

**HENRY COUNTY BOARD OF SUPERVISORS
MINUTES**

June 24, 2008 – 3:00 pm

The Henry County Board of Supervisors held its regular meeting on June 24, 2008, at 3:00 pm in the Board Meeting Room of the County Administration Building, King's Mountain Road, Collinsville, Virginia. The following Board members were present: Chairman Jim Adams, Debra Buchanan, Paula Burnette, Jim McMillian and Tommy Slaughter. Vice Chairman H. G. Vaughn was on vacation.

Staff members present were Benny Summerlin, County Administrator; Tim Hall, Deputy County Administrator; George Lyle, County Attorney; Susan Biege, Administrative Assistant; Jimmie Wright, Director of Accounting; Darrell Jones, Assistant Director of Accounting; and Susan Reynolds, Director of Human Resources.

Major Steve Eanes and Deputy Mike Hooper were present from the Sheriff's Office.

Mickey Powell of the Martinsville Bulletin was present.

Chairman Adams gave the invocation and Jim McMillian led in the Pledge of Allegiance.

CALL TO ORDER

Chairman Adams called the meeting to order and welcomed everyone present. He stated that anyone who wishes to be on the Agenda for the Board's regular business meeting held at 3:00 pm must contact the County Administrator's Office seven days prior to a scheduled meeting. Those wishing to speak at the Board's public meeting starting at 6:00 pm may do so under Agenda Item -

Matters Presented by the Public without contacting the County Administrator's Office.

ITEMS OF CONSENT:

Confirmation of Minutes of Meetings

1) May 27, 2008

(Copy included in Board's File).

Approval of Accounts Payable

(Copy included in Board's File).

Mr. McMillian moved that the Board approve Items of Consent as presented, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

INTRODUCTION OF KAY DUNKLEY, DIRECTOR OF REYNOLDS HOMESTEAD:

Mr. Summerlin stated Dr. Kay Dunkley, the new director of Virginia Tech's Reynolds Homestead Continuing Education Center in Critz, requested time on the Board's agenda to introduce herself and discuss activity at Reynolds Homestead.

Dr. Dunkley thanked the Board for the opportunity to meet with them. She stated she has been the new director of Virginia Tech's Reynolds Homestead in Critz since April. She briefly discussed the three aspects of Reynolds Homestead.

- 1) **Reynolds Homestead** is a research center and Virginia Tech has placed on site a laboratory setting conducting research with grasses, timber, proteoides, pesticides, streams, waterways and wildlife.
- 2) **Reynolds Homestead** is the historic home of R. J. Reynolds in the Rock Spring Plantation built on the property in Critz, VA in 1843. R. J. Reynolds was a

banker and tobacco manufacturer and farmer. It was through his brothers and his sons and the lineage of his family which created the development of Reynolds Metals and R. J. Reynolds Tobacco Company.

- 3) **Reynolds Homestead** is a Continuing Education Center, and currently offers lectures by famous authors and provides performances both vocal and instrumental.

Dr. Dunkley stated Virginia Tech feels Reynolds Homestead needs to improve and expand in economic development. She stated she would like to request the Board of Supervisors' assistance in how they can better serve and share their expertise of its faculty of Virginia Tech Campus to come and provide the Board with leadership opportunities in graduate courses for citizens and constituents in each community. Dr. Dunkley distributed a package of information regarding highlights on Reynolds Homestead Continuing Education Center to each Board member. (Copy included in Board's File).

Dr. Dunkley also noted that rooms at the Reynolds Homestead are available for meetings, weddings, etc. and seating capacity is approximately 300. She stated they also offer tours of the historic home which takes place on Saturday and Sunday between 1:00 pm and 4:00 pm.

The Board thanked Dr. Dunkley for her comments.

CONSIDERATION OF EXTENSION OF TRANSITION DAY PROGRAM CONTRACT AND PROPOSED FY 2009 BUDGET:

Mr. Summerlin stated that Henry County, the County's Community Policy and Management Team (CPMT) and Henry County Schools are charged with providing an educational program specifically designed to address the needs of certain special education students. CPMT and the school system are recommending that ANCHOR continue to run the program for the 2008-09 academic year under the name ANCHOR

Transitional Day Program. The program is run cooperatively by the school system and CPMT, with the administrative costs being borne by CPMT and the costs of two teachers and two paraprofessionals being borne by the school system. The program would again be on site at ANCHOR. The proposed budget for '09 is \$105,893, which is included in the CPMT budget for next year. Henry County is a party to the agreement and must approve the extension of the contract with ANCHOR. The extension already has been approved by the CPMT and the School Board. A copy of ANCHOR's FY 2009 Budget was distributed to each member of the Board. (A Copy of the Proposed FY '09 Budget and FY '08 Contract is included in Board's File).

Mrs. Buchanan moved that the Board extend the contract with ANCHOR in the amount of \$105,893 to run the Transitional Day Program for the 2008-09 academic year, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION OPPOSING APPALACHIAN POWER COMPANY'S REQUESTED RATE INCREASE:

Mr. Summerlin stated Supervisors McMillian, Buchanan, and Burnette requested that this item be placed on the agenda. Appalachian Power Company has petitioned the State Corporation Commission for permission to increase its rates by nearly 24 percent. The rate increase, if granted, would take effect in November. Staff has drafted a resolution opposing the rate increase. If approved, it would be submitted to the SCC for its consideration. (A Copy of the News Release from the State Corporation Commission and Proposed Resolution is included in Board's File).

Mr. Larry Jackson, Manager External Affairs of American Electric Power, was present to answer any questions.

Mrs. Burnette stated additional information would be helpful. She noted that one item in the resolution acknowledges the unemployment rate that is out-of-line with the state average and certainly out-of-line with the national average. She stated there was a request last year for a similar rate increase and the State Corporation Commission turned it down. The hearing this year is scheduled for October 29, 2008, at 10:00 am in the SCC's courtroom on the second floor of the Tyler Building in Richmond.

Mr. Jackson stated AEP is aware of the resolution and the rate increase involves two separate increases. He stated he would provide the Board with additional information in the near future.

Mrs. Burnette moved that the Board delay this item until the July meeting to allow AEP to provide the Board with additional information, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION REGARDING REGIONAL WATER SUPPLY PLAN:

Mr. Summerlin stated that Henry County is in ongoing discussions regarding the preparation of a regional water supply plan, as directed by the Commonwealth of Virginia, to be in place by November 2011. The West Piedmont Planning District Commission has taken the lead for this region and is working with Henry County, Patrick County, Pittsylvania County, City of Danville, City of Martinsville, Town of Ridgeway; Town of Stuart, Town of Chatham, Town of Gretna, and Town of Hurt in the development of a regional water supply plan. The resolution is part of the process in crafting the regional plan, and caps Henry County's cost of participation at \$18,585 for FY '09. Funds were included in the budget for this purpose. (A copy of the Resolution is included in Board's File).

Mrs. Burnette moved that the Board approve the resolution, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

CONSIDERATION OF RESOLUTION REGARDING GENERAL ASSEMBLY'S SPECIAL SESSION FOR TRANSPORTATION:

Mr. Summerlin stated the Virginia General Assembly began a special session on transportation issues on Monday in Richmond. At the urging of the Virginia Association of Counties (VACo), staff has drafted a resolution urging the General Assembly and Governor Kaine to work together to create a meaningful plan for Virginia's transportation crisis. (A copy of the Proposed Resolution is included in Board's File).

Mrs. Burnette moved that the Board approve and authorize the resolution be sent to members of the General Assembly and Governor Kaine, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

FINANCIAL MATTERS:

Award of Contract re: Jail Cameras – Sheriff's Office

Mr. Summerlin stated Sheriff Perry is requesting that the Board award a contract in the amount of \$63,398.86 to EMI Security LLC to replace security cameras in the jail. The purchase would be made on a continuation from a previous bid, and therefore no bids were issued specific to this purchase. The money for the purchase would come from the Sheriff's Office's current budget.

Mrs. Buchanan moved that the Board award the contract in the amount of \$63,398.56 to EMI Security LLC to purchase replacement security cameras for the Henry County Jail, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Award of Contract re: Replacement Vehicle – Public Safety

Mr. Summerlin stated Dale Wagoner, Director of Public Safety, is requesting an award of contract in the amount of \$28,295 for the purchase of a replacement vehicle for the Fire Marshal's office. The 2009 Ford Expedition would be purchased from Sheehy Ford of Richmond. Sheehy had previously submitted the low bid to Henry County for this type of vehicle and is willing to provide this price for the 2009 model. The money would be taken from the current budget. The Board of Supervisors made the additional appropriation for this purchase at its May 27 meeting.

There was some discussion regarding delivery of new vehicles and the transfer of old vehicles to other County departments and agencies.

Mrs. Burnette moved that the Board award a contract in the amount of \$28,295 to Sheehy Ford of Richmond for the purchase of a 2009 Ford Expedition as a replacement vehicle for the Fire Marshal's Office, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Acceptance of Interoperability Grant – Public Safety

Mr. Summerlin stated last month the Board was told of an Interoperability Grant secured by the Department of Public Safety to assist Henry County, Patrick County, Franklin County, and the City of Martinsville. Director of Public Safety Dale Wagoner is requesting that the Board formally accept the grant in the amount of \$1,040,000 from the Department of Homeland Security. As indicated by Mr. Wagoner the grant will address tactical radio interoperability among the jurisdictions. The grant requires a 20% cash or in-kind match from the localities, and details of that match and other items are still being considered. Mr. Wagoner is asking that the Board accept the grant, and he will come back to the Board at a later date for appropriation of the money, after all details are

complete. Mr. Wagoner also requests approval of a resolution that designates Henry County's Public Safety Director, the County Administrator, and the Finance Director as the authorized agents for the grant. (A Copy of Resolution is included in Board's File).

Mrs. Buchanan moved that the Board approve acceptance of the grant and approve the resolution as outlined, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

Mr. Adams asked Mr. Wagoner to comment on the new tower on 57 West of Bassett as to how long it will take to have the equipment in place and in particular additional cell phone providers.

Mr. Wagoner stated not only is there a new tower on 57 West of Bassett but also in Axton and Chestnut Knob. Mr. Wagoner stated the radio project itself, which the towers are a big component of the project, is moving along well. He stated all the infrastructure and technology has been designed and signed off on and is here locally. He stated the sites will be ready as soon as they are signed off on and the 911 Center is ready to accept the equipment. He stated new radios have been installed in all law enforcement and public safety vehicles and installations have begun in the fire departments this week.

Mr. Wagoner stated the County has a contract with a cellular provider for the Bassett tower and as soon as the site is turned over it should be ready to go. He stated the County's contract is with Vista PCS and there are other sites being built in the County. He stated the date he has heard is early 2009 that all sites should be turned on.

Mrs. Burnette asked if the County was at the top of the list in the group of grant requesters.

Mr. Wagoner stated the Commonwealth of Virginia only received \$25,000,000 total allocation from the Department of Homeland Security for this grant. He stated the Commonwealth of Virginia kept 20% for state-wide projects and Henry County and surrounding localities only received the largest distribution and was at the top of the list for \$1,040,000. He stated once this project is implemented it will be a good environment for the County where they will be able to talk with all surrounding localities in a good and positive way using newer technology and will give secure communication capabilities for the Sheriff's Office to further expand its data capabilities with more affordable radios at the grassroots level with fire and rescue so volunteers do not have to purchase those items. He stated just looking at Henry County's section of the Commonwealth it will do a lot to improve interoperability in a VHF Region. He stated with other localities as far away as Roanoke County or northern Virginia, Henry County will have the technology in place to communicate with those agencies should they have to come to Henry County.

The Board thanked Mr. Wagoner for his comments.

Acceptance of and Additional Appropriation of Fire Programs Grant – Public Safety

Mr. Summerlin stated the Director of Public Safety Dale Wagoner is asking the Board to accept and appropriate a grant in the amount of \$4,500 from the Virginia Department of Fire Programs. The grant requires no local match and would be used for maintenance on the Henry County Burn Building.

Mrs. Buchanan moved that the Board accept the grant and approval of the additional appropriation, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

INFORMATIONAL ITEMS:

Mr. Summerlin discussed a press release with the Board regarding the Commonwealth Transportation Board approving funding for a public transportation pilot program in the Martinsville-Henry County area. The grant is in the amount of \$114,000 with the total project costing \$130,000. The administrator of the grant will be run by RADAR (a non-profit organization) based in Roanoke, VA. (Copy in Board's File).

Mr. Summerlin stated the General Joseph Martin Celebration is scheduled Saturday, June 28 beginning 10:00 am at the Historic County Courthouse. On July 8 bids will open on the Patriot Centre/58 East Water Interconnection. On July 15 the Virginia Court of Appeals will be in Henry County to hear appeals. River Access near A. C. Wilson Campground below Martinsville Hydroelectric Dam has been installed and Parks and Recreation still has some fencing and signage, etc. to complete. The County is also prepared to staff the three convenience centers at (Red Oak, Axton and behind the County Administration Building) beginning July 1.

Comments from the Board

Mrs. Buchanan requested staff to do a press release regarding the three convenience centers. She also reminded everyone of the upcoming July 3 Celebration at Martinsville Speedway.

Mrs. Burnette stated she was invited by several members of the Board of the Artisan Center to attend a two-week economic development meeting focusing on a Creative Economy.

Mr. McMillian commented on the progress of RTI's construction. Mr. Summerlin noted they are progressing approximately 20,000 yards a day, 20 hours a day, and six days a week.

Mr. Adams stated he spoke with Mr. Vaughn and he wished to make a comment regarding the Commonwealth

Transportation Board's stance on several issues last week. Mr. Vaughn requests the Board to send a letter in appreciation to Mr. Dana Martin, local representative on the CTB.

Mr. McMillian moved that the Board request staff to send a letter of appreciation to Dana Martin the County's Commonwealth Transportation Board representative, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

CLOSED MEETING:

Mrs. Burnette moved that the Board enter into a closed meeting at 4:41 pm to discuss the following, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

- 1) §2.2-3711(A)1 for Discussion of Appointees to the Planning Commission, Focus on Youth, Henry-Martinsville Social Services Board, Patrick Henry Community College Board, Fieldale Sanitary District Board, and Roanoke River Basin Association.
- 2) §2.2-3711(A)7 for Consultation with the County Attorney re: Pending Legal Matters.
- 3) §2.2-3711(A)3 for Consultation with the County Attorney re: Acquisition/Disposal of Real Estate.
- 4) §2.2-3711(A)5 for Consultation with the County Attorney re: Discussion of As-Yet Unannounced Industries.

OPEN MEETING:

The Board returned to an open meeting at 5:07 pm on a motion by Mr. McMillian, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

CERTIFICATION OF CLOSED MEETING:

Mr. Hall read the Certification of the Closed Meeting and took a roll call vote affirming that the Board only discussed public business matters lawfully exempted and identified in the motion to enter closed session. Those voting in the affirmative were Mr. Slaughter, Mr. McMillian, Mrs. Burnette, Mrs. Buchanan and Mr. Adams. Mr. Vaughn was absent.

APPOINTMENTS:

Planning Commission

Mrs. Buchanan moved to appoint Mr. Paul Setliff from the Ridgeway District to the Planning Commission for an unexpired term ending March 31, 2012, second by Mr. Slaughter. The motion carried 5 to 0. Mr. Vaughn was absent.

Transfer of Funds for Purchase of Property

Mrs. Burnette moved that the Board authorize the purchase of land pursuant to an option contract with the Sharpe family and transfer \$387,000 from the Enterprise Zone account to the Purchase of Land account, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

Purchase of Property

Mr. Slaughter moved that the Board purchase 1.618 acres from Columbus Properties Incorporated in the amount of \$12,000 for the Blackberry District Convenience Center Site, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Lease Agreement

Mrs. Burnette moved that the Board authorize a lease with Vista PCS on the Axton Tower in the amount of \$18,000 per year, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

There being no further business until the 6:00 pm meeting the Board recessed at 5:10 pm.

Chairman Adams called the meeting back to order at 6:00 pm and welcomed everyone present.

PUBLIC HEARINGS – REZONING APPLICATIONS:

R-08-08 – Property Unlimited, L.L.C.

Mr. Clark reviewed Application R-08-08 for Property Unlimited, L.L.C. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request.

The public hearing was open at 6:02 pm and it was noted the applicant was present.

Mr. Don Gravely with Gravely Auto Salvage and also Property Unlimited, L.L.C. spoke regarding his rezoning request.

There being no one else present who wished to speak the public hearing was closed at 6:02 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-09 – Donna R. Bristow

Mr. Clark reviewed Application R-08-09 for Donna R. Bristow. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request.

The public hearing was open at 6:04 pm and it was noted the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:04 pm.

Mrs. Buchanan moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-10 – William Carter

Mr. Clark reviewed Application R-08-10 for William Carter. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request.

The public hearing was open at 6:05 pm and it was noted that the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:05 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian and unanimously carried.

R-08-11 – Akers E. Sheppard

Mr. Clark reviewed Application R-08-11 for Akers E. Sheppard. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing both the Planning Commission and staff recommend approval of the request.

The public hearing was open at 6:07 pm and it was noted that the applicant was present.

There being no one present who wished to speak the public hearing was closed at 6:07 pm.

Mrs. Buchanan moved that the Board accept the recommendation of the Planning Commission to approve the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

R-08-12 – Marilyn D. Waller

Mr. Clark reviewed Application R-08-12 for Marilyn D. Waller. (Copy of Application included in Board's File). Mr. Clark stated that following a public hearing the Planning Commission expressed concerns to rezoning the property to rural residential. He stated the Planning Commission was unanimous that the character of the area supported the rezoning to mixed residential, but not rural residential as requested by the applicant. He stated following the public hearing the Planning Commission and staff recommend denial of the request to rural residential.

Mr. Adams asked if there was any willingness on the applicant's part to compromise on the recommended rezoning classification.

Mr. Clark stated the applicant expressed to the Planning Commission that she had already acquired a used single-wide

mobile home from a dealer outside of the area. Mr. Clark stated he contacted the dealer and he was not aware of the issue surrounding the rezoning request. He stated mixed residential was discussed with the applicant and because of her circumstances that she had already purchased a single-wide, it would not suit her needs; therefore, she was not willing to amend her request to mixed residential.

The public hearing was open at 6:09 pm and it was noted that the applicant was not present.

There being no one present who wished to speak the public hearing was closed at 6:09 pm.

Mrs. Burnette moved that the Board accept the recommendation of the Planning Commission to deny the rezoning request, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

GENERAL HIGHWAY MATTERS:

Ms. Lisa Price-Hughes, Residency Administrator of VDOT, was present to present general highway matters. The first item discussed was regarding I-73. Ms. Hughes distributed a resolution to the Board that was passed by the Commonwealth Transportation Board. She stated the CTB has accepted the Board of Supervisors' resolution to consider the designated route of I-73 through Henry County; however, the CTB has not changed the route of I-73. She stated the Commonwealth Transportation Board has directed VDOT to work with the Federal Highway Administration to do additional research to help CTB make an informed decision as to whether or not to reopen the issue of an alternative alignment for I-73.

Ms. Hughes discussed several miscellaneous highway matters with the first being in reference to a line and paving contract, which will begin on July 7th on the 58 Bypass from Route 650 down 58. She stated VDOT has begun surface treating (tar and gravel) overlays in the Mountain Valley area.

Ms. Hughes stated VDOT was funded for a proposed safety project for construction of concrete median in Bassett Forks at Food Lion.

Request for “Watch for Children” Sign on Colonial Hill Drive, Reed Creek District

Mr. Slaughter moved that the Board request a “Watch for Children” Sign on Colonial Hill Drive in the Reed Creek District, second by Mr. McMillian. The motion carried 5 to 0. Mr. Vaughn was absent.

Mr. McMillian stated as a matter of information he spoke with Ms. Hughes about the possibility of temporarily blocking off some streets in Collinsville where there seems to be a lot of drive-through traffic from one street to another to get to 220. He stated Ms. Hughes is supposed to get back with him regarding the matter.

CONSIDERATION OF ISSUES REGARDING REQUESTED CAT ORDINANCE:

Mr. Adams stated last month the Board of Supervisors directed staff to research issues surrounding the possibility of enacting a Cat Ordinance in Henry County and Mr. Lyle, County Attorney, is prepared to present his research to the Board.

Mr. Lyle stated he was asked to investigate options available to the Board for controlling problems related to cats in Henry County. The identified problems to be addressed included:

- 1) Keeping cats from roaming off their owners’ property.
- 2) A method of identifying or licensing cats so that domesticated or owned cats can be distinguished from feral cats.
- 3) Requiring vaccinations to help reduce the spread of rabies in our community.

Mr. Lyle noted that whenever investigating ordinances that can be adopted by the Board, it should be remembered that the starting point is always the Code of Virginia. The Virginia Supreme Court has long recognized the “Dillon Rule.” The rule basically limits the authority of local governments in Virginia to those matters the Virginia General Assembly has either expressly, or by implication, allowed local governments to regulate. The Dillon Rule has been part of the law of Virginia since 1896 and is a fundamental rule for construing the scope of governmental powers. Attempts to repeal or modify its rigors by a constitutional amendment, as was attempted in 1971, or by legislative enactment are routinely sent to slumber in the committees of the General Assembly.

Mr. Lyle discussed with the Board several answers to some basic questions he researched from the State Code.

1) Can Henry County require the purchase of cat licenses similar to dog licenses?

Yes. Virginia Code Section 3.1-796.85 gives the Board the option of requiring cat owners to purchase a tag similar to a dog tag. The fee (or tax) must be set between \$1 and \$10 annually.

2) Can Henry County require cats to be vaccinated for rabies?

Yes. Virginia Code Section 3.1-796.97 requires a county licensing cats and dogs to require rabies vaccination for animals four months and older.

3) Can Henry County restrict cats from running at large and require they be on their owners’ property or under the owners’ control?

No. In 1993 the General Assembly amended numerous sections of the “...Licensing of Dogs” section of the agriculture

Title of the code. The 1993 amendments inserted “or cat” in 3.1-796.85 through 3.1-796.92 clearly indicating the General Assembly’s intent to allow local government to require rabies vaccinations, a license tax and require tags for both dogs and cats. Prior to the amendments, local governments only had the authority to regulate and license dogs. However, when inserting “or cat” into the Code the General Assembly appears to have specifically omitted 3.1-796.93 which is the code section that specifically authorizes a governing body to “...prohibit dogs from running at large.” This reflects the General Assembly’s intent to give localities some authority to regulate cats, but stop short of allowing localities to prevent cats from roaming at large.

4) What penalties could the Board authorize for those who do not comply with any of the above adopted ordinances?

The Board has discretion to authorize civil penalties of up to \$250. As an alternative, and not in addition to, the Virginia code seems to only authorize a criminal penalty of up to \$250 (Class 4 misdemeanor). Repeat violations could be subject to additional penalties and there are circumstances where the animal could be seized by the Court.

Mr. Lyle stated with this information in mind, the question remains what can the County do to alleviate problems created by cats?

Mr. Lyle stated this information does not deal with resource issues related to the ordinance; however, it should be noted that adopting an ordinance will not alleviate problems if the ordinance cannot be enforced. Dog license and leash laws have been on the books in Virginia localities for years, and it is widely accepted by those who deal with dogs that there is probably less than a 20 to 25 percent compliance rate with those ordinances. He stated he could find no scientific data, but many veteran local government attorneys and other officials agreed with the estimate. In other words, some 75

percent of all dogs are not in compliance with long existing dog ordinances and officers dedicated to enforcing the ordinances. So there is some belief that these ordinances simply do not substantially change behaviors.

Mr. Lyle stated Henry County has two animal control officers and they simply cannot adequately police the thousands of dogs that roam the 385 square miles of our County to regulate total compliance with all the laws. Like all law enforcement, they must prioritize their work and deal with thousands of complaints, address the most troublesome and conduct the sometimes time-consuming capture and investigation of the animals. Additionally, they must feed, care for, and dispose of the impounded animals 365 days a year and maintain the animal pound in compliance with numerous state veterinary regulations. To add responsibility to animal wardens for enforcing regulations on cats, without additional resources, would seem to be an exercise in futility.

Mr. Lyle stated accordingly, any proposed vaccination and licensing regulations should take into consideration the resources available to enforce the new regulations. Mr. Lyle stated before adopting any ordinance he would urge the Board to consider the following:

- 1) Does the need for an ordinance and its associated expenses sufficiently outweigh other needs in the county to move forward with an ordinance?
- 2) If the answer is “yes,” the drafting of an ordinance should include involvement from the Sheriff’s Office, the Commonwealth Attorney’s Office and other stakeholders and a committee should be formed to present a draft regulation for board consideration.

Mr. Lyle stated any proposed ordinance being considered for a vote by the Board would have to be properly advertised for a public hearing before adoption.

Mr. Adams asked Mr. Summerlin to restate his comments made at the last meeting as to what would be the minimal costs if the County doubled its animal enforcement to include cats.

Mr. Summerlin stated in the Animal Control Budget there are two full-time animal control officers exclusively dedicated for dog issues. He stated the Animal Control Budget is approximately \$150,000 a year, which does not include capital costs such as vehicles, etc. He stated for the animal license sold in the Treasurer's Office the County collects approximately \$9,000 per year. He stated if the Board chooses to regulate cats it may require some expansion to the animal shelter and those costs would be considerable.

Mr. Adams asked regarding enforcement of licensing, how many people are actually complying with tagging and licensing.

Mr. Lyle stated after talking with law enforcement and other local government attorneys it is widely considered that there is probably less than 25% compliance with dog licensing. He stated in general for every 100 dogs in Henry County only 25 are in complete compliance with ordinances. Mr. Lyle stated as a matter of government regulating domestic animals it is a very difficult proposition to get overly satisfactory results.

Mr. Adams asked if in a court of law without having an ordinance would it come down to a civil suit between owners with respect to damages.

Mr. Lyle stated normal rules of property apply. He stated if you do something negligent that damages or injures someone else's property or person, then you would be negligent and could be held responsible.

Mr. McMillian stated he was also considering this in conjunction with Supervisor Vaughn from the Ridgeway

District, who also has had constituents who have been having problems with cats. Mr. McMillian stated he did not care if a cat doesn't have a license on it. He stated he never intended for a cat to have a leash on it and there has been a misconception that since the County has a dog leash law that a dog has to be kept on a leash if it's taken off the owner's property. He stated as long as the dog is under the owner's control then it doesn't have to be on a leash.

Mr. McMillian stated he checked with Franklin County and they have an ordinance under S.4-66 and there are some items he liked in the ordinance. He stated in order to keep an animal from being a nuisance the animal needs to be kept on the owner's property. He stated he intends to do everything possible to see that an animal nuisance ordinance is successfully implemented in Henry County. He stated he did not think it would require that much more in terms of costs to respond to complaints of an animal nuisance. He stated he was only concerned about the ordinance being implemented in the Collinsville District. He stated the houses in the Collinsville District are closer together and there needs to be more protection for property rights.

Mrs. Burnette stated one district at a time was initially done with dogs and it was found that it was not very helpful. She stated she was concerned with costs involved. She stated if the dog ordinance is only 20% compliant on dogs then she felt the dog ordinance needs to be fixed first before the Board starts doing any thing with cats. She stated she would not support studying any thing to do with the cats until the Board finds out if there is a way to make the dog ordinance or owners more compliant.

Mrs. Buchanan stated she agreed with Mrs. Burnette not to invest more funds for cat control when the dog ordinance is not in compliance.

Mr. McMillian stated regarding discussions of spending an additional \$150,000 to control cats that was when there

was a misconception that a cat would have to be on a leash and that's not the case. He stated this would be complaint driven.

Mrs. Burnette asked Mr. McMillian how many complaints had he received from the Collinsville District and are any of those people in attendance to support a cat ordinance.

Mr. McMillian stated he could not recall the number of complaints; however, it was a lot. He stated those people in Collinsville District who have concerns will not be here tonight. He said they were not expecting to have to do anything since it was not a public hearing. They were informed there may be a public hearing on the matter in July. He stated there are people in the Collinsville District in support of an animal nuisance ordinance.

Mrs. Burnette stated the Board has not discussed an animal nuisance ordinance; what has been discussed is specifically restrictions on cats.

Mr. McMillian stated he didn't care what it is called he just wanted to get the problem solved. He stated cats and dogs are being a nuisance and he wanted to include both in some type of nuisance ordinance.

Mr. Slaughter stated he lives in a rural area and he would not go along with a leash law; however, the population, rabies and diseases do concern him.

Mr. Adams stated the issue starts with spay and neutering of animals and then you control the population. He stated most of the people he has heard from in the Blackberry District do not support a cat ordinance. He stated it basically comes down to enforcement and cost factors.

Mrs. Burnette reiterated her comments regarding the enforcement of dogs. She said if you have an ordinance that's only 20% effective why should the Board put something else

into effect that's not going to work real well. She stated the Board should focus on making the dog ordinance a more efficient and effective ordinance and then address the cat issue.

Mr. Adams thanked Mr. Lyle and Mr. Summerlin for their work and input on the cat issue.

There being no further comments Mr. McMillian moved that the Board direct the County Attorney to research the Animal Nuisance Ordinance on the books in Franklin County and come back to the Board at the July meeting for a report.

The motion died for lack of a second.

MATTERS PRESENTED BY THE PUBLIC:

Mr. Adams read a brief statement that the Board is here to listen to public comments and not to engage in a question and answer period or a debate. He stated if anyone wishes to address the Board to come to the podium and state your name, subject matter and the district in which you live. He stated by coming to the podium you have agreed to exhibit respect to the Board and its members and each one will conduct themselves with dignity. He stated everyone would receive the same level of respect from the Board. He asked that those who wish to speak to keep his or her comments between three to five minutes.

Mr. John Staples of the Ridgeway District discussed a recent article in the Martinsville Bulletin regarding action taken by Loudon County to deport illegal immigrants. He asked if the Board of Supervisors has discussed anything regarding local illegal immigrants since a resolution was passed approximately four months ago. He stated he would request the Board to take some kind of action against illegal immigrants.

Mr. McMillian stated he requested Stuart Bowman to update the Board regarding improvements being under taken concerning rescue squads in Henry County.

Mr. Stuart Bowman gave the Board an update on a presentation given at the Board's April 29, 2008, meeting entitled Making a Difference One Life at a Time. The presentation provided the Board with information on the actions that have been taken by the rescue squads and what each squad sees as opportunities for improvement to the current system. Mr. Bowman stated all rescue squads were also presented with the information. He stated overall the information was very favorable and each squad was asked which item out of three (call coverage, response time or patient care) do they see as the priority. He stated the most common feedback was the need for the retention program, recruitment activities, also support for an emergency medical dispatcher program. He stated after a meeting with the Rescue Squad Association, a committee is working on a 911 Education Program presentation for the public. The Commonwealth's Attorney has put together a guide for the squads to use to start the process to prosecute people who repeatedly abuse the 911 system. He stated Public Safety needs a request from the Board of Supervisors to change its current reporting system regarding percent of calls covered, credit given for mutual aid or adjusted to show refusals of third party service. He stated another major concern was of the support personnel. He stated the focus was not that it would replace the 911 personnel; however, it may damage the system that is currently in place. He stated it would draw from the current volunteers and from the third party providers that provide backup to the rescue squad volunteers.

Mrs. Burnette asked if the Association had made a specific request to Public Safety for recommendations of changing the report system.

Mr. Bowman stated he called the Public Safety Office and was told that the request would have to come from the Board of Supervisors.

Mr. Summerlin stated he would talk with the Public Safety staff to see if the report could be changed. He stated the report the Board currently receives is not something they can just push a button and print out. He stated it requires a lot of manual checking and regardless of how the report is shown it still shows the system continuing to experience great difficulty. He stated one agency last month was unable to respond to 35% of its calls and in fact, all the agencies had difficulty responding to 20% of its calls. He stated the pattern is the system continues to deteriorate. He stated last month there were 419 calls turned over to Stone Ambulance and 25% of the calls were answered by mutual aid.

Mr. Adams thanked Mr. Bowman for his update.

Mr. McMillian requested that EMS Matters be placed on the July Agenda.

Mr. McMillian recognized classmates of an English 400 Class (Active Citizenship) from the New College Institute. The Board welcomed those guests.

Ms. Florence Rea Wright of the Ridgeway District came forward to discuss the cat ordinance. She discussed a spay and neutering program called TNR (Trap-Neuter-Return) located in Roanoke. She stated she had been following the discussions regarding the cat ordinance since she owns six cats. She stated she hoped no one decides to put a leash on a cat. Ms. Wright stated Ms. Leslie Hervey of the SPCA has helped her tremendously. She stated if there is a committee formed she would recommend that the Board consider appointing Leslie Hervey and Dr. Lock Boyce in Stuart.

Ms. Mary Martin of the Ridgeway District also commented on the proposed cat ordinance. She stated if there

are extra funds available to enforce a cat ordinance wouldn't it be better utilized by the Sheriff's Office to help solve crimes. Ms. Martin also discussed the proposed AEP resolution whereby AEP is proposing a 24% rate increase. She encouraged the Board to attend the hearing on October 29th at 10:00 am in the Tyler Building in Richmond. Ms. Martin noted the Board needs to check into the ordinance in Manassas, Virginia regarding illegal immigrants. She stated the Manassas County Board of Supervisors has deported over 3,000 immigrants since enacting its ordinance.

Ms. Debby Zdeb of the Blackberry District commended the County Attorney regarding his thorough research on the nuisance law for cats. She stated she didn't see passing a law that would penalize responsible pet owners. She agreed the Sheriff's Office should be given more funds to solve crimes. The Board should also look at bringing businesses in and open up jobs for the people who are dumping their pets they no longer can afford to keep.

Ms. Angela McCloy of the Blackberry District stated she was concerned with the excessive rate of speed that vehicles are traveling on Orchard Drive in Bassett. She requested the Board look into getting the speed limit reduced now posted at 25mph, monitor speeds on a regular basis by radar as well as installing a watch for children play sign.

Mr. Adams requested the Board add to the Agenda Children at Play Signs.

Children at Play Signs - Orchard Drive-Bassett

Mr. Adams suggested to Ms. McCloy that she talk with Sergeant Eric Hairston of the Sheriff's Department who was in attendance and also contact the Virginia State Police. Mr. Adams said he was concerned that in a half-mile span starting from one area of Stone's Dairy Road including Orchard Drive that within a six-month period of time there have been several

fatalities. Also within an eight-day period of time, three separate incidents have required people to be air-lifted.

Mrs. Burnette moved that the Board request VDOT install Children at Play Signs on Orchard Drive in Bassett, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

There being no further business Mr. McMillian moved that the Board adjourn at 7:30 pm, second by Mrs. Buchanan. The motion carried 5 to 0. Mr. Vaughn was absent.

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