

March 13, 2012

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 13<sup>th</sup> day of March, 2012; at 7:00 p.m., there were present:

Howard M. Campbell

Pattie Cooper-Jones

William G. Fore, Jr.

Don C. Gantt, Jr.

Robert M. Jones

Charles W. McKay

Howard F. Simpson

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Sharon Carney, Economic Development Director; James Ennis, County Attorney; Paul D. Hoffman, Field Representative, U.S. Rep. Robert Hurt; Mary Hickman, Commonwealth Regional Council; and Justine Young, Piedmont Health District..

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

In Re: Public Participation

Chairman Fore read the Public Participation Policy, adopted at the September 2009 meeting:

*Public Participation is a time set aside for citizens to share their thoughts, ideas and concerns. An official record is made of each person's contribution tonight and will be directed to the County Administrator for follow-up; any necessary follow-up will be noted and tracked. Follow-up may consist of an immediate response, or planned action by the County Administrator or Board, or by placement on a future Board agenda. Tonight's agenda cannot be changed because the public needs advance knowledge of and the opportunity to review related materials regarding items addressed by the Board. To further assist public information, the Board requests our Administrator, Attorney or county staff immediately correct any factual error that might occur.*

**Sam Campbell**, Prospect District, questioned the status of the Granite Falls project financing, when the construction on the [Alternate Route 628] road will begin, and what effect it will have if the Granite Falls project does not go through; Mr. Bartlett stated the status of the financing was unknown as settlement on a loan can take time, and that the road project was not contingent upon the building of Granite Falls, but was approved by the Board of Supervisors because of congestion issues at the school.

Mr. Campbell then asked about the schedule for the Granite Falls meeting and at what expense it will be to the taxpayers; Mr. Bartlett stated that there is no expense to the taxpayers as the consultants that will be attending are for the developer, and the County will be reimbursed for the appearance of a representative from Davenport and Company.

Mr. Campbell then expressed his concern regarding the state of the Treasurer's office, and urged the Board to demand better organization from the Treasurer's office.

**Jerri Morton**, Burkeville, presented information regarding the 100-Mile Yard Sale, to take place Saturday, July 7, 2012.

In Re: Board of Supervisors Comments

Supervisor Campbell stated he received three complaints regarding the Treasurer's office in the past week. He described one citizen's issue.

Supervisor McKay, Cooper-Jones and Gantt expressed their thanks to the Volunteer Fire Department for bringing the truck and the rescue squad vehicle for the members to inspect.

Supervisor Jones said that while the reports from the Treasurer's office are behind, Mr. Bartlett is well-versed in and is fully aware of the County's financial status. He added that he is hopeful Mrs. Shanaberger recuperates quickly.

Supervisor Simpson explained the issue the citizen had and stated it was resolved. Supervisor Campbell said Mr. Bartlett was instrumental in assisting the citizen with the tax issue.

In Re: Consent Agenda

On motion of Supervisor Jones and carried:

Aye: Howard M. Campbell      Nay: None      Abstain: Pattie Cooper-Jones  
 William G. Fore, Jr.  
 Don C. Gantt, Jr.  
 Robert M. Jones  
 Charles W. McKay  
 Howard F. Simpson  
 Jim R. Wilck

the Board accepted the Treasurer's report of November 2011; the minutes of the meeting held February 14, 2012; Accounts and Claims; Salaries; and appropriations as follows:

**FY 2012 Budget Amendment**

		<u>Debit</u>	<u>Credit</u>
3-100-24040-0060	Spay & Neuter Tax Donation		\$ 185
4-100-35100-5899	Animal Control / Misc.	\$ 185	
3-100-23000-0080	Technology Trust Fund		\$ 731
4-100-21600-5880	Clerk of Circuit Court / TTF	\$ 731	
3-100-41050-0100	From Fund Balance		\$220,000
4-100-32200-8004	Darlington-Heights VFD Capital Equipment	\$120,000	
4-100-32300-8005	Prince Edward Rescue Squad	\$100,000	
3-100-24040-0011	VFIR Grant		\$ 2,000
4-100-32200-8207	VFD VFIR Grant	\$ 2,000	

**November 2011**

Fund balances were as follows:

General Fund	119,527.62	
General Fund Reserved for Investments	9,246,515.72	
		9,366,043.34
PPEA Fund		(1,529.57)
Industrial Development Authority Fund		167,941.85
Recreation Fund Reserved for Investments		27,051.29
Forfeited Assets Fund Reserved for Investments		94,879.92
School Capital Projects Fund - VPSA		0.00
School Capital Projects Fund - QZAB01		0.00
Underground Storage Tank Fund		20,000.00
Economic Development Fund		743,464.42
Board of Public Welfare Special Account		7,331.81
Piedmont ASAP Fund		322,452.34
QZAB Debt Services Fund		408,068.97
Landfill Construction Fund		1,024,540.10
PCS Fund		266,029.15
Revenue Sharing Fund		(46.64)

Retirement Benefits Fund	7,792.26
School Capital Projects Fund - QZAB02	(1,485.00)
Dare Donations Fund	2,933.50
School Cafeteria Fund	271,156.32
Prince Edward Community Development Fund	46,793.50
Water Fund	903,049.71
Sewer Fund	(50,562.97)
School Fund	0.00
	13,625,904.30

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	3,043,975.42
Warrants Payable (School Fund)	0.00
General Fund Investments	9,246,515.72
VPSA Investments	0.00
QZAB01 Investments	0.00
Underground Storage Tank Fund	20,000.00
Recreation Fund Investments	27,051.29
QZAB02 Investments	0.00
Landfill Construction Fund for Investment	1,024,540.10
Forfeited Asset Fund for Investment	94,879.92
Industrial Development Authority for Investment	167,941.85
	13,625,904.30

\*Of this \$9,366,043.34 in the General Fund, \$5,961,003.05 is encumbered for:

Transfers in:	
School Fund	4,930,725.13
VPA Fund	394,396.59
Water Fund	0.00
Sewer Fund	0.00
IDA Fund	23,528.98
Retirement Benefits Fund	12,526.00
Debt Obligations	599,826.35
Total	5,961,003.05

This leaves an unencumbered balance of \$3,405,040.29 in the General Fund.

**STATEMENT OF DEPOSITORY BALANCES**

**Balances as of November 2011:**

**Checking Accounts:**

Benchmark Community Bank	211,975.04
Wachovia Bank	202,330.50
BB&T	72,703.11
Bank of America	1,932,610.61

**2,419,619.26**

**Investment Accounts:**

Benchmark Community Bank	10,477,094.30
Wachovia Bank	129,691.15
Citizens Bank & Trust Company	235,000.00
BB&T	1,491.69
Planters Bank & Trust	200,000.00
Mentor Investments	162,007.90
SNAP (State Non-Arbitrage Plan)	0.00
Bank of America	0.00

**11,205,285.04**

**MOTOR VEHICLE LICENSE TAXES**

Town of Farmville	Decals	56,402.78
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**BOARD OF SUPERVISORS**

Business Card	Meals	32.52	
	Legislative Day	80.00	112.52
Walmart	Water & soft drinks		55.72

**COUNTY ADMINISTRATOR**

Pitney Bowes Financial Services	Postage meter lease		29.00
US Cellular	Phone		113.99
Business Card	Legislative Day		40.00
Diamond Springs	Water & equipment rental		15.70
Key Office Supply	Name plate	8.00	
	Office supplies	43.88	
	Copy paper	224.95	276.83
Reliable	Timecards / HP ink		145.77

**COMMISSIONER OF REVENUE**

M&W Printers, Inc.	Postage	192.62	
	Personal property forms	1,659.75	1,852.37
VALECO	Dues		75.00

VAAO	Dues		20.00
Business Data of Virginia, Inc.	Vehicle assessment		3,135.03
	<u>TREASURER</u>		
Business Data of Virginia, Inc.	Norton Anti-virus		29.95
Farmville Herald	Subscription		38.00
	<u>INFORMATION TECHNOLOGY</u>		
Business Data of Virginia, Inc.	Travel expenses		625.00
	<u>GENERAL DISTRICT COURT</u>		
US Cellular	Phone		25.37
Key Office Supply	Ink cartridge		199.00
		1,973.79	2,593.89
	<u>CLERK OF THE CIRCUIT COURT</u>		
Treasurer of Virginia	Computers / printers		4,400.00
ILS / Manatron, Inc.	Plat scanning	520.00	
	Credit memo	-450.00	70.00
	<u>LAW LIBRARY</u>		
CenturyLink	Phone		37.35
	<u>COMMONWEALTH'S ATTORNEY</u>		
Purchase Power	Postage		419.99
DMV	Special IDs		30.00
University of Virginia	LGA 2012 Handbook CD		155.00
			25.35
	<u>VICTIM WITNESS ASSISTANCE PROGRAM</u>		
U. S. Postal Service	Box rent		48.00
Treasurer of Virginia	Grant training		50.00
Farmville Printing	Worksheets / envelopes / handouts		120.40
Key Office Supply	Labels		35.96
	<u>SHERIFF</u>		
Walmart	Dog food	62.61	
	Storage boxes	39.88	
	Auto cleaning supplies	32.21	
	Toolbox / safety glasses	52.29	186.99
Haley of Farmville, Inc.	Auto maintenance		169.71
US Cellular	Phone		808.58
William Cary	Meal		11.52
VALEAC	Dues		75.00
Diamond Springs	Water & equipment rental		112.35
Staples Advantage	Office supplies		1,181.38
DMV	Special IDs		20.00
Creative Monogramming	Hats & shirts		450.40
Quantum Graphics / Uniforms	Jacket		133.00
Southern Police Equipment Company	Belt	22.49	
	Radio belt loop	21.99	

	Holster	113.25	48.24
Sheehy Auto Stores	2011 Ford Crown Vic (2)		47,701.54

PROSPECT VOLUNTEER FIRE DEPARTMENT

Benchmark Community Bank	Truck payment		3,500.00
Fire & Safety Equipment Company	First aid supplies		108.46
CenturyLink	Phone		91.77
Dominion Virginia Power	Electric service		208.18

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone		85.86
Jana Baldwin	Janitorial service		130.00
Foster Fuels, Inc.	Propane		542.31
J.E. Jamerson Building Supply	Keyless lock		409.00
Pamplin Exxon	Fuel		218.38
RS / AASHTO	Narrowband administrative fee		25.00
Jimmy Sigrist	Build generator shed		1,547.00
Verizon	Phone		60.92
Your First Due, Inc.	Internet		25.95

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Parker Oil Company, Inc.	Propane	508.42	
	Diesel	696.65	1,205.07
US Cellular	Phone		154.25
Verizon	Phone		155.93
Dominion Virginia Power	Electric service		344.83
Watkins Insurance Agency	Package / auto / umbrella insurance		3,543.00

CAPITAL EQUIPMENT - DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Darlington Heights Volunteer Fire Dept.	Capital equipment		120,000.00
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AMBULANCE & RESCUE SERVICES

Prince Edward Volunteer Rescue Squad	11-12 Support		15,000.00
Meherrin Fire & Rescue	11-12 Support		2,500.00

EMERGENCY SERVICES

Korman Signs	Road signs		1,582.18
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REGIONAL JAIL & DETENTION

Irongate Boundary Management	Electronic monitoring		945.00
Piedmont Regional Jail	Inmate per diem		3,842.30

BUILDING OFFICIAL

US Cellular	Phone		25.37
Coy Leatherwood	Meals	7.26	
	Meeting registration	5.00	12.26

ANIMAL CONTROL

Jennifer Kingsley, DVM	Vet services		52.00
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Dominion Virginia Power	Electric service	333.45
US Cellular	Phone	52.74
Southside SPCA	Animal Friend plates	184.60
Business Card	Drug license renewal	90.00
Southern States	Feed bags	75.00
Walmart	Dog food	137.77
Vortech Pharmaceuticals	Fatal Plus solution	429.41

MEDICAL EXAMINER

Treasurer of Virginia	Coroner	20.00
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BIOSOLIDS MONITORING

US Cellular	Phone	25.37
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REFUSE DISPOSAL

C & L Machine & Welding	Repair dumpster	3,160.00	
	Weld lightbar / fender	105.00	3,265.00
Arena Trucking Company	Trash collection		425.00
Resource International	Groundwater monitoring		13,178.15
Emanuel Tire of Virginia	Tire recycling		376.80
Southside Electric Cooperative	Darlington Heights site		133.45
Dominion Virginia Power	Leachate pump	6.05	
	Scalehouse	134.61	
	Cell C pump station	12.44	
	Green Bay site	98.54	
	Worsham site	116.93	
	Prospect site	122.38	
	Landfill site	95.77	586.72
AT&T	Phone		213.00
CenturyLink	Phone		220.01
US Cellular	Phone		25.37
Verizon	Phone		115.78

GENERAL PROPERTIES

OK Termite & Pest Control	Exterminating service		150.00
Southside Electric Cooperative	SRR lights		30.88
Dominion Virginia Power	Roy Clark monument	21.24	
	Shop	47.71	
	Sheriff Department Shed	5.74	
	Worsham Clerk's office	130.48	205.17
Parker Oil Company, Inc.	Fuel oil		9,353.01
CenturyLink	Phone		71.32
US Cellular	Phone		79.15
Diamond Springs	Water & equipment rental		15.70

CANNERY

Southside Electric Cooperative	Electric service	251.04
US Cellular	Phone	25.62



COMPREHENSIVE SERVICES ACT

Business Card	Foster care	54.03
Crossroads Services Board	Professional services	1,510.00
Family Preservation Services	Professional services	5,597.50
Grafton School, Inc.	Professional services	15,600.00
Letricia R. Logan	Foster care	666.00
Phillip & Jessica Sterling	Foster care	448.00

MUSEUMS

Robert Russa Moton Museum	11-12 Support	2,500.00
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PUBLIC LIBRARY

Farmville-Prince Edward Community Library	11-12 Support	46,639.75
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PLANNING

Business Card	Postage	101.45	
US Cellular	Phone	50.99	
Alecia Daves-Johnson	Mileage	469.53	
	Parking	17.70	
	Meals	29.96	
	Office supplies	45.89	563.08
Plan Virginia	Dues	231.00	
Key Office Supply	Tapes	27.90	

COMMUNITY DEVELOPMENT

Piedmont Area Transit	11-12 Support	2,500.00
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ECONOMIC DEVELOPMENT

Demont Design	EZ Brochure update	45.00	
Business Card	Postage	353.99	
	Meals	29.36	
	Office supplies	33.53	416.88
US Cellular	Phone	25.37	
Watson & Duggan, PLC	Mark powerline Rt 628	650.00	
Farmville Printing	Envelopes / EZ letters	324.05	

TOURISM

Dominion Virginia Power	Electric service	372.26
Business Card	Postage	12.80
Angela Griner	Best Part of Civil War ad	75.00

SOIL & WATER CONSERVATION DISTRICT

Piedmont Soil & Water Conservation District	11-12 Support	2,960.00
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DEBT SERVICE

Davenport & Company, LLC	Bond issue - Financial	43,307.69
McGuire Woods, LLP	Bond issue - Legal	16,642.00

US Bank	Bond issuance costs	300.00
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FORFEITED ASSETS FUND

Sheehy Auto Stores	2011 Ford Crown Vic	23,850.77
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WATER FUND

Davenport & Company, LLC	Bond issue - Financial	25,796.35
McGuire Woods, LLP	Bond issue - Legal	3,698.11

SEWER FUND

Davenport & Company, LLC	Bond issue - Financial	9,623.61
McGuire Woods, LLP	Bond issue - Legal	9,912.89

REVENUE SHARING - VDOT FUND

Hurt & Proffitt, Inc.	Alt 628 Project	20,158.50
Milton-May Appraisal Company	Davis property appraisal	1,800.00

PIEDMONT COURT SERVICES

Dominion Virginia Power	Electric service	437.76
AT&T	Phone	145.08
Sheena Franklin	Mileage	93.24
VCCJA	Training	75.00
Charlotte Gazette	Subscription	24.00
The Courier-Record	Subscription	24.00
Administrative	Subscription	79.00

PCS SUPERVISION FEES EXPENDITURES

Hampton Inn	Lodging	440.05
NCTI	Training	1,698.00

ADDENDUM BILL LIST

BOARD OF SUPERVISORS

Farmville Herald	Advertising	994.26
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COUNTY ADMINISTRATOR

VACORP	Workers compensation	75.50
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LEGAL SERVICES

VACORP	Workers compensation	8.00
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COMMISSIONER OF REVENUE

VACORP	Workers compensation	38.50
Farmville Herald	Advertising	184.50
Treasurer of Virginia	Online service	77.33

TREASURER

VACORP	Workers compensation		46.25
ComputerPlus Sales & Service	Quarterly maintenance charges		1,075.35
M&W Printers, Inc.	Postage - delinquent real estate tax	347.76	
	Postage - delinquent property tax	1,008.70	1,359.46
Treasurer of Virginia	Online service		77.34
Key Office Supply	Ink pen	1.70	
	Index tabs	0.49	
	Pilot pens	23.88	
	Adhesive notes	9.98	
	Adding machine tape	9.60	
	Correction fluid	1.49	47.14
Pitney Bowes, Inc.	Software charges		229.00

INFORMATION TECHNOLOGY

Business Data of Virginia, Inc.	Travel expenses	625.00	
ComputerPlus Sales / Service	Contract agreement	3,700.00	4,325.00

ELECTORAL BOARD AND OFFICIALS

Betty A. Gibbs	Salary	1,169.32	
	Copies	23.60	
	Postage	52.65	
	Mileage	63.83	1,309.40
Samuel A. Martin, Jr.	Salary		584.68
Gordon V. Smith	Salary		584.68
Ruby F. Amos	Official	100.00	
	Training	25.00	125.00
Barbara Barnes	Official	100.00	
	Training	25.00	125.00
Robert L. Barnes	Official	90.00	
	Training	25.00	115.00
Mary L. Baylis	Official		90.00
Patricia A. Brandt	Official		90.00
William E. Brandt, Sr.	Official	100.00	
	Training	25.00	125.00
Wendell Brown	Official		90.00
Peggy S. Cave	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	5.00	175.00
Rachael E. Dove	Official		90.00
Sheila Eames	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	5.00	175.00
Lynn H. East	Official	100.00	
	Training	25.00	125.00

Vincent Eanes	Official		90.00
Nancy D. Fawcett	Official	100.00	
	Training	25.00	125.00
Linda Finch	Official	90.00	
	Mileage	50.00	140.00
Moses Ford	Official		90.00
Beth M. Fore	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	5.00	175.00
Jean G. Fowlkes	Official		90.00
Yolanda Gladden	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Mileage	5.00	155.00
Edward Lee Helton, Jr.	Official	100.00	
	Training	25.00	125.00
Michael L. Helton	Official		90.00
Esther W. Hollingsworth	Official		100.00
Brian N. Hulsizer	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Frances D. Jasper	Official	100.00	
	Training	25.00	125.00
John Jennings	Official		90.00
Donald B. Kellum, Jr.	Official		90.00
Peggy Kelsey	Official		90.00
Cindy H. Koether	Official		90.00
Jean W. Lee	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Tola Morgan	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	10.00	180.00
Lee J. Owens	Official		90.00
Nancy Phaup	Official	100.00	
	Training	25.00	125.00
Rebecca L. Randolph	Official	100.00	
	Training	25.00	125.00
Mary G. Reed	Official		90.00
Rosalie B. Robertson	Official	100.00	
	Training	25.00	125.00
Robert Saunders	Set up polls		75.00

Henry O. Shelton	Official		90.00
Bertha E. Shepperson	Official		90.00
Claudia Somers	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	10.00	180.00
J. Scott Simms	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Phillip Somers	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Margaret Stockton	Official	100.00	
	Training	25.00	125.00
James B. Towler	Official		90.00
Virginia H. Wilson	Official		90.00
Lucie Zehner	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Darlington Heights Fire Department	Rent		200.00
Elks Lodge #269	Rent		200.00
Farmville Volunteer Fire Department	Rent		200.00
Hampden-Sydney Fire Department	Rent		200.00
Mt Zion Second Baptist Church	Rent		200.00
Prospect Volunteer Fire Department	Rent		200.00
Rice Volunteer Fire Department	Rent		200.00
Mt. Pleasant Church	Rent		200.00
<u>REGISTRAR</u>			
VACORP	Workers compensation		14.75
Farmville Herald	Advertising		87.13
Key Office Supply	Credit	-29.95	115.22
	Tape / ink cartridge	59.26	
	Copy paper	118.89	148.20
<u>CIRCUIT COURT</u>			
Key Office Supply	Ink cartridge		74.99
<u>CLERK OF THE CIRCUIT COURT</u>			
VACORP	Workers compensation		63.00
AT&T	Phone		43.54
CenturyLink	Phone		79.35
Deontay Webster	Mileage		76.50

Kinex Networking Solutions	DSL		74.95
Key Office Supply	Copy paper	174.95	
	HP Laser cartridge	299.96	474.91

COMMONWEALTH'S ATTORNEY

VACORP	Workers compensation		67.75
Pitney Bowes Financial Services	Leasing charge	102.00	
	Ink cartridges	93.48	195.48
Commonwealth Solutions	Shredding service		15.00
Key Office Supply	Pads / highlighters / CDs	15.22	
	Pens / pads	12.77	
	Sharpies / files / binders	176.67	
	Portable file	439.98	644.64

VICTIM WITNESS ASSISTANCE PROGRAM

VACORP	Workers compensation		9.50
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SHERIFF

VACORP	Workers compensation		2,322.25
Farmville Auto Parts	Bulb		5.95
The Code Elite Services	Transfer light equipment		195.00
Business Card	Postage / shipping	23.19	
	Meals	159.03	
	Business cards	42.57	
	Gas	113.02	
	Wipers	22.94	360.75
Treasurer of Virginia	VCIN service		53.06
Kinex Networking Solutions	Web host / data backup		39.90
CenturyLink	VCIN		7.97
Business Data of Virginia, Inc.	Norton Anti-virus		29.95
Farmville Printing	Log sheets & stamp		156.42
Key Office Supply	Ink cartridges	116.94	
	Labels	35.99	152.93
Prince Edward County Public School	Diesel		34.02
Town of Farmville	Fuel		45.10
Commtronics of Virginia	Remote speaker mic		79.53
Southern Police Equipment Company	Mag charger	113.98	
	Police supplies	385.93	
	Belt keepers	19.18	
	Shoes	59.80	
	Uniforms	103.30	
	Holster / handcuff case	111.70	793.89
Best Uniforms, Inc.	Shirts	525.75	
	Uniforms	270.52	
	Patches	250.00	1,046.27
Creative Monogramming	Embroider shirts		78.00
Quantum Graphics / Uniforms	Uniforms		425.00

SHERIFF - COURTS

VACORP	Workers compensation		711.75
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FARMVILLE VOLUNTEER FIRE DEPARTMENT

Clarey's Safety Equipment, Inc.	Storz elbow		188.05
Farmville Auto Parts	Oil / filter change		135.80
Fire & Safety Equipment Company	Chinstrap slide		40.79
Piedmont Fleet Service	Truck repairs		1,481.51

RICE VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Hose connect		285.97
Farmville Wholesale Electric	Freight		7.05
Goodman Truck & Tractor	Inspection / parts		207.33
John Deere Financial	Diesel	186.46	
	Gas	155.62	
	Propane	545.17	887.25
Dominion Virginia Power	Electric service		472.00
Watkins Insurance Agency	Accident insurance		3,563.26

PROSPECT VOLUNTEER FIRE DEPARTMENT

Treasurer of Virginia	Saws		195.00
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DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Swivel reel		71.00
Cyrus Pest Control Company	Exterminating service		45.00
East End Motor Company, Inc.	Inspection		51.00
Ellington Energy Service	Propane	429.11	
	Diesel	640.24	
	Gas	720.67	1,790.02
Southside Electric Cooperative	Electric service		269.47
Verizon	Phone		133.67

PAMPLIN VOLUNTEER FIRE DEPARTMENT

Foster Fuels, Inc.	Propane		719.15
Verizon	Phone		55.98
Dominion Virginia Power	Electric service		298.47

VFIR GRANT - VA FIRE INCIDENT

Compro Computers	Computers - VFIR Grant		1,867.80
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EMERGENCY SERVICES

Korman Signs	Road signs		154.07
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REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention		6,000.00
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BUILDING OFFICIAL

VACORP	Workers compensation		128.75
Uline	Reclosable bags		116.85

	<u>ANIMAL CONTROL</u>	
VACORP	Workers compensation	160.75
	<u>BIOSOLIDS MONITORING</u>	
VACORP	Workers compensation	125.75
East End Motor Company, Inc.	Tires	305.32
	<u>REFUSE DISPOSAL</u>	
VACORP	Workers compensation	2,565.50
Farmville Wholesale Electric	Thermostat / connectors	147.50
	Steel strap / screws	6.40
	Bulbs	24.72
		178.62
Arena Trucking Company	Trash collection	289.00
Wright's Excavating	Landfill operation	42,187.50
STEPS, Inc.	Recycling fee	1,279.38
Synergy Recycling, LLC	Electronic recycling	1,288.22
Southside Electric Cooperative	Virso site	180.48
Dominion Virginia Power	Rice site	68.21
AT&T	Phone	181.33
O. O. Stiff, Inc.	Monthly service	662.50
Prince Edward County Public School	Diesel	2,774.57
East End Motor Company, Inc.	Tire	313.88
	<u>GENERAL PROPERTIES</u>	
VACORP	Workers compensation	919.25
Air Conditioning Equipment	Actuators & valves	1,316.33
	Humidity sensor	290.35
		1,606.68
McQuay International	Chillr maintenance contract	5,204.00
Davis Pontiac	Diagnostic check	36.00
Dominion Virginia Power	Courthouse	9,260.82
	Lights at Rice	111.75
	Ag building	1,867.50
		11,240.07
Town of Farmville	Water & sewer	238.37
	Water	21.50
		259.87
O. O. Stiff, Inc.	Monthly service	100.00
Lowe's	Janitorial supplies	50.35
	Vacuum	189.05
	Lumber & stain	449.41
	Hose coupler	4.96
	Tax exemption	-0.24
	Doors & stain	146.57
	Stain	31.63
	Bulbs / drain opener	62.58
	Power strip	18.97
	Return stain	-12.23
		941.05
Cintas Corporation #524	Uniform rental	449.88
Sherwin Williams Company	Paint	474.95
Prince Edward County Public School	Diesel	341.75
East End Motor Company, Inc.	Tire	132.02
Farmville Auto Parts, Inc.	Gas cap	18.29



Fisher Auto Parts, Inc.	Air filter		26.57
<u>CANNERY</u>			
VACORP	Workers compensation		174.25
<u>HEALTH DEPARTMENT</u>			
Prince Edward Health Department	Local support		41,940.25
<u>COMPREHENSIVE SERVICES ACT</u>			
Bear Creek Academy	Professional services		8,265.00
Braley & Thompson, Inc.	Professional services		5,423.00
Centra Health	Professional services		17,272.00
North Spring Behavioral	Professional services		3,100.00
The Hughes Center	Professional services		5,082.00
Andrea Vershaeve	Foster care		574.14
Altavista Area YMCA	Foster care		180.00
<u>PLANNING</u>			
VACORP	Workers compensation		148.50
Farmville Herald	Advertising		184.50
Jonathan Pickett	Mileage		98.34
<u>ECONOMIC DEVELOPMENT</u>			
VACORP	Workers compensation		171.75
Watson & Duggan, PLC	Survey 13A-Lacy property		950.00
Farmville Herald	Subscription		38.00
Key Office Supply	Ink cartridges	166.33	
	Pilot pen refills	11.34	177.67
<u>TOURISM</u>			
VACORP	Workers compensation		8.25
Town of Farmville	Water & sewer		55.30
CenturyLink	Phone		278.88
<u>COOPERATIVE EXTENSION OFFICE</u>			
CenturyLink	Phone		95.48
<u>GENERAL EXPENSE</u>			
Lumos Networks	Phone		2,782.50
Southern States Cooperative, Inc.	Gas		28,273.86
Anthem BCBS	Cobra health insurance		2,120.00
<u>CAPITAL PROJECTS</u>			
Compro Computers	Computers / printers	1,807.90	
	Computer (Treasurer)	749.95	2,557.85
Commworld Central Virginia	Phone system service	360.00	
	Install software	42.39	
	Port numbers	380.00	782.39
CJMW Architecture	Construction plans		5,550.00

	<u>WATER FUND</u>	
Town of Farmville	Water	207.06
	<u>CAPITAL PROJECTS</u>	
Crowder Construction Company	Water treatment system	18,713.00
	<u>SEWER FUND</u>	
Dominion Virginia Power	Sewer pump	32.17
	<u>RETIREMENT BENEFIT FUND</u>	
Vicki K. Johns	Retiree benefit	1,051.29
Anthem BCBS	Retiree insurance	1,060.00
	<u>PIEDMONT COURT SERVICES</u>	
VACORP	Workers compensation	69.00
Key Office Supply	Copier maintenance contract	799.00
Farmville Herald	Advertising	41.25
Nottoway Publishing Company	Advertising	72.50
CenturyLink	Phone	203.68
Sharon Gray	Mileage	248.06
Emily Guill	Mileage	193.14
Connie Stimpson	Mileage	12.29
	Batteries	10.22      22.51
Renee T. Maxey	Mileage	259.03
Andy Mays	Mileage	25.53
Ashley Nash	Mileage	94.90
Dayna Stanley	Mileage	128.20
	<u>PCS SUPERVISION FEES EXPENDITURES</u>	
SRP Corporation	Rent	2,383.00
Page Hardy	Cleaning service	105.00
	<u>PCS DRUG TESTING FEES</u>	
Alere Toxicology Services, Inc.	Drug testing	19.48

In Re: Highway Matters

Supervisor Campbell stated complaints have been received regarding Route 626 and regarding the logging being done on Route 627 which is creating some issues on Hixburg Road. He said one side is paved, the other is not. He also reported there is a pothole at Dowdy's Corner.

Supervisor Gantt said gravel is needed on several roads; he will send a list to the staff to forward to VDOT.

Supervisor Jones asked about the resurfacing schedule on secondary roads; he said some of the secondary roads in his district are in need of resurfacing.

In Re: Update from Congressman Robert Hurt

Mr. Paul Hoffman, Field Representative for Congressman Robert Hurt, introduced himself and invited constituents to the local office for assistance with their issues.

Supervisor Wilck questioned the passing of a budget; Mr. Hoffman stated the U.S. Senate has not taken up the budget for discussion.

In Re: Public Hearing: School Board Appointments

Chairman Fore announced that this was the date and time scheduled for a public hearing on the School Board Appointments. Notice of this hearing was advertised according to law in the Friday, February 24, 2012 and Friday, March 2, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Supervisor Gantt thanked and introduced the Citizen Committee for District 301:

Gary Cooper, Chair  
100 Lisa Lane  
Farmville, VA 23901  
434-223-7977

Lynnette Coe  
6407 Green Bay Road  
Green Bay, VA 23942  
434-392-7478

Eddy Collette  
210 Virso Road  
Meherrin, VA 23954  
434-736-9254

Ralph Eanes  
158 Eanes Martin Drive  
Farmville, VA 23901  
434-223-8260

Laura Watson  
971 Virso Road  
Meherrin, VA 23954  
434-736-9385

Chairman Fore welcomed and thanked the Citizen Committee for District 501:

Carl Blessing, Jr., Chair  
3185 Back Hampden-Sydney Road  
Farmville, VA 23901  
434-392-6219

Lynn East  
403 Hardtimes Road  
Farmville, VA 23901  
434-223-8928

Marshall A. Thackston  
311 East Third Street  
Farmville, VA 23901  
434-392-6163 (office)

Chairman Fore opened the Public Hearing.

Jerry Townsend made a nomination of Harriett Fentress to be considered for reappointment to the Prince Edward County School Board.

Frank Earley, Virginia Dillard and Eddy Collette spoke in favor of Harriett Fentress being reappointed to the School Board.

There being no one further wishing to speak, Chairman Fore closed the Public Hearing.

Chairman Fore instructed the Committees to consider all applicants received seriously. The applicants will be named to the Board by the Committees during the April meeting.

In Re: Public Hearing – Site Plan Amendment

Chairman Fore announced that this was the date and time scheduled for a public hearing on the Site Plan Amendment. Notice of this hearing was advertised according to law in the Wednesday, March 7, 2012 edition of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Wade Bartlett, County Administrator, stated the Planning Commission conducted a Public Hearing on January 17, 2012 prior to considering a request by Richard Raymond, Jr. and Robert Raymond, Sr. to amend a site plan to allow an accessory building on a 1.5 acre parcel located at 4644 Farmville Road, and further described as Tax Map Parcel #50-A-71, which is zoned General Commercial (C-1) and is the location of Auto Rental (Moving Truck) and General Offices uses. Following that meeting, the Planning Commission requested the applicant to provide a completed Final Site Plan at the February meeting. The Planning Commission completed a second review at the February 21, 2012 Planning Commission meeting and made a unanimous recommendation that the Board favorably consider this Site Plan Amendment.

Mr. Richard Raymond, Jr. stated that during the Planning Commission meeting, specifics regarding the amended site plan were questioned; the amended site plan includes a shed, a dumpster site and flagpole. He stated he was also questioned about the tree buffer; the tree buffer and seeding will be done as weather permits. The gravel and paving will also be done in the near future.

Mr. Raymond, Jr. then requested if the County receives a complaint, they would like to be made aware of it to correct the problem.

Chairman Fore opened the public hearing.

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

Supervisor Jones apologized for not being able to attend the last Planning Commission meeting; he said this project had opposition and the variance was difficult to obtain. He said the amended site plan contains all that is requested. Discussion followed.

Supervisor McKay made a motion to approve the Final Site Plan Amendment of Richard Raymond, Jr. and Robert Raymond, Sr.; the motion carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

In Re: Update from Commonwealth Regional Council

Mary Hickman, Interim President of the Commonwealth Regional Council thanked the Board for its continued support and presented the Commonwealth Regional Council (CRC) 2011 annual report. She said their function is to address projects with regional impact; the redistricting project was one of their successful initiatives in 2011.

Supervisor Simpson expressed his appreciation for the work done on the redistricting.

In Re: Comprehensive Community Health Assessment-Piedmont Health District

Justine Young, a Community Health Educator with the Massey Cancer Center for the Piedmont Health District presented an overview of the work accomplished by the Piedmont Health District. The

Piedmont Health District was chosen to participate in a Massey Cancer Project funded by a Tobacco Indemnification Grant.

The district was chosen due to high incidence and mortality rates for cancer. The project goals were to perform a comprehensive community health assessment and to mobilize resources into this underserved area. Over the past sixteen months, focus groups have been held throughout the seven counties, all physicians canvassed via a questionnaire, local health care facilities interviewed and the availability of health resources documented. Information from the U.S. Census Bureau, the Virginia Cancer Registry, and the Komen Foundation among others has been used to develop a comprehensive look at the state of health in this district. The presentation included information on income and poverty levels, education levels, cancer rates, etc., in comparison to the rates for the state of Virginia. This region is medically underserved, with one hospital serving approximately 104,000 people. Ms. Young stated the findings from this project may bring further resources and healthcare into this region.

In Re: The Southside Messenger

Averett Jones, Editor of the Southside Messenger, expressed his concerns regarding a statement by Chairman Fore that he will only answer questions from the Farmville Herald, the County's newspaper of record. Mr. Jones stated the Southside Messenger meets the requirements set forth for that qualification, and that according to the *Code of Virginia* and the Virginia Press Association, Prince Edward County does not have a newspaper of record. Mr. Jones stated the policy of the Southside Messenger is to report the truth; if something is reported incorrectly, he asked that the mistake be documented and the newspaper will print a retraction. Mr. Jones then said the Board does not have authority to withhold information from the public, except for a few legal and personnel issues; he stated he wished to resolve this issue to spare Prince Edward County unnecessary hardship and expense.

In Re: Enterprise Zone Boundary Adjustment

Sharon Lee Carney, Economic Development Director, stated that in 2010, that Prince Edward County was granted a boundary zone adjustment by the Virginia Department of Housing and Community Development (VDHCD) for their Enterprise Zone (#48), which added 301.587 +/- acres. Since that time,

the Office of Economic Development has received several requests from businesses who wish to be included in the Zone area. Since the County still has 1,442 acres remaining of their original 3,840 acre designation, Mrs. Carney requested the Board of Supervisors authorize the preparation of a Boundary Zone Amendment application for 2012.

Mrs. Carney said that in preparation for the boundary zone amendment request, property owners located on Route 460 in the Rice area have been interviewed to verify their willingness to have their property included in the Enterprise Zone, making them eligible for the Enterprise Zone grant opportunities. She requested permission to prepare an Enterprise Zone amendment.

Chairman Fore appointed Supervisor Jones, Supervisor Simpson and himself, along with Mr. Bartlett and Mrs. Carney, to draft an Enterprise Zone amendment.

Mrs. Carney stated there can be no more acreage added to the total amount; the region has 3,840 acres total, and the zone will expire in 2020, and would have to compete with other areas for renewal. She said the Town of Farmville has no additions or deletions; Luck Stone is interested in being included in the Enterprise Zone.

In Re: Update of County Animal Control Ordinance

Mr. Jim Ennis, County Attorney, stated Deputy County Attorney Morgan Greer has updated the County Animal Control Ordinance in response to a re-codification of the *Code of Virginia*.

Additionally, Section 10-54. Kennel License Tax: The County currently sells kennel tags to a citizen who owns 5-20 dogs. This must be changed to 10-20 dogs as allowed in the *Code of Virginia*.

Finally, the County Administrator recommends deleting Section 10-31. Dog Operating Fund. The County does not use a Dog Operating Fund in its budget process.

Supervisor Wilck made a motion to authorize a public hearing on the County Animal Control Ordinance to be held during the April 10, 2012 Board meeting; the motion carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

## **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.  
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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.  
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#### Division 3. Rabies Control

- Sec. 10-60. Vaccination required.  
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Sec. 10-63. Quarantine authorized.

#### Division 4. Running at Large

- Sec. 10-70. Prohibited.  
Sec. 10-71. Unlicensed dogs prohibited.



Sec. 10-72 Fowl running at large.

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~~ 3.2-6500 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~~ 3.2-6500 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 (§ 3.2-6555) 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 (§ 3.2-2600); 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~~ 3.2-6587, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.403.2, 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 sanitarly 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 sanitarly dispose of the companion animal; and may recover on behalf of the county from the owner the cost of this service as provided in § 3.2-6554 of the Code of Virginia.

**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 constitute a Class 1 misdemeanor and shall be punished in accordance with the provisions of Code of Virginia, §§ ~~3.1-796.128~~ 3.2-6587, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.2-403.2, 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~~ 3.2-6500, 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 as provided in § 3.2-6554 of the Code of Virginia.

**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~~ ~~3.2-6587~~, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.2-403.2, 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. § ~~3.2-6587(A)(6)~~
- (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. § ~~3.2-6587(A)(8)~~
- (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 ~~any dog which has been found to be~~ vicious or dangerous to prevent the same from being destroyed. § ~~3.2-6587(A)(7)~~

**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~~ 3.2-6524, 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~~ 3.2-6587, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.2-403.2, 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~~ 3.2-6527, 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~~ 3.2-6528, 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	(\$1 to \$10)
Unsexed (castrated) male dog . . .	\$ 5.00	(\$1 to \$10) *can't exceed male
Female dog . . .	\$10.00	(\$1 to \$10)

Unsexed (spayed) female dog . . . \$ 5.00 (\$1 to \$10) \*can't exceed female

- (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:

<del>§ 10</del> --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~~ 3.2-6530, 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. § 3.2-6533

**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~~ 3.2-6532, 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~~ 3.2-6531 .

**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~~ 3.2-6587, ~~18.2-03-1~~ 18.2-403.1, ~~18.2-03-2~~ 18.2-403.2, 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 **in accordance with the provisions of the Code of Virginia, § 3.2-6521.**

#### **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 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 an 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 **in accordance with the provisions of the Code of Virginia, § 3.2-6522(4).**

### **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. 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 who is the owner or custodian of the dog found running at large shall be deemed to have violated the provisions of this section, if said owner or custodian has previously been notified by any animal control officer or other officer of the law that the dog is or has been running at large.

- (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~~ 3.2-6527, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.2-403.2, 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~~ 3.2-6527, ~~18.2-03.1~~ 18.2-403.1, ~~18.2-03.2~~ 18.2-403.2, 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~~ Code of Virginia § 3.2-6540. 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.

#### **Sec. 10-72. Fowl running at large.**

“It shall be unlawful to permit any fowl, including all domestic fowl and any game birds raised in captivity, to run at-large in the county at any time.”

## **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~~ 3.2-6546.

### **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~~ 3.2-6500 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~~ 3.2-6546 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~~ 3.2-6500 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~~ 3.2-6534, 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) Pursuant to the Code of Virginia, § 3.2-6553, ~~Any~~ 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.**

Pursuant to the Code of Virginia, § 3.2-6552, ~~If~~ 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~~ 3.2-6562 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. § 3.2-6540(C)
- (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. § 3.2-6540(D)

(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. § 3.2-6540(E)

(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. § 3.2-6540(F)

(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~~ 3.2-6542 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~~ 3.2-6556 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~~ 3.2-6540, 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~~ 3.2-6562 of the Code of Virginia, 1950, as amended.

In Re: Agreement with Constitutional Officers

Mr. Bartlett stated that since 2006, the Board of Supervisors has executed an agreement with each of the Constitutional Officers (Sheriff, Treasurer, Commission of Revenue, Clerk of the Circuit Court, and Commonwealth's Attorney) regarding the applicability of the County Personnel Policy on the employees of the Constitutional Officers.

Supervisor Cooper-Jones made a motion to authorize the Chairman to execute an agreement with each Constitutional Officer; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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**COOPERATIVE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS  
AND THE SHERIFF  
OF THE COUNTY OF PRINCE EDWARD, VIRGINIA**

THIS COOPERATIVE AGREEMENT, effective as of January 1, \_\_\_\_\_, between the Sheriff and the Board of Supervisors of the County of Prince Edward, Virginia.

**ARTICLE I – SCOPE OF AGREEMENT**

This agreement extends the coverage of the County's personnel policies and procedures to all employees and deputies of the Sheriff. This Agreement recognizes that employees and deputies of the Sheriff and other County employees all serve the residents of Prince Edward County.

Therefore, this Agreement seeks to establish a uniform personnel system so that the Sheriff's employees and deputies will have the same rights and benefits and will be subject to the same policies, procedures and regulations as other County employees, except as provided herein. The inclusion of such employees in the County Pay and Classification Plan shall not change the status of such employees as appointees of a constitutional officer who serve at the will and pleasure of the Sheriff and concurrent with the term of office of the Sheriff; nor shall it deprive the Sheriff of control over the actions of his appointees, but shall serve as the basis for supplementation of salaries as permitted by law.

Employees and deputies will be subject to the County's personnel policies and procedures, except the grievance procedure. All employees and deputies of the Sheriff, whether funded by the Compensation Board or by the County, shall be placed on the County's pay plan, shall

be eligible for the same benefits, and shall receive salary adjustments consistent with those received by other County Employees. This is an endeavor to maintain parity among County and Compensation Board funded positions as it pertains to general employee compensation.

The Sheriff understands that future increases offered by the State through the Compensation Board will not be passed automatically to the staff due to the fact that they would be covered under the county system. Regardless of what the county pay and classification plan states it is understood that the salaries for the Sheriff's staff will be no less than the salaries approved by the Compensation Board, as is required by state law. In the event that the salary established by the Compensation Board for a given position is higher than that determined by the County's pay plan, the salary set by the Compensation Board shall be applicable to the position.

Nothing in the Agreement shall be interpreted to infringe upon the authority of the Sheriff to retain control over the operations of his office, including, without limitation, the authority to:

- Direct the work of employees and deputies;
- Hire, promote, transfer or appoint employees and deputies; and
- Discipline, suspend, demote, dismiss or terminate the appointment of any employee or deputy.

Such authority shall be exercised by the Sheriff; however, the procedures shall be in accordance with the County's personnel policies and procedures. In addition, the Sheriff's authority pursuant to Virginia Code Section 15.2-1603 to terminate the appointment of a deputy is not intended to be infringed by this Agreement.

The Sheriff does not agree to include employees and deputies under the County Grievance Policy or Procedure, as the employees and deputies serve as an extension of the Sheriff and derive all powers from the status of the Sheriff as an elected Constitutional Officer.

The Sheriff does agree to abide by all applicable State and Federal laws regarding FLSA, FMLA, EEO/AA and other such applicable statutes as applied to appointees of elected officials.

## **ARTICLE II – TIME OF PERFORMANCE**

This Agreement shall commence as of January 1, \_\_\_\_\_ and is effective until either the Sheriff's term in office expires on December 31, \_\_\_\_\_, or the below named Constitutional Officer leaves office, whichever event occurs first.

## **ARTICLE III – LAWS, PERMITS AND RESTRICTIONS**

This Agreement shall be governed in all respects, whether as to validity, construction, capacity or performance by the laws of the Commonwealth of Virginia.

## **ARTICLE IV – POLICIES**

The Sheriff agrees to comply with the policies included in the County's Personnel Policy Manual, adopted by the Board of Supervisors on December 20, 2005, and which may be amended from time to time.

The Sheriff and County agree that employees and deputies in the office of the Sheriff shall be incorporated into the County Uniform Pay Plan, as approved by the Board of Supervisors on December 20, 2005, as amended.

## **ARTICLE V – AMENDMENT TO POLICIES**

The County agrees to provide the Sheriff with written notice of any change to all policies and procedures, and any new policies within thirty (30) days after adoption by the Board. The Sheriff agrees to respond in writing to the County within thirty (30) days of receipt of such notice as to his agreement or disagreement with such amended/new policy. No amendments or new policies may be incorporated within this agreement without the written consent of the Sheriff and the County.

#### **ARTICLE VI – TERMINATION**

This Agreement may be canceled by either party by giving thirty (30) days written notice to the other, or

This Agreement shall be suspended in the event the Board of Supervisors fails to appropriate or allocate funds for the purpose of continuation of this Agreement, or

In the event of breach by either party to this Agreement, the other party may give written notice to the party deemed to be in breach specifying the manner in which the Agreement has been breached. If such notice of breach is given, the party sending this notice may suspend performance of any or all of its corresponding obligations under this Agreement, and if the party receiving the notice has not substantially corrected the breach within thirty (30) days of receipt of the written notice, the party sending the notice shall have the right to terminate this Agreement.

#### **ARTICLE VII – PERSONNEL RECORDS AND REPORTS**

The County Administrator or designee shall maintain the official time records of all employees and deputies of the Sheriff. The Sheriff agrees to keep and maintain current records of all of his employees regarding accumulated sick leave, annual leave, etc. and to report each pay period any usage. The Sheriff agrees to provide the County Administrator or designee all relevant information needed to administer the Personnel Plan, upon request. Records and forms will be maintained and submitted in accordance with established procedures. Additionally, the Sheriff agrees to provide to the County Administrator an annual accounting as of December 31, of all accrued leave balances.

#### In Re: Planning Department Report

Mr. Bartlett stated that at its February 21, 2012 meeting, the Planning Commission prepared recommendations to the Board of Supervisors related to the following applications:

- The Planning Commission conducted a Public Hearing on February 21, 2012 in consideration of an application by Amanda Wells, dba Four Paws Bed & Biscuit, for a Special Use Permit in accordance with the Agricultural Residential (A-2) Zoning requirements to operate a Commercial Kennel Use on a parcel identified as Tax Map Parcel # 25-A-22A and located at 2018 Persimmon Tree Fork Road in Farmville. The Planning Commission recommended approval of this Special Use Permit Application.

Supervisor Jones made a motion to authorize a public hearing for a Special Use Application by Amanda Wells, dba as Four Paws Bed & Biscuit, to be held at the April 10, 2012 Board meeting; the motion carried:



Aye: Howard M. Campbell  
Pattie Cooper-Jones  
William G. Fore, Jr.  
Don C. Gantt, Jr.  
Robert M. Jones  
Charles W. McKay  
Howard F. Simpson  
Jim R. Wilck

Nay: None

Mr. Bartlett then said a request has been made by the Planning Commission to revert to a prior practice to allow the Planning Commission to advertise a public hearing for the Board of Supervisors following action taken by the Planning Commission. He said it currently takes two months before action can be taken by the Board of Supervisors on the requests put before the Planning Commission. Discussion followed.

Chairman Fore requested Mr. Ennis check to make sure the Planning Commission may authorize advertisements for public hearings for the Board of Supervisors.

In Re: County Attorney's Report

Mr. James Ennis, County Attorney, stated the County received a request for a fireworks permit. County staff researched the changes to the state's fireworks regulations, and learned that the State Fire Marshal now requires at least one person at each fireworks display be certified by the State Fire Marshal's Office as a Pyro-technician. As the County of Prince Edward does not have a Fire Marshal to inspect and permit fireworks shows, it is preferable to allow applicants to go through the State Fire Marshal's office for fireworks displays.

Mr. Ennis advised the County to repeal *Section 50, Article II, Fireworks* of the *County Code*, which would require a public hearing. The repeal of the County's Fireworks Ordinance does not prohibit the use of "permissible fireworks" as defined in Section 27-97 of the *Code of Virginia* as *any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies*. It also does not prohibit large fireworks displays, which will be regulated by the State Fire Marshal's Office.

Supervisor Jones made a motion to authorize a public hearing for the April 10, 2012 Board meeting for public input in the repeal of the County Fireworks Ordinance; the motion carried:

Aye: Howard M. Campbell  
Pattie Cooper-Jones  
William G. Fore, Jr.  
Don C. Gantt, Jr.  
Robert M. Jones  
Charles W. McKay  
Howard F. Simpson  
Jim R. Wilck

Nay: None

## **ARTICLE II. FIREWORKS**

### **Sec. 50-31. Use limited.**

It shall be unlawful for any person in the county to keep, sell, offer for sale, expose for sale, or buy any fireworks, or to use, ignite or explode any firecracker, torpedo, skyrocket, Roman candle, or other substance or thing of whatever form or construction containing explosives or flammable compounds, intended or commonly known as fireworks, in any public highway or street, public place or within 200 yards of the dwelling or building of another.  
(Ord. of 12-1-47, § II(10-6))

### **Sec. 50-32. Permits.**

Upon application in writing to the board of supervisors, fair associations, amusement parks, or any organization or group of individuals may be granted a permit for the display of fireworks under such terms and conditions as the board of supervisors may prescribe.  
(Ord. of 12-1-47, § II(10-7))

### **Sec. 50-33. Penalties for violation of article.**

Any person violating any provision of this article shall be fined not exceeding \$1,000.00, confined in the county jail not exceeding 12 months, or both.  
(Ord. of 12-1-47, § II(10-8))

### In Re: County Administrator's Report

a. Animal Control Officer Vacancy: Mr. Bartlett stated that Deputy Animal Control Officer Morris resigned, either the full-time or the part-time position will be left open until July 1 [2012]; due to more than expected cost of the part-time Interim Deputy Animal Control Officer because of Ms. Morris' military leave duties, the salary expenses were greater than anticipated for FY11.

b. Submission of Agenda Items for Joint Meeting with Town Council: Mr. Bartlett stated there will be no specific agenda items. The Board and Town Council will meet at Charley's Waterfront Café and then proceed to High Bridge. Mrs. Sarah E. Puckett, Assistant County Administrator, stated the Director of the State Park will discuss the opening of High Bridge and the development of the park; construction is near completion. She added Delegate Abbitt may be in attendance.

c. County Insurance Renewal: Mr. Bartlett stated it was time for the County insurance renewal; the possibility for self-insurance is being reviewed. He stated the renewal includes a 5.7% increase, which is an increase of approximately \$41,000. Discussion followed.

The Board concurred to waiting until the April 10, 2012 meeting at which time figures will be presented on the self-insurance and insurance with Local Choice.

d. Surplus County Property: Mr. Bartlett stated the Sheriff has determined the Sheriff Department's bloodhound is best considered surplus County property. An agreement had been made when the previous owner donated the dog that in the event the County did not want the dog, it would be returned to that owner. Mr. Bartlett stated the previous owner and two other individuals are interested in the dog. Discussion followed.

Supervisor McKay made a motion to donate the bloodhound back to its original owner; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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In Re: Committee Report: War Memorial

Mr. Bartlett stated the Memorial Committee (Chairman Fore, County Administrator Bartlett) met and determined the 2012 Memorial Day Ceremony will be held on Monday, May 28, 2012 on the front lawn of the Prince Edward County Courthouse. Marine Corporal Jonathan T. Yale, native of Prince Edward County, will be honored; Corporal Yale died in action during Operation Iraqi Freedom.

In Re: Updated Meeting Schedule

Chairman Fore stated the Board of Supervisors meeting schedule has been updated.

Mrs. Puckett said the two biggest changes are the change of date for the Budget Public Hearing and the presentation of the School Budget. She added the Granite Falls CDA will meet on Tuesday, March 27, 2012. The notice will be posted on the County web site and will be sent out to the FOIA list.

In Re: Buy Fresh Buy Local Steering Committee Appointment

Mr. Bartlett stated the Old Dominion RC&D is focusing on ways to increase farm income and promote agri-tourism. One of their goals is to form a local chapter of the Buy Fresh Buy Local organization. The goal of the chapter will be supporting local farmers, and rural economics by helping consumers easily find and purchase locally produced foods. It will be a marketing mechanism to connect local growers to consumers and local businesses and also promote agri-tourism.

RC&D is forming a steering committee that will oversee this local chapter. The steering committees will include a representative from each of the 11 participating counties.

Mr. Bartlett said Mr. John Kindle has volunteered to serve as Prince Edward County's representative. Mr. Kindle is currently restoring and managing the orchards owned by Jack Boswell. He also operates a farm stand on Highway 360 from which he sells fruits and other produce.

Supervisor Simpson made a motion to appoint Mr. John Kindle as Prince Edward County's representative on the Buy Fresh Buy Local steering committee; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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In Re: Closed Session

Supervisor Cooper-Jones made a motion that the Board convene in Closed Session for the purpose of discussing the acquisition of real property related to the Alternate Route 628 Road Project, pursuant to the exemption provided for in Section 2.2-3711(A)(3) of the *Code of Virginia*. The motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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The Board returned to regular session by motion of Supervisor McKay and adopted as follows:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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On motion of Supervisor Cooper-Jones and carried by the following roll call vote:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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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 February 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted reports for the month of February 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: PERT Ridership Report

The Board reviewed the February 2012 ridership report from PERT and ordered them to be filed with the Board papers.

In Re: Prince Edward County Public Schools

Mr. K. David Smith, School Superintendent, submitted a financial summary report for the month of February 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: Tourism and Visitor Center Report

Mrs. Magi Van Eps, Tourism & Visitor Center Coordinator, submitted a report for the month of February 2012, which was reviewed and ordered to be filed with the Board papers.

On motion of Supervisor Campbell and adopted by the following vote:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

the meeting was adjourned at 9:41 p.m.