



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JULY 25, 2018
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

Call to Order

Invocation

Pledge of Allegiance

Adoption of Agenda

Consent Agenda

Attachment

1. Minutes----- **A**
 Called Meeting and Closed Session of June 27, 2018
2. Committee Reports
 Code and Ordinance Committee ----- **B**
 Finance Committee ----- **C**
 Parks and Recreation Commission (two reports) ----- **D**
 Public Safety Committee ----- **E**
 Transportation Committee ----- **F**
3. Resolution adding Business Boulevard to Secondary Road System ----- **G**
4. Northwestern Community Services' Fiscal Year 2019 Performance Contract ----- **H**
5. Resolution Supporting Concepts from the Commission on Local
 Government Draft Report on Annexation Alternatives ----- **I**

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

Board of Supervisors Comments

County Officials

1. Report to the Board by Karen Beck-Herzog, Site Manager
Cedar Creek and Belle Grove National Historical Park ----- J

2. Committee Appointments ----- K
 - a. Historic Resources Advisory Board
Member-At-Large Representative
4-year term, Applications pending
 - b. Winchester Regional Airport Authority
4-year term of Gene Fisher ended 6/30/18 (Eligible for reappointment)
4-year term of Robert Bearer ended 6/30/18 (Eligible for reappointment)
 - c. Conservation Easement Authority
3-year term of Elaine Cain, Co. Representative, ends 8/24/18 (Eligible for reappointment)
3-year term of Robert Solenberger, Co. Representative ends 8/24/18 (Eligible for reappointment)
3-year term of Charles Triplett, Planning Comm. Representative ends 8/24/18 (Eligible for reappointment)

3. Requests from the Commissioner of the Revenue for Refunds ----- L

Acar Leasing LTD –	\$ 2,520.83
BMW Financial Services NA LLC --	\$ 2,789.61
Bowman Properties LLC --	\$ 3,282.61
Capital Meats, Inc. --	\$ 23,136.35

Committee Business

Code and Ordinance Committee

(See Tab B for additional information)

1. Amendment to Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes), of the County Code, to allow for lifetime licensing of dogs.
The Committee recommends that the Board set a public hearing on the matter.

Code and Ordinance Committee, continued

(See Tab B for additional information)

2. Amendments to Chapter 52 (Building Construction), Section 52-5 (Issuance of Permits) and Chapter 143 (Stormwater/Erosion and Sediment Control), Section 143-194 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit), of the County Code, to require payment of delinquent real estate taxes before issuance of certain permits.
The Committee recommends that the Board set a public hearing on the matter.
3. Amendments to Chapters 48 and 118, of the County Code, to adopt a “plainly audible” standard with respect to certain prohibited noise.
The Committee recommends that the Board set a public hearing on the matter.
4. An amendment to Chapter 155 (Taxation), Article VIII (Tax on Purchasers of Utility Service), Section 155-34 (Tax Imposed), of the County Code, to correct a typographical error with respect to the tax on electric service.
The Committee recommends that the Board set a public hearing on the matter.

Finance Committee

(See Tab C for additional information)

- Items 3, 5, 6, 7, 8, 9, 10, and 12 were approved under the Committee's consent agenda.
1. The VJCCA Director requests an FY18 General Fund budget transfer in the amount of \$20,700 from a salary line item. This amount represents funds needed to cover May and June services. *The Committee recommends approval.*
 2. The Winchester Regional Airport Director requests an FY18 General Fund budget transfer in the amount of \$21,924 from salaries and fringes. This amount represents funds needed to cover fuel deliveries. *The Committee recommends approval.*
 3. The Planning Director requests an FY19 General Fund supplemental appropriation in the amount of \$59,066.50. This amount represents a carry forward of unspent budgeted FY18 funds for completion of the Capital Impact Study and Model. *Approved by Committee consent agenda.*
 4. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$13,700. This amount represents traffic control reimbursements. No local funds required. *The Committee recommends approval.* The committee also recommends forwarding the topic to the Public Safety Committee for discussion to determine the need for a policy.
 5. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$4,713.36. This amount represents reimbursements from the Treasury Department. No local funds required. *Approved by Committee consent agenda.*

Finance Committee, continued

(See Tab C for additional information)

6. The Sheriff requests an FY18 General Fund supplemental appropriation in the amount of \$5,155.01. This amount represents travel reimbursements from the State. No local funds required. **Approved by Committee consent agenda.**
7. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$15,191.16. This amount represents a carry forward of unspent FY18 funds from auto insurance claims. **Approved by Committee consent agenda.**
8. The Parks & Recreation Director requests the funds received in FY18 for the PLAY Fund in the amount of \$6,488.62 be reserved, subject to future appropriations. The balance will be reduced by the financial assistance provided during FY18 in the amount of \$1,270.50. No local funds required. **Approved by Committee consent agenda.**
9. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$121,807. This amount represents a carry forward of unspent FY18 funds for Northwest Sherando Park project, Clearbrook Park parking lot, Frederick Heights trail and parking lot, and Abrams Creek trail. **Approved by Committee consent agenda.**
10. The Parks & Recreation Director requests an FY19 General Fund supplemental appropriation in the amount of \$531,589.70. This amount represents a carry forward of unspent FY18 funds for the Northwest Sherando Park project. **Approved by Committee consent agenda.**
11. An FY18 F&R Expense Recovery Fund (Fund 30) supplemental appropriation in the amount of \$697,923.95 is requested. This amount represents \$433,487.95 in FY18 revenue received over budgeted revenue, and \$264,436 in fund balance funds for prior years distributions. No local funds are required. **The Committee recommends approval.**
12. The Fire & Rescue Chief requests an FY18 General Fund supplemental appropriation in the amount of \$13,915.40. This amount represents an auto claim reimbursement. No local funds required. **Approved by Committee consent agenda.**
13. The Fire & Rescue Chief requests approval to move forward with hiring two (2) additional training officers. Funds have been budgeted in FY19. **The Committee recommends approval.**

Transportation Committee

(See Tab F for additional information)

1. SmartScale Project Support Resolution: *The Committee recommends approval of the Resolution of Support for Frederick County and Regional SmartScale Applications.*
2. Intersection of Route 50 and Independence Agreements: *The Committee recommends approval of the updated language drafts of the Transportation Partnership Opportunity Fund Agreement and Backstop Agreement.*
3. Interstate 81 Corridor Study: The corridor study is under the direction of the SB 971 for Interstate 81. *The Committee recommends approval of the Resolution for the Board of Supervisors to Comment on the Interstate 81 Corridor Study.*

Public Hearings (Non Planning Issues)

1. **Outdoor Festival Permit Request of Concern Hotline – ----- M**
19th Annual Friday Fish Fry
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, September 7, 2018, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove's Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property Owned by Jobalie, LLC.
2. **Amendment to the 2018-2019 Fiscal Year Budget ----- N**
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 2018-2019 Budget to Reflect: School Construction Fund Supplemental Appropriation in the Amount of \$45,500,000 for the Acquisition of Land, Design and Construction of a Replacement Robert E. Aylor Middle School. Request for Appropriation of funds for replacement Aylor Middle School Building

Planning Commission Business

Public Hearings

1. **Rezoning #05-17 for O-N Minerals (Chemstone) ----- O**
d/b/a Carmeuse Lime & Stone, CONTINUED from March 14, April 25,
May 23, and June 13, 2018
Submitted by Lawson and Silek, PLC., to Amend the Proffers for this Property; Rezoning 394.2 Acres from the EM (Extractive Manufacturing) District with Proffer to the EM (Extractive Manufacturing) District with Revised Proffers. The Properties are Situated Generally West of the Town of Middletown. Specifically, the Middle Marsh Property is Located East of Belle View Lane (Route 758), and West and Adjacent to Hites Road (Route 625) and is Further Traversed by Chapel Road (Route 627). The Northern Reserve is Bounded to the South by Cedar Creek and is West and Adjacent to Meadow Mills Road (Route 624). The Properties are Identified with Property Identification Numbers 83-A-109 and 90-A-23 in the Back Creek Magisterial District.

2. **Conditional Use Permit #07-18 For Winchester 101 LLC ----- P**
For a Revision to the Conditions of Conditional Use Permit #13-96 Submitted to Change the Hours of Operation. The Property is Located at 4780 Northwestern Pike, Winchester, Virginia and is Identified with Property Identification Number 40-A-66D in the Gainesboro Magisterial District in the RA (Rural Areas) Zoning District.
Note: On July 19, the Applicant requested a deferral of the public hearing.

Other Planning Items

1. **Request for Joint Board of Supervisors – Planning Commission Meeting ----- Q**

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn