



**AGENDA  
REGULAR MEETING BOARD OF SUPERVISORS  
WEDNESDAY, JULY 10, 2019  
7:00 PM  
BOARD MEETING ROOM  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA 22601**

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 not the subject of a Public Hearing**
6. **Consent Agenda**
  - 6.A. Minutes of Board of Supervisors Meetings:  
June 12, 2019 - Closed Session  
June 12, 2019 - Work Session  
June 12, 2019 - Regular Meeting  
  
[Minutes of June 12, 2019 Closed Session.pdf](#)  
[Minutes of June 12, 2019 Work Session.pdf](#)  
[Minutes of June 12, 2019 Regular Meeting.pdf](#)
  - 6.B. Human Resources Committee Report of 6-17-19  
  
[HR Committee Report - June 17 2019.pdf](#)
  - 6.C. Parks & Recreation Commission Report of 6-11-19  
  
[Parks & Rec Commission Report - June 2019.pdf](#)
  - 6.D. Public Works Committee Report of 6-25-19

[Public Works 06-25-19 COMMITTEE REPORT.pdf](#)

- 6.E. Transportation Committee Report of 6-24-19

[BOS 07-10-19 TC 06-24-19 Meeting Report.pdf](#)

- 6.F. Employee of the Month Resolution for Greg Lambert

[Emp of the Month 2019.05 Resolution Lambert Greg.pdf](#)

- 6.G. Road Resolution - Adding Dawson Drive to the Secondary Road System

[BOS 07-10-19 Dawson Industrial Park - Dawson Drive Road Resolution.pdf](#)

- 6.H. Resolution to Comment on the Smart Scale Program Implementation

[BOS 07-10-19 Memo & Resolution on SmartScale.pdf](#)

**7. Board of Supervisors Comments**

**8. County Officials**

- 8.A. Presentation and Recognition of Employee of the Month Award to Greg Lambert

8.B. Committee Appointments

1. Shawneeland Sanitary District Advisory Committee  
2-year term of Lynn Schmitt ends 7/13/19 (*Eligible for reappointment*)

2. Frederick-Winchester Service Authority  
3-year term of Ned M. Cleland, PhD., P.E., ends 8/31/19 (*Eligible for reappointment*)

[CommitteeAppts\(07102019\).pdf](#)

8.C. Frederick/Warren County Line – Property Issue

*This is a request for the Board of Supervisors to consider a boundary adjustment to the Warren/Frederick County lines in the Foster Hollow Road area. By way of background, this apparent boundary dispute came*

*up via the Virginia Department of Elections relative to voting precinct lines around the State. The Department wanted to ensure correct voting district classifications with the area in question affecting the Congressional districts because Warren County is in the 6th District and Frederick County is in the 10th.*

[Memo\\_BOS\\_re\\_Frederick-Warren\\_Line\\_Property\\_updated\\_062619.pdf](#)

8.D. Resolution Approving the Issuance of Debt by the Winchester Regional Airport Authority

[2019 07 02 WRAA- BOS Resolution Memo.pdf](#)

8.E. Request from the School Board Seeking a Supplemental Appropriation for the Replacement R. E. Aylor Middle School in the amount of \$3,200,000

[Memo & info on School Board request for Supplemental Appropriation.pdf](#)

8.F. Request from Parks & Recreation Commission for Recreation Trails Program (RTP) Grant Application and Supplemental Appropriation for the Bowman Library Lake Trail

[Parks & Recreation Commission Request for RTC Grant Application & Supplemental Appropriation.pdf](#)

**9. Committee Business**

9.A. **Human Resources Committee -**

1. The Old Dominion Court Services (ODCS), supervised by Northwestern Regional Adult Detention Center (NRADC) requested to add a Case Officer, range 4 to the Salary Administration Plan (Exhibit A). The committee recommends approval.

2. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding Administrative Leave & Unsafe Conditions Policies (Exhibit B). The committee recommends approval.

3. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding Anti-Discrimination and Anti-Harassment (Exhibit C). The committee recommends approval. *Note: Staff has proposed modified policy language regarding reporting options. See Memo included in the*

*Committee Report.*

[HR Committee Report - June 17 2019.pdf](#)

**10. Public Hearings (Non Planning Issues)**

- 10.A. **Outdoor Festival Permit Request of Robert Bauserman – Fab Jam Festival.** Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held Saturday, September 28, 2019, from 9:00 A.M.to 5:00 P.M., on the Grounds of 2508 North Frederick Pike, Winchester, Virginia, Gainesboro Magisterial District. Property Owned by Diane and Arthur Kerns.

[BausermanRobert\(FabJam\)OutdoorFestivalPermitApplication\(2019\).pdf](#)

- 10.B. **Outdoor Festival Permit Request of Concern Hotline – 20<sup>th</sup> Annual Friday Fish Fry.** Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Friday, September 6, 2019, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove’s Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia, Shawnee Magisterial District. Property Owned by Jobalie, LLC.

[ConcernHotlineOutdoorFestivalPermitApplication\(2019\).pdf](#)

- 10.C. **The Board of Supervisors will Conduct a Public Hearing, Pursuant to Virginia Code Section 15.2-1800, Regarding the Conveyance, by Quitclaim Deed, of any Interest Held by the County in Real Property Identified as Tax Parcel Number 49A04-1-K-19, in the Back Creek Magisterial District, to Jennifer Larrick.**

[Memo & info on Quitclaim Deed- Tax Map Parcel 49A04-1-K-19.pdf](#)

**11. Planning Commission Business - Public Hearings**

- 11.A. **Conditional Use Permit #03-19 for Arthur Nelson Sisk, Submitted for a**



Landscape Contracting Business. The Property is Located at 154 Gainesboro Road, Winchester, Virginia and is Identified with Property Identification Number 29-A-73C in the Gainesboro Magisterial District.

[BOS 07-10-19 CUP 03-19 Sisk Landscape Contracting Business.pdf](#)

12. **Planning Commission Business - Other Planning Business**
13. **Board Liaison Reports**
14. **Citizen Comments**
15. **Board of Supervisors Comments**
16. **Adjourn**



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Administration

**Item Type:** Minutes

**Item Title:** Minutes of Board of Supervisors Meetings:

June 12, 2019 - Closed Session

June 12, 2019 - Work Session

June 12, 2019 - Regular Meeting

**Attachments:**

[Minutes of June 12, 2019 Closed Session.pdf](#)

[Minutes of June 12, 2019 Work Session.pdf](#)

[Minutes of June 12, 2019 Regular Meeting.pdf](#)

MINUTES  
CLOSED SESSION  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 12, 2019  
4:30 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; Judith McCann-Slaughter; and Robert W. Wells were present. Shannon G. Trout and J. Douglas McCarthy were absent.

Staff present: Kris C. Tierney, County Administrator; Roderick B. Williams, County Attorney; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 4:30 p.m.

**CLOSED SESSION**

At 4:31 p.m., Vice Chairman Lofton moved that the Board of Supervisors convene in closed session pursuant to Virginia Code § 2.2-3711(A)(1) for personnel matters, specifically the annual evaluation of the county attorney and the county administrator and § 2.2-3711 (A)(3) for discussion or consideration of the acquisition and disposition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Supervisor Dunn seconded the motion which carried on a voice vote.

At 5:35 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Dunn. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

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

**ADJOURN**

Chairman Dehaven adjourned the meeting at 5:37 p.m.

MINUTES  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WORK SESSION  
WEDNESDAY, JUNE 12, 2019  
5:30 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; Judy McCann-Slaughter and Robert W. Wells were present. J. Douglas McCarthy and Shannon G. Trout were absent.

**Staff Present:** Kris C. Tierney, County Administrator; Roderick B. Williams, County Attorney; LeeAnna Pyles, Director of Public Safety; Lenny Millholland, Sheriff; Denny Linaburg, Fire and Rescue Chief; Scott Varner, Director of Information Technology; Karen Vacchio, Public Information Officer; Andrew Farrar, Program Coordinator, Information Technologies; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 5:40 p.m.

**PRESENTATION BY MISSION CRITICAL PARTNERS**

Mike Milas, Client Manager at Mission Critical Partners, gave a PowerPoint presentation on the recently completed public safety radio system technical assessment. After outlining the current system's deficiencies and limitations, he reviewed Key Considerations and Best Options as follows:

- A trunked simulcast system and more sites are needed to improve coverage and capacity
  - A new Project 25 (P25) Phase II, eight-site, six-channel trunked simulcast system would meet functional and performance requirements
- New system would likely need to be 700 megahertz (MHz), but 800 MHz or UHF would be acceptable if sufficient frequencies could be identified
- The option of expanding the WV Statewide Interoperable Radio Network (SIRN) system into Frederick County is something that could be investigated

Mr. Milas then reviewed the Conceptual System Design Merits as follows:

- Countywide coverage by utilizing approximately eight radio sites
- Enhanced interoperability, both within the county and with external agencies
- Improved capacity and flexibility through the use of trunking architecture and additional channels
- Improved reliability through overlapping site coverage and fault-tolerant design
- Improved security and control through system keys, subscriber ID restrictions, and encryption capabilities
- Capable of providing data backbone to support functions like Global Positioning System (GPS) and Over the Air Programming (OTAP)
- Flexible standards-based architecture to support future expansion and technology refreshes

In conclusion, Mr. Milas reviewed estimated costs and the recommended next steps for moving forward with the planning process.

**ADJOURN**

The meeting was adjourned at 6:30 p.m.

MINUTES  
CLOSED SESSION AND REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 12, 2019  
6:30 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; Judith McCann-Slaughter; and Robert W. Wells were present. Shannon G. Trout and J. Douglas McCarthy were absent.

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

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 6:31 p.m.

**CLOSED SESSION**

At 6:32 p.m., Vice Chairman Lofton moved that the Board of Supervisors convene in closed session pursuant to Virginia Code § 2.2-3711(A)(1) for personnel matters, specifically the annual evaluation of the county attorney and the county administrator. Supervisor Dunn seconded the motion which carried on a voice vote.

At 6:56 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Dunn. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

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

**RECESS**

At 6:57 p.m., Chairman Dehaven recessed the meeting for five minutes.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 7:03 p.m.

**INVOCATION**

Pastor Ross Halbersma, New Hope Alliance Church, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Lofton led the Pledge of Allegiance.

**ADOPTION OF AGENDA – APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Dunn, the agenda was adopted, as amended with two additions, 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 roll call vote as follows:

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

- Minutes: Service Learning Forum of May 20, 2019 - CONSENT AGENDA APPROVAL

- Minutes: Work Session of May 22, 2019 - CONSENT AGENDA APPROVAL

- Minutes: Regular Meeting of May 22, 2019 - CONSENT AGENDA APPROVAL

- Public Works Committee Report of 5/28/19 - CONSENT AGENDA APPROVAL, Appendix 1

- Information Technologies Committee Report of 5/29/19 - CONSENT AGENDA APPROVAL, Appendix 2

- Developmental Impact Model Oversight Committee Report of 5/9/19 - CONSENT AGENDA APPROVAL, Appendix 3

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**BOARD OF SUPERVISORS COMMENTS** - None

**COUNTY OFFICIALS:**

**FREDERICK/WARREN COUNTY LINE – PROPERTY ISSUE – POSTPONED**

Deputy County Administrator Tibbs explained the request for the Board of Supervisors to consider a boundary adjustment to the Warren/Frederick County line in the Foster Hollow Road area saying this apparent boundary dispute was discovered via the Virginia Department of Elections relative

to voting precinct lines around the State. He said the Department wanted to ensure correct voting district classifications with the area in question affecting the Congressional districts because Warren County is in the 6th District and Frederick County is in the 10<sup>th</sup>. He described the parcels in the disputed area as being physically in Frederick County but having inaccurate deed and survey data showing them as being in Warren County. Mr. Tibbs noted that of the property owners in question who have a preference, all of them wish to remain Warren County residents as that has been their designation for several decades. He said during the public input meeting in Warren County, several property owners expressed an interest in remaining a part of Warren County, and Mr. Scot Marsh of Marsh & Legge Land Surveyors, PLC, proposed a new county boundary line allowing the subject properties to be placed in Warren County where the owners have always thought they were located. Mr. Tibbs said the Board has two possible actions: keeping the line as it is or scheduling a public hearing on adjustment of the line.

Supervisor Dunn inquired about the acreage of the parcels in question and the tax revenue from the single property that has been paying tax in Frederick County. Mr. Tibbs deferred to Mr. Scot Marsh of Marsh & Legge who surveyed the boundary line. Mr. Marsh said the parcels total about 20 acres. Mr. Tibbs noted the one parcel taxed in Frederick County brings in about \$1000 per year in real estate taxes.

Mr. Tierney noted that the Warren County Board is waiting to see how the Frederick Board addresses the issue.

Supervisor Wells moved to set the public hearing on the boundary line adjustment. Supervisor Dunn seconded the motion.

Chairman DeHaven said he understands the situation and the County should work with its neighbors in such circumstances, but that he is opposed to moving the boundary line.

Vice Chairman Lofton agreed with the Chairman saying he wants to work with Warren County and explore other options but is opposed to moving the line.

Supervisor Dunn noted two Board members were absent and moved to postpone discussion. Vice Chairman Lofton seconded the motion which carried on a roll call vote as follows:

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

Supervisor Wells withdrew his original motion to set a public hearing in light of the vote to postpone the discussion.

**REDUCTION/OFFSET OF FREDERICK WATER DEBT OBLIGATION - APPROVED**

Mr. Tibbs explained the request saying Frederick Water (aka Frederick County Sanitation Authority) is in the process of constructing ballfields on their property in the Stephenson area that are to be replacements for the current County operated fields at Clearbrook Park. He said Carmeuse, per the terms of the County's lease agreement with them for the existing Clearbrook ballfields, has exercised their option to terminate that lease, has provided the requisite notice, and the County will be vacating the existing ballfields in November 2019. He continued saying Frederick Water has contracted



with Perry Engineering to construct the replacement fields and has worked with the County to get an approved site plan for those ballfields. He said during the site plan and design conversations, the County identified certain features that would benefit the users of said fields including the use of LED lighting technologies within the complex resulting in greater efficiencies and performance from an energy perspective.

Mr. Tibbs said the cost of the features exceeds Frederick Water's budget for this project, and in an effort to accommodate the County's desire for the more efficient lighting, as well as provide other additional improvements to the site, Frederick Water has asked if the County would be willing to off-set the costs for those features by forgiving Frederick Water's existing debt obligation in the amount of \$657,083.23. He said in exchange for the reduction in the debt obligation, the County would receive the following:

1. Cost difference between Frederick Water's budget and the actual of the lighting system which is almost \$550,000 above their budget.

2. The remaining \$100,000 or so in additional items includes:

- a. Prime and double seal to a minimum two-inch asphalt topcoat on the parking lots.
- b. Two storage buildings to serve the ballfields.
- c. Installation of sod for all five fields so they will be playable by March 2020.

Mr. Tibbs said in addition, Frederick Water will give Frederick County an easement for its use of the ballfields with the intent to transfer fee simple ownership to the County once the Opequon Water Treatment Plant is operational.

Providing background concerning the obligation, Mr. Tibbs said the Board of Supervisors loaned proceeds to the Frederick County Sanitation Authority to facilitate the establishment of water and sewer systems in the Red Bud Run and Abrams Creek drainage areas with the first loan occurring in April 1972 in the amount of \$500,000 loaned over a period of three fiscal years. He said the second loan occurred in December 1974 and the total amount loaned for the project was \$1,106,500.00. He continued saying in 1987, the Board of Supervisors voted to defer payment of principal and interest on this loan to facilitate the Sanitation Authority's ability to float a revenue bond with the Virginia Resources Authority to enable construction of water and sewer facilities in the Bufflick Road area, adding this loan has been carried on both Frederick Water's and Frederick County's financial statements as a payable and receivable respectively.

Mr. Tibbs said the Board of Supervisors has previously approved reductions in the loan on two occasions totaling \$208,495.00: the first was for tap fees for the National Guard Armory totaling \$130,639.00, which occurred in December 2008; and the second reduction was for tap fees for the Round Hill fire station totaling \$77,856.00, which occurred in August 2015.

Mr. Tibbs said it is staff's recommendation that the Board authorize forgiveness of this debt to off-set the costs associated with the lighting and supporting facilities at the replacement Clearbrook ballfields. He said Frederick Water has reviewed the draft agreement and is agreeable to the terms.

Supervisor Lofton and staff discussed the reason for Frederick Water's offer to build ballfields and the reason for the costs being higher than anticipated by Frederick Water. Mr. Tierney noted that the Parks and Recreation Department was involved in the planning stages, and the desired lighting

plan came in at a higher price than originally planned, partly due to the change to LED lighting. He said the County is being asked to help make up the difference between the original cost estimate and the actual cost of the desired specifications expressed by Parks and Recreation staff.

Supervisor Lofton and staff discussed the original loan and whether interest had accrued or been paid to the County. Mr. Tierney said interest had accrued for a number of years but was capped in the agreement at some point. Mr. Tibbs explained that the original loan was about \$1,100,000 and some payments were made up until 1987 when the Sanitation Authority asked for a deferral to assist with their obtaining financing through the Virginia Resources Authority for the Bufflick Run Project. He said the Board was amenable to the deferral.

Chairman DeHaven said the difference in cost is due to there being five fields instead of four, upgraded requirements, and the addition of land to the agreement. Vice Chairman Lofton commented that no interest has been accruing on the loan for 30 years and the County shouldn't have to forgive any of the loan.

Mr. Tierney said the circumstances are unusual in that there was an agreement between Carmeuse and Frederick Water, which the County was not party to, that required ballfields to be constructed on land provided by Carmeuse. He said as that agreement fell apart, the County was the big loser. He said that Frederick Water took the high road saying they would build the ballfields. Mr. Tierney concluded saying the value of the ballfields far exceeds the amount of debt the County is being asked to forgive.

Vice Chairman Lofton said that his point is that Frederick Water, a quasi-business entity, is being given an interest free loan by the tax payers.

Supervisor Slaughter said she had inquired about the loan and learned that the interest would have amounted to about \$32,000 per year. She said that with the ballfields costing about \$3,000,000, the County comes out farther ahead than if Frederick Water had been asked to pay interest.

Supervisor Wells moved forgive the debt and authorize the County Administrator to execute the agreement specifying the debt offset. Supervisor Slaughter seconded the motion which carried on a roll call vote as follows:

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

**MOTION AUTHORIZING STAFF TO PROCEED WITH ACQUISTION OF REAL PROPERTY-APPROVED**

Vice Chairman Lofton moved that the Board authorize staff to proceed with the acquisition of real property as discussed in closed session. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

**MOTION TO APPROPRIATE \$300,000 FOR FY 2019 FOR CAPITAL ACQUISITION – APPROVED**

Vice Chairman Lofton moved that the Board appropriate \$300,000 for FY 2019 for a capital acquisition. Supervisor Wells seconded the motion which carried on a roll call vote as follows:

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

**COMMITTEE BUSINESS:**

**PUBLIC WORKS COMMITTEE**

**SET PUBLIC HEARING ON QUITCLAIM REQUEST FOR SHAWNEELAND – APPROVED**

County Attorney Rod Williams explained the situation in which an individual purchased a lot in Shawneeland based upon the prior owner’s deed. He said the developer conveyed the lot to the prior owner and taxes have been paid ever since and the deed was recorded even though the lot did not exist as a separate parcel. He proposed that the County could issue a quitclaim deed in exchange for the agreement of the current owner that she has no claim regarding the taxes already paid on the parcel. He said staff is asking the Board to set a public hearing on the matter.

Upon motion of Vice Chairman Lofton, seconded by Supervisor Dunn, a public hearing on the disposition of any County interest in Shawneeland Tax Parcel Number 49A04-1-K-19 was set. The motion carried on a voice vote.

**DEVELOPMENTAL IMPACT MODEL OVERSIGHT COMMITTEE**

**CAPITAL IMPACTS STUDY – ACCEPTED FOR IMPLEMENTATION ON JULY 1, 2019**

Planning Director Mike Ruddy said Julie Herlands of Tishler-Bise was in attendance to present the Capital Impacts Model developed during the recently completed study. He said the Model seeks to identify impacts based on the need of capital facilities as the County continues to grow and based on the costs of the facilities. Additionally, he said, the Model will identify the appropriate share of the cost that would be the responsibility of the development community during future rezonings, in the context of the 2016 proffer legislation.

Julie Herlands of Tishler-Bise gave a presentation outlining the Capital Impacts Model and highlighting the following: Overview of Cash Proffers; Current Cash Proffer Requirements in Virginia; Overview of the Frederick County Model; Example of Capital Impact Results; and Cash Proffer Eligible Categories Cost Analysis.

Supervisor Dunn and Ms. Herlands discussed the Model in reference to school capacity, accuracy, the similarity of results when different methodologies are used, and the identification of capital costs versus staff costs for fire and rescue facilities.

Vice Chairman Lofton and Ms. Herlands discussed the timing of proposed developments and allocating school capacity. He praised the usefulness of the updated Model.

Supervisor Slaughter and Ms. Herlands discussed inflation and the need to apply construction cost indexing to update the Model annually

In response to Supervisor Dunn's question, Mr. Herland said housing type is updated annually in the Model to account for changes in housing type preferences, and said the Model is generally found to have an accuracy of within 5% of as-developed.

Supervisor Wells moved that the Board follow the Committee's recommendation to accept the Capital Impacts Study and implement the use of the Model, effective July 1, 2019. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

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**PUBLIC HEARINGS**

**OUTDOOR FESTIVAL PERMIT REQUEST OF TYLER WAKEMAN – PEAK LEAF MUSIC & BREWERS FESTIVAL - APPROVED**

Mr. Tierney provided background saying the request is for the Peak Leaf Music & Brewers Festival on October 19 from noon to 8:00 p.m.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Vice Chairman Lofton moved for approval of the Outdoor Festival Permit request of Tyler Wakeman for the Peak Leaf Music & Brewers Festival. Supervisor Wells seconded the motion which carried on a voice vote.

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**CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF CALIFORNIA/ MARYLAND/ PENNSYLVANIA/ VIRGINIA/ WEST VIRGINIA, LLC. - APPROVED**

Mr. Tibbs said Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Comcast") has an existing non-exclusive cable franchise within the County, which was granted by the Board for a ten-year period in 2009, and this franchise and its governing agreement were set to expire on April 1, 2019; however, the Board of Supervisors at its March 13, 2019 meeting granted a short-term extension to the existing agreement until June 30, 2019. He said staff has negotiated the renewal terms for the proposed agreement that would grant Comcast a nonexclusive franchise to provide cable television service within Frederick County for a period of 10 years with some of the terms of the proposed renewal including:

- Decreased density requirement from the current density of 30 homes per linear mile to 25 homes per linear mile. In addition, Comcast has agreed to conduct a feasibility study of an area with at least 20 homes per linear.
- There is a new provision for homes that do not meet the density requirement necessary to get service. Those homeowners would have to pay for the running of cable beyond 275 feet from the line. This provision did not exist in our previous franchise agreement.
- High Definition (HD) output for County channels following a three-year waiting period.
- County channels will remain in the basic service tier
- Consideration for relocation of Frederick County Government's and Frederick County Schools' current cable drop, should we or the schools relocate our facility during the franchise term. Frederick County would pay the costs for any cable run to a relocated facility located over 200 feet from the main line.

Mr. Tibbs said in exchange for the above, the only material concession made is giving up the existing Fire and Rescue training channel which is not as utilized with current internet and web-based training. He concluded saying other changes include:

- Updates to reflect changes in the law since the franchise agreement's last renewal.
- Caps were established for liquidated damages (This change does not limit Frederick County's right to move to revoke the franchise agreement should Comcast start approaching those damage caps or otherwise breach its obligations under the agreement).

In responsive to Supervisor Dunn's question, Mr. Williams verified that the agreement is non-exclusive and that the County does not control Comcast's rate charges.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Supervisor Slaughter moved for approval of the proposed cable television Comcast Franchise Agreement in light of the current agreement expiring on June 30, 2019. Supervisor Dunn seconded the motion which carried on a roll call vote as follows:

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

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

**PROPOSED AMENDMENT(S) TO THE FREDERICK COUNTY CODE, CHAPTER 118, NOISE - APPROVED**

Mr. Williams said this amendment to the Noise Ordinance is to bring it into compliance with applicable law. He said the Supreme Court of Virginia in 2009, when considering another locality's ordinance that stated that unreasonable noise was unlawful, held that such ordinance was unenforceable because it is unclear. He said other localities have moved to a "plainly audible" standard and/or decibel standard, and the Code and Ordinance Committee proposed a level of 60

decibels, adding there are exceptions listed in the proposed ordinance language. He said the ordinance does not change the scope in that it only applies in Residential zones between the hours of 9:00 p.m. and 6:00 a.m. He concluded saying the aim was to provide the County with an enforceable ordinance because the current ordinance is not enforceable.

In response to Vice Chairman Lofton's question, Mr. Williams verified that no one would be charged unless given an opportunity to abate the noise.

Chairman DeHaven opened the public hearing.

Rick Hunt, Gainesboro District, said he has a neighbor who brings race cars to his agricultural property. He encouraged the use of a decibel level for enforcement and asked that the Board table the matter until his Supervisor is present to discuss the issue.

Chairman DeHaven noted that the ordinance would not apply in the Agricultural zone.

There being no other speakers, Chairman DeHaven closed the public hearing.

Supervisor Dunn said the proposal is a good improvement but should go farther. He moved to postpone the decision until the July meeting. There was no second.

Supervisor Dunn moved for adoption of the proposed ordinance amending County Code Chapter 118 – Noise. Supervisor Slaughter seconded the motion.

Supervisor Dunn said more needs to be done on the issue to assist people who are ill and cannot leave their homes.

Supervisor Slaughter thanked the Committee for working to develop an enforceable ordinance.

The motion to adopt the ordinance amending Chapter 118 - Noise carried on a roll call vote as follows:

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

**ORDINANCE  
June 12, 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 ~~strike through~~ 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 60 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.

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

PROPOSED AMENDMENT(S) TO THE FREDERICK COUNTY CODE, CHAPTER 48 ANIMALS AND FOWL, ARTICLE I DOGS RUNNING AT LARGE; RABIES CONTROL, SECTION 48-3 DOGS RUNNING AT LARGE UNLAWFUL - APPROVED

Mr. Williams explained the amendment saying this addresses the dog running at large statute to comport with amendments to state law made recently by the General Assembly. He continued saying the law states that localities shall provide for a civil penalty, interpreted to mean in addition to the base penalty, for dogs running at large in a pack, adding that the state law requires an exemption for hunting dogs engaged in an activity.

Chairman DeHaven opened the public hearing.

There were no speakers.

Chairman DeHaven closed the public hearing.

Supervisor Dunn moved for adopted the ordinance as presented. Supervisor Slaughter seconded the motion which carried on a roll call vote as follows:

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

**ORDINANCE  
June 12, 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 ~~strike through~~ 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 of 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.

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BOARD LIAISON REPORTS - None

CITIZEN COMMENTS

Ken Hunter, Back Creek, asked the Board to make Shawneeland a tax-free zone for 100% disabled veterans according to state law. He continued saying he was threatened by a County employee this week when he requested an inspection. He requested the credentials of the inspector.

BOARD OF SUPERVISORS COMMENTS

Vice Chairman Lofton said the new Capital Impacts Model is a good product, but it is a fallacy because timing is an issue when two re-zonings come in at the same time, so capacity is not addressed. He said several rural preservation developments have been approved that are by-right and will not produce proffers but may take up capacity, adding that five-acre lots are also by-right. He said he is concerned this may push developers to seek out five acre and rural preservation lots for development because they will not require proffers.

Supervisor Dunn said the Model would include those areas for planning purposes even though proffers are not permitted.

CLOSED SESSION

At 8:29 p.m., Vice Chairman Lofton moved that the Board of Supervisors convene in closed session pursuant to Virginia Code § 2.2-3711(A)(1) for personnel matters, specifically the annual evaluation of the county attorney and the county administrator. Supervisor Dunn seconded the motion which carried on a voice vote.

At 9:10 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Dunn. Vice Chairman

Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

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

### **ADJOURN**

On motion of Vice Chairman Lofton, seconded by Supervisor Wells, the meeting was adjourned at 9:11 p.m.



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Human Resource Committee

**Item Type:** Committee Report

**Item Title:** Human Resources Committee Report of 6-17-19

**Attachments:**

[HR Committee Report - June 17 2019.pdf](#)

HUMAN RESOURCES COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Monday, June 17, 2019  
9:00 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Human Resources Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Monday, June 17, 2019 at 9:00 a.m.

ATTENDEES:

Committee Members Present: Blaine Dunn, Chairman; Don Butler; Doug McCarthy, Beth Lewin; and Dorrie Greene

Staff present: Michael Marciano, Human Resources Director; DeLois Blevins, Human Resources Manager; Rod Williams, County Attorney; Jay Tibbs, Deputy County Administrator; Jim Whitley, Kim Chmura; and Lenny Millholland.

Others present: None

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1. The Old Dominion Court Services (ODCS), supervised by Northwestern Regional Adult Detention Center (NRADC) requested to add a Case Officer, range 4 to the Salary Administration Plan (Exhibit A). The committee recommends approval, 5 in favor & 0 against.
2. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding **Administrative Leave & Unsafe Conditions Policies** (Exhibit B). The committee recommends approval, 5 in favor & 0 against.
3. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding **Anti-Discrimination and Anti-Harassment** (Exhibit C). The committee recommends approval, 5 in favor & 0 against. Note the memo of June 25 explaining the administratively proposed modified language regarding reporting incidents of harassment.
4. The Human Resources Department presented a nomination for **Employee of the Month** for Deputy Greg Lambert (Exhibit D). The committee recommends approval of Greg Lambert for the June 2019 Employee of the Month, 5 in favor & 0 against.

Respectfully submitted,

HUMAN RESOURCES COMMITTEE

Blaine Dunn, Chairman  
Don Butler  
Beth Lewin  
Doug McCarthy  
Dorrie Greene  
Robert (Bob) Wells

By Michael J. Marciano  
Michael J. Marciano, Director of Human Resources

## **Exhibit A**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)

Old Dominion Court Services Pretrial Services  
& Local Probation “Case Officer” Position Request

**OLD DOMINION COURT SERVICES**  
**PRETRIAL SERVICES & LOCAL PROBATION**  
*Serving City of Winchester and*  
*Counties of Clarke, Frederick, Page, Shenandoah and Warren*

S. K. Chmura, CC Chief

860 Smithfield Avenue  
Winchester, VA 22601  
Telephone: 540-665-5633  
Fax Number: 540-667-3875

June 7, 2018

To: Frederick Co. Human Resource Committee



From: S. Kimberly Chmura, Chief

Re: New Case Officer Position

Overview:

Frederick County is the administrative and fiscal agent for Old Dominion Court Services (ODCS). ODCS is supervised by the Northwestern Regional Adult Detention Center. ODCS provides community-based local probation to 18 courts in the City of Winchester and the Counties of Clarke, Frederick, Page, Shenandoah and Warren. It provides pretrial investigations to 6 courts in Winchester, Clarke and Frederick General District Courts and Juvenile Domestic Relations Courts and provides pretrial supervision to 9 courts in Winchester, Clarke and Frederick Circuit Courts, General District Courts and Juvenile Domestic Relations Courts.

Please note that ODCS is a separate agency from Old Dominion Alcohol Safety Action Program (ASAP). The director of ODCS is Kim Chmura, Community Corrections Chief, and the director of ASAP is Andrea Cosans, Director of Court Services.

Pretrial/Probation Officers, Grade 5 with a salary range of \$39,014-\$62,337, currently complete all intakes of pretrial defendants and probationers. After completing the intakes, the officers begin supervising the ODCS clients and addressing any stabilization needs, such as, connecting to local services for housing, employment services, etc., as well as, addressing risks to public safety. In pretrial supervision, the Officers are responsible for monitoring compliance of the court-ordered bail conditions, and to provide referrals to social services to promote the mission of pretrial services; increase the likeness of court appearance and promote public safety. In probation supervision, the Officers are responsible for monitoring compliance of court-ordered obligations, as well as, directing clients to appropriate interventions, such as substance use disorder counseling, mental health counseling, batterer's intervention programming, shoplifting intervention e-learning, and alcohol/marijuana use education programming. The function of probation is to address criminogenic needs that will increase probation compliance and, in the long term, reduce recidivism.

Due to increased referrals over the past few years, completing intakes in a timely fashion has become very difficult. At this time, an intake for pretrial defendant is completed within 30 days of receipt of the referral, and a probation intake may take more than 45 days due to case load size and multiple sub-offices. The Department of Criminal Justice Services (DCJS) mandates that pretrial intakes should occur within 5 business days of receipt of the order and probation intakes should occur within 10 business days of receipt of the order. ODCS continued failure in these standards will negatively impact any forthcoming compliance monitoring/audit. At which time, an action plan will be required to ensure compliance. Prior to the auditing process being implemented, it is desirable to address any deficits and resolve any identified concerns.

It is being requested that a Case Officer title be created at the Grade 4 salary range of \$34,243-\$54,810. The primary function of this position will be to complete intakes within the mandated DCJS time frames. This position will have client contact, but will only see the clients one time for intake and will not address any



underlying issues related to substance use disorder or criminal thinking. Additionally, this position will be the primary back-up for the secretary. As this position does not have the same duties and responsibilities as the supervision officers, it is not appropriate to compensate this position at the same rate as the Grade 5 Pretrial/Probation Officers.

**Rationale for Position:**

In the FY 20 ODCS Pretrial budget, a new FTE position was added as a Grade 4 with a salary of \$34,243-\$54,810. At this time, the position has been approved via the budget process and if approved by the HR Committee and Board of Supervisors (BOS), will be funded by grant funds received from the Department of Criminal Justice Services (DCJS). It is requested that this new position entitled, Case Officer, be approved.

This position is necessary due to several factors. Referrals to pretrial supervision and local probation have increased significantly in the past few years. Eight years ago, pretrial services and local probation were merged under NRADC and during this restructuring, one supervisor and one administrative staff position were left vacant. Due to this reduction, many additional administrative tasks were assigned to the Pretrial/Probation Officers to complete. Current staffing is 9 FTE - 1 supervisor, 1 administrative staff, 1 Pretrial/Probation Officer who works primarily at the jail completing investigations, 3 Pretrial/Probation Officers who work primarily supervising probationers, 2 Pretrial/Probation Officers who work primarily supervising defendants and 1 Pretrial Officer who works primarily supervising defendants. This staffing has remained consistent since 2010. Lastly, there are guidelines which ODCS has not been able to meet despite trying different solutions, and the final solution is to hire a FTE whose primary job it will be to comply with these DCJS standards.

The chart below shows that, while in FY 11, total placements for pretrial supervision were 443 with 170 misdemeanor charges and 264 felony charges, in FY 18, total placements were 533, with 195 misdemeanor charges and 338 felony charges.

|              | APR<br>FY 19 | FY 18      | FY 17      | FY 16      | FY15       | FY 14      | FY 13      | FY 12      | FY 11      |
|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Misd         | 97           | 195        | 235        | 302        | 351        | 353        | 353        | 330        | 179        |
| Felon        | 316          | 338        | 437        | 412        | 498        | 398        | 343        | 316        | 264        |
| <b>TOTAL</b> | <b>413</b>   | <b>533</b> | <b>672</b> | <b>714</b> | <b>849</b> | <b>751</b> | <b>696</b> | <b>646</b> | <b>443</b> |

While the total number has increased, it is important to note that the ratio of misdemeanor charges to felony charges also has changed significantly. Defendants being supervised for felony charges often have more serious supervision issues, such as substance abuse and/or mental health issues. Additionally, the felony cases take longer to process through the court system than misdemeanor charges. In FY 11 there were 264 felony cases supervised by ODCS. In FY 19, it is forecasted this will increase to over 400 felony defendants. Therefore, ODCS staff have more needy defendants who are supervised longer. This is demonstrated by the average daily caseload for pretrial services:

|              | YTD 19     | FY 18      | FY 17      | FY 16      | FY15       | FY 14      | FY 13      | FY 12      | FY 11      |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>TOTAL</b> | <b>324</b> | <b>331</b> | <b>282</b> | <b>316</b> | <b>277</b> | <b>257</b> | <b>260</b> | <b>204</b> | <b>153</b> |



Probation referrals have increased in the past several years as well:

|              | APR FY<br>19 | FY 18 | FY 17 | FY 16 | FY 15 | FY 14 |
|--------------|--------------|-------|-------|-------|-------|-------|
| <b>Misd</b>  | 353          | 334   | 183   | 218   | 291   | 289   |
| <b>Felon</b> | 109          | 96    | 113   | 104   | 102   | 106   |
| <b>TOTAL</b> | 462          | 430   | 296   | 322   | 393   | 395   |

Similar to pretrial supervision, the average daily caseload has increased; in FY 14 there were on average 295 probationers being supervised on a daily basis. Today that average is 492, or 200 more probationers today than 6 years ago, with the same staffing.

Lastly, DCJS Minimum Standards for Pretrial Services §3.6 Letter B states, "Each local pretrial services agency shall develop and follow a policy and procedure for conducting an intake within five business days following notification of judicial officer action or release from confinement for all defendants placed on supervision." DCJS Minimum Standards for Local Community-Based Probation §3.2 Letter A states, "Each local community-based probation agency shall develop and follow a policy and procedure for conducting an intake for each probationer placed on supervision within ten (10) business days of notification of a court action or release from confinement." Unfortunately, since the merge of pretrial services and local probation, these standards are rarely met. In the Case Officer's job description, this new position will complete the intakes of defendants as they report for initial contact. This will significantly improve the compliance with these standards. This is important as Pretrial Services are being closely scrutinized by the Crime Commission and under a 4-year study of pretrial investigations and placements. As a result of the Crime Commission recommendations, DCJS is in the process of developing compliance monitor or audits criteria. Adhering to minimum standards will be one aspect of this compliance monitoring. Additionally, this position will be able to complete case manager tasks, such as monitoring transferred, incarcerated or other inactive cases for the Probation Officers, close cases for Pretrial/Probation Officers, conduct drug testing for PO's, and perform other data entry functions. This will allow the PO's to spend more time with defendants and probationers, thus addressing client needs more effectively.

**Rationale for the Grade:**

In speaking with other localities, they do not have a Case Officer position, but some have Probation Officers in a tier system where Investigators who complete intakes are a lower grade than the supervision officers-- specifically Loudoun and Prince William.

At this time at ODCS, the secretary is Grade 3. The Pretrial/Probation Officer is a Grade 5. With only one supervisor who has been here for 8 years, the only internal promotional opportunities have come from secretaries being promoted to PO, which has only happened twice in the past 15 years. Several Pretrial/Probation Officers have left ODCS to pursue similar careers in other localities or federal positions. This proposed position would be a Grade 4 with a salary of \$34,243 to \$54,810. The position would be a grade between secretary, Grade 3, and supervision officers, Grade 5, and thus would allow a promotional opportunity. More importantly, this position does not require the same skill sets as a supervision officer. While this position would have defendant/probationer contact, the incumbent would not be expected to build rapport or address non-compliant behavior with motivational interviewing skills. Per DCJS Minimum Standards, this position takes the Oath of Office and completes basic skills training, CORE. The educational and KSA for Pretrial/Probation



Officer are greater than this position. The Case Officer's position would require greater analytical skills than the secretary position.

Within the Frederick Co. SAP, it would be appropriate for the Case Officer whose duties are lesser than a Pretrial/Probation Officer to be compensated one grade lower. In regards to being competitive with other localities with similar positions, ODCS reached out to several localities to inquiry as to their positions.

| Locality and Title of Position                          | Salary/Grade                               | Duties  | Job description attached? |
|---|--|---|---------------------------|
| <b>Frederick</b><br>Case Officer                        | \$34,243-\$54,810<br>Grade 4               |   | Yes                       |
| <b>Albemarle</b><br>Non-Profit<br>PO and Sr. PO         | Both positions are<br>same grade           | OAR has Local Probation Officer position; after 3 years, can be given Sr. Local Probation Officer Position based on merit. Duties are different and salary is enhanced. | Yes                       |
| <b>Augusta</b><br>None                                  |  | Does not have this position – Blue Ridge Court Services is under Staunton   |                           |
| <b>Fauquier</b><br>Court Services Officer               | \$40,794-\$68,113<br>Grade 29              | Supervision Officer – normal duties of pretrial/probation officers. PO's complete intakes.  | Yes                       |
| <b>Fauquier</b><br>Part Time Court<br>Services Officer  | TBD – based on<br>experience and<br>budget | Per Director, when appropriate, they will hire part-time employee for special projects, one being completing intakes.   | NA                        |
| <b>H-Burg/R-ham</b><br>Court Services Officer           | \$36,292-\$58,074<br>R07                   | Supervision Officer – normal duties of pretrial/probation officers. This locality does not have Intake Officer.   | Yes                       |
| <b>Loudoun</b><br>PO –Specialist III                    | \$48,653                                   | Supervision Officer – normal duties of pretrial/probation officers.   | Yes                       |
| <b>Loudon</b><br>Evaluator/Investigator<br>Specialist I | \$35,939                                   | Completes bail investigations and intakes.  | Been<br>Requested         |
| <b>Prince William</b><br>PO III                         | \$62,029-\$105,300<br>Grad 16              | Caseload size is half as large. Duties include case reviews, coaches PO I/II, lead major initiatives, such as, quality assurance.                                       | Been<br>Requested         |
| <b>Prince William</b><br>PO II                          | \$55,828-\$94,770<br>Grade 15              | Supervision Officer – normal duties of pretrial/probation officers and completes intakes.   | Been<br>Requested         |
| <b>Prince William</b><br>PO I                           | \$50,485-\$85,683<br>Grade 14              | Pretrial Investigator – primarily works at jail conducting bail hearings.   | Been<br>Requested         |
| <b>Roanoke</b><br>Detention Review<br>Specialist        | \$39,718-\$63,548                          | Juvenile PO in the Detention Center   | Yes                       |
| <b>Roanoke</b><br>Youth Counselor I                     | \$30,113-\$48,182                          | Juvenile PO in the community  | Yes                       |

|   |                               |                              |     |
|---|-------------------------------|------------------------------|-----|
| <b>Spotsylvania</b>                               |                               |                              |     |
| <b>Stafford</b><br>Probation Field<br>Officer     | \$42,036-\$65,145             | Juvenile PO in the community | Yes |
| <b>Warren</b><br>Intensive Supervision<br>Officer | \$40,562-\$61,720<br>Grade 14 | Juvenile PO in the community | Yes |
| <b>Winchester</b><br>Nothing similar              |                               |                              |     |
| <b>York</b><br>Nothing similar                    |                               |                              |     |

## Northwestern Regional Adult Detention Center

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|                                  |   |
|----------------------------------|---|
| <b><u>Position Title:</u></b>    | Case Officer<br>Old Dominion Court Services – Pretrial Services and Local Probation   |
| <b><u>Department:</u></b>        | Northwestern Regional Adult Detention Center - ODCS   |
| <b><u>Exempt/Non-Exempt:</u></b> | Non-Exempt  |
| <b><u>Reports To:</u></b>        | Community Corrections Chief   |
| <b><u>Purpose of Grade:</u></b>  | This is a specialized position which provides support to the ODCS by conducting intakes of pretrial defendants and probationers. This position will also assist in monitoring inactive or long-term pending cases. Incumbents coordinate directly with General District and Circuit Court Judges, their staffs, and other officers of the court. Case Officer is the primary back up to the ODCS Secretary. |
| <b><u>Date Prepared:</u></b>     | June 2019   |
| <b><u>Range:</u></b>             | 4   |
| <b><u>G/L Line Item:</u></b>     | 4-011-033010-1002-000-201   |

### **Examples of Tasks Performed Within Grade:**

This position description may not include all of the tasks to be performed.

**Job Purpose:** Duties include managing cases, performing drug testing if ordered, reporting to Courts and other Officers of the Court either with verbal testimony or written reports, and strictly adhering to standard operating procedure and DCJS guidelines. Additionally, the incumbent maintains offender/defendant files and the computer database management system. Weekly and monthly statistic reporting is required. The incumbent must develop positive relationships with Court officials and other local resource agencies and must perform all other duties as assigned.

**Essential Duties:** The requirements for this position include, but are not limited to, those outlined below. All job functions, education and experience, general knowledge and abilities, and physical requirements are subject to possible modification to reasonably accommodate individuals with disabilities to enable them to perform the essential functions of the job. This document does not create an employment contract, implied or otherwise. It is the employer's discretion to add or change the duties or requirements of this position at any time.

- Completes intakes of defendants who report directly from the Magistrate or Courts.
- Runs a criminal history using VCIN, performing data entry of the placement.
- Interviews the defendant or probationer, conducting a drug analysis and completing a risk assessment.
- Documents all interactions in the case files and the PTCC case management system.
- Monitors compliance of inactive cases due to transfer out status and long-term pending cases due to incarceration.
- Schedules appointments and returning phone calls in a timely manner, and assisting Pretrial/Probation Officers with drug analysis and case filing.

## Northwestern Regional Adult Detention Center

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- Testifies in court.
- Completes data entry of placements -- including making copies, scanning files, assisting the Chief in data management and statistics.
- Assists in special projects or activities.

**Equipment Operated:** Routine office equipment, personal computer with DCJS software, NICC/VCIN Terminal, and motor vehicles.

**Working Conditions:** Work involves some degree of risk to personal safety in an inherently stressful environment.

**Knowledge, Skills and Abilities:** Knowledge of the criminal justice processes and the Department of Criminal Justice Service standards are preferred. The ability to write and prepare written reports is essential. Strong computer skills are required to include expert keyboarding and data entry. The position requires public speaking and oral communications skills. The ability to manage multiple tasks, analyze complex information, organize and prioritize work and meet deadlines is critical. Ability to apply screening criteria to individuals, their offenses, and their personal backgrounds for the purposes of program selection is required.

Preferred Knowledge, Skills and Abilities: Bilingual in Spanish and English and highly proficient at Microsoft Office software.

**Experience/Education:** Previous experience in office setting or customer service is required. Internship in criminal justice agency is preferred. Associate's Degree from an accredited college or university with major course emphasis in Criminology, Criminal Justice, Corrections, Sociology or related field is required or applicable experience in lieu of Associate's degree.

### **Special Requirements:**

- Must maintain a telephone for emergency contact purposes.
- Must possess a valid driver's license.
- Must obtain and maintain all Criminal Justice Services mandated training as required by DCJS, Frederick County, NRADC and ODCS.
- Criminal history check and periodic drug testing required.
- No record of felony convictions and no record of misdemeanor convictions in the last 10 years.

**Physical Requirements:** This is operative work requiring the exertion of up to and exceeding 50 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects. Regular required tasks include sitting, talking or hearing in person, in meetings and by telephone. The employee is frequently required to walk and stand, and occasionally required to climb, stoop, kneel, or crouch. Visual acuity is required for preparing and analyzing written or computer data, determining the accuracy and thoroughness of work, and observing general surrounding and activities.





## Frederick County, VA Salary Administration Program

| Title                              | Department                   | Range |
|------------------------------------|------------------------------|-------|
| ACCOUNT ANALYST                    | TREASURER'S OFFICE           | 6     |
| ACCOUNT CLERK                      | FREDERICK COUNTY             | 3     |
| ACCOUNTING SUPERVISOR              | FINANCE                      | 9     |
| ACCOUNTING TECHNICIAN              | NRADC                        | 4     |
| ADMINISTRATIVE ASSISTANT           | FREDERICK COUNTY             | 6     |
| AIRPORT EXECUTIVE DIRECTOR         | WINCHESTER REGIONAL AIRPORT  | NC    |
| ANIMAL CARETAKER                   | PUBLIC WORKS/ANIMAL SHELTER  | 2     |
| ANIMAL SHELTER MANAGER             | PUBLIC WORKS/ANIMAL SHELTER  | 8     |
| ASAP CASE MANAGER                  | NRADC/DCS                    | 5     |
| ASAP CASE MANAGER ASSISTANT        | NRADC/DCS                    | 4     |
| ASSESSOR I                         | COMMISSIONER OF THE REVENUE  | 7     |
| ASSESSOR II                        | COMMISSIONER OF THE REVENUE  | 8     |
| ASSESSOR III                       | COMMISSIONER OF THE REVENUE  | 9     |
| ASSISTANT CHIEF                    | FIRE & RESCUE                | 12    |
| ASSISTANT COUNTY ADMINISTRATOR     | COUNTY ADMINISTRATION        | NC    |
| ASSISTANT COUNTY ATTORNEY          | COUNTY ATTORNEY'S OFFICE     | 10    |
| ASSISTANT COURT SERVICES DIRECTOR  | NRADC/DCS                    | 9     |
| ASSISTANT DIRECTOR                 | PLANNING & DEVELOPMENT       | 12    |
| ASSISTANT DIRECTOR, TRANSPORTATION | PLANNING & DEVELOPMENT       | 12    |
| ASSISTANT FINANCE DIRECTOR         | FINANCE                      | 12    |
| ASSISTANT PUBLIC WORKS DIRECTOR    | PUBLIC WORKS/ADMINISTRATION  | 11    |
| ASSISTANT REGISTRAR                | REGISTRAR'S OFFICE           | 4     |
| ASSISTANT SUPERINTENDENT           | NRADC                        | 12    |
| ASST ANIMAL SHELTER MANAGER        | PUBLIC WORKS/ANIMAL SHELTER  | 6     |
| ASST COMMONWEALTH ATTY             | COMM ATTORNEY'S OFFICE       | 10    |
| ASST CONVENIENCE SITE SUPERVISOR   | PUBLIC WORKS/LANDFILL        | 4     |
| ASST NURSING DIRECTOR              | NRADC                        | 8     |
| AUDITOR                            | COMMISSIONER OF THE REVENUE  | 8     |
| BASICREC MANAGER                   | PARKS & RECREATION           | 7     |
| BENEFITS ADMINISTRATOR             | HUMAN RESOURCES              | 6     |
| BLDG OFFICIAL CODE ADMIN           | PUBLIC WORKS/INSPECTIONS     | 10    |
| BOOKING TECHNICIAN                 | NRADC                        | 3     |
| BUSINESS DIVISION/CHIEF ADMIN      | COMMISSIONER OF THE REVENUE  | 8     |
| BUSINESS MANAGER                   | NRADC                        | 8     |
| BUSINESS RETENTION MANAGER         | EDA                          | 9     |
| CAPTAIN                            | SHERIFF'S OFFICE/NRADC       | 10    |
| CASHIER                            | TREASURER'S OFFICE           | 3     |
| CERTIFIED MEDICATION ASSISTANT     | NRADC                        | 2     |
| CHIEF COMMUNITY CORRECTIONS        | NRADC/DCS                    | 10    |
| CIRCUIT COURT CLERK                | CLERK'S OFFICE               | NC    |
| CIVIL ENGINEER                     | PUBLIC WORKS/ADMINISTRATION  | 9     |
| COLLECTOR                          | TREASURER'S OFFICE           | 8     |
| COMMISSIONER OF THE REVENUE        | COMMISSIONER OF THE REVENUE  | NC    |
| COMMONWEALTH'S ATTORNEY            | COMM ATTORNEY'S OFFICE       | NC    |
| COMMUNICATION OFFC I               | PUBLIC SAFETY COMMUNICATIONS | 4     |
| COMMUNICATION OFFC II              | PUBLIC SAFETY COMMUNICATION  | 5     |
| COMMUNICATION OFFC III             | PUBLIC SAFETY COMMUNICATION  | 6     |
| COMMUNICATIONS SHIFT SUPERVISOR    | PUBLIC SAFETY COMMUNICATIONS | 7     |
| COMMUNITY OUTREACH COORDINATOR     | SHERIFF'S OFFICE             | 5     |
| CONVENIENCE SITE ATTENDANT         | PUBLIC WORKS/LANDFILL        | 1     |
| CONVENIENCE SITE SUPV              | PUBLIC WORKS/LANDFILL        | 5     |
| CORRECTIONAL INVESTIGATOR          | NRADC                        | 5     |
| CORRECTIONAL NURSE I               | NRADC                        | 6     |
| CORRECTIONAL NURSE II              | NRADC                        | 6.5   |



Frederick County Salary Administration Program - March 2019

| Title                                | Department                   | Range |
|--------------------------------------|------------------------------|-------|
| CORRECTIONAL NURSE III               | NRADC                        | 7     |
| CORRECTIONAL OFFICER I               | NRADC                        | 5     |
| CORRECTIONAL OFFICER II              | NRADC                        | 6     |
| CORRECTIONAL OFFICER III             | NRADC                        | 7     |
| CORRECTIONAL SYSTEM TECH.            | NRADC                        | 5     |
| CORRECTIONAL SYSTEMS OFFC            | NRADC                        | 7     |
| COUNTY ADMINISTRATOR                 | COUNTY ADMINISTRATION        | NC    |
| COUNTY ATTORNEY                      | COUNTY ATTORNEY'S OFFICE     | NC    |
| COURT SERVICES DIRECTOR              | NRADC/DCS                    | 10    |
| CRIME ANALYST                        | SHERIFF'S OFFICE             | 6     |
| CSA ACCOUNT SPECIALIST               | CHILDREN'S SERVICES          | 4     |
| CSA COORDINATOR                      | CHILDREN'S SERVICES          | 8     |
| CSR (CUSTOMER SERVICE REPRESENTATIVE | FC-ALL DEPT'S EXCEPT AIRPORT | 2     |
| CUSTODIAN                            | MAINTENANCE                  | 1     |
| CUSTODIAN SUPERVISOR                 | MAINTENANCE                  | 3     |
| CUSTOMER SERVICE REPRESENTATIVE      | WINCHESTER REGIONAL AIRPORT  | 2     |
| CUSTOMER SERVICE TECHNICIAN          | PARKS & RECREATION           | 3     |
| DATA COLLECTOR                       | COMMISSIONER OF THE REVENUE  | 4     |
| DATABASE ADMINISTRATOR/DEVELOPER     | INFORMATION TECHNOLOGY       | 8     |
| DEPUTY CHIEF                         | FIRE & RESCUE                | 11    |
| DEPUTY CLERK TO THE BOARD OF         | COUNTY ADMINISTRATION        | 10    |
| DEPUTY CLERK/OPERATIONS              | CLERK'S OFFICE               | 6     |
| DEPUTY COMMONWEALTH ATTORNEY         | COMM ATTORNEY'S OFFICE       | 12    |
| DEPUTY COUNTY ADMINISTRATOR          | COUNTY ADMINISTRATION        | NC    |
| DEPUTY I                             | SHERIFF'S OFFICE             | 5     |
| DEPUTY II                            | SHERIFF'S OFFICE             | 6     |
| DEPUTY III                           | SHERIFF'S OFFICE             | 7     |
| DEPUTY TREASURER                     | TREASURER'S OFFICE           | 12    |
| DEPUTY TREASURER / COMPLIANCE        | TREASURER'S OFFICE           | 10    |
| DEPUTY TREASURER OPS                 | TREASURER'S OFFICE           | 12    |
| DEPUTY REGISTRAR                     | REGISTRAR'S OFFICE           | 5     |
| DESIGN REVIEW SPECIALIST             | PUBLIC WORKS/INSPECTIONS     | 6     |
| DIRECTOR OF ELECTIONS/GEN REGISTRAR  | REGISTRAR'S OFFICE           | NC    |
| EDA DIRECTOR                         | EDA                          | NC    |
| EMS BILLING MANAGER                  | FIRE & RESCUE                | 4     |
| EMS BILLING SPECIALIST               | FIRE & RESCUE                | 2     |
| ENVIRONMENTAL INSPECTOR              | PUBLIC WORKS/ADMINISTRATION  | 5     |
| ENVIRONMENTAL MANAGER                | PUBLIC WORKS/LANDFILL        | 9     |
| ENVIRONMENTAL PROGRAM ADMINISTRATOR  | PUBLIC WORKS/ADMINISTRATION  | 8     |
| ENVIRONMENTAL SAFETY TECH            | PUBLIC WORKS/LANDFILL        | 6     |
| EVIDENCE CLERK                       | SHERIFF'S OFFICE             | 4     |
| EXTENSION TECHNICIAN                 | VIRGINIA COOP EXTENSION      | 5     |
| F&R BATTALION CHIEF                  | FIRE & RESCUE                | 10    |
| F&R CAPTAIN                          | FIRE & RESCUE                | 9     |
| F&R LIEUTENANT                       | FIRE & RESCUE                | 8     |
| F&R SPECIALIST                       | FIRE & RESCUE                | 7     |
| F&R TECHNICIAN                       | FIRE & RESCUE                | 6     |
| FINANCE DIRECTOR                     | FINANCE                      | NC    |
| FINANCE SPECIALIST                   | FINANCE                      | 6     |
| FINANCE TECHNICIAN                   | AIRPORT                      | 3     |
| FIRE CHIEF                           | FIRE & RESCUE                | NC    |
| FIREFIGHTER/EMT                      | FIRE & RESCUE                | 5     |
| FLIGHT LINE TECH                     | WINCHESTER REGIONAL AIRPORT  | 4     |
| FOOD SERVICES MANAGER                | NRADC                        | 8     |
| FOOD SERVICES SUPERVISOR             | NRADC                        | 3     |
| GAS PLANT OPERATOR                   | PUBLIC WORKS/LANDFILL        | 7     |
| GIS ANALYST                          | COMMISSIONER OF THE REVENUE  | 9     |



Frederick County Salary Administration Program - March 2019

| Title                            | Department                           | Range |
|----------------------------------|--------------------------------------|-------|
| GIS ANALYST/PROGRAMMER           | INFORMATION TECHNOLOGY               | 9     |
| GIS MANAGER                      | INFORMATION TECHNOLOGY               | 10    |
| GIS TECHNICIAN                   | INFORMATION TECHNOLOGY/PLANNING      | 6     |
| HEAD CUSTODIAN                   | MAINTENANCE                          | 2     |
| HEAVY EQUIPMENT MECHANIC         | PUBLIC WORKS/LANDFILL                | 8     |
| HR ASSISTANT                     | HUMAN RESOURCES                      | 3     |
| HR DIRECTOR                      | HUMAN RESOURCES                      | NC    |
| HR GENERALIST                    | HUMAN RESOURCES                      | 6     |
| HR MANAGER                       | HUMAN RESOURCES                      | 10    |
| HR SPECIALIST                    | HUMAN RESOURCES                      | 4     |
| INMATE PROGRAM SPECIALIST        | NRADC                                | 5     |
| INMATE PROGRAMS COORD            | NRADC                                | 6     |
| INSPECTOR                        | PUBLIC WORKS/INSPECTIONS             | 7     |
| INVESTIGATOR                     | SHERIFF'S OFFICE                     | 8     |
| IT DIRECTOR                      | INFORMATION TECHNOLOGY               | NC    |
| LABORER                          | PUBLIC WORKS/LANDFILL SHAWNEELAND    | 2     |
| LANDFILL MANAGER                 | PUBLIC WORKS/LANDFILL                | 10    |
| LANDFILL OPERATIONS SUPERVISOR   | PUBLIC WORKS/LANDFILL                | 7     |
| LANDFILL OPERATIONS MANAGER      | PUBLIC WORKS/LANDFILL                | 8     |
| LANDFILL SPOTTER                 | PUBLIC WORKS/LANDFILL                | 3     |
| LANDFILL TECHNICIAN              | PUBLIC WORKS/LANDFILL                | 4     |
| LEGAL SECRETARY                  | COMM ATTY/CNTY ATTORNEY'S OFFICE     | 4     |
| LIDS TECH/RECORDS SUPV           | NRADC                                | 8     |
| LIEUTENANT                       | NRADC/SHERIFF'S DEPT                 | 9     |
| LITIGATION SUPPORT MANAGER       | COMM ATTORNEY'S OFFICE               | 9     |
| MAINTENANCE MECHANIC ASST        | WINCHESTER REGIONAL AIRPORT          | 4     |
| MAINTENANCE SPECIALIST           | PARKS & REC/MAINTENANCE              | 6     |
| MAINTENANCE SUPERVISOR           | MAINTENANCE/NRADC                    | 8     |
| MAINTENANCE SUPERVISOR ASSISTANT | MAINTENANCE                          | 7     |
| MAINTENANCE TECHNICIAN           | AIRPORT/NRADC                        | 4     |
| MAINTENANCE WORKER               | MAINTENANCE                          | 3     |
| MAJOR/CHIEF DEPUTY               | SHERIFF'S OFFICE                     | 11    |
| MARKETING COORDINATOR            | PARKS & RECREATION                   | 6     |
| MARKETING MANAGER                | EDA                                  | 9     |
| MENTAL HEALTH CONSULTANT         | NRADC                                | 7     |
| MENTAL HEALTH DIRECTOR           | NRADC                                | 9     |
| MIS DIRECTOR                     | INFORMATION TECHNOLOGY               | NC    |
| MIS PROGRAMMER                   | MIS DEPARTMENT                       | 11    |
| MORTGAGE SPECIALIST              | TREASURER'S OFFICE                   | 7     |
| MOTOR EQUIP OPERATOR             | PUBLIC WORKS/SHAWNEELAND             | 4     |
| NETWORK ADMINISTRATOR            | INFORMATION TECHNOLOGY               | 9     |
| NETWORK OPERATIONS MANAGER       | INFORMATION TECHNOLOGY               | 10    |
| NURSING DIRECTOR                 | NRADC                                | 9     |
| OPERATIONS MANAGER               | PARKS & RECREATION                   | 8     |
| OPERATIONS SUPERINTENDENT        | PARKS & RECREATION                   | 9     |
| OPERATIONS SUPERVISOR            | AIRPORT/Public Safety Communications | 9     |
| P&R ASSISTANT DIRECTOR           | PARKS & RECREATION                   | 10    |
| P&R DIRECTOR                     | PARKS & RECREATION                   | NC    |
| P&R MARKETING MANAGER            | PARKS & RECREATION                   | 7     |
| P&R PROGRAM COORDINATOR          | PARKS & RECREATION                   | 5     |
| PARK & STEWARDSHIP PLANNER       | PARKS & RECREATION                   | 8     |
| PARK CARETAKER                   | PARKS & RECREATION                   | 2     |
| PARK MANAGER                     | PARKS & RECREATION                   | 8     |
| PARK TECHNICIAN                  | PARKS & RECREATION                   | 3     |
| PARKS SUPERINTENDENT             | PARKS & RECREATION                   | 9     |
| PAYROLL MANAGER                  | FINANCE                              | 10    |
| PC TECHNICIAN                    | INFORMATION TECHNOLOGY               | 4     |



Frederick County Salary Administration Program - March 2019

| Title                           | Department                       | Range |
|---------------------------------|----------------------------------|-------|
| PERMIT MANAGER                  | PUBLIC WORKS/INSPECTIONS         | 7     |
| PERMIT TECHNICIAN               | PUBLIC WORKS/INSPECTIONS         | 4     |
| PERSONAL PROPERTY SUPV          | COMMISSIONER OF THE REVENUE      | 8     |
| PLANNER                         | PLANNING & DEVELOPMENT           | 9     |
| PLANNING DIRECTOR               | PLANNING & DEVELOPMENT           | NC    |
| POST DISPOSITIONAL CASE MANAGER | JUVENILE PROBATION OFFICE        | 4     |
| PROBATE CLERK                   | CLERK'S OFFICE                   | 9     |
| PROBATION OFFICER               | NRADC/DCS                        | 5     |
| PROGRAM COORDINATOR             | INFORMATION TECHNOLOGY           | 10    |
| PROGRAM SUPERVISOR              | PARKS & RECREATION               | 7     |
| PROJECT MANAGER                 | PUBLIC WORKS/ADMINISTRATION      | 8     |
| PROPERTY CLERK                  | NRADC                            | 3     |
| PTS CASE MANAGER                | NRADC/DCS                        | 5     |
| PTS/PROBATION OFFICER           | NRADC/DCS                        | 5     |
| PUBLIC INFORMATION OFFICER      | COUNTY ADMINISTRATION            | 9     |
| PUBLIC SAFETY DIRECTOR          | PUBLIC SAFETY COMMUNICATION      | NC    |
| PUBLIC WORKS DIRECTOR           | PUBLIC WORKS/ADMINISTRATION      | NC    |
| PURCHASING MANAGER              | FINANCE                          | 10    |
| REAL EST ASSESS CHIEF ADMIN     | COMMISSIONER OF THE REVENUE      | 11    |
| RECORDS CLERK                   | FREDERICK COUNTY                 | 3     |
| RECORDS CLERK II                | SHERIFF'S OFFICE                 | 4     |
| RECREATION SUPERINTENDENT       | PARKS & RECREATION               | 9     |
| RECREATION TECHNICIAN           | PARKS & RECREATION               | 3     |
| REVENUE ANALYST                 | TREASURER'S OFFICE               | 7     |
| RISK MGR BUDGET ANALYST         | FINANCE                          | 9     |
| SANITARY DISTRICT MANAGER       | PUBLIC WORKS/SHAWNEELAND         | 8     |
| SCALE OPER/CONVEN SITE ASST     | PUBLIC WORKS/LANDFILL            | 4     |
| SCALE OPERATOR                  | PUBLIC WORKS/LANDFILL            | 5     |
| SCANNING TECHNICIAN             | CLERK'S OFFICE                   | 4     |
| SECRETARY                       | FREDERICK COUNTY                 | 3     |
| SERGEANT                        | SHERIFF'S OFFICE/NRADC           | 8     |
| SHERIFF                         | SHERIFF'S OFFICE                 | NC    |
| SOLID WASTE COORDINATOR         | PUBLIC WORKS/LANDFILL            | 7     |
| SOLID WASTE MANAGER             | PUBLIC WORKS/LANDFILL            | 8     |
| SR ACCOUNT ANALYST              | TREASURER'S OFFICE               | 7     |
| SR ACCOUNT CLERK                | FREDERICK COUNTY                 | 4     |
| SR ANIMAL CARETAKER             | PUBLIC WORKS/ANIMAL SHELTER      | 4     |
| SR ASAP CASE MANAGER            | NRADC/DCS                        | 7     |
| SR COLLECTOR                    | TREASURER'S OFFICE               | 10    |
| SR DESIGN REVIEW SPECIALIST     | PUBLIC WORKS/INSPECTIONS         | 8     |
| SR INSPECTOR                    | PUBLIC WORKS/INSPECTIONS         | 8     |
| SR LANDFILL TECHNICIAN          | PUBLIC WORKS/LANDFILL            | 5     |
| SR LEGAL SECRETARY              | COMM ATTY/CNTY ATTORNEY'S OFFICE | 5     |
| SR MOTOR EQUIP OPERATOR         | PUBLIC WORKS/SHAWNEELAND         | 5     |
| SR PERMIT TECHNICIAN            | PUBLIC WORKS/INSPECTIONS         | 5     |
| SR PLANNER                      | PLANNING & DEVELOPMENT           | 10    |
| SR PROBATION CASE OFFC          | NRADC/DCS                        | 4     |
| SR PROGRAM COORDINATOR          | INFORMATION TECHNOLOGY           | 11    |
| SR PROJECT MANAGER              | PUBLIC WORKS/ADMINISTRATION      | 10    |
| SR RECORDS CLERK                | FREDERICK COUNTY                 | 5     |
| SR SECRETARY                    | FREDERICK COUNTY                 | 4     |
| SUPERINTENDENT                  | NRADC                            | NC    |
| TREASURER                       | TREASURER'S OFFICE               | NC    |
| VW PROGRAM ASST. MANAGER        | VICTIM/WITNESS PROGRAM           | 5     |
| VW PROGRAM MANAGER              | VICTIM/WITNESS PROGRAM           | 7     |
| VW PROGRAM OFFICE ASSISTANT     | VICTIM/WITNESS PROGRAM           | 3     |
| WORK RELEASE SPECIALIST         | NRADC                            | 5     |



Frederick County Salary Administration Program - March 2019

| Title                | Department             | Range |
|----------------------|------------------------|-------|
| ZONING ADMINISTRATOR | PLANNING & DEVELOPMENT | 8     |
| ZONING INSPECTOR     | PLANNING & DEVELOPMENT | 5     |

| SALARY RANGES            |           |           |           |           |           |
|--------------------------|-----------|-----------|-----------|-----------|-----------|
| <i>Adopted July 2018</i> |           |           |           |           |           |
| Range                    | Minimum   | Progress  | Midpoint  | Advance   | Maximum   |
| 13                       | \$101,988 | \$117,254 | \$132,520 | \$147,787 | \$163,053 |
| 12                       | \$90,750  | \$104,426 | \$117,996 | \$131,566 | \$145,242 |
| 11                       | \$81,420  | \$93,612  | \$105,804 | \$117,996 | \$130,188 |
| 10                       | \$69,759  | \$80,254  | \$90,750  | \$101,245 | \$111,741 |
| 9                        | \$60,323  | \$69,441  | \$78,452  | \$87,463  | \$96,581  |
| 8                        | \$53,114  | \$61,065  | \$69,017  | \$76,968  | \$84,919  |
| 7                        | \$47,919  | \$55,128  | \$62,337  | \$69,547  | \$76,756  |
| 6                        | \$42,831  | \$49,191  | \$55,658  | \$62,125  | \$68,486  |
| 5                        | \$39,014  | \$44,845  | \$50,676  | \$56,507  | \$62,337  |
| 4                        | \$34,243  | \$39,438  | \$44,527  | \$49,616  | \$54,810  |
| 3                        | \$31,275  | \$35,939  | \$40,604  | \$45,269  | \$49,934  |
| 2                        | \$27,352  | \$31,487  | \$35,621  | \$39,756  | \$43,891  |
| 1                        | \$23,536  | \$27,140  | \$30,639  | \$34,137  | \$37,742  |

## **Exhibit B**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)

HR Committee's Draft of  
Administrative Leave & Unsafe Conditions Policies

## County of Frederick Proposed Policy Changes

### 1.6 Definitions

Administrative Closure shall be defined as work site closures authorized by the County Administrator due to unsafe conditions (e.g., inclement weather, hazardous circumstances, emergency situations, etc.).

### VIII. WORK HOURS, HOLIDAYS, LEAVE

8.11 Administrative Leave shall be defined as leave of absence with or without pay for the purpose of investigating or resolving work-related complaints, allegations, offenses, and/or charges which may result in formal disciplinary actions. In cases where compensation is not approved, paid time off or compensatory time may not be used.

Administrative Leave may be used during an investigation when it is necessary to determine the validity of allegations against an employee for unacceptable job performance or conduct. If this action is exercised, written notice shall be given to the affected employee stating the grounds for the investigation, the date the Administrative Leave is to begin and, if possible, the date the investigation is to be concluded. After the investigation is concluded, the employee should be notified of the results and given written notice of return to work or disciplinary action to be taken.

### XVII. UNSAFE CONDITIONS

Unsafe Conditions shall be defined as a situation whereby the health or safety of citizens, clients, or employees would be placed at risk or that conditions or events prevent performance of regular operations, services or responsibilities.

#### 17.1 Administrative Closure Designation/Notification

Administrative Closure (as defined in this Policy) may be authorized by the County Administrator.

In the case of Administrative Closure or delayed opening, employees shall be sent an automated message to their contact information of record. Additionally, the information will be posted on the County web site, social media sites, and the cable channel (Comcast Channel 16). Notification will be sent to the local radio stations - WINC and Q102.

#### 17.2 Unsafe Conditions Leave

In the event that an Administrative Closure has been authorized, this leave shall be recorded under the category of Unsafe Conditions Leave.

##### a. Unsafe Conditions Leave for Non-Essential Employees

Non-essential employees shall not be required to make up the time.

An employee who is on scheduled paid leave during an Administrative Closure may charge Unsafe Conditions Leave in place of the scheduled paid leave (i.e., PTO, IDA and Comp). However, an employee on a regular scheduled day off will not receive credit for the Administrative Closure.

b. Unsafe Conditions for Essential Employees

Essential employees are individuals whose duties must be performed regardless of Unsafe Conditions, and who must report to work despite an Administrative Closure.

All essential (non-exempt and full-time) employees required by their supervisors to work during an Administrative Closure shall be paid for all hours worked during the Administrative Closure. Additionally, essential employees shall be granted Unsafe Conditions Leave for the time worked, up to a maximum of eight (8) hours per day, not to exceed 32 hours per fiscal year. Unsafe Conditions Leave hours accrued must be used within sixty (60) days (or two timesheet periods) or it will be forfeited. Any unused accrued Unsafe Conditions Leave will not be paid out at the time of termination.

17.3 Liberal Leave

If there are Unsafe Conditions during normally scheduled work hours and there is no Administrative Closure, an employee shall be permitted, after appropriate contact with his/her Department Supervisor, to take Liberal Leave with the stipulation that the time must be made up within sixty (60) days. Liberal Leave make-up time shall be scheduled and approved by the Department Head. Should the time not be made up within sixty (60) days, the employee will be charged paid leave for time in arrears.

17.4 Timekeeping

Unsafe Conditions Leave and Liberal Leave must both be accounted for on the timesheet.

It shall be the Department Head's responsibility to oversee his/her employees' make-up time of Liberal Leave hours owed, and to reflect accurate balances in the appropriate column. When Liberal Leave make-up hours are applied to the regular working day(s) and the total amount then results in overtime, the excess hours are not eligible for overtime payment.

The timesheets for essential employees who work during a delayed opening or Administrative Closure should reflect both the hours worked and Unsafe Conditions Leave.

(Effective July 1, 2019)

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## **Exhibit C**

(Material Handed Out at June 17, 2019  
HR Committee Meeting and Memo of  
June 25, 2019 on proposed modified  
language regarding reporting options)

“Track Changes” of Current vs. Proposed  
Anti-Discrimination and Anti-Harassment Policy



XX. HARASSMENT/SEXUAL HARASSMENT ANTI-DISCRIMINATION AND ANTI-HARASSMENT -POLICY

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Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Purpose:

To define Frederick County's position regarding harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate Frederick County's actions to any such conduct.

Policy:

Frederick County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, discrimination or harassment on the basis of sex (including pregnancy, childbirth, and related medical conditions, and sex stereotyping), sexual orientation, color, race, religion, national origin, age, disability, genetic information, marital status, military service or protected veteran status, or any other protected characteristic under applicable law is prohibited. Any employee found to have engaged in prohibited discrimination or harassment will be subject to discipline, up to and including termination.

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For purposes of this policy, harassment includes verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile, or offensive working environment for an individual because of the individual's protected characteristic. Such conduct may include, but is not necessarily limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, stereotyping, insulting or obscene comments or gestures, display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward the individual or group, or other verbal or physical actions relating to an individual's protected characteristic.

Because there is often confusion related to the meaning of sexual harassment, it deserves additional clarification. Sexual harassment includes any unwelcome sexual conduct (including sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature) when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can take many forms. The following is a partial list of the types of behavior that could constitute sexual harassment:

- Unwanted or unwelcome physical contact or conduct of any kind, including, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact;
- Verbal abuse of a sexual nature, including sexual flirtations, advances, propositions, sexual innuendoes, sexually suggestive, insulting or graphic comments, noises, or sounds;
- Sexually explicit, suggestive or offensive jokes;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress, body, appearance, or personal life;
- The display or distribution in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs, drawings, or magazine pictures; and
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages.

To violate the law, harassment must reach a certain level of seriousness in terms of its nature, repetition, and/or impact on employment. This policy, however, not only prohibits unlawful harassment, but also offensive conduct that is contrary to Frederick County's core values. Thus, Frederick County may take action to address offensive behavior or statements based on a person's protected characteristic even if such action(s) standing alone would not rise to the level of unlawful harassment.

It is the policy of Frederick County that discriminatory harassment and/or sexual harassment of applicants and employees on the basis of race, religion, gender, national origin, age, marital status, veteran status and mental and physical handicap is unacceptable and will not be tolerated.

This policy exists to protect all County employees, applicants, customers, vendors, or other third parties with whom Frederick County has business dealings.

Harassment can occur as the result of a single incident or a pattern of behavior, including whenever:

1. Submission to the harassing conduct is either an explicit or implicit term or condition of employment;
2. An employee's reaction to the harassing conduct is used as a basis for employment decisions affecting that employee; or
3. The harassing conduct has the purpose or effect of interfering with the employee's work performance or creating an intimidation, hostile or offensive working environment.

Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to the following:

1. physical or mental abuse;
2. racial insults;



- 3. derogatory jokes;
- 4. religious slurs;
- 5. unwelcome sexual advances;

Sexual harassment is defined generally as including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

No employee or applicant should be subjected to unsolicited and unwelcome sexual overtures. Nor should any employee or applicant be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature.

Sexual harassment includes behavior which is not welcome and which is personally intimidating, hostile or offensive including but not limited to physical acts, written acts, and electronic transmissions. It also may include such actions as:

- 1. sexually-oriented verbal teasing or jokes;
- 2. repeated offensive sexual flirtations, advances, or propositions;
- 3. continued or repeated verbal abuse of a sexual nature;
- 4. graphic or degrading comments about an individual or his or her appearance;
- 5. the display of sexually suggestive objects or pictures;
- 6. subtle pressure for sexual activity; and
- 7. physical contact or blocking movement.

**Reporting Obligations**

Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify the Director of Human Resources. A supervisor who becomes aware of any harassment, or who receives allegations of harassment from any employee, must immediately advise the Director of Human Resources.

All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

**No Retaliation**

Frederick County forbids retaliation against any employee for making a good faith complaint or cooperating fully and truthfully in an investigation under this policy. Any employee who is found to have engaged in retaliation in violation of this policy will be

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subject to discipline, up to and including termination. If an employee believes he or she has been retaliated against in violation of this policy, the employee must report such violation in the same way other violations of this policy are reported.

### Individuals and Conduct Covered

This policy prohibits harassment, discrimination and retaliation whether engaged in by, or directed at, employees, contractors, clients, vendors, or others an employee may come into contact with while working or representing the County. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### Procedure:

Any employee who feels that he or she has been the subject of any form of harassment or who has reason to believe that someone else has been the subject of any form of harassment has the obligation to notify the HR Director, his or her supervisor, and Department Head. The employee is expected to provide information the County requests, including a detailed account of the incident(s) complained of, related facts, witnesses (if any), dates, etc. The Director of Human Resources will make a prompt investigation of the matter, and will document, as appropriate, the contents of meetings, interviews, and related matters. The employee will be entitled to learn the conclusions and recommendations of the investigation, upon its conclusion.

Any employee found to have violated the County's policy against sexual harassment will be immediately subject to appropriate disciplinary action, including possible termination, depending upon the severity of the offense.

It is the County's policy that no one will be retaliated against for making a complaint of harassment based upon an honest perception of the events or for participating in the investigation of a complaint. No one will be presumed to be in violation because an investigation is being conducted.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Updated/Approved: 05/22/2013

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# Proposed Anti-Discrimination and Anti-Harassment Policy

**XX. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

**Purpose**

To define Frederick County's position regarding harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate Frederick County's actions to any such conduct.

**Policy**

Frederick County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, discrimination or harassment on the basis of sex (including pregnancy, childbirth, and related medical conditions, and sex stereotyping), sexual orientation, color, race, religion, national origin, age, disability, genetic information, marital status, military service or protected veteran status, or any other protected characteristic under applicable law is prohibited. Any employee found to have engaged in prohibited discrimination or harassment will be subject to discipline, up to and including termination.

For purposes of this policy, harassment includes verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile, or offensive working environment for an individual because of the individual's protected characteristic. Such conduct may include, but is not necessarily limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, stereotyping, insulting or obscene comments or gestures, display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward the individual or group, or other verbal or physical actions relating to an individual's protected characteristic.

Because there is often confusion related to the meaning of sexual harassment, it deserves additional clarification. Sexual harassment includes any unwelcome sexual conduct (including sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature) when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can take many forms. The following is a partial list of the types of behavior that could constitute sexual harassment:



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To violate the law, harassment must reach a certain level of seriousness in terms of its nature, repetition, and/or impact on employment. This policy, however, not only prohibits unlawful harassment, but also offensive conduct that is contrary to Frederick County's core values. Thus, Frederick County may take action to address offensive behavior or statements based on a person's protected characteristic even if such action(s) standing alone would not rise to the level of unlawful harassment.

### **Reporting Obligations**

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violation in the same way other violations of this policy are reported.

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Updated/Approved: \_\_\_\_\_





## County of Frederick

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**Michael J. Marciano**  
Director of Human Resources

(540) 665-5668  
Fax: (540) 665-5669  
Michael.Marciano@fcva.us

TO: Board of Supervisors

FROM: Michael J. Marciano

DATE: June 25, 2019

SUBJECT: Modification to Reporting Approach Under Updated "Anti-Discrimination and Anti-Harassment" Policy

---

At the Human Resources Committee meeting held on June 17, 2019, an updated "Anti-Discrimination and Anti-Harassment" policy was recommended to the Board of Supervisors for approval. Subsequent to that meeting, I reflected on the fact that the new policy did not provide multiple avenues of reporting any claim of harassment; rather, it requested that all claims of harassing behavior should be reported to the Director of Human Resources.

Since it can be difficult for employees to come forward and report harassment to the Human Resources Department, my suggested modification is that multiple avenues of reporting be provided. To that end, the modified policy would be worded as follows:

"Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify your supervisor, Department Head, or Director of Human Resources."

A complete version of the modified policy is attached for the Board of Supervisors' reference and consideration.

## **XX. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

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### **Purpose**

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### **Reporting Obligations**

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All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

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Updated/Approved: \_\_\_\_\_

## **Exhibit D**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)

## Employee Recognition





## County of Frederick Employee of the Month Nomination Form

Received: (HR use)

### Do you know of an employee who

Exhibits **EXTRA** effort...

Goes **ABOVE AND BEYOND** the requirements of his or her position...

Provides **OUTSTANDING** service...

Makes a significant **contribution, accomplishment or achievement** to the County of Frederick and its residents.

Criteria for Employee Recognition: Please mark the appropriate contribution(s):

- |   |   |   |   |
|---|---|---|---|
| <input checked="" type="checkbox"/> Critical Thinking and Problem Solving | <input checked="" type="checkbox"/> Interpersonal Skills    | <input checked="" type="checkbox"/> Professionalism | <input checked="" type="checkbox"/> Superior Accomplishment |
| <input checked="" type="checkbox"/> Customer Service (Exceptional)        | <input checked="" type="checkbox"/> Leadership Qualities    | <input type="checkbox"/> Project                    | <input type="checkbox"/> Other                              |
| <input checked="" type="checkbox"/> Dependability                         | <input type="checkbox"/> Monetary Savings Ideas             | <input checked="" type="checkbox"/> Quality         |   |
| <input checked="" type="checkbox"/> Innovation/Creativity                 | <input checked="" type="checkbox"/> Performance/Skill Level | <input checked="" type="checkbox"/> Resourcefulness |   |
| <input checked="" type="checkbox"/> Integrity                             | <input type="checkbox"/> Positive Attitude                  | <input type="checkbox"/> Safe Work Practices        |   |

Employee Name: Greg E. Lambert

Department: Frederick Co. Sheriff's Office

Nomination Submitted By: Sheriff

Department: Frederick Co. Sheriff's Office

Nominator's Signature: [Signature]

SHERRIFF

Date: 6/5/19

Describe the employee's accomplishments/contributions that were **ABOVE AND BEYOND** the normal duties expected of the position. Describe how the employee provided exceptional service:

Deputy Lambert was assigned to the Drug Court during it's implementation. During his tenure there he has been an integral part of it working. He spend many hours making the program work and dealing with people of addiction.

Deputy Lambert is tireless in his efforts to assist recovering addicts and, on more than one occasion, has purchased shoes, toiletries or other essentials for program participants who were without the financial means to buy those items. He brings meaningful insights to the commitment of individuals in their recovery and has an intense working knowledge of the people he is charged with supervising.

I am proud of the work he does.

Specifically describe the actions that meet the criteria of this award. Describe the value added to the department, team or organization.

He acts in the capacity of law enforcement officer, counselor, probation officer, healer, friend, father confessor and sounding board for each of the people participating in the drug court program and without his assistance, expertise and caring commitment to program goals, drug court would cease to function.

Greg goes well above the call of duty working long hours with a, sometimes, difficult population and never complains or shirks his responsibilities. He is tough but compassionate with the drug court participants offering counsel as well as constructive criticism when appropriate.



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Parks & Recreation Commission

**Item Type:** Committee Report

**Item Title:** Parks & Recreation Commission Report of 6-11-19

**Attachments:**

[Parks & Rec Commission Report - June 2019.pdf](#)



**PARKS AND RECREATION COMMISSION REPORT to the BOARD OF SUPERVISORS**  
**Wednesday July 10, 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:** June 12, 2019  
**Subject:** Parks and Recreation Commission Action

The Parks and Recreation Commission met on June 11, 2019. Members present were: Guss Morrison, Christopher Fordney, Gary Longerbeam, Amy Strosnider, Charles Sandy, Jr., Natalie Gerometta, Ronald Madagan, Randy Carter, and Robert Wells (Board of Supervisors' Non-Voting Liaison).

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

None

ITEMS SUBMITTED FOR INFORMATION ONLY

1. The Commission approved not entering into a long-term lease agreement with the Winchester Model Railroad Club for use of space at the Snowden Bridge Park location storage building.
2. The Commission approved sending the attached letter of appreciation to the Scully Family for their donation of 8 parcels of land along the Abrams Creek in the trail corridor.
3. The Commission approved sending a letter of interest for a grant opportunity that would assist in the installation of a bike park at NW Sherando Park. If accepted, staff would follow the County Grant approval process and apply for the grant in October of 2019.

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



June , 2019

Thomas G. Scully, Jr., Katharine Scully Frazee, and Tucker Scully Ramadan  
c/o Thomas G. Scully, Jr.  
3050 Valley Avenue, Suite 110  
Winchester, VA 22601

Dear Thomas G. Scully, Jr., Katharine Scully Frazee, and Tucker Scully Ramadan,

Thank you for your generous gift of land to the citizens of Frederick County. The Parks and Recreation Department is appreciative of your support. Through your donation, you have made it possible for us to create the Abrams Creek Trail, a unique recreation and leisure amenity along the beautiful Abrams Creek waterway. This donation will make a transformative difference in our community with benefits lasting for many years to come.

The top ranked recreation amenity desire in Frederick County is for shared-use trails. The properties you have donated along Abrams Creek will allow us to address this top desire of area residents with the Abrams Creek Trail. Through your donation we can support a healthy, vibrant community. For this we are truly grateful!

If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Jason L. Robertson  
Director

Charles "Rusty" Sandy, Jr.  
Chairman, P&R Commission



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Public Works Committee

**Item Type:** Committee Report

**Item Title:** Public Works Committee Report of 6-25-19

**Attachments:**

[Public Works 06-25-19 COMMITTEE REPORT.pdf](#)

PUBLIC WORKS COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Tuesday, June 25, 2019  
8:00 a.m.  
107 NORTH KENT STREET, SUITE 200, WINCHESTER, VIRGINIA

PUBLIC WORKS COMMITTEE ATTENDEES:

Committee Members Present: J. Douglas McCarthy, Chairman; Gary A. Lofton; Gene E. Fisher; and Harvey E. "Ed" Strawsnyder, Jr.

Committee Members Absent: Whitney "Whit" L. Wagner

Staff and others present: Joe C. Wilder, Director of Public Works; Rod Williams, County Attorney; Kris Tierney, County Administrator; Jay Tibbs, Deputy County Administrator, Gloria Puffinburger, Solid Waste Manager; Brandon Wyatt, intern; Ron Kimble, Landfill Manager; Michael Neese, City of Winchester Public Works.

**Attachment 1 – Agenda Packet**

ITEM FOR INFORMATION ONLY

1-Update on the replacement of the Albin Convenience Center

Staff gave a brief update about the Albin Convenience Center located at the old transportation facility (SFW). The Frederick County School Board approved the resolution to provide a perpetual easement for the construction of a new citizen convenience center and associated improvements. Also, they approved the resolution and deed of gift for the old Bryarly school site where our current convenience center is located. The deed still listed ownership by the school board and now the county can dispose of the property once our new replacement site is construction and in use.

2-State of Recycling in Frederick County.

Frederick County received notice from our recycling vendor, Southern Scrap that after August 13, 2019, they will no longer receive our recycled goods. The committee met and staff discussed short-term and long-term options and solutions concerning the future of the county's recycling program. We briefed the group about a potential study to be conducted by SCS Engineers which would include the landfill service area of Frederick, Clarke and Winchester. The study will explore the municipal and business sector recycling needs, tonnages and feasibility of constructing a materials recovery facility (MRF) or sorting facility on landfill property. Results of this study have been requested prior to the start of the budget season in October 2019.

A second, regional feasibility study is supported by the members of the Northern Shenandoah Valley Regional Planning District's Solid Waste Technical Committee. The planning district will head up this study which will include representatives from cities, towns and counties in the planning district, all of which are faced with tough decisions regarding the future of their recycling programs. The group will also solicit input and data from private haulers and other stakeholders. The long-term study will be funded from reserve monies included in the Regional Tire Operation Program (RTOP), already a planning district cooperative effort.

**(Attachment 2)**

In the near short term, staff is in negotiations with the county's local recycler to enter into a limited term contract which will maintain the recycling program until the end of the calendar year 2019. The county will be asked to pay processing fees for the first time in recent history. The revenue derived from the sale of materials no longer offsets operational and labor costs. This is a permanent shift across the United States as municipal programs are being required to pay more in order to maintain levels of service in the face of national and international market unrest. Once a proposal is submitted, the committee will meet again and make a recommendation to the board. In the interim, staff has also prepared a Request for Quotes for advertisement. The county's current agreement with its vendor ends on August 13.

The Public Works Committee also discussed the option of suspending the recycling program and landfill all materials, at a cost of about \$65,500 per year which includes the following:

- Lost rebates for recyclables
- Increased tipping fees paid to the landfill for trash
- Increased trash hauling costs which are not completely offset by the cost avoidance of hauling recyclables
- Loss of landfill air space and associated tipping fees at the landfill

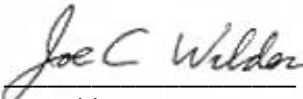
Other impacts include logistical issues at the convenience sites, such as reduced operational hours on weekends and holidays at some locations (i.e.; Greenwood, Albin, Gore, Double Toll Gate). When sites reach capacity and the landfill is closed, staff will likely be forced to close early due to a lack of waste diversion.

Staffs goal is to provide as many options as possible to allow the Board of Supervisors to make the best decisions for the county. We will continue to work through this very fluid situation and provide regular updates and information to the Board and Administration.

Respectfully submitted,

Public Works Committee

J. Douglas McCarthy, Chairman  
Gary A. Lofton  
Robert W. Wells  
Whitney "Whit" L. Wagner  
Gene E. Fisher  
Harvey E. "Ed" Strawsnyder, Jr.

By   
Joe C. Wilder  
Public Works Director

JCW/kco

Attachments: as stated

cc: Kris Tierney, County Administrator  
Jay Tibbs, Deputy County Administrator  
Ron Kimble, Landfill Manager  
Gloria Puffinburger, Solid Waste Manager  
Rod Williams, County Attorney  
Erin Swisshelm, Assistant County Attorney  
file





## MEMORANDUM

**TO:** Public Works Committee

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

**SUBJECT:** Meeting of June 25, 2019

**DATE:** June 20, 2019

---

There will be a meeting of the Public Works Committee on Tuesday, June 25, 2019 at 8:00 a.m. **in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200.** The agenda thus far is as follows:

1. Update and discussion regarding the recycling program for Frederick County.
2. Miscellaneous Reports:
  - a. Tonnage Report: Landfill  
**(Attachment 1)**
  - b. Recycling Report  
**(Attachment 2)**
  - c. Animal Shelter Dog Report:  
**(Attachment 3)**
  - d. Animal Shelter Cat Report  
**(Attachment 4)**

JCW/kco

Attachments: as stated



MEMORANDUM

**TO:** Public Works Committee  
**FROM:** Joe C. Wilder, Director of Public Works *JCW*  
**SUBJECT:** Monthly Tonnage Report - Fiscal Year 18/19  
**DATE:** June 20, 2019

The following is the tonnage for the months of July 2017 through June 2018, and the average monthly tonnage for fiscal years 03/04 through 18/19.

**FY 03-04:** AVERAGE PER MONTH: 16,348 TONS (UP 1,164 TONS)  
**FY 04-05:** AVERAGE PER MONTH: 17,029 TONS (UP 681 TONS)  
**FY 05-06:** AVERAGE PER MONTH: 17,785 TONS (UP 756 TONS)  
**FY 06-07:** AVERAGE PER MONTH: 16,705 TONS (DOWN 1,080 TONS)  
**FY 07-08:** AVERAGE PER MONTH: 13,904 TONS (DOWN 2,801 TONS)  
**FY 08-09:** AVERAGE PER MONTH: 13,316 TONS (DOWN 588 TONS)  
**FY 09-10:** AVERAGE PER MONTH: 12,219 TONS (DOWN 1,097 TONS)  
**FY 10-11:** AVERAGE PER MONTH: 12,184 TONS (DOWN 35 TONS)  
**FY 11-12:** AVERAGE PER MONTH: 12,013 TONS (DOWN 171 TONS)  
**FY 12-13:** AVERAGE PER MONTH: 12,065 TONS (UP 52 TONS)  
**FY 13-14:** AVERAGE PER MONTH: 12,468 TONS (UP 403 TONS)  
**FY 14-15:** AVERAGE PER MONTH: 13,133 TONS (UP 665 TONS)  
**FY 15-16:** AVERAGE PER MONTH: 13,984 TONS (UP 851 TONS)  
**FY 16-17:** AVERAGE PER MONTH: 14,507 TONS (UP 523 TONS)  
**FY 17-18:** AVERAGE PER MONTH: 15,745 TONS (UP 1,238 TONS)  
**FY 18-19:** AVERAGE PER MONTH: 16,601 TONS (UP 856 TONS)

| MONTH     | FY 2017-2018 | FY 2018-2019 |
|-----------|--------------|--------------|
| JULY      | 15,465       | 17,704       |
| AUGUST    | 17,694       | 18,543       |
| SEPTEMBER | 16,813       | 14,799       |
| OCTOBER   | 15,853       | 18,158       |
| NOVEMBER  | 16,109       | 15,404       |
| DECEMBER  | 12,644       | 14,426       |
| JANUARY   | 13,295       | 13,973       |
| FEBRUARY  | 13,100       | 12,764       |
| MARCH     | 15,510       | 17,079       |
| APRIL     | 15,469       | 20,313       |
| MAY       | 18,755       | 19,443       |
| JUNE      | 18,228       |              |

RECYCLING REPORT - FY 18/19

| <u>MONTH</u>    | <u>GLASS</u>      | <u>PLAST</u>     | <u>AL</u><br><u>CANS</u> | <u>STEEL</u><br><u>CANS</u> | <u>PAPER</u>      | <u>OCC</u>       | <u>SHOES/TEX</u> | <u>ELEC</u>      | <u>SCRAP</u>      | <u>TOTAL</u>      |
|-----------------|-------------------|------------------|--------------------------|-----------------------------|-------------------|------------------|------------------|------------------|-------------------|-------------------|
| JUL             |                   | 40,320           | 1,945                    | 4,620                       | 78,140            | 98,621           | 9,500            | 68,580           | 292,300           | 594,026           |
| AUG             |                   | 38,580           | 4,855                    | 7,925                       | 90,020            | 98,500           | 9,220            | 24,680           | 300,180           | 573,960           |
| SEP             |                   | 32,600           | 3,120                    | 6,560                       | 65,600            | 88,380           | 5,380            | 52,200           | 211,500           | 465,340           |
| OCT             |                   | 37,778           | 4,140                    | 7,580                       | 99,480            | 92,960           |                  | 51,340           | 255,960           | 549,238           |
| NOV             |                   | 49,965           | 5,432                    | 12,245                      | 82,740            | 126,335          |                  | 25,960           | 246,374           | 549,051           |
| DEC             |                   | 35,340           | 3,710                    | 8,650                       | 71,280            | 118,920          | 3,600            | 28,040           | 171,800           | 441,340           |
| JAN             |                   | 50,800           | 2,415                    | 7,500                       | 91,800            | 114,400          | 8,604            | 53,180           | 172,520           | 501,219           |
| FEB             |                   | 37,780           | 5,845                    | 12,244                      | 111,735           | 124,380          | 5,020            | 26,980           | 117,220           | 441,204           |
| MAR             |                   | 26,820           | 3,300                    | 7,290                       | 75,680            | 87,320           |                  | 25,580           | 228,501           | 454,491           |
| APR             |                   | 37,000           | 3,700                    | 7,229                       | 65,560            | 92,790           | 5,200            | 53,820           | 315,860           | 581,159           |
| MAY             |                   | 27,660           | 4,110                    | 7,370                       | 85,640            | 100,360          | 6,500            | 32,540           | 394,680           | 658,860           |
| JUN             |                   |                  |                          |                             |                   |                  |                  |                  |                   | 0                 |
| <b>TOTAL</b>    | <b>0</b>          |                  |                          |                             |                   |                  |                  |                  |                   | <b>0</b>          |
| <b>FY 17-18</b> | <b>0</b>          | <b>465,080</b>   | <b>53,224</b>            | <b>94,530</b>               | <b>1,043,120</b>  | <b>1,080,087</b> | <b>37,260</b>    | <b>536,420</b>   | <b>2,874,709</b>  | <b>6,184,430</b>  |
| <b>FY 16-17</b> | <b>372,600</b>    | <b>430,435</b>   | <b>41,002</b>            | <b>89,976</b>               | <b>1,082,737</b>  | <b>1,009,153</b> | <b>37,220</b>    | <b>495,500</b>   | <b>2,687,241</b>  | <b>6,245,864</b>  |
| <b>FY 15-16</b> | <b>919,540</b>    | <b>428,300</b>   | <b>52,077</b>            | <b>97,252</b>               | <b>1,275,060</b>  | <b>974,493</b>   | <b>48,820</b>    | <b>480,400</b>   | <b>2,376,344</b>  | <b>6,652,286</b>  |
| <b>FY 14-15</b> | <b>895,600</b>    | <b>407,703</b>   | <b>40,060</b>            | <b>97,515</b>               | <b>1,272,660</b>  | <b>893,380</b>   | <b>49,440</b>    | <b>532,283</b>   | <b>1,890,729</b>  | <b>6,079,370</b>  |
| <b>FY 13-14</b> | <b>904,780</b>    | <b>417,090</b>   | <b>39,399</b>            | <b>99,177</b>               | <b>1,281,105</b>  | <b>902,701</b>   | <b>37,800</b>    | <b>611,580</b>   | <b>1,639,225</b>  | <b>5,932,937</b>  |
| <b>FY 12-13</b> | <b>913,530</b>    | <b>410,338</b>   | <b>45,086</b>            | <b>102,875</b>              | <b>1,508,029</b>  | <b>878,450</b>   | <b>39,700</b>    | <b>502,680</b>   | <b>1,321,938</b>  | <b>5,722,626</b>  |
| <b>FY 11-12</b> | <b>865,380</b>    | <b>398,320</b>   | <b>43,884</b>            | <b>99,846</b>               | <b>1,492,826</b>  | <b>840,717</b>   | <b>37,920</b>    | <b>484,600</b>   | <b>1,432,678</b>  | <b>5,696,171</b>  |
| <b>FY 10-11</b> | <b>949,185</b>    | <b>378,452</b>   | <b>42,120</b>            | <b>98,474</b>               | <b>1,404,806</b>  | <b>824,873</b>   | <b>41,700</b>    | <b>467,920</b>   | <b>1,220,107</b>  | <b>5,427,637</b>  |
| <b>FY 09-10</b> | <b>1,123,671</b>  | <b>370,386</b>   | <b>42,844</b>            | <b>96,666</b>               | <b>1,235,624</b>  | <b>671,669</b>   | <b>21,160</b>    | <b>435,680</b>   | <b>1,348,398</b>  | <b>5,346,098</b>  |
| <b>FY 08-09</b> | <b>762,810</b>    | <b>322,928</b>   | <b>23,473</b>            | <b>55,246</b>               | <b>1,708,302</b>  | <b>564,957</b>   | <b>28,780</b>    | <b>404,760</b>   | <b>1,097,151</b>  | <b>4,968,407</b>  |
| <b>FY 07-08</b> | <b>794,932</b>    | <b>284,220</b>   | <b>15,783</b>            | <b>40,544</b>               | <b>1,971,883</b>  | <b>545,692</b>   | <b>0</b>         | <b>498,110</b>   | <b>1,172,880</b>  | <b>5,324,044</b>  |
| <b>FY 06-07</b> | <b>600,464</b>    | <b>200,720</b>   | <b>11,834</b>            | <b>29,285</b>               | <b>1,684,711</b>  | <b>441,321</b>   | <b>0</b>         | <b>382,574</b>   | <b>550,070</b>    | <b>3,900,979</b>  |
| <b>FY 05-06</b> | <b>558,367</b>    | <b>190,611</b>   | <b>12,478</b>            | <b>28,526</b>               | <b>1,523,162</b>  |                  |                  | <b>381,469</b>   | <b>204,220</b>    | <b>2,898,833</b>  |
| <b>FY 04-05</b> | <b>549,527</b>    | <b>193,224</b>   | <b>11,415</b>            | <b>27,525</b>               | <b>1,552,111</b>  |                  |                  | <b>273,707</b>   | <b>25,080</b>     | <b>2,632,589</b>  |
| <b>FY 03-04</b> | <b>541,896</b>    | <b>174,256</b>   | <b>11,437</b>            | <b>31,112</b>               | <b>1,443,461</b>  |                  |                  | <b>156,870</b>   | <b>336,230</b>    | <b>2,695,262</b>  |
| <b>FY 02-03</b> | <b>413,627</b>    | <b>146,770</b>   | <b>9,840</b>             | <b>23,148</b>               | <b>1,381,195</b>  |                  |                  | <b>62,840</b>    | <b>171,680</b>    | <b>2,209,100</b>  |
| <b>FY 01-02</b> | <b>450,280</b>    | <b>181,040</b>   | <b>10,565</b>            | <b>25,553</b>               | <b>1,401,206</b>  |                  |                  | <b>54,061</b>    | <b>58,140</b>     | <b>2,180,845</b>  |
| <b>FY 00-01</b> | <b>436,615</b>    | <b>198,519</b>   | <b>10,367</b>            | <b>24,988</b>               | <b>1,759,731</b>  |                  |                  |                  | <b>9,620</b>      | <b>2,439,840</b>  |
| <b>FY 99-00</b> | <b>422,447</b>    | <b>177,260</b>   | <b>10,177</b>            | <b>22,847</b>               | <b>1,686,587</b>  |                  |                  |                  | <b>44,180</b>     | <b>2,363,498</b>  |
| <b>FY 98-99</b> | <b>402,192</b>    | <b>184,405</b>   | <b>9,564</b>             | <b>22,905</b>               | <b>1,411,950</b>  |                  |                  |                  | <b>48,810</b>     | <b>2,079,826</b>  |
| <b>FY 97-98</b> | <b>485,294</b>    | <b>136,110</b>   | <b>13,307</b>            | <b>29,775</b>               | <b>1,830,000</b>  |                  |                  |                  |                   | <b>2,494,486</b>  |
| <b>FY 96-97</b> | <b>373,106</b>    | <b>211,105</b>   | <b>23,584</b>            | <b>46,625</b>               | <b>1,690,000</b>  |                  |                  |                  |                   | <b>2,344,420</b>  |
| <b>FY 95-96</b> | <b>511,978</b>    | <b>167,486</b>   | <b>28,441</b>            | <b>44,995</b>               | <b>1,553,060</b>  |                  |                  |                  |                   | <b>2,305,960</b>  |
| <b>TO DATE</b>  | <b>14,247,821</b> | <b>6,009,678</b> | <b>548,737</b>           | <b>1,234,855</b>            | <b>33,150,206</b> | <b>8,547,406</b> | <b>342,540</b>   | <b>6,225,034</b> | <b>17,634,721</b> | <b>87,941,078</b> |

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2018-2019

DOG REPORT

| MONTH | ON HAND AT<br>FIRST OF MONTH | RECEIVED<br>AT KENNEL | BROUGHT IN<br>BY ACO | BITE<br>CASES | BORN AT<br>KENNEL | ADOPTED | RECLAIMED | DISPOSED | DIED AT<br>KENNEL | ESCAPED/<br>STOLEN | CARRIED OVER<br>NEXT MONTH |
|-------|------------------------------|-----------------------|----------------------|---------------|-------------------|---------|-----------|----------|-------------------|--------------------|----------------------------|
| JULY  | 36                           | 29                    | 36                   | 1             | 0                 | 29      | 35        | 1        | 0                 | 0                  | 37                         |
| AUG   | 37                           | 41                    | 36                   | 2             | 0                 | 29      | 36        | 2        | 1                 | 0                  | 48                         |
| SEP   | 48                           | 33                    | 41                   | 2             | 0                 | 29      | 38        | 4        | 0                 | 0                  | 53                         |
| OCT   | 53                           | 28                    | 24                   | 2             | 0                 | 37      | 19        | 4        | 0                 | 0                  | 47                         |
| NOV   | 47                           | 28                    | 22                   | 4             | 0                 | 39      | 21        | 1        | 0                 | 0                  | 40                         |
| DEC   | 40                           | 32                    | 11                   | 0             | 0                 | 37      | 8         | 2        | 0                 | 0                  | 36                         |
| JAN   | 36                           | 29                    | 24                   | 2             | 0                 | 32      | 22        | 5        | 0                 | 0                  | 32                         |
| FEB   | 32                           | 19                    | 32                   | 0             | 0                 | 23      | 22        | 2        | 0                 | 0                  | 36                         |
| MAR   | 36                           | 23                    | 31                   | 1             | 0                 | 35      | 22        | 3        | 0                 | 0                  | 31                         |
| APR   | 31                           | 25                    | 31                   | 0             | 0                 | 21      | 27        | 0        | 1                 | 0                  | 38                         |
| MAY   | 38                           | 53                    | 49                   | 3             | 14                | 27      | 49        | 1        | 0                 | 0                  | 80                         |
| JUN   |                              |                       |                      |               |                   |         |           |          |                   |                    |                            |
| TOTAL | 434                          | 340                   | 337                  | 17            | 14                | 338     | 299       | 25       | 2                 | 0                  | 478                        |

In the month of May - 157 dogs in and out of kennel. 2 dogs transferred to other agencies.

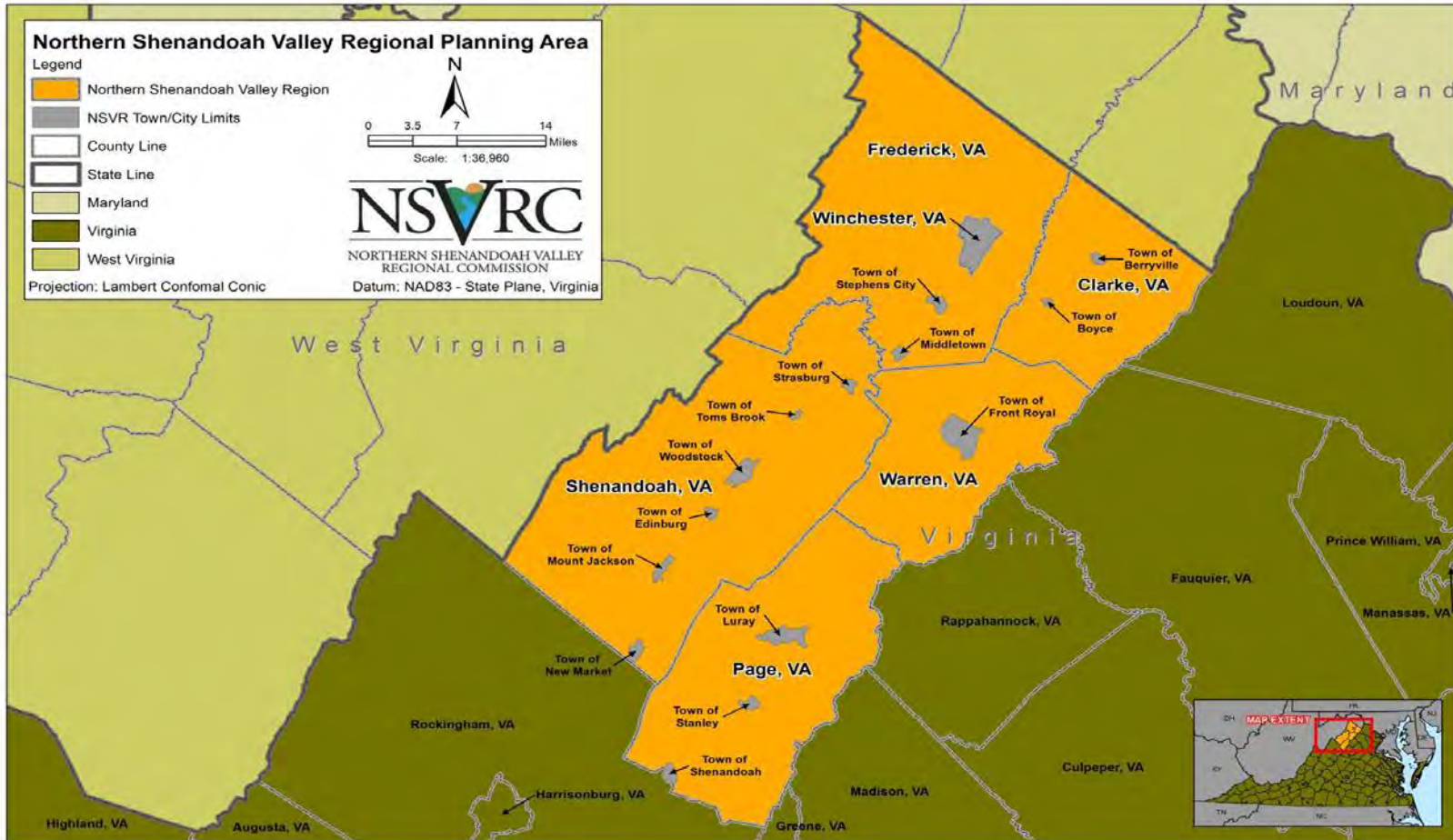
FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2018-2019

CAT REPORT

| MONTH | ON HAND AT<br>FIRST OF MONTH | RECEIVED<br>AT KENNEL | BROUGHT IN<br>BY ACO | BITE<br>CASES | BORN AT<br>KENNEL | ADOPTED | RECLAIMED | DISPOSED | DIED AT<br>KENNEL | ESCAPED/<br>STOLEN | CARRIED TO<br>NEXT MONTH |
|-------|------------------------------|-----------------------|----------------------|---------------|-------------------|---------|-----------|----------|-------------------|--------------------|--------------------------|
| JULY  | 122                          | 129                   | 14                   | 4             | 7                 | 49      | 2         | 102      | 3                 | 0                  | 120                      |
| AUG   | 120                          | 122                   | 21                   | 3             | 3                 | 116     | 6         | 65       | 1                 | 0                  | 81                       |
| SEP   | 81                           | 95                    | 9                    | 2             | 0                 | 52      | 2         | 41       | 2                 | 0                  | 90                       |
| OCT   | 90                           | 119                   | 15                   | 2             | 3                 | 62      | 1         | 48       | 4                 | 0                  | 114                      |
| NOV   | 114                          | 85                    | 14                   | 1             | 6                 | 64      | 1         | 60       | 2                 | 0                  | 93                       |
| DEC   | 93                           | 46                    | 4                    | 1             | 0                 | 40      | 1         | 20       | 0                 | 0                  | 83                       |
| JAN   | 83                           | 71                    | 6                    | 1             | 0                 | 69      | 2         | 33       | 0                 | 0                  | 57                       |
| FEB   | 57                           | 46                    | 3                    | 1             | 0                 | 37      | 0         | 17       | 0                 | 0                  | 53                       |
| MAR   | 53                           | 66                    | 2                    | 2             | 6                 | 52      | 3         | 24       | 1                 | 0                  | 49                       |
| APR   | 49                           | 61                    | 2                    | 1             | 17                | 63      | 3         | 15       | 0                 | 0                  | 49                       |
| MAY   | 49                           | 131                   | 11                   | 6             | 7                 | 64      | 5         | 60       | 1                 | 0                  | 74                       |
| JUN   |                              |                       |                      |               |                   |         |           |          |                   |                    |                          |
| TOTAL | 911                          | 971                   | 101                  | 24            | 49                | 668     | 26        | 485      | 14                | 0                  | 863                      |

In the month of May - 204 cats in and out of shelter. 38 cats transferred to other agencies.







Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Administration

**Item Type:** Committee Report

**Item Title:** Transportation Committee Report of 6-24-19

**Attachments:**

[BOS 07-10-19 TC 06-24-19 Meeting Report.pdf](#)

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Monday, June 24, 2019  
8:30 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

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

Committee Members Absent: Mark Davis (Liaison Middletown).

Staff Present: Assistant Director-Transportation John Bishop, and Kathy Smith, Secretary.

ITEMS FOR INFORMATION ONLY:

**1-SmartScale Application Development:** Staff discussed the next round of SmartScale which are due in the fall of 2020. Staff would like to begin a project list for the next round of applications as soon as possible to be prepared and competitive. Staff has had some feedback regarding the concerns raised across the state that most likely there will be changes to the policy in the upcoming round of SmartScale. A handout of potential projects and potential applications source were presented to the Committee for a start list with highlighted areas of the projects that were applied for last year. The current rules allow for Frederick County four (4) independent applications. An additional four (4) applications can be submitted through the Winchester Frederick County MPO and Shenandoah Valley Regional Commission entities that Frederick County is a member.

**2-Transportation Forum Discussion and Guidance:** Staff is seeking guidance on whether the Committee would like to hold the Transportation Forum again this year. The Committee recommended to continue with another Transportation Forum in October as it has been a well-attended event. A topic that the Committee would like to see address is to have a representative from the Secretary's Office to present the package on the new fuel tax increase. It was suggested to move the venue to another location to attract different attendees. A potential location suggested was the Public Safety Building which would allow for a larger setting and display area. Staff was directed to seek October availability of our CTB members and Delegates and then work on the date and venues based upon that availability.

**4-County Projects Updates:**

**Crossover Boulevard aka Tevis Street Extension/Airport Road/I-81 Bridge:** The notice to proceed was issued to Perry Engineering on May 14, 2019. The contractor is currently mobilizing on-site and working through the various permits required to move forward with the work. The project has an expected completion date of September 10, 2021.

**Renaissance Drive:** The project is nearly at 30% design. Currently, Staff is seeking comments from various agencies on the Springdale Road CSX crossing closure.

**Northern Y:** The consultant is compiling the items necessary to meet the approximately 60% for the language in the Revenue Sharing Agreement.

**Jubal Early Drive Extension and Interchange with Route 37:** No activity at this time.

**5-Upcoming Agenda Items:**

SmartScale (ongoing discussion and development)

Transportation Forum

Staff also noted that they are participating in the VTRANS statewide transportation plan update, as well as the first stages of the MPO Long Range Plan update. Items from these efforts are expected to come to the Committee at the appropriate times.

**6-Other:**

The Committee requested to have a representative from VDOT's Traffic Engineering Division discuss the traffic signal coordination and signal system in the area at an upcoming meeting.

Scott Alexander, VDOT gave an update on area projects and all are moving along well. Judith McCann-Slaughter thanked VDOT for the signage at I-81.

The Committee asked Staff to look into the Rural Preservation Subdivision ordinance to see if anything can be done with the unpaved road issue for residents.

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

**3-Revenue Sharing (see attached):** Currently, the pre-application window is open for VDOT's Revenue Sharing Program. No applications have been forthcoming from potential private partners so Staff recommends that the Committee concur on an application that would fully match the private contribution on the Renaissance Drive project. Staff discussed the current cost estimate and the revenue stream indicated on Renaissance Drive that is fully funded. Staff has reviewed the standard project inflation rates and analyzed the contingency amounts with the rapidly increasing project costs that have been seen in the industry at large. Staff would seek to submit a Revenue Sharing application to obtain State matching funds for all the private funds committed to the project. Staff noted that while the current estimate and revenue sources show full funding, it would be prudent to seek the additional state funds out of an abundance of caution. Currently, the total project funding is as follows:

1. Revenue sharing funds from VDOT - \$1,638,764.00
2. Local Funds:
  - a. \$633,644.00 (Artillery Rezoning Proffer)
  - b. \$452,791.46 (Blackburn Rezoning Proffer)
  - c. \$1,080,000.00 (Carbaugh Rezoning Proffer)
3. Unmatched local funds: \$527,671.46
4. Expenditures: \$283,809.52
5. Remaining Funds: \$3,521,390

Upon a motion by, Mr. Gary Oates and seconded by Mr. James Racey the Committee recommended to submit an additional Revenue Sharing application for funding to obtain matching funds of the unmatched local funds to the Board for recommendation of approval.



**Pennoni Associates Inc.**

Consulting Engineers

Project: Renaissance Drive Extension - No Bridge, 2 Lane Road  
 Subject: 30% Submittal Estimate

Job No: **FREDC18001**

Date: **11/6/2018**

Des By: **MAG**

Chk By: **BTN**

| ITEM   | UNIT | QUANTITY | PRICE        | TOTAL              |
|--|------|----------|--------------|--------------------|
| <b>MOBILIZATION</b>                                      |      |          |              |                    |
|  | LS   | 1        | \$75,000.00  | \$75,000           |
| <b>DEMOLITION</b>  |      |          |              |                    |
| REMOVAL OF SIDEWALK                                      | SY   | 108      | \$7.50       | \$810              |
| FLEXIBLE PAVEMENT REMOVAL                                | SY   | 1,565    | \$24.00      | \$37,560           |
| REMOVAL OF EXISTING CURB                                 | LF   | 666      | \$10.00      | \$6,660            |
| REMOVAL OF EXISTING STORM PIPE                           | LF   | 317      | \$10.00      | \$3,170            |
| REMOVAL OF EXISTING STORM STRUCTURES                     | EA   | 4        | \$1,000.00   | \$4,000            |
| <b>EARTHWORKS</b>  |      |          |              |                    |
| CLEARING AND GRUBBING                                    | AC   | 7.1      | \$5,000.00   | \$35,500           |
| REGULAR EXCAVATION - CUT TO FILL                         | CY   | 18,000   | \$7.00       | \$126,000          |
| STRUCTURAL FILL IMPORT                                   | CY   | 2,000    | \$32.00      | \$64,000           |
| REGULAR FILL IMPORT                                      | CY   | -        | \$22.00      | \$0                |
| GRADING  | SY   | 23,828   | \$0.50       | \$11,914           |
| SEEDING  | LB   | 1,375    | \$10.50      | \$14,438           |
| <b>PAVEMENT</b>  |      |          |              |                    |
| STD. COMB. CURB & GUTTER CG-6                            | LF   | 2,040    | \$18.00      | \$36,720           |
| STD CG-12, (3)TYPE B & (1)TYPE A                         | SY   | 36       | \$45.00      | \$1,620            |
| CG-12 DETECTABLE WARNING SURFACE                         | SY   | 7        | \$270.00     | \$1,890            |
| HYDRAULIC CEMENT CONC. 4" SIDEWALK                       | SY   | 545      | \$40.00      | \$21,800           |
| 7' GRAVEL SHOULDER - NO.21B                              | TON  | 421      | \$18.00      | \$7,578            |
| 1.5" SURFACE COURSE - S-9.5A                             | TON  | 678      | \$90.00      | \$61,047           |
| 2.5" INTERMEDIATE COURSE - IM-19A                        | TON  | 1,091    | \$105.00     | \$114,508          |
| 6" BASE COURSE - BM-25.0                                 | TON  | 2,567    | \$75.00      | \$192,525          |
| 10" AGGREGATE BASE - NO.21B                              | TON  | 3,265    | \$18.00      | \$58,767           |
| TACK COAT  | GAL  | 867      | \$3.50       | \$3,035            |
| <b>GUARDRAIL / FENCING</b>                               |      |          |              |                    |
| STD GR-2   | LF   | 600      | \$25.00      | \$15,000           |
| RADIAL GR-2  | LF   | 200      | \$25.00      | \$5,000            |
| <b>DRAINAGE</b>  |      |          |              |                    |
| BEST MANAGEMENT PRACTICES                                | CY   | 5,915    | \$15.00      | \$88,725           |
| DITCHES  | CY   | 466      | \$15.00      | \$6,990            |
| VDOT STD. UD-4   | LF   | 2,588    | \$15.00      | \$38,820           |
| VDOT STD. CD-1   | LF   | 74       | \$12.50      | \$925              |
| VDOT STD. CD-2   | LF   | 250      | \$12.50      | \$3,125            |
| VDOT STD. EW-12  | EA   | 6        | \$700.00     | \$4,200            |
| VDOT STD. DI-3B, L=6"                                    | EA   | 4        | \$3,400.00   | \$13,600           |
| VDOT STD. DI-3C, L=6'                                    | EA   | 4        | \$3,800.00   | \$15,200           |
| STORM SEWER, CONC. PIPE, 15"                             | LF   | 275      | \$46.00      | \$12,650           |
| STORM SEWER, CONC. PIPE, 24"                             | LF   | 155      | \$65.00      | \$10,075           |
| VDOT STD ES-1 - 15"                                      | EA   | 1        | \$600.00     | \$600              |
| VDOT STD ES-1 - 24"                                      | EA   | 1        | \$1,200.00   | \$1,200            |
| <b>SIGNAGE / PAVEMENT MARKING</b>                        |      |          |              |                    |
| CONCRETE FOUNDATION STP-1                                | EA   | 5        | \$210.00     | \$1,050            |
| TRAFFIC SIGN SQUARE TUBE STEEL POST 2-1/2", 12 GA.       | LF   | 40       | \$50.00      | \$2,000            |
| TYPE B CLASS I PAVE. LINE MARKING 4"                     | LF   | 7,210    | \$0.85       | \$6,129            |
| TYPE B CLASS I PAVE. LINE MARKING 6"                     | LF   | 332      | \$1.20       | \$398              |
| TYPE B CLASS I PAVE. LINE MARKING 8"                     | LF   | 300      | \$1.70       | \$510              |
| TYPE B CLASS I PAVE. LINE MARKING 24"                    | LF   | 24       | \$9.00       | \$216              |
| TYPE III BARRICADE, 8'                                   | EA   | 12       | \$450.00     | \$5,400            |
| <b>MAINTENANCE OF TRAFFIC</b>                            |      |          |              |                    |
| MOT  | LS   | 1        | \$50,000.00  | \$50,000           |
| <b>RAILROAD AT-GRADE CROSSING</b>                        |      |          |              |                    |
| RAILROAD AT-GRADE CROSSING                               | LS   | 1        | \$500,000.00 | \$500,000          |
| <b>MISCELLANEOUS</b>                                     |      |          |              |                    |
| EROSION AND SEDIMENT CONTROL                             | LS   | 1        | \$75,000.00  | \$75,000           |
| REMOVAL OF SPRINGDALE RR CROSSING AND PROVIDE TURNAROUND | LS   | 1        | \$150,000.00 | \$150,000          |
| UTILITY RELOCATIONS - GAS, ELECTRIC LINES AND POLES      | LS   | 1        | \$300,000.00 | \$300,000          |
| <b>SUB TOTAL</b>   |      |          |              |                    |
|  |      |          |              | <b>\$2,185,354</b> |
| CSX ADMINISTRATIVE FEES                                  | LS   | 1        | \$350,000.00 | \$350,000          |
| CONSTRUCTION ADMINISTRATION @ 10%                        |      |          |              | \$218,535          |
| CONTINGENCIES @ 15%                                      |      |          |              | \$327,803          |
| <b>GRAND TOTAL</b>                                       |      |          |              |                    |
|  |      |          |              | <b>\$3,081,692</b> |





Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Administration

**Item Type:** Resolution

**Item Title:** Employee of the Month Resolution for Greg Lambert

**Attachments:**

[Emp of the Month 2019.05 Resolution Lambert Greg.pdf](#)

# Employee of the Month Resolution

*Awarded to:*

## Greg E. Lambert

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and

WHEREAS, the Board of Supervisors upon recommendation by the Human Resources Committee selects one employee from those nominated; and

WHEREAS, Greg E. Lambert, who serves as a Deputy with the Frederick County Sheriff's Office, was nominated for Employee of the Month; and

WHEREAS, in March 2016, Deputy Greg E. Lambert was assigned as a Surveillance Officer for the Northwest Region Adult Drug Court where he is known to be tough but compassionate with drug court participants, offering counsel as well as constructive criticism when appropriate; and

WHEREAS Deputy Lambert brings meaningful insights regarding the commitment of individuals in their recovery, has an intense working knowledge of the people he is charged with supervising, and provides the drug court team with valuable awareness about the personality and the psyche of drug court participants under his supervision; and

WHEREAS Deputy Lambert is tireless in his efforts to assist recovering addicts and, on more than one occasion, has purchased shoes, toiletries or other essentials for program participants who lacked the financial means to purchase those items; and

WHEREAS, Deputy Lambert was commended by an Officer of the Court for going above and beyond the call of duty, working long hours, and never shirking his responsibilities, and his proactive approach, compassion and leadership have helped make the Northwest Region Adult Drug Court program successful;

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 10th day of July 2019, that Greg E. Lambert is hereby recognized as the Frederick County Employee of the Month for June 2019; and

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Greg E. Lambert for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and

BE IT FINALLY RESOLVED, that Greg E. Lambert is hereby entitled to all of the rights and privileges associated with this award.

Board of Supervisors  
County of Frederick, Virginia

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Charles S. DeHaven, Jr., Chairman



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Planning Commission

**Item Type:** Resolution

**Item Title:** Road Resolution - Adding Dawson Drive to the Secondary Road System

**Attachments:**

[BOS 07-10-19 Dawson Industrial Park - Dawson Drive Road Resolution.pdf](#)



## *Memorandum*

To: Frederick County Board of Supervisors

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

Date: June 28, 2019

RE: Dawson Industrial Park – Dawson Drive

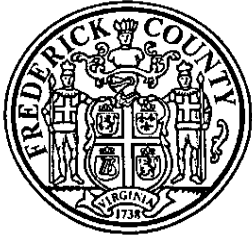
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The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required,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

Dawson Drive, State Route Number 769                      0.19 miles

Staff is available to answer any questions.

MRC/dlw



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

The Board of Supervisors of Frederick County, in regular meeting on the 10th day of July, 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 July 10, 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 Dawson Industrial Park**

**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**

◆ **Dawson Drive, State Route Number 769**

Old Route Number: 769

- From: Route 651, Shady Elm Road
- To: 0.19 mile west of Route 651, Shady Elm Road, a distance of: 0.19 miles.

Recordation Reference: DB 947 Page 0853

Right of Way width (feet) = 54



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Consent Agenda

**Submitted by:** Administration

**Item Type:** Resolution

**Item Title:** Resolution to Comment on the Smart Scale Program Implementation

**Attachments:**

[BOS 07-10-19 Memo & Resolution on SmartScale.pdf](#)



**TO:** Board of Supervisors

**FROM:** John A. Bishop AICP, Deputy Director – Transportation *JB*

**RE:** SmartScale Round 3 Resolution

**DATE:** June 26, 2019

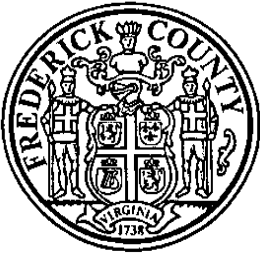
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At the May 8<sup>th</sup> Board of Supervisors meeting, the Board considered a draft resolution from the Transportation Committee regarding the implementation of SmartScale’s policy and legislation on this 3<sup>rd</sup> round of applications.

The Board directed Staff to seek additional coordination with VDOT and the County’s CTB representative, Dixon Whitworth. That process has now been completed and the updated resolution is attached for the Board’s consideration.

JAB/dw

Attachment



**DRAFT**  
**A RESOLUTION FOR THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FREDERICK, VIRGINIA  
TO COMMENT ON THE  
SMART SCALE PROGRAM IMPLEMENTATION**

At a regularly scheduled meeting of the Frederick County Board of Supervisors held on July 10, 2019, the following resolution was adopted:

**WHEREAS**, FY 2020 SMART SCALE Staunton District project applications that qualified for both Statewide High Priority and District Grant funds were considered for District Grant funds first, thus funding our most competitive projects out of the smallest funding source; and,

**WHEREAS**, Based on the CTB policy, in Step 2, only projects that were ineligible for Step 1 (District Grant) funds and have a SMART SCALE score high enough that they would have been funded in Step 1 had they been eligible for those funds, are considered for Statewide High Priority funding. The result is that projects are eliminated from consideration in Districts with lower district grant funds that have higher SMART SCALE scores than projects that were recommended to be funded in Districts with higher district grant funds. This creates a situation where more worthy projects are skipped over in Districts that already had lower levels of district grant funding thus effectively penalizing those Districts for that lower funding in Step 2; and

**WHEREAS**, The lowest-scoring staff-recommended District Grant project in Staunton was 6.36, while in Fredericksburg the lowest funded District Grant project score was 2.07, Hampton Roads 1.79, Lynchburg 3.73, and Northern Virginia 2.99; and,

**WHEREAS**, Not using SMART SCALE scoring to choose projects for ‘Step 3’ of the process led to projects with SMART SCALE scores lower than many Staunton District projects receiving the majority of the Statewide High Priority funds, in spite of the fact that the SMART SCALE legislation specifically states “The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to cost...”; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Frederick hereby submits this resolution to request that the Commonwealth Transportation Board and the State Legislature review the SMART SCALE legislation and its implementation Policy in order to address equity issues related to the distribution of transportation funding in the State of Virginia.

Passed this 10th day of July 2019 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

Robert W. Wells

J. Douglas McCarthy

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

**A COPY ATTEST**

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



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Human Resource Committee

**Item Type:** Miscellaneous

**Item Title:** Presentation and Recognition of Employee of the Month Award to Greg Lambert

**Attachments:**





Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Administration

**Item Type:** Miscellaneous

**Item Title:** Committee Appointments

1. Shawneeland Sanitary District Advisory Committee  
2-year term of Lynn Schmitt ends 7/13/19 (Eligible for reappointment)
2. Frederick-Winchester Service Authority  
3-year term of Ned M. Cleland, PhD., P.E., ends 8/31/19 (Eligible for reappointment)

**Attachments:**

[CommitteeAppts\(07102019\).pdf](#)



Kris C. Tierney  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

**MEMORANDUM**

TO: Board of Supervisors

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

DATE: July 2, 2019

RE: Committee Appointments

Listed below are the vacancies/appointments due through August 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.

**JUNE 2019**

Winchester-Frederick County Tourism Board

Joint Appointment with the City of Winchester

Mary Braun – Non-Profit Sector Rep. (Shen. Valley Discovery Museum)

Shen. Valley Discovery Museum

19 W. Cork Street

Winchester, VA 22601

Phone: (540)722-2020

Term Expires: 06/30/19

Three-year term

**(Resigned 03/26/19)**

Sharon Farinholt – Private Sector Rep. (Crown Trophy)

Crown Trophy

661 Millwood Avenue

Winchester, VA 22601

Office: (540)665-4485

Term Expires: 06/30/19

Three-year term

**(Not eligible for reappointment)**

Andy Gyurisin – Private Sector Rep. (Nerangis Management Corp. – Alamo Draft House)

177 Kernstown Commons Blvd.

Memorandum – Board of Supervisors  
July 2, 2019  
Page 2

Winchester, VA 22602  
Office: (540)667-1322, Ext. 111  
Term Expires: 06/30/19  
Three-year term

**(See Attached Memo from Tourism Executive Director Justin Kerns.)** (The Tourism Board has recommended the appointment of Heather Butler and Gwen Borders-Walker to fill the seats of Sharon Farinholt and Mary Braun and the re-appointment of Andy Gyurisin. Applications have been submitted to the City of Winchester for review/interview. Staff is waiting to hear as to Winchester City Council's recommendation/action.) *(The Tourism Board was formed by Joint Resolution of the Board of Supervisors and the City Council in April 2001. Recommendation for appointment is contingent upon like approval by the City of Winchester.)*

#### **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.)*

#### **AUGUST 2019**

##### Frederick-Winchester Service Authority (FWSA)

Dr. Ned M. Cleland, Phd., P.E. – Frederick County Representative  
111 Donegal Court  
Winchester, VA 22602  
Phone: (540)723-0900  
Term Expires: 08/31/19  
Three-year term

**(Dr. Cleland is willing to continue serving.)** *(The county has three representatives on the Frederick-Winchester Service Authority as is in accordance with*

*the Joint Agreement and Memorandum of Understanding with the City of Winchester. Members serve a three-year term and are eligible for reappointment.)*

Conservation Easement Authority (CEA)

Todd B. Lodge – Frederick County Representative  
3390 Apple Pie Ridge Road  
Winchester, VA 22603  
Home: (540)662-5488  
Term Expires: 08/24/19  
Three-year term

**(Staff is waiting to hear from Planning staff as to Mr. Lodge’s interest in continuing to serve.)** *(The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry. Members serve a three-year term and are eligible for reappointment.)*

**VACANCIES/OTHER**

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, term of Timothy McKee that expired 12/31/18. 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*

**Memorandum – Board of Supervisors**  
**July 2, 2019**  
**Page 4**

*the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.)*

KCT/tjp

Enclosure

U:\TJP\committeeappointments\WmosLettrs\BoardCommitteeAppts(071019BdMtg).docx





June 20, 2019

To: Frederick County Board of Supervisors & Winchester City Council  
From: Justin Kerns, Executive Director, Winchester-Frederick County Convention & Visitors Bureau on behalf of the Winchester-Frederick County Tourism Board

**Subject: Winchester-Frederick County Tourism Board Suggested Nominations**

The Winchester-Frederick County Tourism Board respectfully submits Heather Butler as the suggested nominee to represent the Private Sector. Heather would begin her appointment after 7/1/2019, after Sharon Farinholt of Crown Trophy steps down. Heather is the owner of the for-profit Newtown Music Center, which is located in Frederick County in Stephens City. Her first term will end on 6/30/2022, at which time she will be eligible for re-appointment.

The Board also recommends the appointment of Gwen Borders-Walker to represent the Non-Profit Sector. Gwen would begin her appointment after 7/1/2019, filling the board vacancy recently left by Mary Braun. As Mary's term was ending on June 30, 2019, Gwen would fill a fully vacant position, not serve as an interim board member. Gwen represents the Winchester Area Chapter of the NAACP in Winchester. Her first term will end on 6/30/2022, at which time she will be eligible for re-appointment.

The Board also recommends the re-appointment of Andy Gyurisin, whose first term as a Private Sector representative expires on 6/30/2019. According to the bylaws, Andy is eligible for re-appointment, and his second term will expire on 6/30/2022. Andy is the Programming / Promotions Manager for NL Entertainment, LLC, which operates the Alamo Drafthouse and Greene Turtle and is located in Frederick County.

In summary, these members will join: Gwen Borders-Walker who represents the Non-Profit Sector, and Heather Butler who represents the Private Sector. With approval of the new nominations and the re-appointment, the board will consist of five private-sector representatives, two of whom represent lodging, and four public/non-profit-sector representatives, as outlined in the Winchester-Frederick County Tourism Bylaws.





Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Administration

**Item Type:** Miscellaneous

**Item Title:** Frederick/Warren County Line – Property Issue

This is a request for the Board of Supervisors to consider a boundary adjustment to the Warren/Frederick County lines in the Foster Hollow Road area. By way of background, this apparent boundary dispute came up via the Virginia Department of Elections relative to voting precinct lines around the State. The Department wanted to ensure correct voting district classifications with the area in question affecting the Congressional districts because Warren County is in the 6th District and Frederick County is in the 10th.

**Attachments:**

[Memo\\_BOS\\_re\\_Frederick-Warren\\_Line\\_Property\\_updated\\_062619.pdf](#)



## COUNTY of FREDERICK

**Jay E. Tibbs**

Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail: jtibbs@fcva.us

### MEMORANDUM

|          |   |
|----------|---|
| TO:      | Board of Supervisors  |
| FROM:    | Jay E. Tibbs, Deputy County Administrator <i>Jay E. Tibbs</i> |
| SUBJECT: | Frederick/Warren County Line – Property Issue - Update        |
| DATE:    | July 26, 2019   |

The Board of Supervisors at their June 12, 2019 heard a request to consider a boundary adjustment to the Warren/Frederick County lines in the Foster Hollow Road area. Following the staff presentation, the Board voted to postpone action on this matter until the full board could be present.

Since the June 12, 2019 meeting, staff has gathered some additional information to assist the Board with its deliberations:

- Warren County has advised that there are no children registered in Warren County Public Schools from those parcels that are physically located in Frederick County but have been identified and taxed in Warren County.
- Warren County Fire & Rescue serves the 300-700 block of Foster Hollow Road; however, the 100-200 block of Foster Hollow Road, to include the parcels in question, are being served by Company 11 (Stephens City). There have been 22 calls for service (i.e. law enforcement and EMS) to the 100-200 block from January 2017 through June 8, 2019 per call data compiled by Frederick County Emergency Communications. Frederick County law enforcement and EMS personnel responded to those calls. There was one instance where Warren County assisted on the EMS call.
- Warren County has advised that it receives approximately \$9,800 in revenue from real estate and personal property taxes in that area.
- Frederick County currently receives approximately \$1,000 in real estate tax revenue from the

one parcel that is identified and located in Frederick County.

Staff is bringing this item back to the Board for discussion and is seeking direction. There are two potential actions for the Board to consider relative to this matter:

1. Affirm the current county line, as surveyed by Marsh & Legge, PLC, per Exhibit C; or
2. Adjust the county line per Exhibit D and direct staff to advertise the public hearing on the proposed boundary adjustment.

If an adjustment to the county line is desired, both the Frederick County and Warren County Boards of Supervisors would have to agree to the adjustment. If such an agreement is reached, both bodies would hold public hearings on the proposed adjustment and, at the conclusion of the hearings, both boards would adopt a resolution consenting to the boundary adjustment. Both boards would then file a joint petition with the Circuit Court of either Warren or Frederick County to have a new boundary line established.

Staff is seeking action from the Board regarding the county line boundary issue.

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

Attachments



COUNTY of FREDERICK

Jay E. Tibbs
Deputy County Administrator

540/665-5666
Fax 540/667-0370

E-mail:
jtibbs@fcva.us

MEMORANDUM

Table with 2 columns: Field (TO, FROM, SUBJECT, DATE) and Content (Board of Supervisors, Jay E. Tibbs, Deputy County Administrator, Frederick/Warren County Line - Property Issue, June 7, 2019)

This is a request for the Board of Supervisors to consider a boundary adjustment to the Warren/Frederick County lines in the Foster Hollow Road area. By way of background, this apparent boundary dispute came up via the Virginia Department of Elections relative to voting precinct lines around the State. The Department wanted to ensure correct voting district classifications. The particular area in question affecting the Congressional districts because Warren County is in the 6th District and Frederick County is in the 10th.

We were contacted by Warren County administration regarding the parcels and asked to see information we had in our GIS system regarding the properties. (Exhibit A, which is information produced by the Warren County GIS Office.) After the Warren County data was received we had our GIS Department compare it to their information. (Exhibit B) Frederick County data shows the parcel as one large tract. Upon further research, we discovered the deeds for the properties designate them as Warren County properties, but the parcels are physically located within Frederick County. The various subdivisions of the original tract were approved by Warren County. The properties are currently being taxed in Warren County, the residents of the affected parcels vote in Warren County, receive services from Warren County, and their children have attended school in Warren County.

After discussions between Warren and Frederick County Administrators, it was decided to contract with Marsh & Legge Land Surveyors, PLC to complete a metes and bounds survey of the Warren/Frederick line in that area. Marsh & Legge determined the location of the line based on the recorded description that created the line. Their survey shows the line is straight from a point where the Old Valley Turnpike crossed the Cedar Creek to a stone at the old church at Route 522. (Exhibit C)

On February 28, 2019 Supervisor Wells, Warren County Supervisor Dan Murray, Warren County Administrator Doug Stanley, and I attended a meeting in Warren County to discuss this matter with the affected residents in that area. Following discussions with the residents and during that same meeting, a proposed adjustment to the

Warren/Frederick line was developed. (**Exhibit D**)

If an adjustment to the county line is desired, both the Frederick County and Warren County Boards of Supervisors would have to agree to the adjustment. If such an agreement is reached, both bodies would hold public hearings on the proposed adjustment and, at the conclusion of the hearings, both boards would adopt a resolution consenting to the boundary adjustment. Both boards would then file a joint petition with the Circuit Court of either Warren or Frederick County to have a new boundary line established.

Staff is bringing this item to the Board for discussion and is seeking direction. There are two potential actions for the Board to consider relative to this matter:

1. Affirm the current county line, as surveyed by Marsh & Legge, PLC, per Exhibit C.
2. Adjust the county line per Exhibit D and direct staff to advertise the public hearing on the proposed boundary adjustment.

Staff is seeking action from the Board regarding the county line boundary issue.

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

Attachments

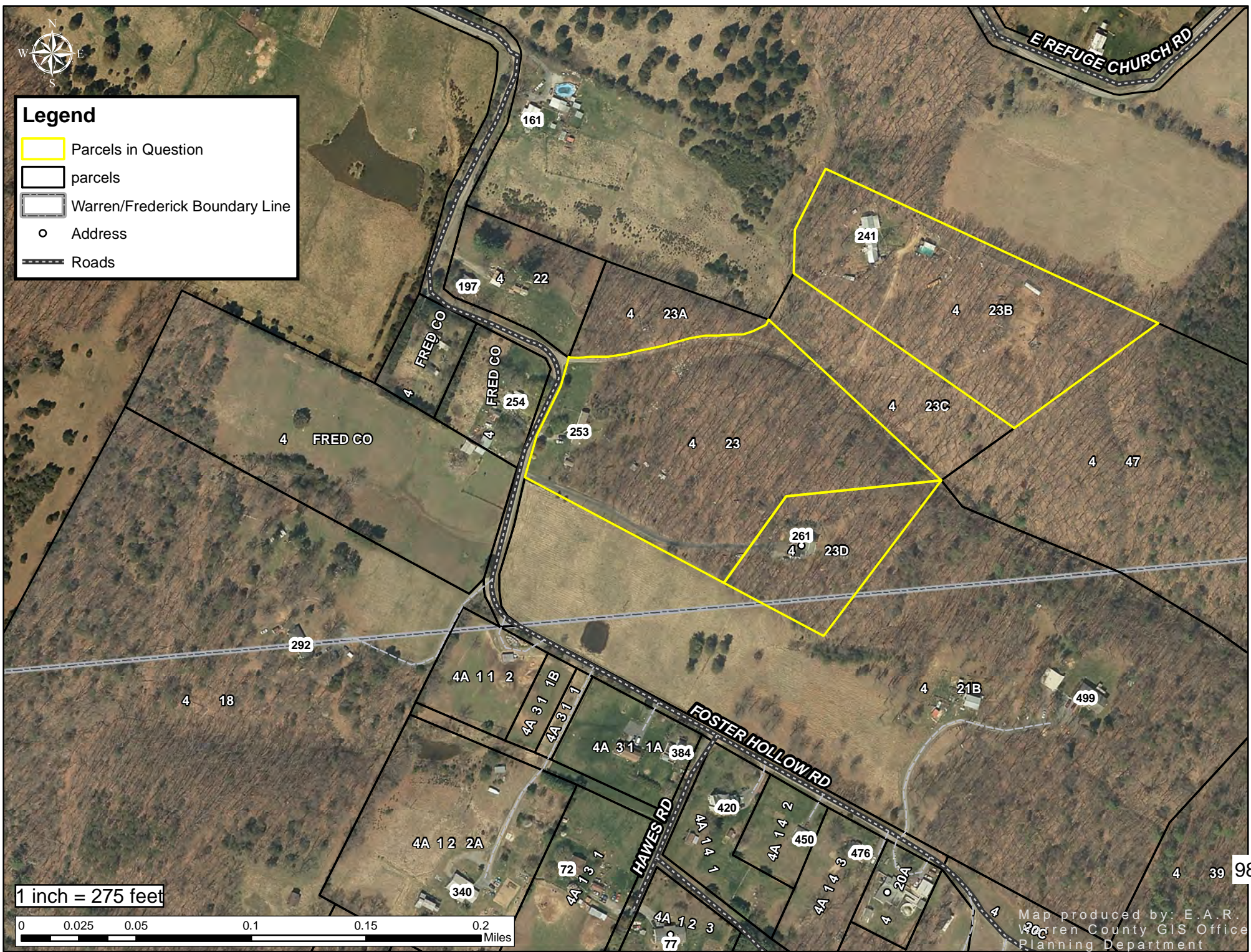
**Exhibit A**  
**Warren County GIS Department Map**



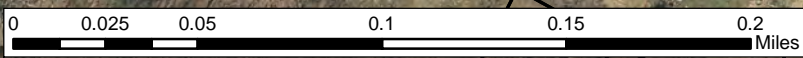


**Legend**

- Parcels in Question
- parcels
- Warren/Frederick Boundary Line
- Address
- Roads



1 inch = 275 feet

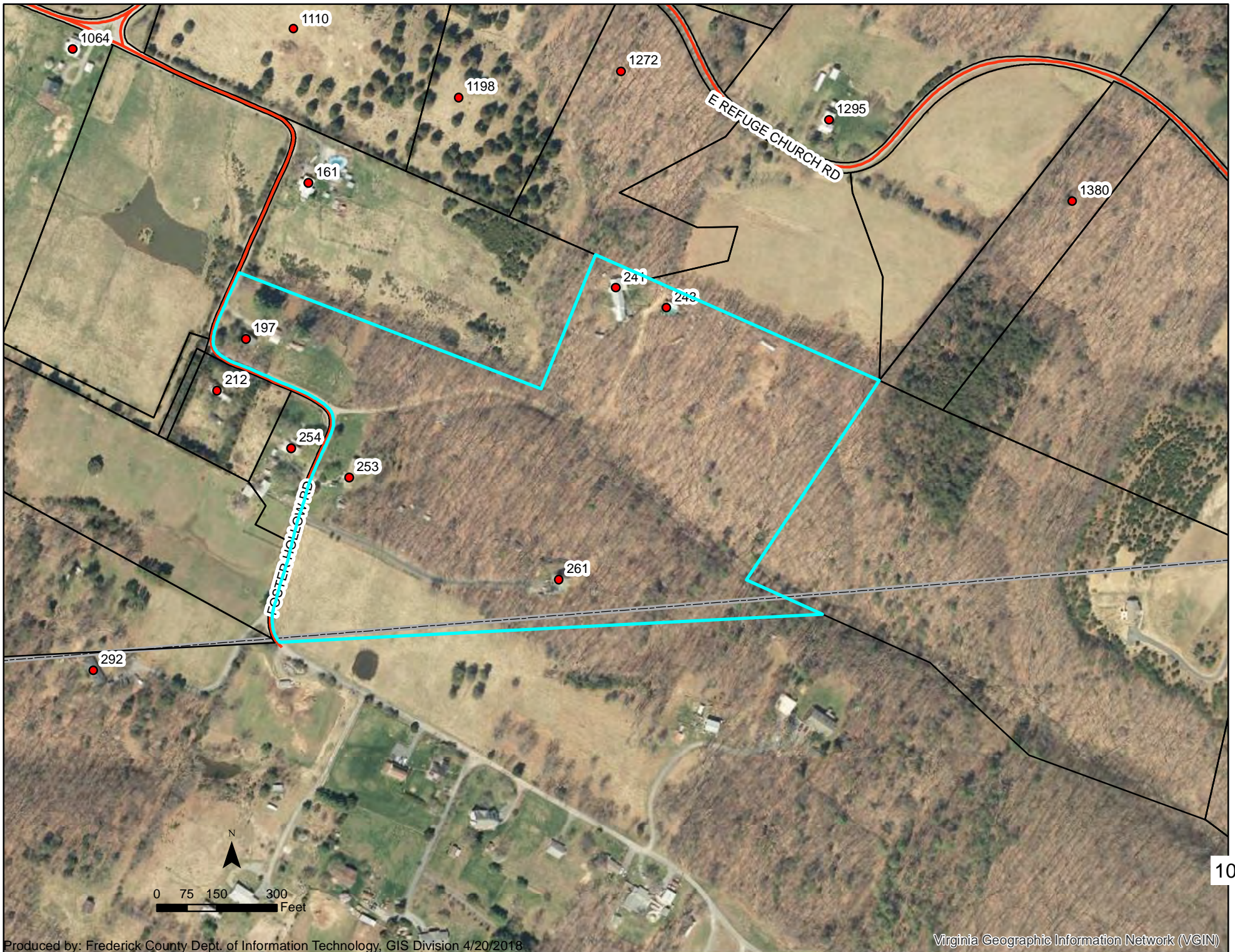


Map produced by: E.A.R.  
Warren County GIS Office  
Planning Department



**Exhibit B**  
**Frederick County GIS Map**

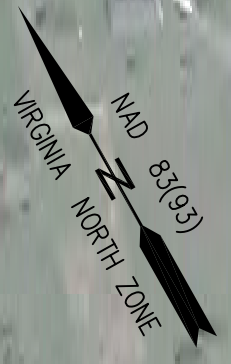




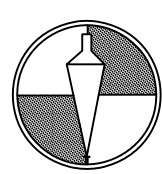


**Exhibit C**  
**Marsh & Legge, PLC Survey of**  
**Existing Warren/Frederick County Line**



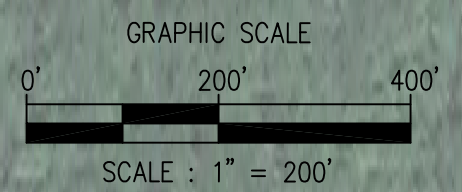


DATE:  
12/03/2018  
DWG NAME:  
10629-EXHIBIT1  
DRAWN BY: JTG  
SHEET 1 OF 1



# Marsh & Legge Land Surveyors, P.L.C.

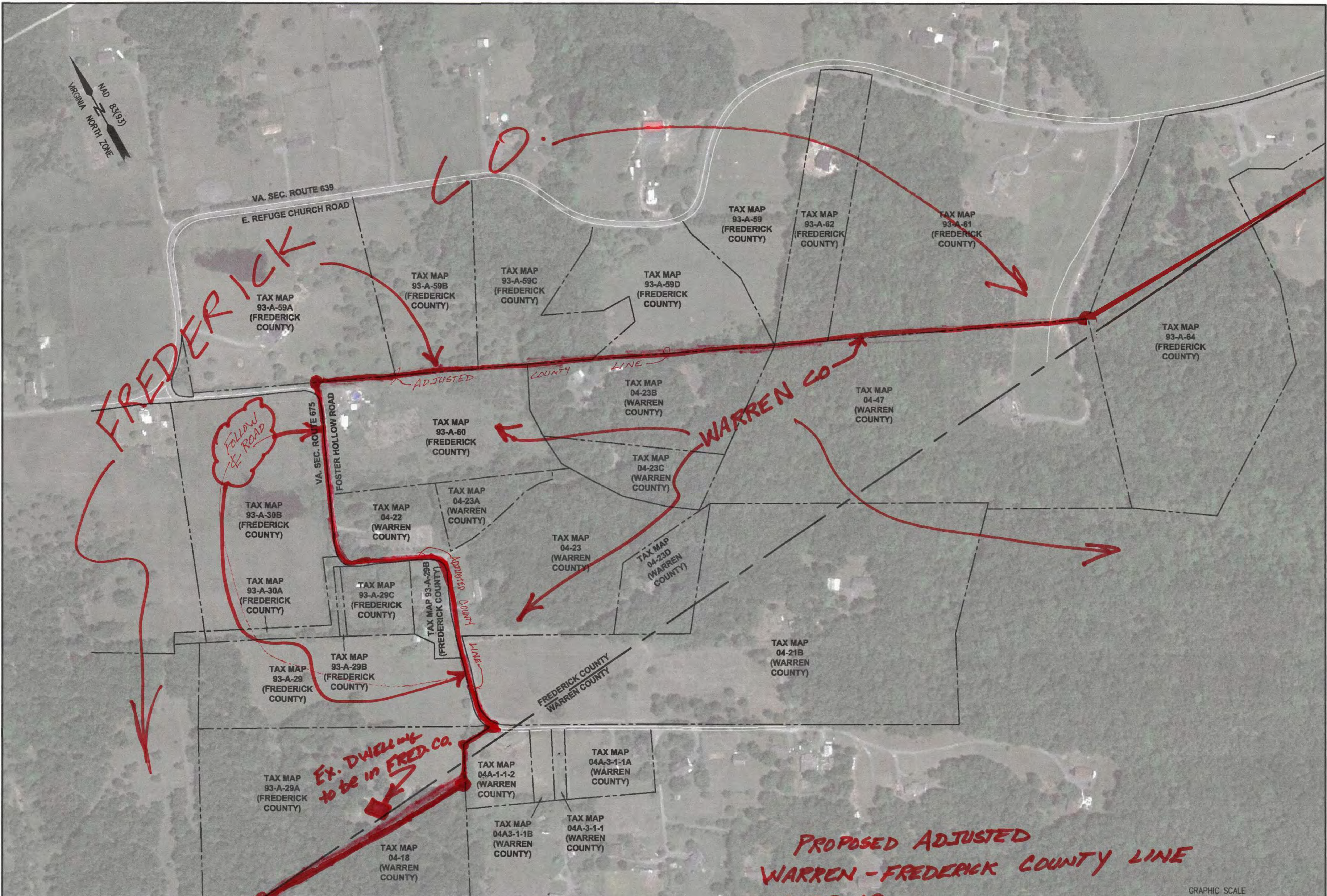
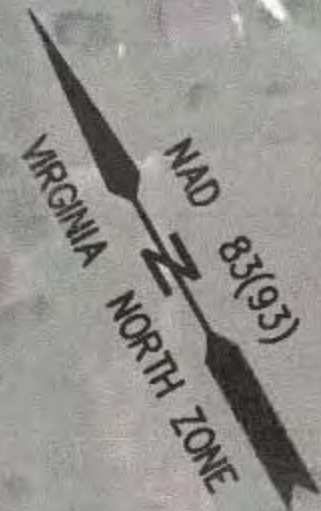
560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601  
PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com  
www.marshandlegge.com





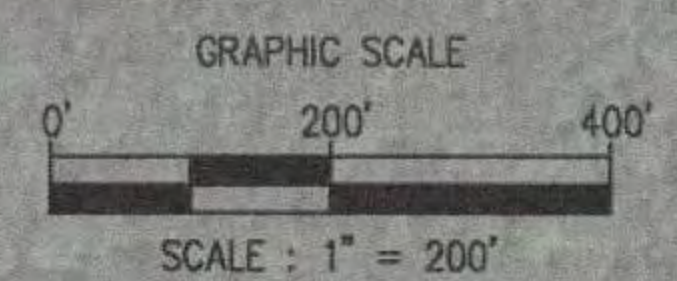
**Exhibit D**  
**Marsh & Legge, PLC - Proposed Boundary Line**  
**Adjustment - Frederick/Warren Line**





**PROPOSED ADJUSTED  
WARREN - FREDERICK COUNTY LINE  
2-28-19**

**S.W. MARSH**



|                             |  |
|-----------------------------|--|
| DATE:<br>12/03/2018         | <br><b>Marsh &amp; Legge Land Surveyors, P.L.C.</b><br>560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601<br>PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com<br>www.marshandlegge.com |
| DWG NAME:<br>10629-EXHIBIT1 |  |
| DRAWN BY: JTG               |  |
| SHEET 1 OF 1                |  |

FD10629





Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Administration

**Item Type:** Resolution

**Item Title:** Resolution Approving the Issuance of Debt by the Winchester Regional Airport Authority

**Attachments:**

[2019 07 02 WRAA- BOS Resolution Memo.pdf](#)



## WINCHESTER REGIONAL AIRPORT

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

July 2, 2019

Frederick County Board of Supervisors  
107 North Kent Street  
Winchester, VA 22601

Subject: Resolution Approving the Issuance of Debt by the Winchester Regional Airport Authority

Frederick County Board of Supervisors:

The Winchester Regional Airport Authority seeks to acquire a hangar facility from Wells Fargo bank for \$1.25M. Constructed in 2008 as a base for charter flight operations, the facility consists of approximately 27,000 square feet (SF) of hangar floor space divided into two bays and 4,100 SF of office space. The height and width of the doors, 28' and 100' respectively, make it the only facility at the airport capable of storing large business class aircraft.

Under the Authority's ownership the hangar would be utilized for its highest and best use, which is supporting active aircraft operations. The Authority would benefit from the total ecosystem from operating the hangar including direct revenues from aircraft storage and office leases, fuel sales, and support services. We also believe this activity can generate new business revenues, job incomes, and taxes for Frederick County and the surrounding community. The Authority believes this project is in keeping with its Business Plan objective to "maximize revenues from airport operations and to minimize local contributions to operating expenses when practical".

In accordance with the Winchester Regional Airport Authority Act of 1987, each locality must adopt a resolution approving any debt in excess of \$500,000.00. Financing options being explored include the Virginia Airport Revolving Fund (VARF) through the Virginia Resources Authority (VRA) or other suitable lender.

On behalf of the Winchester Regional Airport Authority, we seek approval of a resolution authorizing the debt and application to the VRA and/or other suitable lender.

We intend to provide further information in advance of the Board of Supervisors meeting on August 14<sup>th</sup> to detail the preferred financing solution. If you should have any questions concerning this matter, please do not hesitate to contact my office at 540-662-5786.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Sabo".

Nick Sabo, A.A.E.  
Executive Director

Enclosure

Cc: Kris Tierney, County Administrator  
Gene Fisher, Winchester Regional Airport Authority Chairman  
Jay Tibbs, Deputy County Administrator  
Ann Phillips, Deputy Clerk



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Administration

**Item Type:** Miscellaneous

**Item Title:** Request from the School Board Seeking a Supplemental Appropriation for the Replacement R. E. Aylor Middle School in the amount of \$3,200,000

**Attachments:**

[Memo & info on School Board request for Supplemental Appropriation.pdf](#)





**COUNTY of FREDERICK**

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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: June 28, 2019

Re: Request for Supplemental Appropriation for Aylor Middle School Replacement

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On June 18, the Frederick County School Board Buildings and Grounds Committee met. The handouts/slides provided at that meeting were sent to you via email on June 21. Also sent to you on June 21 was a copy of the resolution passed by the School Board on June 18 seeking a supplemental appropriation in the amount of \$3.2 million for the replacement Aylor Middle School.

Both the handouts and the School Board's resolution are attached to this memo for your review. Following your discussion on this agenda item, Board action on the supplemental appropriation is requested.

# 12-Classroom Addition – Now or Later?

|  |                              |
|--|------------------------------|
| <b>Construction Cost for 700-Student MS (728 actual)</b>   | <b>\$38.5M</b>               |
| <b>Total Building Size for 728 Enrollment Capacity (758 per VDOE)</b>                            | <b>134,255 SF</b>            |
| <b>Construction Cost / SF for 728-Student School</b>   | <b>\$286.76</b>              |
| <b>Construction Cost of 12-Classroom Addition</b>  | <b>\$2.71M (\$2,708,468)</b> |
| <b>Size of 12-Classroom Addition</b>   | <b>13,100 SF</b>             |
| <b>Construction Cost / SF of 12-Classroom Addition</b>   | <b>\$205.18</b>              |
| <b>Total Building Size for 1016-student School (1058 per VDOE)</b>                               | <b>147,355</b>               |
| <b>Average SF / Pupil for Middle Schools in Virginia (Last 6 years, VDOE calculation basis)</b>  | <b>168 SF / Pupil</b>        |
| <b>SF / Pupil for Aylor Middle School with student capacity of 758 (VDOE calculation basis)</b>  | <b>177 SF / Pupil</b>        |
| <b>SF / Pupil for Aylor Middle School with student capacity of 1058 (VDOE calculation basis)</b> | <b>139 SF / Pupil</b>        |

**Aylor 12-classroom add alternate budget**

| <b>Costs</b>                    | <b>Amount</b>      | <b>Source</b>   |
|---------------------------------|--------------------|---|
| Construction                    | \$2,708,468        | BB GMP  |
| A&E                             | \$140,000          | RRMM fee proposal   |
| Third party inspections         | \$1,355            | Same percentage as base budget, 0.5% of construction costs  |
| Commissioning                   | \$1,085            | Same percentage as base budget, 0.4% of construction costs  |
| Furnishings allowance           | \$136,700          | No casework anticipated, so is based on the \$1.4M furnishings allowance in the base budget, \$10.45 per square foot (134,000 square feet in the base bid, 13,018 in this add alternate). |
| Technology allowance            | \$97,600           | Based on the \$1M technology allowance in the base budget, \$7.46 per square foot.  |
| Owner contingency               | \$114,792          |   |
| <b>Total add alternate cost</b> | <b>\$3,200,000</b> |   |

APPENDIX G

VIRGINIA DEPARTMENT OF EDUCATION MIDDLE SCHOOL CAPACITY WORKSHEET

Division: Frederick County  
 School: Ayles Middle Replacement  
 Site Size: 57 acres

Plan Control No.: \_\_\_\_\_  
 (VDOE office use only) \_\_\_\_\_  
 School Project No.: \_\_\_\_\_

Permanent Spaces

English Classrooms:

No. of Teaching Stations

6

x 24 144 0

Homeroom Classrooms:  
 (Social Studies, Math, or Science)

24

x 25 600 0

Self-Contained Exceptional Children Classrooms:

1

x 8 8 0

Other (specify) \_\_\_\_\_

x \_\_\_\_\_ 0

Non Capacity Spaces

Art Classrooms:

Chorus/Band/Music Classrooms:

Resource (Pull-Out Program) Classrooms:

PE/Gym/Health/Multipurpose Rooms:

Exploratory Career Classrooms/Labs:

Computer Rooms:

TOTAL

Capacity based on  
 SOA\* Recommended Class Size

134,000 sq ft

178 sq ft per student

Maximum Capacity

752 0

147,081 sq ft Additional Capacity

3 x 24  
 x 25 297 0

1049

140 sq ft per student

Capacity based on  
 Division PTR\*\*

134,000 sq ft

184 sq ft per student

Maximum Capacity

728 0

147,081 sq ft Additional Capacity

12 x 24  
 x 25 288 0

1016

144.7 sq ft per student

Add Alternative Relocatable Classrooms:  
 3 English  
 9 Homeroom Classroom

3  
 9

\* Standards of Accreditation  
 \*\* Pupil Teacher Ratio



2 yrs old

Virginia Department Of Education

Annual Cost Data Report

2016 - 17 New Middle School(s)

| Project Number           | Project Name                   | Grades | Division Name                        | Contract Award Date | Maximum Operating Cap (b) | Building Cost         | Site Cost            | Total Cost (a)        | Total Sq. Feet | Sq. Feet/ Pupil | Total Cost/ Sq. Feet | Building Only Cost/Sq Feet | Total Cost/Pupil |
|--------------------------|--------------------------------|--------|--------------------------------------|---------------------|---------------------------|-----------------------|----------------------|-----------------------|----------------|-----------------|----------------------|----------------------------|------------------|
| 010-06-00-100            | New Bedford Middle School      | 6-8    | Bedford County (010)                 | Nov-16              | 754                       | \$ 23,098,130         | \$ 5,701,235         | \$ 28,799,365         | 123,822        | 164             | \$ 232.59            | \$ 188.54                  | \$ 38,195        |
| 053-36-00-100            | Middle School MS-7-Loudoun     | 6-8    | Loudoun County (053)                 | Feb-17              | 1,354                     | \$ 44,126,500         | \$ 6,938,500         | \$ 51,065,000         | 185,251        | 137             | \$ 275.65            | \$ 238.20                  | \$ 37,714        |
| 127-48-00-100            | Northern Suffolk Middle School | 6-8    | Suffolk City (127)                   | Jun-16              | 779                       | \$ 22,460,000         | \$ 2,715,000         | \$ 25,175,000         | 125,220        | 181             | \$ 201.05            | \$ 179.36                  | \$ 32,317        |
| 131-02-00-100            | James Blair Middle             | 6-8    | Williamsburg-James City County (131) | Sep-16              | 605                       | \$ 20,137,000         | \$ 1,877,735         | \$ 22,014,735         | 110,871        | 183             | \$ 198.66            | \$ 181.63                  | \$ 36,386        |
| <b>Total</b>             |                                |        |                                      |                     | <b>3,492</b>              | <b>\$ 109,821,630</b> | <b>\$ 17,232,470</b> | <b>\$ 127,054,100</b> | <b>545,164</b> |                 |                      |                            |                  |
| <b>Statewide Average</b> |                                |        |                                      |                     |                           |                       |                      |                       |                | <b>156</b>      | <b>\$ 233.06</b>     | <b>\$ 201.45</b>           | <b>\$ 36,384</b> |

(a) Usually includes construction, site development, water system, sewage disposal, built-in equipment and demolition. A E fees, value engineering, construction management fees, cost of site, loose equipment, and furniture are excluded.

(b) State SOL capacity based on a pupil teacher ratio of 25:1 in core classrooms.

(c) See Appendix A for project specific comments

No new middle schools in 2017-18  
1 yr old

3 yrs old

Virginia Department Of Education

Annual Cost Data Report

2015 - 16 New Middle School(s)

| Project Number           | Project Name              | Grades | Division Name        | Contract Award Date | Maximum Operating Cap (b) | Building Cost        | Site Cost            | Total Cost (a)       | Total Sq. Feet | Sq. Feet/ Pupil | Total Cost/ Sq. Feet | Building Only Cost/Sq Feet | Total Cost/Pupil |
|--------------------------|---------------------------|--------|----------------------|---------------------|---------------------------|----------------------|----------------------|----------------------|----------------|-----------------|----------------------|----------------------------|------------------|
| 053-112-00-100           | MS-9                      | 6-8    | Loudoun County (053) | Aug-15              | 1,354                     | \$ 40,081,400        | \$ 9,262,600         | \$ 49,344,000        | 184,593        | 136             | \$ 267.31            | \$ 217.13                  | \$ 36,443        |
| 093-10-00-100            | Happy Creek Middle School | 6-8    | Warren County (093)  | Jul-15              | 915                       | \$ 27,878,940        | \$ 5,041,310         | \$ 32,920,250        | 158,457        | 173             | \$ 207.76            | \$ 175.94                  | \$ 35,978        |
| <b>Total</b>             |                           |        |                      |                     | <b>2,269</b>              | <b>\$ 67,960,340</b> | <b>\$ 14,303,910</b> | <b>\$ 82,264,250</b> | <b>343,050</b> |                 |                      |                            |                  |
| <b>Statewide Average</b> |                           |        |                      |                     |                           |                      |                      |                      |                | <b>151</b>      | <b>\$ 239.80</b>     | <b>\$ 198.11</b>           | <b>\$ 36,256</b> |

(a) Usually includes construction, site development, water system, sewage disposal, built-in equipment and demolition. A E fees, value engineering, construction management fees, cost of site, loose equipment, and furniture are excluded.

(b) State SOL capacity based on a pupil teacher ratio of 25:1 in core classrooms.

(c) See Appendix A for project specific comments

**RESOLUTION  
OF THE COUNTY SCHOOL BOARD OF  
FREDERICK COUNTY, VIRGINIA  
SEEKING A SUPPLEMENTAL APPROPRIATION FOR  
REPLACEMENT ROBERT E. AYLOR MIDDLE SCHOOL  
IN THE AMOUNT OF \$3,200,000.00**

RECITALS

**WHEREAS**, the supervision of Frederick County Public Schools (the "Division") is vested in the County School Board of Frederick County, Virginia (the "Board"), a Virginia public body corporate, which holds the authority to manage and control the property of the school division and provide for erecting, furnishing and equipping of necessary school buildings; and

**WHEREAS**, the Division has been offered a guaranteed maximum price including architectural, engineering, construction hard cost, and construction soft costs for the addition of add-alternate # 1. in the amount of \$3,200,000.00 detailed in exhibit A.

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

1. The Board requests a supplemental appropriation to the FY2020 School Construction Fund in the amount of \$3,200,000.00 for the 12 classroom addition known as add-alternate # 1. to the new Robert E. Aylor Middle School,
2. The Board shall construct add-alternate # 1. in compliance with the regulations of the Board of Education and the Uniform Statewide Building Code (§22.1-140),
3. The Division Superintendent shall approve the design of the school in accordance with the Code of Virginia (§22.1-140),
4. The school plans shall be reviewed and approved according to Frederick County Ordinance by the Chief Building Official and appropriate state or federal agencies with jurisdiction such as the Virginia Department of Transportation. It is understood and memorialized in this resolution that the Chief Building Official is an agent of the Supervisors and has full and absolute authority to only approve school construction permits for projects where all agency comments have been addressed to the Chief Building Official's satisfaction.

  
\_\_\_\_\_  
Dr. John J. Lamanna, Chair

*[Signature]*  
Clerk, Frederick County School Board

Attested To:

*[Signature]* (Name)  
Executive Director of Finance and Deputy Clerk

6/18/19 (Date)

Recorded Vote

Moved By: Mr. Tratchel

Seconded By: Mr. Wright

Yeas: 6

Nays: 1



**Aylor 12-classroom add alternate budget**

| <b>Costs</b>                    | <b>Amount</b>      | <b>Source</b>   |
|---------------------------------|--------------------|---|
| Construction                    | \$2,708,468        | BB GMP  |
| A&E                             | \$140,000          | RRMM fee proposal   |
| Third party inspections         | \$1,355            | Same percentage as base budget, 0.5% of construction costs  |
| Commissioning                   | \$1,085            | Same percentage as base budget, 0.4% of construction costs  |
| Furnishings allowance           | \$136,700          | No casework anticipated, so is based on the \$1.4M furnishings allowance in the base budget, \$10.45 per square foot (134,000 square feet in the base bid, 13,018 in this add alternate). |
| Technology allowance            | \$97,600           | Based on the \$1M technology allowance in the base budget, \$7.46 per square foot.  |
| Owner contingency               | \$114,792          |   |
| <b>Total add alternate cost</b> | <b>\$3,200,000</b> |   |



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: County Officials

**Submitted by:** Parks & Recreation Commission

**Item Type:** Miscellaneous

**Item Title:**

Request from Parks & Recreation Commission for Recreation Trails Program (RTP) Grant Application and Supplemental Appropriation for the Bowman Library Lake Trail

**Attachments:**

[Parks & Recreation Commission Request for RTC Grant Application & Supplemental Appropriation.pdf](#)



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# MEMO

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**To:** Board of Supervisors  
**From:** Jason Robertson, Director  
**Subject:** Grant Application and Supplemental Appropriation Request  
**Date:** July 2, 2019

The Department of Recreation and Conservation Recreation Trails Program (RTP) Grant cycle for 2019 application are due August 2, 2019. This request is proceeding directly to the Board of Supervisors rather than the Finance Committee as is typical to meet the application deadline. The request is twofold:

1. Authorization to submit an RTP application for the Bowman Library Lake Trail (Lake Trail). The proposed lake trail is a ½ mile chip-seal trail around the lake behind the Bowman Library. Access would be from the Bowman Library. The Handley Regional Library Board considered the concept at their May meeting and provided a letter of support for the trail. A public input meeting was held at the Bowman Library on June 11, 2019, all comments received to date have been supportive.
2. Supplemental Appropriation in the amount of \$157,500 contingent upon grant award. A commitment of funds is required prior to grant application. The RTP program is 80% / 20% matching grant. Proffer funds are recommended for the 20% match of \$31,500. Amenity development at neighborhood parks is referenced in the county Capital Improvements Plan and there are several contributing developments in the project service area. The Parks and Recreation proffer balance as of June 30, 2019 was \$253,376.51.



Board of Supervisors  
Agenda Item Detail  
Meeting Date: July 10, 2019  
Agenda Section: Committee Business

**Submitted by:** Human Resource Committee

**Item Type:** Miscellaneous

**Item Title:**

Human Resources Committee -

1. The Old Dominion Court Services (ODCS), supervised by Northwestern Regional Adult Detention Center (NRADC) requested to add a Case Officer, range 4 to the Salary Administration Plan (Exhibit A). The committee recommends approval.
2. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding Administrative Leave & Unsafe Conditions Policies (Exhibit B). The committee recommends approval.
3. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding Anti-Discrimination and Anti-Harassment (Exhibit C). The committee recommends approval. Note: Staff has proposed modified policy language regarding reporting options. See Memo included in the Committee Report.

**Attachments:**

[HR Committee Report - June 17 2019.pdf](#)



HUMAN RESOURCES COMMITTEE REPORT to the BOARD OF SUPERVISORS  
Monday, June 17, 2019  
9:00 a.m.  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Human Resources Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Monday, June 17, 2019 at 9:00 a.m.

ATTENDEES:

Committee Members Present: Blaine Dunn, Chairman; Don Butler; Doug McCarthy, Beth Lewin; and Dorrie Greene

Staff present: Michael Marciano, Human Resources Director; DeLois Blevins, Human Resources Manager; Rod Williams, County Attorney; Jay Tibbs, Deputy County Administrator; Jim Whitley, Kim Chmura; and Lenny Millholland.

Others present: None

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1. The Old Dominion Court Services (ODCS), supervised by Northwestern Regional Adult Detention Center (NRADC) requested to add a Case Officer, range 4 to the Salary Administration Plan (Exhibit A). The committee recommends approval, 5 in favor & 0 against.
2. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding **Administrative Leave & Unsafe Conditions Policies** (Exhibit B). The committee recommends approval, 5 in favor & 0 against.
3. The Human Resources Department presented recommended changes to Frederick County Human Resources policy regarding **Anti-Discrimination and Anti-Harassment** (Exhibit C). The committee recommends approval, 5 in favor & 0 against. Note the memo of June 25 explaining the administratively proposed modified language regarding reporting incidents of harassment.
4. The Human Resources Department presented a nomination for **Employee of the Month** for Deputy Greg Lambert (Exhibit D). The committee recommends approval of Greg Lambert for the June 2019 Employee of the Month, 5 in favor & 0 against.

Respectfully submitted,

HUMAN RESOURCES COMMITTEE

Blaine Dunn, Chairman  
Don Butler  
Beth Lewin  
Doug McCarthy  
Dorrie Greene  
Robert (Bob) Wells

By Michael J. Marciano  
Michael J. Marciano, Director of Human Resources

## **Exhibit A**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)

Old Dominion Court Services Pretrial Services  
& Local Probation “Case Officer” Position Request

**OLD DOMINION COURT SERVICES**  
**PRETRIAL SERVICES & LOCAL PROBATION**  
*Serving City of Winchester and*  
*Counties of Clarke, Frederick, Page, Shenandoah and Warren*

S. K. Chmura, CC Chief

860 Smithfield Avenue  
Winchester, VA 22601  
Telephone: 540-665-5633  
Fax Number: 540-667-3875

June 7, 2018

To: Frederick Co. Human Resource Committee



From: S. Kimberly Chmura, Chief

Re: New Case Officer Position

Overview:

Frederick County is the administrative and fiscal agent for Old Dominion Court Services (ODCS). ODCS is supervised by the Northwestern Regional Adult Detention Center. ODCS provides community-based local probation to 18 courts in the City of Winchester and the Counties of Clarke, Frederick, Page, Shenandoah and Warren. It provides pretrial investigations to 6 courts in Winchester, Clarke and Frederick General District Courts and Juvenile Domestic Relations Courts and provides pretrial supervision to 9 courts in Winchester, Clarke and Frederick Circuit Courts, General District Courts and Juvenile Domestic Relations Courts.

Please note that ODCS is a separate agency from Old Dominion Alcohol Safety Action Program (ASAP). The director of ODCS is Kim Chmura, Community Corrections Chief, and the director of ASAP is Andrea Cosans, Director of Court Services.

Pretrial/Probation Officers, Grade 5 with a salary range of \$39,014-\$62,337, currently complete all intakes of pretrial defendants and probationers. After completing the intakes, the officers begin supervising the ODCS clients and addressing any stabilization needs, such as, connecting to local services for housing, employment services, etc., as well as, addressing risks to public safety. In pretrial supervision, the Officers are responsible for monitoring compliance of the court-ordered bail conditions, and to provide referrals to social services to promote the mission of pretrial services; increase the likeness of court appearance and promote public safety. In probation supervision, the Officers are responsible for monitoring compliance of court-ordered obligations, as well as, directing clients to appropriate interventions, such as substance use disorder counseling, mental health counseling, batterer's intervention programming, shoplifting intervention e-learning, and alcohol/marijuana use education programming. The function of probation is to address criminogenic needs that will increase probation compliance and, in the long term, reduce recidivism.

Due to increased referrals over the past few years, completing intakes in a timely fashion has become very difficult. At this time, an intake for pretrial defendant is completed within 30 days of receipt of the referral, and a probation intake may take more than 45 days due to case load size and multiple sub-offices. The Department of Criminal Justice Services (DCJS) mandates that pretrial intakes should occur within 5 business days of receipt of the order and probation intakes should occur within 10 business days of receipt of the order. ODCS continued failure in these standards will negatively impact any forthcoming compliance monitoring/audit. At which time, an action plan will be required to ensure compliance. Prior to the auditing process being implemented, it is desirable to address any deficits and resolve any identified concerns.

It is being requested that a Case Officer title be created at the Grade 4 salary range of \$34,243-\$54,810. The primary function of this position will be to complete intakes within the mandated DCJS time frames. This position will have client contact, but will only see the clients one time for intake and will not address any



underlying issues related to substance use disorder or criminal thinking. Additionally, this position will be the primary back-up for the secretary. As this position does not have the same duties and responsibilities as the supervision officers, it is not appropriate to compensate this position at the same rate as the Grade 5 Pretrial/Probation Officers.

**Rationale for Position:**

In the FY 20 ODCS Pretrial budget, a new FTE position was added as a Grade 4 with a salary of \$34,243-\$54,810. At this time, the position has been approved via the budget process and if approved by the HR Committee and Board of Supervisors (BOS), will be funded by grant funds received from the Department of Criminal Justice Services (DCJS). It is requested that this new position entitled, Case Officer, be approved.

This position is necessary due to several factors. Referrals to pretrial supervision and local probation have increased significantly in the past few years. Eight years ago, pretrial services and local probation were merged under NRADC and during this restructuring, one supervisor and one administrative staff position were left vacant. Due to this reduction, many additional administrative tasks were assigned to the Pretrial/Probation Officers to complete. Current staffing is 9 FTE - 1 supervisor, 1 administrative staff, 1 Pretrial/Probation Officer who works primarily at the jail completing investigations, 3 Pretrial/Probation Officers who work primarily supervising probationers, 2 Pretrial/Probation Officers who work primarily supervising defendants and 1 Pretrial Officer who works primarily supervising defendants. This staffing has remained consistent since 2010. Lastly, there are guidelines which ODCS has not been able to meet despite trying different solutions, and the final solution is to hire a FTE whose primary job it will be to comply with these DCJS standards.

The chart below shows that, while in FY 11, total placements for pretrial supervision were 443 with 170 misdemeanor charges and 264 felony charges, in FY 18, total placements were 533, with 195 misdemeanor charges and 338 felony charges.

|              | APR<br>FY 19 | FY 18      | FY 17      | FY 16      | FY15       | FY 14      | FY 13      | FY 12      | FY 11      |
|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Misd         | 97           | 195        | 235        | 302        | 351        | 353        | 353        | 330        | 179        |
| Felon        | 316          | 338        | 437        | 412        | 498        | 398        | 343        | 316        | 264        |
| <b>TOTAL</b> | <b>413</b>   | <b>533</b> | <b>672</b> | <b>714</b> | <b>849</b> | <b>751</b> | <b>696</b> | <b>646</b> | <b>443</b> |

While the total number has increased, it is important to note that the ratio of misdemeanor charges to felony charges also has changed significantly. Defendants being supervised for felony charges often have more serious supervision issues, such as substance abuse and/or mental health issues. Additionally, the felony cases take longer to process through the court system than misdemeanor charges. In FY 11 there were 264 felony cases supervised by ODCS. In FY 19, it is forecasted this will increase to over 400 felony defendants. Therefore, ODCS staff have more needy defendants who are supervised longer. This is demonstrated by the average daily caseload for pretrial services:

|              | YTD 19     | FY 18      | FY 17      | FY 16      | FY15       | FY 14      | FY 13      | FY 12      | FY 11      |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>TOTAL</b> | <b>324</b> | <b>331</b> | <b>282</b> | <b>316</b> | <b>277</b> | <b>257</b> | <b>260</b> | <b>204</b> | <b>153</b> |



Probation referrals have increased in the past several years as well:

|              | APR FY<br>19 | FY 18 | FY 17 | FY 16 | FY 15 | FY 14 |
|--------------|--------------|-------|-------|-------|-------|-------|
| <b>Misd</b>  | 353          | 334   | 183   | 218   | 291   | 289   |
| <b>Felon</b> | 109          | 96    | 113   | 104   | 102   | 106   |
| <b>TOTAL</b> | 462          | 430   | 296   | 322   | 393   | 395   |

Similar to pretrial supervision, the average daily caseload has increased; in FY 14 there were on average 295 probationers being supervised on a daily basis. Today that average is 492, or 200 more probationers today than 6 years ago, with the same staffing.

Lastly, DCJS Minimum Standards for Pretrial Services §3.6 Letter B states, "Each local pretrial services agency shall develop and follow a policy and procedure for conducting an intake within five business days following notification of judicial officer action or release from confinement for all defendants placed on supervision." DCJS Minimum Standards for Local Community-Based Probation §3.2 Letter A states, "Each local community-based probation agency shall develop and follow a policy and procedure for conducting an intake for each probationer placed on supervision within ten (10) business days of notification of a court action or release from confinement." Unfortunately, since the merge of pretrial services and local probation, these standards are rarely met. In the Case Officer's job description, this new position will complete the intakes of defendants as they report for initial contact. This will significantly improve the compliance with these standards. This is important as Pretrial Services are being closely scrutinized by the Crime Commission and under a 4-year study of pretrial investigations and placements. As a result of the Crime Commission recommendations, DCJS is in the process of developing compliance monitor or audits criteria. Adhering to minimum standards will be one aspect of this compliance monitoring. Additionally, this position will be able to complete case manager tasks, such as monitoring transferred, incarcerated or other inactive cases for the Probation Officers, close cases for Pretrial/Probation Officers, conduct drug testing for PO's, and perform other data entry functions. This will allow the PO's to spend more time with defendants and probationers, thus addressing client needs more effectively.

**Rationale for the Grade:**

In speaking with other localities, they do not have a Case Officer position, but some have Probation Officers in a tier system where Investigators who complete intakes are a lower grade than the supervision officers--specifically Loudoun and Prince William.

At this time at ODCS, the secretary is Grade 3. The Pretrial/Probation Officer is a Grade 5. With only one supervisor who has been here for 8 years, the only internal promotional opportunities have come from secretaries being promoted to PO, which has only happened twice in the past 15 years. Several Pretrial/Probation Officers have left ODCS to pursue similar careers in other localities or federal positions. This proposed position would be a Grade 4 with a salary of \$34,243 to \$54,810. The position would be a grade between secretary, Grade 3, and supervision officers, Grade 5, and thus would allow a promotional opportunity. More importantly, this position does not require the same skill sets as a supervision officer. While this position would have defendant/probationer contact, the incumbent would not be expected to build rapport or address non-compliant behavior with motivational interviewing skills. Per DCJS Minimum Standards, this position takes the Oath of Office and completes basic skills training, CORE. The educational and KSA for Pretrial/Probation



Officer are greater than this position. The Case Officer's position would require greater analytical skills than the secretary position.

Within the Frederick Co. SAP, it would be appropriate for the Case Officer whose duties are lesser than a Pretrial/Probation Officer to be compensated one grade lower. In regards to being competitive with other localities with similar positions, ODCS reached out to several localities to inquiry as to their positions.

| Locality and Title of Position                          | Salary/Grade                               | Duties  | Job description attached? |
|---|--|---|---------------------------|
| <b>Frederick</b><br>Case Officer                        | \$34,243-\$54,810<br>Grade 4               |   | Yes                       |
| <b>Albemarle</b><br>Non-Profit<br>PO and Sr. PO         | Both positions are<br>same grade           | OAR has Local Probation Officer position; after 3 years, can be given Sr. Local Probation Officer Position based on merit. Duties are different and salary is enhanced. | Yes                       |
| <b>Augusta</b><br>None                                  |  | Does not have this position – Blue Ridge Court Services is under Staunton   |                           |
| <b>Fauquier</b><br>Court Services Officer               | \$40,794-\$68,113<br>Grade 29              | Supervision Officer – normal duties of pretrial/probation officers. PO's complete intakes.  | Yes                       |
| <b>Fauquier</b><br>Part Time Court<br>Services Officer  | TBD – based on<br>experience and<br>budget | Per Director, when appropriate, they will hire part-time employee for special projects, one being completing intakes.   | NA                        |
| <b>H-Burg/R-ham</b><br>Court Services Officer           | \$36,292-\$58,074<br>R07                   | Supervision Officer – normal duties of pretrial/probation officers. This locality does not have Intake Officer.   | Yes                       |
| <b>Loudoun</b><br>PO –Specialist III                    | \$48,653                                   | Supervision Officer – normal duties of pretrial/probation officers.   | Yes                       |
| <b>Loudon</b><br>Evaluator/Investigator<br>Specialist I | \$35,939                                   | Completes bail investigations and intakes.  | Been<br>Requested         |
| <b>Prince William</b><br>PO III                         | \$62,029-\$105,300<br>Grad 16              | Caseload size is half as large. Duties include case reviews, coaches PO I/II, lead major initiatives, such as, quality assurance.                                       | Been<br>Requested         |
| <b>Prince William</b><br>PO II                          | \$55,828-\$94,770<br>Grade 15              | Supervision Officer – normal duties of pretrial/probation officers and completes intakes.   | Been<br>Requested         |
| <b>Prince William</b><br>PO I                           | \$50,485-\$85,683<br>Grade 14              | Pretrial Investigator – primarily works at jail conducting bail hearings.   | Been<br>Requested         |
| <b>Roanoke</b><br>Detention Review<br>Specialist        | \$39,718-\$63,548                          | Juvenile PO in the Detention Center   | Yes                       |
| <b>Roanoke</b><br>Youth Counselor I                     | \$30,113-\$48,182                          | Juvenile PO in the community  | Yes                       |

|   |                               |                              |     |
|---|-------------------------------|------------------------------|-----|
| <b>Spotsylvania</b>                               |                               |                              |     |
| <b>Stafford</b><br>Probation Field<br>Officer     | \$42,036-\$65,145             | Juvenile PO in the community | Yes |
| <b>Warren</b><br>Intensive Supervision<br>Officer | \$40,562-\$61,720<br>Grade 14 | Juvenile PO in the community | Yes |
| <b>Winchester</b><br>Nothing similar              |                               |                              |     |
| <b>York</b><br>Nothing similar                    |                               |                              |     |



## Northwestern Regional Adult Detention Center

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|                                  |   |
|----------------------------------|---|
| <b><u>Position Title:</u></b>    | Case Officer<br>Old Dominion Court Services – Pretrial Services and Local Probation   |
| <b><u>Department:</u></b>        | Northwestern Regional Adult Detention Center - ODCS   |
| <b><u>Exempt/Non-Exempt:</u></b> | Non-Exempt  |
| <b><u>Reports To:</u></b>        | Community Corrections Chief   |
| <b><u>Purpose of Grade:</u></b>  | This is a specialized position which provides support to the ODCS by conducting intakes of pretrial defendants and probationers. This position will also assist in monitoring inactive or long-term pending cases. Incumbents coordinate directly with General District and Circuit Court Judges, their staffs, and other officers of the court. Case Officer is the primary back up to the ODCS Secretary. |
| <b><u>Date Prepared:</u></b>     | June 2019   |
| <b><u>Range:</u></b>             | 4   |
| <b><u>G/L Line Item:</u></b>     | 4-011-033010-1002-000-201   |

### **Examples of Tasks Performed Within Grade:**

This position description may not include all of the tasks to be performed.

**Job Purpose:** Duties include managing cases, performing drug testing if ordered, reporting to Courts and other Officers of the Court either with verbal testimony or written reports, and strictly adhering to standard operating procedure and DCJS guidelines. Additionally, the incumbent maintains offender/defendant files and the computer database management system. Weekly and monthly statistic reporting is required. The incumbent must develop positive relationships with Court officials and other local resource agencies and must perform all other duties as assigned.

**Essential Duties:** The requirements for this position include, but are not limited to, those outlined below. All job functions, education and experience, general knowledge and abilities, and physical requirements are subject to possible modification to reasonably accommodate individuals with disabilities to enable them to perform the essential functions of the job. This document does not create an employment contract, implied or otherwise. It is the employer's discretion to add or change the duties or requirements of this position at any time.

- Completes intakes of defendants who report directly from the Magistrate or Courts.
- Runs a criminal history using VCIN, performing data entry of the placement.
- Interviews the defendant or probationer, conducting a drug analysis and completing a risk assessment.
- Documents all interactions in the case files and the PTCC case management system.
- Monitors compliance of inactive cases due to transfer out status and long-term pending cases due to incarceration.
- Schedules appointments and returning phone calls in a timely manner, and assisting Pretrial/Probation Officers with drug analysis and case filing.

## Northwestern Regional Adult Detention Center

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- Testifies in court.
- Completes data entry of placements -- including making copies, scanning files, assisting the Chief in data management and statistics.
- Assists in special projects or activities.

**Equipment Operated:** Routine office equipment, personal computer with DCJS software, NICC/VCIN Terminal, and motor vehicles.

**Working Conditions:** Work involves some degree of risk to personal safety in an inherently stressful environment.

**Knowledge, Skills and Abilities:** Knowledge of the criminal justice processes and the Department of Criminal Justice Service standards are preferred. The ability to write and prepare written reports is essential. Strong computer skills are required to include expert keyboarding and data entry. The position requires public speaking and oral communications skills. The ability to manage multiple tasks, analyze complex information, organize and prioritize work and meet deadlines is critical. Ability to apply screening criteria to individuals, their offenses, and their personal backgrounds for the purposes of program selection is required.

Preferred Knowledge, Skills and Abilities: Bilingual in Spanish and English and highly proficient at Microsoft Office software.

**Experience/Education:** Previous experience in office setting or customer service is required. Internship in criminal justice agency is preferred. Associate's Degree from an accredited college or university with major course emphasis in Criminology, Criminal Justice, Corrections, Sociology or related field is required or applicable experience in lieu of Associate's degree.

### **Special Requirements:**

- Must maintain a telephone for emergency contact purposes.
- Must possess a valid driver's license.
- Must obtain and maintain all Criminal Justice Services mandated training as required by DCJS, Frederick County, NRADC and ODCS.
- Criminal history check and periodic drug testing required.
- No record of felony convictions and no record of misdemeanor convictions in the last 10 years.

**Physical Requirements:** This is operative work requiring the exertion of up to and exceeding 50 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects. Regular required tasks include sitting, talking or hearing in person, in meetings and by telephone. The employee is frequently required to walk and stand, and occasionally required to climb, stoop, kneel, or crouch. Visual acuity is required for preparing and analyzing written or computer data, determining the accuracy and thoroughness of work, and observing general surrounding and activities.





## Frederick County, VA Salary Administration Program

| Title                              | Department                   | Range |
|------------------------------------|------------------------------|-------|
| ACCOUNT ANALYST                    | TREASURER'S OFFICE           | 6     |
| ACCOUNT CLERK                      | FREDERICK COUNTY             | 3     |
| ACCOUNTING SUPERVISOR              | FINANCE                      | 9     |
| ACCOUNTING TECHNICIAN              | NRADC                        | 4     |
| ADMINISTRATIVE ASSISTANT           | FREDERICK COUNTY             | 6     |
| AIRPORT EXECUTIVE DIRECTOR         | WINCHESTER REGIONAL AIRPORT  | NC    |
| ANIMAL CARETAKER                   | PUBLIC WORKS/ANIMAL SHELTER  | 2     |
| ANIMAL SHELTER MANAGER             | PUBLIC WORKS/ANIMAL SHELTER  | 8     |
| ASAP CASE MANAGER                  | NRADC/DCS                    | 5     |
| ASAP CASE MANAGER ASSISTANT        | NRADC/DCS                    | 4     |
| ASSESSOR I                         | COMMISSIONER OF THE REVENUE  | 7     |
| ASSESSOR II                        | COMMISSIONER OF THE REVENUE  | 8     |
| ASSESSOR III                       | COMMISSIONER OF THE REVENUE  | 9     |
| ASSISTANT CHIEF                    | FIRE & RESCUE                | 12    |
| ASSISTANT COUNTY ADMINISTRATOR     | COUNTY ADMINISTRATION        | NC    |
| ASSISTANT COUNTY ATTORNEY          | COUNTY ATTORNEY'S OFFICE     | 10    |
| ASSISTANT COURT SERVICES DIRECTOR  | NRADC/DCS                    | 9     |
| ASSISTANT DIRECTOR                 | PLANNING & DEVELOPMENT       | 12    |
| ASSISTANT DIRECTOR, TRANSPORTATION | PLANNING & DEVELOPMENT       | 12    |
| ASSISTANT FINANCE DIRECTOR         | FINANCE                      | 12    |
| ASSISTANT PUBLIC WORKS DIRECTOR    | PUBLIC WORKS/ADMINISTRATION  | 11    |
| ASSISTANT REGISTRAR                | REGISTRAR'S OFFICE           | 4     |
| ASSISTANT SUPERINTENDENT           | NRADC                        | 12    |
| ASST ANIMAL SHELTER MANAGER        | PUBLIC WORKS/ANIMAL SHELTER  | 6     |
| ASST COMMONWEALTH ATTY             | COMM ATTORNEY'S OFFICE       | 10    |
| ASST CONVENIENCE SITE SUPERVISOR   | PUBLIC WORKS/LANDFILL        | 4     |
| ASST NURSING DIRECTOR              | NRADC                        | 8     |
| AUDITOR                            | COMMISSIONER OF THE REVENUE  | 8     |
| BASICREC MANAGER                   | PARKS & RECREATION           | 7     |
| BENEFITS ADMINISTRATOR             | HUMAN RESOURCES              | 6     |
| BLDG OFFICIAL CODE ADMIN           | PUBLIC WORKS/INSPECTIONS     | 10    |
| BOOKING TECHNICIAN                 | NRADC                        | 3     |
| BUSINESS DIVISION/CHIEF ADMIN      | COMMISSIONER OF THE REVENUE  | 8     |
| BUSINESS MANAGER                   | NRADC                        | 8     |
| BUSINESS RETENTION MANAGER         | EDA                          | 9     |
| CAPTAIN                            | SHERIFF'S OFFICE/NRADC       | 10    |
| CASHIER                            | TREASURER'S OFFICE           | 3     |
| CERTIFIED MEDICATION ASSISTANT     | NRADC                        | 2     |
| CHIEF COMMUNITY CORRECTIONS        | NRADC/DCS                    | 10    |
| CIRCUIT COURT CLERK                | CLERK'S OFFICE               | NC    |
| CIVIL ENGINEER                     | PUBLIC WORKS/ADMINISTRATION  | 9     |
| COLLECTOR                          | TREASURER'S OFFICE           | 8     |
| COMMISSIONER OF THE REVENUE        | COMMISSIONER OF THE REVENUE  | NC    |
| COMMONWEALTH'S ATTORNEY            | COMM ATTORNEY'S OFFICE       | NC    |
| COMMUNICATION OFFC I               | PUBLIC SAFETY COMMUNICATIONS | 4     |
| COMMUNICATION OFFC II              | PUBLIC SAFETY COMMUNICATION  | 5     |
| COMMUNICATION OFFC III             | PUBLIC SAFETY COMMUNICATION  | 6     |
| COMMUNICATIONS SHIFT SUPERVISOR    | PUBLIC SAFETY COMMUNICATIONS | 7     |
| COMMUNITY OUTREACH COORDINATOR     | SHERIFF'S OFFICE             | 5     |
| CONVENIENCE SITE ATTENDANT         | PUBLIC WORKS/LANDFILL        | 1     |
| CONVENIENCE SITE SUPV              | PUBLIC WORKS/LANDFILL        | 5     |
| CORRECTIONAL INVESTIGATOR          | NRADC                        | 5     |
| CORRECTIONAL NURSE I               | NRADC                        | 6     |
| CORRECTIONAL NURSE II              | NRADC                        | 6.5   |



Frederick County Salary Administration Program - March 2019

| Title                                | Department                   | Range |
|--------------------------------------|------------------------------|-------|
| CORRECTIONAL NURSE III               | NRADC                        | 7     |
| CORRECTIONAL OFFICER I               | NRADC                        | 5     |
| CORRECTIONAL OFFICER II              | NRADC                        | 6     |
| CORRECTIONAL OFFICER III             | NRADC                        | 7     |
| CORRECTIONAL SYSTEM TECH.            | NRADC                        | 5     |
| CORRECTIONAL SYSTEMS OFFC            | NRADC                        | 7     |
| COUNTY ADMINISTRATOR                 | COUNTY ADMINISTRATION        | NC    |
| COUNTY ATTORNEY                      | COUNTY ATTORNEY'S OFFICE     | NC    |
| COURT SERVICES DIRECTOR              | NRADC/DCS                    | 10    |
| CRIME ANALYST                        | SHERIFF'S OFFICE             | 6     |
| CSA ACCOUNT SPECIALIST               | CHILDREN'S SERVICES          | 4     |
| CSA COORDINATOR                      | CHILDREN'S SERVICES          | 8     |
| CSR (CUSTOMER SERVICE REPRESENTATIVE | FC-ALL DEPT'S EXCEPT AIRPORT | 2     |
| CUSTODIAN                            | MAINTENANCE                  | 1     |
| CUSTODIAN SUPERVISOR                 | MAINTENANCE                  | 3     |
| CUSTOMER SERVICE REPRESENTATIVE      | WINCHESTER REGIONAL AIRPORT  | 2     |
| CUSTOMER SERVICE TECHNICIAN          | PARKS & RECREATION           | 3     |
| DATA COLLECTOR                       | COMMISSIONER OF THE REVENUE  | 4     |
| DATABASE ADMINISTRATOR/DEVELOPER     | INFORMATION TECHNOLOGY       | 8     |
| DEPUTY CHIEF                         | FIRE & RESCUE                | 11    |
| DEPUTY CLERK TO THE BOARD OF         | COUNTY ADMINISTRATION        | 10    |
| DEPUTY CLERK/OPERATIONS              | CLERK'S OFFICE               | 6     |
| DEPUTY COMMONWEALTH ATTORNEY         | COMM ATTORNEY'S OFFICE       | 12    |
| DEPUTY COUNTY ADMINISTRATOR          | COUNTY ADMINISTRATION        | NC    |
| DEPUTY I                             | SHERIFF'S OFFICE             | 5     |
| DEPUTY II                            | SHERIFF'S OFFICE             | 6     |
| DEPUTY III                           | SHERIFF'S OFFICE             | 7     |
| DEPUTY TREASURER                     | TREASURER'S OFFICE           | 12    |
| DEPUTY TREASURER / COMPLIANCE        | TREASURER'S OFFICE           | 10    |
| DEPUTY TREASURER OPS                 | TREASURER'S OFFICE           | 12    |
| DEPUTY REGISTRAR                     | REGISTRAR'S OFFICE           | 5     |
| DESIGN REVIEW SPECIALIST             | PUBLIC WORKS/INSPECTIONS     | 6     |
| DIRECTOR OF ELECTIONS/GEN REGISTRAR  | REGISTRAR'S OFFICE           | NC    |
| EDA DIRECTOR                         | EDA                          | NC    |
| EMS BILLING MANAGER                  | FIRE & RESCUE                | 4     |
| EMS BILLING SPECIALIST               | FIRE & RESCUE                | 2     |
| ENVIRONMENTAL INSPECTOR              | PUBLIC WORKS/ADMINISTRATION  | 5     |
| ENVIRONMENTAL MANAGER                | PUBLIC WORKS/LANDFILL        | 9     |
| ENVIRONMENTAL PROGRAM ADMINISTRATOR  | PUBLIC WORKS/ADMINISTRATION  | 8     |
| ENVIRONMENTAL SAFETY TECH            | PUBLIC WORKS/LANDFILL        | 6     |
| EVIDENCE CLERK                       | SHERIFF'S OFFICE             | 4     |
| EXTENSION TECHNICIAN                 | VIRGINIA COOP EXTENSION      | 5     |
| F&R BATTALION CHIEF                  | FIRE & RESCUE                | 10    |
| F&R CAPTAIN                          | FIRE & RESCUE                | 9     |
| F&R LIEUTENANT                       | FIRE & RESCUE                | 8     |
| F&R SPECIALIST                       | FIRE & RESCUE                | 7     |
| F&R TECHNICIAN                       | FIRE & RESCUE                | 6     |
| FINANCE DIRECTOR                     | FINANCE                      | NC    |
| FINANCE SPECIALIST                   | FINANCE                      | 6     |
| FINANCE TECHNICIAN                   | AIRPORT                      | 3     |
| FIRE CHIEF                           | FIRE & RESCUE                | NC    |
| FIREFIGHTER/EMT                      | FIRE & RESCUE                | 5     |
| FLIGHT LINE TECH                     | WINCHESTER REGIONAL AIRPORT  | 4     |
| FOOD SERVICES MANAGER                | NRADC                        | 8     |
| FOOD SERVICES SUPERVISOR             | NRADC                        | 3     |
| GAS PLANT OPERATOR                   | PUBLIC WORKS/LANDFILL        | 7     |
| GIS ANALYST                          | COMMISSIONER OF THE REVENUE  | 9     |



Frederick County Salary Administration Program - March 2019

| Title                            | Department                           | Range |
|----------------------------------|--------------------------------------|-------|
| GIS ANALYST/PROGRAMMER           | INFORMATION TECHNOLOGY               | 9     |
| GIS MANAGER                      | INFORMATION TECHNOLOGY               | 10    |
| GIS TECHNICIAN                   | INFORMATION TECHNOLOGY/PLANNING      | 6     |
| HEAD CUSTODIAN                   | MAINTENANCE                          | 2     |
| HEAVY EQUIPMENT MECHANIC         | PUBLIC WORKS/LANDFILL                | 8     |
| HR ASSISTANT                     | HUMAN RESOURCES                      | 3     |
| HR DIRECTOR                      | HUMAN RESOURCES                      | NC    |
| HR GENERALIST                    | HUMAN RESOURCES                      | 6     |
| HR MANAGER                       | HUMAN RESOURCES                      | 10    |
| HR SPECIALIST                    | HUMAN RESOURCES                      | 4     |
| INMATE PROGRAM SPECIALIST        | NRADC                                | 5     |
| INMATE PROGRAMS COORD            | NRADC                                | 6     |
| INSPECTOR                        | PUBLIC WORKS/INSPECTIONS             | 7     |
| INVESTIGATOR                     | SHERIFF'S OFFICE                     | 8     |
| IT DIRECTOR                      | INFORMATION TECHNOLOGY               | NC    |
| LABORER                          | PUBLIC WORKS/LANDFILL SHAWNEELAND    | 2     |
| LANDFILL MANAGER                 | PUBLIC WORKS/LANDFILL                | 10    |
| LANDFILL OPERATIONS SUPERVISOR   | PUBLIC WORKS/LANDFILL                | 7     |
| LANDFILL OPERATIONS MANAGER      | PUBLIC WORKS/LANDFILL                | 8     |
| LANDFILL SPOTTER                 | PUBLIC WORKS/LANDFILL                | 3     |
| LANDFILL TECHNICIAN              | PUBLIC WORKS/LANDFILL                | 4     |
| LEGAL SECRETARY                  | COMM ATTY/CNTY ATTORNEY'S OFFICE     | 4     |
| LIDS TECH/RECORDS SUPV           | NRADC                                | 8     |
| LIEUTENANT                       | NRADC/SHERIFF'S DEPT                 | 9     |
| LITIGATION SUPPORT MANAGER       | COMM ATTORNEY'S OFFICE               | 9     |
| MAINTENANCE MECHANIC ASST        | WINCHESTER REGIONAL AIRPORT          | 4     |
| MAINTENANCE SPECIALIST           | PARKS & REC/MAINTENANCE              | 6     |
| MAINTENANCE SUPERVISOR           | MAINTENANCE/NRADC                    | 8     |
| MAINTENANCE SUPERVISOR ASSISTANT | MAINTENANCE                          | 7     |
| MAINTENANCE TECHNICIAN           | AIRPORT/NRADC                        | 4     |
| MAINTENANCE WORKER               | MAINTENANCE                          | 3     |
| MAJOR/CHIEF DEPUTY               | SHERIFF'S OFFICE                     | 11    |
| MARKETING COORDINATOR            | PARKS & RECREATION                   | 6     |
| MARKETING MANAGER                | EDA                                  | 9     |
| MENTAL HEALTH CONSULTANT         | NRADC                                | 7     |
| MENTAL HEALTH DIRECTOR           | NRADC                                | 9     |
| MIS DIRECTOR                     | INFORMATION TECHNOLOGY               | NC    |
| MIS PROGRAMMER                   | MIS DEPARTMENT                       | 11    |
| MORTGAGE SPECIALIST              | TREASURER'S OFFICE                   | 7     |
| MOTOR EQUIP OPERATOR             | PUBLIC WORKS/SHAWNEELAND             | 4     |
| NETWORK ADMINISTRATOR            | INFORMATION TECHNOLOGY               | 9     |
| NETWORK OPERATIONS MANAGER       | INFORMATION TECHNOLOGY               | 10    |
| NURSING DIRECTOR                 | NRADC                                | 9     |
| OPERATIONS MANAGER               | PARKS & RECREATION                   | 8     |
| OPERATIONS SUPERINTENDENT        | PARKS & RECREATION                   | 9     |
| OPERATIONS SUPERVISOR            | AIRPORT/Public Safety Communications | 9     |
| P&R ASSISTANT DIRECTOR           | PARKS & RECREATION                   | 10    |
| P&R DIRECTOR                     | PARKS & RECREATION                   | NC    |
| P&R MARKETING MANAGER            | PARKS & RECREATION                   | 7     |
| P&R PROGRAM COORDINATOR          | PARKS & RECREATION                   | 5     |
| PARK & STEWARDSHIP PLANNER       | PARKS & RECREATION                   | 8     |
| PARK CARETAKER                   | PARKS & RECREATION                   | 2     |
| PARK MANAGER                     | PARKS & RECREATION                   | 8     |
| PARK TECHNICIAN                  | PARKS & RECREATION                   | 3     |
| PARKS SUPERINTENDENT             | PARKS & RECREATION                   | 9     |
| PAYROLL MANAGER                  | FINANCE                              | 10    |
| PC TECHNICIAN                    | INFORMATION TECHNOLOGY               | 4     |



Frederick County Salary Administration Program - March 2019

| Title                           | Department                       | Range |
|---------------------------------|----------------------------------|-------|
| PERMIT MANAGER                  | PUBLIC WORKS/INSPECTIONS         | 7     |
| PERMIT TECHNICIAN               | PUBLIC WORKS/INSPECTIONS         | 4     |
| PERSONAL PROPERTY SUPV          | COMMISSIONER OF THE REVENUE      | 8     |
| PLANNER                         | PLANNING & DEVELOPMENT           | 9     |
| PLANNING DIRECTOR               | PLANNING & DEVELOPMENT           | NC    |
| POST DISPOSITIONAL CASE MANAGER | JUVENILE PROBATION OFFICE        | 4     |
| PROBATE CLERK                   | CLERK'S OFFICE                   | 9     |
| PROBATION OFFICER               | NRADC/DCS                        | 5     |
| PROGRAM COORDINATOR             | INFORMATION TECHNOLOGY           | 10    |
| PROGRAM SUPERVISOR              | PARKS & RECREATION               | 7     |
| PROJECT MANAGER                 | PUBLIC WORKS/ADMINISTRATION      | 8     |
| PROPERTY CLERK                  | NRADC                            | 3     |
| PTS CASE MANAGER                | NRADC/DCS                        | 5     |
| PTS/PROBATION OFFICER           | NRADC/DCS                        | 5     |
| PUBLIC INFORMATION OFFICER      | COUNTY ADMINISTRATION            | 9     |
| PUBLIC SAFETY DIRECTOR          | PUBLIC SAFETY COMMUNICATION      | NC    |
| PUBLIC WORKS DIRECTOR           | PUBLIC WORKS/ADMINISTRATION      | NC    |
| PURCHASING MANAGER              | FINANCE                          | 10    |
| REAL EST ASSESS CHIEF ADMIN     | COMMISSIONER OF THE REVENUE      | 11    |
| RECORDS CLERK                   | FREDERICK COUNTY                 | 3     |
| RECORDS CLERK II                | SHERIFF'S OFFICE                 | 4     |
| RECREATION SUPERINTENDENT       | PARKS & RECREATION               | 9     |
| RECREATION TECHNICIAN           | PARKS & RECREATION               | 3     |
| REVENUE ANALYST                 | TREASURER'S OFFICE               | 7     |
| RISK MGR BUDGET ANALYST         | FINANCE                          | 9     |
| SANITARY DISTRICT MANAGER       | PUBLIC WORKS/SHAWNEELAND         | 8     |
| SCALE OPER/CONVEN SITE ASST     | PUBLIC WORKS/LANDFILL            | 4     |
| SCALE OPERATOR                  | PUBLIC WORKS/LANDFILL            | 5     |
| SCANNING TECHNICIAN             | CLERK'S OFFICE                   | 4     |
| SECRETARY                       | FREDERICK COUNTY                 | 3     |
| SERGEANT                        | SHERIFF'S OFFICE/NRADC           | 8     |
| SHERIFF                         | SHERIFF'S OFFICE                 | NC    |
| SOLID WASTE COORDINATOR         | PUBLIC WORKS/LANDFILL            | 7     |
| SOLID WASTE MANAGER             | PUBLIC WORKS/LANDFILL            | 8     |
| SR ACCOUNT ANALYST              | TREASURER'S OFFICE               | 7     |
| SR ACCOUNT CLERK                | FREDERICK COUNTY                 | 4     |
| SR ANIMAL CARETAKER             | PUBLIC WORKS/ANIMAL SHELTER      | 4     |
| SR ASAP CASE MANAGER            | NRADC/DCS                        | 7     |
| SR COLLECTOR                    | TREASURER'S OFFICE               | 10    |
| SR DESIGN REVIEW SPECIALIST     | PUBLIC WORKS/INSPECTIONS         | 8     |
| SR INSPECTOR                    | PUBLIC WORKS/INSPECTIONS         | 8     |
| SR LANDFILL TECHNICIAN          | PUBLIC WORKS/LANDFILL            | 5     |
| SR LEGAL SECRETARY              | COMM ATTY/CNTY ATTORNEY'S OFFICE | 5     |
| SR MOTOR EQUIP OPERATOR         | PUBLIC WORKS/SHAWNEELAND         | 5     |
| SR PERMIT TECHNICIAN            | PUBLIC WORKS/INSPECTIONS         | 5     |
| SR PLANNER                      | PLANNING & DEVELOPMENT           | 10    |
| SR PROBATION CASE OFFC          | NRADC/DCS                        | 4     |
| SR PROGRAM COORDINATOR          | INFORMATION TECHNOLOGY           | 11    |
| SR PROJECT MANAGER              | PUBLIC WORKS/ADMINISTRATION      | 10    |
| SR RECORDS CLERK                | FREDERICK COUNTY                 | 5     |
| SR SECRETARY                    | FREDERICK COUNTY                 | 4     |
| SUPERINTENDENT                  | NRADC                            | NC    |
| TREASURER                       | TREASURER'S OFFICE               | NC    |
| VW PROGRAM ASST. MANAGER        | VICTIM/WITNESS PROGRAM           | 5     |
| VW PROGRAM MANAGER              | VICTIM/WITNESS PROGRAM           | 7     |
| VW PROGRAM OFFICE ASSISTANT     | VICTIM/WITNESS PROGRAM           | 3     |
| WORK RELEASE SPECIALIST         | NRADC                            | 5     |



Frederick County Salary Administration Program - March 2019

| Title                | Department             | Range |
|----------------------|------------------------|-------|
| ZONING ADMINISTRATOR | PLANNING & DEVELOPMENT | 8     |
| ZONING INSPECTOR     | PLANNING & DEVELOPMENT | 5     |

| SALARY RANGES            |           |           |           |           |           |
|--------------------------|-----------|-----------|-----------|-----------|-----------|
| <i>Adopted July 2018</i> |           |           |           |           |           |
| Range                    | Minimum   | Progress  | Midpoint  | Advance   | Maximum   |
| 13                       | \$101,988 | \$117,254 | \$132,520 | \$147,787 | \$163,053 |
| 12                       | \$90,750  | \$104,426 | \$117,996 | \$131,566 | \$145,242 |
| 11                       | \$81,420  | \$93,612  | \$105,804 | \$117,996 | \$130,188 |
| 10                       | \$69,759  | \$80,254  | \$90,750  | \$101,245 | \$111,741 |
| 9                        | \$60,323  | \$69,441  | \$78,452  | \$87,463  | \$96,581  |
| 8                        | \$53,114  | \$61,065  | \$69,017  | \$76,968  | \$84,919  |
| 7                        | \$47,919  | \$55,128  | \$62,337  | \$69,547  | \$76,756  |
| 6                        | \$42,831  | \$49,191  | \$55,658  | \$62,125  | \$68,486  |
| 5                        | \$39,014  | \$44,845  | \$50,676  | \$56,507  | \$62,337  |
| 4                        | \$34,243  | \$39,438  | \$44,527  | \$49,616  | \$54,810  |
| 3                        | \$31,275  | \$35,939  | \$40,604  | \$45,269  | \$49,934  |
| 2                        | \$27,352  | \$31,487  | \$35,621  | \$39,756  | \$43,891  |
| 1                        | \$23,536  | \$27,140  | \$30,639  | \$34,137  | \$37,742  |

## **Exhibit B**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)



HR Committee's Draft of  
Administrative Leave & Unsafe Conditions Policies

## County of Frederick Proposed Policy Changes

### 1.6 Definitions

Administrative Closure shall be defined as work site closures authorized by the County Administrator due to unsafe conditions (e.g., inclement weather, hazardous circumstances, emergency situations, etc.).

### VIII. WORK HOURS, HOLIDAYS, LEAVE

8.11 Administrative Leave shall be defined as leave of absence with or without pay for the purpose of investigating or resolving work-related complaints, allegations, offenses, and/or charges which may result in formal disciplinary actions. In cases where compensation is not approved, paid time off or compensatory time may not be used.

Administrative Leave may be used during an investigation when it is necessary to determine the validity of allegations against an employee for unacceptable job performance or conduct. If this action is exercised, written notice shall be given to the affected employee stating the grounds for the investigation, the date the Administrative Leave is to begin and, if possible, the date the investigation is to be concluded. After the investigation is concluded, the employee should be notified of the results and given written notice of return to work or disciplinary action to be taken.

### XVII. UNSAFE CONDITIONS

Unsafe Conditions shall be defined as a situation whereby the health or safety of citizens, clients, or employees would be placed at risk or that conditions or events prevent performance of regular operations, services or responsibilities.

#### 17.1 Administrative Closure Designation/Notification

Administrative Closure (as defined in this Policy) may be authorized by the County Administrator.

In the case of Administrative Closure or delayed opening, employees shall be sent an automated message to their contact information of record. Additionally, the information will be posted on the County web site, social media sites, and the cable channel (Comcast Channel 16). Notification will be sent to the local radio stations - WINC and Q102.

#### 17.2 Unsafe Conditions Leave

In the event that an Administrative Closure has been authorized, this leave shall be recorded under the category of Unsafe Conditions Leave.

##### a. Unsafe Conditions Leave for Non-Essential Employees

Non-essential employees shall not be required to make up the time.

An employee who is on scheduled paid leave during an Administrative Closure may charge Unsafe Conditions Leave in place of the scheduled paid leave (i.e., PTO, IDA and Comp). However, an employee on a regular scheduled day off will not receive credit for the Administrative Closure.

b. Unsafe Conditions for Essential Employees

Essential employees are individuals whose duties must be performed regardless of Unsafe Conditions, and who must report to work despite an Administrative Closure.

All essential (non-exempt and full-time) employees required by their supervisors to work during an Administrative Closure shall be paid for all hours worked during the Administrative Closure. Additionally, essential employees shall be granted Unsafe Conditions Leave for the time worked, up to a maximum of eight (8) hours per day, not to exceed 32 hours per fiscal year. Unsafe Conditions Leave hours accrued must be used within sixty (60) days (or two timesheet periods) or it will be forfeited. Any unused accrued Unsafe Conditions Leave will not be paid out at the time of termination.

17.3 Liberal Leave

If there are Unsafe Conditions during normally scheduled work hours and there is no Administrative Closure, an employee shall be permitted, after appropriate contact with his/her Department Supervisor, to take Liberal Leave with the stipulation that the time must be made up within sixty (60) days. Liberal Leave make-up time shall be scheduled and approved by the Department Head. Should the time not be made up within sixty (60) days, the employee will be charged paid leave for time in arrears.

17.4 Timekeeping

Unsafe Conditions Leave and Liberal Leave must both be accounted for on the timesheet.

It shall be the Department Head's responsibility to oversee his/her employees' make-up time of Liberal Leave hours owed, and to reflect accurate balances in the appropriate column. When Liberal Leave make-up hours are applied to the regular working day(s) and the total amount then results in overtime, the excess hours are not eligible for overtime payment.

The timesheets for essential employees who work during a delayed opening or Administrative Closure should reflect both the hours worked and Unsafe Conditions Leave.

(Effective July 1, 2019)

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## **Exhibit C**

(Material Handed Out at June 17, 2019  
HR Committee Meeting and Memo of  
June 25, 2019 on proposed modified  
language regarding reporting options)



“Track Changes” of Current vs. Proposed  
Anti-Discrimination and Anti-Harassment Policy

XX. HARASSMENT/SEXUAL HARASSMENT ANTI-DISCRIMINATION AND ANTI-HARASSMENT -POLICY

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Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Purpose:

To define Frederick County's position regarding harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate Frederick County's actions to any such conduct.

Policy:

Frederick County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, discrimination or harassment on the basis of sex (including pregnancy, childbirth, and related medical conditions, and sex stereotyping), sexual orientation, color, race, religion, national origin, age, disability, genetic information, marital status, military service or protected veteran status, or any other protected characteristic under applicable law is prohibited. Any employee found to have engaged in prohibited discrimination or harassment will be subject to discipline, up to and including termination.

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For purposes of this policy, harassment includes verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile, or offensive working environment for an individual because of the individual's protected characteristic. Such conduct may include, but is not necessarily limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, stereotyping, insulting or obscene comments or gestures, display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward the individual or group, or other verbal or physical actions relating to an individual's protected characteristic.

Because there is often confusion related to the meaning of sexual harassment, it deserves additional clarification. Sexual harassment includes any unwelcome sexual conduct (including sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature) when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can take many forms. The following is a partial list of the types of behavior that could constitute sexual harassment:

- Unwanted or unwelcome physical contact or conduct of any kind, including, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact;
- Verbal abuse of a sexual nature, including sexual flirtations, advances, propositions, sexual innuendoes, sexually suggestive, insulting or graphic comments, noises, or sounds;
- Sexually explicit, suggestive or offensive jokes;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress, body, appearance, or personal life;
- The display or distribution in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs, drawings, or magazine pictures; and
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages.

To violate the law, harassment must reach a certain level of seriousness in terms of its nature, repetition, and/or impact on employment. This policy, however, not only prohibits unlawful harassment, but also offensive conduct that is contrary to Frederick County's core values. Thus, Frederick County may take action to address offensive behavior or statements based on a person's protected characteristic even if such action(s) standing alone would not rise to the level of unlawful harassment.

It is the policy of Frederick County that discriminatory harassment and/or sexual harassment of applicants and employees on the basis of race, religion, gender, national origin, age, marital status, veteran status and mental and physical handicap is unacceptable and will not be tolerated.

This policy exists to protect all County employees, applicants, customers, vendors, or other third parties with whom Frederick County has business dealings.

Harassment can occur as the result of a single incident or a pattern of behavior, including whenever:

1. Submission to the harassing conduct is either an explicit or implicit term or condition of employment;
2. An employee's reaction to the harassing conduct is used as a basis for employment decisions affecting that employee; or
3. The harassing conduct has the purpose or effect of interfering with the employee's work performance or creating an intimidation, hostile or offensive working environment.

Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to the following:

1. physical or mental abuse;
2. racial insults;



- 3. derogatory jokes;
- 4. religious slurs;
- 5. unwelcome sexual advances;

Sexual harassment is defined generally as including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

No employee or applicant should be subjected to unsolicited and unwelcome sexual overtures. Nor should any employee or applicant be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature.

Sexual harassment includes behavior which is not welcome and which is personally intimidating, hostile or offensive including but not limited to physical acts, written acts, and electronic transmissions. It also may include such actions as:

- 1. sexually-oriented verbal teasing or jokes;
- 2. repeated offensive sexual flirtations, advances, or propositions;
- 3. continued or repeated verbal abuse of a sexual nature;
- 4. graphic or degrading comments about an individual or his or her appearance;
- 5. the display of sexually suggestive objects or pictures;
- 6. subtle pressure for sexual activity; and
- 7. physical contact or blocking movement.

**Reporting Obligations**

Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify the Director of Human Resources. A supervisor who becomes aware of any harassment, or who receives allegations of harassment from any employee, must immediately advise the Director of Human Resources.

All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

**No Retaliation**

Frederick County forbids retaliation against any employee for making a good faith complaint or cooperating fully and truthfully in an investigation under this policy. Any employee who is found to have engaged in retaliation in violation of this policy will be

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subject to discipline, up to and including termination. If an employee believes he or she has been retaliated against in violation of this policy, the employee must report such violation in the same way other violations of this policy are reported.

### Individuals and Conduct Covered

This policy prohibits harassment, discrimination and retaliation whether engaged in by, or directed at, employees, contractors, clients, vendors, or others an employee may come into contact with while working or representing the County. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### Procedure:

Any employee who feels that he or she has been the subject of any form of harassment or who has reason to believe that someone else has been the subject of any form of harassment has the obligation to notify the HR Director, his or her supervisor, and Department Head. The employee is expected to provide information the County requests, including a detailed account of the incident(s) complained of, related facts, witnesses (if any), dates, etc. The Director of Human Resources will make a prompt investigation of the matter, and will document, as appropriate, the contents of meetings, interviews, and related matters. The employee will be entitled to learn the conclusions and recommendations of the investigation, upon its conclusion.

Any employee found to have violated the County's policy against sexual harassment will be immediately subject to appropriate disciplinary action, including possible termination, depending upon the severity of the offense.

It is the County's policy that no one will be retaliated against for making a complaint of harassment based upon an honest perception of the events or for participating in the investigation of a complaint. No one will be presumed to be in violation because an investigation is being conducted.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

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Updated/Approved: 05/22/2013

Proposed Anti-Discrimination and  
Anti-Harassment Policy

**XX. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

Frederick County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

**Purpose**

To define Frederick County's position regarding harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate Frederick County's actions to any such conduct.

**Policy**

Frederick County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, discrimination or harassment on the basis of sex (including pregnancy, childbirth, and related medical conditions, and sex stereotyping), sexual orientation, color, race, religion, national origin, age, disability, genetic information, marital status, military service or protected veteran status, or any other protected characteristic under applicable law is prohibited. Any employee found to have engaged in prohibited discrimination or harassment will be subject to discipline, up to and including termination.

For purposes of this policy, harassment includes verbal or physical conduct that denigrates or shows hostility toward an individual or conduct that creates an intimidating, hostile, or offensive working environment for an individual because of the individual's protected characteristic. Such conduct may include, but is not necessarily limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, stereotyping, insulting or obscene comments or gestures, display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward the individual or group, or other verbal or physical actions relating to an individual's protected characteristic.

Because there is often confusion related to the meaning of sexual harassment, it deserves additional clarification. Sexual harassment includes any unwelcome sexual conduct (including sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature) when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

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To violate the law, harassment must reach a certain level of seriousness in terms of its nature, repetition, and/or impact on employment. This policy, however, not only prohibits unlawful harassment, but also offensive conduct that is contrary to Frederick County's core values. Thus, Frederick County may take action to address offensive behavior or statements based on a person's protected characteristic even if such action(s) standing alone would not rise to the level of unlawful harassment.

### **Reporting Obligations**

Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify the Director of Human Resources. A supervisor who becomes aware of any harassment, or who receives allegations of harassment from any employee, must immediately advise the Director of Human Resources.

All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

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Updated/Approved: \_\_\_\_\_



## County of Frederick

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**Michael J. Marciano**  
Director of Human Resources

(540) 665-5668  
Fax: (540) 665-5669  
Michael.Marciano@fcva.us

TO: Board of Supervisors

FROM: Michael J. Marciano

DATE: June 25, 2019

SUBJECT: Modification to Reporting Approach Under Updated "Anti-Discrimination and Anti-Harassment" Policy

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At the Human Resources Committee meeting held on June 17, 2019, an updated "Anti-Discrimination and Anti-Harassment" policy was recommended to the Board of Supervisors for approval. Subsequent to that meeting, I reflected on the fact that the new policy did not provide multiple avenues of reporting any claim of harassment; rather, it requested that all claims of harassing behavior should be reported to the Director of Human Resources.

Since it can be difficult for employees to come forward and report harassment to the Human Resources Department, my suggested modification is that multiple avenues of reporting be provided. To that end, the modified policy would be worded as follows:

"Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify your supervisor, Department Head, or Director of Human Resources."

A complete version of the modified policy is attached for the Board of Supervisors' reference and consideration.

## **XX. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

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### **Purpose**

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### **Reporting Obligations**

Any employee who feels he or she has been subjected to, or has witnessed, any kind of harassing behavior, as described in this policy, should immediately notify theyour supervisor, Department Head, or Director of Human Resources. A supervisor or Department Head who becomes aware of any harassment, or who receives allegations of harassment from any employee, must immediately advise the Director of Human Resources.

All complaints will be investigated in a timely manner and confidentiality will be maintained to the extent permitted by the circumstances consistent with the need to investigate and address the issue. Employees must cooperate fully and truthfully in any investigation relating to this policy. Depending on the results of the investigation, Frederick County may take corrective action, including such discipline as is appropriate, up to and including immediate termination of the employee.

### **No Retaliation**

Frederick County forbids retaliation against any employee for making a good faith complaint or cooperating fully and truthfully in an investigation under this policy. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including termination. If an employee believes he or she



has been retaliated against in violation of this policy, the employee must report such violation in the same way other violations of this policy are reported.

**Individuals and Conduct Covered**

This policy prohibits harassment, discrimination and retaliation whether engaged in by, or directed at, employees, contractors, clients, vendors, or others an employee may come into contact with while working or representing the County. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Updated/Approved: \_\_\_\_\_

## **Exhibit D**

(Material Handed Out at June 17, 2019  
HR Committee Meeting)

# Employee Recognition



## County of Frederick Employee of the Month Nomination Form

Received: (HR use)

### Do you know of an employee who

Exhibits **EXTRA** effort...

Goes **ABOVE AND BEYOND** the requirements of his or her position...

Provides **OUTSTANDING** service...

Makes a significant **contribution, accomplishment or achievement** to the County of Frederick and its residents.

Criteria for Employee Recognition: Please mark the appropriate contribution(s):

- |   |   |   |   |
|---|---|---|---|
| <input checked="" type="checkbox"/> Critical Thinking and Problem Solving | <input checked="" type="checkbox"/> Interpersonal Skills    | <input checked="" type="checkbox"/> Professionalism | <input checked="" type="checkbox"/> Superior Accomplishment |
| <input checked="" type="checkbox"/> Customer Service (Exceptional)        | <input checked="" type="checkbox"/> Leadership Qualities    | <input type="checkbox"/> Project                    | <input type="checkbox"/> Other                              |
| <input checked="" type="checkbox"/> Dependability                         | <input type="checkbox"/> Monetary Savings Ideas             | <input checked="" type="checkbox"/> Quality         |   |
| <input checked="" type="checkbox"/> Innovation/Creativity                 | <input checked="" type="checkbox"/> Performance/Skill Level | <input checked="" type="checkbox"/> Resourcefulness |   |
| <input checked="" type="checkbox"/> Integrity                             | <input type="checkbox"/> Positive Attitude                  | <input type="checkbox"/> Safe Work Practices        |   |

Employee Name: Greg E. Lambert

Department: Frederick Co. Sheriff's Office

Nomination Submitted By: Sheriff

Department: Frederick Co. Sheriff's Office

Nominator's Signature: \_\_\_\_\_

SHERRIFF

Date: 6/5/19

Describe the employee's accomplishments/contributions that were **ABOVE AND BEYOND** the normal duties expected of the position. Describe how the employee provided exceptional service:

Deputy Lambert was assigned to the Drug Court during it's implementation. During his tenure there he has been an integral part of it working. He spend many hours making the program work and dealing with people of addiction.

Deputy Lambert is tireless in his efforts to assist recovering addicts and, on more than one occasion, has purchased shoes, toiletries or other essentials for program participants who were without the financial means to buy those items. He brings meaningful insights to the commitment of individuals in their recovery and has an intense working knowledge of the people he is charged with supervising.

I am proud of the work he does.

Specifically describe the actions that meet the criteria of this award. Describe the value added to the department, team or organization.

He acts in the capacity of law enforcement officer, counselor, probation officer, healer, friend, father confessor and sounding board for each of the people participating in the drug court program and without his assistance, expertise and caring commitment to program goals, drug court would cease to function.

Greg goes well above the call of duty working long hours with a, sometimes, difficult population and never complains or shirks his responsibilities. He is tough but compassionate with the drug court participants offering counsel as well as constructive criticism when appropriate.





Board of Supervisors

Agenda Item Detail

Meeting Date: July 10, 2019

Agenda Section: Public Hearings (Non Planning Issues)

**Submitted by:** Administration

**Item Type:** Public Hearing

**Item Title:**

Outdoor Festival Permit Request of Robert Bauserman – Fab Jam Festival. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held Saturday, September 28, 2019, from 9:00 A.M.to 5:00 P.M., on the Grounds of 2508 North Frederick Pike, Winchester, Virginia, Gainesboro Magisterial District. Property Owned by Diane and Arthur Kerns.

**Attachments:**

[BausermanRobert\(FabJam\)OutdoorFestivalPermitApplication\(2019\).pdf](#)



## Fab Jam

Hello Board, my name is Robert Bauserman and I am the promoter of Fab Jam. I have had the event for the past 2 years at the Frederick County Fairgrounds. This year we have moved the location in order to be “seen” a little better. I have leased the field beside Winchester Ciderworks owned by Diane and Arthur Kerns. We will be taking the show vehicles down Gold’s Hill Road and be entering them into the side of the field. This will alleviate any traffic on route 522 North. I have listed below the few things stated as included in the permit paperwork (I am not expecting as many folks due to venue change). I hope that this clears up any questions you may have. If you should have any further questions feel free to contact me.

Items listed:

- 4 Johnny Blues and 1 hand sanitizing station
- 1 possible food truck (mac shack)
- NO bands will be playing this year
- Free to public (no ticket needed)

[Fabjamshow@gmail.com](mailto:Fabjamshow@gmail.com) or (540)532-2632



**APPLICATION FOR OUTDOOR FESTIVAL PERMIT  
COUNTY OF FREDERICK, VIRGINIA**

*(Please Print Clearly)*

| APPLICANT INFORMATION |  |
|-----------------------|--|
| Name of Applicant:    | <u>Robert Bauserman (FabJam)</u>   |
| Telephone Number(s):  | <u>(540) 532-2632</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell <input type="checkbox"/> home <input type="checkbox"/> office <input type="checkbox"/> cell |
| Address:              | <u>2790 North Frederick Pike</u>   |
| Contact Email:        | <u>Fabjamshow@gmail.com</u>  |

| FESTIVAL EVENT ORGANIZATIONAL INFORMATION |                                  |                            |   |                                    |
|---|----------------------------------|----------------------------|---|------------------------------------|
| <b>Festival Event</b>                     | Name of Festival: <u>Fab Jam</u> |                            |   |                                    |
| Cost of Admission to Festival:            | <u>FREE</u>                      | Business License Obtained: | <input type="checkbox"/> Yes                    | <input type="checkbox"/> No        |
| Date(s)                                   | Start Time                       | End Time                   | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
| <u>Sept. 28th</u>                         | <u>9:00 AM</u>                   | <u>5:00 PM</u>             | <u>200</u>                                      | <u>500</u>                         |
|   |                                  |                            |   |                                    |
|   |                                  |                            |   |                                    |

|                 |  |
|-----------------|--|
| <b>Location</b> | Address: <u>2508 N. Frederick Pike<br/>Winchester VA 22603</u> |
|-----------------|--|

|                          |  |
|--------------------------|--|
| <b>Owner of Property</b> | Name(s): <u>Diane + Arthur Kerns</u><br>Address: _____<br><small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small> |
|--------------------------|--|

|                 |  |
|-----------------|--|
| <b>Promoter</b> | Name(s): <u>Robert Bauserman</u><br>Address: <u>2790 N. Fred. Pike Winc. VA 22603</u><br><small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small> |
|-----------------|--|

|                         |  |
|-------------------------|--|
| <b>Financial Backer</b> | Name(s): <u>self</u><br>Address: _____ |
|-------------------------|--|

|                  |   |
|------------------|---|
| <b>Performer</b> | Name of Person(s) or Group(s): <u>none</u><br>_____<br>_____<br><small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small> |
|------------------|---|



**FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION**

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample").  copy attached OR  copy to be provided as soon as available

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

*included*

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3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

*There will be food trucks, that already meet Frederick County Standards*

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4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

*included*

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5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

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6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)

*included*

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7. State whether any outdoor lights or lighting will be utilized:  YES  NO  
If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

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8. State whether alcoholic beverages will be served:  YES  NO  
If yes, provide details on how it will be controlled.

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(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)



**FESTIVAL PROVISIONS**

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

**CERTIFICATION**

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.



Signature of Applicant

*Robert C. Bauserman*

Printed Name of Applicant

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

**THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.**





■ Visitor Parking ■ Car Show Area ■ Food ■ Restrooms ■ Pedestrian Bridge



Board of Supervisors

Agenda Item Detail

Meeting Date: July 10, 2019

Agenda Section: Public Hearings (Non Planning Issues)

**Submitted by:** Administration

**Item Type:** Public Hearing

**Item Title:**

Outdoor Festival Permit Request of Concern Hotline – 20th Annual Friday Fish Fry. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Friday, September 6, 2019, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove's Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia, Shawnee Magisterial District. Property Owned by Jobalie, LLC.

**Attachments:**

[ConcernHotlineOutdoorFestivalPermitApplication\(2019\).pdf](#)





# APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)



## APPLICANT INFORMATION

Name of Applicant: Concern Hotline, Inc

Telephone Number(s): 540 536 1632  home  office  cell 540 323 3720  home  office  cell

Address: 301 N. Cameron St. Suite 201 Winchester Va 22601

Contact Email: rholland@concernhotline.org

## FESTIVAL EVENT ORGANIZATIONAL INFORMATION

**Festival Event** Name of Festival: Concern 20<sup>th</sup> Annual Friday Fish Fry Celebration

Cost of Admission to Festival: \$20 Business License Obtained:  Yes  No

| Date(s)            | Start Time  | End Time    | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
|--------------------|-------------|-------------|---|------------------------------------|
| <u>Sept 6 2019</u> | <u>4 pm</u> | <u>9 pm</u> | <u>2,000</u>                                    | <u>2,000</u>                       |
|                    |             |             |   |                                    |
|                    |             |             |   |                                    |

**Location** Address: 140 Independence Dr Groves Herley Davidson Winchester Va 22602

**Owner of Property** Name(s): Barbara Grove  
Address: \_\_\_\_\_  
(\*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

**Promoter** Name(s): Concern Hotline  
Address: \_\_\_\_\_  
(\*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

**Financial Backer** Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_

**Performer** Name of Person(s) or Group(s): Junkfood; New City Entertainment  
\_\_\_\_\_  
\_\_\_\_\_  
(\*NOTE: Applicant may need to update information as performers are booked for festival event.)



**FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION**

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample").  copy attached OR  copy to be provided as soon as available

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

Republic Services for trash removal (see attached)  
Johnny Blue - 6 porta Potties / handwash station / grey water  
dispenser Groves indoor facilities

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

Food prepared on site from Refor Truck and also  
at the following restaurants: Bonnie Blue, Shen. University, Glory  
Days & kitchens

4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

Millwood Station F & R.

5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

Millwood Station F & R

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)

Parking provided by Groves; Navy Federal, Winchester Printers,  
Valley Cycle.

7. State whether any outdoor lights or lighting will be utilized:  YES  NO

If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

Stage lighting only; generator lighting

8. State whether alcoholic beverages will be served:  YES  NO

If yes, provide details on how it will be controlled.

Through ID & Reviewed before purchase

(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)



**FESTIVAL PROVISIONS**

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

**CERTIFICATION**

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.

  
Signature of Applicant

Russell Holland for Concern Hotline  
Printed Name of Applicant

Date: 6-10-19

**THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.**

# SEPTEMBER 6TH, 2019

# JunkFood

TICKET CAN BE EXCHANGED FOR ONE MEAL  
GROVES HARLEY DAVIDSON  
ROUTE 50 EAST · 140 INDEPENDENCE RD,  
WINCHESTER, VA 22602  
4PM TO 9PM

[www.junkfoodmusic.com](http://www.junkfoodmusic.com)  
PRESENTED BY LYKENS CHIROPRACTIC INC.

# \$20

**CONCERN**  
**HOTLINE** **5** YEARS OF SERVICE  
*Call us. We care.*

**Voice**  
*of the* **Valley**  
**CHAMPIONS**  
hosted by cathy kerns  
and new city entertainment



DRAFT 6/10/19





Board of Supervisors

Agenda Item Detail

Meeting Date: July 10, 2019

Agenda Section: Public Hearings (Non Planning Issues)

**Submitted by:** Administration

**Item Type:** Public Hearing

**Item Title:**

The Board of Supervisors will Conduct a Public Hearing, Pursuant to Virginia Code Section 15.2-1800, Regarding the Conveyance, by Quitclaim Deed, of any Interest Held by the County in Real Property Identified as Tax Parcel Number 49A04-1-K-19, in the Back Creek Magisterial District, to Jennifer Larrick.

**Attachments:**

[Memo & info on Quitclaim Deed- Tax Map Parcel 49A04-1-K-19.pdf](#)





**COUNTY of FREDERICK**

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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: June 27, 2019

Re: Shawneeland Tax Parcel Number 49A04-I-K-19 – Request for Quitclaim Deed  
from the County

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This is a request that the Board approve granting a quitclaim deed for Tax Parcel Number 49A04-I-K-19, in Shawneeland, as more fully set forth in the accompanying materials presented to the Public Works Committee



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Public Works Committee

FROM: Roderick B. Williams  
County Attorney

DATE: April 1\_, 2019

RE: Shawneeland Tax Parcel Number 49A04-1-K-19 – Request for Quitclaim Deed from County

Jennifer Larrick, the record owner of what County tax and GIS records show as Tax Parcel Number 49A04-1-K-19 (“Lot 19”) in Shawneeland, has requested that the County execute a quitclaim deed to her, with respect to that lot, to rectify a title issue. Ms. Larrick in 2018 paid \$2,000.00 to a private party for a deed to Lot 19, but it appears that Lot 19 was never validly created by subdivision.

Lot 19 is shown outlined in red on the attached map. Ms. Larrick also owns Lots 17 and 18 immediately to the south of Lot 19. The large adjacent area, outlined in blue and denoted with the letter “F”, is part of the Shawneeland open space area, owned by the County since conveyance from HALOAS in 1988.

The original subdivision plat, executed by Marjec, Inc. in 1959, for the relevant portion of Shawneeland, never created Lot 19. Instead, the area encompassing what the tax and GIS records now show as Lot 19 was left unsubdivided and part of what is now the open space area owned by the County. A copy of the deed of subdivision, recorded in Deed Book 261, at Page 464, is attached hereto, with the relevant area circled in red.

In 1963, Marjec, Inc. nonetheless purported to convey Lot 19 to William Alston Duggan and Jewel Marie Duggan, husband and wife, for consideration, by deed recorded in Deed Book 297, at Page 252 (copy attached). In 2018, the Duggans having since passed away, the Duggans’ heirs sold Lot 19 to Ms. Larrick for \$2,000.00, by deed recorded as Instrument Number 180007627 (copy attached).

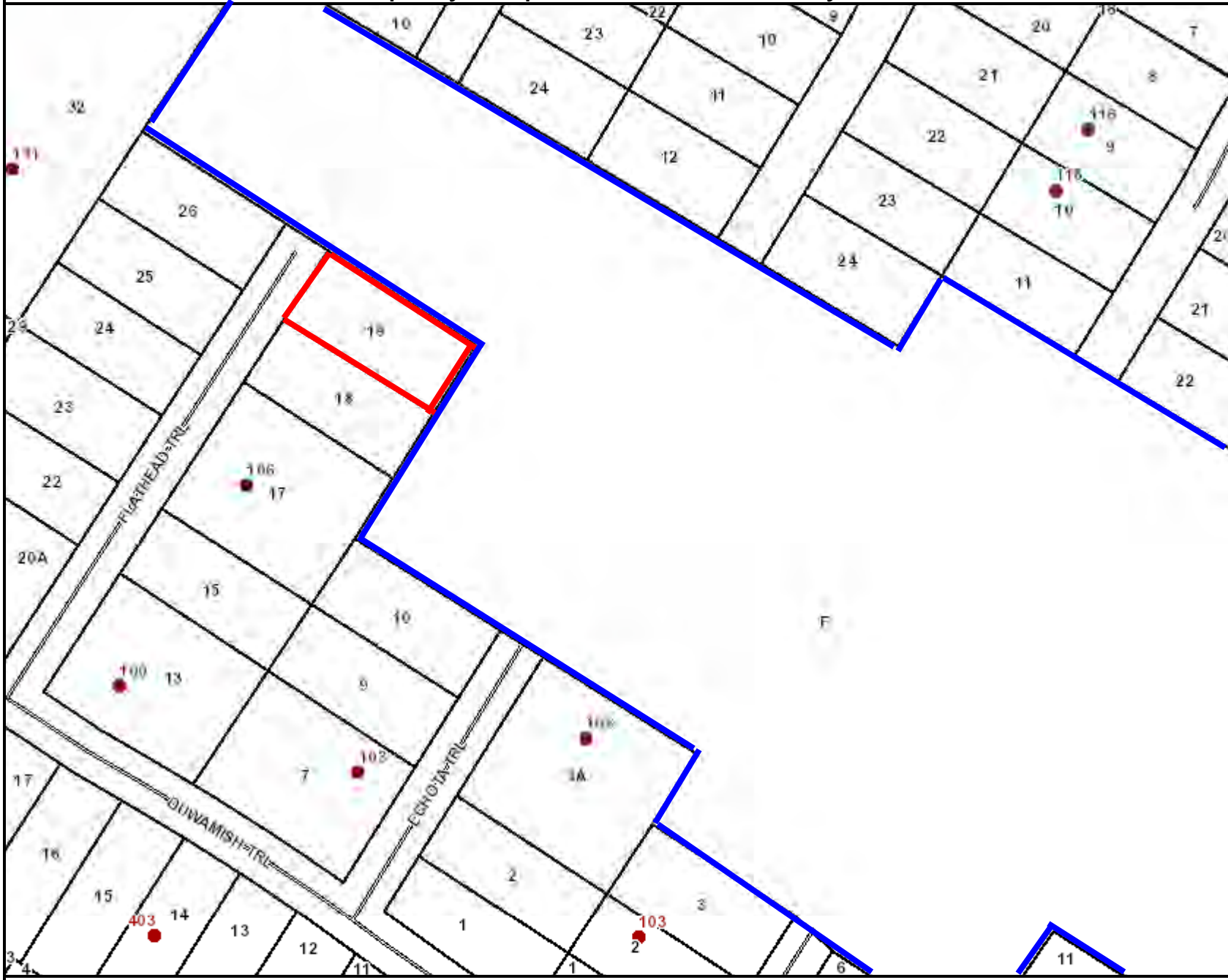
At some point after conveyance of Lot 19 to the Duggans in 1963, the County apparently noted Lot 19 in the vicinity where the County shows it today and began billing real estate taxes and any applicable fees against Lot 19, with Lot 19 effectively existing over the top of what today is the open space area owned by the County. Current Treasurer's records show that all taxes and fees since 2015 have been paid. Basic tax records for Lot 19 do not go back further than that, but the current zero balance suggests full payment of all taxes and fees for the last 20 years (the statute of limitations period for which real estate taxes are enforceable), as payments are applied to the oldest collectible taxes and fees due. Therefore, Ms. Larrick and the Duggans or their representatives appear to have paid taxes and fees for Lot 19, seemingly reflecting a good faith belief by these different parties that they owned Lot 19 at the relevant times.

Ms. Larrick has requested that the County execute a quitclaim deed to her for Lot 19 and has tendered a survey of the area involved. The effect of such a deed would simply be to divest any claim by the County to the Lot 19 area of 13,125 square feet. Instead of the area being subject to a claim by the County that it is part of the open space area, the Lot 19 area would vest in Ms. Larrick, free of any County claim. This appears consistent with Ms. Larrick's and the Duggans' conduct over the years, most notably the payment of taxes and fees for land that they thought they owned.

A draft quitclaim deed, with a copy of the survey plat from Ms. Larrick, is attached. I do also recommend one condition for delivery of a quitclaim deed to Ms. Larrick and that is that Ms. Larrick execute a waiver and release by which she agrees not to make any claim against the County for any taxes and fees that she paid for Lot 19 prior to delivery of the quitclaim deed. A copy of the proposed waiver is attached as well. A recommendation from the Committee as to whether to forward this matter to the Board for the scheduling of a public hearing on disposition of any County interest in Lot 19 is requested.

Attachments

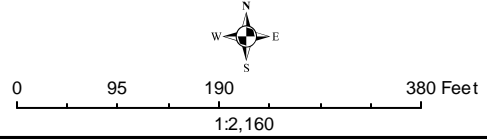
# Property Map - Frederick County, VA



- Address
- Streets
- Parcel
- ▭ Towns
- ⊞ County Boundary

Frederick County Information Technologies  
 107 N Kent St Winchester, VA 22601  
 540-665-5614

*Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.*





\*\*\*\*\*  
REVENUE STAMPS \*  
\$0.55 \*  
CANCELLED \*  
\*\*\*\*\*

L. R. SWARTZ (SEAL)  
VIRGINIA GRAY SWARTZ (SEAL)

State of Virginia,  
County of Frederick,

I, Kathleen R. Kline, a Notary Public in and for the County and State aforesaid, do hereby certify that L. R. Swartz and Virginia Gray Swartz, his wife, whose names are signed to the foregoing writing, bearing date January 13, 1960, have personally appeared before me and acknowledged the same in my County and State aforesaid.

My commission expires June 19, 1960.

Given under my hand this 13th day of January, 1960.

KATHLEEN R. KLINE  
Notary Public

VIRGINIA  
FREDERICK COUNTY, (SCT.

This instrument of writing was produced to me on the 3rd day of February 1960 at 1:25 P. M. and with certificate of acknowledgment thereto annexed was admitted to record.

L. D. White, CLERK

\*\*\*\*\*  
#162 \*  
MARJEC, INCORPORATED \*  
TO :: DEED OF DEDICATION \*  
\*\*\*\*\*

THIS INSTRUMENT, made and dated this 30th day of December, 1959, by Marjec, Incorporated, a corporation organized and existing under the laws of the State of Maryland and licensed to do business in the State of Virginia, who are the lot owners in that certain plat drawn by Richard U. Goode, Certified Surveyor, surveyed December 14, 1959, and attached hereto and made a part of this deed of dedication.

WHEREAS, a meeting of the Board of Directors of Marjec, Incorporated, was held in Frederick County, Virginia, on the 14th day of December, 1959, said meeting having been called for the purpose of considering and acting upon the proposed subdividing into lots of a portion of that certain tract or parcel of land which was conveyed to Marjec, Incorporated, by deed from Walter D. Myers and wife, dated the 29th day of June, 1956, and of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 242, page 292. Said proposed plat is designated "Shawnee Land, Section K, Lots 1 - 4, 7 - 10, 13 - 18, 20 - 25, 27 - 48, and 50 - 72; Section L, Lots 1 - 16; and Section M, Lots 1 - 23, and providing for the following named streets: Duwamish Trail, Delaware Trail, Echota Trail, Flathead Trail, Genesee Trail, and Tomahawk Trail, each with a width of fifty (50) feet. Said sections and lots on said plat lying South of and adjoining Tomahawk Trail and immediately West of and adjoining Section P heretofore platted and dedicated by instrument dated September 19, 1959, and of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, and bounded on the West, South, East and partly on the North by the other land of Marjec, Incorporated; and,

WHEREAS, all of the Directors of the Corporation signed a waiver of notice of the time, place and purpose of said special meeting and consented to the same being held in Frederick County, Virginia, upon the property of the Corporation, and that any business transacted at such meeting should be as valid and

*For Head of Corporation & Dedication  
See Deed Book 348 Pg. 552.*

effective as though it were held after notice duly given and published; and,

WHEREAS, at the said Directors meeting the following resolution was adopted; said resolution being in words and figures as follows:

"Be It Resolved, that Marjec, Incorporated, subdivide into lots Section K, Lots 1 - 4, 7 - 10, 13 - 18, 20 - 25, 27 - 48, and 50 - 72; Section L, Lots 1 - 16; and Section M, Lots 1 - 23, being a portion of that certain larger tract or parcel of land which was conveyed to Marjec, Incorporated, by deed of Walter D. Myers and wife, dated the 29th day of June, 1956, and of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 242, page 292, with certain streets to be shown thereon named Duwamish Trail, Delaware Trail, Echota Trail, Flathead Trail, Genesee Trail, and Tomahawk Trail, each with a width of fifty (50) feet, and that the plat of Richard U. Goode, Certified Surveyor, surveyed December 14, 1959, be adopted as a subdivision of said parcel of land, and that said plat be, and the same is hereby approved, and that this deed of dedication does not include the dedication of the streets, trails or rights of way set forth on said plat for the use and benefit of the public, but only as a right of way to and from said lots for the use and benefit of the lot owners and their assignees, invitees and guests.

Be It Further Resolved, that a meeting of the Stockholders of Marjec, Incorporated, be called to be held upon the property of the said Corporation, in the County of Frederick, Virginia, on the 21st day of December, 1959, to consider, ratify, confirm and approve or reject the platting of a portion of the Corporation's land as set forth above, and that the said plat, together with the deed of dedication, be submitted to the Stockholders at a meeting duly assembled for the approval of said Stockholders; and that the said Stockholders grant authority to the proper officers and officials to prepare and execute all deeds of dedication and deeds of conveyance of said lots, and that they also obtain approval of the same from the Board of Supervisors of Frederick County, Virginia, and all other proper officials and persons, according to the ordinances of the County of Frederick and the statutes of Virginia;" and,

WHEREAS, the meeting of the Stockholders of Marjec, Incorporated, was held, pursuant to the call of the Board of Directors, upon the property of the Corporation, in the County of Frederick Virginia, at 10:00 A. M., on the 21st day of December, 1959, waiver of the notice of the time, place and purpose of said special meeting and consent of same being held in accordance with the call, and that any business transacted at such meeting shall be as valid and effective as though held after notice duly given and published; and,

WHEREAS, all of the Stockholders were present at said Stockholders meeting; and,

WHEREAS, at said Stockholders meeting the following resolution was adopted by affirmative vote by all of the Stockholders present; said resolution being in words and figures as follows:

"Be It Resolved, that the Stockholders of Marjec, Incorporated, approve, ratify and confirm the subdividing, platting and dedication of Section K, Lots 1 - 4, 7 - 10, 13 - 18, 20 - 25, 27 -48, and 50 - 72; Section L, Lots 1 - 16; and Section M, Lots 1 - 23 as therein set forth, together with the streets designated and named thereon, namely, Duwamish Trail, Delaware Trail, Echota Trail,

Flathead Trail, Genesee Trail, and Tomahawk Trail, each with a width of Fifty (50) feet, all of which have been prepared by Richard U. Goode, Certified Surveyor, and Joseph A. Massie, Jr., attorney for the Corporation; and,

Be It Further Resolved, that this deed of dedication does not include the dedication of the streets, trails or rights of way set forth on said plat for the use and benefit of the public, but only as a right of way to and from said lots for the use and benefit of the lot owners and their assignees, invitees and guests; and,

Be It Further Resolved, that the President and Secretary of this Corporation be directed to execute and acknowledge the same on behalf of the Corporation and to see to it that it is properly approved by the proper officials of said County and State, and that the same be recorded by the Clerk of the Circuit Court of Frederick County, Virginia; and,

Be It Further Resolved, that the President and Secretary of this Corporation, at their discretion, sell said lots and cause to be executed and delivered deeds of conveyance for the same and for a price which is beneficial for the Corporation."

This deed of dedication to said lots is made subject to the following restrictions and covenants which shall be deemed to run with the land for the mutual protection and benefit of all lot owners:

1. Only one building to be used as a dwelling house may be permitted on any one lot, together with one garage. Said dwelling shall have a minimum floor area of 400 square feet, excluding porches or patios, with a frontage of not less than 20 feet. Said building may be of a contemporary period of modern design and may be constructed of wood, log, stone, brick, block or composition.

2. Buildings of a temporary nature, trailers and tents may be permitted for a short time, upon the approval of the Board of Directors of Marjec, Incorporated.

3. Cutting of trees may be permitted on said lots, where necessary, for the clearing of space for the dwelling and garage thereon.

4. No business of any nature whatsoever shall be conducted on said property, nor shall any buildings for commercial purposes be constructed thereon.

5. Wells for water and septic tanks or chemical toilets for sewerage must be constructed under the supervision of the Department of Health for Frederick County. No outhouses will be permitted upon the property.

6. Garbage must be kept in covered metal containers or buried. Trash, tin cans, papers, etc. must be kept in wire or metal containers or buried.

7. No signs of any nature whatsoever shall be permitted on the property, except one name sign not exceeding 6 inches in height or 36 inches in length.

8. No building may be erected within 35 feet of any front or within 10 feet of the side or rear property lines.

9. The Board of Directors of Marjec, Incorporated, or a committee appointed by them, shall determine the acceptability of the design and construction, which plan shall be presented to them before the erection of any building.

10. No lot or part thereof shall be sold, used or occupied by any person not of the Caucasian race.

11. This deed of dedication does not include the dedication of the streets, trails or rights of way set forth on said plat for the use and benefit of the public, but only as a right of way to and from said lots for the use and benefit of the lot owners and their assignees, invitees and guests.

The said Corporation does hereby declare that it is the owner of said property and that it desires to dedicate and does hereby make this deed of dedication of said subdivision of its own free will and consent.

WITNESS the signature of Donald R. Lamborne, President of Marjec, Incorporated, and its Corporate Seal hereto affixed and attested by Jean Lamborne, its Secretary, the first date hereinabove written.

(Corporate Seal)  
Attested By:

JEAN LAMBORNE  
Secretary

MARJEC, INCORPORATED  
By DONALD R. LAMBORNE  
President

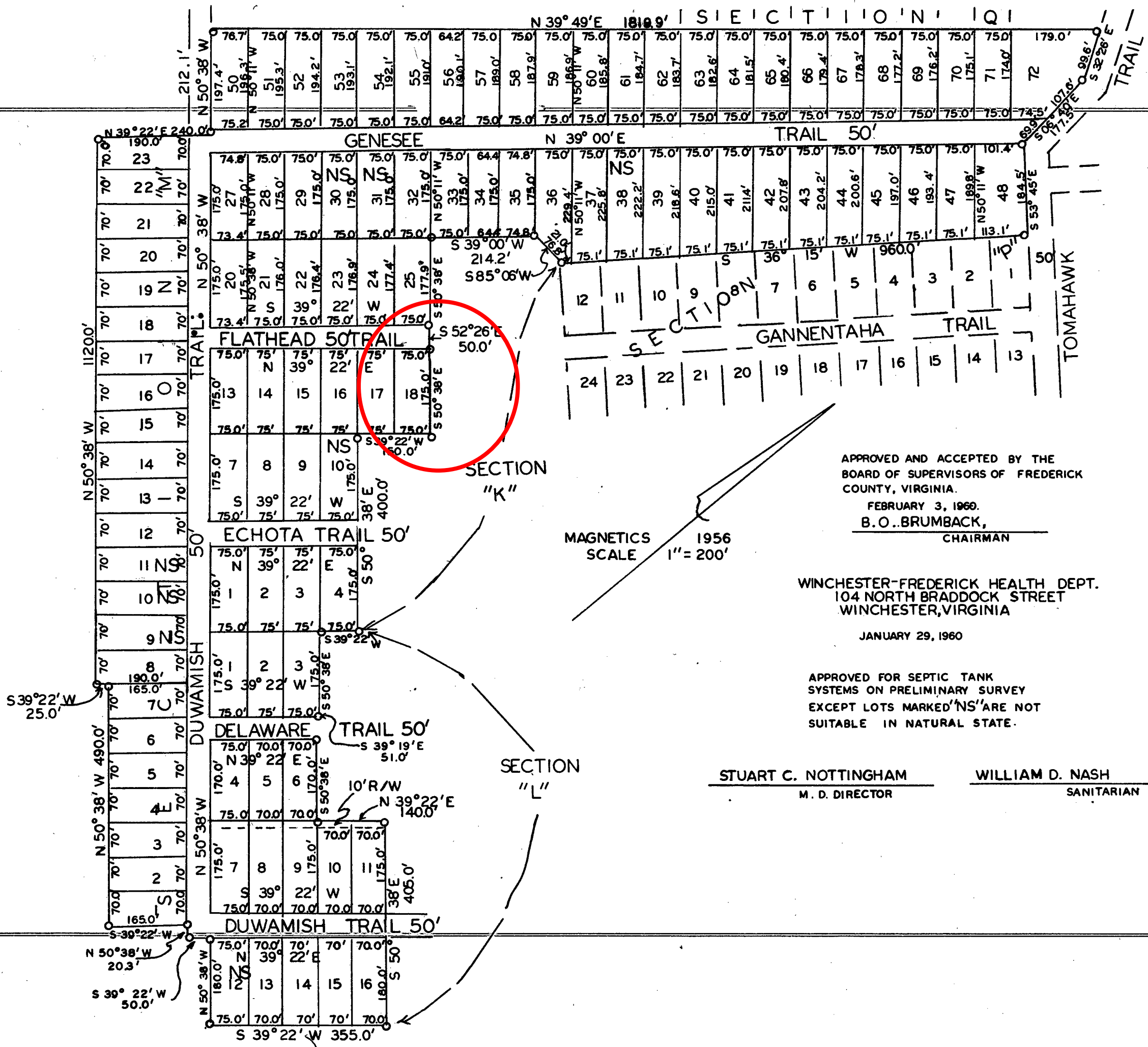
State of Virginia  
County of Frederick, To-wit:

I, Janet M. Castleman, a Notary Public in and for the County and State aforesaid, do hereby certify that Donald R. Lamborne, President of Marjec, Incorporated, and Jean Lamborne, Secretary of said Corporation, whose names are signed to the foregoing writing, bearing date on the 30th day of December, 1959, have this day personally appeared before me in my County aforesaid and acknowledged the same.

Given under my hand this 28th day of January 1960.

My commission expires January 31, 1960.

JANET M. CASTLEMAN  
Notary Public



FINAL PLAT

| SECTION "K" | LOTS | 1-4,<br>7-10,<br>13-18,<br>20-25,<br>27-48,<br>50-72. |
|-------------|------|---|
| SECTION "L" | LOTS | 1-16  |
| SECTION "M" | LOTS | 1-23  |

APPROVED AND ACCEPTED BY THE  
BOARD OF SUPERVISORS OF FREDERICK  
COUNTY, VIRGINIA.  
FEBRUARY 3, 1960.  
B.O. BRUMBACK,  
CHAIRMAN

WINCHESTER-FREDERICK HEALTH DEPT.  
104 NORTH BRADDOCK STREET  
WINCHESTER, VIRGINIA  
JANUARY 29, 1960

APPROVED FOR SEPTIC TANK  
SYSTEMS ON PRELIMINARY SURVEY  
EXCEPT LOTS MARKED 'NS' ARE NOT  
SUITABLE IN NATURAL STATE.

STUART C. NOTTINGHAM  
M. D. DIRECTOR

WILLIAM D. NASH  
SANITARIAN

SHAWNEE LAND

LOCATED ABOUT 10 MILES WEST OF  
WINCHESTER IN BACK CREEK  
MAGISTERIAL DISTRICT, FREDERICK  
COUNTY, VIRGINIA.

SURVEYED DECEMBER 14, 1959

RICHARD U. GOODE  
CERTIFIED SURVEYOR

MAGNETICS  
SCALE 1" = 200'



VIRGINIA  
FREDERICK COUNTY, (SCT.

This instrument of writing was produced to me on the 3rd day of February 1960 at 4:35 P. M. and with certificate of acknowledgment thereto annexed was admitted to record.

L. J. Whicare, CLERK

*Del. to  
Clara H.  
Pursel  
1/14/64*

\*\*\*\*\*  
#163 \*  
PAUL K. BARNETT, ET UX \*  
TO :: DEED \*  
CLARA H. PURSEL \*  
\*\*\*\*\*

THIS DEED made and dated this 27th day of January, 1960, by and between Paul K. Barnett and Helen B. Barnett, his wife, parties of the first part, and Clara H. Pursel, party of the second part.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby grant, sell, and convey, with general warranty of title, unto the party of the second part, her heirs and assigns forever, all of that certain lot or parcel of land, together with all improvements and appurtenances thereto belonging, lying and being situate about three miles Northwest of Winchester, in Stonewall District, Frederick County, Virginia, and being the same land identified and designated as Lot No. 10 on the plat of the R. G. Edwards Subdivision, which is of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book No. 196, pages 598 and 599, said lot having a frontage of 65 feet along the Southern side of Hudson Avenue, and extending back Southward between parallel lines a distance of 199.5 feet, and being the same land that was conveyed to the parties of the first part by Harris C. Lewin et ux, by deed dated March 30, 1959, and of record in the aforesaid Clerk's Office in Deed Book No. 258, page 303. A reference to said records, and to the references therein contained, is here made for a further and more particular description of said land.

It is expressly stipulated that said land is conveyed subject to all applicable or enforceable restrictions and easements of record affecting same.

The aforesaid grantors covenant that they have the right to convey the said land to the aforesaid grantee; that the said grantee shall have quiet possession of the said land, free from all encumbrances; that they have done no act to encumber the said land; and that they will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals.

\*\*\*\*\*  
REVENUE STAMPS \*  
\$19.40 \*  
CANCELLED \*  
\*\*\*\*\*

PAUL K. BARNETT (SEAL)  
HELEN B. BARNETT (SEAL)

State of Virginia  
County of Frederick, to-wit:

I, Virginia Ritter, a Notary Public in and for the County of Frederick, in the State of Virginia, do hereby certify that Paul K. Barnett and Helen B. Barnett, his wife, whose names are signed to the foregoing writing bearing date of January 27th, 1960, have personally appeared before me, in my county aforesaid, and acknowledged the same.

\*\*\*\*\*  
 #392 \*  
 MARJEC, INCORPORATED \*  
 TO: :: :: :: DEED \*  
 WILLIAM ALSTON DUGGAN, ET UX \*  
 \*\*\*\*\*

BOOK 297 PAGE 252

*Mailed to:  
 William A. Duggan  
 5918 Sea Cliff Road  
 McLean, Va.  
 3-9-64*

THIS DEED, made and dated this 10th day of July, 1963, by and between Marjec, Incorporated, a corporation organized and existing under the laws of the State of Maryland and licensed to do business in the State of Virginia, party of the first part, and William Alston Duggan and Jewel Marie Duggan, his wife, parties of the second part.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt of all of which is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey, with general warranty of title, unto William Alston Duggan and Jewel Marie Duggan, his wife, jointly in fee simple as tenants by the entirety, with the right of survivorship as at common law, all of the following described property:

All of that certain lot or parcel of land designated as Lot No. 19, in Section K, of the plat and plan of "Shawnee Land," which plat, together with the deed of dedication, are of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 261 at page 464. This is part of a larger tract or parcel of land which was conveyed to the party of the first part by deed of Walter D. Myers and wife dated the 29th day of June, 1956, and of record in the aforesaid Clerk's Office in Deed Book 242 at page 292, to which plat, deed of dedication and deed hereinabove mentioned reference is hereby made for a more particular description of the property hereby conveyed.

This lot or parcel of land is conveyed subject to all of the restrictions set forth in said deed of dedication which are covenants running with the land in accordance with the authority granted therein. It is further understood and agreed between the parties hereto that all of the conditions in that certain contract of sale and purchase entered into between the parties hereto for the hereinabove described lot prior to the date of this deed are not to be merged into this deed, but are to survive and to be in full force and effect hereafter.

MASSIE, SHARR & MONAHAN  
 ATTORNEYS AT LAW  
 WINCHESTER, VIRGINIA

BOOK 297 PAGE 253

The party of the first part covenants that it has the right to convey the said land to the said parties of the second part; that the said parties of the second part shall have quiet possession of said land, free from all encumbrances except as hereinabove set forth; that the said party of the first part to its knowledge has done no act to encumber said land; and that it will execute such further assurances of title as may be requisite.

IN WITNESS WHEREOF, the said Marjec, Incorporated, has caused this deed to be executed, acknowledged and delivered on its behalf by Donald R. Lamborne, its President and duly authorized agent, and its Corporate Seal to be affixed and attested by Jean Lamborne, the Secretary, this 10th day of July, 1963.



MARJEC, INCORPORATED  
By Donald R. Lamborne  
Donald R. Lamborne, President



(Corporate Seal)  
Attest By Jean Lamborne  
Jean Lamborne, Secretary

STATE OF VIRGINIA  
COUNTY OF FREDERICK, To-wit:

I, Janet M. Castleman, a Notary Public in and for the County and State aforesaid, do certify that Donald R. Lamborne and Jean Lamborne, President and Secretary respectively of Marjec, Incorporated, whose names are signed to the foregoing writing, bearing date on the 10th day of July, 1963, have personally appeared before me in my County and State aforesaid and acknowledged the same.

Given under my hand this 27<sup>th</sup> day of July, 1963.  
My commission expires January 22, 1964.

Janet M. Castleman  
Notary Public

MASIE, SHARR & MONAHAN  
ATTORNEYS AT LAW  
WINCHESTER, VIRGINIA

VIRGINIA FREDERICK COUNTY, SCT.  
This instrument of writing was produced to me on the 24<sup>th</sup> day of February 1964  
at 3:35 P.M., and with certificate of acknowledgment thereon annexed was admitted  
to record.  
George B. Whitmore Clerk

180007627

PG0308

Winchester Title  
236272WIN

RETURN TO:  
RGS TITLE, LLC  
500 West Jubal Early Drive #100  
Winchester, VA 22601

DEED

This Deed, made this 30 day of July, 2018, by and between Alice Maud Watkinson and Caroline Julie Popp, as Devises of the Estate of Jewel Marie Duggan, GRANTORS, and Jennifer Larrick, GRANTEE;

WITNESSETH

That for and in consideration of the conveyance made hereby, the consideration received by the GRANTORS and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the GRANTORS subject to the matters described herein, hereby grant and convey to the GRANTEE with General Warranty and English Covenants of Title, in fee simple unto the GRANTEE, Jennifer Larrick sole owner, the following described real estate, situate, lying and being in Frederick County, Commonwealth of Virginia, (the "Real Estate"), to wit:

SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO

AND BEING the same property conveyed by Marjec, Incorporated, a corporation unto William Alston Duggan and Jewel Marie Duggan by virtue of a deed dated July 10, 1963 and recorded February 24, 1964 in Deed Book 297 at Page 252 among the land records of Frederick County, Virginia.

NOTE: Jewel Marie Duggan departed this life on July 26, 2011 as per Will recorded in 11-190, Fiduciary Number FI-2011-00001412, devising said property to Caroline Julia Popp and Alice Maud Watkinson.

The Real Estate is conveyed subject to all recorded easements, conditions, restrictions, and agreements that lawfully apply to the Real Estate or any part thereof.

The GRANTORS covenant that said GRANTORS have the right to convey the Real Estate, that the GRANTORS have done no act to encumber the Real Estate; that the said GRANTEE shall have quiet possession of the Real Estate; and that the GRANTORS will execute such further assurances as may be requisite.

PREPARED BY  
LAW OFFICES

SHREVES,  
SCHUDEL,  
SAUNDERS,  
JACKSON &  
PARELLO, PLLC

500 West Jubal Early  
Drive, Suite 100  
Winchester, VA 22601

P:540-723-0602

49A04-1-K-19

Tax Map Number: 49A4K19

Grantee's Address: Lot 19 Shawnee Land, VA PO Box 386, Capon Bridge, WV

Consideration: \$2,000.00

Assessed Value: \$7,000.00

Case: 236272WIN

Underwriter: Commonwealth Land Title Insurance Company

VS#:

26711

Prepared By: Jim Pope  
Va. Bar No. 24886

1/4



Deed Page 2  
Case No. 236272WIN

Witness the following signatures and seals:

Alice M. Watkinson

Alice Watkinson, Devisee of the Estate of Jewel Marie Duggan

see attached

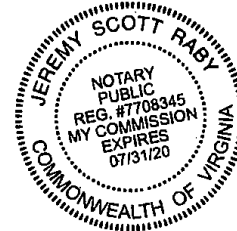
Caroline Julie Popp, Devisee of the Estate of Jewel Marie Duggan

Commonwealth of Virginia, City/County of: James City to wit:

I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Alice Maud Watkinson, as Devisee of the Estate of Jewel Marie Duggan,, whose name is signed to the foregoing document, bearing the date of the 1<sup>st</sup> day of August, 2018, acknowledged the same before me in my jurisdiction aforesaid, this 1<sup>st</sup> day of August, 2018

Jeremy Scott Raby  
Notary Public

My Commission Expires: July 31<sup>st</sup> 2020



Commonwealth of Virginia, City/County of: \_\_\_\_\_ to wit:

I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Caroline Julia Popp, as Devisee of the Estate of Jewel Marie Duggan,, whose name is signed to the foregoing document, bearing the date of the \_\_\_\_\_ day of \_\_\_\_\_, 2018, acknowledged the same before me in my jurisdiction aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

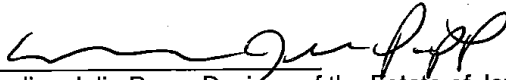
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Witness the following signatures and seals:

*see page 3 of 4*

Alice Watkinson, Devisee of the Estate of Jewel Marie Duggan



Caroline Julie Popp, Devisee of the Estate of Jewel Marie Duggan

Commonwealth of Virginia, City/County of: \_\_\_\_\_ to wit:


I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Alice Maud Watkinson, as Devisee of the Estate of Jewel Marie Duggan, whose name is signed to the foregoing document, bearing the date of the \_\_\_\_ day of \_\_\_\_\_, 2018, acknowledged the same before me in my jurisdiction aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

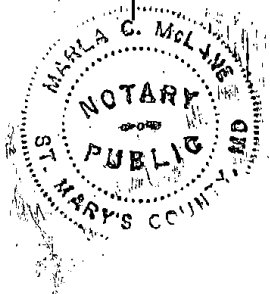
*State of Maryland*  
Commonwealth of Virginia, City/County of: St. Mary's to wit:

I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Caroline Julia Popp, as Devisee of the Estate of Jewel Marie Duggan, whose name is signed to the foregoing document, bearing the date of the 30<sup>th</sup> day of July, 2018, acknowledged the same before me in my jurisdiction aforesaid, this 30<sup>th</sup> day of July, 2018



Notary Public

My Commission Expires: 12/23/2020



Deed Page 3  
RGS Case No. 236272WIN

Exhibit A

Legal Description

All of that certain lot or parcel of land designated as Lot No. 19, in Section K, of the plat and plan of Shawnee Land," which plat, together with the Deed of Dedication, are od record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 261 at Page 464. *Back Creek District*

VIRGINIA: FREDERICK COUNTY, SC1.

This instrument of writing was produced to me on

8-6-18 at 3:51 P.M.

and with certificate acknowledgement thereto annexed was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ 7<sup>00</sup>, and 58.1-801 have been paid, if assessable

*Rebecca P. Hogan*, Clerk

4/4

Tax Map Parcel: 49A04-1-K-19

Consideration: \$0.00

Grantee's Address:

Prepared by:  
Roderick B. Williams  
VSB#34310

**THIS QUITCLAIM DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between  
**THE COUNTY OF FREDERICK, VIRGINIA**, GRANTOR, and **Jennifer LARRICK**,  
GRANTEE;

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt whereof is hereby acknowledged, the Grantor does hereby quitclaim, release and convey to the Grantee, all right, title and interest of the Grantor in and to the property identified as Lot 19 on the attached Final Plat for Shawneeland, Section K, Lot 19, prepared by Darren S. Foltz, L.S., dated April 7, 2019, said property being located in the Back Creek Magisterial District of the County of Frederick, Virginia.

WITNESS the following signature and seal:

COUNTY OF FREDERICK, VIRGINIA

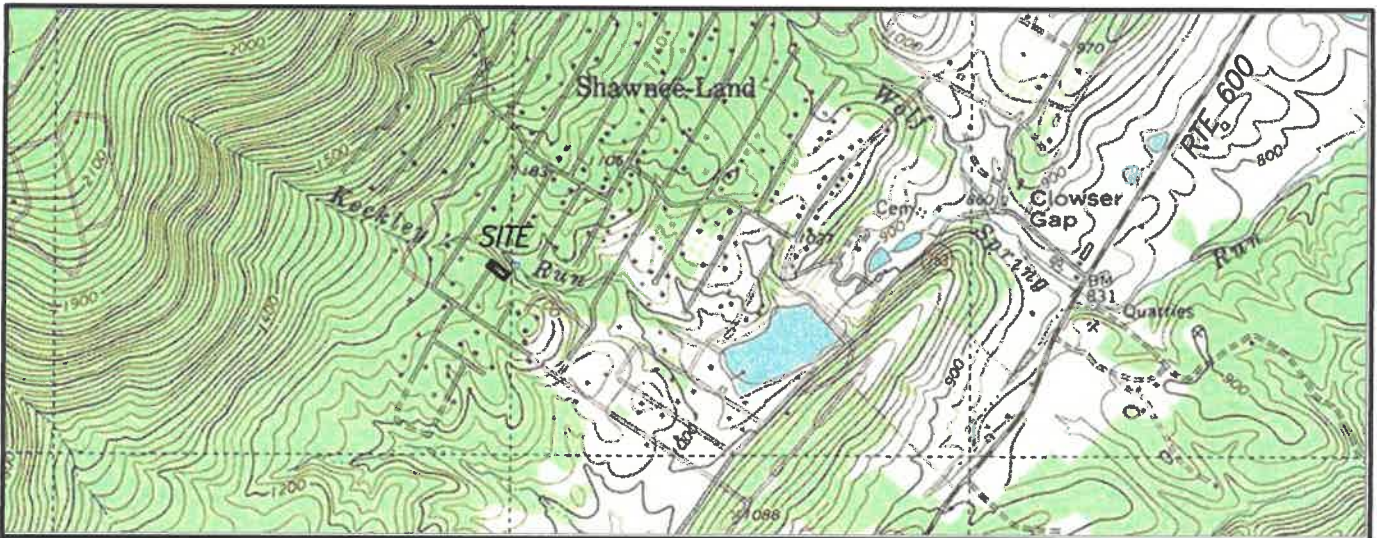
\_\_\_\_\_ (SEAL)

STATE OF VIRGINIA, AT LARGE,  
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Kris C. Tierney, County Administrator of the County of Frederick, Virginia.

\_\_\_\_\_  
Notary Public  
Registration number:  
My Commission expires:





VICINITY MAP ~ SCALE: 1" = 2000'

**PARENT TRACT INFORMATION:** TAX ID #: 49A4-((1))-(K)-19 ZONED: R5 USE: VACANT

**OWNER'S CERTIFICATE:**

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, 0.39 ACRES STANDING IN THE NAME OF JENNIFER LARRICK, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

\_\_\_\_\_  
JENNIFER LARRICK

**NOTARY:**

STATE OF \_\_\_\_\_

CITY / COUNTY \_\_\_\_\_

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_

BY JENNIFER LARRICK \_\_\_\_\_ (DATE)

(NOTARY) \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVALS:**

\_\_\_\_\_  
FREDERICK COUNTY SUBDIVISION ADMINISTRATOR DATE

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS FINAL PLAT OF SUBDIVISION IS A PORTION OF THE LAND CONVEYED TO JENNIFER LARRICK, BY DEED DATED JULY 30, 2018, AND RECORDED IN THE OFFICE OF THE CLERK OF THE FREDERICK COUNTY CIRCUIT COURT AS INSTRUMENT NUMBER 180007627.

*[Signature]*

DARREN S. FOLTZ, L.S.



**FINAL PLAT**  
FOR  
**SHAWNEELAND ~ SECTION K ~ LOT 19**

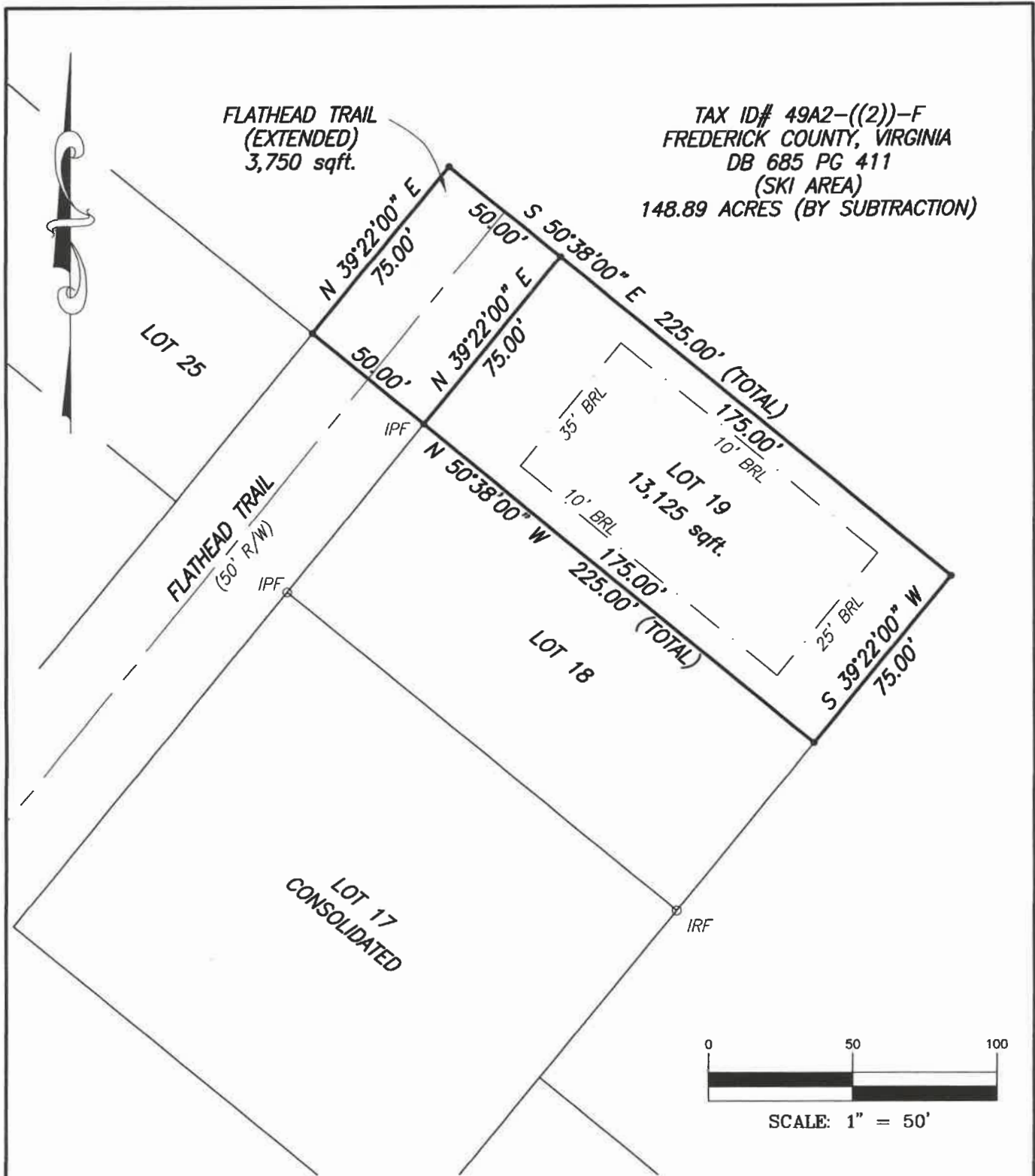
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

|                     |                 |               |
|---------------------|-----------------|---------------|
| DATE: APRIL 7, 2019 | SCALE: 1" = 50' | FILE#: 18-057 |
|---------------------|-----------------|---------------|

**Foltz Land Surveying, Inc.**

P.O. Box 23 Stephens City, Virginia 22655  
Phone #: 540-323-1497 ~ www.foltzlandsurveying.com  
email: foltz@visuallink.com

SHEET  
1  
OF  
2



TAX ID# 49A2-((2))-F  
 FREDERICK COUNTY, VIRGINIA  
 DB 685 PG 411  
 (SKI AREA)  
 148.89 ACRES (BY SUBTRACTION)

**NOTES:**

1. NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
2. THIS PROPERTY LIES WITHIN FLOOD ZONE "X", AREA OF MINIMAL FLOODING. AS SHOWN ON F.I.R.M. MAP #51069C-0200-D, DATED SEPTEMBER 2, 2009.
3. LOT 19 WAS PRELIMINARY PLAT APPROVED BY FREDERICK COUNTY IN 1959. IT WAS LEFT OFF FINAL PLAT APPROVED FEBRUARY 3, 1960.
4. PLAT REFERENCE: DEED BOOK 261 PAGE 467.
5. LOT 19 WAS SOLD AND DEED RECORDED JULY 10, 1963 TO WILLIAM ALSTON DUGGAN & JEWEL MARIE DUGGAN.
6. PROPERTY CORNERS ARE IRON REBAR SET UNLESS NOTED OTHERWISE.

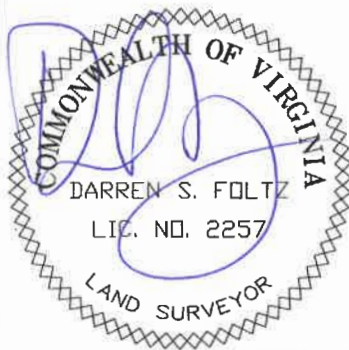
**AREA TABULATION:**

ORIGINAL AREA = 149.28 ACRES  
 R/W DEDICATION = -0.09 ACRES  
 LOT 19 = -0.30 ACRES

TOTAL AREA = 148.89 ACRES  
 (BY SUBTRACTION)

**LEGEND:**

IRF = IRON REBAR FOUND  
 IPF = IRON PIPE FOUND  
 BRL = BUILDING RESTRICTION LINE



**FINAL PLAT**  
 FOR  
**SHAWNEELAND ~ SECTION K ~ LOT 19**  
 BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

DATE: APRIL 7, 2019      SCALE: 1" = 50'      FILE#: 18-057

**Foltz Land Surveying, Inc.**  
 P.O. Box 23 Stephens City, Virginia 22655  
 Phone #: 540-323-1497 ~ www.foltzlandsurveying.com  
 email: foltz@visuallink.com

SHEET  
 2  
 OF  
 2

WAIVER AND RELEASE

For and in consideration of the delivery of a quitclaim deed for a parcel of land identified as Tax Parcel Number 49A04-1-K-19 (“Lot 19”) in Shawneeland and of the mutual benefits to the parties, Jennifer Larrick does hereby waive and release any and all claims that she may have against the County of Frederick (the “County”) and/or any of its officers, agents, and/or employees with respect to any taxes and/or fees assessed against and/or paid by her and/or on her behalf for Lot 19 for any period prior to the date of delivery by the County to her of a quitclaim deed as to any interest of the County of Frederick in Lot 19. This waiver and release also includes, but is not limited to, waiver and release of the right to contest the amount of assessment valuation for the purposes of imposition of taxes and/or fees. Delivery of the quitclaim deed is deemed to take place contemporaneous with the execution of this waiver and release.

\_\_\_\_\_  
Jennifer Larrick

COMMONWEALTH OF VIRGINIA :  
COUNTY/CITY OF \_\_\_\_\_:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public  
Registration Number:  
My Commission expires:



Board of Supervisors

Agenda Item Detail

Meeting Date: July 10, 2019

Agenda Section: Planning Commission Business - Public Hearings

**Submitted by:** Administration

**Item Type:** Public Hearing

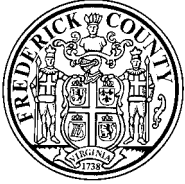
**Item Title:**

Conditional Use Permit #03-19 for Arthur Nelson Sisk, Submitted for a Landscape Contracting Business. The Property is Located at 154 Gainesboro Road, Winchester, Virginia and is Identified with Property Identification Number 29-A-73C in the Gainesboro Magisterial District.

**Attachments:**

[BOS 07-10-19 CUP 03-19 Sisk Landscape Contracting Business.pdf](#)





**CONDITIONAL USE PERMIT #03-19**  
**Arthur Nelson Sisk – Landscape Contracting Business**  
**Staff Report for the Board of Supervisors**  
**Prepared: June 27, 2019**  
Staff Contact: Mark R. Cheran, Zoning Administrator

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

|                       | <u>Reviewed</u> | <u>Action</u>        |
|-----------------------|-----------------|----------------------|
| Planning Commission:  | 06/05/19        | Recommended Approval |
| Board of Supervisors: | 07/10/19        | Pending              |

**EXECUTIVE SUMMARY:**

This is a request for a Conditional Use Permit (CUP) for the establishment of a landscape contracting business in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a landscape contracting business to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use, including the screening of vehicles and equipment.
3. Two, non-illuminated freestanding monument business signs shall be allowed with this Conditional Use Permit. Signage along Route 522 shall be fifty (50) sq. feet in area and ten (10) feet in height. Signage along Gainesboro Road (Route 684) shall be twenty (20) sq. feet in area and ten (10) feet in height.
4. Access to the site will only be via the existing Gainesboro Road (Route 684) entrance.
5. Hours of operation shall be from 8 a.m. to 8 p.m. seven (7) days a week.
6. There will be no more than six (6) employees with this use and on site at any given time.
7. Conditional Use Permit #004-98 shall be void upon approval of this Conditional Use Permit.
8. Any expansion or change of use shall require a new Conditional Use Permit.

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

**LOCATION:** The subject property is located at 154 Gainesboro Road.

**MAGISTERIAL DISTRICT:** Gainesboro

**PROPERTY ID NUMBER:** 29-A-73C

**PROPERTY ZONING & PRESENT USE:** Zoned: RA (Rural Areas)  
Commercial Outdoor Recreation (CUP #004-98)

**ADJOINING PROPERTY ZONING & PRESENT USE:**

|                         |                    |
|-------------------------|--------------------|
| North: RA (Rural Areas) | Use: Country Store |
| South: RA (Rural Areas) | Use: Residential   |
| East: RA (Rural Areas)  | Use: Residential   |
| West: RA (Rural Areas)  | Use: Residential   |

**PROPOSED USE:** The Applicant proposes the establishment of a Landscaping Contracting Business. This use will be utilizing the existing structure on site as a business office, and new outbuildings are proposed for storage of equipment. There will be outdoor storage that will consist of trees, wood, and mulch for display to the public.

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** The application for a Conditional Use Permit for this property appears to have little measurable impact on Route 684, the VDOT facility providing access to the property. Existing entrance is adequate for the proposed use. However, should the use ever expand in the future, the entrance may need to be upgraded to VDOT commercial standards.

**Frederick County Inspections:** No comments.

**Winchester-Frederick County Health Department:** This Health Department has reviewed the request for comments for a Conditional Use Permit for a Landscaping Business to park trucks and trailers at 154 Gainesboro Rd., Winchester, VA 22603 Tax Map #29-A-73C. The applicant says that he will have up to 4 (four) employees (drivers) who will leave their personal vehicles at the lot and pick up company vehicles to perform the landscaping jobs. The applicant says that no employees will remain on the premises during business hours, except for the owner/applicant and a secretary who will occupy office in the miniature golf structure. This business is served by a Pump & Haul sewage disposal system. This Health Department therefore has no objections for the use of the property to serve as a parking area for the landscaping business. Applicant is welcome to notify this Health Department of any questions about any part of this correspondence by calling (540) 722-3480 or (540) 771-3020.

See updated email addendum dated May 21, 2019, from Herbert Cormier, Environmental Health Supervisor.

**Frederick County Fire Marshall:** Approve.

**Planning and Zoning:** This proposed Conditional Use Permit (CUP) is for a landscape contracting business. This proposed use will take place on a three (3) acre tract of land. This tract of land currently has an approved CUP (CUP#004-98) for a commercial outdoor recreation facility (miniature golf) with an approved site plan. This proposed landscape business will replace the miniature golf course use.

The 2035 Comprehensive Plan of Frederick County (“Comprehensive Plan”) provides guidance when considering land use actions. The location of this proposed landscaping contracting business will be located within the Gainesboro Rural Community Center as identified within the Comprehensive Plan. The Comprehensive Plan addresses development within its Rural Community Centers. The Comprehensive Plan discourages large residential development within its Rural Community Centers but allows for commercial uses, if the uses are in scale and nature for the Gainesboro Community Center. The uses near this proposed use are residential in nature and an approved Off-Premise Farm Market across Gainesboro Road (Route 684). This proposed use is consistent with the goals of the Comprehensive Plan. Specifically, land use goals for the rural areas of the County identify the importance of maintaining a rural character in areas outside of the Urban Development Area (UDA). A mix of agricultural, commercial and residential uses are envisioned for this Rural Community Center.

The Frederick County Zoning Ordinance allows for a landscaping contracting business in the RA Zoning District with an approved CUP. Based on the description of the use provided by the Applicant there will be no more than six (6) employees, and contain no more than nine (9) vehicles stored on the site. All business transactions of this CUP will occur within an existing office with two (2) employees on site. Majority of the business operation will be conducted off site. The hours of operation will be Monday through Sunday from 8:00 a.m. to 8:00 p.m.

The Applicant will be utilizing the elements of the approved site plan assigned to CUP #004-98 these elements include parking, screening, storage bays for stock, and location of signage. There will be sales of stock that will take place on site. A new equipment building will be added to the site. The Applicant proposes two (2) on-premise signs, the first sign facing Route 522 of fifty (50) square feet in area and ten (10) feet in height. A second sign will be facing Gainesboro Road (Route 684) of twenty (20) square feet in area and ten (10) feet in height. This signage was approved with CUP #004-98. The existing entrance to access this site is located on Gainesboro Road (Route 684), no other entrances will be used to access this site. The ultimate configuration of the site will be determined at time of submission of an illustrative sketch plan with this CUP. The Applicant has agreed to the conditions of this CUP.

**STAFF CONCLUSIONS FOR THE 06/05/19 PLANNING COMMISSION MEETING:**

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

1. All review agency comments and requirements shall be complied with at all times.
2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use, including the screening of vehicles and equipment.
3. Two, non-illuminated freestanding monument business signs shall be allowed with this Conditional Use Permit. Signage along Route 522 shall fifty (50) sq. feet in area and ten (10) ten feet in height. Signage along Gainesboro Road (Route 684) shall be twenty (20) sq. feet in area and ten (10) feet in height.
4. Access to the site will only be via the existing Gainesboro Road (Route 684) entrance.
5. Hours of operation shall be from 8 a.m. to 8 p.m. seven (7) days a week.
6. There will be no more than six (6) employees with this use and on site at any given time.
7. Conditional Use Permit #004-98 shall be void upon approval of this Conditional Use Permit.
8. Any expansion or change of use shall require a new Conditional Use Permit.

**PLANNING COMMISSION SUMMARY AND ACTION FOR THE 06/05/19 MEETING:**

Staff reported this is a request for the establishment of a landscape contracting business in the RA (Rural Areas) Zoning District. It was noted, the current land use is a Commercial Outdoor Recreation and the proposed use is landscape contracting. Staff presented a locations map of the property. This proposed use will take place on a three (3) acre tract of land and this tract of land currently has an approved CUP (CUP #004-98) for a commercial outdoor recreation facility (miniature golf) with an approved site plan; this proposed landscape business will replace the miniature golf course use. Staff shared the location of this proposed landscaping contracting business will be located within the Gainesboro Rural Community Center as identified within the Comprehensive Plan. The Comprehensive Plan discourages large residential development within its Rural Community Centers but allows for commercial uses, if the uses are in scale and nature



for the Gainesboro Community Center; a mix of agricultural, commercial, and residential uses are envisioned for this Rural Community Center. Staff reported that landscape contracting in the RA Zoning District is permitted with an approved CUP; based on the description of the use provided there will be no more than six (6) employees and contain no more than nine (9) vehicles stored on the site. All business transactions of this CUP will occur within the existing office with two (2) employees on site; the majority of the business operation will be conducted off site; and the hours of operation will be Monday – Sunday from 8 a.m. to 8 p.m. Staff presented an illustrative sketch plan provided by the Applicant. He noted the only entrance will be on Gainesboro Road. Staff presented the conditions as recommended:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use, including the screening of vehicles and equipment.
3. Two, non-illuminated freestanding monument business signs shall be allowed with this Conditional Use Permit. Signage along Route 522 shall be fifty (50) sq. feet in area and ten (10) feet in height. Signage along Gainesboro Road (Route 684) shall be twenty (20) sq. feet in area and ten (10) feet in height.
4. Access to the site will only be via the existing Gainesboro Road (Route 684) entrance.
5. Hours of operation shall be from 8 a.m. to 8 p.m. seven (7) days a week.
6. There will be no more than six (6) employees with this use and on site at any given time.
7. Conditional Use Permit #004-98 shall be void upon approval of this Conditional Use Permit.
8. Any expansion or change of use shall require a new Conditional Use Permit.

A Commission Member inquired would there be any chipping done on site for this use. Mr. Ben Butler, representing the Applicant came forward and commented there will not be chipping on site and this will be a small operation. A Commission Member asked if any retailing will be done on site. Mr. Butler noted retail business on site will be very limited.

A motion was made, seconded, and unanimously passed to recommend approval of Conditional Use Permit #03-19 for Arthur Sisk.

(Note: Commissioners Thomas, Molden, Unger, and Mohn were absent from the meeting.)

**EXECUTIVE SUMMARY AND PLANNING COMMISSION RECOMMENDATION  
FOR THE 07/10/19 BOARD OF SUPERVISORS MEETING:**

This is a request for a Conditional Use Permit (CUP) for the establishment of a landscape contracting business in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a landscape contracting business to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
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6. There will be no more than six (6) employees with this use and on site at any given time.
7. Conditional Use Permit #004-98 shall be void upon approval of this Conditional Use Permit.
8. Any expansion or change of use shall require a new Conditional Use Permit.

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

## Mark Cheran

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**From:** Cormier, Herbert <herbert.cormier@vdh.virginia.gov>  
**Sent:** Tuesday, May 21, 2019 9:30 AM  
**To:** Mark Cheran  
**Subject:** Re: CUP comments

Mark:

Thank you for meeting with me to discuss additional information about the Arthur Sisk Landscaping Business. You said that the applicant could possibly have up to 4 or 5 customers arriving at the property per week to place orders for material, such as mulch. This Health Department has no objections to this aspect of the proposed operation at the property.

Applicant may contact this Health Department at (540) 722-3480, or (540) 771-3020 to address any questions he may have about this correspondence.

Herbert Cormier  
Environmental Health Supervisor  
Frederick/Shenandoah Counties  
(540) 771-3020/(540) 459-6965

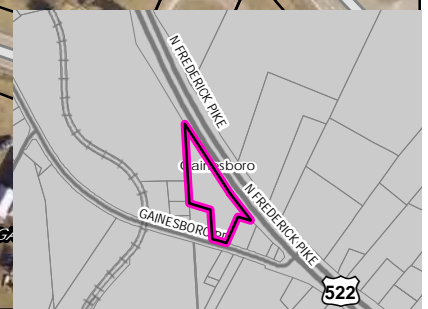
On Tue, May 21, 2019 at 9:02 AM Mark Cheran <[mcheran@fcva.us](mailto:mcheran@fcva.us)> wrote:

Herb thanks for meeting with me this A.M. in regards to CUP 03-19 Arthur Sisk- Landscape Contracting Business. The applicant would like to have a small customer base of no more than 5 customers at any given day. Could you please amend your comments to include a small customer base Thanks

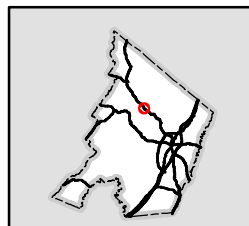
# CUP # 03 - 19: Arthur Nelson Sisk

PIN: 29 - A - 73C

Landscape Contracting Business  
Zoning Map



Application  
Parcels



196

Frederick County Planning & Development  
107 N Kent St  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: May 2, 2019

0 90 180 360 Feet





|                    |         |
|--------------------|---------|
| Submittal Deadline | 5/10/19 |
| P/C Meeting        | 6/5/19  |
| BOS Meeting        | 7/10/19 |

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

1. Applicant (check one): Property Owner  Other

NAME: ARTHUR NELSON SISK

ADDRESS: 140 Gainesboro Rd Winchester VA 22603

TELEPHONE: 540-664-0992

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

WENZEL R. DOUSA

GLENDA F. DOUSA

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

ROUTE 684 (154 GAINESBORO ROAD)

4. The property has a road frontage of 753' feet and a depth of 288' feet and consists of 3.05 acres. (Please be exact)

5. The property is owned by WENZEL R. DOUSA & GLENDA F. DOUSA as evidenced by deed from \_\_\_\_\_ (previous owner) recorded in deed book no. 916 on page 1583, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 29-A-73C  
Magisterial District GAINESBORO  
Current Zoning RA

7. Adjoining Property:

|       | USE                            | ZONING           |
|-------|--------------------------------|------------------|
| North | RT. 522 <del>RESIDENTIAL</del> | RH (RURAL AREAS) |
| East  | RESIDENTIAL                    | RA               |
| South | GAINESBORO RD.                 | RA               |
| West  | RESIDENTIAL/VACANT             | RA               |

8. The type of use proposed is (consult with the Planning Dept. before completing):  
LANDSCAPE CONTRACTING BUSINESS

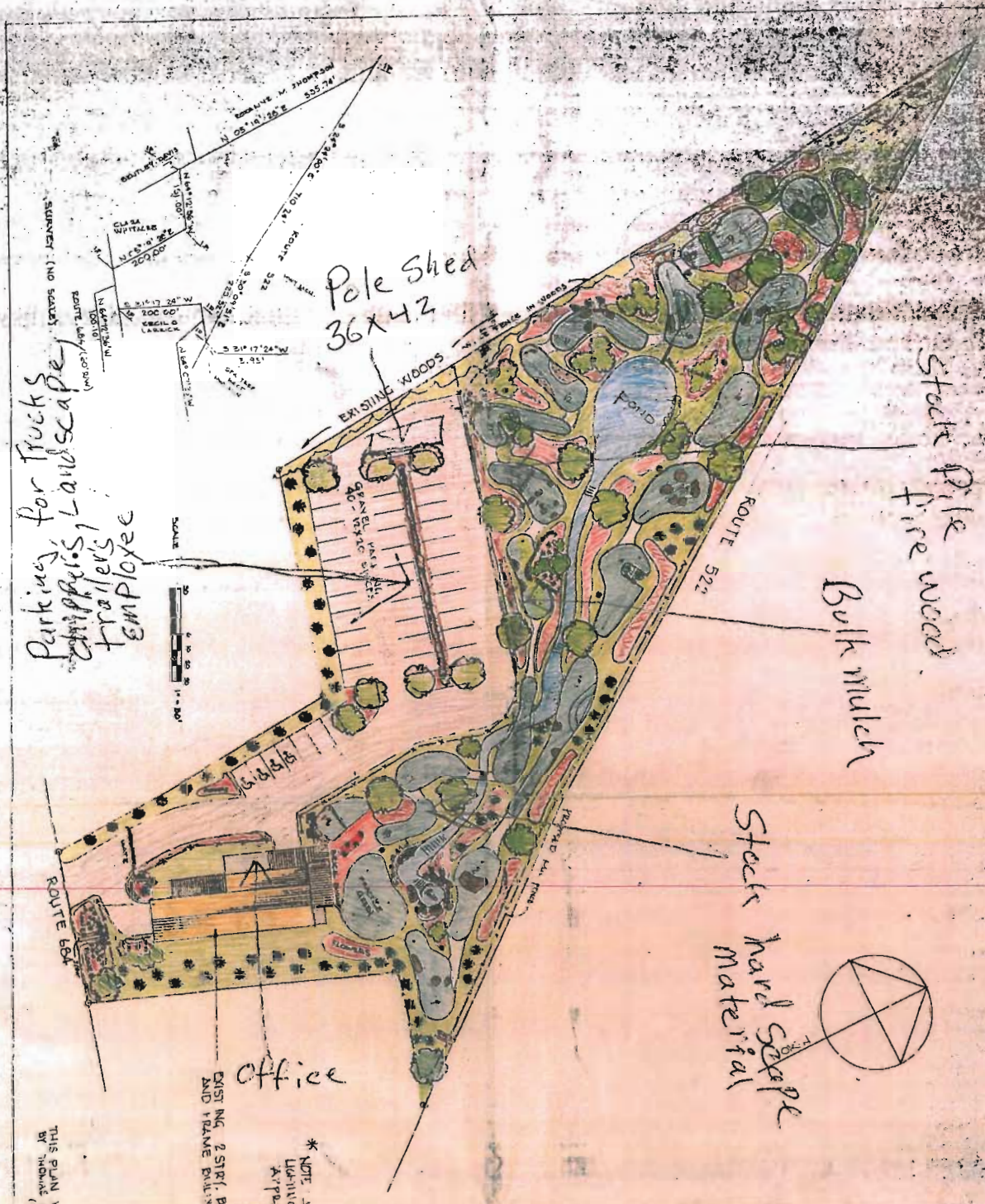
9. It is proposed that the following buildings will be constructed:  
NO NEW CONSTRUCTION

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

| Name and Property Identification Number             | Address  |
|---|--|
| Name DANIEL CRITCHFIELD<br>Property # 29-A-72       | 166 GAINESBORO RD<br>WINCHESTER, VA 22603        |
| Name MELANIE R. SINE<br>Property # 29-A-73A         | 370 NEWLINS HILLS RD.<br>WINCHESTER, VA 22603    |
| Name ROXANNE ROGERS<br>Property # 29-A-50A          | 2079 CEDARMILL LN<br>WINCHESTER VA 22601         |
| Name ARTHUR SISK<br>Property # 29-A-71              | 140 GAINESBORO RD<br>WINCHESTER, VA 22603        |
| Name ROBERT DEHAVEN<br>Property # 29-A-51           | 183 PEPPERMINT SPRING LN<br>WINCHESTER, VA 22603 |
| Name MICHAEL SHIPWAY TRUSTEE<br>Property # 29-A-51A | 4323 N. FREDERICK PIKE<br>WINCHESTER, VA 22603   |
| Name KEITH R. SHAW<br>Property # 29-A-68            | 161 GAINESBORO RD.<br>WINCHESTER, VA 22603       |

| Name and Property Identification Number | Address           |
|---|-------------------|
| Name SHANE DEHAUEN                      | 151 GAINESBORO RD |
| Property # 29-A-69                      | WINC. VA 22603    |
| Name                                    |                   |
| Property #                              |                   |
| Name                                    |                   |
| Property #                              |                   |
| Name                                    |                   |
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| Name                                    |                   |
| Property #                              |                   |
| Name                                    |                   |
| Property #                              |                   |





Parking for Trucks  
Trailers, Landscape  
Employee

Pole Shed  
36x42

Stack  
Pile  
fire wood

Bulk mulch

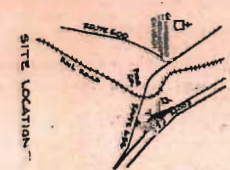
Stack  
hard  
material

Office

EXISTING 2 STRIP, BRCK  
AND FRAME EXHIBIT 1

\* NOTE: ALL SHADINGS - PARKING - LANDSCAPING  
LIGHTING - PROPOSED SUBJECT TO  
APPROVAL

THIS PLAN WAS PRODUCED FROM A SURVEY  
BY THOMAS A. SACKETT (ELDS) - UNLTD.



KENIES LANDSCAPE

PROPOSED MINI GOLF COURSE FOR  
MR. AND MRS. WENZEL DOUSA  
884 EBENEZER CHURCH ROAD  
GORE, VA. DATE: 15 JUNE 1998. SCALE: 1" = 30'



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

DRAWING OF PROPERTY

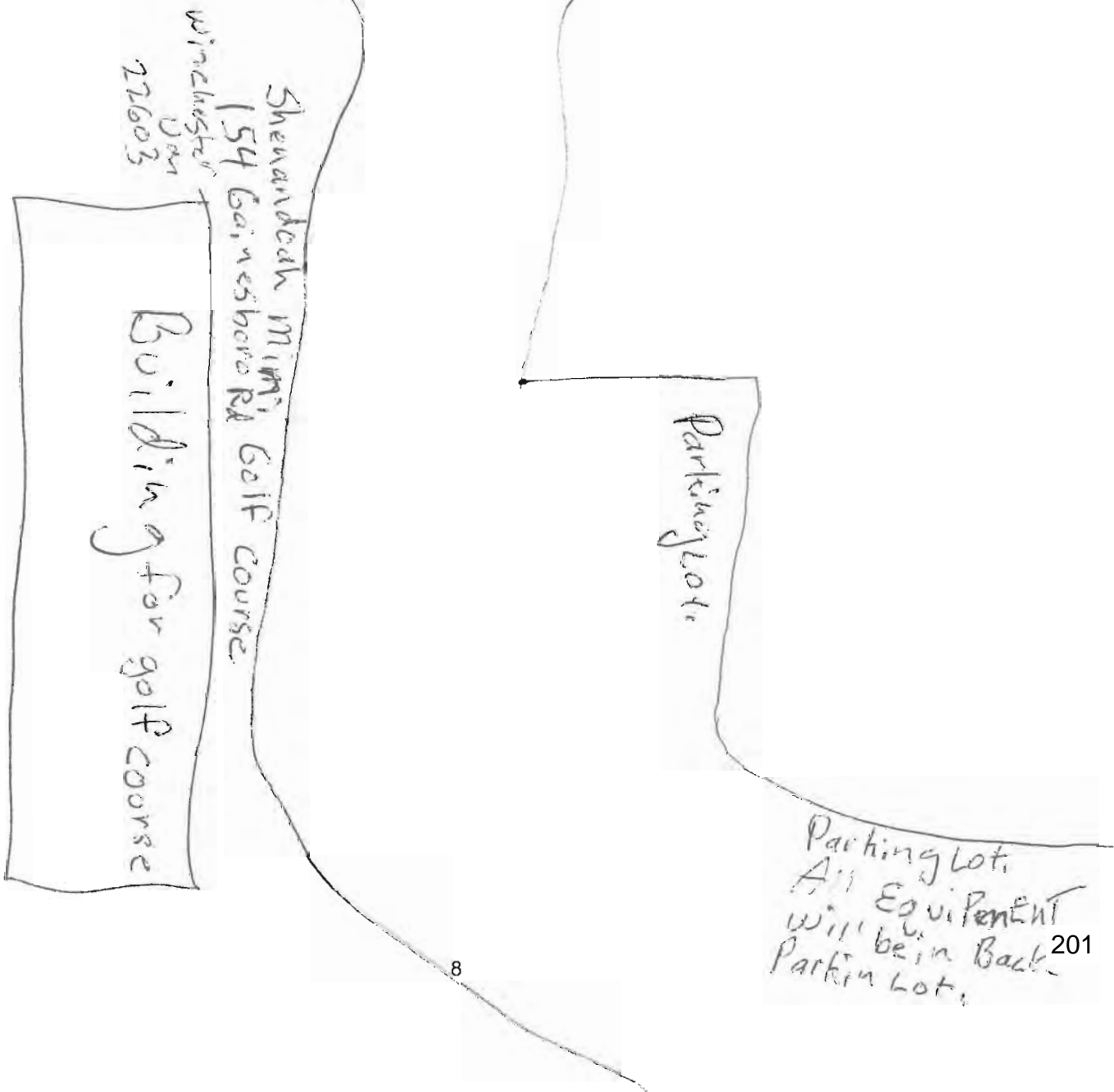
There will be work trucks  
And Landscape Trailer's  
4 Truck & 6 Small Trailer's

No Tractor Trailer's

golf will be closed permanent

Rt. 684

Gainesboro Rd.





12. Additional comments, if any: truck's and trailers  
chippers "No Tractor trailers" 4 trucks  
will ~~be~~ be parked when not working  
are hrs will be 8am to 4pm.  
Tree 2 Landscaping Company

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

Signature of Applicant Arthur Sisk  
Signature of Owner Wendy R. Douse Blenda J. Douse  
Owners' Mailing Address P. O. Box 324 Cross Junction, VA 22625  
Owners' Telephone No. 540-336-3758

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





**Special Limited Power of Attorney  
County of Frederick, Virginia  
Frederick Planning Website: [www.fcva.us](http://www.fcva.us)**

**Department of Planning & Development, County of Frederick, Virginia  
107 North Kent Street, Winchester, Virginia 22601  
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents: That I (We)

(Name) WENZEL R. DOUSA & GLENDA F. DOUSA (Phone) 540-336-3758

(Address) 884 EBENEZER CHURCH ROAD, GORE, VA 22637

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. 916 on Page 1583, and is described as

Parcel: 3.045 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: MAP #29 A 73C

do hereby make, constitute and appoint:

(Name) ARTHUR SISK (Phone) 540-664-0992

(Address) 140 GAINESBORO ROAD, WINCHESTER, VA 22603

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Variance or Appeal

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

\_\_\_\_\_  
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 30<sup>th</sup> day of March, 2019.

Signature(s) Wenzel R. Dousa Glenda F. Dousa

State of Virginia, City/County of Winchester, To-wit:

I, Wendy Robinson, 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 30<sup>th</sup> day of March, 2019.

Wendy Robinson  
Notary Public

WENDY D. ROBINSON  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7751694  
My Commission Expires Mar. 31, 2021

Expires: 03/31/2021







**FILE COPY**

COUNTY of FREDERICK

Department of Planning and Development

540/665-5651

FAX: 540/678-0682

August 18, 1998

Mr. and Mrs. Wenzel Dousa  
P.O. Box 324  
Cross Junction, VA 22625

**RE: CUP #004-98 of Wenzel and Glenda Dousa, P.I.N. 29-A-73C**

Dear Mr. and Mrs. Dousa:

This letter is to confirm action taken by the Frederick County Board of Supervisors at their meeting of August 12, 1998. Your Conditional Use Permit, #004-98 for a Commercial Outdoor Recreation Miniature Golf Facility, was approved with the following conditions:

1. All review agency comments must be addressed and complied with at all times.
2. A site plan shall be approved by the County.
3. A full screen shall be provided adjacent to the adjoining residential properties (with the exception of the Fowler's property line).
4. Any on-premise business sign along North Frederick Pike shall be limited to a maximum of fifty (50) square feet in area. Any on-premise business sign along Gainesboro Road shall be limited to a maximum of twenty (20) square feet in area and ten (10) feet in height.
5. Commercial entrances shall be located along Gainesboro Road.
6. Any expansion of use or change of use would require a new CUP.

Enclosed is your Pump and Haul application which has been signed by the County Administrator, plus a copy for your records. If you have any questions regarding the site plan requirements or any other aspects of your Conditional Use Permit, please feel free to call this office.

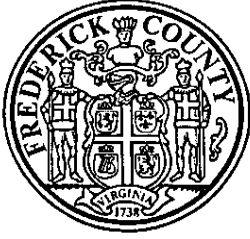
Sincerely,

Michael T. Ruddy, Planner II

MTR/cc

cc: Commissioner of Revenue

206



# ORDINANCE

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**Action:**

PLANNING COMMISSION: June 5, 2019 Recommended Approval

BOARD OF SUPERVISORS: July 10, 2019

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## ORDINANCE

### **CONDITIONAL USE PERMIT #03-19 ARTHUR NELSON SISK LANDSCAPE CONTRACTING BUSINESS**

**WHEREAS, Conditional Use Permit #03-19 for Arthur Nelson Sisk**, submitted by Arthur Nelson Sisk for a landscape contracting business was considered. The Property is located at 154 Gainesboro Road, Winchester, Virginia and is further identified with Property Identification Number 29-A-73C, in the Gainesboro District; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on June 5, 2019 and recommended approval of the Conditional Use Permit with conditions; and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on July 10, 2019; and,

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

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #03-19 for a landscape contracting business on the parcel identified by Property Identification Number 29-A-73C with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use, including the screening of vehicles and equipment.
3. Two, non-illuminated freestanding monument business signs shall be allowed with this Conditional Use Permit. Signage along Route 522 shall be fifty (50) sq. feet in area and ten (10) sq. feet in height. Signage along Gainesboro Road (Rt. 684) shall be twenty (20) sq. feet in area and ten (10) sq. feet in height.
4. Access to the site will only be via the existing Gainesboro Road (Route 684) entrance.
5. Hours of operation shall be from 8 a.m. to 8 p.m. seven (7) days a week.
6. There will be no more than six (6) employees with this use and on-site at any given time.
7. Conditional Use Permit #004-98 shall be void upon approval of this Conditional Use Permit.
8. Any expansion or change of use shall require a new Conditional Use Permit.

Passed this 10th day of July 2019 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Judith McCann-Slaughter

Shannon G. Trout

Blaine P. Dunn

Robert W. Wells

**A COPY ATTEST**

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Kris C. Tierney  
Frederick County Administrator