

August 12, 2008

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 12<sup>th</sup> day of August, 2008; at 7:00 p.m., there were present:

William G. Fore, Jr.

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Lacy B. Ward

Mattie P. Wiley

Absent: Howard F. Simpson

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; Jonathan L. Pickett, Director of Planning and Community Development; James Ennis, County Attorney; and Mark McKissick, Assistant Resident Engineer.

Chairman Fore called the meeting to order. Supervisor Moore offered the invocation.

In Re: Public Participation

**Pattie Cooper-Jones**, Farmville District, said a number of citizens are concerned that the YMCA football program is not being held this year. She said the middle school has a program for that age group, and asked if the YMCA will forward the County's donation of \$25,000 to the middle school for the program.

Mr. Wade Bartlett, County Administrator, said he spoke with Mr. Dan Albert, Executive Director of the Southside Virginia Family YMCA, who reported there was not enough interest in the program. Mr. Bartlett said 5-7 year olds and 8-10 year olds have four flag-football teams in each division, and next year will be included in the Pop Warner league. Mr. Bartlett added the YMCA donated equipment to the middle school, such as shoulder pads, etc. He said it would be best to have a representative from the YMCA address the issue.

Mrs. Gilfillan asked that a representative from the Southside Virginia Family YMCA address the Board during the September 2008 meeting. She said additional funding was given specifically for the summer programs and she would like a report on the YMCA's use of those and all funds donated by the County.

Mr. Ward said there are a number of disgruntled people regarding the YMCA and the dismissal of coaches and other drastic changes. He said he would like to hear not just from a YMCA representative, but also from the coaches and participants. Mr. Ward said the County has given more than just the funding for the football program; the County has given a million and a half dollars and land to the YMCA, and to cut a program with the reason that no one signed up is just a small part of the problem.

Mrs. Cooper-Jones said participants were told it would cost \$350.00 a year, and that is why people didn't sign up for the football program.

Mr. Ward said the Board has an obligation to take a close look at the YMCA football program.

In Re: Consent Agenda

Mr. Ward made a motion to remove the minutes of the meeting held July 8, 2008 at 7:00 p.m. from the Consent Agenda for further discussion. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

On motion of Mrs. Gilfillan and carried:

Aye: William G. Fore, Jr.  
 Sally W. Gilfillan  
 Robert M. Jones  
 Charles W. McKay  
 James C. Moore  
 Lacy B. Ward  
 Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

the Board accepted the Treasurer's Report for the month of June, 2008; the Delinquent Taxes Report; Accounts and Claims; Salaries; and budget amendments, as follows.

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	Transfer in from General Fund Balance		\$ 59,702.87
4-100-32200-7001	FY 08 Carry-over Farmville Vol Fire Dept	\$ 2.36	
4-100-32200-7002	FY 08 Carry-over Rice Vol Fire Dept	2,351.04	
4-100-32200-7005	FY 08 Carry-over Hampden-Sydney Vol Fire Dept	41,954.65	
4-100-32200-7006	FY 08 Carry-over Pamplin Vol Fire Dept	15,364.68	
4-100-32200-7007	FY 08 Carry-over Meherrin Vol Fire Dept	30.14	
	TOTAL	59,702.87	59,702.87
3-100-33010-0013	Byrne JAG Grant		1,952.00
4-100-31200-6017	Byrne JAG Grant	1,952.00	
	TOTAL	1,952.00	1,952.00
3-100-41050-0100	Transfer in from General Fund Balance		430.00
4-100-53220-5714	State & Local Hospitalization	430.00	
	TOTAL	430.00	430.00
3-100-24040-0080	Library of Virginia Records Grant		15,629.00
4-100-21600-3161	Professional Services-Preservation	15,629.00	
	TOTAL	15,629.00	15,629.00

**June 2008**

**Fund balances were as follows:**

General Fund-----	\$ 120,652.30	
General Fund Reserved for Investment-----	\$ 5,827,940.95	
		\$ 5,948,493.25*
Prince Edward Community Development Fund-----		37,496.96
Industrial Development Authority Fund-----		79,496.96
Recreation Fund Reserved for Investments-----		25,595.72

Forfeited Assets Fund Reserved for Investment-----	147,733.77
School Capital Projects Fund – VPSA-----	4.75
School Capital Projects Fund – QZAB01-----	913.74
Underground Storage Tank Fund-----	20,000.00
Economic Development Fund-----	1,185,000.00
Board of Public Welfare Special Account-----	1,829.11
Piedmont ASAP Fund-----	201,821.67
School Fund-----	0.00
Landfill Construction Fund-----	(265,324.14)
PCS Fund-----	218,158.77
Revenue Sharing Fund-----	(10,689.64.)
Retirement Benefits Fund-----	147.00
School Capital Projects Fund – QZAB02-----	368,526.19
DARE Donations Fund-----	3,779.65
School Cafeteria Fund-----	185,195.94
	<b>8,148,099.84</b>

**Cash accounts were as follows:**

Cash in office-----	1,000.00
Cash in banks-----	579,317.18
Warrants Payable (School Fund)-----	1,363,074.58
General Fund Investments-----	5,827,940.95
VPSA Investments-----	4.75
QZAB01 Investments-----	913.74
Underground Storage Tank Fund-----	20,000.00
Recreation Fund Investments-----	25,595.72
QZAB02 Investments-----	368,526.19
Landfill Construction Fund for Investment-----	(265,324.14)
Forfeited Asset Fund for Investment-----	147,773.77
Industrial Development Authority Fund for Investment-----	79,317.10
	<b>8,148,099.84</b>

\*Of this \$5,948,595.25 in the General Fund, \$0.00 is encumbered for:

Transfers to:	
Retirement Benefits Fund	0.00
School Fund	0.00
VPA Fund	0.00
Landfill Construction Fund	0.00
Debt Obligations	0.00
<b>Total</b>	<b>0.00</b>

This leaves an unencumbered balance of \$5,948,593.25 in the General Fund.

**STATEMENT OF DEPOSITORY BALANCES**

**Balances as of June 2008:**

**Checking Accounts:**

Benchmark Community Bank-----	\$ 107,819.36
Wachovia Bank-----	164,264.07

BB&T-----	1,828,495.30
Bank of America-----	888,129.04

**\$ 2,988,707.77**

**Investment Accounts:**

Benchmark Community Bank-----	\$ 749,315.66
Wachovia Bank-----	200,000.00
Citizens Bank & Trust Company-----	235,000.00
BB&T-----	1,481,921.23
Planters Bank & Trust-----	700,000.00
Mentor Investments-----	160,572.77
SNAP (State Non-Arbitrage Plan)-----	4.75
Bank of America-----	1,631,577.66

**\$ 5,158,392.07**

**LIABILITIES**

VA Department of Taxation	State Sales Tax	1.40
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**BOARD OF SUPERVISORS**

Aramark	Dinner	5,021.35
Awesome Party Supplies & Event Rentals	Chair rental	540.00
Blue Ridge Imaging	Banners	834.00
Business Card	Postage-672.00	
	Meals-130.60	
	Homestead reservations-640.00	1,442.60
Calloway Johnson Moore	Professional service	4,175.74
Sarah E. Puckett	Candles	9.07
Fannon Fine Printing	Invitations	3,135.39
Farmville Herald	Advertising	926.26
Farmville Printing	Programs	143.18
Pearson Equipment Company	Boom lift rental	411.00
Rochette's Florist	Plant rentals	117.00
Southern Air, Inc.	Light installation	11,150.00
William G. Fore, Jr.	Mileage	13.64
Sally W. Gilfillan	Mileage	43.13
Robert M. Jones	Mileage	40.40
Charles W. McKay	Mileage	86.86
James C. Moore	Mileage-563.25	
	Tolls-7.50	
	Bottled water & ice-36.82	607.57
Lacy B. Ward	Mileage	113.12

**COUNTY ADMINISTRATOR**

AtWork Personnel Services	Clerical support	95.60
AT&T	Phone	198.67
Moonstar BBS	DSL	95.00

Embarq	Phone	470.37
US Cellular	Phone	74.82
Business Card	Reservation cancellation	(32.45)-
Virginia Institute of Government	Dues-1,000.00	
	Compensation survey-360.00	1,360.00
Matthew Bender & Company, Inc.	VA Code replacement volume 1 & 3A	98.40
Compro Computers	Computers (2)	4,337.80

INDEPENDENT AUDITOR

Brown, Edwards & Company, LLP	Commissioner of Revenue audit	5,000.00
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COMMISSIONER OF REVENUE

AT&T	Phone	68.81
VITA	Online service	250.76
Ntelos	Internet	19.95
Embarq	Phone	201.99
University of Virginia	Enrollment fee	300.00
Key Office Supply	Office supplies	6.10
Compro Computers	Power supply	119.90
Business Data of Virginia, Inc.	Computer update/scan-29.95	
	Installed anti-spyware-29.95	59.90

TREASURER

James W. Elliott, Attorney	Advertising fees	180.00
AT&T	Phone	114.45
VITA	Online service	148.52
Embarq	Phone	224.30
Stephanie Bappert	Mileage-113.12	
	Meals-19.73	
	Lodging-202.16	335.01
BAI Treasurers User Group	Dues	400.00
Treasurers Association of Virginia	Dues	190.00
VALECO	Dues	60.00
Key Office Supply	Office supplies	35.65
M&W Printers, Inc.	Process/print tax bills	4,700.00
James W. Elliott, Attorney	Court costs	192.00

INFORMATION TECHNOLOGY

Business Data of Virginia, Inc.	Travel expenses-750.00	
	Monthly contract-2,800.00	3,550.00
ComputerPlus Sales & Service	Maintenance contract	270.00

ELECTORAL BOARD AND OFFICIALS

J & B Enterprises	"I Voted" stickers	92.46
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REGISTRAR

Dale L. Bolt	Postage-3.70	
	Mileage-78.98	
	Lodging-201.14	
	Meal-5.97	289.79
AT&T	Phone	43.80
VITA	Online service	6.50
Embarq	Phone	143.58
Key Office Supply	Office supplies	28.10

	<u>CIRCUIT COURT</u>	
AT&T	Phone	54.72
Embarq	Phone	178.57

	<u>GENERAL DISTRICT COURT</u>	
AT&T	Phone-Juv. Prob.-143.96	
	Phone-J&D-94.66	
	Phone-Gen. Dist. Court-105.33	343.95
Embarq	Phone-J&D-84.72	
	Phone-Juv. Prob.-102.22	
	Phone-Gen. Dist. Court-310.86	497.80
U S Cellular	Phone	37.31
Ranson's, Inc.	Batteries for remote	4.99

	<u>SPECIAL MAGISTRATES</u>	
AT&T	Phone	84.05
Embarq	Phone	78.35
Virginia Magistrates Association	Dues	75.00
Key Office Supply	Print cartridge/toner-373.79	
	Office supplies-518.62	
	Toner-59.99	952.40
VITA	Pager rental	32.72

	<u>CLERK OF THE CIRCUIT COURT</u>	
International Land Systems	Antivirus	207.00
AT&T	Phone	124.41
Embarq	Phone	275.25
VALECO	Dues	110.00
Virginia Court Clerk's Association	Dues	445.00
Farmville Printing	Judgment slips	91.03
Key Office Supply	Office supplies	84.87
Review Publications	Subscription	18.00

	<u>LAW LIBRARY</u>	
AT&T	Phone	33.80
LexisNexis	Online service	197.00
Embarq	Phone	32.55

	<u>COMMONWEALTH'S ATTORNEY</u>	
AT&T	Phone	206.95
Kinex Networking Solutions	Internet	49.95
Embarq	Phone	291.40
Brian Butler	Mileage-232.83	
	Lodging-628.92	
	Meals-90.59	952.34
James R. Ennis	Mileage-224.05	
	Lodging-658.77	
	Meals-30.10	912.92
Eric A. Tinnell	Mileage-213.53	
	Lodging-639.75	
	Meals-87.87	941.15
Dick Whetstone	Lodging-331.17	
	Meals-31.86	363.03
Shred-It	Professional service	43.00
Matthew Bender & Company, Inc.	Code supplement/index	528.23

VICTIM WITNESS ASSISTANCE PROGRAM

AT&T	Phone	89.78
Embarq	Phone	46.99
Channing Bete Company, Inc.	Office supplies	65.65
Key Office Supply	Office supplies	38.10

SHERIFF

Commtronics of Virginia	Radio microphones-275.38	
	Replace strobe light-105.40	380.78
East End Motor Company, Inc.	Replace wiper motor-229.88	
	Service call-31.00	
	Towing-60.00	374.65
Express Care	Oil changes-177.50	
	Oil additive-7.59	185.09
Newman Tire Company, Inc.	Tires	515.28
Third Street Wrecker Service	Towing & storage	240.00
Stuart Raybold	Postage	2.02
UPS	Shipping charges	39.19
AT&T	Phone	614.76
Kinex Networking Solution	Update/repair server-37.50	
	Repaired server-150.00	
	DSL-99.95	
	Webhosting-9.95	
	Backup data insurance-14.95	312.35
Embarq	Radio-10.52	
	Phone-477.02	487.54
Embarq Communications, Inc.	Radio	41.19
U.S. Cellular	Phone	653.23
Larry Franklin	Meal	3.97
Joseph Sprague	Meal	9.95
CVCJA	08-09 Membership fee	9,750.00
Diamond Springs	Office supplies	64.90
Key Office Supply	Office supplies	235.26
Staples Business Advantage	Office supplies-404.88	
	Batteries-69.99	474.87
ULine	Magnetic cards	83.78
RDJ Specialties, Inc.	Wooden rulers	418.79
DMV	Special ID	20.00
Fire & Safety Equipment Company	Fire extinguishers	469.50
Virginia Communications	Radar repair	643.04
Walmart	Organizers	19.72
Department of Criminal Justice	Patches	16.10
Southern Police Equipment Company	Duty belt & holster-33.99	
	Uniforms-51.99	85.98
Matthew Bender & Company, Inc.	08 Supplement & index-288.55	
	08 Replacement volume 1 & 3A-98.40	386.95
USA Mobility Wireless, Inc.	Pager rental	66.55

SHERIFF – COURTS

Carrington's Music	Cell phone	49.95
Southern Police Equipment Company	Nameplate-10.99	
	Shoes & boots-124.43	
	Holster-84.98	220.40



FARMVILLE VOLUNTEER FIRE DEPARTMENT

Farmville Volunteer Fire Department	Truck payment-34,604.77	
	Internet-24.90	
	Phone-82.02	
	Insurance-3,024.00	37,735.69

RICE VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Turnout gear	6,236.03
Hometruster Bank	Truck payment	23,854.55
Safe Air Systems, Inc.	Annual compressor test	395.90
Embarq	Phone	89.14
VFIS	Commercial excess insurance-187.00	
	Package insurance-2,430.00	2,617.00
Dominion Virginia Power	Electric service	366.72
Bug Busters Pest Control	Exterminating service	90.00

PROSPECT VOLUNTEER FIRE DEPARTMENT

C. W. Williams	2 Nozzles-374.41	
	Hood & gloves-228.23	602.64
Chesterfield Insurers	Accident insurance	5,447.00
Citizens Bank & Trust Company	Loan payment	3,424.73
Commtronics of Virginia	3 Radios	896.00
Farmville Wholesale Electric	A/C hookup supplies	204.41
Fire & Safety Equipment Company	SCBA Test & refill	357.50
M&W Fire Apparatus, Inc.	Foam-274.65	
	Truck A/C repairs-297.50	572.15
Embarq	Phone	56.41
VFIS	Auto insurance-3,661.00	
	Commercial excess insurance-375.00	
	Package insurance-2,004.00	6,040.00
Dominion Virginia Power	Electric service	408.82

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Cylinder testing	658.80
Warren Leidenheimer	Installed well pump	433.00
Southside Electric Cooperative	Electric service	320.10
Treasurer of Virginia	Stacking chairs	125.00
Verizon	Phone	79.59
Watkins Insurance Agency	Accident insurance	1,998.00

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone	34.30
Amelia Overhead Doors	Bay door repairs	438.80
Battery Barn of Virginia	Thermal imager battery	24.00
Citizens Bank & Trust Company	Truck payment	11,053.03
Commtronics of Virginia	Radio charger	659.75
Foster Fuels, Inc.	Propane	205.45
Johnson's Electric Service	Siren repairs	365.00
M&W Fire Apparatus, Inc.	Boots-125.00	
	Pump valve repairs-297.50	422.50
Pamplin Volunteer Fire Department	Fuel	786.46
Verizon	Phone	108.59
Dominion Virginia Power	Electric service	411.89
T&L Equipment & Service	Heat pump repairs	345.65

<u>MEHERRIN VOLUNTEER FIRE DEPARTMENT</u>		
Chesterfield Insurers	Insurance	7,897.00
Commtronics of Virginia	Chargers-129.04	
	Radio repairs-419.33	548.37
Fire & Safety Equipment Company	Charger & cradle	205.80
US Cellular	Phone	156.35
Verizon	Phone	129.29
Dominion Virginia Power	Electric service	415.45
<u>BURKEVILLE VOLUNTEER FIRE DEPARTMENT</u>		
Burkeville Volunteer Fire Department	08-09 Support	1,200.00
<u>FIRST RESPONDERS</u>		
Hampden-Sydney Volunteer Fire Department	08-09 Support	2,500.00
<u>PRINCE EDWARD FIREFIGHTERS ASSOCIATION</u>		
Prince Edward Volunteer Fire Department	08-09 Support	3,000.00
<u>PRINCE EDWARD VOLUNTEER RESCUE SQUAD</u>		
Prince Edward Volunteer Rescue Squad	08-09 Support	15,000.00
<u>PAMPLIN RESCUE SQUAD</u>		
Pamplin Volunteer Fire Department First Responder	08-09 Support	5,000.00
<u>MEHERRIN RESCUE SQUAD</u>		
Meherrin Fire & Rescue	08-09 Support	5,000.00
<u>CHESTERFIELD COUNTY MED-FLIGHT</u>		
Chesterfield County	08-09 Support	500.00
<u>OLD DOMINION EMS</u>		
Old Dominion EMS Alliance	08-09 Support	2,000.00
<u>EMERGENCY SERVICES</u>		
Timmons Group	Address X-reference	1,085.00
Farmville Volunteer Fire Department	Haz-Mat vehicle	15,000.00
Korman Signs	Signs & hardware-474.15	
	Die cut numbers-569.70	1,043.85
<u>REGIONAL JAIL &amp; DETENTION</u>		
Piedmont Regional Jail	Electronic monitoring-895.00	
	Inmate per diem-3,922.60	4,817.60
<u>BUILDING OFFICIAL</u>		
East End Chevron	Oil change	29.45
Treasurer of Virginia	April-June permit levy	436.27
US Cellular	Phone	37.31
ICC	Code books	191.00
<u>ANIMAL CONTROL</u>		
Embarq	Phone	31.98
US Cellular	Phone	76.12

Nat Coleman	Bounty	50.00
Southern States	Feed bags-50.00	
	Food supplies-24.35	74.35
Walmart	Batteries/wet wipes-45.69	
	Dog & cat food-92.41	
	Cat litter-10.16	148.26
	<u>MEDICAL EXAMINER</u>	
Treasurer of Virginia	Coroner	20.00
	<u>BIOSOLIDS MONITORING</u>	
US Cellular	Phone	37.31
	<u>REFUSE DISPOSAL</u>	
Resource International	Cell D construction management-56,797.22	
	Miscellaneous work tasks-669.00	
	Storm water permit compliance-764.36	58,230.58
C&L Machine & Welding	Removed broken bolts	40.65
Farmville Wholesale Electric	Pump repair parts	588.34
Lowe's	Light fixture/bulbs-21.93	
	Insect spray/Clorox-19.84	
	Insect spray-22.35	64.12
Rod & Staff Welding	Pump repair parts	40.53
Dave M. Walker	Cleaning box site	250.00
Cavalier Equipment Company	Tarps	545.59
East End Motor Company	Inspection/light repair	170.96
Farmville Auto Parts	Freon	16.20
Jimmy's Service Center	Install brake shoes	638.75
Arena Trucking Company	Trash collection	414.00
Wright's Excavating	Landfill operation	42,187.50
Emanuel Tire of Virginia	Tire recycling	1,477.80
STEPS, Inc.	Recycling fee	1,108.55
AT&T	Phone	242.37
Ranson's, Inc.	Phone	14.99
Embarq	Phone	297.00
US Cellular	Phone	37.31
Verizon	Phone	224.04
Newman Tire Company, Inc.	Flat repair-38.81	
	Road service/tire-448.49	
	Tires-805.00	1,292.30
	<u>SANDY RIVER RESERVOIR</u>	
Draper Aden Associates	SRR Protection Plan	2,465.00
Troutman Sanders, LLP	Legal services	18,252.77
	<u>GENERAL PROPERTIES</u>	
Southside Electric Cooperative	DH site-55.16	
	SRR lights-31.88	
	Virso site-89.00	
	Electric service-91.94	267.98
Dominion Virginia Power	Animal shelter-92.64	
	Industrial park-67.08	
	Roy Clark monument-16.86	
	Courthouse-12,139.75	
	Leachate pump-285.32	
	Scalehouse-54.76	

	Shop-39.46	
	Rice site-99.12	
	Cell C pump station-29.04	
	Moore building-460.88	
	Green Bay site-48.16	
	Sheriff's Department shed-5.50	
	Worsham Clerk's office-43.67	
	Lights at Rice-69.72	
	Worsham site-42.12	
	Ag Building-1,221.70	
	Prospect site-62.50	
	Landfill site-39.01	14,817.29
AT&T	Phone	33.80
Embarq	Phone-109.93	
	Line to hospital-7.97	117.90
U.S. Cellular	Phone	186.59
Aramark Uniform Services	Cleaning supplies	465.99
Diamond Springs	Office supplies	155.95
East End Chevron	Ice	31.96
Farmville Auto Parts	Grease/towels/car wash	71.15
Farmville Wholesale Electric	Service fee-0.04	
	Maintenance supplies-2.40	2.44
Lowe's	Paint supplies-249.76	
	Cleaning supplies-30.90	
	Roundup-158.00	
	Maintenance supplies-4.86	
	Lawn care supplies-30.19	513.71
OK Termite & Pest Control	Exterminating service	150.00
Price Supply Company	Plumber putty	3.23
Putney Mechanical Company, Inc.	Coil cleaner	14.25
Fisher Auto Parts, Inc.	Fuse & brake light	11.00
Newman Tire Company, Inc.	Repair mower tire-16.95	
	Mower tires-146.00	
	Flat repair-6.75	169.70
	<u>CANNERY</u>	
Lowe's	Retort part-12.54	
	Pipe fittings-25.78	38.32
Price Supply Company, Inc.	Steamer parts	11.66
Southside Electric Cooperative	Electric service	85.38
Ellington Energy Service	Fuel	1,372.00
AT&T	Phone	39.44
Embarq	Phone	31.23
	<u>CHAPTER X BOARD</u>	
Crossroads Services Board	Local support	15,660.75
	<u>COMPREHENSIVE SERVICES ACT</u>	
Sabur Latrind Abdus	Foster care	480.00
Molly Alcott, PhD	Professional service	750.00
Kathy Bandy	Foster care	628.00
Business Card	Foster care	46.44
Centra Health	Professional services	2,795.00
Crossroads Services Board	Professional services	4,495.00
Cumberland Hospital	Professional services	16,588.16
Dominion Youth Services	Professional services	5,655.00

Elk Hill	Professional services	3,879.50
Family Preservation Services	Professional services	8,188.75
Betty Fisher	Foster care	31.94
Juanita Fisher	Foster care	230.00
Grafton School, Inc.	Professional services	8,661.00
Hallmark Youthcare-Richmond	Professional services	1,600.00
Christy Johnson	Foster care	712.33
Brittany Jones	Foster care	502.58
Lakeisha Lawson	Foster care	319.36
Ernestine Lee	Foster care	990.00
Little Feats Child Care	Foster care	1,840.00
Dekeace Morton	Foster care	1,119.40
New Dominion School, Inc.	Professional services	8,400.00
Presbyterian Home/Family Services	Professional services	6,590.00
Angela Uhrich	Foster care	1,908.00
Whisper Ridge-Charlottesville	Professional services	2,970.00
Anthony Williams	Foster care	1,190.10
Kimberly Allen	Foster care	28.72
Central Virginia Family	Foster care	500.00
Sheila Martin	Mileage	73.88

OTHER WELFARE/SOCIAL SERVICES

SCOPE/Meals on Wheels	08-09 support	4,750.00
Piedmont Senior Resources	08-09 support	1,616.00
STEPS, Inc.	08-09 support	6,808.00
Pamplin Community Center	08-09 support	475.00
Jolly Glee Senior Center	08-09 support	1,900.00
FACES, Inc.	08-09 support	2,137.50
Special Olympics-Area 12	08-09 support	200.00
Virginia Legal Aid Society, Inc.	08-09 support	1,900.00
HOPE	08-09 support	4,750.00
Tri-County Life Learners	08-09 support	1,662.50
Southside Center for Violence Prevention	08-09 support	2,375.00
Longwood Center for Visual Arts	08-09 support	1,247.00
Habitat for Humanity	08-09 support	2,375.00
Prince Edward County High School After-Prom Party	08-09 support	950.00
Fuqua After-Prom Party	08-09 support	475.00
Piedmont Regional Disability Services Board	08-09 support	500.00

CONTRIBUTIONS TO COLLEGES

Southside Virginia Community College	08-09 support	2,759.00
Longwood Small Business	08-09 support	3,537.00

SUPERVISION OF PARKS & RECREATION

Prince Edward Community Center	08-09 support	23,750.00
Prince Edward County IDA	YMCA Loan payment	163,260.00
Southside Virginia Family YMCA	08 Summer program	20,000.00

PUBLIC LIBRARY

Farmville-Prince Edward Community Library	08-09 support	38,014.75
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	<u>PLANNING</u>	
Business Card	Postage	42.56
US Cellular	Phone	74.62
Jonathan Pickett	Mileage	927.46
Commonwealth Regional Council	08-09 support	3,925.00
Business Data of Virginia, Inc.	Computer update/scan	29.95
	<u>COMMUNITY DEVELOPMENT</u>	
Farmville Chamber of Commerce	08-09 support	2,375.00
Piedmont Area Transit	08-09 support	5,000.00
	<u>ECONOMIC DEVELOPMENT</u>	
Village Profile	Advertising	3,495.00
Business Card	UPS service-21.60	
	Meals-211.72	233.32
AT&T	Phone	70.43
Moonstar BBS	DSL	90.00
Embarq	Phone	190.48
Virginia's Retreat	08-09 support	4,500.00
Business Data of Virginia, Inc.	Computer update/scan-29.95	
	Installed anti-spyware-29.95	59.90
Key Office Supply	Office supplies	10.38
Compro Computers	Computer	2,623.94
	<u>SOIL &amp; WATER CONSERVATION DISTRICT</u>	
Piedmont Soil & Water	08-09 support	4,845.00
Old Dominion RC&D	08-09 support	1,775.00
	<u>COOPERATIVE EXTENSION OFFICE</u>	
Embarq	Phone	93.50
	<u>CAPITAL PROJECTS</u>	
Hancock-Fuqua-Robertson	Bathroom/ADA ramp construction	93,199.25
Wiley & Wilson	Professional services-Bathroom/ramp	2,000.00
	<u>DEBT SERVICE</u>	
Rural Development	Courthouse loan	16,626.00
	<u>FORFEITED DRUG ASSETS</u>	
Crossroads Ford of Virginia	08 Ford Explorer	23,246.66
	<u>RETIREMENT BENEFIT FUND</u>	
Vicki K. Johns	Retiree benefit	959.00
Anthem BCBS	Retiree health insurance	1,616.00
	<u>REVENUE SHARING FUND – VDOT</u>	
Draper Aden Associates	Via Sacra	2,700.00
WCW Earthworks, LLC	Via Sacra	280,881.88
	<u>PIEDMONT COURT SERVICES</u>	
Moonstar BBS	PCS consulting-505.00	
	Internet-15.00	520.00
Dominion Virginia Power	Electric service	269.58
AT&T	Phone	372.19
Embarq	Phone	167.69
Prince Edward County Treasurer	Fire insurance	300.00

Sheena Franklin	Mileage	190.11
Sharon Gray	Mileage	213.49
Ashley Hricko	Mileage-23.40	
	Food supplies-10.25	33.65
Brittany Layne	Mileage	204.74
Andy Mays	Mileage	79.56
Rebecca Moss	Mileage	173.74
DeWindt Innovations	Patch cable	49.80

PCS SUPERVISION FEES EXPENDITURES

SRP Corporation, LLC	Rent	2,383.00
Page Hardy	Cleaning service	210.00

PCS DRUG TESTING FEES

Kroll Laboratory	Drug testing	62.28
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ADDENDUM BILL LIST

BOARD OF SUPERVISORS

Sherwin Williams Company	Paint for bell tower	42.49
Lowe's	Water	7.94

COUNTY ADMINISTRATOR

Town of Farmville	Gas	61.07
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ASSESSOR

Wampler-Eanes Appraisal	Property reassessment	13,071.15
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SPECIAL MAGISTRATES

Key Office Supply	Shredder	139.98
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CLERK OF THE CIRCUIT COURT

Ronnie D. Jones	Witness	26.35
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LAW LIBRARY

Key Office Supply	Office supplies	1,349.34
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SHERIFF

East End Motor Company, Inc.	AC Compressor/oil change-918.85	
	AC recycling switch-57.53	
	Headlight & oil change-165.47	
	Wheel bearings/rotors-955.94	
	Service call-repair tire-51.00	
	Light module/oil change-507.94	
	Freon/change tires-213.35	2,870.08
Taylor-Forbes Equipment Company	Battery	138.55
ID Networks	Livescan maintenance fee	755.00
Pac N Ship	Shipping charges	25.00
Business Card	Meals-95.32	
	Conference registration-180.00	
	Fees-13.14	

	Gas-137.29	
	Tracking equipment-975.00	1,400.75
VALECO	Dues	10.00
Positive Promotions, Inc.	Flashlight & key tags	42.95
Town of Farmville	Gas	11,130.95
Best Uniforms, Inc.	Uniforms	119.85
Quantum Graphics/Uniforms	Uniforms	284.10
Southern Police Equipment Company	Flash jumpsuits	1,281.25

EMERGENCY SERVICES

Earth Vector Systems, LLC	GPS rental	525.00
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REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention	4,950.00
Piedmont Regional Jail	Inmate per diem	3,975.40

BUILDING OFFICIAL

Town of Farmville	Gas	455.49
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ANIMAL CONTROL

Embarq	Phone	32.45
Town of Farmville	Gas	1,440.21
Animal Care Equipment/Service, Inc.	Dog traps	572.87

BIOSOLIDS MONITORING

Manuel H. Toombs, Jr.	Phone	24.67
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REFUSE DISPOSAL

Lowe's	Water pump parts-35.63	
	Bleach-5.96	41.59
Mid-Atlantic Irrigation	Hose & clamps	75.41
Jimmy's Service Center	Repair truck A/C	162.00
Resource International	Groundwater monitoring	11,196.85
Emanuel Tire of Virginia	Tire recycling	650.40
AT&T	Phone	35.31
Embarq	Phone	34.21
O. O. Stiff, Inc.	Monthly service	702.75
Town of Farmville	Gas	3,704.61

GENERAL PROPERTIES

Dominion Virginia Power	Courthouse-12,431.52	
	Ag building-1,245.86	13,677.38
AT&T	Phone	37.32
Embarq	Line to hospital-8.08	
	Phone-47.75	55.83
O. O. Stiff, Inc.	Monthly service	100.00
Lowe's	Cleaning supplies-163.18	
	Finance charge-6.08	
	Maintenance supplies-223.08	
	Lumber-60.26	
	Mulch-29.52	645.30
Cintas Corporation #524	Uniform rental	565.25
Sherwin Williams Company	Paint for flagpoles	36.79
Town of Farmville	Gas	1,135.11
JJ Keller & Associates, Inc.	Safety Management subscription	1,495.00



<u>CANNERY</u>		
AT&T	Phone	39.99
Embarq	Phone	32.43
<u>COMPREHENSIVE SERVICES ACT</u>		
Centra Health	Professional services	5,335.00
New Dominion School, Inc.	Professional services	5,880.00
<u>PLANNING</u>		
Commonwealth Regional Council	08-09 Support	11,775.00
Town of Farmville	Gas	38.48
Lowe's	Fertilizer & lime	15.92
<u>LANDFILL FUND</u>		
Precision Geosynthetic	Geotechnical testing	234.00
R. M. Soderquist, Inc.	Cell D construction	198,251.70

In Re: Approval of Minutes

Mr. Ward said the July 8, 2008 minutes from the meeting held July 8, 2008 did not reflect the wording from the original draft of the resolution for the Light of Reconciliation.

After a brief discussion, Mrs. Gilfillan made a motion to insert the original and the amended portions of the resolution in the minutes of the July 8, 2008 meeting, in addition to the approved resolution in its entirety. The motion carried:

Aye:	William G. Fore, Jr.	Nay: None
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Lacy B. Ward	
	Mattie P. Wiley	

Absent: Howard F. Simpson

In Re: Highway Matters

Mr. Mark McKissick, Assistant Resident Engineer, said the Route 15 widening project to Kingsville is now a design/build job rather than the Highway Department's usual design/bid/build project procedure. He said consultants are taking over the project as it would obligate federal funds. He said the

traffic controls at the bridge on Third Street were removed and that job is being completed. He said Route 460 at Bush River is under construction and progressing as scheduled. Mr. McKissick said the Route 360 bridge project over the railroad is just getting started and work being done on the bridges may take a while. The Route 613, Miller Lake Road project is moving along well, as is the Slaydon Forest Road rural addition, which should be complete in about a month.

Mr. McKissick said work has been done on the High Bridge Trail State Park, and the first leg should be open on August 22, 2008. He said the road crossings have been leveled as they go along the route and they have had right of way issues and landowner issues as well, but improvements have been made and it is progressing. He said the sink hole on Route 628 has dropped significantly and emergency repair is scheduled in the next day or two. Mr. McKissick added inmates are picking up trash in the Elam area, and contract mowing is being done along secondary roads.

Mr. Moore thanked VDOT for the good job on the guard rails on the bridge on Route 634, and asked about the bridges being worked on. Mr. McKissick said most of the bridges being worked on are due to deteriorating concrete and are being repaired with specialized concrete.

Mr. McKay thanked VDOT for the progress on the Slaydon Forest Road project.

Mr. Moore said there is a large bump on the left side of the Bush River Bridge on Route 460, and asked that asphalt be put down to smooth the bump between the bridge and the highway. Mr. McKissick said he would look into it.

In Re: Virginia Department of Forestry

Mr. Tom Zaebst, Assistant State Forest manager, presented a check to the Board in the amount of \$11,416.54 for the County's share of the proceeds of the sale of timber from the Prince Edward-Gallion State Forest.

In Re: Southside Outreach Group

Mr. Bartlett said that historically, the County has used Southeast RCAP to serve as its program administrator for the Indoor Plumbing Rehabilitation Program (IPR). He said the County will receive better services from the Southside Outreach Group, based in South Boston, which serves the Counties of

Nottoway, Amelia, Halifax, Henry and Region 2000. The organization provides services to citizens lacking plumbing, and uses local contractors. He said it would also use state funding.

Mr. Earl Howerton, Executive Director of the Southside Outreach Group, said they are a non-profit 501-C3 certified housing provider. He said they offer housing services throughout Southside Virginia to low and moderate income citizens, and the organization has provided 22 single family homes and won the Governor's Award in 2006. Mr. Howerton said the Indoor Plumbing Rehabilitation program has finished nine homes in Nottoway County, and three in Amelia County; he said over 60 homes have been completed so far.

Mr. Howerton said the main challenge the organization faces is funding. He said the Virginia Department of Housing & Community Development funds the program but not up-front which is needed to do the outreach to identify the people in need. He said the organization likes to partner with other non-profit organizations, such as Social Services and the Health Department to assist with identifying the need. Another challenge they face is obtaining clear title to the properties. He said there are 20-30 applicants and legal searches must be done on the properties. The applicant must be a homeowner to benefit from the program, and some properties are left to heirs but not titled properly. Mr. Howerton said the third challenge is the zoning laws that have changed since the homes were first constructed; he said some homes are so substandard they must be demolished and be rebuilt.

Mr. Howerton said the program is solely funded by the Virginia Department of Housing and Community Development; the funding is not available to non-profit organizations, only to the County. The County can choose the recipient, in this case Southside Outreach Group, Inc. He said he looks forward to working with the County on this project.

Chairman Fore asked how the recipients are chosen. Mr. Howerton said they are sometimes identified by programs such as Social Services and the Health Department; in addition, advertisements are run in the local newspaper and flyers are distributed for a meeting in each district, generally held on weekends. He said the attendees are given applications and surveys to fill out.

Mr. Bartlett said the organization is in contact with other agencies that are in the citizens' homes to help identify the people that need the services, such as Meals on Wheels and Habitat for Humanity. Mr.

Bartlett said Prince Edward County wishes to be an active partner to help in the process which in turn will help the citizens most in need.

In Re: Public Hearing – County Animal Ordinance

Chairman Fore announced this was the date and time scheduled for a public hearing on the County Animal Ordinance. Notice of this hearing was advertised according to law in the July 18, 2008 and August 1, 2008 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. James Ennis, County Attorney, stated that the *Code of Virginia* had been amended during the last session of the General Assembly, adding language to remove the presumption that a dog that has bitten someone be considered dangerous. He said the changes would keep the County ordinance up to date.

The floor was opened for public input.

There being no one wishing to speak, the public hearing was closed.

Mrs. Gilfillan made a motion to approve the Animal Control Ordinance as presented. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

**CHAPTER 10 ANIMALS**

**ARTICLE I. IN GENERAL**

Sec. 10-1. Adoption of state comprehensive animal laws.  
Sec. 10-2. Definitions

Division 1. Containment of livestock.

Sec. 10-10. Purposes; legislative authority.  
Sec. 10-11. Lawful fence.

Division 2. Miscellaneous animal regulations.

Sec. 10-20. Disposal of Companion Animals

Sec. 10-21. Killing of coyotes permitted; bounty established; procedures for claims.

## **ARTICLE II. ANIMAL CONTROL OFFICERS**

Sec. 10-30. Position created.

Sec. 10-31. Dog operating fund.

## **ARTICLE III. DOGS**

### Division 1. Generally

Sec. 10-40. Disposal of dead dogs.

Sec. 10-41. Unlawful acts.

### Division 2. License Tax

Sec. 10-50. Unlicensed dogs prohibited.

Sec. 10-51. How to obtain license.

Sec. 10-52. Amount of license tax.

Sec. 10-53. Kennel license tax.

Sec. 10-54. When license tax payable.

Sec. 10-55. Effect of dog not wearing collar as evidence.

Sec. 10-56. What dog license shall consist of.

Sec. 10-57. Duplicate license tags.

Sec. 10-58. Displaying receipts; dogs to wear tags.

Sec. 10-59. Payment of license tax subsequent to summons.

### Division 3. Rabies Control

Sec. 10-60. Vaccination required.

Sec. 10-61. Rabies clinic authorized.

Sec. 10-62. Dogs or Cats Not Vaccinated.

Sec. 10-63. Quarantine authorized.

### Division 4. Running at Large

Sec. 10-70. Prohibited.

Sec. 10-71. Unlicensed dogs prohibited.

### Division 5. Impoundment

Sec. 10-80. County dog pound.

Sec. 10-81. Confinement and disposition of dogs.

Sec. 10-82. Fees for confinement.

Sec. 10-83. Unlicensed dogs.

### Division 6. Damage by Dogs

Sec. 10-90. Disposition of funds.

Sec. 10-91. Compensation for livestock and poultry killed or injured by dogs.

Sec. 10-92. Seizure of dogs suspected of killing or injuring livestock or poultry.

### Division 7. Dangerous or Vicious Dogs

Sec. 10-100. Control of dangerous or vicious dogs; penalties.

**ARTICLE IV. WILD OR EXOTIC ANIMALS.  
REPEALED AUGUST 14, 2007**

**ARTICLE V. HYBRID CANINE**

Sec. 10-120. Definitions

Sec. 10-121. Hybrid canine ordinance; penalty.

**ARTICLE I. IN GENERAL**

**Sec.10-1. Adoption of state comprehensive animal laws.**

The provisions of Code of Virginia of 1950, § 3.1-796.66 et seq., are adopted and made a part of this chapter as fully as though set forth in this section.

**Sec.10-2. Definitions.**

For the purpose of this chapter the following words and phrases shall have the following meanings unless otherwise defined within this chapter. Words and phrases not defined herein, which are defined in section 3.1-796.66 of the Code of Virginia shall have the meanings ascribed to them by that section:

*ANIMAL CONTROL OFFICER* means a person appointed as the animal control officer or a deputy animal control officer pursuant to Virginia law to enforce the Virginia Comprehensive Animal Laws, this Chapter, and all laws for the protection of domestic animals.

*COMPANION ANIMAL* means any domestic dog, domestic cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, or other animal not prohibited, kept for pleasure rather than utility

*LIVESTOCK* includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities as defined by state law; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

*WILD OR EXOTIC ANIMAL* means any raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any other member of crocodilian, including but not limited to alligators, crocodiles, caimans and gavials. Ferrets, nonpoisonous snakes, rabbits and laboratory rats which have been bred in captivity and which never have known the wild shall be excluded from this definition.

**DIVISION 1. CONTAINMENT OF LIVESTOCK**

**Sec. 10-10. Purposes; legislative authority.**

(a) The purpose of this division is to provide for the containment of livestock in the county and to prescribe the penalties for its violation.

(b) This division is adopted under the provisions of Code of Virginia, § 55-310, et. seq.

**Sec. 10-11. Lawful fence.**

(a) The boundary line of each lot or tract of land or any stream in the county shall be a lawful fence as to any livestock domesticated by man.

(b) It shall be unlawful for any person who is the owner or manager of any livestock domesticated by man to permit any such livestock, as to which the boundaries of lots or tracts of land have been constituted a legal fence, to run at large beyond the limits of his own lands within the county; and such animal shall be deemed to be running at large while roaming or running off the property, whether owned or rented, of its owner or manager, and not under their owner's or manager's immediate control.

(c) Any such owner or manager, after having been notified by an officer of the law that such animal is running at large, permits such animal to continue to run at large, shall be deemed to have violated

this section and shall be guilty of a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

## **DIVISION 2. MISCELLANEOUS ANIMAL REGULATIONS**

### **Sec. 10-20. Disposal of companion animals.**

(a) The owner of any companion animal which has died from disease or other cause shall forthwith cremate or bury or sanitarily dispose of the companion animal.

(b) If after notice any owner fails to comply with this section, the animal control officer or other officer cremate or bury or sanitarily dispose of the companion animal; and may recover on behalf of the county from the owner the cost of this service.

### **Sec. 10-21. Killing of coyotes permitted; bounty established; procedures for claims.**

(a) The killing coyotes within the boundaries of the county is hereby authorized for bounties upon the following conditions: A bounty of \$50.00 shall be paid by the county, from available funds, for each coyote killed within the boundaries of the county.

(b) All payments shall be contingent upon the furnishing of such identifying information as requested by the county's designated agent (county animal control). The board of supervisors shall be the approving authority for payment of all claims presented.

(c) Available funds not to exceed \$2,500.00. The total amount of bounties to be paid under this division shall not exceed the sum of \$2,500.00 per fiscal year, except by additional appropriation by the board.

(d) Unlawful acts; penalties. It shall be unlawful for any person to present a false claim or to receive any money on a false claim under this division, which act shall constituted a Class 1 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

## **ARTICLE II. ANIMAL CONTROL OFFICERS**

### **Sec. 10-30. Position created.**

The animal control officer shall discharge the duties provided for in Code of Virginia § 3.1-796.66, et seq., and such other duties as are provided in this chapter. The animal control officer shall be paid from the dog operating fund such compensation as the board of supervisors by resolution may determine, such compensation to be paid monthly.

### **Sec. 10-31. Dog operating fund.**

The dog operating fund shall consist of the funds received from dog license taxes and fines imposed for the violation of the provisions of this chapter.

Fees for services provided by the animal control officer or for reclaiming animals, not otherwise specified within this Chapter shall be set by resolution of the Board of Supervisors.

## **ARTICLE III. DOGS**

### **DIVISION 1. GENERALLY**

#### **Sec. 10-40. Disposal of dead dogs.**

The owner of any dog which has died from disease or other cause shall forthwith cremate or bury and dispose of the dog. If after notice any owner fails to do so, the animal control officer or other officer shall bury or cremate the dog; and he may recover on behalf of the county from the owner the cost of his service.

#### **Sec. 10-41. Unlawful acts.**

The following shall be deemed unlawful acts the violation of which shall be a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section:

- (1) Diseased dogs. For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
- (2) Female dog in season. For the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.
- (3) Removing collar and tag. For any person except the owner or custodian to remove a legally acquired license tag from a dog without the permission of the owner or custodian.
- (4) Concealing a dog. For any person to conceal or harbor any dog for which the license tax has not been paid or to conceal a vicious or dangerous to prevent the same from being destroyed.

## **DIVISION 2. LICENSE TAX**

### **Sec. 10-50. Unlicensed dogs prohibited.**

It shall be unlawful for any person to own a dog four months or older unless such dog is licensed as required by the provisions of the Code of Virginia, § 3.1-796.85, and this division.

Any person violating this section shall be guilty of a class 4 misdemeanor and, upon their first offense of this section and shall be guilty of a Class 3 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

### **Sec. 10-51. How to obtain license.**

Dogs shall be licensed as provided by Code of Virginia, § 3.1-796.86, by reference, which section is adopted and made a part of this chapter by reference as fully as though set forth at length in this section.

### **Sec. 10-52. Amount of license tax.**

(a) Pursuant to the authority of Code of Virginia, § 3.1-796.87, any person licensing a dog in the county shall pay an annual license tax on the ownership of the dog according to the following schedule:

Male dog . . .	\$10.00
Unsexed (castrated) male dog . . .	\$ 5.00
Female dog . . .	\$10.00
Unsexed (spayed) female dog . . .	\$ 5.00

(b) No license tax shall be levied on a guide dog for a blind person, service dog or dogs under four months of age.

### **Sec. 10-53. Kennel license tax.**

The tax for a licensed kennel shall be according to the following schedule:

5--20 dogs . . .	\$35.00
Over--20 dogs . . .	\$50.00

### **Sec. 10-54. When license tax payable.**

The license tax imposed by this division shall be payable to the treasurer of the county, as required by Code of Virginia, § 3.1-796.88, which section is adopted and made a part of this chapter as fully as though set forth at length in this section.

### **Sec. 10-55. Effect of dog not wearing collar as evidence.**

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and a stray; and in any proceedings under this division, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

### **Sec. 10-56. What dog license shall consist of.**



The county dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license, the sex of the dog and the calendar year for which issued, and shall bear a serial number.

**Sec. 10-57. Duplicate license tags.**

Duplicate license tags shall be obtained by the owner of a dog as provided by Code of Virginia, § 3.1-796.91, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

**Sec. 10-58. Displaying receipts; dogs to wear tags.**

Dog license receipts shall be displayed and dog license tags shall be worn as required by Code of Virginia, § 3.1-796.92.

**Sec. 10-59. Payment of license tax subsequent to summons.**

Payment of the license tax subsequent to a summons to appear before the general district court or other court for failure to do so within the time required shall not operate to relieve such owner of the penalties provided.

**DIVISION 3. RABIES CONTROL**

**Sec. 10-60. Vaccination required.**

It shall be unlawful for any person to own a dog or domesticated cat, age four months or older unless such dog or cat has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. No license tags shall be issued for any dog unless there is presented to the treasurer at the time application for license is made evidence satisfactory to the treasurer, showing that such dog has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises, and that such inoculation or vaccination remains valid for the time application for license is made. Any person violating this section shall be guilty of a class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

**Sec. 10-61. Rabies clinic authorized.**

The board of supervisors finding that the number of resident veterinarians is inadequate to meet the need, the county health department shall provide a rabies clinic at least once per year.

**Sec. 10-62. Dogs or cats not vaccinated.**

Any dog or cat found in the county not vaccinated and identified as described in this subdivision shall be impounded by the animal control officer, and such dogs shall be held for a period of five days. The dog or cat may be returned to its owner upon proof of ownership, vaccination of the dog or cat, and payment of the cost of impounding the dog or cat at usual rates, and payment of any fines assessed under the provisions of this division. At the expiration of the five-day period, any dog or cat not so claimed by its owner may be disposed of by giving it into the possession of any person willing to pay the cost of impounding, vaccination and license. If not so disposed of, the dog or cat shall be euthanized in a humane manner by the impounding officer or other designated official.

**Sec. 10-63. Quarantine authorized.**

When the board of supervisors finds that there is sufficient reason to believe that a rabid animal is at large, the board shall have the power to pass an emergency ordinance requiring all owners of all dogs in the county to keep the dogs confined on their premises, and may further adopt such ordinances, regulations or other measures as it may deem reasonably necessary to prevent the spread within the county of the disease of rabies.

**DIVISION 4. RUNNING AT LARGE**

**Sec. 10-70. Prohibited.**

(a) It shall be unlawful for any person to permit any dog, belonging to him or under his control, to run at large in the county at any time from March 1 to August 31. For the purpose of this division, a dog shall be deemed to be running at large while roaming or running or self-hunting off the property of its owner or custodian and not under the owner's or custodians' immediate control. Any person, after having been notified by any animal control officer or other officer of the law that the dog is running at large, who is the owner or custodian of the dog thereafter found running at large shall be deemed to have violated the provisions of this section.

(b) This section shall not apply to any person or persons while engaging in the following activities:

- (1) Lawful hunting with a dog or dogs;
- (2) Law enforcement or search and rescue activity;
- (3) A supervised formal obedience training class or show;
- (4) Formally sanctioned field trials; or
- (5) Bona fide hunting or field trial dog training.

(c) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section; however, if the dog is a dangerous or vicious dog, a violation of this section shall constitute a Class 1 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ 3.1-796.128, 18.2-03.1, 18.2-03.2, 18.2-403.3, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section .

(d) Should the animal control officer or any law enforcement officer have reason to believe that any dog found running at large is dangerous to the health, safety or property of any person, such officer may order the confinement of such animal by delivering a confinement order to the owner or custodian of such animal and any person who thereafter permits such animal to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated this section. Should the animal not be confined within six hours after the delivery of the confinement order or should the animal control officer or other officer, after due diligence, be unable to deliver the confinement order to the owner or custodian of such animal, the animal control officer or any other law enforcement officer shall impound any such vicious or destructive dog pursuant to the provision of section 6-197. Upon the issuance of the confinement order, or the impoundment of such animal to appear in the general district court of the county where the matter shall be heard on criminal warrants and the animal shall remain confined until the final disposition of the court proceeding; However, for the purposes of this section the owner or custodian of such dog shall be conclusively presumed to have known the dog to be vicious or destructive if at any time prior to the running at large of such animal the owner or custodian has received from any person a complaint that the animal is dangerous to the health, safety or property of any person.

**Sec. 10-71. Unlicensed dogs prohibited.**

The running at large of dogs not duly licensed and displaying tags pursuant to the provisions of this article is prohibited.

**DIVISION 5. IMPOUNDMENT**

**Sec. 10-80. County dog pound.**

The animal control officer shall cause to be maintained a pound or enclosure as required by Code of Virginia, § 3.1-796.96.

**Sec. 10-81. Confinement and disposition of dogs.**

It shall be the duty of the animal control officer to confine and dispose of dogs pursuant to provisions of Code of Virginia, § 3.1-796.66 et seq.

**Sec. 10-82. Fees for confinement.**

The legal owner of any dog seized and confined by the animal control officer shall pay to the animal control officer a charge for the confinement of the dog, the amount of such charge to be in

accordance with the fees established by the board of supervisors. All fees received by the animal control officer shall be paid over to the county treasurer.

**Sec. 10-83. Unlicensed dogs.**

(a) It shall be the duty of the animal control officer, or any other officer, to capture and impound any companion animal found running at large on which the license tax has not been paid. A reasonable effort will be made to find the owner. After five days, if the owner is not found, the animal shall be declared abandoned. If the owner is known, the animal will be held an additional five days. The provisions of Code of Virginia, § 3.1-796.96 shall apply where applicable to the disposition of the dog. Any person, animal control officer or other officer euthanizing a dog under this chapter shall cremate, bury or sanitarily dispose of the dog. Prior to the disposition by euthanasia or otherwise, all of the provisions of Code of Virginia, § 3.1-796.66 et seq., shall have been complied with.

(b) If the animal control officer or other officer exercises his option to deliver such dog to any person in his jurisdiction who will pay the required license tax and cost on such dog, the person accepting delivery of such dog shall, within five days after such delivery, furnish to the animal control officer evidence of the inoculation and licensing of such dog as required by this article; and the failure to provide such evidence shall be a violation of this article and shall constitute a separate offense.

**DIVISION 6. DAMAGE BY DOGS**

**Sec. 10-90. Disposition of funds.**

The treasurer shall keep all money collected by him for dog licenses in a separate account as part of the general fund; and such funds shall be used for the purposes designated by Code of Virginia, § 3.1-796.101, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

**Sec. 10-91. Compensation for livestock and poultry killed or injured by dogs.**

(a) Any person who has any livestock or poultry killed or injured by any dog not his own in the county shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400.00 per animal or \$10.00 per fowl, provided that:

- (1) Within 72 hours of discovery of the death or injury, the claimant gives notice of the incident to the animal control officer.
- (2) Within 60 days of the discovery of the death or injury, the claimant shall furnish such evidence of the quantity and value of the dead or injured livestock or poultry and the reasons the claimant believes that death or injury was caused by a dog to the board of supervisors.
- (3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which execution has returned unsatisfied.

(b) Upon a determination by the board that a claim meets the criteria set forth in this section for compensation, the board shall approve the same and forward the approval to the treasurer. Upon payment under this section, the board shall be surrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce such compensation in an appropriate action at law.

**Sec. 10-92 Seizure of dogs suspected of killing or injuring livestock or poultry.**

If any person, including the animal control officer, has reason to believe that any dog is killing livestock or poultry, he shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the general district court at the time and place named therein, at which time evidence shall be heard. If it shall be determined by the court that such dog is a livestock or poultry killer, the dog shall be ordered (i) euthanized immediately by the animal control officer or other officer designated by the judge of the general district court or (ii) removed to another state which does not border on the commonwealth. Any dog ordered removed which is later found in the commonwealth shall be ordered by a court to be euthanized immediately.

## **DIVISION 6. DANGEROUS OR VICIOUS DOGS**

### **Sec. 10-100. Control of dangerous or vicious dogs; penalties.**

(a) As used in this section:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119 of the Code of Virginia, 1950, as amended. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia, 1950, as amended. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

(d) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(e) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$50, in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

(f) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, which covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

(g) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(h) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3 of the Code of Virginia, 1950, as amended, within 45 days of such a finding by a court of competent jurisdiction.

The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(k) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

(l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.1-796.104:1 of the Code of Virginia, 1950, as amended.

## **ARTICLE VI. WILD OR EXOTIC ANIMALS (REPEALED August 14, 2007)**

## **ARTICLE V. HYBRID CANINE.**

### **Section 10-120 Definitions.**

As used in this article:

1. "Hybrid canine" means any animal which at any time has been or is permitted, licensed registered, or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the Department of Health, or representative of the State Veterinarian.

2. "Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.1-796.93:1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

3. "Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

4. "Owner" means any person who (a) has a right or property in an animal, (b) keeps or harbors an animal, (c) has an animal in his care, or (d) acts as a custodian of an animal.

### **Section 10-121. Hybrid canine ordinance; penalty.**

1. It shall be unlawful for the owner or custodian to allow any hybrid canine to run at large in the country during the period of January 1 through December 31 inclusive of any year. For the purpose of this section, a hybrid canine shall be deemed to be running at large while outside of any pen or enclosure as provided in subsection 2 of this section, however, any owner or custodian of a hybrid canine may be allowed to remove a hybrid canine from any pen or enclosure for purposes of transportation to another pen

or enclosure or for the purpose of obtaining medical attention. In no event shall any hybrid canine be allowed to be set free on any property within the county whether or not the hybrid canine is under its owner's or custodian's immediate control.

2. It shall be unlawful to own or possess a hybrid canine unless such hybrid canine is kept and maintained in a pen or enclosure as follows:

(a) The pen or enclosure shall contain at least 200 square feet of space per adult hybrid canine.

(b) Any fencing used in the construction of the pen or enclosure shall be at least eight (8) feet in height with an additional overhang of fencing or barbed wire angling a minimum of three (3) feet into the pen or enclosure. Such wire enclosure shall be of such strength as to prevent the escape of any hybrid canine enclosed therein.

(c) To prevent digging out along the fence, concrete footers at least one (1) foot wide and six (6) inches deep shall be installed along the perimeter of the pen or enclosure or a wire footing of 12-gauge wire buried six (6) inches in the ground with at least three feet of wire on the inside of the pen or enclosure, bending the remaining one (1) foot of wire up in a 90° angle and connect every six (6) inches to the bottom outside of the pen or enclosure.

(d) The pen or enclosure shall provide shelter which affords complete protection from all elements of nature.

(e) A violation of this ordinance shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any second or subsequent offense. Upon a conviction of a second violation of this ordinance, the owner shall surrender the hybrid canine to the animal control officer for euthanasia in accordance with § 3.1-796.119 of the Code of Virginia, 1950, as amended.

In Re: Public Hearing – Amendments to Taxation Ordinance (Filing Extension)

Chairman Fore announced this was the date and time scheduled for a public hearing on the Amendments to the Taxation Ordinance (Filing Extension). Notice of this hearing was advertised according to law in the July 18, 2008 and August 1, 2008 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. He said the proposed amendment authorizes the Commissioner of Revenue, at her discretion, to grant an extension of time in the filing of an annual return for tangible personal property, machinery and tools and merchants capital. The floor was opened for public input.

There being no one wishing to speak, the public hearing was closed.

Mr. Moore made a motion to approve the amendment to the County Taxation Ordinance, Section 70-1 as presented. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

TAXATION: ARTICLE I: IN GENERAL  
*Additional Text In Bold*

Section 70-1. DUE DATE OF RETURNS; PENALTY.

(a) In accordance with Code of Virginia, § 58.1-3916, which authorizes the governing body of any county to provide by ordinance the time for filing annual returns of taxable tangible personal property, machinery and tools, and merchants' capital, the board of supervisors directs that annual returns of tangible personal property, machinery and tools, and merchants' capital shall be due on May 1 of each year. ***The Commissioner of Revenue, at his or her discretion, may grant an extension of the time to file the annual return; such extension shall not exceed sixty (60) days.***

(b) It shall be unlawful for any person to willfully fail or refuse to file such returns at the time required herein or for making false statements in such returns with the intent to defraud.

(c) Any person who shall violate subsection (b) of this ordinance and the amount of the tax lawfully assessed in connection with the return is \$1,000.00 or less shall be guilty of a class 3 misdemeanor and shall be subject to a fine of up to \$500.00. Any person who shall violate subsection (b) of this section and the amount of the tax lawfully assessed in connection with the return is more than \$1,000.00 shall be guilty of a class 1 misdemeanor and shall be subject to a fine of up to \$2,500.00 and up to 12 months imprisonment, either or both.

In Re: Public Hearing – Amendments to Taxation Ordinance (Land Use)

Chairman Fore announced this was the date and time scheduled for a public hearing on the Amendments to the Taxation Ordinance (Land Use). Notice of this hearing was advertised according to law in the July 18, 2008 and August 1, 2008 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. He said the proposed amendment requires payment of a new land use application fee when ownership of a parcel changes. The floor was opened for public input.

There being no one wishing to speak, the public hearing was closed.



Mrs. Wiley made a motion to approve the amendment to the County Taxation Ordinance, Section 70-37 as presented. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

SPECIAL ASSESSMENT FOR LAND PRESERVATION ORDINANCE  
*Additional Text In Bold*

Section 70-37 APPLICATION FEES

(a) A fee of fifty dollars (\$50.00) per parcel shall be required for each application, plus \$5.00 for each additional application.

(b) An additional fee of \$10.00 shall be required for each application filed after the filing deadline.

**(c) A new application fee shall be required when ownership of a parcel changes.**

In Re: Public Hearing – Amendments to the Traffic & Vehicle Ordinance (Decal)

Chairman Fore announced this was the date and time scheduled for a public hearing on the Amendments to the Traffic & Vehicle Ordinance, Sections 74-71, 74-72, 74-73, and 74-74. Notice of this hearing was advertised according to law in the July 18, 2008 and August 1, 2008 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward. He said this amendment would repeal the County Decal and would have an effective date of December 31, 2008.

Chairman Fore opened the floor for public input.

There being no one wishing to speak, the public hearing was closed.

Mr. Moore made a motion to approve the proposed amendments to the Traffic & Vehicle Ordinance, as presented. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

~~TRAFFIC AND VEHICLES: DIVISION 3. COUNTY DECAL~~

~~SECTION 74-71. PROVIDED:~~

~~1. The county treasurer shall provide annually a sticker or stamp of specific color and design to prove display payment of the annual license tax.~~

~~SECTION 74-72. FREE COUNTY DECAL FOR FORMER PRISONERS OF WAR:~~

~~The county treasurer is authorized to issue a free county decal to individuals whose vehicle displays a prisoner of war state license plate.~~

~~SECTION 74-73. FEE FOR DUPLICATE COUNTY DECAL:~~

~~The treasurer shall issue for the fee of \$2.00 a duplicate decal to the owner when the old decal or a substantial part thereof sufficient for identification or an affidavit stating that the decal has been lost or destroyed and is not being used on any vehicle in the county is delivered to the treasurer.~~

~~SECTIONS 74-74. REFUND UPON RETURN OF COUNTY DECAL:~~

~~The county treasurer shall refund half the total cost of a county decal if the decal is returned for a rebate on or before September 30 in any given year.~~

In Re: Public Hearing – Amendments to the Traffic & Vehicle Ordinance (Parking)

Chairman Fore announced this was the date and time scheduled for a public hearing on the Amendments to the Traffic & Vehicle Ordinance, Chapter 74, *Traffic and Vehicles: Article III. Stopping, Standing and Parking*. Notice of this hearing was advertised according to law in the July 18, 2008 and August 1, 2008 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Ennis said the County has encountered difficulty with traffic and parking enforcement, and this ordinance would cover the enforcement, specifically on county and school property. He said this would also provide enforcement authority on every road in the County, with the exceptions of Route 15, Route 360 and Route 460. He added this would allow enforcement for various infractions, such as parking unlicensed vehicles, parking on private property, in loading zones, bus stops and taxi stands, in alleys; it would govern removal and disposition of vehicles unlawfully parked on private property and will cover citations, fines, and issuances of summons. He said a fine schedule is included, and includes illegally parked abandoned vehicles regarding presumption of responsibility for the violation. Mr. Ennis said it will make the regulation of traffic more effective in the County.

Chairman Fore opened the floor for public input.

There being no one wishing to speak, the public hearing was closed.

Mrs. Gilfillan made a motion to adopt the proposed amendments to the Traffic & Vehicle Ordinance, as follows. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

## Chapter 74

### **TRAFFIC AND VEHICLES**

#### **Article I. Traffic**

#### **Article II. Vehicle Licenses**

#### **Article III. Stopping, Standing and Parking**

Sec. 74-101	Penalty.
Sec. 74-102	Designation of limited or prohibited parking areas.
Sec. 74-103	Stopping, standing or parking prohibited in specified places; towing of vehicles.
Sec. 74-104	Parking unlicensed vehicle.
Sec. 74-105	Angle parking.
Sec. 74-106	Parking on private property.

Sec. 74-107	Use of loading zones.
Sec. 74-108	Use of bus stops and taxicab stands.
Sec. 74-109	Parking in alleys.
Sec. 74-110	Removal and disposition of vehicles unlawfully parked on private property.
Sec. 74-111	Citations and fines; issuance of summons.
Sec. 74-112	Presumption as to responsibility for violation.

**Sec. 74-101 Penalty.**

Unless another penalty is imposed pursuant to Section 74-111 or is otherwise provided by law, every person convicted of a violation of any of the provisions of this article shall be guilty of a traffic infraction and punishable as provided in Section 46.2-113 of the Code of Virginia, 1950, as amended.

**State law references:** Definition and scope of traffic infractions, Code of Virginia, §§ 46.2-100, 46.2-937, 18.2-8.

**Sec. 74-102 Designation of limited or prohibited parking areas.**

(a) Notwithstanding any other provisions of this chapter, the county administrator or his duly authorized representative is hereby authorized, when in his judgment it is in the public interest so to do, to set apart on any of the highways of the county spaces for loading and unloading merchandise, bus stops, taxi stands and other places in which no general parking shall be permitted; and he is further authorized to set aside spaces in which parking time shall be further limited; provided that signs shall be posted within or near such spaces so as to advise the public of such parking prohibitions or regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs. If any such regulation concerns parking on the interstate system or the arterial network of the primary system or any extension thereof of the arterial network, it shall be subject to the approval of the state highway commissioner.

(b) Notwithstanding any other provisions of this chapter, upon request of the governing body of any political subdivision owning property in the county, the county administrator or his duly authorized representative is hereby authorized, when in his judgment it is in the public interest so to do, to set apart areas on any of the streets or roads within such property, regardless of whether such streets or roads are part of the county road system, expressly for loading and unloading merchandise, bus stops, taxi stands and any other places in which no general parking shall be permitted; and he is further authorized to designate areas on such properties as the exclusive and only areas within which the designated activity is permitted on the property; and he is further authorized to set aside spaces in which parking time shall be further limited; provided that signs shall be posted within or near such spaces so as to advise the public of such parking prohibitions or regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs.

**State law references:** Authority to regulate parking, Code of Virginia, §§ 46.2-1220, 46.2-1221.

**Sec. 74-103 Stopping, standing or parking prohibited in specified places; towing of vehicles.**

(a) It shall be unlawful for any person to stop, stand or park a vehicle, except in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) In a crosswalk.
- (6) Within 20 feet from the intersection of curblines or, if none, then within 15 feet of the intersection of property lines at an intersection of highways.
- (7) Within 50 feet of the nearest rail of a railroad grade crossing.

(8) Within 15 feet of the driveway entrance to any fire station or within 15 feet of the entrance to a building housing rescue squad equipment or ambulances, provided that such buildings are plainly designated.

(9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.

(10) On the roadway side of any vehicle parked at the edge of the curb of a roadway.

(11) Upon any bridge or other elevated structure upon a roadway or highway, or within a tunnel.

(12) At any place where official signs prohibit parking.

(b) Police officers may move a vehicle out of a prohibited area or away from a curb or start or cause to be started the motor of any motor vehicle in order to move it when necessary in the performance of their duties.

(c) When any vehicle is stopped, standing or parked on any highway and constitutes a hazard to traffic or is in violation of any of the provisions of this article, it shall be lawful for a police officer to have it removed by towing the vehicle to a licensed garage for storage until called for by the owner or his agent. In the event of such removal and storage, the owner of the vehicle shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage.

(d) This section shall not apply to police vehicles, fire vehicles, rescue vehicles or ambulances temporarily parked due to an emergency.

**State law references:** Parking in certain places, Code of Virginia, § 46.2-1239.

**Sec. 74-104      Parking unlicensed vehicle.**

It shall be unlawful to park any vehicle not having a current state license, and a current county license as required by the provisions of Article II of this chapter, on any highway, roadway or public alley in the county.

State law references: Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-105      Angle parking.**

(a) Notwithstanding any of the provisions of this chapter, the county administrator or his duly authorized representative may, when in his discretion the public interest so requires, provide for angle parking on any street or portion thereof, provided that such streets are marked so as to advise the public of the regulation.

(b) Unless the markings required in subsection (a) of this section are installed, it shall be unlawful for any person to park any motor vehicle or other automotive equipment other than parallel to the curb or edge of the roadway.

(c) The provisions of this section shall not apply to motorcycles when parked with the rear wheel next to the curb or edge of roadway in a manner that does not obstruct moving traffic.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-106      Parking on private property.**

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a highway, street or alley stating no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a highway, street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-107 Use of loading zones.**

Where a loading or unloading zone has been set apart by the county administrator or his duly authorized representative in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

- (1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks using such loading zones, shall be identified by the owner's or company's name in letters at least three inches high on both sides of the vehicle.
- (2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of and while actively engaged in loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-108 Use of bus stops and taxicab stands.**

When a bus stop or taxicab stand has been set apart by the county administrator or his duly authorized representative in accordance with the applicable provisions of this chapter, no person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and identified with approved signs; except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actively engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. No taxicab shall be parked in a taxicab stand and no bus shall be parked in a bus stop without an operator in immediate attendance of the vehicle.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-109 Parking in alleys.**

No person shall park a motor vehicle, trailer or semitrailer in such a manner as to leave available less than ten feet of the width of an alley for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a public or private alley in such a position as to block the driveway, garage or any other type entrance to any abutting property where the owner of such abutting property has the right to use such alley as a means of access to and from a highway and cannot physically enter his property due to the parked vehicle.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-110 Removal and disposition of vehicles unlawfully parked on private property.**

It shall be lawful for any owner, operator or lessee of any parking lot or parking area or space therein or part thereof or any lot or building, publicly owned, to have any motor vehicle or other vehicle occupying such lot, area, space or building or part thereof without the permission of such owner, operator, lessee or authorized agent of the one having the control of such premises removed, by towing or otherwise, to a licensed garage for storage until called for by the owner of the vehicle or his agent. Notice of such action shall be first or simultaneously given to the state department of motor vehicles and the division of police. In the event of such removal and storage, the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage. This section shall not apply police vehicles, fire vehicles, rescue vehicles or ambulances or where a vehicle shall, because of wreck or other emergency, be parked or left temporarily upon the property of another.

**State law references:** Authority to remove unattended, etc., vehicles, Code of Virginia, §§ 46.2-1213, 46.2-1232.

**Sec. 74-111 Citations and fines; issuance of summons.**

(a) *Issuance of citation.* Whenever any motor vehicle, trailer or semitrailer without a driver is found parked or stopped in violation of any of the restrictions imposed by this article, the sworn officer having police powers finding such vehicle shall record the vehicle registration number and may take any other information displayed on the vehicle which may identify its user. The officer shall conspicuously affix to such vehicle a traffic citation provided by the Sheriff and approved by the county administrator. The affixing of the citation shall constitute prima facie evidence that the owner or operator received notice of the violation. The citation shall notify such person that he must either pay a fine for the violation in accordance with the schedule contained in subsection (d) of this section, or appear before the county general district court in accordance with the time scheduled by the chief judge of such court. The citation shall further notify such person that the fine may be paid in cash, by money order or check to the county treasurer, in person or by mail, at his office within five calendar days from the date of the violation. The citation shall further notify such person that, if he pays such fine as provided in this section, no further action shall be taken against him for the violation set forth in the citation.

(b) *Notice before issuance of summons.* In response to a citation, if such person does not either pay the applicable fine or contest the citation as provided in this section, then the citation shall be considered delinquent. No summons shall be issued for the prosecution of a delinquent citation until the county administrator shall send to the owner of the motor vehicle, trailer or semitrailer to which the traffic citation was affixed a notification by certified mail to his last known address or to the address shown for such person on the records of the State Department of Motor Vehicles. The notice to the violator shall be contained in an envelope bearing the words "Law Enforcement Notice" at least one-half inch in height on the face thereof. The notice sent by the county administrator to the violator pursuant to this subsection shall inform such violator that he must pay the fine plus penalty, as described in subsection (e) of this section, to the county treasurer.

(c) *Issuance of summons.* If the notice is mailed and the fine plus penalty is not paid within ten calendar days from the date of such notice, then the county administrator shall cause a summons to be issued charging a violation of this article. The officer issuing the citation shall be notified by the county administrator that a summons has been issued.

(d) *Amount of fine when paid before notice.* Every person charged with violating a provision of this article shall pay to the county treasurer a fine according to the following schedule, provided, however, that payment is received by the treasurer before the notice described in subsection (b) of this section is mailed:

- Exceeding the time limit . . . \$ 20.00
- Parking on an angle (parallel prescribed) . . . 20.00
- Parking away from the curb . . . 20.00
- Parking in a crosswalk area . . . 20.00
- Parking in a loading zone . . . 20.00
- Parking in a bus zone or cab stand . . . 20.00
- Parking within 15 feet of an intersection . . . 20.00
- Parking or stopping on the wrong side of the street . . . 10.00
- Blocking a driveway . . . 20.00
- Parking within 15 feet of a fire hydrant . . . 20.00
- Parking within 15 feet of an entrance to a fire station or rescue squad building . . . 20.00
- Parking in vicinity of an emergency in such a manner as to interfere . . . 50.00
- Creating a traffic hazard . . . 20.00
- Double parking . . . 20.00

Parking on a public sidewalk . . . 20.00  
 Stopping, standing or parking in a prohibited zone . . . 50.00  
 Parking in a space reserved for the handicapped . . . 100.00  
 Blocking an alley . . . 20.00  
 Parking in a prohibited alley . . . 20.00  
 Blocking a fire lane . . . 50.00

(e) *Payment of fine after notice and before summons.* After a notice is mailed, but before a summons is issued, every person charged with violating a provision of this article shall pay to the county treasurer the applicable fine listed in subsection (d) of this section plus a penalty according to the following schedule:

TABLE INSET:

Fine	Penalty	Total
\$10.00	\$10.00	\$20.00
\$20.00	\$20.00	\$40.00
\$50.00	\$50.00	\$100.00
\$100.00	\$100.00	\$200.00

(f) *Contest of citation.* Every person charged with a violation of any provision of this article may, before the citation is considered delinquent as defined in subsection (b) of this section, elect to contest the charge by filing a written protest with the county administrator. Such protest shall identify the charge by citation number and date of issuance. The protest shall be signed by the person charged and shall request that the citation be certified to the general district court. The county administrator shall certify to the general district court in writing, on an appropriate form, the fact that the citation is contested. In both contested and uncontested cases, the defendant, if found guilty, shall pay court costs in addition to any fine imposed upon him.

**State law references:** Authority to regulate parking, Code of Virginia, § 46.2-1220.

**Sec. 74-112 Presumption as to responsibility for violation.**

In any prosecution charging a violation of this article, proof that the vehicle described in the complaint, citation, summons or warrant was parked in violation of this article, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, tit. 46.2, ch. 6, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who committed such violation.

**State law references:** Authority, Code of Virginia, §§ 46.2-1220, 46.2-1221.

In Re: 2009 Reassessment

Ms. Beverly Booth, Commissioner of Revenue, said the County reassessment is nearing a close and introduced Mr. Chris Venable, Lead Assessor with Wampler-Eanes.



Mr. Venable thanked the Board for awarding the contract, and said the assessment is 95% complete. He added the notices will be mailed in October or early November. Mr. Venable said the values are holding steady and not decreasing which would follow the national trend. He said the neighboring counties' assessments all increased from 25% to nearly 100% within the last two years, as the market peaked in 2006. He reviewed the process used to determine the assessed values.

Mrs. Gilfillan asked for clarification on the role realtors play and sales of homes in the area. Mr. Venable said sales are down, but the values are holding steady in this area; he said this is partly due to the lenders' restrictions, many people are unable to get financing. Further discussion of the process followed.

Ms. Booth respectfully requested the Board consider reassessment be done every four years instead of every six years. Chairman Fore asked Mrs. Booth to work on a proposal regarding reassessments to bring before the Board for consideration.

In Re: School Board Appointment

Chairman Fore said Mrs. Patsy Pelland resigned from the Prince Edward County School Board effective July 31, 2008, which created a vacancy for District 401 (Hampden). Mrs. Pelland's term expires June 30, 2009; the appointment to fill the vacancy would be for a term of 11 months. Mr. McKay contacted a three-member Citizen Committee to serve to nominate candidates for this vacancy.

Mr. McKay said the Citizen Committee Members for District 401 are:

Ms. Shelby Asal, Chair  
142 Etherton Drive  
Farmville, VA 23901  
Phone: 434.223.8973

Dr. John Eastby  
1 Venable Lane  
Farmville, VA 23901  
Phone: 434.223.8940

Ms. Pam Venable  
7706 Abilene Road  
Farmville, VA 23901  
Phone: 434.223.3644

Mr. Moore made a motion to authorize advertising the Citizen Committee and establish August 29, 2008 as the deadline for submission of names of nominees with letters of interest or resumes to the Citizen Committee. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

Mr. Jones made a motion to authorize a Public Hearing on the nominees for the September 9, 2008 Board meeting. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

After some discussion, the consensus of the Board is that the appointment to the School Board will be made at a Special Meeting to be held on September 23, 2008, at 5:30 p.m.

Mrs. Gilfillan asked that a letter be drafted to Mrs. Pelland to express the Board's appreciation for her years of service on the School Board.

In Re: Tourism Advisory Board Membership

Chairman Fore said the joint Town of Farmville and Prince Edward County Tourism Advisory Board was commissioned for 12 members but currently consists of six members. He said the Advisory Board advertised for letters of interest and qualifications for new members.

Chairman Fore said that after careful review, the Advisory Board unanimously recommended the appointment of the following four individuals to serve on the Tourism Advisory Board: Virginia Berkley, Crossroads Community Services Board; Diane Canton, Management Services Corporation; Katie Deaton, Program Director of Non-Profit Organization and occupational therapist; and James McGall, (retired)

Town of Farmville citizen. Farmville Town Council approved the appointment of the proposed candidates at their July, 2008 meeting.

Mr. Moore made a motion to authorize appointment of the proposed candidates to the joint Town and County Tourism Advisory Board. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

In Re: Resolution Regarding VRS Contribution

Mr. Bartlett said the County has historically picked up the employee's 5% share of their VRS contribution. He said staff has been notified by the Virginia Retirement System (VRS) that due to a recently revised IRS ruling, each employer must adopt a formal resolution reaffirming its pick-up plan to meet the requirements of the new ruling in order to continue allowing the member contribution to be treated on a pre-tax basis. He said it would not change any of the procedures already in place, but failure to adopt the resolution would jeopardize the County's contribution to VRS and the tax liability of the individuals and the County.

Mr. McKay made a motion to adopt the Resolution of Affirmation of Authorization to Pick-up the Employee's Contribution to VRS for Prince Edward County, 55173, under Section 414(h) of the Internal Revenue Code. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

**A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE  
COUNTY OF PRINCE EDWARD, VIRGINIA**

**Affirmation of Authorization to Pick-up the Employee's Contribution to VRS  
for Prince Edward County, 44173,  
Under Section 414(h) of the Internal Revenue Code**

**WHEREAS**, the County of Prince Edward provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (VRS) by picking up member contributions to VRS; and

**WHEREAS**, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

**WHEREAS**, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

**WHEREAS**, in order to avail itself of the protection given under Notice 2006-43, the County of Prince Edward desires to affirm its intention to establish and maintain a pick-up arrangement through formal action of its governing body;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the existing member contributions pick-up arrangement is hereby affirmed as it is related to salary reduction elections in effect prior to the date of this Resolution; and it is further

**RESOLVED**, that effective the first pay day on or after August 12, 2008, the County of Prince Edward shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

**RESOLVED**, that such contributions, although designated as member contributions, are to be made by the County of Prince Edward in lieu of member contributions; and it is further

**RESOLVED**, that pick-up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

**RESOLVED**, that member contributions made by the County of Prince Edward under the pick-up arrangements shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangements; and it is further

**RESOLVED**, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by the County of Prince Edward directly instead of having them paid to VRS; and it is further

**RESOLVED**, that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the County of Prince Edward shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the County of Prince Edward on behalf of such employee, pursuant to the foregoing resolutions.

In Re: County Administrator's Report

Mr. Bartlett briefly reviewed the USGS Gauging Station's report on the river flow of the Appomattox River at Farmville; he said the water level remains low.

Mr. Ward asked why The Manor does not accept the water available to them from the Town of Farmville, and why they plan to hook up to the wells in Hampden-Sydney. Mr. Bartlett said he is not in a position to answer for The Manor as they are a private entity. He said the Board is looking to develop a water system for the County, not just for The Manor. He said the development is being jeopardized by lack of water and wells that are going dry.

Mr. Ward said the County, in a letter from Mr. Ennis, promised to supply water and drill wells, which have been drilled. He asked if the wells are being used. Mr. Bartlett said that, to his knowledge, they are not, but they do not belong to the County and the County did not pay for nor drill the wells. Mr. Ward said The Manor is complicating the picture. Mr. Bartlett said the County wants to develop water for use by the County which has been a topic of conversation for decades.

Mr. Ward asked if the County has any written agreement between Hampden-Sydney and the Board of Supervisors or between The Manor and the Board of Supervisors regarding the water line proposed from Hampden-Sydney. He said the County spent money with nothing in writing about who owns the line, and nothing about fees. Mr. Bartlett said there is no water line; all that has been done to date is the design. He said the County would own the line if it is built.

Mr. Ward asked if The Manor will pay anything, or user fees. Mr. Bartlett said that most developers do not pay for a water main, but they pay for a distribution system within the development; he added there will be water fees in addition to the connection fee if it would turn out to be in the County's

service area which is still being discussed with the Town. He said the Authority Board would have to develop the fees for connection charges and the monthly user charges.

Mr. Ward asked if the Board voted on construction of the waterline. Mr. Bartlett answered that it had not. Mr. Ward said there was nothing clear in the proposals that were brought to the Joint School Board meeting in November 2007 about the design of this project; he asked for clarification regarding the County executing engineering proposals with Draper Aden for the interim water supply.

Mrs. Gilfillan left the meeting at this time.

Mr. Bartlett said two major proposals were being considered; one was partnering with Hampden-Sydney, which the County has since reached a verbal agreement to provide water. Mr. Bartlett said the other was the sinking of wells on The Manor property, and said to remember the time-frame that these actions were taken. He said some of this has become a moot issue. Mr. Bartlett said in the Hampden-Sydney area, the County may want to serve that area in the future whether there is an agreement with the Town or not. He said it remains a viable design to run a water line, and that eventually the County will want to extend the County's water system. He said if it would be built now or the future, the design would still be viable. He said he spoke with VDOT regarding that [design].

Mr. Ward asked if the line would still be necessary if the treatment plant is built at Sandy River Reservoir. Mr. Bartlett said that it would be necessary to reach the Hampden-Sydney area.

Mrs. Gilfillan returned to the meeting at this time.

Mr. Ward said if the County would bring water to the town limit, and the Town processed the water, it would seem to be the Town's worry as to how the water is delivered, and said The Manor was going to build a sewer treatment plant and asked for the status on that project.

Mr. Bartlett said the Board of Supervisors and the Authority Board wish to have that as a County service area, and he would have to contact The Manor regarding their sewer lines. He said the project is on hold waiting for a final resolution of agreements between the Town and County. He said that if the Town

and the County can reach an agreement, the County can control that item by not allowing them to build on County property, but the County cannot control what they do on their own property.

Mr. Ward said The Manor had an agreement with the Town, and The Manor had the sewage lines plugged up. Mr. Bartlett said he wasn't aware that they had a written agreement with the Town, and that the sewage lines belong to The Manor.

Mr. Ward said "The Manor had their sewage lines plugged, and it is so confusing how we jump around on something as expensive and as big as providing water and sewer service. That's a concern to me – a great concern to me. So it doesn't matter that we get an agreement with the Town or not, do we still plan to build a water treatment plant?"

Mr. Bartlett said yes, because the Board as a whole desires to build a treatment plant at Sandy River to serve other areas of the county, whether it would serve the Route 15 South or not. He added it would "stake a claim" to the water at Sandy River before the water is used by another community. He said the Board wishes the treatment plant be built to provide safe and adequate water supply for the citizens. He said the engineering is approximately 95% complete, and then the Board would have to choose to go forward prior to construction.

Mr. Ward asked how the Water Authority Board was making decisions, and where the initial funding was coming from. Mr. Bartlett said the Authority cannot issue General Obligation bonds but could issue revenue bonds; he said the funding would most likely come from the taxpayers through the Board of Supervisors. He said it may be a front-funded loan from the Board to the Authority, and would be paid back to the taxpayers over time.

Mr. Ward then asked if there were large proposed businesses or customers to justify spending \$24 million. Mr. Bartlett said the Authority could not have customers without the service. He said it is similar to building an industrial park; the infrastructure must be built to allow development. He said the water plant would be built to provide a reliable and adequate source for the citizens into the future. He said the estimate of \$16.5 million would be for the water plant, an intake, and small distribution system. Mr. Bartlett said the options are to build or not have a public water system in the County.

Mr. Ward asked why the county is negotiating with the Town. Mr. Bartlett said the Town serves certain areas in the County but not all areas, and it is not anticipated they will serve all the way to Rice.

Mr. Ward said questions remain and he cannot recall where Board voted to dig or pay for wells, and “The Manor keeps getting money from us without putting out anything, without producing any jobs.” Mr. Bartlett said the County did not dig the wells; Mr. Ward said the County may purchase them. Mr. Bartlett said it would require a vote.

Mr. Ward said, “That’s our plan, we didn’t – I knew there would be something like that. They say they – The Manor just doesn’t spend money, they just cause the County to spend money. Now they’re privately owned, it’s not CDA, everything out there, but they still can come in here and tell us ‘we need a decision’ ...” Some further discussion followed.

Mr. Ward said that in Nottoway County, the completed water study was submitted to the DEQ for review, and asked on the status of Prince Edward County’s water study.

Mr. Bartlett said the water supply plan is underway; he said the County is in the middle of the process working with the Town and will be complete by 2009. Mr. Jonathan Pickett, Director of Planning and Community Development, said the Water Supply Plan is more than 50% complete and will be submitted to the DEQ this fall.

Mr. Bartlett said the bid documents for the library will be advertised the end of August and will run 30 days. He said the construction bids will be gathered by the end of September or early October.

Mr. Bartlett then said the Board had tabled the request from the Prince Edward Dialogue for Reconciliation at the July meeting, and asked the Board for input.

Chairman Fore said he felt the project would be best handled by the Moton Museum, and doesn’t feel the Board of Supervisors should commission this project. He said the recommendation is to hire a professional interviewer and a small staff to interview people and recorded on tape. He said the project would take a couple of years, and museum would best handle the storage for the film.

Mr. Bartlett said that Mr. Lacy Ward, Jr., Director of the Moton Museum, is in the process of securing grants from the National Endowment for Arts and Humanities to do this project, and Mr. Ward, Jr. is very interested in conducting this project. Chairman Fore said it is a great project, just not one that should be handled by the Board of Supervisors.

Mrs. Wiley said the Light of Reconciliation Committee feels that it is a good idea, but agrees that it should go through the Moton Museum. She suggested the Board of Supervisors work with the Museum.



In Re: Light of Reconciliation Committee Report

Mrs. Wiley reported the Committee met on August 6, 2008, to discuss a memorial for the Courthouse. She said the Committee recommends the Board approve the proposed design of a memorial to be placed on the Courthouse lawn.

Mr. Moore made a motion to approve the design of the memorial to be placed on the courthouse lawn. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

Mrs. Wiley said the Committee recommended the Board of Supervisors authorize the County Administrator to negotiate on behalf of the County for a temporary loan of the four-foot by six-foot replica of the Virginia Civil Rights Memorial, until 2011 when the Moton Museum construction is expected to be complete and the museum is ready to house it permanently.

After some discussion, Mr. McKay made a motion to authorize the County Administrator to negotiate for a temporary loan of the Virginia Civil Rights Memorial replica to be housed in the Courthouse until 2011. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

Mrs. Wiley said the Committee also recommended the Board authorize the County Administrator to develop a plan for a courthouse wall display of the mock-ups of the Virginia Civil Rights Memorial that have been donated to the County, along with other banners and materials, to be displayed during the time that the replica is housed in the courthouse.

Mrs. Sarah Puckett, Assistant County Administrator, said the large portraits of the four-sided memorial have been donated to the County. Mr. Fore asked the County Administrator to develop a plan to present to the Board for approval at a later date.

Mrs. Wiley then said the Committee recommended that the Board empower the Light of Reconciliation Committee and the County Administrator to plan a public ceremony for the unveiling of the County memorial and courthouse exhibit, with a date to be determined at a later time.

Chairman Fore said it would be [better] to wait for the outcome, and if the County is lucky enough to obtain those items, a celebration will be scheduled.

Mrs. Wiley said, "As Chair of the Light of Reconciliation Committee, I would like to thank the Board members for being so gracious and allowing us to do this."

Chairman Fore said, "On behalf of the Board of Supervisors, I want to thank you and the Committee for an exceptional job on a very good project that was put together in record time... We appreciate it."

#### In Re: Budget Summary

Mr. Bartlett reviewed the budget summary in respect to the State reductions in aid to localities. He said the 2008 Appropriations Act of the General Assembly mandated a \$50 million reduction in state aid to local governments in both Fiscal Years 2009 and 2010. Prince Edward County's reductions total \$147,859 for FY 2009, which was anticipated and an expense line was added to the budget for reimbursement to the state with a budgeted amount of \$158,245.

Mr. Bartlett said there are three options before the Board: he said the Board could take the reductions from one or more programs; the Board could make reimbursement directly to the Commonwealth for all of the reductions; or the Board could choose a combination of program reductions and the reimbursement payment. Discussion followed on the options and ramifications of each option.

Mr. Bartlett said four departments are not inherent of the County: the Library, Piedmont Court Services, Juvenile Detention, and the VJCCA; he contacted the Commonwealth and the County can still reimburse the state and then require those organizations to reimburse the County. He said the Juvenile Detention Center and Piedmont Court Services have enough in their budgets to cover the amounts required.

Mr. Bartlett said he did not recommend the Library or VJCCA reimburse the County as both have limited ability to generate revenues. He added that he will meet with the Juvenile Detention Center Board to vote to reimburse Prince Edward County for this, as they have a fund balance of approximately \$750,000. He said Piedmont Court Services has a fund balance of approximately \$200,000, and has the ability to raise revenues, and would recommend requesting reimbursement from Piedmont Court Services.

Ms. Renee Maxey, Executive Director of Piedmont Court Services, said that 49% of the cases are from Prince Edward County, which is just one of eight counties served. She said in comparison, Nottoway County has 2% of the cases. She requested Board consideration of including Piedmont Court Services in absorption.

Mrs. Gilfillan made a motion to authorize the County Administrator to reimburse the State for the reductions. The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

In Re: Resolution – Drought Disaster Designation

Mr. Jones made a motion to approve the following Drought Disaster Designation Resolution; the motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

**A RESOLUTION OF THE  
BOARD OF SUPERVISORS  
OF THE COUNTY OF PRINCE EDWARD, VIRGINIA  
REGARDING THE 2008 DROUGHT DISASTER**

**WHEREAS**, an analysis of crop and livestock conditions in the County of Prince Edward has determined that insufficient summer rainfalls, coupled with the sustained high temperatures during June, July and to-date in August, have caused significant losses to many crops; and

**WHEREAS**, there are substantial economic losses to hay pasture, corn, soybean and tobacco crops that will escalate if adverse growing conditions persist; and

**WHEREAS**, it is incumbent upon the Board of Supervisors of the County of Prince Edward, Virginia to request that the Governor of Virginia declare the County of Prince Edward a drought disaster area;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Prince Edward does hereby direct the County Administrator to file with Governor Timothy M. Kaine a request that the County of Prince Edward be designated a drought disaster area.

Mr. Jones made a motion to authorize the County Administrator to grant permission to individual farmers applying to withdraw water from the Sandy River Reservoir. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

In Re: County Administrator's Report – Addendum

Mr. Bartlett said there has been a continuous problem finding a permanent home for the Pamplin Waste Collection site. He said he met with Eric Hougland, the High Bridge Trail State Park Superintendent, who said the State Park would like access to that property as it is the last area on Route 460 where the VDOT and DCR properties adjoin. He said DCR would like to use it as a parking area for cars and horse trailers. Mr. Bartlett said that due to the littering problems at that site and the problems finding a permanent site, he recommended honoring DCR's request and provide notice through the end of the year by posting signs that the site will close, and the waste collection site be consolidated with the Prospect site, four and a half miles away. Mr. Bartlett said it would not be as convenient but would save \$160,000 on site development and approximately \$40,000-\$50,000 a year in operational costs.

Mr. McKay said the majority of residents travel more than four and a half miles to a waste collection site and felt the Board is justified in closing the site. He said half of those that use the Pamplin site may be from Appomattox County.

Mr. Moore made a motion to close the Pamplin Waste Collection site; the motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Lacy B. Ward Mattie P. Wiley	Nay: None
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Absent: Howard F. Simpson

Mr. Bartlett said he had been requested to write a letter of endorsement for Moton 2011, which is the Robert Russa Moton Museum's effort to install a series of permanent exhibit galleries within the auditorium and five adjoining classrooms of the former Moton High School detailing Prince Edward County's thirteen-year struggle for Civil Rights in Education. Mr. Bartlett said the museum is not requesting donations nor does it obligate the County in any way.

Mrs. Wiley made a motion to authorize the County Administrator to sign the letter of endorsement for the Moton 2011 project. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

In Re: Closed Session

Mr. Moore made a motion that the Board convene in Closed Session for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to the exemptions provided for in Section 2.2.3711(A)7 of the *Code of Virginia*. The motion carried:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

The Board returned to regular session by motion of Mr. Moore and adopted as follows:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

On motion of Mr. Jones, and carried by the following roll call vote:

Aye: William G. Fore, Jr.  
Sally W. Gilfillan  
Robert M. Jones  
Charles W. McKay  
James C. Moore  
Lacy B. Ward  
Mattie P. Wiley

Nay: None

Absent: Howard F. Simpson

the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the *Code of Virginia* requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Prince Edward County Board of Supervisors.

In Re: Animal Warden's Report

Mr. Ray Foster, Animal Warden, submitted a report for the month of July 2008, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted a report for the month of July 2008, which was reviewed and ordered to be filed with the Board papers.

In Re: Financial Report from Prince Edward County Schools

Dr. Patricia Watkins, School Superintendent, submitted a financial summary report for the month of July 2008, which was reviewed and ordered to be filed with the Board papers.

On motion of Mr. McKay and adopted by the following vote:

Aye:	William G. Fore, Jr.	Nay: None
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Lacy B. Ward	
	Mattie P. Wiley	

Absent: Howard F. Simpson

the meeting was adjourned at 9:30 p.m.