

April 10, 2012

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 10<sup>th</sup> day of April, 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; and James Ennis, County Attorney.

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.*

There were no citizens wishing to speak at this time.

In Re: Board of Supervisors Comments

There were no comments made by the Supervisors at this time.

In Re: Consent Agenda

On motion of Supervisor McKay and 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 accepted the Treasurer's reports of December 2011 and January 2012; the minutes of the meetings held March 6, 2012, March 13, 2012, March 20, 2012, March 27, 2012, and March 30, 2012;

Accounts and Claims; Salaries; and appropriations as follows:

		<u>FY 2012 Budget Amendment</u>	
		<u>Debit</u>	<u>Credit</u>
3-100-23000-0080	Technology Trust Fund		\$7,756
4-100-21600-5880	Technology Trust Fund	\$7,756	
3.105-41050-0105	From Forfeited Assets Fund Balance		\$2,500
4-105-93000-0100	Transfer to General Fund	\$2,500	
3-100-41050-0105	Transfer from Forfeited Assets		\$2,500
4-100-31200-6003	Sheriff-Public Ed/Crime Prevention	\$2,500	

December 2011

Fund balances were as follows:

General Fund	120,632.53	
General Fund Reserved for Investments	13,140,628.68	
		13,261,261.21

PPEA Fund	(1,529.57)
Industrial Development Authority Fund	109,127.21
Recreation Fund Reserved for Investments	27,064.53
Forfeited Assets Fund Reserved for Investments	94,908.04
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	7,556.81
Piedmont ASAP Fund	326,016.86
QZAB Debt Services Fund	408,068.97
Landfill Construction Fund	1,044,936.46
PCS Fund	339,306.13
Revenue Sharing Fund	(46.64)
Retirement Benefits Fund	\$5,680.97
Granite Falls CDA Fund	(1,485.00)
Dare Donations Fund	2,934.85
School Cafeteria Fund	313,191.19
Prince Edward Community Development Fund	46,793.50
Water Fund	902,679.60
Sewer Fund	(50,599.66)
School Fund	0.00
	17,599,329.88

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	3,338,635.94
Warrants Payable (School Fund)	0.00
General Fund Investments	13,140,628.68
VPSA Investments	0.00
QZAB01 Investments	0.00
Underground Storage Tank Fund	20,000.00
Recreation Fund Investments	27,064.27
QZAB02 Investments	0.00
Landfill Construction Fund for Investment	1,044,936.46
Forfeited Asset Fund for Investment	27,064.53
Industrial Development Authority for Investment	
	17,599,329.88

\*Of this \$13,261,261.21 in the General Fund, \$5,336,334.91 is encumbered for:

Transfers in:	
School Fund	4,335,315.68
VPA Fund	365,137.90
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	5,336,334.91

This leaves an unencumbered balance of \$7,924,926.30 in the General Fund.

### STATEMENT OF DEPOSITORY BALANCES

**Balances as of December 2011:**

**Checking Accounts:**

Benchmark Community Bank	273,677.26
Wachovia Bank	172,727.50
BB&T	72,640.22
Bank of America	2,096,899.68

**2,615,944.66**

**Investment Accounts:**

Benchmark Community Bank	14,312,605.61
Wachovia Bank	70,876.35
Citizens Bank & Trust Company	235,000.00
BB&T	1,491.85
Planters Bank & Trust	200,000.00
Mentor Investments	162,411.41
SNAP (State Non-Arbitrage Plan)	0.00
Bank of America	0.00

**14,982,385.22**

### **January 2012**

Fund balances were as follows:

General Fund	121,459.25
General Fund Reserved for Investments	10,473,389.56
	10,594,848.81

PPEA Fund	(1,529.57)
Industrial Development Authority Fund	132,442.58
Recreation Fund Reserved for Investments	27,077.78
Forfeited Assets Fund Reserved for Investments	94,940.13
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	7,207.88
Piedmont ASAP Fund	334,699.21
QZAB Debt Services Fund	408,068.97
Landfill Construction Fund	1,072,102.81
PCS Fund	305,264.44
Revenue Sharing Fund	1,434,573.36
Retirement Benefits Fund	3,569.68
Granite Falls CDA Fund	(1,485.00)
Dare Donations Fund	2,936.20
School Cafeteria Fund	329,657.64
Prince Edward Community Development Fund	46,793.50
Water Fund	902,679.60
Sewer Fund	(50,632.80)
School Fund	0.00
	16,406,679.64

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	4,718,169.36
Warrants Payable (School Fund)	0.00
General Fund Investments	10,473,389.56
VPSA Investments	0.00
QZAB01 Investments	0.00
Underground Storage Tank Fund	20,000.00
Recreation Fund Investments	27,077.78
QZAB02 Investments	0.00
Landfill Construction Fund for Investment	1,072,102.81
Forfeited Asset Fund for Investment	94,940.13
Industrial Development Authority for Investment	
	16,406,679.64

\*Of this \$10,594,848.81 in the General Fund, \$4,221,583.40 is encumbered for:

Transfers in:

School Fund	3,611,905.72
VPA Fund	334,680.95
Water Fund	0.00
Sewer Fund	0.00
IDA Fund	0.00
Retirement Benefits Fund	12,526.00

Debt Obligations	262,470.73
Total	4,221,583.40

This leaves an unencumbered balance of \$6,373,265.41 in the General Fund.

### STATEMENT OF DEPOSITORY BALANCES

#### Balances as of January 2012:

##### Checking Accounts:

Benchmark Community Bank	278,052.19
Wachovia Bank	142,188.33
BB&T	72,578.65
Bank of America	1,234,163.38

**1,726,982.55**

##### Investment Accounts:

Benchmark Community Bank	13,985,602.11
Wachovia Bank	94,191.56
Citizens Bank & Trust Company	235,000.00
BB&T	1,492.01
Planters Bank & Trust	200,000.00
Mentor Investments	162,411.41
SNAP (State Non-Arbitrage Plan)	0.00
Bank of America	0.00

**14,678,697.09**

#### BOARD OF SUPERVISORS

ECS Mid-Atlantic, LLC	Field delineation	2,890.00
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#### COUNTY ADMINISTRATOR

Pitney Bowes Financial Services	Postage meter lease	29.00
US Cellular	Phone	112.24
Business Card	Parking	14.00
	Meeting registration	325.00
	VEMA membership	75.00
		414.00

#### TREASURER

James W. Elliott, Attorney	Bond fee	800.00
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Farmville Herald	Advertising	1,040.25
Pitney Bowes Financial Services	Equipment rental	1,002.00
M&W Printers, Inc.	Mobile home stickers	276.29

GENERAL DISTRICT COURT

US Cellular	Phone	25.37
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CLERK OF THE CIRCUIT COURT

U. S. Postal Service	Postage	2,936.00
Manatron, Inc.	Printer	730.46
Legal Directories Publisher	Legal directory	7.75

LAW LIBRARY

AT&T	Phone	37.00
CenturyLink	Phone	37.36
LexisNexis	Online service	228.00

SHERIFF

Wohlford's Radar	Calibrations	204.00	
East End Motor Company, Inc.	ABS module	785.65	
	Brake pads/rotor	350.20	
	Service call	39.00	
	Inspection/axle seals	287.07	
	Sensors	460.22	
	Tires	632.12	2,554.26
Express Care	Oil changes	406.72	
UPS	Shipping	13.25	
Carrington's Cellular	Cell phones	219.93	
CenturyLink	Phone	10.36	
RS/Aashto	Interservice fee	100.00	
US Cellular	Phone	1,168.75	
Robert Goldman	Meals	23.57	
International Association	Dues - Sprague	50.00	
	Dues - Reed	50.00	
	Dues - Walker	50.00	
	Dues - Estes	50.00	200.00
Galls, An Aramark Company	Armrest for console	90.98	
	Console	249.99	340.97
DMV	Special IDs	30.00	
AB Nightvision, LLC	Surveillance equipment	597.30	

SHERIFF - COURTS

Southern Police Equipment Company	Uniforms	76.75
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RICE VOLUNTEER FIRE DEPARTMENT

Fire & Safety Equipment Company	Fire extinguisher	162.00
Goodman Truck & Tractor	Inspection	16.00

PROSPECT VOLUNTEER FIRE DEPARTMENT

Atlantic Emergency	Air pack brackets	500.00
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	Mounting plate	104.53	604.53
Davis GMC Truck, Inc.	Oil change		33.72
Farmville Auto Parts	Tire repair kit		11.98
Farmville Wholesale Electric	Electrical connector		16.16
Napa of Farmville	Miniature bulbs		28.60
Pamplin Exxon	Oil change / inspection / fuel		106.98
Parker Oil Company, Inc.	Propane		443.25
RS / Aashto	Narrowbanding fee		25.00
Town of Farmville	Fuel		352.51
Treasurer of Virginia	Tables		20.00
Virginia State Firefighters Association	Dues		

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Ellington Energy Service	Propane		282.28
Farmville Auto Parts	Oil additives		22.97
Farmville Wholesale Electric	Conduit / pipe / wire	173.10	
	Rod / ground clamp	32.69	205.79
Verizon Wireless	Phone		60.07

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone		84.64
Jana Baldwin	Janitorial service		130.00
Foster Fuels	Propane		686.74
National Auto Parts, Inc.	Battery charger		69.99
Pamplin Exxon	Fuel	213.59	
	Inspections	102.00	315.59
Town of Pamplin	Water & sewer		139.34
Treasurer of Virginia	Cabinet & trailer		55.00
Verizon	Phone		60.52
Your First Due, Inc.	Internet		24.95

VFIR GRANT - VIRGINIA FIRE INCIDENT REPORTING

Virginia Department of Fire Programs	Unexpended grant fund		132.20
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EMERGENCY SERVICES

Timmons Group	Address additions		135.00
Korman Signs	Signs & hardware		273.98

REGIONAL JAIL & DETENTION

Irongate Boundary Management	Electronic monitoring		1,181.25
Piedmont Regional Jail	Inmate per diem		3,528.80

BUILDING OFFICIAL

US Cellular	Phone		25.37
Coy Leatherwood	Meal	6.88	
	Meeting registration	15.00	21.88

ANIMAL CONTROL

Haley of Farmville, Inc.	Checked engine / fuses		114.83
Dominion Virginia Power	Electric service		235.00

CenturyLink	Phone		138.14
Ranson's, Inc.	Phone charger		24.99
US Cellular	Phone		50.99
Walmart	USB / ink cartridge	42.98	
	Dog food	165.36	
	Cleaning supplies	39.24	
	Wiper blades / battery	44.25	291.83

BIOSOLIDS MONITORING

Tri-County Ford-Mercury	Oil change / air filter		57.54
US Cellular	Phone		25.37

REFUSE DISPOSAL

Resource International	Storm water compliance	522.90	
	Miscellaneous work tasks	1,073.40	
	Groundwater/gas monitoring	12,238.14	13,834.44
Emanuel Tire of Virginia	Tire recycling		480.00
Synergy Recycling, LLC	Electronic recycling		1,327.62
Southside Electric Cooperative	Darlington Heights site		103.48
Dominion Virginia Power	Leachate pump	6.05	
	Scalehouse	119.13	
	Cell C pump station	13.86	
	Green Bay site	102.94	
	Worsham site	95.96	
	Prospect site	108.82	
	Landfill site	82.16	
AT&T	Phone		187.06
CenturyLink	Phone		80.52
Ranson's, Inc.	Telephone		39.99
US Cellular	Phone		25.37
Verizon	Phone		116.31

GENERAL PROPERTIES

Southside Electric Cooperative	Sandy River Reservoir lights		31.34
Dominion Virginia Power	Roy Clark monument	19.54	
	Shop	41.21	
	SCOPE building	301.47	
	Sheriff Department Shed	5.66	
	Worsham Clerk's office	49.42	417.30
Parker Oil Company, Inc.	Heating oil		346.10
AT&T	Phone		36.99
CenturyLink	Phone		50.60
US Cellular	Phone		82.06
Aramark Uniform Services	Janitorial supplies		267.02
Diamond Paper Company	Janitorial supplies		937.56
Wilco, Inc.	Janitorial supplies		439.35
Arcet Equipment Company	Gloves / safety glasses		18.25

CANNERY

Southside Electric Cooperative	Electric service		183.79
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Parker Oil Company, Inc.	Heating oil		757.11
CenturyLink	Phone		124.23
US Cellular	Phone		25.62
Business Card	Food conference	25.00	
	Chlorine test strips	25.52	50.52

CHAPTER X BOARD

Crossroads Services Board	4th Quarter report		15,660.75
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COMPREHENSIVE SERVICES ACT

Crossroads Services Board	Professional services		1,180.00
Family Preservation Services	Professional services		3,750.00
Grafton School	Professional services		15,840.00
Letricia R. Logan	Foster care		666.00
Phillip & Jessica Sterling	Foster care		448.00

PLANNING

Sally W. Gilfillan	Commission meeting		100.00
Donald B. Gilliam	Commission meeting	100.00	
	Mileage	22.20	122.20
Preston Hunt	Commission meeting	100.00	
	Mileage	22.20	122.20
Clifford Jack Leatherwood	Commission meeting		100.00
Robert Christopher Mason	Commission meeting	100.00	
	Mileage	9.99	109.99
John F. Townsend, III	Commission meeting	100.00	
	Mileage	8.32	108.32
Brett Von Cannon Watson	Commission meeting		100.00
Business Card	Postage		5.30
US Cellular	Phone		50.99

ECONOMIC DEVELOPMENT

Watson & Duggan, PLC	Surveyor Report - 13 Acre		50.00
Business Card	Postage	59.72	
	Meals	55.58	
	Office supplies	1.00	116.30
US Cellular	Phone		27.32

TOURISM

Dominion Virginia Power	Electric service		285.21
Business Card	UPS	33.19	
	Marketing & research	300.00	333.19

CAPITAL PROJECTS

Benchmark Community Bank	Glad Hill property		390,909.00
Business Card	Apple corer & blades		559.69

RETIREMENT BENEFIT FUND

Anthem BCBS	Retiree insurance		1,060.00
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<u>REVENUE SHARING FUND - VDOT</u>		
Benchmark Community Bank	Glad Hill property	515,850.00
<u>PIEDMONT COURT SERVICES</u>		
U. S. Postal Service	Postage	1,050.00
CAN Surety	Surety bonds	212.63
Emily Guill	Mileage	36.63
<u>ADDENDUM BILL LIST</u>		
<u>FORFEITED ASSETS - STATE</u>		
Dept. of Criminal Justice	Refund overpayment	255.66
<u>BOARD OF SUPERVISORS</u>		
Farmville Herald	Advertising	973.76
<u>COUNTY ADMINISTRATOR</u>		
Virginia Employment Commission		466.83
Key Office Supply	Copier maintenance	695.00
Sarah E. Puckett	Mileage	82.69
Diamond Springs	Water & equipment rental	15.70
Farmville Printing	Color copies	12.00
Key Office Supply	Legal pads / folders	36.97
	Sheet protectors / folders	22.38
	Green bar paper	299.94
	Ink cartridges	358.96
	Hole punch	203.96
Farmville Herald	Subscription	922.21
		38.00
<u>COMMISSIONER OF REVENUE</u>		
Virginia Employment Commission		287.54
Treasurer of Virginia	Online service	77.33
Commissioner of Revenue Association	Dues	25.00
Key Office Supply	Notebooks	38.97
<u>TREASURER</u>		
Virginia Employment Commission		277.65
Key Office Supply	Printer maintenance contracts	346.00
	Ink cartridges	29.98
	Tape	2.59
	Copy paper	59.90
	Liquid Paper	1.19
	Green bar paper	199.96
Treasurer of Virginia	Online service	639.62
University of Virginia	Meeting registration	77.34
		195.00
<u>INFORMATION TECHNOLOGY</u>		
Business Data of Virginia, Inc.	Travel expense	575.00
	Contract agreement	3,700.00
ComputerPlus Sales & Service	Monthly maintenance charge	4,275.00
		270.00

REGISTRAR

Virginia Employment Commission			127.79
Farmville Herald	Subscriptions		76.00
Key Office Supply	Ink cartridge	74.99	
	9 Volt battery	2.09	77.08

GENERAL DISTRICT COURT

Key Office Supply	Desk chairs		298.00
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SPECIAL MAGISTRATES

Kathryn Jackson	Training & mileage		108.83
Avi Efreom	Bulletin board		10.47

CLERK OF THE CIRCUIT COURT

Virginia Employment Commission			417.45
AT&T	Phone		44.38
CenturyLink	Phone		79.35
Manatron, Inc.	Annual maintenance		7,761.60
Kinex Networking Solutions	DSL		74.95

COMMONWEALTH'S ATTORNEY

Virginia Employment Commission			531.00
U. S. Postal Service	P. O. Box rent		55.00
Virginia Association of Commonwealth Attorneys	Dues		425.00
Commonwealth Solutions	Shredding service		15.00

VICTIM WITNESS ASSISTANCE PROGRAM

Virginia Employment Commission			82.40
Cindy Sams	Mileage		49.95

SHERIFF

Virginia Employment Commission			2,294.39
Farmville Auto Parts	Oil / filter change	56.95	
	Battery	122.99	179.94
Business Card	Postage / post cards	152.50	
	Meals	92.76	
	Notary stamp / notebook	42.65	
	Gas	45.00	
	Window tint	231.00	563.91
Treasurer of Virginia	VCIN		53.06
Rachel Whitehead	Meals		18.21
Business Data of Virginia, Inc.	Norton Anti-virus		29.95
Diamond Springs	Water & equipment rental		45.40
Key Office Supply	Storage containers	37.98	
	Wireless keyboards	110.00	
	Binders	17.97	
	Toner	56.99	
	Name plates	18.98	241.92

Walmart	Office supplies / heater	76.66	
Commtronics of Virginia	Handheld radio	690.69	
Robby Franklin	CB radio	136.49	
Southern Police Equipment Company	Gloves	26.99	
Streicher's	Ammunition	131.00	
Sheehy Ford	Transfer emergency equipment (2)	1,681.00	
Signs@work, Inc.	Auto decals	2,880.00	

SHERIFF - COURTS

Virginia Employment Commission		37.70	
Quantum Graphic / Uniforms	Uniforms	574.50	
Southern Police Equipment Company	Insignia / nameplates	92.97	

FARMVILLE VOLUNTEER FIRE DEPARTMENT

Davis GMC Truck, Inc.	Change oil & filters	75.90	
	Truck maintenance	140.95	216.85
Farmville Auto Parts	Bulbs		4.59
Fire & Safety Equipment Company	Coupling		275.91
Key Office Supply	Fax phone	189.00	
	Labeling tape	63.96	252.96

RICE VOLUNTEER FIRE DEPARTMENT

Farmville Wholesale Electric	Freight		7.23
John Deere Financial	Gas		550.90
Schmidt's Repair Service	Truck repair / inspection		563.93
VFIS	Portfolio insurance	2,270.00	
	Umbrella insurance	188.00	2,458.00
Dominion Virginia Power	Electric service		9.03

PROSPECT VOLUNTEER FIRE DEPARTMENT

Benchmark Community Bank	Truck payment		3,500.00
Farmville Auto Parts	Flasher	13.75	
	Electronic flasher	17.98	31.73
Ferguson Enterprises, Inc.	Electrical tape		34.50
Key Office Supply	Ink cartridge		44.97
CenturyLink	Phone		91.52
Treasurer of Virginia	Drills		55.00
Dominion Virginia Power	Electric service		247.18

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

C. W. Williams	Foam	337.50	
	Blind cap	49.26	
	Elbow	131.77	518.53
Cyrus Pest Control Company	Exterminating service		45.00
Davis GMC Truck, Inc.	Inspection		15.86
East End Motor Company, Inc.	Inspection		16.00
Ellington Energy Service	Propane		175.37
Farmville Wholesale Electric	Cord / reel / plugs		76.56
Southside Electric Cooperative	Electric service		279.76
Verizon Wireless	Phone		60.07

Verizon	Phone		133.48
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HAMPDEN-SYDNEY VOLUNTEER FIRE DEPARTMENT

Arcet Equipment Company	Oxygen / air		105.56
C. W. Williams	Helmet		236.79
Farmville Wholesale Electric	Outside lightbulbs		38.16

PAMPLIN VOLUNTEER FIRE DEPARTMENT

Commtronics of Virginia	Pagers		2,835.00
Verizon	Phone		53.11
Vest's Sale & Service, Inc.	Siren		6,620.28
Dominion Virginia Power	Electric service		293.28

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Parker Oil Company, Inc.	Propane	680.83	
	Diesel	1,115.71	
	Gas	322.33	2,118.87
US Cellular	Phone		154.25
Verizon	Phone		147.11
Dominion Virginia Power	Electric service		326.31

REGIONAL JAIL & DETENTION

Piedmont Regional Jail	Inmate per diem		3,749.90
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BUILDING OFFICIAL

Virginia Employment Commission			153.62
East End Chevron	Plug 2 tires		16.00
Treasurer of Virginia	2% Levy on permits		162.00

ANIMAL CONTROL

Virginia Employment Commission			185.75
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BIOSOLIDS MONITORING

Virginia Employment Commission			82.40
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REFUSE DISPOSAL

Virginia Employment Commission			596.56
Ayers Building & Supply Company	Concrete		19.47
Moore Scale Service - Western VA	Serviced scales		580.00
C & L Machine & Welding	Repair tarp arm		23.00
East End Motor Company, Inc.	Flat repair	24.00	
	Tire & road service	492.52	516.52
Farmville Auto Parts	Antifreeze	21.90	
	Hydraulic fluid / antifreeze	35.47	
	Hydraulic fluid	21.98	79.35
Arena Trucking Company	Trash collection		268.00
Wright's Excavating	Landfill operation		41,287.50
Emanuel Tire of Virginia	Tire recycling		2,155.80
STEPS, Inc.	Recycling fee		1,762.80
Southside Electric Cooperative	Virso site		136.87

Dominion Virginia Power	Rice site	76.52
AT&T	Phone	37.00
CenturyLink	Phone	197.59
O. O. Stiff, Inc.	Monthly service	662.50

GENERAL PROPERTIES

Virginia Employment Commission		477.56
OK Termite & Pest Control	Exterminating service	150.00
Davis GMC Truck, Inc.	100,000 Mile service	433.91
Dominion Virginia Power	SCOPE building	213.38
	Lights at Rice	111.75
	Ag building	1,009.20
CenturyLink	Phone	71.32
O. O. Stiff, Inc.	Monthly service	100
Ayers Building & Supply Company	Floor patch / scrapers	49.90
Diamond Springs	Water & equipment rental	15.70
East End Chevron	Ice	2.00
Cintas Corporation #524	Uniform rental	650.02

CANNERY

Virginia Employment Commission		68.54
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COMPREHENSIVE SERVICES ACT

Bear Creek Academy	Professional services	6,670.00
Braley & Thompson	Professional services	5,797.00
Centra Health	Professional services	17,136.00
Nathaniel & Brittany Jones	Foster care	751.48
North Spring Behavioral Healthcare	Professional services	3,410.00
Mable Shanaberger	Administrative fee	150.00

PLANNING

Virginia Employment Commission		164.80
Jonathan Pickett	Mileage	94.68

ECONOMIC DEVELOPMENT

Virginia Employment Commission		82.40
Key Office Supply	White-out	2.82

TOURISM

Virginia Employment Commission		102.30
CenturyLink	Phone	292.40
Magi Van Eps	Meals	50.59
Business Data of Virginia, Inc.	Norton Anti-virus	29.95

COOPERATIVE EXTENSION OFFICE

CenturyLink	Phone	96.75
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GENERAL EXPENSE

Lunos Networks	Phone	2,767.76
Anthem BCBS	Cobra insurance	530.00

<u>CAPITAL PROJECTS</u>		
McQuay International	Chiller CEK / SSK kits	22,356.00
Wohl Associates, Inc.	Filler with hopper	8,350.00
Commonwealth of Virginia	Engineering review	119.00
<u>CONTRACTUAL SERVICES</u>		
Town of Farmville	Water testing	40.00
<u>SEWER FUND</u>		
Dominion Virginia Power	Sewer pump	32.46
<u>RETIREMENT BENEFIT FUND</u>		
Vicki K. Johns	Retiree benefit	1,051.29
<u>REVENUE SHARING FUND - VDOT</u>		
W. C. Newman Company, Inc.	Concrete	656.77
Shanaberger & Sons	Saw & chains	282.61
	Sharpen chains	25.50
	Saw chain	46.20
	Sharpen saw chain	17.00
	Chains / oil / sharpen	270.91
	Saw chain / work glasses	42.55
Atkins Tree Service	Tree removal	2,200.00
Haymes Brothers, Inc.	Road construction	90,060.00
<u>PIEDMONT COURT SERVICES FUND</u>		
Virginia Employment Commission		638.98
Farmville Herald	Advertising	43.80
Southside Messenger	Advertising	22.68
Dominion Virginia Power	Electric service	313.22
Pitney Bowes Financial Services	Postage meter lease	202.00
	Postal service	10.30
AT&T	Phone	144.14
CenturyLink	Phone	203.68
Sheena Franklin	Mileage	123.21
Sharon Gray	Mileage	222.53
Connie Stimpson	Mileage	10.17
	Batteries	9.97
Renee T. Maxey	Mileage	20.14
Andy Mays	Mileage	121.88
Ashley Nash	Mileage	103.22
Dayna Stanley	Mileage	115.43
Dayna Stanley	Mileage	195.89
Treasurer of Virginia	Training	150.00
Charley's Waterfront Café	Meals	388.03
Key Office Supply	Office supplies	59.50
Quill Corporation	Copy paper / toner	133.78
	Toner	212.97
Staples	Office chairs (2)	346.75
		459.98

PCS SUPERVISION FEES EXPENDITURES

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

In Re: Prince Edward County School Board – Announcement of Nominees

Supervisor Gantt stated the Citizen Committee for District 301 has not yet met with all candidates, and will have the recommendations prior to the May meeting.

Chairman Fore introduced Mr. Carl Blessing, Jr., District 501 Chair. Mr. Blessing said the Committee met with all applicants on April 5, and recommended Mr. Russell Dove, 302 Hampden Lane, Farmville, Virginia, and Mr. Melvin R. Reynolds, Jr., 74 Gilliam Reynolds Road, Pamplin.

No other nominees were presented.

Chairman Fore stated a public hearing on the Prince Edward County School Board Nominees will be held during the May Board meeting at 7:30 p.m.

In Re: Citizen Volunteer Appointments

Mrs. Sarah Elam Puckett, Assistant County Administrator, stated a number of Boards and Commissions have upcoming vacancies and/or expiring terms of office in June 2012:

<b>Appointment</b>	<b>Term of Office</b>	<b># of Terms Expiring or Vacancies</b>	<b>Individual Currently in Office</b>
Board of Appeals for Building Code	5 Years	1	Henry Booth*
Poplar Hill Community Development Authority	1 Year	2 (Citizen Positions)	Ken Copeland* Joe Eppes*
Prince Edward County Industrial Development Authority	4 Years	2	Gwen Eddleman* James Moore*
Social Services Board <i>(Position to be filled by resident living in the Rice area)</i>	4 Years	1	S. Garland Carmichael
Central Virginia Regional Library Board	4 Years	1	Sandy Heinemann

***\*Eligible for re-appointment***

Supervisor Jones made a motion to advertise the upcoming citizen volunteer positions; 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

In Re: Appointments – Workforce Investment Board

Mrs. Puckett stated that currently, Sharon Carney represents Prince Edward County as an Economic Development representative on the South Central Workforce Investment Board (WIB). Mrs. Carney’s term expires June 30, 2012. Mrs. Puckett added the Workforce Investment Board is requesting Mrs. Carney’s reappointment.

Supervisor Cooper-Jones made a motion to recommend the reappointment of Mrs. Sharon Carney for another two-year term on the Workforce Investment Board (WIB), to the Chief Local Elected Officer Board which makes the appointments; the motion carried unanimously:

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

In Re: IDA Financing of Equipment for Paris Ceramics America, LLC

Mrs. Sharon Carney, Director of Economic Development, stated that at the March 20, 2012 meeting of the Industrial Development Authority, the Authority members approved a request by Richard Abbott, President of Paris Ceramics America, LLC for financing assistance in the amount of \$170,000 to purchase a new water jet saw. A financing proposal has now been agreed upon between the Authority and Mr. Abbott. The Authority respectfully requests the Prince Edward County Board of Supervisors advance the \$170,000 to the Authority to enable the authority to make the loan.

The loan for \$170,000 is fully amortizing over seven years, with principal and interest payments due monthly, at 5.0% simple interest, and using the water jet saw as collateral. The addition of the new water jet saw to the existing stone fabrication equipment at Paris Ceramics will allow them to do enhanced

architectural designs in stone and will require the addition of an additional employee position to plant operation.

Supervisor Simpson made a motion to authorize the transfer of \$170,000 from the Prince Edward County Economic Development Fund to the IDA to be lent to Paris Ceramics for the purchase of a new water saw; 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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**FY 2012 Budget Amendment**

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	From General Fund Balance		\$170,000
4-100-93000-0710	Transfer to IDA Fund	\$170,000	
3-710-41050-0100	Transfer from General Fund		\$170,000
4-710-81500-8002	Capital Equipment Loan – Water Saw	\$170,000	

**In Re: Planning Department Report**

Mr. Bartlett stated the Planning Commission did not hold a meeting in March 2012. The next regularly scheduled meeting is April 17, 2012. There are no applications to review at this time. At this meeting the Planning Commission will revisit a Property Maintenance addendum for the Zoning Ordinance, a draft Sign Ordinance, and discuss the project schedule for the Comprehensive Plan update.

A site plan revision application from Mrs. Phyllis Archer, dba TAWHP, Inc., and a Special Use Permit Application for a Commercial Outdoor Recreation Facility are expected in time for the May 15, 2012 Planning Commission meeting.

In Re: Correspondence

Mr. Bartlett announced the opening of the High Bridge Exhibit which is on display at The Heartland Regional Visitor Center, 121 East Third Street, Farmville. He advised the Board to review the other informational correspondence.

In Re: Library Bond Refinancing

Mr. Bartlett stated the Town of Farmville is in the process of refinancing some or all of their long-term debt in order to reduce their expenses. One of the debt instruments they are looking to refinance is the Library Bond that was issued in 2009.

The original debt instrument was issued by the Town with an agreement that Prince Edward would be responsible for two-thirds of the debt service payments which the County agreed to per a memorandum of agreement.

The Town's resolution requires a savings of at least 3% or the Town will not refinance. It is estimated the County will save anywhere from \$9,915 to \$13,148 based on recent interest rates.

Supervisor Wilck made a motion to authorize the Chairman and the County Administrator/Clerk of the Board to sign the Resolution Approving the Second Addendum to Memorandum of Agreement Between the County and the Town of Farmville, the Second Addendum to the Memorandum of Agreement and the Certificate of Clerk; 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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**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF PRINCE EDWARD, VIRGINIA APPROVING THE SECOND  
ADDENDUM TO MEMORANDUM OF AGREEMENT BETWEEN  
THE COUNTY AND THE TOWN OF FARMVILLE, VIRGINIA**

**WHEREAS**, the County of Prince Edward, Virginia (the "County") and the Town of Farmville, Virginia (the "Town") have entered into a Memorandum of Agreement dated

December 9, 2008 (the "Original Library Agreement"), regarding the responsibilities of the Town and the County with respect to the public library (the "Library");

**WHEREAS**, in 2009 the Town issued its \$4,200,000 General Obligation Public Improvement Bonds, Series 2009 (the "Series 2009 Bonds") for the purpose of financing the construction and equipping of the Library;

**WHEREAS**, in connection with the issuance of the Series 2009 Bonds, the Town and the County entered into an Addendum to Memorandum of Agreement dated January 13, 2009, modifying the Original Library Agreement (collectively the "Library Agreement") to reflect the County's obligation to pay the Town two-thirds of the scheduled debt service payments on the Series 2009 Bonds;

**WHEREAS**, the Town desires to issue its General Obligation Public Improvement and Refunding Bond, Series 2012 (the "Series 2012 Bond") for purposes, in part, to refund all or a portion of the outstanding principal amount of the Series 2009 Bonds in order to achieve debt service savings; and

**WHEREAS**, in connection with the issuance of the Series 2012 Bond and the refunding of all or a portion of the Series 2009 Bonds, the Town and the County will execute and deliver a Second Addendum to Memorandum of Agreement (the "Second Addendum") to modify the Library Agreement to reflect the County's obligation with respect to the Series 2012 Bond.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PRINCE EDWARD, VIRGINIA:**

**1. Issuance of the Series 2012 Bond.** The issuance of the Series 2012 Bond for the purpose, in part, to refund all or a portion of the outstanding principal amount of the Series 2009 Bonds is hereby approved.

**2. Approval and Execution of Second Addendum.** The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute and deliver on behalf of the County the Second Addendum substantially in the form presented at this meeting, with such additions, deletions or modifications as either of them, in their sole discretion, may approve. The execution and delivery of such Second Addendum shall be conclusive evidence of such approval.

**3. Other Actions.** The Chairman and the County Administrator are each authorized and directed to take such further actions as they deem necessary or desirable that are in conformity with the purposes and intent of this Resolution.

**4. Effective Date.** This resolution shall take effect immediately.

## **SECOND ADDENDUM TO MEMORANDUM OF AGREEMENT**

**This Second Addendum to Memorandum of Agreement** is made this \_\_\_ day of \_\_\_\_\_, 2012 by and between the COUNTY OF PRINCE EDWARD, VIRGINIA (the "County") and the TOWN OF FARMVILLE, VIRGINIA (the "Town").

**Whereas**, the County and the Town entered into a Memorandum of Agreement, dated December 9, 2008 (the "Library Agreement") setting forth their respective duties pertaining to the construction and maintenance of a public library (the "Library");

**Whereas**, the County and the Town agreed in the Library Agreement that the County would pay two-thirds of the costs related to constructing, furnishing and equipping the Library and the Town agreed to provide financing for the Library in an amount not to exceed \$4,200,000;

**Whereas**, on January 29, 2009, the Town issued its \$4,200,000 General Obligation Public Improvement Bond, Series 2009 (the "Series 2009 Bond") to finance the costs related to constructing, furnishing and equipping the Library;

**Whereas**, the County and the Town entered into an Addendum to Memorandum of Agreement dated January 13, 2009 (the "First Addendum"), pursuant to which the County approved the issuance by the Town of its Series 2009 Bond and agreed to pay the Town two-thirds of the scheduled debt service payments on such Series 2009 Bond;

**Whereas**, the Town desires to refund the Series 2009 Bond to achieve debt service savings; and

**Whereas**, the Town proposes to issue its general obligation bond (the "Series 2012 Bond") to be purchased by the Virginia Resources Authority, the proceeds of which will be used in part to refund the Series 2009 Bond.

**Now Therefore**, in consideration of the promises and mutual covenants contained herein, the Library Agreement and the First Addendum, the County and the Town hereby agree as follows:

**Approval of Financing.** Pursuant to the Library Agreement, the County approves the refinancing of the Series 2009 Bond by the Town and the issuance and sale the Series 2012 Bond, a portion of the proceeds of which will be used to refund the Series 2009 Bond.

**County Payments.** the County agrees that it will pay its two-thirds share of the cost of the Library in the amounts and on the dates set forth in the attached Schedule of County Payments, subject to annual appropriation by the Board of Supervisors.

## **CERTIFICATE OF CLERK**

The undersigned Clerk of the Board of Supervisors of the County of Prince Edward, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of the County of Prince Edward, Virginia (the "Board"), was held on April 10, 2012, at which the following members were present and absent:

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

ABSENT:

2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PRINCE EDWARD, VIRGINIA APPROVING THE SECOND ADDENDUM TO MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY AND THE TOWN OF FARMVILLE, VIRGINIA" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Howard M. Campbell	
Pattie Cooper-Jones	
Don C. Gantt, Jr.	
William G. Fore, Jr.	
Robert M. Jones	
Howard F. Simpson	
Charles W. McKay	
James R. Wilck	

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

4. The attached resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the County of Prince Edward, Virginia, this 10<sup>th</sup> day of April, 2012.

In Re: Public Hearing: Sandy River Outdoor Adventures, LLC

Chairman Fore announced that this was the date and time scheduled for a public hearing on Sandy River Outdoor Adventures, LLC. Notice of this hearing was advertised according to law in the Friday, March 23, 2012 and Friday, March 30, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

The Planning Commission conducted a Public Hearing on January 17, 2012 regarding a Special Use Permit Application submitted by Sandy River Outdoor Adventure, LLC, to operate a Commercial Outdoor Sports and Recreation facility use in the A-1 Zoning District. This proposed facility would be accessed from 151 Monroe Church Road in Rice, near the public boat ramp access of Sandy River Reservoir. The outdoor recreation facility would also be bounded by Green Bay Road, and is further identified as Tax Map Parcel #53-A-27C. The lots which comprise this parcel are 1.73 acres and 1.60 acres for a total are of 3.33 acres. The Planning Commission recommended that the Board favorably consider this Special Use Permit with the following conditions:

- No alcohol
- No trap shooting or gun activities
- Sign per specification in Zoning Use & Design Standards and placement compliant with VDOT regulations
- Future expansion beyond the scope of the proposed site plan would require new review by the Planning Commission (this would include the addition of lighting)
- No noise generating mechanical equipment to be used at the facility (e.g. power winches)
- Hours of operation will be adhered to per the proposed hours

Chairman Fore opened the Public Hearing.

Mark and Candice Smith presented details regarding the proposed business and reviewed the safety regulations for the challenge course, proposed hours of operation and stated full agreement to the conditions set forth by the Planning Commission. He stated there will not be lights in the trees, there will be no sign installed on Green Bay Road and the hours will be from 8:30 a.m. to 5:00 p.m.

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

Supervisor Wilck made a motion to approve the Special Use Permit to operate the Commercial Outdoor Sports and Recreation Facility; 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	

Supervisor Simpson requested the following be included in the record:

**Excerpt From the Prince Edward County Department of Planning & Community Development Staff Report:**

**Conclusion:**

The applicants have conducted their due diligence in the planning and application for this project. They have contacted VDOT concerning the entrance, VDH concerning the public sanitation facilities, have consulted with a certified professional in the field of adventure course design and safety, have selected professional gear and hardware to provide the safest apparatus, and designed this course so that the challenges will encourage family centered entertainment. The applicants have also invited the neighbors to see the site and discuss their plans, and even invited Planning Commissioners and County Supervisors to visit the site.

The Commercial Outdoor Sports and Recreation Use has specific Use & Design Standards in the A-1 Zone. These design standards address signage at the site and details specific to the site plan. The applicant anticipates a total build-out of forty (40) obstacles at the course. Phase I will only include a maximum of twenty (20) obstacles.

The hours of operation proposed vary based on the season of the year and day of the week, but total 140 days per year. The applicant would also like to offer special hours for groups outside of the general hours. The hours proposed are as follows:

Spring (April 13-June 15)

Open 8 a.m. – 5 p.m., Fri, Sat, Sun and Holidays (total 28 days)

Summer (June 16-Sept 16)

Open 8 a.m. – 5 p.m. Daily (total 56 days)

Fall (Sept 21-Nov 11)

Open 8 a.m.-5 p.m. Fri, Sat, Sun and Holidays (total 28 days)

Special hours by appointment for groups (e.g. birthday parties, church events, college clubs)

It is the conclusion of the County Planner that this Commercial Outdoor Sports & Recreation Facility would complement the goals of the Comprehensive Plan by attracting eco-tourism, preserving open space, and providing a diversity of commercial businesses. It provides family centered recreation in a low-impact method which will likely build self-confidence and appreciation for natural resources.

The business will be required to be inspected by a certified inspector trained on zip lines and rope courses.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission conducted a Public Hearing for this SUP on January 17, 2012.

Following their consideration of the application and the Public Hearing, the Planning Commission recommended approval of the application including the details provided with the site plan and the following recommended conditions:

- No alcohol
- No trap shooting or gun activities
- Sign per specification in Zoning Use & Design Standards and placement compliant with VDOT regulations
- Future expansion beyond the scope of the proposed site plan would require new review by the Planning Commission (this would include the addition of lighting)

- No noise generating mechanical equipment to be used at the facility (e.g. power winches)
- Hours of operation will be adhered to per the proposed hours

In Re: Public Hearing – Dominion Virginia Power Substation – Utility Service, Major

Chairman Fore announced that this was the date and time scheduled for a public hearing on the Dominion Virginia Power Substation – Utility Service, Major. Notice of this hearing was advertised according to law in the Friday, March 23, 2012 and Friday, March 30, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the purpose of this hearing is to receive citizen input prior to the Board of Supervisors considering a Special Use Permit Application submitted by Virginia Electric and Power Company to construct a new electricity distribution substation, which is considered a Utility Service, Major use. The location of the substation is along Worsham Road, between the intersections of Leigh Mountain Road and Westover Ridge Drive, in the Leigh District on a portion of a parcel identified as Tax Map Parcel #066-A-9A, and located nearest 3098 Worsham Road.

The Planning Commission held a public Hearing on November 15, 2011 to receive citizen input prior to considering a Special Use Permit Application submitted by Virginia Electric Power Company to construct and operate an electricity distribution substation. At the initial review of the application, several Commissioners had questions concerning the possibility of other nearby locations for the utility infrastructure and conducted a site visit to the proposed location on December 13, 2011. There was majority agreement that the proposed site was well selected and the application was revisited at the January 17, 2012 Planning Commission meeting. After thorough review and discussion of this application, the Planning Commission voted to recommend favorable consideration of this Special Use Permit application per the site plan and VEPCO/DVP at the November 15, 2011 Public Hearing.

Chairman Fore opened the Public Hearing.

Charles Fore stated that due to unforeseen obstacles, he opposes the building of the substation, citing that it is too close to his house.

Supervisor Gantt asked if Mr. Fore has suggested any other locations; Mr. Fore said he has but is unsure of the power company's findings.

Diana Faison, Site & Permit Specialist, Virginia Electric and Power Company, stated the substation is necessary to provide additional growth and reliability to meet the power load. She said the Power Company has been working since November 2008 on this particular site and they have a signed contract with Mr. and Mrs. Fore.

Ms. Faison presented information regarding the process taken since 2008 and the search for the site which would best meet all necessary criteria. She explained that several potential sites were eliminated because they were not for sale or were out of the service area. She then reviewed the proposed site plans, adding the existing circuit serving Hampden-Sydney is expected to be at maximum load by 2015.

Supervisor Campbell asked if the [Southside Electric] Cooperative substation would be connected; Mr. Daniel Doody, Project Manager, stated that they will not be connected.

Supervisor Wilck asked about plans if this Special Use Permit is not approved, and would beginning the process at another site allow for completion by the 2015 deadline.

Discussion followed.

Mrs. Puckett stated that when the situation was brought to the attention of the staff, the IDA Attorney was contacted as there could be a conflict of interest for the County Attorney; Mr. Tinnell advised the Board to act on the request for the Special Use Permit and remove itself from the land transaction. The real estate contractual issue is strictly between the buyer and the seller.

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

Supervisor Wilck made a motion, seconded by Supervisor Simpson to approve the Special Use Permit application per the site plan and materials presented by VEPCO/DVP at the November 15, 2011 Public Hearing; the motion carried:

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

In Re: Public Hearing – Four Paws Bed & Biscuit

Chairman Fore announced that this was the date and time scheduled for a public hearing on the Four Paws Bed & Biscuit. Notice of this hearing was advertised according to law in the Friday, March 23, 2012 and Friday, March 30, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the Planning Commission conducted a Public Hearing on February 21, 2012 prior to considering a Special Use Permit Application submitted by Amanda Wells, dba Four Paws Bed & Biscuit, to operate a Commercial Kennel facility use in the A-2 (Agricultural Residential) Zoning District. This proposed facility would be accessed from 2018 Persimmon Tree Fork Road, and is further identified as Tax Map Parcel #25-A-22A, measuring 2.75 acres.

Following the Public Hearing, the Planning Commission recommended the Board of Supervisors favorably consider the Special Use Permit Application allowing a Commercial Kennel facility with up to thirty (30) kennels, operating in adherence to the proposed Hours of Operation, and the site constructed per the site plan and to include the equivalent of four parking spaces each 9' x 20' (total 720 square foot), per Schedule B of the Zoning Ordinance. Gravel access and parking is permitted.

Chairman Fore opened the public hearing.

Amanda Wells stated that currently she has a pet-sitting service and wishes to expand her business. She stated the hours of operation will be Monday – Friday, 7:30 a.m. – 6:00 pm.; Saturday, 8:00 a.m. – 2:00 p.m.; Sunday, by appointment.

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

Supervisor Wilck stated the Planning Commission recommended approval.

Supervisor Jones made a motion to approve the Special Use Permit Application to operate the Commercial Kennel Use with the following conditions: operating the Commercial Kennel with up to thirty (30) kennels, in adherence to the proposed Hours of Operation, and the site constructed per the site plan and to include the equivalent of four parking spaces each 9' x 20' (total 720 square foot), per Schedule B of the Zoning 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

In Re: Public Hearing – County Animal Control Ordinance

Chairman Fore announced that this was the date and time scheduled for a public hearing on amendments to the County Animal Control Ordinance. Notice of this hearing was advertised according to law in the Friday, March 30, 2012 and Friday, April 6, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mrs. Puckett stated that at the March Board meeting, the Board authorized a public hearing on the proposed amendments to the County’s Animal Control Ordinance. Deputy County Attorney Morgan Greer has updated the County Ordinance in response to a re-codification of the *Code of Virginia*.

The County Administrator recommended the deletion of Section 10-31. Dog Operating Fund. The County does not use a Dog Operating Fund in its budget process.

Additionally, Section 10-53. Kennel License Tax, the County currently sells kennel tags to a citizen who owns 5-20 dogs. That will be changed to 10-20 dogs, as allowed in the *Code of Virginia*.

Chairman Fore opened the public hearing.

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

Supervisor Jones made a motion to approve the amendments to the Prince Edward County Animal Control 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

**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.

**ARTICLE III. DOGS**  
Division 1. Generally

- Sec. 10-40. Disposal of dead dogs.
- Sec. 10-41. Unlawful acts.

Division 2. License Tax

- Sec. 10-50. Unlicensed dogs prohibited.
- Sec. 10-51. How to obtain license.
- Sec. 10-52. Amount of license tax.
- Sec. 10-53. Kennel license tax.
- Sec. 10-54. When license tax payable.
- Sec. 10-55. Effect of dog not wearing collar as evidence.
- Sec. 10-56. What dog license shall consist of.
- Sec. 10-57. Duplicate license tags.
- Sec. 10-58. Displaying receipts; dogs to wear tags.
- Sec. 10-59. Payment of license tax subsequent to summons.

Division 3. Rabies Control

- Sec. 10-60. Vaccination required.
- Sec. 10-61. Rabies clinic authorized.
- Sec. 10-62. Dogs or Cats Not Vaccinated.
- Sec. 10-63. Quarantine authorized.

Division 4. Running at Large

- Sec. 10-70. Prohibited.
- Sec. 10-71. Unlicensed dogs prohibited.
- 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, § 3.2-6500 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 3.2-6500 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 crocodylian, 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, §§ 3.2-6587, 18.2-403.1, 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 sanitarily dispose of the companion animal.

(b) If after notice any owner fails to comply with this section, the animal control officer or other officer cremate or bury or sanitarily dispose of the companion animal; and may recover on behalf of the county from the owner the cost of this service 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, §§ 3.2-6587, 18.2-403.1, 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 § 3.2-6500, 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.

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

- (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:

10--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, § 3.2-6530, 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, § 3.2-6532, 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, § 3.2-6531 .

**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, §§ 3.2-6587, 18.2-403.1, 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 be disposed of by giving it into the possession of any person willing to pay the cost of impounding, vaccination and license. If not so disposed of, the dog or cat shall be euthanized in a humane manner by the impounding officer or other designated official.

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

When the board of supervisors finds that there is sufficient reason to believe that a rabid animal is at large, the board shall have the power to pass an emergency ordinance requiring all owners of all dogs in the county to keep the dogs confined on their premises, and may further adopt such ordinances, regulations or other measures as it may deem reasonably necessary to prevent the spread within the county of the disease of rabies 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, §§ 3.2-6527, 18.2-403.1, 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, §§ 3.2-6527, 18.2-403.1, 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 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, § 3.2-6546.

**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, § 3.2-6500 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, § 3.2-6546 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, § 3.2-6500 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, § 3.2-6534, 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 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 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 § 3.2-6562 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 § 3.2-6542 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 § 3.2-6556 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 § 3.2-6540, 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 § 3.2-6562 of the Code of Virginia, 1950, as amended.

In Re: Public Hearing – Repeal of Section 50, Article II, Fireworks

Chairman Fore announced that this was the date and time scheduled for a public hearing on the repeal of County Code Section 50, Article II, Fireworks. Notice of this hearing was advertised according to law in the Friday, March 30, 2012 and Friday, April 6, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mrs. Puckett stated that at the March Board meeting, discussion was held with the Board regarding the changes to the state's fireworks regulations, specifically that the state now requires at least one person at each fireworks display be certified by the State Fire Marshal's Office as a Pyrotechnician. 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.

Mrs. Puckett said that the County Attorney recommended the County repeal Section 50, Article II, Fireworks of the *County Code*. 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.

Mr. Ennis stated the County will not intervene in enforcing the regulations set forth in the *Code of Virginia*; this does not impede the display of fireworks. The County is merely taking itself from the process.

Chairman Fore opened the public hearing.

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

Supervisor Gantt suggested the County contract with the Town of Farmville for the services of their Fire Marshal. Mr. Ennis stated the repeal does not prohibit firework displays; it simply takes the County out of the permitting process when the County can't be certain the state regulations have been complied with or not. There is a state mechanism to make sure that there is a Pyrotechnician in charge of the fireworks display. Further discussion followed.

Supervisor Simpson made a motion to repeal Section 50, Article II, Fireworks; 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

In Re: 2012 / 2013 Anthem Renewal – County Health Insurance

Mr. Bartlett stated that the County has received a renewal with the Local Choice Program for the provision of health insurance for county employees for the 2012-2013 fiscal year. The County will experience a 5.7% increase in rates. The County can only select two plans to offer the employees; Mr. Bartlett recommended the Key Advantage Expanded and the Key Advantage 250.

Supervisor Simpson made a motion to approve a renewal with the Local Choice Program with the Key Advantage Expanded and the Key Advantage 250.

Supervisor Gantt stated there would be a savings if another plan with a higher deductible is selected. He stated the County could then assist with payments for the insurance deductibles.

After some discussion, Chairman Fore restated the motion of Supervisor Simpson to approve a renewal with the Local Choice Program with the Key Advantage Expanded and the Key Advantage 250; the motion carried:

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

Nay: Don C. Gantt, Jr.

In Re: Closed Session

Supervisor Gantt 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

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

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

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 March 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 March 2012, which was reviewed and ordered 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 March 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 March 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 recessed at 9:18 p.m. until 4:00 p.m. on Tuesday, April 17, 2012.