



**AGENDA**  
**REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY, SEPTEMBER 12, 2018**  
**7:00 P.M.**  
**BOARD ROOM, COUNTY ADMINISTRATION BUILDING**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**7:00 P.M. Regular Meeting Call to Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda**

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

**Consent Agenda**

**Attachment**

1. Minutes----- A  
    Joint Work Session with School Board of August 6, 2018  
    Regular Meeting of August 8, 2018  
    Joint Work Session with Planning Commission of August 15, 2018
2. Committee Reports  
    Finance Committee ----- B  
  
    Public Safety Committee ----- C  
  
    Transportation Committee ----- D
3. Resolution - Volunteer Fire & Rescue Departments' Eligibility for LODA Benefits ----- E
4. Resolution Honoring Serena "Renny" Manuel ----- F
5. Resolution to Remove Ramsuer Lane and Royston Court from the County ----- G  
    Road Naming System

**Consent Agenda** - continued

6. Resolution Changing the Board of Building Appeals from Six to Five Members ----- H

**Board of Supervisors Comments**

**County Officials**

1. Committee Appointments----- I

- a. Local Emergency Planning Committee  
Requests Board nomination of Anthony Campbell of HP Hood LC
- b. Extension Leadership Council  
Red Bud District - Unexpired 4-year term ending 9/9/19
- c. Planning Commission  
Member-At-Large Unexpired 4-year term ending 11/14/21
- d. Conservation Easement Authority  
3-year term of Elaine Cain, Co. Representative, ends 8/24/18 (Eligible and willing to be reappointed)  
3-year term of Charles Triplett, Planning Comm. Representative ends 8/24/18 (Eligible and willing to be reappointed)  
3-year term of Robert Solenberger, Co. Representative ends 8/24/18 (Does not wish to be reappointed, application of Lowell Henderson is attached)
- e. Shenandoah Area Agency on Aging  
4-year term of current representative ends 9/30/18 (Not eligible for reappointment)
- f. Northern Shenandoah Valley Regional Commission  
3-year term of Kris Tierney as Frederick County Representative ends 9/30/18 (Jay Tibbs is proposed for appointment)  
3-year term of Eric Lawrence as Frederick County Representative ends 9/30/18 (Eligible for reappointment)  
3-year term of Frederick County Alternate ends 9/30/18 (New appointee needed)

2. Requests from the Commissioner of the Revenue for Refunds ----- J

Acar Leasing LTD –	\$ 3,025.97
Toyota Lease Trust --	\$ 4,087.41

3. Acceptance of Fire & Rescue Study conducted by Fitch and Associates

## **Committee Business**

### **Finance Committee**

*(See Tab \_B\_ for additional information)*

☒ Items 5, 6, and 7 were approved under the Committee's consent agenda.

1. The Public Works Director requests an FY19 General Fund supplemental appropriation in the amount of \$538,090. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$19,500 to rehab the old Clearbrook compactor to be used at a future site;
  - b. \$45,000 for site improvements at the Middletown Convenience site;
  - c. \$75,000 for anticipated increased collection costs of refuse and recycling;
  - d. \$385,342 for the completion of the Stephenson Convenience Center;
  - e. \$6,521 for spay/neuter shelter animals; and
  - f. \$6,727 for the Animal Shelter building addition design.These items have been approved by the Public Works Committee. ***The Committee recommends postponement of item C, and approval of the remaining requests.***
2. The Public Works Director requests a public hearing for an FY19 Landfill Fund supplemental appropriation in the amount of \$3,706,000. ***This item is the subject of a Public Hearing later on this meeting agenda.***
3. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$5,000. This amount represents a Byrne/JAG grant that has been awarded for Narcan. No local funds are required. ***The Committee recommends approval.***
4. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$18,000. This amount represents a grant that has been awarded for crime prevention pamphlets and Police to Citizen software. The local match of \$2,000 is being met with a current position's salary. ***The Committee recommends approval.***
5. ☒ The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$9,352.43. This amount represents auto insurance claims. No local funds required. ***Approved by Committee consent agenda.***
6. ☒ The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$400. This amount represents DARE donations. No local funds required. ***Approved by Committee consent agenda.***
7. ☒ The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$750. This amount represents a donation for a K9 vest. No local funds required. ***Approved by Committee consent agenda.***
8. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$175,000. This amount represents maximum funds needed for a SWAT Truck Conversion vehicle. This request has been approved by the Public Safety Committee. Local funds are required. ***The Committee recommends approval.***
9. The Deputy County Administrator requests an FY19 General Fund supplemental appropriation in the amount of \$31,044. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$13,780 for sealant replacement at the County Administration Building;
  - b. \$2,616 for carpet replacement in the Health Department; and
  - c. \$14,648 for carpet replacement in the Treasurer's office.***The Committee recommends approval of the entire request.***
10. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. ***The Committee recommends no changes to the charter.***

**Committee Business**

Finance Committee - continued

11. Information on School categorical funding is provided for discussion. *The Committee recommends requiring the Schools to present the School Operating Fund budget by major classifications as listed in the Code of Virginia 22.1-115.*

**Public Hearings (Non Planning Issues)**

**1. Proposed School Bond Financings by the Board of Supervisors of the County of Frederick, Virginia ----- K**

*Notice is Hereby Given that the Board of Supervisors (The "Board") of the County of Frederick, Virginia (the "County") will Hold a Public Hearing in Accordance with Section 15.2-2606 of the Code Of Virginia of 1950, as Amended, on the Issuance of General Obligation School Bonds (the "Bonds") of the County in an Aggregate Principal Amount Not to Exceed \$45,500,000 to Finance Certain Capital Projects for Public School Purposes, Consisting Primarily of the Construction and Equipping of the Replacement Robert E. Aylor Middle School. A Resolution Authorizing the Issuance of the Bonds will be Considered by the Board of Supervisors at Its Meeting on Wednesday, September 12, 2018. All Interested Parties are Invited to Attend and Present Oral or Written Comments.*

**2. Amendment to the 2018-2019 Fiscal Year Budget ----- L**

*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: Landfill Fund Supplemental Appropriation in the Amount of \$3,706,000 for the Carry Forward of Unspent Funds for Generator Maintenance, Gas Treatment Skid Parts Replacement, a Trash Compactor, and a Leachate Collection Pond.*

**3. Proposed Amendments to the Frederick County Code, Chapter 48 Animals and Fowl, Article I Dog Licensing; Rabies Control, Section 48-18 License Taxes ----- M**

*The Proposed Amendments Would Allow for Lifetime Licensing of Dogs and would Permit Zero Cost Lifetime Licenses for Dogs Adopted from the Esther Boyd Animal Shelter. The Intent of the Proposed Ordinance Amendments Would Be to Reduce the Administrative Burden of the County's Current Dog Licensing System and Encourage Adoptions from the Shelter.*

**4. Proposed Amendments to the Frederick County Code, Chapter 48 Animals and Fowl, Article II Noise, Section 48-23 Unreasonable Noise Unlawful, Section 48-24 Enforcement, and Section 48-25 Violations and Penalties; and Chapter 118 Noise, Section 118-1 Unreasonable Noise Unlawful, Section 118-2 Enforcement, Section 118-3 Violations and Penalties, and the Additions of Section 118-4 Specific Prohibitions and Section 118-5 Exceptions. ----- N**

*The Proposed Amendments Would Revise the Noise Ordinance to Adopt as the Standard for Prohibited Noise as "Plainly Audible" at Certain Points Beyond Its Source. Also, with Respect to Barking Dogs, the Proposed Revisions Further Require that Barking Occur at Least Once a Minute for Ten Consecutive Minutes in Order to be Prohibited. The Proposed Amendments do not Generally Deviate from the General Principles of the Current Ordinance and Keeps the General Noise Prohibition Limited to the RP, R4, R5 and MH Zoning Districts, with the Noise Prohibition being Applicable 9:00 P.M. to 6:00 A.M. The Proposed Amendments Also Expressly Provide that the Noise Prohibition Does Not Apply to a Bona Fide Agricultural Activity and Includes a Further List of other Activities that are not Subject to the Prohibition.*



**Public Hearings (Non Planning Issues) - continued**

- 5. Proposed Amendments to the Frederick County Code, Chapter 52 Building Construction, Section 52-5 Issuance of Permits and Chapter 143 Stormwater/ Erosion and Sediment Control, Section 143-195 Issuance, Time Limit, Modification, Maintenance, Transfer and/or Termination of Frederick County Land-Disturbing Permit and VSMP Authority Permit. ----- O**

*The Proposed Amendments Would Require that any Delinquent Real Estate Taxes and Other Charges that Constitute a Lien on a Property, that are Owed to the Locality, be Paid before the Locality Accepts an Application for a Building Permit or Stormwater/Erosion and Sediment Control Permit for the Property. The Proposed Ordinance Amendments Would Apply to New Construction and Additions but Would not be Applicable to Emergency Work.*

- 6. Proposed Amendments to the Frederick County Code, Chapter 155 Taxation, Article VIII Tax on Purchasers of Utility Service, Section 155-34 Tax Imposed ----- P**

*This Proposed Amendment Would Correct a Typographical Error within Section 155-34 (A)(1)(a)(2)(c) which Provides the Formula by which the Tax on Electricity is Calculated when the Electricity is being Consumed by Multiple Dwellings or Units through a Master Meter. The Subsection, Currently, Erroneously Refers to Apartment Houses or Multiple-Family Dwellings Utilizing Gas Service, not Electric Service.*

**Planning Commission Business**

**Public Hearings**

- 1. Rezoning #05-17 for O.N. Minerals (Chemstone) d/b/a Carmeuse Lime & Stone- ----- Q**

*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. Rezoning #02-18 for St. Paul's on the Hill ----- R**

*Submitted by Greenway Engineering, Inc., to Rezone 4.971+/- Acres from the RP (Residential Performance) District to the RP (Residential Performance) District with Proffers. The Property is Located at 1527 Senseny Road and is Identified by Property Identification Number 54-A-128 in the Red Bud Magisterial District.*

- 3. CPPA #01-18 St. Paul's on the Hill – Land Use Designation Amendment Request ----- S**

*This is a Request to Change the Land Use Designation for One Parcel of Land that Totals 4.971 Acres. The Property is Identified by Property Identification Number 54-A-128 and is Located at 1527 Senseny Road in the Red Bud Magisterial District. The Property is Located within the Sewer and Water Service Area (SWSA) and the Urban Development Area (UDA). The Property is Currently Designated in the Senseny/Eastern Frederick Urban Area Plan of the 2035 Comprehensive Plan for Institutional Land Use with Environmental Resources. The Applicant is Requesting to Change the Current Institutional Designation to Urban Center.*

**Public Hearings - continued**

**4. Conditional Use Permit #08-18 for Trailer Drop, LLC ----- T**

*Submitted by GreyWolfe, Inc., for a Tractor Truck and Tractor Truck Trailer Parking Use as a Conditional Use in the M1 (Light Industrial) District. The Property is in Stonewall Industrial Park at the End of McGhee Road (Route 861), Winchester, Virginia and is Identified with Property Identification Number 43-19-64 in the Stonewall Magisterial District.*

**5. Conditional Use Permit #13-96 (Hogue Creek Country Market) for Winchester 101 LLC ----- U**

*This Conditional Use Permit is Proposed to be Revoked Due to Violations of Conditions 4 and 7 from Conditional Use Permit #13-96 which Pertains to Buffers, Lighting Pollution, Noise, Debris and 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.*

**Other Planning Business**

**1. Discussion – 2018 Comprehensive Plan Amendments ----- V**

- a. CPPA #02-18 Carter Tract Proposal -Clearbrook (near Brucetown)
- b. CPPA #03-18 Waverly Farm (south of Hopewell Road and west of Interstate 81)

**2. Pump and Haul – 165 Caldwell Lane ----- W**

**Board Liaison Reports**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**MINUTES**  
**Frederick County Board of Supervisors – Frederick County School Board**  
**Joint Meeting**  
**Monday, August 6, 2018**  
**5:30 p.m.**  
**R. E. Aylor Middle School, 901 Aylor Road, Stephens City, VA**

**ATTENDEES**

**Board of Supervisors:** Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; and Robert W. Wells were present. Shannon G. Trout was absent. Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Rod Williams, County Attorney and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**School Board:** Dr. John Lamanna; Michael Lake; Seth Thatcher; Jay Foreman; Frank Wright; and Shontya' Washington were present. Kali Klubertanz was absent. Staff present: Dr. David Sovine, Superintendent; Dr. Al Orndorff, Assistant Superintendent for Administration; Dr. James Angelo, Assistant Superintendent for Instruction; Steve Edwards, Coordinator of Policy and Communications; and Kevin Kenney, Clerk of the Works.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 5:34 p.m.

**APPROVAL OF AGENDA**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Dunn, the agenda was approved.

**DISCUSSION**

Chair Lamanna summarized the process thus far and reviewed the questions posed by the Board of Supervisors at the previous joint meeting.

Dr. Angelo made a presentation on the School Board's Systematic Approach to Decision Making explaining the process used in determining the district's request for a 160,000 square foot building to replace Aylor Middle School. He reviewed data sources and changes in instruction models requiring additional floor space, citing the particular need for collaborative learning spaces. He concluded saying that student learning levels cannot be separated from instructional models and instructional models cannot be separated from school design because the three things are interconnected.

Dr. Orndorff reviewed square footage minimums and compared them to the desired space sizes needed as decided by the School Board and its Buildings and Grounds Committee in conjunction with the current instructional model.

Mr. Kenney noted the Department of Education's minimum standards and said that when square footage is measured, there are areas that are not to be included such as closets and wall

widths. He said just computing total square footage will not result in an accurate useable square footage figure for a given building.

Dr. Lamanna said the School Board had heard this presentation before in regularly scheduled training sessions. He noted that the School staff members are experts who have a decision-making process and do not make whimsical decisions. He said the staff has concluded six construction projects during his tenure and are experts who know what they are doing. He asked the Board of Supervisors to trust the School Board to make the right construction decisions.

Supervisor Lofton asked how the School Board will address the disparity between Frederick County Middle School and the Aylor replacement school regarding collaborative learning space affecting student performance. Dr. Lamanna noted that Frederick County Middle School has collaborative learning spaces. Dr. Angelo said that schools do the best they can in existing structures, and when renovation or replacements occur, they are updated to include the collaborative spaces. Dr. Sovine noted the difficulty of providing flexible learning space at James Wood Middle School with its traditional floor plan versus the newer Frederick County Middle School.

Supervisor Lofton noted the minimum standard of 118,000 square feet for a middle school. He noted a 140,000 square foot building would be 20,000 square feet more and asked who decides what is optimum. Dr. Sovine said the decision is a function of the School Board in conjunction with staff.

Supervisor Dunn said he is not challenging the integrity of the School Board when he is discussing the points about square footage needs. He said his concern is new debt for the County and asked if adjustments in new projects could be made to offset additional debt. He asked if some of the projects on the CIP can be delayed or whether a tax increase will be necessary.

Dr. Lamanna said the mention of tax increases is sensationalism and the CIP is to be used for planning by the Board of Supervisors. He asked why logically the Board would approve a building that will not hold 900 students especially with the rate of residential growth in the area. He said the cost to address the building size will be greater later. Dr. Sovine noted that for the last two years, the Schools have been below the planned funding level. He added that the School Board plans to capture as many cost savings as possible when planning and building.

Supervisor Dunn explained his thoughts, and Dr. Lamanna asked the Board to think about the growth in the area.

Supervisor McCarthy asked whether the current Aylor building would be available for surplus. Mr. Wright and Dr. Sovine said that with the growth in the area, it may be that the current building would be needed to address crowding at Sherando High School if another high school is not built.

Mr. Wright said he trusts the Board of Supervisors to do the right thing for the community. He said he wants the Board of Supervisors to trust the School Board to build the best school for the students of Frederick County with the funds provided.

Supervisor Dunn referenced a request the previous year for a new high school. He noted there was a change in capacity numbers used by Dr. Orndorff. He asked Dr. Lamanna if it would be possible for an addition to be made to an existing high school in lieu of building a fourth high school in exchange for a \$52 million Aylor Middle School project.

Dr. Sovine clarified that the capacity numbers were changed because the Buildings and Grounds Committee requested a review since the numbers had not been updated for a long period of time.

Dr. Lamanna suggested that after the decision on the Aylor replacement appropriation, another joint meeting be held to review the roles and responsibilities of each board in an effort to encourage communication and teamwork among the boards.

### **ADJOURN**

Upon motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, the meeting was adjourned at 7:35 p.m.

**MINUTES**  
**CLOSED SESSION AND REGULAR MEETING**  
**FREDERICK COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY, AUGUST 8, 2018**  
**6:00 AND 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; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Mike Ruddy, Director of Planning; John Bishop, Assistant Director of Planning – Transportation; Candice Perkins, Assistant Director of Planning; Mark Cheran, Zoning & Subdivision Administrator; Tyler Klein, Planner; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 6:00 p.m.

**CLOSED SESSION**

Vice Chairman Lofton moved that the Board convene in closed session pursuant to Virginia Code § 2.2-3711(A)(3) for discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Supervisor Dunn seconded the motion which carried unanimously on a voice vote.

At 6:42 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor McCarthy. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Wells seconded the motion which carried as follows on a roll call vote:

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

At 6:44 p.m., Chairman DeHaven recessed the meeting until 7:00 p.m.

## **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**

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

## **ADOPTION OF CONSENT AGENDA – APPROVED**

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

**-Minutes: Joint Meeting with the School Board of July 24, 2018-CONSENT AGENDA APPROVAL**

**-Minutes: Regular Meeting of July 25, 2018-CONSENT AGENDA APPROVAL**

**- Public Works Committee Report (Attachment 1) - CONSENT AGENDA APPROVAL**

**- Transportation Committee Report (Attachment 2) - CONSENT AGENDA APPROVAL**

**-Amendment of Rules and Procedures, Articles 4 and 7 - CONSENT AGENDA APPROVAL**

## ARTICLE IV - CONDUCT OF BUSINESS

Section 4-1. Order of Business [Amended 06/11/03]; [Amended 01/14/04]; [Amended 02/14/18]; [Amended 08/08/18]

At meetings of the Board, the order of business should be as follows:

Closed Session (When Required)

Call to Order

Invocation

Pledge of Allegiance

Adoption of Agenda

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

Consent Agenda (Will contain Minutes and Committee Reports)

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

Board of Supervisors Comments

County Officials

Committee Business

Public Hearings – Non Planning Issues (When Required)

Planning Commission Business

Public Hearings (When Required)

Other Planning Commission/Department Business

Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjournment

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## ARTICLE VII – APPOINTMENTS

Section 7-1. Appointments **by the Chairman of the Board**

The Chairman shall appoint members of the Board to such authorities, boards, commissions, committees or other organizations or positions as the Board shall so authorize and to appoint various citizen members to Board's standing committees.



The following positions are appointed by the Chairman each January.

**STANDING COMMITTEES OF THE BOARD APPOINTED BY THE CHAIRMAN:**

Finance Committee	Code and Ordinance Committee
Human Resources Committee	Public Safety Committee
Public Works Committee	Technology (IT) Committee
Transportation Committee	

**OTHER APPOINTMENTS MADE BY THE CHAIRMAN:**

Board Liaison to Fire & Rescue Association  
County Representatives to the Frederick County-Winchester Joint Finance Committee

Section 7.2. ~~Committee~~ Appointments by the Board of Supervisors [Amended 01/25/06]; [Amended 02/14/18]

Each board member may nominate citizen members to be appointed to the various authorities, boards, commissions, and committees where a representative is needed from a member's respective magisterial district or for the county at large. (Note: A current list of boards and committees is available on the County website, [www.fcva.us](http://www.fcva.us).) A majority vote of those board members present shall be required to appoint a nominee to said authority, board, commission, or committee. Prior to Board action on a ~~perspective~~ prospective nominee, the following process shall be followed:

1. Applications are required for positions on bodies created by the Board of Supervisors. For non-Frederick County boards such as regional or community-based bodies, the Board of Supervisors will accept and consider nominations from those boards while reserving the right to appoint its preferred candidate. The application form, or Committee Appointments Informational Data Sheet, ~~for vacancies are~~ is available on the County website, [www.fcva.us](http://www.fcva.us), or through ~~Board members and~~ the County Administrator's Office. A completed application (Informational Data Sheet) shall be required for all initial nominations; however, a completed application (Informational Data Sheet) for candidates being reappointed shall not be required.
2. Applications ~~shall must~~ be received in the County Administrator's Office ~~up to~~ by 5:00 p.m. on the ~~Thursday~~ Wednesday preceding a Board meeting in order ~~that they might to~~ be included in the agenda for review by the members of the Board.
3. Any applications received after the deadline specified above will be held for review until the next regularly scheduled meeting of the Board.

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**CITIZEN COMMENTS**

Joy Kirk, Back Creek District, made an appeal to the Board's fiscal responsibility saying that it will be costlier if a smaller replacement Aylor Middle School is built and then added to later. She urged the Board to build the larger school as originally requested by the School Board.

Katie Bochert, employee of Frederick County Public Schools, discussed growth as explained on the [yesfrederick.com](http://yesfrederick.com) website. She encouraged the Board to consider its connections to the School Board and to work together with them for success.

Eva Stein, Opequon District, said she is a third grade student and spoke in favor of a replacement Aylor School.

Bryan Nuri, Opequon District, used the analogy of buying clothes larger than needed to allow for growth and advised building a larger Aylor replacement school. He said there is tremendous growth in the County and the building will be needed. He noted the size in square footage and student population of the Brambleton Middle School discussed in earlier meetings.

Shawn Graber, Back Creek District, discussed the recent school budget amendments and the current County debt load. He suggested the School Board cut its budget in other places to compensate for the new debt for the Aylor building. He suggested that a request for additional funds be placed in the County real estate tax bills for the second half of the year so that the residents who have offered to have their taxes raised can voluntarily pay more.

Amber Wallin, Opequon District, said she had spoken many times on the Aylor

replacement issue. She said much information has been requested and supplied and noted the large amount of citizen support. She asked the Board to give the Aylor community what it has requested.

### **BOARD OF SUPERVISORS COMMENTS**

Supervisor Dunn clarified the size and number of students at Brambleton Middle School.

### **COUNTY OFFICIALS:**

### **AMENDMENT to the 2019 FISCAL YEAR BUDGET - APPROVED**

*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.*

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

Vice Chairman Lofton moved for approval of the Amendment to the FY 18-19 Budget for 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. Supervisor Trout seconded the motion.

Supervisor McCarthy thanked the School Board and staff for their efforts in planning for the replacement Aylor school. He noted that both Boards are trying to do the best for the County's children.

Supervisor Wells thanked all who participated in the discussion. He noted his construction background and said he knows that a bigger school is needed.

Vice Chairman Lofton said he made the motion because the School Board has said they can build a 900-student capacity building for \$45.5 million.

Supervisor Trout said the County is continuing to grow and she hopes that the larger building can be built at this time.

Supervisor Dunn discussed the County's debt, how it might be paid, and whether the School Board can find ways to cut costs or delay projects.

Chairman DeHaven said it would be wrong to build a building with a capacity of less than 900 students.

The motion approving the budget amendment carried on a roll call vote as follows:

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

## **COMMITTEE APPOINTMENTS**

### **STEVE CANTU APPOINTED AS A MEMBER AT-LARGE TO THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor Slaughter, Steve Cantu was appointed to the Historic Resources Advisory Board for a four-year term ending August 8, 2022. The motion carried on a voice vote.

### **HEATHER MCKAY AND BOB CLAYTOR REAPPOINTED TO THE ECONOMIC DEVELOPMENT AUTHORITY - APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, Heather McKay and Bob Claytor were each reappointed to the Economic Development Authority for a four-year term ending September 10, 2022. The motion carried on a voice vote.

## **COMMITTEE BUSINESS** - None

## **PUBLIC HEARINGS (Non-Planning Items)** -

### **OUTDOOR FESTIVAL PERMIT REQUEST OF ROTARY CLUB OF WINCHESTER – 43<sup>RD</sup> ANNUAL SHENANDOAH VALLEY APPLE HARVEST FESTIVAL - 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 Saturday, September 15, 2018, from 10:00 A.M. to 5:00 P.M. and Sunday, September 16, 2018 from 10:00 A.M. to 5:00 P.M.; on the Grounds of Frederick County Fairgrounds, 250 Fairground Road, Clearbrook, Virginia. Property Owned by Frederick County Fair.*

Mr. Tierney provided background information on the event. Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Upon motion of Supervisor Slaughter, seconded by Supervisor Dunn, the Outdoor Festival permit for the 43<sup>rd</sup> Annual Apple Harvest Festival was approved on a voice vote.

## **PLANNING COMMISSION BUSINESS**

### **Public Hearings**

### **REZONING #01-18 FOR STONEWALL IV -**

*Submitted by Walsh Colucci Lubeley & Walsh, to Rezone 88.91+/- Acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with Proffers. The Properties are Located at the Southern Terminus of Lenior Drive (Route F-732) and are Identified by Property Identification Numbers 43-A-21, 43-A-21B, 43-19-4 and 43-A-24.*

Assistant Planning Director Candice Perkins explained the application to rezone a total of 88.91+/- acres of land to the M1 (Light Industrial) District with proffers. She said the site is located within the limits of the Northeast Land Use Plan of the 2035 Comprehensive Plan and the proposed M1 Zoning is generally consistent with the Northeast Land Use Plan as it relates to the area. She added that the properties are located within the limits of the Sewer and Water Service

Area (SWSA) and she highlighted the proffers. She said the Planning Commission recommended approval of this rezoning at their July 19, 2018 meeting.

John Foote of Walsh Colucci Lubeley & Walsh described the rezoning request including the proffers. He noted the applicant has brought revenue to the County.

Chairman DeHaven opened the public hearing.

Jack Drumheller, Stonewall District, said there has been tremendous change in traffic in the County in the last 30 years resulting in many challenges. He said he is not opposed to the rezoning but asked if it should happen before the new ramp is built which will allow a second access to Stonewall Industrial Park.

Chairman DeHaven closed the public hearing.

Supervisor Slaughter noted her concern about transportation challenges. She moved for approval of Rezoning #01-18 for Stonewall IV. Supervisor McCarthy seconded the motion. He noted his concern about agricultural land being rezoned for industrial use but added that this parcel is in the appropriate place for such growth. The motion for approval of the rezoning carried on a roll call vote as follows:

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

#### **Other Planning Items**

#### **ORDINANCE AMENDMENT – SHIPPING CONTAINERS – REFERRED BACK TO PLANNING COMMISSION AND STAFF**

*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 zoning 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.*

Planner Tyler Klein provided background on the proposed amendment. The Board and staff discussed the merits of the amendment and how it related to the various zoning designations including residential, and also discussed its application in residential subdivisions. By consensus, the item was sent back to the Planning Commission and staff for revision and review.

#### **ORDINANCE AMENDMENT – STORAGE FACILITIES, SELF SERVICE, IN RA DISTRICT – NO ACTION**

*This is a proposed amendment to Chapter 165 – Zoning Ordinance to allow storage facilities, self-service, in the RA (Rural Areas) Zoning District as a conditional use (requiring an approved Conditional Use Permit – CUP). Currently, storage facilities, self-service, are only allowed in the B2 (General Business), B3 (Industrial Transition), M1 (Light Industrial) and M2 (Industrial General) Zoning Districts.*

Planner Tyler Klein provided background on the proposed amendment. The Board and staff discussed the merits of the amendment and whether the Conditional Use permit is a better mechanism than a rezoning for storage facilities. The Board considered holding a public hearing and then by consensus chose not to act on the matter.

**BOARD LIAISON REPORTS**

Supervisor Wells thanked all who participated in the recent Frederick County Fair adding that it was a great success despite all the rain.

Supervisor Wells said he received two emails complimenting the Sheriff’s Department for checking the homes of vacationing residents.

**BOARD OF SUPERVISORS COMMENTS**

Supervisor Dunn referenced the vote at the previous meeting on July 25, 2018, denying the request for Rezoning #05-17 for O-N Minerals dba Carmeuse. He said he had misheard the applicant’s clarification about work hours. He said he had contacted the 19 residents directly affected and 16 of those would prefer the new proffers, and he now wishes to change his vote. Supervisor Dunn moved to rescind the vote taken on July 25 denying Rezoning #05-17. Vice Chairman Lofton seconded the motion.

Mr. Tierney noted that County Attorney Williams has stated the need for a public hearing on the matter before the Board takes action on the matter.

Supervisor McCarthy moved to amend the motion to rescind and set a public hearing for the soonest possible meeting date should the applicant wish it to be reconsidered. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

The amended motion rescinding the vote and setting a public hearing at the soonest possible meeting date, should the applicant wish it to be reconsidered, carried on a roll call vote as follows:

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

**CITIZEN COMMENTS**

Alan Morrison, Gainesboro District, said the last two meetings have worried him. He said the County continues to build houses without regard to infrastructure including schools, roads, and fire and rescue. He said the County needs to slow down and get ahead of the growth. He said the citizens have to use resources efficiently but he does not see the County government doing that.

**ADJOURN**

On motion of Vice Chairman Lofton, seconded by Supervisor Dunn, the meeting was adjourned at 8:23 p.m.

**MINUTES**  
**Frederick County Board of Supervisors – Planning Commission**  
**Joint Meeting**  
**Wednesday, August 15, 2018**  
**6:00 p.m.**  
**107 North Kent Street, Winchester, VA**

**ATTENDEES**

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

**Planning Commission:** Chairman Kevin W. Kenney; Gregory L. Unger; H. Paige Manuel; William H. Cline; Charles E. Triplett; Lawrence R. Ambrogi; J. Rhodes Marston; Gary R. Oates; Christopher M. Mohn; Kathleen “Kay” Dawson; and June M. Wilmot were present. Robert S. Molden and Roger L. Thomas were absent.

**Staff present:** Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Rod Williams, County Attorney; Michael T. Ruddy, Director of Planning and Development; Candice Perkins, Assistant Director of Planning and Development; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**CALL TO ORDER**

Chairman DeHaven and Chairman Kenney called the joint meeting to order at 6:00 p.m.

**APPROVAL OF AGENDA**

Upon motion of Supervisor Slaughter, seconded by Supervisor McCarthy, the agenda was approved.

**DISCUSSION – Comprehensive Plan Amendment Requests for 2018**

**A. CPPA #02-18 – Carter Tract Proposal – Clearbrook (Near Brucetown Road)**

Planning Commission member Gary Oates said he would abstain from discussion on the proposal as he had provided services on the proposal for the applicant.

Assistant Planning Director Candice Perkins provided background information on the request. She said the request was for inclusion in the Sewer and Water Service Area (SWSA) and Industrial Land Use Designation of 213.8 acres of land - Parcels 45-A-2, 45-A-7, 33-A-144 and 33-A-89. She noted the properties are located north of the CSX Railroad, south of Brucetown Road, and east/adjacent to the Clearbrook quarry in the Stonewall Magisterial District. She added the properties are currently zoned RA (Rural Areas) District, and the Northeast Frederick Land Use Plan shows the properties as remaining rural.

Ms. Perkins provided a summary of the comments received from Frederick Water:

- Frederick Water does not presently have water and sewer facilities in the vicinity of the Carter Tract.

- There is currently limited sewer conveyance capacity available in the vicinity of the subject parcels.
- The existing Route 11 North sewer system has available capacities reserved by property owners who funded the sewer infrastructure extension to Rest Church Road area over a decade ago, but the system does not currently have excess capacity available for additional land areas such as the subject properties.
- Sewer conveyance and treatment capacities are currently limited and warrant upgrades to meet long term planned development that is reflected in the SWSA.
- Expansion of the SWSA will introduce additional demands for service, and additional conveyance and treatment capacities, essentially adding additional land area to further share the limited existing conveyance and treatment capacities.
- Frederick Water does not support further study of the application without consideration of a much larger study area that could collectively contribute to infrastructure improvements to convey the study area sewage directly to the OWRP or to a new WWTP. A study of opportunities for expansion of wastewater treatment facilities would also be important.

Ms. Perkins said the CPPC discussed the proposal and the concerns of Frederick Water at their July Meeting and recommended further study of a broader area for parcels contiguous to the existing SWSA adjacent to the subject property. She noted the proposal is scheduled for discussion at the September 12th Board of Supervisors meeting. She added that the owner of a property adjacent to the Carter Tract has expressed interest in also coming into the SWSA, but this property did not submit a formal CPPA request by the June 1st deadline.

Ms. Perkins noted there is a gap between the subject property and the existing SWSA.

Supervisor Slaughter said she hoped there would be more definite information about the user and the actual water use needed. She added that there are other environmental concerns as well.

Mr. Tierney noted that the proposal is a comprehensive plan amendment rather than a rezoning and therefore there is no certainty of an end user. Mr. Ruddy added that further details would be worked out during the rezoning process that would follow the plan amendment.

Vice Chairman Lofton and Ms. Perkins discussed the process and the timeline of the proposed study concluding that the study may require three to six months. Vice Chairman Lofton said in coordination with Frederick Water a larger study area may be found desirable. Mr. Ruddy noted that coordination with VDOT would also be required.

Mr. Tierney said that the Board's concerns could be stated as guidelines in the text of the plan amendment to guide future rezoning.

The Board and staff discussed the possibility of adjusting parcels in the SWSA boundary to reduce the area in some places offset by increases in another. Chairman DeHaven said he is not interested in seeing the line move, and that location in the SWSA indicates the County is intending to serve the areas with water and sewer access. He said he is agreeable to performing the study but there should be no expectation of success in including the property in the SWSA.

Supervisor McCarthy said he is in favor of the study to gain information.

Supervisor Slaughter said that inclusion of properties in the SWSA is required for rezoning.

Ms. Perkins said the current request is the step required before an applicant can apply for rezoning.

Chairman Kenney said he agrees with performing the study, but that the County is not ready to serve the area with water and sewer and should make no commitment to add the area to the SWSA.

Vice Chairman Lofton said the comprehensive plan is a look forward and moving some land to industrial use will help the tax base. He said concerns about capacity should not hold the County back when planning for the use of the properties in the future.

**B. CPPA #03-18 – Waverly Farm- (South of Hopewell Road and west of Interstate 81)**

Assistant Planning Director Candice Perkins provided background information on the request. She said the request was for Sewer and Water Service Area (SWSA) Inclusion of 145.5 acres (Parcels 33-A-69, 33-A-70, 44-A-80 and 44-A-80A) located south of Hopewell Road and west of Interstate 81, in the Stonewall Magisterial District. She said the properties are currently zoned RA (Rural Areas) District and the Northeast Frederick Land Use Plan designates these parcels for mixed use industrial/office and industrial uses.

Ms. Perkins provided a summary of the comments received from Frederick Water:

- Frederick Water does presently provide water and sewer services to the VDOT Rest Area, located immediately south of the applicant's land areas, and the only service lines we have in the vicinity of the western side of I-81.
- The service to the VDOT Rest Area has limited capacities available for use by other users.
- There is currently limited sewer conveyance capacity available in the vicinity of the subject parcels.
- The existing Route 11 North sewer system has available capacities reserved by property owners who funded the sewer infrastructure extension to Rest Church Road area over a decade ago, but the system does not currently have excess capacity available for additional land areas such as the subject properties capacities available for use by other users.
- Sewer conveyance and treatment capacities are currently limited and warrant upgrades to meet long term planned development that is already captured in the current Sewer and Water Service Area (SWSA) boundary.
- Expansion of the SWSA will introduce additional demands for service and additional conveyance and treatment volumes, simply adding additional land area that will further share the limited existing conveyance and treatment capacities.
- Frederick Water does not support further study of the application without consideration of a much larger study area that could collectively contribute to infrastructure improvements that convey the study area sewage directly to the OWRF or to a new WWTP. A study of opportunities, and implementation of results, for expansion of wastewater treatment facilities would also be necessary.

Ms. Perkins said the CPPC discussed the proposal at their July Meeting and recommended further study but had concerns about water, sewer and transportation. She noted the proposal is scheduled for discussion at the September 12th Board of Supervisors meeting.

Supervisor Slaughter said the engineering study shows a gallons per day use that is excessive, and said she is not comfortable with the proposal. She noted her discussion with Eric



Lawrence of Frederick Water regarding the November 2019 deadline and the possibility of future changes in capacity.

Mr. Ruddy noted that Frederick Water has used current land use designations and the current SWSA for short term planning and uses that information plus areas outside the SWSA for planning that is more long range.

Mr. Oates said that Frederick Water has used the master plan to match the SWSA to the uses already designated and that if new area is added, other area would need to be removed from the SWSA.

There was discussion of the properties adjoining the parcels proposed for SWSA inclusion and how the properties in the vicinity of I-81 were designated for various land uses.

Mr. Tierney noted that decisions regarding the comprehensive plan were made years ago that affected where the SWSA is located. He said land use and purchase decisions have been made over many years because of those decisions and urged caution regarding adjusting the SWSA boundaries because of the appearance of creating winners and losers among property owners.

Supervisor Wells said while he would like to see industrial use land in the SWSA, the County needs to be careful because additional water and sewer capacity may not be available even if the study is conducted.

Supervisor Slaughter said her question about adjusting the boundary of the SWSA was in reference only to a property owner swapping parcels within his ownership.

Supervisor Trout inquired whether further study should be started now in the eventuality that additional capacity can be developed in the future.

Mr. Oates noted that sewer capacity is capped by the state at the current time.

Chairman DeHaven said he is not opposed to the study but is not in favor of moving the SWSA line until the County knows how additional areas will be served.

Mr. Tierney said that the language in the comprehensive plan can include caveats that identify obstacles that have to be overcome to accomplish rezoning.

Vice Chairman Lofton said the comprehensive plan is a tool and including caveats acknowledging the existing obstacles shows the County is looking forward to opportunities for growth.

Supervisor McCarthy said he is concerned that governments have short memories, and if the study is done now, a future Board should have to go through the study process again before making a decision.

Chairman DeHaven said historically the SWSA line means the County is ready to serve water and sewer access.

Supervisor Slaughter noted the November 2019 deadline, and inquired whether the Board should be taking care of those already rezoned before adding users to the SWSA.

Vice Chairman Lofton asked what would help Frederick Water in regard to increasing the SWSA.

Mr. Oates said the focus for the next ten years at Frederick Water is serving the SWSA.

Mr. Tierney said the decision is ultimately a philosophical one about whether the area should be developed. He noted that after being included in the SWSA, a property owner still needs to seek rezoning which is where more detail is worked out.

The Board and Commission members discussed creating an opportunity and moving the SWSA boundary. Chairman DeHaven said determining land uses on the proposed parcels is a good idea and he thinks it is Frederick Water's exercise to determine capacity.

Chairman Kenney said there was a mixed consensus regarding conducting further study.

Chairman DeHaven said the Board should consider the issue in advance of the Board of Supervisors meeting on September 12, 2018. He thanked the Planning Commission for their work on the matter.

Mr. Oates noted that past Boards had found it helpful to spend time staying in contact with the Planning Commission and encouraged the current Board to do likewise.

### **ADJOURN**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 6:50 p.m.

B

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Wednesday, August 15, 2018  
8:00 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 15, 2018 at 8:00 a.m.

ATTENDEES:

Committee Members Present: Judith McCann-Slaughter, Chairman; Charles DeHaven; Gary Lofton; Jeffrey Boppe; and Angela Rudolph. Non-voting liaisons: William Orndoff, Treasurer; and Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: none

Staff present: Cheryl Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Kris Tierney, County Administrator; Jay Tibbs, Assistant County Administrator; Rod Williams, County Attorney; Dennis Linaburg, Fire Chief; Keith Jenkins, Deputy Fire Chief; Lenny Millholland, Sheriff; Barry Kittoe, Sheriff 1<sup>st</sup> Lieutenant; Joe Wilder, Public Works Director; and Gloria Puffinburger, Solid Waste Manager.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

☒ Items 5, 6, and 7 were approved under consent agenda.

1. The Public Works Director requests an FY19 General Fund supplemental appropriation in the amount of \$538,090. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$19,500 to rehab the old Clearbrook compactor to be used at a future site;
  - b. \$45,000 for site improvements at the Middletown Convenience site;
  - c. \$75,000 for anticipated increased collection costs of refuse and recycling;
  - d. \$385,342 for the completion of the Stephenson Convenience Center;
  - e. \$6,521 for spay/neuter shelter animals; and
  - f. \$6,727 for the Animal Shelter building addition design.

These items have been approved by the Public Works Committee. See the attached memo, p. 4 – 5. The committee recommends postponement of item C, and approval of the remaining requests.

2. The Public Works Director requests a public hearing for an FY19 Landfill Fund supplemental appropriation in the amount of \$3,706,000. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$80,000 for generator maintenance;
  - b. \$90,000 for chiller/blower replacements on the gas treatment skid;
  - c. \$206,000 for a backup trash compactor; and
  - d. \$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A.

These items have been approved by the Public Works Committee. See the attached memo, p. 4 – 5. The committee recommends forwarding the entire request to public hearing as a whole.

3. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$5,000. This amount represents a Byrne/JAG grant that has been awarded for Narcan. No local funds are required. See attached memo, p. 6 – 7. The committee recommends approval.

4. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$18,000. This amount represents a grant that has been awarded for crime prevention pamphlets and Police to Citizen software. The local match of \$2,000 is being met with a current position's salary. See attached memo, p. 8 – 9. The committee recommends approval.
5. (☑) The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$9,352.43. This amount represents auto insurance claims. No local funds required. See attached memo, p. 10 – 12.
6. (☑) The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$400. This amount represents DARE donations. No local funds required. See attached memo, p. 13 – 14.
7. (☑) The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$750. This amount represents a donation for a K9 vest. No local funds required. See attached memo, p. 15 – 16.
8. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$175,000. This amount represents maximum funds needed for a SWAT Truck Conversion vehicle. This request has been approved by the Public Safety Committee. Local funds are required. See attached information, p. 17 – 29. The committee recommends approval.
9. The Deputy County Administrator requests an FY19 General Fund supplemental appropriation in the amount of \$31,044. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$13,780 for sealant replacement at the County Administration Building;
  - b. \$2,616 for carpet replacement in the Health Department; and
  - c. \$14,648 for carpet replacement in the Treasurer's office.See attached memo, p. 30. The committee recommends approval of the entire request.
10. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. See attached charter, p. 31 – 33. The committee recommends no changes to the charter.
11. Information on School categorical funding is provided for discussion. See attached information, p. 34 – 35. The committee recommends requiring the Schools to present the School Operating Fund budget by major classifications as listed in the Code of Virginia 22.1-115.

#### NO ACTION REQUIRED

1. Information on EMS training from outside sources was provided for discussion. See attached memo, p. 36 – 37.

#### ITEMS FOR INFORMATION ONLY

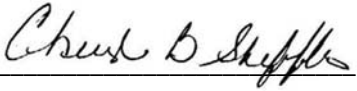
1. The Finance Director provides a Fund 10 Transfer Report for July 2018. See attached, p. 38.
2. Fund balance information will be provided after the County closes FY18.

3. The FY18 year-end open purchase orders have been provided by the County and the Schools.  
See attachments, p. 39 – 42.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman  
Charles DeHaven  
Gary Lofton  
Jeffrey Boppe  
Angela Rudolph

By 

Cheryl B. Shiffler, Finance Director



MEMORANDUM

**TO:** Cheryl Shiffler, Director of Finance

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

**SUBJECT:** Carry Forward Requests

**DATE:** August 8, 2018

In a regularly scheduled meeting held on July 31, 2018, the Public Works Committee unanimously endorsed the following carry forward requests:

8/8/18 (FY18)

G/L balances:

- a. Solid Waste Budget 10-4203-000

\$19,754

Line item 10-4203-3004-01 Repair and Maintenance/Equipment. Request to carry forward \$19,500.00 for rehabilitation of the old compactor unit being removed from the Clearbrook Convenience Center which will be used at a future site.

\$47,981

Line item 10-4203-3004-03 Repair and Maintenance/Building. Request to carry forward \$45,000.00 for site improvements at the Middletown Convenience Site. Work was planned for FY 17/18 but was not completed.

\$131,520

Line item 10-4203-3010-00 Contractual Services. Request to carry forward \$75,000.00 for anticipated increased collection costs of the refuse collection and recycling program.

\$20

Line item 10-4203-9003-00 Lease/Rent Land. Request to carry forward \$6,000.00 for payment of the Greenwood Convenience Site lease from Greenwood Fire Hall.

- b. Solid Waste Budget 10-4203-8900-00

\$385,342

We requested that all unspent funds left over from this line item be carried forward for the completion of the Stephenson Convenience Center. Since we are at year end, we cannot determine an exact amount.

- c. Animal Shelter Budget 10-4305-000

\$7,980

Line item 10-4305-3001-00 Professional Health Services. Request to carry forward \$6,521.00 which is the unused portion of the spay/neuter funding. The funds were appropriated from the Fleming donation for spaying and neutering shelter pets.

**REMOVE REQUEST**

## Carry Forward Requests

Page 2

June 7, 2016

8/8/18 (FY18)

### G/L balances:

\$6,727

Line item 10-4305-3002-02 Professional Services Engineering and Design. Request to carry forward \$6,727.00 which is the unused portion of the new building design fund. The funds were appropriated from the Loy donation for the design of the new shelter building.

#### d. Landfill Budget 12-4204-000

\$83,994

Line item 12-4204-3004-04 Repair and Maintenance-Generators. Request to carry forward \$80,000.00 to cover the remaining funds needed for maintenance of the 60,000-hour genset generator. This maintenance includes replacing the engines and upgrading the control systems.

\$92,935

Line item 12-4204-5408-03 Generator Spare Parts-Gas to Energy. Request to carry forward \$90,000.00 for chiller or blower replacements as needed. The gas treatment skid has accumulated over 60,000 hours of operation and has begun to experience increased breakdowns of blowers and gas chilling equipment.

\$206,189

Line item 12-4204-8006-00 Construction Vehicles and Equipment. Request to carry forward \$206,000.00 for a back-up trash compactor. Currently, the Landfill owns two Caterpillar 826k compactors. During times when either of those compactors are down the current practice is to maintain a compactor at the MSW Landfill and either close down the CDD Landfill or use a loader to pile the CDD waste up until both compactors are back in service. Current trends of increased downtime due to electrical and electronics on the equipment along with continued uptake in waste flow make it difficult to continue the current practice and maintain adequate compaction of all waste.

\$3,330,000

Line item 12-4204-8900-00 Improvements other Than. Request to carry forward \$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A. These projects are currently moving forward but contracts for the work were not issued before the end of FY 17/18.

Please include the above carry forward requests on the next Finance Committee agenda.

JCW/kco

cc: file



# Frederick County Sheriff's Office

Sheriff Lenny Millholland



Major Steve A. Hawkins

1080 Coverstone Drive  
Winchester, Virginia 22602

Office (540) 662-6168  
Fax (540) 504-6400

TO : Cheryl Shiffler  
FROM : Sheriff Millholland  
SUBJECT : Funds Appropriation  
DATE : August 8, 2018

---

The Frederick County Sheriff's Office has been awarded a Byrne/Justice Assistance Grant (JAG) in the amount of \$5000.00 We are requesting the funds be appropriated as follows:

\$5000.00 to 3102-5409-000-000 – Police Supplies

*Narcan*

Thank you,

A handwritten signature in blue ink, appearing to be "Lenny Millholland", with a stylized, looping initial.

LWM/bjs

## Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

### Statement of Grant Award/Acceptance

**Subgrantee:** Frederick County

**Date:** October 06, 2017

**Grant Period:**

**Grant Number:**

**From:** 10/01/2017

**Through:** 09/30/2018

18-B4038AD11

| Project Director   | Project Administrator   | Finance Officer   |
|--|---|---|
| The Hon. L. W. "Lenny" Millholland<br>Sheriff<br>Frederick County<br>1080 Coverstone Drive<br>Winchester, VA 22601<br><br><b>Phone:</b> (540) 662-6168<br><b>Email:</b> lmillholland@fcva.us | <del>Mr. Jay Tibbs</del> <b>Kris C. Tierney</b><br>Deputy County Administrator<br>Frederick County<br>107 North Kent Street<br>Winchester, VA 22601<br><br><b>Phone:</b> (540) 665-6382<br><b>Email:</b> ktierney@fcva.us | Ms. Cheryl B. Shiffler<br>Finance Director<br>Frederick County<br>107 North Kent Street<br>Winchester, VA 22601-5039<br><br><b>Phone:</b> (540) 665-5610<br><b>Email:</b> cshiffler@fcva.us |

### Grant Award Budget

| Budget Categories | DCJS Funds     |            |            | Local      | TOTALS         |
|-------------------|----------------|------------|------------|------------|----------------|
|                   | Federal        | General    | Special    |            |                |
| Travel            | \$0            | \$0        | \$0        | \$0        | \$0            |
| Supplies/Other    | \$5,000        | \$0        | \$0        | \$0        | \$5,000        |
| Personnel         | \$0            | \$0        | \$0        | \$0        | \$0            |
| Indirect Cost     | \$0            | \$0        | \$0        | \$0        | \$0            |
| Equipment         | \$0            | \$0        | \$0        | \$0        | \$0            |
| Consultant        | \$0            | \$0        | \$0        | \$0        | \$0            |
| <b>Totals</b>     | <b>\$5,000</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$5,000</b> |

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.



Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this      day of      , 20      .

**Signature:**

**Title:**



# Frederick County Sheriff's Office

Sheriff Lenny Millholland



Major Steve A. Hawkins

1080 Coverstone Drive  
Winchester, Virginia 22602

Office (540) 662-6168  
Fax (540) 504-6400

TO : Cheryl Shiffler  
FROM : Sheriff Millholland  
SUBJECT : Funds Appropriation  
DATE : August 8, 2018

---

The Frederick County Sheriff's Office has been awarded a Byrne/Justice Assistance Grant (JAG) in the amount of \$18,000.00 with a matching local fund of \$2,000.00 for a total of \$20,000. We are requesting the funds be appropriated as follows:

\$17,000 to 3102-5401-000-000 for the purchase of RUOK and Police to Citizen software  
\$1000 to 3102-5413-000-004 for the purchase of crime prevention pamphlets  
\$2000 to 3102-1002-000-022 for Patti Williams salary

Thank you,

A handwritten signature in blue ink, appearing to be "Lenny Millholland", with a stylized, elongated horizontal stroke at the end.

LWM/bjs

## Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

### Statement of Grant Award/Acceptance

**Subgrantee:** Frederick County

**Date:** December 13, 2017

**Grant Period:**

**Grant Number:**

**From:** 01/01/2018

**Through:** 12/31/2018

18-B6069AD15

| Project Director  | Project Administrator   | Finance Officer  |
|---|---|--|
| Capt. Aleck Beeman<br>Project Director<br>Frederick Co. Sheriff's Office<br>1080 Coverstone Drive<br>Winchester, VA 22602-4369<br><br><b>Phone:</b> (540) 662-6168<br><b>Email:</b> abeeman@fcva.us | Mr. Kris Tierney<br>County Administrator<br>Frederick County<br>107 North Kent Street, 3rd Floor<br>Winchester, VA 22601-5039<br><br><b>Phone:</b> (540) 722-8278<br><b>Email:</b> ktierney@fcva.us | Ms. Cheryl B. Shiffler<br>Finance Director<br>Frederick County<br>107 North Kent Street<br>Winchester, VA 22601-5039<br><br><b>Phone:</b> (540) 665-5610<br><b>Email:</b> cshiffle@fcva.us |

### Grant Award Budget

| Budget Categories | DCJS Funds      |            |            | Local          | TOTALS          |
|-------------------|-----------------|------------|------------|----------------|-----------------|
|                   | Federal         | General    | Special    |                |                 |
| Travel            | \$0             | \$0        | \$0        | \$0            | \$0             |
| Supplies/Other    | \$1,000         | \$0        | \$0        | \$0            | \$1,000         |
| Personnel         | \$0             | \$0        | \$0        | \$2,000        | \$2,000         |
| Indirect Cost     | \$0             | \$0        | \$0        | \$0            | \$0             |
| Equipment         | \$17,000        | \$0        | \$0        | \$0            | \$17,000        |
| Consultant        | \$0             | \$0        | \$0        | \$0            | \$0             |
| <b>Totals</b>     | <b>\$18,000</b> | <b>\$0</b> | <b>\$0</b> | <b>\$2,000</b> | <b>\$20,000</b> |

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

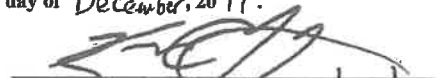


Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this 28 day of December, 2017.

**Signature:**

**Title:**

  
 County Administrator

# 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 : July 23, 2018  
SUBJECT : Insurance Reimbursement

---

We are requesting the insurance checks received for the auto claims dated June 5, 2018 involving Deputy Roy and June 15, 2018 involving Deputy Kniceley be appropriated into our budget line of 3102-3004-000-002.

June 5 - \$5,592.58

June 15 - \$3,759.85

Total - \$9,352.43

Thank you

LWM/adl

C.S. 7/20/18 3-010-018940-0001



**VACORP**

FREDERICK COUNTY

JUL 13 2018

CLAIMS DEPARTMENT

July 11, 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 0342018211965  
Date of Loss: 6/5/2018

Dear Jennifer Place,

Enclosed please find a VACORP property damage check in the amount of \$5592.58. This check is for cost related to the repair on the 2014 Ford Police Interceptor Vin # 4863. This amount was determined by the repair cost \$6,092.58- \$500.00 (deductible) = \$5,592.58

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

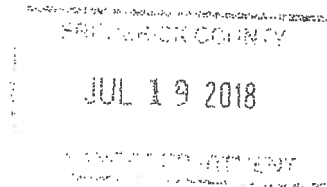
Sincerely,

Jennifer Williams  
Claims Associate

Enclosed: check



**VACORP**



July 12, 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 0342018211318  
Date of Loss: 06/15/2018

Dear Jennifer Place,

Enclosed please find a VACORP property damage check in the amount of \$3759.85. This check is for cost related to the repair on the 2017 Ford Taurus Vin # 0156. This amount was determined by the repair cost \$4259.85 - \$500.00 (deductible) = \$3759.85

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 : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to DARE  
DATE : July 12, 2018

---

Attached please find a 2 checks that were received on July 11, 2018 in the amount of \$100.00 from Evendale Elementary School and \$300.00 from Winchester-Shawnee Lions Club. This check represents a donation to our DARE program.

This amount can be posted to: 3-010-018990-0015 (100J).

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5413-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S. 7/16/18





**EVENDALE ELEMENTARY SCHOOL**  
220 ROSA LANE  
WINCHESTER, VA 22602

14

68-532/514 CHECK NO.

1067

DATE

AMOUNT

5/29/2018

Exactly One Hundred Dollars and Zero Cents

\$100.00

PAY  
TO THE  
ORDER  
OF

Frederick County Sheriff's Off  
DARE  
5 North Kent Street  
Winchester, VA 22601

VOID AFTER 180 DAYS

11 11 11

100 00 00

100 00 00

**WINCHESTER-SHAWNEE LIONS CLUB**

09-07

1046

PO BOX 106  
WINCHESTER, VA 22604

68-256/514  
12

DATE 5-28-18

CHECK AMOUNT

PAY  
TO THE  
ORDER OF

D. A. R. E.

\$ 300.00

three hundred and 00/100

DOLLARS

Photo  
Safe  
Deposit  
Details on back

www.tvirginia.com

FOR Annual Donation

100 00 00

# 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 : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation for K9 Vest  
DATE : August 7, 2018

---

Attached please find an endorsed check in the amount of \$750.00 from Susan Nicholson. This amount represents a onetime donation to be used for a K9 vest. We are requesting this amount be posted to 10CR-3-010-018990-0006.

A copy of this memo will be forwarded to Finance requesting appropriation.

Thank you

LWM/adl

Cc: Finance – please appropriate to 3102-5402-000-001

C.S. 8/10/18

SUSAN L. NICHOLSON  
317 SUMMIT AVE  
WINCHESTER, VA 22601

08-07

1769

68-251/514  
03

Aug 6. 2018

Date

CHECK AMOUNT  
TRADE PROTECTION

Pay to the  
Order of

Frederick Co. Sheriff's office K-9  
Seven hundred ~~1744~~ dollars ~~100~~ <sup>00</sup>

\$ 750.00

Dollars



Photo  
Safe  
Deposit  
Details on the

For Kevin Bowers K-9 vest in memory

*[Signature]*

August 9, 2018

TO: Mr. Kris Tierney  
FROM: Sheriff Lenny Millholland  
REF: Request for supplemental appropriation

I went to the Public Safety Committee and expressed the reasoning and need for a complete SWAT Truck Conversion vehicle that is less intimidating and more useful for the safety of our tactical team and or the persons we are responding to rescue, arrest etc. The PSC agreed on \$175,000.00 max.

We have put this request on EVA for quotes and currently have at least one quote for \$172,800 from a company in Fairfax, VA. The price includes the vehicle itself, custom armoring conversion and all the added accessories in our quote.

I am requesting a supplemental appropriation, so we can start the process in ordering this unit.

I would appreciate your support and approving this request to move on to the Finance Committee for approval.

Sincerely,

Sheriff Lenny Millholland

As requested, below please find Alpine's special government quoted price for this high level new SWAT design armored Ford Transit 350HD Extended Van, or a 2018 Mercedes Benz Sprinter, based on Alpine's [Pointer®](#) Design.

We would like to stress the fact that Alpine Armoring Inc., headquartered in Chantilly, Virginia, has the exclusive and state of the art design for these armored SWAT vans with its unique interior layout that can also be custom-retrofitted for the Fredrick County Sheriff's Office to their exact needs. All of that, makes Alpine Armoring unique and a **sole source** to provide this custom-armored SWAT van to Fredrick County Sheriff's Office at very competitive price. Alpine Armoring Inc. is in Chantilly, Virginia and the service of the vehicle can be done at this location.

It was discussed on the phone, that there will be a weight issue with a Hi-Roof 350HD chassis, Alpine's would recommend waiting until the 2019 Mercedes-Benz Sprinter comes out in August 2018 because it has a higher payload than the Ford Transit chassis options. Alpine will sell this chassis at no extra cost. For your information, Alpine's GSA contract number is [GS-07F-9376S](#).

**Quote #: AQ18276-FC2 - Submitted on June 27<sup>th</sup>, 2018**

|                         |  |
|-------------------------|--|
| <p>①</p>                | <p><b>New custom-armored 2018 Ford Transit 350HD Extended SWAT Van</b> (V6 Gasoline Engine w/ Auto Trans) – Client's Choice of Color. We are also honoring the same price of <b>\$172,800</b> of the previously quoted armored Ford Transit and match it for a <u>2018 Mercedes-Benz Sprinter</u> van model with exact or comparable armoring spec</p> |
| <p>VEHICLE:</p>         |  |
| <p>② QUANTITY:</p>      | <p>One (1)</p>   |
| <p>③ ARMORING:</p>      | <p><a href="#">A9/NIJ III/B6+</a></p>  |
| <p>④ CONVERSION:</p>    | <p>Complete SWAT Truck Conversion based on protection level <a href="#">A9/NIJ III/B6+</a> using certified ballistic steel and glass. See Below.</p>   |
| <p>⑤ SPECIAL PRICE:</p> | <p><b>\$172,800</b> - Price includes <u>the vehicle itself, custom-armoring conversion, and all the added accessories, as shown below</u></p>  |
| <p>⑥ PAYMENT:</p>       | <p>50% at the time of the order and 50% prior to shipping.</p>   |
| <p>⑦ COMPLETION:</p>    | <p><u>10 to 15 weeks</u> from receipt of 50% deposit and receipt of Frederick County's Purchase Order</p>  |
| <p>⑧ WARRANTY:</p>      | <p>Full one year on all parts and labor, recognized anywhere in US</p>   |
| <p>⑨ VALIDITY:</p>      | <p>This quote is valid until <u>August 15<sup>th</sup>, 2018</u></p>   |

Standard armoring for the above quote is shown below. A more detailed quote/invoice and further information will be provided once the order is finalized:

|                            |  |
|----------------------------|--|
| <p>① OVERALL:</p>          | <p>Full protection against high power rifles (A9/NIJ III) including <u>AK47, 7.62 x 39, 5.56 x 45, 7.62 x 51, M80 Ball and other equally powerful weapons (A9/B6+)</u></p> |
| <p>② GLASS:</p>            | <p>All original glass pieces are replaced with high quality no spall laboratory tested NIJ III Multi-layered certified ballistic polycarbonate/glass</p>                   |
| <p>③ OPAQUE:</p>           | <p>All opaque material surrounding the passenger area, and more are replaced with hardened laboratory tested certified ballistic steel</p>                                 |
| <p>④ ROOF &amp; FLOOR:</p> | <p>Protection for the roof (at an angle) &amp; Floor (protection including DM51 grenade/fragmentation)</p>   |
| <p>⑤ OVERLAPS:</p>         | <p>All overlap areas are protected separately with multilayered padding on both sides</p>  |
| <p>⑥ FIREWALLS:</p>        | <p>Patented design armoring for firewall and all rear wheel wells</p>  |
| <p>⑦ FUEL TANK:</p>        | <p>Fuel tank is ballistically and independently protected on all sides</p>   |
| <p>⑧ RUNFLATS:</p>         | <p>A full set of Heavy Duty Run Flats are inserted on all six wheels &amp; spare tire</p>  |

- ⑨ **COMPONENTS:** Separate ballistic protection for the battery box, black box/computer module
- ⑩ **ACCESSORIES:** Intercom system with miniature microphones to communicate with the outside
- ⑪ **ACCESSORIES:** Multi-sound Public Address (P/A) and US coded siren system
- ⑫ **ACCESSORIES:** Red & Blue Strobe Lights (mounted inside the front grill)
- ⑬ **ACCESSORIES:** Custom Tail Pipe Protection

**Client's Additional Requested Options (included in the quote):**

- A) *Red/White Interior Dome Light*
- B) *24" Monitor. 360 Degree Camera System (4 cameras) with DVR Recorder (1 TB Memory)*
- C) *Rear Compartment A/C and Heater*
- D) *Warning Triangle x2*
- E) *HD Removable Rear Steps with Handle*
- F) *Bench Seating Configuration with 2 point Seatbelts*
- G) *Rear Door Handle relocated to Interior to allow both rear doors to open simultaneously*
- H) *Handheld Fire Extinguisher x1 (5lbs.)*
- I) *Tow Rope (25ft.)*
- J) *Interior Grab Rails*
- K) *Rear Door Custom Door Stops to lock at 90 degrees*
- L) *Mounts for Rear Compartment Privacy Curtain*
- M) *Upgraded 5 Ton Jack and Tire Iron*
- N) *Custom Breaching Tool Storage*
- O) *First Aid Kit (DOT Approved)*











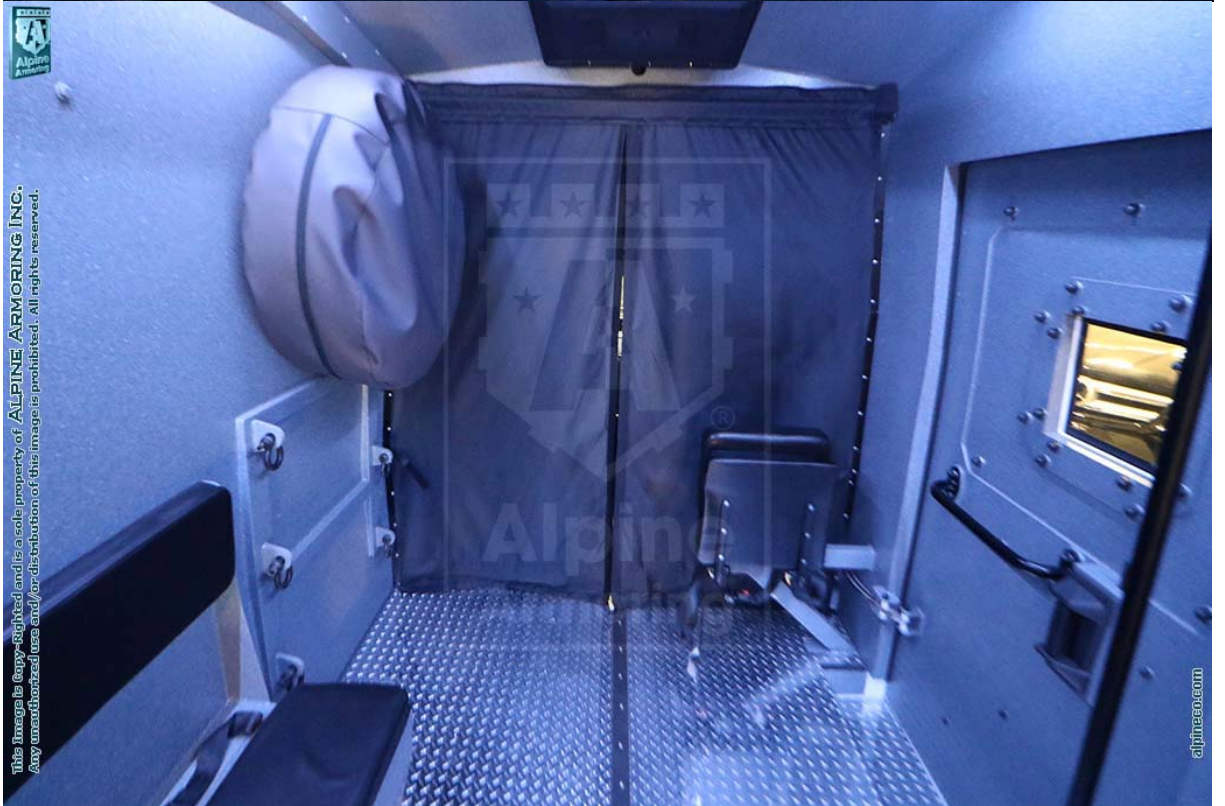








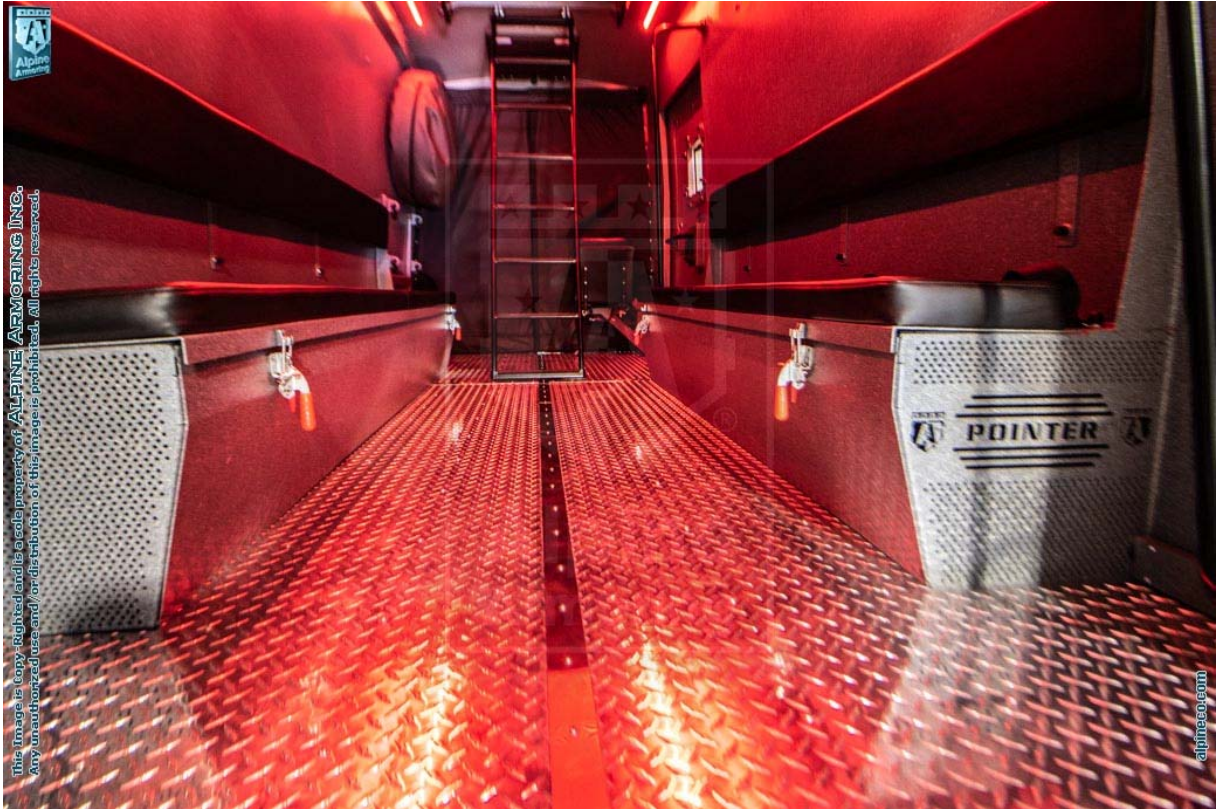




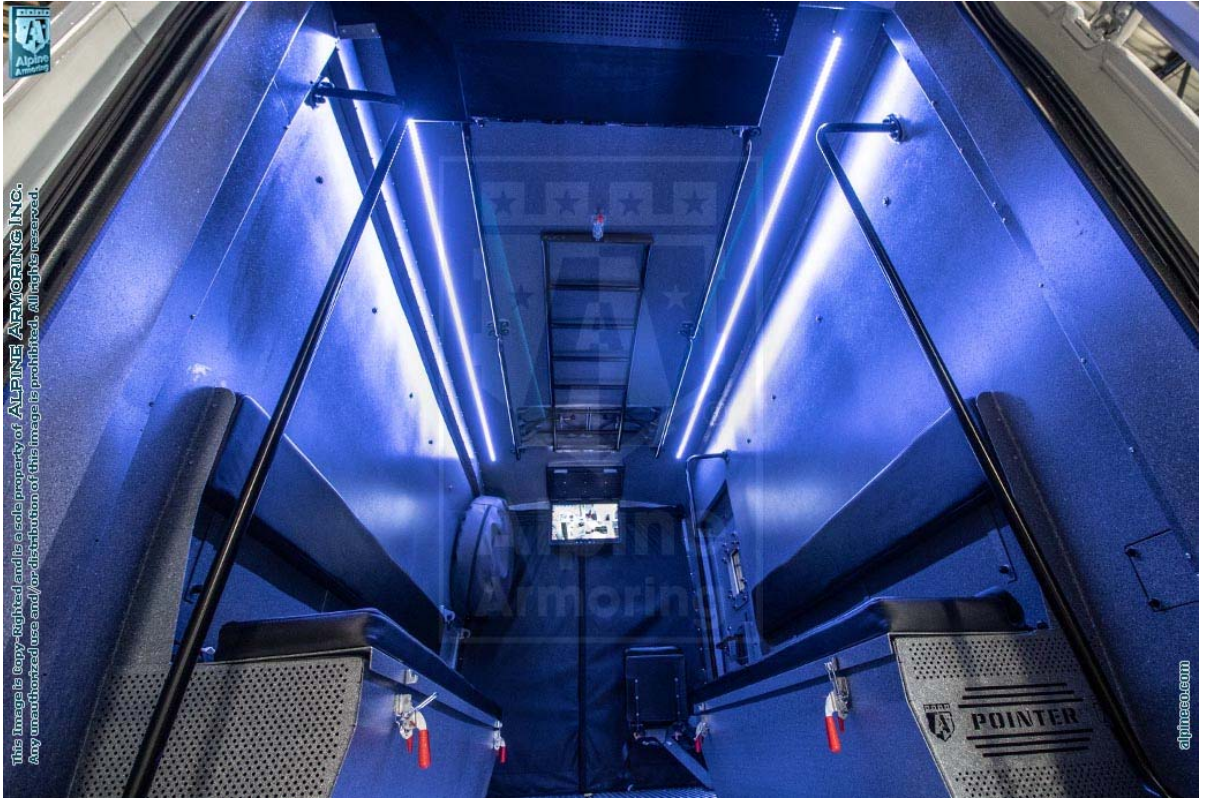














2017 and 2018 SWAT team callout case information has been provided by the Sheriff and is available upon request.





## COUNTY of FREDERICK

**Jay E. Tibbs**

Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@fcva.us

**TO:** Finance Committee

**FROM:** Jay E. Tibbs., Deputy County Administrator *Jay E. Tibbs*

**DATE:** August 8, 2018

8/8/2018 (FY18)

G/L balance:

\$75,248

**RE:** Carry Forward for Repair & Maintenance – Building Projects  
(GL# 4-010-043404-3004-000-003)

This is a request for a General Fund supplemental appropriation in the amount of **\$31,044.00**. This amount represents a carry forward request for the following projects:

1. **\$13,780.00** for Façade-Masonry Joint Sealant Replacement and Building Sealant Replacement at 107 N. Kent Street. This project was awarded in the spring of FY 18, but due to the weather did not get completed until July 2018.
2. **\$2,616.00** for replacement of carpet in the Health Department. Carpet squares were ordered in FY18 but have not yet been received.
3. **\$14,648.00** for replacement of carpet in the Treasurer's Office. Carpet squares were ordered in FY18 but have not yet been received.

All projects were procured in FY18 utilizing standing purchase order #17700. Unfortunately, a standing purchase order does not encumber the funds for these projects.

We respectfully request approval of these carry-forward funds.

Should you have any questions, please do not hesitate to contact me.

## **Frederick County Board of Supervisor's**

### **Finance/Audit Committee Charter**

#### **I. Organization**

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Finance Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, three (3) citizen members as appointed by the Chairman of the Board, and two (2) non-voting liaisons: the County Treasurer and the County Commissioner of the Revenue. The Finance Director will serve as secretary of the Committee with the duties including preparing agendas and reports to the Board. This Charter shall govern the Committee with regard to its duties and responsibilities. The goal of the Committee shall be to provide oversight for all financial policies, procurement policy, financial planning, risk management, debt issuance, budget development and other fiscal related issues.

#### **II. Purpose**

The primary function of the Committee is to review matters of a financial nature including proposed changes to fiscal/procurement policies and the review and recommendation for matters of a financial nature coming forward to the Board including, but not limited to, supplemental appropriations, transfers and contracts. The Committee's primary duties and responsibilities are as follows:

- To provide to the Board means for determining the manner in which policies, programs, and resources authorized by the Board are being deployed by management consistent with the intent of the Board and in compliance with all appropriate statutes, ordinances, and directives.
- Develop and submit reports, draft policies and/or recommendations regarding audits and the finances of the County to the full Board for its consideration.
- To serve as the Audit Committee to assist the Board in carrying out its oversight responsibilities by reviewing financial information provided in the County's annual financial report.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

#### **III. Meetings and Quorum**

The Committee shall meet monthly or more or less frequently as circumstances dictate. The Chairman of the Board, the Chair of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chair of the Committee shall prepare or approve an agenda in advance of each meeting. The County Administrator and the Director(s) with the responsibilities for finance shall be invited to all meetings. Other management officials and counsel to the Board may be invited as necessary. With the exception of Directors, the Chair may excuse any non-Committee members from attendance at any meeting or portion of any meeting. A majority of

the total Committee composition shall constitute a quorum for the purposes of conducting the business of the Committee.

#### **IV. Responsibilities**

The Committee shall have the following duties and responsibilities:

##### **A. Finance**

1. Review and advise the Board and senior management of the County with respect to finance initiatives, policies and procedures, including activities relating to procurement.

2. Provide direction during the preparation of the annual budget. Review the County Administrator's final budget proposal and provide recommendations to the Board with respect to those proposals including tax rates and fees.

3. Review and advise the Board on supplemental appropriation requests, transfers and change orders as dictated by policy.

4. Review the budgetary and financial implications of management's tactical and strategic plans.

5. Review periodic or interim budget and/or financial statements to ensure the County is operating within approved financial and budgetary allocations and that the County is appropriately safeguarding its financial resources.

##### **B. Audit**

1. Perform independent review and execute oversight of the financial reporting process, internal controls and independent auditors.

2. Provide a forum separate from management in which auditors and other interested parties can discuss the annual audit.

3. Meet with the external auditors during the entrance and exit conferences and at other times as needed or upon request of the external auditors. Review and approve the annual external audit engagement letter.

4. Manage the County's internal audit function including review and approval of the internal annual audit work plan, reports and recommendations. The internal auditor shall report functionally to the Chair of the committee or designee. The Committee chair, along with the County Administrator and Finance Director, shall conduct annual evaluations of the auditor's performance. The Committee Chairman shall participate in decisions regarding the appointment of the internal auditor and the acceptance of the internal audit plan.

##### **C. Other Duties Related to Review, Reports and Improvement Procedures**

1. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.

2. Report all meetings of the Committee to the Board on the matters discussed at each Committee meeting, as appropriate.

3. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

Original: Adopted by Board of Supervisors 1/25/2012

Revisions:

9/9/2013: reduced Board of Supervisor representatives from four (4) to three (3)

9/29/2014: no changes

10/21/2015: no changes

9/13/2017: no changes

## Cheryl Shiffler

---

**From:** Kristen Anderson <Andersok@fcpsk12.net>  
**Sent:** Thursday, July 19, 2018 11:13 AM  
**To:** Cheryl Shiffler  
**Cc:** Patty Camery  
**Subject:** FY19 School Operating Original Budget by State Category

Hi Cheryl,

Hope your summer is going well. Below is our operating fund budget by state category as adopted by the school board on April 17, 2018.

FY19 School Operating Fund Original Budget  
by State Category

|  |                       |
|--|-----------------------|
| Instruction                            | 127,691,036           |
| Administration and Attendance & Health | 7,580,713             |
| Pupil Transportation                   | 9,404,148             |
| Operations & Maintenance               | 14,989,146            |
| Food Services                          | 17,950                |
| Facilities                             | 369,174               |
| Transfers                              | 543,298               |
| Technology                             | 7,321,497             |
| Contingency Reserve                    | 538,718               |
| <b>Total Operating Fund</b>            | <b>\$ 168,455,680</b> |

Please remember that contingency reserve reflects the difference between the House and Senate versions of the state budget at the time of county budget adoption.

Hope this helps.

Thanks,  
Kristen

Kristen D. Anderson, MBA  
Assistant Director of Finance  
Frederick County Public Schools  
1415 Amherst Street  
Winchester, VA 22604  
email: [andersok@fcpsk12.net](mailto:andersok@fcpsk12.net)  
phone: 540-662-3889 ext. 88213

Code of Virginia  
Title 22.1. Education  
Chapter 8. Public School Funds

## § 22.1-115. System of accounting; statements of funds available; classification of expenditures.


The State Board, in conjunction with the Auditor of Public Accounts, shall establish and require of each school division a modern system of accounting for all school funds, state and local, and the treasurer or other fiscal agent of each school division shall render each month to the school board a statement of the funds in his hands available for school purposes. The Board shall prescribe the following major classifications for expenditures of school funds: (i) instruction, (ii) administration, attendance and health, (iii) pupil transportation, (iv) operation and maintenance, (v) school food services and other noninstructional operations, (vi) facilities, (vii) debt and fund transfers, (viii) technology, and (ix) contingency reserves.

Code 1950, § 22-143; 1979, c. 630; 1980, c. 559; 1984, c. 130; 1989, c. 94; 2002, c. 470; 2008, c. 131.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

7/18/2018


### Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats. 

### Helpful Resources

[Virginia Code Commission](#)  
[Virginia Register of Regulations](#)  
[U.S. Constitution](#)

### For Developers

The Virginia Law website data is available via a web service. 

### Follow us on Twitter






Dennis D. Linaburg  
Fire Chief

## MEMORANDUM

**TO:** The Frederick County Finance Committee

**FROM:** Dennis D. Linaburg, Chief  
Fire and Rescue Department 

**SUBJECT:** Community College EMS Training Information

**DATE:** August 14, 2018

---

During the July 2018 Finance Committee meeting, information related to EMS training from outside sources was requested. After contacting the EMS Program Coordinator at both Lord Fairfax Community College (LFCC) and Blue Ridge Community & Technical College (BRCTC), we have compiled the below information.

- LFCC offers one EMT-Basic program a year, the first class was offered May 2018, with a minimum of 3 students – they did not meet this minimum and class was canceled.
  - Class is 10-weeks plus Clinicals and 9-credits.
  - Required courses are Tuesday and Thursday evenings, with an eight-hour course each Saturday
    - \$1,875 per student (in-state or Business Agreement pricing, however a discount in tuition would not be available).
    - 20 Recruits = \$37,500
      - An accelerated Monday-Friday 5-week class has never been taught at LFCC and they are not sure what that would require at this time. An agreement/contract would be required.
    - 24 Volunteers = \$45,000
    - \$82,500 annually (basic training only)

- BRCTC offers two EMT-Basic course programs per year (one a semester) and is a pre-requisite to the Paramedic AAS.
  - Class is 16-weeks plus Clinicals and 8-credits
  - Required courses are Tuesdays, Thursdays, and Saturdays
    - \$1,725 per student (in-state or Business Agreement pricing, however a discount in tuition would not be available).
    - 20 Recruits = \$34,500
    - 24 Volunteers = \$41,400
    - \$75,900 annually (basic training only). Travel to the West Virginia campus would be an additional expense as all lab requirements must be completed at the campus.
- Basic EMTs must have 40 hours of CEUs every 3-years
- Advanced EMTs must have 50 hours of CEUs every 2-years
- Intermediate EMTs must have 55 hours of CEUs every 2-years
- Paramedics must have 60 hours of CEUs every 2-years
  - CEUs must meet national curriculum standards and are broken up into several required categories based on provider level.

The personnel costs for each additional Firefighter/EMT for Fiscal Year 2019 is \$68,122. While the associated costs for outside EMS training are nearly identical, this expense does not include ongoing EMS training requirements, training associated with fire response, hazardous materials, or other specialty training needs and courses conducted throughout the year.

If you have any questions or would like to further discuss the information provided, please do not hesitate to contact me.

DDL:mhn

CC: file



| JULY 2018 BUDGET TRANSFERS |  | REASON FOR TRANSFER  |  | FROM | TO   | ACCT | CODE | AMOUNT      |
|----------------------------|--|--|--|------|------|------|------|-------------|
| DATE                       | DEPARTMENT/GENERAL FUND                |  |  |      |      |      |      |             |
| 7/1/2018                   | REGISTRAR                              | CORRECT SALARY   |  | 1302 | 1001 | 000  | 002  | 5,254.04    |
|                            | TRANSFERS/CONTINGENCY                  |  |  | 9301 | 5807 | 000  | 001  | (5,254.04)  |
| 7/17/2018                  | PUBLIC SAFETY COMMUNICATION            | EMERGENCY EQUIPMENT REPAIR                                 |  | 3506 | 3004 | 000  | 001  | (17,150.00) |
|                            | PUBLIC SAFETY COMMUNICATION            |  |  | 3506 | 5407 | 000  | 000  | 17,150.00   |
| 7/17/2018                  | COUNTY OFFICE BUILDINGS/COURTHOUSE     | PHONE BILL FOR FREDERICK COUNTY MIDDLE SCHOOL              |  | 4304 | 5101 | 000  | 000  | (104.76)    |
|                            | COUNTY OFFICE BUILDINGS/COURTHOUSE     |  |  | 4304 | 5204 | 000  | 010  | 104.76      |
| 7/17/2018                  | COMMONWEALTH'S ATTORNEY                | TO FUND OFFICE SUPPLIES                                    |  | 2201 | 3002 | 000  | 000  | (1,000.00)  |
|                            | COMMONWEALTH'S ATTORNEY                |  |  | 2201 | 5401 | 000  | 000  | 1,000.00    |
| 7/20/2018                  | COUNTY OFFICE BUILDINGS/COURTHOUSE     | TEST,INSPECT&REPAIR BOILERS/FREDERICK COUNTY MIDDLE SCHOOL |  | 4304 | 3004 | 000  | 003  | (2,756.00)  |
|                            | COUNTY OFFICE BUILDINGS/COURTHOUSE     |  |  | 4304 | 3004 | 000  | 011  | 2,756.00    |
| 7/26/2018                  | SHERIFF                                | BREACHING TOOL - SWAT EQUIPMENT                            |  | 3102 | 5409 | 000  | 002  | (10,395.00) |
|                            | SHERIFF                                |  |  | 3102 | 8001 | 000  | 000  | 10,395.00   |
| 7/31/2018                  | ALL GENERAL FUND DEPARTMENTS 1101-8301 | CORRECT VRS  |  | ALL  | 0    | 000  | 000  | 77,163.53   |
|                            | TRANSFERS/CONTINGENCY                  |  |  | 9301 | 5807 | 000  | 001  | (77,163.53) |
| 8/1/2018                   | COUNTY OFFICE BUILDINGS/COURTHOUSE     | RENTAL OF 40' LADDER TO CAULK WINDOWS /COUNTY OFFICE BLDG. |  | 4304 | 5415 | 000  | 000  | (50.60)     |
|                            | COUNTY OFFICE BUILDINGS/COURTHOUSE     |  |  | 4304 | 9001 | 000  | 000  | 50.60       |
| 8/7/2018                   | INFORMATION TECHNOLOGY                 | TO COVER PLANET TECHNOLOGIES CONTRACT                      |  | 1220 | 3005 | 000  | 000  | (1,700.00)  |
|                            | INFORMATION TECHNOLOGY                 |  |  | 1220 | 3010 | 000  | 000  | 1,700.00    |

| AP250   | 8/09/2018 | COUNTY OF FREDERICK VA.   | OPEN PURCHASE ORDERS      | * OPEN *  | PAGE 1       |           |                |
|---------|-----------|---------------------------|---------------------------|-----------|--------------|-----------|----------------|
| PERIOD- | - 2018/06 |                           |                           |           |              |           |                |
| PO#     | VEND#     | NAME                      | FUND-DEPT-LOC-ACCT        | DATE      | \$ AMOUNT \$ | APPRVD BY | PO Description |
| ---     | -----     | ----                      | -----                     | ----      | -----        |           | -----          |
| 22295   | 004569    | DELL MARKETING L P        | 4010-012030-5401-000-000- | 6/28/2018 | 5,288.14     |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 5,288.14 *   |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | .00 *        |           |                |
| 22289   | 010099    | BRITE COMPUTERS           | 4010-012100-5401-000-000- | 6/20/2018 | 5,300.00     |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 5,300.00 *   |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | .00 *        |           |                |
| 22296   | 004466    | DELL FINANCIAL SERVICES   | 4010-012200-5401-000-004- | 6/29/2018 | 25,370.38    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 25,370.38 *  |           |                |
| 22279   | 007899    | CELLERITE USA CORP        | 4010-031020-5401-000-000- | 6/14/2018 | 6,480.00     |           |                |
| 22291   | 010715    | RCS SECURITY INC          | 4010-031020-5409-000-000- | 6/26/2018 | 2,751.60     |           |                |
| 22287   | 009206    | SAFARI LAND               | 4010-031020-5409-000-002- | 6/20/2018 | 4,512.32     |           |                |
| 22277   | 010405    | SUPERION LLC              | 4010-031020-5409-000-005- | 6/14/2018 | 4,540.00     |           |                |
| 22158   | 005254    | BRATEMAN S INC            | 4010-031020-5410-000-000- | 9/07/2017 | 4,263.00     |           |                |
| 22199   | 005205    | GALLS LLC                 | 4010-031020-5410-000-000- | 4/20/2018 | 5,650.00     |           |                |
| 22118   | 010296    | TACTICAL DISTRIBUTORS     | 4010-031020-5410-000-001- | 6/08/2017 | 5,276.64     |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 33,473.56 *  |           |                |
| 22250   | 005329    | COLONIAL FORD TRUCK SALES | 4010-034010-8005-000-000- | 4/30/2018 | 55,570.50    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 55,570.50 *  |           |                |
| 22215   | 004649    | PHYSIO-CONTROL INC        | 4010-035050-3004-000-001- | 4/20/2018 | 334.64       |           |                |
| 22285   | 004981    | TRICK TRUCKS SEVEN INC    | 4010-035050-5408-000-000- | 6/15/2018 | 3,931.90     |           |                |
| 22275   | 006651    | NAFECO INC                | 4010-035050-5410-000-000- | 6/13/2018 | 5,712.00     |           |                |
| 22283   | 005769    | MUNICIPAL EMERGENCY SERVI | 4010-035050-5410-000-000- | 6/15/2018 | 47,300.00    |           |                |
| 22294   | 005769    | MUNICIPAL EMERGENCY SERVI | 4010-035050-5413-000-000- | 6/27/2018 | 9,067.50     |           |                |
| 22272   | 005211    | SAFWARE INC               | 4010-035050-5605-000-002- | 7/23/2018 | 8,696.09     |           |                |
| 22271   | 000390    | MOTOROLA SOLUTIONS INC    | 4010-035050-8003-000-000- | 6/11/2018 | 7,541.68     |           |                |
| 22254   | 005329    | COLONIAL FORD TRUCK SALES | 4010-035050-8005-000-000- | 5/01/2018 | 60,857.16    |           |                |
| 22288   | 007692    | EAST COAST EMERGENCY      | 4010-035050-8005-000-000- | 6/20/2018 | 10,230.18    |           |                |
| 22292   | 007692    | EAST COAST EMERGENCY      | 4010-035050-8005-000-000- | 6/26/2018 | 8,662.61     |           |                |
| 22203   | 005769    | MUNICIPAL EMERGENCY SERVI | 4010-035050-8009-000-000- | 7/23/2018 | 19,961.25    |           |                |
| 22276   | 007019    | COMMERCIAL LAUNDRY EQUIP  | 4010-035050-8009-000-000- | 6/13/2018 | 16,664.00    |           |                |
| 22284   | 006966    | WITMER PUBLIC SAFETY      | 4010-035050-8009-000-000- | 6/15/2018 | 14,409.80    |           |                |
| 22286   | 010779    | ISIMULATE LLC             | 4010-035050-8009-000-000- | 6/19/2018 | 33,120.00    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 246,488.81 * |           |                |

|         |           |                           |                           |           |              |           |                |
|---------|-----------|---------------------------|---------------------------|-----------|--------------|-----------|----------------|
| AP250   | 8/09/2018 | COUNTY OF FREDERICK VA.   | OPEN PURCHASE ORDERS      | * OPEN *  | PAGE 2       |           |                |
| PERIOD- | - 2018/06 |                           |                           |           |              |           |                |
| PO#     | VEND#     | NAME                      | FUND-DEPT-LOC-ACCT        | DATE      | \$ AMOUNT \$ | APPRVD BY | PO Description |
| ---     | -----     | ----                      | -----                     | ----      | -----        |           | -----          |
| 22208   | 008750    | CAROUSEL INDUSTRIES OF    | 4010-035060-8007-000-000- | 1/26/2018 | 40,438.46    |           |                |
| 22209   | 010578    | WEST SAFETY SOLUTIONS     | 4010-035060-8007-000-000- | 1/26/2018 | 30,375.00    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 70,813.46 *  |           |                |
| 22248   | 005329    | COLONIAL FORD TRUCK SALES | 4010-042010-8005-000-000- | 4/30/2018 | 28,408.35    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 28,408.35 *  |           |                |
| 22211   | 005995    | MID-ATLANTIC WASTE SYSTEM | 4010-042030-8006-000-000- | 2/01/2018 | 75,300.00    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 75,300.00 *  |           |                |
| 22269   | 005035    | TRANE U.S. INC            | 4010-043040-8001-000-000- | 6/08/2018 | 7,843.00     |           |                |
| 22273   | 006224    | BOLAND                    | 4010-043040-8001-000-000- | 6/11/2018 | 17,563.00    |           |                |
| 22282   | 006224    | BOLAND                    | 4010-043040-8001-000-000- | 6/15/2018 | 32,400.00    |           |                |
| 22281   | 004942    | BRITCHEIT CONTROLS INC    | 4010-043040-8001-000-005- | 6/15/2018 | 37,940.00    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 95,746.00 *  |           |                |
| 22168   | 010071    | EXPRESS PRESS             | 4010-071040-5410-000-000- | 6/21/2018 | 2,185.30     |           |                |
| 22229   | 006011    | AMERICAN LIGHTING LLC     | 4010-071040-5412-000-000- | 4/20/2018 | 1,601.60     |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 3,786.90 *   |           |                |
| 22242   | 009762    | VIRGINIA RIGGERS INC      | 4010-071090-3004-000-003- | 4/19/2018 | 35,940.00    |           |                |
| 22230   | 005701    | TRINITY TURF INC          | 4010-071090-5403-000-000- | 5/23/2018 | 318.95       |           |                |
| 22258   | 005329    | COLONIAL FORD TRUCK SALES | 4010-071090-8005-000-000- | 5/14/2018 | 28,692.15    |           |                |
| 22143   | 004597    | GREENWAY ENGINEERING      | 4010-071090-8900-000-000- | 5/23/2018 | 2,138.62     |           |                |
| 22249   | 010708    | FUDG INTERBUILD INC       | 4010-071090-8900-000-000- | 4/30/2018 | 193,000.00   |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 260,089.72 * |           |                |
| 22230   | 005701    | TRINITY TURF INC          | 4010-071100-5403-000-000- | 5/23/2018 | 241.45       |           |                |
| 22293   | 002497    | TURF EQUIPMENT & SUPPLY   | 4010-071100-8005-000-000- | 6/26/2018 | 18,352.85    |           |                |
| 22183   | 010531    | METRO RECREATION INC      | 4010-071100-8900-000-000- | 3/23/2018 | 40,355.15    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 58,949.45 *  |           |                |
| 22257   | 002668    | R K CHEVROLET INC         | 4010-081010-8005-000-000- | 5/11/2018 | 28,447.40    |           |                |
|         |           |                           | DEPARTMENT TOTAL-         |           | -----        |           |                |
|         |           |                           |                           |           | 28,447.40 *  |           |                |
|         |           |                           | FUND TOTAL-               |           | -----        |           |                |
|         |           |                           |                           |           | 993,032.67 * |           |                |
| 22226   | 008568    | ATLANTIC TACTICAL INC     | 4011-033010-5409-000-000- | 3/08/2018 | 9,915.45     |           |                |
| 22262   | 004863    | TOWN POLICE SUPPLY OF     | 4011-033010-5409-000-000- | 5/25/2018 | 2,858.00     |           |                |

|                   |           |                           |                           |            |                |           |                |
|-------------------|-----------|---------------------------|---------------------------|------------|----------------|-----------|----------------|
| AP250             | 8/09/2018 | COUNTY OF FREDERICK VA.   | OPEN PURCHASE ORDERS      | * OPEN *   | PAGE 3         |           |                |
| PERIOD-           | - 2018/06 |                           |                           |            |                |           |                |
| PO#               | VEND#     | NAME                      | FUND-DEPT-LOC-ACCT        | DATE       | \$ AMOUNT \$   | APPRVD BY | PO Description |
| ---               | -----     | ----                      | -----                     | ----       | -----          |           | -----          |
| 22268             | 007981    | WINCHESTER RESTAURANT     | 4011-033010-8001-000-000- | 6/04/2018  | 8,289.00       |           |                |
| 22270             | 010754    | ADANI SYSTEMS INC         | 4011-033010-8001-000-000- | 6/08/2018  | 179,434.38     |           |                |
| 22214             | 005802    | SHEEHY FORD OF RICHMOND   | 4011-033010-8005-000-000- | 2/05/2018  | 30,055.13      |           |                |
| 22234             | 002411    | SHEEHY FORD               | 4011-033010-8005-000-000- | 4/05/2018  | 6,495.96       |           |                |
| DEPARTMENT TOTAL- |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 237,047.92 *   |           |                |
| FUND TOTAL-       |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 237,047.92 *   |           |                |
| 22228             | 005329    | COLONIAL FORD TRUCK SALES | 4012-042040-8005-000-000- | 3/08/2018  | 29,368.55      |           |                |
| 22255             | 001230    | ALBAN TRACTOR CO INC      | 4012-042040-8006-000-000- | 5/03/2018  | 345,228.00     |           |                |
| 22290             | 000394    | WINCHESTER EQUIPMENT CO   | 4012-042040-8006-000-000- | 6/25/2018  | 8,783.00       |           |                |
| DEPARTMENT TOTAL- |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 383,379.55 *   |           |                |
| FUND TOTAL-       |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 383,379.55 *   |           |                |
| DEPARTMENT TOTAL- |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | .00 *          |           |                |
| FUND TOTAL-       |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | .00 *          |           |                |
| 22236             | 003802    | DELTA AIRPORT CONSULTANTS | 4085-081030-8801-000-160- | 7/12/2018  | 32,046.00      |           |                |
| 22165             | 003802    | DELTA AIRPORT CONSULTANTS | 4085-081030-8801-000-204- | 7/12/2018  | 7,437.95       |           |                |
| 22166             | 010502    | GRAHAM COUNTY LAND        | 4085-081030-8801-000-204- | 12/27/2017 | 32,690.00      |           |                |
| DEPARTMENT TOTAL- |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 72,173.95 *    |           |                |
| FUND TOTAL-       |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 72,173.95 *    |           |                |
|                   |           |                           |                           |            | -----          |           |                |
|                   |           |                           |                           |            | 1,685,634.09 * |           |                |

| Account Description           | Fund Description             | PO#      | Vendor Name                             | PO Date    | Balance             | Item Description   |
|-------------------------------|------------------------------|----------|---|------------|---------------------|--|
| Purchased Services            | School Operating Fund        | 50609    | OWPR                                    | 12/22/2016 | 2,064.96            | Civil Engineering Services VDOT Route 522                              |
| Purchased Services            | School Operating Fund        | 20180680 | Virginia Property Group, Inc.           | 03/15/2018 | 1,750.00            | Fee-Find Land for the New Aylor  |
| Purchased Services            | School Operating Fund        | 20170081 | OWPR                                    | 02/24/2017 | 21,000.00           | A&E design svcs for stormwater MHS                                     |
| Purchased Services            | School Operating Fund        | 20180609 | OWPR                                    | 01/22/2018 | 2,576.03            | REAMS A&E SVC  |
| Purchased Services            | School Operating Fund        | 20180773 | OWPR                                    | 05/11/2018 | 10,500.00           | JWHS HVAC engineering  |
| Purchased Services            | School Operating Fund        | 20180816 | OWPR                                    | 05/30/2018 | 8,299.93            | SWES A&E modulars  |
| Purchased Services            | School Operating Fund        | 20180835 | OWPR                                    | 05/31/2018 | 3,500.00            | ADMIN A&E (Insurance Claim)  |
| Repairs and Maintenance       | School Operating Fund        | 20180556 | OWPR                                    | 12/08/2017 | 2,100.00            | REAMS CO2 study  |
| Repairs and Maintenance       | School Operating Fund        | 20180599 | Architectural Products of Virginia      | 01/16/2018 | 13,744.50           | SWAT boxes   |
| Repairs and Maintenance       | School Operating Fund        | 20180618 | Mover Dudes, In                         | 01/25/2018 | 5,462.00            | SBO Annex move (Insurance Claim)                                       |
| Repairs and Maintenance       | School Operating Fund        | 20180642 | Pritchett Controls, Inc.                | 02/08/2018 | 9,970.00            | JWHS connect network   |
| Repairs and Maintenance       | School Operating Fund        | 20180711 | Patriot Fire & Security                 | 04/13/2018 | 4,890.00            | REAMS fire safety equipment  |
| Repairs and Maintenance       | School Operating Fund        | 20180714 | Viola Engineering, PC                   | 04/17/2018 | 587.75              | REAMS testing  |
| Repairs and Maintenance       | School Operating Fund        | 20180723 | Confederate Contractors                 | 04/23/2018 | 500.00              | Admin Annex repairs (Insurance Claim)                                  |
| Repairs and Maintenance       | School Operating Fund        | 20180725 | Hi-Tek Biz, LLC                         | 04/23/2018 | 23,365.87           | REAMS elec install   |
| Repairs and Maintenance       | School Operating Fund        | 20180785 | Stoney Ridge Fencing, LLC               | 05/16/2018 | 2,500.00            | REAMS modular fencing  |
| Repairs and Maintenance       | School Operating Fund        | 20180795 | Greenway Engineering                    | 05/17/2018 | 6,140.00            | WATER TESTING  |
| Repairs and Maintenance       | School Operating Fund        | 20180818 | Viola Engineering, PC                   | 05/30/2018 | 850.00              | SWES modular testing   |
| Repairs and Maintenance       | School Operating Fund        | 20180842 | Miller & Anderson, Inc.                 | 06/04/2018 | 4,988.00            | ANNEX renovations (Insurance Claim)                                    |
| Repairs and Maintenance       | School Operating Fund        | 20180851 | Confederate Contractors                 | 06/05/2018 | 475.00              | RRES build walls   |
| Lease/Rent of Buildings       | School Operating Fund        | 20180607 | McGrath RentCorp and Subsidiaries       | 01/19/2018 | 145,276.00          | REAMS modulars   |
| Lease/Rent of Buildings       | School Operating Fund        | 20180838 | McGrath RentCorp and Subsidiaries       | 06/01/2018 | 66,599.00           | SWES modulars  |
| Repair & Maint Parts Supplies | School Operating Fund        | 20180197 | Diversified Educational Systems, Inc.   | 07/24/2017 | 10,258.00           | CLASSROOM FURNITURE BHES   |
| Other Operating Supplies      | School Operating Fund        | 20180684 | Knoll, Inc.                             | 03/23/2018 | 13,417.14           | Furniture Install Annex Cubicles (Insurance Claim)                     |
| Other Operating Supplies      | School Operating Fund        | 20180746 | Miller's Supplies At Work               | 05/02/2018 | 529.00              | Conference Table for IT Dept.  |
| Instructional Materials       | School Operating Fund        | 20180861 | Pearson                                 | 06/05/2018 | 6,501.60            | CTE Textbooks  |
| Instructional Materials       | School Operating Fund        | 20180836 | Diversified Educational Systems, Inc.   | 05/31/2018 | 21,608.00           | classroom furniture (Redbud/Stonewall)                                 |
| Instructional Materials       | School Operating Fund        | 20180753 | Virco Inc.                              | 05/07/2018 | 4,306.50            | chairs/tables for Library REAMS  |
| Software/Online Content       | School Operating Fund        | 20180759 | Tyler Technologies, Inc.                | 05/08/2018 | 31,642.34           | Munis and SIS Implementation/Support                                   |
| Noncapitalized Tech Hardware  | School Operating Fund        | 20180840 | CDW Government, LLC                     | 06/01/2018 | 770.00              | Laptop for Missy McDonald  |
| Noncapitalized Tech Hardware  | School Operating Fund        | 20180877 | Innovative Systems & Solutions          | 06/11/2018 | 1,807.95            | Cisco IP Phones  |
| Noncapitalized Tech Hardware  | School Operating Fund        | 20180898 | CDW Government, LLC                     | 06/20/2018 | 18,400.00           | Chromebooks  |
| Noncapitalized Tech Hardware  | School Operating Fund        | 20180899 | Troxell Communications, Inc.            | 06/20/2018 | 1,649.00            | Printers for FCMS  |
| Noncapitalized Tech Hardware  | School Operating Fund        | 20180903 | CDW Government, LLC                     | 06/21/2018 | 9,200.00            | Chromebooks  |
| Capital Outlay Replacement    | School Operating Fund        | 20180627 | Floor Shop                              | 01/31/2018 | 24,717.00           | SBO Floor Covering (Insurance Claim)                                   |
| Capital Outlay Replacement    | School Operating Fund        | 20180832 | Architectural Products of Virginia      | 05/30/2018 | 19,019.00           | BHES frame, door, hardware rep   |
| Capital Outlay Replacement    | School Operating Fund        | 20180881 | Southern Refrigeration Corp             | 06/12/2018 | 25,665.00           | GES Cooling Tower Repair   |
| Capital Outlay Replacement    | School Operating Fund        | 20180900 | The Floor Shop of Winchester, Inc.      | 06/20/2018 | 6,827.88            | Bass-Hoover Gym Floor (Insurance Claim)                                |
| Capital Outlay Additions      | School Operating Fund        | 20180601 | OWPR                                    | 01/17/2018 | 9,405.00            | IHES design svc  |
| <b>Total Fund 50</b>          | <b>School Operating Fund</b> |          |   |            | <b>542,862.45</b>   |  |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180564 | Don Largent Roofing, Inc.               | 12/14/2017 | 101,932.00          | NREP roof replacement  |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180565 | Anderson Roofing & Sheet Metal          | 12/14/2017 | 124,062.00          | RRES roof replacement  |
| Repairs and Maintenance       | Capital Projects Fund        | 20180617 | OWPR                                    | 01/25/2018 | 13,500.00           | Softball Field Improvements at Sherando Park                           |
| Capital Outlay Additions      | Capital Projects Fund        | 20180676 | Architectural Products of Virginia      | 03/15/2018 | 20,875.00           | DJH Security Upgrade   |
| Capital Outlay Additions      | Capital Projects Fund        | 20180677 | Architectural Products of Virginia      | 03/15/2018 | 20,937.00           | JWHS Security Upgrade  |
| Capital Outlay Additions      | Capital Projects Fund        | 20180678 | Architectural Products of Virginia      | 03/15/2018 | 20,704.00           | SHS Security Upgrade   |
| Capital Outlay Additions      | Capital Projects Fund        | 20180679 | Architectural Products of Virginia      | 03/15/2018 | 16,639.00           | Security upgrade   |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180708 | Encore Technology Group, LLC            | 04/13/2018 | 26,693.75           | JWMS PA system   |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180709 | Encore Technology Group, LLC            | 04/13/2018 | 28,239.93           | SHS PA system  |
| Repairs and Maintenance       | Capital Projects Fund        | 20180737 | Viola Engineering, PC                   | 04/27/2018 | 1,500.00            | MHS stormwater mgmt upgrades   |
| Repairs and Maintenance       | Capital Projects Fund        | 20180786 | Viola Engineering, PC                   | 05/16/2018 | 1,300.00            | SHS ballfield testing  |
| Capital Outlay Additions      | Capital Projects Fund        | 20180791 | Pine Knoll Construction                 | 05/16/2018 | 22,758.50           | MHS Stormwater Mgmt Upgrades   |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180793 | OWPR                                    | 05/17/2018 | 24,000.00           | SHS A&E tennis courts  |
| Repairs and Maintenance       | Capital Projects Fund        | 20180848 | Colossal Contractors, Inc.              | 06/04/2018 | 65,900.00           | RRES interior painting   |
| Capital Outlay Replacement    | Capital Projects Fund        | 20180862 | Integrity Electrical Services           | 06/06/2018 | 13,560.00           | SBO Annex elec upgrade (Insurance Claim)                               |
| Repairs and Maintenance       | Capital Projects Fund        | 20180868 | American Paint Company, LLC             | 06/07/2018 | 35,688.00           | Stonewall Elementary interior  |
| Purchased Services            | Capital Projects Fund        | 20180883 | OWPR                                    | 06/13/2018 | 3,000.00            | OVES engineering svc   |
| School Buses - Replacement    | Capital Projects Fund        | 20180478 | Blue Bird Bus Sales of Pittsburgh, Inc. | 10/20/2017 | 461,861.00          | 5 School Buses (Received and waiting on replacements due to corrosion) |
| <b>Total Fund 59</b>          | <b>Capital Projects Fund</b> |          |   |            | <b>1,003,150.18</b> |  |
| Purchased Services            | Construction Fund            | 46469    | OWPR                                    | 12/22/2016 | 236,000.00          | A&E 4th HS   |
| Purchased Services            | Construction Fund            | 49808    | OWPR                                    | 12/22/2016 | 7,770.00            | A&E Services for Armel Renovation                                      |
| Purchased Services            | Construction Fund            | 20180837 | Grimm and Parker Architecture, Inc.     | 06/01/2018 | 453,445.59          | 12th Elem-Construction   |
| Purchased Services            | Construction Fund            | 20180858 | Branch Civil, Inc.                      | 06/05/2018 | 935,680.72          | 12th Elem Site Work Construction                                       |
| Purchased Services            | Construction Fund            | 20180890 | Viola Engineering, PC                   | 06/15/2018 | 79,169.00           | 12th Elem. Testing Services  |
| <b>Total Fund 60</b>          | <b>Construction Fund</b>     |          |   |            | <b>1,712,065.31</b> |  |
| <b>Total All Funds</b>        |                              |          |   |            | <b>3,258,077.94</b> |  |

C

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Thursday, August 16, 2018  
8:30 a.m.  
1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Chairman Bob Wells, Walt Cunningham, Judy McCann-Slaughter, Chuck Torpy.

Committee Members Absent: Blaine Dunn, Helen Lake.

Staff present: Director of Communications LeeAnna Pyles, Fire Chief Dennis Linaburg, Finance Director Cheryl Shiffler, Deputy County Administrator Jay Tibbs, Sheriff Lenny Millholland, Deputy Director of Emergency Management Chester Lauck, Major Steve Hawkins, Assistant County Attorney Erin Swisshelm, 1<sup>st</sup> Lieutenant Barry Kittoe and Treasurer Bill Orndorff.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1- None

ITEMS FOR INFORMATION ONLY

**1. Information from Communications Committee on Sheriff's office portable radio needs (see attached):**

Director Pyles presented the Communications Committee recommendation for obtaining additional portable radio repair funding for the Sheriff's department. The Sheriff's department has obtained 158 portable radios from the Department of Defense at no cost, all of which need additional equipment such as batteries and antennae. They have deployed 38 radios and the remaining 120 need to be serviced at a cost of \$350 apiece. All future maintenance on the radios will be done inhouse. The Communications Committee is supporting the Sheriff's office request for an appropriation of \$42,000 to purchase equipment to enable the remaining portables to become operative. This will be forwarded to the Finance Committee.

*Mr. Torpy made a motion to approve the request and forward this recommendation to the Finance Committee. Ms. McCann-Slaughter seconded the motion and the Committee unanimously approved the request.*

**2. Traffic Control reimbursement policy discussion (see attached):**

Per action at the June Finance Committee meeting, Sheriff Millholland was asked to work with the Public Safety Committee to develop a policy for the provision of traffic control/enforcement for private organizations (e.g.: churches, SU football games, traffic light fixes, etc) that request this service. He advised that requestors currently sign a contract and are billed \$50/hr. This fee is used to cover the overtime incurred by the deputies providing this service for the event. The Finance Committee requested the Sheriff bring the topic of a policy creation to the Public Safety Committee as there is currently no official County policy governing this service. It was noted that concerns related to potential costs incurred relative to the Line of Duty Act should a deputy be hurt while performing this service. Mr. Tibbs suggested contacting surrounding jurisdictions to see if they have implemented a similar policy which could be used to begin drafting our own policy. The Sheriff showed the Committee a copy of the contract currently being used and stated that it is a product of many localities and Frederick County combined.

*Chairman Wells requested Sheriff Millholland distribute a copy of the current contract document and to submit a policy draft prior to the next meeting, so the Public Safety Committee members can review it and bring any comments and questions into discussion at that time.*

### **3. Other information:**

Chairman Wells discussed the need for smoother communication within the Public Safety Committee with regards to meetings. Meetings are scheduled every 2 months (3<sup>rd</sup> Thursday). Two weeks prior to the meeting, an email will be sent to the Sheriff, Chief Linaburg, Director Pyles, Jay Tibbs and Chairman Wells requesting any possible agenda items, attachments, information. Chairman Wells will in turn check in with Director Pyles following that e-mail to see if there are items for the agenda and whether the meeting will be held, rescheduled or canceled.

Chief Linaburg closed the meeting by addressing the passing of a veteran fire fighter, Charlie Kern who served for over 20 years.

Respectfully submitted,

**Public Safety Committee**

Bob Wells  
Judy McCann-Slaughter

Blaine Dunn  
Helen Lake

Chuck Torpy  
Walt Cunningham





COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive  
Winchester, VA 22602

Frederick C. Kinder  
Lieutenant  
Communications Committee Chair

August 29, 2018

Leeanna Pyles, Director  
Public Safety Communications  
County of Frederick  
1080 Coverstone Drive  
Winchester, Virginia 22602

Re: Request for funding

Director Pyles,

As discussed in the last Communications Committee Meeting, the Communications Committee fully supports and recommends the request for funding. Please find below the information regarding the request for additional funding to place in service portable radio equipment for the Sheriff's Office.

Over the last several months, the Sheriff's Office has received 158 portable radios from the 1033 Reutilization Program from the U.S. Department of Defense. The equipment is valued at a \$6,668.00 each and has saved the county an estimated total of \$1,053,544.00. Of the 158 Portables, 38 have been placed into service, replacing communications equipment that was obsolete, broken, or in excess of 15 years old.

The remaining 120 portable radios are in need of several items to make them ready for deployment.

|                       |          |
|-----------------------|----------|
| 1. Battery            | \$85.00  |
| 2. Battery Charger    | \$75.00  |
| 3. Antenna            | \$25.00  |
| 4. Speaker Microphone | \$165.00 |

This figure totals to \$350.00 per portable radio for a total of \$42,000.00. This in turn will replace radios that are currently being used in the field that have a whole host of issues. The issues are missing knobs, broken antennas, broken speaker microphones, equipment in excess of 15 years old, batteries in excess of 7 years old and broken chargers.

Funding this request would allow for a modern radio capable of digital transmissions and encrypted radio traffic in the hands of our deputies. This will also allow for interoperability with Clarke and Warren Counties while maintaining enhanced communications within Frederick County.


Respectfully submitted,

Frederick C. Kinder, Lieutenant  
Frederick County Fire and Rescue

**Frederick County Sheriff's Office**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting



|   |                      |                                   |                                |   |
|---|----------------------|-----------------------------------|--------------------------------|---|
| Series<br><b>PER</b>  | Number<br><b>203</b> | Effective Date<br><b>01-01-16</b> | Review Date<br><b>01-01-20</b> | Reviewing Office<br><b>Sheriff</b>  |
| Subject<br><b>Extra-Duty/Off-Duty Employment</b>                                  |                      |                                   |                                | <input checked="" type="checkbox"/> New Order<br><input type="checkbox"/> Amends<br><input type="checkbox"/> Replaces |
| References<br>PER.04.01<br>PER.04.02  |                      |                                   |                                |   |
|  |                      |                                   |                                | 01-01-16  |
| Sheriff   |                      |                                   |                                | Date  |

**I. PURPOSE**

To provide policy governing extra-duty/off-duty employment for employees of the Frederick County Sheriff's Office.

**II. POLICY**

The Sheriff must ensure the continued efficiency and effectiveness of the Sheriff's Office while simultaneously reducing or eliminating conflicts of interest. To this end, the Sheriff shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of employees. It is the policy of the Sheriff's Office, therefore, to prohibit extra-duty/off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities.

**III. DEFINITIONS****A. Employment**

Any work performed or services provided for compensation, including self-employment.

**B. Law Enforcement Related Employment**

Employment by Sheriff's Office personnel that may require the use of their law enforcement powers, which have been granted by the Commonwealth of Virginia/Frederick County Sheriff's Office.

**C. Probationary Period**

That period of time measured by one calendar year beginning with the date of employment. (Within the Sheriff's Office, the probationary period is for the purpose of evaluating an employee's abilities and aptitude for the assigned work and does not imply tenure.)

**D. Non Law Enforcement Related Off-Duty Employment**

This employment shall not constitute a conflict of interest with the Sheriff's Office. A conflict of interest is determined by the Sheriff and shall include any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of law enforcement employment.

**E. Off-Duty (Secondary) Employment**

Any employment for an entity where the employee formally accepts a position, (including self-employment/own business), where the employee works a weekly scheduled time period, and where the employee intends to remain in this position for an extended time period. Off-Duty employment does require the employee to submit a Request For Off-Duty Employment form to the Sheriff for approval.

**F. Extra-Duty Employment**

Any employment by an employee for a service that was submitted and approved through the Sheriff's Office administration requesting personnel for a short time period and a specific service, i.e. security for a specific event. Extra-Duty employment is sporadic and does not require the employee to submit a Request for Off-Duty Employment form.

**IV. PROCEDURES**

**A. Law Enforcement Related Extra-Duty Employment**

1. Law enforcement related extra-duty employment shall not exceed 16-hours per day, including on-duty time; e.g., an employee working a 10-hour work day may work six hours extra-duty employment on the same day and an employee on a day off may

work 16-hours. (This policy does not restrict the amount of time worked by an employee on-duty for the Sheriff's Office.)

- a. For the purpose of computing the allowable work time per day, court time shall constitute on-duty time.
2. Law enforcement related extra-duty temporary employment is restricted to the Frederick County/Winchester City limits. Deputies may perform law enforcement duties beyond the county's boundaries if working in conjunction with another jurisdiction's regular law enforcement agency and after having been duly sworn as a law enforcement officer in that jurisdiction.
3. The minimum salary required for deputies employed in a law enforcement related extra-duty temporary capacity must be at least equal to the over-time pay rate for a newly employed deputy.
4. Serving as an employment agent and receiving compensation for procurement of law enforcement related temporary jobs for other Sheriff's Office employees is prohibited. This does not prohibit supervisors/SROs from requesting personnel to work assignments that have been approved by the Sheriff or his designee.
5. No employee shall at anytime solicit any person or business for the purpose of gaining law enforcement related extra-duty temporary employment.
6. Except for public school security activities, which have the Sheriff's standing approval, and other temporary employment specifically authorized by the Sheriff or his designee, the following regulations apply:
  - a. The sheriff may approve or disapprove the wearing of the Sheriff's Office uniform while engaging in extra-duty employment.
  - b. The sheriff may approve or disapprove the use of county-owned vehicles, radio, or other equipment while engaging in extra-duty employment.
7. Deputies, while engaged in law enforcement related extra-duty temporary employment, will adhere to Sheriff's Office policy and be subject to the orders of the on-duty Sheriff's Office supervisor.
8. A deputy may be prohibited from working law enforcement extra-duty temporary employment for the following reasons:

- a. The deputy's on-duty performance is affected by working the extra-duty hours;
  - b. The deputy does not satisfactory perform the extra-duty assignment;
  - c. The deputy has received disciplinary action from the Sheriff's Office.
9. The Sheriff may designate a coordinator for law enforcement related extra-duty temporary employment for the Sheriff's Office. They will monitor policy compliance, maintain records, and review the process annually.

**B. Non-Law Enforcement Off-Duty Employment**

Section A1 above regarding hours worked during extra-duty employment, also applies to non-law enforcement off-duty employment. The following are jobs, which the Sheriff deems unacceptable, and permission to engage in secondary employment in these areas will be denied.

- 1. Jobs at establishments where alcoholic beverages are sold for consumption on the premises (bartenders, bouncers, etc.).
- 2. Deputies and employees are prohibited from employment by any firm connected with the following:
  - a. Towing or storage of vehicles;
  - b. Bill/debt collector;
  - c. Bodyguard;
  - d. Private investigator;
  - f. Process server;
  - g. Taxi cab driver.

**C. Law Enforcement Off-Duty Employment**

It is the policy of the Frederick County Sheriff's Office not to allow law enforcement off-duty employment with any other law enforcement agency as a sworn law enforcement officer. This policy does not prohibit Sheriff's Office employees' from being sworn in other jurisdictions for

temporary extra-duty law enforcement employment, nor does it prohibit them from being members of joint law enforcement task forces.

D. Arrests

Any arrests made, or summonses issued, while engaged in law enforcement related extra-duty employment would follow the procedures set forth in ADM-105.

E. Law Enforcement Related Extra-Duty Employment

1. Whenever a request is received for law enforcement extra-duty employment, the following information shall be obtained:
  - a. The precise nature of the work to be performed;
  - b. The hours or schedule for the task;
  - c. The equipment the employee(s) will need;
  - d. The contact persons phone number/address.
2. The Sheriff or his designee will make the final decision to approve/disapprove all requests for law enforcement related extra-duty employment.

E. Sheriff's Office Liability

1. Any approved law enforcement related extra-duty temporary employment is considered work related and all of the benefits provided to on-duty Sheriff's Office personnel would be provided to personnel working these assignments.
2. The Sheriff's Office shall not be responsible for any civil liability relating to any incident that occurred from secondary employment, nor will Sheriff's Office workman's compensation be provided to personnel injured while working any secondary employment.

F. Off-Duty employment requirements

1. Employees must submit a written (Request for Secondary Employment) request to the Sheriff through the chain of command when requesting permission to obtain secondary employment or to start their own business. The completed request shall be filed in the employee's personnel file.

2. Deputies shall submit a letter to the Sheriff advising of their resignation or termination from their secondary employment within 14 days of the resignation/termination. The letter will be attached to the original request form and filed in the employee's personnel file.
3. If a Sheriff's Office employee is terminated from his/her secondary employment, it shall be the right of the Sheriff's Office to ascertain the reason. If the reason is such as to have brought reproach upon the Sheriff's Office, then disciplinary action may also be taken by the Sheriff's Office.
4. Any action by the secondary employer or Sheriff's Office employee while employed by the secondary employer that conflicts with the Sheriff's Office rules of conduct, the law enforcement code of ethics, or this policy, will result in the revocation of the secondary employment request.
5. The Sheriff may revoke permission to work secondary employment anytime the secondary employment affects the Sheriff's Office employee's job performance, or anytime the Sheriff's Office employee receives disciplinary action.
6. Sheriff's Office employees may not be allowed secondary employment during their probationary period. This may not apply to experienced newly hired deputies.
7. The Sheriff may designate a coordinator for off-duty employment for the Sheriff's Office. They will monitor policy compliance, maintain records, and review the process annually.

# Frederick County Sheriff's Office



1080 Coverstone Drive  
Winchester, Virginia 22602

Office (540) 662-6168  
Fax (540) 504-6400

## AGREEMENT FOR OFF DUTY DEPUTY CONTROL SERVICES

This Overtime Sheriff Services Agreement ("Agreement") is entered into between the Frederick County sheriff's Office ("**Sheriff's Office**") and \_\_\_\_\_, ("**Requestor**" – group requesting services). Collectively, these entities are referred to as the Parties.

1. Scope. The requester agrees, in consideration for the Sheriff's Office supplying Sheriff's Deputies (Deputies) for services, to comply with the requirements of this agreement.

2. Information:

Name of organization: \_\_\_\_\_

Address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

3. Requested services:

Number of Deputies requested \_\_\_\_\_

Schedule of requested services (day/time):

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

4. Refusal of Dates: The Sheriff's Office reserves the right to refuse dates and/or time for services should those dates create staffing or other administrative or public safety concerns.



5. Staffing requirements: The requestor agrees to request an adequate number of Deputies for security control needs. Unless modified by agreement of the parties, there shall be enough Law Enforcement Personnel to handle the event.
6. Payment Schedule/Billing/Penalties: The requester will be assessed an hourly fee for the traffic control services provided by the Sheriff's Office. That fee shall be \$\_\_\_\_\_/hr. per Deputy. The requester will bill for a minimum of one hour for services. Increments of time for billing purposes shall be rounded up to the next full hour.  
The requester will be invoiced for Sheriff's Office services. Any payment not received by the Sheriff's Office within thirty (30) days of the invoice date is delinquent and may be subject to collection action.
7. Deputies are Sheriff's Office Employees: The Deputies assigned to services under this Agreement remain employees of the Sheriff's Office during the performance of duties. As a result, the Deputies are under the full managerial control of the Sheriff's Office, and not subject to the managerial control by the requester.
8. Emergency Activation: All Deputies, pursuant to this Agreement are subject to mobilization to another location by the Sheriff or his designee in the event of an emergency or pursuant to bona fide staffing needs of the Sheriff's Office. Should a Deputy be mobilized to another location by the Sheriff's Office, the requester will only be billed for the time the Deputy worked pursuant to this Agreement, rounded up to the nearest hour. The requester is not eligible for any other damages should the Deputies on site be mobilized to another location.
9. Non-Interference with Police Action or Prosecution: Should any incident occurring during an event under this Agreement require police action or prosecution, the requester will not interfere and/or attempt to influence decisions or actions made by the Deputy or Deputies. The requester will cooperate fully with the Sheriff's Office in investigation of any such incident.
10. Effective Date/Expiration: This agreement is effective when executed by both Parties and shall remain in effect for one (1) year, unless terminated earlier as provided herein.
11. Cancellation by Sheriff's Office: The Sheriff's Office may terminate this agreement when it deems that doing so is reasonably necessary or appropriate. The Sheriff's will provide the requester with \_\_\_\_\_ days' written notice of the termination of the Agreement.
12. Cancellation by the Requester: The Requester may cancel or terminate services under this Agreement, provided that the Requester provides the Sheriff's Office with \_\_\_\_\_ days' written notice of the termination.
13. Non-Assignable/Subcontract: The Requester may not assign or subcontract services under this Agreement.
14. Jurisdiction: This Agreement shall be governed, construed and interpreted by the Laws of the State of Virginia. Any action arising out of or related to this Agreement shall be brought in Frederick County, Virginia.

15. Third Party Rights: This Agreement is intended to be solely between the Parties. No part of this Agreement shall be construed to add, supplement, or amend existing rights, benefits, or privileges of any third party or parties.
16. No Waiver: The Failure of either Party to enforce any provisions of this Agreement or to require performance of the other Party of any provision(s) shall not be construed to be a waiver of such provisions, nor shall it affect the validity of this Agreement or any part thereof, or the rights of either Party to enforce any provision.
17. Complete Agreement: This Agreement constitutes the entire agreement of the parties relating to the services provided to the Requester by the Sheriff's Office. This Agreement supersedes all prior communications, contracts, or agreements between the parties with respect to the same.
18. Authorizations/Signature: The person signing this Agreement represents the Requestor and has authorization to execute this agreement on behalf of the Requestor for whom they sign. The signature executing this Agreement may be an original signature, or an original signature that has been replicated by photocopy, electronic means, or facsimile.

Frederick County Sheriff's Office

Authorized Requester

\_\_\_\_\_  
Lenny Millholland  
*Sheriff*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Lenny Millholland

---

**From:** Chris Carey <CCarey@riskprograms.com>  
**Sent:** Monday, August 20, 2018 4:33 PM  
**To:** Lenny Millholland  
**Subject:** Off-duty Employment  
**Attachments:** OFF-DUTY Approval Form.doc; OFF-DUTY Employment-Sheriff.doc

Sheriff Millholland:

It was nice speaking with you today. VACORP allows each Sheriff to determine the best manner to handle off-duty employment. There are two methods to handle this circumstance:

1. Employer Model – This is where all off duty employment is contracted and billed through the Sheriff's Office and/or County. The deputy is acting as an employee and all coverage and benefits are handled/provided through the County.
2. Contractor Model – This is where the Sheriff provides a directive of approved activities and all of it is handled externally from the Employer.

I have provided a sample guideline on the issue. Although we do not dictate to the Sheriff the manner in which this should be handled, we do always recommend the Employer model. We believe this is in the best interest of the Employer and Employee in properly managing work related injuries and possible Line of Duty Act benefits. I believe this is the manner in which Frederick County manages off-duty employment and we would not recommend any changes.

If you have any additional questions, please let me know. Thanks.

Chris J Carey  
Administrator  
VACoRP  
1315 Franklin Rd., SW  
Roanoke, VA 24016  
Phone: 1888-822-6772  
Fax: 540-345-5330

**\*\*\*Please make a note of my new e-mail address and begin using it for future e-mail correspondence.\*\*\*** This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to who they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any dissemination, printing, or copying of this email is strictly prohibited.

D

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Monday, August 27, 2018  
8:30 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

**ATTENDEES:**

Committee Members Present: Gary Lofton Chairman (Voting), Judith McCann-Slaughter (Voting), Gary Oates (Liaison PC/Voting), James Racey (Voting) Barry Schnoor (Voting) and Lewis Boyer (Liaison Stephens City).

Committee Members Absent: Mark Davis (Liaison Middletown)

Staff Present: Assistant Director -Transportation John Bishop, Traffic Division Commander Lt. Warren Gosnell, and Kathy Smith, Secretary

**ITEMS FOR INFORMATION ONLY:**

**1-Transportation Forum:** The Fall Transportation Forum is tentatively scheduled to be held on Tuesday or Thursday evening the last full week of October. After a brief discussion, the Committee recommended to change the format of the meeting to a more one-on-one interaction with citizens with no panel session. Also, including an opening/welcome greeting from the Board of Supervisors Chair or Transportation Committee Chair, Commonwealth Transportation Board representative and a presentation from Staff on the SmartScale progression with emphasis on current local projects. VDOT and Sheriff's Department representatives will be present for questions, as well.

**2-I-81 Corridor Study (See Attached):** A brief overview with a presentation was provided of the August 22, 2018 public meeting on the I-81 Corridor study. Staff advised that this is a hot spot study and immediately needs study. It was pointed out that VDOT has compiled the public's feedback in the presentation with a very good representation for Frederick County. The only recommended improvement in our area is the addition of northbound and southbound auxiliary lanes between Exit 313 & Exit 315. Staff has concerns with Exit 317 not being included in the potential solutions. The County has many issues with Exit 317. Staff will be reviewing the current Traffic Records Electronic Data Systems (TREDS) data and will forward the recommended comments to the Board of Supervisors. The Committee recommended that a draft resolution for Exit 317 be prepared to be reviewed by the Committee and then forwarded to the Board of Supervisors for their review.

**3-Knob Road Paving:** Staff received a request from a property owner to pave Knob Road. The most recent traffic count is 40. The Committee recommends adding Knob Road to the next update of the Secondary Road Improvement Plan.

**4-County Projects Updates: Tevis Street Extension/Airport Road/I-81 Bridge:** Staff expects the comments to be addressed this week. The right-of-way plats and deeds of dedication are being finalized to transfer the right-of-way. The bid package items are being compiled to be advertised by the end of September or early October.

**Renaissance Drive:** Staff is awaiting VDOT feedback regarding placement of the lanes of the surface portion of Renaissance Drive within the right-of-way. The bridge design is underway. The comments have been received back on the geotechnical report from VDOT and are being addressed.

**Northern Y:** Currently, 30% design underway.

**Coverstone Drive:** No activity currently.

**Jubal Early Drive Extension and Interchange with Route 37:** No activity currently.

**5-Upcoming Agenda Items: September:** Ongoing Transportation Forum and Work Program Planning.

**TBD:** Oakdale Crossing Traffic Calming Study.

**6-Other:** Mr. Bishop updated the Committee that VDOT traffic engineering had reviewed the truck restriction request for Springdale Road and was recommending approval. The Sheriff's Department has reported that a number of truck hang ups have happened on that facility recently. The Committee noted that signage would need to be prominent on Route 11 because once trucks enter that roadway there is no place to turn around.

Mr. Bishop updated the Committee that VDOT traffic engineering reviewed the Hayfield Road corridor for a potential truck restriction and was not recommending a restriction. However, modifications are going to be made at the intersection of Hayfield and Gainesboro Road to better accommodate truck turning movements that have led to some conflicts in that area.



COMMONWEALTH of VIRGINIA  
Office of the  
SECRETARY of TRANSPORTATION

# I-81 Corridor Improvement Plan

August 2018  
Public Meetings



# I-81 Corridor Improvement Plan

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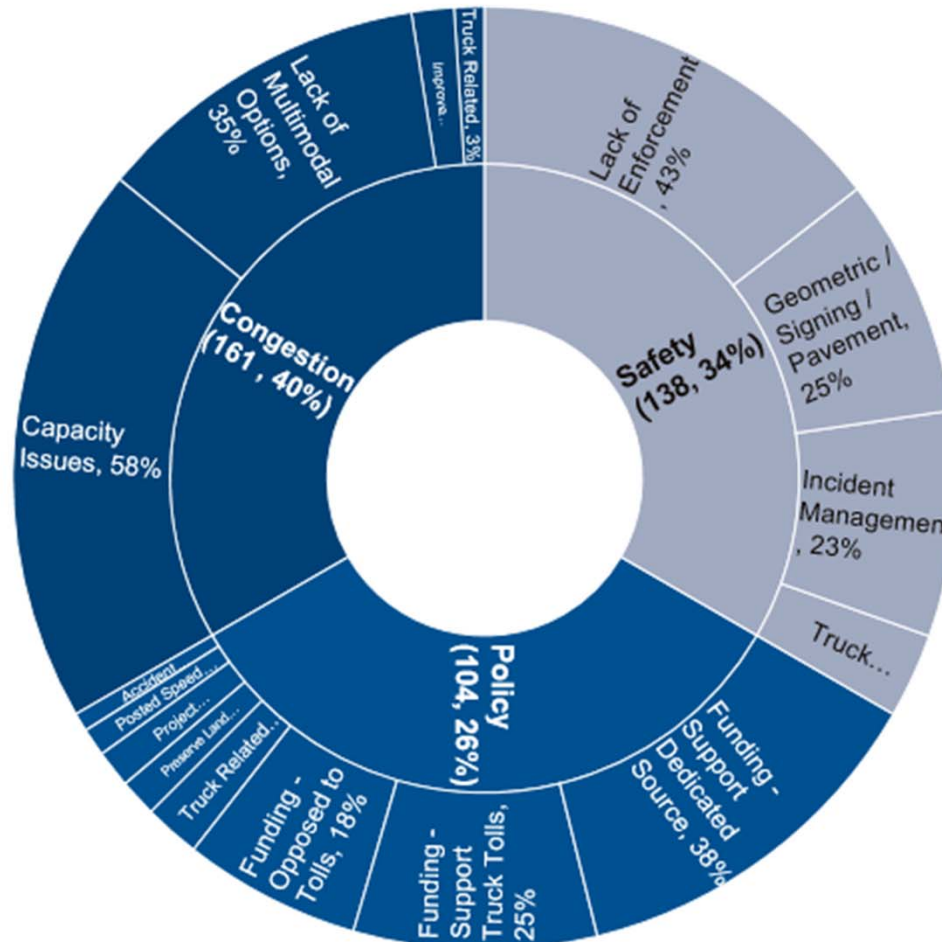
- Overview of I-81 Corridor Improvement Plan purpose
- Summary of data and public feedback
- Overview of draft operations plan
- Overview of potential capital solutions
- Overview of potential funding options
- Next steps
- Staying involved – how to provide feedback



# I-81 Public Involvement Summary

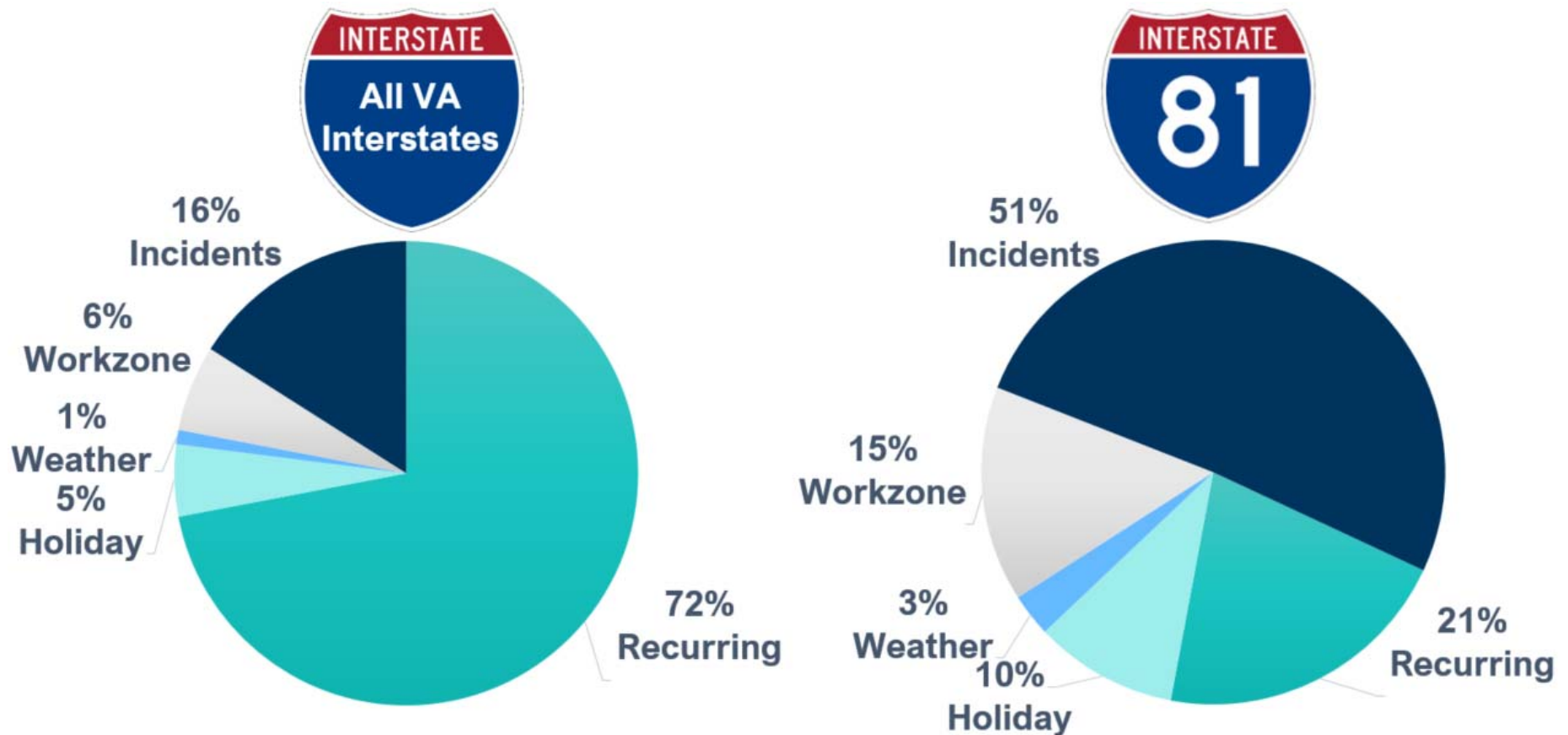
- Congestion (161, 40%)
- Policy (104, 26%)
- Safety (138, 34%)

- **Comment forms, email, and phone: 403**
- **June meeting attendance: 399**
- **Public meeting map display comments: 680**



# I-81 Corridor Operations Plan

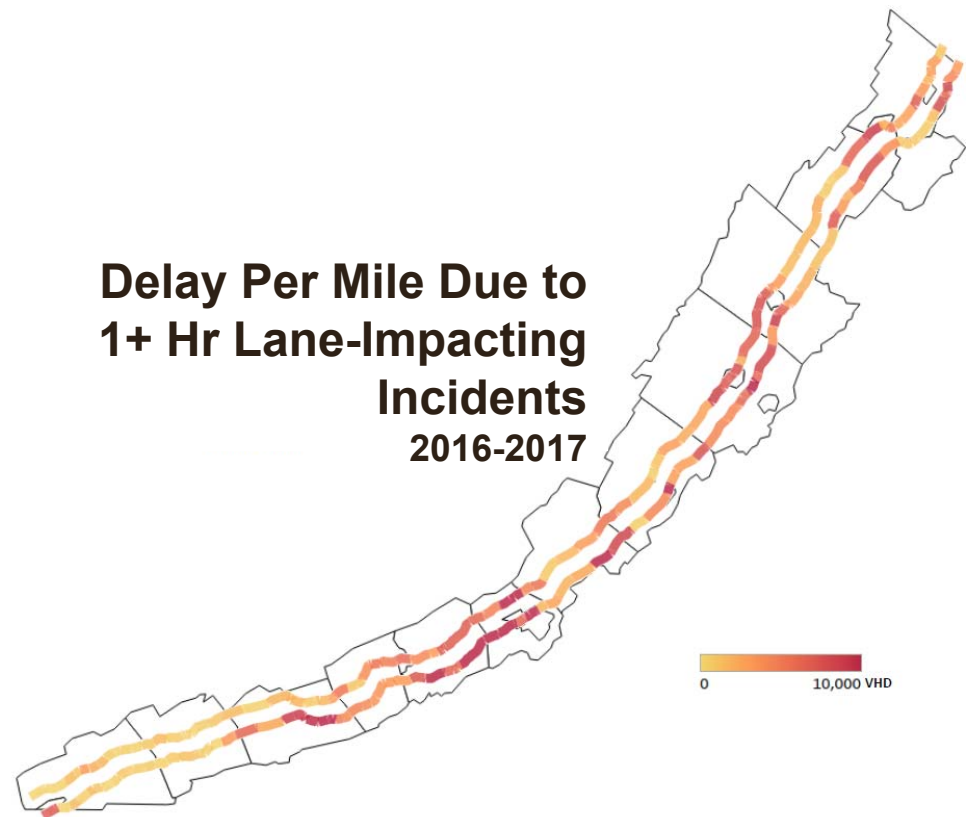
## Delay Makes I-81 Unique



# Potential Solutions Development

## Operations and Incident Management Improvements

- Focused on corridor segments with the highest incident-related delay
- Identified crash hotspots
- Developed corridor-wide operations and incident management upgrade plan



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# Draft I-81 Corridor Operations Plan

# I-81 Corridor Operations Plan

---

## Key components include—

- Changeable message signs and cameras
- Expanded safety service patrols
- Detour routes and improvements to parallel facilities
- Contract emergency clearance
- Truck parking enhancements

# Operations Improvements

## Safety Service Patrols (SSP)

- Safety vehicles that cover the interstate with services to stranded motorists
- Benefits
  - *Actively seeking events*
  - *Often first to arrive*
  - *Can move fender benders from travel lane*
  - *Call appropriate resources and start on-site traffic control*





# Potential Improvements Development

## Operations Improvements: Parallel Facilities

- **Why is upgrading parallel facilities important for I-81?**
  - Keeps you moving when there is an incident
  - Provides you with an alternative route
  - Helps you get around the incident
  - Helps you avoid back-ups
- **Includes:**
  - Incident management plans
  - Traffic signal operations and communications
  - Changeable message signs (CMS)
  - Geometric improvements
  - Bridge improvements
  - Signs and pavement marking



# Operations Improvements

## Truck Parking Solutions

- Strategic locations for truck parking
- Real-time truck parking information
- Reduce impacts of trucks parking on shoulders and ramps
- Benefits
  - Provides safe spaces for truck parking
  - Enhances corridor safety for all users
  - Assists truckers with complying with hours of service regulations



***63% of truck drivers spend over 15 minutes looking for parking between 4PM and midnight; many stop driving nearly an hour early to secure a safe spot to park***

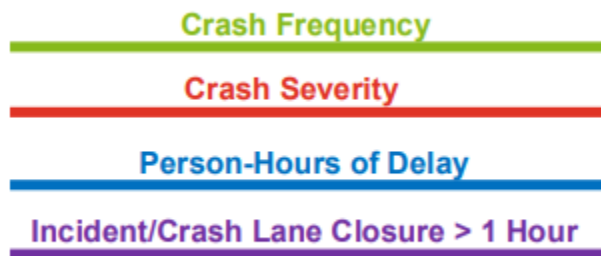


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# Potential Capital Solutions

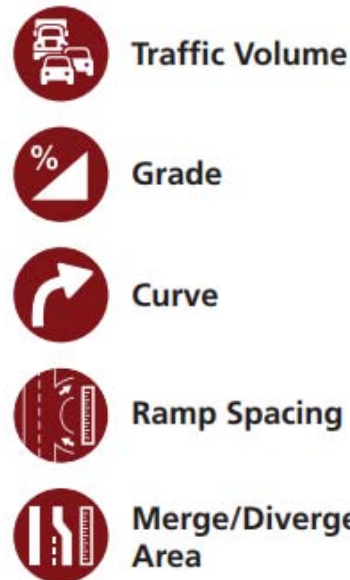
# Potential Capital Solutions

- Reviewed each problem area identified by performance measures



- Determined contributing factors

## Contributing Factors



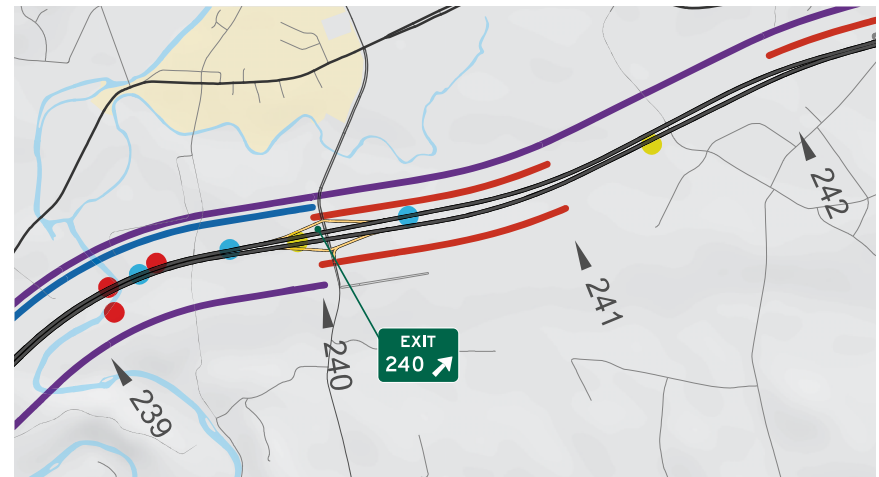
- Developed potential solutions based identified contributing factors

# Potential Capital Solutions - Note

- *Some of the top problem areas cannot be addressed with infrastructure solutions*
- Over 850 fatal and severe injury crashes between 2012-2016 reviewed on the I-81 corridor

**Example:  
MM 240 - Southbound**

1. Drunk driver
2. Deer hit
3. Insufficient tire tread



**3 Severe Injuries**

# Potential Solutions Development

## Capital Improvements: Mainline I-81

- **Types of Solutions**

- **Widening**

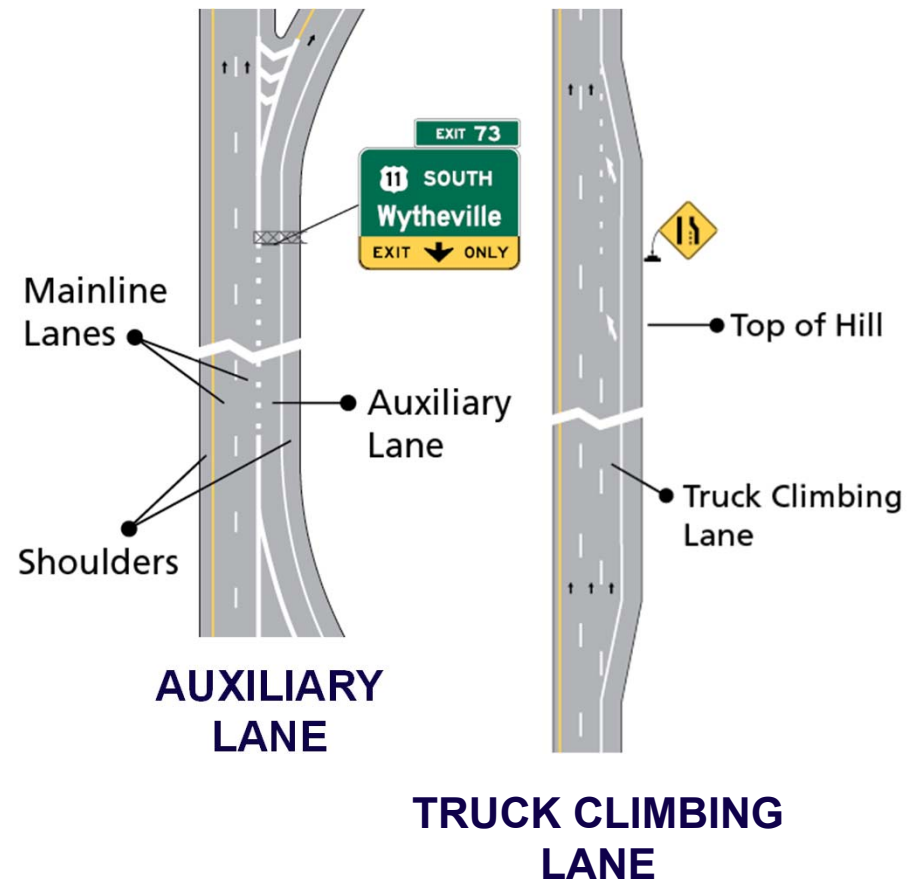
- Third through lane
    - Auxiliary lane
    - Truck climbing lane

- **Acceleration and deceleration lane extensions**

- **Curve improvements**

- **Interchange improvements**

- Ramp modifications
    - Ramp intersection improvements



# Potential Solutions Development

## I-81 – Mile Marker 295-305: Funded Projects

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| FUNDED PROJECTS |   |   |
|-----------------|---|---|
| Location        | # | Funded  |
| EXIT 296        | 1 | Extend northbound acceleration lane and southbound deceleration lane (2024) |
| EXIT 300        | 2 | Extend southbound acceleration lane (2024)                                  |

# Potential Solutions Development

## I-81 – Mile Marker 295-305: Potential Solutions

| POTENTIAL SOLUTIONS |    |  |                      |                     |                 |                       | Targeted Issues |       |       | Contributing Factors |                    |                        | Goal Met              |              |
|---------------------|----|--|----------------------|---------------------|-----------------|-----------------------|-----------------|-------|-------|----------------------|--------------------|------------------------|-----------------------|--------------|
| Location            | #  | Potential Solutions                              | High Crash Frequency | High Crash Severity | Excessive Delay | Lane Closures >1 Hour | Traffic Volume  | Grade | Curve | Ramp Spacing         | Merge/Diverge Area | Reduce Crash Frequency | Reduce Crash Severity | Reduce Delay |
| NORTHBOUND          |    |  |                      |                     |                 |                       |                 |       |       |                      |                    |                        |                       |              |
| EXIT 296            | 3  | Extend deceleration lane                         | ✓                    | ✓                   | ✓               | ✓                     |                 | ✓     |       |                      | ✓                  | ✓                      | ✓                     | ✓            |
| EXIT 296-298        | 4  | Add auxiliary lane between Exit 296 and Exit 298 | ✓                    | ✓                   | ✓               | ✓                     | ✓               | ✓     | ✓     | ✓                    | ✓                  | ✓                      | ✓                     | ✓            |
| EXIT 298-300        | 5  | Add auxiliary lane between Exit 298 and Exit 300 |                      |                     | ✓               |                       | ✓               | ✓     | ✓     | ✓                    | ✓                  |                        |                       | ✓            |
| EXIT 300            | 6  | Widen ramp to eastbound I-66 to two lanes        |                      |                     | ✓               |                       | ✓               | ✓     | ✓     | ✓                    | ✓                  |                        |                       | ✓            |
| EXIT 302            | 7  | Extend acceleration and deceleration lanes       |                      | ✓                   |                 |                       |                 |       |       | ✓                    | ✓                  |                        | ✓                     |              |
| MM 304              | 8  | Extend deceleration lane at truck scales         |                      | ✓                   |                 |                       |                 |       |       | ✓                    | ✓                  |                        | ✓                     |              |
| SOUTHBOUND          |    |  |                      |                     |                 |                       |                 |       |       |                      |                    |                        |                       |              |
| EXIT 300 - MM 296   | 9  | Widen to three lanes                             | ✓                    | ✓                   | ✓               | ✓                     | ✓               | ✓     | ✓     | ✓                    | ✓                  | ✓                      | ✓                     | ✓            |
| EXIT 298            | 10 | Extend deceleration lane                         |                      |                     | ✓               | ✓                     | ✓               | ✓     | ✓     | ✓                    |                    |                        |                       | ✓            |
| EXIT 296            | 11 | Extend acceleration lane                         | ✓                    | ✓                   | ✓               | ✓                     |                 | ✓     |       |                      | ✓                  | ✓                      | ✓                     | ✓            |

# Potential Solutions Development

## I-81 – Mile Marker 305-324: Funded Projects

| FUNDED PROJECTS |   |  |
|-----------------|---|--|
| Location        | # | Funded   |
| EXIT 310        | 1 | Interchange modification project (2017)                                |
| EXIT 315        | 2 | Extend northbound deceleration lane (2024)                             |
| EXIT 315        | 3 | Install queue preemption on northbound off-ramp (2016)                 |
| EXIT 317        | 4 | Extend northbound deceleration lane (2013)                             |
| EXIT 323        | 5 | Extend northbound deceleration and southbound acceleration lane (2021) |



# Potential Solutions Development

## I-81 – Mile Marker 305-324: Potential Solutions

| POTENTIAL SOLUTIONS |   |  |  |   |  | Targeted Issues |   |  | Contributing Factors |   |   |  | Goal Met |   |  |  |  |  |
|---------------------|---|--|--|---|--|-----------------|---|--|----------------------|---|---|--|----------|---|--|--|--|--|
| Project             | # | Potential Solutions                              | <div>High Crash Frequency<br/>High Crash Severity<br/>Excessive Delay<br/>Lane Closures &gt; 1 Hour<br/>Traffic Volume<br/>Grade<br/>Curve<br/>Ramp Spacing<br/>Merge/Diverge Area<br/>Reduce Crash Frequency<br/>Reduce Crash Severity<br/>Reduce Delay</div> |   |  |                 |   |  |                      |   |   |  |          |   |  |  |  |  |
|                     |   |  |  |   |  |                 |   |  |                      |   |   |  |          |   |  |  |  |  |
| NORTHBOUND          |   |  |  |   |  |                 |   |  |                      |   |   |  |          |   |  |  |  |  |
| EXIT 313-315        | 6 | Add auxiliary lane between Exit 313 and Exit 315 |  | ✓ |  |                 | ✓ |  | ✓                    | ✓ | ✓ |  | ✓        |   |  |  |  |  |
| SOUTHBOUND          |   |  |  |   |  |                 |   |  |                      |   |   |  |          |   |  |  |  |  |
| EXIT 315-313        | 7 | Add auxiliary lane between Exit 315 and Exit 313 |  | ✓ |  | ✓               | ✓ |  | ✓                    | ✓ | ✓ |  | ✓        | ✓ |  |  |  |  |

# Potential Solutions Development

## Capital Projects in Staunton District

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- **Recently Completed and Funded Projects: \$67.9 Million**
  - Includes projects completed in the last five years, projects funded under SMART SCALE rounds 1 and 2, as well as major bridge rehabilitations/ replacements
- **Potential Capital Solutions: \$1.0-1.6 Billion**

---

# Revenue Options

# Major Interstate Corridor Funding SMART SCALE vs. Other Resources

| Interstate | SMART SCALE | Regional/Tolls/Other |
|------------|-------------|----------------------|
| I-64       | \$397       | \$1,179              |
| I-66       | 0           | \$2,680              |
| I-77       | \$5         | 0                    |
| I-81       | \$168       | 0                    |
| I-85       | 0           | 0                    |
| I-95/I-395 | \$220       | \$940                |

Figures in millions

# Potential Funding Options

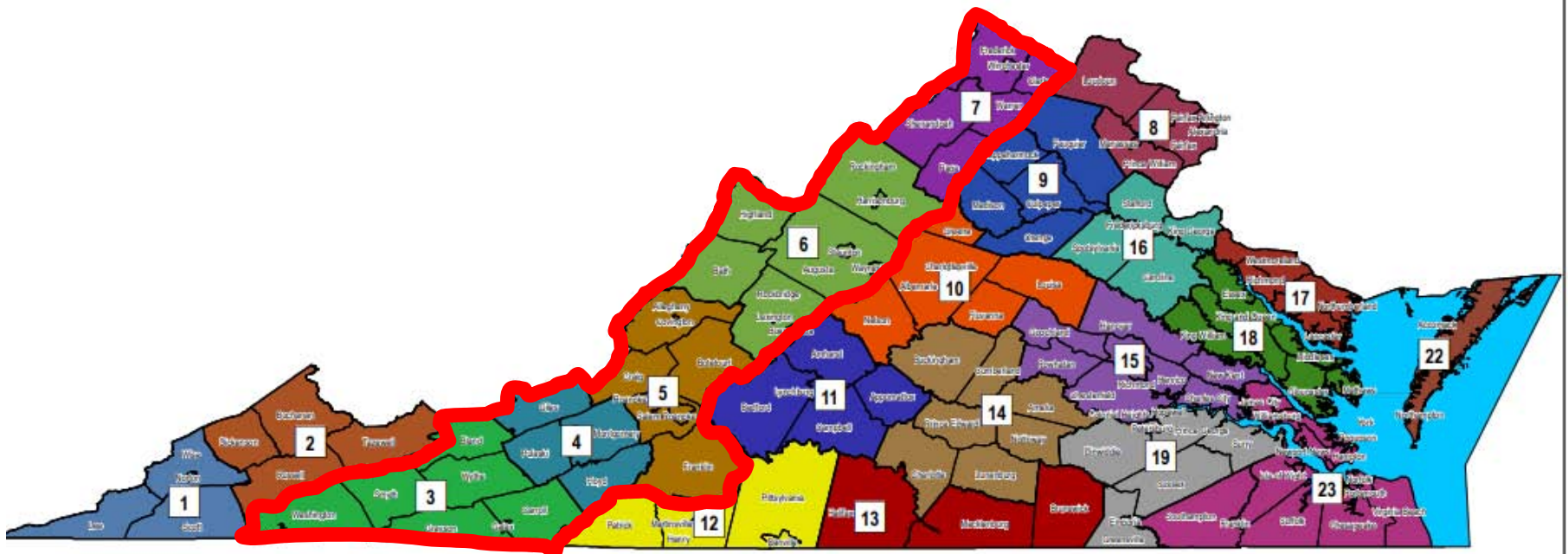
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- Heavy commercial vehicle tolling options –
  - \$50-\$200M/year
- Regional 2.1% motor fuels tax –
  - \$60-\$70M/year
- Regional 0.7% retail sales and use tax –
  - \$90-\$100M/year
- Regional taxes would impact all localities in PDCs 3, 4, 5, 6, 7

*All funding options require General Assembly legislation*

# Potential Funding Options

- Regions impacted by a potential motor fuels or retail sales and use tax for I-81 Corridor



# Tolling and Potential Tolling Revenue

- What is open road tolling?
  - Collect tolls without using a toll booth
  - Heavy commercial trucks
- Who approves tolling process?
  - Virginia Legislature
  - Federal Highway Administration



*Toll revenues may only be used to benefit the corridor on which they were collected.*



# High Occupancy Toll (HOT) Lane Tolling Concept

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- Preliminary evaluations of tolling scenarios eliminate HOT lane tolling concept for the following reasons:
  - HOT lanes are a powerful tool to manage recurring congestion in urban areas with significant traffic and delays during peak hours
  - I-81 corridor is mostly rural and only 20% of the delay on the entire corridor is recurring congestion
  - HOT lanes are typically converted from pre-existing HOV lanes to use untapped capacity
  - There are currently no HOV lanes on I-81
  - Cost to create a HOT lane on I-81 would be in excess of the toll revenue generated by the HOT lane

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# Public Meeting Displays

# Public Meeting Displays

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- **Background information**
- **Display boards with proposed solutions**
- **Comment sheets with questions to *provide your input***

# Next Steps

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- **Analyze potential capital projects to assess benefits relative to costs using SMART SCALE process**
- **Review potential funding and financing options**
- **Develop prioritized list of potential capital projects**
- **Complete truck parking needs assessment**
- **Complete analysis of potential economic impacts of heavy commercial vehicle tolls on Virginia agriculture, manufacturing and logistics sectors**

# Next Steps

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- **October Public Meetings throughout the Corridor**
- **Commonwealth Transportation Board briefing on draft plan at its October meeting**
- **Commonwealth Transportation Board consideration of final plan at its December meeting**
- **Plan to be submitted to the General Assembly no later than the first day of the 2019 Session**

# Providing Feedback...VA81Corridor.org



Project website: <http://www.VA81Corridor.org>

Project e-mail address: [VA81CorridorPlan@OIPI.Virginia.gov](mailto:VA81CorridorPlan@OIPI.Virginia.gov)

**VDOT Project Manager: Ben Mannell**  
**1401 E. Broad Street, Richmond, Virginia 23219**  
**phone: (804)786-2971**

*Office of the* SECRETARY *of* TRANSPORTATION



COMMONWEALTH of VIRGINIA  
Office of the  
SECRETARY of TRANSPORTATION

Thank you for coming tonight and providing your feedback!





E



# RESOLUTION

## Frederick County Board of Supervisors

### **VOLUNTEER FIRE AND RESCUE DEPARTMENTS ELIGIBILITY FOR LODA BENEFITS**

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia, wishes to comply with the Code of Virginia § 9.1-400 et seq. recognizing local emergency departments; and

WHEREAS, the County of Frederick recognizes eleven departments namely

- Stephens City Volunteer Fire & Rescue Company, Inc.;
- Middletown Volunteer Fire & Rescue Company, Inc.;
- Clear Brook Volunteer Fire & Rescue, Inc.;
- Gore Volunteer Fire Company;
- Round Hill Community Fire & Rescue Company, Inc.;
- Gainesboro Fire Company, Inc.;
- Star Tannery Volunteer Fire Department;
- Greenwood Volunteer Fire & Rescue Company, Inc.;
- North Mountain Volunteer Fire Company, Inc.;
- Reynolds Store Volunteer Fire & Rescue Company, Inc.;
- Millwood Station Volunteer Fire & Rescue Company 21, Inc.; and

WHEREAS, the Board of Supervisors, the governing body of the County of Frederick, has for many years recognized the existence of all eleven volunteer organizations, while having never formally adopted a resolution; and

WHEREAS, for such fire and rescue departments to be eligible for benefits of the “Line of Duty Act” a resolution must be approved by the governing body; and

NOW THEREFORE BE IT RESOLVED that the County of Frederick acknowledges the important contribution made to Frederick County by the members of each fire and rescue department and wishes to make available the benefits of the “Line of Duty Act.”

Passed this 12th day of September 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

F

## FREDERICK COUNTY RESOLUTION OF APPRECIATION

### SERENA R. “RENNY” MANUEL

**WHEREAS**, Serena R. “Renny” Manuel served Frederick County, Virginia, for approximately 27 years as an employee at the Winchester Regional Airport, beginning her career as an Office Assistant in 1991 and receiving promotions to Assistant Airport Manager and Interim Airport Director before her appointment as Airport Director in 1999; and

**WHEREAS**, during her tenure, Serena R. “Renny” Manuel progressively took on a variety of additional responsibilities and assignments and was noted for her incredibly unusual work ethic, diligence, and efficiency; and

**WHEREAS**, Serena R. “Renny” Manuel served as Secretary on the Virginia Airport Operators Council and;

**WHEREAS**, Serena R. “Renny” Manuel was widely recognized as one who could be depended upon to help others in a time of need and one whose sense of humor was appreciated by all; and

**WHEREAS**, Serena R. “Renny” Manuel was an effective leader and team member who excelled at managing numerous capital and airport redevelopment projects, including runway rehabilitation design and construction, an airfield lighting upgrade, T-hangar apron rehabilitation, land acquisition, relocation and rehabilitation of Taxiway “A”, and oversight of construction of a second corporate hangar facility;

**NOW, THEREFORE BE IT RESOLVED**, that the Frederick County Board of Supervisors extends its sincerest thanks to Serena R. “Renny” Manuel for her dedication and dependability and wishes her all the best in her future endeavors.

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

**ADOPTED** this 12<sup>th</sup> day of September 2018.

---

**Charles S. DeHaven, Jr.**  
Chairman

---

**Gary A. Lofton**  
Back Creek District Supervisor

---

**J. Douglas McCarthy**  
Gainesboro District Supervisor

---

**Blaine P. Dunn**  
Red Bud District Supervisor

---

**Robert W. Wells**  
Opequon District Supervisor

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**Judith McCann-Slaughter**  
Stonewall District Supervisor

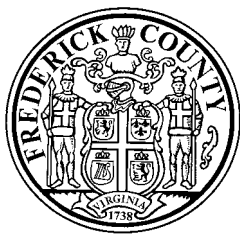
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**Shannon G. Trout**  
Shawnee District Supervisor

---

**Kris C. Tierney**  
Clerk

G



## COUNTY OF FREDERICK

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### Information Technologies

Patrick Fly, GIS Manager

pfly@fcva.us

Voice 540.722.8225

### MEMO

**To:** Board of Supervisors

**CC:** Kris Tierney, County Administrator

**From:** Patrick Fly, GIS Manager

**Subject:** Removal of Ramsuer Ln and Royston Ct

**Date:** August 7<sup>th</sup>, 2018

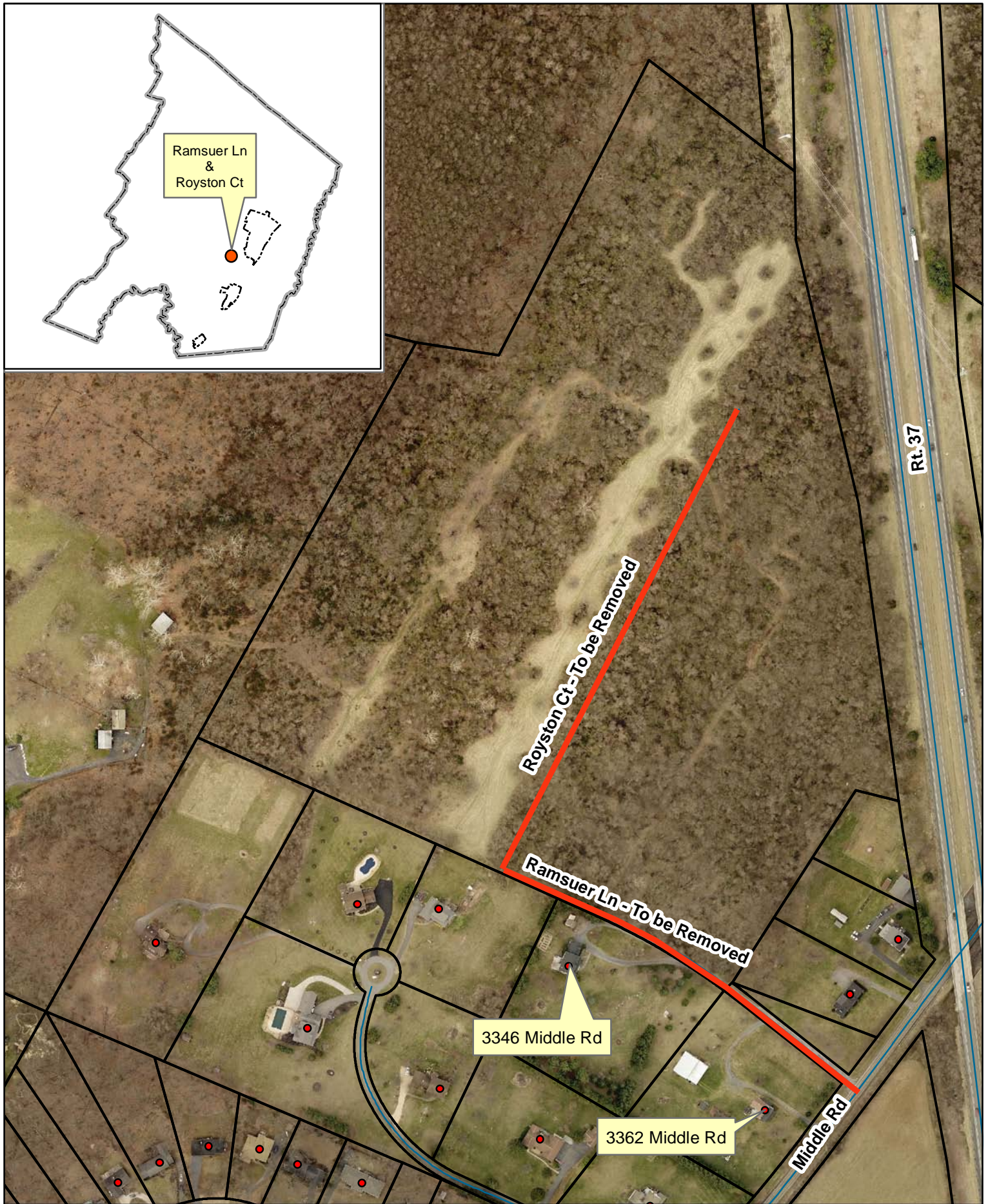
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In June of 2018 through the process of routine maintenance of our streets and addressing data it came to the attention of the GIS staff that Ramsuer Ln and Royston Ct do not exist.

Ramsuer Ln and Royston Ct had been road names given to right of way for a subdivision owned by Del Sewell & Meridith Royston, Jr. In October of 2016 a plat showing the consolidation of the properties and the right of ways was recorded with the Frederick County Clerks office thus, creating a single large track of land without the previous road right of way, now owned by the Civil War Preservation Trust.

As there have never been any addresses assigned off either Ramsuer Ln or Royston Ct and, in accordance with Chapter 56-6 of County Ordinance, GIS is recommending the removal of both road names from the County road naming system.





0 200 400 800 Feet

Produced by: Frederick County Dept. of Information Technology, GIS Division Aug 7, 2018

**Removal of  
Ramsuer Ln  
& Royston Ct**





# RESOLUTION

## Frederick County Board of Supervisors

### REMOVING RAMSUER LANE AND ROYSTON COURT FROM THE COUNTY ROAD NAMING SYSTEM

**WHEREAS**, through the process of routine maintenance of our streets and addressing data, it has been determined that Ramsuer Lane and Royston Court do not exist; and

WHEREAS there have never been any addresses assigned off either Ramsuer Lane or Royston Court, in accordance with Chapter 56-6 of County Ordinance, removal of both road names from the County road naming system is recommended;

**NOW THEREFORE BE IT RESOLVED** that the County of Frederick removes Ramsuer Lane and Royston Court from the County road naming system.

Passed this 12th day of September 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

H



# RESOLUTION

## Frederick County Board of Supervisors

### CHANGING THE MEMBERSHIP OF THE LOCAL BOARD OF BUILDING CODE APPEALS FROM SIX MEMBERS TO FIVE MEMBERS

**WHEREAS**, the Board of Supervisors of the County of Frederick, Virginia, wishes to reduce the number of members on the Local Board of Building Code Appeals;

**NOW THEREFORE BE IT RESOLVED** that the County of Frederick changes the size of the Frederick County Board of Building Code Appeals from six members to five members appointed at large and chosen for their credentials as stipulated in Section 119 of the Virginia Construction Code.

Passed this 12th day of September 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

J. Douglas McCarthy \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

Shannon G. Trout \_\_\_\_\_

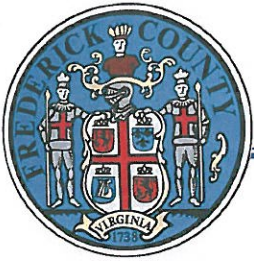
Blaine P. Dunn \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

**A COPY ATTEST**

\_\_\_\_\_  
Kris C. Tierney  
Frederick County Administrator

I



## COUNTY of FREDERICK

**Kris C. Tierney**  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Kris C. Tierney, County Administrator 

**DATE:** September 5, 2018

**RE:** Committee Appointments

Listed below are the vacancies/appointments due through October 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**

##### Local Emergency Planning Committee (LEPC)

**(See Attached Correspondence from LEPC Chairman.)** Request from Local Emergency Planning Committee for the Board of Supervisors to **nominate Anthony Campbell of HP Hood LLC** to serve as a member of the LEPC.

##### Extension Leadership Council

William Austin – Red Bud District Representative  
107 Rebels Circle  
Winchester, VA 22602  
Term Expires: 09/09/19  
Four year term

**(Staff has been advised that Mr. Austin has moved from the area.)** *(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. Members serve a four year term.)*

Planning Commission

June M. Wilmot – Member-At-Large  
365 Proclamation Drive, Apt. 2417  
Winchester, VA 22603  
Term Expires: 11/14/21  
Four year term

**(Staff has been advised that Mrs. Wilmot has resigned from the Planning Commission effective September 1, 2018.)**

Board of Building Appeals

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

*(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.***

**JUNE 2018**

Winchester Regional Airport Authority

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.)*

Winchester-Frederick County Tourism Board

Joint Appointment with the City of Winchester

Dan Martin – Private Sector Rep. (Lodging Industry-Hampton Inn & Suites)  
General Manager  
Hampton Inn & Suites  
170 Getty Lane  
Winchester, VA 22602  
Office: (540)722-2722  
Term Expires: 06/30/18

Eric Campbell – Non Profit Sector Rep. (Cedar Creek and Belle Grove National  
Historic Park)  
P. O. Box 700  
8695 Valley Pike  
Middletown, VA 22645  
Phone: (540)868-9176  
Term Expires: 06/30/18  
Three year term

**(Mr. Martin and Mr. Campbell are not eligible for reappointment.)**

**(Staff is waiting to hear from Winchester City Council as to their action on the recommendation from Tourism Director and Tourism Board on the appointment of Lani Peterson and Shannon Moeck to fill seats of Dan Martin and Eric Campbell.)** *(The Tourism Board was formed by Joint Resolution of the Board of Supervisors and the City Council in April 2001. Members serve a three year term and may only serve two consecutive terms. Recommendation for appointment is contingent upon like approval by the City of Winchester.)*

**AUGUST 2018**

Conservation Easement Authority

Elaine Cain – Frederick County Representative  
444 Fair Lane  
Winchester, VA 22603  
Home: (540)722-4882  
Term Expires: 08/24/18  
Three year term



Charles Triplett – Planning Commission Representative  
150 Lone Willow Lane  
Gore, VA 22637  
Home: (540)877-1380  
Term Expires: 08/24/18  
Three year term

**(Staff has been advised that Ms. Cain and Mr. Triplett are willing to continue serving if it is the desire of the Board.)**

Robert Solenberger – Frederick County Representative  
c/o Fruit Hill Orchard  
P. O. Box 2368  
Winchester, VA 22604  
Home: (540)662-2938  
Term Expires: 08/24/18  
Three year term

**(See Attached Application of Lowell Henderson.) (Mr. Solenberger does not wish to be reappointed.)** *(The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

## **SEPTEMBER 2018**

### Shenandoah Area Agency on Aging (SAAA)

Thomas P. Reed – Frederick County Representative  
113 Canyon Road  
Winchester, VA 22602  
Home: (540)722-8880  
Term Expires: 09/30/18  
Four year term

**(Mr. Reed is not eligible for reappointment.) (Attached for your information is a Board position description and By-Laws which have been provided by the Area Agency on Aging.)** *(Frederick County has two members on this board.*

*According to agency by-laws, members may only serve two terms. The Board of Supervisors will need to **nominate** an individual for appointment/reappointment, with final appointment being made by the Area Agency on Aging Board.)*

Northern Shenandoah Valley Regional Commission (NSVRC)

Kris C. Tierney, County Administrator – Frederick County Representative

Eric R. Lawrence, Director, Frederick Water – Frederick County Representative  
(The Board may recall that Eric Lawrence served on the Commission in his capacity at the time of Planning Director and was asked to remain on the Commission when he was appointed as Director of Frederick Water.)

Jay E. Tibbs, Deputy County Administrator – Serves as Fred. County Alternate

Terms Expire: 09/30/18  
Three year term

*(Elected Officials serve their elected term of office while others serve a three year term. Current County representatives on the Commission are Supervisors Blaine Dunn and Shannon Trout, County Administrator Kris Tierney, and Frederick Water Director Eric Lawrence. Deputy County Administrator Jay Tibbs serves as the alternate.)*

**OCTOBER 2018**

No appointments due for October 2018.

KCT/tjp

Attachments



Winchester/Frederick County  
**LOCAL EMERGENCY PLANNING COMMITTEE**  
&  
**CITIZEN CORPS COUNCIL**

231 East Piccadilly Street, Suite 330  
Winchester, Virginia 22601

[lepc@winchesterva.gov](mailto:lepc@winchesterva.gov)

[winfredcert@winchesterva.gov](mailto:winfredcert@winchesterva.gov)

FAX (540) 542-1314

(540) 545-4721

TDD (540) 662-4131



August 28, 2018

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

Dear Mr. Tierney

The Local Emergency Planning Committee (LEPC) received a request from Anthony Campbell to be the representative for HP Hood LLC. At its bi-monthly meeting held on May 9, 2018, the LEPC voted to accept Mr. Campbell's request.

The LEPC is hereby requesting the Frederick County Board of Supervisors nominate Anthony Campbell for membership on the LEPC. After approval, if you will notify me at the above address, I will have Chester Lauck proceed with the paperwork and request appointment by the Virginia Emergency Response Council.

If you need any further information, please feel free to contact Chester at 540-665-5618.

Sincerely,

Tim Ray, Chairman  
Winchester-Frederick County Local Emergency Planning Committee

Enclosures

pc: File

HP Hood LLC  
160 Hood Way, Winchester, Virginia 22602  
Telephone: (540) 868-7747  
Fax: (540) 868-7808



March 8, 2018

Winchester/Frederick County  
Local Emergency Planning Committee  
231 East Piccadilly Street  
Winchester, Virginia 22601

Dear Chairman Ray:

I am writing you today to submit a request that I may serve as an official member on the Winchester/Frederick County LEPC representing HP Hood LLC.

I would like to thank you in advance for your consideration of membership.

Sincerely,



Anthony D. Campbell

## Teresa Price

---

**From:** webmastr@fcva.us  
**Sent:** Wednesday, August 08, 2018 4:02 PM  
**To:** Teresa Price; Jay Tibbs; Ann Phillips  
**Subject:** BOS Committee Appointments Data Sheet Submission

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

**Form Name:** BOS Committee Appointments  
**Date & Time:** 08/08/2018 4:01 PM  
**Response #:** 12  
**Submitter ID:** 40368  
**IP address:** 172.24.96.112  
**Time to complete:** 25 min. , 36 sec.

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### Survey Details

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Page 1

## Frederick County Board of Supervisors

### Committee Appointments

#### Informational Data Sheet

##### Contact Information

|                                  |                       |                        |              |
|----------------------------------|-----------------------|------------------------|--------------|
| <b>Name:</b>                     | Lowell Henderson      | <b>Home Phone #:</b>   | Not answered |
| <b>Home Address:</b>             | Landfall Farm         | <b>Office Phone #:</b> | Not answered |
| <b>Home Address City, State:</b> | 350 Chestnut Grove Rd | <b>Cell Phone #:</b>   |              |
| <b>Home Address ZIP:</b>         | 22603                 | <b>Email Address:</b>  |              |

##### Employment/Community Information

|                          |           |                            |     |
|--------------------------|-----------|----------------------------|-----|
| <b>Current Employer:</b> | PHR, Inc. | <b>Current Occupation:</b> | CEO |
|--------------------------|-----------|----------------------------|-----|

**Please list any relevant civic/community activities you participate in:**  
Please see attached CV (Resume)

##### Board/Committee Information

**Board or Committee Applying for:**

(o) Frederick County Conservation Easement Authority

**Will you be able to attend this committee's regularly scheduled meeting?**

(o) Yes

**Additional information or comments you would like to provide:**

Please see CV (Resume)

**Pursuant to the Commonwealth of Virginia Conflict of Interest Act governing elected and appointed public officials, does the nature and status of your employment, business interests or ownership of property present a potential conflict of interest relative to the appointed position in which you are interested?**

(o) Yes

**If required by applicable provision of the Conflict of Interest Act, would you be willing to file with the Deputy Clerk of the Frederick County Board of Supervisors a Public Official Disclosure Form listing all assets, business and property interest?**

(o) Yes

**In lieu of a physical signature, you must type your name and today's date and select the box below before submitting this form.**

**Signature Name:** Lowell Henderson

**Today's Date:**

08/08/2018

☒ **Check here for Signature:**

**You may upload any supporting documentation (Resume, Cover letter, etc.) by clicking on this box and uploading your files.**

[CV for Lowell Henderson updt'd 8.2018.docx](#)

Thank you,  
**Frederick County**

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**

# Lowell J. Henderson

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Landfall Farm, 350 Chestnut Grove Road, Winchester VA 22603 | [lowell@landfallfarm.com](mailto:lowell@landfallfarm.com)

## Professional Summary

Successful entrepreneur and business owner with a passion for giving back to the community and protecting our natural resources.

## Skills

- **Leadership:** Fine tuned a style that leads by example, defines a common goal and motivates all to work together to reach desired results.
- **Supervisory:** Empower employees and fellow volunteers to obtain success in a supportive environment that encourages autonomy.
- **Fund Raising:** Over the past 20 years have been actively involved in fundraising for numerous charities.
- **Communication:** The cornerstone of any successful organization I provide a framework for effective communication between team members.
- **Vision:** By focusing on a well-defined goal or mission able to keep team on task to achieve success

## Experience

- CEO, Premier Health Resources, Inc. March 2006-Present

As founder and CEO handpicked a team of medical professionals and formulated a unique model which has enabled us to provide critical services to our clients with on-site employee health and wellness clinics. While providing outcomes that range between 20 to 65% above national averages while providing an ROI of 22-37%.

- Co-owner/Manager, Landfall Farm, April 2007-Present

Oversee all facets of farm operations which produce hay crops, timber products, boarding and custom work. Utilized best practices for both farm and timber operations.

- Managing Partner, Landfall Rentals LLC, May 2007-Present

Provided management oversight for multiple rental properties. This included major renovations. In 2017 expanded and added Landfall Lodge wedding venue and event center.

## Education

### **MBA COURSE WORK, 1980, VIRGINIA TECH**

### **BACHELOR OF SCIENCE, JUNE 1980, VIRGINIA TECH**

- Major: Management
- Minor: Agriculture

### **ASSOCIATE SCIENCE DEGREE, JUNE 1977, LORD FAIRFAX COMMUNITY COLLEGE**

Major: Business Management

### **AWARDS:**

- Graduated Cum Laude
- Who's Who in American Junior Colleges



## Volunteer Activity-Current

**Co-Founder, President, Vice-President: Hunter Crane Foundation: 3/2012- Present:** In memory of Hunter Crane, a Senior at James Wood H.S. we created a foundation that provides opportunities for young adults to experience the joys of the great outdoors. The first year we had a 5 station sporting clays competition, novice shooting stands, trout fly fishing, and bass fishing tournament. In subsequent years we have included archery, canoeing, trap shooting and in 2018 added hunter safety and live fire event (Joint with Va. Dept. of Game and Inland Fisheries) and a youth dove hunt planned for this September. On April 28, 2018 we had over 100 participants in the fishing rodeo with ages ranging from 3 to 25. In addition to providing opportunities for our youth to enjoy outdoor activities and develop a respect and appreciation for nature, we have raised and given out over \$50,000 in scholarships to over 70 local students.

**Bailey's Closet: 10/2015-present:** Supported this non-profit organization that collects and repurposes prom dresses for high school girls unable to afford to purchase one. We hosted the fashion show with 50 high school girls modeling the collected dresses. In addition, raised money for scholarships for high school seniors in memory of Bailey Huffman.

**Virginia Tech Alumni Association: Vice-President, Secretary, 1992-2018.** Shenandoah Chapter. Raises money for scholarships and community service projects. Host the largest blood drive in the region annually.

## Volunteer Activity-Past

**Concerned Parents of Frederick County: Founder & President, 2008-2014:** Created an alliance with Shenandoah University, nursing, PA, OT and NP schools to provide comprehensive sports physicals free of charge to JWHS students. Second year expanded to include all three county High Schools.

**Northern Shenandoah Valley Safety Network: President, Vice-President, Treasurer 2005-2015.** Group of health and safety professionals from local business and industry promoting health and safety in the workforce.

**Shenandoah Transportation Association: President, Vice-President, Secretary, Treasurer 1985-2005.** An association of transportation professionals from trucking, business and industry promoting education and safety in transportation.

**James Wood Athletic Association and Touchdown Club: Vice-President, Treasurer 2008-2014.**

**Goodwill Industries Advisory Board: 2002-2005**

**Red Cross Blood Drive Volunteer: 1976-1979, 2007-Present**

## Relevant Experience

My first exposure to Conservation Easements began in 1997. My Father began research on easements and on December 29<sup>th</sup>, 1998 our family farm of just under 500 acres, which is located in Shenandoah County was placed with Virginia Outdoors Foundation. I assisted him with goals and objectives.

In 2012, my wife and I started the process of putting our farm here in Frederick County in an easement. Over the course of 18-20 months I spent approximately 400 hours researching and preparing all documentations to secure an easement with Potomac Conservancy. During the process I educated myself on all aspects of easements, to include impact on farm and timber operations, preservation of water quality and stream integrity. In addition, had several meetings with YHB on the full tax ramifications as well as the legal angle. I attended three seminars on easement during that time as well.

Lastly, growing up and throughout my adult life I have always practiced best management practices which included but not limited to, soil conservation, no till, mitigation of creek and river degradation, proper hazardous material disposal, reforestation, and recycling.

## Shenandoah Area Agency on Aging (SAAA)

### Board Position Description

General Statement of duties: Determine the policies, procedures and regulations for the Shenandoah Area Agency on Aging provide fiscal oversight; assist in raising funds to finance the organization; provide leadership for long-term and strategic planning; monitor organizational performance.

Term: 4-years

Accountability: To the Board President and the Board of Directors

Resignation: In writing to the Board Chair

### Responsibilities:

1. **General**
  - a. Have an affinity towards the agency on aging's mission.
  - b. Know SAAA's values, vision, programs and services.
  - c. Know and follow organization bylaws and other policies.
  - d. Serve the organization as a whole rather than a specific interest.
  - e. Maintain independence and objectivity in all organization issue
  - f. Attend and support as many organization events as possible.
2. **Governance**
  - a. Prepare for Board meetings by previewing information provided.
  - b. Be aware that after two consecutive unexcused meetings, the Board may terminate a member.
  - c. Ask substantive questions at Board and committee meetings.
  - d. Be open to other points of views in Board deliberations.
  - e. Support all Board decisions regardless of personal stance on decisions.
  - f. Maintain confidentiality in all matters discussed at meetings.
  - g. Assume leadership positions when asked.
3. **Financial**
  - a. Annually, make financial contributions at a level according to personal means.
  - b. Actively engage in fund raising efforts, by securing sponsors and personally supporting events.
  - c. Monitor short- and long-term financial stability.
4. **Fiduciary**
  - a. Always serve the public benefit.
  - b. Accountable to the public at large.
5. **Public Relations**
  - a. Advocate for organization when appropriate.
  - b. Avoid any appearance of a conflict of interest & disclose any possible conflict to the Board.
  - c. Avoid accepting any gifts or favors or making any gifts or favors related to your Board position.
6. **Relationship with Executive Director and Staff**
  - a. Support the Executive Director in the performance of job duties.
  - b. Consult with Executive before asking for favors or information from staff.
  - c. Keep Executive informed of all activities done on behalf of organization.

**Individual Board Member Goals:** \_\_\_\_\_

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# **BYLAWS**

## **Shenandoah Area Agency on Aging**

### **Article I – Name**

The agency shall be known as Shenandoah Area Agency on Aging, Incorporated (SAAA). The agency shall be the official Area Agency on Aging of the Northern Shenandoah Valley Regional Commission, Planning Services Area 7 (PSA 7).

### **Article II – Authority**

SAAA is chartered as an Area Agency on Aging under the Older Americans Act, Public Law 89-73. The Virginia Department for the Aging (VDA), pursuant to Virginia Code 2.2-700 and the Virginia Administrative Code, contracts with SAAA to provide services to older residents of PSA 7.

### **Article III - Articles of Incorporation**

SAAA was incorporated as a Virginia Non-Stock Corporation (as limited by Section 501 (c) (3) of the Internal Revenue Code of 1954).

### **Article IV – Definitions**

1. References to “region” shall mean the Northern Shenandoah Valley Regional Commission, Planning Services Area 7 (NSVRC).
2. References to “SAAA” or “Board” shall mean the Shenandoah Area Agency on Aging or the Board of Directors thereof.
3. References to “DARS” shall mean the Virginia Department for Aging and Rehabilitative Services.

### **Article V – Objectives**

The objectives of SAAA shall be as follows:

1. to provide a variety of high quality services and opportunities that enhance the dignity and independence of older persons and promote their continued contributions to the community;

2. to enable eligible persons to live at home while maintaining a high quality of life;
3. to provide a coordinated system of services to meet the needs of the older population of the region;
4. to identify unmet needs of older persons in the region;
5. to educate the community on availability of services and provide information on accessing services;
6. to partner and coordinate with other community human service providers to enhance and expand aging service capacities;
7. to provide life enrichment opportunities for older persons;
8. to advocate on behalf of older persons;
9. to conduct periodic evaluations of all aging planning activities within the region; or as requested by local governments;
10. to actively pursue and administer grants to expand the service capacity of SAAA; and
11. to contribute to and partner with DARS in planning for aging services within the Commonwealth of Virginia.

#### **Article VI - Service Area**

SAAA shall serve the region, which includes the counties of Clarke, Frederick, Page, Shenandoah, and Warren as well as the City of Winchester.

#### **Article VII - Board of Directors**

- A. Powers and authority: SAAA shall be governed by its Board. The Board shall have the responsibility and authority to:
  1. employ the Executive Director of the SAAA, who shall serve at the pleasure of the Board;
  2. provide policy direction to the Executive Director;
  3. annually review and approve a fiscal year budget, which shall serve as the basis for the area plan submitted by the Executive Director to DARS;

4. implement policies and instructions in a manner consistent with the SAAA bylaws as well as relevant federal and state regulations;
5. elect officers of the Board in the manner provided by the SAAA bylaws;
6. review and take appropriate actions on reports and recommendations provided by the Executive Director on all policies of the SAAA;
7. appoint such committees as it may deem expedient for carrying out the objectives of the Board and to terminate the authority of any committee at any time;
8. in consultation with the Executive Director, solicit funds to support the programs of the SAAA;
9. perform such other functions as are necessary to further the objectives of the SAAA in a manner consistent with the SAAA bylaws.

B. Membership: The membership shall be as broadly representative as is possible. The Board shall consist of thirteen (13) voting members. The Executive Director is an ex-officio, non-voting member of the Board. Board members shall be appointed in accordance with the following provisions:

1. each jurisdiction named in Article VI may nominate one member;
2. the Board shall appoint the local government nominees, but the Board shall have the right not to accept any nominee it considers to be incompatible with the best interests of the SAAA and the Board; and
3. the Board may appoint up to six (6) At-Large members.
4. The Advisory Counsel will have one representative serve as a member of the Board.

C. Voting and Quorums: Each Board member shall be entitled to one vote. With the exception of special motions requiring a two-thirds vote of the quorum present, all actions taken by the Board shall require a simple majority of those members present and voting. A vote to hire or fire the Executive Director shall be a special motion. Quorums shall consist of 50% of the Board members plus one.

D. Terms of office:



1. the term of office for Board members shall be four years, and persons serving on the Board, except as provided herein, are eligible to serve for an additional four;
2. Board members shall assume office at the start of the fiscal year, except those appointed under paragraph D. 5 below.
3. except as provided herein, board members may serve two consecutive four-year terms;
4. if a Board member is filling an unexpired term of one year or less, he or she is eligible to serve two consecutive terms if reappointed;
5. within sixty (60) days to the degree possible, vacancies on the Board shall be filled for the unexpired term in the same manner as the original appointments;

Should the Executive Committee by a majority vote deem that the attendance pattern of a Board member at properly schedule Board or Committee meetings to be unacceptable, or should the performance of a Board member be deemed unacceptable for any other reason by a majority vote, then the Chair shall solicit the resignation of such a Board member. In the event that no resignation is forthcoming, then the Executive Committee shall recommend the termination of such a Board member to the Board. If the recommendation is approved by a majority vote of the Board members, then the appropriate jurisdiction shall be notified of the termination of the Board member and the nomination of a new Board member shall be solicited.

E. Board Meetings:

1. all Board meetings shall be open to the public except Executive sessions;
2. the Board shall meet in regular session at least six (6) times during each fiscal year at such specific times and places as the Chair may determine;
3. special meetings of the Board may be called at the discretion of the Chair, the Executive Committee, or upon the written request of at least three (3) Board members.
4. written notice of the time and place of every regular and special meeting of the Board shall be sent to all members at least seven days before the meeting; and
5. Board members are not personally liable for the debts, liabilities, or other obligations of the SAAA.

## **Article VIII – Officers**

- A. SAAA officers shall consist of a Chair, Vice Chair, Secretary, and Treasurer.
- B. The officers shall be elected by the Board from its own membership based on nominees selected by a Nominating Committee or made by the by a majority of the Board during a regularly scheduled meeting.
- C. The Board shall elect its officers by no later than September of each year and new officers shall assume office on October 1st of year.
- D. Election shall be by secret ballot if there is more than one nominee for the same office.
- E. The term of each office shall be for a period of one (1) year or until a successor has been properly elected.
- F. The officers shall perform the usual duties assigned to such positions of leadership or as determined by the Board. These duties include but shall not be limited to:
  - 1. the Vice Chair shall perform all duties of the Chair in the absence of the Chair;
  - 2. the Secretary shall keep or cause to be kept accurate minutes of all meetings, present minutes at regular meetings and special meetings, and handle correspondence of the Board as needed;
  - 3. the Treasurer shall ensure that financial records are maintained in an appropriate manner;
  - 4. the Executive Director shall be responsible for briefing the Treasurer on all major financial transactions; and
  - 5. the Treasurer shall serve as Chair of the Finance Committee.
- G. Any vacancy occurring among the officers shall be filled for the unexpired portion of the term by the Board at any regular or special Board meeting.

## **Article IX – Committees**

General: Committee appointments should be representative of the entire service area. All standing Committees shall meet at least once per year. Except where noted below, each committee shall consist of a Chair appointed by the Board Chair and a minimum of three additional Board members. The Board Chair sits as an ex-officio non-voting member on all Board Committees.



A. Executive Committee:

1. The Executive Committee shall consist of the officers of the Board, the Executive Director as a non-voting Ex-officio member, and two (2) Board members appointed by the Board Chair.
2. It shall be the function of the Executive Committee to make policy recommendations to the Board and to assist in the execution of policies established by the Board.
3. All policy changes recommended by the Executive Committee shall be reviewed by the Executive Committee prior to presentation to the Board.

B. Personnel Committee:

1. The Personnel Committee shall consist of a Chair appointed by the Board Chair, a minimum of two (2) additional Board members, and both the Board Chair and the Executive Director who shall serve as non-voting Ex-officio members.
2. It shall be the function of the Personnel Committee to assist the Executive Director in updating and or revising the employee manual for Board approval, establishing a salary structure, and reviewing the benefits package.

C. Finance Committee:

1. The Finance Committee shall consist of the Treasurer, the Board Chair and Executive Director in their capacity as non-voting Ex-officio members, plus two (2) additional Board members appointed by the Board Chair.
2. The Finance Committee shall be responsible for monitoring and reporting to the Board regarding the overall finance and accounting operations of the agency as well as on all matters relating to compliance with all applicable federal and state laws and regulations, ensuring the preparation of informative financial documents for periodic review by the Board, preparing at least annually a report of findings and recommendations for the Board, and receiving and reviewing the report of the auditor. The Committee may receive directly concerns of Board members regarding the financial positions and status of the organization.

D. Nominating Committee:

1. The Nominating Committee shall be appointed by the Chair and shall consist of at least two (two) Board members.
  2. It shall be the function of the Nominating Committee to select nominees from the membership of the Board for potential election to fill Board officer positions.
- E. Other Committees: The Board may appoint or authorize the appointment of such regular committees and or Ad Hoc committees as may be deemed necessary or appropriate to carry out the objectives of the Board.

#### **Article X - Executive Director's Authority and Responsibility**

- A. The Executive Director is the chief executive of the SAAA. The Executive Director derives his or her authority from the Board and is responsible to the Board for his or her performance. The SAAA Board sets policy and the Executive Director implements it.
- B. The Executive Director is an employee of the Board. The Executive Director may not be in total agreement with the Board. He or she is responsible, however, for discussing significant differences with the Board.
- C. The Executive Director is responsible for the administrative leadership of the SAAA. Within the SAAA, the Executive Director should organize the staff to ensure the successful completion of the SAAA mission and has the responsibility for hiring and firing staff.
- D. The Executive Director reports directly to the Board Chair. The Executive Director shall strive to fulfill all information requests from Board members. No Board member, acting as an individual, shall direct the Executive Director or any SAAA staff member. Neither shall any Board Committee direct the Executive Director or any SAAA staff member unless that Committee has been specifically empowered by the full Board to issue such directives.

#### **Article XI - Fiscal Year and Budget**

- A. The fiscal year of the SAAA shall be from October 1 through September 30.
- B. The budget shall be approved by the Board each year at the June Board meeting or as soon thereafter as is practical.

#### **Article XII - Rules of Order**

All meetings of the Board and committees appointed by the Board shall be conducted in accordance with these bylaws and in accordance with the then current edition of Robert's Rules of Order.

### **Article XIII – Amendments**

These bylaws may be amended or repealed at any meeting of the Board by an affirmative vote of 2/3 of those members present provided that a quorum is present and notice of all proposed amendments shall have been mailed to the members of the Board at least fifteen (15) days prior to the meeting.

### **Appendix**

Effective dates of bylaws

- ❖ Completely reviewed and adopted by the Board on August 28, 2015.

J



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

TO: Frederick County Board of Supervisors  
CC: Kris Tierney, County Administrator  
FROM: Roderick B. Williams, County Attorney  
DATE: Friday, August 17, 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. Acar Leasing LTD – \$3,025.97
2. Toyota Lease Trust – \$4,087.41

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

Roderick B. Williams  
County Attorney

Attachments



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto: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: August 17, 2018

RE: Refund – Acar Leasing LTD

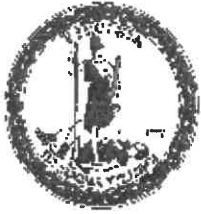
I am in receipt of the Commissioner's request, dated July 27, 2018, to authorize the Treasurer to refund Acar Leasing LTD the amount of \$3,025.97, for exoneration of personal property taxes for 2017 and 2018 and vehicle license fees for 2017 and 2018. This refund resulted from normal proration of vehicle taxes where vehicles were either sold or moved from this locality. This is in addition to items in the request for refund in June 2018.

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 dark 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](mailto:emurphy@co.frederick.va.us)



JULY 27, 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 – ACAR LEASING LTD

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

Please approve a refund of \$3,025.97 for exoneration of personal property taxes for 2017 & 2018 in the name of Acar Leasing LTD. This refund is proration of vehicular personal property taxes for the periods shown plus one registration fee. Vehicles were either sold or moved out during this period and all are the result of normal proration. This is in addition to items in the request for refund in June 2018.

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 3,025.97.



Date: 7/27/18

Cash Register: COUNTY OF FREDERICK

Time: 10:29:45

Cashier: XXXXXXXXXX  
Customer Name: ACAR LEASING LTDTotal Transactions: 812  
Customer Transactions: 12

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| —   | PP2017 | 1     | 00658860035 | \$230.48-  | \$ .00      | \$230.48-   |
| —   | PP2018 | 2     | 00001290014 | \$405.20-  | \$ .00      | \$405.20-   |
| —   | PP2018 | 3     | 00001290020 | \$448.33-  | \$ .00      | \$448.33-   |
| —   | PP2018 | 4     | 00001290119 | \$58.42-   | \$ .00      | \$58.42-    |
| —   | PP2018 | 5     | 00001290120 | \$350.53-  | \$ .00      | \$350.53-   |
| —   | PP2018 | 6     | 00001290181 | \$238.75-  | \$ .00      | \$238.75-   |
| —   | PP2018 | 7     | 00001290182 | \$238.75-  | \$ .00      | \$238.75-   |
| —   | PP2018 | 8     | 00001290227 | \$490.26-  | \$ .00      | \$490.26-   |
| —   | PP2018 | 9     | 00001290228 | \$490.25-  | \$ .00      | \$490.25-   |
| —   | VL2017 | 10    | 00918120001 | \$25.00-   | \$ .00      | \$25.00-    |
| —   | VL2018 | 11    | 01038120001 | \$25.00-   | \$ .00      | \$25.00-    |
| —   | VL2018 | 12    | 01038350001 | \$25.00-   | \$ .00      | \$25.00-    |

F3=Exit      F14=Show Map#      Total Paid :      \$3,025.97  
 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](mailto: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: August 17, 2018

RE: Refund – Toyota Lease Trust

I am in receipt of the Commissioner's request, dated August 14, 2018, to authorize the Treasurer to refund Toyota Lease Trust the amount of \$4,087.41, for personal property taxes in 2015, 2016, 2017 and 2018 and vehicle license fees in 2017 and 2018. This refund resulted from normal proration of vehicle taxes where vehicles financed by this company were either sold or moved from this locality.

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 dark 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](mailto:emurphy@co.frederick.va.us)



AUGUST 14, 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 – TOYOTA LEASE TRUST

A handwritten signature in cursive script, reading "E. Murphy", written over the printed name of the Commissioner of the Revenue.

Please approve a refund of \$4,087.41 for exoneration of personal property taxes for 2015 - 2018 in the name of Toyota Lease Trust. This refund is proration of vehicular personal property taxes for the periods shown plus registration fees. Vehicles were either sold or moved out during this period and all are the result of normal proration. This is in addition to items in previous requests for Toyota refunds.

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 \$4,087.41.

Date: 8/09/18

Cash Register: COUNTY OF FREDERICK

Time: 09:55:30

Cashier: XXXXXXXXXX Total Transactions: 38  
 Customer Name: TOYOTA LEASE TRUST Customer Transactions: 28  
 Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| —   | PP2015 | 1     | 00567220022 | \$116.84-  | \$0.00      | \$116.84-   |
| —   | PP2015 | 2     | 00567220026 | \$64.82-   | \$0.00      | \$64.82-    |
| —   | PP2015 | 3     | 00567220132 | \$162.05-  | \$0.00      | \$162.05-   |
| —   | PP2016 | 4     | 00580540007 | \$303.15-  | \$0.00      | \$303.15-   |
| —   | PP2016 | 5     | 00580540008 | \$303.14-  | \$0.00      | \$303.14-   |
| —   | PP2016 | 6     | 00580540009 | \$186.99-  | \$0.00      | \$186.99-   |
| —   | PP2016 | 7     | 00580540010 | \$186.99-  | \$0.00      | \$186.99-   |
| —   | PP2016 | 8     | 00580540073 | \$186.99-  | \$0.00      | \$186.99-   |
| —   | PP2016 | 9     | 00580540074 | \$186.99-  | \$0.00      | \$186.99-   |
| —   | PP2017 | 10    | 00595480005 | \$243.01-  | \$0.00      | \$243.01-   |
| —   | PP2017 | 11    | 00595480006 | \$243.01-  | \$0.00      | \$243.01-   |
| —   | PP2017 | 12    | 00595480007 | \$163.09-  | \$0.00      | \$163.09-   |

Multiple Pages

F3=Exit F14=Show Map#

Total Paid :

F15=Show Balance

\$4,087.41

F18=Sort-Entered

F21=CmdLine

F20=Attach

Date: 8/09/18

Cash Register: COUNTY OF FREDERICK

Time: 09:55:30

Cashier: XXXXXXXXXX Total Transactions: 38  
 Customer Name: TOYOTA LEASE TRUST Customer Transactions: 28  
 Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| —   | PP2017 | 13    | 00595480008 | \$163.08-  | \$0.00      | \$163.08-   |
| —   | PP2017 | 14    | 00595480029 | \$163.09-  | \$0.00      | \$163.09-   |
| —   | PP2017 | 15    | 00595480030 | \$163.08-  | \$0.00      | \$163.08-   |
| —   | PP2018 | 16    | 00615680005 | \$207.40-  | \$0.00      | \$207.40-   |
| —   | PP2018 | 17    | 00615680006 | \$207.40-  | \$0.00      | \$207.40-   |
| —   | PP2018 | 18    | 00615680007 | \$137.78-  | \$0.00      | \$137.78-   |
| —   | PP2018 | 19    | 00615680008 | \$137.78-  | \$0.00      | \$137.78-   |
| —   | PP2018 | 20    | 00615680017 | \$137.78-  | \$0.00      | \$137.78-   |
| —   | PP2018 | 21    | 00615680018 | \$137.78-  | \$0.00      | \$137.78-   |
| —   | PP2018 | 22    | 00615680054 | \$135.17-  | \$0.00      | \$135.17-   |
| —   | VL2017 | 23    | 00830520001 | \$25.00-   | \$0.00      | \$25.00-    |
| —   | VL2017 | 24    | 00830530001 | \$25.00-   | \$0.00      | \$25.00-    |

Multiple Pages

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|-----|--------|-------|-------------|------------|-------------|-------------|
| —   | VL2017 | 25    | 00830640001 | \$25.00-   | \$0.00      | \$25.00-    |
| —   | VL2018 | 26    | 01896350001 | \$25.00-   | \$0.00      | \$25.00-    |
| —   | VL2018 | 27    | 01896360001 | \$25.00-   | \$0.00      | \$25.00-    |
| —   | VL2018 | 28    | 01896410001 | \$25.00-   | \$0.00      | \$25.00-    |

\*Needs Board Approval

Multiple Pages

F3=Exit F14=Show Map#

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\$4,087.41

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F21=CmdLine

F20=Attach

K

**DATE:** August 22, 2018

**TO:** Jay Tibbs, Deputy County Administrator

**FROM:** Patty D. Camery, Executive Director of Finance

**SUBJECT:** 2018 Fall VPSA Bond Sale



The School Board requests, by way of the attached resolution, participation in the Virginia Public Authority (VPSA) bond sale program for the replacement Robert E. Aylor Middle School. The resolution for \$45.5 million will cover participation in the fall 2018 sale in the amount of \$4,000,000 as well as participation in future bond sales.

To begin the governing body approval process, a public hearing is required and is requested to be set for September 12, 2018 after which an approving resolution can be considered by the Board of Supervisors. The advertisement for the public hearing should be included in *The Winchester Star* on August 29<sup>th</sup> and September 5<sup>th</sup> in order to meeting the requirements. The approving resolution is being prepared by bond counsel and will be provided in advance of the September 12th agenda packet deadline.

Please do not hesitate to contact me should you have any questions. Thank you.

Attachment (1)

cc: David T. Sovine, Ed.D., Superintendent  
Kris C. Tierney, County Administrator  
Cheryl Shiffler, Frederick County Finance Director  
Bond Counsel

**RESOLUTION REQUESTING THE BOARD OF  
SUPERVISORS TO ISSUE GENERAL OBLIGATION SCHOOL  
BONDS FOR SCHOOL PURPOSES AND CONSENTING TO  
THE ISSUANCE THEREOF**

**BE IT RESOLVED:**

1. The School Board of Frederick County, Virginia (the "School Board") hereby (i) requests, pursuant to Section 15.2-2640 of the Code of Virginia, 1950, as amended (the "Code"), that the Frederick County Board of Supervisors (the "Board of Supervisors") cause Frederick County, Virginia (the "County") to issue one or more series of its general obligation school bonds (the "Bonds") in an aggregate principal amount not in excess of \$45,500,000, but with the objective of providing up to \$45,500,000 in net proceeds, to finance the acquisition of land, design and construction of a new Robert E. Aylor Middle School, which constitutes a capital project for public school purposes and (ii) consents, pursuant to Section 15.2-2638.B(iii) of the Code and Article VII, Section 10(b) of the Constitution of Virginia, to the issuance of the Bonds.

2. Further, the School Board consents to and authorizes an application to the Virginia Public School Authority (the "VPSA") for the purchase of the Bonds by the VPSA as part of its 2018 Fall Pooled Bond Sale or as part of one or more future VPSA bond sales. The Chairman of the School Board, the Superintendent of the schools of Frederick County School Division (the "Schools"), and such other officer or officers of the School Board or the Schools as either may designate (the "Authorized Officers") are hereby authorized to decrease the amount of proceeds requested to the extent the County and such Authorized Officers deem it necessary to issue the Bonds in an amount less than provided in paragraph 1 above.

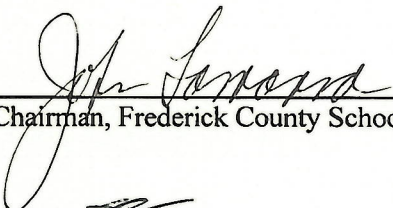
3. The Authorized Officers are hereby authorized and directed to execute and deliver on behalf of the School Board a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary for the bonds issued by VPSA in the Fall of 2018 (the "VPSA Bonds") to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the applicable regulations. The School Board covenants on behalf of itself and the Schools under its governance that the School Board and the Schools shall comply with the provisions of the Tax Compliance Agreement and the Tax Code so that the interest on the VPSA Bonds is excludable from gross income under the Tax Code.


4. This resolution shall take effect immediately.



ADOPTED BY THE FREDERICK COUNTY SCHOOL BOARD THIS 21ST DAY OF  
AUGUST, 2018

| Member             | Vote       | Member             | Vote       |
|--------------------|------------|--------------------|------------|
| John J. Lamanna    | <u>yes</u> | Frank E. Wright    | <u>yes</u> |
| Michael A. Lake    | <u>yes</u> | Jay W. Foreman     | <u>yes</u> |
| Seth T. Thatcher   | <u>yes</u> | Shontyá Washington | <u>yes</u> |
| Kali C. Klubertanz | <u>yes</u> |                    |            |

  
\_\_\_\_\_  
Chairman, Frederick County School Board

  
\_\_\_\_\_  
Clerk, Frederick County School Board

Resolution No. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$45,500,000 GENERAL OBLIGATION SCHOOL BONDS OF THE  
COUNTY OF FREDERICK, VIRGINIA, TO BE SOLD TO THE  
VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING  
FOR THE FORM AND DETAILS THEREOF.**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$45,500,000 and to issue one or more general obligation school bonds (as more specifically defined below, each a "Local School Bond") for the purpose of financing the acquisition of land, design and construction of a new Robert E. Aylor Middle School, which constitutes a capital project for public school purposes (collectively, the "Project");

**WHEREAS**, the County held a public hearing, duly noticed, on September 12, 2018, on the issuance of the Local School Bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code");

**WHEREAS**, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bonds and consented to the issuance of the Local School Bonds;

**WHEREAS**, Virginia Public School Authority ("VPSA") has offered to purchase a Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2018 or a future bond sale (the "VPSA Bonds");

**WHEREAS**, the Bond Sale Agreements (as defined below) shall indicate that \$45,500,000 is the amount of proceeds requested (the "Proceeds Requested") from VPSA (in the aggregate) in connection with the sale of the Local School Bonds;

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects each Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration of such factors as the amortization schedule the County has requested for the specific Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

**WHEREAS**, such factors may result in a Local School Bond having a purchase price other than par and consequently (i) the County may have to issue one or more Local School Bonds in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bonds set forth in section 1 below does not exceed the aggregate Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:**

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds, on more than one occasion, in an aggregate principal amount of no more not to exceed \$45,500,000 (each a "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of one or more Local School Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Local School Bond.** The sale of each Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum aggregate principal amount of all Local School Bonds issued under this Resolution set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, each Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them (each a "Delegate") and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of each Local School Bond to VPSA (each a "Bond Sale Agreement"). The Bond Sale Agreements shall be in substantially the form required by VPSA as it may be approved by the County officer executing the Bond Sale Agreement.

3. **Details of the Local School Bond.** Each Local School Bond shall be dated a date designated by VPSA; shall be designated "General Obligation School Bond, Series 20\_\_\_"; (or such other designation as the County Administrator may approve) shall bear interest from its dated date payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. **Interest Rates and Principal Installments.** Each Delegate is hereby authorized and directed to accept the interest rates on each Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of each Local School Bond does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of such Local School Bond; provided, however, that the principal amount of all Local School Bonds shall not exceed the amount authorized by this Resolution and the final maturity of each Local School Bond shall not exceed 31 years from the date of the issuance and delivery of such Local School Bond. The execution and delivery of each Local School Bond as described in paragraph 8 hereof shall

conclusively evidence the approval and acceptance of all of the details of such Local School Bond by the Delegate as authorized by this Resolution.

5. **Form of the Local School Bond.** Each Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to each Local School Bond:

(a) For as long as VPSA is the registered owner of each Local School Bond, all payments of principal, premium, if any, and interest on a Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on such Local School Bond.

(c) The County Administrator is hereby authorized and directed to engage a financial institution to serve as Bond Registrar in accordance with VPSA's requirements. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and Paying Agent for any Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

7. **Prepayment or Redemption.** With respect to any Local School Bond sold to VPSA in the fall 2018 sale, the Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2028, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2028, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2029, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2029, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2028, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| <b><u>Dates</u></b>                 | <b><u>Prices</u></b> |
|-------------------------------------|----------------------|
| July 15, 2028 through July 14, 2029 | 101%                 |
| July 15, 2030 through July 14, 2031 | 100½                 |
| July 15, 2032 and thereafter        | 100                  |

Provided, however, that the Principal Installments of the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

With respect to any Local School Bond sold to VPSA in a subsequent sale, the Principal Installments of such Local School Bond will be subject to similar prepayment or redemptions provisions as may be set forth by VPSA at the time of such sale.

**8. Execution of the Local School Bond.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver each Local School Bond and to affix the seal of the County thereto.

**9. Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on each Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of such Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on such Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

**10. Use of Proceeds Certificate and Tax Compliance Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of a Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of each Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

**11. State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with each Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of each Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

**12. Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

**13. Refunding.** The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase a Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of a Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

**14. Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

**15. Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

**16. Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

**17. Effective Date.** This Resolution shall take effect immediately.

\* \* \*

The undersigned Clerk of the Board of Supervisors of the County of Frederick, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 12, 2018, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: \_\_\_\_\_. Members absent from the meeting were: \_\_\_\_\_. Members voting in favor of the foregoing resolution were: \_\_\_\_\_. Members voting against the foregoing resolution were: \_\_\_\_\_. Members abstaining from voting on the foregoing resolution were: \_\_\_\_\_.

**WITNESS MY HAND** and the seal of the Board of Supervisors of the County of Frederick, Virginia, this \_\_\_\_ day of September, 2018.

\_\_\_\_\_  
Clerk, Board of Supervisors of the County of  
Frederick, Virginia

[SEAL]



**EXHIBIT A**  
**(FORM OF TEMPORARY BOND)**

**NO. TR-1**

\$\_\_\_\_\_

**UNITED STATES OF AMERICA**  
**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF FREDERICK**  
**General Obligation School Bond**  
**Series 20\_\_**

**Dated Date:** \_\_\_\_\_ [16 days prior to issuance], 20\_\_

**Issue Date:** \_\_\_\_\_, 20\_\_

The **COUNTY OF FREDERICK, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** ("VPSA") the principal amount of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 20\_\_ and annually on July 15 thereafter to and including July 15, 20\_\_ (each a "Principal Payment Date"), together with interest from the dated date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on January 15, 20\_\_ (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Principal of and interest and premium, if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, U.S. Bank National Association, as bond registrar and paying agent (the "Bond Registrar"), shall make all payments of the principal of and interest and premium, if any, on this Bond, without the presentation or surrender hereof, to

VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of the principal of and interest and premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and interest and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Virginia Code, and resolutions duly adopted by the Board of Supervisors of the

County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the VPSA, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the VPSA on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive bonds as hereinabove provided, such definitive bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 20\_\_\_\_ and the definitive bonds for which this Bond may be exchanged that mature on or before July 15, 20\_\_\_\_, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due on or after July 15, 20\_\_\_\_, and the definitive bonds for which this Bond may be exchanged that mature on or after July 15, 20\_\_\_\_, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 20\_\_\_\_, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of this Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| <u>Dates</u>                        | <u>Prices</u> |
|-------------------------------------|---------------|
| July 15, 20__ through July 14, 20__ | 101%          |
| July 15, 20__ through July 14, 20__ | 100½          |
| July 15, 20__ and thereafter        | 100           |

Provided, however, that the principal installments of this Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of VPSA or other registered owner of this Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds its bonds issued in part to purchase this Bond in the future and such refunding causes this Bond to be deemed refunded, the prepayment or redemption of this Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund this Bond.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Board of Supervisors of the County of Frederick has caused this Bond to be issued in the name of the County of Frederick, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated \_\_\_\_\_ [16 days prior to the closing date], 20\_\_.

**COUNTY OF FREDERICK,  
VIRGINIA**

(SEAL)

ATTEST:

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Clerk, Board of Supervisors of the  
County of Frederick, Virginia

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Chairman, Board of Supervisors of the  
County of Frederick, Virginia

## ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

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(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE: \_\_\_\_\_

the within Bond and irrevocably constitutes and appoints

\_\_\_\_\_ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

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

\_\_\_\_\_  
Registered Owner

Signature Guaranteed:

\_\_\_\_\_  
(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)

L



## **Public Hearing – Frederick County Board of Supervisors – September 12, 2018**

### **Amendment to the 2018-2019 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 2018-2019 Budget to Reflect: Landfill Fund Supplemental Appropriation in the Amount of \$3,706,000 for the Carry Forward of Unspent Funds for Generator Maintenance, Gas Treatment Skid Parts Replacement, a Trash Compactor, and a Leachate Collection Pond.*

The Public Works Director requests a public hearing for an FY19 Landfill Fund supplemental appropriation in the amount of \$3,706,000. This amount represents carry forwards of the following unspent FY18 funds:

\$80,000 for generator maintenance;

\$90,000 for chiller/blower replacements on the gas treatment skid;

\$206,000 for a backup trash compactor; and

\$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A. These items have been approved by the Public Works Committee.

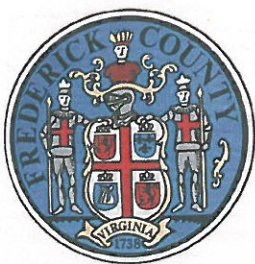
#### **Landfill Budget 12-4204-000**

Line item 12-4204-3004-04 Repair and Maintenance-Generators. Request to carry forward \$80,000.00 to cover the remaining funds needed for maintenance of the 60,000-hour genset generator. This maintenance includes replacing the engines and upgrading the control systems.

Line item 12-4204-5408-03 Generator Spare Parts-Gas to Energy. Request to carry forward \$90,000.00 for chiller or blower replacements as needed. The gas treatment skid has accumulated over 60,000 hours of operation and has begun to experience increased breakdowns of blowers and gas chilling equipment.

Line item 12-4204-8006-00 Construction Vehicles and Equipment. Request to carry forward \$206,000.00 for a back-up trash compactor. Currently, the Landfill owns two Caterpillar 826k compactors. During times when either of those compactors are down the current practice is to maintain a compactor at the MSW Landfill and either close down the CDD Landfill or use a loader to pile the CDD waste up until both compactors are back in service. Current trends of increased downtime due to electrical and electronics on the equipment along with continued uptake in waste flow make it difficult to continue the current practice and maintain adequate compaction of all waste.

Line item 12-4204-8900-00 Improvements other Than. Request to carry forward \$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A. These projects are currently moving forward but contracts for the work were not issued before the end of FY 17/18.



# BOARD OF SUPERVISORS

## RESOLUTION FISCAL YEAR 2018-2019 BUDGET AMENDMENT

**WHEREAS**, Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on September 12, 2018, took the following action:

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors that the FY 2018-2019 Budget be Amended to Reflect:

Landfill Fund Supplemental Appropriation in the Amount of \$3,706,000 for the Carry Forward of Unspent Funds for Generator Maintenance, Gas Treatment Skid Parts Replacement, a Trash Compactor, and a Leachate Collection Pond.

Upon motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the above budget amendment and supplemental appropriation was \_\_\_\_\_ by the following recorded vote:

|                         |       |                       |       |
|-------------------------|-------|-----------------------|-------|
| Charles S. DeHaven, Jr. | _____ | Blaine P. Dunn        | _____ |
| Gary A. Lofton          | _____ | Gene E. Fisher        | _____ |
| J. Douglas McCarthy     | _____ | Judy McCann-Slaughter | _____ |
| Robert W. Wells         | _____ |                       |       |

### A COPY ATTEST:

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

**Resolution - Fiscal Year 2018-2019 Budget Amendment**  
**Board of Supervisors Meeting of September 12, 2018**  
**Page 2**

cc: Joe C. Wilder, Public Works Director  
Ron Kimble, Landfill Superintendent  
Cheryl B. Shiffler, Finance Director  
C. William Orndoff, Jr., Treasurer

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FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Wednesday, August 15, 2018  
8:00 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 15, 2018 at 8:00 a.m.

ATTENDEES:

Committee Members Present: Judith McCann-Slaughter, Chairman; Charles DeHaven; Gary Lofton; Jeffrey Boppe; and Angela Rudolph. Non-voting liaisons: William Orndoff, Treasurer; and Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: none

Staff present: Cheryl Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Kris Tierney, County Administrator; Jay Tibbs, Assistant County Administrator; Rod Williams, County Attorney; Dennis Linaburg, Fire Chief; Keith Jenkins, Deputy Fire Chief; Lenny Millholland, Sheriff; Barry Kittoe, Sheriff 1<sup>st</sup> Lieutenant; Joe Wilder, Public Works Director; and Gloria Puffinburger, Solid Waste Manager.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

 Items 5, 6, and 7 were approved under consent agenda.

1. The Public Works Director requests an FY19 General Fund supplemental appropriation in the amount of \$538,090. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$19,500 to rehab the old Clearbrook compactor to be used at a future site;
  - b. \$45,000 for site improvements at the Middletown Convenience site;
  - c. \$75,000 for anticipated increased collection costs of refuse and recycling;
  - d. \$385,342 for the completion of the Stephenson Convenience Center;
  - e. \$6,521 for spay/neuter shelter animals; and
  - f. \$6,727 for the Animal Shelter building addition design.

These items have been approved by the Public Works Committee. See the attached memo, p. 4 – 5. The committee recommends postponement of item C, and approval of the remaining requests.

2. The Public Works Director requests a public hearing for an FY19 Landfill Fund supplemental appropriation in the amount of \$3,706,000. This amount represents carry forwards of the following unspent FY18 funds:
  - a. \$80,000 for generator maintenance;
  - b. \$90,000 for chiller/blower replacements on the gas treatment skid;
  - c. \$206,000 for a backup trash compactor; and
  - d. \$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A.

These items have been approved by the Public Works Committee. See the attached memo, p. 4 – 5. The committee recommends forwarding the entire request to public hearing as a whole.

3. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$5,000. This amount represents a Byrne/JAG grant that has been awarded for Narcan. No local funds are required. See attached memo, p. 6 – 7.



Carry Forward Requests

Page 2

June 7, 2016

8/8/18 (FY18)

G/L balances:

\$6,727

Line item 10-4305-3002-02 Professional Services Engineering and Design. Request to carry forward \$6,727.00 which is the unused portion of the new building design fund. The funds were appropriated from the Loy donation for the design of the new shelter building.

d. Landfill Budget 12-4204-000

\$83,994

Line item 12-4204-3004-04 Repair and Maintenance-Generators. Request to carry forward \$80,000.00 to cover the remaining funds needed for maintenance of the 60,000-hour genset generator. This maintenance includes replacing the engines and upgrading the control systems.

\$92,935

Line item 12-4204-5408-03 Generator Spare Parts-Gas to Energy. Request to carry forward \$90,000.00 for chiller or blower replacements as needed. The gas treatment skid has accumulated over 60,000 hours of operation and has begun to experience increased breakdowns of blowers and gas chilling equipment.

\$206,189

Line item 12-4204-8006-00 Construction Vehicles and Equipment. Request to carry forward \$206,000.00 for a back-up trash compactor. Currently, the Landfill owns two Caterpillar 826k compactors. During times when either of those compactors are down the current practice is to maintain a compactor at the MSW Landfill and either close down the CDD Landfill or use a loader to pile the CDD waste up until both compactors are back in service. Current trends of increased downtime due to electrical and electronics on the equipment along with continued uptake in waste flow make it difficult to continue the current practice and maintain adequate compaction of all waste.

\$3,330,000

Line item 12-4204-8900-00 Improvements other Than. Request to carry forward \$3,330,000 for an additional leachate collection pond and blasting of MSW Cell 3A. These projects are currently moving forward but contracts for the work were not issued before the end of FY 17/18.

Please include the above carry forward requests on the next Finance Committee agenda.

JCW/kco

cc: file

M



**ORDINANCE**  
\_\_\_\_\_, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 48-18 (License Taxes) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strike through~~ and additions are shown in **bold underline**):

**§ 48-18. License taxes.**

- A. License periods for individual dogs shall be equal to and run concurrently with the rabies vaccination effective period for that respective dog. **Notwithstanding the foregoing, pursuant to Va. Code § 3.2-6530(B), a person may apply for a lifetime license for his or her dog. Lifetime licenses are not transferrable between dogs or owners, and are not transferrable to other localities.** Any person who applies for a license tag for a neutered or spayed dog shall present, at the time of application, certification from a licensed veterinarian attesting to the neutering or spaying of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on male or female dogs. Kennel licenses are only sold for a one-year period and shall be due on January 1 and not later than January 31 of each year. Inspections by animal control may be required before the issuance of a kennel license.
- B. License taxes shall be in the **following** amounts~~s~~-of:



|  | Spayed or Neutered | Not Spayed or Neutered |
|--|--------------------|------------------------|
| <u>One dog – for January 1 to December 31 or vaccination period of 12 months or less</u>         | \$5.00             | \$10.00                |
| Vaccination period of 36 months or less  | \$10.00            | \$20.00                |
| <u>One dog – for lifetime of dog – for dogs adopted from the Frederick County Animal Shelter</u> | <u>Free</u>        | <u>Free</u>            |
| <u>One dog – for lifetime of dog – for all other dogs</u>  | <u>\$10.00</u>     | <u>\$15.00</u>         |
| Multi-dog license <u>– for January 1 to December 31:</u>   |                    |                        |
| 20 multi-dog license   |                    | \$30.00                |
| 50 multi-dog license   |                    | \$50.00                |

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Charles S. DeHaven, Jr., Chairman \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

J. Douglas McCarthy \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Blaine P. Dunn \_\_\_\_\_

Shannon G. Trout \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

A COPY ATTEST

\_\_\_\_\_  
Kris C. Tierney  
Frederick County Administrator

**CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS**  
**Thursday, June 28, 2018**  
**8:30 a.m.**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**ATTENDEES:**

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; and Stephen Butler

Committee Members Absent: Derek Aston and James Drown

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland; Mark Fleet, Building Official; Lorraine Mossburg representing the Commissioner of the Revenue; Karen Orndorff representing Public Works; Treasurer C. William Orndoff, Jr.; Wayne Corbett, Deputy Treasurer; and Chad DeHaven, Account Analyst with the Treasurer's Department.

**ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:**

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. **-See Attached**

This proposed amendment would enable the issuance of lifetime dog licenses and would permit zero cost lifetime licenses for dogs adopted from the Frederick County Esther Boyd Animal Shelter. The intent of the proposed ordinance would be to reduce the administrative burden of the County's current dog licensing system and encourage adoptions from the Shelter.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

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. **-See Attached**

This proposed amendment would require that any delinquent real estate taxes and other charges that constitute a lien on a property, that are owed to the locality, to be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. This proposed ordinance would apply to new construction and additions but would not be applicable to emergency work.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise. **-See Attached**

This proposed amendment would revise the County Code, Noise Ordinance, to adopt as the standard for prohibited noise as "plainly audible" at certain points beyond its source. Also, with respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited. The proposed amendment does not generally deviate from the general principles of the current ordinance and keeps the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the noise prohibition being applicable 9:00 p.m. to 6:00 a.m. It was noted the proposed amendment also expressly provides that the noise prohibition does not apply to a bona fide agricultural activity and there is included a further list of other activities that are not subject to the prohibition.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was approved by a 3-1 vote with Mr. Dunn voting no.

Mr. Dunn stated he would like to see noise regulated on a case by case basis in an effort to address instances where citizen might be caring for a loved one with a medical issue. The Committee, while sympathetic, did not support this proposal. They did, however, direct the county attorney to look at ordinances from other localities to see if there might be a way to address Mr. Dunn's concern.

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. **-See Attached**

This proposed amendment would correct a typographical error within Section 155-34(A)(1)(a)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. The subsection, currently, erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

Upon a motion by Mr. McCarthy, seconded by Mr. Dunn, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

#### ITEMS FOR INFORMATION ONLY

1. Review of Committee Charter. **-See Attached**

The Committee reviewed its charter. There were no changes proposed to the current charter.

2. Other.

The Committee discussed a concern raised by a citizen in the Gainesboro District regarding the discharge of firearms near a residence. The Committee asked the county attorney to look at ordinances from other localities to see how that issue is addressed.

There being no further business, the meeting was adjourned at 9:06 a.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Code & Ordinance Committee

FROM: Roderick B. Williams  
County Attorney

DATE: June 4, 2018

RE: County Code, Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes) – Lifetime Licensing of Dogs

Per legislation enacted by the 2017 Session of the General Assembly, 2017 Acts of Assembly, Chapters 559 and 567, localities may, effective July 1, 2017, provide for lifetime licensing of dogs. Attached are copies of the enabling legislation and of a draft ordinance, for the Committee's consideration, that would amend the County Code to make such provision. The draft also would permit zero cost lifetime tags for dogs adopted from the County Shelter. The intent of the proposed ordinance is to reduce the administrative burden of the County's current dog licensing system and to encourage adoptions from the Shelter. The Public Works Committee reviewed the draft ordinance at its meeting on May 29 and recommended forwarding the draft ordinance to the Code & Ordinance Committee, with the addition of a further provision that a lifetime dog tag does not transfer to a new owner, which provision is incorporated in the additional proposed language of subsection A of the code section.

Attachments

cc: Public Works Department  
Animal Shelter  
Sheriff's Office  
Treasurer's Office

# VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

## CHAPTER 559

*An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.*

[H 1477]

Approved March 16, 2017

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 3.2-6527. How to obtain license.**

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ in § 3.2-6526. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

**§ 3.2-6528. Amount of license tax.**

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$4 and not more than \$10 for each year *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for ~~a~~ *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

**§ 3.2-6530. When license tax payable.**

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

B. Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

*B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.*

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

**§ 3.2-6532. Duplicate license tags.**

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

**§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.**

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C of § 3.2-6530 before February 1 for the year in which* *within one month after the date when* it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.

# VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

## CHAPTER 567

*An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.*

[S 856]

Approved March 16, 2017

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 3.2-6527. How to obtain license.**

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ in § 3.2-6526. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

**§ 3.2-6528. Amount of license tax.**

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$4 and not more than \$10 for each year *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for ~~a~~ *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

**§ 3.2-6530. When license tax payable.**

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

B. Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

*B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.*

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

**§ 3.2-6532. Duplicate license tags.**

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall



endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

**§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.**

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C of § 3.2-6530 before February 1 for the year in which* *within one month after the date when* it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.

N



## ORDINANCE TO AMEND PROVISIONS OF COUNTY CODE REGARDING NOISE PROHIBITIONS \_\_\_\_\_, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 48-23 (Unreasonable noise unlawful) and 48-24 (Enforcement) of Article II (Noise) of Chapter 48 (Animals and Fowl) and that Chapter 118 (Noise) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting an amended Section 48-23 (Unreasonable noise unlawful) and 48-24 (Enforcement) of Article II (Noise) of Chapter 48 (Animals and Fowl) and an amended Section 118-1 (Unreasonable noise unlawful) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia, as follows (deletions are shown in ~~strike through~~ and additions are shown in underline):

### CHAPTER 48 ANIMALS AND FOWL

#### Article II Noise

##### § 48-23 Unreasonable Specified noise unlawful.

- A.** It shall be unlawful, after written notice by the Sheriff to the owner, custodian or person in control or possession of ~~a dog~~ any animal a dog, for such person to suffer or allow such ~~dog animal dog~~ to howl, bark, meow, squawk, yelp, whine, or otherwise make ~~unreasonably loud~~ noises, ~~as are plainly audible to adjoining residents or property owners in a residential subdivision so as to unreasonably annoy, disturb, bother or vex such residents or property owners at least once a minute for ten (10) consecutive minutes:~~
- 1. In such a manner as to be plainly audible across a residential real property boundary or through partitions common to two (2) or more dwelling units within a building; or**
  - 2. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
  - 3. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**

**B. This article shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to such noise emanating from property located within the following zoning districts as indicated on the Frederick County Zoning Map:**

**RP Residential Performance District**  
**R4 Residential Planned Community District**  
**R5 Residential Recreational Community District**  
**MH1 Mobile Home Community District**

**C. This section shall not apply to any bona fide agricultural activity.**

**D. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties.**

#### **§ 48-24 Enforcement.**

Enforcement of this article shall be by the Sheriff of Frederick County **or his designee.**

#### **§ 48-25 Violations and penalties. [Ed. note: No change is proposed to this section]**

A violation of this article shall be punishable by a fine of not more than \$25 for the first offense and a fine of not more than \$100 for each subsequent offense. Each such occurrence shall constitute a separate offense.

### **CHAPTER 118 NOISE**

#### **§ 118-1 Unreasonable Specified noise unlawful.**

**A. It shall be unlawful, after complaint from any person annoyed, disturbed or vexed by unnecessary and unreasonable noise and after notice by the Sheriff to the person creating such noise or to the owner, custodian or person in control or possession of the property from which such noise emanates or arises, for such person to suffer or allow such unnecessary and unreasonable noise to continue. At certain levels, noise can be detrimental to the health, safety, welfare, and quality of life of inhabitants of the county, and, in the public interest, such noise should be restricted. It is, therefore, the policy of the County to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful, and annoying noises from all sources.**

**B. This chapter shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to noise emanating from property located within the following zoning ~~classifications~~ districts as indicated on the Frederick County Zoning Map:**

**RP Residential Performance District**

- R4 Residential Planned Community District
- R5 Residential Recreational Community District
- MH1 Mobile Home Community District

**C. No person shall be charged with a violation of this section unless that person has received verbal, electronic, or written notice from a law enforcement officer of Frederick County that he is violating or has violated the provisions of this chapter and has thereafter had the opportunity to abate the noise disturbance.**

**§ 118-2 Enforcement.** [Ed. note: The amendment to this section was proposed at the Code & Ordinance Committee meeting]

Enforcement of this chapter shall be by the Sheriff of Frederick County **or his designee.**

**§ 118-3 Violations and penalties.** [Ed. note: No change is proposed to this section]

A violation of this chapter shall be punishable by a fine of not more than \$100 for the first offense and a fine of not more than \$1,000 for each subsequent offense. Each such occurrence shall constitute a separate offense.

**§ 118-4 Specific prohibitions.**

**The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of this chapter:**

**A. Prohibited Noise Generally. Operating, playing or permitting the operation or playing of any radio, television, computer, recording, musical instrument, amplifier, or similar device, or yelling, shouting, whistling, or singing, or operating or permitting the operation of any mechanical equipment:**

- 1. In such a manner as to be plainly audible across a residential real property boundary or through partitions common to two or more (2) dwelling units within a building; or**
- 2. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
- 3. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**

- B. Schools, public buildings, places of worship, and hospitals. The creation of any noise on or near the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship, or hospital, and which noise interferes with the operation of the institution.
- C. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

#### § 118-5 Exceptions.

This chapter shall have no application to any sound generated by any of the following:

- A. Sound which is necessary for the protection or preservation of property or the health, safety, life, or limb of any person.
- B. Public speaking and public assembly activities conducted on any public right-of-way or public property.
- C. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- D. Parades, lawful fireworks displays, school-related activities, and other such public special events or public activities.
- E. Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- F. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- G. Religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.
- H. Locomotives and other railroad equipment, and aircraft.
- I. The striking of clocks.
- J. Military activities of the Commonwealth of Virginia or of the United States of America.
- K. Agricultural activities.
- L. Lawful discharge of firearms.
- M. Motor vehicles.
- N. Construction equipment.

Enacted this \_\_\_\_ day of \_\_\_\_, 2018.

Charles S. DeHaven, Jr., Chairman

\_\_\_\_\_

Gary A. Lofton

\_\_\_\_\_

J. Douglas McCarthy

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Robert W. Wells

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Blaine P. Dunn

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Shannon G. Trout

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Judith McCann-Slaughter

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A COPY ATTEST

\_\_\_\_\_  
Kris C. Tierney

Interim Frederick County Administrator



**CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS**  
**Thursday, June 28, 2018**  
**8:30 a.m.**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**ATTENDEES:**

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; and Stephen Butler

Committee Members Absent: Derek Aston and James Drown

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland; Mark Fleet, Building Official; Lorraine Mossburg representing the Commissioner of the Revenue; Karen Orndorff representing Public Works; Treasurer C. William Orndoff, Jr.; Wayne Corbett, Deputy Treasurer; and Chad DeHaven, Account Analyst with the Treasurer's Department.

**ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:**

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. **-See Attached**

This proposed amendment would enable the issuance of lifetime dog licenses and would permit zero cost lifetime licenses for dogs adopted from the Frederick County Esther Boyd Animal Shelter. The intent of the proposed ordinance would be to reduce the administrative burden of the County's current dog licensing system and encourage adoptions from the Shelter.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

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. **-See Attached**

This proposed amendment would require that any delinquent real estate taxes and other charges that constitute a lien on a property, that are owed to the locality, to be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. This proposed ordinance would apply to new construction and additions but would not be applicable to emergency work.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise. **-See Attached**

This proposed amendment would revise the County Code, Noise Ordinance, to adopt as the standard for prohibited noise as "plainly audible" at certain points beyond its source. Also, with respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited. The proposed amendment does not generally deviate from the general principles of the current ordinance and keeps the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the noise prohibition being applicable 9:00 p.m. to 6:00 a.m. It was noted the proposed amendment also expressly provides that the noise prohibition does not apply to a bona fide agricultural activity and there is included a further list of other activities that are not subject to the prohibition.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was approved by a 3-1 vote with Mr. Dunn voting no.

Mr. Dunn stated he would like to see noise regulated on a case by case basis in an effort to address instances where citizen might be caring for a loved one with a medical issue. The Committee, while sympathetic, did not support this proposal. They did, however, direct the county attorney to look at ordinances from other localities to see if there might be a way to address Mr. Dunn's concern.

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. **-See Attached**

This proposed amendment would correct a typographical error within Section 155-34(A)(1)(a)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. The subsection, currently, erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

Upon a motion by Mr. McCarthy, seconded by Mr. Dunn, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

#### ITEMS FOR INFORMATION ONLY

1. Review of Committee Charter. **-See Attached**

The Committee reviewed its charter. There were no changes proposed to the current charter.

2. Other.

The Committee discussed a concern raised by a citizen in the Gainesboro District regarding the discharge of firearms near a residence. The Committee asked the county attorney to look at ordinances from other localities to see how that issue is addressed.

There being no further business, the meeting was adjourned at 9:06 a.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Code & Ordinance Committee

FROM: Roderick B. Williams  
County Attorney

DATE: June 4, 2018

RE: Frederick County Code – Noise Ordinance – draft revisions

The Committee previously considered this item at its meeting in August 2017. The Committee postponed further consideration of the item, pending further changes to the draft revisions.

To refresh the Committee on this item, please note that the County adopted its current noise ordinance in 1993. The ordinance uses, as its standard for whether noise is unlawful, whether a person is “annoyed, disturbed or vexed by unnecessary and unreasonable noise”. The relevant portions of the County’s animal ordinance, adopted in 1992, contain substantially the same type of prohibition with respect to barking dogs.

The Virginia Supreme Court, in 2009, decided the case of Tanner v. City of Virginia Beach, 277 Va. 432, in which the Court held that a noise ordinance containing similar “unreasonableness” language was unconstitutionally vague and therefore unenforceable. In light of the decision in Tanner, the County’s prohibitions against noise may be subject to similar challenge.

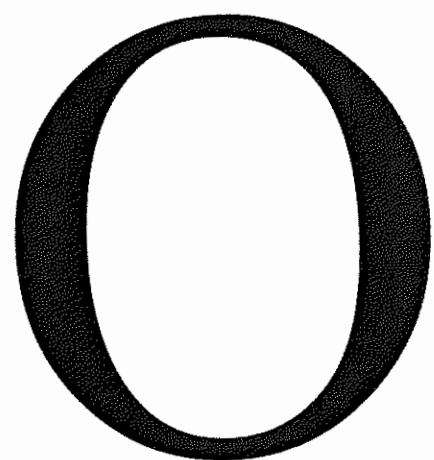
The draft revisions adopt as the standard for prohibited noise whether the noise is “plainly audible” at certain points beyond its source. The Committee inquired regarding the meaning and sufficiency of the term “plainly audible”. In one Attorney General Opinion, while the Attorney General did not define the term, the Attorney General found that an ordinance including the term “states in precise terms what is forbidden” and that “persons ‘of common intelligence’ are not required to ‘necessarily guess at [the] meaning [of the language] and differ as to its application.’”. 2011 Va. Att’y Gen’l Opin. 39, 41-42 (citing Tanner). In an abundance of caution, however, the draft revisions now include a definition, taken from the Blacksburg Town Ordinance, adopted in response to Tanner and cited by an ad hoc committee of the Local

Government Attorneys formed in 2009 to provide guidance to localities in response to Tanner. Also, with particular respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited.

The draft revisions otherwise generally do not deviate from the general principles in the current ordinances; the draft revisions keep the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the prohibition being applicable only between 9:00 p.m. and 6:00 a.m. The draft revisions also expressly provide that the prohibition does not apply to bona fide agricultural activity and further contain a list of other specific activities that are not subject to the prohibition.

The attached draft shows the changes submitted to the Committee in August and then, in red, the changes since that draft.

Attachment





## ORDINANCE \_\_\_\_\_, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 52-5 (Issuance of Permits) of Chapter 52 (Building Construction) and Section 143-195 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit) of Chapter 143 (Stormwater/Erosion and Sediment Control) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strike through~~ and additions are shown in **bold underline**):

### CHAPTER 52 BUILDING CONSTRUCTION

#### § 52-5. Issuance of Permits.

Unless otherwise excepted, no permit to begin work for construction as defined by § 36-97 of the Code of Virginia or required by the several provisions of the Virginia Uniform Statewide Building Code shall be issued until all permit fees have been paid. **Prior to the initiation of an application, by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a permit under this Chapter, except for, as provided under Section 108.1 of the Virginia Construction Code, a permit for emergency construction, alterations or equipment replacement, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.** All such permits **issued under this Chapter** shall be issued by the Chief Building Official or his authorized agent, on forms approved and provided by the Department of Building Inspections.

### CHAPTER 143 STORMWATER/EROSION AND SEDIMENT CONTROL

§ 143-195. Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit.

- A. Permit issuance. Once the requirements for obtaining a Frederick County land-disturbing permit and coverage under the state general permit for discharges from construction activity (if applicable) have been met, including the receipt or verification of payment of all required permit fees in accordance with the fee schedule of § 143-235, the administrator will issue a Frederick County land-disturbing permit and a VSMP authority permit. **Prior to the initiation of an application, by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a permit under this Chapter, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.**
- B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick County land-disturbing permit shall be made unless a written notice of transfer and corresponding permit modification fee is filed with the administrator and the transferee certifies agreement to comply with all obligations and conditions of the permit. The administrator may require modification or revocation and reissuance of the VSMP authority permit to change the name of the permittee and incorporate such other requirements as may be necessary for the transfer.
- C. If land-disturbing activity has not commenced within 180 days of land-disturbing or VSMP authority permit issuance or ceases for more than 180 days, the administrator may evaluate the existing approved ESC plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the previously filed ESC plan is determined to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

Reference: 9 VAC 25-840-80B.

- D. VSMP authority permits are effective for a fixed permit cycle of five years. Activities requiring a VSMP permit may obtain coverage at any time during the five-year permit cycle and must be renewed if the permit has not been terminated prior to the end of the cycle. The annual permit maintenance fees in § 143-235 apply until the permit coverage is terminated or renewed.
- E. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may remain subject to the technical criteria of Part II C of the Virginia Stormwater Regulations for two additional permit cycles, provided coverage under the original VSMP permit is maintained. After two permit cycles have passed, or should the original VSMP permit coverage not be maintained, portions of the project not under construction shall become subject to



any new technical criteria adopted by the VSMP authority after the original VSMP permit coverage was issued.

- F. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may elect to modify the permit by paying the appropriate permit modification fee and request approval for compliance with the technical criteria of Part II B for any remaining portions of the project.

Reference: Va. Code § 62.1-44.15:24: 9 VAC 25-870-47.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

A COPY ATTEST

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Kris C. Tierney  
Frederick County Administrator

**CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS**  
**Thursday, June 28, 2018**  
**8:30 a.m.**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**ATTENDEES:**

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; and Stephen Butler

Committee Members Absent: Derek Aston and James Drown

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland; Mark Fleet, Building Official; Lorraine Mossburg representing the Commissioner of the Revenue; Karen Orndorff representing Public Works; Treasurer C. William Orndoff, Jr.; Wayne Corbett, Deputy Treasurer; and Chad DeHaven, Account Analyst with the Treasurer's Department.

**ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:**

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. **-See Attached**

This proposed amendment would enable the issuance of lifetime dog licenses and would permit zero cost lifetime licenses for dogs adopted from the Frederick County Esther Boyd Animal Shelter. The intent of the proposed ordinance would be to reduce the administrative burden of the County's current dog licensing system and encourage adoptions from the Shelter.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

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. **-See Attached**

This proposed amendment would require that any delinquent real estate taxes and other charges that constitute a lien on a property, that are owed to the locality, to be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. This proposed ordinance would apply to new construction and additions but would not be applicable to emergency work.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise. **-See Attached**

This proposed amendment would revise the County Code, Noise Ordinance, to adopt as the standard for prohibited noise as "plainly audible" at certain points beyond its source. Also, with respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited. The proposed amendment does not generally deviate from the general principles of the current ordinance and keeps the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the noise prohibition being applicable 9:00 p.m. to 6:00 a.m. It was noted the proposed amendment also expressly provides that the noise prohibition does not apply to a bona fide agricultural activity and there is included a further list of other activities that are not subject to the prohibition.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was approved by a 3-1 vote with Mr. Dunn voting no.

Mr. Dunn stated he would like to see noise regulated on a case by case basis in an effort to address instances where citizen might be caring for a loved one with a medical issue. The Committee, while sympathetic, did not support this proposal. They did, however, direct the county attorney to look at ordinances from other localities to see if there might be a way to address Mr. Dunn's concern.

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. **-See Attached**

This proposed amendment would correct a typographical error within Section 155-34(A)(1)(a)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. The subsection, currently, erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

Upon a motion by Mr. McCarthy, seconded by Mr. Dunn, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

#### ITEMS FOR INFORMATION ONLY

1. Review of Committee Charter. **-See Attached**

The Committee reviewed its charter. There were no changes proposed to the current charter.

2. Other.

The Committee discussed a concern raised by a citizen in the Gainesboro District regarding the discharge of firearms near a residence. The Committee asked the county attorney to look at ordinances from other localities to see how that issue is addressed.

There being no further business, the meeting was adjourned at 9:06 a.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail: [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

TO: Code & Ordinance Committee

FROM: Roderick B. Williams  
County Attorney

DATE: June 4, 2018

RE: County Code, 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) – Ordinance to require payment of delinquent real estate taxes before issuance of certain permits

Section 15.2-2286(B) of the Code of Virginia permits a locality to require that any delinquent real estate taxes and any other charges that constitute a lien on a property, that are owed to the locality, and that have been properly assessed against the subject property, be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. A copy of Section 15.2-2286 is attached for reference.

Attached is a proposed ordinance that would allow implementation of this requirement in Frederick County. At present, the County Code already prohibits a property owner from proceeding with a request for a rezoning or conditional use permit unless the taxes on the property have been paid. The proposed ordinance is consistent with that already existing prohibition, but does contain an exception for emergency construction, alterations or equipment replacement, so that such work could take place without delay. Attached is the relevant provision of the Uniform Statewide Building Code, Section 108.1, regarding emergency construction. Otherwise allowing a property owner to proceed with further development activities on a property would only allow the owner to enjoy the benefits of enhanced development of the property without having paid the taxes on the property and would raise a fairness issue relative to other County taxpayers who dutifully pay their taxes. In addition, conditioning the issuance of building and stormwater/erosion and sediment control permits on the payment of delinquent taxes on a property would provide the County with an additional valuable method of enforcement to help ensure payment of amounts properly due to the County.

The Public Works Committee reviewed the draft ordinance at its meeting on May 29 and recommended forwarding the draft ordinance to the Code & Ordinance Committee.

Attachments

cc:     Public Works – Engineering  
          Public Works – Inspections  
          Treasurer's Office

## § 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential

dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to



\$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § [15.2-2201](#).

10. For the administration of incentive zoning as defined in § [15.2-2201](#).

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a

- A. Permit issuance. Once the requirements for obtaining a Frederick County land-disturbing permit and coverage under the state general permit for discharges from construction activity (if applicable) have been met, including the receipt or verification of payment of all required permit fees in accordance with the fee schedule of § 143-235, the administrator will issue a Frederick County land-disturbing permit and a VSMP authority permit. **Prior to the initiation of an application, by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a permit under this Chapter, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.**
- B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick County land-disturbing permit shall be made unless a written notice of transfer and corresponding permit modification fee is filed with the administrator and the transferee certifies agreement to comply with all obligations and conditions of the permit. The administrator may require modification or revocation and reissuance of the VSMP authority permit to change the name of the permittee and incorporate such other requirements as may be necessary for the transfer.
- C. If land-disturbing activity has not commenced within 180 days of land-disturbing or VSMP authority permit issuance or ceases for more than 180 days, the administrator may evaluate the existing approved ESC plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the previously filed ESC plan is determined to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

Reference: 9 VAC 25-840-80B.

- D. VSMP authority permits are effective for a fixed permit cycle of five years. Activities requiring a VSMP permit may obtain coverage at any time during the five-year permit cycle and must be renewed if the permit has not been terminated prior to the end of the cycle. The annual permit maintenance fees in § 143-235 apply until the permit coverage is terminated or renewed.
- E. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may remain subject to the technical criteria of Part II C of the Virginia Stormwater Regulations for two additional permit cycles, provided coverage under the original VSMP permit is maintained. After two permit cycles have passed, or should the original VSMP permit coverage not be maintained, portions of the project not under construction shall become subject to

locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

**B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.**

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. 802; 1995, cc. 351, 475, 584, 603; 1996, c. 451; 1997, cc. 529, 543, 587; 1998, c. 385; 1999, c. 792; 2000, cc. 764, 817;

2001, c. [240](#);2002, cc. [547](#), [703](#);2005, cc. [625](#), [677](#);2006, cc. [304](#), [514](#), [533](#), [903](#);2007, cc. [821](#), [937](#);2008, cc. [297](#), [317](#), [343](#), [581](#), [593](#), [720](#), [777](#);2009, c. [721](#);2012, cc. [304](#), [318](#);2014, c. [354](#);2017, c. [398](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

A permit or any amendments to an existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

**107.1.2 Refunds.** When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

**107.1.3 Fees for generators used with amusement devices.** Fees for generators and associated wiring used with amusement devices shall only be charged under the Virginia Amusement Device Regulations (13VAC5-31).

**107.2 Code academy fee levy.** In accordance with subdivision 7 of Section 36-137 of the Code of Virginia, the local building department shall collect a 2.0% levy of fees charged for permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities that maintain individual or regional training academies accredited by DHCD shall retain such levy.

## SECTION 108 APPLICATION FOR PERMIT

**108.1 When applications are required.** Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment regulated by the USBC.
2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.

3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

**108.2 Exemptions from application for permit.** Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:
  - 1.1. Fire alarm system.
  - 1.2. Fire detection system.
  - 1.3. Fire suppression system.
  - 1.4. Smoke control system.
  - 1.5. Fire protection supervisory system.
  - 1.6. Elevator fire safety control system.
  - 1.7. Access or egress control system or delayed egress locking or latching system.
  - 1.8. Fire damper.
  - 1.9. Door control system.
2. One story detached structures used as tool and storage sheds, playhouses or similar uses, provided the building area does not exceed 256 square feet (23.78 m<sup>2</sup>) and the structures are not classified as a Group F-1 or H occupancy.
3. Detached prefabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m<sup>2</sup>).

P



## ORDINANCE

\_\_\_\_\_, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 155-34 (Tax Imposed) of Article VIII (Tax on Purchasers of Utility Service) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~bold strikethrough~~ and additions are shown in **bold underline**):

### § 155-34 Tax Imposed

#### A. Consumer taxes

##### (1) Electric Utility Consumer Tax

(a) Levy. In accordance with Virginia Code, § 58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

##### 1. Residential Consumers

- a. Such tax shall be \$0.22 plus the rate of \$0.003 on each KWH delivered monthly to residential consumers by a service provider not to exceed \$3 monthly.
- b. Nonmetered charges will carry a tax at the rate of 0.04 times the nonmetered charge per month not to exceed \$3 per month.

##### 2. Nonresidential Consumers

- a. Such tax on nonresidential consumers shall be \$0.30 per month plus \$0.0024 per kilowatt hour (KWH) on the first 700 KWH delivered per month then \$0.0015928 on the balance.
- b. Nonmetered charges will carry a tax at the rate of 0.04 times the nonmetered charge per month.

- c. In the case of any apartment house or other multiple-family dwelling using **gas electric** service through a master meter, the tax shall be equal to the sum of \$3 multiplied by the number of dwelling units served.
  3. The conversion of tax pursuant to this subsection to monthly KWH delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (b) Exemptions. The following consumers of electricity are exempt from the tax imposed by this § 155-34A(1): the United States of America, the commonwealth and the political subdivisions thereof, including this jurisdiction.
- (c) Billing, collection and remittance of tax. The service provider shall bill the electricity consumer tax to all users who are subject to the tax and to whom it delivers electricity and shall report the same to the Commissioner of the Revenue for the County on a monthly basis on forms provided by the Commissioner. Such taxes shall be paid by the service provider to the Treasurer in accordance with Virginia Code, § 58.1-3814, Paragraphs F. and G., and Virginia Code, § 58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures and, upon collection of the bill or any part thereof, must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.
- (d) Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:
1. The KWH will be divided by 2;
  2. A monthly tax will be calculated using the rates set forth above;
  3. The tax determined by Subsection A(1)(d)(2) shall be multiplied by 2;



4. The tax in Subsection A(1)(d)(3) may not exceed twice the monthly maximum tax

(2) Local Natural Gas Utility Consumer Tax.

- (a) In accordance with Virginia Code, § 58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Virginia Code, § 58.1-3814 J., as follows:
  1. Residential consumers. Such tax on residential consumers of natural gas shall be 0.04 times any nonmetered charges plus the rate of \$0.055 on each CCF, delivered monthly to residential consumers, not to exceed \$3 per month.
  2. Nonresidential consumers. Such tax on nonresidential consumers shall be at the rates per month shown for each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:
    - a. Commercial, industrial, interrupted and transportation consumers. Such tax shall be 0.04 times any non-metered charges plus the rate of \$0.04 on the first 1,000 CCF delivered monthly to commercial consumers plus \$0.033 for the next 29,000 CCF, and \$0.025 for all CCF over 30,000.
    - b. In the case of any apartment house or other multiple-family dwelling using gas service through a master meter, the tax shall be equal to the sum of \$3 multiplied by the number of dwelling units served.
  3. The conversion of tax pursuant to this subsection to monthly CCF delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (b) Exemptions: The following consumers of natural gas shall be exempt from the tax imposed by this § The following consumers of natural gas shall be exempt from the tax imposed by this § 155-34A(2): the United States of American, the commonwealth and the political subdivisions thereof, including this jurisdiction.: the United States of American, the commonwealth and the political subdivisions thereof, including this jurisdiction.
- (c) Billing collection and remittance of tax. The service provider shall bill the natural gas consumer tax to all users who are subject to the tax and to whom it delivers natural gas and shall report the same to the

Commissioner of the Revenue for the County on forms provided by the Commissioner on a monthly basis. Such taxes shall be paid by the service provider to the Treasurer in accordance with Virginia Code, § 58.1-3814, Paragraphs F. and G., and Virginia Code, § 58.1-2901. If any consumer receives and pays for natural gas but refuses to pay the tax imposed by this section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures, and upon collection of the bill or any party thereof, must apportion the net amount collected between the charge for natural gas and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.

(d) Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:

1. The CCF will be divided by 2;
2. A monthly tax will be calculated using the rates set forth above;
3. The tax determined by Subsection A(2)(d)(2) shall be multiplied by 2;
4. The Tax in Subsection A(2)(D)(3) may not exceed twice the monthly maximum tax.

(3) Telephone Service Tax. There is hereby imposed and levied by the County upon each and every purchaser of local exchange telephone service a tax in the amount of 4% of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with respect to each line, which tax in every case shall be collected by the seller from the purchaser and shall be paid by the purchaser unto the seller for the use of the County at the time the purchase price or such charge shall become due and payable under the agreement between the purchaser and the seller.

B. The tax hereby imposed and levied on purchases with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages which are paid for by inserting coins in coin-operated telephones. A cap on the telephone service tax in the amount of \$450 is hereby established.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Charles S. DeHaven, Jr., Chairman \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

J. Douglas McCarthy \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Blaine P. Dunn \_\_\_\_\_

Shannon G. Trout \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

A COPY ATTEST

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Kris C. Tierney  
Frederick County Administrator

**CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS**  
**Thursday, June 28, 2018**  
**8:30 a.m.**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**ATTENDEES:**

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; and Stephen Butler

Committee Members Absent: Derek Aston and James Drown

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland; Mark Fleet, Building Official; Lorraine Mossburg representing the Commissioner of the Revenue; Karen Orndorff representing Public Works; Treasurer C. William Orndoff, Jr.; Wayne Corbett, Deputy Treasurer; and Chad DeHaven, Account Analyst with the Treasurer's Department.

**ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:**

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. **-See Attached**

This proposed amendment would enable the issuance of lifetime dog licenses and would permit zero cost lifetime licenses for dogs adopted from the Frederick County Esther Boyd Animal Shelter. The intent of the proposed ordinance would be to reduce the administrative burden of the County's current dog licensing system and encourage adoptions from the Shelter.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

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. **-See Attached**

This proposed amendment would require that any delinquent real estate taxes and other charges that constitute a lien on a property, that are owed to the locality, to be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. This proposed ordinance would apply to new construction and additions but would not be applicable to emergency work.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

3. Amendments to Chapters 48 and 118, of the County Code, to adopt a "plainly audible" standard with respect to certain prohibited noise. **-See Attached**

This proposed amendment would revise the County Code, Noise Ordinance, to adopt as the standard for prohibited noise as "plainly audible" at certain points beyond its source. Also, with respect to barking dogs, the draft revisions further require that barking occur at least once a minute for ten consecutive minutes in order to be prohibited. The proposed amendment does not generally deviate from the general principles of the current ordinance and keeps the general noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the noise prohibition being applicable 9:00 p.m. to 6:00 a.m. It was noted the proposed amendment also expressly provides that the noise prohibition does not apply to a bona fide agricultural activity and there is included a further list of other activities that are not subject to the prohibition.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was approved by a 3-1 vote with Mr. Dunn voting no.

Mr. Dunn stated he would like to see noise regulated on a case by case basis in an effort to address instances where citizen might be caring for a loved one with a medical issue. The Committee, while sympathetic, did not support this proposal. They did, however, direct the county attorney to look at ordinances from other localities to see if there might be a way to address Mr. Dunn's concern.

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. **-See Attached**

This proposed amendment would correct a typographical error within Section 155-34(A)(1)(a)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. The subsection, currently, erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

Upon a motion by Mr. McCarthy, seconded by Mr. Dunn, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing, with a recommendation of approval. The motion was unanimously approved.

#### ITEMS FOR INFORMATION ONLY

1. Review of Committee Charter. **-See Attached**

The Committee reviewed its charter. There were no changes proposed to the current charter.

2. Other.

The Committee discussed a concern raised by a citizen in the Gainesboro District regarding the discharge of firearms near a residence. The Committee asked the county attorney to look at ordinances from other localities to see how that issue is addressed.

There being no further business, the meeting was adjourned at 9:06 a.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Code & Ordinance Committee

FROM: Roderick B. Williams  
County Attorney

DATE: June 4, 2018

RE: County Code, Chapter 155 (Taxation), Section 155-34 (Tax Imposed)

The Commissioner of the Revenue's Office recently discovered a typographical error in County Code § 155-34(A)(1)(2)(c), which provides the formula by which the tax on electricity is calculated when the electricity is being consumed by multiple dwellings or units through a master meter. As presently written, the subsection erroneously refers to apartment houses or multiple-family dwellings utilizing gas service, not electric service.

The attached draft shows the correction of the typographical error noted above.

Attachment

cc: Ellen Murphy, Commissioner of the Revenue