

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 27, 1998 at 7:00 p.m. at the Pulaski County Administration Building, Board Room, 143 Third Street, N.W., in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Jerry D. White, Vice-Chairman; Dr. Bruce L. Fariss; Charles E. Cook; and Frank R. Conner. Staff members present included: County Administrator, Joseph N. Morgan; County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; and Executive Secretary, Gena T. Hanks.

1. Invocation

The invocation was given by Reverend John Collins of the Church of the Brethren.

1a. Presentation to Pulaski County Chess Association

The Board of Supervisors congratulated members and coaches of the Pulaski County High School Chess Team on recently winning the State Chess Championship. The Board further presented to the Chess Team a check in the amount of \$1,000 to be used for travel expenses to Los Angeles where the National Chess Championships will be held in May, 1998.

2. Public Hearings

- a. A request by Marshall Concrete Products for Rezoning from Commercial (CM-1) to Conditional Industrial (I1) to allow a trucking terminal and service garage for owner's vehicles on property identified as tax parcel 082-001-0000-0030,31, 10.38 acres, located on the west side of Count Pulaski Drive (Rt. 99), joining the Corporation Limits of the Town of Pulaski, Draper District

County Administrator, Joseph N. Morgan, reported the above request had been withdrawn by the applicant and therefore, no public hearing was needed.

b. Proposed Amendments to the Zoning Ordinance

County Administrator, Joseph N. Morgan, advised the public hearing on this matter had been deferred pending a recommendation from the Planning Commission.

c. Proposed Amendments to the Subdivision Ordinance

County Administrator, Joseph N. Morgan, the public hearing on this matter had also been deferred pending a recommendation from the Planning Commission.

d. Eliminating Fee on Land Use (Use Value Assessments)

County Administrator, Joseph N. Morgan, advised the Board of Supervisors had taken action on an emergency basis at the regular meeting on March 23, 1998 to eliminate the fee on land use. However, the Board needed to hold a public hearing on this matter and approve eliminating the fee permanently.

Chairman Sheffey opened the public hearing on this matter.

No comments were heard; therefore, the Chairman closed the public hearing.

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors approved the following eliminating the fee on Land Use:

WHEREAS, the current Pulaski County Use Value Taxation Ordinance Pertaining to Filing Deadlines imposes a fee of 10 cents per acre for revalidation applications; and

WHEREAS, the Pulaski County Board of Supervisors finds that it is economically productive to process such payments;

NOW, THEREFORE, BE IT ORDAINED that the fee of 10 cents per acre for validation applications under the land use assessment program is hereby revoked and deleted from the ordinance. This deletion to the ordinance shall take effect July 1, 1998. The remaining portions of the ordinance are hereby ratified and shall remain in full force and effect.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

e. Adoption of a Vessel & Dock Structure Maintenance Ordinance

County Attorney, Thomas J. McCarthy, Jr., advised the ordinance was needed in order to eliminate problems encountered with abandoned vessels or docks on the lake.

Chairman Sheffey opened the public hearing on this matter.

No public comments were heard; therefore the public hearing was closed.

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors adopted the following Vessel & Dock Structure Maintenance Ordinance with an amendment to require staff review and report to the Board of Supervisors for concurrence before action is taken to enforce the ordinance. Said ordinance with amendment reads as follows:

**VESSEL & DOCK STRUCTURE MAINTENANCE
ORDINANCE**

BE IT ORDAINED THAT:

1. The owners of property in Pulaski County, Virginia, shall at such time or times as the Board of Supervisors of Pulaski County, Virginia, may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining Pulaski County, Virginia. If such property is deemed to be abandoned, the said Board of Supervisors may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property;

2. After review by the Pulaski County staff and notification of the Board of Supervisors of staff findings, Pulaski County, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within Pulaski County, Virginia, if the owner of such property after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;
3. In the event Pulaski County, Virginia, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by Pulaski County, Virginia, as taxes are collected;
4. If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, Pulaski County, Virginia, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located;

5. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the Circuit Court of Pulaski County, Virginia. Such lien may also be reduced to a personal judgment against the owner.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

- f. Adoption of Dog and Other Animals Ordinance Amendment RE: Kennel License Purchase to state there can be inspections for cause

County Administrator, Joseph N. Morgan, reported the above ordinance amendment had been approved by the Board on an emergency basis at the March 23, 1998 meeting. For final adoption a public hearing needed to be held.

Chairman Sheffey opened the public hearing on this matter. No public comments were heard; therefore, the public hearing was closed.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved the following Dog and Other Animals Ordinance amendment:

AMENDMENT TO
DIVISION 2, SECTION B. (6.) (B.) ONLY
OF THE
**PULASKI COUNTY DOG AND OTHER ANIMALS
ORDINANCE**

(B.) A person may obtain a kennel license by making application to the Treasurer of Pulaski County, paying the appropriate fee and providing the Treasurer with a rabies vaccination certificate for each dog in the kennel. Upon receipt of the initial application, the Treasurer shall immediately forward the application to the Animal Control Officer for Pulaski County, who shall inspect the applicant's kennel for compliance with this ordinance. If the applicant's kennel meets the requirements of this ordinance, the Animal Control Officer shall issue the kennel license, and deliver the kennel tags to the applicant. Except as provided in Division 1, Section W-G., for subsequent renewals of previously approved licensed kennels, the Treasurer shall upon receipt of the application and rabies vaccination certificates for each dog in the kennel, issue the kennel license and deliver the kennel tags to the renewal applicant. This shall not prohibit inspection occasioned by complaints received. The requirements of this Division 2, Section B., (6.) (B.) shall not apply to any veterinary hospital or veterinary office.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

The entire ordinance with above amendment shall read as follows:

BE IT ORDAINED THAT THE ORDINANCES OF PULASKI COUNTY, VIRGINIA, PERTAINING TO DOGS AND OTHER ANIMALS, ARE HEREBY REPEALED AND THE FOLLOWING PROVISIONS ARE HEREBY ENACTED TO BE EFFECTIVE UPON PASSAGE.

DOGS AND OTHER ANIMLS

DIVISION 1. GENERALLY

Section A. Definitions

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section, unless otherwise indicated to the contrary.

All terms not defined in this Ordinance shall carry the meanings set forth in Section 3.1-796.66 of the Code of Virginia, or its successor statute.

Agricultural Animals: All livestock and poultry.

Animal Nuisance: Is created when any dog, cat, canine crossbreed or other domestic animal unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. Such acts of nuisance by any dog, cat, or other domestic animal shall include, but are not limited to, the following:

- (1) Damaging property other than that of the animal's owner;
- (2) Attacking or disturbing other animals, persons or vehicles by chasing, barking or biting;
- (3) Making excessive noises including, but not limited to, barking, whining, howling, caterwauling or crying;
- (4) Creating noxious or offensive odors;

- (5) Defecating without permission of the property owner upon any public place or upon premises not owned or controlled by the owner unless promptly removed by the animal's owner; or
- (6) Creating an unsanitary condition or insect breeding site due to an accumulation of excreta or filth.

Cat: Any member of the animal species **felis catus** domesticus, regardless of age.

Dangerous Dog: Any dog or canine crossbreed (1) which has attacked and caused a bite wound to any person without provocation on public or private property; (2) which, while off the property of its owner, kills a domestic animal; (3) which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; (4) which, unprovoked, chases or approaches persons upon the streets, sidewalks or any public or private property other than the owner's property in a menacing fashion or apparent attitude of attack; (5) which has a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of human beings or domestic animals; or (6) which has been found dangerous by any general district court or circuit court of

the Commonwealth. Any dog evidencing the characteristics or conduct described in subsections (1),(2),(3),(4)or(5) above shall be a "dangerous dog" even though not found dangerous by any court.

Dog: Any member of the animal species canis familiaris, regardless of age.

Domestic Animal: Any dog or canine crossbreed, cat, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, chickens, turkeys, poultry, confined domestic hares and rabbits and other birds and animals raised and maintained in confinement.

Dwelling: A place of habitation for one or more human beings, either permanent, seasonal or temporary

Immediate Control: A dog shall be under its owner's or custodian's immediate control only when the dog is under the physical control of its owner or custodian, or responsive to the voice commands of its owner or custodian while within the sight of the owner or custodian.

Kennel: Any establishment in which five (5) or more canines; canine cross-breeds or canine hybrids are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing. Such number shall not include pups born to a resident female and retained by the kennel owner for less than 8 weeks.

Livestock: Cattle, horses, sheep, goats, swine and enclosed, domesticated rabbits or hares.

Other Officer: All persons employed by the county or elected by the people of the county whose duty it is to preserve the peace, to make arrests or to enforce the law.

Owner: Every person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his care, or who acts as a custodian of a dog, or who permits a dog to remain on or about any premises occupied by him. In the case of a minor who owns, keeps, harbors or acts as custodian of a dog, the parent or parents or other lawful guardian of such minor shall be deemed to be the owner of the dog.

Poultry: All domestic fowl and game birds raised in captivity.

To Run At Large: A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

Vicious Dog: Any dog which (1) kills a person; (2) inflicts serious wound to a person, including multiple bites, disfigurement, impairment of health, or impairment of any bodily function; (3) continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog; or (4) which has been found vicious by any general district court or circuit court of the Commonwealth.

Any dog evidencing the characteristics or conduct described in subsections (1), (2), or (3) above shall be a “vicious dog” even though not previously found vicious by any court.

Wound: Any physical injury which results in a laceration, puncture wound or broken or fractured bone.

Section B. Violations of Article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 4 misdemeanor. In addition, any 'animal nuisance" as defined in section A. may also be corrected, removed or abated through an appropriate action at law or suit in equity by any person suffering injury or damage therefrom.

Section C. Dogs and cats deemed personal property; rights relating thereto.

(1.) All dogs and cats in this county shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass and the owners thereof may maintain any action for the killing of any such dogs or cats, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this article by any person, without cause, or unless in defense of person or property, shall be entitled to recover

the value thereof or the damage done thereto in an appropriate action at law from such person.

(2.) The animal control officer or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to law shall have authority to seize and hold such dog or cat pending action before a general district court or other court. If no such action is instituted within seven (7) days, such officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, and the animal control officer may take such dog or cat in charge and notify its legal owner to remove him. The legal owner of the dog or cat shall pay a reasonable charge for the keep of such dog or cat while in the possession of the animal control officer.

Section D. Limitation on number kept per dwelling unit.

The harboring or keeping of more than five (5) dogs over four (4) months of age per dwelling shall be unlawful, unless a private kennel license has been issued pursuant to this Ordinance. The harboring or keeping of more than ten (10) cats over four (4) months of age, of which no more than two (2) may be fertile, per dwelling shall be unlawful. The requirements of this section shall not apply to any dwelling which is part of an active agricultural operation or usage as defined by the zoning ordinance for the county.

Section E. Sanitary condition of premises where kept.

The structure or building in which any dogs or cats are confined and the lot, compound or enclosure in which they are penned shall be kept in such sanitary condition as not to cause offensive odors or attract flies or other insects.

Section F. Nuisance prohibited.

It shall be unlawful for the owner or harbinger of any dog, cat or other wild or domestic animal to cause or permit such animal to perform, create or engage in any animal nuisance defined in section A. Any animal found acting in any way defined as an “animal nuisance” by section A. is hereby declared a nuisance and its owner or harbinger shall be subject to the penalties provided by Section B.

Section G. Dangerous dogs; vicious dog; penalties; procedures.

(1.) **Dangerous dog.** It shall be unlawful and a Class I misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a dangerous dog, as defined by section A., except in strict compliance with section I. of this Division. If after hearing evidence, the court finds any dog to be a dangerous dog, the court shall, in addition to any other penalties imposed, order the dog's owner to comply with the provisions of section I. If any owner knew or reasonably should have known any dog to be a dangerous dog and such dog

thereafter without the instigation of the owner causes a wound to any person, such owner shall be guilty of a Class 1 misdemeanor.

(2.) **Vicious dog.** It shall be unlawful and a Class I misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises any dog that the owner knew or reasonably should have known to be a vicious dog, as defined by section A. If; after hearing the evidence, the court finds any dog to be a vicious dog, the court shall, in addition to any other penalties imposed, order the animal warden to euthanize the dog. If any owner knew or reasonably should have known any dog to be a vicious dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a Class 1 misdemeanor.

(3.) **Procedures.** When a warrant has been obtained or a summons issued pursuant to this section, the animal warden shall, confine or cause to be confined the dog until such time as evidence shall be heard and a verdict rendered. The court may, through its contempt power, compel the owner of any dog to produce it for the animal warden. In the event any dog is found to be a dangerous dog or a vicious dog, the owner of such dog shall be responsible for payment to the County of any expenses of impounding and keeping the

dog pending disposition of the case at the rate prescribed by the Board of Supervisors.

Nothing in this section herein shall preclude the prosecution of any person for set forth in the Code of Virginia.

Section H. Licensure of dangerous dog.

(1.) The owner of any dog found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog certificate from the Animal Control Officer by paying the fee required by Division 2, section C. of this Ordinance. The Animal Control Officer shall provide the owner with a uniformly designed tag which identifies the dog as a dangerous dog. The owner shall affix the tag to the dog's collar and ensure that offenses Section the dog wears collar and tag at all times. All licenses issued pursuant to this section shall be renewed annually as required by Division 2, section A. of this Ordinance.

(2.) No dangerous dog certificate shall be issued until the applicant has filed with the County Treasurer the insurance certificate required by section I.(3.). The treasurer shall immediately forward such certificate to the County's Risk manager for review and filing. The Risk Manager shall immediately notify all Animal Warden of any noncompliance with the provisions of Section 1.(3.) of which the Risk Manager becomes aware.

Section I. Keeping of dangerous dogs; conditions.

It shall be unlawful for any owner of any dangerous dog to own, keep or harbor any such dog within the County except in compliance with each of the following conditions and specifications:

(1.) Any dangerous dog shall be securely confined indoors or, if kept outdoors, shall be kept in a securely enclosed and locked pen or structure adequate to confine the dog and located upon the premises of the owner of the dog. Any such pen or structure shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides shall be imbedded into the ground no less than two (2) feet. Such pen or structure shall provide any such dog with adequate space and protection from the elements and shall be kept in a clean and sanitary condition.

(2.) The owner of any dangerous dog shall display two (2) signs on his property stating: "Dangerous Dog on Premises". One sign shall be posted at the front of the property, and the second sign shall be posted at the rear of the property. Each sign shall be capable of being read from a distance of fifty (50) feet.

(3.) The owner of any dangerous dog shall procure and maintain public liability insurance in the amount of \$50,000 insuring the owner for any injury or damage caused by such dog. The owner shall maintain a valid

policy and certificate of insurance issued by the insurance carrier or agent as to the coverage required by this subsection at the premises where such dog is kept and shall, upon request, display such policy and certificate to any animal control officer or law enforcement officer.

(4.) The owner of any dangerous dog shall have such dog permanently identified by means of a tattoo on an inside thigh, and the owner of any dangerous dog shall provide the animal warden with a color photograph of the dog taken within the last twelve (12) months, suitable for use in identifying the dog.

(5.) If any dangerous dog is taken off the property of its owner, such dog shall be muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length, and such dog shall at all times be kept under the control of a responsible person. Such muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal, but such that it will not cause injury to the dog or interfere with its vision or respiration.

(6.) The owner or custodian of any dangerous dog shall notify the animal control officer immediately upon discovery if such dog is loose or missing; if such dog has attacked or wounded a human being or another animal; or if such dog has been sold, leased, given away, died or custody

has been transferred to another person for more than forty-eight (48) hours. If such dog has been sold, leased, given away or custody has been so transferred, the owner shall provide the animal warden with the name, address and telephone number of the new owner, lessee or custodian who shall be required to comply with the conditions of this section if the dog is kept within the County. If the owner of a dangerous dog moves with such dog to a different address, such owner shall notify the animal control officer of such fact and the new address within seventy-two (72) hours.

(7.) The animal warden shall be permitted the right to inspect the enclosure in which any dangerous dog is kept at any time.

(8.) In addition to the conditions and specifications established by this section with respect to dangerous dogs, the owner of any dangerous dog shall meet all other requirements established by this Chapter for keeping any dog.

(9.) The animal control officer shall have the right to seize and impound the dangerous dog if any of the conditions and specifications established by this section for the keeping of a dangerous dog are not being met.

Section J. Violations and penalties.

(1.) It shall be a Class 1 misdemeanor for the owner or custodian of any dog which has caused a wound to any person to conceal or cause to be concealed such dog from any animal control officer or police officer.

(2.) Any other violation of Sections G, H, I and J shall constitute a Class 1 misdemeanor.

Section K. Exceptions.

(1.) No dog shall be deemed or declared to be a dangerous dog or vicious dog if the threat, wound, injury or damage was caused by any person who, at the time, was (1) assaulting the owner of the dog, (2) committing a willful trespass or tort upon the premises of the owner of the dog, or (3) provoking, tormenting, abusing or assaulting the dog or can be shown to leave repeatedly provoked, tormented or abused the dog at other times.

(2.) No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring or its owner's property, shall be found to be a dangerous dog or vicious dog.

(3.) This Division shall have no application to any dog owned by a federal, state or local law enforcement agency.

(4.) No dog shall be found to be a dangerous dog or a vicious dog solely because it is a particular breed.

Section L. Barking or howling dogs.

The harboring or keeping of any dog which, is an animal nuisance as defined in Division 1, section A. of this Ordinance shall be unlawful; and any such dog is hereby declared to be a public nuisance. Any such dog may, after reasonable notice has been given by the animal control officer or other officer to the owner or custodian of such dog, if known, or upon a substantiated complaint of any person, if such owner is unknown, be impounded and confined in the county animal shelter by the animal control officer. The disposition of any such dog shall be in accordance with Section O.

Nothing in this section shall preclude a citizen from directly pressing charges under this Ordinance or the Code of Virginia through the Magistrate and Court systems.

Section M. Running at large – Prohibited.

(1.) It shall be unlawful for the owner of any dog to permit such dog to run at large in the county at any time during any month of the year.

(2.) This section shall not apply to a dog engaged in lawful hunting in open season or when being trained or exercised and accompanied by its owner or custodian or under the immediate control of its owner or custodian.

Section N. Inoculation of Dogs and Domesticated Cats.

The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently

vaccinated for rabies by a licensed veterinarian, who shall provide the owner or custodian of the dog or domesticated cat with a certificate of vaccination. The owner or custodian of the dog or domesticated cat shall furnish within a reasonable period of time, upon the request of an animal warden, or law-enforcement office, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

Failure by the owner or custodian to promptly vaccinate a dog or domesticated cat as required above shall be a Class 3 Misdemeanor.

Section O. Same – Impoundment.

(1.) It shall be the duty of the animal control officer or other officer to cause any dog found running at large in violation of Section M. or any dog creating an animal nuisance in the presence of the officer as defined by Section A. to be caught and confined in tile county animal shelter. Reasonable effort shall be made on the part of the animal control or other officer to determine the ownership of an animal so confined and to notify the owner of its whereabouts. If the owner is known by virtue of a nametag or license or other identification tag on the dog or cat, such owner shall be notified forthwith by the person taking the animal into custody.

(2.) A dog confined under this section may be claimed by the rightful owner after displaying proof of ownership, a current dog license and proof of current rabies inoculation of the animal. No dog shall be released to any person claiming ownership, unless such license and proof have been displayed.

(3.) An owner claiming his animal pursuant to subsection (b) above shall be required to pay the actual expense incurred by the county in keeping the animal confined. Such payment shall be made to the animal control officer or other officer at the time of the release of the animal. It shall be the duty of the animal control officer or other officer to furnish the owner with a written receipt for such payment in a form and manner approved by the Board of Supervisors. Such officer shall keep a carbon copy of all such receipts in a bound book, which shall be turned over to the county treasurer when the book is filled and shall be subject to audit by representatives of the Board of Supervisors whenever requested. Any funds collected pursuant to this subsection shall be disposed of in the same manner as dog license taxes. No payment made under this subsection shall relieve the owner from prosecution for violating Section M.

(4.) If a dog confined pursuant to this section is not claimed by the owner within seven (7) days from the time notice

was given to the owner or if the owner cannot be located within seven (7) days after confinement, such animal may be disposed of in accordance with the provisions of section 3.1-796.96 of the Code of Virginia, or its successor.

(5.) A pickup fee of ten dollars (\$10.00) for the first offense, twenty dollars (\$20.00) for the second offense, and thirty dollars (\$30.00) for the third offense shall be imposed in addition to the normal board fee of six dollars (\$6.00) per day when any dog is claimed by its owner or custodian.

Section P. Confinement of female dogs while in season.

Every female dog suspected of being in season shall be confined by the owner or custodian to a building, pen or structure properly enclosed, while such dog is suspected of being in season.

Section Q. Killing, injuring, etc., livestock or poultry - Generally.

(I.) It shall be the duty of the animal control officer or other officer, if he finds a dog in the act of killing, injuring, worrying or chasing livestock or poultry, to kill such dog forthwith, whether such dog bears a tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight.

(2.) The general district court or any other court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or

poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer.

(3.) If any person, including the animal control officer, has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section, 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, and if it shall appear that such dog is a livestock killer or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer or other officer designated by the judge of the general district court to act, shall do.

Section R. Same - Investigation of claims against county.

(1.) The animal control officer shall conduct an investigation into any claim made pursuant to Section 3.1-796.118 of the Code of Virginia for livestock or poultry killed or injured by a dog prior to the payment of such claim, to determine if the claimant has exhausted all legal remedies available to him against the owner of the dog, if known, prior to making such claim to the Board of Supervisors.

(2.) For the purposes of this section, "exhaustion" shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Section S. Disposal of dead dogs.

The owner of any dog which has died from disease or other cause shall forthwith cremate, bury, or otherwise properly dispose of the same. If, after notice, the 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 as cost for this service \$50.00.

Section T. Unwanted Dogs and Cats.

Unwanted dogs and cats shall be delivered to an Animal Control Officer by the owner.

Section U. Cruelty to Animals; penalty.

1. Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (ii) deprives any animal of necessary sustenance, food, drink or shelter; or (iii) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (iv) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to

produce torture or unnecessary suffering; or (v) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 Misdemeanor. Prosecution for violations of this subsection shall commence within five years after commission of the offense. Prosecutions of this subsection regarding agricultural animals as defined in Section 3.1-796.66 of the Code of Virginia, shall commence within one year after commission of the offense.

2. Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 Misdemeanor.

3. Nothing in this section shall be construed to prohibit the castrating, branding, tagging or dehorning of livestock.

4. For the purposes of this section, the word animal shall be construed to include birds and fowl.

Section V. Animal Control Officers, duties and responsibilities.

There is hereby created the position of animal control officer within the Pulaski County Sheriff's Department. The animal control officer or his agent or any law enforcement officer shall have the following powers:

(1) To enter upon private property to apprehend any domestic animal which is in violation of any provision of this ordinance or to apprehend any animal which presents an immediate threat to the safety, health or welfare of any person, including an animal suspected of being infected with rabies;

(2) To enter upon private property to investigate complaints of inhumane or lack of responsible animal care;

(3) To seize, impound or dispose of any vicious or dangerous animal of any kind when necessary for the protection of any person or animal; and

(4) To perform all other acts necessary to carry out the requirements of this chapter.

Section W. Kennels.

A. **General Kennel Requirements.** Each kennel owner, operator or custodian shall provide and have the facilities to provide for the animals in his care and keeping, adequate feed; adequate water; adequate shelter that is properly cleaned; adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight; adequate exercise; adequate care, treatment and transportation; and veterinary care when needed or to prevent suffering or disease transmission.

B. **Rabies Vaccination Requirements.** All dogs (if allowed by State and Federal Code) in a kennel over four

(4) months of age shall be vaccinated by a licensed veterinarian for rabies. The kennel owner, operator or custodian shall comply fully with Division 1, Section N of this ordinance.

C. **Confinement of Female Dogs in Season.** Each kennel owner, operator or custodian shall provide for each female dog in his kennel, confinement facilities during the dog's estrus ("her heat" cycle) so as to prevent such female dog from contact with any other dog except for intentional breeding.

D. **Pups:**

1. Kennel owners, operators or custodians shall maintain all pups born at the kennel or on the kennel premises for at least seven (7) weeks from date of birth.

2. The kennel owner, operator or custodian shall provide each pup with vaccination against canine distemper, adenovirus type II, parainfluenza, and parvovirus, either by a licensed veterinarian, or pursuant to written recommendations provided by the manufacturer of such vaccine at least five (5) days before the new owner takes possession of the pup.

E. **Records:**

1. Kennel owners, operators or custodians shall provide the new owner with the pup's immunization and deworming history at the time of purchase.

2. Kennel owners, operators and custodians shall maintain records of the births, deaths, and the names and addresses

of the persons to whom each pup is sold or with whom each pup is placed for a minimum of four (4) years.

F. **Zoning**. All kennels shall comply with the Pulaski County Zoning Ordinance.

G. **Kennels of over 20 dogs.**

The owner, operator or custodian of kennels who have over 20 dogs in addition to the requirements in A through F of this Section VI, shall comply with the following:

1. A resident female dog shall not be allowed to whelp a litter more than twice in any 18 month period.
2. Tethering of dogs shall not be allowed at any time.
3. Adult male and female dogs shall be maintained in separate pens or facilities.
4. Kennel facilities shall not be within 25 feet of any property line.
5. A separate, climate controlled building shall be provided for all dogs less than 12 weeks of age. Such building shall be properly lighted, properly vented and properly cleaned and sanitized once every 24 hours.
6. Such kennel shall have an approved manner of waste and litter disposal and operation prior to licensing.
7. Kennels of over 20 dogs shall not be allowed within 100 feet of any store, restaurant, office, church, school or other public building or any well or spring for a private or public water supply.
8. Annual Inspection by a Pulaski County Animal Control Officer. The fee for such inspection shall be \$50.00 in addition to any other required license fees.

DIVISION 2. LICENSE

Section A. Required.

1. It shall be unlawful for any person to own a dog four (4) months old or over in this county, unless such dog is currently licensed under the provisions of this Division.

2. It shall be unlawful for any person, firm or corporation operating or maintaining a kennel in this County to do so unless such kennel is currently licensed under the provisions of this Division.

Section B. Licenses.

(1.) **What dog license shall consist of.**

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the name "Pulaski County," the sex of the dog, the calendar year or years for which issued and bear a serial number.

(2.) **Kennel License.**

A kennel license shall consist of a license receipt and a metal tag for the kennel premises and a metal tag for each dog. The tags shall be stamped or otherwise permanently marked to show the name "Pulaski County Kennel Tag" and the calendar year or years for which issued and bear a serial number.

(3.) **Duplicate license tags.**

If a valid license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the same for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the

original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar.

(4.) **Displaying receipts: dogs to wear tags.**

Dog license receipts shall be carefully preserved by the licenses and exhibited promptly on request for inspection by any animal warden. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this Section, (1) when the dog is engaged in lawful hunting, (2) when the dog is competing in a dog show, (3) when the dog has a skin condition which would be exacerbated by wearing of a collar, or (4) when the dog is confined.

(5.) **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 in any proceedings under this article 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.

(6.) **How to obtain license.**

(A.) Any person may obtain a dog license by making oral or written application to the treasurer, or a licensed veterinarian accompanied by the amount of license tax and certificate of vaccination as required by this Ordinance and the Code of Virginia. The treasurer, a licensed veterinarian, or other officer charged with the duty of issuing dog licenses shall only have the authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and may require information to this effect from any applicant. Upon receipt of proper application and certificate of vaccination as required by this Subsection 6 of Section B, the treasurer, a licensed veterinarian, or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the treasurer, open to public inspection during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county and

appoint agents for the collection of the license tax and issuance of such license.

(B.) A person may obtain a kennel license by making application to the Treasurer of Pulaski County, paying the appropriate fee and providing the Treasurer with a rabies vaccination certificate for each dog in the kennel. Upon receipt of the initial application, the Treasurer shall immediately forward the application to the Animal Control Officer for Pulaski County, who shall inspect the applicant's kennel for compliance with this ordinance. If the applicant's kennel meets the requirements of this ordinance the Animal Control Officer shall issue the kennel license, and deliver the kennel tags to the applicant. Except as provided in Division 1, Section W-G., for subsequent renewals of previously approved licensed kennels, the Treasurer shall upon receipt of the application and rabies vaccination certificates for each dog in the kennel, issue the kennel license and deliver the kennel tags to the renewal applicant. This shall prohibit inspection occasioned by complaints received. The requirements of this Division 2, Section B., (6.) (B.) shall not apply to any veterinary hospital or veterinary office.

(7.) **Evidence showing inoculation for rabies prerequisite to obtaining dog license.**

No license tag shall be issued for any dog unless there is presented to the treasurer or other officer of the county charged by law with the duty of issuing license tags for dogs at the time application for license is made, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian, or as provided by law, for the term of the license.

(8.) **Licenses – When payable.**

(a.) On or before January 31 of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in subsection C of this section, unless owner has purchased a valid three (3) year license.

(b.) If a dog shall become four (4) months of age or come into the possession of any person between January 1 and October 31 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

(c.) If a dog shall become four (4) months of age or come into the possession of any person between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog and the dog shall be legally licensed from the date of purchase through the succeeding year.

(9.) **Same – Payment subsequent to summons.**

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

(10.) **Same – Duration:**

Dog licenses tax may, at the option of the County Board of Supervisors, be payable for one (1) or three (3) year periods, as long as this period does not exceed the period that the dog's rabies inoculation is effective as certified by a veterinarian.

Section C. License Fee imposed.

(1.) An annual or three (3) year license fee is hereby imposed on dogs required to be licensed under Division 2, Section A., in the following amounts:

License taxes - Amounts.

License taxes shall be as follows:

Male. For a male dog, five dollars.

Unsexed. For an unsexed male or female dog, which is neutered by being either spayed or castrated, three dollars.

Female. For a female dog, five dollars. Three (3) Year License. This fee is nonrefundable. Male dog or Female dog. Twelve dollars. Unsexed dog, seven dollars.

Kennels: For kennels of 5-20 dogs \$25.00.

For kennels of over 20 dogs \$50.00 in addition to a \$1.00 fee for each dog over the \$25.00 block.

License Purchased after January 31: The license fee imposed on dogs required to be licensed under Division 2, Section A of this Ordinance, when purchased after January 31, shall be as follows:

Male Dog - Ten dollars.

Unsexed Dog - Six dollars.

Female Dog - Ten dollars.

Dangerous Dog. Any dog declared dangerous by any general district court or circuit court of the Commonwealth (in addition to the applicable fee under (1),(2)or

(3) above\$ 50.00

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility impaired person. As used in this section, “hearing dog” shall mean a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

Section D. Treatment of person bitten by or exposed to rabid animal.

Any person bitten by a rabid animal in the county when the owner of the rabid animal is not ascertainable shall be paid the costs of necessary treatment by the county, not to

exceed five hundred dollars; provided, that the Virginia Department of Health shall first treat any such case of rabies, and no person shall be entitled to recover the cost of necessary treatment herein provided unless he first applies to such officer for treatment, and such officer refuses or fails to treat the case.

If the owner of the rabid animal is ascertainable the costs of necessary treatment for the bite or bites shall be the responsibility of the rabid animal's owner.

g. Community Development Block Grant

County Administrator, Joseph N. Morgan, reported due to an advertising error, a public hearing needed to be held again regarding application for Community Development Block Grant funds.

Chairman Sheffey opened the public hearing on this matter. No public comments were heard; therefore the public hearing was closed.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors approved the following resolution regarding the application for Community Development Block Grant funding:

BE IT RESOLVED that pursuant to two public hearing, Pulaski County wishes to apply for \$491,445 of Virginia Community Development Block Grant funds for the Volvo Water Line Project;

WHEREAS, a required local match of \$54,605 will also be expended on this project, it is projected that 52 jobs will result from the implementation of this project, of which 27 will be low and moderate income persons; and

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to sign and submit the appropriate documents for submittal of this Virginia Community Development Block Grant application.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

3. Additions to Agenda

Additional agenda items were noted and considered at the appropriate times on the agenda.

4. Highway Matters:

Virginia Department of Transportation (VDOT) Assistant Resident Engineer, David Clark, met with the Board regarding the following:

a. Follow-up from Previous Board Meetings:

1. Status of Surface Transportation Assistance Act Double Trailer Access

Mr. Clark advised his office is still waiting to hear from the Richmond VDOT office regarding this matter but anticipates a response by the next regular meeting of the Board.

2. Road Viewers Report: Claytor Village Subdivision

The Board reviewed a report from staff, previously authorized to serve as road viewers, approving adding Claytor Village Subdivision as a rural addition, contingent on the road being built at no expense to VDOT or the county.

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved adding Claytor Village Subdivision as a rural addition per staff recommendation and contingent on the road being built at no expense to VDOT or the county. Further, the Board authorized staff to file the Road Viewers report with the Clerk of the Circuit Court.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

3. New River Valley Fairground Rural Addition

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved the New River Valley Fairground rural addition at an estimated cost of \$30,500, contingent on New River Valley Recreation, Inc. arranging for the grading of the new roadway and the county assisting with paving needed by the fairgrounds off the VDOT right of way.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

4. Guardrail at Draper Elementary School along Route F047, Old Route 100

It was reported that the guardrails had been installed just recently at Draper Elementary School by VDOT.

5. Rock cliff protrusion removal along Route 658, Delton Road

Mr. Clark reported the above improvement is planned for this spring or summer and will be taken out of maintenance funds.

6. Guardrail and stream diversion along Route 658, Delton Road, approximately 1.5 miles south of Route 654, Old Baltimore Road

Mr. Clark advised that delineators will be installed along the wall at the above location by VDOT in the near future.

7. Guardrail Placement at Route 600, Belspring Road, and Route 1205, Timberlane Drive

Mr. Clark reported this request would be on waiting list for 1999 review by VDOT.

8. Drainage on Route 712, Water Tank Road

Mr. Clark reported the drainage improvements on Route 712 are approximately 90% complete with the remaining erosion to be taken care of once all improvements have been completed.

9. Repaving Route 787, Peak Creek Road, 644, Hurston Road, and 763, Old Mill Road

Mr. Clark advised the above listed road will be placed on the paving schedule for this year.

10. Low Area at Rt. 693, Fariss Mines Road, at Big Reed Island

Mr. Brugh reported the above problem is currently under review by VDOT.

b. Six Year Plan Waiting List Priorities

The Board reviewed the six year plan waiting list priorities as prepared by staff. The Board requested staff add the year and the an updated estimated cost for each project and present to the Board of Supervisors at a future meeting as convenient.

c. Drainage Easements for Road Extensions in Sinkhole Areas

The Board of Supervisors discussed the suggestion from Planning Commission Member Don Rainey to allow developers to extend road in areas where drainage into sinkholes will be needed, due to lack of drainage into a natural above ground channel.

Supervisors' Fariss and White expressed concerns regarding this suggestion.

The Board requested this matter be referred to the county attorney for a study of bonding capabilities over a long period of time and determine procedures used by adjacent counties.

d. Board of Supervisors Concerns

Supervisor Conner requested "no parking" signs on Route 1131, Mountain View Drive across from Pulaski County High School and requested pavement patching on Route 1131.

Supervisor Cook advised he had received speeding complaints from citizens on Routes 840, Hawks Nest Lane, 842, Water Plant Road, and 841, Sonny Alley Drive. Supervisor Cook requested an informal speed study on these road and requested “children at play” signs for said roads.

Supervisor Fariss inquired of the status of Route 693, Lead Mines Road, bridge improvements at the Montgomery/Pulaski County boundary lines near Snowville.

Supervisor Sheffey requested placement of rumble strips on Route 626, Hazel Hollow Road, approaching the overhead railroad trestle.

e. Citizen Concerns

Ms. Zola Lancaster advised VDOT of a drop off hazard on Route 605, Little River Dam Road, near Route 633, Owens Road.

An identified citizen inquired regarding the status of the New River Trail Park rural addition. Staff advised that the rural addition approved will address the concerns.

Mr. Kevin Lui inquired regarding the safety of the intersection of Route 643, Thornspring Road, and Cougar Trail Road, with Route 11, Lee Highway. Mr. Lui was advised that no more safety improvements were planned at these intersections.

No further citizen comments regarding highway matters was heard.

5. Treasurer’s Report

The Board reviewed the monthly trial balance report, sales tax distribution report, and certificates of deposit as prepared by County Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

6. Citizens’ Comments

Ms. Brenda Blackburn inquired regarding the status of Route 655, Max Creek Road, noting that Mr. Ken Smith of the VDOT Richmond office had advised a public right of way may exist south from the end of the state maintenance to Floyd County. She expressed concerns that a gate had been installed preventing public access.

The Board of Supervisors requested the County Attorney, Thomas J. McCarthy, Jr., contact Mr. Smith with the VDOT Richmond Office and the Attorney General of the Commonwealth for clarification on this matter and to report on the status of public access at a future Board meeting.

Ms. Ruth Lancaster expressed concerns regarding the Harry DeHaven Park. Staff advised several clean ups had occurred in the past year or so at the Harry DeHaven Park. She was also invited to participate in the advisory committee meeting and the next employee work day at the park.

7. Reports from the County Administrator & Staff:

a. Key Activity Timetable

The Board reviewed the Key Activity Timetable (KATT) as presented by staff. The Board requested that use of the Dublin Town Center by county offices be charged to their appropriate budgets (Recreation Commission, REMSI & Regional Jail).

b. Budget Preparation

The Board of Supervisors reviewed a request from the Pulaski County School Board requesting the adoption of resolutions supporting the application for state Literary Loan funds for the proposed additions/renovations of the Snowville and Critzer Elementary Schools. County Administrator, Joseph N. Morgan, advised the financial advisor and bond counsel had reviewed the resolution documents, had noted a few minor wording changes, but had recommended adoption by the Board of Supervisors.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors adopted the following resolutions regarding School Literary Loan applications:

RESOLUTION OF THE PULASKI COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.

WHEREAS, Pulaski County (the “Issuer”) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Issuer has paid, beginning no earlier than February 27, 1998 and will pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the acquisition, construction and/or equipping of the Snowville Elementary School Project (the “Project”), as more fully described in Appendix A attached hereto; and

WHEREAS, the Pulaski County Board of Supervisors (the “Board”) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the “Bonds”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after February 27, 1998, which date is no more than 60 days to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bond, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$5,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures" costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

APPENDIX A

DESCRIPTION OF PROJECT

Funds to be used for the renovation and additions to the Snowville Elementary School to provide additional facilities and space to meet the instructional needs of students attending Snowville Elementary School. Total estimated cost is \$5,000,000.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

RESOLUTION OF THE PULASKI COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.

WHEREAS, Pulaski County (the "Issuer") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Issuer has paid, beginning no earlier than February 27, 1998 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of the Critzer Elementary School Project (the "Project"), as more fully described in Appendix A attached hereto; and

WHEREAS, the Pulaski County Board of Supervisors (the "Board") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the Issuer

for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the “Bonds”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer’s intend to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after February 27, 1998, which date is no more than 60 days to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditures was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$2,500,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain “preliminary expenditures”, costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

APPENDIX A

DESCRIPTION OF PROJECT

Funds to be used for the renovation and additions to Critzer Elementary School to provide additional facilities and space to meet the instructional needs of students attending Critzer Elementary School. Total estimated cost is \$2,500,000.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

The Board further emphasized that the above resolutions approved were for securing Virginia Literary Loan funding with no local funds being committed at this time by the Board of Supervisors. Further, the Board of Supervisors requested the Pulaski County School Board to consult with the Board of Supervisors on any further steps toward planning the Snowville Elementary and Critzer Elementary schools' improvements, particularly any authorization of construction.

Supervisor White requested staff provide the Board with a payback spreadsheet reflecting principal and interest payments on the Literary Loan funding application for both projects.

*Roof Study

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors instructed the County Engineer, H. Ronald Coake, to conduct an independent evaluation study on the total life and replacement cost of flat or minimally sloped roofs versus pitched roofs for all county/school buildings. Said cost of study not to exceed \$5,000.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

*Closing of Alternative School

Supervisor Fariss requested that School Board staff provide clarification on closing of the Alternative School. Specifically, is the school closing permanent or just being relocated. Further, if the school is closing permanently, will a reduction in teachers occur?

*Goals 2000 Funding

Supervisor Cook noted the receipt of Goals 2000 federal funds in the amount of \$101,602.09 to the School System. He requested staff inquire if these funds would reduce the FY 99 budget request of the School Board since the majority of funds would be used for technology purchases.

*Voting Machines

The Board of Supervisors requested the Electoral Board to prepare a ten year total cost analysis on all available types of voting machines to include both machine purchase, consumable supplies and maintenance. Said report to be presented by the May 14, 1998 budget work session.

*Juvenile Detention Facility at Regional Jail

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved proceeding with a study of a possible juvenile detention facility at the New River Regional Jail site, with funding assistance for said study to be requested from the New River Valley Juvenile Detention Home Commission and member localities of both the Detention Home and Regional Jail. Said cost of study not to exceed \$10,000.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

*Additional Budget Work Session

The Board of Supervisors approved to meet on May 4, 1998 to focus on operational expenses and on May 14, 1998 to focus on capital outlay and debt service items. The Board also requested that a briefing by the Financial Advisor, Jim Johnson, be scheduled for the May 14, 1998 budget meeting of the Board.

d. Appointments

1. Recreation Commission
2. Building Appeals Committee
3. New River Community College
4. New River Highland Resource Conservation Council
5. Office on Youth
6. Pulaski Encouraging Progress
7. Social Services Board

The Board deferred the above appointments until after the executive session portion of the meeting.

8. Items of Consent:

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors approved the following items of consent, unless otherwise noted.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

a. Minutes of March 23 & April 6, 1998

The Board approved the minutes of March 23, and April 6, 1998, as presented.

b. Accounts Payable

The Board approved the accounts payable listing for checks numbered 18894 through 19249.

c. Appropriations & Transfers

The Board approved the following additional appropriations and transfers as follows:

1. Interoffice Transfers #10 - \$37,046.28

The Board approved Internal Service Fund Transfer #10 in the amount of \$37,046.28, as presented and filed with the records of the Director of Management Services.

2. General Fund Appropriation #12-\$5,613.00

Revenues

1618-02 Extension Cooking Fees	\$	168.00
Total	\$	168.00

Expenditures:

2102-2012 Gen. District Ct. Tuition	\$	500.00
2101-7001 Gen. District Ct. Mach.		1,500.00
4217-5815 Clean Comm. Council		1,800.00
7208-5804 Co. History Sales Tax		10.00
8305-3006 Extension Printing		168.00
9104-5804 Erroneous Assessments		1,635.00
Total	\$	5,613.00

3. Capital Improvements Fund Appropriation #10

\$1,356,444

Revenues:

2404-23 CDBG Motion Control	\$	275,000
3204-02 ARC Motion Control		500,000
5102-00 Transfer from Gen. Fund		581,444
Total		\$1,356,444

Expenditures:

1210-1006 Reassessment Salaries	\$	4,800
1210-2001 Reassessment FICA		368
1210-3002 Reassessment Prof Serv.		26,338
1210-5201 Reassessment Postage		7,000
1210-5203 Reassessment Telephone		450
4224-7135 Cloyd's Mt. Sewer		1,768
8115-7152 NR Indust. Pk. Imp.		1,016,854
8120-3002 NR Indust. Pk. PUD		2,154
9131-7144 Claytor Lake Sewer		295,668
Total		\$1,356,444

4.	<u>School Fund Appropriation #15 \$101,602.09</u>	
	Revenues:	
	2402-60 Goals 2000 Grant	\$101,602.09
	Expenditures:	
	6992-3140 Professional Develop.	\$ 2,016.02
	6992-8201 Machinery & Equip	99,586.07
	Total	\$101,602.09

d. Ratification:

1. Contracts

No contracts were presented for ratification at this meeting of the Board of Supervisors.

2. Change Order:

New River Industrial Park Utilities - \$13,455.72

The Board approved Change Order #1 for the New River Industrial Park utilities in the amount of \$13,455.72 with DLB, Inc.

3. Agreements:

*Dept. of Health Local Government Agreement

The Board ratified an agreement with the State Department of Health pursuant to Section 32.1-31 of the Code of Virginia (1950), as amended regarding funding. A copy of the agreement shall be filed with the Office of the County Administrator.

*Social Services Copier Purchase

The Board approved the purchase of a copier for the Department of Social Services through the Internal Service Fund with installment payments reimbursed by the Social Services Department to the Internal Service Fund.

e. Personnel Changes

The Board of Supervisors reviewed recent personnel changes, as prepared by Management Services Director, Nancy M. Burchett.

f. Business Appreciation Week Proclamation

The Board of Supervisors adopted the following proclamation regarding Business Appreciation Week:

WHEREAS, the County of Pulaski is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these firms provide essential employment opportunities for the citizens of Pulaski County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefits; and

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life in our area; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we, the Pulaski County Board of Supervisors, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that we Salute Those Businesses Who Make Virginia Work;

AND, FURTHER, that the week of May 17-23, 1998 is Business Appreciation Week in Pulaski County.

g. Livestock Claim Policy Change

The Board of Supervisors approved an amendment to the Livestock Claim Policy delegating responsibility of notice of denial of claims to Sheriff. The amended policy approved is as follows:

LIVESTOCK CLAIM POLICY

1. A review committee for livestock claims is established with the following membership; the Extension Service Unit Chairperson as secretary/coordinator; the president or designee of the Dublin Feeder Calf Association; the president or designee of the Christiansburg Area Wool Pool; and the president or designee of the Pulaski County Farm Bureau. Each member of the committee would be required to be a Pulaski County resident.
2. Valuation of the animal is to be set by consensus, with the Extension Chairperson establishing the value based on current market trends, and advising the committee members thereof for any objections or further discussion required unless objections were heard, no committee meeting is necessary.
3. Payment for injury to animals by dogs, where the animal is not killed, is to be allowed at the discretion of the committee; however, a meeting of the committee is necessary before an award is made for injury not resulting in death of the animal.
4. At no time will a claim exceed the limit allowed by law; currently \$400 per large animal.
5. The involvement of the County Attorney will be consistent with the ordinance adopted in 1986. Efforts of the attorney for collection on the part of the owner of damaged livestock, where the owner of the dog causing the injury is known, would only begin if a court judgement has been issued against the owner and non-payment persisted.

6. Notice of denial or approval of a claim made shall be made through the accounts payable procedure. If the claim is approved, a check will be issued for the amount approved. If the claim is not approved, then correspondence will be issued from the Sheriff's Office explaining denial of the claim.

*The committee's position is that all injury claims must be accompanied by a veterinarian's Certificate of Examination stating the nature of the injury and the effect of that injury relative to the future use or liveability.

- h. Swimming Pool Fencing

The Board of Supervisors deferred action on this matter to a future meeting until additional information could be provided to include the background on discontinuing of enforcement regarding pools by the State Department of Housing & Community Development, as well as insurance requirements, if any, for homeowners who have a pool.

- i. New River Valley Lighting Grant Amendment

The Board of Supervisors accepted grant funds in the amount of \$44,355.22 for the New River Valley Airport Lighting project from the US Department of Transportation, Federal Aviation Administration.

9. Citizen Comments

No citizen comments were heard at this time.

10. Other Matters from Supervisors

Supervisor Fariss inquired regarding the status of installation of street lights along Route 100, Cleburne Blvd., between Newbern and Dublin. Staff was requested to provide an update on this in a future weekly update memo.

Supervisor White requested VDOT study additional turning lanes on Route 643, Cougar Trail Road, between Route 11, Lee Highway and Route 611, Newbern Road.

Supervisor Fariss requested an analysis of the share of county employment income from the Volvo Plant before and after the expansion initiated in 1994. Staff was requested to provide a report on this matter in a future weekly update memo.

11. Executive Session – 2.1-344(A)

It was moved by Mr. Cook, seconded by Mr. Conner and carried, to enter executive session in accordance with Section 2.1-344(A) of the Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition and prospective industry.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

Return to Regular Session

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors returned to regular session.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. White, seconded by Mr. Conner and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened an executive meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

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

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

*Appointments

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors made the following appointments:

1. Recreation Commission

The Board of Supervisors requested staff to ask Mr. Paul Phillips to serve on the Recreation Commission.

2. Building Appeals Committee

The Board of Supervisors reappointed Tom Douthat, Paul Shelor and Bobby Dunnigan for a term expiring June 30, 2002.

3. New River Community College

The Board of Supervisors reappointed Kendall Clay to the New River Community College Board for a term expiring June 30, 2002.

4. New River Highlands Resource Conservation Council

The Board of Supervisors reappointed William Lindsey to the New River Highlands Resource Conservation Council for a term expiring June 30, 1999.

5. Office on Youth

The Board of Supervisors reappointed Marty Kemp to the Office on Youth Advisory Board for a term expiring June 30, 2001.

6. Pulaski Encouraging Progress

The Board of Supervisors made the following reappointments to PEP:

(Community Information Committee – Richard Guthrie)
(Existing Business Committee – Ron Chaffin, Hi Nicely; and Mason Vaughan, Sr.)
(Finance Committee – Philip Baker; Gray Goldsmith; Danny Hardy; Tom McCarthy; and Eric Miller)
(Sites and Buildings Committee – Tom Douthat)
(Steering Committee – Ron Chaffin; Jane Graham; Richard Guthrie; Tom McCarthy; Hi Nicely; and Mason Vaughan, Sr.)

7. Social Services Board

The Board of Supervisors appointed Supervisor Charles Cook to the Social Services Board for a term ending June 30, 2002.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

12. Adjournment

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors adjourned to reconvene for a joint meeting with the Towns of Dublin and Pulaski Councils on Thursday, April 30th, 1998 and for a budget work session May 4, 1998 at 7:00 p.m. The next regularly scheduled meeting of the Board of Supervisors is set for Monday, June 1, 1998 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, N.W. in the Town of Pulaski, Virginia.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk