BOARD OF SUPERVISORS MINUTES **SEPTEMBER 9, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 9, 2008 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Teri L. Pace, Vice-Chairman; Zack Burkett; S. Teel Goodwin; and Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mr. Burkett and carried, to adopt the agenda as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS FOR FY2008

The Board approved the following Supplemental Appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT		Funding Source
Library	Books: Adult	$	700.00	Friends of the Library
Library	Audio Visual Materials	$	100.00	Friends of the Library
Subtotal Library		**$**	**800.00**	
Human Resources	COBRA Insurance	$	777.29	Expenditure Refund
Subtotal Human Resources		**$**	**777.29**	
Animal Shelter	Emergency Vet Fund	$	1,324.00	Donations
Animal Shelter	Pet Food	$	462.00	Expenditure Refund
Subtotal Animal Shelter		**$**	**1,786.00**	
Sheriff	Maintenance Firing Range	$	1,500.00	Firing Range Fees
Sheriff	Other Training	$	29.45	Expenditure Refund
Sheriff	Other Training	$	32.52	Expenditure Refund
Sheriff	Maintenance Firing Range	$	1,500.00	Firing Range Fees
Sheriff	Equipment	$	1,294.00	Byrne Grant DCJS
Subtotal Sheriff		**$**	**4,355.97**	
	Total, This Request	**$**	**7,719.26**	
	Fiscal Year to Date Total	**$**	**130,672.71**	

RE: REQUEST FOR TRANSFER FROM CONTINGENCY FUNDS
The Board approved the following Contingency Fund Transfers:

FROM CONTINGENCY FUNDS (091400-9210):

MONTH	BUDGET AMOUNT	TO: ACCT #	DEPT
	$342,028.00	**FY 09 APPROPRIATED BUDGET AMOUNT**	
July 2008			
	($93,091.40)	Carry forward of contingency FY08	
	$95,700.00	School Study costs	
	$2,608.60	**JULY TOTALS**	
	$2,608.60	**TO DATE TOTALS**	
	$339,419.40	**BALANCE**	
August 2008			
	$ 64,376.00	Zoning Ordinance Review cost	
	$ 64,376.00	**AUGUST TOTALS**	
	$ 66,984.60	**TO DATE TOTALS**	
	$275,043.40	**BALANCE**	
Sept 2008			
	$ -	**SEPTEMBER TOTALS**	
	$ 66,984.60	**TO DATE TOTALS**	
	$275,043.40	**BALANCE**	
September Pending Requests			
	$2,368.95	Va Dept of Forestry rate increase for County contribution	
	$2,368.95	**September Pending Total**	
	$272,674.45	**Balance after Pending**	

RE: MINUTES

The Board approved the minutes of May 27, 2008 Regular Meeting as presented.

RE: ROUTE 20 SEWER AND PUMP STATION

The Board authorized the County Administrator to execute all documents provided by Dominion Virginia Power, granting a non-exclusive easement as identified in the documents, necessary for installation of primary power to serve the new Rt. 20 Sewer Pump Station.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC APPEARANCES

RE: SERVICE AWARD PRESENTATION

Service Awards were presented to the following employees:

- Doris C. Anthony, Child Care Director, Parks and Recreation – 5 years;
- Lillian E. Bowman, Collections Attendant, Public Works – 5 years; and
- Helen K. Scott, Collections Attendant, Public Works – 5 years.

RE: EMPLOYEE OF THE MONTH

Shirley Irving, Office Assistant in the Parks & Recreation Department, was recognized as the Employee of the Month for September, 2008.

RE: VDOT UPDATE

Roy Tate, VDOT Assistant Resident Engineer, updated the Board on the status of projects within Orange County.

RE: POPULATION PROJECTION METHODOLOGY FOR SCHOOL ASSESSMENT REPORT

Carl Chaffin, PHD, explained to the Board the Population Projection Methodology used for the School Assessment Report.

RE: TOURISM CORRDIOR OVERLAY UPDATE

Dan Holmes and Kenny Dotson updated the Board on the progress of the Tourism Corridor Overlay District.

RE: 4TH QUARTER REPORTING FISCAL YEAR 2008

Karen Karasinski, Finance Director, presented the Board with the year-end financial reports for fiscal year 2008. Mrs. Karasinski explained that although year-end adjustments to revenues and expenditures have been made, the Finance Department is still reviewing accounts and additional adjustments may be necessary. She further explained that the information presented was unaudited and Robinson, Farmer, and Cox, the outside audit firm, is scheduled to start the audit on September 15, 2008. Once the audit is complete and the Comprehensive Annual Financial Report is prepared final year-end results will be presented to the Board.

RE: ACTION ITEMS

RE: PERSONAL PROPERTY RELIEF ACT – CALENDAR YEAR 2008

Karen Karasinski, Finance Director, stated that in accordance with the County ordinance adopted on December 13, 2005, each year the County staff, in consultation with the Commissioner of Revenue and the Treasurer, determines the extent to which Personal Property Tax Relief Act (PPTRA) funds projected to be received from the state will provide relief to the Orange County taxpayers. She explained that staff has reviewed the actual personal property tax revenues to be received in calendar year 2008 and compared those to the budgeted PPTRA

funds expected from the State and determined the personal property tax relief available in tax year 2008 to be 52%.

Mr. Frame moved, seconded by Mr. Burkett and carried, to approve the following resolution to enact the specific relief methods as personal property tax relief for calendar year 2008 at the rate of 52%:

A RESOLUTION TO ENACT THE SPECIFIC RELIEF METHOD OF PERSONAL PROPERTY TAX RELIEF

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles; and

WHEREAS on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS the Orange County Commission of the Revenue, Orange County Treasurer and the Orange County Finance Director has calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 52% rather than the 56%.

NOW THEREFORE BE IT RESOLVED by the Orange County Board of Supervisors as follows:

1.) In accordance with the requirements set for in Section 58.1-3524(C)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle sitused within the County commencing January 1, 2008, shall receive personal property tax relief in the following manner:

2.) Personal use vehicles valued at $1,000 or less will be eligible for 100% tax relief;

3.) Person use vehicles valued at $1,001 to $20,000 will be eligible for 52% tax relief;

4.) Personal use vehicles valued at $20,001 or more shall only receive 52% tax relief on the first $20,000 of value; and

5.) All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CLOSED SESSION

At 5:35 p.m., Mr. Goodwin stated, "Mr. Chairman, I move this meeting be recessed and that the Orange County Board of Supervisors immediately reconvene in closed session for the following purposes:

- Discussion and evaluation of the County Attorney's Office and the Parks and Recreation department, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711(A)(1), and;

- Discussion of the evaluation, assignment, appointment and performance of the department directors and division managers who report to the County Administrator, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711(A)(1)."

Mr. Frame seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECONVENE

The Board recessed closed session and reconvened in open session at 7:00 p.m.

RE: PUBLIC COMMENT

None.

RE: BOARD COMMENT

Supervisor Burkett read a statement that he previously sent to the Free Lance Star.

RE: ACTION ITEMS CONTINUED

RE: BUDGET AMENDMENT

LTC Timothy Murphy stated that the Orange County Sheriff's Office is requesting that the current fiscal year 2009 budget be amended to include $49,000 for part-time funding. He reported that this amount has been approved and is provided to the Sheriff's Office by the Virginia Compensation Board. Lieutenant Murphy explained that through a miscommunication between the Sheriff's Office and the Finance Department, this amount was not included in the fiscal year 2009 budget. He stated that the Sheriff's Office is intending to use the $49,000 from the State Compensation Board at no expense to Orange County for two Clerical positions (both current) $22,000; one Communication Officer $4,000; two Deputy positions $20,000; FICA and Workers Compensation $3,000.

Mr. Burkett moved, seconded by Mr. Frame and carried, to approve the budget amendment to the Orange County Sheriff's Office in the amount of $49,000. The amount of $47,036.85 will be transferred from the Human Resource contingency carry-forward (4.100.12220.9210) and $1,936.15 will be transferred from the County contingency (4.100.91400.9210) into the Sheriff's Wages: Part-time (4.100.31200.1322), FICA (4.100.31200.2100) and Worker's compensation (4.100.31200.2710) line items. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: HOLIDAY SCHEDULE

Mr. Rolfe stated that the State is granting an extra half day off on Wednesday, November 26th in addition to the normal Thursday, November 27th; and Friday, November 28th. Since Christmas day is Thursday, December 25th, the State is granting an extra half day off on

Wednesday, December 24th and a full extra day off on Friday, December 26th, and a full extra day off on Friday, January 2nd since New Years Day is Thursday, January 1st.

Discussion ensued regarding: what other localities are doing; the need to have all County offices open for business; liberal leave policy; and the traditional holiday schedule.

By consensus, the Board directed staff to follow the traditional state holiday schedule excluding the additional days granted by the Governor and not discuss the issue again.

RE: DESTROYED LIVESTOCK/POULTRY CLAIM

Karen Karasinski, Finance Director, explained that the Orange County Code of Ordinances (Section 6.222 - Compensation for livestock and poultry injured or killed by dogs) was established to reimburse individuals who submitted a valid claim for livestock and poultry injured or killed by dogs. There is currently $11,779 in the General Fund designated to pay such claims. She reported that the County Administrator had received a claim for reimbursement of destroyed livestock in the amount of $2,175.

Mr. Rolfe briefly reviewed the claim with the Board and answered questions. Discussion ensued regarding the livestock reimbursement fund and the requirements for the fund mandated by the state.

Discussion continued after the public hearing.

RE: PUBLIC HEARING: PROPOSED AMENDMENT TO CHAPTER 6, ANIMALS, OF THE ORANGE COUNTY CODE OF ORDINANCES

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Johnson called the public hearing to order to receive comment on the following:

- Proposed Amendment to Chapter 6, Animals, of the Orange County Code of Ordinances pertaining to the following: changing references in current County code from Title 3.1 of the Code of Virginia, 1950, as amended, to Title 3.2 of the Code of Virginia, 1950, as amended, to be effective as of October 1, 2008, due to changes made by the General Assembly; adding additional language to the definition of a dangerous dog; adding language regarding the trial process for violating the County's comprehensive animal laws; adding language requiring the owner of a dog that has been found to be dangerous to register the animal with the Commonwealth of Virginia Dangerous Dog Registry, among other requirements; and adding penalties for owners of dangerous dogs for repeated offenses committed by the dangerous dog.

Mr. Patrick briefly explained that during the last session of the General Assembly, the laws concerning agriculture, horticulture and food laws were revised and recodified, effective October 1, 2008. As a result, the County's comprehensive animal laws currently in place need to be modified. He noted that the vast majority of the changes are simply replacing the old code sections with the new code sections as recodified by the General Assembly. The other textual changes involve sections 6-246 through 6-254, which deals with dangerous and vicious dogs. The proposed changes will make the County's comprehensive animal laws compliant with the changes made by the General Assembly.

At 7:37 p.m., Chairman Johnson opened the floor for public comment. Tom Bundy, 13049 St. Just Road, Unionville, commented on the proposed amendments. There being no further comment, the public hearing was closed at 7:38 p.m.

Mr. Burkett moved, seconded by Mr. Frame and carried, to adopt the following ordinance as presented:

AN ORDINANCE TO AMEND CHAPTER 6, ANIMALS

WHEREAS, the Orange County Board of Supervisors recognizes that the General Assembly has recodified the agriculture, horticulture and food laws of the Commonwealth; and

WHEREAS, this recodification requires changes to the existing animal laws of the County, as well as certain other changes enacted by the General Assembly, and

WHEREAS, this proposed ordinance has been advertised in accordance with the Code of Virginia, 1950, as amended

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the Code of Ordinances, County of Orange, Virginia is hereby amended as follows:

Sec. 6-1. Adoption of state comprehensive animal laws.

The provisions of Code of Virginia of 1950, § ~~3.1-796.66~~ 3.2-6500 et seq., are adopted and made a part of this chapter as fully as though set forth in this section.

Sec. 6-4. Penalties for violation.

Any person violating this chapter, with the exception of division 7 of article III of this chapter, shall be guilty of a class 1 or 4 misdemeanor, and shall be punished in accordance with the provisions of Code of Virginia, §§ ~~3.1-796.128~~ 3.2-6587, 18.2-403.1, 18.2-403.2, 18.2-403.3 and 18.2-403.4, which sections are adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 6-56. Position created.

Pursuant to the provisions of Code of Virginia, § ~~3.1-796.104~~ 3.2-6555, the responsibility for the enforcement of the comprehensive animal laws and of this chapter shall be vested in an animal control officer appointed by the board of supervisors and in such deputy animal control officer as the board of supervisors may appoint.

Sec. 6-111. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months or older unless such dog is licensed as required by the provisions Code of Virginia, § ~~3.1-796.85~~ 3.2-6524, and this division. Any person violating this section shall be guilty of a class 4 misdemeanor and, upon their first offense of this section, shall pay a fine of $50.00.

Sec. 6-112. How to obtain license.

Dogs shall be licensed as provided by Code of Virginia, § ~~3.1-796.86~~ 3.2-6527, by reference, which section is adopted and made a part of this chapter by reference as fully as though set forth at length in this section.

Sec. 6-113. Amount of license tax.

(a) Pursuant to the authority of Code of Virginia, § ~~3.1-796.87~~ 3.2-6528, any person licensing a dog in the county shall pay an annual license tax on the ownership of the dog according to the following schedule:
Male dog . . . $10.00
Unsexed (castrated) male dog . . . 2.00
Female dog . . . 10.00
Unsexed (spayed) female dog . . . 2.00

(b) No license tax shall be levied on a guide dog for a blind person, service dog or dogs under four months of age.

Sec. 6-115. When license tax payable.

The license tax imposed by this division shall be payable to the treasurer of the county, as required by Code of Virginia, § ~~3.1-796.88~~ 3.2-6530, which section is adopted and made a part of this chapter as fully as though set forth at length in this section.

Sec. 6-118. Duplicate license tags.

Duplicate license tags shall be obtained by the owner of a dog as provided by Code of Virginia, § ~~3.1-796.91~~ 3.2-6532, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 6-119. Displaying receipts; dogs to wear tags.

Dog license receipts shall be displayed and dog license tags shall be worn as required by Code of Virginia, § ~~3.1-796.92~~ 3.2-6531.

Sec. 6-196. County dog pound.

The animal control officer shall cause to be maintained a pound or enclosure as required by Code of Virginia, § ~~3.1-796.96~~ 3.2-6546.

Sec. 6-197. Confinement and disposition of dogs.

It shall be the duty of the animal control officer to confine and dispose of dogs pursuant to provisions of Code of Virginia, § ~~3.1-796.66~~ 3.2-6500 et seq.

Sec. 6-199. Unlicensed dogs.

(a) It shall be the duty of the animal control officer, or any other officer, to capture and impound any companion animal found running at large on which the license tax has not been paid. A reasonable effort will be made to find the owner. After five days, if the owner is not found, the animal shall be declared abandoned. If the owner is known, the animal will be held an additional five days. The provisions of Code of Virginia, § ~~3.1-796.96~~ 3.2-6546 shall apply where applicable to the disposition of the dog. Any person, animal control officer or other officer euthanizing a dog under this chapter shall cremate, bury or sanitarily dispose of the dog. Prior to the disposition by euthanasia or otherwise, all of the provisions of Code of Virginia, § ~~3.1-796.66~~ 3.2-6500 et seq., shall have been complied with.
(b) If the animal control officer or other officer exercise his option to deliver such dog to any person in his jurisdiction who will pay the required license tax and cost on such dog, the person accepting delivery of such dog shall, within five days after such delivery, furnish to the animal control officer evidence of the inoculation and licensing of such dog as required by this article; and the failure to provide such evidence shall be a violation of this article and shall constitute a separate offense.

Sec. 6-221. Disposition of funds.

The treasurer shall keep all money collected by him for dog licenses in a separate account as part of the general fund; and such funds shall be used for the purposes designated by Code of Virginia, § ~~3.1-796.101~~ 3.2-6534, which section is adopted by reference and made a part of this chapter as if fully set forth in this section.

Sec. 6-246. Definitions.

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

Dangerous dog means a canine or a canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal: however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog or cat as a result of the attack or bite, ~~or~~ (ii) both ~~dogs~~ animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

Vicious dog means a canine or canine crossbreed which has:

(1) Killed a person;
(2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
(3) Continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided its owner has been given notice of that finding.

Sec. 6-247. Summons authorized.

(a) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate ~~of~~ serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If after hearing the evidence the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the County's ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of the Code of Virginia, § ~~3.1-796.119~~ 3.2-6562. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

~~(b) Notwithstanding the provisions of subsection (a) of this section, if the animal control officer determines, after investigation, that a dog is dangerous dog, the animal control officer may order the animal's owner to comply with the provisions of this division. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.~~

Sec. 6-248. Determination.

No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the board of supervisors prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing at the time a crime upon the premises occupied by the animal's owner or custodian; (ii) committing at the time a willful trespass or

other tort upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times. No police dog ~~which~~ that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its ~~owner or~~ owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

Sec. 6-249. Registration certificate required.

The owner of any animal found by a court to be a dangerous dog shall within ten days of such finding obtain a dangerous dog registration certificate from the animal control officer for a fee of $50.00, 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 certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

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 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. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least $100,000.

(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.

Sec. 6-254. Penalty for noncompliance.

The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of this division shall be guilty of a class 1 misdemeanor and shall be punished accordingly.

Additionally, any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury

The provisions of 1 and 2 above, shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

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, 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, § ~~3.1-796.104.1~~ 3.2-6556.

This Ordinance shall be effective at 12:01 a.m. of October 1, 2008.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ACTION ITEMS CONTINUED

RE: DESTROYED LIVESTOCK/POULTRY CLAIM CONTINUED

Discussion continued regarding the livestock reimbursement fund; how the claims will be paid; the total amount of funds to be maintained in the account; and the transfer of excess funds in the account to the General Fund.

Mr. Frame moved, seconded by Mr. Burkett and carried, to process payment of a claim submitted by Teresa Colwell for reimbursement of destroyed livestock and poultry, with the appropriation of $2,175.00 of the General Fund balance to cover the claim. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

Mr. Goodwin made a motion to establish a fund for livestock reimbursement with a cap of $3,000 and pay nothing beyond $3,000 annually. Mr. Johnson seconded the motion for discussion.

Discussion ensued including: the reason the fund was established in the beginning; requirements by the State Code of Virginia; how the Board wishes the fund to be maintained.

Mr. Burkett moved to table the issue to the September 23, 2008 meeting to allow staff time to provide additional information. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PROPOSED ORDINANCE TO AMEND CHAPTER 54 SUBDIVISIONS AND TO CANCEL PUBLIC HEARING

Mr. Rolfe stated that the Board has the final version of the proposed ordinance to amend Chapter 54 Subdivisions and suggested that the Board review the document one more time. If the document is correct, then at its meeting on September 23, 2008, the Board could establish a public hearing date.

Mr. Frame moved, seconded by Mr. Burkett and carried, to cancel the September 23, 2008 public hearing to receive public comment on the draft revised subdivision ordinance. Ayes: Johnson, Burkett, Goodwin, Frame, Pace. Nays: None.

Discussion ensued regarding the need to modify the document including: distinguishing parent/child lots; and the size of lots for subdivision.

The Board scheduled a worksession to further discuss the proposed Subdivision Ordinance on September 23, 2008 beginning at 6:00 p.m.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

No appointments to Boards, Commissions or Committees were made at this time.

RE: DISCUSSION ITEMS

RE: REVISED PROFFER POLICY

Debbie Kendall, Director of Strategic Planning, briefly reviewed the revised Proffer Policy with the Board.

The Board reviewed and discussed various parts of the policy with Mrs. Kendall.

The Board requested that this item be added to the September 23, 2008 agenda for further discussion.

RE: BUDGET

Supervisor Pace requested that this item be added to the agenda for discussion. She reported that the General Assembly adopted a budget and now the revenues are coming in under what was projected. She commented on the current economic situation and questioned whether the Board is unwilling to acknowledge what is going on in the state and across the country. Mrs. Pace suggested that the Board reconsider the decision on the new middle school.

Mrs. Pace made a motion to ask the School Board to meet with the Board of Supervisors to discuss the current budget situation and how best to go forward to remedy the problems that we have in a more fiscally responsible way. Mr. Burkett seconded the motion. Ayes: Burkett, Pace. Nays: Johnson, Goodwin, Frame.

RE: INFORMATION ITEMS

The following items were presented to the Board for its information:

- Treasurer's Report;
- Auditor of Public Accounts.

RE: PENDING ITEMS

a. Comprehensive Review of CIP
b. Wireless Project
c. Illegal Information
d. Lighting Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of September, October and November, 2008.

RE: CLOSED SESSION

The Board reconvened in Closed Session at 8:47 p.m.

RE: OPEN SESSION

At 9:11 p.m., Mr. Burkett moved, seconded by Mr. Goodwin and carried; to reconvene in open session whereupon the Board adopted the following resolution:

WHEREAS, the Orange County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Orange County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

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

The motion carried. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ACTION FOLLOWING CLOSED SESSION:

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to resolve the Bickley grievance under the terms that were reviewed and discussed by the Board of Supervisors in Closed Session. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ADJOURNMENT

At 9:13 p.m., there being no further business to discuss, Mr. Burkett moved to adjourn the meeting. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.