

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
August 13, 2013

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 13, 2013, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
Richard W. Glover, Brookland District
Tyrone E. Nelson, Varina District
Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Lawrence M. (Lonnie) Loyall, Captain, Jail East, Sheriff's Office
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:03 p.m.

Mr. Kaechele led recitation of the Pledge of Allegiance and a moment of silent prayer.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, the Board approved the minutes of the July 23, 2013, Regular Meeting.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson, Thornton

No: None

MANAGER'S COMMENTS

Wilbur Fraenzul, a member of the Henrico Volunteer Rescue Squad, passed away suddenly while on duty at the station on the evening of August 12 despite valiant efforts to resuscitate him by a team of his fellow rescue squad members, Division of Fire personnel, and Memorial

Regional Medical Center staff. Mr. Fraenzel was a member of the squad for the past five years, where he served as a squad leader and basic life support trainer for new members. He was always eager to pitch in and clearly demonstrated a passion for serving others in the community through his service to the squad, to which he devoted more than 700 hours in this calendar year alone. The Division of Fire will provide honor guard support at Mr. Fraenzel's funeral and is working with the Department of Human Resources to investigate whether his family may be eligible to receive survivor benefits through the Public Safety Officer's Benefits program. Mr. Vithoukas extended his deepest condolences to Mr. Fraenzel's family and to the members of the squad.

In Fiscal Year 2013, Henrico Volunteer Rescue Squad responded to over 1,500 emergency medical calls and transported over 800 patients to area hospitals. Combined, the three volunteer rescue squads in Henrico County (Henrico, Lakeside, and Tuckahoe) responded to more than 7,600 emergency medical calls during Fiscal Year 2013, which accounted for 19 percent of all emergency medical calls in the County.

The J. Sargeant Reynolds Community College Department of Police held a multi-jurisdictional active shooter scenario on August 10 at its Parham Road campus in conjunction with the Henrico Division of Fire, Henrico Division of Police, Virginia State Police, and Virginia Department of Emergency Management. The exercise included the integration of communications between Reynolds and the County's emergency communications centers and involved personnel and units from the Henrico Divisions of Fire and Police and the Tuckahoe and Lakeside Volunteer Rescue Squads. The drill provided an opportunity for the County's first responders to work with their partners at Reynolds to improve their response to the campus no matter what the emergency might be.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon noted that more than 300 family members, friends, and fans gathered at the Tuckahoe Little League complex on the afternoon of August 11 to celebrate the league's 12-and-under American all-star team for its outstanding accomplishments in district, state, and southeastern regional tournaments. She and Mr. Vithoukas had the pleasure of speaking at this event, which was also attended by Mr. Glover. The Tuckahoe Little League American All-Stars distinguished themselves by winning their district and state tournaments and by advancing to the Little League Southeastern Regional championship game in Warner Robins, Georgia, after defeating teams from Tennessee, West Virginia, Alabama, and South Carolina. Their August 7 regional semifinal game was broadcast on ESPN2 and their August 9 regional championship game, in which they experienced a heartbreaking two-run loss, was aired on ESPN. During its 16 tournament games, the team belted 37 home runs, scored 179 runs, and committed only 12 errors. The team's eight pitchers had a combined earned run average (ERA) of 1.08 and allowed only 30 runs. Tuckahoe was just one win away from playing in the Little League World Series. Mrs. O'Bannon expressed delight at having a personal opportunity to congratulate the team members and characterized them as a great group of guys who played hard and represented the community very well.

Mr. Thornton acknowledged the recent passing of Louis Hearn, a close professional colleague and a former member of the Keep Henrico Beautiful Committee. Mr. Hearn was retired from Virginia Union University, where he served as director of the Upward Bound program and won a national title as head coach of the women's basketball team.

Mr. Thornton announced that the Chamberlayne Phillies (12-and-under all-stars) won the Silver Division of the inaugural Flying Squirrels Regional Youth Baseball Tournament, which was recently held at Dorey Park. The team's home field is Klehr Field. He expressed pride in this accomplishment.

Mr. Kaechele mentioned that Richmond International Airport was recently ranked number two nationally in efficiency among airports with fewer than 15 million passenger enplanements per year. He voiced pride in the job that the airport does.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Ben Panko from the *Richmond Times-Dispatch*.

PRESENTATION

Mr. Kaechele presented a proclamation recognizing September 2013 as Preparedness Month. Accepting the proclamation was Andrew Baxter, Assistant Fire Chief for Professional Services. Joining him at the podium were Lt. Col. James Fitzgerald, Assistant Police Chief for Patrol Operations; and Brenda Kapelewski, Emergency Management Specialist, Community Emergency Response Team (CERT) Program Coordinator, and Fire Corps Program Coordinator for the Division of Fire's Office of Emergency Management. Also in the audience were Moneke Mack, Pattie Camper, and Renee Hamm, CERT volunteers; Michael Hackett, emergency amateur radio operator and Fire Corps volunteer; Pat Ryan, CERT volunteer and Citizen Police Academy participant; Collin Papenfuss, Medical Reserve Corps volunteer; Ed Gammon, CERT volunteer and Volunteers in Police Service (VIPS) participant; and Ben Nicely, CERT and Teen Cert volunteer.

PUBLIC HEARINGS -REZONING CASES

160-13 Impala Properties, LLC: Request to conditionally rezone from R-4 One-
REZ2013- Family Residence District and M-1 Light Industrial District to M-1C Light
00010 Industrial District (Conditional) Parcel 774-749-7580 containing 0.773 acres
Brookland located in the northwest quadrant of the intersection of Impala Drive and
 Impala Place.

Mr. Vithoukias noted that this item and Agenda Item No. 161-13 (case REZ2013-00011) were companion cases and would be presented together.

In response to questions from Mr. Glover, Assistant Director of Planning Jean Moore and Mr. Rapisarda clarified that condition no. 1 in case REZ2013-00010 would prohibit boarded animals from being outdoors.

between the designated hours.

No one from the public spoke in opposition to these cases.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. Boarded animals shall not be permitted to remain in outdoor-enclosed areas between the hours of 9:00 p.m. and 9:00 a.m. the following day.
2. The perimeter of outdoor pen areas shall be enclosed by opaque fencing a minimum of five (5) feet in height constructed of composite decking board or vinyl fencing, as determined at the time of Landscape Plan approval.
3. No portion of a building shall be located within sixty (60) feet of the right-of-way line of Impala Drive.
4. When any portion of the Property is improved, a landscaped area of a minimum of ten (10) feet in width (exclusive of driveways and utility easements) shall be established along the right-of-way line of Impala Drive. The landscaping within the landscaped area shall consist of plantings meeting the standards of a transitional buffer ten as set forth in the Zoning Ordinance.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson, Thornton

No: None

161-13
REZ2013-
00011
Brookland

613 Brook Avenue, LLC: Request to rezone from R-4 One-Family Residence District to M-1 Light Industrial District part of Parcel 774-749-8360 containing 0.27 acres located in the southwest quadrant of the intersection of Impala Drive and Impala Place.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item:

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson, Thornton

No: None

162-13
REZ2013-
00009
Brookland

Wistar Place, LLC: Request to conditionally rezone from R-3 One-Family Residence District and R-5 General Residence District to R-3C One-Family Residence District (Conditional) Parcels 769-751-7510, -7755, and -6726 containing 8.314 acres located on the south line of Wistar Road at its intersection with Birchbrook Road.

Ms. Moore responded to questions from Mr. Kaechele and Mr. Thornton.

Bud Vye, a resident of 3015 Birchbrook Road, suggested that this case include a proffered condition for construction of a sidewalk along Wistar Road to get pedestrians out of the roadway and people's yards. Mr. Glover advised Mr. Vye that this condition will be decided during the plan of development process if the applicant decides to include it.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Minimum Finished Floor Area.** Two-story homes shall have a minimum of 1,800 sq. ft. of finished floor area. One-story homes shall have a minimum of 1,700 sq. ft. of finished floor area.
2. **Garages.** Each residential unit shall be constructed with at least a one (1) car garage with a minimum interior clear space of 18' x 12'. Front loaded garages shall be offset (forward or back) from the front line of dwelling a minimum of two (2) feet and have a separate pedestrian door to the exterior or side.
3. **Foundation.** All new houses shall be constructed on crawl space foundations, except garages and basements. The exterior portions of all residential dwelling foundations below the first floor level which are visible above grade shall be brick, stone or a cementitious, mortared stone-appearing product.
4. **Exterior Building Material.** All homes shall be constructed with brick, stone, cultured stone, EIFS, cementitious or vinyl siding. Vinyl siding shall have a minimum nominal wall thickness of .044 inches. Fiber board shall not be permitted. Shingles shall be a minimum twenty-five (25) year asphalt quality. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two windows.
5. **Steps, Stoops, and Decks.** Steps to the main entrance of homes, except for homes with country front porches, shall be faced with

brick or stone or a cementitious, mortared stone-appearing product. Steps (risers) for a country front porch shall be made of the same material as the country front porch and shall have backs and not be opened. Front stoops, except for homes with country front porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. For any country front porch with piers, those piers shall be of brick, stone, or cultured stone to match the foundation. The space beneath any structure constructed on piers higher than two (2) feet above grade but less than one story above grade shall be enclosed with lattice or other screening material of comparable quality, including but not limited to landscaping.

6. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
7. **Fences.** Chain link, barbed wire, fences with metal posts, stockade fences, and post and wire fences are prohibited.
8. **Cemetery Fence.** Developer to provide (install) a minimum four (4) foot white vinyl fence adjacent to the cemetery identified on parcel GPIN 769-751-4037.
9. **Rear Property Line Fence.** Developer shall install a seven (7) foot high white vinyl fence across the rear of the property abutting GPIN 769-750-7033 and GPIN 769-751-4104 and extend northward along the rear yards of 8A and 9A as shown on the concept plan (see case file).
10. **Common Area.** Developer shall provide a natural walking trail through the common area.
11. **Cantilevering.** The exposed portion of a fireplace chimney shall be clad in brick, brick veneer, stone, synthetic stone, or similar masonry material. No chimney or gas vent shall be cantilevered. This proffer shall not apply to direct gas fireplaces or appliances. No closets or windows shall be cantilevered.
12. **Driveways.** All new driveways shall be constructed of either, cobblestone, brick, precast pavers, concrete, asphalt, exposed aggregate or other similar material approved by the Director of Planning.
13. Lots 2A and 2B shall have a ten (10) foot no ingress/egress planting strip easement. Lots 8A and 9A shall only have ingress/egress through Road B.

14. **Entrance Sign.** The Entrance sign shall be constructed similar to Exhibit "A" (see case file).
15. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth moving equipment shall be between 7:00 a.m. - 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Hours shall be posted in both English and Spanish during construction of the community.
16. **Layout.** The layout shall be substantially similar in nature to Exhibit B (see case file).
17. **Severance.** The unenforceability, elimination revision, or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson, Thornton

No: None

PUBLIC HEARINGS - OTHER ITEMS

163-13

Ordinance - To Amend and Reordain Section 2-48 Titled "Bonds;" Section 16-4 Titled "Purchasing system established," Section 16-6 Titled "Powers and duties of director of general services," Section 16-7 Titled "Delegation of authority by director of general services," Section 16-8 Titled "Establishment of operational procedures," Section 16-9 Titled "Purchases for volunteer rescue squads," Section 16-10 Titled "Unauthorized purchases," Section 16-11 Titled "Disposal of obsolete or unusable property," Section 16-12 Titled "Sale of surplus property," Section 16-43 Titled "Award of contracts generally," Section 16-44 Titled "Receiving and processing of bids for construction," Section 16-45 Titled "Exceptions to requirement for competitive procurement," Section 16-47 Titled "Debarment," and Section 16-48 Titled "Negotiation with lowest responsible bidder," and to Repeal and Reserve Section 16-5 Titled "Appointment of director of general services," of the Code of the County of Henrico, to Change the Bonding Requirement and Responsibility for County Procurement from the Director of General Services to the Purchasing Director.

Mr. Vithoulkas recognized Purchasing Director Cecelia Stowe, who will be within the Department of Finance after the transfer of the purchasing function from the Department of General Services. He responded to a question from

Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

164-13

Ordinance – To Amend and Reordain Section 24-3 Titled “Enumerated” and Section 24-100.1 Titled “Temporary Family Health Care Structures” of the Code of the County of Henrico to Allow Certain Married Occupants to Reside in Temporary Family Health Care Structures and to Extend the Removal Period for Such Structures.

No one from the public spoke in opposition to this item.

On motion of Mrs. O’Bannon, seconded by Mr. Nelson, with Mr. Glover voting no, the Board approved this item – see attached ordinance.

165-13

Ordinance - To Amend and Reordain Section 22-254 of the Code of the County of Henrico Titled “Authority to take vehicles into custody” to Provide that the Term “Public Auction” Includes an Internet Sale by Auction.

No one from the public spoke in opposition to this item.

Mr. Rapisarda and Lt. Henry Smith, Commander of Quality Assurance for the Division of Police, responded to questions from Mr. Kaechele. Lieutenant Smith indicated to Mr. Kaechele that although he did not have the statistics in front of him he would be happy to research how frequently these public auctions occur.

On motion of Mrs. O’Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

166-13

Ordinance – To Amend and Reordain Sections 5-1 and 5-30 of the Code of the County of Henrico Titled Respectively “Definitions” and “Control of dangerous or vicious dogs” and to Add Section 5-31 to the Code of the County of Henrico Titled “Vicious dogs” to Parallel New Provisions of State Law Pertaining to Dangerous Dogs and Vicious Dogs.

Lt. Shawn Sears, Commander of the Division of Police’s Animal Protection Section, responded to questions from Mrs. O’Bannon.

No one from the public spoke in opposition to this item.

On motion of Mrs. O’Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached ordinance.

167-13 Ordinance – To Amend and Reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico Titled Respectively “Records of Transactions; Furnishing of Copies of Records to Police,” “Records of Transactions; Credentials of Persons Pawning Goods,” and “Daily Reports to Police; Content” to Require Precious Metals and Gems Dealers and Pawnbrokers to Retain Digital Images of the Photographic Identification Presented by Sellers and Pledgors and to Prohibit the Receipt of Items with Defaced, Altered, or Removed Serial Numbers.

Mr. Rapisarda responded to a question from Mr. Kaechele.

No one from the public spoke in opposition to this ordinance.

On motion of Mrs. O’Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

168-13 Resolution - Signatory Authority - Deed of Conveyance - Lots 41, 42, and 43, Block 11, Lakeside Terrace - Fairfield District.

No one from the public spoke in opposition to this item.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

169-13 Resolution - Signatory Authority - Easement Agreement - Verizon Virginia, LLC - Three Chopt District.

No one from the public spoke in opposition to this item.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

170-13 Resolution - To Accept the Wireless E-911 PSAP Education Program Grant.

On motion of Mr. Glover, seconded by Mrs. O’Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

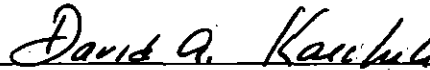
171-13

Resolution - Signatory Authority - Lease - Division of Police - Virginia Center Commons - Fairfield District.

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved this item - see attached resolution.

Mr. Glover explained that he voted "no" on Agenda Item No. 164-13 because it is impossible to build temporary family health care structures in Henrico due to the County's building setback requirements.

There being no further business, the meeting was adjourned at 8:04 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PREPAREDNESS MONTH

September 2013

WHEREAS, one of the most profound duties of government is ensuring the safety and security of its citizens from emergencies and disasters of all kinds; and,

WHEREAS, large-scale emergencies and disasters affecting Henrico County include inland effects from tropical storm systems, wildland fires, flooding, tornadoes, drought, earthquakes, and numerous smaller yet significant events that occur daily across the County; and,

WHEREAS, all citizens have a responsibility to contribute to their own safety and security as part of a larger effort by the County to strengthen its ability to prepare for, prevent, respond to, and recover from unexpected emergencies and disasters in cooperation with the Commonwealth of Virginia and the national government; and,

WHEREAS, Henrico citizens can greatly reduce the potential for death, injury, and property loss by taking a few simple steps such as assembling a disaster kit, making an emergency plan, and keeping informed of hazards around them; and,

WHEREAS, citizen preparedness activities are supported by a wide range of local and state initiatives, including Virginia Corps, Citizen Corps and its five programs (Community Emergency Response Team, Fire Corps, Medical Reserve Corps, Neighborhood Watch, and Volunteers in Police Services), various training opportunities, and ongoing public education campaigns focused on fire safety, emergency management, health, and crime awareness; and,

WHEREAS, the combined actions of local, state, and federal agencies working in partnership with an informed and ready private sector and citizenry can transcend the fear of unexpected emergencies and disasters into proactive preparedness that improves the lives, safety, and security of all Henrico citizens.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognize September 2013 as Preparedness Month and calls this observance to the attention of all Henrico citizens.



David A. Kaechele
David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
August 13, 2013

ORDINANCE – To Amend and Reordain Section 2-48 Titled “Bonds,” Section 16-4 Titled “Purchasing system established,” Section 16-6 Titled “Powers and duties of director of general services,” Section 16-7 Titled “Delegation of authority by director of general services,” Section 16-8 Titled “Establishment of operational procedures,” Section 16-9 Titled “Purchases for volunteer rescue squads,” Section 16-10 Titled “Unauthorized purchases,” Section 16-11 Titled “Disposal of obsolete or unusable property,” Section 16-12 Titled “Sale of surplus property,” Section 16-43 Titled “Award of contracts generally,” Section 16-44 Titled “Receiving and processing of bids for construction,” Section 16-45 Titled “Exceptions to requirement for competitive procurement,” Section 16-47 Titled “Debarment,” and Section 16-48 Titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 Titled “Appointment of director of general services,” of the Code of the County of Henrico; to Change the Bonding Requirement and Responsibility for County Procurement from the Director of General Services to the Purchasing Director

AN ORDINANCE to amend and reordain Section 2-48 titled “Bonds,” Section 16-4 titled “Purchasing system established,” Section 16-6 titled “Powers and duties of director of general services,” Section 16-7 titled “Delegation of authority by director of general services,” Section 16-8 titled “Establishment of operational procedures,” Section 16-9 titled “Purchases for volunteer rescue squads,” Section 16-10 titled “Unauthorized purchases,” Section 16-11 titled “Disposal of obsolete or unusable property,” Section 16-12 titled “Sale of surplus property,” Section 16-43 titled “Award of contracts generally,” Section 16-44 titled “Receiving and processing of bids for construction,” Section 16-45 titled “Exceptions to requirement for competitive procurement,” Section 16-47 titled “Debarment,” and Section 16-48 titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 titled “Appointment of director of general services,” of the Code of the County of Henrico, to change the bonding requirement and responsibility for County procurement from the Director of General Services to the Purchasing Director.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 2-48 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-48. Bonds.

(a) *Director of social services.* The director of social services shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of such director's duties.

(b) *Director of finance.* The director of finance shall give bond with surety in the amount of \$1,000,000.00, conditioned on the faithful discharge of his duties and the proper accounting for all funds coming into his possession, which shall be satisfied by his inclusion in the state self-insurance plan or a similar plan promulgated by the division of risk management of the state department of general services.

(c) *Other persons.* Persons holding the following positions shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession:

- (1) The county manager and all deputy county managers;
- (2) The purchasing director of general services; and
- (3) The registrar.

(d) *Payment of premium.* Except with respect to the director of finance, the county shall pay the premium for all such bonds.

2. That Section 16-4 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-4. Purchasing system division established.

There is hereby created a purchasing system division within the department of finance general services, to operate under the direction and supervision of the purchasing director of general services.

3. That Section 16-5 of the Code of the County of Henrico be repealed and reserved.

Sec. 16-5. Appointment of director of general services. ~~Reserved.~~

~~The director of general services shall be appointed by the county manager and shall be subject to his general direction and control.~~

4. That Section 16-6 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-6. Powers and duties of purchasing director of general services.

(a) The purchasing director of general services shall serve as the principal public purchasing official for the county and shall be responsible for the procurement of goods, services, insurance and construction in accordance with this chapter, as well as the management and disposal of goods.

(b) In accordance with this chapter, the purchasing director of general services shall:

- (1) Purchase or supervise the purchasing of all goods, services, insurance and construction needed by the county;
- (2) Sell, trade or otherwise dispose of surplus goods belonging to the county;
- (3) Establish and maintain programs for specifications development, contract administration, inspection and acceptance, in cooperation with the public agencies using

the goods, services and construction;

(4) Not issue any order for delivery on a purchase, except in an emergency, until the director of finance or his designee shall have certified, after preaudit, that there is to the credit of the using agency concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order; and

(5) Perform such other functions and duties as the county manager director of finance may assign.

5. That Section 16-7 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-7. Delegation of authority by purchasing director of general-services.

The purchasing director of general-services may delegate authority to purchase certain goods, services, insurance or construction to other county officials if such delegation is deemed necessary for the effective procurement of those items.

6. That Section 16-8 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-8. Establishment of operational procedures.

Consistent with this chapter, the purchasing director of general-services shall adopt operational procedures relating to the execution of his the director's duties.

7. That Section 16-9 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-9. Purchases for volunteer rescue squads.

The purchasing director of general-services shall have authority to sell supplies, materials and equipment to volunteer rescue squads within the county at the same cost as the cost of such supplies, materials and equipment to the county.

8. That Section 16-10 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-10. Unauthorized purchases.

Except as otherwise provided in this chapter, no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this chapter other than by and through the purchasing director of general-services, and any purchase order or contract made contrary to the provisions of this section is not approved and the county shall not be bound thereby. Any person responsible for such purchase shall be held personally liable for such purchase, and, if already paid for out of county funds, the amount may

be recovered in the name of the county in an appropriate action instituted therefor.

9. That Section 16-11 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-11. Disposal of obsolete or unusable property.

The purchasing director of general-services shall sell, transfer, trade or otherwise dispose of all materials, supplies, equipment or other personal property of the county which has become obsolete or unusable. For purposes of this chapter, personal property shall be deemed "obsolete and unusable" when the continued use of such property by the county is no longer cost effective.

10. That Section 16-12 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-12. Sale of surplus property.

(a) All sales of property pursuant to this chapter shall be accomplished by means of competitive bids, public auction, firm price offered to all persons wishing to participate in the sale, or negotiated sale to other units of local government. The purchasing director of general-services shall use whichever method he the director believes will raise the highest revenue for the county.

(b) In cases where surplus property is offered for sale at a firm price, the property shall be offered first to taxpayers and residents of the county before it is offered to the general public.

11. That Section 16-43 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-43. Award of contracts generally.

(a) The purchasing director of general-services shall award all contracts on behalf of the board of supervisors except for:

- (1) Contracts for construction which are expected to exceed \$100,000.00;
- (2) Contracts for professional services which are expected to exceed \$20,000.00; and
- (3) Contracts where the purchasing director of general-services, in his the director's sole discretion, has determined that an award by the board of supervisors is appropriate and the request for proposal or invitation to bid states that the award of the proposed contract will be made by the board of supervisors.

(b) The purchasing director of general-services shall award all contracts on behalf of the school board except for:

- (1) Contracts for Capital Project Fund work; and
- (2) Contracts where the superintendent of schools, in his sole discretion, has determined that an award by the school board is appropriate and the request for proposal or invitation to bid states that the award of the proposed contract will be made by the school board.

(c) The purchasing director of-general-services shall award all contracts on behalf of the Henrico Area Mental Health & Developmental Services Board except for:

- (1) Contracts for services for clients; and
- (2) Contracts for goods for direct client use.

(d) The board of supervisors, school board or Henrico Area Mental Health & Developmental Services Board, as appropriate, shall award all contracts not awarded by the purchasing director of-general-services.

12. That Section 16-44 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-44. Receiving and processing of bids for construction.

The purchasing director of-general-services shall advertise, receive, open and tabulate any and all bids for construction in accordance with the requirements and conditions set forth in the invitation to bid. He The director shall then transmit all such bids, with the tabulation of the bids, to the board of supervisors or school board, as appropriate, through the county manager or superintendent of schools, as appropriate, in all cases where the board of supervisors or school board will award the contract as provided in section 16-43.

13. That Section 16-45 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-45. Exceptions to requirement for competitive procurement.

(a) The county may enter into contracts without competition for the purchase of goods or services which are produced by or are available through state contracts or the state warehouse, or which are produced by nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped, or Virginia Correctional Enterprises.

(b) The county may enter into contracts for legal services, expert witnesses and other services associated with litigation or regulatory proceedings without competitive sealed bidding or competitive negotiation.

(c) The county may enter into contracts for purchases for special police work without competitive sealed bidding or competitive negotiation when the chief of police certifies that the items are needed for undercover police operations.

(d) Except in the case of contracts for state-aid projects governed by Code of Virginia, § 2.2-4305, and contracts for professional services governed by Code of Virginia, § 2.2-4301, the county may award single or term contracts not to exceed \$30,000.00 without competitive sealed bidding or competitive negotiation under procedures established by the purchasing director of gonoral-sorvicos.

(e) The county may enter into contracts for purchases of library books and legal publications without competitive sealed bidding or competitive negotiation.

(f) If an emergency occurs during office hours, the using agency shall immediately notify the purchasing director of-general-services, who shall either purchase directly or authorize the purchase of the needed goods and services. If any emergency occurs during a time when the purchasing division department-of-general-services is closed, the using agency may purchase any goods or services needed to meet such existing emergency; provided that the head of the using agency shall send as soon as practicable to the purchasing director of-general-services a requisition and a copy of the delivery receipt together with a written explanation of the circumstances of the emergency.

14. That Section 16-47 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-47. Debarment.

(a) *Generally.* The purchasing director of-general-services may, in the public interest, debar a prospective contractor for any of the causes listed in subsection (b) of this section, using the procedures described in subsection (d) of this section. The existence of a cause for debarment under subsection (b) of this section, however, does not necessarily require that the contractor be debarred. The seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(b) *Causes.* The purchasing director of-general-services may debar a prospective contractor for any of the following causes:

(1) Conviction of or civil judgment for:

- a. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
- b. Violation of federal or state antitrust statutes relating to the submission of offers;
- c. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; or
- d. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a government contractor or subcontractor.

(2) Violation of the terms of a government contract or subcontract so serious as to justify debarment, such as willful failure to perform in accordance with the terms of one or more contracts or a history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(3) Any other cause of so serious or compelling a nature that it affects the present responsibility of a government contractor or subcontractor.

(c) *Reports and investigations.* The purchasing director of-general-services shall establish procedures for the prompt reporting, investigation and referral of matters appropriate for that official's consideration.

(d) *Debarment procedures.* The following procedures governing the debarment decision-making process are designed to be as informal as practicable, consistent with principles of fundamental fairness:

(1) *Notice to contractor.* Debarment shall be initiated by advising the prospective contractor and any specifically named affiliate, by certified mail, return receipt requested, that debarment is being considered. Such notice shall include the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction upon which it is based.

(2) *Period of debarment.* Debarment shall be for a period commensurate with the seriousness of the cause, as determined by the purchasing director of general-services in his the director's sole discretion.

(3) *Submission of statement by contractor; hearing.* The prospective contractor may submit to the purchasing director of general-services, within 30 days after receipt of notice, in person, in writing or through a representative, information and argument to the proposed debarment, including any additional specific information that raises a genuine dispute over the material fact. If the proposed debarment is based upon a cause other than those specified in subsection (b)(1) of this section, an informal hearing allowing the examination and cross examination of witnesses shall be provided if so requested by the prospective contractor. In such cases, the purchasing director of general-services shall conduct the hearing and shall render his a decision within 15 days thereafter, or within 15 days after receipt of written information and argument if no hearing is requested or required to be held.

(4) *Appeals.* The decision of the purchasing director of general-services shall be final unless the prospective contractor appeals by instituting legal action as provided in the public procurement act.

15. That Section 16-48 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-48. Negotiation with lowest responsible bidder.

Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that, if the bid from the lowest responsible bidder exceeds available funds, the county may negotiate with the apparent low bidder to obtain a contract price within available funds. If the county wishes to negotiate with the apparent low bidder to obtain a contract price within available funds, negotiations shall be conducted in accordance with the following procedures:

(1) The using agency shall provide the purchasing director of general-services with a written determination that the apparent low bid exceeds available funds. Such determination shall be confirmed in writing by the director of finance or his designee. The using agency shall also provide the purchasing director of general-services with a suggested reduction in scope for the proposed purchase.

(2) The purchasing director of general-services shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds available funds. He The director shall further suggest a reduction in scope for the proposed purchase and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in scope.

(3) Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within available funds shall be permissible.

(4) The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include the change in scope for the proposed purchase, the reduction in price and the new contract value.

(5) If the proposed addendum is acceptable to the county, the county may award a contract within funds available to the lowest responsible bidder based upon the amended bid proposal.

(6) If the county and the lowest responsible bidder cannot negotiate a contract within available funds, all bids shall be rejected.

16. That this ordinance shall be in full force and effect on and after its passage.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **164-13**
Page No. 2 of 2

Agenda Title: ORDINANCE - To Amend and Reordain Section 24-3 Titled "Enumerated" and Section 24-100.1 Titled "Temporary Family Health Care Structures" of the Code of the County of Henrico to Allow Certain Married Occupants to Reside in Temporary Family Health Care Structures and to Extend the Removal Period for Such Structures

couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet of floor area, and (iv) complies with applicable provisions of the Virginia Industrialized Building Safety Law and the Uniform Statewide Building Code.

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2. That Section 24-100.1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-100.1. Temporary family health care structures.

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(i) The temporary family health care structure shall be removed within 30 ~~60~~ days after of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person is no longer receiving services or is no longer in need of the caregiver's assistance.

3. That this ordinance shall be in full force and effect on and after its passage as provided by law.

Comments: The Director of Planning and the Planning Commission recommend approval of this Board paper; the County Manager concurs.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 105-13
Page No. 1 of 1

Agenda Title: ORDINANCE - To Amend and Reordain Section 22-254 of the Code of the County of Henrico Titled "Authority to take vehicles Into custody," to Provide that the Term "Public Auction" Includes an Internet Sale by Auction

For Clerk's Use Only: Date: AUG 13 2013 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">APPROVED</div>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </table>		YES	NO	OTHER	Glover, R.	✓			Kaechele, D.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Thornton, F.	✓		
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Glover, R.	✓																									
Kaechele, D.	✓																									
Nelson, T.	✓																									
O'Bannon, P.	✓																									
Thornton, F.	✓																									

AN ORDINANCE to amend Section 22-254 of the Code of the County of Henrico titled "Authority to take vehicles into custody," to provide that the term "public auction" includes an Internet sale by auction.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

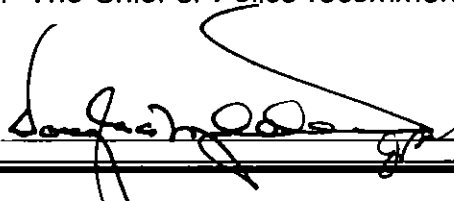

1. That Section 22-254 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-254. Authority to take vehicles into custody.

The chief of police may cause to be taken into custody any abandoned motor vehicle. In such connection, the county may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations that may be independent contractors for the purpose of removing, preserving, storing and selling at public auction abandoned motor vehicles. For the purposes of this section, the term "public auction" shall include an Internet sale by auction.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.

Comments: The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

By Agency Head  By County Manager 

Routing:
Yellow to: _____
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

ORDINANCE NO.:

APPROVED BY THE BOARD OF SUPERVISORS:

ORDINANCE - To amend Section 22-254 of the Code of the County of Henrico titled "Authority to take vehicles into custody," to provide that the term "public auction" includes an Internet sale by auction.

AN ORDINANCE to amend Section 22-254 of the Code of the County of Henrico titled "Authority to take vehicles into custody," to provide that the term "public auction" includes an Internet sale by auction.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 22-254 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-254. Authority to take vehicles into custody.

The chief of police may cause to be taken into custody any abandoned motor vehicle. In such connection, the county may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations that may be independent contractors for the purpose of removing, preserving, storing and selling at public auction abandoned motor vehicles. For the purposes of this section, the term "public auction" shall include an Internet sale by auction.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 106-13
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Sections 5-1 and 5-30 of the Code of the County of Henrico Titled Respectively "Definitions" and "Control of dangerous or vicious dogs" and to Add Section 5-31 to the Code of the County of Henrico Titled "Vicious dogs" to Parallel New Provisions of State Law Pertaining to Dangerous Dogs and Vicious Dogs

<p>For Clerk's Use Only: AUG 13 2013</p> <p>Date: _____</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Glover, R.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornlon, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornlon, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornlon, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

Comments: The Chief of Police recommends approval of this Board paper; the County Manager concurs.

By Agency Head [Signature] By County Manager [Signature]

Routing: Yellow to: _____ Certified: _____
Copy to: _____ A Copy Tests: _____
Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE – To Amend and Reordain Sections 5-1 and 5-30 of the Code of the County of Henrico Titled Respectively "Definitions" and "Control of dangerous or vicious dogs" and to Add Section 5-31 to the Code of the County of Henrico Titled "Vicious dogs" to Parallel New Provisions of State Law Pertaining to Dangerous Dogs and Vicious Dogs

AN ORDINANCE to amend and reordain Sections 5-1 and 5-30 of the Code of the County of Henrico titled respectively "Definitions" and "Control of dangerous or vicious dogs" and to add Section 5-31 to the Code of the County of Henrico titled "Vicious dogs" to parallel new provisions of state law pertaining to dangerous dogs and vicious dogs.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 5-1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-1. Definitions.

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Releas/ing agency means a pound, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Vaccinate, vaccinated and vaccination mean the immunization of a dog or cat against rabies, whether by inoculation, vaccination or any other method of treatment approved by the director of health.

Veterinarian means any licensed veterinarian authorized to practice veterinary medicine in the state.

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 protection police officer, as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

2. That Section 5-30 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-30. Control of dangerous-or-vicious dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed is a dangerous or vicious dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal protection police officer shall confine the animal until a verdict is rendered on the summons. If the animal protection police officer determines that the owner or custodian can confine the animal in a manner that protects 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.

(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous or vicious dog if the threat, injury or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or

(3) 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 that was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous or-vicious dog. No animal that, at the time 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, shall be found to be a dangerous or-vicious dog.

(c) if the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(d) Within 45 days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$150.00. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a uniformly designed tag that 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. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal protection police officer shall post registration information on the Virginia Dangerous Dog Registry.

(e) Certificates or renewals.

(1) All certificates or renewals thereof required to be obtained under this section shall be issued only to persons 18 years of age or older who present satisfactory evidence:

- a. Of the animal's current rabies vaccination, if applicable;
- b. 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;
- c. That the animal has been spayed or neutered; and
- d. That the owner has liability insurance, to the value of at least \$100,000.00, that covers animal bites or has obtained and will maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.

(2) in addition, no owner shall be issued a certificate or renewal unless he presents satisfactory evidence that:

a. His 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

b. The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(f) While on its owner's property, an animal found to be a dangerous dog shall be confined indoors, or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. ~~The structure shall provide the animal with shelter from the elements of nature.~~ While so confined within the structure, the animal shall be provided for according to § 3.2-6503 of the Code of Virginia. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) The owner of a dog found to be dangerous shall cause the animal protection unit of the division of police to be promptly notified of:

- (1) The names, addresses, and telephone numbers of all owners;
- (2) All of the means necessary to locate the owner and the dog at any time;
- (3) Any complaints or incidents of attack by the dog upon any person or cat or dog;
- (4) Any claims made or lawsuits brought as a result of any attack;
- (5) ~~Tattoo or chip~~ Chip identification information, ~~or both~~;
- (6) Proof of insurance or surety bond; and
- (7) The death of the dog.

(h) If an animal has been found to be a dangerous dog, the owner shall immediately cause the animal protection unit to be notified upon learning that the animal:

- (1) Is loose or unconfined;
- (2) Bites a person or attacks another animal; or
- (3) Is sold, is given away, or dies.

Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal protection unit for the old address from which the animal has moved and the new address to which the animal has been moved.

(i) 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; or

(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 this subsection 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.

(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a misdemeanor. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal protection police officer shall confine the dog until such time as evidence shall be heard and a verdict rendered.

(k) All fees collected pursuant to this section, less the costs incurred by the animal protection unit of the division of police in producing and distributing the certificates and tags required by this ordinance, shall be paid into a special fund dedicated to paying the expenses of any training courses required under Code of Virginia, § 3.2-6556.

3. That Section 5-31 be added to the Code of the County of Henrico as follows:

Sec. 5-31. Vicious dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed in the county is a vicious dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of

a summons, he shall contact a local animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal protection police officer shall confine the animal until such time as evidence shall be heard and a verdict rendered.

(b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a 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 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 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 vicious dog. No 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, shall be found to be a vicious dog.

(c) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a class 1 misdemeanor. The provisions of this subsection 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.

4. That this ordinance shall be in full force and effect on and after its passage.

ORDINANCE NO.:

APPROVED BY THE BOARD OF SUPERVISORS:

ORDINANCE – To Amend and Reordain Sections 5-1 and 5-30 of the Code of the County of Henrico Titled Respectively "Definitions" and "Control of dangerous or vicious dogs" and to Add Section 5-31 to the Code of the County of Henrico Titled "Vicious dogs" to Parallel New Provisions of State Law Pertaining to Dangerous Dogs and Vicious Dogs

AN ORDINANCE to amend and reordain Sections 5-1 and 5-30 of the Code of the County of Henrico titled respectively "Definitions" and "Control of dangerous or vicious dogs" and to add Section 5-31 to the Code of the County of Henrico titled "Vicious dogs" to parallel new provisions of state law pertaining to dangerous dogs and vicious dogs.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 5-1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-1. Definitions.

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Releasing agency means a pound, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Vaccinate, vaccinated and vaccination mean the immunization of a dog or cat against rabies, whether by inoculation, vaccination or any other method of treatment approved by the director of health.

Veterinarian means any licensed veterinarian authorized to practice

veterinary medicine in the state.

Vicious dog means a canine or canine crossbreed which has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person; 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 protection police officer, as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

2. That Section 5-30 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-30. Control of dangerous dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed is a dangerous dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal protection police officer shall confine the animal until a verdict is rendered on the summons. If the animal protection police officer determines that the owner or custodian can confine the animal in a manner that protects 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.

(b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was:

- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
- (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
- (3) 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 that was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time 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, shall be found to be a dangerous dog.

(c) if the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(d) Within 45 days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$150.00. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a uniformly designed tag that 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. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal protection police officer shall post registration information on the Virginia Dangerous Dog Registry.

(e) Certificates or renewals.

(1) All certificates or renewals thereof required to be obtained under this section shall be issued only to persons 18 years of age or older who present satisfactory evidence:

- a. Of the animal's current rabies vaccination, if applicable;
- b. 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;
- c. That the animal has been spayed or neutered; and

d. That the owner has liability insurance, to the value of at least \$100,000.00, that covers animal bites or has obtained and will maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.

(2) in addition, no owner shall be issued a certificate or renewal unless he presents satisfactory evidence that:

a. His 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

b. The animal has been permanently identified by means of electronic implantation.

(f) While on its owner's property, an animal found to be a dangerous dog shall be confined indoors, or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to § 3.2-6503 of the Code of Virginia. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) The owner of a dog found to be dangerous shall cause the animal protection unit of the division of police to be promptly notified of:

- (1) The names, addresses, and telephone numbers of all owners;
- (2) All of the means necessary to locate the owner and the dog at any time;
- (3) Any complaints or incidents of attack by the dog upon any person or cat or dog;
- (4) Any claims made or lawsuits brought as a result of any attack;
- (5) Chip identification information;
- (6) Proof of insurance or surety bond; and
- (7) The death of the dog.

(h) if an animal has been found to be a dangerous dog, the owner shall immediately cause the animal protection unit to be notified upon learning that the animal:

- (1) is loose or unconfined;
- (2) Bites a person or attacks another animal; or
- (3) is sold, is given away, or dies.

Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal protection unit for the old address from which the animal has moved and the new address to which the animal has been moved.

(i) 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; or

(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 this subsection 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.

(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a misdemeanor. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal protection police officer shall confine the dog until such time as evidence shall be heard and a verdict rendered.

(k) All fees collected pursuant to this section, less the costs incurred by the animal protection unit of the division of police in producing and distributing the certificates and tags required by this ordinance, shall be paid into a special fund dedicated to paying the expenses of any training courses required under Code of Virginia, § 3.2-6556.

3. That Section 5-31 be added to the Code of the County of Henrico as follows:

Sec. 5-31. Vicious dogs.

(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed in the county is a vicious dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact a local animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal protection police officer shall confine the animal until such time as evidence shall be heard and a verdict rendered.

(b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a 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 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 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 vicious dog. No 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, shall be found to be a vicious dog.

(c) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a class 1 misdemeanor. The provisions of this subsection 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.

4. That this ordinance shall be in full force and effect on and after its passage.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 107-13
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico Titled Respectively "Records of Transactions; Furnishing of Copies of Records to Police," "Records of Transactions; Credentials of Persons Pawning Goods," and "Daily Reports to Police; Content" to Require Precious Metals and Gems Dealers and Pawnbrokers to Retain Digital Images of the Photographic Identification Presented by Sellers and Pledgors and to Prohibit the Receipt of Items with Defaced, Altered, or Removed Serial Numbers.

For Clerk's Use Only: AUG 13 2013 Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kaebele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaebele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

Comments: The Chief of Police recommends approval of this Board paper; the County Manager concurs.

By Agency Head [Signature] By County Manager [Signature]

Routing: Yellow to: _____ Certified: _____
 Copy to: _____ A Copy Tests: _____
Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE – To Amend and Reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico Titled Respectively "Records of Transactions; Furnishing of Copies of Records to Police," "Records of Transactions; Credentials of Persons Pawning Goods," and "Daily Reports to Police; Content" to Require Precious Metals and Gems Dealers and Pawnbrokers to Retain Digital Images of the Photographic Identification Presented by Sellers and Pledgors and to Prohibit the Receipt of Items with Defaced, Altered, or Removed Serial Numbers.

AN ORDINANCE to amend and reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico titled respectively "Records of transactions; furnishing of copies of records to police," "Records of transactions; credentials of persons pawning goods," and "Daily reports to police; content" to require precious metals and gems dealers and pawnbrokers to retain digital images of the photographic identification presented by sellers and pledgors and to prohibit the receipt of items with defaced, altered, or removed serial numbers.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 15-110 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-110. Records of transactions; furnishing of copies of records to police.

(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems and of each transaction involving the removal of precious metals or gems from any manufactured article not then owned by the dealer. The records shall be retained by the dealer for at least 24 months and shall set forth the following:

(1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem and the price paid for each item.

(2) The date, time and place of receiving the items purchased.

(3) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the seller or of the person for whom the service of removal of precious metals or gems from any manufactured article not then owned by the dealer is performed.

(4) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon.

(5) A statement of ownership from the seller.

(6) A receipt bearing the legible handwritten signature of the seller or the person for whom the service of removal is performed, acknowledging such sale or service.

(7) A digital image of the form of identification used by the person involved in the transaction.

(b) The information required by subsections (a)(1) through (3) and (a)(6) of this section shall appear on each bill of sale for all precious metals and gems purchased by the dealer, and a copy shall be furnished within 24 hours of the time of purchase to the chief of police.

(c) Every dealer shall also furnish to the chief of police, attached to each bill of sale for all precious metals and gems purchased by the dealer, a clear color photograph of the seller or of the person from whom the service of removal of precious metals or gems is performed. The photograph shall show, at a minimum, the part of the body from the chest to the top of the head of such person. The photograph shall be no smaller than 1½ inches by 1½ inches in size.

2. That **Section 15-148** of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-148. Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his

business, including transactions in which secondhand goods, wares or merchandise are purchased for resale. The account shall be recorded at the time of the loan or transaction on a form approved by the chief of police and shall include:

(1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon or purchased for resale;

(2) The time, date and place of the transaction;

(3) The amount of money loaned thereon at the time of the pledge or paid as the purchase price;

(4) The rate of interest to be paid on such loan;

(5) The fees charged by the pawnbroker, itemizing each fee charged;

(6) The full name, residence address, telephone number and driver's license number or other form of identification of the person pawning or pledging or selling the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks of such person;

(7) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

(8) A digital image of the form of identification used by the person involved in the transaction;

~~(89)~~ As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and

~~(910)~~ All other facts and circumstances respecting such loan or purchase.

(b) A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, ~~article~~ articles or things pawned or pledged or purchased. if maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

(c) For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by section 15-149, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3.00, whichever is less.

(d) No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.

(de) Every pawnbroker shall comply with regulations promulgated by the superintendent of state police specifying:

(1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and

(2) The nature of identifying credentials of the person pawning, pledging, or selling the goods, article, or thing. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.

3. That Section 15-149 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-149. Daily reports to police; content.

Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him or sold to him that day and file such report by noon of the following day with the chief of police. The report shall include the pledgor's or seller's name, residence and driver's license number or other form of identification, a photograph or digital image of the form of identification used by the pledgor or seller, and a description of the goods, articles or things

pledged or sold and, unless maintained in electronic format, shall be in writing and clearly legible to any person inspecting it. A pawnbroker may compile and maintain the daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the appropriate law-enforcement officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer.

4. That this ordinance shall be in full force and effect on and after its passage as provided by law.

ORDINANCE NO.:

APPROVED BY THE BOARD OF SUPERVISORS:

ORDINANCE – To Amend and Reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico Titled Respectively "Records of Transactions; Furnishing of Copies of Records to Police," "Records of Transactions; Credentials of Persons Pawning Goods," and "Daily Reports to Police; Content" to Require Precious Metals and Gems Dealers and Pawnbrokers to Retain Digital Images of the Photographic Identification Presented by Sellers and Pledgors and to Prohibit the Receipt of Items with Defaced, Altered, or Removed Serial Numbers.

AN ORDINANCE to amend and reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico titled respectively "Records of transactions; furnishing of copies of records to police," "Records of transactions; credentials of persons pawning goods," and "Daily reports to police; content" to require precious metals and gems dealers and pawnbrokers to retain digital images of the photographic identification presented by sellers and pledgors and to prohibit the receipt of items with defaced, altered, or removed serial numbers.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 15-110 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-110. Records of transactions; furnishing of copies of records to police.

(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems and of each transaction involving the removal of precious metals or gems from any manufactured article not then owned by the dealer. The records shall be retained by the dealer for at least 24 months and shall set forth the following:

(1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem and the price paid for each item.

(2) The date, time and place of receiving the items purchased.

(3) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the seller or of the person for whom the service of removal of precious metals or gems from any manufactured article not then owned by the dealer is performed.

(4) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon.

(5) A statement of ownership from the seller.

(6) A receipt bearing the legible handwritten signature of the seller or the person for whom the service of removal is performed, acknowledging such sale or service.

(7) A digital image of the form of identification used by the person involved in the transaction.

(b) The information required by subsections (a)(1) through (3) and (a)(6) of this section shall appear on each bill of sale for all precious metals and gems purchased by the dealer, and a copy shall be furnished within 24 hours of the time of purchase to the chief of police.

(c) Every dealer shall also furnish to the chief of police, attached to each bill of sale for all precious metals and gems purchased by the dealer, a clear color photograph of the seller or of the person from whom the service of removal of precious metals or gems is performed. The photograph shall show, at a minimum, the part of the body from the chest to the top of the head of such person. The photograph shall be no smaller than 1½ inches by 1½ inches in size.

2. That Section 15-148 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-148. Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale. The account shall be recorded at the time of the loan or transaction on a form approved by the chief of police and shall include:

- (1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon or purchased for resale;
- (2) The time, date and place of the transaction;
- (3) The amount of money loaned thereon at the time of the pledge or paid as the purchase price;
- (4) The rate of interest to be paid on such loan;
- (5) The fees charged by the pawnbroker, itemizing each fee charged;
- (6) The full name, residence address, telephone number and driver's license number or other form of identification of the person pawning or pledging or selling the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks of such person;
- (7) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

(8) A digital image of the form of identification used by the person involved in the transaction;

(9) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and

(10) All other facts and circumstances respecting such loan or purchase.

(b) A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, articles or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

(c) For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by section 15-149, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3.00, whichever is less.

(d) No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.

(e) Every pawnbroker shall comply with regulations promulgated by the superintendent of state police specifying:

(1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and

(2) The nature of identifying credentials of the person pawning, pledging, or selling the goods, article, or thing. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.

3. That **Section 15-149** of the Code of the County of Henrico be amended and reordained as follows:

Sec. 15-149. Daily reports to police; content.

Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him or sold to him that day and file such report by noon of the following day with the chief of police. The report shall include the pledgor's or seller's name, residence and driver's license number or other form of identification, a photograph or digital image of the form of identification used by the pledgor or seller, and a description of the goods, articles or things pledged or sold and, unless maintained in electronic format, shall be in writing and clearly legible to any person inspecting it. A pawnbroker may compile and maintain the daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the appropriate law-enforcement officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer.

4. That this ordinance shall be in full force and effect on and after its passage as provided by law.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 108-13

Page No. 1 of 1

Agenda Title: **RESOLUTION – Signatory Authority – Deed of Conveyance – Lots 41, 42, and 43, Block 11, Lakeside Terrace – Fairfield District**

For Clerk's Use Only: Date: AUG 13 2013 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Thornton</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Rannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, E.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Rannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Rannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County owns Lots 41, 42, and 43 in Block 11, Lakeside Terrace; and,



WHEREAS, Ted R. Metzger, the adjoining lot owner, has requested the County convey the lots to him for \$3,800, their current assessed value; and,

WHEREAS, the lots are surplus to the County's needs; and,

WHEREAS, this resolution was advertised pursuant to Va. Code § 15.2-1813, and a public hearing was held on August 13, 2013, pursuant to Va. Code § 15.2-1800.

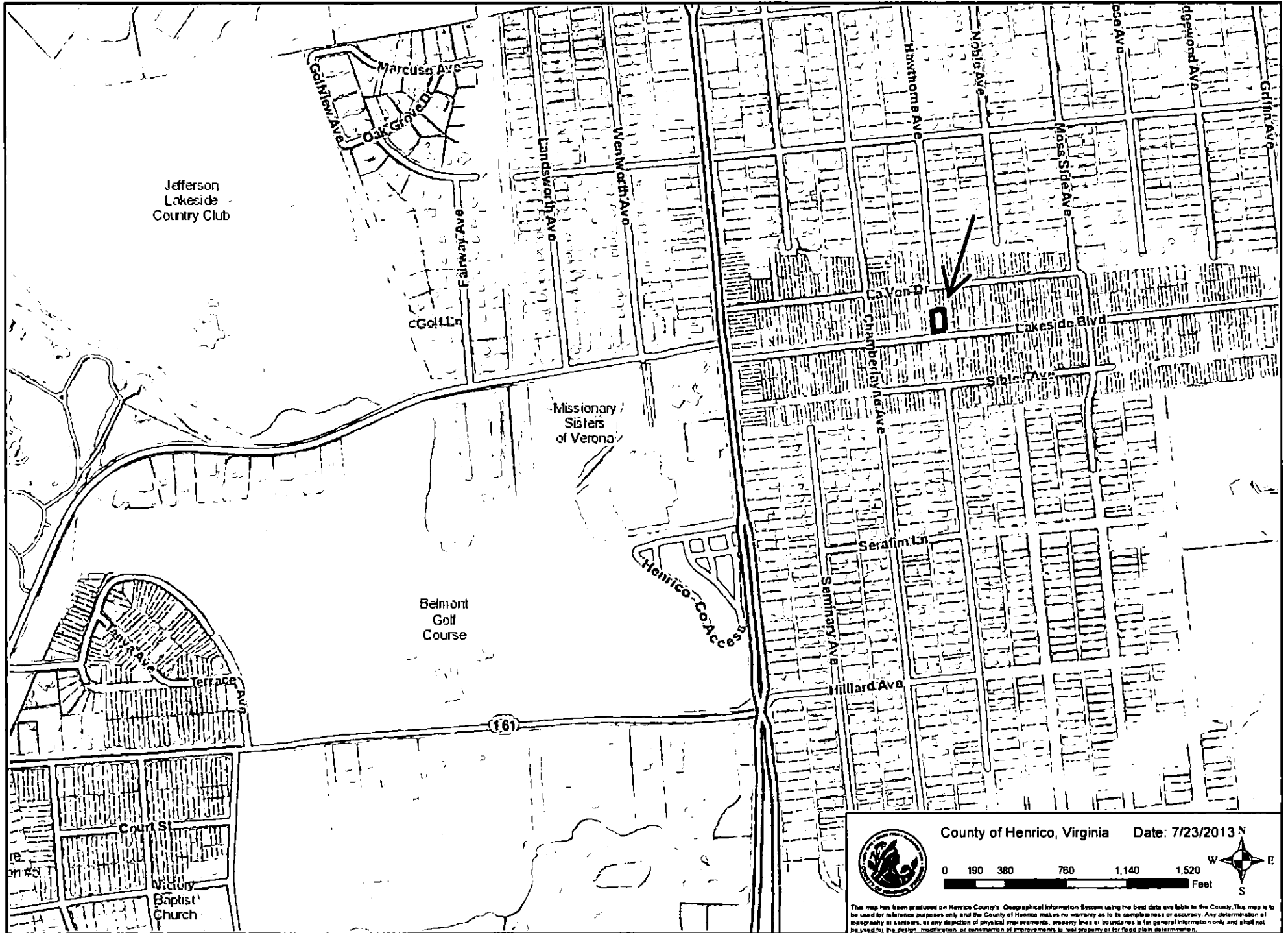
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute a deed, in a form approved by the County Attorney, conveying the lots to Ted R. Metzger for \$3,800, subject to the reservation of a drainage easement as shown on the attached Exhibit "A."

Comments: The Directors of Public Works and Real Property recommend approval of this Board paper; the County Manager concurs.

By Agency Head  By County Manager 

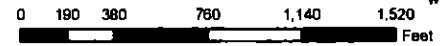
Routing: Yellow to: Real Property Certified: _____
 Copy to: _____ A Copy Teste: _____
 Clerk, Board of Supervisors
 Date: _____

VICINITY MAP: LTS 41-43, BLK 11, LAKESIDE TERRACE



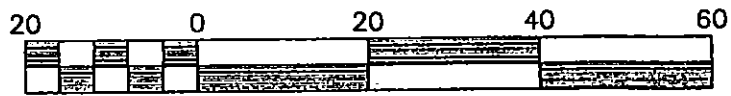
County of Henrico, Virginia

Date: 7/23/2013 N



This map has been produced on Henrico County's Geographical Information System using the best data available to the County. This map is to be used for reference purposes only and the County of Henrico makes no warranty as to its completeness or accuracy. Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, construction, or construction of improvements to real property or for flood plain determination.

EXHIBIT "A"



Scale 1" = 20'

"Lakeside Terrace"
P.B. 11, PG. 228 & 229

Lot 14 Lot 15 Lot 16 Lot 17 Lot 18 Lot 19

3752089.04
11785797.41

N83°27'15"E
20.00'

Variable Width
Drainage
Easement
D.B. _____
Pg. _____

Variable Width
Drainage
Easement
1,350 Sq. Ft.
0.031 Acre

County of Henrico,
Virginia
785-752-8303
D.B. 1647, Pg. 830
D.B. 340, Pg. 408

Lot 38

Lot 39

Lot 40

Lot 44

Ted R. Metzger
785-752-7603
D.B. 2965,
Pg. 1554

3752089.04
11785797.41

N06°32'45"W 100.00'

S06°35'44"E 100.00'

S06°32'45"E 100.00'

Lot 41

Lot 42

Lot 43

(1360')
S83°27'15"W
20.00'

300.00' to the E/L
of Chamberlayne
Avenue

LAKESIDE BOULEVARD
(50' R/W)



Rev: 07/22/2013
DATE: 07/10/2013
SCALE: 1"=20'
JOB NO: C1320125

CHK: MBB
DWG: CMF

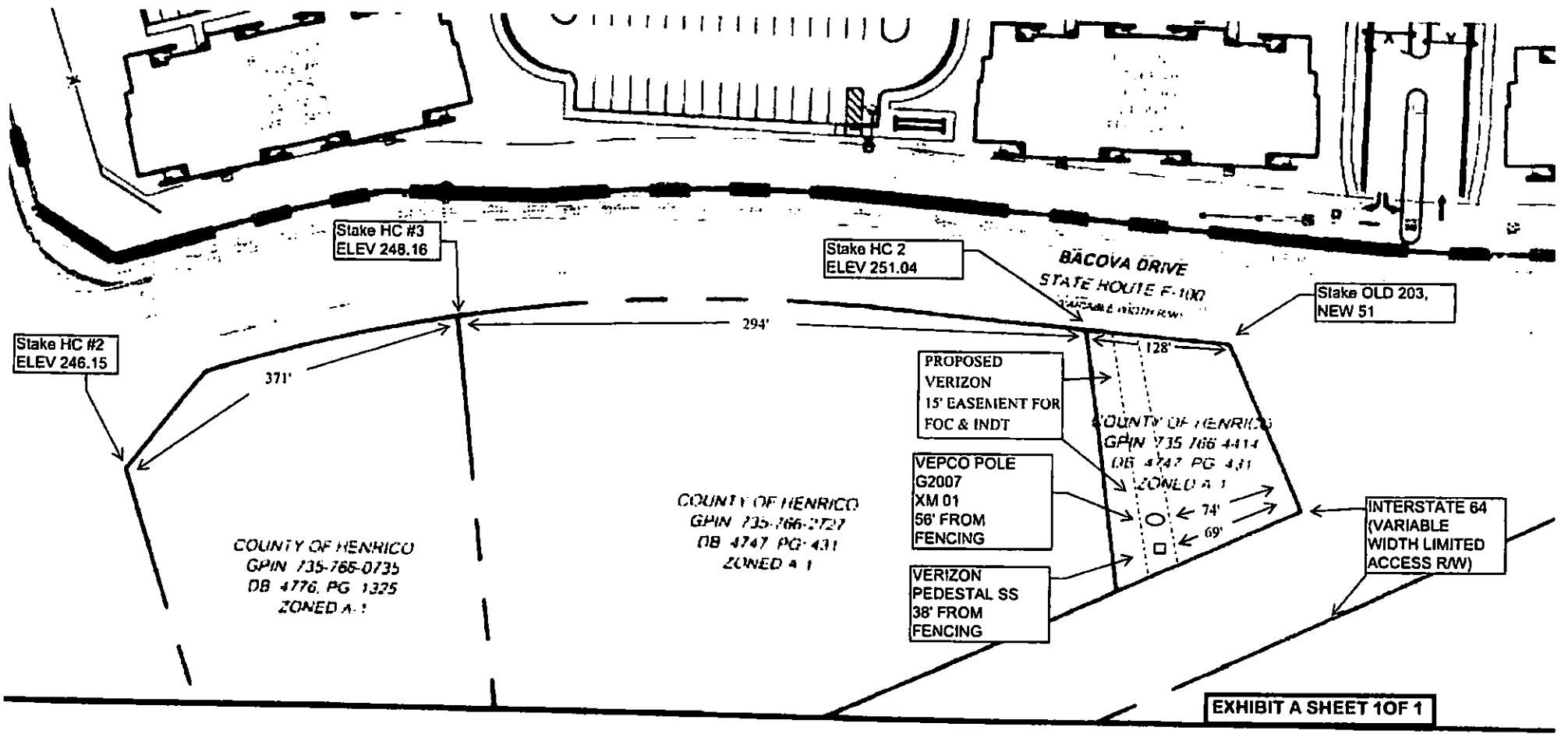
COMPILED 'PLAT SHOWING A
VARIABLE WIDTH 'DRAINAGE
'EASEMENT' ACROSS
'LOT 41, LAKESIDE TERRACE'
HENRICO COUNTY, VIRGINIA

• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •

15871 City View Drive Suite 200 • Midlothian, Virginia 23113 • Phone (804) 704-0571 • Fax (804) 794-2635

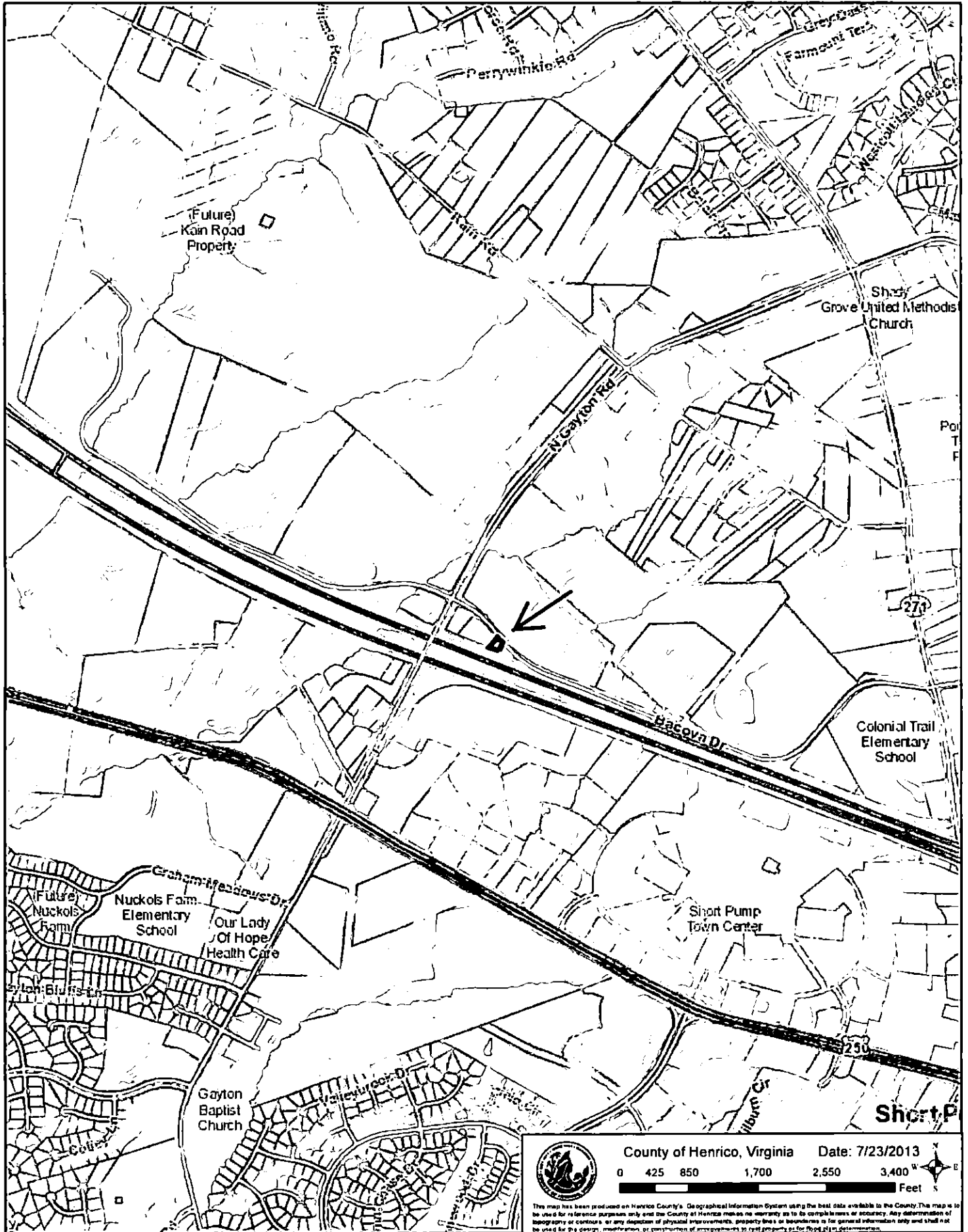


VERIZON EASEMENT WITH COUNTY OF HENRICO

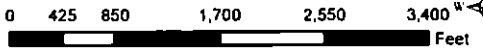


CBCC-13-269401-R

VICINITY MAP: EASEMENT-VERIZON VIRGINIA LLC



County of Henrico, Virginia Date: 7/23/2013



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COMMONWEALTH of VIRGINIA
Virginia E-911 Services Board

March 1, 2013

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mnyo
Board Administrative
Assistant
(804) 416-6197

Michael M. Cline
Chairman
VDEM

John W. Knapp, Jr.
Vice-Chairman
Verizon

David A. Von Moll
Treasurer
Comptroller

Linda W. Cage
Mecklenburg County

J.D. Diggs
York County

Danny Garrison
Richmond Ambulance
Authority

Tracy Hanger
City of Hampton

Li. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Chief Ron Mntin
Fairfax County

Chief Doug Middleton
Henrico County

Sam Nixon
VITA

Pat B. Shumate
Roanoke County

Mickey Sims
Buggs Island Telephone

Denise B. Smith
Charles City County

Mr. Sam Gage, Grants Admin.
Henrico Police Dept.
P. O. Box 90775
Richmond, VA 23273

Dear Mr. Gage:

This letter is in reference to your grant application for consideration under the FY14 PSAP Grant Program for the Wireless E-911 PSAP Education Program (WEP). I am pleased to advise you that the Virginia E-911 Services Board has approved your request.

You have been awarded \$2,000 for 9-1-1/public safety communications education/training held within the Commonwealth of Virginia. The grant award is for lodging and registration only and uses a cost recovery method of funding. The PSAP will pay the costs for the education/training. Within 30 calendar days of the end of the education/training, the PSAP must submit all receipts for lodging and registration reimbursement in accordance with the latest Commonwealth of Virginia travel regulations at the time of the education/training or conference. If the request for reimbursement is not submitted within the allotted 30 calendar days, reimbursement will not be provided per the Commonwealth of Virginia travel guidelines.

All draw downs for reimbursement must be submitted on the Public Safety Grant Draw Down Request Form, which is available on the ISP website. The form must be completed in its entirety and submitted electronically to the contact identified on the form. Receipts for lodging and registration must be attached to the request form that substantiates the amount requested when submitted for funding payment.

You are encouraged to read the full guidelines regarding the Wireless Education Program. However, please feel free to contact your Regional Coordinator or me via email if there is uncertainty about the qualification of a training or conference opportunity.

Congratulations on your grant award!

Sincerely,

Lisa Nicholson
Public Safety Program Manager

COUNTY OF HENRICO, VIRGINIA
DIVISION OF POLICE

INTER-OFFICE MEMORANDUM

TO: Director,
Division of Accounting SUBJECT: PSAP14 Grant Acceptance
Resolution

FROM: Chief of Police DATE: July 25, 2013

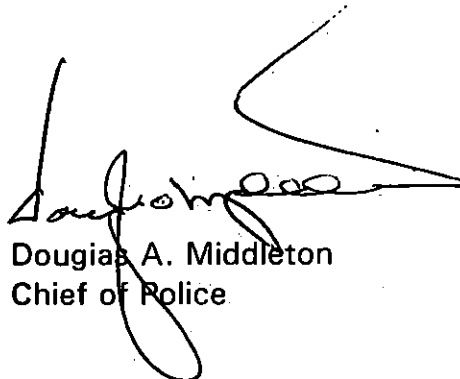
Enclosed is the Board acceptance resolution for the Virginia Wireless E-911 Services Board FY2014 grant award to the Division of Police, Emergency Communications Center. There are no local match funds involved.

The Division of Police will utilize this \$2,000 to reimburse two Emergency Communications Center perspnnel to attend two required regional conferences:

APCO/NENA/SIEC Conference
October 2013, Roanoke
2 People (ECM and Supervisor)
Registration: \$125 (includes meals) x 2 = \$250
Lodging: \$106.25 per night x 4 nights x 2 attendees = \$850
Total: \$1,100

NENA/APCO Conference
May 2014, Virginia Beach
3 People (ECM, Supervisor, and a CO)
Registration: \$85 (includes some meals) x 3 = \$255
Lodging: \$107.50 per night x 2 nights x 3 attendees = \$645
Total: \$900

Thank you.



Douglas A. Middleton
Chief of Police

cc: Division Controller
Division Grants and Surveys Coordinator



GRANT MATERIALS DISTRIBUTION

DOP-326 (12/11)



GRANT MATERIAL(S): PSAP14 Grant Award

PERSON INITIATING: Samuel W. Gage, II, DGSC

DATE INITIATED: 25 July 2013

GRANTS INVOLVING PERSONNEL COMPLEMENT	GRANTS NOT INVOLVING PERSONNEL COMPLEMENT
<p>Distribution of Materials:</p> <p><input type="checkbox"/> Controller</p> <p><input type="checkbox"/> Division of Accounting</p> <p><input type="checkbox"/> Office of Management/Budget</p> <p><input type="checkbox"/> Police Personnel</p> <p><input type="checkbox"/> Department of Human Resources</p> <p><input type="checkbox"/> Assistant Chief, Administrative Ops</p>	<p>Distribution of Materials:</p> <p><input checked="" type="checkbox"/> Controller</p> <p><input checked="" type="checkbox"/> Division of Accounting</p> <p><input checked="" type="checkbox"/> Office of Management/Budget</p> <p><input checked="" type="checkbox"/> Assistant Chief, Administrative Ops</p>

SUMMARY OF GRANT PROJECT WITH BUDGET:		
Grant:	Period: 1 July 2013 - 30 June 2014	Number: 130
Purpose:	Educational Conferences for Selected Communications Staff	
Federal/State Award Amount:	\$2,000	
Local Fund Match Amount:	\$ 0	
Total Project Budget:	\$2,000	



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 171-13

Page No.

1 of 1

Agenda Title:

**RESOLUTION — Signatory Authority — Lease — Division of Police —
Virginia Center Commons — Fairfield District**

<p>For Clerk's Use Only</p> <p>AUG 13 2013</p> <p>Date: _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to: _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Monte</u> Seconded by (1) <u>Glover</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Glover, R.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kucchele, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kucchele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the Division of Police desires to lease 2,907 sq. ft. of office space in the Virginia Center Commons shopping mall at 10101 Brook Road for a central substation; and,

WHEREAS, the owner, North Park Associates, L. P., is willing to lease the space for a term beginning August 14, 2013 and expiring July 31, 2015 at an annual rental rate of \$1.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute an agreement, in a form approved by the County Attorney, to lease 2,907 square feet of office space in the Virginia Center Commons shopping mall at an annual rental rate of \$1.00.

Comments: The lease will automatically renew on a month-to-month basis at the annual rental rate of \$1.00 unless terminated by either party. The Chief of Police and the Director of Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head Steve Peir By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____