



**AGENDA  
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, JANUARY 9, 2019  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**Regular Meeting Call to Order**

**Invocation**

**Pledge of Allegiance**

**Attachment**

**Organization of the Board of Supervisors for 2019 ----- A**

Pursuant to *Code of Virginia*, 1950, as Amended, the Board is Required to Organize Its Functions at Its First Meeting in January Including:

- A. Election of Vice-Chairman
- B. Adoption of Rules of Procedure
- C. Selection of a Parliamentarian
- D. Selection of Time and Place for Regular Meetings
- E. Chairman's Annual Committee Assignments:
  - 1. Board Assignments to Committees
  - 2. Citizen Member Assignments to Standing Committees

**Adoption of Agenda**

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

**Consent Agenda**

- 1. Minutes - Regular Meeting of December 12, 2018 ----- B
- 2. Committee Reports
  - a. Finance Committee Report of 12/19/18 ----- C
  - b. Parks & Recreation Commission Report of 12/11/18 ----- D
- 2. Resolution Supporting Delegate Collins's Proposed Legislation to Amend and Reenact § 58.1-3833 of the Code of Virginia, Relating to County Food and Beverage Tax; Maximum Rate ----- E
- 3. Resolution Supporting the Position of the Coalition of High Growth Communities on Legislation Pending at the Upcoming General Assembly Session ----- F
- 4. Request from the Commissioner of the Revenue for Refund ----- G
  - Enterprise FM Trust -- \$ 5,785.59
  - Undisclosed Taxpayer – Disabled Veteran's Relief -- \$ 2,543.20
  - Undisclosed Taxpayer – Disabled Veteran's Relief -- \$ 3,500.57
  - Undisclosed Taxpayer – Disabled Veteran's Relief -- \$12,290.31

**Board of Supervisors Comments**

**County Officials**

- 1. Recognition of Employee of the Year Travis Mitchell
- 2. GFOA Award----- H
  - Recognition of the Frederick County Finance Department for Receiving the Government Finance Officers Association's Distinguished Budget Presentation Award*
- 3. Committee Appointments----- I
  - a. Extension Leadership Council  
Back Creek District -- Unexpired 4-year term ending 1/14/20
  - b. Shawneeland Sanitary District Advisory Committee  
2-year term of Michelle Landon ended 11/9/18 (Eligible for reappointment)  
2-year term of Jeff Stevens ended 11/9/18 (Eligible for reappointment)

3. Committee Appointments, continued ----- |

- c. Board of Equalization  
3-year term ending 12/31/18 (Seeking applications)
  
- d. Economic Development Authority  
4-year term of Doug Rinker ends 1/10/19 (Eligible and willing to be reappointed)
  
- e. Parks and Recreation Commission  
3-year term of Charles Sandy ends 1/25/19 (Eligible and willing to be reappointed)

**Committee Business** – None

Finance Committee

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

Items 2, 3, 4, 6, 10 and 15 were approved under Committee consent agenda.

1. The FCPS Executive Director of Finance requests a General Fund and School Capital Projects Fund supplemental appropriation in the amount of \$1,264,000 to implement Phase II Safety and Security Construction Upgrades. Local funds are required. Request has been approved by the School Board. ***The committee recommends approval.***
  
2.  The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$2,000. This amount represents a grant award from the Virginia DEQ in support of the County's Secure Your Load campaign. No local funds required. ***Approved on Committee consent agenda.***
  
3.  The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$3,404.95. This amount represents an insurance claim for stolen equipment. No local funds required. ***Approved on Committee consent agenda.***
  
4.  The Public Works Director request a General Fund supplemental appropriation in the amount of \$10,000. This amount represents donated funds received for spaying and neutering shelter pets. No local funds required. Request has been approved by the Public Works Committee. ***Approved on Committee consent agenda.***
  
5. The Public Works Director requests a Shawneeland Fund supplemental appropriation in the amount of \$300,000. This amount represents funds for emergency repairs to roads and drainage structures due to excessive rainfall. Request has been approved by the Public Works Committee. ***The committee recommends approval.***
  
6.  The IT Director requests a General Fund supplemental appropriation in the amount of \$45,535. This amount represents PEG funds to be used for electronic agenda creation/management and live streaming of County meetings. No local funds required. Request has been approved by the IT Committee. ***Approved on Committee consent agenda.***
  
7. The IT Director requests a General Fund supplemental appropriation in the amount of \$11,251. This amount represents fund needed to hire an additional GIS Technician. Local funds are required. Request has been approved by the IT Committee. ***The committee recommends a transfer from contingency funds.***

Finance Committee, continued

8. The Parks & Recreation Director requests the creation of the School Grounds Maintenance Equipment Fund to set aside funds for grounds maintenance equipment replacement. The Parks and Recreation Commission has approved the request. *The committee recommends approval.*
9. The Sheriff requests a General Fund supplemental appropriation in the amount of \$954. This amount represents proceeds from the sale of old gym equipment to be used toward replacement. No local funds required. *The committee recommends approval.*
10.  The Sheriff requests a General Fund supplemental appropriation in the amount of \$203.33. This amount represents K9 donations. No local funds required. *Approved on Committee consent agenda.*
11. The Sheriff requests a General Fund supplemental appropriation in the amount of \$3,637.55. This amount represents proceeds from the sale of salvage and surplus in excess of budgeted revenue. No local funds required. *The committee recommends approval.*
12. The Sheriff request a General Fund supplemental appropriation in the amount of \$4,500. This amount represents reimbursements received from the Secret Service for the purchase of evidence collection and storage equipment. No local funds required. *The committee recommends approval.*
13. The Sheriff requests a General Fund supplemental appropriation in the amount of \$28,850. This amount represents recovered costs for traffic control to be used for overtime. No local funds required. *The committee recommends approval.*
14. The Sheriff requests a General Fund supplemental appropriation not to exceed \$42,000. This amount represents funds for radio equipment. Local funds are required. Request has been approved by the Public Safety Committee. *The committee recommends a transfer from contingency funds.*
15.  The Finance Director requests a General Fund supplemental appropriation in the amount of \$41,450.34. This amount represents unspent FY 18 VJJCA funds to be returned to the State. No local funds required. *Approved on Committee consent agenda.*

**Public Hearings (Non Planning Issues) - None**

**Planning Commission Business**

**Public Hearings - None**

**Other Planning Business**

1. Request by Wesley Housing – Resolution for a Local Housing ----- J  
Revitalization Area (PIN#: 54-A-128)
  
2. Site Plan (Subdivision) #22-18 Spring Run – ----- K  
15-Lot Townhouse Subdivision

**Board Liaison Reports**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A



Ann W. Phillips  
Deputy Clerk, Board of Supervisors  
Tel: 540.722.8273  
Fax: 540.667.0370

M E M O R A N D U M

To: Board of Supervisors  
From: Ann W. Phillips, Deputy Clerk to the Board  
Re: Amendment to the Rules of Procedure  
Date: January 3, 2019

Attached please find a copy of the Board's Rules of Procedure, which are adopted annually as part of the Board's reorganization. Staff has reviewed the document and has one proposed amendment to Section 1-1 Annual Meeting; Schedule of Regular Meetings. The text states that "no changes to the meeting schedule may be made unless the requirements of Section 15.2-1416 of the Code of Virginia, 1950, as amended, are first met." The Code currently stipulates that in order to cancel a regular meeting, the Board must pass a resolution affirming the cancelation. The proposed change to the Rules of Procedure would expand the last sentence in the section by adding the phrase " , except that the Chairman may cancel a regular meeting in extenuating circumstances. ""

If the Board is agreeable to this change, a draft motion has been enclosed for your consideration.

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

Attachment

**January 9, 2019**

**MOTION for ADOPTION OF RULES OF PROCEDURE**

**I move that the Board adopt the Rules of Procedure originally adopted by the Frederick County Board of Supervisors on May 28, 2003, amended January 9, 2019, and Robert's Rules of Order Simplified and Applied.**



RULES OF PROCEDURE  
FREDERICK COUNTY BOARD OF SUPERVISORS  
Adopted by the Frederick County Board of Supervisors  
at a Regular Meeting Held on May 28, 2003

ARTICLE I – MEETINGS

Section 1-1. Annual Meeting; Schedule of Regular Meetings

On the second Wednesday of January of each year, or on such other date in the month of January as it may designate, the Board shall assemble in the Board of Supervisors' Meeting Room of the County Administration Building, 107 North Kent Street, Winchester, Virginia, or such other public place as it may designate, in regular session and conduct its annual or organizational meeting. During the course of such meeting, the Board shall fix the date, time, and place of all of its regular meetings during the ensuing calendar year, and shall fix the day on which a regular meeting shall be continued should the Chairman later declare that weather or other conditions make it hazardous for members to attend. Thereafter, no changes shall be made to the schedule of regular meetings and continued dates of same unless the requirements of Section 15.2-1416 of the Code of Virginia, 1950, as amended, are first met, **except that the Chairman may cancel a regular meeting in extenuating circumstances.**

Section 1-2. Special Meetings

The Board of Supervisors may hold such special meetings as it deems necessary and at such times and places as it may find convenient. A special meeting can only be called pursuant to the requirements imposed by Sections 15.2-1417 and 15.2-1418 of the Code of Virginia, 1950, as amended.

Section 1-3. Continued Meetings

Upon majority vote of the members attending, the Board may continue its meetings, regular or special, from time to time as it may find convenient or necessary with no requirement to further advertise or announce.

Section 1-4. Quorum and Method of Voting

At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a majority vote of the Supervisors present and voting on any such question, unless otherwise provided by law or these Rules of Procedure. The name of each member voting and how he or she voted will be recorded for each action taken by the Board of Supervisors.

The Board of Supervisors has elected not to have a tiebreaker, as provided for by the Code of Virginia, 1950, as amended.

Section 1-5. Motions

Subject to limitations imposed hereafter in these rules, discussion of items on the agenda shall be permitted for purposes of clarifying the issues and/or the options available for consideration. No call for a vote shall be allowed until a member of the Board moves a specific action with reasonable clarity and each

member of the Board has thereafter had an opportunity to speak to the specific motion. Motions shall require a second. When possible, Board members making complex, multi-part, or lengthy motions are requested to provide the clerk with a written copy of the motion at the time the motion is made.

#### Section 1-6. Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall always be in order and shall be decided without debate, provided each member of the Board is given a reasonable opportunity to be heard.

#### Section 1-7. Motions While a Question is Under Debate

When a motion is under debate at a meeting of the Board, no motion shall be received unless it is one to amend, to refer to committee, for the previous question, for a substitute motion to lay on the table, or to recess or adjourn.

#### Section 1-8. Reconsideration of Motions, Etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been previously announced, it may not be reconsidered unless and until a motion to that effect is presented by a member of the Board who previously voted with the prevailing side when such motion, resolution, ordinance, or question was considered. Any such motion to reconsider shall be decided by a majority vote of the members present at the time such motion to reconsider is presented.

#### Section 1-9. Robert's Rules of Order; Suspending Rules [Amended 09/14/11] [Amended 02/14/18]

The proceedings of the Board of Supervisors, except as otherwise provided in these rules and by applicable State law, shall be governed by the latest version of Robert's Rules of Order, Simplified and Applied, with the exception of motions to postpone. Motions to postpone shall be for durations as decided by the Board of Supervisors and in conformity with the Code of Virginia, 1950, as amended, as applicable.

These Rules of Procedure of the Board may only be suspended on presentation of a motion to that effect, which is carried by majority vote of the members present and voting.

#### Section 1-10. Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as permitted by law.

Closed meetings may be placed on the agenda or may be requested by any member of the Board. However, no closed meeting shall be convened unless and until the Board has favorably acted on a motion to so convene, and then, only if such motion accurately states a lawful reason for such closed meeting as permitted by and outlined in Section 2.2-3711 of the Code of Virginia, 1950, as amended.

#### Section 1-11. Limitations on Duration and Hour of Meetings; Adjournment

Meetings of the Board of Supervisors shall not continue for more than 4 consecutive hours or later than 11:00 P.M. without the consent of a majority of the members present. Should it appear to the Chair that the matter or matters before the Board cannot be heard within the time remaining, the Chair shall poll the members of the Board to determine the desire of the members. The Chair shall adjourn or recess the meeting upon final action on the current agenda item unless a majority of the members agree to exceed the limits established by this section. Any items not taken up by the Board of Supervisors prior to adjourning will be added to the agenda of the next meeting without further action of the Board.

### ARTICLE II - OFFICERS

#### Section 2-1. Chairman and Vice Chairman [Amended 01/14/09]

At the annual or organizational meeting of the Board of Supervisors, as described in Section 1-1 hereof, the Board shall elect from its membership a Vice Chair, who shall serve for a one year term expiring on December 31st of the same year in which he or she is elected; provided, however, that unless the term of office has expired and the member has not been re-elected, the Vice Chair shall serve until their respective successor(s) shall have been elected and qualify. In the event that the Chair is absent from any meeting, the Vice Chair shall assume the authority and duties of the Chair. In the event the Chair and Vice Chair are absent from any meeting of the Board, then the members present at such meeting shall choose one of their number as temporary Chair by majority vote of the members present and voting.

#### Section 2-2. Authority of the Chairman

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum, and the Board will permit no behavior, which is not in keeping with this policy.

The Chairman shall preserve order and decorum at all meetings. He shall recognize persons desiring to speak and shall ensure that speaker's comments are limited to the issue before the Board for consideration and that any limitations on time are observed. The Chairman shall ensure that all persons entitled and desiring to speak are permitted to do so without interruption or comment during their presentation. The Chair shall determine if statements are demeaning, inappropriate, or out of order, and shall have the authority to revoke the speaker's right to continue.

The Chairman may order the expulsion of any person for violation of rules, disruptive behavior, or any words or action that incite violence or disorder, subject to appeal to the Board. Any person so expelled shall not be readmitted for the remainder of the meeting from which he was expelled. Any person who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion may be

barred from attendance at future meetings of the Board for a specified and reasonable period of time not to exceed six months or upon a still subsequent expulsion, a period not to exceed one year, either by the Chairman, subject to appeal to the Board, or by motion passed by the Board.

The Chairman shall have the power to administer an oath of honesty to any person concerning any matter submitted to the Board or connected with its powers and duties. The power to administer an oath granted to the Chair in this section shall be no greater than the same power authorized by Section 15.2-1410 of the Code of Virginia, 1950, as amended.

#### Section 2-3. Clerk

The Clerk of the Board shall be the County Administrator, and the duties and responsibilities of that position shall be as specified in Sections 15.2-407 and 15.2-1539 of the Code of Virginia, 1950, as amended. At the discretion of the Board, any county employee can be designated as Deputy Clerk, or Temporary Clerk, as the circumstances may require, and said employee shall have the same powers and duties outlined herein for the duration of said appointment.

### ARTICLE III - AGENDA

#### Section 3-1. Preparation

The Clerk shall prepare an agenda for each meeting of the Board of Supervisors, conforming to the order of business specified in Section 4-1 under Order of Business. Supporting information for every item to be placed on the regular meeting agenda shall be received in the Office of the County Administrator before noon on the Thursday that falls in the week immediately prior to the regularly scheduled Board meeting. Agendas for special meetings shall be prepared as far in advance as the circumstances necessitating the special meeting allow. The clerk shall include on the agenda all matters for which a written request and supporting information have been received in advance of the deadline herein established.

#### Section 3-2. Delivery

Each member of the Board shall receive the regular meeting agenda, along with the supporting information available to staff, on the Friday of the week prior to the regular meeting to be held on the second and fourth Wednesdays of each month. Special meeting agendas and supporting information will be delivered as far in advance as the circumstances necessitating the special meeting allow.

#### Section 3-3. Posting and Notice [Amended 02/14/18]

A copy of the meeting agendas shall be made available in the Office of the County Administrator, as of the date and time the information is distributed to members of the Board. Agendas will also be posted on the county web page at [www.fcva.us](http://www.fcva.us), and outside the main entrance to the Board of Supervisors' meeting room.

Section 3-4. Copies [Amended 02/14/18]

Individuals desiring complete copies of agenda packages shall arrange with the Clerk for the delivery and cost of the information desired.

ARTICLE IV - CONDUCT OF BUSINESS

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

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

Closed Session (When Required)  
Call to Order  
Invocation  
Pledge of Allegiance  
Adoption of Agenda  
Citizen Comments (Agenda Items Only, That Are Not Subject to Public Hearing.)  
Consent Agenda (Will contain Minutes and Committee Reports)  
Board of Supervisors Comments  
County Officials  
Committee Business  
Public Hearings – Non Planning Issues (When Required)  
Planning Commission Business  
    Public Hearings (When Required)  
    Other Planning Commission/Department Business  
Liaison Reports (If Any)  
Citizen Comments  
Board of Supervisors Comments  
Adjournment

Section 4-2. Adoption of Agenda

The agenda presented for adoption shall be the agenda prepared and delivered as required in Article III. Additions, deletions, or modifications and/or adoption of the agenda shall require the consent of a majority of the members of the Board present at the meeting.

Section 4-3. Consent Agenda

The Consent Agenda shall be introduced by a motion "to approve the Consent Agenda," and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the

Consent Agenda. Items which have been objected to and removed from the Consent Agenda shall be acted upon in the original order presented within the agenda.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

Section 4-4. Citizen Comments Period [Amended 4/14/04] [Amended 01/10/18]; [Amended 02/14/18]

Two Citizen Comments periods shall be furnished during every regular meeting of the Board of Supervisors. The first Citizen Comments period shall occur after the adoption of the Consent Agenda and shall be a time for citizens to address agenda items that are not scheduled for public hearing. A register for persons desiring to address the Board of Supervisors during this Citizen Comments period shall be furnished prior to the beginning of every regular meeting of the Board of Supervisors. Citizens desiring to address the Board of Supervisors during this period should provide their name, the issue they want to address, and their Magisterial District of residence on the register provided.

The second Citizens Comments period shall occur prior to the Board of Supervisors Comments at the end of the meeting and shall be a time for citizens to address the Board of Supervisors on issues that are not part of the regular meeting agenda. Citizens desiring to address the Board of Supervisors during this period are not required to register; however, each shall state their name and their Magisterial District of residence prior to their comments.

Each speaker during the Citizen Comments periods shall be limited to one appearance per citizen comment period per meeting. Individuals speaking during the Citizen Comments periods shall be subject to a three-minute time limitation.

Any person desiring to address the Board of Supervisors during the Citizen Comments periods shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI- Citizen Responsibilities.

Members of the Board shall neither engage in debate with, nor shall they be expected to answer questions posed by individuals speaking during the Citizen Comment period.

#### Section 4-5. Scheduled Presentations

Any person desiring to address the Board of Supervisors for a presentation under County Officials shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI- Citizen Responsibilities.

Any citizen or staff member who desires to address the Board during the County Officials portion of the agenda at a regular meeting shall submit a written request to the Clerk, or his/her designee, identifying, with reasonable certainty, the subject matter of the presentation. Such request must be in the Clerk's hands not later than the agenda deadline specified in Section 3-1 hereof. Only the person requesting to make the presentation may do so, unless otherwise permitted by the Chair, and every such speaker shall be subject to a five minute time limit for the presentation itself, which limit can be extended with agreement of the Chairman. Board member questions and discussion of the material presented shall not be subject to any time limit. Persons making presentations should be prepared to answer questions and provide detailed information in response to questions from members of the Board.

### ARTICLE V - PUBLIC HEARINGS

#### Section 5-1. Format for Public Hearings

It is the purpose and objective of the Board of Supervisors to give each citizen an opportunity to express his/her views on the issue(s) at hand at public hearings and to give all speakers equal treatment and courtesy. While it is often necessary to have a presentation by an applicant and staff, it is the desire of the Board to hear from the public; and therefore, the applicant and staff presentations will be as brief as possible. In order to accomplish this objective, it is necessary that certain rules of order prevail at all public hearings of the Board of Supervisors as follows:

#### Section 5-2. Order of Business

At public hearings, the order of business will be as follows:

- (a) Identification of Issue and Verification of Notice
- (b) Staff and/or Applicant Presentation
- (c) Public Comment
- (d) Close of Public Hearing
- (e) Board Member Questions
- (f) Staff, Applicant Response
- (g) Board discussion and/or consideration

#### Section 5-3. Identification of Issue and Verification of Required Notice

The Chair shall call upon the appropriate county staff member to verify that any required notice has been given and to read or summarize the notice for the benefit of those attending the public hearing.

#### Section 5-4. Staff and/or Applicant Presentation

The Chair will call upon the appropriate county staff and/or applicant to present such information as is necessary to explain the action requested of the Board of Supervisors. Presentations will be brief, concise summaries for the Supervisor's and the public's information and understanding, provided that sufficient time will be allowed to present, properly and fairly, the subject matter. When written information has been provided prior to the hearing, that information should be summarized, and only new information should be presented in detail at the meeting.

#### Section 5-5. Public Comment

Any person desiring to address the Board of Supervisors at a Public Hearing conducted by the Board of Supervisors shall be required to abide by the rules governing such presentations as set forth in these rules in Article VI-Citizen Responsibilities.

Prior to permitting public comment, the Chair shall determine, to the best of his ability, the approximate number of persons desiring to comment at the public hearing and shall establish the manner in which speakers are recognized and the length of time each may speak.

Should the Chair determine that the likely number of persons desiring to speak is 10 or more in number, he may direct that individuals desiring to speak register with staff, providing their name and the district in which they reside. Should registration be required, the Chair shall verify that all such registration has been completed before the hearings begin.

#### Section 5-6. Order of Speaking

Members of the public shall be permitted to speak as the Chair recognizes each, provided that no member of the public shall be recognized to speak a second time until all persons desiring to speak have had an opportunity to do so. In the event the number of persons desiring to speak necessitates a register, speakers shall be recognized in the order in which they have registered.

In the event the number of speakers results in the continuation of a public hearing, any persons registered but not heard at the initial Public Hearing will be the first given an opportunity to speak at the continued hearing.

#### Section 5-7. Presentation of Comments

Each person may address the Board as many times as the Chair, in his or her discretion, may allow, but no speaker shall exceed the total time limit set by the Chair.



Section 5-8. Board Members' Questions

Upon completion of a presentation by staff, applicant or member of the public, any member of the Board may ask questions to enhance their understanding of the issue, verify information presented or clarify the action or actions requested. Members of the Board shall not engage in debate with the person or persons making the presentation.

Section 5-9. Staff and/or Applicant Response

The Chairman shall call on the staff or applicant for any response on closing comments with reference to the public hearing presentations.

Section 5-10. Close of Hearing

When the Chair of the Board shall have closed a public hearing, no further public comments shall be received.

Section 5-11. Board Discussions and/or Consideration

At the close of the public hearing, the Board of Supervisors shall, at its discretion, act or defer action upon the matter set for public hearing. In the event the Board defers action to a later date, the record shall be left open to receive written comments up until the time that a vote is taken.

ARTICLE VI - CITIZEN RESPONSIBILITIES

Section 6-1. Application of Rules

Any person desiring to address the Board of Supervisors during any portion of a meeting designated for public comment shall be required to abide by the rules governing such presentations as hereafter set forth in these rules.

Section 6-2. Addressing the Board

All persons speaking at a meeting of the Board during any portion of a meeting designated for public comment shall address their comments to the Board of Supervisors and shall limit their comments to matters before the Board of Supervisors. Speakers shall not engage in debate with other speakers or members of the public. Questions shall not be asked of other speakers but may be directed to the Chairman of the Board for consideration by the Board in later deliberating the matter.

Section 6-3. Conduct while Speaking/Conduct While Not Speaking

Persons speaking at a meeting of the Board of Supervisors shall do so in a courteous manner. Cursing or other obscene language or gestures, threats, insults, or other actions intended to harass, provoke or incite a fight, brawl, or other such disorderly response will not be permitted. Any person whose

conduct is contrary to this section will be removed as provided for in section 2-2 of these rules. Board members are expected to observe the same decorum at all meetings.

**Section 6-4. Name and Magisterial District of Residence [Amended 02/14/18]**

Individuals addressing the Board during any portion of a meeting designated for public comment shall clearly state their name and Magisterial District of residence prior to making any further comments. Should a person be recognized to speak more than once, they shall identify themselves each time before speaking.

**Section 6-5. Organizational Representation**

Any person speaking at any portion of a meeting designated for public comment, who represents himself as being an officer or representative of an organization, group, association, corporation, or other entity, shall, upon request of a member of the Board, disclose for the organization, group, association, corporation, or other entity, the history, size, dues, structure, date of creation, requirements for membership, tax status; and shall reveal the organizations method of determining its official position and the speaker's authority to represent the organization. Unreasonable failure to provide this information to the satisfaction of the Board of Supervisors shall bar the speaker from speaking on behalf of the organization.

**Section 6-6. Order of Speaking**

Persons speaking during any portion of a meeting designated for public comment shall do so in the order in which they are recognized and called upon by the Chair.

**Section 6-7. Time Limits**

All persons speaking during any portion of a meeting designated for public comment shall observe all time limits established herein and shall yield the floor when informed their time has expired.

**Section 6-8. Registration [Amended 02/14/18]**

Should registration of speakers be required, all persons desiring to speak shall sign the register, providing their name and Magisterial District of residence.

**Section 6-9. Written Copy of Comments**

Speakers are requested, but not required, to leave written statements and/or comments with the Clerk or Deputy Clerk of the Board to be incorporated into the written record of the meeting.

Section 6-10. Information Sources

No person who speaks or otherwise presents information during any portion of a meeting designated for public comment shall knowingly present false or untrue information to the Board of Supervisors, and shall, upon request of any Board Member, provide the source of any information presented.

ARTICLE VII – APPOINTMENTS

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

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

The following positions are appointed by the Chairman each January.

STANDING COMMITTEES OF THE BOARD APPOINTED BY THE CHAIRMAN:

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

OTHER APPOINTMENTS MADE BY THE CHAIRMAN:

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

Section 7.2. Appointments by the Board of Supervisors [Amended 01/25/06]; [Amended 02/14/18]; [Amended 08/08/18]

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

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

## ARTICLE VIII - AMENDMENTS

### Section 8-1. Amendments

These Rules of Procedure may from time to time be revised, repealed, or otherwise amended upon an affirmative vote by a majority of the members of the Board of Supervisors present and voting.

(Adopted: 05/28/03)  
(Amended: 06/11/03)  
(Amended: 01/14/04)  
(Amended: 04/14/04)  
(Amended: 01/25/06)  
(Amended: 01/14/09)  
(Amended: 09/14/11)  
(Amended: 01/10/18)  
(Amended: 02/14/18)  
(Amended: 08/08/18)

**January 9, 2019**

**MOTION for SELECTION OF A PARLIAMENTARIAN**

**I move that the Board elect the County Administrator as Parliamentarian.**

**MOTION for SELECTION OF A TIME AND PLACE FOR REGULAR MEETINGS**

**I move that the second and fourth Wednesdays of each month, at 7:00 P.M., in the Board of Supervisors' Meeting Room, County Administration Building, 107 North Kent Street, Winchester, Virginia be the time and meeting place for the Frederick County Board of Supervisors for 2019. I further move that should a meeting be canceled due to inclement weather, it will take place on the following evening.**

**BOARD COMMITTEE ASSIGNMENTS 2019**

	Appt.	Voting	DeHaven	Wells	McCarthy	Lofton	Trout	Slaughter	Dunn
<b>STANDING COMMITTEES</b>									
Code & Ordinance	Annual	Y			X		CH		X
Finance	Annual	Y	X			X		CH	
Human Resources	Annual	Y		X	X				CH
Public Safety	Annual	Y		CH				X	X
Public Works	Annual	Y		X	CH	X			
Technology	Annual	Y			X	CH		X	
Transportation	Annual	Y				CH		X	
			1	3	4	4	1	4	3
<b>JOINT COMMITTEES</b>									
Joint Finance	Annual	Y	X					X	
MPO	Annual	Y	X					X	
			2	0	0	0	0	2	0
<b>AUTHORITIES/COMMISSIONS</b>									
Airport Authority	4 yr	Y	**						
Conservation Easement	3 yr	Y						X	
Economic Development Authority	4 yr	Y				X****			
Fred-Winc Service Authority	3 yr	Y	***						
N. S. Valley Reg. Comm."CA" + 2	elected	Y					X		X
Juvenile Detention Center *	4 yr	Y							
Regional Jail Board	4 yr	Y	(A)	X				X	
			0	1	0	1	1	2	1
<b>LIAISONS-Non Voting</b>									
Handley Regional Library	Annual	N							X
Parks & Recreation	Annual	N		X					
Planning Commission	Annual	N			(A)		X		
Sanitation Authority	Annual	N					X		
Social Services	Annual	N				X			
Fire and Rescue	Annual	N							X
Tourism Board	Annual	N			X				(A)
			0	1	1	1	2	0	2
<b>OTHER</b>									
Agricultural District Advisory	Annual	Y				X			
Extension Leadership	Annual	N				X			
Landfill Oversight	Annual	Y		X					
			0	1	0	2	0	0	0
<b>Total</b>			<b>3</b>	<b>6</b>	<b>5</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>6</b>

(A) = Alternate

\* Juvenile Detention Center Commission - Bob Williamson Serves as the County Rep.; Jay Tibbs as Alternate

\*\* Airport Authority - Gene Fisher term expires 6/30/2022

\*\*\* Fred-Winc Service Authority - Gene Fisher term expires 1/10/2022

\*\*\*\* EDA - Gary Lofton term expires 11/10/2019

Version: 01/04/2019

**CITIZEN COMMITTEE APPOINTMENTS  
2019**

**Appointments to All of the Following are Annual Citizen Appointments to the “Standing” Committees by the Chairman of the Board of Supervisors at the First Meeting of January Each Year (the Annual Organization of the Board). Appointments to all are for One Year.**

**Code & Ordinance Committee**

(meets as needed)

Derek C. Aston  
Stephen G. Butler  
James A. Drown

**Finance Committee**

(meets 3<sup>rd</sup> Wed. each month, 8:00 A.M.)

Jeffrey S. Boppe  
Angela L. Rudolph

**Human Resources Committee**

(meets 2<sup>nd</sup> Fri. each month, 9:00 A.M.)

Don Butler  
Dorrie R. Greene  
Beth Lewin

**Information Technologies Committee**

(meets as needed)

Quaisar Absar  
Todd Robertson

**Public Safety Committee**

(meets bi-monthly as needed)

Walter “Walt” Cunningham  
Helen Lake  
Charles R. “Chuck” Torpy

**Public Works Committee**

(meets last Tues. each month, 8:00 A.M.)

Gene E. Fisher  
Ed Strawsnyder, Jr.  
Whitney “Whit” L. Wagner

**Transportation Committee**

(meets 4<sup>th</sup> Mon. each month, 8:30 A.M.)

Gary R. Oates  
James M. Racey, II  
Barry G. Schnoor

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

**ATTENDEES**

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

**Staff present:** Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Mike Ruddy, Director of Planning; Candice Perkins, Assistant Director of Planning; Mark Cheran, Zoning & Subdivision Administrator; John Bishop, Assistant Director of Planning-Transportation; Scott Varner, Director of Information Technology; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**CALL TO ORDER**

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

**INVOCATION**

Chairman DeHaven asked a minister in attendance to deliver the invocation.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Lofton led the Pledge of Allegiance.

**ADOPTION OF AGENDA - APPROVED**

Supervisor Trout moved that the public hearing on Rezoning #03-18, Carpers Valley industrial Park, be removed from the agenda and postponed for 60 days. Supervisor Dunn seconded the motion.

Vice Chairman Lofton moved to amend the previous motion to set the public hearing for the second regular meeting in January 2019, January 23. Supervisor McCarthy seconded the motion. The Board discussed the options, and the motion to amend was carried unanimously on a voice vote. The amended motion to postpone the public hearing until the second regular meeting in January carried unanimously on a voice vote.

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

**CITIZENS COMMENTS - NONE**

**ADOPTION OF CONSENT AGENDA – APPROVED**

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

**-Minutes: Regular Meeting of October 24, 2018 - CONSENT AGENDA APPROVAL**

**-Minutes: Work Session of October 25, 2018 - CONSENT AGENDA APPROVAL**

**- Information Technology Committee Report of October 17, 2018 - CONSENT AGENDA APPROVAL Appendix 1**

**- Parks and Recreation Commission Report of November 13, 2018 - CONSENT AGENDA APPROVAL Appendix 2**

**- Public Safety Committee Report of November 19, 2018 - CONSENT AGENDA APPROVAL Appendix 3**

**- Public Works Committee Report of October 30, 2018 - CONSENT AGENDA APPROVAL Appendix 4**

**- Public Works Committee Report of November 27, 2018 - CONSENT AGENDA APPROVAL Appendix 5**

**- Transportation Committee Report of October 22, 2018 - CONSENT AGENDA APPROVAL Appendix 6**

**- Transportation Committee Report of November 26, 2018 - CONSENT AGENDA APPROVAL Appendix 7**

**- Acknowledgement of Receipt of Certified Copies of Abstract of Votes from the November 6, 2018, General Election - CONSENT AGENDA APPROVAL Appendix 8**

**- Resolution in Memoriam of Supervisor Margaret Brumback Douglas - CONSENT AGENDA APPROVAL**

RESOLUTION IN MEMORIAM OF  
SUPERVISOR MARGARET BRUMBACK DOUGLAS  
BACK CREEK DISTRICT  
FREDERICK COUNTY, VIRGINIA

WHEREAS, Margaret Brumback Douglas was born in 1932 in Winchester, Virginia, to Harman and Fannie Brumback, and  
WHEREAS, Margaret graduated from James Wood High School as a member of the Class of 1951; and  
WHEREAS Margaret retired from the United States Postal Service after more than 25 years of service; and  
WHEREAS Margaret was a member of the Frederick County Farm Bureau, a volunteer with the American Red Cross, and a member of Frederick County 4-H where she earned numerous awards including the prestigious Diamond Leadership Award in 2000; and  
WHEREAS, Margaret served as a member of the Frederick County Board of Supervisors representing the Back Creek Magisterial District from January 1996 until December 2003; and  
WHEREAS, during her tenure on the Board of Supervisors, Margaret served on the Personnel Committee, the Public Safety Committee, the Gypsy Moth Committee, the Parks and Recreation Commission, the Agricultural District Advisory Board, and the Extension Leadership Council, and was appointed as the Handley Regional Library Board liaison; and  
WHEREAS, following her tenure on the Board of Supervisors, Margaret served as a member on the Frederick County Grievance Panel and continued to serve as a member on the Extension Leadership Council from 2004 until the time of her death;  
NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its deepest sympathy to the family of Margaret Brumback Douglas and honors her life of leadership, dedication, and contribution to the community.  
BE IT FURTHER RESOLVED, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishments of this citizen legislator; and  
BE IT FINALLY RESOLVED, that a true copy of this resolution be presented to her family.

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**- Resolution of June Wilmot - CONSENT AGENDA APPROVAL**

RESOLUTION OF APPRECIATION  
JUNE WILMOT  
PLANNING COMMISSIONER  
FREDERICK COUNTY, VIRGINIA

WHEREAS, June Wilmot served Frederick County, Virginia, for approximately 14 years as a member of the Planning Commission; and  
WHEREAS, June was appointed as representative of the Shawnee District on the Frederick County Planning Commission on March 9, 2005, and was subsequently appointed as the At-Large Representative on January 23, 2008, and has served continuously until September 1, 2018; and

WHEREAS, June was elected by her peers as Chairman of the Planning Commission on January 18, 2006, and served in that capacity until January 17, 2018; and  
WHEREAS, June's insight and leadership abilities successfully guided the Planning Commission and the various sub-committees on which she served, particularly the Comprehensive Plans and Program Committee; and  
WHEREAS, June provided important guidance leading to a major re-write of the Frederick County 2030 Comprehensive Plan, followed by the 2035 Comprehensive Plan update; and  
WHEREAS, June's knowledge and conscientious dedication to bettering her community have enriched the County by promoting communication and citizen engagement as shown by increased community participation in the County's planning efforts.  
NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks and appreciation to June Wilmot for her devotion to service and dependability and wishes her all the best in her future endeavors.  
BE IT FURTHER RESOLVED, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishments of this public servant.

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**- Resolution Authorizing Boundary Line Adjustment for Acquisition of 34.361 acres as part of the Frederick County Landfill - CONSENT AGENDA APPROVAL**

WHEREAS, The Department of Public Works has determined that it is appropriate for the Landfill to operate with buffer between its operations and the surrounding properties; and  
WHEREAS, Ms. Gayle Anderson Golightly Keenan, the owner of Parcel Number 77-A-77D, which is adjacent to the Landfill property, has approached the Department of Public Works with an interest in performing a boundary line adjudgment to convey a portion of said parcel to the County; and  
WHEREAS, Ms. Anderson Golightly Keenan and the County have agreed to favorable contractual terms for said boundary line adjustment and conveyance to the County; and  
WHEREAS, the funds needed for the purchase of said property have been previously appropriated, and are available for this purpose;  
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors authorizes the boundary line adjustment and ratifies the real estate contract between the parties for that purpose. The Board further authorizes the County Administrator to sign the deed, closing documents, and any other documents deemed necessary for this purchase.

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**- Resolution Amending the addition of Security Drive to Secondary Road System - CONSENT AGENDA APPROVAL**

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  
WHEREAS, this Board assumes total responsibility for all cost and expense incurred to correct faulty workmanship or materials identified by VDOT and associated with the construction of one or more of the roads and/or related drainage facilities described on the attached AM-4.3 form for a period of one calendar year after the date of the legal acceptance of the referenced roads into the secondary system of state highways; 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.

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**- Road Resolution for System Changes - VDOT Project 0081-034-127, C-501 I-81 Exit 310, Kernstown - CONSENT AGENDA APPROVAL**

WHEREAS, the Virginia Department of Transportation has completed Project 0081-034-127, C-501; and  
WHEREAS, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as part of this resolution, define adjustments required in the secondary system of state highways as a result of construction,

and

WHEREAS, certain segments identified on the incorporated Form AM4.3 appear to no longer serve public convenience and should be abandoned as a part of the secondary system of state highways, and

WHEREAS, certain segments identified on the incorporated Form AM4.3 are no longer necessary for the uses of the state system of highways and no longer warrant maintenance at the taxpayers' expense, and

WHEREAS, certain segments identified on the incorporated Form AM4.3 are ready to be accepted into the secondary system of state highways, and

NOW, THEREFORE, BE IT RESOLVED, this Board hereby requests the Virginia Department of Transportation to take the necessary action to abandon those segments identified on the attached Form AM4.3 and project sketch as a part of the secondary system of state highways, pursuant to §33.2-912, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board hereby requests the Virginia Department of Transportation to take the necessary steps to discontinue maintenance on the segments identified on the incorporated Form AM4.3 and project sketch from the secondary system of state highways, pursuant to, §33.2-908, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board hereby requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM4.3 and project sketch to the secondary system of state highways, pursuant to, §33.2-705, Code of Virginia, and

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

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**BOARD OF SUPERVISORS COMMENTS - None**

**COUNTY OFFICIALS:**

**COMMITTEE APPOINTMENTS**

**JOHN PETRIE NOMINATED TO THE LOCAL EMERGENCY PLANNING COMMITTEE - APPROVED**

In response to a request from the Local Emergency Planning Committee (LEPC) and upon motion of Supervisor Slaughter, seconded by Supervisor McCarthy, John Petrie was nominated to serve on the Local Emergency Planning Committee as a representative of the Lord Fairfax Emergency Services Council. The motion carried on a voice vote.

**THOMAS DENNEY JR. APPOINTED AS RED BUD DISTRICT REPRESENTATIVE ON THE EXTENSION LEADERSHIP COUNCIL - APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor Wells, Thomas Denney, Jr., was appointed as Red Bud District Representative on the Extension Leadership Council to fill an unexpired four-year term ending September 9, 2019. The motion carried on a voice vote.

**ALAN MORRISON APPOINTED AS MEMBER-AT-LARGE TO THE FREDERICK COUNTY PLANNING COMMISSION - APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor McCarthy, Alan Morrison was appointed as a Member-At-Large to fill an unexpired four-year term ending November 14, 2021. The motion carried on a voice vote.

**LEWIS COSTELLO APPOINTED AS FREDERICK COUNTY REPRESENTATIVE ON THE HANDLEY REGIONAL LIBRARY BOARD - APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Dunn, Lewis Costello was appointed to a four-year term ending November 30, 2022, as Frederick County Representative on

the Handley Regional Library Board. The motion carried on a voice vote.

**GARY CRAWFORD RE-APPOINTED AS BACK CREEK DISTRICT REPRESENTATIVE ON THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Wells, Gary Crawford was reappointed to a four-year term ending December 10, 2022, as the Back Creek District Representative on the Historic Resources Advisory Board. The motion carried on a voice vote.

**GUSS L. MORRISON AND SANDRA W. DUNKLE RE-APPOINTED TO NORTHWESTERN COMMUNITY SERVICES BOARD - APPROVED**

Upon motion of Supervisor Wells, seconded by Supervisor McCarthy, Guss L. Morrison and Sandra W. Dunkle were each reappointed for three-year terms ending December 31, 2021, on the Northwestern Community Services Board. The motion carried on a voice vote.

**GENE FISHER RE-APPOINTED TO THE FREDERICK-WINCHESTER SERVICE AUTHORITY - APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor Wells, Gene Fisher was reappointed to a three-year term ending January 10, 2022, on the Frederick-Winchester Service Authority. The motion carried on a voice vote.

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**REQUESTS FROM THE COMMISSIONER OF THE REVENUE FOR REFUNDS – APPROVED**

Mr. Tierney explained the requests for refunds saying they had been reviewed by the County Attorney. Supervisor Slaughter moved for approval of and the corresponding supplemental appropriations for the refund requests as follows: American Telephone & Telegraph for \$2,712.34; APC PCS, LLC for \$40,650.10; Undisclosed Taxpayer – Disabled Veteran’s Relief for \$3,491.52; Undisclosed Taxpayer – Disabled Veteran’s Relief for \$3,907.32; and Undisclosed Taxpayer – Disabled Veteran’s Relief for \$7,296.79. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

**COMMITTEE BUSINESS**

**PUBLIC WORKS COMMITTEE**

**FACT SHEET AND PROCEDURE FOR SANITARY DISTRICT PETITION - ADOPTED**

Supervisor McCarthy moved for approval and adoption of the Fact Sheet and Procedure for Sanitary District Petition as presented by the Public Works Committee. Supervisor Wells seconded the motion which carried on a roll call vote as follows:

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

### Fact Sheet Regarding the Creation of Sanitary Districts

Virginia law permits residents of a neighborhood or other area to submit a petition to their local governing body for the creation of a sanitary district, provided that such petition contains at least fifty (50) signatures of qualified voters within the proposed district. If the proposed sanitary district would include fewer than 100 qualified voters, then fifty percent (50%) of qualified voters must sign the petition.

Once a petition is submitted, the Board of Supervisors is required to schedule and then conduct a public hearing on the petition. After that public hearing, the Board must determine whether the creation of a new Sanitary District is:

1. Necessary
2. Practical
3. Fiscally responsible, and
4. Supported by at least 50% of persons who own real property within the proposed district.

In order to answer these questions, the Board of Supervisors will need additional information beyond what is required for a petition. Examples of this information include:

- What specific services the Petitioners wish a sanitary district to provide
- What concerns, if any, the Petitioners have about the condition of roads and other common areas within the proposed sanitary district
- Whether a Property Owners' Association (POA) exists within the proposed sanitary district. If a POA exists:
  - Is it financially able to address the concerns noted by the Petitioners?
  - If the POA cannot address the concerns, has it exercised all its remedies under the law to improve its ability to address issues?
- The extent and condition of roads, open space, or any other common areas that may potentially be included in the Sanitary District, if one is created.
- Repairs, if any, that are necessary to maintain safe conditions on roads and in common spaces, and the estimated costs of those repairs.
- Additional work that may be necessary to bring the area within the proposed sanitary district up to a safe operating standard such as:
  - The approximate cost of yearly operation of the proposed sanitary district, including staffing, equipment, supplies, and any contracted work that would be necessary.
  - The approximate cost of establishing, by survey, the boundary of the proposed sanitary district, if not already established by previous survey or instrument.
- Polling information, of all record owners of real property within the proposed sanitary district, inquiring whether they support its creation.

The Board expects that Petitioners will provide, following the submission of their Petition, the following information:

- The specific services they are seeking from a potential sanitary district;
- Specific concerns that they have regarding the condition of roads and other common areas within the proposed district;
- Polling information of all record owners of real property within the proposed district, regarding whether they support the creation of a sanitary district; and
- Any information in their possession that is listed above or may be helpful to the Board in deciding whether to create a sanitary district.

While the Board will not make the decision on the Petition until a public hearing is held, having the relevant information from Petitioners prior to the hearing will ensure that the Board has ample time to review it. Petitioners or other residents may submit information to the Director of Public Works (County staff contact).

### Sanitary District Petition Procedure

The following procedures shall apply to the consideration and processing of petitions for the creation of new sanitary districts submitted by residents of Frederick County:

1. Once a petition is received by the County, staff will verify that the Petition, at a minimum, requests the creation of a sanitary district, at least roughly identifies the area to be encompassed therein, and bears fifty (50) signatures. If the submission does not meet this standard, it will not be processed further until such information is provided.
2. If the above standard is met, staff will send the Petition signatures to the Voter Registrar to verify that they are, in fact, registered voters who live within the proposed district.
  - a. If there are not fifty (50) signatures of registered voters who reside within the proposed district, the Petition will not be processed further, until such signatures are procured by the applicant.
3. Provided that the petition requirements are met, the Petition will be put on the agenda for a meeting of the Board of Supervisors.
4. At the appointed meeting, the date for a public hearing on the submitted Petition should be set. The meeting will be scheduled with the consideration of the publication requirements (three weeks of consecutive notice in the local paper, and at least ten (10) days to pass between the running of the third ad and the date of the hearing).
  - a. At the hearing, the Board may wish to refer the Petition to a committee for further discussion or study (i.e. to the Public Works Committee).
  - b. The Board may also direct staff to correspond with the Petitioners to inform them of information the Board will wish to have presented at the public hearing, to aid the Board in answering the questions required by the Virginia Code. Those questions are whether the creation of the proposed sanitary district is:
    - i. Necessary
    - ii. Practical
    - iii. Fiscally responsible, and
    - iv. Supported by at least 50% of persons who own real property within the proposed district.

5. If the matter is referred to a Committee, the Committee will begin the process of gathering information from the Petitioners and Staff to submit to the Board to aid it in its determination.
  - a. Information that the Committee may wish to have includes, but is not limited to:
    - i. From Petitioners:
      1. What specific services the Petitioners wish a sanitary district to provide.
      2. What concerns, if any, the Petitioners have about the condition of roads and other common areas within the proposed sanitary district.
      3. Whether a Property Owners' Association (POA) exists within the proposed sanitary district. If a POA exists:
        - a. Whether it is financially able to address the concerns noted by the Petition.
        - b. If the POA cannot address the concerns, whether it exercised all its remedies under the law to improve its ability to address identified issues.
      4. Polling data of the record owners of real property within the proposed sanitary district, indicating whether such owners support the creation of the proposed sanitary district. Such data should indicate the percentage of property owners who answered in the affirmative, the percentage who answered in the negative, and the percentage who did not respond.
    - ii. From Staff:
      1. The condition of roads, utilities, open space, or any other common areas or services that may potentially be included in the Sanitary District, if one is created. Such information should include:
        - a. Repairs, if any, that are necessary to maintain safe conditions on roads and in common spaces, and the estimated costs of those repairs.
        - b. Additional work that would be necessary to bring the area within the proposed sanitary district up to a safe operating standard, and the estimated cost of that work.
        - c. Identification of any parcels that would not benefit from inclusion in the sanitary district, or for which inclusion is not necessary or fiscally responsible.
      2. The approximate cost of yearly operation of the proposed sanitary district, including staffing, equipment, supplies, and any contracted work that would be necessary.
      3. The approximate tax or sanitary district fee that would be charged to residents to support the operations of the proposed district, if created.
      4. The approximate cost of establishing, by survey, the boundary of the proposed sanitary district, if not already established by previous survey or instrument.
      5. The present rate of property tax collection within the proposed sanitary district, as determined by the Treasurer's Office.
  - b. Once the Committee has studied the matter and considered any additional items that the Board has requested, the Committee will forward its findings to the Board.
6. At that public hearing, any person who owns property in the proposed sanitary district, or any person who resides in the proposed sanitary district may speak or present evidence in favor of the creation of the district, or in opposition to the creation of the district.
7. After the public hearing has been held, the Board must determine whether the creation of the proposed sanitary district is necessary, practical, fiscally responsible, and supported by at least fifty percent (50%) of the persons owning real estate within the proposed district.
  - a. If the Board finds facts sufficient to determine that the creation of the proposed sanitary district is necessary, practical, fiscally responsible, and supported by fifty percent (50%) of the persons owning real estate therein, then the Board may pass an ordinance establishing the new sanitary district, and which prescribes its metes and bounds. The Board may exclude from the Sanitary District any parcel that would either not be benefitted by the new sanitary district, or for which it was not able to find facts sufficient for inclusion.
  - b. If the Board does not find sufficient facts to support the creation of the sanitary district, it should take action to deny the petition.

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**CONTINUED PUBLIC HEARING ON PETITION FOR MOUNTAIN FALLS PARK  
SANITARY DISTRICT DESIGNATION SET FOR FEBRUARY 13, 2019 – APPROVED**

Vice Chairman Lofton discussed whether the Mountain Falls residents petitioning for a sanitary district should continue their current path or start over following the newly adopted procedures. Mr. Tierney noted that the public hearing on the matter was continued and is currently still open. He inquired whether the Board wished to set a date for the continued public hearing. Supervisor McCarthy moved to set the continued public hearing for the first February meeting, February 13, 2019, with the intention to hear any additional information provided by the petitioners.

Vice Chairman Lofton seconded the motion. The Board discussed the matter and the motion to set the continued public hearing for February 13, 2019, carried unanimously on a voice vote.

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

Twelve Month (2019) Outdoor Festival Permit Application - Belle Grove

*Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Belle Grove Plantation, 336 Belle Grove Road, Middletown, Virginia. Property Owned by the National Trust for Historic Preservation.*

Kristin Laise, Executive Director of Belle Grove, thanked the Board for its past support in approving the outdoor festival permit.

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

Chairman DeHaven closed the public hearing.

Upon motion of Vice Chairman Lofton, seconded by Supervisor Trout, the 2019 Twelve Month Outdoor Festival Permit for Belle Grove was approved unanimously on a voice vote.

**PLANNING COMMISSION BUSINESS**

**Public Hearing - None**

**Other Planning Business**

**REQUEST FOR PUMP & HAUL PERMIT, 721 SMITHEFIELD AVENUE, WINCHESTER (PIN#: 54B-1-107) - APPROVED**

*Staff has received a request seeking approval of a Pump & Haul Permit for an existing residence at 721 Smithfield Avenue, Winchester. 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.*

Candice Perkins, Assistant Planning Director, provided background and site information for the request. She said the Health Department has stated that the current system is failing and cannot be repaired. She said the request appears to comply with the code requirements.

The Board and staff discussed whether the property owner had previously made a similar request, the current monthly costs of pumping, and the fact that the system would be monitored with an alarm.

The property owner, Mary Legge, thanked the Board for reviewing the matter and asked for approval of the permit.

Supervisor Slaughter noted her usual dislike of the pump and haul option but said the request meets the criteria. She moved for approval of the pump and haul permit for 721 Smithfield Avenue. Vice Chairman Lofton seconded the motion which carried on a roll call vote as follows:

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



## **BOARD LIAISON REPORTS - None**

### **CITIZEN COMMENTS** –

Beth Shalap, Back Creek District, requested clarification on why the Board adopted the Procedure for Sanitary District Petition earlier in the meeting if the public hearing on the request for sanitary district designation for Mountain Falls Park was still open. Chairman DeHaven explained that the procedure is a county policy not subject to a public hearing.

Ms. Shalap noted the tasks given to the Public Works Committee regarding residents' request for Mountain Falls Park to become a sanitary district. She asked that the Board direct the Committee to release the draft cost figures to both the Board and the residents. She said she disagreed with the Board's interpretation of the law regarding the sanitary district designation process, specifically regarding identifying support of 50% of the property owners. Ms. Shalap said that she is aware the Public Works Committee will recommend against Mountain Falls Park becoming a sanitary district because 50% support has not been found, and that the Procedures are incomplete because there is no appeal process.

### **BOARD OF SUPERVISORS COMMENTS**

Vice Chairman Lofton discussed the identified need for workforce housing saying it provides an affordable housing option for qualifying families that average 60% of the local median household income. He said he has been in discussions with a group proposing to develop, own, and operate a workforce housing community in the vicinity of Route 37, Middle Road, and Apple Valley Road. He said the proposal will require an amendment to the Comprehensive Policy Plan Kernstown Area Plan and expansion of the Urban Development Area Boundary. He moved that the Board approve beginning the process of working toward amendment of the Comprehensive Policy Plan Kernstown Area Plan. Supervisor Wells seconded the motion.

Supervisor Slaughter said she had not seen the email sent earlier in the day on the topic and requested more time to review the issue. She questioned whether a plan amendment was necessary with other areas already designated as residential.

Chairman DeHaven said it is the right of any Supervisor to request a Comprehensive Plan amendment and deferred to Vice Chairman Lofton regarding a delay of the request. Vice Chairman Lofton said he would rather not delay and noted that the request will not permanently set anything in place but will start the study process allowing staff to provide pertinent data on the project.

The motion to initiate amendment of the Comprehensive Policy Plan Kernstown Area Plan carried on voice vote.

Supervisor McCarthy said that the Public Works Committee went out of their way to allow Mountain Falls residents the benefit of the doubt in light of the new law on sanitary district designation. He added that the draft cost analysis prepared by the Committee is already part of the public record since it is included in the current meeting agenda packet which has been made available to the public.

Supervisor McCarthy thanked the Reynolds Store Fire & Rescue Company for their help and service when his family needed assistance during the last week.

Supervisor Dunn said Delegate Chris Collins is drafting a bill which will call for a referendum to allow a county to equalize a county meals tax with the meals tax of an adjacent city, and if passed by the General Assembly and signed by the Governor, any county could place this issue as a referendum on the ballot in November 2019 with implementation in January 2020. He said Frederick County needs to raise money to meet the demands of a growing population. He added that meals taxes are discretionary while real estate taxes are mandatory and said a meals tax equalization would increase county revenue. He said he would like to introduce a resolution in support of the bill that will help Delegate Collins as he works with colleagues to pass this bill. Chairmen DeHaven said such a resolution can be prepared by staff for the next meeting.

Supervisor Dunn thanked the Frederick County Sheriff's Department for their assistance at the recent Follow the Star event.

Supervisor Slaughter said she attend the recent Independent Study for Middle Schools event held recently. She noted the outstanding work of the students and praised the amazing student led projects. She thanked the teachers for all their efforts assisting the students.

## **ADJOURN**

On motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 7:45 p.m.

C

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Wednesday, December 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, December 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 liaisons: William Orndoff, Treasurer; and Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: none

Staff present: Cheryl Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Kris Tierney, County Administrator; Jay Tibbs, Assistant County Administrator; Rod Williams, County Attorney; Lenny Millholland, Sheriff; Donald Lang, Sheriff Captain; Joe Wilder, Public Works Director; Jennifer Place, Budget Analyst; Jason Robertson, Parks & Recreation Director; Jon Turkel, Assistant Parks & Recreation Director; LeeAnna Pyles, Public Safety Communications Director; and Scott Varner, IT Director.

Others present: Patty Camery, FCPS Executive Director of Finance; and Kevin Kenney, FCPS Clerk of the Works.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Items 2, 3, 4, 6, 10 and 15 were approved under consent agenda.

1. The FCPS Executive Director of Finance requests a General Fund and School Capital Projects Fund supplemental appropriation in the amount of \$1,264,000 to implement Phase II Safety and Security Construction Upgrades. Local funds are required. Request has been approved by the School Board. See attached memo, p. 4 – 7. The committee recommends approval.
2.  The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$2,000. This amount represents a grant award from the Virginia DEQ in support of the County's Secure Your Load campaign. No local funds required. See attached memo, p. 8.
3.  The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$3,404.95. This amount represents an insurance claim for stolen equipment. No local funds required. See attached memo, p. 9.
4.  The Public Works Director request a General Fund supplemental appropriation in the amount of \$10,000. This amount represents donated funds received for spaying and neutering shelter pets. No local funds required. Request has been approved by the Public Works Committee. See attached memo, p. 10 – 11.
5. The Public Works Director requests a Shawneeland Fund supplemental appropriation in the amount of \$300,000. This amount represents funds for emergency repairs to roads and drainage structures due to excessive rainfall. Request has been approved by the Public Works Committee. See attached memo, p. 12. The committee recommends approval.
6.  The IT Director requests a General Fund supplemental appropriation in the amount of \$45,535. This amount represents PEG funds to be used for electronic agenda

creation/management and live streaming of County meetings. No local funds required.  
Request has been approved by the IT Committee. See attached memo, p. 13.

7. The IT Director requests a General Fund supplemental appropriation in the amount of \$11,251. This amount represents fund needed to hire an additional GIS Technician. Local funds are required. Request has been approved by the IT Committee. See attached memo, p. 14 – 15. The committee recommends a transfer from contingency funds.
8. The Parks & Recreation Director requests the creation of the School Grounds Maintenance Equipment Fund to set aside funds for grounds maintenance equipment replacement. The Parks and Recreation Commission has approved the request. See the attached proposed policy, p. 16 – 18. The committee recommends approval.
9. The Sheriff requests a General Fund supplemental appropriation in the amount of \$954. This amount represents proceeds from the sale of old gym equipment to be used toward replacement. No local funds required. See attached memo, p. 19. The committee recommends approval.
10.  The Sheriff requests a General Fund supplemental appropriation in the amount of \$203.33. This amount represents K9 donations. No local funds required. See attached memos, p. 20 – 23.
11. The Sheriff requests a General Fund supplemental appropriation in the amount of \$3,637.55. This amount represents proceeds from the sale of salvage and surplus in excess of budgeted revenue. No local funds required. See attached memo, p. 24. The committee recommends approval.
12. The Sheriff request a General Fund supplemental appropriation in the amount of \$4,500. This amount represents reimbursements received from the Secret Service for the purchase of evidence collection and storage equipment. No local funds required. See attached memo, p. 25 – 27. The committee recommends approval.
13. The Sheriff requests a General Fund supplemental appropriation in the amount of \$28,850. This amount represents recovered costs for traffic control to be used for overtime. No local funds required. See attached memo, p. 28 – 29. The committee recommends approval.
14. The Sheriff requests a General Fund supplemental appropriation not to exceed \$42,000. This amount represents funds for radio equipment. Local funds are required. Request has been approved by the Public Safety Committee. See attached information, p. 30 – 31. The committee recommends a transfer from contingency funds.
15.  The Finance Director requests a General Fund supplemental appropriation in the amount of \$41,450.34. This amount represents unspent FY 18 VJJCA funds to be returned to the State. No local funds required. See attached information, p. 32 – 35.

#### ITEMS FOR INFORMATION ONLY

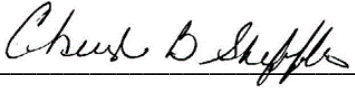
1. The Finance Director provides a Fund 10 Transfer Report for November 2018. See attached, p. 36.

2. The Finance Director provides financial statements ending November 30, 2018. See attached, p. 37 – 47.
3. The Finance Director provides an FY 2019 Fund Balance Report ending December 13, 2018. See attached, p. 48.


Respectfully submitted,

FINANCE COMMITTEE

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

By 

Cheryl B. Shiffler, Finance Director

DATE: November 12, 2018  
TO: Jay Tibbs, Deputy County Administrator  
FROM: Patty D. Camery, FCPS Executive Director of Finance   
RE: FY 2019 Budget Item for Consideration by the Board of Supervisors

On November 7, 2018, the School Board voted to request a supplemental appropriation from the Frederick County Board of Supervisors for the Phase II Safety and Security Construction Upgrades. Please include the following FY 2019 request on the agenda for the Board of Supervisors' meeting scheduled for December 12, 2018.

**Budget Adjustments to the Capital Projects Fund**

A budget adjustment to the School Capital Projects Fund is requested for \$1,264,000.00 to provide, construct, and implement Phase II Safety and Security Construction Upgrades to James Wood High School, Millbrook High School, Sherando High School, James Wood Middle School, Dowell J. Howard Center, NREP at Senseny Road School, Apple Pie Ridge Elementary School, and Frederick County Schools' Central Administration Building.

cc: Dr. David T. Sovine, Superintendent  
Kris C. Tierney, Frederick County Administrator  
Cheryl Shiffler, Frederick County Finance Director

**RESOLUTION  
OF THE COUNTY SCHOOL BOARD OF  
FREDERICK COUNTY, VIRGINIA  
REQUESTING A SUPPLEMENTAL APPROPRIATION  
TO THE FY2019 CAPITAL PROJECTS FUND**

**RECITALS**

**WHEREAS**, the supervision of Frederick County Public Schools (the “Division”) is vested in the County School Board of Frederick County, Virginia (the “Board”), a Virginia public body corporate, which holds the authority to monitor and manage the safety and welfare of its students; to provide a safe and secure school environment; to ensure that an educational program of high quality is established and continually maintained; and to provide an atmosphere that enables students to achieve at high levels and staff to teach in an environment free of violent threat; and

**WHEREAS**, consistent with Virginia Code § 22.1-79, the Board is also responsible for managing and controlling the property of the Division and providing for the erecting, furnishing, and equipping of necessary school buildings; and

**WHEREAS**, the Board has conducted an extensive condition study and evaluation of student and staff controlled access from all exterior entrances in all school buildings to prepare for preliminary design detail; and

**WHEREAS**, the prevalence of school shootings and other safety and security concerns necessitates additional construction to existing school buildings that are more than five years old to secure existing exterior entrance and exits and to provide other upgrades; and

**WHEREAS**, the use of modular classrooms to accommodate severe overcrowding in the Division’s high schools and elementary schools, creating the need to move students back and forth outside of the building envelope multi-times a day, necessitates that additional facility enhancements be designed and constructed; and

**WHEREAS**, the exterior entrance and exit upgrades are referred to as the Phase II Safety and Security Construction Upgrades and will include upgrades to the James

Resolution  
County School Board of  
Frederick County, Virginia  
Page 1 of 3



Wood High School, Millbrook High School, Sherando High School, James Wood Middle School, Dowell J. Howard Center, NREP at Senseny Road School, Apple Pie Ridge Elementary School and Frederick County Schools Central Administration Building; and

**WHEREAS**, a supplemental appropriation to the FY2019 Capital Projects Fund in the amount of \$1,264,000.00 is needed to provide, construct and implement the Phase II Safety and Security Construction Upgrades; and

**WHEREAS**, these recitals are an integral part of this Resolution.

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

- 1. The Board requests a supplemental appropriation to the FY2019 Capital Projects Fund in the amount of \$1,264,000.00 for the Phase II Safety and Security Construction Upgrades to James Wood High School, Millbrook High School, Sherando High School, James Wood Middle School, Dowell J. Howard Center, NREP at Senseny Road School, Apple Pie Ridge Elementary School and Frederick County Schools Central Administration Building;
- 2. The Phase II Safety and Security Upgrades shall be reviewed and approved as follows:

**Section I** – The school plans shall be reviewed and approved according to Frederick County Ordinance by the Chief Building Official and appropriate State or Federal Agencies with jurisdiction such as the Virginia Department of Transportation; and

**Section II** – The school plans shall be reviewed and approved by the Frederick County Fire Marshal.

- 3. That this Resolution shall take effect immediately upon its passage.
- 4. That the Clerk of the County School Board of Frederick County, Virginia, is authorized to transmit a certified copy of this Resolution to the Board of Supervisors of Frederick County, Virginia.

John Lamanna  
Dr. John J. Lamanna, Chair  
County School Board of Frederick County,  
Virginia

[Signature]  
Clerk, Frederick County School Board

Attested To:

Patty Cameron  
Executive Director of Finance and Deputy Clerk

Recorded Vote

Moved By: Mr. Thatcher

Seconded By: Mr. Foreman

Yeas: 7

Nays: 0



## MEMORANDUM

**TO:** Sharon Kibler, Finance Department

**FROM:** Gloria Puffinburger, Solid Waste Manager *GP*

**THROUGH:** Joe C. Wilder, Director of Public Works

**SUBJECT:** Appropriation of Grant Proceeds

**DATE:** December 11, 2018

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The purpose of this memorandum is to request appropriation of proceeds from a grant in the amount of \$2,000 to the Litter Control (4205) budget. Funds were awarded by the Virginia Department of Environmental Quality in support of the county's Secure Your Load campaign.

No local matching funds are required for this grant which will be used to purchase promotional items. Materials will primarily be distributed by Sheriff's deputies when they interact with motorists regarding loose loads of debris. Staff intends for the Secure Your Load campaign to be an on-going outreach project which will not require additional funds after the initial startup year which concludes in June 2019.

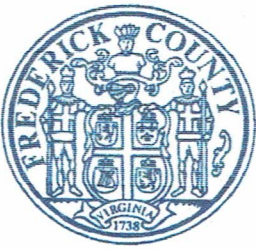
The electronic transfer of funds went to Treasurer's Office cash register 1077, GL#3-010-024040-007. *(cash sheet 11/8/18)*

If approved, please set up an expenditure line item in 4205.

If you have any questions, please do not hesitate to contact me at Extension 8219.

/gmp

cc: file



## MEMORANDUM

**TO:** Sharon Kibler, Finance Department

**FROM:** Gloria Puffinburger, Solid Waste Manager *G.P.*

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

**SUBJECT:** Appropriation of Insurance Proceeds

**DATE:** December 5, 2018

---

The purpose of this memorandum is to request that \$3404.95 in insurance proceeds be placed into line item 10-4203-5407-00 (Repair & Maintenance – Buildings and Grounds) in the Refuse Collection Budget. Funds represent payment for a claim resulting from equipment stolen from the Stephenson convenience site. Insurance proceeds will partially pay for the replacement of a zero turn mower and trailer taken from the site.

If you have any questions, please do not hesitate to contact me at Extension 8219.

/gmp

cc: file

c.s. 11/28/18



MEMORANDUM

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

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

**SUBJECT:** Supplemental Appropriation Requests –  
Animal Shelter and Shawneeland Sanitary District

**DATE:** December 7, 2018

---

The Animal Shelter is requesting a supplemental appropriation in the amount of \$10,000.00. The funds are for the spay/neuter program and is from the 10-240-2501 donation fund. The request was unanimously approved at the October 30, 2018 Public Works Committee Meeting with the recommendation to forward on to the Finance Committee for further consideration.

**(Attachment 1)**

The Shawneeland Sanitary District is requesting a supplemental appropriation in the amount of \$300,000.00 to replenish line items in the budget that have been used for emergency repairs this year. Funds for the request are in the Shawneeland reserve fund. The request was unanimously approved at the November 27, 2018 Public Works Committee Meeting with the recommendation to forward on to the Finance Committee for further consideration.

**(Attachment 2)**

We request this item to be placed on the December 19, 2018 Finance Committee Meeting for discussion and consideration.

If you have any questions, please feel free to contact me.

JCW/kco

Attachments: as stated

cc: Kris Tierney, County Administrator  
Jay Tibbs, Deputy County Administrator  
Sharon Kibler, Assistant Finance Director  
file

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**FREDERICK COUNTY - ANIMAL SHELTER**

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Kathy M. Whetzel  
Shelter Manager  
540/667-9192 ext. 2502  
FAX 540/722-6108  
E-mail: kwhetzel@fcva.us

**MEMORANDUM**

TO: Joe Wilder, Director of Public Works  
FROM: Kathy M. Whetzel, Shelter Manager  
SUBJECT: FY 19 Donation Fund Appropriation  
DATE: 10/12/18

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The Shelter is requesting an appropriation from 1034 donation fund, into line item 10-4305-3001-00 Professional Health Services, in the amount of \$10,000.00 for the FY 19 Budget.

The funding is part of the Dorothy Flemming trust given for the purpose of spaying and neutering shelter pets. *bal: \$245,059.38*

Please contact me if you have any questions.

KMW:hag



## MEMORANDUM

**TO:** Public Works Committee

**FROM:** Kevin C. Alderman, Shawneeland Sanitary District Manager

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

**SUBJECT:** Supplemental Appropriation Request

**DATE:** November 20, 2018

---

Shawneeland Sanitary District would like to request a supplemental appropriation in the amount of \$300,000. Funds are available in the Shawneeland Reserve Fund – 16-2402530. *bal : \$1,574,028 12/12/18*

Over the past 6 months, Frederick County has received record rainfall. Shawneeland has experienced a lot of road damage that necessitated emergency repairs using outside contractors and in-house forces. Repairs have been made to multiple roads and drainage structures throughout Shawneeland. We also have had to repair a slope failure on the west abutment of Cherokee Dam.

In order to perform this emergency work, funding from several line items within the current budget were transferred and spent on the emergency repairs and construction services. We are requesting that funds be placed in the following line items and amounts as indicated:

|  |           |
|--|-----------|
| -16-8108-3004-000 Repair and Maintenance – Roads | \$148,000 |
| -16-8108-3010-000 Other Contractual Services     | \$ 52,000 |
| -16-8108-5413-000 Road and Street Materials      | \$100,000 |

The supplemental funds will allow staff to perform normal maintenance and repairs within Shawneeland for the rest of this fiscal year.

We are requesting that the committee endorse our supplemental appropriation request of \$300,000 and for the request to be forwarded to the Finance Committee for further consideration.

JCW/kco



## COUNTY OF FREDERICK

### Information Technologies

Scott Varner, Director of Information Technology

svarner@fcva.us

Voice 540.722.8261

### MEMO

**To:** Finance Committee  
**From:** Scott Varner, Director of Information Technology  
**Subject:** Request for PEG Funds  
**Date:** November 1, 2018

---

The Information Technology Department is requesting to use \$45,600 in Peg Funds to pay for professional services and equipment for electronic agenda creation/management and live streaming of County meetings. The system proposed would offer citizens and interested parties digital access to meeting agendas, live webcasting, video recording, and minutes in a central, searchable portal. The current broadcast video server will be replaced due to technical issues and age. The breakdown of costs associated with the project are below.

- Live streaming and video archiving of meetings - \$24,310.31
- Peak Electronic Agenda Management - \$11,224.49
- Nexus Broadcast Video Server - \$10,000.00

**Total - \$45,534.80**

The Peg Funds are funds derived from our Cable Franchise fees. The use of funds from the PEG Grant are narrow in scope and can only be used for items related to the broadcasting of meetings.

This item was presented to the Board of Supervisors Information Technology Committee on Thursday, October 18, 2018. The request was unanimously approved by the Committee to move forward to the Finance Committee.

Sincerely,

Scott Varner

County of Frederick

Director of Information Technology

PEG funds collected YTD FY19 \$43,722.50 (as of 12/12/18 3-010-019110-0027)

PEG reserved fund balance: \$377,100 (as of 12/12/18) 0-010-000240-2443

107 North Kent Street, Winchester, Virginia 22601-5039





## COUNTY OF FREDERICK

### Information Technologies

Scott Varner, Director of Information Technology

svarner@fcva.us

Voice 540.722.8261

### MEMO

**To:** Finance Committee  
**From:** Scott Varner, Director of Information Technology  
**Subject:** Additional GIS Tech  
**Date:** November 1, 2018

IT/GIS is seeking \$11,251.02 to fill an entry level GIS Technician position in the current fiscal year. The funding would allow us to hire this position in March 2019. Below is a break down of the cost of the position for the remainder of the current fiscal year, including \$9,500 in salary savings from the IT Technician position.

Cost of position from March 2019 through end of Fiscal Year

Salary: \$14,277.00  
Benefits: \$ 6,474.02  
Total: \$20,751.02

Minus salary savings IT/GIS bring to the table: \$9,500.00

**Total cost of position for remainder of fiscal year: \$11,251.02**

The new position will be used to help with the increased workload experienced by our current GIS staff and especially our GIS Technician responsible for managing our E-911 system. In 2008 during the recession the GIS lost one full time GIS Technician that has not been replaced. The primary focus of that position was Public Safety, this work was redistributed and picked up by existing staff. As the economy has improved staff has experienced a steady increase in the workload. Staff members that already had a full workload prior to picking up those additional tasks are now overloaded in trying to manage the work.

An area that has been affected by this additional work is our assignment of new addresses. This area of work has been increasing exponentially as the economy has improved. The table below shows request for new addresses from fiscal year 2014 through today. As you can see the number of new addresses requested per fiscal year has almost doubled since 2014.

**New Address Requests**

| <b>Year:</b> | <b>Total:</b>          |
|--------------|------------------------|
| FY 2018      | 207* (as of 10/1/2018) |
| FY 2017      | 861                    |
| FY 2016      | 877                    |
| FY 2015      | 673                    |
| FY 2014      | 477                    |

\*Indicates a backlog of 153 addresses & road names for 2018

The next two tables show how this trend has continued through the number of plans being reviewed and the number of new road names being approved and added to the County's 911 System.

**New Road Name Requests**

| Year:   | Total:               |
|---------|----------------------|
| FY 2018 | 31 (as of 10/1/2018) |
| FY 2017 | 58                   |
| FY 2016 | 56                   |
| FY 2015 | 39                   |
| FY 2014 | 31                   |

**Plan Reviews**

| Year:   | Total:              |
|---------|---------------------|
| FY 2018 | 9 (as of 10/1/2018) |
| FY 2017 | 45                  |
| FY 2016 | 14                  |
| FY 2015 | 5                   |
| FY 2014 | 2                   |

What is not shown in these numbers is the time our GIS Tech spends in the field dealing with Addressing and Road Naming issues. As part of managing the E-911 system the Tech often needs to complete field visits to verify data received and resolve issues or questions they have with the information they receive or about the address issued. Although it is hard to estimate how much time the field work requires, we estimate it to be approximately 15% - 20% of their time.

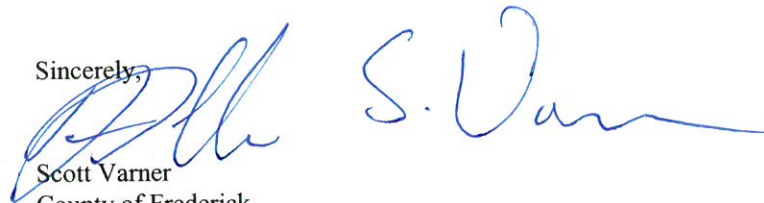
Other work done by our GIS Technician includes assisting with Citizen walk-in's requests. These are handled as they arrive. The time taken to handle these requests vary from request to request but on average staff spends about 1.5 hrs. with the citizen in the office. More complicated walk-in requests can take several days to complete.

In additional to the day to day work of the GIS staff, we will be performing a variety of duties to facilitate the move to NextGen 911. This work is mandated by the State and directly affects the County. This project started in August 2018 and requires us to have a 98% match for both streets and addressing between GIS/MSAG/ANI/ALI. Completion of this project must be done 3 months prior to implementation of the NextGen 911. The State has tentatively scheduled the Winchester/Frederick router in late 2019 or 1<sup>st</sup> quarter 2020. For our GIS data to be ready a full-time staff person must be dedicated to this project. At the present time, we do not have staff available to devote solely to this project without drastically affecting the services provided and our responsiveness to citizens and internal departments.

Overall the existing GIS Technician is currently the busiest technician we have with 207 Helpdesk tickets between July 1<sup>st</sup> and October 1<sup>st</sup>, 2018. To help relieve this work load GIS has shifted work, taken on multiple interns, and looked for process automation wherever possible. Ultimately these steps have provided some relief but not enough. That is why we are requesting \$22,152.00 to fill the GIS Technician position that was lost during the recession. This will allow us to ensure we are continuing to deliver the superior service the citizens of Frederick County have come to expect.

This item was presented to the Board of Supervisors Information Technology Committee on Thursday, October 18, 2018. The request was unanimously approved by the Committee to move forward to the Finance Committee.

Sincerely,



Scott Varner  
 County of Frederick  
 Director of Information Technology

107 North Kent Street, Winchester, Virginia 22601-5039



## MEMO

To: Finance Committee

From: Jason Robertson, Director of Frederick County Parks and Recreation

Subj: School Ground Maintenance Equipment Fund

Date: December 10, 2018

The Parks and Recreation Commission is recommending the School Grounds Maintenance Equipment Fund (SGMEF) be created by the enclosed Recreation Reserve Fund Policy (500.20) change.

Frederick County Parks and Recreation (FCPR) provides ground maintenance for the Frederick County Public Schools (FCPS) as outlined in the Cooperative Use Agreement. Funds received from FCPS for grounds maintenance include money to offset the replenishment of equipment. The recommended policy change will allocate funds received for equipment to the SGMEF within the Recreation Reserve Fund. FCPR will only be able to purchase equipment used to maintain FCPS with money from the SGMEF.

The Fiscal 2020 budget was submitted anticipating the SGMEF would be approved. Approximately \$ 82,000 for grounds maintenance equipment will need to be added to the Parks and Recreation Fiscal 2020 budget request should the SGMEF not be approved.

You may contact me at 540-722-8294 with any questions regarding the above.

## **RECREATION RESERVE FUND 500.20**

### **PURPOSE:**

The Recreation Reserve Fund within the Frederick County Reserve Fund will be used for Frederick County residents who need financial assistance for their children to participate in recreation programs, assist Frederick County in raising funds to fund capital projects identified in the Frederick County Comprehensive Plan and operations. This fund is not intended to provide funds which can be substituted for traditional tax base funding.

### **GOAL:**

Increase Frederick County youth participation in recreation for those who are unable to afford recreation programs and provide recreation facilities identified in the Frederick County Comprehensive Plan.

### **POLICY:**

There are four types of funds within the Recreation Reserve Fund: Recreation Assistance Fund, Specific Capital Project Funds, General Park Improvement Fund, and Park and Recreation School Ground Maintenance Equipment Fund.

#### **A. Recreation Assistance Fund:**

Funds dedicated for Recreation Assistance will be placed in the Recreation Reserve Fund within Frederick County's Reserve Fund as they are received. Each donation will be noted in a revenue code (10GL-3-010-018990-0027). Donations are non-refundable.

These funds will be utilized for individuals seeking recreation assistance based on their income level according to the Economic Assistance Policy (#500.08). Each time an individual requests assistance, Parks and Recreation staff will apply the standards from Policy #500.08. If the individual is eligible to receive assistance and funds are available, assistance will be provided and accounted in the department's registration system. Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund's Recreation Assistance Fund at the July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.

#### **B. Capital Project Funds**

A capital project fund may be created for any capital project approved by the Frederick County Parks and Recreation Commission and Frederick County Board of Supervisors. Twenty percent of the total project cost must be pledged prior to the establishment and acceptance of donations for a specific capital project fund in a revenue code (10GL-3-010-018990-0027).

The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick

County Finance Committee to recommend to the Frederick County Board of Supervisors. The Frederick County Board of Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

### **C. General Park Improvement Fund**

The general park improvement fund is for donations made to improve existing parks or facilities. Donations may be of any amount, deposited into revenue code (10GL-3-010-018990-0027), and are non-refundable.

The Parks and Recreation Commission will recommend the use of General Park Improvement Funds to the Finance Committee and the Board of Supervisors specifying the particular improvement.

### **D. Parks and Recreation School Ground Maintenance Equipment Fund**

The school ground maintenance equipment fund is from revenue collected from the Frederick County Public School system to purchase equipment used to maintain the school system's grounds. Revenues represent an equipment rate billed to the school system and will be deposited into revenue code ( ) to fund future purchases of replacement equipment. The Parks and Recreation Commission will recommend the use of School Ground Maintenance Equipment Funds to the Finance Committee and the Board of Supervisors specifying the equipment needed.

#### **Auditing/Accountability:**

All funds within the Recreation Reserve Fund will be accounted for annually by the Parks and Recreation Department based on the balance provide by the Frederick County Finance Department and the Parks and Recreation Department. This balance and activity will be reported to the Parks and Recreation Commission annually.

# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Payment for Gym Equipment  
DATE : November 14, 2018

---

Attached please find a check that was received on November 13, 2018 in the amount of \$954.00 from Paymac Inc. This amount represents a purchase of our gym equipment that was sold.

We are requesting this amount be posted to revenue line 3010-015020-0007

11/14/18 \$954.00

**Total \$954.00**

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

LWM/adl

Cc: Finance

C.S. 11/19/18

# FREDERICK COUNTY SHERIFF'S OFFICE



NOV 27 2018

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to K9  
DATE : November 27, 2018

---

Attached please find a deposit receipt and deposit ticket in the amount of \$113.33 that was received on November 26, 2018. This deposit represents a donation to our K9 from Mountain Falls Trunk or Treat.

This amount can be posted to: 3-010-018990-0006 (10CR)

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5402-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S. 11/28/18

# FREDERICK COUNTY SHERIFF'S OFFICE



NOV 07 2018

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to K9  
DATE : November 6, 2018

---

Attached please find a money order in the amount of \$50.00. This check represents a donation to our K9.

This amount can be posted to: 3-010-018990-0006 (10CR)

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5402-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S. 11/8/18



# FREDERICK COUNTY SHERIFF'S OFFICE



OCT 29 2018

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to K9  
DATE : October 29, 2018

---

Attached please find a check (#1686) in the amount of \$20.00 from Leslie Walter. This check represents a donation to our K9.

This amount can be posted to: 3-010-018990-0006 (10CR)

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5402-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S 10/31/18

# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

OCT 19 2018

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to K9  
DATE : October 19, 2018

---

Attached please find a check (#1242) in the amount of \$20.00 from Marcelle Riggleman. This check represents a donation to our K9.

This amount can be posted to: 3-010-018990-0006 (10CR)

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5402-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S. 10/24/18

# FREDERICK COUNTY SHERIFF'S OFFICE



FREDERICK COUNTY  
OCT 10 2018

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

To : Cheryl Shiffler, Director of Finance  
From : Sheriff Lenny Millholland  
Subject : Appropriation of Funds  
Date : October 10, 2018

---

We are requesting the proceeds from the 9/26/18 Sheriff's Sale, and deposited in the revenue line 3010-015020-0007 (1014), be appropriated as follows:

3102-3010-000-000 - \$1763.60 (Sheriff's Sale towing and advertising expenses) \*  
3102-3004-000-002 - \$6873.95 (remaining proceeds for vehicle repair & maintenance)

Thank you.

\$8,637.55  
< 5,000.00 > budgeted revenue

  
\$3,637.55

LWM/adl

C.S. 10/11/18 + 10/12/18

FREDERICK COUNTY SHERIFF'S OFFICE



OCT 15 2018

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

To : Cheryl Shiffler, Director of Finance  
From : Sheriff Lenny Millholland  
Subject : Reimbursements - Appropriation  
Date : October 11, 2018

---

Frederick County Sheriff's Office has received reimbursements from the Secret Services totaling \$4,500.00. This amount has been posted to 3-010-033010-0025. We are requesting appropriation into the following budget lines items:

\$4500.00 – Office supplies - 3102-5401-000-000

Thank you.

LWM/adl

C.S. 9/6/18 + 9/14/18

3 016 019110 058

5401.000

Revised 12/98

3010-033010-0025  
Total 4,500.00



The Department of the Treasury  
LOCAL, COUNTY, AND STATE LAW ENFORCEMENT AGENCY  
REQUEST FOR REIMBURSEMENT OF JOINT OPERATIONS EXPENSES

TO: \_\_\_\_\_ ATF \_\_\_\_\_ CUSTOMS \_\_\_\_\_ IRS \_\_\_\_\_ X SECRET SERVICE  
OCDETF CASE  YES  NO  
OCDETF CASE # \_\_\_\_\_ TFF TRACKING NUMBER \_\_\_\_\_  
NAME OF AGENCY: Frederick County Sheriff's Office TAX ID NUMBER: 54-6001290  
ADDRESS: 1080 Coverstone Drive Winchester, Va. 22602  
CONTACT PERSON: Capt. Donald Lang TELEPHONE NO: (540) 303-3569

DATES FOR WHICH THE REIMBURSEMENT IS REQUESTED: FROM: \_\_\_\_\_ TO: \_\_\_\_\_

OVERTIME EXPENSES

| NAME OF OFFICER | TITLE | HOURS WORKED | HOURLY RATE | TOTAL  |
|-----------------|-------|--------------|-------------|--------|
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |
|                 |       |              |             | \$0.00 |

TOTAL OVERTIME AMOUNT REQUESTED \_\_\_\_\_ \$0.00

TOTAL NUMBER OF REGULAR HOURS WORKED DURING THIS BILLING PERIOD(S) ON CASES WHICH OVERTIME WAS REQUESTED BY THE OFFICERS LISTED ABOVE. \_\_\_\_\_ 0.00 HOURS

OTHER EXPENSES

| PURPOSE AND OR TYPE OF EXPENSE  | TOTAL      |
|---|------------|
| Camera, Recorder and CD-R & DVD-R for evidence collection and storage   | \$1,053.90 |
| New UFED Touch 1 kit for cell phone extractions for evidence collection | \$3,080.00 |
| TOTAL OTHER EXPENSE REQUESTED   | \$4,133.90 |
| TOTAL REIMBURSEMENT REQUESTED   | \$4,133.90 |

certify that the information provided above is accurate and represents actual costs incurred by this agency

Donald Lang Capt. Administrative Services Donald Lang  
Digitally signed by Donald Lang  
Date: 2018.07.30 07:55:40 -0400'

(Requesting Agency) NAME TITLE SIGNATURE DATE

TREASURY AGENT REVIEW SIGNATURE DATE

EOAF APPROVAL DATE EOAF APPROVAL DATE

NOTE: OCDETF CASES - A COPY OF THIS DOCUMENT SHALL BE SENT TO THE AGENCY CORE CITY COORDINATOR



The Department of the Treasury
LOCAL, COUNTY, AND STATE LAW ENFORCEMENT AGENCY
REQUEST FOR REIMBURSEMENT OF JOINT OPERATIONS EXPENSES

TO: ATF CUSTOMS IRS X SECRET SERVICE

OCDETF CASE YES NO

OCDETF CASE #

TFF TRACKING NUMBER

NAME OF AGENCY: Frederick County Sheriff's Office

TAX ID. NUMBER: 54-6001290

ADDRESS: 1080 Coverstone Drive Winchester, Va. 22602

CONTACT PERSON: Capt. Donald Lang

TELEPHONE NO: (540) 303-3569

DATES FOR WHICH THE REIMBURSEMENT IS REQUESTED: FROM: TO:

OVERTIME EXPENSES

Table with 5 columns: NAME OF OFFICER, TITLE, HOURS WORKED, HOURLY RATE, TOTAL. Multiple rows with \$0.00 values.

TOTAL OVERTIME AMOUNT REQUESTED \$0.00

TOTAL NUMBER OF REGULAR HOURS WORKED DURING THIS BILLING PERIOD(S) ON CASES WHICH OVERTIME WAS REQUESTED BY THE OFFICERS LISTED ABOVE. 0.00 HOURS

OTHER EXPENSES

Table with 2 columns: PURPOSE AND OR TYPE OF EXPENSE, TOTAL. Row: ZAGG Durable IPAD Case w/keyboard to protect IPAD - assist at crime scenes \$414.72

TOTAL OTHER EXPENSE REQUESTED \$414.72

TOTAL REIMBURSEMENT REQUESTED \$414.72

certify that the information provided above is accurate and represents actual costs incurred by this agency

Donald Lang Capt. Criminal Investigations

Handwritten signature, date 8-15-18, and amount 366.10

(Requesting Agency) NAME TITLE SIGNATURE DATE

TREASURY AGENT REVIEW SIGNATURE DATE

EOAF APPROVAL DATE EOAF APPROVAL DATE

NOTE: OCDETF CASES - A COPY OF THIS DOCUMENT SHALL BE SENT TO THE AGENCY CORE CITY COORDINATOR

# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance  
FROM : Sheriff Lenny Millholland  
SUBJECT : Appropriation of Funds – Recovered costs  
DATE : December 11, 2018

We are requesting the reimbursements received for recovered costs totaling \$28,850.00 that was posted to 3010-019010-0018 for traffic control and overtime from August 2018 – November 2018 be appropriated in budget line 3102-1005-000-000.

|          |             |                                     |
|----------|-------------|-------------------------------------|
| 8/6/18   | \$1000.00   | (Fellowship Bible Church)           |
| 8/7/18   | \$400.00    | (Winc. Church of God)               |
| 8/24/18  | \$2000.00   | (Richardson-Wayland)                |
| 9/26/18  | \$900.00    | (Winc. Church of God)               |
| 9/25/18  | \$15,300.00 | (Richardson-Wayland, Slurry Pavers) |
| 10/12/18 | \$2,500.00  | (Fellowship Bible Church)           |
| 10/22/18 | \$300.00    | (Wal-Mart 4514)                     |
| 11/15/18 | \$1,200.00  | (Fellowship Bible Church)           |
| 11/20/18 | \$500.00    | (Winchester Church of God)          |
| 11/28/18 | \$400.00    | (Winchester Church of God)          |
| 11/28/18 | \$975.00    | (Fellowship Bible Church)           |
| 12/5/18  | \$150.00    | (Wal-Mart 4514)                     |
| 12/5/18  | \$3,225.00  | (Shenandoah University)             |

**Total reimbursements - \$28,850.00 ✓**

Thank you

LWM/adl

## Appropriation of Funds - Recover Costs

### Line Item 1005-000-000

| Date to Treasurer | Revenue Line Item      | Reference Number | Description                               | Amount       | Posted |
|-------------------|------------------------|------------------|---|--------------|--------|
| 8/7/2018          | 3010-019010-0018(10GO) | 20180809         | Winchester Church of God. June            | \$ 400.00    |        |
| 8/7/2018          | 3010-019010-0018(10GO) | 20180810         | Fellowship Bible Church - June            | \$ 1,000.00  |        |
| 8/27/2018         | 3010-019010-0018(10GO) | 20180830         | Richardson-Wayland Electric (July)        | \$ 2,000.00  |        |
| 9/24/2018         | 3010-019010-0018(10GO) | 20180925         | Richardson-Wayland Electric (Aug)         | \$ 10,200.00 |        |
| 9/24/2018         | 3010-019010-0018(10GO) | 20180925         | Slurry pavers (Aug)                       | \$ 5,100.00  |        |
| 9/25/2018         | 3010-019010-0018(10GO) | 20180926         | Winchester Church of God (july&aug)       | \$ 900.00    |        |
| 10/1/2018         | 3010-019010-0018(10GO) | 20181001         | Fellowship Bible Church - July/Aug        | \$ 2,500.00  |        |
| 10/11/2018        | 3010-019010-0018(10GO) | 20181015         | Wal-mart 4514 (from 2017 Thanksgiving)    | \$ 300.00    |        |
| 11/15/2018        | 3010-019010-0018(10GO) | 20181119         | Fellowship Bible Church - sept            | \$ 1,200.00  |        |
| 11/20/2018        | 3010-019010-0018(10GO) | 20181120         | Winchester Church of God. Sept. dropped c | \$ 500.00    |        |
| 11/28/2018        | 3010-019010-0018(10GO) | 20181128         | Winchester church of god Oct.             | \$ 400.00    |        |
| 11/28/2018        | 3010-019010-0018(10GO) | 20181128         | Fellowship Bible Church - Oct             | \$ 975.00    |        |
| 12/5/2018         | 3010-019010-0018(10GO) | 20181207         | Wal-mart 4514 (from 2018 Thanksgiving)    | \$ 150.00    |        |
| 12/5/2018         | 3010-019010-0018(10GO) | 20181207         | Shenandoah University                     | \$ 3,225.00  |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   | 3010-019010-0018(10GO) |                  |   |              |        |
|                   |                        |                  |   | \$ 28,850.00 | \$ -   |



# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540-662-6168  
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance  
FROM : Sheriff R. Lenny Millholland  
SUBJECT : Finance Committee  
DATE : December 12, 2018

---

A request of the Finance Committee for a Supplemental Appropriation in the amount of \$42,000.00 to update radio maintenance for 100 portable radios. This would include batteries, microphones, antennae's, and programing. This agency was fortunate enough to obtain radio's valued at approximately \$5000.00 each from Military (DRMO) Defense Reutilization and Marketing Office. This information was presented to the Public Safety Committee and recommended at their August meeting.

This request is to continue to improve radio communication for the safety and security of our personnel and the citizens of Frederick County.

Thank you

LWM/adl



1080 Coverstone Drive  
Winchester, VA 22602

Frederick C. Kinder  
Lieutenant  
Communications Committee Chair

August 29, 2018

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

Re: Request for funding

Director Pyles,

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

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

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

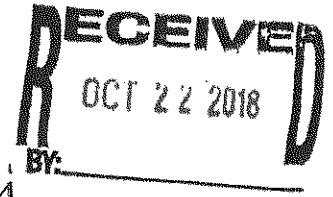
|                       |          |
|-----------------------|----------|
| 1. Battery            | \$85.00  |
| 2. Battery Charger    | \$75.00  |
| 3. Antenna            | \$25.00  |
| 4. Speaker Microphone | \$165.00 |

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

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

Respectfully submitted,

Frederick C. Kinder, Lieutenant  
Frederick County Fire and Rescue



COMMONWEALTH OF VIRGINIA

Andrew K. Block, Jr.  
Director

Department of Juvenile Justice

October 1, 2018

Mark LeGrys, VJCCCA Plan Contact  
Supervisor  
26 Rouss Ave.  
Winchester, VA 22601

Dear Mr. LeGrys:

The VJCCCA FY18 end of the year financial certification form for your locality has been received and the expenditure report has been reviewed. According to the report, Frederick/Winchester/Clarke expended \$86,852.66 of its total approved budget of \$128,358.00. The breakdown of funds expended is as follows:

|                                 |             |                                       |              |
|---------------------------------|-------------|---------------------------------------|--------------|
| Required Maintenance of Effort: | \$0.00      |                                       |              |
| State Funds Expended:           | \$86,907.66 | State Funds Provided to the Locality: | \$128,358.00 |
| Additional Local Funds:         | \$0.00      |                                       | -\$86,907.66 |
|                                 | -----       |                                       | -----        |
| TOTAL EXPENDITURES:             | \$86,907.66 | OWED TO THE STATE:                    | \$41,450.34  |

State funds in the amount of \$128,358.00 were provided to the locality. Because the state funds were not totally expended, we request that the balance of \$41,450.34 be returned to the state by November 15, 2018. Please make your check payable to Treasurer, Commonwealth of Virginia and mail it to:

Department of Juvenile Justice  
c/o Petty Cash Cashier  
PO Box 1110  
Richmond, VA 23218-1110

Additional funds for FY19 may not be released to your locality until the FY18 unexpended funds are returned. We thank you for the prompt report and all that your locality does for its youth and families before the Court Service Unit.

Sincerely,

*Beth Mohler Stinnett*  
Beth Mohler Stinnett  
VJCCCA Program Manager

- cc: David L. Ash, County Administrator – Clarke County
- Eden Freeman, City Manager – City of Winchester
- Kris Tierney, Interim County Administrator – Frederick County
- Dee Kirk, Region Program Manager

VJCCA FISCAL ADJUSTMENT FORM (FAF)  
 Biennium FY2017- FY2018

LOCALITY (OR COMBINED PLAN): Frederick, Winchester, Clarke FY17

| (1)<br>Program/Program ID #          | (2)<br>BJJ Approved Budget | (3)<br>Fiscal Adjustments of State Funds |          |          |          |          | (4)<br>Revised Budget | (5)<br>Cumulative Adjustments | (6)<br>Percentage Change |
|--------------------------------------|----------------------------|--|----------|----------|----------|----------|-----------------------|-------------------------------|--------------------------|
|                                      |                            | A  | B        | C        | D        | E        |                       |                               |                          |
| Intensive Supervision 069-060278     | 43,800                     | -5,908                                   |          |          |          |          | 37,892                | -5,908                        | -13.49%                  |
| Anger Management 069-210278          | 4,000                      | -3,365                                   |          |          |          |          | 635                   | -3,365                        | -84.13%                  |
| Parenting 069-220278                 | 1,000                      |  |          |          |          |          | 1,000                 | 0                             |                          |
| Supervision Plan 069-250278          | 6,258                      | 23,342                                   |          |          |          |          | 29,600                | 23,342                        | 372.99%                  |
| Substance Abuse Education 069-280278 | 1,000                      |  |          |          |          |          | 1,000                 | 0                             |                          |
| Substance Abuse Treatment 069-290278 | 11,500                     | -3,695                                   |          |          |          |          | 7,805                 | -3,695                        | -32.13%                  |
| Sex offender treatment 069-320278    | 5,000                      | -4,150                                   |          |          |          |          | 850                   | -4,150                        | -83.00%                  |
| Early Intervention 069-330278        | 55,800                     | -6,224                                   |          |          |          |          | 49,576                | -6,224                        | -11.15%                  |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
|                                      |                            |  |          |          |          |          | 0                     | 0                             |                          |
| <b>Total</b>                         | <b>128,358</b>             | <b>0</b>                                 | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>128,358</b>        | <b>0</b>                      |                          |
| <b>Amount Reallocated</b>            |                            |  |          |          |          |          |                       | <b>23,342</b>                 |                          |

Date of Adjustment      Explanation of Adjustments:

|                 |   |  |
|-----------------|---|--|
| <u>9/1/2017</u> | A | <u>Change in referral numbers, VJCCA staff vacancies</u> |
|                 | B |  |
|                 | C |  |
|                 | D |  |
|                 | E |  |

- (1) List each Board approved FY17 and FY18 program or program ID.
- (2) Enter the budget for State funds for each approved FY17 and FY18 program.
- (3) 5 columns are provided for adjustments throughout the year. List the first adjustment in column A, the second adjustment in Column B, etc. Note: The sum of all adjustments at the bottom of each column must equal 0.
- (4) This column is self-calculating and is the revised State funded budget after all adjustments.
- (5) This column is self-calculating and is the sum of all adjustments to each program.
- (6) This column is self-calculating and is the percentage change of reallocated funds. If this percentage exceeds 50%, a revised plan must be submitted to the DJJ Board.

I certify that I have notified the City Manager/County Administrator, Court Services Director, and Chief Judge of the most recent revised VJCCA Fiscal Adjustment.

\_\_\_\_\_  
Plan Contact

**Virginia Department of Juvenile Justice  
Community Programs Reporting  
FY2018 VJCCCA Expenditures for  
VJCCCA-Frederick County**

| <b>Substance Abuse Education</b>                   |  |                                 |                |                              |                    |              |              |
|--|--|---------------------------------|----------------|------------------------------|--------------------|--------------|--------------|
| Program ID   | Program Name   | State Expenses                  | Local Expenses | Other Expenses               | Total Expenses     | Total SU     | Total Admits |
| 069-280278-00                                      | Substance Abuse Education                            | \$225.00                        | -              | -                            | \$225.00           | 3            | 4            |
| <b>Total Budget: \$1,000.00</b>                    |  | <b>Difference: \$775.00</b>     |                | <b>Totals:</b>               |                    | 3            | 4            |
| Estimated SU: 150                                  |  | Estimated Cost Per SU: \$6.67   |                | Actual Cost Per SU: \$75.00  |                    |              |              |
| <b>Substance Abuse Treatment (Individual)</b>      |  |                                 |                |                              |                    |              |              |
| Program ID   | Program Name   | State Expenses                  | Local Expenses | Other Expenses               | Total Expenses     | Total SU     | Total Admits |
| 069-290278-06                                      | Substance Abuse Treatment: National Counseling Group | -                               | -              | -                            | -                  | -            | -            |
| 069-290278-08                                      | Substance Abuse Treatment: Multiple Vendors          | \$1,263.00                      | -              | -                            | \$1,263.00         | 4            | 3            |
| <b>Total Budget: \$11,500.00</b>                   |  | <b>Difference: \$10,237.00</b>  |                | <b>Totals:</b>               |                    | 4            | 3            |
| Estimated SU: 180                                  |  | Estimated Cost Per SU: \$63.89  |                | Actual Cost Per SU: \$315.75 |                    |              |              |
| <b>Supervision Plan Services</b>                   |  |                                 |                |                              |                    |              |              |
| Program ID   | Program Name   | State Expenses                  | Local Expenses | Other Expenses               | Total Expenses     | Total SU     | Total Admits |
| 069-250278-13                                      | Supervision Plan Services                            | \$13,197.05                     | -              | -                            | \$13,197.05        | 195          | 10           |
| <b>Total Budget: \$6,258.00</b>                    |  | <b>Difference: (\$6,939.05)</b> |                | <b>Totals:</b>               |                    | 195          | 10           |
| Estimated SU: 60                                   |  | Estimated Cost Per SU: \$104.30 |                | Actual Cost Per SU: \$67.68  |                    |              |              |
| <b>Total Expenses for VJCCCA-Frederick County:</b> |  | <b>\$86,907.66</b>              | <b>-</b>       | <b>-</b>                     | <b>\$86,907.66</b> | <b>2,168</b> | <b>125</b>   |

**Total Budget for VJCCCA-Frederick County: \$128,358.00**  
**Difference: \$41,450.34**  
**Maintenance Of Effort: -**  
**State Allocation: \$128,358.00**  
**Met MOE? Yes**  
**Return to State: \$41,450.34**

**Virginia Department of Juvenile Justice  
Community Programs Reporting  
FY2018 VJCCCA Expenditures for  
VJCCCA-Frederick County**

| <b>Case Management</b>           |  |                                |                                |                |                             |            |              |
|----------------------------------|--|--------------------------------|--------------------------------|----------------|-----------------------------|------------|--------------|
| Program ID                       | Program Name                                 | State Expenses                 | Local Expenses                 | Other Expenses | Total Expenses              | Total SU   | Total Admits |
| 069-330278-01                    | Early Intervention Officer: Frederick County | \$11,365.22                    | -                              | -              | \$11,365.22                 | 991        | 76           |
| <b>Total Budget: \$55,800.00</b> |  | <b>Difference: \$44,434.78</b> |                                | <b>Totals:</b> | <b>\$11,365.22</b>          | <b>991</b> | <b>76</b>    |
| Estimated SU: 3,000              |  |                                | Estimated Cost Per SU: \$18.60 |                | Actual Cost Per SU: \$11.47 |            |              |

| <b>Case Management</b>           |  |                                |                               |                |                         |          |              |
|----------------------------------|--|--------------------------------|-------------------------------|----------------|-------------------------|----------|--------------|
| Program ID                       | Program Name   | State Expenses                 | Local Expenses                | Other Expenses | Total Expenses          | Total SU | Total Admits |
| 069-330278-02                    | Predispositional Diversion Case Manager/Vjccca Coordinator | -                              | -                             | -              | -                       | -        | -            |
| <b>Total Budget: \$43,800.00</b> |  | <b>Difference: \$43,800.00</b> |                               | <b>Totals:</b> | <b>-</b>                | <b>-</b> | <b>-</b>     |
| Estimated SU: 5,400              |  |                                | Estimated Cost Per SU: \$8.11 |                | Actual Cost Per SU: NaN |          |              |

| <b>Pro-Social Skills Programs</b> |                  |                               |                                |                |                             |           |              |
|-----------------------------------|------------------|-------------------------------|--------------------------------|----------------|-----------------------------|-----------|--------------|
| Program ID                        | Program Name     | State Expenses                | Local Expenses                 | Other Expenses | Total Expenses              | Total SU  | Total Admits |
| 069-210278-05                     | Anger Management | \$2,010.00                    | -                              | -              | \$2,010.00                  | 67        | 8            |
| <b>Total Budget: \$4,000.00</b>   |                  | <b>Difference: \$1,990.00</b> |                                | <b>Totals:</b> | <b>\$2,010.00</b>           | <b>67</b> | <b>8</b>     |
| Estimated SU: 280                 |                  |                               | Estimated Cost Per SU: \$14.29 |                | Actual Cost Per SU: \$30.00 |           |              |

| <b>Pro-Social Skills Programs</b> |              |                                  |                                 |                |                             |            |              |
|-----------------------------------|--------------|----------------------------------|---------------------------------|----------------|-----------------------------|------------|--------------|
| Program ID                        | Program Name | State Expenses                   | Local Expenses                  | Other Expenses | Total Expenses              | Total SU   | Total Admits |
| 069-210278-06                     | Life Skills  | \$58,847.39                      | -                               | -              | \$58,847.39                 | 908        | 24           |
| <b>Total Budget: \$5,000.00</b>   |              | <b>Difference: (\$53,847.39)</b> |                                 | <b>Totals:</b> | <b>\$58,847.39</b>          | <b>908</b> | <b>24</b>    |
| Estimated SU: 36                  |              |                                  | Estimated Cost Per SU: \$138.89 |                | Actual Cost Per SU: \$64.81 |            |              |

| <b>Shoplifting Programs</b>     |                           |                               |                                |                |                         |          |              |
|---------------------------------|---------------------------|-------------------------------|--------------------------------|----------------|-------------------------|----------|--------------|
| Program ID                      | Program Name              | State Expenses                | Local Expenses                 | Other Expenses | Total Expenses          | Total SU | Total Admits |
| 069-190278-02                   | Larceny Reduction Program | -                             | -                              | -              | -                       | -        | -            |
| <b>Total Budget: \$1,000.00</b> |                           | <b>Difference: \$1,000.00</b> |                                | <b>Totals:</b> | <b>-</b>                | <b>-</b> | <b>-</b>     |
| Estimated SU: 60                |                           |                               | Estimated Cost Per SU: \$16.67 |                | Actual Cost Per SU: NaN |          |              |

BUDGET TRANSFERS NOVEMBER 2018

| DATE       | DEPARTMENT/GENERAL FUND             | REASON FOR TRANSFER                            | FROM | TO   | ACCT | CODE | AMOUNT     |
|------------|-------------------------------------|--|------|------|------|------|------------|
| 11/8/2018  | COUNTY OFFICE BUILDINGS/COURTHOUSE  | ELECTRICAL BILL FREDERICK COUNTY MIDDLE SCHOOL | 4304 | 5403 | 000  | 021  | (200.00)   |
|            | COUNTY OFFICE BUILDINGS/COURTHOUSE  |  | 4304 | 5101 | 000  | 010  | 200.00     |
| 11/8/2018  | FIRE AND RESCUE                     | PUBLIC SAFETY SOFTWARE                         | 3505 | 3010 | 000  | 000  | (4,860.00) |
|            | INFORMATION TECHNOLOGY              |  | 1220 | 3002 | 000  | 000  | 4,860.00   |
| 11/20/2018 | SHERIFF                             | 11/18 PROMOTIONS                               | 3102 | 1007 | 000  | 001  | (3,329.85) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 008  | 3,329.85   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (3,327.11) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 005  | 3,327.11   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (4,216.93) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 088  | 4,216.93   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (3,329.85) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 079  | 3,329.85   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (2,666.58) |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 072  | 2,666.58   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (2,865.83) |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 015  | 2,865.83   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (2,674.36) |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 065  | 2,674.36   |
|            | SHERIFF                             |  | 3102 | 1007 | 000  | 001  | (2,684.98) |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 071  | 2,684.98   |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 005  | (2,017.46) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 054  | (2,017.45) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 069  | 4,034.91   |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 053  | (4,882.83) |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 050  | 4,882.83   |
|            | SHERIFF                             |  | 3102 | 1001 | 000  | 053  | (3,502.36) |
|            | SHERIFF                             |  | 3102 | 1002 | 000  | 045  | 3,502.36   |
|            | FIRE AND RESCUE                     |  | 3505 | 1007 | 000  | 001  | (2,631.06) |
|            | FIRE AND RESCUE                     |  | 3505 | 1001 | 000  | 016  | 2,631.06   |
| 11/27/2018 | COUNTY OFFICE BUILDINGS/COURTHOUSE  | INCREASE IN MICROMAIN YEARLY CONTRACT          | 4304 | 3004 | 000  | 001  | (320.00)   |
|            | COUNTY OFFICE BUILDINGS/COURTHOUSE  |  | 4304 | 3002 | 000  | 000  | 320.00     |
| 11/27/2018 | RECREATION CENTERS AND PLAYGROUNDS  | TO COVER DUES AND MEMBERSHIPS                  | 7104 | 5801 | 000  | 000  | (335.00)   |
|            | PARKS AND RECREATION ADMINISTRATION |  | 7101 | 5801 | 000  | 000  | 335.00     |
| 11/27/2018 | RECREATION CENTERS AND PLAYGROUNDS  | FREDERICK HEIGHTS PARK BASKETBALL PAVING       | 7104 | 5412 | 000  | 000  | (7,842.00) |
|            | CLEARBROOK PARK                     |  | 7109 | 8900 | 000  | 000  | 7,842.00   |
| 12/3/2018  | COUNTY OFFICE BUILDINGS/COURTHOUSE  | WATER BILL AT FREDERICK COUNTY MIDDLE SCHOOL   | 4304 | 3010 | 000  | 007  | (800.00)   |
|            | COUNTY OFFICE BUILDINGS/COURTHOUSE  |  | 4304 | 5103 | 000  | 010  | 800.00     |
| 12/4/2018  | MANAGEMENT INFORMATION SYSTEMS      | MAINTENANCE FOR SOFTWARE FROM HELPSYSTEMS      | 1222 | 5413 | 000  | 000  | (820.00)   |
|            | MANAGEMENT INFORMATION SYSTEMS      |  | 1222 | 3005 | 000  | 000  | 820.00     |
| 12/6/2018  | GENERAL DISTRICT COURT              | BUDGET SHORTFALL CODED INCORRECTLY             | 2102 | 5411 | 000  | 000  | (37.92)    |
|            | GENERAL DISTRICT COURT              |  | 2102 | 5204 | 000  | 000  | 37.92      |
| 12/6/2018  | REFUSE COLLECTION                   | PAY DUES TO VA RECYCLING ASSOCIATION           | 4203 | 8006 | 000  | 000  | (200.00)   |
|            | REFUSE COLLECTION                   |  | 4203 | 5801 | 000  | 000  | 200.00     |

County of Frederick  
General Fund  
November 30, 2018

| ASSETS                             | FY19<br><u>11/30/18</u>      | FY18<br><u>11/30/17</u>     | Increase<br><u>(Decrease)</u>     |
|------------------------------------|------------------------------|-----------------------------|-----------------------------------|
| Cash and Cash Equivalents          | 86,509,106.55                | 82,623,125.08               | 3,885,981.47 *A                   |
| Petty Cash                         | 1,555.00                     | 1,555.00                    | 0.00                              |
| Receivables:                       |                              |                             |                                   |
| Taxes, Commonwealth, Reimb. P/P    | 18,354,385.97                | 17,312,383.00               | 1,042,002.97                      |
| Streetlights                       | 2,625.30                     | 3,215.27                    | (589.97)                          |
| Miscellaneous Charges              | 19,310.35                    | 47,278.77                   | (27,968.42)                       |
| Due from Fred. Co. San. Auth.      | 657,083.23                   | 657,083.23                  | 0.00                              |
| Prepaid Postage                    | 3,731.41                     | 3,516.55                    | 214.86                            |
| GL controls (est.rev / est. exp)   | <u>(4,262,460.27)</u>        | <u>(15,732,889.28)</u>      | <u>11,470,429.01</u> (1) Attached |
| <b>TOTAL ASSETS</b>                | <b><u>101,285,337.54</u></b> | <b><u>84,915,267.62</u></b> | <b><u>16,370,069.92</u></b>       |
| <b>LIABILITIES</b>                 |                              |                             |                                   |
| Retainage Payable                  | 47,010.53                    | 0.00                        | 47,010.53                         |
| Performance Bonds Payable          | 761,203.74                   | 1,188,847.76                | (427,644.02)                      |
| Taxes Collected in Advance         | 201,149.86                   | 208,245.21                  | (7,095.35)                        |
| Deferred Revenue                   | <u>18,360,332.95</u>         | <u>17,352,018.51</u>        | <u>1,008,314.44</u> *B            |
| <b>TOTAL LIABILITIES</b>           | <b>19,369,697.08</b>         | <b>18,749,111.48</b>        | <b>620,585.60</b>                 |
| <b>EQUITY</b>                      |                              |                             |                                   |
| Fund Balance                       |                              |                             |                                   |
| Reserved:                          |                              |                             |                                   |
| Encumbrance General Fund           | 1,202,753.45                 | 1,407,455.78                | (204,702.33) (2) Attached         |
| Conservation Easement              | 4,779.85                     | 4,779.85                    | 0.00                              |
| Peg Grant                          | 377,100.38                   | 234,066.38                  | 143,034.00                        |
| Prepaid Items                      | 949.63                       | 949.63                      | 0.00                              |
| Advances                           | 657,083.23                   | 657,083.23                  | 0.00                              |
| Employee Benefits                  | 93,120.82                    | 93,120.82                   | 0.00                              |
| Courthouse Fees                    | 408,676.25                   | 362,751.09                  | 45,925.16                         |
| Historical Markers                 | 17,726.59                    | 17,501.27                   | 225.32                            |
| Animal Shelter                     | 1,226,179.07                 | 1,091,175.27                | 135,003.80                        |
| Sheriff's Reserve                  | 1,000.00                     | 1,000.00                    | 0.00                              |
| Proffers                           | 5,158,521.68                 | 4,160,177.57                | 998,344.11 (3) Attached           |
| Parks Reserve                      | 17,631.82                    | 12,413.70                   | 5,218.12                          |
| E-Summons Funds                    | 163,429.73                   | 78,269.19                   | 85,160.54                         |
| VDOT Revenue Sharing               | 436,270.00                   | 436,270.00                  | 0.00                              |
| Undesignated Adjusted Fund Balance | <u>72,150,417.96</u>         | <u>57,609,142.36</u>        | <u>14,541,275.60</u> (4) Attached |
| <b>TOTAL EQUITY</b>                | <b><u>81,915,640.46</u></b>  | <b><u>66,166,156.14</u></b> | <b><u>15,749,484.32</u></b>       |
| <b>TOTAL LIAB. &amp; EQUITY</b>    | <b><u>101,285,337.54</u></b> | <b><u>84,915,267.62</u></b> | <b><u>16,370,069.92</u></b>       |

**NOTES:**

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

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



**BALANCE SHEET**

| (1) GL Controls     | FY19          | FY18          | Inc/(Decrease) |
|---------------------|---------------|---------------|----------------|
| Est.Revenue         | 180,176,369   | 172,209,964   | 7,966,405      |
| Appropriations      | (79,929,881)  | (84,594,267)  | 4,664,386      |
| Est.Tr.to Other fds | (105,711,701) | (104,756,042) | (955,660)      |
| Encumbrances        | 1,202,753     | 1,407,456     | (204,702)      |
|                     | (4,262,460)   | (15,732,889)  | 11,470,429     |

**(2) General Fund Purchase Orders 11/18**

| DEPARTMENT              | Amount              |   |
|-------------------------|---------------------|---|
| Commonwealth Attorney   | 3,925.32            | HON Systems Furniture   |
| County Office Buildings | 23,940.00           | Control System Public Service Building  |
|                         | 2,500.00            | Roof Repair Frederick County Middle School  |
|                         | 7,374.00            | Control Board Elevator  |
|                         | 3,100.00            | Water Conditioner   |
| Fire and Rescue         | 47,300.00           | Uniforms  |
|                         | 10,230.18           | Emergency lighting, Siren, Console includes installation for the Ford F-250 Training Purposes |
|                         | 4,000.00            | Install Lighting  |
|                         | 16,664.00           | Washer Extractor With Installation  |
|                         | 31,270.55           | 2019 Ford F-250   |
|                         | 3,920.00            | Crisis Track Subscription   |
|                         | 47,300.00           | Protective Clothing   |
| IT                      | 1,707.48            | Dell Laptop   |
|                         | 5,168.84            | Lenovo Think Pads (2)   |
| Parks                   | 40,355.15           | Outdoor Gym & Installation Sherando   |
|                         | 56,057.00           | Frederick Heights Park Trail  |
|                         | 560.40              | Agricultural Supplies   |
|                         | 527,200.00          | Sherando Park Recreation Access Project   |
|                         | 25,856.66           | Event Shirts  |
|                         | 5,650.00            | Sand for Volleyball Courts  |
|                         | 3,569.83            | Equipment   |
|                         | 3,399.00            | (500) Aqua Performance Caps   |
|                         | 2,878.47            | IP Video System   |
|                         | 4,290.00            | Youth Basketball Uniforms   |
| Public Safety           | 40,438.46           | Carousel Installation Project Management  |
|                         | 30,375.00           | ITS Equipment& Emergency Notification Software & Service                                      |
|                         | 5,000.00            | Clear Lot At North Mountain Tower   |
|                         | 4,586.60            | Cable, Connectors, and Mounts   |
| Sheriff                 | 6,969.00            | Lewis Machine and Tool Short Barrell Rifle  |
|                         | 4,540.00            | One Solution Software and Installation Service  |
|                         | 2,053.06            | Body Armor Vest Carriers (48)   |
|                         | 12,417.82           | Combat Uniforms   |
|                         | 10,395.00           | Breaching Tool& Power Cartridges  |
|                         | 34,868.80           | Ammunition  |
|                         | 13,246.00           | Used 2017 Dodge Charger   |
|                         | 4,200.00            | Citizen Interface Software and Professional Service   |
|                         | 3,382.36            | Canine Police Training Equipment  |
|                         | 6,872.65            | Uniforms  |
|                         | 4,217.38            | Tactical Equipment  |
|                         | 2,892.00            | (2) Raptor K Band Radar   |
|                         | 3,250.00            | Intoximeters  |
|                         | 3,125.00            | Truck Vault With Accessories  |
|                         | 127,600.00          | Armored Swat Van  |
|                         | 4,107.44            | (4) Nikon Cameras   |
| <b>Total</b>            | <b>1,202,753.45</b> |   |

| (3)Proffer Information | SCHOOLS      | PARKS     | FIRE & RESCUE | Designated Other Projects | TOTAL        |
|------------------------|--------------|-----------|---------------|---------------------------|--------------|
| Balance 11/30/18       | 2,751,622.38 | 87,651.67 | 463,712.91    | 1,855,534.72              | 5,158,521.68 |

**Designated Other Projects Detail**

|                               |                     |  |  |  |
|-------------------------------|---------------------|--|--|--|
| Administration                | 327,492.71          |  |  |  |
| Bridges                       | 14,714.00           |  |  |  |
| Historic Preservation         | 158,000.00          | 12/11/14 Board Action designated \$50,000 for final debt payment |  |  |
| Library                       | 200,857.01          | on the Huntsberry property.                                      |  |  |
| Rt.50 Trans.Imp.              | 10,000.00           |  |  |  |
| Rt. 50 Rezoning               | 25,000.00           |  |  |  |
| Rt. 656 & 657 Imp.            | 25,000.00           |  |  |  |
| RT.277                        | 162,375.00          |  |  |  |
| Sheriff                       | 81,706.00           |  |  |  |
| Solid Waste                   | 12,000.00           |  |  |  |
| Stop Lights                   | 52,445.00           |  |  |  |
| Treasurer                     | 700.00              |  |  |  |
| BPG Properties/Rt.11 Corridor | 330,000.00          |  |  |  |
| Blackburn Rezoning            | 452,745.00          |  |  |  |
| Clearbrook Bus.Ctr.Rezoning   | 2,500.00            |  |  |  |
| <b>Total</b>                  | <b>1,855,534.72</b> |  |  |  |

**Other Proffers 11/30/18**

| (4) Fund Balance Adjusted |                 |
|---------------------------|-----------------|
| Ending Balance 11/18      | 44,305,960.60   |
| Revenue 11/18             | 63,718,721.33   |
| Expenditures 11/18        | (33,314,522.11) |
| Transfers 11/18           | (2,559,741.86)  |
| 11/18 Ending Balance      | 72,150,417.96   |

County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 November 30, 2018

| <b>REVENUES:</b>   | <u>Appropriated</u>   | FY19<br>11/30/18<br><u>Actual</u> | FY18<br>11/30/17<br><u>Actual</u> | YTD<br>Actual<br><u>Variance</u> |
|--|-----------------------|-----------------------------------|-----------------------------------|----------------------------------|
| General Property Taxes   | 123,179,515.00        | 39,313,897.97                     | 38,084,884.98                     | 1,229,012.99 (1)                 |
| Other local taxes  | 36,959,731.00         | 8,765,137.62                      | 8,685,396.69                      | 79,740.93 (2)                    |
| Permits & Privilege fees   | 1,838,386.00          | 876,855.95                        | 805,974.87                        | 70,881.08 (3)                    |
| Revenue from use of money<br>and property  | 526,810.00            | 551,573.56                        | 302,556.67                        | 249,016.89 (4)                   |
| Charges for Services   | 3,061,899.00          | 1,189,173.16                      | 1,068,994.49                      | 120,178.67                       |
| Miscellaneous  | 530,579.29            | 265,752.38                        | 228,009.59                        | 37,742.79                        |
| Recovered Costs  | 1,618,949.00          | 1,030,594.94                      | 764,759.34                        | 265,835.60 (5)                   |
| Proffers   | 0.00                  | 614,455.52                        | 567,347.28                        | 47,108.24 (5)                    |
| Intergovernmental:   |                       |                                   |                                   |                                  |
| Commonwealth   | 12,460,499.74         | 11,047,759.42                     | 10,864,523.61                     | 183,235.81 (6)                   |
| Federal  | 0.00                  | 7,520.48                          | 7,871.46                          | (350.98) (7)                     |
| Insurance Recoveries   | 0.00                  | 3,104.33                          | 0.00                              | 3,104.33                         |
| Transfers  | 0.00                  | 52,896.00                         | 0.00                              | 52,896.00                        |
| <b>TOTAL REVENUES</b>  | <b>180,176,369.03</b> | <b>63,718,721.33</b>              | <b>61,380,318.98</b>              | <b>2,338,402.35</b>              |
| <b>EXPENDITURES:</b>   |                       |                                   |                                   |                                  |
| General Administration   | 12,891,421.19         | 6,604,488.02                      | 6,229,185.39                      | 375,302.63                       |
| Judicial Administration  | 2,924,157.74          | 1,161,033.83                      | 1,060,829.51                      | 100,204.32                       |
| Public Safety  | 38,840,792.87         | 15,987,433.05                     | 15,508,488.75                     | 478,944.30                       |
| Public Works   | 6,247,506.13          | 2,223,272.80                      | 1,752,382.35                      | 470,890.45                       |
| Health and Welfare   | 10,200,498.00         | 3,579,333.73                      | 3,537,863.93                      | 41,469.80                        |
| Education  | 81,080.00             | 40,540.00                         | 38,160.00                         | 2,380.00                         |
| Parks, Recreation, Culture   | 8,659,114.78          | 3,078,536.01                      | 2,843,716.68                      | 234,819.33                       |
| Community Development  | 2,184,007.71          | 639,884.67                        | 2,568,448.89                      | (1,928,564.22)                   |
| <b>TOTAL EXPENDITURES</b>  | <b>82,028,578.42</b>  | <b>33,314,522.11</b>              | <b>33,539,075.50</b>              | <b>(224,553.39) (8)</b>          |
| <b>OTHER FINANCING SOURCES ( USES):</b>  |                       |                                   |                                   |                                  |
| Operating transfers from / to  | 103,613,004.33        | 2,559,741.86                      | 8,124,022.74                      | (5,564,280.88) (9)               |
| <b>Excess (deficiency)of revenues &amp; other<br/>sources over expenditures<br/>&amp; other uses</b> | <b>(5,465,213.72)</b> | <b>27,844,457.36</b>              | <b>19,717,220.74</b>              | <b>(8,127,236.62)</b>            |
| <b>Fund Balance per General Ledger</b>   |                       | <b>44,305,960.60</b>              | <b>37,891,921.62</b>              | <b>6,414,038.98</b>              |
| <b>Fund Balance Adjusted to reflect<br/>Income Statement 11/30/18</b>                                |                       | <b>72,150,417.96</b>              | <b>57,609,142.36</b>              | <b>14,541,275.60</b>             |

| <b>(1)General Property Taxes</b>     | <b>FY19</b> | <b>FY18</b> | <b>Increase/Decrease</b> |
|--------------------------------------|-------------|-------------|--------------------------|
| Real Estate Taxes                    | 23,480,986  | 22,545,337  | 935,649                  |
| Public Services                      | 409,441     | 401,287     | 8,154                    |
| Personal Property                    | 14,923,787  | 14,656,884  | 266,903                  |
| Penalties and Interest               | 358,922     | 344,566     | 14,357                   |
| Credit Card Chgs./Delinq.Advertising | (31,321)    | (33,261)    | 1,939                    |
| Adm.Fees For Liens&Distress          | 172,084     | 170,073     | 2,011                    |
|                                      | 39,313,898  | 38,084,885  | 1,229,013                |

**(2) Other Local Taxes**

|                             |                     |                     |                  |
|-----------------------------|---------------------|---------------------|------------------|
| Local Sales Tax             | 3,625,131.41        | 3,596,574.14        | 28,557.27        |
| Communications Sales Tax    | 293,352.62          | 309,079.87          | (15,727.25)      |
| Utility Taxes               | 1,076,562.89        | 1,050,820.74        | 25,742.15        |
| Business Licenses           | 684,235.04          | 757,971.20          | (73,736.16)      |
| Auto Rental Tax             | 47,333.84           | 40,743.82           | 6,590.02         |
| Motor Vehicle Licenses Fees | 313,243.95          | 325,744.81          | (12,500.86)      |
| Recordation Taxes           | 801,573.73          | 718,383.67          | 83,190.06        |
| Meals Tax                   | 1,671,190.20        | 1,625,497.13        | 45,693.07        |
| Lodging Tax                 | 238,087.43          | 243,262.47          | (5,175.04)       |
| Street Lights               | 10,466.51           | 13,358.84           | (2,892.33)       |
| Star Fort Fees              | 3,960.00            | 3,960.00            | -                |
| <b>Total</b>                | <b>8,765,137.62</b> | <b>8,685,396.69</b> | <b>79,740.93</b> |

**(3)Permits&Privileges**

|                               |                   |                   |                  |
|-------------------------------|-------------------|-------------------|------------------|
| Dog Licenses                  | 18,167.83         | 18,107.00         | 60.83            |
| Land Use Application Fees     | 5,350.00          | 5,725.00          | (375.00)         |
| Transfer Fees                 | 1,468.57          | 1,447.20          | 21.37            |
| Development Review Fees       | 172,207.14        | 184,081.00        | (11,873.86)      |
| Building Permits              | 499,217.86        | 407,528.06        | 91,689.80        |
| 2% State Fees                 | 4,447.05          | 4,242.61          | 204.44           |
| Electrical Permits            | 48,863.50         | 53,307.00         | (4,443.50)       |
| Plumbing Permits              | 13,562.00         | 9,727.00          | 3,835.00         |
| Mechanical Permits            | 51,766.00         | 43,168.00         | 8,598.00         |
| Sign Permits                  | 1,075.00          | 4,450.00          | (3,375.00)       |
| Permits Commerical Burning    | 25.00             | 75.00             | (50.00)          |
| Blasting Permits              | 195.00            | 120.00            | 75.00            |
| Land Disturbance Permits      | 58,811.00         | 73,297.00         | (14,486.00)      |
| Commercial Pump and Haul Fee  | 500.00            | -                 | 500.00           |
| Residential Pump and Haul Fee | 100.00            | 500.00            | (400.00)         |
| Transfer Development Rights   | 1,100.00          | 200.00            | 900.00           |
| <b>Total</b>                  | <b>876,855.95</b> | <b>805,974.87</b> | <b>70,881.08</b> |

**(4) Revenue from use of**

|              |                   |                   |                   |
|--------------|-------------------|-------------------|-------------------|
| Money        | 531,685.01        | 273,410.08        | 258,274.93        |
| Property     | 19,888.55         | 29,146.59         | (9,258.04)        |
| <b>Total</b> | <b>551,573.56</b> | <b>302,556.67</b> | <b>249,016.89</b> |

| (5) Recovered Costs                     | FY19         | FY18         | Increase/Decrease |
|---|--------------|--------------|-------------------|
|   | 11/30/2018   | 11/30/2017   |                   |
| Recovered Costs Treasurer's Office      | 819.00       | -            | 819.00            |
| Recovered Costs Social Services         | 7,883.18     | -            | 7,883.18          |
| Purchasing Card Rebate                  | 205,315.50   | 156,281.56   | 49,033.94         |
| Recovered Costs-IT/GIS                  | 20,000.00    | 20,000.00    | -                 |
| Recovered Costs F&R Fee Recovery        | 177,586.94   | 101,177.06   | 76,409.88         |
| Recovered Cost Fire Companies           | 171,346.53   | 94,182.34    | 77,164.19         |
| Recovered Costs Sheriff                 | 25,475.00    | 10,625.00    | 14,850.00         |
| Reimbursement Circuit Court             | 4,128.76     | 4,613.53     | (484.77)          |
| Reimb.Public Works/Planning Clean Up    | 1,150.00     | 1,183.68     | (33.68)           |
| Clarke County Container Fees            | 27,871.27    | 14,799.20    | 13,072.07         |
| City of Winchester Container Fees       | 20,651.01    | 19,008.40    | 1,642.61          |
| Refuse Disposal Fees                    | 54,238.15    | 40,503.38    | 13,734.77         |
| Recycling Revenue                       | 29,474.10    | 38,499.86    | (9,025.76)        |
| Sheriff Restitution                     | 2,075.00     | -            | 2,075.00          |
| Container Fees Bowman Library           | 753.48       | 770.90       | (17.42)           |
| Reimb.of Expenses Gen.District Court    | 13,621.52    | 12,830.11    | 791.41            |
| Reimb.Task Force                        | 28,509.00    | 26,529.62    | 1,979.38          |
| Westminster Canterbury Lieu of Tax      | 18,651.80    | 18,651.80    | -                 |
| Grounds Maint. Frederick County Schools | 153,344.57   | 142,671.65   | 10,672.92         |
| Comcast PEG Grant                       | 43,722.50    | 43,292.00    | 430.50            |
| Fire School Programs                    | 11,680.00    | 10,488.00    | 1,192.00          |
| Clerks Reimbursement to County          | 4,122.41     | 4,435.36     | (312.95)          |
| Reimb. Sheriff                          | 8,175.22     | 4,215.89     | 3,959.33          |
| Subtotal Recovered Costs                | 1,030,594.94 | 764,759.34   | 265,835.60        |
| Proffer Sovereign Village               | 32,928.57    | -            | 32,928.57         |
| Proffer Lynnehaven                      | -            | 3,378.31     | (3,378.31)        |
| Proffer Redbud Run                      | 38,724.00    | 32,270.00    | 6,454.00          |
| Proffer Canter Estates                  | -            | 49,055.64    | (49,055.64)       |
| Proffer Southern Hills                  | 90,867.35    | 103,110.00   | (12,242.65)       |
| Proffer Snowden Bridge                  | 427,530.60   | 345,366.33   | 82,164.27         |
| Proffer Cedar Meadows                   | 24,405.00    | 34,167.00    | (9,762.00)        |
| Subtotal Proffers                       | 614,455.52   | 567,347.28   | 47,108.24         |
| Grand Total                             | 1,645,050.46 | 1,332,106.62 | 312,943.84        |

| (6) Commonwealth Revenue           | FY19          | FY18          |                   |
|------------------------------------|---------------|---------------|-------------------|
|                                    | 11/30/2018    | 11/30/2017    | Increase/Decrease |
| Motor Vehicle Carriers Tax         | 38,825.41     | 22,886.25     | 15,939.16         |
| Mobile Home Titling Tax            | 45,437.66     | 54,528.49     | (9,090.83)        |
| Recordation Taxes                  | 243,034.09    | 187,177.20    | 55,856.89         |
| P/P State Reimbursement            | 6,526,528.18  | 6,526,528.18  | -                 |
| Shared Expenses Comm.Atty.         | 180,508.81    | 181,061.05    | (552.24)          |
| Shared Expenses Sheriff            | 818,797.10    | 809,717.86    | 9,079.24          |
| Shared Expenses Comm.of Rev.       | 74,517.20     | 72,786.64     | 1,730.56          |
| Shared Expenses Treasurer          | 54,434.93     | 39,267.33     | 15,167.60         |
| Shared Expenses Clerk              | 146,809.20    | 149,058.50    | (2,249.30)        |
| Public Assistance Grants           | 2,105,870.29  | 2,210,906.55  | (105,036.26)      |
| Litter Control Grants              | 18,330.00     | 14,774.00     | 3,556.00          |
| Four-For-Life-Funds                | 88,718.24     | 85,262.32     | 3,455.92          |
| Emergency Services Fire Program    | 260,328.00    | 251,441.00    | 8,887.00          |
| DMV Grant Funding                  | 7,885.39      | 7,114.69      | 770.70            |
| Parks -State Grants                | 23,985.27     | -             | 23,985.27         |
| State Grant Emergency Services     | -             | 5,800.00      | (5,800.00)        |
| Sheriff State Grants               | -             | 36,207.35     | (36,207.35)       |
| JJC Grant Juvenile Justice         | 32,090.00     | 32,090.00     | -                 |
| Rent/Lease Payments                | 96,582.68     | 112,310.65    | (15,727.97)       |
| Spay/Neuter Assistance State       | 314.45        | 134.90        | 179.55            |
| Wireless 911 Grant                 | 84,237.80     | 23,255.48     | 60,982.32         |
| State Forfeited Asset Funds        | 12,321.29     | 16,282.67     | (3,961.38)        |
| VA Dept. of Health                 | 93,033.80     | -             | 93,033.80         |
| Victim Witness-Commonwealth Office | 95,169.63     | 25,805.00     | 69,364.63         |
| F&R OEMS Reimbursement             | -             | 127.50        | (127.50)          |
| Total                              | 11,047,759.42 | 10,864,523.61 | 183,235.81        |

**County of Frederick**

**General Fund**

November 30, 2018

| <b>(7) Federal Revenue</b>   | FY19            | FY18            | Increase/Decrease |
|------------------------------|-----------------|-----------------|-------------------|
| Payments In Lieu of Taxes    | 352.20          | 0.00            | 352.20            |
| Federal Forfeited Assets DOJ | -               | 1,549.17        | (1,549.17)        |
| Federal Funds Sheriff        | 7,168.28        | 4,499.82        | 2,668.46          |
| Forfeited Assets Treasury    | -               | 1,822.47        | (1,822.47)        |
| <b>Total</b>                 | <b>7,520.48</b> | <b>7,871.46</b> | <b>(350.98)</b>   |

**(8) Expenditures**

Expenditures decreased \$224,553.39. **General Administration** increased \$375,302.63 and includes \$163,585.88 in IT for firewall support, switch and smartnet contract, and switch replacement core data network. **Public Safety** increased \$478,944.30. Inspections purchased (2) 2018 F-150 Ford 4x4 trucks at a cost of \$55,570.50, Fire and Rescue (2) F-250 Ford pickup truck for \$55,570.50 and Isimulate training that includes IPADS with stethoscopes costing \$33,120. **Public Works** increased \$470,890.45 and includes the \$192,664.02 for the Stephenson Compactor Site and an Engineering purchase for a 2018 Ford F-150 4x4 at a cost of \$28,408.00. Additionally, \$25,406 for a heat pump that includes installation and \$32,400 for a control system. **Community Development** decreased \$1,928,564.22 and was impacted by the \$2,000,000 transfer to Economic Development Authority for economic incentive for the Navy Credit Union in the previous year. The transfers decreased \$5,564,280.88. See chart below:

| <b>(9) Transfers Decreased \$5,564,280.88</b> | FY19                | FY18                | Increase/Decrease     |
|---|---------------------|---------------------|-----------------------|
| Transfer to School Operating                  | 542,862.45          | 2,314,523.87        | (1,771,661.42) *1     |
| Transfer to Debt Service County               | 1,552,312.20        | 1,491,777.68        | 60,534.52 *2          |
| Transfer School Operating Capital             | 503,416.47          | -                   | 503,416.47 *3         |
| Operational Transfers                         | (38,849.26)         | (5,898.81)          | (32,950.45) *4        |
| Board Contingency                             | 0.00                | 4,323,620.00        | (4,323,620.00) *5     |
| <b>Total</b>                                  | <b>2,559,741.86</b> | <b>8,124,022.74</b> | <b>(5,564,280.88)</b> |

\*1 School Operating FY19 was \$542,862.45 C/F encumbrances. The FY18 total was all C/F and includes School encumbrances of \$1,032,255.77, grant funds for \$285,003.55 received in FY17 for specific purposes, and \$997,264.55 represents unspent FY17 funds to be spent on buses.

\*2 Payments includes the Bowman Library and the City of Winchester for Courtroom, Roof, and HVAC Projects.

\*3 School Operating Capital includes \$316,537.71 that represents a carry forward of unspent, restricted grant funds and \$186,878.76 carry forward of unspent funds for the purchase of a school bus and security equipment.

\*4 Timing of Insurance Charge Outs.

\*5 Board of Supervisors Capital.

County of Frederick  
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER  
 November 30, 2018

| ASSETS                              | FY2019<br><u>11/30/18</u>  | FY2018<br><u>11/30/17</u>  | Increase<br><u>(Decrease)</u> |
|-------------------------------------|----------------------------|----------------------------|-------------------------------|
| Cash                                | 8,578,043.49               | 8,113,315.89               | 464,727.60 *1                 |
| GL controls(est.rev/est.exp)        | <u>(1,518,260.42)</u>      | <u>(1,014,750.00)</u>      | <u>(503,510.42)</u>           |
| <b>TOTAL ASSETS</b>                 | <b><u>7,059,783.07</u></b> | <b><u>7,098,565.89</u></b> | <b><u>(38,782.82)</u></b>     |
| <br>                                |                            |                            |                               |
| LIABILITIES                         |                            |                            |                               |
| Accrued Operating Reserve Costs     | <u>2,551,494.10</u>        | <u>2,507,247.00</u>        | <u>44,247.10</u>              |
| <b>TOTAL LIABILITIES</b>            | <b><u>2,551,494.10</u></b> | <b><u>2,507,247.00</u></b> | <b><u>44,247.10</u></b>       |
| <br>                                |                            |                            |                               |
| EQUITY                              |                            |                            |                               |
| Fund Balance Reserved               |                            |                            |                               |
| Encumbrances Undesignated           | 24,049.50                  | 4,412.10                   | 19,637.40                     |
| Fund Balance                        | <u>4,484,239.47</u>        | <u>4,586,906.79</u>        | <u>(102,667.32) *2</u>        |
| <b>TOTAL EQUITY</b>                 | <b><u>4,508,288.97</u></b> | <b><u>4,591,318.89</u></b> | <b><u>(83,029.92)</u></b>     |
| <b>TOTAL LIABILITY &amp; EQUITY</b> | <b><u>7,059,783.07</u></b> | <b><u>7,098,565.89</u></b> | <b><u>(38,782.82)</u></b>     |

**NOTES:**

\*1 Cash increased \$464,727.60. Refer to the following page for comparative statement of revenues and expenditures and changes in fund balance.

\*2 Fund balance decreased \$102,667.32. The beginning balance was \$5,566,043.76 that includes adjusting entries, budget controls for FY19(\$1,316,409.00) and the year to date revenue less expenditures \$234,604.71.

| <b>Current Unrecorded Accounts Receivable-</b> | <u>FY19</u>       |
|--|-------------------|
| Prisoner Billing:                              | 30,108.64         |
| Compensation Board Reimbursement 11/18         | <u>475,666.69</u> |
| <b>Total</b>                                   | <b>505,775.33</b> |

County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 November 30, 2018

**FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER**

| <b>REVENUES:</b>  | <u>Appropriated</u>   | FY2019<br>11/30/2018<br><u>Actual</u> | FY2018<br>11/30/2017<br><u>Actual</u> | YTD Actual<br><u>Variance</u> |
|---|-----------------------|---------------------------------------|---------------------------------------|-------------------------------|
| Credit Card Probation   | -                     | 200.28                                | 30.14                                 | 170.14                        |
| Interest  |                       | 33,167.73                             | 20,902.98                             | 12,264.75                     |
| Supervision Fees  | 56,096.00             | 20,907.00                             | 12,803.00                             | 8,104.00                      |
| Drug Testing Fees   | 1,000.00              | 85.00                                 | 50.00                                 | 35.00                         |
| Work Release Fees   | 350,628.00            | 130,738.05                            | 116,420.62                            | 14,317.43                     |
| Prisoner Fees from other localities                               | 0.00                  | 237.96                                | 0.00                                  | 237.96                        |
| Federal Bureau Of Prisons   | 0.00                  | 0.00                                  | 110.00                                | (110.00)                      |
| Local Contributions   | 7,824,994.00          | 3,856,829.50                          | 3,865,373.00                          | (8,543.50)                    |
| Miscellaneous   | 7,501.00              | 909.34                                | 1,393.30                              | (483.96)                      |
| Phone Commissions   | 400,000.00            | 67,920.40                             | 60,270.83                             | 7,649.57                      |
| Food & Staff Reimbursement  | 80,000.00             | 15,313.05                             | 20,723.52                             | (5,410.47)                    |
| Elec.Monitoring Part.Fees   | 97,000.00             | 57,541.44                             | 26,405.63                             | 31,135.81                     |
| Share of Jail Cost Commonwealth                                   | 1,350,000.00          | 316,756.00                            | 326,160.60                            | (9,404.60)                    |
| Reimb. Of Prior Year Deficit                                      |                       |                                       | 100.00                                |                               |
| Medical & Health Reimb.   | 85,000.00             | 19,407.29                             | 22,769.41                             | (3,362.12)                    |
| Shared Expenses CFW Jail  | 5,400,000.00          | 1,729,218.77                          | 1,587,721.88                          | 141,496.89                    |
| State Grants  | 276,233.00            | 73,716.00                             | 64,092.00                             | 9,624.00                      |
| D.J.C.P. Grant  | 0.00                  | 0.00                                  | 69,832.00                             | (69,832.00)                   |
| Local Offender Probation  | 277,467.00            | 67,354.00                             | 0.00                                  | 67,354.00                     |
| Bond Proceeds   | 0.00                  | 0.00                                  | 0.00                                  | 0.00                          |
| Transfer From General Fund  | 5,266,848.00          | 2,595,955.00                          | 2,697,229.50                          | (101,274.50)                  |
| <b>TOTAL REVENUES</b>   | <b>21,472,767.00</b>  | <b>8,986,256.81</b>                   | <b>8,892,388.41</b>                   | <b>93,968.40</b>              |
| <b>EXPENDITURES:</b>  | <b>23,015,076.92</b>  | <b>8,751,652.10</b>                   | <b>7,909,115.39</b>                   | <b>842,536.71</b>             |
| <b>Excess(Deficiency)of revenues over expenditures</b>            | <b>(1,542,309.92)</b> | <b>234,604.71</b>                     | <b>983,273.02</b>                     | <b>(748,668.31)</b>           |
| <b>FUND BALANCE PER GENERAL LEDGER</b>                            |                       | <b><u>4,249,634.76</u></b>            | <b><u>3,603,633.77</u></b>            | <b><u>646,000.99</u></b>      |
| <b>Fund Balance Adjusted To Reflect Income Statement 11/30/18</b> |                       | <b>4,484,239.47</b>                   | <b>4,586,906.79</b>                   | <b>(102,667.32)</b>           |



County of Frederick  
Fund 12 Landfill  
November 30, 2018

| ASSETS                            | FY2019<br>11/30/18   | FY2018<br>11/30/17   | Increase<br>(Decrease) |
|-----------------------------------|----------------------|----------------------|------------------------|
| Cash                              | 38,481,883.99        | 36,850,625.52        | 1,631,258.47           |
| Receivables:                      |                      |                      |                        |
| Accounts Receivable               |                      |                      |                        |
| Fees                              | 830,668.84           | 639,611.78           | 191,057.06 *1          |
| Accounts Receivable Other         | 6,484.55             | 0.00                 | 6,484.55               |
| Allow.Uncollectible Fees          | (84,000.00)          | (84,000.00)          | 0.00                   |
| Fixed Assets                      | 47,529,650.90        | 47,158,186.20        | 371,464.70             |
| Accumulated Depreciation          | (31,283,925.70)      | (29,232,078.83)      | (2,051,846.87)         |
| GL controls(est.rev/est.exp)      | (4,054,908.00)       | (2,871,762.00)       | (1,183,146.00)         |
| <b>TOTAL ASSETS</b>               | <b>51,425,854.58</b> | <b>52,460,582.67</b> | <b>(1,034,728.09)</b>  |
| <b>LIABILITIES</b>                |                      |                      |                        |
| Accounts Payable                  | -                    | -                    |                        |
| Accrued VAC.Pay and Comp TimePay  | 173,153.49           | 158,608.75           | 14,544.74              |
| Accrued Remediation Costs         | 13,126,481.90        | 12,807,957.65        | 318,524.25 *2          |
| Retainage Payable                 | 0.00                 | 0.00                 | 0.00                   |
| Deferred Revenue Misc.Charges     | 6,484.55             | 0.00                 | 6,484.55               |
| <b>TOTAL LIABILITIES</b>          | <b>13,306,119.94</b> | <b>12,966,566.40</b> | <b>339,553.54</b>      |
| <b>EQUITY</b>                     |                      |                      |                        |
| Fund Balance                      |                      |                      |                        |
| Reserved:                         |                      |                      |                        |
| Encumbrances                      | 64,670.55            | 386,396.00           | (321,725.45) *3        |
| Land Acquisition                  | 1,048,000.00         | 1,048,000.00         | 0.00                   |
| New Development Costs             | 3,812,000.00         | 3,812,000.00         | 0.00                   |
| Environmental Project Costs       | 1,948,442.00         | 1,948,442.00         | 0.00                   |
| Equipment                         | 3,050,000.00         | 3,050,000.00         | 0.00                   |
| Undesignated                      |                      |                      |                        |
| Fund Balance                      | 28,196,622.09        | 29,249,178.27        | (1,052,556.18) *4      |
| <b>TOTAL EQUITY</b>               | <b>38,119,734.64</b> | <b>39,494,016.27</b> | <b>(1,374,281.63)</b>  |
| <b>TOTAL LIABILITY AND EQUITY</b> | <b>51,425,854.58</b> | <b>52,460,582.67</b> | <b>(1,034,728.09)</b>  |

**NOTES:**

\*1 Landfill receivables increased \$191,057.06. Landfill fees at 11/18 were \$644,246.78 compared to \$578,767.11 at 11/17 for an increase of \$65,479.67. Delinquent fees at 11/18 were \$231,328.80 compared to \$60,844.67 at 11/17 for an increase of \$170,484.13.

\*2 Remediation increased \$318,524.25 and includes \$271,591.00 for post closure and \$46,933.25 interest.

\*3 The encumbrance balance at 11/30/18 was \$64,670.55 and includes \$31,819.55 for a 2019 Ford F-250 truck, \$24,068.00 for a Toyota gas forklift, and \$8,783.00 for a Woods rotary cutter.

\*4 Fund balance decreased \$1,052,566.18. The beginning balance was \$31,691,389.40 and includes adjusting entries, budget controls for FY19(\$30,199),C/F Landfill projects(\$3,706,000) and \$241,431.69 for year to date revenue less expenses.

County of Frederick  
 Comparative Statement of Revenue, Expenditures  
 and Changes in Fund Balance  
 November 30, 2018

| <b>FUND 12 LANDFILL REVENUES</b>                      | <u>Appropriated</u>  | FY2019<br>11/30/2018<br><u>Actual</u> | FY2018<br>11/30/17<br><u>Actual</u> | YTD<br>Actual<br><u>Variance</u> |
|---|----------------------|---------------------------------------|-------------------------------------|----------------------------------|
| Credit Card Charges                                   | 0.00                 | 2,144.11                              | 1,140.70                            | 1,003.41                         |
| Interest on Bank Deposits                             | 120,000.00           | 132,912.91                            | 69,882.56                           | 63,030.35                        |
| Salvage and Surplus                                   | 75,000.00            | 67,820.25                             | 68,648.46                           | (828.21)                         |
| Sanitary Landfill Fees                                | 6,562,000.00         | 3,037,585.70                          | 2,556,415.81                        | 481,169.89                       |
| Charges to County                                     | 0.00                 | 262,161.65                            | 229,737.88                          | 32,423.77                        |
| Charges to Winchester                                 | 0.00                 | 69,012.55                             | 59,415.54                           | 9,597.01                         |
| Tire Recycling  | 142,500.00           | 109,744.23                            | 108,170.49                          | 1,573.74                         |
| Reg. Recycling Electronics                            | 91,200.00            | 27,565.00                             | 21,097.00                           | 6,468.00                         |
| Greenhouse Gas Credit Sales                           | 0.00                 | 29,680.82                             | 4,918.95                            | 24,761.87                        |
| Miscellaneous   | 0.00                 | 169.00                                | 178.00                              | (9.00)                           |
| Renewable Energy Credits                              | 168,402.00           | 68,902.02                             | 77,184.36                           | (8,282.34)                       |
| Landfill Gas To Electricity                           | 312,837.00           | 128,721.70                            | 139,166.13                          | (10,444.43)                      |
| Insurance Recoveries                                  |                      | 4,872.23                              | 0.00                                | 4,872.23                         |
| Waste Oil Recycling                                   |                      | 0.00                                  | 0.00                                | 0.00                             |
| <b>TOTAL REVENUES</b>                                 | <u>7,471,939.00</u>  | <u>3,941,292.17</u>                   | <u>3,335,955.88</u>                 | <u>605,336.29</u>                |
| Operating Expenditures                                | 5,567,138.00         | 1,725,457.83                          | 1,307,645.68                        | 417,812.15                       |
| Capital Expenditures                                  | 6,024,379.55         | 1,974,402.65                          | 97,214.38                           | 1,877,188.27                     |
| <b>TOTAL Expenditures</b>                             | <u>11,591,517.55</u> | <u>3,699,860.48</u>                   | <u>1,404,860.06</u>                 | <u>2,295,000.42</u>              |
| <b>Excess(deficiency)of revenue over expenditures</b> | (4,119,578.55)       | 241,431.69                            | 1,931,095.82                        | (1,689,664.13)                   |
| <b>Fund Balance Per General Ledger</b>                |                      | <u>27,955,190.40</u>                  | <u>27,318,082.45</u>                | <u>637,107.95</u>                |
| <b>FUND BALANCE ADJUSTED</b>                          |                      | 28,196,622.09                         | 29,249,178.27                       | (1,052,556.18)                   |

**County of Frederick, VA**  
**Report on Unreserved Fund Balance**  
**December 13, 2018**

**Unreserved Fund Balance, Beginning of Year, July 1, 2018** **46,153,037**

**Prior Year Funding & Carryforward Amounts**

|  |           |             |
|--|-----------|-------------|
| C/F forfeited asset funds                  | (52,569)  |             |
| C/F Fire Company Capital                   | (224,818) |             |
| C/F Capital impact study                   | (59,067)  |             |
| C/F Sheriff auto claim reimbursement       | (15,191)  |             |
| C/F Parks projects                         | (324,382) |             |
| C/F compactor rehab                        | (19,500)  |             |
| C/F Middletown convenience site            | (45,000)  |             |
| C/F Stephenson convenience site            | (385,342) |             |
| C/F spay/neuter program                    | (6,521)   |             |
| C/F design/build animal shelter addition   | (6,727)   |             |
| C/F county admin bldg maintenance projects | (31,044)  |             |
| C/F School Operating                       | (503,416) |             |
|  |           | (1,673,577) |

**Other Funding / Adjustments**

|                                 |           |           |
|---------------------------------|-----------|-----------|
| COR refund - Ascar Leasing      | (2,521)   |           |
| COR refund - BMW Financial      | (2,790)   |           |
| COR refund - Bowman Properties  | (3,283)   |           |
| COR refund - Capital Meats      | (23,136)  |           |
| Sheriff SWAT vehicle            | (130,943) |           |
| COR refund - Acar Leasing       | (3,026)   |           |
| COR refund - Toyota Leasing     | (4,087)   |           |
| COR refund - Toyota Leasing     | (3,714)   |           |
| COR refund - Disabled Veteran   | (3,492)   |           |
| COR refund - Disabled Veteran   | (3,907)   |           |
| COR refund - Disabled Veteran   | (7,297)   |           |
| COR refund - American Telephone | (2,712)   |           |
| COR refund - APC PCS LLC        | (40,650)  |           |
|                                 |           | (231,557) |

**Fund Balance, December 13, 2018** **44,247,903**

D

**PARKS AND RECREATION COMMISSION REPORT to the BOARD OF SUPERVISORS**  
**Wednesday January 9, 2019**  
**7:00 p.m.**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**To:** Jay Tibbs, Deputy County Administrator for Human Services  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Date:** December 12, 2018  
**Subject:** Parks and Recreation Commission Action

The Parks and Recreation Commission met on December 11, 2018. Members present were: Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Amy Strosnider, Charles Sandy, Jr., Guss Morrison, and Ronald Madagan.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

None

ITEMS SUBMITTED FOR INFORMATION ONLY

1. The Commission recommends repurposing the Tot Pool areas with shade structures for visitor use.
2. The Commission recommends accepting a donation worth \$40,000 in cash and materials from the Blue Ridge Volleyball Association to install three sand volleyball courts at Clearbrook Park.
3. The Commission recommends eliminating the Bulk Rental Discount for Youth Activities Policy (500.04) as policy handed with fees and charges. Updated the attached Facility Rental Policy (500.19).
4. The Commission recommends accepting the attached Fees and Charges.
5. The Commission recommended the FY 2020 budget as presented. The presented FY 2020 budget was submitted to the Finance Department and County Administrator.

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

## **FACILITY RENTAL**

### **500.19**

#### **PURPOSE:**

To establish a procedure for patrons renting or leasing indoor or outdoor FCPRD facilities.

#### **GOAL:**

To standardize the process for facility rentals to improve customer service and to provide a pleasurable experience for all park visitors.

#### **POLICY:**

FCPRD has the following facilities available for rental: athletic fields, shelters, pools, gymnasiums, multi-purpose rooms, and open outdoor areas.

Any rental that meets at least one of the following criteria will be defined as a festival/special event; (1) monies will be collected (on or off Frederick County Property) to attend the activity, either as an admission fee or as a donation for fundraising purposes or, (2) the activity is open to the general public.

For rentals that are defined as a festival/event; the following criteria must be met before approval will be granted; (1) the person reserving the facilities must be at least 21 years of age, (2) the activity must be covered by a general liability insurance policy naming Frederick County, VA and or Frederick County Public Schools, Frederick County, VA as additionally insured in the appropriate amount; adequate coverage amounts will be provided upon request, and (3) individual or organization must have a Frederick County business or vendor license, and (4) security personnel may be required by the Director or designee depending upon the nature of the activity.

Any rental for the purpose of an athletic tournament must adhere to the applicable procedures outlined in the tournament packet.

For groups requesting space to hold walk-a-thons; the following guidelines have been established:

All requests for Sherando Park will be assigned the track at Sherando High School and the walking/5K trail located in the adjacent woods. A fee may be charged based on services and materials required of Frederick County Parks and Recreation Department. The Parks and Recreation Vendor Policy (#500.16) will be applicable.

Requests for recurring rental space may have the option to enter into a long-term rental agreement. Fees will be based on services and materials required of Frederick County Parks and Recreation Department and agreements will be subject to space availability. All rentals must adhere to the applicable procedures outlined in the Long-Term Rental Application.

For shelters or pools, all facility reservations must be made one (1) business day in advance. Payment is due upon reservation. For community center reservations; requests must be made

seven (7) business day in advance and is based upon staff availability. For use of outdoor athletic fields; adhere to the procedures outlined in the Athletic Field Use Policy (#500.01).

For other outdoor areas not located within Sherando or Clearbrook Park (i.e., Rose Hill Park, Frederick Heights, etc.) permission must be granted by the Superintendent of Parks or designee and is subject to approval based on the nature of the activity. A fee may be charged based on services and materials required of Frederick County Parks and Recreation Department. The Parks and Recreation Vendor Policy (#500.16) will be applicable.

*Approved: December 2018*

Frederick County Parks Recreation  
Fees and Charges  
FY 2019-2020

**FY 20 Fees**

|   | Resident | Non resident |                  |
|---|----------|--------------|------------------|
| <b>FCPRD Baseball and Softball Fields</b>   |          |              |                  |
| Practice  | \$ 11    | \$ 16        | per hr/ 2 hr min |
| Drag/Line   | \$ 30    | \$ 35        | 1x Fee           |
| Tournament (9am-11pm)   | \$ 125   | \$ 155       | 9 a.m.-11 p.m.   |
| Lights  | \$ 15    | \$ 15        | per hr           |
| <b>FCPS Baseball and Softball Fields (Practice Fields)</b>                                |          |              |                  |
| Practice (M-F 6-10 pm,Sat/Sun 9 am-10 pm)   | \$ 11    | \$ 16        | per hr/2 hr min  |
| Game (M-F 6-10 PM,Sat/Sun 9 am-10 pm)   | \$ 30    | \$ 35        | per hr/2 hr min  |
| <b>FCPS Baseball and Softball Fields (Game Fields)</b>                                    |          |              |                  |
| Practice (M-F 6-10 pm,Sat/Sun 9 am-10 pm)   | \$ 30    | \$ 35        | per hr/2 hr min  |
| Game (M-F 6-10 PM,Sat/Sun 9 am-10 pm)   | \$ 44.00 | \$ 49.00     | per hr/4 hr min  |
| Tournament (9am-10 pm)  | \$ 350   | \$ 380       | per reservation  |
| Lights  | \$ 15    | \$ 15        | per hr           |
| <b>Soccer Fields</b>  |          |              |                  |
| Sherando 1-4  | \$ 27    | \$ 43        | per hr           |
| Sherando 6-7  | \$ 17    | \$ 27        | per hr           |
| <b>Open Space</b>   |          |              |                  |
| per acre  | \$ 65    | \$ 96        | per day          |
| <b>Disc Golf Course</b>   | \$ 105   | \$ 160       | per day          |
| <b>Paddleboat - 30 minute ride</b>  | NC       | NC           | per person       |
| <b>Racquetball Courts</b>   | NC       | \$ 7         | per hr           |
| <b>Weight Room</b>  | NC       | \$ 2         |                  |
| Courts and non-resident passes will need to be purchased online. No cash will be on-site. |          |              |                  |
| <b>Gymnasium</b>  | \$ 28    | \$ 44        | per hr/ 2 hr min |
| <b>Greenwood/Gainesboro/Evendale</b>  |          |              |                  |
| Activity Room   | \$ 17    | \$ 33        | per hr/2hr min   |
| <b>Gainesboro/Evendale</b>  |          |              |                  |
| Wooden Floor Room   | \$ 14    | \$ 30        | per hr/2 hr min  |
| <b>Sherando</b>   |          |              |                  |
| Activity Room w/ kitchen  | \$ 23    | \$ 39        | per hr/2 hr min  |



Frederick County Parks Recreation  
Fees and Charges  
FY 2019-2020

**Swimming Pool**

|                     |        |        |       |
|---------------------|--------|--------|-------|
| Under 3             | Free   | Free   |       |
| 3 and older         | \$ 2   | \$ 2   | entry |
| Last Hr             | \$ 1   | \$ 1   | entry |
| Pool Rental- 2 hour | \$ 210 | \$ 265 |       |
| Pool Rental- 4 hour | \$ 410 | \$ 520 |       |

Lap Swim will be free for County residents.  
Non -residents will be charged \$2/visit.

**Shelters**

**30 Capacity**

|                                  |       |       |         |
|----------------------------------|-------|-------|---------|
| Lock Gazebo (SH)                 | \$ 45 | \$ 60 | per day |
| Lawrence Shelter (CB)            | \$ 45 | \$ 60 | per day |
| Tom Baldrige/Jaycee Shelter (RH) | \$ 45 | \$ 60 | per day |

**75 Capacity**

|                  |       |       |         |
|------------------|-------|-------|---------|
| FFA (SH)         | \$ 56 | \$ 72 | per day |
| Abex (SH)        | \$ 56 | \$ 72 | per day |
| Key Club (CB)    | \$ 56 | \$ 72 | per day |
| JW Colonel (CB)  | \$ 56 | \$ 72 | per day |
| Rubbermaid (CB)  | \$ 56 | \$ 72 | per day |
| Antique Car (CB) | \$ 56 | \$ 72 | per day |
| Brill (CB)       | \$ 56 | \$ 72 | per day |

**150 Capacity**

|                 |       |       |         |
|-----------------|-------|-------|---------|
| Ruritan (SH)    | \$ 68 | \$ 84 | per day |
| Sandy (SH)      | \$ 68 | \$ 84 | per day |
| Kiwanis II (CB) | \$ 68 | \$ 84 | per day |
| Lions Club (CB) | \$ 68 | \$ 84 | per day |

**200 Capacity**

|                 |       |       |         |
|-----------------|-------|-------|---------|
| Lions Club (SH) | \$ 80 | \$ 96 | per day |
| Kiwanis I (CB)  | \$ 80 | \$ 96 | per day |

Shelter fees have been increased by 3%

**Discounts**

20 % off for 50 or more hours rented of baseball/softball/soccer or gymnasium

**Rentable High School Fields**

- \* subject to High School Athletic Coordinators approval
- \* Certificate of Insurance required
- \* Follows daylight saving time schedule

Increased dragging/lining fee but charge is a separate fee to accommodate full day field rentals

Frederick County Parks Recreation  
Fees and Charges

Decreased tournament rental fee to increase number of potential rentals

\*\*\*\*fee reduction loss offset by increased special aquatic event ticket sales

No charge to weight room for County residents-raised all room rental fees by \$1 to offset loss in revenue

A \$1 increase in activity rooms only will result in a loss of revenue = \$4200.

Raising the gym fee by \$1 will offset this loss

Fees effective January 1, 2019

E



## COUNTY of FREDERICK

**Jay E. Tibbs**

Deputy County Administrator

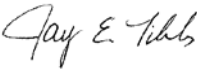
540/665-5666

Fax 540/667-0370

E-mail:

[jtibbs@co.frederick.va.us](mailto:jtibbs@co.frederick.va.us)

### MEMORANDUM

|                 |   |
|-----------------|---|
| <b>TO:</b>      | Board of Supervisors  |
| <b>FROM:</b>    | Jay E. Tibbs, Deputy County Administrator  |
| <b>SUBJECT:</b> | Resolution of Support for Delegate Collins's Proposed Meals Tax Legislation   |
| <b>DATE:</b>    | December 21, 2018   |

Attached please find a resolution supporting Delegate Collins's proposed legislation to amend and reenact §58.1-3833 of the Code of Virginia, relating to county food and beverage tax; maximum rate, which would allow any tax levied pursuant to this section to be imposed at a rate not to exceed the rate imposed by an adjoining city in Virginia, if such rate is greater than four percent at the time the county imposes its rate. As you might recall, the Frederick County Board of Supervisors has identified local taxing authority as one of its top legislative priorities for the 2019 General Assembly Session.

Staff is seeking Board approval of this proposed resolution of support.

Attachment

**Resolution Supporting  
Delegate Collins's Proposed Legislation  
To Amend and Reenact § 58.1-3833 of the Code of Virginia,  
Relating to County Food and Beverage Tax; Maximum Rate**

**WHEREAS**, the Frederick County Board of Supervisors has identified local taxing authority as one of its top legislative priorities for the 2019 General Assembly Session; and

**WHEREAS**, the Frederick County Board of Supervisors desires legislation to provide specific taxing authority to increase taxes on meals and transient occupancy, without legislative imposition of mandatory specific uses of the realized gain in revenue; and

**WHEREAS**, Delegate Collins is proposing an amendment to §58.1-3833 of the Code of Virginia, Relating to County Food and Beverage Tax; Maximum Rate which would allow Any tax levied pursuant to this section to be imposed at a rate not to exceed the rate imposed by an adjoining city in Virginia, if such rate is greater than four percent at the time the county imposes its rate.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Supervisors of the County of Frederick, Virginia, hereby expresses its strong **support** for Delegate Collin's proposed legislation and requests that Senator Jill Holtzman Vogel and Delegates David A. LaRock and Wendy Gooditis join in supporting and vote to approve this legislation.

**ADOPTED** this \_\_\_\_ day of January, 2019.

**VOTE:**

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

A COPY TESTE:

\_\_\_\_\_  
**Kris C. Tierney**  
**Clerk, Board of Supervisors**


**Resolution No.:**

F



**MEMORANDUM**

**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP, Director of Planning and Development 

**RE:** Board of Supervisors resolution of support for the Coalition of High Growth Communities legislative position

**DATE:** January 3, 2019

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Attached for consideration by the Board of Supervisors is a resolution of support for the Coalition of High Growth Communities' position on the proffer legislation currently being discussed for the upcoming General Assembly session.

Frederick County is a member of the Coalition of High Growth Communities. The Coalition has drafted a letter to the Members of the General Assembly representing communities and citizens across the Commonwealth. Among other points, the letter expresses that local governments are: committed to finding an equitable and efficient system to better manage the impacts associated with rapid residential growth; committed to addressing the counterproductive effects of SB 549; concerned about current draft legislation being advanced by the Home Builders Association of Virginia; and have a strong desire to discuss this issue further with the General Assembly Members.

At this point, the Coalition is actively engaged in constructive dialogue with representatives from the General Assembly and members of the HBAV. This is encouraging, and Frederick County continues to support this effort.

The position forwarded by the Coalition is representative of communities across the Commonwealth like Frederick County and is in line with the concerns of the County.

Frederick County has maintained a positive relationship and long history of working together with the Top of Virginia Building Association and the local development community for the betterment of Frederick County and its citizens. To that end, working collaboratively with the Home Builders Association of Virginia in this effort is important to Frederick County.

Please let me know if there is other information you would like to have provided.

Attachments:

1. Resolution
2. Letter from Coalition of High Growth Communities to State Delegates



# BOARD OF SUPERVISORS RESOLUTION

## Resolution Supporting the Coalition of High Growth Communities Communication with General Assembly Regarding Proffer Legislation

**WHEREAS**, Frederick County has a positive relationship and long history of working together with the Top of Virginia Building Association and local development community for the betterment of Frederick County and its citizens; and

**WHEREAS**, Frederick County is a member of the Coalition of High Growth Communities; and

**WHEREAS**, the Coalition of High Growth Communities is committed to finding an equitable and efficient system to better manage the impacts associated with rapid residential growth and to addressing the counterproductive effects of SB 549; and

**WHEREAS**, Frederick County is also interested in the changes being advanced to the proffer legislation and is committed to finding an equitable and efficient system to better manage the impacts associated with rapid residential growth, to addressing the counterproductive effects of SB 549, and to working collaboratively with the Top of Virginia Building Association; and

**WHEREAS**, Frederick County supports the ongoing and constructive dialogue between the Coalition of High Growth Communities and Home Builders Association of Virginia and their efforts to achieve a positive legislative solution for the benefit of all parties; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Frederick, Virginia, express its support for the Coalition of High Growth Communities letter to the Members of the General Assembly.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of the County of Frederick, Virginia, requests that the Members of the General Assembly support the efforts of the Coalition of High Growth Communities and Frederick County as part of its 2019 legislative efforts.

**ADOPTED** this 9<sup>th</sup> day of January 2019.

**VOTE:**

Charles S. DeHaven, Jr. \_\_\_\_\_  
Gary A. Lofton \_\_\_\_\_  
Blaine P. Dunn \_\_\_\_\_  
J. Douglas McCarthy \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_  
Shannon G. Trout \_\_\_\_\_  
Robert W. Wells \_\_\_\_\_

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Kris C. Tierney, Clerk  
Frederick County Board of Supervisors



# **COALITION OF HIGH GROWTH COMMUNITIES**

1108 East Main Street · Suite 1200 · Richmond, VA 23219

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December 18, 2018

Dear Delegate:

As representatives of our communities and citizens across the Commonwealth, you have the ability to influence the ways in which our cities and counties grow. You recognize the impact that state legislation has on the ability of local government to manage our communities in fair and effective ways.

We represent communities across the Commonwealth, but especially those experiencing rapid residential growth, and we look to you to provide us with the tools we need to do so. We feel the pressure to grow which comes with every new economic development success. We also know that our constituents view that growth with some trepidation, as they see the possibilities of rapid growth increasing their taxes to pay for new schools, roads, water systems and other infrastructure, all the while compromising the quality of life that they value.

During the upcoming General Assembly session, you will be considering legislation to address problems that have arisen as a result of the passage of Senate Bill 549 in 2016. This legislation significantly changed the process by which local governments and builders had worked to mitigate the impacts of new residential development. Because it so radically shifted the balance between builders and local government, it has proven to be counterproductive.

Local governments are committed to finding an equitable and efficient system. We may vary in our approaches to development pressure, and we certainly recognize the significant variations among the communities we represent, but we also know that the current legislation is not working for anyone. That is not a surprise, as it was developed without any meaningful consideration of local government perspectives and without meaningful collaboration.

Unfortunately, despite a number of discussions with the HBAV, we continue to have serious concerns about the current draft being advanced by HBAV. These concerns are widely shared by local governments, especially the rapidly growing communities that we represent. Despite on-going discussions encouraged by Senator Stanley and others, we have not been able to revise the home builders' proposal to address significant concerns that we believe would undercut the efforts to correct the impact of the earlier legislation.

Since 2016, fast-growing communities have come to the same conclusion: SB 549 has simply created obstacles to fruitful discussion, has created a disincentive to find accommodation, and has undermined the appropriate role that local governments must take to protect our citizens, taxpayers and quality of life.

We have serious concerns about the transparency of the development process, the potential damage to our efforts to address affordable housing needs, the ability to provide meaningful citizen involvement through public hearings, and even the constitutionality of part of the legislation.

In the coming days and weeks, we will be providing further elaboration of our concerns and offering our ideas about how we can proceed in the short- and long-term in improving the legal environment in which development proposals are considered. We believe that this will dispel myths about our intentions, allow you to resolve concerns about our objectives and allow us to better understand your perspective on the balance among parties in land use planning.

Enclosed with this letter is a sheet answering some questions or issues that have been raised about the Coalition of High Growth Communities in particular and the intentions of local government in general. We hope you will find it informative, and we look forward to the opportunity to discuss this issue further.

Respectfully,

A handwritten signature in black ink that reads "John McGlennon". The signature is written in a cursive, flowing style.

John McGlennon

Chair, Coalition of High Growth Communities  
Member, James City County Board of Supervisors

G



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Frederick County Board of Supervisors  
CC: Kris Tierney, County Administrator  
FROM: Roderick B. Williams, County Attorney  
DATE: January 2, 2019  
RE: Commissioner of Revenue Refund Requests

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

1. Enterprise FM Trust – \$5,785.59
2. Undisclosed Taxpayer – Disabled Veteran's Relief – \$2,543.20
3. Undisclosed Taxpayer – Disabled Veteran's Relief – \$3,500.57
4. Undisclosed Taxpayer – Disabled Veteran's Relief – \$12,290.31

Roderick B. Williams  
County Attorney

Attachments



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: December 19, 2018

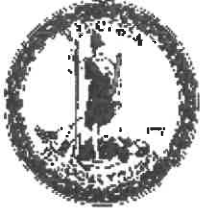
RE: Refund – Enterprise FM Trust

I am in receipt of the Commissioner's request, dated December 11, 2018, to authorize the Treasurer to refund Enterprise FM Trust the amount of \$5,785.59, for exoneration of personal property taxes for 2017 and 2018 and vehicle license fees for 2018. This refund resulted from normal proration of vehicle taxes where vehicles 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.

Roderick B. Williams  
County Attorney

Attachment



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



DECEMBER 11, 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 – ENTERPRISE FM TRUST

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

Please approve a refund of \$5,785.59 for exoneration of personal property taxes for 2017 –2018 and three vehicle license fees in the name of Enterprise FM Trust. This refund is proration of vehicular personal property taxes and fees for the periods shown. Vehicles were either sold or moved out during this period and all are the result of normal proration.

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 \$5,785.59.

Date: 12/10/18

Cash Register: COUNTY OF FREDERICK

Time: 16:45:50

Cashier: [REDACTED] Total Transactions:
Customer Name: ENTERPRISE FM TRUST Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Table with columns: Opt, Dept, Trans, Ticket No., Tax Amount, Penalty/Int, Amount Paid. Lists transactions from 1 to 12.

Multiple Pages Total Paid: \$5,785.59
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine F20=Attach

Date: 12/10/18

Cash Register: COUNTY OF FREDERICK

Time: 16:45:50

Cashier: [REDACTED] Total Transactions:
Customer Name: ENTERPRISE FM TRUST Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Table with columns: Opt, Dept, Trans, Ticket No., Tax Amount, Penalty/Int, Amount Paid. Lists transactions from 13 to 24.

Multiple Pages Total Paid: \$5,785.59
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine F20=Attach

Date: 12/10/18

Cash Register: COUNTY OF FREDERICK

Time: 16:45:50

Cashier: [REDACTED] Total Transactions:
Customer Name: ENTERPRISE FM TRUST Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Table with columns: Opt, Dept, Trans, Ticket No., Tax Amount, Penalty/Int, Amount Paid. Lists transactions 25, 26, 27, 28.

Multiple Pages Total Paid: \$5,785.59
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine F20=Attach

\* Needs Board Approval



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: December 21, 2018

RE: Refund – Undisclosed Taxpayer – Disabled Veteran’s Relief

I am in receipt of the Commissioner’s request, dated December 19, 2018, to authorize the Treasurer to refund a taxpayer the amount of \$2,543.20 for 2017 and 2018 for real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer’s name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner and the Treasurer on a confidential basis.

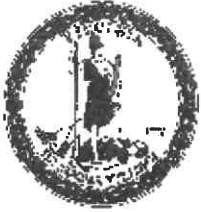
Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner’s memorandum.

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

Roderick B. Williams  
County Attorney

Attachment





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



December 19, 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 – Veteran Relief

Please approve a refund of \$2,543.20 for exoneration of real estate taxes for 2017 - 2018 for a qualifying veteran as shown to the county attorney. This refund is the result of application for qualifying Veterans Relief on property located in Frederick County. Based on state legislation there is no statute of limitations on such request after the adoption date of the legislation provided proper proof is presented to the Commissioner of the qualification of the applicant.

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 \$2,543.20.

Date: 12/14/18

Cash Register: COUNTY OF FREDERICK

Time: 12:41:48

Cashier:  
Customer

Total Transactions: 808  
Customer Transactions: 3

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount  | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| -   | RE2017 | 1     | 00366490002 | \$457.61-   | \$ .00      | \$457.61-   |
| -   | RE2018 | 2     | 00367600001 | \$1,042.80- | \$ .00      | \$1,042.80- |
| -   | RE2018 | 3     | 00367600002 | \$1,042.79- | \$ .00      | \$1,042.79- |

**F3=Exit**      **F14=Show Map#**      **Total Paid :**      **\$2,543.20**  
**F15=Show Balance**      **F18=Sort-Entered**      **F21=CmdLine**  
**F20=Attach**

\* Needs Board Approval



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: January 2, 2019

RE: Refund – Undisclosed Taxpayer – Disabled Veteran’s Relief

I am in receipt of the Commissioner’s request, dated January 2, 2019, to authorize the Treasurer to refund a taxpayer the amount of \$3,500.57 for second half of 2016, 2017 and 2018 for real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer’s name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner and the Treasurer on a confidential basis.

Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner’s memorandum.

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

Roderick B. Williams  
County Attorney

Attachment



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



January 2, 2019

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 – Veteran Relief

Please approve a refund of \$3,500.57 for exoneration of real estate taxes for ½ 2016, and all of 2017 & 2018 for a qualifying veteran as shown to the county attorney. This refund is the result of application for qualifying Veterans Relief on property located in Frederick County. Based on state legislation there is no statute of limitations on such request after the adoption date of the legislation provided proper proof is presented to the Commissioner of the qualification of the applicant.

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 \$3,500.57.

Date: 12/19/18

Cash Register: COUNTY OF FREDERICK

Time: 15:10:02

Cashier:  
Customer

Total Transactions: 931  
Customer Transactions: 5

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | RE2016 | 1     | 00307250002 | \$370.29-  | \$ .00      | \$370.29-   |
| -   | RE2017 | 2     | 00209740001 | \$776.10-  | \$ .00      | \$776.10-   |
| -   | RE2017 | 3     | 00209740002 | \$776.10-  | \$ .00      | \$776.10-   |
| -   | RE2018 | 4     | 00210340001 | \$789.04-  | \$ .00      | \$789.04-   |
| -   | RE2018 | 5     | 00210340002 | \$789.04-  | \$ .00      | \$789.04-   |

**F3=Exit**      **F14=Show Map#**      **Total Paid :**      **\$3,500.57**  
**F15=Show Balance**      **F18=Sort-Entered**      **F21=CmdLine**  
**F20=Attach**

\* Needs Board Approval



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: December 21, 2018

RE: Refund – Undisclosed Taxpayer – Disabled Veteran’s Relief

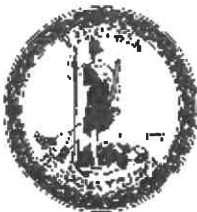
I am in receipt of the Commissioner’s request, dated December 19, 2018, to authorize the Treasurer to refund a taxpayer the amount of \$12,290.31 from 2011 through 2018 for real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. The Constitutional amendment and the enabling legislation automatically make qualifying property exempt as of that date, for a veteran whose disability rating occurs prior to that date. Taxpayer’s name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner and the Treasurer on a confidential basis.

Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner’s memorandum.

A handwritten signature in black ink, appearing to be "Roderick B. 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***



December 19, 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 – Veteran Relief

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

Please approve a refund of \$12,290.31 for exoneration of real estate taxes for 2011 - 2018 for a qualifying veteran as shown to the county attorney. This refund is the result of application for qualifying Veterans Relief on property located in Frederick County. Based on state legislation there is no statute of limitations on such request after the adoption date of the legislation for calendar year 2011 provided proper proof is presented to the Commissioner of the qualification of the applicant.

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 \$12,290.31.

Date: 12/14/18

Cash Register: COUNTY OF FREDERICK

Time: 12:37:19

Cashier:  
Customer

Total Transactions: 808  
Customer Transactions: 16

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | RE2011 | 1     | 00282810001 | \$667.02-  | \$ .00      | \$667.02-   |
| -   | RE2011 | 2     | 00282810002 | \$667.01-  | \$ .00      | \$667.01-   |
| -   | RE2012 | 3     | 00284210001 | \$715.97-  | \$ .00      | \$715.97-   |
| -   | RE2012 | 4     | 00284210002 | \$715.97-  | \$ .00      | \$715.97-   |
| -   | RE2013 | 5     | 00283610001 | \$710.25-  | \$ .00      | \$710.25-   |
| -   | RE2013 | 6     | 00283610002 | \$710.25-  | \$ .00      | \$710.25-   |
| -   | RE2014 | 7     | 00284900001 | \$710.25-  | \$ .00      | \$710.25-   |
| -   | RE2014 | 8     | 00284900002 | \$710.25-  | \$ .00      | \$710.25-   |
| -   | RE2015 | 9     | 00286950001 | \$756.06-  | \$ .00      | \$756.06-   |
| -   | RE2015 | 10    | 00286950002 | \$756.05-  | \$ .00      | \$756.05-   |
| -   | RE2016 | 11    | 00283750001 | \$810.06-  | \$ .00      | \$810.06-   |
| -   | RE2016 | 12    | 00283750002 | \$810.06-  | \$ .00      | \$810.06-   |

Multiple Pages

F3=Exit F14=Show Map#

Total Paid :

F15=Show Balance

\$12,290.31

F18=Sort-Entered

F21=CmdLine  
F20=Attach

Date: 12/14/18

Cash Register: COUNTY OF FREDERICK

Time: 12:37:37

Cashier:  
Customer

Total Transactions: 808  
Customer Transactions: 16

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | RE2017 | 13    | 00286580001 | \$880.44-  | \$ .00      | \$880.44-   |
| -   | RE2017 | 14    | 00286580002 | \$880.44-  | \$ .00      | \$880.44-   |
| -   | RE2018 | 15    | 00287260001 | \$895.12-  | \$ .00      | \$895.12-   |
| -   | RE2018 | 16    | 00287260002 | \$895.11-  | \$ .00      | \$895.11-   |

Multiple Pages

F3=Exit F14=Show Map#

Total Paid :

F15=Show Balance

\$12,290.31

F18=Sort-Entered

F21=CmdLine  
F20=Attach

\* Needs Board Approval



H



Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806



November 6, 2018

Kris Tierney  
County Administrator  
Frederick County  
107 North Kent Street  
Winchester, VA 22601

Dear Mr. Tierney:

We are pleased to notify you that Frederick County, Virginia, has received the Distinguished Budget Presentation Award for the current budget from Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for its having achieved the award. This has been presented to:

**Finance Department**

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program, and we sincerely hope that your example will encourage others to achieve and maintain excellence in governmental budgeting.

Sincerely,

Michele Mark Levine  
Director, Technical Services Center

Enclosure



Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

## FOR IMMEDIATE RELEASE

November 6, 2018

### For more information, contact:

**Technical Services Center**

**Phone: (312) 977-9700**

**Fax: (312) 977-4806**

**E-mail: [budgetawards@gfoa.org](mailto:budgetawards@gfoa.org)**

(Chicago, Illinois)--Government Finance Officers Association is pleased to announce that **Frederick County, Virginia**, has received GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for having achieved the award. This has been presented to **Finance Department**.

There are over 1,600 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

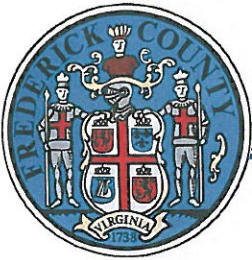
*Government Finance Officers Association is a major professional association servicing the needs of more than 19,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington D.C.*

Washington, DC Office

Federal Liaison Center, 660 North Capitol Street, NW, Suite 410 • Washington, DC 20001 • 202.393.8020 fax: 202.393.0780

[www.gfoa.org](http://www.gfoa.org)

I




Kris C. Tierney  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

**MEMORANDUM**

TO: Board of Supervisors  
FROM: Kris C. Tierney, County Administrator   
DATE: January 2, 2019  
RE: Committee Appointments

Listed below are the vacancies/appointments due through January 2019. 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

Margaret B. Douglas – Back Creek District Representative  
452 Barley Lane  
Winchester, VA 22602  
Term Expires: 01/14/20  
Four year term

*(Vacancy Due to the Passing of Mrs. Brumback.) (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.)*

Shenandoah Area Agency on Aging (SAAA)

Member-At-Large – Frederick County – SAAA Appointment

**(The Area Agency on Aging is seeking assistance in finding a possible candidate(s) to fill the Frederick County Member-At-Large seat. This seat is their appointment. Staff has posted to County Web Site.) (According to agency by-laws, the Area Agency on Aging Board may appoint up to six At-Large Members.)**

**NOVEMBER 2018**

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

**(Staff has posted to County Web Site.)** *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.)*

**DECEMBER 2018**

Board of Equalization

Timothy W. McKee – Frederick County Representative  
2101 Salem Church Road  
Stephens City, VA 22655  
Home: (540)868-1472  
Term Expires: 12/31/18  
Three year term

**(Mr. McKee has advised he does not wish to continue serving when his term expires. Staff has posted to County Web Site.)** *(The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a “permanent” board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term. Recommendation for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.)*

**JANUARY 2019**

Economic Development Authority

Doug Rinker – Frederick County Representative  
1075 Dicks Hollow Road  
Winchester, VA 22603  
Home: (540)877-2887  
Term Expires: 01/10/19  
Four year term

**(Mr. Rinker is Willing to Continue Serving if it is the Desire of the Board.)** *(The Economic Development Authority is comprised of seven members that serve a four year term. Members are eligible for reappointment.)*

Parks and Recreation Commission

Charles R. Sandy, Jr. – Member-At-Large  
311 Max Comer Lane  
Stephens City, VA 22655  
Home: (540)869-0197  
Term Expires: 01/25/19  
Four year term

**(Mr. Sandy is Willing to Continue Serving if it is the Desire of the Board.)** *(The Parks and Recreation Commission is comprised of eight members, one member from each magisterial district and two members at large. Members serve a four year term and are eligible for reappointment.)*

KCT/tjp


J





**MEMORANDUM**

**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP, Director of Planning and Development 

**RE:** Request for support for St. Paul's on the Hill / Wesley Housing Development Corporation.

**DATE:** January 3, 2019

---

Frederick County has received a request from Wesley Housing Development Corporation in connection with its development of the mixed-use project at St. Paul's on the Hill Episcopal Church, located at 1527 Senseny Road.

More specifically, the request is for the Frederick County Board of Supervisors to pass a resolution designating the St. Paul's on the Hill property, PIN 54-A-128, as a local housing revitalization zone. A local housing revitalization zone is created by resolution of the local governing body pursuant to the Code of Virginia and the Virginia Housing Development Authority VHDA criteria.

Wesley Housing is seeking Low Income Tax Credits administered through the Virginia Housing Development Authority to assist with the development of this project. This designation of a local housing revitalization zone would be beneficial to the applicant as it would potentially enable the allocation of additional points to their VHDA application due to it being in such a local housing revitalization zone.

Should the Board of Supervisors desire to support this request, a draft resolution has been prepared by Mr. Foote on behalf of Wesley Housing.

Attachments:

1. Letter from John H. Foote, Walsh Colucci Lubeley & Walsh PC



WALSH COLUCCI  
LUBELEY & WALSH PC



John H. Foote  
(703) 680-4664 Ext. 5114  
jfoote@thelandlawyers.com  
Fax: (703) 680-2161

December 4, 2018

Kris Tierney  
Frederick County Administrator  
107 North Kent Street  
Winchester, Virginia 22601

Rod Williams, Esq.  
Frederick County Attorney  
107 North Kent Street  
Winchester, Virginia 22601

Re: St. Paul's on the Hill / Wesley Housing Development Corporation

Dear Kris and Rod:

As I believe you are both aware, this firm represents Wesley Housing Development Corporation ("Wesley Housing") in connection with its development of the mixed-use project at St. Paul's on the Hill Episcopal Church, located at 1527 Senseny Road. As has been discussed with the Planning Staff, and is reflected in staff reports to the Board, Wesley Housing intends to develop age-restricted, affordable housing apartments on the property. You also know that the Board has approved this project.

To do this, Wesley Housing wishes to seek Low Income Housing Tax Credits. This program is administered by the Virginia Housing Development Authority under regulations that are found at 13VAC10-180, *et seq.* These regulations have been significantly revised, in part as a consequence of the Federal Tax Cuts and Jobs Act of 2017, Pub. L. 115-97, and certain Consolidated Appropriations Acts. A copy of these revised regulations is attached for your ease of reference.<sup>1</sup>

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<sup>1</sup> The draft attached has been approved by the Governor. The regulations are also available at 33 Va. Reg. Iss. 2, September 17, 2018. <https://bit.ly/2Pi3PmH>.

ATTORNEYS AT LAW

703 680 4664 ■ WWW.THELANDLAWYERS.COM  
4310 PRINCE WILLIAM PARKWAY ■ SUITE 300 ■ WOODBRIDGE, VA 22192-5199

ARLINGTON 703 528 4700 ■ LOUDOUN 703 737 3633

There is a finite pool of such credits available, and they are allocated on a point system.<sup>2</sup> Among the criteria for the allocation of points is the award of 15 “extra” points to an applicant whose project is located in a “local housing revitalization area” created pursuant to Va. Code Ann. § 36-55.30:2. These are areas created by resolution of the governing body in which cities and counties are authorized to designate areas that empower the VHDA to provide financing consistent with its mission.<sup>3</sup> Among other things, the statute permits the governing body to make a determination for a given area that

the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area

and

private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Va. Code Ann. § 36-55.30:2(A)(i)(b) and (ii).

Wesley Housing would, therefore, respectfully request the Frederick County Board of Supervisors to pass a resolution pursuant to the foregoing statutory authority for a limited area that would include only the property at PIN 54-A-128 as a local housing revitalization area.

This would permit Wesley Housing to seek the tax credits that are available, to place it in a more favorable position than would otherwise be the case, and thus to make it more likely that a project that the Board has now blessed as a benefit to the community would actually come to

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<sup>2</sup> Frederick County is in the Northwest / North Central Virginia Area Pool, to which only 9.20% of the total of Virginia’s tax credit allocation is available.

<sup>3</sup> The Regulations permit “a qualified census tract or federal targeted area, both as defined in the IRC, deemed under § 36-55.30:2 of the Code of Virginia to be designated as a revitalization area without adoption of a resolution” to be awarded 10 additional points (13VAC10-180-60), but if the locality has adopted that resolution the zone qualifies for the 15 points.

Kris Tierney  
Rod Williams  
December 4, 2018  
Page | 3

life. It should come as no surprise that without the kind of assistance that the VHDA can provide, and without the tax credits that are potentially available, private enterprise and investment are hard pressed to finance projects such as those to which Wesley Housing is committed. Every advantage is of great benefit.

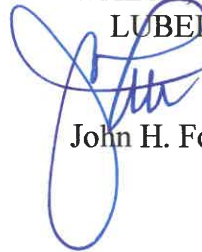
We would greatly appreciate it if you would present this concept to the Board to determine if it is willing to pursue further discussions of the matter. We have attached a draft resolution for your consideration if the staff and Board are so inclined.

Needless to say, we stand prepared to answer any questions you may have, and provide any assistance. Please let me know what further you require.

Thank you as always for your kind and courteous assistance.

Very truly yours,

WALSH, COLUCCI,  
LUBELEY & WALSH, P.C.



John H. Foote

JHF/jf

cc: Rosa Estrada, Wesley Housing Development Corporation  
Mike Ruddy, Planning Director

**RESOLUTION OF SUPPORT  
FREDERICK COUNTY BOARD OF SUPERVISORS  
FOR THE ESTABLISHMENT OF A LOCAL HOUSING REVITALIZATION ZONE**

**Action:**

BOARD OF SUPERVISORS:

**WHEREAS**, the Frederick County Board of Supervisors has been requested by the Wesley Housing Development Corporation (“Wesley Housing”) to designate land within the County as a Local Housing Revitalization Area; and

**WHEREAS**, these are areas created by resolution of the local governing body to designate areas that empower the Virginia Housing Development Authority (“VHDA”) to provide financing consistent with its mission; and

**WHEREAS**, such Revitalization Areas are an essential component of the VHDA’s program for the administration of Low Income Housing Tax Credits created pursuant to Va. Code Ann. § 36-55.30:2 and under regulations found at 13VAC10-180, et seq., and the Tax Cuts and Jobs Act of 2017, Pub. L. 115-97; and

**WHEREAS**, there is a finite pool of such credits available that are allocated on a point system, among the criteria for which is the award of 15 additional points to an applicant whose project is located in such a Local Housing Revitalization Area; and

**WHEREAS**, Wesley Housing requests the designation of property located at PIN 54-A-128, to wit, St. Paul’s on the Hill Church, as the proposed Revitalization Area (the “Development”); and

**WHEREAS**, Wesley Housing wishes to apply for such tax credits to place it in a more favorable position and more likely to receive credits for an age restricted housing project that the Board has heretofore approved as a benefit to the community by Rezoning #02-18; and CPPA #01-18, St. Paul’s on the Hill, given that private enterprise and investment are generally unavailable to finance projects such as that for which Wesley Housing has been approved; and

**WHEREAS**, the above-referenced Development is located in a Revitalization Area in the County of Frederick, Virginia; and the Revitalization Area is (i) blighted, deteriorated, deteriorating or, if not rehabilitated, is likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or otherwise inadequate design, quality or condition, and (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area,

**NOW THEREFORE BE IT RESOLVED THAT** the Frederick County Board of Supervisors does hereby designate the property located at PIN 54-A-128, St. Paul's on the Hill, as a Local Housing Revitalization Area pursuant to Va. Code Ann. § 36-55.30:2.

**ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2018.

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

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

DRAFT

## REGULATIONS

VOL. 35 ISS. 2 - SEPTEMBER 17, 2018

## TITLE 13. HOUSING

« Previous | Next » | Table of Contents »

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

## Chapter 180

## Proposed Regulation

**REGISTRAR'S NOTICE:** The Virginia Housing Development Authority is claiming an exemption from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4 of the Code of Virginia.

**Title of Regulation:** **13VAC10-180. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13VAC10-180-50, 13VAC10-180-60, 13VAC10-180-70, 13VAC10-180-90, 13VAC10-180-110).**

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

**Public Hearing Information:**

September 26, 2018 - 10 a.m. - Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220

**Public Comment Deadline:** September 26, 2018.

**Agency Contact:** Paul M. Brennan, Chief Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5798, FAX (804) 833-8344, or email paul.brennan@vhda.com.

**Summary:**

*The proposed amendments (i) require a first leasing preference to individuals in certain identified target populations, having rental assistance from the Commonwealth and referred to the development by approved referring agents, in lieu of points previously awarded for a similar leasing preference; (ii) require applicants to waive his right to pursue a qualified contract and bar applicants having participated in a qualified contract or planned foreclosure in Virginia; (iii) add a baseline energy performance requirement and provide points for additional green building certifications; (iv) approve the use of income averaging, subject to limitations; (v) create an innovation pool in which developments having innovative aspects may compete prior to the traditional competitive process; (vi) restructure the accessible supportive housing pool and require that owners have a supportive housing certification and complete the authority's supportive housing certification; (vii) restructure the revitalization area point category, including providing points for certain deals in opportunity zones; (viii) revise the cost limits for developments by creating a per-square-foot cost limit that is localized and remove the land and acquisition cost from such calculation; (ix) revise maximum allowable developer's fees; (x) require a general contractor's cost certification; (xi) require a physical needs assessment for rehabilitation developments; (xii) require a Phase I environmental site assessment; (xiii) eliminate points for developments with fewer than 100 units; (xiv) require a site visit by authority staff as part of application review; (xv) provide that a prior award of credits to be refreshed in exchange for principals not being permitted to compete in the following year's competitive application process; (xvi) limit requests for additional credits to no more than 10% of the original award of credits, otherwise the applicant must return prior award and re-compete; (xvii) provide that owners seeking both 9.0% and 4.0% credits for a combined transaction must meet with authority staff in advance of application submission, that the two developments must be physically separate, and provide points for such combined applications in the scoring of the 4.0% application; (xviii) provide points for rent and income set-asides for units at the 30% of area median income level that are not subsidized by project-based vouchers; (xix) broaden the subsidized funding points category; (xx) simplify the calculation of points for developments constructed using brick and other low-maintenance materials; (xxi) revise or provide amenity item points for multiple items, including dehumidification systems, Internet service, bath vent fans, solid core interior doors, fire prevention features, USB charging ports, LED lighting, ledges at entry doors, and balconies; (xxii) eliminate amenity item points for multiple items, including certain energy efficiency items that are duplicative in light of the new energy efficiency threshold requirements and for emergency call systems; (xxiii) reduce points awarded to developments for having real estate tax abatements; (xxiv) give the authority the ability to remove basis boost if it determines the development is feasible without such basis boost; (xxv) remove penalty points for certain minor infractions; (xxvi) provide that the analyst preparing the market study must meet the authority's qualifications; (xxvii) expand the type of project-based rental assistance or subsidy that can receive bonus points in the local housing authority pool; and (xxviii) make other miscellaneous administrative clarification changes.*

**13VAC10-180-50. Application.**

Prior to submitting an application for reservation, applicants shall submit on such form as required by the executive director, the letter for authority signature by which the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located to provide such officers a reasonable opportunity to comment on the developments.

Application for a reservation of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information (including, without limitation, a

market study that is prepared by a housing market analyst that meets the authority's requirements for an approved analyst, as set forth on the application form, instructions, or other communication available to the public, that shows adequate demand for the housing units to be produced by the applicant's proposed development) as may be requested by the authority in order to comply with the IRC and this chapter and to make the reservation and allocation of the credits in accordance with this chapter. The executive director may reject any application from consideration for a reservation or allocation of credits if in such application the applicant does not provide the proper documentation or information on the forms prescribed by the executive director. In addition to the market study contained in the application, the authority may conduct its own analysis of the demand for the housing units to be produced by each applicant's proposed development.

All sites in an application for a scattered site development may only serve one primary market area. If the executive director determines that the sites subject to a scattered site development are served by different primary market areas, separate applications for credits must be filed for each primary market area in which scattered sites are located within the deadlines established by the executive director.

The application should include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain what costs will be incurred and what will comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information, if applicable, needs to be included in the application to determine the feasible credit amount: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, syndication and legal fees, development fees, and other costs and fees. All applications seeking credits for rehabilitation of existing units must provide for contractor construction costs of at least \$10,000 per unit for developments financed with tax-exempt bonds and \$15,000 per unit for all other developments.

Any application that exceeds the cost limits ~~set forth~~ described below in subdivisions 1, 2, and 3 shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

~~1. Inner Northern Virginia. The Inner Northern Virginia region shall consist of Arlington County, Fairfax County, City of Alexandria, City of Fairfax, and City of Falls Church. The total development cost of proposed developments in the Inner Northern Virginia region may not exceed (i) for new construction or adaptive reuse: \$387,809 per unit plus up to an additional \$43,090 per unit if the proposed development contains underground or structured parking for each unit or (ii) for acquisition/rehabilitation: \$338,564 per unit.~~

~~2. Prince William County, Loudoun County, Fauquier County, Manassas City, and Manassas Park City. The total development cost of proposed developments in Prince William County, Loudoun County, Fauquier County, Manassas City, and Manassas Park City may not exceed (i) for new construction or adaptive reuse: \$288,087 per unit plus up to an additional \$43,090 per unit if the proposed development contains underground or structured parking for each unit or (ii) for acquisition/rehabilitation: \$203,138 per unit.~~

~~3. Balance of state. The total development cost of proposed developments in the balance of the state may not exceed (i) for new construction or adaptive reuse: \$215,450 per unit plus up to an additional \$43,090 per unit if the proposed development contains underground or structured parking for each unit or (ii) for acquisition/rehabilitation: \$166,204 per unit.~~

~~Costs, subject to a per unit limit set by the executive director, attributable to equipping units with electrical and plumbing hook-ups for dehumidification systems and attributable to installing approved dehumidification systems will not be included in the calculation of the above per unit cost limits.~~

~~The cost limits in subdivisions 1, 2, and 3 above are 2015 fourth quarter base amounts. The cost limits shall be adjusted annually beginning in the fourth quarter of 2016 by the authority in accordance with Marshall & Swift cost factors for such quarter, and the adjusted The authority will at least annually establish per-square-foot cost limits based upon historical cost data of tax credit developments in the Commonwealth. Such limits will be indicated on the application form, instructions, or other communication available to the public. The cost limits will be established for new construction, rehabilitation, and adaptive reuse development types. The authority will establish geographic limits utilizing Marshall & Swift cost factors. For the purpose of determining compliance with the cost limits, the value of a development's land and acquisition costs will not be included in total development cost. Compliance with cost limits will be determined both at the time of application and also at the time the authority issues the IRS Form 8609, with the higher of the two limits being applicable at the time of IRS Form 8609 issuance.~~

~~Each application shall include plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up.~~

~~In the case of rehabilitation, the application must include a physical needs assessment in such form and substance and prepared by such person satisfactory to the executive director pursuant to the authority's requirements as set forth on the application form, instructions, or other communication available to the public.~~



Each application must include an environmental site assessment (Phase I) in such form and substance and prepared by such person satisfactory to the executive director pursuant to the authority's requirements as set forth on the application form, instructions, or other communication available to the public.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families, or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. Any contract for the acquisition of a site with existing residential property may not require an empty building as a condition of such contract, unless relocation assistance is provided to displaced households, if any, at such level required by the authority. A contract that permits the owner to continue to market the property, even if the applicant has a right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases, or has the right to acquire or lease the site of the proposed development as described in the preceding sentence. In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture (Rural Development), any site control document subject to approval of the partners of the seller does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

Each application shall include written evidence satisfactory to the authority (i) of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable.

Each application shall include, in a form ~~or forms~~ required by the executive director, a certification of previous participation listing all developments receiving an allocation of tax credits under § 42 of the IRC in which the ~~principal~~ or principals have or had an ownership or participation interest, the location of such developments, the number of residential units and low-income housing units in such developments and such other information as more fully specified by the executive director. Furthermore, for any such development, the applicant must indicate whether the appropriate state housing credit agency has ever filed a Form 8823 with the IRS reporting noncompliance with the requirements of the IRC and that such noncompliance had not been corrected at the time of the filing of such Form 8823. The executive director may reject any application from consideration for a reservation or allocation of credits unless the above information is submitted with the application. If, after reviewing the above information or any other information available to the authority, the executive director determines that the ~~principal~~ or principals do not have the experience, financial capacity and predisposition to regulatory compliance necessary to carry out the responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development or the ability to fully perform all the duties and obligations relating to the proposed development under law, regulation and the reservation and allocation documents of the authority or if an applicant is in substantial noncompliance with the requirements of the IRC, the executive director may reject applications by the applicant. No application will be accepted from any applicant with a principal that has or had an ownership or participation interest in a development at the time the authority reported such development to the IRS as no longer in compliance and is no longer participating in the federal low-income housing tax credit program.

Each application shall include, in a form ~~or forms~~ required by the executive director, a certification that the design of the proposed development meets all applicable amenity and design requirements required by the executive director for the type of housing to be provided by the proposed development.

The application should include pro forma financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies that apply (or that the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance of the proposed development with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

Each applicant shall commit in the application to provide relocation assistance to displaced households, if any, at such level required by the executive director. Each applicant shall commit in the application to use a property management company certified by the executive director to manage the proposed development.

Unless prohibited by an applicable federal subsidy program, each applicant shall commit in the application to provide a leasing preference to individuals (i) in a target population identified in a memorandum of understanding between the authority and one or more participating agencies of the Commonwealth, (ii) having a voucher or other binding commitment for rental assistance from the Commonwealth, and (iii) referred to the development by a referring agent approved by the authority. The leasing preference shall not be applied to more than 10% of the units in the

development at any given time. The applicant may not impose more restrictive tenant selection criteria or leasing terms with respect to individuals receiving this preference.

Each applicant shall commit in the application not to require an annual minimum income requirement that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by tenants receiving rental assistance.

Each applicant shall commit in the application to waive its right to request to terminate the extended low-income housing commitment through the qualified contract process, as described in the IRC. Further, any application submitted by an applicant containing a principal that was a principal in an owner that has previously requested, on or after January 1, 2019, a qualified contract in the Commonwealth (regardless of whether the extended low-income housing commitment was terminated through such process) shall be rejected from further consideration and shall not be eligible for any reservation or allocation of credits.

Any application submitted by an applicant containing a principal that was a principal in an owner that has, in the authority's determination, previously participated, on or after January 1, 2019, in a foreclosure in Virginia (or instrument in lieu of foreclosure) that was part of an arrangement a purpose of which was to terminate an extended low-income housing commitment (regardless whether the extended low-income housing commitment was terminated through such foreclosure or instrument) shall be rejected from further consideration and shall not be eligible for any reservation or allocation of credits.

If an applicant submits an application for reservation or allocation of credits that contains a material misrepresentation or fails to include information regarding developments involving the applicant that have been determined to be out of compliance with the requirements of the IRC, the executive director may reject the application or stop processing such application upon discovery of such misrepresentation or noncompliance and may prohibit such applicant from submitting applications for credits to the authority in the future.

In any situation in which the executive director deems it appropriate, he may treat two or more applications as a single application. Only one application may be submitted for each location.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations. If the executive director determines that an applicant for a reservation of credits has failed to submit one or more mandatory attachments to the application by the reservation application deadline, he may allow such applicant an opportunity to submit such attachments within a certain time established by the executive director with a 10-point scoring penalty per item.

After receipt of the applications local notification information data, if necessary, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such officers a reasonable opportunity to comment on the developments.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of credits to buildings or developments that the authority may own or may intend to acquire, construct ~~and/or~~ or rehabilitate.

Any application seeking an additional reservation of credits for a development in excess of 10% of an existing reservation of credits for such development shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits pursuant to such application. However, such applicant may execute a consent to cancellation for such existing reservation and submit a new application for the aggregate amount of the existing reservation and any desired increase.

#### **13VAC10-180-60. Review and selection of applications; reservation of credits.**

The executive director may divide the amount of credits into separate pools and each separate pool may be further divided into separate tiers. The division of such pools and tiers may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) that is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of

the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of ~~this subdivision 2 of this section~~, the executive director may apply such factors as he deems relevant, including, ~~without limitation~~, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations that, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools (nonprofit pools) of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round ~~or rounds~~ or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other ~~pool or~~ pools as the executive director shall designate reservations therefore in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for the inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$950,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow ~~and/or~~ or using Hope VI funds from HUD in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness. a. Written evidence satisfactory to the authority of unconditional approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points; applicants receiving points under this subdivision 1 a are not eligible for points under subdivision 5 a below)

~~b. For applications submitted prior to January 1, 2016, written evidence satisfactory to the authority (i) of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (40 points)~~

2. Housing needs characteristics.

a. Submission of the form prescribed by the authority with any required attachments, providing such information necessary for the authority to send a letter addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (minus 50 points for failure to make timely submission)

b. A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. Any such letter must also be accompanied by a legal opinion of the locality's attorney opining that the locality's opposition to the proposed development does not have a discriminatory intent or a discriminatory effect (as defined in 24 CFR 100.500(a)) that is not supported by a legally sufficient justification (as defined in 24 CFR 100.500(b)) in violation of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended) and the HUD implementing regulations. (minus 25 points)

c. Any proposed development that is to be located in a revitalization area meeting the requirements of § 36-55.30:2 A of the Code of Virginia, ~~(40 points)~~ or within an opportunity zone designated by the Commonwealth pursuant to the Federal Tax Cuts and Jobs Act of 2017, as follows: (i) in a qualified census tract or federal targeted area, both as defined in the IRC, deemed under § 36-55.30:2 of the Code of Virginia to be designated as a revitalization area without adoption of a resolution (10 points); (ii) in any redevelopment area, conservation area, or rehabilitation area created or designated by the city or county pursuant to Chapter 1 (§ 36-1 et seq.) of Title 36 of the Code of Virginia and deemed under § 36-55.30:2 to be designated as a revitalization area without adoption of a further resolution (10 points); (iii) in a revitalization area designated by resolution adopted pursuant to the terms of § 36-55.30:2 (15 points); (iv) in a local housing rehabilitation zone created by an ordinance passed by the city, county, or town and deemed to meet the requirements of § 36-55.30:2 pursuant to § 36-55.64 G of the Code of Virginia (15 points); and (v) in an opportunity zone and having a binding commitment of funding acceptable to the executive director pursuant to requirements as set forth on the application form, instructions, or other communication available to the public. (20 points). If the development is located in more than one such area, only the highest applicable points will be awarded, that is, points in this subdivision c are not cumulative.

d. Commitment by the applicant for any development without section 8 project-based assistance to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant or (ii) on section 8 (as defined in 13VAC10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (5 points)

e. ~~Any of the following: (i) firm financing commitment(s) from the local government, local housing authority, Federal Home Loan Bank affordable housing funds, Virginia Housing Trust Fund, funding from VOICE for projects located in Prince-William County and donations from unrelated private foundations that have filed an IRS Form 990 (or a variation of such form) or Rural Development for a below-market rate loan or grant; (ii) a resolution passed by the locality in which the proposed development is to be located committing such financial support to the development in a form approved by the authority; (iii) a commitment to donate land, buildings or tap fee waivers from the local government; or (iv) a commitment to donate land (including a below market rate land lease) from an entity that is not a principal in the applicant (the donor being the grantee of a right of first refusal or purchase option, with no ownership interest in the applicant, shall not make the donor a principal in the applicant). Any nonfederal funding source, as evidenced by a binding commitment or letter of intent, that is used to reduce the credit request. Loans must be below market-rate (the one-year London Interbank Offered Rate (LIBOR) rate at the time of commitment) or cash-flow only to be eligible for points. Financing from the authority and market rate permanent financing sources are not eligible. Funding from the Federal Home Loan Bank is eligible. (The amount of such financing funding, dollar value of local support, or value of donated land (including a below market rate land lease) will be determined by the executive director and divided by the total development sources of funds and the proposed development cost. The applicant receives two points for each percentage point up to a maximum of 40 points.)~~

f. Any development subject to (i) HUD's Section 8 or Section 236 program or (ii) Rural Development's 515 program, at the time of application. (20 points, unless the applicant is or has any common interests with the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee on acquisition and any other fees associated with the acquisition and rehabilitation ~~(or rehabilitation only)~~ of the development unless permitted by the executive director for good cause.)

g. Any development receiving (i) a real estate tax abatement on the increase in the value of the development or (ii) new project-based subsidy from HUD or Rural Development for the greater of five units or 10% of the units of the proposed development. (40 ~~(5)~~ points)

~~h. Any proposed elderly development located in a census tract that has less than a 10% poverty rate (based upon Census Bureau data) (25 points). Effective January 1, 2018, any proposed elderly development located in a census tract that has less than a 12% poverty rate (based upon Census Bureau data) (20 points); any proposed elderly development located in a census tract that has less than a 3.0% poverty rate (based upon Census Bureau data) (30 points).~~

~~i. Any proposed family development located in a census tract that has less than a 10% poverty rate (based upon Census Bureau data) (25 points). Effective January 1, 2018, any proposed family development located in a census tract that has less than a 12% poverty rate (based upon Census Bureau data) (20 points); any proposed family development located in a census tract that has less than a 3.0% poverty rate (based upon Census Bureau data) (30 points).~~

h. Any development receiving new project-based subsidy from HUD or Rural Development for the greater of five units or 10% of the units of the proposed development. (10 points)

i. Any proposed elderly or family development located in a census tract that has less than a 3.0% poverty rate based upon Census Bureau data (30 points); less than a 10% poverty rate based upon Census Bureau data (25 points); or less than a 12% poverty rate based upon Census Bureau data (20 points).

j. Any proposed development listed in the top 25 developments identified by Rural Development as high priority for rehabilitation at the time the application is submitted to the authority (15 points).

k. Any proposed new construction development (including adaptive reuse and rehabilitation that creates additional rental space) located in a pool identified by the authority as a pool with little or no increase in rent-burdened population. ~~(up to~~ Up to minus 20 points, depending upon the portion of the development that is additional rental space, in all pools except the at-large pool, 0 points in the at-large pool; the executive director may make exceptions in the following circumstances:

- (1) Specialized types of housing designed to meet special needs that cannot readily be addressed utilizing existing residential structures;
- (2) Housing designed to serve as a replacement for housing being demolished through redevelopment; or
- (3) Housing that is an integral part of a neighborhood revitalization project sponsored by a local housing authority.)

l. Any proposed new construction development (including adaptive reuse and rehabilitation that creates additional rental space) that is located in a pool identified by the authority as a pool with an increasing rent-burdened population. ~~(up to~~ Up to 20 points, depending upon the portion of the development that is additional rental space, in all pools except the at-large pool, 0 points in the at-large pool).

### 3. Development characteristics.

a. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If a ~~community/meeting~~ community room with a minimum of 749 square feet is provided. (5 points) Community rooms receiving points under this subdivision 3 a (1) (a) may not be used for commercial purposes. ~~Effective January 1, 2018, provided~~ Provided that the cost of the community room is not included in eligible basis, the owner may conduct, or contract with a nonprofit provider to conduct, programs or classes for tenants and members of the community in the community room, so long as (i) tenants compose at least one-third of participants, with first preference given to tenants above the one-third minimum; (ii) no program or class may be offered more than five days per week; (iii) no individual program or class may last more than eight hours per day, and all programs and class sessions may not last more than 10 hours per day in the aggregate; (iv) cost of attendance of the program or class must be below market rate with no profit from the operation of the class or program being generated for the owner (owner may also collect an amount of for reimbursement of supplies and clean-up costs); (v) the community room must be available for use by tenants when programs and classes are not offered, subject to reasonable "quiet hours" established by owner; and (vi) any owner offering programs or classes must provide an annual certification to the authority that it is in compliance with such requirements, with failure to comply with these requirements resulting in a 10-point penalty for three years from the date of such noncompliance for principals in the owner.

(b) If the exterior walls are constructed using ~~the following materials: (i) Brick~~ brick or other similar low-maintenance material approved by the authority (as indicated on the application form, instructions, or other communication available to the public) covering ~~30% or more of the exterior walls 25% or greater, up to and including 85%, of the exterior walls of the development. For purposes of making such coverage calculation, the triangular gable end area, doors, windows, knee walls, columns, retaining walls, and any features that are not a part of the façade are excluded from the denominator. Community buildings are included in the foregoing coverage calculations. (Zero points if coverage is less than 25%; 10 points if coverage is at least 25%, and an additional 15 points is available on a sliding scale if coverage is greater than 25% up to and including 85% coverage. No additional points if coverage is greater than 85%).~~ (10 points) and

(ii) If subdivision 3 a (1) (b) (i) above is met, an additional one-fifth point for each percent of exterior wall brick or other similar low-maintenance material approved by the authority (as indicated on the application form, instructions, or other communication available to the public) in excess of 30%. (maximum 10 points) and

(iii) If subdivision 3 a (1) (b) (i) above is met, an additional one-tenth point for each percent of exterior wall covered by fiber-cement board. (maximum 7 points)

(c) If all kitchen and laundry appliances (except range hoods) meet the EPA's Energy Star qualified program requirements. (5 points)

(d) If all the windows and glass doors are Energy Star labeled for the North-Central Zone or are National Fenestration Rating Council (NFRC) labeled with a maximum U-Factor of 0.27 and maximum solar heat gain coefficient (SHGC) of 0.40. (5 points)

(e) If every unit in the development is heated and cooled with either (i) heat pump equipment with both a seasonal energy efficiency ratio (SEER) rating of 15.0 or more and a heating seasonal performance factor (HSPF) rating of 8.5 or more or (ii) air conditioning equipment with a SEER rating of 15.0 or more, combined with a gas furnace with an annual fuel utilization efficiency (AFUE) rating of 90% or more. (10 points)

(f) (c) If the water expense is submetered (the tenant will pay monthly or bimonthly bill). (5 points)

(g) (d) If points are not awarded pursuant to subdivision 3 f below for optional certification, if each bathroom contains only WaterSense labeled toilets, faucets and showerheads. (2 (3 points)

(h) (e) If each unit is provided with the necessary infrastructure for high-speed Internet or broadband service. (1 point)

(i) If all the water heaters have an energy factor greater than or equal to 67% for gas water heaters or greater than or equal to 93% for electric water heaters; or any centralized commercial system that has an efficiency performance rating equal to or greater than 95%, or any solar thermal system that meets at least 60% of the development's domestic hot water load If free Wi-Fi access is provided in the community room and such access is restricted to resident only usage. (4 points) If each unit is provided with free individual high-speed Internet access. (6 points, 8 points if such access is Wi-Fi). (5 points)

(j) If each bathroom is equipped with a WaterSense labeled toilet. (2 points)

(k) Effective until January 1, 2018, for new construction only, if each full bathroom is equipped with EPA Energy Star qualified bath vent fans. (2 points) Effective January 1, 2018, if each full bathroom is provided either an EPA Energy Star qualified bath vent fan with duct size per manufacturer requirements or a continuous exhaust as part of a dedicated outdoor air system with humidity control. (2 points)

(l) If the development has or the application provides for installation of continuous R-3 or higher wall sheathing insulation. (5 points)

(m) (f) If each full bathroom's bath fans are wired to the primary bathroom light with a delayed timer, or continuous exhaust by ERV/DOAS. (3 points) If each full bathroom's bath fans are equipped with a humidistat. (3 points)

(g) If all cooking surfaces are equipped with fire prevention features that meet the authority's requirements as indicated on the application form, instructions, or other communication available to the public. (4 points)

If all cooking surfaces are equipped with fire prevention or suppression features that meet the authority's requirements (as indicated on the application form, instructions, or other communication available to the public). (2 points)

(h) For rehabilitations, equipping all units with dedicated space, drain, and electrical hook-ups for permanently installed dehumidification systems (2 points). For rehabilitations and new construction, providing permanently installed dehumidification systems in each unit. (5 points)

(i) If each interior door is solid core. (3 points)

(j) If each unit has at least one USB charging port in the kitchen, living room, and all bedrooms. (1 point)

(k) If each kitchen has LED lighting in all fixtures that meets the authority's minimum design and construction standards (2 points)

(l) If each unit has a shelf or ledge outside the primary entry door in interior hallway. (2 points)

(m) For new construction only, if each unit has a balcony or patio with a minimum depth of five feet clear from face of building and a size of at least 30 square feet. (4 points)

(2) The following points are available to applications electing to serve elderly tenants:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units have an emergency call system. (3 points) (c) If all bathrooms have an independent or supplemental heat source. (1 point)

(d) (c) If all entrance doors to each unit have two eye viewers, one at 42 inches and the other at standard height. (1 point)

(3) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

b. Any development in which (i) the greater of five units or 10% of the units will be assisted by HUD project-based vouchers (as evidenced by the submission of a letter satisfactory to the authority from an authorized public housing authority (PHA) that the development meets all prerequisites for such assistance) or other form of documented and binding federal or state project-based rent subsidies in order to ensure occupancy by extremely low-income persons; and (ii) the greater of five units or 10% of the units will conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act and be actively marketed to persons with disabilities as defined in the Fair Housing Act in accordance with a plan submitted as part of the application for credits (all common space must also conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act, and all the units described in clause (ii) above must include roll-in showers and roll-under sinks and front control ranges, unless agreed to by the authority prior to the applicant's submission of its application). (60 points)

~~In addition, for any development eligible for the preceding 60 points, subject to appropriate federal approval, any applicant that commits to providing a first preference on its waiting list for persons with a developmental disability as confirmed by the Virginia Department of Behavioral Health and Developmental Services for the greater of five units or 10% of the units. (25 points)~~

c. Any development in which the greater of five units or 10% of the units (i) have rents within HUD's Housing Choice Voucher (HCV) payment standard, (ii) conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act, and (iii) are actively marketed to persons with disabilities as defined in the Fair Housing Act in accordance with a plan submitted as part of the application for credits (all common space must also conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act). (30 points)

~~In addition, for any development eligible for the preceding 30 points, subject to appropriate federal approval, any applicant that commits to providing a first preference on its waiting list for persons with a developmental disability as confirmed by the Virginia Department of Behavioral Health and Developmental Services for the greater of five units or 10% of the units. (25 points)~~

d. Any development in which 5.0% of the units (i) conform to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act and (ii) are actively marketed to persons with disabilities as defined in the Fair Housing Act in accordance with a plan submitted as part of the application for credits. (15 points)

e. Any development located within one-half mile of an existing commuter rail, light rail or subway station or one-quarter mile of one or more existing public bus stops. (10 points, unless the development is located within the geographical area established by the executive director for a pool of credits for Northern Virginia or Tidewater Metropolitan Statistical Area (MSA), in which case, the development will receive 20 points if the development is ranked against other developments in such Northern Virginia or Tidewater MSA pool, 10 points if the development is ranked against other developments in any other pool of credits established by the executive director)

f. Each development must meet the following baseline energy performance standard applicable to the development's construction category. For new construction, the development must meet all requirements for EPA Energy Star certification. For rehabilitation, the proposed renovation of the development must result in at least a 30% post-rehabilitation increase on the Home Energy Rating System Index (HERS Index) or score an 80 or better on the HERS Index. For adaptive reuse, the proposed development must score a 95 or better on the HERS Index. For mixed construction types, the applicable standard will apply to the development's various construction categories. The development's score on the HERS Index must be verified by a third-party, independent, nonaffiliated, certified Residential Energy Services Network (RESNET) home energy rater.

Any development for which the applicant agrees to obtain ~~either~~ (i) EarthCraft Gold or higher certification ~~or~~; (ii) U.S. Green Building Council LEED green-building certification; (iii) National Green Building Standard Certification of Silver or higher; ~~or~~ (iv) meet Enterprise Green Communities Criteria prior to the issuance of an IRS Form 8609 with the proposed development's architect certifying in the application that the development's design will meet the criteria for such certification, provided that the proposed development's architect is on the authority's list of LEED/EarthCraft certified architects. (15 points for a LEED Silver development or EarthCraft certified development; 35 points for a LEED Gold development or EarthCraft Gold development; 45 points for a LEED Platinum development and an additional 10 points for an EarthCraft certified development or EarthCraft Gold development that performs tenant utility monitoring and benchmarking.) RESNET rater is registered with a provider on the authority's approved RESNET provider list. (10 points. points in this paragraph are not cumulative)

Additionally, points on future applications will be awarded to an applicant having a principal that is also a principal in a tax credit development in the Commonwealth meeting (i) the Zero Energy Ready Home Requirements as promulgated by the U.S. Department of Energy (DOE) and as evidenced by a DOE certificate; or (ii) the Passive House Institute's Passive House standards as evidenced by a certificate from an accredited Passive House certifier. (10 points. points in this paragraph are cumulative)

The executive director may, if needed, designate a proposed development as requiring an increase in credit in order to be financially feasible and such development shall be treated as if in a difficult development area as provided in the IRC for any applicant receiving ~~25 or 45~~ an additional 10 points under this subdivision, provided however, any resulting increase in such development's eligible basis shall be limited to ~~5.0%~~ 10% of the development's eligible basis ~~for 25 points awarded under this subdivision and 10% for 45 points awarded under this subdivision of. Provided,~~

however, the authority may remove such increase in the development's eligible basis if the authority determines that the development is financially feasible without such increase in basis.

g. If units are constructed to include the authority's universal design features, provided that the proposed development's architect is on the authority's list of universal design certified architects. (15 points, if all the units in an elderly development meet this requirement; 15 points multiplied by the percentage of units meeting this requirement for nonelderly developments)

~~h. Any development in which the applicant proposes to produce less than 100 low-income housing units. (20 points for producing 50 low-income housing units or less, minus 0.4 points for each additional low-income housing unit produced down to 0 points for any development that produces 100 or more low-income housing units.)~~

~~i. h. Any applicant for a development that, pursuant to a common plan of development, is part of a larger development located on the same or contiguous sites, financed in part by tax-exempt bonds. Combination developments seeking both 9.0% and 4.0% credits must clearly be presented as two separately financed deals including separate equity pricing that would support each respective deal in the event the other were no longer present. While deals are required to be on the same or a contiguous site they must be clearly identifiable as separate. The units financed by tax exempt bonds may not be interspersed throughout the development. Additionally, if co-located within the same building footprint, the property must identify separate entrances. All applicants seeking points in this category must arrange a meeting with authority staff at the authority's offices prior to the deadline for submission of the application in order to review both the 9.0% and the tax-exempt bond financed portion of the project. Any applicant failing to meet with authority staff in advance of applying will not be allowed to compete in the current competitive round as a combination development. (25 points for tax-exempt bond financing of at least 30% of aggregate units, 35 points for tax-exempt bond financing of at least 40% of aggregate units, and 45 points for tax-exempt bond financing of at least 50% of aggregate units; such points being ~~noncumulative~~ noncumulative; such points will be awarded in both the application and any application submitted for credits associated with the tax-exempt bonds)~~

4. Tenant population characteristics. Commitment by the applicant to give a leasing preference to individuals and families with children in developments that will have no more than 20% of its units with one bedroom or less. (15 points; plus 0.75 points for each percent of the low-income units in the development with three or more bedrooms up to an additional 15 points for a total of no more than 30 points)

5. Sponsor characteristics.

a. Evidence that the controlling general partner or managing member of the controlling general partner or managing member for the proposed development have developed:

(1) As controlling general partner or managing member, (i) at least three tax credit developments that contain at least three times the number of housing units in the proposed development or (ii) at least six tax credit developments. (50 points) ~~or;~~

(2) At least three deals as a principal and have at least \$500,000 in liquid assets. "Liquid assets" means cash, cash equivalents, and investments held in the name of the ~~entity(s) and entities~~ or ~~person(s) persons~~, including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered liquid assets, including ~~but not limited to:~~ (i) stock held in the applicant's own company or any closely held entity, (ii) investments in retirement accounts, (iii) cash or investments pledged as collateral for any liability, and (iv) cash in property accounts, including reserves. The authority will assess the financial capacity of the applicant based on its financial statements. The authority will accept financial statements audited, reviewed, or compiled by an independent certified public accountant. Only a balance sheet dated on or after December 31 of the year prior to the application deadline is required. The authority will accept a compilation report with or without full note disclosures. Supplementary schedules for all significant assets and liabilities may be required. Financial statements prepared in accordance with accounting principles generally accepted in the United States (U.S. GAAP) are preferred. Statements prepared in the income tax basis or cash basis must disclose that basis in the report. The authority reserves the right to verify information in the financial statements. (50 points); ~~or~~

(3) As controlling general partner or managing member, at least one tax credit development that contains at least the number of housing units in the proposed development. (10 points)

Applicants receiving points under subdivisions a (1) and a (2) of this subdivision 5 shall have the 50 points reduced if the controlling general partner or managing member of the controlling general partner or managing member in the applicant acted as a principal in a development receiving an allocation of credits from the authority where:

(a) ~~such~~ Such principal met the requirements to be eligible for points under 5 (a) (1) or (2) and

(b) ~~any of the following occurred:~~ (i) submission of a Form 8609 application that failed to match the required accountant's cost certification (minus 10 points for For two years); (ii) failure to place a rehabilitation development in service by substantial completion (e.g., placed in service by expenditures after two years) (minus 5 points for two years); (iii) years made more than two requests for final inspection (minus 5 points for two years); or (iv) requests for any deadline extension (minus 1 point for two years).



Applicants receiving points under subdivisions a (1) and a (2) of this subdivision 5 are not eligible for points under ~~subdivision a~~ of subdivision 1 ~~Readiness~~, above.

b. Any applicant that includes a principal that was a principal in a development at the time the authority inspected such development and discovered a life-threatening hazard under HUD's Uniform Physical Condition Standards and such hazard was not corrected in the timeframe established by the authority. (minus 50 points for a period of three years after the violation has been corrected)

c. Any applicant that includes a principal that was a principal in a development that either (i) at the time the authority reported such development to the IRS for noncompliance had not corrected such noncompliance by the time a Form 8823 was filed by the authority or (ii) remained out-of-compliance with the terms of its extended use commitment after notice and expiration of any cure period set by the authority. (minus 15 points for a period of three calendar years after the year the authority filed Form 8823 or expiration of such cure period, unless the executive director determines that such principal's attempts to correct such noncompliance was prohibited by a court, local government or governmental agency, in which case, no negative points will be assessed to the applicant, or 0 points, if the appropriate individual or individuals connected to the principal attend compliance training as recommended by the authority)

d. Any applicant that includes a principal that is or was a principal in a development that (i) did not build a development as represented in the application for credit (minus two times the number of points assigned to the ~~item~~ or items not built or minus 20 points for failing to provide a minimum building requirement, for a period of three years after the last Form 8609 is issued for the development, in addition to any other penalties the authority may seek under its agreements with the applicant), or (ii) has a reservation of credits terminated by the authority. (minus 10 points a period of three years after the credits are returned to the authority).

e. Any applicant that includes a management company in its application that is rated unsatisfactory by the executive director or if the ownership of any applicant includes a principal that is or was a principal in a development that hired a management company to manage a tax credit development after such management company received a rating of unsatisfactory from the executive director during the compliance period and extended use period of such development. (minus 25 points)

f. Any applicant that includes a principal that was a principal in a development for which the actual cost of construction (as certified in the Independent Auditor's Report with attached Certification of Sources and Uses that is submitted in connection with the Owner's Application for IRS Form 8609) exceeded the applicable cost limit by 5.0% or more (minus 50 points for a period of three calendar years after December 31 of the year the cost certification is complete; provided, however, if the Board of Commissioners determines that such overage was outside of the applicant's control based upon documented extenuating circumstances, no negative points will be assessed.)

#### 6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (200 points multiplied by the percentage by which the total amount of the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, negative points will be assessed using the percentage by which the total amount of the per unit credit amount of the proposed development exceeds the applicable standard per unit credit amount established by the executive director.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (100 points multiplied by the percentage by which the total amount of the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director; negative points will be assessed using the percentage by which the total amount of the per unit cost amount of the proposed development exceeds the applicable standard per unit cost amount established by the executive director.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall include any credits previously allocated to the development.

#### 7. Bonus points.

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision 7 a may not receive points under subdivision 7 b below. (Up to 50 points, the product of (i) 100 multiplied by (ii) the percentage of housing units in the proposed development both rent restricted to and occupied by households at or below 50% of the area median gross income; plus one point for each percentage point of such housing units in the proposed development that are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.) If the applicant commits to providing housing units in the proposed development both rent-restricted to and occupied by households at or below 30% of the area median gross income and that are not subsidized by

project-based rental assistance. (plus 1 point for each percentage point of such housing units in the proposed development, up to an additional 10 points)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision 7 b may not receive points under subdivision 7 a. (Up to 25 points, the product of (i) 50 multiplied by (ii) the percentage of housing units in the proposed development rent restricted to households at or below 50% of the area median gross income; plus one point for each percentage point of such housing units in the proposed development that are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points. Points for proposed developments in low-income jurisdictions shall be two times the points calculated in the preceding sentence, up to 50 points.)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision 7 c may not receive bonus points under subdivision 7 d. (40 points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a local housing authority or qualified nonprofit organization (substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership) and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such local housing authority or qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13VAC10-180-70. Applicants receiving points under this subdivision 7 d may not receive bonus points under subdivision 7 c. (60 points; plus five points if the local housing authority or qualified nonprofit organization submits a homeownership plan satisfactory to the authority in which the local housing authority or qualified nonprofit organization commits to sell the units in the development to tenants.)

e. Any development participating in the Rental Assistance Demonstration (RAD) program, or other conversion to project-based vouchers or project-based rental assistance approved by the authority, competing in the local housing authority pool will receive an additional 10 points. Applicants must show proof of a commitment to enter into housing assistance payment (CHAP) or a RAD conversion commitment (RCC).

In calculating the points for subdivisions 7 a and b above, any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that the locality submits evidence satisfactory to the authority of such requirement.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Any application that is assigned a total number of points less than a threshold amount of 425 points (325 points for developments financed with tax-exempt bonds in such amount so as not to require under the IRC an allocation of credits hereunder) shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

8. Innovation. For calendar years 2019, 2020, and 2021, the authority establishes an innovation pool equal to the additional 12.5% of credits established by the federal Consolidated Appropriations Act of 2018. Any applicant intending to submit an application in a particular year's competitive round and having completed the local notification information process may self-select to first compete in the innovation pool. Applications for the innovation pool will be due prior to the deadline for the competitive pool on a date determined by the authority. The authority will evaluate each application in the innovation pool, without scoring it on the traditional points scale, to determine and rank the uniqueness and innovative nature of the development concept based upon the parameters set forth in this subdivision 8. The developments meeting the authority's threshold for innovation will be ranked highest to lowest and only those developments for which there are sufficient credits in the pool to fully fund such developments will be awarded credits. However, the application must meet all the requirements of the IRC and threshold score. The authority may also establish a review committee comprised of external real estate professionals, academic leaders, and other individuals knowledgeable of real estate development, design, construction, accessibility, energy efficiency, or management to assist the authority in determining and ranking the innovative nature of the development. Factors for consideration:

a. Innovative construction methods or materials that reduce the traditional construction time or construction cost of the development while maintaining sustainability;

b. Having more than 50% of funding committed to the development at the time of application;

c. Regional collaboration and support;

d. Utilizing unique up-zoning activities promoting greater density (e.g., a higher number of units per acre than otherwise permitted by zoning);

e. Ability of the development to address an unmet need of an underserved population or geographic location;

f. Unique or innovative tenant services, tenant selection criteria, or eviction policies;

g. Demonstrated capacity of the applicant to complete the proposed development and financial feasibility of the development with the innovative components;

h. Extent to which the proposed development would be at a competitive or financial disadvantage relative to developments considered in the other traditional competitive pools; and

i. The proposed development's contribution to the authority's identified mission and goals.

Applicants in the innovation pool may amend their applications prior to submission for competition in the remaining pools. After review of all applications in the innovation pool, the authority may elect to not award any credits in the innovation pool or to less than fully fund the pool and any unused credits will move to the remaining pools.

During its review of the submitted applications in all pools, the authority may conduct its own analysis of the demand for the housing units to be produced by each applicant's proposed development. Notwithstanding any conclusion in the market study submitted with an application, if the authority determines that, based upon information from its own loan portfolio or its own market study, inadequate demand exists for the housing units to be produced by an applicant's proposed development, the authority may exclude and disregard the application for such proposed development.

During its review of the submitted applications in all pools, the authority may conduct a site visit to the applicant's proposed development. Notwithstanding any conclusion in any environmental site assessment submitted with an application, if the authority determines that the applicant's proposed development presents health or safety concerns for potential tenants of the development, the authority may exclude and disregard the application for such proposed development.

The executive director may exclude and disregard any application that he determines is not submitted in good faith or that he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and, if any, to the appropriate tier within such pool and shall be ranked within such pool or tier, if any. The amount of credits made available to each pool will be determined by the executive director. Available credits will include unreserved per capita dollar amount credits from the current calendar year under § 42(h)(3)(C)(i) of the IRC, any unreserved per capita credits from previous calendar years, and credits returned to the authority prior to the final ranking of the applications and may include up to 40% of next calendar year's per capita credits as shall be determined by the executive director. Those applications assigned more points shall be ranked higher than those applications assigned fewer points. However, if any set-asides established by the executive director cannot be satisfied after ranking the applications based on the number of points, the executive director may rank as many applications as necessary to meet the requirements of such set-aside (selecting the highest ranked application, or applications, meeting the requirements of the set-aside) over applications with more points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the Commonwealth, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the highest combination of points from subdivision 7 above, and each application so selected shall receive (in order based upon the number of such points, beginning with the application with the highest number of such points) a reservation of credits. If two or more of the tied applications receive the same number of points from subdivision 7 above and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) a reservation of credits.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness, and if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be

reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

The following developer's fees may not be exceeded in the application: (i) for 4.0% developments, \$20,000 per unit for units zero through 60; \$15,000 per unit for units 61 through 120; and \$10,000 per unit for any units above 120; and (ii) for 9.0% developments, \$20,000 per unit for units zero through 30; \$15,000 per unit for units 31 through 60, and \$10,000 per unit for any units above 60. For 4.0% developments above 120 units and 9.0% developments above 60 units, the developer fee shall be subject to the authority's determination of reasonableness, and the developer fee per unit may be lower than set forth above. However, in no event shall the developer fee exceed 15% of the development's total development cost, as determined by the authority.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool and tier, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

Effective until January 1, 2018, not more than 20% of the credits in any pool may be reserved to developments intended to provide elderly housing, unless the feasible credit amount, as determined by the executive director, of the highest ranked elderly housing development in any pool exceeds 20% of the credits in such pool, then such elderly housing development shall be the only elderly housing development eligible for a reservation of credits from such pool. However, if credits remain available for reservation after all eligible nonelderly housing developments receive a reservation of credits, such remaining credits may be made available to additional elderly housing developments. The above limitation of credits available for elderly housing shall not include elderly housing developments with project-based subsidy providing rental assistance for at least 20% of the units that are submitted as rehabilitation developments or assisted living facilities licensed under Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may move the proposed development and the credits available to another pool. If any credits remain in any pool after moving proposed developments and credits to another pool, the executive director may for developments that meet the requirements of § 42(h)(1)(E) of the IRC only, reserve the remaining credits to any proposed ~~development(s)~~ developments scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application with additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed ~~development, or developments.~~ However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated, or canceled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round ~~or rounds,~~ (ii) redistribute such unreserved credits to such other ~~pool or pools~~ as the executive director may designate, (iii) supplement such unreserved credits in such pools with additional credits from the Commonwealth's annual state housing credit ceiling for the following year for reservation and allocation if in the reasonable discretion of the executive director, it serves the best interest of the plan, or (iv) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the total amount of credits that may be awarded in any credit year after credit year 2001 to any applicant or to any related applicants for one or more developments shall not exceed 15% of Virginia's per capita dollar amount of credits for such credit year (the "credit cap"). However, if the amount of credits to be reserved in any such credit year to all applications assigned a total number of points at or above the threshold amount set forth above shall be less than Virginia's dollar amount of credits available for such credit year, then the authority's board of commissioners may waive the credit cap to the extent it deems necessary to reserve credits in an amount at least equal to such dollar amount of credits. Applicants shall be deemed to be related if any principal in a proposed development or any person or entity related

to the applicant or principal will be a principal in any other proposed development or developments. For purposes of this paragraph, a principal shall also include any person or entity who, in the determination of the executive director, has exercised or will exercise, directly or indirectly, substantial control over the applicant or has performed or will perform (or has assisted or will assist the applicant in the performance of), directly or indirectly, substantial responsibilities or functions customarily performed by applicants with respect to applications or developments. For the purpose of determining whether any person or entity is related to the applicant or principal, persons or entities shall be deemed to be related if the executive director determines that any substantial relationship existed, either directly between them or indirectly through a series of one or more substantial relationships (e.g., if party A has a substantial relationship with party B and if party B has a substantial relationship with party C, then A has a substantial relationship with both party B and party C), at any time within three years of the filing of the application for the credits. In determining in any credit year whether an applicant has a substantial relationship with another applicant with respect to any application for which credits were awarded in any prior credit year, the executive director shall determine whether the applicants were related as of the date of the filing of such prior credit year's application or within three years prior thereto and shall not consider any relationships or any changes in relationships subsequent to such date. Substantial relationships shall include, ~~but not be limited to,~~ the following relationships (in each of the following relationships, the persons or entities involved in the relationship are deemed to be related to each other): (i) the persons are in the same immediate family (including, ~~without limitation,~~ a spouse, children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, and nephews) and are living in the same household; (ii) the entities have one or more common general partners or members (including related persons and entities), or the entities have one or more common owners that (by themselves or together with any other related persons and entities) have, in the aggregate, 5.0% or more ownership interest in each entity; (iii) the entities are under the common control (e.g., the same ~~person or~~ persons and any related persons serve as a majority of the voting members of the boards of such entities or as chief executive officers of such entities) of one or more persons or entities (including related persons and entities); (iv) the person is a general partner, member or employee in the entity or is an owner (by himself or together with any other related persons and entities) of 5.0% or more ownership interest in the entity; (v) the entity is a general partner or member in the other entity or is an owner (by itself or together with any other related persons and entities) of 5.0% or more ownership interest in the other entity; or (vi) the person or entity is otherwise controlled, in whole or in part, by the other person or entity. In determining compliance with the credit cap with respect to any application, the executive director may exclude any person or entity related to the applicant or to any principal in such applicant if the executive director determines that (i) such person or entity will not participate, directly or indirectly, in matters relating to the applicant or the ownership of the development to be assisted by the credits for which the application is submitted, (ii) such person or entity has no agreement or understanding relating to such application or the tax credits requested therein, and (iii) such person or entity will not receive a financial benefit from the tax credits requested in the application. A limited partner or other similar investor shall not be determined to be a principal and shall be excluded from the determination of related persons or entities unless the executive director shall determine that such limited partner or investor will, directly or indirectly, exercise control over the applicant or participate in matters relating to the ownership of the development substantially beyond the degree of control or participation that is usual and customary for limited partners or other similar investors with respect to developments assisted by the credits. If the award of multiple applications of any applicant or related applicants in any credit year shall cause the credit cap to be exceeded, such applicant ~~or applicants~~ shall, upon notice from the authority, jointly designate those applications for which credits are not to be reserved so that such limitation shall not be exceeded. Such notice shall specify the date by which such designation shall be made. In the absence of any such designation by the date specified in such notice, the executive director shall make such designation as he shall determine to best serve the interests of the program. Each applicant and each principal therein shall make such certifications, shall disclose such facts and shall submit such documents to the authority as the executive director may require to determine compliance with the credit cap. If an applicant or any principal therein makes any misrepresentation to the authority concerning such applicant's or principal's relationship with any other person or entity, the executive director may reject any or all of such applicant's pending applications for reservation or allocation of credits, may terminate any or all reservations of credits to the applicant, and may prohibit such applicant, the principals therein and any persons and entities then or thereafter having a substantial relationship (in the determination of the executive director as described above) with the applicant or any principal therein from submitting applications for credits for such period of time as the executive director shall determine.

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director. The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director.

If credits are reserved to any applicants for developments that have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The executive director shall make a written explanation available to the general public for any allocation of housing credit dollar amount that is not made in accordance with established priorities and selection criteria of the authority.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, ~~without limitation,~~ any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development that were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may (i) terminate the reservation of such credits and draw on any good faith deposit, or (ii) substitute the reservation of credits from the current credit year with a reservation of credits from a future credit year if the delay is caused by a lawsuit beyond the applicant's control that prevents the applicant from proceeding with the development. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

Notwithstanding the provisions of this section, the executive director may make a reservation of credits in an accessible supportive housing pool (ASH pool) to any applicant that proposes a nonelderly development that (i) will be assisted by ~~HUD project-based vouchers or another form of a documented and binding federal or state project-based rent subsidies form of rental assistance~~ in order to ensure occupancy by extremely low-income persons; (ii) conforms to HUD regulations interpreting the accessibility requirements of § 504 of the Rehabilitation Act; ~~and~~ (iii) will be actively marketed to people with disabilities in accordance with a plan submitted as part of the application for credits and approved by the executive director for either (a) at least 25% of the units in the development or (b) if HUD Section 811 funds are providing the rent subsidies, at least 15% but not more than 25% of the units in the development; at least 15% of the units in the development; (iv) has a principal with a demonstrated capacity for supportive housing evidenced by a certification from a certifying body acceptable to the executive director or other preapproved source; and (v) for which the applicant has completed the authority's supportive housing certification form. Any such reservations made in any calendar year may be up to 6.0% of the Commonwealth's annual state housing credit ceiling for the applicable credit year. However, such reservation will be for credits from the Commonwealth's annual state housing credit ceiling from the following calendar year. If the ASH pool

application deadline is simultaneous with the deadline for the other pools, the unsuccessful applicants in the ASH pool will also compete in the applicable geographic pool.

### **13VAC10-180-70. Allocation of credits.**

At such time as one or more of an applicant's buildings or an applicant's development which has received a reservation of credits is (i) placed in service or satisfies the requirements of § 42(h)(1)(E) of the IRC and (ii) meets all of the preallocation requirements of this chapter, the binding commitment and any other applicable contractual agreements between the applicant and the authority, the applicant shall so advise the authority, shall request the allocation of all of the credits so reserved or such portion thereof to which the applicant's buildings or development is then entitled under the IRC, this chapter, the binding commitment and the aforementioned contractual agreements, if any, and shall submit such application, certifications, (including an independent certified public accountant's certification of applicant's actual cost and an independent certified public accountant's certification of the general contractor's actual costs), legal and accounting opinions, evidence as to costs, a breakdown of sources and uses of funds, pro forma financial statements setting forth anticipated cash flows, and other documentation as the executive director shall require in order to determine that the applicant's buildings or development is entitled to such credits as described above. The applicant shall certify to the authority the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to the buildings or the development.

As of the date of allocation of credits to any building or development and as of the date such building or such development is placed in service, the executive director shall determine the amount of credits to be necessary for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC. In making such determinations, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall then deem reasonable (or he may apply the criteria and assumptions he established pursuant to 13VAC10-180-60) for the purpose of making such determinations, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined in 13VAC10-180-60) at fixed interest rates, debt service on the proposed mortgage loan. The amount of credits allocated to the applicant shall in no event exceed such amount as so determined by the executive director by more than a de minimis amount of not more than \$100.

Prior to allocating credits to an applicant, the executive director shall require the applicant to execute and deliver to the authority a valid IRS Form 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information. The Forms 8821 of all applicants will be forwarded to the IRS, which will authorize the IRS to furnish the authority with all IRS information pertaining to the applicants' developments, including audit findings and assessments.

Prior to allocating the credits to an applicant, the executive director shall require the applicant to execute, deliver and record among the land records of the appropriate jurisdiction or jurisdictions an extended low-income housing commitment in accordance with the requirements of the IRC. Such commitment shall require that the applicable fraction (as defined in the IRC) for the buildings for each taxable year in the extended use period (as defined in the IRC) will not be less than the applicable fraction specified in such commitment and which prohibits both (i) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of a low-income unit and (ii) any increase in the gross rent with respect to such unit not otherwise permitted under the IRC. The amount of credits allocated to any building shall not exceed the amount necessary to support such applicable fraction, including any increase thereto pursuant to § 42(f)(3) of the IRC reflected in an amendment to such commitment. The commitment shall provide that the extended use period will end on the day 15 years after the close of the compliance period (as defined in the IRC) or on the last day of any longer period of time specified in the application during which low-income housing units in the development will be occupied by tenants with incomes not in excess of the applicable income limitations; provided, however, that the extended use period for any building shall be subject to termination, in accordance with the IRC, ~~(4) on the date the building is acquired by foreclosure or instrument in lieu thereof unless a determination is made pursuant to the IRC that such acquisition is part of an agreement with the current owner thereof, a purpose of which is to terminate such period or (ii) on the last day of the one-year period following the written request by the applicant as specified in the IRC (such period in no event beginning earlier than the end of the fourteenth year of the compliance period) if the authority is unable to present during such one-year period a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building.~~ In addition, such termination shall not be construed to permit, prior to close of the three-year period following such termination, the eviction or termination of tenancy of any existing tenant of any low-income housing unit other than for good cause or any increase in the gross rents over the maximum rent levels then permitted by the IRC with respect to such low-income housing units. Such commitment shall contain a waiver of the applicant's right to pursue a qualified contract. Such commitment shall also contain such other terms and conditions as the executive director may deem necessary or appropriate to assure that the applicant and

the development conform to the representations, commitments and information in the application and comply with the requirements of the IRC and this chapter. Such commitment shall be a restrictive covenant on the buildings binding on all successors to the applicant and shall be enforceable in any state court of competent jurisdiction by individuals (whether prospective, present or former occupants) who meet the applicable income limitations under the IRC.

In accordance with the IRC, the executive director may, for any calendar year during the project period (as defined in the IRC), allocate credits to a development, as a whole, which contains more than one building. Such an allocation shall apply only to buildings placed in service during or prior to the end of the second calendar year after the calendar year in which such allocation is made, and the portion of such allocation allocated to any building shall be specified not later than the close of the calendar year in which such building is placed in service. Any such allocation shall be subject to satisfaction of all requirements under the IRC.

If the executive director determines that the buildings or development is so entitled to the credits, he shall allocate the credits (or such portion thereof to which he deems the buildings or the development to be entitled) to the applicant's qualified low-income buildings or to the applicant's development in accordance with the requirements of the IRC. If the executive director shall determine that the applicant's buildings or development is not so entitled to the credits, he shall not allocate the credits and shall so notify the applicant within a reasonable time after such determination is made. In the event that any such applicant shall not request an allocation of all of its reserved credits or whose buildings or development shall be deemed by the executive director not to be entitled to any or all of its reserved credits, the executive director may reserve or allocate, as applicable, such unallocated credits to the buildings or developments of other qualified applicants at such time or times and in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

The executive director may prescribe (i) such deadlines for submissions of requests for allocations of credits for any calendar year as he deems necessary or desirable to allow sufficient processing time for the authority to make such allocations within such calendar year and (ii) such deadlines for satisfaction of all preallocation requirements of the IRC the binding commitment, any contractual agreements between the authority and the applicant and this chapter as he deems necessary or desirable to allow the authority sufficient time to allocate to other eligible applicants any credits for which the applicants fail to satisfy such requirements.

The executive director may make the allocation of credits subject to such terms as he may deem necessary or appropriate to assure that the applicant and the development comply with the requirements of the IRC.

The executive director may also (to the extent not already required under 13VAC10-180-60) require that all applicants make such good faith deposits or execute such contractual agreements with the authority as the executive director may require with respect to the credits, (i) to ensure that the buildings or development are completed in accordance with the binding commitment, including all of the representations made in the application for which points were assigned pursuant to 13VAC10-180-60 and (ii) only in the case of any buildings or development which are to receive an allocation of credits hereunder and which are to be placed in service in any future year, to assure that the buildings or the development will be placed in service as a qualified low-income housing project (as defined in the IRC) in accordance with the IRC and that the applicant will otherwise comply with all of the requirements under the IRC.

In the event that the executive director determines that a development for which an allocation of credits is made shall not become a qualified low-income housing project (as defined in the IRC) within the time period required by the IRC or the terms of the allocation or any contractual agreements between the applicant and the authority, the executive director may terminate the allocation and rescind the credits in accordance with the IRC and, in addition, may draw on any good faith deposit and enforce any of the authority's rights and remedies under any contractual agreement. An allocation of credits to an applicant may also be cancelled with the mutual consent of such applicant and the executive director. Upon the termination or cancellation of any credits, the executive director may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

An applicant that demonstrates a legitimate change in circumstances or delay beyond their reasonable control, as determined by the authority, may return a valid reservation of prior years' tax credits between October 1 and December 31 and receive a reservation of the same amount of current or future year tax credits. The authority must determine that the applicant is capable of completing and placing the development in service within the time required by the IRC for such current or future year tax credits. However, none of the principals in the development for which credits are returned and refreshed may be a principal in an application the following calendar year and the applicant must waive the right to a qualified contract, if applicable.

#### **13VAC10-180-90. Monitoring for IRS compliance.**

A. Federal law requires the authority to monitor developments receiving credits for compliance with the requirements of § 42 of the IRC and notify the IRS of any noncompliance of which it becomes aware. Compliance with the requirements of § 42 of the IRC is the responsibility of the owner of the building for which the credit is allowable. The monitoring requirements set forth hereinbelow are to qualify the authority's allocation plan of credits. The authority's obligation to monitor for compliance with the requirements of § 42 of the IRC does not make the authority liable for an owner's noncompliance, nor does the authority's failure to discover any noncompliance by an owner excuse such noncompliance.



B. The owner of a low-income housing development must keep records for each qualified low-income building in the development that show for each year in the compliance period:

1. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit).
2. The percentage of residential rental units in the building that are low-income units.
3. The rent charged on each residential rental unit in the building (including any utility allowances).
4. The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under § 42(g)(2) of the IRC (as in effect before the amendments made by the federal Revenue Reconciliation Act of 1989).
5. The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented.
6. The annual income certification of each low-income tenant per unit.
7. Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the determination of annual income under section 8 of the United States Housing Act of 1937, 42 USC § 1401 et seq. ("section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under section 8, the documentation requirement of this subdivision 7 is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under § 42(g) of the IRC.
8. The eligible basis and qualified basis of the building at the end of the first year of the credit period.
9. The character and use of the nonresidential portion of the building included in the building's eligible basis under § 42(d) of the IRC (e.g., tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the development).

The owner of a low-income housing development must retain the records described in this subsection B for at least six years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

In addition, the owner of a low-income housing development must retain any original local health, safety, or building code violation reports or notices issued by the Commonwealth or local government (as described in subdivision C 6 of this section) for the authority's inspection. Retention of the original violation reports or notices is not required once the authority reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected.

C. The owner of a low-income housing development must certify annually to the authority, on the form prescribed by the authority, that, for the preceding 12-month period:

1. The development met the requirements of the 20-50 test under § 42(g)(1)(A) of the IRC or, the 40-60 test under § 42(g)(2)(B) of the IRC, or the income averaging test of the federal Consolidated Appropriations Act of 2018 (as limited by the executive director), whichever minimum set-aside test was applicable to the development.
2. There was no change in the applicable fraction (as defined in § 42(c)(1)(B) of the IRC) of any building in the development, or that there was a change, and a description of the change.
3. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving section 8 housing assistance payments, the statement from a public housing authority described in subdivision 7 of subsection B of this section (unless the owner has obtained a waiver from the IRS pursuant to § 42(g)(8)(B) of the IRC).
4. Each low-income unit in the development was rent-restricted under § 42(g)(2) of the IRC.
5. All units in the development were for use by the general public (as defined in IRS Regulation § 1.42-9) and that no finding of discrimination under the Fair Housing Act has occurred for the development. (A finding of discrimination includes an adverse final decision by the Secretary of HUD, 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 USC § 3616(a)(1), or adverse judgment from federal court.)
6. Each building in the development was suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and that the Commonwealth or local government unit responsible for making local health, safety, and building code inspections did not issue a violation report for any building or low-income unit in the development. (If a violation report or notice was issued by the governmental unit,

the owner must attach a statement summarizing the violation report or notice or a copy of the violation report or notice to the annual certification. In addition the owner must state whether the violation has been corrected.)

7. There was no change in the eligible basis (as defined in § 42(d) of the IRC) of any building in the development, or if there was a change, the nature of the change (e.g., a common area has become commercial space or a fee is now charged for a tenant facility formerly provided without charge).

8. All tenant facilities included in the eligible basis under § 42(d) of the IRC of any building in the development, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building.

9. If a low-income unit in the development became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the development were or will be rented to tenants not having a qualifying income.

10. If the income of tenants of a low-income unit in the development increased above the limit allowed in § 42(g)(2)(D)(ii) of the IRC, the next available unit of comparable or smaller size in the development was or will be rented to tenants having a qualifying income.

11. An extended low income housing commitment as described in § 42(h)(6) of the IRC was in effect (for buildings subject to § 7108(c)(1) of the federal Omnibus Budget Reconciliation Act of 1989).

12. All units in the development were used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC or single-room-occupancy units rented on a month-by-month basis under § 42(i)(3)(B)(iv) of the IRC).

Such certifications shall be made annually covering each year of the compliance period and must be made under the penalty of perjury.

In addition, each owner of a low-income housing development must provide to the authority, on a form prescribed by the authority, a certification containing such information necessary for the Commonwealth to determine the eligibility of tax credits for the first year of the development's compliance period.

D. The authority will review each certification set forth in subsection C of this section for compliance with the requirements of § 42 of the IRC. Also, the authority will conduct on-site inspections of all the buildings in the development by the end of the second calendar year following the year the last building in the development is placed in service and, for at least 20% of the development's low-income housing units, inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for the tenants in those units. In addition, at least once every three years, the authority will conduct on-site inspections of all the buildings in each low-income housing development and, for at least 20% of the development's low-income units, inspect the units, the low-income certifications, the documentation the owner has received to support the certifications, and the rent record for the tenants in those units. The authority will determine which low-income housing developments will be reviewed in a particular year and which tenant's records are to be inspected.

In addition, the authority, at its option, may request an owner of a low-income housing development not selected for the review procedure set forth above in a particular year to submit to the authority for compliance review copies of the annual income certifications, the documentation such owner has received to support those certifications and the rent record for each low-income tenant of the low-income units in their development.

All low-income housing developments may be subject to review at any time during the compliance period.

E. The authority has the right to perform, and each owner of a development receiving credits shall permit the performance of, an on-site inspection of any low-income housing development through the end of the compliance period of the building. The inspection provision of this subsection E is separate from the review of low-income certifications, supporting documents and rent records under subsection D of this section.

The owner of a low-income housing development should notify the authority when the development is placed in service. The authority reserves the right to inspect the property prior to issuing IRS Form 8609 to verify that the development conforms to the representations made in the Application for Reservation and Application for Allocation.

F. The authority will provide written notice to the owner of a low-income housing development if the authority does not receive the certification described in subsection C of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in subsection D of this section or discovers by inspection, review, or in some other manner, that the development is not in compliance with the provisions of § 42 of the IRC.

Such written notice will set forth a correction period which shall be that period specified by the authority during which an owner must supply any missing certifications and bring the development into compliance with the provisions of § 42 of the IRC. The authority will set the correction period for a time not to exceed 90 days from the date of such notice to the owner. The authority may extend the correction period for up to 6 months, but only if the authority determines there is good cause for granting the extension.

The authority will file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the IRS no later than 45 days after the end of the correction period (as described above, including any permitted extensions) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The authority must explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under subdivisions 2 and 7 of subsection C of this section, respectively, that results in a decrease in the qualified basis of the development under § 42(c)(1)(A) of the IRC is noncompliance that must be reported to the IRS under this subsection F. If the authority reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the authority need not file Form 8823 in subsequent years to report that building's noncompliance.

The authority will retain records of noncompliance or failure to certify for six years beyond the authority's filing of the respective Form 8823. In all other cases, the authority must retain the certifications and records described in subsection C of this section for three years from the end of the calendar year the authority receives the certifications and records.

G. If the authority decides to enter into the agreements described below, the review requirements under subsection D of this section will not require owners to submit, and the authority is not required to review, the tenant income certifications, supporting documentation and rent records for buildings financed by Rural Development under the § 515 program, or buildings of which 50% or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under § 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the authority must enter into an agreement with Rural Development or tax-exempt bond issuer. Under the agreement, Rural Development or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the authority. The authority may assume the accuracy of the information provided by Rural Development or the tax-exempt bond issuer without verification. The authority will review the information and determine that the income limitation and rent restriction of § 42(g)(1) and (2) of the IRC are met. However, if the information provided by Rural Development or tax-exempt bond issuer is not sufficient for the authority to make this determination, the authority will request the necessary additional income or rent information from the owner of the buildings. For example, because Rural Development determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under section 8, the authority may have to calculate the tenant's income for purposes of § 42 of the IRC and may need to request additional income information from the owner.

H. The owners of low-income housing developments must pay to the authority such fees in such amounts and at such times as the authority shall reasonably require the owners to pay in order to reimburse the authority for the costs of monitoring compliance with § 42 of the IRC.

I. The owners of low-income housing developments that have submitted IRS Forms 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information on such owners shall submit from time to time renewals of such Forms 8821 as required by the authority throughout the extended use period.

J. The requirements of this section shall continue throughout the extended use period, notwithstanding the use of the term compliance period, except to the extent modified or waived by the executive director.

**13VAC10-180-110. Qualified contracts.**

After the first day of the 14th year of the compliance period, an owner of a low-income housing tax credit development may seek to terminate the extended use period pursuant to § 42(h)(6)(E) of the IRC by requesting the authority to present a qualified contract for the acquisition of the low-income portion of the development, unless such right to terminate has already been waived by the owner for the tax credits allocated to such development. A request for a qualified contract shall be commenced by filing with the authority a complete application, on such ~~form or forms~~ as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the IRC and this chapter and to determine the qualified contract price in accordance with § 42(h)(6)(F) of the IRC. The executive director may reject any application from consideration for a qualified contract, if in such application, the owner does not provide the proper documentation or information on the forms prescribed by the executive director. Acceptance of the application and approval of the request shall be contingent upon the developments being in compliance with IRC requirements at the time of the application and continuing through the qualified contract process.

The application should include the following information sufficiently detailed to enable the authority to ascertain the qualified contract amount: first year IRS Form 8609 for each building, the owner's annual tax returns for all years of operation since the start of the credit period ("all years"), annual project financial statements for all years, loan documents for all secured debt during the credit period, the owner's organizational documents (original, current and all interim amendments), and accountant work papers for all years. The application may require a physical needs assessment, appraisal for the entire project, market study for the entire project, a title report showing marketable title, and a Phase I environmental assessment at the time of the original submission of the application or the executive director may permit such items to be obtained after the confirmation of the qualified contract price.

The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance with the IRC and a certification, together with an opinion of an independent certified public accountant or other

assurances satisfactory to the executive director, setting forth the calculation of the qualified contract amount requested in the application and certifying, among other things, that the owner is entitled to the qualified contract amount requested.

The executive director may establish criteria and assumptions to be used by the owner in the calculation of qualified contract amount, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The authority shall charge reasonable fees in such amounts as the executive director shall determine to be necessary to cover third party costs and the authority's actual costs incurred in producing a qualified contract. Such fees shall not include any general costs associated with the general operations of the authority. Such fees shall be payable at such time or times as the executive director shall require.

**NOTICE:** The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (13VAC10-180)

1995 Annual Owners Certification-

Building Information Report-

Project Information Report-

Occupancy Status Report-

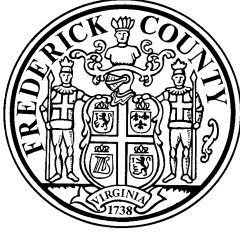
Previous Participation Certification-

Federal Low Income Housing Tax Credit Program, Application for Reservation DRAFT (undated, filed 8/30/2018)

VA.R. Doc. No. R19-5635; Filed August 23, 2018, 2:21 p.m.

« Previous | Next » | Table of Contents »

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**SITE PLAN (SUBDIVISION) #22-18**  
**SPRING RUN – 15 Lot Townhouse Subdivision**  
**Staff Report for the Planning Commission**  
**Prepared: January 2, 2019**  
**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 in the review of this application. It may also be useful to others interested in this zoning matter.*

|                       | <u>Reviewed</u> | <u>Action</u> |
|-----------------------|-----------------|---------------|
| Planning Commission:  | 12/05/18        | Reviewed      |
| Board of Supervisors: | 01/09/19        | Pending       |

**LOCATION:** The property is located on 2659 Senseny Road, Winchester.

**MAGISTERIAL DISTRICT:** Red Bud

**PROPERTY ID NUMBER:** 65-A-46

**PROPERTY ZONING & PRESENT USE:** RA (Rural Areas) – Mobile Home

**ADJOINING PROPERTY ZONING & USE:**

|                                     |                               |
|-------------------------------------|-------------------------------|
| North: RP (Residential Performance) | Use: Residential              |
| South: RP (Residential Performance) | Use: Residential/Senseny Road |
| East: RA (Rural Areas)              | Use: Residential              |
| West: RP (Residential Performance)  | Use: Residential              |

**EXECUTIVE SUMMARY:**

This application is for a subdivision design plan for fifteen (15) single-family attached (townhouses) units with a minimum lot size of 1,936+/- square feet planned to be constructed on 1.88+/- acres of land zoned RA (Rural Areas) District with RP (Residential Performance) District standards via Transfer of Development Rights (TDR) credits. The proposed subdivision will be accessed from Senseny Road (Route 657) via a private internal road (Coralrose Court). This subject property is located within the limits of the Urban Development Area (UDA) and the Sewer Water Service Area (SWSA). The 2035 Frederick County Comprehensive Policy Plan also shows this property with a residential land use designation.

The property was part of Rezoning Applications (REZ) #08-03 which rezoned the parcel from the Rural Areas (RA) District to Residential Performance (RP) District with proffers, and REZ #07-16 which downzoned the property from RP to RA and removed the previously approved proffer statement.

Although the property is presently zoned RA (Rural Areas) District, the Applicant will utilize the County's Transfer of Development Rights (TDR) program to develop additional lots with RP (Residential Performance) District standards. The Applicant has purchased 10 TDR credits from Receiving Area #3 which has a value of 1.5 residential units per credit for a total of 15 units (10 credits x 1.5 SFA units = 15 units allowed).

The Applicant also previously received a waiver of the Master Development Plan (MDP) requirement on June 13, 2018 and has chosen to process a subdivision design plan (site plan) in lieu of the MDP. When processing a subdivision design plan in lieu of the MDP, the application must be presented to the Planning Commission and to the Board of Supervisors as an informational item. Following its presentation to the Planning Commission and to the Board of Supervisors, Staff will proceed with approval of the plan.

***This application is presented for information; no action is necessary.***

**SUBDIVISION SPECIFICS:** Subdivision of 1.88+/- acres into fifteen (15) single-family (townhouses) lots with a minimum lot size of 1,936 +/- square feet each.

**REVIEW AGENCY COMMENTS:**

**Virginia Department of Transportation:** *See comment letter dated May 7, 2018.*

**Frederick County Fire Marshall:** Approved.

*See comment letter dated February 16, 2018.*

**Frederick County Inspections:** *See comment letter dated May 14, 2018.*

**Frederick County Public Works:** Upon review of the revised site plan dated September 17, 2018, we recommend approval of the subject plan.

*See comment letter dated November 14, 2018.*

**Parks and Recreation:** Plans updated to meet 0.5 recreation unit obligation. Appears to meet Parks and Recreation Requirements.

*See comment letter dated April 10, 2018.*

**GIS:** Road Name of Coralyrose Court is approved for Spring Run Townhomes Subdivision.

*See comment letter dated May 21, 2018.*

**Frederick Water:** *See comment letter dated November 26, 2018.*

**Frederick County Public Schools:** *See comment letter dated April 11, 2018.*

**Planning & Development:** This application is for a subdivision design plan for fifteen (15) single-family attached (townhouses) units with a minimum lot size of 1,936+/- square feet planned to be constructed on 1.88+/- acres of land zoned RA (Rural Areas) District with RP (Residential Performance) District standards via Transfer of Development Rights (TDR's). The Applicant has purchased 10 TDR credits from Receiving Area #3 (Middle Fork Road area – Winchester Management LLC Properties) which has a value of 1.5 residential units (single-family attached or SFA) per credit for a total of 15 units (10 credits x 1.5 credits per SFA units = 15 units allowed). The proposed subdivision will be accessed from Senseny Road (Route 657) via a private internal road Coralyrose Court. This subject property is located within the limits of the Urban Development Area (UDA) and the Sewer Water Service Area (SWSA). The 2035 Frederick County Comprehensive Policy Plan (and the *Senseny/Eastern Frederick Urban Area Plan*) also shows this property with a residential land use designation.

The property was part of Rezoning Applications (REZ) #08-03 which rezoned the property from the Rural Areas (RA) District to Residential Performance (RP) District with proffers and subsequent REZ #07-16 which downzoned the property from RP back to RA and removed the previously approved proffer statement.

The site plan depicts the previously dedicated 0.1145-acres of right-of-way (associated with approval of REZ #07-16; recorded September 13, 2016) for the future condition of Senseny Road as a four-lane divided major collector roadway (as specified in the 2035 Comprehensive Plan), a 10-foot wide hiker/biker trail for inter-parcel pedestrian connectivity, internal sidewalks and the required recreational amenities (to-be-determined at the time of construction) in the form of a outdoor pavilion, playground, tot lot, or equivalent. Further, the Applicant is providing the required residential separation buffers (Category A Type buffer with landscape screening and/or a 6-foot tall opaque fence) and screening from adjacent properties and roadways.

The Subdivision Ordinance requires that land divisions in the RP (Residential Performance) Zoning District, without an approved Master Development Plan (MDP) be presented to the Board of Supervisors (Chapter 144-12E). The MDP requirement may be waived under Section 165-801.03A(5) of the Frederick County Zoning Ordinance if the Applicant chooses to process a design plan in lieu of MDP:

*A MDP may also be waived if the Applicant chooses to process a site plan in lieu of a MDP. The site plan must contain all information generally required on an MDP and a site plan. Once the site plan is in an administratively approvable form, the plan will be presented to the Planning Commission and the Board of Supervisors per §165-801.06.*

The Applicant previously received a waiver of the Master Development Plan (MDP) requirement on June 13, 2018 and has chosen to process a subdivision design plan (site plan) in lieu of the



MDP. When processing a subdivision design plan in lieu of the MDP, the application must be presented to the Planning Commission and to the Board of Supervisors as an informational item. Following its presentation to the Planning Commission and to the Board of Supervisors, Staff will proceed with approval of the plan.

**STAFF CONCLUSIONS FOR THE 12/05/18 PLANNING COMMISSION MEETING:**

This proposed subdivision, Spring Run, *generally* meets the requirements of the Frederick County Zoning and Subdivision Ordinances and is in a form that it is administratively approvable. All of the issues brought forth by the Planning Commission should be appropriately addressed by the Applicant. This is being presented as an informational item and following its presentation to the Planning Commission and the Board of Supervisors, Staff will proceed with approval of the plan.

*This application is presented for information; no action is necessary.*

**PLANNING COMMISSION SUMMARY FOR 12/05/18 MEETING:**

Staff provided a general overview of the proposed subdivision (Site Plan in lieu of a Master Development Plan (MDP)), noting it was for information purposes only. Staff noted although the property was zoned RA (Rural Areas) District the Applicant intended to develop the site using the County's Transfer of Development Rights (TDR) program, purchasing 10 credits which would allow for the development of 15 units on the property with RP (Residential Performance) District standards. Staff explained further that the site plan was in *general* conformance with the requirements of the Frederick County Zoning and Subdivision Ordinances. Staff highlighted improvements including buffering and screening, a multi-use trail, and recreational facilities including an outdoor pavilion and/or playground/to lot for residences.

There was no discussion by the Planning Commission.

**STAFF CONCLUSIONS FOR THE 01/09/19 BOARD OF SUPERVISORS MEETING:**

This proposed subdivision, Spring Run, *generally* meets the requirements of the Frederick County Zoning and Subdivision Ordinances and is in a form that it is administratively approvable. Any of the issues brought forth by the Board of Supervisor should be appropriately addressed by the Applicant. This is being presented as an informational item and following its presentation to the Planning Commission and to the Board of Supervisors, Staff will proceed with approval of the plan.

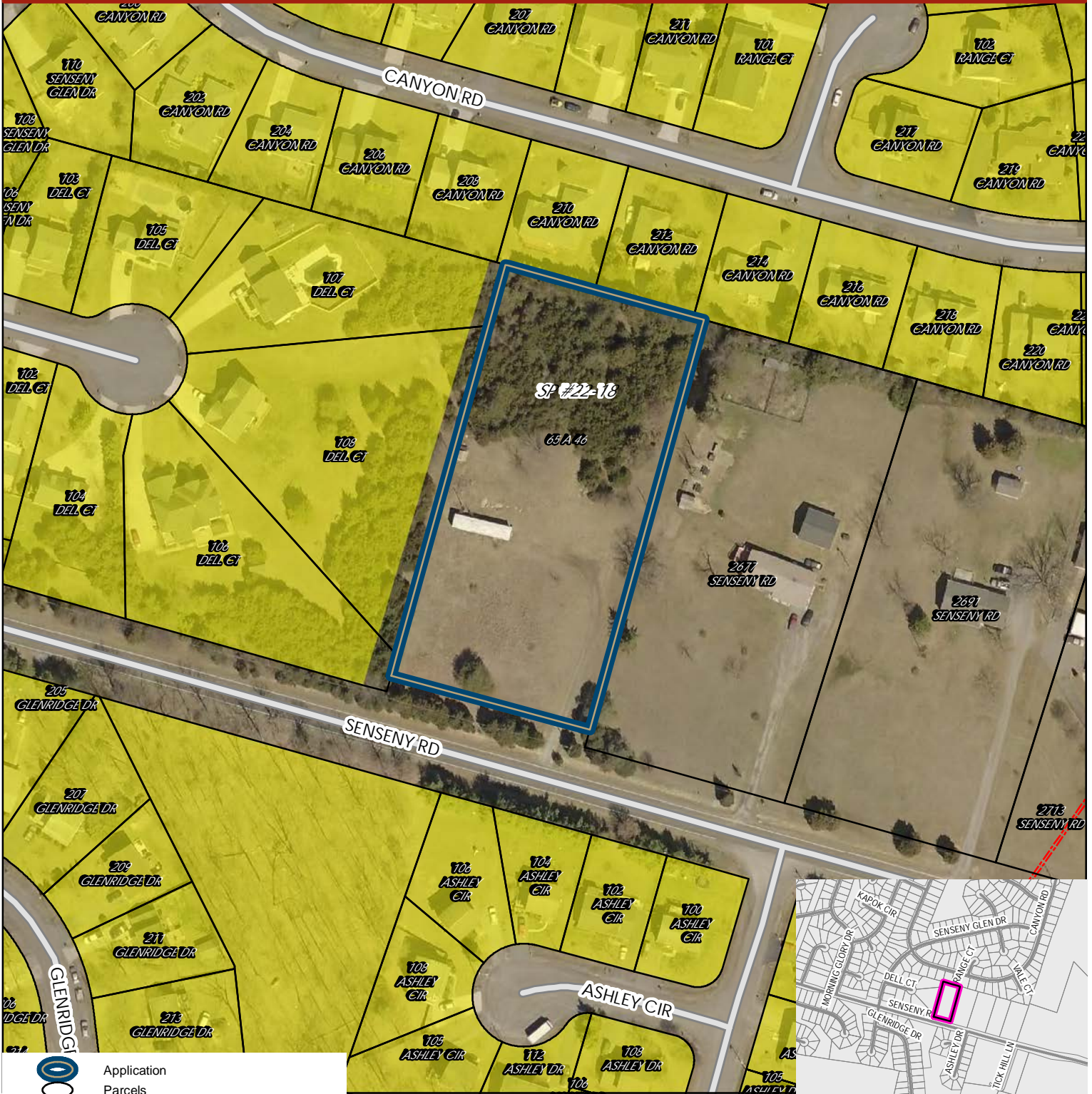
*This application is presented for information; no action is necessary.*






# SP # 22 - 18: Spring Run

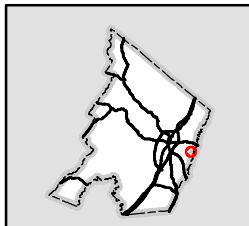
PIN: 65 - A - 46

15 Lot Townhouse Subdivision

Zoning Map



-  Application
-  Parcels
-  Sewer and Water Service Area
-  Future Rt 37 Bypass
-  RP (Residential Performance District)



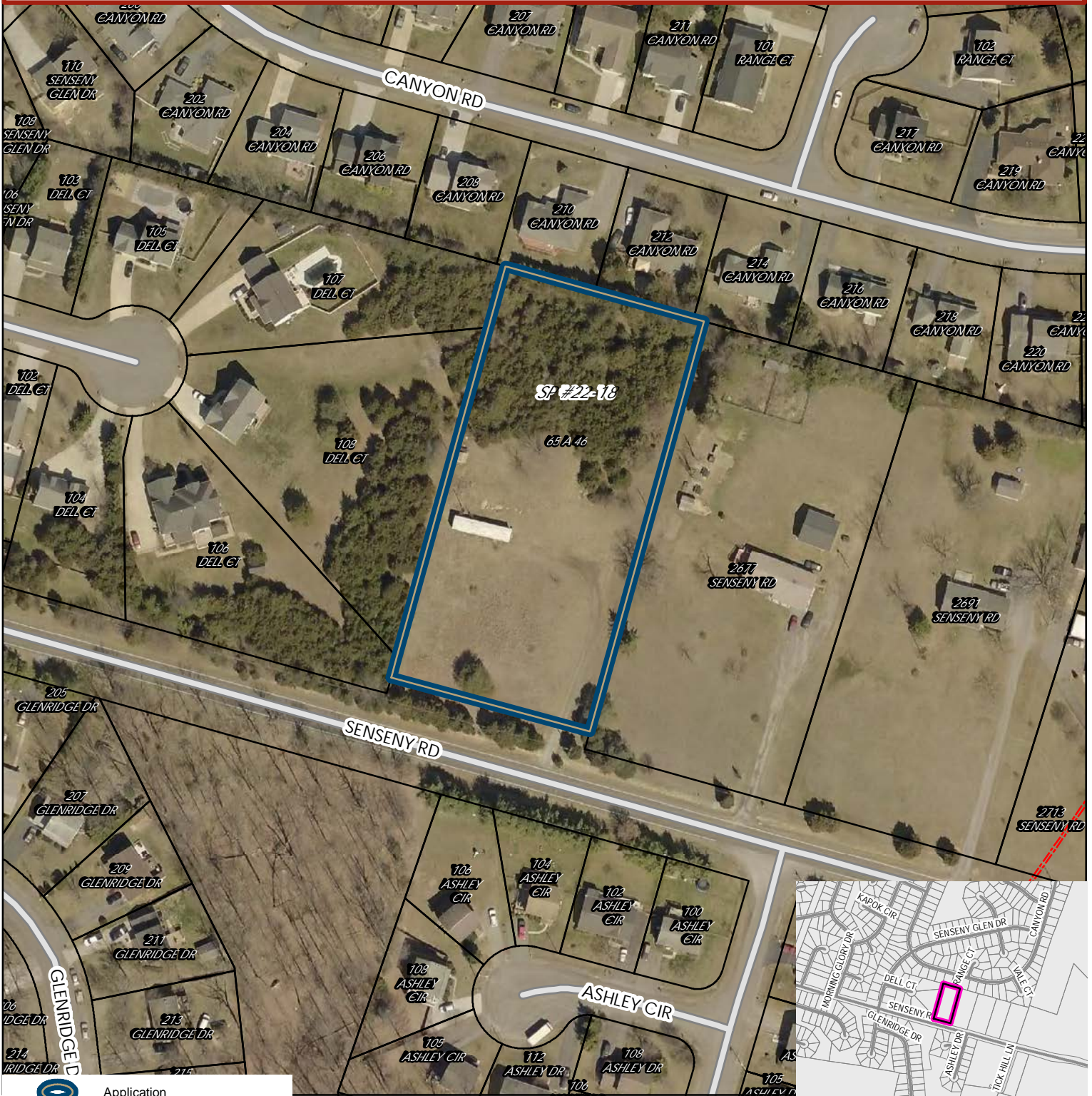
0 85 170 340 Feet





# SP # 22 - 18: Spring Run

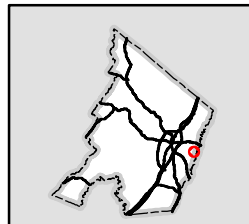
PIN: 65 - A - 46

15 Lot Townhouse Subdivision

Location Map



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



0 85 170 340 Feet

**Jeremy Tweedie**

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**Subject:** FW: Sprng Run Townhouse Site Plan



Jeremy,

We have completed our review of the revised Spring Run Site Plan received in this office Monday, May 7 2018. We have no objection to the proposed site plan. Please send signature copies to this office for final VDOT Review/ Approval.

Thank You,

***Timothy Rhodes***

**VDOT** ~Land Development Engineer  
Clarke, Frederick, Shenandoah & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA. 22824  
(540)-984-5630

5/14/18 @ 2:41 pm

**REQUEST FOR SITE PLAN COMMENTS**



**Frederick County Inspections  
Department Comment**

**Mail to:**

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

**Hand deliver to:**

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

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

Applicant's Name: Greenway Engineering Inc.

Telephone: 540-662-4185

Mailing Address: 151 Windy Hill Lane  
Winchester VA, 22601

Name of development and/or description of the request:

Spring Run - 15 LOT TOWNHOUSE SUDIVISION

Location of Property:

2659 Senseny Road  
Winchester Va

Inspections Department Comments:

Comments are on the back of this form

**-FREDERICK COUNTY INSPECTIONS DEPARTMENT USE ONLY-**

Date Received 3/27/18  
Date Reviewed 5/14/18  
Revision Required No

Review Number (1) 2 3 4 5 (circle one)

Date Approved 5/14/18

Signature & Date: Mark Reed A

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

Dwellings shall comply with The Virginia Uniform Statewide Building Code (USBC) and The International Residential 2012 Codes. Other codes that apply is the Virginia Energy Code and ANSI A117.1-09 for Accessibility.

Dwellings (townhouses) shall be separated as required for per Section R 302.2

Engineer Design required on all foundations and/or slabs with greater than 8" fill or 24" clean sand/gravel.

Backwater valves shall be installed on all plumbing fixtures, (subject to back sewer), located below the top elevation of the upstream man hole cover.

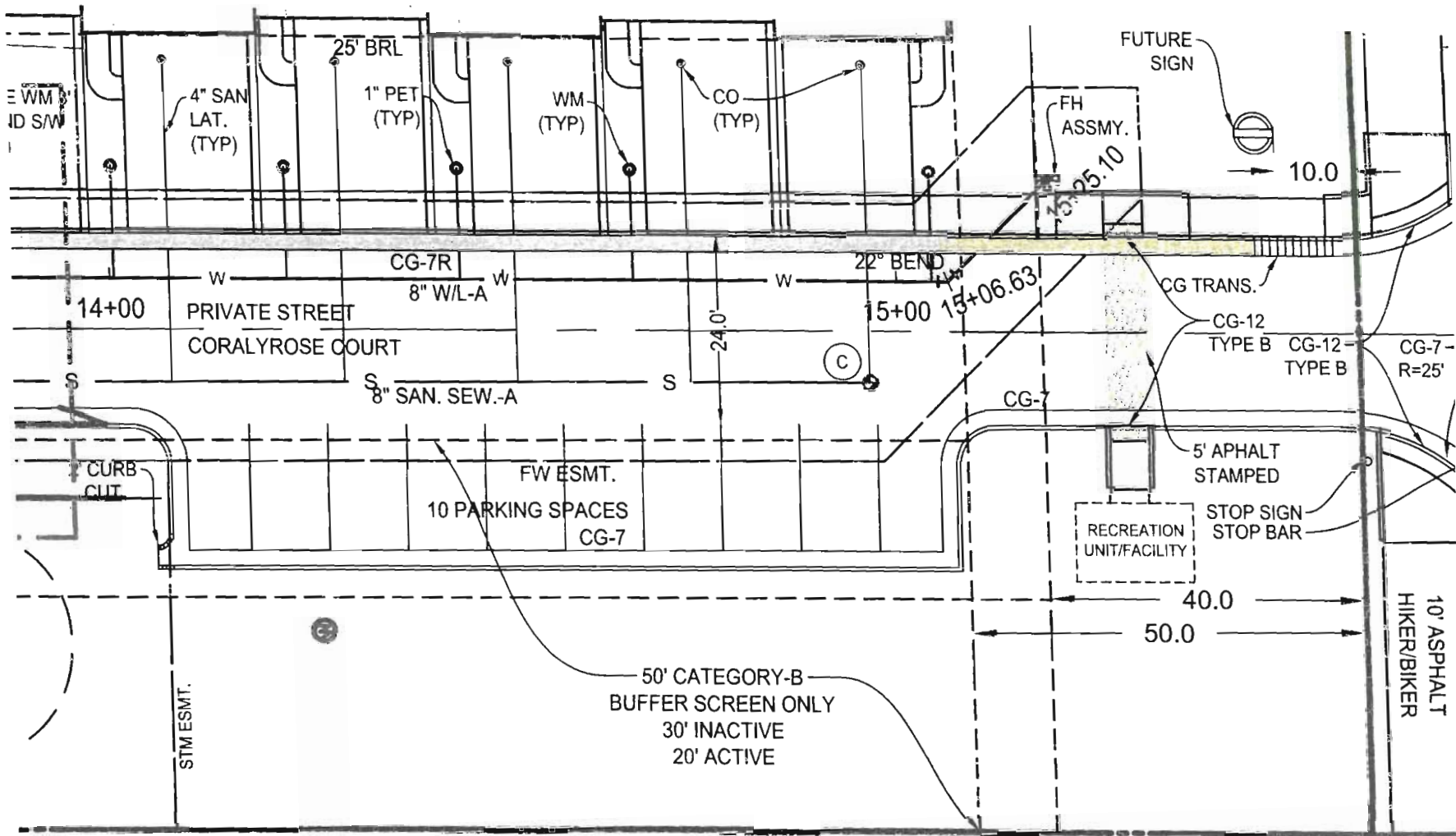
All common areas shall be accessible. Sidewalks are 5% or less in slope. Accessible curb ramps added

Sewer pumps, if required, shall be designed by Registered Design Professional.

Engineering on Storm water retention ponds and drains higher than lowest floor elevations.

Grade shall be sloped away from foundations a min 6" in 10'.

Hung sewer trench bases shall be undisturbed soil and slope away from foundations. Sewer trench drains with disturbed soil shall be provided with water stops due to high water table.



SION



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

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

## Plan Review & Comments

Date Received  
 2/14/2018

Date Reviewed  
 2/16/2018

Plan/Permit Type Site Plan 02-14-18

Name Spring Run Townhomes

Address Senseny RD Winchester VA 22602

Project Name Townhouse Subdivision

Applicant Name & Number Greenway Engineering 540-662-4185

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

Areas hi lighted in orange shall have No Parking Fire Lane signs installed  
 Areas hi lighted in yellow shall be striped in yellow

Signature:

Reviewed By: Kenneth Scott, Jr.

Title:



**REQUEST FOR SITE PLAN COMMENTS**



**Frederick County Fire Marshal Comment**

**Mail to:**

Frederick County Fire Marshal  
Attn: Fire Marshal  
1800 Coverstone Drive  
Winchester, Virginia 22602

**Hand deliver to:**

Public Safety Building  
1080 Coverstone Drive  
Winchester, Virginia 22602  
Phone: (540) 665-6350

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

Applicant's Name: Greenway Engineering Inc

Telephone: 540-662-4189

Mailing Address: 181 Windy Hill Lane  
Winchester VA, 22601

**Name of development and/or description of the request:**

Spring Run - 15 LOT TOWNHOUSE SUBDIVISION

**Location of Property:**

2638 Sycamore Road  
Winchester Va

**Fire Marshal Comments:**

See Attachment

RECEIVED FEB 14 2018

**-FREDERICK COUNTY FIRE MARSHAL USE ONLY-**

Date Received 2/14/18  
Date Reviewed 2/15/18  
Revision Required No

Review Number 0 1 2 3 4 5 (circle one)  
Date Approved 2/15/18

Signature & Date: [Signature]

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



**COUNTY of FREDERICK**

**Department of Public Works**

**540/665-5643**

**FAX: 540/678-0682**

November 14, 2018

Mr. Jeremy Tweedie  
Greenway Engineering, Inc.  
151 Windy Hill Lane  
Winchester, Virginia 22601

RE: Revised Site Plan Comments – Spring Run

Dear Mr. Tweedie:

Upon review of the revised site plan dated September 17, 2018, we recommend approval of the subject plan.

Joseph W. Johnson, P.E.  
Civil Engineer

Sincerely,

Joe C. Wilder  
Director of Public Works

JCW/kco

cc: Planning and Development  
file

**REQUEST FOR SITE PLAN COMMENTS**



**Frederick County Parks and Recreation Comment**

**Mail to:**

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

**Hand deliver to:**

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

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

Applicant's Name: Greenway Engineering Inc. Telephone: 540-662-4185

Mailing Address: 151 Windy Hill Lane  
Winchester VA, 22601

Name of development and/or description of the request:

Spring Run - 15 LOT TOWNHOUSE SUBDIVISION

Location of Property:

2659 Senseny Road  
Winchester Va

Parks and Recreation Comments:

Plans updated to show .5 recreation unit obligation appears to  
meet Parks and Recreation Requirements.

**-FREDERICK COUNTY PARKS AND RECREATION USE ONLY-**

Date Received \_\_\_\_\_

Review Number 1 2 3 4 5 (circle one)

Date Reviewed \_\_\_\_\_

Revision Required \_\_\_\_\_

Date Approved \_\_\_\_\_

Signature & Date

*[Handwritten Signature]*

4.10.18

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

**REQUEST FOR SUBDIVISION PLAN COMMENTS**



**Request for Street Name Comment**

**Mail to:**

Frederick County  
Information Technologies, GIS Division  
Attn: GIS Manager  
107 North Kent Street,  
Winchester, Virginia 22601

**Hand deliver to:**

Frederick County  
Information Technologies, GIS Division  
107 North Kent Street, 1<sup>st</sup> Floor  
Winchester, Virginia 22601  
Phone: (540) 665-5614

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

Applicant's Name: Greenway Engineering Telephone: 540-662-4185

Mailing Address: Greenway Engineering  
151 Windy Hill Ln  
Winchester, VA 22601

Name of development and/or description of the request:  
Spring Run - 15 LOT TOWNHOUSE SUBDIVISION

Location of Property:  
2659 Senseny Rd, Winchester, VA

GIS Manager Comments:  
Road Name of CORALYROSE COURT is approved for Spring Run Townhomes Subdivision

**-GIS MANAGER USE ONLY-**

Date Received Mar 27, 2018 Review Number 1 2 3 4 5 (circle one)  
Date Reviewed May 21, 2018  
Revision Required NO Date Approved May 21, 2018

Signature & Date: *Patricia H. G.*

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



FREDERICK WATER

SITE PLAN REVIEW COMMENTS

PO Box 1877, Winchester, VA 22604-8377  
315 Tasker Road, Stephens City, VA 22655

540.868.1061 voice  
540.868.1429 fax

Project SPRING RUN

Applicant GREENWAY

REVIEW STATUS

attention JEREMY TWEDDIE

review number 03

correct & resubmit approved as noted  
approved

number of items to be corrected 2

**You may submit just cover sheet and the revised sheets.**

DRAWINGS

send me by 12/17/18:

1. print of sheets ALL

2. two CDs: each disc shall contain the following plan sheets 2, 6, 13 + 16

- a) One CD (containing all of the above noted sheets) shall be in PDF format. Each sheet shall be in its own file and be in landscape orientation. Each file shall be titled with the project name and appropriate sheet number.
- b) One CD shall be in DWG format; (1) in Model Space, (2) in state plane coordinate system NAD 83, (3) compatible with AutoCAD 2006.
- c) Each of the two CDs shall be labeled with its format and project name, and placed in its own paper CD envelope.

EASEMENTS

Y  N A copy of the recorded onsite FW easement(s) is/are required.

- Y  N A copy of the recorded offsite FW easement(s) is/are required.
  - The easement document shall contain a plat and both shall be signed by the Frederick Water.
  - The Frederick Water requires specific language in its deed of easement.
  - Visit our website [www.frederickwater.com](http://www.frederickwater.com) to obtain a copy of the form.
  - A copy of the recorded deed(s) of easement shall be received before service will be authorized.

OTHER

Y  N This project also requires DEQ - Valley Region Office approval.

Y  N This project also requires VDH - Lexington Field Office approval.

Y  N This project also requires VDH - Lexington Field Office - Project Summary Report. **BY DATE FOR DRAWINGS ABOVE, see VDH website for form**

Y  N This project has a sewer pump station that FW will own. Title to the pump station site shall be granted to the Frederick Water in fee simple absolute. Also, (1) a copy of DEQ's Certificate to Construct, (2) a copy of DEQ's Certificate to Operate, and (3) two copies of the FW approved O & M manual are required. These documents must be received before service will be authorized. (4) Work cannot commence that would connect to FW facilities or require FW inspections until the contract is returned to this office.

Date: 11/26/18

E. W. Wiley  
Earl W. Wiley - Engineering Assistant

April 11, 2018

Mr. Jeremy Tweedie  
Greenway Engineering  
151 Windy Hill Lane  
Winchester, VA 22602

**Re: Spring Run Site Plan Application**

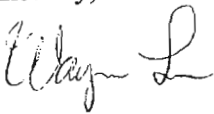
Dear Mr. Tweedie:

Frederick County Public Schools has reviewed the Spring Run site plan application submitted to us on March 27, 2018. We offer the following comments:

1. The cumulative impact of this development and other developments in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment. This development proposal includes 15 single-family attached units. We estimate that this development will house 4 students: 1 high school student, 1 middle school student, and 2 elementary school students. In order to properly serve these additional students, Frederick County Public Schools would spend an estimated \$50,000 more per year in operating costs (or \$3,333 average per unit per year) and an estimated \$183,000 in one-time capital expenditures (or \$12,200 average per unit). You will find, attached to this letter, a more detailed assessment of the estimated impact of Spring Run on FCPS, including attendance zone information.
2. It is noted that Coralyrose Court will be a private road. As our buses don't travel down private roads, students who live in Spring Run will need to walk to a bus stop located on a public street at a location designated by our Transportation Department.

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

Sincerely,



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

attachment

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

# SITE PLAN APPLICATION

**Date Application Received:** 5/30/18 *Office Use Only-* **Application #:** 22-18  
**Fees Received:** \$4000.00 **Receipt #:** 721575 **Initials:** KD

1. Project Title: SPRING RUN - 15 LOT TOWNHOUSE SUDIVISION
  
2. Location of Property 2659 SENSNEY ROAD  
(Street address) WINCHESTER, VA 22604
  
3. Applicant/Designer:  
Name: Greenway Engineering, Inc. Telephone: 540-662-4185  
Address: 151 Windy Hill Lane  
Winchester, VA 22602
  
4. Property Owner (if different than above):  
Name: SPRING RUN, LLC Telephone: 540-868-1818  
Address: 126 LAREDO COURT  
STEPHENS CITY
  
5. Property Information:
  - a. Property Identification Number: 65-A-46
  - b. Total acreage of the parcel to be developed: 1.88 Acres
  - c. Total disturbed area of the parcel: 1.88 Acres
  - d. Present Use: Mobile Home
  - e. Proposed Use: Residential (Townhouses)
  - f. Magisterial District(s) Red Bud

6. Site Plan Type:

a. Is this an original or new site plan?

Yes  No

b. Is this a revised site plan?

Yes  No

If yes provide all previous site plan numbers:

c. Is this a minor site plan?

Yes  No

If yes provide all previous site plan numbers: \_\_\_\_\_

7. Zoning Information:

a. Current Zoning:

RP \_\_\_\_\_

b. Was this property Rezoned?

Yes  No

c. If yes provide the rezoning number for this property: \_\_\_\_\_

d. Are there any proffers for this property?

Yes  No

e. Has a MDP been approved for this property?

Yes  No

f. If yes provide the MDP number for this property: \_\_\_\_\_

8. Adjoining property zoning and use:

|       | <u>USE</u>          | <u>ZONING</u> |
|-------|---------------------|---------------|
| North | <u>Residential</u>  | <u>RP</u>     |
| East  | <u>Senseny Road</u> | <u>NA</u>     |
| South | <u>Residential</u>  | <u>RP</u>     |
| West  | <u>Residential</u>  | <u>RP</u>     |

I have read the material included in this package and understand what is required by the Frederick County Planning Department. I also understand that all required material will be complete prior to the submission of my site plan.

Signature:  \_\_\_\_\_

Date: May 22, 2017





**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Website: [www.co.frederick.va.us](http://www.co.frederick.va.us)**

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

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

(Name) SPRING RUN, LLC (Phone) 540-868-1818

(Address) 126 Laredo ZCourt

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 170007043 on Page 0135-, and is described as

Parcel: 65 Lot: A Block: 46 Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
do hereby make, constitute and appoint:

(Name) Greenway Engineering Inc. (Phone) 540-662-4185

(Address) 151 Windy Hill Lane, Winchester, VA 22601

To act as my true and lawful attorney -in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Variance or Appeal

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we) have hereto set my (our) hand and seal this 22 day of May, 2018,

Signature(s)

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

I, Deanna D. Alexander, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 22 day of May, 2018.

Deanna D. Alexander  
Notary Public

DEANNA D ALEXANDER  
NOTARY PUBLIC  
REG. #7135427  
COMMONWEALTH OF VIRGINIA  
COMMISSION EXPIRES SEPT. 30, 2020

Commission Expires: Sept. 30, 2020



**GENERAL NOTES**

- Greenway Engineering, Inc. (GE) issued this plan set based on project criteria dictated by the client and municipal codes. This plan set is not considered complete or appropriate for construction until ALL necessary agencies have given approval AND this plan set is signed and sealed by a licensed professional. Any work, planning, scheduling, material purchases and/or construction prior to approvals and licensed/professional sealing will be performed at the risk of the personnel authorizing work. GE shall be held harmless from and costs, time delay and/or material changes incurred on work started before this plan set receives approvals and seals.
- Methods and materials used in the construction of the improvements herein shall conform to current County Construction Standards and Specifications and/or current VDOT Standards and Specifications.
- The Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures nor for safety precautions and programs in connection with work shown on these plans. The Engineer is not responsible for the contractor's schedules or failure to carry out the work. The Engineer is not responsible for acts of omissions of the contractor, subcontractor, or their agents or employees, or any other person performing portions of the work.
- The Contractor, Owner or Developer shall be responsible for securing any third party inspection/testing service to insure construction compliance with these plans and specifications. It is Greenway Engineering's recommendation that a third party inspection/testing service be employed to ensure that project is completed and materials installed meet the details and specifications in these plans.
- The location of existing utilities shown in these plans are taken from existing records. It shall be the contractor's responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall be responsible for the digging of all test holes that may be required, whether recommended or not by these plans, to determine the exact location and elevation of existing utilities. If any conflicts arising from this existing utility verification or if during the course of construction, any object of an unusual nature is encountered, the contractor shall cease work in that area and immediately notify Greenway Engineering at (540) 862-4185 and/or the proper authority. Greenway Engineering or any engineer associated with these plans shall not be responsible or liable for any construction cost that may be associated with the installation or reinstatement any utility or other improvements if not notified of any discrepancies between actual field conditions and the approved plan.
- The approval of these plans in no way relieve the developer, the contractor, or their agents of any legal responsibility which may be required by the code of Virginia or any other ordinance enacted by the County nor does it guarantee the issuance of any required permit by the County, VDOT or any other Agency.
- An approved set of plans and all applicable permits must be available at the construction site at all times during construction. A representative of the developer must be available at all times.
- Prior to the initiation of any land disturbing activities the Developer, the Contractor or the Responsible Land Disturber shall obtain a Land Disturbance Permit from the County Engineer's Office. The Contractor, Developer or his agent shall be responsible for obtaining a Virginia Stormwater Management Program (VSM) Permit and shall be responsible for the registration of the construction site as required by law. They shall also be responsible for obtaining and maintaining on site a Stormwater Pollution Prevention Plan (SWPPP). The approval of these plans in no way relieves the developer or his agent of the responsibilities contained in the Virginia Erosion and Sediment Control Handbook.
- The Developer or his agent shall be responsible for obtaining any required permits from the Virginia Department of Environmental Quality (DEQ) or the United States Army Corp of Engineers for any plan wetland disturbance as shown on these plans. They shall also be responsible the identification and delineation of any wetlands that may be present on the construction site.
- The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractor's responsibility to clean streets, alley dust, and to take whatever measures are necessary to insure that public streets are maintained in a clean, mud and dust free condition at all times.
- A permit must be obtained from the Office of the Resident Engineer, Virginia Department of Transportation (VDOT) and Frederick County prior to any construction activities within existing State right-of-way.
- The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.
- Warning signs, markers, barricades or flagmen should be in accordance with the State and Federal Manual on Uniform Traffic Control Devices (MUTCD).
- The exact location of all guard rails and paved ditches will be determined by VDOT personnel. A joint inspection will be held with the Developer, County Representative, and Representatives of the Virginia Department of Transportation (VDOT) to determine if and where guard rail and/or paved ditches will be needed. The developer will be responsible for providing guardrail and paved ditches as determined by this joint inspection." Refer to Virginia Department of Transportation (VDOT) Guard Rail and Paved Ditch Specifications.
- All unsuitable material shall be removed from the construction limits of the site plan before placing embankment.
- All pavement sections shown on these approved plans are based on a minimum CBR value of 8 and are for preliminary design only. Final pavement design shall be based upon actual field tested CBR values. The Contractor or Developer shall be responsible for field tests per VDOT standards to obtain actual CBR values for final design. Final pavement designs will be approved by VDOT and/or the Owner/Developer, which ever applicable, prior to installation.
- All springs shall be capped and piped to the nearest storm sewer manholes or curb inlet. The pipe shall be minimum 8" diameter and conform to VDOT standard SB-1.
- When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to the County Public Works Department prior to issuance of grading and/or site development permits.
- Notification shall be given to the appropriate utility company prior to construction of water and/or sanitary sewers. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.
- The Developer and/or Contractor shall be responsible to supply all utility companies with copies of the approved plans and advise them that all grading shall conform to the approved plans, and further that the utility companies shall be responsible for horning these plans and the finished grades in the installation of their utility lines.
- All utilities to be located underground.
- Contractors shall notify operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition.
- The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be done prior to construction.
- All parking lot/street light and utility easements shall be performed and provided separately by others. All dry utility and/or lighting information shown herein is as specified by others and is included for informational purposes only, as directed by the Owner, Developer and/or public agency requirements. Greenway Engineering has not performed the lighting and/or dry utility design and does not warrant and is not responsible for the degree and/or adequacy of illumination on this project or the adequacy of the dry utility to service the site.
- All sanitary sewers, water mains and appurtenances shall be constructed in accordance with the current standards and specifications of the Frederick County Sanitation Authority.
- All stormwater piping and structures shown on these plans are only accurate to the inlet or manhole locations as shown hereon. Detail design of stormwater structures were not provided to Greenway Engineering. Actual pipe alignments will be based upon developed structural shop drawings as provided by the manufacturer. Contractor shall make adjustments to pipe alignments base on provided shop drawings. Greenway Engineering will not be held responsible or liable for any discrepancies or changes caused by the structural design. Contractor may submit shop drawings to Greenway Engineering for review and approval at contractor's expense. Shop drawings will be reviewed for compliance with design plans. The Owner or Developer will be responsible for any redesign as a result of structural shop drawing design.
- Controlled fills shall be compacted to 95% of maximum density as determined by method "A" per standard proctor AASHTO-T99, ASTM-D698, or VTM-1 as applicable. Density shall be certified by a registered professional engineer and results submitted to Frederick County prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.
- Refer to Geotechnical Engineer for methods, materials and details for construction of all earthwork activities.
- Any retaining wall 2 ft. or greater in height shall require the issuance of a separate building permit.
- Construction debris shall be containerized in accordance with the Virginia Litter Control Act; no less than one litter receptacle shall be provided at the construction site.
- These plans identify the location of all known gravestones. Gravestones shown on this plan will be protected in accordance with state law. In the event gravestones are discovered during construction, the owner and engineer must be notified immediately.
- Individual sign permits will be required from the Zoning Office for all free standing and/or facade signs prior to erecting the sign and may require a separate building permit.

**FIRE MARSHAL'S NOTE**

Fire lane markings and signage:  
Any "No Parking" signs and yellow painted curb locations will be installed by field inspection at the direction of the Fire Marshal's Office.

**VDOT GENERAL NOTES**

- All work on this project shall conform to the current editions of and latest revisions to the Virginia Department of Transportation (VDOT) Road and Bridge Specifications and Standards, the Virginia Erosion and Sediment Control Regulations, and any other applicable state, federal or local regulations. In case of a discrepancy or conflict between the Standards or Specifications and Regulations, the most stringent shall govern.
- All construction shall comply with the latest U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), and Virginia Occupational Safety & Health (VOSH) Rules and Regulations.
- When working within VDOT right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with the current, edition of VDOT's Work Area Protection Manual. A transportation management plan needs to be submitted for approval and land use permit issued prior to any execution of work within the VDOT right of way.
- The developer shall be responsible for relocating, at his expense, any and all utilities, including traffic signal poles, junction boxes, controllers, etc., owned by VDOT or private / public utility companies. It is the sole responsibility of the developer to locate and identify utility facilities or items that may be in conflict with the proposed construction activity. VDOT approval of these plans does not indemnify the developer from this responsibility.
- Design features relating to field construction, regulations, and control or safety of traffic may be subject to change as deemed necessary by VDOT. Any additional expense incurred as a result of any field revision shall be the responsibility of the developer.
- If required by the local VDOT Land Development Office, a pre-construction conference shall be arranged and held by the engineer and/or developer with the attendance of the contractor (s), various County agencies, utility companies and VDOT prior to initiation of work.
- The contractor shall notify the local VDOT Land Development Office when work is to begin or cease for any undetermined length of time. VDOT requires and shall receive 48 hours advance notice prior to any required or requested inspection.
- The contractor shall notify the Traffic Operations Center at (540) 332-9500 for any traffic control plan that impacts a VDOT maintained Interstate or Primary roadway to provide notification of the installation and removal of the work zone.
- The contractor shall be responsible for maintaining a VDOT permitted temporary construction entrance(s) in accordance with Section 3.02 of the Virginia Erosion and Sediment Control Handbook. Furthermore, access to other properties affected by this project shall be maintained through construction.
- Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.
- All water and sewer lines within existing or proposed VDOT right-of-way shall have a minimum thirty-six (36) inches cover and when possible shall be installed under roadway drainage facilities at conflict points.
- Any unusual subsurface conditions (e.g., unsuitable soils, springs, sinkholes, voids, caves, etc.) encountered during the course of construction shall be immediately brought to the attention of the engineer and VDOT. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by VDOT.
- All fill areas, borrow material and undercut areas shall be inspected and approved by a VDOT representative prior to placement of fill. A VDOT representative shall be present to insure the soil sample(s) obtained for CBR's is representative of the location. When soil samples are submitted to private laboratories for testing, the samples shall be clearly identified and labeled as belonging to a project to be accepted by VDOT and that testing shall be performed in accordance with all applicable VDOT standards and procedures.
- All roadway fill, base, subgrade material, and backfill in utility/storm sewer trenches shall be compacted in accordance with the lift thickness, density and moisture requirements as specified in the current VDOT Road and Bridge Specifications. Certified copies of test reports shall be submitted to VDOT daily, unless specified otherwise.
- VDOT Standard CD and UD underdrains shall be installed where indicated on these plans and/or as specified by VDOT.
- A post installation visual/video camera inspection shall be conducted by the Contractor on all pipes identified on the plans as storm sewer pipe and a select number of pipe culverts. For pipe culverts, a minimum of one pipe installation for each size of each material type will be inspected or ten percent of the total amount for each size and material type summarized. All pipe installations on the plans not identified as storm sewer pipe shall be considered as culvert pipe for inspection purposes. Additional testing may be required as directed by the Area Land Use Engineer or their representative.
- The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet VDOT minimum design standards and is the responsibility of the developer.
- Prior to VDOT acceptance of any streets, all required street signage and/or pavement markings shall be installed by the developer in accordance with the Manual On Uniform Traffic Control Devices.
- The developer shall provide the VDOT Land Development Office with a list of all material sources prior to the start of construction. Copies of all invoices for materials utilized within any dedicated street right-of-way must be provided to the local VDOT Land Development Office prior to acceptance of the work. Unit and total prices may be obscured.
- Aggregate base and subbase materials shall be placed on subgrade by means of a mechanical spreader. Density will be determined using the density control strip in accordance with Section 304 of the VDOT Road and Bridge Specifications and VIM-10. A certified compaction technician shall perform these tests. Certified copies of test reports shall be submitted to VDOT daily, unless specified otherwise. In addition to checking stone depths, a VDOT representative shall be notified and given the opportunity to be present during the construction and testing of the density control strip.
- Asphalt concrete pavements shall be placed in accordance with Section 315 of the VDOT Road and Bridge Specifications. Density shall be determined using the density control strip as specified in Section 315 and VIM-76. A certified compaction technician shall perform these tests. Certified copies of test reports shall be submitted to VDOT daily, unless specific otherwise. A VDOT representative shall be notified and given the opportunity to be present during the construction and testing of the control strip.
- In accordance with Section 302.03, the foundations for pipe culverts thirty-six (36) inches and larger shall be explored below the bottom of the excavation to determine the type and condition of the foundation. The contractor shall report findings of foundation exploration to the engineer and VDOT for approval prior to placing pipe. Foundation designs shall comply with VDOT Road and Bridge Standard PB-1. Where soft, yielding, or otherwise unsuitable foundation is encountered, the foundation design and/or need for foundation stabilization shall be determined by the engineer and approved by VDOT.
- VDOT Standard Guardrail shall be installed where warranted and/or as proposed on these plans in accordance with VDOT's installation criteria. Final approval of the guardrail layout to be given by VDOT after grading is mostly complete.
- Approval of these plans shall expire five (5) years from the date of the approval letter.
- VDOT Standard CG-12 Curb Ramps shall be installed where indicated on these plans and/or as specified by VDOT.
- The foundations for all box culverts shall be investigated by means of exploratory borings advanced below proposed foundation elevation to determine the type and condition of the foundation. The contractor shall submit copies of borehole logs and report findings of foundation exploration to the engineer and VDOT for approval prior to constructing box culverts. Foundation designs shall comply with VDOT Road and Bridge Standard PB-1. Contrary to the Standard, where rock is encountered and cast-in-place box is proposed, the thickness of bedding shall be six (6) inches. Where soft, yielding, or otherwise unsuitable foundation is encountered, the foundation design and/or need for foundation stabilization shall be determined by the engineer and approved by VDOT.

**TRIP GENERATION DATA**

| CLASS  | USE       | DWELLING UNITS | TRIP RATE | VPD |
|--|-----------|----------------|-----------|-----|
| 230<br>(Section 2)                           | TOWNHOUSE | 15             | 8.145     | 122 |
| * TAKEN FROM ITE TRIP GENERATION 9TH EDITION |           |                |           |     |

**PROJECT NOTES**

**FREDERICK COUNTY INSPECTION DEPARTMENT NOTES**

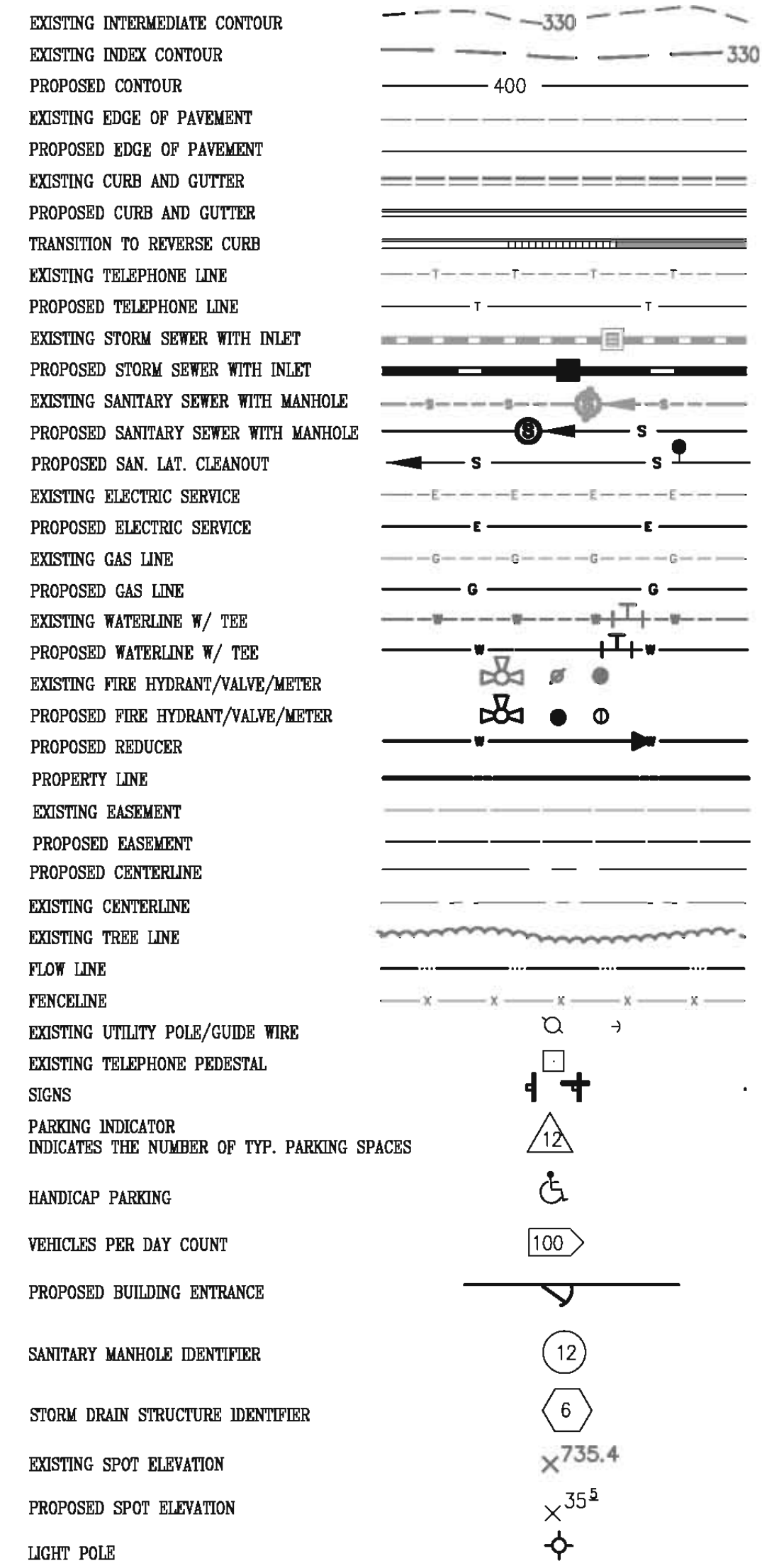
- Project shall comply with The Virginia Uniform Statewide Building Code (USBC). Dwellings (R-5) shall comply with The Virginia Residential 2012 codes. Other codes that apply are the 2000 ANSI A117-09 Accessible and Usable Building and Facilities and the 2012 Virginia Energy Code
- Dwelling (townhouses) shall be separated as required per Section R 302.2
- Engineer design required on all foundation and/or slab with greater than 8" fill or 24" clean sand/gravel.
- Backwater valves shall be installed on all plumbing fixtures, (subject to back sewer), located below the top elevation of the upstream man hole cover.
- Stormwater drains, if higher than the basement finished floor, may require additional engineering of the foundation.
- Grade shall be sloped away from foundation 6" to 10".
- Site Plan Approved pending receipt of geotechnical soil investigation as required.

**FREDERICK WATER CONSTRUCTION NOTES**

- The Authority's Water and Sewer Standards and Specifications are available at [www.frederickwater.com](http://www.frederickwater.com).
- The contractor shall adhere to the Authority's standards and specifications in effect at the time of construction.
- The contractor shall coordinate with and arrange for inspection by the Authority.
- The contractor shall connect a new sewer line to an existing manhole by core drilling the manhole.
- A new water (or forced sewer) main shall be connected to an existing main by a wet tap. The Authority shall furnish all needed material and make the tap. An Application for Wet Tap shall be submitted and the initial fee paid before tap is made.
- Exact locations of water and sewer services on new lines are to be coordinated with the Authority's inspector.
- The Authority's maintenance division shall furnish and install all water meters through 2 inch in size. It is the contractor's responsibility to have the meter box assembly installed correctly. Before a permanent meter is installed:
  - The meter box, with its frame and cover, must be properly aligned with the coppersetter.
  - The frame and cover shall be set to final grade.
  - The distance between the top of the cover and the coppersetter shall be between 18 and 21 inches.
  - All components of the meter box assembly shall be in proper working order.
- For services that connect to existing lines:
  - The Authority shall furnish and install:
    - all 5/8"x3/4", 1", 1 1/2" and 2" water services
    - all sewer services.
  - The owner/developer shall:
    - coordinate (or have the contractor coordinate) the location of the service lateral with the Authority's engineering assistant
    - submit an Application for Service and pay the required fees.
- All water service lines must have a backflow prevention assembly (double check valve or RPZ, as required). The assembly must meet ASSE standard number 1015 or 1013.
- All fire lines must have a backflow prevention assembly (detector double check valve or RPZ, as required). The assembly shall meet ASSE standard number 1048 or 1047. Any exterior, privately owned fire line shall also have a fire service meter. The assembly shall be installed immediately before the backflow prevention unit. Radio read remotes are required.
- The Authority shall review the mechanical plan(s) for design and material approval of a building's:
  - domestic water meter and its backflow prevention device, and/or its fire service line's backflow prevention device.
- DEQ must also approve sewer pump stations. FCSA requires a copy of DEQ's Certificate to Operate and a copy of the stations DEQ approved O&M Manual. These documents must be received before substantial completion is issued and water meters released.

OCT 2011

**LEGEND**



**PROJECT INFORMATION**

|                            |  |
|----------------------------|--|
| PARCEL IDENTIFICATION NO.  | 65-A-46  |
| STREET ADDRESS:            | 2859 SENEY ROAD                                    |
| PROJECT SITE AREA:         | 1.88 ACRES   |
| DISTURBED AREA:            | 1.88 ACRES   |
| CURRENT ZONING:            | RA (RURAL AREAS) WITH RP STANDARDS VIA TDR'S       |
| CURRENT USE:               | RESIDENTIAL (1-MOBILE HOME)                        |
| PROPOSED USE:              | RESIDENTIAL (SINGLE FAMILY ATTACHED)               |
| TDR CALCULATION:           | 1 TRD = 1.5 TOWNHOMES 10(TDR)x1.5= 15              |
| DWELLING DENSITY:          | 15 UNITS/1.88 ACRES = 7.97 UNIT PER ACRE           |
| PRIMARY STRUCTURE REQUIRED | SETBACKS:  |
|                            | FRONT: 25' GARAGE UNITS                            |
|                            | REAR: 20'  |
|                            | SIDE: 10'  |
| PRIMARY STRUCTURE PROVIDED | SETBACKS:  |
|                            | FRONT: 25.5'                                       |
|                            | SIDE: 10.5'  |
|                            | REAR: 20.5'  |
|                            | REAR: 5'   |
|                            | SIDE: 5'   |
| MAXIMUM BUILDING HEIGHT:   | 40'  |
| PROPOSED BUILDING HEIGHT:  | 40'  |
| PARKING SETBACK:           | NA   |
|                            | FRONT:   |
|                            | REAR:  |
|                            | SIDE:  |
| SIGN SETBACK:              |  |
|                            | FRONT: 10'   |
|                            | REAR: 10'  |
|                            | SIDE: 10'  |
| SUBDIVISION SIGN AREA:     | 32sf MAX.  |
| SUBDIVISION SIGN HEIGHT:   | 8' MAX.  |
| PARKING REQUIRED:          | 2 PER UNIT   |
|                            | 15 UNITS * 2 = 30 SPACES                           |
| PARKING PROVIDED:          | 30 DRIVEWAY SPACES + 30 GARAGE + 8 guest spaces=68 |
| OPEN SPACE CALCULATIONS:   | Required: 30% = 0.56 ACRES OR 24,567 SF            |
|                            | Provided: 59% = 1.11 ACRES OR 48,500 SF            |
| DUMPSTER:                  | NO DUMPSTER IS PROPOSED WITH THIS PLAN             |
| MDP WAIVER APPROVAL DATE:  | JUNE 13, 2018                                      |

**FREDERICK WATER PROJECT INFORMATION**

|                                       |   |
|---------------------------------------|---|
| <b>WATER AND SANITARY SEWER USAGE</b> | Calculation of demand/discharge<br>WATER DEMAND |
| WATER DEMAND 3525 GPD                 | *Residential: 235 gpd per connection            |
| SANITARY SEWER DISCHARGE 3525 GPD     | *Commercial: 75 gpd per 1,000 sf                |
|                                       | *Industrial: 25 gpd @ 10 persons per acre       |
|                                       | SEWER DISCHARGE                                 |
|                                       | Sewer discharge equals water demand             |

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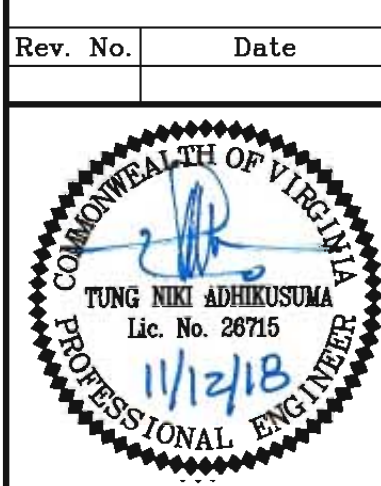
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GENERAL NOTES AND LEGEND

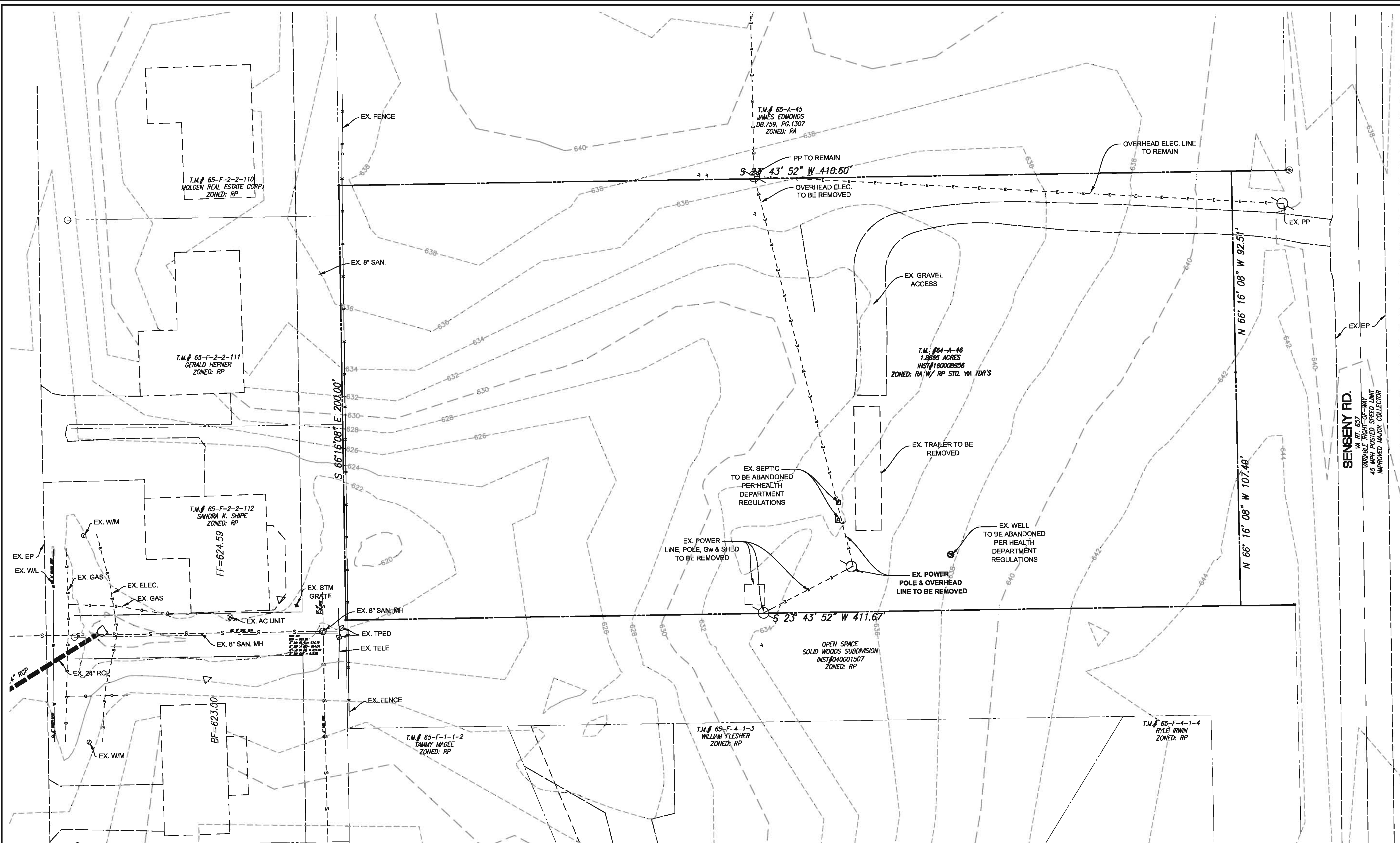
**SPRING RUN - 15 LOT TOWNHOUSE**

T.M. # 65-A-46

RED BUD MAGISTRAL DISTRICT  
FREDERICK COUNTY, VIRGINIA



|              |           |
|--------------|-----------|
| Rev. No.     | Date      |
|              |           |
| DATE:        | 9-17-2018 |
| SCALE:       | N/A       |
| DESIGNED BY: | JNT       |
| FILE NO.     | 6304      |
| SHEET        | 2 OF 16   |
| 15-18        |           |



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BOUNDARY AND EXISTING TOPO  
**SPRING RUN - 15 LOT TOWNHOUSE**  
T.M. # 65-A-46  
RED BUD MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

| Rev. No. | Date      |
|----------|-----------|
| 1        | 6-27-2018 |



DATE: 9-17-2018

SCALE: 1" = 20'

DESIGNED BY: JNT

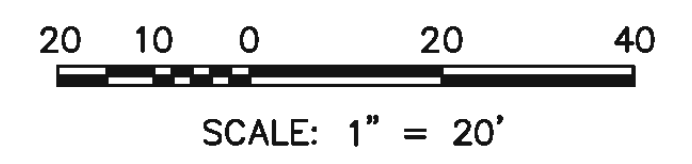
FILE NO. 6304

SHEET 3 OF 18

15-18

**SURVEY AND TOPOGRAPHIC INFORMATION**

- Boundary survey was performed by: GREENWAY ENGINEERING, INC. Dated: 07/28/2015
- Aerial, horizontal and vertical control surveys were performed by: GREENWAY ENGINEERING, INC. 07/28/2015  
Date
- Aerial topographic mapping performed by: GREENWAY ENGINEERING, INC. Dated: 07/28/2015



**SPRING RUN RESIDENTIAL LOTS - 12 UNIT TOWNHOUSES  
EROSION AND SEDIMENT CONTROL NARRATIVE**

**Description:** The subject redevelopment consist of the construction of a 15 - 3 level structure (Garage Townhouses) with related utilities and travel way construction. The property is zoned RA w/ RP std's via TDR (Transfer of Development Rights) and is located east of Senseny Road approximately 1 miles east of Route 656 (Greenwood Rd.) in Frederick County Virginia. Total site area for 1.88 acres of which the entire 1.88 acres + an additional 0.1 within the right of way will be disturbed for construction.

**Date of construction:** Construction will begin following plan approval and will take approximately twelve (6) months to complete.

**Existing site conditions:** The proposed site is residential lot with a mobile home. The site has one drainage area as indicated on the plans. The site is at the top of its drainage shed and drains northward to the back corner of the property. The property slopes on average between 2% and 15%.

**Adjacent areas:** The site is bounded on the east, west, and north by single family homes, on the South by Senseny Road.

**Offsite areas:** No offsite land will be disturbed with exception area within the right of way for the purposes of constructing the entrance.

**Soils:** The existing soil conditions were obtained from the USDA Soils Survey. The soils on this site consist of Clearbrook channery silt (9B) and Welkert-Berks channery (41C) with a moderate erosion hazard.

**Critical areas:** There are no critical areas on this site.

**Erosion and Sediment Control Measures:** Unless otherwise indicated, all vegetative and structural erosion and sediment control measures shall be constructed and maintained according to the minimum standards and specifications of the Virginia erosion and sediment control handbook.

**Structural Measures:**

**Phase I:**

Install Temporary Construction Entrance (3.02) at the existing entrance off Senseny Road to minimize sediment carried onto roadway.

Install temporary diversion dikes (3.09) as shown on the plans to divert sediment-laden runoff to the sediment trapping structures and to divert runoff to Sediment Traps.

Install temporary sediment trap (3.13) as shown on plan as a Phase I control measures prior to clearing the site. Traps shall detain runoff long enough to allow the majority of sediment to settle out prior to leaving the site.

**Phase II:**

Phase I controls shown on Phase II plan to remain for the duration of the project.

Upon completion upon completion and stabilization of the site and the permanent Stormwater Management Dry Facility, remove the Sediment

Permanent seeding (3.32) shall be placed as needed to stabilize disturbed areas.

**Vegetative Measures:**

Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven (7) days to denuded areas that may not be at final grade but will remain dormant for longer than fourteen (14) days. Permanent soil stabilization shall be applied to all areas that are to be left dormant for more than six (6) months.

Topsoil that has been stockpiled shall be surrounded with silt fence and protected by mulch and/or temporary vegetation immediately after grading.

All earth berms, diversions and sediment trap embankments are to be machine-compacted, seeded and mulched (hay mulch or straw) for temporary and/or permanent vegetative cover immediately after construction

Erosion control mats shall be installed over steep (2:1) cut and fills slope which have been brought to final grade and seeded to protect from rill and gully erosion.

**Management Strategies:**

Construction shall be sequenced such that grading operations will begin and end as quickly as possible.

The site superintendent shall be responsible for the installation and maintenance of all erosion and sediment control measures. Maintenance of these measures throughout the project is critical to the effectiveness of the program.

After areas above controls have been stabilized, the controls shall be cleaned up and removed.

Electric power, telephone, storm, sanitary, water & gas supply trenches are to be compacted, seeded and mulched within five (5) days after backfilling. No more than 500 feet are to be open at any one time.

All cut and fill slopes are to be seeded and mulched within five (5) days of completion of grading.

Drainage swales shall be stabilized with check dams until vegetation has been well established, at which time the check dams shall be removed.

Devices listed above are considered minimum erosion and sediment controls. Additional control measures may be necessary due to contractor phasing or other unforeseen conditions. It is the contractor's responsibility to provide additional measures to those shown, as needed, in order to control erosion and contain sediment on site. All measures shall be installed according to the standards and specifications in the Virginia erosion and sediment control handbook.

**Stormwater Management:**

Increased runoff from this development will be controlled by an on site stormwater management facility.

**Maintenance Program:**

All control measures shall be inspected daily by the site superintendent or his representative and within 24 hours after any storm event greater than 0.5 inches of rain per 24-hour period. Any damaged structural measures are to be repaired by the end of the day. Seeded areas shall be checked regularly to ensure that a good stand of grass is maintained. All areas shall be fertilized and reseeded as needed until grass is established.

Trapped sediment is to be removed as required to maintain 50% trap efficiency and disposed of by spreading on site.

Inlet protection shall be checked regularly for sediment build-up. If the gravel outlet is clogged by sediment, it shall be removed and cleaned or replaced immediately.

The contractor is responsible for keeping existing public roads in a clean, dust and mud free, condition at all times.

**Erosion and sediment control program:**

1. Hold pre-construction meeting on site with inspector.
2. Install construction entrance.
3. Clearing and grubbing for sediment control devices only
4. Placement of sediment control devices (Phase I sediment traps, diversion dikes)
5. Obtain inspector's approval prior to beginning grading operations.
6. Clear and grub remainder of site.
7. Rough grade site.
8. Final grading.
9. Install Permanent Storm Water Management Dry Facility.
10. Restoration and stabilization of disturbed areas.
11. Remove erosion and sediment control measures with the approval of the inspector.

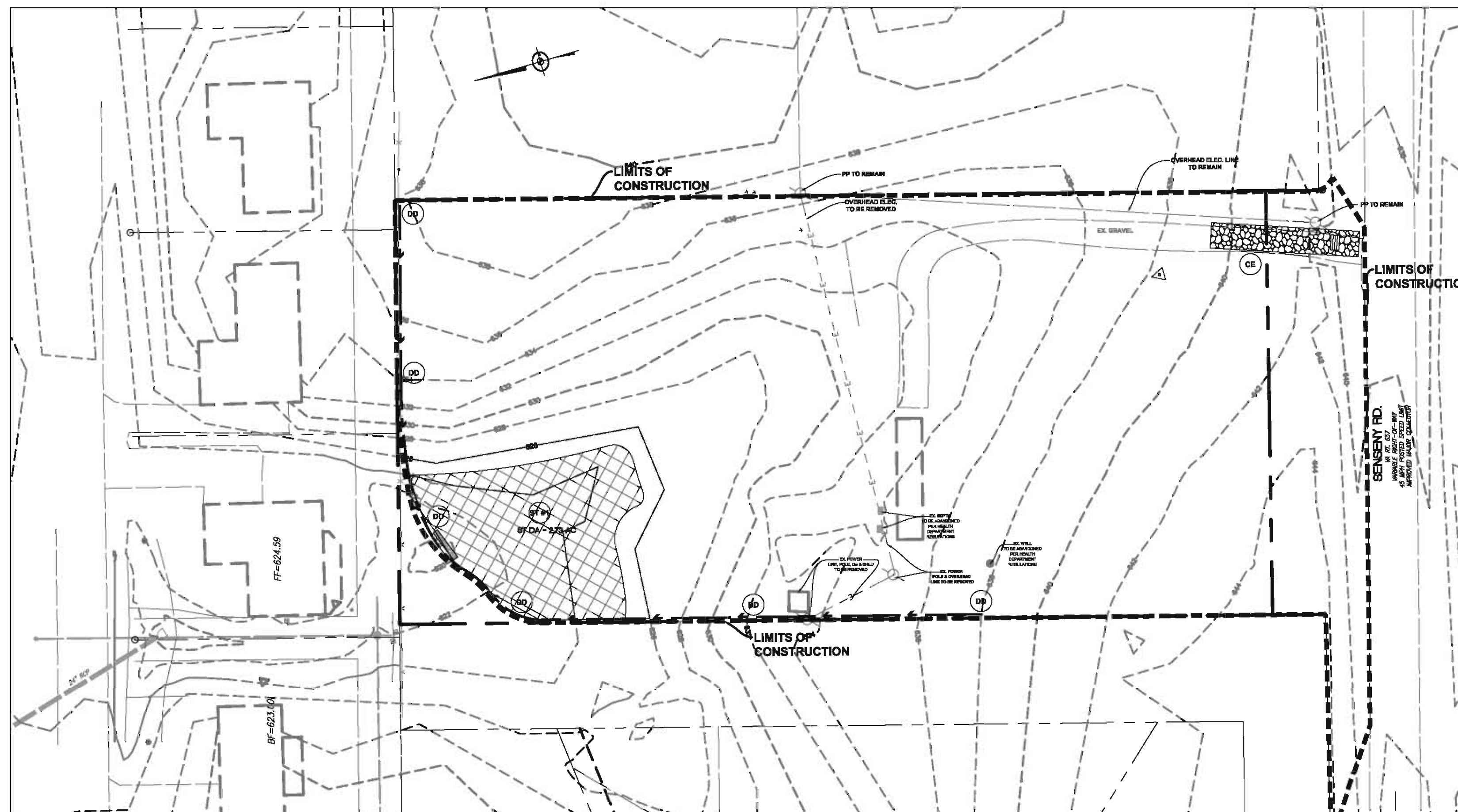
**Note:** The Frederick County Public Works and Engineering Department retain the right to add and/or modify these erosion and sediment control measures during the construction process, within reason, to ensure adequate protection to the public and the environment.

**Seeding schedule (soil stabilization):**

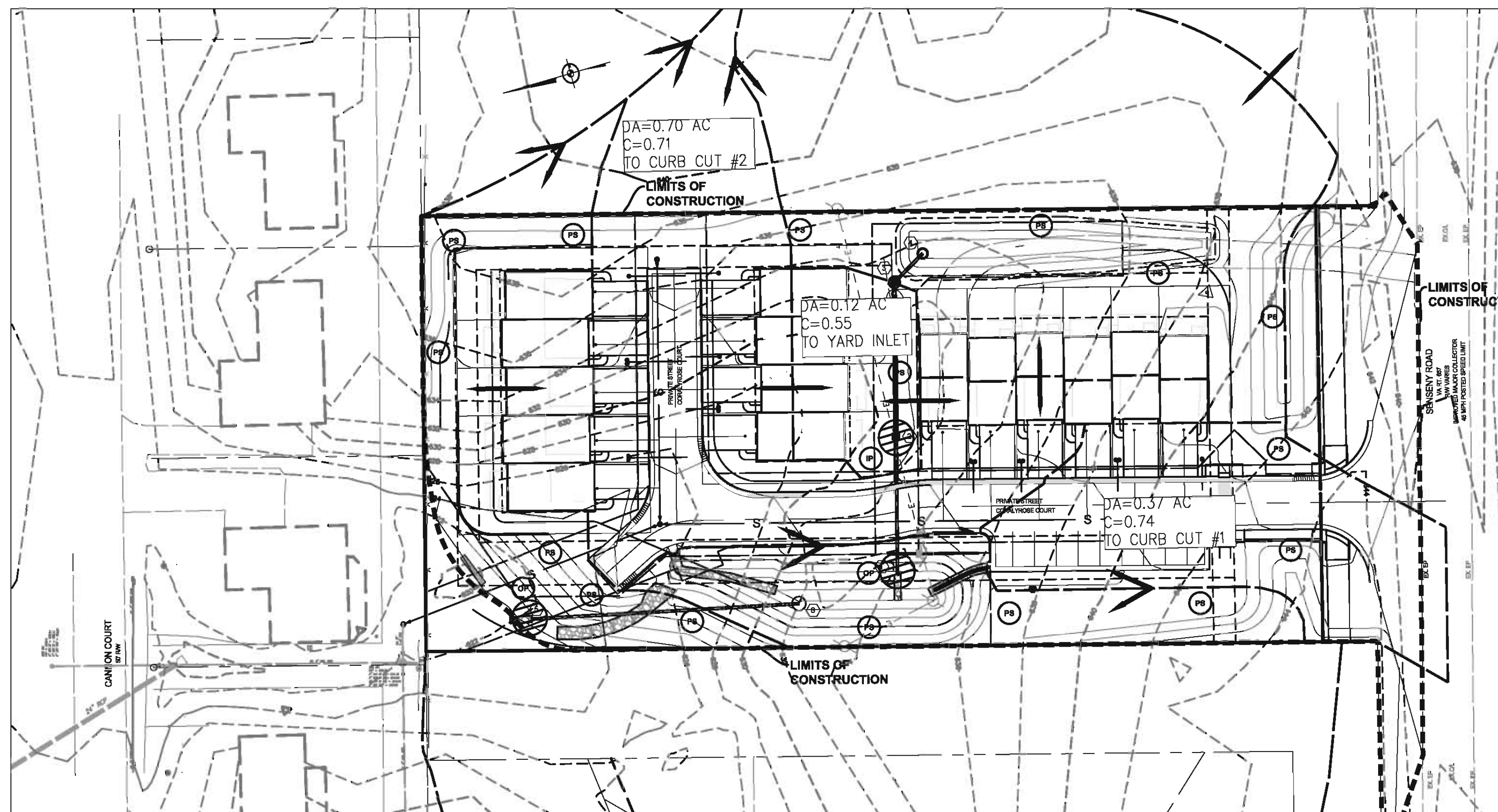
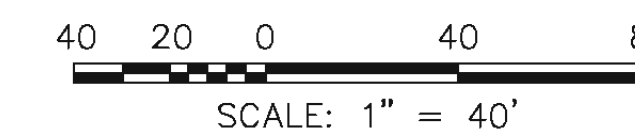
1. All permanent seeding shall be in accordance with section 3.32 of the VESCH.
2. Spread topsoil at a minimum depth of four (4) inches.
3. Incorporate pulverized agricultural limestone into the topsoil at a rate of 92 lbs. per 1,000 square feet (2 tons per acre).
4. Fertilize with 10-10-10 fertilizer at a rate of 23 lbs per 1,000 square feet (1,000 lbs per acre).
5. Seed all areas with a seed mix consisting of 67% Kentucky 31 Tall Fescue and 33% Red Top Clover.
6. Mulch all seeded areas with straw mulch applied at a rate of 3,500 lbs per acre anchored with cutback or emulsified asphalt applied at a rate of 200 gallons per acre.

**Dust control:**

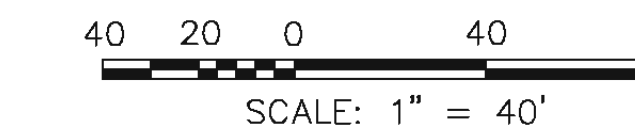
1. Temporary seeding shall be applied to all disturbed areas subject to little or no construction traffic.
2. All haul roads and other heavy traffic routes shall be sprinkled with water until the surface is wet and repeated as needed to control dust.



**EROSION & SEDIMENT CONTROL PHASE I**



**EROSION & SEDIMENT CONTROL PHASE II**



| EROSION/SEDIMENT CONTROL LEGEND |     |        |  |
|---------------------------------|-----|--------|--|
| NO.                             | KEY | SYMBOL | DESCRIPTION                            |
| 3.17                            | BC  |        | STORMWATER CONVEYANCE CHANNEL          |
| 3.02                            | CE  |        | TEMPORARY GRAVEL CONSTRUCTION ENTRANCE |
| 3.05                            | SB  |        | SILT FENCE                             |
| 3.09                            | DD  |        | TEMPORARY DIVERSION DIKE               |
| 3.14                            | ST  |        | TEMPORARY SEDIMENT TRAP                |
| 3.18                            | OP  |        | OUTLET PROTECTION                      |
|                                 | LCC |        | LIMITS OF CLEARING & GRADING           |
|                                 |     |        | DRAINAGE DIVIDES                       |

RESPONSIBLE LAND DISTURBER  
NAME: \_\_\_\_\_  
CERTIFICATION #: \_\_\_\_\_  
DATE: \_\_\_\_\_

THE RESPONSIBLE LAND DISTURBER IS THE PARTY RESPONSIBLE FOR CARRYING OUT THE LAND DISTURBING ACTIVITY AS SET FORTH IN THE PLANS.

| TRAP# | DRAINAGE AREA CU. YD. | STORAGE REQUIRED |             | STORAGE PROVIDED |             | OUTLET HEIGHT | STORAGE DEPTH | STORAGE DIMENSION | WEIR LENGTH | TOP WIDTH | BERM HEIGHT | ELEV. TOP OF WEIR |
|-------|-----------------------|------------------|-------------|------------------|-------------|---------------|---------------|-------------------|-------------|-----------|-------------|-------------------|
|       |                       | WET CU. YD.      | DRY CU. YD. | WET CU. YD.      | DRY CU. YD. |               |               |                   |             |           |             |                   |
| 1     | 2.73 AC               | 183              | 183         | 184              | 207         | 1.5           | 1.5           | 50'x78'           | 16.5        | 2.5       | 2.5         | 621.50            |

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E&S PHASE I & II

**SPRING RUN - 15 LOT TOWNHOUSE**

T.M. # 65-A-46

RED BUD MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

|          |           |
|----------|-----------|
| Rev. No. | Date      |
| 1        | 8-27-2018 |

DATE: 9-17-2018

SCALE: 1" = 40'

DESIGNED BY: JNT

FILE NO. 6304

SHEET 4 OF 16

15-18

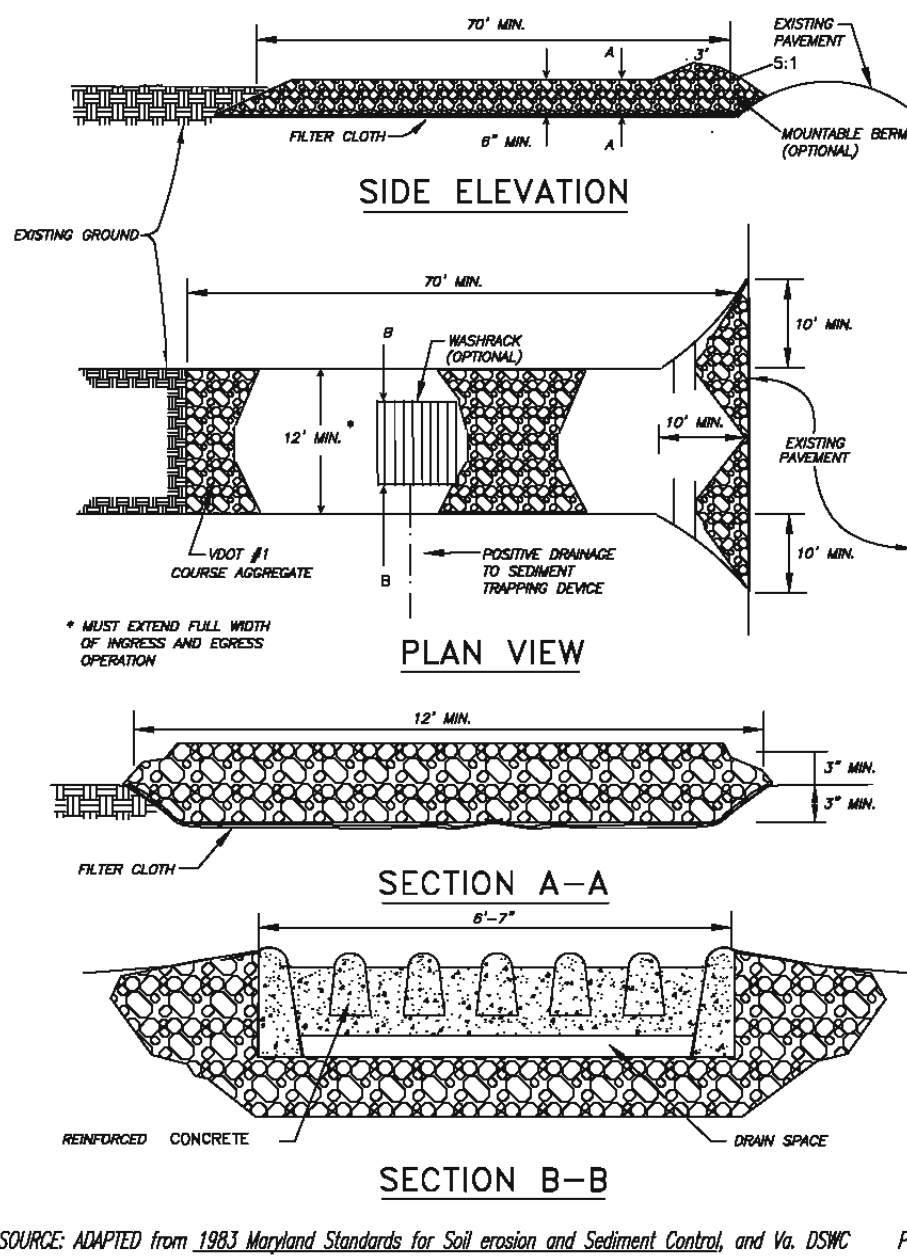
**MINIMUM CONSTRUCTION STANDARDS**

An erosion and sediment control program adopted with this plan must be consistent with the vesch for 9VAC25-840-40 minimum standards:

- Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.
- During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.
- A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion.
- Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.
- Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.
- Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.
  - The minimum storage capacity of a sediment trap shall be 134 cubic yards per acre of drainage area and the trap shall only control drainage areas less than three acres.
  - Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The minimum storage capacity of a sediment basin shall be 134 cubic yards per acre of drainage area. The outfall system shall, at a minimum, maintain the structural integrity of the basin during a 25-year storm of 24-hour duration. Runoff coefficients used in runoff calculations shall correspond to a bare earth condition or those conditions expected to exist while the sediment basin is utilized.
  - Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.
  - Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
  - Whenever water seeps from a slope face, adequate drainage or other protection shall be provided.
  - All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.
  - Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.
  - When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Nonerodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonerodible cover materials.
  - When a live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary vehicular stream crossing constructed of nonerodible material shall be provided.
  - All applicable federal, state and local requirements pertaining to working in or crossing live watercourses shall be met.
  - The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.
  - Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:
    - No more than 500 linear feet of trench may be opened at one time.
    - Excavated material shall be placed on the uphill side of trenches.
    - Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.
    - Material used for backfilling trenches shall be properly compacted in order to minimize erosion and promote stabilization.
    - Restabilization shall be accomplished in accordance with this chapter.
    - Applicable safety requirements shall be complied with.
  - Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.
  - All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the VESCP authority. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
  - Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of stormwater runoff for the stated frequency storm of 24-hour duration in accordance with the following standards and criteria. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.
    - Concentrated stormwater runoff leaving a development site shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system. For those sites where runoff is discharged into a pipe or pipe system, downstream stability analyses at the outfall of the pipe or pipe system shall be performed.
    - Adequacy of all channels and pipes shall be verified in the following manner:
      - The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is one hundred times greater than the contributing drainage area of the project in question; or
      - (a) Natural channels shall be analyzed by the use of a two-year storm to verify that stormwater will not overtop channel banks nor cause erosion of channel bed or banks.
      - (b) All previously constructed man-made channels shall be analyzed by the use of a 10-year storm to verify that stormwater will not overtop its banks and by the use of a two-year storm to demonstrate that stormwater will not cause erosion of channel bed or banks; and
      - (c) Pipes and storm sewer systems shall be analyzed by the use of a

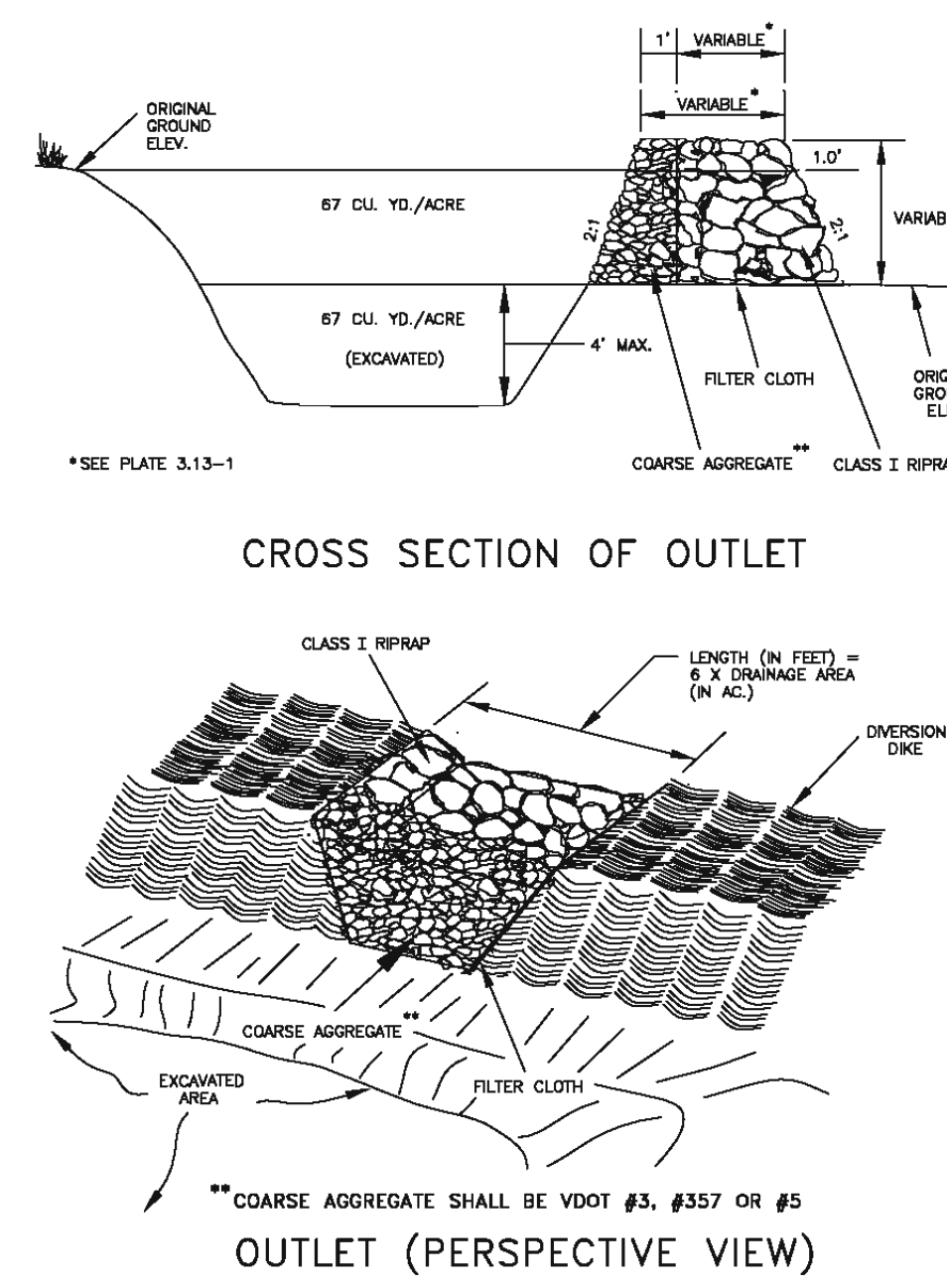
- 10-year storm to verify that stormwater will be contained within the pipe or system.
  - If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:
    - Improve the channels to a condition where a 10-year storm will not cause erosion to the channel, the bed, or the banks; or
    - Improve the pipe or pipe system to a condition where the 10-year storm is contained within the appurtenances;
    - Develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff outfalls into a natural channel or will not cause the pre-development peak runoff rate from a 10-year storm to increase when runoff outfalls into a man-made channel; or
    - Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the VESCP authority to prevent downstream erosion.
  - The applicant shall provide evidence of permission to make the improvements.
  - All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject project.
  - If the applicant chooses an option that includes stormwater detention, he shall obtain approval from the VESCP of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance.
  - Outfall from a detention facility shall be discharged to a receiving channel, and energy dissipators shall be placed at the outfall of all detention facilities as necessary to provide a stabilized transition from the facility to the receiving channel.
  - All on-site channels must be verified to be adequate.
  - Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel, pipe or pipe system, or to a detention facility.
  - In applying these stormwater management criteria, individual lots or parcels in a residential, commercial or industrial development shall not be considered to be separate development projects. Instead, the development, as a whole, shall be considered to be a single development project. Hydrologic parameters that reflect the ultimate development condition shall be used in all engineering calculations.
  - All measures used to protect properties and waterways shall be employed in a manner which minimizes impacts on the physical, chemical and biological integrity of rivers, streams and other waters of the state.
  - Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to § 82.1-44.15:54 or 82.1-44.15:85 of the Act.
  - For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of § 82.1-44.15:52 A of the Act and this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 82.1-44.15:24 et seq. of the Code of Virginia) and attendant regulations, unless such land-disturbing activities are in accordance with 9VAC25-870-48 of the Virginia Stormwater Management Program (VSMF) Regulation or are exempt pursuant to subdivision C 7 of § 82.1-44.15:34 of the Act.
  - Compliance with the water quantity minimum standards set out in 9VAC25-870-86 of the Virginia Stormwater Management Program (VSMF) Regulation shall be deemed to satisfy the requirements of this subdivision 19.

**STONE CONSTRUCTION ENTRANCE**



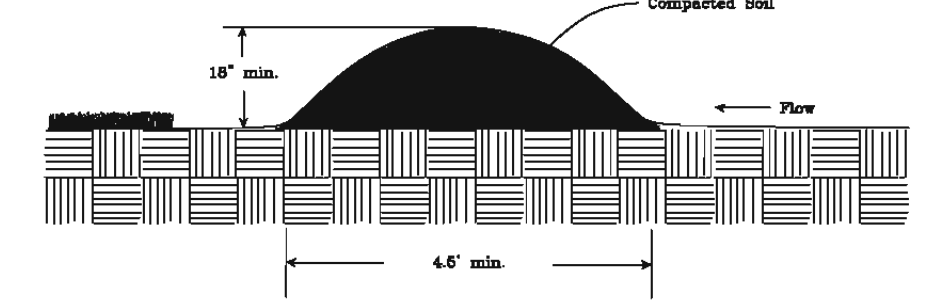
SOURCE: ADAPTED FROM 1981 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

**TEMPORARY SEDIMENT TRAP**



SOURCE: VA. DSWC PLATE 3.13-2

**TEMPORARY DIVERSION DIKE**



SOURCE: VA. DSWC

PLATE 3.09-1

TABLE 3.31-B ACCEPTABLE TEMPORARY SEEDING PLANT MATERIALS

\*QUICK REFERENCE FOR ALL REGIONS\*

| Planting Dates    | Species   | Rate (lbs./acre) |
|-------------------|---|------------------|
| Sept. 1 - Feb. 15 | 50/50 Mix of Annual Ryegrass ( <i>Lolium multi-florum</i> ) & Cereal (Winter) Rye ( <i>Secal. cereale</i> ) | 50 - 100         |
| Feb. 16 - Apr. 30 | Annual Ryegrass ( <i>Lolium multi-florum</i> )  | 60 - 100         |
| May 1 - Aug. 31   | German Millet ( <i>Setaria italica</i> )  | 50               |

**Seeding**

Seed shall be evenly applied with a broadcast seeder, drill, cultipacker seeder or hydroseeder. Small grains shall be planted no more than one inch deep. Grasses and legumes shall be planted with no less than 1/4" soil cover.

TABLE 3.32-C SITE SPECIFIC PERMANENT SEEDING MIXTURES FOR APPALACHIAN/MOUNTAIN AREA

| Minimum Care Lawn  | Total Lbs. Per Acre                                 |
|--|---|
| - Commercial or Residential<br>- Kentucky 31 or Turf-Type Tall Fescue<br>- Improved Perennial Ryegrass *<br>- Kentucky Bluegrass                   | 200-250 lbs.<br>90-100%<br>0-10%<br>0-10%           |
| <b>High-Maintenance Lawn</b>   |   |
| Minimum of three (3) up to five (5) varieties of bluegrass from approved list for use in Virginia.   | 125 lbs.  |
| <b>General Slope (3:1 or less)</b>   |   |
| - Kentucky 31 Fescue<br>- Red Top Grass<br>- Seasonal Nurse Crop***  | 128 lbs.<br>2 lbs.<br>20 lbs.<br>150 lbs            |
| <b>Low-Maintenance Slope (Steeper than 3:1)</b>  |   |
| - Kentucky 31 Fescue<br>- Red Top Grass<br>- Seasonal Nurse Crop***<br>- Crownvetch ***  | 108 lbs.<br>2 lbs.<br>20 lbs.<br>20 lbs.<br>150 lbs |
| * Perennial Ryegrass will germinate faster and at lower soil temperatures than fescue, thereby providing cover and erosion resistance for seedbed. |   |
| *** Use seasonal nurse crop in accordance with seeding dates as stated below:  |   |
| March, April through May 15th  | Annual Rye  |
| May 15th through August 15th   | Foxtail Millet                                      |
| August 16th through Sept., Oct.  | Annual Rye  |
| November through February  | Winter Rye  |

\*\*\* If Flatpea is used, increase to 30 lbs./acre. All legume seed must be properly inoculated. Weeping Lovegrass may also be included in any slope or low-maintenance mixtures during warmer seeding periods; add 10-20 lbs./acre in mixes.

151 Windy Hill Lane  
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E&S DETAILS - E&S DETAILS

**SPRING RUN - 15 LOT TOWNHOUSE**

T.M. # 65-A-46

RED BUD MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

| Rev. No. | Date |
|----------|------|
|----------|------|



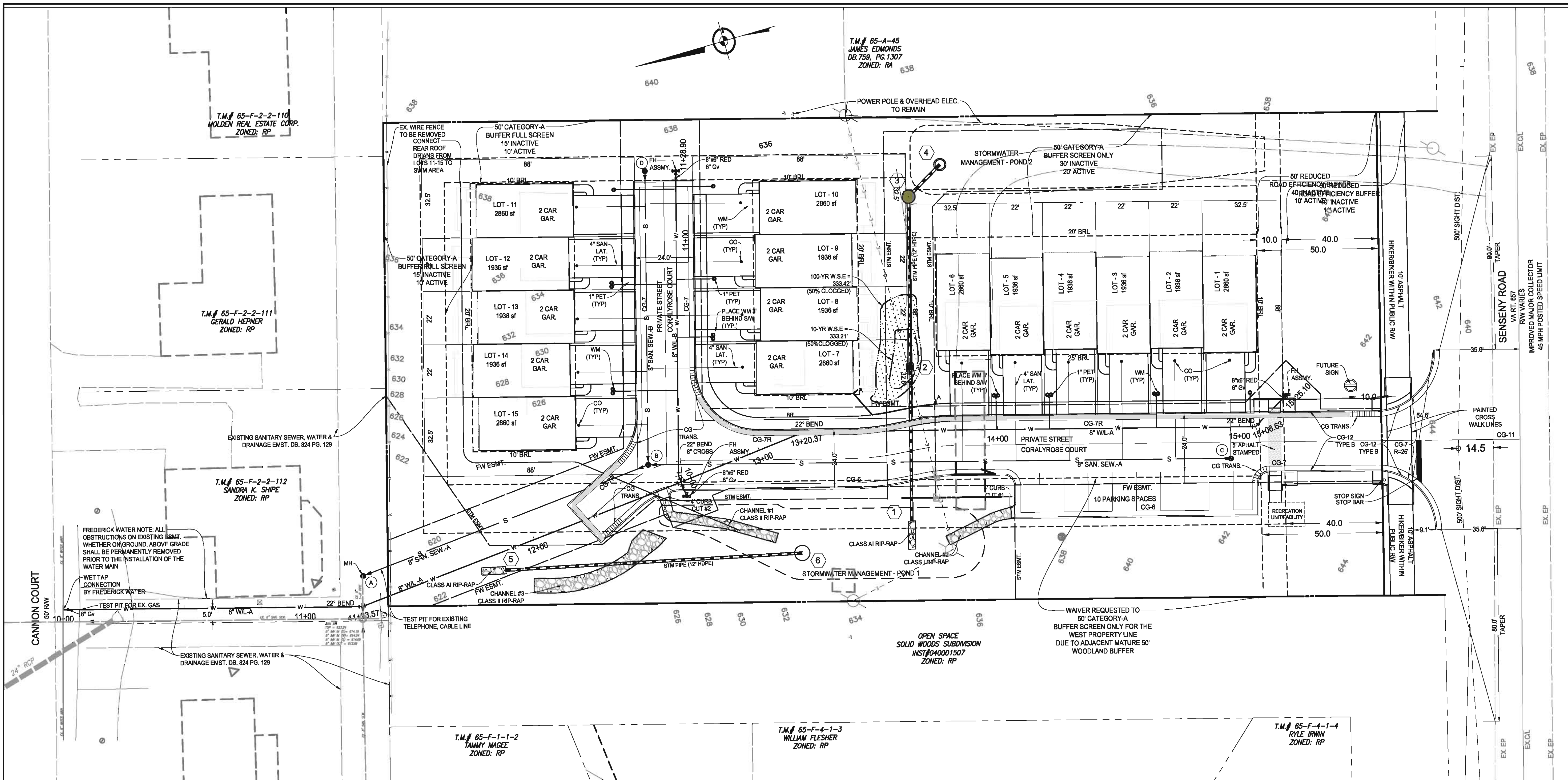
DATE: 9-17-2018

SCALE: N/A

DESIGNED BY: JNT

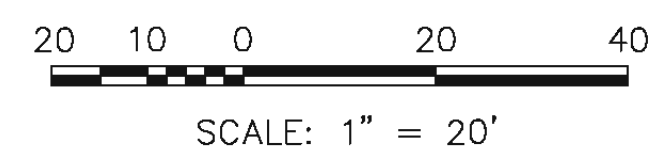
FILE NO. 6304

SHEET 5 OF 18



**GEOMETRY & UTILITY PLAN**

- FREDERICK WATER NOTES:**
1. WATER LATERALS = 1" W/ 3/8" METERS.
  2. WATER METER REQUIRE TRAFFIC LIDS
  3. ALL METHODS AND MATERIAL SHALL BE FCSA INSPECTOR REQUIREMENTS
- VDOT NOTES**
1. CONTRACTOR TO COORDINATE LOCATION OF STOP BAR, PLACEMENT DETERMINED BY VDOT INSPECTOR
  2. CONTRACTOR TO EXCAVATE ALONG RTE 657 TO DETERMINE FULL DEPTH PAVEMENT WITH VDOT INSPECTOR PRESENT.
- NOTES:**
1. DEVELOPER WILL SELECT RECREATION UNIT/FACILITIES AT THE TIME OF CONSTRUCTION. RECREATION UNIT SHALL BE EITHER OUTDOOR PAVILION, PLAYGROUND, TOT LOT, OR EQUIVALENT.  
1 Recreation Unit required per 30 Dwellings Units:  
17 Units/30= 0.58 Recreation Unit Req.
  2. NO DECKS ALLOWED IN ACTIVE BUFFER
  3. CROSSWALK AT ENTRANCE IS REQUIRED PER FC PLANNING



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GEOMETRY & UTILITY PLAN

**SPRING RUN - 15 LOT TOWNHOUSE**

T.M. # 65-A-46

RED BUD MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

|          |           |
|----------|-----------|
| Rev. No. | Date      |
| 3        | 8-27-2016 |

DATE: 9-17-2018

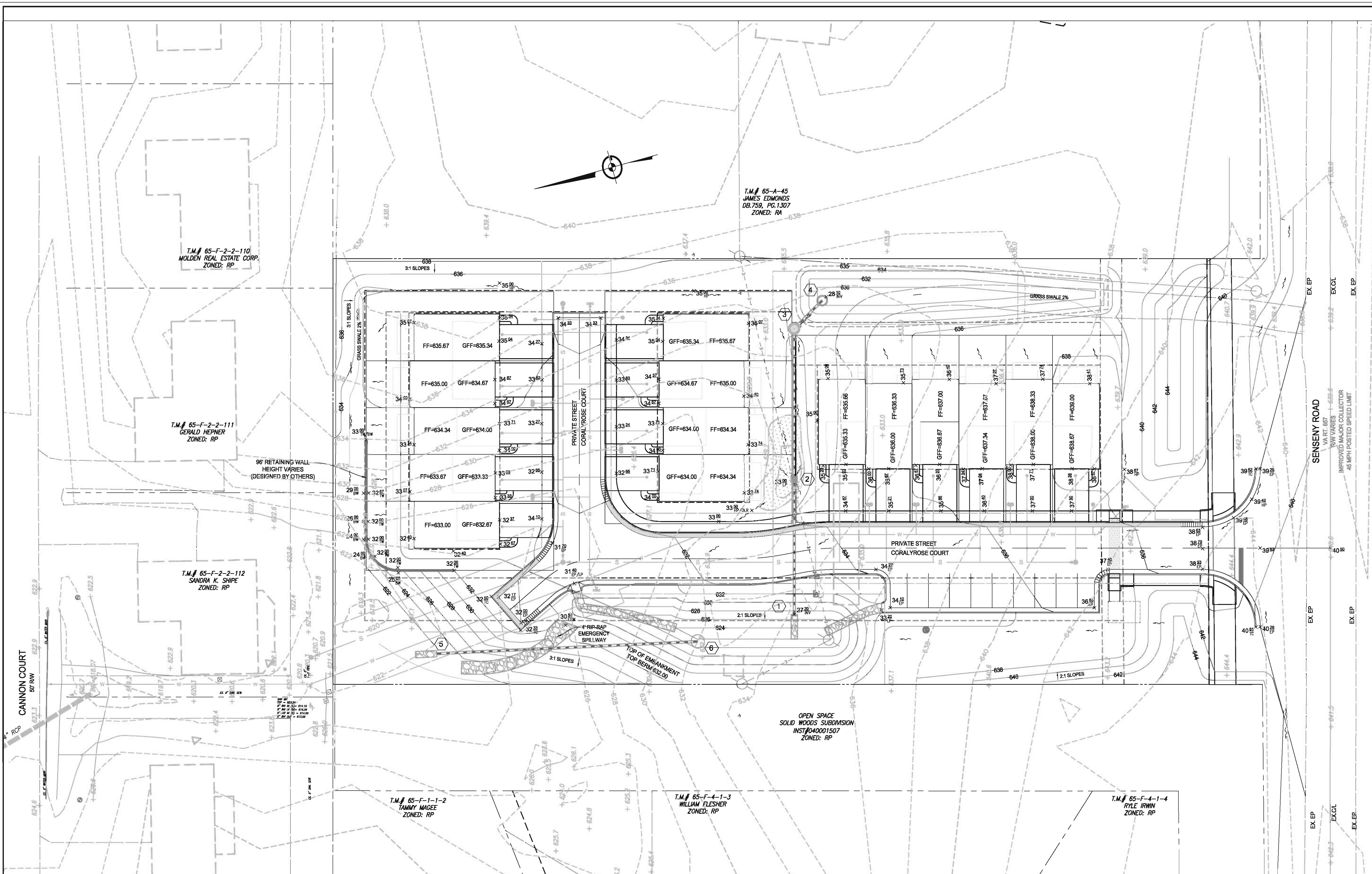
SCALE: 1" = 20'

DESIGNED BY: JNT

FILE NO. 6304

SHEET 6 OF 16

15-18



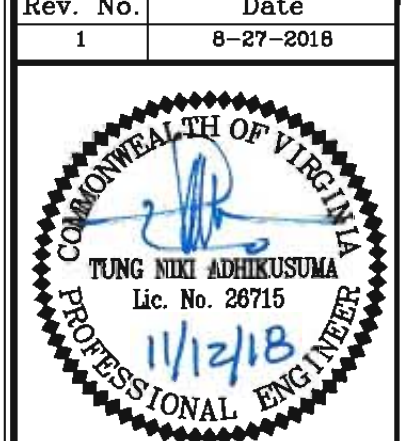
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GRADING PLAN  
**SPRING RUN - 15 LOT TOWNHOUSE**  
T.M. # 65-A-46  
RED BUD MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

| Rev. No. | Date      |
|----------|-----------|
| 1        | 8-27-2018 |



DATE: 9-17-2018

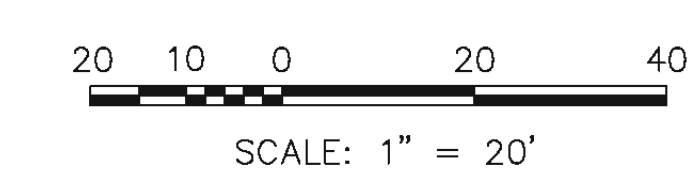
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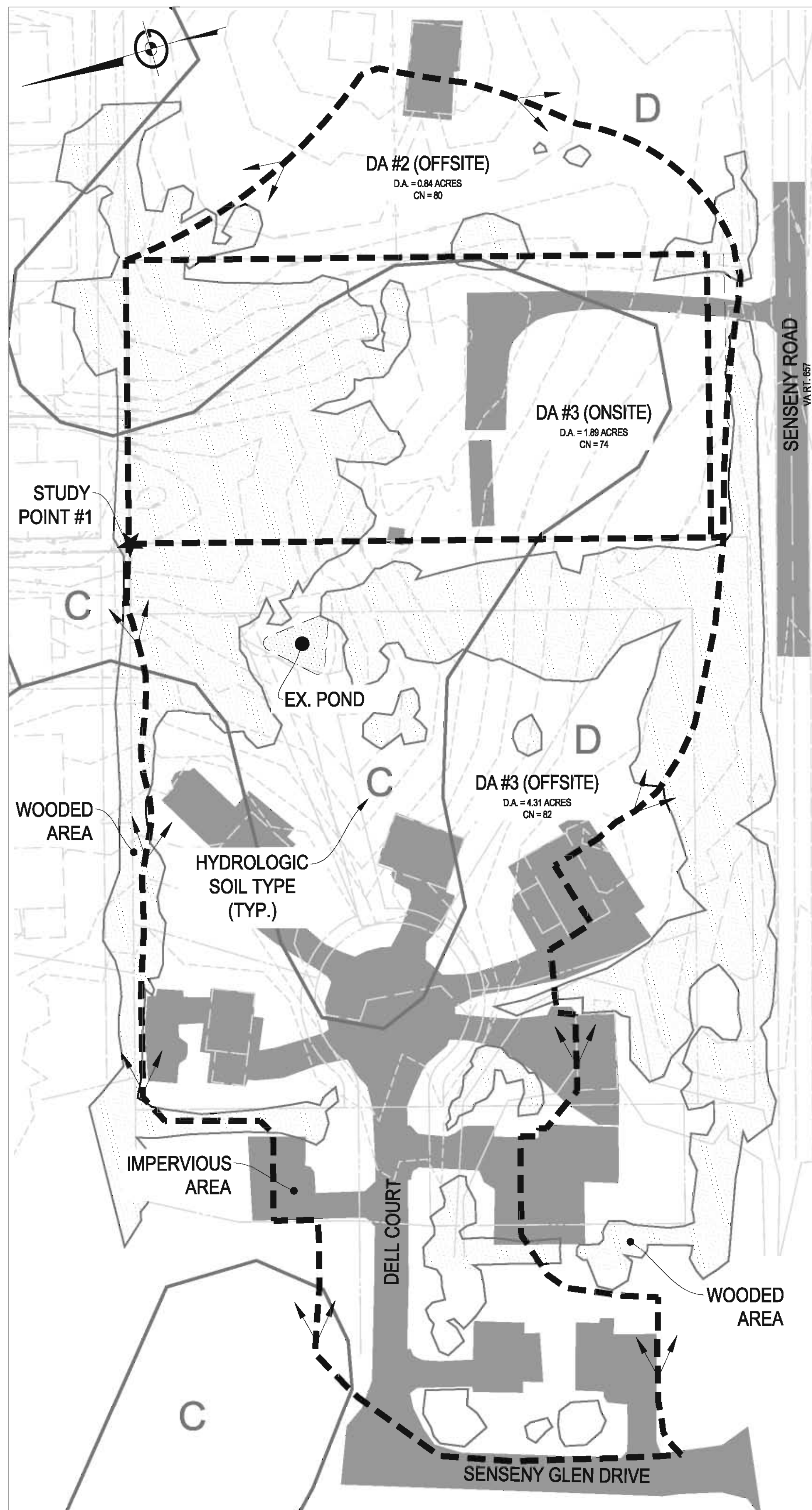
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SHEET 7 OF 16

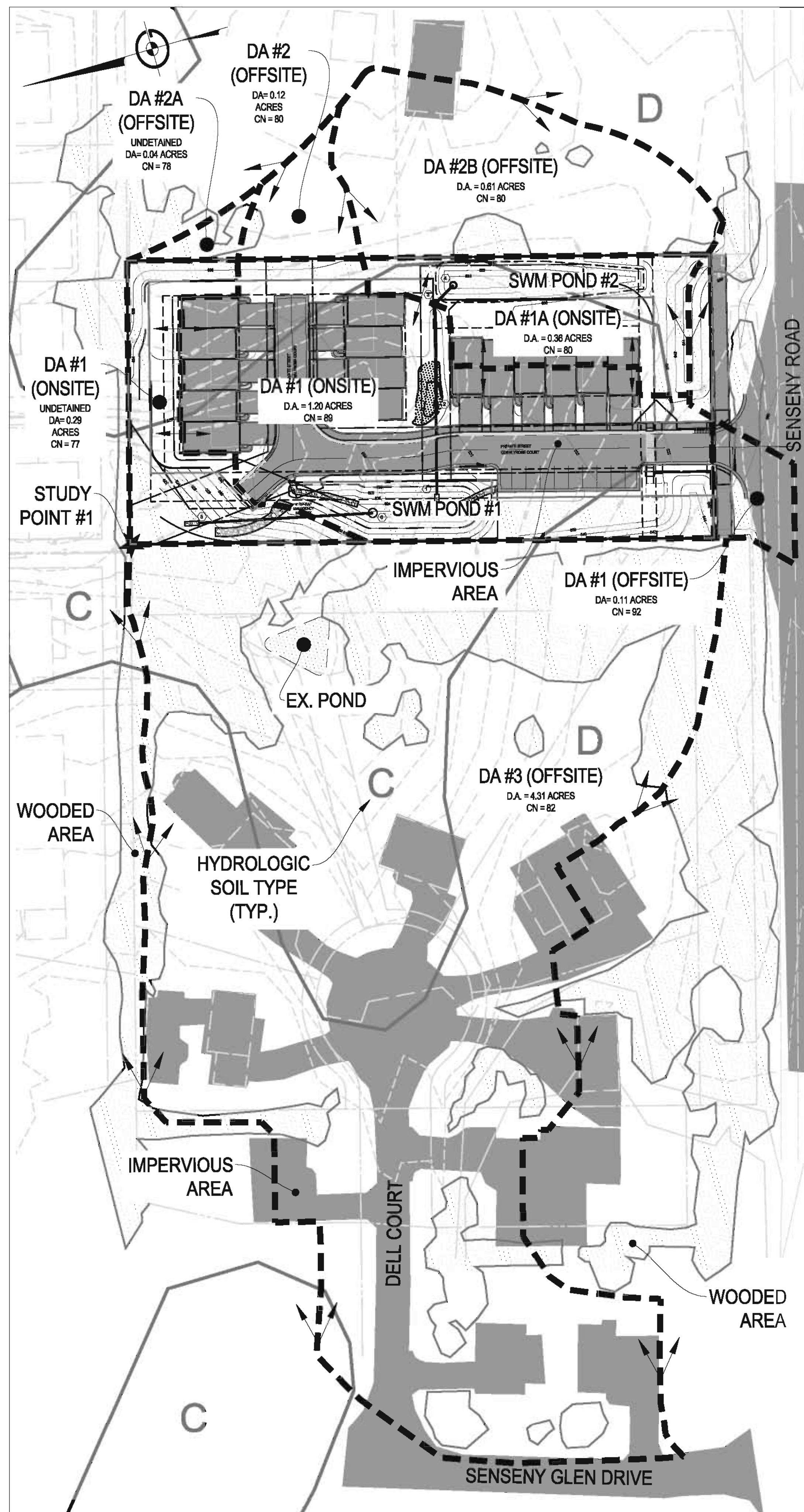
15-18







PRE-DEVELOPMENT DRAINAGE DIVIDES



POST-DEVELOPMENT DRAINAGE DIVIDES

**Overview**

The subject redevelopment consists of the construction of a 15 - 3 level structure (Garage Townhouses) with related utilities and travel way construction. The property is zoned RA and is located east of Senseny Road approximately 1 mile east of Route 656 (Greenwood Rd.) in Frederick County Virginia. Total site area for 1.88 acres of which the entire 1.88 acres + an additional 0.1 within the right of way will be disturbed for construction. To meet SWM requirements we are proposing to meet the energy balance equation. To meet BMP requirements, we are purchasing water quality credits.

**1. Pre-development Conditions**

The proposed site is a residential lot with a mobile home. The site has one drainage area as indicated on the plans. The site is at the top of its drainage shed and drains northward to the back corner of the property to Study Point #1. The property slopes on average between 2% and 15%.

Study point #1 has a drainage area of 7.04 acres with 5.15 acres offsite (DA #2 Offsite & DA #3 Offsite) and 1.89 acres onsite (DA#1 Onsite).

**2. Post-development Conditions**

The post-development conditions include 15 - 3 level structures (Garage Townhouses) with related utilities and travel way construction.

Study point #1 has a drainage area of 7.05 acres with 5.19 acres offsite (DA#1 Offsite, DA#2 Offsite, DA#2B Offsite, DA#3 Offsite & DA#2A Offsite Undetained) and 1.86 acres onsite (DA#1 Onsite, DA#1A Onsite, DA#1 Onsite Undetained).

**3. Water Quality Control (BMP)**

The Virginia Runoff Reduction Method for New Development Worksheet v3.0-2011 Standards and Specifications was used to verify compliance of the water quality control requirements. The required phosphorus reduction for the site is 1.34 lb/yr. Water quality credits will be purchased for the total 1.34 lb/yr required by the VRRM spreadsheet to comply with water quality (BMP) requirements.

**4. Water Quantity Control (SWM)**

Two SWM Ponds (SWM Pond #1 & SWM Pond #2) are proposed to meet the Energy Balance Equation and satisfy water quantity requirements of channel and flood protection for Study Point #1.

**5.1 Channel Protection**

To meet channel protection requirements for Study Point #1 the Energy Balance Equation, from 9VAC25-870-66-B-3, was used. The proposed 1YR 24 HR storm event was reduced to the required maximum peak flow rate determined by the Energy Balance Equation for study point #1.

**1YR Storm Event**

| DA             | Required Peak Flow | Post-development Peak Flow |
|----------------|--------------------|----------------------------|
| Study Point #1 | 9.11 cfs           | 8.48 cfs                   |

**5.2 Flood Protection**

The downstream stormwater conveyance system currently experiences localized flooding. To meet flood protection requirements of 9VAC25-870-66-C-2-b the post-development peak flow rate for the 10YR 24HR storm event was reduced to below predevelopment peak flow rates and no additional downstream analysis is necessary for Study Point #1. See summary table below.

**10YR Storm Event**

| DA             | Pre-development Peak Flow | Post-development Peak Flow |
|----------------|---------------------------|----------------------------|
| Study Point #1 | 28.56 cfs                 | 26.01 cfs                  |

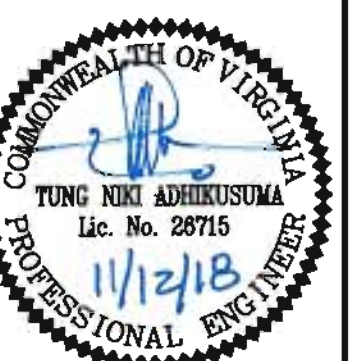
**5. Summary**

The 100YR Storm was also checked at Study Point #1. The predevelopment 100YR Peak Flow is 54.01 cfs. The Postdevelopment 100YR Peak Flow (Clogged) is 43.61 cfs. The two SWM Ponds have reduced the 100 YR Peak Flow by 10.40 cfs. The water quality requirements will be met by purchasing water quality credits. An affidavit of credit of sale for 1.34 pounds of phosphorus from one of the DEQ approved nutrient bank facilities for Frederick County within the Potomac watershed will be provided to both DEQ and Frederick County prior to issuance of a land disturbance permit. The storm water requirements (channel and flood protection) were met by two proposed SWM Ponds for Study Point #1.

The VA Runoff Reduction Method (VRRM) was used to verify BMP requirements were met. HydroCAD software version 10 build 15 was used to verify SWM requirements were met.

The design engineer shall be required to certify that the stormwater management facilities have been constructed in accordance with the approved plan.

| Rev. No. | Date |
|----------|------|
|          |      |



DATE: 9-17-2018

SCALE: 1" = 50'

DESIGNED BY: JNT

FILE NO. 6304

SHEET 8 OF 16



**GENERAL CONDITIONS**

**SCOPE OF WORK**

THE LANDSCAPE CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR AND EQUIPMENT TO COMPLETE ALL LANDSCAPE WORK AS SHOWN ON THE PLANS AND SPECIFICATIONS.

NOTE: IF CONTRACTOR BIDS ACCORDING TO THE PLANT LIST, HE/SHE SHOULD THOROUGHLY CHECK THE PLANT LIST QUANTITIES WITH THE SYMBOLS DRAWN ON THE PLAN, TO BE SURE THERE ARE NO DISCREPANCIES. IF THERE IS A DISCREPANCY BETWEEN THE DRAWING AND THE LIST ON THE PLANS, THE DRAWING TAKES PRECEDENCE.

**STANDARDS**

ALL PLANT MATERIAL WILL CONFORM TO THE CURRENT ISSUE OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION (ANLA). PLANT MATERIAL MUST BE SELECTED FROM NURSERIES THAT HAVE BEEN INSPECTED AND CERTIFIED BY STATE PLANT INSPECTORS. COLLECTED MATERIAL MAY BE USED ONLY WHEN APPROVED BY OWNER'S REPRESENTATIVE. NOMENCLATURE WILL BE IN ACCORDANCE WITH HORTUS III BY L.H. BAILEY.

**SUBSTITUTIONS: PRE-BID**

IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO MAKE EVERY REASONABLE EFFORT TO FIND THE PLANTS SPECIFIED BY THE LANDSCAPE ARCHITECT. THE LANDSCAPE CONTRACTOR MAY OFFER SUBSTITUTIONS TO THE LANDSCAPE ARCHITECT FOR HIS/HER CONSIDERATION. THE LANDSCAPE CONTRACTOR WILL NOTIFY THE LANDSCAPE ARCHITECT IF THERE ARE KNOWN DISEASES OR INSECT RESISTANT SPECIES THAT CAN BE SUBSTITUTED FOR A SELECTED PEST-PRONE PLANT. THE CONTRACTOR SHALL SUBMIT A BASE BID AS PER PLAN PLUS PRICE CLARIFICATIONS FOR ALL RECOMMENDED SUBSTITUTIONS.

**SUBSTITUTIONS: POST-BID**

IT IS THE INTENT TO ELIMINATE POST-BID SUBSTITUTIONS. HOWEVER, IN THE EVENT THAT THE CONTRACT MATERIAL HAS BECOME UNAVAILABLE, AN APPROPRIATE SUBSTITUTION MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE.

**UTILITIES AND UNDERGROUND FEATURES**

THE LANDSCAPE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AND/OR THE GENERAL CONTRACTOR IN ADVANCE OF CONSTRUCTION TO LOCATE UTILITIES. IF THERE IS A CONFLICT WITH UTILITIES AND THE PLANTING, THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR RELOCATING PLANTS PRIOR TO THE PLANTING PROCESS. ANY COST DUE TO RELOCATING AFTER PLANTING SHALL BE BORNE BY THE OWNER. IF PLANTS ARE TO BE INSTALLED IN AREAS THAT SHOW OBVIOUS POOR DRAINAGE, AND THE PLANTS ARE INAPPROPRIATE FOR THAT CONDITION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND OWNER. IF THEY DEEM NECESSARY, THE PLANTS SHALL BE RELOCATED, THE CONTRACT SHALL BE ADJUSTED TO ALLOW FOR DRAINAGE CORRECTION AT A NEGOTIATED COST, OR THE PLANT SELECTION MODIFIED BY THE LANDSCAPE ARCHITECT TO ACCOMMODATE THE POOR DRAINAGE.

**WARRANTY**

THE STANDARD WARRANTY IS FOR ONE (1) YEAR PERIOD, EXCLUDING BULBS, SOD AND ANNUALS, COMMENCING ON THE DATE OF INITIAL ACCEPTANCE. ALL PLANTS SHALL BE ALIVE AND IN SATISFACTORY GROWTH AT THE END OF THE GUARANTEE PERIOD. ANY MATERIAL THAT IS 25% DEAD OR MORE SHALL BE CONSIDERED DEAD AND MUST BE REPLACED AT NO CHARGE. A TREE SHALL BE CONSIDERED DEAD WHEN THE MAIN LEADER HAS DIED BACK, OR 25% OF THE CROWN IS DEAD. REPLACEMENTS SHALL BE MADE DURING THE NEXT PLANTING PERIOD. REPLACEMENTS SHALL BE OF THE SAME TYPE, SIZE AND QUALITY AS ORIGINAL SPECIES UNLESS OTHERWISE NEGOTIATED.

**NOTES:**

- ALL SEEDED AND SODDED AREAS OF PROJECT WILL BE OF A DROUGHT TOLERANT MIX PER PENNINGTON SEED COMPANY.
- ALL STREET, INTERIOR AND PERIMETER TREES WILL HAVE A MULCH BED CUT UNDER THE TREE EQUAL TO 6' RADIUS TREE TRUNK.

**STANDARDS**

**A. PLANTS WILL BE IN ACCORDANCE WITH THE CURRENT ANLA'S STANDARDS AND CONFORM IN GENERAL TO REPRESENTATIVE SPECIES.**

**B. BALLED AND BURLAPPED (B&B)**

- BALLED AND BURLAPPED PLANTS SHALL BE DUG WITH FIRM ROOT BALLS FREE OF NOXIOUS WEEDS. THERE SHOULD BE NO EXCESS SOIL ON TOP OF THE ROOTBALL OR AROUND THE TRUNK
- BALL SIZES SHALL BE IN ACCORDANCE WITH ANLA STANDARDS.
- CALIPER AND HEIGHT MEASUREMENT: IN SIZE GRADING B&B SINGLE TRUNK TREES, CALIPER SHALL TAKE PRECEDENCE OVER HEIGHT. CALIPER OF THE TRUNK SHALL BE TAKEN 6" ABOVE GROUND LEVEL (UP TO AND INCLUDING 4" CALIPER SIZE) AND 12" ABOVE THE GROUND LEVEL FOR LARGER TREES. FOR MULTIPLE-TRUNK TREES, HEIGHT MEASUREMENT SHALL TAKE PRECEDENCE OVER CALIPER.

**C. CONTAINER - GROWN STOCK**

- THE SIZE OF CONTAINER-GROWN SHRUBS IS MEASURED BY HEIGHT AND WIDTH OF THE PLANT. CONTAINER-GROWN TREES ARE MEASURED BY THE SAME STANDARDS LISTED IN B.3. ABOVE. THE ROOT SYSTEM OF CONTAINER-GROWN PLANTS SHALL BE WELL DEVELOPED AND WELL DISTRIBUTED THROUGH OUT THE CONTAINER.
- ALL CONTAINER-GROWN TREES AND SHRUBS THAT HAVE CIRCLING (GIRDLING) AND MATTED ROOTS SHALL BE TREATED IN THE FOLLOWING MANNER PRIOR TO PLANTING: SEPARATE THE ROOTS BY HAND, UNTANGLING SO CIRCLING ROOTS WILL NOT DAMAGE FUTURE OF THE PLANT. SEE PLANTING PROCEDURES FOR ALL CONTAINER-GROWN TREES & SHRUBS IN THIS SECTION.
- ALL CONTAINER-GROWN PLANTS SHOULD BE GROUPED AND WATERED DAILY UNTIL THEY ARE PLANTED IN THE LANDSCAPE, THE SOIL SHALL BE KEPT MOIST WITH THE EQUIVALENT OF ONE-INCH OF RAINFALL PER WEEK.

**D. PRUNING SHALL BE DONE BEFORE PLANTING OR DURING THE PLANTING OPERATION. PRUNING DETAIL FOR TREES IN THIS SECTION.**

**E. ALL PLANT MATERIAL IN TRANSIT SHALL BE COVERED TO KEEP MATERIAL FROM DRYING OUT. THE COVERING SHALL COMPLY WITH THE STATE AND LOCAL LAWS PERTAINING TO THE TRANSPORT OF MATERIALS.**

**F. TREES SHALL BE PLACED IN AN UPRIGHT POSITION WITH THE ROOTBALL COVERED BY MULCH AND KEPT MOIST. TREES AND SHRUBS SHOULD NOT BE LEFT ON SITE UNPLANTED FOR MORE THAN 24-HOURS WITHOUT ADEQUATE WATER TO INSURE ROOT SURVIVAL.**

**INSPECTION**

**A. PLANTS MAY BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR OWNER'S REPRESENTATIVE AT THE PLACE OF GROWTH OR HOLDING YARD FOR CONFORMITY TO SPECIFICATION REQUIREMENTS AS TO QUALITY, SIZE AND VARIETY.**

**B. PLANTS DAMAGED IN HANDLING OR TRANSPORTATION CAN BE REJECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.**

**C. STATE NURSERY INSPECTION CERTIFICATES SHALL BE FURNISHED TO THE LANDSCAPE ARCHITECT UPON REQUEST.**

**PLANTING PROCEDURES FOR ALL CONTAINER-GROWN TREES & SHRUBS**

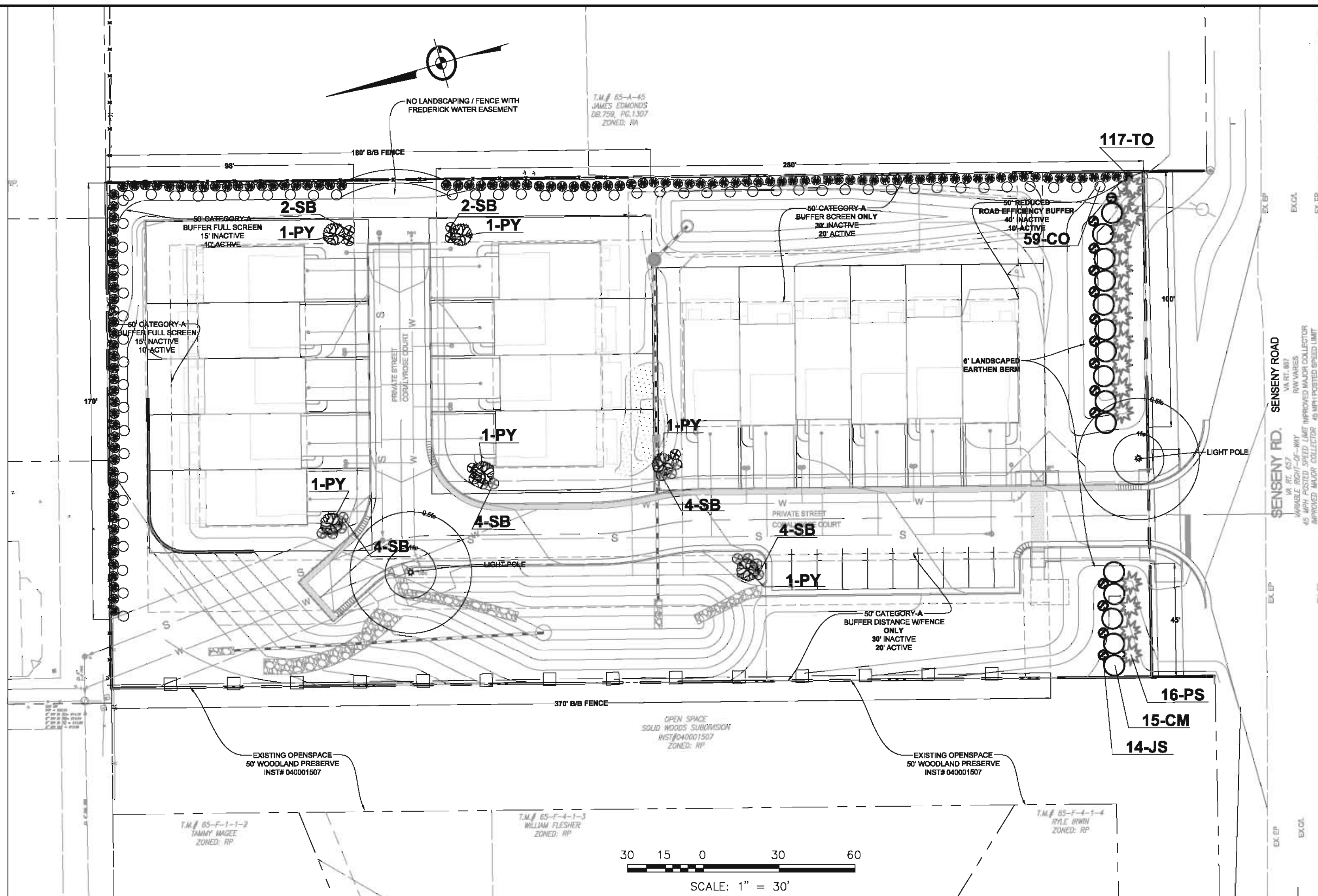
**A. REMOVE THE PLANT EITHER BY CUTTING OR INVERTING THE CONTAINER.**

**B. FOR UNTREATED PLASTIC CONTAINER-GROWN PLANTS WITH CIRCLING ROOTS, SEPARATE ROOTS BY HAND AND UNTANGLE ROOTS THE LENGTH OF THE ROOTBALL.**

**C. PLANT SHRUB OR TREE A MINIMUM OF 1/4 OF THE HEIGHT OF THE ROOTBALL ABOVE EXISTING GRADE.**

**D. APPLY A 2 TO 3" THICK LAYER OF APPROVED HARDWOOD MULCH. KEEP MULCH 6" AWAY FROM THE TRUNK OF ALL TREES AND SHRUBS.**

**E. PLANTS GROWN IN ROOT CONTAINMENT BAGS MUST HAVE BAGS REMOVED DURING THE PLANTING OPERATION. NO ADDITIONAL SLASHING OF THE ROOTBALL IS NECESSARY.**



**NOTES:**

- PLANT SYMBOLS SHOWN ON PLANS ARE ILLUSTRATIVE IN SIZE, ACTUAL SIZES OF PLANTS ARE FOUND WITHIN PLANT LIST.
- ALL PLANTING SHALL CONFORM WITH SEC 165-203.01B OF THE FREDERICK COUNTY ZONING ORDINANCE (PLANT SELECTION, PLANTING PROCEDURE, AND MAINTENANCE).
- ANY PLANT SUBSTITUTIONS MUST BE APPROVED IN WRITING BY THE FREDERICK COUNTY PLANNING DEPARTMENT.
- NO TREES OR SHRUBS SHOULD BE PLACED ON PCSA EASEMENTS (SHRUBS ONLY WOULD BE ALLOWED WHEN SHIELDING HEADLIGHT CLARE PER COUNTY ORDINANCE REQUIREMENTS SEC. 165-203.02)
- ALL LANDSCAPING SHALL IN GENERAL CONFORMANCE WITH FREDERICK COUNTY ZONING ORDINANCE SEC 165-203.01 LANDSCAPING REQUIREMENTS AND 165-203.02 BUFFER AND SCREENING REQUIREMENTS.
- ALL SITE LIGHTING SHALL CONFORM TO SECTION 165.201.07 OF THE FREDERICK COUNTY ZONING ORDINANCE AND WILL BE DOWNCAST AND FULL CUTOFF.
- ZONING ADMINISTRATOR, PER CORRESPONDENCE ON AUGUST 28, 2018, WILL ALLOW THE OFF-SITE 50' WOODLAND PRESERVE TO SATISFY THE PLANTING REQUIREMENT FOR THE CATEGORY A TYPE BUFFER AND THAT THE OWNER WILL PROVIDE THE BUFFER DISTANCE AND OPAQUE FENCE ON THEIR PROPERTY.

IN ACCORDANCE WITH FREDERICK COUNTY ZONING ORDINANCE 165-203.01 LANDSCAPING REQUIREMENTS, THIS DEVELOPMENT SHALL CONFORM TO ACHIEVE THE REQUIRED LANDSCAPING UTILIZING ORNAMENTAL LANDSCAPING IN ACCORDANCE WITH 165-201.01.A(2)(a) AS FOLLOWS:

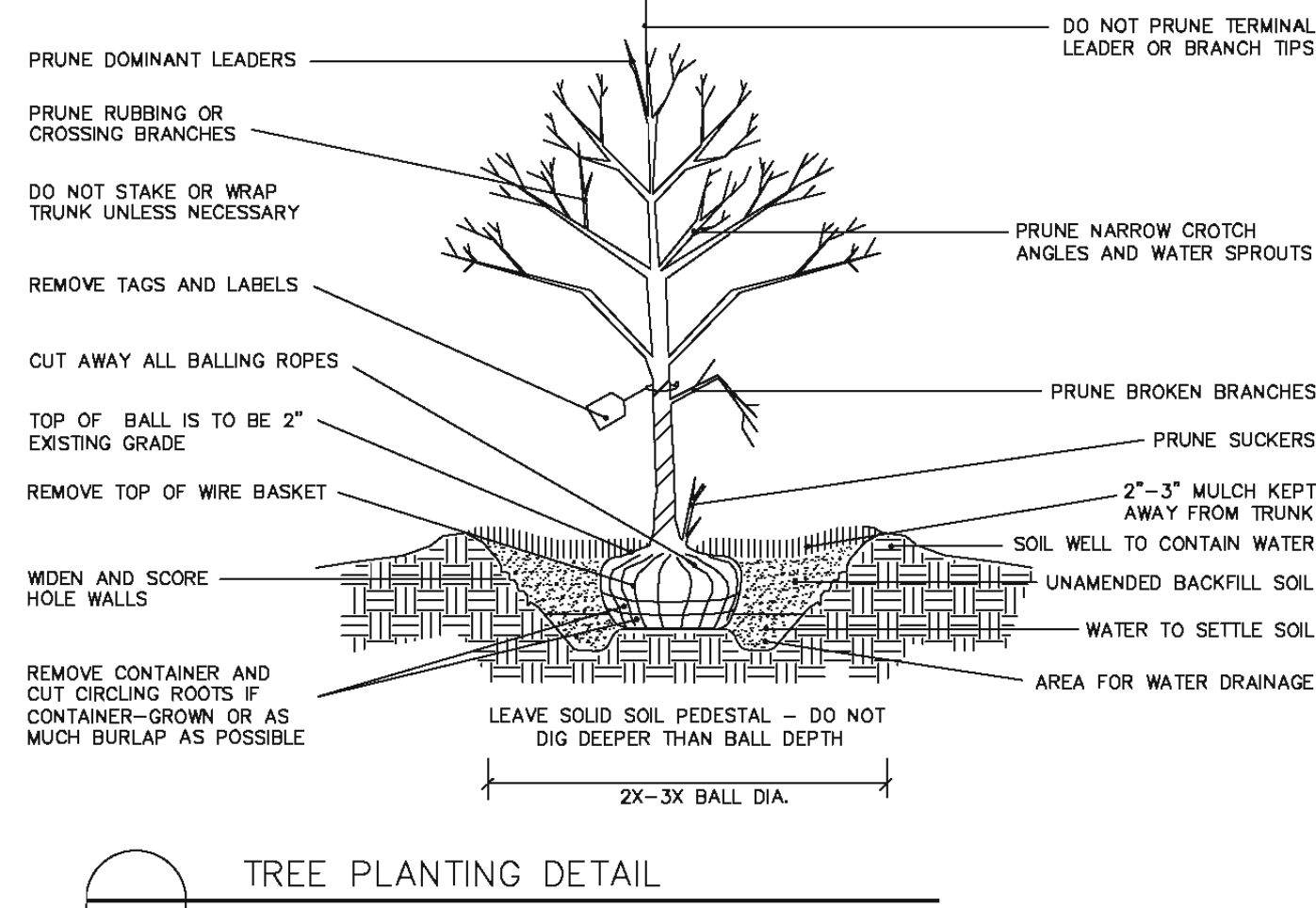
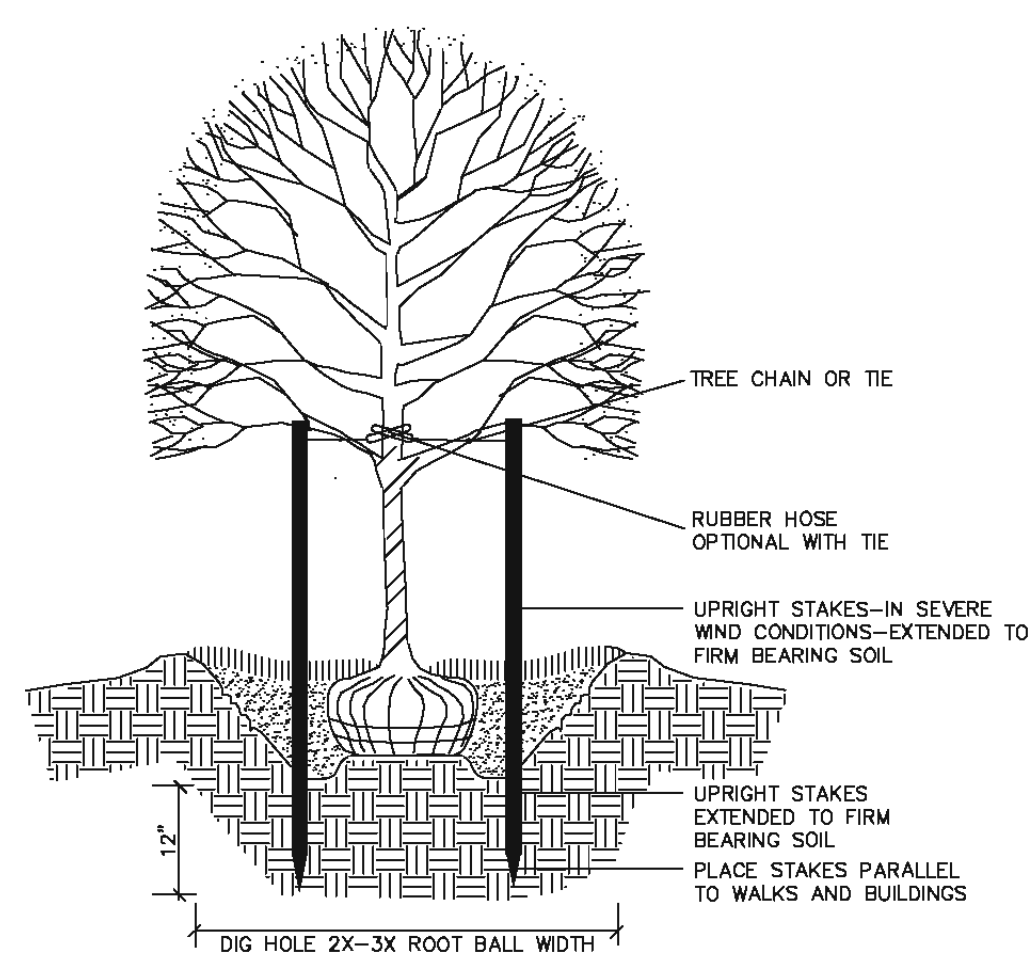
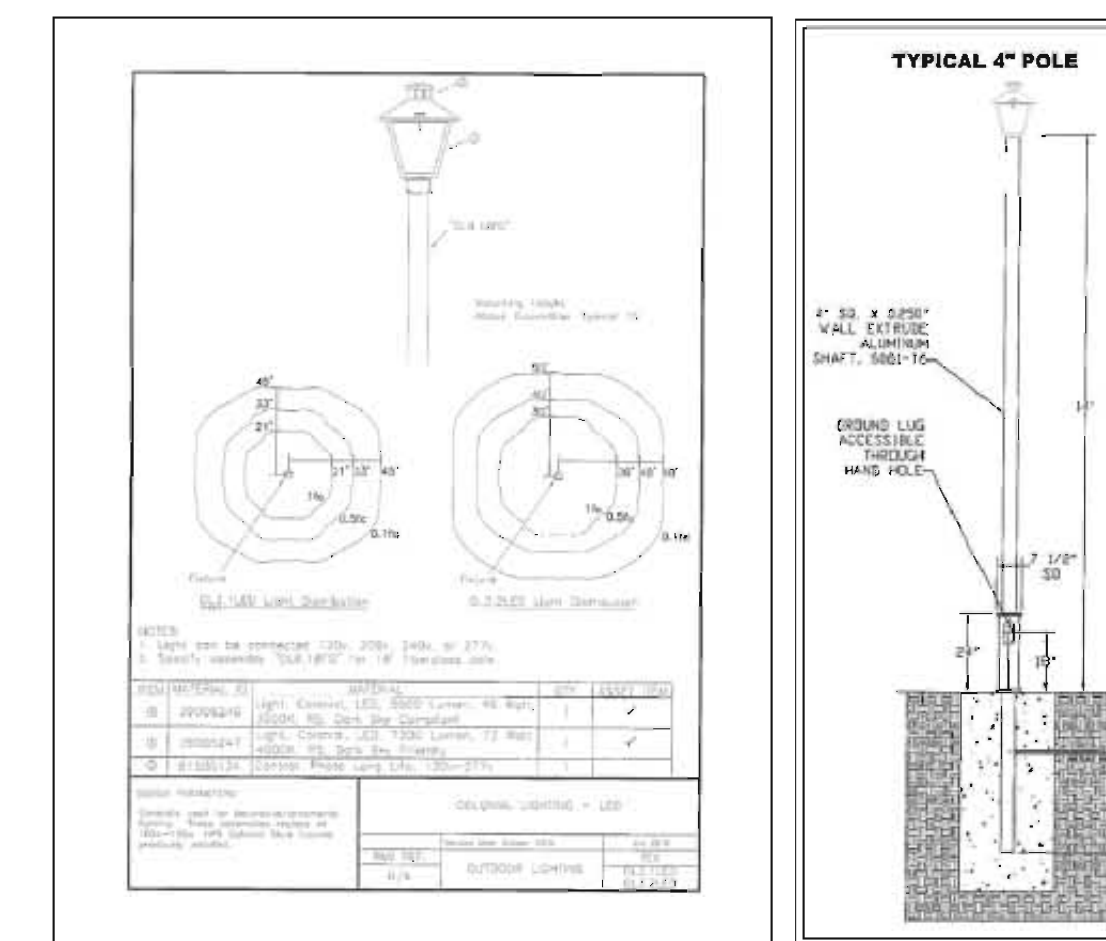
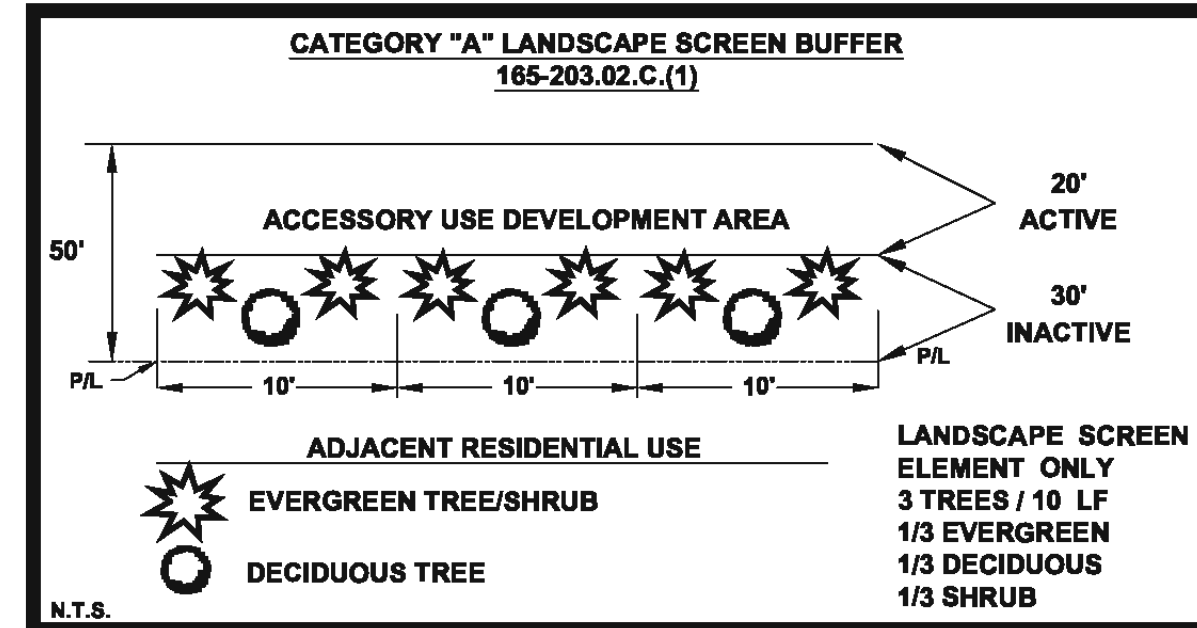
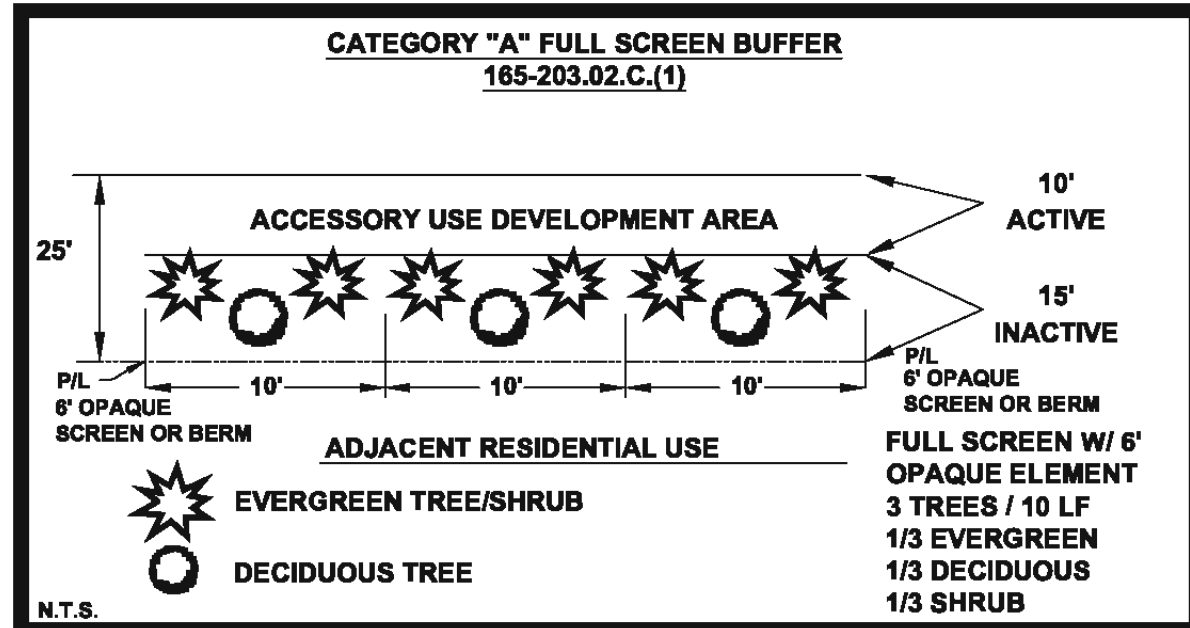
**ORNAMENTAL LANDSCAPING: 15 UNITS**  
 2 TREE PER 5 UNITS 1/2 = 3X2 = 6 TREES REQUIRED  
 TOTAL TREES PROVIDED = 6  
 6 SHRUBS PER 5 UNITS, 1/2 = 3 X 6 = 18 SHRUBS REQUIRED  
 TOTAL SHRUBS PROVIDED = 20

**RESIDENTIAL SEPARATION BUFFER:**  
 EAST PROPERTY LINES (365')  
 365/10 = 36.5 USE 37 37x3 TREES PER 10 LF = 111 TREES REQUIRED  
 1/3 SHALL BE DECIDUOUS, 1/3 EVERGREEN, 1/3 SHRUB  
 = 37 DECIDUOUS REQUIRED, 74 EVERGREEN REQUIRED  
 = 37 DECIDUOUS PROVIDED, 74 EVERGREEN PROVIDED

**NORTH PROPERTY LINES (170')**  
 170/10 = 17 USE 17 17x3 TREES PER 10 LF = 51 TREES REQUIRED  
 1/3 SHALL BE DECIDUOUS, 1/3 EVERGREEN, 1/3 SHRUB  
 = 17 DECIDUOUS REQUIRED, 34 EVERGREEN REQUIRED  
 = 17 DECIDUOUS PROVIDED, 34 EVERGREEN PROVIDED

**ROAD EFFICIENCY BUFFER:**  
 A 6' EARTHEN BERM WILL BE PROVIDED  
 150' 10x15 USE 15 15x3 TREES PER 10 LF = 45 TREES REQUIRED  
 = 15 DECIDUOUS REQUIRED, 30 EVERGREEN REQUIRED  
 = 15 DECIDUOUS PROVIDED, 30 EVERGREEN PROVIDED

**OPEN SPACE CALCULATION:**  
 REQUIRED OPEN SPACE 30%  
 1.88 ACRES x .3 = 0.56 ACRES REQUIRED  
 1.12 ACRES OR 0.59% PROVIDED > OPEN SPACE REQ. MET  
 (REFER TO SHEET 9 FOR MANAGED TURF AND FORESTED AREA DELINEATIONS)



**MINIMUM REQUIREMENTS LANDSCAPE PLANT SCHEDULE**

| KEY | BOTANICAL NAME                      | COMMON NAME              | SIZE (HEIGHT) | QUANTITY | REMARKS |
|-----|-------------------------------------|--------------------------|---------------|----------|---------|
| CO  | Chamaecyparis obtusa                | Hinoki False Cypress     | 4-5'ht, 10#   | 63       | BUFFER  |
| CM  | Cornus mas                          | Cornelian Cherry Dogwood | 4-5' ht.      | 15       | BUFFER  |
| JS  | Juniperus scopulorum 'Blue Heaven'  | Blue Heaven Juniper      | 4-5'ht, 10#   | 14       | BUFFER  |
| PS  | Picea sp.                           | Spruce                   | 2" cal. B&B   | 16       | BUFFER  |
| TO  | Thuja occidentalis 'Emerald'        | Emerald Green Arborvitae | 4-5'ht, 10#   | 125      | BUFFER  |
| PY  | Prunus yedoensis                    | Yoshino Flowering Cherry | 2" cal. B&B   | 6        | TREES   |
| SB  | Spiraea burbankii 'Anthony Waterer' | Anthony Waterer Spiraea  | #3 container  | 20       | SHRUBS  |
|     |                                     |                          | TOTAL         | 239      |         |
|     |                                     |                          | TOTAL         | 20       |         |

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LANDSCAPE & SITE LIGHTING PLAN

**SPRING RUN - 15 LOT TOWNHOUSE**

T.M. # 65-A-46

RED BUD MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA

Rev. No. 1 Date 6-27-2017

DATE: 9-17-2018

SCALE: 1" = 30'

DESIGNED BY: JNT

FILE NO. 6304

SHEET 10 OF 16

15-18

Guidelines referenced from the  
**2012 Frederick County Fire Prevention Code**  
APPENDIX D FIRE APPARATUS ACCESS ROADS



**D104.3 Remoteness**  
Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

**SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS**

**D105.1 Where required**

Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**D105.2 Width**

Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to building**

At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

**D105.4 Obstructions**

Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

**SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

**D106.1 Projects having more than 100 dwelling units**

Multiple family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Guidelines referenced from the  
**2012 Frederick County Fire Prevention Code**  
APPENDIX D FIRE APPARATUS ACCESS ROADS



**SECTION D101 GENERAL**

**D101.1 Scope**

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code.

**SECTION D102 REQUIRED ACCESS**

**D102.1 Access and loading**

Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

**SECTION D103 MINIMUM SPECIFICATIONS**

**D103.1 Access road width with a hydrant**

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

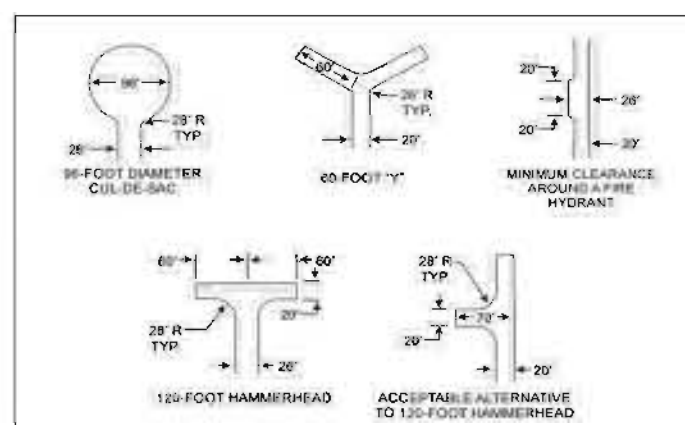


FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

**D103.2 Grade**

Fire apparatus access roads shall not exceed 10 percent in grade. Exception: Grades steeper than 10 percent as approved by the fire chief.

Guidelines referenced from the  
**2012 Frederick County Fire Prevention Code**  
APPENDIX D FIRE APPARATUS ACCESS ROADS



**D103.3 Turning radius**

The minimum turning radius shall be determined by the fire code official.

**D103.4 Dead ends**

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnarounds provisions in accordance with Table D103.4.

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

| LENGTH (feet) | WIDTH (feet) | TURNAROUNDS REQUIRED  |
|---------------|--------------|---|
| 0 - 150       | 20           | None Required   |
| 151 - 500     | 20           | 120-foot Hammerhead, 60-foot "T" or 56-foot diameter circular turnaround in accordance with Figure D103.1 |
| 501 - 750     | 26           | 120-foot Hammerhead, 60-foot "T" or 56-foot diameter circular turnaround in accordance with Figure D103.1 |
| Over 750      |              | Special approval required   |

For 1.1 foot - 304.8 mm.

**D103.5 Fire apparatus access road gates**

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- The minimum gate width shall be 20 feet (6096 mm).
- Gates shall be of the swinging or sliding type.
- Construction of gates shall be of materials that allow manual operation by one person.
- Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
- Locking device specifications shall be submitted for approval by the fire code official.
- Electric gate operators, where provided, shall be listed in accordance with UL 325.
- Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Guidelines referenced from the  
**2012 Frederick County Fire Prevention Code**  
APPENDIX D FIRE APPARATUS ACCESS ROADS



**D103.6 Signs**

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

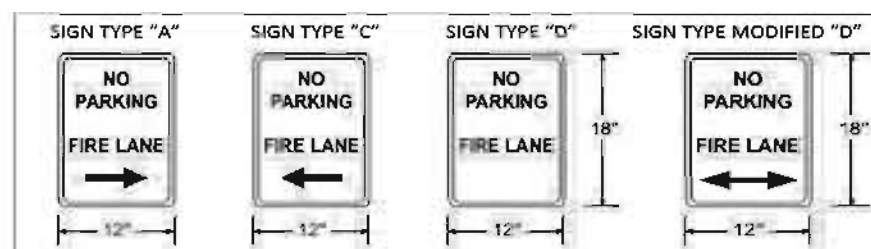


FIGURE D103.6 FIRE LANE SIGNS

**D103.6.1** Roads 20 to 26 feet in width  
Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

**D103.6.2** Roads more than 26 feet in width

Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

**SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

**D104.1 Buildings exceeding three stories or 30 feet in height**

Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

**D104.2 Buildings exceeding 62,000 square feet in area**

Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m<sup>2</sup>) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

Guidelines referenced from the  
**2012 Frederick County Fire Prevention Code**  
APPENDIX D FIRE APPARATUS ACCESS ROADS



**D106.2 Projects having more than 200 dwelling units**

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

**SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS**

**D107.1 One- or two-family dwelling residential developments**

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1 Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

2 The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

**D106 REFERENCED STANDARDS**

|   |                   |
|---|-------------------|
| ASTM F 2200—05 Standard Specification for Automated Vehicular Gate Construction                               | D103.5            |
| ICC IFC—17 International Fire Code  | D101.5,<br>D107.1 |
| UL 325—02 Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006 | D103.5            |

Frederick County, VA

Local ordinance referenced from <http://ecode360.com/8705949>

**§90-4 General requirements**

The following requirements shall apply to all construction or land development activities in areas of the County to which this article applies:

**A. Means of access for Fire Department apparatus.**

- The means of access for Fire Department apparatus and personnel shall consist of fire lanes, private streets, streets, parking lot lanes or a combination thereof.
- Parking in any means of access shall not be permitted within 15 feet of a fire hydrant, sprinkler or standpipe connection or in any other manner which will obstruct or interfere with the Fire Department's use of the hydrant or connection.
- "No parking" signs or another designation indicating that parking is prohibited shall be provided at all normal and emergency access points to structures and within 15 feet of each fire hydrant, sprinkler or standpipe connection.

**B. Fire lanes.**

- The Fire Marshal or his/her designated representative, in concert with the local volunteer fire company, may designate both public and private fire lanes as required for the efficient and effective use of fire apparatus. Said fire lanes shall be marked in a manner prescribed by the Fire Marshal or his/her designated representative. Parking in a designated fire lane shall be controlled by Chapter 158, Vehicles and Traffic, of the Frederick County Code.
- Fire lanes shall be at least 20 feet in width, with the road edge closest to the structure at least 10 feet from the structure, be constructed of a hard all-weather surface adequately designed to support any fire apparatus likely to be operated in each fire lane or be of subsurface construction designed to support the same loads as the above surfaces and be covered with no more than three inches of soil or sod, or both, and be designed with radii of sufficient length to allow for safe turning by any fire apparatus likely to be operated on such fire lane.
- Fire lanes connecting to public streets, roadways or private streets shall be provided with curb cuts extending at least two feet beyond each edge of the fire lane.
- Chairs or other barriers may be provided at the entrance to fire lanes or private streets, provided that they are installed according to the requirements of the Authority Having Jurisdiction.

**C. Parking lot lanes.**

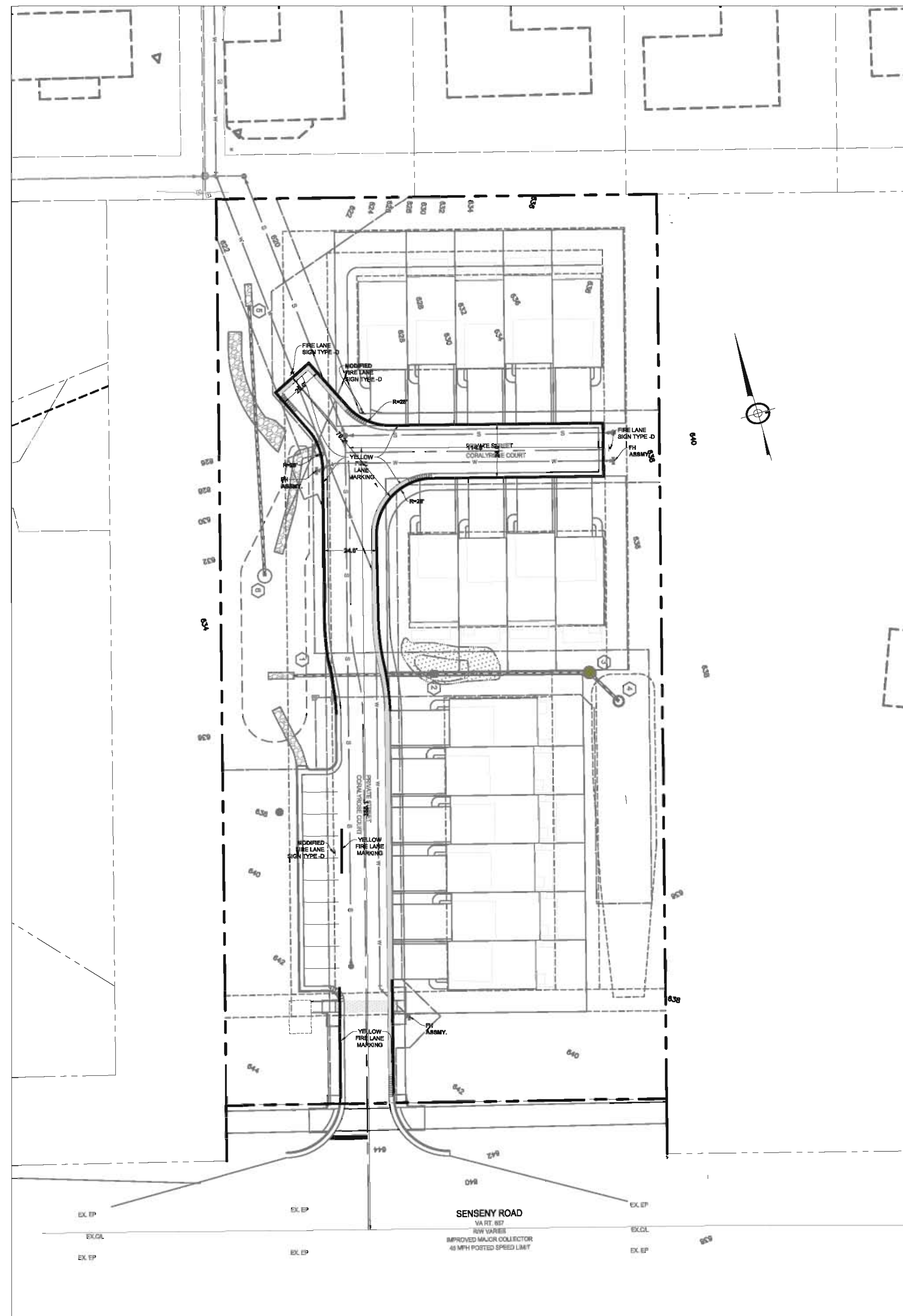
Parking lot lanes shall have a minimum of 15 feet clear width between rows of parked vehicles for vehicular access and movement.

**D. Location of structures.**

- At least three perimeter walls of all industrial, commercial, public or semipublic or residential structures with three or more dwelling units per structure shall be within 200 feet of a street, fire lane, or private street.
- Structures exceeding 30 feet in height shall not be set back more than 50 feet from a street, fire lane or private street.
- When any combination of private fire-protection facilities, including but not limited to fire-resistive roofs, fire separation walls, space separation and automatic fire-extinguishing systems, is provided, and approved by the Fire Marshal or his/her designated representative as an acceptable alternative, Subsection D(2) shall not apply.
- The Fire Marshal or his/her designated representative may, in concert with the local volunteer fire company, require at least two means of access for fire apparatus to all commercial and industrial structures. These access ways shall meet the requirements of Subsection B(3).
- Landscaping or other obstructions shall not be placed around structures or hydrants in a manner so as to impair or impede accessibility for fire-fighting and rescue operations.

**E. Water supply.**

- Water supply systems shall be designed so as to be capable of supplying at least 1,000 gallons per minute at 20 pounds per square inch. Water supplies shall be made available and operational before combustibles are on site during construction.
- In areas developed with single-family detached or duplex dwelling units, there shall be a fire hydrant within 400 feet of all units. In areas developed with three to five dwelling units per structure, there shall be a hydrant within 300 feet of all units. In areas developed with six or more dwelling units per structure, there shall be at least two hydrants within 300 feet of all units. In areas developed with industrial or commercial development, there shall be a hydrant within 300 feet of all portions of any structure. Where one hydrant is dedicated to the operation of a standpipe system, there shall be at least one other hydrant meeting the distance requirements set forth above. The hydrant dedicated to the operation of the standpipe system shall not be farther than 50 feet from the standpipe. Distance measurements under this section shall be along center-line roadway surfaces or along surfaces meeting the requirements of a fire lane (designated or undesignated) where appropriate, but in all cases access to each hydrant shall be directly from a roadway and/or fire lane.
- Fire hydrants shall be marked in accordance with the Frederick County Sanitation Authority policy.
- Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles.
- Fire hydrants shall be located within three feet of the curb line of fire lanes, streets or private streets when installed along such access ways.
- Fire hydrants shall be installed in accordance with the standards of the Frederick County Sanitation Authority.
- Thresholds on fire hydrant outlets shall conform to Frederick County Sanitation Authority policy.
- Fire hydrants shall be supplied by not less than a six-inch diameter main.



**LIFE SAFETY PLAN**



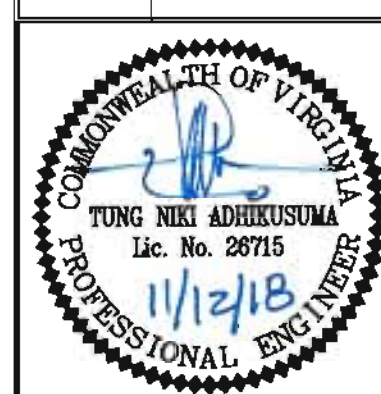
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LIFE SAFETY PLAN  
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T.M. # 65-A-46  
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FREDERICK COUNTY, VIRGINIA

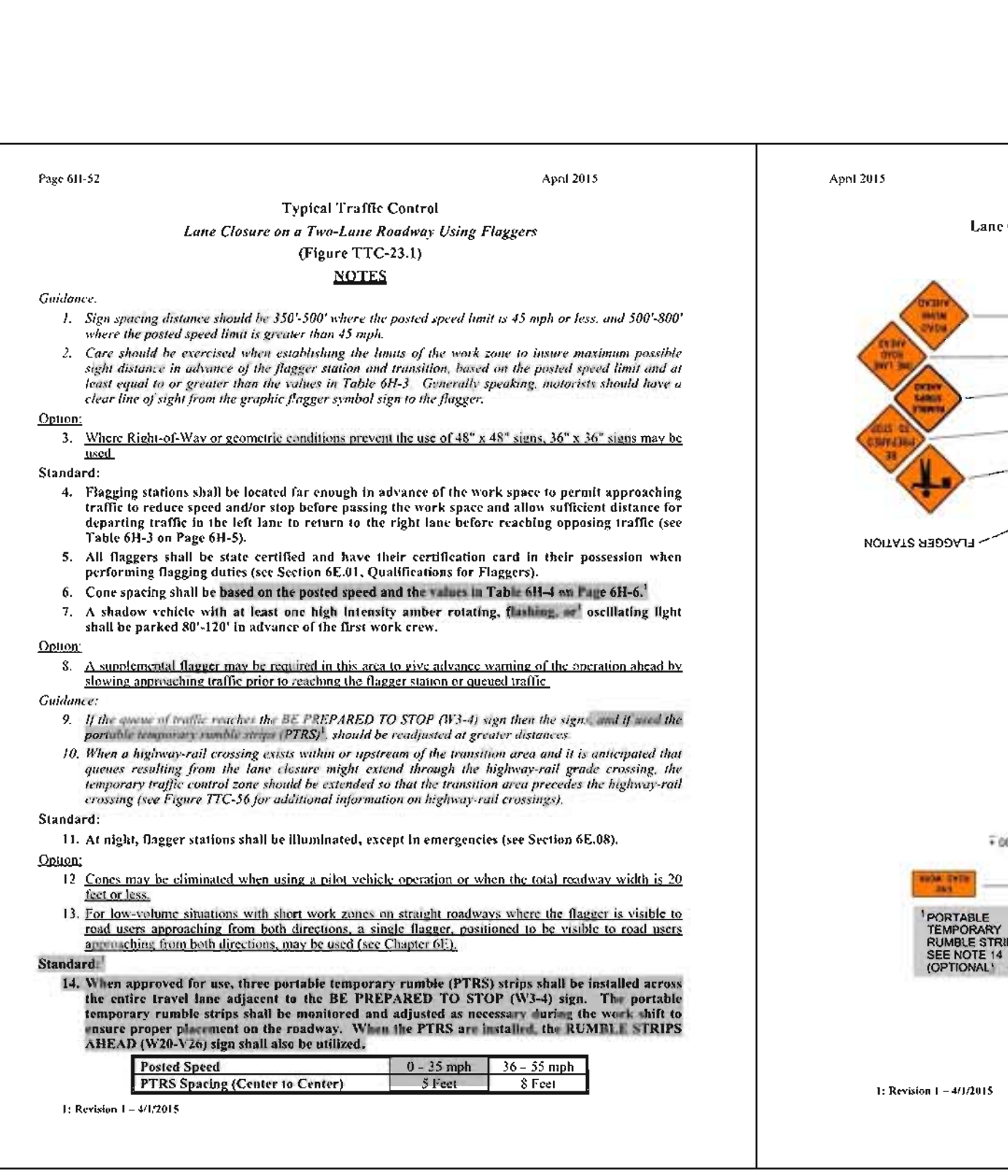
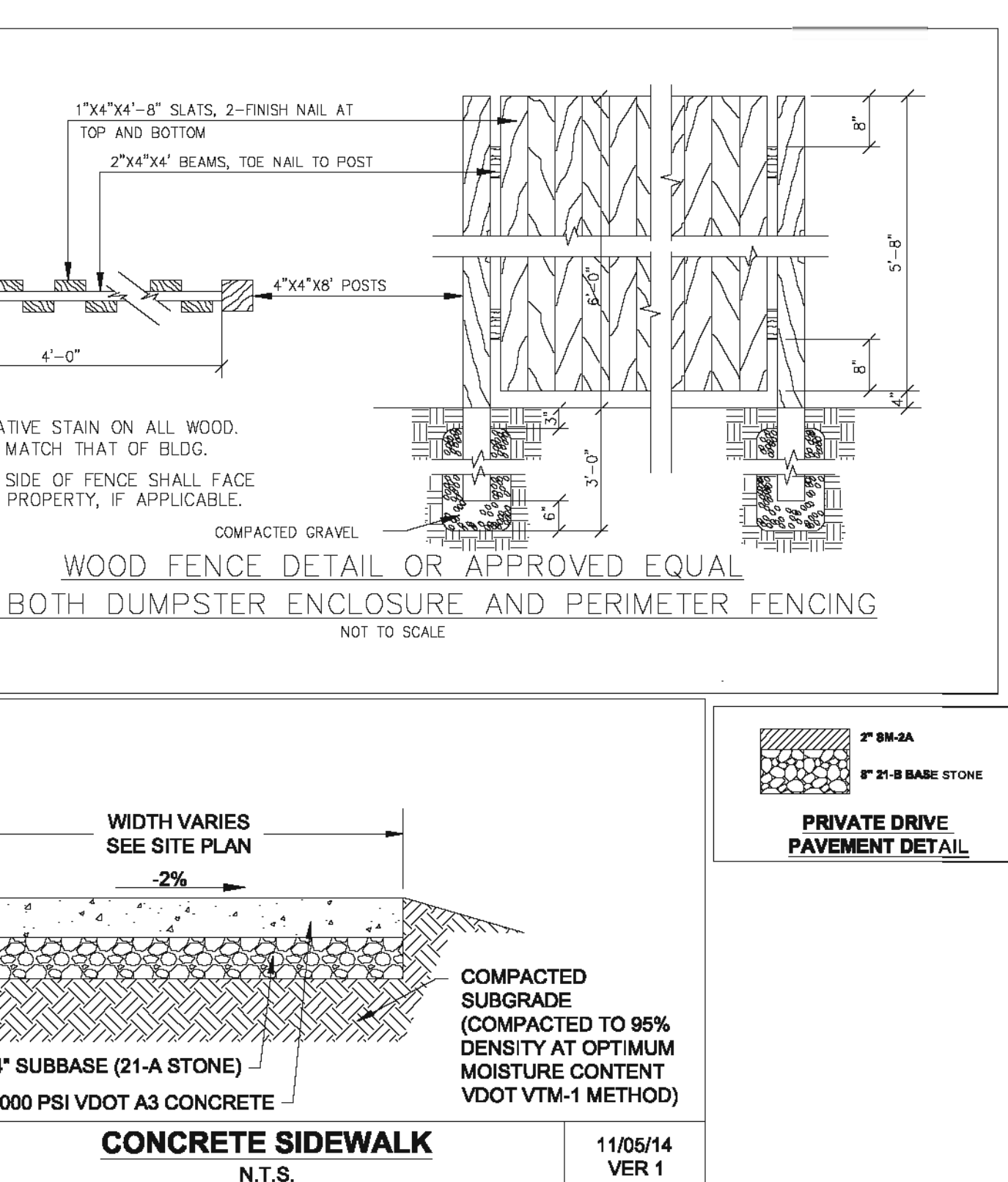
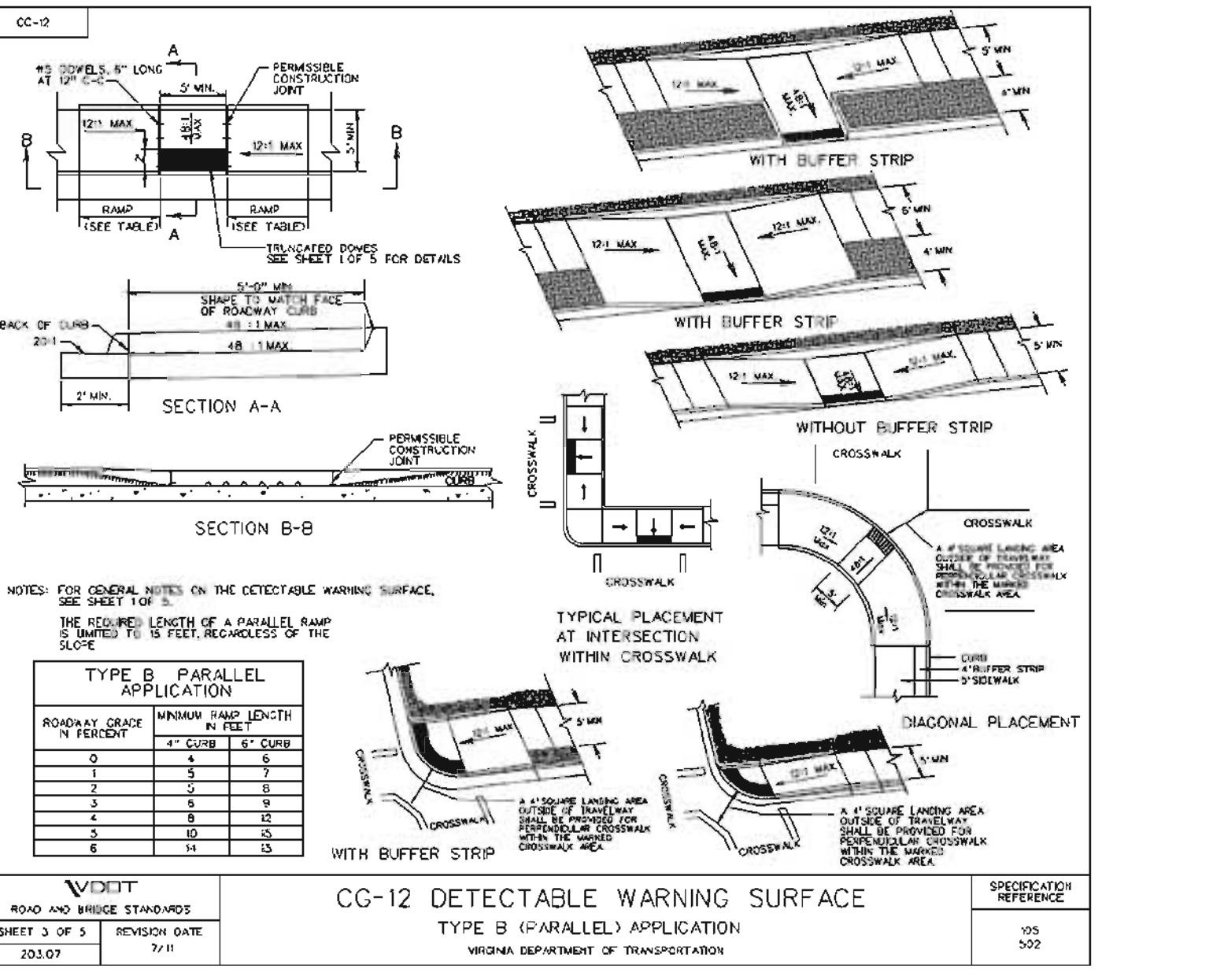
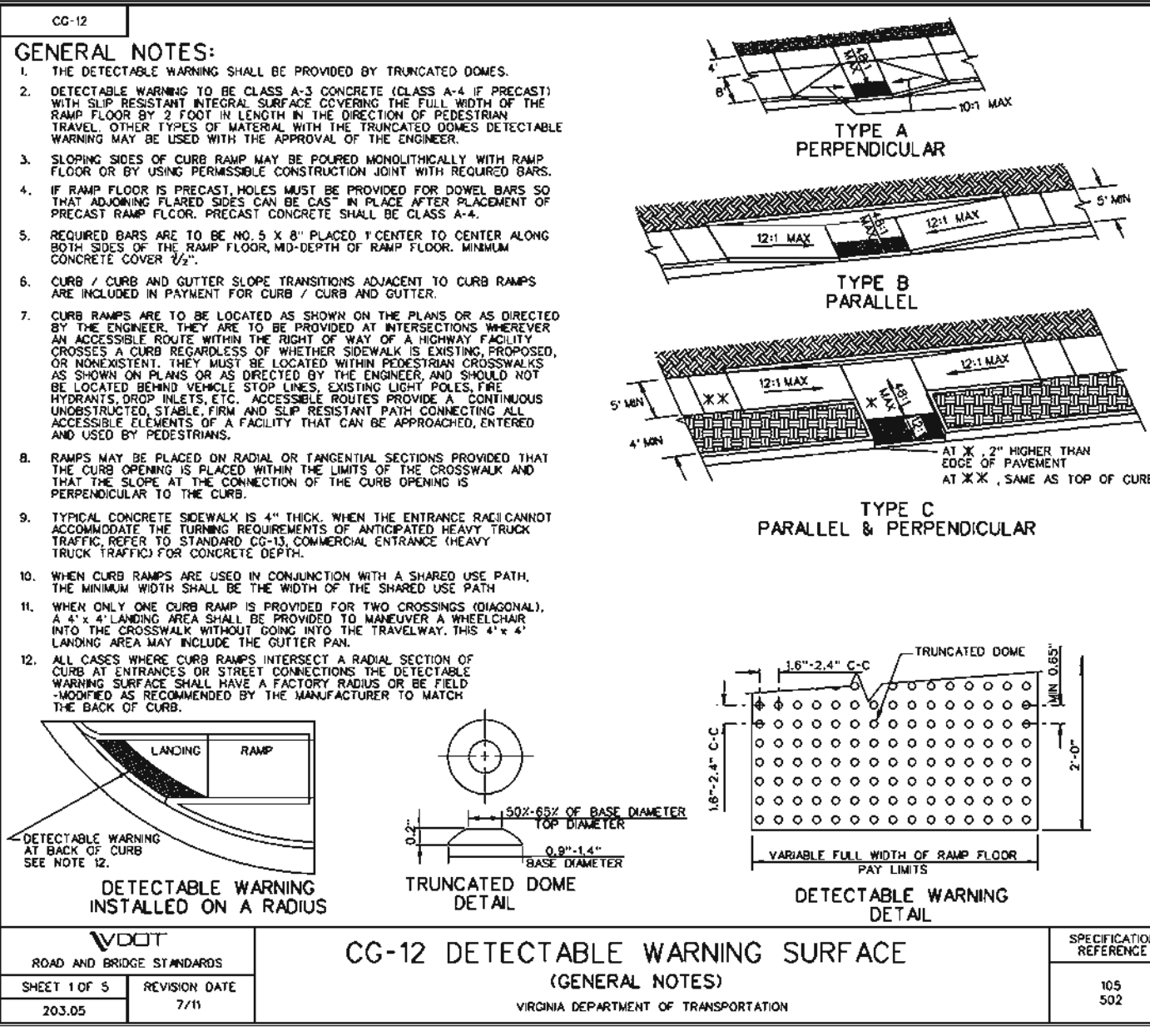
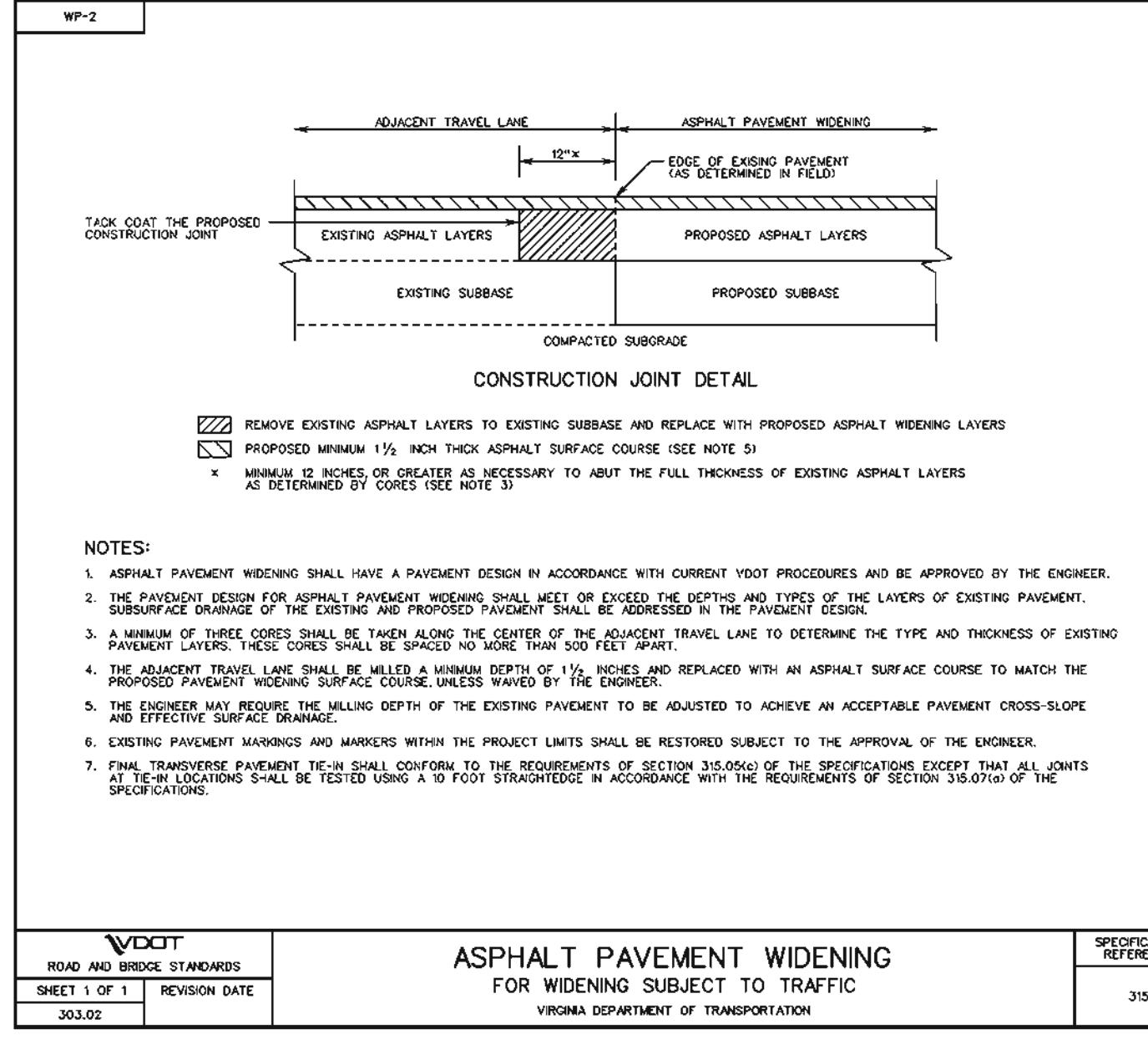
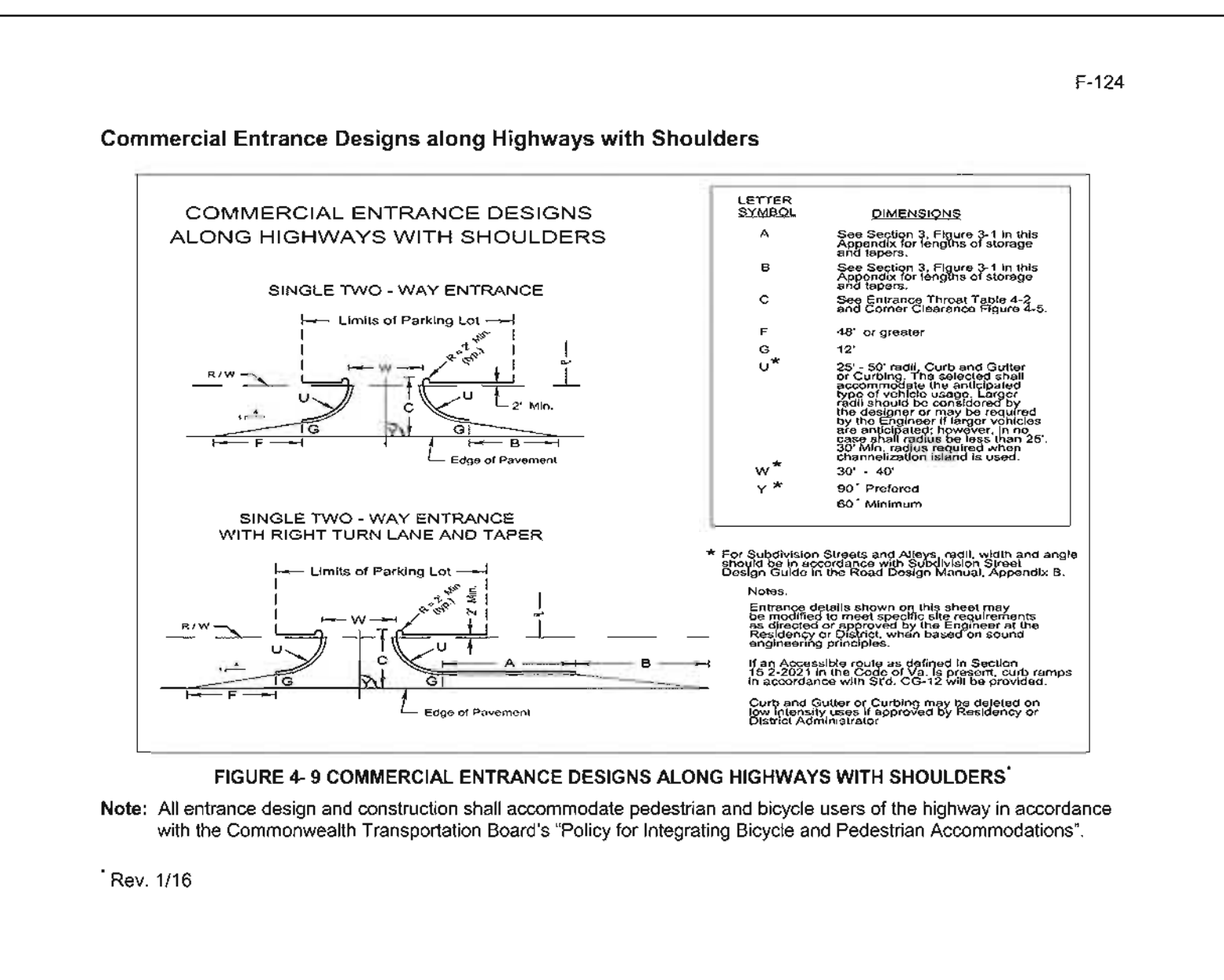
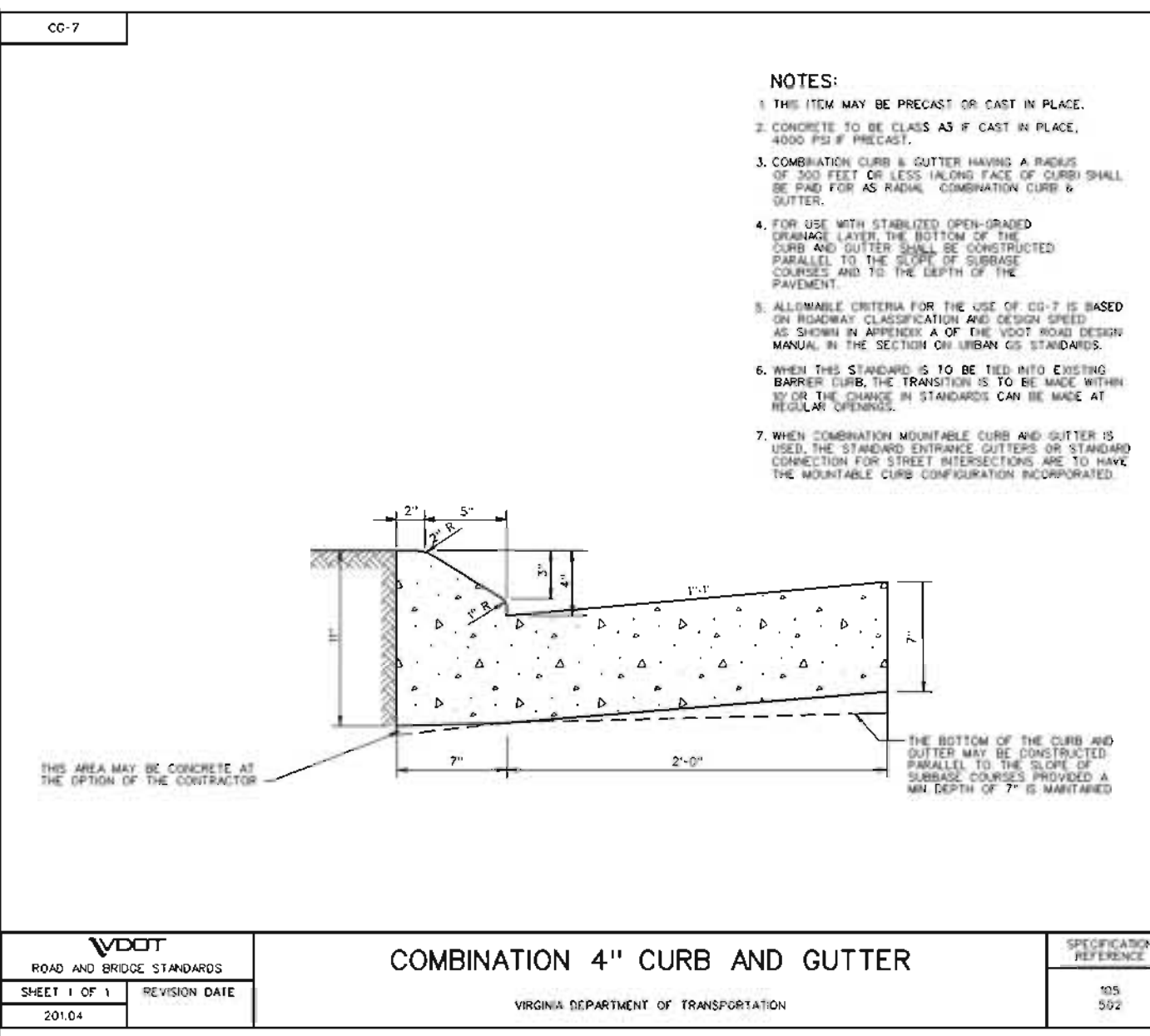
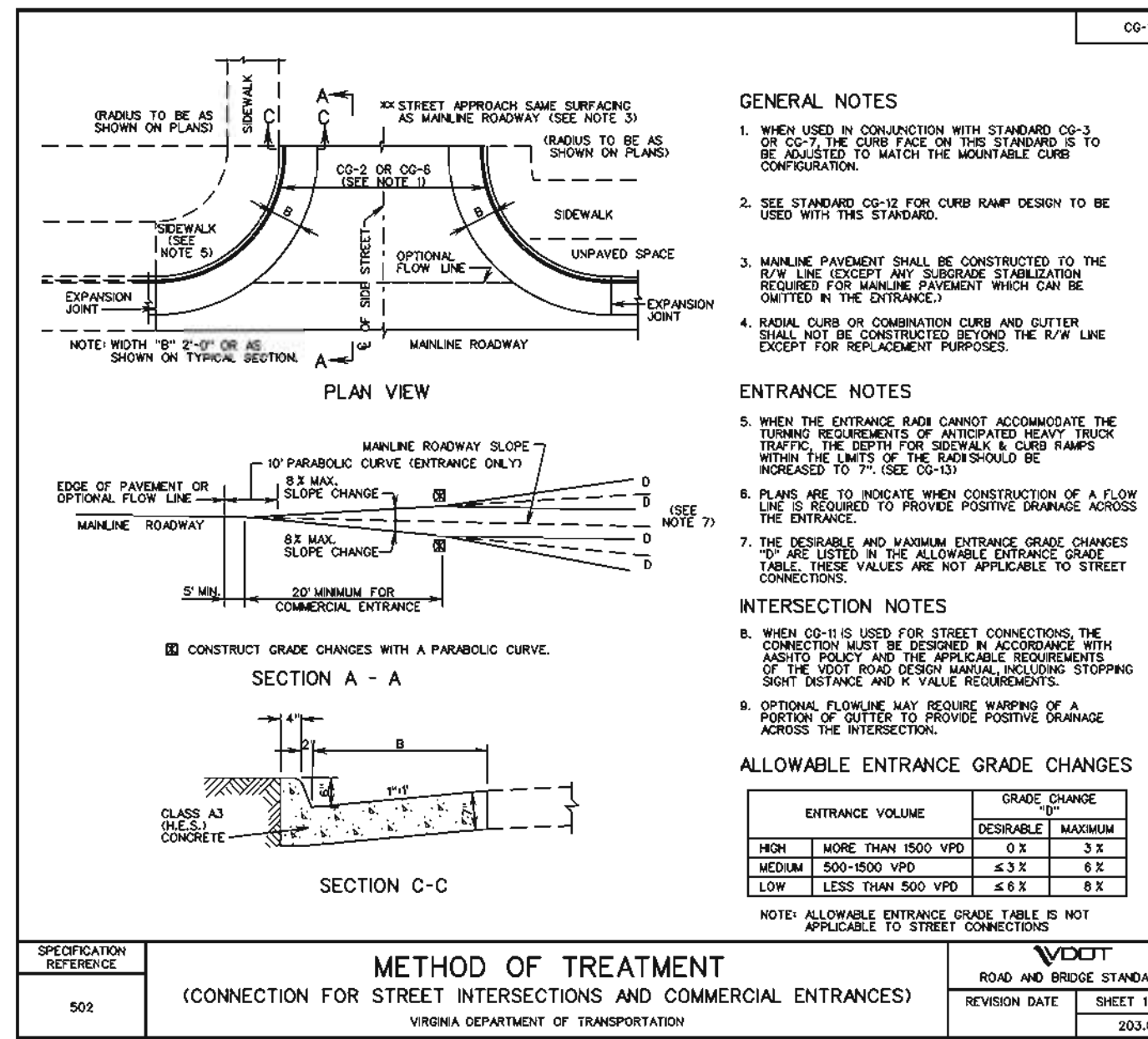
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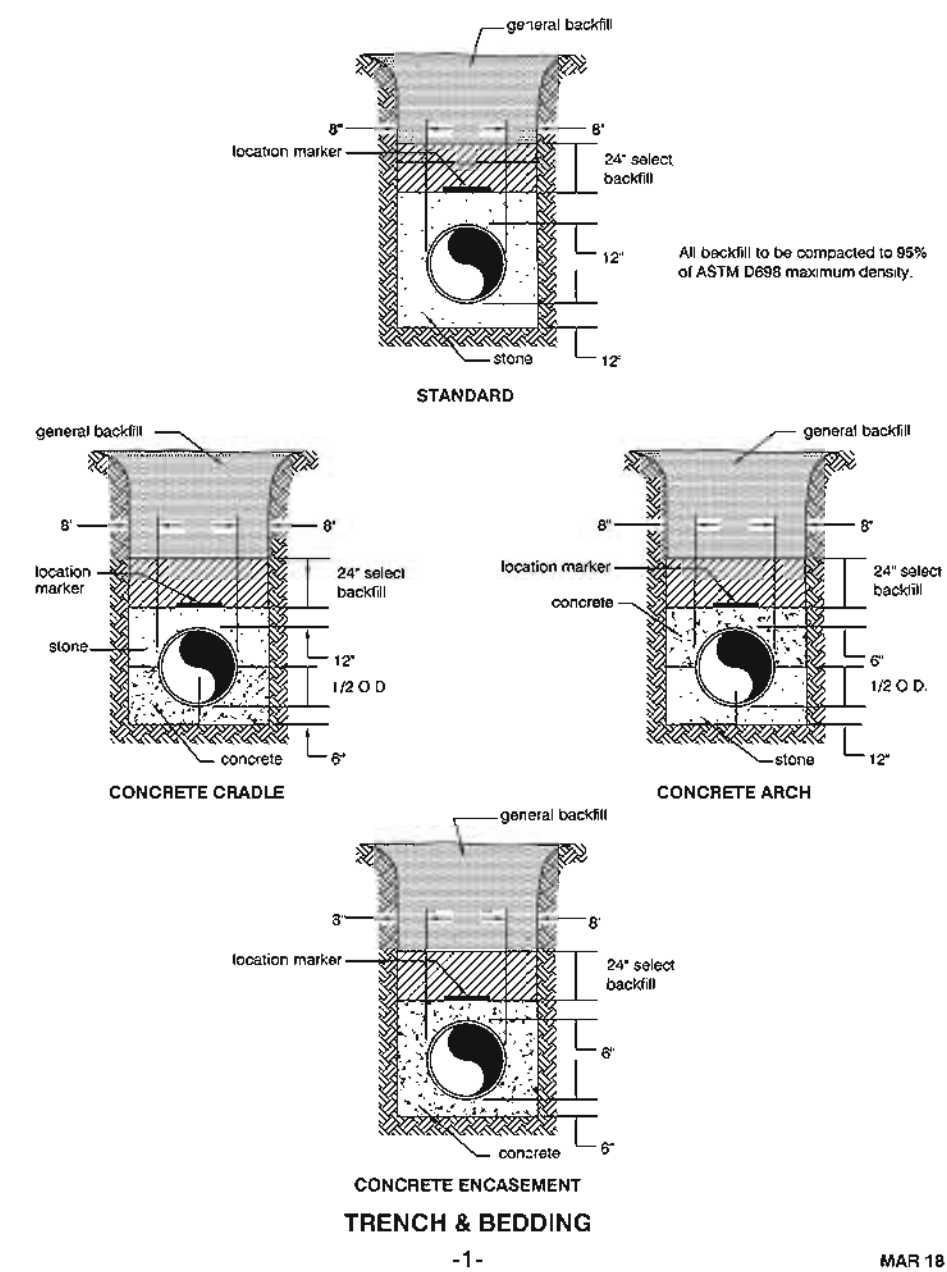


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SHEET 12 OF 16  
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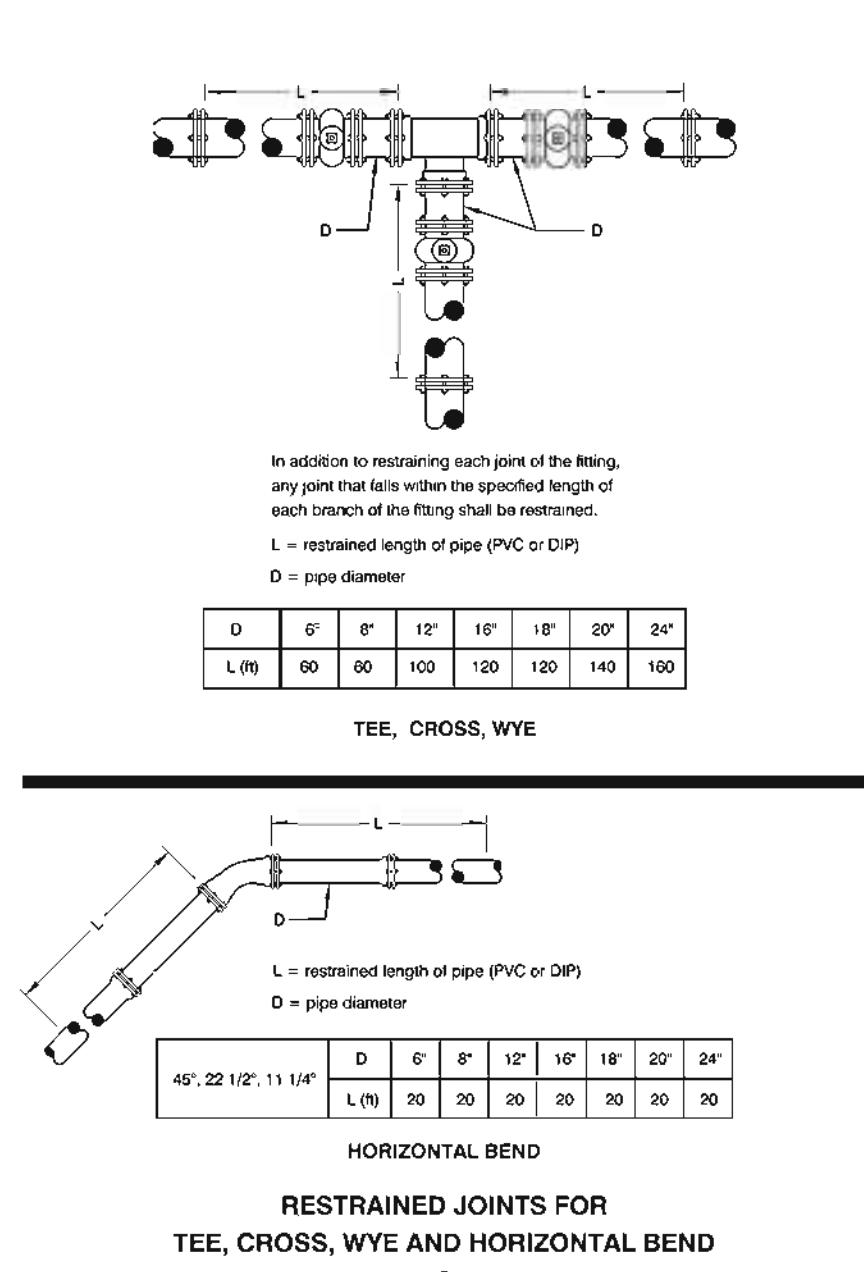




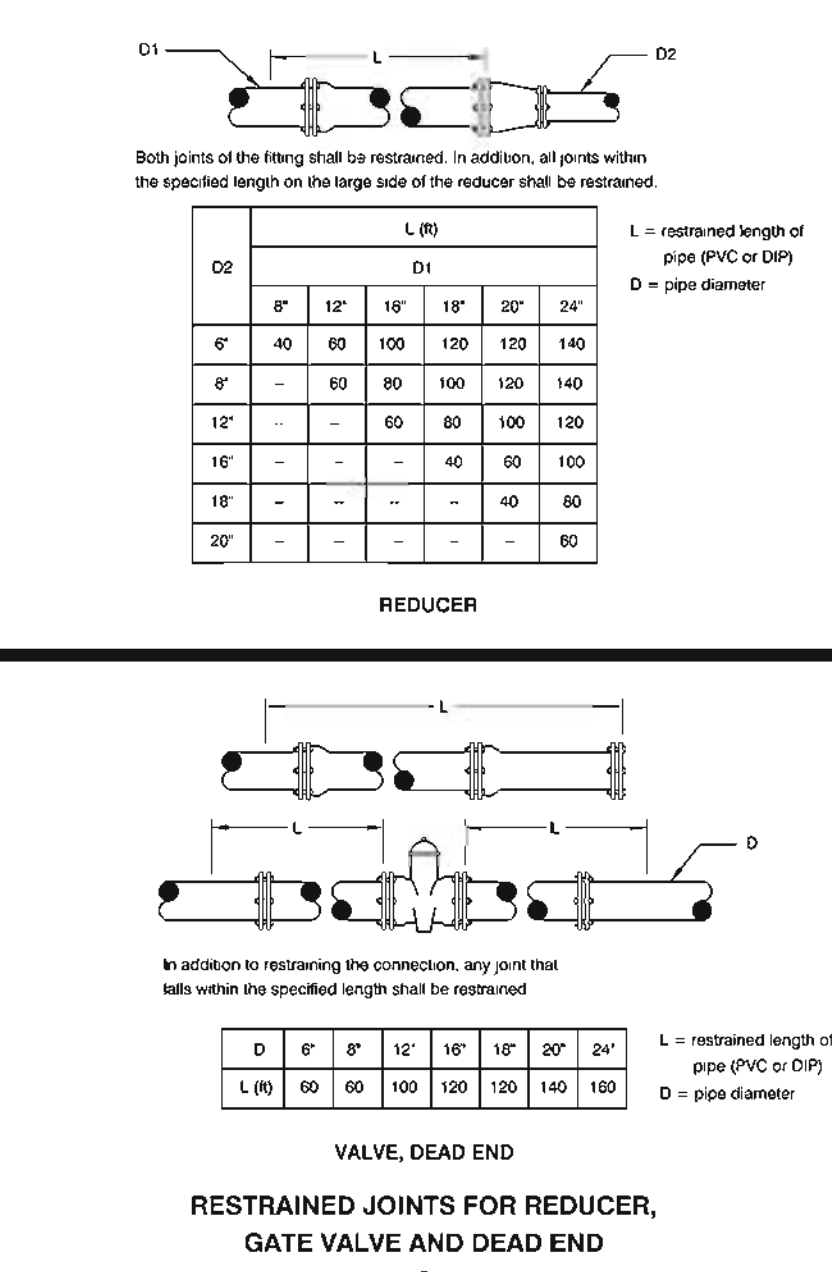




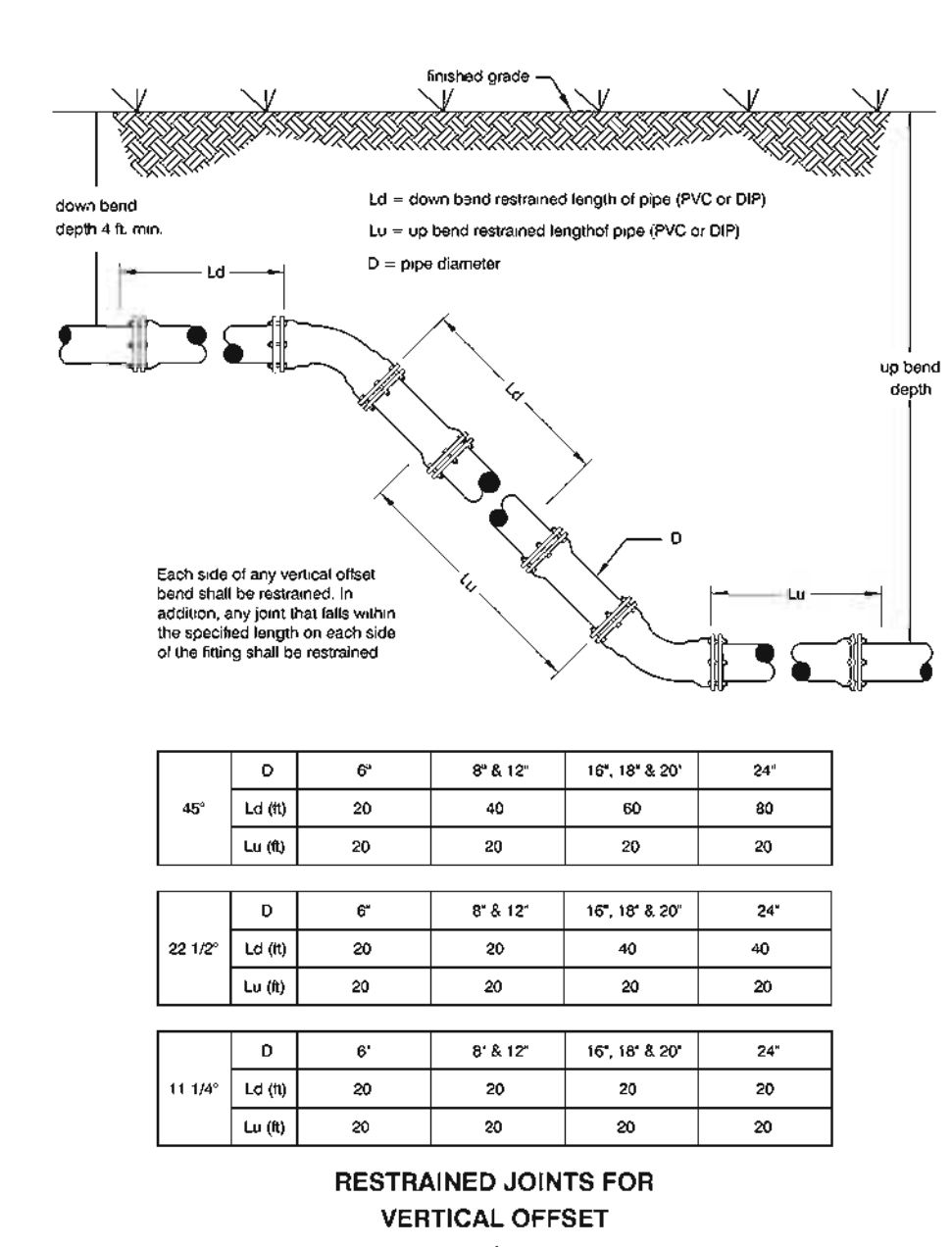
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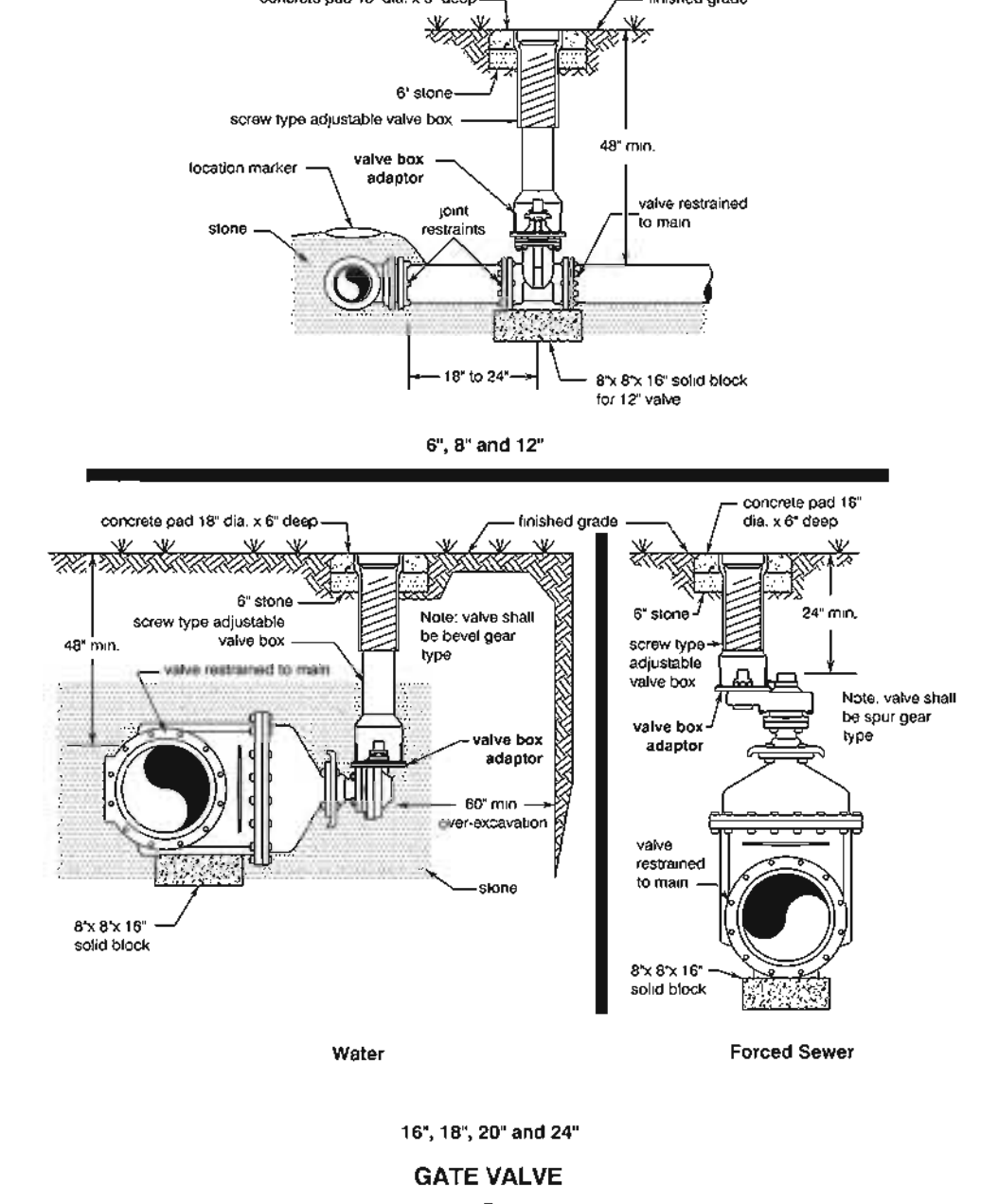
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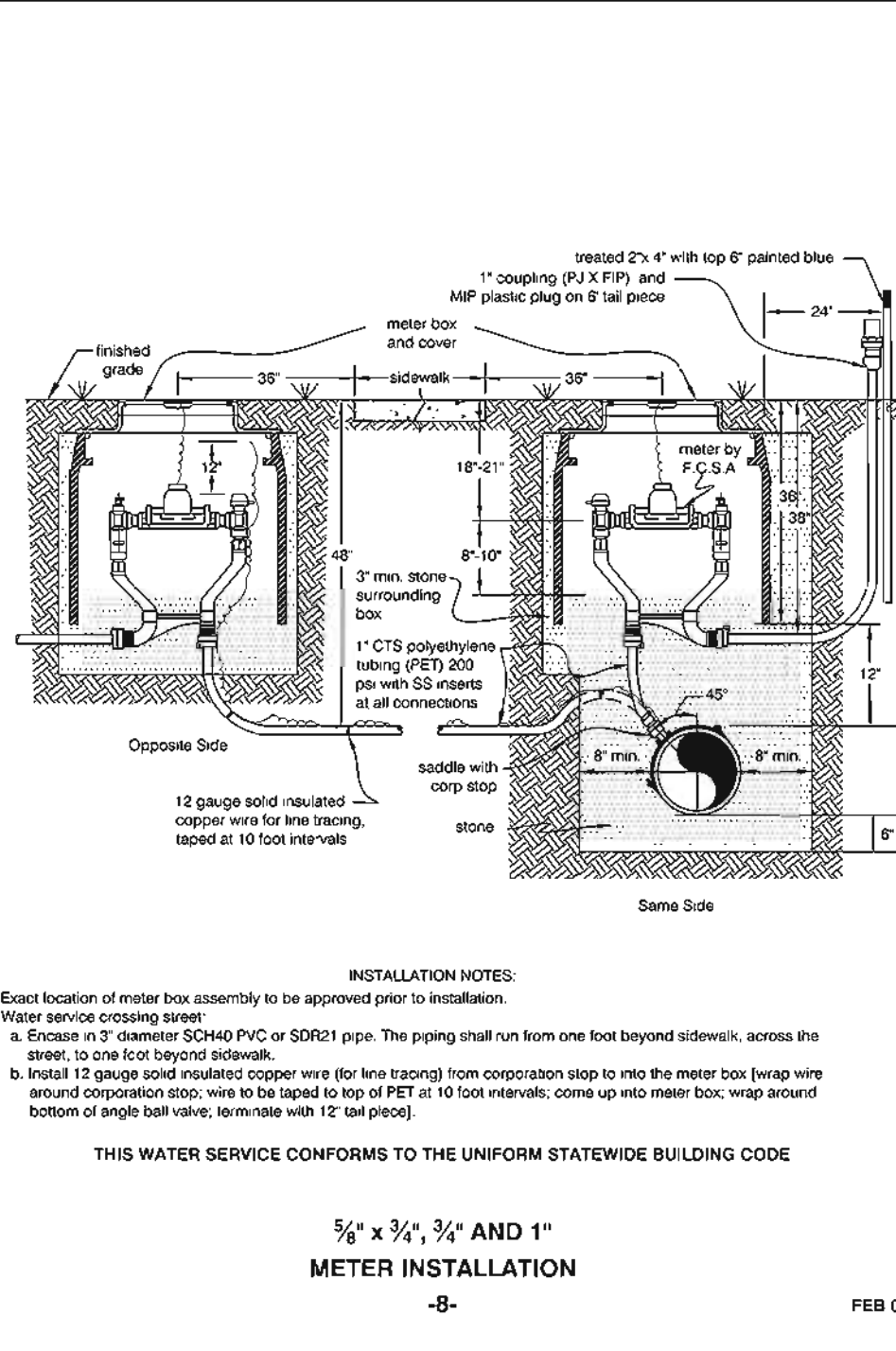
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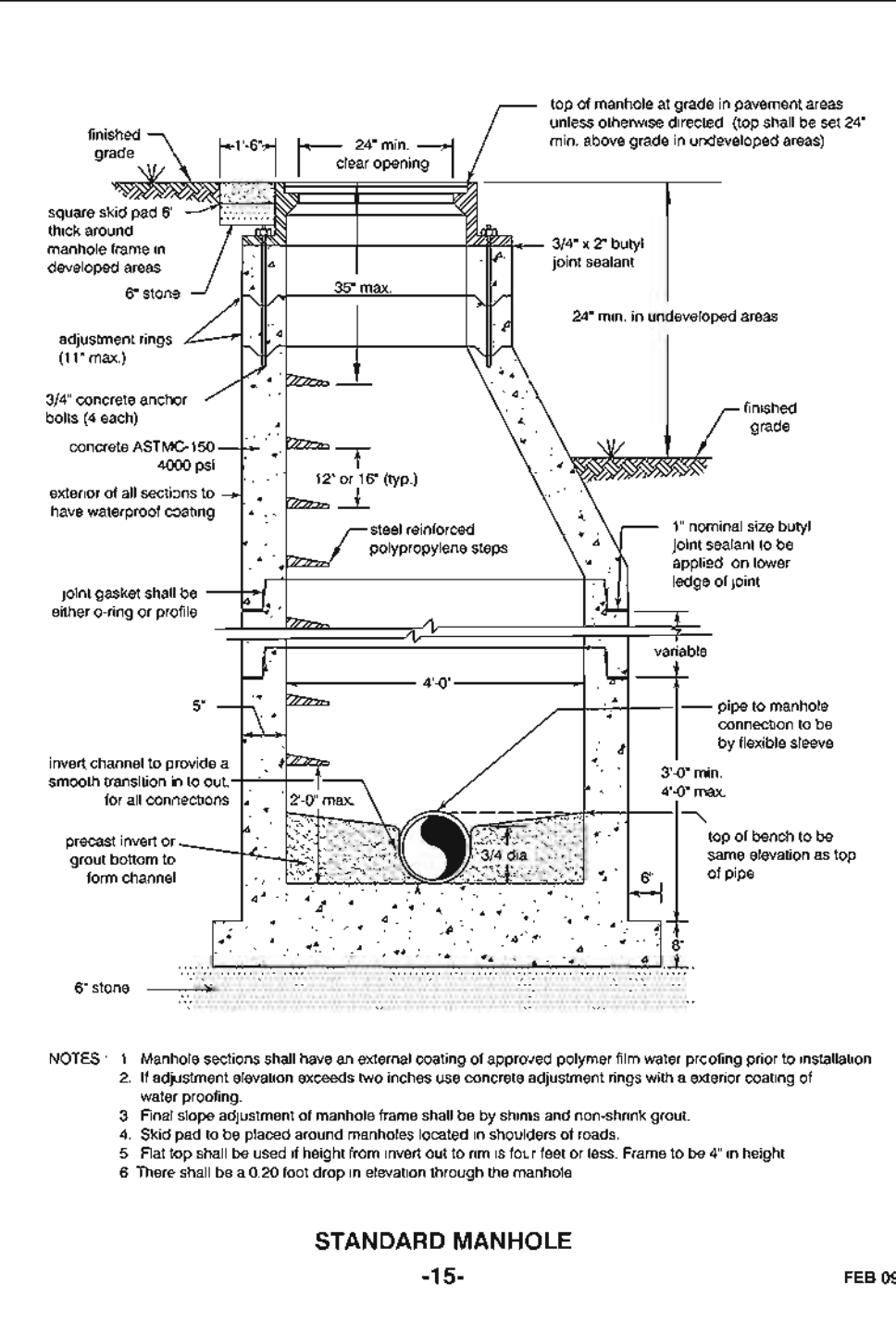
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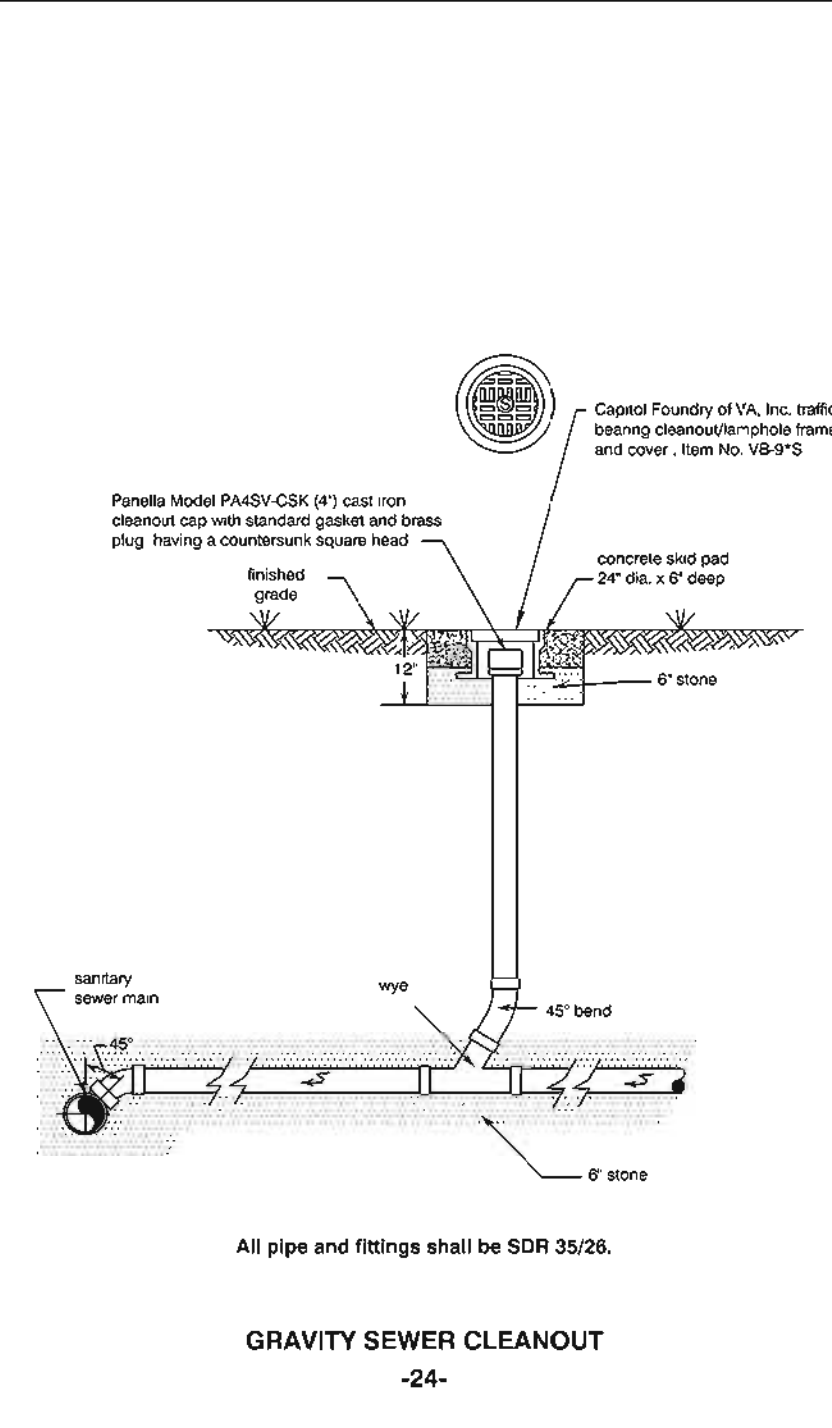
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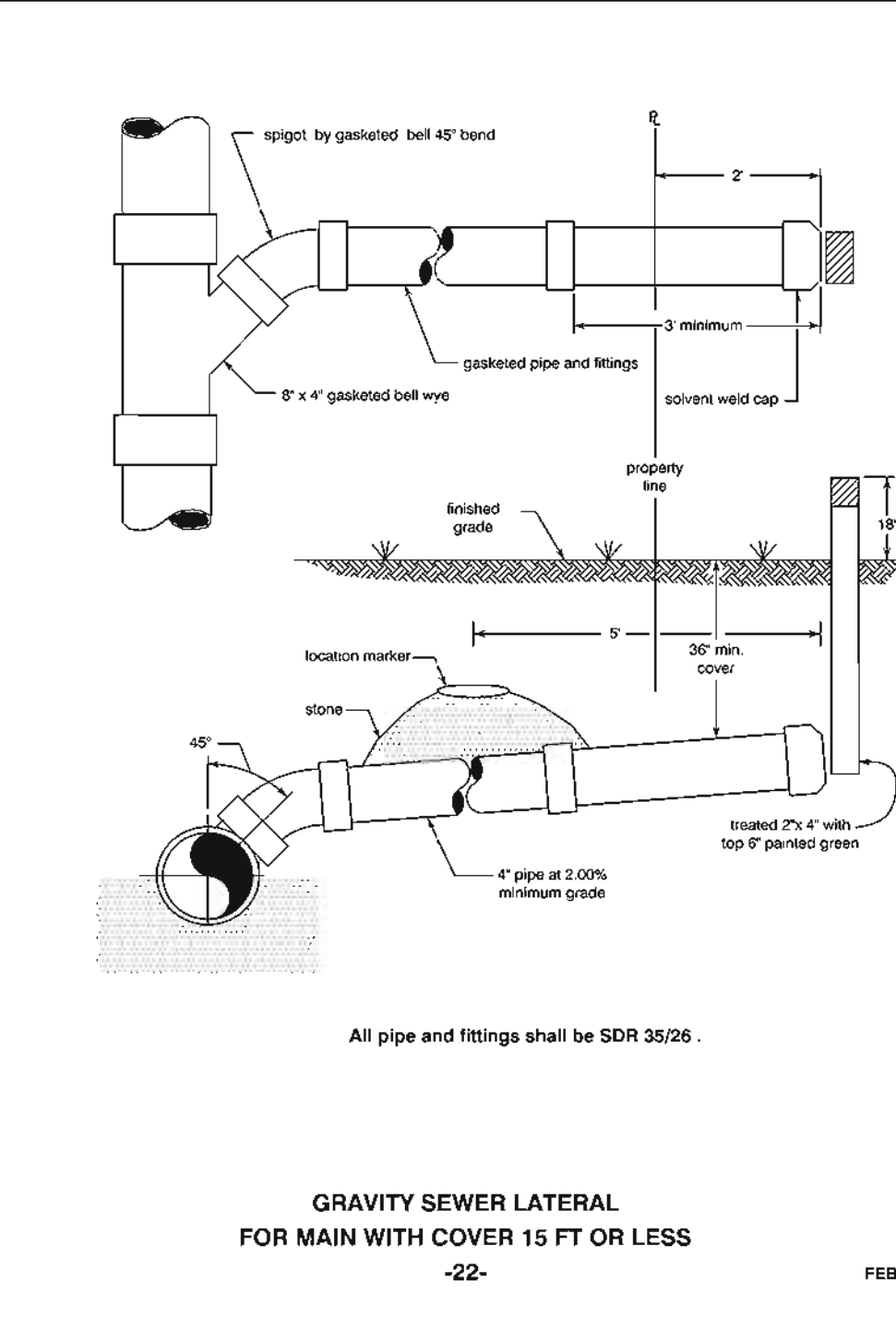
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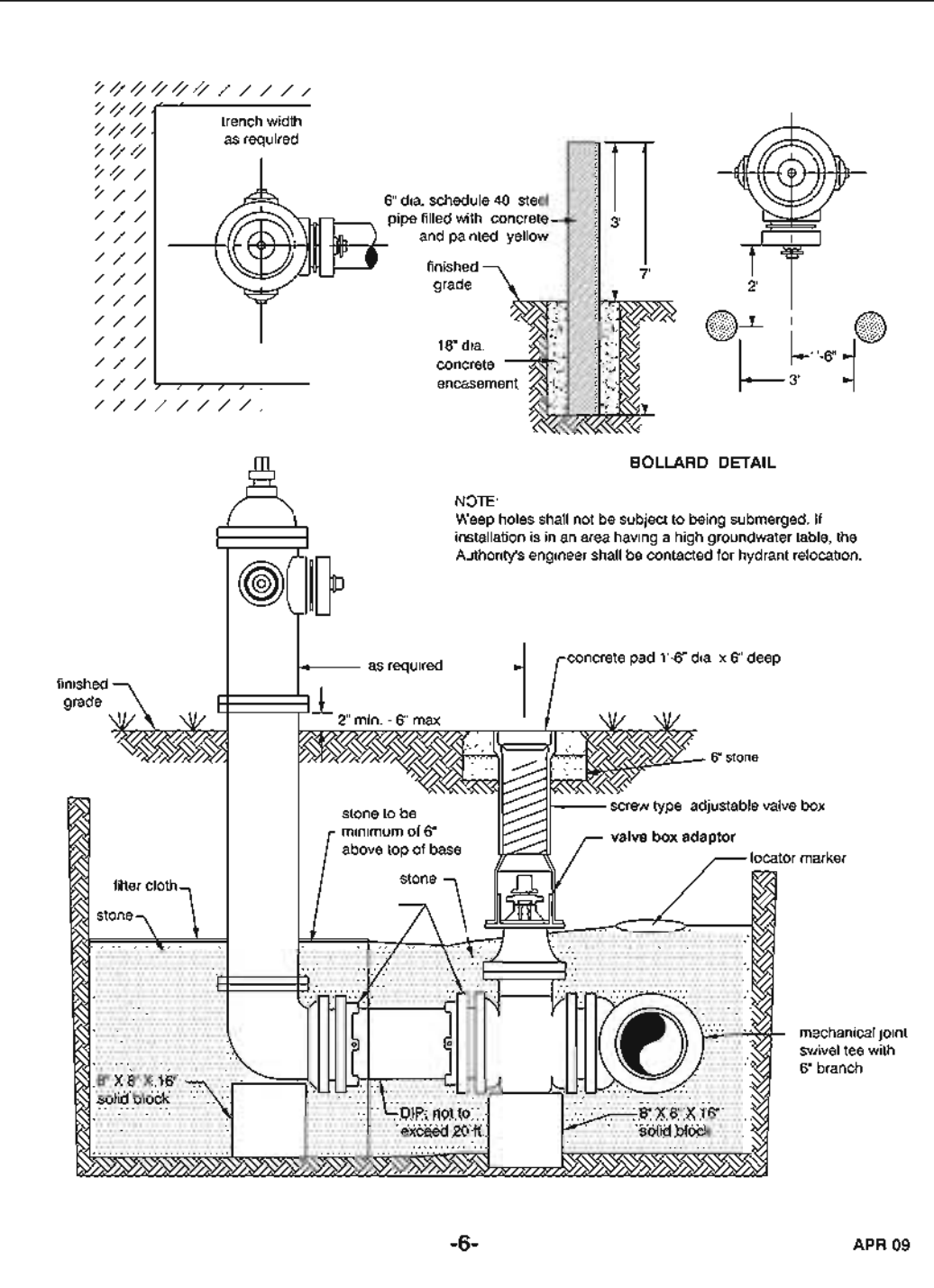
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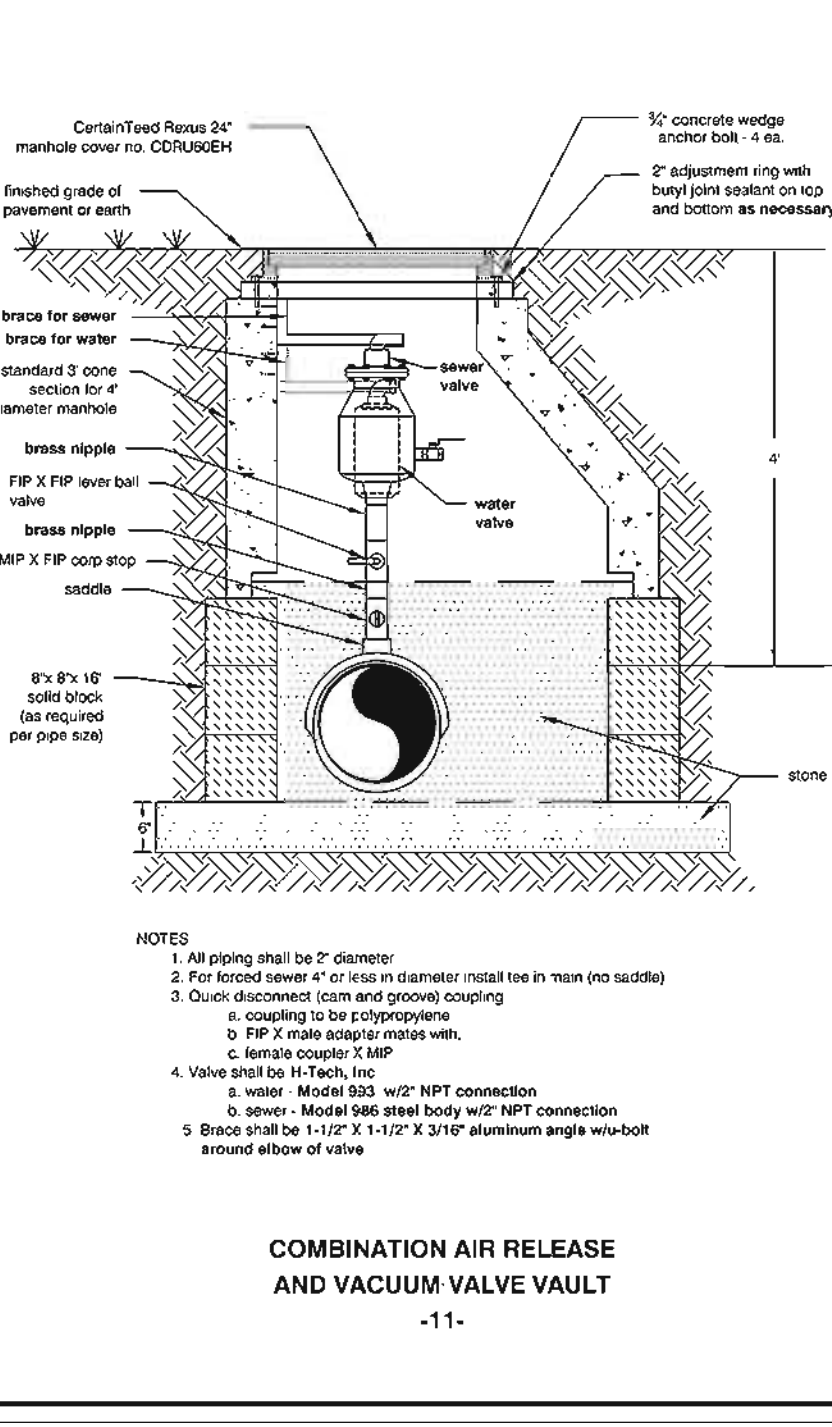
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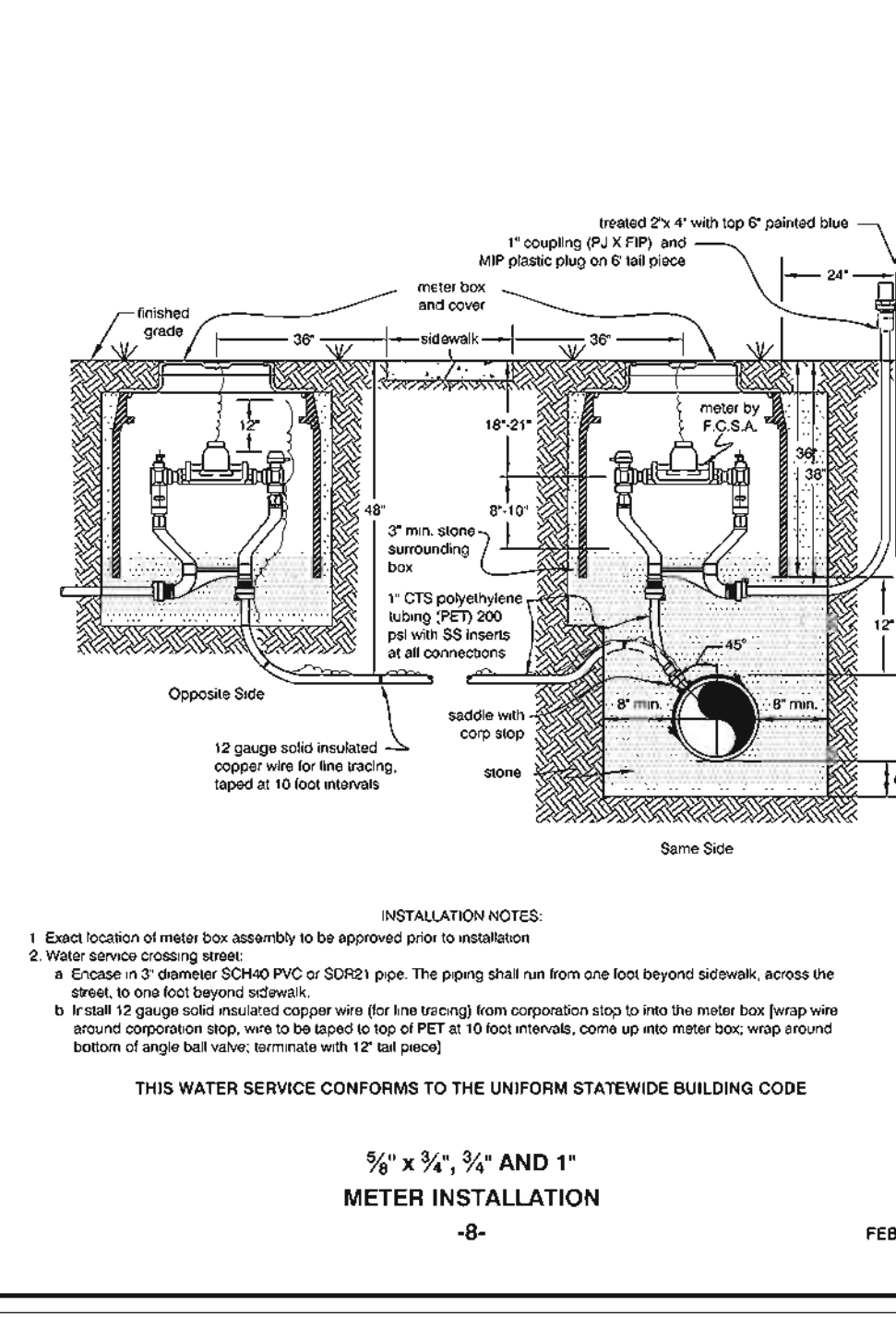
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