



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 9, 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 24, 2018
Joint Meeting with Economic Development Authority of April 25, 2018
Regular Meeting of April 25, 2018

Committee Reports

Transportation Committee----- B

Resolution Honoring Employee of the Month Patricia A. Rodgers----- C

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

Board of Supervisors Comments

County Officials

Presentation of Employee of the Month Resolution to Patricia A. Rodgers

(See Tab C for additional information)

County Officials - Continued

Committee Appointments----- D

Social Services Board

Red Bud District Representative – **One application received**
One unexpired 4-year term ending 06/30/20

Board of Building Appeals

One unexpired 5-year term ending 11/10/2018, **Applications pending**

Community Policy & Management Team

Private Provider Representative

2-year term of Dana Bowman ends 6/30/18, **CPMT recommends reappointment**

Parent Representative

2-year term of Dawn C. Robbins ends 6/30/18, **CPMT recommends reappointment**

Development Impact Model Oversight Committee

1-year terms of the following representatives end 6/28/18:

Kris C. Tierney-County Administration Representative

Charles S. DeHaven, Jr. -Board of Supervisors Representative

Gary A. Lofton -Board of Supervisors and EDA Representative

H. Paige Manuel - Planning Commission Representative

Roger L. Thomas - Planning Commission Representative

Frank E. Wright - School Board Representative (**willing to serve again**)

Stephen Pettier- Top of Virginia Building Assoc. Rep. (**TVBA has been asked for input**)

J. P. Carr - Top of Virginia Building Assoc. Rep. (**TVBA has been asked for input**)

Extension Leadership Council

Stonewall District Representative

4-year term of Laura L. Loving ends 6/23/18

Historic Resources Advisory Board

Member-At-Large Representative

4-year term of Denny Perry ends 6/23/18

Parks and Recreation Commission

Stonewall District Representative

4-year term of Randy Carter ends 6/23/18

Social Services Board

Shawnee District Representative

4-year term of Karen L. Kimble ends 6/30/18 (eligible for reappointment)

Back Creek District Representative

4-year term of Lisa Carper ends 6/30/18 (eligible for reappointment)

Winchester Regional Airport Authority

4-year term of Gene Fisher ends 6/30/18 (eligible for reappointment)

4-year term of Robert Bearer ends 6/30/18 (eligible for reappointment)

County Officials - Continued

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

Arcadia Mobile Park -	\$3,313.81
Undisclosed Taxpayer-Disabled Veteran's Relief -	\$3,372.53
Shop N Save #1489-2875 -	\$6,282.43
Handy Mart, LLC -	\$6,885.69

Committee Business - None

Public Hearings (Non Planning Issues)

Proposed Ordinance - Salaries of the Board of Supervisors ----- F

Pursuant to Section 15.2-1414.3 of the Code of Virginia, 1950, as Amended, the Board of Supervisors Will Hold a Public Hearing to Fix the Annual Salaries of the Board of Supervisors as Follows: Chairman, \$10,800; Vice Chairman, \$10,200; and Each Other Member of the Board of Supervisors at \$9,000.

Proposed Conveyance to the Frederick County Sanitation Authority ----- G
d/b/a Frederick Water

Proposed Easement Over an Area of Approximately 2,584 Square Feet (0.6 Acres), the Easement Area Being Over a Portion of Tax Parcel Number 86-A-143 Owned by the County in the Opequon Magisterial District.

Planning Commission Business

Public Hearings

Conditional Use Permit #04-18 for West Oaks Farm Market, LLC ----- H

Submitted for Establishment of a Special Event Facility and Restaurant in the RA (Rural Areas) Zoning District. The Property is Located on Middle Road, Winchester, Virginia and is Identified with Property Identification Number 74-A-3 in the Back Creek Magisterial District.

Other Planning Items

Master Development Plan #02-18 – Regents Crest ----- I

The Master Development Plan for Regents Crest 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.

Note: Presented as information only.

Request for Commercial Pump and Haul Permit at 3149 Front Royal Pike ----- J

The property owner appears to have addressed the requirements of the County Code to utilize a pump and haul system for the property at 3149 Front Royal Pike, Winchester. This request appears to comply with the code requirements and, therefore, Board consideration of the request is appropriate.

Planning Commission Business - Continued

Ordinance Amendment – Shipping Containers ----- K

This is a proposed amendment to Chapter 165 – Zoning Ordinance to restrict the use of shipping containers (i.e. pre-fabricated, durable, steel shipping containers, also known as intermodal containers, cargo containers, freight containers, or ISO containers) as accessory storage in certain districts. Shipping containers are typically 8-feet (FT) wide, 8-FT tall and 20-40-FT long. The current zoning ordinance does not specifically address shipping containers, only where tractor trailers may be parked or stored.

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

MINUTES
Frederick County Board of Supervisors
Budget Work Session
Tuesday, April 24, 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; Erin Swisshelm, Assistant County Attorney; Ellen Murphy, Commissioner of the Revenue; C. William Orndoff, Jr., Treasurer; Scott Varner, Director of Information Technology; Becky Merriner, Director of Human Resources; Dennis Linaburg, Fire & Rescue Chief; Ross P. Spicer, Commonwealth's Attorney; Delsie Jobe, Administrative Services Manager for Frederick County Dept. of Social Services; and 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 4:03 p.m.

DISCUSSION – Medicaid Expansion

Mr. Tierney said that the General Assembly had not yet decided on the issue of expanding Medicaid. He suggested that the Board earmark the revenue expected from the one-cent tax increase to fund the costs associated with expansion if it is approved.

DISCUSSION – Public Safety Positions

The Board and staff discussed the request for additional fire and rescue positions. Mr. Tierney noted that the draft fire and rescue report has been received and is under review by the steering committee. Supervisor McCarthy suggested setting aside money for the fire and rescue positions until the Board has had a chance to review the fire and rescue study, particularly recommendations on staffing. Mr. Tierney said that the need for upstaffing with 12 firefighter

positions is critical and suggested that the Board fund those while waiting for the final report to decide on the additional positions requested.

Vice Chairman Lofton requested a list of apparatus of all the fire and rescue companies.

By consensus, the Board agreed to fund the 12 positions to allow upstaffing at Millwood and Round Hill Stations.

By consensus, the Board agreed to set aside funding for two training officer positions pending review of the staffing report. At the request of Ms. Shiffler, the Board agreed by consensus that the funds will be placed in the fire and rescue budget with a hiring freeze on the two positions.

DISCUSSION – Other Positions

By consensus, the Board agreed to fund the following positions: Assistant Convenience Site Supervisor (one) and Animal Shelter – Animal Caretaker (one).

The Board and staff discussed the request for additional sheriff's deputies.

DISCUSSION – Capital Funding FY 19

Mr. Tierney said if there were no objections, he would transfer funds from the contingency fund near the end of the fiscal year for planned vehicle replacement and design work on the parking lot at Clear Brook Park. The Board agreed with this approach. The Board and staff discussed a radio needs study, and Mr. Tierney advised there was money in the budget to fund such a study.

DISCUSSION – Budget Awards Program

Ms. Shiffler noted the Budget Awards Program deadline is 75 days away saying she and her staff are working on the County's submission.

DISCUSSION – Additional FY 19 Work Sessions

By consensus, the Board agreed to meet on May 8, May 22, and June 12 at 4:00 pm for budget work sessions.

DISCUSSION – Aylor Middle School

The Board discussed the options of renovating and replacing Aylor Middle School. Supervisor Wells said he toured the building with two local experienced contractors adding the consensus is the building is not suitable for renovation. Supervisor Slaughter referenced information from the Virginia Department of Education regarding square footage needs in schools. She agreed with Supervisor Wells that a replacement building is necessary, saying she would be in favor of a 140,000 square foot building able to serve 900 students and estimated the cost to be \$39 million including the land purchase. She requested further information on the school's request for an additional \$7.2 million. Regarding the \$39 million school project, she requested that Ms. Shiffler determine the timeline for borrowing and the effect on the County's adopted debt ratios.

Supervisor Trout said she is in favor of a 160,000 square foot building as requested by the Superintendent in order that it be comparable to the other County middle schools.

Staff agreed to have as much of the requested information as possible for the next Budget Works Session on May 8, 2018.

ADJOURN

There being no further business, the meeting was adjourned at 5:37 p.m.

MINUTES
Frederick County Board of Supervisors-Economic Development Authority
Joint Meeting
Wednesday, April 25, 2018
5:30 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; Rod Williams, County Attorney; Michael Ruddy, Director of Planning and Development; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Economic Development Authority: Bob Claytor; Bryan Fairbanks; Heather McKay; Doug Rinker; and John Riley. Staff Present: Patrick Barker, Executive Director; Wendy May, Marketing Manager; Donna McIlwee, Administrative Assistant; Brad Veach, Project Specialist; and Sally Michaels, Existing Business Coordinator. Also present was Michael Bryan, Legal Counsel for the EDA.

Other: Jay Langston of the Virginia Economic Development Partnership.

CALL TO ORDER and ACTIVITY REVIEW

Chairman DeHaven called the meeting to order at 5:35 p.m. EDA Vice Chair John Riley noted that the EDA Chair, Stan Crockett, had been delayed. He noted this was the annual meeting between the Board and the EDA per the Memorandum of Understanding between the two bodies.

EDA Executive Director Patrick Barker provided an overview of the Authority's activities since the last joint meeting. The focus has been talent engagement, business retention, business attraction and business climate.

PRESENTATION

Mr. Langston of the Virginia Economic Development Partnership gave a presentation on the view at the state level of the overall trends in economic development.

DISCUSSION – EDA FOCUS FOR THE NEXT 12 MONTHS

Mr. Barker reviewed the planned activities including creating workforce solutions to address projected needs development of ready-to-go business sites. The Board discussed the EDA initiatives. They briefly discussed the possibility of providing additional funding, but it was decided that was a topic for another meeting.

ADJOURN

There being no further business, the meeting was adjourned at 6:35 p.m.

**MINUTES
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**

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; Wendy May, Economic Development Authority representative; Jason Robertson, Director of Parks and Recreation; 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

Supervisor Wells delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Lofton led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Mr. Tierney advised that he had one change to the agenda in that staff received a request from Carmeuse to postpone their rezoning application. Upon motion of Vice Chairman Lofton, seconded by Supervisor Wells, the agenda was adopted as amended on a voice vote with the postponement for four weeks of the continued public hearing for Rezoning #05-17 for O-N Minerals (Chemstone).

ADOPTION OF CONSENT AGENDA – APPROVED

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

-Minutes: Budget Work Session of April 9, 2018 -CONSENT AGENDA APPROVAL

-Minutes: Meeting of April 11, 2018 -CONSENT AGENDA APPROVAL

-Parks and Recreation Committee Report (Appendix 1) - CONSENT AGENDA APPROVAL

-Finance Committee Report (Appendix 2) - CONSENT AGENDA APPROVAL

- Summer & Holiday Board Meeting Schedule - CONSENT AGENDA APPROVAL

-Road Resolution – Fieldstone Section II -CONSENT AGENDA APPROVAL

Project/Subdivision Fieldstone Section II
Type Change to the Secondary System of State Highways: Addition

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.

VDOT Form AM-4.3

From: Route 1554, Channing Drive
Recordation Reference: Instr. 060020551 Pg 0600
Right of Way width (feet) = 56'
To: 0.16 mile south of Route 1554, Channing Drive, a distance of: 0.16 miles.

+ + + + + + + + + + +

-Resolution of Appreciation for Louis F. Dusing -CONSENT AGENDA APPROVAL

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.

+ + + + + + + + + + +

-Resolution Honoring the 2018 VHSL Class 4 State Champion Millbrook High School

Pioneers Girls’ Basketball Team -CONSENT AGENDA APPROVAL

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.

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

CITIZEN COMMENTS -None

BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS:

PRESENTATION BY FLAGS OF VALOR

Wendy May of the Frederick County Economic Development Authority introduced Mike Taylor with Flags of Valor. Mr. Taylor said his company recently expanded with a location in Frederick County and employs combat veterans to manufacture its products. Mr. Taylor presented a wooden American flag to the citizens of Frederick County. Chairman DeHaven and the Board accepted the flag with thanks on behalf of the County's citizens.

COMMITTEE APPOINTMENTS

Supervisor Dunn said he wished to nominate Ryan Shaw to the Social Services Board as the Red Bud District Representative. Chairman DeHaven noted the Board policy requiring applications to be included in the agenda packet prior to nomination, and asked that the motion be held until the next Board meeting.

CARL RUSH RE-APPOINTED TO THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED

Supervisor Trout moved to reappoint Carl Rush to the Historic Resources Advisory Board as the Shawnee District representative for a four-year term ending May 22, 2022. Supervisor Wells seconded the motion which carried on a voice vote.

PUBLIC HEARING SET FOR PETITION FOR MOUNTAIN FALLS PARK TO BECOME A SANITARY DISTRICT- APPROVED

Mr. Tierney provided background information for the request saying that State code provides for sanitary districts as a mechanism to fund infrastructure and maintenance in a specific geographic area with the property owners being assessed a fee. Mr. Tierney said that the two current County sanitary districts, Shawneeland and Lake Holiday, were formed at a time when the residents petitioned the Circuit Court. He continued saying that State Code has changed, and now the petition comes to the Board of Supervisors which is then required to hold a public hearing on the matter. Mr. Tierney said the four criteria specified by the Code to be used in determining the creation of a sanitary district are whether it is necessary, practical, fiscally responsible, and supported by 50% of the residents.

Mr. Tierney said the Board’s options after holding a public hearing are: either to create or not create the district; task staff with further exploring the matter; or task the residents with providing more information on what they wish the sanitary district to do. He said the petition with 63 signatures is not specific in its request for services. Mr. Tierney said there are 2000 lots in the Mountain Falls subdivision with 1200 property owners and 500 homes. He said that staff recommends that the Board hold a public hearing at the first meeting in June to gather more information about the desires of the residents before deciding on the next step in the process.

Vice Chairman Lofton moved that the Board set a public hearing for the June 13 Board meeting. Supervisor Wells seconded the motion. The Board and staff discussed the timing of the hearing and the process following the public hearing. The motion to set the public hearing carried on a voice vote.

**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 Rolling Frito Lay Sales, L.P. for \$2,778.70 and by Essroc Ready Mix Corp. for \$3,114.63. Supervisor Wells 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 | | |

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

COMMITTEE BUSINESS

PARKS AND RECREATION COMMISSION

RESOLUTION AUTHORIZING PRESERVING OPEN SPACE AT FREDERICK HEIGHTS PARK - APPROVED

Supervisor Dunn moved for approval of the Resolution Authorizing Preserving Open Space at Frederick Heights Park. Supervisor Wells 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 | | |

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.

+ + + + +

SET PUBLIC HEARING FOR FREDERICK WATER EASEMENT - APPROVED

Jason Robertson, Director of Parks and Recreation, provided background on the need for the easement for Frederick Water to serve a recently installed fire hydrant in Sherando Park.

Upon motion by Vice Chairman Lofton, seconded by Supervisor Dunn, the Board set a public hearing on the Frederick Water Easement at Sherando Park 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 | | |

FINANCE COMMITTEE

SUPPLEMENTAL APPROPRIATIONS RECOMMENDED BY THE FINANCE COMMITTEE - APPROVED

Supervisor Slaughter moved for approval of the Sheriff's requests for a General Fund supplemental appropriation in the amount of \$12,723.94 for prisoner extradition mileage reimbursements, and a General Fund supplemental appropriation in the amount of \$27,941.25 for reimbursement for four (4) auto insurance claims. Supervisor Dunn seconded the motions 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 | | |

Supervisor Slaughter moved for approval of the Sheriff's request for a General Fund supplemental appropriation in the amount of \$32,287.50 which represents unbudgeted revenue received for local traffic control. Supervisor Wells seconded the motions 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 | | |

Supervisor Slaughter said the Finance Committee recommended denial of the Sheriff's request for a General Fund budget transfer in the amount of \$100,000 for the purchase of an armor vehicle for the Tactical Team representing funds expected to be unspent for the current year which are budgeted for health insurance.

Supervisor Slaughter moved for approval of a request from the Winchester Regional

Airport Executive Director for a FY19 Airport Capital Fund supplemental appropriation in the amount of \$705,000, adding this amount represents the Airport Capital budget for FY19.

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 | | |

Supervisor Slaughter moved for approval of the request from the Parks & Recreation Director for a General Fund supplemental appropriation in the amount of \$20,000 which represents a donation from McKee Foods Corporation for the installation of the Frederick Heights Trail. Supervisor Wells 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 | | |

Supervisor Slaughter moved for approval of the request from the Voter Registrar for a General Fund supplemental appropriation in the amount of \$43,603.70 which represents funds needed for the June primary elections. Supervisor Wells seconded the motion. Supervisor Lofton noted he would pay homage to former Supervisor, and now Delegate, Christopher Collins and vote no on the request. The motion carried on a roll call vote as follows:

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

Supervisor Slaughter moved for approval of the request from the Finance Department for a General Fund supplemental appropriation in the amount of \$2,527.72 which represents Winter Storm Jonas 2016 reimbursement from VDEM for the Middletown, Clearbrook, Gainesboro, and North Mountain Fire & Rescue companies. 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 | | |

Supervisor Dunn thanked McKee Foods for their generous donation saying the County is greatly appreciative.

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

PUBLIC HEARINGS (Non-Planning Issues)

OUTDOOR FESTIVAL PERMIT REQUEST OF MESO CRESO – NOMADICO - APPROVED

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.

Mr. Tierney explained the request for the Outdoor Festival Permit. The Board and the applicants discussed the timeframe for the outdoor music. The Applicant said music will be played from 4:00 p.m. until midnight.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Vice Chairman Lofton moved for approval of the permit. 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 | | |

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

PLANNING COMMISSION BUSINESS

Public Hearings

REZONING #05-17 FOR O-N MINERALS (CHEMSTONE) d/b/a Carmeuse Lime & Stone, CONTINUED PUBLIC HEARING FROM March 14, 2018 - POSTPONED

Submitted by Lawson and Silek, PLC., to Amend the Proffers for this Property; Rezoning 394.2 Acres from the EM (Extractive Manufacturing) District with Proffers 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.

This item was postponed for four weeks on motion to amend/adopt the agenda at the beginning of the meeting.

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

CONDITIONAL USE PERMIT #02-18 FOR ALISHA FELTNER– APPROVED

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.

Mark Cheran, Zoning & Subdivision Administrator, said the request is for a Conditional Use Permit (CUP) for a cottage occupation for an in-home nail salon located within a single-family detached structure. He said the use would be operated from one room in the basement of the dwelling. He said 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. Mr. Cheran said that should the Board of Supervisors find this use appropriate, the Planning Commission recommends 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.

The Applicant, Alisha Feltner, said she wished to scale back her current business and work out of her home, seeing one client at a time. She said her business is exclusive to her existing clients and is not open to the public. She said she respects the concerns about privacy

noted by her neighbors, saying her clients will respect the privacy and safety of the neighborhood.

The Board and the Applicant discussed disposal of chemicals used in the nail business and the likelihood of the number of clients increasing. Ms. Feltner assured the Board that she uses a natural process and will not be placing chemicals in her septic system. She reiterated that she intends to keep her business limited to no more than eight clients per week.

Chairman DeHaven opened the public hearing. The speakers were as follows:

John Ingman, Back Creek District, said he is concerned that if the CUP is granted, other businesses will want to open in the subdivision. He said the covenants state the subdivision's lots are for residential purposes only and the Planning Commission should not have the right to violate the HOA covenants.

Lisa Creamer, Back Creek District, said the HOA covenants state the subdivision's lots are for residential purposes only and the Applicant's request has been handled inappropriately. She said the neighborhood is a private subdivision allowing no trespassing and that all the residents should have been notified about the Applicant's request.

Jennifer LaFollette, Back Creek District, asked the Board to consider four factors: precedent- traffic generating businesses have never been allowed in the subdivision; intent- the covenants state one single family dwelling per lot is allowed indicating the intent is for residences only; impact- eight customers per week will mean many non-residents affecting the neighborhood; and enforceability- the HOA will have no way to monitor whether the conditions are being complied with.

Laura Sperling, Back Creek District, quoted a neighbor who said no one protects the roads except the residents and having a occupant open a nail shop is unacceptable for privacy in the neighborhood. She said her property adjoins the Applicant's lot and she spends much time outside. She cited concerns about malodorous chemicals used in the nail salon business.

Stacy Frye, Back Creek District, said she agreed with the Planning Commissioner who stated the need to vote on how the request affects the County and not according to the covenants which are private. She referenced concerns about privacy saying that the neighborhood is already used by outsiders traveling through the area. Ms. Frye said the Applicant has a few clients she will invite to her home and whom she knows and trusts. She asked the Board not to decline the request.

Bettina Eutsler, Back Creek District, said the covenants state the subdivision's lots are for residential purposes only. She said the Applicant is not the property owner, and if one business is approved it opens the door to others coming in.

Julie Zuckerman, disagreed with an earlier speaker saying she has never seen outsiders using the subdivision's roads. She said approving the CUP opens the door for other businesses, adding that the seclusion of the neighborhood makes the residents sitting ducks. She said most residents are opposed to the business starting, and she is concerned about a precedent being set.

David Hershey, Back Creek District, said he has lived in the subdivision 45 years and the residents never thought a CUP for a business could happen. He said his biggest concern is the precedent being set.

Elton Hinson, Back Creek District, requested that the Board delay a decision until the

HOA meets to resolve the issue.

Laura Clark, Back Creek District, said she has never asked the County for money for snow removal or road maintenance. She said was asking the Board to deny the CUP request.

Lisa Creamer, Back Creek District, concluded her earlier remarks saying the neighborhood maintains the roads. She asked the Board to deny the CUP request or delay the decision until after the HOA meets on May 12.

Alisha Feltner, the Applicant, said that she is the home owner and her name is on the deed.

Chairman DeHaven closed the public hearing.

Vice Chairman Lofton said he appreciates both sides of the issue. He asked the County Attorney which entity would have precedence if the Board granted the CUP and the HOA covenants prohibited the use.

County Attorney Williams explained that the zoning ordinance is additional regulation that comes after the covenants. He said County action granting the CUP in no way supersedes or violates the covenants, and the CUP has no impact on the covenants.

Vice Chairman Lofton moved to approve the Conditional Use Permit #02-18 for Alisha Feltner with the conditions recommended by the Planning Commission. He noted that granting the CUP will allow the residents and the HOA to determine the appropriateness of the use. Supervisor Trout seconded the motion.

Supervisor Dunn asked Mr. Cheran if the disposal of the nail care products had been addressed. Mr. Cheran said the Health Department has determined there will be no adverse effects from the home business.

Supervisor Slaughter asked about the practice of granting conditional use permits to owners rather than applicants. Mr. Cheran noted that the CUP stays with the property, and said the application includes a limited power of attorney document as a standard practice when the owner and applicant are not the same.

Deputy County Administrator Tibbs noted that the County's property records show the Applicant, Ms. Feltner, as the owner of the property named in the CUP request.

Supervisor Wells said he understands both sides of the issue and thinks that it is sad that the County must make a decision possibly leading to the HOA having to deal with the situation legally.

Supervisor Dunn said he understand the concerns but does not think the number of clients will cause an impact, and the issue concerns property rights of a homeowner wishing to start a business.

The motion to approve the CUP carried 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. | No |
| Judith McCann-Slaughter | Aye | | |

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

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

Other Planning Business – None

BOARD LIAISON REPORTS – None

CITIZEN COMMENTS

Ethel Nichols, Back Creek District, thanked the Board for consideration of the request by the Mountain Falls Park subdivision to become a sanitary district. She said the Board of Governors of the subdivision lacks the skill set to manage the subdivisions. She said 38% of the residents pay dues and over \$800,000 in outstanding dues is owed. Ms. Nichols said many residents are apathetic and frequently do not comply with the rules and by-laws. She asked the Board to consider seriously the request for Mountain Falls Park to become a sanitary district.

BOARD OF SUPERVISORS COMMENTS

Vice Chairman Lofton invited all to enjoy the upcoming Apple Blossom Festival.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 8:18 p.m.

BOS Minutes of April 25, 2018 - Appendix 1

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 _____

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

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 reseeded 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:

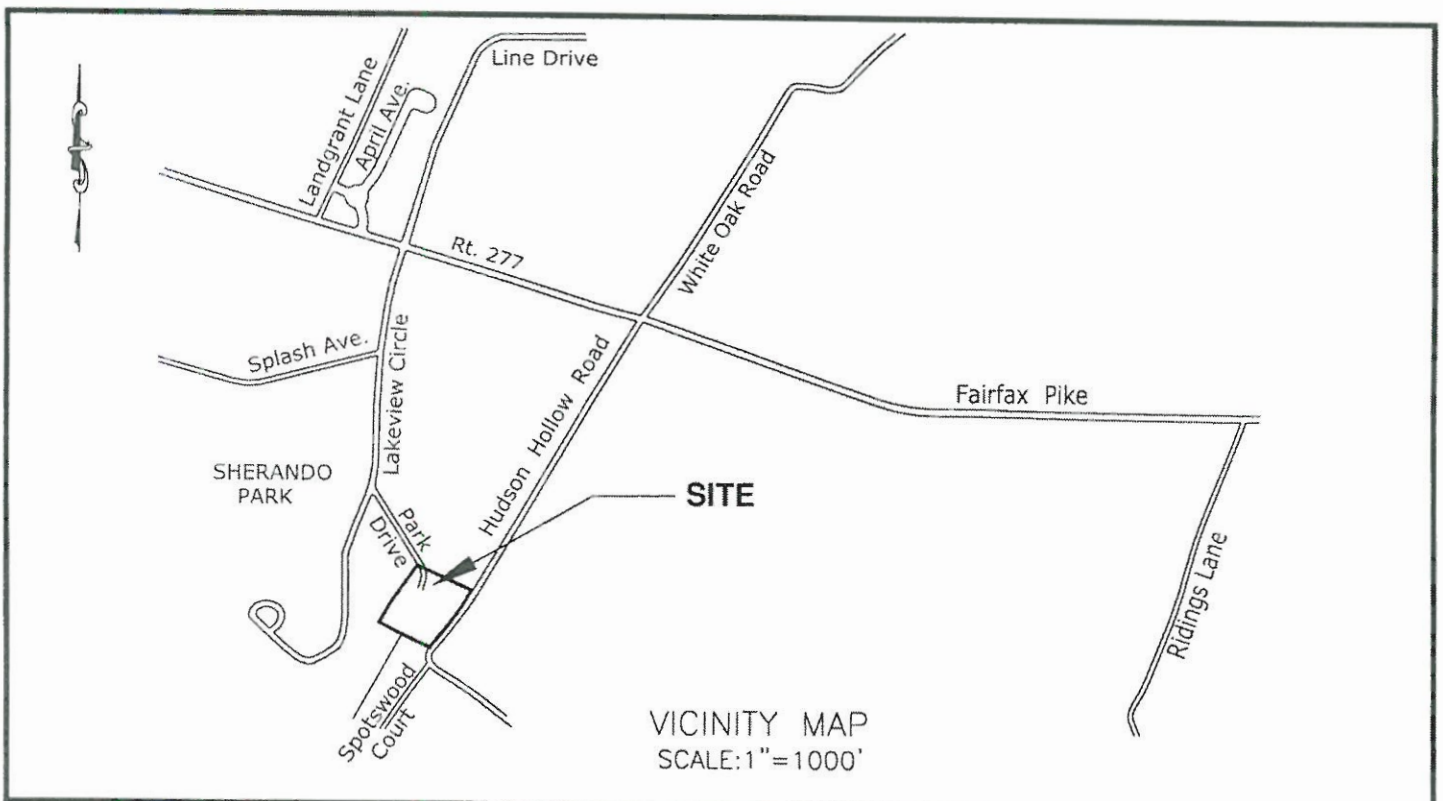
I, _____, a notary public in and for the State and County aforesaid, do
certify that _____, whose name is signed to the foregoing instrument dated
_____, 2018, has acknowledged the same before me.

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 _____

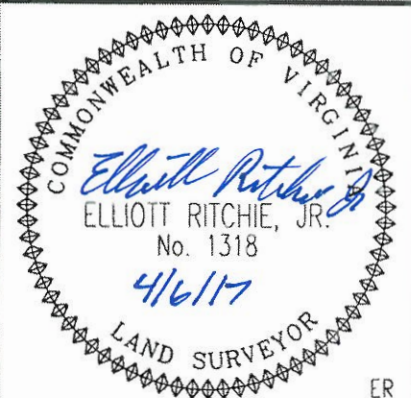
CITY/COUNTY OF _____

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



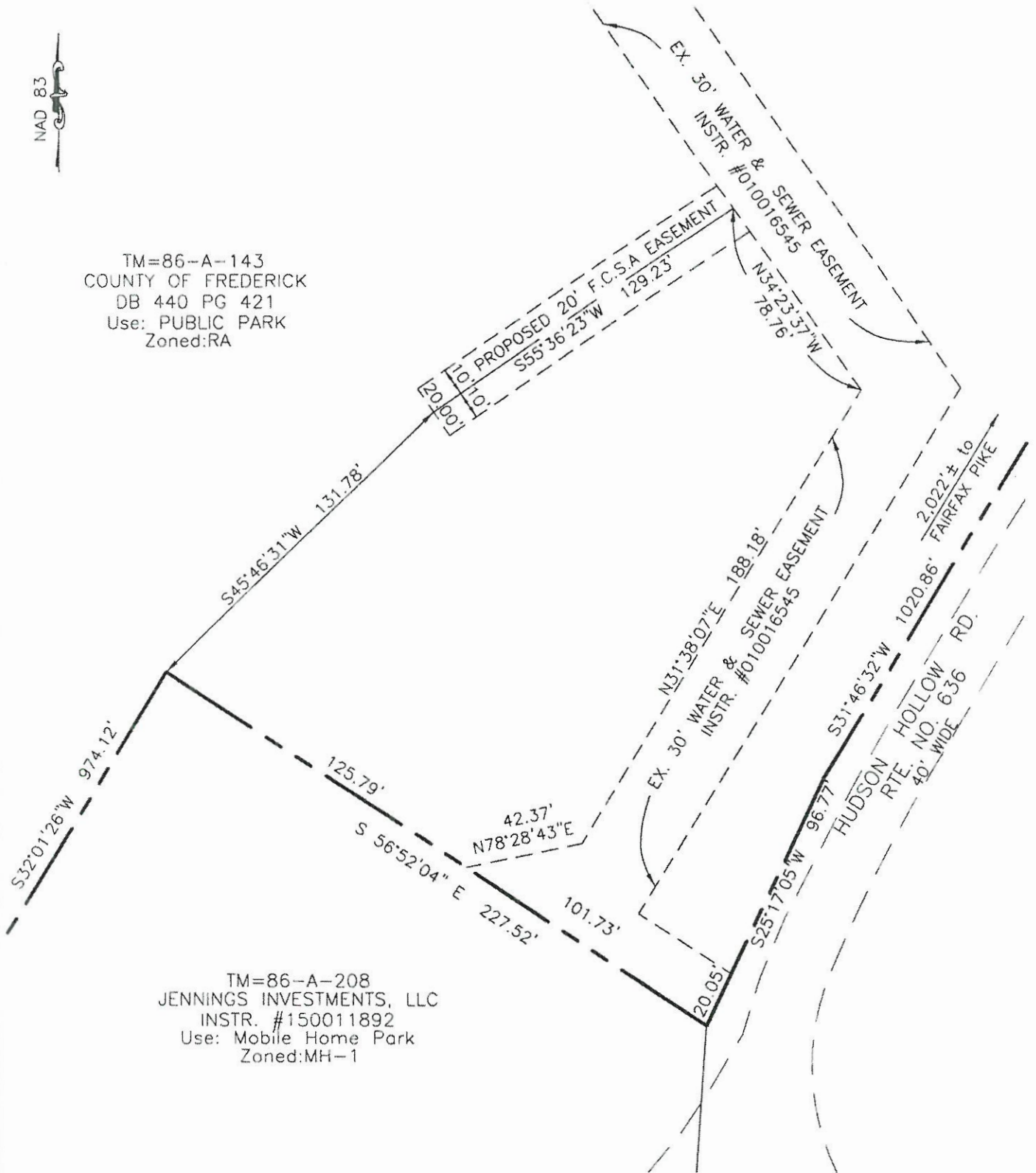
PAINTER-LEWIS, P.L.C.

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

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

NAD 83

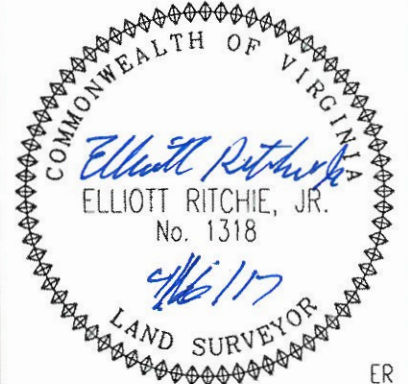
TM=86-A-143
COUNTY OF FREDERICK
DB 440 PG 421
Use: PUBLIC PARK
Zoned:RA



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

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.

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.

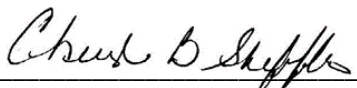
INFORMATION ONLY

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, 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

\$4568.91

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

LWM/adl

FREDERICK COUNTY SHERIFF'S OFFICE

FREDERICK COUNTY
FEB 22 2018
FINANCE DEPARTMENT



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 | 346458 \$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

Limit Search N From/To Date: 00000000 / 99999999

Company 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

FREDERICK COUNTY
FEB 22 2018
FINANCE DEPARTMENT



VACORP

1315 Franklin Road, SW
Roanoke, Virginia 24016

540.345.8500

toll free 888.822.6772

fax 540.345.5330

toll free 877.212.8599

February 16, 2018

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

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.

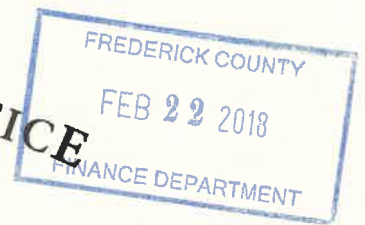
Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mullen', written in a cursive style.

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

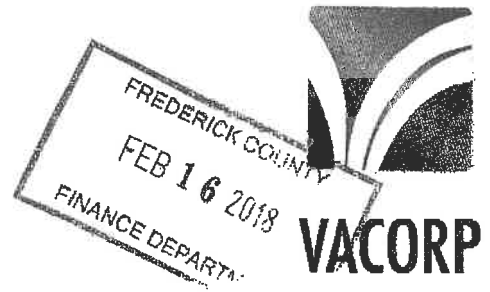
We are requesting the insurance check received in the amount of \$6,334.95 for the auto claim dated January 20, 2018 be appropriated into our budget line of 3102-3004-000-002.

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 typed name.

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

FREDERICK COUNTY
FEB 13 2018
INSURANCE DEPARTMENT



VACORP

1315 Franklin Road, SW
Roanoke, Virginia 24016

540.345.8500
toll free 888.822.6772
fax 540.345.5330
toll free 877.212.8599

February 2, 2018

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

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

04133003615011



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

56:1544

Date: 02-07-2018

441

Void If Not Cashed Within 180 Days

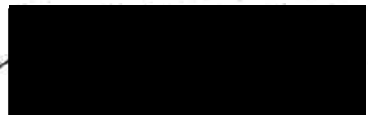
Ref: 527868-GG

10789803

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

30 of 58

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 FCSS 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-
  
```


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

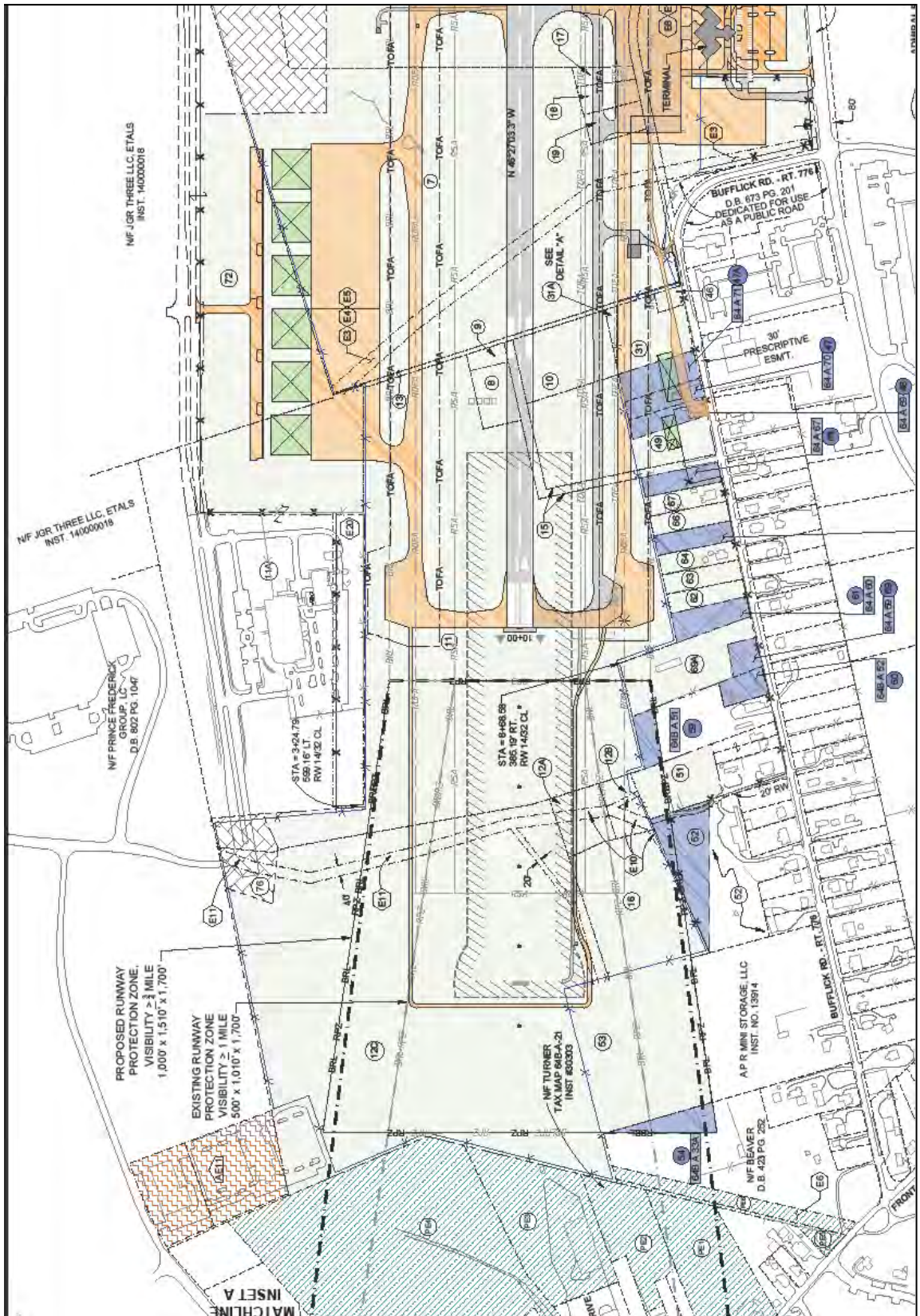
Winchester Regional Airport

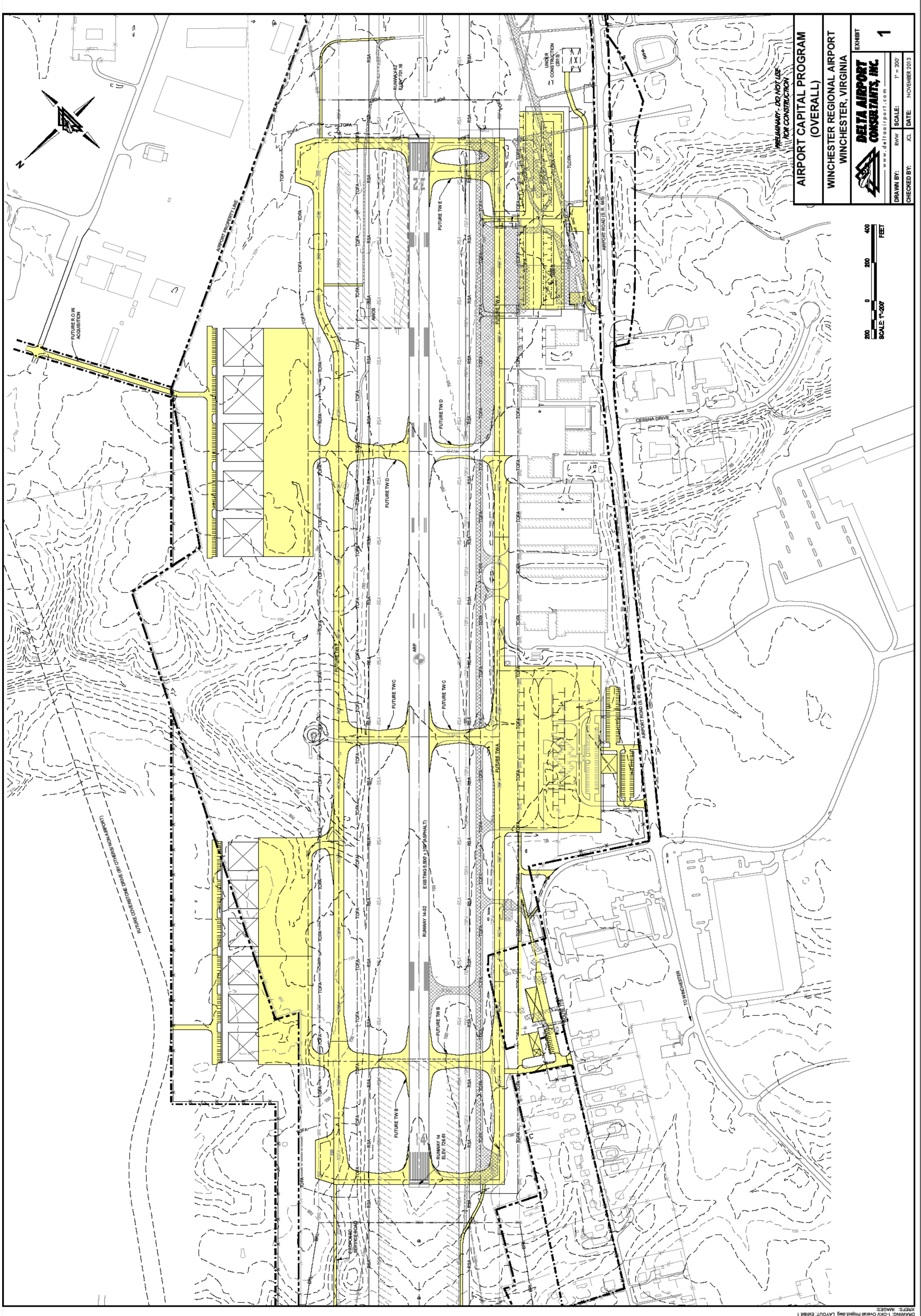
| Description | | DETAIL AMOUNT | TOTAL AMOUNT | |
|--|---|---|------------------|------------------|
| | Taxiway A Relocation - Phase 1 - Demolition (DD/Bid/CO) | This initial phase is to begin at the Runway 32 threshold and terminate Taxiway D to relocate existing taxiway A | \$300,000 | \$300,000 |
| | 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 removed 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% | | |





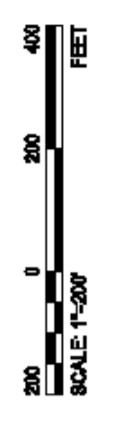
**AIRPORT CAPITAL PROGRAM
(OVERALL)**

**WINCHESTER REGIONAL AIRPORT
WINCHESTER, VIRGINIA**

**DELTA AIRPORT
CONSULTANTS, INC.**

EXHIBIT
1

DRAWN BY: RWW SCALE: 1" = 200'
CHECKED BY: JCL DATE: NOVEMBER 2012



PRELIMINARY - DO NOT USE FOR CONSTRUCTION

DRAWING: 1-200 Overall Project and LAYOUT - Exhibit 1



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 |
|-------|--------------|

Sharon Kibler

From: Chester Lauck
Sent: Wednesday, April 11, 2018 3:31 PM
To: Sharon Kibler
Cc: Chester Lauck; Missi Neal
Subject: Winter Storm Jonas FEMA money

Sharon,

I have completed the calculations for the FEMA reimbursement for Winter Storm Jonas and it is as follows:

| | |
|--------------------------------|--------------------------|
| | 80,392.39 |
| | \$80,394.39 |
| Fire and Rescue - | |
| 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> ✓g/L |

#120,637.63 by
detail BB
\$2
mailed Chester
4/11/18

This is calculated at a rate of 75% FEMA, 17% State and 8% Locality. Per our conversation, I know that the Fire Companies get reimbursed as well as the schools, you also mentioned the Landfill...the rest I will leave up to you. Thanks for your assistance.

Any questions please feel free to contact me.

Again Thank You

Chester Lauck

Deputy Emergency Management Coordinator
Frederick County, VA
540-665-5618

MARCH 2018 BUDGET TRANSFERS

| 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
<u>(Decrease)</u> |
|------------------------------------|-----------------------------|-----------------------------|-------------------------------------|
| 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)</u> (1) Attached |
| 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</u> *C |
| 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)</u> (4) Attached |
| 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> | FY18
3/31/2018
<u>Actual</u> | FY17
3/31/17
<u>Actual</u> | YTD
Actual
<u>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 Lynnehaven | 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 |
| 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 |
| Transfer School Operating Capital | 3,088,287.00 | - | 3,088,287.00 |
| Transfer to Development Fund Project | 0.00 | 50,000.00 | (50,000.00) |
| Operational Transfers | 21,250.56 | 23,423.71 | (2,173.15) |
| Debt Contingency | 4,323,620.00 | - | 4,323,620.00 |
| 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
<u>(Decrease)</u> |
|--|----------------------------|----------------------------|-------------------------------|
| 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 Undesignated Fund Balance | 54,021.35 | 47,620.17 | 6,401.18 |
| | <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: | <u>Appropriated</u> | FY2018
3/31/18
<u>Actual</u> | FY2017
3/31/17
<u>Actual</u> | YTD Actual
<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) | <u>(3,228,789.45)</u> | <u>(2,367,664.56)</u> | <u>(861,124.89)</u> |
| 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) |
| | (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) |
| | (4,534,411) |

Fund Balance, April 12, 2018 **37,237,464**

B



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Assistant Director - Transportation *JB*
RE: Transportation Committee Report for Meeting of April 23, 2018
DATE: April 25, 2018

The Transportation Committee met on Monday, April 23, 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. Jones Road-Truck Restriction:

Chairman Lofton was contacted by residents that reside on Jones Road regarding the increase in heavy truck traffic. They are seeking a truck restriction. The Committee discussed that Jones Road provides a connection between Middle Road and Cedar Creek Grade. The most recent VDOT traffic count on Jones Road indicated the average daily use was 2,700 vehicles. This count does not provide a truck percentage. It was discussed if the trucks are restricted from using Jones Road, an alternate route would be used.

Upon motion by, Mr. Oates, seconded by Mr. Racey the Committee chose not to send forward a recommendation to the Board of Supervisors.

2. Grace Church Road (Route 668)-Unpaved Road:

Staff has been in contact with a resident of Grace Church Road, regarding dust and maintenance. Virginia Department of Transportation (VDOT) has applied dust remediation, however the overall concern of the maintenance remains. The resident would like the roadway to be added to the unpaved list. The traffic trips have increased 50% from 120 trips per day in 2008 to 180 trips in 2017.

Upon motion by Supervisor McCann-Slaughter, seconded by Mr. Oates, the Committee recommended that Staff include Grace Church Road (Route 668) to the next update of the Secondary Road Improvement Plan.

3. Route 604 from Route 55 to Route 600-Truck Restriction:

Chairman Lofton has been contacted by the residents of Gravel Springs Road (Route 604) regarding heavy truck traffic. They are seeking a truck restriction. Gravel Springs Road provides a connection between Wardensville Pike (Route 55) and Route 600. This section was counted by VDOT in 2014 and at that time there was a total of 390 vehicles per day. This study did not specify truck trips.

The Committee discussed the proposed truck restriction and requested additional analysis by VDOT and was not ready to move forward.

On motion by Mr. Racey, seconded by Mr. Oates the Committee recommended postponing this item until additional analysis by VDOT is completed.

4. County Project Updates:

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

Staff continues to work through roundabout design comments from VDOT. A memorandum of the agreement has been developed regarding the comments from the Shenandoah Valley Battlefield Foundation that was part of the State Environmental Review Process and has been distributed. The surface street design is nearly complete.

Renaissance Drive:

The test borings for the geotechnical report are currently taking place. The geotechnical report is expected to be completed in May. Staff is awaiting additional feedback from FirstEnergy regarding powerline impacts. The Preliminary Engineering Agreement has been executed with CSX, which governs CSX review of the bridge design. Pennoni Associates is beginning to work on the State Environmental Review Process and the design is at 30%.

Coverstone Drive:

No activity currently.

Jubal Early Drive Extension and Interchange with Route 37:

Staff has recently prepared materials for our private partner that outlines the timelines for funding and items that are needed to proceed forward with the project.

5. Upcoming Agenda Items:

May

Interstate, Primary, and Secondary Plan updates

TBD

Oakdale Crossing Traffic Calming Study

6. Other Business:

Mr. Oates was contacted by a resident of Woodside Road regarding the dust and maintenance. Staff advised a follow-up with the Committee on this issue.

The next Transportation Committee meeting has been rescheduled to May 21, 2018.

JAB/ks

C

Employee of the Month Resolution

Awarded to:

Patricia A. Rodgers

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, Patricia A. Rodgers who serves as a Booking Technician with the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, Booking Technician, Patricia Rodgers is heavily relied on by the booking staff for her in depth knowledge of policies and booking procedures. Ms. Rodgers has assisted in training several new booking staff members with a calm pleasant demeanor. She shows a passion for mentoring others and makes herself available to assist anyone with questions. On several occasions, Ms. Rodgers has changed her work schedule, sometimes at a moment's notice, to assist with an influx of new committals for the day. Ms. Rodgers recently received a letter of appreciation from a judge at the courthouse through Superintendent Whitley acknowledging her efforts to ensure that inmates were able to participate in a hearing in Court by audio-visual means. She went out of her way to accommodate the request and assured that the process ran smoothly; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 9th day of May 2018, that Patricia A. Rodgers is hereby recognized as the Frederick County Employee of the Month for May 2018; and,

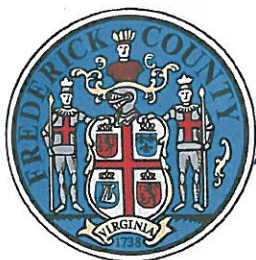
BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Patricia A. Rodgers for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Patricia A. Rodgers is hereby entitled to all of the rights and privileges associated with her award.

County of Frederick, VA Board of Supervisors

Charles S. DeHaven, Jr., Chairman

D




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: May 2, 2018
RE: Committee Appointments

Listed below are the vacancies/appointments due through June, 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

(See Attached Application of Ryan Shaw.)

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.) (The Board of Building Appeals is comprised of six members. 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).

MAY 2018

No remaining appointments due.

JUNE 2018

Community Policy and Management Team (CPMT)

Dana Bowman – Private Provider Representative
Chief Operating Officer
Children's Services of Virginia, Inc.
P. O. Box 2867
Winchester, VA 22604
Term Expires: 06/30/18
Two year term

Dawn C. Robbins – Parent Representative
121 Monet Terrace
Winchester, VA 22602
Home: (540)664-0027
Term Expires: 06/30/18
Two year term

(Ms. Robbins was appointed February 14, 2018 to fill a vacated seat.)

(See Attached Correspondence from CSA Coordinator Recommending Reappointment of Dana Bowman and Dawn Robbins.)

Development Impact Model Oversight Committee (DIMOC)

The Development Impact Model Oversight Committee was established at the June 28, 2006 Board of Supervisors Meeting. Appointments are for a one year term. The following will expire June 28, 2018:

Kris C. Tierney – County Administration Representative

Charles S. DeHaven, Jr. – Board of Supervisors Representative
Gary A. Lofton – Board of Supervisors and EDA Representative

(Supervisor Lofton currently serves on the Development Impact Model Oversight Committee as a member of the Board of Supervisors and is currently a member of Economic Development Authority (EDA), therefore he serves in both capacities.)

H. Paige Manuel – Planning Commission Representative
Roger L. Thomas – Planning Commission Representative

Frank E. Wright - School Board Representative.

(Received correspondence earlier in year dated January 3, 2018 from School Board Office that Frank Wright would serve for 2018.)

Stephen Pettler – Top of Virginia Building Association Representative
J. P. Carr – Top of Virginia Building Association Representative
(Staff is waiting to hear from the Top of Virginia Building Association.)

Extension Leadership Council

Laura L. Loving – Stonewall District Representative
303 Slate Lane
Stephenson, VA 22656
Phone: (304)676-5036
Term Expires: 06/23/18
Four year term

(The Extension Leadership Council is comprised of ten members, one member from each magisterial district appointed by the Board of Supervisors and four members-at large recommended by the Virginia Tech Extension Service.)

Historic Resources Advisory Board

Denny Perry – Member-At-Large Representative
435 Woodchuck Lane
Winchester, VA 22602
Home: (540)667-9658
Term Expires: 06/23/18
Four year term

(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)

Parks and Recreation Commission

Randy Carter – Stonewall District Representative
264 Glendobbin Road
Winchester, VA 22603
Home: (540)535-0074
Term Expires: 06/23/18
Four year term

(The Parks and Recreation Commission is comprised of eight members, one member from each magisterial district and two members at large.)

Social Services Board

Karen L. Kimble – Shawnee District Representative
118 Keswick Court
Winchester, VA 22602
Home: (540)665-2023
Term Expires: 06/30/18
Four year term

Lisa Carper – Back Creek District Representative
388 Creekview Lane
Middletown, VA 22645
Home: (540)327-3913
Term Expires: 06/30/18
Four year term

(Karen Kimble and Lisa Carper are both eligible for reappointment.) *(The Social Services Board is comprised of seven members, one member from each magisterial district and one member at large. Members serve a four year term and are limited to two consecutive terms.)*

Winchester Regional Airport Authority

Gene E. Fisher – Frederick County Representative
246 Bush Drive
Winchester, VA 22602
Home: (540)662-5238
Term Expires: 06/30/18
Four year term

Memorandum – Board of Supervisors
May 2, 2018
Page 5

Robert Bearer – Frederick County Representative
140 Kinross Drive
Winchester, VA 22602
Phone: (540)550-1898
Term Expires: 06/30/18
Four year term

(Frederick County has four representatives on the Winchester Regional Airport Authority. Members are eligible for reappointment.)

KCT/tjp

Attachments

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(050918BdMtg).docx

**INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF SUPERVISORS
COMMITTEE APPOINTMENTS**

BLAINE P. DUNN, RED BUD District Supervisor, would like to nominate you to serve on the SOCIAL SERVICES BOARD.

As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. **(Please Print Clearly. Thank You.)**

Name: RYAN C. SHAW **Home Phone:** _____

Address: 110 FOXGLOVE DRIVE **Office Phone:** _____

WINCHESTER, VA 22602 **Cell/Mobile:** 540-877-4978

_____ **Fax:** _____

Employer: HOWARD SHOCKEY & SONS **Email:** rcshaw7j@gmail.com

Occupation: MANAGER OF VIRTUAL DESIGN & CONSTRUCTION

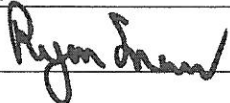
Civic/Community Activities: Winchester Frederick Youth Football Coach

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:
2nd TUESDAY OF EACH MONTH **Yes:** **No:** _____

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee? **Yes:** _____ **No:** **Explain:** _____

Additional Information Or Comments You Would Like To Provide (If you need more space, please use the reverse side or include additional sheets):

Thank you for your time and consideration for this position. As a father of young children I'm eager to make a positive contribution to the future of this county and set a example of meaningful service. I believe my experience working with time sensitive, proprietary information as part of a large and multidisciplinary team will lend itself well to successful service on this Board.

Applicant's Signature:  **Date:** 4-21-18

Nominating Supervisor's Comments: Ryan Shaw is fiscally responsible, is familiar with budgets and maximizing resources based on his employment history with Shockey, has the ability to work with people of different viewpoints, is a hard worker, and has discernment. I would highly recommend him for the Social Services Board opening. Call me if you have a question. Resume attached.

Please submit form to:
Frederick County Administrator's Office
107 North Kent Street
Winchester, VA 22601
or email to: tprice@fcva.us or jtibbs@fcva.us

RYAN COOPER SHAW

110 Foxglove Drive, Winchester, Virginia 22602 (540)-805-0037 rcshaw7j@gmail.com

Manager of Virtual Design & Construction with Howard Shockey & Sons

WORKPLACE EXPERIENCE

Howard Shockey & Sons Manager of Virtual Design & Construction June 2017– Present

<http://shockeybuilds.com>

Provide leadership and oversight of all VDC and Building Information Modeling activities company wide. Develop internal training programs, piloting new VDC uses, and ensuring that VDC is being implemented according to overall company strategies and goals. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

Howard Shockey & Sons Project Manager November 2016–June 2017

Insure Safety, Quality, Schedule and Budget are continuously achieved on multi-million-dollar complex projects by acting as a full service general contractor. Develop subcontractor scopes, negotiate subcontracts and approve applications for payment based on verified progress in the field. Generate and directly manage project submittals, Request for Information (RFIs), design and construction schedules, pay requisitions and Operations and Maintenance (O&M) reports. Gather requirements from end users to synthesize actionable scopes of work for the project team. Supervise project engineers and administrative assistants. Communicate regularly with subcontractors, the design team and end users to review progress and discuss the ongoing project. Prepare and present both internal and external reports pertaining to the current and projected status of the project.

Howard Shockey & Sons Project Engineer June 2013–November 2016

Assist project manager and superintendent in establishing and maintaining safe and productive projects. Coordinate proposed new work with existing as-builts or survey data. Develop quantitative takeoffs and scope sheets for reviewing subcontractor pricing as a part of the larger estimating and buyout process. Conduct regular jobsite visits to audit safety measures and track construction progress.

Balfour Beatty Construction Project Engineer June 2012 –June2013

<http://balfourbeattyus.com>

Responsibility for the planning and daily execution of construction projects. Coordination with the Project Manager to generate and process submittals, RFIs, project schedules, pay requisitions and O&M reports. Additional responsibilities included preconstruction budgeting, generating scopes of work, and contract writing.

EDUCATION

The University of Virginia August2008–May2012

School of Engineering and Applied Science

Civil Engineering Major

Materials Science and Biology Minors

3.79 cumulative GPA, Graduation with High Distinction

Dean's List & Intermediate Honors

Walk-on, Varsity Football (2009-2012)

SKILLS

Revit & Navisworks
Project Management
Microsoft Office & Project

Primavera
Procore
Public Speaking

SERVICE

Winchester Frederick Youth Football League Coach (2016-2017)

Licensed Real Estate Agent



Frederick County, Virginia

Comprehensive Services Act
107 North Kent Street, 3rd Floor
Winchester, VA 22601
Office: (540) 665-5688
FAX: (540) 535-2146

April 26, 2018

Mr. Kris Tierney
Frederick County Administrator
107 N. Kent Street
Winchester, Virginia 22601

Dear Mr. Tierney,

As CSA Coordinator of Frederick County, I am pleased to inform you that at our meeting of April 21, 2018 the CPMT re-nominated Ms. Dana Bowman, Children's Services of Virginia, Executive Director of Administration, by unanimous vote, to continue in the position of Private Provider Representative.

The Private Provider Representative is a mandated position on the CPMT. The State Code provides for both the private provider representative and the parent representative to be appointed by the Board of Supervisors. Appointments are for a two year term with members being eligible for reappointment. Traditionally, the Board of Supervisors has considered input on new appointments to the CPMT from the seated members.

Ms. Bowman has been a Private Provider Representative since approximately February 2011. Her participation on the CPMT has been valuable and influential. She comes to us with high regard from those individuals who have worked with her.

The CPMT appreciates your consideration to reappoint Ms. Dana Bowman to continue as the Private Provider Representative on the Frederick County CPMT.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jury", is written over the typed name.

Jacquelynn Jury, MS, LPC
CSA Coordinator
Frederick County



Frederick County, Virginia

Comprehensive Services Act
107 North Kent Street, 3rd Floor
Winchester, VA 22601
Office: (540) 665-5688
FAX: (540) 535-2146

April 26, 2018

Mr. Kris Tierney
Frederick County Administrator
107 N. Kent Street
Winchester, Virginia 22601

Dear Mr. Tierney,

As CSA Coordinator of Frederick County, I am pleased to inform you that at our meeting of April 21, 2018, the CPMT nominated Ms. Dawn Robbins by unanimous vote, to continue in the position of Parent Representative.

The parent representative is a mandated position on the CPMT. The State Code provides for both the private provider representative and the parent representative to be appointed by the Board of Supervisors. Appointments occur during the May Board of Supervisor's Meeting and are for a two year term with members being eligible for reappointment. Interim appointments will finish out the prior term and renew on the current schedule. Traditionally, the Board of Supervisors has considered input on new appointments to the CPMT from the seated members.

Ms. Robbins is the mother of 4 children, one of whom has disabilities requiring a great deal of support and advocacy. This child's initial diagnosis came at the early age of 4, which forced Ms. Robbins to learn the ins and outs of both the educational and mental health systems. Though the struggles were significant at times, her daughter is now twelve and is thriving as a result of Ms. Robbins's efforts.

Her personal experience makes her a valuable contribution in the position of Parent Representative on the Frederick County CPMT. The CPMT appreciates your consideration of Ms. Robbins for reappointment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jury", is written over the typed name.

Jacquelynn Jury, MS LPC
CSA Coordinator
Frederick County

E



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: Thursday, April 26, 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. Arcadia Mobile Park – \$3,313.81
2. Undisclosed Taxpayer – Disabled Veteran's Relief – \$3,372.53
3. Shop N Save #1489-2875 – \$6,282.43
4. Handy Mart, LLC – \$6,885.69

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 26, 2018

RE: Refund – Arcadia Mobile Park

I am in receipt of the Commissioner's request, dated April 24, 2018, to authorize the Treasurer to refund Arcadia Mobile Park the amount of \$3,313.81, for exoneration of business license taxes for 2018 and personal property taxes for 2016 and 2017. This refund resulted from the sale of this business. The new owner has filed and paid taxes.

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
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



April 24, 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 – Arcadia Mobile Park

A handwritten signature in cursive script that reads "E. Murphy".

Please approve an adjustment of \$3,313,81 for exoneration of business license taxes for 2018 in the name of Arcadia Mobile Home Park and includes a few dollars for proration of personal property taxes for prior years. The company was sold and the new owner has filed and paid instead.

To comply with 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.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$3,313.81.

Date: 4/23/18

Cash Register: COUNTY OF FREDERICK

Time: 12:38:04

Cashier:

Customer Name: ARCADIA MOBILE PARK

Total Transactions: 862
Customer Transactions: 8

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| - | BL2018 | 1 | 00079180001 | \$3,269.04- | \$.00 | \$3,269.04- |
| - | PP2016 | 2 | 00736420001 | \$6.00- | \$.00 | \$6.00- |
| - | PP2017 | 3 | 00608540001 | \$10.00- | \$.00 | \$10.00- |
| - | PP2017 | 4 | 00608540002 | \$10.00- | \$.00 | \$10.00- |
| - | PP2017 | 5 | 00608540013 | \$8.24- | \$.00 | \$8.24- |
| - | PP2017 | 6 | 00608540014 | \$8.23- | \$.00 | \$8.23- |
| - | PP2017 | 7 | 00822200001 | \$1.50- | \$.00 | \$1.50- |
| - | PP2017 | 8 | 00822200003 | \$.80- | \$.00 | \$.80- |

F3=Exit **F14=Show Map#** **Total Paid :** \$3,313.81
F15=Show Balance **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 26, 2018

RE: Refund – Undisclosed Taxpayer – Veteran’s Surviving Spouse Legislation

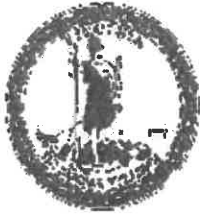
I am in receipt of the Commissioner’s request, dated April 24, 2018, to authorize the Treasurer to refund a taxpayer the amount of \$3,372.53, for exoneration of real estate taxes from 2014 through 2017, based on the veteran’s surviving spouse legislation. The Constitutional amendment and the enabling legislation automatically make qualifying property exempt. Taxpayer’s name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner and the Treasurer on a confidential basis.

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
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



April 24, 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 – [REDACTED]

Ellen E. Murphy

Please approve a refund of \$3,372.53 for exoneration of real estate taxes for 2014, 2015, 2016 & 2017 in the name of [REDACTED]. This refund is for principal residence real estate taxes for the periods shown. Taxpayer qualified under the veteran's surviving spouse legislation.

To comply with 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.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$3,372.53.

Date: 4/23/18

Cash Register: COUNTY OF FREDERICK

Time: 09:48:41

Cashier:
Customer:

Total Transactions: 861
Customer Transactions: 7

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | RE2014 | 1 | 00341780002 | \$390.11- | \$.00 | \$390.11- |
| - | RE2015 | 2 | 00343930001 | \$475.44- | \$.00 | \$475.44- |
| - | RE2015 | 3 | 00343930002 | \$475.44- | \$.00 | \$475.44- |
| - | RE2016 | 4 | 00341070001 | \$509.40- | \$.00 | \$509.40- |
| - | RE2016 | 5 | 00341070002 | \$509.40- | \$.00 | \$509.40- |
| - | RE2017 | 6 | 00344240001 | \$563.10- | \$.00 | \$563.10- |
| - | RE2017 | 7 | 00344240002 | \$449.64- | \$.00 | \$449.64- |

F3=Exit

F14=Show Map#

Total Paid :
F15=Show Balance

\$3,372.53
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 26, 2018

RE: Refund – Shop N Save #1489-2875

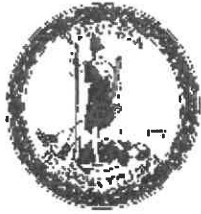
I am in receipt of the Commissioner's request, dated April 25, 2018, to authorize the Treasurer to refund Shop N Save #1489-2875 the amount of \$6,282.43, for exoneration of business license taxes for 2018. This refund resulted from the closing of the Stephens City store.

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
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



April 25, 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 – Shop N Save #1489-2875

A handwritten signature in cursive script, reading "E. Murphy".

Please approve a refund of \$6,282.43 for adjustment of business license taxes for 2018 in the name of Shop N Save #1489-2875. This refund is for business license taxes for the period shown because of the closing of the Stephens City store.

To comply with 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.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$6,282.43.

Date: 4/24/18

Cash Register: COUNTY OF FREDERICK

Time: 16:15:47

Cashier: _____

Customer Name: SHOP N SAVE #1489-2875

Total Transactions: 895

Customer Transactions: 1

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| | BL2018 | 1 | 00073990001 | \$6,282.43- | \$.00 | \$6,282.43- |

F3=Exit

F14=Show Map#

Total Paid :

\$6,282.43

F15=Show Balance

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

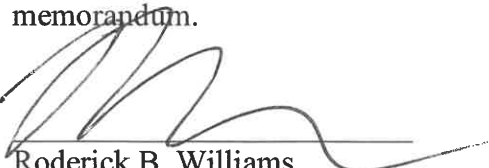
FROM: Roderick B. Williams, County Attorney

DATE: April 26, 2018

RE: Refund –Handy Mart, LLC

I am in receipt of the Commissioner's request, dated April 24, 2018, to authorize the Treasurer to refund Handy Mart, LLC the amount of \$6,885.69, for exoneration of business equipment taxes for 2014 and 2015. This refund resulted from an appeal for reclassification of gasoline dispensing equipment for the periods shown.

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
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



April 24, 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 – Handy Mart LLC

A handwritten signature in cursive script, appearing to read "E. Murphy".

Please approve an adjustment of \$6,885.69 for exoneration of business equipment taxes for 2014 & 2015 in the name of Handy Mart LLC. This refund is for business equipment taxes for the periods shown and the result of an appeal for reclassification of gasoline dispensing equipment.

To comply with 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.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$6,885.69.

Date: 4/20/18

Cash Register: COUNTY OF FREDERICK

Time: 16:48:08

Cashier:

Customer Name: HANDY MART LLC

Total Transactions: Customer Transactions: 13

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2014 | 1 | 00791550001 | \$159.36- | \$.00 | \$159.36- |
| - | PP2014 | 2 | 00791560001 | \$459.12- | \$.00 | \$459.12- |
| - | PP2014 | 3 | 00791570001 | \$612.07- | \$.00 | \$612.07- |
| - | PP2014 | 4 | 00791580001 | \$393.37- | \$.00 | \$393.37- |
| - | PP2014 | 5 | 00791590001 | \$656.10- | \$.00 | \$656.10- |
| - | PP2014 | 6 | 00791600001 | \$719.23- | \$.00 | \$719.23- |
| - | PP2015 | 7 | 00842030001 | \$159.36- | \$.00 | \$159.36- |
| - | PP2015 | 8 | 00842040001 | \$459.12- | \$.00 | \$459.12- |
| - | PP2015 | 9 | 00842050001 | \$612.07- | \$.00 | \$612.07- |
| - | PP2015 | 10 | 00842060001 | \$393.37- | \$.00 | \$393.37- |
| - | PP2015 | 11 | 00842070001 | \$656.10- | \$.00 | \$656.10- |
| - | PP2015 | 12 | 00842080001 | \$719.23- | \$.00 | \$719.23- |
| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
| - | PP2015 | 13 | 00842090001 | \$887.19- | \$.00 | \$887.19- |

Multiple Pages
F3=Exit F14=Show Map#

Total Paid : \$6,885.69
F15=Show Balance F18=Sort-Entered

F21=CmdLine
F20=Attach

** Needs board approval*

F



BOARD OF SUPERVISORS

ORDINANCE

SALARIES OF BOARD OF SUPERVISORS FISCAL YEAR 2018-2019

BE IT ORDAINED, the annual salary for each member of the Frederick County Board of Supervisors, for fiscal year beginning July 1, 2018, shall be as follows: Chairman, \$10,800; Vice Chairman, \$10,200; and each other member of the Board of Supervisors at \$9,000.

Upon motion made by _____ and seconded by _____, the above was _____ by the Board of Supervisors of the County of Frederick, Virginia, at a regular meeting and public hearing held on May 9, 2018, by the following recorded vote:

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

A COPY ATTEST:

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia

cc: Cheryl B. Shiffler, Finance Director
C. William Orndoff, Jr., Treasurer
Becky Merriner, Human Resources Director, MBA, PHR, SHRM-CP, CPLP

G



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

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

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.

4. Owner reserves the right to construct and maintain roadways over the Easement Area and to make any use of the Easement Area which may not be inconsistent with the Easement rights herein conveyed, or interfere with the use of the Easement by the Authority for the purposes named; provided, however, that Owner shall not erect any building or other structure, or install any underground facilities or utilities, or change existing ground elevation or impound any water on or within the Easement Area without obtaining the prior written approval of the Authority. In the event a use of the Easement Area by Owner is approved by the Authority, but requires the relocation of any of the Facilities or the adjustment of the depth of any of the Facilities, all costs required to accomplish such relocation or adjustment shall be paid by Owner. Owner agrees that no vegetation other than (i) grass, (ii) shrubbery, and (iii) flowers and vegetable plants with root systems that extend no more than 12 inches below the surface at maturity, may be planted in the Easement Area; provided, however, that such flowers, shrubbery and vegetable plants are planted at Owner's risk and the Authority shall have no obligation to replant such flowers, shrubbery and vegetable plants nor to compensate Owner for such vegetation in the event such vegetation is damaged or destroyed during the exercise of the Authority's rights under this Easement.

5. At such time as any portion of the land within the Easement Area is accepted by the Commonwealth of Virginia or any appropriate agency thereof for maintenance into the state highway system, all easement rights acquired by the Authority by this instrument in such portion of land shall cease and terminate, provided that the Commonwealth of Virginia or any appropriate agency thereof concurrently grants to the Authority all necessary permits for the continued operation, maintenance, inspection, repair and replacement of its facilities in said location.

6. Owner covenants that it is seized of and has the right to convey said Easement, rights and privileges, that the Authority shall have quiet and peaceable possession, use and enjoyment of the Easement, rights and privileges, and that Owner shall execute such further assurances thereof as may be required.

7. Owner agrees that the agreements and covenants stated in this Deed are not covenants personal to Owner but are covenants running with the land which are and shall be binding upon Owner, its heirs, personal representatives, successors and assigns.

[Signature appears on the following page]

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: _____

Witness the following signature and seal:

FREDERICK COUNTY, VIRGINIA:

BY: _____

STATE OF _____,

CITY/COUNTY OF _____, TO-WIT:

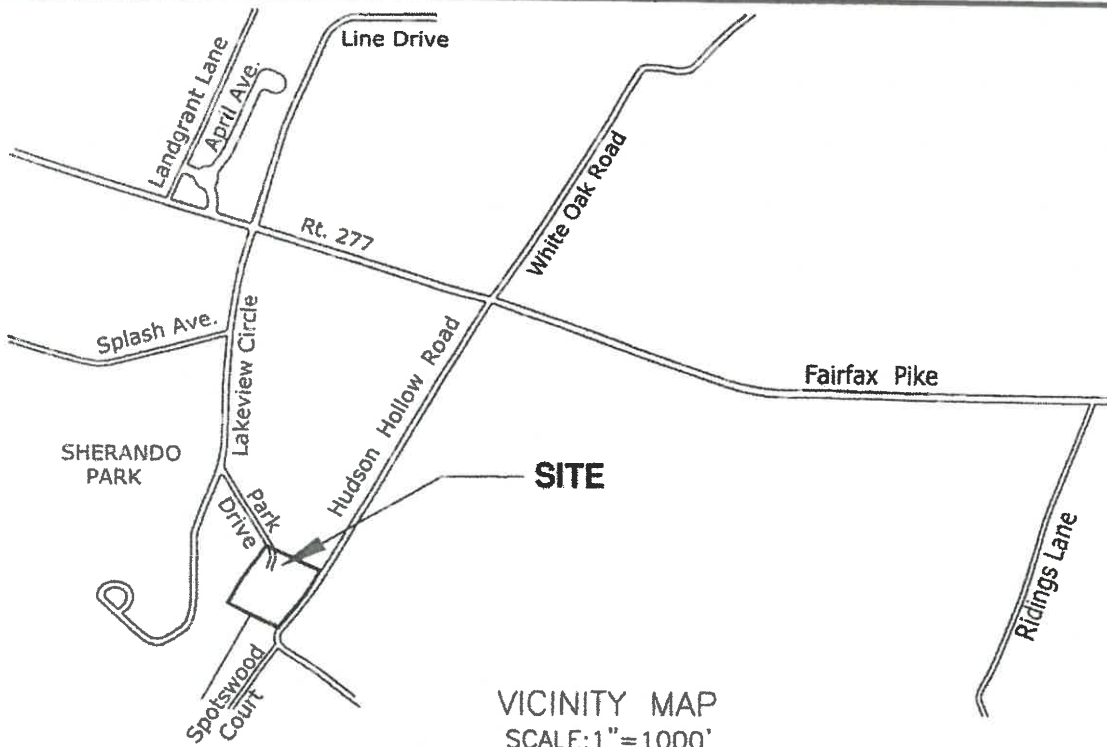
I, _____, a notary public in and for the State and County aforesaid, do certify that _____, whose name is signed to the foregoing instrument dated _____, 2018, has acknowledged the same before me.

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

Notary Public

Registration No.: _____

My Commission Expires: _____



VICINITY MAP
SCALE: 1" = 1000'

APPROVED BY

BY: Michael Rawls
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



1791009

SHEET 1 OF 2

ER



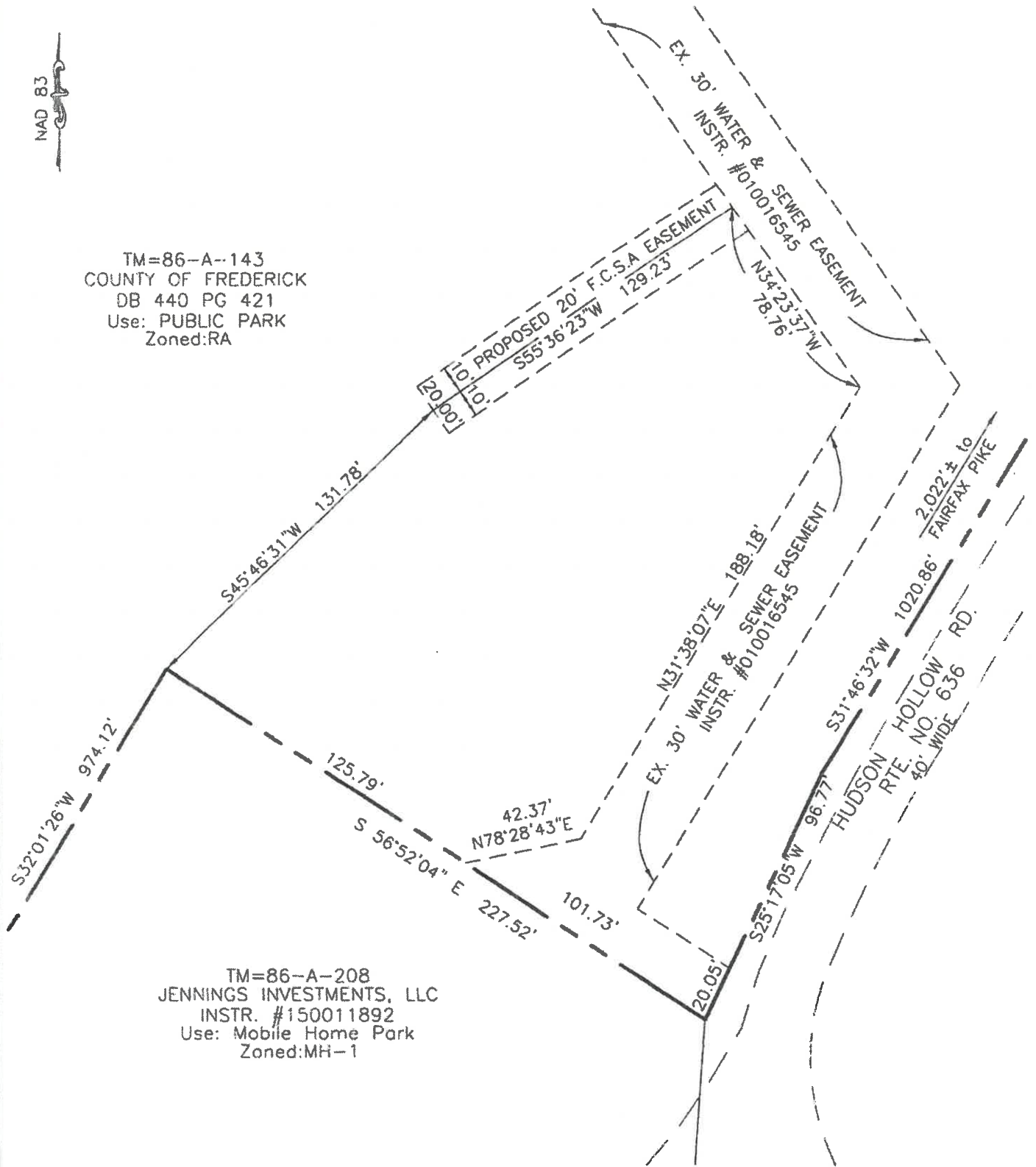
PAINTER-LEWIS, P.L.C.

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

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

NAD 83

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



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 _____

Gary A. Lofton _____

J. Douglas McCarthy _____

Judith McCann-Slaughter _____

Shannon G. Trout _____

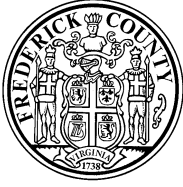
Blaine P. Dunn _____

Robert W. Wells _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

H



CONDITIONAL USE PERMIT #04-18
West Oaks Farm Market, LLC. - Special Event Facility & Restaurant
Staff Report for the Board of Supervisors
Prepared: May 3, 2018
Staff Contact: M. Tyler Klein, AICP, Planner

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 request. It may also be useful to others interested in this zoning matter.

| | <u>Reviewed</u> | <u>Action</u> |
|-----------------------|-----------------|----------------------|
| Planning Commission: | 05/02/18 | Recommended Approval |
| Board of Supervisors: | 05/09/18 | Pending |

EXECUTIVE SUMMARY & CONCLUSION FOR THE 05/09/18 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility and restaurant in the RA (Rural Areas) Zoning District. 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 Frederick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. Building permits shall be acquired prior to establishment of the deli-style counter service restaurant use.
4. Special events shall start no earlier than 8 a.m. and all events and related activities shall conclude by midnight.
5. Special events may accommodate up to and not to exceed 275 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.

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.

LOCATION: The subject property is generally located south on Valley Avenue (Route 11) off Middle Road (Route 628) immediately south of Orchard View Elementary School.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 74-A-3

PROPERTY ZONING & PRESENT USE: Zoned: RA (Rural Areas)
Land Use: Agricultural (Orchard/Farm)

ADJOINING PROPERTY ZONING & PRESENT USE:

| | |
|-------------------------|--|
| North: RA (Rural Areas) | Use: Agricultural/Residential |
| South: RA (Rural Areas) | Use: Open Space/Agricultural |
| East: RA (Rural Areas) | Use: Public School/Open Space/Agricultural |
| West: RA (Rural Areas) | Use: Open Space |

PROPOSED USE:

This is a request for a Conditional Use Permit (CUP) to enable the establishment of a 3,456-square foot special event facility (banquet room) for weddings, business meetings, birthday parties, showers, reunions and other similar type events as part of the West Oaks Farm Market complex. The Applicant also proposes a separate deli-style restaurant (counter service) as part of their farm market operations.

REVIEW EVALUATIONS:

Virginia Department of Transportation: We have reviewed the above subject application received February 26, 2018 for impacts to the transportation system. Our comments are as follows:

- The existing Private Entrances proposed to provide access to the Farm Market/Event Facility need to be upgraded to meet VDOT's minimum Commercial Entrance Standards. An engineered Commercial Entrance Site Plan would need to be submitted to VDOT for review and approval detailing necessary upgrades. Attached is VDOT's Commercial Entrance Site Plan Checklist to be completed with site plan submittal.
- A VDOT Land Use Permit shall be obtained prior to any work on upgrading the entrance on VDOT Right-of-Way. The permit is issued by this office and will require an application fee and surety coverage.

See original comment email dated March 8, 2018.

Frederick County Inspections: Farm buildings and structures, except for a building or portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. Seq.) of Title 35.1 of the Code of Virginia require permits and inspection.

Area of the building operated as a restaurant shall comply with The Virginia Uniform Statewide Building Code and Section 303, use Group A-Assembly (or Business, Section 304, if less than 50 people) of the Virginia Building Code/2012. Other codes that apply are ICC/ ANSI A117.1-2009 Accessible and Usable Buildings and Facilities and International Energy Code.

A building permit is required, as well as a plumbing permit, mechanical permits, and electrical permit for the restaurant area. The hood shall be installed over cooking appliances that produce grease or smoke. Grease interceptor and/or separator shall be provided to prevent to the discharge of oil, grease, sand and other substances into the sewage system.

Public restrooms shall be provided and shall meet ANSI A117.1-09. The accessible restrooms shall be located on an accessible level. Handicap parking shall comply with ANSI A117.1-09. A minimum of one van accessible space is required. Van accessible parking shall have a minimum of 11' width with 5' unloading area or a minimum of 8' unloading area with an 8' width per Section 502 ANSI. Maximum 2% slope required for parking and unloading. Accessible parking and unloading to main entrance is required. 60% of all entrances shall be accessible and all required exists shall be accessible. Accessible parking signage for van shall included \$500 fine. See USBC Section 1106.8

See original comment letter dated March 19, 2018.

Winchester-Frederick County Health Department: This office has received an Application for a Department of Health Food Establishment Permit for West Oak Farm Market, LLC, to be located at 4305 Middle Road, Winchester, Virginia. This letter is to inform you of the requirements necessary for Approval of said plans.

Please note the following regarding the physical establishment for the Plan Review of your Application and site visit conducted on March 13, 2018:

1. Existing Onsite Sewage Disposal System must be evaluated by a professional Engineer/Private Soil Evaluator to determine its adequacy to service the proposed Farmer's Market/Event Center.
2. Contact VDH Office of Drinking Water (540-463-7136) regarding an approved water supply source.
3. Need Frederick County Building Department approval for the proposed food service facility (Note: This office must receive a copy of the Certificate of Occupancy that states

Page 4

CUP #04-18, West Oaks Farm Market – Special Event Facility & Restaurant
May 3, 2018

the Occupancy Load facility).

4. Need to setup meeting between VDH &VDACS to discuss the setup of the multi-jurisdictional facility.
5. Submit proposed menu.

The following requirements are related to the operation of the facility:

1. No smoking sign to be posted in the food establishment.
2. A pest control program must be in place.
3. Trash dumpster and grease vessel (is applicable) must be in place.
4. An employee health policy, verbal or written, must be established. For more information, see the Commonwealth of Virginia Board of Health Food Regulations, 12 VAC 5-421-80.
5. The hot water requirement at all hand sinks is 100°F and is 110°F at the 3-compartment sink.
6. ANSI approved Certified Food Manager will be required by July 1, 2018

At the time of pre-opening inspection, this office will verify that the above-mentioned items have been addressed. Please keep in mind that the above list is not all-inclusive. The facility falls under the *Commonwealth of Virginia, State Board of Health, Food Regulations*, which can be found at the following website:

<http://www.vdh.virginia.gov/EnvironmentalHealth/Food/Regulations/index.htm>.

See original comment letter dated March 23, 2018.

Frederick County Fire Marshall: Approve.

CUP approved provided that a site plan be submitted, and the structure is built to the life safety requirements of the Frederick County Fire Prevention Code unless you have an agricultural exemption from the Frederick County Building Official.

See original comment letter dated February 23, 2018.

Historic Resources Advisory Board: Approve.

See comment letter dated March 28, 2018.

Planning and Zoning: This application for a Conditional Use Permit (CUP) for the establishment of a special event facility for private events such as weddings or other similar type events and a separate restaurant (deli-style counter service use) accessory to a by-right farmers market. A special event facility and/or restaurant is a permitted use in the RA (Rural Areas) Zoning District with an approved CUP. The Zoning Ordinance defines “special event facility” as *a facility or site utilized for events that are typically conducted on a single day but which may be conducted for up to three consecutive days, for which attendance is permitted only by invitation or reservation; special events include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.*

West Oaks Farm is a working farm with orchards. An approximately 10,500 SF building is under construction for use as a farm market (anticipated opening late-spring 2018; see photos below). The Applicant, proposes having a separate space (totaling approximately 3,456-square feet) for private special events (including weddings, business meetings, birthday parties, showers, family reunions, etc.) as well as for events hosted by the farm market. The special event facility will include a catering kitchen for hired (outside) catering services to use during events to warm and cool food.



This application also includes a proposal for a small counter-service restaurant within the farm market portion of the building which would serve deli-style food to farm market customers. The restaurant space will have a full commercial kitchen to accommodate a counter-service style restaurant serving a limited menu of food. The Applicant is also in the process of securing a license for on-site wine and beer sales.

The proposed building (which includes the farm market, restaurant, and special event space) will have permanent bathroom facilities served by a septic/drainfield. The site will also have a commercial entrance for vehicles from Middle Road, and designate gravel parking area will also be provided.

The property is surrounded by RA (Rural Areas) zoned property, which includes open space, agricultural uses, and single-family detached residences. The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as “rural” and is to

remain agricultural in nature and is not part of any land use study. 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. The proposed use is consistent with the goals and strategies expressed in the 2035 Comprehensive Plan and the surrounding properties.

STAFF CONCLUSIONS FOR THE 05/02/18 PLANNING COMMISSION MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility and restaurant in the RA (Rural Areas) Zoning District. Should the Planning Commission find this application for a special event facility to be appropriate, Staff 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 Frederick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. Building permits shall be acquired prior to establishment of the deli-style counter service restaurant use.
4. Special events shall start no earlier than 8 a.m. and all events and related activities shall conclude by midnight.
5. Special events may accommodate up to and not to exceed 275 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.

PLANNING COMMISSION SUMMARY AND ACTION FOR THE 05/02/18 MEETING:

The Planning Commission held a public hearing on the proposed CUP on May 2, 2018. Planning Staff provided an overview of the proposed uses, noting the Applicant had satisfied all of the County requirements and addressed review agency comments. Staff noted that the special event facility and counter-service restaurant use would be accessory to the Applicants by-right farmers market, West Oaks Farm Market, currently under construction on the site. Staff continued that the Applicant proposes that special events may include private events for up to 275 persons such as weddings or reunions in addition to those customers of the farmers market, or special events associated with the farmers market activities.

The Applicant, Mr. Joe Snapp, also spoke, again noting his request for a special event facility and restaurant. One member of the Planning Commission asked about the entrances proposed from Middle Road. Mr. Snapp noted that one entrance would be built to commercial entrance standards acceptable to VDOT and would serve the farmers market, the special event center, and restaurant uses. The other entrance would likely be a private/gated entrance for use by the farm operations and deliveries and not by customers/guests.

No members of the public spoke during the public hearing portion of the meeting. The Planning Commission voted 12-0-1 (Commissioner Manuel absent) to forward the item to the Board of Supervisors with a recommendation of approval.

CONCLUSION FOR THE 05/09/18 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility and restaurant in the RA (Rural Areas) Zoning District. 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 Frederick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. Building permits shall be acquired prior to establishment of the deli-style counter service restaurant use.
4. Special events shall start no earlier than 8 a.m. and all events and related activities shall conclude by midnight.
5. Special events may accommodate up to and not to exceed 275 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.

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 # 04 - 18

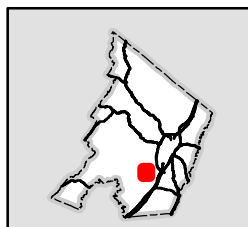
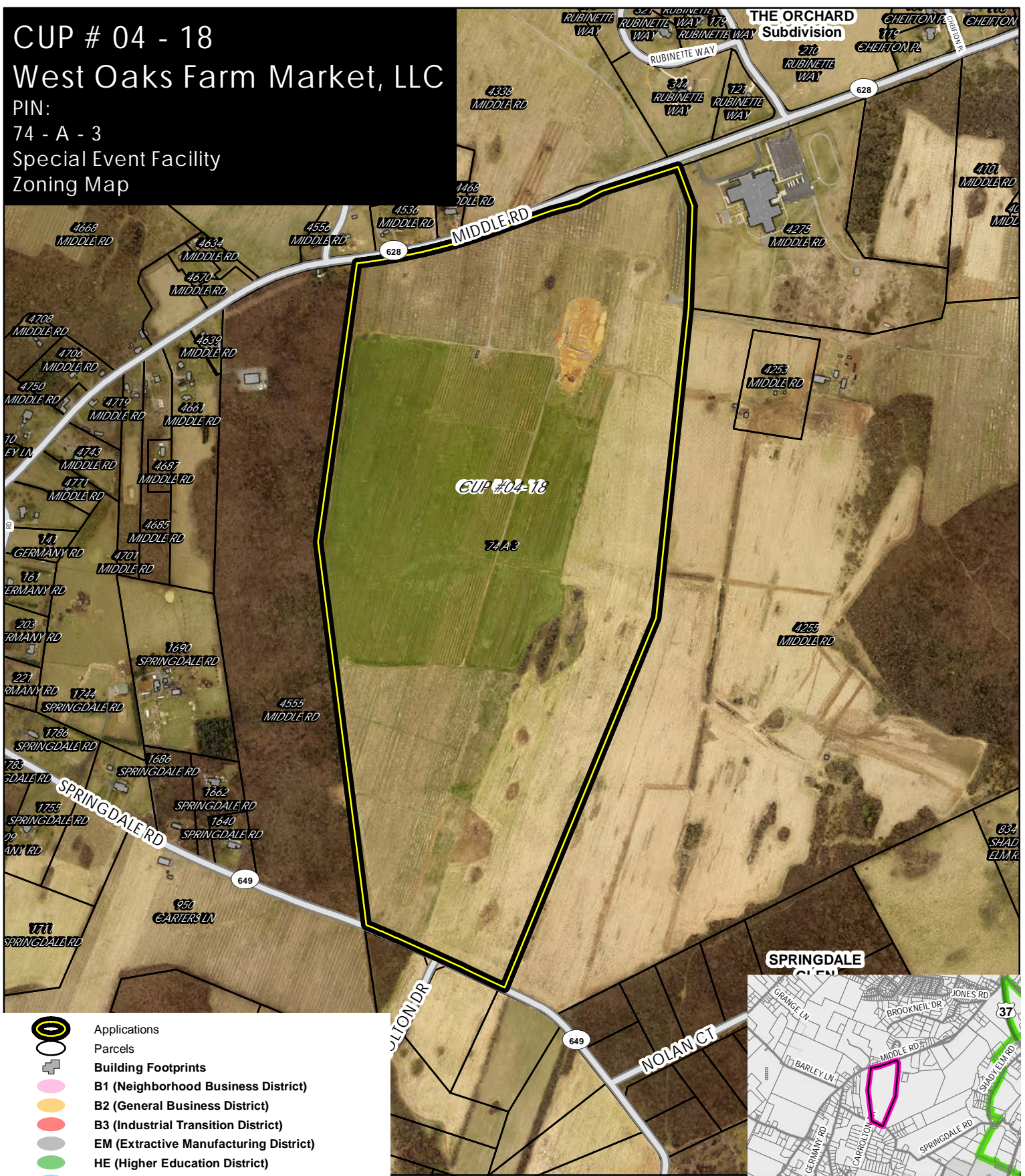
West Oaks Farm Market, LLC

PIN:

74 - A - 3

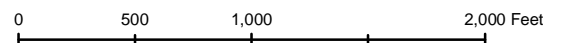
Special Event Facility

Zoning Map



CUP # 04 - 18
 West Oaks
 Farm Market, LLC
 PIN:
 74 - A - 3
 Special Event Facility
 Zoning Map

Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: March 30, 2018
 Staff: tklein



CUP # 04 - 18

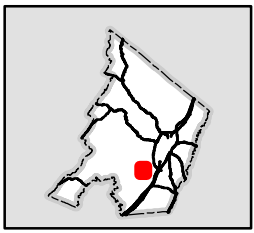
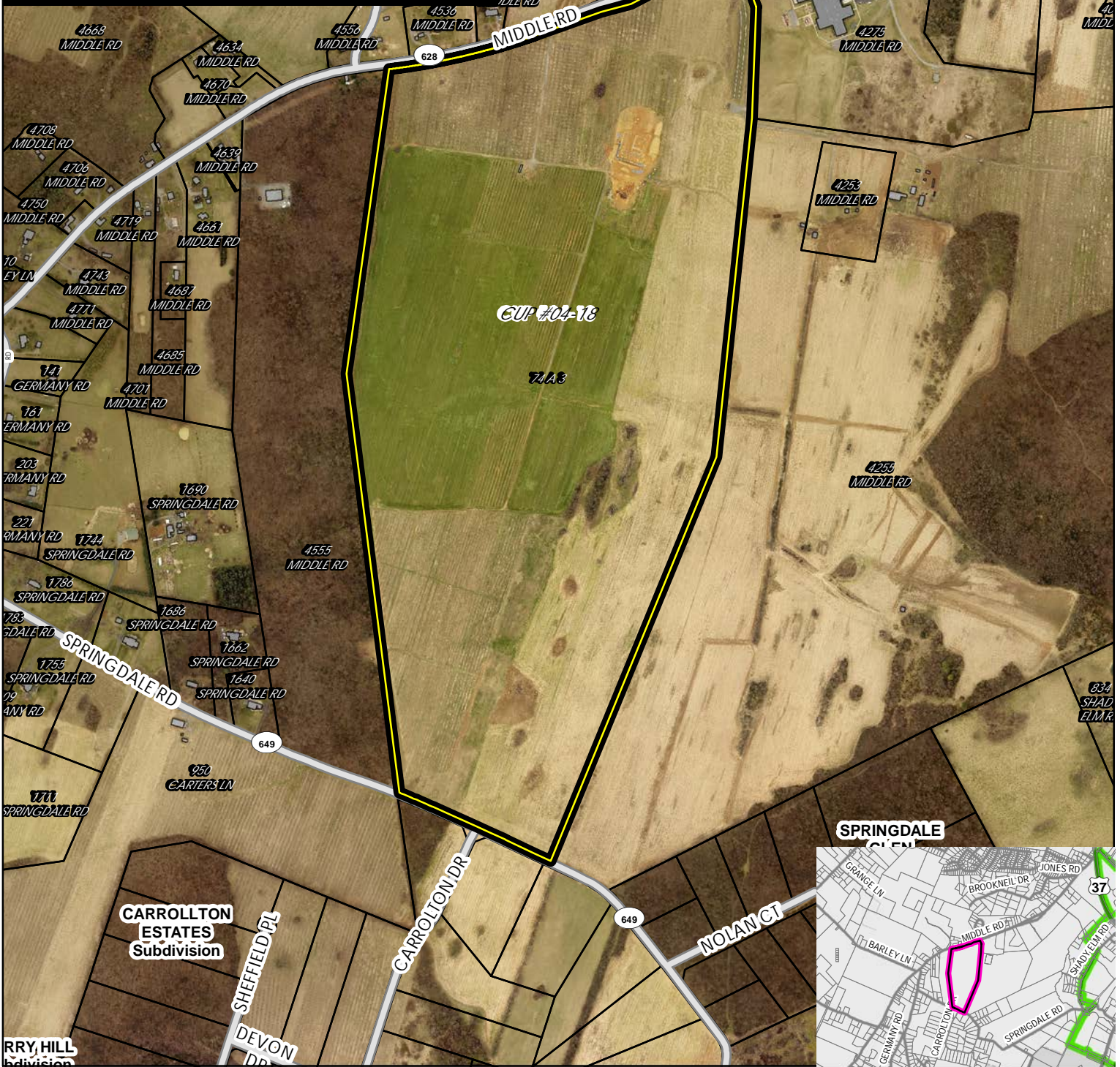
West Oaks Farm Market, LLC

PIN:

74 - A - 3

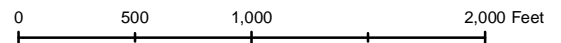
Special Event Facility




Location Map



CUP # 04 - 18
 West Oaks
 Farm Market, LLC
 PIN:
 74 - A - 3
 Special Event Facility
 Location Map

Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: March 30, 2018
 Staff: tklein



-  Applications
-  Parcels
-  Building Footprints



| | |
|--------------------|---------|
| Submittal Deadline | 3/23/18 |
| P/C Meeting | 4/18/18 |
| BOS Meeting | 5/9/18 |

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner Other

NAME: West Oaks Farm Market LLC

ADDRESS: 229 West Oaks Lane, Winchester, VA 22602

TELEPHONE: 540-303-3829 / 540-247-4805 / JSNAPP81@GMAIL.COM

2. Please list all owners, occupants, or parties in interest of the property:

Joseph D. Snapp, Mary V. Snapp

3. The property is located at: (please give exact directions and include the route number of your road or street)

4305 Middle Road, Winchester, VA 22602 (heading south on Valley Avenue (Route 11) turn right onto Middle Road (Route 628) travel approximately 8.4 miles on Route 628 to 4305 Middle Road on the Left.

4. The property has a road frontage of 2,072 feet and a depth of 7,105 feet and consists of 200 acres. (Please be exact)

5. The property is owned by West Oaks Farm Market, LLC as evidenced by deed from R&T Packing Corporation (previous owner) recorded in deed book no. 413 on page 613, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 74-A-3
Magisterial District Back Creek
Current Zoning RA

7. Adjoining Property:

| | <u>USE</u> | <u>ZONING</u> |
|-------|--------------------|---------------|
| North | Residential/Vacant | RA |
| East | School/Vacant | RA |
| South | Vacant | RA |
| West | Vacant | RA |

8. The type of use proposed is (consult with the Planning Dept. before completing):
 Special Event Facility (Accessory to Farmers Market) *& RESTAURANT*

9. It is proposed that the following buildings will be constructed:

- Picnic Shelter
- Small Animal Barn

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 Ray Robinson, III | 2510 Virginia Ave NW, #1103N |
| Property # 73-A-3A | Washington, DC 20037 |
| Name Long Creek Farm, Inc. | 976 Springdale Rd |
| Property # 62-A-35 | Winchester, VA 22602 |
| Name James Hott II | 4468 Middle Road |
| Property # 74-A-2 | Winchester, VA 22602 |
| Name Jeffery Shiley | 4536 Middle Road |
| Property # 74-A-1A | Winchester, VA 22602 |
| Name Darlene Jenkins | 140 Lickskillet LN |
| Property # 62-A-35A | Winchester, VA 22602 |
| Name Frederick Co. School Bd. | 1415 Amherst St. |
| Property # 74-A-4B | Winchester, VA 22601 |
| Name R&T Packing Corp. | 1835 Valley Ave |
| Property # 74-A-4 | Winchester, VA 22601 |

| Name and Property Identification Number | | Address |
|---|----------------|--|
| Name | Eleanor Brim | 2649 41st Ave SW
Seattle, WA 98116 |
| Property # | 74-A-6C | |
| Name | Stephen Brim | 254 W Queen St.
Strasburg, VA 22657 |
| Property # | 74-A-5-1 | |
| Name | Charles Jones | 4556 Middle Rd
Winchester, VA 22602 |
| Property # | 74-A-1 | |
| Name | Carson Gregory | 4338 Middle Rd
Winchester, VA 22602 |
| Property # | 62-A-34 | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |

12. Additional comments, if any: Please see attached
Conditional Use Permit General Overview

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.

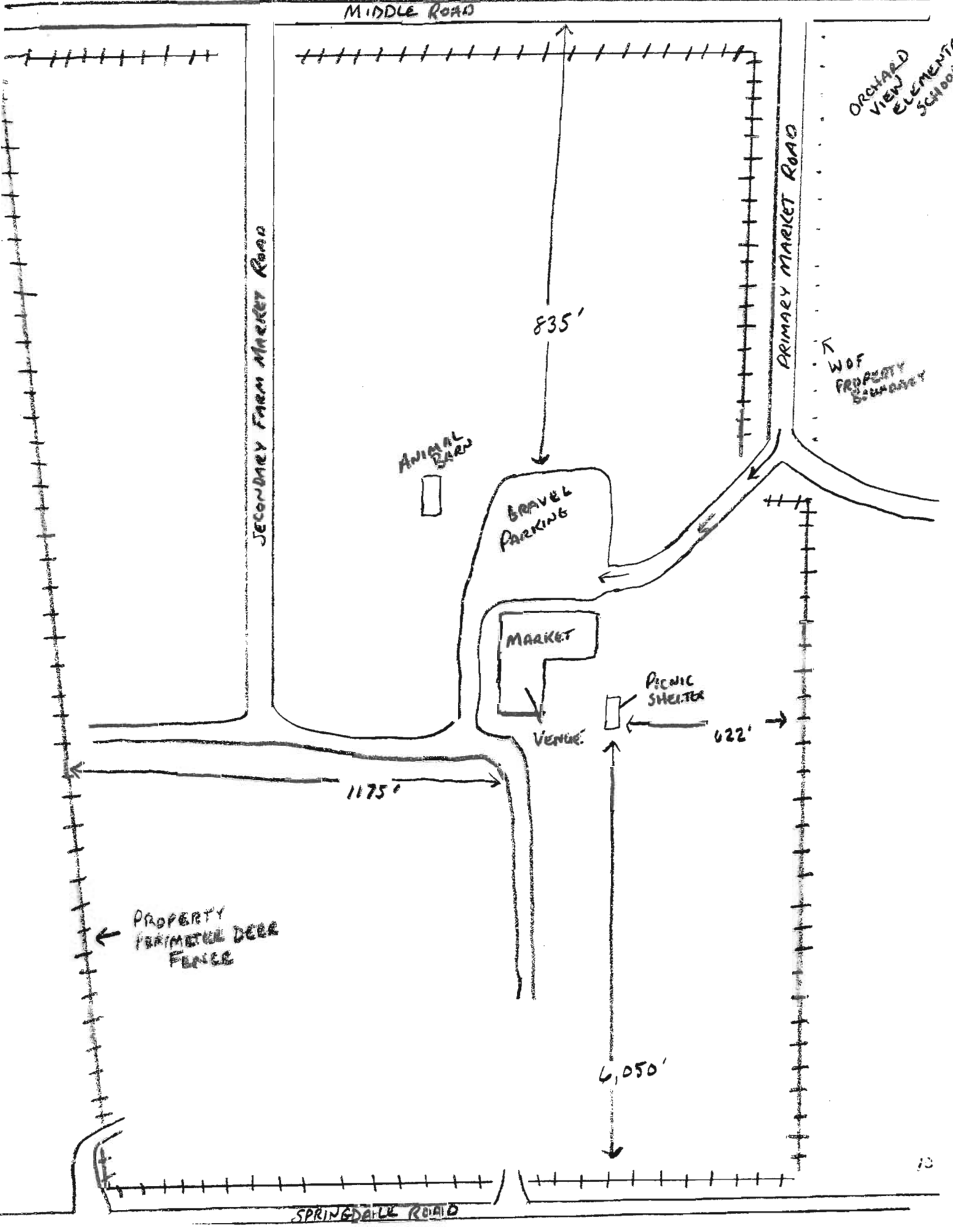
Signature of Applicant Joseph D. Snapp

Signature of Owner MARY V. SNAPP
JOSEPH D. SNAPP for Mary V. Snapp

Owners' Mailing Address 229 West Oaks Lane, Winchester, VA 22602

Owners' Telephone No. 540-303-3829

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:
USE CODE: _____
RENEWAL DATE: _____

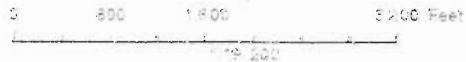


Property Map - Frederick County, VA

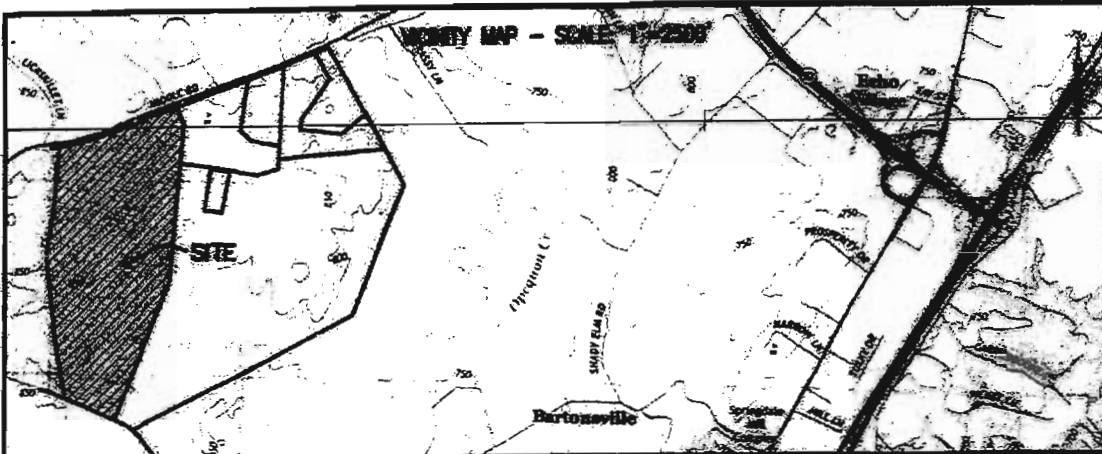


Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any express or implied warranties, conditions, representations, or other information, or otherwise concerning any or all of the Frederick County GIS data.



11



APPROVED BY

SUBDIVISION ADMINISTRATOR _____ DATE _____

OWNER'S CONSENT

THE ABOVE AND FOREGOING MINOR RURAL SUBDIVISION OF THE LAND OF R AND T PACKING CORPORATION, AS APPEARS IN THE ACCOMPANYING PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

R AND T PACKING CORPORATION
 BY: [Signature]
 KEENEY ROBINSON FURST

NOTARY PUBLIC

STATE OF VIRGINIA AT LARGE
 CITY/COUNTY OF Winchester

I, Heather B. Kremer, A NOTARY PUBLIC IN AND FOR THE STATE AND JURISDICTION AFORESAID, DO CERTIFY THAT KEENEY ROBINSON FURST, WHO IS PRESIDENT OF R AND T PACKING CORPORATION, WHOSE NAME IS SIGNED TO THE FOREGOING OWNER'S CONSENT, HAS ACKNOWLEDGED THE FOREGOING DEED TO ME IN THE STATE AND JURISDICTION AFORESAID.

GIVEN UNDER MY HAND THIS 4th DAY OF March, 2015

MY COMMISSION EXPIRES Oct. 31, 2018
Heather B. Kremer



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT IS A PORTION OF THE LAND CONVEYED TO R AND T PACKING CORPORATION, BY DEEDS DATED JULY 2, 1987 AND DECEMBER 17, 1987 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA IN DEED BOOK 413 AT PAGE 613 AND DEED BOOK 543 AT PAGE 543 RESPECTIVELY.

P.L.N. 74-A-3 &
 P.L.N. 74-A-4
 ZONED: RA
 USE: AGRICULTURAL

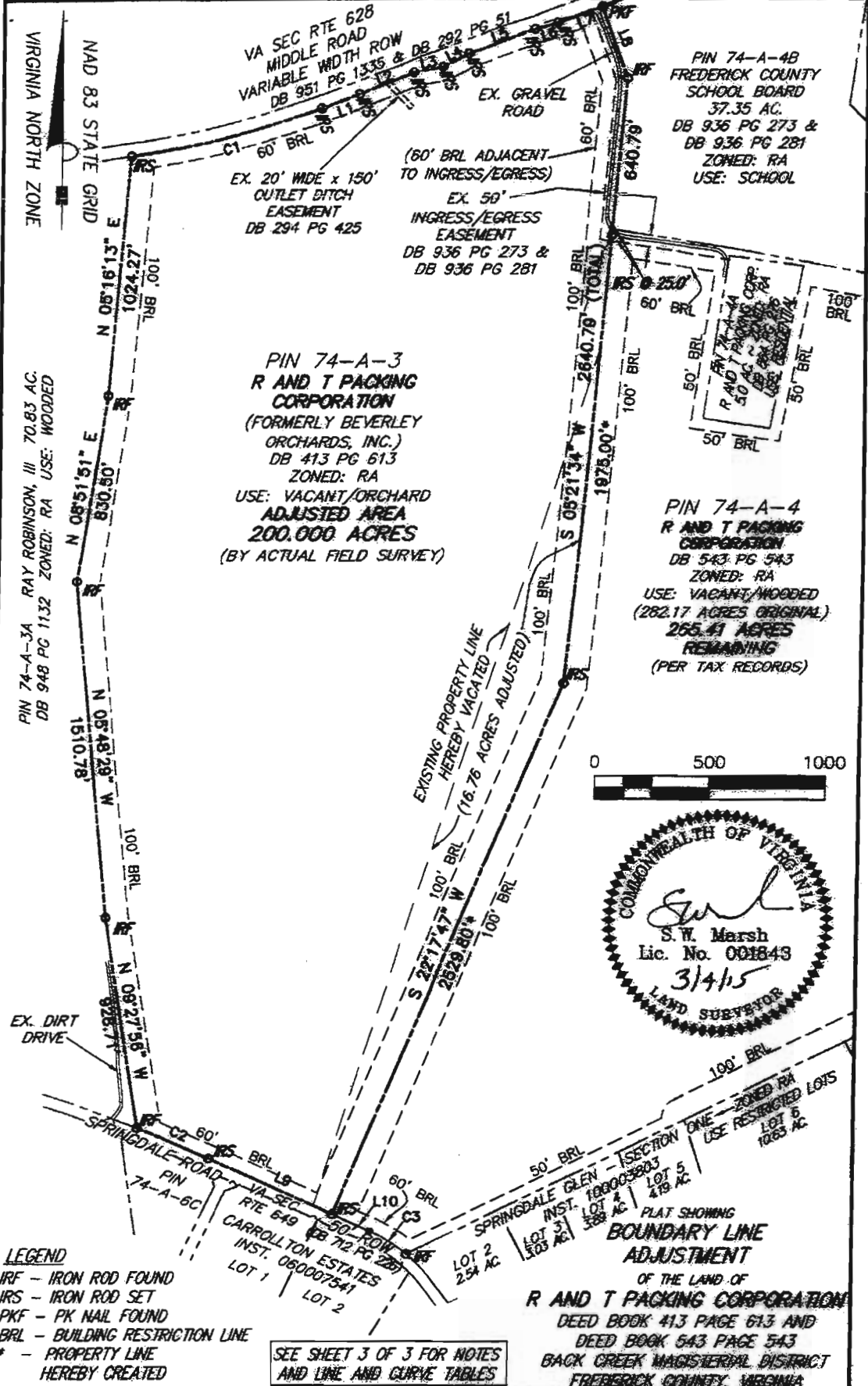
[Signature]
 S. W. MARSH, L.S.

PLAT SHOWING
**BOUNDARY LINE
 ADJUSTMENT**
 OF THE LAND OF
R AND T PACKING CORPORATION
 DEED BOOK 413 PAGE 613 AND
 DEED BOOK 543 PAGE 543
 BACK CREEK MANIFESTING DISTRICT
 FREDERICK COUNTY, VIRGINIA



Marsh & Legge Land Surveyors, P.L.C.
 500 NORTH CAROLINA STREET - WINCHESTER, VIRGINIA 22391
 PHONE (540) 378-1111 - FAX (540) 378-0000 - EMAIL office@marshandlegge.com
 www.marshandlegge.com

DATE: 3/15/15
 SHEET: SHEET 1 OF 3
 PROJECT NO.: NEW
 JOB NO.: 74-A-3-PLA



Marsh & Legge Land Surveyors, P.L.C.
 560 NORTH LOUDOUN STREET - WINCHESTER, VIRGINIA 22601
 PHONE (540) 667-0468 - FAX (540) 667-0469 - EMAIL office@marshandlegge.com
 www.marshandlegge.com

| | |
|-----------|-------------------|
| DATE | 2/10/2015 |
| BLA PLAT | SHEET 2 OF 3 |
| DRAWN BY: | MTM |
| DWG: | JD6555-74-A-3-BLA |

CURVE TABLE

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|----------|-------------|---------------|--------------|
| C1 | 846.18' | 3849.72' | 12°35.37' | N 76°12'51" E | 844.47' |
| C2 | 334.32' | 6882.45' | 2°46'58" | S 88°31'25" E | 334.28' |
| C3 | 187.74' | 688.16' | 15°40'36" | S 57°17'44" E | 187.15' |

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 68°55'02" W | 175.44' |
| L2 | S 68°46'17" W | 250.85' |
| L3 | N 79°00'27" E | 126.59' |
| L4 | N 63°04'28" E | 125.90' |
| L5 | S 69°55'02" W | 300.00' |
| L6 | N 74°24'04" E | 102.02' |
| L7 | S 88°55'02" W | 261.86' |
| L8 | N 28°04'58" W | 325.53' |
| L9 | S 65°08'02" E | 584.39' |
| L10 | S 65°08'02" E | 179.65' |

NOTES:

1. NO TITLE REPORT FURNISHED.
2. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
3. BOUNDARY INFORMATION SHOWN HEREON WAS DETERMINED BY A FIELD RUN SURVEY PERFORMED UNDER MY SUPERVISION IN FEBRUARY 2015.
4. ALL PARCELS ARE ZONED RA.

AREA TABULATION

ORIGINAL AREAS

PIN 74-A-3 183.24 ACRES BY FIELD SURVEY
 PIN 74-A-4 282.17 ACRES PER TAX RECORDS

ADJUSTED AREAS

PIN 74-A-3 200.00 ACRES BY FIELD SURVEY
 PIN 74-A-4 265.41 ACRES REMAIN PER TAX RECORDS

(16.76 ACRES ADJUSTED FROM PIN 74-A-3 TO PIN 74-A-4)



LEGEND

- IRF - IRON ROD FOUND
- IRS - IRON ROD SET
- PKF - PK NAIL FOUND
- BRL - BUILDING RESTRICTION LINE
- * - PROPERTY LINE HEREBY CREATED

PLAT SHOWING
**BOUNDARY LINE
 ADJUSTMENT**
 OF THE LAND OF
R AND T PACKING CORPORATION
 DEED BOOK 413 PAGE 613 AND
 DEED BOOK 543 PAGE 543
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA



Marsh & Legge Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET -- WINCHESTER, VIRGINIA 22601
 PHONE (540) 667-0488 - FAX (540) 667-0469 - EMAIL office@marshandlegge.com
 www.marshandlegge.com

DATE: 2/26/2015
 NOTES: SHEET 3 OF 3
 DRAWN BY: WTM
 DWG: JD6555-74-A-3-BLA



WEST OAKS FARM MARKET, LLC
4305 Middle Road
Winchester, VA 22602

Conditional Use Permit General Overview

The proposed use of the banquet room, picnic shelter & small events room are for use as an event venue to host weddings, business meetings, birthday parties, showers, reunions etc. as well as events for our farm market. The entire market & banquet room is a new structure.

Completion date for the structure is projected to be the end of March, 2018.

Events will begin in the spring of 2018.

The banquet room is approximately 48' X 72' (3,456 sq. ft.) on one floor with its own entrance and a connecting stairs between.

There are permanent bathroom facilities installed to meet Health Department requirements along with a new well, septic system and drain field per County specifications.

The same road/driveway used for the Farm Market will be used as the entrance to the venue area.

275 Attendees is the MAX number of people at any event.

Gravel parking areas are provided and will support parking for more than 125 vehicles with additional parking in grassy areas.

We will have a catering kitchen available for hired caterers to use during events, no food will be cooked in the catering kitchen, it is for warming & cooling only.

We will have a commercial kitchen attached to our farm market. We will be classified as a restaurant with a deli style menu. There will be no servers, customers will order at the counter and all menu items will be packaged to go. A copy of our proposed menu is attached.

We are in the application process for our on/off premises wine and beer sales license. We have also applied for a limited caters license for hosting our own events.

There are no identified historic or archaeological resources on this or the adjacent sites.

West Oaks Farm is a working farm. It is hoped additional revenues will be generated with our new venue to help continue a 10 generation farming tradition in Frederick County.

Frequency of Events (This is an estimate only)

Duration

Large Events (Wedding, Reunion, Corporate Events) – 3 per month
Business Meetings – (Monthly)
Luncheons, Club Meetings, & Small Gatherings (Weekly)

4-6 hours
1-2 hours
2-4 hours

This will be a year round facility.

MENU



SANDWICHES

| | |
|--|--------|
| CHICKEN, TUNA, EGG, OR HAM SALAD (wheat or white bread)..... | \$3.79 |
| TURKEY & PROVOLONE CHEESE (wheat or white bread) | \$3.79 |
| BOLOGNA & AMERICAN CHEESE (wheat or white bread) | \$3.29 |
| ¼ LB HAMBURGER (West Oaks Ground Beef) ON BUN..... | \$3.79 |
| ¼ LB CHEESEBURGER (West Oaks Ground Beef) ON BUN | \$3.89 |
| COUNTRY HAM SANDWICH | \$3.79 |
| PORK BBQ ON BUN..... | \$3.79 |
| HOT DOG ON BUN..... | \$1.99 |

ADD LETTUCE, TOMATO, & ONION TO ABOVE FOR .25¢ EXTRA

SIDES AVAILABLE POTATO SALAD, MACARONI SALAD, BROCCOLI SALAD, COLE-SLAW

COMBOS

| | |
|--|--------|
| ANY COLD SANDWICH (CHICKEN, TUNA, EGG, OR HAM SALAD, COUNTRY HAM, TURKEY OR BOLOGNA),
1 SIDE, CHIPS, FRUIT IN SEASON, WATER | \$5.95 |
| ANY HOT SANDWICH (BURGERS OR PORK BBQ), 1 SIDE, CHIPS, FRUIT IN SEASON, WATER..... | \$6.95 |

SALADS

| | |
|--|--------|
| GARDEN SALAD – LETTUCE, SPINACH, TOMATOES, PEPPERS, CUCUMBERS,
ONIONS, CHOICE OF DRESSING | \$3.49 |
| SPINACH & STRAWBERRY SALAD – SPINACH, STRAWBERRIES, SUNFLOWER SEEDS, RED ONIONS,
CUP OF FETA CHEESE, CHOICE OF DRESSING | \$4.49 |
| TOMATO STUFFED WITH CHICKEN OR TUNA SALAD / CRACKERS..... | \$4.49 |

EXTRAS

| | |
|---|--------|
| CHEESE PLATES (Serves 2) – ASSORTMENT OF CHEESE CUBES & CRACKERS | \$4.99 |
| CHEESE & FRUIT PLATE (Serves 2) – ASSORTMENT OF CHEESE CUBES, CRACKERS, & FRUIT (in season) | \$6.99 |
| VEGGIE TRAY – ASSORTMENT OF FRESH VEGGIES W/CHOICE OF DRESSING (Serves 2)..... | \$4.99 |
| POTATO PARTY ROLLS – CHOICE OF TUNA, CHICKEN SALAD, OR COUNTRY HAM – TRAY OF 4 | \$4.99 |

SOUPS – Made Fresh Daily (Ask for Soup of the Day)

| | |
|-------------|--------|
| CUP | \$3.95 |
| QUART | \$6.95 |

PIE SLICES, COOKIES, DESSERTS AVAILABLE FOR PURCHASE @ MARKET

SOFT DRINKS, TEAS, WATER AVAILABLE FOR PURCHASE @ MARKET

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

The subject land use permit has been completed to VDOT's satisfaction. We have taken the necessary steps to begin the process of releasing West Oaks Farm, LLC's \$5,000.00 cash bond submitted for surety on this project. Please allow thirty (30) days for receipt.

If we can be of further assistance, do not hesitate to call/email.

Shonda Funkhouser

VDOT | Administrative Assistant to Land Development

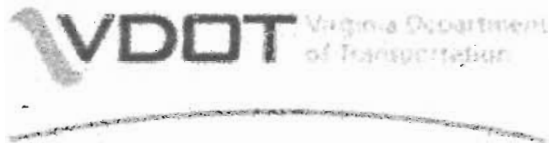
Clarke, Frederick, Shenandoah & Warren Counties

Edinburg Residency Office

14031 Old Valley Pike | Edinburg, VA 22824

Phone #540.984.5602 | Fax #540.984.5607

Email: shonda.funkhouser@vaot.virginia.gov





Mary Snapp <msnapp03@gmail.com>

Fwd: Conditional Use Permit for West Oaks Farm Market / Special Event Facility, 4305 Middle Road, Route 628 Frederick County

1 message

Joseph Snapp <jsnapp81@icloud.com>
To: Mary Snapp <msnapp03@gmail.com>

Wed, Mar 14, 2018 at 11:59 AM

Sent from my iPad

Begin forwarded message:

From: Tyler Klein <tklein@fcva.us>
Date: March 8, 2018 at 3:40:17 PM EST
To: Joseph Snapp <jsnapp81@icloud.com>
Subject: **FW: Conditional Use Permit for West Oaks Farm Market / Special Event Facility, 4305 Middle Road, Route 628 Frederick County**

Joe, see comments below from VDOT on your application. You should receive a hardcopy as well. Please let me know if you have any questions.

-Tyler

From: Smith, Matthew, P.E. (VDOT) <Matthew.Smith@vdot.virginia.gov>
Sent: Thursday, March 08, 2018 12:11 PM
To: Tyler Klein <tklein@fcva.us>
Cc: Rhodes, Timothy (VDOT) <Timothy.Rhodes@vdot.virginia.gov>; Siver, Sara M. (VDOT) <Sara.Siver@VDOT.Virginia.gov>; Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov>
Subject: Conditional Use Permit for West Oaks Farm Market / Special Event Facility, 4305 Middle Road, Route 628 Frederick County

We have reviewed the above subject application received February 26, 2018 for impacts to the transportation system. Our comments are as follows:

- The existing Private Entrances proposed to provide access to the Farm Market/ Event Facility need to be upgraded to meet VDOT's minimum Commercial Entrance Standards. A engineered Commercial Entrance Site Plan would need to be submitted to VDOT for review and approval detailing necessary

upgrades. Attached is VDOT's Commercial Entrance Site Plan Checklist to be completed with Site Plan submittal.

- A VDOT Land Use Permit shall be obtained prior to any work on upgrading the entrances on VDOT Right-of-Way. The permit is issued by this office and will require an application fee and surety coverage.

We appreciate the opportunity to provide comments on this Conditional Use Permit Application. If you have any questions, please do not hesitate to give me a call.

Matthew B. Smith, P.E.

Area Land Use Engineer

VDOT - Land Development

Clarke, Frederick, Shenandoah & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

Phone # (540) 984-5615

Fax # (540) 984-5607

 **Commercial Entrance Plan Check List - Revised 3 1 12.pdf**
155K



Commercial Entrance Site Plan Check List

PROJECT: _____

DESIGNER: _____ **DATE:** _____

**Verify
Items**

At a minimum, the following items must be provided in order to be considered for a Commercial Entrance Site Plan review. This check list must accompany plan submittal package.

| | |
|--|--|
| | 1) Detailed sketch or plan including location map and north arrow. (Maximum sheet size 24"x36") |
| | 2) Show any adjacent and opposite side of roadway entrances. Provide distances to next adjacent entrance and nearest State highway intersections in each direction. Proposed entrance spacing must meet the Minimum Spacing Standards found in Appendix F of <i>VDOT's Road Design Manual</i> . |
| | 3) List tax map number(s), proposed use, size of development, and trip generation traffic volume and source. |
| | 4) Master plan for future development, if applicable. |
| | 5) Existing roadway information including State Route number, Highway Functional Classification, right-of-way width, speed limit, edges of pavement, existing pavement markings, signage, utility, ADT, etc. |
| | 6) Include existing and proposed contours and necessary spot grades. |
| | 7) Provide analysis of right and left turn lane warrants. |
| | 8) Specify VDOT entrance standard (e.g. VDOT Standard CG-11) and type (i.e. low volume, moderate volume, subdivision, or standard commercial) and show the placement of VDOT Standard CG-12 curb ramps on plans, notating final location to be determined by VDOT Inspector. |
| | 9) Identify required (including any adjustments for grade) and available* unobstructed stopping sight distance and intersection sight distance and line of sight profiles at all entrance(s). (*show the maximum available sight distance and not minimum required.) Provide sight distance easements where line of sight leaves right-of-way. |
| | 10) Provide entrance profile from center line of roadway to 25' beyond right-of-way with grading in accordance with the specified proposed VDOT standard entrance type. |
| | 11) Provide typical section of entrance(s) and turn lanes including dimensions, cross slopes and pavement design. VDOT Standard WP-2 Pavement Widening Detail to be included on all plans. Show in plan view limits of mill and overlay per WP-2 Detail. |
| | 12) Provide current VDOT General Notes on plan cover sheet. |
| | 13) Drainage – show pipe sizes, lengths and material types (existing and proposed). Provide drainage computations in accordance with <i>VDOT Drainage Manual</i> . Provide proposed culvert/storm sewer profile. Show directional flow arrows of proposed and existing drainage to culverts, entrance(s) and adjoining State highways. Notate or detail proposed pipe installation(s) in accordance with VDOT Standard PB-1. |
| | 14) Evaluate need for under-drainage (VDOT Standards UD-4, CD-1, CD-2) and drain either to low invert of drainage structure or daylight to VDOT Standard EW-12 as appropriate. |
| | 15) Provide current details with plan set of all VDOT Standards called for in design. |
| | 16) Provide signage and pavement markings on plan. |
| | 17) Construction entrance(s) should be shown off lowest traffic volume roadway adjacent to site. |
| | 18) Include Maintenance of Traffic (MOT) Plan for each phase of work on State Highways. At a minimum, use Temporary Traffic Control (TTC) details from " <i>VA Work Area Protection Manual</i> ". |
| | 19) For land disturbance greater than 10,000 square feet on State right-of-way, add note that VDOT Erosion and Sediment Control Contractor Certification is required. |

If any of the above items have not been provided, please attach detailed explanation.

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Inspections Department

Mail to:

Frederick County Inspections Department
107 North Kent Street, 2nd Floor
Winchester, Virginia 22601
(540) 665-5650

Hand deliver to:

Frederick County Inspections Department
Attn: Building Official
107 North Kent Street, 2nd Floor
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: West Oaks Farm Market, LLC (Joe Snapp) Telephone: 540-303-3829

Mailing Address: 229 West Oaks Lane
Winchester, VA 22602

RECEIVED
FEB 23 2018 *LA*
Frederick County
Public Works & Inspections

Name of development and/or description of the request:
Conditional Use Permit

Location of Property:
4305 Middle Road
Winchester, VA 22602

Building Official's Comments:

Comments are on the back of this form.

Building Official's Signature & Date: *Mark Nest A* 3/19/18

Notice to Inspections Department - Please Return This Form to the Applicant

Farm buildings and structures, except for a building or *portion of a building* located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. seq.) of Title 35.1 of the Code of Virginia require permits and inspection

Area of the building operated as a restaurant shall comply with The Virginia Uniform Statewide Building Code and section 303, use group A-Assembly {or Business, Section 304, if less than 50 people) of the Virginia Building Code/2012.. Other codes that apply are ICC/ ANSI A117.1-2009 Accessible and Usable Buildings and Facilities and International Energy Code.

A building permit is required, as well as a plumbing permit, mechanical permits, and electrical permit for the restaurant area. The hood shall be installed over cooking appliances that produce grease or smoke. Grease interceptor and/or separator shall be provided to prevent to the discharge of oil, grease, sand and other substances into the sewage system.

Public restrooms shall be provided and shall meet ANSI A117.1-09. The accessible restrooms shall be located on an accessible level. Handicap parking shall comply with ANSI A117.1-09. A minimum of one van accessible space is required. Van accessible parking shall have a minimum of 11' width with 5' unloading area or a minimum of 8' unloading area with an 8' width per Section 502 ANSI. Maximum 2% slope required for parking and unloading. Accessible parking and unloading to main entrance is required. 60% of all entrances shall be accessible and all required exits shall be accessible. Accessible parking signage for van shall include \$500 fine. See USBC Section 1106.8



Lord Fairfax Health District
Fredrick Winchester Environmental Health
107 North Kent Street, Suite 201
Winchester, Virginia 22601
Tel. (540) 722-3480 ~ Fax (540) 722-3479
www.vdh.virginia.gov



March 23, 2018

Joseph & Mary Snapp
229 West Oaks Lane
Winchester, VA 22602

Re: Plan Review – West Oak Farm Market, LLC

Dear Mr. & Mrs. Snapp,

This office has received an Application for a Department of Health Food Establishment Permit for West Oak Farm Market LLC, to be located at 4305 Middle Road Winchester Virginia. This letter is to inform you of the requirements necessary for Approval of said plans.

Please note the following regarding the physical establishment from the Plan Review of your Application and site visit conducted on March 13, 2018:

- 1) Existing Onsite Sewage Disposal System must be evaluated by a professional Engineer/Private Soil Evaluator to determine it's adequacy to service the proposed Farmer's Market / Event Center.
- 2) Contact VDH Office of Drinking Water (540-463-7136) regarding an approved water supply source.
- 3) Need Fredrick County Building Department approval for the proposed food service facility (Note: This office must receive a copy of the Certificate of Occupancy that states the Occupancy Load of the facility).
- 4) Need to setup meeting between VDH & VDACS to discuss the setup of the multi-jurisdictional facility.
- 5) Submit proposed menu.

The following requirements are related to the operation of the facility:

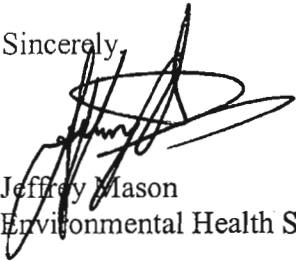
- 1) No Smoking Sign to be posted in Food Establishment.
- 2) A pest control program must be in place.
- 3) Trash Dumpster and grease disposal vessel (is applicable) must be in place.
- 3) An employee health policy, verbal or written, must be established. For more information, see the Commonwealth of Virginia Board of Health Food Regulations, 12 VAC 5-421-80.
- 4) A thin diameter food thermometers probe must be available.
- 5) The hot water requirement at all hand sinks is 100°F and is 110°F at the 3-compartment sink.
- 6) ANSI approved Certified Food Manager will be required by July 1, 2018.

At the time of pre-opening inspection, this office will verify that the above mentioned items have been addressed. Please keep in mind that the above list is not all-inclusive. The facility falls under the *Commonwealth of Virginia, State Board of Health, Food Regulations*, which can be found at the following website:

<http://www.vdh.virginia.gov/EnvironmentalHealth/Food/Regulations/index.htm>.

If you have any questions regarding this letter, or I can further assist you in this matter, please feel free to contact me. I may be reached at the Page County Health Department (540) 743-6528 or Jeffrey.mason@vdh.virginia.gov.

Sincerely,



Jeffrey Mason
Environmental Health Specialist Senior

Cc: Fredrick County Inspections Department – Amy Light Feltner

Pc: file

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

Mail to:

Frederick County Fire Marshal
1800 Coverstone Drive
Winchester, Virginia 22602
(540) 665-6350

Hand deliver to:

Frederick County Fire & Rescue Dept.
Attn: Fire Marshal
Public Safety Building
1800 Coverstone Drive
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: West Oaks Farm Market, LLC (Joe Snapp)

Telephone: 540-303-3829 / 540-247-4805
Mar 5, 2018

Mailing Address: 229 West Oaks Lane
Winchester, VA 22602

Name of development and/or description of the request:

Conditional Use Permit

Location of Property:

4305 Middle Road
Winchester, VA 22602

Fire Marshal's Comments:

See Attachment

Fire Marshal's Signature & Date: [Signature] 2/27/18

Notice to Fire Marshal - Please Return This Form to the Applicant:



Frederick County
Department of Fire and Rescue
Office of the Fire Marshal
1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

Plan Review & Comments

Date Received
2/23/2018

Date Reviewed
2/27/2018

Plan/Permit Type **Conditional Use Permit 02-23-18**

Name **West Oaks Farm Market**

Address **4305 Middle RD Winchester VA 22602**

Project Name **Special Event Facility**

Applicant Name & Number **Mary Snapp 540-247-4805**

RE#

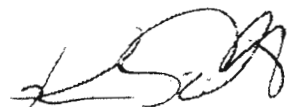
Permit Number

| | | | |
|---------------------------|----------|------------|-----|
| Emergency Vehicle Access: | Adequate | Inadequate | N/A |
| Hydrant Location: | Adequate | Inadequate | N/A |
| Siamese Location: | Adequate | Inadequate | N/A |
| Fire Lanes Required: | Yes | No | N/A |

Plan Approval Status **Approve**

Comments

CUP Approved provided that a site plan be submitted and the structure is built to the life safety requirements of the Frederick County Fire Prevention Code unless you have a agricultural exemption from the Frederick County Building Official.

Signature: 

Reviewed By: **Kenneth Scott, Jr.**

Title: 



March 28, 2018

Mr. Joseph Snapp
West Oaks Farm Market, LLC
229 West Oaks Lane
Winchester, Virginia 22602

**RE: Request for Historic Resources Advisory Board (HRAB) Comments
Conditional Use Permit – West Oaks Special Event Center
4035 Middle Road, Winchester; PIN# 74-A-3
Zoning: RA (Rural Areas) District**

Dear Mr. Snapp:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced Conditional Use Permit application during their meeting on March 27, 2018. The HRAB reviewed information associated with the Rural Landmarks Survey, information from the Virginia Department of Historic Resources (VDHR) and information provided by the Applicant. This application seeks to operate an event center at 4305 Middle Road, Winchester. This property is within the Back Creek Magisterial District.

Historic Resources Advisory Board Comments:

The Study of Civil War Sites in the Shenandoah Valley, published by the National Park Service, does not identify the proposed site or the surrounding areas as being part of a battlefield. The Rural Landmarks Survey Report for Frederick County, Virginia, identifies two structures located within the vicinity of the proposed Conditional Use Permit.

After reviewing this information and the Applicant's materials and proposals, the Historic Resources Advisory Board (HRAB) recommended approval of the Conditional Use Permit as presented.

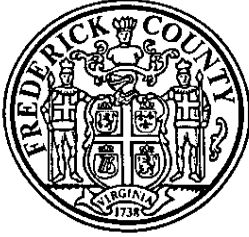
Thank you for the chance to comment on this application. Please call if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Candice E. Perkins".

Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd



ORDINANCE

Action:

PLANNING COMMISSION: May 2, 2018 Public Hearing Held, Recommended Approval

BOARD OF SUPERVISORS: May 9, 2018

ORDINANCE

CONDITIONAL USE PERMIT #04-18 WEST OAKS FARM MARKET, LLC SPECIAL EVENT FACILITY & RESTAURANT

WHEREAS, Conditional Use Permit #04-18 for a Special Event Facility and Restaurant, submitted by West Oaks Farm Market, LLC was considered. The subject property is generally located south on Valley Avenue (Route 11) off Middle Road (Route 628) immediately south of Orchard View Elementary School at 4305 Middle Road and is further identified with Property Identification Number 74-A-3 in the Back Creek Magisterial District, and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on May 2, 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 May 9, 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 #04-18 for a Special Event Facility and Restaurant on the parcel identified by Property Identification Number 74-A-3 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 Frederick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of use.
3. Building permits shall be acquired prior to establishment of the deli-style counter service restaurant use.
4. Special events shall start no earlier than 8 a.m. and all events and related activities shall conclude by midnight.
5. Special events may accommodate up to and not to exceed 275 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.

Passed this 9th day of May 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Judith McCann-Slaughter

Shannon G. Trout

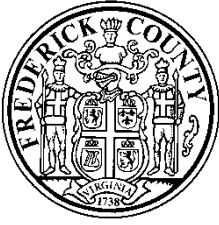
Blaine P. Dunn

Robert W. Wells

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

I



MASTER DEVELOPMENT PLAN #02-18
Regents Crest
Staff Report for the Board of Supervisors
Prepared: May 1, 2018

Staff Contact: M. Tyler Klein, AICP, Planner

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist in the review of 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 | Reviewed |
| Board of Supervisors: | 05/09/18 | Pending |

PROPOSAL: The Applicant seeks to develop 8.88-acres of property zoned RP (Residential Performance) District and 1.02-acres zoned B2 (General Business) District, 9.9-acres total, into 95 townhome units and four (4) single-family small lot (attached) units.

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBERS: 53-7-1 through 66A

LOCATION: The properties are located generally south of Route 522 in Sunnyside south of Trafalgar Square (Sage Circle).

PROPERTY ZONING & PRESENT USE:

Zoned: RP (Residential Performance) & B2 (General Business) Use: Vacant

ZONING & PRESENT USE OF ADJOINING PROPERTIES:

| | | |
|--------|------------------------------|-----------------------------|
| North: | RP (Residential Performance) | Use: Residential |
| | B2 (General Business) | Use: Commercial |
| South: | RP (Residential Performance) | Use: Open Space |
| East: | RP (Residential Performance) | Use: Residential |
| | B2 (General Business) | Use: Vacant |
| West: | RP (Residential Performance) | Use: Residential/Open Space |

STAFF CONCLUSIONS FOR THE 05/09/18 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Regents Crest 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. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, Staff is prepared to proceed to approval of the application.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The master development plan for this property appears to have a measurable impact on Route 522, the initial VDOT facility that would provide access to the property. The application as presented appears acceptable. Please provide this office one digital copy of the approved MDP signed by Frederick County.

See comment letter dated January 31, 2018.

Frederick County Fire Marshal: Plans approved.

See comment letter dated February 6, 2018.

Frederick County Public Works: A question has been raised about storm easements for the storm sewer network and pond within the development. At the time of subdivision plan submission, show all recorded easements on the plan including outfall easements to ensure that the future HOA can maintain all proposed facilities. A comprehensive review of stormwater drainage calculations shall also be performed. The current is under an existing VSMP permit. If there is an increase in impervious surface, and review of compliance with regulations will be required.

See comment letter dated January 31, 2018.

Frederick County Inspections: Comments shall be made at site plan submittal.

See comment letter dated January 22, 2018.

Frederick Water: Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project's water and sewer infrastructure has already been designed and constructed to serve 66 residential dwellings. The revised MDP increases the total dwelling count to 103 units. The existing infrastructure should be adequate to accommodate the water and sewer demands from the project.

Please note that each residential unit will be required to purchase connections to the water and sewer system and maintain individual meters and account with Frederick Water. Additionally, the introduction of 37 additional units will warrant wet taps into the existing water infrastructure.

See comment letter dated February 22, 2018.

Frederick County Public Schools: Frederick County Public Schools has reviewed the Regents Crest master development plan application submitted to us on February 27, 2018. We offer the following comment:

The cumulative impact of this development and other development in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment. This development proposal includes 99 single-family attached units. We estimate that this development will

house 26 students: 7 high school students, 7 middle school students, and 12 elementary school students. In order to properly serve these additional students, Frederick County Public Schools would spend an estimated \$325,000 more per year in operating costs (or \$3,283 average per unit per year) and an estimated \$1,204,000 in one-time capital expenditures (or \$12,162 average per unit). You will find, attached to this letter, a more detailed assessment of the estimated impact of Regents Crest on FCPS, including attendance zone information.

It is noted that all streets in Regents Crest except Trafalgar Square will be private lanes. As our buses don't travel down private lanes, students who live on private streets will need to walk to a bus stop located on a public street at a location designated by our Transportation Department.

See comment letter dated March 12, 2018.

Frederick County Parks and Recreation: Plan appears to meet Parks and Recreation requirements.

See comment letter dated March 5, 2018.

Planning & Zoning:

A) Master Development Plan Requirement

A Master Development Plan is required prior to development of this property. Before a MDP can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the MDP conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the MDP is to promote orderly and planned development of the property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) Site History

These properties were not part of a rezoning or other legislative application. The original Frederick County Zoning Map (U.S.G.S. Winchester Quadrangle) depicts the zoning for the subject parcel as B2 (General Business) District and R3 (Residential Limited) District. No zoning changes have been made to the portion of the property zoned B2 District. The portion of the property zoned R3 District was changed to RP (Residential Performance) District on September 28, 1983 when the R1, R2, R3, and R6 zoning districts were reclassified. A previous Master Development Plan was approved in 2004.

C) Site Suitability & Project Scope

Comprehensive Plan:

The 2035 Comprehensive Policy 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.

Land Use Compatibility:

These properties are not part of any land-use plan. The proposed development is in the Sunnyside neighborhood of Frederick County. A mixture of residential and commercial uses exists near the subject parcels. Westminster Canterbury is located to the rear of the subject parcels and single-family detached residential dwellings exist along the northwest property line, along the east property line, and across North Frederick Pike (Route 522 North). Commercial properties also exist across North Frederick Pike (Route 522 North).

Site Access and Transportation:

Access, as shown on the MDP, will be provided to the site via Trafalgar Square from Route 522 North (Northwestern Pike). Internal streets (Sage Circle, Reign Way, Lance Way) will provide circulation throughout the development. Sidewalks will also be provided on either side of internal streets for pedestrian connectivity within the development. The Applicant will also provide a 5' trail along the perimeter of the property for recreation.

STAFF CONCLUSIONS FOR THE 04/04/18 PLANNING COMMISSION MEETING:

The Master Development Plan for Regents Crest 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. All of the issues brought forth by the Planning Commission should be appropriately addressed by the Applicant.

PLANNING COMMISSION SUMMARY FOR 04/04/18 MEETING:

Staff provided a general overview of the proposed Master Development Plan (MDP), noting it was for information purposes only. Staff explained it was in general conformance with the requirements of the Frederick County Zoning Ordinance and was not part of any previous legislative action. Staff highlighted improvements including buffering and screening, a multi-use trail, and recreational facilities including an outdoor pavilion and playground for residence.

One Planning Commissioner noted the “unintended consequences” of the recently approved Zoning Ordinance text amendment to reduce the required buffer category between townhomes and single-family detached residences allowed this site to add additional units and place them closer to existing residences.

There were no additional Planning Commission comments.

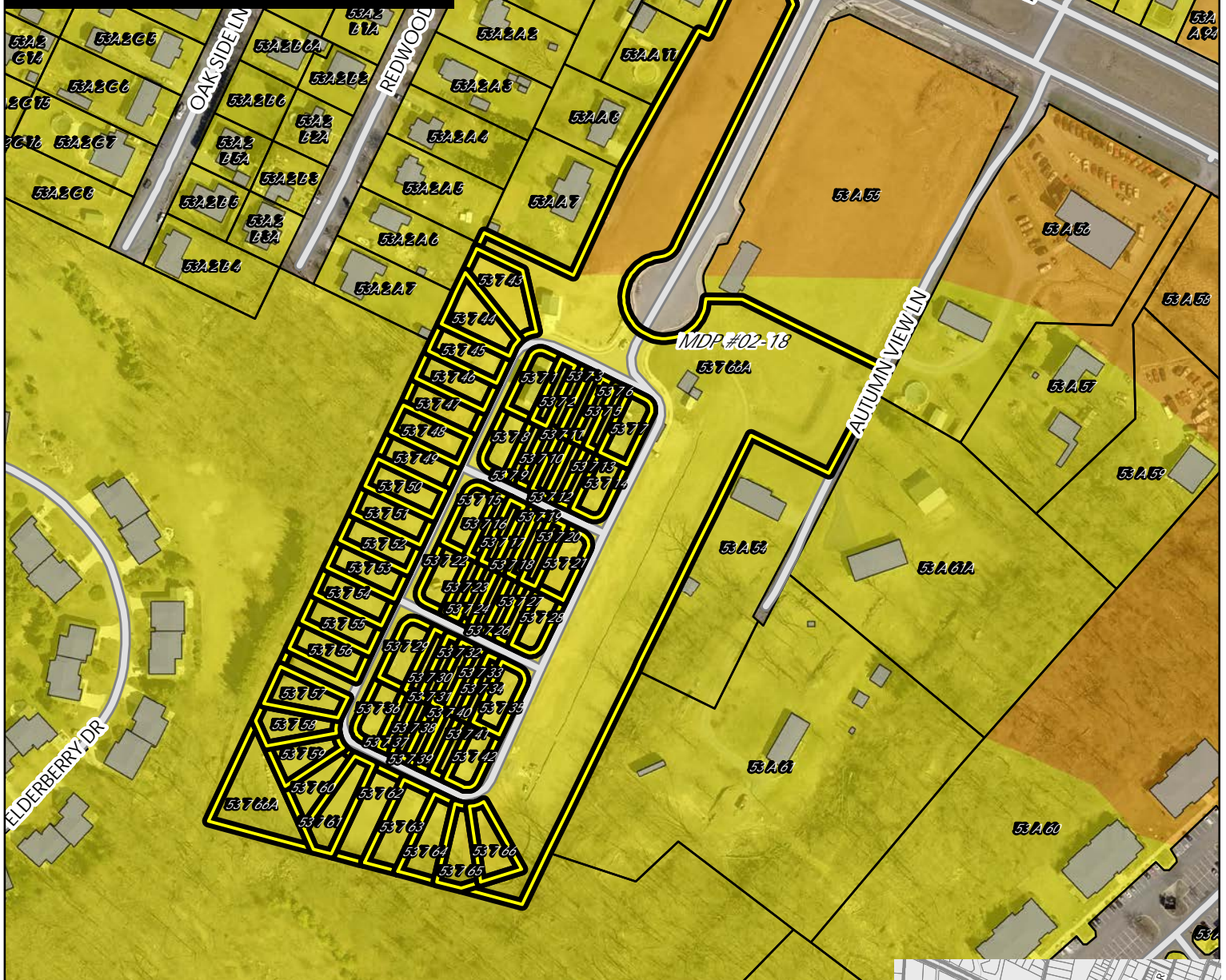
STAFF CONCLUSIONS FOR THE 05/09/18 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Regents Crest 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. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

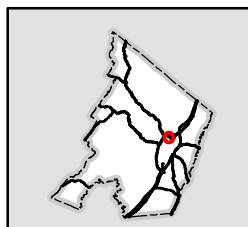
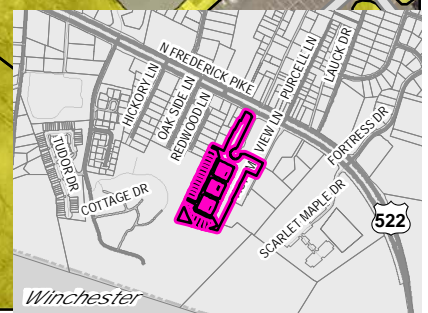
It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, Staff is prepared to proceed to approval of the application.

MDP # 02 - 18 Regents Crest

PINs:
53 - 7 - 1 thru 53 - 7 - 66, 53 - 7 - 66A
Zoning Map



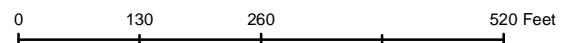
- Applications
- Sewer and Water Service Area
- Parcels
- Building Footprints
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial 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)



MDP # 02 - 18 Regents Crest

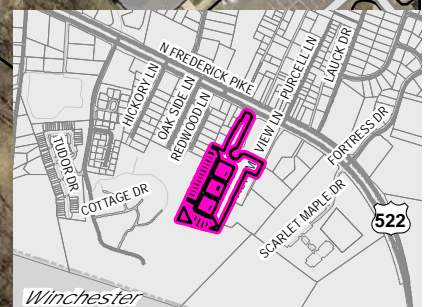
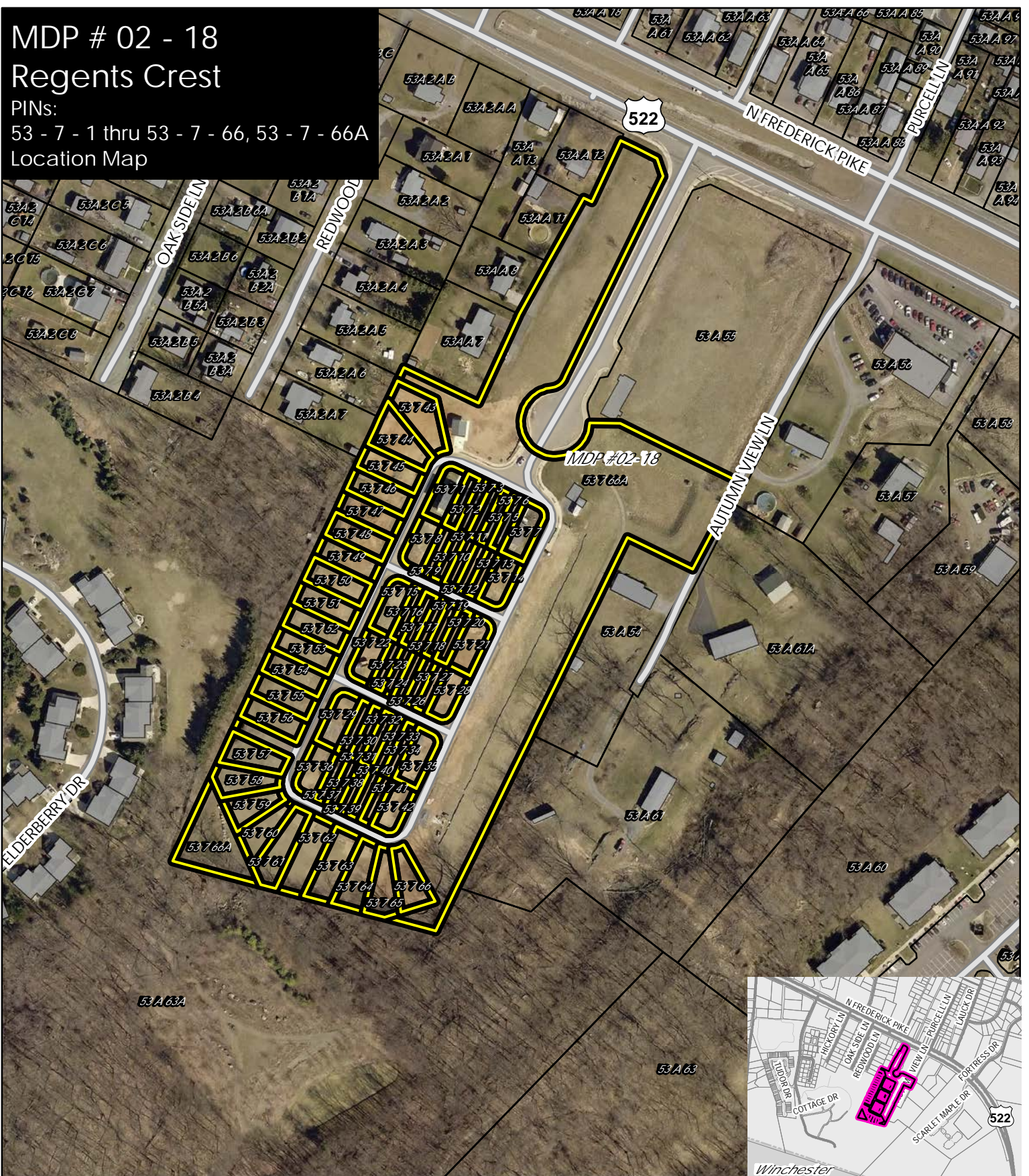
PINs:
53 - 7 - 1 thru 53 - 7 - 66, 53 - 7 - 66A
Zoning Map





Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: March 13, 2018
Staff: tklein

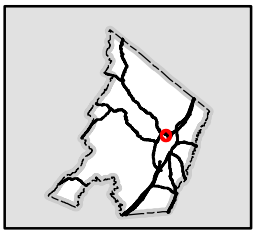


MDP # 02 - 18 Regents Crest

PINs:
53 - 7 - 1 thru 53 - 7 - 66, 53 - 7 - 66A
Location Map

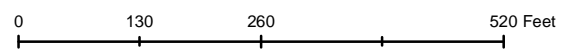


-  Applications
-  Sewer and Water Service Area
-  Parcels
-  Building Footprints



MDP # 02 - 18
Regents Crest
PINs:
53 - 7 - 1 thru 53 - 7 - 66, 53 - 7 - 66A
Location Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: March 13, 2018
Staff: tklein



OWNER / DEVELOPER:

TM# 53-7-1 through 66
TM# 53-7-66A
n/f Jennings Investments, L.L.C.
P.O. Box 3830
Winchester, VA 22603

Contact: Mr. Chris Jennings
Jennings Investments, L.L.C.
PO Box 3830
Winchester, VA 22603
Tel: 540-722-9395

Previous Master Development Plan: #02-03
Previous Subdivision Plan: #07-15

PARCEL DATA (OVERALL):

Existing Area: 9.9041 acres total
Zoning: RP-Residential Performance District: 8.88 acres
B2-General Business District: 1.02 acres
Existing Use: Vacant
Proposed Use: Residential

Buffers and Screening:

Zoning District Buffers: RP against similar RP: no buffer required
Category A Buffer (15' inactive/10' active with full screen)
RP against (vacant) RA: no buffer required
Category A Buffer (15' inactive/10' active w/ full screen)
RP against B2: Category A Buffer (15' inactive/10' active with full screen)
Residential Separation Buffers: for dissimilar housing types: Category A Buffer (15' inactive/10' active with full screen)
per 165-203.02(c)(5)

RP ZONING:

Existing Use: Vacant
Proposed Use: Residential
Residential Density: 99/9.9041=9.99 units per acre
Townhome Units Proposed: 95
Single-family small lot Proposed: 4
Open Space Requirements: Required: 30%, 2.971 acres
Proposed: 32.54%, 3.223 acres
Recreational Units: Required: 1 rec. unit per 30 housing units
Provided: 99/30=3.3 rec. units

Parking Requirements:

Minimum Parking Requirement: 2 spaces per unit; 198 spaces
Single-Family small lots Spaces Provided: 8: 1 surface space and 1 garage space (min.) at each lot
Townhouse Spaces Provided: 190: 1 surface space and 1 garage space (min.) at each lot
Additional on-site Spaces Provided: 1 ADA space @ pavilion
Total Spaces Provided: 199

Parking Restriction Lines:

Street Setback: Required-10'
Yard Setback: Required-5'

Sign Setback:

Required-10'

Townhouse Lot Dimensions:

Minimum Lot Size: 1,500 sf
Minimum Lot Width: 22' end unit, 18' interior unit

Building Restriction Lines:

From Public or Private Road R-O-W: 25' with garage
15' without garage

From off-street parking:

Side Yard Setback: 10'
Rear Yard Setback: 20'
Setbacks for Unroofed Decks, stoops, landings: 20'

Front from off-street parking:

10'
Front from private/public road: 15'
Side Yard: 5'
Rear Yard: 5'

Minimum Parking Required:

2 spaces per unit
Maximum Main Building Height: 40'
Maximum Accessory Building Height: 20'

Single-Family small lot Dimensions:

Minimum Lot Area: 3,750 sf
Building Restriction Lines: 25'
From public roadway: 10'
Side(Attached): 15'
Rear: 20'
Minimum Building Spacing: 20'
For Unroofed Decks, stoops, landings: 15'

Front:

Side: 5'
Rear: 10'
Minimum Parking Required: 2 spaces per unit
Building Height: 35'
Accessory Structure: 20'

Outdoor lighting shall conform to 165-201.07 of the Frederick County Zoning Ordinance.

ENGINEER/LANDSCAPE ARCHITECT:

Painter-Lewis, PLC
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601

Contact: John C. Lewis, P.E.,L.L.A.
Tel: 540-662-5792

Previous Master Development Plan: #02-03
Previous Subdivision Plan: #07-15

PARCEL DATA (OVERALL):

Existing Area: 9.9041 acres total
Zoning: RP-Residential Performance District: 8.88 acres
B2-General Business District: 1.02 acres
Existing Use: Vacant
Proposed Use: Residential

Buffers and Screening:

Zoning District Buffers: RP against similar RP: no buffer required
Category A Buffer (15' inactive/10' active with full screen)
RP against (vacant) RA: no buffer required
Category A Buffer (15' inactive/10' active w/ full screen)
RP against B2: Category A Buffer (15' inactive/10' active with full screen)
Residential Separation Buffers: for dissimilar housing types: Category A Buffer (15' inactive/10' active with full screen)
per 165-203.02(c)(5)

RP ZONING:

Existing Use: Vacant
Proposed Use: Residential
Residential Density: 99/9.9041=9.99 units per acre
Townhome Units Proposed: 95
Single-family small lot Proposed: 4
Open Space Requirements: Required: 30%, 2.971 acres
Proposed: 32.54%, 3.223 acres
Recreational Units: Required: 1 rec. unit per 30 housing units
Provided: 99/30=3.3 rec. units

Parking Requirements:

Minimum Parking Requirement: 2 spaces per unit; 198 spaces
Single-Family small lots Spaces Provided: 8: 1 surface space and 1 garage space (min.) at each lot
Townhouse Spaces Provided: 190: 1 surface space and 1 garage space (min.) at each lot
Additional on-site Spaces Provided: 1 ADA space @ pavilion
Total Spaces Provided: 199

Parking Restriction Lines:

Street Setback: Required-10'
Yard Setback: Required-5'

Sign Setback:

Required-10'

Townhouse Lot Dimensions:

Minimum Lot Size: 1,500 sf
Minimum Lot Width: 22' end unit, 18' interior unit

Building Restriction Lines:

From Public or Private Road R-O-W: 25' with garage
15' without garage

From off-street parking:

Side Yard Setback: 10'
Rear Yard Setback: 20'
Setbacks for Unroofed Decks, stoops, landings: 20'

Front from off-street parking:

10'
Front from private/public road: 15'
Side Yard: 5'
Rear Yard: 5'

Minimum Parking Required:

2 spaces per unit
Maximum Main Building Height: 40'
Maximum Accessory Building Height: 20'

Single-Family small lot Dimensions:

Minimum Lot Area: 3,750 sf
Building Restriction Lines: 25'
From public roadway: 10'
Side(Attached): 15'
Rear: 20'
Minimum Building Spacing: 20'
For Unroofed Decks, stoops, landings: 15'

Front:

Side: 5'
Rear: 10'
Minimum Parking Required: 2 spaces per unit
Building Height: 35'
Accessory Structure: 20'

Outdoor lighting shall conform to 165-201.07 of the Frederick County Zoning Ordinance.

LANDSCAPE NOTES AND CALCULATIONS

- 1. Street Trees: Length of Street: (1) tree per 40' of street
1,946 linear feet
Trees Required: 1,946/40= 49 trees
Proposed Trees: 49
2. Perimeter Parking Lot Landscaping: Impervious Parking Area: (1) tree per 2000sf of Impervious Parking Area
180 sq. ft. (1 parking stall)
Trees Required: 180/2000= 0.09= 0 trees
Trees Proposed: 0
3. Headlight Screen: none required
4. Ornamental Landscaping: Lot Type: Townhouse: Ornamental Shrubs, 6 per 5 units
Total Number of Units: 95
Ornamental Shrubs Required: 114 Shrubs for the entire development
Ornamental Shrubs Provided: 114
Ornamental Trees Required: Ornamental Trees, 2 per 5 units
Ornamental Trees Provided: 38 Trees for the entire development
Lot Type: Small Lot: Ornamental Shrubs, 15 per unit
Total Number of Units: 4
Ornamental Shrubs Required: 60 for the entire development.
Ornamental Shrubs Provided: 60
Ornamental Trees Required: Ornamental Trees, 5 per unit
Ornamental Trees Provided: 20
5. Buffer Landscaping: Townhouses against dissimilar RP: 15' inactive/ 10' active with a full screen.
Buffer Length= 2005.56 linear feet
2005.65 /10= 200.56 x 3= 601.7= 602 plants required
Required: 200 deciduous trees, 201 evergreen trees, 201 shrubs, 6' opaque fence
Provided: 200 deciduous trees, 208 evergreen trees, 202 shrubs, 6' opaque fence
Total plants= 610
The required landscape easements will encompass the entire 25' buffer area.
6. All planting shall conform with Section 165-203.01B of the Frederick County Zoning Ordinance. Any plant substitutions must be approved in writing by the Frederick County Planning Department.
7. No trees or shrubs shall be placed on FCSA easements.

Table with 2 columns: RECREATIONAL UNITS, Residential Units: 99: 4 SFSL/95 towns
Recreational Units Required: 99/30=3.3
Recreational Unit Value: \$32,500
Recreational Units Value: \$107,250
Pavilion #1: \$28,000
Pavilion #2: \$28,000
Playground: \$28,500
Total Value Provided: \$108,140

ABBREVIATIONS

- ASSY. ASSEMBLY
B.F. BASEMENT FLOOR
BLK. BLOCK
BC BOTTOM OF CURB
BML BUILDING MOUNTED LIGHT
BR BREAK POINT
CG-2 VDOT CURB
CG-6 VDOT CURB & GUTTER
CIP CAST IN PLACE CONCRETE
CL CLASS
CMF CORRUGATED POLYETHYLENE PIPE
CPP CORRUGATED POLYETHYLENE PIPE
CMP CORRUGATED METAL PIPE
CMPA CORRUGATED METAL PIPE ARCH
CD CLEAN OUT
DA DAMETER
DS DOWNSPOUT
EOP EDGE OF PAVEMENT
EOG EDGE OF GRAVEL
ESMT EASEMENT
EX. EXISTING
F.F. FIRST FLOOR
F.F.E. FINISHED FLOOR ELEVATION
FDC FIRE DEPARTMENT CONNECTION
FH FIRE HYDRANT
F.L.S. FIRE LANE SIGN
F.L.T. FLOOD LIGHT
Gg. GAUGE
GM GAS METER
GV GAS VALVE or GATE VALVE
HCR HANDICAP RAMP
HB HOSE BIB
HDR CURB 6" HEADER CURB
HP HIGH POINT
INC INCREASER
INV INVERT
IPF IRON PIPE FOUND
IPS IRON PIPE SET
LP LOW POINT
LT LIGHT
MLP METAL LIGHT POLE
MPD MULTI-PRODUCT DISPENSER
MP METAL POST
MH MANHOLE
NDC NOSE DOWN CURB
N.P.S. NO PARKING SIGN
NL LEFT TURN
NRT NO RIGHT TURN
N.T.S. NOT TO SCALE
OHE OVERHEAD ELECTRIC
OHT OVERHEAD TELEPHONE
PH POST INDICATOR VALVE
PL PROPERTY LINE
PP POWER POLE
PROP. PROPOSED
PVMT PAVEMENT
RCP REINFORCED CONCRETE PIPE
R.D. ROOF DRAIN
RED. REDUCER
R.O. ROCK OUTCROP
SAN. SANITARY
SEW. SEWER
STD. STANDARD
T.B.D. TO BE DEMOLISHED
T.B.R. TO BE REMOVED
T.B.P. TO BE PRESERVED or PROTECTED
TB or T.B. THRUST BLOCK
TOP OF CURB
TEL. TELEPHONE
TRB TELEPHONE RISER BOX
TVRB TELEVISION RISER BOX
TYP or TYP. TYPICAL
UGE UNDERGROUND ELECTRIC
UGG UNDERGROUND GAS
UG CATV UNDERGROUND CABLE T.V.
UGT UNDERGROUND TELEPHONE
XFMR ELECTRIC TRANSFORMER
WL WATERLINE
WM WATER METER
WPP WOOD POWER POLE
WTP WOOD TELEPHONE POLE
WV WATER VALVE
25'R RADIUS IN FEET
+00.00 PROPOSED SPOT ELEVATION
x(00.00) EXISTING SPOT ELEVATION
HATCHING INDICATES REVERSED PITCH IN THE GUTTER PAN; PITCH TO BE 1/2" PER FOOT. TRANSITION THE GUTTER OVER A 10' LENGTH (TYP).

TRAFFIC IMPACT:

Frederick County Road Classification for Route 522: Major Arterial Road

2016 Existing Traffic Data-Route 522 Front Royal Pike
AADT=12,000 trips

Data Source: ITE Manual, Ninth Edition

Land Use 230: Residential Condominium/Townhouse
Trips based on Dwelling Units:
Dwelling Units=99

Weekday: 99x5.81=575 trips (50% entering, 50% exiting)
AM Peak Hour: 99x0.44=44 trips (19% entering, 81% exiting)
PM Peak Hour: 99x0.52=51 trips (64% entering, 36% exiting)
Saturday: 99x5.67=561 trips (50% entering, 50% exiting)
Saturday Peak Hour: 99x1.47=146 trips (54% entering, 46% exiting)
Sunday: 99x4.84=479 trips (50% entering, 50% exiting)

Land Use 210: Single Family Detached Housing
Trips based on Dwelling Units:
Dwelling Units=4

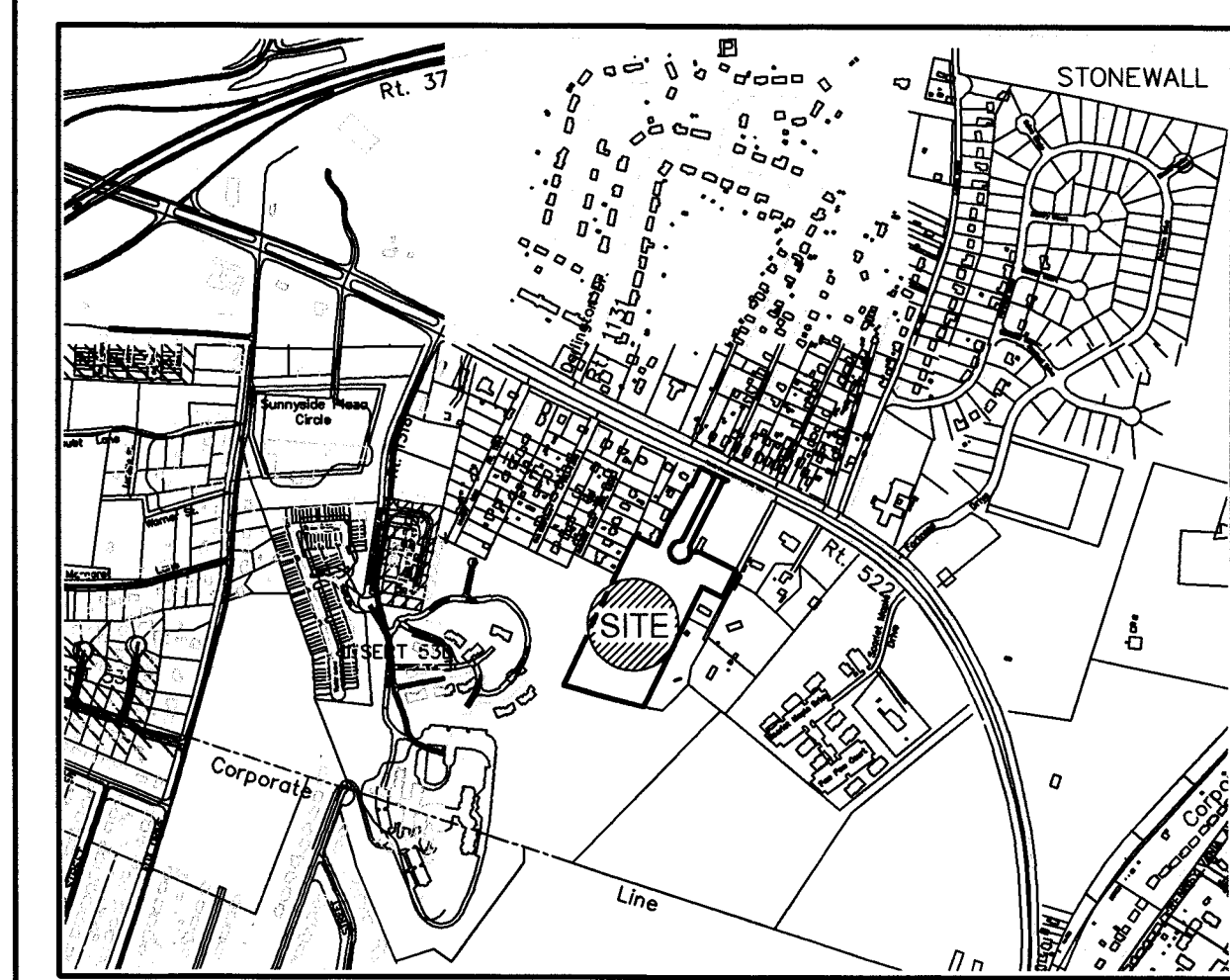
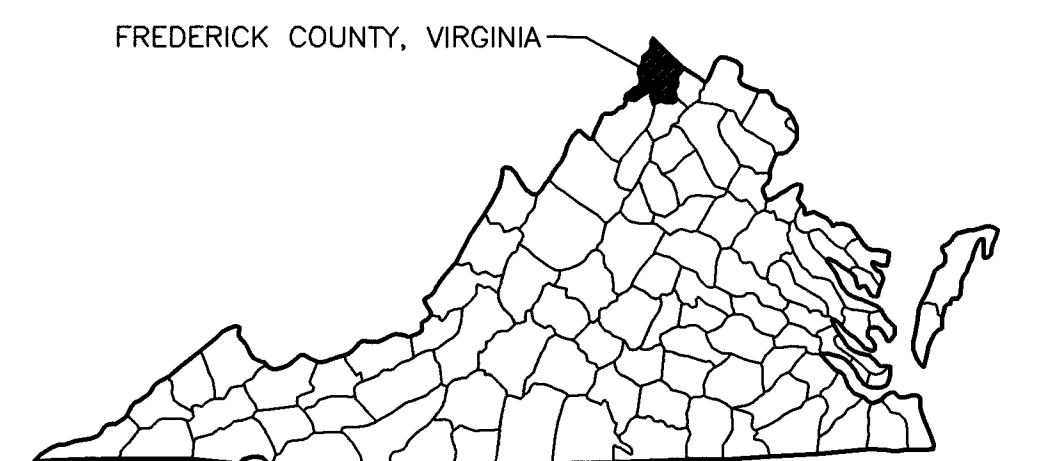
Weekday: 4x6.02=24 trips (50% entering, 50% exiting)
AM Peak Hour: 4x0.51=2 trips (30% entering, 70% exiting)
PM Peak Hour: 4x0.67=3 trips (66% entering, 34% exiting)
Saturday: 4x6.55=26 trips (50% entering, 50% exiting)
Saturday Peak Hour: 4x0.76=3 trips (54% entering, 46% exiting)
Sunday: 4x5.93=24 trips (50% entering, 50% exiting)
Sunday Peak Hour: 4x0.25=1 trips (50% entering, 50% exiting)

FREDERICK WATER PROJECT INFORMATION

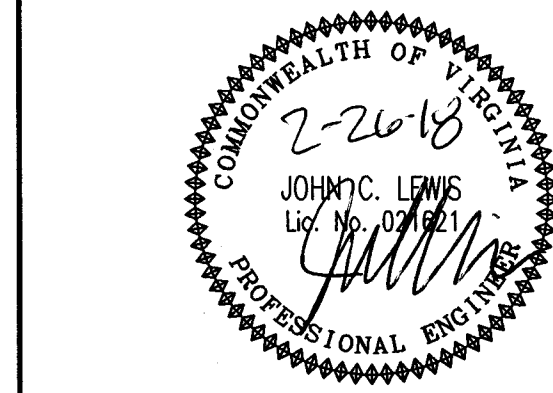
WATER AND SANITARY SEWER USAGE

Townhouses: 99 units
Duplexes: 4 units
Residential demand per unit=235 gal/unit: 24,205 gpd

WATER DEMAND 24,205 gpd
SANITARY SEWER DISCHARGE 24,205 gpd

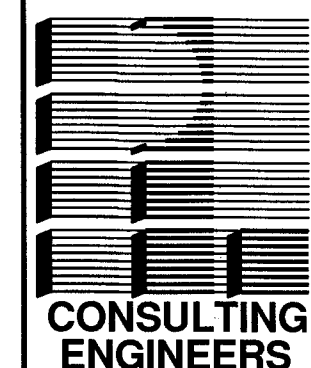


LIST OF DRAWINGS:
SHEET 1/2: COVER SHEET/LOCATION MAP/PROJECT NOTES
SHEET 2/2: MASTER DEVELOPMENT PLAN

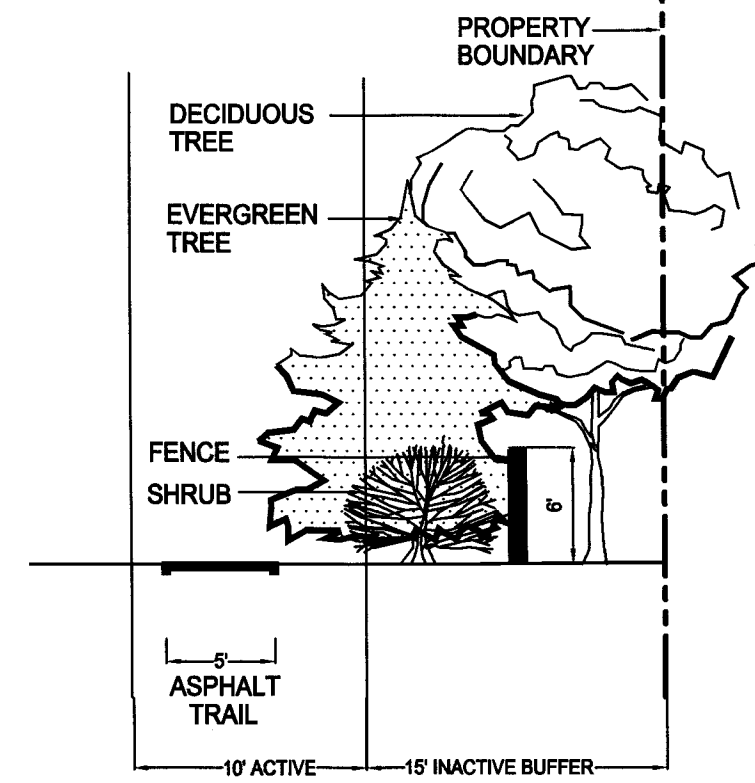
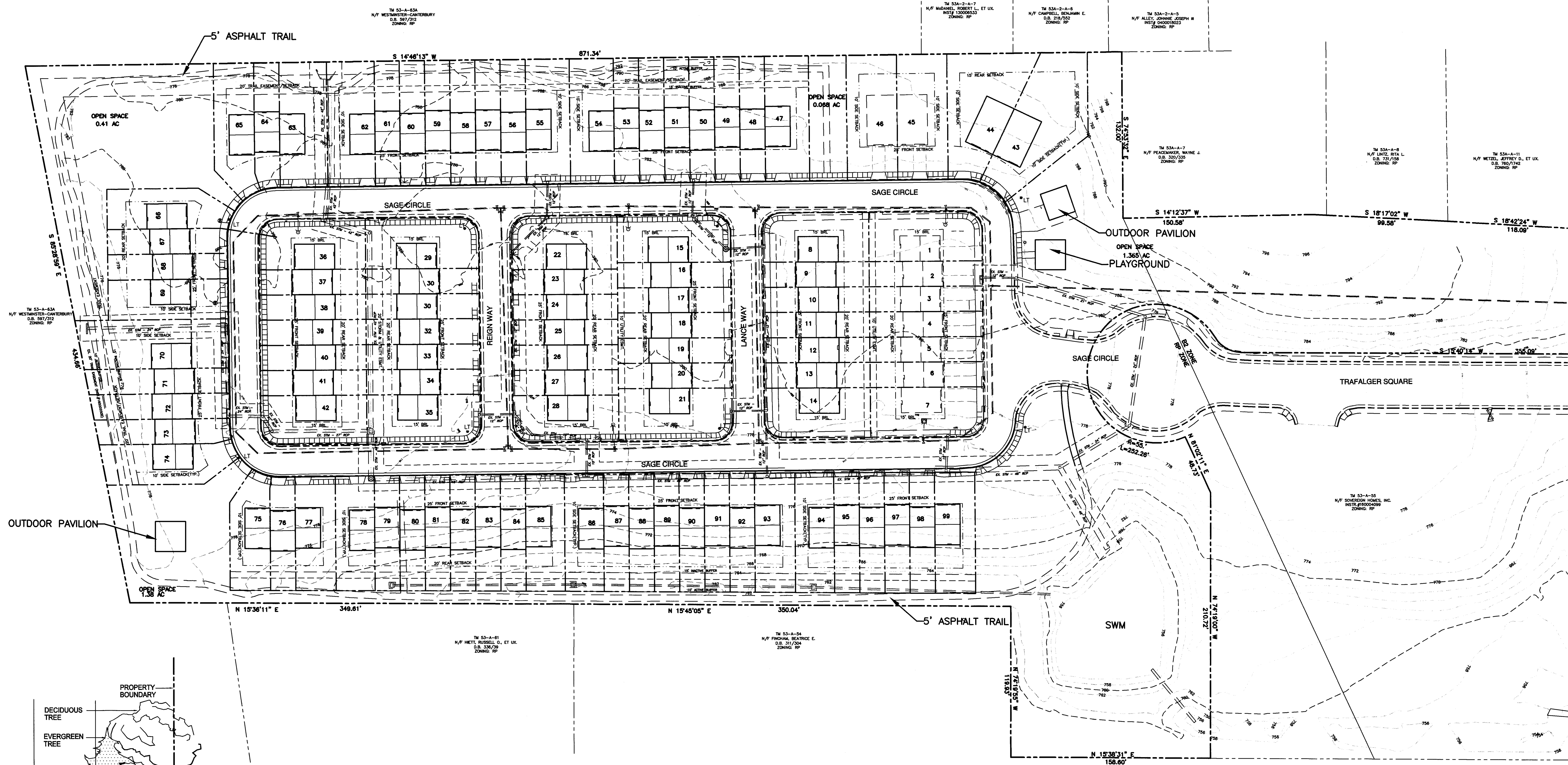
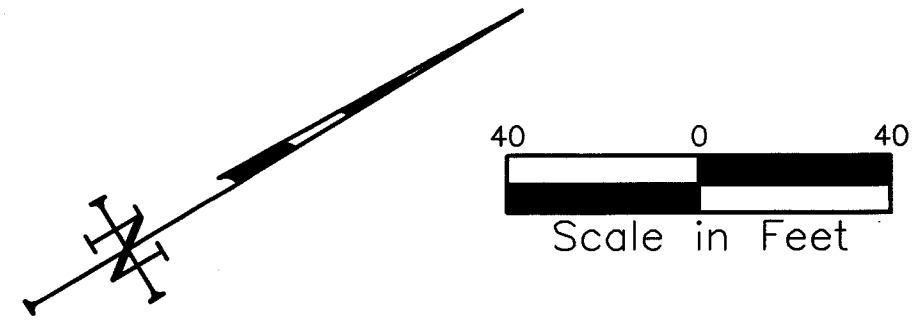


OWNER: DATE:
APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT: DATE:
APPROVED BY THE COUNTY ADMINISTRATOR: DATE:

MASTER DEVELOPMENT PLAN FOR
REGENTS CREST
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VA.

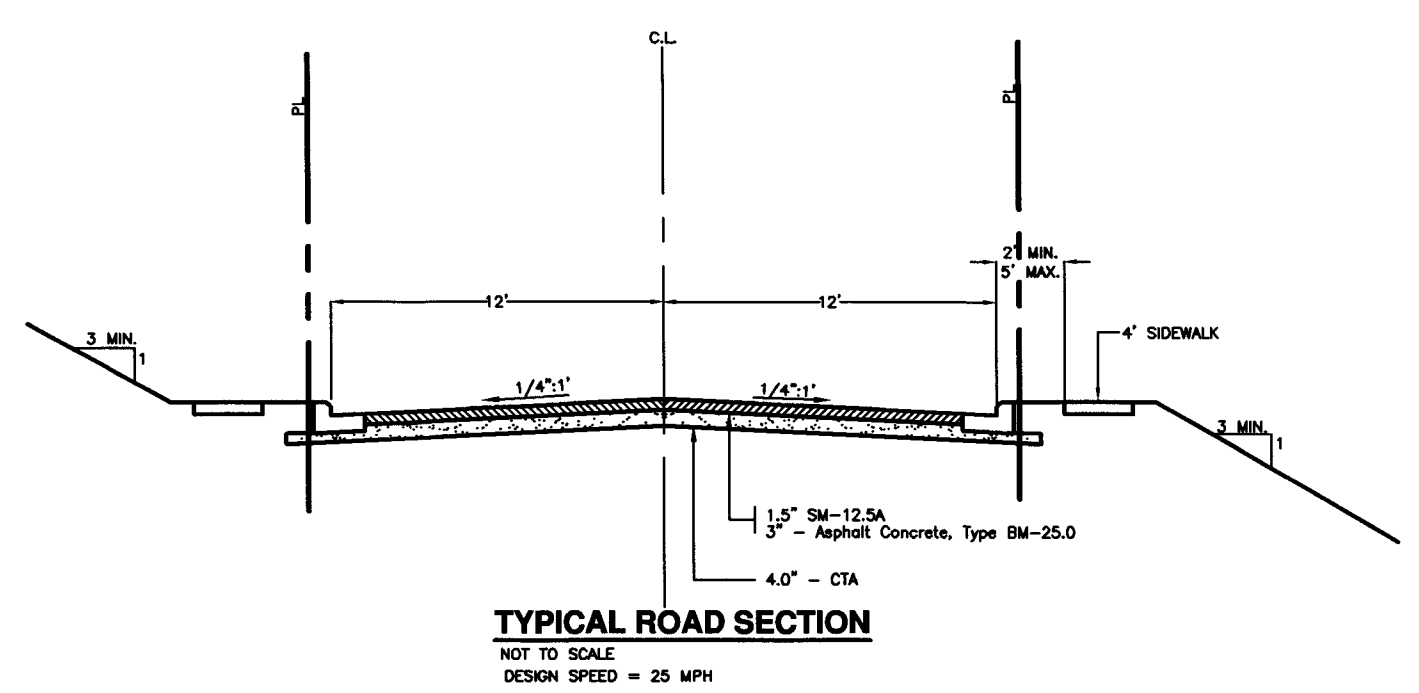


PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601
Telephone (540) 662-5792
Facsimile (540) 662-5793
Email: office@painterlewis.com
JOB NO.: 1506003
January 11, 2018
SHEET: 1/2
Latest Revision Date: February 26, 2018



BUFFER
CATEGORY A BUFFER
NOT TO SCALE

NOTE: PLANT MATERIAL DENSITY SHALL BE A MINIMUM OF 3 PLANTS PER 10 LINEAR FEET OF BUFFER. THE SCREEN SHALL CONSIST OF 1/3 DECIDUOUS TREES, 1/3 EVERGREEN TREES, AND 1/3 SHRUBS. THE SCREEN SHALL INCLUDE A 6" HIGH OPAQUE FENCE UNLESS THIS REQUIREMENT IS WAIVED OR AN ALTERNATIVE APPROVED BY THE ZONING ADMINISTRATOR.



TYPICAL ROAD SECTION
NOT TO SCALE
DESIGN SPEED = 25 MPH

| NO. | DATE | AGENCY COMMENTS | BY |
|-----|---------|-----------------|-----|
| 1 | 2/26/18 | | P-L |

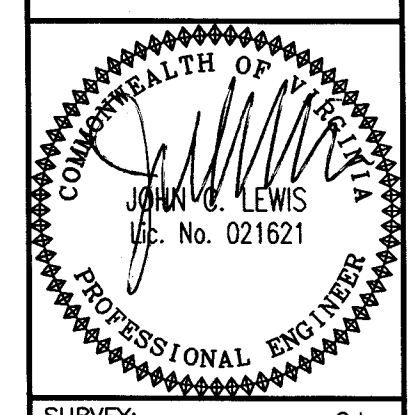
REVISIONS

TITLE: **MASTER DEVELOPMENT PLAN**

PROJECT: **REGENTS CREST
MASTER DEVELOPMENT PLAN
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA**

PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601
Telephone (540) 662-5792
Facsimile (540) 662-5793
Email office@painterlewis.com

CONSULTING ENGINEERS



| | |
|-----------|----------|
| SURVEY: | C.I.: |
| P-L | NA |
| DRAWN BY: | JOB NO.: |
| P-L | 1506003 |
| SCALE: | DATE: |
| SHOWN | 1/11/18 |
| SHEET: | 2/2 |

7. **Property Location:** Traralgar Square on south side of Route 522 in Sunnyside

(Give State Route # and name, distance and direction from intersection)

8. **Is this an original or amended Master Development Plan?**

Original Amended , Previous MDP# _____

9. **Property Information:**

a) Property Identification Number (PIN): 53-7-1 through 66
~~53-6-1-1 Thru 53-6-1-28 -~~ 53-7-66A
b) Total Acreage: 9.9'
c) Current Zoning: RP & B2
d) Present Use: Vacant
e) Proposed Uses: RP-Residential Performance

10. **If residential uses are proposed, provide the following:**

a) Density: _____
b) Number of Units: 103
c) Housing Types: Duplex & Townhomes


11. **Adjoining Property use and zoning:**

| | <u>USE</u> | <u>ZONING</u> |
|-------|--------------------|-------------------------------------|
| North | <u>Residential</u> | <u>RP - Residential Performance</u> |
| East | <u>Vacant</u> | <u>B2 - General Business</u> |
| South | <u>Residential</u> | <u>RP - Residential Performance</u> |
| West | <u>Residential</u> | <u>RP - Residential Performance</u> |

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plan shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):  Date: 01-15-2018

Owner(s):  Date: 01-15-2018

Adjoining Property Owners MASTER DEVELOPMENT PLAN

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 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

| Name and Property Identification Number | Address |
|---|----------------------------------|
| Name Jeffery & Catherine Wetzel | 1251 N. Frederick Pike |
| Property # 53A-A-12 | Winchester, VA 22603 |
| Name Jeffery & Catherine Wetzel | 1251 N. Frederick Pike |
| Property # 53A-A-11 | Winchester, VA 22603 |
| Name Rita Lintz | 1241 N. Frederick Pike |
| Property # 53A-A-8 | Winchester, VA 22603 |
| Name Wayne Peacemaker | 1243 N. Frederick Pike |
| Property # 53A-A-7 | Winchester, VA 22603 |
| Name Johnnie Joseph Alley III | 109 Redwood Lane |
| Property # 53A-2-A-5 | Winchester, VA 22603 |
| Name John Campbell | 111 Redwood Lane |
| Property # 53A-2-A-6 | Winchester, VA 22603 |
| Name R&B McDaniel Rental Co., LLC. | 234 Bryarly Road |
| Property # 53A-2-A-7 | Winchester, VA 22603 |
| Name Westminster-Canterbury | 300 Westminster-Canterbury Drive |
| Property # 53-A-63A | Winchester, VA 22603 |
| Name Russell Hiatt | 930 Autumn View Lane |
| Property # 53-A-61 53-A-61A | Winchester, VA 22603 |

| Name and Property Identification Number | Address |
|---|----------------------|
| Name Beatrice Fincham | 931 Autumn View Lane |
| Property # 53-A-54 | Winchester, VA 22603 |
| Name Sovereign Homes, Inc. | P.O. Box 501 |
| Property # 53-A-55 | Frederick, MD 21705 |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.co.frederick.va.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents: That I (We)

(Name) Jennings Investments (Phone) 540-722-9395

(Address) P.O. Box 3830 Winchester, Virginia 22604

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. 150005859 on Page _____, and is described as

Parcel: _____ Lot: 1-28 Block: _____ Section: _____ Subdivision: Regents Crest Subdivision

do hereby make, constitute and appoint:

(Name) Painter-Lewis, P.L.C. (Phone) 540-662-5792

(Address) 817 Cedar Creek Grade, Suite #120, Winchester, Virginia 22601

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

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 16 day of January, 2018.

Signature(s) [Handwritten Signature]

State of Virginia, City/County of Frederick, To-wit:

I, Barbara A. VanSickler, a Notary Public in and for the jurisdiction aforesaid, 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 16 day of Jan, 2018.

[Handwritten Signature] My Commission Expires: 9/30/20
Notary Public

REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS



Virginia Department of Transportation

Mail to:

Virginia Department of Transportation
Attn: Resident Engineer
14031 Old Valley Pike
Edinburg, Virginia 22824
Phone: (540) 984-5600

Hand deliver to:

Virginia Department of Transportation
Attn: Resident Engineer
2275 Northwestern Pike
Winchester, Virginia 22603

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach three (3) copies of the Master Development Plan with this sheet.

Applicant's Name: Painter-Lewis, P.L.C. Telephone: 540-662-5792

Mailing Address: 817 Cedar Creek Grade
Suite #120
Winchester, Virginia 22601

Name of development and/or description of the request:
Regents Crest Subdivision

Location of Property:
Trafalgar Square on south side of Route 522 in Sunnyside

Virginia Department of Transportation Comments:

~~The Master Development Plan for this property appears to have a measurable impact on Route 522, the initial VDOT facility that would provide access to the property. The application as presented appears acceptable. Please provide this office one digital copy of the approved MDP signed by Frederick County. Thank you for allowing us the opportunity to comment.~~

-VDOT USE ONLY-

Date Received _____

Review Number 1 2 3 4 5 (circle one)

Date Reviewed _____

Date Approved 31 Jun 2018

Revision Required _____

VDOT Signature & Date: [Signature] 1.31.2018

**** Please Return Form to Applicant****



Frederick County
Department of Fire and Rescue
Office of the Fire Marshal
1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

Plan Review & Comments

Date Received
2/6/2018

Date Reviewed
2/7/2018

Plan/Permit Type

MDP Rev. #1 02-06-18

Name

Regents Crest Subdivision

Address

Trafalgar SQ

Winchester

VA

22602

Project Name

New Subdivision

Applicant Name & Number

Painter-Lewis , PLC 540-662-5792

RE#

Permit Number

Emergency Vehicle Access:

Adequate

Inadequate

N/A

Hydrant Location:

~~Adequate~~

Inadequate

N/A

Siamese Location:

Adequate

Inadequate

~~N/A~~

Fire Lanes Required:

~~Yes~~

No

N/A

Plan Approval Status

Approve

Comments

Plan Approved.

Keep in mind that streets with fire hydrants shall comply with Section D103.1 "Access road width with a hydrant" and Figure D103.1 "Dead-End Fire Apparatus Access Road Turnaround".

Signature: _____

Reviewed By: **Kenneth Scott, Jr.**

Title: _____

REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS



Frederick County Public Works Comment

Mail to:

Frederick County Public Works Department
Attn: County Engineer
107 North Kent Street,
Winchester, Virginia 22601

Hand deliver to:

Public Works Department
107 North Kent Street, 2nd Floor
Winchester, Virginia 22601
Phone: (540) 665-5643

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach one (1) copy of the Master Development Plan with this sheet.

Applicant's Name: Painter-Lewis, P.L.C.

Telephone: 540-662-5792

Mailing Address: 817 Cedar Creek Grade

Suite #120

Winchester, Virginia 22601

Name of development and/or description of the request:

Regents Creek Subdivision

Location of Property:

Trafalgar Square on South side of Route 522 in Sunnyside

Public Works Comments:

A question has been raised about storm easements for the storm sewer network and pool within the development. At the time of subdivision plan submission, show all required easements on the plan including outfall easements to ensure that the future HOA can maintain all proposed facilities. A completion of storm drainage will also be performed.

-FREDERICK COUNTY PUBLIC WORKS USE ONLY-

Date Received: _____

Review Number 1 2 3 4 5 (circle one)

Date Reviewed: _____

Revision Required: _____

Date Approved: 1-31-18

Signature & Date: Je. Chubb

**** Please Return Form to Applicant ****

The current is under an existing USMP permit. If there is an increase in impervious surface, a review of compliance with regulations will be required.

A comprehensive review of stormwater drainage calculations shall also be performed.

REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS



**Frederick County Frederick County
Inspections Department Comment**

Mail to:

Frederick County Inspections Department
Attn: Building Official
107 North Kent Street,
Winchester, Virginia 22601

Hand deliver to:

Frederick County Inspections Dept.
107 North Kent Street, 2nd Floor
Winchester, Virginia 22601
Phone: (540) 665-5650

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach two (2) copies of the Master Development Plan with this sheet.

Applicant's Name: Painter-Lewis, P.L.C. Telephone: 540-662-5792

Mailing Address: 817 Cedar Creek Grade
Suite #120
Winchester, Virginia 22601

Name of development and/or description of the request:
Regents Crest Subdivision

Location of Property:
Trafalgar Square on south side of Route 522 in Sunnyside

Inspections Comments:
MD Submittal. Comments shall be made @ site Plan
Submittal

-FREDERICK COUNTY INSPECTIONS DEPARTMENT USE ONLY-

Date Received 11/16/18 Review Number 1 2 3 4 5 (circle one)

Date Reviewed 11/22/18

Revision Required No Date Approved 1/22/18

Signature & Date: [Signature] 1/22/18

**** Please Return Form to Applicant ****



FREDERICK WATER

315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

February 22, 2018

John Lewis
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Ste. 120
Winchester, Virginia 22601

**RE: Master Development Plan Application Comment
Regents Crest MDP revision
Tax Map Number: 53-7-1 through 66 and 53-7-66A
9.9041 acres**

Dear Mr. Lewis:

Thank you for the opportunity to offer review comments on the revised Regents Crest Master Development Plan application package. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project's water and sewer infrastructure has already been designed and constructed to serve 66 residential dwellings. The revised MDP increases the total dwelling count to 103 units. The existing infrastructure should be adequate to accommodate the water and sewer demands from the project.

Please note that each residential unit will be required to purchase connections to the water and sewer system, and maintain individual meters and accounts with Frederick Water. Additionally, the introduction of 37 additional units will warrant wet taps into the existing water infrastructure.

Page 2
Regents Crest revised MDP application
John Lewis
February 22, 2018

Thank you for the opportunity to offer review comments on this revised master development plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric", is centered below the word "Sincerely,". The signature is written in a cursive style.

Eric R. Lawrence, AICP
Executive Director

Cc: Michael Ruddy, County Planning Department



Frederick County Public Schools

... to ensure all students an excellent education

K. Wayne Lee, Jr. ALEP, LEED AP • Coordinator of Planning and Development • leew@fcpsk12.net

March 12, 2018

Mr. John C. Lewis
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601

Re: Regents Crest Master Development Plan Application

Dear Mr. Lewis:

Frederick County Public Schools has reviewed the Regents Crest master development plan application submitted to us on February 27, 2018. We offer the following comment:

1. The cumulative impact of this development and other developments in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment. This development proposal includes 99 single-family attached units. We estimate that this development will house 26 students: 7 high school students, 7 middle school students, and 12 elementary school students. In order to properly serve these additional students, Frederick County Public Schools would spend an estimated \$325,000 more per year in operating costs (or \$3,283 average per unit per year) and an estimated \$1,204,000 in one-time capital expenditures (or \$12,162 average per unit). You will find, attached to this letter, a more detailed assessment of the estimated impact of Regents Crest on FCPS, including attendance zone information.
2. It is noted that all streets in Regents Crest except Trafalgar Square will be private lanes. As our buses don't travel down private lanes, students who live on private streets will need to walk to a bus stop located on a public street at a location designated by our Transportation Department.

Please feel free to contact me at leew@fcpsk12.net or 540-662-3888 x88249 if you have any questions or comments.

Sincerely,

K. Wayne Lee, Jr., ALEP, LEED AP
Coordinator of Planning and Development

attachment

cc: Dr. David Sovine, Superintendent of Schools
Mr. Albert Omdorff, Assistant Superintendent for Administration
Mr. John Grubbs, Transportation Director
Mrs. Beth Brown, Supervisor of Driver Operations

REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS



Frederick County Parks and Recreation Comment

Mail to:

Frederick County
Department of Parks & Recreation
107 North Kent Street
Winchester, Virginia 22601

Hand deliver to:

107 North Kent Street
Second Floor
Winchester, Virginia 22601
Phone: (540) 665-5678

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach one (1) copy of the Master Development Plan with this sheet.

Applicant's Name: Painter-Lewis, P.L.C. Telephone: 540-662-5792

Mailing Address: 817 Cedar Creek Grade
Suite #120
Winchester, Virginia 22601

Name of development and/or description of the request:
Regents Crest Subdivision

Location of Property:
Trafalgar Square on south side of Route 522 in Sunnyside

Parks and Recreation Comments:
Plan appears to meet Parks and Recreation requirements

-FREDERICK COUNTY PARKS AND RECREATION USE ONLY-

Date Received _____ Review Number 1 2 3 4 5 (circle one)
Date Reviewed _____
Revision Required _____ Date Approved _____
Signature & Date: *Jonathan Smith* 3.5.18
**** Please Return Form to Applicant****

J



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, CZA, Assistant Director *CEP*

SUBJECT: Request for a Commercial Pump & Haul Permit
3149 Front Royal Pike, Winchester (PIN#: 87-A-64)

DATE: April 25, 2018

Staff has received a second request seeking approval of a commercial Pump & Haul Permit for an existing nonconforming commercial structure located at 3149 Front Royal Pike in the Shawnee Magisterial District. The approximately 0.66-acre property contains a 2,977 square foot structure which was built in 1947. This structure was previously utilized for a convenience store but has been closed since 2011. This request is the first step to reopen the convenience store; if the pump and haul permit is approved the Applicant will next be able to apply for a Conditional Use Permit seeking to reestablish the nonconforming use. The subject property is outside the limits of the Sewer and Water Service Area (SWSA). Frederick County Code, §161-201.05A, states that the Frederick County Board of Supervisors, after receiving a written statement from the Health Department, may approve a permanent pump and haul system permit if specific criteria are satisfied. *This request appears to comply with the code requirements and, therefore, Board consideration of the request is appropriate.*

Applicable Code Requirements and Analysis

Frederick County Code Chapter 161 addresses Sewage Disposal Systems and, more specifically, permanent pump and haul systems are addressed in §161-201.05. In 2009, the County revised its health system ordinance to enable the issuance of permanent pump and haul system permits only upon the approval of the Board of Supervisors. Additionally, criteria was established in §161-201.05 to offer guidance in the evaluation of the merits of a request for a permanent pump and haul system. The following criteria must be met in order to qualify to apply for a pump and haul system:

1. The structure to be served is one of the following:

- a. An existing dwelling that has no indoor plumbing and is converting to indoor plumbing, or where an existing onsite sewage system has failed;
 - b. An existing structure used as a place of worship;
 - c. An existing school structure;
 - d. An existing commercial structure; and
2. The Health Department has rejected an application for an onsite sewage system otherwise permitted under this Chapter, or an off-site system; and
 3. All other options for a sewage system (i.e. off-site easement) have been pursued and found unsatisfactory as evidenced by a denial letter issued by the Health Department and/or documentation that a neighboring property owner is uncooperative in giving an easement; and
 4. There shall be no additional bedrooms or bathrooms added to the dwelling or structure as a result of the permitting of a permanent pump and haul system.

Background

In correspondence dated March 17, 2017, from the Virginia Department of Health, it states that a soil evaluation was conducted on the property and it was concluded that an onsite sewage disposal system could not be supported by this property due to insufficient area available for required drain field and reserve area. The property owner has also been unable to obtain an offsite easement (see attached letter). The property owner has established a relationship with Martin Pumping Service LLC to service the requested pump and haul system.

The Board of Supervisors previously considered this request on August 9, 2017 and denied the commercial pump and haul request. The minutes from the August 9th meeting are included with this memo.

Conclusion

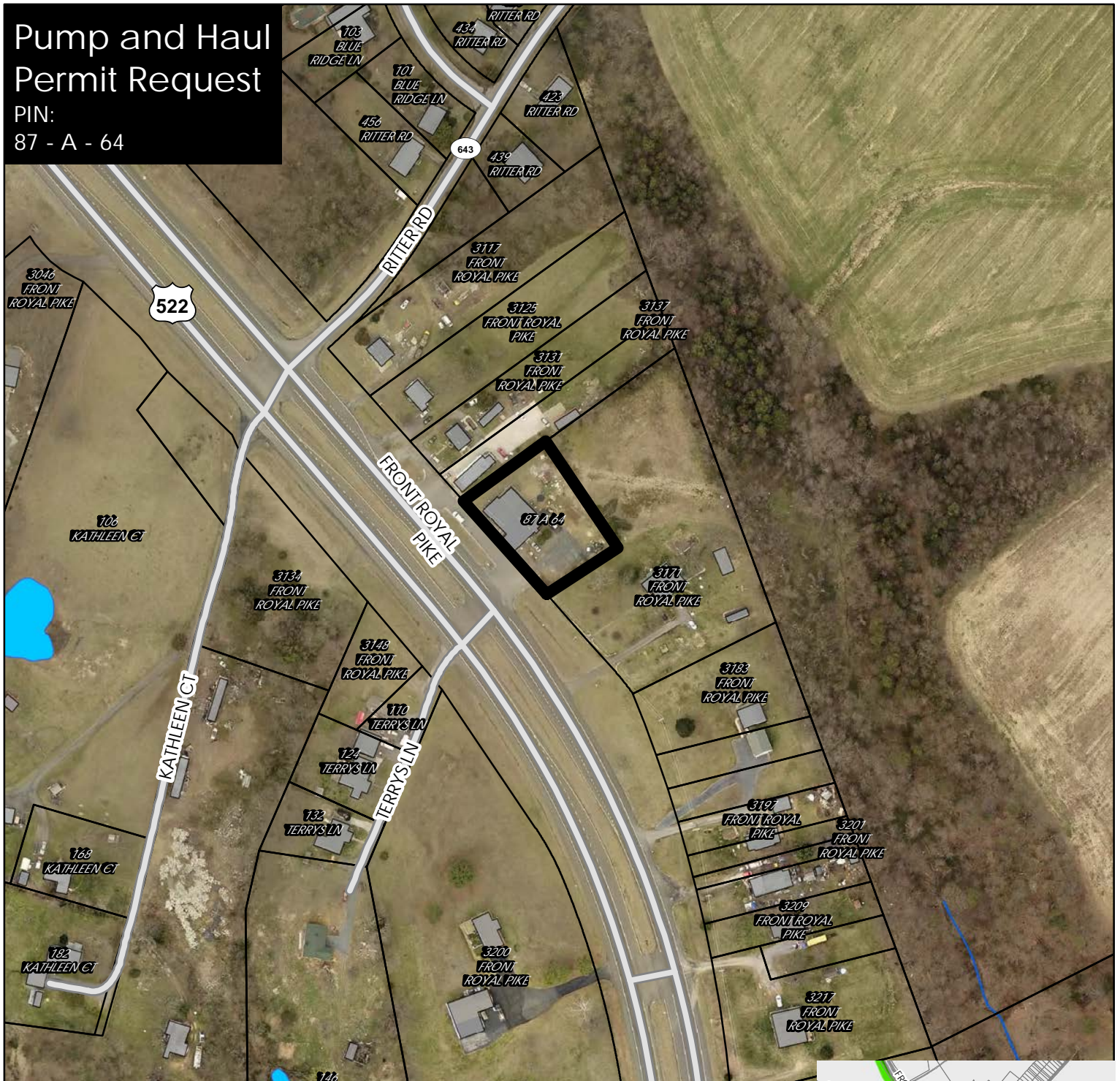
The property owner appears to have addressed the requirements of the County Code to utilize a pump and haul system for the property at 3149 Front Royal Pike, Winchester. This request appears to comply with the code requirements and, therefore, Board consideration of the request is appropriate. It should be noted that the maintenance costs associated with a pump and haul system can be expensive; however, it appears that this system is the only available option for waste disposal for this property. Board of Supervisors action on this commercial pump and haul permit is requested.

CEP/pd

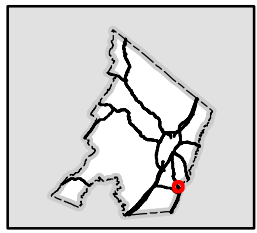
Attachments

Pump and Haul Permit Request

PIN:
87 - A - 64

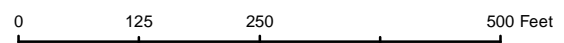


- Applications
- Sewer and Water Service Area
- Parcels
- Building Footprints
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial 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)



Pump and Haul Permit Request
 PIN:
 87 - A - 64
 3149 Front Royal Pike

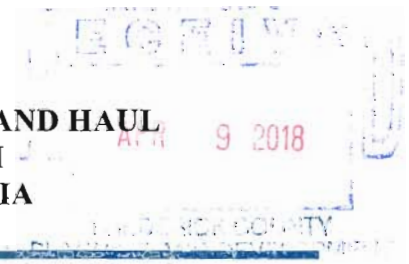
Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: July 31, 2017
 Staff: cperkins







APPLICATION - PERMANENT PUMP AND HAUL
SEWAGE DISPOSAL SYSTEM
FREDERICK COUNTY, VIRGINIA



Applicant/Agent: Marcos Reyes

Address: 3149 Front Royal Pike Winchester, VA 22602

Phone Number: (540) 974-4809

Property Owner's Name (if different from applicant): _____

Address: _____

Phone Number: _____

Contact Person (if different from applicant): _____

Phone Number: _____

Please list names of all owners, principals, and/or majority stockholders:

Marcos Reyes

-PROPERTY INFORMATION-

Property Location (please give State Route # and name, distance and direction from intersection):

On 522 south as heading to Front Royal Store is located near the new Wal-Mart on Tasker Road.

Name of the Subdivision (if applicable): _____

Magisterial District: Shawnee Total Property Acreage: 1

Property Identification Number (P.I.N.): 87-A-64

-PUMP AND HAUL INFORMATION-

1. The applicant hereby applies for a permit to remove and transport sewage from:

3149 Front Royal Pike Winchester to Frederick-Winchester Service Authority
(property address) VA 22607 (sewage treatment facility)

2. Justification for the pump and haul application: Our property is too small
to install drain fields

3. Brief description of holding facilities (type, capacity, etc.): Concrete Sluice

4. Plans and specifications of holding facility (if required) prepared by: Marsh & Lege Land Surveyors, PLC
(Engineer)
560 N. Loudon Street Winchester, VA 22601
(address)

5. Name of Septic Hauler: Martins Pumping Service
Hauler Address: 11805 Harry Byrd Hwy Berryville Phone: 540-667-4038
Lord Fairfax District Hauler # SH-LFHD-020 DPOR#: _____
Frederick County Hauler Permit #: SH-LFHD 22

6. Quantity of sewage to be hauled per day: 3000 gallons. Cost per load: as needed

7. Route(s) of transport: 522 to 81 N to Rt 7

8. Time of day for transport: VARIES

9. Emergency response capability: 48 hours

10. Disposition of Sewage: Frederick Winchester Service Authority
(attach a copy of agreement with owner of receiving treatment facility)

I have read the material included in this package and understand what is required by the Frederick County and the Virginia Department of Health. I also understand that all required material will be complete prior to this application being scheduled for review by the Board of Supervisors.

Signature: _____ Date: 7/10/17

Signature: _____ Date: _____



COUNTY of FREDERICK

FREDERICK COUNTY, VIRGINIA
SEWAGE HANDLING AGREEMENT FOR PUMP AND HAUL SYSTEM

Martins Pumping Service and Marcos Reyes
[Septic Hauler] [Property Owner(s)]
enter into this Contract with the County of Frederick, Virginia (the "County"), on this 10 day of July, 2017.

WHEREAS, in consideration of the County's approval of a pump and haul permit for the property located at 3149 Front Royal Pike, Winchester, VA PIN# 37-A-164, and to provide for sewage collection and disposal services for a pump and haul system and guarantee compliance with all applicable regulations concerning sewage collection and disposal services.

THE PARTIES AGREE as follows:

The Property Owner will maintain a contract with the specified Septic Hauler and will ensure that the system is being properly pumped and that 24-hour call service is maintained for emergency service.

The Property Owner will submit annual invoices to the Virginia Department of Health verifying that the system is being properly pumped.

The Property Owner will procure an inspection from the Virginia Department of Health every three years (from the date of permit issuance) to ensure that the system is in proper working order.

The Property Owner grants permission for employees of the County and the Virginia Department of Health to conduct routine field inspections of the system to ensure proper maintenance.

The Property Owner understands that violation of the conditions of the pump and haul permit or violation of any applicable regulations concerning sewage collection and disposal services may lead to the revocation of the pump and haul permit.

The Septic Hauler agrees to provide sewage pump and hauling services to the Property Owner at a cost of \$350.00 per load and the Property Owner agrees to pay for such services according to such normal and commercially reasonable terms as the Septic Hauler may provide.

By: [Signature] VDH Sewage Handling Permit # 1942001325
[Septic Hauler] Frederick County Septic Permit # SH1410-090
[owner/officer/authorized agent must sign for Septic Hauler] Date 7/10/2017

By: Marcos S. Reyes Date 04-09-18
[Property Owner]

By: _____ Date _____
[County of Frederick, Virginia]
[County Administrator or authorized agent must sign for County]

Board of Supervisors Approval Date _____

107 North Kent Street • Winchester, Virginia 22601-5000

-VIRGINIA DEPARTMENT OF HEALTH USE ONLY-

1. Contract with Hauler having a valid sewage handling permit: yes no
2. Receiving facility satisfactory? yes no

Comments: _____

3. Bonding and/or assurances approved by Bureau and Attorney General? yes no

Comments: _____

4. Plans and Specifications for storage facility satisfactory? yes no not required

5. Construction Permit issued for storage facility? yes no not required

6. Storage facility inspected? yes no

7. Recommended Pump and Haul Permit be issued? yes no

8. Authorize Pump and Haul to be issued:

Herbert Cozma

Environmental Health Supervisor Signature

4/9/18

Date

Additional Comments: _____

-FREDERICK COUNTY USE ONLY-

Board of Supervisors Review: _____ Approved: yes no

Additional Information Requested: _____

Frederick County Requests the VDH to issue a construction permit for a permanent Pump and Haul System: yes no



Lord Fairfax Health District

Frederick / Winchester Environmental Health

107 North Kent Street - Suite # 201

Winchester, Virginia 22601

Tel. (540) 722-3480 ~ Fax (540) 722-3479

www.vdh.virginia.gov



March 22, 2018

Agency Comments:

This Health Department has reviewed the request for comments for a Pump & Haul Permit, for Commercial property located at 3149 Front Royal Pike, Winchester, VA 22655; Tax Map #: 87-A-64. This Health Department has no objections to the applicant re-applying for a Pump & Haul Permit. Applicant is welcome to contact this Health Department at (540) 722-3480 with questions about any part of this correspondence.

Agency Signature: Herbert Bernier Date: 3-22-18

Title: EH Supervisor

NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)



Frederick County - City of Winchester Health
Department
107 N Kent St. Ste 201
Winchester, VA
22601
(540) 722-3480 Voice
(540) 722-3479 Fax

Denial

March 17, 2017

Marcos Reyes
126 Buchannon Dr.
Stephens City, VA 22655

Certified Mail

RE: Tax Map/GPIN: 87-A-64 , HDID: 069-17-0104
3149 Front Royal Pike
Winchester, Frederick County, VA 22602

Dear Marcos Reyes :

This letter is to inform you that the Frederick County - City of Winchester Health Department has evaluated your application for a sewage disposal system/water supply permit or certification letter filed on March 07, 2017.

This application contained site evaluation and a recommendation for denial related to the referred application pursuant to § 32.1-163.5 and 164 H. of the Code of Virginia, which requires the Health Department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer working in consultation with an OSE for residential development.

Unfortunately, we are not able to issue a Construction Permit.

The reason for denial is:
Insufficient Area available for required drainfield and reserve area.

This decision is based on the information filed with your application. Site and soil evaluations were made in accordance with the *Sewage Handling and Disposal Regulations*, the *Private Well Regulations*, the *Alternative Onsite Sewage System Regulations* , as well as current agency policy.

In accordance with 12 VAC 5-610-230 of the *Sewage Handling and Disposal Regulations* you have the right to appeal this decision. Your written request for appeal must be received in this office at 107 N Kent St. Ste 201 Winchester, VA, 22601 within **thirty (30) days** from the date you receive this letter. Please include any facts or other data that would support your appeal.

You may also request a refund of the state portion of your application fee if all of the following apply:

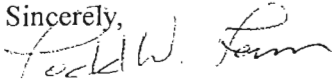
- 1) You are the owner of the property AND
- 2) You intend to use it as your principle place of residence AND
- 3) You do not intend to appeal this denial.

Address your request to David Goodfriend, MD, Director of Lord Fairfax Health District at the above address. Refunds are not available under any other conditions. Please include your social security number with your request.

It is also acceptable to re-apply within 90 days of receipt of this letter without paying a second state fee. After 90 days, a new application fee will be required. When denied for any reason, re-application without a state fee within 90 days may include any change up to and including a new site. Please be certain that the re-application documents are complete and follow all applicable regulations and policies to avoid another denial.

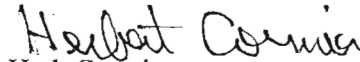
If you have any questions or if this office may be of further service, please let us know.

Sincerely,



Todd W. Lam,
Environmental Health Specialist, Sr.

Reviewed by,



Herb Cormier,
EH Supervisor

CC: Forrest R. Hadley, OSE
Frederick County Planning & Zoning
Building Official

*MUST HAVE 1 COPY FOR EACH AGENCY**

Continued

THIS PAGE TO BE COMPLETED BY AGENCY

Agency Comments:

This Health Department has reviewed the request for comments for the Conditional Use Permit for a proposed Convenient Store, to be located at 3149 Front Royal Pike, Winchester, VA, 22602; Tax Map #: 87-A-64. Based on information available to the Health Department, the structure was built in 1947. Unfortunately, the Frederick County Health Department was unable to locate either septic or well records for the property. It is the recommendation of this Health Department that the owner/applicant procure the services of a licensed septic contractor to assess the condition of the existing sewage disposal system. Also, it is the recommendation of this Health Department that the owner/applicant have the well tested for E. coli/Total Coliform. In the event that a food service of some type is to be considered for the convenience store, the owner/applicant should procure the services of a Professional Engineer to assess the existing system to determine if it is capable of accommodating food strength wastewater. An application will need to be submitted to the Frederick County Health Department for any expansion or new septic installation. Also, the nature of the food service may require the involvement of other agencies, such as the Virginia Department of Consumer Services (VDACS).

Agency Signature: Harriet Cornier Date: 10/21/16

Title: EH Supervisor

(NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)

Notice to Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach a copy of the site plan and application form. Virginia Department of Transportation needs 3 copies of site plan and one copy of application form.



181 Garber Lane
Winchester, VA 22602
(540) 723-4293

January 19, 2017

Ms. Nancy Reyes
126 Buchanan Drive
Stephens City, VA 22655

Re: Feasibility review for new drainfield at
3149 Front Royal Pike | Frederick County Tax Map # 87-A-64

Dear Ms. Reyes:

On Tuesday, January 17, 2017, a site visit was completed today per your request at 3149 Front Royal Pike; Winchester, VA (Frederick County Tax Map # 87-A-64). The site visit was completed in an effort to determine site and soil suitability for an onsite sewage disposal system that would serve a convenience store with 2 employees and a 1 bedroom in the dwelling.

A significant amount of the evaluation area had at some point in time, been excavated or had surface disturbance of some type. There is also a slight drainage way that dissects through the property. Based on Health Department regulations, low, wet areas cannot be used for any type of onsite sewage disposal system. Also, as alternative sewage disposal systems are installed at very shallow depths, any area that has been excavated, packed down or disturbed in some fashion, cannot be used.

In closing, it is my professional opinion, that unfortunately, a site for an onsite sewage disposal system is not available at this location. I recommend contacting the Health Department about possibly applying for a pump and haul permit. A second option would be to talk to the neighbor to the rear about creating an easement onto their property for an onsite system (further evaluation would be required to determine site suitability). Please contact us with any questions. Thank you for giving us the opportunity to assist with this project.

Sincerely,

A handwritten signature in cursive script that reads "Forrest R. Hadley".

Forrest R. Hadley, AOSE 1940001470
Hadley Environmental Services, LLC


To: Virginia Department of Health

From: Nancy Reyes-Sanchez

Date: July 05, 2017

Re: Property Easement Denial

In regards, to our interest for a property easement on **3171 Front Royal Pike Winchester, VA 22602**, we have been formally denied by the property owner **Marietta Walls**. Due to the property being in the market for sell. If you have any questions please feel free to contact me at (540) 664-4820.



Marietta Walls

7/18/17
Date



Marcos Reyes

7/20/17
Date

TO: BOARD OF DIRECTORS
FROM: MARCOS REYES
SUBJECT: PUMP AND HAUL
DATE: APRIL 06, 2018

CC:

Good afternoon,

The Health Department has requested us to install drain fields, but our property is too small, therefore we asked our next-door neighbour for a property easement. This request has also been denied formally in a letter that you will find in this application. I would like for the board of directors to grant me permission to get a pump and haul for my property **3149 Front Royal Pike Winchester, VA 22602**. If you have any questions, please feel free to contact me at (540) 664-4820.

Thank you,

Marcos Reyes
Marcos Reyes

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

Vice Chairman Fisher stated that events held at Grove's Winchester Harley-Davidson were always conducted well.

PLANNING COMMISSION BUSINESS

REQUEST FOR A COMMERCIAL PUMP AND HAUL PERMIT – 3149 FRONT ROYAL PIKE, WINCHESTER, VIRGINIA. - DENIED

Zoning Administrator Mark Cheran addressed the Board and presented this request. He stated this request was for the approval of a commercial Pump and Haul permit for an existing nonconforming commercial structure located at 3149 Front Royal Pike in the Shawnee Magisterial District. He stated this structure was previously utilized for a convenience store which has been closed since 2011 and the applicant wanted to reopen the store. He stated there was a structure behind the store on a drainfield but the drainfield was not for the store. He stated the property owner was not able to obtain an easement from the neighboring properties. He further stated this request was the first step to reopen the convenience store and if the pump and haul permit was approved the applicant would next be able to apply for a conditional use permit seeking to reestablish the nonconforming use. He went on to say that the subject property was outside the limits of the Sewer and Water Service Area (SWSA). He stated the Frederick County Code, §161-201.05A, stated that the Frederick County Board of Supervisors, after receiving a written statement from the Health Department, may approve a permanent pump and haul system permit if specific criteria are satisfied. He concluded by stating this request appeared to comply with the code requirements and therefore Board consideration of the request was appropriate. He stated the applicant was present should there be any questions.

Supervisor Slaughter asked about the Health Department information, that the existing well and e-coli test had been performed and satisfied.

Mr. Cheran replied yes.

Vice Chairman Fisher asked if the location of the pump and haul had been determined. He asked if it ran over where it would go. He stated it would go down Route 522.

Mr. Cheran stated that would have to be addressed.

Planning Director Mike Ruddy stated the Health Department regulates the design and the applicant would need to go through the conditional use permit process to reopen the store.

Vice Chairman Fisher stated he had issues with pump and hauls and he would not make a motion to approve.

Supervisor Dunn asked what the issues were.

Chairman DeHaven stated that a pump and haul was the only option.

Vice Chairman Fisher made a motion to deny this request.

Supervisor Dunn seconded the motion to deny. He asked if in the future, if the decision could be reversed.

Chairman DeHaven stated the applicant would have to go through the process again.

Supervisor Lofton stated if the Board was going to deny the request, he felt they should tell the applicant what the issues were.

Vice Chairman Fisher stated he felt a pump and haul was not the correct method and that pump and hauls were not foolproof.

Supervisor Lofton stated that the establishment and the community had been there for at least fifty years and he would like to see the applicant revive that and he felt the Board needed to tell the applicant what the issues were.

The above motion to deny the request for a pump and haul permit at 3149 Front Royal Pike, Winchester was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Charles S. DeHaven, Jr. | Aye |
| Blaine P. Dunn | Aye |
| Bill M. Ewing | Aye |
| Gene E. Fisher | Aye |
| Gary A. Lofton | Nay |
| Judith McCann-Slaughter | Aye |
| Robert W. Wells | Nay |

PUBLIC HEARING

PUBLIC HEARING - AMENDMENT TO THE 2017-2018 FISCAL YEAR BUDGET – PURSUANT TO SECTION 15.2-2507 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO AMEND THE FISCAL YEAR 2017-2018 BUDGET TO REFLECT: SCHOOL CONSTRUCTION FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$28,500,000 FOR THE CONSTRUCTION OF THE 12TH ELEMENTARY SCHOOL AT SNOWDEN BRIDGE. – (RESOLUTION #010-17) - APPROVED AS AMENDED

Interim County Administrator Kris Tierney presented this request and stated it was for the construction of the 12th elementary school and the amount would be in addition to the \$1.5

million that had already been approved for the design and that a public hearing was required.

Members of the School Board and administration were present on behalf of their request.

Chairman DeHaven convened the public hearing.

Mary Anne Johnson, Stonewall District, addressed the Board and stated residents of the Snowden Bridge development wanted and needed this school. She stated it was unacceptable to have mobile buildings. She further stated the economic growth in the area will impact the community. She stated she had a petition with 125 signatures of residents that wanted what the School Board requested.

Eric Peterson, Stonewall District, addressed the Board and stated this was about the children. He stated Stonewall Elementary School had 619 students and that modular units were not acceptable. He stated to delay the project would cost more and would prolong the inevitable. He stated with the economic growth, the Board needed to be proactive and not reactive. He stated the extra \$1.5 million is not too much more for the children.

John Mark Jones, Opequon District, addressed the Board with reference to the overcrowding at Aylor School. He stated renovations have been needed for two decades and they were still waiting. He felt renovations to Aylor needed to be made before any other project.

Dr. John Lamanna, Frederick County School Board Chairman and resident of Stonewall District, addressed the Board and stated the School Board submitted a request in December, 2016 for \$30.9 million for the elementary school at Snowden Bridge. He stated the Board of Supervisors stated they would consider an amount up to \$27 million. He further stated the School Board had worked hard to reduce the cost. He stated that with the student growth occurring the cost to delay would be significant; it would be 5% or greater and greater on the debt. He went on to say that the \$1.5 million increase was minimal. He stated that if the difference was the issue, the School Board would have to reconsider this project.

Joy Kirk, President of the Frederick County Education Association and resident of Back Creek District, addressed the Board and stated that teaching in overcrowded schools was not conducive to learning. She stated classes were being held in many areas other than classrooms. She stated there was economic growth which was positive growth but would mean new students. She stated the Board needed to be proactive and requested that they invest in the 12th elementary school.

Rebecca Morrison, Gainesboro District, addressed the Board on behalf of her husband

К



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: M. Tyler Klein, AICP, Planner *MTK*

SUBJECT: Ordinance Amendment – Shipping Containers

DATE: May 2, 2018

This is a proposed amendment to Chapter 165 – Zoning Ordinance to restrict the use of shipping containers (i.e. pre-fabricated, durable, steel shipping containers, also know as intermodal containers, cargo containers, freight containers, or ISO containers) as accessory storage in certain districts. Shipping containers are typically 8-feet (FT) wide, 8-FT tall and 20-40-FT long. The current zoning ordinance does not specifically address shipping containers, only where tractor trailers may be parked or stored.

Staff has drafted a revision to the Zoning Ordinance to prohibit the use of shipping containers as accessory storage in residential (RP, R4, & R5) subdivisions and on rural lots of less than 6-acres. The proposed amendment further restricts shipping containers as accessory storage in business and industrial district to only where they are completely contained within a screened outdoor storage yard and they may not be stacked. The intent of this modification is to further clarify what may be used for an “accessory structure/storage,” and address an area of concern as identified by the County’s Zoning Staff. Six (6) acres lots were determined as the minimum lot size in the RA District where shipping containers could be an accessory structure. The Development Review and Regulations Committee (DRRC) did not want shipping containers allowed as accessory storage on rural subdivision (residential) lots which require a minimum of 5-acres.

This item was discussed by the DRRC at their February 26th regular meeting. Staff had originally proposed restricting the use of shipping containers in all districts, except where they are used for temporary storage as part of construction activities (to be removed at time of final occupancy). The DRRC proposed changes to Staff’s original draft and instructed Staff to bring forward to the Planning Commission for discussion a revised text amendment which provide restrictions under certain circumstances (as outlined above).

The Planning Commission discussed this text amendment at their April 4, 2018 meeting. A Commission Member commented to clarify if someone puts a shipping container on lots less than 6-acres in the RA District, would it be allowed if put inside a building where it would not be visible or exposed. Staff noted that is correct if contained completely within an enclosed building. A Commission Member commented that he has talked with several people who are curious where the 6-acre amount threshold comes from and he wouldn’t mind if it were raised to 10 acres. Staff

noted the 6-acre threshold was determined to be appropriate as residential lots on the RA District are typically only 5-acres and the intent was to restrict the use of shipping containers as accessory storage on residential lots. The Planning Commission unanimously agreed to send the item forward as presented to the Board of Supervisors for discussion.

Staff offers the following considerations for further discussion by the Board of Supervisors.

- Staff's original intent in regulating shipping containers as accessory storage was to prohibit the use on residential lots in the RP, R4, R5 and RA Districts. Shipping containers are being increasingly used as accessory storage on residential lots as they are typically very inexpensive, durable, and easy to move.
- Shipping containers are exempt under the Virginia Statewide Building Code and do not require a building permit to be used as an accessory storage structure. They are not required to be on footers or a concrete foundation or required to meet other building code standards (such as wind load). For accessory structures of more than 250 square feet (SF) a building permit is required (a typical 8'x 8'x 40' shipping container is approximately 320 SF).
- Shipping containers would not qualify for use as a residence unless they were modified to meet all building code standards. This text amendment only restricts the use of shipping containers as accessory storage structures.
- Staff has no objection to shipping containers being used as storage on lots of all sizes in the RA District property accessory to a bona fide farm.
- Staff has not identified shipping containers as storage being a nuisance in business and industrial districts. Shipping containers on industrial property as a mode of transporting goods and products would not be affected by the above proposed regulations, as they would continue to be allowed with manufacturing, distribution and transportation services uses. Parking for tractor trucks, tractor truck trailers and shipping containers are allowed with an approved Conditional Use Permit (CUP) in the B3 (Industrial Transition), M1 (Light Industrial) and M2 (Industrial General) Zoning Districts.

The attached document shows the proposed ordinance as directed by the DRRC (with bold italic for text added). **This item is presented for discussion.** Comments and suggestions from the Planning Commission will be forwarded to the Board of Supervisors.

Attachments: 1. Revised ordinance with additions shown in bold underlined italics.
2. Citizen Comment Letter, received March 2018
3. Resolution

MTK/pd

**ARTICLE I
GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS**

Part 101 – General Provisions

§165-101.02 Definitions and word usage

Shipping containers – pre-fabricated, durable, steel shipping containers, also known as intermodal containers, cargo containers, freight containers, or ISO containers.

ARTICLE II

SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND REGULATIONS FOR SPECIFIC USES

Part 201 – Supplementary Use Regulations

§165-201.05. Secondary or accessory uses.

G. Shipping containers (i.e. pre-fabricated, durable, steel shipping containers, also known as intermodal containers, cargo containers, freight containers, or ISO containers):

- 1. Are prohibited as permanent storage or as an accessory use in the RA Rural Areas District on properties of less than six (6) acres, in the RP Residential Performance, R4 Residential Planned Community or R5 Residential Recreational Community Districts.*
- 2. May be allowed only as permanent storage in the RA Rural Areas District only on properties of six (6) acres or more and shall meet the minimum setback for accessory uses and structures and may not be stacked.*
- 3. May be allowed only as permanent storage in all Business and Industrial Zoning Districts only where contained entirely within a screened outdoor storage yard as set forth in §165-201.10 and may not be stacked.*

From: buckz buckz
To: [Tyler Klein](#)
Subject: 3 23 2018 The correct way to do it.
Date: Friday, March 23, 2018 12:22:54 PM

Motion by and for all tax payers in Frederick County.

1) Pre-existing steel containers can not be removed from RU property that are now (3-8-18) on RU property.

2) This subpart does not stop an eye sore on properties rated RU over 6 acres. This just discriminates against those property owners that have RU property under 6 acres **that do have** proper screening from eyesight view.

3) This subpart proposal mentions **Frederick County Regulation 165-201.10** in which most all truck companies are in severe violation of. It is basically unenforceable against shipping and receiving companies.

165-201.10 “Outdoor storage and processing.”

“The outdoor storage or processing of products, equipment or raw material is allowed in the business and industrial districts or in association with business uses allowed in any other zoning district only if the outdoor storage is directly associated with the primary uses of the property.”

“A. In such cases, the outdoor storage or processing shall be completely screened from the view of road and street right-of-way from surrounding properties by a fence, wall or by

screening.” **(the fence and wall action DOES NOT block from view the unsightly items.)**

Using the screening methods as stated above for subpart A of 165-201.10 would cure the eye sore problem for steel containers located in land rated at RU in Frederick County. (By the way truck companies are in violation of this ongoing. Take a look at the Home Depot facility. Home Depot has many, many, many trailers, shipping containers and storage containers not properly screened. The County does not enforce this rule against them.)

*Why is the purpose of the County of Frederick going after small property owners that have their

property properly screened? What is the purpose of this? The County board is staining out a Nat while swallowing a Camel.

On March 15, 2018 Tyler Klein stated that trees would be counted as screening for proposed screening. The amount of acreage should not be relevant as long as these containers are screened from view.

By this new proposal, an eye sore can exist on rural land of over 6 deeded acres. **This is not the answer.** The amount of land should not be used as a measuring stick that would allow an eye sore.

Clearly, using screening as stated in subpart A of 165-201.10 **is the answer.**

This is the intelligent answer. Let's use Tyler Klein's mental thought process.

These regulations are oppressive and without actually submitting them for a referendum vote. Regulations are guide lines.

The persons voting on these regulations are certainly not affected by them except that they do not want to see unsightly eye sores or have complaints about such.

A shipping container is used to ship contents without being unloaded. They cease to be a shipping container when they are used for storage such as parking cars, storing valuable equipment. They are then considered to be a unit. They are much more secure and safe than having to have a building constructed. They can be moved much more easily. Safety and securing property considerations are poorly considered.

Steel containers are now used for living space. Thus should not be considered a shipping container when they are not being used for shipping.

It appears that I have 8 steel containers on the land of less than 6 acres as of the March 2018 purchase date. My research showed that no prohibition against shipping container existed as of March 8th, 2018.

I want to get rid of some the steel containers and move them out and replace them with newer containers. They are now hidden.

Proposed considerations: May be allowed as permanent storage in all wooded area in Rural District ("screened") while screened by screening said container(s) from view. All vehicles that are screened, (screened by cover) that are not registered are legally parked in Frederick County.

It is clear that on land of 6 acres and above that an eye sore will be permitted to exist on rural land just because there are 6 deeded acres. It appears that this regulation is permitting an eye sore without screening just because there is 6 acres of deeded land, while prohibiting all other lesser areas in Frederick **County that have real screening and can not be seen** (and thus no observable eye sore). It appears that some one is getting a benefit.

All of the shipping and receiving truck and trailer depots will be in violation of subpart 3 in that none of the screening in their out door storage blocks from view the subject matter. None of them screen from sight the shipping container that is steel containers and trailers. Get ready to do a high amount of enforcement.

By law any one all ready having steel containers in existence on their property can not be affected by a new oppressive ordinance that is now being proposed.

The intelligent thing to do would be to permit a paid employee with expertise and knowledge to observe and recommend screening methods to prevent eye sores from developing on rural land in Frederick County using the measuring stick as stated in subpart A of 165-201.10

Tax Payer Henry New proposed add on for regulation 165-201.05 G change that does it all:

Steel containers are permitted on RA rural property based on having proper screening from eye sight as stated in the guideline laid out in subpart A of 165-201.10 to be administered by Tyler Kline.

Please disseminate to Planning Commissioners in an expeditious manner: Roads Marstan, Greg Unger, and all other Planning Commissioners that are involved in the new writing of the new regulation 165-201.05 G

Please disseminate to Tyler Kline, and all Board of Supervisor
Frederick County:

Gary Lofton, Chuck De Haven, Doug McCarthy, Bob Wells, Blain
Dunn, Shannon Trout, Judith Slaughter.

B Henry

194 Abby Lane

Strasburg, Virginia 22657



Action:

BOARD OF SUPERVISORS: May 9, 2018

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

ARTICLE I

GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

PART 101 – GENERAL PROVISIONS

§165-101.02 DEFINITIONS & WORD USAGE

ARTICLE II

**SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND
REGULATIONS FOR SPECIFIC USES**

PART 201 – SUPPLEMENTARY USE REGULATIONS

§165-201.05 SECONDARY OR ACCESSORY USES

WHEREAS, an ordinance to amend Chapter 165, Zoning to prohibit the use of shipping containers as accessory storage in residential (RP, R4 & R5) subdivisions and on rural lots of less than 6 acres. The proposed amendment further restricts shipping containers as accessory storage in business and industrial districts to only where they are completely contained within a screened outdoor storage yard and they may not be stacked was considered.

WHEREAS, The Development Review and Regulations Committee (DRRC) reviewed this text amendment at their February 26, 2018 meeting; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on April 4, 2018 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on May 9, 2018; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to restrict the use of shipping containers as accessory storage on residential lots, including supplemental use regulations that would correspond to the use.

Passed this 9th day of May 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Blaine P. Dunn

Shannon G. Trout

Robert W. Wells

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator