

MEETING #32- June 24

At a Workshop Session-Continued Meeting of the Madison County Board of Supervisors on June 24, 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, with the 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 - May*
- ii. Certificate of Claims (Fund 11) - Tourism Enhancement FY2014 - May*
- iii. Certificate of Claims (Fund 40) - Debt Service FY2014 - May*
- iv. Supplemental Requests - General Operations - May 2014 FY2014*

v. TOT Fund Appropriation(s)

6. Minutes:

a. #22, #23, #24, #26

b. #27 through #30

Chairman Lackey called for clarification that tonight's session is a 'continued meeting; therefore, it was noted by the County Attorney that action can be taken at tonight's session without suspending the rules to vote during a workshop meeting.

Chairman Lackey advised the minutes from the June Regular Meeting have been resubmitted for review and approval.

Supervisor McGhee moved that Minutes #22, #23, #24 and #26 be approved as resubmitted, seconded by Supervisor Jackson.

Supervisor Campbell advised he has been unable to acquire a court stenographer to transcribe the minutes and will not hinder approval at tonight's session.

With the following vote recorded:

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

Chairman Lackey called for concerns on Minutes #27 through #30, as these can be discussed and approved tonight or at the July Regular Meeting.

Supervisor Campbell called for a correction on page 12 of Minutes #30 pertaining to the vote; he verbalized concerns that abbreviated minutes create confusion between what is said at the meetings and what's actually transcribed.

After review, an error was noted (i.e. Resolution number should be #2014-9 instead of #2014-8) – this will be corrected and resubmitted.

After discussion, it was noted the Deputy Clerk and the Clerk of the Board will review the recording and submit amended minutes for review and advisement, if applicable.

Chairman Lackey clarified the minutes are transcribed with actionable items listed as clearly as possible. In the event an error is made, corrections will be made after verification has been completed. In closing, she advised if verbatim minutes are required, the Board will have to acquire the proper equipment, or hire a court reporter to complete this task; the deputy clerk will not be asked to provide

verbatim minutes as the equipment being used is inappropriate to handle this type of task and isn't a part of the current job description. In closing, it was noted the minutes approved by the Board are deemed to be accurate and do not contain all of the discussions among the members, but accurately portrays any motions undertaken by the Board.

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

Chairman Lackey opened the floor for public comment.

Citizen(s) providing public comment included the following:"

Tony Morris was present: Comments made pertained to the knowledge/expertise of the deputies, the salary study, and a suggestion that the County publish a small column in the weekly newspaper.

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

7. Discussion/Action:

a. Salary Study

The County Administrator provided a memorandum on the salary study and an attached pay scale adjustment chart.

Chairman Lackey advised that all members have received documentation from the County Administrator pertaining salary ranges and other information; she also suggested if a closed session is needed to discuss this issue, it should be moved to the end of today's meeting session.

The Board was polled to assess whether there are inequities present, and if so, should steps be undertaken to implement adjustments, and how this can be accomplished.

It was noted the salary study was undertaken last year by the County Administrator, which has included much research and discussion; comparisons have been done to include salaries from the surrounding localities. Although today's memorandum may not suite all members, it was suggested the Board assess where to begin with tonight's discussion.

Input from the members was as follows:

- McGhee: Does feel there are some adjustments that are warranted; feels the Board should start with suggestions provided based on the Administrator's findings.
- Jackson: Feels there are adjustments needed.
- Campbell: Feels there will always be some inequities (in the minds of others), but doesn't feel this is a definitive reason; feels there are probably

adjustments needed with justification; has concerns about content of today's cover letter provided on this matter.

- Weakley: Feels there are some inequities present; unsure if these recommendations are based on tenure, past performance evaluation or merit; issue warrants further discussion before definitive action is undertaken; is in favor of percentages and 'phasing' in over a period of time for large increases; suggested any action taken should remain within the county's budget.
- Chairman Lackey also feels there are some inequities; feels these should be addressed by the Board; also feels adjustments should be based on 'step/grade' in order to attain parity and continue with structure/format; funding is in the budget and increases can be done in several steps.

In closing, Chairman Lackey suggested the Board:

- Schedule a workshop to deal solely with this issue; and possibly
- Look at merit increases; and
- Factor in COLA (cost of living allowance) and perhaps seniority

The County Administrator noted if the Board would like to discuss individual employee salaries, a closed session may be required.

Additional concerns were expressed by Supervisor Campbell pertaining to comments regarding the salary increase provided to the Sheriff's deputies during the past year.

The County Administrator provided a brief summary of the Sheriff's desire to increase salaries in an effort to attract and/or retrain existing deputies. In closing, he feels today's salary summary is being done with the same efforts in mind (i.e. establish parity). In closing, he advised that County employees are assigned multiple tasks, whereas their counterparts in the surrounding localities have assistants in place; the salary survey is based on what the position(s) are worth, and not based on the individual(s) working in any specific position(s).

After discussion, it was the consensus of the Board to schedule a work session on July 23, 2014 at 6:00 p.m.

b. Facilities

The County Administrator provided a memorandum for review pertaining to the 'next steps' in facilities planning that included the following items:

Temporary shared use of courtroom (WMB)

Repairs at Estes House

Construct storage building (at landfill)

Roof replacement (Admin Center & Clerk's Office)

Signage repairs (Admin Center)

Estimate/construct office space (Admin Center)

Relocation of departments (Administration, Board, Finance, Registrar)

Task Force (to Old ABC Building)
 OAR (Basement of Estes House)
 ABC & Social Services Building Options (Add Task Force [to ABC Bldg.])
 Upgrade at WMB
 Demolish Buildings (Literacy Council & Rapidan Better Housing)
 Update Old Investigator's Office
 Public Hearing for Criglersville Elementary School

Concerns were verbalized by the Board regarding:

- ✓ The number of empty County building
- ✓ The Social Services lease

The County Administrator noted the Director of Social Services has been advised that no decision has been made pertaining to the lease on the building they now occupy (i.e. lease will expire in 2.5 years); it's hoped the Board will make a decision during the summer as to whether or not the social services building will be used (for County departments) in the future. Once a decision is made, the Director will be able to move forward with securing alternative office space and include any necessary funding within the departmental budget.

Comments pertaining to the Old Criglersville Elementary School involved the following:

Chairman Lackey: Efforts have been made for the past several years to sell the facility without success; also questioned who will be responsible for insurance and maintenance of the building.

Supervisor Campbell: Feels there may be a need for the facility in the future; if grant funding is accepted to demolish the facility, this may place a condition where no future development can ever be made on the property; advised there are citizens who have verbalized a willingness to assist with donating items for display in a possible museum.

Supervisor Weakley: Questioned whether the County would join a cooperative effort to use the site as a museum to commemorate individuals here who have been 'displaced' by the park; surrounding localities could be asked if they'd desire to participate in the endeavor.

Supervisor Jackson: Feels the reality of a museum is a viable option; he suggested the Board attain further information (i.e. grant options, usage as a park, etc.), and schedule a public hearing to receive citizen input before any decisions are made.

In the event the building is deemed to be used for any purpose, up-to-date costs will need to be attained.

The County Administrator advised he recently spoke with representatives from Crabtree, Rohrbaugh Associates regarding the five-year contract on County facilities; a report for FY2013 will be provided for review shortly.

c. Task Force Lease: Erik Weaver, Sheriff, was present and advised the building (in Culpeper County) that housed the Blue Ridge Task Narcotics Force has gone into foreclosure; the task force has offered to enter into a lease with Madison County (for three [3] to five [5] years) at a rate of \$1,500.00 (plus \$300.00 for utilities) being paid towards rent/utilities.

Comments from the Board included the following:

- Supervisor Jackson: Was in favor of a one-year lease.
- Supervisor Campbell: Was in favor of a two-year lease; suggested the County do what was best for the Sheriff; feels there'd be an advantage to having the task force in Madison County.
- Supervisor Weakley: Questioned whether a draft document could be provided at the upcoming joint meeting for review (two or three year lease).

Continued discussions focused on the amount of available seating in the new courthouse versus the seating at the WMB courtroom; it was also noted that there's an issue with creating additional space in certain areas.

After discussion, it was the consensus of the Board to authorize the Sheriff and County Administrator compose a draft agreement (between the Blue Ridge Task Force and Madison County) on the Old ABC Building to be presented to the Board for review and advisement.

The County Attorney advised he will research whether or not a public hearing will be required for the lease of public property, and/or whether this is an exception in place for leasing to an entity such as the Blue Ridge Task Force.

d. Noise Ordinance: The County Administrator advised he has kept in touch with the citizen who provided concerns during the last meeting workshop meeting regarding excessive loud music being played by a neighbor - contact has also been made with the neighbor of concern. Essentially, it comes down to the fact that both neighbors have a different interpretation regarding what a nuisance is. Several citizens have expressed an interest in the County enacting some type of ordinance to control noise here. After speaking with the Sheriff's Office, it was advised that nothing can be done in most of these cases. Although the neighbor advised the deputies did show up, nothing was resolved. Conversations have also transpired with the County Attorney and Commonwealth's Attorney to develop some type of ordinance (to exclude all 'country' noises [i.e. farm animals, tractors and/or equipment]) to include noise caused by blaring music, excessive revving of vehicles, etc. Although it's deemed there will be difficulty with enforcement, it was noted this same issue applies to most of the surrounding localities.

Chairman Lackey advised that have been multiple citizen complaints about this issue over the past several years to request the Board provide assistance in dealing with this issue.

Supervisor Weakley suggested the County establish some type of 'tool' that will allow the deputies to take action, and also one that the County Attorney can defend, if needed.

The County Attorney advised the County Administrator has collected a series of 'sample' ordinances from surrounding localities; after review, he suggested the Noise Ordinance for Greene County is the most effective, and speaks of decibel levels (at or beyond the property line during day and night hours. In closing, he urged the Sheriff to speak with the Sheriff of Greene County to attain input on the level of, or lack of, success with their Noise Ordinance.

Erik Weaver, Sheriff, was present and advised that during a recent telephone call, the Sherriff of Greene County advised the outcome of each noise investigation differs; an adequate amount of deputies must always be available, as is the requirement that a certified meter be utilized for each instance.

It was questioned whether the use of a decibel meter could be eliminated, to which the Sheriff advised would make enforcement more difficult.

The County Attorney advised he will need to meet with someone who is knowledgeable with decibel meters in order to understand the range level(s) involved.

It was noted the effort to implement a noise ordinance might alleviate civil issues here.

Supervisor Jackson moved the Board recess for ten (10) minutes, seconded by Supervisor Campbell, 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 meeting.

e. Advertise Delinquent Tax List

The County Administrator advised the Treasurer has asked if the Board desired to advertise the delinquent tax list in the local newspaper, as this action has been undertaken by the Board in past years.

Discussions continued regarding the purpose of advertising the list, and whether advertising and the purpose of advertising the list, and the affect this may have overall.

It was noted this process has been implemented in the past and has resulted in some citizens taking care of delinquent taxes owed to the County.

Supervisor Campbell proceeded to provide an overview of revenue received from delinquent taxes, penalties and interest during the past year; he feels the concept of advertising the list is a form of misery and embarrassment upon those citizens who are already behind and/or are already enrolled in a repayment plan.

The County Administrator advised the level of delinquent taxes is relatively flat; the list has been advertised many times in the past, although one could argue both concepts (i.e. advertise or not); however, once taxes are two years delinquent, there is expense involved with advertising properties for repossession.

The County Attorney advised that Madison County has had wonderful Treasurer's throughout the years who've worked hardtop keep op top of tax collections here; the cut off point for delinquent taxes is three (3) years, at which time delinquencies can be turned over to an attorney to be sold. In closing, he feels the tool of advertising delinquent taxes is the Treasurer's way of keeping on top of this issue.

Discussions continued that perhaps today's request is one of the tools used by the Treasurer to help with tax collections; therefore, it was suggested the Board attain some input from the Treasurer before taking any final action on tonight's request.

The County Administrator advised the Treasurer is somewhat 'neutral' on this issue, as it is the Board's decision. He advised the Treasurer indicated she did sent notices to delinquent taxpayers that an advertisement would be published in the local newspaper and has received some revenue as a result.

Supervisor Campbell moved the Board skip advertising the delinquent tax list this year.

Motion died for the lack of a second

Supervisor McGhee moved the Board advertise the delinquent tax list for the year, seconded by Supervisor Weakley.

After discussion, it was suggested the Board attain the Treasurer's input on this matter before taking further action.

After a brief conversation with Stephanie Murray, Treasurer, the County Administrator advised the decision was solely up to the Board. It was also noted the list wasn't advertised one (1) year, but was added to the County's website. In closing, no opinion was verbalized (on the part of the Treasurer) in any manner.

With the following vote recorded:

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

f. FY2015 Budget Appropriation [Resolution #2014-8]

The County Administrator provided an attachment (budget sheet) to Resolution #2014-8) that was modified. It was noted the State's budget has been passed, although there were several line item vetoes (including Medicaid) that weren't overridden, although none of the cuts provided any impact on local governments, and there was no additional funding for constitutional officers or the schools. As a result, it was felt the line item for Constitutional Officers would be budgeted "flat"; a listing of categories was also provided for review that contained the total budget for the County and schools, as appropriated by line item.

The County Administrator advised the TOT Fund calls for \$50,000.00 (noted within the County's budget) that will need to be appropriated. An overview was provided regarding the portion of TOT funding that will be allocated into the general fund to offset the Chamber of Commerce (\$10,000.00), which will leave a closing balance of \$15,000.00 (from a grand total of \$75,000.00).

Supervisor Jackson moved the Board approve Resolution #2014-8 [Appropriation of Annual FY2015 Budget for County & school System] seconded by Supervisor McGhee.

Supervisor Campbell questioned the change in the total figure (noted on today's resolution), to which the County Administrator advised was a typographical error.

With the following vote recorded:

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

Supervisor McGhee moved the Board approve the appropriation of \$50,000.00 into Fund 11 (Tourism Enhancement), seconded by Supervisor Jackson, with the following vote recorded:

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

8. Information/Correspondence (if any)

Commemorative Memorial (Heritage):

Supervisor Weakley advised of an upcoming event sponsored by the Madison Historical Society that will focus on acknowledging families displaced by the park by establishing a commemorative heritage memorial; localities interested in moving forward with this suggestion would be asked to share funding for this endeavor.

Commissioner (Rental Property):

Supervisor Campbell advised of a letter he received from the Commissioner regarding a private rental property and the fact that a return (of property taxes assessed) hasn't been received on the transient rental property. In closing, he advised that he contacted all applicable County departments to ensure he took the necessary steps required for this particular property.

The County Administrator provided a brief overview of the means by which the Commissioner was provided a list of rental properties located in the County; after review, the Commissioner forwarded letters to all individuals that appeared to be renting properties but weren't reporting income received. Furthermore, the Commissioner audited whether owners had reported any personal property taxes and/or if information provided was accurate.

Town Hall Meeting:

Supervisor Weakley referred to the town hall meeting scheduled in July 2014, and whether it would viable for the County's accountants go through the budgets and provide a summary of the County's overall financial standing to the Board (prior to the scheduled meeting), and be available to provide financial input to the citizens.

Miscellaneous:

Chairman Lackey advised that all members have been provided a list of the types of developmental programs that have occurred in the County during the past few years (i.e. Yoder's ground breaking, relocation of Mill Valley BBQ), that can be highlighted as information.

Supervisor Campbell suggested that a letter of progress be submitted to the editor for publication.

The fact was also referenced regarding the County being financially 'solvent' and able to fund itself in the midst of the State not yet passing a budget.

The County Administrator advised that although quite a bit of funding has been appropriated, these funds were budgeted within the contingency fund during the past year, and not out of the general fund. To date, there will be about \$100,000.00 rolled (from contingency) into the general fund during the past year, due to conservative spending within the County overall.

Discussions continued regarding the difference between the 'general fund' and the 'cash flow', and the fact that biennial tax collections have helped boost the County's general fund.

9. Closed Session (County Administrator)

a. Closed Session:

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), pertaining to personnel matters, specifically the County Administrator, with the following 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 Weakley, 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

Other Concerns:

Supervisor Jackson verbalized concerns pertaining to Tyler Technologies and asked for further clarification as to what's transpiring with the school system.

The County Administrator explained the initial process calls for the development of the "COA" (Chart of Accounts); the county and school personnel were working with Tyler on this issue (Winter 2013), but fell behind during the transition of acquiring a new Finance Director. The process was completed for the county and submitted; however, the school system never submitted any documentation; the Finance Director completed a "COA" for the schools and forwarded it to the School's Finance Officer for verification (May 2014), but no input has been received which is placing the timeline of the entire project in jeopardy to meet the deadline of January 2015 for the first part of the financial update. To date, representatives (from Tyler Technologies) have conversed with the with the School's Finance Officer on this matter. In closing, it was noted the system will consist of one (1) database and not two (2), as Virginia Code advised the finance system is the prevue of the County.

After discussion, the County Administrator advised that he will forward an email and/or letter to the Superintendent to advise of the concerns addressed during today's session.

Supervisor McGhee questioned whether the Board could implement a resolution to advise of future intentions if the issue isn't resolved by January 2015.

Supervisor Campbell suggested the schools funding be reduced in the event of non-compliance.

The County Administrator suggested the last line of contact should be between the Chair(s) of both governing Boards. In closing, he advised the Finance Director will be instructed to set up the school's "COA" in order to get the goal accomplished.

It was noted there may well be additional expenses for the RDA System due to the school's delay in moving forward, and there will also be additional expenses with Tyler Technologies because of the existing delay.

After discussion, the County Administrator was advised to provide a letter to the Superintendent outlining concerns addressed during today's session.

Chairman Lackey advised of an issue in that warranted contact with the local Sheriff and Commonwealth Attorney; it was suggested a letter of advisement be sent from the County Administrator (to the party in question), and that a copy should be kept on file.

Chairman Lackey also referred to a comment (by Supervisor Campbell) that an act of perjury had been committed (by the Chair, County Attorney and County Administrator); this accusation was also relayed onto County personnel. It was noted the Board's bylaws and Code of Ethics are being violated with the aforementioned type of statement.

Supervisor Campbell advised that his comments were made in an open session.

10. 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:

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

Clerk of the Board of Madison County Board Supervisors

Adopted on: August 12, 2014

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, V. R. Shackelford, III & Constitutional Officers

- Resolution(s) Adopted on June 24, 2014:
- a. Resolution #2014-8 [Annual Appropriation of the Adopted FY2015 Budget (County & Schools)]



Agenda
Continued Meeting
Madison County Board of Supervisors
Tuesday, June 24, 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
 - i. *General Operations (Fund 10) FY2014 – May*
 - ii. *Certificate of Claims (Fund 11) – Tourism Enhancement FY2014 – May*
 - iii. *Certificate of Claims (Fund 40) – Debt Service FY2014 – May*
 - iv. *Supplemental Requests – General Operations – May 2014 – FY2014*
 - v. *TOT Fund Appropriation(s)*
6. Minutes:
 - a. #22, #23, #24, 26
 - b. #27 through #30

Public Comment Opportunity (will be as close to 7:00 p.m. as possible)
7. Discussion/Action:
 - a. Salary Study
 - b. Facilities
 - c. Task Force Lease
 - d. Noise Ordinance
 - e. Advertise Delinquent Tax
 - f. FY2015 Budget Appropriation [Resolution #2014-8]
8. Information/Correspondence (if any)
9. Closed Session (County Administrator)
10. Adjournment