



AGENDA

FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 22, 2019
7:00 P.M. - REGULAR MEETING
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

1. 7:00 P.M. - Regular Meeting Call to Order
2. Invocation
3. Pledge of Allegiance
4. Adoption of Agenda
5. Citizen Comments – Agenda Items that are not the subject of a Public Hearing
6. Consent Agenda *Roll call vote required.* Attachment
 - 6.A Minutes
 1. Joint Work Session with Parks & Recreation Commission of May 8, 2019 ----- A
 2. Regular Meeting of May 8, 2019 ----- B
 - 6.B Committee Reports
 1. Code & Ordinance Committee Report of 5/9/19 ----- C
 2. Finance Committee Report of 5/15/19 ----- D
 3. Parks & Recreation Commission Report of 5/14/19 ----- E
 - 6.C Resolution Adding Conns Road East to Secondary Road System ----- F

6. **Consent Agenda**, continued

6.D Request for Refunds ----- G

1. Handy Mart, LLC- \$3,089.89
2. Kevin Campbell Trucking Inc. --- \$10,860.84
3. Undisclosed Taxpayer- Disabled Veteran's Relief- \$4,545.39
4. Undisclosed Taxpayer- Disabled Veteran's Relief- \$6,790.67

7. **Board of Supervisors Comments**

8. **County Officials**

8.A Committee Appointments ----- H

1. **Handley Regional Library Board**
Unexpired 4-year term ending 11/30/19, Applications received.
Awaiting recommendation of the Library Board.
2. **Historic Resources Advisory Board**
Stonewall District Representative – 4-year term of Robert Meadows ends 6/10/19
(Eligible for reappointment and willing to serve another term)
3. **Shawneeland Sanitary District Advisory Committee**
2-year term of Lynn Schmitt ends 7/13/19
(Eligible for reappointment)

9. **Committee Business**

9.A **Code & Ordinance Committee** (See Attachment _C_)

1. Amendments to Chapter 118 (Noise) of the County Code, to adopt a “plainly audible” standard with respect to certain prohibited noise.
The Committee recommends forwarding the item to public hearing with a recommendation of approval.
2. Amendment to Section 48-3 (Dogs running at large unlawful) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the County Code, to conform with changes to Virginia Code § 3.2-6538, effective July 1, 2019. *The Committee recommends forwarding the item to public hearing with a recommendation of approval.*

9. **Committee Business**, continued

9.B **Finance Committee** = Approved on Committee consent agenda. (See Attachment _D_)

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$30,450 for Phase II of the eSummons project. This amount represents eSummons funds collected through the courts and earmarked for the implementation of an electronic summons system. No local funds are required. ***The Committee recommends approval.***
2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$3,693.07. This amount represents an insurance claim for a damaged vehicle. No local funds required. ***Approval recommended on the Committee consent agenda.***
3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$24,750. This amount represents recovered costs for traffic control for overtime. No local funds required. ***The Committee recommends approval.***
4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$862.31. This amount represents restitution for damaged cruisers. No local funds required. ***Approval recommended on the Committee consent agenda.***
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$100. This amount represents a DARE donation. No local funds required. ***Approval recommended on the Committee consent agenda.***
6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$11,853.47. This amount represents reimbursements from the Secret Service. No local funds required. ***Approval recommended on the Committee consent agenda.***
7. The Sheriff request a General Fund supplemental appropriation in the amount of \$3,550. This amount represents proceeds from the sale of a retired cruiser. No local funds required. ***Approval recommended on the***
8. The Sheriff requests a General Fund supplemental appropriation in the amount of \$270,870. This amount represents funds to purchase (9) nine 2019 vehicles at a cost savings of approximately \$3,000 per vehicle. Funds were budgeted in FY 2020 and will be returned. Local funds are required. ***The committee recommends approval of the supplemental appropriation from the Capital Reserve in FY 2019 to be returned from the FY 2020 funds budgeted for Sheriff vehicles.***
9. The NRADC Superintendent requests a Court Services budget transfer in the amount of \$7,000 out of a personnel line item to operations to meet projected operational shortfalls. ***The Committee recommends approval.***
10. The Airport Director requests a General Fund supplemental appropriation in the amount of \$245,737. This amount represents the County's share of legal fees in the amount of \$326,345 incurred in prior years (identified in the Airport CAFR as "Cash overdraft"). Local funds are required. ***The Committee recommends approval.***
11. The Parks & Recreation Director requests a change order in excess of 10% for the Sherando Park Recreation Access Project. ***The Committee recommends approval.***
12. The VJCCCA Director requests a General Fund budget transfer in the amount of \$6,400 out of a personnel line item to operations to provide client services and training. ***The Committee recommends approval.***

9. Committee Business, continued

- 9.C The VJCCCA Director requests an FY19 General Fund supplemental ----- I appropriation for up to \$50,000 representing one-time supplemental funding from the Virginia Department of Juvenile Justice (DJJ) for the purchase of equipment and supplies as Shenandoah Valley Achievement Center is launched. Funding will be on a reimbursement basis for actual expenses. No local funds are required.

The VJCCCA Director requests that the Board to authorize the County Administrator to sign the MOA Plan Addendum.

10. Public Hearings (Non Planning Issues)

- 10.A **The Board of Supervisors will Conduct a Public Hearing, Pursuant ----- J to Virginia Code Section 15.2-1800, Regarding the Conveyance, by a Deed for Two Hundred Years, of the County's Interest in Real Property Located at 20 North Loudoun Street, in the City of Winchester, Virginia, Identified as City Tax Parcel Number 193-1-N-4, to the Shenandoah Valley Battlefields Foundation.**

11. Planning Commission Business - Public Hearings

- 11.A **Comprehensive Policy Plan Amendment (CPPA) #02-19 Brucetown ----- K Road Area Amendment – Sewer and Water Service Area (SWSA) Expansion and Land Use Designation Associated with Comprehensive Plan Amendment #02-18 for the Carter Tract.**

This is a Request to Amend the Northeast Land Use Plan of the 2035 Comprehensive Plan. This Amendment Request Proposes to Add 109 Acres into the Sewer and Water Service Area (SWSA) and Remove 109 Acres from the SWSA. This Amendment Also Seeks to Designate the 109 Acres for Industrial Uses.

- 11.B **Comprehensive Policy Plan Amendment (CPPA) #01-19 Blackburn ----- L Property Workforce Housing – Urban Development Area (UDA) Expansion and Land Use Designation Change Associated with the Comprehensive Plan Amendment #01-19 for Blackburn Property Request.**

This is a Request to Amend the Kernstown Area Plan of the 2035 Comprehensive Plan. This is a Request to Add 71.849 Acres to the UDA. This Amendment Also Seeks to Designate the 71 Acres for Workforce Housing.

11. Planning Commission Business - Public Hearings, continued

**11.C Draft Update of the 2019-2020 Frederick County Primary and ----- M
Interstate Road Improvement Plans**

The Primary and Interstate Road Improvement Plans Establish Priorities for Improvements to the Primary and Interstate Road Networks within Frederick County. Comments from the Transportation Committee will be Forwarded to the Planning Commission and Board of Supervisors. Ultimately, the Priorities Adopted by the Board of Supervisors will be Forwarded to the Commonwealth Transportation Board for consideration.

The Virginia Department of Transportation and the Board of Supervisors For the County of Frederick, Virginia, in Accordance with Section 33.2-331 of the Code of Virginia, will Conduct a Joint Public Hearing. The Purpose of this Public Hearing is to Receive Public Comment on the Proposed Six Year Plan for Secondary Roads for Fiscal Years 2020 Through 2025 in Frederick County and on the Secondary System Construction Budget for Fiscal Year 2020.

Copies of the Proposed Plan and Budget May be Reviewed at the Edinburg Office of the Virginia Department of Transportation, Located at 14031 Old Valley Pike, Edinburg, Virginia or at the Frederick County Offices Located at 107 North Kent Street, Winchester, Virginia. All Projects in the Secondary Road Improvement Plan that are Eligible for Federal Funds will be Included in the Statewide Transportation Improvement Program (STIP), which Documents How Virginia will Obligate Federal Transportation Funds. Persons Requiring Special Assistance to Attend and Participate in this Hearing Should Contact the Virginia Department of Transportation at 1-800-367-7623.

12. Board Liaison Reports

13. Citizen Comments

14. Board of Supervisors Comments

15. Adjourn

A

MINUTES
FREDERICK COUNTY BOARD OF SUPERVISORS-PARKS & RECREATION COMMISSION
JOINT WORK SESSION
WEDNESDAY, MAY 8, 2019
5:00 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; Shannon G. Trout; Judy McCann-Slaughter and Robert W. Wells were present.

Parks & Recreation Commission: Ronald Madagan; Natalie Gerometta; Gary Longerbeam; Christopher Fordney; and Charles R. Sandy, Jr.

Staff Present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Jason Robertson, Director of Parks & Recreation; Jon Turkel, Assistant Director of Parks & Recreation; Stacey Herbaugh, Parks & Recreation-Operations Superintendent; Chris Konyer, Parks & Recreation-Recreation Superintendent; Cory Smith, Parks & Recreation-Parks Superintendent; Roderick B. Williams, County Attorney; Scott Varner, Director of Information Technology; Mike Ruddy, Director of Planning & Development; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Others: Justin Kerns, Director of the Winchester-Frederick County Convention & Visitors Bureau

CALL TO ORDER

Chairman DeHaven called the meeting to order at 5:00 p.m.

ADOPTION OF AGENDA

On motion of Supervisor Dunn, seconded by Supervisor McCarthy, the agenda was adopted as presented.

PRESENTATION BY WINCHESTER-FREDERICK COUNTY CONVENTION & VISITORS BUREAU

Justin Kerns, Executive Director of the Winchester-Frederick County Convention and Visitors Bureau, gave a PowerPoint presentation explaining the Bureau's draft Three-Year Strategic Destination Plan Schematic: FY2020–FY2022 and FY2020–FY2022 Strategic Destination Plan Rationale and New Directions. He noted these draft documents are being presented to the County Board of Supervisors and the Winchester City Council to gain input, and following the input process, any changes will be made and then re-submitted to each body for final approval.

The Board and Mr. Kerns discussed the strategic plan. Mr. Kerns advised that the Board will be asked to adopt a resolution endorsing the Plan once the final draft is complete.

PRESENTATION: PARKS & RECREATION MASTER PLAN

Jon Turkel, Assistant Director of Parks & Recreation, and Jason Robertson, Director of Parks & Recreation, gave a PowerPoint presentation discussing the Parks and Recreation Commission's adopted Parks and Recreation Master Plan.

The Board and the Commission discussed the Master Plan and funding options with some Commission members expressing their desire for a greater financial commitment from the Board of Supervisors as the County's population continues to increase.

ADJOURN

The meeting was adjourned at 6:18 p.m.

B

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 8, 2019
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; Mike Ruddy, Director of Planning and Development; John Bishop, Assistant Director of Planning-Transportation; Mark Cheran, Zoning & Subdivision Administrator; Tyler Klein, Planner; Scott Varner, Director of Information Technologies; Denny Linaburg, Fire and Rescue Chief; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

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

INVOCATION

Supervisor Wells delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Lofton led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

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

CITIZENS COMMENTS

There were no speakers.

ADOPTION OF CONSENT AGENDA – APPROVED

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

- Minutes: Joint Meeting with Economic Development Authority of April 24, 2019 - CONSENT AGENDA APPROVAL

- Minutes: Regular Meeting of April 24, 2019 - CONSENT AGENDA APPROVAL

- Transportation Committee Report of 4/22/19 - CONSENT AGENDA APPROVAL, Appendix 1

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BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS:

PRESENTATION OF RESOLUTION IN MEMORIAM OF MARGARET BRUMBACK DOUGLAS

Chairman DeHaven and Vice Chairman Lofton presented to the family of Margaret Brumback Douglas a framed copy of the Resolution in Memoriam passed at the December 12, 2018, meeting of the Board of Supervisors.

COMMITTEE APPOINTMENTS

HANDLEY REGIONAL LIBRARY BOARD APPOINTMENT DELAYED UNTIL THE NEXT MEETING - APPROVED

Supervisor Trout moved to delay making an appointment to the Handley Regional Library Board until the next meeting in order to receive further input from the Library Board on the candidates. Supervisor McCarthy seconded the motion which carried on a voice vote.

NADINE POTTINGA APPOINTED TO THE BOARD OF DIRECTORS OF PEOPLE, INC.- APPROVED

Upon motion of Supervisor Slaughter, seconded by Supervisor McCarthy, Nadine Pottinga was appointed to serve as the Frederick County Representative to the Board of Directors of People, Inc., on a voice vote.

SCOTT STRAUB REAPPOINTED AS RED BUD DISTRICT REPRESENTATIVE TO THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED

Upon motion of Supervisor Dunn, seconded by Supervisor Wells, Scott Straub was reappointed as Red Bud District Representative to the Historic Resources Advisory Board for a four-year term ending July 8, 2023. The motion carried on a voice vote.

KEVIN KENNEY REAPPOINTED TO THE FREDERICK COUNTY BOARD OF BUILDING APPEALS - APPROVED

Upon motion of Supervisor Slaughter, seconded by Supervisor Wells, Kevin Kenney was reappointed to the Frederick County Board of Building Appeals for a five-year term ending June 26, 2024. The motion carried on a voice vote.

JEFF BOPPE REAPPOINTED TO THE LORD FAIRFAX COMMUNITY COLLEGE BOARD - APPROVED

Upon motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, Jeff Boppe was reappointed to the Lord Fairfax Community College Board for a four-year term ending June 30, 2023. The motion carried on a voice vote.

GAIL RUSH REAPPOINTED AS OPEQUON DISTRICT REPRESENTATIVE TO THE FREDERICK COUNTY SOCIAL SERVICES BOARD – APPROVED

Upon motion of Supervisor Wells, seconded by Vice Chairman Lofton, Gail Rush was reappointed as Opequon District representative to the Frederick County Social Services Board for a four-year term ending June 30, 2023. The motion carried on a voice vote.

COMMITTEE BUSINESS:

TRANSPORTATION COMMITTEE

Assistant Director of Planning-Transportation, John Bishop, explained the current process for SmartScale funding including the allocation of VDOT District grants and statewide high priority funds. He noted that contrary to information received from VDOT staff, the inclusion of outside funds does not appear to improve a project’s SmartScale score. He concluded saying the SmartScale program is not working as the legislators intended and listed equity, transparency, and flexibility as key issues needing to be addressed. Mr. Bishop provided a draft resolution requesting that the Commonwealth Transportation Board and the state legislature review the SmartScale legislation and its implementation.

Chairman DeHaven asked that the draft resolution be reviewed by the County’s Commonwealth Transportation Board representative and VDOT liaisons prior to it being considered by the Board of Supervisors.

Supervisor McCarthy requested that the issue be brought to the attention of the Virginia Association of Counties and be placed on their agenda at their upcoming meeting.

Vice Chairman Lofton noted that Delegate LeRock is willing to assist with this issue in the legislature. He proposed inviting the Governor to attend the County’s Transportation Forum in the fall to allow discussion of funding issues.

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PUBLIC HEARING

PROPOSED ORDINANCE - SALARIES OF THE BOARD OF SUPERVISORS (FY 2019-2020)- APPROVED

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

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Supervisor Slaughter moved for adoption of the proposed ordinance setting the Board’s salaries as proposed. Supervisor McCarthy seconded the motion.

Supervisor Dunn said the Board has not had a pay increase since 2001, and he plans to raise the issue during the next budget cycle.

The motion to adopt the ordinance fixing the Annual Salaries of the Board of Supervisors passed on a roll call vote as follows:

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

**ORDINANCE
SALARIES OF BOARD OF SUPERVISORS
FISCAL YEAR 2019-2020**

BE IT ORDAINED, the annual salary for each member of the Frederick County Board of Supervisors, for fiscal year beginning July 1, 2019, shall be as follows: Chairman, \$10,800; Vice Chairman, \$10,200; and each other member of the Board of Supervisors at \$9,000.

Upon motion made by Supervisor Slaughter and seconded by Supervisor McCarthy, the above was passed by the Board of Supervisors of the County of Frederick, Virginia, at a regular meeting and public hearing held on May 8, 2019.

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PROPOSED AMENDMENT TO THE FREDERICK COUNTY CODE, CHAPTER 90 FIRE PREVENTION AND PROTECTION, ARTICLE I GENERAL STANDARDS, TO CONFORM WITH THE MOST RECENT PRACTICES AND CHANGES TO THE VIRGINIA FIRE PREVENTION CODE. - APPROVED

The Proposed Revisions Update the County's Adoption of the Virginia Statewide Fire Prevention Code (VSFPC), to Add, Delete, and Update Definitions as Appropriate, Update Requirements Relating to Fire Hydrants, and Make Provision for Fire Personnel-Accessible Key Boxes for Certain Structures.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Supervisor McCarthy moved for adoption of the proposed ordinance to conform with the most recent practices and changes to the Virginia Fire Prevention Code. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

**ORDINANCE
May 8 , 2019**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article I (General Standards) of Chapter 90 (Fire Prevention and Protection) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strikethrough~~ and additions are shown in **bold underline**):

ARTICLE I GENERAL STANDARDS

§ 90-1 Purpose; adoption of Statewide Fire Protection Code.

- A. The purpose of this chapter is to consolidate into one document the necessary requirements for the prevention or the minimizing of the loss of lives and property that may result from fire in Frederick County.

- B. The Virginia Statewide Fire Prevention Code (VSFPC), as set forth in § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended, shall be enforced in the County. Except as specifically modified by this chapter, all the provisions and requirements of the Statewide Fire Prevention Code are hereby adopted, mutatis mutandis, and made part of this chapter as if fully set forth and shall be known as the Frederick County Fire Prevention Code **(FCFPC)**. No person within the County shall violate or fail, neglect or refuse to comply with any provision of the Frederick County Fire Prevention Code and in no event shall the penalty imposed for the violation of any provision or requirement adopted herein exceed the penalty imposed for a similar offense under such § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-2 Administration, enforcement, and appointment of Fire Marshal; interpretation; applicability; appeals.

- A. There is hereby established in and for the County the position of Fire Marshal, who shall be responsible for the **administration and** enforcement of this chapter **and, in addition, such official shall have the powers outlined in Section 27-98.1 of the Code of Virginia,** ~~and the~~ **The** Board of Supervisors authorizes the appointment of such Fire Marshal as designated by the ~~Department~~ **System** Chief of the Frederick County Department of Fire and Rescue. The investigation into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed, investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, and environmental crimes shall be the responsibility of the Fire Marshal; ~~and/or his/her a~~ **designated representative,** ~~the Assistant Fire Marshal, and legal counsel.~~
- B. The requirements in this chapter shall be administered and enforced by the Frederick County Fire Marshal or ~~his a~~ **designated representative** as referred to as the “Authority Having Jurisdiction.”
- C. Subject to the provisions of Subsection E, the Fire Marshal or ~~his a~~ **designated representative** shall interpret this section, where necessary, and that interpretation shall be binding and final.
- D. This chapter shall apply to all matters affecting or relating to structures, processes and premises as set forth in Sections 101 and 102 of the ~~VSEPC~~ **(FCFPC)**, except that this chapter shall not apply within the boundaries of any incorporated town in the County **that has a duly appointed Fire Code Official.**
- E. Appeals concerning the administration, enforcement, interpretation, and/or application of this chapter by the Fire Marshal or ~~his/her a~~ **designated representative** shall first lie to the County Board of Building Code Appeals created under § 52-8 of this Code and then to the State Building Code Technical Review Board. Appeals hereunder to the County Board of Building Code Appeals shall be subject to the payment of the same fees as apply to appeals of matters involving the Virginia Uniform Statewide Building Code. Appeals from the application of the VSFPC by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-3 Definitions and word usage.

- A. Definitions of words defined in this article are intended for use only with sections of this article. Definitions set forth in any document referenced by this article are intended for use only with that document only. Words not specifically defined in this article or other referenced documents shall be interpreted as being the ordinary usage of the word as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.
- B. As used in this article, the following terms shall have the meanings indicated:

APPROVED

Acceptable to the Frederick County Fire Marshal or ~~his~~ a designated representative.

~~ASSISTANT FIRE MARSHAL~~

~~A sworn law enforcement officer to serve as the Fire Marshal's designated representative.~~

~~AUTOMATIC FIRE EXTINGUISHING SYSTEM~~

~~Any system which is designed and installed to detect a fire and subsequently discharge an extinguishing agent without human activation or direction.~~

CURB CUT

Reduced curb height to facilitate vehicle passage over or across a curb. A curb cut can be an abrupt reduction or may be a tapering reduction for the length of the curb on each side of the means of access.

DWELLING

A single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

~~EXISTING CONDITION~~

~~Any situation, circumstance or physical makeup of any structure, premises or process which was ongoing or in effect prior to the original adoption of this article.~~

FIRE CODE OFFICIAL

The same as "Fire Marshal" and any of his/her designated representatives.

FIRE DEPARTMENT

The Frederick County Fire and Rescue Department, the local volunteer fire company that is the first due company in an area, and any fire company that actually responds to a call for service at a particular location.

FIRE DEPARTMENT CONNECTION (FDC)

A connection, through which the fire department can pump supplemental water into a sprinkler system, standpipe, or other system, furnishing water for fire extinguishment to supplement existing water supplies.

~~FIRE DOOR~~

~~A tested, listed or approved door and door assembly constructed and installed for the purpose of preventing the spread of fire through openings in walls, partitions or other horizontal or vertical construction.~~

FIRE HYDRANT

A valved connection on a piped water supply system, having one or more outlets and which is used to supply hose and Fire Department pumps with water.

FIRE LANE

The road or other passageway developed to allow the passage of fire apparatus.

FIRE MARSHAL

~~A The sworn law enforcement official responsible for investigating the causes of fires and explosions, enforcing fire prevention laws set forth in the VSFPC, life safety inspections, the review of fire protection system plans, and fire education to the public having the responsibilities set out in Section 90-2(A) of this Code.~~

FIRE PROTECTION SYSTEM

~~Any fire alarm device or system or fire extinguishing device or system or their combination which is designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants or the Fire Department, or both, that a fire has occurred.~~

Approved devices, equipment, and/or systems used to detect a fire, activate an alarm, extinguish or control a fire, and/or control or manage smoke and products of a fire, and/or any combination thereof.

GRADE

The reference plane representing the average elevation of the finished ground level adjoining the building at all exterior walls.

KEY BOX

A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

MEANS OF ACCESS

The method or arrangement by which entry or approach is made to a building area by Fire Department apparatus and personnel.

PRIVATE DRIVE

The same as a "private street."

PRIVATE DWELLING

The same as a "dwelling."

PRIVATE ROAD

The same as a "private street."

PRIVATE STREET

Any accessway normally intended for vehicular use in the movement between points within a building site area or between a building site and a street.

RISER

The vertical supply pipes in a sprinkler system.

ROADWAY

Any street, private street or fire lane.

SPRINKLER SYSTEM

For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes at least one automatic water supply that supplies one or more systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. Each system has a control valve located in the system riser or its supply piping. Each sprinkler system includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

STANDPIPE

A pipe and attendant hose valves and hose (if provided) used for conveying water to various parts of a building for fire-fighting purposes.

STORY

~~That portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above.~~

STREET

A public thoroughfare (street, avenue or boulevard) which has been dedicated for vehicular use by the public and can be used for access by Fire Department vehicles.

STRUCTURE

Any building, monument or other object that is constructed with the ground as its foundation or normal resting place.

SUPERVISED AUTOMATIC FIRE EXTINGUISHING SYSTEM

~~Any automatic fire extinguishing system which is constantly monitored so as to determine its operating condition at all times.~~

§ 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.
- (1) 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.
 - (2) Parking in any means of access shall not be permitted within 15 feet of a fire hydrant, ~~sprinkler or standpipe~~ **any fire department** connection, or in any other manner which will obstruct or interfere with the Fire Department's use of the hydrant or connection.
 - (3) ~~"No parking~~ **"Parking Fire Lane"** signs or another designation **approved by the Fire Marshal's Office and** 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~~ **or any fire department** connection.
- B. Fire lanes.
- (1) The Fire Marshal or ~~his/her a~~ **his/her a** 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 a~~ **his/her a** designated representative. Parking in a designated fire lane shall be controlled by Chapter 158, Vehicles and Traffic, of the Frederick County Code.
 - (2) 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 such 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.
 - (3) 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.
 - (4) Chains 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 **shall comply with regulations set forth in the Frederick County Fire Prevention Code (FCFPC).**
- (1) ~~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.~~
 - (2) ~~Structures exceeding 30 feet in height shall not be set back more than 50 feet from a street, fire lane or private street.~~
 - (3) ~~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.~~

- ~~(4) 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. Those accessways shall meet the requirements of Subsection B(3).~~
- ~~(5) 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.

- (1) Water supply systems shall be designed so as to be capable of supplying at least 1,000 gallons per minute **at with a minimum of 20 pounds per square inch (psi) residual**. Water supplies shall be made available and operational before combustibles are on site during construction.
 - (2) 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(s), 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.~~
 - (a) **Distance measurements in this subsection 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.**
 - (b) **Commercial buildings that have a FDC shall have one hydrant dedicated to the operation of the FDC, which shall not be farther than 50 feet from the FDC and there shall be at least one other hydrant meeting the distance requirements set forth in this subsection.**
 - (3) ~~Fire hydrants shall be marked in accordance with the Frederick County Sanitation Authority policy.~~ **Fire hydrant tops and caps shall indicate the available gallons per minute (GPM) in accordance with National Fire Protection Association (NFPA) 291.**
 - (4) ~~Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles.~~ **In parking areas where curbing is not present vehicle impact protection shall be required as per FCFPC.**
 - (5) Fire hydrants shall be located within three feet of the curblineline of fire lanes, streets or private streets when installed along such accessways.
 - (6) Fire hydrants shall be installed in accordance with the standards of the Frederick County Sanitation Authority **(which trades/operates as Frederick Water)**.
 - (7) Threads on fire hydrant outlets shall conform to Frederick County Sanitation Authority **(which trades/operates as Frederick Water)** policy.
 - (8) Fire hydrants shall be supplied by not less than a six-inch diameter main. **Each six-inch line shall supply no more than one hydrant.**
- F. **All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all**

sprinkler systems shall be electronically supervised by listed fire alarm control unit.

Exceptions:

- (1) Automatic sprinkler systems protecting one- and two-family dwellings.
- (2) Limited area systems serving fewer than 20 sprinklers.
- (3) Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
- (4) Jockey pump control valves that are sealed or locked in the open position.
- (5) Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
- (6) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
- (7) Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

F.G. Fire protection during construction. Trash, debris and other combustible material shall be removed from the construction site as often as necessary to maintain a firesafe construction site.

G.H. Plans. Complete as-built building floor plans, site plans and plans of fire suppression systems shall be submitted to the Chief Building Official and Fire Marshal, or their respective designated representatives, prior to issuance of the final certificate of occupancy. The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.

I. Key Boxes. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys or other devices to gain necessary access as required by the fire code official.

§ 90-5 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punishable by a maximum fine of \$2,500 or by imprisonment for not more than 12 months, or both such fine and imprisonment.

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PROPOSED AMENDMENT TO THE FREDERICK COUNTY CODE, CHAPTER 158 VEHICLES AND TRAFFIC, ARTICLE II STOPPING, STANDING AND PARKING, SECTION 158-4 GENERAL RESTRICTIONS, TO ADD PROVISION REGARDING VIOLATION OF PARKING RESTRICTIONS ON COUNTY-OWNED/OPERATED PROPERTY. - APPROVED

The Proposed Amendment Would Restrict Parking on County-Owned or County-Controlled Property to Parking that is Consistent with any Posted Signs on the Property. The New Subsection Would Further Impose a Fine for a Violation of Such Parking Restrictions.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Supervisor McCarthy moved for adoption of the proposed amendment to add provisions regarding violation of parking restrictions on County-owned property. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

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

ORDINANCE
May 8, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting amended Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, as follows (deletions shown in ~~striketrough~~ and additions shown in **bold underline**):

CHAPTER 158 VEHICLES AND TRAFFIC

Article II Stopping, Standing and Parking

§158-4 General restrictions

A. Double-parking. It shall be unlawful for any person to park any vehicle on any street or highway alongside another vehicle parked at the curb or at the edge of the street or highway, it being the purpose of this subsection to prevent double-parking. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

B. Perpendicular or diagonal parking. It shall be unlawful for any person to park any vehicle on any street or highway in any manner other than parallel to the street or highway, except in a marked parking space. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

C. Parking vehicle against traffic. It shall be unlawful for any person to park any vehicle against traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

D. Parking vehicle without a current state license or a current state inspection sticker. It shall be unlawful for any person to park any vehicle on any street or highway without the vehicle displaying a current state license or a current state inspection sticker. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

E. Parking so as to stop or obstruct traffic. It shall be unlawful for any person to park any vehicle in such a manner as to stop or obstruct traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

F. Parking vehicle within 20 feet of a corner or intersection. It shall be unlawful for any person to park any vehicle within 20 feet of a corner or intersection on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

G. Parking so as to block driveway. It shall be unlawful for any person to park any vehicle in such a manner as to prevent vehicular access to any driveway or entrance to any property. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

H. Parking vehicle on sidewalk or walking trail. It shall be unlawful for any person to park any vehicle on any sidewalk that is open to public use or on any walking trail that is open to public use. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

I. Parking vehicle within 15 feet of a fire hydrant. It shall be unlawful for any person to park any vehicle within 15 feet of a fire hydrant. The penalty for violation of this restriction shall be a fine in the amount of \$40.

J. Parking vehicle in fire lane. It shall be unlawful for any person to park any vehicle in any fire lane where indicated by adequate painting, markers, or signs. The penalty for violation of this restriction shall be a fine in the amount of \$40.

K. Parking vehicle without proper permit in space reserved for persons with disabilities. It shall be unlawful for any person to park any vehicle in any parking space reserved for persons with disabilities and which parking space is so indicated by adequate painting, markers, or signs, unless such vehicle displays a proper permit to do so. It shall also be unlawful for any person to park any vehicle, regardless of whether the vehicle displays a proper permit to park in a parking space reserved for persons with disabilities, in any area adjacent to any parking space reserved for persons with disabilities, which area is reserved for access, but not parking, by persons with disabilities. The penalty for violation of this restriction shall be a fine in the amount of \$100.

L. Parking vehicle contrary to the directions of an official highway sign. It shall be unlawful for any person to park any vehicle in a manner contrary to the directions of an official highway sign. The penalty for violation of this restriction shall be a fine in the amount of \$40.

M. The terms "street" or "highway," as used herein, shall have the same meaning as the term "highway" as set forth in § 46.2-100 of the Code of Virginia.

N. In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 (§ 46.2-600 et seq.) of the Code of Virginia, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

O. Parking at County-owned or County-controlled properties. It shall be unlawful for a person to park any vehicle on property owned or controlled by the County of Frederick in a manner that is contrary to any sign posted at or on the property. The penalty for a violation of this restriction shall be a fine in the amount of \$40.

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PLANNING COMMISSION BUSINESS

PUBLIC HEARING

CONDITIONAL USE PERMIT #03-19 FOR CONNIE ANN MOSS, EXPANSION OF EXISTING DOG KENNEL - APPROVED

For the Expansion of an Existing Dog Kennel. The Existing Dog Kennel Approved by the Frederick County Board of Supervisors on September 28, 2016, Allows for the Boarding of Up to 10 Dogs. The Proposed Expansion Would Allow Boarding of an Additional 15 Dogs for a Total of Up to 25 Dogs. The Property is Located at 4527 Valley Pike, Stephens City, Virginia and is Identified with Property Identification Number 75-A-28 in the Back Creek Magisterial District.

Mr. Klein provided background information on the request saying it is for expansion of an existing dog kennel to allow for the boarding of up to 25 dogs.

The Applicant, Connie Ann Moss, said she has been operating under her current conditional use permit for three years and is planning for the future with the proposed expansion.

Supervisor McCarthy expressed his desire to prohibit additional building on the site without the Applicant returning to the Board for a new conditional use permit.

Supervisor Dunn asked the Applicant if she could foresee going above 25 dogs, and the Applicant replied that she would not do so because of the nature of her operation.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Vice Chairman Lofton moved for approval of Conditional Use Permit #03-19. Supervisor Trout seconded the motion.

Supervisor McCarthy moved to amend the motion to add a condition prohibiting additional building on the property. Supervisor Dunn seconded the motion, and the Board discussed the prohibition of building. The motion to amend failed on a roll call vote as follows:

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

Vice Chairman Lofton's original motion for approval of Conditional Use Permit #03-19 passed on a roll call vote as follows:

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

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BOARD LIAISON REPORTS - None

CITIZEN COMMENTS - None

BOARD OF SUPERVISORS COMMENTS

Supervisor McCarthy thanked all the volunteers who made the recent Apple Blossom Festival a success for the community.

Vice Chairman Lofton noted the earlier presentation of the resolution in memoriam to the family of Margaret Brumback Douglas saying that Mrs. Douglas had been very helpful as he began his tenure on the Board. He lauded Mrs. Douglas' farming and 4-H endeavors.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, the meeting was adjourned at 7:59 p.m.

C

CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Thursday, May 9, 2019
4:00 p.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

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

Committee Members Absent: Derek Aston

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Sheriff Lenny Millholland.

ITEMS FOR BOARD OF SUPERVISORS ACTION:

- 1. Amendment Frederick County Code, Chapter 118 (Noise), to adopt a “plainly audible” standard with respect to certain prohibited noise.**

The Board of Supervisors requested the Code and Ordinance Committee revisit revisions to the noise ordinance. It was noted the current noise ordinance, as written, was not enforceable per the Virginia Supreme Court’s 2009 decision in Tanner vs. City of Virginia Beach. The proposed revisions to the ordinance would adopt “plainly audible” as the standard.

The Code and Ordinance Committee the Committee discussed the “plainly audible” standard and suggested that the proposed ordinance also include a decibel standard, in addition to the “plainly audible” standard. The Committee directed the County Attorney to gather information on decibel standards for the Board of Supervisors’ consideration.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing and with a recommendation of approval, to include the “plainly audible” standard and a decibel standard based upon the County Attorney’s research. The above motion was unanimously approved.

- 2. Amendment to Frederick County Code, Chapter 48 (Animals and Fowl), Article I (Dog Licensing, Rabies Control), Section 48-3 (Dogs running at large), to add changes to conform to Virginia Code §3.2-6538, effective July 1, 2019.**

This proposed amendment would bring the County Code into conformance with changes to state law that will become effective July 1, 2019.

Upon a motion by Mr. McCarthy, seconded by Mr. Butler, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Board of Supervisors for public hearing with a recommendation of approval. The motion was approved by a 4-1 vote with Mr. Drown voting no.

ITEMS FOR BOARD OF SUPERVISORS INFORMATION:

There being no further business, the meeting was adjourned at 4:34 p.m.

Respectfully submitted,



Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Board of Supervisors

FROM: Roderick B. Williams
County Attorney

DATE: May 14, 2019

RE: Frederick County Code – Noise Ordinance – draft revisions

At its meeting on May 9, 2019, the Code & Ordinance Committee forwarded proposed revisions to Chapter 118 of the County Code to the Board of Supervisors. The major focus of the proposed revisions is to adopt a “plainly audible” standard, in order to bring the ordinance into compliance with the Supreme Court of Virginia’s 2009 decision in Tanner vs. City of Virginia Beach, 277 Va. 432, as more fully explained in the attached April 11, 2019 memorandum to the Code & Ordinance Committee.

In forwarding the proposed items, the Committee suggested that the ordinance should also include a decibel standard, in addition to the “plainly audible” standard. Accordingly, I have updated the proposed revised ordinance to include a decibel standard. I have not included a specific decibel standard, as the Committee suggested that the County Attorney’s Office obtain information on decibel standards for the Board’s consideration.

Research by this Office identified the decibel standards below for the indicated Virginia counties, for limits on noise audible on residential properties, with the general consensus seeming to be between 60 and 65 decibels:

| | |
|----------------|-----------------|
| Fauquier | 65 |
| Hanover | 57 day/52 night |
| Loudoun | 55 |
| Prince William | 60 day/55 night |
| Spotsylvania | 65 day/60 night |
| Stafford | 60 day/55 night |
| Warren | 62 day/57 night |

For reference, the following, from Wikipedia, is a list of various types of noises and their respective decibel levels:

| | |
|---|---------|
| Threshold of pain | 130–140 |
| Loudest human voice | 135 |
| Trumpet | 130 |
| Vuvuzela horn | 120 |
| Risk of instantaneous noise-induced hearing loss | 120 |
| Jet engine | 110–140 |
| Chainsaw | 110 |
| Jack hammer | 100 |
| Traffic on a busy roadway | 80–90 |
| Hearing damage
(over long-term exposure, need not be continuous) | 85 |
| Passenger car | 60–80 |
| TV (set at home level) | 60 |
| Normal conversation | 40–60 |
| Very calm room | 20–30 |
| Light leaf rustling, calm breathing | 10 |

Also, as a further reference point, Frederick County’s current festival permit ordinance imposes a limit of 73 decibels at any property line of a property on which a festival is located.

A decision by the Board on insertion of an appropriate decibel standard and whether to forward the proposed ordinance to public hearing is requested.



ORDINANCE
___ , 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 118-1 (Unreasonable noise unlawful) and 118-2 (Enforcement) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting amended Sections 118-1 (Specified noise unlawful) and 118-2 (Enforcement) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia, as follows (deletions are shown in **strikethrough** and additions are shown in **underline**):

CHAPTER 118 NOISE

§ 118-1 Unreasonable Specified noise unlawful.

A. ~~It shall be unlawful, after complaint from any person annoyed, disturbed or vexed by unnecessary and unreasonable noise and after notice by the Sheriff to the person creating such noise or to the owner, custodian or person in control or possession of the property from which such noise emanates or arises, for such person to suffer or allow such unnecessary and unreasonable noise to continue.~~ At certain levels, noise can be detrimental to the health, safety, welfare, and quality of life of inhabitants of the county, and, in the public interest, such noise should be restricted. It is, therefore, the policy of the County to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful, and annoying noises from all sources.

B. This chapter shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to noise emanating from property located within the following zoning ~~classifications~~ districts as indicated on the Frederick County Zoning Map:

RP Residential Performance District
R4 Residential Planned Community District
R5 Residential Recreational Community District
MH1 Mobile Home Community District

C. No person shall be charged with a violation of this section unless that person has received verbal, electronic, or written notice from a law enforcement officer of Frederick County that he is violating or has violated the provisions of this chapter and has thereafter had the opportunity to abate the noise disturbance.

§ 118-2 Enforcement.

Enforcement of this chapter shall be by the Sheriff of Frederick County **or his designee.**

§ 118-3 Violations and penalties. [Ed. note: No change is proposed to this section]

A violation of this chapter shall be punishable by a fine of not more than \$100 for the first offense and a fine of not more than \$1,000 for each subsequent offense. Each such occurrence shall constitute a separate offense.

§ 118-4 Specific prohibitions.

The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of this chapter:

- A. Prohibited Noise Generally. Operating, playing or permitting the operation or playing of any radio, television, computer, recording, musical instrument, amplifier, or similar device, or yelling, shouting, whistling, or singing, or operating or permitting the operation of any mechanical equipment in such a manner as to be plainly audible or exceeding ## decibels as heard:**
- 1. Across a residential real property boundary or through partitions common to two or more (2) dwelling units within a building; or**
 - 2. At a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
 - 3. At a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**
- B. Schools, public buildings, places of worship, and hospitals. The creation of any noise on or near the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship, or hospital, and which noise interferes with the operation of the institution.**

- C. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

§ 118-5 Exceptions.

This chapter shall have no application to any sound generated by any of the following:

- A. Sound which is necessary for the protection or preservation of property or the health, safety, life, or limb of any person.
- B. Public speaking and public assembly activities conducted on any public right-of-way or public property.
- C. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- D. Parades, lawful fireworks displays, school-related activities, and other such public special events or public activities.
- E. Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- F. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- G. Religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.
- H. Locomotives and other railroad equipment, and aircraft.
- I. The striking of clocks.
- J. Military activities of the Commonwealth of Virginia or of the United States of America.
- K. Agricultural activities.

Enacted this ___ day of ___, 2019.

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: April 11, 2019

RE: Frederick County Code – Noise Ordinance – draft revisions

At its meeting on April 10, 2019, the Board of Supervisors asked the Code & Ordinance Committee to consider again the proposed revisions to Chapter 118 of the County Code that the Committee forwarded to the Board last year, for the Committee again to make a recommendation to the Board. The revisions would for the objective of restoring the enforceability of the noise ordinance, in light of the Supreme Court of Virginia's 2009 decision in Tanner vs. City of Virginia Beach, 277 Va. 432.

To refresh the Committee on this item, the County adopted its current noise ordinance in 1993. The ordinance uses, as its standard for whether noise is unlawful, whether a person is "annoyed, disturbed or vexed by unnecessary and unreasonable noise." The Virginia Supreme Court, in the Tanner case, held that a noise ordinance containing similar "unreasonableness" language was unconstitutionally vague and therefore unenforceable. In light of the decision in Tanner, the County's prohibitions against noise may be subject to similar challenge.

The draft revisions adopt as the standard for prohibited noise whether the noise is "plainly audible" at certain points beyond its source. With respect to the meaning and sufficiency of the term "plainly audible", Attorney General Cuccinelli, in a 2011 Opinion, concluded that an ordinance that included that term "states in precise terms what is forbidden" and that "persons 'of common intelligence' are not required to 'necessarily guess at [the] meaning [of the language] and differ as to its application.'" 2011 Va. Att'y Gen'l Opin. 39, 41-42 (citing Tanner). In an abundance of caution, the draft revisions do also include a definition, taken from the Blacksburg Town Ordinance, adopted in response to Tanner, and cited by an ad hoc committee of the Local Government Attorneys of Virginia, Inc. to provide guidance to localities in response to Tanner.

The draft revisions otherwise generally do not deviate from the principles in the current ordinance; the draft revisions keep the noise prohibition limited to the RP, R4, R5, and MH zoning districts, with the prohibition being applicable only between 9:00 p.m. and 6:00 a.m. The draft revisions also expressly provide that the prohibition does not apply to bona fide agricultural activity and further contain a list of other specific activities that are not subject to the prohibition.

In summary, the draft revisions are appropriate for consideration because (i) **the draft revisions would provide the County with an enforceable noise ordinance, as the current noise ordinance is likely constitutionally unenforceable**, and (ii) **the draft revisions contain several appropriate exceptions that are not contained in the current ordinance, such that the draft revised noise ordinance is actually less restrictive than the current noise ordinance**.

The draft revisions are attached, along with copies of Tanner and the referenced Attorney General Opinion.



ORDINANCE
___ , 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 118-1 (Unreasonable noise unlawful) and 118-2 (Enforcement) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting amended Sections 118-1 (Specified noise unlawful) and 118-2 (Enforcement) and new Sections 118-4 (Specific prohibitions) and 118-5 (Exceptions) of Chapter 118 (Noise) of the Code of Frederick County, Virginia, as follows (deletions are shown in **strikethrough** and additions are shown in **underline**):

CHAPTER 118 NOISE

§ 118-1 Unreasonable Specified noise unlawful.

A. ~~It shall be unlawful, after complaint from any person annoyed, disturbed or vexed by unnecessary and unreasonable noise and after notice by the Sheriff to the person creating such noise or to the owner, custodian or person in control or possession of the property from which such noise emanates or arises, for such person to suffer or allow such unnecessary and unreasonable noise to continue.~~ **At certain levels, noise can be detrimental to the health, safety, welfare, and quality of life of inhabitants of the county, and, in the public interest, such noise should be restricted. It is, therefore, the policy of the County to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful, and annoying noises from all sources.**

B. This chapter shall be applicable from 9:00 p.m. to 6:00 a.m., inclusive, each day, to **noise emanating from property located within** the following zoning **classifications districts** as indicated on the Frederick County Zoning Map:

RP Residential Performance District
R4 Residential Planned Community District
R5 Residential Recreational Community District
MH1 Mobile Home Community District

C. No person shall be charged with a violation of this section unless that person has received verbal, electronic, or written notice from a law enforcement officer of Frederick County that he is violating or has violated the provisions of this chapter and has thereafter had the opportunity to abate the noise disturbance.

§ 118-2 Enforcement.

Enforcement of this chapter shall be by the Sheriff of Frederick County **or his designee.**

§ 118-3 Violations and penalties. [Ed. note: No change is proposed to this section]

A violation of this chapter shall be punishable by a fine of not more than \$100 for the first offense and a fine of not more than \$1,000 for each subsequent offense. Each such occurrence shall constitute a separate offense.

§ 118-4 Specific prohibitions.

The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of this chapter:

A. Prohibited Noise Generally. Operating, playing or permitting the operation or playing of any radio, television, computer, recording, musical instrument, amplifier, or similar device, or yelling, shouting, whistling, or singing, or operating or permitting the operation of any mechanical equipment:

Code & Ordinance Committee recommended revision to this portion.

- 1. In such a manner as to be plainly audible across a residential real property boundary or through partitions common to two or more (2) dwelling units within a building; or**
- 2. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located, provided that the sound is audible on another's property; or**
- 3. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from its source, provided that the sound is audible on another's property.**

B. Schools, public buildings, places of worship, and hospitals. The creation of any noise on or near the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship, or hospital, and which noise interferes with the operation of the institution.

- C. The term “plainly audible” shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

§ 118-5 Exceptions.

This chapter shall have no application to any sound generated by any of the following:

- A. Sound which is necessary for the protection or preservation of property or the health, safety, life, or limb of any person.
- B. Public speaking and public assembly activities conducted on any public right-of-way or public property.
- C. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- D. Parades, lawful fireworks displays, school-related activities, and other such public special events or public activities.
- E. Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- F. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- G. Religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.
- H. Locomotives and other railroad equipment, and aircraft.
- I. The striking of clocks.
- J. Military activities of the Commonwealth of Virginia or of the United States of America.
- K. Agricultural activities.
- L. Lawful discharge of firearms.
- M. Motor vehicles.
- N. Construction equipment.

Enacted this ___ day of ___, 2019.

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Interim Frederick County Administrator

PRESENT: All the Justices

BRADLEY S. TANNER, ET AL.

v. Record No. 080998

OPINION BY
JUSTICE BARBARA MILANO KEENAN
April 17, 2009

CITY OF VIRGINIA BEACH

FROM THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH
A. Joseph Canada, Jr., Judge

In this appeal, we consider whether the circuit court erred in rejecting a constitutional challenge to a municipal noise control ordinance.

Bradley S. Tanner and Eric A. Williams (collectively, the owners) own and operate BAE Ventures, Inc., t/a The Peppermint Beach Club (the club), a licensed restaurant and entertainment venue located in the 1800 block of Atlantic Avenue in the City of Virginia Beach (City). The club is located in a part of the City commonly referred to as the "oceanfront," which includes restaurants, bars, hotels, and outdoor entertainment venues.

The club, which is on the ground floor of the Howard Johnson Hotel, hosts disc jockeys and occasional "live" entertainment groups that play various types of music including "hip-hop," "punk rock," "emo," and "indie" music. The owners repeatedly have been warned by City police officers about music sound levels, and have received citations for violations of

Virginia Beach City Code § 23-47 (the ordinance). The ordinance states:

It shall be unlawful for any person to create, or allow to be created any unreasonably loud, disturbing and unnecessary noise in the city or any noise of such character, intensity and duration as to be detrimental to the life or health of persons of reasonable sensitivity or to disturb or annoy the quiet, comfort or repose of reasonable persons. The following acts, among others, are declared to be loud, disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) The playing of any television set, radio, tape player, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of reasonable persons.

(2) The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.

(3) The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while the same is in session, or adjacent to any building used as a place of public worship, while being so used or adjacent to any hospital, which unreasonably interferes with the workings of such school, institution or court or the services being conducted in such place of public worship or which disturbs or unduly annoys patients in such hospital.

(4) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(5) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.

Virginia Beach City Code § 23-47. Any violation of the ordinance constitutes a class 4 misdemeanor. Id.

In June 2007, the owners filed a complaint seeking a declaratory judgment that the ordinance is unconstitutional on its face because it is vague, and that it is unconstitutional as applied to the club. The owners alleged that the ordinance is vague because it fails to provide citizens with "fair notice" regarding what conduct is unlawful, and because the ordinance language invites selective prosecution by granting law enforcement officials the "unfettered individual discretion" to make enforcement decisions. The owners separately alleged that City police officers have applied and enforced the ordinance against the owners "in a subjective and selective manner."

In response to the owners' complaint, the City filed a demurrer, which the circuit court sustained in part based on its previous determination that the ordinance was constitutional on its face. Relying on that prior decision, the circuit court held, among other things, that the ordinance is not vague, and dismissed the owners' facial constitutional challenge with prejudice.

The case proceeded to trial on the issue of the City's application of the ordinance to the sound levels generated by the club's music. Certain City police officers testified that the City used two enforcement standards in evaluating noise

emanating from oceanfront business establishments. The first standard used was the "reasonable person" standard provided for by the ordinance. The second standard employed was an "across the street" assessment established by Police Captain Anthony F. Zucaro.

Addressing the "reasonable person" standard, Captain Zucaro testified that police officers determine whether noise is "unreasonably loud, disturbing and unnecessary" by employing the officers' "[b]ackground, experience, knowledge of the dynamics of the moment, listening, [and] witnessing." Officers Albert L. Mills, Christopher D. D'Orio, and Steven J. Kennedy testified that officers usually exercise their discretion whether to issue a citation for violation of the ordinance. These officers generally conceded that "reasonableness" is a standard that depends on an individual officer's assessment and on environmental factors such as the weather, the volume of ambient noise, and the time of day.

In 2007, Zucaro issued a letter that was distributed to oceanfront business owners in an effort to achieve voluntary compliance with the ordinance. The letter informed the business owners that police officers would take enforcement action if "[t]he intensity of the noise emanating from an establishment is at such a level it can be definitively linked to that particular

establishment from across the street or a distance equal to that measurement despite the presence of other ambient noise levels.”

Several police officers testified regarding incidents in which noise emanating from the club resulted in the issuance of citations to the owners. Relying on this and other evidence, the circuit court determined that the evidence “unequivocally establishe[d] that the enforcement of the noise ordinance is selective and uneven.” However, the circuit court held that because the owners failed to prove that this selective enforcement was motivated by a discriminatory purpose, the club’s constitutional challenge to the City’s application of the ordinance failed. The owners appealed from the circuit court’s judgment.

On appeal, the owners first argue that the circuit court erred in rejecting their facial constitutional challenge to the ordinance. They contend that the ordinance is vague and, thus, is unconstitutional on its face because business owners must engage in guesswork to determine whether certain sound levels violate the ordinance. The owners further assert that several terms in the ordinance, including the terms “unnecessary,” “loud,” “disturbing,” “character,” and “intensity,” are purely subjective and do not establish clear standards that permit uniform enforcement.

In response, the City argues that the ordinance clearly articulates an objective, "reasonable person" standard that is well established and is sufficiently definite to permit persons to conform their conduct to the law. The City concedes that the terms of the ordinance are not quantitatively precise, but argues that such a level of precision is not required to survive a vagueness challenge. The City contends that only a flexible standard such as the one prescribed by the ordinance can fairly define criminal conduct related to the "wide swath of settings and circumstances" involved when assessing noise levels.

The City further argues that the term "unnecessary" does not render the ordinance vague because the ordinance requires that noise be unreasonably loud, disturbing, and unnecessary before a criminal citation can issue. The City contends that instead of rendering the ordinance vague, the term "unnecessary" narrows the category of noise that constitutes a criminal violation and provides added protection to potential offenders. However, the City further maintains that if this Court disagrees, it should sever any offending language rather than invalidate the entire ordinance. We disagree with the City's arguments.

Our review of the ordinance begins with the principle that that duly enacted laws are presumed to be constitutional.

Marshall v. Northern Virginia Transp. Auth., 275 Va. 419, 427,

657 S.E.2d 71, 75 (2008); In re Phillips, 265 Va. 81, 85, 574 S.E.2d 270, 272 (2003); Yamaha Motor Corp., U.S.A. v. Quillian, 264 Va. 656, 665, 571 S.E.2d 122, 126 (2002); Finn v. Virginia Retirement System, 259 Va. 144, 153, 524 S.E.2d 125, 130 (2000). We are required to resolve any reasonable doubt concerning the constitutionality of a law in favor of its validity. In re Phillips, 256 Va. at 85-86, 574 S.E.2d at 272; Finn, 259 Va. at 153, 524 S.E.2d at 130; Walton v. Commonwealth, 255 Va. 422, 427, 497 S.E.2d 869, 872 (1998). Thus, if a statute or ordinance can be construed reasonably in a manner that will render its terms definite and sufficient, such an interpretation is required. See INS v. St. Cyr, 533 U.S. 289, 299-300 (2001); United States v. Harriss, 347 U.S. 612, 618 (1954); Pedersen v. City of Richmond, 219 Va. 1061, 1065, 254 S.E.2d 95, 98 (1979).

In this context, we consider the constitutional principles applicable to a vagueness challenge involving a penal statute or ordinance. The constitutional prohibition against vagueness derives from the requirement of fair notice embodied in the Due Process Clause. See United States v. Williams, 553 U.S. ___, ___, 128 S.Ct. 1830, 1845 (2008); City of Chicago v. Morales, 527 U.S. 41, 56 (1999); Grayned v. City of Rockford, 408 U.S. 104, 108 (1972). The doctrine requires that a statute or ordinance be sufficiently precise and definite to give fair warning to an actor that contemplated conduct is criminal. See

Kolender v. Lawson, 461 U.S. 352, 357 (1983); Grayned, 408 U.S. at 108. Thus, the language of a law is unconstitutionally vague if persons of "common intelligence must necessarily guess at [the] meaning [of the language] and differ as to its application." Connally v. General Construction Co., 269 U.S. 385, 391 (1926); accord Coates v. City of Cincinnati, 402 U.S. 611, 614 (1971); Cameron v. Johnson, 390 U.S. 611, 616 (1968).

The constitutional prohibition against vagueness also protects citizens from the arbitrary and discriminatory enforcement of laws. A vague law invites such disparate treatment by impermissibly delegating policy considerations "to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application." Grayned, 408 U.S. at 108-09; see Kolender, 461 U.S. at 357-61.

Because legislative bodies are "[c]ondemned to the use of words," courts cannot require "mathematical certainty" in the drafting of legislation. Grayned, 408 U.S. at 110. For this reason, an ordinance that lacks meticulous specificity nevertheless may survive a vagueness challenge if the ordinance as a whole makes clear what is prohibited. See id.; Esteban v. Central Missouri State College, 415 F.2d 1077, 1088 (8th Cir. 1969).

A different concern arises, however, when a vague statute implicates citizens' rights under the First Amendment. In such circumstances, vague language in a statute or ordinance may cause citizens to avoid constitutionally permissible conduct based on a fear that they may be violating an unclear law. Thus, a vague statute may inhibit the exercise of constitutionally protected activities. Grayned, 408 U.S. at 108-09.

In applying these principles, we first acknowledge that the regulation of noise by a locality creates special problems regarding the drafting and enforcement of legislation. See Nichols v. City of Gulfport, 589 So. 2d 1280, 1283 (Miss. 1991); People v. New York Trap Rock Corp., 442 N.E.2d 1222, 1226 (N.Y. 1982). These problems arise from the nature of sound, which invites the use of broadly stated definitions and prohibitions. Nichols, 589 So. 2d at 1283; Trap Rock, 442 N.E.2d at 1226.

The ordinance before us prohibits any "unreasonably loud, disturbing and unnecessary noise," noise of "such character, intensity and duration as to be detrimental to the life or health of persons of reasonable sensitivity," or noise that "disturb[s] or annoy[s] the quiet, comfort or repose of reasonable persons." The ordinance also describes various acts that constitute per se violations.

We conclude that these provisions fail to give "fair notice" to citizens as required by the Due Process Clause, because the provisions do not contain ascertainable standards. See Thelen v. State, 526 S.E.2d 60, 62 (Ga. 2000); Nichols, 589 So. 2d at 1284. Instead, the reach of these general descriptive terms depends in each case on the subjective tolerances, perceptions, and sensibilities of the listener.

Noise that one person may consider "loud, disturbing and unnecessary" may not disturb the sensibilities of another listener. As employed in this context, such adjectives are inherently vague because they require persons of average intelligence to guess at the meaning of those words. See Thelen, 526 S.E.2d at 62; Lutz v. City of Indianapolis, 820 N.E.2d 766, 769 (Ind. Ct. App. 2005); Nichols, 589 So. 2d at 1283.

The references in the ordinance to "reasonable persons," and to persons of "reasonable sensitivity," do not provide a degree of definiteness sufficient to save the ordinance from the present vagueness challenge. Such terms, considered in their context, delegate to a police officer the subjective determination whether persons whom the police officer considers to be of reasonable sensitivity would find the noise detrimental to their life or health. Likewise, these terms leave to a police officer the determination whether persons the police

officer considers to be reasonable would be disturbed or annoyed in their comfort or repose by the particular noise at issue.

Determinations of this nature invite arbitrary enforcement. Police officers likely will have differing perceptions regarding what levels of sound exceed the described tolerance levels and sensitivities of reasonable persons. Because these determinations required by the ordinance can only be made by police officers on a subjective basis, we hold that the language of the ordinance is impermissibly vague. See Grayned, 408 U.S. at 108-09; U.S. Labor Party v. Pomerleau, 557 F.2d 410, 412 (4th Cir. 1977); Thelen, 526 S.E.2d at 62. The imposition of criminal penalties for the violation of an ordinance cannot rest on the use of subjective standards, nor may an ordinance consign a person to penal consequences without first providing sufficiently definite notice of prohibited activities. See Thelen, 526 S.E.2d at 62; Nichols, 589 So. 2d at 1284.

We find no merit in the City's argument that its use of the term "reasonable persons" nevertheless rescues the ordinance from the present vagueness challenge because the criminal law employs a "reasonable person" standard in various other types of determinations. Such comparisons are inapposite. Here, the City attempts to satisfy the notice requirement of the Due Process Clause by using a standard that does not notify or warn citizens in clear and definite terms what noise levels are

prohibited. In contrast, the use of a "reasonable person" standard elsewhere in the criminal law does not attempt to provide notice to citizens regarding the reach of a criminal statute or ordinance, but sets a standard for a court to use in determining police compliance with certain constitutional and other legal requirements. See, e.g., Brendlin v. California, 551 U.S. 249, ___, 127 S.Ct. 2400, 2405-06 (2007) ("seizure" within meaning of Fourth Amendment occurs when reasonable person would not feel free to leave); Buhrman v. Commonwealth, 275 Va. 501, 505, 659 S.E.2d 325, 327 (2008) (probable cause exists when facts and circumstances of which police officer has "reasonably trustworthy information . . . warrant a person of reasonable caution to believe that an offense has been or is being committed") (quoting Taylor v. Commonwealth, 222 Va. 816, 820, 284 S.E.2d 833, 836 (1981)).

In concluding that the ordinance is vague, we do not directly address the list of per se violations contained in the ordinance. Each of these per se violations is defined as constituting "loud, disturbing and unnecessary noise" and, thus, cannot be evaluated separately from those vague terms.

Finally, we hold that we are unable to sever from the ordinance the unconstitutional language that we have identified and give its remaining language a definite and permissible construction. Instead, the vague language adjudged

unconstitutional in this opinion affects the content of the entire ordinance.*

For these reasons, we will reverse the circuit court's judgment and will enter final judgment for the owners declaring that the entire ordinance is unconstitutional because it is vague.

Reversed and final judgment.

* In view of our holding that the ordinance is vague, we do not reach the owners' remaining contentions alleging that the ordinance is overbroad and has been enforced selectively by City police.

CONSTITUTION OF THE UNITED STATES.

CONSTITUTION OF VIRGINIA.

Ordinance requiring Impounding of animals running at large is constitutional.

Ordinance prohibiting discharge of a firearm on roadways or near buildings is constitutional.

Ordinance restricting animal noise is constitutional.

The Honorable Christopher K. Peace
Member, House of Delegates

June 22, 2011

ISSUE PRESENTED

You inquire whether three ordinances of Hanover County are constitutional under the constitutions of Virginia and of the United States. The first ordinance prohibits the owner of agricultural animals to run at large in the county. The second ordinance prohibits the discharge of weapons in or along roads or within one hundred yards of a building. The third ordinance is a noise control ordinance that prohibits certain animal noises at certain times.

RESPONSE

It is my opinion that none of the ordinances suffers from constitutional infirmity.

APPLICABLE LAW AND DISCUSSION

Before addressing the specific ordinances, I note the settled principle of law that "all statutes and ordinances are presumed to be constitutional, and that if there is any doubt such doubt should be resolved in favor of their constitutionality."¹

The first ordinance about which you inquire, Hanover County Code § 4-8 provides as follows:

It shall be unlawful for the owner of any agricultural animal to allow such agricultural animal, except for poultry, to run at large in the county. It shall be the duty of the animal control officer or other officer who finds any agricultural animal, except for poultry, running at large in violation of this section, to take the agricultural animal, except for poultry, into custody and impound same.

This ordinance regulates private property. Property rights certainly benefit from constitutional protection and constitute a cornerstone of our prosperity as a Nation. Property rights, however, are not absolute. A locality, when authorized by the legislature, can enact ordinances designed to regulate property to protect the health and safety of its citizens. Where, as here, a policy or regulation does not infringe upon a suspect class, such as race, or a fundamental right, such as freedom of speech, the standard of review is highly deferential toward the locality.² The courts must [Page 40] defer to legislative judgments "if there is any reasonably conceivable set of facts that could provide a rational basis for the" measure under review.³

Virginia has long allowed localities to enact laws requiring animals to be kept inside a fence.⁴ Animals that are left to wander can damage or destroy property and crops belonging to others, threaten other animals or human life, and can pose a danger to traffic on the County's roads. In 1872, the Supreme Court of Indiana bemoaned the fact that

[t]here are many persons . . . that seem to act upon the theory that their cows, and in many instances their hogs, may rightfully roam at large, and obtain a scanty subsistence upon the highways and neighboring unenclosed lands, thereby making it necessary for every one to guard his premises with much vigilance and expense, from the depredations of these marauding and vagrant animals that are thus permitted to wander in quest of food.^[5]

Plainly, the County has a rational basis for enacting this ordinance and, therefore, it is constitutional.

I further note that there is no plausible constitutional objection to impounding animals in these circumstances, both for the safety of others and for the protection of the animals themselves.

The second ordinance you ask about, Hanover County Code § 24-4, provides as follows:

If any person discharges or shoots any firearm or other weapon in or along any public road or street or within one hundred

(100) yards thereof or within one hundred (100) yards of any building occupied or used as a dwelling or place where the public gathers, not his own dwelling or residence, except in the lawful defense of his own person or property or that of a member of his family, he shall be guilty of a Class 1 misdemeanor.

The right to bear arms is protected by the Constitutions of Virginia⁶ and of the United States.⁷ The United States Supreme Court has recognized that the Second Amendment of the United States protects an *individual* right to bear arms⁸ and, further that this right operates as a restriction on the States as well as the federal government.⁹ The protections afforded by the Virginia Constitution in this area are co-extensive with those of the Second Amendment.¹⁰

The law is not settled at this time with respect to how strictly courts will evaluate restrictions on the use of firearms. We know that the right to bear arms is "not unlimited, just as the First Amendment's right of free speech was not."¹¹ Although the right is broader than merely protection of the home, at its core the Second Amendment protects "the right of law-abiding, responsible citizens to use arms in defense of hearth and home."¹² **[Page 41]**

Here in the Fourth Circuit, federal courts will apply a two part test to evaluate the validity of restrictions on bearing or using firearms. The first question is "whether the challenged law imposes a burden on conduct falling within the scope of the Second Amendment's guarantee."¹³ This is a "historical inquiry," which "seeks to determine whether the conduct at issue was understood to be within the scope of the right at the time of ratification. If it was not, then the challenged law is valid."¹⁴ If the law at issue burdens conduct that was within the scope of the Second Amendment as historically understood, then the court will apply "an appropriate form of means ends scrutiny."¹⁵ "[U]nless the conduct at issue is not protected by the Second Amendment, the Government bears the burden of justifying the constitutional validity of the law."¹⁶

In conducting this review, the United States Court of Appeals for the Fourth Circuit has noted that

[t]he Second Amendment is no more susceptible to a one-size-fits-all standard of review than any other constitutional right. Gun-control regulations impose varying degrees of burden on Second Amendment rights, and individual assertions of the right will come in many forms. A severe burden on the core Second Amendment right of armed self-defense should require strong justification. But less severe burdens on the right, laws that merely regulate rather than restrict, and laws that do not implicate the central self-defense concern of the Second Amendment, may be more easily justified.^[17]

In light of these principles, I conclude that the ordinance does not violate the constitutional right to bear arms.¹⁸ First, it specifically exempts from its scope actions taken in defense of self, others or property. Therefore, it does not implicate one of the core concerns of the right to bear arms. Second, it does not preclude anyone from carrying a firearm. Instead, it simply prohibits certain uses of a firearm. Moreover, the ordinance serves a proper purpose, to protect the public safety, by prohibiting firearm discharges on roads or near occupied buildings.

In addition, this ordinance does not violate any property rights. Under a highly deferential "rational basis" review, courts easily would sustain this ordinance against a challenge that it infringed on property rights.

The final ordinance about which you inquire is a component of a noise control ordinance, Hanover County Code § 16-8(8). It provides in relevant part that

The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which any constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of section 16-7.

(8) Allowing an animal to create howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property **[Page 42]** boundary or through partitions common to two (2) residences within a building and that take place continuously or repeatedly (k) during a period of at least fifteen (15) minutes in duration between 7:00 a.m. until 10:00 p.m. or (ii) during a period of at least 10 minutes in duration between 10:00 p.m. and 7:00 a.m., provided, however, that animal noises on property subject to a special exception for a commercial kennel or conditional use permit for a public animal shelter shall be governed exclusively by the conditions of the special exception or conditional use permit.

Noise control ordinances have been invalidated when they are unconstitutionally vague, or when they unduly restrict protected constitutional rights like freedom of speech.¹⁹ The ordinance above does not suffer from either defect. It states in precise terms what is forbidden. Therefore, persons "of common intelligence" are not required to "necessarily guess at [the] meaning [of the language] and differ as to its application."²⁰ In addition, animal noises are not constitutionally protected speech, so there is no free speech issue with this subpart of the ordinance.

Finally, I again note that under the "rational basis" test detailed above, courts would sustain this ordinance against any challenge that it unconstitutionally interferes with property rights. For good or for ill, courts in recent decades have been highly deferential toward legislatures and governing bodies in reviewing ordinances and statutes that to some degree or another restrict the use of property. I am duty bound to provide advice based on the law as it presently exists.

CONCLUSION

Accordingly, it is my opinion that none of the ordinances about which you inquire suffers from constitutional infirmity.

FOOTNOTES

1 *Town of Ashland v. Bd. of Spvsrs.*, 202 Va. 409, 416, 117 S.E.2d 679, 684 (1961).

2 *Advanced Towing Co. v. Fairfax Cnty. Bd. of Spvsrs.*, 280 Va. 187, 191, 694 S.E.2d 621, 623 (2010).

3 *Id.* at 192, 694 S.E.2d at 624.

4 Under current law, localities expressly are authorized to enact ordinances governing "the running at large and the keeping of animals." VA. CODE ANN. § 3.2-6544 (2008). *See also Poindexter v. May*, 98 Va. 143, 145, 34 S.E. 971, 972 (1900) (tracing the history of such regulations to the common law of England).

5 *Indianapolis, Cincinnati & Lafayette R.R. Co. v. Harter*, 38 Ind. 557, 559 (1872).

6 [T]he right of the people to keep and bear arms shall not be infringed[.]" VA. CONST. art. I, § 13.

7 "[T]he right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II. The Second Amendment applies to the States as well as to the United States government. *McDonald v. City of Chicago*, 561 U.S. 742, ___, 130 S. Ct. 3020, 3026 (2010) (quotations and citations omitted).

8 *District of Columbia v. Heller*, 554 U.S. 570, 606 (2008). *McDonald*, 561 U.S. at ___, 130 S. Ct. at 3026 (quotations and citations omitted).

9 *McDonald*, 561 U.S. at ___, 130 S. Ct. at 3026 (quotations and citations omitted).

10 *DiGiacinto v. Rector & Visitors of George Mason Univ.*, 281 Va. 127, 133-34, 704 S.E.2d 365, 368-69 (2010).

11 *Heller*, 554 U.S. at 595. [Page 43]

12 *Id.* at 635. In addition to self-defense, an armed citizenry serves as a check upon tyranny. See JOSEPH STORY, A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES § 450, p. 246 (1840) ("One of the ordinary modes, by which tyrants accomplish their purposes without resistance, is, by disarming the people, and making it an offense to keep arms."). An armed citizenry also will serve as a deterrent to foreign invasion — a less likely prospect in modern times, but one that has occurred repeatedly throughout our history. As the Continental Congress noted, "Men trained to Arms from their Infancy, and animated by the Love of Liberty, will afford neither a cheap or easy Conquest." Journals of the Continental Congress, Petition to the King (July 8, 1775), available at http://avalon.law.yale.edu/18th_century/contcong_07-08-75.asp.*

* [Editor's Note: The website address(es) which appear in this case are set out as hyperlinks for your own convenience. Due to the passage of time, however, the hyperlink may no longer work and/or the content of the website may not accurately reflect the content which existed at the time this case was decided.]

13 *United States v. Chester*, 628 F.3d 673, 680 (4th Cir. 2010).

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.* at 682 (quoting *United States v. Skoien*, 587 F.3d 803, 813-14 (7th Cir. 2009), vacated, 614 F.3d 638 (7th Cir. 2010) (en banc)).

18 I note parenthetically that VA. CODE ANN. § 15.2-915(A) (Supp. 2010) does not apply to this ordinance. That statute prohibits a locality from adopting ordinances governing the "purchase, possession, transfer, ownership, carrying, storage or transporting of firearms. . . ." The County ordinance prohibits, in limited fashion, the discharge of a firearm, but it does not prohibit the purchase, possession, transfer, ownership, carrying or transporting of a firearm.

19 *Tanner v. City of Virginia Beach*, 277 Va. 432, 674 S.E.2d 848 (2009) (invalidating a noise control ordinance as unconstitutionally vague); *U.S. Labor Party v. Pomerleau*, 557 F.2d 410 (4th Cir. 1977) (invalidating a noise-ordinance as unconstitutional because of its impact on free speech).

20 *Tanner*, 277 Va. at 439, 674 S.E.2d at 852 (quoting *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1926)).



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: April 30, 2019

RE: Frederick County Code – Dogs running at large – draft ordinance revisions

At its recently completed Session, the General Assembly enacted revisions to Virginia Code § 3.2-6538, effective July 1, 2019, as follows:

§ **3.2-6538**. Governing body of any locality may prohibit dogs from running at large; civil penalty.

~~The governing body of any~~ Any locality may by ordinance prohibit the running at large of all or any category of dogs, *except dogs used for hunting*, in all or any designated portion of such locality during such months as ~~they~~ it may designate. ~~Governing bodies~~ Any such locality may also require that dogs be confined, restricted, or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming; ~~or running or self-hunting~~ off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large; or remain unconfined, unrestricted, or not penned up shall be deemed to have violated an ordinance adopted pursuant to the provisions of this section. *Such ordinance shall provide that the owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount established by the locality not to exceed \$100 per dog so found. For the purpose of such ordinance, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Any civil penalty collected pursuant to such ordinance shall be deposited by the treasurer of the locality pursuant to the provisions of § 3.2-6534.*

The revised § 3.2-6538 therefore requires certain amendments to the County Code § 48-3. The current version of § 48-3 and a version showing proposed revisions are attached. The revisions, proposed to be effective July 1, 2019, are as follows:

- Inclusion in subsection A of a definition, drawn from the state code provision, of what constitutes running at large.
- Clarification in subsection A that the prohibition applies to any person permitting “a dog” to run at large, instead of saying “his dog”, which in the current version could suggest the prohibition would apply only to the owner of the dog, as opposed to the owner or a custodian of the dog.
- Clarification in subsection A as to the punishment for violating the prohibition. The reference for punishment is to County Code § 48-10, which makes a violation punishable as a Class 4 misdemeanor. The maximum penalty for a Class 4 misdemeanor is a \$250 fine.
- Inclusion of a new subsection B, to comply with the new mandates of § 3.2-6538 regarding any dog(s) running at large in a pack.
- Redesignation of the last sentence of current subsection A as a standalone subsection C.
- Redesignation of former subsection B as subsection D.
- Inclusion of a new subsection E, to comply with the new mandates of § 3.2-6538.

A recommendation by the Committee to the Board of Supervisors is requested.

Attachments

*Frederick County, VA
Friday, April 12, 2019*

Chapter 48. Animals and Fowl

Article I. Dog Licensing; Rabies Control

§ 48-3. Dogs running at large unlawful.

- A. It shall be unlawful to permit any dog to run at large within the County at any time during the year. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this subsection. It shall be the duty of the Animal Control Officer and Deputy Animal Control Officers to cause all dogs found running at large in violation of this section to be caught and penned up in the County dog pound.
- B. It shall be unlawful to permit any vicious or destructive dog to run at large within the County, and any person owning, having control or harboring any such dog is hereby required to keep the same confined within his premises.



ORDINANCE
___, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that, effective July 1, 2019, Section 48-3 (Dogs running at large unlawful) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Section 48-3 (Dogs running at large unlawful) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the Code of Frederick County, Virginia, as follows (deletion is shown in ~~strikethrough~~ and addition is shown in **bold underline**):

CHAPTER 48 ANIMALS AND FOWL

Article I Dog Licensing; Rabies Control

§ 48-3 Dogs running at large unlawful.

- A. It shall be unlawful to permit any dog to run at large within the County at any time during the year. **For the purposes of this subsection, a dog shall be deemed to be running at large while roaming or running off the property of its owner or custodian and not under its owner's or custodian's immediate control. Except as provided in subsection B, Any any** person who permits ~~his~~ **a** dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this subsection **and be subject to punishment as provided in Section 48-10.**
- B. It shall also be unlawful to permit any dog to run at large in a pack within the County at any time during the year. For the purposes of this subsection, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Any person who permits a dog to run at large in a pack shall be deemed to have violated the provisions of this subsection and, in addition to the punishment as provided in Section 48-10, be subject to a civil penalty not to exceed \$100 per dog so found. Any civil penalty collected pursuant to this subsection shall be deposited by the Treasurer pursuant to the provisions of § 3.2-6534 of the**

Code of Virginia (1950, as amended).

C. It shall be the duty of the Animal Control Officer and Deputy Animal Control Officers to cause all dogs found running at large in violation of this section to be caught and penned up in the County dog pound.

B.D. It shall be unlawful to permit any vicious or destructive dog to run at large within the County, and any person owning, having control or harboring any such dog is hereby required to keep the same confined within his premises.

E. The provisions of this section shall not apply with respect to dogs used for hunting.

Enacted this ___ day of ___, 2019.

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

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

D

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Wednesday, May 15, 2019
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, May 15, 2019 at 8:00 a.m.

ATTENDEES:

Committee Members Present: Judith McCann-Slaughter, Chairman; Charles DeHaven; Gary Lofton; Jeffrey Boppe; and Angela Rudolph-Wiseman.

Committee Members Absent: Ellen Murphy, Commissioner of the Revenue; and William Orndoff, Treasurer (non-voting liaisons).

Staff present: Sharon Kibler, Assistant Finance Director; Kris Tierney, County Administrator; Jay Tibbs, Deputy County Administrator; Rod Williams, County Attorney; Lenny Millholland, Sheriff; Andrea Cosans, Court Services Director; Jason Robertson, Parks & Recreation Director; Peter Roussos, VJCCA Director; and Nick Sabo, Airport Executive Director.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Items 2, 4, 5, 6, and 7 were approved under consent agenda.

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$30,450 for Phase II of the eSummons project. This amount represents eSummons funds collected through the courts and earmarked for the implementation of an electronic summons system. No local funds are required. See attached information, p. 3 – 9. The committee recommends approval.
2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$3,693.07. This amount represents an insurance claim for a damaged vehicle. No local funds required. See attached memo, p. 10 – 11.
3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$24,750. This amount represents recovered costs for traffic control for overtime. No local funds required. See attached information, including a policy as approved by the Public Safety Committee, p. 12 – 25. The committee recommends approval.
4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$862.31. This amount represents restitution for damaged cruisers. No local funds required. See attached memo, p. 26.
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$100. This amount represents a DARE donation. No local funds required. See attached memo, p. 27 – 28.
6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$11,853.47. This amount represents reimbursements from the Secret Service. No local funds required. See attached memo, p. 29 – 30.
7. The Sheriff request a General Fund supplemental appropriation in the amount of \$3,550. This amount represents proceeds from the sale of a retired cruiser. No local funds required. See attached memo, p. 31.

8. The Sheriff requests a General Fund supplemental appropriation in the amount of \$270,870. This amount represents funds to purchase (9) nine 2019 vehicles at a cost savings of approximately \$3,000 per vehicle. Funds were budgeted in FY 2020 and will be returned. Local funds are required. See attached memo, p. 32. The committee recommends approval of the supplemental appropriation from the Capital Reserve in FY 2019 to be returned from the FY 2020 funds budgeted for Sheriff vehicles.
9. The NRADC Superintendent requests a Court Services budget transfer in the amount of \$7,000 out of a personnel line item to operations to meet projected operational shortfalls. See attached memo, p. 33 – 35. The committee recommends approval.
10. The Airport Director requests a General Fund supplemental appropriation in the amount of \$245,737. This amount represents the County's share of legal fees in the amount of \$326,345 incurred in prior years (identified in the Airport CAFR as "Cash overdraft"). Local funds are required. See attached information, p. 36 – 37. The committee recommends approval.
11. The Parks & Recreation Director requests a change order in the amount of \$111,550, which is in excess of 10%, for the Sherando Park Recreation Access Project. No additional local funds are required. See the attached memo, p. 38. The committee recommends approval.
12. The VJCCCA Director requests a General Fund budget transfer in the amount of \$6,400 out of a personnel line item to operations to provide client services and training. See attached memo, p. 39. The committee recommends approval.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for April 2019. See attached, p. 40 – 41.
2. The Finance Director provides financial statements ending April 30, 2019. See attached, p. 42 – 52.
3. The Finance Director provides an FY 2019 Fund Balance Report ending May 10, 2019. See attached, p. 53.

Respectfully submitted,

FINANCE COMMITTEE

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

By 

Sharon Kibler, Assistant Finance Director

Frederick County Sheriff's Office

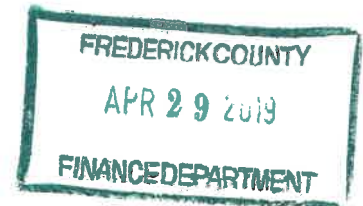


Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 Coverstone Drive
Winchester, Virginia 22602

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



To: Cheryl Shiffler, Director of Finance
From: Sheriff Lenny Millholland
Subject: Transfer of Revenue Funds – eSummons
Date: April 24, 2019

Pursuant to § 17.1-279.1 of the Code of Virginia, a fee is assessed as part of the costs in each criminal or traffic case adjudicated by the Frederick County Courts. Chapter 155, Article XII of the Code of Frederick County states that the Treasurer shall hold such funds subject to disbursement by the Board of Supervisors to the Sheriff of Frederick County, solely to fund software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system.

The Sheriff's Office has completed Phase I of the electronic summons project which provided the necessary hardware and software for Fifty (50) deputies. The Sheriff's Office is now ready to expand this system (Phase II) by adding software and hardware for Twenty-Five (25) additional deputies. The cost for this expansion will be \$30,450.00 (see attached quotes for software licenses and hardware).

With this information in mind, the Sheriff's Office requests that \$30,450.00 be transferred from eSummons Revenues to the Sheriff's Office Line Item of 3102-5409-000-005 for the purchase of the needed software and hardware.

Sheriff Millholland will be present at the Finance Committee to answer any questions concerning this request. This is a continuation of the eSummons project, previously approved by the County IT Director, Scott Varner.

Thank you,

A handwritten signature in blue ink, appearing to be "Lenny Millholland", written over a horizontal line.

Sheriff Lenny Millholland

Superion, a CentralSquare Company

Add-On Quote

Quote Prepared For:

Joey Henry, Lt.
 Frederick County Sheriff'S Office
 1080 Coverstone Dr.
 WINCHESTER, VA, 22602
 540-504-6538

Date: 04/23/19

Quote Number: Q-00015071 Valid Until:
 07/15/19

Quote Prepared By:

Brian Rennie, Account Executive - Install
 Superior
 4161 Piedmont Pkwy
 Greensboro, NC 27410
 Phone: (336) 878-1287 Fax: (407) 304-1272
brian.ennie@centralsquare.com

Thank you for your interest in our company and our software and services solutions. Please review the below quote and feel free to contact Brian Rennie with any questions.

License Fees & Maintenance

| Product Name | Quantity | License Fee | Maintenance |
|---------------------------------|----------|------------------|-----------------|
| ONESolution MFR Client-Citation | 25 | 10,000.00 | 2,000.00 |
| Total | | 10,000.00 | 2,000.00 |

Summary

Product/Service

License Fees

| | Amount |
|------------------------------------|----------------------|
| Subtotal | 10,000.00 USD |
| Total Excluding Maintenance | 10,000.00 USD |
| Net Maintenance | 2,000.00 USD |
| Total with Maintenance | 12,000.00 USD |

See Product notes in the Additional Information Section

Payment terms as follows, unless otherwise notated below for Special Payment Terms by Product:

Do not pay from this form. Customer will be invoiced for the fees set forth after execution.

If applicable, annual Access, Subscription and/or Cloud/Hosting Fees will be invoiced annually after the initial term.

Maintenance Service and Support Fees (including third party products) are included with purchase for the initial term and will be invoiced annually after the initial term.

License, Start-up and Third Party software and/or hardware Fees are due at execution.

Training Fees and Travel Expenses are due as incurred. All other Professional Services will be Fixed Fee, due at execution.

Custom Modifications and Third Party Product Implementation Services fees are due 50% on execution of this Quote and 50% due upon invoice, upon completion.

Pricing for professional services provided under this quote is a good faith estimate based on the information available at the time of execution. The total amount may vary based on the actual number of hours of services required to complete the services. If required, additional services can be provided on a time and materials basis at CentralSquare's then-current hourly rates for the services at issue. For training and on-site project management sessions which are cancelled at the request of Customer within fourteen (14) days of the scheduled start date, Customer is responsible for entire price of the training or on-site project management plus incurred expenses.

Comments:

There is no hardware included in quote total.

Joey Henry, Lt.
Frederick County Sheriff'S Office

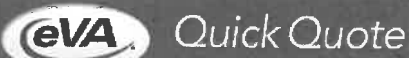
Authorized Signature: _____

Printed Name: _____

Date: _____

Additional Information Section

Product Notes:



Create My Work BSO List Guides Portal Logout

EVA001_QQ230831_RESP_1

Update Response

Print

Close

Response Summary - for QQ Version 1

Vendor Name: Newcom Wireless Services LLC
Contact Name: Boyle, Marylou
Phone #: 781-826-7989 Ext:
Email: kristine@newcomglobal.com
Fax #: 781-826-7131

Response Header

| Response ID: | EVA001_QQ230831_RESP_1 | | | | | | |
|--------------------------|---|----------------|------------------------------|---------------------|----|------------------------|----|
| Response Title: | NEWCOM - Seiko Bid Response | | | | | | |
| SWAM: | | | | | | | |
| Ordering Address: | 575 Washington St Pembroke, MA 02359-2342 | | | | | | |
| Response Date: | 04/17/2019 05:13:58 PM | | | | | | |
| Comments: | QQ-EVA001_QQ230831
Joey, please find attached the bid and vendor document from NEWCOM.
Please note we are available for installation services as well if/when needed. | | | | | | |
| Attachments: | <table border="1"> <thead> <tr> <th>Attached Files</th> <th>Proprietary and Confidential</th> </tr> </thead> <tbody> <tr> <td>NEWCOM_venderap.pdf</td> <td>No</td> </tr> <tr> <td>QQ-EVA001_QQ230831.pdf</td> <td>No</td> </tr> </tbody> </table> | Attached Files | Proprietary and Confidential | NEWCOM_venderap.pdf | No | QQ-EVA001_QQ230831.pdf | No |
| Attached Files | Proprietary and Confidential | | | | | | |
| NEWCOM_venderap.pdf | No | | | | | | |
| QQ-EVA001_QQ230831.pdf | No | | | | | | |

Response Items

Item 1

| | |
|-------------------------------|---|
| Item ID: | 1 |
| Vendor Part Num: | MP-A40-BT-00A |
| Unit Price: | 479.00 |
| Quantity: | 25 |
| Unit of Measure: | ea |
| UOM Description: | each |
| NIGP Code: | 20480 |
| NIGP Code Description: | Printers, Thermal |
| Total Price: | \$11,975.00 |
| Comments: | |
| Delivery Date: | 04/30/2019 |
| Ship To: | Frederick County Sheriff Office
1080 Coverstone Drive, Winchester, VA, 22602 |
| Brand Name: | Seiko |
| Short Name: | Seiko MP-A40-BT-00A Mobile Printer
Seiko MP-A40-BT-00A Mobile Printer |
| Item Description: | |
| Lead Time: | 7 Calendar Days After Receipt of Order (ARO) |
| Met Specs? | Yes |
| Attachments: | none |

Item 2

| | |
|-------------------------|-----------|
| Item ID: | 2 |
| Vendor Part Num: | CC-A12-A1 |

| | |
|-------------------------------|--|
| Unit Price: | 25.00 |
| Quantity: | 25 |
| Unit of Measure: | ea |
| UOM Description: | each |
| NIGP Code: | 20480 |
| NIGP Code Description: | Printers, Thermal |
| Total Price: | \$625.00 |
| Comments: | <div style="border: 1px solid black; height: 40px;"></div> |
| Delivery Date: | 04/30/2019 |
| Ship To: | Frederick County Sheriff Office
1080 Coverstone Drive, Winchester, VA, 22602 |
| Brand Name: | Seiko |
| Short Name: | Seiko Auto Adapter - 12 V DC |
| Item Description: | <div style="border: 1px solid black; padding: 2px;">Seiko Auto Adapter - 12 V DC</div> |
| Lead Time: | 7 Calendar Days After Receipt of Order (ARO) |
| Met Specs? | Yes |
| Attachments: | none |

Top

Update Response

Print

Close



Create | My Work | BSO List | Guides | Portal Logout

EVA001_QQ230889_RESP_1

Update Response

Print

Close

Response Summary - for QQ Version 1

Vendor Name: Scan Technology Inc
Contact Name: FLOWERS, BOB
Phone #: 352-331-4752 Ext:
Email: bflowers@scantec.com
Fax #: 352-332-7526

Response Header

Response ID: EVA001_QQ230889_RESP_1
Response Title: Barcode Scanner
SWAM:
Ordering Address: PO Box 988 Manchester, TN 37349-0988
Response Date: 04/18/2019 02:05:23 PM
Comments:
Attachments: none

Response Items

Item 1

Item ID: 1
Vendor Part Num: 4910LR-151-LTRK
Unit Price: 339.00
Quantity: 25
Unit of Measure: ea
UOM Description: each
NIGP Code: 20686
NIGP Code Description: Scanners and Readers, Optical Character: Bar Code, Remittance Scanner/Processors, etc.
Total Price: \$8,475.00
Comments:
Delivery Date: 06/30/2019
Ship To: Frederick County Sheriff Office
Brand Name: L-Tron
Short Name: Bar Code Scanner
Item Description:
Lead Time: 10 Calendar Days After Receipt of Order (ARO)
Met Specs? Yes
Attachments: Attached Files: FREDERICK COUNTY LTRON BARCODE BID.pdf (Proprietary and Confidential) No

Top

Update Response

Print

Close

Company No: 001 Account Number: 10 - 2402506 Period:
 Date: 4/30/19 E-SUMMONS FUNDS Time: 1015
 Budget Amount Year To Date Encumbrances Balance
 \$.00 \$163,429.73- \$.00 \$163,429.73

| Date | Source | Reference Number | PO# | Amount | Period | Description |
|----------|--------|-------------------|-----|---------------|--------|-------------------|
| 07012018 | YE | 1 | | \$78,269.19- | 201807 | BEG. YEAR BALANCE |
| 08012018 | AE | 1 | | \$85,160.54- | 201808 | ADJUSTING ENTRY |
| ***** | | G/L Year-To-Date- | | \$163,429.73- | | |
| ***** | | Encumbrance- | | | | |
| ***** | | A/P Holding File- | | | | |
| ***** | | P/R Holding File- | | | | |
| ***** | | U/T Holding File- | | | | |
| ***** | | A/R Holding File- | | | | |
| ***** | | G/L Holding File- | | | | |
| ***** | | S/S Holding File- | | | | |
| ***** | | INV Holding File- | | | | |
| ***** | | Budget Amount- | | | | |

1601-13 \$17,846
 1601-15 \$9,116

 26,962
 Collected FY 19 YTD

Sheriff request Backup
 SIA

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400



TO : Cheryl Shiffler Director of Finance
FROM : Sheriff Lenny Millholland
DATE : April 23, 2019
SUBJECT : Insurance Reimbursement

We are requesting the insurance check received in the amount of \$3,693.07 for the auto claim dated March 19, 2019 involving Deputy Umbel be appropriated into the following line items. This amount is for items that has been damaged in the accident and needs to be replaced.

Please appropriate to line item 31020-3004-000-002 *(Repair & Maint - Vehicle)*

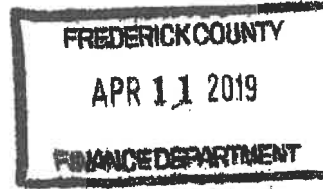
Thank you

LWM/adl

*3-010-018990-0001
C.S. 4/17/19*



VACORP



April 5, 2019

Frederick County
107 North Kent Street
Winchester, VA 22601

Attention: Jennifer Place

Virginia Association of Counties Self-Insurance Risk Pool

| | |
|---------------|------------------|
| Member: | Frederick County |
| Claim Number: | 0342019240719 |
| Date of Loss: | 03/19/2019 |
| Vehicle: | 2016 Ford Taurus |
| Vin: | 6976 |

Dear Jennifer:

Enclosed please find a VACORP property damage check in the amount of \$3,693.07 to cover the repairs to the above referenced vehicle. This amount is based on an estimate submitted from S&S Appraisals for \$4,193.07 less the \$500.00 deductible for a net loss of \$3,693.07.

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

Sincerely,

Breckell Gregory
Claims Associate

FREDERICK COUNTY SHERIFF'S OFFICE

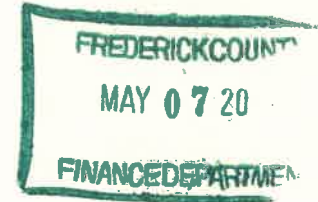


Sheriff Lenny Millholland

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 : May 6, 2019

We are requesting the reimbursements received for recovered costs totaling \$24,750.00 that was posted to 3010-019010-0018 for traffic control and overtime from January – April 2019 be appropriated in budget line 3102-1005-000-000.

| | | |
|---------|-----------|---------------------------------------|
| 1/11/19 | \$8100.00 | FCPR Winter Wonderland |
| 1/16/19 | \$2800.00 | Area Wide Protective |
| 2/21/19 | \$1450.00 | Wal-Mart 4514 |
| 2/27/19 | \$1300.00 | Winchester Church of God Nov-Jan |
| 2/27/19 | \$4900.00 | Fellowship Bible Church Nov-Jan |
| 4/01/19 | \$2150.00 | Richardson-Wayland Electrical Co. LLC |
| 5/01/19 | \$ 900.00 | Winchester Church of God – Feb- March |
| 5/01/19 | \$3150.00 | Fellowship Bible Church Feb - March |

Total reimbursements - \$24,750.00

Thank you

LWM/adl

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS

Thursday February 21, 2019

8:30 a.m.

1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Chairman Bob Wells, Walt Cunningham, Judy McCann-Slaughter, Helen Lake and Blain Dunn. Citizen member Chuck Torpy was not present.

Staff present: Director of Communications LeeAnna Pyles, Volunteer Fire & Rescue President Dan Cunningham, Deputy Chief Larry Oliver, Deputy County Administrator Jay Tibbs, Sheriff Lenny Millholland, Deputy Chief/Fire Marshal Jay Bauserman, Major Steve Hawkins, Lieutenant Warren Gosnell, County Attorney Rod Williams and Fire Marshal Kenny Scott.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1- Proposed Emergency Response Performance Guide (see attached):

Deputy Chief Larry Oliver presented an Emergency Response Performance Guide to monitor the fire, emergency medical, and special operations systems and establish response time goals for emergency incidents within Frederick County. Currently, there is no such policy in place. This prospective guide will be discussed at the Chiefs workgroup.

Mr. Dunn made a motion to send this report, as presented, to the Board of Supervisors. Mr. Cunningham seconded the motion. The motion was unanimously approved.

ITEMS FOR INFORMATION ONLY:

1. Traffic Control reimbursement policy updated discussion (see attached):

Sheriff Millholland updated the Public Safety Committee on the traffic control reimbursement policy that was discussed at the August 16, 2018 PSC meeting. He mentioned that from July 2018- present, the Sheriff's Office has invoiced over \$47,000 for traffic control reimbursements for services rendered for VDOT needs, events and crowd control to name a few. Jay Tibbs stated that an outline showing the criteria and to whom the Sheriff's Office provides these services for would be beneficial. Sheriff Millholland stated he would produce a more in-depth explanation of services provided.

Blaine Dunn made a motion to approve the policy request and forward it on to the Finance Committee. Ms. Lake seconded the motion. The Committee unanimously approved the motion.

2. Chapter 90 and Chapter 158 Ordinance revisions (see attached):

County Attorney Rod Williams reviewed proposed revisions to Chapter 90- Fire Prevention and Protection, General Standards. This new draft updates definitions where appropriate and makes the necessary changes to the Code as reflected in the VSFPC (Virginia Statewide Fire Prevention Code). The definitions herein pertain to fire hydrants, key boxes, fire lanes, etc.


Mr. Williams also discussed proposed revisions to Chapter 158 – parking on County



Frederick County Sheriff's Office

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



| | | | | |
|--|---------------|----------------------------|---|-----------------------------|
| Series
PER | Number
203 | Effective Date
01-01-16 | Review Date
01-01-20 | Reviewing Office
Sheriff |
| Subject
Extra-Duty/Off-Duty Employment | | | <input checked="" type="checkbox"/> New Order
<input type="checkbox"/> Amends
<input type="checkbox"/> Replaces | |
| References
PER.04.01
PER.04.02 | | | | |
| 
<hr/> Sheriff | | | <hr/> 02-22-19
Date | |

I. PURPOSE

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

II. POLICY

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

III. DEFINITIONS

A. Employment

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

B. Law Enforcement Related Employment

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

C. Probationary Period

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

D. Non-Law Enforcement Related Off-Duty Employment

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

E. Off-Duty (Secondary) Employment

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

F. Extra-Duty Employment

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

G. Overtime Agreement for Deputy's Services

Private entities may, for temporary or occasional events for which law enforcement presence would be suitable, request arrangements for the following functions from the Sheriff's Office, to be performed as deputy overtime assignments: traffic direction/control, crowd monitoring, building/event security, security for valuables (ex: bank, jewelry store, etc.), or other temporary assignment. Such arrangements are subject to approval by the Sheriff, based on the scope of the event, the temporary or occasional nature of the event, and the availability of Sheriff's personnel

for the assignment, and require the entity to enter into an Agreement for Overtime Deputy Control Services with the Sheriff.

IV. PROCEDURES

A. Law Enforcement Related Extra-Duty Employment

1. Law enforcement related extra-duty employment shall not exceed 16-hours per day, including on-duty time; e.g., an employee working a 10-hour work day may work six hours extra-duty employment on the same day and an employee on a day off may work 16-hours. (This policy does not restrict the amount of time worked by an employee on-duty for the Sheriff's Office.)
 - a. For the purpose of computing the allowable work time per day, court time shall constitute on-duty time.
2. Law enforcement related extra-duty temporary employment is restricted to the Frederick County/Winchester City limits. Deputies may perform law enforcement duties beyond the county's boundaries if working in conjunction with another jurisdiction's regular law enforcement agency and after having been duly sworn as a law enforcement officer in that jurisdiction.
3. The minimum salary required for deputies employed in a law enforcement related extra-duty temporary capacity must be at least equal to the over-time pay rate for a newly employed deputy.
4. Serving as an employment agent and receiving compensation for procurement of law enforcement related temporary jobs for other Sheriff's Office employees is prohibited. This does not prohibit supervisors/SROs from requesting personnel to work assignments that have been approved by the Sheriff or his designee.
5. No employee shall at anytime solicit any person or business for the purpose of gaining law enforcement related extra-duty temporary employment.
6. Except for public school security activities, which have the Sheriff's standing approval, and other temporary employment specifically authorized by the Sheriff or his designee, the following regulations apply:

- a. The sheriff may approve or disapprove the wearing of the Sheriff's Office uniform while engaging in extra-duty employment.
 - b. The sheriff may approve or disapprove the use of county-owned vehicles, radio, or other equipment while engaging in extra-duty employment.
7. Deputies, while engaged in law enforcement related extra-duty temporary employment, will adhere to Sheriff's Office policy and be subject to the orders of the on-duty Sheriff's Office supervisor.
8. A deputy may be prohibited from working law enforcement extra-duty temporary employment for the following reasons:
- a. The deputy's on-duty performance is affected by working the extra-duty hours;
 - b. The deputy does not satisfactory perform the extra-duty assignment;
 - c. The deputy has received disciplinary action from the Sheriff's Office.
9. The Sheriff may designate a coordinator for law enforcement related extra-duty temporary employment for the Sheriff's Office. They will monitor policy compliance, maintain records, and review the process annually.

B. Non-Law Enforcement Off-Duty Employment

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

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

- c. Bodyguard;
- d. Private investigator;
- f. Process server;
- g. Taxi cab driver.

C. Law Enforcement Off-Duty Employment

It is the policy of the Frederick County Sheriff's Office not to allow law enforcement off-duty employment with any other law enforcement agency as a sworn law enforcement officer. This policy does not prohibit Sheriff's Office employees' from being sworn in other jurisdictions for temporary extra-duty law enforcement employment, nor does it prohibit them from being members of joint law enforcement task forces.

D. Arrests

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

E. Law Enforcement Related Extra-Duty Employment

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

E. Sheriff's Office Liability

1. Any approved law enforcement related extra-duty temporary employment is considered work related and all of the benefits provided to on-duty Sheriff's Office personnel would be provided to personnel working these assignments.

2. The Sheriff's Office shall not be responsible for any civil liability relating to any incident that occurred from secondary employment, nor will Sheriff's Office workman's compensation be provided to personnel injured while working any secondary employment.

F. Off-Duty employment requirements

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

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS

Thursday, August 16, 2018

8:30 a.m.

1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

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

Committee Members Absent: Blaine Dunn, Helen Lake.

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

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

- 1- None

ITEMS FOR INFORMATION ONLY

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

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

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

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

Per action at the June Finance Committee meeting, Sheriff Millholland was asked to work with the Public Safety Committee to develop a policy for the provision of traffic control/enforcement for private organizations (e.g.: churches, SU football games, traffic

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

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

3. Other information:

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

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

Respectfully submitted,

Public Safety Committee

Bob Wells
Judy McCann-Slaughter

Blaine Dunn
Helen Lake

Chuck Torpy
Walt Cunningham

Lenny Millholland

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

Sheriff Millholland:

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

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

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

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

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

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

Frederick County Sheriff's Office



1080 Coverstone Drive
Winchester, Virginia 22602

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

AGREEMENT FOR OFF DUTY DEPUTY CONTROL SERVICES

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

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

2. Information:

Name of organization: _____

Address: _____

Contact person: _____

Telephone number: _____

Email Address: _____

3. Requested services:

Number of Deputies requested _____

Schedule of requested services (day/time):

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

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

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

Frederick County Sheriff's Office

Authorized Requester

 Lenny Millholland
Sheriff

 Signature

 Print Name

 Date

 Date

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 : Sheriff Restitution
DATE : , May 6, 2019

We are requesting the amount of \$512.31 to be appropriated in line item 3102-3004-000-002.
The amounts represent as partial payment order by the court for restitution.

This is for the damage sustained to Deputy Bradfords cruiser during an arrest on 11/29/17
1/23/19 - \$350.00
3/27/19 - \$350.00
4/16/19 - \$26.32

Total - \$726.32

This is for the damage sustained to Deputy White's cruiser during an arrest on 3/13/18
4/8/19 - \$135.99.

Grand Total - \$862.31

This amount will go towards the damaged cruiser to be repaired.

Thank you


LWM/adl

3-010-019040-0010

FREDERICK COUNTY SHERIFF'S OFFICE

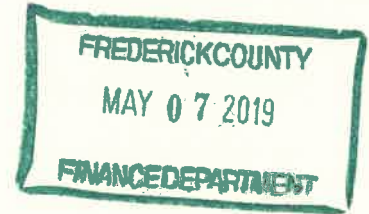


Sheriff Lenny Millholland

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 -- DARE
DATE : May 6, 2019

We are requesting the donation received for the DARE program to be appropriated in line item 31020-5413-000-001

2/27/19 - \$100.00

This amount will go towards supplies needed for the DARE program such as pencils, erasers and booklets.

Thank you,

LWM/adl

JAMES S McMAHON 08-85
LINDA JOYCE McMAHON

6646
68-1/510 VA
11529

FEB 27, 2019
Date



Pay to the order of D.A.R.E. Program, Frederick County Sheriff's Office \$ 100 ⁰⁰/₁₀₀
ONE HUNDRED DOLLARS & NO CENTS Dollars

Member Clarke

Photo Safe Deposit Details on back



MEMO WITH THANKS TO DEPUTY WHITE'S
SERGEANT PELES, AND SERGEANT SWISHER



Rev - 3010-018990-0015
Exp. ~~3010~~
3102-5413-000-001

FREDERICK COUNTY SHERIFF'S OFFICE

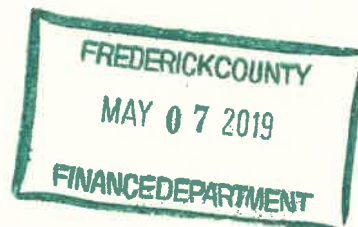


Sheriff Lenny Millholland

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 : Federal Forfeited Reimbursements
DATE : May 7, 2019

Frederick County Sheriff's Office has received reimbursements from the Secret Services totaling \$11,853.47. This amount has been posted to 3-010-033010-0025. We are requesting appropriation into the following budget lines items:

\$7,566.62 – Overtime – 3102-1005-000-000

\$4,286.85 – Travel – 3102-5506-000-000

Total = \$11,853.47

Thank you,

LWM/adl

C.S. 5/6/19

Angela Lineweaver

From: Dave Ellinger
Sent: Thursday, April 11, 2019 4:01 PM
To: Angela Lineweaver
Subject: FYI: Expected Funds

After I submitted the March reimbursement today, we should expect this amount in the next couple of weeks to cover everything since January 1.

| Date | Deposit | Overtime - 1005 | Travel - 5506 | Month |
|--------------|--------------------|-------------------|-------------------|----------|
| | \$7,075.13 | \$4,437.05 | \$2,638.08 | January |
| | \$4,778.34 | \$3,129.57 | \$1,648.77 | February |
| | \$1,186.83 | \$526.16 | \$660.67 | March |
| Total | \$13,040.30 | \$8,092.78 | \$4,947.52 | |

7,566.62 4,286.85
} = 11,853.47

Rev - 3-010-0330 10-0025

Dave

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 – Selling of cruiser
DATE : May 7, 2019

Frederick County Sheriff's Office has received payment of \$3,550.00 from PAYMAC Inc. From the purchase of one of our cruisers that was out of service. This amount has been posted to 3-010-015020-0007

We are requesting this amount be appropriated in line item 3102-8005-000-000 motor vehicles & equip

Thank you

LWM/adl

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 
REF: Supplemental Appropriation of Funds/ 9 Ford Utility Vehicles
DATE: May 10, 2019

I am requesting from the Finance Committee, a supplemental appropriation in the amount of \$270,869.40 which is \$30,096.60 per vehicle. The reason for the request is because there are several (2019) vehicles left on the lot at Sheehy Ford. They have enough for us to get the 9 utilities for the approved positions. The new 2020 Utilities will be over \$3,000.00 more per unit and a delivery is not expected until after August or September 2019, if not longer depending build dates or the order schedule and or placement of the order in the build schedule.

This request was presented to County Administrator Kris Tierney before the request was made.

The vehicles were approved with the 9 positions on July 1, 2019 and it is felt that we can save the additional \$27,000.00 by getting the units now and paying it back, using the monies earmarked in the 2020 budget.

Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent



141 Fort Collier Road, Winchester, VA 22603
(540) 665-6374 (540) 665-1615 FAX

5/7/19

To the members of the Finance Committee

The Alcohol Safety Action Program serves six jurisdictions in the northern valley. They provide state mandated classroom training and case management services to those convicted of DUI. The state ASAP office in Richmond provides standards and compliance. The Old Dominion ASAP Policy Board provides policy direction and I provide oversight on operations and personnel in accordance with the agreement with Frederick County as the fiscal agent. Much of their funding is based on fee collection and their caseload has been noticeably lower over the last two years. DUI arrests are down with the advent of ride share programs like Lyft and Uber becoming more popular.

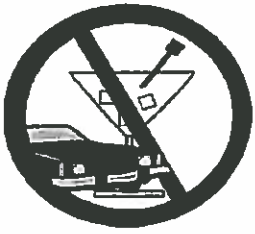
They are housed in the NREP building on Smithfield avenue. This is an old school building and the school system charges us a nominal \$1000 per month rent and we are required to pay 50% of all utilities and internet. These costs have been rising significantly over the last year. The office has used fund transfers in order to pay the bills but are faced with a shortfall. They have \$16,000 in personnel costs from a part time secretary position that they have not filled and would like to utilize \$7000 of those funds for operations.

Ms. Andrea Cosans, the ASAP director will be at the meeting to answer any questions about the request or the program. Thank you for your consideration.



James F. Whitley,

Superintendent



Old Dominion Alcohol Safety Action Program

860 Smithfield Avenue, Winchester, VA 22601

540-665-5633 Fax: 540-678-0730

MEMORANDUM

TO: James Whitley
NRADC Superintendent

FROM: Patricia Lowery
Assistant Director

DATE: May 9, 2019

RE: **Transfer of Fund Request**

Old Dominion ASAP is respectfully requesting a transfer from personnel funds to operational funds as we have a shortfall for fiscal year 2019. The personnel funds of \$7,000 (line item 4-013-021090-1003-000-003) are from a part-time secretary position that will not be filled. The funds would be used to meet the projected short falls in the following areas:

| <u>Line Item</u> | <u>Description</u> | <u>Amount of Request</u> |
|---------------------------|--------------------------|--------------------------|
| 4-013-021090-5299-000-000 | Internet Access | \$1,190.00 |
| 4-013-021090-5101-000-000 | Electrical Service | \$1,950.00 |
| 4-013-021090-5103-000-000 | Water & Sewer Service | \$ 900.00 |
| 4-013-021090-5401-000-000 | Office Supplies | \$ 500.00 |
| 4-013-021090-5404-000-000 | Medical & Lab. Supplies | \$1,000.00 |
| 4-013-021090-5413-000-000 | Other Operating Supplies | \$ 18.00 |
| 4-013-021090-5506-000-000 | Travel | \$ 100.00 |
| 4-013-021090-9001-000-000 | Lease/Rental Equipment | \$1,342.00 |

Should you have any questions please feel free to contact me.

Thank you.

| EXPENDITURE CODE | current FY19
Amended
budget | projected
expenditures through
YE | AMOUNT REQUESTED
transfer from personnel | projected
YE balance |
|---------------------------|--|--|---|---------------------------------|
| 4-013-021090-5299-000-000 | \$5,950.00 | \$7,140.00 | \$1,190.00 | \$0.00 |
| 4-013-021090-5101-000-000 | \$5,003.27 | \$6,803.27 | \$1,950.00 | \$150.00 |
| 4-013-021090-5103-000-000 | \$1,293.64 | \$2,028.65 | \$900.00 | \$164.99 |
| 4-013-021090-5401-000-000 | \$9,000.00 | \$9,054.77 | \$500.00 | \$445.23 |
| 4-013-021090-5404-000-000 | \$2,625.00 | \$3,569.95 | \$1,000.00 | \$55.05 |
| 4-013-021090-5413-000-000 | \$1,000.00 | \$1,017.59 | \$18.00 | \$0.41 |
| 4-013-021090-5506-000-000 | \$800.00 | \$737.88 | \$100.00 | \$162.12 |
| 4-013-021090-9001-000-000 | \$3,000.00 | \$4,243.14 | \$1,342.00 | \$98.86 |
| | \$28,671.91 | \$34,595.25 | \$7,000.00 | \$1,076.66 |



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

MEMORANDUM

To: Cheryl Shiffler, Frederick County Finance Director
From: Nick Sabo, Winchester Regional Airport Authority Executive Director
Date: May 9, 2019
RE: Fund 85 Supplemental Appropriation Request

The Airport Director requests a General Fund supplemental appropriation in the amount of \$245,737. This amount represents the County's share of legal fees in the amount of \$326,345 incurred in prior years (identified in the Airport CAFR as "Cash overdraft"). Local funds are required. See enclosed information, p.15.

I appreciate your consideration in this matter. Please advise if you have questions or need additional information.

Sincerely,

Nick Sabo, A.A.E.
Executive Director

Enclosure:
Excerpt from FY18 audit conducted by Robinson, Farmer, Cox Associates

WINCHESTER REGIONAL AIRPORT AUTHORITY

Notes to Financial Statements
As of June 30, 2018 and June 30, 2017 (Continued)

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (CONTINUED)

Q. Other Postemployment Benefits (OPEB)

Group Life Insurance

The Virginia Retirement System (VRS) Group Life Insurance (GLI) Program provides coverage to state employees, teachers, and employees of participating political subdivisions. The GLI Program was established pursuant to §51.1-500 et seq. of the Code of Virginia, as amended, and which provides the authority under which benefit terms are established or may be amended. The GLI Program is a defined benefit plan that provides a basic group life insurance benefit for employees of participating employers. For purposes of measuring the net GLI Program OPEB liability, deferred outflows of resources and deferred inflows of resources related to the GLI OPEB, and GLI OPEB expense, information about the fiduciary net position of the VRS GLI Program OPEB and the additions to/deductions from the VRS GLI OPEB's net fiduciary position have been determined on the same basis as they were reported by VRS. In addition, benefit payments are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

NOTE 3 - DEPOSITS AND INVESTMENTS:

Deposits:

The Authority's fiscal agent, the County of Frederick, Virginia, provides certain accounting and cash management functions for the Authority. As a part of this arrangement, the Authority participates in the County's common cash pool for its operating and capital cash requirements. At June 30, 2018 and 2017, the Authority's cash held by the County totaled overdrafts of (\$244,864) and (\$62,585), respectively.

Investments:

Statutes authorize the Authority to invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, "prime quality" commercial paper and certain corporate notes, banker's acceptances, repurchase agreements and the state Treasurer's Local Government Investment Pool (LGIP). At June 30, 2018 and 2017, the Authority had no investments.

Cash overdraft:

The capital cash overdraft of \$326,345 will be funded by future contributions from the participating local governments. There are no state, federal, or other funds to cover this deficit.

NOTE 4 - DUE FROM OTHER GOVERNMENTS:

Receivables due from other governmental units at year end are as follows:

| | <u>2018</u> | <u>2017</u> |
|---|---------------|-------------------|
| Commonwealth of Virginia Department of Aviation | \$ 501 | \$ 23,041 |
| Federal Aviation Administration | - | 200,931 |
| City of Winchester | - | 4,124 |
| Total | <u>\$ 501</u> | <u>\$ 228,096</u> |



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

To: Finance Department
From: Jason Robertson, Director
Subject: Change Order greater than 10% of original Purchase Order, Authorization Request
Date: May 10, 2019

The Parks and Recreation Department is requesting authorization to pursue a change order in excess of 10% for the Sherando Park Recreation Access Project, PO 22334. Per Finance Department policy; *“adjustments for a capital construction project meeting or exceeding 10% of the original PO MUST be approved by the Board of Supervisors.”*

Accommodating unsuitable sub-base material found in the planned parking lot area of the construction site will require a change order anticipated to exceed 10%. Final figures are pending at the time of writing and will be presented at the Finance Committee meeting.

Parks and Recreation is moving this request forward despite not having a final change order amount in an effort to complete the change before the end of FY19.

original PO \$527,200
proposed change order \$111,550 = 21%



Andrew K. Block, Jr.
Director

COMMONWEALTH of VIRGINIA

Department of Juvenile Justice
Twenty-Sixth Judicial District Court Service Unit

Peter Roussos
COURT SERVICES DIRECTOR

**26TH DISTRICT COURT
SERVICE UNIT**
26 Rouss Ave., Suite 100
Winchester, VA 22601
(540) 722-7960
Fax: (540) 667-4818

SERVING:
Winchester City
Harrisonburg City
Clarke County
Frederick County
Page County
Rockingham County
Shenandoah County
Warren County

May 14, 2019

Ms. Cheryl Shiffler, Finance Director
107 North Kent Street
Winchester, Virginia

RE: Transfer of Funds

Dear Cheryl,

Please be advised that due to vacancies in one of our VJCCCA funded positions with Frederick County, we would like to move \$6,400.00 from Early Intervention Officer (Line Item 033030-1001-000-001) to Supervision Plan Services (Line Item 033030-3002-000-004) to be utilized for services for our clients and training. No local funds will be needed as this money is solely from the VJCCCA grant.

Please feel free to contact me should you have any questions.

Respectfully,

Peter Roussos, Director
26th District Court Service Unit

3303-1001-001 5/15/19 balance \$6,400

| BUDGET TRANSFERS APRIL 2019 | | | | | | | |
|-----------------------------|---|---|------|------|------|------|--------------|
| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT |
| 4/2/2019 | TRANSFERS/CONTINGENCY | UNSPENT PC REFRESH | 9301 | 5890 | 000 | 000 | 5,474.22 |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 004 | (5,474.22) |
| 4/5/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | HEATING SERVICES AT MILLWOOD FIRE STATION | 4304 | 5101 | 000 | 021 | (1,200.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5102 | 000 | 021 | 1,200.00 |
| 4/5/2019 | BOARD OF SUPERVISORS | TO COVER DEFICIT IN MAINTENANCE SERVICE CONTRACTS | 1101 | 3002 | 000 | 000 | (539.00) |
| | BOARD OF SUPERVISORS | | 1101 | 3005 | 000 | 000 | 539.00 |
| 4/8/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | GARAGE REPAIR AT MILLWOOD FIRE STATION | 4304 | 3005 | 000 | 021 | (1,043.40) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 021 | 1,043.40 |
| 4/8/2019 | ANIMAL SHELTER | GENERAL FUND REIMBURSEMENTS | 4305 | 3002 | 000 | 002 | (1,000.00) |
| | ANIMAL SHELTER | | 4305 | 5413 | 000 | 000 | 1,000.00 |
| 4/9/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | DEFICIT IN GAS LINE ITEM FOR ROUND HILL FIRE STATION | 4304 | 5101 | 000 | 007 | (3,000.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5102 | 000 | 007 | 3,000.00 |
| 4/9/2019 | MANAGEMENT INFORMATION SYSTEMS | TO COVER EXCESS EXPENSES | 1222 | 5413 | 000 | 000 | (50.00) |
| | MANAGEMENT INFORMATION SYSTEMS | | 1222 | 5401 | 000 | 000 | 50.00 |
| 4/9/2019 | INFORMATION TECHNOLOGY | TO COVER QUEST INVOICE FOR RAPID RECOVERY | 1220 | 5413 | 000 | 003 | (1,659.60) |
| | INFORMATION TECHNOLOGY | | 1220 | 3005 | 000 | 000 | 1,659.60 |
| 4/10/2019 | REFUSE COLLECTION | FUND PRINTING EXPENSES FOR FORUM | 4203 | 3004 | 000 | 001 | (500.00) |
| | REFUSE COLLECTION | | 4203 | 3006 | 000 | 000 | 500.00 |
| 4/16/2019 | OTHER | TO COVER DEFICIT IN OTHER OPERATING | 1224 | 3010 | 000 | 000 | (400.00) |
| | OTHER | | 1224 | 5415 | 000 | 000 | 400.00 |
| 4/17/2019 | SHERIFF | TO COVER MARCH EXPENSES & DTF QUARTER PAYOUT | 3102 | 5410 | 000 | 000 | (2,200.00) |
| | SHERIFF | | 3102 | 5413 | 000 | 000 | 2,200.00 |
| 4/17/2019 | SHERIFF | TO COVER MARCH EXPENSES & DTF QUARTER PAYOUT | 3102 | 5409 | 000 | 002 | (5,400.00) |
| | SHERIFF | | 3102 | 5408 | 000 | 000 | 5,400.00 |
| 4/17/2019 | ANIMAL SHELTER | TO SUPPLEMENT LINE ITEM FOR THE REMAINDER OF FY19 | 4305 | 3002 | 000 | 000 | (2,500.00) |
| | ANIMAL SHELTER | | 4305 | 5102 | 000 | 000 | 2,500.00 |
| 4/18/2019 | CLEARBROOK PARK | ADDITIONAL EQUIPMENT RENTAL | 7109 | 5413 | 000 | 000 | (2,000.00) |
| | CLEARBROOK PARK | | 7109 | 9001 | 000 | 000 | 2,000.00 |
| 4/18/2019 | SHERANOD PARK | TO COVER INCREASE IN UTILITY RATES | 7110 | 5101 | 000 | 000 | (500.00) |
| | SHERANOD PARK | | 7110 | 5103 | 000 | 000 | 500.00 |
| 4/18/2019 | SHERANDO PARK | TO COVER INCREASE IN UTILITY RATES | 7110 | 5101 | 000 | 000 | (1,120.00) |
| | SHERANDO PARK | | 7110 | 5102 | 000 | 000 | 1,120.00 |
| 4/18/2019 | PARKS AND RECREATION ADMINISTRATION | TO COVER RESOURCE BOOK PURCHASE | 7101 | 5413 | 000 | 000 | (77.23) |
| | PARKS AND RECREATION ADMINISTRATION | | 7101 | 5411 | 000 | 000 | 77.23 |
| 4/18/2019 | CLEARBROOK PARK | TO COVER SHIPPING COSTS | 7109 | 5413 | 000 | 001 | (10.00) |
| | CLEARBROOK PARK | | 7109 | 8001 | 000 | 000 | 10.00 |
| 4/23/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | FREDERICK COUNTY MIDDLE SCHOOL PHONE BILL(ELEVATOR) | 4304 | 3010 | 000 | 007 | (220.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5204 | 000 | 010 | 220.00 |
| 4/23/2019 | ELECTORAL BOARD AND OFFICIALS | PAY DIRECTOR OF ELECTIONS | 1301 | 5506 | 000 | 000 | (11.43) |
| | REGISTRAR | | 1302 | 5506 | 000 | 000 | 11.43 |
| 4/23/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | PLUMBING ISSUES ROUND HILL FIRE STATION | 4304 | 5101 | 000 | 007 | (3,500.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 008 | 3,500.00 |
| 4/23/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | REPLACE FAN MOTORS PUBLIC SERVICE BUILDING RTU 3 & LIEBERT UNIT | 4304 | 3004 | 000 | 005 | (3,500.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 006 | 3,500.00 |
| 4/23/2019 | PARKS AND ADMINISTRATION ADMINISTRATION | TO COVER DEPARTMENT NRPA MEMBERSHIP DUES | 7101 | 5413 | 000 | 000 | (1,100.00) |
| | PARKS AND ADMINISTRATION ADMINISTRATION | | 7101 | 5801 | 000 | 000 | 1,100.00 |
| 4/23/2019 | PARKS AND ADMINISTRATION ADMINISTRATION | TO COVER PARKING VOUCHERS | 7101 | 5413 | 000 | 000 | (200.00) |
| | PARKS AND ADMINISTRATION ADMINISTRATION | | 7104 | 5413 | 000 | 000 | 200.00 |
| 4/23/2019 | INSPECTIONS | TO PURCHASE ADDITIONAL CODE BOOKS | 3401 | 4003 | 000 | 002 | (600.00) |
| | INSPECTIONS | | 3401 | 5411 | 000 | 000 | 600.00 |
| 4/24/2019 | JUVENILE COURT PROBATION | BOARD ACTION 4/24/19 CLIENT SERVICES | 3303 | 3002 | 000 | 004 | 23,000.00 |
| | JUVENILE COURT PROBATION | | 3303 | 1001 | 000 | 001 | (10,000.00) |
| | JUVENILE COURT PROBATION | | 3303 | 1001 | 000 | 002 | (5,000.00) |
| | JUVENILE COURT PROBATION | | 3303 | 1003 | 000 | 000 | (8,000.00) |
| 4/24/2019 | SOCIAL SERVICES ADMINISTRATION | BOARD ACTION 4/24/19 OPERATING EXPENSES | 5316 | 3002 | 000 | 000 | 24,000.00 |
| | SOCIAL SERVICES ADMINISTRATION | | 5316 | 3010 | 000 | 000 | 5,000.00 |
| | SOCIAL SERVICES ADMINISTRATION | | 5316 | 5405 | 000 | 000 | 1,500.00 |
| | SOCIAL SERVICES ADMINISTRATION | | 5316 | 5506 | 000 | 000 | 5,000.00 |
| | SOCIAL SERVICES ADMINISTRATION | | 5316 | 9002 | 000 | 000 | (35,500.00) |
| | VICTIM WITNESS PROGRAM | | 2202 | 2005 | 000 | 000 | (17,039.00) |
| | VICTIM WITNESS PROGRAM | | 2202 | 1003 | 000 | 000 | 8,000.00 |
| | VICTIM WITNESS PROGRAM | | 2202 | 5506 | 000 | 000 | 780.00 |
| | VICTIM WITNESS PROGRAM | | 2202 | 5401 | 000 | 000 | 5,339.00 |
| | VICTIM WITNESS PROGRAM | | 2202 | 5413 | 000 | 000 | 2,800.00 |
| | VICTIM WITNESS PROGRAM | | 2202 | 5204 | 000 | 000 | 120.00 |
| 4/24/2019 | SOCIAL SERVICES ADMINISTRATION | BOARD ACTION 4/24/19 OVERTIME EXPENSES | 5316 | 1001 | 000 | 000 | (16,000.00) |
| | SOCIAL SERVICES ADMINISTRATION | | 5316 | 1005 | 000 | 000 | 16,000.00 |
| 4/25/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | HEATING BILL DEFICIT FOR CAB AND COURTHOUSE | 4304 | 5101 | 000 | 000 | (3,100.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5102 | 000 | 000 | 3,100.00 |
| 4/25/2019 | RECREATION CENTERS AND PLAYGROUNDS | TO COVER ADDITIONAL MEDICAL SUPPLIES NEEDED | 7104 | 5412 | 000 | 000 | (2,000.00) |
| | RECREATION CENTERS AND PLAYGROUNDS | | 7104 | 5404 | 000 | 000 | 2,000.00 |
| 4/25/2019 | MAINTENANCE ADMINISTRATION | 2019 4X4 FORD F150 EXTENDED CAB TRUCK MAINTENANCE | 4301 | 5506 | 000 | 000 | (1.85) |
| | MAINTENANCE ADMINISTRATION | | 4301 | 8005 | 000 | 000 | 1.85 |
| 4/29/2019 | FIRE AND RESCUE | BUDGET RECLASS OVERTIME TO FLSA PAY | 3505 | 1007 | 000 | 000 | 460,000.00 |
| | FIRE AND RESCUE | | 3505 | 1005 | 000 | 000 | (460,000.00) |
| 4/29/2019 | INFORMATION TECHNOLOGY | RENEWAL FOR INTUNE LICENSES | 1220 | 5401 | 000 | 000 | (4,000.00) |
| | INFORMATION TECHNOLOGY | | 1220 | 3005 | 000 | 000 | 4,000.00 |
| 4/29/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | REPLACE HUMIDIFIER IN EOC ROOM AT PSB | 4304 | 3004 | 000 | 005 | (2,500.00) |

| | | | | | | | |
|----------|------------------------------------|--|------|------|-----|-----|------------|
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 006 | 2,500.00 |
| 5/2/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | JANITORIAL SUPPLIES COUNTY OFFICE BUILDING | 4304 | 3010 | 000 | 005 | (2,400.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5405 | 000 | 000 | 2,400.00 |
| 5/2/2019 | ELECTORAL BOARD OFFICIALS | PAY TRAVEL MILEAGE FOR GENERAL REGISTRAR | 1301 | 5506 | 000 | 000 | (20.00) |
| | REGISTRAR | | 1302 | 5506 | 000 | 000 | 20.00 |
| 5/2/2019 | REFUSE COLLECTION | PURCHASE BOOKS FOR VRA CONFERENCE SESSION | 4203 | 5408 | 000 | 002 | (400.00) |
| | REFUSE COLLECTION | | 4203 | 5411 | 000 | 000 | 400.00 |
| 5/2/2019 | COMMONWEALTH'S ATTORNEY | TO FUND ADVERTISING | 2201 | 5401 | 000 | 000 | (150.00) |
| | COMMONWEALTH'S ATTORNEY | | 2201 | 3007 | 000 | 000 | 150.00 |
| 5/2/2019 | COMMONWEALTH'S ATTORNEY | TO FUND TRAVEL | 2201 | 3002 | 000 | 000 | (1,500.00) |
| | COMMONWEALTH'S ATTORNEY | | 2201 | 5506 | 000 | 000 | 1,500.00 |
| 5/2/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | WATER/SEWER BILL AT PUBLIC SAFETY BUILDING | 4304 | 3010 | 000 | 005 | (1,615.74) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5103 | 000 | 005 | 1,615.74 |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5407 | 000 | 005 | (183.25) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 5103 | 000 | 005 | 183.25 |

County of Frederick
 General Fund
 April 30, 2019

| ASSETS | FY19
<u>4/30/19</u> | FY18
<u>4/30/18</u> | Increase
<u>(Decrease)</u> |
|------------------------------------|------------------------|------------------------|----------------------------------|
| Cash and Cash Equivalents | 48,973,063.56 | 46,874,119.74 | 2,098,943.82 *A |
| Petty Cash | 1,555.00 | 1,555.00 | 0.00 |
| Receivables: | | | |
| Taxes, Commonwealth, Reimb. P/P | 128,003,130.73 | 121,034,258.15 | 6,968,872.58 |
| Streetlights | 23,535.91 | 26,208.71 | (2,672.80) |
| Miscellaneous Charges | 37,645.24 | 86,343.98 | (48,698.74) |
| Due from Fred. Co. San. Auth. | 657,083.23 | 657,083.23 | 0.00 |
| Prepaid Postage | 3,683.89 | 2,362.73 | 1,321.16 |
| GL controls (est.rev / est. exp) | <u>(5,097,367.29)</u> | <u>(14,160,101.89)</u> | <u>9,062,734.60</u> (1) Attached |
| TOTAL ASSETS | <u>172,602,330.27</u> | <u>154,521,829.65</u> | <u>18,080,500.62</u> |
|
 | | | |
| LIABILITIES | | | |
| Retainage Payable | 47,010.53 | 0.00 | 47,010.53 |
| Performance Bonds Payable | 827,839.25 | 1,322,249.86 | (494,410.61) |
| Taxes Collected in Advance | 63,288.79 | 667,251.32 | (603,962.53) *B |
| Deferred Revenue | <u>128,064,610.88</u> | <u>121,144,541.35</u> | <u>6,920,069.53</u> *C |
| TOTAL LIABILITIES | 129,002,749.45 | 123,134,042.53 | 5,868,706.92 |
|
 | | | |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrance General Fund | 1,839,865.93 | 3,684,197.58 | (1,844,331.65) (2) Attached |
| Conservation Easement | 4,779.85 | 4,779.85 | 0.00 |
| Peg Grant | 331,565.38 | 234,066.38 | 97,499.00 |
| 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 | 17,884.93 | 17,587.88 | 297.05 |
| Reserve For Capital | 7,028,510.00 | 0.00 | 7,028,510.00 |
| Animal Shelter | 1,166,179.07 | 1,091,175.27 | 75,003.80 |
| 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>26,274,112.50</u> | <u>20,553,944.93</u> | <u>5,720,167.57</u> (4) Attached |
| TOTAL EQUITY | <u>43,599,580.82</u> | <u>31,387,787.12</u> | <u>12,211,793.70</u> |
|
 | | | |
| TOTAL LIAB. & EQUITY | <u>172,602,330.27</u> | <u>154,521,829.65</u> | <u>18,080,500.62</u> |

NOTES:

- *A Cash increase is a result of an increase in fund balance when impacted by budget controls.
- *B Decrease in prepayment of real estate taxes at year end in the previous year to prepay because of the new tax law.
- *C Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.

BALANCE SHEET

| (1) GL Controls | FY19 | FY18 | Inc/(Decrease) |
|---------------------|---------------|---------------|----------------|
| Est.Revenue | 180,111,667 | 171,394,178 | 8,717,489 |
| Appropriations | (80,073,199) | (84,482,436) | 4,409,237 |
| Est.Tr.to Other fds | (106,975,701) | (104,756,042) | (2,219,660) |
| Encumbrances | 1,839,866 | 3,684,198 | (1,844,332) |
| | (5,097,367) | (14,160,102) | 9,062,735 |

(2) General Fund Purchase Orders 4/30/19

| DEPARTMENT | Amount | |
|-----------------------------------|---------------------|--|
| Fire and Rescue | 26,015.00 | Uniforms |
| | 7,095.00 | Protective Clothing |
| | 10,235.23 | Emergency Lighting for 2019 Ford F-250 includes Installation |
| | 34,439.32 | Motorola Multi-Ban Radios and Accessories |
| | 31,578.70 | 2019 Ford F-150 4x4 |
| | 30,381.99 | 2019 Ford E-250 Cargo Van |
| | 16,290.71 | Emergency Lighting, Push Bumper & Installation |
| | 63,730.07 | LifePak & Lucas Annual Preventive Maintenance |
| | 3,489.00 | A.R.E. Truck Cap&F-150 Bed Slide |
| | 5,769.73 | DJI Drone |
| | 6,453.36 | Scott SCBA Masks |
| IT | 150,215.12 | Cisco Catalyst Switching Platform for Public Safety Building |
| Maintenance Administration | 29,800.85 | Ford F-150 Pickup 4x4 |
| Parks | 40,355.15 | Outdoor Gym & Installation Sherando |
| | 7,000.00 | Transport Sand to Clearbrook Park |
| | 10,606.10 | Frederick Heights Park Trail |
| | 17,199.25 | Agricultural Supplies |
| | 386,077.50 | Sherando Park Recreation Access Project |
| | 2,717.25 | Spring/Summer Uniforms for Summer Events |
| | 858.00 | Summer League Basketball Uniforms |
| | 104,372.00 | Sherando Park Restroom Facility |
| | 8,673.60 | Landscape Supplies Clearbrook and Sherando Park |
| | 8,448.00 | Clearbrook Park Volleyball Sand |
| | 13,500.00 | Chemicals for Clearbrook & Sherando Pools |
| | 213,266.00 | Parking Expansion Clearbrook Park |
| | 18,750.00 | Shade Structure for Pool Deck Area Clearbrook Park |
| | 18,750.00 | Shade Structure for Pool Desck Area Sherando Park |
| Refuse Collection | 9,904.00 | Refabricate Used Recycling Cans |
| Sheriff | 4,540.00 | One Solution Software and Installation Service |
| | 1,267.95 | Dell XPS Laptop |
| | 254.59 | Body Vest Carriers |
| | 887.65 | Uniforms |
| | 110.40 | Tactical Equipment |
| | 127,600.00 | Armored Swat Van |
| | 9,000.00 | (12) Simuniton Guns |
| | 4,259.15 | Uniforms |
| | 8,992.35 | (15) Body Armor |
| | 36,782.57 | (12) 2019 Ford Truck Police Utility (1) Ford F-150 Responder |
| | 166,719.12 | (24) Motorola APX8500 All Band Mobile Radios w/Accessories |
| | 148,823.64 | (18) Light Bars and Accessories for 2019 Police Interceptors |
| | 5,356.00 | (13) Flex 9Body Armor |
| | 3,148.38 | Dell XPS Laptop |
| | 37,109.20 | 2018 Chevrolet Tahoe |
| | 9,044.00 | (133) Mobile Operation Back Packs |
| Total | 1,839,865.93 | |

| (3) Proffer Information | SCHOOLS | PARKS | FIRE & RESCUE | Designated Other Projects | TOTAL |
|-------------------------|--------------|-----------|---------------|---------------------------|--------------|
| Balance 4/30/19 | 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 | | | | |
| Total | 1,855,534.72 | | | | |

Other Proffers 4/19

| (4) Fund Balance Adjusted | |
|---------------------------|-----------------|
| Ending Balance 4/19 | 35,910,966.10 |
| Revenue 4/19 | 108,964,581.82 |
| Expenditures 4/19 | (63,365,077.55) |
| Transfers 4/19 | (55,236,357.87) |
| Ending Balance 4/19 | 26,274,112.50 |

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 April 30, 2019

| REVENUES: | <u>Appropriated</u> | FY19
4/30/19
<u>Actual</u> | FY18
4/30/18
<u>Actual</u> | YTD
Actual
<u>Variance</u> |
|--|-----------------------|----------------------------------|----------------------------------|----------------------------------|
| General Property Taxes | 123,179,515.00 | 58,383,945.76 | 55,583,610.50 | 2,800,335.26 (1) |
| Other local taxes | 36,959,731.00 | 26,733,235.37 | 25,850,351.07 | 882,884.30 (2) |
| Permits & Privilege fees | 1,838,386.00 | 1,770,635.07 | 1,879,825.14 | (109,190.07) (3) |
| Revenue from use of money
and property | 538,093.55 | 1,023,531.75 | 509,955.98 | 513,575.77 (4) |
| Charges for Services | 3,090,299.00 | 2,483,836.08 | 2,290,755.56 | 193,080.52 |
| Miscellaneous | 611,316.84 | 489,202.30 | 476,046.89 | 13,155.41 |
| Recovered Costs | 1,650,574.00 | 1,778,355.37 | 1,510,135.28 | 268,220.09 (5) |
| Proffers | | 1,079,972.62 | 910,556.34 | 169,416.28 (5) |
| Intergovernmental: | | | | |
| Commonwealth | 12,204,675.74 | 15,095,402.65 | 14,827,757.48 | 267,645.17 (6) |
| Federal | 39,076.31 | 70,464.52 | 130,432.13 | (59,967.61) (7) |
| Insurance Recoveries | 0.00 | 3,104.33 | 0.00 | 3,104.33 |
| Transfers | 0.00 | 52,896.00 | 0.00 | 52,896.00 |
| TOTAL REVENUES | 180,111,667.44 | 108,964,581.82 | 103,969,426.37 | 4,995,155.45 |
| EXPENDITURES: | | | | |
| General Administration | 13,088,189.49 | 10,689,980.92 | 9,999,893.49 | 690,087.43 |
| Judicial Administration | 2,928,600.52 | 2,276,799.62 | 2,073,142.90 | 203,656.72 |
| Public Safety | 39,905,469.33 | 32,358,976.26 | 30,686,059.74 | 1,672,916.52 |
| Public Works | 6,225,520.01 | 4,210,799.17 | 4,102,052.49 | 108,746.68 |
| Health and Welfare | 9,882,975.00 | 7,005,207.65 | 6,847,595.74 | 157,611.91 |
| Education | 81,080.00 | 60,810.00 | 57,240.00 | 3,570.00 |
| Parks, Recreation, Culture | 8,932,116.30 | 5,478,163.05 | 5,173,322.88 | 304,840.17 |
| Community Development | 2,188,820.46 | 1,284,340.88 | 3,135,769.16 | (1,851,428.28) |
| TOTAL EXPENDITURES | 83,232,771.11 | 63,365,077.55 | 62,075,076.40 | 1,290,001.15 (8) |
| OTHER FINANCING SOURCES (USES): | | | | |
| Operating transfers from / to | 103,816,129.55 | 55,236,357.87 | 58,528,372.25 | (3,292,014.38) (9) |
| Excess (deficiency)of revenues & other
sources over expenditures
& other uses | (6,937,233.22) | (9,636,853.60) | (16,634,022.28) | (6,997,168.68) |
| Fund Balance per General Ledger | | 35,910,966.10 | 37,187,967.21 | (1,277,001.11) |
| Fund Balance Adjusted to reflect
Income Statement 4//30/19 | | 26,274,112.50 | 20,553,944.93 | 5,720,167.57 |

| (1)General Property Taxes | FY19 | FY18 | Increase/Decrease |
|--------------------------------------|------------|------------|-------------------|
| Real Estate Taxes | 30,247,810 | 28,625,693 | 1,622,117 |
| Public Services | 1,186,246 | 1,402,899 | (216,653) |
| Personal Property | 25,473,817 | 24,207,341 | 1,266,476 |
| Penalties and Interest | 1,116,763 | 1,046,246 | 70,516 |
| Credit Card Chgs./Delinq.Advertising | (29,944) | (69,759) | 39,815 |
| Adm.Fees For Liens&Distress | 389,254 | 371,190 | 18,064 |
| | 58,383,946 | 55,583,611 | 2,800,335 |

(2) Other Local Taxes

| | | | |
|-----------------------------------|----------------------|----------------------|-------------------|
| Local Sales Tax | 9,369,853.87 | 9,061,861.00 | 307,992.87 |
| Communications Sales Tax | 773,016.39 | 835,305.99 | (62,289.60) |
| Utility Taxes | 2,893,650.98 | 2,853,272.14 | 40,378.84 |
| Business Licenses | 7,127,491.50 | 6,689,471.60 | 438,019.90 |
| Auto Rental Tax | 119,609.07 | 79,736.02 | 39,873.05 |
| Motor Vehicle Licenses Fees | 682,461.63 | 677,406.49 | 5,055.14 |
| Bank Stock Taxes & Bank Franchise | - | 45,899.00 | (45,899.00) |
| Recordation Taxes | 1,477,146.03 | 1,399,277.07 | 77,868.96 |
| Meals Tax | 3,811,363.23 | 3,716,980.69 | 94,382.54 |
| Lodging Tax | 461,866.77 | 471,107.55 | (9,240.78) |
| Street Lights | 12,605.90 | 15,863.52 | (3,257.62) |
| Star Fort Fees | 4,170.00 | 4,170.00 | - |
| Total | 26,733,235.37 | 25,850,351.07 | 882,884.30 |

(3)Permits&Privileges

| | | | |
|-------------------------------|---------------------|---------------------|---------------------|
| Dog Licenses | 37,412.83 | 38,917.00 | (1,504.17) |
| Land Use Application Fees | 6,375.00 | 6,375.00 | - |
| Transfer Fees | 2,675.24 | 2,686.72 | (11.48) |
| Development Review Fees | 251,040.14 | 409,192.70 | (158,152.56) |
| Building Permits | 1,070,385.12 | 1,049,633.89 | 20,751.23 |
| 2% State Fees | 3,880.34 | 3,592.83 | 287.51 |
| Electrical Permits | 112,949.90 | 102,134.00 | 10,815.90 |
| Plumbing Permits | 26,449.50 | 19,949.00 | 6,500.50 |
| Mechanical Permits | 94,498.00 | 94,121.00 | 377.00 |
| Sign Permits | 2,775.00 | 6,375.00 | (3,600.00) |
| Permits Commerical Burning | 175.00 | 175.00 | - |
| Blasting Permits | 270.00 | 300.00 | (30.00) |
| Land Disturbance Permits | 157,649.00 | 145,673.00 | 11,976.00 |
| Septic Haulers Permit | 600.00 | - | 600.00 |
| Commercial Pump and Haul Fee | 500.00 | - | 500.00 |
| Residential Pump and Haul Fee | 100.00 | 500.00 | (400.00) |
| Transfer Development Rights | 2,900.00 | 200.00 | 2,700.00 |
| Total | 1,770,635.07 | 1,879,825.14 | (109,190.07) |

(4) Revenue from use of

| | | | |
|--------------|---------------------|-------------------|-------------------|
| Money | 988,440.58 | 476,314.58 | 512,126.00 |
| Property | 35,091.17 | 33,641.40 | 1,449.77 |
| Total | 1,023,531.75 | 509,955.98 | 513,575.77 |

| (5) Recovered Costs | FY19 | FY18 | Increase/Decrease |
|---|--------------|--------------|-------------------|
| | 4/30/19 | 4/30/18 | |
| Recovered Costs Treasurer's Office | 31,209.00 | 32,772.00 | (1,563.00) |
| Recovered Costs Social Services | 39,178.65 | 19,476.28 | 19,702.37 |
| Purchasing Card Rebate | 205,315.50 | 156,281.56 | 49,033.94 |
| Recovered Costs-IT/GIS | 27,261.00 | 27,261.00 | - |
| Recovered Costs F&R Fee Recovery | 460,913.02 | 460,894.01 | 19.01 |
| Recovered Cost Fire Companies | 206,147.50 | 94,182.34 | 111,965.16 |
| Recovered Costs Sheriff | 49,550.00 | 32,287.50 | 17,262.50 |
| Reimbursement Circuit Court | 8,087.44 | 9,298.14 | (1,210.70) |
| Reimb.Public Works/Planning Clean Up | 2,275.00 | 1,608.68 | 666.32 |
| Clarke County Container Fees | 57,902.86 | 39,785.70 | 18,117.16 |
| City of Winchester Container Fees | 35,211.53 | 31,374.08 | 3,837.45 |
| Refuse Disposal Fees | 98,782.33 | 74,204.10 | 24,578.23 |
| Recycling Revenue | 48,835.68 | 59,060.06 | (10,224.38) |
| Sheriff Restitution | 3,637.31 | - | 3,637.31 |
| Container Fees Bowman Library | 1,641.37 | 1,392.74 | 248.63 |
| Restitution- Other | 1,044.70 | - | 1,044.70 |
| Reimb.of Expenses Gen.District Court | 25,115.98 | 24,990.70 | 125.28 |
| Reimb.Task Force | 57,449.00 | 54,390.20 | 3,058.80 |
| Reimb. Elections | 3,842.82 | - | 3,842.82 |
| Westminster Canterbury Lieu of Tax | 18,651.80 | 18,651.80 | - |
| Grounds Maint. Frederick County Schools | 273,934.21 | 247,371.66 | 26,562.55 |
| Comcast PEG Grant | 88,038.50 | 87,034.00 | 1,004.50 |
| Fire School Programs | 12,070.00 | 12,738.01 | (668.01) |
| Clerks Reimbursement to County | 7,850.82 | 7,941.52 | (90.70) |
| Reimb. Sheriff | 14,409.35 | 17,139.20 | (2,729.85) |
| Subtotal Recovered Costs | 1,778,355.37 | 1,510,135.28 | 268,220.09 |
| Proffer Sovereign Village | 47,563.49 | 14,634.92 | 32,928.57 |
| Proffer Lynnhaven | - | 3,378.31 | (3,378.31) |
| Proffer Redbud Run | 96,810.00 | 70,994.00 | 25,816.00 |
| Proffer Canter Estates | - | 65,407.52 | (65,407.52) |
| Proffer Southern Hills | 148,372.58 | 166,940.00 | (18,567.42) |
| Proffer Snowden Bridge | 748,178.55 | 530,629.59 | 217,548.96 |
| Proffer Cedar Meadows | 39,048.00 | 58,572.00 | (19,524.00) |
| Subtotal Proffers | 1,079,972.62 | 910,556.34 | 169,416.28 |
| Grand Total | 2,858,327.99 | 2,420,691.62 | 437,636.37 |

| (6) Commonwealth Revenue | FY19 | FY18 | |
|------------------------------------|---------------|---------------|-------------------|
| | 4/30/19 | 4/30/18 | Increase/Decrease |
| Motor Vehicle Carriers Tax | 38,825.41 | 22,886.25 | 15,939.16 |
| Mobile Home Titling Tax | 87,258.26 | 116,247.60 | (28,989.34) |
| Recordation Taxes | 480,518.08 | 416,352.73 | 64,165.35 |
| P/P State Reimbursement | 6,526,528.18 | 6,526,528.18 | - |
| Shared Expenses Comm.Atty. | 414,433.07 | 415,117.55 | (684.48) |
| Shared Expenses Sheriff | 1,928,840.49 | 1,898,853.16 | 29,987.33 |
| Shared Expenses Comm.of Rev. | 170,154.75 | 166,920.79 | 3,233.96 |
| Shared Expenses Treasurer | 127,031.53 | 125,693.67 | 1,337.86 |
| Shared Expenses Clerk | 346,108.31 | 353,219.25 | (7,110.94) |
| Public Assistance Grants | 3,763,380.39 | 3,767,024.32 | (3,643.93) |
| 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 | 21,553.61 | 20,295.28 | 1,258.33 |
| Parks -State Grants | 24,792.12 | - | 24,792.12 |
| State Grant Emergency Services | 6,520.00 | 15,925.00 | (9,405.00) |
| Parks State Grant | - | 10,985.00 | (10,985.00) |
| Sheriff State Grants | 37,015.50 | 36,827.60 | 187.90 |
| JJC Grant Juvenile Justice | 128,358.00 | 128,358.00 | - |
| Rent/Lease Payments | 179,732.39 | 225,078.30 | (45,345.91) |
| Spay/Neuter Assistance State | 2,558.72 | 2,167.50 | 391.22 |
| Wireless 911 Grant | 191,898.78 | 52,602.63 | 139,296.15 |
| State Forfeited Asset Funds | 20,717.92 | 23,381.22 | (2,663.30) |
| VA Dept. of Health | 93,033.80 | - | 93,033.80 |
| Victim Witness-Commonwealth Office | 138,767.10 | 151,688.63 | (12,921.53) |
| F&R OEMS Reimbursement | - | 127.50 | (127.50) |
| Total | 15,095,402.65 | 14,827,757.48 | 267,645.17 |

County of Frederick

General Fund

April 30, 2019

| (7) Federal Revenue | 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 | 70,112.32 | 6,423.36 | 63,688.96 |
| Emergency Services Grant Federal | - | 120,637.13 | (120,637.13) |
| Forfeited Assets Treasury | - | 1,822.47 | (1,822.47) |
| Total | 70,464.52 | 130,432.13 | (59,967.61) |

(8) Expenditures

Expenditures increased \$1,290,001.15. **General Administration** increased \$690,087.43 and includes \$212,840.24 in IT for firewall support, switch and smartnet contract, and switch replacement core data network. **Public Safety** increased \$1,672,916.52 and reflects the year to date increase of \$1,621,845.51 in salaries and fringe benefits for the Sheriff and Fire and Rescue. This increase was impacted by staff turnover, position reclassifications and additional positions. **Community Development** decreased \$1,851,428.28 and was impacted by the \$2 million transfer to the Economic Development Authority for economic incentive for the Navy Credit Union in the previous year. The transfers decreased \$3,292,014.38. See chart below:

| (9) Transfers Decreased \$3,292,014.38 | FY19 | FY18 | Increase/Decrease |
|---|----------------------|----------------------|-----------------------|
| Transfer to School Operating | 41,730,199.45 | 40,951,338.87 | 778,860.58 *1 |
| Transfer to Debt Service Schools | 7,267,910.00 | 7,986,237.50 | (718,327.50) *2 |
| Transfer to Debt Service County | 2,223,867.77 | 2,213,272.39 | 10,595.38 *3 |
| Transfer School Operating Capital | 4,067,416.47 | 3,088,287.00 | 979,129.47 *4 |
| Operational Transfers | (53,035.82) | (34,383.51) | (18,652.31) *5 |
| Board Contingency | 0.00 | 4,323,620.00 | (4,323,620.00) *6 |
| Total | 55,236,357.87 | 58,528,372.25 | (3,292,014.38) |

*1 School Operating FY19 was \$542,862.45 C/F encumbrances and \$41,187,337 for half the School Operating. The FY18 total was C/F that 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. Additionally \$38,636,815 for half the School operating.

*2 The transfer to debt service was reduced \$718,327.50.

*3 Payments include the Bowman Library and the City of Winchester for Courtroom, Roof, and HVAC Projects, Millwood Station, Roundhill, Public Safety, and the Animal Shelter.

*4 School Operating Capital FY19 includes \$316,537.71 that represents a carry forward unspent, restricted grant funds and \$186,878.76 carry forward of unspent funds for the purchase of a school bus and security equipment. Additionally, \$1,264,000 for security equipment upgrade and \$2.3 million budgeted. FY18 budgeted for School Operating Capital.

*5 Timing of Insurance Charge Outs.

*6 Board of Supervisors Capital.

County of Frederick
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
 April 30, 2019

| ASSETS | FY2019
<u>4/30/19</u> | FY2018
<u>4/30/18</u> | Increase
<u>(Decrease)</u> |
|--|----------------------------|----------------------------|-------------------------------|
| Cash | 9,838,506.92 | 9,762,416.13 | 76,090.79 *1 |
| GL controls(est.rev/est.exp) | <u>(1,437,030.37)</u> | <u>(914,550.75)</u> | <u>(522,479.62)</u> |
| TOTAL ASSETS | <u>8,401,476.55</u> | <u>8,847,865.38</u> | <u>(446,388.83)</u> |
| | | | |
| LIABILITIES | | | |
| Accrued Operating Reserve Costs | <u>2,551,494.10</u> | <u>2,507,247.00</u> | <u>44,247.10</u> |
| TOTAL LIABILITIES | <u>2,551,494.10</u> | <u>2,507,247.00</u> | <u>44,247.10</u> |
| | | | |
| EQUITY | | | |
| Fund Balance Reserved | | | |
| Encumbrances Undesignated Fund Balance | 105,279.55 | 104,611.35 | 668.20 |
| | <u>5,744,702.90</u> | <u>6,236,007.03</u> | <u>(491,304.13) *2</u> |
| TOTAL EQUITY | <u>5,849,982.45</u> | <u>6,340,618.38</u> | <u>(490,635.93)</u> |
| TOTAL LIABILITY & EQUITY | <u>8,401,476.55</u> | <u>8,847,865.38</u> | <u>(446,388.83)</u> |

NOTES:

*1 Cash decreased \$76,090.79. Refer to the following page for comparative statement of revenues and expenditures and changes in fund balance.

*2 Fund balance decreased \$491,304.13. The beginning balance was \$5,566,043.76 and include: adjusting entries, budget controls for FY19(\$1,316,409.00) and the year to date revenue less expenditures of \$1,495,068.14.

| Current Unrecorded Accounts Receivable- | <u>FY19</u> |
|--|-------------------|
| Prisoner Billing: | 28,958.57 |
| Compensation Board Reimbursement 4/19 | <u>487,279.99</u> |
| Total | 516,238.56 |

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 April 30, 2019

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

| REVENUES: | <u>Appropriated</u> | FY2019
4/30/19
<u>Actual</u> | FY2018
4/30/18
<u>Actual</u> | YTD Actual
<u>Variance</u> |
|--|-----------------------|------------------------------------|------------------------------------|-------------------------------|
| Credit Card Probation | - | 440.16 | 140.02 | 300.14 |
| Interest | | 114,215.90 | 64,848.86 | 49,367.04 |
| Supervision Fees | 56,096.00 | 42,607.00 | 27,775.00 | 14,832.00 |
| Drug Testing Fees | 1,000.00 | 205.00 | 200.00 | 5.00 |
| Work Release Fees | 350,628.00 | 278,127.43 | 249,686.50 | 28,440.93 |
| Prisoner Fees from other localities | 0.00 | 237.96 | 158.64 | 79.32 |
| Federal Bureau Of Prisons | 0.00 | 770.00 | 220.00 | 550.00 |
| Local Contributions | 7,824,994.00 | 7,713,659.00 | 7,730,749.00 | (17,090.00) |
| Miscellaneous | 7,501.00 | 7,410.57 | 6,117.31 | 1,293.26 |
| Phone Commissions | 400,000.00 | 247,151.74 | 218,476.91 | 28,674.83 |
| Food & Staff Reimbursement | 80,000.00 | 50,397.43 | 59,796.84 | (9,399.41) |
| Elec.Monitoring Part.Fees | 97,000.00 | 102,452.26 | 70,287.90 | 32,164.36 |
| Share of Jail Cost Commonwealth | 1,350,000.00 | 928,477.70 | 935,940.28 | (7,462.58) |
| Reimb. Of Prior Year Deficit | | | 0.00 | |
| Medical & Health Reimb. | 85,000.00 | 41,561.75 | 55,543.00 | (13,981.25) |
| Shared Expenses CFW Jail | 5,400,000.00 | 4,138,185.86 | 3,998,416.38 | 139,769.48 |
| State Grants | 276,233.00 | 135,763.00 | 122,488.00 | 13,275.00 |
| D.J.C.P. Grant | 0.00 | 0.00 | 0.00 | 0.00 |
| Local Offender Probation | 277,467.00 | 138,777.00 | 141,717.00 | (2,940.00) |
| Bond Proceeds | 0.00 | 0.00 | 0.00 | 0.00 |
| Transfer From General Fund | 5,266,848.00 | 5,191,910.00 | 5,394,459.00 | (202,549.00) |
| TOTAL REVENUES | 21,472,767.00 | 19,132,349.76 | 19,077,020.64 | 55,329.12 |
| EXPENDITURES: | 23,015,076.92 | 17,637,281.62 | 16,444,647.38 | 1,192,634.24 |
| Excess(Deficiency)of revenues over expenditures | (1,542,309.92) | 1,495,068.14 | 2,632,373.26 | (1,137,305.12) |
| FUND BALANCE PER GENERAL LEDGER | | <u>4,249,634.76</u> | <u>3,603,633.77</u> | <u>646,000.99</u> |
| Fund Balance Adjusted To Reflect Income Statement 4/30/19 | | 5,744,702.90 | 6,236,007.03 | (491,304.13) |

County of Frederick
Fund 12 Landfill
April 30, 2019

| ASSETS | FY2019
4/30/19 | FY2018
4/30/18 | Increase
(Decrease) |
|-----------------------------------|----------------------|----------------------|------------------------|
| Cash | 37,809,553.51 | 38,010,869.06 | (201,315.55) |
| Receivables: | | | |
| Accounts Receivable | | | |
| Fees | 827,381.46 | 684,305.77 | 143,075.69 *1 |
| Accounts Receivable Other | 4,830.10 | 0.00 | 4,830.10 |
| 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) | (4,119,578.55) | (3,228,789.45) | (890,789.10) |
| TOTAL ASSETS | 50,683,911.72 | 53,308,492.75 | (2,624,581.03) |
| LIABILITIES | | | |
| Accounts Payable | - | - | |
| Accrued VAC.Pay and Comp TimePay | 173,153.49 | 158,608.75 | 14,544.74 |
| Accrued Remediation Costs | 13,434,744.90 | 13,079,548.65 | 355,196.25 *2 |
| Deferred Revenue Misc.Charges | 4,830.10 | 0.00 | 4,830.10 |
| TOTAL LIABILITIES | 13,612,728.49 | 13,238,157.40 | 374,571.09 |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrances | 0.00 | 29,368.55 | (29,368.55) *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 | 27,212,741.23 | 30,182,524.80 | (2,969,783.57) *4 |
| TOTAL EQUITY | 37,071,183.23 | 40,070,335.35 | (2,999,152.12) |
| TOTAL LIABILITY AND EQUITY | 50,683,911.72 | 53,308,492.75 | (2,624,581.03) |

NOTES:

*1 Landfill receivables increased \$143,075.69. Landfill fees at 4/19 were \$691,764.97 compared to \$574,377.63 at 4/18 for an increase of \$117,387.34. Delinquent fees at 4/19 were \$180,374.88 compared to \$109,928.14 at 4/18 for an increase of 70,446.74.

*2 Remediation increased \$355,196.25 and includes \$308,263.00 for post closure and \$46,933.25 interest.

*3 There were no encumbrances at 4/30/19.

*4 Fund balance decreased \$2,969,783.57. 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 (\$742,449.17) for year to date revenue less expenses.

County of Frederick
 Comparative Statement of Revenue, Expenditures
 and Changes in Fund Balance
 April 30, 2019

| FUND 12 LANDFILL REVENUES | <u>Appropriated</u> | FY2019
4/30/19
<u>Actual</u> | FY2018
4/30/18
<u>Actual</u> | YTD
Actual
<u>Variance</u> |
|---|----------------------|------------------------------------|------------------------------------|----------------------------------|
| Credit Card Charges | 0.00 | 5,325.87 | 4,695.97 | 629.90 |
| Interest on Bank Deposits | 120,000.00 | 422,017.82 | 206,242.27 | 215,775.55 |
| Salvage and Surplus | 75,000.00 | 122,240.55 | 117,779.51 | 4,461.04 |
| Sanitary Landfill Fees | 6,562,000.00 | 5,702,282.91 | 4,830,429.33 | 871,853.58 |
| Charges to County | 0.00 | 498,030.00 | 427,142.91 | 70,887.09 |
| Charges to Winchester | 0.00 | 129,665.25 | 111,830.54 | 17,834.71 |
| Tire Recycling | 142,500.00 | 209,410.86 | 183,169.36 | 26,241.50 |
| Reg. Recycling Electronics | 91,200.00 | 51,180.00 | 44,534.16 | 6,645.84 |
| Greenhouse Gas Credit Sales | 0.00 | 39,964.17 | 4,918.95 | 35,045.22 |
| Miscellaneous | 0.00 | 8,877.00 | 6,704.56 | 2,172.44 |
| Renewable Energy Credits | 168,402.00 | 126,269.64 | 144,852.84 | (18,583.20) |
| Landfill Gas To Electricity | 312,837.00 | 241,482.00 | 311,123.77 | (69,641.77) |
| Insurance Recoveries | | 4,872.23 | 0.00 | 4,872.23 |
| Waste Oil Recycling | | 0.00 | 0.00 | 0.00 |
| TOTAL REVENUES | <u>7,471,939.00</u> | <u>7,561,618.30</u> | <u>6,393,424.17</u> | <u>1,168,194.13</u> |
| Operating Expenditures | 5,567,138.00 | 3,883,047.65 | 3,045,371.44 | 837,676.21 |
| Capital Expenditures | 6,024,379.55 | 4,421,019.82 | 483,610.38 | 3,937,409.44 |
| TOTAL Expenditures | <u>11,591,517.55</u> | <u>8,304,067.47</u> | <u>3,528,981.82</u> | <u>4,775,085.65</u> |
| Excess(deficiency)of revenue over expenditures | (4,119,578.55) | (742,449.17) | 2,864,442.35 | (3,606,891.52) |
| Fund Balance Per General Ledger | | <u>27,955,190.40</u> | <u>27,318,082.45</u> | <u>637,107.95</u> |
| FUND BALANCE ADJUSTED | | 27,212,741.23 | 30,182,524.80 | (2,969,783.57) |

County of Frederick, VA
Report on Unreserved Fund Balance
May 10, 2019

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) |
| Return unspent FY 18 VJCCA funds | (41,450) |
| School Safety Phase II | (1,264,000) |
| COR refund - Enterprise FM | (5,786) |
| COR refund - Disabled Veteran | (2,543) |
| COR refund - Disabled Veteran | (3,501) |
| COR refund - Disabled Veteran | (12,290) |
| correct original budget appropriation error | 28,400 |
| COR refund - Handy Mart | (12,321) |
| COR refund - James Plummer | (2,876) |
| COR refund - Toyota Leasing | (3,025) |
| Reserve for capital | (7,028,510) |
| COR refund - Physiotherapy Associates | (2,869) |
| COR refund - Randy M Manning LLC | (5,311) |
| COR refund - Stanley Steemer | (4,223) |
| COR refund - DL Peterson Trust | (16,438) |
| COR refund - JB Hunt Transport | (5,629) |
| COR refund - Ryder Truck Rental | (5,266) |
| COR refund - Disabled Veteran | (2,596) |
| Reduce DSS local share | 53,298 |
| | (8,568,494) |

Fund Balance, May 10, 2019 **35,910,966**

E

PARKS AND RECREATION COMMISSION REPORT to the BOARD OF SUPERVISORS
Wednesday May 22, 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: May 14, 2019
Subject: Parks and Recreation Commission Action

The Parks and Recreation Commission met on May 14, 2019. Members present were: Guss Morrison, Christopher Fordney, Gary Longerbeam, Amy Strosnider, Charles Sandy, Jr., Natalie Gerometta, Ronald Madagan, and Robert Wells (Board of Supervisors' Non-Voting Liaison). Members absent: Randy Carter

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

None

ITEMS SUBMITTED FOR INFORMATION ONLY

1. The Commission approved revision of the Youth Program Suspension Policy (100.25)- attached with highlight changes.
2. The Commission approved the staff seek public input on the construction of a half-mile trail behind the Bowman Library.

Cc: Charles R. Sandy, Chairman
Robert Wells, Board of Supervisors' Non-Voting Liaison

YOUTH PROGRAM SUSPENSION POLICY

100.25

PURPOSE:

To establish a policy standardizing the procedure for the removal of youth participants from programs who demonstrate conduct which is contrary to the rules and regulations of the department or jeopardize the safety of other participants or themselves. Youth are defined as individuals under the age of 18 whose participation requires parental consent.

GOAL:

To establish internal and external procedures for youth removal from program participation to ensure that all occurrences are managed in a consistent manner.

POLICY:

The following is the process to be followed when removing youth from Frederick County Parks and Recreation Department programs:

1. Program Supervisor removes program participant from program for behavior which violates park and recreation policies or for behavior which jeopardizes the well-being of other program participants or themselves. This removal may include other programs which are of similar recreational nature depending on the incident. The Superintendent of Recreation will notify the parent/guardian via certified mail if the participant is not allowed to enroll in future programs.
2. The parent/guardian may appeal the decision of the Parks and Recreation Department by sending a letter requesting review of the decision. This appeal must be submitted, to the Superintendent of Recreation within five business days of the removal.
3. The Parks and Recreation Appeals Committee will meet within *fifteen* business days of the receipt of the appeal letter and will render a decision.
4. Regardless of whether a parent chooses to appeal, a parent may also request an individual assessment conducted by either a licensed school counselor, licensed psychologist, or licensed clinical psychologist to determine if reasonable accommodations can be made without altering the existing program or if a Personal Care Attendant (PCA) is necessary for the child to re-integrate back into the program in question. The parent/guardian of the child may select from two options in order to complete the individual assessment:

Option 1: The health care professional performing the assessment would be selected by Frederick County Parks and Recreation. This assessment will be funded by Frederick County Parks and Recreation and scheduled according to the earliest appointment availability of the selected firm. Results of the assessment will be provided by the firm to both the parent/guardian and FCPRD.

Option 2: The licensed school counselor, licensed psychologist, or licensed clinical psychologist performing the assessment would be selected by parent/guardian. This assessment will be funded by parent/guardian and the results of the assessment will be provided to FCPRD directly from the provider for review from the health care professional performing the assessment.

If a parent chooses Option 2, FCPRD may, in its discretion and at its own expense, require an evaluation from a health care professional of its choosing.

Upon completion of the assessment, the health care professional may recommend what accommodations are needed or if a PCA is necessary for the child to participate in FCPRD activities specifically mentioned in the evaluation. If the PCA is deemed necessary by the health care provider, the parent/guardian must provide a PCA for the child to participate in FCPRD programs which were in the evaluation. If the child's behavior continues to jeopardize other participants or themselves after the PCA begins attending with the child or other accommodations are made, FCPRD may remove the child from the program, utilizing the procedures in the policy.

Approved: May 2009

F



Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator *MRC*

Date: May 14, 2019

RE: Glaize Estates – Conns East Road

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

Conns East Road, State Route Number 768

0.18 miles

Staff is available to answer any questions.

MRC/dlw



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

The Board of Supervisors of Frederick County, in regular meeting on the 22nd day of May, adopted the following:

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

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

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

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

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

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

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted May 22, 2019

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

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Glaize Estates

Type Change to the Secondary System of State Highways:

Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Conns East Road, State Route Number 768**

Old Route Number: 0

- From: Route 608, Wardensville Grade
- To: 0.18 mile east of Route 608, Wardensville Grade, a distance of: 0.18 miles.

Recordation Reference: Inst. #070000227

Right of Way width (feet) = 50'

G



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Kris Tierney, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: Tuesday, May 14, 2019
RE: Commissioner of Revenue Refund Requests

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

1. Handy Mart, LLC – \$3,089.89
2. Kevin Campbell Trucking Inc. – \$10,860.84
3. Undisclosed Taxpayer – Disabled Veteran's Relief – \$4,545.39
4. Undisclosed Taxpayer – Disabled Veteran's Relief – \$6,790.67

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

Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

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: May 14, 2019

RE: Refund – Handy Mart, LLC

I am in receipt of the Commissioner's request, dated May 10, 2019, to authorize the Treasurer to refund Handy Mart, LLC the amount of \$3,089.89, for exoneration of business personal property taxes for 2014, 2015, 2017 and 2018. This refund resulted from an adjustment of business personal property taxes. Other adjustments include an increase in real estate taxes and continuing examination of business personal property of a different nature.

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

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
Winchester VA 22601

P.O. Box 552
Winchester VA 22604-0552

emurphy@fcva.us

www.fcva.us/cor



ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

May 10, 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 – Handy Mart LLC

Please approve a refund of \$3,089.89 for exoneration of business personal property taxes for 2014, 2015, 2017, and 2018 in the name of Handy Mart LLC. This refund is an adjustment of business personal property taxes for the periods shown at various locations. Other adjustments include an increase in real estate and continuing examination of business personal property of a different nature than those adjusted in this exoneration.

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 \$3,089.89.

Date: 5/08/19

Cash Register: COUNTY OF FREDERICK

Time: 08:49:50

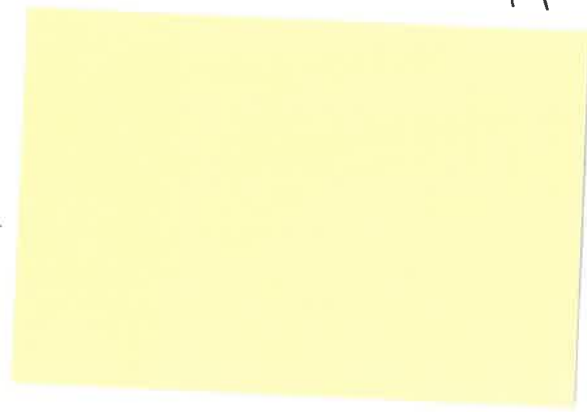
Cashier: ██████████ Total Transactions: 181
 Customer Name: HANDY MART LLC Customer Transactions: 5

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2014 | 1 | 00791570001 | \$950.86- | \$.00 | \$950.86- |
| - | PP2015 | 2 | 00842050001 | \$950.86- | \$.00 | \$950.86- |
| - | PP2017 | 3 | 00239850001 | \$8.75- | \$.00 | \$8.75- |
| - | PP2018 | 4 | 00247840003 | \$589.71- | \$.00 | \$589.71- |
| - | PP2018 | 5 | 00247840004 | \$589.71- | \$.00 | \$589.71- |

F3=Exit **F14=Show Map#** **Total Paid :** **\$3,089.89**
F15=Show Balance **F18=Sort-Entered** **F21=CmdLine**
F20=Attach

* Needs Board Approval





COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: May 14, 2019

RE: Refund – Kevin Campbell Trucking Inc.

I am in receipt of the Commissioner's request, dated May 10, 2019, to authorize the Treasurer to refund Kevin Campbell Trucking Inc. the amount of \$10,860.84, for personal property taxes in 2017 and 2018. This refund resulted from an adjustment of truck personal property taxes due to presentation of International Fuel Tax Agreement (IFTA) information allowing a carrier to adjust taxes based on possible liability of personal property taxes in other states in which it traveled. This comes under Federal Interstate Commerce laws and is frequently handled by the Commissioner's office for long-haul trucks and trailers stationed at local terminals.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

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

Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
Winchester VA 22601

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Winchester VA 22604-0552

emurphy@fcva.us
www.fcva.us/cor



ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

May 10, 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 – Kevin Campbell Trucking Inc.

Please approve a refund of \$10,860.84 for exoneration of personal property taxes from 2017 and 2018 in the name of Kevin Campbell Trucking Inc. This refund resulted from an adjustment of truck personal property taxes due to the presentation of International Fuel Tax Agreement (IFTA) information allowing a carrier to adjust taxes based on possible liability of personal property taxes in other states in which it traveled. This comes under Federal Interstate Commerce laws and is frequently handled by the Commissioner's office for long-haul trucks and trailers stationed at local terminals.

To comply with the requirements for the Treasurer to issue 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 \$10,860.84.

Date: 5/10/19

Cash Register: COUNTY OF FREDERICK

Time: 08:35:00

Cashier: [REDACTED] Total Transactions: 303
Customer Name: KEVIN CAMPBELL TRUCKING INC Customer Transactions: 19

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2017 | 1 | 00712710009 | \$453.04- | \$.00 | \$453.04- |
| - | PP2017 | 2 | 00712710011 | \$539.23- | \$11.97- | \$551.20- |
| - | PP2017 | 3 | 00712710013 | \$436.55- | \$55.65- | \$492.20- |
| - | PP2017 | 4 | 00712710015 | \$437.31- | \$55.75- | \$493.06- |
| - | PP2017 | 5 | 00712710017 | \$491.93- | \$62.71- | \$554.64- |
| - | PP2018 | 6 | 00322400003 | \$548.58- | \$69.93- | \$618.51- |
| - | PP2018 | 7 | 00322400004 | \$548.58- | \$.00 | \$548.58- |
| - | PP2018 | 8 | 00322400005 | \$687.31- | \$87.63- | \$774.94- |
| - | PP2018 | 9 | 00322400006 | \$687.31- | \$.00 | \$687.31- |
| - | PP2018 | 10 | 00322400007 | \$556.44- | \$70.94- | \$627.38- |
| - | PP2018 | 11 | 00322400008 | \$556.44- | \$76.04- | \$632.48- |
| - | PP2018 | 12 | 00322400009 | \$557.40- | \$71.06- | \$628.46- |

Multiple Pages Total Paid : \$10,860.84
F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine
F20=Attach

Date: 5/10/19

Cash Register: COUNTY OF FREDERICK

Time: 08:35:00

Cashier: [REDACTED] Total Transactions: 303
Customer Name: KEVIN CAMPBELL TRUCKING INC Customer Transactions: 19

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2018 | 13 | 00322400010 | \$557.40- | \$76.17- | \$633.57- |
| - | PP2018 | 14 | 00322400011 | \$627.04- | \$79.94- | \$706.98- |
| - | PP2018 | 15 | 00322400012 | \$104.51- | \$14.28- | \$118.79- |
| - | PP2018 | 16 | 00732950001 | \$648.79- | \$88.65- | \$737.44- |
| - | PP2018 | 17 | 00732950003 | \$775.69- | \$106.00- | \$881.69- |
| - | PP2018 | 18 | 00732950005 | \$267.51- | \$36.55- | \$304.06- |
| - | PP2018 | 19 | 00732950007 | \$366.44- | \$50.07- | \$416.51- |

Multiple Pages Total Paid : \$10,860.84
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

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: May 9, 2019

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

I am in receipt of the Commissioner’s request, dated May 9, 2019, to authorize the Treasurer to refund a taxpayer the amount of \$4,545.39 from 2016 through the first half of 2019 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.



Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia

OFFICE OF

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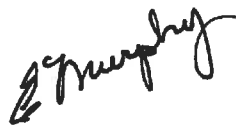


ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

May 9, 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 (Name withheld – Veteran's Exemption – CONFIDENTIAL)

Please approve a refund of \$4,545.39 for exoneration of real estate taxes from 2016 through the first half of 2019 for a 100% permanently and totally service-connected disabled veteran. This refund applies to his principle residence and is supported by the Veterans Administration official documentation that has been provided to us.

To comply with the requirements for the Treasurer to issue this refund, Board action is required.

The Commissioner's staff has verified all required data, and the paperwork is in the care of the Commissioner of the Revenue.

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

Exoneration is \$4,545.39.

Date: 5/07/19

Cash Register: COUNTY OF FREDERICK

Time: 15:31:24

Cashier:
Customer

Total Transactions: 177
Customer Transactions: 7

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | RE2016 | 1 | 00127330001 | \$130.25- | \$0.00 | \$130.25- |
| - | RE2016 | 2 | 00127330002 | \$672.91- | \$0.00 | \$672.91- |
| - | RE2017 | 3 | 00127450001 | \$733.28- | \$0.00 | \$733.28- |
| - | RE2017 | 4 | 00127450002 | \$733.27- | \$0.00 | \$733.27- |
| - | RE2018 | 5 | 00127430001 | \$745.50- | \$0.00 | \$745.50- |
| - | RE2018 | 6 | 00127430002 | \$745.49- | \$0.00 | \$745.49- |
| - | RE2019 | 7 | 00127730001 | \$784.69- | \$0.00 | \$784.69- |

F3=Exit F14=Show Map# Total Paid : \$4,545.39
 F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

** veteran
 * Needs Board Approval*



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: May 14, 2019

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

I am in receipt of the Commissioner’s request, dated May 14, 2019, to authorize the Treasurer to refund a taxpayer the amount of \$6,790.67 from 2016 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. 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 blue ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
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Winchester VA 22604-0552

emurphy@fcva.us
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ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

May 14, 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 *E. Murphy*

RE: Exoneration (Name withheld – Veteran's Exemption – CONFIDENTIAL)

Please approve a refund of \$6,790.67 for exoneration of real estate taxes from 2016 through 2018 for a 100% permanently and totally service-connected disabled veteran. This refund applies to his principle residence and is supported by the Veterans Administration official documentation that has been provided to us.

To comply with the requirements for the Treasurer to issue this refund, Board action is required.

The Commissioner's staff has verified all required data, and the paperwork is in the care of the Commissioner of the Revenue.

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

Exoneration is \$6,790.67.

Date: 5/13/19

Cash Register: COUNTY OF FREDERICK

Time: 15:20:22

Cashier:
Customer

Total Transactions:
Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| - | RE2016 | 1 | 00105140001 | \$402.59- | \$.00 | \$402.59- |
| - | RE2016 | 2 | 00105140002 | \$1,248.00- | \$.00 | \$1,248.00- |
| - | RE2017 | 3 | 00104960001 | \$1,274.40- | \$.00 | \$1,274.40- |
| - | RE2017 | 4 | 00104960002 | \$1,274.40- | \$.00 | \$1,274.40- |
| - | RE2018 | 5 | 00104370001 | \$1,295.64- | \$.00 | \$1,295.64- |
| - | RE2018 | 6 | 00104370002 | \$1,295.64- | \$.00 | \$1,295.64- |

F3=Exit F14=Show Map# Total Paid : \$6,790.67
 F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

* Needs Board Approval

* Veterans

H




Kris C. Tierney
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Kris C. Tierney, County Administrator 
DATE: May 16, 2019
RE: Committee Appointments

Listed below are the vacancies/appointments due through July 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

Handley Regional Library Board

Brian J. Hester
165 Babbs Run Lane
Winchester, VA 22603
Term Expires: 11/30/19
Four-year term

(Two applications have been received and staff is waiting for recommendation from Handley Regional Library Board/staff. See Attached) (The County has 5 seats on the Handley Regional Library Board as a result of the Joint Agreement and Memorandum of Understanding with the City. As stated in the library by-laws, members may only serve two terms.)

Board of Equalization

Luther O. Stiles
114 Lane Street
Stephens City, VA 22655
Home: (540)869-2504
Term: 01/01/17 - 12/31/19
Three-year term

Mr. Stiles has notified staff he does not wish to be reappointed when his term expires December 31, 2019.

(Reminder there is a current vacancy. Staff and Board of Supervisors will continue to seek applicants for seat(s) on the Board of Equalization.) *(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.)*

JUNE 2019

Historic Resources Advisory Board

Dr. Robert R. Meadows – Stonewall District Representative
207 Mackenzie Lane
Stephenson, VA 22656
Home: (540)808-3304
Term Expires: 06/10/19
Four-year term

(Mr. Meadows has advised staff he is willing to continue serving if it is the desire of the Board.) *(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large. Members serve a four-year term and are eligible for reappointment.)*

JULY 2019

Shawneeland Sanitary District Advisory Committee

Lynn Schmitt
106 Echota Trail
Winchester, VA 22602
Home: (540)877-1236
Term Expires: 07/13/19
Two-year term

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

Memorandum -- Board of Supervisors
May 16, 2019
Page 3

KCT/tjp

Attachments

U:\TJP\committeeappointments\WmosLettrs\BoardCommitteeAppts(052219BdMtg).docx

Teresa Price

From: webmastr@fcva.us
Sent: Thursday, April 25, 2019 10:46 PM
To: Teresa Price; Jay Tibbs; Ann Phillips
Subject: BOS Committee Appointments Data Sheet Submission

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

Form Name: BOS Committee Appointments
Date & Time: 04/25/2019 10:46 PM
Response #: 19
Submitter ID: 44946
IP address: 172.24.96.112
Time to complete: 8 min. , 43 sec.

Survey Details

Page 1

Frederick County Board of Supervisors

Committee Appointments

Informational Data Sheet

Contact Information.

Name: Kirsta Weber
Home Address: 241 Gravenstein Court
Home Address City, State: Winchester, VA
Home Address ZIP: 22602

Home Phone #: [REDACTED]
Office Phone #: Not answered
Cell Phone #: [REDACTED]
Email Address: [REDACTED]

Employment/Community Information

Current Employer: Orange Business Services **Current Occupation:** Human Resources Consultant

Please list any relevant civic/community activities you participate in:

- Top of VA Regional Chamber
- The Laurel Center, Board Member
- United Way of the Northern Shenandoah Valley
- Opequon Presbyterian Church
- Kiwanis Club of Winchester
- Winchester Society of Human Resources Management
- Frederick County Education Foundation

Board/Committee Information

Board or Committee Applying for:

Handley Regional Library Board

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

Yes

Additional information or comments you would like to provide:

I believe it's the civic responsibility of every citizen to give back to the local community; I personally believe in giving back and supporting my local community.

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

No

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

Yes

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

Signature Name: Kirsta Weber

Today's Date: 04/25/2019

Check here for Signature:

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

[HRL Board Application.docx](#)

Thank you,
Frederick County

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

Handley Regional Library Board
Application

Handley Regional Library Board is a working/governing board

What experience or education have you had relative to the Handley Regional Library? *I am a frequent patron of the Handley Regional Library and have been since 1988. I have actively participated in variety of events including the Summer Reading Program, used book sales, and children's storytimes. In addition, I have a passion for learning; reading is one of my hobbies. Regarding education, I am huge advocate for reading and have been an adjunct instructor at LFCC for 11 years. As an instructor, I make it a point to become familiar with the areas's resources so I may share back with my students.*

What are your interests at the Handley Regional Library?

I am always interested in making a difference in my local community and supporting events/opportunities that align with my beliefs and values. The HRL has been a part of my life and my family's lives for several years. I am interested in supporting various events such as the book sales and any opportunities where I can share my expertise in human resources and teaching/training.

Please list any previous or present involvement, such as boards, commission member or citizen committee, etc. in Winchester or elsewhere:

Member of Old Town Kiwanis

Member of TOVRC

Member of the OPC Session

Member of the Winchester Area SHRM Chapter

Board Member of The Laurel Center

Former Board Member of the American Red Cross

Former Board Member of the Winchester Area Society of Human Resources Management

Signature _____

Date _____

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

Shannon Trout, District Supervisor, would like to nominate you to serve on the Frederick County Public Library.

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

Name: Mark Gaylor **Home Phone:** XXXXXXXXXXXX
Address: 166 Owens Lane **Office Phone:** XXXXXXXXXXXX
Stephens City, VA 22655 **Cell/Mobile:** XXXXXXXXXX
Fax: n/a
Employer: Cintas Corporation **Email:** XXXXXXXXXXXX

Occupation: General Manager

Civic/Community Activities: Serve on Frederick County Public Schools (FCPS 101) Committee, Member of Prince William County SERVE.

Active with SPCA in Frederick County,

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

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

I am available the 3rd Tuesday of every month or when the committee meetings are held.

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

My children, who are currently students in Frederick County Schools have enjoyed the benefits of our public library system here in our area. Additionally, serving on the FCPS 101 Committee has given me a different perspective on the needs of our local schools and also a desire to serve on a local board. My wife is active in the community, serving on the SPCA Board. My parents were also very active in the community where I grew up in Ohio, providing me with a vision of community service. I am well versed in all financial and organization aspects of running a business for 27 years.

Applicant's Signature: Mark Gaylor Digitally signed by Mark Gaylor
Date: 2019.04.26 09:51:46 -0400 **Date:** _____

Nominating Supervisor's Comments: _____

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

I

Valerie Boykin
Director



COMMONWEALTH of VIRGINIA

Department of Juvenile Justice
Twenty-Sixth Judicial District Court Service Unit

To: Frederick County Board of Supervisors

From: Peter Roussos, Director of 26th District Court Service Unit, Department of Juvenile Justice

Date: May 16, 2019

Subject: Timbrook Achievement Center (TAC) – Also known as The Shenandoah Valley Achievement Center

First, we would like to thank members of the Board for adding this item to an already busy agenda. The delay in submitting this request was caused by funds becoming available to the Virginia Department of Juvenile Justice in the latter part of this fiscal cycle.

The Timbrook Achievement Center (TAC) is a cooperative effort of Frederick County and City of Winchester agencies as well as the Department of Juvenile Justice through the 26th District Court Service Unit. It will be important to provide you with some background information of this project.

From 2011 through 2016, Winchester Public Schools and the Winchester Police Department collaborated through a grant to open and operate a facility known as “The Timbrook Center”. The Timbrook Center was primarily staffed by law enforcement and served as an afterschool program for City of Winchester youth only. The vision of the program was for court-involved youth for truancy or delinquency to develop good working relationships with law enforcement and to improve their academic status as many were likely to not graduate from high school. During the time of the Timbrook Center, 66 youth participated in the program with 36 of the students obtaining high school diplomas and/or GED’s with four still in progress at that time. Of the 66 students, 28 were on active probation with various initiating offenses and all 28 participating youth had a moderate or high risk to re-offend according to their YASI assessment. Given this information, it is clear these delinquent and truant youth benefited from the Timbrook program.

The TAC will be located at the Youth Development Center (YDC) on 3 Battaile Dr, Winchester, VA 22601 and it will serve youth from both Frederick County and the City of Winchester. The program will begin operations in August 2019 and has the capacity to serve 20 youth at any given time. Through a combination of educational, recreational and behavioral program components, the Achievement Center will work collaboratively and positively with youth and their families to move them out of “risk” and towards building life skills that can be applied into their adulthood. Programs available at the Achievement Center are designed to help youth achieve the following outcomes:

- Better educational performance and attendance.
- Enhance connections with parents and other natural support systems.
- Decreased involvement in juvenile justice system.
- Improved adaptive skill functioning.
- Increased interpersonal and social skills.
- Increased employability and interest in job seeking.

The targeted population will be youth between the ages of 14 to 18 to provide support and services for the youth and their family members. The plan is to begin with Court involved youth who are experiencing truancy or delinquency and need additional supports or youth who can be diverted from the juvenile justice system. During the first year, the program goal is to serve approximately 60 youth in total through referrals from the Courts, intake diversion, school systems and other sources.

Through the Virginia Juvenile Community Crime Control Act (VJCCCA), the Department of Juvenile Justice will provide up to \$50,000, in one-time supplemental VJCCCA funding to Fiscal Agent, Frederick County, for the purchase of equipment and supplies to support programs and services on the locality’s FY2019/FY2020 VJCCCA Plan. The funding will be provided on a reimbursement basis for actual expenses. A proposed Memorandum of Agreement (MOA) between the County of Frederick and the Virginia Department of Juvenile Justice has been submitted.

In summary, The Timbrook Achievement Center will provide services to approximately 60 at risk and court involved youth. These are youth from Frederick County and the City of Winchester. Several public agencies from both jurisdictions are involved in this worthwhile project. These include Frederick County Public Schools, City of Winchester Public Schools, Frederick County and Winchester Sheriff’s office, Northwestern Community Services Board, The Youth Development Center and the Department of Juvenile Justice. This request is for a one time VJCCCA FY19 supplemental appropriation of \$50,000 to be fiscally managed by Frederick County. Frederick County is not providing any local funds and all expenses funded by Frederick County are 100% reimbursable. There does not exist a stipulation for funding for subsequent years of the program.

It is respectfully requested that Board approve this request and that it authorizes the County Administrator to sign the MOA between DJJ and Frederick County.

Thank you for your time and attention to this matter.

**MEMORANDUM OF AGREEMENT
VJCCCA FY 2019 / FY 2020 Plan Addendum**

- I. PARTIES TO THE AGREEMENT:** This agreement entered into by the County of Frederick, hereafter called the "Fiscal Agent", and the Virginia Department of Juvenile Justice, hereafter called "DJJ".
- II. PERIOD OF AGREEMENT:** This agreement will be in effect from April 1, 2019, through June 30, 2019, and renewable in accordance with paragraph X., Section E.
- III. TARGETED LOCALITIES:** Frederick County (Fiscal Agent), Clarke County and City of Winchester.
- IV. TARGETED CSUs:** 26th District Court Service Unit, hereafter called "CSU".
- V. PURPOSE:** The purpose of this agreement is to append the approved 2019 / 2020 VJCCCA combined plan for Frederick County (includes Frederick County, Clarke County and the City of Winchester, with Frederick County serving as the Fiscal Agent).
- VI. RESPONSIBILITY:** The local CSU Director shall have responsibility for ensuring that the requirements of this agreement are implemented and followed and that concerns are identified and addressed.
- VII. SCOPE OF SERVICES:**
- A. Responsibilities of the Department of Juvenile Justice:**
- 1. Supplemental Funding:** Through the Virginia Juvenile Community Crime Control Act (VJCCCA), DJJ will provide up to \$50,000, in one-time supplemental VJCCCA funding to Fiscal Agent, Frederick County, for the purchase of equipment and supplies to support programs and services on the locality's FY 2019 / FY 2020 VJCCCA Plan. The funding will be provided on a reimbursement basis for actual expenses.
 - 2. Equipment and Supplies Approval:** DJJ will review and pre-approve a list of equipment and supplies the Fiscal Agent is requesting to purchase.
 - 3. Technical Assistance:** As requested, DJJ will provide technical assistance as the locality launches a new program, the Shenandoah Valley Achievement Center. As requested, DJJ will also provide technical assistance to the locality in developing mutually agreed upon performance measures, including goals for increasing diversion, decreasing the use of secure detention for status offenders and technical violators, and increasing the utilization of alternatives to detention.
- B. Responsibilities of the Fiscal Agent, Frederick County:**
- 1. Through a partner organization, Frederick County, Clarke County and the City of Winchester, seek to operate a community-based center to serve at-risk and system involved youth. Goals of the center include to provide pro-social engagement and skill building activities. Goals also include to increase the use of diversion and the use of alternatives to secure detention. Attachments: Copies of the program description and the performance measures are attached to this agreement.**
 - 2. Equipment and Supplies Approval:** The Fiscal Agent agrees to submit an itemized list of expected items to be purchased and associated costs in advance of purchasing for the review and approval of DJJ's Statewide Program Manager / VJCCCA Manager.
 - 3. Purchase of Allowable Equipment and Supplies:** The Fiscal Agent, Frederick County, shall purchase all equipment and supplies and shall purchase only items that are pre-approved, allowable according the VJCCA Policy Manual and necessary to carry out the services, programs and activities outlined in the locality's VJCCCA program manuals.
 - 4. The Fiscal Agent agrees to develop and submit an itemized invoice to DJJ by agreed upon due date.**

5. The Fiscal Agent shall participate in the development of mutually agreed upon performance measures, including goals for increasing diversion, decreasing the use of secure detention for status offenders and technical violators, and increasing the utilization of alternatives to detention.
6. The Fiscal Agent shall ensure that youth referred through CSU Intake and the J&DR Court will be prioritized, including but not limited to youth participating in diversion and youth being monitored on detention alternatives while awaiting return to court.

VIII. ALLOWABLE EXPENSES:

- A. **Allowable Expenditures:** All expenditures must be pre-approved, allowable according to the VJCCA Policy Manual and necessary to carry out the services, programs and activities outlined in the locality's VJCCA program manuals. Examples of expenses that may be reimbursable include: staff training courses, office supplies, instructional / programmatic materials, recreation equipment, transportation vehicle(s), and computer equipment.
- B. **Prohibited Expenditures:** Prohibited expenditures include but are not limited to construction, enlargement, renovation, facility purchases and facility rental.

IX. PAYMENT TERMS:

- A. **Supplemental Payment to the Fiscal Agent, Frederick County,** will be up to \$50,000 made by the DJJ on a reimbursement basis.
- B. The supplemental payment of up to \$50,000, is in addition to the \$128,358 allocation the locality receives through the Virginia Juvenile Community Crime Control Act (VJCCCA). The Fiscal Agent will submit an invoice that includes an itemized list of all expenses that were pre-approved and are eligible for reimbursement through the supplemental payment.
- C. **Invoice Due Date:** All invoices and accompanying documentation shall be submitted to DJJ by **June 10, 2019**, to ensure that the DJJ is able to pay the invoices from FY 2019 funds.

X. TERMS AND CONDITIONS:

- A. **AUDIT:** The Fiscal Agent, Frederick County, shall retain all books, records, and other documents relative to this agreement for five years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The DJJ, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period.
- B. **APPLICABLE LAWS AND COURTS:** This agreement shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Fiscal Agent, Frederick County, shall comply with all applicable federal, state and local laws, rules and regulations.
- C. **AVAILABILITY OF FUNDS:** It is understood and agreed between the parties herein that both parties shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement.
- D. **CANCELLATION OF AGREEMENT:** The parties to this agreement may terminate this agreement, in part or in whole, without penalty, upon 30 days written notice. Any agreement cancellation notice shall not relieve the Fiscal Agent, Frederick County, of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation nor relieve DJJ from paying for services rendered prior to the date of cancellation.
- E. **RENEWAL OF AGREEMENT:** There is no inherent guarantee of renewal, but this agreement may be renewed, subject to the availability of funding, for one additional year by written agreement of both parties. The maximum term of the agreement with all renewals shall not exceed two years. Any changes in the terms of the agreement will be negotiated at the time of renewal and included in the renewal document signed by the parties.

F. CHANGES TO THE AGREEMENT: The parties may agree in writing to modify the scope of the agreement. An increase or decrease in the price of the agreement resulting from such modification shall be agreed to by the parties as a part of a written agreement to modify the scope of the agreement.

G. DRUG FREE WORKPLACE: The Fiscal Agent, Frederick County, acknowledges and certifies that it understands that the following acts by Frederick County, its employees, and/or agents performing services on state property are prohibited:

1. The unlawful manufacture, distribution, dispensing, possession or use of alcohol or other drugs; and
2. Any impairment or incapacitation from the use of alcohol or other drugs except the use of drugs for legitimate medical purposes.

The Fiscal Agent, Frederick County, further acknowledges and certifies that it understands that a violation of these prohibitions constitutes a breach of agreement and may result in default action being taken by the Commonwealth in addition to any criminal penalties that may result from such conduct.

H. COUNTERPARTS: This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement. As soon as practicable, each party will ensure that the other receives a copy of the executed document and all copies should be retained. Scanned, electronically transmitted documents may be deemed an original.

Court Service Unit Director:

By (Signature): _____

Typed Name: _____

Title: _____

Locality: _____

Date: _____

County of Frederick:

By (Signature): _____

Typed Name: _____

Title: _____

Locality: _____

Date: _____

Department of Juvenile Justice (Agency Director):

By (Signature): Valerie Boykin by Angela Valentine

Typed Name: VALERIE BOYKIN

Title: DIRECTOR

Date: 5/10/19

J



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

Fax: 540.667.0370

MEMORANDUM

To: Frederick County Board of Supervisors
From: Ann W. Phillips, Deputy Clerk
Date: May 17, 2019
Re: Conveyance of Interest in Real Property at 20 North Loudoun Street

=====
At the May 22 meeting, the Board of Supervisors will conduct a public hearing, pursuant to Virginia Code Section 15.2-1800, regarding the conveyance, by a deed for two hundred years, of the County's interest in real property located at 20 North Loudoun Street, in the City of Winchester, Virginia, identified as City Tax Parcel Number 193-1-N-4, to the Shenandoah Valley Battlefields Foundation.

You may recall that the Shenandoah Valley Battlefields Foundation has operated a museum for a number of years on the premises of the former Frederick County Court House at 20 North Loudoun Street. The Foundation has recently expressed interested in seeking ownership of the property, and the County has negotiated a deed of transfer for a period of two hundred (200) years, or so long as the conditions contained in the deed are met, whichever period is shorter.

The conveyance is contingent upon the Property being used for preservation of local history and the operation of a museum, such as the Shenandoah Valley Civil War Museum, which is presently operational on the site, and upon the Grantee or its assigns maintaining the layout of the historic courtroom within the structure on the site as it exists at the time of conveyance. Should the Grantee or its assigns cease to use the property for the above purpose or fail to maintain the layout of the historic courtroom, the property and all improvements thereon shall revert back to the ownership of Frederick County (the Grantor). Also, it is noted that the structure in place on the Property is designated as a historic structure and that the conveyance of the Property is contingent on the structure being maintained in such a fashion that it maintains his historic structure designation. Lastly, the Property contains a historic statue in its curtilage. The Grantee may not remove or alter said statue. Should the Grantee fail to abide by this condition, the Property shall revert to the Grantor.

Following the public hearing, staff is seeking a Board decision regarding execution of the deed of conveyance.

К



MEMORANDUM

TO: Frederick County Board of Supervisors

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

RE: **Public Hearing: Brucetown Road Area Amendment (CPPA #02-18 – Carter)**

DATE: May 10, 2019

This is a draft amendment to the Northeast Land Use Plan of the 2035 Comprehensive Plan. This request is presented to the Board of Supervisors for public hearing. Staff is seeking a decision from Board of Supervisors on this requested amendment.

Proposal & Background

At the Board of Supervisors September 12, 2018 meeting, the Board directed Staff to undertake a Sewer and Water Service Area (SWSA) expansion and land use designation associated with Comprehensive Plan Amendment #02-18. This amendment proposes to add 109-acres into the Sewer and Water Service Area (SWSA) and remove 109-acres from the SWSA. This amendment also seeks to designate the 109-acres for industrial land uses.

The Comprehensive Plans and Programs Committee (CPPC) discussed this amendment at their October and November 2018 meetings. The CPPC endorsed draft text and map for the Brucetown Area Amendment at their November 2018 meeting. This amendment was discussed by the Planning Commission on December 5, 2018. At that meeting the Planning Commission expressed concern with the amendment and sent the proposal back to the CPPC for further review. Specifically, the Planning Commission requested more detail on the transportation components of the amendment and further review of the SWSA limits proposed.

The CPPC discussed the amendment at their February 2019 meeting. The Committee reviewed revised text for the proposal that sought to address the concerns of the Planning Commission; a revised map was also presented. The Committee agreed with the changes with amendments to the SWSA boundary and environmental text. The amended SWSA boundary keeps the SWSA south of Slate Run and proposes a buffer along the western property line to protect the rural community center. The CPPC sent the revised text and map forward to the Planning Commission for review. The CPPC further discussed the importance of providing the identified transportation improvements to support future development in this area. This included a discussion of what would be the best language for the text, “should vs shall”. The CPPC felt that since the

Comprehensive Plan is an advisory document that the use of “should” would be best suited for the language.

The Planning Commission discussed this request at their March 6, 2019 meeting. The Commission agreed with the proposed amendment and sent the item forward to the Board of Supervisors with a favorable recommendation. The Commission also discussed the use of “should vs shall” in the document and felt that since this is a policy document that guides future land use that the use of “should” would be appropriate. One Commission member did express concern with the amendment and did not support the amendment going forward. The Board of Supervisors discussed this item at their April 10, 2019 meeting. The Board sent this item forward for public hearing.

The Planning Commission held a public hearing for this item at their May 1, 2019 meeting. Eight spoke during the public hearing. A representative from Clorox spoke about the public meetings they held and felt they had addressed expressed concerns and that they have a commitment to work with the community. Seven citizens spoke in opposition to the amendment, citing traffic concerns, buffers, Brucetown Road widening, effects on schools, and not conforming to the Comprehensive Plan. Following the public hearing, the Commission members discussed the benefit of increasing the industrial base of the County, accessibility of the site via rail and adding useable area to the SWSA and removing areas from the quarry. Following their discussion, the Planning Commission ultimately recommended denial of the amendment (seven in favor of denial, five not in favor of denial, one abstain).

Conclusion

Please find attached draft text for the Brucetown Road Area Amendment, a proposed land use map and comments from Frederick Water.

This request is presented to the Board of Supervisors for public hearing. Staff is seeking a decision from Board of Supervisors on this requested amendment.

Please contact Staff should you have any questions.

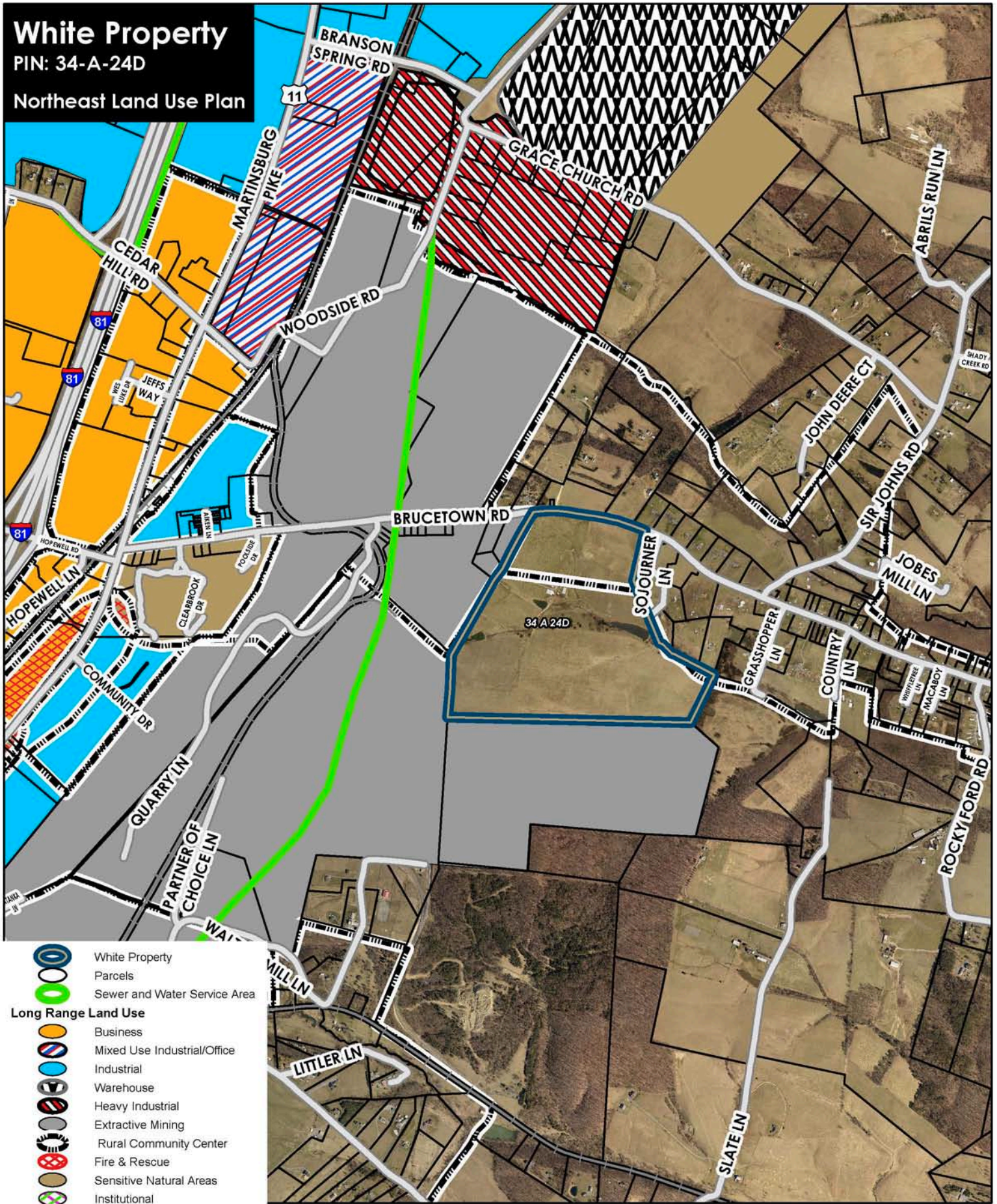
CEP/pd

Attachments

White Property

PIN: 34-A-24D

Northeast Land Use Plan



- White Property
- Parcels
- Sewer and Water Service Area
- Long Range Land Use**
- Business
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Rural Community Center
- Fire & Rescue
- Sensitive Natural Areas
- Institutional



DRAFT
NORTHEAST FREDERICK LAND USE PLAN
NELUP

Brucetown Road Area AMENDMENT

Proposed language:

The Comprehensive Plans and Programs Committee (CPPC), at their October and November 2018 meetings and their February 2019 meeting discussed the requested Carter Tract Amendment (CPPA #02-18). This CPPA request removes comparable acres of land from the SWSA from the existing zoned extractive manufacturing area to allow for the inclusion of 109 acres of land. In determining the scope of the request, the CPPC looked at the broader area in determining if an area could best support a sewer and water service area expansion and an industrial land use designation. The SWSA boundary adjustment enables industrial land uses which could utilize public water and sewer, improve the transportation infrastructure in support of increased vehicular traffic and provide economic opportunities.

The scope of the review considered the following:

- *Review of the broader area to identify areas most appropriate for a SWSA expansion and industrial land use designation.*
- *Distance to the existing SWSA boundary.*
- *Proximity to the existing extractive manufacturing operation.*
- *Access to and from the Brucetown Road area including the overall transportation network including key intersections on Martinsburg Pike.*
- *Revisions to the SWSA, including the removal of land from the existing SWSA to allow for the addition of comparable acreage into the SWSA.*
- *Avoiding conflict with the residential uses of the Brucetown Rural Community Center. The SWSA should remain south of Slate Run with a buffer along the Rural Community Center. This enables the land use north of Slate Run to remain agricultural and buffer future industrial uses from the residential uses in the Brucetown Rural Community Center.*

The study which resulted from the discussion of CPPA #02-18 ultimately recommended that the following amendment be incorporated into the Northeast Land Use Plan:

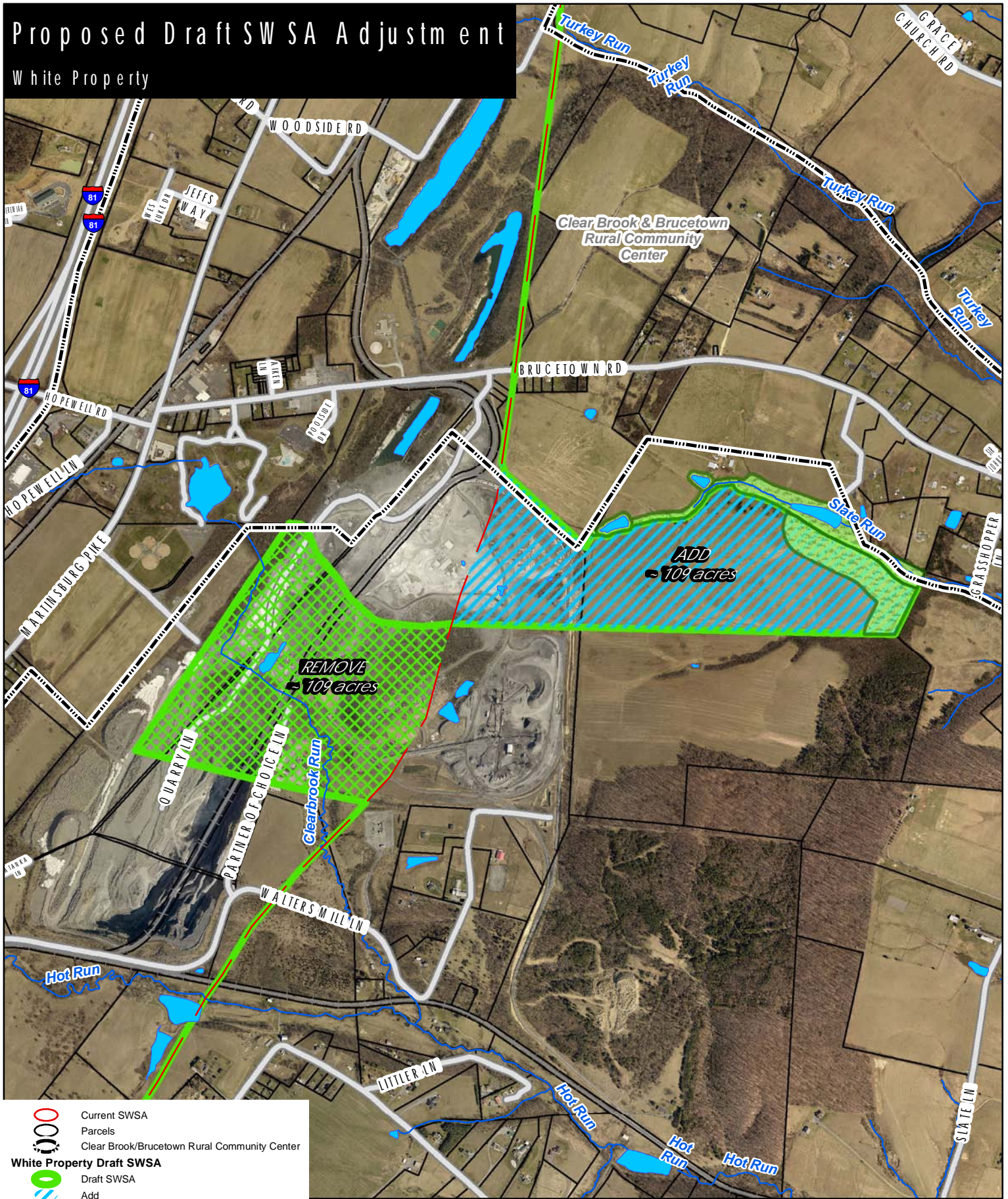
The area southeast of Exit 321, Interstate 81, Hopewell Road, and south of Brucetown Road is comprised mainly of extractive manufacturing, rural residential and agricultural land uses. The area is also located adjacent to the identified Brucetown Rural Community Center. The following items resulted from this study and should be addressed with any future development proposals in this area:

- *An industrial land use designation was identified as most appropriate for a SWSA boundary adjustment.*
- *A detailed traffic study will be necessary for any future industrial development – all identified transportation needs should be provided by the proposed development. Traffic improvements should include but may not be limited to: Improvements to Brucetown Road to current VDOT standards including sufficient pavement structure and right-of-way width to support the industrial traffic; improvements to Hopewell Road and Martinsburg Pike and the relocation of Brucetown Road north of its current intersection with Hopewell Road.*

- *Access to the acreage which is now included in the SWSA should be via the existing quarry entrance onto Brucetown Road; no direct access to Brucetown Road should be considered.*
- *Recognize that water and sewer capacity is limited in this area and therefore any future industrial uses should recognize the capacity constraints and construct the infrastructure necessary to serve the industrial uses water and sewer needs.*
- *Encourage the use of rail to minimize the increase in truck traffic on the Martinsburg Pike (Route 11 North) corridor and along Hopewell and Brucetown Roads.*
- *Protect the overall environmental quality of the community. Avoid industrial land uses which would require major emitter air quality permit from the Virginia Department of Environmental Quality.*
- *Minimize disturbance and crossing of drainage swales. An enhanced riparian buffer should be provided adjacent to Slate Run to improve the buffer and promote best environmental practices.*
- *Provide buffering between industrial uses and the Rural Community Center which should meet or exceed existing zoning ordinance buffer and screening requirements to adequately protect the residential uses in the Brucetown Rural Community Center. Maximize distance buffers in combination with landscape buffers to provide adequate screening. Building height limitations should also be implemented to protect the viewshed of the residential uses in the Brucetown Rural Community Center.*
- *To avoid conflict with the residential uses in the Brucetown Rural Community Center, the SWSA expansion should remain south of Slate Run and provide for a buffer along the Rural Community Center. This enables the land north of Slate Run to remain agricultural and buffer future industrial uses from the residential uses in the Rural Community Center.*

Proposed Draft SW SA Adjustment

White Property





315 Tasker Road
Stephens City, Virginia 22655

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

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: Candice Perkins, Assistant Director, Frederick County Planning Department
FROM: Eric R. Lawrence, Executive Director
SUBJECT: 2018 Comprehensive Policy Plan Amendment Review – Carter Tract
DATE: December 11, 2018

In response to a December 7, 2018 e-mail request from Stowe Engineering, I am providing an updated review comment from Frederick Water in regards to the Carter Tract CPPA.

I understand that the Carter Tract CPPA is no longer considering the Carter Tract proper, but is now working to capture and include the adjacent White property into the SWSA. Inclusion of the White property into the SWSA would support economic development, and enable access to Frederick Water's public water and wastewater system. Wastewater presents a challenge as the conveyance system in the vicinity of the White property has limited capacity.

During recent discussions, and similar to our previous August discussion, Mr. Stowe suggested that a Sewer and Water Service Area (SWSA) boundary adjustment resulting in no change to the total acreage of the SWSA in the vicinity of the White property be considered; essentially a "net-zero" SWSA boundary revision - for each acre that is added to the SWSA, a comparable acreage could be removed. This suggestion is appropriate and supported, although it should be noted that the White property's owners do not own adjacent land from which the SWSA could be removed to facilitate the "net-zero" SWSA boundary revision. Therefore, for the net-zero SWSA approach to be applied, a second party's SWSA-privilege would need to be revised/reduced.

Page 2

2nd Comment on the 2018 Comprehensive Policy Plan Amendment Application for the Carter Property
Candice Perkins
December 11, 2018

It is also noted that with limited wastewater conveyance capacity in the vicinity, any SWSA adjustment potentially results in impacts to other property owners within the SWSA who might be competing for the same limited wastewater system conveyance and treatment capacity.

Mr. Stowe previously clarified that the anticipated use of the property was by a single user who would generate approximately 3,500 GPD (Gallons Per Day) of wastewater and use a 20- to 40-acre area. It would appear accommodating that nominal amount of wastewater generation is feasible. Wastewater conveyance may not be available to serve much more than the 3,500 GPD single user. We would suggest that any potential revisions to the Comprehensive Plan recognize the wastewater limitation, and at this time only support development on a small portion of the White property.

Frederick Water does support further study of the Carter Tract CPPA application, applicable to a portion of the White property, with consideration of a net-zero SWSA expansion and limiting uses within the expanded SWSA area to less than a total of 5,000 GPD of wastewater discharge.

Cc: Tim Stowe, Stowe Engineering
Stonewall Magisterial District Supervisor

I am a citizen of Brucetown and Clear Brook. I am against the proposed change to the Comprehensive Plan Amendment. I am not in favor extending the Industrial Land Use and the Water & Sewer service area east of the quarry.

Arthur L. Bragg

Douglas R. Durbin

Catherine Y. Durbin

Nathan Durbin

John Mangold

Cindy Mangold

Langdon Mangold

Bell Mangold

Emily Dickens

Bob Owens

Julie Owens

Jim Lee

Lee Mangold

LA Mangold

Kathryn B. Busleron

David Riner

Tina Riner

Carolyn Fritts

Perry McDonald
Gary Butler

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Gary W. Kutt

Brenda Kutt

John W. Owens Sr.

Robert J. Linder

Willie Linder

Joyce Linder

John

Shane Ryan

~~George R. Robertson~~

~~Willie Linder~~

George R. Robertson

Willie Halka

Lee Halka

Rosalie S. Keeler

Betty B. Davis

Patricia Johns

James R. E

Bernard W. Everhart Sr.

Joyce L. Everhart

I am a citizen of Brucetown and Clear Brook. I am against the proposed change to the Comprehensive Plan Amendment. I am not in favor extending the Industrial Land Use and the Water & Sewer service area east of the quarry.

Kevin Kaczmarewski

Therese Kaczmarewski

Ray Gage

Mehul Bhatt

Paul E. Hall

Chris Cook

John Smallwood

Victoria B. Littrell

James M. Littrell

Dave C. Miller

Roger Runnel

Deborah Runnel

PAT DUDLEY

Alan Butler

Jane Rowwood

Mary Swartz

Bill Swartz

Christopher M. Hottel

Janice Aosta

Ronald B. Furr

Bruce E. Furr



RESOLUTION

Action:

PLANNING COMMISSION: May 1, 2019 Recommended Denial

BOARD OF SUPERVISORS: May 22, 2019

**RESOLUTION TO ADOPT AN AMENDMENT TO THE
2035 COMPREHENSIVE PLAN
CPPA #02-18, BRUCETOWN ROAD AREA AMENDMENT
APPENDIX I – AREA PLANS, NORTHEAST LAND USE PLAN**

WHEREAS, The, 2035 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on January 25, 2017; and

WHEREAS, this amendment to the Northeast Land Use Plan of Appendix I would result in a land use designation change to (PIN) 34-A-24D to industrial use and expand the Sewer and Water Service Area (SWSA) to include 109 acres of parcel in the SWSA and remove 109 acres from the existing SWSA, and

WHEREAS, this amendment also includes supporting text to be added to the 2035 Comprehensive Plan, Appendix I - Area Plans, Northeast Land Use Plan; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this proposed amendment on May 1, 2019 and recommended denial; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on May 22, 2019; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2035 Comprehensive Plan, to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice; and

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors that the amendment to the 2035 Comprehensive Plan, is adopted.

This amendment results in a land use change to industrial use and expands the Sewer and Water Service Area (SWSA) to include 109 acres of parcel in the SWSA and remove 109 acres from the existing SWSA and includes supporting text to be added to the Northeast Land Use Plan.

Passed this 22nd day of May 2019 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

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

L



MEMORANDUM

TO: Frederick County Board of Supervisors

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

RE: **Public Hearing: Blackburn Property Workforce Housing (CPPA #01-19)**

DATE: May 10, 2019

This is a draft amendment to the Kernstown Area Plan of the 2035 Comprehensive Plan. This request is presented to the Board of Supervisors for public hearing. Staff is seeking a decision from Board of Supervisors on this requested amendment.

Proposal & Background

At the Board of Supervisors December 12, 2018 meeting, the Board directed Staff to undertake an Urban Development Area (UDA) expansion and land use designation change associated with the Blackburn Property Workforce Housing proposal.

The amendment requested by the Applicant proposes to add 71.849-acres to the UDA. This amendment also seeks to designate the 71-acres for workforce housing. The Kernstown Area Plan currently designates the property for industrial land use. The Applicant is requesting the UDA expansion and land use designation change to allow for the development of workforce housing that is intended to provide affordable housing opportunities for residents of the community located within reasonable proximity of workplaces in the community.

The Comprehensive Plans and Programs Committee (CPPC) discussed this amendment at their February 2019 meeting. The CPPC recognized that workforce housing was needed in the County but expressed concern with the area this was proposed for. The CPPC further stated that there are areas currently designated for residential development where this use could potentially locate. The subject site is currently designated for industrial development and the CPPC expressed concern over losing potential industrial land for residential uses. The CPPC stated that industrial was the best use for this site and recommended denial of this comprehensive plan amendment.

The Planning Commission discussed this item at their March 6, 2019 meeting. The Commission agreed with the concerns expressed by the CPPC and did not support the loss of planned industrial land for the construction of residential units. The Planning Commission sent this item forward to the Board of Supervisors with a recommendation for denial. The Board of Supervisors discussed

this item at their April 10, 2019 meeting. The Board sent this item forward for public hearing. The Planning Commission held a public hearing for this item at their May 1, 2019 meeting. During the public hearing, six citizens spoke. Two citizens spoke in favor of the amendment, stating the benefits it would bring to the community. Four citizens spoke in opposition of the amendment, citing traffic concerns, whether the location was appropriate for this use and the loss of industrial land. Following the public hearing the Planning Commission stated that they did not support the loss of planned industrial land and recommended denial of the amendment.

Conclusion

Please find attached the current Kernstown Area map designation for the subject property, draft Kernstown Area Plan text amendments, proposed Kernstown Area land use map amendment, CPPA application #01-19 and comments from Frederick Water.

This request is presented to the Board of Supervisors for public hearing. Staff is seeking a decision from Board of Supervisors on this requested amendment.

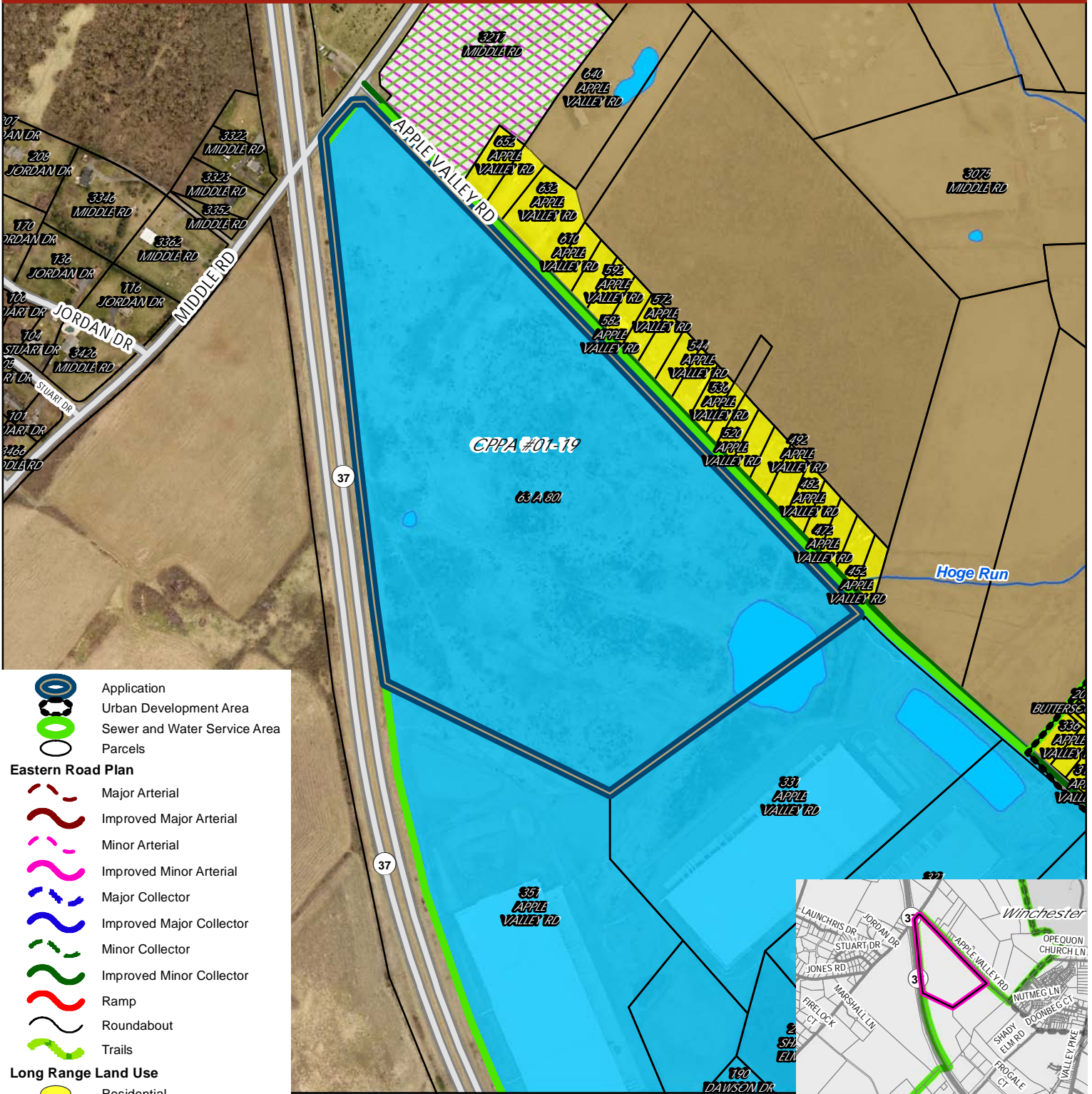
CEP/pd

Attachments

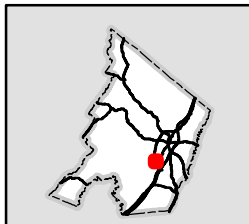
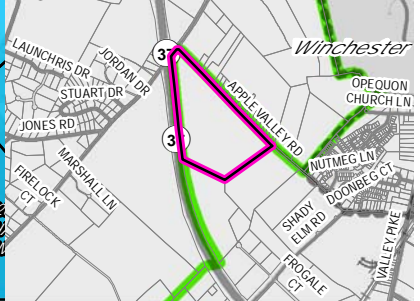
CPPA # 01 - 19: Blackburn Farms, LLC

PIN: 63 - A - 801

Revise Kernstown Area Plan
Long Range Land Use Map



- Application
 - Urban Development Area
 - Sewer and Water Service Area
 - Parcels
- Eastern Road Plan**
- Major Arterial
 - Improved Major Arterial
 - Minor Arterial
 - Improved Minor Arterial
 - Major Collector
 - Improved Major Collector
 - Minor Collector
 - Improved Minor Collector
 - Ramp
 - Roundabout
 - Trails
- Long Range Land Use**
- Residential
 - Industrial
 - Sensitive Natural Areas
 - Institutional

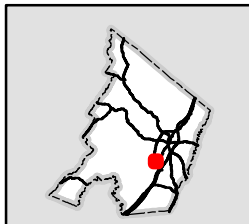
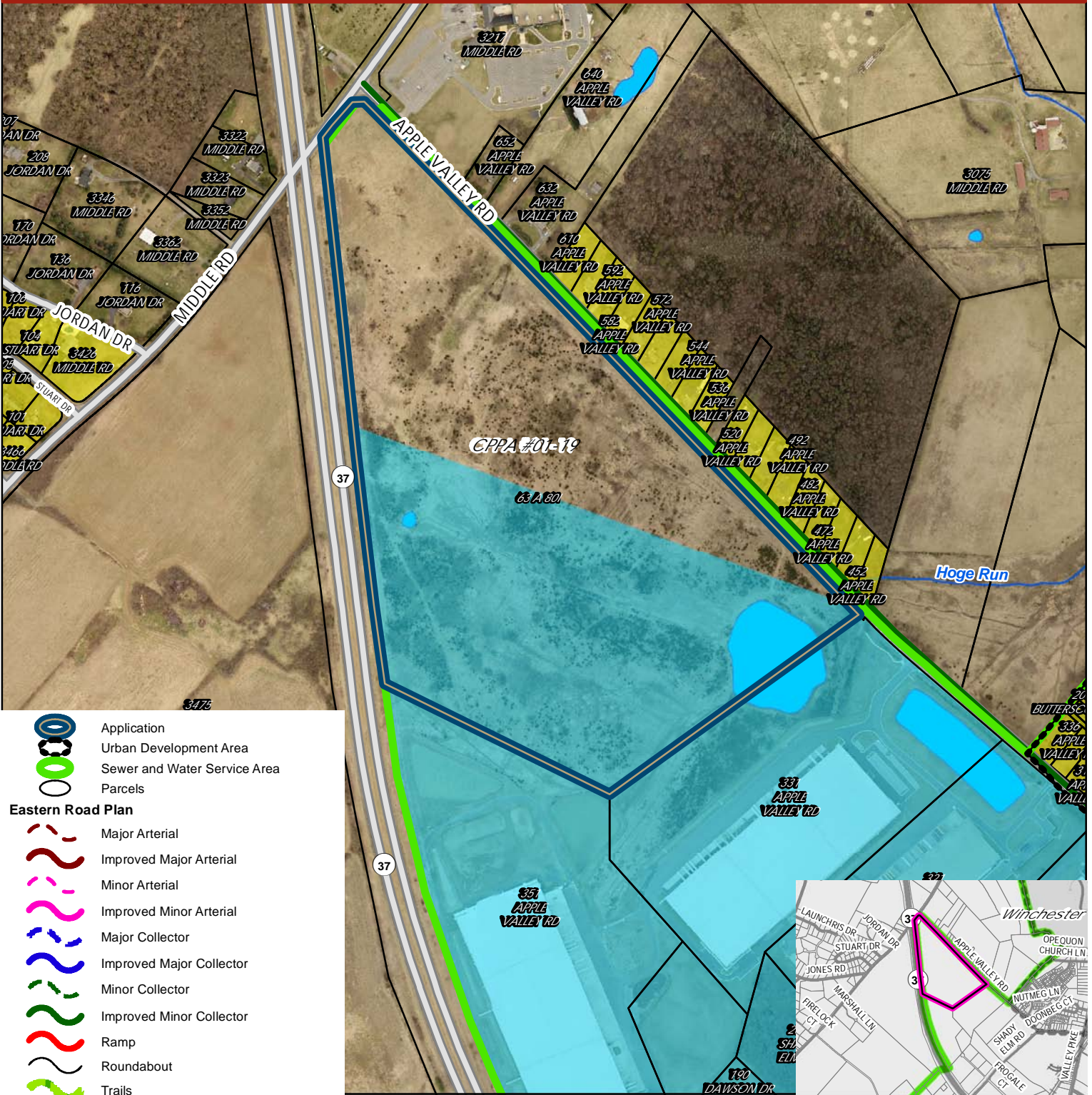


0 350 700 1,400 Feet

CPPA # 01 - 19: Blackburn Farms, LLC

PIN: 63 - A - 801

Revise Kernstown Area Plan
Zoning Map



0 350 700 1,400 Feet

KERNSTOWN AREA PLAN

BOARD OF SUPERVISORS

APPROVED ON JANUARY 26, 2017

PLANNING COMMISSION

RECOMMENDED APPROVAL JANUARY 4, 2017

AMENDED:

KERNSTOWN AREA PLAN

The Kernstown Area Plan study area is generally located along Route 11, south of the City of Winchester and north of the Town of Stephens City, and west of I-81. The Kernstown Area Plan builds on the Route 11 South Corridor Plan, and the balance of the Southern Frederick Plan which was adopted in 1998, by incorporating the western portion of this plan into the Kernstown Area Plan.

A series of maps have been prepared which identify Future Land Use, Transportation, and Natural, Historical, and Community Facilities within the study area.

Within this plan, the Shady Elm Road area continues its economic development emphasis, the Route 11 corridor seeks to capitalize on Interstate Commercial opportunities, the industrial land uses north of Route 37 and east of Route 11 are reinforced, and the Bartonsville and Kernstown historical and cultural areas have been identified.

The Kernstown Area Plan in the vicinity of Route 37 and Interstate 81 feeds directly into the Senseny/Eastern Frederick Urban Area Plan with the Crosspointe Development. Interstate 81 improvements at the 310 Interchange, Phase 1 of which is scheduled to commence in 2015, in this location further supports this area plan. Route 11, Valley Pike, links the Kernstown Area Plan with the City of Winchester to the north and the Town of Stephens City to the south.

The Kernstown Area Plan promotes a new area of new land use focus; the Kernstown Neighborhood Village in the Creekside area, along the west side of Route 11 **and the Apple Valley Workforce Housing area, located along the southwest side of Apple Valley Road near its intersection with Middle Road.** This **The Kernstown Neighborhood Village** area should promote an attractive street presence along the frontage of Route 11 and reaffirm Kernstown as a distinct community, blending the old with the new, and building on the successful developments that have occurred in this area of the County. **The Apple Valley Workforce Housing Area is intended to provide affordable quality residential housing that is located within reasonable proximity to the community's workplaces. This land use is intended to accommodate households that average 60% of the median household income. The Apple Valley Workforce Housing Area should promote quality housing design that is complementary to existing residential uses in the Kernstown Area Plan and is limited in height to minimize visual impacts to the Kernstown Battlefield viewshed along Apple Valley Road.**

Land Use

The goal of this area plan is to integrate the commercial and industrial (C/I) opportunities, ~~and the areas of mixed use,~~ **and affordable workforce housing** with future transportation plans and to recognize the historical and natural resources abundant in this area plan.

Shady Elm Economic Development Area

The Shady Elm Economic Development Area is designed to be a significant area of industrial and commercial opportunity that is fully supportive of the County Economic Development Authority's targeted goals and strategies. The intent of the industrial designation is to further enhance the County's commercial and industrial areas and to provide focus to the County's future regional employment centers. In specific areas a mix of flexible uses, with office uses in prominent locations is encouraged. Such areas are supported by substantial areas of industrial and commercial opportunity, and provide for areas that are well designed with high quality architecture and site design. It is the intent of such areas to promote a strong positive community image.

Kernstown Interstate Commercial @ 310

Located at a highly visible location on a prominent interstate interchange, this area of land use both north and south of Route 37 along Route 11, is designed specifically to accommodate and promote highway commercial land uses and commercial uses that continue to promote this area as a regional commercial center.

Particular effort must be made to ensure that access management for the supporting transportation network is a key priority as the function of the interstate and primary road network is of paramount importance. Access to the areas of interstate commercial land uses shall be carefully designed. Access Management is a priority along the Route 11 corridor.

The building and site layout and design of the projects shall be of a high quality. In addition, an enhanced buffer and landscaping area shall be provided adjacent to the Interstate 81 right-of-way, its ramps, and along the main arterial road, Route 11, the Valley Pike. A significant corridor appearance buffer is proposed along Route 11 similar to that established for Route 50 West corridor in the Round Hill Land Use Plan which consisted of a 50' buffer area, landscaping, and bike path. The recently developed Kernstown Commons

APPENDIX I - AREA PLANS

provides an excellent example of an enhanced buffer and landscaping area along Route 11 that also includes a multi-purpose trail that serves the area.

Kernstown Industrial Area

The existing industrial land uses north of Route 37 and both east and west of Route 11 are reinforced with this area plan. Industries including Trex and H. P. Hood, are well established and should continue to be supported in this area. Additional industrial and commercial opportunity that is fully supportive of the County Economic Development Authority's targeted goals and strategies should be promoted. The intent of the industrial designation is to further enhance the County's like commercial and industrial areas and to provide focus to the County's regional employment centers.

Kernstown Creekside Neighborhood Village

Kernstown Creekside Neighborhood Village serves as a focal point to the Kernstown Area and as a gateway feature for this important County location. In addition, the Kernstown Creekside Area serves as a gateway into the City of Winchester, and on a broader scale, a gateway feature for this portion of Frederick County as citizens and visitors approach this portion the County from the south. This neighborhood village should promote a strong positive community image. Residential land uses would be permitted only as an accessory component of the neighborhood village commercial land uses. This area should have a strong street presence with particular attention being paid to the form of the buildings adjacent to Route 11. It is the intent of this plan to reaffirm Kernstown as a distinct community, blending the old with the new, and building on the successful developments that have occurred in this area of the County.

Defined Rural Areas

The Kernstown Area Plan has sought to further define the boundary between the Rural and Urban Areas of the Community. As noted, the above areas of proposed land use combine to frame the western boundary of the County's urban areas. In addition, the rural areas to the west of Shady Elm Road south of the industrial areas ***and west of Route 37*** further define the County's urban area in this location. The plan provides enhanced recognition of the rural residential land uses, Hedgebrook Farm, and the agricultural areas adjacent to Middle Road. This recognition and the location and boundaries of the proposed land uses further promote a clean separation between the County's rural and

APPENDIX I - AREA PLANS

urban areas. The continuation of agricultural uses west of Route 37 and Shady Elm Road will encourage the continuation of agribusiness activity and protect the integrity of the properties voluntarily placed in the South Frederick Agricultural and Forestal District.

Kernstown Battlefield and Bartonsville Sensitive Natural Areas (SNA's)

A historic district designation or use of conservation easements is recommended for the portion of the Grim Farm, site of the Kernstown Battlefield owned by the Kernstown Battlefield Association (KBA) that is located in the County. This designation is intended to recognize the preservation of the core area of the Kernstown Battlefield. County regulations stipulate that the formation of a historic district must be accomplished through the consent of the land owner. The County continues to support the Kernstown Battlefield Association's efforts in preserving and promoting this tremendous County resource.

A similar designation should be pursued, in conjunction with property owners, in the Bartonsville area. In addition to its historical significance, much of the Bartonsville area is also within the 100 year floodplain and would therefore be otherwise limited in terms of development potential. In Bartonsville, the rehabilitation, adaptive reuse, or restoration of historic structures should be encouraged. Future development applications that have historic resources on the property should incorporate the resources on the site into development. Any future development should be sensitive to those resources present on the site.

There are several historic sites and markers in the Kernstown Area Plan. Those sites and markers should be buffered from adjacent development activities and preserved in their original condition whenever possible during any development or land use planning.

The Springdale Flour Mill is located in the center of Bartonsville and would be ideal for use as a key element for the Bartonsville Rural Historic Area. It would be appropriate for the use on the property to develop as something which would encourage the protection of the structure and provide a use which encourages adaptive reuse users to utilize the property.

Bartonsville South

Perhaps the most outstanding feature of the land from Bartonsville south to the Stephens City limits is the relatively pristine state of the southern portion of the corridor. At time of writing, it remains relatively undeveloped. The majority

APPENDIX I - AREA PLANS

of this segment of the study area is currently either used for agriculture or is vacant. Only two, small-scale commercial enterprises are situated in this portion of the corridor. The bigger of the two is a commercial recreational land use known as Appleland. General commercial land uses are envisioned in this area in the future.

As noted, the Route 11 South corridor, in the area in and around Bartonsville, is shown as the site of a future preservation effort.

One of the significant elements of this plan is the buffering of Route 11 South. This southern section of the corridor from Stephens City, north to Bartonsville is intended to be set apart from the existing commercial development along the northern third of the corridor. The intent is that, through a combination of setbacks, vegetative screening, planting of shade trees along the edge of the right-of-way, and the provision of bike way and pedestrian access, the corridor would have a parkway-like appearance. A planted median strip is also envisioned when this section of Route 11 South becomes four lane. Uses locating within this section of the corridor would be expected to have no direct access to Route 11 South, but rather would access a proposed east-west connector road which in turn would intersect Route 11 South.

Valley Pike Trail

For the Kernstown Area Plan, it is recommended that a new multi-purpose path be constructed along the length of Valley Pike through the study area connecting areas of land use, in particular those resources identified as sensitive natural area's, and providing connections with the City of Winchester and the Town of Stephens City. This pathway should be consistent with that of the path that exists in several locations along the road today. Examples of this such a recreational resource would provide an excellent example for other opportunities in the County.

In general, the goals for land use in the Kernstown Area Plan are to;

- Promote orderly development within areas impacted by new infrastructure.
- Provide a balance of industrial, commercial, residential, and agricultural areas.
- Promote mixed-use development in-lieu of large areas of residential.
- Concentrate industrial and commercial uses near and around interstate, arterial, and major collector interchanges and intersections.
- Encourage the preservation of prime agricultural areas and the continuation of Agricultural and Forestal Districts.

Recommendations from the 2010 Win-Fred MPO Bicycle & Pedestrian Mobility Plan should be adopted by the Board of Supervisors and pedestrian facilities

APPENDIX I - AREA PLANS

shown in the plan should be constructed. This plan should also be utilized as a reference for accommodation recommendations and guidelines.

Ensure connectivity with existing or proposed bicycle or pedestrian transportation accommodations wherever possible. In particular, those planned or existing in the Town of Stephens City or in the City of Winchester.

Pedestrian facilities should be constructed that connect neighborhoods to commercial areas, employment areas and public facilities to promote access and walkability.

Trails should be planned and constructed that connect the Kernstown area, the proposed Valley Pike Trail, and Bartonsville (see the Valley Pike Trail example described in the land use section).

Linear parks should be constructed along creeks where permissible due to topography.

Residential Development

The only area of urban Residential development ***has been identified*** is located within the Urban Development Area in the location identified as the Kernstown Creekside Neighborhood Village ***and the location identified as the Apple Valley Workforce Housing Area.*** New residential uses should complement the existing residential uses ***and*** should be generally of a higher residential density.

Areas within the Kernstown Creekside Neighborhood Village and should include a neighborhood commercial component as described in the Kernstown Creekside Neighborhood Village Land Use. It will be very important to mix residential development in this area with the right balance of commercial uses.

In this area, ***In the Kernstown Creekside Neighborhood Village*** slightly higher residential densities that may fall within the 6-12 units per acre range are envisioned (this is generally attached houses and may also include multifamily and a mix of other housing types). ***In the Apple Valley Workforce Housing Area, residential densities are envisioned to be no more than 4 units per acre and should include single family detached housing units. This land use is intended to accommodate households that average 60% of the median household income of the County.***

These densities are necessary to accommodate the anticipated growth of the County within the urban areas and are consistent with established patterns within the study area and the densities needed to support the future residential land uses envisioned in the Plan.

APPENDIX I - AREA PLANS

The residential land uses west of Shady Elm Road and **Route 37** within the study area are envisioned to remain rural area residential in character. Shady Elm Road south **and Route 37** may generally be considered as the boundary between the urban areas and rural areas within the western part of this study area. This provides a transition area to the Opequon Creek and to the well-established rural character of the Middle Road and Springdale Road area.

Business Development

The Plan identifies a prime area for industrial land uses, the Shady Elm Economic Development Area, to capitalize on future industrial and commercial employment opportunities. Existing areas of industrial development are recognized with additional development promoted. Regional commercial development opportunities are reinforced in the Kernstown Interstate commercial area. In addition, an area is identified for neighborhood village commercial use, including retail, to accommodate existing residential communities and to build upon the successful Creekside commercial project.

The improvements to the Exit 310 Interchange on interstate 81 at Route 37 furthers the significant commercial opportunities that the Plan seeks to take advantage of by identifying the Kernstown Interstate Commercial @ 310 area of land use. Future improvements identified for this area are envisioned to continue to enhance this areas major role for commercial and industrial development.

Transportation

The Plan's Eastern Road Plan identifies several significant transportation improvements within the study area boundaries. These plans call for improvements to existing road alignments and interchanges, the relocation of existing roadways, and the construction of new road systems and interchanges. Transportation improvements to the interstate, arterial, and collector road systems will contribute to improved levels of service throughout the study area, and will shape the land use patterns in the short and long term.

In support of the new areas of land use, a transportation network has been proposed which relates to the location and context of the areas of land use, promotes multi-modal transportation choices and walkability, furthers the efforts of the Win-Fred MPO, and reaffirms the planning done as part of the Route 11 South Plan and the original Southern Frederick Plan. In this study there is a direct nexus between transportation and land use.

The improvements to Interstate 81 at Exit 310, will provide an improved orientation for the County's primary road system and provides new

APPENDIX I - AREA PLANS

opportunities to create a transportation network which supports the future growth of the community in the right locations. This area is also heavily influenced by the ongoing and future improvements to Route 11 South, Shady Elm Road, and the future extension of Renaissance Drive to complete a key east-west connection south of Route 37. South of Bartonsville, in the area north of the Town of Stephens City, the road network provides for important connections into the Town and to the west to connect with the planned alignment of the Tasker Road flyover of Interstate 81.

Access Management is a significant consideration of this study and general transportation planning in Frederick County. This concept is supportive of providing for key connections to the south. The use of frontage roads, minor collector roads, and inter-parcel connections to bring traffic to access points is promoted.

The context of the collector road network is proposed to be different with the focus being placed on a thoroughfare design that is accessible to all users and a more walkable environment. Particular attention should be paid to street network within the Kernstown Creekside Neighborhood Village Area to ensure that is highly walkable. The change in context in this specific location is to ensure compatibility with adjacent land uses and community goals. The surrounding land use, site design, and building design are features that will help create context and promote the improvement of this area as a focal point and as a place with more distinct character. Attention should be provided to the context of the street in the Neighborhood Village Commercial Areas to ensure that these prominent locations are safe and accessible to all modes of transportation. Bicycle and pedestrian accommodations should be fully integrated to achieve a transportation network that is open to all users. Appropriately designed intersection accommodations should include pedestrian refuge islands and pedestrian actualized signals.

In general, the road south of Apple Valley Road will provide for a more functional street open to all users. North of Apple Valley Road, Route 11 will have a more urban scale with a character that builds upon the architecture established in the existing Creekside area.

Special attention should be paid to ensure the transportation considerations of the Town of Stephens City to the south and the City of Winchester to the north are fully coordinated.

In addition, transportation improvements in the Kernstown Battlefield area and the Bartonsville area should include taking a proactive approach in creating safe interconnected routes to the battlefield park from the adjacent areas and creating additional access points. Traffic calming across the entire frontage of Kernstown Creekside Neighborhood Village is warranted with special attention placed on providing a safe and efficient access to this mixed use area of the community.

APPENDIX I - AREA PLANS

Consistent application of Comprehensive Plan goals to achieve an acceptable level of service on area roads and overall transportation network, level of service C or better, should be promoted. Further, efforts should be made to ensure that additional degradation of the transportation beyond an acceptable level of service shall be avoided. Consideration of future development applications within the study area should only occur when an acceptable level of service has been achieved and key elements and connections identified in this plan have been provided.

Further in depth study should occur in the future regarding the preferred alignment of the road connections in the area immediately south and adjacent to the Bartonsville area. Consideration should be given to ensure the future road network functions adequately and is sensitive to the many constraints that exist in that general area.

Community Facilities

The need for public spaces within the study area needs to be acknowledged. Opportunities for small public spaces within the Kernstown Creekside Neighborhood Village should be pursued.

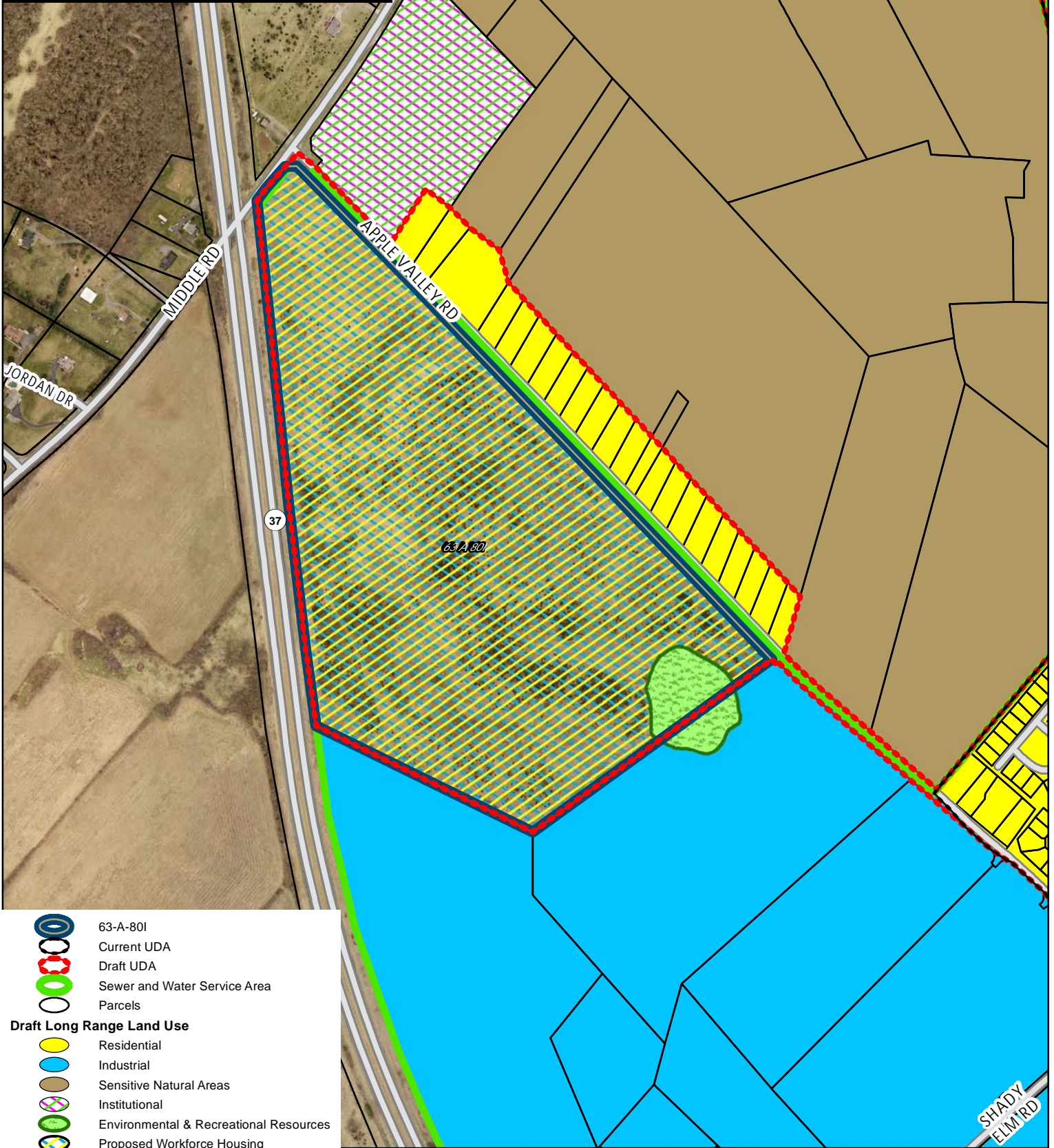
The public facility element of the Kernstown Area plan should directly correlate to the Public Facilities chapter of the 2035 Comprehensive Plan. The public facilities element should also expand upon the existing 2035 Comprehensive Plan and ensure that opportunities for needed public facilities, which are not currently identified, are not missed. The development community should work with FCPS, Fire & Rescue, and Parks and Recreation to determine future public facility needs.

With regards to Public Utilities, Frederick Water and the County should continue to ensure the availability of adequate water resources in conjunction with the future land uses identified in Area Plans and future development, determine the capacities of water and sewer treatment facilities and projected impacts of future land uses, and provide opportunities for expansion of water and sewage treatment facilities.

63-A-801

Kernstown Area Land Use Plan

Draft Long Range Land Use and UDA



BLACKBURN PROPERTY WORKFORCE HOUSING

2019 COMPREHENSIVE POLICY PLAN AMENDMENT



January 9, 2019

**TM #63-A-80I
Back Creek Magisterial District
Frederick County, Virginia**

Prepared For: Blackburn Farm, LLC

**Contact Person: Evan Wyatt, Director of Land Planning
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602**

COMPREHENSIVE POLICY PLAN AMENDMENT 2019 INITIATION REQUEST FORM

Owner(s) Information:

Name: Blackburn Farm, LLC c/o Barbara B. Lewis, Manager

Project Name: Blackburn Property Workforce Housing Comprehensive Plan Amendment

Mailing Address: 458 Devon Drive Warrenton, VA 20186

Telephone Number: (540) 347-0668

Authorized Agent Information:

Name: Greenway Engineering, Inc. – Attn. Evan Wyatt, Director of Land Planning

Project Name: Blackburn Property Workforce Housing Comprehensive Plan Amendment

Mailing Address: 151 Windy Hill Lane Winchester, VA 22602

Telephone Number: (540) 662-4185

Legal Interest in the Property Affected or Reason for the Request:

Legal Interest: Blackburn Limited Partnership (Deed Book 812 Page 70)

Note: Blackburn Farm, LLC established with Commonwealth of Virginia State Corporation Commission (SCC) on January 21, 2014 to convert Blackburn Limited Partnership to a limited liability company. SCC Certificate of Fact dated May 14, 2015 included as information in Instrument No. 150004355 which is included in this application.

Reason for Request: The purpose of the Comprehensive Policy Plan Amendment request is to revise the Kernstown Area Plan future land use designation of the subject parcel from Shady Elm Economic Development Area to Shady Elm Workforce Housing Area. This land use designation will allow the development of workforce housing that provides affordable quality housing opportunities for residents of the community located within reasonable proximity of workplaces in the community. The Comprehensive Policy Plan Amendment includes the expansion of the Urban Development Area (UDA) Boundary to encompass the Shady Elm Workforce Housing Area.

SECTION 1 – FOR A MAP AMENDMENT

Proposed Comprehensive Policy Plan Amendment Information:

PIN(s): 63-A-80I

Magisterial District: Back Creek District

Parcel Size (approximate acres):

The subject parcel (Tax Map Parcel 63-A-80I) is 71.849 acres in total size as depicted on the Boundary Line Adjustment Between the Lands of Graystone Corporation of Virginia and Blackburn Farm, LLC prepared by Marsh & Legge Land Surveyors, P.L.C. dated May 13, 2015 and recorded as Instrument No. 150004355.

Plat of area proposed for CPPA amendment, including metes and bounds description:

Please refer to the Plat entitled Boundary Line Adjustment Between the Lands of Graystone Corporation of Virginia and Blackburn Farm, LLC prepared by Marsh & Legge Land Surveyors, P.L.C. dated May 13, 2015 and recorded as Instrument No. 150004355.

Existing Comprehensive Plan Land Use Classification(s): Industrial

Proposed Comprehensive Plan Land Use Classification(s): Residential Workforce Housing

Existing Zoning and Land Use of the Subject Parcel:

The subject parcel is split-zoned M1, Light Industrial District and RA, Rural Areas District and is undeveloped.

What Use/Zoning will be requested if Amendment is approved?

The subject parcel will be developed as a residential workforce housing project providing affordable quality residential housing opportunities for citizens, which is located within reasonable proximity to the community's workplaces. The workforce housing project as envisioned will provide single-family detached residences that are single story structures and are served by a complete system of private streets. A Rezoning Application will be submitted for the subject parcel for RP, Residential Performance District zoning to allow for the development of a residential workforce housing project.

Describe, using Text and Maps as Necessary, the Existing Zoning, Comprehensive Policy Plan Designations, and/or Approved Uses and Densities Along with Other Characteristics of Properties that are Within 1/2-Mile from the Parcel(s) Perimeter if the Parcel is Less than 100 acres in Size:

Please refer to the attached Zoning Map Exhibit that identifies the various zoning designations for properties within a ½-mile radius of the subject parcel. The following information describes existing and future land use characteristics within this radius boundary:

- Properties on the north side of Middle Road (Route 628) to the north of the subject parcel are zoned RA, Rural Areas District.
- Properties on the east side of Apple Valley Road (Route 652) to the east of the subject parcel are zoned RA, Rural Areas District and RP, Residential Performance District.
- Properties to the south of the subject parcel are zoned I1, Light Industrial.
- Route 37 West adjoins the subject parcel along the western property boundary. The remaining portion of the Blackburn Farm, LLC property is located on the other side of Route 37 West and is zoned RA, Rural Areas District.

Please refer to the attached Long Range Land Use Exhibit that identifies the various future land use designations identified in the Kernstown Area Plan for properties within a ½-mile radius of the subject parcel. The following information describes existing and future land use characteristics within this radius boundary:

- Properties on the north side of Middle Road (Route 628) to the north of the subject parcel are located outside of the Kernstown Area Plan Boundary.
- Properties on the east side of Apple Valley Road (Route 652) to the east of the subject parcel are identified as Residential, Institutional and Rural Areas Land Uses.
- Properties to the south of the subject parcel are identified as Industrial Land Use.
- Route 37 West adjoins the subject parcel along the western property boundary. Properties on the other side of Route 37 West are identified as Rural Areas.

Please refer to the attached Existing Land Use Aerial Exhibit that identifies the various land uses within a ½-mile radius of the subject parcel. The following information describes existing land uses within this radius boundary:

- Properties on the north side of Middle Road (Route 628) to the north of the subject parcel are developed as Residential and as a Christmas Tree Farm.
- Properties on the east side of Apple Valley Road (Route 652) to the east of the subject parcel are developed as Residential, Single-Family Small Lot Residential, a Church, and Battlefield Preservation Land.
- Properties to the south of the subject parcel are developed as Industrial Land Use.

- Route 37 West adjoins the subject parcel along the western property boundary. Properties on the other side of Route 37 West are developed as Residential Land Use and are undeveloped Agricultural Land Use.

The Name, Mailing Address, and Parcel Number of all Property Owners Within 200' of the Subject Parcel(s), with Adjacent Property Owners Affidavit:

Please refer to the attached Adjoining Property Owner Map Exhibit and Adjoining Property Owner Table Exhibit that provides the location and applicable contact information for all properties within 200' of the subject parcel.

SECTION 2 – FOR A TEXT AMENDMENT

The inclusion of the Shady Elm Workforce Housing Area as a new land use designation within the Kernstown Area Plan could potentially warrant a Text Amendment for consideration by the County. The following information has been provided specific to the Shady Elm Workforce Housing Area to identify potential text amendments that may be appropriate:

Note: Strike-thru text to be eliminated and Red Font text to be incorporated

Kernstown Area Plan Section (Page 76)

The Kernstown Area Plan promotes ~~a new area~~ **new areas** of new land use focus; the Kernstown Neighborhood Village in the Creekside area, along the west side of Route 11, **and the Shady Elm Workforce Housing Area, along the southwest side of Route 652 near the intersection with Route 628.** ~~This area~~ **The Kernstown Neighborhood Village** should promote an attractive street presence along the frontage of Route 11 and reaffirm Kernstown as a distinct community, blending the old with the new, and building on the successful developments that have occurred in this area of the County. **The Shady Elm Workforce Housing Area is intended to provide affordable quality residential housing that is located within reasonable proximity the community's workplaces. The Shady Elm Workforce Housing Area should promote quality housing design that is complementary to existing residential uses in the Kernstown Area Plan, and is limited in height to minimize visual impacts to the Kernstown Battlefield viewshed along Route 652.**

*Shady Elm Economic Development **and Workforce Housing Area** (Page 77)*

The Shady Elm Economic Development **and Workforce Housing Area** is designed to be a significant area of industrial, ~~and~~ commercial **and workforce housing** opportunity that is fully supportive of the County Economic Development Authority's targeted goals and strategies. The intent of the industrial **and workforce housing** designation is to further enhance the County's commercial and industrial areas, ~~and~~ to provide focus to the County's future regional employment centers, **and to provide affordable quality housing for the community's workforce that will be required to support identified employment areas.** In specific areas a mix of flexible uses, with

office uses in prominent locations **and workforce housing in appropriate locations** is encouraged. Such areas are supported by substantial areas of industrial and commercial opportunity, and provide for areas that are well designed with high quality architecture and site design. It is the intent of such areas to promote a strong positive community image.

Residential Development (Page 81)

~~The only area~~ **Areas** of urban residential development **is are** located within the Urban Development Area in the location identified as the Kernstown Creekside Neighborhood Village, **and in the location identified as the Shady Elm Workforce Housing Area**. New residential uses should complement the existing residential uses, **and** should be generally of a higher density. ~~and should include~~ **Additionally**, a neighborhood commercial component **should be included** as described in the Kernstown Creekside Neighborhood Village Land Use. It will be very important to mix residential development in ~~this area~~ **the Kernstown Creekside Neighborhood Village** with the right balance of commercial uses.

In ~~this area~~ **the Kernstown Creekside Neighborhood Village**, slightly higher residential densities that may fall within the 6-12 units per acre range are envisioned (this is generally attached houses and may also include multifamily and a mix of other housing types). **In the Shady Elm Workforce Housing Area, residential densities are envisioned to fall within the 4-6 units per acre range (this is generally detached and attached houses but does not include multifamily).**

These densities are necessary to accommodate the anticipated growth of the County within the urban areas and are consistent with established patterns within the study area and the densities needed to support the future residential land uses envisioned in the Plan.

The residential land uses west of ~~Shady Elm Road~~ **Route 37 West** within the study area are envisioned to remain rural area residential in character. ~~Shady Elm Road south~~ **Route 37 West** may generally be considered as the boundary between the urban areas and rural areas within the western part of this study area. This provides a transition area to the Opequon Creek and to the well-established rural character of the Middle Road and Springdale Road area.

SECTION 3 – FOR ALL AMENDMENTS - TO BE COMPLETED 7/9/18

Justification of Proposed Comprehensive Policy Plan Amendment (Provide Attachments if Necessary). Describe why the Change to the Comprehensive Policy Plan is Being Proposed:

The Blackburn Property Workforce Housing Comprehensive Plan Amendment is proposed to allow for the development of workforce housing that provides affordable quality housing opportunities for residents of the community. Workforce housing has been identified as a need in the community by the Economic Development Authority and the regional Affordable Housing Coalition in support of economic development land uses by providing housing opportunities for workers that are needed to meet the labor demands for local industrial, commercial, and public sector land uses. The 71.849-acre subject parcel is located within reasonable proximity of industrial, commercial, and public sector workplaces in the community; as well as within close

proximity to major transportation routes. Therefore, the location of the subject property would be appropriate for a workforce housing development.

The U.S. Census Bureau identifies Frederick County has having a median household income of \$68,929 and having a median housing unit value of \$231,400. Workforce housing provides an affordable housing option for qualifying families that average 60% of the local median household income. This in turn provides an opportunity for workers to reside in the community in which they work and not have to commute from other areas that offer more affordable housing.

The Blackburn Property Workforce Housing Comprehensive Plan Amendment will incorporate the subject parcel into the Urban Development Area and provide the subject property with a Workforce Housing Area land use designation. These policy revisions will allow for the property owner to work with the County to create appropriate ordinance standards and conditionally rezone the subject property to develop a workforce housing project. The workforce housing project as envisioned will provide 200 single-family detached residences that are single story structures and are served by a complete system of private streets.

These factors support and justify the Blackburn Property Workforce Housing Comprehensive Plan Amendment.

How would the Resultant Changes Impact or Benefit Frederick County? Consider, for example, Transportation, Economic Development and Public Facilities:

The Blackburn Property Workforce Housing Comprehensive Plan Amendment is proposed to provide affordable quality residential housing opportunities for residents of the community. The 71.849-acre subject parcel is located within reasonable proximity the community's workplaces and major transportation routes. The impacts and benefits to Frederick County are identified specific to the proposed 200 single family unit project that would be developed subsequent to Board of Supervisor approvals of the Comprehensive Policy Plan Amendment, the RP District Housing Zoning Ordinance Amendment, and the Proffered Rezoning Amendment.

Transportation

The following tables provide projected traffic impacts comparisons of the traffic generation rates specific to the proposed 200 single family unit workforce housing project and 938,800 SF of light industrial development (0.3 FAR) consistent with the current future land use designation in the Kernstown Land Use Plan. The values used from this comparison were obtained from the Institute of Traffic Engineers (ITE) Trip Generation Manual, 9th Edition, which is the source currently utilized by VDOT and Frederick County for transportation impact analysis.

| Work Force Housing Weekday Traffic Volume Projected Impacts | | | | |
|--|------------|-----------------|--------------------------|--------------------------|
| <i>Land Use</i> | <i>ITE</i> | <i>ADT Rate</i> | <i>AM Peak Hour Rate</i> | <i>PM Peak Hour Rate</i> |
| Single-Family Detached | 210 | 9.52 | 0.77 | 1.0 |
| Projected Trip Rates: 200 SFD | | 1,904 ADT | 154 AM Peak Hour Trips | 200 PM Peak Hour Trips |

| Light Industrial Weekday Traffic Volume Projected Impacts | | | | |
|--|------------|-----------------|--------------------------|--------------------------|
| <i>Land Use</i> | <i>ITE</i> | <i>ADT Rate</i> | <i>AM Peak Hour Rate</i> | <i>PM Peak Hour Rate</i> |
| General Light Industrial | 110 | 6.97/1,000 SF | 1.01/1,000 SF | 1.08/1,000 SF |
| Projected Trip Rates:
938,800 SF (0.3 FAR) | | 6,543 ADT | 948 AM Peak Hour Trips | 1,013 PM Peak Hour Trips |

The above tables demonstrate a reduced impact to transportation for average daily traffic volumes and for AM/PM Peak Hour volumes comparing the proposed 200 single family unit workforce housing project to the 938,800 SF of light industrial development.

The 71.849-acre subject parcel has approximately 3,000 feet of frontage along Apple Valley Road (Route 652). The Eastern Frederick County Road Plan identifies Apple Valley Road as an Improved Minor Collector Road between Shady Elm Road (Route 651) and Middle Road (Route 628). The property owner previously dedicated a 45' wide right-of-way from the centerline of Apple Valley Road along the entire property frontage to accommodate future right-of-way needs as evident by Instrument No. 150004355.

Economic Development

The proposed 200 single family unit workforce housing project is not an economic development project that provides revenue to Frederick County other than real estate and personal property taxes that would be assessed specific to each household. However, the workforce housing project does compliment economic development land use by providing housing opportunities within the community for workers that are needed to meet the labor demands for local industrial, commercial, and public sector land uses. The need for workforce housing projects in the community has been identified by the Economic Development Authority and the regional Affordable Housing Coalition.

Water and Sewer Capacities

The proposed 200 single family unit workforce housing project is located within the Sewer and Water Service Area (SWSA) and will be located within the Urban Development Area (UDA) subsequent to Board of Supervisor approval of Comprehensive Policy Plan Amendment. Greenway Engineering has analyzed the water and sewer capacity requirements for the 200 single family unit workforce housing project and has determined that an average daily demand of 60,000 GPD will be required for water and sewer service. The subject property has direct access to a 10-inch water line located along the property frontage and is within close proximity to a gravity sewer system that directs effluent to the 15-inch Hogue Run sewer interceptor to the Parkins Mill Wastewater Treatment Facility. Frederick Water is the public water and sewer service provider for the subject property and the proposed project is anticipated to not negatively impact public water and sewer facilities or capacities.

Public Schools

The proposed 200 single family unit workforce housing project will generate school age children that will create an impact to Frederick County Public Schools. The Frederick County Public Schools students/household calculation indicates that there will be an average of 0.39 school age children per household. The following table identifies the school age children impacts specific to the proposed 200 single family unit workforce housing project.

| Public School Projections | | |
|--------------------------------|---------------------------|----------------------------------|
| <i>School Name</i> | <i>Students/Household</i> | <i>Projected Students Number</i> |
| Orchard View Elementary School | 0.19 Students/Household | 38 Students |
| James Wood Middle School | 0.09 Students/Household | 18 Students |
| Sherando High School | 0.11 Students/Household | 22 Students |
| Totals: | 0.39 Students/Household | 78 Total Students |

The proposed 200 single family unit workforce housing project will require approval of a Rezoning by the Board of Supervisors. Therefore, impacts to Public School Services will be determined during the rezoning process and will be mitigated by the Applicant's Proffer Statement as a conditional of rezoning approval.

Fire and Rescue

The proposed 200 single family unit workforce housing project will create an impact to Fire and Rescue Services provided by the County. The Stephens City Volunteer Fire and Rescue Company is the first responder, which is located approximately 4.5 miles from to the subject property. The proposed 200 single family unit workforce housing project is projected to house 524 persons based on a 2.62 persons/household calculation derived from the 2017/2018 Frederick County Budget Document. Impacts to Emergency Services will be determined during the rezoning process and will be mitigated by the Applicant's Proffer Statement as a conditional of rezoning approval.

Parks and Recreation

The proposed 200 single family unit workforce housing project will create an impact to Frederick County Parks and Recreation Services provided by the County. Impacts to Parks and Recreation Services will be determined during the rezoning process and will be mitigated by the Applicant's Proffer Statement as a conditional of rezoning approval.

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

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

Applicant(s): Evan A. Wyatt Date: 1/9/19

Owner(s): (also known as Barbara B. Sites)
Barbara B. Lewis, Manager Date: 1/9/19



Attachment 2

Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

Know All Men By Those Present: That I (We)

(Name) BLACKBURN FARM, LLC (Phone) (540) 347-0668

(Address) 458 DEVON DRIVE, WARRINGTON, VA 20186
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. 150004355 on Page _____, and is described as

Parcel: 63 Lot: A Block: 80I Section: _____ Subdivision: _____
do hereby make, constitute and appoint:

(Name) GREENWAY ENGINEERING, INC. (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602
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
- Comprehensive Policy Plan Amendment
- Appeal or Variance

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 9th day of January, 2019,

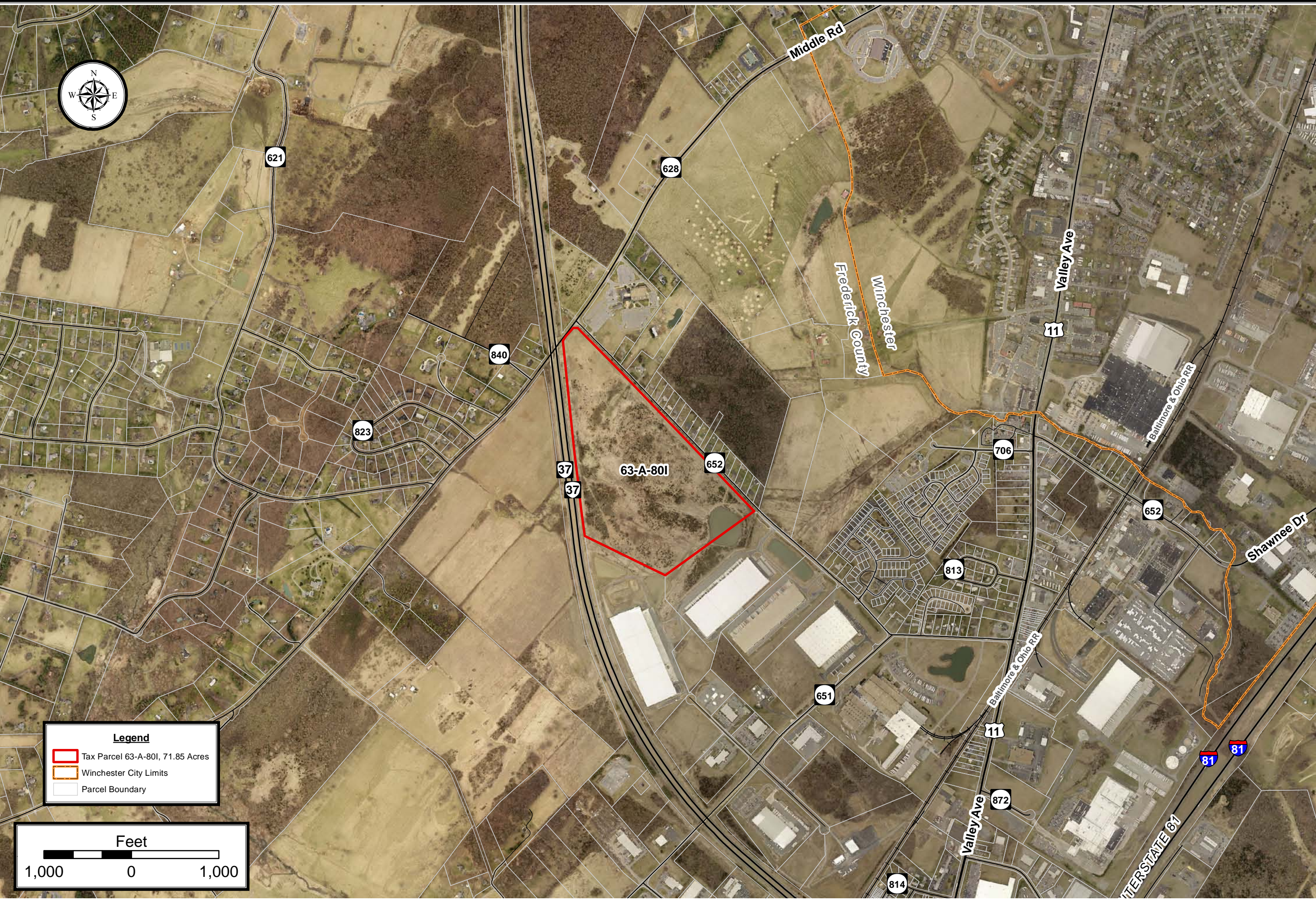
Signature(s) Barbara B. Lewis (also known as Barbara B. Sites)
Manager

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

I, Gail Headley FARRACE, 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 9 day of Jan, 2019.

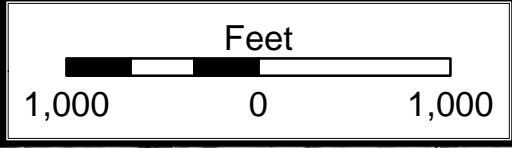
Gail H Farrace My Commission Expires: 3-31-20
Notary Public





Legend

- Tax Parcel 63-A-801, 71.85 Acres
- Winchester City Limits
- Parcel Boundary

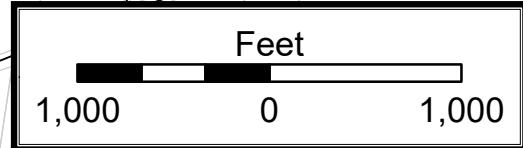


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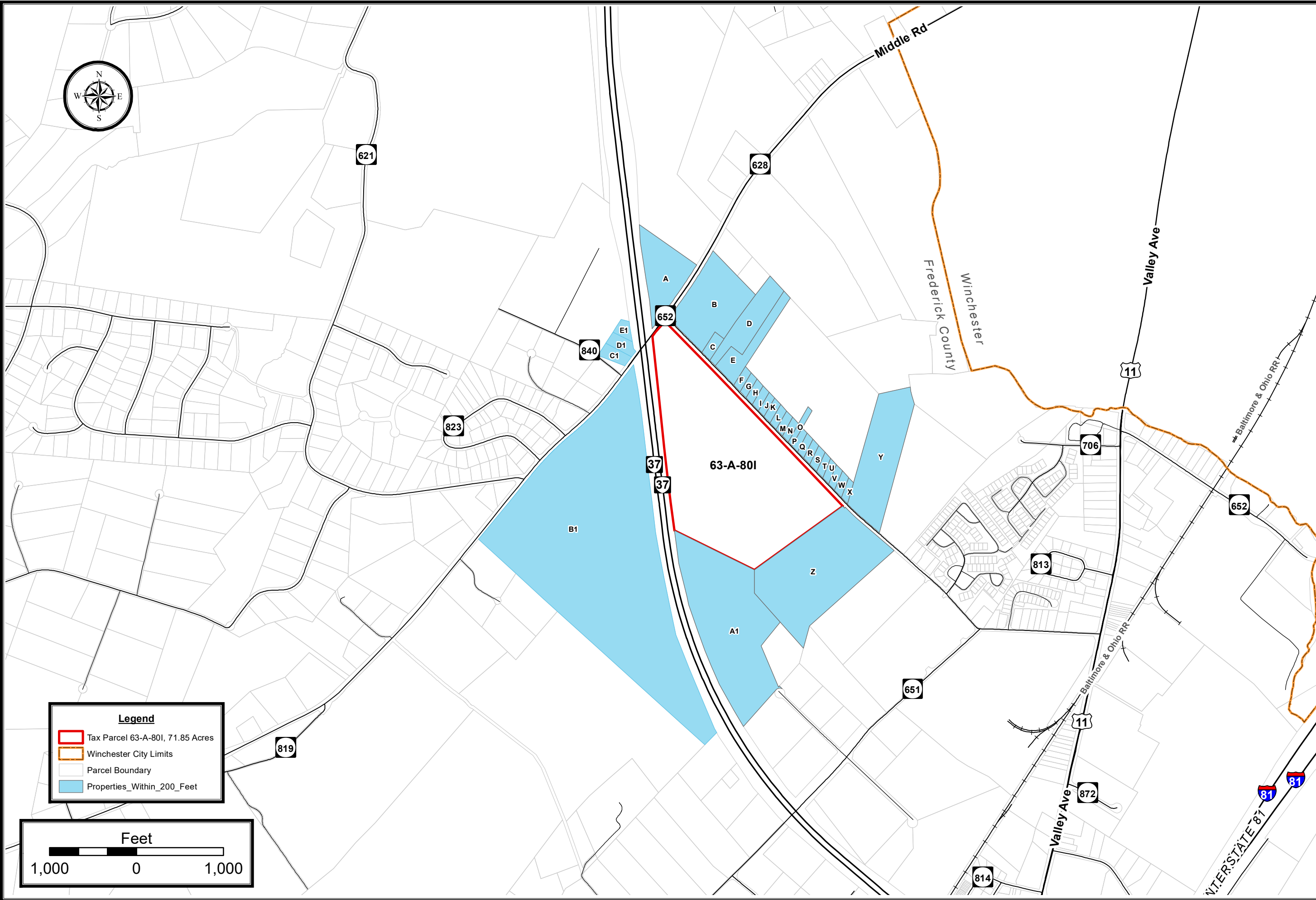
BLACKBURN PROPERTY
COMPREHENSIVE POLICY PLAN AMENDMENT
AERIAL OVERVIEW

| | |
|---------------------------------|-------------------------------------|
| BLACKBURN PROPERTY | COMPREHENSIVE POLICY PLAN AMENDMENT |
| AERIAL OVERVIEW | |
| BACK CREEK MAGISTERIAL DISTRICT | |
| FREDERICK COUNTY, VIRGINIA | |
| DATE: 2018-06-27 | PROJECT ID: 0036E |
| DESIGNED BY: MEW | |
| SCALE: 1 Inch = 1,000 Feet | |



Legend

- Tax Parcel 63-A-801, 71.85 Acres
- Winchester City Limits
- Parcel Boundary
- Properties_Within_200_Feet



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**BLACKBURN PROPERTY
 COMPREHENSIVE POLICY PLAN AMENDMENT
 SURROUNDING PROPERTIES
 WITHIN 200 FEET**

| | |
|-------------------------------------|-------------------------------------|
| BLACKBURN PROPERTY | BLACKBURN PROPERTY |
| COMPREHENSIVE POLICY PLAN AMENDMENT | COMPREHENSIVE POLICY PLAN AMENDMENT |
| PROPERTIES WITHIN 200 FEET | PROPERTIES WITHIN 200 FEET |
| BACK CREEK MAGISTERIAL DISTRICT | BACK CREEK MAGISTERIAL DISTRICT |
| FREDERICK COUNTY, VIRGINIA | FREDERICK COUNTY, VIRGINIA |
| DATE: 2018-06-27 | PROJECT ID: 0036E |
| DESIGNED BY: MEW | SCALE: 1 Inch = 1,000 Feet |

| Label | Tax Map Number | Owner | Mailing Address | City and State | ZIP |
|-------|----------------|---|---------------------------------------|----------------|-------|
| A | 62 A 75 | WILKINS ROY L JR TRUSTEE, WILKINS BETTY J TRUSTEE | 3210 MIDDLE RD | WINCHESTER, VA | 22602 |
| B | 63 A 14 | FELLOWSHIP BIBLE CHURCH | 3217 MIDDLE RD | WINCHESTER, VA | 22602 |
| C | 63 A 16 | MATHENEY DOUGLAS G | 652 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| D | 63 A 15C | FOX RONALD V, FOX PATRICIA W | 632 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| E | 63 A 15A | FOX RONALD V, FOX PATRICIA W | 632 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| F | 63A 1 1 | FOX RONALD V, FOX PATRICIA W | 632 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| G | 63A 1 3 | JONES SAMUEL C, JONES ROBIN M | 602 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| H | 63A 1 5 | KLINE MARK C | 592 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| I | 63A 1 7 | HUNTER JAMES, HUNTER BONNIE | 582 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| J | 63A 1 9 | GOOD JENNIFER LYNN | 572 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| K | 63A 1 11 | TURNER JAMES C, TURNER DEBORAH L | 564 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| L | 63A 1 13 | PHILLIPS SHARON J | 554 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| M | 63A 1 15 | YOUNG MICHAEL R | 544 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| N | 63A 1 17 | CRESWELL RUSSELL W, CRESWELL ROBIN R | 536 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| O | 63 A 17A | CIVIL WAR PRESERVATION TRUST | 1156 T ST NW STE 900 | WASHINGTON, DC | 20009 |
| P | 63A 1 19 | APPLE VALLEY LLC | 478 E WASHINGTON ST | STRASBURG, VA | 22657 |
| Q | 63A 1 21 | MARTINEZ CAROLE ANN DAVIS | 35 ORMSKIRK AVE 913 TORONTO ON M6S1A8 | CANADA, | NA |
| R | 63A 1 23 | HOSTLER GEORGE, HOSTLER BARBARA | 502 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| S | 63A 1 25 | WHITACRE RICHARD L SR, CHRISTINE E | 492 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| T | 63A 1 3 27 | MARSTON JENNINGS RHODES | 108 FOREST RIDGE RD | WINCHESTER, VA | 22602 |
| U | 63A 1 29 | NICHOLSON BETTY A | 472 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| V | 63A 1 31 | WELZEL ANTON, WELZEL PATRICIA D | 452 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| W | 63A 1 33 | WELZEL ANTON, WELZEL PATRICIA D | 452 APPLE VALLEY RD | WINCHESTER, VA | 22602 |
| X | 63 A 17B | CIVIL WAR PRESERVATION TRUST | 1156 T ST NW STE 900 | WASHINGTON, DC | 20009 |
| Y | 63 A 18A | KERNSTOWN BATTLEFIELD ASSOCIATION, INC | PO BOX 1327 | WINCHESTER, VA | 22604 |
| Z | 63 A 58C | BLACKBURN COMMERCE CENTER I LC | 1057 MARTINSBURG PIKE | WINCHESTER, VA | 22603 |
| A1 | 63 A 58D | BLACKBURN COMMERCE CENTER II LC | 1057 MARTINSBURG PIKE | WINCHESTER, VA | 22603 |
| B1 | 62 A 80 | BLACKBURN LIMITED PARTNERSHIP, C/O BARBARA LEWIS | 458 DEVON DR | WARRENTON, VA | 20186 |
| C1 | 62 1 A | FLETCHER RICHARD A | 1900 MELBOURNE DR | PANTEGO, TX | 76013 |
| D1 | 62 1 B | FLETCHER EVERETT J JR & LUZ F, FLETCHER MARY E | 3322 MIDDLE RD | WINCHESTER, VA | 22602 |
| E1 | 62 1 B1 | FLETCHER EVERETT J JR & LUZ F, FLETCHER MARY E | 3322 MIDDLE RD | WINCHESTER, VA | 22602 |

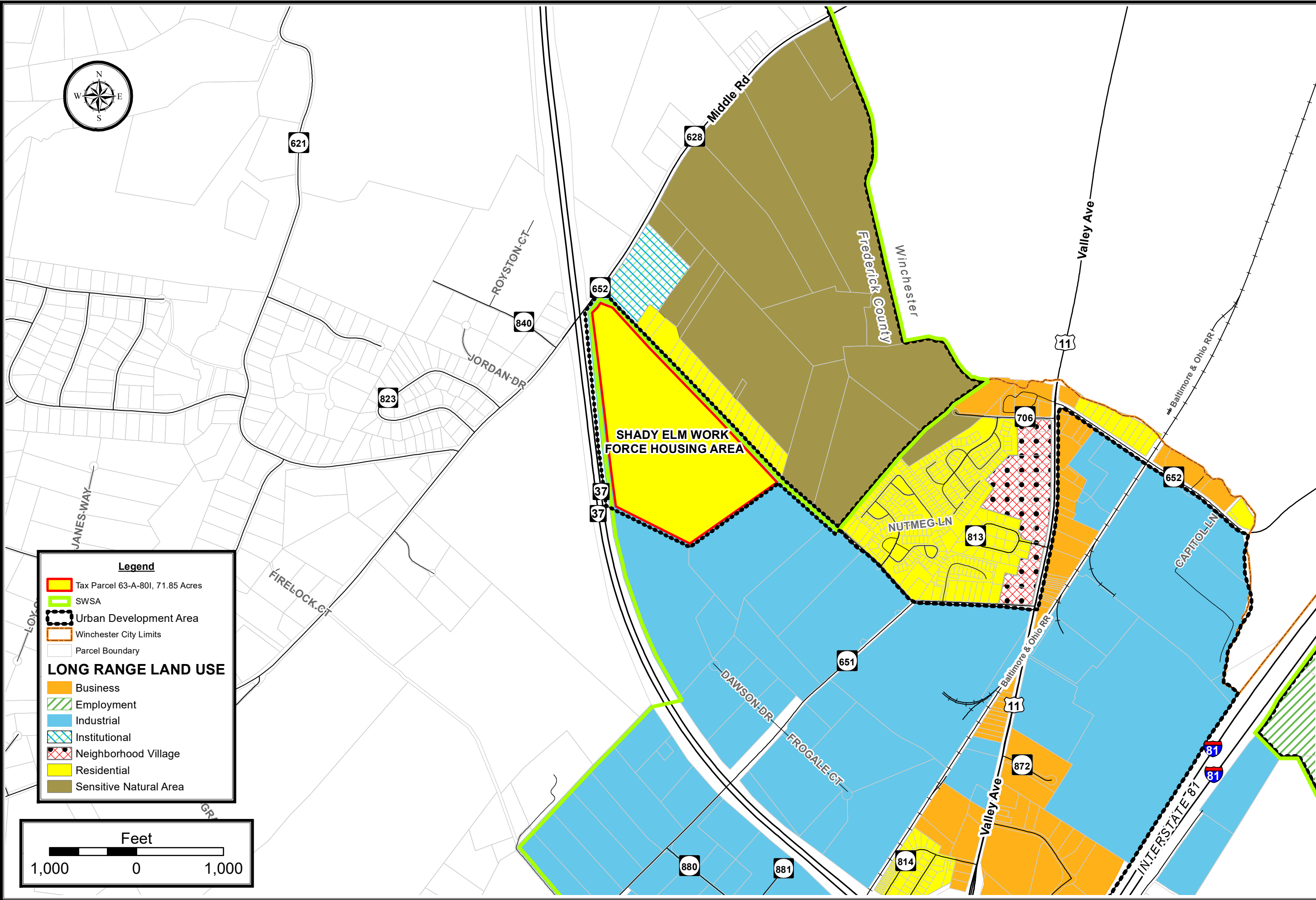
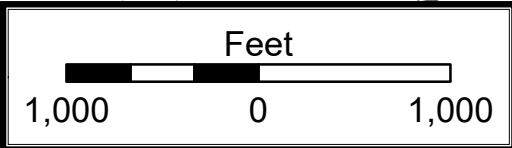


Legend

- Tax Parcel 63-A-801, 71.85 Acres
- SWSA
- Urban Development Area
- Winchester City Limits
- Parcel Boundary

LONG RANGE LAND USE

- Business
- Employment
- Industrial
- Institutional
- Neighborhood Village
- Residential
- Sensitive Natural Area

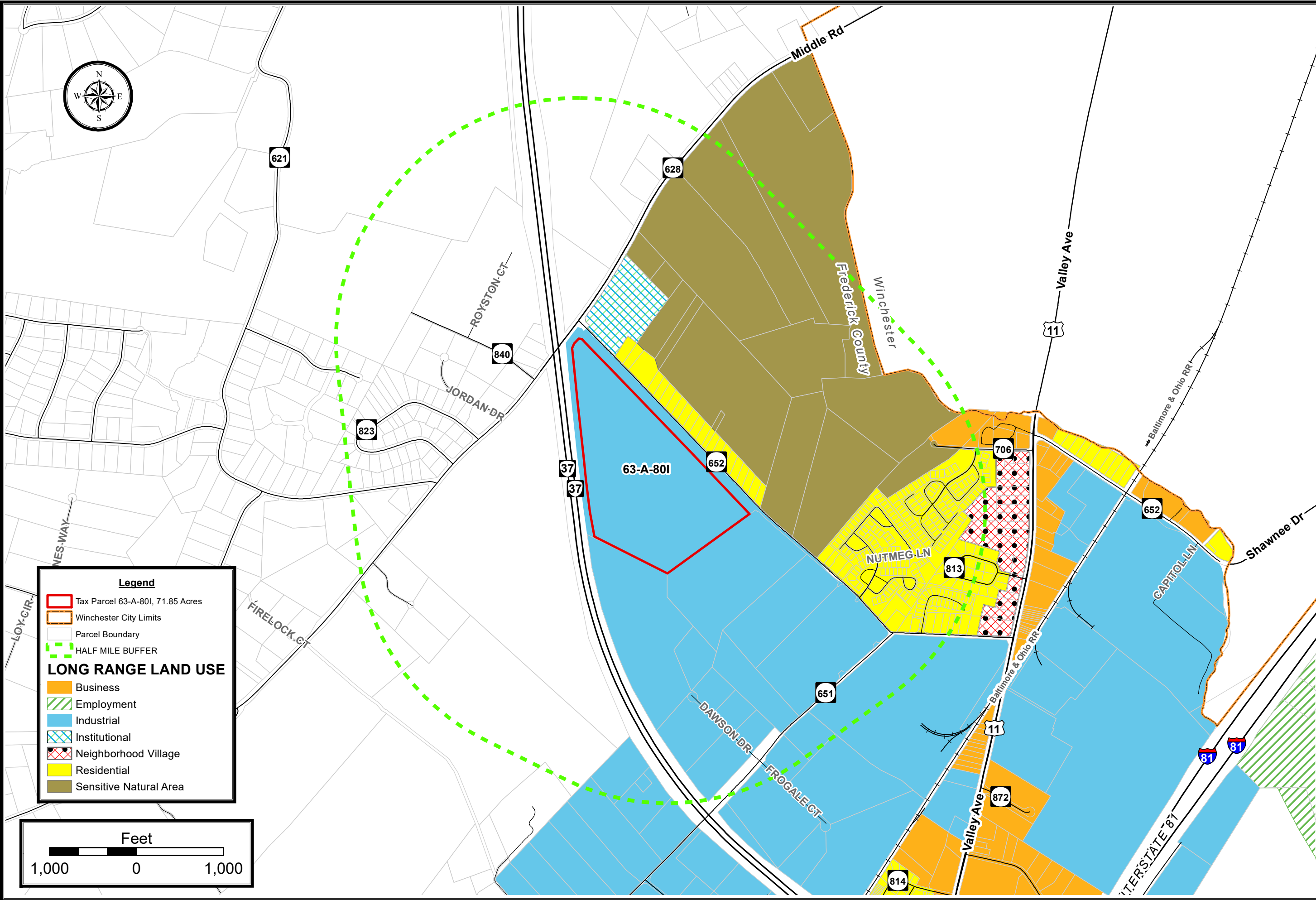


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BLACKBURN PROPERTY
 COMPREHENSIVE POLICY PLAN AMENDMENT
 PROPOSED WORKFORCE HOUSING
 LAND USE EXHIBIT

| | | | |
|----------------------------|-------------------------------------|------------------------------------|---------------------------------|
| BLACKBURN PROPERTY | COMPREHENSIVE POLICY PLAN AMENDMENT | PROPOSED WORKFORCE HOUSING EXHIBIT | BACK CREEK MAGISTERIAL DISTRICT |
| FREDERICK COUNTY, VIRGINIA | DATE: 2018-06-27 | PROJECT ID: 0036E | DESIGNED BY: MEW |
| SCALE: 1 Inch = 1,000 Feet | | | |

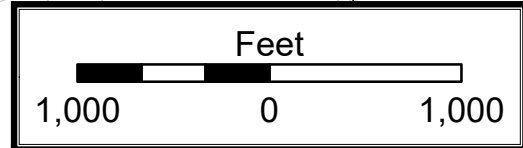


Legend

- Tax Parcel 63-A-801, 71.85 Acres
- Winchester City Limits
- Parcel Boundary
- HALF MILE BUFFER

LONG RANGE LAND USE

- Business
- Employment
- Industrial
- Institutional
- Neighborhood Village
- Residential
- Sensitive Natural Area

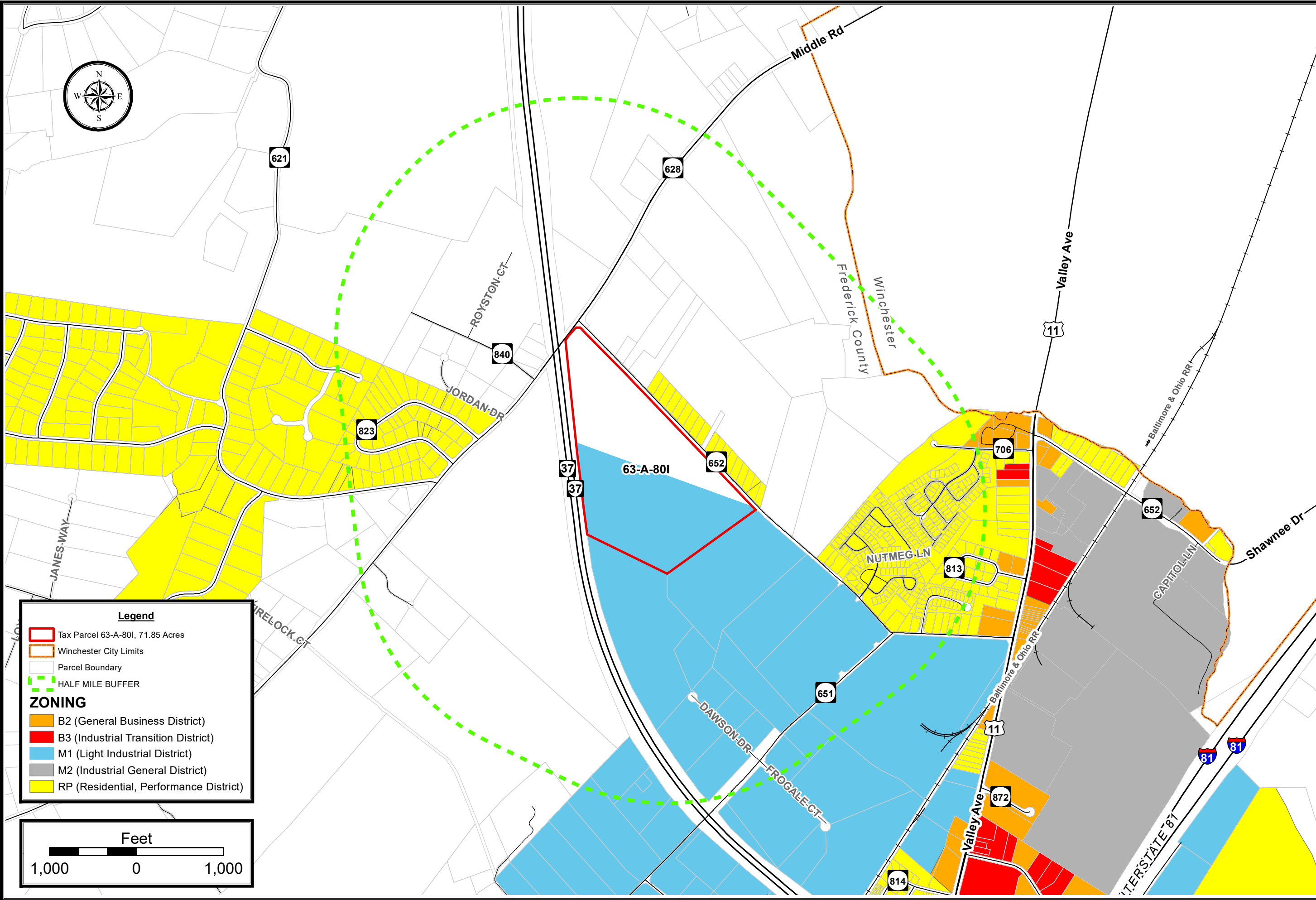


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BLACKBURN PROPERTY
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 LONG RANGE LAND USE EXHIBIT

| |
|---|
| BLACKBURN PROPERTY |
| COMPREHENSIVE POLICY PLAN AMENDMENT |
| LONG RANGE LAND USE EXHIBIT |
| BACK CREEK MAGISTERIAL DISTRICT |
| FREDERICK COUNTY, VIRGINIA |
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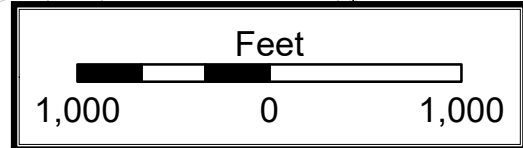


Legend

- Tax Parcel 63-A-801, 71.85 Acres
- Winchester City Limits
- Parcel Boundary
- HALF MILE BUFFER

ZONING

- B2 (General Business District)
- B3 (Industrial Transition District)
- M1 (Light Industrial District)
- M2 (Industrial General District)
- RP (Residential, Performance District)



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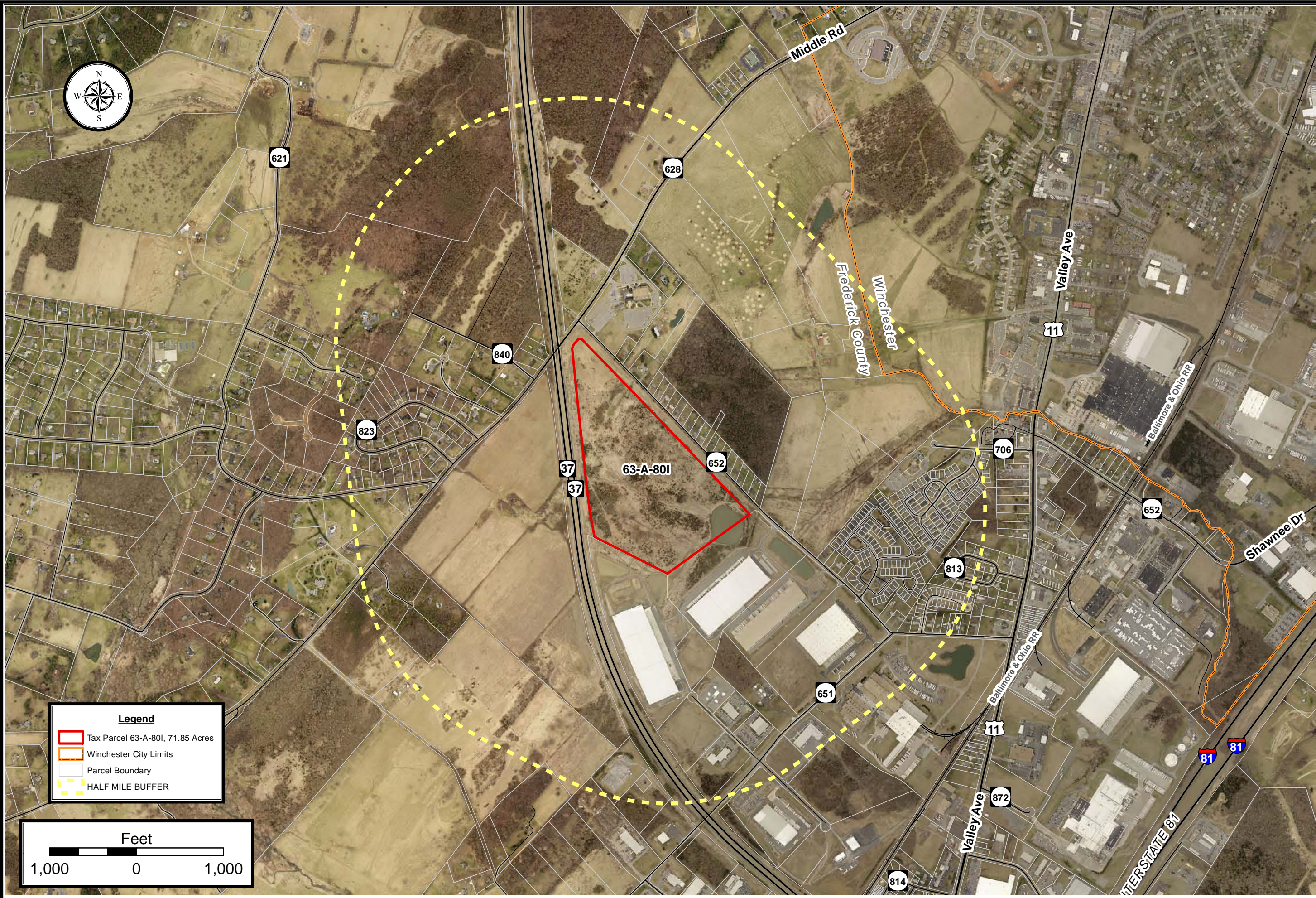
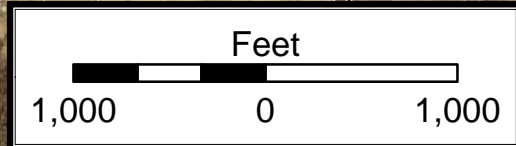
BLACKBURN PROPERTY
COMPREHENSIVE POLICY PLAN AMENDMENT
ZONING EXHIBIT

| |
|---|
| BLACKBURN PROPERTY |
| COMPREHENSIVE POLICY PLAN AMENDMENT |
| ZONING EXHIBIT |
| BACK CREEK MAGISTERIAL DISTRICT |
| FREDERICK COUNTY, VIRGINIA |
| DATE: 2018-06-27 PROJECT ID: 0036E DESIGNED BY: MEW |
| SCALE: 1 Inch = 1,000 Feet |



Legend

- Tax Parcel 63-A-801, 71.85 Acres
- Winchester City Limits
- Parcel Boundary
- HALF MILE BUFFER



Greenway Engineering, Inc.
 151 Windy Hill Lane
 Winchester, VA 22602
 T: 540.662.4185
 F: 540.722.4185
 www.GreenwayEng.com



BLACKBURN PROPERTY
 COMPREHENSIVE POLICY PLAN AMENDMENT
 EXISTING LAND USE

| | | |
|---------------------------------|-------------------------------------|----------------------------|
| BLACKBURN PROPERTY | COMPREHENSIVE POLICY PLAN AMENDMENT | EXISTING LAND USE |
| BACK CREEK MAGISTERIAL DISTRICT | FREDERICK COUNTY, VIRGINIA | DATE: 2018-06-27 |
| PROJECT ID: 0036E | DESIGNED BY: MEW | SCALE: 1 Inch = 1,000 Feet |

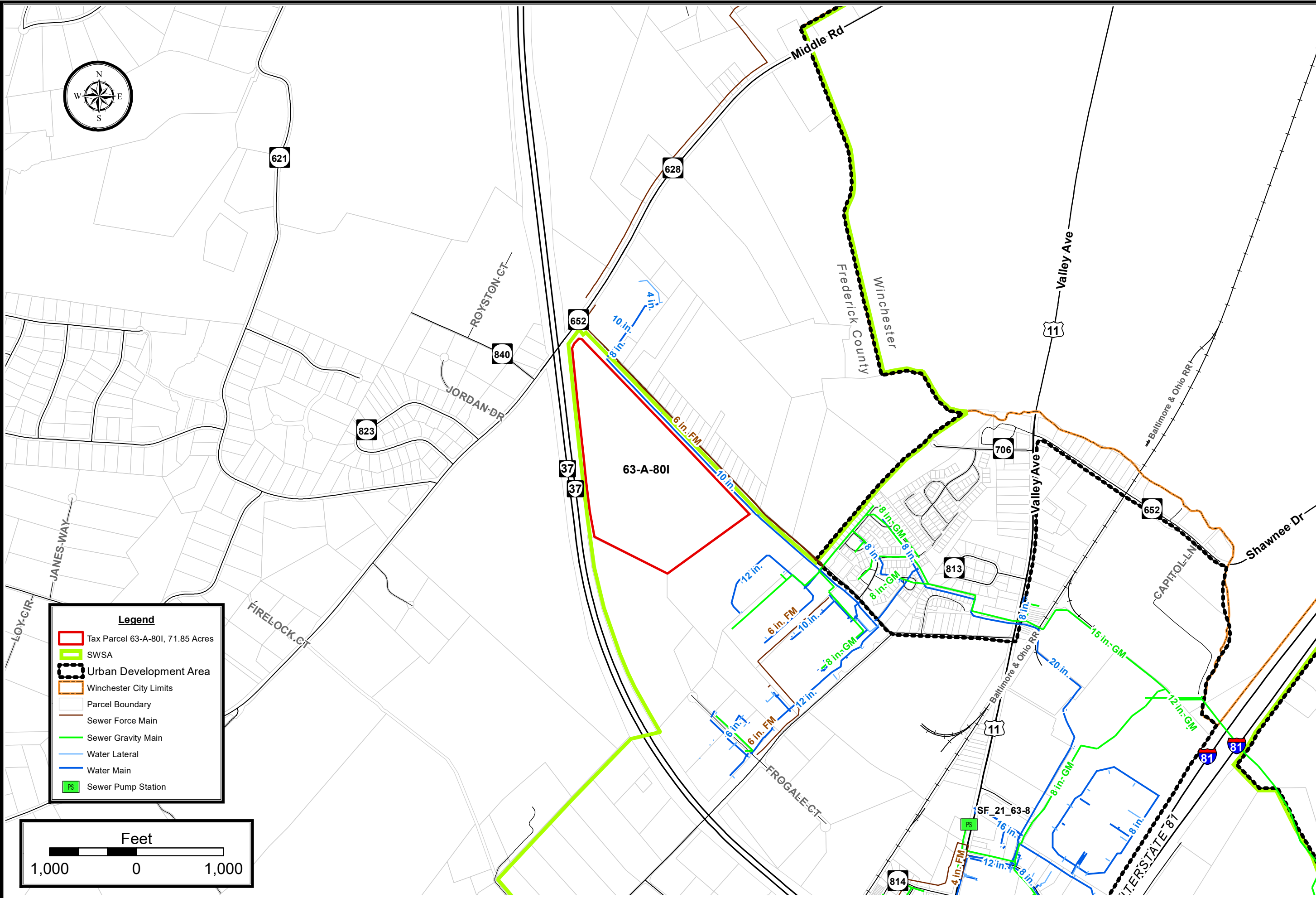


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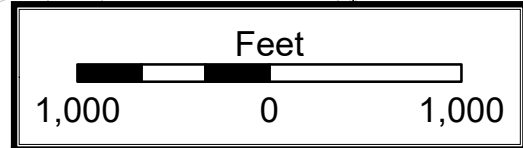
BLACKBURN PROPERTY
COMPREHENSIVE POLICY PLAN AMENDMENT
WATER AND SEWER EXHIBIT

| |
|---|
| BLACKBURN PROPERTY |
| COMPREHENSIVE POLICY PLAN AMENDMENT |
| WATER AND SEWER EXHIBIT |
| BACK CREEK MAGISTERIAL DISTRICT |
| FREDERICK COUNTY, VIRGINIA |
| DATE: 2018-06-27 PROJECT ID: 0036E DESIGNED BY: MEW |
| SCALE: 1 Inch = 1,000 Feet |



Legend

- Tax Parcel 63-A-801, 71.85 Acres
- SWSA
- Urban Development Area
- Winchester City Limits
- Parcel Boundary
- Sewer Force Main
- Sewer Gravity Main
- Water Lateral
- Water Main
- PS Sewer Pump Station



BK81210070

#12283

THIS DEED, made and dated this 15th day of December, 1993, by and between **GEORGIA F. BLACKBURN**, widow, called the "Grantor," and **BLACKBURN LIMITED PARTNERSHIP**, a Virginia limited partnership, called the "Grantee."

The Grantor desires to convey the property described below to the Grantee which is controlled by Grantor in accordance with the provisions of the Internal Revenue Code of 1986. This conveyance is exempt from the recording tax in accordance with Virginia Code Section 58-811. Accordingly, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the Grantor does grant and convey with General Warranty and English covenants of title unto the Grantee all of the Grantor's right, title and interest in and to the following described property:

All of that land consisting of 234 acres, more or less, and being that same property conveyed by Martha Blackburn, widow, et al, to John C. Blackburn and Georgia F. Blackburn, husband and wife, as joint tenants with right of survivorship, by deed dated January 1, 1953, recorded in Deed Book 236 at page 127 in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, described as containing approximately 240 acres, less and except approximately 24.13 acres conveyed to the Virginia State Highway Department by John C. Blackburn and Georgia F. Blackburn by deed dated March 31, 1975 and recorded at Deed Book 442, page 303, and less and except all other outconveyances. Although the original conveyance was designated as 240 acres, by subsequent unrecorded survey, the remaining balance of property as of the date of this deed is understood to be contained in two tracts, Tract A consisting of 128.559 acres located on the southwest side of Route 37, and Tract B consisting of 105.631 acres located on the northwest side of Route 37, both parcels adjoining Route 628, Middle Road. John C. Blackburn died in 1989.

Reference is made to the instruments described above and the attachments and references contained in them for a further and more particular description of the property conveyed by this deed. This conveyance is made subject to all restrictions, conditions and encumbrances of record and contained in the deeds and other recorded instruments forming the chain of title to the above described property.

IN WITNESS WHEREOF, the undersigned has set her hand and seal all as of the day and year first above written.

Georgia F. Blackburn (SEAL)
GEORGIA F. BLACKBURN

110 Hawthorne Drive
Winchester, VA 22601

Exempt under Virginia
Code Section 58.1-811



STATE OF VIRGINIA AT LARGE
City OF Winchester, TO-WIT:

The foregoing instrument was acknowledged before me this 30th day of December, 1943 by Georgia F. Blackburn.

My Commission expires May 31, 1945.

Debra L. Carbaugh
Notary Public

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced
to me on the 30th day of Dec
1943 at 12:43pm and with certificate
of acknowledgment thereto enclosed was
admitted to record.

George B. Whitacre
CLERK

THIS DEED OF DEDICATION AND DEED OF BOUNDARY LINE ADJUSTMENT, made and dated this 15th day of May, 2015, by and between **BLACKBURN FARM, LLC** (the resulting limited liability company pursuant to the conversion of Blackburn Limited Partnership to a Virginia limited liability company), party of the first part, hereinafter referred to as "Blackburn" (Grantor for indexing purposes); **GRAYSTONE CORPORATION OF VIRGINIA**, the name in Virginia of GRAYSTONE CORPORATION, a West Virginia corporation registered and qualified to do business in Virginia under the name GRAYSTONE CORPORATION OF VIRGINIA (formerly CRIDER & SHOCKEY, INC. OF WEST VIRGINIA), party of the second part, hereinafter referred to as "Graystone" (Grantee for indexing purposes); **THE COUNTY OF FREDERICK, VIRGINIA**, a body corporate and politic, party of the third part, hereinafter referred to as "County" (Grantee for indexing purposes).

RECITALS

A. Blackburn is the owner in fee simple of that certain tract of land containing approximately 128.559 acres, more or less (Tax Map Parcel No. 63-A-80I), situate generally to the east of Virginia Route 37 and to the southwest of Virginia Secondary Route 652 in Back Creek Magisterial District, Frederick County, Virginia (the "Blackburn Property"), said Blackburn Property being a portion of the land conveyed to Blackburn Limited Partnership by Deed dated December 15, 1993 of record in the Frederick County Circuit Court Clerk's Office in Deed Book 812, Page 70. As evidenced by the Certificate of Fact issued by the Commonwealth of Virginia State Corporation Commission attached hereto, effective January 21, 2014, Blackburn Limited Partnership was converted to Blackburn Farm, LLC, a Virginia limited liability company. Pursuant to Virginia Code Section 13.1-1010.2, Blackburn Farm, LLC is deemed to be the same entity that existed as Blackburn Limited

Grantee Address: P.O. Box 2530, Winchester, VA 22604
 Assessed Value: \$809,382.00 (54 acres); Consideration: \$1,665,000.00 (53.984 acres)
 Title Insurance: Cameron Title, LLC

Partnership and all property owned by Blackburn Limited Partnership remains vested in Blackburn Farm, LLC.

B. Graystone is the owner in fee simple of that certain tract of land containing approximately 11.13 acres, more or less (Tax Map Parcel No. 63-A-58C), situate to the southwest of Virginia Secondary Route 652 in Back Creek Magisterial District, Frederick County, Virginia (the "Graystone Property"), said Graystone Property being the land conveyed to Graystone by Deed dated December 19, 2014 of record in the aforesaid Clerk's Office as Instrument No. 140010946.

C. Blackburn desires to dedicate certain land to the County for public road construction and public street purposes and also to reserve certain land for future public use, all as shown and depicted on that certain Plat titled "BOUNDARY LINE ADJUSTMENT BETWEEN THE LANDS OF GRAYSTONE CORPORATION OF VIRGINIA AND BLACKBURN FARM, LLC" drawn by Jon Gilmore, L.S. of Marsh & Legge Land Surveyors, PLC, dated May 13, 2015 (the "BLA Plat"), a copy of which is attached hereto and incorporated herein by reference. The Blackburn Property as shown on the BLA Plat contains an original area of 128.820 acres and the Graystone Property as shown on the BLA Plat contains an original area of 11.135 acres.

D. As shown on the attached BLA Plat, the Blackburn Property and the Graystone Property are adjacent to one another. Blackburn and Graystone have agreed to execute this Deed to effect the conveyance by Blackburn to Graystone of 53.984 acres and to adjust the common boundary line between their respective properties, with said 53.984 acres to be added to and consolidated with the Graystone Property, all as effected and created by this Deed and the BLA Plat, with the result being that:

- a. the Blackburn Property shall now contain an adjusted area of 71.849 acres [TMP 63-A-80I]; and

- b. the Graystone Property shall now contain an adjusted area of 65.119 acres [TMP 63-A-58C].

PUBLIC ROAD DEDICATION/DEED OF DEDICATION

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises, and other good and valuable consideration deemed adequate at law, the receipt and sufficiency of which is hereby acknowledged, Blackburn, as Grantor, hereby grants, conveys and dedicates, with general warranty of title, unto the County, as Grantee, for public street purposes, all of Blackburn's rights, title and interest in and to that certain parcel, strip or section of land, 45 feet in width, containing 2.987 acres and shown and depicted on Sheets 3 and 4 of the attached BLA Plat as "45' STRIP 2.987 ACRES HEREBY DEDICATED TO PUBLIC USE". This Dedication is made in accordance with the statutes made and provided therefore.

RESERVATION FOR PUBLIC USE

FURTHER WITNESSETH: That for and in consideration of the premises, and other good and valuable consideration deemed adequate at law, the receipt and sufficiency of which is hereby acknowledged, Blackburn, as Grantor, hereby acknowledges, covenants and agrees that the certain parcel, strip or section of land, 10 feet in width, shown and depicted on Sheets 3 and 4 of the attached BLA Plat as "10' STRIP HEREBY RESERVED FOR FUTURE PUBLIC USE" shall remain clear of permanent structures and that such reserved area shall be, and remain, available for dedication, transfer and conveyance to the County within one hundred twenty (120) days from the date of written notice issued by the County to Blackburn (or Blackburn's successor in interest), with any such notice issued by the County to occur after an official decision has been made by the County and the Virginia Department of Transportation to construct roadway improvements within such reserved area. This

reservation constitutes a covenant real running with the land and binding upon Blackburn and Blackburn's successors and assigns.

BOUNDARY LINE ADJUSTMENT DEED TO GRAYSTONE

FURTHER WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), the premises, and other good and valuable consideration deemed adequate at law, the receipt and sufficiency of which is hereby acknowledged, Blackburn, as Grantor, does hereby grant, bargain, sell and convey, with General Warranty and English Covenants of title, unto Graystone, all of that certain parcel of land containing 53.984 acres situate to the east of Virginia Route 37 and to the southwest of Virginia Secondary Route 652 in Back Creek Magisterial District, Frederick County, Virginia and depicted on Sheet 4 of the attached BLA Plat, said land having previously been a portion of the original Blackburn Property and said 53.984 acres hereby being added to, and merged and consolidated with, the original 11.135 acres constituting the original Graystone Property, resulting in a consolidated adjusted total area of 65.119 acres as shown on Sheet 4 of the BLA Plat (Tax Map Parcel No. 63-A-58C). **ADJUSTED TMP No. 63-A-58C.**

The land conveyed to Graystone hereby is a portion of the property acquired by Blackburn Limited Partnership by Deed recorded in Deed Book 812, Page 70 in the aforesaid Clerk's Office.

Reference is here made to the aforesaid instruments and the attachments and the references therein contained for a further and more particularly description of the property hereby conveyed.

The land conveyed herein is subject to all easements, restrictions and conditions of record and contained in the Deeds forming the chain of title to the above-described land,

provided, however, that the foregoing shall not be deemed in any way to reinstate or republish any restrictions of record that may have expired or lapsed.

This conveyance is made for the purpose of adjusting the common boundary line between the Blackburn Property and the Graystone Property and to convey the land described herein to Graystone. The platting of the Blackburn Property and the Graystone Property and the adjustment of the boundary line provided for by this Deed and the BLA Plat is made with the free consent of, and in accordance with the desires of, Blackburn and Graystone and in accordance with the provisions and interpretation of the Subdivision Ordinance of the County as evidenced by the approval of the BLA Plat by an authorized official of the County.

MISCELLANEOUS

Headings used in this Deed are for convenience purposes only and are not intended to affect the express terms herein set forth.

This Deed is made in accordance with the statutes made and provided therefore in such cases; with the approval of the proper authorities of the County and The Virginia Department of Transportation as shown by the signatures affixed to the BLA Plat; and is with the free consent and in accordance with the desire of Blackburn and Graystone, the owners and proprietors of the lands depicted on the BLA Plat.

The undersigneds, on behalf of Blackburn and Graystone, respectively warrant that this Deed is made and executed pursuant to authority vested in each of the undersigneds by Blackburn and Graystone, respectively.

IN WITNESS WHEREOF, the parties hereto have caused this Deed to be executed, under seal.

BLACKBURN FARM, LLC

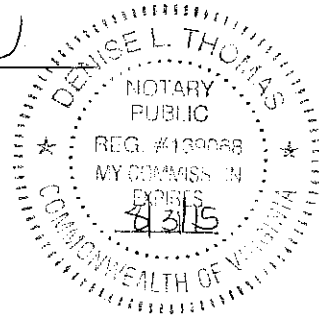
By: Barbara B. Lewis - Manager (SEAL)
Barbara B. Lewis, Manager

COMMONWEALTH OF VIRGINIA,
City/County of Winchester, to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2015,
by **Barbara B. Lewis**, in her capacity as Manager of Blackburn Farm, LLC.

Denise L. Thomas
Notary Public

My Commission Expires: August 31, 2015
Notary Registration No.: 0139068



GRAYSTONE CORPORATION OF VIRGINIA
a West Virginia corporation

By: *[Signature]* President 5-15-15 (SEAL)
J. Donald Shockey, Jr., President

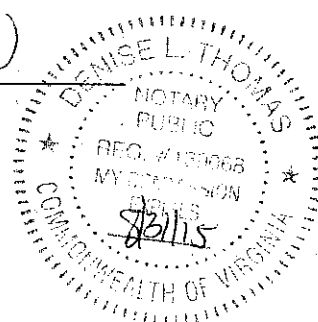
COMMONWEALTH OF VIRGINIA,
City/County of Winchester, to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2015,
by **J. Donald Shockey, Jr.**, in his capacity as President of Graystone Corporation of Virginia.

[Signature]
Notary Public

My Commission Expires:
Notary Registration No.:

August 31, 2015
139008



ACCEPTED:

THE COUNTY OF FREDERICK, VIRGINIA

By: [Signature] (SEAL)
Roderick B. Williams, Interim County Administrator

APPROVED TO AS FORM:

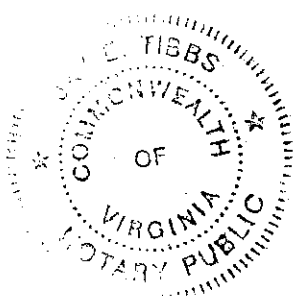
[Signature] (SEAL)
Roderick B. Williams, County Attorney

COMMONWEALTH OF VIRGINIA,
City/County of Winchester, to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2015, by **Roderick B. Williams**, in his capacity as Interim County Administrator for The County of Frederick, Virginia.

[Signature]
Notary Public

My Commission Expires: 11-30-2015
Notary Registration No.: 7011423

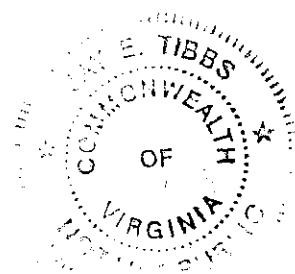


COMMONWEALTH OF VIRGINIA,
City/County of Winchester, to-wit:

The foregoing instrument was acknowledged before me this 15th day of May, 2015, by **Roderick B. Williams**, in his capacity as County Attorney, for The County of Frederick, Virginia.

[Signature]
Notary Public

My Commission Expires: 11-30-2015
Notary Registration No.: 7011423



This Instrument prepared (without the benefit of a title examination) by:

H. Edmunds Coleman, III, Esquire
BRYAN & COLEMAN, P.L.C.
118 South Braddock Street
Winchester, Virginia 22601
Telephone: (540) 545 - 4172

M:\Graystone Corporation of Virginia\Blackburn Property\Deed of Dedication and Deed of Boundary Line Adjustment (FINAL) 5-15-15.doc

Commonwealth of Virginia



State Corporation Commission

CERTIFICATE OF FACT

I Certify the Following from the Records of the Commission:

On January 21, 2014, BLACKBURN LIMITED PARTNERSHIP, formerly a Virginia limited partnership, converted to a limited liability company with the name BLACKBURN FARM, LLC.

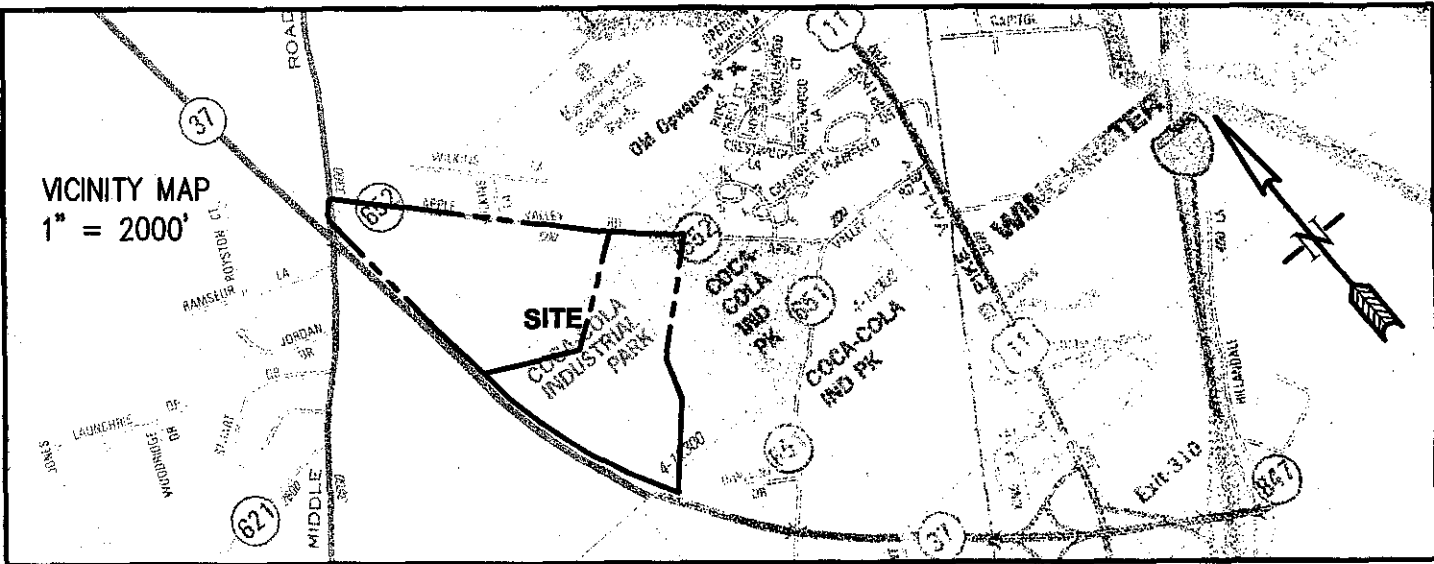
Nothing more is hereby certified.

*Signed and Sealed at Richmond on this Date:
May 14, 2015*



Joel H. Peck
Joel H. Peck, Clerk of the Commission

0233



APPROVED BY

[Signature] 15 MAY 15
 _____ DATE
 FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

[Signature] 15 May 15
 _____ DATE
 VIRGINIA DEPARTMENT OF TRANSPORTATION

NOTES

1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY REPRESENTED BY THIS SURVEY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
2. THE LOCATIONS OF UNDERGROUND UTILITIES OR OTHER SUBSURFACE IMPROVEMENTS, IF ANY, WERE NOT ASCERTAINED; THEREFORE, ARE NOT SHOWN.
3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 51069C0214D, DATED 2 SEPTEMBER 2009, THE LANDS SHOWN ON THIS PLAT ARE WITHIN AN AREA DESIGNATED AS ZONE X (UNSHADED) WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.
4. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 8 MAY 2015.

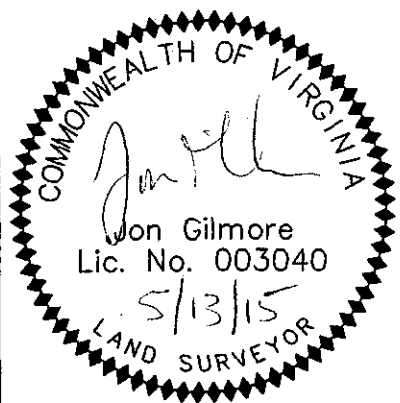
LINE TABLE

| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
|------|---------------|----------|------|---------------|----------|
| L1 | N 06°52'35" W | 17.37' | L7 | N 45°33'48" E | 20.00' |
| L2 | N 36°50'48" E | 63.52' | L8 | S 16°36'06" W | 51.94' |
| L3 | N 41°25'14" E | 125.40' | L9 | N 43°25'57" W | 31.93' |
| L4 | N 88°43'15" E | 48.93' | L10 | S 43°25'57" E | 31.93' |
| L5 | N 88°43'15" E | 27.42' | L11 | N 16°36'06" E | 13.35' |
| L6 | S 50°08'50" E | 50.25' | L12 | S 43°47'26" E | 4.88' |

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT IS THE LAND CONVEYED TO GRAYSTONE CORPORATION OF VIRGINIA [TAX MAP 63-A-58C] BY DEED DATED 19 DECEMBER 2014, AND RECORDED AS INST. #140010946 AND THE LAND OF BLACKBURN LIMITED PARTNERSHIP [TAX MAP 63-A-80I] BY DEED DATED 15 DECEMBER 1993, AND RECORDED IN DEED BOOK 812 AT PAGE 70. BLACKBURN LIMITED PARTNERSHIP HAVING BEEN CONVERTED TO BLACKBURN FARM, LLC. THE ABOVE MENTIONED DEEDS ARE RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA.

BOUNDARY LINE ADJUSTMENT
 BETWEEN THE LANDS OF
GRAYSTONE CORPORATION OF VIRGINIA
AND BLACKBURN FARM, LLC
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA



DRAWN BY: JTG | DWG NAME: 9844-BLA-PLAT | SHEET 1 OF 4 | DATE: 05/13/2015



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

OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING BOUNDARY LINE ADJUSTMENT OF THE LAND GRAYSTONE CORPORATION OF VIRGINIA [TAX MAP 63-A-58C] AND THE LAND OF BLACKBURN FARM, LLC [TAX MAP 63-801], AS APPEARS ON THE ACCOMPANYING PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

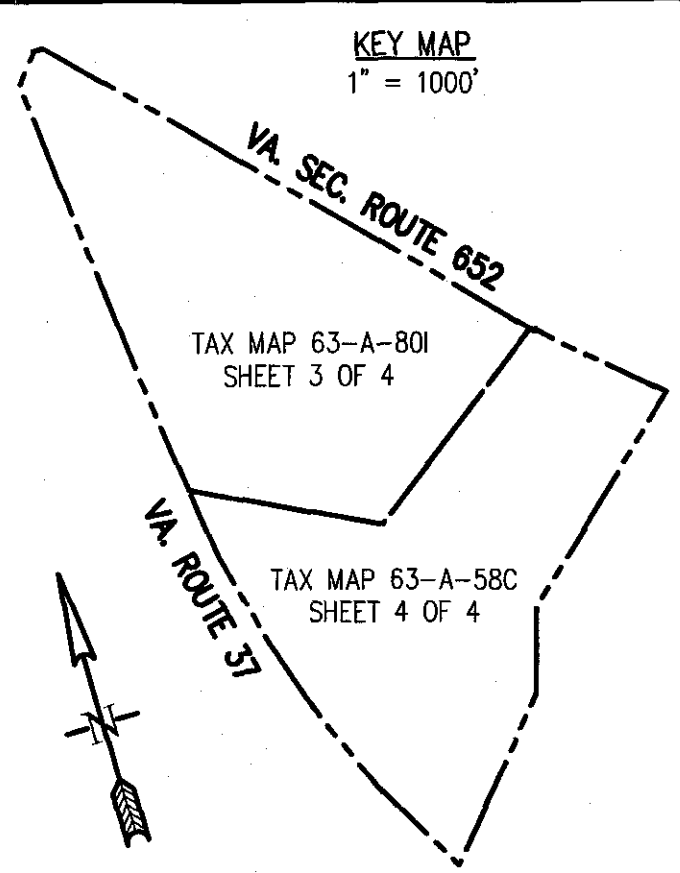
[Signature] President 5-15-15 Barbara B. Lewis Manager 5/15/15
REPRESENTATIVE OF GRAYSTONE CORPORATION OF VIRGINIA DATE REPRESENTATIVE OF BLACKBURN FARM, LLC DATE

NOTARY PUBLIC

STATE OF Virginia CITY/COUNTY OF Winchester
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 5-15-15 (DATE)
BY J. Donald Shockey, Jr., President, Graystone Corporation of Virginia
[Signature] MY COMMISSION EXPIRES ON 8-31-15 (DATE) 8/31/15

NOTARY PUBLIC

STATE OF Virginia CITY/COUNTY OF Winchester
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 5-15-15 (DATE)
BY Barbara B. Lewis, Manager, Blackburn Farm, LLC
[Signature] MY COMMISSION EXPIRES ON 8-31-15 (DATE) 8/31/15



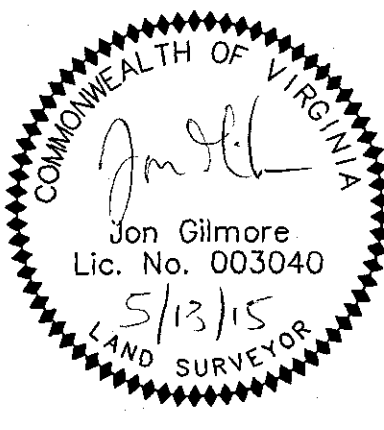
AREA SUMMARY

| | |
|----------------------------|----------------------|
| ORIGINAL TAX MAP 63-A-801 | 128.820 ACRES |
| ORIGINAL TAX MAP 63-A-58C | 11.135 ACRES |
| TOTAL ORIGINAL AREA | 139.955 ACRES |
| ADJUSTED TAX MAP 63-A-801 | 71.849 ACRES |
| ADJUSTED TAX MAP 63-A-58C | 65.119 ACRES |
| DEDICATION ALONG ROUTE 652 | 2.987 ACRES |
| TOTAL ADJUSTED AREA | 139.955 ACRES |

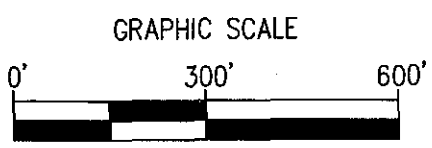
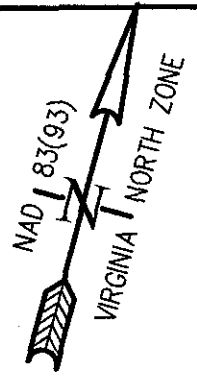
BOUNDARY LINE ADJUSTMENT
BETWEEN THE LANDS OF
GRAYSTONE CORPORATION OF VIRGINIA
AND BLACKBURN FARM, LLC
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DRAWN BY: JTG | DWG NAME: 9844-BLA-PLAT | SHEET 2 OF 4 | DATE: 05/13/2015

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



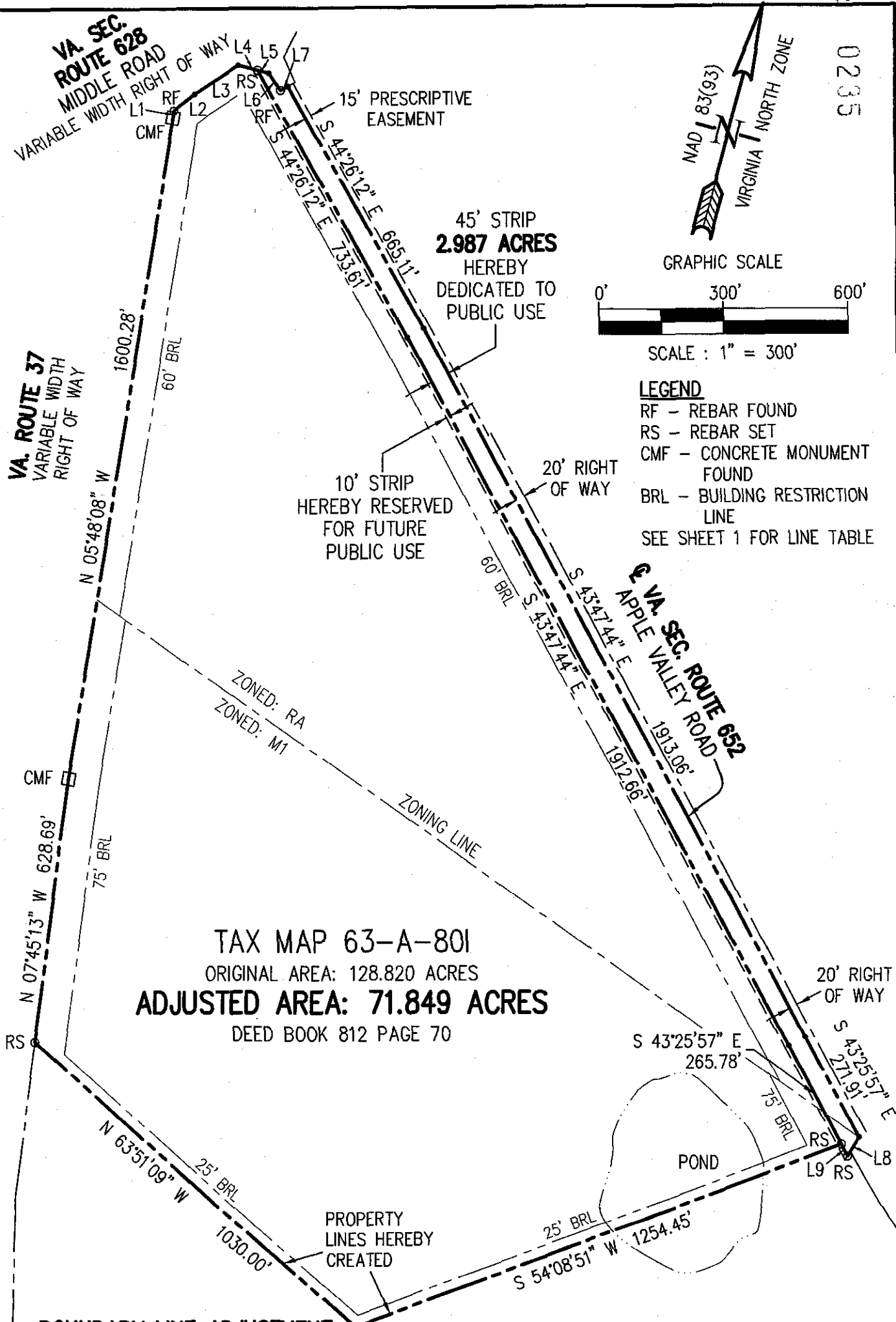
0235



SCALE : 1" = 300'

LEGEND

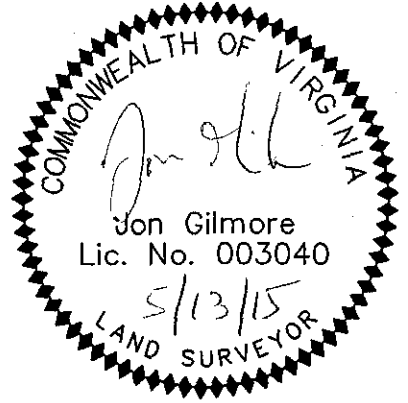
- RF - REBAR FOUND
- RS - REBAR SET
- CMF - CONCRETE MONUMENT FOUND
- BRL - BUILDING RESTRICTION LINE
- SEE SHEET 1 FOR LINE TABLE



TAX MAP 63-A-801
 ORIGINAL AREA: 128.820 ACRES
ADJUSTED AREA: 71.849 ACRES
 DEED BOOK 812 PAGE 70

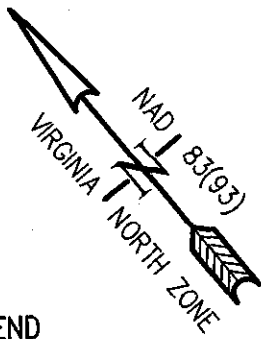
BOUNDARY LINE ADJUSTMENT
 BETWEEN THE LANDS OF
GRAYSTONE CORPORATION OF VIRGINIA
AND BLACKBURN FARM, LLC
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

TAX MAP 63-A-58C
 (SEE SHEET 4)



DRAWN BY: JTG | DWG NAME: 9844-BLA-PLAT | SHEET 3 OF 4 | DATE: 05/13/2015

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



45' STRIP
2.987 ACRES
HEREBY
DEDICATED TO
PUBLIC USE
(SEE SHEET 3)

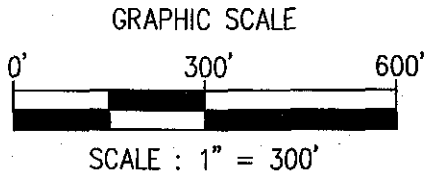
10' STRIP
HEREBY RESERVED
FOR FUTURE
PUBLIC USE

RAD=2599.76'
ARC=251.04'
Δ=5°31'57"
CH.BRG=S 46°33'23" E
CH.DIST=250.94'

LEGEND

- RF - REBAR FOUND
- RS - REBAR SET
- CMF - CONCRETE MONUMENT FOUND
- BRL - BUILDING RESTRICTION LINE
- SEE SHEET 1 FOR LINE TABLE

TAX MAP 63-A-801
(SEE SHEET 3)



PROPERTY LINES
HEREBY
CREATED

PROPERTY LINE
HEREBY VACATED
(REMAINS ZONING
PROFFER LINE)

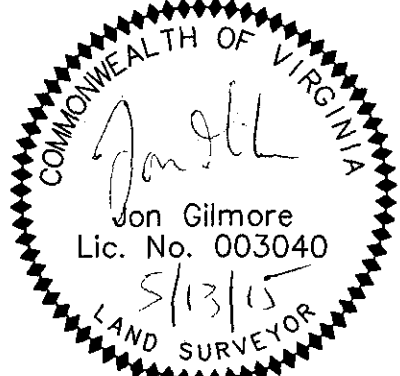
TAX MAP 63-A-58C

LOT 4 - COCA COLA BUSINESS PARK
ORIGINAL AREA: 11.135 ACRES
ADJUSTED AREA: 65.119 ACRES

ADJOINING OWNER INFORMATION

- A1 - TAX MAP 63-A-58B
CABOT IV - VA1B01, LLC
INST. #140006095
ZONED: M1
- A2 - TAX MAP 63-A-58A
DIRECTV OPERATIONS, LLC
INST. #030005345
ZONED: M1
- A3 - TAX MAP 63-8-2B
ECHOSTAR BROADCASTING CORPORATION
INST. #120005386
ZONED: M1
- A4 - TAX MAP 63-8-3
THE DAWSON GROUP, LLC
INST. #030009351
ZONED: M1
- A5 - DAWSON DRIVE
EXISTING 54' WIDE R/W

BOUNDARY LINE ADJUSTMENT
BETWEEN THE LANDS OF
GRAYSTONE CORPORATION OF VIRGINIA
AND BLACKBURN FARM, LLC
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA



DRAWN BY: JTG | DWG NAME: 9844-BLA-PLAT | SHEET 4 OF 4 | DATE: 05/13/2015



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

0237

VIRGINIA: FRÉDERICK COUNTY.SCT.

This instrument of writing was produced to me on

5-15-13 at 3:58 pm

and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$1,665.00 and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk



315 Tasker Road
Stephens City, Virginia 22655

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

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: Candice Perkins, Assistant Director, Frederick County Planning Department

FROM: Eric R. Lawrence, Executive Director

SUBJECT: Blackburn Property Workforce Housing
2019 Comprehensive Policy Plan Amendment Review

DATE: January 29, 2019

Thank you for the opportunity to provide comment on the Blackburn Property Workforce Housing Comprehensive Policy Plan Amendment application. This memorandum serves as the response to your request for comment dated January 24, 2019.

Blackburn Property Workforce Housing – CPPA Request to amend Land Use Designation and inclusion in the Urban Development Area (UDA); Parcel 63-A-80L.

This property is located at the intersection of Middle and Apple Valley Roads in the Kernstown section of Fredrick County. The property is located within the SWSA; therefore, by policy the site is permitted to utilize Frederick Water’s public water and sewer services for commercial and industrial uses. Inclusion of the property within the Urban Development Area (UDA) is necessary to enable water and sewer usage for residential purposes.

Frederick Water’s water and wastewater treatment capacities currently exist to serve the future development of the site. Treatment and conveyance capacities are not secured until water and sewer connections are purchased and utilized.

The site is presently not served by Frederick Water, although water and sewer lines are available for the applicant/developer to establish connection for service extensions to the property. A 10-inch water main is located on the property, and runs parallel to Apple Valley Road. A sewer force main also runs parallel to Apple Valley Road, which feeds into a gravity system east of the property. The applicant/developer will need to evaluate the sanitary sewer and work with Frederick Water to determine the most appropriate location to connect based on projected sanitary sewer flows.

Overview: With the growth in the industrial, technology, and the service sectors in Frederick County and surrounding jurisdictions, the need for housing that meets the needs of a diverse work force will continue to be critically important. The Apple Valley Road Workforce Housing Development will provide 200 2, 3 and 4 BR homes that will be affordable to working individuals and families making between \$16 and \$26 per hour – whether it be within the civil service or Winchester’s many new industrial, service and technology jobs.

Workforce Housing is Critically Needed in Frederick, Co. VA

As the regional economy grows, housing that can support a growing workforce is critical to ensuring that Frederick County continues to be an economic development magnet. However, there are significant shortcomings in the market:

- There are no rental communities that contain 4-bedroom units in the County
- Apartment communities with rents targeting households with annual incomes of between ~\$35,000 and ~\$55,000 have a vacancy rate of less than 1%
- There are no single-family detached 3 bedroom and 4 bedroom homes renting for less than \$1,500 per month. Our four bedroom units will rent for \$1200 per month.
- Letters from the Chamber of Commerce, Habitat for Humanity and others attest to the need for this type of housing.



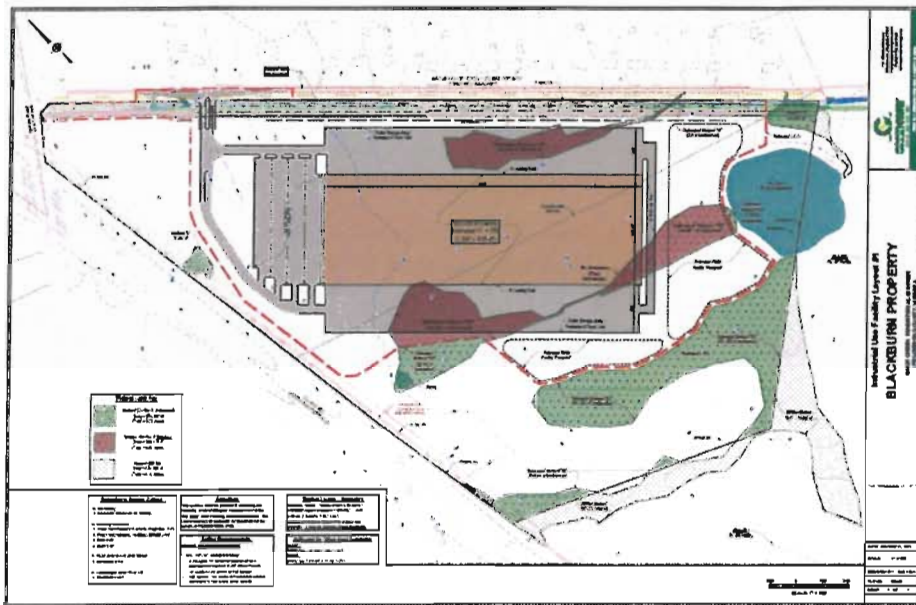
The Apple Valley Road Site is Optimally Suited for Residential Development

The Apple Valley Road site is ideal for residential development as it is near transportation arteries and close to numerous employment centers, retail, and downtown Winchester.

- Due to the prevalence of wetlands and storm water management requirements, EquityPlus can deliver a residential community with plenty of open space.
- With the pricing of the land, infrastructure costs, and the placement of manufactured homes that exceed VHDA and Fannie Mae MH Advantage criteria, Equity Plus can deliver a residential subdivision that is affordable to Frederick County’s growing workforce.



..... Not Necessarily Industrial



The Comprehensive plan envisions an industrial use for the site. However, the property is ill suited for industrial. If a 500,000 sqft facility were placed on the site:

- There would be significant wetland disruption.
- Approximately \$320K in additional permit fees.
- Over one year needed to gain necessary approvals for wetland mitigation / impact etc.
- Significant earthwork to level the site.

There are no properties zoned residential in the UDA that meet Equity Plus’s feasibility criteria, while there are a significant amount of industrial properties available (see accompanying map).

- There are no properties that are zoned residential that meet our key feasibility criteria:
 - 60 – 80 acres on public water sewer
 - Can support higher density single family development
- The larger parcels on the market were:
 - Cost prohibitive, with asking prices over \$3 million.
 - Far from employment centers, or transportation hubs.
 - Lacking access to utilities, such as sewer / water.
- There are a number of industrial zoned properties that are far more suitable for industrial uses than the Apple Valley Site.

Additional Details

- EquityPlus, as the developer of the project, will maintain control of the property; and will be responsible for, managing and maintaining homes and infrastructure, including streets, recreational amenities, landscaping and, common areas.
- Development will use a Federal tax credit that requires homes to be affordable at at 60% of Area Median Income. Eligibility will be determined at the time of the initial lease application, there will be no further income verification.
- Development will use high end manufactured housing, that meet all VHDA requirements, and have design and build quality of site-built homes.





To Whom It May Concern:

On behalf of Fellowship Bible Church and its Elders, I am writing in support of the Comprehensive Plan Amendment that would permit the property across the street from FBC, located on Apple Valley road, to be zoned for residential development.

We live and serve in a vibrant community of families who work in the industrial, service, and government sectors. Unfortunately for too many of these families quality, affordable housing near their places of work are difficult to find. The Apple Valley site presents a unique opportunity to bring over 200 homes that will be affordable for families with modest incomes.

With the limited number of rental units available within the price range of a young and growing family we believe that this type of housing is very much needed in our community. Within our congregation we have many members who are teachers, law enforcement officers and federal government workers. Without more affordable housing these people who work, worship, and enrich our communities won't be able to afford to live here.

We understand the desire to use the property across the street from FBC for industrial purposes but we believe that an affordable residential, single-family development is an excellent use of the remaining property. While the community very much desires the jobs that come with industrial development, we also desperately need the housing to support those jobs. For this reason, we urge the Planning Commission to support this amendment.

Sincerely

A handwritten signature in black ink, appearing to read "Andrew Behm", with a long, sweeping horizontal line extending to the right.

Andrew Behm
Executive Pastor
Fellowship Bible Church
3217 Middle Road
Winchester, VA 22602



We build **strength, stability, self-reliance** and **shelter.**

8 February 2019

Dear Frederick County Planning Commission:

On behalf of Blue Ridge Habitat for Humanity, I am writing in support of the Comprehensive Planning Amendment that would potentially bring over 200 units of rental workforce housing to Frederick County.

The proposed development at Apple Valley road is intended to provide single family community living for working middle class families- our firefighters, teachers, police and civil servants. These types of jobs are in demand within this community, and thus there is a considerable need for what we term "workforce housing." As a housing non-profit, we certainly want to encourage the Commission to strongly consider finding the best ways possible to support efforts that encourage the development and promotion of affordable and workforce housing solutions.

Through the use of federal financing programs and the innovative use of manufactured housing, this project is stating that homes will be affordable to families making on average 60% or less than the median income, or approximately \$50,000 for a family of four. While Blue Ridge Habitat for Humanity has no ownership or any other interest in the project at this time, concepts like these are encouraging. From what is being proposed and the vision that is being offered, this is the type of project our locality needs to help address the affordable housing crisis we are facing in our community.

Thus, we urge the Commission to favorably consider the opening of the Comprehensive Plan to permit the rezoning of this parcel to support this residential rental workforce development.

Warm Regards,

A handwritten signature in blue ink, appearing to read "Matt Peterson", is written over a light blue rectangular background.

Matthew T. Peterson, M.A., CVA
Executive Director
Blue Ridge Habitat for Humanity
mpeterson@blueridgehabitatc.org
Office: (540) 662-7066

TAX ID: 54-1816368



407 S. LOUDOUN STREET | (540) 662.4118
WINCHESTER, VA 22601

February, 11, 2019

The Top of Virginia Regional Chamber is in full support of the workforce housing development near Kernstown between VA 37 and Apple Valley Rd. at the intersection of Middle Road for a development of roughly 200 homes. With more and more companies coming into the region and the growing need for workers at all skill levels, this project can provide the affordable housing needed for the younger families that will make a positive impact on the growth of this community of Northern Shenandoah Valley. As such, we support the necessary changes to comprehensive planning of the Kernstown Area Plan.

Another advantage is that the proposed cost of development will be able to utilize federal tax credits for households of less than \$60,000 for a family of four. Many of our young people are in vocations in education, the local government, and other professions that have average salaries in the low forties, not able to raise a family at a reasonable housing cost.

Also, the proposed developers are able to deliver high quality manufactured homes that meet or exceed HUD and VHDA standards, during both the construction period and upon completion at the homesite.

As mentioned earlier, this community is growing and it is the younger families that are needed to make this a thriving community for the future of the region. Therefore, we support the Apple Valley Road Affordable Workforce Housing Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Kennedy".

Richard Kennedy
CEO



March 6, 2019

Frederick County Department of Planning and Development
107 N. Kent Street
Winchester, VA 22601

Subject: Development of Affordable Housing in the Winchester/Frederick County Region

To Whom It May Concern:

Valley Health System employs approximately 3,000 full time employees on our Winchester Medical Center Campus and surrounding Winchester City/Frederick County offices. Of these employees, 36% earn less than a \$45,000 annual base salary. It is our understanding that the availability of affordable housing for this population is limited in our region. We are aware of recent positive efforts of the Winchester City and Frederick County Departments of Planning and Development as well as other coalitions in the region to evaluate the need and help address the availability of affordable housing.

While we are not aware of a coordinated solution among these groups for a plan to address current and future housing needs, Valley Health supports promoting the availability of a diverse housing stock to meet the needs of residents and our employees who are in this income group. Given our current challenges securing staff in entry level types of roles and our expectation that this need will increase in the future, we offer our support and encouragement for the Frederick County Department of Planning and Development to entertain proposals which are designed to meet this need.

Thank you for considering any options that may help to remedy the situation for individuals, families, and businesses in our region.

Sincerely,

A handwritten signature in blue ink that reads 'Mark H. Merrill'.

Mark H. Merrill
President and CEO

MHM:pas

c. Elizabeth Savage



Frederick County Professional Firefighters Association
IAFF Local 4145
P. O. Box 3706 Winchester, VA 22604

March 29, 2019

Frederick County Board of Supervisors
107 N. Kent St.
Winchester, VA 22601

Frederick County has worked to ensure that we enjoy a high quality of life with great schools, excellent public safety agencies, access to parks and recreation and jobs here at home.

An area for much needed improvement is in affordable and workforce housing for many of our residents. Many of our fellow citizens struggle with the growing cost of housing here in Frederick County. With the median home price at \$252,000 and rent for a modest four bedroom home typically \$1,700 per month or higher.

As you may know under federal guidelines for affordable workforce housing rent is controlled based on income. The income range being between \$30,000 and \$40,000. In the proposed comprehensive plan amendment (Blackburn 1-19), with this income range, many of our firefighters would qualify for housing in this development. We bring this to your attention because we hear from our firefighters all the time that they cannot afford to purchase a home or afford to rent a home in Frederick County.

Given our current challenges in recruiting and employing new firefighters and our expectation that our needs will only increase in the future, we support efforts to bring more affordable housing to Frederick County. And we encourage the Board of Supervisors to do so as well.

Thank You,

A handwritten signature in black ink, appearing to read 'John Wright', written over a white background.

John Wright
President



223 Surrey Club Lane, Stephens City, VA 22655

April 5, 2019

Frederick County Board of Supervisors
107 N. Kent Street
Winchester, VA 22601

As a community group in Frederick County, the Frederick County Education Association (FCEA) supports affordable and workforce housing for our residents. Frederick County has made consistent efforts and is known throughout the Commonwealth for its excellent schools, phenomenal public safety agencies, and the amazing resources that parks and recreation facilities provide. As educators, the FCEA believes that children that have stable housing do better in school and are less likely to experience disruptions in their education due to unwanted moves.

Affordable homes can attract and retain employees across the entire Frederick County community. It can also be a stress relief to families who currently cannot afford to live in the communities in which they work. Affordable homes support the local workforce allowing families to live close to their jobs, invest in the nearby businesses, and support the local economy. The FCEA believes that being able to live and work locally improves the overall health of the family, allowing them to build roots, and grow here, in Frederick County.

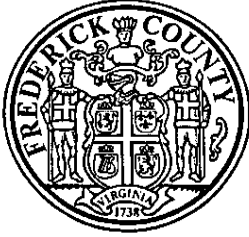
The proposed project from Apple Valley Road Workforce Housing Development and EquityPlus would have controlled, income based rent and would allow local, early career educators to live in Frederick County. This would be highly attractive to families and business that are looking to reside in Frederick County and would be a great investment in this wonderful community. We encourage the Board of Supervisors to support this proposal.

Thank You

Ms. Shaniqua Williams

Frederick County Education Association

President



RESOLUTION

Action:

PLANNING COMMISSION: May 1, 2019 Recommended Denial

BOARD OF SUPERVISORS: May 22, 2019

**RESOLUTION TO ADOPT AN AMENDMENT TO THE
2035 COMPREHENSIVE PLAN
CPPA #01-19, BLACKBURN PROPERTY, WORKFORCE HOUSING
APPENDIX I – AREA PLANS KERNSTOWN AREA PLAN**

WHEREAS, The, 2035 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on January 25, 2017; and

WHEREAS, this amendment to the Kernstown Area Plan of Appendix I would result in a land use designation change to (PIN) 63-A-80I to workforce housing and expand the Urban Development Area (UDA) to include 71.849-acres; and

WHEREAS, this amendment also includes supporting text to be added to the 2035 Comprehensive Plan, Appendix I - Area Plans, Kernstown Area Plan; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this proposed amendment on May 1, 2019 and recommended denial; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on May 22, 2019; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2035 Comprehensive Plan, to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice; and

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors that the amendment to the 2035 Comprehensive Plan, is adopted.

This amendment results in a land use change to work force housing and expands the Urban Development Area (UDA) to include 71.849-acres to the UDA and includes supporting text to be added to the Kernstown Area Plan.

Passed this 22nd day of May 2019 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

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

M



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Assistant Director - Transportation *JAB*
RE: Update of the Interstate, Primary, and Secondary Road Plans
DATE: May 14, 2019

This is a public hearing item to consider the update of the 2019 – 2020 Interstate, Primary, and Secondary Road Improvement Plans.

Summary of Changes:

Updates to the priorities which are being recommended are for the reasons of consistency between the plans and for continuity and support of the Board's SmartScale applications.

Interstate Plan Updates are as follows:

1. Separate Widening and Interchange priorities to remove potential conflicts.
2. Update segment priorities.
3. Add emphasis on safety patrols and increase variable message signs.

Primary Plan Updates are as follows:

1. Create a 4th Route 37 priority segment. New segment 1D was formerly included with 1B.
2. Add note that all Primary roadway upgrades on non-limited access roadways should include access management and safety upgrades.

Secondary Plan

1. Update Major road improvements list to reflect current activities.
2. Add Fishel Road and Canterburg Road to the scheduled list for hard surfacing.
3. Add Knob Road to the unscheduled list for hard surfacing.

The Transportation Committee reviewed this item on April 22, 2019 and has recommended approval. The Planning Commission reviewed this item on May 1, 2019 and has also recommended approval. Staff is seeking an action on the plans.

Attachments

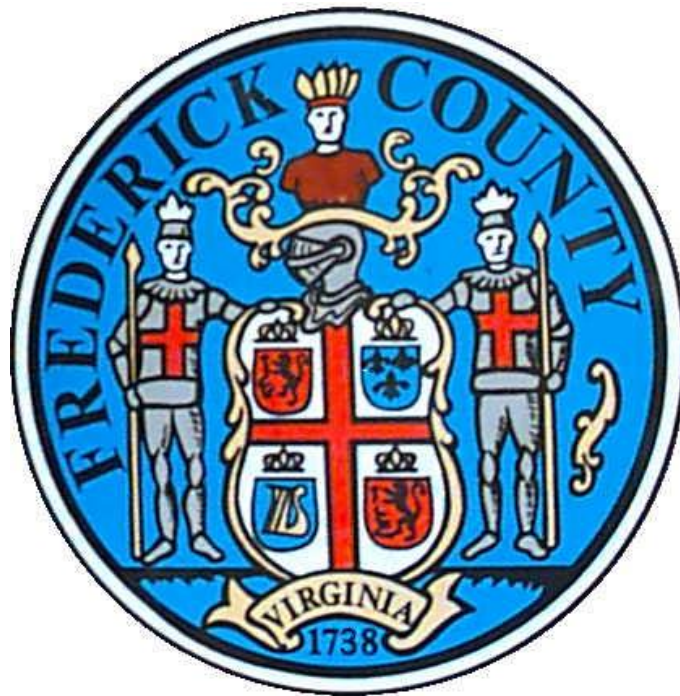
JAB/pd

2019-2020

INTERSTATE ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA



Frederick County Transportation Committee: 4/22/2019

Frederick County Planning Commission: 5/1/2019

Frederick County Board of Supervisors: 5/22/2019

I-81 Improvements:

Provide additional travel lanes on the main line, evaluate collector-distributor lanes adjacent to the main line, modifications to existing interchange areas, and develop new interchange areas and bridge crossings of the main line as recommended by the WinFred MPO Long Range Plan.

In addition, as the State continues to work toward an ultimate plan for the I-81 widening, the County of Frederick continues to support the study of Eastern Route 37 as a potential corridor on new location as an alternative for that effort.

Moreover, the County of Frederick supports exploration of the potential for rail transportation as a component of the Interstate 81 Corridor improvements.

Interchange Priorities

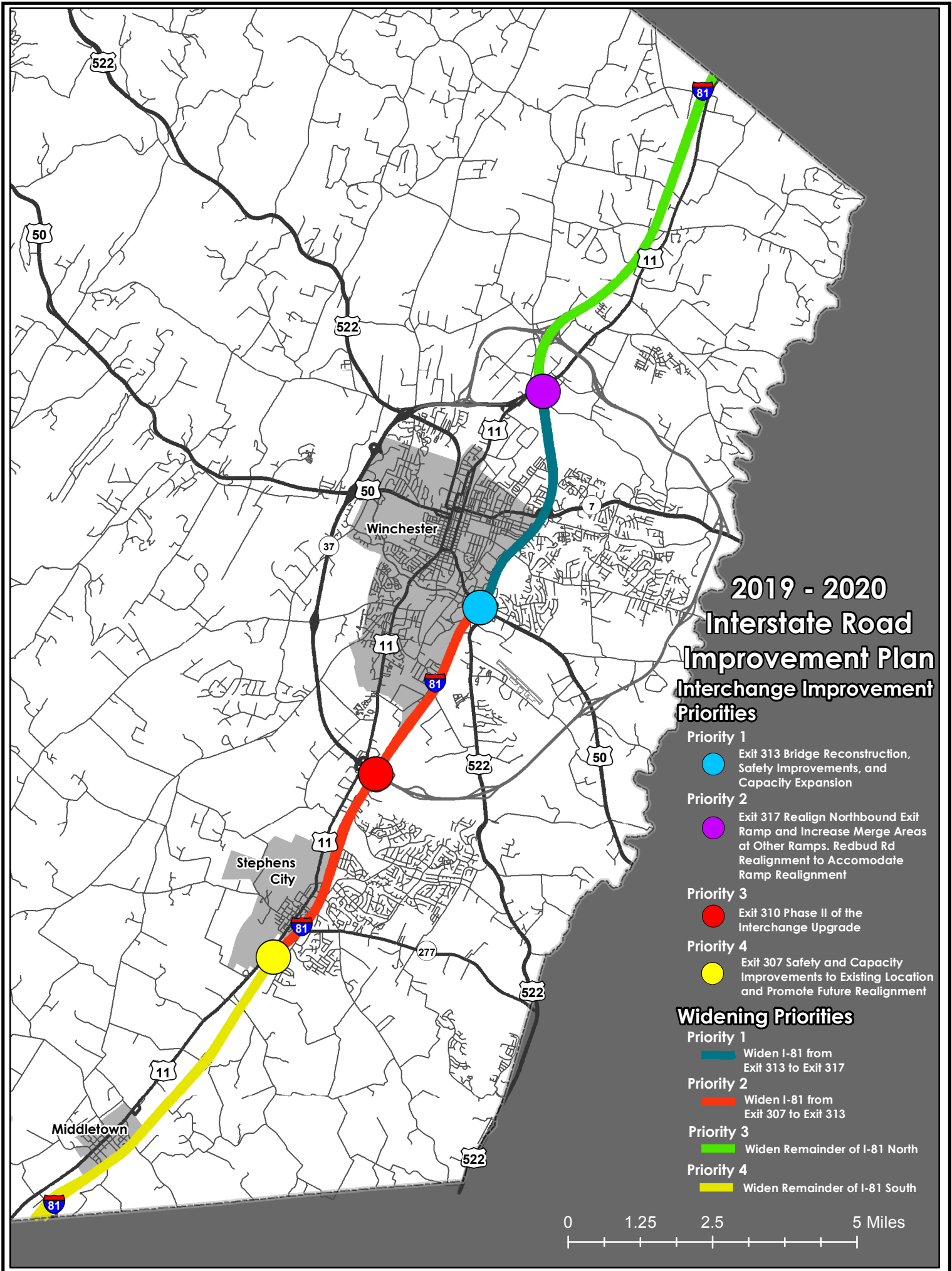
1. Exit 313 - Bridge reconstruction, safety improvements, and capacity expansion.
2. Exit 317 – Realign northbound exit ramp and increase merge areas at the other ramps. Redbud Road realignment to accommodate ramp realignment.
3. Exit 310 - Phase 2 of the FHWA approved interchange modifications.
4. Exit 307 – Safety and capacity improvements to the existing facility while continuing to promote the future relocation further south to the South Frederick Parkway.
5. Spot Improvements on I-81 in Frederick County. Provide spot improvements at various interchanges to increase capacity and/or enhance safety for the motoring public.

Interstate Widening Priorities

1. Widen I-81 from Route 50/17 Exit 313 to Route 11 Exit 317
2. Widen I-81 from Route 277 Exit 307 to Route 50/17 Exit 313. This should include the relocation of Exit 307.
3. Widen I-81 in Frederick County from Route 11 Exit 317 to the West Virginia State line
4. Widen I-81 in Frederick County from Route 277 Exit 307 to the Warren County Line in the South

Intelligent Transportation Systems and Incident Management

1. Increase of VDOT safety patrols.
2. Implement more variable message signs along the I-81 corridor and approaches.

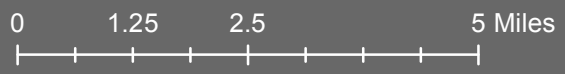


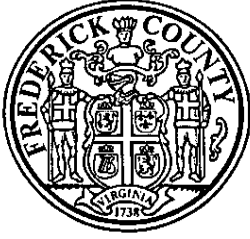
2019 - 2020 Interstate Road Improvement Plan Interchange Improvement Priorities

- Priority 1**
● Exit 313 Bridge Reconstruction, Safety Improvements, and Capacity Expansion
- Priority 2**
● Exit 317 Realign Northbound Exit Ramp and Increase Merge Areas at Other Ramps. Redbud Rd Realignment to Accommodate Ramp Realignment
- Priority 3**
● Exit 310 Phase II of the Interchange Upgrade
- Priority 4**
● Exit 307 Safety and Capacity Improvements to Existing Location and Promote Future Realignment

Widening Priorities

- Priority 1**
— Widen I-81 from Exit 313 to Exit 317
- Priority 2**
— Widen I-81 from Exit 307 to Exit 313
- Priority 3**
— Widen Remainder of I-81 North
- Priority 4**
— Widen Remainder of I-81 South





RESOLUTION 2019-2020 INTERSTATE ROAD IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 22, 2019; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 1, 2019; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2019 – 2020 Interstate Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the interstate road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

The 2019-2020 Interstate Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Interstate Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2019-2020 Interstate Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 22, 2019.

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

Blaine P. Dunn

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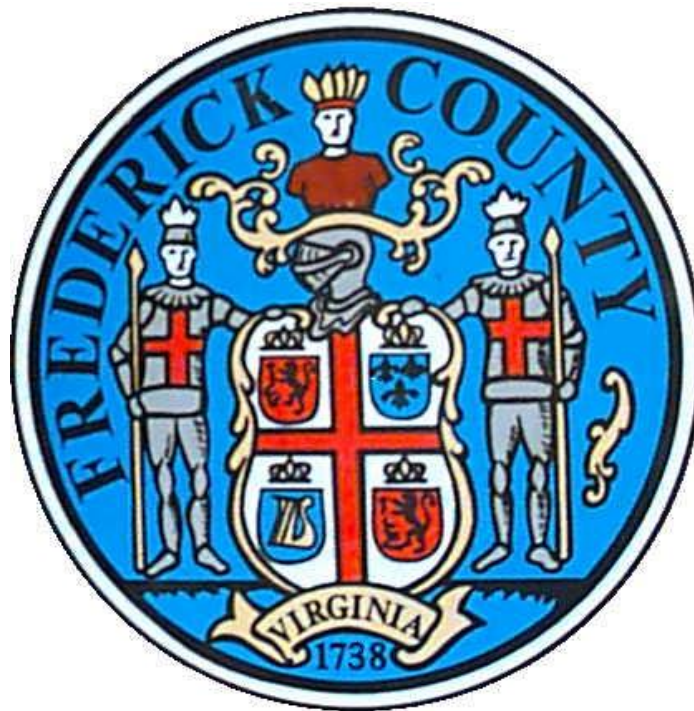
Kris C. Tierney
Frederick County Administrator

2019-2020

PRIMARY ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA



Frederick County Transportation Committee: 4/22/2019

Frederick County Planning Commission: 5/1/2019

Frederick County Board of Supervisors: 5/22/2019

All upgrades to primary system roadways that are not limited access should include implementation of access management principles to improve safety and efficiency wherever possible.

1) Route 37 Bypass

A. Route 37 - Phase 1

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the southern segment of the Route 37 Eastern Bypass from Interstate I-81 to Front Royal Pike (Route 522 South).

B. Route 37 - Phase 2

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between existing Route 11 North and Route 7.

C. Route 37 - Phase 3

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Route 7 and Route 522.

D. Route 37 – Phase 4

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Existing Route 37 around Stonewall Industrial Park to Route 11 North.

2) Route 11 (North and South of Winchester)

A) Establish an Urban Divided Six Lane System:

From: Northern limits of the City of Winchester
To: Intersection of Cedar Hill Road

B) Establish an Urban Divided Four Lane System:

From: Southern limits of the City of Winchester
To: Renaissance Drive

C) Establish an Urban Divided Four Lane System:

From: Intersection of Cedar Hill Road
To: West Virginia line

3) Route 277 (East of Stephens City)

Upgrade of the overall corridor to a 4-lane divided system with improved access management and bicycle and pedestrian facilities.

A) Establish an Urban Divided Four Lane System:

From: I-81
To: Double Church Road

B) Establish an Urban Divided Four Lane System:

From: Double Church Road
To: Warrior Drive

C) Establish an Urban Divided Four Lane System:

From: Warrior Drive
To: White Oak Road

D) Establish an Urban Divided Four Lane System:

From: White Oak Road
To: Route 277

4) Route 7 – Establish a 6 Lane Cross Section:

From: Exit 315 Interchange
To: Future Route 37 Interchange

5) Route 50 East and West

A) Establish a 6 Lane Cross Section:

From: The Interchange at Exit 313
To: The Future Route 37 Interchange

B) Establish a 6 Lane Cross Section:

From: The Interchange with Route 37
To: Poorhouse Road

6) South Frederick County Parkway:

From: Relocated Exit 307
To: Intersection with Route 277 approximately 1 mile west of the intersection of Route 277 and Route 522

This is a planned new roadway with limited access points serving a mixture of predominantly commercial and industrial development.

There is a need to study this project in conjunction with the Exit 307 relocation and planning for Route 277 improvements noted in item 3.

Phasing of this project is not yet clearly defined; however general phasing would be from West to East with the clear first phase being from relocated Exit 307 to Warrior Drive.

7) Route 522 and Costello Drive

Add additional left turn lane capacity on Route 522 southbound for turns onto Costello Drive.

8) Commuter Park and Ride Lots

Establish a new park and ride facility along the Berryville Pike (Route 7) corridor. Work with the Northern Shenandoah Valley Regional Commission to determine appropriate locations for park and ride facilities at other strategic locations within the County's Urban Development Area. For Park and Ride locations in Frederick County the primary goal should be that they are situated in such a manner that they reduce traffic in Frederick County in addition to adjacent localities.

2019 - 2020 Primary Road Improvement Plan

Route 37 Bypass Phases

-  Priority 1A
-  Priority 1B
-  Priority 1C
-  Priority 1D

Route 11 North & South

-  Priority 2A
-  Priority 2B
-  Priority 2C

Route 277 East of Stephens City

-  Priority 3A
-  Priority 3B
-  Priority 3C
-  Priority 3D

Route 7

-  Priority 4

Route 50

-  Priority 5A
-  Priority 5B

South Frederick County Parkway

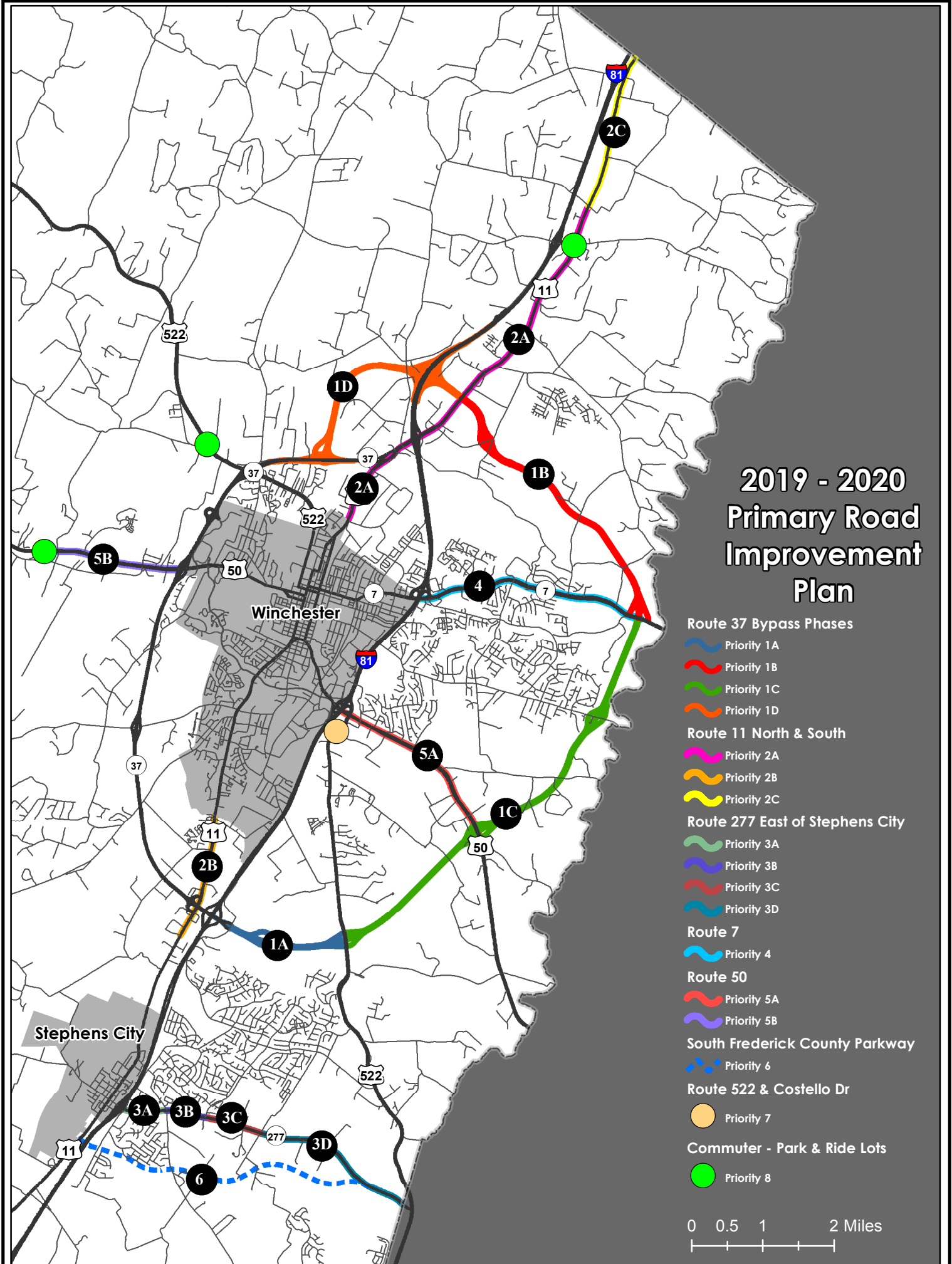
-  Priority 6

Route 522 & Costello Dr

-  Priority 7

Commuter - Park & Ride Lots

-  Priority 8





RESOLUTION 2019-2020 PRIMARY ROAD IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 22, 2019; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 1, 2019; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2019 – 2020 Primary Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the primary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

The 2019-2020 Primary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Primary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2019-2020 Primary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 22, 2019.

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

Blaine P. Dunn

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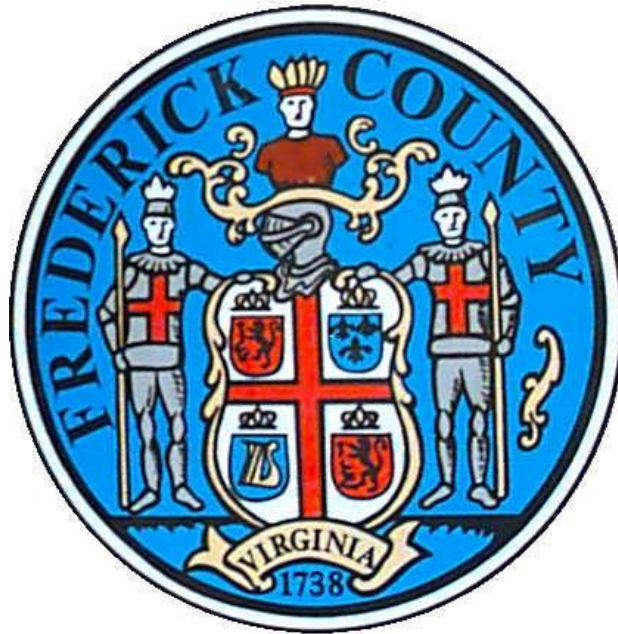
Kris C. Tierney
Frederick County Administrator

2018/19-2023/24

SECONDARY ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA



Frederick County Transportation Committee: 4/22/2019

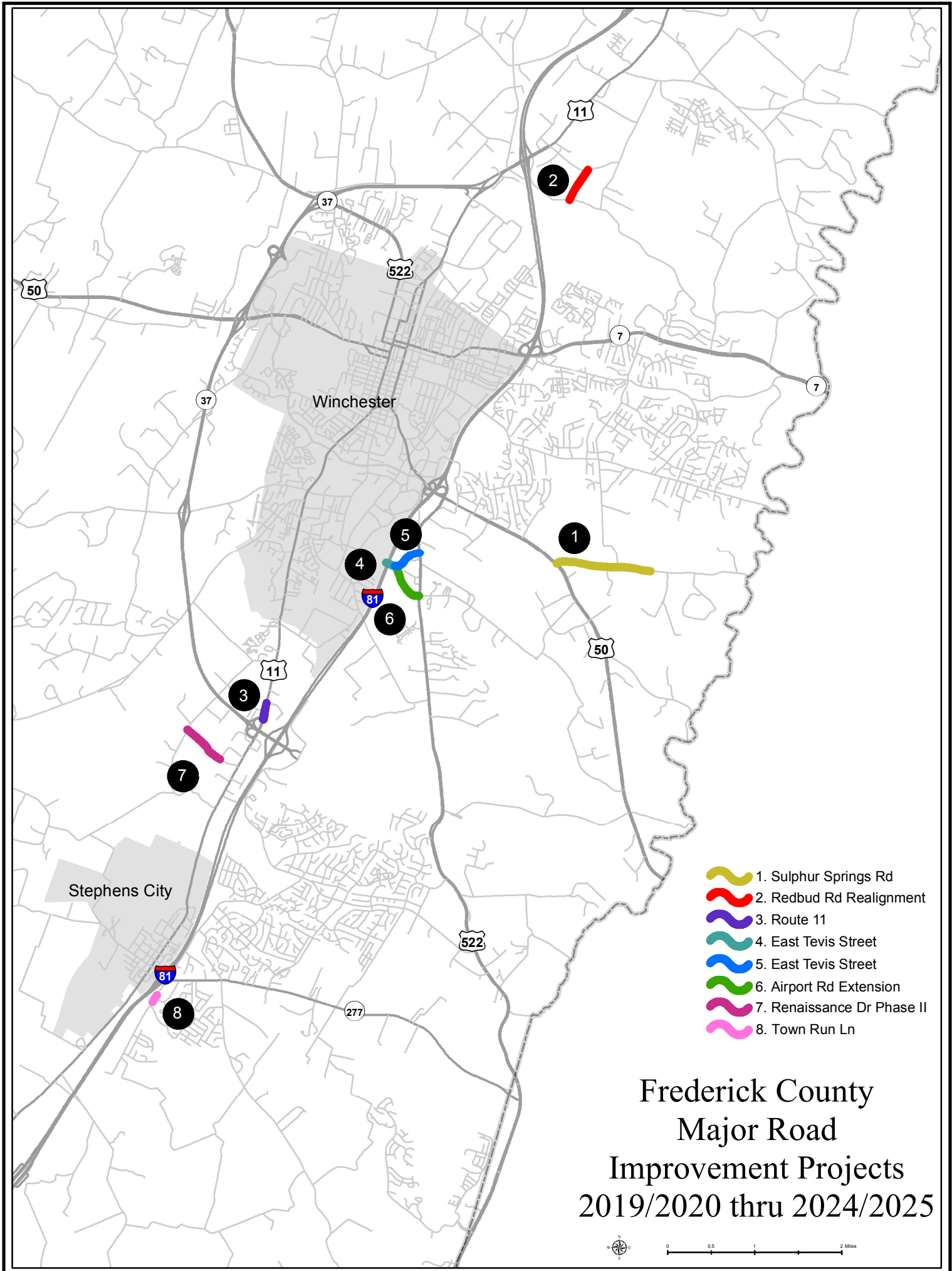
Frederick County Planning Commission: 5/1/2019

Frederick County Board of Supervisors: 5/22/2019

MAJOR ROAD IMPROVEMENT PROJECTS 2018/2019 through 2023/2024

Major road improvement projects command the reconstruction of hardsurfaced roads to enhance public safety. Improvements required for road width, road alignment, road strength, and road gradient are considered major road improvements projects.

| ROUTE | ROAD NAME | FROM | TO | AVERAGE
DAILY TRAFFIC
COUNT | DISTANCE | MAGISTERIAL
DISTRICT | ESTIMATED COST | ADVERTISEMENT
DATE | COMMENTS |
|-------|------------------------------|----------------------------------|---------------------------|-----------------------------------|------------|-------------------------|---------------------------------|-----------------------|--|
| 655 | Sulphur Springs Road | Route 50 | .30 Mi East Rt. 656 | 5800 | 1.1 miles | SH | \$8,205,445 | 2018 | \$5,798,052
Allocated SSYP
Smart-Scale |
| 661 | Red Bud Road | .47 Mi South Route 11 | Int. Snowden Bridge Blvd. | 2000 | 0.5 miles | ST | \$2,000,000 | 2022 | |
| 11 | Valley Pike | Route 11 | .35 Mi East | 3200 | 0.35 miles | BC | \$1,701,000
Revenue Sharing | UN/SH | R/S
Funds |
| | East Tevis Street | Roundabout (Includes Roundabout) | Winchester City Limit | N/A | 0.44 miles | SH | \$13,543,656
Revenue Sharing | 2018 | R/S
Funds |
| | East Tevis Street Northern Y | Route 522 | I-81 | N/A | 0.35 miles | SH | \$5,786,290
Revenue Sharing | 2018 | R/S
Funds |
| | Airport Road Ext | Route 522 | Roundabout | N/A | 0.43 Miles | SH | \$8,431,762
Revenue Sharing | 2018 | R/S
Funds |
| 788 | Renaissance | .24 Mi West Route 11 | Int. Shady Elm Road | N/A | .18 miles | BC | \$4,734,995 | UN/SH | R/S & TPOF
Funds |
| 1012 | Town Run Lane | 280 Ft. S. Stickley Drive | 210 Ft. N. Stickley Drive | N/A | .1 Miles | BC | \$150,000 | UN/SH | Funded
\$150,000
Thru Plan |



Frederick County Major Road Improvement Projects 2019/2020 thru 2024/2025



0 0.5 1 2 Miles

NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS

2018/2019 through 2023/2024

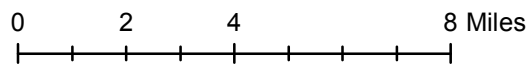
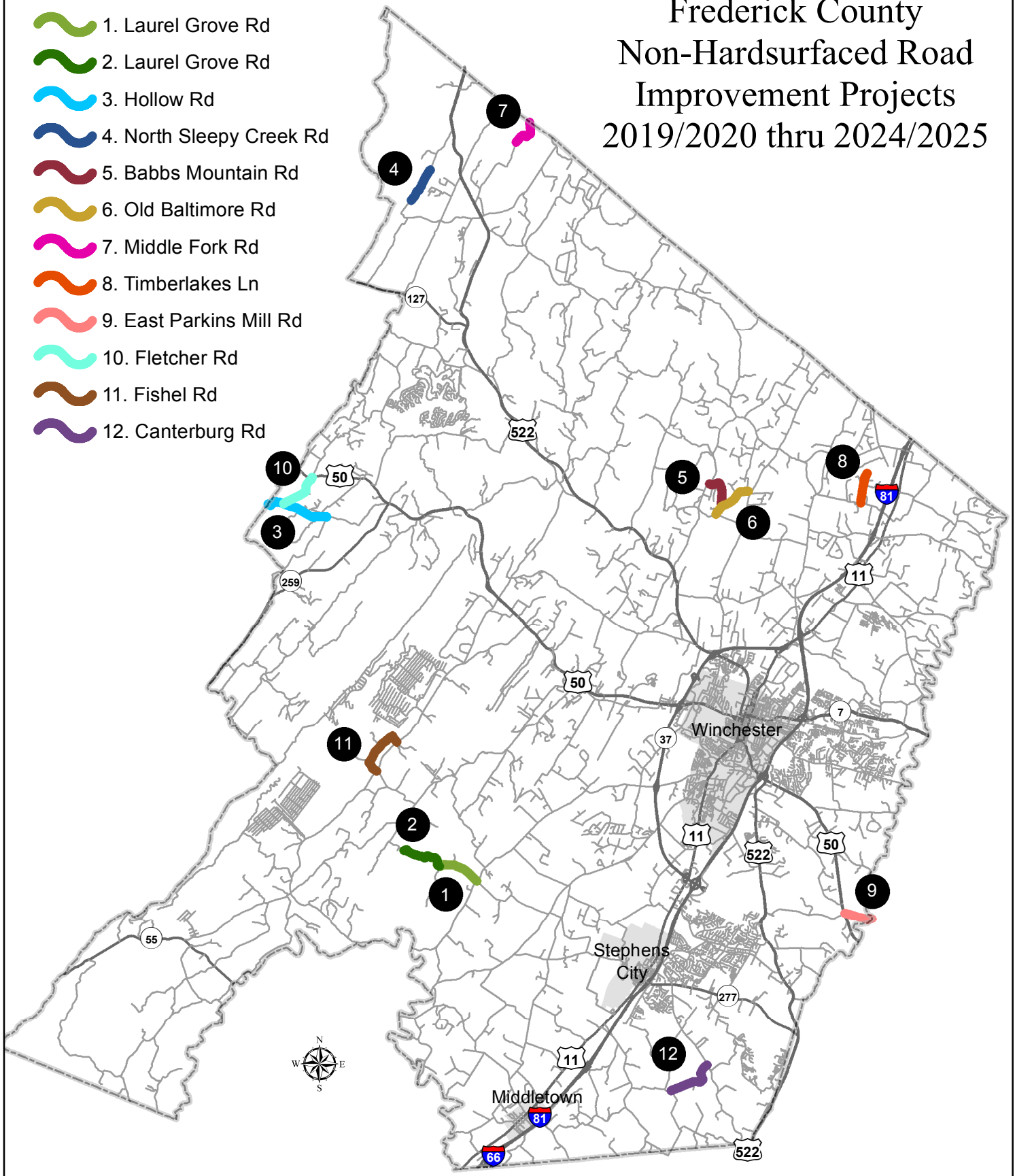
Non-Hardsurface road improvement projects provide impervious resurfacing and reconstruction of non-hardsurfaced secondary roads. Non-Hardsurface improvement projects are prioritized by an objective rating system, which considers average daily traffic volumes; occupied structures; physical road conditions including geometrics, drainage, and accident reports; school bus routing; and the time that project requests have been on the Secondary Road Improvement Plan.

| RANK | ROUTE | ROAD NAME | FROM | TO | AVERAGE DAILY TRAFFIC COUNT | DISTANCE | MAGISTERIAL DISTRICT | ESTIMATED COST | ADVERTISEMENT DATE | COMMENTS |
|------|-------|-------------------------|----------------------|----------------------|-----------------------------|------------|----------------------|----------------|--------------------|-----------------------------|
| 1 | 629 | Laurel Grove Road | Route 622 | 1.25 Mi W of Rt. 622 | 200 | 1.25 miles | BC | \$376,000 | 2019 | CTB Unpaved Roads Funding |
| 2 | 629 | Laurel Grove Road | 1.25 Mi W of Rt. 622 | 2.5 Mi W of Rt. 622 | 200 | 1.25 miles | BC | \$376,000 | 2019 | CTB Unpaved Roads Funding |
| 3 | 707 | Hollow Road | WV state line | Rt. 610 Muse Road | 190 | 1.8 miles | GA | \$495,000 | 2020 | CTB Unpaved Roads Funding |
| 4 | 734 | North Sleepy Creek Road | 1.27 MI S of RT 522 | 2.27 MI S of RT 522 | 50 | 0.9 miles | GA | \$305,000 | 2020 | District Grant Unpaved Road |
| 5 | 730 | Babbs Mountain Road | Route 654 | Route 677 | 130 | 0.9 miles | GA | \$275,000 | 2020 | District Grant Unpaved Road |
| 6 | 677 | Old Baltimore Road | Route 676 | Route 672 | 90 | 1.23 miles | GA | \$366,000 | 2021 | District Grant Unpaved Road |
| 7 | 695 | Middle Fork Road | 522 | WV Line | 50 | .9 miles | GA | \$238,500 | 2022 | District Grant Unpaved Road |
| 8 | 811 | Timberlakes Lane | 671 | *671 | 280 | 0.25 miles | ST | \$66,250 | 2022 | District Grant Unpaved Road |
| 9 | 644 | East Parkins Mill Road | 50 | Clarke Co. Line | 200 | 0.81 miles | SH | \$214,000 | 2023 | District Grant Unpaved Road |
| 10 | 733 | Fletcher Road | 50 | 707 | 170 | 1.3 miles | GA | \$346,518 | 2023 | District Grant Unpaved Road |
| 11 | 612 | Fishel Road | 600 | 600 | 60 | 1.6 miles | BC | \$408,000 | 2024 | District Grant Unpaved Road |
| 12 | 636 | Canterburg Road | 640 | 641 | 140 | 1.5 mile | OP | \$390,000 | 2024 | District Grant Unpaved Road |

**NOTE: Projects are placed on the scheduled list based upon VDOT revenue projections. Changes to those projections can lead to projects being delayed or removed from the scheduled list.*

Frederick County Non-Hardsurfaced Road Improvement Projects 2019/2020 thru 2024/2025

- 1. Laurel Grove Rd
- 2. Laurel Grove Rd
- 3. Hollow Rd
- 4. North Sleepy Creek Rd
- 5. Babbs Mountain Rd
- 6. Old Baltimore Rd
- 7. Middle Fork Rd
- 8. Timberlakes Ln
- 9. East Parkins Mill Rd
- 10. Fletcher Rd
- 11. Fishel Rd
- 12. Canterburg Rd



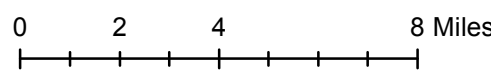
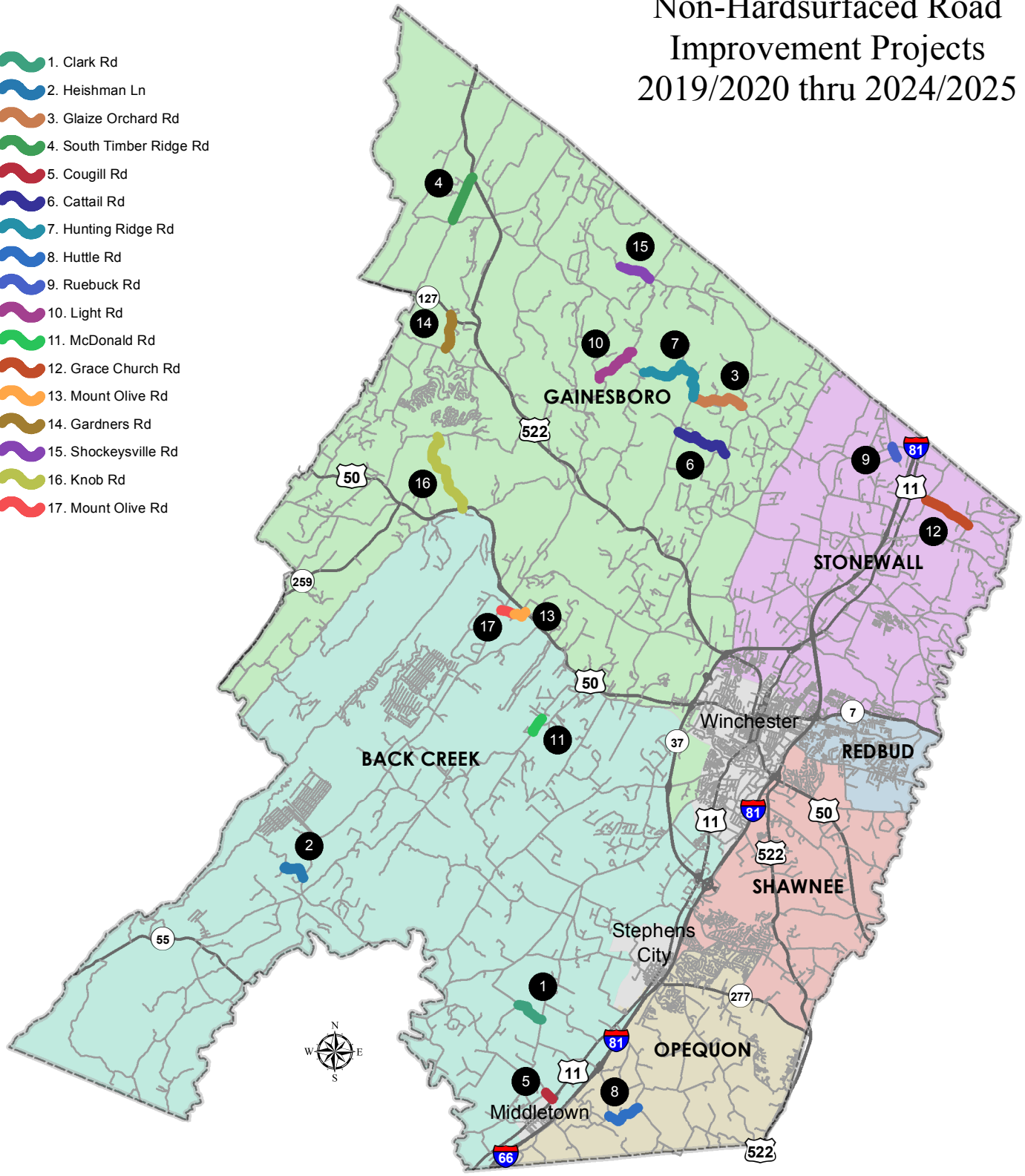
**UNSCHEDULED
NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS
2018/2019 through 2023/2024**

| <u>RANK</u> | <u>ROAD NAME</u> | <u>ROUTE</u> | <u>FROM</u> | <u>TO</u> | <u>AVERAGE DAILY
TRAFFIC COUNT</u> | <u>DISTANCE (MILES)</u> | <u>MAGISTERIAL
DISTRICT</u> | <u>RATING</u> | <u>COMMENTS</u> |
|-------------|-----------------------|--------------|--------------|-----------------------|--|-------------------------|---------------------------------|---------------|-----------------|
| 1 | Clark Rd | 638 | 625 | 759 | 70 | 0.8 | BC | 65.94 | |
| 2 | Heishman Rd | 607 | 600 | 600 | 70 | 0.78 | BC | 65.37 | |
| 3 | Glaize Orchard Rd | 682 | 608 | 654 | 240 | 1.54 | GA | 64.22 | |
| 4 | South Timber Ridge Rd | 696 | 522 | 694 | 220 | 1.3 | GA | 61.58 | |
| 5 | Cougill Rd | 634 | 635 | 11 | 120 | 0.25 | BC | 61.00 | |
| 6 | Cattail Rd | 731 | 608 | 654 | 60 | 1.7 | GA | 58.24 | |
| 7 | Hunting Ridge Rd | 608 | 682 | 681 | 90 | 2.44 | GA | 58.01 | |
| 8 | Huttle Rd | 636 | 709 | 735 | 110 | 1.1 | OP | 56.05 | |
| 9 | Ruebuck Rd | 670 | 669 | end of maintenance | 160 | 0.35 | ST | 55.00 | |
| 10 | Light Rd | 685 | 600 | 681 | 80 | 1.3 | BC | 54.46 | |
| 11 | McDonald Rd | 616 | 608 | .44 N. of 608 | 60 | 0.45 | BC | 54.33 | |
| 12 | Grace Church Rd | 668 | 667 | 671 | 210 | 1.35 | ST | 53.20 | |
| 13 | Mount Olive Rd | 615 | 50 | Hammack Lane | 110 | 0.37 | BC | 52.00 | |
| 14 | Gardners Rd | 700 | 127 | 701 | 110 | 1 | GA | 51.50 | |
| 15 | Shockeysville Rd | 671 | 690 | .90 miles west of 690 | 120 | 0.9 | GA | 49.67 | |
| 16 | Knob Road | 752 | Route 50 | 705 | 40 | 2.7 | BC | 43.40 | |
| 17 | Mount Olive Rd | 615 | Hammack Lane | 600 | 110 | 0.4 | BC | 41.00 | |

Note: Project ratings are updated only when funding is available to promote projects to the scheduled list.

Frederick County Unscheduled Non-Hardsurfaced Road Improvement Projects 2019/2020 thru 2024/2025

-  1. Clark Rd
-  2. Heishman Ln
-  3. Glaize Orchard Rd
-  4. South Timber Ridge Rd
-  5. Cougill Rd
-  6. Cattail Rd
-  7. Hunting Ridge Rd
-  8. Huttle Rd
-  9. Ruebuck Rd
-  10. Light Rd
-  11. McDonald Rd
-  12. Grace Church Rd
-  13. Mount Olive Rd
-  14. Gardners Rd
-  15. Shockeyville Rd
-  16. Knob Rd
-  17. Mount Olive Rd





**RESOLUTION
2019-2020 SECONDARY ROAD
IMPROVEMENT PLAN**

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and,

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 22, 2019; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 1, 2019; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2019 – 2020 Secondary Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the secondary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

The 2019-2020 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2019-2020 Secondary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 22, 2019.

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

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

Secondary System
 Frederick County
 Construction Program
 Estimated Allocations

| Fund | FY2020 | FY2021 | FY2022 | FY2023 | FY2024 | FY2025 | Total |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| CTB Formula - Unpaved State | \$404,556 | \$0 | \$0 | \$0 | \$0 | \$0 | \$404,556 |
| Secondary Unpaved Roads | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| TeleFee | \$283,109 | \$283,109 | \$283,109 | \$283,109 | \$283,109 | \$283,109 | \$1,698,654 |
| Residue Parcels | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| STP Converted from IM | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal STP - Bond Match | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Formula STP | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| MG Formula | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| BR Formula | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other State Match | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| State Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal STP | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| District Grant - Unpaved | \$0 | \$568,029 | \$310,953 | \$412,833 | \$453,907 | \$453,907 | \$2,199,629 |
| Total | \$687,665 | \$851,138 | \$594,062 | \$695,942 | \$737,016 | \$737,016 | \$4,302,839 |

Board Approval Date:

Residency Administrator

Date

County Administrator

Date

District: Staunton
 County: Frederick County
 Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2024-25

| Route
PPMS ID
Accomplishment
Type of Funds
Type of Project
Priority # | Road Name
Project #
Description
FROM
TO
Length | Estimated Cost

Ad Date | Previous
Funding

SSYP Funding
Other Funding
Total | Additional
Funding
Required | PROJECTED FISCAL YEAR ALLOCATIONS | | | | | | Balance to
complete | Traffic Count
Scope of Work
FHWA #
Comments |
|---|---|---|---|-----------------------------------|-----------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------|----------------------------------|--|--|
| | | | | | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | | |
| Rt.0655
59259
RAAP CONTRACT
STP
Migration
0001.00 | SULPHUR SPRING RD.
0655034274
RTE 655 - RECONSTRUCTION
0.691 Mi. W. Rte 656
0.288 Mi. E. Rte 656
1.0 | PE \$1,243,793
RW \$990,620
CON \$3,788,443
Total \$6,022,856
11/6/2018 | \$5,906,605
\$437,216
\$6,343,821 | (\$320,965) | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0
(\$320,965) | 4214
Reconstruction w/o Added Capacity
15004
To be constructed with Rt. 656 From
Rt. 657 to Rt. 50 | |
| Rt.0661
101435
RAAP CONTRACT
S
Migration
0002.01 | Red Bud Raod
0661034801
Relocate Rt.661 Red Bud Road
.47mi. S. Rt.11
Intersection Snowden Bridge
Blvd.
0.5 | PE \$300,000
RW \$100,000
CON \$1,600,000
Total \$2,000,000
11/8/2022 | \$1,092,111
\$0
\$1,092,111 | \$907,889 | \$250,000
\$0
\$250,000 | \$250,000
\$0
\$250,000 | \$250,000
\$0
\$250,000 | \$157,889
\$0
\$157,889 | \$0
\$0
\$0 | \$0
\$0
\$0
\$0 | New Construction Roadway
17001 | |
| Rt.1012
109367
SAAP CONTRACT
S
Tier 1 - Road work w
RW (PE, RW, CN)
0002.02 | Town Run Lane
1012034887
Town Run Ln. Left Turn Lane at
Stickley Dr.-Frederick County
280 ft S of Stickley Dr
Intersection
210 ft N of Stickley Dr
Intersection
0.1 | PE \$10,000
RW \$0
CON \$200,569
Total \$210,569
6/11/2019 | \$220,000
\$0
\$220,000 | (\$9,431) | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0
(\$9,431) | Reconstruction w/o Added Capacity
17004 | |
| Rt.0629
104350
STATE
FORCES/HIRED
EQUIPMENT
No Plan
0003.04 | Carter Lane
0629034843
Carter Ln - Rural Rustic
Rt. 631
Rt. 625
1.8 | PE \$0
RW \$0
CON \$270,230
Total \$270,230
7/15/2017 | \$269,292
\$0
\$269,292 | \$938 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0
\$938 | 220
Reconstruction w/o Added Capacity
17004 | |
| Rt.0692
104626
STATE
FORCES/HIRED
EQUIPMENT
S
Migration
0003.05 | Pack Horse Road
0692034844
Pack Horse Rd - Rural Rustic
1.26 Miles North of Rt 600
Rt 671
1.2 | PE \$10,000
RW \$0
CON \$305,000
Total \$315,000
4/30/2021 | \$322,848
\$0
\$322,848 | (\$7,848) | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0 | \$0
\$0
\$0
(\$7,848) | 210
Reconstruction w/o Added Capacity
17004 | |

District: Staunton
 County: Frederick County
 Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2024-25

| Route
PPMS ID
Accomplishment
Type of Funds
Type of Project
Priority # | Road Name
Project #
Description
FROM
TO
Length | Estimated Cost

Ad Date | Previous
Funding

SSYP Funding
Other Funding
Total | Additional
Funding
Required | PROJECTED FISCAL YEAR ALLOCATIONS | | | | | | Balance to
complete | Traffic Count
Scope of Work
FHWA #
Comments | |
|---|---|---|---|-----------------------------------|-----------------------------------|-----------|---------|---------|---------|---------|------------------------|--|---|
| | | | | | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | | | |
| Rt.0629
104625
STATE
FORCES/HIRED
EQUIPMENT
S
Migration
0003.06 | Laurel Grove Road
0629034845
Laurel Grove Rd - Rural Rustic
Rt 622
1.34 MI. W. of Rt 622
1.3 | PE \$1,000
RW \$0
CON \$291,500
Total \$292,500

4/29/2022 | \$0
\$335,579
\$0
\$335,579 | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 200
Reconstruction w/o Added Capacity
17004 |
| Rt.0629
105996
STATE
FORCES/HIRED
EQUIPMENT
Migration
0003.07 | Laurel Grove Rd
0629034860
Laurel Grove Rd Phase II - Rural
Rustic
1.34 MI West of Rt 622
2.63 MI West of Rt 622
1.3 | PE \$1,000
RW \$0
CON \$291,500
Total \$292,500

4/1/2020 | \$0
\$151,714
\$0
\$151,714 | \$140,786 | \$140,786 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | Reconstruction w/o Added Capacity
17004 |
| Rt.0707
113405
STATE
FORCES/HIRED
EQUIPMENT
State forces/Hired
equip CN Only
0003.08 | Hollow Road
0707034888
Hollow Road - Rural Rustic
WV State Line
Muse Rd Rt. 610
1.8 | PE \$0
RW \$0
CON \$405,000
Total \$405,000

8/24/2021 | \$0
\$0
\$0
\$0 | \$405,000 | \$263,770 | \$141,230 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 190
Reconstruction w/o Added Capacity
17004 |
| Rt.0734
113406
STATE
FORCES/HIRED
EQUIPMENT
State forces/Hired
equip CN Only
0003.09 | North Sleepy Creek Road
0734034889
North Sleepy Creek Road - Rural
Rustic
1.27 MI S of RT 522
2.27 MI S of RT 522
1.0 | PE \$0
RW \$0
CON \$225,000
Total \$225,000

7/28/2021 | \$0
\$0
\$0
\$0 | \$225,000 | \$0 | \$225,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 50
Reconstruction w/o Added Capacity
17004 |
| Rt.0730
113407
STATE
FORCES/HIRED
EQUIPMENT
State forces/Hired
equip CN Only
0003.10 | Babbs Mountain Road
0730034898
Babbs Mountain Road - Rural
Rustic
Rt. 654
Rt. 677
0.9 | PE \$0
RW \$0
CON \$202,500
Total \$202,500

10/25/2022 | \$0
\$0
\$0
\$0 | \$202,500 | \$0 | \$201,799 | \$701 | \$0 | \$0 | \$0 | \$0 | \$0 | 130
Reconstruction w/o Added Capacity
17004 |

District: Staunton
 County: Frederick County
 Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2024-25

| Route
PPMS ID
Accomplishment
Type of Funds
Type of Project
Priority # | Road Name
Project #
Description
FROM
TO
Length | Estimated Cost

Ad Date | Previous
Funding

SSYP Funding
Other Funding
Total | Additional
Funding
Required | PROJECTED FISCAL YEAR ALLOCATIONS | | | | | | Balance to
complete | Traffic Count
Scope of Work
FHWA #
Comments |
|---|---|--|---|-----------------------------------|-----------------------------------|--------------------------|-------------------------------|-------------------------------|--------------------------|--------------------------|------------------------|--|
| | | | | | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | | |
| Rt.0677
113408
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.11 | Old Baltimore Road
0677034900
Old Baltimore Road - Rural
Rustic
Rte. 677 - Warm Springs Road
Rte. 672 - Catalpa
1.2 | PE \$0
RW \$0
CON \$270,000
Total \$270,000

12/29/2023 | \$0
\$0
\$0
\$0 | \$0
\$270,000
\$270,000 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$270,000
\$0
\$270,000 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0 | 90
Reconstruction w/o Added Capacity
17004 |
| Rt.0695
-21851
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.12 | Middle Fork Road
0695034912
Middle Fork Road - Rural Rustic
Rt. 522
WV State Line
0.9 | PE \$0
RW \$0
CON \$238,500
Total \$238,500

1/18/2023 | \$0
\$0
\$0
\$0 | \$0
\$238,500
\$238,500 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$40,252
\$0
\$40,252 | \$198,248
\$0
\$198,248 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0 | 50
Reconstruction w/o Added Capacity
17004 |
| Rt.0811
-21852
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.13 | Timberlakes Lane
0811034913
Timberlakes Lane - Rural Rustic
Rt. 671
.25 M North of Rt. 671
0.3 | PE \$0
RW \$0
CON \$66,250
Total \$66,250

1/18/2023 | \$0
\$0
\$0
\$0 | \$0
\$66,250
\$66,250 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0
\$66,250
\$66,250 | \$0
\$0
\$0
\$66,250 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0 | 280
Reconstruction w/o Added Capacity
17004 |
| Rt.0644
113981
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.14 | East Parkins Mill Road
0644034P14
East Parkins Mill Road - Rural
Rustic
Rt. 50
Clarke County Line
0.8 | PE \$0
RW \$0
CON \$214,650
Total \$214,650

1/18/2023 | \$0
\$0
\$0
\$0 | \$0
\$214,650
\$214,650 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0
\$148,335
\$148,335 | \$66,315
\$0
\$66,315 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0 | 200
Reconstruction w/o Added Capacity
17004 |
| Rt.0733
113978
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.15 | Fletcher Road
0733034P15
Fletcher Road - Rural Rustic
Rt. 50
Rt. 707
1.3 | PE \$0
RW \$0
CON \$346,518
Total \$346,518

1/18/2024 | \$0
\$0
\$0
\$0 | \$0
\$346,518
\$346,518 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0
\$346,518
\$346,518 | \$0
\$0
\$0
\$0 | \$0
\$0
\$0
\$0 | \$0 | 170
Reconstruction w/o Added Capacity
17004 |

District: Staunton
 County: Frederick County
 Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2024-25

| Route
PPMS ID
Accomplishment
Type of Funds
Type of Project
Priority # | Road Name
Project #
Description
FROM
TO
Length | Estimated Cost

Ad Date | Previous
Funding

SSYP Funding
Other Funding
Total | Additional
Funding
Required | PROJECTED FISCAL YEAR ALLOCATIONS | | | | | | Balance to
complete | Traffic Count
Scope of Work
FHWA #
Comments | |
|---|---|--|---|-----------------------------------|-----------------------------------|----------|----------|-----------|-----------|-------------------------------|-------------------------------|--|---|
| | | | | | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | | | |
| Rt.0612
-22891
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.16 | Fishel Road
0612034923
Fishel Road - Rural Rustic -
Frederick County
Rt. 600 - Back Mountain Road
Rt. 600 - Back Mountain Road
1.6 | PE \$0
RW \$0
CON \$408,000
Total \$408,000

9/22/2026 | \$0
\$0
\$0
\$0 | \$408,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$41,074
\$0
\$41,074 | \$366,926
\$0
\$366,926 | \$0 | Reconstruction w/o Added Capacity
17004 |
| Rt.0636
-22892
STATE
FORCES/HIRED
EQUIPMENT

State forces/Hired
equip CN Only
0003.17 | Canterburg Road
0636034924
Canterburg Road - Rural Rustic -
Frederick County
Rt. 640 - Refuge Church Road
Rt. 641 - Double Church Road
1.5 | PE \$0
RW \$0
CON \$382,500
Total \$382,500

9/22/2026 | \$0
\$0
\$0
\$0 | \$382,500 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0
\$0
\$86,981 | \$86,981 | \$295,519 | Reconstruction w/o Added Capacity
17004 |
| Rt.9999
105994
STATE
FORCES/HIRED
EQUIPMENT

0028.50 | VARIOUS LOCATION IN
COUNTY
9999034858
Pipe Installation Various
Locations Frederick County
VARIOUS LOCATION IN
COUNTY
VARIOUS LOCATION IN
COUNTY
0.0 | PE \$0
RW \$0
CON \$439,567
Total \$439,567

12/9/2014 | \$0
\$0
\$0
\$0 | \$439,567 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0
\$0
\$0
\$0 | \$0 | \$0 | Restoration and Rehabilitation
17006 |
| Rt.4005
100207
NOT APPLICABLE
S

0031.00 | 1204005
COUNTYWIDE ENGINEERING
& SURVEY
VARIOUS LOCATIONS IN
COUNTY
VARIOUS LOCATIONS IN
COUNTY | PE \$0
RW \$0
CON \$2,876,246
Total \$2,876,246

3/1/2011 | \$0
\$0
\$0
\$0 | \$990,636 | \$33,109 | \$33,109 | \$33,109 | \$125,220 | \$283,109 | \$283,109
\$0
\$283,109 | \$283,109 | \$1,094,845 | 0
Preliminary Engineering
17015
MINOR SURVEY & PRELIMINARY
ENGINEERING FOR BUDGET
ITEMS AND INCIDENTAL TYPE
WORK. |
| Rt.9999
105995
STATE
FORCES/HIRED
EQUIPMENT

0036.50 | VARIOUS LOCATIONS IN
COUNTY
9999034859
Plant Mix Installation Various
Locations Frederick County
VARIOUS LOCATIONS IN
COUNTY
VARIOUS LOCATIONS IN
COUNTY
0.0 | PE \$0
RW \$0
CON \$210,449
Total \$210,449

5/20/2015 | \$0
\$0
\$0
\$0 | \$355,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0
\$0
\$0
\$0 | \$0 | (\$144,551) | Restoration and Rehabilitation
17006 |

District: Staunton
 County: Frederick County
 Board Approval Date:

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2020-21 through 2024-25

| Route | Road Name | Estimated Cost | Previous Funding | Additional Funding Required | PROJECTED FISCAL YEAR ALLOCATIONS | | | | | | Balance to complete | Traffic Count
Scope of Work
FHWA #
Comments |
|---------------------------------|--|---------------------------------|----------------------|-----------------------------|-----------------------------------|--------------------|------------|------------|------------|------------|---------------------|--|
| | | | | | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | | |
| PPMS ID | Project # | | | | | | | | | | | |
| Accomplishment | Description | | | | | | | | | | | |
| Type of Funds | FROM | | <i>SSYP Funding</i> | | | | | | | | | |
| Type of Project | TO | | <i>Other Funding</i> | | | | | | | | | |
| Priority # | Length | Ad Date | <i>Total</i> | | | | | | | | | |
| Rt.0655 | SULPHER SPRING RD. | <i>PE</i> \$0 | | | | | | | | | | |
| 111060 | 0655034892 | <i>RW</i> \$0 | \$165,255 | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | | |
| RAAP CONTRACT | #SMART18 - (St) RTE 655 - | <i>CON</i> \$2,977,865 | \$538,986 | | \$926,643 | \$1,346,981 | \$0 | \$0 | \$0 | \$0 | | Reconstruction w/o Added Capacity |
| STP | INTERSECTION | <i>Total</i> \$2,977,865 | \$704,241 | \$2,273,624 | \$926,643 | \$1,346,981 | \$0 | \$0 | \$0 | \$0 | \$0 | 15004 |
| Tier 1 - Road work
(CN Only) | RECONSTRUCTION | | | | | | | | | | | Balance to be determined. |
| 9999.99 | Int of Rte 17/50
0.691 Mi. W. Int. 656
0.1 | 11/6/2018 | | | | | | | | | | |