

**BOARD OF SUPERVISORS MINUTES**

**JULY 10, 2012**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 10, 2012, beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Jr., Vice-Chairman; Shannon C. Abbs; and James K. White. Absent: Grover C. Wilson. Also present: Julie G. Summs, County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the agenda as presented. Ayes: Abbs, Goodwin, Frame, White. Nays: None. Absent: Wilson.

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. White and carried, to approve the consent agenda as presented.

RE: FY12 CONTINGENCY FUND REQUEST

The Board approved the use of FY12 contingency funds in the amount of \$25,650 to additional contract expenses for extended landfill hours.

RE: RESOLUTION OF RECOGNITION FOR TIMOTHY P. MURPHY

The Board approved the following resolution as presented:

A RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS IN  
RECOGNITION OF TIMOTHY P. MURPHY

WHEREAS, Timothy P. Murphy, began his career with Orange County on August 1, 1980; and

WHEREAS, Timothy P. Murphy has rose through the ranks, launching his career as a Sheriff's Office Dispatcher/Jailer, and ultimately becoming Chief Deputy/Lieutenant Colonel in 2007; and

WHEREAS, Timothy P. Murphy is a 2000 graduate of the FBI National Academy; and

WHEREAS, Timothy P. Murphy has effectively discharged his duties in each and every capacity, with commitment to the mission of the Office and service to the citizens of Orange County; and

WHEREAS, Timothy P. Murphy pioneered the first ever K-9 Program in Orange County in 1986, and worked a total of four K-9's which have assisted in ninety seven criminal apprehensions; and

WHEREAS, Timothy P. Murphy is a Master Trainer of Police K-9's through the Virginia Police Canine Association and his devotion to the K-9 Program has guided him to facilitate hundreds of trainings of K-9 teams from up and down the East Coast; and

WHEREAS, Timothy P. Murphy will retire effective July 31, 2012, after providing 32 years of dedicated service to the citizens of Orange County; and

WHEREAS, Timothy P. Murphy will be missed not only for his institutional knowledge, but also for his compassion during crisis situations;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Supervisors extends its admiration to Timothy P. Murphy, for his outstanding accomplishments, dedication and service to the County of Orange; and

BE IT FURTHER RESOLVED that the Orange County Board of Supervisors also extends its appreciation for Timothy P. Murphy's 32 years of exemplary service to the County and best wishes for a long and happy retirement.

RE: APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, the Code of Virginia under Title 44-146.19 and 44-146.38 requires local governments to appoint a Coordinator of Emergency Management and a Hazardous Materials Coordinator. Mrs. Summs noted the present Coordinator of Emergency Management is Craig Johnson with John Harkness serving as the Hazardous Materials Coordinator. She further noted Mr. Harkness was recently promoted to the position of Fire and EMS Chief within the County and will once again assume the role of Emergency Management Coordinator.

The Board appointed John Harkness to the position of Emergency Management Coordinator/Deputy Hazardous Materials Coordinator and Craig Johnson to the position of Hazardous Materials Coordinator/Deputy Emergency Management Coordinator.

RE: RENEWAL OF DELTA AIRPORT CONSULTANTS CONTRACT

As outlined in the memorandum provided to the Board by Kurt Hildebrand, Public Works Director, the County holds an agreement with Delta Airport Consultants for Professional Engineering Services related to projects at the Orange County Airport and the term of this agreement began on July 1, 2011, is valid for one year and can be renewed for four (4) additional 1-year periods.

Mr. Hildebrand explained that Delta Airport Consultants are currently providing services related to the Land and Easement Acquisition/Obstruction Removal Project and that this project will be ongoing into future years. He noted that Delta remains an important partner for the Airport and continues to provide excellent service and that Staff recommends that the base agreement be extended for an additional year.

The Board authorized the County Administrator to extend the Base Agreement with Delta Airport Consultants for Airport Consulting Services. The Term of this Base Agreement shall be for one (1) year, with the option to renew for three (3) additional 1-year periods.

RE: MINUTES

The Board approved the following minutes:

- June 21, 2012 Joint Meeting with Planning Commission
- June 26, 2012 Regular Meeting

Ayes: Abbs, Goodwin, Frame, White. Nays: None. Absent: Wilson.

RE: PUBLIC APPEARANCES

RE: APPRECIATION OF NORTH ANNA DRILL PARTICIPANTS

Chairman Goodwin stated that the County successfully completed a North Anna Drill today and initial comments from the Virginia Department of Emergency Management were positive! Mr. Goodwin noted that there are many folks to thank for their efforts during the drill, specifically, Orange County Fire and EMS Captain Stewart and his team. He also stated that sev

eral groups participated in the successful completion of the drill, including: Fire and EMS, E911, the Sheriff's office, VDOT, School personnel, Red Cross, Triad, Town Police, RACES, Health Department, Public Works, Fredericksburg Fire Hazard Materials Team, Public Information Officers, Information Technology, Administration, Extension Office, and additional County staff.

RE: EMPLOYEE OF THE MONTH

Nicola Tidey was recognized as the July, 2012, Employee of the Month.

RE: SERVICE AWARDS

Chairman Goodwin presented the following service award:

- Jayne Rogers                      15 years                      Deputy Commissioner of Revenue

RE: INTRODUCTION OF JOHN HARKNESS, FIRE AND EMS CHIEF

Julie Summs, County Administrator, introduced Mr. John Harkness as the new Fire and EMS Chief of Orange County. Mr. Harkness made a few remarks regarding his staff and the volunteer organizations in the County.

RE: BUSINESS SPOTLIGHT

Frank Gillan, Farm Manager of Retreat Farm Produce Company, LLC, appeared before the Board to spotlight his business. He stated that the Farm owns approximately 500 acres but that Retreat Farm Produce Company, LLC, only farms approximately 100 acres and that the rest of the land is leased to other farmers. Mr. Gillan noted that his business produces several varieties of vegetables and meat, honey, free range chicken eggs, and recently lamb. He explained the Community Supported Agriculture (CSA) program in which 30 families participate and purchase products selected by Retreat Farm Produce Company, LLC, each week. He stated that the CSA program is self sustaining and proven to be very successful. Mr. Gillan also detailed the specific breeds of animals and bees that he works with, the outlets through which he sells his products, the number of full-time employees (four) employed by the business, and the processing plant utilized by the company for his fresh-frozen meats.

The Board thanked Mr. Gillan for his presentation.

RE: ECONOMIC DEVELOPMENT QUARTERLY REPORT

Karen Epps, Economic Development Director updated the Board on the following topics:

- Work to date on achieving broadband access Countywide;
- Business Appreciation Event in May, 2012;
- Wal-Mart Ground Breaking Ceremony on June 19, 2012;
- Route 20 Residential Sewer Project;
- Active projects/inquiries;
- Surveys/visits completed as a part of the Business Retention and Expansion Program;
- Orange Workforce Center; and
- Orange County's Unemployment Rate of 6.2%.

Mrs. Epps also presented the Economic Development Department's soft launch of its new website: thinkorangeva.com. The Board thanked Mrs. Epps for her presentation and for sharing the website.

RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES (RRCS) FISCAL YEAR 2013 PROGRAM PLAN PRESENTATION

Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services (RRCS), presented the FY13 Program Plan to the Board of Supervisors. Mr. Duncan explained the services provided by RRCS on behalf of the local government, local collaborations, and program development priorities, including: Children, Youth, and Adult Case Management; Community Support for Adults with Disabilities; Community Housing; Electronic Health Records; and Regional Outpatient Clinic Needs.

Discussion ensued regarding the size of community housing facilities; patients and their placement in the program(s); accessibility of services; potential renovations to the facility located in Orange; transportation services; Orange County residents expected to be served in FY13; Senior Services and Nursing Home Services; volunteers for the program(s); expenses by program function; and the infant and toddler program.

RE: PUBLIC COMMENT

At 5:03 p.m. Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor Goodwin commented that individuals responding to the effects of the “derecho” are in need of recognition and thanks for all of their hard work and a big thank you is in order for the power companies, phone companies, VDOT, and County staff. Supervisor Abbs commented that a thank you is in order for public works staff that continued to man the collection center sites during the power outage. Supervisor White and Supervisor Frame echoed the sentiments of the rest of the Board.

RE: ACTION ITEMS

RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES RESOLUTION

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the following resolution as presented:

**A RESOLUTION TO RECEIVE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES (RRCS) FY 2013 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES AND THE AREA PLAN FOR AGING SERVICES**

WHEREAS, in June 2012, RRCS adopted its Performance Contract with the Department of Behavioral Health and Developmental Services, and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Orange County Board of Supervisors has received a request from RRCS that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED, by the Orange County Board of Supervisors this 10<sup>th</sup> day of July, 2012, that the Orange Board of Supervisors does hereby receive the FY 2013 RRCS Performance Contract with the Department of Behavioral Health and Developmental Services and the 2013 Area Plan for Aging Services, and acknowledges that the Orange County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: RESOLUTION TO CONFIRM STATE OF EMERGENCY DUE TO "DERECHO"

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve the following resolution as presented:

CONFIRM DECLARATION OF EMERGENCY DUE TO DERECHO

WHEREAS, beginning on Friday, June 29, 2012, Orange County was impacted by a powerful derecho; and

WHEREAS, the Emergency Management Coordinator recommended that a state of emergency be declared; and

WHEREAS, on Friday, June 29, 2012, pursuant to § 44-146.21 VA Code Ann., the Chairman of the Board of Supervisors, as the local director of Emergency Management and after consultation with the County Administrator, declared a state of emergency in the County because it was apparent that the effects of the derecho resulted in structural damages or injuries to the population and property in Orange County and in order to activate the local Emergency Operations Plan to immediately address this emergency; and

WHEREAS, an end to the state of emergency was declared at 8:00 a.m. on Monday, July 9, 2012;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 44-146.21 VA Code Ann., the Orange County Board of Supervisors does hereby confirm the declaration of a state of emergency beginning at 11:11 a.m., Saturday, June 30, 2012; and be it

FURTHER RESOLVED that the Board of Supervisors does hereby also confirm the end of the declared state of emergency as of 8:00 a.m. on Monday, July 9, 2012; and be it

FURTHER RESOLVED that the Board of Supervisors authorizes application to the State and/or Federal government for reimbursement of qualifying expenditures made by qualifying entities during the state of emergency; and be it

FINALLY RESOLVED that the Board of Supervisors expresses its sincere appreciation to its employees and other persons who assisted with addressing this emergency in Orange County.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: DRAPER ADEN TASK ORDER FOR LANDFILL CLOSURE

In a memorandum provided to the Board, Kurt Hildebrand, Public Works Director, explained that as previously discussed, the current landfill is mandated to be closed no later than December 31, 2012. Mr. Hildebrand presented to the Board the Draper Aden Associates Task Order 19, which included the scope of work for engineering services related to the closure.

Mr. Hildebrand summarized this task order noting it includes the final design of closure along with the required engineering services, such as quality control/quality assurance and surveying, all of which are requirements from the Department of Environmental Quality to finalize the closure. Mr. Hildebrand noted that staff recommends approval of this task order.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize the County Administrator to execute Draper Aden Associates Task Order #19 (Permit 090 Closure CQA and Construction Phase Services), in the amount of \$186,000. This cost shall be paid from line item 4 -513-094600-1070.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: SOCIAL SERVICES FUND REQUEST

Glenda Bradley, Finance Director, explained that a supplemental appropriation is being requested for the Social Services Fund to cover costs of the FY13 Virginia Retirement System (VRS) employer rate increase from 9.54% to 12.06%, which was not known at the time of the department's budget submission. Ms. Bradley further explained the request also includes increased local costs of a 2% Cost of Living Adjustment (COLA) which was expected to be state supported, but was not and the additional amount will follow the department to implement a total COLA increase of 3.5% for its employees in order to be consistent with other departments. She stated that if state's revenue estimates support the implementation of any state reimbursement for COLA increase during the year, these funds will offset the County's cost for the reimbursement for COLA increases. Ms. Bradley further stated that she recommended the funding source for the local funds come from the Social Services Fund Balance.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to increase the FY13 Social Services Fund budget by a total of \$32,275 by increasing the local contribution by \$34,088 and reducing state and federal reimbursements by \$1,813.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mrs. Abbs moved to appoint Sarah Allman as an At-Large Representative to the Litter Control Committee, to fill the unexpired term of Olin Herndon, with said term expiring June 30, 2014.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: DISCUSSION ITEMS

RE: ANDREWS CREP CONSERVATION EASEMENT

Gregg Zody, Planning Director, informed the Board about an easement to be presented to the Board regarding the Conservation Reserve Enhancement Program (CREP) for the Andrews Parcel (Tax Map #31-10). Discussion ensued regarding the basis of the program which exists to protect Riparian Buffers. Discussion continued regarding: the location of this property; the Chesapeake Bay Act; Best Management Practices and whether or not a CREP Easement serves as a Best Management Practice; and the need for the Board to receive a summary of the Program (either in writing from staff or in the form of a presentation from an individual specializing in this sort of easement) at the July 24, 2012, meeting. The Board agreed to have this easement presented for their consideration at the July 24, 2012, meeting.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Virginia Department of Transportation Monthly Report for July
- Aftershock Damage Reassessment Summary of County Facilities
- Animal Shelter Bi-Annual Report

Supervisor White inquired about notification of Speed Study statuses to citizens who request speed studies on certain roads. Supervisor Goodwin indicated that he directly responds to the citizen who request the study. Supervisor White stated that he wanted to ensure that a response was made to the citizen who requested the Speed Study on Route 602, since VDOT denied completion of the study. Supervisor Goodwin stated that he would reach out to former Supervisor, Zack Burkett, in an effort to

notify the citizen who made the initial request.

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of July, August, and September, 2012.

RE: CLOSED MEETING

At 5:22 p.m. Ms. Pandak read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- One matter of discussion or consideration of the investment of public funds where bargaining is involved, where if made public initially, the financial interest of the governmental unit would be adversely affected, and legal advice related thereto (§2.2-3711.A.6 and 7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 6 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforesated matter(s) in Closed Meeting.

Mr. Abbs made a motion, seconded by Mr. Frame and carried, approving the resolution as presented. Ayes: Abbs, Goodwin, Frame, White. Nays: None. Absent: Wilson.

RE: CERTIFICATION OF CLOSED MEETING

At 7:17 p.m. Ms. Pandak read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Mr. Frame made a motion, seconded by Mrs. Abbs and carried, approving the resolution as presented. Ayes: Abbs, Goodwin, Frame, White. Nays: None. Absent: Wilson.

RE: ACTION ITEMS

RE: EXTENSION OF AGREEMENT WITH GREEHAN, TAVES, PANDAK, & STONER, PLLC



There being no speakers, Chairman Goodwin closed the public hearing at 7:31 p.m.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the following resolution as presented:

**BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION – LANDFILL FUND**

WHEREAS, funds have been accumulated over several years within the landfill fund for the purpose of closing the existing landfill and the construction of a new landfill cell; and

WHEREAS, the appropriate advertisements and public hearings, as required by Section 15.2-2507 of the Code of Virginia, have been conducted; and

WHEREAS, both capital projects are expected to be completed during FY13;

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors approves and adopts the Fiscal Year 2013 budget amendment, and appropriates all funds as set forth in the amendment with the limitations and instructions included herein, and

BE IT FURTHER RESOLVED as follows: the following appropriation for Capital Projects will not lapse at the end of the fiscal year but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation:

<b>LANDFILL FUND</b>	<b>Current</b>	<b>Proposed</b>	<b>Amendment</b>
<b>Sources:</b>			
Transfer from General Fund	\$ 2,666,173.00	\$ 2,666,173.00	\$ -
Local Sources	\$ 310,000.00	\$ 310,000.00	\$ -
Landfill Fund Reserves	\$ -	\$ 2,993,825.00	\$ 2,993,825.00
<b>Landfill Total Sources</b>	<b>\$ 2,976,173.00</b>	<b>\$ 5,969,998.00</b>	<b>\$ 2,993,825.00</b>
<b>Expenses:</b>			
	<b>\$ 2,976,173.00</b>	<b>\$ 5,969,998.00</b>	<b>\$ 2,993,825.00</b>

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: PUBLIC HEARING #2 – AMENDMENTS TO UPDATE THE COUNTY CODE

At 7:32 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

- Proposed amendments to County Code Chapter 58, Taxation,
  - Sec. 58-382: Definitions – to conform to new state definitions.
- Proposed amendments to County Code Chapter 6, Animals,
  - Sec. 6-249: Registration certificate required
  - Sec. 6-250: Grounds for issuance of certificate
  - Sec. 6-555: Distribution of fees

The above referenced amendments to County Code Chapter 6, Animals, are required to bring the dangerous dog provisions of the County Code into compliance with recent changes to the Code of Virginia. These changes shift some dangerous dog registration responsibilities from the state to the local

animal control officer and alter the time limits and fees for registration and registration renewal.

There being no other speakers, Chairman Goodwin closed the public hearing at 7:32 p.m.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the following ordinance and text amendments as attached.

ADOPTING PROPOSED AMENDMENTS TO DEFINITIONS IN THE LAND USE ASSESSMENTS PROVISIONS OF THE COUNTY CODE TO INCORPORATE CHANGES MADE BY THE GENERAL ASSEMBLY

AN ORDINANCE TO AMEND CHAPTER 58, TAXATION, SEC. 58-382, DEFINITIONS

WHEREAS, the General Assembly has enacted certain changes to the Code of Virginia which require amendments to the County Code of Ordinances relating to real property taxes and land use assessments; and

WHEREAS, the Board finds that it is in the interest of the County and its citizens to amend the definitions of Sec. 58-382 pursuant to the changes enacted to § 58.1-3230 VA Code Ann.; and

WHEREAS, the Board has provided notice and held a public hearing pursuant to the Code of Virginia;

NOW, THEREFORE BE IT ORDAINED, on this 10<sup>th</sup> day of July, 2012, that the Orange County Board of Supervisors hereby effective immediately amends Chapter 58, Taxation, Sec. 58-382, Definitions, as attached.

ATTACHMENT

Sec. 58-382. - Definitions.

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

*Real estate devoted to agricultural use* means real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the state commissioner of agriculture and consumer services in accordance with the Administrative Process Act (Code of Virginia, § 2.2-4000 et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. *Prior, discontinued use of property shall not be considered in determining its current use.* Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning; provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

*Real estate devoted to horticultural use* means real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery and floral products under uniform standards prescribed by the state commissioner of agriculture and consumer services in accordance with the Administrative Process Act (Code of Virginia, § 2.2-4000 et seq.); or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. *Prior, discontinued use of property shall not be considered in determining its current use.* Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning; provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

*Real estate devoted to forest use* means land including standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the state forester pursuant to the authority set out in Code of Virginia, § 58.1-3240. *Prior, discontinued use of property shall not be considered in determining its current use.* Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning; provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be sole considerations.

(Ord. of 6-27-2006; Ord. of 10-13-2009(1), Ord. of \_\_\_\_\_)

State law reference— Similar provisions, Code of Virginia, § 58.1-3230.

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the following ordinance and text amendments as attached:

ADOPTING PROPOSED AMENDMENTS TO THE DANGEROUS AND VICIOUS DOG PROVISIONS OF THE COUNTY CODE TO INCORPORATE CHANGES MADE BY THE GENERAL ASSEMBLY

AN ORDINANCE TO AMEND CHAPTER 6, ANIMALS, SEC. 6-249, REGISTRATION CERTIFICATE REQUIRED, SEC. 6-250, GROUNDS FOR ISSUANCE OF CERTIFICATE, AND SEC. 6-555 DISTRIBUTION OF FEES

WHEREAS, the General Assembly has enacted certain changes to the Code of Virginia which require amendments to the County Code of Ordinances relating to dangerous and vicious dogs; and

WHEREAS, the Board finds that it is in the interest of the County and its citizens to amend the dangerous and vicious dog provisions pursuant to the changes enacted to § 3.2-6540 VA Code Ann.; and

WHEREAS, the Board has provided notice and held a public hearing pursuant to the Code of Virginia;

NOW, THEREFORE BE IT ORDAINED, on this 10<sup>th</sup> day of July, 2012, that the Orange County Board of Supervisors hereby effective immediately amends Chapter 6, Animals, Sec. 6-249 Registration Certificate Required, Sec. 6-250 Grounds for Issuance of Certificate, and Sec. 6-555 Distribution of Fees, as attached.

#### ATTACHMENT

##### Sec. 6-249. - Registration certificate required.

The owner of any animal found by a court to be a dangerous dog shall within ~~ten~~ *forty-five* days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of ~~\$50.00~~ *\$150.00*, in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. ~~All~~ *By January 31 of each year, until such time as the dangerous dog is deceased, all* certificates obtained pursuant to this section shall be *updated and* renewed ~~annually~~ *for the same* a fee of *\$85.00* and in the same manner as the initial certificate was obtained. The animal control officer shall ~~provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian post registration information on the Virginia Dangerous Dog Registry.~~

(Ord. of 12-8-2009; Ord. of \_\_\_\_\_)

##### Sec. 6-250. - Grounds for issuance of certificate.

(a) All certificates or renewals required to be obtained under section 6-249 shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, and that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals under this section shall not be issued a certificate or renewal unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning ~~warning~~ both minors and adults of the presence of a dangerous dog on the property, and the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(b) All certificates or renewals required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(c) All certificates or renewals required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, at a value of at least \$100,000.00, that covers animal bites.

(d) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry within 45 days of such finding by a court of competent jurisdiction. The owner shall also cause the local animal control officer to be promptly notified of: (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(Ord. of 12-8-2009; Ord. of \_\_\_\_\_)

##### Sec. 6-255. - Distribution of fees.

All fees collected pursuant to this division, less the costs incurred by the animal control officer in producing and distributing the certificates and tags required by this division *and fees due to the state veterinarian for maintenance of the Virginia Dangerous Dog Registry*, shall be paid into a special dedicated fund in the county treasury for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

(Ord. of 12-8-2009; Ord. of \_\_\_\_\_)

Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 7:32 p.m. Ayes: Abbs, Goodwin, Frame, White. Nays: None. Absent: Wilson.

---

S. Teel Goodwin, Chairman

---

Julie G. Summs, County Administrator