



Agenda
Board of Supervisors
Tuesday, August 22, 2023 at 6:00 PM
Administration 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

Consent Agenda

1. Approve: Minutes from 7/25/2023

Special Appearances

Public Hearing

2. Sign Ordinance Amendment – County Attorney
3. RSA MOA – County Attorney
4. Zoning Fee Amendment – County Administrator

Old Business

New Business

5. OMD Agreement – Chief Hillstrom
6. Boundary Line Adjustment and Non-Conforming Lots Review – County Administrator

Discussion

Information/Correspondence

7. Brightspeed Broadband Project – County Administrator

Public Comment

Closed Session

2.2-3711 (A)(1) & 2.2-3711 (A)(8)

Adjourn

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 6:00 PM — Tuesday, August 22nd, 2023

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

MEETING #30 — August 22nd

At a regular meeting of the Board of Supervisors on Tuesday, August 22nd at 6:00 PM 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
Hannon Wright, 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. Chairman Jackson stated he would like to start with the Pledge of Allegiance and follow with a moment of silence.*

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

- *Chairman Jackson advised that a quorum was present and inquired if anyone had anything to add to the agenda.*

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

PUBLIC COMMENT

Anette Hyde: Ms. Hyde lives in Radiant, is the Chair of the Madison County Democratic Committee, and was a former Electoral Board member in 2022. Ms. Hyde stated the Registrar's Office becomes a polling place 45 days before the officially recognized election day, so voters can vote in person early during office hours. Ms. Hyde explained the process for voting at the Registrar's Office. Ms. Hyde stated early voting ends the Saturday before the official election day. Ms. Hyde mentioned that traditionally the Democratic Committee has placed signs for the candidates on the Administrative Campus outside of the 40-foot line, as required by Virginia law. Ms. Hyde stated on November 7th, the day before the November 8th election last year, she

had to remove a Yesli Vega sign when she arrived to attend logic and accuracy testing for voting equipment, as an Electoral Board member. Ms. Hyde is requesting the County Attorney adjust the time for placing signs on the Administrative Campus to include Saturday early voting, the weekend before the official election day. Ms. Hyde stated if approved, the Madison County Democratic Committee will continue to be diligent about sign placement and removal.

With there being no further public comment, the public comment section was closed.

CONSENT AGENDA

1. Approve: Minutes from 07-25-2023

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

SPECIAL APPEARANCES

There were no special appearances.

PUBLIC HEARING

2. Sign Ordinance Amendment – County Attorney

- *Chairman Jackson asked Mr. Wright, the County Attorney, to inform them about the Sign Ordinance Amendment.*

The County Attorney stated the idea for the Sign Ordinance Amendment was to allow for signage around election days without creating blight and interfering with mowing. The idea is to create areas at polling locations for 36 hours before the election to erect signs and advertise and 36 hours after the election. The County Attorney stated the key part is ensuring that it is content neutral, so it is not limited to political signs but any kind of signs, which is keeping with recent Supreme Court cases. The County Attorney stated he looked into whether the Registrar's Office counts as a polling place, and he does not believe it does. The County Attorney stated if the Board would like to revisit that they can. Overall, this amendment is to allow signs around election day at polling locations, but not on county owned property. This would not impact private property and VDOT covers right-a-ways.

The County Administrator stated the County Attorney has been working with the Electoral Board. The County Administrator stated the County Attorney, the Electoral Board, and the Registrar may have comments to add.

- *Chairman Jackson asked the Board if they had anything to ask the County Administrator or the County Attorney, which they did not.*

The County Attorney added that he spoke with the Electoral Board. The County Attorney stated there is no fine schedule or penalties associated with this. However, they can revisit it down the road if it is needed.

- *Supervisor Yowell mentioned Supervisor Jewett had a suggestion that would address the public comment from Ms. Hyde by using the bulletin board in the hall.*
- *Supervisor Jewett stated he suggested posting a sample ballot so people can see who is running for office. Supervisor Jewett mentioned he thought it would be more conducive to making better decisions if they had that versus having a scattering of signs. Supervisor Jewett asked the Registrar if that was in the plans.*

The Registrar stated they do plan to post the sample ballot, which is something they do every year, as well as have them available in the office. They are looking at a way to increase the size of the sample ballot. The Registrar mentioned she had read an article about an Attorney General's opinion regarding the Registrar's Office qualifying as a polling place. The Registrar stated she would try to look it up.

- *Chairman Jackson asked Mr. Smith, Vice Chair of the Electoral Board if he had any comments.*

Mr. Smith stated the County Attorney addressed any concerns he had.

- *Chairman Jackson inquired if the Board had any questions, which they did not. Chairman Jackson then opened the floor for public comment.*

With there being no public comment, the public comment section was closed.

- *Supervisor Jewett mentioned if there is an issue in the future, they can always revisit the ordinance.*
- *Chairman Jackson agreed and stated he is glad they are going to put the sample ballot on the bulletin and thinks it is a good idea to put an enlarged version. Chairman Jackson ask the Board if they had comment which they did not. Chairman Jackson asked the Board to take action.*

Supervisor Yowell made a motion to approve the amendment to article 12 section 12-6 Permitted Signs adding the additional paragraph 15, seconded by Supervisor Dawson. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

3. RSA MOA – County Attorney

- *Chairman Jackson asked the County Attorney to come back up to tell them about the RSA MOA.*

The County Attorney stated this is for an amendment to an existing MOA (Memorandum of Agreement) that was executed by this Board in May of 2021. Now that Greene County is out of RSA, this is an agreement between Madison and Orange County to extend that for a 10-year period and allow for a renewal period after that. The County Attorney stated it is his understanding that Orange will likely be approving this tonight as well. The County Attorney stated based on the turbulence with RSA recently, this is to create some stability for Madison County, Orange County, and RSA.

The County Administrator thanked all those involved. The County Administrator stated his concern was that the clock was already ticking on the pre-existing Memorandum of Agreement (MOA), and this gave them a nice period to reset new members. The County Administrator mentioned that Orange County and Madison County has demonstrated a good working relationship which is encouraging.

- *Chairman Jackson stated he liked the MOA and appreciated Orange County being willing to work with Madison even though it is small. Chairman Jackson inquired if the Board had any questions, which they did not. Chairman Jackson then opened the floor for public comment.*

With there being no public comment, the public comment section was closed.

Supervisor Jewett made a motion to approve the RSA Memorandum of Agreement, seconded by Supervisor Hoffman. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

4. Zoning Fee Amendment – County Administrator

The County Administrator stated zoning fees are recognized as one of the administrative fees and normally, that is adopted around the budget cycle every year. The Board adopted their FY24 Administrative Fee Schedule during the budget cycle. Since then, there has been a case where the Board considered whether it is better to grant a SUP (special use permit) in A1 or does it

make more sense to rezone. This piece of property was on Route 29 and the applicant has chosen to rezone. The existing fee for rezoning is \$2,000 and if it is over ten acres there is an additional \$100 per acre. The County Administrator stated they are not looking at it as for-profit and they want to recoup any cost. The County Administrator stated staff feel lowering the cost may encourage folks to do the proper rezoning. Currently the fee is \$2,000 and staff recommend changing it to \$600. The County Administrator mentioned some Board members wanted the fee to be the same as the SUP (special use permit), which is \$500. They added an additional \$100 because they pay a fee for the contractor to maintain the zoning layer changes on GIS. Overall, \$600 is a substantial decrease from the original \$2,000.

- *Chairman Jackson stated this is the right direction to go.*
- *Supervisor Yowell agreed and stated they have their cost covered and it is going to encourage folks to do the right thing as opposed to the cheapest thing.*

The County Administrator mentioned this change will make their rezoning fee lower than the town. The County Administrator stated he went by to check on some RSA matters and their rezoning fee is currently \$750.

- *Chairman Jackson inquired if the Board had any questions, which they did not. Chairman Jackson then opened the floor for public comment.*

With there being no public comment, the public comment section was closed.

Supervisor Dawson made a motion to approve resolution #2023-11, seconded by Supervisor Hoffman. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

OLD BUSINESS

There was no old business.

NEW BUSINESS

5. OMD Agreement – Chief Hillstrom

- *Chairman Jackson stated he was glad to see Mr. Brady back but was sad to be losing him after 18 years. Chairman Jackson asked Chief Hillstrom to share.*

Chief Hillstrom stated he would like to take the opportunity to express their gratitude for Dr. Brady's many years of service to Madison County. For close to 20 years, Dr. Brady has been the Operational Medical Director and has played an integral role in making Madison EMS one of the most successful agencies in the area. Dr. Brady's leadership has made a profound difference in

the quality of care they provide daily. Dr. Brady has consistently demonstrated a commitment to excellence and a passion for improving patient outcomes. Dr. Brady is respected and admired by his peers and colleagues. Without his guidance and vision, Madison County EMS would not be the agency it is today. Chief Hillstrom stated they have a small token of appreciation for Dr. Brady, which they presented to him.

Dr. William Brady asked to speak after receiving an engraved footstool as a token of appreciation. Dr. Brady stated he is a Medical Director for a couple of other counties and some departments are easy to work with and others are not. Dr. Brady stated Madison County is a very easy county to work with from the EMS perspective as well as the leadership. Dr. Brady stated it takes a team including the Medical Director, the EMS agency, and the county's leadership to do the right thing to provide the right care for people. Dr. Brady mentioned over the years he has seen that support from the Board, and he has seen professionalism and dedication from the staff. Dr. Brady stated he has enjoyed his time and Dr. Rhames, who is taking over, is a very capable, gifted guy and the county will be in good hands, but he is available if needed.

➤ *Chairman Jackson asked Dr. Brady what the title was for his big promotion.*

Dr. Brady stated he is the Medical Director of the UVA Emergency Department.

➤ *Chairman Jackson asked Chief Hillstrom to tell them about the new OMD Agreement.*

Chief Hillstrom stated he received Dr. Brady's resignation with his last day being 8/31/2023. Chief Hillstrom reached out to staff for recommendations and Dr. Rhames was highly recommended. Dr. Rhames currently serves as the Operational Medical Director for Culpeper EMS, Richardsville Volunteer Fire Department and Rescue Squad, and Salem Volunteer Fire Department. Dr. Rhames is also an Emergency Physician at UVA Culpeper Medical Center. Dr. Rhames is requesting no compensation and is requesting the county cover his medical malpractice. Chief Hillstrom stated he has been in communication with the County Attorney, colleagues, and Vacorp who currently covers it so there is no additional money for that. Chief Hillstrom stated he worked with the Virginia Office of EMS to draft a Medical Director's Agreement and the initial draft has been approved by the Virginia Office of EMS and the County Attorney before being brought to the Board tonight.

The County Attorney went over his original concerns with this agreement, and he no longer has concerns. The County Attorney stated advertisement is not necessary.

The County Administrator stated the medical malpractice was already included in their Vacorp insurance provider so it is not an upcharge, if it was, then it would have to meet the procurement of going out for advertisement.

- *Supervisor Yowell referred to the second page of the agreement and asked that anywhere the word “develop” is used if it could be changed to “maintain.” This is because these things are already developed, and the new Medical Director will maintain them.*

Chief Hillstrom stated he supported that recommendation. Chief Hillstrom mentioned the agreement came from the state, but he agreed it should say “maintain.”

- *Supervisor Yowell stated he wanted to be sure the public is clear that they already have these things in place.*
- *Chairman Jackson inquired if anyone else had questions or comments, which they did not.*

Supervisor Yowell made a motion to approve the Operational Medical Director Agreement as present with the change of the word “develop” to “maintain,” seconded by Supervisor Dawson. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

6. Boundary Line Adjustment and Non-Conforming Lots Review – County Administrator

- *Chairman Jackson asked the County Administrator to present.*

The County Administrator stated at the last Planning Commission Workshop there was a specific case that came up that involved a boundary line adjustment. There were conversations about the lot that had the boundary line adjustment occur that was an existing non-conforming lot and by moving the boundary line for that parcel it did not create a conforming lot. The County Administrator asked if the Board would like the Planning Commission to study, review, and make a recommendation. The County Administrator mentioned the Board normally does that by voice vote to direct the Planning Commission. The County Administrator mentioned he was reviewing this and there is language that states if they are going to move the boundary line adjustment, they should be looking to improve the lot. Staff currently has administrative right, but he wants to be sure the Board is aware of the level of discussion at the Planning Commission Workshop. The County Administrator would also like to know if the Board would like the Planning Commission to look into it and/or if they had any thoughts. The County Administrator stated it was not clear to him if they should be moving boundary lines to make it a conforming lot and if there is need for more clarity, description, or anyway the governing body would like to see boundary line adjustments, as well as non-conforming lots when making boundary line adjustments, addressed. Overall, the County Administrator is seeking the Board’s feedback.

- *Supervisor Yowell stated the subdivision ordinance states you cannot create a lot that is non-conforming, however, there was already a non-conforming lot. They used the boundary adjustment, but the lot was still a non-conforming lot. Supervisor Yowell stated his opinion is if they are going to do something, they should create a conforming lot. Supervisor Yowell stated he would like to see the Planning Commission take it up and bring back a recommendation.*

Supervisor Yowell made a motion to pass the discussion to the Planning Commission for their recommendation, seconded by Supervisor Dawson. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

DISCUSSION

There was no discussion.

INFORMATION/CORRESPONDENCE

7. Brightspeed Broadband Project – County Administrator

- *Chairman Jackson stated the County Administrator was going to tell them about the Brightspeed Broadband Project.*

The County Administrator stated the final MOU was executed between Thomas Jefferson Planning District Commission and Brightspeed. The County Administrator gave an overview of the history of the process that led up to today's project status. The original VATI Grant that the county applied for had two areas that were challenged areas, which were Etlan and Wolftown. Due to the recent VATI Grant not being approved, they are still waiting on the Etlan area. The Wolftown area is where Brightspeed had committed. The MOU that they agreed to and the performance metrics that were being presented on the projector screen was agreed upon between Brightspeed and Thomas Jefferson Planning District Commission as well as understood by the Department of Housing Community Development (DHCD). DHCD is the state agency, and they approve all funding. The County Administrator stated the email that is being presented on the projector is a summary by David Blount, Deputy Director of Thomas Jefferson Planning District Commission. The County Administrator mentioned they either have to ask for reports, which they are required to give to DHCD, or in the progress report they state there is nothing to report. The County Administrator stated they have high concerns. Greene, Campbell, and Madison County are a third party to the agreement with Thomas Jefferson Planning District Commission, DHCD, and Brightspeed. The County Administrator stated he knew Mr. Blount had a conversation or inquiry into DHCD. The County Administrator stated he spoke with him Friday evening and encouraged him to give him a call before Tuesday's meeting if he had anything new, and the County Administrator has not heard from him. This project time, deliverable for completion, is December of 2024. The County Administrator stated he is not happy and the other

two counties said the same thing before this agreement was signed. The County Administrator stated they hope this is a course correction, but he wanted to report to the Board and the public. The County Administrator mentioned his office has been receiving regular calls, a lot of them through the Firefly project. The good news is, Firefly is overbuilding some of their territory so there should be options in the future should they have their agreement torn up and voided by the state for non-performance, but he thinks there is an opportunity to try to roll that back into an existing provider. The County Administrator gave an overview of the Broadband project tracker that can be found on the website, The County Administrator stated the RISE Project will be completed by August 2025, and they will be discussing some things with Firefly that will enhance this project moving forward.

- *Chairman Jackson stated they have one company that is giving them an abundant amount of information, to be transparent taking state and federal dollars, and another that is on a tighter timeline than the Firefly group, which is making better progress.*

The County Administrator stated the 2024 VATI Grant will be coming up probably around October and they will likely do another joint application request to get the Etlan area covered. The County Administrator stated he would be happy to take any questions.

- *Supervisor Yowell asked for confirmation that the chart on the projector screen was what was supposed to happen, and they do not have a chart that shows what has happened.*

The County Administrator stated that was correct.

- *Chairman Jackson advised asking them what is going on.*

The County Administrator stated he has emailed, and he spoke with Mr. Blount on Friday to inform them of their dissatisfaction with the overall process. The County Administrator stated he is not contacting DHCD directly, he would if the agreement were with the County, but asked if Mr. Blount could relay their feelings about the lack of performance.

- *Chairman Jackson inquired where Brightspeed is located.*

The County Administrator stated he would have to look into that. This territory has been acquired by Brightspeed, who purchased it from Lumens, who bought it from CenturyLink. The County Administrator stated these transitions were going on when the negotiation of the MOU was occurring. The County Administrator stated he will report back when he has more.

- *Chairman Jackson asked who the CEO was for CVEC.*

The County Administrator stated it was Gary Wood and you can get in touch with him at any time and he has been to a few of the meetings.

➤ *Chairman Jackson asked the Board if they had any comments, which they did not.*

PUBLIC COMMENT

With there being no public comment, the public comment section was closed.

CLOSED SESSION

Supervisor Yowell made a motion to convene in closed session pursuant to Virginia Code Sections:

- 3.2-3711(A)(1) for personal
- 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Seconded by Supervisor Dawson.

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

Supervisor Yowell made a motion to re-convene the Board in Open Session, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (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)(8) that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Hoffman.

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

As a result of the Closed Session, the Board took the following actions:

- Supervisor Yowell made a motion to set a public hearing for the REC right of way agreement and the communications site lease agreement for September 26th, 2023, seconded by Supervisor Dawson. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**
- Supervisor Yowell made a motion to approve Sean Gregg's contract and authorized the Chairman to sign, seconded by Supervisor Hoffman. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

ADJOURN

With there being so further business to conduct, Supervisor Dawson made a motion to adjourn, seconded by Supervisor Jewett. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Jonathon Weakley, Clerk
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: September 12th, 2023.

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