

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 13th DAY OCTOBER, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Larry N. Rush	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Angela M. Hill	-Financial & Management Director
	Vickie L. Swinney	-Secretary
ABSENT:	Ira D. Long	-Supervisors
	Joe C. Stewart	

CALL TO ORDER

Chairman Gorman called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited

PUBLIC ADDRESS SESSION

There being no speakers, the public address session was closed.

ADD TO THE AGENDA - ADDENDUM

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously the following addenda dated October 13, 1998 was added to the agenda:

Grant-Sheriff's Department

Executive Session

- Section 2.1-644 (A) (7) Consultation with Legal Counsel and Briefing by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provisions of Legal Advice by Counsel
3. Mid-County and Thompson Landfill

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Mary W. Biggs		Joe C. Stewart
Annette S. Perkins		
Larry N. Rush		
Joseph V. Gorman, Jr.		

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 13, 1998 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Ira D. Long
James D. Politis		Joe C. Stewart
Mary W. Biggs		
Larry N. Rush		
Joseph V. Gorman, Jr.		

Schedule Public Hearings

Request for Tax Exempt Status-SEEDS (Seek Education, Explore, Discover)

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing on Monday, October 26, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving comments on the following:

Request for Tax Exempt Status

-SEEDS (Seek Education, Explore, DiScover) proposal to request exemption from taxation from the General Assembly of all personal property owned by SEEDS, assessed at a value of \$14,050 with personal property tax liability in the amount of \$344.23, pursuant to Article X, Section 6(a) (6) of the Constitution of Virginia and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, and that such exemption should be categorized as charitable and benevolent.

Amendment to Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing on Thursday, November 12, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving comments on the following:

Amendment to Chapter 2, Division 5

An Ordinance Amending Chapter 2, Division 5, Entitled Tax Exemptions and Deferrals for Elderly and Handicapped Section 2-107 of the Code of County of Montgomery, Virginia, in Order to Change the Filing Date and to Increase the Income Limits from \$14,000 to \$21,000 for those Citizens Eligible for Tax Relief.

Supplemental Appropriation - Social Services

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

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410 Social Services \$19,966

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

240102 Public Assistance Payments \$19,966

Said resolution appropriates funds for the State Child Health Insurance Program.

Road Matters - Request Speed Study-Route 11/460 in Elliston

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors has been asked to request a speed study on US Route 11/460 in the Elliston area; and

WHEREAS, Vehicles travel at an excessive rate of speed in this area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors does hereby request the Virginia Department of Transportation to conduct a speed study on that portion of US 11/460 that extends through the Elliston Community to determine the feasibility of posting a reduced speed.

Authorization to Fill Position

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to fill the following position:

Site Attendant- Public Facilities, Collections

Office on Youth Advisory Board-Student Appointments

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints the following representatives to the **Office on Youth Advisory Board**, effective October 14, 1998 and expiring June 30, 1999:

Blacksburg High School

Valerie Young
Stephanie Hughes

Christiansburg High School
Rodney Andrews
Jennifer McLemore

Auburn High & Middle School
Benjamin Lee Loveday
April Lee Bryson

OLD BUSINESS

An Ordinance Amending Chapter 3, Entitled Animals

On a motion by James D. Politis, seconded by Mary W. Biggs and carried ,

ORDINANCE 1998-23

AN ORDINANCE AMENDING CHAPTER 3 ENTITLED ANIMALS, SECTIONS 3-1, 3-5, 3-7, 3-26, 3-27, 3-28, 3-28.1, 3-28.4, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34 AND 3-35 RESPECTFULLY OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, IN ORDER TO COMPLY WITH THE STATE ENABLING LEGISLATION AND TO MAKE THE LICENSE TAX THE SAME FOR OWNERSHIP OF FEMALE OR MALE DOGS AND SPAYED OR NEUTERED DOGS

BE IT ORDAINED by the Board of Supervisors of Montgomery County, Virginia, that Chapter 3, Sections 3-1, 3-5, 3-7, 3-26, 3-27, 3-28, 3-28.1, 3-28.4, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34 and 3-35 respectfully of the Code of the County of Montgomery, Virginia, be amended and reordained as follows:

Sec. 3-1 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal ~~Warden~~ Control Officer means the animal ~~warden~~ control officer and deputy animal ~~warden~~ control officer employed, contracted or appointed by the Board of Supervisors for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals or seizure and impoundment of companion animals.

Enclosure means a structure used to house or restrict animals from running at large.

Kennel means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Livestock means all domestic or domesticated; bovine animals (ox or cow); equine animals (horse); ovine animals (sheep); porcine animals (pig); cervidae animals (deer); caprae animals (antelope); animals of the genus lama; ratites (ostrich); and 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.

Other officer means all other persons employed or elected by the people of Virginia, or by any municipality, county or incorporated town thereof, whose duty it is to preserve the peace, to make arrests or to enforce the law.

Own and Owner means any person having a right of property in an animal or fowl and any person who keeps or harbors an animal or has the animal in his or her care, or who acts as a custodian of an animal.

Poultry means all domestic fowl and game birds raised in captivity.

Treasurer means the treasurer of the county and his or her assistants.

Sec. 3-5. Dangerous animals-Generally.

No person shall suffer or permit any animal belonging to him or her under his or her control, and known to be dangerous or reasonably suspected of being dangerous, to go at large within the county. If the owner or such person having control, upon notice that such animal is at large, fails to take it into custody forthwith, and its running at large creates a danger to the public or to any person or property, the animal shall be killed forthwith by order of the animal ~~warden~~ control officer when deemed necessary for public safety.

Sec. 3-7. Cruelty to animals; penalty.

(a) Any person who does any of the following shall be guilty of a class 1 misdemeanor:

(1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelty or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or

(2) Deprives any animal of necessary ~~sustenance~~, food, drink, ~~or shelter~~ or emergency

veterinary treatment; or

- (3) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or
- (4) 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
- (5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another.

(b) 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.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(d) For the purposes of this section, the work animal shall be construed to include birds and fowl.

Sec. 3.26. Animal ~~warden control officer~~; deputy animal ~~wardens control officer~~.

(a) The enforcement of this article shall be vested in an animal ~~warden control officer~~ and deputy animal ~~warden control officers~~. The board of supervisors shall appoint an officer to be known as the animal ~~warden control officer~~ who shall have exclusive jurisdiction as to enforcement of this article in the county. The board of supervisors may also appoint one (1) or more deputy animal ~~warden control officer~~ to assist the animal ~~warden control officer~~ in dog inspection activities and in the enforcement of this article. A deputy animal ~~warden control officer~~ shall have the powers and duties of an animal ~~warden control officer~~. The animal ~~warden control officer~~ and deputy animal ~~wardens control officer~~ shall be paid such compensation as the board of supervisors may prescribe.

(b) The appointments of the animal ~~warden control officer~~ and deputy animal ~~wardens control officers~~ shall be by the board of supervisors ~~on or before June thirtieth for one (1) two (2) three (3) or four (4) years, whichever is deemed appropriate in the sole discretion of the board of supervisors, commencing on July first and expiring on June thirtieth of the year of expiration with the said officers employment being under the same terms and conditions as all other county employees under the supervision of the county administrator.~~

Sec. 3-27. Dogs deemed personal property.

All dogs shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. The owners thereof may maintain any action for the killing of any such dogs, any injury thereto, or unlawful detention or use thereof as in the case of other personal

property. The owner of any dog which is injured or killed contrary to the provisions of this article by any person shall be entitled to recover the value thereof or the damages done thereto in an appropriate action at law from such person. An animal ~~warden control officer~~ or deputy or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action before a lawful court. If no such action is instituted within ~~five (5)~~ seven (7) days, the animal ~~warden control officer~~, deputy or other officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises but it shall be his or her duty to notify the animal ~~warden control officer~~ thereof and the animal ~~warden control officer~~ shall take such dog in charge and notify its legal owner to remove him or her. The legal owner of the dog shall pay such daily fees as set from time to time by the board of supervisors for the keep of such dog while in the possession of the animal ~~warden control officer~~.

Sec. 3-28. County dog pound; confinement and disposition of stray dogs.

(a) Rules and regulations for the operation of the county dog pound consistent with this article may be adopted from time-to-time by resolution of the board of supervisors.

(b) Dogs running at large without the tag required by this article shall be confined in the county dog pound ~~Any dog which has been so confined for a period of at least not less than five (5) days, and has not been claimed by the owner thereof shall be destroyed or otherwise disposed of as provided by law. The five day such period shall to commence on the day immediately following the day the dog is initially confined in the facility unless sooner claimed by the rightful owner thereof.~~

(c) The operator or custodian of the pound shall make a reasonable effort to ascertain whether the dog has a collar, tag, license, tattoo or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following the animals confinement. If the animal confined pursuant to this section is claimed by its rightful owner, such owner shall be charged with the actual expenses incurred in keeping the animal impounded.

(~~e~~)(d) Either a custodian of a dog or an individual who has found a dog may qualify as owner and may claim the dog by expressing his or her desire in writing to claim the dog at the expiration of the ~~five days~~ appropriate holding period set out in this section and after payment of the required license fee.

(e) If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period, the animal shall be deemed abandoned and become the property of the pound. If such abandoned animal did not when delivered to the pound bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by:

1. Sale or gift to a federal agency, state-supported institution, agency of the

Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days;

2. Deliver to any humane society or animal shelter within the Commonwealth;
3. Adoption by any person who is a resident of the county and who will pay the required license fee, if any, on such animal;
4. Adoption by a resident of an adjacent political subdivision of the Commonwealth to the county;
5. Delivery, for the purposes of adoption or euthanasia only, to a humane society or an animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter: (I) maintains records which would comply with Section 3.1-796.105 of the Code of Virginia, 1950, as amended; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the state veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

If such abandoned animal when delivered to the pound bore a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods described in Subdivisions 2, 3 or 4 above.

The pound shall not deliver more than two animals or a family of animals during any thirty-day period to any one person under the methods described in Subdivisions 3 or 4 above.

~~(d)~~ (f) No provision in this section shall prohibit the immediate destruction of a critically injured or critically ill or unweaned animal for humane purposes. Any animal destroyed pursuant to the provisions of this article shall be euthanized by one (1) of the methods prescribed or approved by the state veterinarian. The pound shall be accessible to the public at reasonable hours during the week. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a pound or enclosure. Neither shall any provision in this section prohibit the destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

Sec. 3-28.1. Sterilization of adopted dogs and cats; enforcement.

(a) Every new owner of a dog or cat adopted from the county dog pound shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision (2) of subsection (b) of this section.

(b) A dog or cat shall not be released for adoption unless:

(1) The animal has already been sterilized; or

- (2) The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (I) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.

(c) The animal ~~warden~~ control officer may extend for thirty days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the animal ~~warden~~ control officer may negotiate the terms of an extension of the date by which the animal must be sterilized.

(d) Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.

(e) Upon the petition of an animal ~~warden~~ control officer, investigator, or the State Veterinarian or his designee to the district court of the county or city where a violation of Section 3-29, through 3-35 occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed.

(f) Any person who violates subsection (a) or (b) of this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00).

Sec. 3-28.4. Notification concerning lost, stolen or dead dogs or cats; civil penalty.

If an adopted dog is lost or stolen or dies before the animal is sterilized and before the date by which the dog is required to be sterilized, the new owner shall within seven (7) days of the animal's disappearance or death, notify the animal ~~warden~~ control officer of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars (\$25.00).

Sec. 3-29. Certain unlawful acts.

It shall be unlawful:

- (1) For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his or her premises if such disease is known to the owner;
- (2) For the owner of any female dog to permit such dog to stray from his or her premises while such dog is known to such owner to be in season; and such dog, insofar as is practicable, shall be confined from public view;
- (3) For any person, except the owner or custodian, to remove a legally acquired license tag from a dog;

- (4) For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the same from being killed.
- (5) For any person to make a false statement in order to secure a dog license to which he or she is not entitled.
- (6) For any dog owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and proper disposition of the dog.

Sec. 3-30. Dogs killing, injuring or chasing livestock or poultry.

(a) It shall be the duty of any animal ~~warden~~ control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal ~~warden~~ 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. The court through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

(b) Any animal ~~warden~~ control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. Any animal ~~warden~~ control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (I) killed immediately, by the animal ~~warden~~ control officer or other officer designated by the court or (ii) remove to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be order by a court to be killed immediately.

Sec. 3-31. Compensation for livestock and poultry killed by dogs.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the governing body of the county the fair market value of such livestock or poultry, not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl. Nothing in this section shall be construed as limiting the common law liability of an owner of a dog for damages committed by it.

- (b) No payment by the county shall be made under this section until:
- (1) The claimant has furnished evidence under oath to the board within sixty (60) days of discovery 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;
 - (2) The claimant has exhausted his or her remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought, and the claimant shall submit to the governing body evidence that he or she has exhausted his or her legal remedies against the owner of the dog, if such owner is known; and
 - (3) The owner of such livestock or poultry has notified the ~~dog warden~~ animal control officer for the county of his or her intention to make a claim under this section and shall have afforded the animal ~~warden~~ control officer an opportunity to view such livestock or poultry within ~~twenty four (24)~~ seventy-two (72) hours of the discovery by the owner of the death of, or injury to, such livestock or poultry, and such ~~dog warden~~ animal control officer certifies to the governing body that he or she found physical evidence upon the livestock or poultry showing that one (1) or more dogs caused such injury or death.

Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(c) Upon payment under this section the board shall be subrogated 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 the same in an appropriate action at law.

Sec. 3-32. Disposal of dead dogs.

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

Sec. 3-33. Rabid ~~dogs~~ animals.

(a) Dogs or cats showing active signs of rabies or which are suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one (1) of the methods approved by state veterinarian as provided in ~~Code of Virginia~~, section 3.1-796.96. of the 1950 Code of Virginia, as amended.

(b) Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the health department the existence of such animal, the

place where seen, the owner's name, if known, and the symptoms suggesting rabies.

(c) Any dog or cat which no proof of current rabies vaccination is available, and which is ~~bitten by an animal believed to be afflicted with~~ exposed to rabies through a bite, or through saliva or central nervous system tissue in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six (6) months at the expense of the owner. However, if this is not feasible the dog or cat shall be euthanized by one (1) of the methods approved by the state veterinarian as provided in ~~Code of Virginia,~~ section 3.1-796.96 of the 1950, Code of Virginia, as amended. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so ~~bitten or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane~~ with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the health department for a period of ninety (90) days.

(d) At the discretion of the director of the health department, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized as provided in ~~Code of Virginia,~~ section 3.1-796.96 of the 1950 Code of Virginia, as amended, and its head sent to the division of consolidated laboratory services of the state department of general services, or the local health department, for evaluation.

(e) When any potential rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of the local health director in a manner approved by the health department or humanely euthanized as provided in Section 3.1-796.96 of the 1950 Code of Virginia, as amended, and its head sent to the Division of consolidated laboratory services of the department of general services or the local health department for evaluation.

(f) When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of the local health director in a manner approved by the health department or humanely euthanized as provided in section 3.1-796.96 of the 1950 Code of Virginia, as amended.

Sec. 3-34. License -Procedures; tax.

(a) *How to obtain license.* Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article. The treasurer or other officer charged with the duty of issuing dog licenses shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and he or she may require information to this effect from any applicant. Upon receipt of proper application and a current certificate of vaccination, the treasurer or other officer charged with the duty of issuing

dog licenses shall issue a license receipt for the amount and on which he or she shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver metal license tags or plates. The information thus received shall be retained by the treasurer and be 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 licenses.

(b) *Evidence of rabies inoculation required for obtaining 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 or her showing that such dog has been currently inoculated or vaccinated against rabies ~~within the last thirty (30) months~~ by a current licensed veterinarian, or by a certified animal technician who is under the immediate and direct supervision of a licensed veterinarian.

(c) *License tax-Generally.* Except as otherwise provided in this section or by law, it shall be unlawful for any person to own a dog four (4) months old or older in the county unless such dog is licensed as required by the provisions of this article. Dog licenses shall run by the calendar year, namely, from January first to December thirty-first, inclusive, and the license tax, which shall be the only license tax on dogs in this county, shall be payable to the county treasurer and shall be as follows:

- (1) For a male/female dog, five dollars (\$5.00);
- (2) For a spayed/neutered dog, three (\$3.00);
- (3) For a kennel of not more than twenty (20) dogs, twenty-five dollars (\$25.00);
- (4) For a kennel of twenty-one (21) to fifty (50) dogs, thirty-five dollars (\$35.00).

Any owner of a dog, or dogs, locating in the county shall not be required to purchase a license for such until the beginning of the next full license year, provided that his or her dog, or dogs, are lawfully licensed at his or her former residence or domicile.

(d) *Same-When payable;*

- (1) The license tax on dogs shall be due and payable as follows:
 - a. On or before January first and not later than January thirty-first of each year, the owner of any dog ~~six (6)~~ four (4) months old or older shall pay a license tax as prescribed in this section.
 - b. If a dog shall become ~~six (6)~~ four (4) months of age or come into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by

the owner.

c. If a dog shall become ~~six (6)~~ four (4) months of age or come into the possession of any person between October thirty-first and December thirty-first 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 from the date of purchase.

(2) Payment of the license tax subsequent to the summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

Sec. 3-35. Same-Display of receipts; dog to wear tags.

(a) Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal ~~warden~~ control officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and shall be worn by such dog.

(b) Except as provided in this section, 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.

(c) It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting, when the dog is competing in a dog show, when the dog has a skin condition which would be exacerbated by the wearing of a collar, when the dog is confined, or when the dog is under the immediate control of its owner.

Adopted by the Board of Supervisors of the County of Montgomery, Virginia this 13th day of October, 1998.

The vote on the foregoing ordinance was as follows:

AYE

Annette S. Perkins
James D. Politis
Mary W. Biggs
Joseph V. Gorman, Jr.

NAY

Larry N. Rush

ABSENT

Ira D. Long
Joe C. Stewart

Renewal of Agricultural & Forestal District 14

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

ORDINANCE 1998-24
An Ordinance Renewing Agricultural
and Forestal District (AFD-14) Within
Montgomery County, Virginia

WHEREAS, Richard & Dianne Hyatt and Philip & Kim Wickham have filed an application for the renewal of AFD-14 on May 7, 1998, which Agricultural and Forestal District was created by an ordinance adopted on the 14th day of August, 1990; and

WHEREAS, The applications were referred to the Planning Commission on the 8th day of June, 1998; and

WHEREAS, The Planning Department held a public meeting on the 16th day of April, 1998; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the applications and reported its findings and recommendations on the 30th day of July, 1998; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on the 18th day of June, 1998 in the New River Valley Current, a newspaper of general circulation within Montgomery County, Virginia, and

WHEREAS, The Planning Commission held a public hearing on the 12th day of August, 1998; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on the 13th day of August, 1998; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on the 28th day of September, 1998.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as an economic and environment resource of major importance is also in the public interest.

That this Agricultural and Forestal District, AFD-14, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31st day of December, 2006 in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1506 through 15.1-1513 Code of Virginia, 1950, as amended.

That said District as renewed shall consist of approximately 514 acres in the Shawsville Magisterial District of Montgomery County, and shall include the following parcels:

	<u>TAX PARCEL</u>	<u>ACRES</u>
Philip & Kim Wickham 2438 Fishers View Rd Shawsville, VA 24162	111-A-43,44	75.019
	111-A-53	<u>84.806</u>
		159.825
Richard & Diane Hyatt 2720 Timber Rd Shawsville, VA 24162	111-A-23	120
	111-A-24	6
	111-A-25	51
	111-A-26	13.12
	111-A-27	10.5
	111-A-28	6.25
	111-A-29	23.9
	111-A-30	73.8
	111-A-47A	<u>50</u>
		354.57
TOTAL		514.395

That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.

That the owners of land within said District shall not terminate the District except in accordance with Section 15.1-1513 of the Code.

That lawful termination of any owners association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are not in conflict with the Agricultural and Forestal Districts Act. Further, the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this Ordinance.

That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency

for the preparation of such a plan within one year of the establishment of the district.
This Ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Larry N. Rush		Joe C. Stewart
Mary W. Biggs		
Annette S. Perkins		
Joseph V. Gorman, Jr.		

Equalization Review Dates

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

ORDINANCE 1998-25
An Ordinance to Provide for Application
and Disposition Deadlines for the Orderly
and Efficient Processing of Equalization
of Real Estate Assessments

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that the deadline for receipt of applications to the Montgomery County Board of Equalization shall be February 15, 1999 and the deadline for disposition of applications by the Board of Equalization shall be March 15, 1999.

This action shall be consistent with Section 58.1-3378 of the Code of Virginia, 1950, as amended, which allows the Board of Supervisors to provide for application and disposition deadlines for the orderly and efficient processing of equalization of real estate assessments

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Ira D. Long
Larry N. Rush		Joe C. Stewart
Annette S. Perkins		
James D. Politis		
Joseph V. Gorman, Jr.		

Remove from Table-Board of Equalization Appointments

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby **removes** from the table the Board of Equalization Appointments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Mary W. Biggs		Joe C. Stewart
Larry N. Rush		
Annette S. Perkins		
Joseph V. Gorman, Jr.		

Board of Equalization Appointments

On a motion by Mary W. Biggs, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That pursuant to Section 58.1-3370 of the 1950 Code of Virginia, as amended, the Board of Supervisors of Montgomery County does hereby request the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County, Virginia to create and appoint for Montgomery County a Board of Equalization of real estate assessments.

FURTHER, It is requested that the Board of Equalization consist of **5** Landowners of the County.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Ira D. Long
James D. Politis		Joe C. Stewart
Mary W. Biggs		
Larry N. Rush		
Joseph V. Gorman, Jr.		

Blacksburg Middle School-Remove from the Table

On a motion by Mary W. Biggs and Larry N. Rush and carried unanimously the Board of Supervisors of Montgomery County, Virginia hereby removes from the table the Blacksburg Middle School Resolution.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	Ira D. Long
Mary W. Biggs		Joe C. Stewart

James D. Politis
Annette S. Perkins
Joseph V. Gorman, Jr.

Remove from the Agenda-Blacksburg Middle School

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously, the Board removed the Blacksburg Middle School resolution from the agenda to be added to the October 26, 1998 agenda for all Board Members to be present.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Ira D. Long
Mary W. Biggs		Joe C. Stewart
James D. Politis		
Larry N. Rush		
Joseph V. Gorman, Jr.		

NEW BUSINESS

Proposed Budget Calendar Fiscal Year 1999-2000

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed FY1999-2000 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors that departments, offices and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting following December 18, 1998.

COUNTY OF MONTGOMERY
BUDGET CALENDAR FOR 1999-2000

The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

DATE

County budget.

October 30, 1998

January 1999

Budget Training Worksessi
for Departments and Agencie

November 19, 1998

FUNCTION

Base Budget Request for departments, agencies : organizations (except Schools) returned to Administrator. Budget Adde request for all departme agencies and organizati (except for School) returned Co. Administrator.

December 18, 1998

Budget working documents delivered to departments and agencies along with special instructions and guidelines, including initial budget session with department heads to set over-all direction for County to identify major needs, gaps in services and to provide larger program context for changes in

Administrative review of buc requests.

October 13, 1998

RESPONSIBILITY

County Administration
and Financial and
Management Services

Feb. 8-12, 1999

Public Hearing for citizen inp

School Budget delivered
County Administrator.

February 26, 1999

D i s t r i b u t e b u d g
recommendations to Cou
Departments and Offices.

Feb. 26 - March 9, 1999

Budget document delivered
Board of Supervisors and pla
in Libraries.

March 10, 1999

Budget study sessions by
Board.

Financial & Management
Services and
Information
Management Services

March 14, 1999

Establish proposed tax rate
prepare budget synopsis not
of public hearing in paper.

Directors, Departments,
and Agency Heads

March 23, 1999

Publishment date for pu
hearings on proposed tax rate
budget synopsis.

March 24 - April 9, 1999

Public Hearing on proposed
rate and budget.

By June 30, 1999

Adopt budget (including Scho
and establish tax rate.

After July 1, 1999

Make final budget appropriat

County Administrator

Departments & Agencies noti
of final appropriation.

January 11, 1999

February 10, 1999

October 13, 1998

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Board of Supervisors

School Board

County Administrator

County Administrator

Board of Supervisors

Board of Supervisors

County Administrator

Board of Supervisors

Board of Supervisors

Board of Supervisors

County Administrator

1. PUBLIC HEARING: A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.
2. TAX RATE AND BUDGET: The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.
3. CAPITAL IMPROVEMENTS BUDGET: The Capital Improvements Budget should be available to be considered along with Operating Budget if desired.

4. LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 1999 or within 30 days after receipt of State revenue estimates, whichever is later.
5. The planned schedule for processing first installment of Real Estate Taxes due June 5, 1999 is as follows:

<u>DATE</u>	<u>FUNCTION</u>
Mar. 24-Apr. 9, 1999	Board of Supervisors adopts FY 1999-2000 Budget.
April 15, 1999	Commissioner of Revenue notifies Information Management Services that landbook is complete and processing may begin.
April 15-19, 1999	Information Management Services delivers tax tickets to Treasurer as printing is completed.
May 5, 1999	Treasurer's Office mails tax tickets to taxpayers.
June 5, 1999	First installment of Real Estate Taxes is due.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Ira D. Long
James D. Politis		Joe C. Stewart
Larry N. Rush		
Mary W. Biggs		
Joseph V. Gorman, Jr.		

GRANT - SHERIFF'S DEPARTMENT

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the submission of a grant proposal to the Department of Criminal Justice Services for a Criminal History Records Improvement Grant to obtain funds for software and hardware replacements in the Sheriff's Office.

FURTHER BE IT RESOLVED, That funds currently appropriated for the Joint Automation Plan will be used to meet the 25% cash match.

Said resolution authorizes the Sheriff's Office to apply for funding through the Department of Criminal Justice Services.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Larry N Rush		Joe C. Stewart
Annette S. Perkins		
Mary W. Biggs		
Joseph V. Gorman, Jr.		

COUNTY ATTORNEY'S REPORT

AEP Property- The County Attorney reported that the easements toward the AEP Substation was still being determined by Appalachian Power Company and once the easements have been determined, the plats will be recorded by Appalachian Power. The County Attorney also reported that any lease agreements AEP has on the land being donated will be terminated prior to the County accepting ownership. If the County wants to lease the land until any future decision is made on the possible uses of the land, the County may do so. The County is not required to competitively bid out the lease but the County Attorney recommended to do so.

By-Laws of Virginia's First Regional Industrial Facility Authority- The County Attorney stated that a draft of the By-Laws of Virginia First Regional Industrial Facility Authority was included in the Board's packet for review. The County Attorney explained there were two items the Board needs to consider; 1) Appointment of two members to serve on the Board of Directors and, 2) Executive Committee- should the Authority set up an Executive Committee and how much authority they would have.

COUNTY ADMINISTRATOR'S REPORT

CIP Process Proposal- Carol Edmonds, Assistant County Administrator, and Angie Hill, Financial & Management Director, presented the Proposed Capital Improvement Process (CIP) to the Board of Supervisors. A study of the current CIP process and the CIP process used by similar localities were done by staff members and the findings and recommendation were presented as follows:

Why should the County change their current CIP process? 1) Fund maintenance items as part of the Operating Budget not in the CIP process; 2) Develop a Capital Budget, to include all projects including the schools; and 3) Coordinate the Capital Budget and the Operating Budget to make sure the on-going costs of capital projects are in the operating budget.

The County's current CIP definition of a capital improvement project allows projects that are regular maintenance items to be considered as capital projects. The new proposed CIP definition would exclude maintenance items from the CIP process and include them in the operating budget. The proposed definition would increase the dollar amount from the current amount of \$10,000 to \$30,000 in FY 2001, to \$50,000 in FY 2002. This gradual increase would allow a transition period for departments during the implementation of the new process. The useful life would increase from 3

years to 5 years, and under the current definition and the proposed definition, grouping of similar items into a single project will be permitted.

The new proposed CIP process would include:

1. Board of Supervisors to approve a point system to rank projects.
2. Project requests would be screened by staff to determine if they meet the new CIP definition .
3. Projects that meet the definition would be ranked using the point system and forwarded to the Planning Commission.
4. Fire and Rescue requests would be sent to a special committee consisting of fire and rescue representatives to rank these requests.
5. The Planning Commission would make recommendations to the Board of Supervisors based on compliance with the Comprehensive Plan.
6. The Board would make final decisions regarding the projects and then approve the Capital Budget.

Recommendations to the Board of Supervisors on the proposed CIP process included approving the CIP Committee's current recommendations for FY 1999-2000 for the FY 2000 budget process, advise departments through the FY 99-2000 operating budget instructions on projects that should be handled through the operating budget, not the CIP process, and develop a capital budget for FY 2001 which includes schools. The new process for CIP should begin in FY 2001.

Secondary System of State Highway Report- A report that lists the Changes to the Secondary System of State Highways in Montgomery County is included in the Board's packet for review.

County/School Liaison Meeting- The County Administrator attended the County/School Liaison Meeting. They discussed the Blacksburg Middle School and the Christiansburg Middle School property and utilizing construction management approach to future school construction. The next meeting is scheduled for November 11, 1998.

Update-Road Issues Report- The update report on the road issues is included in the Board's packet for review.

BOARD MEMBERS' REPORTS

Supervisor Biggs- Attended the School Board meeting held October 6, 1998. The following issues were discussed:

Usage of Bethel School for staff development, Superintendent Goals and the Year 2000 Goals. A work session is scheduled for October 28 , 1998 to discuss the reduction of class size.

1. Martha J. Boone vs Montgomery County School Board and Montgomery County
 2. Shelor Automotive Group vs Montgomery County
 3. Mid-County and Thompson Landfill
- (3) Discussion or Consideration of the Condition, Acquisition, or Use of Real Property for Public Purpose
1. Blacksburg Middle School
 2. Christiansburg Middle School

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Ira D. Long
James D. Politis		Joe C. Stewart
Larry N. Rush		
Annette S. Perkins		
Joseph V. Gorman, Jr.		

OUT OF EXECUTIVE SESSION

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors ends their Executive Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Ira D. Long
Mary W. Biggs		Joe C. Stewart
James D. Politis		
Larry N. Rush		
Joseph V. Gorman, Jr.		

CERTIFICATION OF EXECUTIVE SESSION

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush
Annette S. Perkins
James D. Politis
Mary W. Biggs
Joseph V Gorman, Jr.

NAYS

None

ABSENT DURING VOTE

Ira D. Long
Joe C. Stewart

ABSENT DURING MEETING

Ira D. Long
Joe C. Stewart

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, October 26, 1998 at 7:00 p.m.

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Annette S. Perkins		Joe C. Stewart
Mary W. Biggs		
Larry N. Rush		
Joseph V. Gorman, Jr.		

The meeting adjourned at 10:10 p.m.