



Agenda
Joint Meeting
Madison County Board of Supervisors
Wednesday, June 7th, 2023, at 7:00 PM
Admin. Building Auditorium, 414 North Main Street, Madison,
Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adoption of Agenda

Public Comment

Public Hearings

- A. Case No. SU-06-23-09** – On behalf of the Madison County Board of Supervisors and Emergency Services, Motorola Solutions, Inc., has submitted a special use application to develop a wireless communications facility (WCF). The proposed WCF will provide public safety radio coverage for the County’s public safety communications system. The WCF would be confined to a leased 50’ x 50’ fenced-in compound located on a 14.9-acre A1 (agricultural) zoned parcel. This parcel is located on a roughly 0.22-mile (~1,200 ft.) private right-of-way connected to Church Hill Road (Rt. 643). Per article 14-13-4 of the County’s Zoning Ordinance, WCF’s exceeding 100 feet in height require a special use permit. The proposed monopole’s height would be 174 feet, including an attached four-foot lighting rod. The subject property has a postal address of 222 Church Hill Road, Etlan, Virginia 22719 and is identified on Madison County’s Tax Maps as 15-55P.

New Business

- D. Radio Tower- Deed of Easement, Fall Path Easement, and Lease Agreement**

Public Hearings

- B. Case No. SU-06-23-08** – NWC Investments, LLC (Dr. Christopher von Elten) has applied for a special use permit to operate a licensed substance abuse day treatment center with overnight accommodations on a 120-acre A1 (agriculture) zoned parcel. In the A1 zoning district, a “hospital, clinic, or nursing home” is listed as a use permitted by special use permit; further, article 20-100 defines a substance abuse treatment facility as a similar/like use to a hospital. Treatment services shall be provided by licensed behavioral health providers with “24-7” staff onsite at all times. The subject parcel is the current location of the “Sevenoaks Retreat Center” and contains several buildings and structures; and five (5) of these building/structures are addressed. The parcel’s principal structure has a postal address of 403 Pathwork Way, Madison, Virginia 22727. The parcel is identified on Madison County’s Tax Maps as 54-14A.
- C. Case No. OA-06-23-10** – An ordinance amendment to amend Madison County’s Zoning Ordinance, specifically to add an article 14-20, 14-21, and 14-23 to this ordinance. The proposed amendments would authorize Madison County to assess an annual revenue share fee on utility scale solar facilities as allowed by section 58.1-2636 of the Code of Virginia. If adopted, the County could assess an annual revenue share of \$1,400 per megawatt (MW) for commercial solar installations, with an increase of 10 percent every five years. The adoption of this ordinance would mean that the County could collect revenue through this ordinance, or through machinery and tools taxes on solar related equipment for such facilities, but not both.

New Business

Information/Correspondence

Public Comment

Closed Session

Adjourn

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 7:00PM — Wednesday, June 7, 2023
Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #23 — June 7, 2023

At a joint meeting of the Planning Commission and the Board of Supervisors on Wednesday, June 7, 2023 at 7:00PM in the Admin. Building Auditorium:

- PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Member
Dustin Dawson, Member
James Jewett, Member
Jonathan Weakley, County Administrator
Sean Gregg, County Attorney
Hannon Wright, County Attorney
Suzanne Long (appearing as substitute for Kimberly Turner)
- ABSENT: Carty Yowell, Vice-Chair
Kimberly Turner, Executive Administrative Assistant/ Deputy Clerk

CALL TO ORDER

Chairman Jackson called the Board to order.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present. Chairman Jackson said the Board needed to adopt the agenda. Chairman Jackson advised he wanted to move item “D”—New Business to follow item “A” in order to take care of the Emergency Services tower before going back to the Planning Commission. Supervisor Hoffman made a motion to approve the agenda as amended, seconded by Supervisor Jewett, *Aye: Jackson, Hoffman, Dawson, Jewett. Nay: (0)*

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

A. Case No. SU-06-23-09. Chairman Jackson read Case Number SU-06-23-09. – On behalf of the Madison County Board of Supervisors and Emergency Services, Motorola Solutions, Inc., has submitted a special use application to develop a wireless communications facility (WCF). The proposed WCF will provide public safety radio coverage for the County’s public safety communications system. The WCF would be confined to a leased 50’ x 50’ fenced-in compound located on a 14.9-acre A1 (agricultural) zoned parcel. This parcel is located on a roughly 0.22-mile (~1,200 ft.) private right-of-way connected to Church Hill Road (Rt. 643). Per article 14-13-4 of the County’s Zoning Ordinance, WCF’s exceeding 100 feet in height require a special use permit. The proposed monopole’s height would be 174 feet, including an attached four foot lighting rod. The subject property has a postal address of 222 Church Hill Road, Etlan, Virginia 22719 and is identified on Madison County’s Tax Maps as 15-55P. Chairman Jackson asked

County Planner if he had anything to add; Mr. Webb said no. The Board had no questions for Mr. Webb. Chairman Jackson asked Mr. Gordon, Emergency Communications, if he had anything to add; Mr. Gordon said no. Supervisor Jewett said to make of note of the effort that Mr. Gordon put into this, along with County Administrator Weakley and Supervisors Jackson and Yowell. He said these individuals went up and diligently consulted with the residents up there, they verified the balloon tests, the relocation of the tower—saving the County over \$1 million, and this is a needed public safety infrastructure that will serve folks in that part of the County. Supervisor Jewett said he wanted to that those that diligently worked on this. Chairman Jackson asked if there was public comment on the WCF facility. There was no public comment.

- *A motion was made by Supervisor Dawson to approve SU-06-23-09 as presented. Supervisor Hoffman seconded the motion. Aye: Jackson, Hoffman, Dawson, Jewett. Nay: (0)*

NEW BUSINESS

D. Radio Tower—Deed of Easement, Fall Path Easement, and Lease Agreement.

Chairman Jackson said the Board could probably handle all of these under one motion.

County Administrator Weakley said there was a Board report in the meeting packet for tonight and he said he would try to summarize. The only change tonight is that we originally had three separate documents for the Deed of Easement, Fall Path Easement and Lease Agreement.

Administrator Weakley said legal had advised that a consolidate document combining all three would be better for both filing at the court and any future research if someone were to look up the information. Administrator Weakley said the Deed of Access of Easement (shown on the monitor) gives the County the right to go through Blake and Sarah Yowell's property, through to Brent and Carmen Aylor's property and also on Emmet J. and Connie Aylor's property.

Administrator Weakley said that is separate from the Fall Path Easement. The Fall Path Easement has been provided to the Fosters. He said this document, along with the Land Lease Agreement and the Deed of Access Agreement are provided in the packet.

- *Chairman Jackson asked if there were any questions on these three items. He said he believed the Board could handle them in one motion.*

Administrator Weakley said he had a recommended motion in the packet in order to get these approved tonight. Mr. Weakley said the staff motion is "Recommend the Board of Supervisors approve the presented Deed of Easement, Fall Path Easement, and Lease Agreement and authorize the County Administrator and County Attorney execute the referenced easements and agreements. Chairman Jackson called on the County Attorney, Mr. Gregg to comment. Attorney Gregg said that he agreed with everything Mr. Weakley had said. Mr. Gregg said we have been discussing trying to get Emergency Communications in Etlan for more than 10 years. He said this site will benefit Madison County considerably. Attorney Gregg said it will give necessary emergency communications in that area. He said the documents have all been reviewed and approved. He said the Board's approval would enable them to sign for the County and begin the process of installation.

- *A motion was made by Supervisor Jewett to adopt the motion that was crafted and presented by the County Administrator. Supervisor Dawson seconded the motion. Aye: Jackson, Hoffman, Dawson, Jewett. Nay: (0)*

- *Chairman Jackson thanked all the folks in Etlan for working to make this happen. He also said Mr. Brian Gordon is the one who has done all the work on this and many thanks to him.*
- *Supervisor Hoffman moved to suspend the Board meeting and return to the Planning Commission meeting, seconded by Supervisor Dawson. Aye: Jackson, Hoffman, Dawson, Jewett. Nay: (0)*

B. Case No. SU-06-23-08 – Chairman Jackson read the case: NWC Investments, LLC (Dr. Christopher von Elten) has applied for a special use permit to operate a licensed substance abuse day treatment center with overnight accommodations on a 120-acre A1 (agriculture) zoned parcel. In the A1 zoning district, a “hospital, clinic, or nursing home” is listed as a use permitted by special use permit; further, article 20-100 defines a substance abuse treatment facility as a similar/like use to a hospital. Treatment services shall be provided by licensed behavioral health providers with “24-7” staff onsite at all times. The subject parcel is the current location of the “Sevenoaks Retreat Center” and contains several buildings and structures; and five (5) of these building/structures are addressed. The parcel’s principal structure has a postal address of 403 Pathwork Way, Madison, Virginia 22727. The parcel is identified on Madison County’s Tax Maps as 54-14A. Chairman Jackson asked County Planner Webb if he had anything to add. Mr. Webb said the conditions have a few typo changes along with some greater changes, including a wood-constructed 6-foot fence barrier, a change from a ratio of 7-to-1 (patients to staff) to 5-to-1 (patients to staff) and a clarification on controlled substances. Chairman Jackson asked Dr. von Elten if he had anything to add. Dr. von Elten said he didn’t know what the process for approval was at this point. He said he appreciated all the time and appreciated the public comments and appreciated the consideration of their application.

- *Supervisor Jewett asked Dr. von Elten, on a monthly rolling basis, what is the average patient load for the current facility.*

Dr. von Elten said he serves roughly 700 people between his operations in Lynchburg and Charlottesville. He said they come from a wide area, Madison, Louisa, Orange, Greene, Augusta, the 81-corridor. Dr. von Elten said in terms of his more intensive services, which is what they plan to move to Madison, they average 8-12 patients.

- *Supervisor Jewett asked Dr. von Elten, what percentage of those folks are from Madison County.*

Dr. von Elten said he didn’t know. He said the more intensive services are probably more from Charlottesville.

Chairman Jackson asked for public comments.

Andrew Wyndham. Asked Dr. von Elten if he actually wrote prescriptions for naloxone.

Dr. von Elten said yes, he does. He said he also prescribes other medications as indicated.

With no other public comment, Chairman Jackson returned to the Board.

- *Supervisor Jewett said he had another comment to make. He said the Emergency Services and Law Enforcement services are stretched to the limit in Madison County. Supervisor Jewett said there are priorities to fund, such as another school resource officer. He said if this facility were to be approved and operational, we’re going to get calls. He said it doesn’t matter if is about clients onsite or from neighbors, we’re going to get calls. Supervisor Jewett said we don’t know if that will be one call a week or one call a day. He said any additional strain on our public safety infrastructure is just going*

to cause major public safety problems. This is not a desirable action. This is a public safety issue for me.

- *Chairman Jackson said he appreciates the comments from the Planning Commission not to “kick the can”. He said this is serious stuff, maybe the heaviest topic he has considered in 10 years. Chairman Jackson said we all don’t want this as our neighbor. He said we all agree this is a major problem and we need a solution. He said Dr. von Elten’s comment about opioid abatement money was odd; that’s the first time that caught me. Chairman Jackson said he would like to table this and let emergency management have a say. There are some concerns that have still been resolved. I would like to see this sent back to the Planning Commission, to be reviewed by the legal team, the sheriff’s office, the EMS, and the fire company. He said we won’t satisfy everyone in every way.*
- *Supervisor Hoffman said the biggest worry is how our emergency services are stretched. She said she thinks there is a need for this, but she said she agrees with Mr. Jackson, there are a lot of unanswered questions. She said she was in favor of tabling it.*
- *Supervisor Dawson said he has 4 boys, and he hopes they never need these services. He said he doesn’t want the facility next door to him. He said he didn’t think he would feel any different 30 days from now. He gave his phone number for the public to call him with questions and concerns.*
- *Supervisor Jewett said he thinks it should be an up-or-down vote tonight. Chairman Jackson said he agreed. Things probably will not change a lot. He said he hoped that everyone that has concerns would send an email to Mr. Weakley. Chairman Jackson said he hoped we could learn something from this.*

County Planner Webb said if this was tabled, the next available meeting would be June 27 at 6 p.m. County Administrator Weakley said if it is tabled, would need to be advertised again?

County Attorney Wright said it would not need to be advertised.

- *A motion was made by Supervisor Jewett to deny SU-06-23-08. Supervisor Dawson seconded the motion. Aye: Hoffman, Dawson, Jewett (3). Nay: Jackson (1).*

C. Case No. OA-06-23-10 – Chairman Jackson read the case. An ordinance amendment to amend Madison County’s Zoning Ordinance, specifically to add an article 14-20, 14-21, and 14-23 to this ordinance. The proposed amendments would authorize Madison County to assess an annual revenue share fee on utility scale solar facilities as allowed by section 58.1-2636 of the Code of Virginia. If adopted, the County could assess an annual revenue share of \$1,400 per megawatt (MW) for commercial solar installations, with an increase of 10 percent every five years. The adoption of this ordinance would mean that the County could collect revenue through this ordinance, or through machinery and tools taxes on solar related equipment for such facilities, but not both. Chairman Jackson asked if there was anything to add by Planner Webb. Mr. Webb said just the codification change, as mentioned in the Planning Commission meeting. Chairman Jackson asked if there were any public comments. There were no public comments.

- *Chairman Jackson said that this is a math problem, and we want the most money we can get.*
- *A motion was made by Supervisor Dawson to approve OA-06-23-10 as recommended by the Planning Commission. Supervisor Jewett seconded the motion. Aye: Jackson, Hoffman, Dawson, Jewett. Nay: (0).*

INFORMATION/CORRESPONDENCE

There is no information / Correspondence.

PUBLIC COMMENT

There were no public comments.

ADJOURN

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

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Jonathon Weakley, Clerk
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: June 27th, 2023.
