

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 6:00PM — Tuesday, April 25th, 2023

Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #19 — April 25th, 2023

At a regular meeting of the Board of Supervisors on Tuesday, April 25, at 6:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Carty Yowell, Vice-Chair
Charlotte Hoffman, Member
Dustin Dawson, Member
James Jewett, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Kimberly Turner, Executive Administrative Assistant/ Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Chairman Jackson called the Board to order.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present and stated that Supervisor Jewett would be in attendance but was running a few minutes late.

Supervisor Hoffman made a motion to approve the agenda as presented, seconded by Supervisor Dawson. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

- *Chairman Jackson asked Mr. Carpenter how the Wool and Wine Festival went at Hoover Ridge Park this past weekend.*

Jerry Carpenter: Mr. Carpenter stated it went well and gave the Board a brief overview of the event.

With there being no public comment brought forth, the public comment opportunity was closed.

Supervisor Jewett arrived.

CONSENT AGENDA

1. Approve: Minutes from 04/11/2023

Supervisor Yowell made a motion to approve the consent agenda as presented, seconded by Supervisor Dawson. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

PUBLIC HEARING

2. Administrative Fees

The County Administrator stated they had two public hearings, and they would start with Administrative Fees. The County Administrator stated one change was for mechanical and plumbing permits to be charged per square footage. There was also a change to add the Madison County Volunteer Fire Department to the exemption list.

Chairman Jackson opened the floor to public comment. With there being no public comment brought forth, the public hearing was closed.

a. Administrative Fees Resolution

Supervisor Yowell made a motion to approve Resolution 2023-3 adopting the Madison County Administrative Fees for FY24, seconded by Supervisor Jewett. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

3. CY23 Tax Rate

The County Administrator stated the Board could set the tax rate after having a public hearing via Ordinance. The Ordinance represents no change to the current tax rates.

Chairman Jackson opened the floor to public comment.

Kevin McHaney: Mr. McHaney thanked the Board for their efforts in maintaining the tax rate.

With there being no further public comment being brought forth, the public hearing was closed.

b. Ordinance 2023-1 (CY23 Tax Rate)

Supervisor Jewett made a motion to approve the Tax Rate Ordinance 2023-1 as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

OLD BUSINESS

4. Sign Ordinance

The County Administrator stated there was discussion between the County Attorney's Office and the Registrar and the County Attorney has an update regarding the Sign Ordinance.

The County Attorney stated he believes they have an agreement regarding the Ordinance, and they just need to advertise. The Registrar's office is going to post a larger sample ballot that will be posted at the Registrar's Office. The Criglersville School is the only exemption, which will be listed in the Ordinance. The other polling locations are on private property, and he recommended

including the leases of those property granting a license to allow candidates to post political signage.

The County Administrator recommended aiming to do the public hearing on May 23rd.

The County Attorney stated the 23rd of May would give them plenty of time. The County Attorney stated they will need to advertise for two weeks before the public hearing. The County Attorney informed the Board that there may be changes in advertisement requirements coming to them very soon.

- *Chairman Jackson asked for clarification on whether this new change will make advertising more difficult or easier.*

The County Attorney stated that this change should be an improvement.

- *Supervisor Jewett asked the County Attorney about the new statutes coming from the General Assembly on public notification, specifically if there are any changes that will allow this notification to be made through online platforms.*

The County Attorney stated he could look further into it, but he did not believe so.

- *Chairman Jackson asked the Board members if they want to proceed with the recommendation to advertise and have a public hearing on May 23rd.*
- *The other Supervisors agreed.*

NEW BUSINESS

5. FY2024 Budget Adoption Resolution

The County Administrator stated that the budget message/transmittal letter is in the agenda packet to summarize the budget. The County Administrator stated the largest funding sectors will be public safety and education. For capital expenditures, the Board is committing a little over \$8 million. The County Administrator stated they have a balanced budget, and the General Assembly is reconvening in June. Regarding outside agencies, the largest increase was for the Juvenile Detention Center. The County Administrator gave an overview of the contingency summary. There is \$314,000 set aside for general fund contingency, which is the 1% threshold for financial policies. There is the additional 1% that the Board agreed to set aside for school funds. The County Administrator stated there is just under \$23,000 to cover accumulated leave. The County Administrator gave a capital breakdown, and the key areas are the public safety radio, Broadband, ERP, the County Reassessment, the EMS station renovation, and the Hoover Ridge Outdoor Recreation Center. For the County's side, \$533,000 is for the Capital Asset Replacement Program and for the school it is a little over \$715,000. The County Administrator stated this budget has a 5% COLA increase with employees paying a 50/50 split of the 10% health insurance increase. The County Administrator stated that one of the goals was to have a successful exit of Greene County from RSA which is in the works. The County Administrator

stated they have had their public hearing on April 11th for the FY24 Budget and he is recommending adoption by the Board of Supervisors at tonight's meeting. The last phase of the budget is done via Resolution, so monies are ready to be expended by July 1st, 2023. The County Administrator thanked all who participated in the budget process.

- *Chairman Jackson asked the Finance Director if she had any more comments on the budget.*

The Finance Director stated that the County Administrator covered everything.

- *Chairman Jackson asked the other Supervisors what they would like to do regarding the Resolution to adopt the FY24 Madison County Budget.*

Supervisor Dawson made a motion to adopt Resolution 2023-4, seconded by Supervisor Hoffman. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

6. Opioid Abatement Authority Grant – Cooperative Agreement

The County Administrator stated Madison participated in a class action suit, many pharmaceutical companies were involved, and Madison was a part of that settlement. The settlement funds would be made available by two sources, one being a direct payment and the other by grant. For the direct payment, there is a payment schedule that runs through 15 or 18 years. This year, the Board decided to use the direct payment to go toward Drug Court. The County Administrator stated they went to the Community Service Board to administer a program to receive the grant money. The Community Service Board cannot function as the fiscal agent and a locality would have to. The County Administrator stated Culpeper County has agreed to be the fiscal agent. The County Administrator is asking the Board to vote whether they want to agree to this program.

- *Chairman Jackson asked the County Attorney if he had anything to add.*

The County Attorney stated that their funding must be used to address opioid addiction problems. The County Attorney feels this would be the best way to do this.

- *Supervisor Yowell stated he looked at what the Community Service Board's goals and strategies were, and it seems like a lot of case management which he worries will be expensive. Supervisor Yowell asked for clarity of what Virginia's share will be.*

The County Administrator stated that the total settlement is 530 million.

The County Attorney agreed and stated the 530 million was for the Commonwealth of Virginia.

The County Administrator stated of the 530 million, Madison would receive 0.16% of it.

- *Supervisor Yowell stated his only concern is the program will not last forever and they will not be able to fund it afterwards.*

The County Attorney stated they are not obliged to continue the program afterwards. This is an opportunity to spend the money specially to run these programs. The County Attorney stated that the Madison County share can be augmented as the “Gold Standard” which involves regional interagency corporation. The advantage of managing it the way the county plans to manage it, puts Madison in line for additional funding.

Supervisor Yowell made a motion to approve the Opioid Abatement Authority Cooperative Agreement and authorized the County Administrator to sign the Cooperative Agreement, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

7. Older Americans Proclamation – Request by Aging Together
Chairman Jackson gave an overview of the Proclamation.

The County Administrator stated this was a request from Aging Together to raise awareness in the community.

- *Chairman Jackson asked the Board what they would like to do regarding the Older American Proclamation.*

Supervisor Yowell made a motion to approve the proclamation declaring May as the Older Americans’ Month, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

8. Graves Mountain Lodge Music Festival Permit Application
The County Administrator stated they appreciated the advancement on this application with the anticipated attendance being 2,000 people. The County Administrator stated that anytime the attendance is over 750, the Ordinance recognizes it as a category two event, which the board is required to review and approve. The County Administrator stated this has been circulated through the first response team and they have no reservations. The County Administrator stated they are looking to add additional information on the application, per the Sheriff’s request, to have a clear contact for the person overseeing the event. The County Administrator stated that sometimes the application can be filled out by the property owner or the event holder and he believes this is a reasonable request.

- *Chairman Jackson asked the Board if they had any questions and what action they would like to take. Chairman Jackson mentioned he is glad to see Graves holding these events and being successful.*

Supervisor Jewett made a motion to approve the Graves Mountain Lodge Music Festival Permit Application, seconded by Supervisor Hoffman. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

9. Young Farmers Tractor Pull Permit Application

The County Administrator stated there is a tractor pull on May 13th which will be held at the Farmers Ground. The attendance threshold does require the Board's review and approval. The application has been circulated amongst the first response team and there are no concerns.

Supervisor Yowell made a motion to approve the Young Farmers' Tractor Pull Permit Application, seconded by Supervisor Dawson.

- *Chairman Jackson mentioned that the Young Farmers' members are getting younger.*
- *Supervisor Jewett asked the Chairman who was the head of the Young Farmers.*
- *Chairman Jackson stated it was Scott Henshaw.*

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

DISCUSSION

10. MAD Cats Tax Exemption Request

The County Administrator stated that when a citizen or agency makes a request, he always reviews it and then brings it to the Board. A member from MAD Cats reached out to the Commissioner of Revenue making a request for a tax exemption. The County Administrator stated that MAD Cats is not a SPCA, and the statute did not allow for a tax exemption. The County Administrator stated the Board was asked to have a public hearing to consider this. The County Administrator stated that staff do not recommend approval of this request.

- *Chairman Jackson asked the Commissioner of Revenue, who was in attendance, if he had anything to add.*

The Commissioner of Revenue stated that the General Assembly decided to hand this decision off to the localities and he does not see where MAD Cats qualifies for tax exemption.

- *Chairman Jackson asked the Board if they had questions for the County Administrator or the Commissioner of Revenue before he let Mr. Gary Misch speak on behalf of MAD Cats, which they did not.*

Gary Misch: Mr. Misch was present and spoke on behalf of MAD Cats. MAD Cats are required to pay taxes this year. Mr. Misch gave an overview of what MAD Cats does and how it operates. Mr. Misch stated he was in contact with other non-profits and none of the non-profits are being asked to inventory their equipment to be assessed and he worries it is not being enforced across the board.

- *Supervisor Yowell asked the Commissioner of Revenue to respond to Mr. Misch last statement regarding non-profits not being assessed.*

The Commissioner of Revenue stated he is not aware of any non-profits who are not reporting as they are required to do so. The Commissioner of Revenue stated they do not have the resources to go searching for non-profits who are not reporting as required.

- *Supervisor Yowell stated he recognizes the value of MAD Cats and thanked them for what they do. Supervisor Yowell stated there are about sixteen non-profits in Madison, based on the Northern Piedmont Community Foundation, that also provide much needed services to Madison. Supervisor Yowell stated he cannot consider giving a tax exemption to MAD Cats without considering all the other non-profits as well and he does not think they are in the position to do that. Supervisor Yowell stated if he were going to start a 501 (c)(3) he would first come to the Board requesting help. Supervisor Yowell stated he does not believe it should be the other way around where the Board is asked after the fact.*
- *Supervisor Hoffman agreed with Supervisor Yowell. Supervisor Hoffman thinks what MAD Cats does is great, but this would set a precedence that the Board does not want to, nor need to get into at this time.*
- *Chairman Jackson stated he agreed with the other two Supervisors. Chairman Jackson stated they have never had another non-profit request a tax exemption, but they have had to turn down nonprofits for other request in the past.*

Gary Misch: Mr. Misch stated that a few non-profits he spoke with did not even know they would be taxed.

- *Supervisor Yowell asked Mr. Misch what his tax amount totaled out to be.*

Gary Misch: Mr. Misch stated he has not received the tax bill yet.

INFORMATION/CORRESPONDENCE

11. VDOT Updates

The County Administrator gave an update on items that were brought to VDOT at the last meeting. The County Administrator stated that there was a concern for Forest Drive that was brought to VDOT's attention. VDOT has looked at the road and is going to repave it in early May. The County Administrator stated that there was a speed limit sign that was missing and unfortunately the wrong sign was installed. VDOT was made aware and hopefully it will be corrected soon. The County Administrator stated if the Board notices a lot of "skin pathing" in Madison it is VDOT preparing the roads for paving. The County Administrator has a meeting with VDOT coming up to discuss an update on Turner Drive and a few other roads. The County Administrator stated he drove Parish Road and it is narrow in some areas, there is a concern for dust, and a concern regarding the speed of traffic. The County Administrator stated that unless the Board directs him to go down and explore different revenue types of programs for that road, he is going to avoid it. VDOT requested the county to encourage citizens to use their ticketing system which is located on the county's website. The County Administrator gave an overview of how the ticketing system worked.

- *Supervisor Yowell inquired how long the ticketing system has been on the county's website.*

The County Administrator asked Mr. Berry, from the IT Department and who was in attendance, how long it has been up. The County Administrator also stated he plans to discuss his paving list items that are due April 28th in his meeting with VDOT as well.

Mr. Berry stated he had believed it has been up since October.

The County Administrator stated he is still trying to get answers regarding Route 230 East, Orange Road. The County Administrator stated he emailed a citizen's concern regarding John Meyers Road to the Board. There are three residents that live on that road, and they have concerns about speeding and a culvert issue. The County Administrator stated he would not call it a short cut, but it connects from Blue Ridge Turnpike and goes right back around to Aylor Road. The County Administrator stated if a speed limit sign is not posted on a gravel road, which there is not one on this road, then the limit is thirty-five miles per hour. The citizen had the recommendation to post a "No Thru Truck" sign, but the County Administrator does not believe that would be helpful.

- *Chairman Jackson stated if there is a speed problem on that road it is either the mail person, FedEx, or UPS because they are the only people who use the road. Chairman Jackson stated it is not a cut through, it just goes around the hillside. Chairman Jackson does not believe there is a speeding issue on the road.*

The County Administrator stated he was going to try and solve their Culvert issue. The County Administrator stated they had a traffic accident over the weekend that rerouted traffic, but normally it should be quiet.

- *Chairman Jackson stated he went and drove the road as well and VDOT does need to pick up the sticks on the road.*

12. Public Hearing Scheduled for 5/9/2023 – Secondary Six-Year Plan

The County Administrator stated it is scheduled for May 9th and has been advertised. If the Board agrees with the Secondary Six-Year Plan (SSYP) then they will have a resolution prepared to be signed.

13. Old Rag Pilot Program Follow-up – Blue Ridge Committee Update on 5/9/23

The County Administrator stated they originally were going to have the Old Rag Pilot Program on the agenda for old business, but the two Blue Ridge Committee members are both on vacation but have agreed to come to the May 9th meeting to give an update.

- *Chairman Jackson stated they have been talking about the J-turn at Shelby for a long time. Chairman Jackson inquired the timeline for this project.*

The County Administrator stated he will look into it and get back to him. The County Administrator stated it did make it through the smart scale, unlike the roundabout which still needs to be decided by the CTB in June, this one has already been approved.

- *Chairman Jackson stated he thought he remember hearing last year it was fully funded.*

The County Administrator stated it is and he is thinking August is when it will be completed but he needs to look it up to be sure.

- *Supervisor Yowell stated people get lost trying to find the Old Rag parking lot often and he has seen many people with their tickets to hike and they were not upset by needing to get one.*
- *Chairman Jackson stated that with this type of program you would expect opposition, and he was surprised to not hear any. Chairman Jackson mentioned how crowded Old Rag was right after COVID restrictions started to be lifted and how this program helped.*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment. With there being no public comment brought forth, the public comment opportunity was closed.

CLOSED SESSION

Supervisor Yowell made a motion to convene in closed session pursuant to Virginia Code Sections: 2.2-3711(A)(1), 2.2-3711(A)(7), and 2.2-3711(A)(8), seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

Supervisor Yowell made a motion to re-convene in open session, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

Supervisor Yowell made a motion to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1), 2.2-3711(A)(7), and 2.2-3711(A)(8) and that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

As a result of the Closed Session:

Supervisor Yowell made a motion to hold a public hearing to discuss the lease of property for the safety tower and associated easements on May 23rd at 6:00 pm, seconded by Supervisors Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

ADJOURN

With there being no further business to conduct, Supervisor Jewett made a motion to adjourn, seconded by Supervisor Dawson. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***