# Agenda
# Board of Supervisors Meeting
# Tuesday, September 22, 2020 at 6:00 PM
# County Administration Building, Auditorium
# 414 N Main Street, Madison, Virginia 22727

**Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence**

**Adoption of the Agenda**

**Public Comment**

1. Public Hearing: Codification of Madison County Ordinances

**Special Appearances**

2. Discussion: Boys & Girls Club Fall 2020 Programming

**Consent Agenda**

3. Consent Agenda:
   A. Minutes from the September 8, 2020 meeting

**Constitutional Officers, County Departments, Committees & Organizations**

4. Committee Vacancies (Frye)

**Old Business**

5. Consideration: Renewal of the Continuity of Government Ordinance (Gregg)
6. Report: CARES Act Spending (Costello)

**New Business**

7. Discussion: Response to Leathers Lane Improvement Proposal (Gregg)

**Information/Correspondence**

**Public Comment**

**Closed Session**

8. Financial Software Procurement (Negotiation) and Madison County Rescue Squad (Negotiation)

**Adjourn** *(Reconvene on October 7, 2020 at 5 PM for Mid-Year Budget Review)*

**MEETING #32 — September 8**

At a regular meeting (#1) of the Madison County Board of Supervisors on September 8, 2020, at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair
Kevin McGhee, Member
Amber Foster, Member
Carty Yowell, Member
Jack Hobbs, County Administrator
Sean Gregg, County Attorney
Jacqueline Frye, Deputy Clerk

**Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence**
All members are present; a quorum is established.
**Adoption of the Agenda**
Chairman Jackson recommended that:
***a. Public Comment be moved after Item #1 - Public Hearings***

Supervisor Foster moved that the Agenda be adopted as amended, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

**Public Hearings**

**1. Public Hearing - FY21 Budget Amendment (2nd Half Non-Departmental CARES Act Funds):**
Chairman Jackson read the following ad for the record:
*" Notice is hereby given, pursuant to Virginia Code Section 15.2-2507 (1950), as amended, that the Madison County Board of Supervisors will conduct an electronic meeting and public hearing for the purpose of receiving comments on Madison County's proposed amendment to the Madison County Annual Fiscal Plan (the budget) on September 8, 2020 at 4:00 p.m., in the meeting room of the Madison County Administration Center, 414 North Main Street Madison, VA, to receive public comment on the proposed purchase for the purposes of the fiscal year beginning July 1, 2020 and ending June 30, 2021.*
*The County was notified by the Secretary of Finance on July 28, 2020 that it would receive an additional $1,156,971 in Commonwealth of Virginia Coronavirus Aid, Relief, and Economic Security Act pf 2020, Coronavirus Relief Funds.*
*The CARES Act provides that payments from the funds may be used to cover cost that:*
*1. Are necessary expenditures incurred due to the public health emergency with regard to the Coronavirus disease 2019 (COVID-19).*
*2. Are not accounted for in the County budget approved as of May 12, 2020, as amended on August 11, 2020.*
*3. Are incurred during the period that begins March 1, 2020 and ends December 30, 2020. These funds are specifically to be used for one-time funding, and are not to be used for ongoing services, and/or based operations.*
*The Board will receive recommendation to use these funds to cover County expenditures made in response to the Coronavirus pandemic and for Business and Citizen Relief initiatives. A copy of the related material can be examined in the County Administrator's Office. Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m.*
*The public is invited to attend the public hearing and comment on the proposed amendment."*

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The County Administrator advised that the list of CARES Act funding requests has been received and discussed many times.

Chairman Jackson further advised that the Board has discussed the list of requests for CARES Act funding several times (to include public safety items, economic development, local business funding requests, etc.).

The floor of the public hearing on the amendment to the FY21 budget was opened to the public.

Chairman Jackson advised that the County received CARES Act funding which will need to be appropriated before being allocated for purposes stemming from the effects of the COVID-19 pandemic.

With no comments being brought forth, the floor of the public hearing was closed.

Supervisor Yowell moved that the Board approve the proposed FY21 supplemental appropriation to approve the 2nd Half Non-Departmental CARES Act funding allocation as advertised, seconded by Supervisor Foster.

The County Attorney noted that (as a matter of protocol) Item D and Item E are being considered for approval and recommended these items be removed from the Consent Agenda.

Supervisor Yowell moved to amend his original motion and that Item D - Supplement 21-10 CARES Act $1,098,478.29, be removed from today's Consent Agenda, seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

Supervisor Yowell moved that the Board grant administrative authority to the County Finance Director to reallocate funds from Fund 14 Contingency Balance to cover bills due and payable prior to final decision by the Board of Supervisors regarding departmental allocation of CARES Act Funding, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

***Public Comment:*** Chairman Jackson opened the floor for public comment:
The following comments were received:
Nick McDowell was present and read the following letter for the record (as submitted to the Madison Eagle):
*"Last week's paper contained an extensive (and expensive) paid advertisement from the Madison County Rescue Squad. It was also repeated word-for-word as a "guest editorial." What it boils down to is the relationship between the Squad and Madison County's Department of Emergency Medical Services. In the past that relationship has been governed by memorandums of understanding between the County and the Squad. There are two basic points that need to be made clear.*

*First, the Squad is not a county department: it is a private, volunteer non-profit tax-exempt corporation that has received very generous taxpayer funding over the years. The EMS department was officially established as a county department last year. Clearly, it is now time to formalize the relationship between the two.*

*Second, times have changed, and that has produced consequences. The Squad has difficulty attracting and keeping volunteers who are willing and able to consistently provide the services required by the county. On the other hand, EMS can consistently provide a high level of service without having to be supported by the Squad.*

*As I have pointed out in the past, the Squad has been a valuable asset to the County and deserves our gratitude. However, we do not need two ambulance services paid for (or heavily subsidized) by taxpayers. High quality emergency ambulance service should not be a contest by competing public and private organizations. Fortunately, there is a solution.*

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*Emergency ambulance service should be the mission of EMS. They have the personnel, training, and equipment to provide Advanced Life Support ambulance service 24/7. That is not in dispute. The Squad simply cannot compete in that respect. That is also not in dispute.*
*However, the Squad can continue to provide valuable and needed services to the County if they would be willing to do the following:*
*1.Provide "standby" basic life support ambulances at such events as Taste of the Mountains, festivals at Graves, and standby requests from the Sheriffs' Department.*
*2. Provide basic life support surge capability when requested by EMS.*
*3. Provide manpower in rescue operations, including extractions at auto accidents and during searches for missing persons believed to be at imminent risk.*
*4. Provide non-emergency medical transport on an appointment basis for people who need dialysis or other life-saving medical procedures and who are unable to provide their own transportation.*
*If the Squad would agree to these terms, there is no reason why the Board of Supervisors should not formalize them in a new memorandum of understanding. This does not require a study group to spend a year thinking about."*

Joe May was present and referred to the analogy of how things have changed down through the years regarding past emergency services being provided by the local volunteer rescue squad vs. services now being provided by paid EMS personnel; he noted that the County has to change along with the times and that something must be done to remedy the funding being allocated (to the rescue squad) for services that also being provided by paid EMS (through local dollars).

Bonnie Dixon was present and inquired as to whether there was any research into funding to make repairs to the swinging bridges;
To which Chairman Jackson advised that the Board has requested that VDOT assess and provide associates costs to repair the swinging bridges through VDOT maintenance funds as opposed to demolition of the structures.

Ms. Dixon also advised read the following letter for the record: *"I am a local Criglersville. While budget considerations are necessary and important it is also important to identify the inherent value of public structures. Although the southern end of one of the swinging bridges in Criglersville rests on land owned by me and my husband Frank, the residents of Criglersville and the surrounding area benefit from both of our swinging bridges located there.*
*Those footbridges over our Robinson River make Criglersville a friendlier, more entertaining place to live or visit, and add to the value of our property.*
*They enhance the value of nearby properties in ways it is hard to measure in dollars. They link the community together in a delightful way and are sources of joyful experiences and memories for many visitors. Abandon public maintenance and they will soon become too dangerous to use and require removal, an expense in itself. They should remain standing, benefitting everyone here, as assets to Madison County.*
*It is also important to educate people, children especially, about the river itself--it's currents and eddies, the plants and wildlife living round about, in order to become responsible stewards of our shared resources like the waterways that connect us. A view from above from a swinging bridge does that. So that maybe, in the future, we figure out better ways to live. Organize governance around natural features like a shared watershed instead of artificial boundaries like Countries, States, and Counties."*

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Chairman Jackson read the following email as submitted by Khalil Hassan (Lindsay Lane): *" Dear members of the Madison County Board of Supervisors: Thank you for inquiring as to whether or not VDOT had informed or requested feedback from local residents. I would like to submit the following comments in regards to the discussion relative to the removal of the two swinging bridges located in Criglersville. I am more familiar with the one that crosses the Robinson River at the low water bridge because I drive past that bridge several times per week.*
*In summer that section of the Robinson River is a popular wading area for citizens and visitors alike and the swinging bridge seems to be as popular as the refreshing waters of the River.*
*In the fall when events, both small and large, take place it is a definite destination point.*
*I and others with whom I've shared the information with hope that the Board will require VDOT to provide information that supports their assertions regarding the condition of the bridges. Included in that information I hope there will be maintenance documents, i.e., what repairs were made and how often.*
*I leave you with this quote which captures my thoughts more eloquently than I could compose.*
*"If you're a sucker for the nostalgic, you'll really enjoy Virginia's swinging bridges. They're photogenic locations that align with the likes of old watermills and covered bridges —* ***treasures we should protect for the stories they represent.***
*According to Gary Lester with the Virginia Department of Transportation (VDOT), "pedestrian bridges were mainly just to provide access when the water was too high to either ride or drive across the fords." Lester also said, "Several years ago there was about 70 in the whole state." VDOT maintains a majority (if not all) of Virginia's swinging bridges."*
*I would very much like to have this included as part of the public comments.*
*Thank you for your consideration."*

Supervisor Yowell advised that Mr. Leland Nettles (Syria) requested that his comment be read for the record regarding the Madison County Rescue Squad to state that: *"I want the discussion regarding the Madison County Rescue Squad to be public.'*

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

**Special Appearances**
**Consent Agenda**

**2. Consent Agenda**

***A. Minutes from the August 25 meeting***
***B. Minutes from the September 2 meeting***
***C. Payment of August 2020 CIP invoices from Debt Proceeds $192,991.84***
***~~D. Supplement 21-10 CARES Act $1,098,478.39~~ (Removed as recommended by the County Attorney)***
***~~E. Authorize the Finance Director to Reallocate CARES Act funding per supplement 21-10~~ (Removed from Consent Agenda as recommended by the County Attorney)***
***F.*** **~~E.~~ Supplement 21-11 IT Financial Software Selection Consulting $8,684.57**
***G.*** **~~F.~~ Supplement 21-12 Sheriff Body Camera Service Contract $13,363.20**

Supervisor McGhee moved to approve the Consent Agenda (Item A, B, C, F, G) and as corrected by the County Attorney (to remove Item D and E), seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell, Nay: (0)***

**Constitutional Officers, County Departments, Committees & Organizations**
**Commissioner of the Revenue:** Brian Daniel, Commissioner of the Revenue, was present to provide information on the report personal property trends and assessed values which show a slight decrease (based on January 2020 values prior to *COVID-19);* personal property tax relief is trending downward with state discussions to possibly do away with this tax completely.

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**Commonwealth Attorney:** Clarissa Berry, Commonwealth Attorney, was present to report that all is going well in her office; the plexiglass has now been installed in the courtroom; efforts are being made to get all the technology I place within the courtroom.
**IT:** Bruce Livingston, IT, was present to report that all is going well; technology has been ordered (as requested by the Commonwealth Attorney); web camera equipment being assessed; noted that the servers will not be relocated to the health department building before an electrician can evaluate the level of power at the location; assisting the Sheriff with the microphone system in the EMS and CID buildings.
**E911:** Brian Gordon, Director of Emergency Communications, was present and advised that Motorola is initiating an electrical study; it's felt that no issues will be found.
**Madison County Planning Commission:** Stephen Carpenter, Commission member, was present and advised that the commission is reviewing proposed updates to the County's subdivision ordinance regarding R3 zones (i.e. Courthouse Mountain Road vicinity).
**Facilities & Maintenance:** Roger Berry, Director of Facilities & Maintenance, was present to advise that moving activity continues; concerns have been brought forth about a possible landfill tax being imposed by the County.

Chairman Jackson advised that a trash tax has been proposed by the Governor (on August 18th) and presented to the General Assembly; localities are being encouraged to contact their delegates to request that they vote against the proposed tax that will require all landfill operators to pay a solid waste and/or a tipping fee at all landfills. SB 15.2-2159 - Code of Virginia will allow Counties (by ordinance) and after a public hearing, to levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the County in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future.

**Emergency Management Services:** John Sherer, Emergency Management Services, was present and advised that updates are still underway with the County's EOP. Tier II HazMat reporting still being assessed for local sites within the locality. Working to get the HazMat information added to the County IPAD system so it can be shared with local fire and rescue personnel in the event of an incident. A drive-thru flu clinic is being scheduled at the fire house on October 1st. COVID-19 cases in the County have remained rather stable since March 2020. Current report shows that COVID-19 virus was found in the wastewater in Stafford County. Advised that tapping wastewater has been done for many years as a means of identifying other virus

- *Supervisor McGhee: Noted that UVA is also tapping wastewater to assess COVID-19 cases.*
- *Supervisor Yowell: Questioned if the County's emergency management services have any responsibility to the school system.*

To which Mr. Sherer advised that he does share findings with the school's personnel.
EMS: Jeff Jackson, Emergency Medical Services, was present to provide highlights from the monthly call response report:

- 163 calls tones
- Average in-county response time: 11 minutes
- Personal protective equipment remains in good supply
- EMS is at full staff

**Clerk of the Circuit Court:** Leeta Louk, Clerk of the Circuit Court, was present to advise that jury trials are still not being held; pricing provided on poly-cam equipment; revenue reports provided for review; accolades to Roger Berry, Director of Facilities, on installation of plexiglass at her office, and for detailed work initiated on the restrooms in the courthouse.
**Parks & Recreation**: Jerry Carpenter, Parks & Recreation Manager, was present to advise that events are being held at Hoover Ridge with emphasis being required for social distancing; advised that the current vehicle being used by PRA did not pass

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inspection - requested that the Board authorize the Tahoe (former used by Emergency Management Services) to be relinquished to Parks & Recreation for future use and also advised that an old truck is also needed for their use.

Roger Berry, Director of Facilities & Management, and John Sherer, Emergency Management Services, were both present to provide information on the poor condition of the Tahoe and the fact that it failed its last inspection.

Mary Jane Costello, Finance Director, was present and requested to be advised if County vehicles are being transferred to other departments so that the County's insurance carrier can be alerted of any updates.
After discussion, it was the consensus of the Board to allow Jerry Carpenter to work with the Finance Director, before access is given to the Tahoe (i.e. re-titled, insurance) and assess what can be done to qualify the vehicle to pass the state inspection process.

**School System:** Barry Penn Hollar, School Board Chair, joined the meeting via online, and advised that school has not started for the year; good social distancing is being practiced; it's anticipated that every student will be able to learn effectively during the virtual learning platform being initiated in the school system; virtual learning platform will be assessed further at the next school board meeting.
**Department of Social Services:** Selene Pumphrey, DSS Specialist, and Valerie Ward, DSS Director, joined the meeting via online, and advised that all is going well at the DSS office at this time.
**Finance:** Mary Jane Costello, Finance Director, advised that the County has three (3) major debts (i.e. three (3) ongoing construction project and CARES Act funding); advised that there are significant ledger detail related to the aforementioned projects; referred to the stringent guidelines for CARES Act funding and encouraged the Board to provide a formal decision on the requests that have been discussed thus far. Also referred to the fact that the Accounts Payable Technician position will need to be filled and that the individual must be able to handle payment of the County's bills, and possibly assume of her workload; plans to have an updated job description shortly for review. In closing, she questioned if there are any proposed dates for the upcoming budget work sessions, and advised that the Board will not need to appropriate the full amount of debt service due to the debt service amount within the budget being different and already included within the budget.

- *Chairman Jackson: Advised that October 7, 2020 at 5:00 p.m. has been set as a tentative date; a list of items to be discussed has been compiled that pertain to issues being relayed at this time; also questioned if anything has been received regarding state funding for the upcoming fiscal year.*

The County Administrator advised that the General Assembly is still in session and that the most recent CARES Act funding list would be provided to the Finance Director to support her upcoming work in reporting actual and planned spending.

- Chairman Jackson: Questioned if there have been additional requests for CARES Act funding and if a template could be provided.

The Finance Director advised that based on information provided to the representatives from Davenport Financial Services, Inc., it's anticipated that they'll provide revised projected actuals.

- *Chairman Jackson: Referred to the job description to hire a full-time person by the 1st part of December 2020;*

To which the Finance Director advised that (in her opinion), the overall process will take some time as there are considerations (i.e. approval of a job description, salary compensation, etc.) that will need to be established, which may slow the process a bit.

- *Supervisor Yowell: Advised that any employee who elects to participate in the payroll tax deferral program must be aware that the County doesn't elect to withhold the 7.65% in taxes from participants effective January 1, 2021;*

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*anyone who participates in the option will be responsible for repayment of the tax or the County will have to repay it on behalf of the employee.*

The County Attorney advised that it's the opinion of most attorneys that any employee who elects to participate in the tax deferral option and later decides to leave employment, the locality can attempt to collect the tax from the individual by way of a signed promissory note.

The Finance Director advised that anyone who elects to participate in the tax deferral program will be asked to sign a form that will not require the County to have to pay deferred taxes in the event the employee leaves county employment.

***3. Report: Status of Committee Appointment (Frye):*** The Board was advised that no applications have been received for to date to fill vacancies on the Industrial Development Authority. One individual did inquire but didn't respond further after he received the statement of economic interest form that will need to be completed.

Chairman Jackson reminded everyone present that four (4) individuals have resigned from serving on the IDA due to having to disclose all public financial information as required by the Commonwealth of Virginia.

**Old Business**

***4. Report: COVID-19 Status - State of Emergency, Dept. of Labor & Industry Requirements, CARES Act Monies (Hobbs):*** The County Administrator referred to the current stats as a result of the COVID-19 pandemic. Staff has als spent much time over the past few months sorting CARES Act funding requests with the recent shift of one of actual receipt of goods/services, implementation, record development/reporting. Public hearing has been held to acknowledge the most recent deposit and appropriation of requested funds. The Department of Labor & Industry has initiated requirements for the distribution of guidance and policies on a variety issues which have now been published and requirement documentation of employee training. In closing, it was noted that a total of $2,737,719 in CARES Act funding is expected to flow through the County's books. The true impact of this funding initiative is difficult to calculate at this point.

***5. Report: Status and Approvals Required for the Financial Software Project (Costello):*** The Finance Director advised that the software vendor is working to negotiate a final contract and pricing, which is anticipated to be complete by September 22, 2020, which will call for a consensus from the Board to agree on the endeavor, to which the Board verbalized a consensus.

Further highlights on the software project focused on:

- Final pricing
- Maintenance services
- 1st phase to be implemented in October
- Reference was made concerning the number of service hours that THINc-IT has in place and possible restructuring of the existing contract

The County Attorney advised that the billing documents appear to be presented in a flat fee format.

After discussion, it was the consensus of the Board to add this item to the next meeting Agenda for further discussion and implementation of the proposed contract.

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***6. Discussion: Budget Adjustment Work session (Hobbs):*** The County Administrator advised that the impact on revenues will be assessed at the October meeting; a budget work session has been tentatively scheduled for October 7, 2020 at 5:00 p.m.

- *Chairman Jackson: Verbalized favor of having a mid-year budget review.*

The Finance Director requested a clear list of information she'll need to provide during the budget work session meeting, to which the County Administrator advised would be provided tomorrow.

**New Business**

***7. Consideration: EMS Lease Adjustment, IV Pumps & Other Needs (J. Jackson):*** Jeffrey Jackson, EMS Lieutenant, was present to provide input on the following items pertaining to EMS departmental operations:

**Generator Installation/Station Heat**

To install the EMS station generator an additional propane tank is needed per landlord David James. David James is requesting the County to pay for propane use which will include heating the EMS station. David will reduce our monthly rent by $100 if approved. The installation site has been inspected by Orange-Madison Cooperative and approved by David James. The cost of installation and initial propane fill is $2088.10.

Mr. Jackson further noted that the following items are being requested for purchase through the CARES Act funding in addition to what has already been budgeted for purchase and utilization by EMS personnel:

**IV Pump**

Vendor: Biomedix Medical Inc
Procurement: Low bid
Cost: $8390.00
Our current IV pumps are over 10 years old. IV pumps ensure the patient is receiving the correct medication dosage over the correct time and allows for greater provider/patient distancing during the pandemic.

Advanced Life Support Manikin

Vendor: Boundtree
Procurement: Low bid Cost:
$9,789.99
Madison EMS is requesting funding for an ALS manikin (Ambu Man Advanced) which will provide our staff the ability to train on advanced life support procedures on a regular basis. Most of our staff are advanced life support providers and this manikin will assist in their continued skill proficiencies. Lowest bid. Funding request

**LUCAS Chest Compression**

Vendor: Stryker Medical
Procurement: Sole Source Cost:
$15,867.20
In emergency situations, the familiarity with equipment is of extreme importance to ensure a positive outcome and avoid confusion between differing devices. Performance of high-quality CPR is integral in the chain of survival for successful resuscitation in the event of cardiac arrest. This device performs continuous high-quality CPR allowing responders to perform other lifesaving interventions. This device will be on "Response 1" quick response vehicle. Stryker Emergency Care is the sole source provider of its equipment.

**Lifepak 15 Cardiac Monitor**

Vendor: Stryker Medical
Procurement: Sole Source Cost:
$34, 574.25
Cardiac monitors are a highly critical and technical piece of equipment used in providing

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Emergency Medical Services. Physio-Control monitors are currently on all Madison County ambulances. This monitor would go on the new EMS Chief vehicle for emergency response. Stryker medical is not on the federal debarment list.

**Mass Casualty Incident Trailer**
Vendor: PennCare Procurement:
Sole Source Cost: $50,000
Trailer will house our mass casualty incident equipment and will be upfitted to operate as a standalone command post. The trailer will have heat/air conditioner. A generator will be included. PennCare is not on the federal debarment list. Logistics 2(old van) can be retired as it currently holds our equipment.

**Critical Care Class Reimbursement**
Madison EMS has sponsored four full-time employees to attend critical care class. This class will help prepare our staff for the training needed to operate mechanical ventilators which are on order. Reimbursement request $6,260.00.

Comments from the Board:

- *Supervisor Yowell: Feels that outside agencies should be moved to the bottom of the list for CARES Act funding request; suggested the County assess the needs to its departments first.*
- *Supervisor Foster: Advised that the Madison Boys & Girls Club is in the process of opening their program up to more grade levels; more staffing will be needed; the program will coincide with the school's operating schedule, and will provide lunch and breakfast for the students in the program.*
- *Chairman Jackson: Questioned if the funding being requested ($125,000) is for salaries only.*

After further discussion, the Board verbalized consensus to accept the CARES Act funding request as submitted by the EMS department, and requested that an updated list of CARES Act funding requests be provided for review and discussion at the next meeting in September.

Leeta Louk, Clerk of the Circuit Court, stressed the fact that some working parents (to include some in her office) that depend on the services provided by the Madison Boys & Girls Club.

After discussion, it was the consensus of the Board to also request that a representative from the Madison Boys & Girls Club attend the next meeting to provide input on their CARES Act funding request (of $125,000).

***8. Consideration: Emergency Communications KVM Switches (Gordon):*** Brian Gordon, Director of Emergency Communications Services, was present and advised that the switches allow for the reduction of contaminating space within his department. A quote has been received totaling $2,289.72.

**Information/Correspondence**
Construction Bid Proposals: The County Administrator advised that a review of the construction proposals is underway.

**Public Comment**
None.

**Closed Session**
**9. *Closed session:***
Supervisor Hoffman moved that the Board convene in a closed session pursuant to Virginia Code Section pursuant to:

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2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the Board, and:
2.2-3711(A)(29) for the discussion of the terms or scope of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board,
Seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor moved that the Board reconvene in open session, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Hoffman moved to certify by roll-call vote that only matter lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(3) and 2.2-3711(A)(29) and only matters that were identified in the motion to convene in a closed session were heard, discussed, or considered in the closed meeting, seconded by seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)*

**Adjourn**
With there being no more business to consider, on motion of Supervisor Hoffman, seconded by Supervisor Foster, Chairman Jackson adjourned the meeting at 6:25 p.m. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

_____
*R. Clay Jackson, Chairman*
*Madison County Board of Supervisors*

_____
*Clerk of the Board of the Madison County Board of Supervisors*
*Copies: Board of Supervisors, County Attorney & Constitutional Officers*
*Adopted on:*

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**Agenda**
**Board of Supervisors Meeting**
**Tuesday, September 8, 2020 at 4:00 p.m.**
**County Administration Building Auditorium**
**414 N Main Street, Madison, Virginia 22727**

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence
Adoption of Agenda
Public Hearings
1. Public Hearing - FY21 Budget Amendment (2nd Half Non-Departmental CARES Act Funds)

***Public Comment*** ***(Moved after Public Hearings)***

Special Appearances

Consent Agenda

2. Consent Agenda

A. Minutes from the August 25 meeting

B. Minutes from the September 2 meeting

C. Payment of August 2020 CIP Invoices from Debt Proceeds $192,991.84

D. Supplement 21-10 CARES Act $1,098,478.39 [Removed from Consent Agenda]

E. Authorize the Finance Director to Reallocate CARES Act funding per Supplement 21-10

***F.*** ~~E.~~ Supplement 21-11 IT Financial Software Selection Consulting $8.84.57

***G.*** ~~F.~~ Supplement 21-12 Sheriff Body Camera Service Contract $13,363.20

**Constitutional Officers, County Departments, Committees & Organizations**

3. Report: Status of Committee Appointments (Frye)

Old Business

4. Report: COVID-19 Status - State of Emergency, Dept. of Labor & Industry Requirements, CARES Act Monies

5. Report: Status and Approvals Required for the Financial Software Project (Costello)

6. Discussion: Budget Adjustment Work session (Hobbs)

New Business

7. Consideration: EMS Lease Adjustment, IV Pumps & Other Needs (J. Jackson)

8. Consideration: Emergency Communications KVM Switches (Gordon)

Information/Correspondence

Public Comment

Closed Session

9. Closed Session: Public Safety Radio Site Acquisition (Negotiation)

Adjourn

**AMENDMENT(S) DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT**

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**As of August 20'2020**

| | | Term Expires |
|---|---|---|
| **Board of Zoning Appeals (appointed by circuit court)** | **Douglas Coppedge** | **12/31/2024** |
| | Rodney Lillard | 12/31/2022 |
| | **E. J. Aylor, Jr.** | **11/9/2021** |
| | **James M. Lohr** | **4/17/2021** |
| | Roger L. Clatterbuck | 4/17/2021 |
| **Building Code Board of Appeals** | John Stamp, Alternate | 3/10/2021 |
| | Edward Lee Jenkins | 3/10/2021 |
| | Scott Lohr | 3/10/2021 |
| | T. Ray Lindsey | 3/10/2023 |
| | J. Daniel Crigler | 3/10/2023 |
| | Matthew Brian Utz | 3/10/2023 |
| **Community Policy & Management Team** | ***Charlotte Hoffman, Board Rep.*** | ***12/31/2020*** |
| | Brenda Allen | 12/31/2020 |
| | Martha Carroll | 12/31/2020 |
| | Wade Kartchner | 12/31/2020 |
| | Valerie Ward | 12/31/2020 |
| | Jeanette Alexander | 12/31/2020 |
| | Vassi Griffis | 12/31/2020 |
| | Taisha Chavez | 12/31/2020 |
| | Mary Jane Costello | 12/31/2020 |
| | Tiffany Woodward | 12/31/2020 |
| **Electoral Board (Appointed by circuit court)** | Mark Farmer, Chair | 2/28/2022 |
| | Susanna Spencer, Vice-Chair | 2/28/2020 |
| | Bonita Burr, Secretary | 2/28/2021 |
| **Family Assessment & Planning Team** | Morgan Corbin (Interim) | 12/31/2020 |
| | Shelly Morris | 12/31/2020 |
| | Amanda Storvick | 12/31/2020 |
| | Erica Hommel | 12/31/2020 |
| | Cari Cook | 12/31/2020 |
| | Tiffany Woodward | 12/31/2020 |
| | Missy Dillon | 12/31/2020 |
| **Industrial Development Authority** | James C. Graves | 4/11/2021 |
| | Vacant | *4/11/2023* |
| | Vacant | 4/11/2024 |
| | Paul D. Utz | 4/11/2022 |
| | Vacznt | 4/11/2023 |
| | Steve A. Grayson | 4/11/2024 |
| | Vacant | 4/11/2022 |
| **Parks & Recreation** | Kendal Fears | 12/31/2020 |
| | Edwarren (Moonie) Frazier | 12/31/2020 |
| | Nathan Carter | 12/31/2020 |
| | Danny Crigler | 12/31/2022 |
| | David Sisson | 12/31/2022 |
| | Connie Deatherage | 12/31/2022 |
| | ***R. Clay Jackson, Board Rep.*** | ***12/31/2020*** |
| | ***Carty Yowell*** | ***12/31/2020*** |
| **Planning Commission** | Nancy (Nan) B. Coppedge | 1/31/2022 |
| | Fay Utz | 12/31/2020 |
| | Mike Mosko | 1/31/2024 |
| | Charles Michael Fisher | 1/31/2024 |
| | Peter Work | 1/31/2023 |
| | Pete Elliott | 1/31/2021 |
| | Stephen Carpenter | 1/31/2023 |
| | Francoise Seillier-Moisewitsch | 1/31/2023 |
| | J. Daniel Crigler | 1/31/2024 |
| **Social Services Board** | Tina Weaver | 6/30/2022 |
| | Joseph Goodall | 6/30/2020 |
| | Jerry J. Butler | 6/30/2024 |
| | Charles "Nick" McDowell | 6/30/2023 |
| | ***Charlotte Hoffman, Board Rep.*** | ***12/31/2020*** |
| | Scott Alan Bennett | 6/30/2024 |
| **Topping Fund Committee** | ***R. Clay Jackson, Board Rep.*** | ***12/31/2020*** |
| | ***Amber Foster, Board Rep.*** | ***12/31/2020*** |
| | Jack Hobbs | 12/31/2020 |
| | Annette Dodson | 12/31/2020 |
| | Greg Cave | 12/31/2020 |
| **Tourism Committee** | Lydia Hansen | 12/31/2020 |
| | Lynn Graves | 12/31/2020 |
| | Alan Webb | 12/31/2020 |
| | Janine Jenson-Oakerson | 12/31/2020 |
| | Brent Lohr | 12/31/2020 |
| | Trace Gardner, Ex Officio | 12/31/2020 |
| | R. Clay Jackson, Board Rep. | |

## External Committees

| | | Term Expires |
|---|---|---|
| **Blue Ridge Committee for Shenandoah Park Relations** | ***Carty Yowell*** | ***12/31/2020*** |
| | ***Kevin McGhee, Board Rep.*** | ***12/31/2020*** |
| | Bruce Bowman, Member | 12/31/2020 |
| | James Ballard, Alternate | 12/31/2020 |
| **Central Virginia Economic Development Partnership** | Jack Hobbs | 12/31/2020 |
| **Central Virginia Regional Jail** | Erik Weaver, Sheriff | 12/31/2020 |
| | ***Kevin McGhee, Board Rep.*** | ***12/31/2020*** |
| **Germanna Community College Board** | Sarah Berry | 6/30/2024 |
| | Ann Tidball | 6/30/2022 |
| **Madison Extension Council** | ***R. Clay Jackson, Board Rep.*** | ***12/31/2020*** |
| **Piedmont Workforce Development Board** | ***Amber Foster, Board Rep.*** | ***12/31/2020*** |
| | Vacancy Pending | 12/31/2020 |
| **Rappahannock Juvenile Detention Center Board** | Nancy (Nan) B. Coppedge | 12/31/2020 |
| | ***Charlotte Hoffman, Alternate*** | ***12/31/2020*** |
| | Mary Jane Costello (Finance Committee) | 12/31/2020 |
| **Rappahannock River Basin** | ***Carty Yowell*** | ***12/31/2020*** |
| Rappahannock Rapidan Community Services Board | *Amber Foster, Board Rep.* | *12/31/2020* |
| **Rappahannock Rapidan Division of Court Svcs/** | Jeffrey Early | 9/24/2022 |
| **Rappahannock-Rapidan Regional Commission** | ***Charlotte Hoffman, Board Rep.*** | ***12/31/2020*** |
| | Jack Hobbs | 12/31/2020 |
| **Rappahannock-Rapidan Food Policy Council** | Brad Jarvis | 12/31/2020 |
| **Regional Preparedness Advisory Committee for Interoperability** | Brian Gordon | 12/31/2020 |
| **Skyline Community Action Partnership (CAP)** | ***Kevin McGhee*** | ***12/31/2020*** |
| | Peter Work | 12/31/2020 |
| **Thomas Jefferson Area Criminal Justice (OAR)** | ***Kevin McGhee, Board Rep.*** | ***12/31/2020*** |
| | Clarissa Berry | 12/31/2020 |
| **Thomas Jefferson EMS Council** | ***Kevin McGhee, Board Rep.*** | ***12/31/2020*** |
| | Carty Yowell | 12/31/2020 |
| **School Capital Improvement Plan Committee** | ***Amber Foster, Board Rep.*** | ***12/31/2020*** |
| | ***R. Clay Jackson, Board Rep.*** | ***12/31/2020*** |
| | Jack Hobbs, County Administrator | |
| **Shenandoah Committee** | Tracey Williams Gardner | 12/31/2020 |
| | Jack Hobbs | 12/31/2020 |
| **Director of Emergency Management** | ***R. Clay Jackson, Board Rep.*** | ***12/31/2020*** |
| **Deputy Director of Emergency Management** | Jack Hobbs | 12/31/2020 |
| **Coordinator of Emergency Management** | John Sherer | 12/312/2020 |
| **Deputy Coordinator of Emergency Management** | Brian Gordon | 12/31/2020 |
| **Historical Society Liaison** | ***Charlotte Hoffman, Board Rep.*** | ***12/31/2020*** |
| **Madison County Fire Department Liaison** | Amber Foster, Board Rep. | 12/31/2020 |
| **Madison Town Council Liaison** | R. Clay Jackson, Board Rep. | 12/31/2020 |
| | Carty Yowell | 12/31/2020 |
| **Madison County School Board Liaison** | Carty Yowell, Board Rep. | 12/31/2020 |
| | R. Clay Jackson, Board Rep. | 12/31/2020 |
| **Madison County Rescue Squad Liaison** | Charlotte Hoffman, Board Rep. | 12/31/2020 |
| **Madison County Library Board Liaison** | Charlotte Hoffman, Board Rep. | 12/31/2020 |
| **Planning Commission Liaison** | R. Clay Jackson, Board Rep. | 12/31/2020 |
| **Tourism Committee Liaison** | R. Clay Jackson, Board Rep. | 12/31/2020 |

Madison County IDA – Status as of August 20, 2020

There are four vacant seats on the IDA

No individuals have expressed an interest in filling those seats.

| Resigned | Vacant Seat Term Ends | Current | Term Ends |
|---|---|---|---|
| Peter Rice | 4/11/2023 | James C. Graves | 4/11/2021 |
| Dudley M. Pattie | 4/11/2024 | Paul D. Utz | 4/11/2022 |
| Bill Price | 4/11/2023 | Steve A. Grayson | 4/11/2024 |
| Stephen R. Hill | 4/11/2022 | | |

# AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN MADISON COUNTY GOVERNMENT AND CONDUCT OF BOARD OF SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY #2020-10

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in Madison County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and -1427.

Be it ordained by the Board of Supervisors of Madison County:

**1. That the following uncodified ordinance is hereby adopted:**

A. Purpose of the Ordinance.

This ordinance establishes methods to assure continuity in Madison County government, including the Board of Supervisors' procedures for meetings, during the COVID-19 emergency. These provisions are intended to ensure the Board of Supervisors' ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency "to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat" and he found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44 146.16 of the Code of Virginia." The Governor's Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order declaring a state public health emergency. On March 13, 2020, the Madison County Director of Emergency Management, with the consent of the Board of Supervisors, declared a local state of emergency due to the potential spread of COVID-19. The local Declaration of Emergency remains in effect until the Board of Supervisors takes appropriate action to end the declared emergency.

The Public Health Emergency Order issued jointly by the Governor and the State Health Commissioner effective March 16, 2020, consistent with all other expert opinions, observes that COVID-19 spreads from person to person, transmitted via respiratory

droplets, and can be spread from an infected person who does not have symptoms to another person. No vaccine or known treatment options exist at this time.

This Ordinance extends the Emergency Ordinance adopted on March 24, 2020 and shall remain in full force and effect until the Governor declares that the State of Emergency has ended, or until six months from the date of adoption of the this ordinance, which ever occurs first.

B. Virginia Statutory Authority for the Ordinance.

Virginia Code § 15.2 1413 authorizes localities to adopt an ordinance to "provide a method to assure continuity in its government, in the event of an enemy attack or other disaster," "[n]otwithstanding any contrary provision of law, general or special." The Governor's Declaration of a State of Emergency found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44 146.16 of the Code of Virginia."

Virginia Code § 15.2 1427 authorizes counties to adopt emergency ordinances without prior notice; however, no such ordinance may be enforced for more than 60 days unless readopted in conformity with the provisions of the Virginia Code.

Virginia Code § 2.2 3708.2(A)(3) allows the Board of Supervisors to meet via electronic communications without a quorum physically assembled together "when the Governor has declared a state of emergency," "the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location," and "the purpose of the meeting is to address the emergency." Public notice must be given using the best available method, in light of the nature of the emergency, and it must be provided contemporaneously with the notice provided to the members of the public body. Finally, arrangements must be made for the public to access the meeting.

Virginia Code § 2.2 3708.2(A)(1) allows members of the Board of Supervisors to participate in a meeting via electronic communications if (1) it has a written policy allowing for such electronic participation; (2) a quorum of the Board of Supervisors is physically assembled at the primary meeting location; (3) the Board of Supervisors makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; and (4) any member requesting remote participation is unable to attend the meeting due either to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or to a personal matter that is identified with specificity.

C. Definitions.

"Continuity in Madison County government" includes, without limitation, those actions, and the coordination of actions, that are necessary to assure the continuation of the County's essential functions and services.

"Electronic communication" means the use of technology having electrical, telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means the outbreak of the respiratory illness referred to as the novel coronavirus or COVID-19, as described in the Governor's Declaration of a State of Emergency and the local Declaration of Emergency, and the spread and effects of COVID-19, which constitute a disaster as defined in Virginia Code § 44-146.16.

"Meeting" means a regular meeting of the Board of Supervisors as established on the schedule approved by the Board of Supervisors at its 2020 Annual Meeting on January 2, 2020, the meetings of any Board of Supervisors Committee, the Planning Commission, and any special or emergency meeting called as allowed by Virginia Code §§ 15.2 1417 and 1418.

"Usual procedures" means the requirements and procedures established by the Virginia Freedom of Information Act for public meetings, including remote participation by a Board member as long as a quorum of the Board is physically assembled at the meeting location, as allowed by Virginia Code § 2.2 3708.2(A)(1) and the policy adopted by the Board on March 26, 2020.

D. Board of Supervisors' Meeting Procedures.

1. For any meeting at which the Board of Supervisors transacts public business with any purpose other than addressing the emergency or assuring continuity in Madison County government, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act.

2. If the purpose of a meeting of the Board of Supervisors is to address the emergency, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act unless, in the judgment of the Chairman, the catastrophic nature of the declared emergency makes it impracticable or unsafe to physically assemble a quorum at one location, in which case the Board will meet solely through electronic communication means to discuss the emergency in accordance with the emergency procedures established by FOIA and specifically Virginia Code § 2.2 3708.2(A)(3). In no event shall any action be taken by the Board in an electronic meeting unless a quorum is participating remotely. If the Board follows the procedures established by Virginia Code § 2.2 3708.2(A)(3), the Board will state on the record the nature of the emergency, the fact that the meeting is being held electronically, and the type of electronic communication means being used, and the Board will make arrangement for public access to the meeting.

3. (A) In addition, if any meeting or any part of a meeting of the Board of Supervisors is being conducted for the purpose of assuring continuity in Madison County

government, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act to the extent possible.

(B) If, in the judgment of the Chairman, items proposed to be considered are necessary to assure continuity in Madison County government and the usual procedures cannot be implemented safely or practically, then, under the authority granted to the Board by Virginia Code § 15.2 1413, the method by which the Board will conduct any meeting to consider the items will be as follows.

(1) The meeting may be held solely through electronic communication means without a quorum of members physically assembled at one location, but only after notice of the meeting is given in accordance with applicable laws. In no event shall any action be taken by the Board in an electronic meeting unless a quorum is participating remotely.

(2) The meeting may be held without permitting members of the public to be physically present in the same location as any of the Board members, but alternative arrangements for public access will be made. Such alternative public access may be through electronic communication, including but not limited to audio, telephonic, or video broadcast.

(3) Before action may be taken on any item, the Board must first approve that the item or items are necessary to assure continuity in Madison County government and that the usual procedures cannot be implemented safely or practically. A motion may be made and voted upon before each item or as to the entire agenda, as may be determined by the Chairman.

(4) For any such matter requiring a public hearing by law, public comment will be solicited and received via written or electronic communication prior to the vote on the matter. All such comments will be provided to the members of the Board and made a part of the record of the meeting.

E. Suspension of Certain Policies.

Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance.

**2. That this ordinance will become effective upon adoption.**

**3. That this ordinance is being re-adopted on an emergency basis as allowed by Virginia Code § 15.2 1413, and may be enforced for no more than six months from the date of adoption, unless the Board readopts this ordinance in conformity with all applicable provisions of state law and following the procedures established in this ordinance.**

**4. That the Clerk for the Board of Supervisors will schedule a public hearing on October 27, 2020, at which the Board will consider readopting this ordinance or a similar ordinance that assures continuity in Madison County Government during the COVID-19 pandemic. Such ordinance will be limited in its effect to a period not exceeding six months after the emergency and will provide for a method for the resumption of normal governmental authority by the end of the six-month period. The Clerk will publish descriptive notice of the Board's intention to propose the ordinance for passage once a week for two successive weeks as required by Virginia Code § 15.2 1427.**

## CERTIFICATION OF ADOPTION OF ORDINANCE

The undersigned Chairman of the Board of Supervisors of the County Madison, Virginia hereby certifies that the Ordinance set forth above was adopted during an open meeting on the 12th day of May, 2020, by the Board of Supervisors with the following votes:

| | "Aye": | "Nay": | "Abstain": | Absent: |
|---|---|---|---|---|
| R. Clay Jackson | ✓ | | | |
| Charlotte L. Hoffman | ✓ | | | |
| Kevin K. McGhee | ✓ | | | |
| Amber Foster | ✓ | | | |
| Carty Yowell | ✓ | | | |

GIVEN under my hand this 12th day of May, 2020.

R. Clay Jackson, Chairman
Board of Supervisors
Madison County, Virginia

Attest:

Jack Hobbs, Clerk

G:\MADISON COUNTY ATTORNEY WORK\Emergency Declaration\EMERGENCY UNCODIFIED ORDINANCE.docx

## § 15.2-1413. Governing bodies of localities may provide for continuity of government in case of enemy attack, etc.

Notwithstanding any contrary provision of law, general or special, any locality may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of the six-month period.

1964, c. 307, § 15.1-13.1; 1997, c. 587.

## § 2.2-3708.2. Meetings held through electronic communication means.

A. The following provisions apply to all public bodies:

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3. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:
a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

b. Make arrangements for public access to such meeting; and

c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

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C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

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**MADISON COUNTY ELECTRONIC MEETING PROTOCOL**
**May 14, 2020**

*Note two distinct situations articulated in the Code of Virginia and in Sec. 2.4 of the Board's Bylaws and Rules of Procedure as follows:*

**2.4 Quorum and Method of Voting**

E. During times of local, state, or national emergency, the Board may conduct its meetings through electronic communication, when meeting in person is unsafe or impractical, in compliance with Virginia Code §2.2-3708.2. (This paragraph was added on April 14, 2020)

F. The Madison County Board of Supervisors may conduct any meeting in which public business is discussed or transacted through electronic communications if, on or before the day of the meeting, a member of the Board of Supervisors notifies the Chair of the Board that they are unable to attend the meeting for any of the following reasons:

a. Due to a temporary or permanent disability or other medical condition that prevents that member's personal attendance.

b. The member is unable to attend the meeting due to a personal matter, and the member provides a description of the specific nature of the personal matter to the Chair.

No member of the Board of Supervisors shall be entitled to rely on this provision more than twice in any calendar year.

If the Chairman of the Board approves the electronic participation set forth in this Section, the Board shall record in its minutes the fact that a member participated remotely through electronic communications and specify the remote location from which the absentee member participated electronically. The Board shall also include in its minutes the reason(s) in 2.4.F the absentee member participated remotely.

If the Board Chairman denies participation from a remote location, the basis for such disapproval shall be recorded in the minutes with specificity. (This paragraph was added on April 14, 2020)

# MADISON COUNTY EMERGENCY MEETING
# CONDUCTED ELECTRONICALLY

**Suggested language to use for an emergency meeting conducted electronically:**

Mr. Chairman, Madison County is under a State of Emergency, as declared by the Governor of the Commonwealth of Virginia. Accordingly, I move pursuant to Section 2.4.E of the Madison County Board of Supervisors By-Laws and Rules of Procedure to conduct this meeting electronically in compliance with Virginia Code §2.2-3708.2 as follows:

A. an emergency ordinance authorizing emergency meetings has been adopted in compliance with Virginia Code §2.2-3708.2, which ordinance is currently in effect,
B. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location,
C. the purpose of the meeting is to address the emergency,
D. due notice has been given to the public notice using the best available method given the nature of this emergency, which notice was given contemporaneously with the notice provided to members of the public body conducting the meeting, and
E. arrangements have been made for public access to this meeting.

| | **Foster** | **Jackson** | **Hoffman** | **McGhee** | **Yowell** |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| “Aye”: | | | | | |
| “Nay”: | | | | | |
| Absent: | | | | | |

**Certification**

I move to (a) certify that this meeting took place pursuant to Section 2.4.E of the Madison County By-Laws, and in compliance with Virginia Code §2.2-3708.2, and all of the safeguards set forth in Virginia §2.2-3708.2 have been followed and to (b) instruct the Clerk to state the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held in the minutes.

| | **Foster** | **Jackson** | **Hoffman** | **McGhee** | **Yowell** |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| “Aye”: | | | | | |
| “Nay”: | | | | | |
| Absent: | | | | | |

**MADISON COUNTY NON-EMERGENCY MEETING**
**CONDUCTED ELECTRONICALLY**

**Suggested language to use for a non-emergency meeting conducted electronically:**

Mr. Chairman, Supervisor _____ (the Member) advised you on _____ *(must be the day prior to the meeting or earlier)* that the Member will be unable to be physically present for this meeting due to (a) a temporary or permanent disability or other medical condition that prevents the Member's physical attendance or (b) a personal matter involving _____ *(Note that the nature of the personal matter needs to be identified with specificity and that electronic participation by a Member under the second reason is limited each calendar year to two meetings.)*

For the record, please note that the Member is participating from _____ *(the remote location).*

Accordingly, pursuant to Section 2.4.F of the Madison County Board of Supervisors By-Laws and Rules of Procedure I move to conduct this meeting electronically in compliance with Virginia Code §2.2-3708.2 and confirm that:

A. A quorum of the Board is physically present
B. Adequate arrangements have been made for the voice of the Member to be heard by all persons in this room.

| | **Foster** | **Jackson** | **Hoffman** | **McGhee** | **Yowell** |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| "Aye": | | | | | |
| "Nay": | | | | | |
| Absent: | | | | | |

## § 2.2-3708.2. Meetings held through electronic communication means.

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:
a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

b. Make arrangements for public access to such meeting; and

c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.
If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.
7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.
8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

a. The total number of meetings held that year in which there was participation through electronic communication means;

b. The dates and purposes of each such meeting;

c. A copy of the agenda for each such meeting;

d. The primary or central meeting location of each such meeting;

e. The types of electronic communication means by which each meeting was held;

f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;

g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;

h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;

i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;

j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and

k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

2018, cc. 55, 56; 2019, c. 359.

**From:** Brian D Lenhoff
**To:** sdgregg@sdgregglaw.com; Jack Hobbs
**Cc:** robin.hoehn@verizon.net; jandskirby5@aol.com
**Subject:** Proposed Leathers Lane Road Work @ Syria Mountain Estates
**Date:** Monday, September 7, 2020 4:56:28 PM
**Attachments:** Leathers_Lane_Road_Work_Areas.pdf

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Dear Mr. Gregg and Mr. Hobbs –

Following the process determined by the Madison County Board of Supervisors with regard to road repairs on Leathers Lane at Syria Mountain Estates (SME), this letter is to start the process requesting road repair permission from you/Madison County, to particular sections of Leathers Lane.

Robin and Andy Hoehn, John Kirby, my wife Charlotte, and I met with Robert Hoffman of Robert Hoffman Excavating, to acquire estimates to repair portions of Leathers Lane that have deteriorated from years of rain and vehicular traffic. Mr. Hoffman stated the fix will simply require raising the existing road grade to portions of the road that have washed away. This would be accomplished by filling in the washed-out areas with #3 stone and 21-A stone and then compacting it. There will be minimal disturbance to the grassy areas along the right-of-way (ROW), adjacent to the road, of approximately 1" deep, 6" wide, along both sides of the work area within the limits of the County owned ROW.

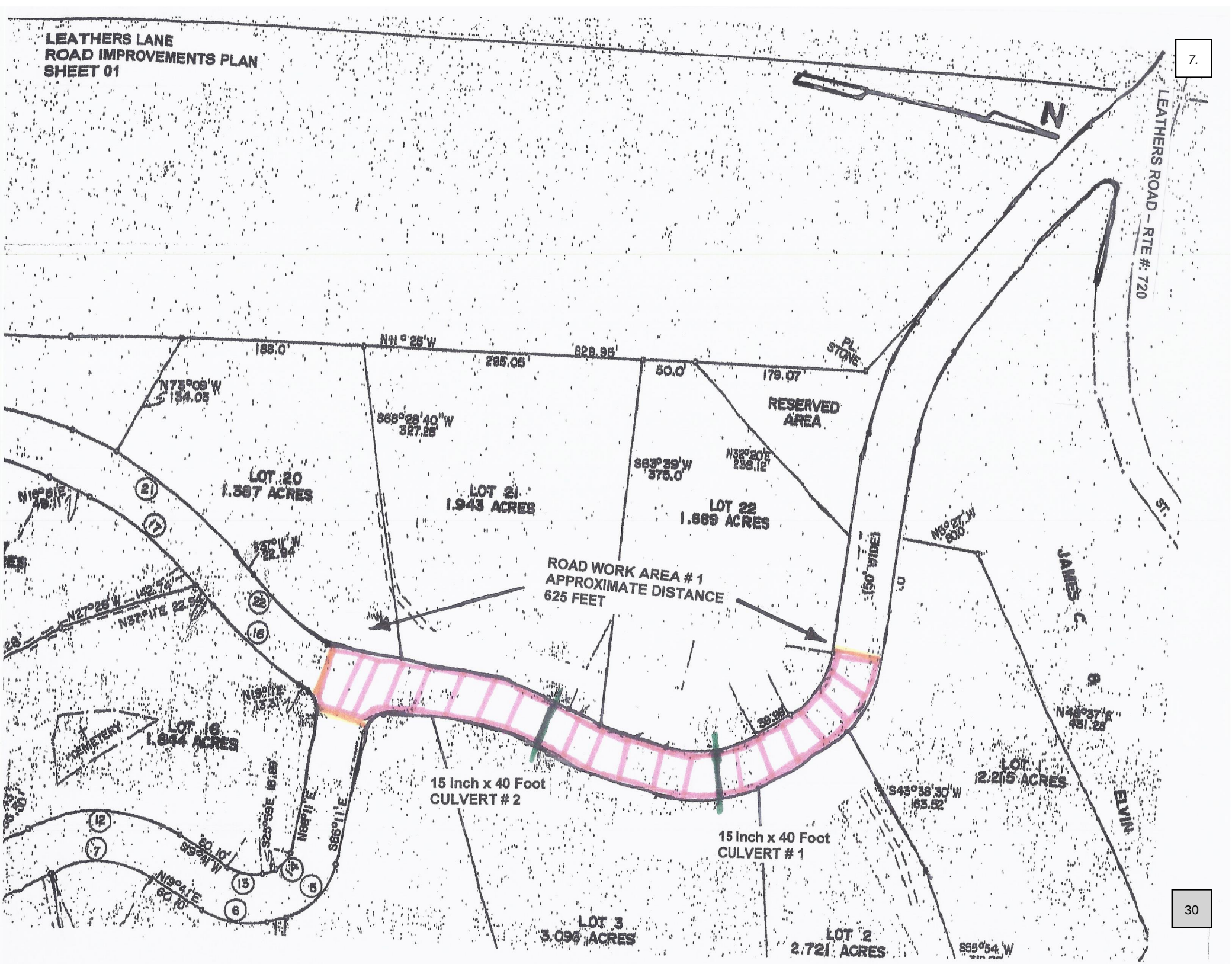
Mr. Hoffman recommended that we install fifteen inch by forty foot culverts, in three different locations, within the work areas, to manage road water drainage. Two culverts would be located in Work Area 1, and one culvert in Work Area 2 (see attached community plat maps). Culvert # 1 is approximately 860 feet from Leathers Road (rte-720). Culvert # 2 is approximately 1,260 feet from Leathers Road. And, Culvert # 3 is approximately 2,550 feet from Leathers Road.

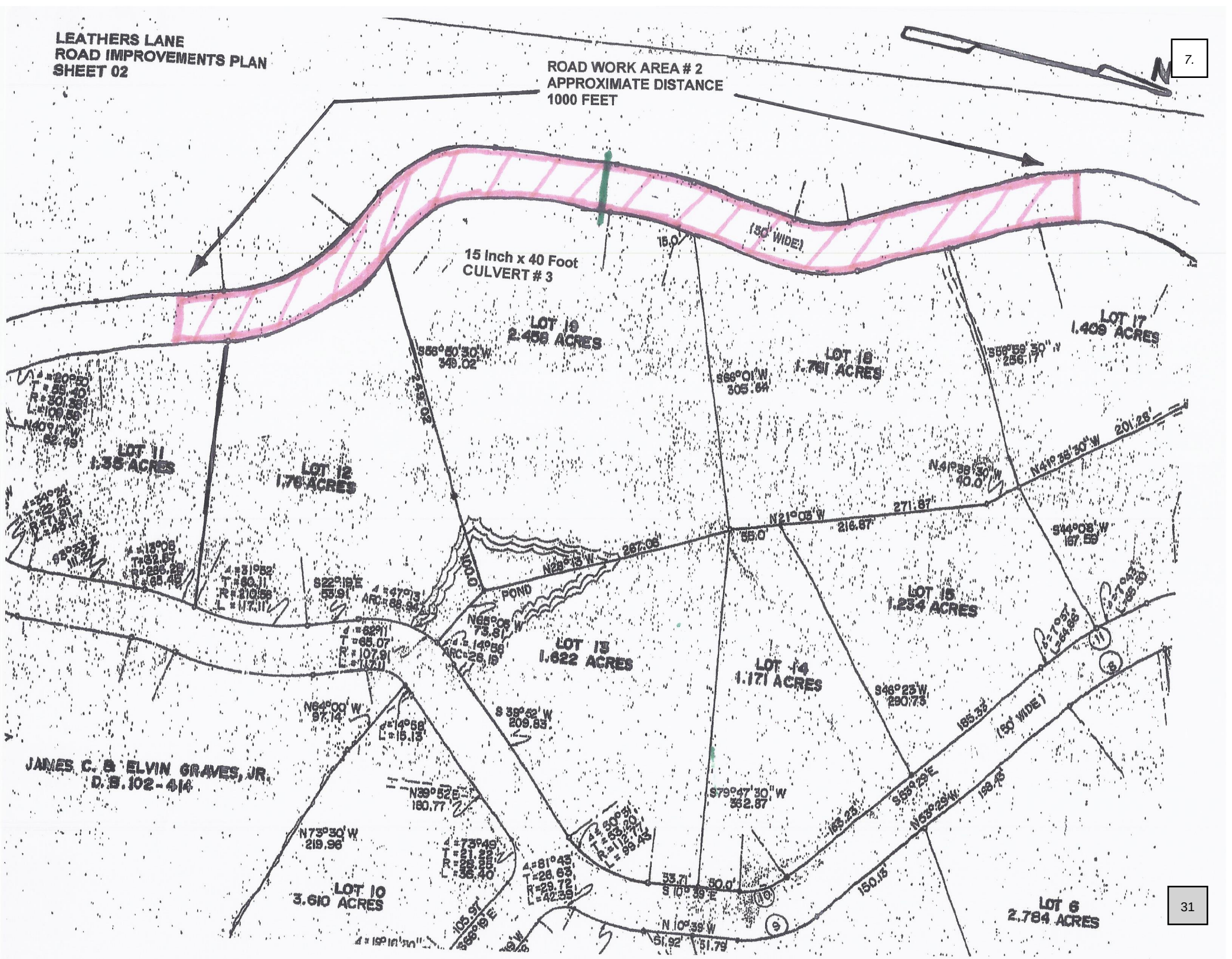
Robin Hoehn sent an email to each homeowner at SME, and a letter, via the U.S. Postal Service, to the lot owners without homes, about the proposed road work. The work will be fully funded by some of the residents at SME.

Looking forward to hearing from you as these sections of the road needs to be repaired before we get another heavy rain.

Thank you -

Brian D. Lenhoff
703.216.3248 - cell

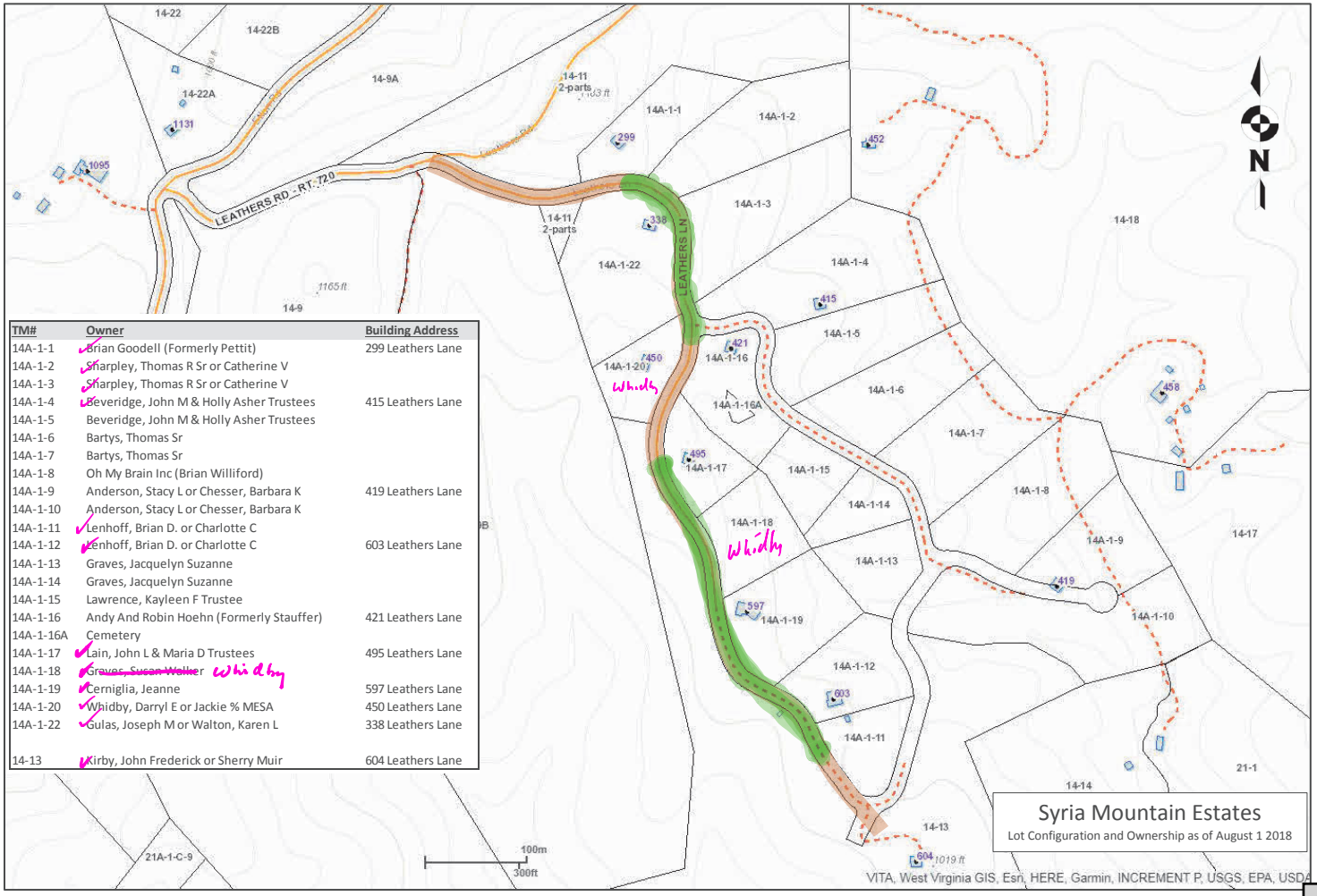

LEATHERS LANE
ROAD IMPROVEMENTS PLAN
SHEET 01
N
LEATHERS ROAD – RTE #: 720
N11°25'W
188.0'
295.05'
828.95'
50.0'
179.07'
PL. STONE
N73°09'W
134.05
S68°28'40"W
327.28'
S83°39'W
375.0'
N32°20'E
238.12
RESERVED AREA
LOT 20
1.397 ACRES
LOT 21
1.943 ACRES
LOT 22
1.689 ACRES
ROAD WORK AREA # 1
APPROXIMATE DISTANCE
625 FEET
(50' WIDE)
N50°27'W
600'
JAMES C.
ST.
N27°25'W
142.54'
N37°11'E
22.94'
N19°11'E
13.31'
CEMETERY
LOT 16
1.844 ACRES
S86°11'E
N88°11'E
S59°41'W
60.10'
N19°41'E
60.10'
15 Inch x 40 Foot
CULVERT # 2
15 Inch x 40 Foot
CULVERT # 1
39.35'
N46°37'E
451.28'
LOT 1
2.215 ACRES
S43°58'30"W
163.52'
ELVIN
LOT 3
3.096 ACRES
LOT 2
2.721 ACRES
S55°54'W


LEATHERS LANE
ROAD IMPROVEMENTS PLAN
SHEET 02
ROAD WORK AREA # 2
APPROXIMATE DISTANCE
1000 FEET
N
15 Inch x 40 Foot
CULVERT # 3
(50' WIDE)
LOT 19
2.458 ACRES
LOT 18
1.761 ACRES
LOT 17
1.409 ACRES
LOT 11
1.35 ACRES
LOT 12
1.76 ACRES
LOT 15
1.234 ACRES
LOT 13
1.622 ACRES
LOT 14
1.171 ACRES
LOT 10
3.610 ACRES
LOT 6
2.784 ACRES
POND
JAMES C. & ELVIN GRAVES, JR.
D.B. 102-414
N 21°03' W
271.87'
216.87'
N 41°38' 30" W
40.0'
N 41°38' 30" W
201.26'
S 44°08' W
187.59'
S 46°23' W
290.73'
S 79°47' 30" W
352.87'
S 39°52' W
209.83'
N 28°13' W
267.06'
N 68°08' W
73.81'
N 64°00' W
97.14'
N 39°52' E
180.77'
N 73°30' W
219.96'
S 10°39' E
N 10°39' W
N 58°29' W
S 58°29' E
183.25'
185.35'
150.13'
198.45'
(50' WIDE)

= Lenhoff work zone per 2009 04 email.

JH






| TM# | Owner | Building Address |
|---|---|---|
| 14A-1-1 | Brian Goodell (Formerly Pettit) | 299 Leathers Lane |
| 14A-1-2 | Sharpley, Thomas R Sr or Catherine V | |
| 14A-1-3 | Sharpley, Thomas R Sr or Catherine V | |
| 14A-1-4 | Beveridge, John M & Holly Asher Trustees | 415 Leathers Lane |
| 14A-1-5 | Beveridge, John M & Holly Asher Trustees | |
| 14A-1-6 | Bartys, Thomas Sr | |
| 14A-1-7 | Bartys, Thomas Sr | |
| 14A-1-8 | Oh My Brain Inc (Brian Williford) | |
| 14A-1-9 | Anderson, Stacy L or Chesser, Barbara K | 419 Leathers Lane |
| 14A-1-10 | Anderson, Stacy L or Chesser, Barbara K | |
| 14A-1-11 | Lenhoff, Brian D. or Charlotte C | |
| 14A-1-12 | Lenhoff, Brian D. or Charlotte C | 603 Leathers Lane |
| 14A-1-13 | Graves, Jacquelyn Suzanne | |
| 14A-1-14 | Graves, Jacquelyn Suzanne | |
| 14A-1-15 | Lawrence, Kayleen F Trustee | |
| 14A-1-16 | Andy And Robin Hoehn (Formerly Stauffer) | 421 Leathers Lane |
| 14A-1-16A | Cemetery | |
| 14A-1-17 | Lain, John L & Maria D Trustees | 495 Leathers Lane |
| 14A-1-18 | ~~Graves, Susan Walker~~ Whidby | |
| 14A-1-19 | Cerniglia, Jeanne | 597 Leathers Lane |
| 14A-1-20 | Whidby, Darryl E or Jackie % MESA | 450 Leathers Lane |
| 14A-1-22 | Gulas, Joseph M or Walton, Karen L | 338 Leathers Lane |
| 14-13 | Kirby, John Frederick or Sherry Muir | 604 Leathers Lane |

To: Mr. J. Hobbs

Rec'd 8/24/2020 7.

Mr. S. Gregg

The Board of Supervisors

August 24, 2020

I am writing this letter so it can be on **RECORD,** that the Whidby Family **DOES NOT** give any permission to Charlotte and Brian Lenhoff, Robin and Andy Hoehn, Mr. and Mrs. John Kirby to do any road work in front of **Lot 18 and Lot 20.** We understand from the Counties Position they must have everyones permission to do any work at this level.

Again, **WE DO NOT GIVE ANY PERMISSION** to the Lenhoffs, Hoehns and the Kirbys or anyone with the same agenda now or in the future.

Thank you,

The Whidby Family

Syria Mountain Estates

# MADISON COUNTY'S POSITION ON LEATHERS LANE

The Madison County Board of Supervisors has reviewed the material provided by citizens interested in the road situation at Leathers Lane, and has received input from a number of citizens of the County.

The Board wishes to thank the residents who have submitted their comments and provided input to the County.

The critical documents the County has reviewed include Judge Daniel Bouton's opinion letter dated November 20, 2017, which articulated the responsibilities among the parties related to the road. The County makes the following comments:

1. The County is the owner of the land upon which the road is situated. The County's ownership of the land is subject to the Dedication and the Deed of Dedication of the streets and rights-of-way shown on the Deed of Dedication recorded in Deed Book 108, page 212, of the Madison County Circuit Court Clerk's Office.

2. The County shall NOT be requested to take any of the roads in Syria Mountain Estates into the highway system unless and until the lot owners and proprietors have brought the streets up to the specifications of the Virginia Department of Highways. [Emphasis supplied.]

3. The streets have never been built to the standards of the state highway system. Accordingly, neither the owners of the properties in the subdivision, nor the proprietors who develop the subdivision have the right to request that Madison County bring the roads into the state highway system.

4. The County does NOT believe that Virginia Code Section 55-50.3 applies in this matter. Section 55-50.3, by its terms, applies "whenever a public road that has never been abandoned but is NO LONGER" publicly maintain services as access for more than one property owner.

5. The County believes that the Courts would impose a strict reading on Section 55-50.3, and, therefore, the statute only applies to roads that were once publicly maintained. All of the parties in this matter recognize that Leathers Lane has never been publicly maintained.

6. The County will NOT make improvements or repairs on any roads that are not in the state highway system. Since the institution of the Byrd Act, Madison County has not provided such improvements for any roads in the County that are not State maintained, and Madison County chooses not to engage in this process for Leathers Lane.

7. As the owner of the underlying land, Madison County reserves the right to exercise its ownership interests in the road by confining the actual roadway to its present condition and location. Madison County likewise reserves the right to prohibit any repairs or modifications to the roadway. If anyone makes such improvements, without the prior written consent of the

Madison County Board of Supervisors, may be subject to criminal prosecution.

8. Madison County commends the residents in the subdivision for the current state of repair of the road. Madison County hopes that the residents in the area can work together to resolve any disputed issues.

9. Moving forward, Madison County articulates the following standards for any modifications to Leathers Lane, applicable to ALL RESIDENTS.

a. Any such modifications to Leathers Lane shall meet applicable Virginia Department of Transportation guidelines for a public road. This way, any additional development will avoid the issues present today.

b. No private citizen shall have the right to change the existing road.

c. Madison County reserves its authority as the owner of the underlying land, and is not relying on the provisions of Virginia Code Section 55-50.3, discussed above.

d. All residents of the area shall have a revocable license to undertake the routine basic maintenance along the whole road. Basic maintenance is defined as replenishing gravel, raking gravel and smoothing the road, and clearing ditches, as necessary. Madison County shall NOT be responsible for reimbursing any costs related to these actions. Madison County further requests that the neighbors develop a plan going forward to continue the maintenance of the road.

e. No resident shall erect any signs on the property owned by Madison County, and any such signs shall be removed.

10. Madison County is grateful that the residents have maintained the area between the roadway and their respective property line, and the County encourages the residents to continue to do so. The County hereby advises the neighbors in Syria Mountain Estates to police the area abutting their individual property line and extending to the road. The County discourages anyone conducting any maintenance beyond the immediate area of their property line, and the County will consider any abuse of this license to be trespassing.

11. The County would be willing to convene a meeting of the homeowners affected by the use of Leathers Lane, in an effort to restore the tranquility that has characterized this area for so long. The County is under no obligation to do so, but wanted to make this option known.

Z:\Madison County Attorney Substitution for Shackelford\2018.08.01 Madison County's Position on Leathers Lane.rtf

Chair
R. Clay Jackson

Vice-Chair
Charlotte Hoffman

BOARD MEMBERS
Kevin McGhee
Amber Foster
Carty Yowell

# Madison County Board of Supervisors

Jack Hobbs
County Administrator

Sean D. Gregg
County Attorney

302 Thrift Road
P. O. Box 705
Madison, Virginia 22727
(540) 948-7500 (ph)
(540) 948-3843 (fax)

July 13, 2020

Darryl Whidby
450 Leathers Lane
Etlan, VA 22719

Re: Work and Obstructions on Leathers Lane

Dear Mr. Whidby,

As you know, Madison County is the owner of the land in front of your property that adjoins Leathers Lane. As you are further aware, Madison County has attempted to promote harmony in your neighborhood by developing and issuing a position statement on the roads there. A copy of this statement is attached for your reference.

It has been brought to Madison County's attention that you are violating the letter and the spirit of the Position Statement related to the road by planting grass and installing structures, some movable and others less movable, in the travel portion of the roadway.

Madison County hereby advises you that you must remove all barriers, including logs, tree limbs, traffic cones, concrete blocks, and dead plant material from the travel path on the roadway. You are required under paragraph 7 of the Position Statement to obtain approval from the County for any repairs to the roadway.

You are reminded that maintenance beyond the immediate area of your property line is considered trespassing per Section 10 of the Position Statement.

You are further advised that your attempts to plant grass to the very edge of the road do not in any way compromise a motorist right to travel on property owned by the County, when necessary for safe passage. Please remember that Madison County owns the property as set forth in the Deed of Dedication recorded in Deed Book 108 of Page 212. Madison County reserves the right to destroy any vegetation or structure that impairs the right of way.

The County expects you to remove these items no later than July 30, 2020. If you fail to do so, Madison County will exercise its rights as the owner of the underlying property.

7.

Please contact me with any questions you have regarding this matter.

Sincerely,

Sean D. Gregg

SDG/jws
cc Jack Hobbs

**Suggested Closed Session Actions:** September 22, 2020 v1

I move that the Board convene in a closed session pursuant to Virginia Code Section 2.2-3711(A)(29) for discussion of the terms or scope of public contracts involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board related to negotiations with (a) financial software vendors and (2) the Madison County Rescue Squad.

| | Foster | Jackson | Hoffman | McGhee | Yowell |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| "Aye": | | | | | |
| "Nay": | | | | | |
| Absent: | | | | | |

---

**Motion to Reconvene In Open Session:**
I move that the Board re-convene in open session.

| | Foster | Jackson | Hoffman | McGhee | Yowell |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| "Aye": | | | | | |
| "Nay": | | | | | |
| Absent: | | | | | |

**Motion to Certify Compliance:**
I move to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A) (29) only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting.

| | Foster | Jackson | Hoffman | McGhee | Yowell |
|---|---|---|---|---|---|
| Motion: | | | | | |
| Second: | | | | | |
| "Aye": | | | | | |
| "Nay": | | | | | |
| Absent | | | | | |

**§ 2.2-3711. Closed meetings authorized for certain limited purposes. (Excerpts)**

A. Public bodies may hold closed meetings only for the following purposes:

**Personnel** 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

**Real Estate** 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Privacy** 4. The protection of the privacy of individuals in personal matters not related to public business.

**Economic Development** 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

**Legal** 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

**Legal** 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

**Public Safety** 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

**Negotiations** 29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

**Economic Development** 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.