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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, FEBRUARY 8, 2017  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**Call To Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda:**

Pursuant to established procedures, the Board should adopt the Agenda for the meeting.

**Consent Agenda:**

(Tentative Agenda Items for Consent are Tabs: A and F)

**Citizen Comments (Agenda Items Only, That Are Not Subject to Public Hearing.)**

**Board of Supervisors Comments**

**Minutes: (See Attached) ----- A**

1. Budget Work Session, January 18, 2017.

**County Officials:**

1. Presentation of Resolution of Appreciation of Robert A. Hess.
2. Committee Appointments. **(See Attached) ----- B**
3. Performance Agreement and Resolution for American Woodmark Corporation. **(See Attached) ----- C**

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**Committee Reports:**

1. Human Resources Committee. **(See Attached)** ----- D
2. Transportation Committee. **(See Attached)**----- E
3. Public Works Committee. **(See Attached)**----- F

**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**Budget Work Session**

**January 18, 2017**



A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, January 18, 2017 at 8:05 A.M., in the First Floor Conference Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn; Bill M. Ewing; Gary A. Lofton; Judith McCann-Slaughter; and Robert W. Wells

**OTHERS PRESENT**

Finance Committee member Angela Rudolph; County Administrator Brenda G. Garton, Deputy County Administrator for Community Development Kris C. Tierney, Deputy County Administrator for Human Services Jay E. Tibbs, Commissioner of the Revenue Ellen Murphy, Treasurer C. William Orndoff, Jr., Finance Director Cheryl B. Shiffler, Budget Analyst Jennifer Place, County Attorney Rod Williams, IT Director Scott Varner, Superintendent of Schools Dr. David Sovine; School Board Member Mike Lake; Executive Director of Finance for Frederick County Public Schools Patty Camery; and Handley Library Business Manager Ann White.

**CALL TO ORDER**

Chairman DeHaven called the work session to order.

Finance Director Shiffler began by reviewing the contents of the budget notebooks to include the proposed budget calendar. She then presented preliminary General Fund budget scenarios.

Supervisor Ewing asked about the requests for vehicles and equipment, particularly the wide range in vehicle price estimates. He also suggested the equipment purchases go through the Public Works Committee for some type of review.

Supervisor Dunn asked about the 57-43% split with the schools and how it came to exist and when. He stated he would also like to see capital costs projected for the next five years.

Supervisor Lofton asked if any proposed salary increase was included in the budget.

Finance Director Shiffler responded 3% or \$1.5 million had been budgeted in the General Fund, but it had not yet been defined as a merit or COLA. She went on to say there was contingency fund of \$750,000 included as well.

Supervisor Ewing asked about the funding for outside agencies which were governed by an MOU and if the requests were in line with the MOU.

Finance Director Shiffler stated the library was a little low, but the others were in line.

Supervisor Ewing stated he would like to see what amount it would take to bring their funding up to the MOU level.

Supervisor Lofton asked if there were any new requests from outside agencies because he was not interested in funding any new requests. He went on to say that he wanted to see a report from the agencies that showed the number of Frederick County citizens served.

Supervisor Slaughter felt the Board should not fund any new requests.

Treasurer Orndoff suggested the County consider development of a debt policy because that would be a way to leverage (borrow) dollars to meet some the capital needs.

Supervisor Slaughter suggested setting aside the additional revenue from the reassessment for capital expenditures.

Chairman DeHaven stated there were a lot of requests that have to be met and the Board should look long and hard at that list.

Vice-Chairman Fisher stated that scenarios C or B would be the way to go in order to meet the needs the Board was facing this year. He concluded by saying that it would probably take scenario C.

Chairman DeHaven agreed that it had to be either scenario B or C.

Supervisor Wells agreed with Scenario C.

The January 25, 2017 budget work session was canceled. The next budget work session will be held on February 1, 2017 at 8:00 a.m.

Vice-Chairman Fisher advised that he had requested a meeting to look at the school's capital improvements plan and he relayed that the \$83 million figure for the 4<sup>th</sup> high school, that he had previously mentioned, was not a valid number because he had received information from other board members that says the number is more like the mid to upper 70s. He stated that he read in the morning's paper that the schools said they would have to cut programs. He went on to say they do not have to cut programs they need to redesign the buildings.

There being no further discussion, the work session was adjourned at 9:47 a.m.

B



**Brenda G. Garton**  
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Brenda G. Garton, County Administrator  
**DATE:** February 1, 2017  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through March, 2017. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

**JANUARY 2017**

Historic Resources Advisory Board

Christopher Oldham – Member-At-Large Representative  
155 Sterrett Lane  
Clearbrook, VA 22624  
Home: (540)667-1145  
Term Expires: 01/12/17  
Four year term

**(Mr. Oldham has advised staff he is willing to continue serving.)** *(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)*

**FEBRUARY 2017**

No appointments remaining for February.

**MARCH 2017**

Conservation Easement Authority (CEA)

Ron Clevenger – Frederick County Representative  
1028 Welltown Road

Memorandum – Board of Supervisors  
February , 2017  
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Winchester, VA 22603  
Home: (540)323-0630  
Term Expires: 03/23/17  
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members should be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Social Services Board

Linda M. Martenson – Member-At-Large Representative  
211 Woodcrest Drive  
Winchester, VA 22603  
Home: (540)667-2994  
Term Expires: 03/13/17  
Four year term

*(Staff has been advised that Ms. Martenson does not want to be reappointed.)*

BGG/tjp

C

DATE: January 23, 2017

TO: Frederick County Board of Supervisors

FROM: Patrick Barker, CEcD  
Executive Director

CC: Brenda Garton  
County Administrator

RE: Performance Agreement for AMERICAN WOODMARK CORPORATION

#

Attached for your review and comment are the Performance Agreement and Board of Supervisors resolution for the expansion of AMERICAN WOODMARK CORPORATION. As you recall, the Board of Supervisors seemed favorable in executive discussion to providing funds from Frederick County's Economic Development Incentive Fund to secure this project.

AMERICAN WOODMARK CORPORATION will expand its operation in Frederick County. They will make a total taxable investment of \$28.5 million in new real estate and personal property, retain 200 jobs and create 50 new jobs at an average wage of \$50,000 within 36 months. The expansion will increase the company's production capacity.

I would like to request these items be inserted into the Board of Supervisors' next available meeting. All parties legal counsels (VEDP, Virginia Attorney General, County, EDA and AMERICAN WOODMARK CORPORATION) have reviewed and approved the performance agreement.

Thanks for your support on this project. I am available if you have any questions or comments on the materials for the project.

Attachment:

- Performance Agreement
- BOS Resolution



**COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND**

**PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 8<sup>th</sup> day of February, 2017, by and among the **COUNTY OF FREDERICK, VIRGINIA** (the "Locality"), a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), **AMERICAN WOODMARK CORPORATION** (the "Company"), a Virginia corporation, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA** (the "Authority"), a political subdivision of the Commonwealth.

**WITNESSETH:**

WHEREAS, the Locality has been awarded a grant of and expects to receive \$550,000 from the Commonwealth's Development Opportunity Fund (a "COF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing the Company to consolidate its current facilities located in the City of Winchester ("Winchester") and the Locality, and to construct, equip and operate a corporate headquarters facility at 551 Shady Elm Road in the Locality (the "Facility"), thereby making a significant Capital Investment, relocating and retaining a significant number of Baseline Jobs, and creating and Maintaining a significant number of New Jobs, as such capitalized terms are hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the funds to or for the use of the Company, provided that the Company promises to meet certain criteria relating to Capital Investment, Baseline Jobs and New Jobs;

WHEREAS, the Locality wishes to make a Local Economic Development Incentive Grant in the amount of \$350,000 (the "LEDIG") through the Authority to the Company, as well as road and infrastructure improvements in the immediate vicinity of the Facility (the "Renaissance Drive Construction"), for the purpose of inducing the Company to consolidate its current facilities located in Winchester and the Locality and to construct, equip and operate the Facility, thereby making a significant Capital Investment, relocating and retaining a significant number of Baseline Jobs, and creating and Maintaining a significant number of New Jobs;

WHEREAS, the Locality, the Authority and the Company desire to set forth their understanding and agreement as to the payout of the COF Grant and the LEDIG (together, the "Grants"), the use of the proceeds of the Grants, the Renaissance Drive Construction, the obligations of the Company regarding Capital Investment, Baseline Jobs and New Jobs, and the repayment by the Company of all or part of the Grants under certain circumstances;

WHEREAS, the construction, equipping and operation of the Facility will entail a capital expenditure by or on behalf of the Company of approximately \$30,000,000, of which approximately \$3,200,000 will be invested in furniture, fixtures and equipment, approximately

\$1,400,000 will be invested in the purchase of land, and approximately \$25,400,000 will be invested in the construction of a new building;

WHEREAS, the construction, equipping and operation of the Facility will further entail the relocation and retention of 377 Baseline Jobs and the creation and Maintenance of 55 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment, Baseline Jobs, and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for each of the Grants:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

**Section 1. Definitions.**

For the purposes of this Agreement, the following terms shall have the following definitions:

“Baseline Job” means an existing full-time position at two of the Company’s current facilities located in Winchester and the Locality. When the Company relocates such facilities to the Facility, the Baseline Jobs will be relocated and retained at the Facility.

“Capital Investment” means a capital expenditure by or on behalf of the Company in taxable real property, taxable tangible personal property, or both, at the Facility, excluding existing real property improvements. The purchase or lease of furniture, fixtures, machinery and equipment, including under an operating lease, by or on behalf of the Company will qualify as Capital Investment. The total expected capital expenditure of \$30,000,000 is referred to in this Agreement as the “Capital Investment.”

“Maintain” means that the New Jobs will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company’s employment levels (so long as there is active recruitment for open positions), (ii) strikes, and (iii) other temporary work stoppages.

“New Job” means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are provided by the Company for the employee, and for which the Company pays an average annual wage of at least \$45,500. Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with

construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 377 Baseline Jobs as of January 1, 2016.

“Performance Date” means March 1, 2020. If the Locality, in consultation with the Authority and VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may agree to extend the Performance Date by up to 15 months. If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority, the Company and VEDP and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement. Neither the Locality, the Authority, nor VEDP shall have any obligation whatsoever to extend the Performance Date.

“Targets” means the Company’s obligations to make Capital Investments at the Facility of at least \$30,000,000, to relocate and retain 377 Baseline Jobs at the Facility, and to create and Maintain at least 55 New Jobs at the Facility, all as of the Performance Date.

“Virginia Code” means the Code of Virginia of 1950, as amended.

## **Section 2. Targets; Statutory Criteria.**

(a) *Targets:* The Company will construct, equip and operate the Facility in the Locality, make Capital Investments at the Facility of at least \$30,000,000, relocate and retain 377 Baseline Jobs at the Facility, and create and Maintain at least 55 New Jobs at the Facility, all as of the Performance Date.

(b) *Encouragement to Offer New Jobs to Residents of the Commonwealth:* The Locality and the Authority hereby strongly encourage the Company to ensure that at least 30% of the New Jobs are offered to “Residents” of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

(c) *Relocation:* The Commonwealth’s Secretary of Commerce and Trade has delivered to the Co-Chairs of the Senate Finance Committee and the Chair of the House Appropriations Committee a letter indicating that, although the Company is relocating its facility currently located in Winchester to the Locality, the reasons for the move and the desire to retain the Company’s operations in Virginia justify the use of incentives to move such facility from one Virginia locality to another. The County and VEDP have informed Winchester of the move and of the use of incentives.

(d) *Prevailing Wage; Unemployment and Poverty Rates:* The average annual wage of the New Jobs of at least \$45,500 is more than the prevailing average annual wage in the Locality of \$41,662. The Locality is not a high-unemployment locality, with an unemployment rate for 2015, which is the last year for which such data is available, of 4.0% as compared to the

2015 statewide unemployment rate of 4.4%. The Locality is not a high-poverty locality, with a poverty rate for 2014, which is the last year for which such data is available, of 7.7% as compared to the 2014 statewide poverty rate of 11.8%.

(e) *Disclosure of Political Contributions:* The Company acknowledges that the name of the Company will be shared by VEDP with the Governor of Virginia, and any campaign committee or political action committee associated with the Governor. The Company acknowledges that within 18 months of the date of this Performance Agreement, the Governor, his campaign committee, and his political action committee will submit to the Virginia Conflict of Interest and Ethics Advisory Council a report listing any contribution, gift, or other item with a value greater than \$100 provided by the Company to the Governor, his campaign committee, or his political action committee, respectively, during the period from the date of the Company's application for the COF Grant through the one-year period immediately after the date of this Agreement.

### **Section 3. Disbursement of COF Grant and LEDIG**

(a) *Disbursement of the COF Grant:* By no later than March 1, 2017, the Locality will request the disbursement to it of the COF Grant. If not so requested by the Locality by March 1, 2017, this Agreement will terminate and the Company will have no claim whatsoever against the Locality or the Authority. The Locality and the Company will be entitled to reapply for a COF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The Locality anticipates that the COF Grant in the amount of \$550,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the COF Grant proceeds, the Locality will disburse the COF Grant proceeds to the Authority. Within 30 days of its receipt of the COF Grant proceeds, the Authority will disburse the COF Grant proceeds to the Company as an inducement to the Company to achieve the Targets at the Facility.

(b) *Use of the COF Grant Proceeds:* The Company will use the COF Grant proceeds for grading, drainage, paving and any other activity required to prepare the site for construction and for construction of the Facility, as permitted by Section 2.2-115(D) of the Virginia Code.

(c) *Disbursement of the LEDIG:* As an inducement to the Company to achieve the Targets at the Facility and provided that the Company is not in default under the terms of this Performance Agreement, the LEDIG in the amount of \$350,000 will be paid by the Locality through the Authority in two installments, and thereafter disbursed to the Company. The first installment of \$175,000 will be paid by the Locality to the Authority and by the Authority to the Company after July 1, 2016, but no later than June 30, 2017. The second installment of \$175,000 will be paid by the Locality to the Authority and by the Authority to the Company after July 1, 2017, but no later than June 30, 2018.

(d) *Use of the LEDIG Proceeds:* The Company will use the LEDIG proceeds to upgrade public and private utilities at and around the Facility.

**Section 4. Break-Even Point; State and Local Incentives.**

(a) *State-Level Incentives:* VEDP has estimated that the Commonwealth will reach its “break-even point” by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment, Baseline Jobs and New Jobs at the Facility with the Commonwealth’s expenditures on incentives, including but not limited to the COF Grant. With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive:</u>	<u>Total Amount</u>
COF Grant	\$550,000
Virginia Jobs Investment Program (“VJIP”) (Estimated)	55,000
Transportation Partnership Opportunity Fund (“TPOF”) (Estimated)	294,000

The proceeds of the COF Grant shall be used for the purposes described in Section 3(b). The VJIP proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs. The TPOF proceeds may be used by the Company for any lawful purpose.

(b) *Locality-Level Incentives:* The Locality expects to provide the following incentives, as matching grants or otherwise, for the Facility:

<u>Category of Incentive:</u>	<u>Total Amount</u>
LEDIG	\$350,000
Renaissance Drive Construction (Estimated)	200,000

If, by the Performance Date, the proceeds of the LEDIG disbursed and the cost of the Renaissance Drive Construction total less than the required \$550,000 COF Grant local match, the Locality, subject to appropriation, will make an additional grant to the Authority, and thereafter, the Authority will make an additional grant to the Company of the difference at the Performance Date, so long as the Company has met its Targets.

The proceeds of the LEDIG shall be used for the purposes described in Section 3(d). The Company acknowledges and agrees that the Renaissance Drive Construction will provide improved access to the Facility, and that the Renaissance Drive Construction is an important factor in the Company’s decision to construct, equip and operate the Facility in the Locality. The Locality believes that the Renaissance Drive Construction will benefit the public, including the Company.



**Section 5. Repayment Obligation.**

(a) *If Statutory Minimum Eligibility Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make a Capital Investment of at least \$5,000,000 in the Facility and create and Maintain at least 50 New Jobs at the Facility in order to be eligible for the COF Grant. Failure by the Company to meet either of these statutory minimum eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire COF Grant and the entire LEDIG Grant must be repaid by the Company to the Authority.

(b) *Allocation of COF and LEDIG Proceeds:* For purposes of repayment under subsection (c), the Grants are to be allocated as 50% for the Company's Capital Investment Target (\$275,000 for the COF Grant and \$175,000 for the LEDIG), and 50% for the Company's New Jobs Target (\$275,000 for the COF Grant and \$175,000 for the LEDIG).

(c) *If Statutory Minimum Eligibility Requirements are Met:* The provisions of this subsection (c) shall become applicable only if the Company has met the statutory minimum eligibility requirements set forth in subsection (a). If the Company has met at least 90% of the Capital Investment Target and 100% of the 50 statutory minimum number of New Jobs at the Performance Date, then and thereafter the Company is no longer obligated to repay any portion of the Grants. If the Company has not met at least 90% of the Capital Investment Target, but has created and Maintained at least 50 New Jobs, at the Performance Date, the Company shall repay to the Authority that part of the Grants allocated to the Capital Investment Target that is proportional to the shortfall. For example, if at the Performance Date, the entire \$550,000 COF Grant and the entire \$350,000 LEDIG have been paid to the Company, and the Capital Investment is only \$22,500,000 (reflecting achievement of 75% of the Capital Investment Target) and 50 New Jobs have been created and Maintained (reflecting achievement of 100% of the 50 statutory minimum number of New Jobs), the Company shall repay to the Authority 25% of the moneys allocated to the Capital Investment Target (\$68,750 for the COF Grant and \$43,750 for the LEDIG).

In the event that the Company should file any amended tax return indicating that the Company did not meet the Capital Investment and/or the New Jobs Target, the Company shall be obligated to repay all or a portion of the Grants, according to the formula set forth herein. The Company's repayment obligation hereunder shall survive the Performance Date to the extent that the Locality or VEDP subsequently receives information to the effect that the Company did not meet the Targets.

(d) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Company is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality, the Authority or VEDP shall have promptly notified the Company of such determination, the Company must repay to the Authority all of the proceeds of the Grants

previously disbursed to the Company. In such event, the Locality will repay to VEDP all of the COF Grant proceeds not previously disbursed to the Company. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates the Company will be unable or is unwilling to satisfy the Targets for the COF Grant.

(e) *Repayment:* In the event that the Company is obligated to repay the Grants, or any portion thereof, as called for under the terms of this Agreement, the Company shall pay such sums within 30 days after notification of the amount of the sums to be repaid by the Company. Such determination of liability shall be made promptly as of the Performance Date or the Determination Date, or promptly upon receipt of the Progress Report, as hereinafter defined, or other information confirming lack of achievement of the Targets as of the Performance Date, which shall first occur.

Any COF Grant and LEDIG repayment shall be made as follows:

(i) *COF Grant:* Any COF Grant moneys repaid by the Company to the Authority hereunder shall be repaid by the Authority to the Locality with 30 days after the repayment by the Company to the Authority, and shall be repaid by the Locality promptly to VEDP for redeposit into the Commonwealth's Development Opportunity Fund.

(ii) *LEDIG:* Any LEDIG moneys repaid by the Company to the Authority hereunder shall be repaid by the Authority to the Locality with 30 days after the repayment by the Company to the Authority. In the event that the Company fails or refuses to repay any of the LEDIG moneys as called for in this Section 5, such sums shall be assessed interest at the rate of 8.00% per annum until repaid in full by the Company.

The Locality and the Authority shall use their best efforts to recover any proceeds of the Grants due, including judicial proceedings for any breach of this Agreement by the Company. Neither the Locality nor the Authority shall have any responsibility for the repayment of any COF Grant sums payable by the Company hereunder unless said sums have been received by the Authority from the Company.

In the event that the Company fails to make full repayment 61% of any repayment shall be deemed to be allotted to the COF Grant and 39% shall be deemed to be allotted to the LEDIG.

(f) *Attorney's Fees:* In the event that the Company fails to comply with the repayment obligations set forth in this Section 5, the Locality and the Authority shall be entitled to recover their reasonable attorney's fees and costs incurred in connection with such default by the Company, whether or not judicial proceedings are instituted to collect such funds.

**Section 6. Company Reporting.**

Commencing on May 1, 2018, and on May 1 of each year thereafter, the Company shall provide, at the Company's expense, an annual letter confirming progress of achievement of the Targets (the "Progress Report"). Each Progress Report shall confirm the Capital Investment, Baseline Jobs and New Jobs at the Facility through the prior March 1. Each Progress Report shall include an affirmative statement signed by an authorized Company Officer or Director that the information provided in the Progress Report is true and correct and certifies the status of its efforts to achieve the Targets.

The Company shall provide other reports on the progress of achievement of the Targets at such other times as the Locality, the Authority or VEDP may reasonably require.

With each Progress Report, the Company shall report to VEDP the amount paid by the Company in the prior calendar year in Virginia corporate income tax. VEDP has represented to the Company that it considers such information to be confidential proprietary information that is exempt from public disclosure under the Virginia Freedom of Information Act and that such information will be used by VEDP solely in calculating aggregate return on invested capital analyses for purposes of gauging the overall effectiveness of economic development incentives.

The Company hereby authorizes the Locality, including the Locality's Commissioner of the Revenue and Treasurer, to provide for review by the Locality and VEDP of the Company's real estate tax, business personal property tax and machinery and tools tax information. Such information shall be marked and considered confidential and proprietary and shall be used by solely for verifying satisfaction of the Capital Investment Target. If the Locality, the Office of the Commissioner of the Revenue, or the Office of the Treasurer should require additional documentation or consents from the Company to access such information, the Company shall promptly provide, at the Company's expense, such additional documentation or consents as the Locality, the Authority or VEDP may request.

With each Progress Report, the Company shall provide for review by the Locality and VEDP copies of the Company's quarterly filings with the Virginia Employment Commission, which indicate the number of employees and total wages paid at the Facility, covering the period from the date of this Agreement through the Performance Date. Such information shall be marked and considered confidential and proprietary and shall be used by solely for verifying satisfaction of the Baseline Jobs and the New Jobs Target.

**Section 7. Notices.**

Formal notices and communications between the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications



personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Company, to:

American Woodmark Corporation  
3102 Shawnee Drive  
Winchester, VA 22601  
Facsimile: 540.665.9176  
Email: sculbreth@woodmark.com  
Attention: Company Financial Officer

with a copy to:

American Woodmark Corporation  
3102 Shawnee Drive  
Winchester, VA 22601  
Facsimile: 540.665.9176  
Email: kdunnigan@woodmark.com  
Attention: Assistant Treasurer

if to the Locality, to:

County of Frederick, Virginia  
107 North Kent Street  
Winchester, Virginia 22601  
Facsimile: 540.667.0370  
Email: bgarton@fcva.us  
Attention: County Administrator

with a copy to:

County of Frederick, Virginia  
107 North Kent Street, 3<sup>rd</sup> Floor  
Winchester, Virginia 22601  
Facsimile: 540.667.0370  
Email: rwillia@fcva.us  
Attention: County Attorney

if to the Authority, to:

Economic Development Authority of the  
County of Frederick, Virginia  
45 East Boscawen St, Suite 2  
Winchester, Virginia 22601  
Facsimile: 540.722.0604  
Email: scrockett@vit.org  
Attention: Chair

with a copy to:

Economic Development Authority of the  
County of Frederick, Virginia  
45 East Boscawen St, Suite 2  
Winchester, Virginia 22601  
Facsimile: 540.722.0604  
Email: pbarker@yesfrederickva.com  
Attention: Executive Director

if to VEDP, to:

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Post Office Box 798 (zip: 23218-0798)  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: dgundersen@yesvirginia.org  
Attention: COO

with a copy to:

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Post Office Box 798 (zip: 23218-0798)  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: smcnoch@yesvirginia.org  
Attention: General Counsel

**Section 8. Miscellaneous.**

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the Grants and may not be amended or modified, except in writing, signed by each of the parties hereto and consented to by VEDP. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality, the Authority and VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving the COF Grant under the terms of this Agreement shall lie in the Circuit Court of the City of Richmond, Virginia, and such litigation shall be brought only in such court. Jurisdiction and venue for any litigation arising out of or involving the LEDIG under the terms of this Agreement shall lie in the Circuit Court of the County of Frederick, Virginia, and such litigation shall be brought only in such court.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Time:* Time is of the essence as to all matters set forth in this Performance Agreement.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

**IN WITNESS WHEREOF**, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF FREDERICK, VIRGINIA**

By

Name: Charles S. DeHaven, Jr.

Title: Chair, Board of Supervisors of  
the County of Frederick, Virginia

Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY  
OF THE COUNTY OF FREDERICK,  
VIRGINIA**

By

Name: Stanley Crockett

Title: Chair, Economic Development  
Authority of the County of Frederick, Virginia

Date: \_\_\_\_\_

**AMERICAN WOODMARK  
CORPORATION**

By \_\_\_\_\_

Name: M. Scott Culbreth

Title: Company Financial Officer

Date: \_\_\_\_\_

#

**Resolution**  
**AMERICAN WOODMARK CORPORATION**

**WHEREAS**, AMERICAN WOODMARK CORPORATION has made known its intent to expand its operation by making new taxable real estate and personal property investment and retain and create jobs; and

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$350,000 in installments as stated in the executed Performance Agreement to the Economic Development Authority of Frederick County, Virginia from the Frederick County's Fund Balance to assist in expanding the operation for AMERICAN WOODMARK CORPORATION in Frederick County, Virginia.

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$550,000.00 to the Economic Development Authority of Frederick County, Virginia from the Commonwealth Development Opportunity Fund to assist in expanding the operation for AMERICAN WOODMARK CORPORATION in Frederick County, Virginia.

**BE IT RESOLVED**, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

Upon motion duly made by \_\_\_\_\_, seconded by \_\_\_\_\_, and on the votes hereafter recorded,

**ADOPTED**, this 8th day February 2017.

Charles S. Dehaven, Jr	_____	Bill Ewing	_____
Gene Fisher	_____	Gary Lofton	_____
Blaine Dunn	_____	Robert Wells	_____
Judith McCann-Slaughter	_____		

**A COPY TESTE:**

\_\_\_\_\_  
Brenda Garton  
Clerk, Board of Supervisors

D





**Becky A. Merriner**  
Director of Human Resources  
(540) 665-5668  
Fax: (540) 665-5669  
bmerriner@fcva.us

To: Board of Supervisors  
From: HR Committee  
Date: January 20, 2017  
Subject: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, January 20, 2017. HR Committee members present were: Supervisors Bill Ewing, Chairman; and Robert Wells; Citizen Members Don Butler, Beth Lewin, and Dorrie Greene. Others present were: Brenda Garton, County Administrator; Kris Tierney, Deputy County Administrator for Community Development; Ashley Hicks, HR Recruiting Specialist; DeLois Blevins, HR Manager; Roderick Williams, County Attorney; Delsie Jobe, Administrative Services Manager, DSS; Tamara Green, Director of Frederick County Department of Social Services; Cheryl Shiffler, Finance Director; Jason Robertson, Parks & Recreation Director; Joe Wilder, Assistant Director Public Works; Mark Fleet, Building Code Official; Sheriff Lenny Millholland; Major Steve Hawkins, Sheriff's Department; Dennis Linaburg, Fire Chief; Larry Oliver, Deputy Chief of Training and Operations; Jay Bauserman, Deputy Chief, Fire Marshal Division; Melissa Neal, Fire & Rescue Administrative Assistant; C. William Orndoff, Jr., Treasurer; LeeAnna Pyles, Public Safety Communications Director; Charles S. DeHaven, Jr., Chairman of the Board of Supervisors; Tommie Bower, Director of Skyline Regional Criminal Justice Academy; and Skyline Regional Criminal Justice Academy board chairman, Warren County Sheriff Dan McEathron.

**\*\*\*Items Requiring Board Action\*\*\***

1. **Request for New Positions Fiscal Year 2017-2018** – Department Heads requested the creation of new positions with funding consideration for new positions be part of the overall budget process. The Committees approved the creation of 22 requested positions. The attached position allocation chart shows the current number of funded positions for each department. The chart also contains columns reflecting the number of new positions being requested by the various departments and the Committees' recommendations. The Committee is seeking Board approval of the position allocation chart with the new recommended positions.
  - a. Jason Robertson, Parks & Recreation Director requested one Recreation Technician. Robert Wells motioned to approve, Dorrie Green seconded the motion and the Committee unanimously approved the motion.
  - b. C. William Orndoff, Jr., Treasurer requested two Cashiers/Account Analysis positions. Don Butler motioned to approve, Beth Lewin seconded the motion and the motion was approved unanimously by the Committee.
  - c. Joe Wilder, Assistant Director Public Works requested one Inspector. Upon a motion by Beth Lewin, seconded by Don Butler, the Committee recommended approval of this request. The motion was approved unanimously by the Committee.
  - d. Tamara Green, Director of Frederick County Department of Social Services requested one Secretary II position. Beth Lewin motioned to approve, Dorrie Green seconded and the Committee unanimously approved the motion.
  - e. Dennis Linaburg, Fire Chief requested a total of 17 new positions not currently allocated. With 13 Firefighters currently allocated (unfunded) for 2016-2017; Chief Linaburg requested an additional 11-Firefighters, 2-Training Officers, 1-Assistant Fire Marshall, 1-QA Manager, 1-EMS Supervisor and 1-EMS Billing Specialist. Robert Wells made a motion to approve and Beth Lewin seconded the motion and the Committee unanimously approved the request.

**\*\*\*Items Not Requiring Action\*\*\***

1. Mr. Bill Ewing, Chairman (replacing Mr. Robert Hess) was welcomed and introduced to the Committee.
2. The HR Committee reviewed the meeting dates for 2017 and agreed to continue to meet the *(2nd Friday of month at 8:00 am)*.
3. Informational presentation by Tommie Bower, Director of Skyline Regional Criminal Justice Academy regarding a request to Frederick County to be their fiscal agent. Their request will go to the Finance Committee.

There being no further business, the meeting was adjourned.

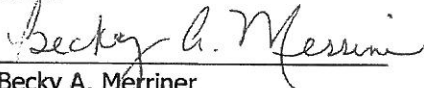
The next HR Committee meeting is scheduled for Friday, February 10, 2017.

Respectfully submitted,

**Human Resources Committee**

Bill M. Ewing, Chairman  
Robert W. Wells  
Blaine P. Dunn  
Don Butler  
Beth Lewin  
Dorrie Greene

By:

  
Becky A. Merriner  
HR Director



# Position Allocation Chart

Budget Dept #	Department	Total Position Allocation 2016- 2017	2016-2017 Funded	2016-2017 Unfunded	HR Committee Position Allocation Unfunded Request to BOS
2106	Clerk's Office	9	9		
1209	Comm of the Revenue	21	21		
2201	Commonwealth's Attorney's Office	13	13		
2202	Victim Witness	3	3		
5671	Children's Services	2	2		
1201	County Administrator's Office	8	8		
1202	County Attorney's Office	3	3		
5316	Department of Social Services	67	67		1
8102	Economic Development	4	3	1	
8301	Extension Office	2	2		
1214	Finance Department	7	7		
3505	Fire & Rescue Department	119	106	13	17
1203	HR Department	6	6		
1220	IT Department	14	14		
3303	Juvenile Probation Office	2	2		
4301	Maintenance	9	9		
3301	NRADC	204	204		
2109	NRADC/DCS	13	13		
7104	Parks & Recreation Department	40	40		1
8101	Planning & Development	12	11	1	
3506	Public Safety Communications	16	16		
4201	Public Works/Administration	4	4		
4305	Public Works/Animal Shelter	7	7		
3401	Public Works/Inspections	14	14		1
4204	Public Works/Landfill	27	27		
4203	Public Works/Recycling	2	2		
8108	Public Works/Shawneeland	7	7		
1302	Registrar's Office	2	2		
3102	Sheriff's Office	152	140	12	
1213	Treasurer's Office	11	11		2
8109	Winchester Regional Airport	11	11		
	<b>Grand Total</b>	<b>811</b>	<b>784</b>	<b>27</b>	<b>22</b>



## **Justification for Eleventh Recreation Technician**

Recreation Technicians oversee the day to day operation of the basicREC program and Camp basicREC programs provided by Frederick County Parks and Recreation. Recreation Technicians additionally provide program and facility support for the department.

There were 527 average daily participants as of October 31, 2016 at before and after school sites located in all eleven Frederick County Public School (FCPS) elementary schools and 263 average daily participants at five full day summer locations in 2016. The number of children at basicREC and Camp basicREC has increased 10 and 22 percent over the last year. These children are supervised by Recreation Technicians and part time staff. All expenses, including full time personnel and benefits, are recovered through program fees. There were eleven Recreation Technicians in 2008 when there were 477 daily attendees in the program.

The Recreation Technician is a Range 3 position with a starting salary of \$ 29,500 and benefits totaling \$ 16,996. The position was included in the proposed Parks and Recreation fiscal 2018 budget. Failure to fill this position paid for with program revenue will result in reduced customer service for residents using program, additional part time expenditures and additional hours spent by current full time staff to cover staffing shortages.

**County of Frederick, Virginia****Position Details**

Position Title: Recreation Technician		Date Position Created:	
Department: Parks and Recreation		Reports To: basicREC Manager	
<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non-Exempt	Date Prepared: 2/1/2016	Prepared By: Melissa Banks	
Range: 3	Grade:	Salary: starting at \$29,500	
G/L Line Item: 7104-1001-000-020;7104-1001-000-021;7104-1001-000-022;7104-1001-000-023;7104-1001-000-024;7104-1001-000-025;7104-1001-000-026;7104-1001-000-027;7104-1001-000-028;7104-1001-000-029			

**Job Description**

**Job Purpose:** Performs difficult technical and administrative work in planning, supervising, implementing and assisting in the direction of county-wide specialized recreation programs, weekly summer camps and related activities primarily targeted for elementary – middle school aged children. May exercise supervision over part-time staff, volunteers, and activity participants. Performs related duties as assigned.

**Essential Functions**

- Assists with the development, planning, implementation, and evaluation of recreation programs for assigned populations; engages in problem-solving activities as needed.
- Assists with activity organization, procurement of materials and supplies, recruitment of participants, preparation and distribution of promotional information, and securing community support;
- Assists with preparing and implementing budget recommendations for activities as assigned;
- Prepares and maintains program documentation as required by the Department;
- Assists with inventory management for the Division as needed;
- Produces activity reports and other reports and projects as needed

**Job Requirements:**

**Education:** Valid driver's license, Minimum age of 21 years, Community First Aid and Safety with CPR, Medication Administration Training / MAT Certified, Computer programs: Excel, Word, Outlook, ability to learn RecTrac

**Experience:** Any combination of education and experience equivalent to graduation from an accredited college with an associates degree in recreation, or a related field.

**Knowledge/Skills:**

Thorough knowledge and use of recreation principles and practices of professional recreation work. Thorough knowledge of various leisure needs of youth populations. Ability to provide leadership to various groups. Ability to act independently and make appropriate decisions. Ability to present ideas effectively both orally and in writing. Ability to establish and maintain effective working relationships with co-workers, other government agencies, program participants and the general public and possess excellent telephone etiquette.

**Working Conditions:**

**Physical Demands:** Walking, talking, stooping, kneeling, bending, reaching and gripping. May be required on occasion to move up to 30 lbs.



## COUNTY of FREDERICK

Office of Treasurer

P.O. Box 225

Winchester, Virginia 22604-0225

540/665-5607

FAX 540/662-5838

www.fredtax.com

C. William Orndoff, Jr., MGT  
*County Treasurer*

R. Wayne Corbett, MGD  
*Deputy Treasurer Operations*

Angela Fritts Whitacre, MGD  
*Deputy Treasurer*

TO: Becky Merriner, Human Resources Director

FROM: C. William Orndoff, Jr., Treasurer of Frederick County

DATE: January 10, 2017

RE: Request for approval of positions

I have a senior employee retiring August 2018 (Senior Tax Collector) which is requiring a restructure of the department in order to hire entry level positions and limit expense of the restructure. In accordance with the FY2018 Budget Development memo from the County Administrator, the Treasurer's Office is requesting for two (2) net positions to be hired mid-year (January 2018) creating an overlap of 6 months. Along with this request is the internal reallocation of positions. This request yields the most cost effective process for achieving the needed positions for the Treasurer's Office. The timing of this request for positions is to accommodate the training needed to avoid a knowledge/performance gap that often occurs when senior, long-term employees retire and to address the population increase over the last dozen years, and anticipated growth projected in Frederick County.

The new positions would be entry level Cashiers/Account Analysis, Range 3 (\$30,090 to \$48,042) on the current Frederick County Salary Administration Program, and anticipate being approximate \$36,720 annual salary, based upon experience. The total cost inclusive of benefits is estimated at \$64,981 (2 half year salaries and benefits) for FY2018.

Our succession plan is developed for the retirement of the Sr. Collector at the beginning of FY2019, and the subsequent promotions of current staff. Our plan is to ensure continued performance of strategic positions in our service to the taxpayers and our effort to the collection of taxes.

The County has continued to see population growth from 78,305 in 2010 to a projected 2020 population of 97,192 (a 24.12% increase over 2010). With this increase in population comes increased bill and transaction volume. We have seen an increase of Real Estate bills processed in excess of 10% and an increase in Personal Property bills processed in excess of 38.14% since 2004 which was the last year staff has been added to the Treasurer's Office. It has been our practice to work efficiently through available technology to achieve the level of service for the citizens of Frederick County. We also provide support to County departments for other financial functions. We have also increased our workload with number agencies that we serve as fiscal agent. This includes 2 Sanitary Districts, Street Light District, Regional Jail, Landfill, Airport, numerous bond and capital projects.

We reviewed statistical data that compares like population-size jurisdictions in Virginia for the number of employees in the Treasurer's Office. (See Below) Only 2 comparable jurisdictions have a higher employee ratio than Frederick County. The State Compensation Board determined that the Frederick County Treasurer's Office "Positions due on Staffing Standards" is 11.37 full time positions not including the Treasurer based upon a population of 82,000 residents. We currently have 10 positions.

County	Population		% over 2010	# EMP 2016	Pop per emp 2015
	2010	2020			
Roanoke County	92376	98413	6.54%	12	7797
<b>Frederick</b>	<b>78305</b>	<b>97192</b>	<b>24.12%</b>	<b>10</b>	<b>8262</b> note 1
James City	67009	86142	28.55%	13	5640
Rockingham	76314	83431	9.33%	6	13189
Bedford	74898	77257	3.15%	9	8619
York	65464	75590	15.47%	12	5787
Fauquier	65203	74118	13.67%	16	4243

note1: Comp Board currently suggest nearly 12 employees for Frederick Co. Treasurer's Office

Population figures from Weldon Cooper Center at UVA

We do not take requests for positions lightly and have avoided this request for over a decade. This is the first net increase in the number of employees for the Treasurer's Office in nearly 14 years. We continue to provide a high level of customer service by implementing technology and developing and improving payment procedures. With the forthcoming retirement of an upper level employee, the increase population, and the workload associated with it, we find it necessary to implement our succession plan. Current minimal turnover in staff, (5-27 years) creates a situation where staff has accumulated Paid Time Off, which creates scheduling issues for having good coverage in the office. This is compounded when we have several time periods during the year that staff is restricted from using their vacation time (PTO) do to work demands. (Tax season and delinquent notice periods) The added staff would also relieve some of this pressure so we can maintain good customer service and good employee morale.

If you have any questions or need any additional information, please do not hesitate to contact me.

Frederick County Inspection Department  
FY17-18 Budget Request for New Inspector Position

The Inspection Department is requesting to add one additional field inspector in FY17-18. The department is currently has a field inspector staff of seven and conducted 17,662 inspections in FY 15-16. This equates to an average of ten (10) inspections per day per inspector. The first four months of FY16-17 shows an increase of 12 % on both permit issuance and inspections. This increase in activity has currently extended the inspection count average per day of 11.5 per inspector. The increase of permit activity, that impacts the inspection counts four to six months after the issuance, will further extend that number to approximately 13 per day per inspector. The attached ISO (Insurance Services Office, INC) evaluation of building inspection departments reduces the score in this category when the inspections performed per day by the inspector exceeds ten (10). Attached is the ISO benchmarks supplied to Frederick County within the most recent survey dated 3/8/2013. The projection for inspection counts in FY17-18 will be at 19,000 inspection provide construction continues at its current level.

Cost associated with the new position within the proposed budget are as follows:

Inspector Salary -	\$52,000.00
Fringe Benefits -	\$21,908.00
Vehicle -	\$27,000.00
Vehicle operation-	\$2,655.00
<u>Equipment -</u>	<u>\$3,600.00</u>
Total-	\$107,163.00



**County of Frederick, Virginia****Position Details**

Position Title: Inspector		Date Position Created:	
Department: Building Inspections		Reports To: Building Code Official	
<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non-Exempt	Date Prepared: 10/14/2015	Prepared By:	
Range: 7		Salary: \$45,200 - \$72,400	

G/L Line Item:

**Job Description**

**Job Purpose:** Performs superior technical and administrative work in the inspection of structures, construction documents and construction to assure legal compliance with the Virginia Uniform Statewide Building Code. Performs related duties as assigned.

**Essential Functions**

- Performs field inspections to ensure compliance with the Virginia Construction Code, Virginia Maintenance Code, The American Disabilities Act and other referenced codes;
- Has proficient knowledge of Plans/Construction Documents and performs technical inspections of residential and commercial/industrial structures for code compliance;
- Provides assistance to co-workers, contractors, the general public, architects, and engineers relative to the county's code enforcement programs;
- Assist in department training programs, seminars, and workshops;
- Receives complaints and follows through with issuing violation notices and stop work orders;
- Maintain assigned files and plans in a organized manner;
- Prepare and maintain daily logs and technical reports;
- Participate in code related organizations;
- Participate in emergency situations at all times.

**Job Requirements:**

**Education:** Any combination of education and experience equivalent to graduation from high school.

**Experience:** Extensive experience in code enforcement, tradesman with five years in construction or equivalent in related fields.

**Knowledge/Skills:** General knowledge and use of the principles and practices of the Virginia Uniform Statewide Building Code and related laws along with county ordinance; ability to detect inferior workmanship and materials. Ability to recognize potential hazards of fire, collapse, or contamination. Possess excellent communications and organizational skills. Ability to keep accurate written and computerized records. Ability to present facts and recommendations clearly and concisely. Thorough knowledge of building, electrical, plumbing, mechanical, accessibility, and fuel gas codes along with awareness of county site plans, zoning, erosion, and sedimentation ordinances. Ability to establish and maintain effective and professional working relationships with co-workers, contractors and the general public and possess professional telephone etiquette.

**Special Requirements:** Must possess a valid driver's license with good driving record. Applicant must satisfy the requirements of the Virginia State Certification Program for inspectors by either holding commercial general certification in a particular field, residential certification or equivalent combination of education, experience, or training.

**Working Conditions:**

**Physical Demands:** Communicate effectively both verbally and in writing. Ability to work outdoors in all seasons. Perform inspections, i.e. excavations, ladders, etc., with agility. Requires strength for lifting 25 pounds at times, i.e. files, plans, lumber, etc.

**Supervisory Responsibilities:**

Number of Employees Supervised: 0

Number of Subordinate Supervisors Reporting to Job: 0

**Approvals:**



Tamara Green  
Director

FREDERICK COUNTY  
DEPARTMENT OF SOCIAL SERVICES

107 N. KENT STREET, THIRD FLOOR  
WINCHESTER, VA 22601

(540) 665-5688

(540) 535-2146 FAX

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MEMO

To: Human Resources  
From: Tamara Green, Director  
Date: December 15, 2016  
Subject: Budget

The Department of Social Services has one personnel request to support and assist our management team of nine with the day to day administrative tasks that are needed.

The request would be to hire the position of Secretary II. This position would be an advanced level in the field of Secretaries and would be responsible for providing high-level administrative support for Director, Assistant Director and seven supervisors. This position with starting anticipated salary of \$35,000 and benefits would add Federal/State \$28,849 + Local \$24,575 = \$53,424 total.

This request would increase our local budget by \$24,575 from our current local amount.

Please see the attached documentation that provides information and data to justify the request.

My sincere appreciation for your time and consideration.

A handwritten signature in cursive script that reads 'Tamara L. Green'.

Tamara L. Green  
Director

Over the past several years, Frederick County Department of Social Services (FCDSS) has added several positions to address workload increases for both the eligibility units and the services units. The agency has continually looked at each unit and has re-organized work flow and moved staff into areas where there has been a proven shortfall in manpower. With the exception of the newly approved Adult Protective Services Supervisor, the agency has managed all of the workload and staff increases without adding to its management structure. In addition to the Director and Assistant Director, there are seven supervisors; the management team has never had a support position available to assist with the day to day administrative tasks that are needed.

The Director, Assistant Director and supervisors have always been responsible for pulling their own reports and tracking statistical data. They must routinely schedule and organize meetings including everything from trying to pull all participants together, reserving rooms and sending reminders. Many meetings do not have anyone to keep notes or minutes. As special projects occur (for example, the Annual Report and Strategic Plan), someone on the Management team is typically the one tasked with typing out all notes, creating the document and often turning the information into a PowerPoint for various presentations.

It is our belief that hiring someone with strong organizational, writing and administrative assistant skills would relieve the management team from some of those tasks that take precious time away from their day; time that would be better served meeting with staff, assisting with case management, training and mentoring. Below is a starter list of items that would be assigned to the new staff member:

- Coordinate and set up meetings including room set up, sending reminders, taking notes and typing up minutes (including full staff meetings)
- Attend Board meetings and take minutes; handle all board communications
- Be involved in all project work including being responsible for the yearly generation and publication of the Annual Report. They would be instrumental in assisting with keeping upper management on track with the Strategic Plan
- Assist with editing documents – often documents are being reviewed and edited by the Director or Assistant Director – this would allow another layer of editing before being reviewed for signature by upper management
- Routinely pull statistics for all units through Safe Measures and Data Warehouse. Once pulled, they would update any and all trackers/spreadsheets and then information will be share with supervisors
- Assist with development of all powerpoint presentations whether it be for the Board or presentations within the community
- Work with the County on such things as Wellness, Activities, Newsletter – basically be a point of communication between the two.
- Maintain calendars – both for the Director and the agency in terms of all reports due and ensure compliance
- Take an active role in assisting with FOIA compliance. While not responsible for redacting records, this individual will assist with mailing notification letters and printing records once redacted and ensuring client receives information within mandated timeframes.
- Typing and mailing letters from management team including appeal responses
- Tracking all MOU's and making sure they are reviewed annually and updated as needed.

As mentioned, this list is by no means complete – this is just a beginning list of obvious things this position could do to allow management to focus on more meaningful development of staff and to be sure the agency is offering the best service to the constituents of Frederick County. We believe that once a person is hired and begins working, many other projects and assignments will be tasked to that individual.



**43-000 Office and Administrative Support Occupations**

**Category**

**SECRETARY GROUP**

<b>Occupational Title</b>	<b>Pay Band / Tier</b>	<b>EEO Code</b>	<b>Title Code</b>
Secretary II	4 / 3	F	0043022

**Title Description** - Secretary II is the advanced level in the occupational field for Secretaries. Employees are responsible for providing high-level administrative support for executives by conducting research, preparing statistical reports, handling information requests, and performing clerical functions such as preparing correspondence, receiving visitors, arranging conference calls, and scheduling meetings. May also train and provide leadership to other clerical staff. The Secretary II class is distinguished from Secretary I class by performing administrative and clerical responsibilities with agency-wide scope for an executive and acting as a lead worker to others. **The Secretary II is distinguished from the Administrative Coordinator I by the latter's primary responsibility for coordinating a variety of administrative activities and projects for executives rather than providing office and secretarial support for an executive.**

**General Work Tasks (Illustrative Only) -**

- Compiles, transcribes, and distributes minutes of meetings;
- Coordinates and direct office services, such as records and budget preparation, personnel, and housekeeping, in order to aid executives;
- Greets visitors and determines whether they should be given access to specific individuals;
- Makes travel arrangements for executives;
- Manages and maintains executives' schedules; opens, sorts, and distributes incoming correspondence, including faxes and email;
- Prepares agendas and makes arrangements for committee, board, and other meetings;
- Researches and compiles information;
- Prepares invoices, reports, memos, letters, financial statements and other documents, using word processing, spreadsheet, database, and/or presentation software; and
- Prepares responses to correspondence containing routine inquiries.

**Knowledge, Skills, and Abilities:**

**Knowledge**- Considerable knowledge of: administrative rules, regulations, policies and procedures of the department; organization and functions of the locality; modern office practices and procedures; computer-driven word processing, spreadsheet, desktop publishing and graphics; file management (paper and electronic); and basic mathematics.

**Skills**- Skill in: operating a personal computer to enter, retrieve, review or modify data; utilizing word processing, spreadsheet, database or other software programs; and operating other office equipment such as typewriter or other electronic data-entry equipment. May perform basic maintenance of computer system and office equipment.

**Abilities**- Demonstrated ability to: maintain moderately complex records; draft routine documents; develop and modify work procedures, methods and processes; compile data from a variety of sources and prepare reports; exercise tact and courtesy in frequent contact with employees and public; proofread work of others; provide guidance to others in performing administrative and clerical activities; and establish and maintain effective working relationships.

**Education and Experience**- High school diploma supplemented with courses in business education and progressive responsible secretarial experience **OR** any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

## FREDERICK COUNTY FIRE AND RESCUE DEPARTMENT FISCAL YEAR 2018 BUDGET JUSTIFICATIONS

The Fire and Rescue System consists of eleven (11) volunteer fire and rescue companies, operated by volunteer personnel, supported by 101 uniformed career staff and five (5) office staff. The agency is an all-hazards system, coordinating with our volunteer companies to deliver emergency medical services, firefighting, hazardous materials and environmental responses within Frederick County.

The Career Department was created to supplement staffing needs for the volunteer companies. Recently, this dynamic has shifted and the volunteer personnel now supplement the Career Department. Since its inception in 1990, in order to address staffing requests by volunteer fire and rescue companies, the Career Department has grown considerably. These requests were due to an increased demand for services from volunteer companies due to an ever-expanding county population. An increase in training requirements and obligations has made attracting new and maintaining existing volunteer personnel difficult, resulting in a decrease in available personnel to answer emergency calls.

Demands on the County's fire and rescue system continue to increase as the population grows. Emergency call volume is increasing, with 4,141 calls dispatched in 1990 compared to 10,245 calls dispatched in 2015, representing a nearly 147% increase in call volume since the Department's inception. The expansion of the local community college, assisted living facilities and other large warehouse facilities has created additional types of potential hazards. The system is also facing new demands such as proactive fire and safety inspections.

Staffing continues to be an issue for the Department. Over the last three years, the Department has held Recruit Academies to replace employees and increase staffing to 24-hours in all fire and rescue stations. The Department also eliminated the observed "Kelly Day" from the shift schedule to increase daily staffing and allow all employees to access their earned leave. The daily staffing increases and conversion of daytime stations to 24-hours has dramatically increased the Department's overtime budget.

Increases in both residential and non-residential development have created coverage deficiencies within the fire and rescue system. This translates into career staff supplementing the work of the volunteer companies. The system must now be able to handle not only rural hazards, but also an expanding urban area and the hazards that are associated with that as well. Daily assistance from Automatic Aid and Mutual Aid Jurisdictions has become necessary in order for the system to adequately respond to the increased demand.

Historically, individual Volunteer Fire and Rescue Companies owned and operated all stations and apparatus. In 2014, the County initiated construction of the first county-owned fire station, Round Hill Community Fire and Rescue Station. In addition to this newly constructed station, in August of 2015 the County took ownership of Millwood Station due to funding issues which threatened its operation. As the County continues to grow, the Volunteer System will continue to face increased demand combined with reduced volunteerism; in turn, the County will be faced with additional demands for financial support to the Companies.

## Personnel Request

- 3505-1001-108 Compensation of Firefighter Through
- 3505-1001-119 Compensation of Firefighter
- 3505-1001-123 Compensation of Firefighter
- 3505-1001-124 Compensation of Firefighter
- 3505-1001-132 Compensation of Firefighter Through
- 3505-1001-141 Compensation of Firefighter
  - 24 - Full-Time Firefighter/EMTs
  - Request \$883,200 (\$36,800/per position)

The Fire and Rescue Department staffing requests are specifically directed towards alleviating the challenge of not only arriving on the emergency scene, but also striving to create efficiencies for resolving emergencies expeditiously, in order to save lives and property, once on-scene. Recommended staffing configurations focus on enhancing Firefighter/EMT safety by staffing units with the appropriate number of personnel; staffing all units with personnel trained in advanced life support, and adjusting staffing models to increase response capacity.

The Department is continuing to develop and initiate effective strategies to assist the community. We envision not only having the appropriate staffing and equipment to respond to calls for service, but to be proactive, not only reactive. We are continuing to enhance the community outreach, safety inspections, and safety education and prevention programs to educate the community of risks and ways to prevent them.

The expansion of the community college, assisted living facilities and other large warehouse facilities has created different types of potential hazards, and new demands such as proactive fire and safety inspections. Increases in both residential and non-residential development and service delivery challenges associated with an ever-growing community have created coverage deficiencies within the fire and rescue system. This translates into additional career staffing supplementing the work of the volunteer companies. The system must now be able to handle not only rural hazards, but also an expanding urban area and the hazards that are associated with that as well.

Demands on the County's fire and rescue system continue to increase as the population grows. Emergency call volume is increasing, with 4,141 calls dispatched in 1990 compared to 10,245 calls dispatched in 2015, representing nearly a 147% increase in call volume since the Department's inception.

Career personnel assigned to each of the eleven volunteer companies provide 24-hour coverage. County stations are inadequately understaffed a fair amount of the time. Responding personnel are unable to follow the OSHA firefighting requirement "2-in-2-out" due to only having two (2) staff available at the station. In addition to firefighting capabilities, inadequate staffing creates deficiencies during EMS responses. To increase the chance of survival, it is imperative to initiate life-saving measures to a person in cardio-pulmonary arrest within five minutes to achieve the best chance of survival and recovery. Airway management, chest compressions, and IV drug therapy are crucial and each requires individual attention

during the incident. This requires multiple companies and mutual aid from surrounding jurisdictions to respond on a single incident for adequate staffing. It is recommended that the County adapt and implement NFPA 1720 – Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments.

- **3505-1001-088 Compensation of Training Officer – New**
- **3505-1001-089 Compensation of Training Officer – New**
  - 2 - Full-Time Training Officers (lateral transfer / backfill current FF/EMT position)
  - Request \$73,600 (\$36,800 each)

Two additional Training Officer Positions will assist the existing Training Division Staff with facilitation of the annual training plan adopted by the Frederick County Fire and Rescue Department and the Frederick County Volunteer Fire and Rescue Association. Currently, the Training Division employs two full-time instructors who are responsible for conducting Career Recruit Schools, Career Training required for current EMS providers (CE hours), OSHA mandated training, and Volunteer EMS and Fire Academies. With the significant decrease in volunteer instructors available for the Academies, the current staff is finding themselves working over 60-hours a week. When feasible, these staff members adjust their schedules to decrease the overtime impact, however this is becoming more difficult with their current workload.

**The additional Training Officers are imperative to the reduction of overtime. Without these positions, the Training Division will have to evaluate and eliminate available training opportunities to both Career and Volunteer Fire and Rescue members.**

During the past four years, the Training Division has conducted four Career Recruit Schools in addition to the training programs offered during the annual training plan, which has created an excessive workload for the existing staff. The need to conduct the Career Recruit Schools is becoming more prevalent since the potential candidates are young with very limited certifications and experience, which causes the training programs to be provided to them just to bring them up to current standards required by the Department. The Department has always attempted to utilize volunteer instructors and part-time personnel to provide instruction during the Volunteer Fire and EMS Academies as well as the Career Recruit School, but the number of personnel available to assist with these training programs is becoming less and less.

The Fire and Rescue Department applied for accreditation through the Virginia Office of Emergency Medical Services for the levels of Emergency Medical Technician and Advanced Emergency Medical Technician in March 2014. Our site visit by the accreditation team was conducted in January 2015 and our first Advanced Emergency Medical Technician course was conducted in January 2016. These positions are critical to facilitating the other training programs as to allow the EMS Training Officer to concentrate on development of the curriculum and completing all of the other components that will be required through the accreditation process. Both of these positions will also assist with the coordination/instruction of the Emergency Medical Services Academy, Basic Fire Academy, Career Recruit School(s), and other training programs offered by the Training Division. The Training Division Staff will then be able to incorporate mandated specialized training programs into the Training Program Plan and facilitate them based upon nationally accepted best practices.

As the Department continues to grow, it is imperative that we provide the highest level of training possible locally. The dynamics of today's incidents have changed dramatically and the



need for realistic, functional education and training has never been higher. In addition to providing the basic entry-level fire and EMS courses, training of driver/operators, company officers, and chief officers on the new technologies and leadership required to facilitate a combination career and volunteer fire and rescue system.

- **3505-1001-120 Compensation of Firefighter for additional Assistant Fire Marshal**
  - 1 - Full-Time Assistant Fire Marshal – NEW  
(lateral transfer / backfill current FF/EMT position)
  - Request \$36,800

With the adoption of the Virginia Statewide Fire Prevention Code in 2012 one of the objectives within the code is to have 100% of all commercial and retail properties inspected annually. There are approximately 5,400 business licensed retail, commercial and home-based properties that are, by code, subject to fire prevention inspections. The current staffing levels afford us the ability to complete approximately 25% of the required inspections. Our goal with additional staffing would be to complete 50% of required inspections.

**The additional Assistant Fire Marshal is imperative to conduct the annual life safety inspections of all commercial and retail businesses in Frederick County. Without the additional position, annual inspections will be maintained at 25% of commercial and retail businesses.**

At present, our Assistant Fire Marshals are responsible for enforcing the Frederick County Fire Prevention Code, performing safety inspections for county businesses, investigating causes of fires, explosions, environmental crimes and emergencies, issuing burning and blasting permits, reviewing fire protection system plans, and ensuring and educating the public about fire safety.

Increasing our staffing levels will allow us to increase the number of inspections, will allow for expedited plans review, improving customer service and allow appropriate time for thorough investigations. The number of requests for life safety education from civic organizations, private businesses, public and private schools are steadily increasing. Currently, we are reaching approximately 3% of our population, with additional staffing we would be able to increase the number of people we are able to educate. The additional staffing will also assist with the required after-hours on call time for any life safety issues that may arise within the jurisdiction.

Our proposed Life Safety/Fire Prevention Permit Fee Schedule will generate revenue, which will assist with offsetting the costs of additional staffing. By expanding our inspection services to include life safety/fire prevention operational permits, that many area jurisdictions already require, we will improve the overall fire and life safety to our county citizens, visitors, firefighters and provide additional education to the business owners.

- **3505-1001-122 Compensation of Firefighter for EMS Supervisor-New**
  - 1 - Full-Time EMS Supervisor - NEW  
(backfill current FF/EMT position)
  - Request \$36,800

Currently there are no established career positions for EMS supervisory personnel within the combined system. EMS supervisory personnel are critical components of the EMS system, as they not only provide patient-care oversight, but also serve as day-to-day liaisons with hospital staff and the OMD, system administrative and operational officers, and integrate into

the Incident Management System on incidents involving multiple medical patients, technical rescue components, and as needed on other emergency incidents. Additionally, the EMS Supervisor will ensure a day-to-day quality assurance/quality improvement program be implemented. This position would be an Administrative Position, working Monday – Friday, during regular business hours, with hopes of expanding in the future as needs within the field change.

**Currently, our Deputy Chief of Operations oversees all aspects of items listed below. These additional duties would be assigned to the EMS Supervisor, allowing the Deputy Chief of Operations to focus on emergency service planning and delivery, as well as Department staffing needs.**

Position duties would include: (1) Patient care protocol compliance: the need for EMS-trained personnel to operate and perform according to established protocols for patient care is a critical element for positive system delivery. Compliance with established patient care protocols is intuitively related to the quality of the care delivered in the EMS system. The quality of care then relates to the overall quality of the system. (2) Ensuring positive patient outcome: the resultant patient status following pre-hospital treatment and/or care relative to the patient's signs and symptoms are measured by the effects of the EMS system encounter. Patient outcome (patient status) can be a byproduct of the overall quality and effectiveness of an EMS system, and therefore should be measured as an indicator of quality within the system. (3) Oversee the Quality Improvement / Quality Assurance Program Manager as this role would serve as the liaison between the hospital, patients, and the Office of EMS.

The EMS Supervisor will be responsible for the day-to-day supervision and support of EMS operations in the County. The position is intended to be a supportive one in that the EMS Supervisor should endeavor to monitor and mentor the active EMS providers as well as provide guidance and structure to on-going EMS operations countywide. While a member of the command rank, the EMS Supervisor will not be disposed to assuming command unless that action is required to stabilize an evolving incident. The EMS Supervisor is more appropriately oriented to assuming specific roles inside the Incident Command System (ICS) such as Medical Branch (Patient Care), Medical Group Supervisor, Treatment Unit Leader, Transport Unit Leader, Rehabilitation Group Supervisor, etc., while working with the Incident Commander to ensure a seamless ICS is maintained resulting in multiple outcomes.

- **3505-1001-142 Compensation of Firefighter for Quality Assurance Manager**
  - 1 - Full-Time QA/QI Manager - NEW  
(backfill current FF/EMT position)
  - Request \$36,800

The Quality Improvement/Quality Assurance (AQ) Manager would work hand in hand with the EMS Supervisor and the Revenue Recovery Program to ensure delivery of proper patient care and insurance compliance, while maintaining privacy of protected health information. The need to operate a complete quality program that includes total quality management, continuous quality improvement, and quality assessment is necessary to ensure emergency medical care is provided across all agencies in a competent and compassionate manner. The program includes direct field observation by a designated medical quality officer. This position would require the QA Manager to be a Nationally Registered and/or Virginia Certified Paramedic in order to properly assess patient reports for all levels of service. The QA Manager would oversee and manage associated information systems, including the department's emergency incident reporting software, and provide administrative staff with guidance and direction in

database operations and an accurate reporting of run statistics. They would complete and maintain an inventory of department equipment, including stations, vehicles, and supplies, and create a certification and training database within the existing reporting software. The QA Manager would provide statistical data to form recommendations to improve the delivery of emergency medical services throughout the County. An established program indicates the Department's effort toward establishing and maintaining quality within the EMS system.

Revenue Recovery

Fund 30

- **1330-1001-000-002 Compensation of EMS Billing Specialist**
  - Request of \$29,500

The addition of an EMS Billing Specialist will allow the program to run in compliance with regulations set forth by the Centers for Medicare and Medicaid Services. Currently the EMS Billing Manger performs all rolls of the program. At present, Frederick County is transporting more than 6,000 people to the emergency room annually. All transport reports must be reviewed for quality assurance and for final preparation before being sent to the billing company. In addition to reviewing each report, the federal government has set forth regulations for the routine auditing of both our reports and the work of our third party billing company. This program would also monitor the revenues coming into the program and calculate payouts to the eleven volunteer fire and rescue companies. These duties have become too cumbersome for one staff member to maintain.

**The addition of an EMS Billing Specialist will allow the program to run in compliance with state and Federal laws.**

With the frequent changes to our healthcare laws, it is imperative that our Revenue Recovery Program expand to monitor changes. The financial and legal implications could become costly if we are not proactive in maintaining a strong and evolving program.



## Frederick County 2017 HR Committee Meeting Dates

**All meetings are held on the 2<sup>nd</sup> Friday of the month in the First Floor Conference Room at 107 N. Kent Street, Winchester, VA 22601 at 8:00 am**

*\*While the meetings are normally the 2<sup>nd</sup> Friday of the month, this meeting has been adjusted.*

January 20, 2017\* (*January 13<sup>th</sup>-Holiday*)

February 10, 2017

March 10, 2017

April 14, 2017

May 12, 2017

June 9, 2017

July 14, 2017

August 11, 2017

September 8, 2017

October 13, 2017

November 17, 2017\* (*November 10<sup>th</sup>-Holiday*)

December 8, 2017

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**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John A. Bishop, AICP, Assistant Director - Transportation *JB*  
**RE:** Transportation Committee Report for Meeting of January 23, 2017  
**DATE:** February 1, 2017

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The Transportation Committee met on January 23, 2017 at 8:30 a.m.

Members Present

Gary Lofton – Chairman (voting)  
Judith McCann-Slaughter (voting)  
Gene Fisher (voting)  
Lewis Boyer (liaison Stephens City)  
Greg Unger (liaison PC) filling in for Gary Oates  
James Racey (voting)  
Barry Schnoor (voting)

Members Absent

Mark Davis (liaison Middletown)  
Gary Oates (liaison PC)

**\*\*\*Items Requiring Action\*\*\***

**2. Support for Reliance Road Truck Restriction**

At the November meeting of the Transportation Committee, the Committee considered a request from Warren County to seek a joint truck restriction for Reliance Road. At that time, the Committee had a number of questions regarding the request which were posed to the Warren County Administrator and are in the attached documentation. Also attached find communications from VDOT regarding the potential truck restriction, as well as emails from a number of citizens. VDOT has clarified that if Frederick County does choose to proceed with support of the truck restriction, we will need to adopt a resolution of support and hold a public hearing.

The most recent count we have for the roadway is 1800 vehicle trips with 2% being 3 axle or greater. This equates to approximately 36 trucks per day.

Attending the meeting for Warren County were County Administrator Douglas Stanley, Deputy County Administrator Robert Childress, and Supervisor Daniel Murray.

Mr. Stanley noted that trucks cannot navigate the roadway without regularly crossing the centerline which creates safety issues for residents and other local trips. He explained that, due to the termini of the roadway, a tractor trailer restriction is not possible without coordinating with Frederick County.

Mr. Murray noted that he lives along Reliance Road and also represents a number of his neighbors and he made a number of points.

1. Safety concerns due to trucks crossing the centerline routinely.
2. Removal of truck trips could result in maintenance savings.
3. At times it is difficult for people to get out of their driveways due to truck traffic.
4. While quarry trucks can't be stopped, we could at least remove tractor trailers.

Mr. Childress noted that this is a problem that goes back decades and that over the years VDOT has added paving to the shoulders to get the road to a minimum width to allow for centerline striping but that the width remains inadequate for this type of traffic. He also reiterated the maintenance issues.

Mr. Unger noted that the restriction does no harm to Frederick County and that he totally agrees with restricting the roadway.

Mr. Lofton asked for clarification of the Ed Carter email in the attachments regarding trips that would not be restricted. Staff noted that agricultural trips and vehicles could not be restricted and that trips originating or having a destination within the restricted area could not be restricted.

Mr. Lofton asked for clarification of what the signage would be since quarry dump trucks were not the target. The answer was not readily available at the meeting but Staff will follow up with VDOT. VDOT indicated that the restriction would be for vehicles in excess of 30 feet to properly target tractor trailers.

**MOTION: Supervisor McCann-Slaughter made a motion to recommend the Board of Supervisors schedule a public hearing and adopt a resolution of support. The motion was seconded by Mr. Schnoor and passed unanimously.**

## John Bishop

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**From:** Doug Stanley <Dstanley@warrencountyva.net>  
**Sent:** Thursday, December 01, 2016 4:41 PM  
**To:** John Bishop  
**Cc:** Robert Childress; Dan Murray; Balderson, Clifton M. (VDOT)  
**Subject:** Reliance Road Truck Restriction

John –

Following up on your email to Bob and our conversation. The concern originated with residents along Reliance Road in Warren County voicing complaints to our supervisor for the North River area, Dan Murray. Mr. Murray also happens to live right off Route 627 and has personally witnessed the driving behavior of the trucks and some of the near misses. As you know, the Warren County portion of Route 627 is significantly narrower than the Frederick County portion and leaves little room to pass; particularly when you have two trucks or a truck and a bus passing in opposite directions.

I have previously spoken with Cliff Balderson, Residency Administrator, to request the latest counts by volume and vehicle type. I have also requested that the area be recounted. I will let you know as soon as we have some data to share. Unfortunately I have only anecdotal data concerning the destinations and means of navigation. I have personally seen a number of container trucks (Inland Port I assume) and aggregate trucks (heading from the quarry I would assume).

As stated, we arrived at this request based on the advice and support of Mr. Balderson and Mr. Carter from VDOT. Given the curvature of the roadway, I think you would agree that it is less than ideal for heavy truck traffic. Thank you for Frederick's continued consideration of this request. We will be back to you with additional information as requested.

**Douglas P. Stanley, AICP ICMA-CM**

County Administrator  
County of Warren  
220 North Commerce Avenue  
Suite 100  
Front Royal, VA, 22630  
(540) 636-4600  
(540) 636-6066 Fax  
[dstanley@warrencountyva.net](mailto:dstanley@warrencountyva.net)

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**From:** John Bishop [<mailto:jbishop@fcva.us>]  
**Sent:** Thursday, December 01, 2016 4:03 PM  
**To:** Robert Childress  
**Subject:** Reliance Road Truck Restriction

Bob;

I took the request we got from you all to our transportation committee and they just had a couple of questions. I'd like to get it back to them on the 19<sup>th</sup> for a recommendation to our Board.

1. Where did the request originate or what caused it.
2. Do you have any count data aside from the VDOT counts?
3. Is any of the data directional? They are wondering if the truck trips are mostly east or westbound if you know.
4. Do you have any indication of whether this seems to be an issue caused by GPS routing?

I think that's about it. Anything you have will help as we try and get them to a decision.

Thanks!

John

John A. Bishop AICP  
Assistant Director – Transportation  
Frederick County Planning and Development  
107 N. Kent Street  
Winchester, VA 22601  
540-665-5651



## John Bishop

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**From:** Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>  
**Sent:** Friday, January 06, 2017 6:43 AM  
**To:** Doug Stanley; John Bishop  
**Cc:** Balderson, Clifton M. (VDOT); Logan, Donald D. (VDOT); Leckrone, Sam (VDOT)  
**Subject:** Truck restrictions - Rt. 627 Reliance Rd.

### MAP

<https://www.google.com/maps/dir/39.027115,-78.269381/38.9975044,-78.2341008/38.9772889,-78.185102/@38.9996489,-78.244755,6579m/data=!3m1!1e3!4m2!4m1!3e0>

### Memo

<\\501-st-nas1\nwro\Traffic Engineering\Traffic Studies\Frederick\069-0627-20161027-027\VA code memo.doc>

Doug/John,

Traffic Engineering has completed their informal review of truck restrictions on Reliance Road and offer the following evaluation. Please let us know how you want to proceed.

We have performed a cursory review of SR-627 (Reliance Rd) and are unable to restrict the route using Section §46.2-1104 of the Code of Virginia as there are no geometric features that would preclude trucks from navigating the roadway safely (see attached link above). If both counties desire to have a truck restriction, then the established truck restriction process that includes public input (§46.2-809 Code of Virginia) should be pursued. However, such a course should be considered carefully as the restriction can only be undone via the same process and concurrence from both counties. Future development & roadway improvements that could take advantage of the proximity this route affords to I-66, I-81, US-340, & the Virginia Inland Port, may be also be hampered by such a restriction. It should also be noted that the establishment of a truck restriction will not stop trucks from making shipments to industry, business, farming, & residences along the route. Interstate laws also prevent truck restrictions within one mile of National Network (I-81 & I-66) and Virginia Qualifying Highways (US-522/340) to access terminals (i.e. Virginia Inland Port) and for fuel, food, rest, and repairs. Only through trucks will be prohibited, and this will only be as effective as the enforcement employed and their ability to discern a thru truck from a local industry truck or a truck using a facility within one mile of a Qualifying Highway.

Thanks,

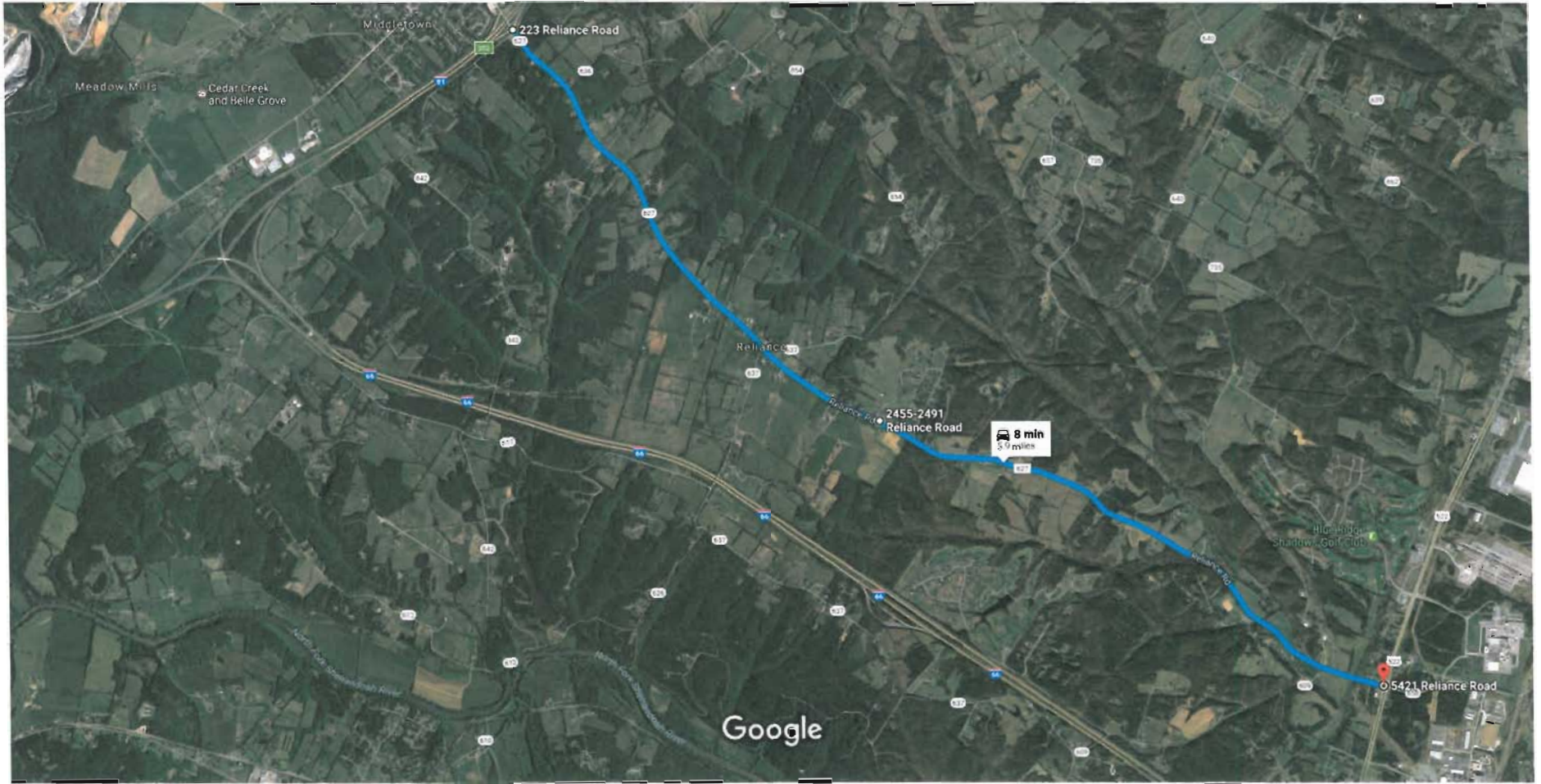
*Ed*

Edwin Z. Carter  
Assist. Residency Administrator  
VDOT-Edinburg Residency  
(540) 984-5605  
Fax (540) 984-5607  
[Edwin.Carter@VDOT.Virginia.Gov](mailto:Edwin.Carter@VDOT.Virginia.Gov)



223 Reliance Rd, Middletown, VA 22645 to 5421 Reliance Rd, Front Royal, VA 22630

Drive 5.9 miles, 8 min



Imagery ©2017 Google, Map data ©2017 Google 2000 ft

via State Rte 627/Reliance Rd  
8 min without traffic

8 min  
5.9 miles



# Reliance Road

Reliance Road in Frederick County just before Warren County Line

Legend



Google earth

© 2017 Google

© 2016 Google



6.39 ft

## John Bishop

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**From:** webmastr@fcva.us  
**Sent:** Thursday, December 01, 2016 7:52 AM  
**To:** John Bishop  
**Subject:** Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

**Form Name:** Email Planning Assistant Director/Transportation - John Bishop  
**Date & Time:** 12/01/2016 7:52 AM  
**Response #:** 35  
**Submitter ID:** 26327  
**IP address:** 75.145.197.3  
**Time to complete:** 14 min. , 36 sec.

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### Survey Details

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Page 1

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**1. Your Name**

Roy Rumsey

**2. Your Email**

[royrumsey@yahoo.com](mailto:royrumsey@yahoo.com)

**3. Your Phone Number**

540-539-0078

**4. Subject**

Reliance road truck traffic

**5. Message**

I'm writing in reference article in Winchester Paper other day.  
There is way to many heavy wide trucks on road  
Through Warren county  
This portion way to hilly, windy, and narrow  
For today's large trucks  
This road just quilified for yellow line  
They using road as short cut to and from  
Route 522:340 and all new shopping centers  
Etc plus they can carry more weight on Reliance

Road than interstate and save couple miles  
Rather then use interstate 66

Traffic running in both directions east and west  
In fact when watch trucks on road they usually  
Having ride on yellow lines since road narrow  
And if they move over be the rear axle wheel  
Hang over shoulder  
A meeting is in order with both county  
Officials and residents along this road

Thanks  
Roy Rumsey  
1526 reliance Rd  
Warren co VA

**The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.**

**If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.**

Thank you,  
**Frederick County**

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## John Bishop

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**From:** webmastr@fcva.us  
**Sent:** Thursday, December 01, 2016 7:54 AM  
**To:** John Bishop  
**Subject:** Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

**Form Name:** Email Planning Assistant Director/Transportation - John Bishop  
**Date & Time:** 12/01/2016 7:53 AM  
**Response #:** 36  
**Submitter ID:** 26328  
**IP address:** 174.204.7.208  
**Time to complete:** 13 min. , 6 sec.

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### Survey Details

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Page 1

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**1. Your Name**

Kevin Keefauver

**2. Your Email**

[keefauverkevin@gmail.com](mailto:keefauverkevin@gmail.com)

**3. Your Phone Number**

5408692325

**4. Subject**

Reliance Road

**5. Message**

Mr. Bishop,

I just finished reading an article in the Northern Virginia Daily about tractor trailers on Reliance Road. I live in Frederick County and my wife and I have to travel Reliance road every day because there's no good routes through Frederick County. If you have never traveled Reliance Road please do. The reason you get no complaints in Frederick county is the road structure is so much better, but once you hit the Warren County Line it gets very narrow, deep drop offs, very dangerous when tractor trailers travel towards you. In my opinion Route 66 should be used by all tractor trailers. It runs parallel to Reliance Road. My understanding is that they can't use their 5% overload permits sounds like an easy fix to me? I'll live with whatever decision is made but Common Sense tells me tractor trailers should not use Reliance Road. Thanks for your time.

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be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,  
**Frederick County**

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Response #: 103  
Submitter ID: 26880  
IP address: 107.77.204.112  
Time to complete: 10 min. , 28 sec.

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## Survey Details

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Page 1

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1. **Your Name**

Max and Ellen Yoder

2. **Your Email**

[signalviewfarm689@gmail.com](mailto:signalviewfarm689@gmail.com)

3. **Your Phone Number**

540-869-1824

4. **Subject**

Traffic on Reliance Road

5. **Message**

Please assist Warren County with the safety problem concerning speeding tractor trailer traffic on the Reliance Road. This small country road is already filled with students traveling to Lord Fairfax. My husband watched a deputy stop the same student twice in one day for speeding. The trucks are too large for this narrow road and they make it unsafe for any of us to cross, walk or ride bikes on the road. Our farm is on the line between Warren and Frederick Counties. We lived in Frederick many years before moving here. Thank you for any assistance you can lend to this concern. Ellen Yoder

**The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.**

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,  
**Frederick County**

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**\*\*\*Items Not Requiring Action\*\*\***

**1. Mount Olive Road Paving**

Staff received communication from Mr. Kevin Trice, representing himself and his neighbors with concerns over the timeline to pave Mount Olive Road. Staff updated him on the status of funding and policies involved and invited him and any interested neighbors to meet with the Committee. Attached, please find the current secondary plan as well as the Board policy on ranking of projects.

Mr. Trice of Hammock Lane spoke to the Committee and noted that he has lived in his subdivision for 11 years and during that time Mount Olive Road has gotten much busier. He noted that he puts in work orders monthly with VDOT and that with all of the maintenance on the roadway that it could have been paved by now. He also noted that the distance from Route 50 to Hammock Lane is only about 1000 feet and that this is the most heavily traveled portion of the roadway.

Mr. Meister noted that due to the hill on the roadway, any rain very quickly washes away gravel that VDOT has put down and creates a washboard effect as well as following dust issues.

Staff and VDOT explained the ranking system and where Mount Olive Road currently ranks. It was also noted that the primary restriction is in the amount of paving funds that are currently allocated by the State. While improved, the funds still only allow one or two small projects a year.

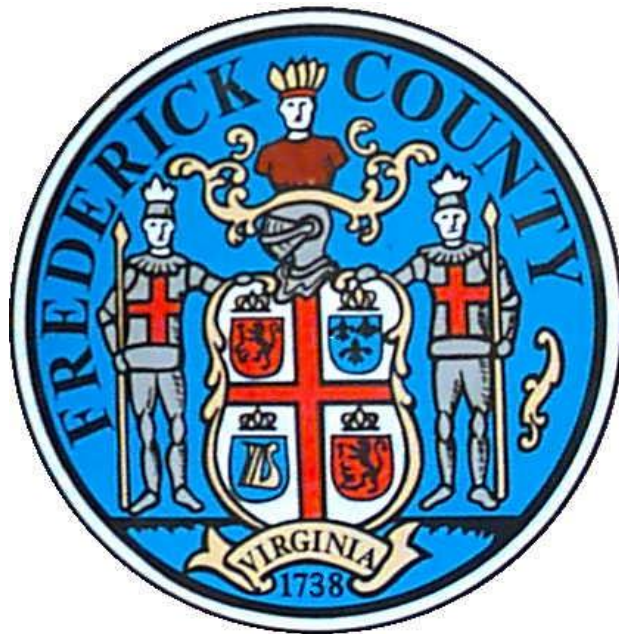
The Committee discussed that they are satisfied with the ranking system as it stands but noted that it may be worth testing to see if a smaller segment of Mount Olive Road would score more highly if broken out at the next plan update.

**2016/17-2021/22**

**SECONDARY ROAD IMPROVEMENT PLAN**

**for**

**FREDERICK COUNTY, VIRGINIA**



*Frederick County Transportation Committee: 06/20/2016*

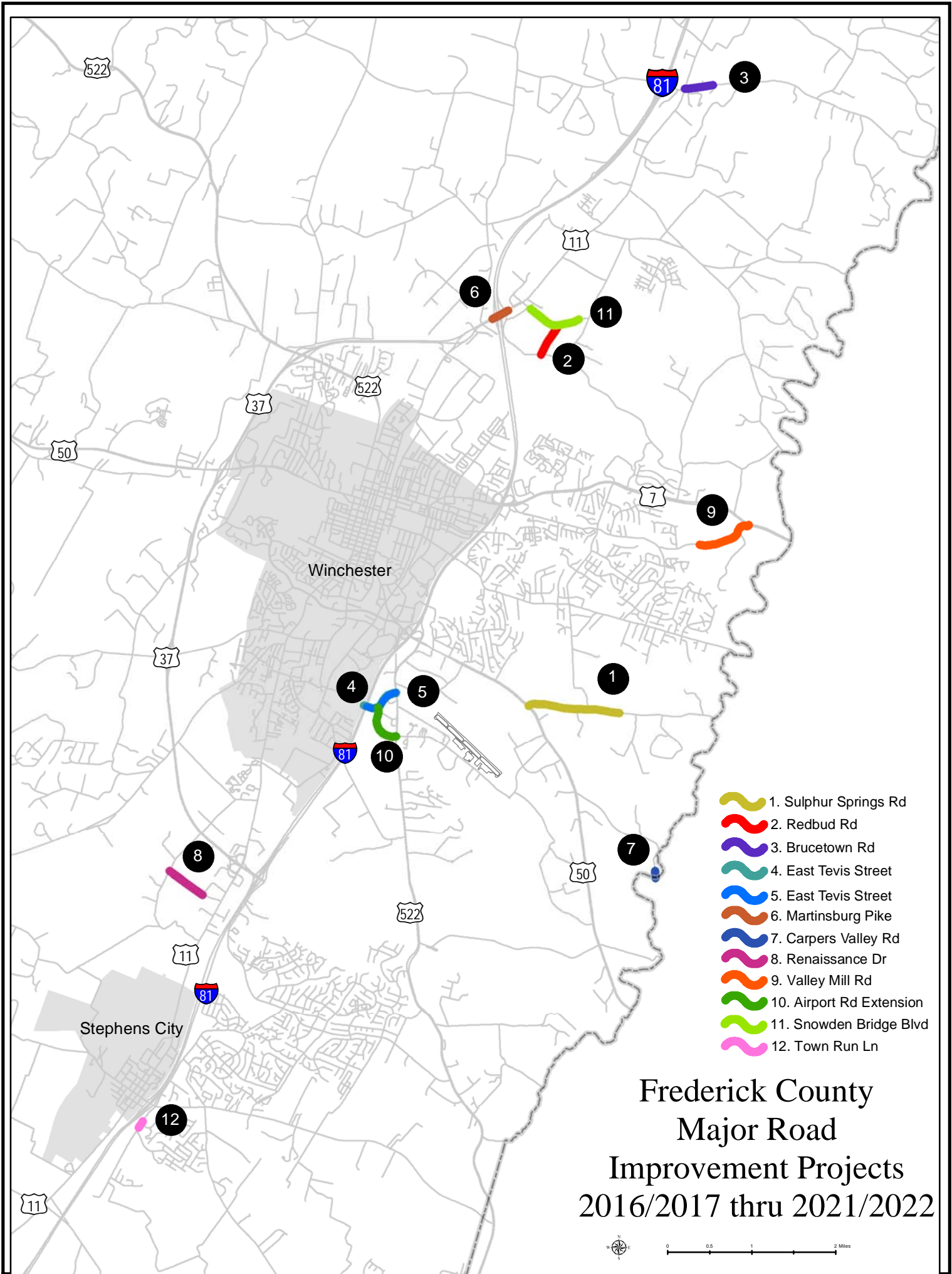
*Frederick County Planning Commission: 07/06/2016*

*Frederick County Board of Supervisors: 07/27/2016*

## MAJOR ROAD IMPROVEMENT PROJECTS 2016/2017 through 2021/2022

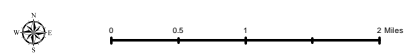
*Major road improvement projects command the reconstruction of hardsurfaced roads to enhance public safety. Improvements required for road width, road alignment, road strength, and road gradient are considered major road improvements projects.*

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS
1)	655	Sulphur Springs Road	Route 50	.30 Mi East Rt. 656	6000	1.1 miles	SH	\$7,505,445	After 2022	\$5,798,052 Allocated
2)	661	Red Bud Road	.47 Mi South Route 11	Int. Snowden Bridge Blvd.	1300	0.5 miles	ST	\$2,000,000	After 2022	Partial Funded Relocation
3)	672	Bruce town Road	Route 11	.35 Mi East	3200	0.35 miles	ST	\$1,500,000 Significantly Variable	UN/SH	Partial Funded \$100,000 Thru Plan
4)	788	East Tevis Street	Route 522	Winchester City Limit	N/A	0.44 miles	SH	\$10,414,000 Revenue Sharing	UN/SH	Appited for R/S Funds
5)	788	East Tevis Street	Route 522	I-81	N/A	0.40 miles	SH	\$1,400,000 Revenue Sharing	UN/SH	Cover Overall Project Needs
6)	11	Martinsburg Pike	Under 81 Overpass Exit 317		16000	0.20 miles	ST	\$3,346,924 Revenue Sharing	UN/SH	LF Turn Lns SBound @ I-81 Overpass \$1.9 Mil Short on Funding HB-2
7)	723	Carpers Valley Road	At Clarke County line		1100	N/A	SH	\$1,262,327	2017	Federal Bridge Replacement Funding
8)	788	Renaissance	.24 Mi West Route 11	Int. Shady Elm Road	N/A	.18 miles	BC	\$1,635,658	UN/SH	R/S Funds
9)	659	Valley Mill Road	.5 Mi East Of Channing Dr.	Rt. 7	N/A	.65 miles	RB	\$7,200,000	UN/SH	R/S Funds Under Funded \$5.2M
10)	645	Airport Road Extension	Int Route 522	Int East Tevis Road	N/A	.4 Miles	SH	\$5,600,000	UN/SH	R/S Funds
11)	883	Snowden Bridge Blvd.	Int. Route 11	Directly before Int. Milburn	N/A	.8 Miles	ST	\$8,136,700	Under Const.	R/S Funds
12)	1012	Town Run Lane	280 Ft. S. Stickley Drive Int.	210 Ft. N. Stickley Drive Int.	N/A	.1 Miles	OP	\$150,000		



- 1. Sulphur Springs Rd
- 2. Redbud Rd
- 3. Brucetown Rd
- 4. East Tevis Street
- 5. East Tevis Street
- 6. Martinsburg Pike
- 7. Carpers Valley Rd
- 8. Renaissance Dr
- 9. Valley Mill Rd
- 10. Airport Rd Extension
- 11. Snowden Bridge Blvd
- 12. Town Run Ln

## Frederick County Major Road Improvement Projects 2016/2017 thru 2021/2022



## NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS 2016/2017 through 2021/2022

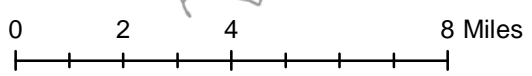
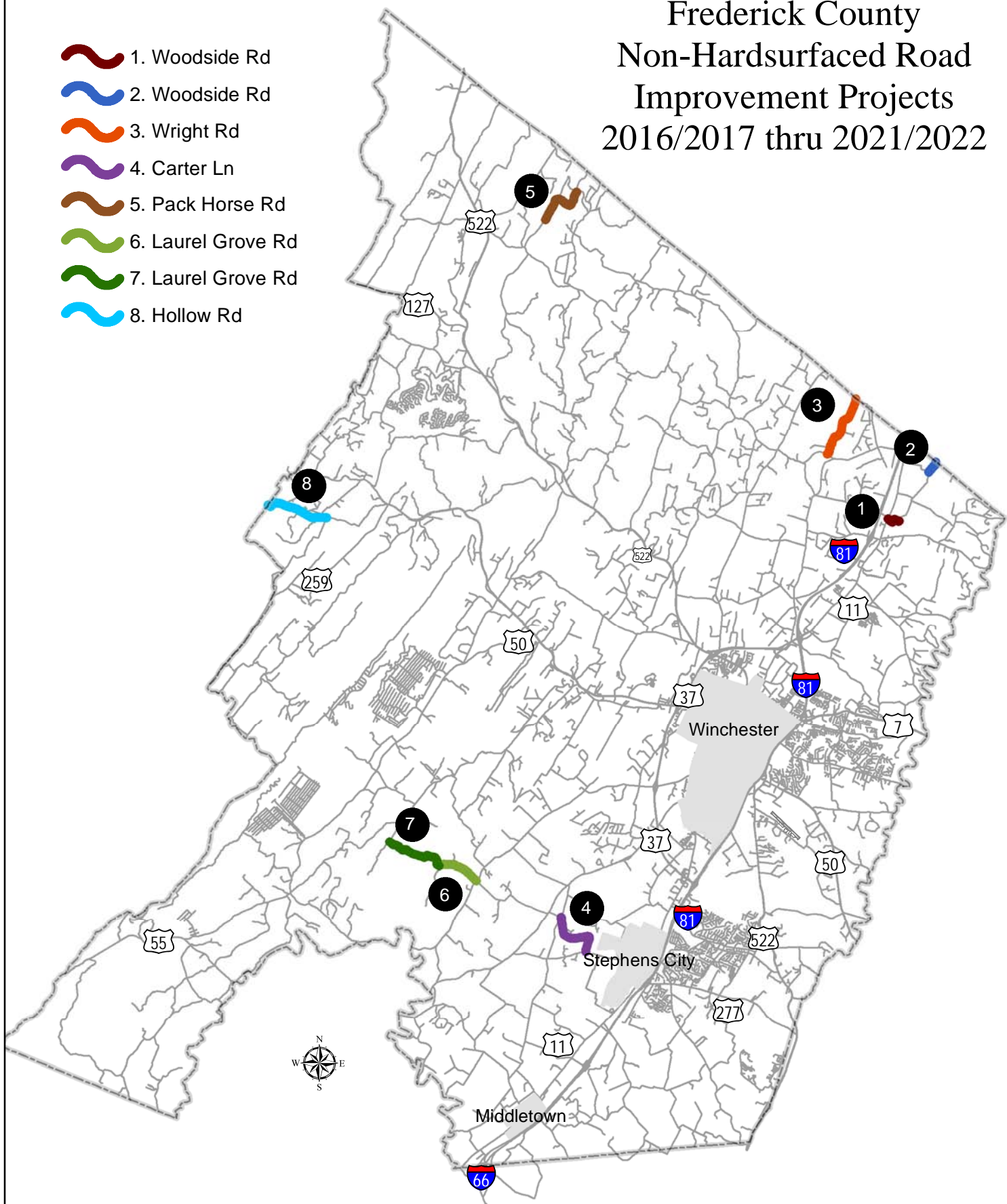
*Non-Hardsurface road improvement projects provide impervious resurfacing and reconstruction of non-hardsurfaced secondary roads. Non-Hardsurface improvement projects are prioritized by an objective rating system, which considers average daily traffic volumes; occupied structures; physical road conditions including geometrics, drainage, and accident reports; school bus routing; and the time that project requests have been on the Secondary Road Improvement Plan.*

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS
	671	Woodside Road	Route 11	0.4 East of Route 11	50	0.4 miles	ST	\$144,000	UN/SH	\$20,000 Allocated Potential Rural Rustic/Funding by Others
	671	Woodside Road	Route 669	WV Line	270	0.30 miles	ST	\$91,500	2017	CTB Unpaved Roads Funding
	661	Wright Road	Route 669	WV Line	240	1.84 miles	ST	\$561,200	2018	CTB Unpaved Roads Funding
	629	Carter Lane	Route 631	Route 625	220	1.8 miles	BC	\$549,000	2019	CTB Unpaved Roads Funding
	692	Pack Horse Road	1.2 Mi NE of Rt. 600	Route 671	210	1.4 miles	GA	\$427,000	2020	CTB Unpaved Roads Funding
	629	Laurel Grove Road	Route 622	1.25 Mi W of Rt. 622	200	1.25 miles	BC	\$376,000	2021	CTB Unpaved Roads Funding
	629	Laurel Grove Road	1.25 Mi W of Rt. 622	2.5 Mi W of Rt. 622	200	1.25 miles	BC	\$376,000	2022	CTB Unpaved Roads Funding
	707	Hollow Road	WV state line	Rt. 610 Muse Road	190	1.8 miles	GA	\$495,000		CTB Unpaved Roads Funding

*\*NOTE: Projects are placed on the scheduled list based upon VDOT revenue projections. Changes to those projections can lead to projects being delayed or removed from the scheduled list.*

# Frederick County Non-Hardsurfaced Road Improvement Projects 2016/2017 thru 2021/2022

- 1. Woodside Rd
- 2. Woodside Rd
- 3. Wright Rd
- 4. Carter Ln
- 5. Pack Horse Rd
- 6. Laurel Grove Rd
- 7. Laurel Grove Rd
- 8. Hollow Rd







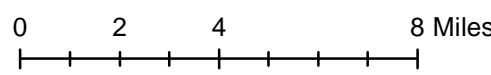
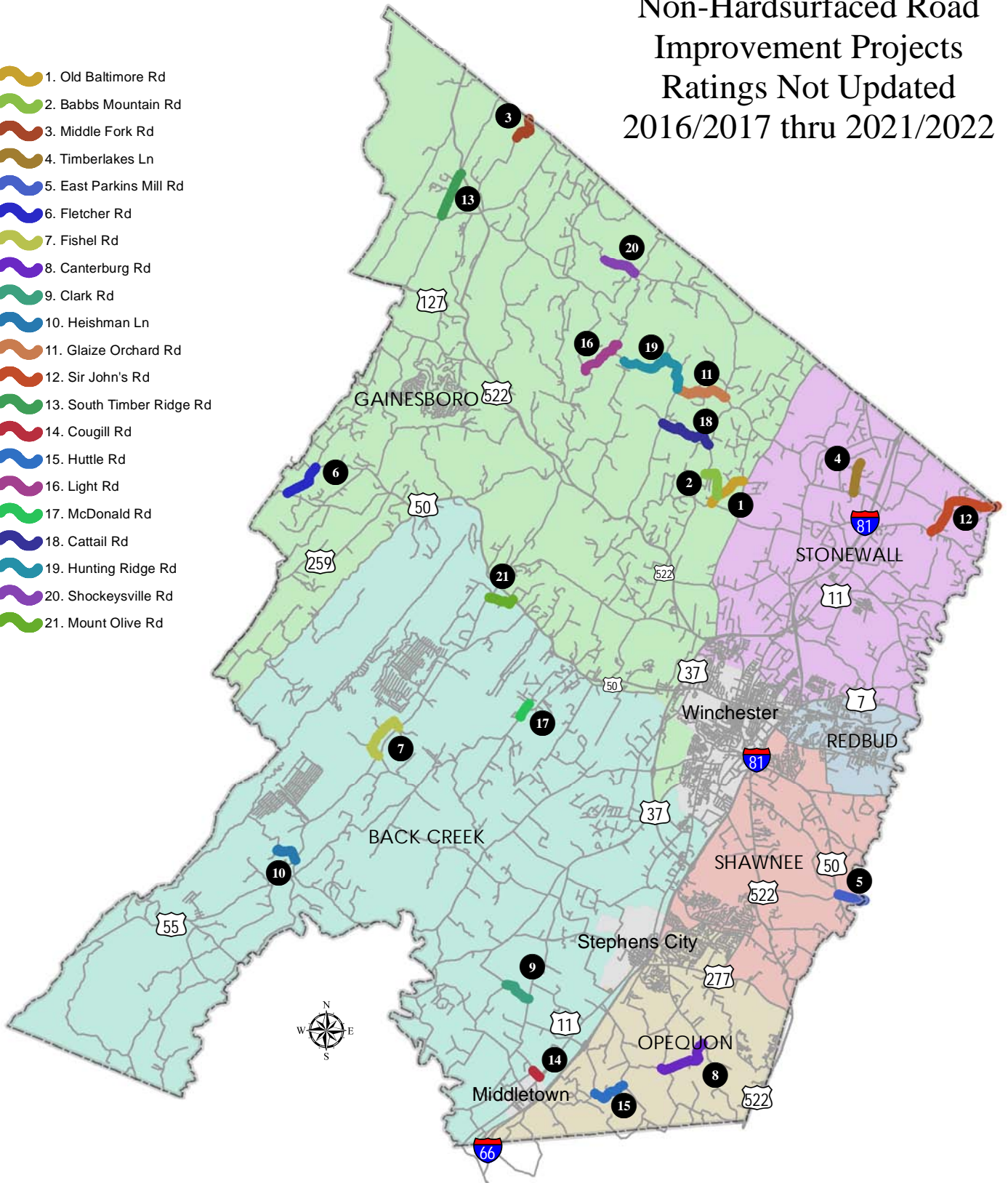
**UNSCHEDULED  
NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS  
RATINGS NOT UPDATED  
2016/2017 through 2021/2022**

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	RATING	COMMENTS
1)	677	Old Baltimore Road	Route 676	Route 672	220	1.2 Miles	GA	77	
2)	730	Babbs Mountain Road	Route 654	Route 677	90	.90 Miles	GA	73	
3)	695	Middle Fork Road	2.3 Mi N of Route 522	WV Line	50	.90 Miles	GA	68	
4)	811	Timberlakes Ln	671	671	280	0.25 Miles	ST	68	
5)	644	East Parkins Mill Road	Route 50	Clark Co. Ln	200	.81 Miles	SH	67	
6)	733	Fletcher Road	Route 50	Route 707	170	1.3 Miles	GA	66	
7)	612	Fishel Road	Route 600	Route 600	60	1.6 Miles	BC	66	
8)	636	Canterburg Road	Route 640	Route 641	140	1.5 Miles	OP	63	
9)	638	Clark Road	Route 625	Route 759	90	0.8 Miles	BC	63	
10)	607	Heishman Lane	Route 600	End of State Maintenance	70	0.78 Miles	BC	62	
11)	682	Glaize Orchard Road	Route 608	Route 671	240	1.54 Miles	GA	61	
12)	667	Sir John's Road	Route 672	Last Residence	290	2.37 Miles	ST	60	
13)	696	South Timber Ridge Road	Route 522	Route 694	220	1.3 Miles	GA	59	
14)	634	Cougill Road	Route 635	Route 11	120	0.25 Miles	BC	58	
15)	636	Huttle Road	Route 709	Route 735	110	1.1 Miles	OP	53	
16)	685	Light Road	Route 600	Route 681	80	1.3 Miles	GA	51	
17)	616	McDonald Road	Route 608	.44 Mi N of Route 608	60	.45 Miles	BC	51	
18)	731	Cattail Road	Route 608	Route 654	60	1.7 Miles	GA	51	
19)	608	Hunting Ridge Road	Route 682	2.41 Miles West of Route 682	90	2.41 Miles	GA	51	
20)	671	Shockeysville Road	Route 690	.90 Miles West of 690	120	.90 Miles	GA	47	
21)	671	Mount Olive Road	Route 50	Route 600	110	.77 Miles	BC	40	

**Note:** Project ratings are updated only when funding is available to promote projects to the scheduled list.

# Frederick County Unscheduled Non-Hardsurfaced Road Improvement Projects Ratings Not Updated 2016/2017 thru 2021/2022

-  1. Old Baltimore Rd
-  2. Babbs Mountain Rd
-  3. Middle Fork Rd
-  4. Timberlakes Ln
-  5. East Parkins Mill Rd
-  6. Fletcher Rd
-  7. Fishel Rd
-  8. Canterburg Rd
-  9. Clark Rd
-  10. Heishman Ln
-  11. Glaize Orchard Rd
-  12. Sir John's Rd
-  13. South Timber Ridge Rd
-  14. Cougill Rd
-  15. Huttel Rd
-  16. Light Rd
-  17. McDonald Rd
-  18. Cattail Rd
-  19. Hunting Ridge Rd
-  20. Shockeyville Rd
-  21. Mount Olive Rd





**RESOLUTION  
2016-2017 SECONDARY ROAD  
IMPROVEMENT PLAN**

---

**WHEREAS**, Section 33.2-364 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and,

**WHEREAS**, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

**WHEREAS**, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Secondary Road Improvement Plan and the Construction Priority List; and,

**WHEREAS**, the Frederick County Board of Supervisors support the priorities of the secondary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

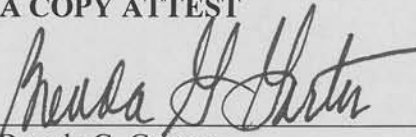
The 2016-2017 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Secondary

Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	<u>Aye</u>	Gary A. Lofton	<u>Aye</u>
Robert A. Hess	<u>Absent</u>	Robert W. Wells	<u>Aye</u>
Gene E. Fisher	<u>Aye</u>	Judith McCann-Slaughter	<u>Aye</u>
Blaine P. Dunn	<u>Aye</u>		

**A COPY ATTEST**



\_\_\_\_\_  
Brenda G. Garton  
Frederick County Administrator

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# **HARD SURFACE IMPROVEMENT PROJECT**

## **RATING SYSTEM POLICY**

*Adopted by the Frederick County Board of Supervisors on April 25, 2007.*

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The following procedures are intended to delineate the steps necessary for the application of this rating system policy. Adherence to these procedures will ensure consistency in the application of this rating system policy for existing and future hard surface road improvement project requests. This policy shall be effective following the adoption of these procedures through a public hearing process held by the Board of Supervisors and shall only be altered through the same process. Information pertaining to the rating system application for each hard surface road improvement project shall be maintained in the Frederick County Planning Department.

The Board of Supervisors shall have the authority to revise the Hard Surface Road Improvement Projects section of the Frederick County Secondary Road Improvement Plan subsequent to the application of the rating system to ensure the health, safety, and general welfare of the citizens of Frederick County

## **RATING SYSTEM REVIEW AGENCIES**

- Candidate projects shall be evaluated by the Frederick County Planning Department, the Frederick County Transportation Committee, and the Virginia Department of Transportation (VDOT).
- One rating sheet shall be prepared for each candidate project.
- Staff from the Frederick County Planning Department and VDOT shall coordinate to complete a rating sheet for each candidate project and submit the results to the Transportation Committee for review.

## **RATING SYSTEM APPLICATION METHODOLOGY**

- Candidate projects shall be rated utilizing the following information and methodology detailed on the scoring sheet for each category:
  1. Average Daily Traffic Count – utilize the most recent traffic counts for each candidate project provided by the VDOT residency.
  2. Occupied Structures – utilize the Frederick County Planning Department addressing database and digital mapping system to determine the total number of occupied structures that have direct access to, or whose only means of ingress and egress from a private road is achieved by each candidate project.
  3. Physical Road Conditions/Safety
    - a. Surface Width – obtain surface width data for each candidate project through the VDOT Residency.
    - b. Shoulder Width – obtain shoulder width data for each candidate project through the VDOT Residency.
    - c. Horizontal Curvature – horizontal curvature is determined to be deficient if sight distance around the curve is limited by cut sections or vegetation traveling at normal driving speeds.
    - d. Vertical Curvature – vertical curvature is determined to be deficient if sight distance is significantly reduced or eliminated due to the rise and fall of the road segment traveling at normal driving speeds.
    - e. Drainage – candidate projects shall be determined to have good, fair, or poor drainage utilizing the following guidelines.



Good: Pipes are of adequate size and number. Water drains away from the roadway and creates no problem with surface maintenance. Ditches are of adequate size which produce no flooding within the roadway.

Fair: Pipes are of adequate size; however, additional pipes may be needed. Water drains away from the roadway with minimal maintenance problems. Drainage ditches are in good condition, require little maintenance, and produce no flooding within the roadway.

Poor: Pipes are not adequate in size or number. Ditch lines are inadequate and require extra maintenance water does not drain from the roadway effectively, creating maintenance problems and flooding.

- f. Accident Data – obtain crash data detailing the number of accidents in the most recent data year available from the VDOT Residency.
  
- 4. School Bus Travel – utilize information reflecting current or proposed school bus travel routes for each candidate project provided by the Frederick County Public Schools Transportation Supervisor.
  
- 5. Time on Road Plan – utilize information from current and previously approved Frederick County Secondary Road Improvement Plans maintained within the Frederick County Planning Department to determine when candidate projects were incorporated.

## **RATING SYSTEM POINTS APPLICATION**

- Total points are determined for each category element. A cumulative total is obtained for each candidate project utilizing the total points derived from each category element.
- If two or more candidate projects have the same cumulative point average, a tie-breaking system will be utilized. First priority will be given to the project that has been on the road plan longer. Following that each affected candidate project will be compared to the others starting with the category of greatest weight and working through the categories of lesser weights respectively until the tie is broken.
- The cumulative point average for each candidate project shall be final. Any citizen request to alter the termini of a current candidate project and subsequent Board action will require a new rating sheet to be completed for the resulting segment(s). The resulting segment(s) will retain the 'time on road plan' date of the previous segment.

## **HARD SURFACE ROAD IMPROVEMENT PLAN FORMAT**

- The Hard Surface Road Improvement Projects section of the Frederick County Secondary Road Improvement Plan will reflect the candidate projects with the highest cumulative point total that can be incorporated into the VDOT Six-Year Improvement Program based on available funding. This information will be provided to the Frederick County Planning Department by the VDOT Residency.
- All remaining candidate projects will be placed on an Unscheduled Hard Surface Improvement Projects list which will be incorporated within the Frederick County Secondary Road Improvement Plan. Candidate projects incorporated into this section of the plan will be ranked from the highest cumulative point total to the lowest cumulative point total.
- VDOT will advise the Frederick County Transportation Committee when funding is available for the inclusion of new candidate projects within the Hard Surface Road Improvement Projects section of the Frederick County Secondary Road Improvement Plan. All candidate projects placed on the Unscheduled Hard Surface Improvement Projects list, as well as newly requested candidate projects, will be reviewed by the procedure detailed above to determine current conditions. Appropriate ranking for all candidate projects will be determined at that time and placed accordingly.

## **NEW PROJECT REQUESTS**

- New project requests and supporting materials must be received by the Frederick County Planning Department by April 1<sup>st</sup> to be included in the next plan update.
- A written request must be provided to the Frederick County Planning Department which describes the location of the candidate project, the origin and terminus of the segment, and a petition signed by at least 51% of all property owners fronting on the proposed segment.
- The Transportation Committee shall recommend new project requests which meet these criteria after determining that the candidate project includes a segment of a state route that has a rational origin and terminus. The Transportation Committee shall have the authority to adjust the project origin and terminus to create a more rational segment at their discretion.

## **PROJECT REMOVAL**

- Road Improvements projects shall be removed from the plan once VDOT has notified Frederick County that the project has been funded and advertised for bid.
- The Board of Supervisors may remove projects from the plan if VDOT has provided notification that right-of-way efforts have been ceased.

### **3. County Projects Update**

#### **Snowden Bridge Boulevard:**

Final items are being addressed as this project wraps up. Staff is working with VDOT and the Graystone Development regarding final items needed to get the road into the state system.

#### **Tevis Street Extension/Airport Road/I-81 Bridge:**

Bridge design in ongoing and environmental documents for VDOT are being completed. Bridge design has reached 75%, but comments are pending from VDOT on earlier submissions. Staff is also working with VDOT to clarify the status of the stubs to the north and south of the roundabout.

#### **Renaissance Drive:**

Currently working with CSX on MOU for the future crossing. CSX has just returned the draft agreement with suggested edits which the County Attorney is reviewing. The County's Transportation Partnership Opportunity Fund application has been recommended for approval by the Governor's Advisory Committee and agreements are expected shortly.

#### **Valley Mill Road Realignment:**

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete design through 100%. Upon approval by the private party partner, the next phase of design will begin.

#### **Coverstone Drive:**

No activity at this time.

#### **Jubal Early Drive Extension and Interchange with Route 37:**

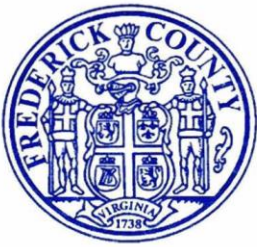
Initial meetings regarding a draft agreement and follow up application for additional revenue sharing funds has been held with the private partner team.

### **4. Other**

There was a discussion regarding new subdivisions accessing dirt roads and whether they should be paving to the next paved connection. Mr. Fisher noted that VDOT should not have to maintain the roads in these new subdivisions and noted that while private roads should be built to state standards, the County should investigate greater use of private streets.

JAB/pd

F



MEMORANDUM

**TO:** Board of Supervisors

**THROUGH:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works

**FROM:** Joe C. Wilder, Deputy Director of Public Works *JCW*

**SUBJECT:** Public Works Committee Report for Meeting of January 31, 2017

**DATE:** February 2, 2017

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The Public Works Committee met on Tuesday, January 31, 2017, at 8:00 a.m. All members were present except James T. Wilson. The following items were discussed:

\*\*\*Items Not Requiring Action\*\*\*

1. Disposition of Shawneeland Council House (Clowser House):

The committee continued discussion related to the disposition of the Shawneeland Council House (Clowser House). At the September 27, 2016 Public Works Committee meeting, the Public Works Committee gave recommendations to the Citizens Committee for the Preservation of the Clowser House (Clowser Committee) related to providing additional information. As such, the Clowser Committee provided a Final Report and Proposal dated January 23, 2017 (**see attachment 1**). The conclusions and additional requests summarized in the report were presented by Mr. Robert Stieg, Jr., who is listed as the Co-Chairman of the Clowser Committee.

Mr. Stieg presented a summary of the report and provided responses to the main requests stipulated from prior meetings. First, a response from DCR Dam Safety is included which indicates that the intended use will not adversely affect the classification of the dam. Secondly, they have identified funding sources and are developing a non-profit organization, "The Clowser Foundation" to promote fundraising and the long term viability to perform the necessary structural work and provide maintenance.

Mr. Stieg also indicated they have some larger goals in mind with The Clowser Foundation. They are seeking a larger tract of land (approximately 5.60 acres), versus the original request of 2.0 acres. They are also planning to build another building on this new lot (outside the dam inundation zone) for a meeting room to include a drainfield.



# Public Works Committee Report

Page 2

February 2, 2017

The Clowser Committee also met with the Shawneeland Sanitary District Advisory Committee (SSDAC) on January 9, 2017 to discuss the proposal. The SSDAC prepared a summary memorandum (**see attachment 7**) for the Public Works Committee and Ms. Lynn Schmitt, Chairperson of the SSDAC discussed their response to the Clowser Committee proposal. Ms. Schmitt indicated that the SSDAC cannot endorse or support the Clowser Committee and offered to support a proposal for a long term lease for the subject amenities/properties. They also indicated they did not want to lose the use of the ball field and parking lot which would be part of the 5.60 acre tract desired by the Clowser Committee.

There was much discussion with the Public Works Committee, Clowser Committee and SSDAC. It was recommended that another meeting be held with the Clowser Committee and SSDAC to discuss the issue related to a long term lease or a gifting of the land. The County Attorney will do some research on long term leases (i.e 99 year lease), and provide some recommendations in trying to resolve the land transfer issues.

The committee approved a motion to table this matter for another 30 days to allow the two groups and County staff to try and work out a compromise for the final disposition of the Council House and adjacent land. A final resolution will be brought back to the Public Works Committee at its February 28, 2017 meeting.

## 2. Citizen Convenience Sites Usage Summary

Gloria Puffinburger, Solid Waste Manager presented data concerning citizen use at the county Citizen Convenience Sites for waste disposal. Usage continues to increase and improvements will be necessary in the future at several of the sites (**see attachment 2**).

## 3. Miscellaneous Reports:

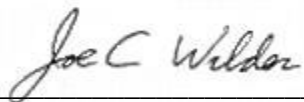
- a) Tonnage Report  
(**Attachment 3**)
- b) Recycling Report  
(**Attachment 4**)
- c) Animal Shelter Dog Report  
(**Attachment 5**)
- d) Animal Shelter Cat Report  
(**Attachment 6**)

## 4. SSDAC Proposal (**Attachment 7**)

After no further items were brought before the committee, the meeting was adjourned.

Respectfully submitted,  
Public Works Committee

Gene E. Fisher, Chairman  
Bill M. Ewing  
Robert W. Wells  
David W. Ganse, AIA  
Whitney "Whit" L. Wagner  
James T. Wilson

By   
\_\_\_\_\_  
Joe C. Wilder  
Public Works Deputy Director

JCW/kco

cc: Brenda Garton, County Administrator  
Kris Tierney, Deputy County Administrator for Community Development  
Rod Williams, County Attorney  
Kevin Alderman, Shawneeland Sanitary District Manager  
Mark Cheran, Zoning Administrator  
file



MEMORANDUM

**TO:** Public Works Committee  
**FROM:** Harvey E. Straswnyder, Jr., P.E., Director of Public Works  
**SUBJECT:** Meeting of January 31, 2017  
**DATE:** January 25, 2017

HES  
kco

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There will be a meeting of the Public Works Committee on Tuesday, January 31, 2017 at 8:00 a.m. **in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200.** The agenda thus far is as follows:

1. Discuss Disposition of Shawneeland Council House  
**(Attachment 1)**
2. Citizen Convenience Sites Usage Summary  
**(Attachment 2)**
3. Miscellaneous Reports:
  - a. Tonnage Report: Landfill  
**(Attachment 3)**
  - b. Recycling Report  
**(Attachment 4)**
  - c. Animal Shelter Dog Report:  
**(Attachment 5)**
  - d. Animal Shelter Cat Report  
**(Attachment 6)**

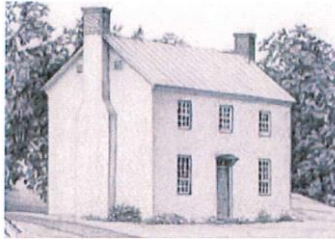
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Attachments: as stated

cc: file

**FINAL REPORT AND PROPOSAL**  
*REGARDING THE CLOWSER HOUSE SITE*

**From the Citizens Committee for the Preservation of the Clowser House**



**To the Frederick County Board of Supervisors**  
**January 23, 2017**

The Citizens Committee has been working and meeting bi-weekly since May, 2016, to respond to the Frederick County Board of Supervisors' request for a specific plan which would preserve the Clowser House in lieu of its proposed demolition.

The principal conditions stipulated by the BOS for such a plan included:

1. that any liability related to the structure be removed from the County
2. that any planned uses of the property not adversely impact the Hazard Rating of Cherokee dam
3. that any costs related to the structure's preservation not be borne by the County
4. that there be some assurance of the organizational and financial sustainability of such a plan
5. that the Shawneeland Sanitary District Advisory Committee be consulted.

The studies completed by the Committee have led to three conclusions influencing its Proposal:

**1st Conclusion:**

The House is within the Cherokee Dam Inundation Zone (DIZ). Specific surveys commissioned by the Committee place the first floor of the house at 878.50 feet, and a cross-section obtained from Ruckman Engineering of a state-defined worst case dam break scenario places peak flow at 880.33 feet at the house site, putting 1.83 feet of water in the first floor. Therefore, to avoid adversely impacting the Dam's Hazard Rating (Low/Significant/High; currently at Significant because of its threat to Rt. 600), only non-habitable uses could be considered. The Department of Conservation and Recreation has issued a letter of determination that the Committee's proposed uses will not affect the Dam rating.

**2nd Conclusion:**

Regardless of its inclusion in the DIZ and availability only for non-habitable uses, the Clowser House is worth saving and preserving as a key element in a valuable historic site related not only to Frederick County's earliest European settlement and history of national frontier conflict, but also to the site's 10,000 year pre-history as a Paleolithic camp and stone workshop site, as well as to its Civil War history with relics of both sides. This history is documented in the Virginia Department of Historic Resources' archaeological records (Clowser Farm, DHR ID 44FK0595; Clowser Camp/Workshop site, DHR ID 44FK0596, and DHR Architectural Record 034-1531), and with significant artifacts. The area immediately surrounding the House also includes the Clowser cemetery (a re-burial ground, containing the remains of some of the earliest settlers in Frederick County), the archaeological ruins of the earliest Clowser home and mill, and a spring which served the houses as well as earlier peoples.

**3<sup>rd</sup> Conclusion:**

The five principal conditions set by the BOS are met by the Proposal which follows.

## The Proposed Plan

The Citizens Committee asks the Public Works Committee and the Board of Supervisors to consider, in lieu of demolition of the Clowser House, a positive preservation proposal with seven elements:

**1. That the County transfer ownership of a lot of approximately 5.6 acres out of the 149 acres it owns in Shawneeland, including the Clowser House, the Clowser cemetery, the archaeological remains of the original Clowser homestead and well, and the 10,000 year-old Paleolithic camp and stone workshop sites.** *Transfer of ownership addresses **BOS Condition 1**, all liability passes to new owner. The “Old Mail House” and “Wheel House” buildings were left out of final proposed lot given concerns expressed in meeting with Shawneeland Sanitary District Advisory Committee, addressing **BOS Condition 5**.*

See: Vicinity Map, Archaeological Map, Proposed Lot Plan, Minutes of Meeting with SSDAC on January 9, 2017 (Attachment 1)

**2. That the lot be transferred to a currently existing non-profit Virginia corporation, The Clowser Foundation, with a board of nine community and family members.** *The Foundation was set up and designed to provide long-term support and oversight for the Clowser site. This addresses **BOS Conditions 1** (legal entity to assume liability), and **BOS Conditions 3 and 4** (entity entitled to tax-deductible gifts, gifts from other non-profits, and to do public fund solicitation). The Foundation structure includes a Professional Advisory Committee to assure permanent continuing input from local/regional preservation organizations and County Historic Resources Advisory Board. The Foundation will also name single points of contact and develop communication plans with the Frederick County Dept. of Public Works in Shawneeland, and with the Shawneeland Sanitary District Advisory Committee.*

See: Articles, Certificate of Incorporation effective 9-28-16, and Board List (Attachment 2)

**3. That the lot be transferred for a consideration of \$1.** *The Committee is asking for this in return for assuming all legal and financial responsibility for an important historic site in Frederick County, for permanently preserving the site privately, for relieving the County of demolition costs, for permanently insuring the site, and for adding a permanent tax-paying entity to the Shawneeland Sanitary District.*

**4. That the lot be transferred for uses described in the Articles of Incorporation of the Foundation, including non-habitable uses for the House (storage, original exterior viewed from outside).** *These uses A) emphasize preservation of the built and archaeological elements of site as an historical landmark, with exterior recreational and educational use, B) safeguard the current Hazard Rating of Cherokee Dam, **meeting BOS Condition 2.**, and C) maintain the historic entry road view of Shawneeland (Clowser House) at private expense.*

See: VDCR Letter of Determination that proposed uses do not threaten Dam rating, and DHR Letter Confirming Eligibility of Site for Nomination to State and National Historic Registers (Attachment 3)

**5. That the lot include the the future possibility of constructing a small office-meeting room-bathroom, including space for drainfield and reserve.** *This future building would substitute for the non-habitable House, plus providing additional potential community meeting space at Shawneeland.*

See Attachment 1 with proposed lot, good drainfield soils on north and east sides outside archaeological sites.

**6. That the House be first completely stabilized (within twelve months of transfer), and then regularly maintained to historic and current standards.** *This deadline is to provide assurance that the property will be fully stabilized within a measurable period, and regularly maintained.*

**7. That all responsibility for liability, preservation costs, costs of transfer, of maintenance of the buildings, etc., be moved to the new “improved lot” owner, The Clowser Foundation, an organization with an annual budget and fundraising plan, based on submitted pending applications to the IRS for**

**tax-exempt status and to the Virginia Office of Charitable and Regulatory Services for approval to solicit from the public (and \$6,000 already raised from within the Committee).**

See Attachment 4: 3-Year Budget, Fundraising Plan, 1<sup>st</sup> pages of Federal and State submissions

### **Summary**

The Citizens Committee believes that its proposal for a transfer of ownership of the Clowser House site to the Clowser Foundation, rather than demolition, will allow all six of the following goals to be accomplished, rather than just the first:

1. Will meet the desire of the Frederick County BOS and Shawneeland Sanitary District to **eliminate responsibility (and tax-payer funding) for any liability related to, or costs associated with, the preservation of the Clowser House and site**, and avoid changes to the rating of the Cherokee Dam. Note that demolition of the historic house above ground would not remove continuing reasonable responsibility by the County for the protection of the state registered archaeological site beneath and around the house.
2. Will **preserve an unreplaceable historic/archaeological site** critical not only to the settlement and Civil War history of Frederick County but to its Paleolithic history 10,000 years ago, at private expense.
3. Will provide the basis for a **permanent non-profit organization (The Clowser Foundation) to be responsible for the liability and all future costs** associated with the site, as well as supporting family, educational, and research activities which add to knowledge of the County's founding historic period and people.
4. Will **eliminate the tax-payer funded cost of asbestos abatement and of demolition** of the House (\$5,000 plus), costs increased by the facts that the House is a state-registered architectural site (DHR Architectural Record 034-1531) and will need to be documented (measurements and photographs, \$1,500), and that it stands on a state-registered archaeological site (DHR Archaeological Record 44FK0595) which will need a preliminary archaeological survey before earth is disturbed (\$1,500), followed by a protective dirt/grass covering of the demolished site (\$900), for an estimated total of **\$8,900+**. If demolished, given the importance of the site, the County should also consider placing an historic easement on it to protect its archaeological and cemetery resources, in cooperation with the County's Historic Resources Advisory Board (The Clowser Foundation would do this at its expense).
5. Will create an **additional permanent tax-payer to the Shawneeland Sanitary District** (the Clowser Foundation, as an improved lot owner).
6. Will **preserve the use of the grounds around the Clowser House for residents of Shawneeland**, as well as providing interpretive signs and maintaining the historic view along the entrance route including the House, as planned by the original developer over 50 years ago, on a permanent, private basis.

*In conclusion, the Citizens Committee and Foundation Board have done an enormous amount of work to study the possibilities of preserving the Clowser site, and to prepare organizationally and financially, in advance of a decision, to immediately take on the responsibilities if the Public Works Committee and Board of Supervisors make positive decisions, to be finalized by a public hearing and preparation and execution of final documents. This breadth and depth of preparation should be taken as evidence of the commitment, and ability, to carry out the proposal successfully. The Committee asks for your positive consideration.*



**List of Committee Members, bringing this proposal to the Frederick County Board of Supervisors:**

*Ruth Perrine, Co-Chair, Shawneeland Resident*

*Robert Stieg, Co-Chair, The Clermont Foundation*

*Karen Burke, Recorder, Shawneeland Resident, family genealogist*

*Betsy Arnett, President, Preservation Northern Shenandoah Valley*

*Sandra Bosley, Director, Preservation Historic Winchester*

*Anna Campbell, Shawneeland Resident*

*Jeff Chamberlain, Clowser descendant*

*Dorothy and Marion Clowser, Clowser descendant, Shawneeland property owners*

*Jessica and Jamie Clowser, Clowser descendant*

*Judy Clowser-Yancey, Clowser descendant*

*Gary Crawford, President, Kernstown Battlefield Association*

*Patsy Gochenour, Local historian, teacher*

*Roger Lamborne, Shawneeland property owner, historian*

*Tim Machado, AIA, Preservation of Historic Winchester*

*Becky Morrison, Shawneeland property owner, French and Indian War Foundation*

*Jim Moyer, French and Indian War Foundation*

*George Schember, President, Winchester-Frederick Historical Society*

*Joe Stepongzi, Cultural anthropologist*

*Larry Webb, USPS, Clowser descendant*

*Blaine Dunn, FCBOS, Liaison*

*Bruce Downing, Harrison & Johnston, Registered Agent, The Clowser Foundation*

**ATTACHMENTS:**

**Attachment 1.**

- Vicinity Map of Clowser House area
- Archaeological and Architectural Site Map of Clowser House area
- Proposed Clowser Site Lot
- Minutes of meeting of Citizens Committee with SSD Advisory Committee 1-9-17

**Attachment 2.**

- Articles of Incorporation
- Certificate of Incorporation of The Clowser Foundation
- Board Member List

**Attachment 3.**

- DCR Letter of Determination of Uses Acceptability (will not raise Hazard Rating of Cherokee Dam)
- DHR Letter Confirming Eligibility of Site for Nomination to State and National Historic Registers

**Attachment 4.**

- Three Year Budget
- Fundraising Plan, including legal prerequisites for approval under federal and state regulations

**Attachment 5.**

- Draft Deed of Transfer (placeholder for document to be developed contingent on positive vote)
- Draft Memorandum of Understanding (placeholder for document, contingent on positive vote)

ATTACHMENT 1.

Vicinity Map of Clowser House Area in Shawneeland

Archaeological and Architectural Site Map of Clowser House Area

Proposed Clowser Site Lot Plan

Minutes of Meeting of Clowser Citizens Committee with  
Shawneeland Sanitary District Advisory Committee, January 9, 2017

## Vicinity Map

(Lake and Cherokee Dam at far left, entrance to Shawneeland at far right intersection)





## Archaeological and Architectural Site Map of Clowser House Area

(with Virginia Department of Historic Resources Record Sites identified)



- DHR 034-1531: Architectural Site Record for Clowser Farm site (18<sup>th</sup>-19<sup>th</sup> centuries)  
DHR 44FK0595: Archaeological Site Record for Clowser Farm site, including cemetery, well, dwelling, potential original homestead (clump of dark trees just west of two red circles), mill, trash scatter
- DHR 44FK0596 Archaeological Site Record for Baseball Diamond, including Paleolithic Camp, Base, Lithic Workshop (8500-1201 BCE)
- DHR 44FK0597 Archaeological Site Record for Area SE of Baseball Field, including Paleolithic Camp, Base, Lithic Workshop (8500-1201 BCE)

### Proposed Clowser Site Lot Plan

(Approximately 5.6 acres, it does not include either the “Old Mail House” at the Shawneeland entrance in the crescent-shaped area, or the “Water Wheel House” to the east of the House, given concerns by the SSDAC. The proposed lot takes in the cemetery above the parking lot on the southern side, the potential original homestead archaeological site west of the house and the baseball diamond, the field west and north of the baseball diamond – potential sites for office/drainfield, and terminates to the east at the red line crossing the creek and taking in the eastern Paleolithic record site)



The Clowser House is identified by a red dot and the number “152”. The Water Wheel Building, outside the lot, is identified by a red dot and the number “150”.



## **CITIZENS COMMITTEE TO PRESERVE THE CLOWSER HOUSE**

### **Minutes Taken of Meeting of Committee Members with The Shawneeland Sanitary District Advisory Committee**

9 January 2017 (five pages)

At a meeting of the Citizens Committee to Preserve the Clowser House and the Shawneeland Sanitary District Advisory Committee (SSDAC), held in the Shawneeland Maintenance Building on Monday evening 9 Jan 2017, the following members of the Citizens Committee were present: Ruth Perrine (Chair), Robert Stieg, Karen Burke, Jessica Clowser, Larry Webb (President, Clowser Foundation), and the following members of the Shawneeland Sanitary District Advisory Committee: Lynn Schmitt (Chair), Michelle Landon, Jeff Stevens, Barry Van Meter, with Kevin Alderman, Frederick County Dept. of Public Works Shawneeland Manager.

#### **Call to Order**

The meeting was called to order by Ruth Perrine at 6:00 p.m. The Initial Report and Proposal that was presented to the Public Works Committee and the Board of Supervisors in Sep 2016 was previously provided to the SSDAC at their 7 Nov 2016 quarterly meeting.

#### **Purpose of the Meeting**

As part of the process of writing a final proposal to the Public Works Committee and Board of Supervisors, The Citizens Committee to Preserve the Clowser House was meeting with the SSDAC for the purpose of sharing background, to provide a progress report, to answer any questions, to listen to any concerns as well as to seek input on those concerns and the support of the SSDAC.

#### **Presentation by Bob Stieg**

Bob Stieg reviewed the Initial Report and Proposal that was presented to the Public Works Committee and the Board of Supervisors in Sep 2016, including an update on committee progress as well as County, State and Federal process, in detail. Bob outlined the differences between the Citizens Committee, a preservation advocacy group and The Foundation, an organized group from diverse backgrounds representing a large network of Clowser family descendants, professional historical and preservation interests and community interests. He placed emphasis on formation of a long-standing relationship with the SSDAC and spoke of a liaison with the Board of the Foundation. Bob asked for SSDAC feedback and support and offered to meet again referencing the plat and shape of the lot before the 31 Jan 2017 meeting with the Public Works Committee.

#### **Concepts of the Proposal**

The house was determined to be within the dam inundation zone (DIZ). Confirmation from the Department of Conservation & Recreation (DCR) was received in writing and DCR agreed that the location and proposed use of the house, including storage, would not constitute a risk to the current dam permit or classification.

Responsibility for all cost, legal liability and maintenance shall transfer, to a new owner, The Clowser Foundation, a non-profit Virginia corporation, in perpetuity.

Permanent support from representatives of local professional preservation organizations as well as a detailed fundraising plan assures permanent stability and support to The Clowser Foundation.



The Clowser Foundation proposes to preserve an unreplaceable historic/archaeological site, preserve use of the grounds around the Clowser House for residents of Shawneeland and maintain the historic view along the Tomahawk Trail entrance route to Shawneeland.

### Concerns and Questions Raised and Answered

#### 1. Governance (Elections, By-Laws and Documents)

- Purpose of the project: *preservation of building and site, recreation, study, education*
- Long term goal: *preserve building, use exterior for recreation, education, continue to stand as landmark, be a study site for scholars, local historians, to add to local/regional history.*
- Entity to receive the property: *The Clowser Foundation, with a board of community and family members, including residents and property owners in Shawneeland.*
- Continuity of the Board: *Foundation is a perpetual Virginia non-profit corporation.*
- Disposition of the property should the Board cease to exist: *in the Foundation's By-Laws, as required by IRS, is the requirement that the assets must be given to another non-profit with similar purposes (preservation), such as the Winchester-Frederick Historical Society*
- Purpose of the Foundation should a portion of the house fail or if the house ceased to exist: *the Clowser House is just one part of an amazing historical site (standing house, cemetery, well, archaeological remains of original homestead and mill, Civil War archaeological site with relics of both sides, and pre-history site with Paleolithic camp and stone workshop 10,000 years old. The Foundation would repair the house, or document its existence with public markers, and would maintain, study, and educate about the many other aspects of the site.*
- Clarification on features of deed of transfer (permanent) and MOU (renewable) documents: *Two documents are needed to effect the transfer, a deed describing a one-time transfer, and a Memorandum of Understanding, or Agreement, signed by both parties to take care of describing aspects of an on-going relationship with issues that will change over time.*
- Timeline on draft deed of transfer preparation: *the Final Proposal with attachments must be submitted Jan. 23 to the Public Works Committee for their meeting on Jan. 31. First drafts of the deed and MOU will be included; these documents would not be finalized until after a positive vote of the BOS, if there is one, by the County Attorney and the Foundation's attorney, for approval by the BOS.*
- Opportunity to review deed of transfer, MOU documents: *we would be happy to share the drafts when they are done; may be just before PW Committee meeting, and they will only be initial draft placeholders for final documents to be put together by the County and Foundation attorneys after an initial positive BOS vote, if that happens.*
- Long-term period of performance stated in a MOU: *the MOU will mostly provide a framework for a working relationship, given that on-going communication with PW Dept. and SSDAC are very important. It would be a renewable agreement, subject to approval of both parties, such as every three years, with possibilities for mutually agreed changes in between.*

#### 2. Finance

Operating budget: *A budget for the Foundation will be presented to the BOS.*

#### 3. Fundraising

Source of funding/donations: *A fundraising plan which supports the budget will be submitted with the Proposal, applications for approval under federal and state laws have already been submitted. \$6,000 has already been just from within the Committee, but public fundraising has to wait for the federal and state approvals. A special advantage the Foundation has in fundraising is that it is raising money for a family historical site. There are many Clowsers in the*

*region, many hundreds in Virginia, and thousands throughout the US, and most stem from the immigrant Johann Heinrich Klauser at this site, and his family. There are also many Valley German-descended families who are closely intermarried with the Clowers, including a number in the Clowser Gap area of western Frederick County. This is an excellent long-term, continuing basis for a portion of the fundraising, which will also include community organizations and individuals interested in Valley history, archaeology, genealogy, and historic preservation, as well as businesses with philanthropic programs who have economic interests in the Valley.*

4. Property/Plot

- Cost to stabilize/repair the brickwork in the entire back wall: *about \$7,500, plus other costs to prevent future damage such as has occurred now (guttering, \$1,000, etc.)*
- Clarification on engineering reports: *using existing reports, including Ruckman*
- Timeline for repair: *stabilization of house within twelve months after transfer*
- Proposed plot fixed or flexible; proposed plot requirements/minimum on acreage: *the Committee is flexible about the plot (it's a major reason we wanted to talk with SSDAC); we want to know (before we submit the final proposal) whether the SSDAC would support including the old mail house and wheel house in the plot as shown tonight, or would prefer the County retained them and maintained them through the Sanitary District? SSDAC members said they were unsure, would talk about pros and cons.*
- Purpose of attachment to lot of old mail house (if included), traffic a concern: *talked about once a year Clowser and related family reunion, use by Shawneeland residents for similar purposes, possible fundraising picnic.*
- "Consideration of \$1" price, vis-à-vis taxpayer funded water-wheel renovation (if included in lot): *SSDA members pointed out that considerable SSD funds had renovated the wheel house – this might be a concern to residents.*
- Timeline, uses and size of potential office space: *construction of a small office-meeting room building would be at an indefinite time in the future when the existing building was in good shape and enough money had been raised do the office.*
- Location of potential drain field in relation to the DIZ: *the DIZ extends irregularly 40-50 feet behind the house. The size of the plat we are requesting allows for the potential of a drainfield outside of the DIZ and the archaeological sites.*
- Clarification on apartment for grounds keeper: *the Committee has no plans in any foreseeable future to have a resident grounds keeper.*

5. Preservation/Maintenance

- Entity responsible for maintenance, trash, vandalism, point of contact: *the Foundation would be the owner and responsible entity, with defined points of contact for these functions (dealt with in MOU). On the one hand, it would be like any resident property owner, on the other hand, since Shawneeland residents would be allowed similar usage to the past (walking, games, ball, picnics, etc.) there would need to be coordination with the PW Dept. and SSDAC.*
- Mowing of Foundation property by County employees/equipment: *if part of a mutual agreement in return for property use, storage, insuring public use, etc., this would be included in the MOU, as approved by the County as part of a mutual agreement. This would ensure the continued unified appearance of the grounds.*

6. Concerns

- Clarification on storage space, including storage in water-wheel (if included): *the MOU would cover such an exchange, if the building was included in the lot.*

- Effect on dam seepage monitoring: *while the monitoring sites would likely be in the lot, there would not be any effect on them; these would continue as they are, and be reflected in the MOU*
- Use of the water-wheel, parking lot, golf course, ball field: *the proposal includes the continuation of these activities as currently (the one hole of the golf course that is near the proposed lot, has never been considered for inclusion and is not now). There is no proposal to erect fences around the proposed Clowser lot.*
- Clarification on limited public access: *there is no proposal to change Shawneeland resident access from what it is now. "Public" meaning non-Shawneeland residents access would also not change from whatever "public" drives into Shawneeland now. Based on the DCR approval of the uses of the house, the House will not be a house museum – it will only be viewable from the exterior, exactly as now. Some Clowers who would attend a family reunion, along with Rosenbergs, etc., own property in Shawneeland, and like other residents are welcome to invite family and friends to visit. No program of coach tours to what is essentially an underground archaeological site, with one building viewable from the outside only, is envisaged at all.*
- Dates of previous archeological surveys: *2001*
- Foundation interest in further archeological surveys vis-a-vis the ball field: *the Foundation will be interested in further archaeological survey work when stabilization of the building is complete, and when money can be raised for this purpose in the future. However, how this works is that in any long-term systematic archaeological campaign plan, the main early stages, taking years, are non-invasive (metal-detecting, ground penetrating radar, overhead photography in true-color and infrared from drones, field-walking observation by professionals), and only the end stages involve disturbing the earth, and only where indicated by all the non-intrusive studies. If test pits are dug, they are immediately refilled and the ground restored.*
- Clarification on surface use of registered archeological sites: *There is no restriction on any recreational uses (walking, ball-playing, picnics, mowing, etc.) that do not involve deliberate digging or damaging the ground. Presumably such activities are forbidden now, and would continue to be. No metal detecting or digging up of archaeological resources would be allowed, with the exception of official entities.*

#### **Items slated for inclusion in MOU between The Clowser Foundation and Frederick County**

Development of Communication plan with SSDAC and Public Works Shawneeland Office given importance of these on-going relationships: entity responsible for maintenance of the ball field, level cut lawn mowing, storage in Clowser House, storage in water-wheel (if included), liaison/point of contact, etc.

#### **Dates and Deadlines Reviewed**

Public Works Committee Meeting - 31 Jan

Board of Supervisors Meeting - 8 Feb (receive proposal from Public Works Committee)

Board of Supervisors Meeting - 22 Feb (vote for/against proposal, if for, vote for Public Hearing on Land)

Public Hearing – to be determined

Preparation of final documents

Final deed of transfer – approximately March-May

Timeline for repair – within twelve months of transfer

#### **Action Items**

Bob Stieg said the Foundation had to come up with a final proposal, including a lot layout, to be sent to the Public Works Committee on Jan. 23. He asked SSDAC members for their preference as to whether they would prefer the "Old Mail House" picnic area at the entrance and the "Wheel House" building to

go into the Foundation lot, as shown on the lot map previously supplied and discussed at this meeting, or to have the County retain them in its lot. The members said they were not sure: on the one hand, there would be future maintenance issues/costs with both, but that on the other they had concerns about a transfer. Regarding the "Old Mail House" at the entry, parking egress for functions was a concern, and regarding the Wheel House, a lot of SSD funds from residents had been spent on fixing it up and it is used by the Public Works Dept. Shawneeland Office for storage (which the Foundation had offered to continue). The SSDAC members planned to have a meeting after this one, and Stieg asked that they respond with their preferences, which would be considered.

Ruth Perrine is to e-mail Architectural and Archaeological Site Record Forms from the Department of Historic Resources' VCRIS (Virginia Cultural Resources Information System) for the Clowser Farm to the SSDAC

Bob Stieg to forward initial draft of deed of transfer and MOU to the SSDAC, via Ruth Perrine, when drafts are completed by lawyer (final drafts would come after a positive vote and a public hearing).

SSDAC shall provide feedback to a single point of contact, who will be Ruth Perrine, Co-Chair of the Citizens Committee

#### **Adjourn**

On motion of Lynn Schmitt, adjournment at 7:46 p.m. followed by a closed session of the SSDAC.

Minutes submitted by Karen Burke, Secretary of Citizens Committee  
12 Jan 2017

ATTACHMENT 2.

Articles of Incorporation of The Clowser Foundation

Certificate of Incorporation of The Clowser Foundation

Board Member List of The Clowser Foundation

**ARTICLES OF INCORPORATION  
OF  
THE CLOWSER FOUNDATION**

The undersigned sets forth the following for the purpose of forming a non-stock corporation under the provisions of Chapter 10 of Title 13.1 of the Code of Virginia:

1. **NAME.** The name of the corporation is:

**The Clowser Foundation**

2. **PURPOSES.** The corporation is organized for the following purposes:

A. The corporation is organized exclusively for charitable and educational purposes as defined in Section 501(c)(3) of the Internal Revenue Code. Within the scope of the foregoing, the corporation is specifically organized:

B. To support research, education, and the promotion of public knowledge related a.) to the history of Frederick County, Virginia; b.) to the history of the Clowser and associated families and those they interacted with, and c.) to the history of the communities, sites, and activities with which these families were engaged; including limited public access (school tours, lectures, commemorations, etc.), and virtual access;

C. To support the preservation and conservation of historic and archaeological sites, specifically including the Clowser homestead site, as well as documents, research materials, and material culture items relating to a.) Frederick County, Virginia; b.) to the Clowser and related families; and c.) to their communities and activities, and, to maintain at the Clowser homestead site offices for the Foundation and related organizations, and exhibit, storage and archival facilities;

D. To support contemporary activities of the Clowser and related families connecting them to their history, through family reunions, public activities, electronic media, etc.;

E. To support and cooperate with other community institutions in the Clowser's Gap area of western Frederick County, Virginia, traditionally associated with the history of the Clowser and related families.

3. **TAX LAW RESTRICTIONS.** The corporation shall operate under the following tax law restrictions:

A. No part of the net earnings of the corporation shall inure to the benefit of any trustee of the corporation, officer of the corporation, or any private



individual. However, reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes. No trustee, officer or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office, including the publication or distribution of statements.

B. The corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended, or by an organization, contributions to which are deductible under 170(c)(2) of the Internal Revenue Code and regulations as they now exist or as they may be amended.

C. The corporation shall have perpetual existence unless terminated sooner in accordance with the laws of the Commonwealth of Virginia. Upon dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to charitable organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986 and its regulations as they now exist or as they may be amended.

D. The corporation is organized pursuant to the Virginia Nonstock Corporation Act and does not contemplate pecuniary gain or profits and is organized for nonprofit purposes.

4. **MEMBERS.** The corporation shall have no members.

5. **DIRECTORS.** The governing body of the corporation shall be designated as the Board of Directors and shall have full, exclusive, and continuing authority to make management decisions for the corporation. The members of the Board of Directors shall be designated as Directors. The initial number of directors shall be six (6). The number may be increased to up to twelve (12) directors by annual action of a simple majority of the board in acting upon the annual Nominating Report which will state the total number of board members as well as the names of those to voted upon. The election of the directors and terms of directors shall be as follows:

A. The directors shall be elected by the Board of Directors.

B. The initial directors shall serve terms as follows: Two (2) directors shall serve an initial term of one (1) year. Two (2) directors shall serve an initial term of two (2) years. Two (2) directors shall serve an initial term of three (3) years.

C. Thereafter, each director shall serve a term of three (3) years.

6. **REGISTERED AGENT AND OFFICE.** The address of the initial registered office is 21 S. Loudoun Street, Winchester, Virginia, 22611. The name of the initial registered agent is Bruce Downing, who is a resident of Virginia and who is a member of the Virginia State Bar and whose business address is the same as the initial registered office of the corporation.

7. **POWERS.** The corporation shall have all the powers available under Virginia law. Notwithstanding any other provision, no power or authority shall be exercised by the directors in any manner or for any purpose which may jeopardize the status of the corporation as an exempt organization under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended.

8. **INDEMNIFICATION OF DIRECTORS AND OFFICERS.** Each director and each officer or former director or officer of the corporation shall be indemnified and be advanced reasonable expenses by the corporation against liabilities imposed upon him and expenses reasonably incurred by him in connection with any claim against him, or any action, suit or proceeding to which he may be a party by reason of being, or having been, a director or officer and against such as an independent counsel selected by the directors shall deem reasonable payment made in settlement of any such claim, action, suit or proceeding primarily with the view of avoiding expenses of litigation.

The indemnification shall be made only if the corporation shall be advised, in case none of the persons involved shall be or have been a director, by the directors of the corporation, and otherwise by independent counsel to be appointed by the directors, that in its or his opinion such director or officer was not guilty of gross negligence or willful misconduct in the performance of his duty, and in the event of a settlement, that such settlement was or is in the best interest of the corporation. If the determination is to be made by the directors, they may rely as to all questions of law on the advice of independent counsel.

Indemnification will be made only if the director conducted himself in good faith and that he believed, in the case of conduct in his official capacity with the corporation, that his conduct was in the best interests of the corporation, and that in all other cases, he believed that his conduct was at least not opposed to the best interests of the corporation. In the case of any criminal proceeding, indemnification will be made only if the director had no reasonable cause to believe that his conduct was unlawful. However, no director or officer shall be indemnified:

A. With respect to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in performance of duty.

B. With respect to any matters which shall be settled by the payment of sums which independent counsel selected by the directors shall not deem reasonable payment made primarily with a view to avoiding expense of litigation.

C. With respect to matters for which such indemnification would be against public policy.

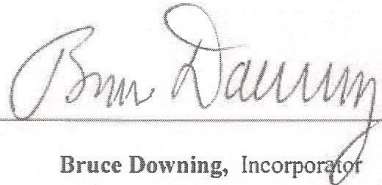
D. With respect to a proceeding by or on behalf of the corporation in which the director was adjudged liable to the corporation.

E. With respect to any other proceeding charging improper personal benefit to him, whether or not involving action in his official capacity, in which he was adjudged liable on the basis that personal benefit was improperly received by him.

These rights of indemnification shall be in addition to any other rights to which directors or officers may be entitled under any by-law, agreement, corporate resolution, vote of directors, or otherwise. The corporation shall have the power to purchase or maintain at its cost and expense insurance on behalf of the such persons to the fullest extent permitted by applicable Virginia law. In no event shall any provision be construed as providing indemnification not otherwise permitted by law for a director or officer of a Virginia nonstock corporation.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal

this 23<sup>rd</sup> day of September, 2016.

 (SEAL)  
Bruce Downing, Incorporator

# Commonwealth of Virginia



## STATE CORPORATION COMMISSION

*Richmond, September 28, 2016*

*This is to certify that the certificate of incorporation of*

**The Clowser Foundation**

*was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business. Effective date: September 28, 2016*



*State Corporation Commission*

*Attest:*

*Joel H. Beck*  
Clerk of the Commission

**The Clowser Foundation Board Members**  
(2017)

**Larry Webb – Board Member – President** (No Compensation)

1520 Bennys Beach Road  
Front Royal, VA 22630

**James Clowser Jr. – Board Member - Vice President** (No Compensation)

240 Shenandoah Avenue  
Winchester, VA 22601

**Karen Burke – Board Member-Secretary** (No Compensation)

120 Cherokee Trail (Shawneeland)  
Winchester, VA 22602

**Jessica Clowser – Board Member - Treasurer** (No Compensation)

240 Shenandoah Avenue  
Winchester, VA 22601

Ruth Perrine – Board Member (No Compensation)

137 Red Fox Trail (Shawneeland)  
Winchester, VA 22602

Robert Stieg – Board Member (No Compensation)

P.O. Box 32  
Millwood, VA 22646

Patsy Gochenour – Board Member (No Compensation)

134 Country Club Circle  
Winchester, VA 22602

Roger Lamborne – Board Member (No Compensation)

302 S Braddock Street  
Winchester, VA 22601

George Schember – Board Member (No Compensation)

226 Amherst Street  
Winchester, VA 22601

ATTACHMENT 3.

DCR Letter of Determination of Uses Acceptability (will not raise Hazard Rating of Cherokee Dam)

DHR Letter Confirming Eligibility of Site for Nomination to State and National Registers of Historic Places



Molly Joseph Ward  
Secretary of Natural Resources

Clyde E. Cristman  
Director



**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz  
Deputy Director of  
Administration and Finance

David C. Dowling  
Deputy Director of  
Soil and Water Conservation  
and Dam Safety

Thomas L. Smith  
Deputy Director of Operations

October 24, 2016

Mr. Daniel R. Hamric, PE  
Senior Engineer  
RE Ruckman Engineering, PLC  
22-B Ricketts Drive  
Winchester, VA 22601

Re: Historic Clowser House Usage below Cherokee Dam, Virginia Inventory #06904

Dear Mr. Hamric:

This office has received your letter dated October 13, 2016, delivered to me through email only. After I finished my review of your letter, I concur with your profession opinion regarding the proposed specific non-habitable uses of that historic structure will not change the hazard classification of Cherokee Dam. Your proposed specific uses of the non-habitable structure are copied as follows:

- 1) As a historical landmark that will only be allowed by the public to view it from its outside.
- 2) For storage of materials needed at the site and accessed at a very low frequency.
- 3) Allow access by appointment only to the interior for maintenance and inspection.

Should you have any questions or comments, please do not hesitate to contact me by telephone at (540) 351-1587 or by email at [zhengang.wang@dcr.virginia.gov](mailto:zhengang.wang@dcr.virginia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Zheng Wang".

Zhengang Wang, Ph.D., P.E., CFM  
Regional Dam Safety Engineer (Region 1)  
Division of Dam Safety and Floodplain Management  
98 Alexandria Pike, Suite 33  
Warrenton, VA 20186  
Phone: (540) 351-1587

cc David C. Dowling, Deputy Director of Dam Safety and Floodplain Management and Soil and Water Conservation, Virginia Department of Conservation and Recreation  
Joe C. Wilder, Frederick County, Department of Public Works

600 East Main Street, 24<sup>th</sup> Floor | Richmond, Virginia 23219 | 804-786-6124

State Parks • Soil and Water Conservation • Outdoor Recreation Planning  
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation



March 24, 2014

John Riley, Jr., County Administrator  
Frederick County Virginia  
107 Kent Street  
Winchester, VA 22601

**Re: Clowser House/ Council House, Frederick County**

Dear Mr. Riley:

We are pleased to inform you that at its March 20, 2014, meeting, the State Review Board concurred with the Department of Historic Resources (DHR) that the **Clowser House/ Council House** is recommended eligible for nomination to the national and state registers, assuming that a more substantially documented nomination fully supports the arguments presented in the PIF and/or raised in the staff and board discussions. Approval at the Preliminary Information Form level is not the formal listing stage and not a guarantee that the nomination will succeed if the documentation and argument made in the final formal nomination do not fully support the property's eligibility.

We caution you that if the staff or boards do not feel that a sufficient argument has been made for a resource, we may ask for more information or make the recommendation that the resource no longer appears to meet the criteria for eligibility. We strongly encourage you to work closely with the DHR staff as you work through the nomination process. Please feel free to contact the **Northern Region Preservation Office** at 540-868-7029 for any assistance.

The recommendation of eligibility is also subject to re-evaluation if the architectural and/or archaeological resource is significantly altered, remodeled, or partially demolished, or if further research reveals that the resource is less significant than originally proposed.

Before making a final recommendation on the resource, the DHR staff, the State Review Board, and the Historic Resources Board will need to see a fully developed nomination. The National Register of Historic Places form is used for nominating resources both to the Virginia Landmarks Register and the National Register. You may prepare the nomination yourself or hire a consultant.

Should the preparation of a nomination go forward, you will be notified prior to any formal action by the Department. Thank you for your interest in the register program.

Sincerely,

Julie Langan  
Director

Administrative Services  
10 Courthouse Ave.  
Petersburg, VA 23803  
Tel: (804) 862-6408  
Fax: (804) 862-6196

Capital Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

Tidewater Region Office  
14415 Old Courthouse Way  
2nd Floor  
Newport News, VA 23608  
Tel: (757) 886-2818  
Fax: (757) 886-2808

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
P.O. Box 319  
Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033

ATTACHMENT 4.

Three Year Budget 2017-2019

Fundraising Plan for The Clowser Foundation

THE CLOWSER FOUNDATION

**Operating Budgets for 2017, 2018, 2019**

1-16-17

	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Income</b>			
Contributions	15,000	3,000	3,000
Sales	500	500	500
<i>Total Income</i>	<i>15,500</i>	<i>3,500</i>	<i>3,500</i>
<b>Expenses</b>			
Repairs (brickwork, gutters)	10,200*		
Maintenance	1,200	1,200	1,200
Insurance	850	850	875
Supplies and Mailing	350	250	250
Printing	200	200	200
Taxes	560	560	560
<u>Other</u>	<u>1,000</u>	<u>300</u>	<u>300</u>
<i>Total Expenses</i>	<i>14,360</i>	<i>3,360</i>	<i>3,385</i>

*Costs obtained from contractors, plus 20% contingency*

THE CLOWSER FOUNDATION  
FUND RAISING PLAN FOR THE STABILIZATION AND MAINTENANCE OF THE CLOWSER SITE  
1-16-17

**1. Fundraising Goals of The Clowser Foundation**

**A. Initial and stabilization Costs:** The Foundation has raised over \$6,000 in the last six months, for:

- a) planning and professional costs of meeting the Board of Supervisors' transfer requirements
- b) stabilization of the Clowser House, if and when it is transferred to the Foundation. These funds were raised solely from Clowser Citizen Committee members and their families, with no public solicitation (which would have been illegal, see 2. below).

**B. Stabilization Costs:** The Clowser Foundation plans to raise a total of \$15,500 before Dec. 31, 2017, \$10,200 for stabilization of the House, based on contractor estimates. This campaign will be conducted after:

- a) legal requirements have been met for public fundraising (see below)
- b) the Board of Supervisors has transferred the property (it is neither ethical nor practical to attempt to raise money from the public for a project that has not received legal approval or may not happen).

**C. Annual Operating Costs:** The Clowser Foundation plans to raise an annual operating budget of \$3,500 to pay for its operations and maintenance of the buildings, in addition to volunteer labor and goods.

**2. Legal Prerequisites for Fundraising**

**A. Federal Requirements:** The Clowser Foundation is seeking federal status as a 501 (c) (3) organization, so that contributions to it will be tax-deductible, and so that other tax-exempt organizations can make gifts to it. An organization seeking Federal tax exemption must file an application, Form 1023 with supporting documentation, about 60 pages, with prior incorporation in Virginia documented in the package.

**B. State Requirements:** The Clowser Foundation plans to raise funds from the general public in the region of Frederick County to stabilize and maintain the Clowser House and site. Under the Virginia Solicitation of Contributions law, raising funds from the public requires approval from the Virginia Department of Agriculture and Consumer Services,, a package of about 25 pages, plus all the Federal documentation in the Form 1023.

**C. Applications Submitted:** Following certification of incorporation of the Clowser Foundation on Sep. 28, 2016, work began on the Virginia and Federal application documents. They have been completed and filed, opening the way for public campaigns once the criteria in 1.B above are met. Upon acceptance by the IRS, Federal tax deductibility of gifts will be retroactive to the date of incorporation. *Completing incorporation and all state and federal requirements for non-profit/public solicitation status prior to a decision on the property transfer is 1) an indicator of the seriousness of the Foundation's commitment to the Frederick BOS, and 2) of the Foundation's fundraising knowledge and its commitment to starting as soon as legally possible.*

**3. Fundraising Methods**

**A. House Stabilization Campaign:** The Foundation will appeal via its website, Facebook, electronic and postal mail to individuals. Local foundations and corporations will be solicited, plus in-kind donations. Letters will be sent from Clowser family members in the Shenandoah Valley and to their relatives throughout the nation.

**B. Annual Operating Campaign:** An annual campaign will be conducted both electronically and via postal mail. The basis of the campaign will be renewable five-year pledges (predictable long-term support), with new ones sought every year. Volunteer services and in-kind donations will be sought and used to support operations.

**4. Why is this Plan likely to be successful?**

**A. Local and Professional Interest:** The Foundation's Board and Advisory Committee are committed to non-profit fundraising and include members with professional knowledge and experience of it.

**B. Family Interest:** The board includes not only members of the community and representatives from preservation organizations, but at its core are direct descendants of the family which built the house and occupied the site for over 200 years. These Clowser family members (including millennials), and their collateral families from the Clowser Gap area (Rosenbergers, et al.), are very committed to this project, and have many relatives throughout the Shenandoah Valley and the nation who share their interest in the family's origins and life in early western Frederick County. This is a powerful motivation for financial support, and a long-term basis for it.

**C. Historic Preservation Interest:** This is a state-recognized, 10,000 year-old archaeological site.

ATTACHMENT 5.

Draft Deed of Transfer

*To describe one-time permanent transfer of property*

(placeholder for document to be developed contingent on a positive decision)

Draft Memorandum of Understanding Between County of Frederick and The Clowser Foundation

*To provide a renewable term agreement for managing communication and changing issues*

(placeholder for document to be developed contingent on a positive decision)

**THIS DEED IS EXEMPT FROM RECORDATION TAXES  
PURSUANT TO VIRGINIA CODE § 58.1-811 C.4**

**THIS DEED**, made and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by and between the **COUNTY OF FREDERICK, VIRGINIA**, party of the first part, hereinafter Grantor, and **THE CLOUSER FOUNDATION**, a Virginia limited liability company, parties of the second part, hereinafter Grantee.

**WITNESSETH:** That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor herein hereby grants, bargains, sells and conveys with general warranty and English Covenants of title, unto the Grantee, the following described property and appurtenances thereunto belonging:

All of that parcel of land, together with all improvements thereon and appurtenances thereunto belong, located ....

To be filled in.

**Tax Map #**

**Street Address  
City, State, Zip Code**

Reference is here made to the aforesaid instruments and the attachments and the references therein contained for a further and more particular description of the property hereby conveyed.

This conveyance is made subject to all easements, restrictions and conditions of record and contained in the deeds forming the chain of title to the above-described property provided, however, that

Grantee's Address: \_\_\_\_\_  
Consideration: \$ 1.00 Assessed Value: \$ \_\_\_\_\_ ?



the foregoing shall not be deemed in any way to reinstitute or republish any restrictions of record that may have expired or lapsed.

**WITNESS** the following signature and seal:

COUNTY OF FREDERICK

By: \_\_\_\_\_ (SEAL)  
Chairman, Board of Supervisors of Frederick County, Virginia

COMMONWEALTH OF VIRGINIA  
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, in his capacity as Chairman of the Board of Supervisors of Frederick County, Virginia.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration No.: \_\_\_\_\_

**This Deed Prepared by:**

**Bruce E. Downing, Esq.  
Harrison & Johnston, PLC  
21 South Loudoun Street  
Winchester, VA 22601  
Tel: (540) 667-1266**

CONCEPT DRAFT 1-22-17  
(in event of positive decision by Frederick BOS on Clowser Foundation Proposal)

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CLOWSER FOUNDATION AND THE COUNTY OF FREDERICK, VIRGINIA**

Whereas, the County of Frederick, VA, upon decision by the Board of Supervisors (BOS) is transferring to the non-profit Clowser Foundation an historic site of approximately 5.6 acres containing the Clowser House, the Clowser Cemetery, the Clowser Homestead and Well archaeological site and two Paleolithic archaeological sites in Shawneeland, and

Whereas, this transfer is intended to remove any public liability for this historic site, and to place that responsibility on a private, non-profit owner, and

Whereas, this transfer is out of 149 acres owned by the County in Shawneeland, a part of the Shawneeland Sanitary District, and is in the common area, and

Whereas, the County Department of Public Works maintains this property on behalf of the Sanitary District and has an office and staff there, and

Whereas, there is a Shawneeland Sanitary District Advisory Committee appointed by the Frederick BOS which advises on property maintenance, safety, use, and other issues, and

Whereas, The Clowser Foundation proposal includes continued recreational use (walking across, pick-up ball, family picnics, etc.) by Shawneeland residents of the property transferred by Frederick County, and includes offered use in a building (Clowser House) included in the transfer for storage by the Department of Public Works staff, and

Whereas, this arrangement is therefore somewhat different than that of private homeowners in the subdivision, and

Whereas, on-going and changing functional arrangements will be needed about these uses of the land, provisions for maintenance, and for communication between the representatives of the Clowser Foundation, the Frederick County Department of Public Works, and the Shawneeland Sanitary District Advisory Committee that are mutually agreeable, and

Whereas, it would not be appropriate to address these changing arrangements and concerns in the deed of transfer,

Therefore, this Memorandum of Understanding (MOU) is created to provide a framework to address such day-to-day and year-to-year issues and arrangements as follows:

**PROVISIONS:**

**A. Communication**

1. A single point of contact shall be appointed for the Foundation (CF), Shawneeland Staff of the Department of Public Works (DOPW), and the Shawneeland Sanitary District Advisory Committee

SSDAC) (President, CF; Manager, Shawneeland DOPW; Chairman, SSDAC) to avoid confused communication.

2. These individuals shall work out how they intend to communicate on a periodic basis, and for dealing with emergencies.

**B. Storage in Foundation Buildings by DOPW**

1. The Foundation agrees to the use of the Clowser House for storage by the DOPW of appropriate non-hazardous materials (such as road signs, etc.) to expand the space available in the Water Wheel building.

**C. Use of Grounds by Residents**

1. The Foundation agrees to the continued recreational use as currently seen (walking, pick-up ball games, Frisbee, picnics, etc.) by residents of Shawneeland

2. As the entire transferred area is a state-registered archaeological site, no metal-detecting or digging will be allowed.

**D. Liability Insurance**

1. The Foundation agrees to provide liability insurance coverage for itself for the transferred area, given the uses listed in B and C above.

**D. Mowing**

1. In exchange for use of Foundation buildings for storage by the DOPW, for continuing recreational use of grounds by Shawneeland residents, and for liability insurance coverage of the transferred area by the Foundation, that mowing of the transferred area continue by DOPW. This will help maintain a uniform appearance to the large commons area between the Dam and the Entrance currently, as currently mowed by the DOPW. The Foundation is willing to negotiate a reduction in mowed areas in favor of wildflower/pollinator meadows

**OTHER PROVISIONS:**

This Memorandum of Understanding between the County of Frederick and The Clowser Foundation shall be renewable every three years from the date of initial signing, with a review period of 90 days prior to each expiration date. The MOU may be amended by mutual agreement of the parties.

\_\_\_\_\_

For County of Frederick

\_\_\_\_\_

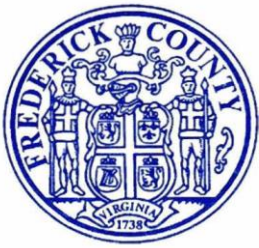
Date

\_\_\_\_\_

For The Clowser Foundation

\_\_\_\_\_

Date

**COUNTY of FREDERICK****Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee

**FROM:** Gloria M. Puffinburger <sup>-gmp</sup>  
Solid Waste Manager

**RE:** FY 16/17 Site Usage Survey Results;  
2016 Holiday Usage Summary

**DATE:** January 5, 2017

---

All but two of the county's ten convenience sites saw an increase in usage based on an August 2016 survey. Overall, usage climbed to an average of just over 900,000 vehicle trips per year at the various neighborhood sites. The more urban locations of Albin, Greenwood and Clear Brook continued to experience the heaviest usage. On its busiest day, 807 vehicles visited the Albin/Bryarly site; 583 traveled to Greenwood; and 508 utilized the Clear Brook location. A complete summary follows.

During the holiday season, 8,901 vehicles visited nine of the county's ten convenience sites on Dec. 26 and Dec. 27 to dispose of seasonal waste and recycling. This represented 223 tons of refuse collected over the two-day period. As shown in the chart following, traffic spiked during the period and nearly doubled at the Albin/Bryarly facility.

/gmp

cc: file

**2016 USAGE SURVEY; CITIZENS' CONVENIENCE SITES**

<i>Location</i>	<i>2016</i>	<i>Daily Avg</i>	<i>Peak Day</i>	<i>Sun Avg (5 hr)</i>		<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>Change from 2015</i>
Greenwood	13,586	543	583	487		12,584	13,128	14,186	12,817	14,772	12,183	12,944	5%
Bryarly	16,270	651	807	524		10,170	10,752	13,343	14,364	15,736	15,325	16,096	1%
Middletown	8954	358	430	309		9419	9492	10,266	8997	8753	8818	9419	-5%
Clear Brook	10,246	410	508	373		8288	9302	9260	8952	9611	9820	10,637	-4%
DTG	7685	307	400	345		6181	6283	5770	6440	7518	7001	7578	1%
Shawneeland	6042	236	270	220		5068	5104	4638	5100	5207	4616	5595	8%
Back Creek	4899	194	227	164		4805	5317	4916	4937	5032	4674	4923	<1%
Round Hill	4074	163	182	153		3359	3332	3622	3700	4131	3807	3988	2%
Gore	3140	126	144	105		2603	2849	2736	2932	3310	3118	3212	2%
Star Tannery*	584	23	42	38		651	644	589	562	630	619	632	8%
<b>AUG TOTAL:</b>	<b>75,480</b>					<b>63,128</b>	<b>66,203</b>	<b>69,326</b>	<b>68,801</b>	<b>74,700</b>	<b>69,981</b>	<b>75,024</b>	<b>&lt;1%</b>
<b>YR AVG:</b>	<b>905,760</b>					<b>757,536</b>	<b>794,436</b>	<b>831,912</b>	<b>825,612</b>	<b>896,400</b>	<b>839,772</b>	<b>900,288</b>	

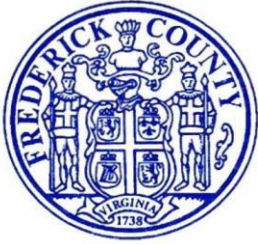
survey conducted 8/2016

\*closed two days/wk; open 31 hrs/wk

## 2016 HOLIDAY WASTE SURVEY; CITIZENS' CONVENIENCE SITES

<i>Location</i>	<i>2016 Mon. Dec 26</i>	<i>2016 Tues. Dec 27</i>	<i>% Above Daily Avg</i>	<i>Total Tons</i>
Greenwood	700	756	+28%	32T
Bryarly	1,121	1,206	+46%	34T
Middletown	454	593	+39%	24T
Clear Brook	521	595	+31%	29T
DTG	427	456	+32%	34T
Shawneeland	311	361	+34%	23T
Back Creek	236	345	+43%	16T
Round Hill	227	265	+38%	16T
Gore	156	171	+26%	13T
Star Tannery*	---	---	---	2T
<b>HOLIDAY TOTAL:</b>	<b>4,153</b>	<b>4,748</b>		<b>223T</b>




**COUNTY of FREDERICK**
**Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee HES  
**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *hco*  
**SUBJECT:** Monthly Tonnage Report - Fiscal Year 15/16  
**DATE:** January 24, 2017

The following is the tonnage for the months of July 2015, through June 2016, and the average monthly tonnage for fiscal years 03/04 through 16/17.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,348 TONS (UP 1,164 TONS)</b>
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,029 TONS (UP 681 TONS)</b>
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,785 TONS (UP 756 TONS)</b>
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,705 TONS (DOWN 1,080 TONS)</b>
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,904 TONS (DOWN 2,801 TONS)</b>
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,316 TONS (DOWN 588 TONS)</b>
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,219 TONS (DOWN 1,097 TONS)</b>
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,184 TONS (DOWN 35 TONS)</b>
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,013 TONS (DOWN 171 TONS)</b>
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,065 TONS (UP 52 TONS)</b>
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,468 TONS (UP 403 TONS)</b>
<b>FY 14-15:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,133 TONS (UP 665 TONS)</b>
<b>FY 15-16:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,984 TONS (UP 851 TONS)</b>
<b>FY 16-17:</b>	<b>AVERAGE PER MONTH:</b>	<b>14,764 TONS (UP 780 TONS)</b>

<b>MONTH</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>JULY</b>	15,019	13,391
<b>AUGUST</b>	13,853	15,724
<b>SEPTEMBER</b>	14,103	14,649
<b>OCTOBER</b>	14,095	14,160
<b>NOVEMBER</b>	13,053	13,840
<b>DECEMBER</b>	13,589	16,821
<b>JANUARY</b>	11,191	
<b>FEBRUARY</b>	12,240	
<b>MARCH</b>	15,058	
<b>APRIL</b>	14,563	
<b>MAY</b>	15,198	
<b>JUNE</b>	15,845	

HES/gmp

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	75,280	37,691	3,685	6,490	72,900	84,815	2,740	37,140	243,960	564,701
AUG	78,080	40,680	3,715	7,505	96,280	85,400		71,580	263,440	646,680
SEP	80,240	35,252	4,030	7,310	90,277	83,420	5,600	37,860	232,940	576,929
OCT	72,460	34,700	3,545	8,535	97,160	83,800	6,420	19,480	223,265	549,365
NOV	66,540	36,192	3,450	7,370	98,420	75,740		54,620	212,131	554,463
DEC		36,460	3,285	8,375	94,400	99,520	7,560	33,360	178,980	461,940
JAN										0
FEB										0
MAR										0
APR										0
MAY										0
JUN										0
<b>TOTAL</b>	372,600	220,975	21,710	45,585	549,437	512,695	22,320	254,040	1,354,716	3,354,078
<b>FY 15-16</b>	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
<b>FY 14-15</b>	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
<b>FY 13-14</b>	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
<b>FY 12-13</b>	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
<b>FY 11-12</b>	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
<b>FY 10-11</b>	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
<b>FY 09-10</b>	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
<b>FY 08-09</b>	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
<b>FY 07-08</b>	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
<b>FY 06-07</b>	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
<b>FY 05-06</b>	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
<b>FY 04-05</b>	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
<b>FY 03-04</b>	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
<b>FY 02-03</b>	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
<b>FY 01-02</b>	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
<b>FY 00-01</b>	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
<b>FY 99-00</b>	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
<b>FY 98-99</b>	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
<b>FY 97-98</b>	485,294	136,110	13,307	29,775	1,830,000					2,494,486
<b>FY 96-97</b>	373,106	211,105	23,584	46,625	1,690,000					2,344,420
<b>FY 95-96</b>	511,978	167,486	28,441	44,995	1,553,060					2,305,960
<b>TO DATE</b>	14,247,821	5,800,218	529,445	1,190,464	32,616,906	8,050,948	327,640	5,983,574	16,302,196	85,049,292

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	42	30	50	2	0	39	34	7	1	0	43
AUG	43	49	26	1	0	27	35	5	0	0	52
SEP	52	28	49	1	0	42	40	6	0	0	42
OCT	42	33	43	1	0	31	39	6	1	0	42
NOV	42	27	28	2	2	24	28	1	0	0	48
DEC	48	25	28	1	0	50	21	1	0	0	30
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	269	192	224	8	2	213	197	26	2	0	257

In the month of December - 102 dogs in and out of kennel.

## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

## CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	80	161	11	3	10	35	7	144	2	0	77
AUG	77	130	26	4	6	20	3	123	6	0	91
SEP	91	175	32	1	2	13	4	168	7	0	109
OCT	109	182	14	4	0	31	4	150	6	0	118
NOV	118	99	21	1	0	16	2	125	2	0	94
DEC	94	90	1	2	0	33	2	66	0	0	86
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	569	837	105	15	18	148	22	776	23	0	575

In the month of December - 187 cats in and out of shelter.

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**MEMORANDUM**

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**TO:** FREDERICK COUNTY PUBLIC WORKS COMMITTEE  
**FROM:** SHAWNEELAND SANITARY DISTRICT ADVISORY COMMITTEE  
MEMBERS  
**SUBJECT:** RESPONSE TO CLOUSER FOUNDATION COMMITTEE PROPOSAL  
**DATE:** JANUARY 26, 2017

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The SSDAC met on January 9, 2017 to hear a presentation from the Clouser Foundation Committee on a proposal to save the Clouser/Council house. Briefly their proposal included gifting of:

- approximately 6 acres of Shawneeland open space
- Council house
- Waterwheel
- Old mail house
- Clouser Cemetery
- Existing parking area
- Ball field
- Existing spring and monitoring spring for the Cherokee Dam

The above request represents a marked deviation from the original request which only included approximately 2 acres of land, the Clouser house, the cemetery and parking.

As a result of the questions and answer period that followed their presentation and careful consideration of their request, the SSDAC cannot endorse or support the Clouser Foundation Committee proposal for the following reasons:

1. Shawneeland Sanitary District fees have continually paid for the maintenance of the above referenced amenities/properties.
2. The waterwheel house was completely rebuilt using Sanitary District funds in the amount of approximately \$40,000.00.
3. The parking area is actively used by Shawneeland residents to gain access to the surrounding recreational areas, which use could be compromised by different ownership
4. The ball field represents a significant recreational amenity in Shawneeland. It is probably the only relatively flat area in Shawneeland and is utilized by the residents for many recreational activities
5. The spring and stream derived from is currently utilized by staff to maintain a leak from Cherokee Dam.

6. If a transfer of ownership is granted to the Citizens Committee, the Sanitary District has no interest in the use of the waterwheel house or the council house for any maintenance/storage activity, nor would the Sanitary District maintain, what would then be, private property.

In the spirit of cooperation, the SSDAC offers a compromise to the request presented by the Clowser Foundation Committee. We propose that the following amenities and/or structures be *leased* to the Clowser Foundation Committee.

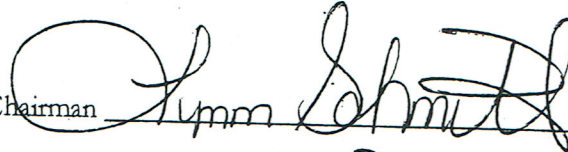
1. Council/Clowser House
2. Old Mail House
3. Clowser Cemetery

Frederick County Staff would develop a lease and/or leases for these amenities/properties to include small parcels of property for each amenity. Staff would determine the limits and boundaries of the property to be leased, insurance requirements and types of uses that can be applied to each individual amenity/property. Frederick County staff would meet with the Citizens Committee and the Sanitary District Committee to draft a mutually acceptable lease, which would be presented to the Public Works Committee for its recommendation to the Board of Supervisors.

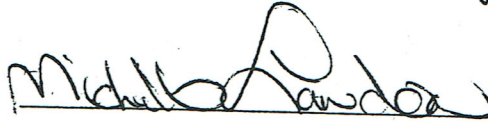
The Shawneeland Sanitary District Advisory Committee thanks the Public Works Committee for its time and attention to this matter..

Respectfully Submitted By:


Lynn Schmitt – Chairman



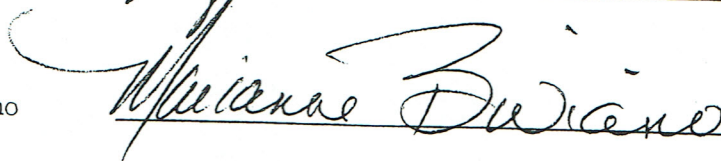
Michelle Landon



Hugh Barry Van Meter



Marianne Biviano



Jeff Stevens

