



AGENDA

**CLOSED SESSION AND REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, OCTOBER 10, 2018
6:00 P.M. AND 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

6:00 P.M. – Closed Session

The Board of Supervisors will convene in closed session pursuant to Section 2.2-3711 A (3) for discussion or consideration of the acquisition of real property for a public purpose, or 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.

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
Regular Meeting of September 26, 2018
2. Committee Reports
Transportation Committee Meeting of September 24, 2018 ----- B
3. Resolution adding Security Drive to Secondary Road System ----- C
4. Approval of Letter of Support Requested by Potomac Conservancy ----- D

Board of Supervisors Comments

County Officials

1. Presentation of Resolution of Appreciation to Serena “Renny” Manuel

2. Committee Appointments----- E
 - a. Extension Leadership Council
Red Bud District Representative, Unexpired 4-year term ending 9/9/19
 - b. Planning Commission
Member-At-Large, Unexpired 4-year term ending 11/14/21
 - c. Winchester Regional Airport Authority
4-year term ended 6/30/18 (Application of Joseph Bailey received)
 - d. Shenandoah Area Agency on Aging
4-year term of current Frederick Co. Representative ends 9/30/18 (Not eligible for re-nomination)

Note: The Agency is also seeking nominations for an At-Large Board Member.
 - e. Shawneeland Sanitary District Advisory Committee
2-year term of Michelle Landon ends 11/9/18 (Eligible for reappointment)
2-year term of Jeff Stevens ends 11/9/18 (Eligible for reappointment)

3. Requests from the Commissioner of the Revenue for Refund ----- F

Toyota Lease Trust -- \$ 3,713.60

4. 2019 General Assembly Legislative Agenda ----- G

Committee Business - None

Public Hearings (Non Planning Issues)

1. **Amendment to the 2018-2019 Fiscal Year Budget ----- H**
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: Development Projects Fund Supplemental Appropriation in the Amount of \$9,370,435.09 for additional funds for the I81 Bridge/Tevis/Roundabout/Airport Road/Northern Y project.

Planning Commission Business

Public Hearings

1. **Conditional Use Permit #09-18 for Carrie Myers and Matthew Gambino ----- I**
Submitted for Establishment of a Special Event Facility in the RA (Rural Areas) Zoning District. The Property is Located at 233 Burnt Factory Road Stephenson, Virginia and is Identified with Property Identification Number 55-A-152 in the Stonewall Magisterial District.

Other Planning Business

1. **Request for a Commercial Pump & Haul Permit- 1429 S. Pifer Road, ----- J**
Star Tannery (PIN#: 69-A-15A) The Corners Bar and Grill

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 26, 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; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Mike Ruddy, Director of Planning; John Bishop, Assistant Director of Planning-Transportation; Scott Varner, Director of Information Technology; Patrick Barker, Executive Director of Frederick County Economic Development Authority; 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 section 2.2-3711 A (5) for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Supervisor Dunn seconded the motion which carried unanimously on a voice vote.

At 6:20 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 Wells. 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 Dunn seconded the motion which carried as follows on a roll call vote:

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

At 6:22 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

The Reverend Mark Carey of Fellowship Bible Church 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 Supervisor Dunn, the agenda was adopted on a voice vote.

CITIZENS COMMENTS - NONE

ADOPTION OF CONSENT AGENDA – APPROVED

Mr. Tierney noted the updated draft resolution regarding the I-81 Corridor Study which had been modified to reflect the comments of the Metropolitan Planning Organization. Upon motion of Supervisor Dunn, seconded by Supervisor Slaughter, the consent agenda was adopted on a voice vote.

-Minutes: Work Session of September 11, 2018-CONSENT AGENDA APPROVAL

-Minutes: Regular Meeting of September 12, 2018-CONSENT AGENDA APPROVAL

- Finance Committee Report (Attachment 1) - CONSENT AGENDA APPROVAL

- Parks and Recreation Commission Report (Attachment 2) - CONSENT AGENDA APPROVAL

- Resolution - Comment on I-81 Corridor Study – Round 2 - CONSENT AGENDA APPROVAL

**A RESOLUTION FOR THE BOARD OF SUPERVISORS
OF THE COUNTY OF FREDERICK, VIRGINIA
TO COMMENT ON THE INTERSTATE 81 CORRIDOR STUDY – ROUND 2**

WHEREAS, under Senate Bill 971 VDOT is conducting a corridor study for I-81; and,
WHEREAS, VDOT and the Office of Intermodal Planning and Investment are seeking comment from individuals and localities on various items under study; and,
WHEREAS, Frederick County representatives attended the second round of public meetings held August 22, 2018 at Lord Fairfax Community College, and
WHEREAS, The Frederick County Board of Supervisors would like to encourage the reconsideration of improvements from Exits 315-317 for the list of recommended improvements due to significant safety, congestion, and access to alternative facilities concerns, and
WHEREAS, The Frederick County Board of Supervisors would also like to encourage the reconsideration of widening from Exit 317 to the West Virginia State line due to significant expected growth in Frederick County and also the Proctor and Gamble Project in West Virginia, and
WHEREAS, The Frederick County Board of Supervisors would continue to encourage ongoing analysis of existing truck parking shortages in our area, and
WHEREAS, The Frederick County Board of Supervisors continues to support the analysis of multiple potential dedicated funding scenarios that are equitably applied, and
WHEREAS, The Frederick County Board of Supervisors believes a package of dedicated funding sources as opposed to a singular source would be the best way to meet the current and long-term needs of the I-81 Corridor, and
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick hereby submits this resolution for the second round of public comment for the I-81 corridor study and looks forward to further opportunities for continued involvement.

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

BOARD OF SUPERVISORS COMMENTS - None

CITIZEN COMMENTS - None

COUNTY OFFICIALS:

UPDATE ON COMMUNICATION ACTIVITIES

Public Information Officer Karen Vacchio provided an update on Communication Activities.

COMMITTEE APPOINTMENTS

LANI PENDLETON AND SHANNON MOECK APPOINTED TO WINCHESTER-FREDERICK TOURISM BUREAU - APPROVED

Upon motion of Supervisor Wells, seconded by Supervisor Dunn, Lani Pendleton and Shannon Moeck were each appointed to the Winchester-Frederick Tourism Bureau for a 3-year term. The motion carried on a voice vote.

COMMITTEE BUSINESS

FINANCE COMMITTEE

Supervisor Slaughter moved for approval of the following requests:

The Public Safety Communications Director requests a General Fund supplemental appropriation in the amount of \$14,166.88. This amount represents an insurance reimbursement for a lightning strike. No local funds required.

The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$2,550. This amount represents donated funds for the purchase of park benches. No local funds required.

Vice Chairman Lofton seconded the motion which carried on a roll call vote as follows:

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

Supervisor Slaughter moved for approval of the following request:

The FCPS Finance Director requests a School Operating Fund and General Fund supplemental appropriations in the amount of \$316,537.71. This amount represents a carry forward of unspent, restricted grant funds. The committee recommends approval.

Supervisor Trout seconded the motion which carried on a roll call vote as follows:

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

Supervisor Slaughter moved for approval of the following request:

The FCPS Finance Director requests a School Operating Fund and General Fund supplemental appropriations in the amount of \$186,878.76. This amount represents a carry forward of unspent FY18 school operating funds for the purchase of a school bus and security equipment. Local

funds are required. The committee recommends approval.

Supervisor Trout seconded the motion which carried on a roll call vote as follows:

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

Supervisor Slaughter moved for approval of the following request:

The Transportation Director requests a public hearing for a Development Projects Fund supplemental appropriation in the amount of \$9,370,435.09. This amount represents additional funds for the I81 Bridge/Tevis/Roundabout/ Airport Road/Northern Y project. No local funds are required as the project costs are part of revenue sharing agreements and split between VDOT and private partners. The committee recommends holding a public hearing.

Vice Chairman Lofton seconded the motion which carried on a voice vote.

Supervisor Slaughter moved for approval of the following request:

The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$41,600 from proffer funds. This amount represents utility infrastructure at Northwest Sherando Park. The committee recommends approval.

Supervisor Wells seconded the motion which carried on a roll call vote as follows:

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

PUBLIC HEARINGS (Non-Planning Items) –

AMENDMENT TO THE 2018-2019 FISCAL YEAR BUDGET - FAILED

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 \$7,500,000 for the Acquisition of Land, Design and Construction of a Replacement Robert E. Aylor Middle School.

Supervisor Trout stated she wanted 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.

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

Shawn Graber, Back Creek District, discussed trust, respect, and integrity as they apply to the Board's budgeting procedures. He said he does not approve of the way the School Board spends money, that the old Aylor building should be designated as surplus, and the Board should not vote to amend the budget with an additional allocation for the Aylor replacement school.

McKenna Southern, Opequon District, said the population is growing and that extra space in the schools is needed. She said it would be a mistake not to build a larger Aylor replacement

school.

Joy Kirk, Back Creek District, said Admiral Byrd and James Wood Middle Schools exceed capacity and that attendance rezoning will be needed. She said the area is growing because of new homes that have been approved by the Board of Supervisors. She said it is appropriate to build a school that will serve the students longer.

Brandi Hammond, Shawnee District, said she supports additional funding for the Aylor replacement school. She noted several new housing developments, and cited growth and the need for more space. She said she is a parent who is concerned about overcrowding, adding that denying additional funding will cost more in the long run.

Carrie Ann Kite, Shawnee District, noted a recent quote from VDOT regarding 2,500 new homes within a 2.3-mile radius of exit 317 and the recently approved fire and rescue study conducted by Fitch & Associates that cited younger demographics in the urban development area. She said the Board has relied on expert studies for infrastructure and safety needs but has not done so for school planning. She asked why a smaller school would be built in the area of the county with the most growth and discussed the School Board's choice of using Best Practices for teaching philosophy models.

Dr. David Sovine, Superintendent of Frederick County Public Schools, said he respectfully requested the Board approve the additional funding matching what the School Board had requested in February of this year. He said the School Board had agreed to surplus the old Aylor building once the new building is occupied.

Sophia Guntang, Back Creek District, said that 60% of the County's schools are overcrowded. She said that a 160,000 square foot building rather than a 140,000 square foot building is needed.

Kate Guntang, Back Creek District, said the larger sized school building is needed, and asked the Board members to think about the speeches made by those attending the meetings.

Carrie Takarsh said she is a teacher at Aylor. She said underfunding Aylor when other County middle schools are already overcrowded is fiscally irresponsible. She noted growth and asked that the Board not repeat the mistake of building smaller schools.

Mara Guntang, Back Creek District, noted that at the joint meeting of the School Board and Board of Supervisors the reductions required to build a 140,000 square foot building rather than a 160,000 square foot building were listed. She said she is confused about why a 160,000 square foot building is thought to be too large when considering the growth in the area. She urged the Board to approve the additional spending.

Chairman DeHaven closed the public hearing.

Supervisor Trout moved for approval of the resolution to amend the Fiscal Year 2018-2019 Budget to Reflect: School Construction Fund Supplemental Appropriation in the Amount of \$7,500,000 for the Acquisition of Land, Design and Construction of a Replacement Robert E. Aylor Middle School. Supervisor Wells seconded the motion.

Supervisor Trout stated that the additional funding was needed because of the community's exponential growth. She said it would be unwise and fiscally irresponsible to build the replacement too small. She cited past building projects that were at capacity soon after opening and said that delays cost money. Supervisor Trout referred to a letter from School Board

Chairman Lamanna stating that the old Aylor building would be available for surplus. She said the constituents have asked for more funding.

Vice Chairman Lofton referenced the School Board changing building capacities and a January statement by school personnel that a school replacement could be built for \$39 million. He said numbers keep changing, and that extra costs are a burden on the County tax payer.

Supervisor McCarthy said the dilemma involves capacity, growth, and costs of that growth. He said he hoped a compromise could be reached involving the School Board's committing by a vote to declare the old Aylor building as surplus. He said he was unable to support additional funding without a commitment from the School Board to surplus the old Aylor building.

Supervisor Dunn discussed building square footage. He said the Board is trying to work with the School Board to find a compromise. He noted that additional residents cost the County rather than bringing in revenue. He noted that each year a project is postponed, the debt service goes down allowing the County to borrow more easily.

Supervisor Wells said he would vote in favor of the funding. He said he was disappointed that the two bodies have not come together in resolution. He noted information gained from sources in the construction industry saying a school built for \$45.5 million will not be large enough considering the growth in the Opequon District. He noted that the current economy is good, but it may be different in four years. He said the tax payers would be better served by the bigger school being built now to meet the needs instead of adding on later.

Supervisor Trout noted that more constituents have spoken in favor of building the larger school. She said students cannot handle postponing the building replacement. She said standards of quality are bare minimum standards, but Frederick County has historically offered more than the bare minimum. She said the tax payers want the County to spend this money.

Supervisor Dunn said he was not advocating postponing the project.

Vice Chairman Lofton noted that the tax revenue from a new home does not come close to covering the cost of educating one child. He noted that if extra programs are ongoing now, they could do so in the new building. He said his constituents are not in favor of giving the schools all the money they want.

Chairman DeHaven said it is past time to trust the School Board to do what is in the students' best interest. He said the School board has continued to deliver excellent service and the they should be trusted to spend funds wisely and to surplus the old Aylor building as they have said they would. He said the School Board has continued to work with the County on the convenience site at Albin. He said it is time to do what is in the best interest of the community and noted that everything is expensive at the current time.

The motion for approval of the resolution to amend the Fiscal Year 2018-2019 Budget to Reflect: School Construction Fund Supplemental Appropriation in the Amount of \$7,500,000 for the Acquisition of Land, Design and Construction of a Replacement Robert E. Aylor Middle School failed on the following roll call vote:

| | | | |
|-----------------------|-----------|-------------------------|------------|
| Blaine P. Dunn | No | Shannon G. Trout | Aye |
| Gary A. Lofton | No | Robert W. Wells | Aye |

J. Douglas McCarthy No
Judith McCann-Slaughter No

Charles S. DeHaven, Jr. Aye

PLANNING COMMISSION BUSINESS

Public Hearings – None

Other Planning Items - None

BOARD LIAISON REPORTS

CITIZEN COMMENTS

Shawn Graber, Back Creek District, thanked the Board for voting no on the budget amendment. He said the County funds the schools at 136% of the state's recommended budget figure. He noted social media activity by school employees encouraging parents to become active on the funding issue and questioned whether this should happen on County owned equipment and during school operating hours. He said it is wrong for County resources to be used for such activities.

Joy Kirk, Back Creek District, said that moving forward she hoped that the two Boards can work on trust and respect and learn to listen to each other.

Dr. Sovine, Superintendent of Frederick County Public Schools, recognized the students who have participated in the meetings on the Aylor replacement project. He invited the Board members to visit the schools and talk with students and teachers.

BOARD OF SUPERVISORS COMMENTS

Supervisor Trout said in light of the County's growth and the cost to educate a child, it may be time for taxes to be reevaluated.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Wells, the meeting was adjourned at 8:20 p.m.

B

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS
Monday, September 24, 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), and Barry Schnoor (Voting)

Committee Members Absent: Mark Davis (Liaison Middletown) and Lewis Boyer (Liaison Stephens City).

Staff Present: Assistant Director-Transportation John Bishop, Major Steve Hawkins and Kathy Smith, Secretary

ITEMS FOR INFORMATION ONLY:

1-Transportation Forum: The Fall Transportation Forum will be held October 25, 2018. There will be refreshments available to Board Members and guests at 5:00 p.m. and doors will open to the public at 6:00 p.m. with an expected conclusion by 8:00 p.m. The Board Room will be unavailable for the meeting. Staff is working on a suitable alternative location.

2-I-81 Corridor Study (See Attached): A brief discussion from the August 27th Transportation Committee meeting regarding the draft resolution that had been sent to the Committee, as well as, the EDA and MPO. The MPO has drafted a few changes. Staff noted some of the changes are in the potential funding areas. Also, included in the MPO draft was that Exit 315 and Exit 317 improvements to widen be extended to the state line. The Committee discussed those improvements.

Upon a motion by Judith McCann-Slaughter, seconded by Gary Oates the resolution for the Board of Supervisor to comment on the Interstate 81 Corridor Study to include a separate, Whereas, for the improvements of Exit 315 and Exit 317 to extend to the state line for the Board of Supervisors approval.

3-County Projects Updates:

Tevis Street Extension/Airport Road/I-81 Bridge: Comments from VDOT have been addressed and submitted. The right-of-way plats and deeds of dedication are being finalized. Staff attended the September 19, 2018 Finance Meeting to ensure the budget line item is aligned with the final pre-bid cost estimate. The Finance Committee recommended going forward with a Public Hearing. The bid package items are being compiled to be advertised in October.

Renaissance Drive: The County's consultant is working on geotechnical issues regarding the fill requirements under the bridge with VDOT's material section. 30% of Phase I bridge design has been submitted to VDOT and to CSX for their review. 30% design of the surface street is underway. Also, 30% and an updated cost estimate is expected in October.

Northern Y: Currently, 30% design underway.

Coverstone Drive: No activity currently.

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

4-Upcoming Agenda Items: October: Capital Improvement Programs, Non-Hard Surface Road paving program, possible. VDOT Traffic Engineer as a guest speaker to discuss the Highway Safety Improvement Program (HSIP).

TBD: Oakdale Crossing Traffic Calming Study.

5-Other: Staff discussed to tentatively cancel the Committee Meeting for December due to the holiday.

Mr. Bishop also addressed the Committee on upcoming meetings in October, in addition to, the Fall Transportation Forum. The CTB will be holding a Town Hall meeting at the Blue Ridge Community College on Wednesday, October 17, 2018 at 4 p.m. Also, VDOT will be holding the third series of public hearing meeting for the Interstate 81 Corridor Improvement Plan Projects on Thursday, October 18, 2018 at 5:00 p.m. at the Shenandoah University Brandt Student Center.


Mr. Bishop updated the Committee on a meeting with the VDOT Traffic Engineering Staff that Lt. Warren Gosnell, Traffic Division of the Sheriff's Department, attended as well. Several potential area crashes and incidents from recent data was discussed. It was noted that Staff is working to get someone from the Traffic Engineering Department to speak with the Committee on an overview of the Highway Safety Improvement Program. Also, the rail highway crossing applications will be taken at the same time. VDOT's Traffic Engineering has asked that we coordinate with CSX and Winchester & Western for any concerns they may have. Those are due November 1st.

C



Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator 

Date: October 3, 2018

RE: Security Drive

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

Security Drive, State Route 1462

0.07 miles

Staff is available to answer any questions.

MRC/dlw



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

The Board of Supervisors of Frederick County, in regular meeting on the 10th day of October, adopted the following:

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

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

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

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

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

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

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted October 10, 2018

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

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Security Drive

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Security Drive, State Route Number 1462**

Old Route Number: 0

- From: Route 1092, Independence Drive

To: 0.066 mile south of Route 1092, Independence Drive, a distance of: 0.07 miles.

Recordation Reference: 170007564,010007927,030023422,140006990

Right of Way width (feet) = 50'

D



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

Fax: 540.667.0370

M E M O R A N D U M

To: Frederick County Board of Supervisors

From: Ann W. Phillips, Deputy Clerk to the Board of Supervisors

Date: 10-4-18

Re: Request by the Potomac Conservancy for Letter of Support
for State Cost-Share Funding for Stormwater and
Agricultural Best Management Practices

=====

Supervisor McCann-Slaughter forwarded a request from Emily Warner, Senior Director of Land Conservation at the Potomac Conservancy. Ms. Warner has asked that the Board send a letter of support addressed to Governor Northam regarding state cost-share funding for stormwater and agricultural best management practices.

A draft letter is provided for your consideration.



COUNTY of FREDERICK

Board of Supervisors

October 11, 2018

The Honorable Ralph Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Dear Governor Northam:

On behalf of the County of Frederick, I write to request your support for funding and budget language that will assist Virginia in meeting its Chesapeake Clean Water Blueprint goals.

Please include the following in your 2020 budget.

- **\$100 million in funding for Virginia's Agricultural Cost-share Program.** Practices like fencing cattle out of streams, planting streamside buffers, and many others are the most cost-effective steps Virginia can take to restore the Bay and local streams. The current FY20 appropriation of approximately \$10 million is significantly less than what is needed (\$100 million according to the Department of Conservation and Recreation's assessment).
- **\$50 million in funding for the Stormwater Local Assistance Fund (SLAF) for FY20.** We appreciate the FY19 allocation of \$20 million to this grant program; however, there is currently \$0 allocated for FY20. As you know, SLAF provides critical matching funds to local governments like ours to help install urban best management practices.

Frederick County has benefited from the Lord Fairfax Soil and Water Conservation District's Virginia Conservation Assistance Program (VCAP) as it continues to provide technical and financial assistance to treat stormwater at its source, as well as management and mitigation of stormwater. Stormwater management is one of our most pressing infrastructure challenges.

Polluted runoff is not just an environmental problem - it's also an economic problem. Investing in these programs can decrease drinking water treatment costs, minimize local flooding and grow our regional tourism.

We look forward to helping Virginia meet its 2025 Bay clean-up goals while improving the health and well-being of our citizens.

Sincerely,

Charles S. DeHaven, Jr.
Chairman At-Large,

E



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 *KCT*
DATE: October 3, 2018
RE: Committee Appointments

Listed below are the vacancies/appointments due through November 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

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.)

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

(See Attached Application of Joseph H. Bailey.) *(Frederick County has four representatives on the Winchester Regional Airport Authority. Members 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.)

*(Frederick County has one member on this board. According to agency by-laws, each jurisdiction may **nominate** one individual for appointment, **with final appointment being made by the Area Agency on Aging Board**. The Area Agency on Aging shall have the right not to accept any nominee it considers to be incompatible with the best interests of the SAAA and Board. Members may only serve two terms.)*

Member-At-Large – Frederick County

*(According to agency by-laws, the Area Agency on Aging Board may appoint up to six At-Large Members. **The Area Agency on Aging is seeking assistance in finding a candidate to fill the Frederick County Member-At-Large seat.**)*

OCTOBER 2018

No appointments due for October 2018.

NOVEMBER 2018

Handley Regional Library Board

John R. Clawson – Frederick County Representative
220 Lynn Drive
Stephens City, VA 22655
Home: (540)336-6080
Term Expires: 11/30/18
Four year term

(Mr. Clawson has served two full terms and is not eligible for reappointment.) *(The County has 5 seats on the Handley Regional Library Board as a result of the Joint Agreement and Memorandum of Understanding with the City. As stated in the library by-laws, members may only serve two terms.)*

Shawneeland Sanitary District Advisory Committee

Michelle Landon
226 Graywolfe Trail
Winchester, VA 22602
Home: (540)877-1838
Term Expires: 11/09/18
Two year term

Jeff Stevens
114 Rappahannock Trail
Winchester, VA 22602
Home: (540)327-3112
Term Expires: 11/09/18
Two year term

(The ShawneeLand Sanitary District Advisory Committee is comprised of five members made up of resident property owners and serve a two year term. Members are eligible for reappointment.)

KCT/tjp

Attachment

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

_____ District Supervisor, would like to
nominate you to serve on the _____
_____ Winchester Regional Airport Authority _____
As a brief personal introduction to the other Board members, please fill out the information requested below for
their review prior to filling the appointment. **(Please Print Clearly. Thank You.)**

Name: Joseph Howard Bailey **Home Phone:** _____

Address: _____ **Office Phone:** _____

_____ **Cell/Mobile:** _____

Winchester, VA 22602 **Fax:** _____

Employer: Southwest Airlines **Email:** _____

Occupation: B737 Pilot

Civic/Community Activities: Civil Air Patrol West Virginia Wing Rank Captain-Check Pilot Power/Glider (all volunteer)

Pilots N Paws Volunteer Pilot, Southwest Airlines Adopt A Pilot Volunteer, Aircraft Owners & Pilots Association (AOPA) Member

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:
_____ **Yes:** **No:** _____

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

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

Bachelors Degree in Business Technical Management Cum Laude Devry University

Associates Degree in Aviation Technology

Prior experience in managing/operating large cabin corporate jets based and operated out of the D.C. and New York City area

Passionate supporter and promoter of all areas of general aviation

Applicant's Signature: _____ **Date:** March 27, 2018

Nominating Supervisor's Comments: _____

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

Joseph H. Bailey

Winchester, VA 22602

Cell:

Email:

Objective To be appointed as a member of the Winchester Regional Airport Authority Board

Certificates Airline Transport Pilot: Airplane Multi Engine Land
BE-300, B737, B747 (sic), DC-9, DC-10 (sic), DA-50, ERJ-170/190, SF340
Certified Flight Instructor: ASEL, AMEL, Instrument Airplane, Glider
FAA First Class Medical
FCC Restricted Radiotelephone Operator Permit

Fight Time

| | | | |
|------------|-------|-------------------|-------|
| Total Time | 9,916 | Turbine | 5,493 |
| PIC | 5,370 | Multi-Engine | 6,081 |
| SIC | 4,465 | Instruction Given | 3,095 |

Experience

Southwest Airlines Dallas, TX October 2016 to Present
B737 First Officer
Scheduled domestic and international passenger flight operations. Responsible for preflight review, planning, aircraft performance, weight & balance input prior to departure. Provide customer service excellence at all times.

Landmark Aviation Teterboro, NJ June 2015 to October 2016
Falcon 900 Lead Captain
FAR part 91/135 domestic and international flight operations. Provided the highest level of customer service for the entire passenger flight experience. Additional responsibilities include: maintaining aircraft passenger furnishings, aircraft manual revisions, and training requirements. Qualified as a company part 135 ground instructor.

Metropolitan Aviation Manassas, VA July 2014 to June 2015
Falcon 50/900 Captain. Fleet Lead Captain Falcon 50
FAR part 135 domestic and international flight operations. Provided the highest level of customer service excellence at all times when visible to passengers. Fleet lead Captain responsibilities included: establishing an efficient schedule for seven pilots to cover two aircraft, maintain aircraft regulatory paperwork, mentoring new hire first officers, tracking FAR required training requirements, and developed/ implemented aircraft profiles/SOP's to improve standardization.

Republic Airlines Indianapolis, IN March 2013 to July 2014
ERJ 170/190 First Officer
Provided assistance to the Captain with preflight planning. Assisted the flight attendants with customer service when duties permitted. Insured customer service excellence at all times when visible to passengers. Demonstrated safety while operating the aircraft in and out of busy terminal areas in all weather conditions.

Potomac Flight Training, LLC Sterling, VA December 2010 to February 2013
Training Captain/Check Airman
FAR Part 141 ground and flight training in the King Air 350/300/200/100/90. Conducted U.S. ISR mission specific tactics and operations training specific location included Afghanistan. Responsible for tracking applicant progress and rescheduling as necessary to ensure course completion prior to deployment date. Additional duties also included FAR Part 135 Captain/Instructor. Qualified as Army AR-9520 check airman.

Southern Air Inc. Norwalk, CT March 2010 to January 2011
B747 First Officer
Scheduled world wide cargo flight operations. Assisted the Captain with preflight review, aircraft performance, weight & balance, and over flight permit information. Jointly responsible for the safe and efficient operation of the flight.

Gemini Air Cargo. Dulles, VA July 2007 to June 2008
DC-10 First Officer
Scheduled world wide cargo operations. Assisted the Captain with preflight review, aircraft performance, weight & balance, and international over flight permit information. Ensured the flight was operated safely and efficiently.

Education

Bachelor of Science Business Technical Management / DeVry University / Graduated with honors (Cum Laude)
GPA 3.68 / 2013

Associate of Science Aviation Technology / Northern Virginia Community College / 2003

Community Involvement

Civil Air Patrol Cadet Orientation Pilot (Glider and Powered). Pilots-n-Paws Volunteer Pilot. Member of AOPA, Adopt A Pilot volunteer Southwest Airlines.

F



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail rwillia@fcva.us

MEMORANDUM

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: October 1, 2018

RE: Refund – Toyota Lease Trust

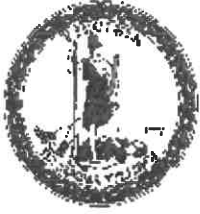
I am in receipt of the Commissioner's request, dated September 24, 2018, to authorize the Treasurer to refund Toyota Lease Trust the amount of \$3,713.60, for personal property taxes in 2017 and 2018 and vehicle license fees in 2018. This refund resulted from normal proration of vehicle taxes where vehicles 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 black ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachment



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



SEPTEMBER 24, 2018

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – TOYOTA LEASE TRUST

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

Please approve a refund of \$3,713.60 for exoneration of personal property taxes for 1 item in 2017 – others for 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 \$3,713.60.

Date: 9/24/18 Cash Register: COUNTY OF FREDERICK Time: 09:47:09

Cashier: [REDACTED] Total Transactions: 835
Customer Name: TOYOTA LEASE TRUST Customer Transactions: 15

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2017 | 1 | 00595480052 | \$61.53- | \$.00 | \$61.53- |
| - | PP2018 | 2 | 00615680019 | \$37.00- | \$.00 | \$37.00- |
| - | PP2018 | 3 | 00615680025 | \$168.77- | \$.00 | \$168.77- |
| - | PP2018 | 4 | 00615680026 | \$168.76- | \$.00 | \$168.76- |
| - | PP2018 | 5 | 00615680041 | \$80.59- | \$.00 | \$80.59- |
| - | PP2018 | 6 | 00615680042 | \$483.57- | \$.00 | \$483.57- |
| - | PP2018 | 7 | 00615680052 | \$217.18- | \$.00 | \$217.18- |
| - | PP2018 | 8 | 00615680120 | \$536.22- | \$.00 | \$536.22- |
| - | PP2018 | 9 | 00615680132 | \$402.98- | \$.00 | \$402.98- |
| - | PP2018 | 10 | 00615680154 | \$820.63- | \$.00 | \$820.63- |
| - | PP2018 | 11 | 00615680171 | \$63.69- | \$.00 | \$63.69- |
| - | PP2018 | 12 | 00615680198 | \$580.16- | \$.00 | \$580.16- |

Multiple Pages Total Paid : \$3,713.60
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine
F20=Attach

Date: 9/24/18 Cash Register: COUNTY OF FREDERICK Time: 09:47:09

Cashier: [REDACTED] Total Transactions: 835
Customer Name: TOYOTA LEASE TRUST Customer Transactions: 15

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2018 | 13 | 00615680203 | \$42.52- | \$.00 | \$42.52- |
| - | VL2018 | 14 | 01896420001 | \$25.00- | \$.00 | \$25.00- |
| - | VL2018 | 15 | 01896450001 | \$25.00- | \$.00 | \$25.00- |

Multiple Pages Total Paid : \$3,713.60
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine
F20=Attach

Needs Board Approval

G



COUNTY of FREDERICK

Jay E. Tibbs


Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@fcva.us

| | |
|-----------------|---|
| TO: | Board of Supervisors |
| FROM: | Jay E. Tibbs, Deputy County Administrator  |
| SUBJECT: | Proposed 2019 Legislative Initiatives |
| DATE: | October 5, 2018 |

Attached please find Frederick County's proposed 2019 legislative agenda. Staff sought input from board members and has attempted to incorporate suggested additions. A copy of the suggested additions is attached for your reference. We have identified 5 primary initiatives that will be the focus of our lobbying efforts during the upcoming session. In addition, we have proposed Frederick County positions on a variety of other legislative items.

Please know this is not a final agenda and, as bills are drafted and introduced, we will continue to communicate Frederick County's support or concerns on specific legislation to our state delegation throughout the General Assembly session.

Staff is seeking the Board's endorsement of this proposed legislative agenda. Once approved, we will communicate our initiatives to our state officials and the Virginia Association of Counties for possible inclusion on their legislative agenda.

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

Attachment

2019 LEGISLATIVE INITIATIVES
FREDERICK COUNTY, VIRGINIA

Priority Items:

1. **Reconsideration of SB 549 re Proffers** – Frederick County encourages the General Assembly to reconsider the provisions of SB 549, which enacted § 15.2-2303.4 as an amendment to the Code of Virginia, so that localities might have the flexibility to better work with the development community in order to address the increased demand for public facilities and services (e.g. schools, roads, parks, and public safety services) caused by increased residential growth. At a minimum, the legislation needs to provide guidelines for localities to follow for implementation. Further Frederick County supports consideration of legislation that would enable the capturing of capital costs relative to development through development impact fees or capital cost recovery.
2. **Tax Exemptions** – Frederick County supports reverting authority to the locality to continue existing tax exemptions previously granted by the General Assembly, prior to January 1, 2003.
3. **Equal Taxing Authority for Counties Eligible for City Status** – Frederick County supports legislation to provide equal taxing authority for Counties based on population density (i.e. Counties that already have the population density to be eligible for city status should also be recognized for needing additional taxing authority to address the impacts of urbanization and higher density, as currently defined in the State Code). Further Frederick County desires legislation to provide local specific taxing authority to increase taxes on meals and transient occupancy, without legislative imposition of mandatory specific uses of the realized gain in revenue.
4. **Funding for Transportation Improvements** – Frederick County supports increased funding for local transportation improvements. Frederick County supports increased funding for revenue sharing projects and opposes decreased funding for this program. In addition to funding, Frederick County seeks support from the General Assembly to assist in lobbying the U.S. Congress to resume long range planning coupled with potential funding strategies for the Interstate 81 Corridor.
5. **Education Funding** – Frederick County calls upon the Governor and General Assembly to fully fund the Virginia Standards of Quality as recommended by the Board of Education and the Standards of Accreditation. Further, Frederick County supports the full reinstatement of the COCA (Cost of Competing Adjustment) for teachers and support staff. In addition, Frederick County supports the exclusive use of state lottery proceeds to fund public education.

Other Positions:

1. **Wireless Infrastructure Bill** - Frederick County opposes any bill which limits local control over review and regulation of wireless facilities and/or regulates the fees localities can charge for applications for approval of wireless facilities.

2. **Funding for Jails** – The state should fully fund any increased costs or operational issues faced by local or regional jails when a change to the definition of state-responsible prisoner or other term results in an increase.
3. **Additional Resources for Department of Corrections** – Frederick County encourages the General Assembly to provide sufficient resources to the Department of Corrections in order that they may comply with the Code of Virginia requirement that they take state responsible inmates within 60 days of being notified by the courts.
4. **Medicaid coverage for jail inmates.** – Frederick County supports legislation to eliminate the ineligibility of incarcerated inmates to receive Medicaid benefits. Currently state law requires that incarcerated individuals lose their Medicaid coverage while they are in jail. This negatively impacts the locality’s contribution to local or regional jail budgets, especially with the increasing numbers of chronically and mentally ill inmates on the rise. This proposed change would also allow state inmates to receive Medicaid benefits while incarcerated.
5. **Machinery and Tools/BPOL Taxes** – Frederick County opposes any efforts to restrict local government revenue sources.
6. **Unfunded Mandates** – Frederick County opposes the enactment of any new mandates on local governments or school systems unless state appropriations are made to fully fund those mandates.
7. **Tax Incentives for Land Conservation** – Frederick County supports increasing the tax incentives in order to encourage landowners to participate in land conservation programs.

2019 LEGISLATIVE INITIATIVES
FREDERICK COUNTY, VIRGINIA

Priority Items:

1. **Reconsideration of SB 549 re Proffers** – Frederick County encourages the General Assembly to reconsider the provisions of SB 549, which enacted § 15.2-2303.4 as an amendment to the Code of Virginia, so that localities might have the flexibility to better work with the development community in order to address the increased demand for public facilities and services (e.g. schools, roads, parks, and public safety services) caused by increased residential growth. At a minimum, the legislation needs to provide guidelines for localities to follow for implementation.
2. **Taxing Authority** – Frederick County desires legislation to provide local specific taxing authority to increase taxes on meals and transient occupancy (motel), without legislative imposition of mandatory specific uses of realized gain in revenue. This increased taxing authority is to address the impacts of continued urbanization on all services provided by the County and to offset increases in real estate taxes as the main source of new funding for those services. These taxes are sustained with discretionary income finances and would not represent a choice between choosing to pay for medication or rent by low income taxpayers.
3. **Funding for Transportation Improvements** – Frederick County supports increased funding for local transportation improvements. Frederick County supports increased funding for revenue sharing projects and opposes decreased funding for this program. In addition to funding, Frederick County seeks support from the General Assembly to assist in lobbying the U.S. Congress to resume long range planning coupled with potential funding strategies for the Interstate 81 Corridor.
4. **Education Funding** – Frederick County calls upon the Governor and General Assembly to fully fund the Virginia Standards of Quality as recommended by the Board of Education and the Standards of Accreditation. Further, Frederick County supports the full reinstatement of the COCA (Cost of Competing Adjustment) for teachers and support staff. In addition, Frederick County supports the exclusive use of state lottery proceeds to fund public education.
5. **Tax Exemptions** – Frederick County supports reverting authority to the locality to continue existing tax exemptions previously granted by the General Assembly, prior to January 1, 2003.
6. **Wireless Infrastructure Bill** - Frederick County opposes any bill which limits local control over review and regulation of wireless facilities and/or regulates the fees localities can charge for applications for approval of wireless facilities.
7. **Funding for Jails** – The state should fully fund any increased costs or operational issues faced by local or regional jails when a change to the definition of state-responsible prisoner or other term results in an increase.
8. **Additional Resources for Department of Corrections** – Frederick County encourages the General Assembly to provide sufficient resources to the Department of Corrections in order that

they may comply with the Code of Virginia requirement that they take state responsible inmates within 60 days of being notified by the courts.

Other Positions:

1. **Medicaid coverage for jail inmates.** – Frederick County supports legislation to eliminate the ineligibility of incarcerated inmates to receive Medicaid benefits. Currently state law requires that incarcerated individuals lose their Medicaid coverage while they are in jail. This negatively impacts the locality's contribution to local or regional jail budgets, especially with the increasing numbers of chronically and mentally ill inmates on the rise. This proposed change would also allow state inmates to receive Medicaid benefits while incarcerated.
2. **Machinery and Tools/BPOL Taxes** – Frederick County opposes any efforts to restrict local government revenue sources. Machinery and Tools Tax (M&T) represents \$ 7.4 million for the County and Business and Professional License Tax (BPOL) generates \$6.9 million in revenues.
3. **Unfunded Mandates** – Frederick County opposes the enactment of any new mandates on local governments or school systems unless state appropriations are made to fully fund those mandates.
4. **Tax Incentives for Land Conservation** – Frederick County supports increasing the tax incentives in order to encourage landowners to participate in land conservation programs.

Legislative Items for BOS in 2019

I would like the Board to consider the following legislative initiatives to propose to the 2019 General Assembly.

1. Meals Tax adjustment. Frederick county may adjust its meals tax to the level of any adjacent jurisdiction.

Reason: Frederick County must continue to provide services to its residents as the county grows. Those services include money for fire and rescue, schools, and law enforcement.

People in Frederick County dine in Winchester on a consistent basis which has a higher tax rate than Frederick County. The meals tax rate is a discretionary tax in that residents can choose to dine out or not. The real estate tax is a mandatory tax. According to our staff, Frederick County would realize about \$6 million more in additional revenue with this change. If local county restaurants have no objections, we should consider this option.

2. Capital Cost Recovery / Mitigation Fee. The county should be allowed to get from those that build housing units a fee to cover the capital costs generated by that development.

Reason: Current law says that a developer can make a “voluntary” contribution to the county for building a development including houses, townhouse, apartment buildings, and condominiums. According to county staff, each house generates a capital cost to county residents of more than \$20,000. The county should be able to work with and negotiate with developers to recover any capital costs caused by development and not be site specific. Capital cost should be borne by those requesting additional services.

The proffer fee must be “specifically attributable” to new development. The current law has an extremely negative impact on local finances and forces existing residents to pay for new development. Current law effectively is forcing county residents to subsidize the cost of development through higher taxes for schools, fire and rescue, parks, roads and other services. Please support changes to the law which would allow counties to mitigate the cost of development to those causing the development and not existing residents.

If a county has a steady state population (i.e. residents born and moving into the county equal residents dying and moving out of the county), the current real estate and other taxes would maintain the cost of existing county services. However, as a county’s population grows, new county capital expenditures are required. Under existing law, the county is unable to charge those causing the development to pay their full cost of development. Thus, existing county taxpayers are being asked to subsidize that development through higher taxes.

A better proposal would allow the county to charge a developer a one-time fee to mitigate the additional costs associated with development. Those costs would be built into the costs of the development (houses, retail stores, business centers, etc.). Those costs should include money for schools (younger families have children which require new schools), emergency rescue services (older people have more health problems than younger people), parks (people in congested areas need parks to go to exercise, get away from surroundings, etc.) to name a few. The extra cost to the ultimate buyer of a housing unit would be only an extra \$100/month assuming a \$20,000 cost included in a mortgage at existing interest rates.

3. Capital Cost Recovery on By Right Land. The county should ask the General Assembly to pass a law which allows a county to charge a fee to recover any capital cost incurred by development.

Reason: Frederick County landowners have the right to build a residence on any 5 acre lot. However, the occupants of that building still generate a capital cost to the county. The county should have the means to charge a fee so that the capital costs are borne by the occupant and not expect all county residents to subsidize their capital costs.

4. Other items which were included in the 2018 Legislative Initiatives which were not passed by the General Assembly last year.

H

**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 October 10, 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:

Development Projects Fund Supplemental Appropriation in the Amount of \$9,370,435.09 for Additional Funds for the I-81 Bridge/Tevis/Roundabout/Airport Road/Northern Y Project.

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 | _____ | Shannon G. Trout | _____ |
| J. Douglas McCarthy | _____ | Judy McCann-Slaughter | _____ |
| Robert W. Wells | _____ | | |

A COPY ATTEST

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

cc: John A. Bishop, AICP, Assistant Director-Transportation
Cheryl B. Shiffler, Finance Director
C. William Orndoff, Jr., Treasurer

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Wednesday, September 19, 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, September 19, 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 liaison: Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: William Orndoff, Treasurer (non-voting liaison).

Staff present: Cheryl Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Jennifer Place, Budget Analyst; Kris Tierney, County Administrator; Rod Williams, County Attorney; John Bishop, Transportation Director; LeeAnna Pyles, Public Safety Communications Director; and Jon Turkel, Assistant Parks & Recreation Director.

Others Present: David Sovine, FCPS Superintendent; and Patty Camery, FCPS Executive Director of Finance.

NO ACTION REQUIRED

1. The Finance Director presents FY 2018 Year End financial information. See attached, p. 3 – 10.
2. The FCPS Finance Director provides FY 2018 Year End financial information and is available for discussion. See attached, p. 11 – 36.


ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Items 5 and 8 were approved under consent agenda.

3. The FCPS Finance Director requests a School Operating Fund and General Fund supplemental appropriations in the amount of \$316,537.71. This amount represents a carry forward of unspent, restricted grant funds. See attached memo, p. 37. The committee recommends approval.
4. The FCPS Finance Director requests a School Operating Fund and General Fund supplemental appropriations in the amount of \$186,878.76. This amount represents a carry forward of unspent FY18 school operating funds for the purchase of a school bus and security equipment. Local funds are required. See attached memo, p. 37. The committee recommends approval.
5. The Public Safety Communications Director requests a General Fund supplemental appropriation in the amount of \$14,166.88. This amount represents an insurance reimbursement for a lightning strike. No local funds required. See attached memo, p. 38 – 40.
6. The Transportation Director requests a public hearing for a Development Projects Fund supplemental appropriation in the amount of \$9,370,435.09. This amount represents additional funds for the I81 Bridge/Tevis/Roundabout/Airport Road/Northern Y project. No local funds are required as the project costs are part of revenue sharing agreements and split between VDOT and private partners. See attached information, p. 41 – 63. The committee recommends holding a public hearing.

MEMORANDUM

TO: Finance Committee

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

RE: Project Increase Request – I-81 Bridge/Tevis/Roundabout/Airport Road/Northern Y

DATE: September 12, 2018

Staff has recently received the final pre-bid cost estimate for the Tevis Bridge/Roundabout/Airport Road project. Estimate and agreement with private partner attached. In addition, per the attached agreement we are proceeding with 30% design of the Northern Y portion of the project at a cost of up to \$70,000.00.

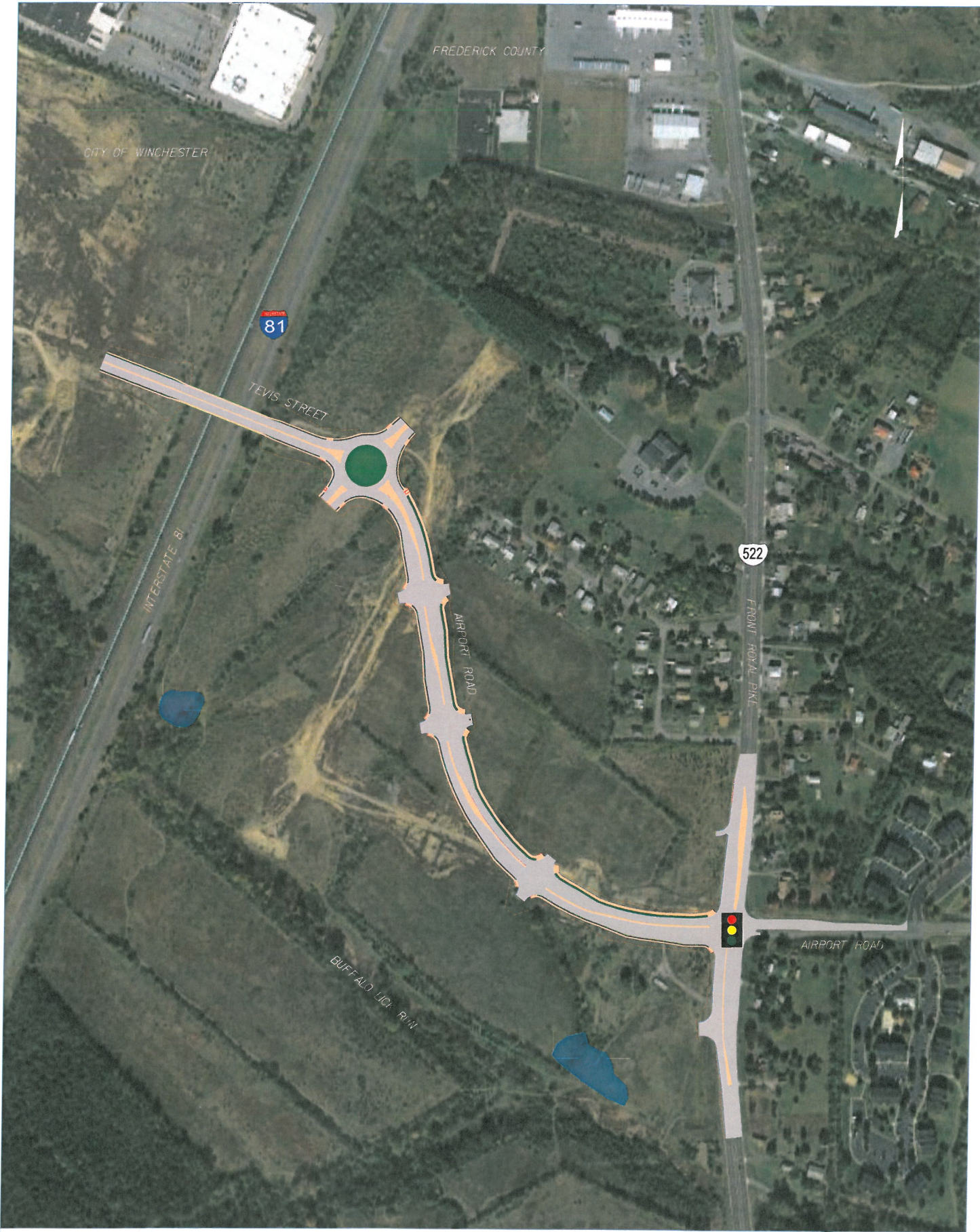
The construction project and the 30% design for Northern Y are both funded via a combination of VDOT revenue sharing funds and Private Party funds.

To meet the attached cost estimate and the \$70,000.00 for design on Northern Y, staff is seeking to increase the line item for the overall project to \$20,616,145.51.

Attachments: Revenue Sharing Agreements, Map of project area, construction cost estimate

JAB/pd

currently budgeted balance: \$11,245,710.42
increase to: \$20,616,145.51
supplemental approp needed: \$9,370,435.09



FREDERICK COUNTY

CITY OF WINCHESTER

81

TEVIS STREET

INTERSTATE 81

AIRPORT ROAD

522

FRONT ROYAL PIKE

AIRPORT ROAD

BUFFALO LICK RUN

SCALE: 1"=100'



PENNONI ASSOCIATES
PARTNERS FOR WHAT'S POSSIBLE
107 E. MCCADELLY STREET
WINCHESTER, VA 22601

Legend:

| | | |
|-------------------------------|------------------|----------------------|
| Proposed Pavement | Proposed Gravel | Proposed Grassy Area |
| Proposed Storm & Utility Path | Proposed Grass | Proposed Buffer |
| Proposed Road | Proposed Utility | Proposed Utility |
| Proposed Utility | Proposed Utility | Proposed Utility |

TEVIS STREET ROUNDABOUT
&
AIRPORT ROAD DESIGN



FREDERICK COUNTY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
107 N. KING STREET
WINCHESTER, VA 22601



Pennoni Associates Inc.

Consulting Engineers

Project: FRED1301 Comprehensive Project Total

Subject: 100% Submittal Estimate

| Projects with Revenue Sharing | |
|--|-------------------------|
| | PRICE TOTAL |
| Crossover Blvd/Roundabout | \$ 10,020,161.88 |
| Airport Road | \$ 4,909,259.64 |
| Rt. 522 - Front Royal Pike and East Airport Road | \$ 2,480,576.09 |
| Utility Relocation | \$ 75,000.00 |
| Ponds for Crossover and Airport
(VDOT and County Private Partner Contribution for Right of Way Runoff - 15%) | \$ 125,376.04 |
| Subtotal for Project with Revenue Sharing | \$ 17,610,373.65 |
| Administration/Inspection Subtotal for Project with Revenue Sharing | \$ 2,113,244.84 |
| Total for Project with Revenue Sharing | \$ 19,723,618.49 |
| Projects without Revenue Sharing | |
| Ponds for Crossover and Airport
(Developer Contribution to Mitigate Runoff from Future Private Development - 85%) | \$ 752,256.27 |
| Administration/Inspection Subtotal for Project with Revenue Sharing | \$ 90,270.75 |
| Total for Project with Revenue Sharing | \$ 842,527.02 |
| GRAND TOTAL | \$ 20,566,145.51 |



| | | | |
|--|--|---------|-----------|
| Pennoni Associates Inc. | | Job No: | FRED1301 |
| Consulting Engineers | | Date: | 8/31/2018 |
| Project: Crossover Blvd and Roundabout | | Des By: | WHT/EDS |
| Subject: 100% Revised Submittal Estimate | | Chk By: | CLA |

| DEMOLITION | | | | |
|---------------------------------|------|-----|-----------|-------------|
| | UNIT | QTY | PRICE PER | PRICE TOTAL |
| REMOVAL OF LIMITED ACCESS FENCE | LF | 214 | \$10.00 | \$2,140.00 |
| REMOVE SAN. SEWER PIPE | LF | 181 | \$45.00 | \$8,145.00 |
| REMOVE SAN. SEWER MANHOLE | EA | 2 | \$750.00 | \$1,500.00 |

| PAVEMENT | | | | |
|---|------|-------|-----------|-------------|
| | UNIT | QTY | PRICE PER | PRICE TOTAL |
| RADIAL CURB CG-2 | LF | 428 | \$40.00 | \$17,120.00 |
| MODIFIED CG-3 | LF | 490 | \$51.00 | \$24,990.00 |
| STD. COMB. CURB & GUTTER CG-6 | LF | 1,234 | \$22.17 | \$27,357.78 |
| RADIAL COMB. CURB & GUTTER CG-6 | LF | 906 | \$25.00 | \$22,650.00 |
| MEDIAN STRIP MS-1A | SY | 380 | \$100.00 | \$38,000.00 |
| MEDIAN STRIP MS-2 | LF | 961 | \$35.00 | \$33,635.00 |
| HYDRAULIC CEMENT CONC. 4" SIDEWALK | SY | 911 | \$48.27 | \$43,973.97 |
| 1.5" SURFACE COURSE - SM-9.5D | TON | 941 | \$75.31 | \$70,866.71 |
| 2" SURFACE COURSE MULTI-USE PATH - SM-9.5AL | TON | 56 | \$75.31 | \$4,217.36 |
| 2.5" INTERMEDIATE COURSE - IM-19.0D | TON | 836 | \$115.00 | \$96,140.00 |
| 3" BASE COURSE - BM-25.0D | TON | 1,346 | \$68.37 | \$92,026.02 |
| AGGREGATE BASE - NO.21B | TON | 5,121 | \$18.40 | \$94,226.40 |
| TACK COAT | GAL | 343 | \$3.50 | \$1,200.50 |
| CG-12 WITH DETECTABLE WARNING SURFACE | SY | 271 | \$329.00 | \$89,159.00 |

| EARTHWORKS | | | | |
|--------------------------------|------|---------|-------------|----------------|
| | UNIT | QTY | PRICE PER | PRICE TOTAL |
| CLEARING AND GRUBBING | AC | 4.5 | \$10,000.00 | \$45,200.00 |
| REGULAR EXCAVATION | CY | 25 | \$18.00 | \$450.00 |
| SELECT MATERIAL, TYPE I | TON | 186,107 | \$10.00 | \$1,861,072.20 |
| EXCAVATION UNSUITABLE MATERIAL | CY | 10,138 | \$17.00 | \$172,346.00 |
| TOPSOIL CLASS B 2" | AC | 4.5 | \$11,000.00 | \$49,720.00 |
| GRADING | SY | 452 | \$2.50 | \$1,130.00 |
| TEMPORARY SEED | LB | 847 | \$12.00 | \$10,164.00 |
| REGULAR SEED | LB | 678 | \$12.50 | \$8,475.00 |
| OVERSEEDING | LB | 2,220 | \$5.00 | \$11,100.00 |
| FERTILIZER (15-30-15) | LB | 22 | \$2.50 | \$55.00 |
| LIME | TON | 22 | \$350.00 | \$7,700.00 |
| SETTLEMENT PLATE | EA | 6 | \$1,800.00 | \$10,800.00 |

| GUARDRAIL / FENCING | | | | |
|---|------|-------|------------|-------------|
| | UNIT | QTY | PRICE PER | PRICE TOTAL |
| STD GR-MGS1 | LF | 1,282 | \$20.00 | \$25,640.00 |
| STD GR-MGS2 | EA | 2 | \$2,500.00 | \$5,000.00 |
| STD GR-MGS3 TERMINAL TREATMENT | EA | 2 | \$800.00 | \$1,600.00 |
| STD GR-MGS4 GUARDRAIL HIEGHT TRANSITION | EA | 4 | \$670.00 | \$2,680.00 |
| LIMITED ACCESS FENCE | LF | 74 | \$55.00 | \$4,070.00 |
| STD FOA-2, TYPE 1 | EA | 4 | \$2,500.00 | \$10,000.00 |

| DRAINAGE | | | | |
|--------------------------------|------|-------|------------|--------------|
| | UNIT | QTY | PRICE PER | PRICE TOTAL |
| VDOT STD. UD-2 | LF | 427 | \$30.00 | \$12,810.00 |
| VDOT STD. UD-4 | LF | 2,141 | \$15.00 | \$32,115.00 |
| VDOT STD. DI-2B, L=6' | EA | 2 | \$6,000.00 | \$12,000.00 |
| VDOT STD. DI-2B, L=8' | EA | 1 | \$6,400.00 | \$6,400.00 |
| VDOT STD. DI-2B, L=10' | EA | 1 | \$7,500.00 | \$7,500.00 |
| VDOT STD. DI-2AA | EA | 2 | \$8,500.00 | \$17,000.00 |
| VDOT STD. DI-2BB, L=6' | EA | 6 | \$6,000.00 | \$36,000.00 |
| VDOT STD. DI-2BB, L=8' | EA | 1 | \$5,500.00 | \$5,500.00 |
| VDOT STD. DI-2C, L=8' | EA | 1 | \$5,500.00 | \$5,500.00 |
| VDOT STD. DI-2CC, L=6' | EA | 1 | \$8,500.00 | \$8,500.00 |
| VDOT STD. DI-2CC, L=8' | EA | 1 | \$9,500.00 | \$9,500.00 |
| VDOT STD. MH-1 | LF | 69 | \$330.00 | \$22,770.00 |
| VDOT STD. FRAME AND COVER MH-1 | EA | 6 | \$560.00 | \$3,360.00 |
| STORM SEWER, CONC. PIPE, 15" | LF | 745 | \$45.00 | \$33,525.00 |
| STORM SEWER, CONC. PIPE, 18" | LF | 320 | \$55.00 | \$17,600.00 |
| STORM SEWER, CONC. PIPE, 21" | LF | 210 | \$130.00 | \$27,300.00 |
| STORM SEWER, CONC. PIPE, 24" | LF | 140 | \$145.00 | \$20,300.00 |
| STORM SEWER, CONC. PIPE, 30" | LF | 395 | \$169.00 | \$66,755.00 |
| STORM SEWER, CONC. PIPE, 42" | LF | 190 | \$200.00 | \$38,000.00 |
| STORM SEWER, CONC. PIPE, 48" | LF | 630 | \$226.00 | \$142,380.00 |
| VDOT STD ES-1, 30" | EA | 1 | \$2,000.00 | \$2,000.00 |
| VDOT STD ES-1, 48" | EA | 1 | \$4,500.00 | \$4,500.00 |
| POST INSTALLATION INSPECTION | LF | 2,630 | \$3.00 | \$7,890.00 |



Pennoni Associates Inc.

Consulting Engineers

Project: Crossover Blvd and Roundabout

Subject: 100% Revised Submittal Estimate

Job No: FRED1301

Date: 8/31/2018

Des By: WHT/EDS

Chk By: CLA

SIGNAGE / PAVEMENT MARKING

| | | | | |
|--|----|-------|----------|-------------|
| SIGN PANEL | SF | 437 | \$30.00 | \$13,110.00 |
| CONCRETE FOUNDATION STP-1, TY. A | EA | 5 | \$742.00 | \$3,710.00 |
| CONCRETE FOUNDATION STP-1, TY. D | EA | 17 | \$595.00 | \$10,115.00 |
| CONCRETE FOUNDATION STP-1, TY. E | EA | 20 | \$600.00 | \$12,000.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 12 GA. | LF | 607 | \$35.00 | \$21,245.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2", 14 GA. | LF | 187 | \$25.00 | \$4,675.00 |
| TYPE B CLASS I PAVE. LINE MARKING 4" | LF | 5,425 | \$0.85 | \$4,611.25 |
| TYPE B CLASS I PAVE. LINE MARKING 12" | LF | 60 | \$10.00 | \$600.00 |
| TYPE B CLASS I PAVE. LINE MARKING 24" | LF | 392 | \$35.00 | \$13,720.00 |
| NS PAVEMENT MARKING, YIELD BAR (12"x18" YIELD SYMBOL TRIANGULAR) | EA | 53 | \$17.00 | \$901.00 |
| PAVEMENT MESSAGE MARK. ELONGATED ARROW SINGLE | EA | 2 | \$102.00 | \$204.00 |
| PAVEMENT MESSAGE MARK. (FISH HOOK, LEFT, THRU) | EA | 8 | \$410.00 | \$3,280.00 |
| PAVEMENT MESSAGE MARK. (FISH HOOK, THRU, RIGHT) | EA | 2 | \$410.00 | \$820.00 |
| PAVEMENT MESSAGE MARK. (FISH HOOK, THRU) | EA | 2 | \$410.00 | \$820.00 |
| TYPE III BARRICADE, 8' | EA | 8 | \$450.00 | \$3,600.00 |
| TYPE B CLASS IV CONTRAST PAVE. LINE MARKING 6" | LF | 1,626 | \$7.00 | \$11,382.00 |

EROSION AND SEDIMENT CONTROL

| | | | | |
|--|----|--------|------------|-------------|
| SILT FENCE (EC-5, TYPE A) | LF | 12,430 | \$2.50 | \$31,075.00 |
| SILT FENCE (EC-5, TYPE B) | LF | 1,598 | \$7.50 | \$11,985.00 |
| INLET PROTECTION, TYPE B | EA | 21 | \$225.00 | \$4,725.00 |
| SOIL STABILIZATION BLANKET, (EC-2, TYPE 3) | SY | 5,697 | \$4.00 | \$22,788.00 |
| DEWATERING BASIN (EC-8) | EA | 4 | \$1,750.00 | \$7,000.00 |
| TEMPORARY CONSTRUCTION ENTRANCE | EA | 4 | \$2,500.00 | \$10,000.00 |
| CULVERT INLET PROTECTION | EA | 2 | \$300.00 | \$600.00 |

UTILITIES

| | | | | |
|-----------------------|----|-----|----------|-------------|
| 18" STEEL CASING PIPE | LF | 197 | \$95.00 | \$18,715.00 |
| 8" SCH 40 PVC CONDUIT | LF | 340 | \$37.00 | \$12,580.00 |
| 12 CONDUIT DUCT BANK | LF | 355 | \$120.00 | \$42,600.00 |

BRIDGE

SUPERSTRUCTURE:

| | | | | |
|---|----|---------|----------|----------------|
| CONCRETE LOW SHRINKAGE CLASS A4 MODIFIED | CY | 839.2 | \$930.00 | \$780,456.00 |
| CORROSION RESISTANT REINFORCING STEEL, CLASS I | LB | 147,120 | \$2.20 | \$323,664.00 |
| STRUCTURAL STEEL PLATE GIRDERS, ASTM A709 GRADE 50W | LB | 858,000 | \$2.40 | \$2,059,200.00 |
| RAILING, BR27C - 3 RAILS | LF | 643 | \$350.00 | \$225,050.00 |
| BRIDGE DECK GROOVING | SY | 1,928 | \$10.00 | \$19,280.00 |
| PEDESTRIAN FENCE 10' | LF | 625 | \$120.00 | \$75,000.00 |
| COVER DEPTH SURVEY | SY | 2,560 | \$10.00 | \$25,600.00 |

SUBSTRUCTURE:

ABUTMENTS


| | | | | |
|--|-----|--------|------------|--------------|
| CONCRETE CLASS A3 | CY | 498 | \$750.00 | \$373,725.00 |
| CONCRETE CLASS C1 | CY | 50 | \$850.00 | \$42,500.00 |
| REINFORCING STEEL | LB | 51,090 | \$1.20 | \$61,308.00 |
| STRUCTURE EXCAVATION | CY | 1,127 | \$120.00 | \$135,240.00 |
| NS BRIDGE SUBSTRUCTURE, UNDER EXCAVATION | CY | 50 | \$80.00 | \$4,000.00 |
| RAILING, BR27C - 3 RAILS | LF | 90 | \$350.00 | \$31,500.00 |
| SELECT BACKFILL (ABUTMENT ZONE) | TON | 4,024 | \$50.00 | \$201,200.00 |
| CONCRETE SLAB SLOPE PROTECTION 4" | SY | 652 | \$190.00 | \$123,880.00 |
| STEEL PILES 12" | LF | 1,828 | \$70.00 | \$127,960.00 |
| DRIVING TEST FOR 12" STEEL PILES | LF | 99 | \$110.00 | \$10,890.00 |
| PILE POINT FOR 12" STEEL PILES | EA | 48 | \$130.00 | \$6,240.00 |
| DYNAMIC PILE TEST | EA | 2 | \$5,000.00 | \$10,000.00 |
| NS BRIDGE SUBSTRUCTURE, EPS MATERIAL 18" | SY | 86 | \$250.00 | \$21,500.00 |
| GEOCOMPOSITE WALL DRAIN | SY | 130 | \$50.00 | \$6,500.00 |
| PIPE UNDERDRAIN 6" | LF | 288 | \$30.00 | \$8,640.00 |

MISCELLANEOUS

| | | | | |
|---|-----|---|-------------|-------------|
| CONSTRUCTION SURVEYING | LS | 1 | \$10,000.00 | \$10,000.00 |
| NBIS ACCESS, UNDER BRIDGE (STR. NO. 034-6161) | DAY | 2 | \$1,500.00 | \$3,000.00 |

MOT FOR BRIDGE

| | | | | |
|---|-----|--------|-------------|-------------|
| TEMPORARY CONSTRUCTION SIGN | SF | 924 | \$15.00 | \$13,852.50 |
| TYPE III BARRICADE 8' (MOT) | EA | 2 | \$750.00 | \$1,500.00 |
| TRUCK MOUNTED ATTENUATOR | HR | 2,130 | \$7.50 | \$15,975.00 |
| GROUP 2 CHANNELIZING DEVICES | DAY | 36,444 | \$0.80 | \$29,155.20 |
| ELECTRONIC ARROW BOARD | HR | 2,244 | \$5.00 | \$11,220.00 |
| PORT. CHANGEABLE MESSAGE SIGN | HR | 2,856 | \$5.00 | \$14,280.00 |
| TRAFFIC BARRIER SERVICE, CONCRETE, TYPE MB-11A | LF | 2,640 | \$25.00 | \$66,000.00 |
| IMPACT ATTENUATOR SERVICE, TYPE 1, (TL-3, >=40 MPH) | EA | 4 | \$11,000.00 | \$44,000.00 |

| | | | | | |
|---|--|--------|---------|------------------------|-----------|
|  | Pennoni Associates Inc. | | | Job No: | FRED1301 |
| | Consulting Engineers | | | Date: | 8/31/2018 |
| | Project: Crossover Blvd and Roundabout | | | Des By: | WHT/EDS |
| | Subject: 100% Revised Submittal Estimate | | | Chk By: | CLA |
| POLICE PATROL | TEC | 84,000 | \$1.00 | \$84,000.00 | |
| PILOT VEHICLE | HR | 1,008 | \$20.00 | \$20,160.00 | |
| TOTAL BID AMOUNT | | | | \$8,687,097.29 | |
| MOBILIZATION | | | | \$464,354.86 | |
| CONTINGENCIES @ 10% | | | | \$868,709.73 | |
| GRAND TOTAL | | | | \$10,020,161.88 | |



Pennoni Associates Inc.

Consulting Engineers

Project: Airport Road Extension

Subject: 100% Revised Submittal Estimate

Job No: FRED1301

Date: 8/31/2018

Des By: WHT/EDS

Chk By: CLA

| DEMOLITION | UNIT | QTY | PRICE PER | PRICE TOTAL |
|--|------|--------|-------------|--------------|
| REMOVE EXISTING 36" RCP | LF | 191 | \$45.00 | \$8,595.00 |
| REMOVE EXISTING 54" RCP | LF | 204 | \$60.00 | \$12,240.00 |
| REMOVE EXISTING 54" WINGWALL | EA | 2 | \$1,400.00 | \$2,800.00 |
| REMOVE EXISTING 18" RCP | LF | 604 | \$40.00 | \$24,160.00 |
| REMOVE EXISTING 30" RCP | LF | 112 | \$45.00 | \$5,040.00 |
| REMOVE EXISTING 36" CMP | LF | 22 | \$45.00 | \$990.00 |
| REMOVE EXISTING DROP INLET | EA | 6 | \$1,200.00 | \$7,200.00 |
| REMOVE EXISTING MANHOLE | EA | 1 | \$750.00 | \$750.00 |
| REMOVE EXISTING SAN. SEWER PIPE | LF | 230 | \$45.00 | \$10,350.00 |
| REMOVE EXISTING SAN. SEWER MANHOLE | EA | 2 | \$750.00 | \$1,500.00 |
| REMOVE EXISTING WATER VALVE | EA | 3 | \$500.00 | \$1,500.00 |
| REMOVE EXISTING WATER PIPE | LF | 920 | \$5.00 | \$4,600.00 |
| PAVEMENT | | | | |
| STD. COMB. CURB & GUTTER CG-6 | LF | 3,558 | \$22.17 | \$78,880.86 |
| RADIAL COMB. CURB & GUTTER CG-6 | LF | 993 | \$25.00 | \$24,825.00 |
| MEDIAN STRIP MS-1A | SY | 569 | \$100.00 | \$56,900.00 |
| MEDIAN STRIP MS-2 | LF | 933 | \$35.00 | \$32,655.00 |
| HYDRAULIC CEMENT CONC. 4" SIDEWALK | SY | 1,114 | \$48.27 | \$53,772.78 |
| 1.5" SURFACE COURSE - SM-9.5D | TON | 2,392 | \$75.31 | \$180,141.52 |
| 2" SURFACE COURSE MULTI-USE PATH - S-9.5AL | TON | 447 | \$75.31 | \$33,663.57 |
| 2.5" INTERMEDIATE COURSE - IM-19.0D | TON | 2,126 | \$115.00 | \$244,490.00 |
| 3" BASE COURSE - BM-25.0D | TON | 3,421 | \$68.37 | \$233,893.77 |
| AGGREGATE BASE - NO.21B | TON | 12,624 | \$18.40 | \$232,281.60 |
| TACK COAT | GAL | 870 | \$3.50 | \$3,045.00 |
| CG-12 WITH DETECTABLE WARNING SURFACE | SY | 533 | \$329.00 | \$175,357.00 |
| EARTHWORKS | | | | |
| CLEARING AND GRUBBING | AC | 7.6 | \$10,000.00 | \$76,000.00 |
| REGULAR EXCAVATION | CY | 16,295 | \$18.00 | \$293,310.00 |
| SELECT MATERIAL, TYPE I | TON | 64,977 | \$10.00 | \$649,771.20 |
| GRADING | SY | 15,325 | \$2.50 | \$38,312.50 |
| REGULAR SEEDING | LB | 1,432 | \$12.50 | \$17,900.00 |
| OVER SEEDING | LB | 1,146 | \$5.00 | \$5,730.00 |
| LIME | TON | 35 | \$350.00 | \$12,250.00 |
| FERTILIZER (15-30-15) | TON | 3,782 | \$2.50 | \$9,455.00 |
| TEMPORARY SEEDING | LB | 764 | \$12.00 | \$9,168.00 |
| TOPSOIL CLASS B 2" | AC | 7.6 | \$11,000.00 | \$84,040.00 |
| DRAINAGE | | | | |
| VDOT STD. UD-2 | LF | 640 | \$30.00 | \$19,200.00 |
| VDOT STD. UD-3 | LF | 4,167 | \$25.00 | \$104,175.00 |
| VDOT STD. UD-4 | LF | 4,642 | \$15.00 | \$69,630.00 |
| VDOT STD. DI-1 | EA | 1 | \$4,500.00 | \$4,500.00 |
| VDOT STD. DI-7B | EA | 2 | \$5,000.00 | \$10,000.00 |
| VDOT STD. DI-3B, L=6' | EA | 8 | \$5,000.00 | \$40,000.00 |
| VDOT STD. DI-3B, L=8' | EA | 15 | \$5,500.00 | \$82,500.00 |
| VDOT STD. DI-3B, L=10' | EA | 2 | \$6,000.00 | \$12,000.00 |
| VDOT STD. DI-3B, L=12' | EA | 1 | \$6,200.00 | \$6,200.00 |
| VDOT STD. DI-3BB, L=6' | EA | 3 | \$6,500.00 | \$19,500.00 |
| VDOT STD. DI-3BB, L=8' | EA | 3 | \$6,750.00 | \$20,250.00 |
| VDOT STD. DI-3BB, L=10' | EA | 1 | \$7,000.00 | \$7,000.00 |
| VDOT STD. DI-3BB, L=12' | EA | 2 | \$7,250.00 | \$14,500.00 |
| VDOT STD. DI-3C, L=10' | EA | 2 | \$6,400.00 | \$12,800.00 |
| VDOT STD. MH-1 OR MH-2 | LF | 69 | \$330.00 | \$22,713.90 |
| VDOT STD. FRAME AND COVER MH-1 | EA | 5 | \$560.00 | \$2,800.00 |
| STORM SEWER, CONC. PIPE, 15" | LF | 2,390 | \$45.00 | \$107,550.00 |
| STORM SEWER, CONC. PIPE, 18" | LF | 40 | \$55.00 | \$2,200.00 |
| STORM SEWER, CONC. PIPE, 21" | LF | 430 | \$130.00 | \$55,900.00 |
| STORM SEWER, CONC. PIPE, 24" | LF | 1,595 | \$145.00 | \$231,275.00 |
| STORM SEWER, CONC. PIPE, 30" | LF | 405 | \$169.00 | \$68,445.00 |
| STORM SEWER, CONC. PIPE, 36" | LF | 630 | \$180.00 | \$113,400.00 |
| STORM SEWER, CONC. PIPE, 42" | LF | 285 | \$200.00 | \$57,000.00 |
| VDOT STD ES-1 - 24" | EA | 2 | \$1,750.00 | \$3,500.00 |
| VDOT STD ES-1 - 30" | EA | 1 | \$2,000.00 | \$2,000.00 |
| VDOT STD ES-1 - 42" | EA | 1 | \$4,200.00 | \$4,200.00 |
| VDOT STD EC-3 | SY | 497 | \$5.00 | \$2,486.67 |
| POST INSTALLATION INSPECTION | LF | 5,775 | \$3.00 | \$17,325.00 |



Pennoni Associates Inc.

Consulting Engineers

Project: Airport Road Extension

Subject: 100% Revised Submittal Estimate

Job No: FRED1301

Date: 8/31/2018

Des By: WHT/EDS

Chk By: CLA

SIGNAGE / PAVEMENT MARKING

| | | | | |
|--|----|-------|----------|-------------|
| CONCRETE FOUNDATION STP-1, TY. A | EA | 4 | \$742.00 | \$2,968.00 |
| CONCRETE FOUNDATION STP-1, TY. B | EA | 6 | \$771.00 | \$4,626.00 |
| CONCRETE FOUNDATION STP-1, TY. C | EA | 6 | \$600.00 | \$3,600.00 |
| CONCRETE FOUNDATION STP-1, TY. D | EA | 12 | \$595.00 | \$7,140.00 |
| CONCRETE FOUNDATION STP-1, TY. E | EA | 4 | \$600.00 | \$2,400.00 |
| SIGN PANEL | SF | 380 | \$30.00 | \$11,400.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 10 GA. | LF | 152 | \$40.00 | \$6,080.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 12 GA. | LF | 88 | \$35.00 | \$3,080.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2", 14 GA. | LF | 189 | \$25.00 | \$4,725.00 |
| TYPE B CLASS I PAVE. LINE MARKING 4" | LF | 7,656 | \$0.85 | \$6,507.60 |
| TYPE B CLASS I PAVE. LINE MARKING 8" | LF | 78 | \$10.00 | \$780.00 |
| TYPE B CLASS I PAVE. LINE MARKING 24" | LF | 594 | \$35.00 | \$20,790.00 |
| PAVEMENT MESSAGE MARK. ELONGATED ARROW SINGLE | EA | 32 | \$102.00 | \$3,264.00 |
| PAVEMENT MESSAGE MARK. ONLY | EA | 4 | \$375.00 | |

EROSION AND SEDIMENT CONTROL

| | | | | |
|--------------------------|----|-------|------------|-------------|
| CONSTRUCTION ENTRANCE | EA | 3 | \$2,500.00 | \$7,500.00 |
| SILT FENCE (EC-6 TYPE A) | LF | 4,963 | \$2.50 | \$12,407.50 |
| LEVEL SPREADER | EA | 3 | \$2,900.00 | \$8,700.00 |
| CULVERT INLET PROTECTION | EA | 1 | \$300.00 | \$300.00 |
| INLET PROTECTION | EA | 38 | \$300.00 | \$11,400.00 |

UTILITIES

| | | | | |
|--------------------------------|----|-----|------------|-------------|
| 6" GATE VALVE | EA | 1 | \$1,552.00 | \$1,552.00 |
| 8" DIP WATERLINE | LF | 554 | \$93.00 | \$51,522.00 |
| 8" GATE VALVE | EA | 7 | \$2,500.00 | \$17,500.00 |
| 12" DIP WATERLINE | LF | 626 | \$125.00 | \$78,250.00 |
| 12" GATE VALVE | EA | 8 | \$3,000.00 | \$24,000.00 |
| 18" STEEL CASING PIPE | LF | 646 | \$93.00 | \$60,078.00 |
| 8" SCH 40 PVC CONDUIT | LF | 592 | \$37.00 | \$21,904.00 |
| 12 CONDUIT DUCT BANK | LF | 500 | \$120.00 | \$60,000.00 |
| 6" DIP WATERLINE | LF | 20 | \$85.00 | \$1,700.00 |
| RELOCATE EXISTING FIRE HYDRANT | EA | 1 | \$6,500.00 | \$6,500.00 |
| AIR RELEASE VALVE | EA | 3 | \$2,514.00 | \$7,542.00 |
| FLUSHING ASSEMBLY | EA | 14 | \$4,000.00 | \$56,000.00 |

| | | | | |
|-------------------------|--|--|--|-----------------------|
| TOTAL BID AMOUNT | | | | \$4,242,834.47 |
| MOBILIZATION | | | | \$242,141.72 |
| CONTINGENCIES @ 10% | | | | \$424,283.45 |
| GRAND TOTAL | | | | \$4,909,259.64 |



Pennoni Associates Inc.

Consulting Engineers

Project: Rt. 522 - Front Royal Pike and East Airport Road

Subject: 100% Revised Submittal Estimate

Job No: FRED1301

Date: 8/31/2018

Des By: WHITE/DS

Chk By: CLA

| DEMOLITION | UNIT | QTY | PRICE PER | PRICE TOTAL |
|--|------|--------|-------------|--------------|
| SAWCUT 5/8" | LF | 4,150 | \$20.00 | \$83,000.00 |
| TYPE A MILLING (1 1/2" DEPTH) | SY | 12,776 | \$30.00 | \$383,280.00 |
| REMOVE EXISTING 15" RCP | LF | 83 | \$40.00 | \$3,320.00 |
| REMOVE GROUND MOUNTED SIGN STRUCTURE AND PANEL | EA | 1 | \$400.00 | \$400.00 |
| REMOVE CURB AND GUTTER (CG-7 ALONG RTE 522) | LF | 1,433 | \$20.00 | \$28,652.20 |
| REMOVE DROP INLET | EA | 4 | \$1,200.00 | \$4,800.00 |
| REMOVE MANHOLE | EA | 1 | \$750.00 | \$750.00 |
| SALVAGE EXISTING GUARDRAIL | LF | 207 | \$10.00 | \$2,070.00 |
| PAVEMENT | | | | |
| STD. COMB. CURB & GUTTER CG-6 | LF | 541 | \$22.17 | \$11,993.97 |
| RADIAL COMB. CURB & GUTTER CG-6 | LF | 29 | \$25.00 | \$725.00 |
| STD CURB CG-7 | LF | 1,065 | \$19.93 | \$21,225.45 |
| RADIAL CURB CG-7 | LF | 421 | \$19.93 | \$8,390.53 |
| MEDIAN STRIP MS-1 | SY | 282 | \$100.00 | \$28,200.00 |
| MEDIAN STRIP MS-2 | LF | 1,161 | \$35.00 | \$40,635.00 |
| SURFACE COURSE - SM-9.5D | TON | 1,131 | \$75.31 | \$85,175.61 |
| SURFACE COURSE - SM-12.5D | TON | 839 | \$75.31 | \$63,185.09 |
| INTERMEDIATE COURSE - IM-19.0D | TON | 593 | \$115.00 | \$68,195.00 |
| BASE COURSE - BM-25.0D | TON | 1,460 | \$68.37 | \$99,820.20 |
| AGGREGATE BASE - NO.21B | TON | 3,182 | \$18.40 | \$58,548.80 |
| TACK COAT | GAL | 1,026 | \$3.50 | \$3,591.00 |
| CG-12 WITH DETECTABLE WARNING SURFACE | SY | 108 | \$329.00 | \$35,532.00 |
| GUARDRAIL / FENCING | | | | |
| STD GR-MGS1 | LF | 134 | \$20.00 | \$2,680.00 |
| STD GR-MGS2 | EA | 1 | \$2,500.00 | \$2,500.00 |
| EARTHWORKS | | | | |
| CLEARING AND GRUBBING | AC | 1.2 | \$10,000.00 | \$12,000.00 |
| REGULAR EXCAVATION | CY | 2,465 | \$18.00 | \$44,370.00 |
| SELECT MATERIAL, TYPE I | TON | 5,077 | \$10.00 | \$50,772.15 |
| EXCAVATION UNSUITABLE MATERIAL | CY | 444 | \$17.00 | \$7,548.00 |
| GRADING | SY | 2,151 | \$2.50 | \$5,377.50 |
| REGULAR SEEDING | LB | 150 | \$12.50 | \$1,875.00 |
| OVER SEEDING | LB | 120 | \$5.00 | \$600.00 |
| LIME | TON | 4 | \$350.00 | \$1,400.00 |
| FERTILIZER (15-30-15) | TON | 396 | \$2.50 | \$990.00 |
| TEMPORARY SEEDING | LB | 80 | \$12.00 | \$960.00 |
| TOPSOIL CLASS B 2" | AC | 0.8 | \$11,000.00 | \$8,800.00 |
| DRAINAGE | | | | |
| VDOT STD. UD-2 | LF | 453 | \$30.00 | \$13,590.00 |
| VDOT STD. UD-4 | LF | 2,271 | \$15.00 | \$34,065.00 |
| CONVERT DI TO VDOT STD. DI-3B, L=8' | EA | 2 | \$6,800.00 | \$13,600.00 |
| VDOT STD. DI-3C, L=6' | EA | 1 | \$5,500.00 | \$5,500.00 |
| VDOT STD. DI-3B, L=8' | EA | 1 | \$5,500.00 | \$5,500.00 |
| VDOT STD. DI-3B, L=10' | EA | 1 | \$6,000.00 | \$6,000.00 |
| VDOT STD. DI-3B, L=12' | EA | 1 | \$6,200.00 | \$6,200.00 |
| STORM SEWER, CONC. PIPE, 15" | LF | 290 | \$50.00 | \$14,500.00 |
| VDOT STD. MH-1 OR MH-2 | LF | 20 | \$330.00 | \$6,600.00 |
| VDOT STD. FRAME AND COVER MH-1 | EA | 3 | \$560.00 | \$1,680.00 |
| CONVERT DI TO MH | EA | 2 | \$4,000.00 | \$8,000.00 |
| POST INSTALLATION INSPECTION | LF | 290 | \$3.00 | \$870.00 |
| SIGNAGE / PAVEMENT MARKING | | | | |
| CONCRETE FOUNDATION STP-1, TY. A | EA | 7 | \$742.00 | \$5,194.00 |
| CONCRETE FOUNDATION STP-1, TY. C | EA | 10 | \$600.00 | \$6,000.00 |
| CONCRETE FOUNDATION STP-1, TY. D | EA | 13 | \$595.00 | \$7,735.00 |
| CONCRETE FOUNDATION STP-1, TY. E | EA | 7 | \$600.00 | \$4,200.00 |
| SIGN PANEL | SF | 232 | \$30.00 | \$6,960.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 12 GA. | LF | 67 | \$35.00 | \$2,345.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 10 GA. | LF | 171 | \$40.00 | \$6,840.00 |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2", 14 GA. | LF | 236 | \$25.00 | \$5,900.00 |
| TYPE B CLASS I PAVE. LINE MARKING 4" | LF | 7,730 | \$0.85 | \$6,570.50 |
| TYPE B CLASS I PAVE. LINE MARKING 8" | LF | 60 | \$10.00 | \$600.00 |
| TYPE B CLASS I PAVE. LINE MARKING 24" | LF | 1,381 | \$35.00 | \$48,335.00 |
| PAVEMENT MESSAGE MARK. ELONGATED ARROW SINGLE | EA | 24 | \$102.00 | \$2,448.00 |
| PAVEMENT MESSAGE MARK. ONLY | EA | 9 | \$375.00 | \$3,375.00 |
| EROSION AND SEDIMENT CONTROL | | | | |
| SILT FENCE (EC-5, TYPE A) | LF | 2,566 | \$2.50 | \$6,415.00 |
| INLET PROTECTION | EA | 15 | \$300.00 | \$4,500.00 |
| CULVERT INLET PROTECTION | EA | 2 | \$300.00 | \$600.00 |



Pennoni Associates Inc.

Consulting Engineers

Project: Rt. 522 - Front Royal Pike and East Airport Road

Subject: 100% Revised Submittal Estimate

Job No: **FRED1301**

Date: **8/31/2018**

Des By: **WHT/EDS**

Chk By: **CLA**

MAINTENANCE OF TRAFFIC

| | | | | |
|---|-----|--------|------------|--------------|
| GROUP 2 CHANNELIZING DEVICES | DAY | 71,240 | \$0.73 | \$52,005.20 |
| PORTABLE CHANGEABLE MESSAGE SIGN | HR | 3,472 | \$7.40 | \$25,692.80 |
| TRUCK MOUNTED ATTENUATOR | HR | 2,433 | \$82.07 | \$199,676.31 |
| ELECTRONIC ARROW BOARD | HR | 2,433 | \$4.80 | \$11,678.40 |
| TYPE III BARRICADE 4' | EA | 19 | \$400.00 | \$7,600.00 |
| TEMPORARY PAVEMENT MARKING, TYPE A, 6" | LF | 18,907 | \$2.50 | \$47,267.50 |
| TEMPORARY PAVEMENT MARKING, TYPE A, 24" | LF | 306 | \$12.00 | \$3,672.00 |
| TEMPORARY PAVEMENT SYMBOL MARKING (THRU ARROW), TYPE A | EA | 43 | \$100.00 | \$4,300.00 |
| TEMPORARY PAVEMENT SYMBOL MARKING (SINGLE TURN ARROW), TYPE A | EA | 34 | \$300.00 | \$10,200.00 |
| TEMPORARY CONSTRUCTION SIGN | SF | 662 | \$26.72 | \$17,688.64 |
| TRAFFIC SIGNAL HEAD SEC. 12" LED | EA | 11 | \$300.00 | \$3,300.00 |
| VIDEO DETECTION CAMERA | EA | 1 | \$5,000.00 | \$5,000.00 |
| VIDEO DETECTION CABLE | LF | 140 | \$2.75 | \$385.00 |
| 14/4 CONDUCTOR CABLE | LF | 205 | \$2.50 | \$512.50 |
| SPAN WIRE 3/4" | LF | 220 | \$5.00 | \$1,100.00 |
| TETHER WIRE 1/4" | LF | 220 | \$5.00 | \$1,100.00 |
| ERADICATION OF EXISTING LINEAR PAVEMENT MARKING | LF | 7,717 | \$0.95 | \$7,331.15 |
| ERADICATION OF EXISTING NON-LINEAR PAVEMENT MARKING | LF | 1,344 | \$8.80 | \$11,827.20 |
| TEMPORARY PAVEMENT MARKING, TYPE A, 4" | LF | 350 | \$0.65 | \$227.50 |
| WOOD POLE CL. 6 3/5" | EA | 3 | \$750.00 | \$2,250.00 |

TRAFFIC SIGNAL

| | | | | |
|--|----|-------|-------------|-------------|
| LOCAL CONTROLLER, TY. A | EA | 1 | \$12,000.00 | \$12,000.00 |
| INSTALL CONTROLLER | EA | 1 | \$6,500.00 | \$6,500.00 |
| ELECTRICAL SERVICE SE-9 | EA | 1 | \$3,500.00 | \$3,500.00 |
| TRAFFIC SIGNAL HEAD SEC. 12" HVS BACKPLATE | EA | 64 | \$300.00 | \$19,200.00 |
| PEDESTRIAN ACTUATION PA-2 | EA | 4 | \$250.00 | \$1,000.00 |
| PEDESTRIAN ACTUATION PA-4 | EA | 2 | \$1,250.00 | \$2,500.00 |
| PEDESTAL POLE PF-2 | EA | 3 | \$1,200.00 | \$3,600.00 |
| CONCRETE FOUNDATION PF-2 | EA | 3 | \$1,500.00 | \$4,500.00 |
| CONCRETE FOUNDATION CF-4 | EA | 1 | \$2,500.00 | \$2,500.00 |
| CONCRETE FOUNDATION SIGNAL POLE PF-8 | EA | 4 | \$7,500.00 | \$30,000.00 |
| SIGNAL POLE MP-3, TYPE B | EA | 4 | \$10,000.00 | \$40,000.00 |
| MAST ARM 65' | EA | 2 | \$6,500.00 | \$13,000.00 |
| MAST ARM 75' (CASE I LOADING) | EA | 1 | \$9,500.00 | \$9,500.00 |
| MAST ARM 60' | EA | 1 | \$8,515.00 | \$8,515.00 |
| 14/2 CONDUCTOR CABLE | LF | 825 | \$1.75 | \$1,443.75 |
| 14/4 CONDUCTOR CABLE | LF | 1,320 | \$5.20 | \$6,864.00 |
| 14/7 CONDUCTOR CABLE | LF | 1,505 | \$3.00 | \$4,515.00 |
| 14/2 CONDUCTOR CABLE SHIELDED | LF | 4,555 | \$2.50 | \$11,387.50 |
| HANGER ASSEMBLY, SM-3 | EA | 18 | \$350.00 | \$6,300.00 |
| HANGER ASSEMBLY, SMB-2 | EA | 1 | \$450.00 | \$450.00 |
| LOOP SAW CUT 5/8" | LF | 1,869 | \$20.00 | \$37,380.00 |
| REMOVE EXISTING POLE | EA | 3 | \$1,750.00 | \$5,250.00 |
| REMOVE EXISTING FOUNDATION | EA | 6 | \$1,000.00 | \$6,000.00 |
| REMOVE EXISTING SIGNAL HEAD | EA | 6 | \$140.00 | \$840.00 |
| REMOVE EXISTING CONTROLLER | EA | 1 | \$400.00 | \$400.00 |
| REMOVE EXISTING JUNCTION BOX | EA | 5 | \$325.00 | \$1,625.00 |
| INSTALL SIGN | EA | 20 | \$200.00 | \$4,000.00 |
| PEDESTRIAN SIGNAL HEAD SP-8 | EA | 6 | \$650.00 | \$3,900.00 |
| CONDUCTOR CABLE, NO. 8 EGC | LF | 495 | \$4.00 | \$1,980.00 |
| JUNCTION BOX JB-S1 | EA | 1 | \$1,500.00 | \$1,500.00 |
| JUNCTION BOX JB-S2 | EA | 12 | \$1,500.00 | \$18,000.00 |
| JUNCTION BOX JB-S3 | EA | 1 | \$1,800.00 | \$1,800.00 |
| CONDUIT BORED 3" | LF | 780 | \$40.00 | \$31,200.00 |
| 8 CONDUCTOR CABLE | LF | 75 | \$1.50 | \$112.50 |
| CONDUIT 1" | LF | 80 | \$5.48 | \$438.40 |
| CONDUIT 2" | LF | 1,165 | \$5.30 | \$6,174.50 |
| CONDUIT 3" | LF | 72 | \$6.54 | \$470.88 |
| CONDUIT 1-1/4" (M) | LF | 14 | \$15.00 | \$210.00 |
| SIGN PANEL | SF | 136 | \$30.00 | \$4,080.00 |

| | | | | |
|-------------------------|--|--|--|-----------------------|
| TOTAL BID AMOUNT | | | | \$2,130,935.73 |
| MOBILIZATION | | | | \$136,546.79 |
| CONTINGENCIES @ 10% | | | | \$213,093.57 |
| GRAND TOTAL | | | | \$2,480,576.09 |



Pennoni Associates Inc.

Consulting Engineers

Project: Ponds

Subject: 100% Submittal Estimate

Job No: FRED1301

Date: 8/31/2018

Des By: WHT/EDS

Chk By: CLA

| EARTHWORKS | UNIT | QTY | PRICE PER | PRICE TOTAL |
|---|------|--------|-------------|---------------------|
| CLEARING AND GRUBBING | AC | 6 | \$10,000.00 | \$59,000.00 |
| VDOT STD. SWM-1 EXCAVATION CROSSOVER | CY | 5,379 | \$15.00 | \$80,685.00 |
| VDOT STD. SWM-2 EXCAVATION AIRPORT | CY | 3,665 | \$15.00 | \$54,975.00 |
| SELECT MATERIAL, TYPE I AIRPORT | TON | 16,708 | \$15.00 | \$250,614.00 |
| GRADING | SY | 3,683 | \$2.50 | \$9,207.50 |
| TEMPORARY SEED | LB | 315 | \$12.00 | \$3,780.00 |
| REGULAR SEED | LB | 591 | \$12.50 | \$7,387.50 |
| LIME | TON | 15 | \$350.00 | \$5,250.00 |
| FERTILIZER | LB | 1,583 | \$2.50 | \$3,957.50 |
| DRAINAGE | | | | |
| BEST MANAGEMENT PRACTICES - BIORETENTION EXCAVATION | CY | 943 | \$15.00 | \$14,146.67 |
| MULCH | CY | 112 | \$70.00 | \$7,857.60 |
| BIORETENTION MEDIA | CY | 1,347 | \$45.00 | \$60,615.80 |
| AGGR. NO. 8 STONE - PEA GRAVEL | TON | 216 | \$30.00 | \$6,489.12 |
| AGGR. NO. 57 STONE | TON | 649 | \$45.00 | \$29,201.05 |
| 6" PERFORATED PVC PIPE | LF | 480 | \$18.00 | \$8,640.00 |
| 6" SOLID PVC PIPE | LF | 15 | \$18.00 | \$270.00 |
| GEOTEXTILE FILTER FABRIC | SY | 160 | \$3.00 | \$478.90 |
| VDOT STD SWM-1 | EA | 4 | \$1,200.00 | \$4,800.00 |
| VDOT STD ES-1, 24" | EA | 2 | \$600.00 | \$1,200.00 |
| VDOT STD ES-1, 30" | EA | 3 | \$1,500.00 | \$4,500.00 |
| STORM SEWER, CONC. PIPE, 18" | LF | 115 | \$55.00 | \$6,325.00 |
| STORM SEWER, CONC. PIPE, 24" | LF | 225 | \$145.00 | \$32,625.00 |
| STORM SEWER, CONC. PIPE, 30" | LF | 145 | \$169.00 | \$24,505.00 |
| POST INSTALLATION INSPECTION | LF | 343 | \$3.00 | \$1,029.00 |
| BAFFLE | CY | 50 | \$100.00 | \$5,000.00 |
| EROSION AND SEDIMENT CONTROL | | | | |
| SILT FENCE | LF | 2,380 | \$3.50 | \$8,331.05 |
| VDOT STD. EC-1 OUTLET PROTECTION | TON | 116 | \$85.00 | \$9,860.00 |
| TOTAL BID AMOUNT | | | | |
| | | | | \$700,730.69 |
| MOBILIZATION | | | | \$65,036.53 |
| CONTINGENCIES @ 10% | | | | \$70,073.07 |
| GRAND TOTAL | | | | |
| | | | | \$835,840.30 |

REVENUE SHARING AGREEMENT

THIS AGREEMENT, made and dated this 17th day of June , 2016, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “County”), a political subdivision of Virginia, and **R 150 SPE, LLC** (“R 150 SPE”), a Virginia limited liability company.

RECITALS:

R 150 SPE is the owner of the following lots or parcels of land encompassed by Frederick County Rezoning #10-15 (the “Rezoning”): tax parcel numbers 63-A-150, 64-A-10, and 64-A-12 (collectively, the “Property”).

1. The parties desire to arrange for the design and construction of multiple street sections as follows (the “Project”):
 - a. Airport Road, as a segment from Route 522 to a roundabout intersection with the Tevis Street extension, the segment being more fully identified as Section A on the Generalized Development Plan (the “GDP”), the GDP having been included as Exhibit A to the Proffer Statement approved as part of the Rezoning. This segment shall be designed and constructed as an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed Virginia Department of Transportation (“VDOT”) entrance spacing requirements that are in force at the time of final road design plan approval.
 - b. Tevis Street, as a segment including a bridge over Interstate 81 from the City of Winchester to a roundabout intersection with the Tevis Street extension and including the roundabout intersection, the segment being more fully identified as Section B on the GDP. This segment shall be designed and constructed as a bridge with four travel lanes, a raised concrete median, and sidewalks; an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk for East Tevis Street between the Interstate 81 bridge and the roundabout; and a dual-lane roundabout with a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed VDOT entrance spacing requirements that are in force at the time of final road design plan approval.
2. The parties desire to finance the Project using funds that R 150 SPE will provide (the “R 150 SPE Funds”), along with funds to be provided by VDOT (the “VDOT Funds”). In

addition, R 150 SPE shall provide such additional funds as may be necessary in the event unforeseen engineering, environmental, or construction issues are encountered during the construction of the Project (the "Additional Funds"), as more fully set forth herein.

3. The R 150 SPE Funds, the VDOT Funds, and the Additional Funds are collectively referred to herein as the "Project Funds."

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars, (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. **RECITALS:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.
2. **THE PROJECT:**
 - a. The R 150 SPE Funds and the VDOT Funds shall be applied and expended in order to design and construct the Project noted in item 1 in the Recitals.
 - b. In the event that unforeseen design, engineering, environmental, and/or construction issues are encountered, R 150 SPE agrees to expend such Additional Funds as are necessary in order to address such unforeseen design, engineering, environmental, and/or construction issues; the County agrees to seek to obtain additional VDOT Funds, if available, but, pursuant to 3f, 4g, and 4h of this Agreement, R 150 SPE shall cover 100% of all costs over and above the VDOT Funds.
3. **COUNTY RESPONSIBILITIES:**
 - a. The County shall act as fiscal agent and project manager for the Project. The County's responsibilities as fiscal agent and project manager shall include management and oversight of all roadway and bridge design, construction, approvals and permitting, construction management, as well as invoicing of Project costs to VDOT and to R 150 SPE.
 - b. The County shall give notice to R 150 SPE of the intended commencement of construction of the Project not less than fifteen (15) days prior to the commencement of construction.
 - c. The County shall provide R 150 SPE with a budget estimate of County Services in addition to a copy of the low bid, prior to execution of a contract with the low bidder.

- d. The County shall enter into agreements, if necessary, with: utility companies, VDOT, railroad companies, or unforeseen others as relate to the Project.
- e. As project manager, the County shall supervise all aspects of the Project, which shall be done in a good and workmanlike fashion in accordance with applicable VDOT standards.
- f. The County shall give written notice to R 150 SPE of any unforeseen design, engineering, construction, or environmental issues that are encountered within forty-eight hours of discovery of such issues. Thereafter, the County shall promptly provide written notice to R 150 SPE of the intended remediation measures and costs thereof prior to commencement of such work. Such notice shall specify the recommended remediation work which shall be verified and approved by the County and shall further set forth the date upon which the remediation work shall commence, which date shall be not less than five days after the date that notice of the intended commencement of the remediation work is given to R 150 SPE. Following approval of the remediation work by R 150 SPE, or in the event that R 150 SPE fails to object to the remediation work within the five-day period referenced above, R 150 SPE shall provide payment of the Additional Funds through the usual and customary invoicing procedures under this Agreement. In the event that R 150 SPE objects to the Remediation Work during the five-day period referenced above, then such dispute shall be submitted to a neutral engineering firm to be agreed upon by R 150 SPE and the County, whose decision shall be final and binding upon the County and R 150 SPE.
- g. In the event that a mechanic's lien or other claim is filed against the Property arising from or in connection with the Project, the County shall promptly bond off any such mechanic's lien or claim with a portion of the Project Funds, to the extent permissible under applicable law.
- h. The County will make a good faith effort to procure the VDOT Funds from VDOT. In the event the County is unable to procure the VDOT Funds from VDOT, which results in a decision not to continue the Project, any funds provided by the parties hereto shall be returned to the respective parties, to the extent not used for the Project, and the parties hereto shall have no further obligations under this Agreement
- i. The County shall return all unspent R 150 SPE Funds to R 150 SPE at the conclusion of the Project.

- j. No obligation regarding County performance of items noted in County Responsibilities shall apply until all necessary right of way has been provided by R 150 SPE.

4. R 150 SPE'S RESPONSIBILITIES:

- a. Upon execution of the agreement, R 150 SPE shall pay to the County 50% of the estimated design cost as provided by the County's design consultant. Actual costs, including any additional amounts that exceed the estimate, will be due per invoice from the County. Overpayments, if any, will be applied to the construction portion of the project.
- b. Upon the County receiving estimates for the fees of utility companies, VDOT, railroad companies, or unforeseen others that will be required as part of agreements with those entities, R 150 SPE shall pay to the County 100% of the provided estimate. Actual costs, including any additional amounts that exceed the estimate, will be due per invoice from the County. Overpayments, if any, will be applied to the construction portion of the project.
- c. Upon execution of the agreement, R 150 SPE shall provide a letter of credit or bond in the amount of 50% of the estimated cost of the Project. The estimated cost of the Project shall be based on the estimate prepared by the County's consultant. R 150 SPE shall pay to the County 25% of the chosen bid prior to the County awarding the contract for the Project. At that time, the amount of the bond or letter of credit will be reduced to 35% of the chosen bid for the Project. The remaining expected funding needs will be invoiced at such time as 80% of the initial payment has been expended.
- d. R 150 SPE shall provide full access to the Property for the purposes of construction, surveys, geotechnical work, or any other tasks related to design, engineering, environmental, and construction needs of the Project.
- e. R 150 SPE shall provide all required right of way dedication, permanent grading and drainage easements, and temporary construction easements to the County prior to County award of the construction contract. Costs for provision of these items will be borne by R 150 SPE and not be reimbursable with VDOT Funds.
- f. R 150 SPE shall pay all invoices from the County within 30 days.
- g. R 150 SPE shall cover 100% of all costs over and above the VDOT Funds.

h. In the event that unforeseen costs are encountered, R 150 SPE agrees to expend Additional Funds as are necessary in order to address such unforeseen issues and the County agrees to match these Additional Funds with the VDOT Funds, if available.

5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows:

County: Department of Planning and Development
107 North Kent Street, Suite 202
Winchester, VA 22601
Attn: John A. Bishop, AICP

With a copy to: Roderick Williams, Esquire
County Attorney
107 North Kent Street
Winchester, VA 22601

R 150 SPE:

R 150 SPE, LLC
c/o MMA Capital Management, LLC
3600 O'Donnell Street, Suite 600
Baltimore, MD 21224
Attention: Brooks Martin

With a copy to: Gallagher Evelius & Jones, LLP
218 N. Charles Street, Suite 400
Baltimore, MD 21201
Attention: Philip F. Diamond, Esquire

6. **ENTIRE AGREEMENT; AMENDMENTS; TIME:**

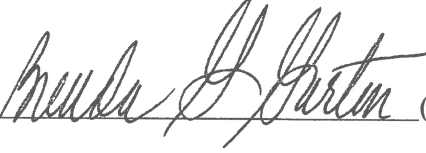
- a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement and no amendment to this Agreement shall be effective unless made in writing and signed by both parties.
- b. Time is of the essence with respect to all matters set forth in this Agreement.

c. This Agreement shall be binding upon and the obligations and benefits hereof shall accrue to the parties hereto and their successors and assigns.


7. **GOVERNING LAW; VENUE:** This Agreement shall be governed by and interpreted according to the laws of the Commonwealth of Virginia and any dispute hereunder shall be heard only in the Circuit Court of Frederick County, Virginia.

WITNESS the following signatures and seals:

COUNTY OF FREDERICK, VIRGINIA

By  (SEAL)

R 150 SPE, LLC

By  (SEAL)

Name:

Title:

Gary A. Mentasana
Executive Vice President

REVENUE SHARING AGREEMENT

THIS AGREEMENT, made and dated this 10th day of April, 2018, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the "County"), a political subdivision of Virginia, and **FLG RESIDUAL TRUST PROPERTIES, LLC ("FLG") and CAMPFIELD LLC ("Campfield")** (collectively, FLG and Campfield are referred to as "Glaize"), a Virginia limited liability company.

RECITALS:

1. Glaize is the owner of tax parcel numbers 64-A-9 and 64B-A-73B (the "Property").
2. The Virginia Department of Transportation ("VDOT") administers the Revenue Sharing Program ("Revenue Sharing Program"), in cooperation with participating localities, under the authority of Section 33.2-357, effective Oct. 1, 2014, of the *Code of Virginia*.
3. The County and Glaize intend to fund the Project (defined below) using funds from Glaize and matching revenue sharing funds that the County has obtained from the Commonwealth's Revenue Sharing Program.
4. The parties desire to arrange for the design and construction a street section as follows (the "Project"):

Tevis Street Extension, as a segment from the shared property boundary with parcel 64-A-10 to Route 522, relocation of the Elks lodge entrance, required upgrades to Route 522 as needed to accommodate the new intersection, right of way acquisition, VDOT approved entrance to the adjoining parcels with turn lanes, bicycle and pedestrian accommodations consistent with County requirements and within VDOT standards, required landscaping and streetlights allowable within the scope of the Revenue Sharing Program, and any unforeseen required items to implement the roadway. This segment shall be designed and constructed in a form mutually agreed upon by the County and Glaize that meets or exceeds VDOT standards that are in force at the time of final road design plan approval.
5. The parties desire to finance the Project using funds of up to \$1,200,000.00 Glaize will provide which can be matched on a dollar for dollar basis with VDOT revenue sharing funds (the "Matching Funds") to be provided by VDOT within the rules and scope of the VDOT Revenue Sharing Program. In addition, the County shall provide such additional funds (the "County Funds"), which can be matched on a dollar for dollar basis by VDOT revenue sharing funds as available, as may be necessary in the event costs for the Project

exceed \$2,400,000.00. Expenditure of the County Funds will become applicable only after the Glaize Funds have been fully expended.

6. The Glaize Funds, County Funds, and the Matching Funds are collectively referred to herein as the "Project Funds."

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars, (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. **RECITALS:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.

2. **THE PROJECT:**
 - a. The Glaize Funds, County Funds, and the Matching Funds shall be applied and expended in order to design and construct the Project described in the Recitals.

 - b. In the event that unforeseen design, engineering, right of way, environmental, and/or construction issues are encountered that exceed a project budget of \$2,400,000 (\$1,200,000 in Glaize funds and \$1,200,000 in Matching funds), the County agrees to expend such additional funds as are necessary in order to address such unforeseen design, engineering, right of way, environmental, and/or construction issues.

3. **COUNTY RESPONSIBILITIES:**
 - a. The County shall act as fiscal agent and project manager for the Project. The County's responsibilities as fiscal agent and project manager shall include management and oversight of all roadway design, approvals and permitting, construction management, and right-of-way acquisition, as well as invoicing of Project costs to VDOT and to Glaize.

 - b. The County shall give notice to Glaize of the intended commencement of construction of the Project not less than fifteen (15) days prior to the commencement of construction.

 - c. The County shall arrange for use of Matching Funds once the Glaize \$1,200,000.00 is expended and 100% of project funding after all available VDOT funds are expended.

 - d. Upon receipt of the bids for the Project, if the bids show that the Project cost will exceed \$2,400,000.00, the County may elect not to proceed with the Project, in which

case this Agreement shall be deemed terminated and the parties shall have no further obligations to each with respect to the subject matter of this Agreement.

- e. The County may enter into agreements, if necessary, with utility companies, VDOT, or unforeseen others as may be necessary in relation to the Project.
- f. As project manager, the County shall supervise all aspects of the Project, which shall be done in a good and workmanlike fashion in accordance with applicable VDOT standards.
- g. In the event that a mechanic's lien or other claim is filed against the Property arising from or in connection with the Project, the County agrees to promptly bond off any such mechanic's lien or claim with a portion of the Project Funds, to the extent permissible under applicable law.
- h. The County shall return all unspent Glaize Funds to Glaize at the conclusion of the Project.
- i. The County shall request the new roadway to be adopted into the State system within 30 days of receiving final paperwork and clearances required for adoption from VDOT.

4. GLAIZE'S RESPONSIBILITIES:

- a. Glaize shall provide all required right of way dedication of property it controls, permanent grading and drainage easements, and temporary construction easements to the County prior to County award of the construction contract. Costs for provision of these items will be borne by Glaize and not be reimbursable with Matching Funds.
- b. The County shall undergo the design process in two phases, with Phase I being complete at the conclusion of approximately 60% of the design and associated updated cost estimate. Phase II shall be the completion of the design and subsequent bidding and construction of the project. The County will not proceed to Phase II without prior written consent of Glaize. In the event that Glaize fails to authorize Phase II within 45 days of County request, such lack of response shall be deemed a denial to proceed and the County shall have the ability to cancel the Project.
- c. Glaize's contribution to the total amount of incurred for Phase I road design services shall not exceed \$70,000.00. Glaize will pay the County \$35,000.00 toward Phase I costs upon execution of this Agreement. In the event the Project does not proceed to

Phase II, Glaize shall pay the County an additional \$35,000.00 for a total payment of \$70,000.00 for Phase I costs, within 10 days of receipt of written notice terminating this Agreement for failure to proceed to Phase II. Upon payment by Glaize in response to such notice, this Agreement shall thereupon be terminated.

- d. Upon issuing approval to proceed to Phase II of the project, Glaize shall provide to the County a letter of credit payable to the County in the amount of \$1,165,000.00 to secure the payments due from Glaize under the terms of this Agreement. In no event shall any institution issuing a letter of credit on behalf of Glaize be liable to the County for any amount greater than the amount to which Glaize may be liable to the County pursuant to the terms of this Agreement on the date the County makes claim for payment under the terms of any such letter of credit. Upon payment in full of all amounts due from Glaize under the terms of this Agreement the County consents to the release of any such letter of credit without further action from the County.
 - e. Subject to the terms and conditions of this Agreement and so long as the County is not in default, Glaize shall remit one-half of the total amounts properly incurred by the County in the prior calendar month for the performance of services within the project description outlined in the recitals of this Agreement, up to \$1,200,000.00, within 30 days of receipt of an invoice for the same.
 - f. Glaize shall provide full access to the Property for the purposes of construction, surveys, geotechnical work, or any other tasks related to design, engineering, environmental, and construction needs of the Project.
5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows:

County: Department of Planning and Development
107 North Kent Street, Suite 202
Winchester, VA 22601
Attn: John A. Bishop, AICP

With a copy to: Roderick Williams, Esquire
County Attorney
107 North Kent Street
Winchester, VA 22601

Glaize: J.P. Carr, President
Glaize Developments, Incorporated
112 E. Piccadilly Street
Winchester, VA 22601

With a copy to:

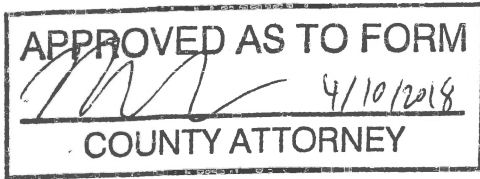
Stephen L. Pettler, Jr.
Harrison and Johnston, PLC
21 South Loudoun Street
Winchester, VA 22601

6. ENTIRE AGREEMENT; AMENDMENTS; TIME:

- a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement and no amendment to this Agreement shall be effective unless made in writing and signed by both parties.
- b. Time is of the essence with respect to all matters set forth in this Agreement.
- c. This Agreement shall be binding upon and the obligations and benefits hereof shall accrue to the parties hereto and their successors and assigns.

- 7. GOVERNING LAW; VENUE:** This Agreement shall be governed by and interpreted according to the laws of the Commonwealth of Virginia and any dispute hereunder shall be heard only in the Circuit Court of Frederick County, Virginia.

WITNESS the following signatures and seals:



COUNTY OF FREDERICK, VIRGINIA

By *[Signature]* (SEAL)

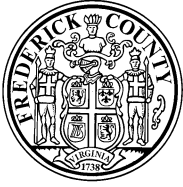
FLG RESIDUAL TRUST PROPERTIES, LLC

By *[Signature]* (SEAL)

CAMPFIELD LLC

By *[Signature]* (SEAL)

I



CONDITIONAL USE PERMIT #09-18
Carrie Myers & Matthew Gambino - Special Event Facility
Staff Report for the Board of Supervisors
Prepared: September 28, 2018
Staff Contact: M. Tyler Klein, AICP, Senior Planner

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

| | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|-----------------|--------------------|
| Planning Commission: | 09/19/18 | Recommend Approval |
| Board of Supervisors: | 10/10/18 | Pending |

EXECUTIVE SUMMARY & CONCLUSION FOR THE 10/10/18 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a special event facility to be appropriate, The Planning Commission recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Frederick County Zoning Ordinance, shall be submitted to and subject to approval by Frederick County prior to the establishment of the use.
3. An engineered commercial entrance site plan shall be submitted to and subject to approval by VDOT, prior to the establishment of the use. Entrance to the subject property for events shall be limited to the existing private drive from Burnt Factory Road.
4. The Applicant shall post a sign along their driveway to direct traffic southbound (i.e. a turn right out only) from the subject property onto Burnt Factory Road.
5. Events shall start no earlier than 10 a.m., all music should end by 10 p.m. and all events and related activities shall conclude by 11 p.m. Events shall be limited to weekends only (i.e. Friday through Sunday).
6. Special events may accommodate up to and not to exceed 200 persons.
7. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.

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CUP #09-18, Carrie Myers & Matthew Gambino – Special Event Facility
September 28, 2018

8. Any expansion or modification of this use will require the approval of a new CUP.

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

LOCATION: The subject property is generally located about 0.5 miles north on Burnt Factory Road (Route 659) from Route 7 west and generally south of Pine Road (Route 661) at 233 Burnt Factory Road, Stephenson.

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBER: 55-A-152

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

ADJOINING PROPERTY ZONING & PRESENT USE:

| | | |
|--------|------------------|-------------------------------|
| North: | RA (Rural Areas) | Use: Residential |
| South: | RA (Rural Areas) | Use: Vacant/Agricultural |
| East: | RA (Rural Areas) | Use: Agricultural/Residential |
| West: | RA (Rural Areas) | Use: Vacant/Agricultural |

PROPOSED USE:

This is a request for a Conditional Use Permit (CUP) to enable the establishment of a special event facility for weddings, business meetings, birthday parties, showers, reunions and other similar type events for up to 200 persons.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The property is currently accessed by a Private Entrance (Residential Type). This entrance would need to be upgraded or a new entrance installed that meets VDOT's Moderate Volume Commercial Entrance design standards in order to safely handle event venue traffic. An engineered Commercial Entrance site plan would need to be submitted to VDOT for review and approval detailing necessary upgrades.

The existing Private Entrance on Burnt Factory Road (Route 659) does not provide adequate sight distance necessary to be used as a safe entrance for the proposed event venue. Removing existing trees/vegetation and possible relocation of the entrance may achieve adequate sight distance. The engineered Commercial Entrance site plan mentioned above, would also identify necessary work to obtain the required safe sight distance.

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

See original comment email dated May 2, 2018.

Frederick County Inspections: Conditional use request to utilize residential property for weddings. The area utilized shall comply with The Virginia Uniform Statewide Building Code. Area utilized is outdoors and not inside the buildings.

Tents 900 square foot or larger require a building permit and inspections. Tent assembly and approved tent fabric meeting NFPA 701 required.

Please submit a permit application for the tent.

Accessible access for customers shall be provided, including ANSI A117.1-09 approved restrooms.

Final inspection/approval required by Frederick County Fire Marshall's Office.

See original comment letter dated May 11, 2017.

Winchester-Frederick County Health Department: This Health Department has reviewed the request for comments for a Conditional Use Permit to host wedding events on the property located at 233 Burnt Factory Road, Stephenson, VA 22656; Tax Map #55-A-152. Based upon information provided by the Applicant, each event will involve only 200 guests. Portable Restroom Facilities will be available to accommodate the sewage disposal needs of the event; no additional septic system will be necessary. Also, there will be no permanent facilities for food preparation on the property; the food service at the event will consist of catering trucks, cook-out style, or off-site preparation. This Health Department has no objections to the issuance of a Conditional Use Permit for hosting wedding events, which will commence in the spring of 2019. Applicant is welcome to contact this Health Department at (540) 722-3480 concerning questions about any part of this correspondence.

See original comment letter dated April 16, 2018.

Frederick County Fire Marshall: Approve.

See original comment letter dated April 13, 2018.

Historic Resources Advisory Board: Approved.

See comment letter dated August 22, 2018.

Planning and Zoning: This application for a Conditional Use Permit (CUP) to permit the establishment of a special event facility for private events such as weddings or other similar type events. A special event facility is a permitted use in the RA (Rural Areas) Zoning District with an approved CUP. The Zoning Ordinance defines "special event facility" as *a facility or site utilized for events that are typically conducted on a single day, but which may be conducted for*

up to three consecutive days, for which attendance is permitted only by invitation or reservation; special events include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.

The proposed use will take place on an existing 45-acre property (*the Applicant also owns two other parcels south of the property which will not be used for special events; PIN'S : 55-A-151 and 55-A-151A; all three (3) properties are in the Red Bud Agricultural and Forestal District*), which includes a historic federalist style single-family detached residence (known as the “Brumley House/Smith Farm”), detached garage and tennis court. The Applicant lives on the property. The Applicant intends to utilize temporary tents (inspected by the Fire Marshall’s office) for special events; the existing home and outbuildings will not be used for special events. The special event center will be accessed via a gated private driveway from Burnt Factory Road (Route 659). Portable restroom facilities will also be provided for special events. Existing paved and gravel parking areas will accommodate up to 25 vehicles; the Applicant intends to construct an additional gravel parking area for an additional 75 vehicles (shown on the sketch of the property). There will be no permanent kitchen facilities for use during special events, any food preparation will be via catering trucks, cook-out style, or off-site preparation. There will be no alcoholic beverage sales on site; alcoholic beverages will be provided by those renting the facility.

The property is surrounded by RA (Rural Areas) zoned property, which includes open space, agricultural uses, and single-family detached residences. The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as “rural” and is to remain agricultural in nature and is not part of any land use study. The Board of Supervisors added “special event facilities” to the conditional use list for the County’s Rural Areas Zoning District in May 2017 to support additional opportunities for agribusiness and agritourism. The proposed use is consistent with the goals and strategies expressed in the 2035 Comprehensive Plan and the surrounding properties.

STAFF CONCLUSIONS FOR THE 09/19/18 PLANNING COMMISSION MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Planning Commission find this application for a special event facility to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Frederick County Zoning Ordinance, shall be submitted to and subject to approval by Frederick County prior to the establishment of the use.

3. An engineered commercial entrance site plan shall be submitted to and subject to approval by VDOT, prior to the establishment of the use.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Special events may accommodate up to and not to exceed 200 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

PLANNING COMMISSION SUMMARY AND ACTION FOR THE 09/19/18 MEETING:

The Planning Commission held a public hearing on the proposed CUP for a special event facility on Wednesday September 19, 2018. Staff provided an overview of the proposed use, noting the Applicant had satisfied all the County requirements and recommended conditions. The Applicants also stated their request, and clarified that they resided on the property, and confirmed they agreed with all of the Staff recommended conditions.

Five (5) members of the public spoke in opposition to the proposed application. Speakers noted they were all residents on Pine Road, which forms the northern boundary of the subject property. The primary topics noted in the public comments were: traffic to and from the special event facility along Pine Road and Burnt Factory Road, concerns over the consumption of alcohol and the potential for intoxicated drivers, concerns over the hours of operation, events going until midnight, the number of events throughout the week/weekend, music/loud noise being heard by adjacent neighbors, and maintaining the rural/residential character of the neighborhood.

The Planning Commission allowed the Applicant to address the public comments. Ms. Carrie Myers noted that they hoped to be good neighbors and did not support drunk driving in their community and would work with potential guests to ensure it would not be an issue. Further, they noted they did not anticipate events going beyond 10 p.m. and are planning to only allow events on weekends. Commissioner Unger noted that for some events, not everyone serves alcohol and that not everyone drinks. Following discussion among the Planning Commission, the Commission asked the Applicant if they would agree to following additional conditions which may address concerns raised by neighbors including:

- Revising the hours of operation to ensure music ended no later than 10 p.m. and all events (including clean-up, etc.) would concluded by 11 p.m.;
- Limiting events to weekends only, specifically, Friday through Sunday;

- Posting a sign directing traffic to turn right away out from the special event facility onto southbound Burnt Factory Road; and
- Ensuring event traffic to only enter the property through the existing gated private driveway from Burnt Factory Road.

The Applicant agreed to additional (revised) conditions as proposed by the Planning Commission and read back by Staff.

The Planning Commission voted 8 – 3 (Commissioners Kenney, Mohn, and Triplet – No) to forward the application to the Board of Supervisors with a recommendation of approval with conditions as amended to address concerns raised by neighbors.

CONCLUSION FOR THE 10/10/18 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a special event facility to be appropriate, The Planning Commission recommends that the following conditions be attached to the CUP:

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CUP #09-18, Carrie Myers & Matthew Gambino – Special Event Facility
September 28, 2018

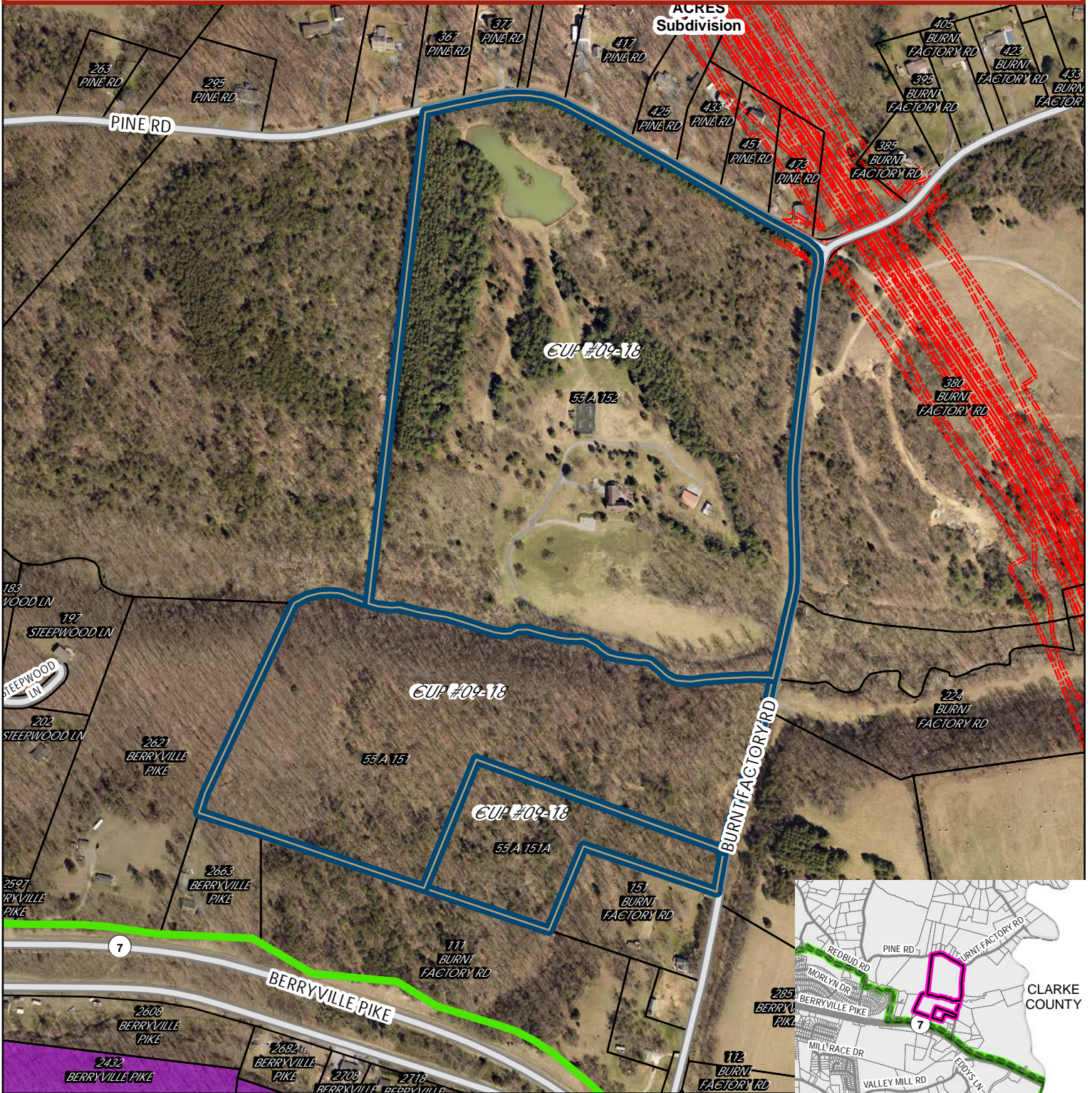
8. Any expansion or modification of this use will require the approval of a new CUP.






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

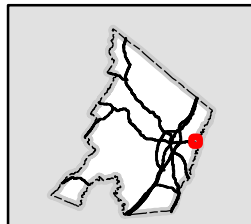
CUP # 09 - 18: Carrie Myers and Matthew Gambino

PINs: 55 - A - 151, 55 - A - 151A, 55 - A - 152

Special Event Facility
Zoning Map



-  Application
-  Parcels
-  Sewer and Water Service Area
-  Future Rt 37 Bypass
-  MH1 (Mobile Home Community District)







0 265 530 1,060 Feet

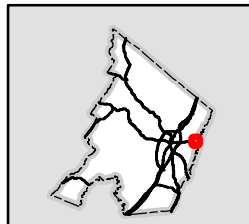
CUP # 09 - 18: Carrie Myers and Matthew Gambino

PINs: 55 - A - 151, 55 - A - 151A, 55 - A - 152

Special Event Facility Location Map



-  Application
-  Parcels
-  Sewer and Water Service Area
-  Future Rt 37 Bypass



0 265 530 1,060 Feet



| | |
|--------------------|----------|
| Submittal Deadline | 8/24/18 |
| P/C Meeting | 9/19/18 |
| BOS Meeting | 10/10/18 |

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

1. Applicant (check one): Property Owner Other

NAME: Carrie Myers

ADDRESS: 233 Burnt Factory Rd. Stephenson VA 22654

TELEPHONE: 304-279-3400

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

Carrie Myers

Matthew Gambino

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

233 Burnt Factory Rd. Stephenson VA 22654

The property is .5 miles down Rt 659 from Rt 7 West.

The property entrance is on the left

4. The property has a road frontage of 3,391.81 feet and a depth of 1,530 feet and consists of .69 acres. (Please be exact)

5. The property is owned by Matthew Gambino & Carrie Myers as evidenced by deed from Jane John McAllister (previous owner) recorded in deed book no. 651 on page 508, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 55-A-152, 55-A-151, 55A-151A
Magisterial District Stonewall District
Current Zoning Residential

7. Adjoining Property:

| | USE | ZONING |
|-------|-----------------------------|-----------------------|
| North | No adjoining - Pine Rd. | No Adjoining Pine Rd. |
| East | No adjoining - Rt. 659 | No Adjoining Rt. 659 |
| South | Residential | Residential |
| West | Residential & Forestry Mgmt | Residential |

8. The type of use proposed is (consult with the Planning Dept. before completing):
SPECIAL EVENT FACILITY

9. It is proposed that the following buildings will be constructed:
No proposed building at this time. Additional gravel parking will be added upon approval.

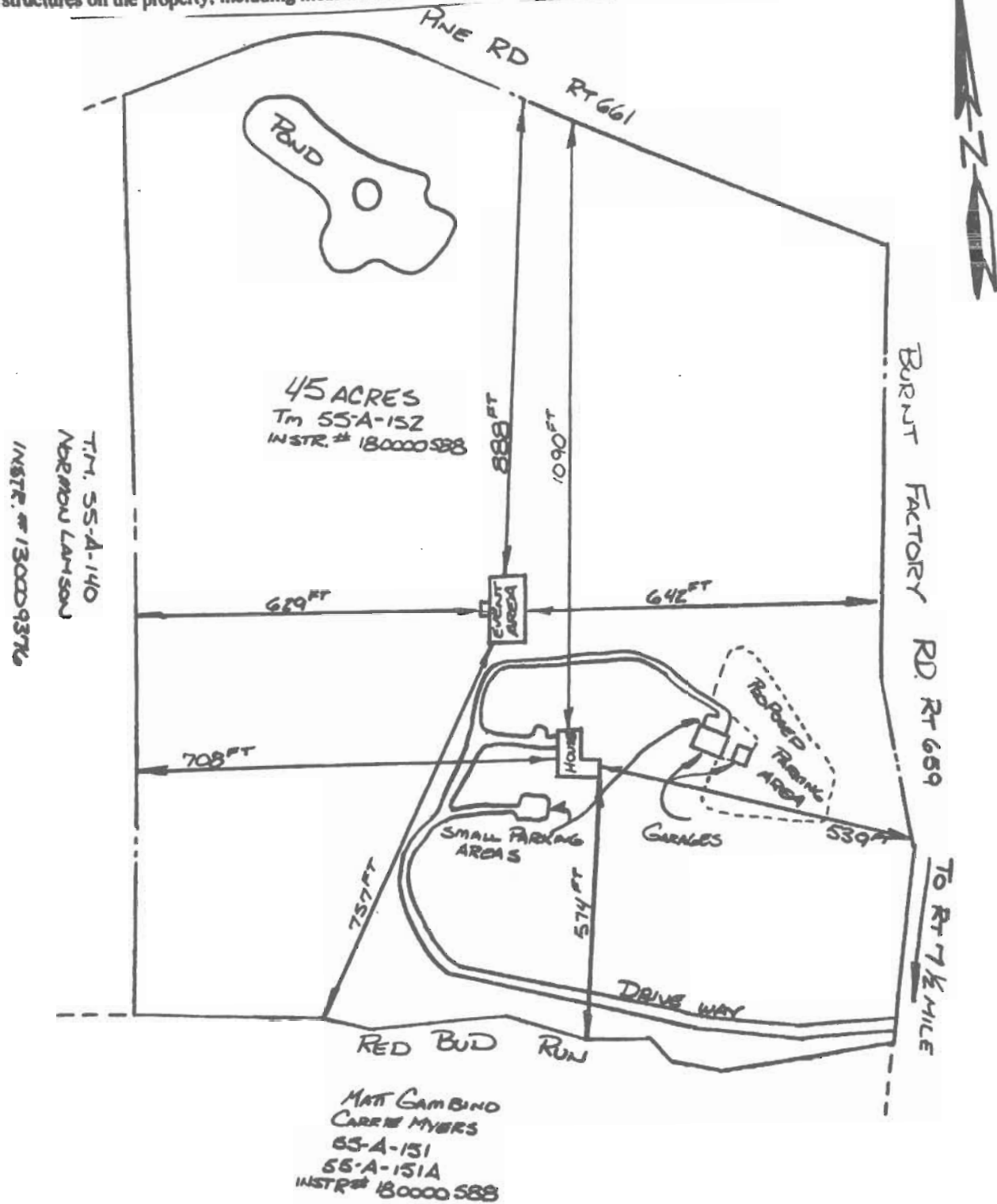
10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.) These people will be notified by mail of this application:

| Name and Property Identification Number | Address |
|---|--|
| Name <u>Douglas Rollison</u>
Property # <u>55-A-150</u> | <u>151 Burnt Factory Rd.
Stephenson VA 22656</u> |
| Name <u>Carole Vincent</u>
Property # <u>56-A-14</u> | <u>PO Box 3836
Winchester VA 22604</u> |
| Name <u>Carole Vincent & Keith Williams</u>
Property # <u>55-A-154</u> | <u>224 Burnt Factory Rd.
Stephenson VA 22656</u> |
| Name <u>Eric Baker</u>
Property # <u>55-A-145, 55-A-137P</u> | <u>425 Pine Rd.
Stephenson VA 22656</u> |
| Name <u>William Alexander</u>
Property # <u>55-A-146</u> | <u>2663 Berryville Pike
Winchester VA 22603</u> |
| Name <u>Norman Lamson</u>
Property # <u>55-A-140</u> | <u>405 8th St. NE
Charlottesville VA 22902</u> |
| Name <u>Bryan Henschen</u>
Property # <u>55-A-153</u> | <u>156 Featherstone Ct.
Stephenson VA 22656</u> |

| Name and Property Identification Number | | Address |
|---|-----------------------------------|---|
| Name | David Hott | 34176 Charlestown Pike
Purcellville VA 20132 |
| Property # | 56-A-13 | |
| Name | Willie & Martha Balling | 9208 Santayana Dr.
Fairfax VA 22031 |
| Property # | 55-A-147 | |
| Name | Thomas & Shirley Baggerly | 2093 Odessa Cir.
Lady Lake FL 32162 |
| Property # | 55-A-158 | |
| Name | Tyler Oenderff & Brittany Hott | 473 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-137K | |
| Name | David & Karen Kohne | 451 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-137N, 55-A-137O | |
| Name | Deborah White | 433 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-137M | |
| Name | William & Heather Miller | 417 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-137L | |
| Name | Matthew Linders & Christina Grier | 373 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-137I | |
| Name | John & Debra Goode | 377 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-B137H | |
| Name | Edward & Cynthia Ward | 367 Pine Rd.
Stephenson VA 22654 |
| Property # | 55-A-B137G | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |
| Name | | |
| Property # | | |

FOUR CHIMNEYS AT MAGNOLIA HILL

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.



NOT TO SCALE

12. Additional comments, if any: _____

Please See attached sheet

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant *Camie Myers*

Signature of Owner *Camie Myers*

Owners' Mailing Address *233 Burnt Factory Rd Stephenson VA 22656*

Owners' Telephone No. *304-279-3400*

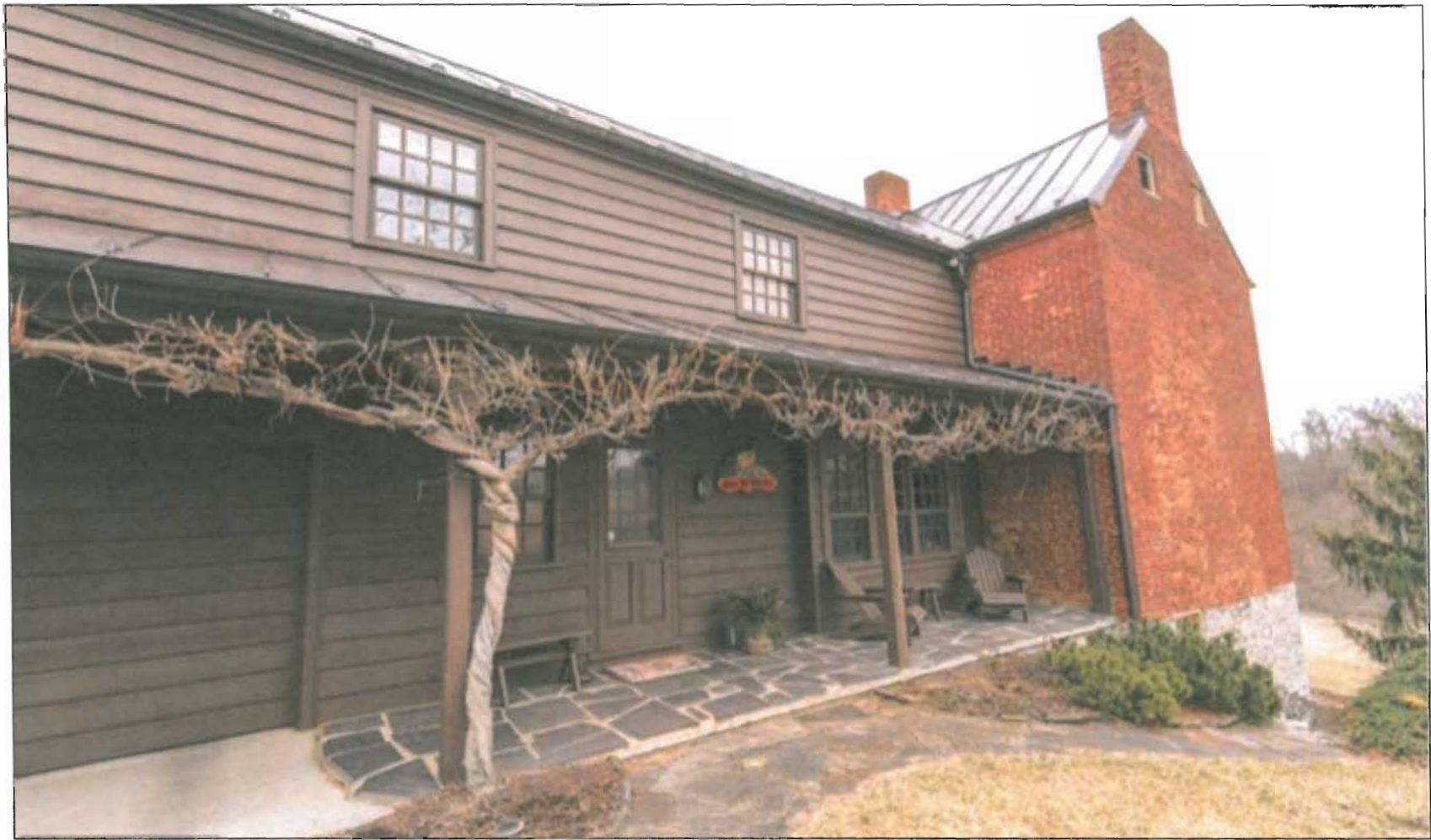
| |
|--|
| <p>TO BE COMPLETED BY THE ZONING ADMINISTRATOR:</p> <p>USE CODE: _____</p> <p>RENEWAL DATE: _____</p> |
|--|

Four Chimneys at Magnolia Hill Event Venue
233 Burnt Factory Rd, Stephenson VA 22656

Conditional Use Permit General Overview

- The proposed use of the outdoor property is for an event venue to host weddings, etc.
- Tents may be used in the event of weather considerations.
- Events will begin in spring of 2019
- All events will require the use of portable restroom facilities; no additional septic system will be necessary. All portable restrooms will be situated so as not to be seen by adjoining property or the roads. The distance of useable area for portable toilets is quite a distance from any other property of Pine/Burnt Factory Rds.
- The entrance to the property is private and paved. No other residents of the area use this access drive.
- Currently, paved and gravel parking areas will accommodate 25 vehicles. Additional gravel parking areas will be built to support parking for 75 additional vehicles (shown on the sketch of the property).
- 200 attendees is the maximum number of people at any event.
- There will be no permanent cooking facilities on the property. Any food preparation will be via catering trucks, cook out style, or off-site preparation.
- There will be no alcoholic beverage sales on site. Any alcoholic beverages will be provided (not sold to attendees).
- There are no identified historic or archaeological resources on this site.
- Four Chimneys at Magnolia Hill is currently in forestry management use. We hope to generate enough revenue, through hosting events, to encourage the preservation and growth of the pine and walnut groves on the property. While the house is not on the historic registry, it is a beautiful example of Federal architecture and we also hope to use income from the event venue to maintain it for the future.





RECEIVED



REQUEST FOR CONDITIONAL USE PERMIT COMMENTS

BY _____

Virginia Department of Transportation

Mail to:

Virginia Department of Transportation
Attn: Resident Engineer
14031 Old Valley Pike
Edinburg, Virginia 22824

Hand deliver to:

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

The local office of the Transportation Department is located at 2275 Northwestern Pike in Winchester if you prefer to hand deliver this form.

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

Applicant's Name: Carnie Myers Telephone: 304-279-3400

Mailing Address: 233 Bunt Factory Rd.
Stephenson VA 22654

Name of development and/or description of the request:

This request is for zoning to use our personal residence property as a wedding venue/event venue. All events would occur outside and/or tented.

Location of Property:

233 Bunt Factory Rd. Stephenson VA 22654 - the property is .5 miles down Rt 459 off Rt. 7 West. The property entrance is on the left.

Virginia Department of Transportation Comments:

See attached email from VDOT dated May 2, 2018.

VDOT Signature & Date: Matthew B. Smith 5.2.18

Notice to VDOT - Please Return Form to Applicant

From: Carrie Myers carrie107@gmail.com
Subject: Fwd: Four Chimneys at Magnolia Hill Event Venue CUP -
Route 659 , Frederick County
Date: May 3, 2018 at 10:34:52 AM
To: fourchimneysatmagnoliahill@gmail.com

----- Forwarded message -----

From: **Smith, Matthew** <Matthew.Smith@vdot.virginia.gov>
Date: Wed, May 2, 2018 at 2:58 PM
Subject: Four Chimneys at Magnolia Hill Event Venue CUP - Route 659 ,
Frederick County
To: carrie107@gmail.com
Cc: tklein@fcva.us, Matthew Smith <matthew.smith@vdot.virginia.gov>

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

We have reviewed the subject Conditional Use Permit Application received April 18, 2018 for impacts to the transportation system. Our comments are as follows:

- The property is currently accessed by a Private Entrance (Residential Type). This entrance would need to be upgraded or a new entrance installed that meets VDOT's Moderate Volume Commercial entrance design standards in order to safely handle Event Venue traffic. A engineered Commercial Entrance site plan would need to be submitted to VDOT for review and approval detailing necessary upgrades.

- The existing Private Entrance on Burnt Factory Road (Route 659) does not provide adequate sight distance necessary to be used as a safe entrance for the proposed Event Venue. Removing existing trees/vegetation and possible relocation of the entrance may achieve adequate sight distance. The engineered Commercial Entrance site plan mentioned above would also identify necessary work to obtain the required safe sight distance.
- A VDOT Land Use Permit shall be obtained prior to any work on upgrading/relocating the entrance or removing trees/vegetation on VDOT Right-of-Way. The permit is issued by this office and will require an application fee and surety coverage.

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

Thank you,

Matthew B. Smith, P.E.

Area Land Use Engineer

VDOT - Land Development

Clarke, Frederick, Shenandoah & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

Phone # (540) 984-5615

Fax # (540) 984-5607

pdf

pdf

Commerc...3.1.12.pdf

218 KB

Scanned...Xerox.pdf

622 KB

RECEIVED

APR 13 2018

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS

Frederick County
Public Works & Inspection



Frederick County Inspections Department

Mail to:

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

Hand deliver to:

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

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

Applicant's Name: Carnie Myers Telephone: 304-279-3400

Mailing Address: 233 Burnt Factory Rd.
Stephenson VA 22656

Name of development and/or description of the request:

The request is to use our personal residence property as
a wedding / event venue. All events would occur outside / tented.

Location of Property:

233 Burnt Factory Rd. Stephenson VA 22656. The property is
0.5 miles down Rt. 659 off Rt. 7 west.

Building Official's Comments:

Comments are on the back of this form

Building Official's Signature & Date: Mark Head A 5/11/18

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

Conditional Use request to utilize residential property for weddings.
The area utilized shall comply with The Virginia Uniform Statewide Building Code.
Area utilized is outdoors and not inside the buildings.

Tents 900 sq ft or larger require a building permit and inspections. Tent assembly and approved tent fabric meeting NFPA 701 required.

Please submit a permit application for the tent.
Accessible access for customers shall be provided, including ANSI A117.1-09 approved restrooms.

Final inspection/approval required by Frederick County Fire Marshall's Office.



Lord Fairfax Health District

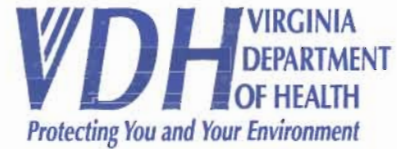
Frederick / Winchester Environmental Health

107 North Kent Street - Suite # 201

Winchester, Virginia 22601

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

www.vdh.virginia.gov



April 16, 2018

Agency Comments:

This Health Department has reviewed the request for comments for a Conditional Use Permit to host wedding events on property located at 233 Burnt Factory Rd., Stephenson, VA 22656; Tax Map #: 55-A-152. Based upon information provided by the applicant, each event will involve only 200 guests. Portable Restroom Facilities will be available to accommodate the sewage disposal needs of the event; no additional septic system will be necessary. Also, there will be no permanent facilities for food preparation on the property; the food service at the event will consist of catering trucks, cook-out style, or off-site preparation. This Health Department has no objections to the issuance of a Conditional Use Permit for hosting wedding events, which will commence in the spring of 2019. Applicant is welcome to contact this Health Department at (540) 722-3480 concerning questions about any part of this correspondence.

Agency Signature: Herbert Cornier Date: 4/16/18

Title: EH Supervisor

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

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

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

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

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

Applicant's name: Larrie Myers Telephone: 304-279-3400

Mailing Address: 233 Bunt Factory Rd.
Stephensan VA 22656

Use, development and/or description of the request:
this request is to use our personal residence property as a
wedding event venue. All events would occur inside / decked

Location of property:
233 Bunt Factory Rd Stephensan VA 22656 - 466 property is
0.5 miles down Rt 659 off Rt 7 West

Fire Marshal's Comments:

See Attachment

Fire Marshal's Signature & Date: [Signature] 5/2/18

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



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

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

Plan Review & Comments

Date Received
4/13/2018

Date Reviewed
5/2/2018

Plan/Permit Type

Conditional Use Permit 04-13-18

Name Carrie Myers

Address 233 Burnt Factory RD

Stephenson VA 22656

Project Name

Wedding/Event Venue

Applicant Name & Number

Carrie Myers 304-279-3400

RE#

Permit Number

Emergency Vehicle Access:

Adequate Inadequate N/A

Hydrant Location:

Adequate Inadequate N/A

Siamese Location:

Adequate Inadequate N/A

Fire Lanes Required:

Yes No N/A

Plan Approval Status

Approve

Comments

Signature: 

Reviewed By: Kenneth Scott, Jr.

Title: 



August 22, 2018

Mr. Matthew Gambino
Mrs. Carrie Myers
233 Burnt Factory Road
Stephenson, Virginia 22656

**RE: Request for Historic Resources Advisory Board (HRAB) Comments
Conditional Use Permit –Special Event Center
233 Burnt Factory Road, Stephenson; PIN# 55-A-152
Zoning: RA (Rural Areas) District**

Dear Mr. Gambino and Mrs. Myers:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced Conditional Use Permit application during their meeting on August 21, 2018. The HRAB reviewed information associated with the Rural Landmarks Survey, information from the Virginia Department of Historic Resources (VDHR) and information provided by the Applicant. This application seeks to operate an event center at 233 Burnt Factory Road, Stephenson. This property is within the Stonewall Magisterial District.

Historic Resources Advisory Board Comments:

The Study of Civil War Sites in the Shenandoah Valley, published by the National Park Service, does not identify the site or the surrounding areas as being part of a core battlefield. The Virginia Department of Historic Resources identifies one mapped property located on the subject property DHR #034-0704 - Smith Farm/Brumley House.

After reviewing this information and the Applicant's materials and proposals, the Historic Resources Advisory Board (HRAB) recommended approval of the Conditional Use Permit as presented. The HRAB further encouraged the Applicant to have the property documented to see if it's eligible for the Virginia Landmarks Register or the National Register of Historic Places.

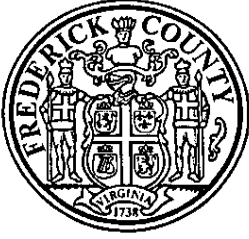
Thank you for the chance to comment on this application. Please call if you have any questions or concerns.

Sincerely,

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

Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd



ORDINANCE

Action:

PLANNING COMMISSION: September 19, 2018 Recommended Approval

BOARD OF SUPERVISORS: October 10, 2018

ORDINANCE

CONDITIONAL USE PERMIT #09-18 CARRIE MYERS & MATTHEW GAMBINO SPECIAL EVENT FACILITY

WHEREAS, Conditional Use Permit #09-18 for a Special Event Facility, submitted by Carrie Myers & Matthew Gambino was considered. The subject property is generally located about 0.5 miles north on Burnt Factory Road (Route 659) from Route 7 west and generally south of Pine Road (Route 661) at 233 Burnt Factory Road, Stephenson; and is further identified with Property Identification Number 55-A-152 in the Stonewall Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on September 19, 2018 and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on October 10, 2018; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #09-18 for a Special Event Facility on the parcel identified by Property Identification Number 55-A-152 with the following conditions:

1. All review agency comments shall be complied with at all times.

2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Frederick County Zoning Ordinance, shall be submitted to and subject to approval by Frederick County prior to the establishment of the use.
3. An engineered commercial entrance site plan shall be submitted to and subject to approval by VDOT, prior to the establishment of the use. Entrance to the subject property for events shall be limited to the existing private drive from Burnt Factory Road.
4. The Applicant shall post a sign along their driveway to direct traffic southbound (i.e. a turn right out only) from the subject property onto Burnt Factory Road.
5. Events shall start no earlier than 10 a.m., all music should end by 10 p.m. and all events and related activities shall conclude by 11 p.m. Events shall be limited to weekends only (i.e. Friday through Sunday).
6. Special events may accommodate up to and not to exceed 200 persons.
7. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
8. Any expansion or modification of this use will require the approval of a new CUP.

Passed this 10th day of October 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

J



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R. Cheran, Zoning Administrator *MRC*

SUBJECT: **Request for a Commercial Pump & Haul Permit
1429 S. Pifer Road, Star Tannery (PIN#: 69-A-15A)
The Corners Bar and Grill**

DATE: September 28, 2018

Staff has received a request seeking approval of a commercial Pump & Haul Permit for an existing nonconforming commercial structure located at 1429 S. Pifer Road in the Back Creek Magisterial District. The approximately 1.24-acre property contains a 3,410 square foot restaurant which was built in 1941.

The subject property is outside the limits of the Sewer and Water Service Area (SWSA). Frederick County Code, §161-201.05A, states that the Frederick County Board of Supervisors, after receiving a written statement from the Health Department, may approve a permanent pump and haul system permit if specific criteria are satisfied. *This request appears to comply with the code requirements and, therefore, Board consideration of the request is appropriate.*

Applicable Code Requirements and Analysis

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

1. The structure to be served is one of the following:
 - a. An existing dwelling that has no indoor plumbing and is converting to indoor plumbing, or where an existing onsite sewage system has failed;
 - b. An existing structure used as a place of worship;
 - c. An existing school structure;
 - d. An existing commercial structure; and

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

In correspondence dated July 19, 2018, from the Virginia Department of Health, it was concluded that an onsite sewage disposal system could not be supported by this property due to insufficient area (fill material under parking area). The property owner has also been unable to obtain an offsite easement. The property owner has established a relationship with First Choice Septic Service, LLC to service the requested pump and haul system.

Conclusion

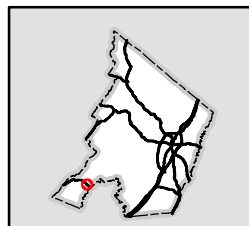
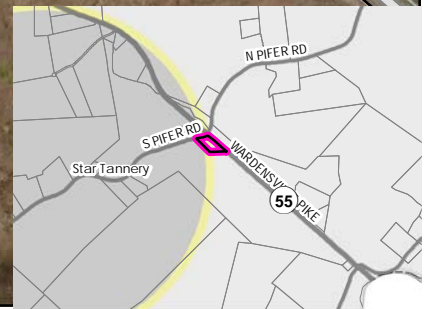
The property owner appears to have addressed the requirements of the County Code to utilize a pump and haul system for the property at 1429 S Pifer Road, Star Tannery. This request appears to comply with the code requirements and, therefore, Board consideration of the request is appropriate. It should be noted that the maintenance costs associated with a pump and haul system can be expensive; however, it appears that this system is the only available option to bring this property into compliance with the requirements with the Frederick County Code and Health Department. Board of Supervisors action on the request to permit a pump and haul system is requested.

Attachments

MRC/pd

Pump and Haul Permit Request: The Corners Bar and Grill

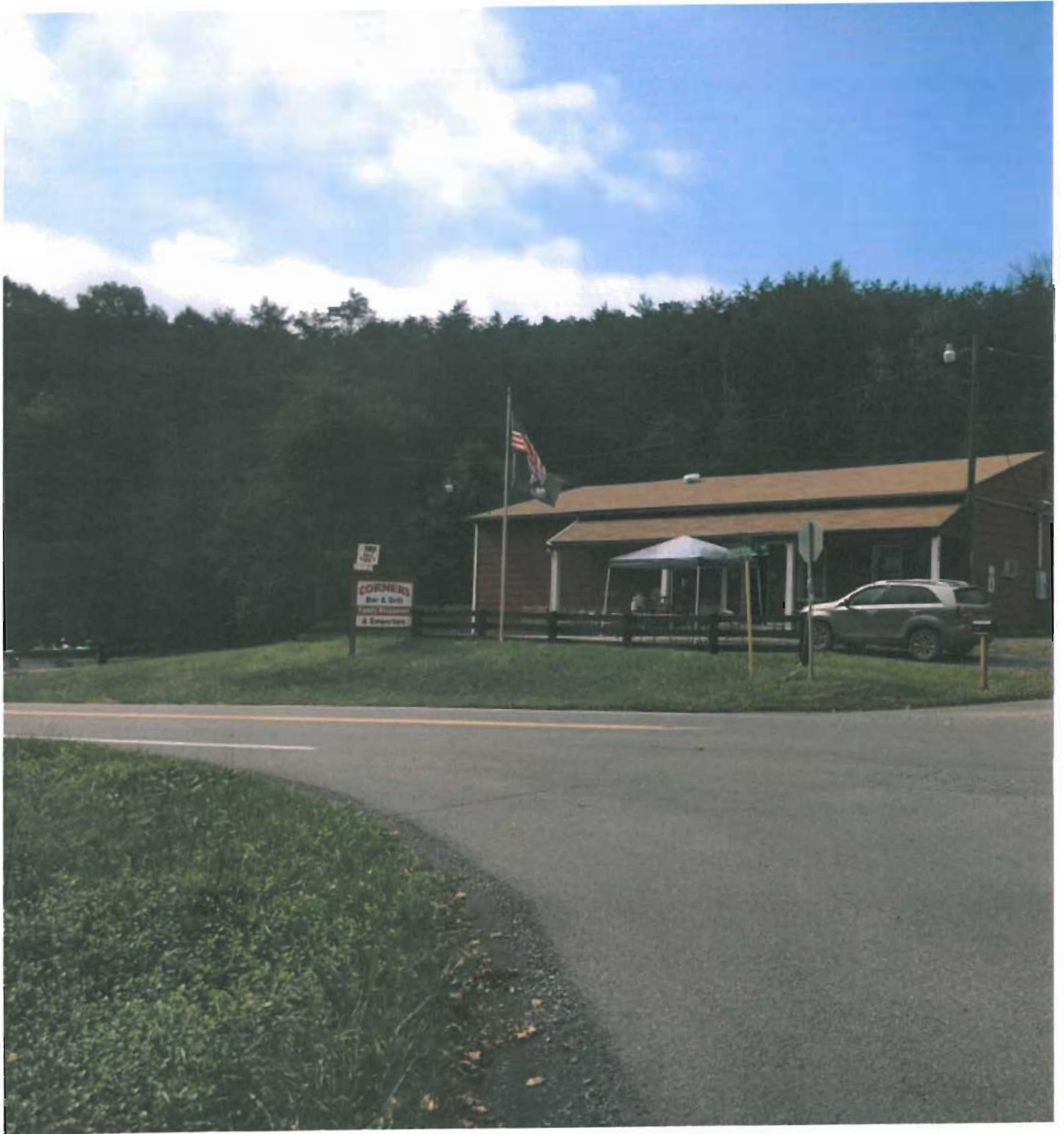
PIN: 69 - A - 15A



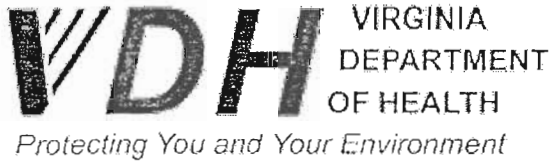
Application
Parcels

0 90 180 360 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: September 14, 2018



Sent from my iPhone



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

OSE Denial

July 19, 2018

Kathryn Garcha
2050 S Pifer Rd.
Star Tannery, VA 22654

Certified Mail 7015 0640 0001 9/20 9/24

RE: Tax Map: 69-A-15A , HDID: 069-18-0309
1429 S. Pifer Rd.
Star Tannery, Frederick County, VA 22654

Dear Kathryn Garcha :

This letter is to inform you that the Frederick County - City of Winchester Health Department has evaluated your application for a sewage disposal system/water supply permit or certification letter filed on June 29, 2018.

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

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

The reason for denial is:

Insufficient Area (Fill material under parking area.)

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

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

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

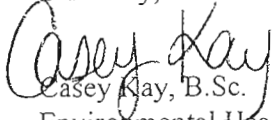
- 1) You are the owner of the property AND
- 2) You intend to use it as your principle place of residence AND
- 3) You do not intend to appeal this denial.

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

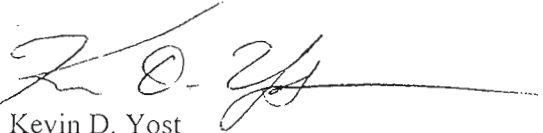
It is also acceptable to re-apply (with a **permanent pump-n-haul** application with approval from Frederick County and appropriate construction plans) within 90 days of receipt of this letter without paying a second state fee. After 90 days, a new application fee will be required. When denied for any reason, re-application without a state fee within 90 days may include any change up to and including a new site. Please be certain that the re-application documents are complete and follow all applicable regulations and policies to avoid another denial.

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

Sincerely,



Casey Kay, B.Sc.
Environmental Health Specialist



Kevin D. Yost
Environmental Health Specialist Senior

CC: Building Official
Hadley, Barry R. Private OSE



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

Applicant/Agent: Kathryn Garcha

Address: 2050 S. Pifee Rd

Star Tannery VA Phone Number: 540 624 0533

Property Owner's Name (if different from applicant): 22654

Address: same

Phone Number: _____

Contact Person (if different from applicant): Mike Johnson

Phone Number: 540 624 9482 OR 540 624 9482

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

Kathryn Garcha

Mike Johnson

-PROPERTY INFORMATION-

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

1429 S. Pifee Rd Star Tannery VA 22634

corner of S. Pifee Rd and Wardsville Pike (Rt. 55)

Name of the Subdivision (if applicable): _____

Magisterial District: Back Creek Total Property Acreage: 1.24

Property Identification Number (P.I.N.): 69-A-15A

-PUMP AND HAUL INFORMATION-

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

1429 S. P. Fee Rd
Star Tannery VA 22654
(property address)

to _____
(sewage treatment facility)

2. Justification for the pump and haul application: _____

All other Methods will not meet county requirements.
paperwork is attached

3. Brief description of holding facilities (type, capacity, etc.): 2 TANKS EACH

15 000 GALLON TANK EACH

4. Plans and specifications of holding facility (if required) prepared by: Painter & Lewis PLC

817 Cedar Creek Grade Winchester VA 22601
(address) (Engineer)

5. Name of Septic Hauler: FIRST CHOICE SEPTIC SERVICE

Hauler Address: 207 Bobcat Lane Phone: 540-465-2810

Lord Fairfax District Hauler # _____ DPOR#: _____

Frederick County Hauler Permit #: TW99-575 (H.D.I.D.)-069-18-0022

6. Quantity of sewage to be hauled per week 3000 gallons. Cost per load: \$450.00

7. Route(s) of transport: Rt 55 to Rt N to Rt. 7

8. Time of day for transport: _____

9. Emergency response capability: 24/7

10. Disposition of Sewage: _____

(attach a copy of agreement with owner of receiving treatment facility)

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

Signature: [Signature] Date: 9/11/18

Signature: _____ Date: _____



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

First Choice Septic Service, Inc. and Katherine Garchy
[Septic Hauler] [Property Owner(s)]

enter into this Contract with the County of Frederick, Virginia (the "County"), on this 4 day of September, 2018.

WHEREAS, in consideration of the County's approval of a pump and haul permit for the property located at 1429 South Pike Road Star Tenney PIN# ... and to provide for sewage collection and disposal services for a pump and haul system and guarantee compliance with all applicable regulations concerning sewage collection and disposal services.

THE PARTIES AGREE as follows:

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

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

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

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

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

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

By: [Signature] VDH Sewage Handling Permit # SH-LFHD-047
[Septic Hauler] Frederick County Septic Permit # 07-2011
[owner/officer/authorized agent must sign for Septic Hauler] Date 9-4-18

By: [Signature] Date 9/4/18
[Property Owner]

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

Board of Supervisors Approval Date

Letter of Request

9/4/18

I, Kathryn Garcia, have owned the property located at 1429 S. Pifer Rd, Star Tannery VA 22654 since 2006. I operated the business until February 2016. My husband passed away November 2015 and after 3 months, felt unable to continue. I put the property up for sale at that time.

By the end of 2017, as time had passed, my circumstances changing for the better, I made the decision to reopen the business.

I renewed my business license, got approval from the zoning office and began the process with the Health Department.

This posed a more complicated process than expected. We have complied with all requests by the Dept. of Health - water test, building and fire codes, etc. Our biggest hurdle was the septic system.

The building was established in 1941 and operated in its original capacity since that time until operations ceased in 2016.

Upon the desire to reopen, the system came under scrutiny by the Dept. of Health and it was determined the existing system did not meet current county standards.

Months of work have been ~~used to~~ done to determine if a new system could be installed. I do not own enough property to install a new drainage field and can not obtain a "right of way" from the adjacent property owner.

VDOT informed us there was not a big enough "right of way" under the road in front of the property due to the fact it is next to a creek.

Our last and only option is to install a "Permanent pump and haul system."

We have exhausted all other
resources at great expense.

I thank you for your consideration.

Sincerely,

Kathryn Garcha
Kathryn Garcha
owner



Holding
TANK

