



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, APRIL 25, 2018
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

Consent Agenda

Attachment

Minutes-----	A
Budget Work Session of April 9, 2018	
Regular Meeting of April 11, 2018	
Committee Reports	
Parks and Recreation Commission-----	B
Finance Committee-----	C
Summer & Holiday Board Meeting Schedule -----	D
Road Resolution – Fieldstone Section II -----	E
Resolution of Appreciation for Louis F. Dusing -----	F
Resolution Honoring the 2018 VHSL Class 4 State Champion	
Millbrook High School Pioneers Girls' Basketball Team -----	G
<i>(For presentation at a future meeting to be determined)</i>	

Citizen Comments – Agenda Items that are not the subject of a Public Hearing

Board of Supervisors Comments

County Officials

Presentation by Flags of Valor ----- H

Committee Appointments----- I

Social Services Board

Red Bud District Representative -

One unexpired 4-year term ending 06/30/20

Board of Building Appeals –

One unexpired 5-year term ending 11/10/2018

Historic Resources Advisory Board

Shawnee District Representative

Term of Carl Rush expires 05/22/18. **Mr. Rush is willing to serve if reappointed.**

Petition for Mountain Falls Park to become a Sanitary District----- J

Requests from the Commissioner of the Revenue for Refunds----- K

Rolling Frito Lay Sales, L.P. - \$3,283.76

Essroc Ready Mix Corp - \$3,946.74

Committee Business

Parks and Recreation Commission

1. Resolution Authorizing Preserving Open Space at Frederick Heights ----- L

2. Set Public Hearing for Frederick Water Easement Sherando Park

(See Tab B for additional information)

Finance Committee

(See Tab C for additional information)

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$12,723.94.
This amount represents prisoner extradition mileage reimbursements. No local funds required.
The committee recommends approval.

2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$27,941.25.
This amount represents reimbursement for four (4) auto insurance claims. No local funds required.
The committee recommends approval.

3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$32,287.50.
This amount represents unbudgeted revenue received for local traffic control. No local funds required.
The committee recommends approval.

Finance Committee, continued

4. The Sheriff requests a General Fund budget transfer in the amount of \$100,000 for the purchase of an armor vehicle for the Tactical Team. This amount represents funds expected to be unspent for the current year which are budgeted for health insurance. The committee recommends denial.
5. The Winchester Regional Airport Executive Director requests an FY19 Airport Capital Fund supplemental appropriation in the amount of \$705,000. This amount represents the Airport Capital budget for FY19. The committee recommends approval.
6. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$20,000. This amount represents a donation from McKee Foods Corporation for the installation of the Frederick Heights Trail. No local funds required. The committee recommends approval.
7. The Voter Registrar requests a General Fund supplemental appropriation in the amount of \$43,603.70. This amount represents funds needed for the June primary elections. Local funds are required. The committee recommends approval.
8. The Finance Department requests a General Fund supplemental appropriation in the amount of \$2,527.72. This amount represents Winter Storm Jonas 2016 reimbursement from VDEM for Middletown, Clearbrook, Gainesboro, and North Mountain Fire & Rescue companies. No local funds required. The committee recommends approval.

(See Tab C for additional information)

Public Hearings (Non Planning Issues)

Outdoor Festival Permit Request of Meso Creso – Nomadico ----- M

Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; for an Outdoor Festival Permit. Festival to be Held on Friday, June 8, 2018, from 12:00 Noon to Monday, June 11, 2018, 12:00 Noon on the Grounds of the Cove Campground, 980 Cove Road, Gore, Virginia in the Back Creek Magisterial District. Property Owned by Alexander W. K. McDowell and McDowell Family, LLC.

Planning Commission Business

Public Hearings

Rezoning #05-17 for O-N Minerals (Chemstone)----- N d/b/a Carmeuse Lime & Stone, CONTINUED from March 14, 2018

Submitted by Lawson and Silek, PLC., to Amend the Proffers for this Property; Rezoning 394.2 Acres from the EM (Extractive Manufacturing) District with Proffer to the EM (Extractive Manufacturing) District with Revised Proffers. The Properties are Situated Generally West of the Town of Middletown. Specifically, the Middle Marsh Property is Located East of Belle View Lane (Route 758), and West and Adjacent to Hites Road (Route 625) and is Further Traversed by Chapel Road (Route 627). The Northern Reserve is Bounded to the South by Cedar Creek and is West and Adjacent to Meadow Mills Road (Route 624). The Properties are Identified with Property Identification Numbers 83-A-109 and 90-A-23 in the Back Creek Magisterial District.

Public Hearings, continued

Conditional Use Permit #02-18 for Alisha Feltner ----- O

*Submitted for a Cottage Occupation for a Nail Salon. The Property is
Located at 464 Layside Drive, Winchester, Virginia and is Identified with Property
Identification Number 51-A-129 in the Back Creek Magisterial District.*

Other Planning Business - None

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

MINUTES
Frederick County Board of Supervisors
Budget Work Session
Monday, April 9, 2018
4:00 p.m.
Board Room, 107 North Kent Street, Winchester, VA

ATTENDEES

Board of Supervisors: Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Robert W. Wells and Shannon G. Trout were present. Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Rod Williams, County Attorney; Ellen Murphy, Commissioner of the Revenue; William Orndoff, Treasurer; Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Finance Committee members present: Angela Rudolph

CALL TO ORDER

Chairman DeHaven called the meeting to order at 4:04 p.m.

DISCUSSION

The Board discussed the proposed airplane tax. By consensus, the Board agreed to set the tax rate at \$0.50 per \$100 of assessed value only on aircraft under 20,000 pounds.

The Board discussed a proposal from Supervisors Dunn and McCarthy that calls for a reduction in school operating funds of \$865,000 which would be allocated to school capital with a corresponding appropriation from fund balance, and \$570,000 from the one cent real estate tax increase to be budgeted for school capital expenses.

Supervisor Slaughter noted that there may be increased costs to the County if the General Assembly approves Medicaid expansion.

Supervisor Trout said she preferred that monies from the proposed one-cent tax increase be spent on adding deputies and suggested taking the \$2.7 million from the fund balance to fully fund the schools' request.

Supervisor McCarthy said the proposal was not a reduction in funding since it is an increase over the previous year. He noted constituents had called for better school building

maintenance.

Supervisor Slaughter expressed support for the Dunn-McCarthy proposal.

Supervisor Trout said the proposed budget is a reduction in planned operating expenses and will affect the staff and students. She said the proposal is not in line with what constituents have been asking for.

Vice Chairman Lofton expressed support for the Dunn-McCarthy proposal.

Supervisor Trout said she appreciated the one-cent tax increase and added that it is not wise to reduce the schools' operating expenses.

Supervisor McCarthy referenced the comment about students being affected and said that children also suffer when building maintenance is not performed.

Vice Chairman Lofton said that the school overcrowding data is artificial because the school division had recently adopted state recommendations containing new numbers. Supervisor Trout said the overcrowding issue is real and cited an example from her classroom when she did not have enough student desks.

Supervisor Wells said the situation between the two Boards is about more than money and the Boards need develop a way to trust each other. He said there are capital needs for the schools as well as in the County and in the long term, department heads and other leaders need to be trusted.

Supervisor Trout said constituents spoke about the Aylor school issue, but they did not realize that a reduction in the school operating budget was on the table.

Supervisor McCarthy said that maintenance should be done first followed by adding to the operating budget. He said that the Aylor issue needs to be dealt with, and if the fund balance is used then the County will not be able to pay for the next unfunded mandate.

Supervisor Dunn said he does not like the one-cent tax increase, but sees it as buying time for a year. He said that the County needs to raise revenue.

Supervisor Trout expressed concern that the Board has not been compromising with the schools and appears to be telling the School Board to reduce spending rather than asking that it do so.

The Chairman said there appeared to be consensus and asked Ms. Shiffler to clarify the wording of the draft budget resolution. Ms. Shiffler said the resolution will call for an increase in the real estate tax rate of one-cent per \$100 of assessed value, a tax of \$0.50 per \$100 of assessed

value on aircraft under 20,000 pounds, a reduction of \$865,000 from school operating with a similar increase in school capital, \$570,000 from the one-cent real estate tax increase appropriated for school capital, and an appropriation of \$865,000 from fund balance designated for school capital expenses.

OTHER

Supervisor Slaughter requested that staff prioritize proposed capital expenses as well as new position requests.

By consensus, the Board agreed to work sessions scheduled for 4:00 pm on April 17, and April 24, 2018.

The Board and staff discussed whether both the proposed budget and the proposed tax rate should be specified in one motion and resolution, as has been the normal procedure, or if the two items should be handled in separate motions.

Supervisor Slaughter provided information on school capacity based on square footage. By consensus the Board agreed to request that a representative of the School Board attend a work session to provide clarification on the issue.

ADJOURN

There being no further business, the meeting was adjourned at 5:25 p.m.

**MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, APRIL 11, 2018
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

ATTENDEES

Board of Supervisors: Charles S. DeHaven, Jr., Chairman; Gary A. Lofton, Vice Chairman; Blaine P. Dunn; J. Douglas McCarthy; Judith McCann-Slaughter; Shannon G. Trout; and Robert W. Wells were present.

Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Michael T. Ruddy, Director of Planning and Development; Mark Cheran, Zoning & Subdivision Administrator; Tyler Klein, Planner and Ann W. Phillips, Deputy Clerk to the Board of Supervisors

CALL TO ORDER

Chairman DeHaven called the meeting to order at 7:00 p.m.

INVOCATION

Vice Chairman Lofton delivered the invocation.

PLEDGE OF ALLEGIANCE

Supervisor McCarthy led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Upon motion of Supervisor Dunn, seconded by Supervisor McCarthy, the agenda was adopted on a voice vote.

ADOPTION OF CONSENT AGENDA – APPROVED

Upon motion of Supervisor Dunn, seconded by Supervisor Slaughter, the consent agenda was adopted on a voice vote.

-Minutes: Budget Work Session of March 28, 2018 -CONSENT AGENDA APPROVAL

-Minutes: Meeting of March 28, 2018 -CONSENT AGENDA APPROVAL

-Minutes: Budget Work Session of April 4, 2018 -CONSENT AGENDA APPROVAL

-Transportation Committee Report (Appendix 1) - CONSENT AGENDA APPROVAL

-Resolution for Employee of the Month Jonathan D. Beckley-CONSENT AGENDA APPROVAL

FREDERICK COUNTY EMPLOYEE OF THE MONTH JONATHAN D. BECKLEY

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,
WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which

established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,
 WHEREAS, the Board of Supervisors upon recommendation by the Human Resources Committee selects one employee from those nominated; and,
 WHEREAS, Jonathan D. Beckley who serves as a Correctional Officer II with the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,
 WHEREAS, On January 20, 2018, Officer Beckley was supervising a Nurse Sick Call with an inmate. During the sick call, the Nurse removed the inmate's sock and discovered a plastic baggie containing a white rock looking substance. Officer Beckley immediately called the on-duty Watch Commander and went to where the inmate was housed to assist in searching the inmate's living space to ensure there were no other drugs or items the inmates are not permitted to have in their possession. While searching the inmate's bed area, Officer Beckley discovered papers containing the same drug found previously during the sick call. Officer Beckley immediately confiscated the papers and maintained custody of them until he could pass them to be secured in the evidence safe. Officer Beckley's dedication, perseverance, and follow-through helped ensure the safety and security of the facility and ensured that the illegal drugs stemming from this incident were removed from the facility; and,
 NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 11th day of April 2018, that Jonathan D. Beckley is hereby recognized as the Frederick County Employee of the Month for April 2018; and,
 BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Jonathan D. Beckley for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and,
 BE IT FURTHER RESOLVED, that Jonathan D. Beckley is hereby entitled to all of the rights and privileges associated with his award.

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-Resolution of Opposition to Expanded Medicaid in Virginia -CONSENT AGENDA APPROVAL

**RESOLUTION IN OPPOSITION TO MEDICAID EXPANSION
IN THE COMMONWEALTH OF VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia, is gravely concerned about the proposed expansion of Medicaid, specifically the financial implications at the local level and
 WHEREAS, the best available estimates project an increase in Medicaid cases in Frederick County to be somewhere between 2,500 and 3,000 new cases, and
 WHEREAS, based on those projections, Frederick County would be forced to substantially increase staffing within the Department of Social Services with the anticipated annual cost for this new staffing being in excess of \$390,000, exclusive of the expenses to establish office space to house this additional staffing, and
 WHEREAS this additional staffing is needed to make caseloads more manageable because it is anticipated that the number of Medicaid cases per case worker will increase by over 200 cases for current staff members and
 WHEREAS, our concerns and frustrations are further magnified by the fact that Frederick County is attempting to finalize the annual County budget, but the General Assembly has failed to resolve this issue which significantly impacts our local budget, and
 WHEREAS, without any financial assistance or cost sharing from the State, this program will be yet another unfunded mandate thrust upon local governments with our citizens left to pay the bill,
 NOW, THEREFORE, BE IT RESOLVED THAT the County of Frederick is opposed to the expansion of the Medicaid Program in the Commonwealth of Virginia, and
 BE IT FURTHER RESOLVED THAT as the General Assembly prepares to vote on this important issue, we, the Frederick County Board of Supervisors, urge you to consider the significant local impact of Medicaid expansion and
 BE IT FINALLY RESOLVED THAT ultimately, should the decision be made to expand Medicaid, it is imperative that the Commonwealth include funding to assist the localities that will be forced to administer the program.

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CITIZEN COMMENTS -None

BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS:

COMMITTEE APPOINTMENTS

Mr. Tibbs noted that staff will be forwarding some recently received applications for the position on the Board of Building Appeals.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO JONATHAN D. BECKLEY

Chairman DeHaven and Vice Chairman Lofton presented the Employee of the Month Award to Jonathan D. Beckley.

REQUESTS FROM THE COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED

Mr. Tierney explained there were two requests for refunds that have been reviewed by the County Attorney.

Supervisor Slaughter moved for approval of and corresponding supplemental appropriations for the refund request by Shenandoah Refrigeration, Inc. for \$3,283.76, and by Duncan H. Pollitt for \$3,946.74. Vice Chairman Lofton seconded the motion which carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

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Supervisor Trout stated she wants to disclose for the record, relative to the following item and pursuant to the State and Local Government Conflict of Interests Act, that she is employed by Frederick County Public Schools as a teacher and therefore is a member of a group who is or may be affected by the item, and that she is able to participate in the transaction fairly, objectively, and in the public interest.

ADOPTION OF FISCAL YEAR 2018-2019 BUDGET AND APPROPRIATIONS AND SETTING OF 2018 TAX RATES –APPROVED

Supervisor Slaughter moved that that the Board adopt a real estate tax rate and, as to aircraft, a personal property tax rate, as follows:

- \$0.61 per \$100 of assessed value on real estate;
- \$0.01 per \$100 of assessed value on aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law; and
- \$0.50 per \$100 of assessed value on all other aircraft.

Supervisor Wells seconded the motion.

Vice Chairman Lofton said a lot of hard work has been put in the budget. He said he is in favor of the increased airplane tax but he will be voting against the proposed real estate tax

increase.

Supervisor Trout said that although she is in favor of the tax increase, she would not support the budget because it does not meet the needs of the community. She said the one cent increase is not enough to fully fund the school division's budget, the sheriff's budget, or address the capital needs. She referenced the many constituents who came before the Board asking for investment in the community. Supervisor Trout said that this budget not only does not address the needs, it sets the County up for failure in the future as the growing community surpasses the current infrastructure. She concluded saying the proposed budget is not proactive but reactive and will cause the quality of life to decline in the future.

The motion setting the tax rates for 2018 carried on the following roll call vote:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | No |
| Gary A. Lofton | No | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

Mr. Tierney explained there were two proposed budget resolutions: one enclosed in the agenda packet, and the alternate version prepared following the April 9, 2018, budget work session. He said the figures in the two versions vary somewhat in how the funds are appropriated, and in the funds budgeted for school operating expenses with the newer alternate version of the resolution calling for \$865,000 less than the previous version. Mr. Tierney said the third difference in the versions is the newer alternate specifies \$2.3 million for school capital costs.

Supervisor Slaughter moved for approval of the alternate version of the budget resolution for 2018-2019 as agreed by consensus of the Board at the April 9, 2018, work session. Supervisor Wells seconded the motion.

Vice Chairman Lofton said hard work had gone in to the budget resolution and he is in favor of the increased spending on capital needs. He said that since had voted against the tax increase, he would abstain from voting on the budget resolution.

Supervisor Dunn said the alternate budget resolution increases school funding by 5.36% and \$8.5 million over last year and is an attempt to bridge competing interests. He said the community is growing and asked that it be recognized that this budget is an increase in school funding that addresses capital needs as expressed by the School Board.

Supervisor Slaughter thanked those involved in the budget process including Supervisor McCarthy and Chairman DeHaven for contacting School Board Chairman Dr. Lamanna, and Supervisor Dunn for his spreadsheet work. She said the budget has evolved and noted that the General Assembly has not yet concluded the state budget process which will affect Frederick County. Supervisor Slaughter noted that the question of Medicaid expansion in Virginia has yet to be decided and that the County may be facing an unfunded mandate. She referenced the schools' capital needs saying the alternate budget calls for an additional \$2.3 million for school capital projects in addition to \$8 million more in operating funds than last year. She concluded saying that the alternate budget addresses most of the public safety needs and has a reduction in the use of fund balance in comparison to last year.

Supervisor McCarthy said the alternate budget is far from perfect adding that the Board hears from two constituencies: those who favor a tax increase and those who are opposed to a tax

increase. He said that all agree that there are school buildings falling into disrepair. He continued saying that though the proposed budget offers less in school operating funds, there is still an increase over the current year, adding that before new programs are started the current capital needs should be addressed. Supervisor McCarthy said that he had been opposed to a tax increase, but after hearing the comments about school maintenance he supports the increase because the capital needs will be met. He encouraged the School Board to use leftover funds at year end toward maintenance expenses and said he looked forward to a better working relationship with the School Board in the future, especially as the issue of Aylor Middle School is addressed.

The motion for adoption of the alternate budget resolution was carried on a roll call vote as follows:

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|--------------------------------|----------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | No |
| Gary A. Lofton | Abstain | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

FY 2018-2019 BUDGET RESOLUTION

WHEREAS a notice of public hearing and budget synopsis has been published and a public hearing held on March 28, 2018, in accordance with Title 15.2, Chapter 25, Section 15.2-2506, of the Code of Virginia, 1950 as amended.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Frederick, Virginia, that the budget for the 2018-2019 Fiscal Year as advertised in The Winchester Star on March 19, 2018, be hereby approved in the amount of \$426,399,578.

BE IT FURTHER RESOLVED that the County of Frederick budget for the 2018-2019 fiscal year be adopted and the funds appropriated as follows:

| | |
|-------------------------------------|---------------|
| General Operating Fund | \$181,468,228 |
| Regional Jail Fund | 22,789,176 |
| Landfill Fund | 7,502,138 |
| Division of Court Services Fund | 562,348 |
| Shawneeland Sanitary District Fund | 1,085,091 |
| Airport Operating Fund | 1,646,442 |
| Lake Holiday Sanitary District Fund | 779,998 |
| EMS Revenue Recovery Fund | 1,522,400 |
| Economic Development Authority Fund | 603,483 |
| School Operating Fund | 168,455,680 |
| School Debt Service Fund | 14,966,405 |
| School Capital Projects Fund | 3,300,000 |

| | |
|--|-----------|
| School Nutrition Services Fund | 8,000,493 |
| School Textbook Fund | 4,261,037 |
| NREP Operating Fund | 5,491,659 |
| NREP Textbook Fund | 65,000 |
| Consolidated Services/Maintenance Fund | 3,600,000 |
| School Private Purpose Funds | 300,000 |

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Frederick, Virginia, does herein adopt the tax rates for the 2018 assessment year as follows:

Property Taxes – Rates per \$100 of assessed value

| | |
|----------|--|
| \$0.61 | Applied to real estate, including mobile homes |
| \$4.86 | Applied to personal property including business equipment |
| \$2.25 | Applied to personal property on one vehicle to volunteer firefighters that are approved and registered with the Frederick County Fire and Rescue Department |
| \$0.01 | Applied to aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law |
| \$0.50 | Applied to all other aircraft |
| Zero tax | Applied to antique vehicles and mopeds |
| \$2.00 | On declining values to be applied to machinery and tools. The declining values are 60% for year one, 50% for year two, 40% for year three, and 30% for year four and all subsequent years. |
| \$2.00 | On apportioned percentage of book values to be applied to Contract Carrier Vehicles and equipment |

Business and Professional Occupational License Rates

| | |
|--|------------------------------------|
| Contractors | \$0.16 per \$100 of gross receipts |
| Retail | \$0.20 per \$100 of gross receipts |
| Financial, Real Estate, and Professional Services | \$0.58 per \$100 of gross receipts |
| Repair, personal and business services and all other businesses and occupations not specifically listed or exempted in the County Code | \$0.36 per \$100 of gross receipts |
| Wholesale | \$0.05 per \$100 of purchases |

The tax rates for other businesses and occupations specifically listed in the County Code are also unchanged.

Other General Taxes

| | |
|-------------------------|--|
| Meals tax | 4% of gross receipts |
| Transient Occupancy tax | 2.5% of gross receipts |
| Vehicle License Taxes | \$25 per vehicle and \$10 per motorcycle |

Sanitary Landfill Fees

| | |
|------|--|
| \$50 | Per ton for commercial/industrial |
| \$45 | Per ton for construction demolition debris |
| \$20 | Per ton for municipal waste |
| \$38 | Per ton for municipal sludge |
| \$15 | Per ton for Miscellaneous Rubble Debris |

Shawneeland Sanitary District Taxes

| | |
|-------|-----------------|
| \$190 | Unimproved Lots |
| \$560 | Improved Lots |

Lake Holiday Sanitary District Taxes

| | |
|-------|------------------|
| \$678 | Buildable Lots |
| \$264 | Unbuildable Lots |

Lots owned by Lake Holiday Country Club, Inc.

\$0 Buildable Lots and Unbuildable Lots

Star Fort Subdivision Taxes/Fees

\$60 Per Lot

Street Light Fees

Oakdale Crossing and Fredericktowne \$45 annually

Green Acres \$25 annually

BE IT FURTHER RESOLVED that appropriations are hereby authorized for the central stores fund, special welfare fund, comprehensive services fund, county health insurance fund, school health insurance fund, length of service fund, special grant awards fund, employee benefits fund, maintenance insurance fund, development project fund, sales tax fund, commonwealth sales tax fund, unemployment compensation fund, Forfeited Assets Program, and Four-For-Life, Fire Programs and Economic Incentive funds equal to the total cash balance on hand at July 1, 2018, plus the total amount of receipts for the fiscal year 2018-2019. The Fire Company Capital appropriation will include the current year appropriation plus any unused funds at the end of the fiscal year 2018.

BE IT FURTHER RESOLVED that funding for all outstanding encumbrances at June 30, 2018, are re-appropriated to the 2018-2019 fiscal year to the same department and account for which they are encumbered in the 2017-2018 fiscal year.

BE IT FURTHER RESOLVED that the construction fund projects are appropriated as a carryforward in the amount that equals the approved original project cost, less expenditures and encumbrances through June 30, 2018.

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COMMITTEE BUSINESS – None

PUBLIC HEARINGS (Non Planning Issues) - None

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PLANNING COMMISSION BUSINESS

Public Hearings

CONDITIONAL USE PERMIT #03-18 for TRUMPET VINE FARM, LLC - APPROVED

Submitted for Establishment of a Special Event Facility in the RA (Rural Areas) Zoning District. The Property is Located at 266 Vacluse Road, Stephens City, Virginia and is Identified with Property Identification Number 85-A-6C in the Back Creek Magisterial District.

Planner Tyler Klein said the request is for a Conditional Use Permit (CUP) to permit the establishment of a special event facility for private events such as weddings or other similar type events and such special event facility is a permitted use in the RA (Rural Areas) Zoning District with an approved CUP. He said the Applicant, Trumpet Vine Farm, has been operating a special event facility for weddings and other events since 2012 under the County’s annual Festival Permit process, and currently has an approved Festival Permit (approved by the Board of Supervisors on March 14, 2018), which will be superseded by this CUP application.

Mr. Klein said the proposed use will take place on an existing 68-acre property, which includes a single-family detached residence, open outdoor pavilion with retractable sides, a storage building, and a gravel parking area to accommodate guests/visitors. He said the special event center will be accessed via a private driveway from Vacluse Road (Route 638). Mr. Klein continued saying portable restroom facilities will be provided for special events, and in the future, the Applicant may also construct permanent restroom facilities and a larger enclosed space for indoor events. He said the property is surrounded by RA (Rural Areas) zoned property, which includes open space, agricultural uses, and single-family detached residences. Mr. Klein noted the Board of Supervisors added “special event facilities” to the conditional use list for the County’s Rural Areas Zoning District in May 2017 to support additional opportunities for agribusiness and agritourism, and the proposed use is consistent with the goals and strategies expressed in the 2035 Comprehensive Plan.

Mr. Klein said that should the Board of Supervisors find this application for a special event facility to be appropriate, the Planning Commission recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. A commercial entrance, including recordation of a sight distance easement, should be permitted and complete within one (1) year approval of this CUP.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Events may accommodate up to and not to exceed 450 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

Supervisor Slaughter inquired about the consequence of the CUP if the applicant were not able to get the sight-distance easement mentioned in the VDOT comment. Mr. Klein said this issue is covered by the applicant agreeing to follow all review agency comments where conditions are specified. He said that if the easement were not granted, then the matter would be brought back to the Board for revocation of the permit.

Mr. Spears, the applicant, said he is working on the easement issue.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing.

Vice Chairman Lofton moved for approval of Conditional Use Permit #03-18 for Trumpet Vine Farm, LLC. Supervisor McCarthy seconded the motion which carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

**ORDINANCE
CONDITIONAL USE PERMIT #03-18
TRUMPT VINE FARMS SPECIAL EVENT FACILITY**

WHEREAS, Conditional Use Permit #03-18 for a Special Event Facility, submitted by Trumpet Vine Farms was considered. The subject property is generally located south of the Town of Stephens City, about 2 miles south of Route 11, on Vacluse Road (Route 638) and is further identified with Property Identification Number 85-A-6C, in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 4, 2018 and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 11, 2018; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #03-18 for a Special Event Facility on the parcel identified by Property Identification Number 85-A-6C with the following conditions:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. A commercial entrance, including recordation of a sight distance easement, should be permitted and complete within one (1) year approval of this CUP.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Events may accommodate up to and not to exceed 450 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

+ + + + + + + + + + + + +

SOUTH FREDERICK AGRICULTURAL AND FORESTAL DISTRICT, ROY AND LORETTA MCDONALD, 364 CARSON LANE – APPROVED

To Consider Adding Additional Parcels into the South Frederick Agricultural and Forestal District identified with Property Identification Numbers 84-A-47B, 84-A-49B, 84-A-49G, 84-A-48A, 84-A-48 and 85-A-3A in the Back Creek Magisterial District.

SOUTH FREDERICK AGRICULTURAL AND FORESTAL DISTRICT, JASON AND JENNIFER MCDONALD, 388 VAUCLUSE ROAD – APPROVED

To Consider Adding Additional Parcels into the South Frederick Agricultural and Forestal District identified with Property Identification Numbers 84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D and 84-A-53E in the Back Creek Magisterial District.

Zoning & Subdivision Administrator Mark Cheran said there were two requests from family members to add a total of 11 parcels to the South Frederick Agricultural and Forestal District which was established in 1980. He said the most recent renewal of this District occurred in October 2017 with 6,248.71+/- acres contained in the District currently. Mr. Cheran said the Planning Commission unanimously recommended that the 11 parcels be added to the South Frederick Agricultural and Forestal District. He concluded saying should both requests be approved by the Board of Supervisors, the South Frederick Agricultural and Forestal District would total 6,776.32+/- acres.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing.

Vice Chairman Lofton said he appreciated the applicants being good stewards and preserving agricultural land by placing it in the District. He moved for approval of adding six

parcels at 364 Carson Lane to the South Frederick Agricultural and Forestal District. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

ORDINANCE
ADDITION TO THE SOUTH FREDERICK AGRICULTURAL & FORESTAL DISTRICT

WHEREAS, an addition to the 2015-2020 South Frederick Agricultural & Forestal District was considered. Roy and Loretta McDonald desire to add six (6) parcels identified by Property Identification Numbers 84-A-47B, 84-A-48, 84-A-48A, 84-A-49B, 84-A-49G and 85-A-3A to the South Frederick Agricultural & Forestal District located in the Back Creek Magisterial District. This request was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this addition on January 23, 2018; and

WHEREAS, the Planning Commission held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on March 7, 2018 and recommended approval of this addition; and

WHEREAS, the Board of Supervisors held a public hearing on this addition to the 2015- 2020 South Frederick Agricultural & Forestal District on April 11, 2018; and

WHEREAS, the Frederick County Board of Supervisors finds the addition to the 2015-2020 South Frederick Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows: The Frederick County Board of Supervisors hereby adopts the addition to the 2015-2020 South Frederick Agricultural & Forestal District of 351.89± acres in the Back Creek Magisterial District, with an expiration date of May 27, 2020. This Agricultural & Forestal District is as described on the attached map dated 12/19/17 and the attached property owners table dated 12/19/17. This ordinance shall be in effect on the day of adoption.

+ + + + + + + + + + + + + + +

Vice Chairman Lofton moved for approval of adding five parcels at 388 Vaocluse Road to the South Frederick Agricultural and Forestal District. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

ORDINANCE
ADDITION TO THE SOUTH FREDERICK AGRICULTURAL & FORESTAL DISTRICT

WHEREAS, an addition to the 2015-2020 South Frederick Agricultural & Forestal District was considered. Jason and Jennifer McDonald desire to add five (5) parcels identified by Property Identification Numbers 84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D, and 84-A-53E to the South Frederick Agricultural & Forestal District located in the Back Creek Magisterial District. This request was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this addition on January 23, 2018; and

WHEREAS, the Planning Commission held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on March 7, 2018 and recommended approval of this addition; and

WHEREAS, the Board of Supervisors held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on April 11, 2018; and

WHEREAS, the Frederick County Board of Supervisors finds the addition to the 2015-2020 South Frederick Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows: The Frederick County Board of Supervisors hereby adopts the addition to the 2015-2020 South Frederick Agricultural & Forestal District of 175.81± acres in the Back Creek Magisterial District, with an expiration date of May 27, 2020. This Agricultural & Forestal District is as described on the attached map dated 12/19/17 and the attached property owners table dated 12/19/17. This ordinance shall be in effect on the day of adoption.

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Other Planning Business

WAIVER FOR MASTER DEVELOPMENT PLAN #01-18, CARBAUGH BUSINESS CENTER - APPROVED

The Applicant intends to develop 107.21 acres of land zoned M1 (Light Industrial) and is seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provided by private streets extending from Renaissance Drive.

Planner Tyler Klein said the applicant seeks to develop 107.21 acres of land zoned M1 (Light Industrial) for the purposes of developing light industrial and warehousing uses and the Master Development Plan (MDP) also includes dedication of 60 feet (FT) of right-of-way (ROW) along Shady Elm Road (Route 651), 20 FT of ROW along future Renaissance Drive (extended), a maximum of two (2) commercial entrances along Renaissance Drive and buffering and screening. He said the applicant is seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provided by private streets extending from Renaissance Drive. Mr. Klein continued saying the Master Development Plan for Carbaugh Business Center appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. He said it is also in conformance with the proffers for the approved Rezoning #04-17. The Planning Commission did not have any comments on the MDP and recommended approval of the waiver request.

Vice Chairman Lofton asked for verification that if further subdivision occurred, the resulting lots would remain zoned M1 Light Industrial and not residential. Mr. Klein verified that statement.

Upon motion of Vice Chairman Lofton, seconded by Supervisor Wells, the waiver request was approved on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

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ORDINANCE AMENDMENT – SOLAR (PHOTOVOLTAIC) ENERGY FACILITIES - RETURNED TO PLANNING DEPT. FOR ADDITIONAL REVIEW

This is a proposed amendment to Chapter 165 – Zoning Ordinance to add solar (photovoltaic) power generating facilities (i.e. solar farms) to the conditional use list for the RA (Rural Areas) Zoning District. The intent of this modification is to provide additional opportunities for uses in the County’s Rural Areas that preserve the rural and agricultural integrity of these areas and are consistent with the goals and strategies outlined in the 2035 Comprehensive Policy Plan.

Planner Tyler Klein said the proposed amendment to Chapter 165 – Zoning Ordinance to add solar (photovoltaic) power generating facilities (i.e. solar farms) to the conditional use list for the RA (Rural Areas) Zoning District. He said currently, public utility generating facilities are allowed by-right in the RA Zoning District, and solar generating energy facilities are typically privately-owned and thus do not fall under the definition of a “public utility.” Mr. Klein said staff has drafted a revision to the Zoning Ordinance to include a definition for a “solar

(photovoltaic) energy facility,” provided supplementary use regulations, and revised the conditional uses use list for the RA Zoning District to allow solar energy facilities with an approved Conditional Use Permit (CUP). He added the intent of this modification is to provide additional opportunities for uses in the County’s Rural Areas, that preserve the rural and agricultural integrity of these areas and are consistent with the goals and strategies outlined in the 2035 Comprehensive Policy Plan. Mr. Klein said this item was discussed by the Development Review and Regulations Committee (DRRC) at their July 27, 2017, August 24, 2017 and September 28, 2017 regular meetings and the DRRC recommended solar energy facilities be included in the RA Zoning District as a by-right use. He continued saying the Planning Commission discussed this item on November 15, 2017 and agreed with the proposed text amendment from the DRRC. Mr. Klein said the Board of Supervisors discussed this item on January 10 and February 14, 2018, and following the Board of Supervisors discussion in February, Staff was directed to amend the text amendment to specify solar energy facilities may be allowed in the RA District with an approved Conditional Use Permit. The reason for this change as discussed by the Board is to allow adjacent property owners and the general public to provide comment on the consideration of a potential solar power generating facility. Mr. Klein concluded saying Staff was seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment, noting the item could be directed to a public hearing should the Board of Supervisors deem it to be appropriate.

The Board discussed the requirement of a CUP for individual properties, the minimum acreage requirement and the possibility of requiring a surety bond as part of the CUP to provide for clean up work in the case of a solar farm being abandoned.

Chairman DeHaven noted that the CUP is tied to the property and may not be a good vehicle for addressing abandonment issues. Supervisor Slaughter said that other localities require a surety bond so that the County does not have to front the money to pay for clean-up of an abandoned solar farm. The Board, Mr. Tierney, and County Attorney Rod Williams discussed options for addressing protecting the County in the case of a solar farm being abandoned, and further discussed determining the definition of abandonment. Mr. Tierney noted that a CUP is granted in perpetuity and the administration of such a requirement may be burdensome. The Board and staff discussed the difference between a surety bond and the more often used option of placing a lien on a property when the County must expend resources to address an issue.

By consensus, the Board agreed to send the matter back to Planning Department Staff with direction to review options for addressing the surety bond or lien issue, the definition of abandonment, and a way for the owner to pay the cost in the case of abandonment. Mr. Tierney noted the difficulty of determining when an abandoned solar farm has reached the point of being such a nuisance that it would necessitate tax payer dollars being spent for remediation.

BOARD LIAISON REPORTS - None

CITIZEN COMMENTS

Beth Shalap, Back Creek District, said a petition has been delivered to the County Administration office which requests that Mountain Falls Park subdivision become a County-administered sanitary district. She said there has been mismanagement at the Wild Acres POA, which had been handling road maintenance issues, and the POA no longer has the finances to do the job even though the membership dues were raised 33 and 1/3 percent on January 1, 2018. She requested the Board begin the process to determine the necessary cost estimates for each developed and undeveloped lot to become part of the sanitary district.

Vice Chairman Lofton said the state law has changed and there is no clear process for this request. He said he has been discussing the issue with County Staff and the matter may be on the next meeting agenda.

Joy Kirk, Frederick County Education Association president and Back Creek District resident, thanked the Board and staff for the work on the budget. She thanked the Board for the one cent tax increase adding that it is not enough. She said the schools will now have to choose between teaching the students and having a roof over their heads.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn said next year's budget will be more interesting because the new elementary school will need to be funded. He said the budget process is a long arduous process with competing interests and expressed hope that other options for funding will be found.

Supervisor Trout said she has forwarded an idea about surveying constituents to find out their priorities before the next budget process.

Supervisor McCarthy thanked Mr. Tierney and his staff, including the Finance Department staff, for their work on the budget preparation.

Supervisor Wells said in working on the budget no one gets everything he wants, and the process involves picking and choosing. He said he heard a need to come together as one community, and he thanked the County Staff for the work on the budget.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 8:12 P.M.

BOS Minutes of April 11, 2018 – Appendix 1

COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

MEMORANDUM

TO: Board of Supervisors

FROM: John A. Bishop, AICP, Assistant Director - Transportation

RE: Transportation Committee Report for Meeting of March 26, 2018

DATE: March 27, 2018

The Transportation Committee met on Monday, March 26, 2018 at 8:30 a.m.

Members Present

Gary Lofton Chairman (voting)
Judith McCann-Slaughter (voting)
James Racey (voting)
Gary Oates (liaison PC/voting)
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)
Barry Schnoor (voting)

Items Not Requiring Board Action

1. Ruebuck Lane Petition:

Staff received a petition from several residents who reside on Macbeth Lane (private lane) requesting the paving of Ruebuck Lane (state road).

The Committee discussed the improvements of Ruebuck Lane to be added to the next Secondary Road Improvement Plan stopping at Macbeth Lane to increase the score for rustic paving treatment that is used to pave unpaved roads in the Secondary Road Improvement Plan. Staff will review the right-of-way.

Upon motion by Ms. Judith McCann-Slaughter, seconded by Mr. Gary Oates, the Committee recommended that Staff included Ruebuck Lane in the next update of the Secondary Road Improvement Plan.

2. MPO Work Program:

Staff provided a brief overview and provided clarity of the Winchester Frederick Metropolitan Planning Organization (MPO) work programs for the coming year.

107 North Kent Street, Suite 202 • Winchester, Virginia 22601-5000

The Committee discussed the potential studies or plans in long-range planning work programs. It was recommended that Staff present to the MPO Technical Advisory Committee as follows in prioritized order:

1. Route 7
2. Route 11 North
3. Lenoir Drive
4. Exit 313-Route 50/Route 522
5. Hopewell Road/Cedar Hill Road *split interchange*

3. County Project Updates

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

VDOT has authorized Staff to proceed with a roundabout design with some clarifications to the 60% design. A meeting was held with the Department of Historic Resources (DHR), VDOT and the Shenandoah Valley Battlefield Foundation to clarify and dispose of comments received as part of the state environmental review process. The Board of Supervisors approved the draft agreement for the Northern Y which was discussed at the last Transportation Committee meeting and has been forwarded for execution.

Renaissance Drive:

Survey work on the site is complete and discussions are ongoing with FirstEnergy regarding powerline adjustments needed to accommodate the bridge. More details on the timelines and commitments required by FirstEnergy are expected this week. Boring locations for the Geotech study are being staked and the Geotech study is expected to be completed in early April. Upon completion of the Geotech, design begins in earnest and 30% bridge designer has provided some preliminary options. Staff is awaiting a response from CSX regarding the design review agreement.

Coverstone Drive:

No activity currently.

Jubal Early Drive Extension and Interchange with Route 37:

No activity currently.

4. Upcoming Agenda Items:

April

MPO Route 11 South Stars Study update

May

Begin Interstate, Primary, and Secondary Road Plan updates (dependent on VDOT projections becoming available)

TBD

Oakdale Crossing Traffic Calming Study

5. Other Business:

Upcoming CTB hearing

JAB/ks

B



MEMO

To: Jay Tibbs, Deputy County Administrator for Human Services
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: April 11, 2018

The Parks and Recreation Commission met on April 10, 2018. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Guss Morrison, Charles Sandy, Jr., Amy Strosnider, and Robert Wells (Board of Supervisors' Non-Voting Liaison). Members absent: None

Items Requiring Board of Supervisors Action:

1. Buildings & Grounds Committee – Frederick Water Easement Sherando Park - The Buildings and Grounds Committee recommended approval of the Frederick Water easement request for the Sherando Park Fire Hydrant Line as submitted, second by Mr. Sandy, motion carried unanimously (8-0). Please find attached a copy of the Frederick Water Deed of Easement. Public hearing is needed to grant this easement.

Submitted for Board Information Only:

1. Buildings & Grounds Committee – Park Rules - Raffles – The Buildings and Grounds Committee recommended changing the park rules as follows “Gambling or betting is not permitted on park property. Bingo’s or raffles may be held at the discretion of the Director and are limited to the area secured by the renter. Solicitation to other park patrons will not be permitted. Contact 540-665-5678 for further details and to obtain a Vendor Permit Application.”, second by Mr. Sandy, motion carried unanimously (8-0).

cc: Randy Carter, Chairman
Robert Wells, Board of Supervisors' Non-Voting Liaison



RESOLUTION

Frederick County Board of Supervisors

DEED OF EASEMENT TO FREDERICK COUNTY SANITATION AUTHORITY (dba Frederick Water)

WHEREAS, Frederick County, VA hereby grant and convey unto the Frederick County Sanitation Authority (dba Frederick Water) a deed of easement across County of Frederick, VA property on the plat entitled "Plat Showing an Easement to be Conveyed to Frederick County Sanitation Authority Across the Land of The County of Frederick, Opequon Magisterial District, Frederick County, Virginia"; and

WHEREAS, said parcel is identified as: Frederick County, Virginia - Tax Parcel Number 86-A-143; and

WHEREAS, Frederick County Sanitation Authority (dba Frederick Water) has requested a deed of easement on the above-referenced parcel for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing one or more present or future water mains and sanitary sewer lines; and

WHEREAS, the Board of Supervisors hereby grants and convey unto the Authority, its successors and assigns, and easement and right of way.

NOW, THEREFORE, BE IT RESOLVED, that the Frederick County Board of Supervisors hereby authorizes the County Administrator, Kris Tierney, to grant a deed of easement for the above described property to Frederick County Sanitation Authority (dba Frederick Water) on behalf of the County.

Adopted this ____ day of May, 2018.

Charles S. DeHaven, Jr., Chairman _____

J. Douglas McCarthy _____

Shannon G. Trout _____

Robert W. Wells _____

Gary A. Lofton _____

Judith McCann-Slaughter _____

Blaine P. Dunn _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

FREDERICK COUNTY SANITATION AUTHORITY
DEED OF EASEMENT

THIS DEED OF EASEMENT, made and entered into this ____ day of _____, 2018, by and between **FREDERICK COUNTY, VIRGINIA** ("Owner"), as grantor for indexing purposes, and **FREDERICK COUNTY SANITATION AUTHORITY d.b.a FREDERICK WATER**, a body politic and corporate (the "Authority"), as grantee for indexing purposes.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Owner does hereby grant and convey unto the Authority, its successors and assigns, an easement and right of way (the "Easement") for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing one or more present or future water mains and sanitary sewer lines, including, without limitation, fire hydrants, valves, vaults, meters, building service connections and connection lines, sanitary lateral lines, manholes and other appurtenant facilities (collectively, the "Facilities"), for the transmission and distribution of water and the collection of sanitary sewer and its transmission through, upon and across the portion of the property of Owner bounded and described as "Proposed 20' FCSA Easement" (the "Easement Area") on the plat entitled "Plat Showing an Easement to be Conveyed to Frederick County Sanitation Authority Across the Land of the County of Frederick, Opequon Magisterial District, Frederick County, Virginia", dated April 6, 2017 and prepared by Elliott Ritchie, Jr. of Painter-Lewis, P.L.C. (the "Plat"), attached hereto and made a part hereof, subject to the following conditions:

1. All Facilities which are installed in the Easement Area shall be and remain the property of the Authority, its successors and assigns.
2. The Authority and its agents shall have full and free use of the Easement for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the Easement, including the right of access to and from the Easement and the right to use adjoining land when necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance; and further, this right shall not be construed to allow the Authority to erect any building or structure of a permanent nature on such adjoining land.
3. The Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions in or reasonably near the Easement Area, including those existing at the time of execution of this Deed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of the Facilities; provided, however, that the Authority, at its own expense, shall restore, as nearly as possible, to their original condition all land or premises included within or adjoining the Easement Area which are disturbed in any manner by the construction, operation and maintenance of the Facilities. Such restoration shall include (i) the backfilling of trenches, (ii) repaving of asphalt, concrete, composite, and other impervious areas, (iii) the reseeding or resodding of lawns or pasture areas, and (iv) the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, and other obstructions located outside the Easement Area, but shall not include the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, or other obstructions located within the Easement Area.

Witness the following signature and seal:

FREDERICK COUNTY SANITATION AUTHORITY:
d.b.a. FREDERICK WATER

BY: _____

STATE OF _____,

CITY/COUNTY OF _____, TO-WIT:

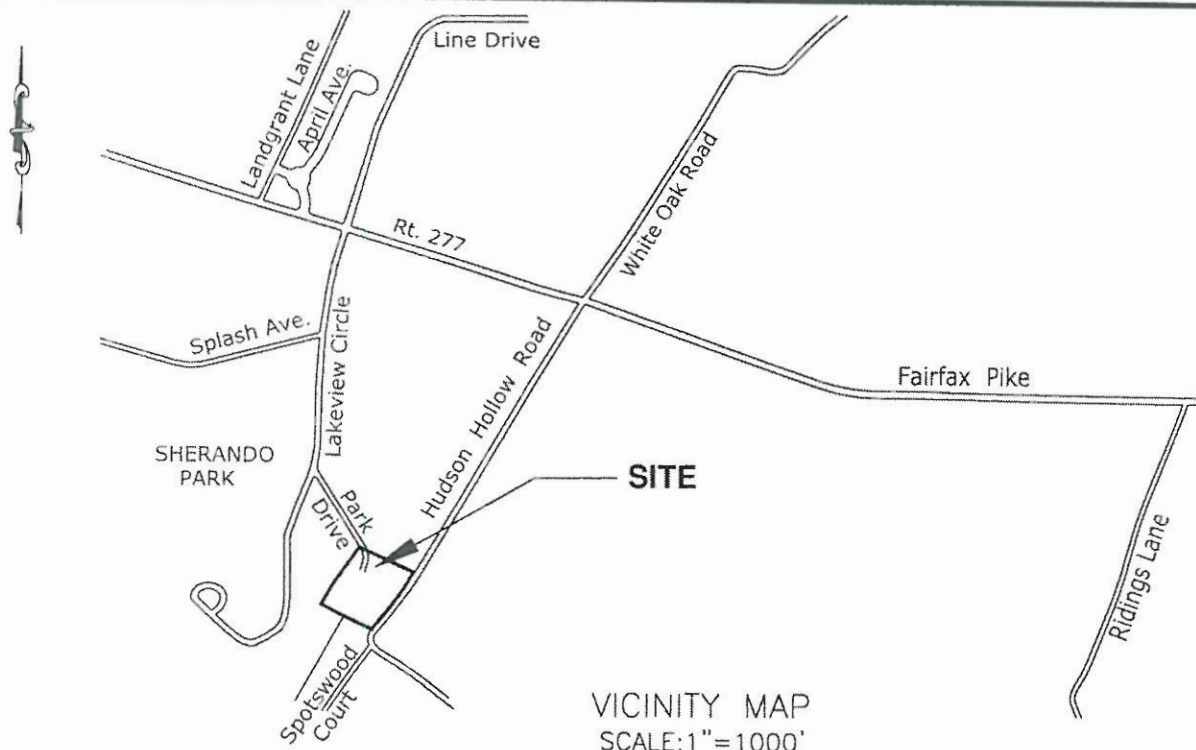
I, _____, a notary public in and for the State and County aforesaid, do
certify that _____, whose name is signed to the foregoing instrument dated
_____, 2018, has acknowledged the same before me.

GIVEN under my hand this ____ day of _____, 2018.

Notary Public

Registration No.: _____

My Commission Expires: _____



APPROVED BY

BY: Michael Newlin
FREDERICK COUNTY SANITATION AUTHORITY

10 Apr 2017

DATE

OWNER'S CONSENT

THE ABOVE AND FOREGOING FREDERICK COUNTY SANITATION AUTHORITY EASEMENT ACROSS THE LAND OF THE COUNTY OF FREDERICK, VIRGINIA, AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY.

BY: _____
COUNTY OF FREDERICK

NOTARY PUBLIC

STATE OF _____

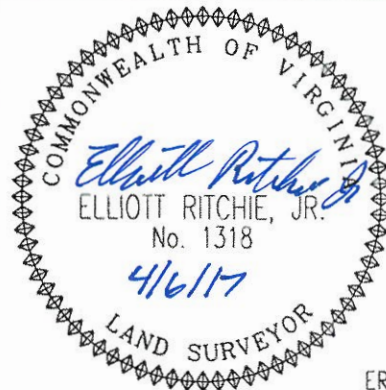
CITY/COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2017

BY _____ ON BEHALF OF THE COUNTY OF FREDERICK, VIRGINIA

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

PLAT SHOWING AN EASEMENT
TO BE CONVEYED TO
FREDERICK COUNTY SANITATION AUTHORITY
ACROSS THE LAND OF THE
COUNTY OF FREDERICK
OPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: APRIL 6, 2017



1701009

SHEET 1 OF 2

ER



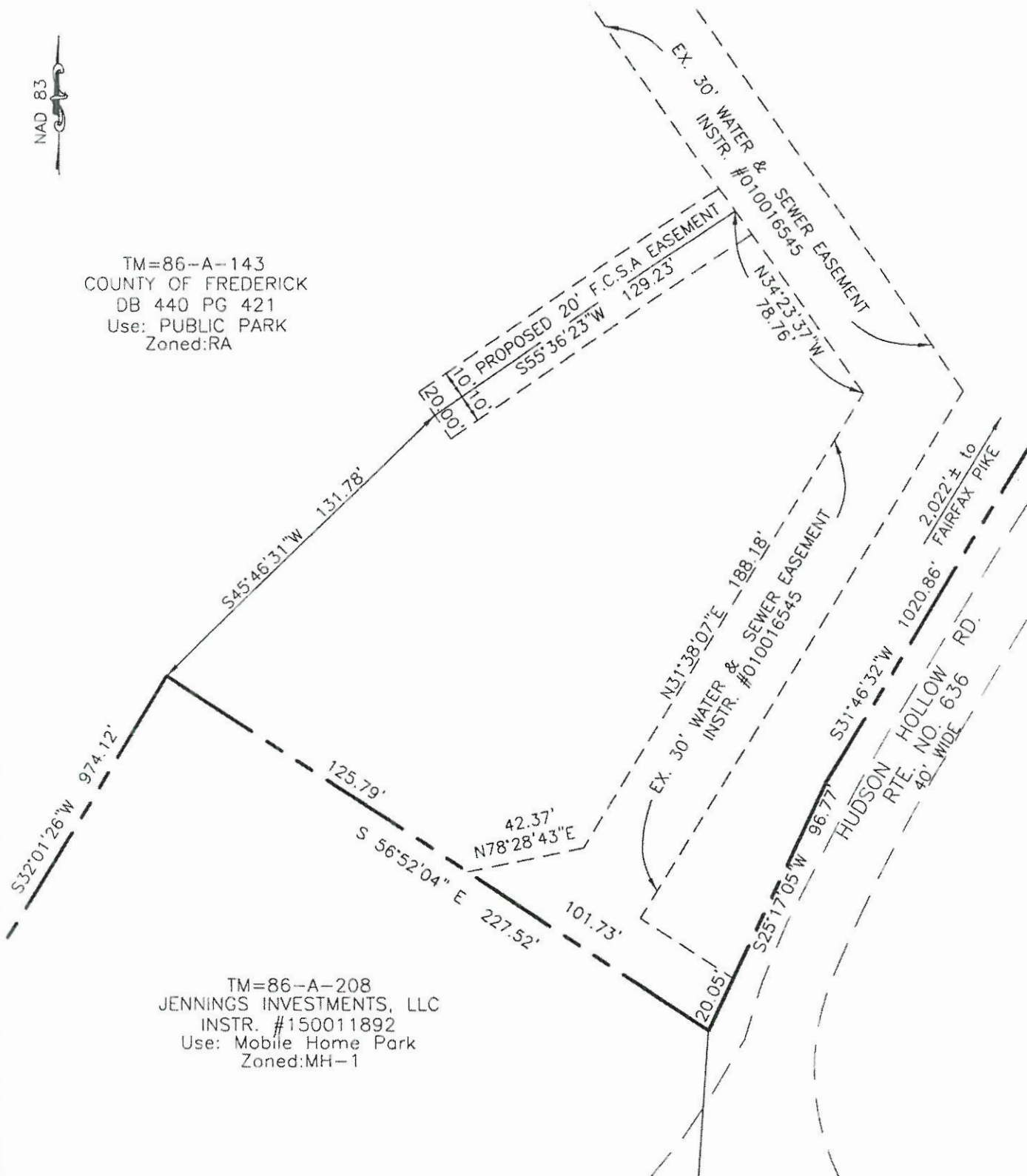
PAINTER-LEWIS, P.L.C.

817 CEDAR CREEK GRADE--SUITE 120
Winchester, Virginia 22601
Email: office@painterlewis.com

Telephone (540) 662-5792
Facsimile (540) 662-5793



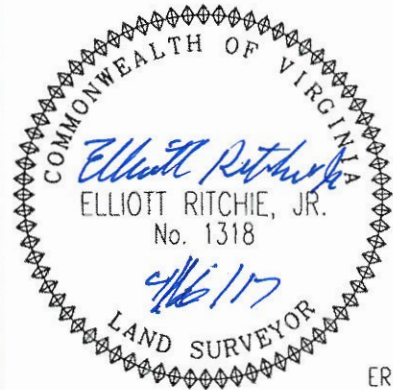
TM=86-A-143
COUNTY OF FREDERICK
DB 440 PG 421
Use: PUBLIC PARK
Zoned:RA



TM=86-A-208
JENNINGS INVESTMENTS, LLC
INSTR. #150011892
Use: Mobile Home Park
Zoned:MH-1

THIS PLAT HAS BEEN PREPARED WITHOUT THE
BENEFIT OF A TITLE REPORT THEREFORE THIS
PLAT MAY NOT SHOW ALL ENCUMBRANCES TO
THE PROPERTY.

PLAT SHOWING AN EASEMENT
TO BE CONVEYED TO
FREDERICK COUNTY SANITATION AUTHORITY
ACROSS THE LAND OF THE
COUNTY OF FREDERICK
OPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
APRIL 6, 2017 SCALE: 1"=50'



1701009

SHEET 2 OF 2

ER



PAINTER-LEWIS, P.L.C.

817 CEDAR CREEK GRADE-SUITE 120
Winchester, Virginia 22601
Email: office@painterlewis.com

Telephone (540) 662-5792
Facsimile (540) 662-5793

C



COUNTY of FREDERICK

Finance Department
Cheryl B. Shiffler
Director

540/665-5610
Fax: 540/667-0370
E-mail: cshiffle@fcva.us

TO: Board of Supervisors
FROM: Finance Committee
DATE: April 18, 2018
SUBJECT: Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, April 18, 2018 at 8:00 a.m. Member Jeff Boppe and non-voting liason William Orndoff were absent. (✓) Items 1 and 2 were approved under consent agenda.

1. (✓) The Sheriff requests a General Fund supplemental appropriation in the amount of \$12,723.94. This amount represents prisoner extradition mileage reimbursements. No local funds required. See attached memos, p. 3 – 6.
2. (✓) The Sheriff requests a General Fund supplemental appropriation in the amount of \$27,941.25. This amount represents reimbursement for four (4) auto insurance claims. No local funds required. See attached memos, p. 7 – 14.
3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$32,287.50. This amount represents unbudgeted revenue received for local traffic control. No local funds required. See attached memo, p. 15 – 17. The committee recommends approval.
4. The Sheriff requests a General Fund budget transfer in the amount of \$100,000 for the purchase of an armor vehicle for the Tactical Team. This amount represents funds expected to be unspent for the current year which are budgeted for health insurance. See attached memo, p. 18. The committee recommends denial.
5. The Winchester Regional Airport Executive Director requests an FY19 Airport Capital Fund supplemental appropriation in the amount of \$705,000. This amount represents the Airport Capital budget for FY19. See attached information, p. 19 – 25. The committee recommends approval.

Finance Committee Report and Recommendations

April 18, 2018

Page 2

6. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$20,000. This amount represents a donation from McKee Foods Corporation for the installation of the Frederick Heights Trail. No local funds required. See attached memo, p. 26. The committee recommends approval.
7. The Voter Registrar requests a General Fund supplemental appropriation in the amount of \$43,603.70. This amount represents funds needed for the June primary elections. Local funds are required. See attached memo, p. 27 – 28. The committee recommends approval.
8. The Finance Department requests a General Fund supplemental appropriation in the amount of \$2,527.72. This amount represents Winter Storm Jonas 2016 reimbursement from VDEM for Middletown, Clearbrook, Gainesboro, and North Mountain Fire & Rescue companies. No local funds required. See attached information, p. 29. The committee recommends approval.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for March 2018. See attached, p. 30.
2. The Finance Director provides financial statements ending March 31, 2018. See attached, p. 31 – 41.
3. The Finance Director provides an FY 2018 Fund Balance Report ending April 12, 2018. See attached, p. 42.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman

Charles DeHaven

Gary Lofton

Angela Rudolph

By Cheryl B. Shiffler

Cheryl B. Shiffler, Finance Director

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff R. Lenny Millholland
SUBJECT : Appropriation of Funds
DATE : March 12, 2018

We are requesting the reimbursements received from the Commonwealth of Virginia, Circuit Courts, received in the Treasurer's Office, for mileage from extraditions completed in July 2017 to February 2018 be appropriated in budget line 3102-5506-000-001. We have been informed to start requesting for state reimbursements for mileage. Please see attached spreadsheet for details.

These reimbursements were posted to revenue line 3-010-1911-058 as follows:

Thank you

LWM/adl

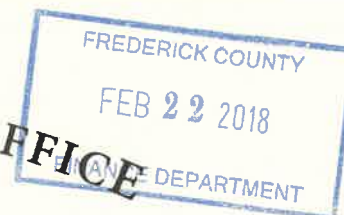
\$4568.91

C.S. 3/2/18 + 3/7/18

Extraditions - Travel Expense Reimbursement

[illegible]

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff R. Lenny Millholland
SUBJECT : Appropriation of Funds
DATE : February 21, 2018

We are requesting the reimbursements received from the Commonwealth of Virginia, Circuit Courts, received in the Treasurer's Office, for extraditions completed in September and December 2017 be appropriated in budget line 3102-5506-000-001

These reimbursements were posted to revenue line 3-010-1911-058 as follows:

| | | | |
|---------|--------------------|--|--------------|
| 9/27/17 | \$4,215.89 | (Crivac – extradition completed 9/20/17) | C.S. 9/29/17 |
| 1/3/18 | 3464.58 | \$3,476.83 (Williams – extradition completed 12/19/17) | C.S. 1/3/18 |
| 1/9/18 | \$ 474.57 | (Biggam – extradition completed 12/20/17) | C.S. 1/9/18 |

Thank you

8155.03

LWM/adl

Date: 3/09/18

Year to Date G/L Inquiry

Time: 14:59:52

Limit Search N From/To Date: 00000000 / 99999999Company No: 001 Account Number: 3010 19110 58 Period:
REIMB.-SHERIFF

| | | | |
|----------------------|---------------------|---------------------|----------------|
| <u>Budget Amount</u> | <u>Year To Date</u> | <u>Encumbrances</u> | <u>Balance</u> |
| \$.00 | \$12,723.94- | \$.00 | \$12,723.94 |

| Date | Source | Reference Number | PO# | Amount | Period |
|----------|--------|-------------------|----------|--------------|--------|
| 07172017 | CS | 1 | 20170717 | \$244.16- | 201707 |
| 08212017 | CS | 1 | 20170821 | \$244.16 | 201708 |
| 09292017 | CS | 1 | 20170929 | \$4,215.89- | 201709 |
| 01032018 | CS | 1 | 20180103 | \$3,464.57- | 201801 |
| 01092018 | CS | 1 | 20180109 | \$474.57- | 201801 |
| 03022018 | CS | 1 | 20180302 | \$4,202.12- | 201803 |
| 03072018 | CS | 1 | 20180307 | \$366.79- | 201803 |
| ***** | | G/L Year-To-Date- | | \$12,723.94- | |

More...

F3=Exit

F5=Print

F19=Page Left

F20=Page Right

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Cheryl Shiffler Director of Finance

FROM : Sheriff Lenny Millholland

DATE : February 23, 2018

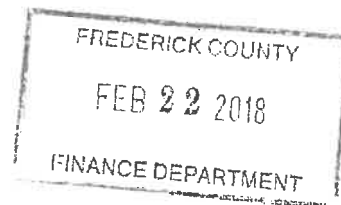
SUBJECT : Insurance Reimbursement

We are requesting the insurance check received in the amount of \$2,586.15 for the auto claim dated February 11, 2018 involving Deputy Marsten be appropriated into our budget line of 3102-3004-000-002.

Thank you

LWM/adl

3-010-018990-0001
C.S. 2/27/18



VACORP

February 16, 2018

Frederick County
Attn: Jennifer Place
107 North Kent Street
Winchester, VA. 22601

1315 Franklin Road, SW
Roanoke, Virginia 24016

540.345.8500
toll free 888.822.6772
fax 540.345.5330
toll free 877.212.8599

Virginia Association of Counties Self Insurance Risk Pool

Member: Frederick County
Claim Number: 0342018204061
Date of Loss: 2/11/2018

Dear Finance Department,

Enclosed please find VACORP property damage check in the amount of \$2,586.15 for the 2016 Ford Taurus that was damaged by on 2/11/2018. This payment was based on the estimate submitted from *Sterling Collision Center* in the amount of \$3,086.15 less the \$500.00 deductible.

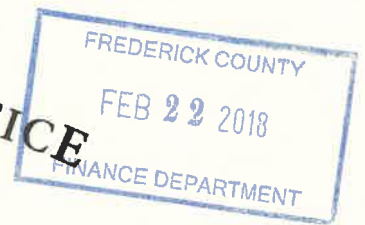
If you should have any questions regarding this payment, please feel free to call me at 1-888-822-6772 ext. 174.

Sincerely,

Jared Mullen
Claims Specialist

Enclosed – Check

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

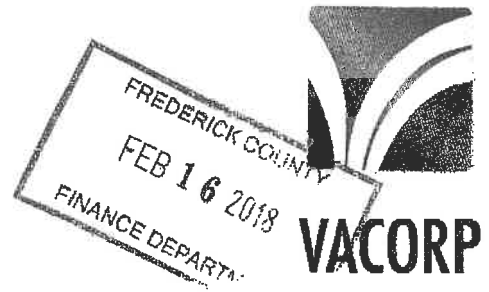
TO : Cheryl Shiffler Director of Finance
FROM : Sheriff Lenny Millholland
DATE : February 20, 2018
SUBJECT : Insurance Reimbursement

We are requesting the insurance check received in the amount of \$6,334.95 for the auto claim dated January 20, 2018 be appropriated into our budget line of 3102-3004-000-002.

Thank you

LWM/adl

3-010-018990-0001
C.S. 2/21/18



February 8, 2018

Frederick County
Attn: Jennifer Place
107 North Kent Street
Winchester, VA 22601

1315 Franklin Road, SW
Roanoke, Virginia 24016

540.345.8500
toll free 888.822.6772
fax 540.345.5330
toll free 877.212.8599

VA Association of Counties Group Self-Insurance Risk Pool

Participant: Frederick County
Claim Number 0342018202580
Date of Loss: 01/20/2018

Dear Frederick County,

Enclosed please find a VACORP property damage check in the amount of \$6,334.95. This check is for cost related to the repair on the 2014 Ford Taurus, Vin # 4876 This amount was determined by the repair cost \$6,834.95- \$500.00 (deductible) = \$6,334.95

If you should have any questions regarding this payment, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "JWP", is located below the "Sincerely," text.

Jennifer Williams
Claims Associate

Enclosed: check

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

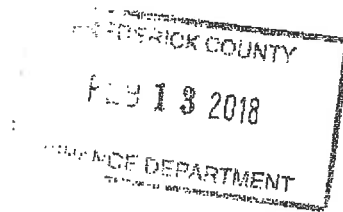
TO : Cheryl Shiffler, Finance Department
FROM : Sheriff Lenny Millholland
SUBJECT : Insurance Reimbursement
DATE : February 20, 2018

We are requesting the insurance check received in the amount of \$7,304.81 for the auto claim dated January 5, 2018 involving Deputy Sampson be appropriated into our budget line of 3102-3004.000-002.

Thank you.

LWM/adl

3-010-018990-0001
C.S. 2/16/18



VACORP

February 2, 2018

Frederick County
Attn: Jennifer Place
107 North Kent Street
Winchester, VA 22601

1315 Franklin Road, SW
Roanoke, Virginia 24016

540.345.8500
toll free 888.822.6772
fax 540.345.5330
toll free 877.212.8599

VA Association of Counties Group Self-Insurance Risk Pool

Participant: Frederick County
Claim Number 0342018201795
Date of Loss: 01/05/2018

Dear Frederick County,

Enclosed please find a VACORP property damage check in the amount of \$7,304.81. This check is for cost related to the repair on the 2016 Ford Taurus, Vin # 6970. This amount was determined by the repair cost \$7804.81- \$500.00 (deductible) = \$7304.81.

If you should have any questions regarding this payment, please do not hesitate to contact our office.

Sincerely,

Jennifer Williams
Claims Associate

Enclosed: check

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Finance Department
FROM : Sheriff Lenny Millholland
SUBJECT : Insurance Reimbursement
DATE : February 20, 2018

We are requesting the insurance check received in the amount of \$11,715.34 for the auto claim dated January 1, 2018 involving the parked cruiser that was struck be appropriated into our budget line of 3102-8005.000-000. This cruiser was determined to be a total loss.

Thank you.

LWM/adl

3-016-018990-0001
C.S. 2/16/18



Nationwide Insurance
PO BOX 182166
COLUMBUS, OH 43218-2166
1-800-421-3535

3-010-018990-
0001
1096

Policy Holder: AMBER SWEITZER
Policy Number: 5345U 024297
Contract Number:

Claim Key: 527868-GG
Check Number: 10789803
Check Issued: 02-07-2018 grafn1

Below Check Covers Items Indicated

Company: NATIONWIDE PROPERTY & CASUALTY INSURANCE COMPANY

Payment of \$11715.34 is being paid under the Liability - Property Damage coverage for the damages reported on this policy. Vehicle Details: 2014 FORD Van - VIN EG156464

Memo: Claim 527868-GG - Third Party Property Damage Liability Coveage Paid

If you have questions about this check please contact Nickolas Graf 877-413-9283 x8542702

Claimant Name: Frederick County Sheriff's Department

Detach Stub Before Cashing And Keep For Your Record

THIS IS WATERMARKED PAPER - HOLD TO LIGHT TO VERIFY WATERMARK

G-2002-2D (3/16)

Nationwide Insurance
PO BOX 182166
COLUMBUS, OH 43218-2166
1-800-421-3535

Check No: 10789803
Date: 02-07-2018
Valid If Not Cashed Within 180 Days
Ref: 527868-GG
10789803

56:1544
441

PAY
EXACTLY

ELEVEN THOUSAND SEVEN HUNDRED FIFTEEN AND 34/100 DOLLARS

Pay
To The
Order
Of

County of Frederick
107 N Kent St
Winchester VA 22601-5039

\$*11,715.34*

Authorized Signature

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff R. Lenny Millholland
SUBJECT : Appropriation of Funds – Traffic Control/Overtime Reimbursements
DATE : April 12, 2018

We are requesting the reimbursements received for recovered costs totaling \$32,287.50 that was posted to 3010-019010-0018 for traffic control and overtime from July 2017 – March 2017 be appropriated in budget line 3102-1005-000-000.

Thank you

LWM/adl

Company No: 001 Account Number: 3010 19010 18 Period:
 Date: 4/11/18 RECOVERED COSTS-SHERIFF Time: 1242
 Budget Amount Year To Date Encumbrances Balance
 \$.00 \$32,287.50- \$.00 \$32,287.50

```

=====
Date Source Reference Number PO# Amount Period Description
07112017 CS 1 20170711 $350.00-201707 -TREASURER CASH REPORT-
07262017 CS 1 20170726 $1,200.00-201707 -TREASURER CASH REPORT-
08092017 CS 1 20170809 $300.00-201708 -TREASURER CASH REPORT-
08242017 CS 1 20170824 $1,400.00-201708 -TREASURER CASH REPORT-
09122017 CS 1 20170912 $500.00-201709 -TREASURER CASH REPORT-
09142017 CS 1 20170914 $1,100.00-201709 -TREASURER CASH REPORT-
09282017 CS 1 20170928 $400.00-201709 -TREASURER CASH REPORT-
10042017 CS 1 20171004 $775.00-201710 -TREASURER CASH REPORT-
10122017 CS 1 20171012 $500.00-201710 -TREASURER CASH REPORT-
11092017 CS 1 20171109 $1,200.00-201711 -TREASURER CASH REPORT-
11272017 CS 1 20171127 $1,800.00-201711 -TREASURER CASH REPORT-
11292017 CS 1 20171129 $1,100.00-201711 -TREASURER CASH REPORT-
12082017 CS 1 20171208 $500.00-201712 -TREASURER CASH REPORT-
01112018 CS 1 20180111 $4,000.00-201801 -TREASURER CASH REPORT-
01112018 JE 1 180466 $10,125.00-201801 FCSO WINTER WONDERLAND
01312018 CS 1 20180131 $3,000.00-201801 -TREASURER CASH REPORT-
02232018 CS 1 20180223 $250.00-201802 -TREASURER CASH REPORT-
02272018 CS 1 20180227 $400.00-201802 -TREASURER CASH REPORT-
03052018 CS 1 20180305 $1,000.00-201803 -TREASURER CASH REPORT-
03132018 CS 1 20180313 $900.00-201803 -TREASURER CASH REPORT-
03192018 CS 1 20180319 $187.50-201803 -TREASURER CASH REPORT-
03292018 CS 1 20180329 $1,300.00-201803 -TREASURER CASH REPORT-
***** G/L Year-To-Date- $32,287.50-

***** Encumbrance-

***** A/P Holding File-

***** P/R Holding File-

***** U/T Holding File-

***** A/R Holding File-

***** G/L Holding File-

***** S/S Holding File-

***** INV Holding File-

***** Budget Amount-

```

Invoice Tracker - Contracted Services

[illegible]

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

To : Cheryl Shiffler, Director of Finance

From : Sheriff Lenny Millholland

Subject : Transfer of Funds – Armor Vehicle

Date : April 12, 2018

We are requesting a transfer of funds in the amount of \$100,000.00 from Hospital/Medical Plan line item 3102-2005-000-000 to be posted to our budget line 3102-8005-000-00 for the Tactical Team Armor vehicle.

In the past I've been told that we didn't transfer out to make needed purchases for equipment for this agency. Currently it appears that we will have additional funds left over out of FY17-18 budget because of our health and medical expenses are less than the total.

We will wait until the last minute before we place an order if approved.

Thank you.

LWM/adl

current bal 3102-2005: \$458,590
estimate per payroll: \$60,000
5 payrolls remain in FY: \$300,000
estimated available: \$158,590



Winchester Regional Airport Authority

City & County Revenue Shares Adjusted Based On Weldon Cooper Center 07/01/2016 population estimate published on 1/30/2017

FY 2019 - Budget Request

CAPITAL IMPROVEMENT FUND 85

AMENDMENT REQUEST - MARCH 28, 2018

County of Frederick
City of Winchester
Counties of Clarke, Shenandoah & Warren

FY 2019 CAPITAL IMPROVEMENTS FISCAL YEAR BUDGET REQUEST

AIRPORT AUTHORITY CAPITAL OUTLAY

ACQUIRE LAND

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

NEW GENERAL AVIATION TERMINAL BUILDING & SITE - DESIGN PHASE

The Winchester Regional Airport proposes construction of a new general aviation terminal building. The new facility will be constructed in a new location slightly south of the existing terminal building.

Since its opening in the early 1990s, the general aviation terminal building for the Winchester Regional Airport has had only limited interior work completed. Interior repairs are necessary due to extensive usage and some damage from water leaking from the roof prior to its replacement in the Spring of 2006 by necessity. The heating and cooling systems are approaching 25 years in age and are nearing the end of their useful life. The exterior of the terminal building is made from drivet that has failed in many areas and is generally in fair to poor condition. In addition, the windows are not energy efficient and several of the window seals have failed.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

| | FY 2017
BUDGET | FY 2018
BUDGET | FY 2019
BUDGET |
|---------------|-------------------|-------------------|-------------------|
| COSTS: | | | |
| Personnel | 0 | 0 | 0 |
| Operating | 0 | 0 | 0 |
| Capital | 4,206,400 | 2,165,000 | 705,000 |
| TOTAL | 4,206,400 | 2,165,000 | 705,000 |

Relocate TW A, Section 1 - (Design Phase)

This project will complete the design for the first phase of the relocation of the south side parallel taxiway from a 300 foot runway centerline offset to 400 feet coupled with an upgrade to Group III. This initial phase is to begin at the Runway 32 threshold and terminate Taxiway D.

Land Services- RW 14 Approach Easements

Surveys, appraisals, and review appraisals to support the acquisition of 6 easements identified on the airport property map; PE1, PE2, PE3, PE4, PE5, and PE6.

GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

| | FY 2017
BUDGET | FY 2018
BUDGET | FY 2019
BUDGET |
|---------------------|-------------------|-------------------|-------------------|
| REVENUES: | | | |
| Other Jurisdictions | 59,180 | 79,826 | 25,922 |
| State/Federal | 3,992,027 | 1,875,500 | 630,500 |
| County Funding | 155,193 | 209,674 | 48,578 |
| TOTAL | 4,206,400 | 2,165,000 | 705,000 |

FY 2019 - CAPITAL IMPROVEMENT EXPENDITURES

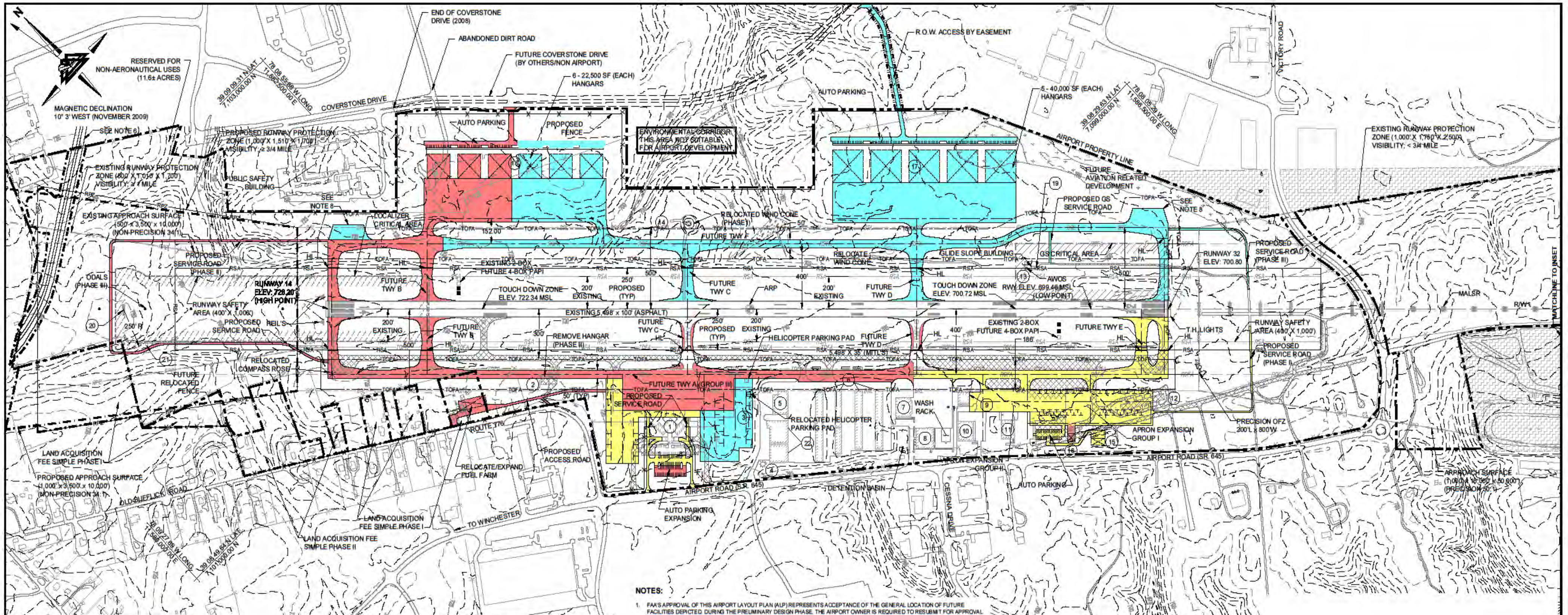
March 28, 2018

AMENDMENT

Winchester Regional Airport

| Description | | | DETAIL AMOUNT | TOTAL AMOUNT |
|---|---|---|------------------|------------------|
| | Taxiway A Relocation - Phase 1 - Demolition (DD/Bid/CO) | This initial phase is to begin at the Runway 32 threshold and terminate Taxiway D to relocate existing taxiway A | \$300,000 | \$300,000 |
| | Acquire Land - Parcel 64B A 51:- Moreland (RPZ) | Land Acquisition - Runway 14 Obstruction Removal | \$0 | \$0 |
| | Acquire Land - Parcel 64B A 33A:- Beaver (RPZ) | Land Acquisition - Runway 14 Obstruction Removal | \$0 | \$0 |
| | Acquire Land - Parcel 64B A 40:- Rosenberger (RPZ) | Land Acquisition - Runway 14 Obstruction Removal | \$0 | \$0 |
| Possible carry forward FY 18 if funding from DOAV was not awarded | New GA Terminal - Bldg (Design) | Design for construction of new terminal building (depending on available State funding) - carry forward from FY 2018 | \$0 | \$0 |
| Possible carry forward FY 18 if funding from DOAV was not awarded | New GA Terminal - Site Prep (Design) | Design for construction of site for new terminal building (depending on available State funding) - carry forward from FY18 | \$200,000 | \$200,000 |
| Construction phase will be moved to FY 2020 if design phases are funded and completed in FY 2018 | New GA Terminal Site Prep - (Construction) Phase 1 | Construction of site for new GA terminal (depending on available State funding) - contingent upon DOAV funding | \$0 | \$0 |
| | Land Services - RW 14 RPZ - (Surveys, appraisals, ESA, etc) | the acquisition of 6 easements identified on the airport property map; PE1, PE2, PE3, PE4, PE5, and PE6 | \$150,000 | \$150,000 |
| | Professional Services - Capital Projects | Various legal services, independent fee estimates on Federal projects, etc. | \$20,000 | \$20,000 |
| | State Eligible Annual Maintenance Repairs | General Repairs | \$20,000 | \$20,000 |
| | State Eligible Annual Maintenance Repairs | F & E repairs, lighting supplies, etc | \$15,000 | \$15,000 |
| | TOTAL | | \$705,000 | \$705,000 |

| FY 2019 - CAPITAL IMPROVEMENT REVENUES | | | | | |
|---|---|--------------------------|------------------------|-------------------------|----------------|
| Winchester Regional Airport | | | | | |
| March 28, 2018 | AMENDMENT | REVENUE SOURCE | | | |
| Description | | FEDERAL | STATE | LOCAL | TOTAL |
| Taxiway A Relocation - Phase 1 - Demolition (DD/Bid/CO) | 90/8/2 FAA/State/Local | 270,000 | 24,000 | 6,000 | 300,000 |
| Acquire Land - Parcel 64B-A-51: Moreland (RPZ) | 90/8/2 FAA/State/Local | 0 | 0 | 0 | 0 |
| Acquire Land - Parcel 64B-A-33A: Beaver (RPZ) | 90/8/2 FAA/State/Local | 0 | 0 | 0 | 0 |
| Acquire Land - Parcel 64B-A-40: Rosenberger (RPZ) | 90/8/2 FAA/State/Local | 0 | 0 | 0 | 0 |
| New GA Terminal - Bldg (Design) | State/Local public/private space limitations | 0 | 0 | 0 | 0 |
| New GA Terminal - Site Prep (Design) | 80/20 State/Local public/private space limitations | 0 | 160,000 | 40,000 | 200,000 |
| New GA Terminal Site Prep - (Construction) Phase 1 | 80/20 State/Local public/private space limitations | 0 | 0 | 0 | 0 |
| Land Services - RW 14 RPZ - (Surveys, appraisals, ESA, etc) | 90/8/2 FAA/State/Local | 135,000 | 12,000 | 3,000 | 150,000 |
| Professional Services - Capital Projects | LOCAL ONLY | 0 | 0 | 20,000 | 20,000 |
| State Eligible Annual Maintenance Repairs | 80/20 State/Local | 0 | 16,000 | 4,000 | 20,000 |
| State Eligible Annual Maintenance Repairs | 90/10 State/Local | 0 | 13,500 | 1,500 | 15,000 |
| | Total Revenue Breakdown | 405,000 | 225,500 | 74,500 | 705,000 |
| | Local Revenue Breakdown | | | | |
| | Contribution Clarke County | 2,500 | | | |
| | Contribution Warren County | 2,500 | | | |
| | Contribution Shenandoah County | 5,000 | | | |
| | Frederick Co/City of Winchester | 64,500 | | | |
| | Local Revenue | 74,500 | | | |
| | | County Population | City Population | Total Population | |
| *Population figures based on Weldon Cooper 7/1/2016 estimates published on 1/30/2017 | | 83,998 | 27,531 | 111,529 | |
| FY 2017 Percentages for funding | | 75.3% | 24.7% | | |



| DEVELOPMENT PROGRAM | |
|-------------------------------------|--|
| PHASE I DEVELOPMENT (0-5 YEARS) | |
| PHASE II DEVELOPMENT (6-10 YEARS) | |
| PHASE III DEVELOPMENT (11-20 YEARS) | |

| RUNWAY DATA TABLE | | | | |
|---------------------------------|------------------|---------------------|-----------------------------|--------------------|
| DESCRIPTION | RUNWAY 14 | | RUNWAY 32 | |
| | EXISTING | PROPOSED | EXISTING | PROPOSED |
| RUNWAY END COORDINATES (NAD 83) | | | | |
| LATITUDE | 39° 08' 55.49" N | SAME | 39° 08' 17.97" N | SAME |
| LONGITUDE | 78° 09' 05.27" W | SAME | 78° 08' 14.87" W | SAME |
| RUNWAY BEARING (TRUE) | N48° 27' 03.2" W | SAME | S48° 27' 03.3" E | SAME |
| APPROACH MINIMUMS | 1 MILE | 3/4 MILE | 1/2 MILE | SAME |
| FAA PART 77 CATEGORY | NON-PRECISION | NON-PRECISION | PRECISION | PRECISION |
| APPROACH SURFACE SLOPE | 34.1 | SAME | 50.1 | SAME |
| RUNWAY LENGTH | 5,498 | 5,507 | 5,498 | 5,507 |
| RUNWAY WIDTH | 100 | SAME | 100 | SAME |
| USABLE RUNWAY LENGTH | 5,498 | 5,507 | 5,498 | 5,507 |
| SURFACE TYPE | ASPHALT | SAME | ASPHALT | SAME |
| PAVEMENT STRENGTH | | | | |
| SINGLE WHEEL | 75,000 LBS | SAME | 75,000 LBS | SAME |
| DUAL WHEEL | 150,000 LBS | SAME | 150,000 LBS | SAME |
| RUNWAY LIGHTING | MRL | HRL | MRL | HRL |
| RUNWAY MARKINGS | NON-PRECISION | SAME | PRECISION | SAME |
| EFFECTIVE GRADIENT (%) | 0.44 | SAME | 0.44 | SAME |
| MAX. GRADE WITHIN RWY LENGTH | 0.71 | SAME | 0.71 | SAME |
| LINE OF SIGHT VIOLATIONS | NONE | NONE | NONE | NONE |
| WIND COVERAGE (%) | 99.08 | SAME | 99.13 | SAME |
| VISUAL APPROACH AIDS | REL. 28 PAPI | REL. ODALS, 48 PAPI | MALSR, 28 PAPI, T.H. LIGHTS | SAME, 48 PAPI |
| INSTRUMENT APPROACH AIDS | GPS | GPS, ODALS | ILS, GPS | SAME |
| AIRPORT REFERENCE CODE (ARC) | C-I | < 150,000 LBS | C-II | < 150,000 LBS |
| CRITICAL AIRCRAFT (SEE NOTE 9) | HAWKER 800 | GULFSTREAM 500/650 | HAWKER 800 | GULFSTREAM 500/650 |
| RUNWAY SAFETY AREA (RSA) | | | | |
| LENGTH BEYOND RUNWAY | 1,000' | SAME | 1,000' | SAME |
| WIDTH | 400' | 500' | 400' | 500' |
| RUNWAY OBJECT FREE AREA (ROFA) | | | | |
| LENGTH BEYOND RUNWAY | 1,000' | SAME | 900' TO 1,000' (MOD) | SAME |
| WIDTH | 800' | SAME | 680' TO 800' (MOD) | SAME |
| OBSTACLE FREE ZONE (OFZ) | 400' X 5,596' | 400' X 5,500' | 400' X 5,596' | 400' X 5,500' |
| RUNWAY END ELEVATIONS (MSL) | 726.20' | SAME | 700.80' | SAME |

| AIRPORT DATA TABLE | | |
|--------------------------------------|---|---|
| AIRPORT DATA | EXISTING | PROPOSED |
| AIRPORT ELEVATION (MSL) | 726.2 | SAME |
| AIRPORT REFERENCE POINT (NAD 83) | | |
| LATITUDE | 39° 08' 56.88" N | SAME |
| LONGITUDE | 78° 08' 46.08" W | SAME |
| MEAN MAG. VARIATION OF HORIZON NORTH | 88° | SAME |
| WIND COVERAGE (15.5 KNOTS) | | |
| VFR | 95.22% | SAME |
| IFR | 98.81% | SAME |
| MAGNETIC VARIATION (NOVEMBER 2009) | 10° 3' WEST | |
| AIRPORT REFERENCE CODE (SEE NOTE 9) | C-I | D-II |
| NPRAS SERVICE LEVEL STATE ROLE | GA/ | GA/ REGIONAL |
| TAXIWAY LIGHTING | MTL | SAME |
| AIRPORT NAVAIDS | WIL BEACON, HELS, 28 PAPI, 48 PAPI, 115, MALSR, RWY 32, GPS | SAME + HRL, 48 PAPI, 115, ODALS, RWY 14 |

| LEGEND | | |
|----------|--|----------|
| EXISTING | DESCRIPTION | PROPOSED |
| --- | RUNWAY SAFETY AREA (RSA) | --- |
| --- | RUNWAY OBJECT FREE AREA (ROFA) | --- |
| --- | RUNWAY PROTECTION ZONE (RPZ) | --- |
| --- | TAXIWAY OBJECT FREE AREA (TOFA) | --- |
| --- | BUILDING RESTRICTION LINE (BRL) | --- |
| --- | PRECISION OBSTACLE FREE ZONE | --- |
| --- | PAVEMENT | --- |
| --- | AIRPORT PROPERTY LINE | --- |
| --- | AVIATION EASEMENT | --- |
| --- | R.O.W. ACCESS BY EASEMENT | --- |
| --- | APPROACH SURFACE | --- |
| --- | GLIDESLOPE CRITICAL AREA | --- |
| --- | LOCALIZER CRITICAL AREA | --- |
| --- | AIRPORT REFERENCE POINT | --- |
| --- | BUILDINGS | --- |
| --- | FENCE | --- |
| --- | DEMOLITION | --- |
| --- | WIND CONSEGMENTED CIRCLE | --- |
| --- | COMPASS ROSE | --- |
| --- | HOLD LINE | --- |
| --- | ROTATING BEACON | --- |
| --- | PAVEMENT | --- |
| --- | WETLANDS (APPROX. LOCATION, AS EXPRESSED) | --- |
| --- | WETLANDS (NO. 02000-1070, ISSUED 07-21-08) | --- |

- NOTES:
- FAA'S APPROVAL OF THIS AIRPORT LAYOUT PLAN (ALP) REPRESENTS ACCEPTANCE OF THE GENERAL LOCATION OF FUTURE FACILITIES. DURING THE PRELIMINARY DESIGN PHASE, THE AIRPORT OWNER IS REQUIRED TO REEVALUATE FOR APPROVAL THE FINAL LOCATIONS, HEIGHTS AND EXTERIOR FINISH OF STRUCTURES. FAA'S CONCERN IS OBSTRUCTIONS IMPACT ON ELECTRONIC AIDS OR ADVERSE EFFECTS ON CONTROLLER VIEW OF AIRCRAFT APPROACH AND GROUND MOVEMENT AREAS WHICH COULD ADVERSELY AFFECT THE SAFETY, EFFICIENCY OR UTILITY OF THE AIRPORT.
 - CONTOURS ARE SHOWN IN 5' INTERVALS.
 - ALL COORDINATES ARE BASED IN NAD 83.
 - ALL ELEVATIONS ARE IN FEET MEAN ABOVE SEA LEVEL (NAVD 83).
 - THERE ARE NO KNOWN EXISTING OFZ PENETRATIONS.
 - THE VIRGINIA DEPARTMENT OF TRANSPORTATION IS PROPOSING TO CONSTRUCT A NEW 4 LANE ROADWAY APPROXIMATELY 1,800 FEET TO 2,000 FEET OFF THE END OF RUNWAY 14. THE PROPOSAL WILL REQUIRE THE RELEASE OF APPROXIMATELY 413 ACRES OF EXISTING AIRPORT PROPERTY. THE LAND RELEASE IS IDENTIFIED AS PARCEL 55 ON THE AIRPORT PROPERTY MAP.
 - A GROUP OF TREES AND THE AIRPORT PERIMETER FENCE (ALONG THE PROPERTY LINE) ARE BOTH PENETRATIONS TO THE THRESHOLD SURFACE TO RUNWAY 14 WITH THE TREES CURRENTLY THE MOST CRITICAL. THE AIRPORT HAS PROGRAMMED ACQUISITION OF THE ADJACENT PARCELS. ONCE ACQUIRED, THE FENCE AND TREES CAN BE MOVED TO CLEAR THE SURFACE. OBSTRUCTION LIGHTING WILL BE INSTALLED AS AN INTERIM STEP PRIOR TO REMOVAL OF THE OBSTRUCTIONS.
 - NORTH SIDE HOLD APRONS ARE GENERALLY SIZED TO ACCOMMODATE 2 G-V AIRCRAFT. HOWEVER, ACTUAL NEED FOR AND SIZE OF HOLD APRONS SHALL BE EVALUATED ONCE NORTHEAST SIDE DEVELOPMENT HAS OCCURRED AND ACTUAL AIRCRAFT OPERATIONAL LEVELS AND FLEET MIX ARE BETTER DEFINED.
 - AT THE TIME OF COMPLETION OF THE ALP, DATA SUPPORTED BUT DID NOT FULLY JUSTIFY CHANGING THE ARC FROM C-I TO D-II. HOWEVER, TO ENSURE THAT FUTURE DEVELOPMENT DOES NOT PRECLUDE THE CHANGE, THE ALP REFLECTS DESIGN CHARACTERISTICS FOR AN ARC OF D-II. EACH PROJECT SHOULD BE EVALUATED AT THE BEGINNING OF DESIGN TO DETERMINE WHAT DESIGN ARC SHOULD BE INCORPORATED.

| FACILITIES TABLE | | | |
|------------------|---------------------------------------|-------------|---|
| # | FACILITY NAME | TOP ELEV. # | FACILITY NAME |
| 1 | TERMINAL BUILDING | 744 MSL | 15 AIRFIELD MAINTENANCE BUILDING (PROPOSED) |
| 2 | OPEN SPAN HANGAR | 748 MSL | 16 RELOCATED CAP HANGAR |
| 3 | FUEL TANKS (ABOVE GROUND) | 727 MSL | 17 CORPORATE HANGARS (PROPOSED) |
| 4 | AIRPORT BEACON | 742 MSL | 18 CORPORATE HANGARS (PROPOSED) |
| 5 | OPEN SPAN HANGAR | 744 MSL | 19 GLIDE SLOPE ANTENNA |
| 6 | T-HANGARS (44 UNITS) | 728 MSL | 20 LOCALIZER |
| 7 | OPEN SPAN HANGARS | 725 MSL | 21 LOCALIZER SHELTER |
| 8 | OPEN SPAN HANGARS | 754 MSL | 22 CORPORATE HANGARS (2) |
| 9 | OPEN SPAN HANGARS | 750 MSL | |
| 10 | OPEN SPAN HANGARS | 737 MSL | |
| 11 | OPEN SPAN HANGARS | 742 MSL | |
| 12 | T-HANGARS (10 UNITS) (REMOVE PHASE I) | 719 MSL | |
| 13 | AVIOS | 732 MSL | |
| 14 | ELECTRICAL VAULT | 735 MSL | |

| MODIFICATIONS OF DESIGN STANDARDS | | | |
|-----------------------------------|------------------------------|------------------|----------------------------|
| NO. | STANDARD MODIFIED | FAA STANDARDS | PROPOSED ACTION |
| 1 | RWY SEPARATION | 400' | RELOCATE TAXIWAY A TO 400' |
| 2 | VICTORY LANE LOCATED IN ROFA | NO ROADS IN ROFA | ROAD IN ROFA |

| FEDERAL AVIATION ADMINISTRATION | | VIRGINIA DEPARTMENT OF AVIATION | | WINCHESTER REGIONAL AIRPORT AUTHORITY | |
|---------------------------------|--------------|---------------------------------|--------------|---------------------------------------|--------------|
| SIGNED: CHAD CARPER | FEB 11, 2013 | SIGNED: S. SCOTT DENNY | FEB 14, 2013 | SIGNED: RICHARD MANUEL | FEB 14, 2013 |
| APPROVED | DATE | APPROVED | DATE | APPROVED | DATE |

300 0 300 600

SCALE: 1"=300'

FEET

INSET

IFR WINDROSE

VFR WINDROSE

NO. REVISIONS BY APP. DATE

| | | | | |
|---|--|-----|-----|---------|
| 1 | REVISED AIRPORT PROPERTY LINE ADDED ADJACENT DEVELOPMENT ADDED FACILITY 22: UPDATED WETLANDS | MMH | JCL | 8/8/08 |
| 2 | ADDED WINDPAC: UPDATED RUNWAY LENGTH: ELEVATION STATIONS PER PER SURVEY: 8/10/08 | ACB | ACB | 11/9/08 |
| 3 | REVISED LOCATION OF MAINTENANCE FACILITY: ADDED CAP HANGAR RELOCATION: REVISED SOUTH AFRON LAYOUT: DEMOLISHED STRUCTURES ON OLD BUFLUCK RD. RELATIVE TO RW | JRS | ACB | 3/22/12 |
| 4 | UPDATED PAVEMENT STRENGTH | RWW | TSE | 1/28/13 |

AIRPORT LAYOUT PLAN

WINCHESTER REGIONAL AIRPORT

WINCHESTER, VIRGINIA

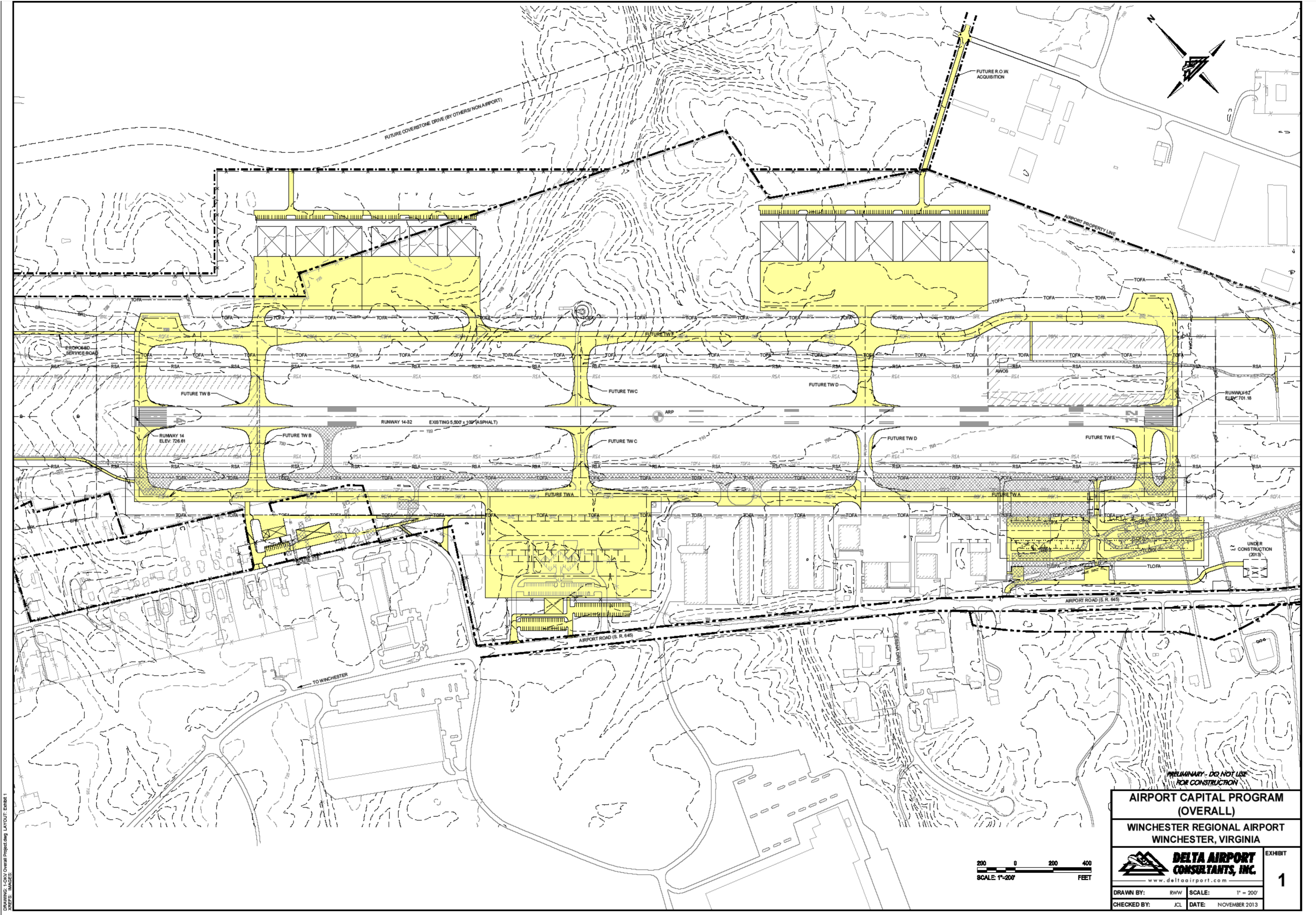
DELTA AIRPORT CONSULTANTS, INC.

www.deltairport.com

DRAWN BY: MMH SCALE: 1"=300'

CHECKED BY: JCL DATE: JULY 2005

SHEET 1 OF 1



1. DRAWING: 1.000 Overall Projected.dwg
2. SHEET: 1.000
3. DATE: 11/15/2013

| | | |
|--|---------------------|---------------------|
| AIRPORT CAPITAL PROGRAM
(OVERALL) | | |
| WINCHESTER REGIONAL AIRPORT
WINCHESTER, VIRGINIA | | |
|  DELTA AIRPORT
CONSULTANTS, INC.
www.deltairport.com | | EXHIBIT
1 |
| DRAWN BY: RWV | SCALE: 1" = 200' | |
| CHECKED BY: JCL | DATE: NOVEMBER 2013 | |



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

To: Finance Committee
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Request for General Fund Supplemental Appropriation
Date: March 28, 2018

I would like to request a General Fund supplemental appropriation in the amount of \$20,000. This amount represents a donation from McKee Foods Corporation for the installation of the Frederick Heights Trail. It is requested that this amount be appropriated to line item 4-010-071090-8900-000-000. These funds were deposited into Donations 1899-03 on 12/08/17.

If you have any questions or need additional information, please contact me at your convenience.

kcd

MEMORANDUM

To: Frederick County Finance Committee

From: Rick Miller, Voter Registrar, Frederick County

Subject: Supplemental Budget Request for June 12, 2018 Democratic and Republican Primaries

Date: Wednesday, April 11, 2018

The Voter Registrar requests to be placed on the Fredrick County Finance Committee Agenda for the Wednesday, April 18, 2018 meeting. The purpose of this request is to seek approval of the Supplemental Budget Request for the Democratic and Republican Primaries to be held on Tuesday, June 12, 2018.

The amount of the Supplemental Budget Request is \$ 43,603.70. This amount will Cover all expenses related to the Democratic and Republican Primaries to be held on Tuesday, June 12, 2018.

This Supplemental Budget Request is to be done from the 2017 – 2018 Budget year.

June 12, 2018 Democratic and Republican Party Primaries

Offices – Democratic – House of Representatives 10th Congressional District

- Republican – U. S. Senate, House of Representatives 10th Congressional District

Supplemental Budget Request

Line Item Budget Requests

13010 - Electoral Board

| | |
|---|--------------|
| 1003 – 000 - Part Time/Extra Help | \$ 7,140.00 |
| 1006 – 002 - Compensation of Election Officials | \$ 25,140.00 |
| 3007 – 000 – Advertising | \$ 250.00 |
| 3010 – 000 – Other Contractual Services | \$ 9,076.50 |
| 5204 – 000 – Postage | \$ 559.50 |
| 5401 – 000 – Office Supplies | \$ 200.00 |
| 5506 – 000 – Travel | \$ 378.00 |

13020 – Registrar

| | |
|---|-----------|
| 1005 – 000 – Overtime Dep. & Asst. Registrars | \$ 859.70 |
|---|-----------|

| | |
|-------|--------------|
| TOTAL | \$ 43,603.70 |
|-------|--------------|

10 30 30 20 10 3

| | 2018 | 2019 |
|--------------------------------|------------------------|------|
| Fire and Rescue - | \$80,394.39 | |
| Middletown Fire and Rescue | \$2,083.91 | |
| Clearbrook Fire and Rescue | \$105.01 | |
| Gainesboro Fire and Rescue | \$285.01 | |
| North Mountain Fire and Rescue | \$53.79 | |
| Dispatch | \$992.91 | |
| ✓ Shawneeland | \$3,758.50 | |
| Shelter | \$1,660.92 | |
| Admin | \$10,942.27 | |
| ✓ Jail | \$3,505.48 | |
| Sheriff | \$1,101.32 | |
| ✓ Landfill | \$1,850.56 | |
| ✓ Schools | \$13,576.44 | |
| Parks and Rec | \$329.12 | |
| Total | <u>\$120,637.63</u> | |

A/P 1527.72
 \$120,637.63
 detail by \$2
 mailed Chester 4/11/18

MARCH 2018 BUDGET TRANSFERS

Page 1

| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT |
|-----------|------------------------------------|--|------|------|------|------|-------------|
| 3/9/2018 | MAINTENANCE ADMINISTRATION | TIME CLOCK/COUNTY ADMINISTRATION BUILDING | 4301 | 4003 | 000 | 002 | (229.33) |
| | MAINTENANCE ADMINISTRATION | | 4301 | 5401 | 000 | 000 | 229.33 |
| 3/12/2018 | SHERIFF | COVER EXPENSE FROM FEBRUARY | 3102 | 3004 | 000 | 002 | (425.95) |
| | SHERIFF | | 3102 | 3004 | 000 | 001 | 425.95 |
| 3/12/2018 | SHERIFF | NOTARY FEE | 3102 | 5413 | 000 | 000 | (45.00) |
| | SHERIFF | | 3102 | 5801 | 000 | 000 | 45.00 |
| 3/12/2018 | SHERIFF | UNIFORMS, BOOTS, BADGES | 3102 | 5402 | 000 | 001 | (1,639.53) |
| | SHERIFF | | 3102 | 5410 | 000 | 000 | 1,639.53 |
| 3/13/2018 | COMMISSIONER OF THE REVENUE | DUES ANNUAL FEE | 1209 | 5801 | 000 | 000 | (300.00) |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5801 | 000 | 000 | 300.00 |
| 3/15/2018 | MANAGEMENT INFORMATION SYSTEMS | TRAVEL | 1222 | 5401 | 000 | 000 | (200.00) |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 5506 | 000 | 000 | 200.00 |
| 3/20/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | GENERATOR RENTAL AT ROUND HILL | 4304 | 5101 | 000 | 007 | (3,690.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 9001 | 000 | 007 | 3,690.00 |
| 3/26/2018 | MANAGEMENT INFORMATION SYSTEMS | MIS POSTAGE AND TELEPHONE | 1222 | 5401 | 000 | 000 | (300.00) |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 5204 | 000 | 000 | 300.00 |
| 3/26/2018 | SHERIFF | TO COVER COMCAST EXPENSE | 3102 | 3008 | 000 | 000 | (100.00) |
| | SHERIFF | | 3102 | 5299 | 000 | 000 | 100.00 |
| 3/27/2018 | FIRE AND RESCUE | REPLACE NORTH MOUNTAIN TOWER GENERATOR | 3505 | 5413 | 000 | 000 | (11,330.00) |
| | FIRE AND RESCUE | | 3505 | 8009 | 000 | 000 | 11,330.00 |
| 3/28/2018 | REASSESSMENT/BOARD OF ASSESSORS | GAS - ADDITIONAL ASSESSOR | 1210 | 5411 | 000 | 000 | (525.00) |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 4003 | 000 | 002 | 525.00 |
| 3/28/2018 | COMMISSIONER OF THE REVENUE | GAS - INCREASED ASSESSOR | 1209 | 3007 | 000 | 000 | (400.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 4003 | 000 | 002 | 400.00 |
| 3/28/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | GENERATOR REPAIR AT ROUND HILL | 4304 | 3010 | 000 | 007 | (1,200.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 009 | 1,200.00 |
| 3/28/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | INSUFFICIENT FUNDS FOR HEAT | 4304 | 5413 | 000 | 000 | (900.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5102 | 000 | 000 | 900.00 |
| 3/28/2018 | COMMISSIONER OF THE REVENUE | NETWORK SWITCH FOR NEW CLERK AREA | 1209 | 3004 | 000 | 001 | (370.11) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 370.11 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 3005 | 000 | 000 | (456.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 456.00 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 3010 | 000 | 000 | (3,270.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 3,270.00 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 4003 | 000 | 001 | (200.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 200.00 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5204 | 000 | 000 | (3,870.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 3,870.00 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5801 | 000 | 000 | (100.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 100.00 |
| 3/28/2018 | REASSESSMENT/BOARD OF ASSESSORS | NEW ASSESSOR FURNITURE AND COMPUTER | 1210 | 3002 | 000 | 000 | (6,556.00) |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5401 | 000 | 000 | 6,556.00 |
| 3/28/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE | SEWER LEAK AT ROUND HILL | 4304 | 5405 | 000 | 007 | (1,000.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 008 | 1,000.00 |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5101 | 000 | 007 | (3,000.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 008 | 3,000.00 |
| 3/28/2018 | REASSESSMENT/BOARD OF ASSESSORS | VEHICLE REPAIR AND MAINTENANCE | 1210 | 3007 | 000 | 000 | (600.00) |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 3004 | 000 | 002 | 600.00 |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5204 | 000 | 000 | (600.00) |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 3004 | 000 | 002 | 600.00 |
| 3/31/2018 | REGISTRAR | SALARY INCREASE 3/18 | 1302 | 5204 | 000 | 000 | (875.54) |
| | REGISTRAR | | 1302 | 5401 | 000 | 000 | (875.54) |
| | REGISTRAR | | 1302 | 1001 | 000 | 002 | 1,751.08 |
| | SHERIFF | | 3102 | 1001 | 000 | 032 | (4,287.88) |
| | SHERIFF | | 3102 | 1001 | 000 | 063 | 4,287.88 |
| | SHERIFF | | 3102 | 1001 | 000 | 046 | (1,809.65) |
| | SHERIFF | | 3102 | 1002 | 000 | 015 | 1,809.65 |
| | PUBLIC SAFETY COMMUNICATIONS | | 3506 | 1001 | 000 | 017 | (1,687.00) |
| | PUBLIC SAFETY COMMUNICATIONS | | 3506 | 1001 | 000 | 007 | 1,687.00 |
| 4/2/2018 | BOARD OF SUPERVISORS | COVER DEPOSIT FOR EMPLOYEE PARTY | 1101 | 5506 | 000 | 000 | (200.00) |
| | OTHER | | 1224 | 5415 | 000 | 001 | 200.00 |
| 4/3/2018 | COUNTY OFFICE BUILDINGS COURTHOUSE | ELECTRIC BILLS AT OLD FREDERICK COUNTY MIDDLE SCHOOL | 4304 | 5403 | 000 | 007 | (800.00) |
| | COUNTY OFFICE BUILDINGS COURTHOUSE | | 4304 | 5101 | 000 | 010 | 800.00 |
| | COUNTY OFFICE BUILDINGS COURTHOUSE | | 4304 | 5413 | 000 | 007 | (600.00) |
| | COUNTY OFFICE BUILDINGS COURTHOUSE | | 4304 | 5101 | 000 | 010 | 600.00 |
| 4/5/2018 | TREASURER | RECONFIGURE HALF WALL AND STEPS | 1213 | 3002 | 000 | 000 | (1,375.00) |
| | TREASURER | | 1213 | 3004 | 000 | 000 | 1,375.00 |
| 4/5/2018 | ANIMAL SHELTER | SUPPLEMENT LINE ITEM FOR REMAINDER OF FY18 | 4305 | 5101 | 000 | 000 | (2,500.00) |
| | ANIMAL SHELTER | | 4305 | 3001 | 000 | 000 | 2,500.00 |

County of Frederick
General Fund
March 31, 2018

| ASSETS | FY18
<u>3/31/18</u> | FY17
<u>3/31/17</u> | Increase
(Decrease) |
|------------------------------------|-----------------------------|-----------------------------|-------------------------------------|
| Cash and Cash Equivalents | 46,032,361.90 | 48,131,128.46 | (2,098,766.56) *A |
| Petty Cash | 1,555.00 | 1,555.00 | 0.00 |
| Receivables: | | | |
| Taxes, Commonwealth, Reimb. P/P | 2,935,603.14 | 2,590,265.15 | 345,337.99 |
| Streetlights | 746.71 | 951.36 | (204.65) |
| Miscellaneous Charges | 52,654.59 | 7,230.32 | 45,424.27 |
| Due from Fred. Co. San. Auth. | 657,083.23 | 734,939.23 | (77,856.00) |
| Prepaid Postage | 1,540.86 | 4,382.07 | (2,841.21) |
| GL controls (est.rev / est. exp) | <u>(14,320,941.50)</u> | <u>(9,615,142.45)</u> | <u>(4,705,799.05) (1) Attached</u> |
| TOTAL ASSETS | <u>35,360,603.93</u> | <u>41,855,309.14</u> | <u>(6,494,705.21)</u> |
|
LIABILITIES | | | |
| Performance Bonds Payable | 1,308,138.79 | 1,068,591.93 | 239,546.86 |
| Taxes Collected in Advance | 561,569.46 | 234,557.93 | 327,011.53 *B |
| Deferred Revenue | <u>2,986,734.95</u> | <u>2,599,664.92</u> | <u>387,070.03 *C</u> |
| TOTAL LIABILITIES | 4,856,443.20 | 3,902,814.78 | 953,628.42 |
|
EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrance General Fund | 3,444,652.69 | 469,763.63 | 2,974,889.06 (2) Attached |
| Conservation Easement | 4,779.85 | 4,779.85 | 0.00 |
| Peg Grant | 234,066.38 | 205,675.38 | 28,391.00 |
| Prepaid Items | 949.63 | 949.63 | 0.00 |
| Advances | 657,083.23 | 734,939.23 | (77,856.00) |
| Employee Benefits | 93,120.82 | 93,120.82 | 0.00 |
| Courthouse Fees | 362,751.09 | 312,512.63 | 50,238.46 |
| Historical Markers | 17,542.19 | 17,403.11 | 139.08 |
| Animal Shelter | 1,091,175.27 | 295,261.27 | 795,914.00 |
| Sheriff's Reserve | 1,000.00 | 0.00 | 1,000.00 |
| Proffers | 4,160,177.57 | 3,288,883.96 | 871,293.61 (3) Attached |
| Parks Reserve | 12,413.70 | 9,810.01 | 2,603.69 |
| E-Summons Funds | 78,269.19 | 8,268.75 | 70,000.44 |
| VDOT Revenue Sharing | 436,270.00 | 436,270.00 | 0.00 |
| Undesignated Adjusted Fund Balance | <u>19,909,909.12</u> | <u>32,074,856.09</u> | <u>(12,164,946.97) (4) Attached</u> |
| TOTAL EQUITY | <u>30,504,160.73</u> | <u>37,952,494.36</u> | <u>(7,448,333.63)</u> |
| TOTAL LIAB. & EQUITY | <u>35,360,603.93</u> | <u>41,855,309.14</u> | <u>(6,494,705.21)</u> |

NOTES:

*A Cash decrease includes an increase in revenue, expenditures, transfers and a decrease in fund balance (refer to the comparative statement of revenues, expenditures, transfers and change in fund balance).

*B Increase in prepayment of real estate taxes at year end to prepay because of the new tax law.

*C Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.

BALANCE SHEET

| (1) GL Controls | FY18 | FY17 | Inc/(Decrease) |
|---------------------|---------------|--------------|----------------|
| Est.Revenue | 171,298,698 | 160,369,580 | 10,929,118 |
| Appropriations | (84,308,250) | (71,865,607) | (12,442,643) |
| Est.Tr.to Other fds | (104,756,042) | (98,588,879) | (6,167,162) |
| Encumbrances | 3,444,653 | 469,764 | 2,974,889 |
| | (14,320,942) | (9,615,142) | (4,705,799) |

(2) General Fund Purchase Orders 3/18

| DEPARTMENT | Amount |
|-----------------------------|---|
| Commissioner of the Revenue | 4,243.44 Furniture |
| Fire & Rescue | 19,667.83 Uniforms |
| | 11,100.00 Radio Prevention Maintenance |
| | 2,596,283.00 Scott Self Contained Breathing Apparatus/Cylinders/Other Equipment |
| | 4,350.00 Storage Containers |
| | 66,344.13 LIFEPAK One Year Service That Includes Parts, Upgrades, Replacements |
| | 8,435.00 SCBA Identifiers |
| | 2,627.14 Brightlink HD Interactive Display |
| | 6,453.00 Online Employee Scheduling and Document Management |
| | 11,330.00 Generator with Cold Weather Kits. |
| Parks | 3,621.72 Frederick Heights Park Design |
| | 5,288.52 Event Shirts |
| | 1,308.68 Supplies/ Arts & Crafts |
| | 40,355.15 Outdoor Gym & Installation Sherando |
| | 15,400.00 Athletic Field Paint for Sherando Park |
| | 6,000.00 Nationwide Permit/Greenway Engineering for Design of Frederick Heights Project |
| | 7,349.24 Lighting Replacement/Display |
| | 16,285.00 Agricultural Supplies |
| Public Safety | 330,000.00 Radio Console Upgrade |
| | 40,438.46 Carousel Installation Project Management |
| | 30,375.00 ITS Equipment& Emergency Notification Software & Service |
| Refuse | 75,300.00 Trash Compactor Fabrication |
| Sheriff | 6,240.00 Electronic Summons Software |
| | 5,276.64 Combat Uniforms |
| | 5,288.00 Uniforms |
| | 20,962.50 Swat Riot Communication |
| | 24,752.50 2018 Dodge Charger |
| | 12,612.38 Vest Carriers(48) |
| | 39,050.00 2017 Chevrolet Tahoe |
| | 27,915.36 Ammunition |
| Total | 3,444,652.69 |

| (3)Proffer Information | SCHOOLS | PARKS | FIRE & RESCUE | Designated Other Projects | TOTAL |
|------------------------|--------------|-----------|---------------|---------------------------|--------------|
| Balance 3/31/18 | 1,958,914.05 | 80,415.29 | 363,485.63 | 1,757,362.60 | 4,160,177.57 |

Designated Other Projects Detail

| | |
|-------------------------------|---|
| Administration | 295,023.60 |
| Bridges | 4,100.00 |
| Historic Preservation | 145,000.00 12/11/14 Board Action designated \$50,000 for final debt payment |
| Library | 171,026.00 on the Huntsberry property. |
| Rt.50 Trans.Imp. | 10,000.00 |
| Rt. 50 Rezoning | 25,000.00 |
| Rt. 656 & 657 Imp. | 25,000.00 |
| RT.277 | 162,375.00 |
| Sheriff | 69,448.00 |
| Solid Waste | 12,000.00 |
| Stop Lights | 52,445.00 |
| Treasurer | 700.00 |
| BPG Properties/Rt.11 Corridor | 330,000.00 |
| Blackburn Rezoning | 452,745.00 |
| Clearbrook Bus.Ctr.Rezoning | 2,500.00 |
| Total | 1,757,362.60 |

Other Proffers 3/18

| | |
|---------------------------|-----------------|
| (4) Fund Balance Adjusted | |
| Ending Balance 3/18 | 37,266,672.49 |
| Revenue 3/18 | 98,392,981.71 |
| Expenditures 3/18 | (57,165,738.76) |
| Transfers 3/18 | (58,584,006.32) |
| 3/18 Ending Balance | 19,909,909.12 |

County of Frederick
Comparative Statement of Revenues, Expenditures
and Changes in Fund Balance
March 31, 2018

| REVENUES: | <u>Appropriated</u> | <u>FY18
3/31/2018
Actual</u> | <u>FY17
3/31/17
Actual</u> | <u>YTD
Actual
Variance</u> |
|--|------------------------|--------------------------------------|------------------------------------|------------------------------------|
| General Property Taxes | 117,080,093.00 | 54,893,986.44 | 50,167,778.63 | 4,726,207.81 (1) |
| Other local taxes | 35,717,875.00 | 22,760,865.20 | 22,433,100.06 | 327,765.14 (2) |
| Permits & Privilege fees | 2,004,806.00 | 1,690,088.73 | 1,739,817.52 | (49,728.79) (3) |
| Revenue from use of money
and property | 203,241.40 | 574,168.34 | 270,298.60 | 303,869.74 (4) |
| Charges for Services | 3,076,558.00 | 2,011,077.93 | 2,230,185.43 | (219,107.50) |
| Miscellaneous | 608,382.13 | 464,742.23 | 1,037,183.66 | (572,441.43) |
| Recovered Costs | 1,559,454.00 | 1,141,346.45 | 1,290,588.34 | (149,241.89) (5) |
| Proffers | | 830,440.36 | 1,151,126.19 | (320,685.83) (5) |
| Intergovernmental: | | | | |
| Commonwealth | 11,006,617.09 | 13,929,192.89 | 13,442,030.51 | 487,162.38 (6) |
| Federal | 41,671.46 | 97,073.14 | 33,110.40 | 63,962.74 (7) |
| Transfers | | 0.00 | 0.00 | 0.00 |
| TOTAL REVENUES | 171,298,698.08 | 98,392,981.71 | 93,795,219.34 | 4,597,762.37 |
| EXPENDITURES: | | | | |
| General Administration | 12,087,894.09 | 9,250,309.32 | 8,224,646.30 | 1,025,663.02 |
| Judicial Administration | 2,720,767.56 | 1,877,375.54 | 1,885,652.20 | (8,276.66) |
| Public Safety | 40,374,127.80 | 28,363,793.96 | 25,659,734.23 | 2,704,059.73 |
| Public Works | 6,801,101.80 | 3,615,014.09 | 3,348,939.48 | 266,074.61 |
| Health and Welfare | 9,520,883.00 | 6,202,279.58 | 5,848,980.79 | 353,298.79 |
| Education | 76,320.00 | 57,240.00 | 59,114.25 | (1,874.25) |
| Parks, Recreation, Culture | 7,707,012.04 | 4,785,491.89 | 4,464,698.29 | 320,793.60 |
| Community Development | 4,028,049.03 | 3,014,234.38 | 2,019,019.86 | 995,214.52 |
| TOTAL EXPENDITURES | 83,316,155.32 | 57,165,738.76 | 51,510,785.40 | 5,654,953.36 (8) |
| OTHER FINANCING SOURCES (USES): | | | | |
| Operating transfers from / to | 105,748,136.95 | 58,584,006.32 | 49,346,875.03 | 9,237,131.29 (9) |
| Excess (deficiency)of revenues & other
sources over expenditures
& other uses | (17,765,594.19) | (17,356,763.37) | (7,062,441.09) | 10,294,322.28 |
| Fund Balance per General Ledger | | 37,266,672.49 | 39,137,297.18 | (1,870,624.69) |
| Fund Balance Adjusted to reflect
Income Statement 3/31/18 | | 19,909,909.12 | 32,074,856.09 | (12,164,946.97) |

| (1)General Property Taxes | FY18 | FY17 | Increase/Decrease |
|--------------------------------------|------------|------------|-------------------|
| Real Estate Taxes | 28,521,994 | 25,897,698 | 2,624,296 |
| Public Service Current Taxes | 1,402,899 | 1,194,760 | 208,139 |
| Personal Property | 23,748,197 | 21,881,357 | 1,866,841 |
| Penalties and Interest | 947,293 | 949,003 | (1,710) |
| Credit Card Chgs./Delinq.Advertising | (62,083) | (46,699) | (15,384) |
| Adm.Fees For Liens&Distress | 335,686 | 291,660 | 44,026 |
| | 54,893,986 | 50,167,779 | 4,726,208 |

(2) Other Local Taxes

| | | | |
|-----------------------------|----------------------|----------------------|-------------------|
| Local Sales and Use Tax | 8,045,490.44 | 7,902,142.35 | 143,348.09 |
| Communications Sales Tax | 738,153.07 | 748,753.50 | (10,600.43) |
| Utility Taxes | 2,369,476.78 | 2,189,267.39 | 180,209.39 |
| Business Licenses | 5,946,580.56 | 6,033,275.16 | (86,694.60) |
| Auto Rental Tax | 70,823.47 | 79,566.80 | (8,743.33) |
| Motor Vehicle Licenses Fees | 658,928.40 | 609,441.81 | 49,486.59 |
| Recordation Taxes | 1,247,897.18 | 1,275,957.26 | (28,060.08) |
| Meals Tax | 3,247,201.39 | 3,164,434.46 | 82,766.93 |
| Lodging Tax | 416,318.39 | 409,331.63 | 6,986.76 |
| Street Lights | 15,825.52 | 16,819.70 | (994.18) |
| Star Fort Fees | 4,170.00 | 4,110.00 | 60.00 |
| Total | 22,760,865.20 | 22,433,100.06 | 327,765.14 |

(3)Permits&Privileges

| | | | |
|-------------------------------|---------------------|---------------------|--------------------|
| Dog Licenses | 34,691.00 | 38,204.00 | (3,513.00) |
| Land Use Application Fees | 6,375.00 | 5,500.00 | 875.00 |
| Transfer Fees | 2,419.42 | 2,470.27 | (50.85) |
| Development Review Fees | 357,266.70 | 291,048.92 | 66,217.78 |
| Building Permits | 943,101.71 | 1,103,080.54 | (159,978.83) |
| 2% State Fees | 10,038.90 | 16,137.39 | (6,098.49) |
| Electrical Permits | 94,772.00 | 76,046.00 | 18,726.00 |
| Plumbing Permits | 17,501.00 | 20,450.40 | (2,949.40) |
| Mechanical Permits | 87,746.00 | 67,704.00 | 20,042.00 |
| Sign Permits | 5,675.00 | 4,550.00 | 1,125.00 |
| Permits Commercial Burning | 175.00 | - | 175.00 |
| Explosive Storage Permits | - | 1,200.00 | (1,200.00) |
| Commercial Burning Permits | - | 300.00 | (300.00) |
| Blasting Permits | 285.00 | 195.00 | 90.00 |
| Land Disturbance Permits | 129,342.00 | 112,181.00 | 17,161.00 |
| Residential Pump and Haul Fee | - | 50.00 | (50.00) |
| Septic Haulers Permit | 500.00 | 300.00 | 200.00 |
| Transfer Development Rights | 200.00 | 400.00 | (200.00) |
| Total | 1,690,088.73 | 1,739,817.52 | (49,728.79) |

(4) Revenue from use of

| | | | |
|--------------|-------------------|-------------------|-------------------|
| Money | 541,026.94 | 240,951.17 | 300,075.77 |
| Property | 33,141.40 | 29,347.43 | 3,793.97 |
| Total | 574,168.34 | 270,298.60 | 303,869.74 |

| (5) Recovered Costs | FY18 | FY17 | Increase/Decrease |
|--------------------------------------|--------------|--------------|-------------------|
| | 3/31/2018 | 3/31/2017 | |
| Recovered Costs Treasurer's Office | 32,772.00 | 33,861.00 | (1,089.00) |
| Recovered Costs Social Services | 12,981.28 | - | 12,981.28 |
| Worker's Comp | - | 902.00 | (902.00) |
| Purchasing Card Rebate | 156,281.56 | 161,675.29 | (5,393.73) |
| Recovered Costs -IT/GIS | 27,261.00 | 20,000.00 | 7,261.00 |
| Recovered Costs-F&R Fee Recovery | 158,627.30 | 291,885.41 | (133,258.11) |
| Recovered Cost Fire Companies | 94,182.34 | 120,674.40 | (26,492.06) |
| Recovered Costs Sheriff | 32,287.50 | 750.00 | 31,537.50 |
| Reimbursement Circuit Court | 8,232.51 | 9,157.25 | (924.74) |
| Reimb.Public Works/Planning Clean Up | 1,458.68 | 2,590.00 | (1,131.32) |
| Clarke County Container Fees | 39,785.70 | 53,573.22 | (13,787.52) |
| City of Winchester Container Fees | 31,374.08 | 40,146.55 | (8,772.47) |
| Refuse Disposal Fees | 74,204.10 | 82,523.06 | (8,318.96) |
| Recycling Revenue | 53,823.32 | 52,665.50 | 1,157.82 |
| Sheriff Restitution | - | 160.00 | (160.00) |
| Container Fees Bowman Library | 1,392.74 | 1,393.10 | (0.36) |
| Litter-Thon/Keep VA Beautiful Grant | - | 750.00 | (750.00) |
| Restitution Victim Witness | - | 4,624.50 | (4,624.50) |
| Reimb.of Expenses Gen.District Court | 22,096.07 | 25,126.07 | (3,030.00) |
| Reimb.Task Force | 43,245.92 | 47,197.23 | (3,951.31) |
| Reimb. Elections | - | 5,813.09 | (5,813.09) |
| Westminster Canterbury Lieu of Tax | 18,651.80 | 13,967.40 | 4,684.40 |
| Grounds Maint.Frederick Co.Schools | 234,915.13 | 225,039.65 | 9,875.48 |
| Comcast PEG Grant | 65,163.00 | 62,810.50 | 2,352.50 |
| Fire School Programs | 12,578.01 | 17,596.00 | (5,017.99) |
| Clerks Reimbursement to County | 7,308.47 | 7,263.15 | 45.32 |
| Reimb. Sheriff | 12,723.94 | 8,443.97 | 4,279.97 |
| Subtotal Recovered Costs | 1,141,346.45 | 1,290,588.34 | (149,241.89) |
| Proffer Lynnhaven | 3,378.31 | 54,052.96 | (50,674.65) |
| Proffer Redbud Run | 58,086.00 | 96,810.00 | (38,724.00) |
| Proffer Canter Estates | 65,407.52 | 65,407.52 | - |
| Proffer Village at Harvest Ridge | - | 15,390.00 | (15,390.00) |
| Proffer Southern Hills | 157,120.00 | 58,920.00 | 98,200.00 |
| Proffer Snowden Bridge | 487,876.53 | 574,888.71 | (87,012.18) |
| Proffer Meadows Edge Racey Tract | - | 241,728.00 | (241,728.00) |
| Proffer Cedar Meadows | 58,572.00 | 43,929.00 | 14,643.00 |
| Subtotal Proffers | 830,440.36 | 1,151,126.19 | (320,685.83) |
| Grand Total | 1,971,786.81 | 2,441,714.53 | (469,927.72) |

*1 County portion of delayed Medicare payments will be recognized with the third quarter disbursements.

*2 Timing of the receipt of payments.

| | | | |
|------------------------------------|---------------|---------------|-------------------|
| (6) Commonwealth Revenue | 3/31/2018 | 3/31/2017 | |
| | FY18 | FY17 | Increase/Decrease |
| Motor Vehicle Carriers Tax | 22,886.25 | 26,854.52 | (3,968.27) |
| Mobile Home Titling Tax | 90,343.99 | 104,845.41 | (14,501.42) |
| Recordation Taxes | 302,051.73 | 299,794.03 | 2,257.70 |
| P/P State Reimbursement | 6,526,528.18 | 6,526,528.18 | - |
| Shared Expenses Comm.Atty. | 368,245.29 | 360,589.35 | 7,655.94 |
| Shared Expenses Sheriff | 1,680,317.42 | 1,607,976.91 | 72,340.51 |
| Shared Expenses Comm.of Rev. | 148,093.96 | 143,689.01 | 4,404.95 |
| Shared Expenses Treasurer | 111,289.28 | 109,280.91 | 2,008.37 |
| Shared Expenses Clerk | 306,007.58 | 319,226.19 | (13,218.61) |
| Public Assistance Grants | 3,457,013.45 | 3,256,117.86 | 200,895.59 |
| Litter Control Grants | 14,774.00 | 15,152.00 | (378.00) |
| Four-For-Life Funds | 85,262.32 | - | 85,262.32 |
| Emergency Services Fire Program | 251,441.00 | 219,662.00 | 31,779.00 |
| DMV Grant Funding | 20,295.28 | 24,202.77 | (3,907.49) |
| State Grant Emergency Services | 15,925.00 | - | 15,925.00 |
| Parks-State Grants | 10,985.00 | - | 10,985.00 |
| Sheriff State Grants | 36,827.60 | 17,381.86 | 19,445.74 |
| JJC Grant Juvenile Justice | 96,269.00 | 96,269.00 | - |
| Rent/Lease Payments | 202,524.77 | 201,314.79 | 1,209.98 |
| Spay/Neuter Assistance State | 2,167.50 | 2,235.75 | (68.25) |
| Wireless 911 Grant | 47,172.61 | 46,591.60 | 581.01 |
| State Forfeited Asset Funds | 18,725.14 | 13,177.82 | 5,547.32 |
| Victim Witness-Commonwealth Office | 113,919.04 | 50,850.75 | 63,068.29 |
| F&R OEMS Reimbursement | 127.50 | 289.80 | (162.30) |
| Total | 13,929,192.89 | 13,442,030.51 | 487,162.38 |

*1

*2

*3

*1 Five positions were added . Two of the positions funded from the State (Match rate of 84.50%).

DSS became fiscal agent of Foster Parent Training that was two positions the State gave us and additional \$30,600(match rate of 84.50%) Additionally one position by the county with a 29% State match.

*2 Timing--FY17 funds received in FY18

*3 Timing of the FY17 funds received.

County of Frederick**General Fund**

March 31, 2018

| (7) Federal Revenue | FY18 | FY17 | Increase/Decrease |
|-----------------------------------|------------------|------------------|-------------------|
| Federal Forfeited Assets DOJ | 1,549.17 | - | 1,549.17 |
| Housing Illegal Aliens-Federal | - | 9,803.00 | (9,803.00) |
| Federal Funds Sheriff | 6,423.36 | 16,832.40 | (10,409.04) |
| Emergency Services Grant Federal | 87,278.14 | 6,475.00 | 80,803.14 |
| Federal Forfeited Assets Treasury | 1,822.47 | - | 1,822.47 |
| Total | 97,073.14 | 33,110.40 | 63,962.74 |

(8) Expenditures

Expenditures increased \$5,654,953.36. **General Administration** increased \$1,025,663.02 and includes an increase of \$428,491 for the Children's Services transfer due to increased expenses. **Public Safety** increased \$2,704,059.73 and reflects the year to date increase of \$1,593,496.59 in salaries and fringe benefits for the Sheriff and Fire and Rescue. This increase was impacted by staff turnover, position reclassifications and additional positions. Additionally, the contributions to the Volunteer Fire Departments and the Ambulance and Rescue Services increased \$241,474.74 and includes \$200,136.02 in proffer funds to Stephens City Fire and Rescue for payment of construction of an Ancillary Building. The local contribution to the Jail increased \$94,546.93 over the previous year. Community Development reflects \$995,214.52 increase in transfers to the Economic Development Authority for EDA incentives. The Transfers increased \$9,237,131.29. See chart below:

| (9) Transfers Increased \$9,237,131.29 | FY18 | FY17 | Increase/Decrease | |
|---|----------------------|----------------------|---------------------|----|
| Transfer to School Operating | 40,951,338.87 | 39,093,518.88 | 1,857,819.99 | *1 |
| Transfer to Debt Service Schools | 7,986,237.50 | 7,986,237.50 | - | |
| Transfer to Debt Service County | 2,213,272.39 | 2,193,694.94 | 19,577.45 | *2 |
| Transfer School Operating Capital | 3,088,287.00 | - | 3,088,287.00 | *3 |
| Transfer to Development Fund Project | 0.00 | 50,000.00 | (50,000.00) | *4 |
| Operational Transfers | 21,250.56 | 23,423.71 | (2,173.15) | *5 |
| Debt Contingency | 4,323,620.00 | - | 4,323,620.00 | *6 |
| Total | 58,584,006.32 | 49,346,875.03 | 9,237,131.29 | |

*1 Increase in School Operating FY18 includes C/F \$1,032,255.77 for School Encumbrances, \$285,003.55 grant funds received during FY17 for specific purposes, \$997,264.55 represents unspent FY17 funds to be spent on buses, and \$38,636,815 for half the School Operating. FY17 includes \$903,813.48 C/F School Encumbrances, \$670,618.90 C/F School Operating, and \$37,519,086.50 for half the School Operating.

*2 Payments include the Bowman Library, Millwood Station, Roundhill, Public Safety Building, the Animal Shelter, and the City of Winchester for Courtroom, Roof, and HVAC Projects.

*3 Budgeted for School Operating Capital in FY18.

*4 Redbud Road Realignment in FY17.

*5 Timing of Insurance Charge Outs.

*6 Board of Supervisors Capital.

County of Frederick
FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
March 31, 2018

| ASSETS | FY2018
<u>3/31/18</u> | FY2017
<u>3/31/17</u> | Increase
(Decrease) |
|-------------------------------------|----------------------------|----------------------------|----------------------------|
| Cash | 10,287,520.42 | 9,116,344.73 | 1,171,175.69 *1 |
| GL controls(est.rev/est.exp) | <u>(965,140.75)</u> | <u>(833,984.25)</u> | <u>(131,156.50)</u> |
| TOTAL ASSETS | <u>9,322,379.67</u> | <u>8,282,360.48</u> | <u>1,040,019.19</u> |
| | | | |
| LIABILITIES | | | |
| Accrued Operating Reserve Costs | <u>2,507,247.00</u> | <u>2,395,005.00</u> | <u>112,242.00</u> |
| TOTAL LIABILITIES | <u>2,507,247.00</u> | <u>2,395,005.00</u> | <u>112,242.00</u> |
| | | | |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved | 0.00 | | |
| Encumbrances | 54,021.35 | 47,620.17 | 6,401.18 |
| Undesignated | | | |
| Fund Balance | <u>6,761,111.32</u> | <u>5,839,735.31</u> | <u>921,376.01</u> *2 |
| TOTAL EQUITY | <u>6,815,132.67</u> | <u>5,887,355.48</u> | <u>927,777.19</u> |
| TOTAL LIABILITY & EQUITY | <u>9,322,379.67</u> | <u>8,282,360.48</u> | <u>1,040,019.19</u> |

NOTES:

*1 Cash increased \$1,171,175.69. Refer to the following page for comparative statement of revenues and expenditures and changes in fund balance.

*2 Fund balance increased \$921,376.01. The beginning balance was \$4,611,633.77 and includes adjusting entries, budget controls for FY18(\$1,008,000), and the year to date revenue less expenditures of \$3,157,477.55.

| | |
|--|--------------------|
| Current Unrecorded Accounts Receivable- | <u>FY18</u> |
| Prisoner Billing: | 26,931.26 |
| Compensation Board Reimbursement 3/18 | <u>470,610.27</u> |
| Total | 497,541.53 |

County of Frederick
Comparative Statement of Revenues, Expenditures
and Changes in Fund Balance
3/31/2018

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

| REVENUES: | | FY2018
3/31/18 | FY2017
3/31/17 | YTD Actual |
|--|-----------------------|----------------------------|----------------------------|--------------------------|
| | <u>Appropriated</u> | <u>Actual</u> | <u>Actual</u> | <u>Variance</u> |
| Credit Card Probation | - | 99.76 | 107.44 | (7.68) |
| Interest | | 40,908.15 | 14,740.00 | 26,168.15 |
| Supervision Fees | 72,435.00 | 23,668.00 | 21,454.62 | 2,213.38 |
| Drug Testing Fees | 1,000.00 | 175.00 | 250.00 | (75.00) |
| Work Release Fees | 379,828.00 | 221,096.34 | 230,886.75 | (9,790.41) |
| Prisoner Fees from other localities | 0.00 | 158.64 | 0.00 | 158.64 |
| Federal Bureau Of Prisons | 0.00 | 220.00 | 1,263.28 | (1,043.28) |
| Local Contributions | 7,730,746.00 | 7,592,934.25 | 6,988,314.00 | 604,620.25 |
| Miscellaneous | 7,500.00 | 2,370.65 | 22,355.73 | (19,985.08) |
| Phone Commissions | 336,000.00 | 218,476.91 | 233,882.04 | (15,405.13) |
| Food & Staff Reimbursement | 75,000.00 | 52,240.50 | 47,229.28 | 5,011.22 |
| Elec.Monitoring Part.Fees | 110,000.00 | 51,581.03 | 58,657.55 | (7,076.52) |
| Share of Jail Cost Commonwealth | 1,400,000.00 | 635,672.60 | 703,598.61 | (67,926.01) |
| Medical & Health Reimb. | 75,000.00 | 49,844.94 | 58,631.32 | (8,786.38) |
| Shared Expenses CFW Jail | 5,250,000.00 | 3,527,806.11 | 3,603,401.63 | (75,595.52) |
| State Grants | 276,233.00 | 122,488.00 | 136,060.00 | (13,572.00) |
| Local Offender Probation | 247,636.00 | 141,717.00 | 139,079.00 | 2,638.00 |
| Bond Proceeds | 0.00 | 0.00 | 2,197.44 | (2,197.44) |
| Transfer From General Fund | 5,394,459.00 | 5,394,459.00 | 5,299,912.00 | 94,547.00 |
| TOTAL REVENUES | 21,355,837.00 | 18,075,916.88 | 17,562,020.69 | 513,896.19 |
| EXPENDITURES: | 22,374,999.10 | 14,918,439.33 | 14,731,188.41 | 187,250.92 |
| Excess(Deficiency)of revenues over expenditures | (1,019,162.10) | 3,157,477.55 | 2,830,832.28 | 326,645.27 |
| FUND BALANCE PER GENERAL LEDGER | | <u>3,603,633.77</u> | <u>3,008,903.03</u> | <u>594,730.74</u> |
| Fund Balance Adjusted To Reflect Income Statement 3/31/18 | | 6,761,111.32 | 5,839,735.31 | 921,376.01 |

County of Frederick
Fund 12 Landfill
March 31, 2018

| ASSETS | FY2018
3/31/18 | FY2017
3/31/17 | Increase
(Decrease) |
|-----------------------------------|-----------------------------|-----------------------------|----------------------------|
| Cash | 37,646,168.62 | 34,284,190.28 | 3,361,978.34 |
| Receivables: | | | |
| Accounts Receivable | | | |
| Fees | 604,831.02 | 591,208.29 | 13,622.73 *1 |
| Accounts Receivable Other | 12,837.85 | 3,439.87 | 9,397.98 |
| Allow.Uncollectible Fees | (84,000.00) | (84,000.00) | 0.00 |
| Fixed Assets | 47,158,186.20 | 45,498,224.85 | 1,659,961.35 |
| Accumulated Depreciation | (29,232,078.83) | (27,824,334.18) | (1,407,744.65) |
| GL controls(est.rev/est.exp) | (3,228,789.45) | (2,367,664.56) | (861,124.89) |
| TOTAL ASSETS | <u>52,877,155.41</u> | <u>50,101,064.55</u> | <u>2,776,090.86</u> |
| LIABILITIES | | | |
| Accounts Payable | - | - | |
| Accrued VAC.Pay and Comp TimePay | 158,608.75 | 183,021.61 | (24,412.86) |
| Accrued Remediation Costs | 13,079,548.65 | 12,776,554.64 | 302,994.01 *2 |
| Retainage Payable | 0.00 | 26,133.20 | (26,133.20) |
| Deferred Revenue Misc.Charges | <u>12,837.85</u> | <u>3,439.87</u> | <u>9,397.98</u> |
| TOTAL LIABILITIES | <u>13,250,995.25</u> | <u>12,989,149.32</u> | <u>261,845.93</u> |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrances | 29,368.55 | 122,539.84 | (93,171.29) *3 |
| Land Acquisition | 1,048,000.00 | 1,048,000.00 | 0.00 |
| New Development Costs | 3,812,000.00 | 3,812,000.00 | 0.00 |
| Environmental Project Costs | 1,948,442.00 | 1,948,442.00 | 0.00 |
| Equipment | 3,050,000.00 | 3,050,000.00 | 0.00 |
| Undesignated | | | |
| Fund Balance | <u>29,738,349.61</u> | <u>27,130,933.39</u> | <u>2,607,416.22</u> *4 |
| TOTAL EQUITY | <u>39,626,160.16</u> | <u>37,111,915.23</u> | <u>2,514,244.93</u> |
| TOTAL LIABILITY AND EQUITY | <u>52,877,155.41</u> | <u>50,101,064.55</u> | <u>2,776,090.86</u> |

NOTES:

*1 Landfill receivables increased \$13,622.73. Landfill fees at 3/18 were \$556,722.65 compared to \$496,373.13 at 3/17 for an increase of \$60,349.52. Delinquent fees at 3/18 were \$45,087.60 compared to \$93,195.93 at 3/17 for a decrease of \$48,108.33.

*2 Remediation increased \$302,994.01 and includes \$271,591.00 for post closure and \$31,403.01 interest.

*3 The 3/31/18 encumbrance was \$29,368.55 for a 2018 Ford F-150.

*4 Fund balance increased \$2,607,416.22. The beginning balance was \$30,545,628.45 and includes adjusting entries budget controls for FY18(\$2,997,546), (\$120,000) for trash compactor GPS system,(\$10,000) for generator monitoring equipment, (\$100,000) for surveillance equipment and \$2,420,267.16 for year to date revenue less expenses.

County of Frederick
Comparative Statement of Revenue,Expenditures
and Changes in Fund Balance
March 31, 2018

| FUND 12 LANDFILL
REVENUES | | FY2018
3/31/2018 | FY2017
3/31/2017 | YTD
Actual |
|---|---------------------|---------------------|---------------------|-----------------|
| | <u>Appropriated</u> | <u>Actual</u> | <u>Actual</u> | <u>Variance</u> |
| Credit Card Charges | 0.00 | 4,173.82 | 2,501.20 | 1,672.62 |
| Interest on Bank Deposits | 75,000.00 | 138,257.73 | 63,028.74 | 75,228.99 |
| Salvage and Surplus | 0.00 | 98,973.31 | 79,039.90 | 19,933.41 |
| Sanitary Landfill Fees | 5,920,000.00 | 4,318,793.48 | 4,018,463.95 | 300,329.53 |
| Charges to County | 0.00 | 380,794.53 | 371,401.23 | 9,393.30 |
| Charges to Winchester | 0.00 | 101,146.88 | 143,258.10 | (42,111.22) |
| Tire Recycling | 110,000.00 | 169,565.29 | 102,212.84 | 67,352.45 |
| Reg.Recycling Electronics | 66,000.00 | 39,852.16 | 39,496.00 | 356.16 |
| Greenhouse Gas Credit Sales | 10,000.00 | 4,918.95 | 0.00 | 4,918.95 |
| Miscellaneous | 48,000.00 | 4,755.00 | 7,815.96 | (3,060.96) |
| Wheel Recycling | 50,000.00 | 0.00 | 0.00 | 0.00 |
| Charges for RTOP | 0.00 | 0.00 | 0.00 | 0.00 |
| Renewable Energy Credits | 168,402.00 | 119,493.18 | 155,996.56 | (36,503.38) |
| Landfill Gas To Electricity | 287,293.00 | 285,557.79 | 271,198.68 | 14,359.11 |
| Waste Oil Recycling | | 0.00 | 0.00 | 0.00 |
| TOTAL REVENUES | 6,734,695.00 | 5,666,282.12 | 5,254,413.16 | 411,868.96 |
| Operating Expenditures | 4,951,853.00 | 2,762,404.58 | 2,708,723.85 | 53,680.73 |
| Capital Expenditures | 5,041,000.00 | 483,610.38 | 2,232,508.16 | (1,748,897.78) |
| TOTAL Expenditures | 9,992,853.00 | 3,246,014.96 | 4,941,232.01 | (1,695,217.05) |
| Excess(deficiency)of revenue over
expenditures | (3,258,158.00) | 2,420,267.16 | 313,181.15 | 2,107,086.01 |
| Fund Balance Per General Ledger | | 27,318,082.45 | 26,817,752.24 | 500,330.21 |
| FUND BALANCE ADJUSTED | | 29,738,349.61 | 27,130,933.39 | 2,607,416.22 |

County of Frederick, VA
Report on Unreserved Fund Balance
April 12, 2018

Unreserved Fund Balance, Beginning of Year, July 1, 2017

44,544,519

Prior Year Funding & Carryforward Amounts

| | |
|--|-------------|
| C/F forfeited asset funds | (209,066) |
| C/F capital contingency | (1,144,788) |
| C/F Fire Company Capital | (219,688) |
| C/F Sheriff vehicle equipment | (20,130) |
| C/F Sheriff body cameras | (128,440) |
| C/F Sheriff eSummons | (29,620) |
| C/F Sheriff 21st century grant | (12,699) |
| C/F Sheriff honor guard donation | (100) |
| C/F Sheriff auto claim reimbursement | (15,742) |
| C/F design Stephenson Convenience Center | (9,000) |
| C/F Middletown & Greenwood site improvements | (60,434) |
| C/F NW Sherando design & Abrams Creek survey | (88,770) |
| C/F NW Sherando construction | (272,300) |
| C/F Rose Hill Park playground | (7,278) |
| C/F E911 radio upgrade | (7,580) |
| C/F Stephens City ancillary building | (214,106) |
| C/F Sherando fire hydrant install | (20,000) |
| C/F School FY17 grant funds | (285,004) |
| C/F Fire & Rescue study | (27,900) |
| | <hr/> |
| | (2,772,643) |

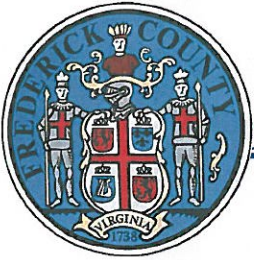
Other Funding / Adjustments

| | |
|--|-------------|
| COR refund - Calibur Collision | (14,926) |
| COR refund - Valley Proteins | (16,961) |
| COR refund - Ally Financial | (3,267) |
| Airport capital | (209,674) |
| COR refund - Toyota Lease Trust | (3,305) |
| COR refund - Gander Mountain | (7,150) |
| Return unspent FY17 VJCCA funds | (18,896) |
| Stephenson Convenience Site | (330,537) |
| (3) Sheriff's Deputies & equipment | (266,507) |
| PT to FT COR position | (11,466) |
| FY17 School surplus for buses | (997,265) |
| EDA incentive - NFCU | (2,000,000) |
| COR refund - J. Tagnesi | (5,703) |
| COR refund - Northeastern Supply | (3,680) |
| COR refund - Lease Plan USA | (2,756) |
| SCBA replacement - not awarded grant | (607,881) |
| COR refund - Integrity | (5,229) |
| COR refund - FedEx | (2,832) |
| COR refund - Merrimak | (3,935) |
| COR refund - DL Peterson | (7,518) |
| COR refund - Judy Excavating | (7,693) |
| COR refund - Shenandoah Refridgeration | (3,284) |
| COR refund - D Pollitt | (3,947) |
| | <hr/> |
| | (4,534,411) |

Fund Balance, April 12, 2018

37,237,464

D



COUNTY of FREDERICK

Kris C. Tierney
County Administrator


540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors

FROM: Kris C. Tierney, County Administrator 

DATE: April 17, 2018

RE: Set Schedule for Board Meetings During Summer Months and for November and December 2018 (Holiday Schedule)

As in the past, the Board of Supervisors has canceled meetings during the Summer months due to vacation schedules. Cancellation of the meetings of June 27th, July 11th, and August 22nd, 2018 is requested.

It is also requested at this time to cancel meetings for November and December due to the holidays. Those cancellation dates are November 28th and December 26th.

Board action at the April 25, 2018 meeting will give staff and the Office of Planning and Development adequate time for scheduling, advertising and notification purposes.

Should you have any questions, please give me a call.

Thank you.

KCT/tjp

U:\TJP\miscmemos\CountyAdministrator\BdOfSupSummerMtgSchedule&Holidays(2018).docx

E



COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator

Date: April 16, 2018

RE: Fieldstone Subdivision – Section II

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Highcliffe Drive, State Route Number 1544

0.16 miles

Staff is available to answer any questions.

MRC/dlw



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF
SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 14th day of February, adopted the following:

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted April 25, 2018

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Fieldstone Section II

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ Highcliffe Drive, State Route Number 1544

Old Route Number: 0

- From: Route 1554, Channing Drive

To: 0.16 mile south of Route 1554, Channing Drive, a distance of: 0.16 miles.

Recordation Reference: Instr. 060020551 Pg 0600

Right of Way width (feet) = 56'

F

FREDERICK COUNTY RESOLUTION OF APPRECIATION

LOUIS F. DUSING

WHEREAS, Louis F. Dusing served Frederick County, Virginia, for approximately 28 years as an employee at the Northwestern Regional Adult Detention Center; and

WHEREAS, Louis F. Dusing began his career as a Correctional Officer in 1990 and received promotions to Correctional Officer II in 1995, Correctional Officer III in 1996, and Sergeant in 2001; and

WHEREAS, during his tenure, Louis F. Dusing was known for his strong work ethic, his commitment to the facility, his professionalism, and his positive attitude, and was recognized as an expert in the areas of policy, jail standards, and overall best practices; and

WHEREAS, Louis F. Dusing was a diligent and hard worker who as the Accreditation Sergeant contributed to the 100% compliance rating on many occasions and was nominated and chosen as Employee of the Quarter for the fourth quarter of 2013;

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks to Louis F. Dusing for his dedication and professionalism and wishes him all of the best in his future endeavors.

BE IT FURTHER RESOLVED, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishments of this public servant.

ADOPTED this 25th day of April 2018.

Charles S. DeHaven, Jr.
Chairman

Gary A. Lofton
Back Creek District Supervisor

J. Douglas McCarthy
Gainesboro District Supervisor

Blaine P. Dunn
Red Bud District Supervisor

Robert W. Wells
Opequon District Supervisor

Judith McCann-Slaughter
Stonewall District Supervisor

Shannon G. Trout
Shawnee District Supervisor

Kris C. Tierney
Clerk

G

**RESOLUTION HONORING THE
2018 VHSL CLASS 4 STATE CHAMPION
MILLBROOK HIGH SCHOOL PIONEERS
GIRLS' BASKETBALL TEAM**

WHEREAS, Millbrook High School opened its doors in 2003; and

WHEREAS, during the ensuing fifteen years, its athletic teams have quickly become some of the best in the District and the State; and

WHEREAS, the Millbrook High School Girls' Basketball Team achieved the pinnacle of greatness by completing an undefeated season, with a record of 28-0, and winning the 2018 VHSL Class 4 State Championship; and

WHEREAS, Coach Erick Green, his staff, and the Millbrook High School Girls' Basketball team represented this community with distinction and honor throughout the State Basketball Tournament; and

WHEREAS, this team achieved this honor through a combination of hard work, sweat, tears, and true sportsmanship, which has brought favorable recognition upon themselves, their school, and their community.

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors offers its congratulations to the coaches and players of the 2018 Millbrook High School Girls' Basketball Team for a job well done; and,

BE IT FURTHER RESOLVED, that a true copy of this resolution be presented to the coaches and the team.

ADOPTED this 25th day of April, 2018.

Charles S. DeHaven, Jr.
Chairman

Shannon G. Trout
Shawnee District Supervisor

J. Douglas McCarthy
Gainesboro District Supervisor

Blaine P. Dunn
Red Bud District Supervisor

Robert W. Wells
Opequon District Supervisor

Judith McCann-Slaughter
Stonewall District Supervisor

Gary A. Lofton
Back Creek District Supervisor

Kris C. Tierney
Clerk

H

MEMORANDUM

TO: County Administrator and Board of Supervisors

FROM: Wendy May *WTM*
Marketing Manager

DATE April 19, 2018

RE: Flags of Valor

Flags of Valor contacted the EDA regarding its desire to present one of its flags to the citizens of Frederick County. Flags of Valor is a manufacturing company that has recently expanded its operations to Frederick County. They produce hand-crafted, wood flags, made and sourced in the United States. The company is Veteran owned and operated, hiring combat Veterans to manufacture its products. Other localities in the region where the company has presented its flags include Loudoun County Fire and Rescue, Loudoun County Sheriff's Office, and Fairfax County Fire and Rescue Department.

Representative(s) from Flags of Valor will attend the April 25 Board of Supervisors meeting to present a flag to the citizens of Frederick County. The hope is that the Board of Supervisors will accept the flag on behalf of Frederick County's citizenry and that the flag will be displayed in the County Administration Building.

I, Wendy May, will be on hand to introduce the representatives from Flags of Valor and they will say a few words as they present the flag to the citizens of Frederick County.

I




COUNTY of FREDERICK

Kris C. Tierney
County Administrator

540/665-6382
Fax: 540/667-0370
E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Kris C. Tierney, County Administrator 
DATE: April 18, 2018
RE: Committee Appointments

Listed below are the vacancies/appointments due through May, 2018. 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.

VACANCIES/OTHER

Social Services Board

Maximillion J. Press – Red Bud District Representative
117 Monticello Square
Winchester, VA 22602
Phone: (540)303-9404
Term Expires: 06/30/20
Four year term

(Staff has been notified that Mr. Press will be moving from the Red Bud District in February 2018.)

Board of Building Appeals

David W. Ganse – Frederick County Representative
231 Soldiers Rest Lane
Winchester, VA 22602
Term Expires: 11/10/18
Five year term.

*(Vacancy Due to the Passing of Mr. Ganse.) (FYI - There are seven members on the Board of Building Appeals. One member serves as an alternate. Members serve a five year term. **Members should, to the extent possible, represent different***

occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect).

APRIL 2018

No remaining appointments due.

MAY 2018

Historic Resources Advisory Board (HRAB)

Carl Rush - Shawnee District Representative
2757 Millwood Pike
Winchester, VA 22602
Home: (540)877-5983
Term Expires: 05/22/18
Four year term

(Mr. Rush was appointed at the January 10, 2018 Board meeting to fill a vacated seat.)

KCT/tjp

J



COUNTY of FREDERICK

Kris C. Tierney
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors Members

FROM: Kris C. Tierney, County Administrator

RE: Mountain Falls Park – Petition for Creation of a Sanitary District

DATE: April 16, 2018

Recent changes to the State Code transferred the authority to create a Sanitary District (SD) from the local Circuit Court to the Board of Supervisors. The only Code requirement to initiate the deliberative process is a petition signed by fifty (50) registered voters within the proposed district. As you are aware, land owners within Mountain Falls Park have submitted a petition stating their interest in “Mountain Falls Park becoming a Sanitary District”. The Voter Registrar has reviewed the petition and verified that it contains sixty-three (63) valid signatures.

While the State Code places the responsibility of deciding whether or not to create a SD with the local governing body, it provides little direction as to how you are to decide. The Code simply requires that you hold a public hearing and states that you should seek to answer the questions of whether the creation of the proposed sanitary district, is necessary, practical, fiscally responsible and is supported by fifty percent (50%) of its residents.

Unfortunately, the Mountain Falls petition gives no indication as to why those signing want a Sanitary District established or what services they would hope to receive if it were. It is therefore very difficult to determine whether a district is necessary, practical, or fiscally responsible. Additionally, with only 63 signatures, it is impossible to know whether the concept is supported by 50% of the registered voters.

Staff recommends that the Board set a date for the required public hearing on the petition. All residents and landowners in the proposed district have the right to speak in favor of, or against, the creation of a SD.

Following the public hearing, there are a number of actions the Board could take including:

- 1) **Create a SD** - You could decide to create a sanitary district. If the Board chooses to create the new district, it would need to enact an ordinance that sets the metes and bounds

of the district. The Board may exclude any parcels from the district that would not benefit from inclusion.

- 2) **Decide against creating a SD** - If the Board does not choose to create a new sanitary district, the Board need not take further action beyond its vote.
- 3) **Task Residents desiring the SD with Refining their Request** - Given that there are only 63 signatures on the petition (there are over 400 lots in the subdivision) and the petition provides no insight into the reasons why a district is being sought, the Board could task those residents that are promoting its creation with providing more information on what they envision a Sanitary District doing, as well as demonstrating that there is broad support amongst the community for its creation.
- 4) **Refer to staff/Public Works Committee for study** - You could direct staff to examine the issues associated with the creation of the proposed sanitary district and develop a proposal (including projected costs) for its creation and operation. The proposal might address such items as:
 - The current status of roads and common areas in the proposed district, including the estimated cost of any needed remediation or repair;
 - The anticipated annual cost of maintaining the proposed sanitary district, to include roads, or other capital projects that are anticipated
 - Staffing needs for the proposed district
 - Necessary fees to be charged to members of the district to support needed upgrades as well as annual district maintenance
 - A means of determining whether the creation of the SD is supported by at least half of residents and landowners Mt. Falls/Wilde Acres.

K



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Kris Tierney, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: Wednesday, April 11, 2018
RE: Commissioner of Revenue Refund Requests

Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. Rolling Frito Lay Sales, LP. – \$2,778.70
2. Essroc Ready Mix Corp – \$3,114.63

A handwritten signature in blue ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Ellen E. Murphy, Commissioner of the Revenue
Frederick County Board of Supervisors

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: April 11, 2018

RE: Refund – Rolling Frito Lay Sales, LP

I am in receipt of the Commissioner's request, dated April 4, 2018, to authorize the Treasurer to refund Rolling Frito Lay Sales, LP the amount of \$2,778.70, for exoneration of personal property taxes for 2017. This refund resulted from normal proration of vehicle taxes where vehicles were sold.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

A handwritten signature in black ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street

P.O. Box 552

Winchester VA 22601

Winchester VA 22604-0552

emurphy@fcva.us

www.fcva.us/cor



ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

April 4, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Rolling Frito Lay Sales LP

Please approve a refund of \$2,778.70 for exoneration of personal property taxes for 2017 in the name of Rolling Frito Lay Sales LP. This refund is for personal property taxes for the period shown. The vehicles were sold during this period, and the refund is the result of normal proration.

To comply with the requirements for the Treasurer to apply this refund, Board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Exoneration is \$2,778.70.

Date: 3/23/18

Cash Register: COUNTY OF FREDERICK

Time: 08:51:39

Cashier: _____

Customer Name: ROLLING FRITO LAY SALES LP

Total Transactions: 525

Customer Transactions: 2

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| - | PP2017 | 1 | 00501510016 | \$1,389.35- | \$.00 | \$1,389.35- |
| - | PP2017 | 2 | 00501510024 | \$1,389.35- | \$.00 | \$1,389.35- |

F3=Exit

F14=Show Map#

Total Paid :
F15=Show Balance

\$2,778.70
F18=Sort-Entered

F21=CmdLine
F20=Attach

* needs board approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Ellen E. Murphy, Commissioner of the Revenue
Frederick County Board of Supervisors

CC: Kris Tierney, County Administrator


FROM: Roderick B. Williams, County Attorney

DATE: April 11, 2018

RE: Refund – Essroc Ready Mix Corp.

I am in receipt of the Commissioner's request, dated April 4, 2018, to authorize the Treasurer to refund Essroc Ready Mix Corp. the amount of \$3,114.63, for exoneration of personal property taxes for the 2nd half of 2017. This refund resulted from normal proration of vehicle taxes where some vehicles were sold, and others were moved from this locality as Essroc is no longer in Frederick County.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.



Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
Winchester VA 22601

P.O. Box 552
Winchester VA 22604-0552

emurphy@fcva.us

www.fcva.us/cor



ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

April 4, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Essroc Ready Mix Corp

Please approve a refund of \$3,114.63 for exoneration of personal property taxes for part of 2017 in the name of Essroc Ready Mix Corp. This refund is for personal property taxes for multiple vehicles in 2017. Some vehicles were sold during this period, and others were moved out of Frederick County as Essroc is no longer located here. This refund therefore is the result of normal proration.

To comply with the requirements for the Treasurer to apply this refund, Board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Exoneration is \$3,114.63.

Date: 3/22/18
Time: 15:31:22
Cashier:
Customer Name: ESSROC READY MIX CORP
Soc. Sec. No.:
Customer Transactions:

Cash Register: 001 COUNTY OF FREDERICK
Register: OPEN
Drawer:
Total Transactions: 476

(F5=Review)

| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
|--------|-------------|-----|-----------|--------|-------------|-------------|---------|
| PP2017 | 00174490002 | 002 | 4/28/2017 | 19.44- | | | 19.44- |
| PP2017 | 00174490004 | 002 | 4/28/2017 | 16.40- | | | 16.40- |
| PP2017 | 00174490006 | 002 | 4/28/2017 | 19.44- | | | 19.44- |
| PP2017 | 00174490008 | 002 | 4/28/2017 | 35.44- | | | 35.44- |
| PP2017 | 00174490012 | 002 | 4/28/2017 | 35.44- | | | 35.44- |
| PP2017 | 00174490014 | 002 | 4/28/2017 | 35.44- | | | 35.44- |
| PP2017 | 00174490016 | 002 | 4/28/2017 | 30.17- | | | 30.17- |
| PP2017 | 00174490018 | 002 | 4/28/2017 | 22.28- | | | 22.28- |
| PP2017 | 00174490020 | 002 | 4/28/2017 | 19.81- | | | 19.81- |

| Comment.....: | | | | | | | |
|---------------|-------------|-----|-----------|---------|-------------|-------------|---------|
| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
| PP2017 | 00174490022 | 002 | 4/28/2017 | 19.81- | | | 19.81- |
| PP2017 | 00174490024 | 002 | 4/28/2017 | 50.36- | | | 50.36- |
| PP2017 | 00174490026 | 002 | 4/28/2017 | 198.95- | | | 198.95- |
| PP2017 | 00174490028 | 002 | 4/28/2017 | 45.36- | | | 45.36- |
| PP2017 | 00174490030 | 002 | 4/28/2017 | 86.66- | | | 86.66- |
| PP2017 | 00174490032 | 002 | 4/28/2017 | 77.36- | | | 77.36- |
| PP2017 | 00174490034 | 002 | 4/28/2017 | 102.76- | | | 102.76- |
| PP2017 | 00174490036 | 002 | 4/28/2017 | 141.04- | | | 141.04- |
| PP2017 | 00174490038 | 002 | 4/28/2017 | 20.15- | | | 20.15- |

| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
|--------|-------------|-----|-----------|--------|-------------|-------------|---------|
| PP2017 | 00174490040 | 002 | 4/28/2017 | 20.15- | | | 20.15- |
| PP2017 | 00174490042 | 002 | 4/28/2017 | 20.15- | | | 20.15- |
| PP2017 | 00174490044 | 002 | 4/28/2017 | 20.15- | | | 20.15- |
| PP2017 | 00174490046 | 002 | 4/28/2017 | 20.15- | | | 20.15- |
| PP2017 | 00174490048 | 002 | 4/28/2017 | 20.15- | | | 20.15- |
| PP2017 | 00174490050 | 002 | 4/28/2017 | 93.49- | | | 93.49- |
| PP2017 | 00174490054 | 002 | 4/28/2017 | 88.09- | | | 88.09- |
| PP2017 | 00174490056 | 002 | 4/28/2017 | 62.78- | | | 62.78- |
| PP2017 | 00174490058 | 002 | 4/28/2017 | 6.63- | | | 6.63- |

| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
|--------|-------------|-----|-----------|---------|-------------|-------------|---------|
| PP2017 | 00174490060 | 002 | 4/28/2017 | 13.72- | | | 13.72- |
| PP2017 | 00174490062 | 002 | 4/28/2017 | 141.05- | | | 141.05- |
| PP2017 | 00174490064 | 002 | 4/28/2017 | 88.09- | | | 88.09- |
| PP2017 | 00174490066 | 002 | 4/28/2017 | 78.98- | | | 78.98- |
| PP2017 | 00174490068 | 002 | 4/28/2017 | 38.48- | | | 38.48- |
| PP2017 | 00174490070 | 002 | 4/28/2017 | 48.60- | | | 48.60- |
| PP2017 | 00174490072 | 002 | 4/28/2017 | 57.02- | | | 57.02- |
| PP2017 | 00174490074 | 002 | 4/28/2017 | 53.87- | | | 53.87- |
| PP2017 | 00174490076 | 002 | 4/28/2017 | 53.87- | | | 53.87- |

| Comment.....: | | | | | | | |
|---------------|-------------|-----|-----------|---------|-------------|-------------|---------|
| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
| PP2017 | 00174490078 | 002 | 4/28/2017 | 31.79- | | | 31.79- |
| PP2017 | 00174490080 | 002 | 4/28/2017 | 48.60- | | | 48.60- |
| PP2017 | 00174490082 | 002 | 4/28/2017 | 127.98- | | | 127.98- |
| PP2017 | 00174490084 | 002 | 4/28/2017 | 130.41- | | | 130.41- |
| PP2017 | 00174490086 | 002 | 4/28/2017 | 38.48- | | | 38.48- |
| PP2017 | 00174490088 | 002 | 4/28/2017 | 180.13- | | | 180.13- |
| PP2017 | 00174490090 | 002 | 4/28/2017 | 38.48- | | | 38.48- |
| PP2017 | 00174490092 | 002 | 4/28/2017 | 62.46- | | | 62.46- |
| PP2017 | 00174490096 | 002 | 4/28/2017 | 20.25- | | | 20.25- |

| Comment.....: | | | | | | | |
|---------------|-------------|-----|-----------|---------|-------------|-------------|---------|
| Dept | Ticket No. | FRO | BillDate | Charge | Penalty/Int | Amount Paid | Balance |
| PP2017 | 00174490098 | 002 | 4/28/2017 | 78.77- | | | 78.77- |
| PP2017 | 00174490100 | 002 | 4/28/2017 | 78.77- | | | 78.77- |
| PP2017 | 00174490102 | 002 | 4/28/2017 | 155.95- | | | 155.95- |
| PP2017 | 00174490104 | 002 | 4/28/2017 | 40.70- | | | 40.70- |
| PP2017 | 00174490106 | 002 | 4/28/2017 | 180.13- | | | 180.13- |

Comment.....:
Old/New Promise Date.:
Multiple Pages No. of Transactions: 50

Total: \$3114.63-
Amount to Pay:

F3=Exit F4=Accept Payment F7=Pay Bills Separately
F15=Show Penalty/Int

F20=Attachment
F21=Command Line

Needs Board approval

L



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

To: Frederick County Board of Supervisors
From: Jason Robertson, Director of Parks & Recreation
Date: April 16, 2018
Subject: Frederick Heights Park – Preserved Open Space

The Parks and Recreation Commission (6,0), at its February meeting, recommended the Board of Supervisors adopt the Resolution (**Attachment 1**) designating 2.03 acres of Frederick Heights Park as Preserved Open Space. The purpose of this designation is to meet Department of Environmental Quality (VADEQ) requirements associated with the addition of a parking lot and ½ mile paved trail at Frederick Heights Park. For this project VEDEQ requires water quality mitigation to be implemented. The plat recordation of 2.03 acres of Frederick Heights Park as Preserved Open Space meets this requirement.

The areas selected for designation as Preserved Open Space are shown on the attached aerial image and plat (**Attachment 2**). The areas were selected due to their limited suitability for future development as they are primarily; wetlands, stream corridor, or steep slopes. Preserved Open Space areas must be outside the area of disturbance on plans and remain in a natural vegetated state (not mowed more that 4x per year). Utility easements and passive recreation trails (dirt foot paths) are permitted in Preserved Open Space areas.

Requested Action:

Approve the resolution allowing 2.03 acres of Frederick Heights Park to be recorded as Preserved Open Space.



RESOLUTION

Frederick County Board of Supervisors

AUTHORIZING PRESERVING OPEN SPACE AT FREDERICK HEIGHTS PARK

WHEREAS, the Frederick County Parks and Recreation department is installing a parking area and half-mile paved trail at Frederick Heights Park; and

WHEREAS, Stormwater Management Regulations require Water Quality Control measures to mitigate phosphorus runoff in the Park; and

WHEREAS, dedicating 2.03 acres of Frederick Heights Park as Preserved Open Space, as depicted on the Plat entitled "Preservation Area on the land of Frederick County Parks & Recreation, Tax Parcel 54-A-124A" dated March 19, 2018 and prepared by Christopher G. Blair, licensed land surveyor, will satisfy the Water Quality Control requirements; and

WHEREAS, the Parks and Recreation Commission unanimously recommends placing the aforementioned 2.03 acres of Frederick Heights Park into Preserved Open Space to satisfy Water Quality Control requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Frederick County Board of Supervisors hereby designates 2.03 acres of Frederick Heights Park property as Preserved Open Space on behalf of the County, as depicted on the Plat entitled

"Preservation Area on the land of Frederick County Parks & Recreation, Tax Parcel 54- A-124A" dated March 19, 2018 and prepared by Christopher G. Blair of Greenway Engineering. The Frederick County Board of Supervisors hereby authorizes staff to cause the aforementioned plat to be filed among the land records in the office of the Clerk of the Circuit Court for Frederick County, Virginia.

Adopted this 25th day of April, 2018.

Charles S. DeHaven, Jr., Chairman _____

J. Douglas McCarthy _____

Shannon G. Trout _____

Robert W. Wells _____

Gary A. Lofton _____

Judith McCann-Slaughter _____

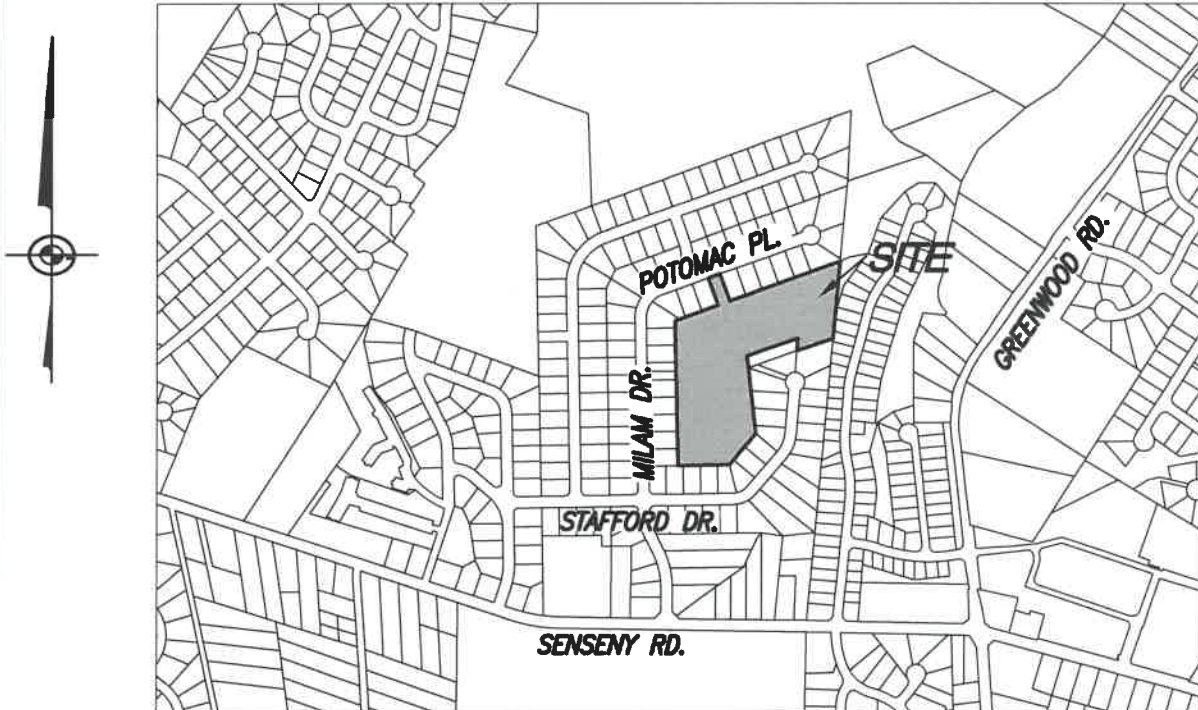
Blaine P. Dunn _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



VICINITY MAP




SCALE: 1" = 1000'

NOTES

1. NO TITLE REPORT HAS BEEN FURNISHED, EASEMENT OTHER THAN SHOWN MAY EXIST.
2. CURRENTLY ZONED - RP
3. THE SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY PERFORMED BY THIS FIRM.
4. CURRENT OWNER OF RECORD: FREDERICK COUNTY VA DEED BOOK 832 PAGE 13015. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN PER N.F.I.P. FLOOD INSURANCE RATE MAPS No. 51069C0217D DATED SEPTEMBER 2, 2009.

SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER G. BLAIR, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS IS A SHOWING THE PROPOSED PRESERVATION AREAS ON THE LAND OF FREDERICK COUNTY PARKS AND RECREATION AS RECORDED BY DEED BOOK 832 PAGE 1301 AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA.


CHRISTOPHER G. BLAIR, L.S. No. 3276

3/22/18
DATE

PRESERVATION AREA
ON THE LAND OF
FREDERICK COUNTY PARKS & RECREATION
TAX PARCEL 54-A-124A

RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: AS SHOWN

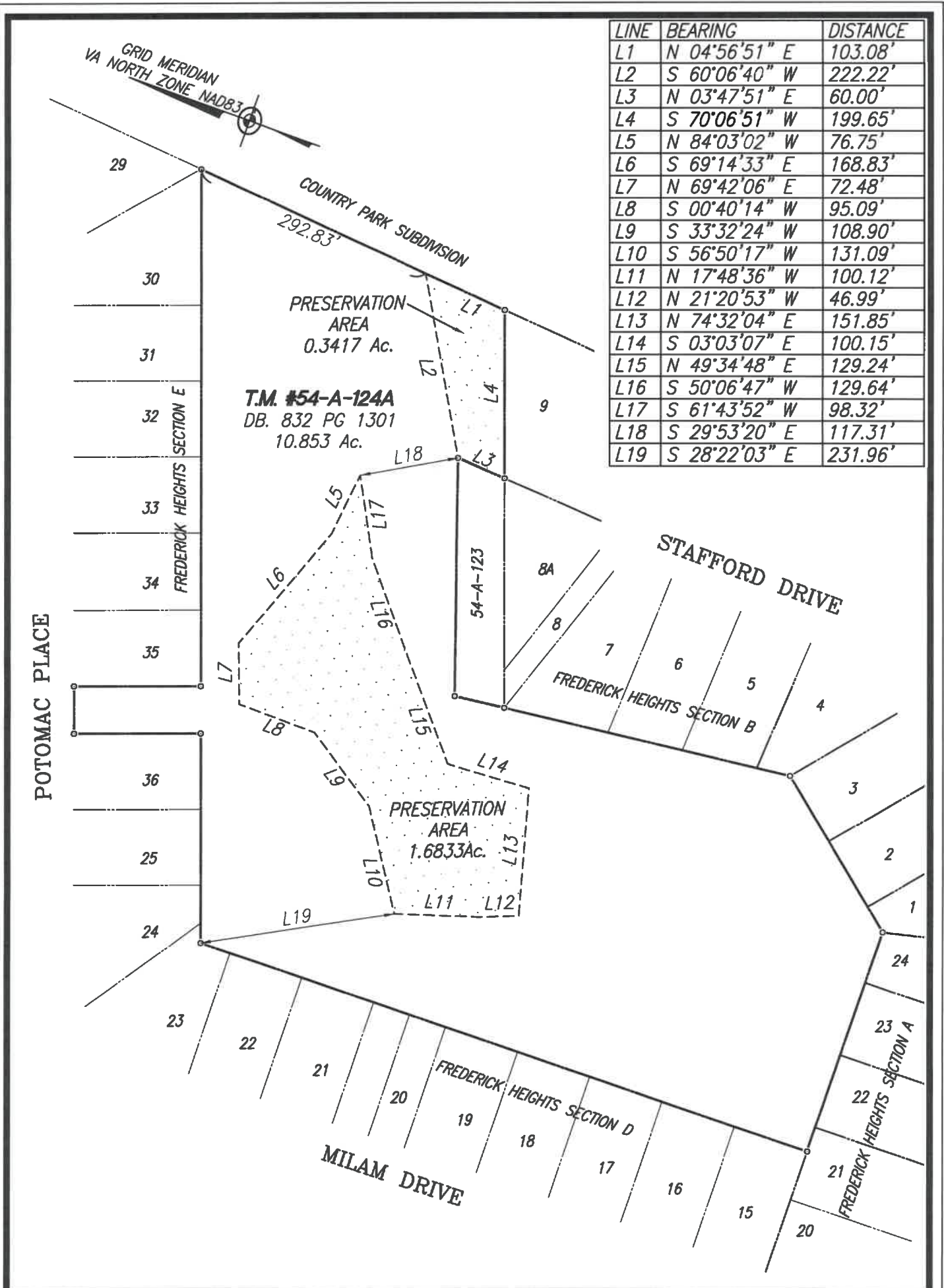
DATE: MARCH 19, 2018



GREENWAY ENGINEERING, INC.
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com



0142F SHEET 1 OF 2



PRESERVATION AREA
ON THE LAND OF
FREDERICK COUNTY PARKS & RECREATION
TAX PARCEL 54-A-124A

RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

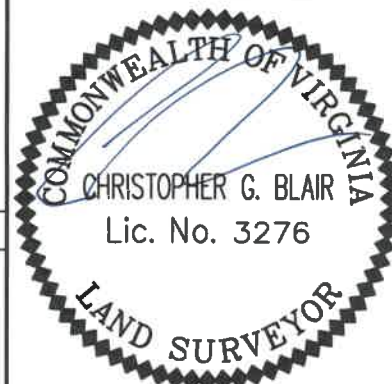
SCALE: 1" = 150'

DATE: MARCH 19, 2018



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com



0142F SHEET 2 OF 2

M



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

| APPLICANT INFORMATION | | | | |
|---|---|--|---|------------------------------------|
| Name of Applicant: <u>Meso Creso</u> | | | | |
| Telephone Number(s): <u>808-226-2871</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell _____ <input type="checkbox"/> home <input type="checkbox"/> office <input type="checkbox"/> cell | | | | |
| Address: <u>3802 14th St. NW #610 Washington, DC 20011</u> | | | | |
| Contact Email: <u>nomadicoproduction@gmail.com</u> | | | | |
| FESTIVAL EVENT ORGANIZATIONAL INFORMATION | | | | |
| Festival Event | Name of Festival: <u>Nomoadico</u> | | | |
| Cost of Admission to Festival: <u>\$125-\$175</u> | | Business License Obtained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Date(s) | Start Time | End Time | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
| June 8, 2018 -June 11, 2018 | 12:00pm | 12:00pm | 700 total | 850 (ticket + comps) |
| | | | | |
| | | | | |
| Location | Address: <u>The Cove Campground 980 Cove Rd. Gore, VA 22637</u> | | | |
| Owner of Property | Name(s): <u>Daniel McDowell and Willis McDowell</u>
Address: <u>980 Cove Rd. Gore, VA 22637</u>
<small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small> | | | |
| Promoter | Name(s): <u>Meso Creso</u>
Address: <u>3802 14th St. NW #610 Washington, DC 20011</u>
<small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small> | | | |
| Financial Backer | Name(s): <u>Meso Creso</u>
Address: <u>3802 14th St. NW #610 Washington, DC 20011</u> | | | |
| Performer | Name of Person(s) or Group(s): <u>A mix of DC, New York and Philadelphia DJ's and bands full line up to be confirmed. This application is for Nomadico, a music and arts festival produced by Meso Creso, a non-profit, 501(c)(3) educational arts organization.</u>
<small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small> | | | |

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). ☒ copy attached OR ☐ copy to be provided as soon as available
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
The festival will be located in Camps 6 and 10 at The Cove, which has 6 permanent outhouse facilities. Festival attendees will have access to The Cove's on-site permanent bathrooms and showers. In addition, we will be contracting for an additional 20-30 port-a-potties, which is a ratio of at least 1 toilet for each 33 attendees. Port-a-potties will be arranged in 3 banks distributed throughout the festival site, with at least one handwashing and sanitation station per bank. Handicap-accessible facilities will be provided. Additional information attached.
3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
Festival attendees will be permitted to bring their own food and water to the festival, and we will be encouraging festival attendees to purchase food and water from local stores. In addition, there will be 1-3 food vendors (e.g. food trucks) on-site for attendees to purchase food. Ice will also be available for purchase. These vendors will be licensed in VA, and meet the requirements of all state and local statutes, ordinances, and regulations, including those of the Department of Health of the Lord Fairfax Health District. Festival attendees will be tent-camping overnight in Camps 6 and 10 at the Cove. Additional information attached.
4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
The festival will be providing 24/7 First Aid services where volunteer medical professionals (doctors, nurses, or others with professional medical training) will be available to advise and assist in administering basic self-care and first aid treatment to festival attendees who may experience minor injuries such as minor cuts, bruises, or sprains. However, the festival First Aid tent is not designed or intended to be a substitute for a hospital or clinic. Our medical emergency plan requires that any potentially serious injury be referred immediately to the local clinic or hospital. Additional information attached
5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
The festival will not involve any large-scale or potentially dangerous or hazardous fireworks, pyrotechnics or fires. Festival attendees will be permitted to use the small campfires and grills that exist on site at the festival. We have a "fire safety" lead, who will be monitoring all campfires to ensure adequate safety and precautions. Per the requirements of state and local statutes, ordinances, and regulations, we will work with the Fire Marshal to arrange for an on-site visit prior to the festival, and arrange for any other precautions that may be necessary.
6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)
Our parking plan prioritizes adequate traffic control so that cars may exit the festival grounds as quickly as possible in the event of an emergency or evacuation order. We have secured parking space to accommodate more than 500 cars, and the space is marked in the attached diagram. These parking lots will include entry and exit lanes that will be kept clear for immediate evacuation in the event of any emergency. Additional information attached.
7. State whether any outdoor lights or lighting will be utilized: ☒ YES ☐ NO
If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.
Some outdoor lighting will be used at this festival to provide lighting for the music and art performances, and to light pathways and otherwise aid festival attendees as they navigate the festival grounds. However, such lighting is minimal and no "glow" or effect will be visible from beyond the festival grounds, which is completely surrounded by forest. We have attached a diagram that displays the planned location of all festival lighting.
8. State whether alcoholic beverages will be served: ☐ YES ☒ NO
If yes, provide details on how it will be controlled.
No alcoholic beverages will be served by Nomadico. Pursuant to the Cove Campground's rules and regulations, festival attendees will be permitted to bring their own alcoholic beverages to consume, should they choose to do so.

(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)

FESTIVAL PROVISIONS

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

CERTIFICATION

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.



Signature of Applicant

Jessica Reid on behalf of Meso Creso

Printed Name of Applicant

Date: March 21, 2018

**THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE
UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.**

APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA

Dates/Times:

Friday, June 8th, 12pm to Monday, June 11th, 12pm

Maximum No. of Tickets Offered For Sale Per Day: 700

Estimated No. of Attendees Per Day: 850 (700 participants including about 150 staff)

This application is for Nomadico, a music and arts festival produced by Meso Creso, a non-profit, 501(c)(3) educational arts organization. This would be the second version of the Nomadico festival. Nomadico occurred once in the past in October 2016, in Lignum, VA.

Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

The festival will take place at The Cove Campground located at 980 Cove Rd, Gore, VA 22637. The Cove Campground has had many public events and festivals of an equal or greater size in the past. Our general plan is to rely in part on the existing infrastructure of The Cove Campground, and also to contract with outside services to supplement the existing infrastructure. Because we have produced this festival before, we are familiar with safe and lawful sanitation and trash disposal practices.

The festival will be located in Camps 6 and 10 at The Cove, which has 6 permanent outhouse facilities. Festival attendees will have access to The Cove's on-site permanent bathrooms and showers. In addition, we will be contracting for an additional 20-30 port-a-potties, which is a ratio of at least 1 toilet for each 33 attendees. Port-a-potties will be arranged in 3 banks distributed throughout the festival site, with at least one handwashing and sanitation station per bank. Handicap-accessible toilet facilities will be provided. Port-a-potties will be dropped off between Tuesday, June 5th and Thursday, June 7th--at least one day prior to gates opening--and will be available for use through Monday, June 11th. Festival staff will use the on-site outhouses prior to arrival of the port-a-potties. The port-a-potties will be cleaned by the contracted company twice (once on Saturday and once on Sunday) to ensure that festival participants have adequate access to sanitary bathrooms. The sewage from the port-a-potties will be removed and disposed of by our local sanitation/port-a-potty contractor, consistent with the requirements of all state and local statutes, ordinances, and regulations.

The Cove Campground is making available a large dumpster for use at the festival. There will be trash containers placed throughout the festival for attendees' use and staff will empty the containers into the dumpster as they fill up. The garbage produced and deposited in the dumpster will be disposed of along with the Cove's other garbage, pursuant to the requirements of all state and local statutes, ordinances, and regulations. The festival will not be producing any additional sewage, chemicals, or hazardous materials that would require special disposal procedures.

Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

The festival is located in the Cove Campground, which meets the requirements of section § 165-204.03 of the code of Frederick County, Virginia (section A-F) related to campgrounds and tourist camps.

Festival attendees will be permitted to bring their own food and water to the festival, and we will be encouraging festival attendees to purchase food and water from local stores. In addition, there will be 1-3 food vendors (e.g. food trucks) on-site for attendees to purchase food. Ice will also be available for purchase. These vendors will be licensed in VA, and meet the requirements of all state and local statutes, ordinances, and regulations, including those of the Department of Health of the Lord Fairfax Health District.

Regarding water, festival attendees will have access to The Cove's on-site water supply, which is sourced from the county and meets state and local statutes, ordinances, and regulations, and has been approved by the VA Department of Health. Through use of large, refillable water tanks, we will ensure that festival attendees also have quick and easy access to as much water from this same water source as they may need at Camps 6 and 10, where the festival will occur.

Regarding lodging, festival attendees will be tent-camping overnight in Camps 6 and 10 at the Cove Campground, where the festival will occur. Attendees will provide their own tents for personal camping.

Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

The festival will be providing 24/7 First Aid services where volunteer medical professionals (doctors, nurses, or others with professional medical training) will be available to advise and assist in administering basic self-care and first aid treatment to festival attendees who may experience minor injuries such as minor cuts, bruises, or sprains.

However, the festival First Aid tent is not designed or intended to be a substitute for a hospital or clinic. Our medical emergency plan requires that any potentially serious injury be referred immediately to the local clinic or hospital. A vehicle and standby driver will be available to drive attendees to the local clinic or hospital, and our staff will be instructed to immediately call 911 in the case of any medical emergency that is serious or life threatening.

The closest local hospital with 24-hour emergency and urgent care is the Winchester Medical Center, which is 17 miles from the Cove Campground.

Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

The festival will not involve any large-scale or potentially dangerous or hazardous fireworks, pyrotechnics or fires. Festival attendees will be permitted to use the small campfires and grills that exist on site at the festival. We have a "fire safety" lead, who will be monitoring all campfires to ensure adequate safety and precautions. Per the requirements of state and local statutes, ordinances, and regulations, we will work with the Fire Marshal to arrange for an on-site visit prior to the festival, and arrange for any other precautions that may be necessary.

Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)

Our parking plan prioritizes adequate traffic control so that cars may exit the festival grounds as quickly as possible in the event of an emergency or evacuation order. We have secured parking space to accommodate more than 500 cars, and the space is marked in the attached diagram. These parking lots will include entry and exit lanes that will be kept clear for immediate evacuation in the event of any emergency. To reduce congestion and minimize logistical complications, once cars park they will be encouraged to remain at the festival, except in cases of emergency. We have full-time volunteers designated to staff parking areas to ensure that cars are being directed appropriately and parked in a safe and effective manner.

State whether any outdoor lights or lighting will be utilized: ☐ YES ☐ NO

If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

Some outdoor lighting will be used at this festival to provide lighting for the music and art performances, and to light pathways and otherwise aid festival attendees as they navigate the festival grounds. However, such lighting is minimal and no "glow" or effect will be visible from beyond the festival grounds, which is completely surrounded by forest. We have attached a diagram that displays the planned location of all festival lighting.

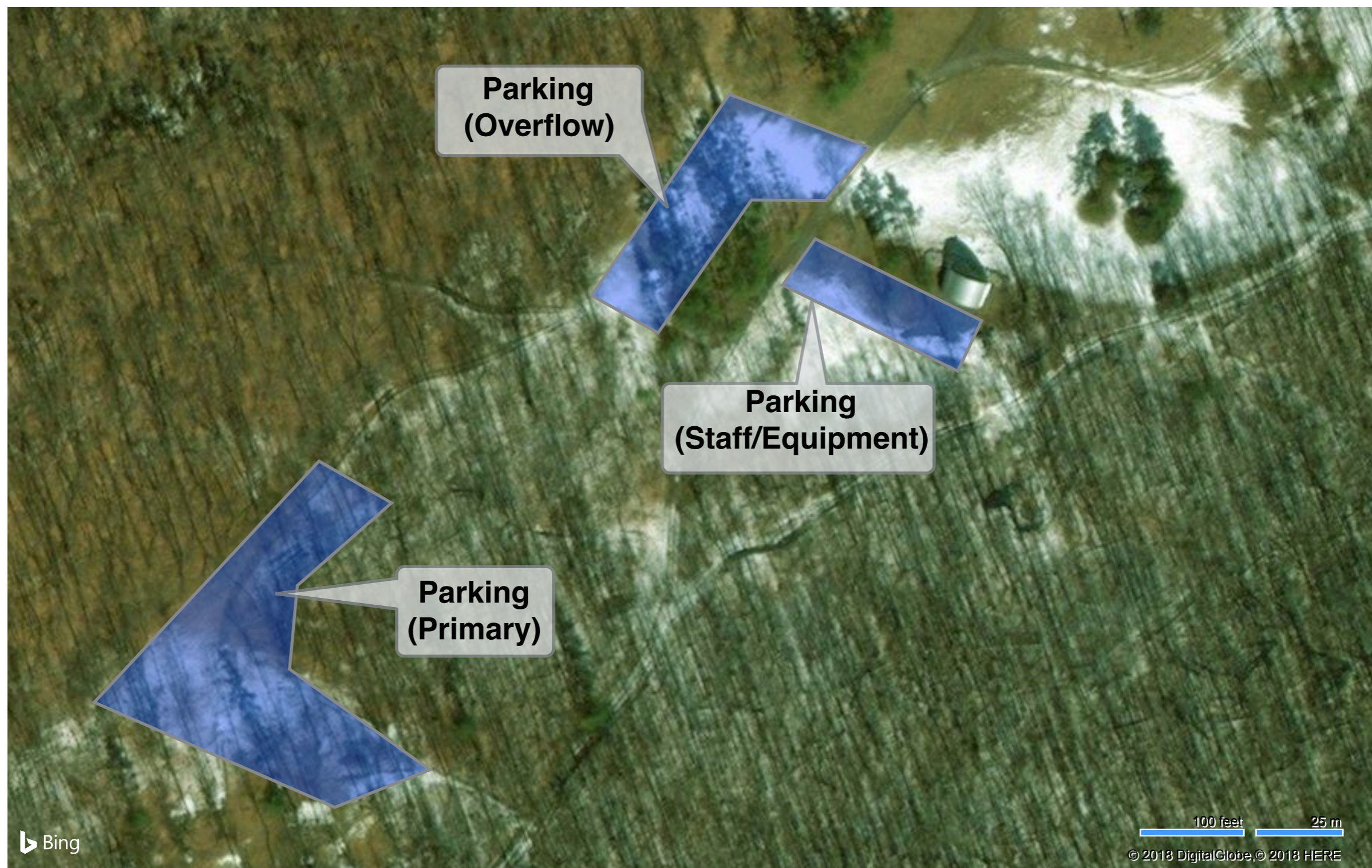
State whether alcoholic beverages will be served: ☐ YES ☒ NO

If yes, provide details on how it will be controlled.

No alcoholic beverages will be served by Nomadico. Pursuant to the Cove Campground's rules and regulations, festival attendees will be permitted to bring their own alcoholic beverages to consume, should they choose to do so.

Applicant makes the following statements: A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival. B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located. C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.) D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.

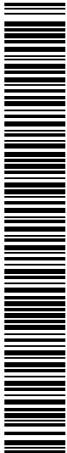




LIGHTING PLAN

The festival perimeter is noted below. Roads and houses are located 0.6 miles away from the west side, and 1 mile away from the east side.





| | | | | |
|--|--|---------------------|--|---|
| 
720852374899801754001 | Event | | <h1>Nomadico 2018</h1>  | |
| | Date+Time | | Location | |
| | Friday, June 8, 2018 at 12:00 PM - Monday, June 11, 2018 at 12:00 PM (EDT) | | Gore VA | |
| | Order Info | |  | |
| Type | | Early Bird \$132.87 | | Name
Raha Wala

Payment Status
Eventbrite Completed |

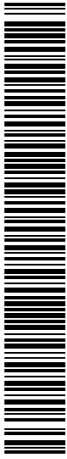




720852374899801754001

Eventbrite

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www.eventbrite.com

| | | | | |
|--|--|----------|--|---|
| 
720852374899801755001 | Event | | <h1>Nomadico 2018</h1>  | |
| | Date+Time | Location | | Name |
| | Friday, June 8, 2018 at 12:00 PM - Monday, June 11, 2018 at 12:00 PM (EDT) | Gore VA | | Raha Wala
Payment Status
Eventbrite Completed |
| | Order Info | |  | |
| Order #720852374. Ordered by Raha Wala on January 23, 2018 11:27 AM | | | | |
| Type | Early Bird \$132.87 | | | |



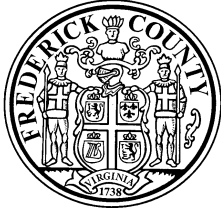
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REZONING APPLICATION #05-17

O-N MINERALS/dba CARMEUSE LIME & STONE

Staff Report for the Board of Supervisors

Prepared: April 16, 2018

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

| | <u>Reviewed</u> | <u>Action</u> |
|-----------------------|-----------------|--|
| Planning Commission: | 11/15/17 | Public Hearing Held; Postponed for 90 Days |
| Planning Commission: | 02/21/18 | Public Hearing Held; Recommended Denial |
| Board of Supervisors: | 03/14/18 | Public Hearing Held; Postponed for 30 Days |
| Board of Supervisors: | 04/25/18 | Pending |

PROPOSAL: To rezone 394.2+/- acres from the EM (Extractive Manufacturing) District with proffers to the EM (Extractive Manufacturing) District with revised proffers. The Middletown site was originally rezoned to the EM (Extractive Manufacturing) District with Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. The Applicant is seeking to revise the proffers pertaining to viewshed plans, berms, landscaping and cemetery access.

LOCATION: The properties are located west of the Town of Middletown. Specifically, the Middle Marsh Property is located east of Belle View Lane (Route 758), and west and adjacent to Hites Road (Route 625) and is further traversed by Chapel Road (Route 627). The Northern Reserve is bounded to the south by Cedar Creek and is west and adjacent to Meadow Mills Road (Route 624).

EXECUTIVE SUMMARY & CONCLUSION FOR THE 04/25/18 BOARD OF SUPERVISORS

MEETING:

The purpose of this application is to request a proffer amendment to Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. This proffer amendment proposes to remove the previously proffered Overall Plan, Phasing I, II, III and IV Plans and six of the twelve viewshed plans. The amended proffer dated March 2, 2018 dated proposes to utilize a Generalized Development Plan and nine viewshed plans. This amendment seeks to revise the timing of the installation of the berms, revise the heights of the berms, seeks to remove the landscaping exhibit for the berms, revises the access for one of the two cemeteries and removes the water supply and reclamation proffers. All other proffers remain generally consistent with the 2006 approved rezoning and proffer statement.

Elements of the rezoning application have been identified that should be carefully evaluated to ensure that they fully address the impacts associated with this amendment. Specifically, elements pertaining to the timing of Berms C and D, the berm heights for Berm D and the cemetery access should be evaluated. The Planning Commission at their February 21, 2018 meeting unanimously recommended denial of this application. The Board of Supervisors held a public hearing for this item on March 14, 2018 and postponed the application until the April 25, 2018 meeting. Staff has not received additional information from the Applicant following the March 14th meeting.

Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.

| | <u>Reviewed</u> | <u>Action</u> |
|-----------------------|-----------------|--|
| Planning Commission: | 11/15/17 | Public Hearing Held; Postponed for 90 Days |
| Planning Commission: | 02/21/18 | Public Hearing Held; Recommended Denial |
| Board of Supervisors: | 03/14/18 | Public Hearing Held; Postponed for 30 Days |
| Board of Supervisors: | 04/25/18 | Pending |

PROPOSAL: To rezone 394.2+/- acres from the EM (Extractive Manufacturing) District with proffers to the EM (Extractive Manufacturing) District with revised proffers. The Middletown site was originally rezoned to the EM (Extractive Manufacturing) District with Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. The Applicant is seeking to revise the proffers pertaining to the to viewshed plans, berms, landscaping and cemetery access.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBERS: 83-A-109 and 90-A-23 (portions of)

PROPERTY ZONING: EM (Extractive Manufacturing) District

PRESENT USE: Quarry and Undeveloped

ADJOINING PROPERTY ZONING & PRESENT USE:

| | | | |
|--------|-------------------------------|------|--------------------------|
| North: | RA (Rural Areas) | Use: | Residential |
| South: | EM (Extractive Manufacturing) | Use: | Shenandoah County |
| East: | RA (Rural Areas) | Use: | Residential/Agricultural |
| West: | RA (Rural Areas) | Use: | Residential/Agricultural |

PROPOSED USES: Quarry

REVIEW EVALUATIONS:

Planning & Zoning:

1) Site History:

The original Frederick County zoning map (U.S.G.S. Middletown Quadrangle) identifies the subject parcels as being zoned A-2 (Agricultural General). The County's agricultural zoning districts were subsequently combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding revision of the zoning map resulted in the re-mapping of the subject property and all other A-1 and A-2 zoned land to the RA District. The subject properties were rezoned to the EM (Extractive Manufacturing) District with the approval of Rezoning #03-06 on May 28, 2008 (see attached original proffers).

2) Comprehensive Plan:

The 2035 Comprehensive Plan is the guide for the future growth of Frederick County.

The 2035 Comprehensive Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key components of Community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

The Area Plans, Appendix I of the 2035 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

Land Use

The subject properties are located within the Rural Areas of Frederick County and are outside of the limits of the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA). The Rural Areas land use designation is defined in the Comprehensive Plan as all areas outside of the designated Urban Development Area. The primary land uses in the Rural Areas are agriculture and forests. The primary growth pattern consisting of widely scattered, large lot residential development.

Transportation and Access.

The Eastern Road Plan of the Comprehensive Policy Plan does not cover this portion of the County. Per the 2006 rezoning, site access continues to be via the existing quarry entrance on McCune Road (Route 757) – *See proffer 2.1*

3) Historic:

The Historic Resources Advisory Board (HRAB) reviewed the original 2006 rezoning application on December 20, 2005. This rezoning does not increase the historic impacts from the original rezoning application. Staff would note that the Applicant has completed the 8-acre land dedication to the Cedar Creek Battlefield Foundation as stated in proffer 3.1, as well as, the

Phase I Archeological Survey per proffer 3.2.

4) **Proffer Statement – Dated June 13, 2005; revised January 31, 2018; revised February 14, 2018; revised March 2, 2018:**

Proposed revisions from the approved proffer statement (please see attached redline copy of the proffer statement):

- **Proffer Introduction:** This proffer amendment proposes to remove the previously proffered Overall Plan, Phasing I, II, III and IV Plans and six of the twelve viewshed plans. The amended proffer proposes to utilize a Generalized Development Plan and nine viewshed plans (Viewshed 1A Viewshed 1B, Viewshed 2, Viewshed 3, Viewshed 4A, Viewshed 5A, North Viewshed 1, North Viewshed 2 and North Viewshed 3).
 - The Phasing I, II, III and IV Plans of the GDP from the approved rezoning show a phasing sequence for the mining of the property. While the phasing plans that were part of the proffered GDP are proposed to be removed with this amendment, the phasing text has been retained (see revised proffer 13).
- **Site Development – Proffer 2.2 - Berms-** This proffer amendment proposes to change the text pertaining to the berms, revises the timing of the installation of the berms, removes the landscaping exhibit and changes the approval of the landscaping utilized on the berms.
 - **Berm Installation Timing:**
 - Berms A and Berm B (original Phase I) were to be installed within 10 years of the approval of the proffer (2018).
 - Berms C and Berm D (original Phase II) were to be installed no later than 10 years prior to the commencement of mining north of Chapel Road.
 - The proffer amendment proposes to remove timing of the construction of Berm C (south of Chapel Road) which was proffered to be installed no later than 10 years prior to the commencement of mining north of Chapel Road. There is no timing proposed with Berm C under the proposed amendment.
 - The proffer amendment removes the requirement that the berms be installed 10 years prior to mining north of Chapel Road. The proposed amendment states that the berms would be installed after permitting and one year prior to the extraction of material for processing.
 - The amendment removes original Exhibit 3 which pertained to the description of the plants to be installed on the berms. The approved proffer statement requires the berm plantings to “a mix of deciduous and coniferous plantings placed in a random manner to be consistent with existing vegetation patterns” and would be subject to reasonable approval by the Zoning Administrator and the state forester. The proposed proffer states “plantings will include a seed mix recommended

by the National Park Service that is currently in use at the adjacent Cedar Creek and Bell Grove National Historic Park”.

Staff Comments:

- *Berms C&D as indicated in the original proffer included 10’ berms north and south of Chapel Road that were to be installed 10 years prior to mining north of Chapel Road. There is no timing proposed with Berm C (south of Chapel Road) under the proposed amendment.*
- *It appears that this proffer amendment would allow for a large amount of earthwork and excavating prior to any berms being installed.*
- *The approved proffer provided time for the plantings to become established on the berms prior to mining activities. This proffer revises the timing to include one year prior to extraction of materials, which reduces the established timeline that would provide additional established landscaping protection for adjacent properties.*

○ *Berm Heights:*

- **Proffer 2.2 – Berm Heights.** Berms were proffered with a maximum height of 30 feet and a minimum height of 10 feet as depicted on the twelve viewshed plans. The proposed proffer includes nine proposed viewshed plats and proposes text that states, “a combination of landscaping, earthen berms and fencing shall either be maintained or installed as depicted and described on the amended GDP”.
- **Proffer 2.2 Berm D - Section 1** – Berm section 1 is the section south of the Westernview Subdivision. The viewshed from the quarry to the adjacent Subdivision was originally proffered at a 30’ height as depicted on Viewshed 7 from the approved proffer but is proposed to be reduced to 15’ in height.
- **Proffer 2.2 Berm D - Section 2** – this revision proposes a 30’ berm which is consistent with the approved proffers, however; the revision includes a statement that the berm could be reduced due to cemetery or stream encroachment – this berm could potentially be reduced to 10’.
- **Proffer 2.2 Berm D - Section 3** – The northern section of Chapel Road shows a 10’ berm which is consistent with the approved proffer; however, the proffer removes the timing for this berm (Berm D).
- **Proffer 2.2 Berm D - Section 4** – This berm is consistent with the approved proffers (see viewshed 6 from the approved proffer and the Section 4 berm on the GDP. This berm is proposed to be 20’ in height.

Staff Comments:

- *The reduction in berm heights and the elimination of the viewshed plan for the Chapel Road area could greatly impact the surrounding residential properties as well as the viewshed and appearance of the Chapel Road area.*
- *Berm Section 2 should be placed in an area that would not encroach on the cemetery and the stream to ensure that a definitive berm height is provided.*
- **Historic Resources – Proffer 3.3** – This proposed amendment seeks to relocate the access for the second cemetery located on parcel 109. Access to this cemetery is currently provided via Marsh Book Lane which is a private right-of-way. The approved rezoning stated that the Applicant would improve this right-of-way once the cemetery restoration is complete and within 12 months of VDOT approval.
 - This proffer amendment seeks to eliminate the Marsh Brook Lane access and provide a new right-of-way that would provide access to the cemetery to Chapel Road. The proposed revision states that the owner would relocate the ROW within 12 months of VDOT approval.

Staff Comment: This proffer does not commit to building an actual access road for the cemetery, only the relocation of the ROW which could potentially only relocate the easement but not actually build the access. This revision also contains no timing for applying for the Chapel Road entrance. Potentially this access could not be built if the owner never applies for a VDOT entrance.

- **Rights to Water Supply – Original Proffer 5.** This proffer is proposed to be eliminated.
- **Reclamation – Original Proffer 10** This proffer is proposed to be eliminated.

All other proffers remain generally consistent with the 2006 approved rezoning and proffer statement.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 11/15/17 MEETING:

Staff reported this is a request to amend the proffers associated with Rezoning #03-06 which was approved in 2008. Staff continued, at that time 394.2+/-acres was rezoned from RA (Rural Areas) District to EM (Extractive Manufacturing) District. Staff noted the Applicant is seeking to revise the proffers pertaining to: Viewshed Plans, Berm heights, installation timing and landscaping exhibit removal, and cemetery access. A location map of the property was presented. Staff reported the amendment seeks to remove the previously proffered Overall Plan, Phasing I, II, III and IV Plans, and the twelve (12) Viewshed Plans which were all components of the General Development Plan (GDP). This amendment seeks to eliminate these components and only utilize one (1) GDP. Staff presented the GDP which is generally consistent with the outline of the previously approved GDP in regard to the Berm locations on the properties. Staff reviewed the proffer revisions:

Viewshed Plans, Berm Heights, and Berm Installation Timing:

- The viewshed plans from the approved rezoning depicted the proposed berm heights that would provide screening and protection for surrounding properties.
- Berm heights ranged from 10' to 30' as depicted on the viewshed plans.
- Berm timing – Berms A and B were to be installed within 10 years of rezoning approval (installation by 2018). Berms C and D were to be installed no later than 10 years before the commencement of mining north of Chapel Road.
- This amendment removes all minimum/maximum heights and timing is now prior to the commencement of any extraction of materials.

Cemetery Access:

- Amendment seeks to eliminate the Marsh Brook Lane access and provide a new right-of-way that would provide access to the cemetery via Chapel Road.
(the approved rezoning stated that the Applicant would improve the Marsh Brook Lane access within 12 months of completion of the cemetery restoration)
- The proposed amendment does not contain a timeline for the installation of this accessway and does not contain a backup if agency approval cannot be obtained for the new access point on Chapel Road.

Staff noted it appears this proposed proffer amendment will have a great impact on the surrounding residential properties and the Applicant has not provided justification that the berm revisions and the changes requested would mitigate the impacts on the surrounding properties.

A Commissioner inquired about the rights to water supply in paragraph 4.1 of the proffers. Staff explained that a proffer amendment was received from Mr. Ty Lawson prior to the meeting. Staff and the County Attorney were not able to review these prior to this meeting and cannot comment on them at this time. A Commissioner asked how long the Applicant has been working with Staff on these revisions. Staff noted in June 2017 comments were provided to the Applicant. A Commissioner inquired, in the original proffers there were commitments as far as pre-blast surveys of the properties surrounding the quarry; who was responsible in making sure the Applicant performed those commitments that were agreed to in the original rezoning; is the County involved in that, specifically the surveys concerning property conditions, water well conditions, and seismic monitoring. Staff reported it is the Applicant's responsibility to make sure they are fulfilling their proffers; should it arise that those proffers are not being fulfilled or there is a complaint, that proffer compliance would be investigated and determined if the proffers are being met or not. A Commissioner asked if Staff had received comments from residents that the proffers were not implemented as originally agreed to. Staff commented no, not at this time. A Commissioner commented that if the proposed amendment were approved, that the height of the berms would be up to the Applicant. Staff stated that is correct, under the proposed amendment the berm height would be at the Applicants discretion and they eliminated the landscaping detail. The Commissioner commented the current approval offers more to work with; the

new proposal has no specificity. A Commissioner commented for clarity and should ignore what was submitted just a few hours ago and focus on what is in the agenda. A Commissioner asked how close the berms on the north end are from the residential strip of community housing there. Staff deferred this question to the Applicant as to if they have an exact distance planned for the old and new proffers.

Mr. Thomas (Ty) Moore Lawson, P.C. with Lawson & Silek, P.L.C representing the Applicant came forward. Mr. Lawson reported this proffer amendment is to specifically address the berms; on the north end of the property. In response to a Commissioner, Mr. Lawson noted when this exercise was started it was written in a way to just focus on things they wanted to change, as things developed it was pointed out with this rezoning being relatively old that a lot has been completed, therefore what has been accomplished should be considered. Mr. Lawson continued, 36+ acres has been conveyed to the Cedar Creek Battlefield and Article 4 references two old agreements that existed with the Sanitation Authority in 2005; those agreements were terminated, and a new agreement was put in place. Mr. Lawson reviewed the proffer update that was sent to Staff just prior to this meeting: 8-acre historical reserve grew to 36-acres; Phase I archeological study; Two (2) cemeteries were restored; ground water labeled as completed but under way; pre-blast surveys are ongoing (have contacted 105 families); noise requirements are the same; well monitoring is ongoing; phasing of berms A and B are complete. Regarding the berms Mr. Lawson explained the intent now is to have irregular berms in height and different vegetation. Mr. Lawson provided photos of existing berms and of new proposed berms placing berms behind vegetation. Mr. Lawson addressed the question of timing for the berms; the existing proffers states the berms be installed ten (10) years prior to mining activities, this has been removed and replaced with commencement and behind the tree lines so there is less disturbance. Mr. Lawson provided photos of the viewshed and the GDP. A Commissioner inquired why the berms are being located behind the vegetation. Mr. Lawson commented the Applicant has a better idea where most of the stone is underground therefore the point is to be able to install the berms 100 ft. off the property line in turn making the impacts less severe. The Commissioner commented, to simplify; relocating the berms now depends on where the high-quality mineral is to be mined. Mr. Lawson stated that is partially correct; the other part is a fresh set of eyes reviewed this and determined relocation would be better for neighbors. The Commissioner noted relocating the berms have no bearing on the height of the berms. Mr. Lawson explained there was not a requirement to make the berms 30 ft., but somehow became part of the public process; this is not something the company wanted, and the intent is to vary the berm sizes.

A Commissioner requested clarification that the 85 property owners within the property boundary have been contacted regarding pre-blast surveys. Mr. Lawson noted the Applicant contacted all property owners, also offered pre-blast surveys and well monitoring at the Applicant's expense; some have taken advantage of this and others have not. The Commissioner asked if someone comes forth years down the road with problems on their property or structure, how would Chemstone defend this. Mr. Lawson explained the property owners should take advantage of these offers in advance therefore having something to go by. Mr. Lawson noted the existing proffers do not change obligations to one another. Complaints and questions are addressed by the company at all times. The Commissioner asked how often seismic waves are monitored for the 85 properties. Mr. Lawson stated the monitoring is ongoing. Mr. Mark Basel, Site Production Manager at the Middletown, Virginia operation came forward and reported the operation at Chemstone monitors every blast. They have permanent seismic graphs at three (3) different residences toward the southern end of the property. Mr. Basel noted currently there are no

monitors at the northern end where there is no mining yet; they do place mobile units if necessary. A Commissioner inquired has there been any reported impacts/damages from blasting. Mr. Basel commented to his knowledge they have not been out of compliance; they do get calls if the blast is felt stronger than normal. He reiterated, they do monitor all blasts.

There were nine (9) citizens that spoke in opposition of this rezoning. The concerns shared were similar: delay action on this item, no contact from the Applicant regarding well and pre-blast surveys, berms would not provide enough protection and language in the proffers very ambiguous.

Mr. Lawson responded to comments: the drawings/maps are scaled, it is approximately 100 feet from the property line under the existing proffers, the Applicant has copies of notifications/letters that were sent to property owners for pre-blast surveys and well monitoring.

A Commissioner reminded everyone this item is not about the current land use which was previously approved; it pertains to the proffers being amended. He commented, he is agreeable to a delay on this and noted community engagement is extremely important. A Commissioner commented, this item must be acted on in a timely manner and cannot be moved to Spring 2018; he agrees to a postponement. The Commissioner continued, he urges the citizens to take advantage of the offer made by Carmeuse for pre-blast surveys and well monitoring so there can be a base starting point down the road. He concluded, the language is very ambiguous and vague, the Applicant needs to put back in the drawings and examples and put things in writing so that it is very clear.

A motion was made, seconded, and unanimously passed to recommend postponement for 90 days.

(Note: Commissioners Unger and Cline were absent from the meeting)

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 02/21/18 MEETING:

Staff reported this is a request to amend the proffers associated with Rezoning #03-06 which was approved in 2008. Ms. Perkins continued, this request was postponed for 90 days at the Planning Commission's November 15, 2017 meeting to provide the Applicant additional time to discuss the proposal with neighbors. Staff explained the Applicant is seeking to revise the proffers pertaining to: Viewshed Plan, Berm heights, installation timing, Landscaping exhibit removal and Cemetery access. Staff compared the proffers that have been approved to the amended proffers, dated February 14, 2018:

- The approved proffer required berms that ranged in height from 10' to 30' based on the 12 proffered viewshed plans. The revision includes 3 viewshed plats that only show proposed berm details north of Chapel Road.
- Berm Heights – Berm D (north of Chapel Road); berm adjacent to the Westernview Subdivision was proffered to be 30'. The revision proposes to reduce this berm to 15'.
- Berm Heights – Berms C & D; removes the berm detail south of Chapel Road and the Northern berm is still shown at 10'.

- Berm Timing – Berms C & D were proffered to be installed no later than 10 years prior to the commencement of mining north of Chapel Road. The revision proposes Berms C & D to be installed after the permitting process of the properties for mining and before any extraction of material for processing.
- Proffer 2.2 – Site Development: The November 2017 proffer stated, “a combination of landscaping, earthen berms and fencing shall be installed”; the February 2018 proffer states “earthen berms or fencing shall be installed”. This language is ambiguous and appears to allow for the complete elimination of all berms and only fencing provided.
- Cemetery Access: Seeks to relocate the Marsh Brook Lane access to Chapel Road. The approved proffer stated that the Applicant would “improve” the ROW so it can be used for access and that the Applicant would provide continued maintenance. The proposed proffer states that the owner would relocate the ROW; this proffer is ambiguous as to whether the Applicant will be building a ROW for access or just relocating the ROW. It was noted this also removes the timeline (12 months from cemetery restoration) therefore this is no trigger for the completion of this relocation.
- Site Access – Clarification: Staff noted the approved proffers state “access via public secondary roads shall be limited to the quarry entrance on McCune Road”. Staff has received several questions regarding site access directly via Chapel Road; Proffer 2.1 prohibits access to Chapel Road for quarry operations. The proffered GDP indicates a proposed tunnel under Chapel Road.

Staff concluded it appears this proposed proffer amendment will have a great impact on the surrounding residential properties and the Applicant has not provided justification that the berm revisions and the changes requested would mitigate the impacts on the surrounding properties.

Mr. Michael Wilmoth from Carmeuse presented a brief overview of what has transpired since the November meeting: held two community meetings; had face to face meetings with residents; handled numerous phone calls. He provided a presentation of the revised proffers and various mapping.

A Commission Member inquired if the open field on the combined comparison will be mined in the future. Mr. Wilmoth stated not at this time. A Commission Member suggested possibly zoning this piece back to RA. Mr. Ty Lawson, representing the Applicant noted there is no intent at this time. A Commission Member suggested, if the berms are behind the tree line, why not include map or protection in the proffers for residents’ years down the road and could be include in proffer 2.2. The Commissioner noted the wording in proffer 2.2 can be easily misinterpreted. A Commission Member suggested the wording be changed to offer protection to residents in the future. Mr. George McKotch of Carmeuse came forward and provided information pertaining to the berms and future mining. A Commission Member reminded everyone that is what is presented in the agenda is what is to be voted on this evening.

The Public Hearing was opened and six (6) residents came forward and shared their opposition to this rezoning citing concerns such as: requests not fully addressed by Carmeuse; community meetings did not involve everyone, truck traffic on roads, all berms to be 30 feet and residents losing property value. A Commission Member commented the items presented tonight are not acceptable, he sees no reason to reduce the height of the berms and the residents are not satisfied with any of the changes. Mr. Lawson noted the mission was to meet with neighbors; the berm height was the majority of the discussion and they received conflicting requests from neighbors. Mr. Lawson concluded this item needs to move forward and there is no time for a delay request.

A motion was made to deny this request, seconded, and unanimously recommended for denial.
(Commissioner Mohn was absent from the meeting)

BOARD OF SUPERVIORS SUMMARY AND ACTION FROM THE 03/14/18 MEETING:

Staff provided an overview of the application and the revisions requested by the Applicant. Thomas Moore Lawson, representing Carmeuse, introduced Michael Wilmoth of Carmeuse who provided an overview of the request. Mr. Wilmoth said the company met with the neighbors of the property in question and the consensus was that moving the berm and changing the berm timeline were good things. He discussed a list of 11 items that were requested by the neighbors saying Carmeuse has been able to agree to eight of them. Mr. Lawson proceed to provide additional information and an overview of their request. Dr. Clarence R. Geier then discussed the Phase I Archeological Survey which was conducted on the property.

Thirteen citizens spoke during the public hearing. Mr. Lawson responded to the public hearing comments and he appreciated the time and comments of the Board and the project's neighbors. He said there have been seven amendments to the proffers and highlighted the proposed changes.

The item was postponed to the April 25, 2018 meeting with a continued public hearing.

EXECUTIVE SUMMARY & CONCLUSION FOR THE 04/25/18 BOARD OF SUPERVISORS MEETING:

The purpose of this application is to request a proffer amendment to Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. This proffer amendment proposes to remove the previously proffered Overall Plan, Phasing I, II, III and IV Plans and six of the twelve viewshed plans. The amended proffer dated March 2, 2018 dated proposes to utilize a Generalized Development Plan and nine viewshed plans. This amendment seeks to revise the timing of the installation of the berms, revise the heights of the berms, seeks to remove the landscaping exhibit for the berms, revises the access for one of the two cemeteries and removes the water supply and reclamation proffers. All other proffers remain generally consistent with the 2006 approved rezoning and proffer statement.

Elements of the rezoning application have been identified that should be carefully evaluated to ensure that they fully address the impacts associated with this amendment. Specifically, elements pertaining to the timing of Berms C and D, the berm heights for Berm D and the cemetery access should be evaluated. The Planning Commission at their February 21, 2018 meeting unanimously recommended

Rezoning # 05-17 CARMEUSE LIME & STONE
April 16, 2018
Page 12

denial of this application. The Board of Supervisors held a public hearing for this item on March 14, 2018 and postponed the application until the April 25, 2018 meeting. Staff has not received additional information from the Applicant following the March 14th meeting.

Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 05 - 17

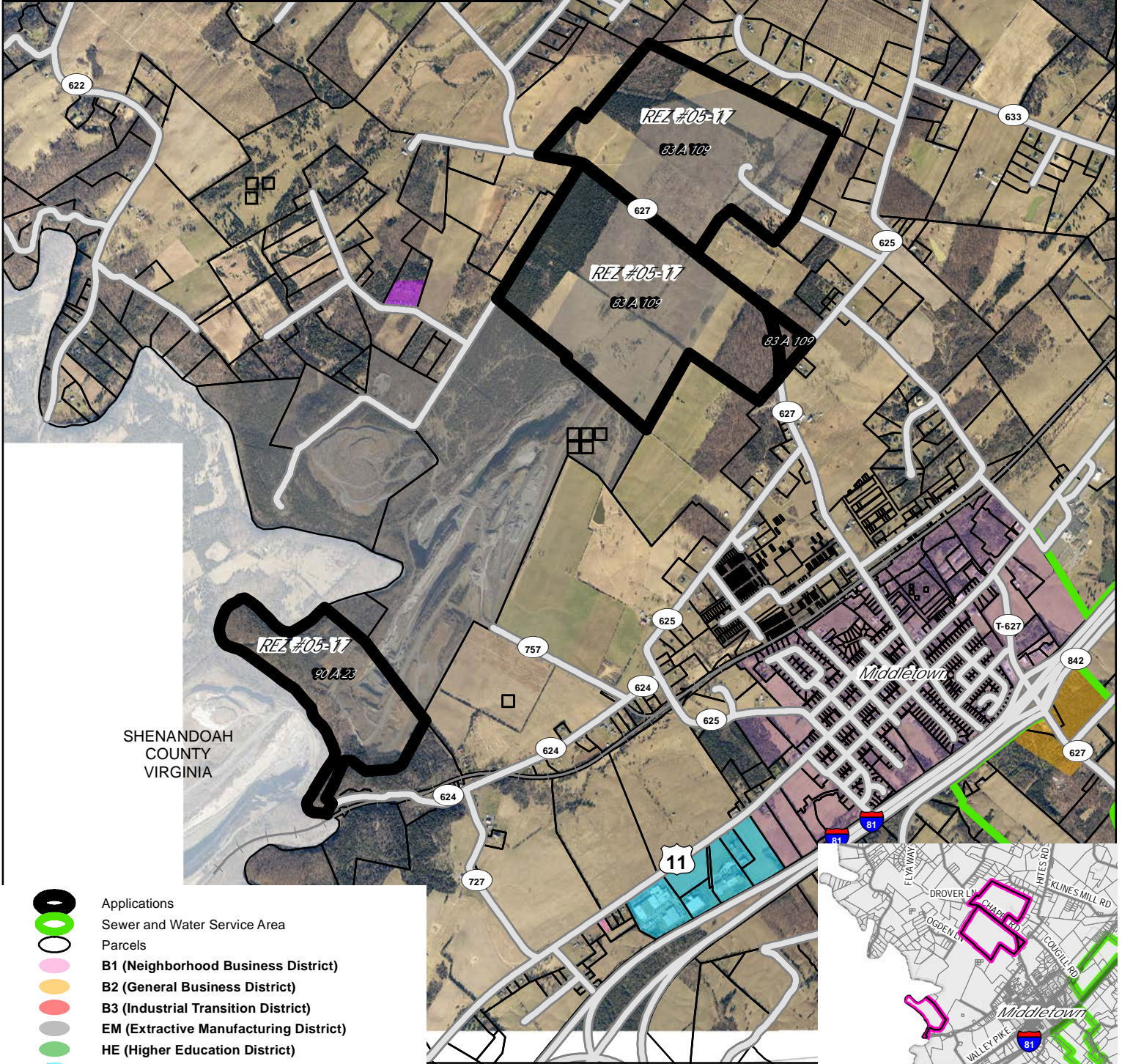
O-N Minerals (Chemstone) Co.

PINs:

83 - A - 109, 90 - A - 23

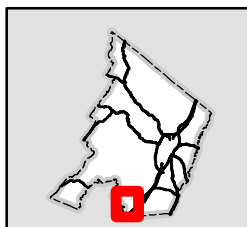
Rezoning from EM to EM

Zoning Map



SHENANDOAH
COUNTY
VIRGINIA

- Applications
- Sewer and Water Service Area
- Parcels
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Areas District)
- RP (Residential Performance District)



REZ # 05 - 17 O-N Minerals (Chemstone) Co.

PINs:

83 - A - 109, 90 - A - 23

Rezoning from EM to EM
Zoning Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 18, 2017
Staff: cperkins



0 1,600 3,200 6,400 Feet

REZ # 05 - 17

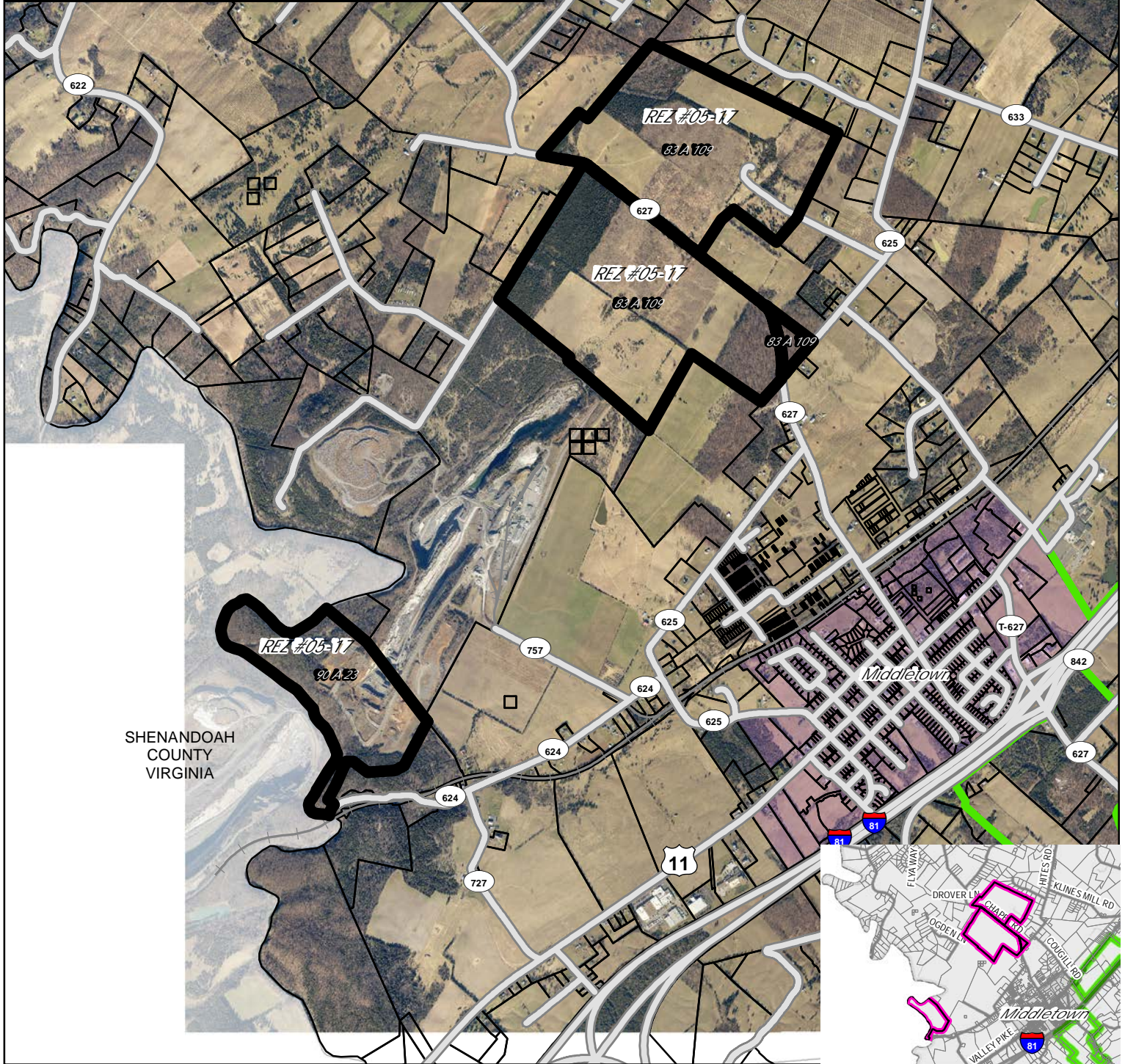
O-N Minerals (Chemstone) Co.

PINs:

83 - A - 109, 90 - A - 23

Rezoning from EM to EM

Location Map



SHENANDOAH
COUNTY
VIRGINIA

REZ # 05 - 17 O-N Minerals (Chemstone) Co.

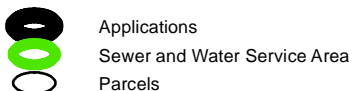
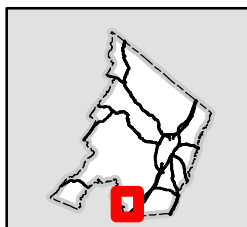
PINs:

83 - A - 109, 90 - A - 23

Rezoning from EM to EM

Location Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 18, 2017
Staff: cperkins



0 1,600 3,200 6,400 Feet

REZ # 05 - 17

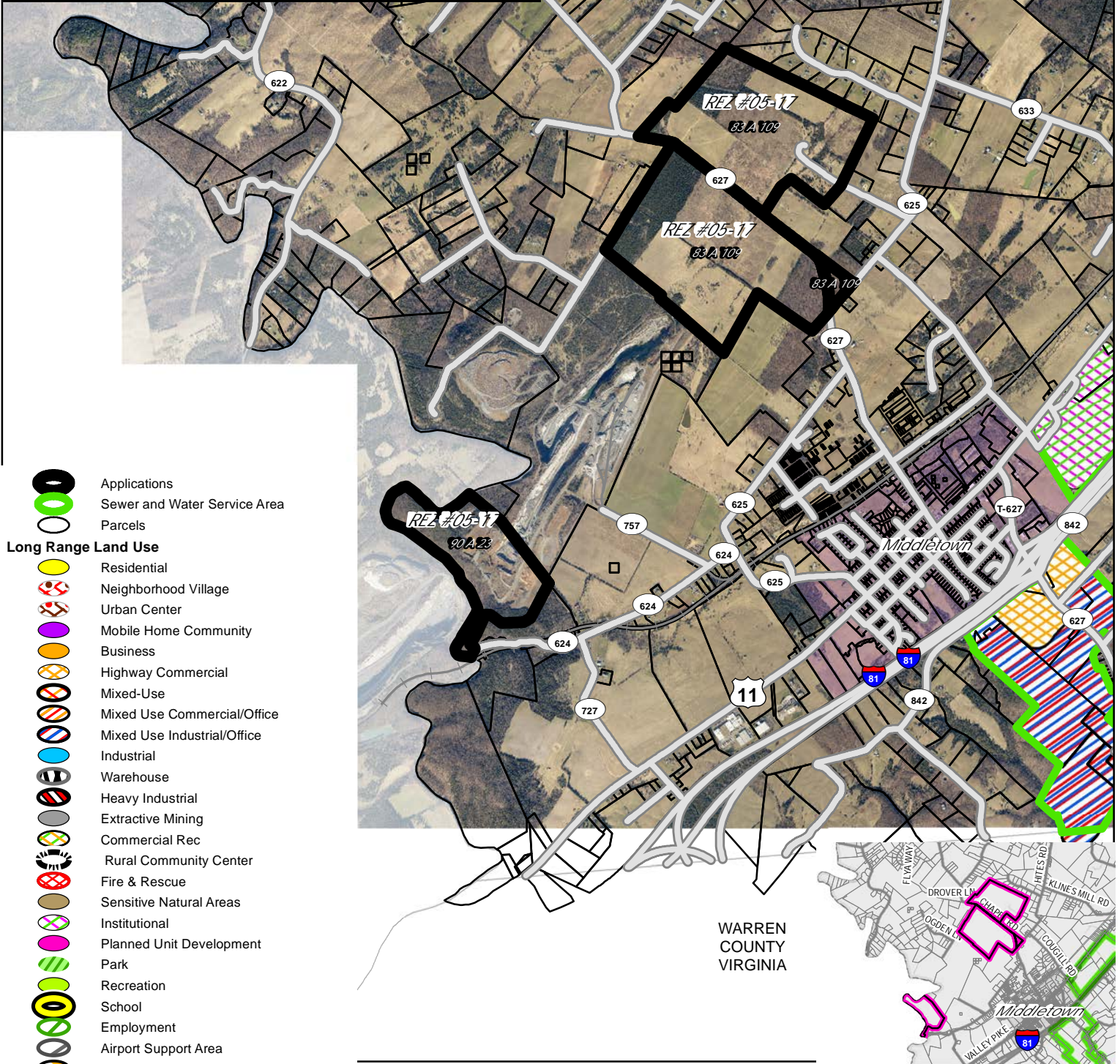
O-N Minerals (Chemstone) Co.

PINs:

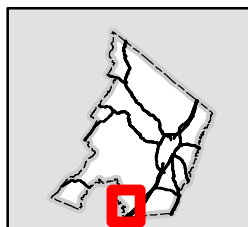
83 - A - 109, 90 - A - 23

Rezoning from EM to EM

Long Range Land Use Map



- Long Range Land Use**
- Applications
 - Sewer and Water Service Area
 - Parcels
 - Residential
 - Neighborhood Village
 - Urban Center
 - Mobile Home Community
 - Business
 - Highway Commercial
 - Mixed-Use
 - Mixed Use Commercial/Office
 - Mixed Use Industrial/Office
 - Industrial
 - Warehouse
 - Heavy Industrial
 - Extractive Mining
 - Commercial Rec
 - Rural Community Center
 - Fire & Rescue
 - Sensitive Natural Areas
 - Institutional
 - Planned Unit Development
 - Park
 - Recreation
 - School
 - Employment
 - Airport Support Area
 - B2 / B3
 - Residential, 4 u/a
 - High-Density Residential, 6 u/a
 - High-Density Residential, 12-16 u/a
 - Rural Area
 - Interstate Buffer
 - Landfill Support Area
 - Natural Resources & Recreation
 - Environmental & Recreational Resources



REZ # 05 - 17 O-N Minerals (Chemstone) Co.

PINs:

83 - A - 109, 90 - A - 23

Rezoning from EM to EM

Long Range Land Use Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 18, 2017
Staff: cperkins



0 2,000 4,000 8,000 Feet

AMENDED PROFFER STATEMENT

REZONING: RZ# ~~03-06~~
Rural Areas (RA) to Extractive Manufacturing (EM)

PROPERTY: 394.2 Acres +/-;
Portions of Tax Map Parcels 83-A-109 ("parcel 109") and 90-A-23
("parcel 23") (the "Properties")

RECORD OWNER: O-N Minerals (Chemstone) Company (~~"Owner"~~)

APPLICANT: O-N Minerals (Chemstone) Company (~~"Applicant"~~)

PROJECT NAME: Chemstone - Middletown

ORIGINAL DATE
OF PROFFERS: June 13, 2005

REVISION DATE(S): February 24, 2017, June 5, 2017, September 25, 2017, November 15, 2017, January 31, 2018, February 14, 2018, March 2, 2018

The undersigned ~~Applicant-Owner~~ hereby proffers that the use and development of the portions of the above-referenced parcels, which are requested to be rezoned, the portions requested to be rezoned being shown on the attached and incorporated plat identified as "Exhibit 1", shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Properties that may have been made prior hereto. In the event that the above-referenced EM conditional rezoning is not granted as applied for by the ~~Applicant-Owner~~, these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Properties with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the ~~Applicant-Owner~~ elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Properties adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the ~~Applicant-Owner~~ from conforming with-to State and/or Federal regulations shall be considered null and void. The term "~~Applicant-Owner~~" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the

“Generalized Development Plan,” shall refer to the plan entitled “Generalized Development Plan, O-N Minerals (Chemstone)” dated May, 2008 and revised February 14, 2018, and which includes that document entitled Generalized Development Plan Attachment bearing the same date, February 14, 2018 (the “Amended GDP”). Exhibit 1. The Applicant-Owner attaches and incorporates the Amended GDP and 93 viewshed plats titled Viewshed 1, Viewshed 2 and Viewshed 3. The aforementioned viewshed plats are and shall be incorporated by reference herein as “Exhibit 2.”, which includes a plan titled “Generalized Development Plan”; a plan titled “Overall Plan”; four plans titled “Phase I Plan”, “Phase II Plan”, “Phase III Plan”, and “Phase IV Plan”; and twelve viewshed plats titled “Viewshed 1A, Viewshed 1B, Viewshed 2, Viewshed 3, Viewshed 4A, Viewshed 4B, Viewshed 5A, North Viewshed 1, North Viewshed 2 and North Viewshed 3, Viewshed 5B, Viewshed 6, Viewshed 7, and Viewshed 8”. The aforementioned documents-viewshed plats are and shall be incorporated by reference herein as “Exhibit 2”. The Applicant-Owner proffers that its development of the Properties will be in substantial conformity with the Amended GDP. The Generalized Development Plan included in the Proffer Statement approved on May 28, 2008 (“GDP”) is hereby replaced as it relates to the installation and location of berms and viewsheds. All other aspects of the GDP remain the same and in full force and effect.

1. Land Use

1.1 The Properties shall be developed with extractive manufacturing land uses pursuant to the mining permit approved by the Division of Mineral Mining (“DMM”) of the Virginia Department of Mines, Minerals and Energy (“VDMME”), and shall therefore conform to the Mineral Mining Law and Reclamation Regulations for Mineral Mining of the Commonwealth of Virginia.

1.2 The Applicant-Owner hereby proffers not to engage in the following uses on the Properties:

Oil and natural gas extraction;
Asphalt and concrete mixing plants;
Brick, block and precast concrete products;
Cement and lime kilns; and
Coal and natural gas-fired power plants or facilities which sell power to the local utility or power grid*

*This is not to be interpreted as a restriction against using power plants on the Properties as necessary to support extractive mining activities.

2. Site Development

2.1 Properties’ access via public secondary roads shall be limited to the existing quarry entrance on McCune Road (Route 757). Access by vehicles needed for periodic maintenance of the Properties shall not be limited. [ONGOING]

2.2 A combination of landscaping, Earthen berms and or and fencing -shall be either maintained or installed as depicted and described on the Amended GDP around the Properties in the areas depicted on the Amended GDP. The berms for Berm D

shall have a maximum height of 30 feet and a minimum height of 10 feet. As depicted on the ~~GDP Attachment~~ Amended GDP, the berms for Berm D shall be installed at specified heights. The Amended GDP Attachment designates the berms for Berm D in four numbered sections. Section 1 shall be installed to a height of 15 feet. Section 2 shall be installed to a height of 30 feet provided the berm installation does not encroach on the cemetery and/or stream. If the 30 foot berm does encroach on the cemetery and/or the stream then the berm shall be built to the maximum height possible and so as not to encroach on the aforementioned features. Section 3 shall be installed to a height of 10 feet. Section 4 shall be installed to a minimum height of 20 feet. ~~active quarry pits in the location show on the GDP.~~ The berms shall have a maximum height of 30 feet and a minimum height of 10 feet. The berms (Berm A and Berm B) depicted on the Phase I Plan of the GDP shall be installed within 10 years of the approval of the rezoning. The berms (Berm C and Berm D) depicted on the Phase II Plan of the GDP shall be installed no later than 10 years prior to the commencement of mining north of Chapel Road. The berms shall be landscaped to minimize impacts to the viewshed of the surrounding community and shall be installed after at the commencement of permitting of the Properties for mining but and before any extraction of material for processing, and at least one year (365 days) prior to the extraction of material for processing and in the locations depicted on the Amended GDP. ~~The Such~~ landscaping shall have consist of a mix of deciduous and coniferous plantings placed in a random manner to be consistent with existing vegetation patterns. Plantings will include a seed mix recommended by the National Park Service that is currently in use at the adjacent Cedar Creek and Belle Grove National Historical Park. Owner will maintain all plantings and landscaping for survivability. Owner will make reasonable efforts to see to the survival of the landscaping. ~~The description of the plants to be installed on the berms are more specifically described in the attached and incorporated "Exhibit 3."~~ The landscaping shall be subject to reasonable approval of the Zoning Administrator of Frederick County and upon consultation with the State Forester. With respect to Berm A, located on Tax Parcel 90-A-2, not owned by the ~~Applicant~~ Owner, the berm will be constructed by the ~~Applicant~~ Owner as the tenant under a 100-year lease of Parcel 90-A-2, with authority under the lease to construct Berm A.

- 2.3 The existing overburden stock pile on the southeast corner of the current Middletown plant site shall be reduced in height to the greater of 30 feet or the height of the adjacent tree line (lying to the east) within 5 years of the approval of the rezoning. [COMPLETED]

3. Historic Resources

- 3.1 The ~~Applicant~~ Owner shall create an 8 acre historic reserve as shown on the GDP, within which archeological resources and other historic activities have been identified. Further, the ~~Applicant~~ Owner shall place restrictions on the reserve land for how the reserve will be used by the Properties' owner and future owners. A copy of said restrictions are attached and incorporated as "Exhibit 324". Said

reserve land shall be dedicated to the Cedar Creek Battlefield Foundation, Inc. within 60 days of final rezoning. [NOTE: the aforementioned 8 acre historic reserve property is not to be included in the property to be rezoned.]
[COMPLETED]

- 3.2 The Applicant-Owner shall complete a Phase I Archaeological Survey of parcels 23 and 109. The Phase I Archaeological Survey of parcel 23 shall be completed within 12 months of the approval of the rezoning. For the remaining tracts of land, the Applicant-Owner shall complete a Phase I Archaeological Survey of particular tract of land before any mining activities commence on that property. The Applicant-Owner may commence mining activities on a particular portion of the Properties before the completion of the Phase I survey for all of the Properties, but under any and all circumstances, no mining operations shall commence on any portion of the Properties until after the Phase I Archeological Survey has been completed on said portion of the Properties. Said survey shall locate, identify, and comprehensively record all historic sites, buildings, structures, and objects on the parcels. Such survey shall be conducted in accordance with the guidelines for a Phase I Survey as defined in the Virginia Department of Historic Resources "GUIDELINES FOR CONDUCTING CULTURAL RESOURCE SURVEY IN VIRGINIA - Chapter 7: Guidelines for Archaeological Investigations in Virginia," 1999 (Rev. Jan. 2003). [COMPLETED]

- 3.3 Two cemeteries have been identified on the Properties. The first cemetery is located adjacent to Chapel Road and is in an area that is not designated for mining and is also outside of the berming area. That cemetery is currently undergoing a historical restoration. After the historical restoration, the Applicant-Owner will follow the recommendations of the Owner'sApplicant's historian.
[COMPLETED]

The second cemetery is located in the area where berming is slated to be installed. The Applicant-Owner proffers the berming will be located in such a way as to not encroach on the cemetery. This cemetery is also currently undergoing a historical restoration. After the historical restoration, the Applicant-Owner will follow the recommendations of the Applicant's-Owner's historian. In addition, the cemetery is accessed through a right-of-way which is of record providing access to the cemetery from Route 625. The Owner agrees to build-relocate the right-of-way to-accesswhich accesses the second cemetery in the general location depicted on the Amended GDP and which shall have an entrance on Chapel Road. The Owner proffers to relocate said right-of-way within 12 months of VDOT approval. The primary purpose of the right-of-way shall be for access by the descendants of those in the cemetery and shall be conditioned upon and subject to all applicable agency approvals, including, but not limited to, the approval by the Virginia Department of Transportation of an entrance (to the extent the same is required) on the public road. The Applicant proffers to improve said right-of-way so that it can be used for access by the descendants of those in the cemetery within 12 months of completion of the cemetery restoration. Once said right-of-

way has been improved, the Applicant will provide continued maintenance and have use of same.

4. ~~Rights to Water Supply~~

4.1 ~~The Applicant shall guarantee the Frederick County Sanitation Authority ("FCSA") rights to the water resources available on the Properties in accordance with the existing agreements between the Applicant and FCSA.~~

45. Ground Water – [COMPLETED ONGOING]

45.1 The ~~Applicant-Owner~~ shall install a minimum of three monitoring wells to effectively establish and monitor the groundwater level in order to avoid detrimental impacts to surrounding properties. Said wells shall be installed prior to any land disturbance of the portion of the Properties identified as parcel 109 by the GDP, and shall be located within 500 feet of the Properties' boundaries. A minimum of one monitoring well shall be installed within 500 feet of the parcel 109 Properties' boundary. The exact location of the monitoring wells is depicted on the Overall Plan of the GDP.

45.2 Subject to and consistent with the provisions of paragraph 9.2, the ~~Applicant Owner~~ shall remediate any adverse impacts to wells located on surrounding properties caused by mining operations on the Properties. Costs associated with any required remediation shall be borne by the ~~Applicant Owner~~.

Furthermore, the ~~Applicant-Owner~~ agrees to participate in a pre-blast survey and well monitoring survey, as further described herein. The intent of the aforementioned surveys is to provide a mechanism to remediate any adverse impacts to wells and/or structures, which are caused by the mining operations on the Properties.

56. Dust Control – [ONGOING]

56.1 Dust from drills, muck piles, material handling, screens, crushers, conveyors, feeders, hoppers, stockpiles, load-outs, and traffic areas shall be controlled by wet suppression or equivalent, and controlled by and consistent with the terms of the Department of Environmental Quality ("VDEQ") general air permit. The ~~Applicant-Owner~~ shall remediate any adverse impacts to surrounding properties caused by dust associated with the mining operations on the Properties.

67. Blasting Control – [ONGOING]

67.1 All blasting associated with mining operations on the Properties shall be limited by the mining permit approved by the DMM of the VDMME. Peak Particle Velocities (PPV) associated with blasting on the Properties shall not exceed the levels stipulated by said permit. In addition, the ~~Applicant-Owner~~ agrees to have an approved blasting plan in place at all times. An example of the current blasting

plan is attached. Further, in addition, the Applicant-Owner agrees that there will be no block holing or adobe blasting conducted on the Properties. Any damage to surrounding properties caused by blasting on the Properties shall be remediated at the Applicant's-Owner's expense.

78. Traffic – [ONGOING]

78.1 The Applicant's-Owner's current number of truck loads leaving the site on a daily basis is approximately 63, and the Applicant-Owner has had higher numbers of recorded truck loads leaving the plant to a total of 114 truck loads per day. The Applicant-Owner, in its proffer, is agreeing to restrict truck traffic to the Properties to 86 truck loads per day averaged over the prior 30 days, but intends to also have an ability to increase the number of truck loads in the event of an emergency or circumstances, which could be caused by issues driven by the Applicant's-Owner's customers, suppliers, and/or carriers. Examples of such shall include, but are not limited to, an interruption of rail service to the site and/or any sites that are serviced by rail from the Applicant's-Owner's Properties and/or any other interruption of the ability to deliver materials at the Applicant's-Owner's site or any other sites which are owned, controlled, or by business relationship connected with the Applicant's-Owner's site. To that end, and in any circumstance, the Applicant-Owner agrees to restrict truck traffic to the Properties to a maximum of 200 truck loads per day averaged over the prior 30 days through the scale house hauling mined materials on and/or off the proposed quarry site from the existing quarry entrance. The maximum number of truck loads will be regulated by the Applicant-Owner and its successors and/or assigns. A record of the actual number of truck loads per day shall be kept current (and maintained for one year) by the Applicant-Owner at its scale house office. Said record shall be made available in a form which confirms the number of trips and the form will be produced to Frederick County officials upon demand with reasonable notice. The Applicant-Owner proffers there will be no truck loads from the Properties on Sundays and the hours of truck loading on Saturdays will be no later than 7:00 p.m. The Applicant-Owner further proffers it will instruct all truckers as to the proper route of travel from the Properties to Route 11, which shall exclude both Belle Grove and Chapel Roads.

89. Pre-Blast Surveys – [ONGOING]

89.1 The Applicant-Owner will offer voluntary pre-blast surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent engineering firm, which will investigate and document the pre-blast conditions of the participants' residences and/or outbuildings. The Applicant-Owner and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned property. This contact will be made by the Applicant-Owner and its successor and assigns to invite citizens who have

property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the pre-blast surveys. Contact will be made by registered return-receipt letters, mailed annually from the time of the rezoning. All citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 can, and are encouraged to, participate in the survey by contacting the Applicant Owner and scheduling a mutually agreeable time for the independent engineering firm to visit the party's residence to document and survey the pre-blast condition of the party's residences/outbuildings following the procedures set forth in the attached and incorporated "Exhibit 435". If the property owner agrees to participate, the Applicant's Owner's and/or its engineering firm shall visit and inspect the party's residences/outbuildings to monitor the condition of the same. A record of those pre-blast conditions will be kept by the independent engineering firm with copies retained by the Applicant Owner and the participating property owner. In the event of a change in condition, which is alleged by the participating property owner as a result of mining operations, the engineering firm will then conduct a follow-up visit and investigation and use the pre-blast information as a control and basis for subsequent analysis. Said analysis shall be used to determine the cause of any negative change in condition. If it is determined there is a change in condition in the residences/outbuildings, which has been caused by the Applicant's Owner's mining activities on the Properties, then the Applicant Owner agrees to remediate and/or repair said negative change in condition to restore it to its status prior to blasting operations. In addition, the Applicant Owner agrees to establish seismic monitoring of the proposed quarry site to monitor all blasting activities and keep records of said seismic monitoring as required by the VDMME.

- 89.2 The Applicant Owner will offer voluntary well monitoring surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent well drilling firm or hydrogeologist, which will investigate and document the pre-mining conditions of the participants' wells. The Applicant Owner and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned property. This contact will be made by Applicant-the Owner and its successor and assigns to invite citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the well monitoring surveys. Contact will be made by sending annually registered return-receipt letters. All citizens who have property located within 1,500 feet of the boundaries of parcel 23 and parcel 109 can and are encouraged to participate in the survey by scheduling a mutually agreeable time for the independent well drilling firm to visit the party's residence to document and survey the pre-blast condition of the party's well following the procedures set forth in the attached and incorporated "Exhibit 546A and 546B". A record of these pre-mining conditions will be kept by the independent well drilling firm, with copies retained by the Applicant Owner and the participating property owner. In the event a change of condition is alleged by the property owner as a result of mining operations, the Applicant

Owner will provide an interim replacement water supply as necessary to supply the property owner with water. The well drilling firm will then conduct a follow-up visit and investigation and use pre-blast information as a control and basis for subsequent analysis. If it is determined that the status of the neighboring property owner's well has deteriorated from the condition it was in at the time of the pre-blast survey, then the Applicant-Owner agrees to restore the well to its condition existing at the time of the pre-blast survey and/or provide the adjoining property owner a replacement well of the same condition (or better) of that which existed at that time of the pre-blast survey.

- 89.3 In addition to the above, the Applicant-Owner agrees to maintain in force an insurance policy or other sufficient security for the period of time covering the active mining operations on the Properties and to maintain in effect for a period of one year from the date of cessation of said mining operations, and to cover the costs of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2 above. Said policy or surety shall be in the amount of no less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence. Frederick County may review from time to time the amount of the policy or surety to evaluate whether the minimum amount of \$1,000,000.00 is sufficient to protect the cost of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2. In the event Frederick County believes that the amount of the policy or surety needs to be increased for the reasons set forth above, then the Applicant-Owner and Frederick County shall reach an agreement as to the proper amount of policy or surety. The approval of said increase shall not be unreasonably withheld, conditioned or denied by either party. The Applicant Owner shall annually provide to the County a Certificate of Insurance from the insurance carrier.

~~10.~~ Reclamation

~~10.1 It is intended that pursuant to the terms of the agreement reached with the FCSA that at the time of cessation of mining activities, the Properties' quarry pits shall be used by the FCSA as water reservoirs. The control of the water levels in the quarry pits shall be handed over to the FCSA. It is intended that the quarry pits at that time will contain quantities of water monitored and directed by the FCSA, and which will be conducive to the general betterment of natural habitat.~~

~~911.~~ Noise Abatement – [ONGOING]

~~911.1~~ Operations on the Properties will not exceed the VDMME Engineering's decibel guidelines. The Applicant-Owner will make all reasonable efforts to locate mining machinery in the quarry pit or behind berms.

~~102.~~ Lighting – [ONGOING]

~~102.1~~ There shall be no affixed lighting structures above-ground on the berms other than as may be required for or provided by regulations that affect the plant operations,

including but not limited to, Mine Safety Health Administration (“MSHA”), VDMME, and any other governmental or regulatory body that oversees mining operations. Lighting used for devices or machines that convey materials or for pit crushing facilities and other mining activities is permitted. Conveying and pit crushing facilities shall also be interpreted as including such other devices or activities that perform similar or related functions that may come into use and/or existence at some time in the future while the extractive mining use is still in effect on the Properties. In addition to the above, all lighting will be installed in such a manner that there will be no spillover beyond any property line of the Applicant-Owner onto adjacent properties not owned by the Applicant-Owner.

113. Air Permit – [ONGOING]

113.1 The Applicant-Owner shall maintain its existing general air permit controlling emissions in accordance with the VDEQ standards and also see that the existing general air permit covers all activities conducted on the rezoned Properties.

124. Environment – [ONGOING]

124.1 In addition to compliance with the VPDES water discharge permit already in place, the Applicant-Owner agrees to work with a recognized environmental entity of the Applicant’s-Owner’s choosing during its operations to ensure that the water emissions from water flowing from the quarry operations on the Properties is of a quality consistent with the water quality in Cedar Creek so as to maintain an environment conducive to natural habitats. No additional water discharge points will be added.

124.2 The Applicant-Owner agrees that all areas currently in trees on property owned by the Owner-Applicant, which is outside of the rezoned Properties and identified on the GDP as “Middletown Woods”, shall be maintained using best management practices. The Owner also agrees that the existing fence line will remain and be maintained using best management and farm practices.

124.3 The Applicant-Owner proffers to keep its mining operations at least 200 feet from the edge of Cedar Creek.

135. Phasing

135.1 The Applicant agrees that mining activities on the Properties shall occur with the following phasing and as set forth on the Phasing Plans of the GDP:

After the rezoning is approved, the Applicant will start creating berms on the newly rezoned Properties and the Applicant shall start quarrying in the area identified as parcel 23. Mining in parcel 23 shall occur from the time period commencing with the approval of the rezoning for a period of time which is estimated to be twenty years. [COMPLETED IN PART – The berm referenced is installed and mining is continuing but not yet completed.]

For the newly zoned area, which is north of the existing EM zoned property, and south of Chapel Road, mining activities will commence no earlier than ten years from the date that the rezoning referenced herein is approved.

For the newly zoned area, which lies north of Chapel Road, mining will commence no earlier than twenty years from the date that the rezoning referenced herein is approved.

Respectfully submitted,

O-N MINERALS (CHEMSTONE) COMPANY

By: Ian Karkaria

Its: Area Operations Manager/Director of Operations, Eastern Region

COMMONWEALTH OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2017/2018, by Ian Karkaria, Area Operations Manager/Director of Operations, Eastern Region of O-N Minerals (Chemstone) Company.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

AMENDED PROFFER STATEMENT

REZONING: RZ#
Rural Areas (RA) to Extractive Manufacturing (EM)

PROPERTY: 394.2Acres +/-;
Portions of Tax Map Parcels 83-A-109 ("parcel 109") and 90-A-23
("parcel 23") (the "Properties")

RECORD OWNER: O-N Minerals (Chemstone) Company ("Owner")

APPLICANT: O-N Minerals (Chemstone) Company

PROJECT NAME: Chemstone - Middletown

ORIGINAL DATE
OF PROFFERS: June 13, 2005

REVISION DATE(S): February 24, 2017, June 5, 2017, September 25, 2017, November
15, 2017, January 31, 2018, February 14, 2018, March 2, 2018

The undersigned Owner hereby proffers that the use and development of the portions of the above-referenced parcels, which are requested to be rezoned, the portions requested to be rezoned being shown on the attached and incorporated plat identified as "Exhibit 1", shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Properties that may have been made prior hereto. In the event that the above-referenced EM conditional rezoning is not granted as applied for by the Owner, these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Properties with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Owner elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Properties adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Owner from conforming to State and/or Federal regulations shall be considered null and void. The term "Owner" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the "Generalized Development

Plan,” shall refer to the plan entitled “Generalized Development Plan, O-N Minerals (Chemstone)” dated May, 2008 and revised February 14, 2018, and which includes that document entitled Generalized Development Plan Attachment bearing the same date, February 14, 2018 (the “Amended GDP”). Exhibit 1. The Owner attaches and incorporates the Amended GDP and 9 viewshed plats titled “Viewshed 1A, Viewshed 1B, Viewshed 2, Viewshed 3, Viewshed 4A, Viewshed 5A, North Viewshed 1, North Viewshed 2 and North Viewshed 3. The aforementioned viewshed plats are and shall be incorporated by reference herein as “Exhibit 2”. The Owner proffers that its development of the Properties will be in substantial conformity with the Amended GDP. The Generalized Development Plan included in the Proffer Statement approved on May 28, 2008 (“GDP”) is hereby replaced as it relates to the installation and location of berms and viewsheds. All other aspects of the GDP remain the same and in full force and effect.

1. Land Use

1.1 The Properties shall be developed with extractive manufacturing land uses pursuant to the mining permit approved by the Division of Mineral Mining (“DMM”) of the Virginia Department of Mines, Minerals and Energy (“VDMME”), and shall therefore conform to the Mineral Mining Law and Reclamation Regulations for Mineral Mining of the Commonwealth of Virginia.

1.2 The Owner hereby proffers not to engage in the following uses on the Properties:

Oil and natural gas extraction;
Asphalt and concrete mixing plants;
Brick, block and precast concrete products;
Cement and lime kilns; and
Coal and natural gas-fired power plants or facilities which sell power to the local utility or power grid*

*This is not to be interpreted as a restriction against using power plants on the Properties as necessary to support extractive mining activities.

2. Site Development

2.1 Properties’ access via public secondary roads shall be limited to the existing quarry entrance on McCune Road (Route 757). Access by vehicles needed for periodic maintenance of the Properties shall not be limited. [ONGOING]

2.2 A combination of landscaping, earthen berms and fencing shall be either maintained or installed as depicted and described on the Amended GDP around the Properties in the areas depicted on the Amended GDP. The berms for Berm D shall have a maximum height of 30 feet and a minimum height of 10 feet. As depicted on the Amended GDP, the berms for Berm D shall be installed at specified heights. The Amended GDP designates the berms for Berm D in four numbered sections. Section 1 shall be installed to a height of 15 feet. Section 2 shall be installed to a height of 30 feet provided the berm installation does not encroach on the cemetery and/or stream. If the 30 foot berm does encroach on the

cemetery and/or the stream then the berm shall be built to the maximum height possible and so as not to encroach on the aforementioned features. Section 3 shall be installed to a height of 10 feet. Section 4 shall be installed to a minimum height of 20 feet. The berms shall be landscaped to minimize impacts to the viewshed of the surrounding community and shall be installed after permitting of the Properties for mining and before any extraction of material for processing, and at least one year (365 days) prior to the extraction of material for processing and in the locations depicted on the Amended GDP. The landscaping shall have a mix of deciduous and coniferous plantings placed in a random manner to be consistent with existing vegetation patterns. Plantings will include a seed mix recommended by the National Park Service that is currently in use at the adjacent Cedar Creek and Belle Grove National Historical Park. Owner will maintain all plantings and landscaping for survivability. The landscaping shall be subject to reasonable approval of the Zoning Administrator of Frederick County and upon consultation with the State Forester. With respect to Berm A, located on Tax Parcel 90-A-2, not owned by the Owner, the berm will be constructed by the Owner as the tenant under a 100-year lease of Parcel 90-A-2, with authority under the lease to construct Berm A.

- 2.3 The existing overburden stock pile on the southeast corner of the current Middletown plant site shall be reduced in height to the greater of 30 feet or the height of the adjacent tree line (lying to the east) within 5 years of the approval of the rezoning. [COMPLETED]

3. Historic Resources

- 3.1 The Owner shall create an 8 acre historic reserve as shown on the GDP, within which archeological resources and other historic activities have been identified. Further, the Owner shall place restrictions on the reserve land for how the reserve will be used by the Properties' owner and future owners. A copy of said restrictions are attached and incorporated as "Exhibit 3". Said reserve land shall be dedicated to the Cedar Creek Battlefield Foundation, Inc. within 60 days of final rezoning. [NOTE: the aforementioned 8 acre historic reserve property is not to be included in the property to be rezoned.] [COMPLETED]
- 3.2 The Owner shall complete a Phase I Archaeological Survey of parcels 23 and 109. The Phase I Archaeological Survey of parcel 23 shall be completed within 12 months of the approval of the rezoning. For the remaining tracts of land, the Owner shall complete a Phase I Archaeological Survey of particular tract of land before any mining activities commence on that property. The Owner may commence mining activities on a particular portion of the Properties before the completion of the Phase I survey for all of the Properties, but under any and all circumstances, no mining operations shall commence on any portion of the Properties until after the Phase I Archeological Survey has been completed on said portion of the Properties. Said survey shall locate, identify, and comprehensively record all historic sites, buildings, structures, and objects on the parcels. Such survey shall be conducted in accordance with the guidelines for a

Phase 1 Survey as defined in the Virginia Department of Historic Resources “GUIDELINES FOR CONDUCTING CULTURAL RESOURCE SURVEY IN VIRGINIA - Chapter 7: Guidelines for Archaeological Investigations in Virginia,” 1999 (Rev. Jan. 2003). [COMPLETED]

- 3.3 Two cemeteries have been identified on the Properties. The first cemetery is located adjacent to Chapel Road and is in an area that is not designated for mining and is also outside of the berming area. That cemetery is currently undergoing a historical restoration. After the historical restoration, the Owner will follow the recommendations of the Owner’s historian. [COMPLETED]

The second cemetery is located in the area where berming is slated to be installed. The Owner proffers the berming will be located in such a way as to not encroach on the cemetery. This cemetery is also currently undergoing a historical restoration. After the historical restoration, the Owner will follow the recommendations of the Owner’s historian. In addition, the cemetery is accessed through a right-of-way which is of record providing access to the cemetery from Route 625. The Owner agrees to relocate the right-of-way which accesses the second cemetery in the general location depicted on the Amended GDP and which shall have an entrance on Chapel Road. The Owner proffers to relocate said right-of-way within 12 months of VDOT approval. The primary purpose of the right-of-way shall be for access by the descendants of those in the cemetery and shall be conditioned upon and subject to all applicable agency approvals, including, but not limited to, the approval by the Virginia Department of Transportation of an entrance (to the extent the same is required) on the public road.

4. Ground Water – [ONGOING]

- 4.1 The Owner shall install a minimum of three monitoring wells to effectively establish and monitor the groundwater level in order to avoid detrimental impacts to surrounding properties. Said wells shall be installed prior to any land disturbance of the portion of the Properties identified as parcel 109 by the GDP, and shall be located within 500 feet of the Properties’ boundaries. A minimum of one monitoring well shall be installed within 500 feet of the parcel 109 Properties’ boundary. The exact location of the monitoring wells is depicted on the Overall Plan of the GDP.
- 4.2 Subject to and consistent with the provisions of paragraph 9.2, the Owner shall remediate any adverse impacts to wells located on surrounding properties caused by mining operations on the Properties. Costs associated with any required remediation shall be borne by the Owner.

Furthermore, the Owner agrees to participate in a pre-blast survey and well monitoring survey, as further described herein. The intent of the aforementioned surveys is to provide a mechanism to remediate any adverse impacts to wells and/or structures, which are caused by the mining operations on the Properties.

5. Dust Control – [ONGOING]

- 5.1 Dust from drills, muck piles, material handling, screens, crushers, conveyors, feeders, hoppers, stockpiles, load-outs, and traffic areas shall be controlled by wet suppression or equivalent, and controlled by and consistent with the terms of the Department of Environmental Quality (“VDEQ”) general air permit. The Owner shall remediate any adverse impacts to surrounding properties caused by dust associated with the mining operations on the Properties.

6. Blasting Control – [ONGOING]

- 6.1 All blasting associated with mining operations on the Properties shall be limited by the mining permit approved by the DMM of the VDMME. Peak Particle Velocities (PPV) associated with blasting on the Properties shall not exceed the levels stipulated by said permit. In addition, the Owner agrees to have an approved blasting plan in place at all times. An example of the current blasting plan is attached. Further, in addition, the Owner agrees that there will be no block holing or adobe blasting conducted on the Properties. Any damage to surrounding properties caused by blasting on the Properties shall be remediated at the Owner’s expense.

7. Traffic – [ONGOING]

- 7.1 The Owner’s current number of truck loads leaving the site on a daily basis is approximately 63, and the Owner has had higher numbers of recorded truck loads leaving the plant to a total of 114 truck loads per day. The Owner, in its proffer, is agreeing to restrict truck traffic to the Properties to 86 truck loads per day averaged over the prior 30 days, but intends to also have an ability to increase the number of truck loads in the event of an emergency or circumstances, which could be caused by issues driven by the Owner’s customers, suppliers, and/or carriers. Examples of such shall include, but are not limited to, an interruption of rail service to the site and/or any sites that are serviced by rail from the Owner’s Properties and/or any other interruption of the ability to deliver materials at the Owner’s site or any other sites which are owned, controlled, or by business relationship connected with the Owner’s site. To that end, and in any circumstance, the Owner agrees to restrict truck traffic to the Properties to a maximum of 200 truck loads per day averaged over the prior 30 days through the scale house hauling mined materials on and/or off the proposed quarry site from the existing quarry entrance. The maximum number of truck loads will be regulated by the Owner and its successors and/or assigns. A record of the actual number of truck loads per day shall be kept current (and maintained for one year) by the Owner at its scale house office. Said record shall be made available in a form which confirms the number of trips and the form will be produced to Frederick County officials upon demand with reasonable notice. The Owner proffers there will be no truck loads from the Properties on Sundays and the hours of truck loading on Saturdays will be no later than 7:00 p.m. The Owner further

proffers it will instruct all truckers as to the proper route of travel from the Properties to Route 11, which shall exclude both Belle Grove and Chapel Roads.

8. Pre-Blast Surveys – [ONGOING]

8.1 The Owner will offer voluntary pre-blast surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent engineering firm, which will investigate and document the pre-blast conditions of the participants' residences and/or outbuildings. The Owner and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned property. This contact will be made by the Owner and its successor and assigns to invite citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the pre-blast surveys. Contact will be made by registered return-receipt letters, mailed annually from the time of the rezoning. All citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 can, and are encouraged to, participate in the survey by contacting the Owner and scheduling a mutually agreeable time for the independent engineering firm to visit the party's residence to document and survey the pre-blast condition of the party's residences/outbuildings following the procedures set forth in the attached and incorporated "Exhibit 4". If the property owner agrees to participate, the Owner's and/or its engineering firm shall visit and inspect the party's residences/outbuildings to monitor the condition of the same. A record of those pre-blast conditions will be kept by the independent engineering firm with copies retained by the Owner and the participating property owner. In the event of a change in condition, which is alleged by the participating property owner as a result of mining operations, the engineering firm will then conduct a follow-up visit and investigation and use the pre-blast information as a control and basis for subsequent analysis. Said analysis shall be used to determine the cause of any negative change in condition. If it is determined there is a change in condition in the residences/outbuildings, which has been caused by the Owner's mining activities on the Properties, then the Owner agrees to remediate and/or repair said negative change in condition to restore it to its status prior to blasting operations. In addition, the Owner agrees to establish seismic monitoring of the proposed quarry site to monitor all blasting activities and keep records of said seismic monitoring as required by the VDMME.

8.2 The Owner will offer voluntary well monitoring surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent well drilling firm or hydrogeologist, which will investigate and document the pre-mining conditions of the participants' wells. The Owner and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned

property. This contact will be made by the Owner and its successor and assigns to invite citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the well monitoring surveys. Contact will be made by sending annually registered return-receipt letters. All citizens who have property located within 1,500 feet of the boundaries of parcel 23 and parcel 109 can and are encouraged to participate in the survey by scheduling a mutually agreeable time for the independent well drilling firm to visit the party's residence to document and survey the pre-blast condition of the party's well following the procedures set forth in the attached and incorporated "Exhibit 5A and 5B". A record of these pre-mining conditions will be kept by the independent well drilling firm, with copies retained by the Owner and the participating property owner. In the event a change of condition is alleged by the property owner as a result of mining operations, the Owner will provide an interim replacement water supply as necessary to supply the property owner with water. The well drilling firm will then conduct a follow-up visit and investigation and use pre-blast information as a control and basis for subsequent analysis. If it is determined that the status of the neighboring property owner's well has deteriorated from the condition it was in at the time of the pre-blast survey, then the Owner agrees to restore the well to its condition existing at the time of the pre-blast survey and/or provide the adjoining property owner a replacement well of the same condition (or better) of that which existed at that time of the pre-blast survey.

- 8.3 In addition to the above, the Owner agrees to maintain in force an insurance policy or other sufficient security for the period of time covering the active mining operations on the Properties and to maintain in effect for a period of one year from the date of cessation of said mining operations, and to cover the costs of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2 above. Said policy or surety shall be in the amount of no less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence. Frederick County may review from time to time the amount of the policy or surety to evaluate whether the minimum amount of \$1,000,000.00 is sufficient to protect the cost of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2. In the event Frederick County believes that the amount of the policy or surety needs to be increased for the reasons set forth above, then the Owner and Frederick County shall reach an agreement as to the proper amount of policy or surety. The approval of said increase shall not be unreasonably withheld, conditioned or denied by either party. The Owner shall annually provide to the County a Certificate of Insurance from the insurance carrier.

9. Noise Abatement – [ONGOING]

- 9.1 Operations on the Properties will not exceed the VDMME Engineering's decibel guidelines. The Owner will make all reasonable efforts to locate mining machinery in the quarry pit or behind berms.

10. Lighting – [ONGOING]

10.1 There shall be no affixed lighting structures above-ground on the berms other than as may be required for or provided by regulations that affect the plant operations, including but not limited to, Mine Safety Health Administration (“MSHA”), VDMME, and any other governmental or regulatory body that oversees mining operations. Lighting used for devices or machines that convey materials or for pit crushing facilities and other mining activities is permitted. Conveying and pit crushing facilities shall also be interpreted as including such other devices or activities that perform similar or related functions that may come into use and/or existence at some time in the future while the extractive mining use is still in effect on the Properties. In addition to the above, all lighting will be installed in such a manner that there will be no spillover beyond any property line of the Owner onto adjacent properties not owned by the Owner.

11. Air Permit – [ONGOING]

11.1 The Owner shall maintain its existing general air permit controlling emissions in accordance with the VDEQ standards and also see that the existing general air permit covers all activities conducted on the rezoned Properties.

12. Environment – [ONGOING]

12.1 In addition to compliance with the VPDES water discharge permit already in place, the Owner agrees to work with a recognized environmental entity of the Owner’s choosing during its operations to ensure that the water emissions from water flowing from the quarry operations on the Properties is of a quality consistent with the water quality in Cedar Creek so as to maintain an environment conducive to natural habitats. No additional water discharge points will be added.

12.2 The Owner agrees that all areas currently in trees on property owned by the Owner, which is outside of the rezoned Properties and identified on the GDP as “Middletown Woods”, shall be maintained using best management practices. The Owner also agrees that the existing fence line will remain and be maintained using best management and farm practices.

12.3 The Owner proffers to keep its mining operations at least 200 feet from the edge of Cedar Creek.

13. Phasing

13.1 The Applicant agrees that mining activities on the Properties shall occur with the following phasing:

After the rezoning is approved, the Applicant will start creating berms on the newly rezoned Properties and the Applicant shall start quarrying in the area identified as parcel 23. Mining in parcel 23 shall occur from the time period commencing with the approval of the rezoning for a period of time which is estimated to be twenty years. [COMPLETED IN PART – The berm referenced is installed and mining is continuing but not yet completed.]

For the newly zoned area, which is north of the existing EM zoned property, and south of Chapel Road, mining activities will commence no earlier than ten years from the date that the rezoning referenced herein is approved.

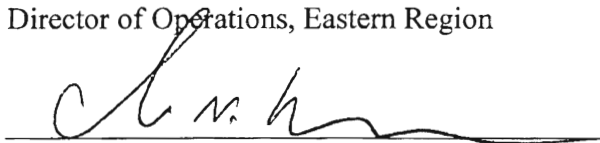
For the newly zoned area, which lies north of Chapel Road, mining will commence no earlier than twenty years from the date that the rezoning referenced herein is approved.

Respectfully submitted,

O-N MINERALS (CHEMSTONE) COMPANY

By: Ian Karkaria

Its: Director of Operations, Eastern Region



COMMONWEALTH OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

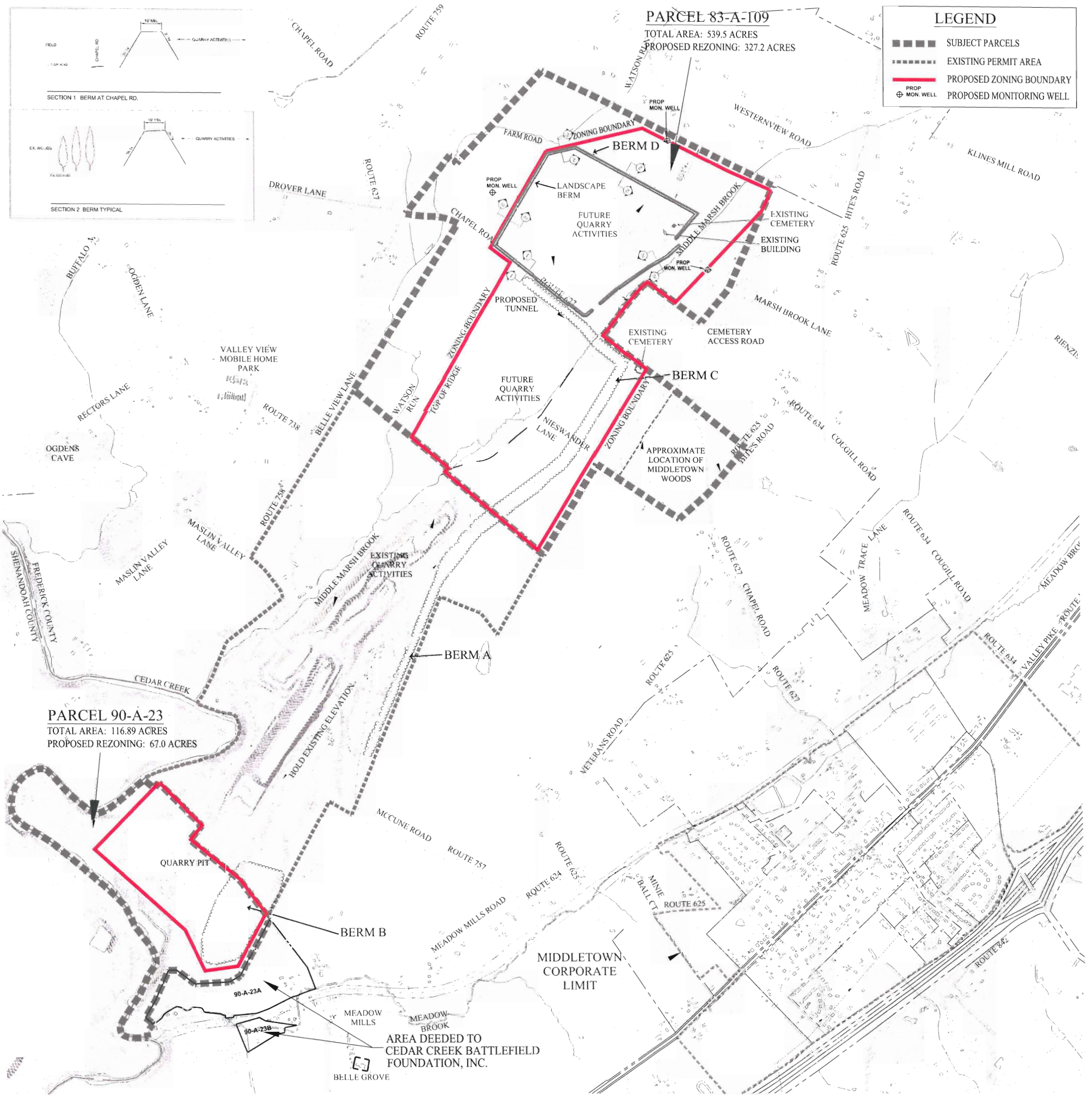
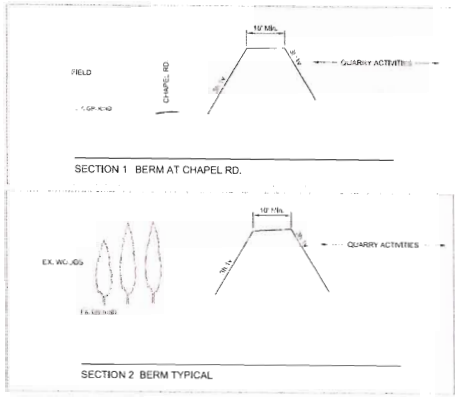
The foregoing instrument was acknowledged before me this 2nd day of March, 2018, by Ian Karkaria, Director of Operations, Eastern Region of C-N Minerals (Chemstone) Company.

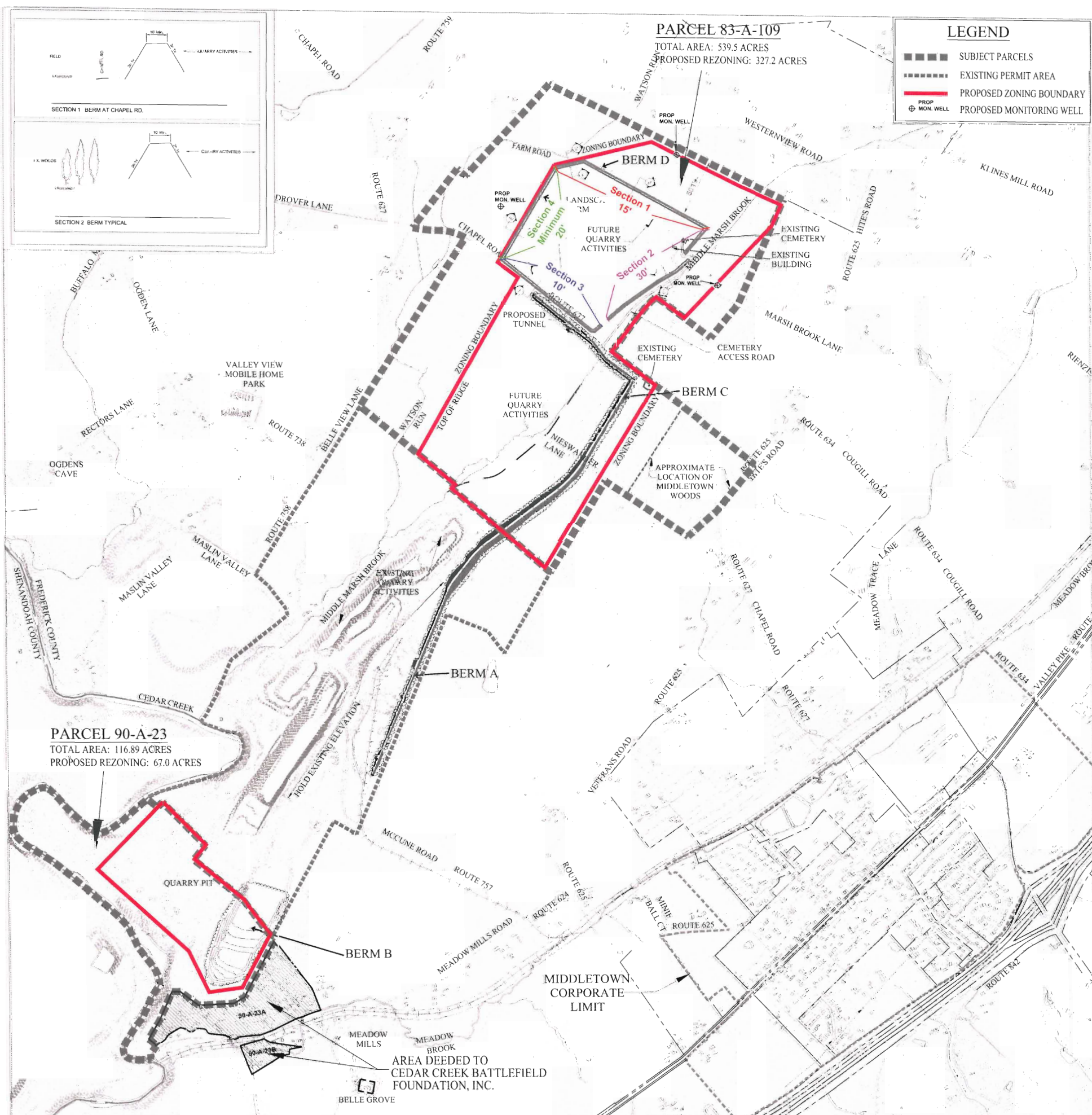
My commission expires:

Registration number:




NOTARY PUBLIC



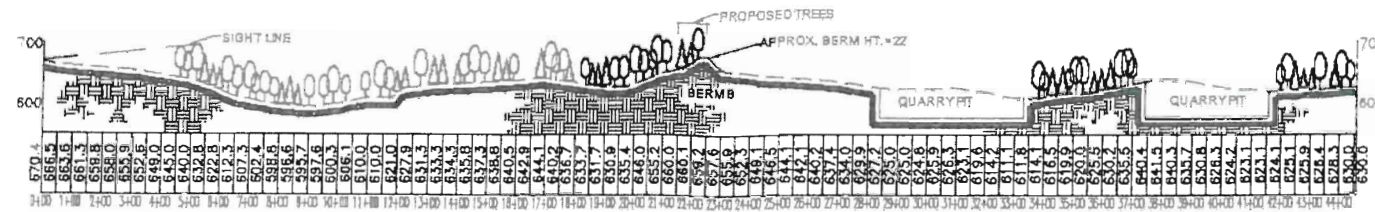


O-N Minerals Chemstone

GENERALIZED DEVELOPMENT PLAN ATTACHMENT

FREDERICK COUNTY, VIRGINIA

MAY 2008
REVISED FEBRUARY 14, 2018



• VEGETATION SHOWN IS EXISTING UNLESS OTHERWISE NOTED.

VIEWSHED 1A

HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

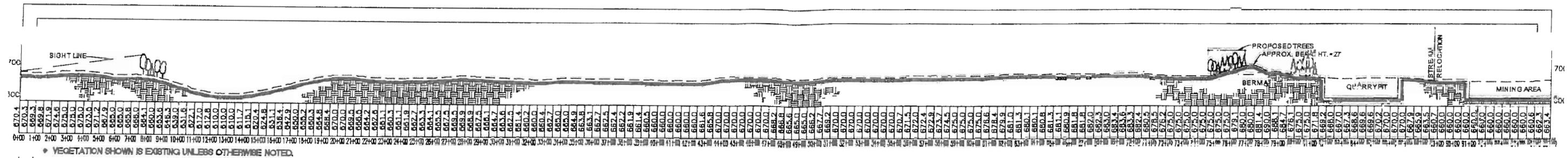
Patton Harris Rust & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects

PHRA

117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-865-0493

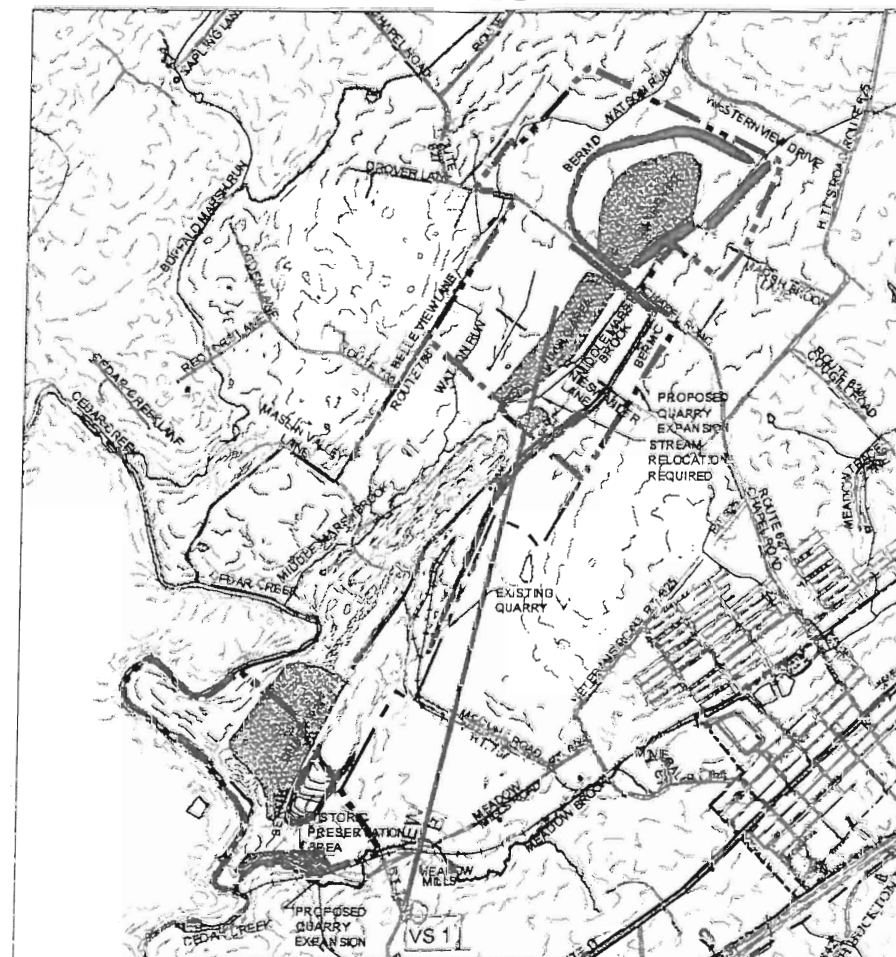
EXHIBIT

2



VIEWSHED 1B

HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

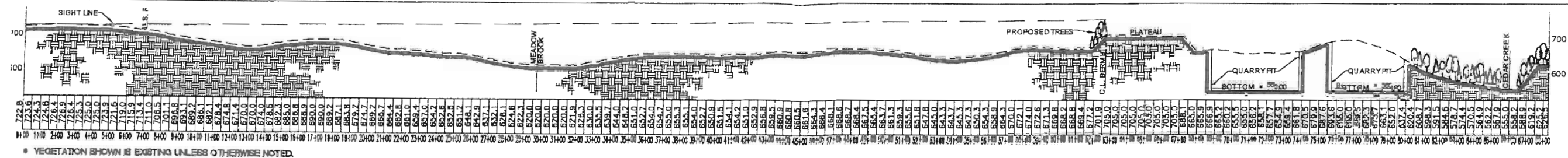
MAY 2008

Patton Harris Rust & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects

PHRA

117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493





VIEWSHED 2

HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

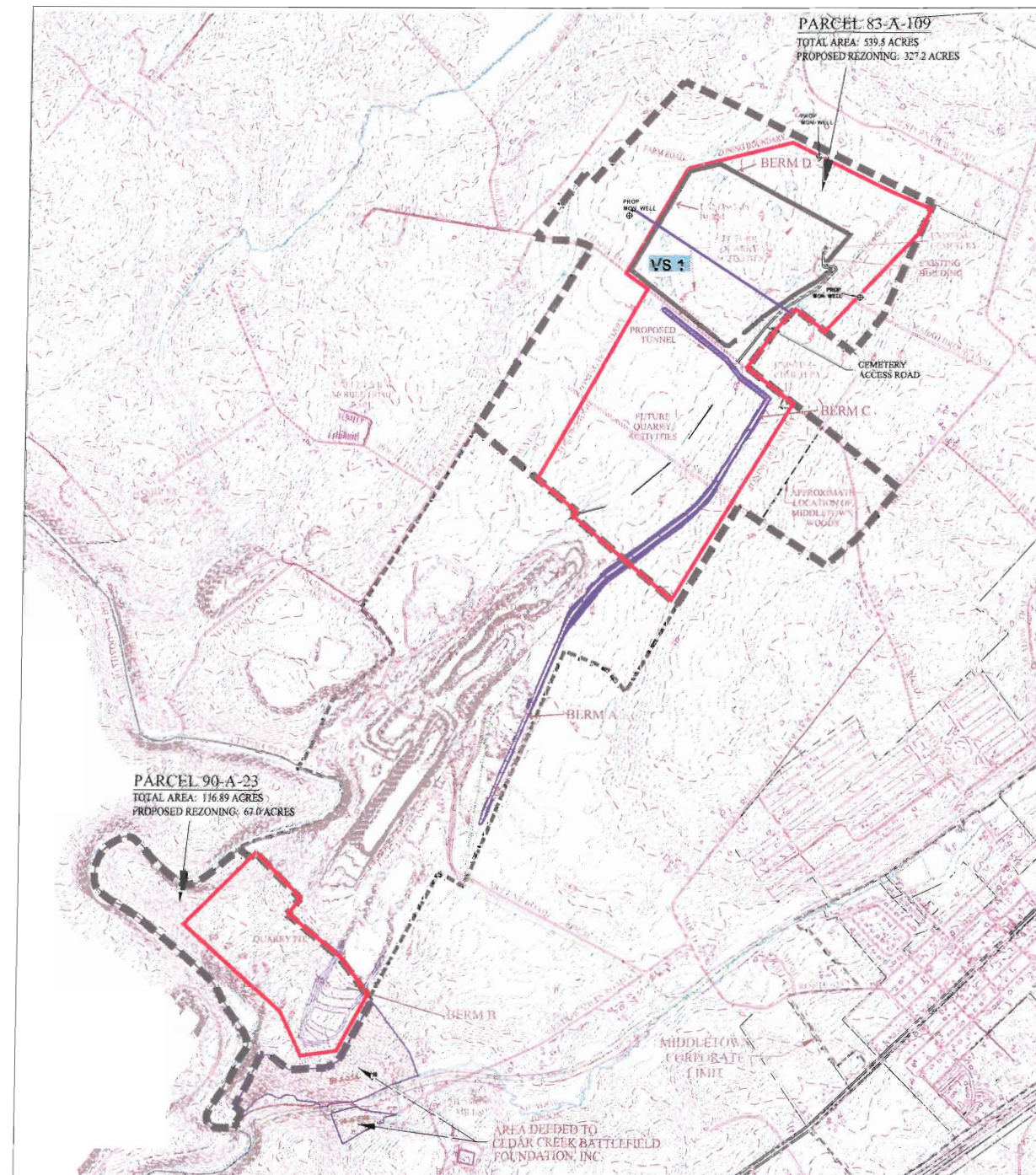
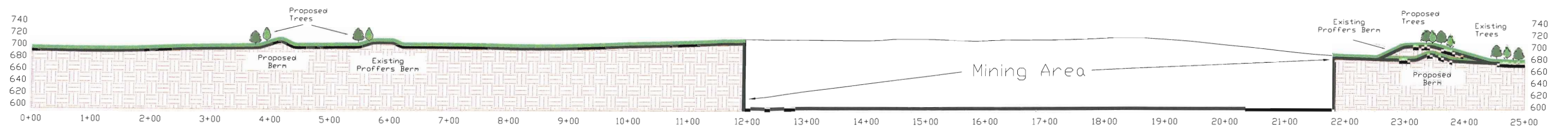
MAY 29 1978

Patton Harris Rust & Associates, p.c.
Engineers, Surveyors, Planners, Landscape Architects.

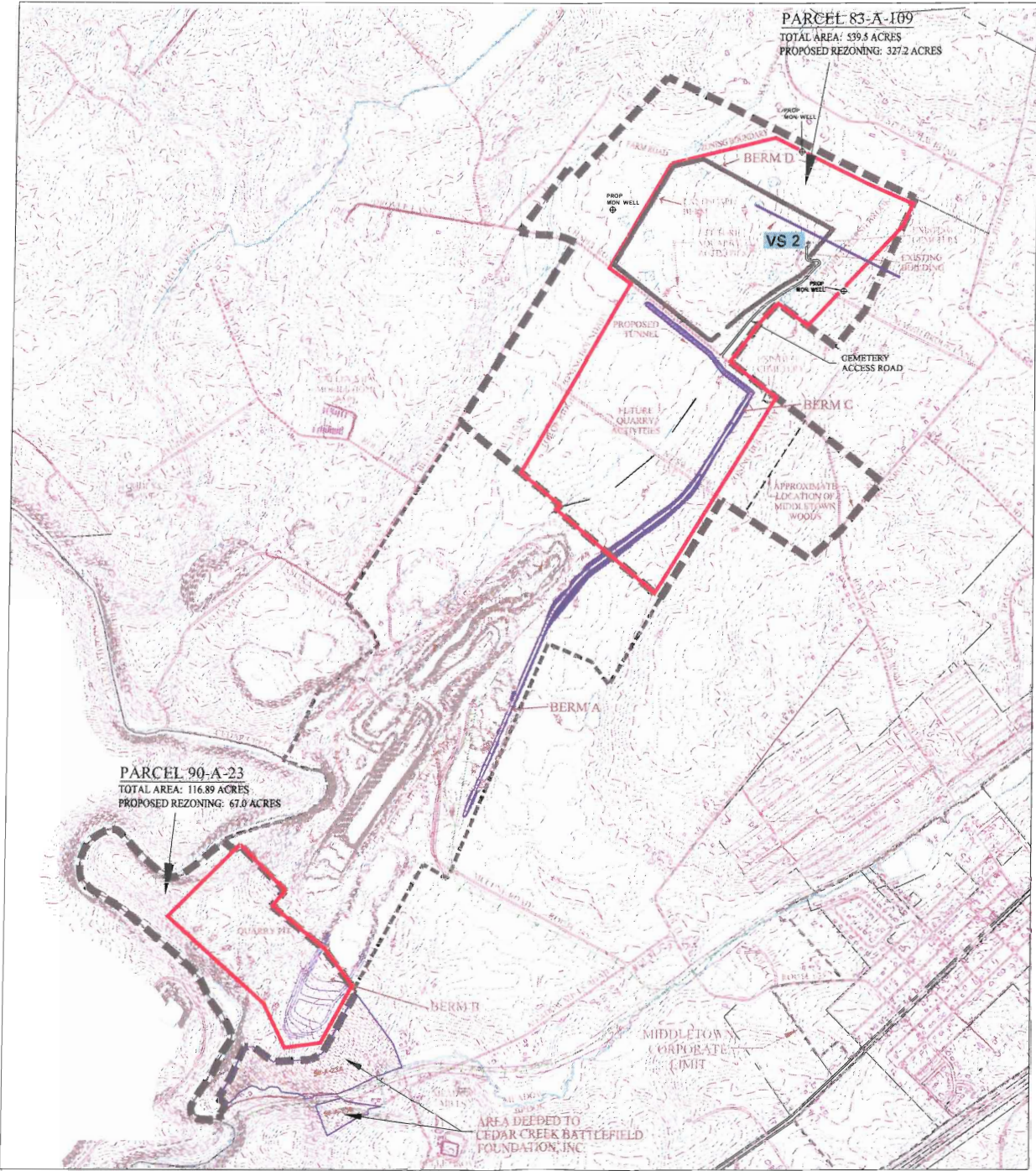
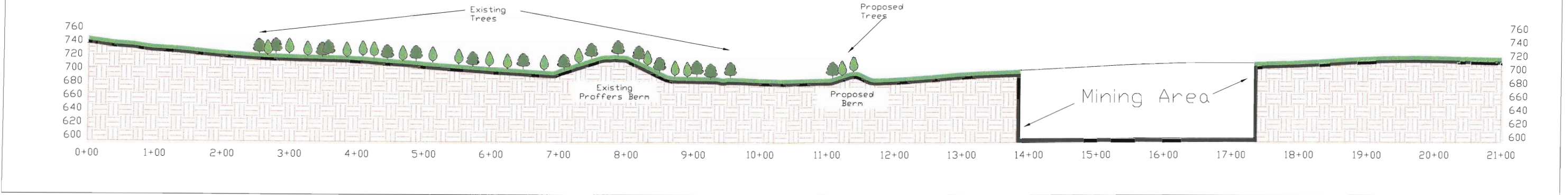
PLRA

117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493

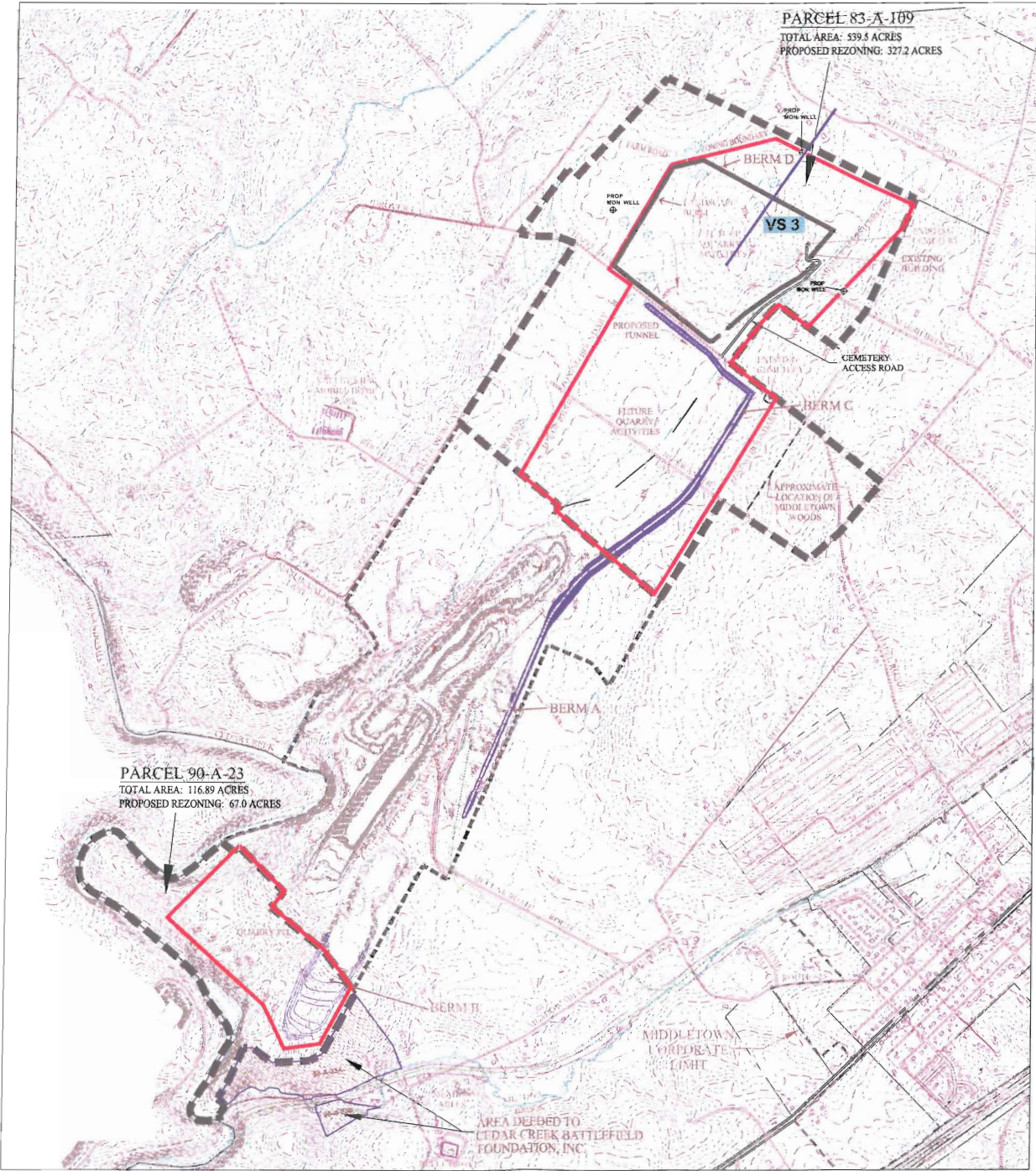
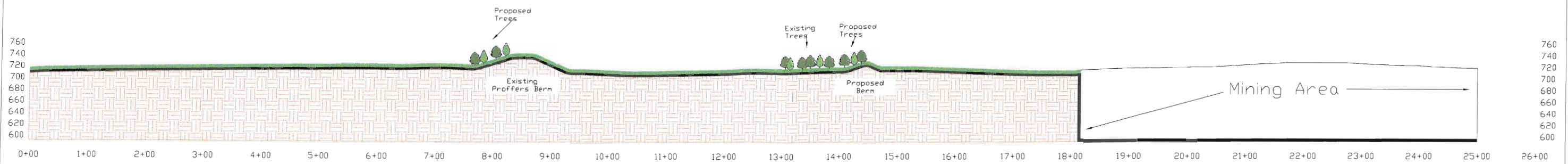
North Viewshed 1



North Viewshed 2



North Viewshed 3



080008915

0241

DEED OF GIFT

THIS DEED OF GIFT is made and dated this 25th day of July, 2008 by and between O-N MINERALS (CHEMSTONE) COMPANY, a Delaware Corporation, whose address is P.O. Box 71, Strasburg, Virginia 22657, hereinafter referred to as GRANTOR, and CEDAR CREEK BATTLEFIELD FOUNDATION, INC., a Virginia corporation, whose address is P.O. Box 229, Middletown, Virginia 22645, hereinafter referred to as GRANTEE.

WITNESSETH:

That for and in consideration of the conveyance hereby made, and other good and valuable considerations, the receipt of which is hereby acknowledged, Grantor hereby does grant, bargain, convey and sell with Special Warranty of Title, unto the Grantee all the Grantor's right, title, and interest in those certain tracts or parcels of real property having the following Legal Description:

All that certain tract or parcel of land with all easements and appurtenances thereunto belonging, lying, and being in the Back Creek Magisterial District, Frederick County, Virginia, containing 8 acres more or less, the metes and bounds whereof are shown on a certain plat of survey by Carl J. Rinker & Associates dated July 9, 2008, which plat shall be recorded with this Deed of Gift as "Exhibit A" thereto ("Property").

Reference is hereby made to "Exhibit A" and the attachments and references therein contained for a further and more particular description of the Property hereby conveyed.

This conveyance is made subject to all duly recorded and enforceable restrictions, easements, and rights of way and is also subject to the following conditions:

Document prepared by:
Thomas Moore Lawson, Esquire
P.O. Box 2740
Winchester, VA 22604

Return to:
Thomas Moore Lawson, Esquire
P.O. Box 2740
Winchester, VA 22604

Tax Map No. portion of 90-A-23
Consideration: \$0.00

Grantee's Address:
P.O. Box 229
Middletown, VA 22645

This deed is exempt from all recordable taxes by virtue of Section 58.1-811 (D) of the Code of Virginia.



- There shall be no structures built on the Property unless first approved by Grantor;
- The Property shall be maintained in a neat and orderly condition at all times and any trees maintained using best management practices;
- Grantor further reserves the right to take any action reasonably required to maintain the Property in the event the Grantee fails to do so. This right shall include, but not be limited to, the right to enter upon the Property to do such work on the Property as may be required to effect the conditions on the Property described herein.

In addition, this conveyance is made subject to the following first right of refusal. With the agreement of Grantee as evidenced by its signature below, Grantor hereby reserves a first right of refusal for any future sale, transfer or conveyance of the Property (or portion thereof) by the Grantee except a sale, transfer or conveyance to an entity that is (a) related to the Grantee and (b) a charitable entity established for the preservation of historic properties.

In the event that Grantee receives a bona fide offer or tenders a bona fide offer for the sale, transfer or conveyance of the Property (or any portion thereof) to any person or entity, then Grantee shall forthwith send to Grantor a notice in writing of its desire or intention to sell, transfer or convey the Property (or a portion thereof) accompanied by a copy of the offer. Upon receipt of that notice, Grantor shall have thirty (30) days from the date of its receipt of the notice to notify Grantee of its desire and agreement to purchase the Property (or the portion thereof) under the terms and conditions as contained in that offer. If Grantor gives Grantee notice of its intent to purchase the Property (or a portion thereof) as described above, Grantee shall sell the Property (or portion thereof) to Grantor under the terms and conditions contained in the offer.

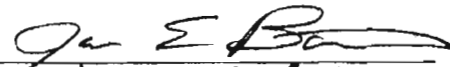
If Grantor elects not to purchase the Property (or portion thereof) or does not respond to the notice and offer from the Grantee, then Grantee may sell the Property (or portion thereof), but only in accordance with the terms and conditions contained in the bona fide offer.

If the transaction contemplated by the bona fide offer is not completed within ninety (90) days after the expiration of the last day upon which Grantor has the right to give notice of its intent to purchase, then Grantee shall not thereafter sell or offer the Property (or any portion thereof) unless and until it again complies with the above requirements.

WITNESS the following signatures and seals:

GRANTOR:

O-N MINERALS (CHEMSTONE) COMPANY


By: James E. Bottom
Its: Area Operations Manager

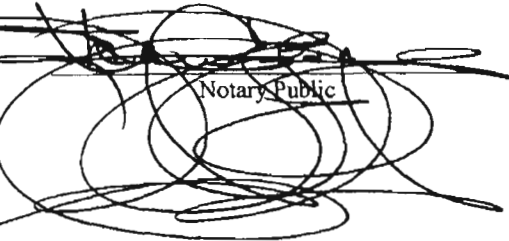
COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY of FLANDERS, to-wit:

The foregoing instrument was acknowledged before me this 25th day of July, 2008, by James E. Bottom, Area Ops. Mgr. of O-N Minerals (Chemstone) Company.

My commission expires _____
Registration No. _____




Notary Public

0244

CEDAR CREEK BATTLEFIELD FOUNDATION, INC.

By: Stanley M. Hirschberg, M.D.
Its: Stanley M. Hirschberg, M.D.
President

COMMONWEALTH OF VIRGINIA

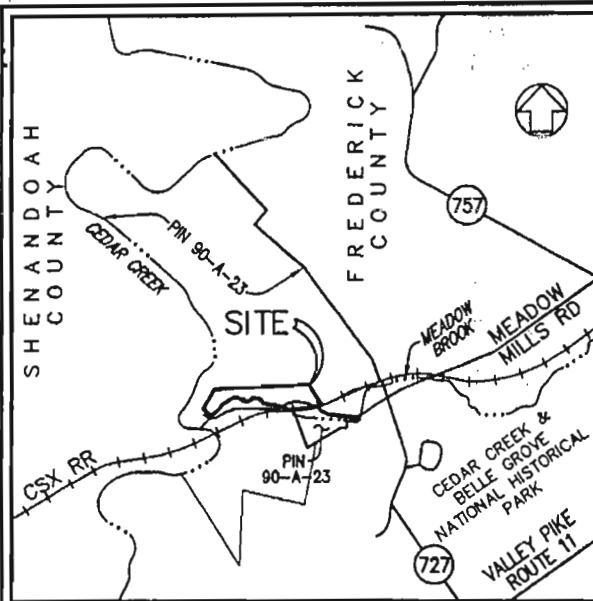
CITY/COUNTY of Frederick, to-wit:

The foregoing instrument was acknowledged before me this 24th day of July, 2008, by Stanley Hirschberg, M.D. President of Cedar Creek Battlefield Foundation, Inc.

Sharon I. Hausenfluck
Notary Public

My commission expires: 4.30.09
Registration No.: 357188





VICINITY MAP
SCALE: 1" = 2,000'

SURVEYOR'S CERTIFICATION:

I, CARL J. RINKER, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE PROPERTY CONTAINED IN THIS SUBDIVISION IS THE SAME PROPERTY CONVEYED TO O-N MINERALS (CHEMSTONE) COMPANY BY DEED RECORDED IN DEED BOOK 582 AT PAGE 122 AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA.



APPROVED BY:

FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

[Signature]

22 July 09

NOTES:

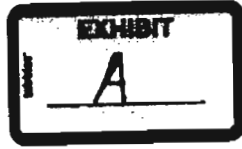
1. FREDERICK COUNTY TAX MAP: 90-A-23. CURRENT OWNERSHIP: O-N MINERALS (CHEMSTONE) COMPANY, DB 582, PG 122. CURRENT ZONING: RA.
2. MERIDIAN AND BOUNDARY INFORMATION SHOWN HEREIN ARE BASED ON THAT CERTAIN BOUNDARY SURVEY ATTACHED TO THE DEED RECORDED IN DB 582, PG 122.
3. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND THEREFORE DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES OR OTHER MATTERS AFFECTING THE PROPERTY.
4. PURSUANT TO AN EXAMINATION OF HUD FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 510063 0175B, EFFECTIVE JULY 17, 1978, A PORTION OF THE SUBJECT PROPERTY LIES IN ZONE A (AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED). 100 YEAR FLOODPLAIN LIMITS SHOWN HEREIN HAVE BEEN DIGITALLY SCALED FROM THE REFERENCED FIRM PANEL.
5. THIS PARCEL HAS NOT BEEN APPROVED FOR SANITARY WASTE DISPOSAL. APPROVAL MUST BE OBTAINED PRIOR TO BUILDING PERMITS FOR STRUCTURES REQUIRING SUCH FACILITIES.
6. EXISTING SUBJECT AND ADJOINING PROPERTY AREAS REPRESENTED HEREIN ARE DERIVED FROM INFORMATION OBTAINED FROM THE FREDERICK COUNTY GIS WEBSITE MAY 20, 2008.
7. REFERENCE IS HEREBY MADE TO THE "RIGHT-OF-WAY AND TRACK MAP, THE WINCHESTER AND STRASBURG RAILROAD COMPANY" (ORIGINAL DATE JUNE 30, 1918), CURRENTLY (UP)DATED JUNE 10, 2008, FILE NUMBER V08641 (V-321/8) PROVIDED BY CSX REAL PROPERTY, INC. GIS DEPARTMENT AND REVIEWED IN CONJUNCTION WITH PREPARATION OF THIS PLAT.

OWNER'S CONSENT:

THE ABOVE AND FOREGOING SUBDIVISION OF THE PROPERTY OF O-N MINERALS (CHEMSTONE) COMPANY AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

[Signature]
SPENCER C. STINSON, General Manager
PRINTED NAME & TITLE

[Signature]
JULY 18, 2009
(DATE)



NOTARY PUBLIC

STATE OF Virginia
CITY/COUNTY OF Frederick

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE

ON 7-18-08 BY Spencer Stinson
(DATE) (NAME)

[Signature]
(NOTARY PUBLIC)

MY COMMISSION EXPIRES 4-30-2009
Registration No 357188 (DATE)

O-N MINERALS (CHEMSTONE) COMPANY
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
SCALE: AS SHOWN DATE: JUNE 25, 2008
REVISED: JULY 9, 2008

Carl J. Rinker & Associates
74 Phillips Court
Strasburg, VA
540-459-4715

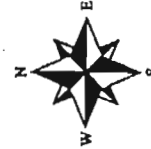
GRAPHIC SCALE



1 inch = 200 ft.

AREA TABULATION:

(OLD) 90-A-23 153.50 AC
(SEE NOTE 6)
PARCEL A -8.0139 AC
(REMAINDER) 90-A-23 145.486 AC



REMAINDER 90-A-23
145.486 ACRES

PARCEL A
349,084 SQ. FT.
8.0139 ACRES

REMAINDER 90-A-23
145.486 ACRES

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | S59°38'45"W | 142.52' |
| L2 | N47°42'49"W | 9.59' |
| L3 | N15°52'44"W | 22.16' |
| L4 | N44°25'50"W | 53.96' |
| L5 | N42°01'49"W | 57.18' |
| L6 | N37°55'35"E | 292.45' |
| L7 | S86°35'28"E | 1303.64' |
| L8 | S18°05'05"E | 87.01' |
| L9 | S29°06'54"E | 236.43' |
| L10 | S76°09'02"W | 61.82' |
| L11 | N87°47'09"W | 328.51' |
| L12 | S02°43'57"W | 26.00' |
| L13 | N87°05'42"W | 116.90' |
| L14 | N02°54'34"E | 41.00' |
| L15 | N73°35'59"W | 34.99' |
| L16 | N61°11'46"W | 55.17' |
| L17 | N79°13'29"W | 88.69' |
| L18 | N73°10'45"W | 129.48' |
| L19 | N24°46'35"W | 63.00' |
| L20 | N74°55'35"W | 111.16' |
| L21 | S64°37'31"W | 81.52' |
| L22 | N78°12'17"W | 61.62' |
| L23 | N51°30'49"W | 52.51' |
| L24 | N64°44'51"W | 73.52' |
| L25 | S71°26'56"W | 50.03' |
| L26 | S62°38'51"W | 151.36' |
| L27 | S41°51'08"W | 79.70' |

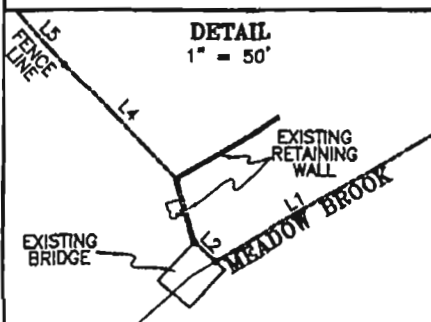


MINOR RURAL SUBDIVISION
OF THE LAND OF
O-N MINERALS (CHEMSTONE) COMPANY
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
SCALE: AS SHOWN DATE: JUNE 25, 2008
REVISED: JULY 9, 2008

Carl J. Rinker & Associates

74 Phillips Court
Strasburg, VA
540-459-4715

SHEET 2 OF 2



DETAIL
1" = 50'

EXISTING
BRIDGE

EXISTING
RETAINING
WALL

MEADOW BROOK

P:\PROJECT\11279\2-0\SURVEY\WORK AREA\1127920-MRS1.dwg

VIRGINIA: FREDERICK COUNTY SCT.

This instrument of writing was produced to me on

7-25-08 at 4:28 Pm
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of
§ Exempt, and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk

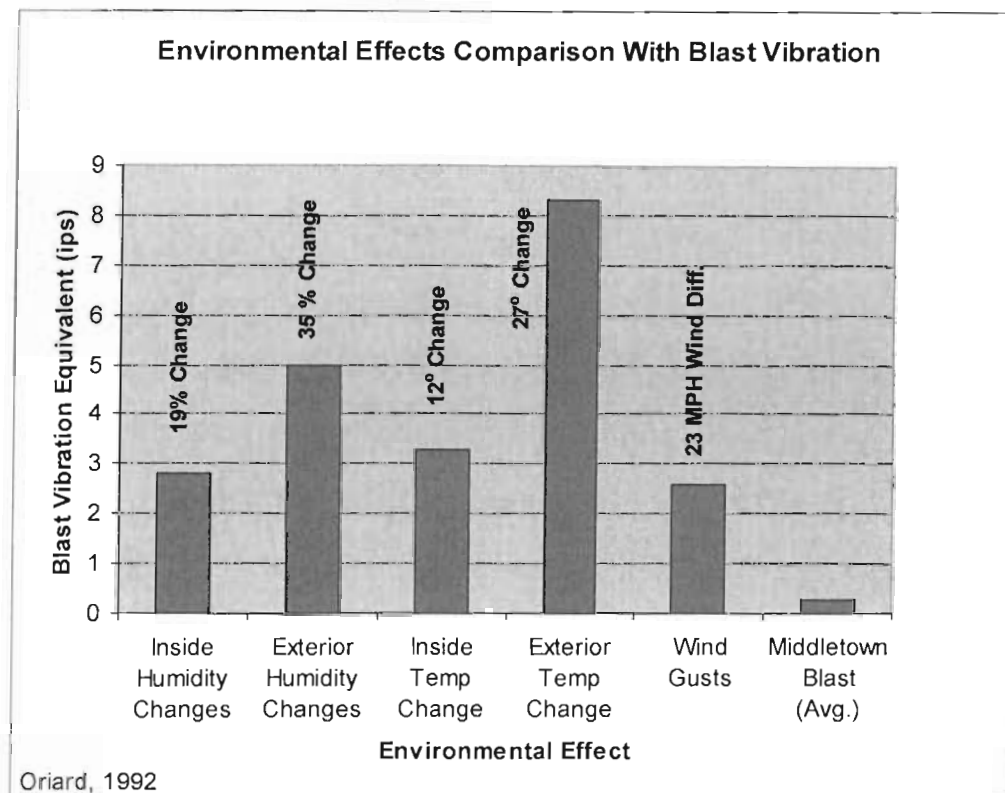
Methodology and Purpose of Pre-Blast Surveys at the Middletown Operation

WHAT IS THE PURPOSE OF A PRE-BLAST SURVEY?

As the name implies, the pre-blast survey is a visual inspection of selected structures located adjacent to proposed blasting activities. While off-site effects of commercial blasting such as that proposed for the Middletown expansion are expected to pose no threat to existing structures, it has been historically documented that when the perception of blasting reaches new or additional property owners, it is human nature to pay additional attention to one's property.

Decades of research performed by the US Bureau of Mines as well as other investigative groups, have fully documented not only the impact of blasting on structures, but also the impact of ambient environmental conditions. While blast effects typically remain well below the effects of various environmental forces, stress caused by everyday exposure to various weather events regularly places strain on construction materials above their ability to resist impact. In other words, these studies have documented what every homeowner already knows, houses, over time, will develop cracks and defects.





With the property owner paying close attention to the structure upon the perception of blasting operations, minor, threshold cracks that may have previously gone unnoticed now become the focus of attention. The question becomes; "were they there before the blasting started"?

The pre-blast survey has become a standard practice for mine and quarry expansion to remove as much doubt regarding the effect, or lack of effect, of blasting on the community as possible. By documenting the condition of a structure before it is exposed to transient ground vibration energy from blasting, a baseline of condition can be developed to aid both the property owner, as well as the mine operator, in determining cause and effect associated with blasting.

HOW IS A PRE-BLAST SURVEY CONDUCTED?

The pre-blast survey is a relatively simple process requiring no effort on behalf of the property owner other than providing access to his or her home for about one to two hours. The inspector will ask to be given access to both exterior and interior walls, floor and ceiling surfaces, looking for any observable cracks, separations, settlement or other feature that would be considered a change from standard building conditions. Most of the cracks found in residential structures are easily observed at window and door openings, wall junctions and ceiling tape joints.

Whenever a crack is found, the inspector will document the location of the crack and its characteristics by taking a photograph or videotape of each observed area. In addition to the photograph, a written

description of each crack will be made, providing the location of the crack, length/width features and any other observations deemed of interest.

After reviewing all interior surfaces, a similar survey of the exterior of the structure will be performed, using the same simple technique of inspecting observable surfaces and documenting any change in condition with photographs and or videotape. In addition, basic information regarding the structure (age, additions, major repairs, etc.) will be requested similar to what is done for a home purchase inspection.

At the conclusion of the survey, the inspector will create a written report containing all of the photographic documentation, as well as the written narrative identifying the location and characteristics of each photograph. A copy of this report will be provided to the property owner. For a typical 3,000 ft² residential home, a complete survey can be completed in less than two hours.

HOW MANY TIMES WILL MY PROPERTY BE SURVEYED?

In most cases, a single survey is performed when it is projected that approaching blast operations will become perceptible to the property owner. Because of the impact of environmental forces on any structure over time, it is not appropriate to survey structures if prolonged periods of time will elapse prior to the commencement of blasting in the area.

In operations such as Middletown, it would be expected that perception of blasting activities would occur when blasting operations are at a distance of approximately 3,000 feet from blasting operations. Given the phasing of mining activities at Middletown, this would mean that some existing and future structures might not require a pre-blast survey for many years.

Sometimes arrangements are made with property owners to have all adjoining properties surveyed upon the receipt of the new mine permit as a means of providing everyone with a general baseline of structure condition at the commencement of general mining activities associated with the permit. An agreement is then made to allow for a second survey when blasting activities reach perceptible levels if a time period greater than six months has elapsed since the initial survey.

As all blasting operations are monitored with approved seismic monitoring equipment, no additional surveys will be required.

HOW DO I KNOW THE SURVEY IS IMPARTIAL?

This is one of the cases where anything that is done with regard to the pre-blast survey that is substandard or incorrectly done will aid the property owner. The primary error that is made with regard to a survey is to miss an existing crack or condition that should be documented. Logic would indicate that this only works in the property owner's favor as, in essence, the structure contains pre-existing cracks that have not been documented, leaving the possibility that they may be claimed as blast related at a later date. I know of no manipulation of a pre-blast survey that can be done that would aid the mine operator in any way.

The pre-blast survey is an effective tool in providing the property owner and the mine operator with a baseline reference for the condition of the community prior to blasting. While it needs to be stressed that

continued exposure to environmental forces will, over time, show some change in the condition of any structure, the pre-blast survey is still an effective means of establishing guidelines prior to blasting activities.

WELL GUARANTEE AGREEMENT

Carmeuse Lime & Stone, its successors or assigns (hereinafter referred to as "MINE OWNER") guarantees to the undersigned Owner that it will replace or replenish the Owner's existing privately owned domestic-use water well(s) under the following circumstances:

Any water well negatively impacted in such a way as to render it unsuitable for its existing use, on property within 1,500 feet of any parcels being actively quarried and dewatered by MINE OWNER located at its Middletown plant (hereinafter referred to as the MINE OWNER Facility) by depleting a well, lowering the water surface below the pump or negatively intercepting the groundwater flow to the well. If at some future date MINE OWNER expands the MINE OWNER Facility and the active mining operations into other adjoining properties not currently zoned for earth materials extraction, then this Well Guarantee Agreement will be automatically expanded to include all parcels within 1,500 feet from those areas.

MINE OWNER will repair the problem by lowering the pump, deepening the well, drilling a replacement well, and/or installing an appropriate water quality treatment system at no cost to the Owner.

The undersigned Owner, in accepting this guarantee, agrees to the following conditions:

The Owner grants permission to MINE OWNER or its representative to inspect and evaluate the current condition of the well as part of a baseline water well inspection survey.

The Owner grants permission to MINE OWNER or its representative to perform water level measurements of the well or collect water quality samples (in addition to the baseline water well inspection survey) on an as needed basis for the purpose of creating background data for the well, and to assess potential complaints.

The Owner agrees to notify within twenty-four (24) hours of discovery of the reduction of water supply, depletion of the well or degradation in water quality so that MINE OWNER and a third-party hydrogeologist (as a Licensed Professional Geologist in the State of Virginia) can verify and/or document any occurrences noted during quarrying at the MINE OWNER Facility that may have contributed to the reduction of water supply or well depletion.

The third-party hydrogeologist shall document the reduction of water supply, depletion of the well or degradation in water quality. Further, the hydrogeologist will make a determination as to the cause of the reduction of water supply, depletion of the well or degradation in water quality only for purposes of determining the appropriate repair or remediation. MINE OWNER shall be responsible for supplying temporary potable water for human consumption, and potentially, water hauling for other uses (as appropriate) until the problem is corrected. MINE OWNER shall be allowed by the Owner to evaluate the well and conduct such reasonable tests as it deems necessary to verify the cause of the reduction of water supply, depletion of the well or degradation in water quality.

MINE OWNER agrees to bear all reasonable expenses that result from said reduction of water supply or well depletion; including, but not limited to temporary potable water supply for human consumption, household use, water hauling for other potential uses (as appropriate), well and pump modification, new well construction, and legal fees expended in implementing this Well Guarantee Agreement. The owner shall notify MINE OWNER prior to undertaking remedial activities or incurring expenses that later may be borne by MINE OWNER.

Repair costs due to worn or defective pumps, electrical cabling, and piping are specifically



excluded from this guarantee.

The terms of the Well Guarantee Agreement are binding during the active life of the said MINE OWNER Facility, including one year following cessation of mining activities. Upon the expiration of one year following completion of quarrying activities at the MINE OWNER Facility, this Well Guarantee Agreement shall be considered null and void.

Owner:

Date:

MINE OWNER:

Title:

Date:

Local homeowners within 1,500 feet of the property line of the proposed expansion will be invited to take part in a pre-expansion survey of their domestic water wells.

Within ____ days after rezoning is approved, each property owner within the 1,500 ft. radius of the proposed expansion will be sent an informational newsletter explaining the purpose of the Survey. A second letter, which will include a short scheduling form for owners to fill out and return to Carmeuse Lime & Stone, will be sent out within ____ days after the newsletter, and a public information meeting will be held as a follow up. As the scheduling forms are received, the property owners will be contacted by Carmeuse personnel to coordinate a day and time that is convenient to conduct the survey.

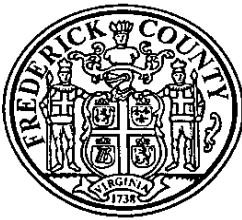
The Survey generally will consist of a short, in-person or phone, interview with the resident, property owner, or other knowledgeable party to gain information on the history of their well. The interview will followed by a physical inspection of the well. This includes obtaining the water level, pump setting depth and total depth. Existing driller's logs will also be examined. All sampling will be conducted in accordance with _____ governing approved testing procedures for potable water wells.

Field parameters measured at the time of collection include pH, Specific Conductance, Temperature, and Turbidity. The samples will be packed in ice and transported under chain-of-custody to a third party, accredited analytical laboratory for analysis. The samples will be analyzed at the laboratory for pertinent biological and chemical constituents. These include Total Coliform, Alkalinity, Chloride, Sulfate, Nitrate, Phosphorus, Potassium, Sodium, Magnesium, Calcium, Iron, and Manganese.

Each well will also be tested to determine its Specific Capacity, which will be used as a baseline for well yield estimations at that particular location. Well water at each respective well will be purged at a measured flow rate (variable for each well) for a specific time interval (also variable for each well) using the existing pumping system currently in place. The water level in each well will be measured during the testing period. Typically the well will be purged at a flow rate of less than 5 to 10 gallons per minute for approximately 30 minutes or less. The Specific Capacity for each test will be calculated using the average pumping rate during the test divided by the water level drawdown incurred at the well during the test.

Copies of the resulting reports will be provided to the property owner, as well as being maintained by Carmeuse and the designated third party performing the evaluation.





ORDINANCE

Action:

| | | |
|-----------------------|--|--|
| PLANNING COMMISSION: | November 15, 2017
February 21, 2018 | Public Hearing Held; Postponed for 90 days
Recommended Denial |
| BOARD OF SUPERVISORS: | March 14, 2018
April 25, 2018 | Postponed to April 25, 2018 |

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #05-17 O-N MINERALS/dba CARMEUSE LIME & STONE

WHEREAS, REZONING #05-17, submitted O-N Minerals (Chemstone) Company to rezone 394.2± acres from the EM (Extractive Manufacturing) District with proffers to the EM (Extractive Manufacturing) District with revised proffers. The Middletown site was originally rezoned to the EM (Extractive Manufacturing) District with Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. The Applicant is seeking to revise the proffers pertaining to viewshed plans, berms, landscaping and cemetery access with a final revision date of March 2, 2018 was considered. The subject properties are located west of the Town of Middletown. Specifically, the Middle Marsh Property is located east of Belle View Lane (Route 758), and west and adjacent to Hites Road (Route 625) and is further traversed by Chapel Road (Route 627). The Northern Reserve is bounded to the south by Cedar Creek and is west and adjacent to Meadow Mills Road (Route 624). The properties are located in the Back Creek Magisterial District and are identified by Property Identification Nos. 83-A-109 and 90-A-23 (portions of); and

WHEREAS, the Planning Commission held a public hearing on this rezoning on November 15, 2017 and postponed the application for 90 days and; the Planning Commission then held a public meeting on this rezoning on February 21, 2018 and recommended denial; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on March 14, 2018 and postponed the application to the April 25, 2018 meeting with a continued public hearing; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to rezone two (2) parcels of land, 394.2± acres from the EM (Extractive Manufacturing) District with proffers to the EM (Extractive Manufacturing) District with revised proffers with a final revision date of March 2, 2018. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

This ordinance shall be in effect on the date of adoption.

Passed this 25th day of April 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

PROPOSED PROFFER STATEMENT

REZONING: RZ# 03-06
Rural Areas (RA) to Extractive Manufacturing (EM)

PROPERTY: 394.2 Acres +/-;
Portions of Tax Map Parcels 83-A-109 ("parcel 109") and 90-A-23
("parcel 23") (the "Properties")

RECORD OWNER: O-N Minerals (Chemstone) Company

APPLICANT: O-N Minerals (Chemstone) Company ("Applicant")

PROJECT NAME: Chemstone - Middletown

ORIGINAL DATE
OF PROFFERS: June 13, 2005

REVISION DATE(S): January 16, 2006 February 8, 2006 August 28, 2006
March 18, 2008 April 18, 2008 May 14, 2008
May 20, 2008 May 22, 2008 May 27, 2008

The undersigned Applicant hereby proffers that the use and development of the portions of the above-referenced parcels, which are requested to be rezoned, the portions requested to be rezoned being shown on the attached and incorporated plat identified as "Exhibit 1," shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Properties that may have been made prior hereto. In the event that the above-referenced EM conditional rezoning is not granted as applied for by the Applicant, these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Properties with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Properties adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Applicant from conforming with State and/or Federal regulations shall be considered null and void. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the "Generalized

Development Plan,” shall refer to the plan entitled “Generalized Development Plan, O-N Minerals (Chemstone)” dated May, 2008 (the “GDP”). The Applicant attaches and incorporates the GDP, which includes a plan titled “Generalized Development Plan”; a plan titled “Overall Plan”; four plans titled “Phase I Plan”, “Phase II Plan”, “Phase III Plan”, and “Phase IV Plan”; and twelve viewshed plats titled “Viewshed 1A, Viewshed 1B, Viewshed 2, Viewshed 3, Viewshed 4A, Viewshed 4B, Viewshed 5A, Viewshed 5B, Viewshed 6, Viewshed 7, Viewshed 8 and Viewshed 9”. The aforementioned documents are and shall be incorporated by reference herein as “Exhibit 2.” The Applicant proffers that its development of the Properties will be in substantial conformity with the GDP.

1. Land Use

1.1 The Properties shall be developed with extractive manufacturing land uses pursuant to the mining permit approved by the Division of Mineral Mining (“DMM”) of the Virginia Department of Mines, Minerals and Energy (“VDMME”), and shall therefore conform to the Mineral Mining Law and Reclamation Regulations for Mineral Mining of the Commonwealth of Virginia.

1.2 The Applicant hereby proffers not to engage in the following uses on the Properties:

Oil and natural gas extraction;
Asphalt and concrete mixing plants;
Brick, block and precast concrete products;
Cement and lime kilns; and
Coal and natural gas-fired power plants or facilities which sell power to the local utility or power grid*

*This is not to be interpreted as a restriction against using power plants on the Properties as necessary to support extractive mining activities.

2. Site Development

2.1 Properties’ access via public secondary roads shall be limited to the existing quarry entrance on McCune Road (Route 757). Access by vehicles needed for periodic maintenance of the Properties shall not be limited.

2.2 Earthen berms shall be installed around the active quarry pits in the location shown on the GDP. The berms shall have a maximum height of 30 feet and a minimum height of 10 feet. The berms (Berm A and Berm B) depicted on the Phase I Plan of the GDP shall be installed within 10 years of the approval of the rezoning. The berms (Berm C and Berm D) depicted on the Phase II Plan of the GDP shall be installed no later than 10 years prior to the commencement of mining north of Chapel Road. The berms shall be landscaped to minimize impacts to the viewshed of the surrounding community. Such landscaping shall consist of a mix of deciduous and coniferous plantings placed in a random manner to be consistent with existing vegetation patterns. The description of the plants to be

installed on the berms are more specifically described in the attached and incorporated "Exhibit 3." The landscaping shall be subject to reasonable approval by the Zoning Administrator of Frederick County and upon consultation with the State Forester. With respect to Berm A, located on Tax Parcel 90-A-2, not owned by the Applicant, the berm will be constructed by the Applicant as the tenant under a 100-year lease of Parcel 90-A-2, with authority under the lease to construct Berm A.

- 2.3 The existing overburden stock pile on the southeast corner of the current Middletown plant site shall be reduced in height to the greater of 30 feet or the height of the adjacent tree line (lying to the east) within 5 years of the approval of the rezoning.

3. Historic Resources

- 3.1 The Applicant shall create an 8 acre historic reserve as shown on the GDP and on Exhibit 1, within which archaeological resources and other historic activities have been identified. Further, the Applicant shall place restrictions on the reserve land for how the reserve will be used by the Properties' owner and future owners. A copy of said restrictions are attached and incorporated as "Exhibit 4." Said reserve land shall be dedicated to the Cedar Creek Battlefield Foundation, Inc. within 60 days of final rezoning. [NOTE: the aforementioned 8 acre historic reserve property is not to be included in the property to be rezoned.]
- 3.2 The Applicant shall complete a Phase I Archaeological Survey of parcels 23 and 109. The Phase I Archaeological Survey of parcel 23 shall be completed within 12 months of the approval of the rezoning. For the remaining tracts of land, the Applicant shall complete a Phase I Archaeological Survey of a particular tract of land before any mining activities commence on that property. The Applicant may commence mining activities on a particular portion of the Properties before the completion of the Phase I survey for all of the Properties, but under any and all circumstances, no mining operations shall commence on any portion of the Properties until after the Phase I Archeological Survey has been completed on said portion of the Properties. Said survey shall locate, identify, and comprehensively record all historic sites, buildings, structures, and objects on the parcels. Such survey shall be conducted in accordance with the guidelines for a Phase 1 Survey as defined in the Virginia Department of Historic Resources "GUIDELINES FOR CONDUCTING CULTURAL RESOURCE SURVEY IN VIRGINIA - Chapter 7: Guidelines for Archaeological Investigations in Virginia," 1999 (Rev. Jan. 2003).
- 3.3 Two cemeteries have been identified on the Properties. The first cemetery is located adjacent to Chapel Road and is in an area that is not designated for mining and is also outside of the berming area. That cemetery is currently undergoing a historical restoration. After the historical restoration, the Applicant will follow the recommendations of the Applicant's historian.

The second cemetery is located in the area where berming is slated to be installed. The Applicant proffers the berming will be located in such a way as to not encroach on the cemetery. This cemetery is also currently undergoing a historical restoration. After the historical restoration, the Applicant will follow the recommendations of the Applicant's historian. In addition, the cemetery is accessed through a right-of-way which is of record providing access to the cemetery from Route 625. The Applicant proffers to improve said right-of-way so that it can be used for access by the descendants of those in the cemetery within 12 months of completion of the cemetery restoration. Once said right-of-way has been improved, the Applicant will provide continued maintenance and have use of same.

4. Rights to Water Supply

- 4.1 The Applicant shall guarantee the Frederick County Sanitation Authority ("FCSA") rights to the water resources available on the Properties in accordance with the existing agreements between the Applicant and FCSA.

5. Ground Water

- 5.1 The Applicant shall install a minimum of three monitoring wells to effectively establish and monitor the groundwater level in order to avoid detrimental impacts to surrounding properties. Said wells shall be installed prior to any land disturbance of the portion of the Properties identified as parcel 109 by the GDP, and shall be located within 500 feet of the Properties' boundaries. A minimum of one monitoring well shall be installed within 500 feet of the parcel 109 Properties' boundary. The exact location of the monitoring wells is depicted on the Overall Plan of the GDP.

- 5.2 Subject to and consistent with the provisions of paragraph 9.2, the Applicant shall remediate any adverse impacts to wells located on surrounding properties caused by mining operations on the Properties. Costs associated with any required remediation shall be borne by the Applicant.

Furthermore, the Applicant agrees to participate in a pre-blast survey and well monitoring survey, as further described herein. The intent of the aforementioned surveys is to provide a mechanism to remediate any adverse impacts to wells and/or structures which are caused by the mining operations on the Properties.

6. Dust Control

- 6.1 Dust from drills, muck piles, material handling, screens, crushers, conveyors, feeders, hoppers, stockpiles, load-outs, and traffic areas shall be controlled by wet suppression or equivalent, and controlled by and consistent with the terms of the Department of Environmental Quality ("VDEQ") general air permit. The Applicant shall remediate any adverse impacts to surrounding properties caused by dust associated with the mining operations on the Properties.

7. Blasting Control

- 7.1 All blasting associated with mining operations on the Properties shall be limited by the mining permit approved by the DMM of the VDMME. Peak Particle Velocities (PPV) associated with blasting on the Properties shall not exceed the levels stipulated by said permit. In addition, the Applicant agrees to have an approved blasting plan in place at all times. An example of the current blasting plan is attached. Further, in addition, the Applicant agrees that there will be no block holing or adobe blasting conducted on the Properties. Any damage to surrounding properties caused by blasting on the Properties shall be remediated at the Applicant's expense.

8. Traffic

- 8.1 The Applicant's current number of truck loads leaving the site on a daily basis is approximately 63, and the Applicant has had higher numbers of recorded truck loads leaving the plant to a total of 114 truck loads per day. The Applicant, in its proffer, is agreeing to restrict truck traffic to the Properties to 86 truck loads per day averaged over the prior 30 days, but intends to also have an ability to increase the number of truck loads in the event of an emergency or circumstances, which could be caused by issues driven by the Applicant's customers, suppliers, and/or carriers. Examples of such shall include, but are not limited to, an interruption of rail service to the site and/or any sites that are serviced by rail from the Applicant's Properties and/or any other interruption of the ability to deliver materials at the Applicant's site or any other sites which are owned, controlled, or by business relationship connected with the Applicant's site. To that end, and in any circumstance, the Applicant agrees to restrict truck traffic to the Properties to a maximum of 200 truck loads per day averaged over the prior 30 days through the scale house hauling mined materials on and/or off the proposed quarry site from the existing quarry entrance. The maximum number of truck loads will be regulated by the Applicant and its successors and/or assigns. A record of the actual number of truck loads per day shall be kept current (and maintained for one year) by the Applicant at its scale house office. Said record shall be made available in a form which confirms the number of trips and the form will be produced to Frederick County officials upon demand with reasonable notice. The Applicant proffers there will be no truck loads from the Properties on Sundays and the hours of truck loading on Saturdays will be no later than 7:00 p.m. The Applicant further proffers it will instruct all truckers as to the proper route of travel from the Properties to Route 11, which shall exclude both Belle Grove and Chapel Roads.

9. Pre-Blast Surveys

- 9.1 The Applicant will offer voluntary pre-blast surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent engineering firm, which will

investigate and document the pre-blast conditions of the participants' residences and/or outbuildings. The Applicant and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned property. This contact will be made by the Applicant and its successor and assigns to invite citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the pre-blast surveys. Contact will be made by registered return-receipt letters, mailed annually from the time of the rezoning. All citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 can, and are encouraged to, participate in the survey by contacting the Applicant and scheduling a mutually agreeable time for the independent engineering firm to visit the party's residence to document and survey the pre-blast condition of the party's residences/outbuildings following the procedures set forth in the attached and incorporated "Exhibit 5." If the property owner agrees to participate, the Applicant's and/or its engineering firm shall visit and inspect the party's residences/outbuildings to monitor the condition of the same. A record of those pre-blast conditions will be kept by the independent engineering firm with copies retained by the Applicant and the participating property owner. In the event of a change in condition, which is alleged by the participating property owner as a result of mining operations, the engineering firm will then conduct a follow-up visit and investigation and use the pre-blast information as a control and basis for subsequent analysis. Said analysis shall be used to determine the cause of any negative change in condition. If it is determined there is a change in condition in the residences/outbuildings, which has been caused by the Applicant's mining activities on the Properties, then the Applicant agrees to remediate and/or repair said negative change in condition to restore it to its status prior to blasting operations. In addition, the Applicant agrees to establish seismic monitoring of the proposed quarry site to monitor all blasting activities and keep records of said seismic monitoring as required by the VDMME.

- 9.2 The Applicant will offer voluntary well monitoring surveys of properties that are within 1,500 feet of the boundaries of parcel 23 and parcel 109. The aforementioned surveys will be conducted by an independent well drilling firm or hydrogeologist, which will investigate and document the pre-mining conditions of the participants' wells. The Applicant and its successors and assigns will contact all citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109, and monitor the tax roles for Frederick County on an annual basis in order to contact any citizens who have recently purchased the aforementioned property. This contact will be made by Applicant and its successor and assigns to invite citizens who have property within 1,500 feet of the boundaries of parcel 23 and parcel 109 to participate in the well monitoring surveys. Contact will be made by sending annually registered return-receipt letters. All citizens who have property located within 1,500 feet of the boundaries of parcel 23 and parcel 109 can and are encouraged to participate in the survey by scheduling a mutually agreeable time for the independent well drilling firm to visit the party's residence

to document and survey the pre-blast condition of the party's well following the procedures set forth in the attached and incorporated "Exhibit 6A and 6B." A record of these pre-mining conditions will be kept by the independent well drilling firm, with copies retained by the Applicant and the participating property owner. In the event a change of condition is alleged by the property owner as a result of mining operations, the Applicant will provide an interim replacement water supply as necessary to supply the property owner with water. The well drilling firm will then conduct a follow-up visit and investigation and use pre-blast information as a control and basis for subsequent analysis. If it is determined that the status of the neighboring property owner's well has deteriorated from the condition it was in at the time of the pre-blast survey, then the Applicant agrees to restore the well to its condition existing at the time of the pre-blast survey and/or provide the adjoining property owner a replacement well of the same condition (or better) of that which existed at that time of the pre-blast survey.

- 9.3 In addition to the above, the Applicant agrees to maintain in force an insurance policy or other sufficient security for the period of time covering the active mining operations on the Properties and to maintain in effect for a period of one year from the date of cessation of said mining operations, and to cover the costs of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2 above. Said policy or surety shall be in the amount of no less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence. Frederick County may review from time to time the amount of the policy or surety to evaluate whether the minimum amount of \$1,000,000.00 is sufficient to protect the cost of any remediation and/or repair, which is required pursuant to the terms of sections 9.1 and 9.2. In the event Frederick County believes that the amount of the policy or surety needs to be increased for the reasons set forth above, then the Applicant and Frederick County shall reach an agreement as to the proper amount of policy or surety. The approval of said increase shall not be unreasonably withheld, conditioned or denied by either party. The Applicant shall annually provide to the County a Certificate of Insurance from the insurance carrier.

10. Reclamation

- 10.1 It is intended that pursuant to the terms of the agreement reached with the FCSA that at the time of cessation of mining activities, the Properties' quarry pits shall be used by the FCSA as water reservoirs. The control of the water levels in the quarry pits shall be handed over to the FCSA. It is intended that the quarry pits at that time will contain quantities of water monitored and directed by the FCSA, and which will be conducive to the general betterment of natural habitat.

11. Noise Abatement

- 11.1 Operations on the Properties will not exceed the VDMME Engineering's decibel guidelines. The Applicant will make all reasonable efforts to locate mining machinery in the quarry pit or behind berms.

12. Lighting

- 12.1 There shall be no affixed lighting structures above-ground on the berms other than as may be required for or provided by regulations that affect the plant operations, including but not limited to, Mine Safety Health Administration ("MSHA"), VDMME, and any other governmental or regulatory body that oversees mining operations. Lighting used for devices or machines that convey materials or for pit crushing facilities and other mining activities is permitted. Conveying and pit crushing facilities shall also be interpreted as including such other devices or activities that perform similar or related functions that may come into use and/or existence at some time in the future while the extractive mining use is still in effect on the Properties. In addition to the above, all lighting will be installed in such a manner that there will be no spillover beyond any property line of the Applicant onto adjacent properties not owned by the Applicant.

13. Air Permit

- 13.1 The Applicant shall maintain its existing general air permit controlling emissions in accordance with the VDEQ standards and also see that the existing general air permit covers all activities conducted on the rezoned Properties.

14. Environment

- 14.1 In addition to compliance with the VPDES water discharge permit already in place, the Applicant agrees to work with a recognized environmental entity of the Applicant's choosing during its operations to ensure that the water emissions from water flowing from the quarry operations on the Properties is of a quality consistent with the water quality in Cedar Creek so as to maintain an environment conducive to natural habitats. No additional water discharge points will be added.
- 14.2 The Applicant agrees that all areas currently in trees on property owned by the Applicant, which is outside of the rezoned Properties and identified on the GDP as "Middletown Woods", shall be maintained using best management practices.
- 14.3 The Applicant proffers to keep its mining operations at least 200 feet from the edge of Cedar Creek.

15. Phasing

- 15.1 The Applicant agrees that mining activities on the Properties shall occur with the following phasing and as set forth on the Phasing Plans of the GDP:

After the rezoning is approved, the Applicant will start creating berms on the newly rezoned Properties and the Applicant shall start quarrying in the area identified as parcel 23. Mining in parcel 23 shall occur from the time period

commencing with the approval of the rezoning for a period of time which is estimated to be twenty years.

For the newly zoned area, which is north of the existing EM zoned property, and south of Chapel Road, mining activities will commence no earlier than ten years from the date that the rezoning referenced herein is approved.

For the newly zoned area, which lies north of Chapel Road, mining will commence no earlier than twenty years from the date that the rezoning referenced herein is approved.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

Respectfully submitted,

O-N MINERALS (CHEMSTONE) COMPANY

By: SPENCER C. STINSON

Its: General Manager

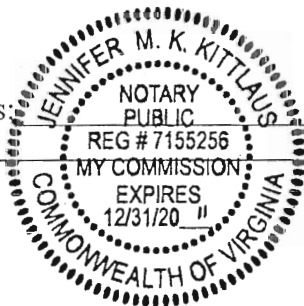
[Signature]

COMMONWEALTH OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

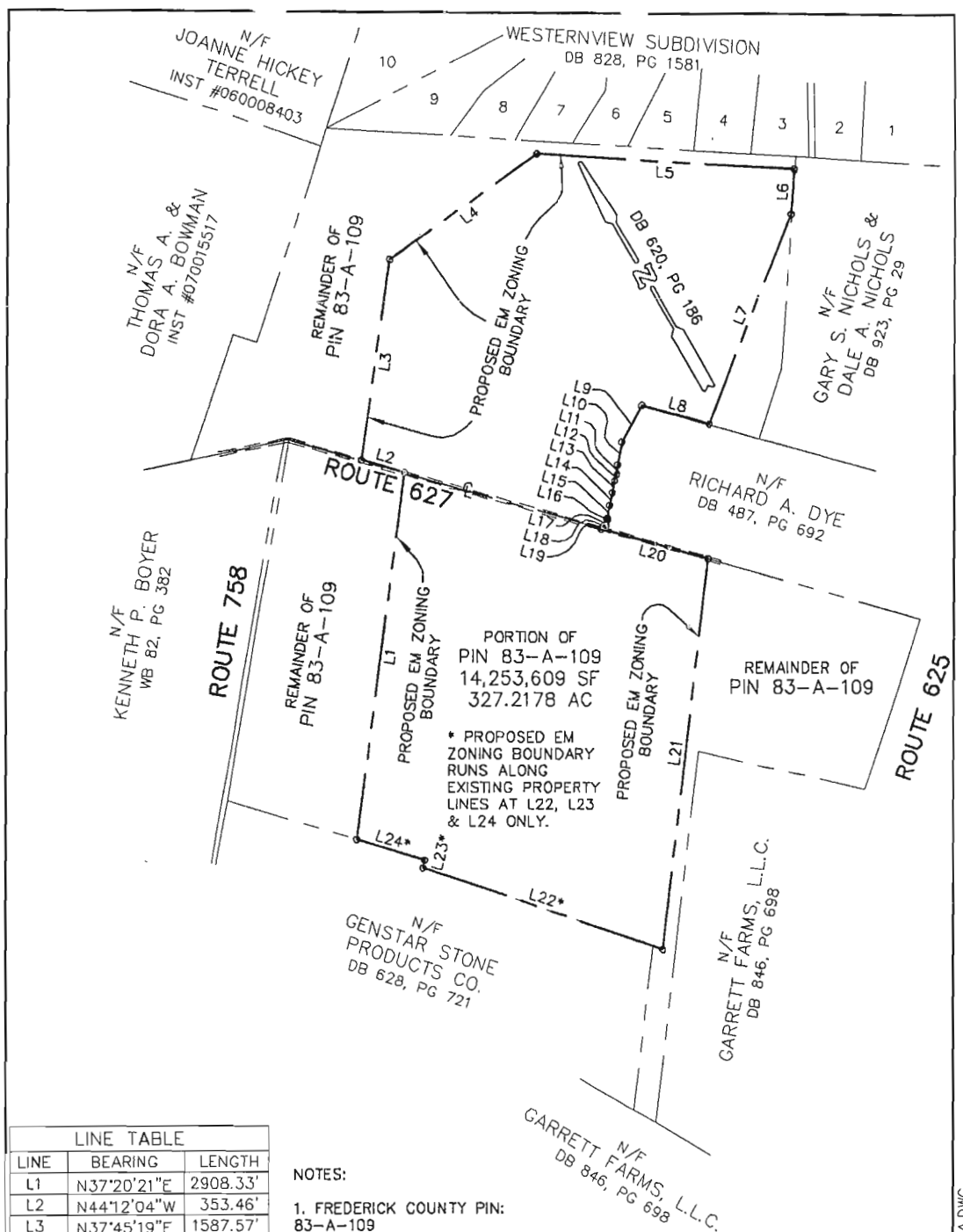
The foregoing instrument was acknowledged before me this 28th day of May,
2008, by Spencer C. Stinson.

My commission expires:

Registration number:



Jennifer M. K. Kittlaus
NOTARY PUBLIC



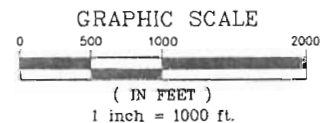
| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | LENGTH |
| L1 | N37°20'21"E | 2908.33' |
| L2 | N44°12'04"W | 353.46' |
| L3 | N37°45'19"E | 1587.57' |
| L4 | N83°55'47"E | 1427.97' |
| L5 | S56°50'54"E | 2031.06' |
| L6 | S33°19'31"W | 359.18' |
| L7 | S51°08'46"W | 1771.57' |
| L8 | N44°54'24"W | 547.10' |
| L9 | S57°53'12"W | 326.61' |
| L10 | S40°29'59"W | 180.07' |
| L11 | S34°14'59"W | 75.78' |
| L12 | S50°29'59"W | 52.91' |
| L13 | S39°59'45"W | 100.50' |
| L14 | S42°59'56"W | 100.41' |
| L15 | S41°44'59"W | 101.79' |
| L16 | S08°30'00"W | 15.91' |
| L17 | S44°44'59"W | 48.70' |
| L18 | N60°27'01"W | 19.00' |
| L19 | S70°47'59"W | 33.21' |
| L20 | S44°23'32"E | 873.66' |
| L21 | S36°28'58"W | 3079.05' |
| L22 | N41°30'31"W | 1997.30' |
| L23 | N42°39'21"E | 62.27' |
| L24 | N43°20'04"W | 558.68' |

NOTES:

1. FREDERICK COUNTY PIN: 83-A-109

2. PROPERTY OUTLINE AND MERIDIAN SHOWN HEREON ARE BASED ON THE PLAT ATTACHED TO DEED OF BARGAIN AND SALE RECORDED IN DB 620, PG 186 AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA. INFORMATION SHOWN HEREON IS NOT BASED ON A CURRENT FIELD RUN SURVEY. ADJOINING PROPERTY OWNERS ARE BASED ON INFORMATION OBTAINED FROM FREDERICK COUNTY GIS WEBSITE, MAY, 2008.

3. NO TITLE REPORT.



"ZONING BOUNDARY EXHIBIT A"
A PORTION OF THE
PROPERTY CONVEYED TO
CHEMSTONE CORPORATION
DEED BOOK 620, PAGE 186
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 1000'

DATE: FEB. 15, 2006
REVISED: MAY 20, 2008

Patton Harris Rust & Associates, P.C.
Engineers. Surveyors. Planners. Landscape Architects.

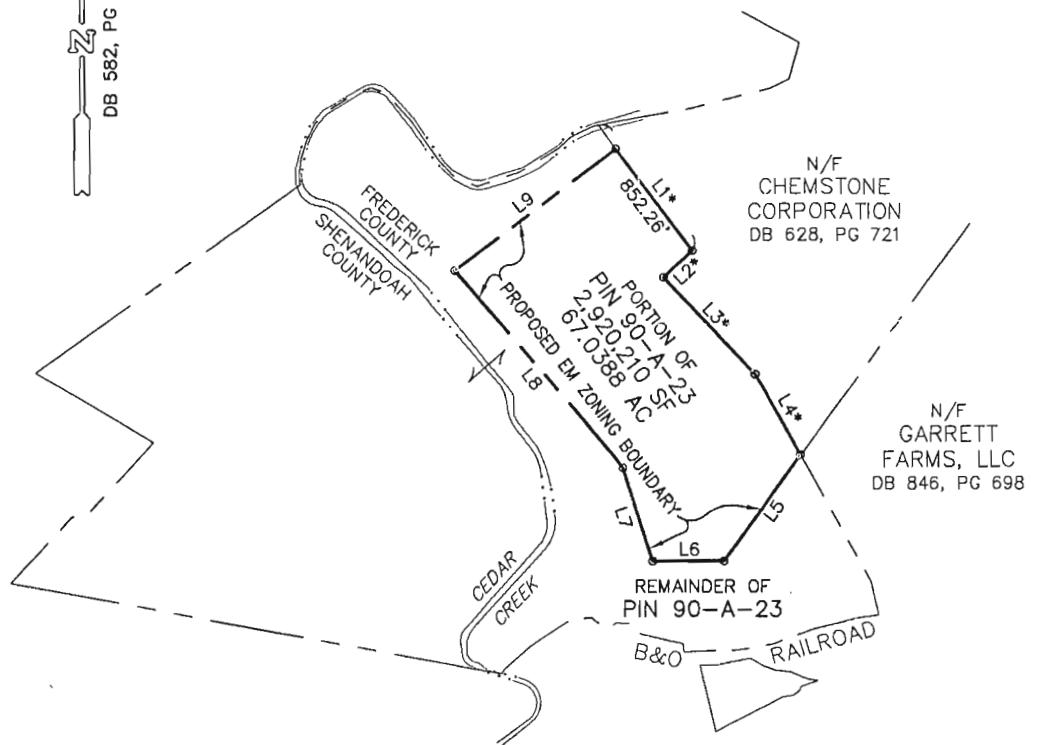
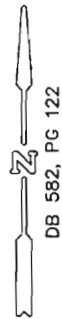
PHR+A

117 East Piccadilly Street, Suite 200
Winchester, Virginia 22601

T 540.667.2139

F 540.665.0493

SHEET 1 OF 1



*PROPOSED EM ZONING BOUNDARY RUNS ALONG EXISTING PROPERTY LINES AT L1, L2, L3 & L4 ONLY.

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | LENGTH |
| L1 | S37°00'10"E | 1046.22' |
| L2 | S46°56'50"W | 262.12' |
| L3 | S43°05'07"E | 889.86' |
| L4 | S29°32'22"E | 615.38' |
| L5 | S35°51'02"W | 863.68' |
| L6 | S89°56'36"W | 475.26' |
| L7 | N17°59'22"W | 645.46' |
| L8 | N40°11'14"W | 1720.29' |
| L9 | N52°18'45"E | 1336.75' |

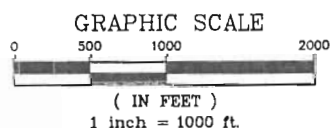
NOTES:

1. FREDERICK COUNTY PIN: 90-A-23.
2. PROPERTY OUTLINE AND MERIDIAN SHOWN HEREON ARE BASED ON THE PLAT ATTACHED TO DEED RECORDED IN DB 582, PG 122 AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA. INFORMATION SHOWN HEREON IS NOT BASED ON A CURRENT FIELD RUN SURVEY. ADJOINING PROPERTY OWNERS ARE BASED ON INFORMATION OBTAINED FROM FREDERICK COUNTY GIS WEBSITE, MAY, 2008.
3. NO TITLE REPORT.

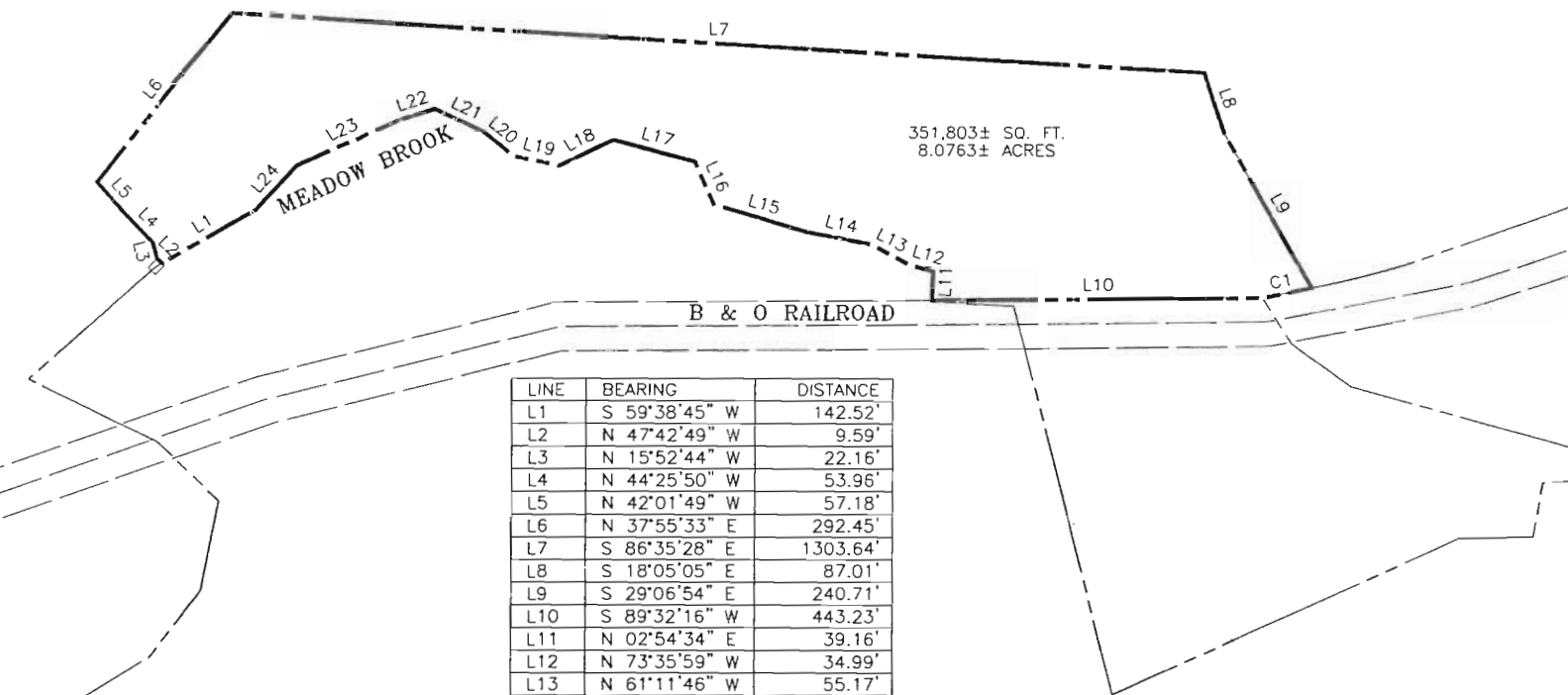
"ZONING BOUNDARY EXHIBIT B"
A PORTION OF THE
PROPERTY CONVEYED TO
CHEMSTONE CORPORATION
DEED BOOK 582, PAGE 122
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 1000' DATE: MAY 20, 2008
Patton Harris Rust & Associates, p.c.
Engineers. Surveyors. Planners. Landscape Architects.

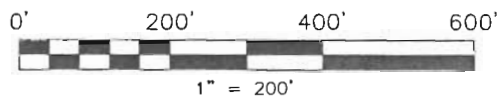
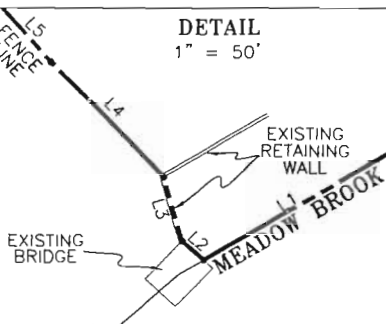
117 East Piccadilly Street, Suite 200
Winchester, Virginia 22601
T 540.667.2139
F 540.665.0493



| CURVE | RADIUS | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|----------|------------|-------------|---------------|--------------|
| C1 | 1876.78' | 66.33' | 02°01'30" | S 78°41'59" W | 66.33' |



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 59°38'45" W | 142.52' |
| L2 | N 47°42'49" W | 9.59' |
| L3 | N 15°52'44" W | 22.16' |
| L4 | N 44°25'50" W | 53.96' |
| L5 | N 42°01'49" W | 57.18' |
| L6 | N 37°55'33" E | 292.45' |
| L7 | S 86°35'28" E | 1303.64' |
| L8 | S 18°05'05" E | 87.01' |
| L9 | S 29°06'54" E | 240.71' |
| L10 | S 89°32'16" W | 443.23' |
| L11 | N 02°54'34" E | 39.16' |
| L12 | N 73°35'59" W | 34.99' |
| L13 | N 61°11'46" W | 55.17' |
| L14 | N 79°13'29" W | 88.69' |
| L15 | N 73°10'45" W | 129.48' |
| L16 | N 24°46'35" W | 63.00' |
| L17 | N 74°55'35" W | 111.16' |
| L18 | S 64°37'31" W | 81.52' |
| L19 | N 78°12'17" W | 61.62' |
| L20 | N 51°30'49" W | 52.51' |
| L21 | N 64°44'51" W | 73.52' |
| L22 | S 71°26'56" W | 50.03' |
| L23 | S 65°36'51" W | 151.36' |
| L24 | S 41°51'08" W | 79.70' |



**CHEMSTONE
PROPOSED
OFF-CONVEYANCE**
8.076 ACRES ±
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 SCALE: AS SHOWN DATE: DECEMBER 2003
URBAN ENGINEERING & ASSOCIATES, INC.
 CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS
 600 PEGASUS COURT, SUITE 101
 WINCHESTER, VIRGINIA 22602 (540) 450-0211

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RIGHT OF FIRST REFUSAL

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RIGHT OF FIRST REFUSAL (the "Declaration") is made as of the ____ day of _____, 2008, by and between O-N MINERALS (CHEMSTONE COMPANY), a Delaware corporation, its successors and assigns (the "Declarant") (Grantor for indexing purposes), and CEDAR CREEK BATTLEFIELD FOUNDATION, INC., a Virginia corporation, its successors and assigns (the "Association") (Grantee for indexing purposes).

RECITALS:

A. The Declarant is the owner of certain real property, which is intended to be a historical reserve and to be conveyed to Grantee as such and with the following covenants, conditions and restrictions and also be subject to a right of first refusal.

NOW, THEREFORE, the Declarant, for and in consideration of the premises and the covenants contained herein, grants, establishes and conveys to Grantee a certain tract of land, which is further described in the attached and incorporated plat ("Property"), which shall be maintained as a historic reserve and further establishes the following covenants:

1. There shall be no occupied dwellings on the Property;
2. The Property shall be maintained with all grass neatly mowed at all times and any trees maintained using best management practices;



3. The Declarant further reserves the right to take any action reasonably required to maintain the Property in the event the Grantee fails to do so. This right shall include but not be limited to the right to enter upon the Property to do such work on the Property as may be required to effect the provisions of this Declaration.

IT IS FURTHER agreed and understood that the Property shall be conveyed with the Grantor retaining a right of first refusal to purchase the Property in the event the Grantee conveys or sells all or a portion of the Property to an entity, which is not related to the Grantee and which is not a charitable entity established for the preservation of historic properties. The parties do agree to execute any and all such other documents as may be required to effect provisions of this agreement, including but not limited to, a memorandum confirming the right of first refusal to be recorded in the land records of Frederick County, Virginia.

[REMAINDER OF THE PAGE LEFT INTENTIONALLY BLANK]

WITNESSETH, the following signatures and seals:

O-N MINERALS (CHEMSTONE COMPANY)
a Delaware corporation

By: _____ (Seal)

Its: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____,
2008 by _____, _____ of O-N Minerals (Chemstone
Company).

Notary Public

My Commission expires: _____.
Registration No.: _____

CEDAR CREEK BATTLEFIELD FOUNDATION, INC.
a Virginia corporation

By: _____ (Seal)

Its: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____,
2008 by _____, _____ of Cedar Creek Battlefield Foundation,
Inc.

Notary Public

My Commission expires: _____.
Registration No.: _____

BERM PLANTING (as recommended by the Virginia State Forester)

EXISTING BERMS: Where existing berms do not have adequate ground cover to prevent them from eroding, they should be planted with various native grasses, shrubs, and trees. A successful mixture of buckwheat, rye and other grasses has been developed by quarry employees that has proven to be effective in vegetating these slopes. In spots where prior vegetating efforts have failed, it is recommended that erosion control methods such as landscape fabric and jute mats be installed prior to revegetating these spots. It may also be necessary to reshape the berm in these spots to retard water movement down the slope and to hold water for vegetation survival and growth by constructing planting terraces with existing rock and soil.

RECOMMENDED TREE AND SHRUB SPECIES: Native species should be chosen to provide optimum survival, the least maintenance, and to further blend into the existing landscape. A list of suggested trees and shrubs for landscape plantings in the Shenandoah Valley is included. Actual species chosen need to be selected for the specific location they are to be planted, and their availability. Not all of these are available for purchase through nurseries.

In general, these species should be intermixed to provide more of a camouflage effect along the face and ridgeline of the berms. Coniferous species should be planted where year-round screening is desired. Coniferous species, with their ability to survive better on hot dry slopes, should also be chosen for screening on south and west facing slopes.

PLANTING RECOMMENDATIONS: Where possible, the topsoil removed in the initial stages of new quarry construction should be spread to the depth of 6 – 12 inches over all level surfaces that will be planted. For instance, the tops of the berms. The recommended planting terraces along the face of the berms should also be filled with topsoil prior to planting with trees and shrubs. Bare rooted plants are recommended because of their low cost, ease of planting, and good survivability. They should be planted in March or April of each year.

INVASIVE SPECIES: Numerous invasive species now threaten native plants in eastern forests. If allowed to grow and spread unimpeded, they will crowd out native trees and have a negative impact on wildlife populations that depend on the native trees and shrubs for their food.

Ailanthus (tree of heaven, paradise tree), paulownia, autumn olive and multiflora rose are the most common non-native invasive shrubs and trees in this locality.





Ailanthus

Has a distinct rancid odor
in the leaves, twigs, and bark.



Paulownia

Large leaves 8" – 14" in diameter.



Autumn Olive

Aluminum sheen to the
Underside of the leaves.
Large crop of red berries each fall.



Multiflora Rose

Multiple stems from each plant.
Numerous, short curved thorns.

RECOMMENDATIONS: Once every 2 – 3 years, inspect all berms and associated land for invasive species.

Where found, individual plants of these species should be either dug or pulled out of the ground, or deadened with herbicide applications to prevent the spread of their seed to these spots.

One such herbicide recommended is RoundUp ®. Cutting the tree down and painting concentrated RoundUp® herbicide on the stump within 2-3 minutes of cutting is very effective with invasive trees and requires a very little amount of herbicide.

Very large trees can be girdled with a chainsaw or a hatchet, and a mixture of RoundUp® and water can be applied to the girdle to deaden the tree. This will also have the benefit

of creating wildlife snags until the trees rot down. A foliar spray of RoundUp® can effectively control individual small stems and clumps of small stems.

Instructions for timing of herbicide applications and mixing for the various methods of application will be found on the herbicide label. These instructions should be followed precisely to obtain the desired results and to protect the environment.

NATIVE TREES (mostly) SUGGESTED FOR LANDSCAPING IN THE NORTHERN SHENANDOAH VALLEY OF VIRGINIA

No particular order of preference

Gerald R. Crowell, Va. Dept. of Forestry 2/2008

Not all of these will grow on every site. First, decide why you want a tree; shade, screening, to enhance the landscape, fall coloration, flowering, wildlife food, etc. Second, choose the final mature height you want the tree to reach. Then, research each species as to the desirability of planting in a particular location with regard to purpose, soil type, and available sunlight.

DECIDUOUS:

LITTLE ‘UNS (TO 20 FEET)

Alder, Hazel *Alnus serrulata*

Hawthorn *Crataegus* sps.

Serviceberry *Amelanchier* sps.

Viburnum *Viburnum* sps

Buckthorn, European *Rhamnus cathartica*

Fringetree *Chionanthus virginicus*

Elderberry *Sambucus canadensis*

Burningbush *Euonymus atropurpureus*

Redbud, Eastern *Cercis canadensis*

MEDI ‘UM’S (20 – 40 FEET)

Hornbeam, American *Carpinus caroliniana*

Hophornbeam, Eastern *Ostrya virginiana*

Chinkapin *Castanea pumila*

Pawpaw *Asimina triloba*

Sassafras *Sassafras albidum*

Persimmon *Diospyros virginiana*

BIG ‘UNS (40 – 80+ FEET)

Willow, black *Salix nigra*

Hickory *Carya* sps.

Birch, yellow *Betula alleghaniensis*

DECIDIOUS BIG 'UNS (continued)

Birch, black, sweet *Betula lenta*

Birch, River *Betula nigra*

Oak *Quercus* sps. Except for *Q. falcata*, *Q. nigra*, *Q. phellos*, *Q. virginiana*

Hackberry *Celtis occidentalis*

Poplar, yellow, tulip *Liriodendron tulipifera*

Sycamore *Platanus occidentalis*

Maple, sugar *Acer saccharum*

Maple, red *Acer rubrum*

Basswood *Tilia Americana*

Blackgum *Nyssa sylvatica*

EVERGREEN:

LITTLE 'UNS (to 20 feet)

Rhododendron *Rhododendron maximum*

Mountain Laurel *Kalmia latifolia*

MEDI 'UM'S (20-40 FEET)

NONE

BIG 'UNS (40 – 80+ FEET)

Pine, Pitch *Pinus rigida*

Pine, shortleaf *Pinus echinata*

Pine Table Mountain *Pinus pungens*

Baldcypress *Taxodium distichum*

Arborvitae, Northern whitecedar *Thuja occidentalis*

Eastern red cedar *Juniperus virginiana*

Norway spruce *Picea abies*

Leyland Cypress *Cupressocyparis leylandii*

NOT RECOMMENDED FOR LANDSCAPE TREES:

Ash (*Fraxinus* sps), due to Emerald Ash Borer

White pine (*Pinus strobus*); be careful, it is off-site on many shale soils and limestone clay soils in the Valley

Elm (*Ulmus* sps), due to elm yellows and Dutch Elm Disease

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND RIGHT OF FIRST REFUSAL

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RIGHT OF FIRST REFUSAL (the "Declaration") is made as of the ____ day of _____, 2008, by and between O-N MINERALS (CHEMSTONE COMPANY), a Delaware corporation, its successors and assigns (the "Declarant") (Grantor for indexing purposes), and CEDAR CREEK BATTLEFIELD FOUNDATION, INC., a Virginia corporation, its successors and assigns (the "Association") (Grantee for indexing purposes).

RECITALS:

A. The Declarant is the owner of certain real property, which is intended to be a historical reserve and to be conveyed to Grantee as such and with the following covenants, conditions and restrictions and also be subject to a right of first refusal.

NOW, THEREFORE, the Declarant, for and in consideration of the premises and the covenants contained herein, grants, establishes and conveys to Grantee a certain tract of land, which is further described in the attached and incorporated plat ("Property"), which shall be maintained as a historic reserve and further establishes the following covenants:

1. There shall be no occupied dwellings on the Property;
2. The Property shall be maintained with all grass neatly mowed at all times and any trees maintained using best management practices;



3. The Declarant further reserves the right to take any action reasonably required to maintain the Property in the event the Grantee fails to do so. This right shall include but not be limited to the right to enter upon the Property to do such work on the Property as may be required to effect the provisions of this Declaration.

IT IS FURTHER agreed and understood that the Property shall be conveyed with the Grantor retaining a right of first refusal to purchase the Property in the event the Grantee conveys or sells all or a portion of the Property to an entity, which is not related to the Grantee and which is not a charitable entity established for the preservation of historic properties. The parties do agree to execute any and all such other documents as may be required to effect provisions of this agreement, including but not limited to, a memorandum confirming the right of first refusal to be recorded in the land records of Frederick County, Virginia.

[REMAINDER OF THE PAGE LEFT INTENTIONALLY BLANK]

WITNESSETH, the following signatures and seals:

O-N MINERALS (CHEMSTONE COMPANY)
a Delaware corporation

By: _____ (Seal)

Its: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this ____ day of _____,
2008 by _____, _____ of O-N Minerals (Chemstone
Company).

Notary Public

My Commission expires: _____.
Registration No.: _____

CEDAR CREEK BATTLEFIELD FOUNDATION, INC.
a Virginia corporation

By: _____ (Seal)

Its: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____,
2008 by _____, _____ of Cedar Creek Battlefield Foundation,
Inc.

Notary Public

My Commission expires: _____.
Registration No.: _____

Methodology and Purpose of Pre-Blast Surveys at the Middletown Operation

WHAT IS THE PURPOSE OF A PRE-BLAST SURVEY?

As the name implies, the pre-blast survey is a visual inspection of selected structures located adjacent to proposed blasting activities. While off-site effects of commercial blasting such as that proposed for the Middletown expansion are expected to pose no threat to existing structures, it has been historically documented that when the perception of blasting reaches new or additional property owners, it is human nature to pay additional attention to one's property.

Decades of research performed by the US Bureau of Mines as well as other investigative groups, have fully documented not only the impact of blasting on structures, but also the impact of ambient environmental conditions. While blast effects typically remain well below the effects of various environmental forces, stress caused by everyday exposure to various weather events regularly places strain on construction materials above their ability to resist impact. In other words, these studies have documented what every homeowner already knows, houses, over time, will develop cracks and defects.



WELL GUARANTEE AGREEMENT

Carmeuse Lime & Stone, its successors or assigns (hereinafter referred to as "MINE OWNER") guarantees to the undersigned Owner that it will replace or replenish the Owner's existing privately owned domestic-use water well(s) under the following circumstances:

Any water well negatively impacted in such a way as to render it unsuitable for its existing use, on property within 1,500 feet of any parcels being actively quarried and dewatered by MINE OWNER located at its Middletown plant (hereinafter referred to as the MINE OWNER Facility) by depleting a well, lowering the water surface below the pump or negatively intercepting the groundwater flow to the well. If at some future date MINE OWNER expands the MINE OWNER Facility and the active mining operations into other adjoining properties not currently zoned for earth materials extraction, then this Well Guarantee Agreement will be automatically expanded to include all parcels within 1,500 feet from those areas.

MINE OWNER will repair the problem by lowering the pump, deepening the well, drilling a replacement well, and/or installing an appropriate water quality treatment system at no cost to the Owner.

The undersigned Owner, in accepting this guarantee, agrees to the following conditions:

The Owner grants permission to MINE OWNER or its representative to inspect and evaluate the current condition of the well as part of a baseline water well inspection survey.

The Owner grants permission to MINE OWNER or its representative to perform water level measurements of the well or collect water quality samples (in addition to the baseline water well inspection survey) on an as needed basis for the purpose of creating background data for the well, and to assess potential complaints.

The Owner agrees to notify within twenty-four (24) hours of discovery of the reduction of water supply, depletion of the well or degradation in water quality so that MINE OWNER and a third-party hydrogeologist (as a Licensed Professional Geologist in the State of Virginia) can verify and/or document any occurrences noted during quarrying at the MINE OWNER Facility that may have contributed to the reduction of water supply or well depletion.

The third-party hydrogeologist shall document the reduction of water supply, depletion of the well or degradation in water quality. Further, the hydrogeologist will make a determination as to the cause of the reduction of water supply, depletion of the well or degradation in water quality only for purposes of determining the appropriate repair or remediation. MINE OWNER shall be responsible for supplying temporary potable water for human consumption, and potentially, water hauling for other uses (as appropriate) until the problem is corrected. MINE OWNER shall be allowed by the Owner to evaluate the well and conduct such reasonable tests as it deems necessary to verify the cause of the reduction of water supply, depletion of the well or degradation in water quality.

MINE OWNER agrees to bear all reasonable expenses that result from said reduction of water supply or well depletion; including, but not limited to temporary potable water supply for human consumption, household use, water hauling for other potential uses (as appropriate), well and pump modification, new well construction, and legal fees expended in implementing this Well Guarantee Agreement. The owner shall notify MINE OWNER prior to undertaking remedial activities or incurring expenses that later may be borne by MINE OWNER.

Repair costs due to worn or defective pumps, electrical cabling, and piping are specifically



excluded from this guarantee.

The terms of the Well Guarantee Agreement are binding during the active life of the said MINE OWNER Facility, including one year following cessation of mining activities. Upon the expiration of one year following completion of quarrying activities at the MINE OWNER Facility, this Well Guarantee Agreement shall be considered null and void.

Owner:

Date:

MINE OWNER:

Title:

Date:

Local homeowners within 1,500 feet of the property line of the proposed expansion will be invited to take part in a pre-expansion survey of their domestic water wells.

Within ____ days after rezoning is approved, each property owner within the 1,500 ft. radius of the proposed expansion will be sent an informational newsletter explaining the purpose of the Survey. A second letter, which will include a short scheduling form for owners to fill out and return to Carmeuse Lime & Stone, will be sent out within ____ days after the newsletter, and a public information meeting will be held as a follow up. As the scheduling forms are received, the property owners will be contacted by Carmeuse personnel to coordinate a day and time that is convenient to conduct the survey.

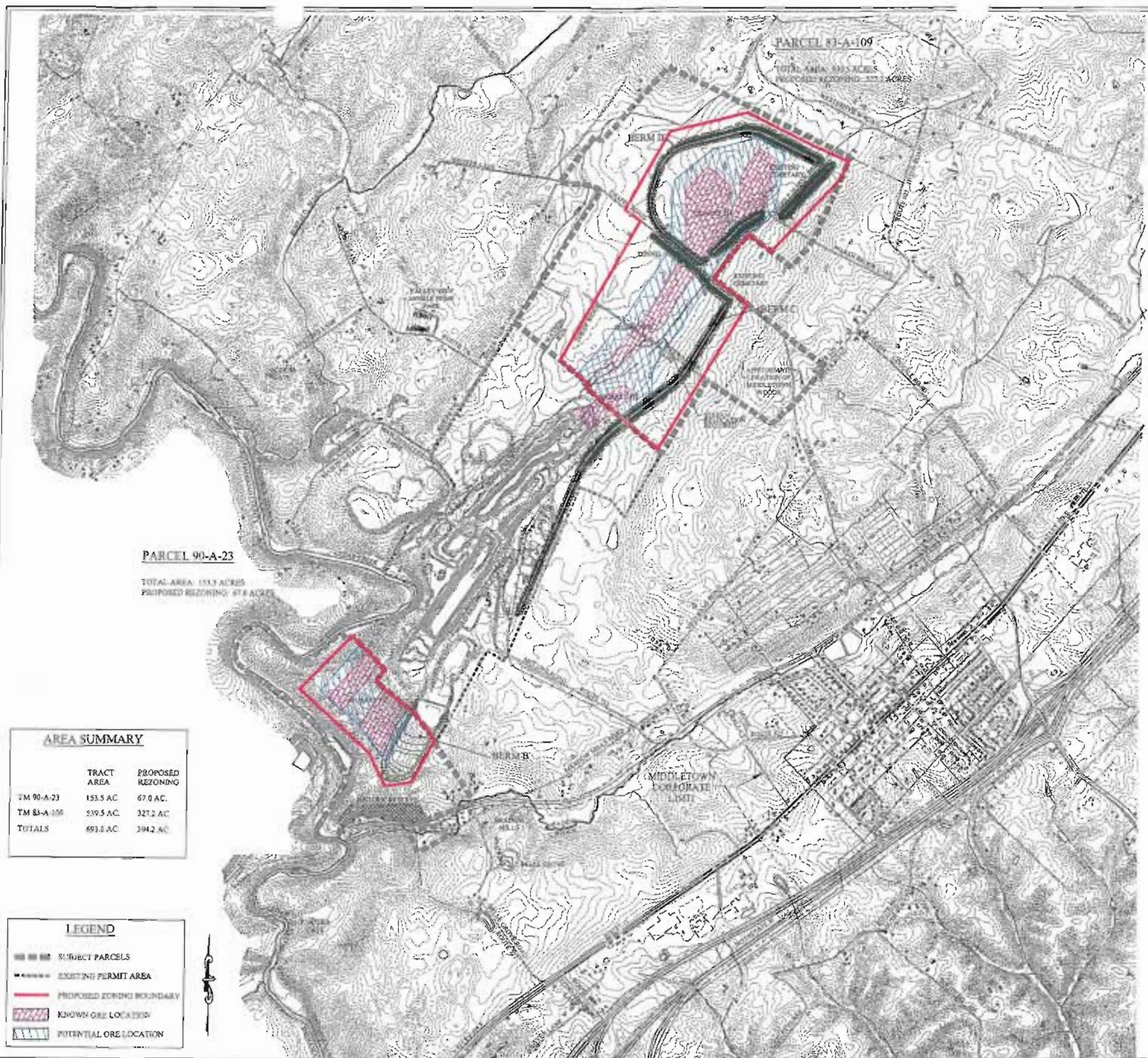
The Survey generally will consist of a short, in-person or phone, interview with the resident, property owner, or other knowledgeable party to gain information on the history of their well. The interview will followed by a physical inspection of the well. This includes obtaining the water level, pump setting depth and total depth. Existing driller's logs will also be examined. All sampling will be conducted in accordance with _____ governing approved testing procedures for potable water wells.

Field parameters measured at the time of collection include pH, Specific Conductance, Temperature, and Turbidity. The samples will be packed in ice and transported under chain-of-custody to a third party, accredited analytical laboratory for analysis. The samples will be analyzed at the laboratory for pertinent biological and chemical constituents. These include Total Coliform, Alkalinity, Chloride, Sulfate, Nitrate, Phosphorus, Potassium, Sodium, Magnesium, Calcium, Iron, and Manganese.

Each well will also be tested to determine its Specific Capacity, which will be used as a baseline for well yield estimations at that particular location. Well water at each respective well will be purged at a measured flow rate (variable for each well) for a specific time interval (also variable for each well) using the existing pumping system currently in place. The water level in each well will be measured during the testing period. Typically the well will be purged at a flow rate of less than 5 to 10 gallons per minute for approximately 30 minutes or less. The Specific Capacity for each test will be calculated using the average pumping rate during the test divided by the water level drawdown incurred at the well during the test.

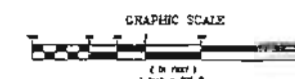
Copies of the resulting reports will be provided to the property owner, as well as being maintained by Carmeuse and the designated third party performing the evaluation.

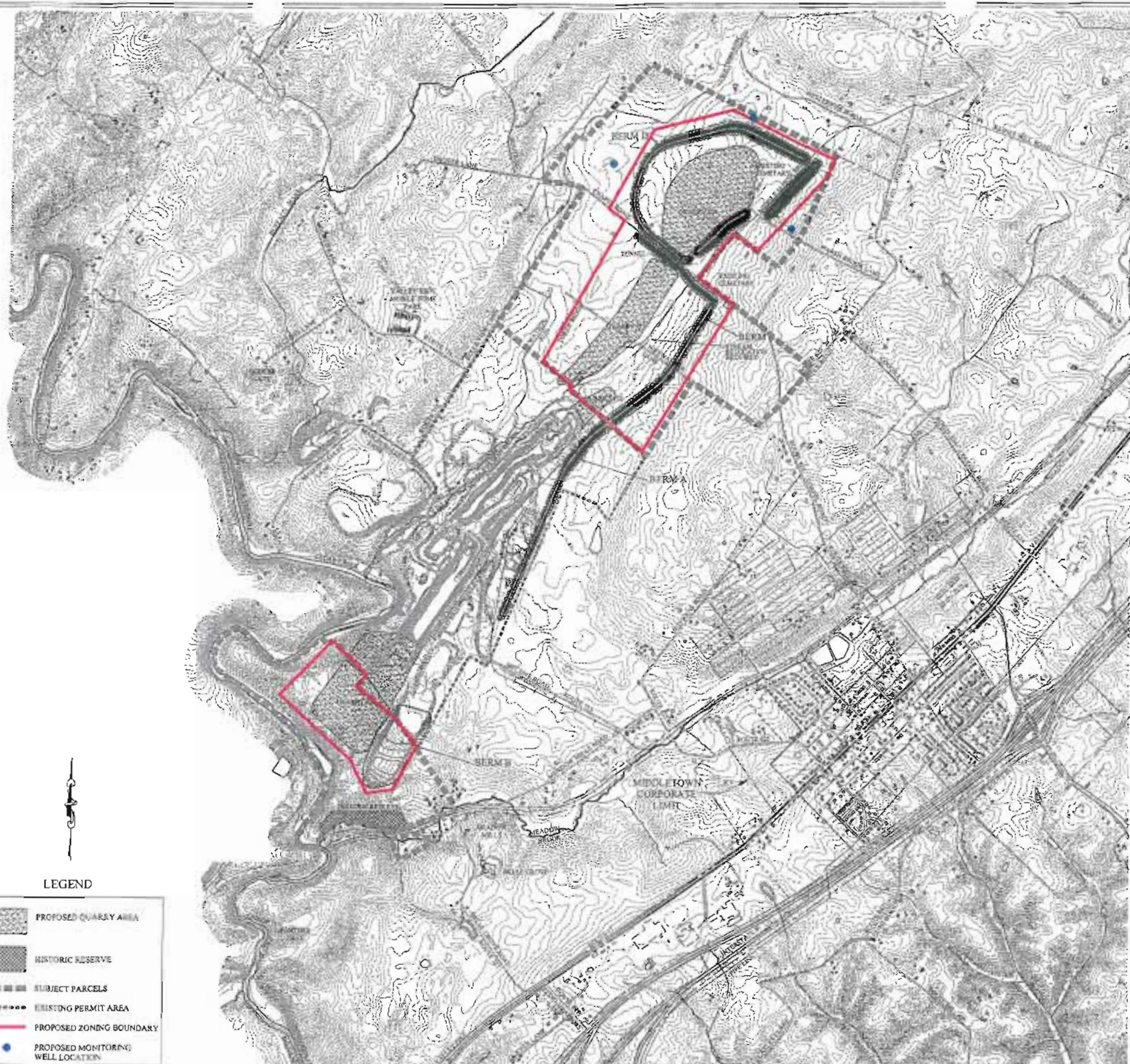




Patton Harris West & Associates, P.C.
Engineers, Surveyors, Planners, Landscape Architects
PHRA
111 East Plentiful Street
Frederick, MD 21701
T 301-697-2139
F 301-697-0955

O-N Minerals Chemstone GENERALIZED DEVELOPMENT PLAN FREDERICK COUNTY, VIRGINIA MAY 2008





LEGEND

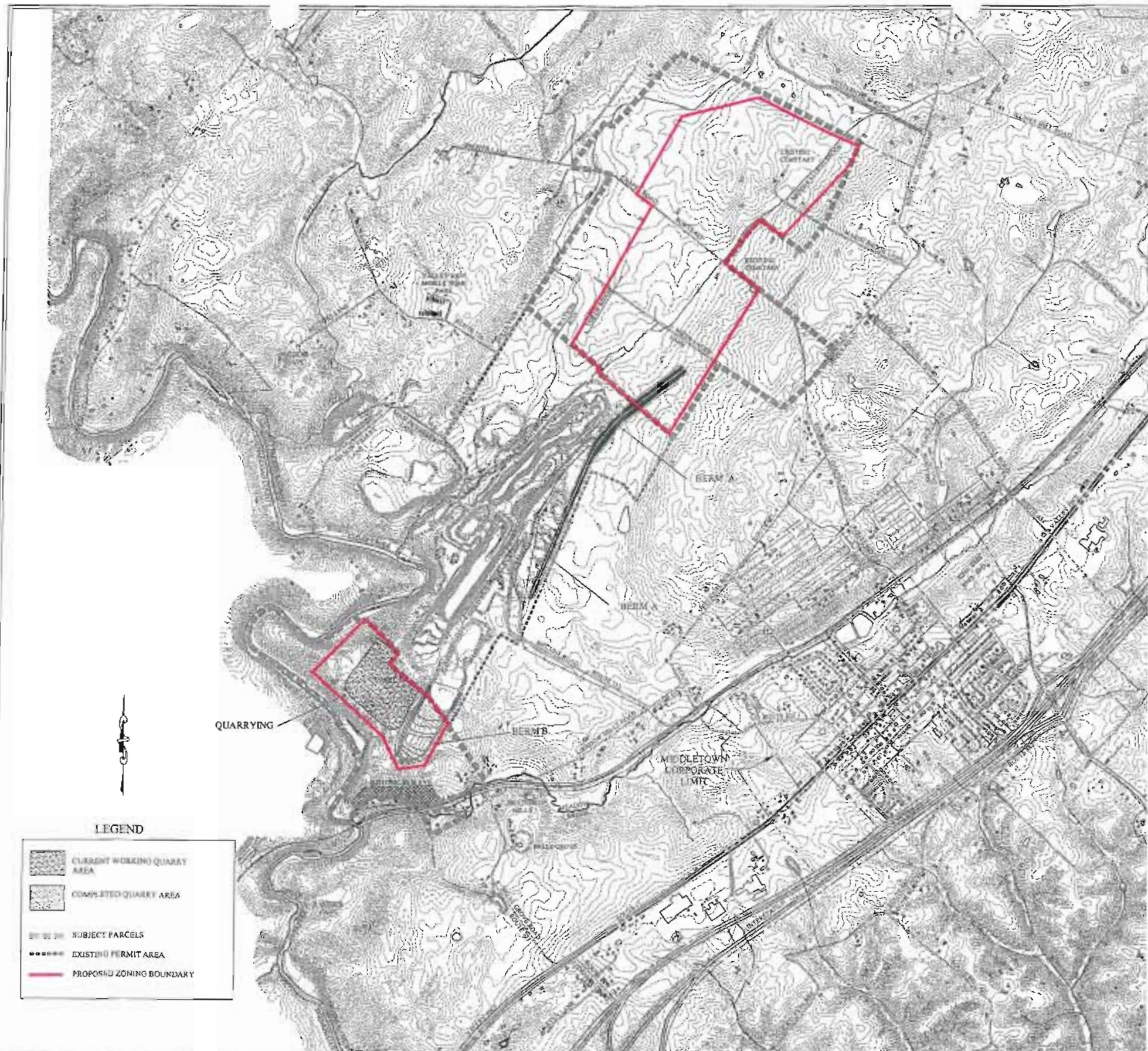
- PROPOSED QUARRY AREA
- HISTORIC RESERVE
- SUBJECT PARCELS
- EXISTING PERMIT AREA
- PROPOSED ZONING BOUNDARY
- PROPOSED MONITORING WELL LOCATION

O-N Minerals Chemstone

OVERALL PLAN
FREDERICK COUNTY, VIRGINIA
MAY 2008

Patten Harris Rust & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects
PHRA
217 East Piccadilly Street
Winchester, VA 22601
T 540-667-2130
F 540-665-0493



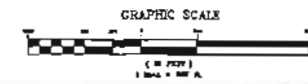


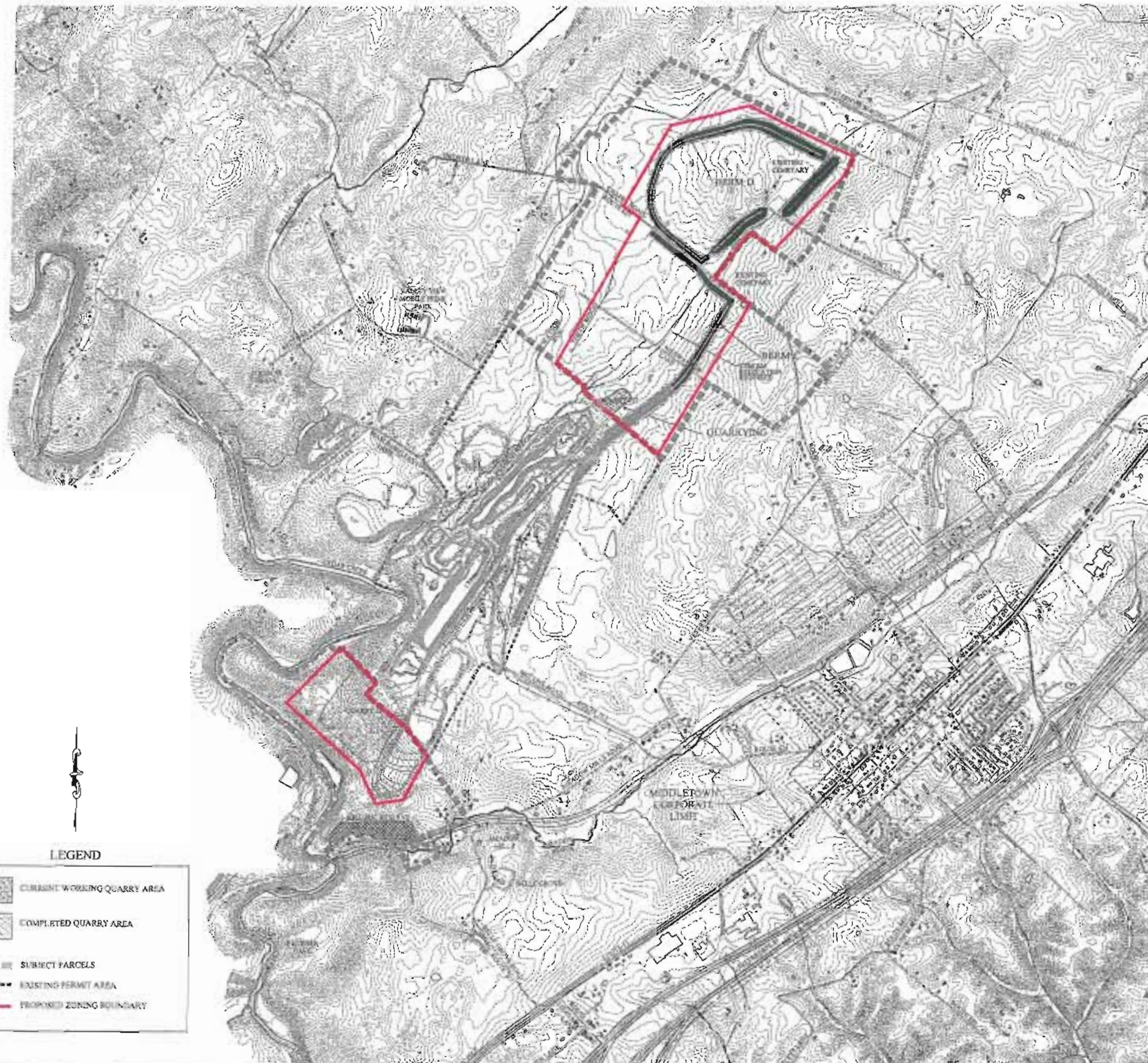
LEGEND

- CURRENT WORKING QUARRY AREA
- COMPLETED QUARRY AREA
- SUBJECT PARCELS
- EXISTING PERMIT AREA
- PROPOSED ZONING BOUNDARY

Patton Harris East & Associates, PC
 Engineers, Surveyors, Planners, Landscape Architects
PHEA
 117 East Piccadilly Street
 Washington, VA 22001
 T 840-897-2138
 F 840-855-0905

O-N Minerals Chemstone PHASE I PLAN FREDERICK COUNTY, VIRGINIA MAY 2008





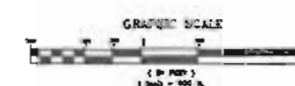
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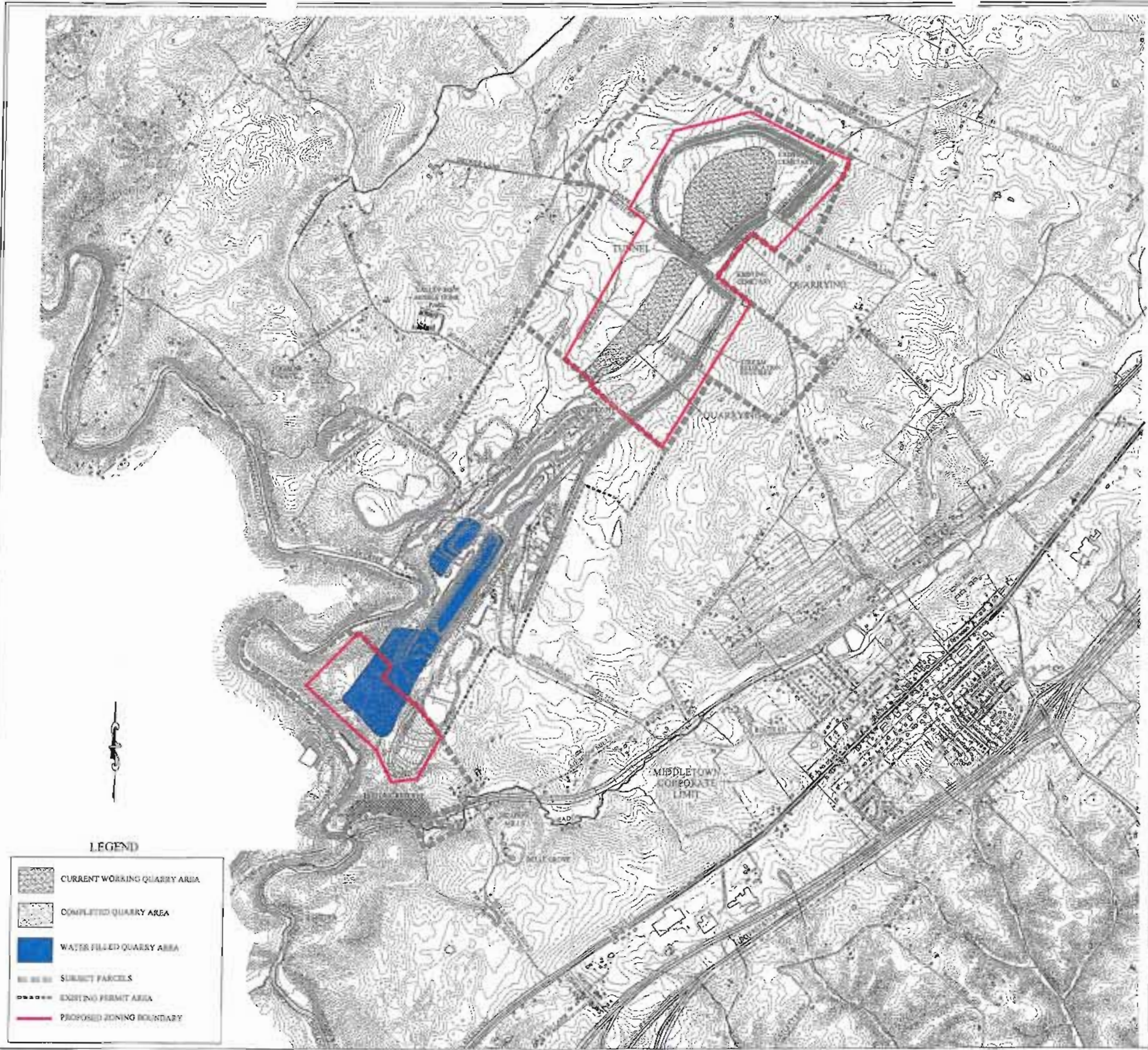
| | |
|--|-----------------------------|
| | CURRENT WORKING QUARRY AREA |
| | COMPLETED QUARRY AREA |
| | SUBJECT PARCELS |
| | EXISTING PERMIT AREA |
| | PROPOSED ZONING BOUNDARY |

O-N Minerals Chemstone

PHASE II PLAN
FREDERICK COUNTY, VIRGINIA
MAY 2008

Patten Hays & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects
PH&A
111 East Main Street
Warrenton, OR 97146
P 503-867-2100
F 503-867-2400





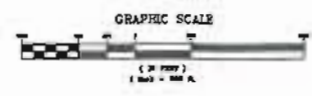
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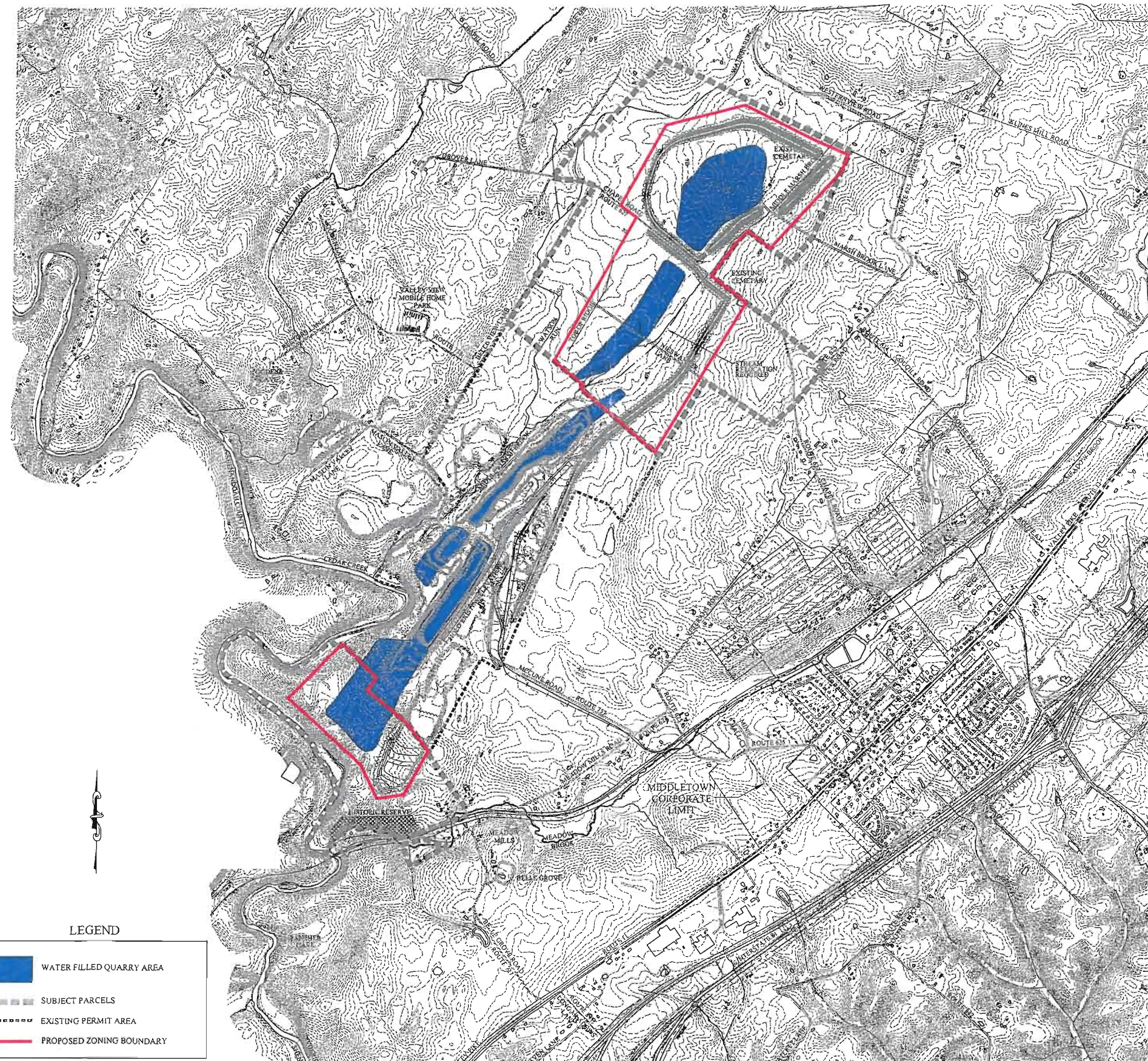
- CURRENT WORKING QUARRY AREA
- COMPLETED QUARRY AREA
- WATER FILLED QUARRY AREA
- SUBJECT PARCELS
- EXISTING PERMIT AREA
- PROPOSED ZONING BOUNDARY

O-N Minerals Chemstone

PHASE III PLAN
FREDERICK COUNTY, VIRGINIA
MAY 2008

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects
PHRA
117 East Plumbly Street
Winchester, VA 22601
T 540-857-2129
F 540-855-0493





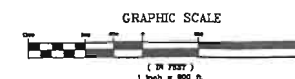
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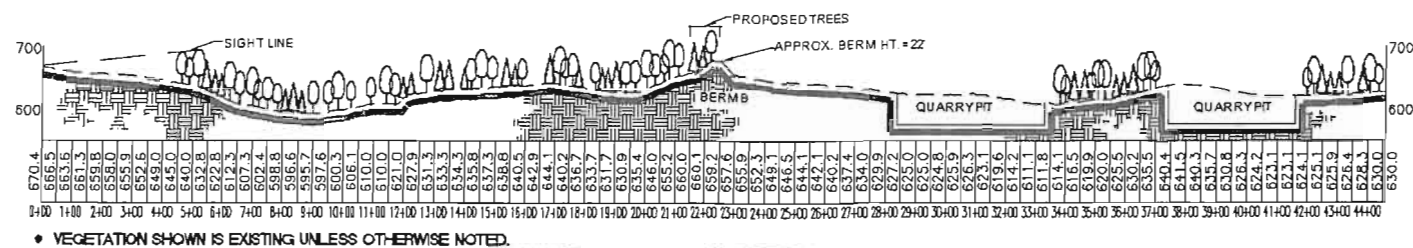
- WATER FILLED QUARRY AREA
- SUBJECT PARCELS
- EXISTING PERMIT AREA
- PROPOSED ZONING BOUNDARY

O-N Minerals Chemstone

PHASE IV PLAN
 FREDERICK COUNTY, VIRGINIA
 MAY 2008

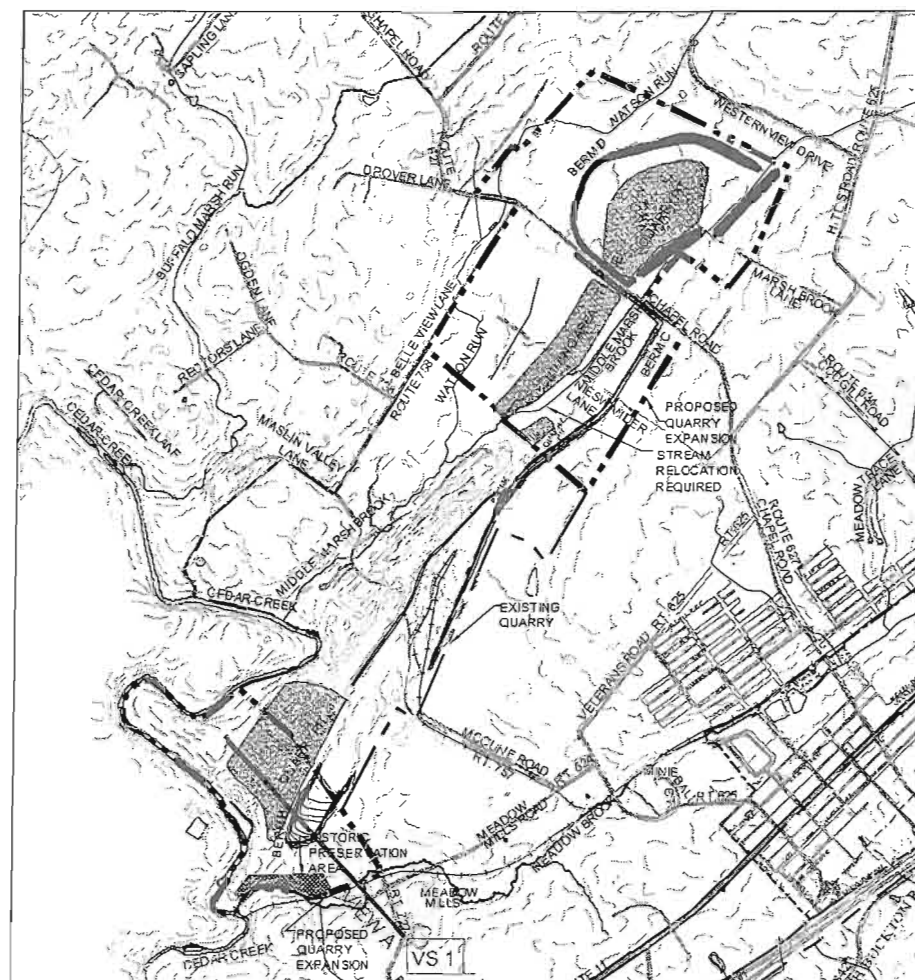
Patton Harris Rust & Associates, pc
 Engineers, Surveyors, Planners, Landscape Architects
PHRA
 117 East Piccadilly Street
 Winchester, VA 22601
 T 540-667-2139
 F 540-665-0493





VIEWSHED 1A

HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

Patton Harris Rust & Associates, p.c.
Engineers, Surveyors, Planners, Landscape Architects.

P_HR+A

117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493





* VEGETATION SHOWN IS EXISTING UNLESS OTHERWISE NOTED.

VIEWSHED 2

HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

Patton Harris Rust & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects



117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493





HORIZONTAL SCALE: 1" = 600'
VERTICAL SCALE: 1" = 300'



NO SCALE

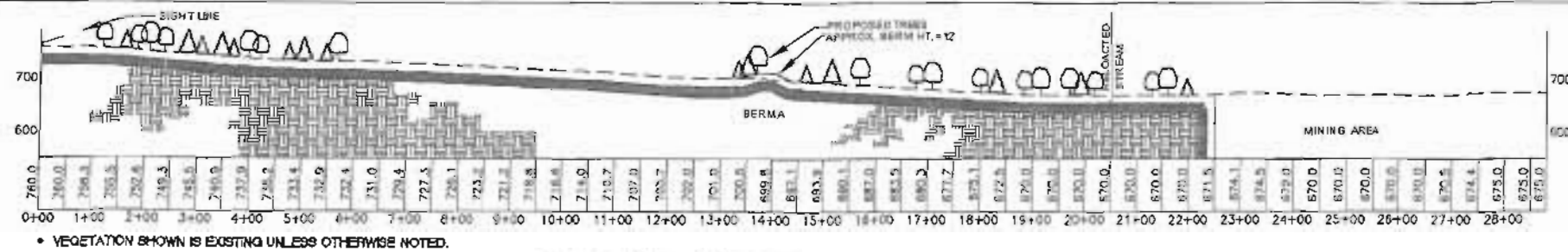
Frederick County, Virginia

MAY 2008

$$P_H R^+ \Lambda$$

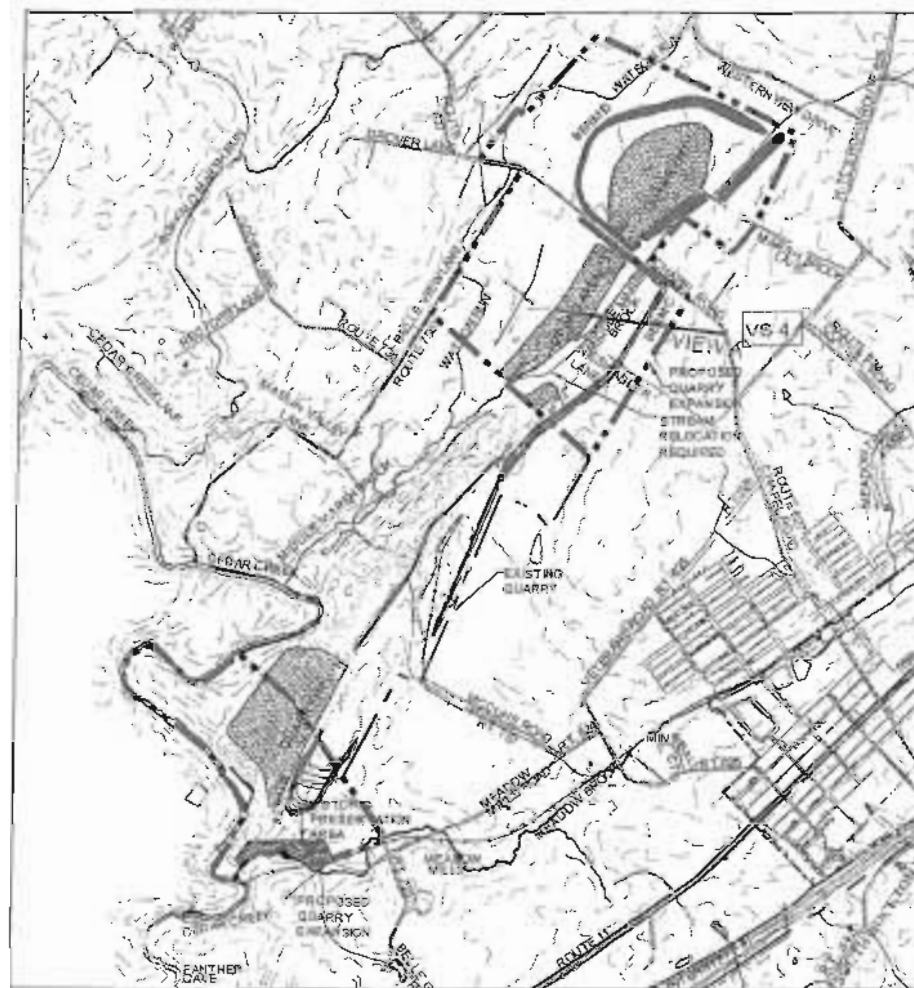
117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493





VIEWSHED 4A

SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects

$$P_H R^+ \Lambda$$

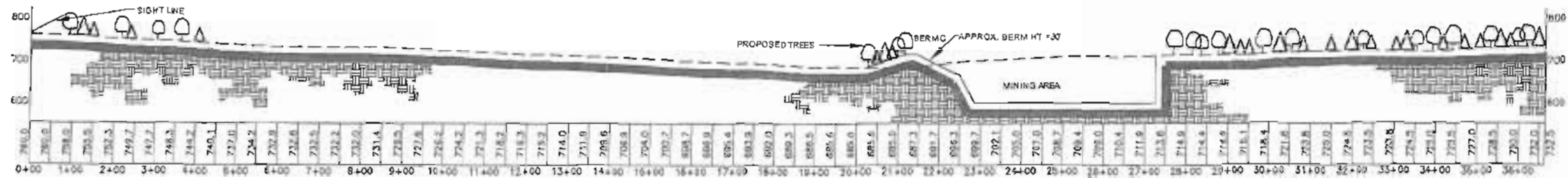
117 East Pleasantly Street
Winchester, VA 22501
T 540-867-2139
F 540-865-0493

WINDHOLM, VA 22090

Y 54-601-2139

F 240-885-0493

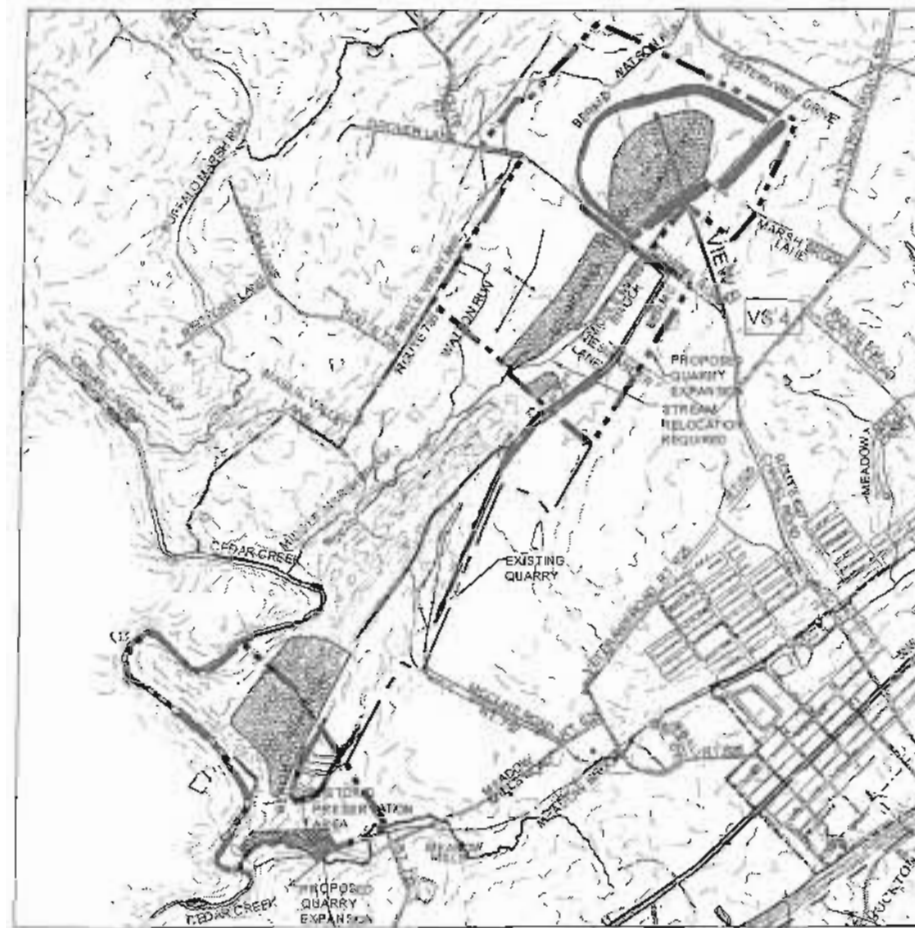




• VEGETATION SHOWN IS EXISTING UNLESS OTHERWISE NOTED.

VIEWSHED 4B

SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

Patten Harris Rust & Associates, PC
Engineers, Surveyors, Planners, Landscape Architects.

P-H-R+A

117 East Piccadilly Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493





SCALE: 1" = 300'



NO SCALE

117 East Piccadilly Street
Winchester, VA 22601
T 540-527-2139
F 540-525-0003

MAY 2008

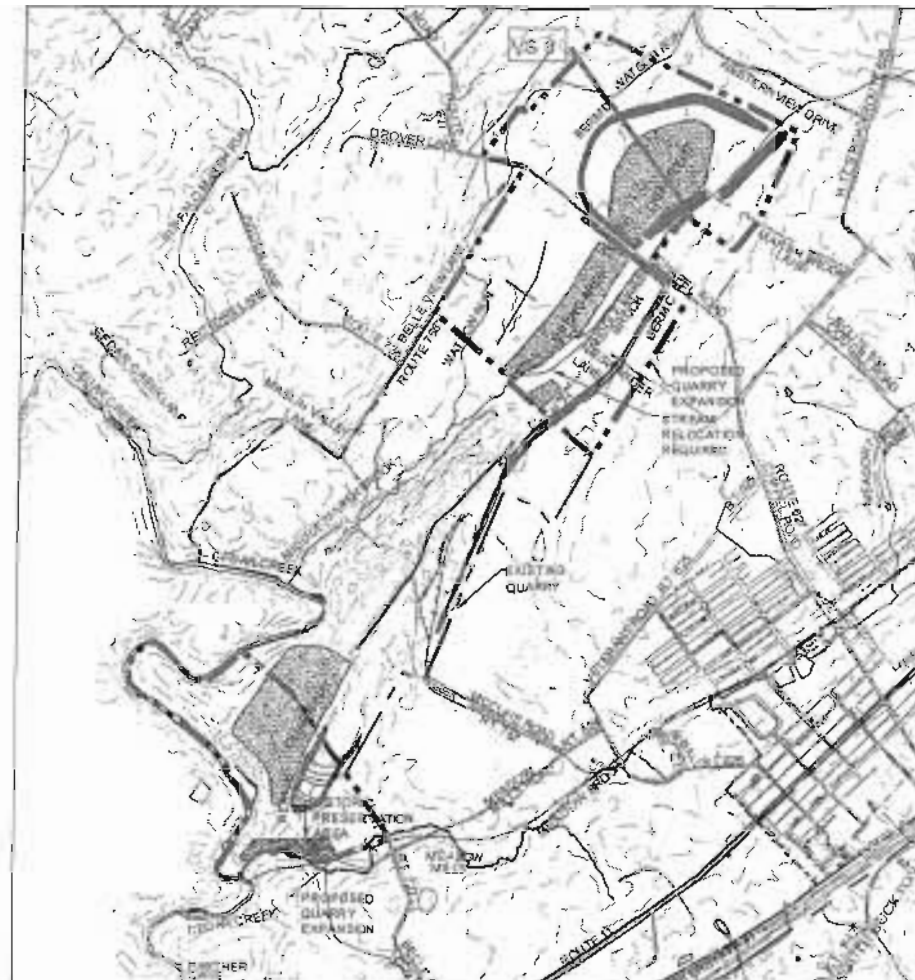




• VEGETATION SHOWN IS EXISTING UNLESS OTHERWISE NOTED.

VIEWSHED 6

SCALE: 1" = 300'



KEY MAP

NO SCALE

O-N Minerals Chemstone

Frederick County, Virginia

MAY 2008

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects

PHR+A

117 East Pocomoke Street
Winchester, VA 22601
T 540-867-2139
F 540-867-0493





SCALE: 1" = 300'



MAY 2008

117 East Flooded Street
Winchester, VA 22601
T 540-667-2139
F 540-665-0493



**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number 05-17
PC Hearing Date 11/15/17

Fee Amount Paid \$ 10,000.00
Date Received 10/17/17
BOS Hearing Date 12/13/17

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

O-N Minerals (Chemstone) Company

Name: d/b/a Carmeuse Lime & Stone

Telephone: 540-465-6802

Address: 11 Stanwix Street, 21st Floor

Pittsburgh, PA 15222

2. Property Owner (if different than above):

Name: _____

Telephone: _____

Address: _____

3. Contact person if other than above:

Name: Thomas Moore Lawson, Esq.

Telephone: (540) 665-0050

4. Property Information:

- a. Property Identification Number(s): 83-A-109 & 90-A-23
- b. Total acreage to be rezoned: 394.2
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____
- d. Current zoning designation(s) and acreage(s) in each designation: Extractive Manufacturing (EM) 394.2 Acres
- e. Proposed zoning designation(s) and acreage(s) in each designation: Extractive Manufacturing (EM) 394.2 Acres
- f. Magisterial District(s): Back Creek

5. Checklist: Check the following items that have been included with this application.

| | | | |
|--|-------------------------------------|---------------------------|-------------------------------------|
| Location map | <input checked="" type="checkbox"/> | Agency Comments | <input checked="" type="checkbox"/> |
| Plat | <input checked="" type="checkbox"/> | Fees | <input checked="" type="checkbox"/> |
| Deed to property | <input checked="" type="checkbox"/> | Impact Analysis Statement | <input checked="" type="checkbox"/> |
| Verification of taxes paid | <input checked="" type="checkbox"/> | Proffer Statement | <input checked="" type="checkbox"/> |
| Plat depicting exact meets and bounds for the proposed zoning district | | | |
| Digital copies (pdf's) of all submitted documents, maps and exhibits | | | |

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

O-N Minerals (Chemstone) Company d/b/a Carmeuse Lime & Stone

7. Adjoining Property: See Attached

| <u>PARCEL ID NUMBER</u> | <u>USE</u> | <u>ZONING</u> |
|-------------------------|------------|---------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The subject parcels are situated generally west of the Town of Middletown. Specifically, the Middle Marsh Property is

located east of Belle View Lane (Route 758), and west and adjacent to Hites Road (Route 625), and is further traversed by Chapel

Road (Route 627). The Northern Reserve is bounded to the south by Cedar Creek, and is west and adjacent to Meadow Mills Road (Route 624).

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: 78 Acres - quarry pits

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Mauli D. Basile Date: 01/18/2017

Date: _____

Owner(s): Mauli D. Basile Date: 01/18/2017

Date: _____

ADJOINING PROPERTY OWNERS

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 2nd floor of the Frederick County Administrative Building, 107 North Kent Street.*

| Name and Property Identification Number | | Address |
|---|--------------------------------|---|
| Name | SOMPANDH WANANT | 4834 GAINSBOROUGH DRIVE
FAIRFAX, VA 22032 |
| Property # | 84-6-1 | |
| Name | WILLIAM AND LAURIE HUNTER | 151 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-2 | |
| Name | KEVIN AND ELIZABETH BARRINGTON | 205 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-3 | |
| Name | DANIEL E. TAYLOR, JR. | 241 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-4 | |
| Name | MARK AND NATASHA HOWARD | 277 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-5 | |
| Name | DONALD AND DONNA HOPKINS | 325 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-6 | |
| Name | MICHAEL AND SANDRA SWIGER | 357 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-7 | |
| Name | BARBARA J. BASILE | 379 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-8 | |
| Name | JAMES AND SHARON SANTMYERS | 411 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Property # | 84-6-9 | |

| Name and Property Identification Number | | Address |
|---|---------------------|---|
| Name KEITH AND LINDA MCNEELY | Property # 84-6-10 | 443 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name HAROLD F. STALCUP | Property # 84-6-11 | 3458 ZEPP ROAD
MAURERTOWN, VA 22644 |
| Name PAUL J. CLEVENGER | Property # 84-6-12 | 451 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name LYNNETTE C. DALTON | Property # 84-6-13 | 430 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name JOHN AND MEGAN HANSEN | Property # 84-6-14 | 342 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name SYLVIA A. BOTTOMLY | Property # 84-6-15 | 300 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name EDWIN AND ELIZABETH STREUN | Property # 84-6-16 | 276 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name KURT AND DENISE BORGOYN | Property # 84-6-17 | 210 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name WILLIAM BENSON HANMER III | Property # 84-6-18 | 120 WESTERNVIEW DRIVE
MIDDLETOWN, VA 22645 |
| Name GARY S. & DALE A. NICHOLS | Property # 84-A-7 | 216 MARSH BROOK LANE
MIDDLETOWN, VA 22645 |
| Name RICHARD A. & JANET S. DYE | Property # 84-A-12 | 11310 VALE ROAD
OAKTON, VA 22124 |
| Name H & E, LC | Property # 84-A-17 | 1832 CHAPEL ROAD
MIDDLETOWN, VA 22645 |
| Name WILLIAM AND MELYNDA HOEMMEN | Property # 84-A-17A | 1875 HITES ROAD
MIDDLETOWN, VA 22645 |
| Name PATRICIA HUDGINS AND ROBERT RENNER | Property # 91-A-7 | 1786 CHAPEL ROAD
MIDDLETOWN, VA 22645 |

| Name and Property Identification Number | | Address |
|---|--|---|
| Name JOHN S. SCULLY IV AND WINCHESTER WAREHOUSING | Property # 84-6-22 | 114 NORTH CAMERON STREET
WINCHESTER, VA 22601 |
| Name DENNIS F. BOYER | Property # 83-A-107; 83-A-108; 83-A-108B | |
| Name THOMAS AND DORA BOWMAN | Property # 83-A-106 | 165 DROVER LANE
MIDDLETOWN, VA 22645 |
| Name JEAN SINGH | Property # 83-A-103B | |
| Name GARRETT FARMS, LLC | Property # 90-A-20; 84-A-16 | 224 MEADOW MILLS ROAD
MIDDLETOWN, VA 22645 |
| Name MILDRED G. BRUMBACK | Property # 90-A-26 | |
| Name BARRY L. BOWSER | Property # 90-A-25 | P.O. BOX 21
MIDDLETOWN, VA 22645 |
| Name CEDAR CREEK BATTLEFIELD FOUNDATION INC. | Property # 90-A-23A | |
| Name BLUEGRASS MATERIALS COMPANY LLC | Property # 90-A-22 | 200 WEST FORSYTH STREET, SUITE 1200
JACKSONVILLE, FL 32202 |
| Name MIDDLETOWN HUNT CLUB INC. | Property # 90-A-24 | |
| Name | Property # | |
| Name | Property # | |
| Name | Property # | |
| Name | Property # | |
| Name | Property # | |
| Name | Property # | |



COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

February 22, 2018

Mr. Thomas Moore Lawson
Lawson and Silek, PLC
P.O. Box 2740
Winchester, Virginia 22604

**RE: Rezoning for O-N Minerals (Chemstone) Company
Property Identification Numbers (PINs): 83-A-109 and 90-A-23**

Dear Mr. Lawson:

Staff has reviewed the proffer statement dated February 14, 2018. Staff's comments are listed below for your consideration.

- 1. Generalized Development Plan.** The proffers make reference to one GDP, there were two GDP's submitted with the proffer statement. The inclusion of the GDP that shows the berm construction (Sections 1-4) should be utilized.
- 2. Exhibit 2 – Viewshed Plats.** This proffer does not reference the viewshed plats as Exhibit 2. Reference should be made in the proffer statement to the exhibit number. Staff also recommends removing the existing proffered berm details from the viewshed plats and only depicting the 2018 proposed changes.
- 3. Site Development – Proffer 2.**
 - Proffer 2.2 states that “a combination of landscaping, earthen berms or fencing shall be installed”. This proffer wording would allow for the berms to be eliminated in lieu of fencing.
 - Proffer 2.2 should provide details for the berm south of Chapel Road.
 - Proffer 2.2 should reference that the revisions (Sections 1-4) only pertain to Berm D.
 - Proffer 2.2 reduces the berm adjacent to the Westernview development from 30' to 15' and proposes to adjust the distance from the residences. This revision could have potentially negative impacts on these residences.

Page 2
Mr. Thomas Moore Lawson
RE: O-N Minerals (Chemstone) Company
February 22, 2018

- Proffer 2.2 berm Section 2 states that the berm could be reduced due to cemetery or stream encroachment – this berm could potentially be reduced to 10'. The berm should be placed in an area that would not encroach on the cemetery and the stream to ensure that a definitive berm height is provided.
- The proffer removes the requirement that the berms be installed 10 years prior to mining north of Chapel Road. The proposed amendment states that the berms would be installed after permitting and one year prior to the extraction of material for processing. It appears that this proffer amendment would allow for a large amount of earthwork and excavating prior to any berms being installed. This could be worded to clarify that the berm would be installed prior to any earthwork/mining operations commencing on the property. Also, approved 10-year provision would have provided timing for the plantings to become established. One year does not appear to provide adequate timing for the berm landscaping to become established.
- A detail for the proposed planting revision should be provided.

4. Proffer 3 – Historic Resources. The approved proffer states that the owner would improve the cemetery ROW once the cemetery restoration is complete. The proposed revision states that the owner would relocate the ROW within 12 months of VDOT approval. This proffer does not commit to building an actual access road for the cemetery, only the relocation of the ROW which could potentially only relocate the easement but not actually build the access. This revision also contains no timing for applying for the Chapel Road entrance. Potentially this access could not be built if the owner never applies for a VDOT entrance.

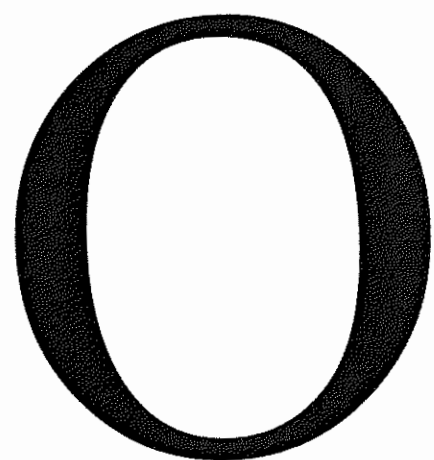
Please note that this rezoning is scheduled for the Board of Supervisors March 14, 2018 meeting. If you propose to submit amended proffers based on the above comments and the comments received at the Planning Commission's February 21, 2018 meeting, please submit any proposed revisions by March 1, 2018 for inclusion in the Board of Supervisors agenda. Please feel free to contact me with questions regarding this application.

Sincerely,



Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd





CONDITIONAL USE PERMIT #02-18
ALISHA FELTNER – Cottage Occupation; Nail Salon
Staff Report for the Board of Supervisors
Prepared: April 16, 2018
Staff Contact: Mark R. Cheran, Zoning Administrator

| | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|------------------------|---|
| Planning Commission: | 04/04/18 | Public Hearing Held; Recommended Approval |
| Board of Supervisors: | 04/25/18 | Pending |

PROPOSAL: Request for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure.

LOCATION: The subject property is located at 464 Layside Drive, Winchester.

EXECUTIVE SUMMARY AND PLANNING COMMISSION RECOMMENDATION FOR THE 04/25/18 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure. This use would be operated from one room in the basement of the dwelling. The 2035 Comprehensive Plan identifies this property within an area of the County intended to remain rural in nature. This proposed CUP meets the definition of a cottage occupation and based upon the limited scale, it appears this use would not have any significant impacts on the adjoining properties.

Should the Board of Supervisors find this use appropriate, the Planning Commission would recommend the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 4:00 p.m., Monday through Friday.
4. No more than eight (8) customers per week.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

| | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|-----------------|---|
| Planning Commission: | 04/04/18 | Public Hearing Held; Recommended Approval |
| Board of Supervisors: | 04/25/18 | Pending |

PROPOSAL: Request for a Conditional Use Permit (CUP) for a Cottage Occupation for an in-home nail salon located within a single-family detached structure.

LOCATION: This property is located at 464 Layside Drive, Winchester, Virginia

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 51-A-129

PROPERTY ZONING: RA (Rural Areas District

PRESENT USE: Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

| | |
|-------------------------|------------------|
| North: RA (Rural Areas) | Use: Residential |
| South: RA (Rural Areas) | Use: Residential |
| East: RA (Rural Areas) | Use: Residential |
| West: RA (Rural Areas) | Use: Residential |

REVIEW EVALUATIONS:

Virginia Department of Transportation: The proposed business is located on a private road and therefore VDOT has no comments.

Frederick County Inspections: Area shall comply with The Virginia Existing Building Code, The Virginia Uniform Statewide Building Code and Section 302-B, Business Use Group of the International Building Code/2012. Other Code that applies is ICC/ANSI A117.1-09 Accessible and Usable Buildings and Facilities.

Conditional use of existing basement area as nail spa. A change of use permit is required. Please submit a detailed floor plan with your permit.

A mechanical permit and an electrical permit is required for the installation of the required ventilation. Each nail station shall be provided exhaust with a source caption system of 50 cfm per station.

Lever type hardware shall be provided on all doors along the accessible route and business areas. 20% ANSI A117-09 rule applies.

Frederick County Fire Marshall: Conditional Use Permit (CUP) approved provided that all areas that pertain to this CUP have:

At least one 5lb. 2A:10BC fire extinguisher be hung & tagged in a readily accessible location in the area being used as a business.

At least one smoke detector be installed in the area of the business.

Winchester-Frederick County Health Department: The Health Department has reviewed the request for comments for a Conditional Use Permit for a proposed nail service business, to be operated out of a home located at 464 Layside Drive, Winchester, VA 22602; Tax Map #51-A-129. Based upon records on file with this Health Department, the residence is served by a sewage disposal system capable of treating 600 gpd, or 4 (four) bedrooms, with a maximum occupancy of 8 (eight) persons. The dwelling is served by a private water supply, or well. The owner/applicant says that there will be a maximum of 8 customers/week, with the business operating 2 (two) days/week. Each customer will require a maximum of about 4-5 hrs. each visit. According to the occupant, there are currently 3 (three) full-time occupants living in the home. It is the opinion of this Health Department that the operation of this home business will not adversely affect the sewage disposal system or water supply serving the dwelling. This Health Department recommends that the applicant choose products that are not harmful to the proper operation of the sewage disposal system.

Planning and Zoning: The 2035 Comprehensive Plan provides guidance when considering land use actions. This proposed in-home nail salon is located in an area of the County intended to remain rural in nature. The Frederick County Zoning Ordinance allows a nail salon as a cottage occupation in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP). A cottage occupation is defined as:

COTTAGE OCCUPATION - An occupation or profession customarily carried on in a dwelling unit or an accessory building, which:

- A. Actually is carried on wholly within the principal residential building or an accessory building or structure;*
- B. Is carried on by no more than one person other than members of the family residing on the premises; and*
- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.*

The proposed use will take place within one room of the basement of the Applicant's single-family dwelling. The Applicant is proposing one pedicure chair, one nail counter, a waiting area and a retail counter as depicted on the sketch provided in the application. There will be no employees and no more than eight (8) customers per week will be permitted. The hours of operation will be from 10:00 a.m. - 4:00 p.m., Monday through Friday. The Applicant has agreed to the customer number limitation, hours of operation, and days of operation. There will be no signs with this Conditional Use Permit.

STAFF CONCLUSION FOR THE 04/04/18 PLANNING COMMISSION MEETING:

This is a request for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure. This use would be operated from one room in the basement of the dwelling. The 2035 Comprehensive Plan identifies this property within an area of the County intended to remain rural in nature. This proposed CUP meets the definition of a cottage occupation and based upon the limited scale, it appears this use would not have any significant impacts on the adjoining properties.

Should the Planning Commission find this use appropriate, Staff would recommend the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 4:00 p.m., Monday through Friday.
4. No more than eight (8) customers per week.

5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION FOR THE 04/04/18 MEETING:

Staff reported this is a request for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure. Mr. Cheran continued the property is currently zoned RA (Rural Areas) District and the current land use is residential. Staff noted the surrounding properties are also zoned RA and the uses are residential. Mr. Cheran provided a location map of the property. Staff continued, the Zoning Ordinance allows a nail salon as a cottage occupation in the RA (Rural Areas) District with an approved Conditional Use Permit. Staff explained, this proposed use will take place within one room of the basement of the Applicant's single-family dwelling. Staff noted, the Applicant is proposing one pedicure chair, one nail counter, a waiting area, and a retail counter as depicted on the sketch provided by the Applicant. Staff presented the conditions as recommended:

- All review agency comments and requirements shall be complied with at all times.
- No signage allowed with this Conditional Use Permit.
- Hours of Operation shall be 10:00 a.m. to 4:00 p.m., Monday through Friday.
- No more than eight (8) customers per week.
- No employees permitted, beyond those residing on the premises.
- Any expansion or change of use shall require a new Conditional Use Permit.

A Commission Member stated a letter was received from the Home Owners Association (HOA) stating there are no businesses allowed in the homes, he reminded everyone this is a private covenant and outside the hands of the County. Staff explained the HOA does have private covenants and the Applicant has met the requirements of a Cottage Occupation. Mr. Roderick Williams, County Attorney, clarified the letter from the HOA actually states there are no restrictions in the covenants preventing a home-based business.

Julie Zuckerman residing at 220 Layside Drive came forward with her concerns of the traffic this will generate, the disruption to their peaceful private neighborhood, and she feels this will open the door for other businesses to evolve in the subdivision creating an issue to the security of everyone residing there.

Lisa Creamer of 427 Layside Drive read from the covenants which state: all said lots shall be used for residential purposes only. Ms. Creamer shared her concerns with traffic and the disruption in privacy.

Bettina Eutsler of 181 Sawyer Lane stated this subdivision is for residential purposes only and

businesses should not be allowed. Ms. Eutsler noted the HOA has not voted on this.

Laura Clark of 393 Layside Drive shared her concerns with traffic and the privacy of longtime residents being disturbed.

William Hudnutt of 357 Layside Drive and the President of the HOA commented the covenants do not restrict this home-based business; this will be an agenda item at the annual meeting and to restrict this, the declaration would have to be changed. Mr. Hudnutt noted the HOA is scheduled to meet on May 12, 2018.

David Hershey of 269 Pinnacle Ridge commented his concern is opening the door for future businesses within the development.

Laura Sperling of 256 Sawyer Lane echoed the concerns of her neighbors regarding traffic, privacy, and security.

Alisha Feltner, the Applicant came forward and explained; her clients would consist of eight (8) a week. Ms. Feltner noted she has been doing nails for over 16 years and she respects her neighbors.

A Commission Member asked the Applicant if she has been doing nails out of this location prior to this CUP. Ms. Feltner replied no she has not. The Commissioner commented he does not see how eight (8) people a week would disturb the neighborhood.

A Commission Member commented, the Planning Commission needs to vote how it will affect the County and surrounding area and not apply the covenants of the HOA since that is a private matter.

A Commission Member stated he respects the neighbors and the Planning Commission needs to look at this as being acceptable based on the conditions; eight (8) people a week is not many.

A motion was made, seconded, and unanimously passed to recommend approval.

(Note: Commissioners Thomas and Triplett were absent from the meeting)

**EXECUTIVE SUMMARY AND PLANNING COMMISSION RECOMMENDATION
FOR THE 4/25/18 BOARD OF SUPERVISORS MEETING:**

This is a request for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure. This use would be operated from one room in the basement of the dwelling. The 2035 Comprehensive Plan identifies this property within an area of the County intended to remain rural in nature. This proposed CUP

meets the definition of a cottage occupation and based upon the limited scale, it appears this use would not have any significant impacts on the adjoining properties.

Should the Board of Supervisors find this use appropriate, the Planning Commission would recommend the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 4:00 p.m., Monday through Friday.
4. No more than eight (8) customers per week.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

CUP # 02 - 18

Alisha Feltner

PIN:

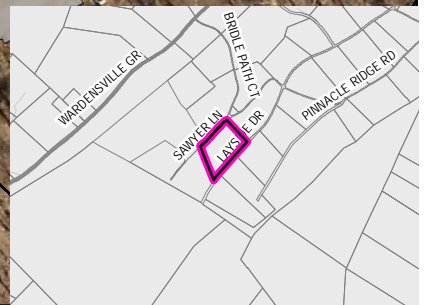
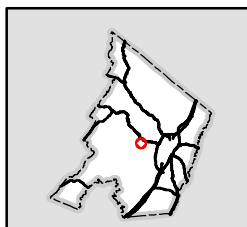
51 - A - 129

Nail Salon

Zoning Map



-  Applications
-  Parcels
-  Building Footprints
-  B1 (Neighborhood Business District)
-  B2 (General Business District)
-  B3 (Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Light Industrial District)
-  M2 (Industrial General District)
-  MH1 (Mobile Home Community District)
-  MS (Medical Support District)
-  OM (Office - Manufacturing Park)
-  R4 (Residential Planned Community District)
-  R5 (Residential Recreational Community District)
-  RA (Rural Areas District)
-  RP (Residential Performance District)



CUP # 02 - 18

Alisha Feltner

PIN:

51 - A - 129

Nail Salon

Zoning Map

Note:

Frederick County Dept of

Planning & Development

107 N Kent St

Suite 202

Winchester, VA 22601

540 - 665 - 5651

Map Created: February 28, 2018

Staff: mcheran



0 70 140 280 Feet

CUP # 02 - 18

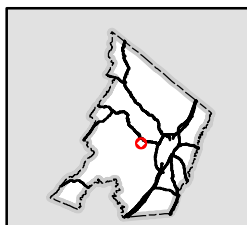
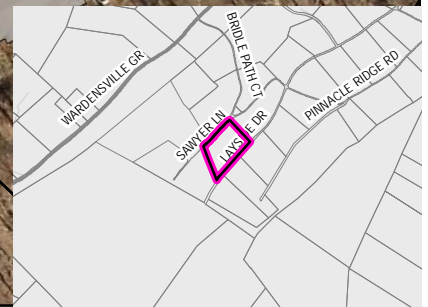
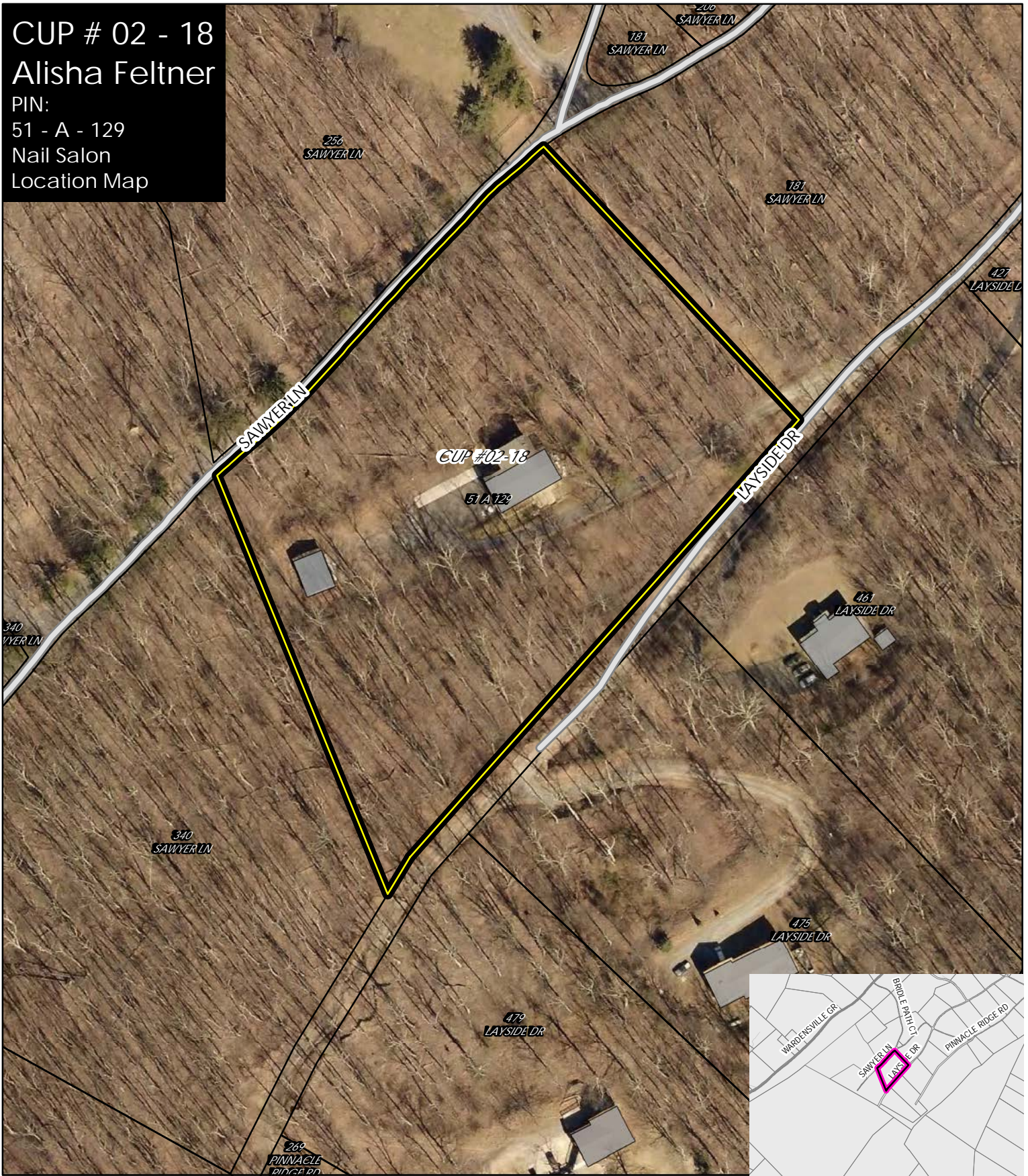
Alisha Feltner

PIN:

51 - A - 129

Nail Salon

Location Map



CUP # 02 - 18

Alisha Feltner

PIN:

51 - A - 129

Nail Salon

Location Map

Note:

Frederick County Dept of

Planning & Development

107 N Kent St

Suite 202

Winchester, VA 22601

540 - 665 - 5651

Map Created: February 28, 2018

Staff: mcheran



0 70 140 280 Feet



Applications

Parcels

Building Footprints



Submittal Deadline
P/C Meeting
BOS Meeting

3-9-18
4/4/18
4/25/18

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner ☐ Other ☒

NAME: Alisha Feltner

ADDRESS: 464 Layside Drive Winchester Va 22602

TELEPHONE: 540.247.3344

2. Please list all owners, occupants, or parties in interest of the property:

Owners: Mark & June Bowman

Occupants: Greg Bowman, Alisha Feltner
Dean Bowman

3. The property is located at: (please give exact directions and include the route number of your road or street) 464 Layside Drive Winchester Va 22602

Located on the NW side of Layside Drive & on the
SW side of Sawyer Lane. Approx. 3.5 miles west of
Winchester off Rt. 50.

4. The property has a road frontage of ^{see} attached feet and a depth of ^{see} attached feet and consists of 3.57 acres. (Please be exact)

5. The property is owned by Mark & June Bowman as evidenced by deed from Karen S Reid (previous owner) recorded in deed book no. on page , as recorded in the records of the Clerk of the Circuit Court, County of Frederick. Instrument #: 160012653

6. Property Identification Number (P.I.N.)
Magisterial District Back Creek
Current Zoning

7. Adjoining Property:

| | USE | ZONING |
|-------|-------------|--------|
| North | Residential | |
| East | " | " |
| South | " | " |
| West | " | " |

8. The type of use proposed is (consult with the Planning Dept. before completing):

i am looking to operate a very small business from our home. i am a nail technician and would seeing an average of 8 people a week working an average of 2 days a week.

9. It is proposed that the following buildings will be constructed:

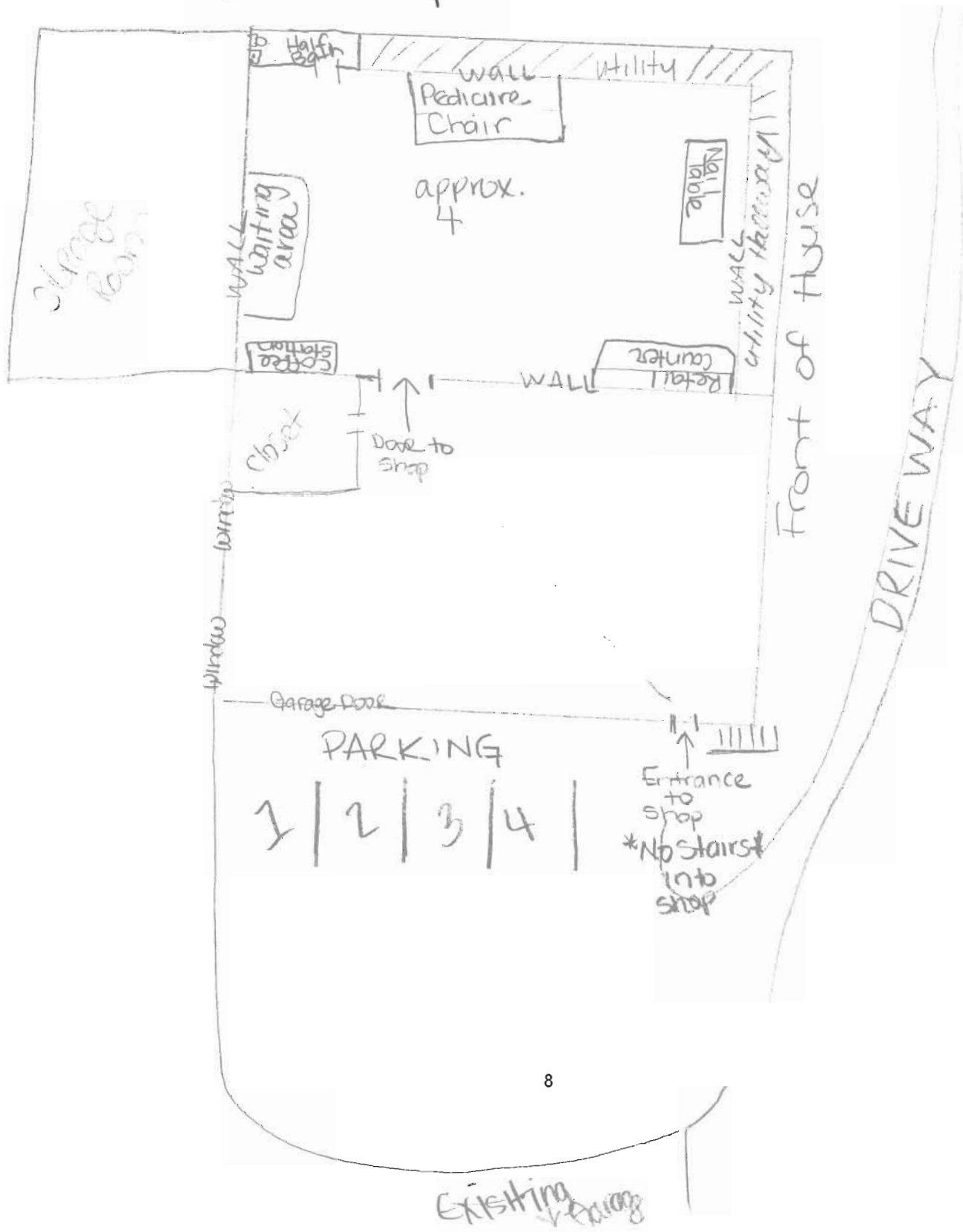
None

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

| Name and Property Identification Number | Address |
|--|---------------------|
| Name Monty & Gina Mudry | 461 Layside Dr. |
| Property # 51-42-8 | Winchester Va 22602 |
| Name Ronald A. Fox | 475 Layside Dr. |
| Property # 51-A-106 | Winchester Va 22602 |
| Name Anthony Frappollo | 479 Layside Dr. |
| Property # 51-A-107 | Winchester Va 22602 |
| Name Robert & Bettina Eutler | 181 Sawyer Lane |
| Property # 51-A-130 | Winchester Va 22602 |
| Name Scott & Laura Sperling | 251 Sawyer Lane |
| Property # 51-102-9C | Winchester Va 22602 |
| Name Marcel G. Ruth & Rae Bousquet
Nicholas F. Bousquet | 340 Sawyer Lane |
| Property # 51-A-128 | Winchester Va 22602 |
| Name | |
| Property # | |

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.

Please see attached property layout for measurements. Sketch below is of Room Layout.



12. Additional comments, if any: _____

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant

Alisha Zellmer

Signature of Owner

Mark A. Boush

Owners' Mailing Address

PO Box 1122 Berryville va 22611

Owners' Telephone No.

540-974-2591

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



Special Limited Power of Attorney
County of Frederick, Virginia
 Frederick Planning Web Site: www.co.frederick.va.us

Department of Planning & Development, County of Frederick, Virginia,
 107 North Kent Street, Suite 202 Winchester, Virginia 22601
 Facsimile 540-665-6395 Phone 540-665-5651

Know All Men By Those Present: That I (We)

(Name) Mark & June Bowman (Phone) 540-974-2591

(Address) Mailing PO Box 1122 Berryville Va 22611
 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

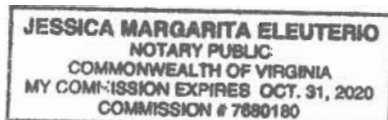
Instrument No. 160012653 on Page _____, and is described as

Parcel: _____ Lot: 9A Block: _____ Section: _____ Subdivision: Layside Estates
 do hereby make, constitute and appoint:

(Name) Alisha Feltner (Phone) 540-247-3344

(Address) 464 Layside Drive Winchester Va 22602
 To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- _____ Rezoning (including proffers)
- ☒ Conditional Use Permit
- _____ Master Development Plan (Preliminary and Final)
- _____ Subdivision
- _____ Site Plan
- _____ Variance or Appeal
- _____ Comprehensive Policy Plan Amendment



My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

none

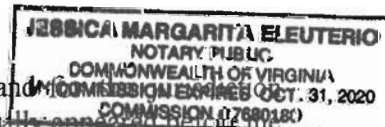
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 24th day of Feb, 2008,

Signature(s) Mark A Bowman June L Bowman

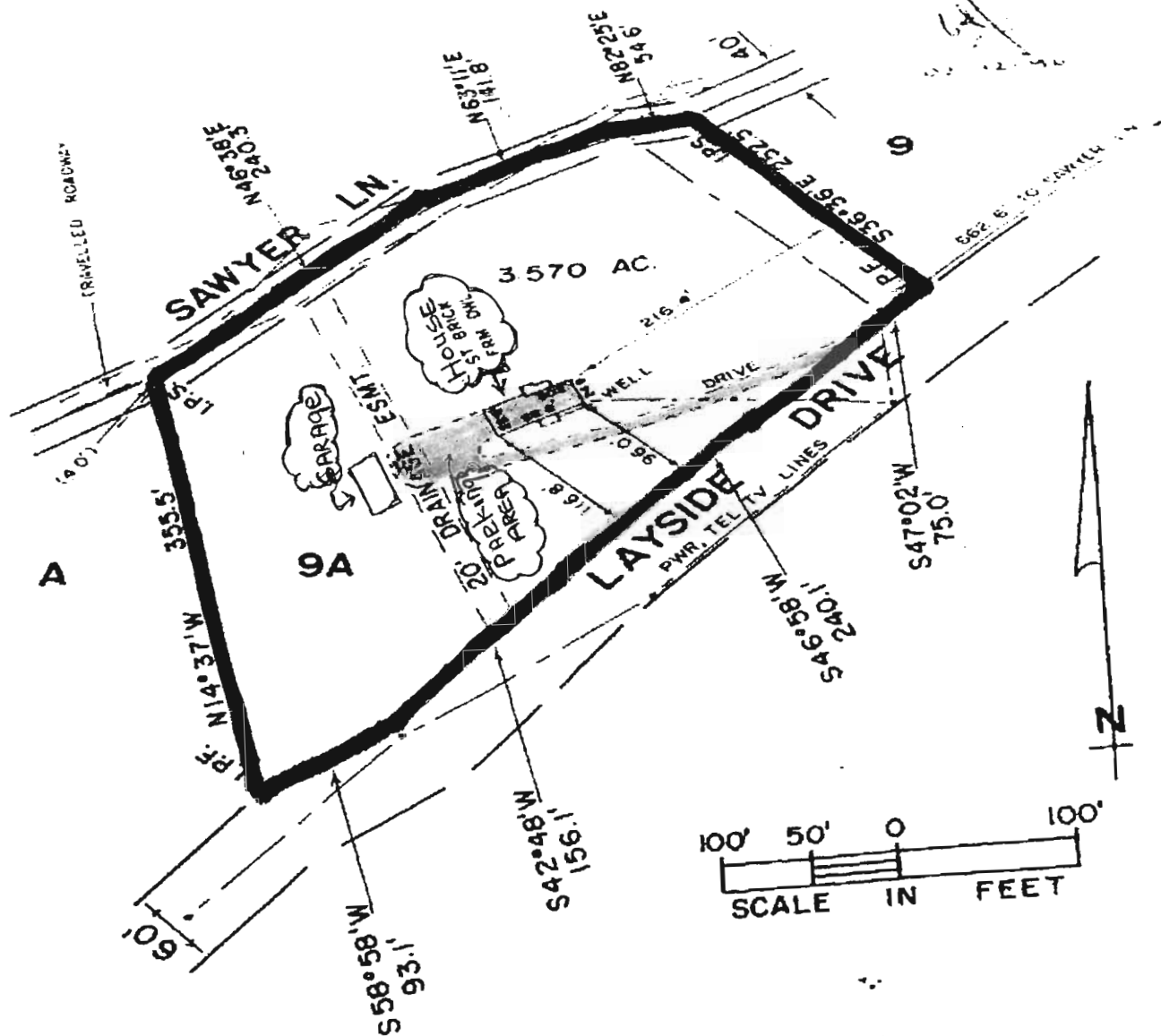
State of Virginia, City/County of Winchester, To-wit:

I, Jessica Eleuterio, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 24 day of Feb, 2008.



Jessica M Eleuterio

My Commission Expires: Oct. 31. 2020



HOUSE LOCATION SURVEY OF THE LAND OF
KENNETH L. REID, JR. AND KAREN S. MORRISON
DEED BOOK 822, PAGE 1
TRACT 129 ((A)), TAX MAP 51
LOT 9A - LAYSIDE
DEED BOOK 371, PAGE 92 (PLAT)

LOCATED ON THE NORTHWEST SIDE OF LAYSIDE DRIVE AND ON THE SOUTHEAST SIDE OF SAWYER LANE ABOUT 3 1/2 MILES WEST OF WINCHESTER AND SITUATE IN BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA.

NOTE: NO TITLE REPORT FURNISHED.

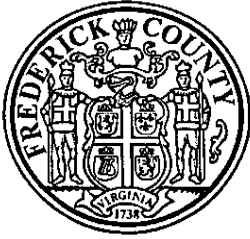
NOTE: THIS TRACT IS NOT IN THE 100 YEAR FLOOD PLAIN DESIGNATED BY H.U.D.

FIRM COMMUNITY PANEL NO. 510063 0100 B, DATED JULY 17, 1978.

I HEREBY CERTIFY THAT ON FEBRUARY 9, 1996 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

SURVEY NO. 175
SHEET NO. 1 OF 1

DUNN LAND SURVEYS, INC.
BERRYVILLE, VIRGINIA
FEBRUARY 12, 1996



ORDINANCE

Action:

PLANNING COMMISSION: April 4, 2018 Public Hearing Held Recommended Approval

BOARD OF SUPERVISORS: April 25, 2018

ORDINANCE

CONDITIONAL USE PERMIT #02-18

ALISHA FELTNER

(Nail Salon, Home Occupation)

WHEREAS, Conditional Use Permit #02-18 for a cottage occupation for an in-home nail salon, submitted by Alisha Feltner was considered. The Property is located at 464 Layside Drive, Winchester, Virginia and is further identified with Property Identification 51-A-129, in the Back Creed Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 4, 2018, and recommended approval of the Conditional Use Permit; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 25, 2018; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #02-18 for a cottage occupation for an in-home nail salon on the parcel identified by Property Identification 51-A-129 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 4:00 p.m., Monday through Friday.
4. No more than eight (8) customers per week.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit

Passed this 25th day of April 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Judith McCann-Slaughter

Shannon G. Trout

Blaine P. Dunn

Robert W. Wells

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator