwealth of Virginia and Spectra Energy be invited to attend the August workshop session to participate in a discussion on the matter; asked whether the Board would like to invite professionals to attend the next workshop session to provide input on this matter.
- ✓ Supervisor Campbell: Suggested the Board not take a stance until more information has been received; feels the citizens can hold a town hall on the matter for the general public to provide general information.
- ✓ Supervisor Jackson: Stressed the importance of time constraints; many citizens are concerned about this issue; feels that any type of an easement will affect land values; feels the PEC is a great resource and should be included, and suggested both sides of the issue need to be explored.

The County Administrator suggested information be sought from Duke Energy, as Spectra Energy is only a solicitor. In closing, information could be attained from Spectra Energy; however, in discussing concerns with their office, it appears they will only desire to hold a session in the event they're awarded the contract.

- ✓ Supervisor Weakley: Suggested a session be held with a moderator in place.

The County Attorney advised these types of utilities are assessed by the State Corporation Commission; however, he will look into the issues of concern. In closing, he reminded the Board the enabling legislation must be in place before any type of tax can be imposed, and referred to the issue of eminent domain under

State and federal law. Also, if FERP becomes involved, the imminent domain process must be under federal procedures.

In closing, Chairman Lackey suggested the County work on establishing a meeting within the next few days.

***d. Blue Ridge Task Force – Possible Lease***

The County Administrator provided a copy of plans for the Old ABC Building; a meeting will be held with the Game Commission shortly to discuss the possibility of relocating their office. Discussions focused on space and utility costs; County investigators will still remain in place as they do work closely with the task force; the task has agreed to accept a lease with a termination and relocation clause if necessary.

Supervisor Weakley questioned whether a copy of the prior lease agreement could be attained from the former landlord for review.

County Attorney advised the document will be nothing more than a standard commercial lease; he will assess whether a public hearing will be needed.

The County Administrator suggested a rental amount of \$1,200.00 plus \$200.00 for utilities, or a grand total of \$1,400.00 per month.

Supervisor Campbell verbalized favor of charging a monthly rate of \$1,400.00 total versus charging a separate fee for utilities.

Supervisor Jackson suggested the Game Warden's office be relocated to the old investigator's building.

As a result of the current water damage to the basement of the Commonwealth Attorney's Office, the investigators are temporarily housed in the Old ABC Building. Although repairs haven't yet been completed, it's doubtful they'll return to the building, as the Commonwealth Attorney has requested to utilize the basement area.

After discussion, it was the consensus of the Board to authorize the County Administrator to negotiate a lease and monthly rental fee (of \$1,400.00) for the task force.

The County Administrator advised a lease agreement will be provided for review; today's information will be provided to the task force for review/acceptance within the coming week.

***e. Consideration of a County Noise Ordinance***

The County Administrator advised that calls have been received from citizens who are affected by excessive noise; he suggested a public hearing be scheduled to attain citizen input on this matter. It was noted that Culpeper County has been focusing

on issues with excessive noise – their existing Ordinance is being tweaked in order to make it more enforceable – also noted the cost of decibel meters is very expensive.

Comments from the Board included the following:

- ✓ Supervisor Campbell: Feels a County noise ordinance will be a nuisance and should be tabled at this time, but is in favor of holding a public hearing.
- ✓ Supervisor Jackson: Feels the issue will 'kill itself' if a public hearing is held, which will be unfortunate for those experiencing problems; feels regulations will be difficult to enforce here as there are very few cases in existence on this issue.

The County Attorney advised that in order to be effective at a public hearing, there will need to be something specific to propose; sample ordinances have been collected from the surrounding localities for review; feels the ordinance for Greene County is the most suitable for Madison County.

- ✓ Supervisor Weakley: Feels a public hearing is warranted; also feels something specific should be in place; questioned whether a 'disturbance of the peace' will cover the current problems being noted; also feels the citizens should be able to resolve certain issues among themselves.

The County Attorney advised the State Code declares that a 'disturbance of the peace' only covers a disturbance in a public place, as does a 'public nuisance.' In closing, he advised that legislators haven't developed a code that doesn't impend on the fact of free speech and property rights of others.

It was also noted that Culpeper County experienced difficulties pertaining to the use of decibel meters and how to proceed with attaining a warrant.

After discussion, it was the consensus of the Board to authorize the County Attorney and the County Administrator to review the Noise Ordinance for Greene County and compile a draft document to be considered for use by Madison County.

Chairman Lackey called for a five (5) minute break.

Chairman Lackey reconvened the meeting.

### ***f. Facility Planning***

The County Administrator provided a memorandum with an update of facilities planning.

**i. Courtroom/Board Meeting:** A meeting has been held with Judge Durrer; concerns have been verbalized as to how the proposed changes to the WMB courtroom will work for all parties involved.

**ii. Polling Location:** The County Administrator advised this issue will be discussed further with the Madison County Electoral Board shortly; future renovation plans for the administration center auditorium will call for an alternate voting location to be required for Town residents during the upcoming November 2014 election.

**iii. Administration Office Space:** Currently working to attain plans/specs for the proposed work and should have all the information by the next meeting; the Board will need to determine whether to proceed with putting the proposed plans into motion, in order to begin moving forward in the fall (i.e. courtroom, demolish existing auditorium, etc.).

Chairman Lackey advised the Board will need costs for the proposed renovation of the WMB courtroom.

**iv. Administration Building Roof:** A copy of the proposed plan was provided for review and discussed in detail (style of roof, additions to the building, etc.). It was also noted the proposed roof line will allow for future expansion to the rear of the administration building. Funding has been set aside for the proposed work (\$75,000.00 in the original CIP). It was also noted the work will involve the structure being 'stick built' (instead of trusses) which will allow the building to remain open and eliminate the need to move the HVAC system; bid isn't quite complete; architect will return next week, at which time the bid will be completed and submitted.

The County Administrator advised the architect's for the project is Mr. Randy Hoffman, who was hired to complete the project done at the transfer station (local resident).

**v. Storage Building Update:** Site work is just about complete at the site; costs to clear the trees and prepare the space has been very minimal; feels the work can be bid out in pieces (through local vendors) and through part-time County employee labor; a listing of required work was provided for review (i.e. Concrete floor, electric/telephone lines, etc.); the budgeted funding (\$60,000.00) should be sufficient to cover the work.

Chairman Lackey questioned the need for contractor's licensure, to which it was noted wouldn't be required since the County (staff) will be doing the actual building.

Supervisor Campbell questioned the reasons for the 'act of defiance' regarding putting the work out for bid and attaining pricing; also doesn't feel the County should be in the business of performing general contracting work; suggested Morton Buildings, Inc. be investigated as an option.

The County Administrator clarified today's discussion will call for a decision by the Board concerning which manner to proceed with the work (i.e. bid spec vs. County staff). In closing, he advised the goal is to try to save the County some money; however, the decision is solely up to the Board.

Supervisor Jackson questioned if costs could be investigated through receiving bids.

The County Administrator explained the County can advertise the work and not elect to accept any of the bids; feels the cost of materials will be marked up extensive by a contractor and passed onto the County; two (2) quotes have already been received that can be reviewed; the the Building Department will issue all permits for the job, and the Facilities Director will be assigned as the project manager.

Supervisor Campbell feels that pricing will need to be assessed in order to determine any proposed savings, as he feels it'll be cheaper for someone else to build the structure than it will be for the County to perform the work.

Supervisor McGhee questioned whether much more needs to be done on the project in order to attain a quote from a proposed contractor.

The County Administrator explained the list provided today is fairly undefined, as input will be needed from REC (concerning the underground electric line; additional items of concern include the telephone line, gravel, yard work, and fencing.

Supervisor Campbell was in agreement with the electric line running underground by REC, but feels pricing can be attained for the building and its contents.

Supervisor Jackson questioned whether bids will include work for the electric line.

Supervisor McGhee questioned the labor rates that will be involved.

After discussion, it was the consensus of the Board to attain bids for review and cost comparison.

The County Administrator advised he will attain bids for construction, excluding costs for electricity.

**vi. Blue Ridge Task Force:** The County Administrator advised that repairs to the basement of the Commonwealth Attorney's Office are pending and will be resolved shortly; proposed work will be done in house (i.e. building a curb, installing a pipe, and install a drain/gutter to the front of the building).

Supervisor Campbell verbalized concerns that the existing leak will be ongoing if the drain isn't installed along the footing of the building.

The County Administrator advised that repairs were done several years ago; water is currently washing off the roadway and entering through the front of the building (i.e. not through the storm drain or gutter). The Commonwealth Attorney has requested the use of the basement for future space.

**Landfill:** The gas system at the landfill has been completed; drainage issues have also been resolved at the landfill during the past week.

**WMB:** Painting is in process at the building; looking at replacing the doors in the front and side of the building. The accepted bid was for labor only (excluding paint/supplies); cost to replace the doors will be separate.

Supervisor Weakley questioned if pricing could be attained to get the County seal put in place at the WMB courtroom.

***vii. Space for Registrar's Office:*** The County Administrator advised the Registrar will utilize the conference room at Thrift Road for this year's election process; it was also noted the room will be on lockdown from September through November for the 2014 election. In closing, it was noted this issue will be discussed further at tomorrow's special meeting.

***g. Board Minutes to be Transcribed:*** Supervisor Campbell advised that he has been informed the cost to have minutes transcribed will cost about \$3.95 per sheet to transcribe verbatim minutes; a brief overview of the preparation process was explained in detail.

Chairman Lackey advised if the Board is going to move toward having verbatim minutes done, costs will need to be factored (for transcription) and the current resolution will need to be changed.

***h. FOIA:***

***i. Public Information***

Supervisor Campbell referred to the number of FOIA requests presented by the citizens; he doesn't feel the concept of 'FOIA' is understood by many folks; he referenced materials he has attained from the Virginia Freedom of Information Council on items that can be classified as FOIA items. He feels some of the items discussed during past meetings in closed session are actually items that can be considered FOIA items. In closing, he advised the information has been reviewed in order to determine what's best for the Board.

Chairman Lackey advised the County Attorney is very well versed on FOIA rules/regulations, and suggested that FOIA issues should be referred to the County Attorney for advisement.

Supervisor Weakley suggested the information be disseminated among all members in order for everyone to be well versed. In closing, he questioned if the County has committed a violation or if today's concerns are tied to an impending case.

Supervisor Jackson advised he researched the FOIA website and reviewed a wealth of information.

Supervisor Campbell advised that all things aren't exempt just because they're discussed in a closed session. In closing, it's hoped that information being requested is specifically exempt.

The County Attorney advised that tonight's forum isn't the appropriate setting in which to conduct FOIA education, as based on the statute, there are areas in which an interpretation is required. Furthermore, he advised that although the County tries its best to comply with FOIA requests, there is difficulty in determining specifically what's being requested, as he feels the general public believes anything can be requested as a FOIA item. Additionally, he advised that public documents come in all types of forms, and one must not be shared if an exclusion is in place.

Chairman Lackey advised there is a current litigation case in progress regarding a FOIA issue. In closing, she feels that any findings provide a greater understanding of the laws pertaining to FOIA; the guidelines that have been provided concerning personnel and other confidential items are absolute and shouldn't be violated because opinions differ.

***j. County Ordinances:***

Supervisor Campbell proceeded to discuss the issue of the transient occupancy tax, and referred to a letter he recently received regarding unpaid personal property taxes on the contents of a rental cabin that he owns.

The County Attorney suggested the Board not discuss anyone's individual case, whether it involves a Board member or other County employee. He noted there can be a discussion about an actual ordinance and terms only, but feels tonight's comments being made would be appropriation for discussion/resolution with the Commissioner and not the Board.

Supervisor Campbell questioned if it would be appropriate to discuss the upcoming situation involving the State of Virginia/Health Department as it pertains to the Graves' Mountain Campground, as he feels the County is unjustly placing the Graves' though an unnecessary issue.

The County Attorney advised he doesn't feel that it's appropriate for the Board to discuss any issue that isn't currently being brought before the Board. In closing, he advised if anything has been wrongfully done, people have a legal avenue to challenge the issue. Furthermore, he advised the time to discuss any particular case is when it's brought before the public body by way of an application (i.e. Madison

County Planning Commission and/or the Madison County Board of Supervisors). It was suggested the Board not re-examine old cases in a forum such as tonight's session.

Supervisor Weakley advised if there's an issue in place, then it could be brought to the attention of legal counsel instead of during a public meeting session, so as to 'shame' the County.

Supervisor Jackson questioned whether it would be a problem to revisit any concerns regarding adopted Ordinances in an effort to ensure the Ordinances work for the benefit of the citizens of Madison County; however, he doesn't feel the idea to target legal issues should be brought to the attention of the County Attorney.

### **8. Closed Session (County Administrator)**

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

#### **Community Meeting:**

Supervisor Weakley advised that a meeting has been scheduled at the social services office for 10:00 a.m. later this week; all are encouraged to attend and provide community support to establish programs here to help local citizens and to also assess what we can build upon here in the future.

#### **CIP:**

Supervisor Campbell advised a CIP meeting has been scheduled for tomorrow, at which time he hopes an updated project schedule can be attained; also asked if the Board will be given the opportunity to participate in tour of the school project.

After discussion, it was noted that today's request for the Board to participate in a project tour will be conveyed at tomorrow's CIP meeting.

The County Administrator advised that John Barrett, Project Manager, would be able to provide an updated project meeting as requested.

Mr. Tucker was present and advised that a Channel 29 recently broadcast an article on the progression of the school renovation project.

### **10. Adjournment**

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

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

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Doris G. Lackey, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of Madison County Board Supervisors

Adopted on: September 9, 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**  
**Continued Meeting**  
**Madison County Board of Supervisors**  
**Tuesday, July 22, 2014 at 6:00 p.m.**  
**302 Thrift Road, Virginia 22727**



**Agenda Items**

1. Call to Order
2. ***Pledge of Allegiance & Moment of Silence***
3. Determine Presence of a Quorum
4. Adopt agenda
5. Financial Reports
  - a. *General Operations (Fund 10) FY2014 – June*
  - b. *Certificate of Claims (Fund 11) – Tourism Enhancement FY2014 – June*
  - c. *Certificate of Claims (Fund 40) – Debt Service FY2014 – June*
  - d. *Supplemental Requests – General Operations – June 2014 – FY2014*
6. Minutes:
  - a. #31 through #35

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

7. Discussion/Action:
  - a. Economic Summit – Update & the Next Steps
    - i. *Hoover Day August 16<sup>th</sup>*
  - b. Route 29 Corridor Study to the Comprehensive Plan Facilities
  - c. **Duke Energy & Piedmont Natural Gas Pipeline/Spectra Energy/Information**
  - d. Blue Ridge Task Force Possible Lease

- e. Consideration of a County Noise Ordinance
- f. Facility Planning
  - i. Courtroom/Board Meeting
  - ii. Polling Location
  - iii. Administration Office Space
  - iv. Administration Building Roof
  - v. Storage Building Update
  - vi. Blue Ridge Task Force
  - vii. Space for Registrar Office
- g. Board Minutes to Be Transcribed
- h. FOIA
- i. Public Information
- j. County Ordinances

~~8. Closed Session (County Administrator)~~

9. Information/Correspondence (if any)

10. Adjournment