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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, FEBRUARY 26, 2014  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**5:15 P.M. – Board of Supervisors Budget Work Session**

**6:15 P. M. – Closed Session:**

There will be a Closed Session Pursuant to Va. Code § 2.2-3711(A)(7), for Consultation with Legal Counsel Regarding Specific Legal Matters Concerning the Russell 150 Community Development Authority Assessments, Related Charges, Fees, and Costs, and the Memorandum of Understanding, Dated May 1, 2007, Setting Forth Various Understandings with Respect to the Russell 150 Community Development Authority, Said Consultation Requiring the Provision of Legal Advice by Such Counsel.

**7:00 P.M. – Regular Meeting - Call To Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda:**

Pursuant to established procedures, the Board should adopt the Agenda for the meeting.

**Consent Agenda:**

(Tentative Agenda Items for Consent are Tabs: F, G and H)

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

**Board of Supervisors Comments**

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**Minutes: (See Attached)----- A**

1. Budget Work Session, February 5, 2014.

**County Officials:**

1. Employee of the Month Award for February, 2014. **(See Attached)**----- B
2. Committee Appointments. **(See Attached)**----- C
3. Request from Frederick County Schools to Schedule Public Hearing Date to Participate in the Spring 2014 Virginia Public School Authority (VPSA) Bond Sale. **(See Attached)**----- D
4. Resolution Re: Performance Agreement for PACTIV, LLC. **(See Attached)** ----- E

**Committee Reports:**

1. Parks and Recreation Commission. **(See Attached)** ----- F
2. Human Resources Committee. **(See Attached)** ----- G
3. Public Works Committee. **(See Attached)**----- H
4. Finance Committee. **(See Attached)**----- I

**Planning Commission Business:**

**Public Hearing:**

1. Conditional Use Permit #01-14 of Wesley W. Rudolph, for a Public Garage without Body Repair. The Property is Located at 2360 S. Pifer Road and is Identified with Property Identification Number 81-A-50 in the Back Creek Magisterial District. **(See Attached)** ----- J

**Other Planning Items:**

1. Discussion – Public Facilities and the 2030 Comprehensive Plan Amendment . (Brought Back to Board From February 12, 2014 Board Meeting.) **(See Attached)**----- K

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**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**BUDGET WORK SESSION**

**February 5, 2014**

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, February 5, 2014 at 12:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Richard C. Shickle; Vice-Chairman Charles S. DeHaven, Jr.; Christopher E. Collins; Gary A. Lofton; Robert A. Hess; and Robert W. Wells.

**ABSENT**

Gene E. Fisher

**OTHERS PRESENT**

Finance Committee members Angela Rudolph, Judith McCann-Slaughter, and Ron Hottle; John R. Riley, Jr., County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl B. Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; Dr. David Sovine, Superintendent of Schools; and Executive Director of Finance for Frederick County Public Schools Lisa Frye.

**CALL TO ORDER**

Chairman Shickle called the work session to order.

Administrator Riley advised staff was hoping to get direction from the Board regarding outside agency funding. He then reviewed the agenda materials, which included:

- General Fund Budget Summary;
- General Fund Capital Request Summary;
- General Fund Expenditure Detail; and

- Five-Year Capital Request Projections.

He concluded by saying staff would like to leave this work session with direction regarding funding scenarios.

### **OUTSIDE AGENCY FUNDING**

The Board discussed the outside agency requests.

Agencies the Board agreed should be funded were: Lord Fairfax Community College, Handley Regional Library, Health Department, Lord Fairfax EMS Council, Inc., and Northern Shenandoah Valley Regional Commission.

Supervisor Collins asked about the request from the Cedar Creek Battlefield Foundation.

Administrator Riley stated he believed this was a one-time request for funds to promote the Civil War Sesquicentennial event to be held at Cedar Creek Battlefield.

Supervisor Lofton stated it was his understanding these funds would be used for a promotional campaign. He went on to say he had contacted representatives from the Battlefield Foundation about other funding sources, but he has not gotten a response.

Chairman Shickle asked Administrator Riley to inquire from the tourism board about their role in this event. He stated he wanted some oversight of the monies spent.

The Board then discussed those agencies whose funding should be reduced or eliminated.

Supervisor Lofton suggested reducing or eliminating Northern Virginia 4-H Educational Center, Our Health, Inc., and Shenandoah Valley Discovery Museum.

Supervisor Hess suggested eliminating Blue Ridge Legal Services, Inc. as well.

Supervisor Collins expressed his agreement with Our Health, but he did not agree with eliminating funding for Blue Ridge Legal Services. He had no opinion on the other agencies suggested.

Administrator Riley advised the Child Advocacy Center utilized office space on the Our Health Campus and the lease payment was Frederick County's share of funding for that particular program. He went on to say the Director of Social Services says this is a worthwhile program and the County's contribution of a lease is good.

Supervisor Collins stated he would rather the County directly contribute to the Child Advocacy Center rather than the way it is currently being handled.

With regard to the request from the Youth Football Program, Chairman Shickle stated he would rather have the Parks and Recreation Commission decide on funding of this program versus the Board.

Administrator Riley responded that staff would accommodate that request.

Chairman Shickle asked if there was any merit to putting funding for the Shenandoah Apple Blossom Festival in the Tourism budget.

Administrator Riley responded Frederick County is a sponsor and there is a fairly large return on investment.

Supervisor Lofton stated he would like to see numbers specific to Frederick County from CLEAN, Inc.

Chairman Shickle asked the Board if there was merit in developing a purpose statement regarding outside agency contributions, since we are using taxpayer dollars.

The Board's consensus was to develop a purpose statement.

### **REVENUE SOURCES**

Supervisor Lofton stated he had the various revenue sources by department. Based on current fees, we need to look at possibly increasing fees to cover our costs. He went on to say the fees should be reflective of current costs and he would like to see them updated.



Chairman Shickle suggested maintaining a file regarding the various fee schedules in the county.

### **FUNDING SCENARIOS**

Vice-Chairman DeHaven asked if the salary and fringes shown in the materials included the mandated VRS increases, etc.

Administrator Riley responded yes.

Supervisor Collins stated the Board needs to make sure the employees do not “take a hit” due to VRS, Health Insurance, associated taxes, etc. He wanted to ensure they do not lose money.

Supervisor Lofton stated he did not want to see a scenario with a tax increase.

Supervisor Wells stated the Board needed to support the schools’ request. He went on to say he was not in favor of a tax increase, but it might be necessary.

Vice-Chairman DeHaven stated he wanted to see a scenario reflecting the current tax rate, without the proposed bump in salary requested by the schools, showing current requests, and what it would take to get there under the current tax rate. He went on to say the schools did an excellent job of presenting needs. He concluded by saying we need to look hard at some stuff.

Supervisor Hess stated he was reluctant to make the tax rate the driver. He suggested looking at the needs, what is appropriate, and then deal with the tax rate.

Commissioner Murphy stated she like the strategy suggested by Supervisor Hess.

Administrator Riley responded staff could get there with a flat tax rate, but it would not pay for any new expenditures or initiatives.

Chairman Shickle asked the Board to discuss the use of fund balance.

Vice-Chairman DeHaven stated, in an ideal world, we would plan expenditures through the budget process. He went on to say he thought the way we have been doing it, using one time funds at year end, was responsible, but he would prefer it be done through the budget process.

Administrator Riley responded that staff would look at trying to put together scenarios based on today's discussions. Fund balance in the amount of \$4.3 million would be used to construct the new budget with the understanding those monies would be returned at the end of the year.

Based on the Board's discussions, Finance Director Shiffler stated staff would give multiple scenarios showing what can and cannot be funded. She went on to say the budget work session scheduled for February 12, 2014 would be canceled because the information could not be turned around that quickly.

The next budget work session would be after the February 19, 2014 Finance Committee meeting.

There being no further business, the work session was adjourned at 1:11 p.m.

B

# Employee of the Month Resolution

*Awarded to:*

## Shannon M. Fultz

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,

WHEREAS, 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 selects one employee from those nominated, based on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County; and,

WHEREAS, Shannon M. Fultz who serves the Frederick County Public Safety Communications Department was nominated for Employee of the Month; and,

WHEREAS, Shannon M. Fultz is being awarded for her achievement in being 100% compliant in Emergency Medical Dispatch. Shannon is recognized for being the only communications officer to ever do so; her compliance and dedication truly make a difference when handling emergency calls. Shannon is commended for her professionalism and dedication to her career in Dispatch.

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 26<sup>th</sup> day of February, 2014, that Shannon M. Fultz is hereby recognized as the Frederick County Employee of the Month for February 2014; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Shannon M. Fultz for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Shannon M. Fultz is hereby entitled to all of the rights and privileges associated with her award.



County of Frederick, VA  
Board of Supervisors

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Richard C. Shickle, Chairman

Dedication

***County of Frederick***

Employee of the Month

February 2014

***Shannon M. Fultz***

Hardworking

Excellence

Professional

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Richard C. Shickle, BOS Chairman



# County of Frederick Employee of the Month Nomination Form

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : Shannon Fultz Department: Public Safety Communication

Nomination Submitted By: Pam Baber Department: Public Safety Communication

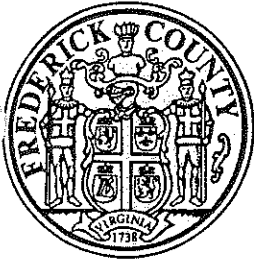
Nominator's Signature: *Pam Baber* Date: 01/22/2014

Reason for Nomination (please be specific, precise, and definite):

In 2013 Shannon was 100% compliant in the area of Emergency Medical Dispatch. This is not an easy achievement and she is the only communications personnel to ever do so. This means that in all her emergency medical calls that were evaluated for the year, Shannon followed the protocols exactly. She asked every question correctly and gave every appropriate instruction, including many potentially life-saving CPR and pre-arrival instructions. Her attitude and customer service is exceptional when handling emergencies as well. She truly believes in the EMD system and makes it work to help those in need. Shannon also assists in scoring medical calls for other personnel and provides feedback to help them improve. Beyond EMD she assists with training and helps to fill the work schedule when possible. Even after many years in the job she is still excited by it and can be counted on to perform effectively and professionally. Her compliance and dedication truly make a difference.

HR Section: Received: 1/22/14 Emailed to HR Committee: Feb

C



John R. Riley, Jr.  
County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John R. Riley, Jr., County Administrator  
**DATE:** February 21, 2014  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through April, 2014. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

**VACANCIES/OTHER**

Human Resources Committee

**(See Attached Application of Ms. Julia Bowser.)** The Chairman is appointing Ms. Julia Bowser as a Citizen Representative to the Human Resources Committee.

MPO Citizens Advisory Committee (CAC)

Alan Toxopeus – Frederick County Representative  
1579 Cedar Creek Grade  
Winchester, VA 22601

**(See Attached Application of Mr. Thomas P. Reed.)** *(The County currently has one vacancy on the MPO Citizens Advisory Committee. Mr. Alan Toxopeus has passed away. According to MPO By-Laws, the Citizen's Advisory Committee shall be composed of individuals representing a diverse background in the Win-Fred County region and shall provide citizen input, review, comments and recommendations to the MPO. Appointments are made by each locality with the County and City having three representatives and one from Stephens City.)*

Community Policy and Management Team (CPMT)

Greta Cherry - Parent Representative  
112 Corral Drive



Stephens City, VA 22655  
Term Expires: 06/30/14  
Two year term

*(Ms. Greta Cherry has resigned. CSA Coordinator Jackie Jury and CPMT staff is attempting to get recommendation(s) for appointment and upon receipt, will forward same to the Board of Supervisors at a future meeting.)*

## **FEBRUARY 2014**

### Historic Resources Advisory Board

Claus Bader – Red Bud District Representative  
102 Whipp Drive  
Winchester, VA 22602  
Home: (540)722-6578  
Term Expires: 02/22/14  
Four year term

## **MARCH 2014**

No appointments due.

## **APRIL 2014**

### Parks and Recreation Commission

Martin J. Cybulski – Red Bud District Representative  
134 Likens Way  
Winchester, VA 22602  
Home: (540)667-6035  
Term Expires: 04/28/14  
Four year term

### Sanitation Authority

Robert P. Mowery – County Representative  
1160 Salem Church Road  
Stephens City, VA 22655  
Home: (540)869-5752  
Term Expires: 04/15/14  
Four year term

**Memorandum – Board of Supervisors**  
**February 21, 2014**  
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*(The Sanitation Authority is composed of five members as stated in their Articles of Incorporation.)*

JRR/tjp

**Attachments**

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

Chairman Richard Shickle, \_\_\_\_\_ District Supervisor, would like to nominate you to serve on the HR Committee.  
As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: JULIA E. BOWSER Home Phone: 540-303-7917

Address: 220 GREENFIELD AVE. Office Phone: \_\_\_\_\_

WINCHESTER, VA 22602 Fax: \_\_\_\_\_

Employer: Commercial Office Cleaners Email: julia@choosecommercial.com

Occupation: Owner / President

Civic/Community Activities: American Red Cross Top of Virginia Chapter. board member, WFC-Republican Women's Group - Campaign Chair

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

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

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

I am also the Secretary / Treasurer of the BNI Blue Ridge Chapter #1

Applicant's Signature: Julia E. Bowser Date: 02/10/2014

Nominating Supervisor's Comments: \_\_\_\_\_

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



Richard Shickles Chairman District Supervisor, would like to nominate you to serve on the MPO CITIZEN ADVISORY COMMITTEE. As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: THOMAS P. REED Home Phone: 540-722-8880  
Address: 113 CANYON ROAD Office Phone: 301-814-0060  
WINCHESTER, VA 22602 Fax: \_\_\_\_\_  
Employer: RETIRED Email: flyguyreed@comcast.net  
Occupation: \_\_\_\_\_

Civic/Community Activities: \_\_\_\_\_

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

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

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

Applicant's Signature: Thomas P. Reed Date: 2-18-14

Nominating Supervisor's Comments: \_\_\_\_\_

D



# Frederick County Public Schools

... to ensure all students an excellent education

Executive Director of Finance

fryel@frederick.k12.va.us

**DATE:** February 19, 2014  
**TO:** Jay Tibbs, Deputy County Administrator  
**FROM:** Lisa K. Frye, Executive Director of Finance  
**SUBJECT:** Spring 2014 VPSA Bond Sale

On February 11, 2014, the school board approved a resolution authorizing the application to participate in the Virginia Public School Authority (VPSA) Spring 2014 bond sale and requests Board of Supervisor approval of the county's participation in the sale.

It is requested that the required public hearing for the process be set for April 9, 2014, after which action by the supervisors can be taken. A sample copy of the Board's resolution is attached for information only at this point.

Proceeds from the spring bond sale will satisfy the projected cash needs until the next bond sale in the fall. The funds are for the replacement middle school project (\$3.1 million) and for A/E services for the fourth high school (\$1.6 million). The amount of the bond application is \$4,700,000.

Thank you.

Attachment: Sample Board of Supervisors Resolution

cc: David T. Sovine, Ed.D., Superintendent  
John R. Riley, County Administrator  
Cheryl Shiffler, Frederick County Finance Director  
Bond Counsel

**BOARD OF SUPERVISORS  
COUNTY OF FREDERICK, VIRGINIA**

**RESOLUTION**

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At a regular meeting of the Frederick County Board of Supervisors held on the 9<sup>th</sup> day of April, 2014, the following resolution was adopted by a majority of the members of the Board of Supervisors by the following roll call vote, as recorded in the minutes of the meeting:

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PRESENT:

VOTE:

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On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

**SAMPLE**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF NOT TO EXCEED \$4,700,000 GENERAL OBLIGATION  
SCHOOL BONDS OF THE COUNTY OF FREDERICK,  
VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC  
SCHOOL AUTHORITY AND PROVIDING FOR THE FORM  
AND DETAILS THEREOF**

WHEREAS, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County") has determined that it is necessary and expedient to borrow an amount not to exceed \$4,700,000 and to issue its general obligation school bonds to finance (i) architectural and engineering services and initial construction costs associated with the construction of a replacement middle school, and (ii) architectural and engineering services associated with a new high school; and (iii) other capital school improvement projects for public school purposes (the "Project"); and

WHEREAS, the Board held a public hearing on September 14, 2011, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds (as hereinafter defined) and has consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$4,700,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority ("VPSA") in connection with the sale of the Bonds; and

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

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the County will be less than the amount set forth in paragraph 1, below.

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

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$5,400,000 (the "Bonds") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.



2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price determined by VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter a Bond Sale Agreement with the VPSA providing for the sale of the Bonds to VPSA in substantially the form on file with the County Administrator, which form is hereby approved (the "Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2014A" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be no more than five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 26 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

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

for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

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

(c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2021, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2021, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2021, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2021, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2021, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2021 through July 14, 2022 .....	101%
July 15, 2022 through July 14, 2023 .....	100.5
July 15, 2023 and thereafter .....	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest

on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

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

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

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

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

14. Further Actions. The County Administrator, the Chairman of the Board, and all such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the

Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Frederick, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on April 9, 2014, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Frederick, Virginia, this 9<sup>th</sup> day of April, 2014.

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

(SEAL)

SAMPLE

E



**WINCHESTER**  
FREDERICK COUNTY  
VIRGINIA EDC

DATE: February 18, 2014

TO: John R. Riley, Jr.  
County Administrator

FROM: Patrick Barker, CEcD  
Executive Director

RE: Performance Agreement for PACTIV LLC

Attached for your review and comment are the Performance Agreement and Board of Supervisors resolution for the expansion of PACTIV LLC.

PACTIV LLC will be adding some additional equipment to capitalize on the growth of the extruded polystyrene products market. These additional lines will create a capital investment of \$5 million over three years and add 25 additional employees.

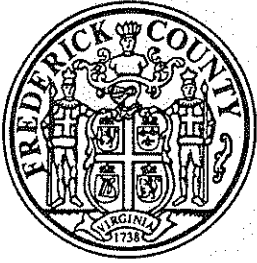
I would like to request these items be inserted into the Board of Supervisors' next available meeting. All parties legal counsels (County, EDA and PACTIV LLC) have reviewed and approved the performance agreement.

Thanks for your help. I am available if you have any questions or comments on the materials for this project.

Attachment:

- Performance Agreement
- BOS Resolution

**Your Move. Our Commitment.**



# BOARD OF SUPERVISORS

## Resolution PACTIV LLC

**WHEREAS**, PACTIV LLC has made known its intent to expand its operation by making new taxable personal property investments and retain and create jobs; and

**WHEREAS**, the company meets the policy guidelines of the Frederick County Economic Development Incentives Policy as established by the Winchester-Frederick County Economic Development Commission in 1995;

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$50,000.00 as stated in the executed Performance Agreement to the Economic Development Authority of Frederick County, Virginia from Frederick County's Fund Balance to assist in expanding the operation for PACTIV LLC in Frederick County, Virginia.

**BE IT RESOLVED**, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

Upon motion duly made by \_\_\_\_\_, seconded by \_\_\_\_\_, and on the votes hereafter recorded,

**ADOPTED**, this 26<sup>th</sup> day of February 2014.

Richard C. Shickle \_\_\_\_\_

Robert A. Hess \_\_\_\_\_

Charles S. Dehaven, Jr. \_\_\_\_\_

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

Gene E. Fisher \_\_\_\_\_

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

Christopher E. Collins \_\_\_\_\_

**A COPY TESTE:**

\_\_\_\_\_  
John R. Riley, Jr.  
Clerk, Board of Supervisors

**LOCAL ECONOMIC DEVELOPMENT INCENTIVE GRANT  
PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 26th day of February 2014 by and among the **COUNTY OF FREDERICK, VIRGINIA** (the “Locality”) a political subdivision of the Commonwealth of Virginia (the “Commonwealth”), **PACTIV, LLC** (the “Company”), a Delaware limited liability, and the **ECONOMIC DEVELOPMENT AUTHORITY OF FREDERICK COUNTY, VIRGINIA** (the “Authority”), a political subdivision of the Commonwealth.

RECITALS:

WHEREAS, the Locality wishes to make a Local Economic Development Incentive Grant in the amount of \$50,000 (the “LEDIG”) through the Authority to the Company for the purpose of inducing the Company to construct the Facility (as hereinafter defined), thereby making a significant Capital Investment (as hereinafter defined) and creating and retaining a significant number of new Jobs (as hereinafter defined);

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide LEDIG to or for the use of the Company, provided that the Company promises to meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality, the Authority and the Company desire to set forth their understanding and agreement as to the payout of the LEDIG, the use of the LEDIG proceeds, the obligations of the Company regarding Capital Investment and New Job creation, and the payment by the Company of all or part of the LEDIG under certain circumstances;

WHEREAS, the expansion, improvement and operation of the Facility will entail a capital expenditure of approximately \$5,000,000, of which approximately \$5,000,000 will be invested in machinery and equipment;

WHEREAS, the expansion, improvement and operation of the Facility will further entail the creation of 25 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the LEDIG; and

WHEREAS, the LEDIG will increase commerce and will benefit the citizens of the Locality:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows.



## **Section 1. Definitions.**

For the purposes of this Agreement, the following terms shall have the following definitions:

“Capital Investment” means a capital expenditure by the Company in taxable tangible personal at the Facility excluding the purchase of land or existing taxable tangible personal property. The Capital Investment must be in addition to the capital improvements at the Company’s existing location in Frederick County as of October 24, 2013. The total expected capital expenditure of \$5,000,000 is referred to in this Agreement as the “Capital Investment.”

“Maintain” means that the current 90 jobs at the Facility as of October 24, 2013 and the New Jobs created pursuant to the LEDIG will continue without interruption from the date of creation through the Performance Date.

“Facility” means that certain industrial facility operated by the Company situate in Frederick County, Virginia at 172 Pactiv Way.

“New Jobs” means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are paid by the Company for the employee, and for which the Company pays an average annual wage of at least \$35,000, including overtime. Each Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. Those jobs existing as of October 24, 2013 will not count as New Jobs.

“Performance Date” means January 1, 2015. If the Locality, in consultation with the Authority, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets as hereinafter defined, the Locality in its sole and absolute discretion may agree to extend the Performance Date by up to 15 months. The Locality shall have no obligation whatsoever to extend the Performance Date. If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority and the Company and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement.

“Targets” means the Company’s obligations to make the Capital Investment- at the Facility of at least \$5,000,000 and to create and maintain at least 25 New Jobs at the Facility, all as of the Performance Date.

**Section 2. Targets.**

The Company shall expand, improve and operate the Facility in the Locality, make or cause to be made a Capital Investment of at least \$5,000,000, and create and Maintain at least 25 New Jobs at the Facility, all as of the Performance Date.

The Locality and the Authority hereby strongly encourage the Company to ensure that at least 30% of the New Jobs are offered to “Residents” of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

The average annual wage of the New Jobs of at least \$35,000 is less than the prevailing average annual wage in the Locality of \$40,843.

**Section 3. Disbursement of LEDIG.**

As an inducement to the Company to achieve the Targets (as hereinafter defined) at the Facility and provided that the Company is not in default under the terms of this Performance Agreement, the LEDIG in the amount of \$50,000 will be paid by the Locality to the Company through the Authority. \$50,000 will be paid by the Locality to the Authority and disbursed by the Authority to the Company after January 1, 2015, but conditioned on confirmation by the Locality of local taxes paid by the Company and confirmation by the Locality of compliance by the Company with the terms of this Performance Agreement. The Company will use the LEDIG proceeds to upgrade public and private utilities at and around the Facility.

**Section 4. Break-Even Point; Local Incentives.**

The Locality has estimated that it will reach its “break-even point” by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Locality’s expenditures on incentives. With regard to the Facility, the Locality will provide incentives in the following amounts:

<u>Category of Incentive</u>	<u>Total Amount</u>
LEDIG	\$50,000

The proceeds of the LEDIG shall be used for the purposes described in the Recitals and in Section 3.

## **Section 5. LEDIG Allocation/Proration**

(a) (i) For purposes of payment, the LEDIG is to be allocated as 50% (\$25,000) for the Company's Capital Investment Target and 50% (\$25,000) for its New Jobs Target. If the Company has met at least ninety percent (90%) of both of the Targets as of the Performance Date, then the Company shall receive the entire LEDIG. Provided, however, that in the event that the Company should thereafter file any amended tax return indicating that the Company did not meet the Capital Investment Target and/or the New Jobs Targets, the Company shall be obligated to repay all or a portion of the LEDIG according to the formula set forth in Section 5 (a) (ii).

(ii) If the Company has not met at least ninety percent (90%) of both of the Targets by the Performance Date, the Company shall receive only from the Authority that part of the LEDIG that is proportional to the Target or Targets which it has met as of the Performance Date. For example, if on the Performance Date, the Capital Investment is only \$2,500,000 and only 12 New Jobs have been created, the Authority shall pay the Company fifty percent (50%) of the moneys allocated to the Capital Investment Target (\$25,000) and fifty percent (50%) of the moneys allocated to the New Jobs Target (\$25,000). Whether the New Jobs Target has been met will be determined by comparing the anticipated increase in payroll (to-wit: 25 New Jobs at an average annual salary of at least \$35,000) to the actual number of New Jobs in effect as October 24, 2013 and by comparing the actual average annual salary of New Jobs reported on at the Performance Date. The Company's repayment obligation hereunder shall survive the Performance Date to the extent that the Locality subsequently receives information to the effect that the Company did not meet the Targets. Such obligation shall survive the Performance Date.

(b) Determination of Inability to Comply: If the Locality in its discretion shall determine at any time (a "Determination Date") that the Company is unable or unwilling to meet and maintain its Targets by and through the Performance Date, and if the Locality or the Authority shall have promptly notified the Company of such determination, the Company will not receive any of the LEDIG.

## **Section 6. Company Reporting.**

Commencing on March 1, 2014; and on October 31<sup>st</sup> of each year thereafter, the Company shall provide an annual report confirming progress on achieving the Targets for Capital Investment and New Jobs (the "Progress Reports"). The Progress Reports shall confirm Capital Investment incurred by or on behalf of the Company and the number of New Jobs created and maintained by the Company at the Facility through the prior July 31<sup>st</sup>. The Progress Reports shall include an affirmative statement signed by an authorized Company

Officer or Director that the information provided in Progress Reports is true and correct and shall certify the status of its efforts to achieve the Targets for New Jobs and Capital Investment.

As part of the Progress Reports, the Company shall provide for review by the Locality the Company's quarterly Virginia unemployment tax return filing confirmation page, which sets forth the number of employees and total wages paid for the quarter, to confirm satisfaction with the Company's progress on achieving the Targets for New Jobs. The Company also will permit the Locality to review annual business personal property filings to confirm reasonable satisfaction with the Company's progress on achieving the Capital Investment Targets.

**Section 7. Notices.**

Any notice required or permitted to be given hereunder shall be in writing and may be given by personal delivery, facsimile, by depositing the same in the United States Mail, properly addressed, postage prepaid, and registered or certified, with return receipt requested, or overnight delivery service. A notice given by personal delivery or facsimile shall be effective upon delivery and a notice given by registered or certified mail shall be deemed effective on the second day after such deposit. Notice given by overnight delivery service shall be deemed effective on the date of actual delivery. Either party may by notice to the other specify a different address for notice purposes.

if to the Company, to:

Pactiv  
172 Pactiv Way  
Winchester, VA 22602  
Attention: Plant Manager

with a copy to:

Pactiv LLC  
1900 West Field Court  
Lake Forest, IL 60645  
Attention: Senior Officer, Operations Integration  
& General Counsel

if to the Locality, to:

County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: County Administrator

with a copy to:

County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: County Attorney

if to the Authority, to:

Economic Development Authority  
of the County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: Chair

with a copy to:

Economic Development Authority  
of the County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: General Counsel

## **Section 8. Miscellaneous.**

(a) **Entire Agreement; Amendments:** This Agreement constitutes the entire agreement between the parties hereto as to the LEDIG and any other matters set forth herein and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality and the Authority, which consent may be withheld by the Locality and/or the Authority.

(b) **Governing Law; Venue:** This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced in accordance with the laws and judicial decisions of the Commonwealth. Jurisdiction shall lie exclusively in the Circuit Court of the County of Frederick, Virginia and any litigation shall be brought only in such court.

(c) **Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) **Severability:** If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) **Time:** Time is of the essence as to all matters set forth in this Performance Agreement.

(f) **Sole Remedies:** The sole remedy of Company for a breach of this Agreement by either the Locality or the Authority will be to obtain payment of the LEDIG owed. The sole remedies of the Locality and the Authority for a breach of this Agreement on the part of the Company will be to terminate this Agreement and to obtain repayment of any LEDIG actually received by the Company. In addition to the foregoing, the prevailing party or parties in a legal action shall be entitled to interest on any delinquent amount owed at a rate of eight percent per annum until paid.

IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF FREDERICK, VIRGINIA**

Witness \_\_\_\_\_  
By  
Name: John R. Riley, Jr.  
Title: County Administrator  
Date: \_\_\_\_\_

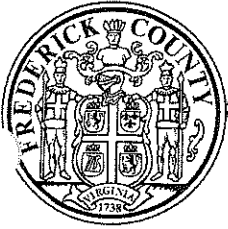
**ECONOMIC DEVELOPMENT AUTHORITY  
OF THE COUNTY OF FREDERICK,  
VIRGINIA**

Witness \_\_\_\_\_  
By  
Name: Richard G. Dick  
Title: Chair, Economic Development  
Authority of the County of Frederick, Virginia  
Date: \_\_\_\_\_

**PACTIV, LLC**

Witness \_\_\_\_\_  
By  
Name: John McGrath  
Title: CEO, Pactiv  
Date: \_\_\_\_\_

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# MEMO

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**To:** John R. Riley, Jr., County Administrator  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** February 18, 2014

The Parks and Recreation Commission met on February 11, 2014. Members present were: Greg Brondos, Jr., Christopher Collins, Gary Longerbeam, Ronald Madagan and Charles Sandy, Jr.. Members absent were: Kevin Anderson, Patrick Anderson, Randy Carter and Marty Cybulski

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Building and Grounds Committee – Frederick County American Little League Request - The Buildings and Grounds Committee recommended to deny Frederick County American Little League's request to hang 3' x 5' banners around the ballfield fences and the exterior of the concession building at Clearbrook Park, second by Mr. Longerbeam, motion carried unanimously (4-0).

cc: Charles R. Sandy, Jr., Chairman  
Christopher Collins, Board Liaison



G



County of Frederick

Paula A. Nofsinger  
Director of Human Resources

(540) 665-5668  
Fax: (540) 665-5669  
[pnofsinger@fcva.us](mailto:pnofsinger@fcva.us)

TO: Board of Supervisors  
FROM: Paula Nofsinger, Director of Human Resources  
DATE: February 10, 2014  
SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, February 7, 2014, at 8:00am. Committee members present were: Supervisor Robert Hess, Supervisor Robert Wells, Supervisor Chris Collins, Citizen Member Dorrie Greene, and Citizen Member Beth Lewin. Also present were: County Attorney Rod Williams, NRADC Superintendent Jim Whitley, and DSS Representative Delsie Butts.

**\*\*\* Items Requiring Action\*\*\***

**1. Approval of the Employee of the Month Award.**

The Committee recommends approval of Shannon Fultz as the Employee of the Month for February 2014.

**\*\*\*Items Not Requiring Action\*\*\***

**1. Presentation by the County Attorney, Rod Williams.**

At the request of the Committee, Mr. Williams presented an overview of the objectives and responsibilities of the County Attorney's Office. The presentation also provided the Committee an understanding of his department history, comparisons to other jurisdictions, and topics of importance within his department. Presentation Attached.


**There being no further business, the meeting was adjourned.**

The next HR Committee meeting is scheduled for Friday, March 7, 2014.

Respectfully Submitted,

**Human Resources Committee**

Robert Hess, Chairman  
Robert Wells  
Chris Collins  
Dorrie Greene  
Beth Lewin

By:   
Paula A. Nofsinger  
Director of Human Resources

# Frederick County Office of the County Attorney

Office Overview for  
Frederick County Human Resources Committee

February 7, 2014

# County Attorney – Role

Per the Virginia Code, a county, city, or town attorney is responsible for:

“[the] civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees”. Va. Code § 15.2-1542(A).

As well a county attorney may prosecute violations of the county code. Va. Code § 15.2-1542(B).

# County Attorney – Role

## County Attorney DOES

- Supervise the legal affairs of the County.
- Provide legal advice and opinions to the Board of Supervisors, the Planning Commission, all other County Boards and Commissions, County Departments and Agencies, and Constitutional Officers.
- Represent and defend the County in legal matters.
- Bring appropriate lawsuits on behalf of the County.
- Prosecute violations of County ordinances.
- Handle appellate litigation to which the County is a party.
- Prepare drafts of resolutions and ordinances.
- Analyze cases, statutes, regulations, and proposals which may affect the County's legal rights and obligations.

## County Attorney DOES NOT

- Provide legal advice or opinions to private citizens.
- Investigate civil matters for private citizens.
- File lawsuits for private citizens in personal or private legal matters.
- Prepare wills, deeds, or other legal documents for private citizens.

# County Attorney – History

- Historically, the function of a county/city/town attorney was performed by the Commonwealth's Attorney and, for localities that have not appointed an attorney, this remains the case. Va. Code § 15.2-1542(A).
- When the first county/city/town attorney was appointed in Virginia is not known, but:
  - The first reference to a Virginia county attorney in an opinion of the Virginia Supreme Court was in 1969. Kenyon Peck, Inc. v. Kennedy, 210 Va. 60 (Va. 1969). Earliest reference to a city attorney was in at least 1890. Offtendinger v. Ford, 86 Va. 917 (Va. 1890)
  - In 1975, a group of such attorneys formed the Local Government Attorneys of Virginia or "LGA". Today, LGA counts over 650 attorneys among its members. Almost all counties and cities in Virginia are represented.





# County Attorney – History

- Frederick County relied on its Commonwealth's Attorney also as its County Attorney through 2007, when the Board of Supervisors authorized the creation of a separate Office of the County Attorney.
- The County hired its first County Attorney, beginning in 2008.

# County Attorney & Local Government Law

## The Dillon Rule



- John Forrest Dillon (1831-1914)
  - Justice, Iowa Supreme Court
  - Judge, US Court of Appeals, 8<sup>th</sup> Circuit
  - Author, Municipal Corporations (1872)
- The rule:

**Local governments have only the powers that are expressly granted to them by the state legislature, those that are necessarily implied from that grant of power, and those that are essential and indispensable to the locality's existence and functioning.**
- Still the rule in most states and well-established in Virginia



# County Attorney & Local Government Law

## John Forrest Dillon

- Had a sister who married John B. Jordan
- Mr. & Mrs. Jordan had a daughter, Jennie
- Jennie married Louis and they had a son, Charles
- So, who was Charles?
- Well, what was Louis' last name?  
Stengel

## Charles Dillon Stengel





# County Attorney – Today's Office

Two staff members:

County Attorney – Rod Williams

Legal Secretary – Noemy Espinal

Office is located on the third floor of the south section of the County Administration Building, adjacent to the County Administrator's Office.

Office pages on County web site – include various law and government links.

# A Little About the County Attorney

## Rod Williams

- Graduate of Colgate University (undergraduate) and George Washington University (law school)
- 12 years in private practice – practice included commercial litigation, representation of creditors in bankruptcy cases, and local government work
- 8½ years in government practice
  - 2½ years – Assistant City Attorney, City of Alexandria
  - 6 years – County Attorney, Frederick County
- Member, Board of Directors, LGA

# A Little About the County Attorney

- **Major local government litigation accomplishments (appellate decisions or other “reported decisions”):**
  - Helmick v. Town of Warrenton, 492 S.E.2d 113 (Va. 1997) – prepared briefs for Town’s successful defense of appeal in land use case.
  - Donnangelo v. Myers (4<sup>th</sup> Cir. 1999) – argued successful defense of appeal in First Amendment case against Loudoun Co. Board chair.
  - Corrections Products Co. v. City of Alexandria, 74 Va. Cir. 557 (Alexandria Cir. Ct. 2006) – obtained dismissal of bid protest.
  - Application of Elantic Telecom, Inc., 2008 Va. S.C.C. 241 – participated in successful defense against taxpayer claim for substantial assessment reductions.
  - Shenandoah Mobile Co. v. Board of Supers. of Frederick County, 83 Va. Cir. 113 (Frederick Co. Cir. Ct. 2011) – obtained affirmance of conditional use permit denial.

# County Attorney – Functions

- **By percentages (Calendar Year 2013):**
  - County Admin/BOS – 25%
  - Planning – 15%
  - Treasurer – 15%
    - Work on collection matters typically results in recovery of up to 25% or more of the County Attorney Office budget
  - Commissioner of the Revenue – 5%
  - Public Works – 5%
  - All others & administrative time – 35%

# County Attorney – Functions

## Litigation

pending/closed, by the numbers

	<u>FY2012</u>	<u>FY2013</u>
General litigation matters	44/25	29/19
Collection litigation matters	79/69	98/83
County Code violation matters	17/16	22/18
<b>Total litigation matters</b>		
<b>pending/closed</b>	<b>140/110</b>	<b>149/120</b>

# County Attorney – Functions

- **Meetings regularly/frequently attended:**
  - Board of Supervisors – twice a month
  - Planning Commission – twice a month
  - Human Resources Committee – once a month
  - Public Safety Committee – when called
  - Board of Building Code Appeals – when called
  - Board of Zoning Appeals - when needed
  - Finance Committee – when needed
  - Public Works Committee – when needed

# County Attorney – Functions

- **Major cases for the County since 2008:**
  - Lake Holiday POA validation (County intervened in support) – Frederick County Circuit Ct./Supreme Court of Virginia (2008-09)
  - Shenandoah Mobile Co. (Shentel) CUP denial – defense of court appeal – Frederick County Circuit Ct. (2009-11)
  - Stephens City annexation agreement enforcement – Frederick County Circuit Ct. (2009-11)\*
  - PATH power line opposition – State Corporation Comm’n (2009-11)
  - Allegheny Power divestiture to SVEC & REC – representation of County position – State Corporation Comm’n (2009-10)
  - Verizon tax assessment challenge defense (VZ sought statewide reductions, including \$16M in Frederick County assessments) – State Corporation Comm’n (2010-11)
  - “Gap Pay” litigation defense – U.S. District Court, Western District of Virginia (2012-13)\*

\*Outside counsel had lead role for County





## County Attorney

### – Local Government Attorneys of Virginia, Inc. (LGA)

- Statewide bar association for county/city/town attorneys since 1975, with over 650 attorney members now
- Major functions/offerings include:
  - Semiannual conferences offering:
    - 9 hours each of continuing legal education training (Virginia State Bar requires 12 hours annually of all licensed Virginia attorneys)
    - Networking with colleagues from other localities
  - E-mail list serve – invaluable opportunity for quick exchange of information/advice
  - Handbook of Virginia Local Government Law – offering a chapter each on 28 different Virginia local gov't law subjects
  - Advancement of local government legal issues, including through amicus briefs and close work with VACO/VML (LGA has supported Frederick County in two amicus briefs)

# Comparison to Other County Attorney's Offices

COUNTY (the 13 largest in Virginia)	POP. (7/1/12 est.)	OFFICE ATTYS	POP. PER ATTY	OFFICE BUDGET (FY2014 )	OFFICE BUDGET PER CAP	NOTES - does office handle DSS/schools?
Fairfax	1,112,325	38	29,271	\$6,824,317	\$6.14	DSS/no Schools
Prince William	421,164	16	26,323	\$3,425,755	\$8.13	DSS/no Schools
Loudoun	333,253	12	27,771	\$2,610,976	\$7.83	DSS/no Schools
Chesterfield	322,388	8	40,299	\$1,576,300	\$4.89	DSS/no Schools
Henrico	314,881	11	28,626	\$2,154,270	\$6.84	DSS & Schools
Arlington	220,565	11	20,051	\$2,536,808	\$11.50	DSS; no longer does Schools
Stafford	132,719	4	33,180	\$1,083,930	\$8.17	No DSS/no Schools
Spotsylvania	124,526	5	24,905	\$834,348	\$6.70	No DSS/no Schools
Albemarle	101,575	5	20,315	\$1,016,955	\$10.01	DSS & Schools
Hanover	101,327	6	16,888	\$1,011,826	\$9.99	DSS & Schools
Montgomery	95,626	1	95,626	\$253,554	\$2.65	No DSS/no Schools; VT/2 big towns
Roanoke	93,256	4	23,314	\$550,776	\$5.91	DSS/no Schools
Frederick	80,118	1	80,118	\$216,275	\$2.70	No DSS/no Schools
<b>AVERAGES</b>			28,309		\$6.66	Avg's include Fred.

Data sources: UVA Weldon Cooper Center, LGA Membership Directory, Locality websites, Inquiries to specific offices.

## Comparison to Other County Attorney's Offices

- Frederick County is the 13<sup>th</sup> largest county in Virginia.
- Compared to 11 of the other 12 counties:
  - Frederick's County Attorney staffing per capita is only one-fifth to one-half that of the others.
  - Frederick's County Attorney budget per capita is only 24 to 55% that of the others.
  - Some of those county attorney offices do handle schools and DSS work, accounting for part of the budget – Frederick's does not.
- The other county – Montgomery – is an outlier: the presence of Virginia Tech and two large towns (combined population of 64,085 as part of county population) means county is not responsible for a significant part of land use planning, law enforcement, and general local government.

# County Attorney – The Future

**Frederick County's legal needs will continue to grow:**

- As the economy continues to improve, development activity will continue to increase, with likely more rezoning reviews and more potential litigation matters.
- New stormwater management mandates from the state place a significantly increased enforcement role on the County.
- Increasingly litigious society.

# County Attorney – The Future



- Overall population increase (data source: UVA Weldon Cooper Center):

- 2012 population = 80,118
- 2020 population = 97,192
- 21% increase in just 8 years!



County Attorney

Questions?

Н



**MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES*

**SUBJECT:** Public Works Committee Report for Meeting of February 18, 2014

**DATE:** February 21, 2014

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The Public Works Committee met on Tuesday, February 18, 2014, at 8:00 a.m. All members were present. The following items were discussed:

**\*\*\*Items Not Requiring Action\*\*\***

**1. Proposed Fiscal Year 2014/2015 Budget**

The director of public works presented a brief overview of the department's proposed budgets for Fiscal Year 2014/2015. A tabulated summary of the proposed budgets is attached. **(Attachment 1).**

**2. Site Plan for the New Round Hill Fire and Rescue Station and Associated Event Center**

The director of public works presented the completed site plan for the new Round Hill Fire and Rescue Station and associated Event Center. In addition, County Administrator, Mr. John R. Riley, Jr., presented a proposed financing scheme for the project. The proposed financing will be obtained from bonds processed through the VRA. The financing proposal will be presented to the finance committee for their comments prior to the next scheduled board of supervisors meeting on February 26, 2014. **(Attachment 2)**



**Public Works Committee Report**

**Page 2**

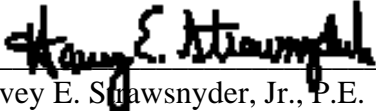
**February 21, 2014**

**3. Miscellaneous Reports**

- a) Tonnage Report  
**(Attachment 3)**
- b) Recycling Report  
**(Attachment 4)**
- c) Animal Shelter Dog Report  
**(Attachment 5)**
- d) Animal Shelter Cat Report  
**(Attachment 6)**

Respectfully submitted,  
Public Works Committee

Gene E. Fisher, Chairman  
David W. Ganse  
Gary Lofton  
Whit L. Wagner  
Robert W. Wells  
James Wilson

By   
Harvey E. Strawsnyder, Jr., P.E.  
Public Works Director

HES/rls

Attachments: as stated

cc: file


**COUNTY of FREDERICK**
**Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee  
**FROM:** Harvey E. Strawsnyder, Jr., P.E. Director of Public Works *HEE*  
**SUBJECT:** Fiscal Year 2014/2015 Budgets *also*  
**DATE:** January 2, 2014

The following is a summary of the proposed Public Works budgets for Fiscal Year 2014/2015 and the projected revenues for Fiscal Year 2014/2015 and the current amended Fiscal Year 2013/2014 budgets:.

<b>DISCIPLINE</b>	<b>FY 13/14 AMENDED BUDGETS*</b>	<b>FY 14/15 BUDGETS (Proposed)</b>	<b>FY 14/15 PROJECTED REVENUES</b>
<b>Inspections - 3401</b>	1,067,293	1,115,017	690,100
<b>Road Administration - 4102</b>	20,475	28,000	1,000
<b>Engineering - 4201</b>	340,033	344,787	137,000
<b>Refuse Collection - 4203</b>	1,587,331	1,260,570	253,768
<b>Refuse Disposal – 10-4204</b>	375,000	375,000	52,356
<b>Litter Control – 4205</b>	12,172	24,464	12,177
<b>Animal Shelter – 4305</b>	532,885	559,636	51,875
<b>Building Appeals Board - 8106</b>	550	550	0
<b>Subtotal</b>	<b>3,935,739</b>	<b>3,708,024</b>	<b>1,198,276</b>
<b>Landfill (12 fund) – 4204</b>	7,819,485	7,107,805	5,411,187
<b>Shawneeland - 8108</b>	894,543	1,085,041	664,470
<b>Subtotal</b>	<b>8,714,028</b>	<b>8,192,846</b>	<b>6,075,657</b>
<b>Total</b>	<b>12,649,767</b>	<b>11,900,870</b>	<b>7,273,933</b>



## COUNTY of FREDERICK

**John R. Riley, Jr.**  
County Administrator

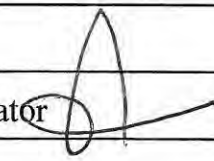
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

<b>TO:</b>	Public Works Committee
<b>FROM:</b>	John R. Riley, Jr., County Administrator 
<b>SUBJECT:</b>	New Round Hill Fire Station
<b>DATE:</b>	February 14, 2014

Attached please find supplemental information relative to the committee's upcoming discussions concerning the new Round Hill fire station. You will find attached a letter from the Round Hill Fire & Rescue Company, Inc. outlining some of the company's questions and concerns relative to this process. Please be advised the county attorney and I are developing a memorandum of agreement to further address some of the concerns raised.

Generally speaking, I believe the fire company should retain its name on the fire station. As for the maintenance responsibility, day to day facility cleaning and maintenance will be the responsibility of both career and volunteer staff. Facility maintenance shall be overseen by Frederick County. The Round Hill Fire and Rescue Company will be responsible for maintaining the proposed Community Center. This would include facility maintenance, supplies, and utilities.

You will also find attached, the following additional information:

- Estimated Annual Debt Service Schedule;
- Project Description, to include Design and Development Narrative;
- Project Budget;
- Estimated Construction Draw Schedule; and
- Draft Addendum to Fire and Rescue Joint Agreement (please note the highlighted sections 3 and 4).

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

JRR/jet

*Round Hill Community Fire & Rescue*

*Company, Inc.*

*P. O. Box 1368*

*Winchester, Virginia 22604*

*540-667-6855*

February 8, 2014

John Riley, County Administrator  
Frederick County  
107 N. Kent Street  
Winchester, Virginia 22601

Dear John,

During a meeting of the New Fire Station committee on February 5, 2014, several items were discussed, many of which we feel were necessary for us to proceed with the project.

Several months ago, we had a meeting with you to discuss certain items that included but not limited to “who is responsible” i.e. daily maintenance of station and property, repairs as needed etc. This has yet to be clearly addressed.

Also as mundane as it may seem, along the same lines of having Round Hill’s name on the station, there is also a need for the committee as well as the membership to have assurances that even though this is a joint project and that we as a company will move to occupy the facility once built that we feel that we are doing business as usual. The history of the Round Hill Community Fire & Rescue has been moving forward for 60 years and many if not most, of the membership feel that history on the brink of coming to an end by conducting business the way we have on this project. As much as we appreciate and respect your word when we have discussed this, it is strongly felt that we need to have these assurances recorded as public record. Future County Administrators, a different Board of Supervisor’s may not agree with verbal agreements and could easily terminate the existence of the Round Hill Community Fire & Rescue organization with the stroke of a pen.

Another concern throughout this entire process is there have been decisions made without a clear understanding why. We know that everyone came to the table with a dollar amount in mind and we built around it, but we are basing all of this on what the architects are quoting. An example of this involves the fourth bay. We justified it numerous times, however we have been informed that it will no longer be a bid option. How and why was this decided?

The committee would like to meet with you to discuss these issues sooner rather than later. We understand that the county budget process is in full swing and time is limited, however, we are hoping that we can schedule a meeting within a couple of weeks.

Thanks in advance for your consideration on this as we move forward with such an important and groundbreaking adventure.

Respectfully;

**Summary of Estimated Annual Debt Service Costs**

**Frederick County**

**Fire Station & Community Center Project - Spring 2014 VRA Tax-Exempt Issue**

**Rates as of 1/9/2014**

	<u>20 Years</u>		
	<u>Total</u>	<u>Fire Station</u>	<u>Community Center</u>
Amortization			
Project proceeds	\$5,300,000	\$3,252,551	\$2,047,449
VRA Cost of Issuance (Includes Capital Reserve, Subordinate Series Only)	\$74,638	\$45,678	\$28,960
Local Cost of Issuance	\$50,000	\$30,650	\$19,350
Underwriter's Discount	\$20,400	\$12,520	\$7,880
VRA Up front fee	\$6,375	\$3,913	\$2,463
Premium paid by Investors	-\$351,413	-\$215,312	-\$136,101
<b>Par Amount Borrowed</b>	<b>\$5,100,000</b>	<b>\$3,130,000</b>	<b>\$1,970,000</b>

Fiscal Year	County Fire Station    Community Center		
	Debt Service (Includes Ongoing VRA Fee)	Portion of Debt Service (Includes Ongoing VRA Fee)	Portion of Debt Service (Includes Ongoing VRA Fee)
6/30/2015	\$390,135	\$236,625	\$153,509
6/30/2016	\$387,528	\$240,338	\$147,191
6/30/2017	\$388,544	\$242,797	\$145,747
6/30/2018	\$388,778	\$239,803	\$148,975
6/30/2019	\$388,269	\$236,434	\$151,834
6/30/2020	\$386,628	\$237,388	\$149,241
6/30/2021	\$388,053	\$237,134	\$150,919
6/30/2022	\$387,991	\$236,025	\$151,966
6/30/2023	\$386,716	\$239,106	\$147,609
6/30/2024	\$389,800	\$236,803	\$152,997
6/30/2025	\$382,747	\$234,469	\$148,278
6/30/2026	\$385,581	\$237,000	\$148,581
6/30/2027	\$387,272	\$233,922	\$153,350
6/30/2028	\$388,794	\$240,706	\$148,088
6/30/2029	\$385,763	\$237,647	\$148,116
6/30/2030	\$381,756	\$238,916	\$142,841
6/30/2031	\$386,969	\$234,781	\$152,187
6/30/2032	\$386,872	\$235,613	\$151,259
6/30/2033	\$386,038	\$235,953	\$150,084
6/30/2034	\$383,959	\$235,494	\$148,466
<b>Total Debt Service</b>	<b>\$7,738,191</b>	<b>\$4,746,954</b>	<b>\$2,991,237</b>

<b>VRA Estimated Pricing Summary</b>							
<u>Senior Series</u>				<u>Subordinate Series</u>			
Maturity	Coupon	Yield	Principal	Coupon	Yield	Principal	Total Principal
11/1/2014	2.00%	0.20%	\$140,000	2.00%	0.24%	\$60,000	\$200,000
11/1/2015	2.00%	0.39%	\$125,000	3.00%	0.44%	\$50,000	\$175,000
11/1/2016	1.50%	0.62%	\$125,000	3.00%	0.72%	\$55,000	\$180,000
11/1/2017	3.00%	0.98%	\$130,000	3.00%	1.11%	\$55,000	\$185,000
11/1/2018	2.00%	1.39%	\$130,000	4.00%	1.55%	\$60,000	\$190,000
11/1/2019	4.00%	1.85%	\$135,000	4.00%	2.03%	\$60,000	\$195,000
11/1/2020	4.00%	2.26%	\$140,000	5.00%	2.43%	\$65,000	\$205,000
11/1/2021	5.00%	2.60%	\$150,000	5.00%	2.75%	\$65,000	\$215,000
11/1/2022	5.00%	2.83%	\$155,000	5.00%	2.98%	\$70,000	\$225,000
11/1/2023	5.00%	3.02%	\$165,000	5.00%	3.17%	\$75,000	\$240,000
11/1/2024	5.00%	3.18%	\$170,000	4.00%	3.38%	\$75,000	\$245,000
11/1/2025	5.00%	3.32%	\$180,000	4.00%	3.55%	\$80,000	\$260,000
11/1/2026	5.00%	3.48%	\$190,000	5.00%	3.63%	\$85,000	\$275,000
11/1/2027	4.00%	3.75%	\$200,000	5.00%	3.77%	\$90,000	\$290,000
11/1/2028	4.50%	3.83%	\$210,000	3.75%	4.01%	\$90,000	\$300,000
11/1/2029	4.50%	3.92%	\$215,000	5.00%	3.97%	\$95,000	\$310,000
11/1/2030	4.50%	4.01%	\$230,000	4.00%	4.18%	\$100,000	\$330,000
11/1/2031	4.50%	4.10%	\$240,000	4.00%	4.27%	\$105,000	\$345,000
11/1/2032	4.50%	4.16%	\$250,000	4.13%	4.33%	\$110,000	\$360,000
11/1/2033	4.50%	4.22%	\$260,000	5.00%	4.27%	\$115,000	\$375,000
<b>Total Principal</b>			<b>\$3,540,000</b>			<b>\$1,560,000</b>	<b>\$5,100,000</b>

## **SECTION II. Project Description and Budget**

1. The Project will consist of two distinct buildings to be built on approximately 4 acres located between National Lutheran Boulevard and Retail Boulevard within the Silver Lake development in Frederick County, Virginia. The County currently owns this land and will own the entire building complex consisting of a Fire and Rescue Station measuring 16,887 square feet, and a Community Center measuring 9,091 square feet. The County will own the project and will be financially responsible to the Virginia Resource Authority for all debt service and related VRA costs, as well as the cost of the Fire and Rescue Station operations. The Community Center portion of the Project will be operated and used by the Round Hill Community Fire and Rescue Company (the "Volunteer Company") which is a 501 c 3 Organization.

The Fire and Rescue Station will be used by the Volunteer Company, subject to the terms of the Fire and Rescue Joint Agreement (the "Joint Agreement") between Frederick County and the Volunteer Company, in a manner typically associated with such use by a volunteer fire and rescue organization. The Community Center, managed by the Volunteer Company, will be a public facility, open to the general public and made available for general public events and use.

**(See attached Design Development Narrative.)**

2. N/A.

# Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

SEPTEMBER 23, 2013

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## SITE NARRATIVE

### Site Information

The project site is located on the north side of Northwestern Pike, route 50, between National Lutheran Boulevard and Retail Boulevard in Frederick County, Virginia. The site is proffered to the county by the developer of the larger parcel (parcel number TM 52-A-C) to the north. The project parcel is between three and four acres as described in the proffer agreement. Access to route 50 will be via a short segment of Trader Drive to be constructed up to the fire station and event center site. The site will be zoned B2.

Underground propane tanks serving both buildings will be located adjacent to the masonry generator enclosure indicated on the architectural site plan.

### Setbacks and Zoning Requirements

The site setback in accordance with county code 165-601 are as follows:

- Front yard - 35'-0"
- Side yard - None
- Rear yard - None
  
- Floor Area Ratio (FAR) - 1
  
- Minimum Landscaped Area - 15%
  
- Maximum Building Height - 35'-0"
  
- Zoning Buffer - None - All adjoining properties are zoned B2

## ARCHITECTURAL NARRATIVE

The Frederick County Round Hill Fire and Rescue Station and Event Center are generally described as one story buildings with a pre-engineered steel structure, metal wall girts and roof purlins, and a combination of split-face concrete masonry units, pre-cast concrete shapes, and metal panels on the exterior walls. The buildings are designed in accordance with the 2009 Edition of the International Building Code (IBC) as amended by the Virginia Uniform Statewide Building Code (VUSBC). The primary use group of the Fire Station is Residential (R-2), and the construction type is IIB, non-combustible construction. Secondary use groups are Business (B) and Storage (S-2). The Event Center's primary use group is Assembly (A-2). Both buildings will be sprinklered with an NFPA-13 sprinkler system and will be provided with a fire alarm system. The building will not pursue LEED certification but will incorporate sustainable strategies as determined by the Owner.

The Round Hill Community Fire and Rescue station will house volunteer and career fire and rescue staff. Spaces in the fire station include a dayroom, kitchen, sleeping rooms, lockers, showers, a training room, a exercise room, apparatus bays, and apparatus support spaces. The event-center will have a large meeting space, toilets, bingo offices and support space, and a kitchen.

The exterior walls of both buildings will be non-load bearing and will be anchored to the pre-engineered metal building frame. Face masonry will be installed in a cavity wall configuration consisting of split-face concrete masonry units on the exterior face, an air space, 2" of spray foam insulation, and a concrete masonry unit or gypsum board and metal stud back-up. The walls will be flashed and drained with a two piece counter flashing. Portions of the wall which will be metal panel will consist of a pre-finished metal

## Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

SEPTEMBER 23, 2013

sandwich panel with an exterior panel, two inches of insulation, and concrete masonry unit or gypsum board and metal stud back-up.

Exterior windows for the fire station and the event center will consist of a thermally broken aluminum storefront framing system with 1" insulated, low-e, tempered glazing. Windows over 12'-0" tall and 6'-0" wide will be constructed from thermally broken aluminum curtainwall with .1" insulated, low-e, tempered glazing. Exterior window sills will be sloped architectural precast concrete. Interior window stools and aprons will be solid surface. Interior windows will consist of 1/4" tempered glazing in hollow metal frames.

The roof system for the fire station and the event center will consist of metal sandwich panels with standing seam metal roof panels on the exterior, an insulation core, and metal panels on the interior. The panels will be fastened to the pre-engineered metal building purlins. The roof system will have a high Solar Reflectance Index (SRI) to reduce the amount of cooling required in the building in the warmer months.

Interior partitions of the fire station and the event center will consist of 5/8" gypsum wall board on 3 5/8" galvanized steel studs, extending 4" above the highest adjacent ceiling where possible. At the fire station only, interior concrete masonry unit walls will be provided at the apparatus support spaces consisting of 6" or 8" concrete masonry units with steel stud furring and gypsum wall board where required. All interior masonry walls 8" and thicker will be on foundations. All interior masonry walls 6" and thinner will be on thickened slabs.

Exterior doors to storage spaces, mechanical spaces, vehicle bays, and the bay support spaces will be painted steel doors in steel frames. All other exterior access doors will be aluminum doors with 1" insulated glazing, set in a thermally broken aluminum storefront frames. Interior doors will be solid core wood doors with 1/4" tempered vision lites where indicated, set in painted steel frames. Most exterior and interior doors will be 3'-0" wide by 7'-0" high with the exception of some storage room doors and exterior access doors which will be 8'-0" high.

Apparatus bays will have high bay lights, radiant propane gas heaters, Plymovent exhaust systems, and a general bay exhaust system. The overhead sectional bay doors will have vision panels between 3'-6" and 8'-0". The remainder of the bay doors will be prefinished metal panels.

Appliances including refrigerators, counter-mounted microwaves, and coffee pots will be provided by the Owner outside of the construction contract. Appliances including stoves, cabinet mounted microwaves, and dishwashers will be provided in the construction contract. Equipment including copiers, shredders, and postage machines will be provided by the owner outside of the construction contract. Furniture including workstations, chairs, open metal shelving, and file cabinets will be provided by a separate furniture contract.



**Frederick County Round Hill Fire Station and Event Center - Design Development Narrative**  
SEPTEMBER 23, 2013

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**SECURITY NARRATIVE**

Door Controls

A biometric finger print door access control system will be utilized to control access to the fire station and event center buildings and to various areas within the buildings. Fingerprint readers serving secure areas will be equipped with keypads, thereby requiring two forms of authentication to gain access to the space. Exiting from areas secured by card readers will typically be by automatic request-to-exit devices integral to the door hardware.

The card reader systems will be capable of providing a record of which cards opened which doors and will permit programming of cards to provide varying levels of access. The card reader system for the fire station will be independent from that of the event center.

Electronics

The security control system for the fire station and event center will consist of a fingerprint door access control system. Since the security control system is computer software based and is networked, it can be programmed and reprogrammed to meet the needs of the operational staff.

Security Control

Primary control and monitoring will occur at the RADIO REPORT ROOM FS-118 in the fire station and in the BINGO OFFICE EC-119 in the event center. Both security control stations will have the ability to control any of the access controlled doors in their respective buildings, activate and de-activate access privileges, monitor the status of any alarmed doors, and monitor other building system inputs including the fire alarm, sprinklers, and the building automation system.

CCTV/Intrusion Detection System

A security camera system and intrusion detection system are not planned for the fire station. The building is to be staffed twenty-four hours a day, seven days a week. The Event Center will include a basic zoned intrusion detection system with motion detectors and keypad activation devices located at specific entry doors.

**STRUCTURAL SYSTEM NARRATIVE**

The proposed Round Hill Fire Station and Event Center located in Frederick County, Virginia shall both be one-story buildings founded on shallow foundations consisting of continuous strip footings for walls, and isolated spread footings for columns. Foundations will be at minimum depth and shall be sized for an allowable soil bearing pressure of 3,000 PSF, based on the final geotechnical report. The Fire Station and Event Center shall both have 5" reinforced concrete slabs on grade. The Fire Station shall have an 8" reinforced concrete slab on grade in the apparatus bays.

The Fire Station and Event Center will both be pre-engineered metal buildings with rigid frames, utilizing a combination of exterior non-load-bearing masonry, precast concrete and cold-formed steel walls. Interior masonry bearing walls and steel framing will be utilized in the Fire Station mezzanine. The roof systems will be pre-engineered metal panels on steel roof purlins, in the majority of both buildings. Lateral forces in both buildings shall be resisted by steel rigid frames and portal frames, and steel roof deck diaphragms in both directions.

Design Loads

Design live loads shall be in accordance with the Virginia Uniform Statewide Building Code, 2009 Edition (IBC 2009), building Occupancy Category IV.

**Frederick County Round Hill Fire Station and Event Center - Design Development Narrative**

SEPTEMBER 23, 2013

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Dead Load: Actual calculated weight of permanent construction

Minimum Floor Live Loads:

Offices - 50 PSF  
Lobbies and Corridors - 100 PSF  
Event Center - 100 PSF  
Storage Rooms - 125 PSF  
Mechanical and Electrical Rooms - 150 PSF  
Mezzanine - 200 PSF

Roof Load: 20 PSF or Snow Load, whichever is greater

Snow Load: Ground Snow Load,  $P_g = 35$  PSF  
Snow Importance Factor,  $I_s = 1.2$   
Exposure Factor,  $C_e = 1.0$   
Thermal Factor,  $C_t = 1.0$

Wind Load: Basic Wind Speed (3 second gust),  $V = 90$  MPH  
Wind Importance Factor,  $I_w = 1.15$   
Exposure = Exposure Category C  
Internal Pressure Coefficient,  $G_{Cpi} = +0.18, -0.18$

Seismic Load: Site Class = C (per final geotechnical report)  
Seismic Importance Factor,  $I_e = 1.5$   
Seismic Design Category = A  
Spectral Response Coefficients:  
 $S_{ds} = 0.135$   
 $S_{d1} = 0.061$   
Basic Seismic Force-Resisting System:  
Building Frame System – Steel Eccentrically Braced Frames  
Not Specifically Detailed for Seismic Resistance  
Analysis Procedure: Equivalent Lateral Force Procedure

Applicable Codes and Standards

Virginia Uniform Statewide Building Code (VUSBC 2009; March 1, 2011)

Minimum Design Loads for Buildings and Other Structures, ASCE 7-05

American Concrete Institute (ACI) - Building Code Requirements for Structural Concrete and Commentary, 318-08/318R-08

American Concrete Institute (ACI) - Building Code Requirements for Masonry Structures with Commentary and Specifications for Masonry Structures with Commentary, 530-08/530.1-08

American Institute of Steel Construction (AISC) - Steel Construction Manual (13th Edition)

American Institute of Steel Construction (AISC) - Specification for Structural Steel Buildings, AISC 360-05

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MECHANICAL SYSTEM NARRATIVE

FIRE STATION

The fire station building will be served by four air-cooled, split-system heat pumps with high efficiency, propane fired burners as the auxiliary heat source. The propane burners will be capable of being converted to natural gas in the future. Trane will be the basis of design, with Carrier, Lennox, and Johnson Controls specified as approved equals. Separate indoor units will be provided for each thermal zone to provide independent temperature control. The indoor units will be located above the ceiling of corridors or spaces the noise will not be an issue. The outdoor condensing units will be located outside on grade adjacent to the building.

An energy recovery unit with an enthalpy wheel will precondition ventilation air prior to delivery to the split-system heat pumps. Exhaust air from the locker, toilet, and shower rooms that would typically be exhausted can be used to preheat/precool the required ventilation air, thus reducing energy consumption. The energy recovery unit will be located in the mechanical room of the mezzanine.

Computer data rooms with high density cooling loads will be served by split-system computer room air conditioning (CRAC) units.

A residential type recirculating hood will serve the kitchen ranges. Exhaust fans will serve the janitor's closet and apparatus bay storage rooms. Unit heaters will provide heat to the apparatus bay support spaces.

Apparatus Bays

Propane fired infrared radiant heaters will be provided to serve the apparatus bays. The heaters will be located to avoid conflict with the emergency vehicles, overhead doors, and other utilities in the bays.

A manually operated exhaust fan will provide ventilation to the apparatus bays. Makeup air will be introduced into the space through the open apparatus bay doors.

A Plymovent vehicle exhaust system will be provided to serve the apparatus bays. The fan serving the system will be located in the mechanical room located on the mezzanine adjacent to the apparatus bay area. In addition there will be a back-up exhaust system with override to not allow use when the Plymovent is working.

A high volume low speed large diameter ceiling mounted propeller fan will be mounted in the apparatus bays to promote air circulation and minimize the effects of stratification.

EVENT CENTER

The event center building will be served by three air-cooled, split-system heat pumps with high efficiency, propane fired burners as the auxiliary heat source and a single zone constant volume packaged air conditioning unit with high efficiency, propane fired burners. The propane burners will be capable of being converted to natural gas in the future. The split system units will serve the bingo office area and the kitchen while the single zone unit will serve the remainder of the building. The indoor units for the split systems will be located above the ceilings over the spaces they are serving with the condensing units located outside on grade adjacent to the building. The single zone unit will be located outside on grade adjacent to the building.

# Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

SEPTEMBER 23, 2013

An energy recovery unit with an enthalpy wheel will precondition ventilation air prior to delivery to the split-system heat pumps. Exhaust air from the toilet and shower rooms that would typically be exhausted can be used to preheat/precool the required ventilation air, thus reducing energy consumption. The energy recovery unit will be located above the ceiling.

Computer data rooms with high density cooling loads will be served by split-system computer room air conditioning (CRAC) units.

The kitchen will have a commercial kitchen hood with all fire safety and controls to automatically start the hood operating when appliance are use, as required by code. Make-up air unit with propane gas fired burner and DX cooling coil will provided the hood room neutral temperature air to make-up for the exhaust. An appropriately rated roof mounted exhaust fan will serve the kitchen exhaust hoods while inline exhaust fans will serve the janitor's closet and restrooms.

## PLUMBING SYSTEM NARRATIVE

### General

The plumbing portion of the work will consist of providing fixtures, domestic water, sanitary, storm water, and propane gas systems for the facility.

### FIRE STATION

#### Plumbing Fixtures and Equipment

Plumbing fixtures will be high efficiency commercial grade units and specified to reduce water consumption. Fixtures accessible to the physically handicapped will be provided where required by building code. Toilets will be floor mounted units with manual flush valves and lavatories will be wall hung units with manual faucets. Showers will be individual, surface mounted wall units. Janitor sink will be floor mounted, 24" x 24" x 12" high.

Two commercial type stacked clothes washer/dryers are indicated in LAUNDRY FS-138. One ice machine is indicated in STORAGE FS-142. Clothes washer/dryers and the ice machine are not included in the construction contract and will be provided by the Owner. Basis-of-design equipment is listed in Appendix B. One emergency eyewash, one shower, one two-compartment scullery sink with a four foot drying board, and infrastructure for a future Owner provided washer/extractor are indicated in the DISINFECTION ROOM FS-140.

The kitchen range will be provided with propane gas connections.

Area drains will serve the apparatus bay area and connect to an oil/water separator prior to connecting to the site system. Rough-ins for connections to wall mounted hose reels will be provided in the apparatus bay area.

#### Domestic Water Piping System

A reduced pressure zone (RPZ) backflow preventer will be installed in the incoming water service line to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Domestic cold water, hot water, and hot water recirculation piping will be copper.

Propane fired water heaters will be used to heat water for the domestic hot water supply. The water heater(s) will be located on the mechanical room on the mezzanine. Laundry room hot water will be provided at 140°F. Domestic hot water supply at showers, sinks and lavatories will be mixed through a

**Frederick County Round Hill Fire Station and Event Center - Design Development Narrative**  
SEPTEMBER 23, 2013

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thermostatic mixing valve and set at 110°F. Hot water temperatures will be maintained throughout system by a domestic hot water circulation pump.

Sanitary Piping System

The system will be designed to discharge by gravity to the site sanitary sewer system. Piping system will be schedule 40 DWV PVC.

EVENT CENTER

Plumbing Fixtures and Equipment

Plumbing fixtures will be high efficiency commercial grade units and specified to reduce water consumption. Fixtures accessible to the physically handicapped will be provided where required by building code. Toilets will be floor mounted units with sensor operated flush valves and lavatories will be wall hung units with sensor operated faucets. Janitor sink will be floor mounted, 24" x 24" x 30" high.

The commercial kitchen equipment will be served by the propane gas system.

Domestic Water Piping System

A reduced pressure zone (RPZ) backflow preventer will be installed in the incoming water service line to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Domestic cold water, hot water, and hot water recirculation piping will be copper.

Propane fired water heaters will be used to heat water for the domestic hot water supply. Domestic hot water supply at showers, sinks and lavatories will be mixed through a thermostatic mixing valve and set at 110°F. Hot water temperatures will be maintained throughout the system by a domestic hot water circulation pump.

Sanitary Piping System

The system will be designed to discharge by gravity to the site sanitary sewer system. Piping system will be schedule 40 DWV PVC.

The sanitary system serving the commercial kitchen will connect to a grease interceptor prior to connecting to the site system.

**FIRE PROTECTION SYSTEM NARRATIVE**

Each building will have a fire service entrance equipped with a double detector check valve to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Once flow test data is available, a determination can be made as to whether a fire pump is required to serve the buildings.

Each building will be served by a hydraulically calculated wet type sprinkler system designed in accordance with NFPA-13. Any areas subject to freezing requiring protection will be served by a dry pipe type system per NFPA-13.

**ELECTRICAL SYSTEM NARRATIVE**

General

The electrical portion of the work will consist of providing building power, lighting, and fire alarm systems.

Electrical Service

Each building will be served by a Main Distribution Panelboard (MDP) which will be service entrance rated with ground fault protection. The utilization voltage throughout the facility will be 480/277 volts, 3 phase, 4 wire, which will be distributed via conduit risers and will supply energy to all of the building lighting systems, HVAC and plumbing equipment, and equipment and motors larger than 1/2 HP. A 208Y/120 volt system, supplied through individual transformers, will be provided to serve equipment, general and special receptacles, office workstations, motors smaller than 1/2 HP, and other miscellaneous equipment such as vending machines, printers and copiers.

All electrical equipment and distribution feeders shall be sized for the loads to be served plus 20% spare capacity and for future load growth. The distribution system will be designed to limit THD to 5% at the main switchboard, and to maintain power factor required by utility company.

All panel boards will be circuit breaker type with bolt-on, thermal magnetic circuit breakers.

All electrical equipment will be grounded in accordance with the National Electrical Code, including all non-current carrying metallic parts and non-metallic conduits. A new grounding system will be provided as a source of grounding for the electrical distribution system and electrical and mechanical equipment housed within the building. Separate ground conductors shall be provided in all conduits, sized in accordance with NEC such that to achieve a ground resistance of not more than 5 ohms in any point in the system.

Each building's surge protective devices will be provided on the MDS and panel-boards serving critical loads such as network servers.

Each building will be equipped with a generator which will provide back-up power to 100% of the building's electrical load including lighting and HVAC equipment. The generator currently serving the existing generator will be evaluated for reuse once the total building load is determined for each building.

Electrical Site Work

The electrical site work will consist of trenching and backfilling required for underground wiring. The underground wiring will run from the connection point designated by the utility company to the new location of the electrical service entrance for each building.

Exterior lighting will consist of wall- and pole-mounted fixtures rated for wet locations and "Dark Skies" compliant to improve visibility and minimize light pollution. Pole-mounted fixtures will be LED. The site lights will be controlled by an independent light control system and switched via lighting contactors.

Interior Lighting

A complete system of artificial interior lighting will be provided for all spaces. Lighting will be designed in accordance with the recommended practices of the Illumination Engineering Society (IES). In general, all interior lighting will be fluorescent with the possible exception of certain areas where incandescent or LED lighting may be used for special lighting applications. Fluorescent energy saving lamps and electronic ballasts will be used.

All spaces will be provided with manual and automatic lighting controls in accordance with the International Energy Conservation Code (IECC). Automatic controls will be local dual-technology occupancy sensors.

**Frederick County Round Hill Fire Station and Event Center - Design Development Narrative**  
SEPTEMBER 23, 2013

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Types and grades of fixtures will be as follows:

- a) Offices, training room, and corridors – Recessed semi-indirect T5 fluorescent fixtures. Lighting levels will average at least 50 foot-candles (fc) in multipurpose room and offices and 10 fc in corridors.
- b) Living Areas – Direct and indirect lighting with a combination of fluorescent, compact fluorescent, and LED sources, including accent lighting providing an overall 20 fc average. Bunk rooms will incorporate emergency lights with red lens fileters.
- c) Utility & Storage areas – Strip style fluorescent fixtures with acrylic wrap lens, surface or pendant mounted. Lighting level will average 30 fc for utility and 20 fc for storage areas.
- d) Apparatus Bays – High bay T5 fluorescent fixtures. Lighting levels will average 50 fc.

Emergency egress lighting will be designed to provide 1.0 foot-candle (fc) average, 0.1 fc minimum lighting with a max/min uniformity ratio no more than 40:1 for all paths of egress within the building and to points ten feet outside the building. Egress lighting fixtures will each have two fluorescent lamps so that failure of one lamp will not leave a space in the dark. Exit lights and emergency egress lighting fixtures will be backup powered by an emergency generator.

Devices, Conduits, and Conductors

All devices such as light switches and receptacles will have a minimum rating of 20 amps, 120-volt. Device covers will be constructed of stainless steel. All 20A circuits will have Arc Fault Circuit Interrupter (AFCI) protection in the areas prescribed by the NEC.

Conduits will be used for all systems 25-volts and higher. Minimum trade size conduit allowed will be 3/4". All conduits will be concealed where possible. The classification of conduit usage will be as follows:

- a) Underground/under-floor slab – PVC Schedule 40.
- b) Parking/roadway, heavy traffic – PVC Schedule 80.
- c) Inside concealed – Electrical metallic tubing with steel fittings.
- d) Inside exposed to damage – Rigid Steel.

Conduit will be run exposed in mechanical equipment and utility spaces. Elsewhere, it will be concealed above ceilings, in shafts and in furred spaces. Concealed flexible connections to light fixtures and equipment will utilize flexible conduit, maximum six feet in length.

Branch circuit wiring for power and light will generally be type THHN/THWN. All conductors No. 10 AWG and smaller will be solid copper. All conductors No. 8 AWG and larger will be stranded copper. All power conductors will be insulated for 600 volts.

Rough-ins for connections to electrical power reels will be provided in the apparatus bay area.

## Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

SEPTEMBER 23, 2013

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### Fire Alarm System

A fire alarm system for each building will be provided in accordance with NFPA 72.

The fire alarm systems will be of the intelligent, electrically operated, supervised, and closed circuit type. The fire alarm systems will allow for individually annunciated devices. All cabling for the fire alarm systems will be in conduit.

Manual pull stations, smoke detectors, thermal detectors, and alarm notification horns and strobes will be located at all required locations in accordance with the VUSBC. All system installation and wiring will be as recommended by the system manufacturer.

An LCD text remote annunciator will indicate the exact location description of an alarm and allow full system control. LCD annunciators will also be provided at select locations designated by the Owner.

### Lightning Protection System

The buildings will be provided with a Lightning Protection System designed and installed in accordance with NFPA 780, to receive a UL Certificate of Inspection for Lightning Protection Systems. Each lightning protection ground rod will have a test well. Roof mounted antennas will be grounded.



**Frederick County, Virginia**

**Round Hill Community Fire and Rescue Station and Community Center Budget**

	<b>Fire Station</b>	<b>Community Center</b>	<b>Total Project</b>
<b>Fire Station</b>	\$3,125,575		\$3,125,575
<b>Community Center</b>		\$1,500,000	\$1,500,000
<b>Site Work</b>	\$500,000	\$250,000	\$750,000
<b>Architectural and Design Work</b>	\$301,565	\$150,782	\$452,347
<b>Construction Services</b>	\$93,333	\$46,667	\$140,000
<b>Contingency</b>	\$232,078	\$100,000	\$332,078
<b>Cost of Issuance</b>	\$34,000	\$16,000	\$50,000
	<u>\$4,286,551</u>	<u>\$2,063,449</u>	<u>\$6,350,000</u>

**Estimated Construction Draw Schedule**

	<b>Fire Station</b>	<b>Community Center</b>	<b>Total Project</b>
May 1, 2014	\$429,582	\$270,418	\$700,000
June 1, 2014	\$276,160	\$173,840	\$450,000
July 1, 2014	\$398,898	\$251,102	\$650,000
August 1, 2014	\$398,898	\$251,102	\$650,000
September 1, 2014	\$521,636	\$328,364	\$850,000
October 1, 2014	\$521,636	\$328,364	\$850,000
November 1, 2014	\$337,529	\$212,471	\$550,000
December 1, 2014	\$214,791	\$135,209	\$350,000
January 1, 2014	\$153,422	\$96,578	\$250,000
	<u>\$3,252,552</u>	<u>\$2,047,448</u>	<u>\$5,300,000</u>
Proffers due to County by March 14, 2014	\$1,000,000		\$1,000,000
	<u>\$4,252,552</u>	<u>\$2,047,448</u>	<u>\$6,300,000</u>

**ADDENDUM TO FIRE AND RESCUE JOINT AGREEMENT**  
**(Round Hill Community Fire and Rescue Company)**

THIS ADDENDUM TO FIRE AND RESCUE JOINT AGREEMENT (this "Addendum"), is dated as of \_\_\_\_\_, 2014, by and between the COUNTY OF FREDERICK, VIRGINIA (the "County") and the ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY (the "Company").

**RECITALS**

A. The County, the Company and the other volunteer fire and rescue companies named therein entered into a Fire and Rescue Joint Agreement, dated as of September 26, 2007 (the "Agreement").

B. The County proposes to enter into a financing (the "Financing") for the construction and equipping of a fire station (the "Fire Station") and multi-purpose building (the "Community Center") to be used by the County and the Company to provide fire and rescue services and community facilities

C. The Company intends to be bound by the terms of the Agreement for as long as the Financing is outstanding.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained and other valuable consideration, the parties hereto agree as follows:

Section 1. Term of Agreement. The County and the Company agree that the Agreement shall remain in full force and effect with respect to the County and the Company as long as the Financing remains outstanding, subject to the provisions governing dissolution of the Company contained in Section 14.B of the Agreement. The County and the Company each agree that they will not exercise their respective right to terminate the Agreement as long as the Financing is outstanding unless they obtain an opinion of nationally recognized bond counsel acceptable to the County and to the Virginia Resources Authority ("VRA") or such other financing entity as may be deemed to be the lender under the Financing (the "Lender") to the effect that such termination will not adversely affect the treatment for tax purposes of interest on the Financing or any bonds issued by the VRA in connection with the Financing (an "Approving Opinion").

Section 2. Amendment of Agreement. The County and the Company each agree that they will not amend the Agreement as long as the Financing is outstanding without obtaining an Approving Opinion.

Section 3. Use of Facilities. The County and the Company agree that as long as the Financing is outstanding (i) the Fire Station will be used to provide fire and rescue services for the County in accordance with the Agreement and (ii) the Community Center will be used by the Company in furtherance of its fire and rescue functions or made available by the Company for

use by the general public on such terms and conditions as the Company may establish, which use may include rental of the Community Center to members of the general public for various events.

Section 4. Conveyance of Community Center to Company. The County agrees to convey the Community Center to the Company upon payment by the Company of an amount sufficient to pay principal of and interest and any prepayment premium on the portion of the Financing allocated to payment of the costs of acquisition and construction of the Community Center; provided that no such conveyance shall occur until such portion of the Financing has been paid in full or defeased and the written consent of the Lender has been obtained.

Section 5. Ratification and Confirmation. All provisions of the Agreement, as amended by this Addendum, are hereby ratified and confirmed by the parties and shall remain in full force and effect.

Section 6. Counterparts. This Addendum may be executed in any number of counterparts, each of which shall be an original, all of which together shall constitute but one and the same instrument.

Section 7. Governing Law. This Addendum shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Addendum to Fire and Rescue Joint Agreement to be duly executed as of the \_\_\_\_ day of \_\_\_\_\_, 2014, by their duly authorized representatives.

COUNTY OF FREDERICK, VIRGINIA

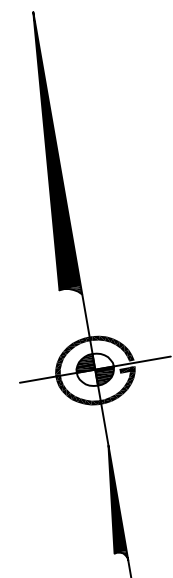
By: \_\_\_\_\_  
Its: County Administrator

ROUND HILL COMMUNITY FIRE AND  
RESCUE COMPANY

By: \_\_\_\_\_  
Its: Chief

ROUND HILL COMMUNITY FIRE AND  
RESCUE COMPANY

By: \_\_\_\_\_  
Its: President

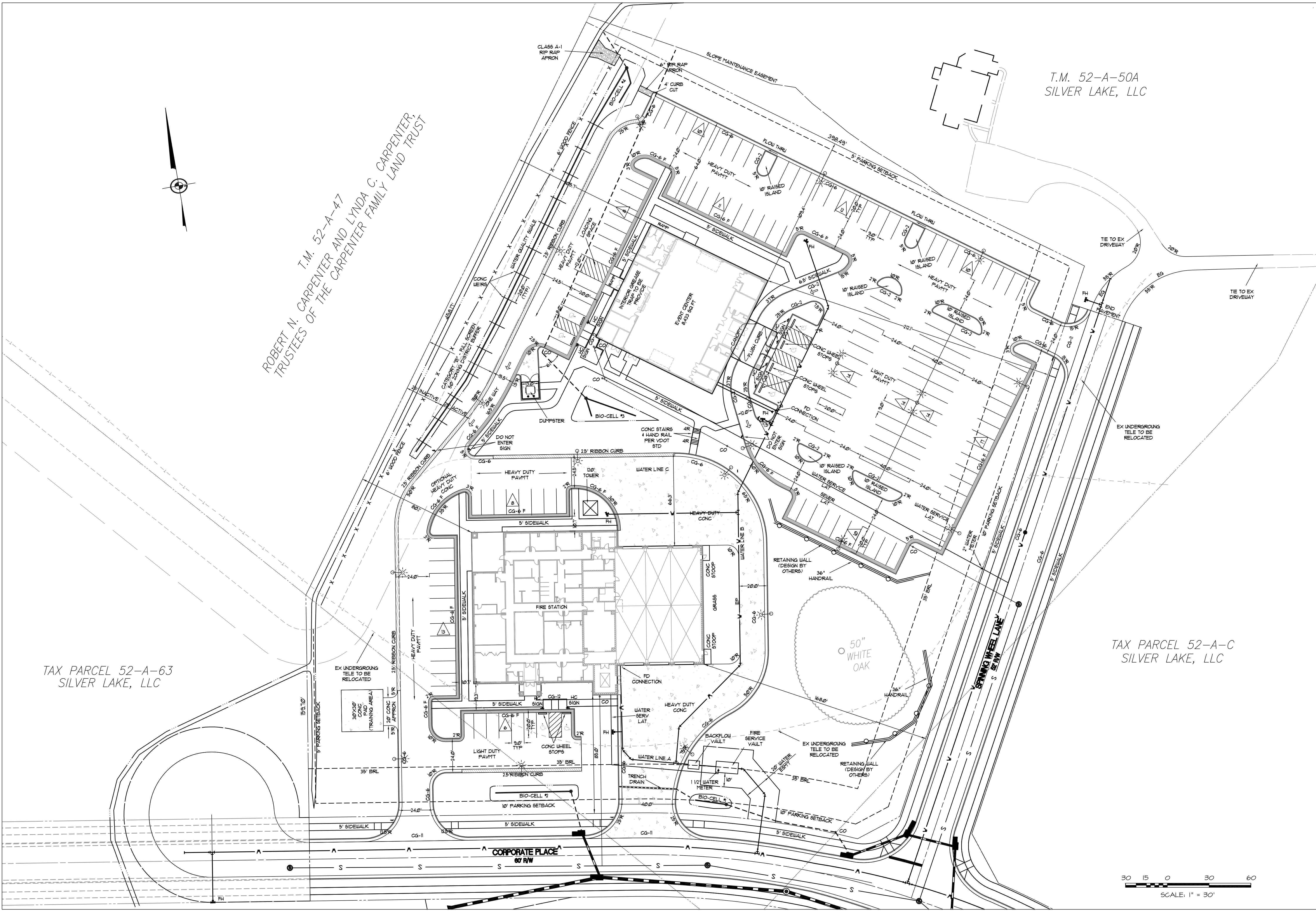


T.M. 52-A-47  
 ROBERT N. CARPENTER AND LYNDY C. CARPENTER  
 TRUSTEES OF THE CARPENTER FAMILY LAND TRUST

T.M. 52-A-50A  
 SILVER LAKE, LLC

TAX PARCEL 52-A-63  
 SILVER LAKE, LLC

TAX PARCEL 52-A-C  
 SILVER LAKE, LLC



**GREENWAY ENGINEERING, INC.**  
 151 Windy Hill Lane  
 Winchester, Virginia 22602  
 Telephone: (540) 662-4185  
 Fax: (540) 722-9528  
 www.greenwayeng.com



Rev. No.	Date
1	2/17/14



SITE PLAN  
**ROUND HILL FIRE STATION**  
 GAINESBORO MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA

DATE: 1/23/2014

SCALE: 1" = 30'

DESIGNED BY: KDP

FILE NO. 4928F

SHEET 11 OF 23

14-01


**COUNTY of FREDERICK**
**Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee  
**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES*  
**SUBJECT:** Monthly Tonnage Report - Fiscal Year 13/14  
**DATE:** February 5, 2014

The following is the tonnage for the months of July 2013, through June 2014, and the average monthly tonnage for fiscal years 03/04 through 12/13.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	16,348 TONS (UP 1,164 TONS)
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	17,029 TONS (UP 681 TONS)
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	17,785 TONS (UP 756 TONS)
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	16,705 TONS (DOWN 1,080 TONS)
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	13,904 TONS (DOWN 2,801 TONS)
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	13,316 TONS (DOWN 588 TONS)
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	12,219 TONS (DOWN 1,097 TONS)
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	12,184 TONS (DOWN 35 TONS)
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	12,013 TONS (DOWN 171 TONS)
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	12,065 TONS (UP 52 TONS)
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	12,336 TONS (UP 271 TONS)

<b>MONTH</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
<b>JULY</b>	12,596	13,514
<b>AUGUST</b>	13,934	13,343
<b>SEPTEMBER</b>	11,621	12,345
<b>OCTOBER</b>	12,863	13,266
<b>NOVEMBER</b>	12,598	10,857
<b>DECEMBER</b>	10,728	11,614
<b>JANUARY</b>	11,054	11,411
<b>FEBRUARY</b>	9,776	
<b>MARCH</b>	10,636	
<b>APRIL</b>	13,074	
<b>MAY</b>	13,396	
<b>JUNE</b>	12,508	

HES/gmp

RECYCLING REPORT - FY 13/14

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL CANS</u>	<u>STEEL CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES</u>	<u>TEXTILE</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	86,440	37,440	3,980	7,760	104,840	79,810	1,260	3,300	43,380	185,385	553,595
AUG	75,380	38,140	3,154	6,706	104,392	81,880	130	1,090	43,500	147,580	501,952
SEP	65,700	33,640	2,805	5,955	93,049	70,630	1,140	3,800	68,880	148,940	494,539
OCT	87,180	36,760	3,595	10,585	163,586	68,660	1,580	1,520	46,580	143,540	563,586
NOV	72,280	31,200	2,915	8,465	99,826	60,820	600	1,080	43,040	106,280	426,506
DEC	83,840	37,640	3,480	10,871	109,448	88,621	1,620	1,520	21,680	76,520	435,240
JAN											0
FEB											0
MAR											0
APR											0
MAY											0
JUN											0
<b>TOTAL</b>	470,820	214,820	19,929	50,342	675,141	450,421	6,330	12,310	267,060	808,245	2,975,418
<b>FY 12-13</b>	913,530	410,338	45,086	102,875	1,508,029	878,450	15,020	24,680	502,680	1,321,938	5,722,626
<b>FY 11-12</b>	865,380	398,320	43,884	99,846	1,492,826	840,717	8,200	29,720	484,600	1,432,678	5,696,171
<b>FY 10-11</b>	949,185	378,452	42,120	98,474	1,404,806	824,873	18,420	23,280	467,920	1,220,107	5,427,637
<b>FY 09-10</b>	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160		435,680	1,348,398	5,346,098
<b>FY 08-09</b>	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780		404,760	1,097,151	4,968,407
<b>FY 07-08</b>	794,932	284,220	15,783	40,544	1,971,883	545,692	0		498,110	1,172,880	5,324,044
<b>FY 06-07</b>	600,464	200,720	11,834	29,285	1,684,711	441,321	0		382,574	550,070	3,900,979
<b>FY 05-06</b>	558,367	190,611	12,478	28,526	1,523,162				381,469	204,220	2,898,833
<b>FY 04-05</b>	549,527	193,224	11,415	27,525	1,552,111				273,707	25,080	2,632,589
<b>FY 03-04</b>	541,896	174,256	11,437	31,112	1,443,461				156,870	336,230	2,695,262
<b>FY 02-03</b>	413,627	146,770	9,840	23,148	1,381,195				62,840	171,680	2,209,100
<b>FY 01-02</b>	450,280	181,040	10,565	25,553	1,401,206				54,061	58,140	2,180,845
<b>FY 00-01</b>	436,615	198,519	10,367	24,988	1,759,731					9,620	2,439,840
<b>FY 99-00</b>	422,447	177,260	10,177	22,847	1,686,587					44,180	2,363,498
<b>FY 98-99</b>	402,192	184,405	9,564	22,905	1,411,950					48,810	2,079,826
<b>FY 97-98</b>	485,294	136,110	13,307	29,775	1,830,000						2,494,486
<b>FY 96-97</b>	373,106	211,105	23,584	46,625	1,690,000						2,344,420
<b>FY 95-96</b>	511,978	167,486	28,441	44,995	1,553,060						2,305,960
<b>TO DATE</b>	10,241,771	3,915,812	#####	748,060	26,730,615	3,889,229	76,560	53,000	3,602,591	7,719,244	57,307,995

add ONP



FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2013-2014

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	70	55	56	1	3	62	33	25	0	0	65
AUG	65	38	42	1	0	37	39	15	0	0	55
SEP	55	36	51	4	0	47	39	2	0	0	58
OCT	58	59	42	1	0	49	35	17	0	0	59
NOV	59	39	34	2	0	39	27	6	0	0	62
DEC	62	24	30	1	0	40	22	10	0	0	45
JAN	45	30	27	2	0	38	22	2	0	0	42
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	414	281	282	12	3	312	217	77	0	0	386

In the month of January - 104 dogs in and out of kennel.  
 3 dog to rescue, 1 dog to Warren County, 4 dogs to Clarke County.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2013-2014

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	147	197	74	1	8	16	4	210	50	0	147
AUG	147	226	27	6	17	26	1	216	29	0	151
SEP	151	173	38	0	7	18	2	166	31	0	152
OCT	152	222	25	0	0	14	1	219	35	0	130
NOV	130	112	8	1	9	32	3	122	16	0	87
DEC	87	113	11	2	0	29	2	70	17	0	95
JAN	95	65	6	7	0	13	2	73	12	0	73
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	909	1108	189	17	41	148	15	1076	190	0	835

In the month of January - 173 cats in and out of shelter.

I



Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610  
Fax: 540/667-0370  
E-mail: cshiffle@fcva.us

**TO:** Board of Supervisors  
**FROM:** Finance Committee  
**DATE:** February 19, 2014  
**SUBJECT:** Finance Committee Report and Recommendations

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The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, February 19, 2014 at 8:00 a.m. All members were present.  Items 2, 4 and 6 were approved under consent agenda. Immediately following, a Budget Work Session was held in the Board of Supervisors meeting room.

#### **FINANCE COMMITTEE**

1. The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$85,352. This amount represents Fire Program funds received and will be disbursed to the eleven volunteer fire and rescue stations. No local funds required. See attached memo, p. 4 – 6. The committee recommends approval.
2.  The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$10,000. This amount represents Fire School Programs revenue collected in excess of budgeted. No local funds required. See attached memo, p. 7 – 8.

3. The NRADC Superintendent requests a NRADC Fund supplemental appropriation in the amount of \$221,000 to cover overtime costs. See attached memo, p. 9. The committee recommends approval.
4.  The NRADC Superintendent requests a NRADC Fund supplemental appropriation in the amount of \$11,680. This amount represents an insurance reimbursement for weather damages to cooling and heating units. No local funds required. See attached memo, p. 10.
5. The Deputy Planning Director requests a Development Projects Fund supplemental appropriation in the amount of \$45,300. This amount represents proffer funds needed for Valley Mill Road. See attached information, p. 11 – 46. The committee recommends approval.
6.  The Sheriff requests a General Fund supplemental appropriation in the amount of \$5,535. This amount represents reimbursement for an automobile insurance claim. No local funds required. See attached memo, p. 47.
7. The County Administrator requests discussion on the New Round Hill Fire Station. The committee recommends to proceed with the site plan with further consideration on the subdivision of the property in to two parcels. See attached information, p. 48 – 66.

**INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p. 67.
2. The Finance Director provides FY 2014 financial statements for the period ending January 31, 2014. See attached, p. 68 – 78.

3. The Finance Director provides the FY 2014 Fund Balance Report for the period ending January 31, 2014. See attached, p. 79.
4. The Assistant County Administrator provides a report on the Lake Holiday Sanitary District assessment rates for 2014. See attached, p. 80 – 83.

Respectfully submitted,

FINANCE COMMITTEE

Charles DeHaven

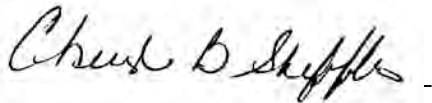
Judy McCann-Slaughter

Ron Hottle

Angela Rudolph

Richard Shickle

Gary Lofton



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Cheryl B. Shiffler, Finance Director



Dennis D. Linaburg  
Fire Chief

**MEMORANDUM**

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

**FROM:** Dennis D. Linaburg, Chief *DDL/MSH*  
Fire & Rescue

**SUBJECT:** Supplemental Appropriation

**DATE:** January 22, 2014

The FY14 Virginia Department of Fire Programs funds have been deposited into line item 3-010-024020-013 Emergency Services Fire Program. At this time, we are requesting a supplemental appropriation in the amount of \$85,352, thus allowing us to move forward with disbursing the funds to the eleven Fire and Rescue Stations.

**Total Request: \$85,352**

I request these funds be placed into line item **4-010-032020-5604-049 Fire Program**. If you have any questions or need additional information regarding this request, please do not hesitate to contact me so I may further discuss this will you.

/Attachment

DDL:mhn  
Cc:File

**Note: \$223,725 received 3-10-2404-013**  
**\$138,373 budgeted 3202-5604-049**

2013/12

ACCOUNT #	DESCRIPTION	DATE	REFERENCE/PO#	CURRENT AMT	YEAR-TO-DATE	\$ BUDGET \$
	EMERGENCY SERVICES FIRE PROGRAM		FUND#-010			
	EMERGENCY SERVICES FIRE PROGRAM		MAJOR-024040			
024040-0013	EMERGENCY SERVICES FIRE PROGRAM	12/09/2013	B.FWD.		33,557.00-	150,000.00-
	-TREASURER CAS 2013/12 12/26/2013 CS-001-		201312-	190,168.00-		
	-TOTAL-			190,168.00-	223,725.00-	73,725.00
DEPT TOTAL.....	BALANCE FORWARD				33,557.00-	
	CURRENT MONTH				190,168.00-	
	ENCUMBRANCE				.00	
	YEAR TO DATE				223,725.00-	
	BUDGET BALANCE				73,725.00	
FUND TOTAL.....	A S S E T S	.00	.00	.00		
FUND TOTAL.....	L I A B I L I T Y	.00	.00	.00		
FUND TOTAL.....	R E V E N U E	33,557.00-	190,168.00-	223,725.00-		
FUND TOTAL.....	E X P E N S E	.00	.00	.00		
FUND TOTAL.....		33,557.00-	190,168.00-	223,725.00-		
FUND TOTAL.....	ENCUMBRANCE			.00		
COMPANY TOTAL.....	A S S E T S	.00	.00	.00		
COMPANY TOTAL.....	L I A B I L I T Y	.00	.00	.00		
COMPANY TOTAL.....	R E V E N U E	33,557.00-	190,168.00-	223,725.00-		
COMPANY TOTAL.....	E X P E N S E	.00	.00	.00		
COMPANY TOTAL.....		33,557.00-	190,168.00-	223,725.00-		
COMPANY TOTAL.....	ENCUMBRANCE			.00		





Dennis D. Linaburg  
Fire Chief

**MEMORANDUM**

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

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

**SUBJECT:** Fire Program Payments

**DATE:** January 22, 2014

The FY14 Fire Programs Aid to Localities funds has been received. At this time, we would like to disburse funds to the eleven Fire and Rescue Companies. Please issue payment as follows:

<u>Fire Programs</u>	<u>3202-5604-049</u>	Stephens City F&R	\$20,338.63
		Middletown F&R	20,338.63
		Clear Brook F&R	20,338.63
		Gore F&R	20,338.63
		Round Hill F&R	20,338.63
		Gainesboro F&R	20,338.63
		Star Tannery F&R	20,338.63
		Greenwood F&R	20,338.63
		North Mountain F&R	20,338.63
		Reynolds Store F&R **	20,338.63
		Millwood Station F&R	20,338.63
		<b>TOTAL</b>	<b>\$223,724.93</b>

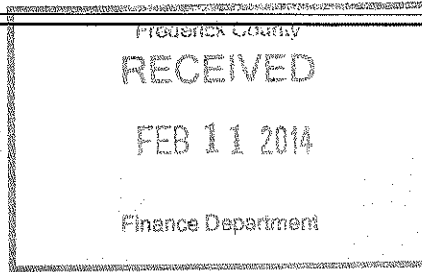
Each company (except Reynolds Store\*\*) has submitted paperwork for ACH payments and this is now the accepted method of payment to the Volunteer Stations. Should you have any questions, feel free to contact me.

DDL:msn  
CC: file



Dennis D. Linaburg  
Fire Chief

COUNTY OF FREDERICK, VIRGINIA

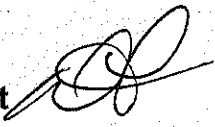


FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive  
Winchester, VA 22602

**MEMORANDUM**

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

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

**SUBJECT:** Request for Supplemental Appropriation

**DATE:** February 6, 2014

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I feel it necessary at this time to request a supplemental appropriation to maintain our Gasoline line item for the remainder of Fiscal Year 14. I am very aware of the limited funds available within the Fire & Rescue Department budget; therefore, I am requesting the revenue funds in the amount of \$10,000 within our Fire School Programs line item 3-010-019110-0040 be appropriated to line item 4-010-035050-4003-002 Gasoline.

**Total Request: \$10,000**

If you have any questions or need additional information regarding this request, please do not hesitate to contact me so I may further discuss these critical issues.

//attachment: Revenue Sheet

DDL:msn  
Cc: File

2014/01

ACCOUNT #	DESCRIPTION	DATE	REFERENCE/PO#	CURRENT AMT	YEAR-TO-DATE	\$ BUDGET \$
	FIRE SCHOOL PROGRAMS		FUND#-010			
	FIRE SCHOOL PROGRAMS		MAJOR-019110			
019110-0040	FIRE SCHOOL PROGRAMS	1/09/2014	B.FWD.		16,911.00-	6,800.00-
	-TREASURER CAS 2014/01	1/26/2014	CS-001-	201401-	60.00-	
	-TOTAL-			60.00-	16,971.00-	10,171.00 ✓
DEPT TOTAL.....	BALANCE FORWARD				16,911.00-	
	CURRENT MONTH				60.00-	
	ENCUMBRANCE				.00	
	YEAR TO DATE				16,971.00-	
	BUDGET BALANCE				10,171.00	
FUND TOTAL.....	A S S E T S	.00		.00	.00	
FUND TOTAL.....	L I A B I L I T Y	.00		.00	.00	
FUND TOTAL.....	R E V E N U E	16,911.00-		60.00-	16,971.00-	
FUND TOTAL.....	E X P E N S E	.00		.00	.00	
FUND TOTAL.....		16,911.00-		60.00-	16,971.00-	
FUND TOTAL.....	ENCUMBRANCE				.00	
COMPANY TOTAL.....	A S S E T S	.00		.00	.00	
COMPANY TOTAL.....	L I A B I L I T Y	.00		.00	.00	
COMPANY TOTAL.....	R E V E N U E	16,911.00-		60.00-	16,971.00-	
COMPANY TOTAL.....	E X P E N S E	.00		.00	.00	
COMPANY TOTAL.....		16,911.00-		60.00-	16,971.00-	
COMPANY TOTAL.....	ENCUMBRANCE				.00	

# Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent



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

## MEMORANDUM

To: Cheryl Shiffler, Finance Director  
From: James F. Whitley, Superintendent *JFW*  
Date: January 22, 2014  
Subject: Bond Proceed appropriation

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Northwestern Regional Adult Detention Center requests appropriation in the amount of **\$221,000** from the Bond Proceeds line item, **3-011-041040-001**, to the Overtime line item, **4-011-033010-1005-000**, to cover the cost of unexpected Overtime pay due to a number Inmate hospitalizations and shortness in staff.

The Jail Authority approved the supplemental appropriation during their regular meeting held on January 16, 2014.

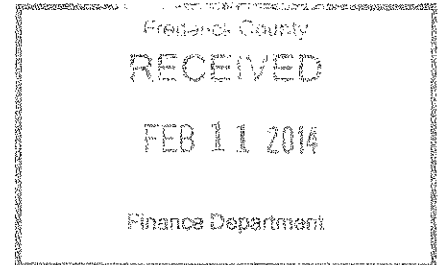
Your consideration of this request is most appreciated.

# Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent



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



## MEMORANDUM

TO: Cheryl Shiffler, Frederick County Finance Director  
FROM: James F. Whitley, Superintendent *JFW*  
DATE: February 10, 2014  
SUBJECT: Insurance Reimbursement

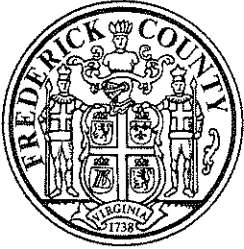
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Request that a total of \$11,680.00 be appropriated to the following Jail line item:


Line item 4-011-033010-3004-01

This amount represents VACORP insurance reimbursements for damages sustained to the Jail during the severe cold weather in January, causing cooling and heating coils to freeze and bust.

Thank you for your consideration of this request.



**MEMORANDUM**

**TO:** Finance Committee  
**FROM:** John A. Bishop AICP, Deputy Director - Transportation  
**RE:** Valley Mill Road Revenue Sharing Project   
**DATE:** February 10, 2014

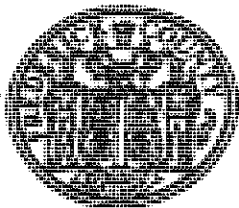
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This memorandum is to request the establishment of a budget line for Valley Mill Road. The County, in partnership with the property owners has a revenue sharing award of \$1 Million in state funds to be matched by owners of the Overlook (Rezoning #04-13) and proffers for Valley Mill Road that were part of the Channing Drive Rezoning (Rezoning #15-99). Specifically the funds raised from proffer C-3 (proffers attached). Staff would further request that the proffer funds that have thus far been raised from proffer C-3 be transferred into the new Valley Mill Road budget line. Staff is of the understanding that these funds totaled \$45,300.00 as of 12/2/2013.

Attached, please find the proffers from Rezoning 04-13, Rezoning 15-99, and the Board of Supervisors' resolution of support for future revenue sharing on this project and use of the proffer funds from Rezoning 15-99.

JAB/pd

Attachments



AMENDMENT

0015

Action:

PLANNING COMMISSION: September 18, 2013 - Recommended Approval

BOARD OF SUPERVISORS: October 9, 2013  APPROVED  DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #04-13 THE OVERLOOK

**WHEREAS, Rezoning #04-13, The Overlook**, submitted by Greenway Engineering, Inc., to rezone 55.46 acres as follows: 14.183± acres from RP (Residential Performance) District to RA (Rural Areas) District; 7.098± acres from RP (Residential Performance) District to B2 (General Business) District; 10.040± acres from RA (Rural Areas) District to RP (Residential Performance) District and 24.145± acres to remain RP (Residential Performance) district with proffers dated November 11, 2012, last revised on May 27, 2013, was considered. The property is located on the south side of Berryville Pike (U.S. Route 7) near and adjoining the Valley Mill Road intersection. The property is further identified by Property Identification Numbers 55-A-161, 55-A-165A, 55-A-166, 55-A-167, 55-A-167A, 55-A-168, 55-A-174A, 55-A-174B, 55-A-174D and 55-A-165 a portion, in the Red Bud Magisterial District.

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on September 18, 2013; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on October 9, 2013; and

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

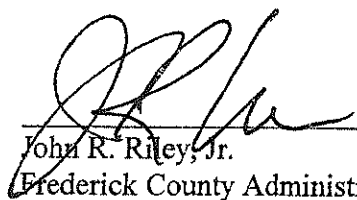
**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 55.46 acres as follows: 14.183± acres from RP (Residential Performance) District to RA (Rural Areas) District; 7.098± acres from RP (Residential Performance) District to B2 (General Business) District; 10.040± acres from RA (Rural Areas) District to RP (Residential Performance) District and 24.145± acres to remain RP (Residential Performance) district with proffers dated November 11, 2012, last revised on May 27, 2013. The conditions voluntarily proffered in writing by the applicant and the property owner are attached.

This ordinance shall be in effect on the date of adoption.

Passed this 9th day of October, 2013 by the following recorded vote:

Richard C. Shickle, Chairman	<u>Aye</u>	Gary A. Lofton	<u>Aye</u>
Robert A. Hess	<u>Aye</u>	Robert W. Wells	<u>Aye</u>
Gene E. Fisher	<u>Aye</u>	Charles S. DeHaven, Jr.	<u>Aye</u>
Christopher E. Collins	<u>Aye</u>		

**A COPY ATTEST**

  
 \_\_\_\_\_  
 John R. Riley, Jr.  
 Frederick County Administrator

**VIRGINIA: FREDERICK COUNTY SCT.**

This instrument of writing was produced to me on

10-17-2013 at 9:24 AM

and with certificate acknowledgement thereto annexed was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ NA, and 58.1-801 have been paid, if assessable.

, Clerk



0005

130012103

**THE OVERLOOK - PROFFER STATEMENT**

REZONING: RZ#  
Residential Performance (RP) and Rural Areas (RA)  
to Business General (B2) and Residential Performance (RP)

PROPERTY: 55.46+/- acres;  
Tax Parcels 55-A-161, 55-A-165 (portion), 55-A-165A,  
55-A-166, 55-A-167, 55-A-167A, 55-A-168, 55-A-174A,  
55-A-174B, 55-A-174D

RECORD OWNER: Timothy and Mary Stafford & Valley Mill Farm, LC

APPLICANT: Timothy and Mary Stafford & Valley Mill Farm, LC (here-in after  
"Owner")

PROJECT NAME: The Overlook

ORIGINAL DATE  
OF PROFFERS: November 11, 2012

REVISION DATE: May 27, 2013

**Preliminary Matters**

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # 04-13 for the rezoning of 45.42±-acres of Residential Performance (RP) District with proffers and 10.04±-acres of Rural Areas (RA) District without proffers to 7.10±-acres of Business General (B2) District with proffers, 34.18±-acres of Residential Performance (RP) District with proffers, and 14.18±-acres of Rural Areas (RA) District with proffers, development of the subject properties ("**Property**") shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the Owner and any legal successors, heirs, or assigns.

The Property, identified as The Overlook, and more particularly described as the lands owned by Timothy and Mary Stafford, being all of Tax Map Parcels 55-A-161, 55-A-

165A, 55-A-166, 55-A-167, 55-A-167A, 55-A-168, 55-A-174A, 55-A-174B, 55-A-174D, further as shown on plats entitled Boundary Survey Certain Properties of Blue Ridge Associates and Jerry L. & Winifred D. Updyke, of the Remaining Lands of June H. Russell, by Ebert and Associates dated February 13, 1998, and Valley Mill Farm, LC, being a 10.04± acre portion of Tax Map Parcel 55-A-165, further as shown on plat entitled Plat Showing a Boundary Survey of the Land of Valley Mill Farm, L.C., by Greenway Engineering dated February 14, 2001.

## THE OVERLOOK - PROFFER STATEMENT

### A. Generalized Development Plan

- 1) The Owner hereby proffers to develop the Property in substantial conformance with the Generalized Development Plan (GDP) prepared by Greenway Engineering, dated May 27, 2013, which is attached and approved as part of this rezoning application. The GDP is intended to delineate the general location of the relocated Valley Mill Road dedication area, the general location of the existing Valley Mill Road abandonment area, the general location of full access entrances along the relocated Valley Mill Road, the general location of the residential and commercial land bays, the general location of the off-right-of-way pedestrian and bicycle facility, the general location of the VDOT right-of-way dedication area along Berryville Pike (U.S. Route 7), and the general location of the property that is intended to be consolidated into the Valley Mill Farm, L.C. property (Stafford Property). The final location of the relocated Valley Mill Road, the Valley Mill Road abandonment area, the full access entrances, the residential and commercial land bays, the VDOT right-of-way dedication area along Berryville Pike, and the consolidated property area can be adjusted to accommodate final engineering design requirements without the need to revise the GDP provided that the final engineering design is consistent with the overall layout depicted on the GDP.

### B. Transportation

- 1) The Owner hereby proffers to dedicate a right-of-way area for the relocated Valley Mill Road through the limits of the Property sufficient for the construction of two eastbound travel lanes; two westbound travel lanes; a center left turn lane; right turn lanes at all full access entrances; left, right, and through stacking lanes for westbound traffic at the intersection of Berryville Pike; and two receiving lanes for eastbound traffic at the intersection of Berryville Pike. The dedicated right-of-way shall include temporary construction easements and permanent slope and drainage easements adjacent to the dedicated right-of-way. The Owner shall prepare the right-of-way dedication plat that conveys this property to the County, which shall be recorded prior to any development within the Property.

- 2) The Owner hereby proffers to limit access to the Property along Valley Mill Road to a maximum of three full access entrances to the residential land bays and one full access entrance to the commercial land bay. All full access entrances shall be served with a right turn lane and a left turn lane on the relocated Valley Mill Road if warranted by VDOT. The location of these entrances shall be consistent with the location of the entrances depicted on the proffered GDP.
- 3) The Owner hereby proffers to cause for the development of the ultimate section of the relocated Valley Mill Road between Berryville Pike and the full access entrance to the commercial land bay and for two lanes of the relocated Valley Mill Road between the commercial land bay and the existing section of Valley Mill Road. The improvements described in this proffer section shall be constructed in conjunction with the first phase of development on the Property, which shall be available for public use at the time of issuance of the first occupancy permit within this phase. The construction of the improvements described in this proffer section shall include design measures to properly remove the existing section of Valley Mill Road from service that is acceptable to VDOT.
- 4) The Owner hereby proffers to cause for the development of improvements within the Berryville Pike (U.S. Route 7) right-of-way to include traffic signalization and a new median crossing at the intersection of the relocated Valley Mill Road, a left turn and taper lane along the westbound travel lane, a right turn and taper lane and a left turn and taper lane along the eastbound travel lane, and the closure of the median crossing at the intersection of the existing Valley Mill Road. These improvements shall meet VDOT design requirements and shall be constructed in conjunction with the first phase of development on the Property, which shall be available for public use at the time of issuance of the first occupancy permit within this phase.
- 5) The Owner hereby proffers to cause for the development of traffic signalization improvements at the entrance to the commercial land bay located along Valley Mill Road if warranted by VDOT. The Owner will ensure that VDOT is provided with the appropriate traffic signalization warrant analysis and access management exception request information at the time of the site plan review process for each development within the commercial land bay. If warranted, the traffic signal design and construction costs will be the responsibility of the Owner of the commercial land bay.
- 6) The Owner hereby proffers to cause for the development of a hard-surfaced bicycle and pedestrian facility that is 10 feet in width and is located outside of the public right-of-way. The bicycle and pedestrian facility is generally depicted on the proffered GDP to parallel the relocated Valley Mill Road through the residential land bays and to traverse the commercial land bay to connect to the adjoining property. The bicycle and pedestrian facility is intended to be constructed within the active portion of the required road efficiency buffer throughout the limits of the residential land bays during the development of those portions of the project, and through the commercial land bay as described in

Section C4 of the proffer statement. The Owner shall establish appropriate documents for the maintenance of the bicycle and pedestrian facility and for allowance of public use of the bicycle and pedestrian facility. The general location of the bicycle and pedestrian facility depicted on the proffered GDP can be revised during the site design process without the need to modify the proffer statement, provided that the revised location meets the intent of this proffer and is determined to be acceptable by the County.

**C. Commercial Land Bay**

- 1) The Owner hereby proffers to limit development within the commercial land bay to a maximum of 50,000 square feet of gross floor area of commercial use. The maximum square footage of development within the commercial land bay may be increased to accommodate above-retail residential land use provided that the Owner can meet all applicable Zoning Ordinance requirements at the time of development.
- 2) The Owner hereby proffers to utilize quality building materials for the front and sides of all commercial structures. Building materials for structures shall be limited to brick, stone, false-stone, cementuous siding, simulated stucco, wood, and glass; and standing seam metal or dimensional shingle rooflines.
- 3) The Owner hereby proffers to provide inter-parcel connections between all properties and structures developed within the commercial land bay area.
- 4) The Owner hereby proffers to develop a pedestrian and bicycle path that will traverse the commercial land bay to allow non-vehicular access between the commercial land bay and the Blue Ridge Mobile Home Park. The bicycle path shall be constructed in conjunction with the development of the first commercial Site Plan in this land bay. The pedestrian walkway shall be 10 feet in width and constructed of concrete or asphalt.
- 5) The Owner hereby proffers to provide an ingress/egress easement between the developed portion of the commercial land bay and the Blue Ridge Mobile Home Park that is of sufficient width to allow for the development of a private access drive to be constructed by others. The deed depicting the location of the ingress/egress easement shall be provided on the site plan for development within the western portion of the commercial land bay to allow for vehicular access to the commercial entrance at the relocated Valley Mill Road.

**D. Monetary Proffers**

- 1) The Applicant hereby proffers to contribute the following monetary contributions per each type of residential unit developed on the Property:

\$18,507 per Single-Family Dwelling Unit

\$12,354 per Townhouse Dwelling Unit  
\$9,983 per Apartment Dwelling Unit and Above-Retail Residential Unit

The monetary contributions are intended to mitigate impacts to County services and shall be made payable to the County prior to the issuance of the final Occupancy Permit for each dwelling unit.

- 2) The Applicant hereby proffers to contribute the following monetary contributions per each type of age-restricted residential unit developed on the Property:

\$2,834 per Single-Family Dwelling Unit  
\$2,153 per Townhouse Dwelling Unit  
\$2,160 per Apartment Dwelling Unit and Above-Retail Residential Unit

The monetary contributions are intended to mitigate impacts to County services and shall be made payable to the County prior to the issuance of the final Occupancy Permit for each age-restricted dwelling unit. The location of age-restricted residential land use shall be provided on the approved Master Development Plan for the Property.

#### **E. Rural Areas Land**

- 1) The Owner hereby proffers to convey all or portions of tax map parcels 55-A-161, 55-A-166, 55-A-167, 55-A-167A, 55-A-168, and 55-A-174B along the Berryville Pike frontage of the Property to VDOT for future improvements to Berryville Pike (U.S. Route 7). The location of these areas of conveyance shall be generally consistent with the information depicted on the proffered GDP. The Owner shall prepare the right-of-way dedication plats and deeds for conveyance of these properties, which shall be recorded prior to any development within the Property.
- 2) The Owner hereby proffers to consolidate the portions of tax map parcels 55-A-165A and 55-A-174B, which are not required for right-of-way dedication for the relocated Valley Mill Road (Proffer B(1)) or the Berryville Pike frontage (Proffer E(1)), into the Valley Mill Farm, L.C. property (Stafford Property). The Owner shall prepare the consolidation plat for these properties, which shall be recorded prior to any development within the Property.

APPLICANT NOTARIZED SIGNATURE ON FOLLOWING PAGE

0100

Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the applicant and owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

By: Mary McHale Stafford / Manager 8/5/13  
Valley Mill Farm, LC Date

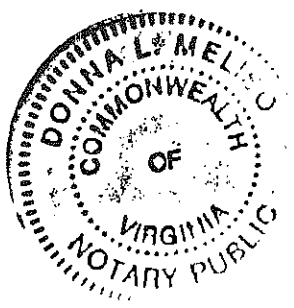
Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 5th day of August  
2013 by Mary McHale Stafford, manager

Donna L. Meliso  
Notary Public

My Commission Expires Feb. 29, 2016  
Registration # 296106



Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the applicant and owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

By: Timothy V. Stafford  
Timothy V. Stafford

8/5/13  
Date

By: Mary M. Stafford  
Mary M. Stafford

8/5/13  
Date

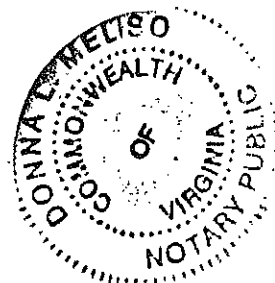
Commonwealth of Virginia,

City/County of Frederick To Wit:

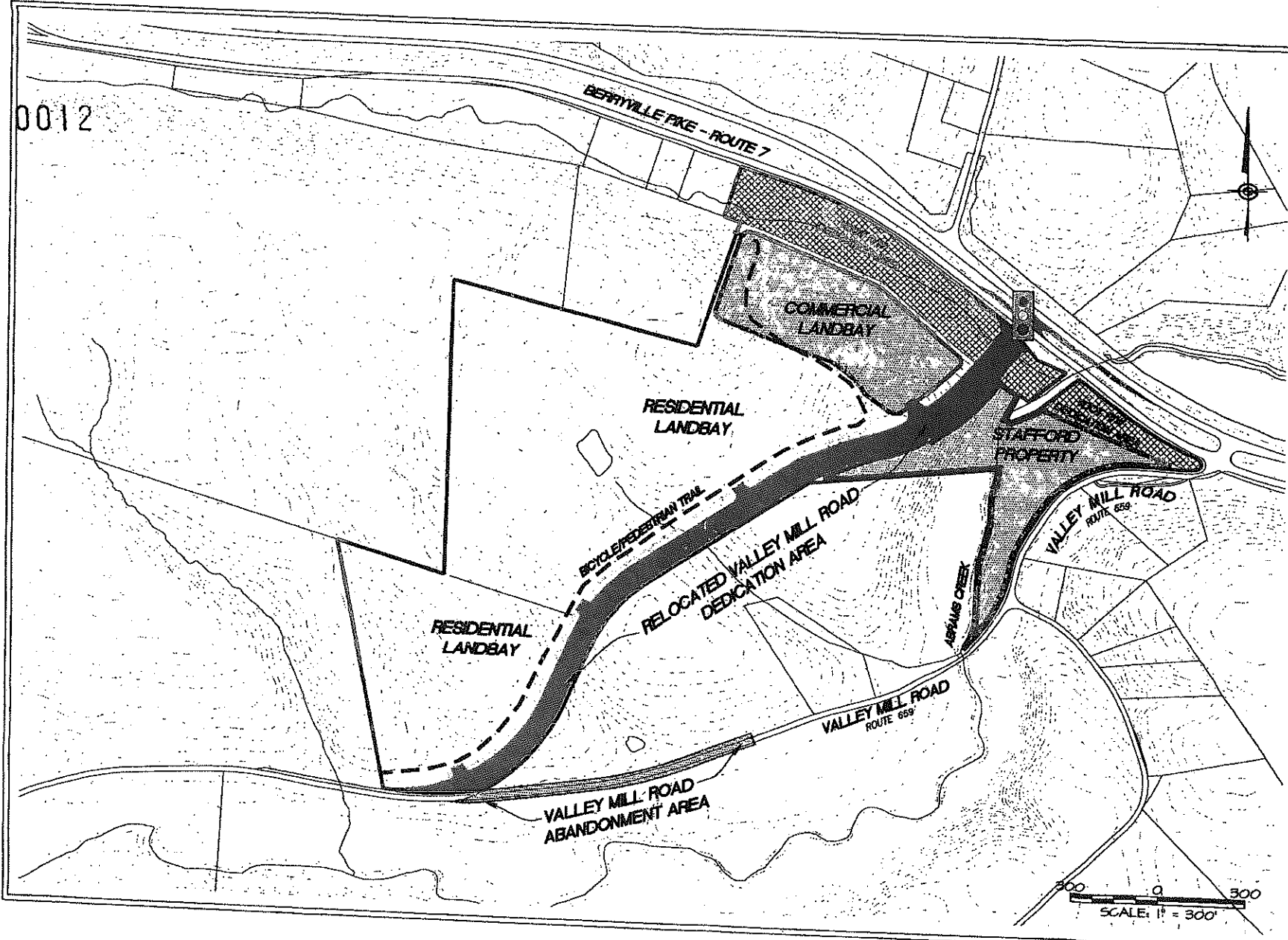
The foregoing instrument was acknowledged before me this 5th day of August  
2013 by Timothy V. Stafford and Mary McHale Stafford

Donna L. Meliso  
Notary Public


My Commission Expires Feb. 29, 2016  
Registration # 296106



0012



**GREENWAY ENGINEERING, INC.**  
 151 Woody Hill Lane  
 Winchester, Virginia 22602  
 Telephone: (540) 662-4185  
 FAX: (540) 722-9328  
 www.greenwayeng.com

  
 Engineers, Surveyors  
 & Environmental Services  
 Founded in 1971

GENERALIZED DEVELOPMENT PLAN

# THE OVERLOOK

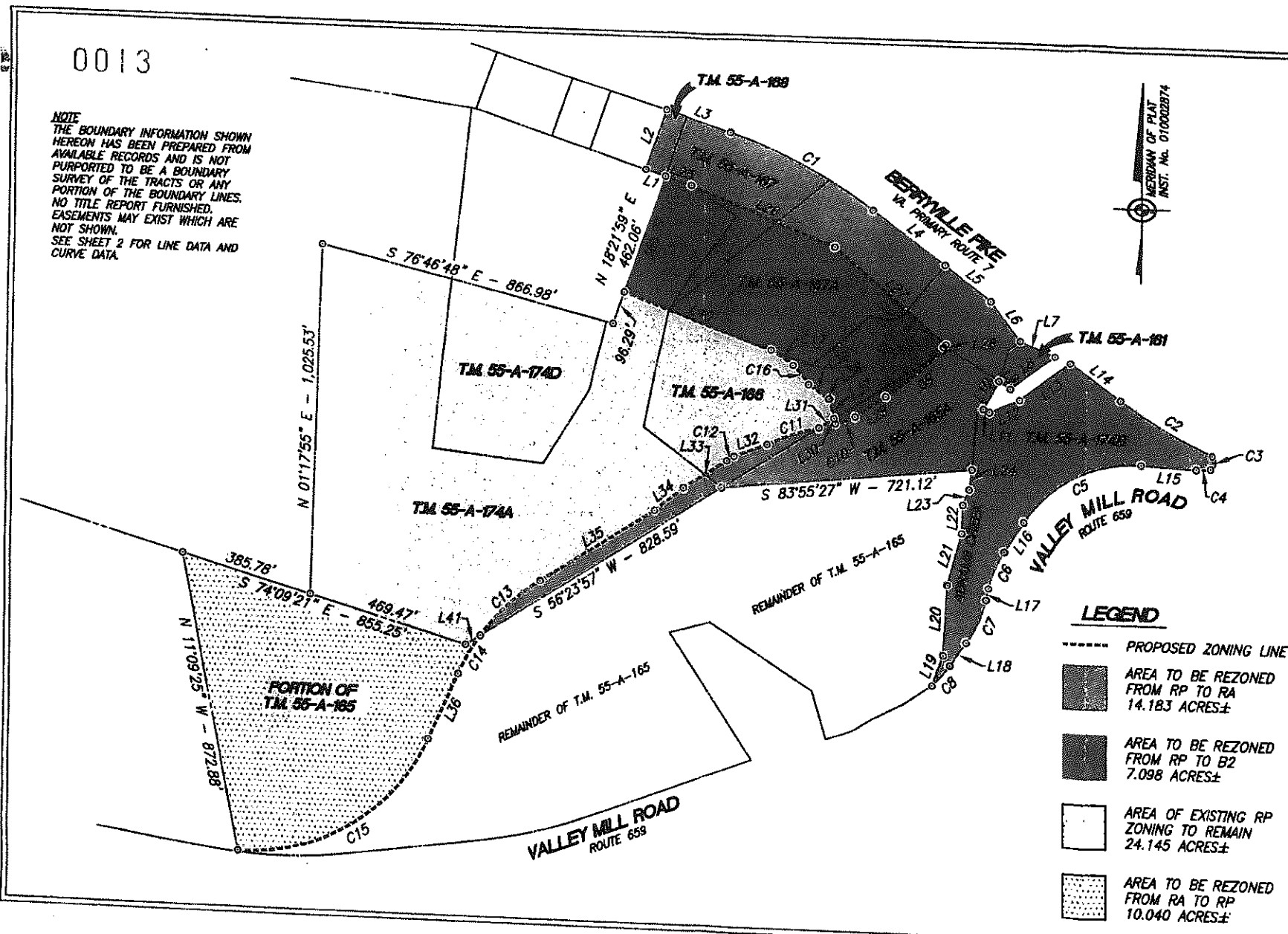
RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

DATE	MAY 27, 2013
SCALE	1" = 300'
DRAWN BY	KJP
JOB NO.	63018
SHEET	1 OF 1



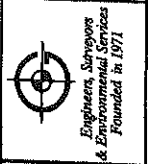
0013

NOTE  
 THE BOUNDARY INFORMATION SHOWN  
 HEREON HAS BEEN PREPARED FROM  
 AVAILABLE RECORDS AND IS NOT  
 PURPORTED TO BE A BOUNDARY  
 SURVEY OF THE TRACTS OR ANY  
 PORTION OF THE BOUNDARY LINES.  
 NO TITLE REPORT FURNISHED.  
 EASEMENTS MAY EXIST WHICH ARE  
 NOT SHOWN.  
 SEE SHEET 2 FOR LINE DATA AND  
 CURVE DATA.



- LEGEND**
- PROPOSED ZONING LINE
  - AREA TO BE REZONED FROM RP TO RA 14.183 ACRES±
  - AREA TO BE REZONED FROM RP TO B2 7.098 ACRES±
  - AREA OF EXISTING RP ZONING TO REMAIN 24.145 ACRES±
  - AREA TO BE REZONED FROM RA TO RP 10.040 ACRES±

**GREENWAY ENGINEERING, INC.**  
 151 Windy Hill Lane  
 Winchester, Virginia 22602  
 Telephone: (540) 662-4185  
 FAX: (540) 722-9328  
 www.greenwayeng.com



REZONING EXHIBIT

# THE OVERLOOK

RED BUD MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

DATE:	AUG. 23, 2018
SCALE:	1" = 200'
DRAWN BY:	RAE
JOB NO.:	53018
SHEET:	1 OF 2

0014

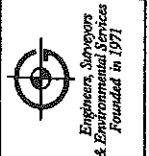
LINE DATA

LINE	BEARING	DISTANCE
L1	N 71°58'16" W	60.00'
L2	N 18°07'52" E	188.98'
L3	S 71°53'07" E	194.07'
L4	S 52°51'36" E	260.42'
L5	S 51°56'36" E	166.80'
L6	S 37°49'36" E	141.00'
L7	S 66°17'15" E	109.80'
L8	S 51°46'30" W	162.46'
L9	N 57°07'14" W	39.11'
L10	S 28°24'41" W	93.31'
L11	S 65°42'25" E	19.04'
L12	N 66°41'36" E	94.26'
L13	N 52°23'22" E	183.91'
L14	S 54°14'00" E	178.79'
L15	N 87°25'04" W	158.67'
L16	S 32°25'36" W	103.92'
L17	S 11°44'38" W	34.76'
L18	S 34°39'59" W	81.52'
L19	N 19°33'13" E	93.29'
L20	N 02°44'59" E	206.17'
L21	N 14°50'33" E	156.48'
L22	N 01°40'18" E	82.96'
L23	N 20°39'52" E	48.03'
L24	N 07°44'46" E	58.16'
L25	S 72°05'58" E	77.98'
L26	S 68°02'27" E	448.25'
L27	S 49°28'41" E	422.77'
L28	S 36°54'39" W	11.33'
L29	S 55°11'01" W	107.10'
L30	N 13°29'33" W	15.20'
L31	S 56°44'45" W	51.98'
L32	S 68°11'10" W	102.17'
L33	S 56°21'52" W	149.50'
L34	S 49°54'20" W	106.68'
L35	S 56°21'52" W	393.15'
L36	S 23°35'27" W	211.65'
L37	N 13°29'33" W	58.17'
L38	S 75°11'17" W	2.26'
L39	N 55°52'21" W	70.18'
L40	N 70°11'26" W	452.69'
L41	N 56°23'57" E	50.85'

CURVE DATA

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	19°01'31"	1,407.34'	467.31'	235.83'	S 62°22'21" E	465.17'
C2	12°01'56"	1,457.44'	306.07'	153.60'	S 60°14'58" E	305.51'
C3	146°50'18"	20.00'	51.26'	67.17'	S 07°09'13" W	38.34'
C4	12°00'33"	200.36'	42.00'	21.08'	S 86°34'39" W	41.92'
C5	60°09'20"	378.09'	396.97'	218.98'	S 62°30'16" W	378.98'
C6	20°40'58"	325.77'	117.60'	59.45'	S 22°05'07" W	116.96'
C7	22°55'21"	348.63'	139.48'	70.68'	S 23°12'19" W	138.55'
C8	11°26'53"	389.50'	77.82'	39.04'	S 40°23'26" W	77.69'
C9	19°58'52"	643.00'	224.24'	113.27'	S 46°54'05" W	223.10'
C10	05°17'26"	655.00'	60.48'	30.26'	S 68°56'38" W	60.46'
C11	10°44'19"	845.00'	158.37'	79.42'	S 70°14'24" W	158.14'
C12	01°40'15"	857.00'	24.99'	12.50'	S 57°12'00" W	24.99'
C13	21°21'01"	645.00'	240.35'	121.58'	S 45°41'21" W	238.96'
C14	11°25'24"	645.00'	128.60'	64.51'	S 29°18'09" W	128.38'
C15	68°28'50"	576.00'	688.44'	392.04'	S 57°49'51" W	648.19'
C16	19°19'36"	208.75'	70.41'	35.54'	N 39°45'43" W	70.08'
C17	09°57'41"	456.00'	79.28'	39.74'	N 54°24'21" W	79.18'

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REZONING EXHIBIT  
**THE OVERLOOK**  
 RED BID MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

DATE:	AUG. 28, 2012
SCALE:	N/A
DRAWN BY:	RAE
JOB NO.:	00014
SHEET:	1 OF 2

**Date October 9, 2013**

**Regular Meeting  
Res. No. 018-13**

**MOTION: Supervisor Christopher E. Collins**

**SECOND: Supervisor Charles S. DeHaven, Jr.**

**RE: RESOLUTION OF INTENT TO SUBMIT  
REVENUE SHARING PROGRAM APPLICATION**

**ACTION: Approved**

WHEREAS, Timothy and Mary Stafford, and Valley Mill Farm, LC (collectively the "Owners") currently own 55.46 acres, more or less, located in Frederick County, Virginia, and described as tax parcels 55-A-161, 55-A-165 (portion), 55-A-165A, 55-A-166, 55-A-167, 55-A-167A, 55-A-168, 55-A-174A, 55-A-174B, 55-A-174D (the "Property");

WHEREAS, the Owners have submitted, contemporaneously herewith, a Proffer Statement and Rezoning Application for the Property;

WHEREAS, the Proffer Statement and Rezoning Application request the Property be rezoned from Residential Performance (RP) and Rural Areas(RA), to Business General (B2) and Residential Performance(RP);

WHEREAS, the Generalized Development Plan ("GDP") prepared by Greenway Engineering, dated May 27, 2013, and approved as a part of the Rezoning Application, provides for the relocation of Valley Mill Road through the Property;

WHEREAS, the Owners, by way of the Proffer Statement, have proffered to dedicate a right-of-way area for the relocation of Valley Mill Road which is sufficient to provide for the construction of two eastbound travel lanes, two westbound travel lanes, a center left turn lane, right turn lanes at all full access entrances, left, right, through stacking lanes for westbound traffic at the intersection of Berryville Pike, and two receiving lanes for eastbound traffic at the intersection of Berryville Pike (the "New Valley Mill Road Improvements"); and

WHEREAS, the Owners have prepared information for Virginia Department of Transportation ("VDOT") review and comment concerning the abandonment of an approximately 0.9 acre portion of Valley Mill Road, as depicted on the GDP as the Valley Mill Road Abandonment Area, that will no longer be needed if said road is relocated as proffered.


NOW THEREFORE, be it resolved that the Frederick County Board of Supervisors hereby adopts this Resolution on the following terms and conditions, as follows:

1. Revenue Sharing Application. The Board intends to submit a Revenue Sharing Application pursuant to Va. Code Ann. § 33.1-23.05, and consistent with the Virginia Department of Transportation (VDOT) Revenue Sharing Program Guidelines, for one-half of the funds necessary to design the New Valley Mill Road Improvements, provided the Owners satisfy the conditions precedent set forth herein.
2. Conditions Precedent to Board's Obligations Hereunder. Prior to the Board submitting a Revenue Sharing Application, the Owners must have i) contributed one-half (1/2) of the costs of designing the New Valley Mill Road Improvements within twelve (12) months of approval of the final, un-appealed, approval of the Rezoning Application for the Property; and ii) agreed to dedicate for public use the right-of-way through the Property necessary to construct the New Valley Mill Road Improvements within three (3) months of the approval of the design of the New Valley Mill Road improvements by VDOT and the County, unless said dates are extended by the County.
3. Channing Drive Proffer. The Board intends to contribute to the total sum, to the extent permissible, of the local match for the New Valley Mill Road Improvements funds proffered and collected for bridge construction as a part of the Channing Drive Rezoning, REZ#15-99.
4. Locally Administered Projects. The Board intends that the Revenue Sharing Application shall opt for the Locally Managed Projects option under the Revenue Sharing Program.
5. Implementation of Revenue Sharing. The Board understands VDOT expects all requests for Revenue Sharing funding to be for viable projects with work anticipated in the near future, and thus the Board intends that a Revenue Sharing Application would be submitted as soon as practical after the conditions precedent set forth above have been met, and prior to submitting such Application the Board would adopt the necessary resolution required for the Revenue Sharing Application.
6. Additional Funding Sources. The Board also resolves it intends to provide reasonable, non-monetary support to the Owners in applying for other Federal and State funding programs, if any, which could assist with funding the relocation and construction of Valley Mill Road, or other aspects of the project.
7. Right of Way Abandonment. The Board resolves that it intends to support the abandonment of the approximately 0.9 acre portion of Valley Mill Road, as depicted on the GDP as the Valley Mill Road Abandonment Area, that will no longer be needed if said road is relocated as proffered, and the Board further resolves it intends to support transfer of the abandoned area to Valley Mill Farm, LC, all in accordance with Chapter 1 of Title 33.1 of the Code of Virginia (1950), or such other statutes as may be applicable. Any such abandonment proceedings as may be required by the Code would be instituted as soon as practical following VDOT acceptance of the relocated portion of Valley Mill Road into the State secondary system of highways.

Passed this 9th day of October, 2013 by the following recorded vote:

Richard C. Shickle, Chairman	Aye	Gary A. Lofton	Aye
Robert A. Hess	Aye	Robert W. Wells	Aye
Gene E. Fisher	Aye	Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye		

A COPY ATTEST

  
\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator

# 14511

0954161544

**AMENDMENT**

Action:

PLANNING COMMISSION: Recommended Approval on November 3, 1999

BOARD OF SUPERVISORS: Approved December 8, 1999

**AN ORDINANCE AMENDING**

**THE ZONING DISTRICT MAP**

**REZONING #15-99 OF CHANNING DRIVE**

**WHEREAS**, Rezoning #15-99 of Channing Drive was submitted to rezone 354.3 acres from RA (Rural Areas) to RP (Residential Performance) and of 22.0 acres from RA (Rural Areas) to B2 (Business General) with the proffers submitted by the applicant. This property is located on the north side of Senseny Road (Route 657), on both sides of Bean's Pond Lane, and adjacent to the Bedford Village, Apple Ridge, Senseny Glen, and Carlisle Heights subdivisions, and is identified with Property Identification Numbers 55-A-206, 209, 211, 213 & 65-A-30, 31, 39, 40 in the Stonewall Magisterial District.

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on November 3, 1999; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on December 8, 1999; and

**WHEREAS**, the Frederick County Board of Supervisors finds the approval of this rezoning 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 District Map to change 354.3 acres from RA (Rural Areas) to RP (Residential Performance) and of 22.0 acres from RA (Rural Areas) to B2 (Business General), as described by the application and plat submitted, and subject to the attached conditions voluntarily proffered in writing by the applicant and the property owner.


EK 954101545

This ordinance shall be in effect on the date of adoption.

Passed this 8th day of December, 1999 by the following recorded vote:

James L. Longerbeam, Chairman	<u>Aye</u>	Richard C. Shickle	<u>Aye</u>
W. Harrington Smith, Jr.	<u>Aye</u>	Margaret B. Douglas	<u>Aye</u>
Charles W. Orndoff, Sr.	<u>Aye</u>	Robert M. Sager	<u>Aye</u>

**A COPY ATTEST**

  
\_\_\_\_\_  
John B. Riley, Jr.  
Frederick County Administrator

# **CHANNING DRIVE REZONING**

## **PROPERTY ID NUMBERS**

**55-((A))-206, 209, 211, 213  
& 65-((A))-30, 31, 39, 39A, 40**

Pursuant to Section 15.2 - 2296 Et Seq., of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia shall approve rezoning application #15-99 for the rezoning of approximately 354.3 acres from the Rural Areas (RA) zoning district to the Residential Performance (RP) zoning district, and the rezoning of 22.0 acres from the Rural Areas (RA) zoning district to the Business General (B2) zoning district, development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Frederick County Board of Supervisors in accordance with said code and zoning ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors, heirs, or assigns.

## **ARTICLE I: PHASED CONSTRUCTION PLAN**

This article shall apply to the following parcels:

**Lynnehaven, L.C.:** 55-((A))-206, and 65-((A))-30, 31

**Giles Farm:** 65-((A))-39, 39A

**Sheppard/Futral:** 55-((A))-209, 211, 213 and 65-((A))-40

The total number of residential building permits that may be issued for any parcel within the subject property in combination with all other above-referenced parcels shall not exceed the following phasing schedule:



<u>Year</u>	<u>Permits Issued to Date</u>
2000	79
2001	158
2002	237
2003	316
2004	395
2005	474
2006	553
2007	632
2008	711
2009	790
2010	846

**ARTICLE II: LYNNEHAVEN, L. C.**

This article shall apply only to those properties currently owned by Lynnehaven, L.C., property identification numbers 55-((A))-206, and 65-((A))-30, 31. The subject properties are more particularly described as all of the land owned by Lynnehaven, L.C. as recorded in Deed Book 843 at Pages 415, 418, and 424 and reported to collectively contain 91.4 acres.

The conditions proffered are as follows:

**A) AREA ZONED RP - 81.4 ACRES**

**1. MAXIMUM DENSITY**

The total number of lots shall be limited so as not to exceed a 2.5 unit per acre density for the entire subject area.

**2. PROHIBITED UNIT TYPES**

Townhouses, weak-link townhouses, and garden apartments, as defined in the Frederick County Zoning Ordinance, shall not be permitted.

**3. PEDESTRIAN WALKWAYS**

Pedestrian walkways shall be provided in the master development plan in addition to required sidewalks. Nature trails shall be constructed by the applicant in open space areas, in dedicated easements, and in tandem with the regional stormwater management network. Said trails shall also link to similar trail systems in adjacent housing developments, and shall be six feet wide with a wood chip or mulched surface. See Exhibit A attached.

4. SOLID WASTE

The owners of the subject property shall pay \$100.00/mo. to Frederick County for the use of the solid waste facility located on the Greenwood Volunteer Fire Company property and serving the Greenwood/Senseny Road area. Said payment shall be made from the time Frederick County encumbers and signs a new lease for the expansion of said facility, or acquires another facility serving this general area, and shall continue for a period of ten years, or the term of said lease, whichever is less.

**B) AREA ZONED B2 - 10.0 ACRES**

1. PROHIBITED USES

The following uses shall not be permitted on the subject property:

<u>Description</u>	<u>SIC</u>
Automotive dealers	55
Hotels and motels	701
Organization hotels and lodging	704
Golf driving ranges & miniature golf courses	7999
Self-service storage facilities	---
Commercial batting cages operated outdoors	---

2. MAXIMUM BUILDOUT

In the B2 area established by this rezoning, the maximum cumulative floor area of all buildings in said B2 area shall not exceed 100,000 square feet.

3. BUILDING FACADES

Commercial structures within the proposed B2 area shall be faced with brick, drivet, or architectural block on three (3) sides.

**C) ENTIRE PARCEL**

1. CHANNING DRIVE

Channing Drive is a new major collector which will be constructed along the eastern boundary of the subject property. Channing Drive shall consist of an 80' dedicated right-of-way with two 12' lanes, along with any associated turn lanes required by the Virginia Department of Transportation. This thoroughfare will be built in sections as warranted by adjacent development. The following criteria establish when the property owner is required to extend Channing Drive:

- a) Each subdivision plan for residential housing adjacent to a portion of Channing Drive that has not yet been constructed shall include the construction of the adjacent portion of said drive in the subdivision plan.
- b) The construction of the first section of Channing Drive, from Senseny Road to the proposed B2 area, shall be included in the first site plan submitted for the B2 area if said road section has not yet been constructed.
- c) All of Channing Drive from Valley Mill Road to Senseny Road shall be constructed, open for traffic and dedicated to Frederick County before the 475th residential building permit is issued for any of the parcels listed in Article I of this proffer.

2. TRAFFIC SIGNALS

- a) The installation of a traffic signal at the intersection of Senseny Road and Channing Drive shall be included in the first site plan submitted for the B2 area, if a traffic signal has not yet been installed at said intersection should residential traffic meet signalization warrants. The developer agrees to enter into a signal agreement with VDOT prior to final site plan approval.
- b) The owners shall make a \$25,000 cash contribution towards the installation of a traffic signal at the intersection of Greenwood Road (Route 656) and Senseny Road (Route 657). This contribution shall be made to the Virginia Department of Transportation upon their request and upon approval by said department for the installation of this traffic signal. In the event a traffic signal is installed at said intersection before this contribution is made, the Virginia Department of Transportation may request the transfer of said contribution towards signalization at the intersection of Greenwood Road (Route 656) and Valley Mill Road (Route 659). The developer agrees to enter into a signal agreement with VDOT prior to final subdivision and/or site plan approval.

3. BRIDGE IMPROVEMENTS

There is currently a one-lane bridge on Valley Mill Road where it crosses Abrams Creek. The owners of the subject property shall pay towards feasibility studies, engineering, or construction of improvements to this crossing. These monies, paid to Frederick County, VA, are to be set aside for said improvements, and may be considered by the county for matching funds. Said payments shall be \$100.00 per residential lot, at the time the initial building permit is issued for said lot. The owner of the subject property shall be required to pay said monies until the Virginia Department of Transportation awards a contract for a two lane expansion and construction of these improvements on said bridge.

4. TURN LANES AND RIGHT OF WAY DEDICATION

- a) Right and left turn lanes shall be constructed on Senseny Road at the intersection with Channing Drive. Said lanes shall be constructed by the applicant at the time Channing Drive is connected to Senseny Road.
- b) Right and left turn lanes shall be constructed on Channing Drive at the intersection with the main entrance road into the Lynnehaven subdivision.

BX 954 PG 1550

- c) The installation of a total of two turn lanes at the intersection of Senseny Road and Greenwood Road shall be included in the first site plan submitted for the B2 area, if two turn lanes have not yet been installed at said intersection. The necessity of said turn lanes, and their configuration will be subject to later review by the Virginia Department of Transportation. The owners of the subject property shall install said turn lanes or pay to the Virginia Department of Transportation up to \$15,000 per turn lane towards the installation of said turn lanes.
- d) This paragraph shall apply to parcels 55-((A))-206, and 65-((A))-39, 39A:

The first site plan submitted for either of these parcels which will result in more than 120,000 sf of commercial area for both parcels collectively shall result in an updated traffic study to determine if additional offsite improvements are required. Said traffic study shall require approval by the Virginia Department of Transportation.

5. DRAINAGE AND WETLANDS DEVELOPMENT

Sediment forebays shall be constructed upstream of Twin Lakes in order to decrease the siltation of said lake and settle out man-made impurities. These sediment forebays shall be constructed in such a way as to encourage their development into a wetland with locally indigenous vegetation and wildlife.

6. MONETARY CONTRIBUTION

- a) Residential: In the event rezoning application #15-99 is approved for rezoning, the owners of the subject property will pay to the Treasurer of Frederick County, Virginia, \$3,278.31 per residential lot prior to the initial building permit being issued for said lot.

This per lot monetary proffer provides for:

- \$2,694.11 for Frederick County Public Schools
- \$539.07 for Frederick County Parks and Recreation
- \$45.13 for Frederick County Fire and Rescue

These payments are intended to offset the additional cost to Frederick County due to an increased demand on public services.

- b) Commercial: In the event rezoning application #15-99 is approved for rezoning, the owners of the subject property will pay to the Treasurer of Frederick County, Virginia, \$3,245.60 prior to the initial building permit being issued within the B2 zoned area. This monetary contribution is intended to offset the additional capital costs to Frederick County for fire and rescue services.

2035491551

**ARTICLE III: ROBERT A. GILES, et als**

This article shall apply only to those properties currently owned by Robert A. Giles, et als, and Manning and Ross, LLC, property identification numbers 65-((A))-39, 39A. The subject property includes all of the land described as being owned jointly by Wanda G. High, Janita Giles, Robert A. Giles, and Richard F. Giles as recorded in Will Book 79, page 317, and in Deed Book 889 at Page 741. Said property is further described by a survey by Curtis L. McAllister dated February 13, 1990 and is reported to contain in aggregate a total of 152.20 acres. The subject property includes all of the land now owned by Manning and Ross, LLC as recorded in Deed Book 948 at page 1760, and contains 51.0 acres. The conditions proffered are as follows:

**A) AREA ZONED RP - 140.2 ACRES**

**1. MAXIMUM DENSITY**

The total number of lots shall be limited so as not to exceed a 2.5 unit per acre density for the entire subject area.

**2. PROHIBITED UNIT TYPES**

Townhouses, weak-link townhouses, and garden apartments, as defined in the Frederick County Zoning Ordinance, shall not be permitted.

**3. RECREATION CENTER**

A community recreation center shall be included in the master development of the subject site. This recreation center shall have a floor area of at least 3,000 square feet and shall include a pool and an outdoor multi-purpose playing court; the facade shall be constructed of brick, wood product, masonry, or drivet. Said facility shall be open for membership by residents of all subdivisions resulting from this Channing Drive Rezoning and shall also be open for membership to all other area residents.

**4. PEDESTRIAN WALKWAYS**

Pedestrian walkways shall be provided in the master development plan in addition to required sidewalks. Nature trails shall be constructed by the applicant in open space areas, in dedicated easements, and in tandem with the regional stormwater management network. Said trails shall also link to similar trail systems in adjacent housing developments, and shall be six feet wide with a wood chip or mulched surface. See Exhibit A attached.

**5. SOLID WASTE**

The owners of the subject property shall pay \$100.00/mo. to Frederick County for the use of the solid waste facility located on the Greenwood Volunteer Fire Company property and serving the Greenwood/Senseny Road area. Said payment shall be made from the time Frederick County encumbers and signs a new lease for the expansion of said facility, or acquires another facility serving this general area, and shall continue for a period of ten years, or the term of said lease, whichever is less.

EX954PG1552

**B) AREA ZONED B2 - 12.0 ACRES**

**1. PROHIBITED USES**

The following uses shall not be permitted on the subject property:

<u>Description</u>	<u>SIC</u>
Automotive dealers	55
Hotels and motels	701
Organization hotels and lodging	704
Golf driving ranges & miniature golf courses	7999
Self-service storage facilities	---
Commercial batting cages operated outdoors	---

**2. MAXIMUM BUILDOUT**

In the B2 area established by this rezoning, the maximum cumulative floor area of all buildings in said B2 area shall not exceed 120,000 square feet.

**3. BUILDING FACADES**

Commercial structures within the proposed B2 area shall be faced with brick, drivet, or architectural block on three (3) sides.

**C) ENTIRE PARCEL**

**1. CHANNING DRIVE**

Channing Drive is a new major collector which will be constructed along the western boundary of the subject property. Channing Drive shall consist of an 80' dedicated right-of-way with two 12' lanes, along with any associated turn lanes required by the Virginia Department of Transportation. This thoroughfare will be built in sections as warranted by adjacent development. The following criteria establish when the property owner is required to extend Channing Drive:

- a) Each subdivision plan for residential housing adjacent to a portion of Channing Drive that has not yet been constructed shall include the construction of the adjacent portion of said drive in the subdivision plan.
- b) The construction of the first section of Channing Drive, from Senseny Road to the proposed B2 area, shall be included in the first site plan submitted for the B2 area if said road section has not yet been constructed.

- c) All of Channing Drive from Valley Mill Road to Senseny Road shall be constructed, open for traffic and dedicated to Frederick County before the 475th residential building permit is issued for any of the parcels listed in Article I of this proffer.

## 2. STREETSCAPE

The main entrance road into the residential subdivision established on the Giles Farm property shall have four travel lanes, and shall have a median strip at least 10 feet wide. Said roadway shall be streetscaped with deciduous trees (at least one tree per 80 lineal feet), ground cover and shrubbery as allowed by the Virginia Department of Transportation.

## 3. TRAFFIC SIGNALS

- a) The installation of a traffic signal at the intersection of Senseny Road and Channing Drive shall be included in the first site plan submitted for the B2 area, if a traffic signal has not yet been installed at said intersection should residential traffic meet signalization warrants. The developer agrees to enter into a signal agreement with VDOT prior to final site plan approval.
- b) The owners shall make a \$25,000 cash contribution towards the installation of a traffic signal at the intersection of Greenwood Road (Route 656) and Senseny Road (Route 657). This contribution shall be made to the Virginia Department of Transportation upon their request and upon approval by said department for the installation of this traffic signal. In the event a traffic signal is installed at said intersection before this contribution is made, the Virginia Department of Transportation may request the transfer of said contribution towards signalization at the intersection of Greenwood Road (Route 656) and Valley Mill Road (Route 659). The developer agrees to enter into a signal agreement with VDOT prior to final subdivision and/or site plan approval.

## 4. BRIDGE IMPROVEMENTS

There is currently a one-lane bridge on Valley Mill Road where it crosses Abrams Creek. The owners of the subject property shall pay towards feasibility studies, engineering, or construction of improvements to this crossing. These monies, paid to Frederick County, VA, are to be set aside for said improvements, and may be considered by the county for matching funds. Said payments shall be \$100.00 per residential lot, at the time the initial building permit is issued for said lot. The owner of the subject property shall be required to pay said monies until the Virginia Department of Transportation awards a contract for a two lane expansion and construction of these improvements on said bridge.

## 5. TURN LANES AND RIGHT OF WAY DEDICATION

- a) Right and left turn lanes shall be constructed on Senseny Road at the intersection with Channing Drive. Said lanes shall be constructed by the applicant at the time Channing Drive is connected to Senseny Road.
- b) Right and left turn lanes shall be constructed on Senseny Road at the intersection with the main entrance road into the Giles Farm subdivision.

- c) Right-of-way shall be dedicated to the Commonwealth of Virginia along the entire frontage of Senseny Road. Said right-of-way shall extend 40' from the existing road centerline.
- d) The installation of a total of two turn lanes at the intersection of Senseny Road and Greenwood Road shall be included in the first site plan submitted for the B2 area, if two turn lanes have not yet been installed at said intersection. The necessity of said turn lanes, and their configuration will be subject to later review by the Virginia Department of Transportation. The owners of the subject property shall install said turn lanes or pay to the Virginia Department of Transportation up to \$15,000 per turn lane towards the installation of said turn lanes.
- e) This paragraph shall apply to parcels 55-((A))-206, and 65-((A))-39, 39A:

The first site plan submitted for either of these parcels which will result in more than 120,000 sf of commercial area for both parcels collectively shall result in an updated traffic study to determine if additional offsite improvements are required. Said traffic study shall require approval by the Virginia Department of Transportation.

6. DRAINAGE AND WETLANDS DEVELOPMENT

Sediment forebays shall be constructed upstream of Twin Lakes in order to decrease the siltation of said lake and to settle out man-made impurities. These sediment forebays shall be constructed in such a way as to encourage their development into a wetland with locally indigenous vegetation and wildlife.

7. MONETARY CONTRIBUTION TO OFFSET IMPACT OF DEVELOPMENT

- a) Residential: In the event rezoning application #15-99s approved for rezoning, the owners of the subject property will pay to the Treasurer of Frederick County, Virginia, \$3,558.73 per residential lot prior to the initial building permit being issued for said lot

This per lot monetary contribution provides for:

- \$2,958.80 for Frederick County Public Schools
- \$554.80 for Frederick County Parks and Recreation
- \$45.13 for Frederick County Fire and Rescue

These payments are intended to offset the additional cost to Frederick County due to an increased demand on public services.

- b) Commercial: In the event rezoning application #15-99s approved for rezoning, the owners of the subject property will pay to the Treasurer of Frederick County, Virginia, \$3,898.68 prior to the initial building permit being issued within the B2 zoned area. This monetary contribution is intended to offset the additional capital costs to Frederick County for fire and rescue services.



EX954731555

**ARTICLE IV: DRS. GEORGE SHEPPARD & ALLEN FUTRAL**

This article shall apply only to those properties currently owned by Drs. George Sheppard & Allen Futral, property identification numbers 55-((A))-209, 211, 213, and 65-((A))-40. The subject property is more particularly described as all of the land owned by Fu-Shep Farm Partnership as recorded in Deed Book 789 at Page 1022 and further described by a survey by Curtis L. McAllister dated February 13, 1990.

The conditions proffered are as follows:

**1. MAXIMUM DENSITY**

The total number of parcels shall be limited so as not to exceed a 2.2 unit per acre density for the entire collective area for parcels 55-((A))-209, 211, and 213, and a 2.5 unit per acre density for parcel 65-((A))-40.

**2. PROHIBITED UNIT TYPES**

Townhouses, weak-link townhouses, and garden apartments, as defined in the Frederick County Zoning Ordinance, shall not be permitted.

**3. PEDESTRIAN WALKWAYS**

Pedestrian walkways shall be provided in the master development plan in addition to required sidewalks. Nature trails shall be constructed by the applicant in open space areas, in dedicated easements, and in tandem with the regional stormwater management network. Said trails shall also link to similar trail systems in adjacent housing developments, and shall be six feet wide with a wood chip or mulched surface. See Exhibit A attached.

**4. SOLID WASTE**

The owners of the subject property shall pay \$100.00/mo. to Frederick County for the use of the solid waste facility located on the Greenwood Volunteer Fire Company property and serving the Greenwood/Senseny Road area. Said payment shall be made from the time Frederick County encumbers and signs a new lease for the expansion of said facility, or acquires another facility serving this general area, and shall continue for a period of ten years, or the term of said lease, whichever is less.

**5. CHANNING DRIVE**

All of Channing Drive from Valley Mill Road to Senseny Road shall be constructed, open for traffic and dedicated to Frederick County before the 475th residential building permit is issued for any of the parcels listed in Article I of this proffer.

BX 954181556

6. TRAFFIC SIGNAL

The owners shall make a \$25,000 cash contribution towards the installation of a traffic signal at the intersection of Greenwood Road (Route 656) and Senseny Road (Route 657). This contribution shall be made to the Virginia Department of Transportation upon their request and upon approval by said department for the installation of this traffic signal. In the event a traffic signal is installed at said intersection before this contribution is made, the Virginia Department of Transportation may request the transfer of said contribution towards signalization at the intersection of Greenwood Road (Route 656) and Valley Mill Road (Route 659). The developer agrees to enter into a signal agreement with VDOT prior to final subdivision and/or site plan approval.

7. BRIDGE IMPROVEMENTS

There is currently a one-lane bridge on Valley Mill Road where it crosses Abrams Creek. The owners of the subject property shall pay towards feasibility studies, engineering, or construction of improvements to this crossing. These monies, paid to Frederick County, VA, are to be set aside for said improvements, and may be considered by the county for matching funds. Said payments shall be \$100.00 per residential lot, at the time the initial building permit is issued for said lot. The owner of the subject property shall be required to pay said monies until the Virginia Department of Transportation awards a contract for a two lane expansion and construction of these improvements on said bridge.

8. DRAINAGE AND WETLANDS DEVELOPMENT

Sediment forebays shall be constructed upstream of Twin Lakes in order to decrease the siltation of said lake and to settle out man-made impurities. These sediment forebays shall be constructed in such a way as to encourage their development into a wetland with locally indigenous vegetation and wildlife.

9. MONETARY CONTRIBUTION TO OFFSET IMPACT OF DEVELOPMENT

In the event rezoning application #15-99 is approved, and the property is subsequently developed within an RP zone, the undersigned will pay to the Treasurer of Frederick County, Virginia \$4,205.14 per residential lot prior to the initial building permit being issued for said lot.

This per lot monetary contribution provides for:

- \$3,568.94 for Frederick County Public Schools
- \$591.07 for Frederick County Parks and Recreation
- \$45.13 for Frederick County Fire and Rescue

This payment is intended to offset the additional cost to Frederick County due to an increased demand on public services.

3195461557

ARTICLE V: SIGNATURES

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the applicant and owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

[Signature]  
Robert A. Giles, Executor, Giles Farm

Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of September, 1999 by

Robert A. Giles

[Signature]  
Notary Public

My Commission Expires March 31, 2000

[Signature]  
John Scully, Lynnhaven L.C

Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 1999 by

John Scully

[Signature]  
Notary Public

My Commission Expires March 31, 2000

EK 95401558

George Sheppard                      Margie Sheppard  
 Dr. George Sheppard                      Margie Sheppard

Commonwealth of Virginia,

City/County of Fredricks To Wit:

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 1999 by

Dr. George Sheppard and Margie Sheppard  
Jean B. Malone  
 Notary Public

My Commission Expires March 31, 2000

Allen A Futral                      Betty Futral  
 Dr. Allen Futral                      Betty Futral

Commonwealth of Virginia,

City/County of Fredricks To Wit:

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of August, 1999 by

Allen and Betty Futral  
Jean B. Malone  
 Notary Public

My Commission Expires March 31, 2000

[Signature]

David Madison, Manager, Manning and Ross, LLC

Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of Dec, 1999 by

David Madison, Manager

[Signature]  
Notary Public

My Commission Expires March 31, 2000

[Signature]

Greg Bancroft, Manager, Manning and Ross, LLC

Commonwealth of Virginia,

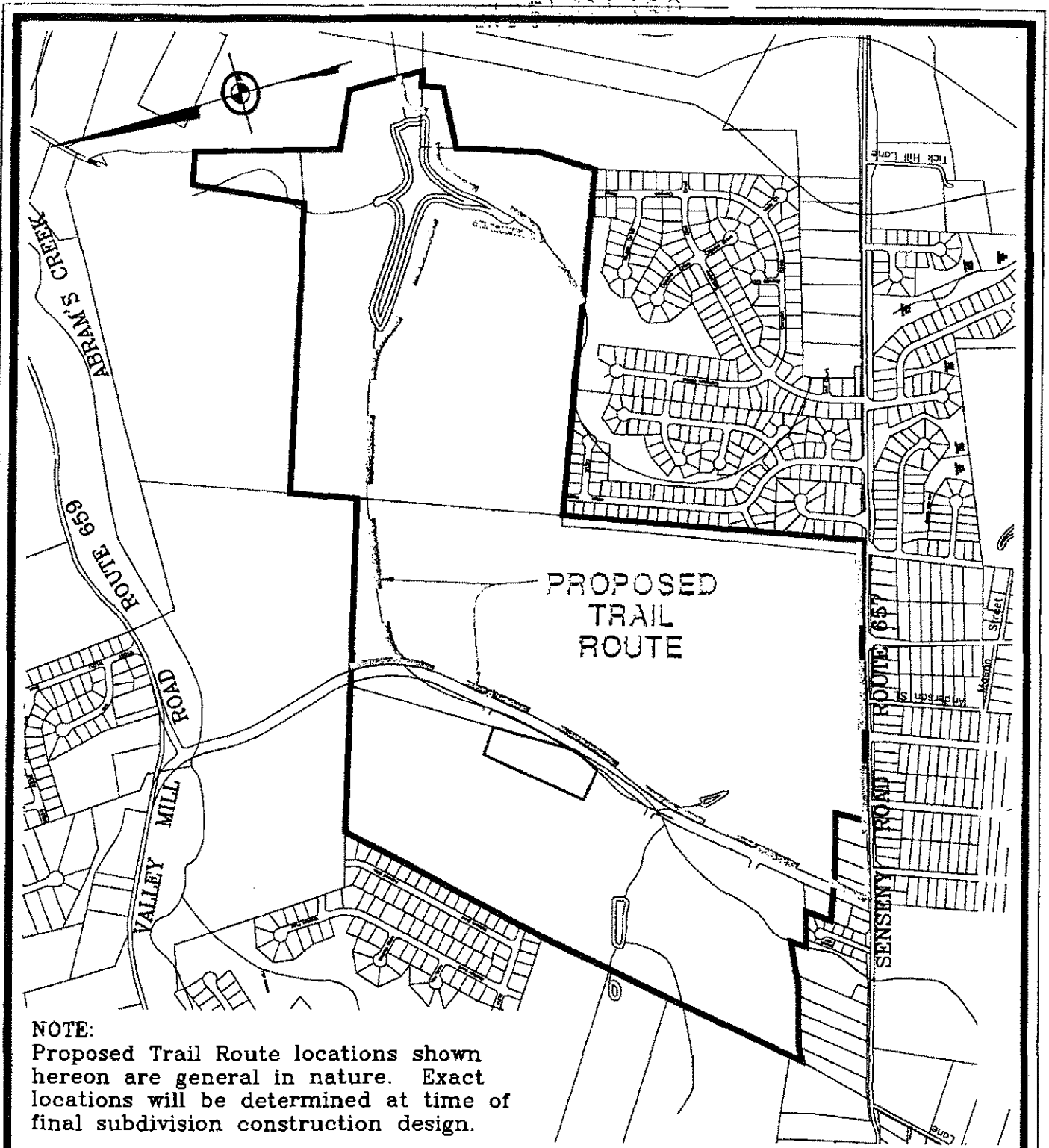
City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of Dec, 1999 by

Greg Bancroft, Manager

[Signature]  
Notary Public

My Commission Expires March 31, 2000



NOTE:  
 Proposed Trail Route locations shown hereon are general in nature. Exact locations will be determined at time of final subdivision construction design.

**TRAIL RC  
 EXI**

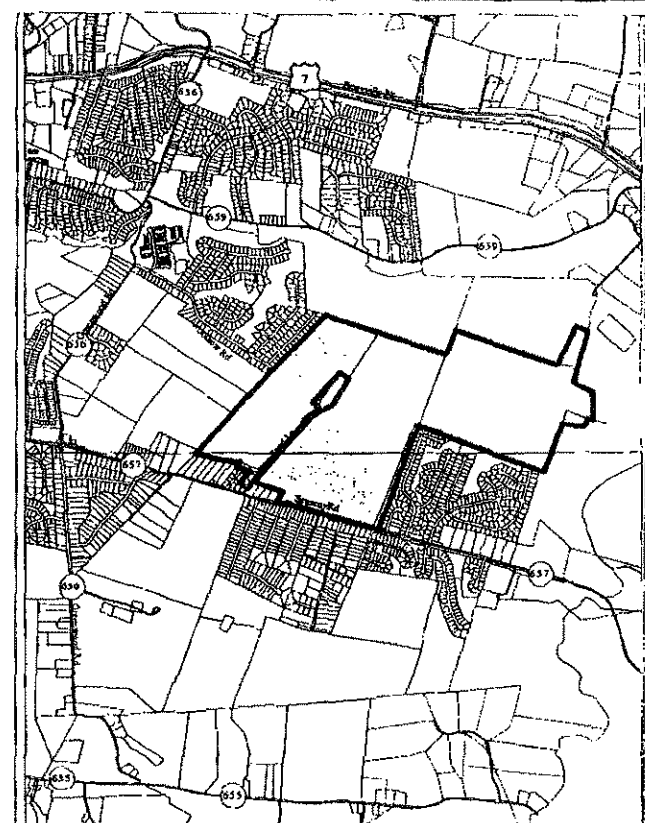
9, 1999  
 =1000'

**G**



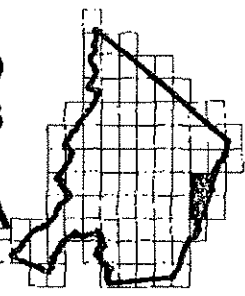
Engineer  
 Surveyor  
 Founded in 1971

008 0142185

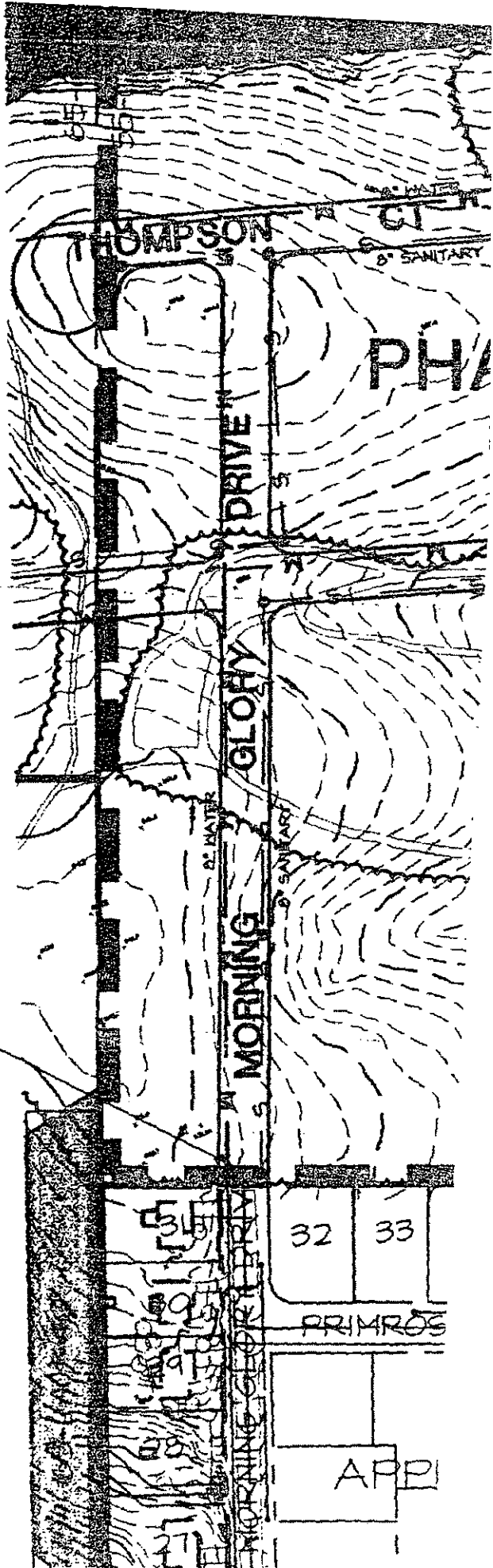


**MDP # 08-00**  
**Channing Drive**  
**Land Bays 1-9**

- PIN(s):**
- |          |          |
|----------|----------|
| 55-A-206 | 55-A-209 |
| 55-A-211 | 55-A-213 |
| 65-A-30  | 65-A-31  |
| 65-A-39  | 65-A-39A |
| 65-A-40  |          |



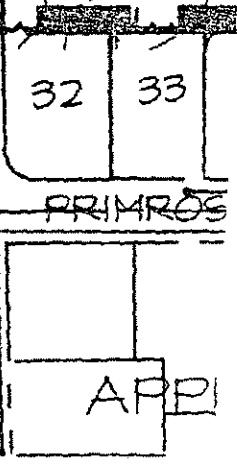
Office of Mapping and GIS, 10/31/00, Agray



A

CONNECTION WILL NOT OCCUR UNTIL THE SEGMENTS OF CHANNING DRIVE & ROSSMANN BLVD. ARE COMPLETED TO SERVE AS THE PRIMARY MEANS OF ACCESS TO THE VARIOUS PHASES AND BOARD OF SUPERVISORS APPROVAL.

NOTE OF CONCERN





65-((A))

FOREST &  
2737 SENSE  
WINCHESTER  
ZONE: RA

NORFOLK CT  
EX. OF WATER

B

CONNECTION WILL NOT OCCUR UNTIL THE  
SEGMENTS OF CHANNING DRIVE &  
ROSSMANN BLVD. ARE COMPLETED TO  
SERVE AS THE PRIMARY MEANS OF  
ACCESS TO THE VARIOUS PHASES.

NOTE OF  
CONCERN

85  
EX. OF SAN

86

CANYON ROAD  
EX. OF WATER

SENSENY GLEN  
SECTION 3

65F ((3))

WHIPP DRIVE 46

FREDERICK COUNTY SHERIFF'S OFFICE



Frederick County  
RECEIVED  
FEB 12 2014  
Finance Department

ROBERT T. WILLIAMSON  
Sheriff

MAJOR R.C. ECKMAN  
Chief Deputy

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540/662-6168  
FAX 540/722-4001

TO : Finance Department  
FROM : Sheriff R. T. Williamson *RTW*  
DATE : February 11, 2014  
SUBJECT : Insurance Reimbursement

---

We are requesting the insurance reimbursement received in the amount of \$5,535.00 for the auto claim dated December 17, 2013 be appropriated into our budget line of 3102-3004-000-002.

Thank you.

RTW/asw

*C.S. 2/7/14  
3-010-018990-0001  
1096*



John R. Riley, Jr.  
County Administrator

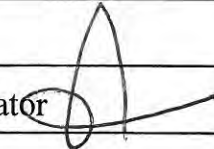
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

<b>TO:</b>	Public Works Committee
<b>FROM:</b>	John R. Riley, Jr., County Administrator 
<b>SUBJECT:</b>	New Round Hill Fire Station
<b>DATE:</b>	February 14, 2014

Attached please find supplemental information relative to the committee's upcoming discussions concerning the new Round Hill fire station. You will find attached a letter from the Round Hill Fire & Rescue Company, Inc. outlining some of the company's questions and concerns relative to this process. Please be advised the county attorney and I are developing a memorandum of agreement to further address some of the concerns raised.

Generally speaking, I believe the fire company should retain its name on the fire station. As for the maintenance responsibility, day to day facility cleaning and maintenance will be the responsibility of both career and volunteer staff. Facility maintenance shall be overseen by Frederick County. The Round Hill Fire and Rescue Company will be responsible for maintaining the proposed Community Center. This would include facility maintenance, supplies, and utilities.

You will also find attached, the following additional information:

- Estimated Annual Debt Service Schedule;
- Project Description, to include Design and Development Narrative;
- Project Budget;
- Estimated Construction Draw Schedule; and
- Draft Addendum to Fire and Rescue Joint Agreement (please note the highlighted sections 3 and 4).

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

JRR/jet

*Round Hill Community Fire & Rescue*

*Company, Inc.*

*P. O. Box 1368*

*Winchester, Virginia 22604*

*540-667-6855*

February 8, 2014

John Riley, County Administrator  
Frederick County  
107 N. Kent Street  
Winchester, Virginia 22601

Dear John,

During a meeting of the New Fire Station committee on February 5, 2014, several items were discussed, many of which we feel were necessary for us to proceed with the project.

Several months ago, we had a meeting with you to discuss certain items that included but not limited to “who is responsible” i.e. daily maintenance of station and property, repairs as needed etc. This has yet to be clearly addressed.

Also as mundane as it may seem, along the same lines of having Round Hill’s name on the station, there is also a need for the committee as well as the membership to have assurances that even though this is a joint project and that we as a company will move to occupy the facility once built that we feel that we are doing business as usual. The history of the Round Hill Community Fire & Rescue has been moving forward for 60 years and many if not most, of the membership feel that history on the brink of coming to an end by conducting business the way we have on this project. As much as we appreciate and respect your word when we have discussed this, it is strongly felt that we need to have these assurances recorded as public record. Future County Administrators, a different Board of Supervisor’s may not agree with verbal agreements and could easily terminate the existence of the Round Hill Community Fire & Rescue organization with the stroke of a pen.

Another concern throughout this entire process is there have been decisions made without a clear understanding why. We know that everyone came to the table with a dollar amount in mind and we built around it, but we are basing all of this on what the architects are quoting. An example of this involves the fourth bay. We justified it numerous times, however we have been informed that it will no longer be a bid option. How and why was this decided?

The committee would like to meet with you to discuss these issues sooner rather than later. We understand that the county budget process is in full swing and time is limited, however, we are hoping that we can schedule a meeting within a couple of weeks.

Thanks in advance for your consideration on this as we move forward with such an important and groundbreaking adventure.

Respectfully;

**Summary of Estimated Annual Debt Service Costs**

Frederick County

Fire Station & Community Center Project - Spring 2014 VRA Tax-Exempt Issue

Rates as of 1/9/2014

	Total	20 Years	
		Fire Station	Community Center
Amortization			
Project proceeds	\$5,300,000	\$3,252,551	\$2,047,449
VRA Cost of Issuance (Includes Capital Reserve, Subordinate Series Only)	\$74,638	\$45,678	\$28,960
Local Cost of Issuance	\$50,000	\$30,650	\$19,350
Underwriter's Discount	\$20,400	\$12,520	\$7,880
VRA Up front fee	\$6,375	\$3,913	\$2,463
Premium paid by Investors	-\$351,413	-\$215,312	-\$136,101
<b>Par Amount Borrowed</b>	<b>\$5,100,000</b>	<b>\$3,130,000</b>	<b>\$1,970,000</b>

Fiscal Year	County Fire Station			Community Center		
	Debt Service (Includes Ongoing VRA Fee)	Service (Includes Ongoing VRA Fee)	Portion of Debt	Service (Includes Ongoing VRA Fee)	Portion of Debt	Service (Includes Ongoing VRA Fee)
6/30/2015	\$390,135	\$236,625	\$153,509			
6/30/2016	\$387,528	\$240,338	\$147,191			
6/30/2017	\$388,544	\$242,797	\$145,747			
6/30/2018	\$388,778	\$239,803	\$148,975			
6/30/2019	\$388,269	\$236,434	\$151,834			
6/30/2020	\$386,628	\$237,388	\$149,241			
6/30/2021	\$388,053	\$237,134	\$150,919			
6/30/2022	\$387,991	\$236,025	\$151,966			
6/30/2023	\$386,716	\$239,106	\$147,609			
6/30/2024	\$389,800	\$236,803	\$152,997			
6/30/2025	\$382,747	\$234,469	\$148,278			
6/30/2026	\$385,581	\$237,000	\$148,581			
6/30/2027	\$387,272	\$233,922	\$153,350			
6/30/2028	\$388,794	\$240,706	\$148,088			
6/30/2029	\$385,763	\$237,647	\$148,116			
6/30/2030	\$381,756	\$238,916	\$142,841			
6/30/2031	\$386,969	\$234,781	\$152,187			
6/30/2032	\$386,872	\$235,613	\$151,259			
6/30/2033	\$386,038	\$235,953	\$150,084			
6/30/2034	\$383,959	\$235,494	\$148,466			
<b>Total Debt Service</b>	<b>\$7,738,191</b>	<b>\$4,746,954</b>	<b>\$2,991,237</b>			

50

VRA Estimated Pricing Summary							
Senior Series				Subordinate Series			
Maturity	Coupon	Yield	Principal	Coupon	Yield	Principal	Total Principal
11/1/2014	2.00%	0.20%	\$140,000	2.00%	0.24%	\$60,000	\$200,000
11/1/2015	2.00%	0.39%	\$125,000	3.00%	0.44%	\$50,000	\$175,000
11/1/2016	1.50%	0.62%	\$125,000	3.00%	0.72%	\$55,000	\$180,000
11/1/2017	3.00%	0.98%	\$130,000	3.00%	1.11%	\$55,000	\$185,000
11/1/2018	2.00%	1.39%	\$130,000	4.00%	1.55%	\$60,000	\$190,000
11/1/2019	4.00%	1.85%	\$135,000	4.00%	2.03%	\$60,000	\$195,000
11/1/2020	4.00%	2.26%	\$140,000	5.00%	2.43%	\$65,000	\$205,000
11/1/2021	5.00%	2.60%	\$150,000	5.00%	2.75%	\$65,000	\$215,000
11/1/2022	5.00%	2.83%	\$155,000	5.00%	2.98%	\$70,000	\$225,000
11/1/2023	5.00%	3.02%	\$165,000	5.00%	3.17%	\$75,000	\$240,000
11/1/2024	5.00%	3.18%	\$170,000	4.00%	3.38%	\$75,000	\$245,000
11/1/2025	5.00%	3.32%	\$180,000	4.00%	3.55%	\$80,000	\$260,000
11/1/2026	5.00%	3.48%	\$190,000	5.00%	3.63%	\$85,000	\$275,000
11/1/2027	4.00%	3.75%	\$200,000	5.00%	3.77%	\$90,000	\$290,000
11/1/2028	4.50%	3.83%	\$210,000	3.75%	4.01%	\$90,000	\$300,000
11/1/2029	4.50%	3.92%	\$215,000	5.00%	3.97%	\$95,000	\$310,000
11/1/2030	4.50%	4.01%	\$230,000	4.00%	4.18%	\$100,000	\$330,000
11/1/2031	4.50%	4.10%	\$240,000	4.00%	4.27%	\$105,000	\$345,000
11/1/2032	4.50%	4.16%	\$250,000	4.13%	4.33%	\$110,000	\$360,000
11/1/2033	4.50%	4.22%	\$260,000	5.00%	4.27%	\$115,000	\$375,000
<b>Total Principal</b>			<b>\$3,540,000</b>			<b>\$1,560,000</b>	<b>\$5,100,000</b>

## **SECTION II. Project Description and Budget**

1. The Project will consist of two distinct buildings to be built on approximately 4 acres located between National Lutheran Boulevard and Retail Boulevard within the Silver Lake development in Frederick County, Virginia. The County currently owns this land and will own the entire building complex consisting of a Fire and Rescue Station measuring 16,887 square feet, and a Community Center measuring 9,091 square feet. The County will own the project and will be financially responsible to the Virginia Resource Authority for all debt service and related VRA costs, as well as the cost of the Fire and Rescue Station operations. The Community Center portion of the Project will be operated and used by the Round Hill Community Fire and Rescue Company (the "Volunteer Company") which is a 501 c 3 Organization.

The Fire and Rescue Station will be used by the Volunteer Company, subject to the terms of the Fire and Rescue Joint Agreement (the "Joint Agreement") between Frederick County and the Volunteer Company, in a manner typically associated with such use by a volunteer fire and rescue organization. The Community Center, managed by the Volunteer Company, will be a public facility, open to the general public and made available for general public events and use.

**(See attached Design Development Narrative.)**

2. N/A.

# Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

SEPTEMBER 23, 2013

## SITE NARRATIVE

### Site Information

The project site is located on the north side of Northwestern Pike, route 50, between National Lutheran Boulevard and Retail Boulevard in Frederick County, Virginia. The site is proffered to the county by the developer of the larger parcel (parcel number TM 52-A-C) to the north. The project parcel is between three and four acres as described in the proffer agreement. Access to route 50 will be via a short segment of Trader Drive to be constructed up to the fire station and event center site. The site will be zoned B2.

Underground propane tanks serving both buildings will be located adjacent to the masonry generator enclosure indicated on the architectural site plan.

### Setbacks and Zoning Requirements

The site setback in accordance with county code 165-601 are as follows:

- Front yard - 35'-0"
- Side yard - None
- Rear yard - None
  
- Floor Area Ratio (FAR) - 1
  
- Minimum Landscaped Area - 15%
  
- Maximum Building Height - 35'-0"
  
- Zoning Buffer - None - All adjoining properties are zoned B2

## ARCHITECTURAL NARRATIVE

The Frederick County Round Hill Fire and Rescue Station and Event Center are generally described as one story buildings with a pre-engineered steel structure, metal wall girts and roof purlins, and a combination of split-face concrete masonry units, pre-cast concrete shapes, and metal panels on the exterior walls. The buildings are designed in accordance with the 2009 Edition of the International Building Code (IBC) as amended by the Virginia Uniform Statewide Building Code (VUSBC). The primary use group of the Fire Station is Residential (R-2), and the construction type is IIB, non-combustible construction. Secondary use groups are Business (B) and Storage (S-2). The Event Center's primary use group is Assembly (A-2). Both buildings will be sprinklered with an NFPA-13 sprinkler system and will be provided with a fire alarm system. The building will not pursue LEED certification but will incorporate sustainable strategies as determined by the Owner.

The Round Hill Community Fire and Rescue station will house volunteer and career fire and rescue staff. Spaces in the fire station include a dayroom, kitchen, sleeping rooms, lockers, showers, a training room, a exercise room, apparatus bays, and apparatus support spaces. The event-center will have a large meeting space, toilets, bingo offices and support space, and a kitchen.

The exterior walls of both buildings will be non-load bearing and will be anchored to the pre-engineered metal building frame. Face masonry will be installed in a cavity wall configuration consisting of split-face concrete masonry units on the exterior face, an air space, 2" of spray foam insulation, and a concrete masonry unit or gypsum board and metal stud back-up. The walls will be flashed and drained with a two piece counter flashing. Portions of the wall which will be metal panel will consist of a pre-finished metal

## Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

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sandwich panel with an exterior panel, two inches of insulation, and concrete masonry unit or gypsum board and metal stud back-up.

Exterior windows for the fire station and the event center will consist of a thermally broken aluminum storefront framing system with 1" insulated, low-e, tempered glazing. Windows over 12'-0" tall and 6'-0" wide will be constructed from thermally broken aluminum curtainwall with .1" insulated, low-e, tempered glazing. Exterior window sills will be sloped architectural precast concrete. Interior window stools and aprons will be solid surface. Interior windows will consist of 1/4" tempered glazing in hollow metal frames.

The roof system for the fire station and the event center will consist of metal sandwich panels with standing seam metal roof panels on the exterior, an insulation core, and metal panels on the interior. The panels will be fastened to the pre-engineered metal building purlins. The roof system will have a high Solar Reflectance Index (SRI) to reduce the amount of cooling required in the building in the warmer months.

Interior partitions of the fire station and the event center will consist of 5/8" gypsum wall board on 3 5/8" galvanized steel studs, extending 4" above the highest adjacent ceiling where possible. At the fire station only, interior concrete masonry unit walls will be provided at the apparatus support spaces consisting of 6" or 8" concrete masonry units with steel stud furring and gypsum wall board where required. All interior masonry walls 8" and thicker will be on foundations. All interior masonry walls 6" and thinner will be on thickened slabs.

Exterior doors to storage spaces, mechanical spaces, vehicle bays, and the bay support spaces will be painted steel doors in steel frames. All other exterior access doors will be aluminum doors with 1" insulated glazing, set in a thermally broken aluminum storefront frames. Interior doors will be solid core wood doors with 1/4" tempered vision lites where indicated, set in painted steel frames. Most exterior and interior doors will be 3'-0" wide by 7'-0" high with the exception of some storage room doors and exterior access doors which will be 8'-0" high.

Apparatus bays will have high bay lights, radiant propane gas heaters, Plymovent exhaust systems, and a general bay exhaust system. The overhead sectional bay doors will have vision panels between 3'-6" and 8'-0". The remainder of the bay doors will be prefinished metal panels.

Appliances including refrigerators, counter-mounted microwaves, and coffee pots will be provided by the Owner outside of the construction contract. Appliances including stoves, cabinet mounted microwaves, and dishwashers will be provided in the construction contract. Equipment including copiers, shredders, and postage machines will be provided by the owner outside of the construction contract. Furniture including workstations, chairs, open metal shelving, and file cabinets will be provided by a separate furniture contract.



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**SECURITY NARRATIVE**

Door Controls

A biometric finger print door access control system will be utilized to control access to the fire station and event center buildings and to various areas within the buildings. Fingerprint readers serving secure areas will be equipped with keypads, thereby requiring two forms of authentication to gain access to the space. Exiting from areas secured by card readers will typically be by automatic request-to-exit devices integral to the door hardware.

The card reader systems will be capable of providing a record of which cards opened which doors and will permit programming of cards to provide varying levels of access. The card reader system for the fire station will be independent from that of the event center.

Electronics

The security control system for the fire station and event center will consist of a fingerprint door access control system. Since the security control system is computer software based and is networked, it can be programmed and reprogrammed to meet the needs of the operational staff.

Security Control

Primary control and monitoring will occur at the RADIO REPORT ROOM FS-118 in the fire station and in the BINGO OFFICE EC-119 in the event center. Both security control stations will have the ability to control any of the access controlled doors in their respective buildings, activate and de-activate access privileges, monitor the status of any alarmed doors, and monitor other building system inputs including the fire alarm, sprinklers, and the building automation system.

CCTV/Intrusion Detection System

A security camera system and intrusion detection system are not planned for the fire station. The building is to be staffed twenty-four hours a day, seven days a week. The Event Center will include a basic zoned intrusion detection system with motion detectors and keypad activation devices located at specific entry doors.

**STRUCTURAL SYSTEM NARRATIVE**

The proposed Round Hill Fire Station and Event Center located in Frederick County, Virginia shall both be one-story buildings founded on shallow foundations consisting of continuous strip footings for walls, and isolated spread footings for columns. Foundations will be at minimum depth and shall be sized for an allowable soil bearing pressure of 3,000 PSF, based on the final geotechnical report. The Fire Station and Event Center shall both have 5" reinforced concrete slabs on grade. The Fire Station shall have an 8" reinforced concrete slab on grade in the apparatus bays.

The Fire Station and Event Center will both be pre-engineered metal buildings with rigid frames, utilizing a combination of exterior non-load-bearing masonry, precast concrete and cold-formed steel walls. Interior masonry bearing walls and steel framing will be utilized in the Fire Station mezzanine. The roof systems will be pre-engineered metal panels on steel roof purlins, in the majority of both buildings. Lateral forces in both buildings shall be resisted by steel rigid frames and portal frames, and steel roof deck diaphragms in both directions.

Design Loads

Design live loads shall be in accordance with the Virginia Uniform Statewide Building Code, 2009 Edition (IBC 2009), building Occupancy Category IV.

# Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

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Dead Load: Actual calculated weight of permanent construction

Minimum Floor Live Loads:

Offices - 50 PSF  
Lobbies and Corridors - 100 PSF  
Event Center - 100 PSF  
Storage Rooms - 125 PSF  
Mechanical and Electrical Rooms - 150 PSF  
Mezzanine - 200 PSF

Roof Load: 20 PSF or Snow Load, whichever is greater

Snow Load: Ground Snow Load,  $P_g = 35$  PSF  
Snow Importance Factor,  $I_s = 1.2$   
Exposure Factor,  $C_e = 1.0$   
Thermal Factor,  $C_t = 1.0$

Wind Load: Basic Wind Speed (3 second gust),  $V = 90$  MPH  
Wind Importance Factor,  $I_w = 1.15$   
Exposure = Exposure Category C  
Internal Pressure Coefficient,  $G C_{pi} = +0.18, -0.18$

Seismic Load: Site Class = C (per final geotechnical report)  
Seismic Importance Factor,  $I_e = 1.5$   
Seismic Design Category = A  
Spectral Response Coefficients:  
 $S_{ds} = 0.135$   
 $S_{d1} = 0.061$   
Basic Seismic Force-Resisting System:  
Building Frame System – Steel Eccentrically Braced Frames  
Not Specifically Detailed for Seismic Resistance  
Analysis Procedure: Equivalent Lateral Force Procedure

Applicable Codes and Standards

Virginia Uniform Statewide Building Code (VUSBC 2009; March 1, 2011)

Minimum Design Loads for Buildings and Other Structures, ASCE 7-05

American Concrete Institute (ACI) - Building Code Requirements for Structural Concrete and Commentary, 318-08/318R-08

American Concrete Institute (ACI) - Building Code Requirements for Masonry Structures with Commentary and Specifications for Masonry Structures with Commentary, 530-08/530.1-08

American Institute of Steel Construction (AISC) - Steel Construction Manual (13th Edition)

American Institute of Steel Construction (AISC) - Specification for Structural Steel Buildings, AISC 360-05

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MECHANICAL SYSTEM NARRATIVE

FIRE STATION

The fire station building will be served by four air-cooled, split-system heat pumps with high efficiency, propane fired burners as the auxiliary heat source. The propane burners will be capable of being converted to natural gas in the future. Trane will be the basis of design, with Carrier, Lennox, and Johnson Controls specified as approved equals. Separate indoor units will be provided for each thermal zone to provide independent temperature control. The indoor units will be located above the ceiling of corridors or spaces the noise will not be an issue. The outdoor condensing units will be located outside on grade adjacent to the building.

An energy recovery unit with an enthalpy wheel will precondition ventilation air prior to delivery to the split-system heat pumps. Exhaust air from the locker, toilet, and shower rooms that would typically be exhausted can be used to preheat/precool the required ventilation air, thus reducing energy consumption. The energy recovery unit will be located in the mechanical room of the mezzanine.

Computer data rooms with high density cooling loads will be served by split-system computer room air conditioning (CRAC) units.

A residential type recirculating hood will serve the kitchen ranges. Exhaust fans will serve the janitor's closet and apparatus bay storage rooms. Unit heaters will provide heat to the apparatus bay support spaces.

Apparatus Bays

Propane fired infrared radiant heaters will be provided to serve the apparatus bays. The heaters will be located to avoid conflict with the emergency vehicles, overhead doors, and other utilities in the bays.

A manually operated exhaust fan will provide ventilation to the apparatus bays. Makeup air will be introduced into the space through the open apparatus bay doors.

A Plymovent vehicle exhaust system will be provided to serve the apparatus bays. The fan serving the system will be located in the mechanical room located on the mezzanine adjacent to the apparatus bay area. In addition there will be a back-up exhaust system with override to not allow use when the Plymovent is working.

A high volume low speed large diameter ceiling mounted propeller fan will be mounted in the apparatus bays to promote air circulation and minimize the effects of stratification.

EVENT CENTER

The event center building will be served by three air-cooled, split-system heat pumps with high efficiency, propane fired burners as the auxiliary heat source and a single zone constant volume packaged air conditioning unit with high efficiency, propane fired burners. The propane burners will be capable of being converted to natural gas in the future. The split system units will serve the bingo office area and the kitchen while the single zone unit will serve the remainder of the building. The indoor units for the split systems will be located above the ceilings over the spaces they are serving with the condensing units located outside on grade adjacent to the building. The single zone unit will be located outside on grade adjacent to the building.

# Frederick County Round Hill Fire Station and Event Center - Design Development Narrative

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An energy recovery unit with an enthalpy wheel will precondition ventilation air prior to delivery to the split-system heat pumps. Exhaust air from the toilet and shower rooms that would typically be exhausted can be used to preheat/precool the required ventilation air, thus reducing energy consumption. The energy recovery unit will be located above the ceiling.

Computer data rooms with high density cooling loads will be served by split-system computer room air conditioning (CRAC) units.

The kitchen will have a commercial kitchen hood with all fire safety and controls to automatically start the hood operating when appliance are use, as required by code. Make-up air unit with propane gas fired burner and DX cooling coil will provided the hood room neutral temperature air to make-up for the exhaust. An appropriately rated roof mounted exhaust fan will serve the kitchen exhaust hoods while inline exhaust fans will serve the janitor's closet and restrooms.

## PLUMBING SYSTEM NARRATIVE

### General

The plumbing portion of the work will consist of providing fixtures, domestic water, sanitary, storm water, and propane gas systems for the facility.

### FIRE STATION

#### Plumbing Fixtures and Equipment

Plumbing fixtures will be high efficiency commercial grade units and specified to reduce water consumption. Fixtures accessible to the physically handicapped will be provided where required by building code. Toilets will be floor mounted units with manual flush valves and lavatories will be wall hung units with manual faucets. Showers will be individual, surface mounted wall units. Janitor sink will be floor mounted, 24" x 24" x 12" high.

Two commercial type stacked clothes washer/dryers are indicated in LAUNDRY FS-138. One ice machine is indicated in STORAGE FS-142. Clothes washer/dryers and the ice machine are not included in-the construction contract and will be provided by the Owner. Basis-of-design equipment is listed in Appendix B. One emergency eyewash, one shower, one two-compartment scullery sink with a four foot drying board, and infrastructure for a future Owner provided washer/extractor are indicated in the DISINFECTION ROOM FS-140.

The kitchen range will be provided with propane gas connections.

Area drains will serve the apparatus bay area and connect to an oil/water separator prior to connecting to the site system. Rough-ins for connections to wall mounted hose reels will be provided in the apparatus bay area.

#### Domestic Water Piping System

A reduced pressure zone (RPZ) backflow preventer will be installed in the incoming water service line to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Domestic cold water, hot water, and hot water recirculation piping will be copper.

Propane fired water heaters will be used to heat water for the domestic hot water supply. The water heater(s) will be located on the mechanical room on the mezzanine. Laundry room hot water will be provided at 140°F. Domestic hot water supply at showers, sinks and lavatories will be mixed through a

**Frederick County Round Hill Fire Station and Event Center - Design Development Narrative**  
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thermostatic mixing valve and set at 110°F. Hot water temperatures will be maintained throughout system by a domestic hot water circulation pump.

Sanitary Piping System

The system will be designed to discharge by gravity to the site sanitary sewer system. Piping system will be schedule 40 DWV PVC.

EVENT CENTER

Plumbing Fixtures and Equipment

Plumbing fixtures will be high efficiency commercial grade units and specified to reduce water consumption. Fixtures accessible to the physically handicapped will be provided where required by building code. Toilets will be floor mounted units with sensor operated flush valves and lavatories will be wall hung units with sensor operated faucets. Janitor sink will be floor mounted, 24" x 24" x 18" high.

The commercial kitchen equipment will be served by the propane gas system.

Domestic Water Piping System

A reduced pressure zone (RPZ) backflow preventer will be installed in the incoming water service line to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Domestic cold water, hot water, and hot water recirculation piping will be copper.

Propane fired water heaters will be used to heat water for the domestic hot water supply. Domestic hot water supply at showers, sinks and lavatories will be mixed through a thermostatic mixing valve and set at 110°F. Hot water temperatures will be maintained throughout the system by a domestic hot water circulation pump.

Sanitary Piping System

The system will be designed to discharge by gravity to the site sanitary sewer system. Piping system will be schedule 40 DWV PVC.

The sanitary system serving the commercial kitchen will connect to a grease interceptor prior to connecting to the site system.

**FIRE PROTECTION SYSTEM NARRATIVE**

Each building will have a fire service entrance equipped with a double detector check valve to prevent potential contamination of the public water supply. A flow test will be required to determine available pressures at the site. Once flow test data is available, a determination can be made as to whether a fire pump is required to serve the buildings.

Each building will be served by a hydraulically calculated wet type sprinkler system designed in accordance with NFPA-13. Any areas subject to freezing requiring protection will be served by a dry pipe type system per NFPA-13.

**ELECTRICAL SYSTEM NARRATIVE**

General

The electrical portion of the work will consist of providing building power, lighting, and fire alarm systems.

Electrical Service

Each building will be served by a Main Distribution Panelboard (MDP) which will be service entrance rated with ground fault protection. The utilization voltage throughout the facility will be 480/277 volts, 3 phase, 4 wire, which will be distributed via conduit risers and will supply energy to all of the building lighting systems, HVAC and plumbing equipment, and equipment and motors larger than 1/2 HP. A 208Y/120 volt system, supplied through individual transformers, will be provided to serve equipment, general and special receptacles, office workstations, motors smaller than 1/2 HP, and other miscellaneous equipment such as vending machines, printers and copiers.

All electrical equipment and distribution feeders shall be sized for the loads to be served plus 20% spare capacity and for future load growth. The distribution system will be designed to limit THD to 5% at the main switchboard, and to maintain power factor required by utility company.

All panel boards will be circuit breaker type with bolt-on, thermal magnetic circuit breakers.

All electrical equipment will be grounded in accordance with the National Electrical Code, including all non-current carrying metallic parts and non-metallic conduits. A new grounding system will be provided as a source of grounding for the electrical distribution system and electrical and mechanical equipment housed within the building. Separate ground conductors shall be provided in all conduits, sized in accordance with NEC such that to achieve a ground resistance of not more than 5 ohms in any point in the system.

Each building's surge protective devices will be provided on the MDS and panel-boards serving critical loads such as network servers.

Each building will be equipped with a generator which will provide back-up power to 100% of the building's electrical load including lighting and HVAC equipment. The generator currently serving the existing generator will be evaluated for reuse once the total building load is determined for each building.

Electrical Site Work

The electrical site work will consist of trenching and backfilling required for underground wiring. The underground wiring will run from the connection point designated by the utility company to the new location of the electrical service entrance for each building.

Exterior lighting will consist of wall- and pole-mounted fixtures rated for wet locations and "Dark Skies" compliant to improve visibility and minimize light pollution. Pole-mounted fixtures will be LED. The site lights will be controlled by an independent light control system and switched via lighting contactors.

Interior Lighting

A complete system of artificial interior lighting will be provided for all spaces. Lighting will be designed in accordance with the recommended practices of the Illumination Engineering Society (IES). In general, all interior lighting will be fluorescent with the possible exception of certain areas where incandescent or LED lighting may be used for special lighting applications. Fluorescent energy saving lamps and electronic ballasts will be used.

All spaces will be provided with manual and automatic lighting controls in accordance with the International Energy Conservation Code (IECC). Automatic controls will be local dual-technology occupancy sensors.

Types and grades of fixtures will be as follows:

- a) Offices, training room, and corridors – Recessed semi-indirect T5 fluorescent fixtures. Lighting levels will average at least 50 foot-candles (fc) in multipurpose room and offices and 10 fc in corridors.
- b) Living Areas – Direct and indirect lighting with a combination of fluorescent, compact fluorescent, and LED sources, including accent lighting providing an overall 20 fc average. Bunk rooms will incorporate emergency lights with red lens fileters.
- c) Utility & Storage areas – Strip style fluorescent fixtures with acrylic wrap lens, surface or pendant mounted. Lighting level will average 30 fc for utility and 20 fc for storage areas.
- d) Apparatus Bays – High bay T5 fluorescent fixtures. Lighting levels will average 50 fc.

Emergency egress lighting will be designed to provide 1.0 foot-candle (fc) average, 0.1 fc minimum lighting with a max/min uniformity ratio no more than 40:1 for all paths of egress within the building and to points ten feet outside the building. Egress lighting fixtures will each have two fluorescent lamps so that failure of one lamp will not leave a space in the dark. Exit lights and emergency egress lighting fixtures will be backup powered by an emergency generator.

#### Devices, Conduits, and Conductors

All devices such as light switches and receptacles will have a minimum rating of 20 amps, 120-volt. Device covers will be constructed of stainless steel. All 20A circuits will have Arc Fault Circuit Interrupter (AFCI) protection in the areas prescribed by the NEC.

Conduits will be used for all systems 25-volts and higher. Minimum trade size conduit allowed will be 3/4". All conduits will be concealed where possible. The classification of conduit usage will be as follows:

- a) Underground/under-floor slab – PVC Schedule 40.
- b) Parking/roadway, heavy traffic – PVC Schedule 80.
- c) Inside concealed – Electrical metallic tubing with steel fittings.
- d) Inside exposed to damage – Rigid Steel.

Conduit will be run exposed in mechanical equipment and utility spaces. Elsewhere, it will be concealed above ceilings, in shafts and in furred spaces. Concealed flexible connections to light fixtures and equipment will utilize flexible conduit, maximum six feet in length.

Branch circuit wiring for power and light will generally be type THHN/THWN. All conductors No. 10 AWG and smaller will be solid copper. All conductors No. 8 AWG and larger will be stranded copper. All power conductors will be insulated for 600 volts.

Rough-ins for connections to electrical power reels will be provided in the apparatus bay area.

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Fire Alarm System

A fire alarm system for each building will be provided in accordance with NFPA 72.

The fire alarm systems will be of the intelligent, electrically operated, supervised, and closed circuit type. The fire alarm systems will allow for individually annunciated devices. All cabling for the fire alarm systems will be in conduit.

Manual pull stations, smoke detectors, thermal detectors, and alarm notification horns and strobes will be located at all required locations in accordance with the VUSBC. All system installation and wiring will be as recommended by the system manufacturer.

An LCD text remote annunciator will indicate the exact location description of an alarm and allow full system control. LCD annunciators will also be provided at select locations designated by the Owner.

Lightning Protection System

The buildings will be provided with a Lightning Protection System designed and installed in accordance with NFPA 780, to receive a UL Certificate of Inspection for Lightning Protection Systems. Each lightning protection ground rod will have a test well. Roof mounted antennas will be grounded.



**Frederick County, Virginia**  
**Round Hill Community Fire and Rescue Station and Community Center Budget**

	<b>Fire Station</b>	<b>Community Center</b>	<b>Total Project</b>
<b>Fire Station</b>	\$3,125,575		\$3,125,575
<b>Community Center</b>		\$1,500,000	\$1,500,000
<b>Site Work</b>	\$500,000	\$250,000	\$750,000
<b>Architectural and Design Work</b>	\$301,565	\$150,782	\$452,347
<b>Construction Services</b>	\$93,333	\$46,667	\$140,000
<b>Contingency</b>	\$232,078	\$100,000	\$332,078
<b>Cost of Issuance</b>	\$34,000	\$16,000	\$50,000
	<u>\$4,286,551</u>	<u>\$2,063,449</u>	<u>\$6,350,000</u>

**Estimated Construction Draw Schedule**

	<b>Fire Station</b>	<b>Community Center</b>	<b>Total Project</b>
May 1, 2014	\$429,582	\$270,418	\$700,000
June 1, 2014	\$276,160	\$173,840	\$450,000
July 1, 2014	\$398,898	\$251,102	\$650,000
August 1, 2014	\$398,898	\$251,102	\$650,000
September 1, 2014	\$521,636	\$328,364	\$850,000
October 1, 2014	\$521,636	\$328,364	\$850,000
November 1, 2014	\$337,529	\$212,471	\$550,000
December 1, 2014	\$214,791	\$135,209	\$350,000
January 1, 2014	\$153,422	\$96,578	\$250,000
	<u>\$3,252,552</u>	<u>\$2,047,448</u>	<u>\$5,300,000</u>
Proffers due to County by March 14, 2014	\$1,000,000		\$1,000,000
	<u>\$4,252,552</u>	<u>\$2,047,448</u>	<u>\$6,300,000</u>

**ADDENDUM TO FIRE AND RESCUE JOINT AGREEMENT**  
**(Round Hill Community Fire and Rescue Company)**

THIS ADDENDUM TO FIRE AND RESCUE JOINT AGREEMENT (this "Addendum"), is dated as of \_\_\_\_\_, 2014, by and between the COUNTY OF FREDERICK, VIRGINIA (the "County") and the ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY (the "Company").

**RECITALS**

A. The County, the Company and the other volunteer fire and rescue companies named therein entered into a Fire and Rescue Joint Agreement, dated as of September 26, 2007 (the "Agreement").

B. The County proposes to enter into a financing (the "Financing") for the construction and equipping of a fire station (the "Fire Station") and multi-purpose building (the "Community Center") to be used by the County and the Company to provide fire and rescue services and community facilities

C. The Company intends to be bound by the terms of the Agreement for as long as the Financing is outstanding.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained and other valuable consideration, the parties hereto agree as follows:

Section 1. Term of Agreement. The County and the Company agree that the Agreement shall remain in full force and effect with respect to the County and the Company as long as the Financing remains outstanding, subject to the provisions governing dissolution of the Company contained in Section 14.B of the Agreement. The County and the Company each agree that they will not exercise their respective right to terminate the Agreement as long as the Financing is outstanding unless they obtain an opinion of nationally recognized bond counsel acceptable to the County and to the Virginia Resources Authority ("VRA") or such other financing entity as may be deemed to be the lender under the Financing (the "Lender") to the effect that such termination will not adversely affect the treatment for tax purposes of interest on the Financing or any bonds issued by the VRA in connection with the Financing (an "Approving Opinion").

Section 2. Amendment of Agreement. The County and the Company each agree that they will not amend the Agreement as long as the Financing is outstanding without obtaining an Approving Opinion.

Section 3. Use of Facilities. The County and the Company agree that as long as the Financing is outstanding (i) the Fire Station will be used to provide fire and rescue services for the County in accordance with the Agreement and (ii) the Community Center will be used by the Company in furtherance of its fire and rescue functions or made available by the Company for

use by the general public on such terms and conditions as the Company may establish, which use may include rental of the Community Center to members of the general public for various events.

Section 4. Conveyance of Community Center to Company. The County agrees to convey the Community Center to the Company upon payment by the Company of an amount sufficient to pay principal of and interest and any prepayment premium on the portion of the Financing allocated to payment of the costs of acquisition and construction of the Community Center; provided that no such conveyance shall occur until such portion of the Financing has been paid in full or defeased and the written consent of the Lender has been obtained.

Section 5. Ratification and Confirmation. All provisions of the Agreement, as amended by this Addendum, are hereby ratified and confirmed by the parties and shall remain in full force and effect.

Section 6. Counterparts. This Addendum may be executed in any number of counterparts, each of which shall be an original, all of which together shall constitute but one and the same instrument.

Section 7. Governing Law. This Addendum shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Addendum to Fire and Rescue Joint Agreement to be duly executed as of the \_\_\_\_ day of \_\_\_\_\_, 2014, by their duly authorized representatives.

COUNTY OF FREDERICK, VIRGINIA

By: \_\_\_\_\_  
Its: County Administrator

ROUND HILL COMMUNITY FIRE AND  
RESCUE COMPANY

By: \_\_\_\_\_  
Its: Chief

ROUND HILL COMMUNITY FIRE AND  
RESCUE COMPANY

By: \_\_\_\_\_  
Its: President

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
1/1/2014	SHERIFF	SALARY ADJUSTMENTS 1/14	3102	1002	000	051	1,740.52
	TRANSFERS /CONTINGENCY		9301	5807	000	001	(1,740.52)
	SHERIFF		3102	1001	1001	028	1,111.47
	SHERIFF		3102	1007	1007	001	(1,111.47)
	SHERIFF		3102	1002	1002	083	2,294.40
	SHERIFF		3102	1007	1007	001	(2,294.40)
	SHERIFF		3102	1002	1002	033	968.08
	SHERIFF		3102	1007	1007	001	(968.08)
	SHERIFF		3102	1001	1001	051	2,935.24
	SHERIFF		3102	1007	000	001	(2,935.24)
	SHERIFF		3102	1002	1002	020	665.40
	SHERIFF		3102	1007	1007	001	(665.40)
1/1/2014	GENERAL ENGINEERING/ADMINISTRATION	SALARY ADJUSTMENTS 1/14	4201	1001	000	002	1,984.28
	GENERAL ENGINEERING/ADMINISTRATION		4201	4003	000	002	(1,984.28)
1/1/2014	ANIMAL SHELTER	SALARY ADJUSTMENTS 1/14	4305	1001	000	093	1,532.36
	ANIMAL SHELTER		4305	3002	000	001	(1,532.36)
1/9/2014	SHERIFF	QUARTERLY DTF EXPENSES	3102	9001	000	000	(5,000.00)
	SHERIFF		3102	5413	000	000	5,000.00
1/9/2014	SHERIFF	COVER EXPENDITURES	3102	5409	000	000	(2,500.00)
	SHERIFF		3102	3006	000	000	2,500.00
1/10/2014	PARKS & RECREATION ADMINISTRATION	COST OF OFFICE SUPPLIES	7101	5401	000	000	(26.99)
	PARKS & RECREATION ADMINISTRATION		7104	5401	000	000	26.99
1/10/2014	FIRE AND RESCUE	COVER EXPENSES IN LINE ITEM	3505	3010	000	000	(1,500.00)
	FIRE AND RESCUE		3505	3005	000	000	1,500.00
1/13/2014	OTHER	MACHINE RENTAL AND POSTAGE	1224	3002	000	000	(1,000.00)
	OTHER		1224	9001	000	000	1,000.00
1/14/2014	COUNTY OFFICE BUILDINGS/COURT	CONDENSER FAN MOTOR IN CHILLER/BOWMAN LIBRARY	4304	3004	000	003	(12,144.23)
	COUNTY OFFICE BUILDINGS/COURT		4304	3004	000	007	12,144.23
1/14/2014	COUNTY OFFICE BUILDINGS/COURT	REPAIR CONDENSING UNIT/PUBLIC SAFETY BUILDING	4304	3004	000	006	(50.00)
	COUNTY OFFICE BUILDINGS/COURT		4304	3004	000	005	50.00
1/15/2014	HUMAN RESOURCES	MEMBERSHIP DUES	1203	3007	000	000	(100.00)
	HUMAN RESOURCES		1203	5801	000	000	100.00
1/16/2014	MAINTENANCE ADMINISTRATION	GAS FOR MAINTENANCE VEHICLE	4301	4003	000	002	(250.00)
	MAINTENANCE ADMINISTRATION		4301	4003	000	003	250.00
1/22/2014	HUMAN RESOURCES	MEMBERSHIP	1203	3007	000	000	(164.00)
	HUMAN RESOURCES		1203	5801	000	000	164.00
1/23/2014	OTHER	PAY MPO INVOICES	1224	3002	000	000	(6,000.00)
	OTHER		1224	5604	000	025	6,000.00
1/24/2014	SHERIFF	SALARY ADJUSTMENT 1/14	3102	1001	000	063	2,539.47
	SHERIFF		3102	1002	000	005	(2,539.47)
1/27/2014	ANIMAL SHELTER	SUPPLEMENT LINE ITEM	4305	5413	000	000	(2,000.00)
	ANIMAL SHELTER		4305	5405	000	000	2,000.00
1/27/2014	FIRE AND RESCUE	TO COVER LINE ITEM EXPENSES	3505	5204	000	000	(2,500.00)
	FIRE AND RESCUE		3505	3004	000	002	2,500.00
	FIRE AND RESCUE		3505	3010	000	000	(2,500.00)
	FIRE AND RESCUE		3505	3004	000	002	2,500.00
1/29/2014	PUBLIC SAFETY COMMUNICATION	COVER EXPENSES	3506	5204	000	000	(1,500.00)
	PUBLIC SAFETY COMMUNICATION		3506	5413	000	000	1,500.00
2/5/2014	INFORMATION TECHNOLOGY	GOVT. SERVICE LEARNING PROJECT	1220	8007	000	000	(550.00)
	INFORMATION TECHNOLOGY		1220	3002	000	000	550.00
2/6/2014	PARKS & RECREATION ADMINISTRATION	POOL OPERATORS TRAINING & CPRP	7101	5506	000	000	(133.18)
	PARKS MAINTENANCE		7103	5506	000	000	133.18
2/6/2014	COMMISSIONER OF THE REVENUE	REQUIRED ADS FOR REAL ESTATE	1209	3007	000	000	(68.35)
	REASSESSMENT/BOARD OF ASSESSORS		1210	3007	000	000	68.35
2/6/2014	FIRE AND RESCUE	TO COVER K-9 EXPENSES	3505	3006	000	000	(1,000.00)
	FIRE AND RESCUE		3505	5402	000	000	1,000.00
2/6/2014	FIRE AND RESCUE	TO COVER LINE ITEM EXPENSES	3505	3004	000	001	(6,200.00)
	FIRE AND RESCUE		3505	3004	000	002	6,200.00
	FIRE AND RESCUE		3505	3010	000	000	(8,000.00)
	FIRE AND RESCUE		3505	5408	000	000	8,000.00

County of Frederick  
 General Fund  
 January 31, 2014

ASSETS	FY14 <u>1/31/14</u>	FY13 <u>1/31/13</u>	Increase <u>(Decrease)</u>
Cash and Cash Equivalents	38,549,030.48	35,236,638.99	3,312,391.49 *A
Petty Cash	1,555.00	1,555.00	0.00
Receivables:			
Taxes, Commonwealth, Reimb. P/P	3,027,899.63	4,207,946.68	(1,180,047.05)
Streetlights	1,869.92	1,362.81	507.11
Commonwealth, Federal, 45 day Taxes	37,352.89	28,677.02	8,675.87
Due from Fred. Co. San. Auth.	734,939.23	734,939.23	0.00
Prepaid Postage	5,511.84	4,473.65	1,038.19
GL controls (est. rev / est. exp)	<u>(9,891,135.66)</u>	<u>(11,023,116.40)</u>	<u>1,131,980.74</u> (1) Attached
<b>TOTAL ASSETS</b>	<b><u>32,467,023.33</u></b>	<b><u>29,192,476.98</u></b>	<b><u>3,274,546.35</u></b>
<b>LIABILITIES</b>			
Accrued Liabilities	325,180.09	596,412.48	(271,232.39) *B
Performance Bonds Payable	445,383.72	1,544,256.24	(1,098,872.52) *C
Taxes Collected in Advance	180,564.88	71,471.47	109,093.41
Deferred Revenue	<u>3,067,421.44</u>	<u>4,238,290.80</u>	<u>(1,170,869.36)</u> *D
<b>TOTAL LIABILITIES</b>	<b>4,018,550.13</b>	<b>6,450,430.99</b>	<b>(2,431,880.86)</b>
<b>EQUITY</b>			
Fund Balance			
Reserved:			
Encumbrance General Fund	1,023,166.38	529,648.67	493,517.71 (2) Attached
Conservation Easement	2,135.00	2,135.00	0.00
Peg Grant	190,138.00	128,354.00	61,784.00
Prepaid Items	949.63	949.63	0.00
Advances	734,939.23	734,939.23	0.00
Employee Benefits	93,120.82	93,120.82	0.00
Courthouse ADA Fees	177,748.15	124,084.63	53,663.52
Historical Markers	17,264.37	17,227.91	36.46
Transportation Reserve	0.00	438,300.00	(438,300.00) *E
Animal Shelter	335,530.02	325,780.61	9,749.41
Proffers	2,841,408.30	2,305,873.65	535,534.65 (3) Attached
Economic Development Incentive	550,000.00	550,000.00	0.00
Star Fort Fees	0.00	0.00	0.00
VDOT Revenue Sharing	436,270.00	436,270.00	0.00
Undesignated Adjusted Fund Balance	<u>22,045,803.30</u>	<u>17,055,361.84</u>	<u>4,990,441.46</u> (4) Attached
<b>TOTAL EQUITY</b>	<b><u>28,448,473.20</u></b>	<b><u>22,742,045.99</u></b>	<b><u>5,706,427.21</u></b>
<b>TOTAL LIAB. &amp; EQUITY</b>	<b><u>32,467,023.33</u></b>	<b><u>29,192,476.98</u></b>	<b><u>3,274,546.35</u></b>

**NOTES:**

- \*A The cash increase can be attributed to an increase in fund balance.
- \*B The difference can be attributed to the timing of the deposits.
- \*C Performance bonds decreased \$1.1 million due to completed projects and pay out of the bonds for the county to complete the project.
- \*D Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.
- \*E The FY14 balance of \$377,396 was transferred to the Project Development Fund for various road projects.

**BALANCE SHEET**

(1) GL Controls	FY14	FY13	Inc/(Decrease)
Est.Revenue	130,117,381	123,189,774	6,927,607
Appropriations	(59,382,356)	(58,518,617)	(863,739)
Est.Tr.to Other fds	(81,649,326)	(76,223,922)	(5,425,405)
Encumbrances	1,023,166	529,649	493,518
	(9,891,136)	(11,023,116)	1,131,981

(2) General Fund Purchase Orders

Outstanding Purchase Orders @1/31/14

DEPARTMENT	Amount	Description
Fire & Rescue	6,485.56	Lightbars & Misc. Equipment
	29,165.65	2014 Chevy Tahoe
	12,693.62	Uniforms
	3,775.00	Custom Command Cabinet
	20,720.00	Leak Sealing System& Bag Kits for HAZMAT
	33,508.56	2014 Ford F-250
	2,517.00	(4) Extension Ladders
	46,546.92	(188) Microsoft 2013 Licenses For Various Departments
	130,817.88	(185) Dell Computers With Accessories For Various Departments
	38,909.02	Dell Licensing&Poweredge Server
General Fund Departments	13,217.48	Rapid Image(Duplicator)
	3,635.00	Chemicals for Pools
IT	7,928.50	Fall T-Shirts
	4,975.05	Staff Uniforms
Parks	25,509.40	(2) Toro Mowers
	9,162.00	Shade Structure
	24,468.00	Building
Refuse Collection	1,580.75	Earthwork and Underground Electrical for Gainesboro Citizens Site
	5,960.00	Concrete Wall/Slab for Gainesboro Citizens Site
	57,950.00	Trash Compactor/Receiver Can
Sheriff	49,098.07	Sungard OSSI Software
	23,090.00	F150 XL Supercab Truck
	330,995.60	(13) Police Interceptors
	6,360.00	(3) Genesis Radar Units
	6,545.00	(7) 50" Justice Bar and Strap Kits
	5,775.00	(12) Spring Loaded Shields and Partitions
	18,000.00	(8) XTL2500 Radios
	29,998.32	(44) Portable Radios & (2)Remote Speakers
	24,015.00	2014 Police Interceptor
	49,764.00	(2) 2014 Ford Explorers
<b>Total</b>	<b>1,023,166.38</b>	

(3)Proffer Information	SCHOOLS	PARKS	FIRE & RESCUE	Designated Other Projects	TOTAL
Balance @1/31/14	1,307,008.84	224,730.17	378,377.25	931,292.04	2,841,408.30

Designated Other Projects Detail

Administration	153,340.04
Bridges	44,900.00
Historic Preservation	80,000.00 *1
Library	38,217.00
Rt.50 Trans.Imp.	10,000.00
Rt. 50 Rezoning	25,000.00
Rt. 656 & 657 Imp.	25,000.00
RT.277	162,375.00
Sheriff	24,460.00
Solid Waste	12,000.00
Stop Lights	26,000.00
BPG Properties/Rt.11 Corridor	330,000.00
<b>Total</b>	<b>931,292.04</b>

Other Proffers @1/31/14

\*1 12/11/13 Board Action designated \$50,000 for the final debt payment on the Huntsberry property.

(4) Fund Balance Adjusted	
Beginning Balance 1/14	29,465,820.19
Revenue 1/14	67,019,707.72
Expenditures 1/14	(34,231,358.88)
Transfers 1/14	(40,208,365.73)
<b>1/14 Adjusted Fund Balance</b>	<b>22,045,803.30</b>



County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 January 31, 2014

<b>REVENUES:</b>	<u>Appropriated</u>	FY14 1/31/14 <u>Actual</u>	FY13 1/31/13 <u>Actual</u>	YTD Actual <u>Variance</u>
General Property Taxes	87,168,379.00	39,660,306.41	38,641,957.83	1,018,348.58 <b>(1)</b>
Other local taxes	28,429,460.00	11,690,980.52	11,230,710.24	460,270.28 <b>(2)</b>
Permits & Privilege fees	971,610.00	703,821.65	702,546.10	1,275.55 <b>(3)</b>
Revenue from use of money and property	168,609.20	105,391.41	185,745.60	(80,354.19) <b>(4)</b>
Charges for Services	2,309,230.00	1,263,178.36	1,282,505.81	(19,327.45)
Miscellaneous	529,878.00	230,591.04	294,544.56	(63,953.52)
Recovered Costs	950,994.71	1,664,245.06	1,519,067.01	145,178.05 <b>(5)</b>
Intergovernmental:				
Commonwealth	9,574,219.80	11,660,685.50	11,377,777.22	282,908.28 <b>(6)</b>
Federal	15,000.00	40,507.77	148,647.13	(108,139.36) <b>(7)</b>
Transfers	0.00	0.00	0.00	0.00
<b>TOTAL REVENUES</b>	<b>130,117,380.71</b>	<b>67,019,707.72</b>	<b>65,383,501.50</b>	<b>1,636,206.22</b>
 <b>EXPENDITURES:</b>				
General Administration	9,668,524.22	5,563,919.24	4,852,476.23	711,443.01
Judicial Administration	2,291,848.06	1,191,470.59	1,145,253.54	46,217.05
Public Safety	28,973,275.10	16,804,043.32	14,333,539.43	2,470,503.89
Public Works	4,483,871.42	2,291,497.92	2,080,508.38	210,989.54
Health and Welfare	6,985,132.00	3,405,822.35	3,467,261.80	(61,439.45)
Education	56,493.00	28,246.50	28,246.50	0.00
Parks, Recreation, Culture	5,335,377.22	2,823,289.31	2,688,046.44	135,242.87
Community Development	3,331,917.76	2,123,069.65	963,593.10	1,159,476.55
<b>TOTAL EXPENDITURES</b>	<b>61,126,438.78</b>	<b>34,231,358.88</b>	<b>29,558,925.42</b>	<b>4,672,433.46 <b>(8)</b></b>
 <b>OTHER FINANCING SOURCES ( USES):</b>				
Operating transfers from / to	79,905,243.96	40,208,365.73	41,636,036.57	(1,427,670.84) <b>(9)</b>
<b>Excess (deficiency)of revenues &amp; other sources over expenditures &amp; other uses</b>	<b>(10,914,302.03)</b>	<b>(7,420,016.89)</b>	<b>(5,811,460.49)</b>	<b>1,608,556.40</b>
 <b>Fund Balance per General Ledger</b>		<b>29,465,820.19</b>	<b>22,866,822.33</b>	<b>6,598,997.86</b>
<b>Fund Balance Adjusted to reflect Income Statement 1/31/14</b>		<b>22,045,803.30</b>	<b>17,055,361.84</b>	<b>4,990,441.46</b>

(1)General Property Taxes	FY14	FY13	Increase/Decrease
Real Estate Taxes	22,305,751	21,959,713	346,038
Public Services	965,025	1,229,704	(264,679)
Personal Property	15,677,080	14,806,858	870,222
Penalties and Interest	544,196	487,939	56,257
Credit Card Chgs./Delinq.Advertising	(20,747)	(17,808)	(2,940)
Adm.Fees For Liens&Distress	189,002	175,551	13,451
	39,660,306	38,641,958	1,018,349

**(2) Other Local Taxes**

Local Sales and Use Tax	4,833,909.59	4,720,075.82	113,833.77
Communications Sales Tax	568,721.58	584,221.26	(15,499.68)
Utility Taxes	1,397,905.32	1,375,021.06	22,884.26
Business Licenses	1,392,306.37	1,222,217.28	170,089.09
Auto Rental Tax	58,094.79	59,750.10	(1,655.31)
Motor Vehicle Licenses Fees	402,193.58	366,433.43	35,760.15
Bank Stock Taxes	361.00	-	361.00
Recordation Taxes	719,971.17	745,711.72	(25,740.55)
Meals Tax	2,073,538.87	1,922,324.73	151,214.14
Lodging Tax	224,056.80	212,636.24	11,420.56
Street Lights	15,860.17	18,043.43	(2,183.26)
Star Fort Fees	4,061.28	4,275.17	(213.89)
<b>Total</b>	<b>11,690,980.52</b>	<b>11,230,710.24</b>	<b>460,270.28</b>

**(3)Permits&Privileges**

Dog Licenses	27,802.00	25,965.00	1,837.00
Land Use Application Fees	4,675.00	7,225.00	(2,550.00)
Transfer Fees	1,564.87	1,446.30	118.57
Development Review Fees	182,856.20	202,612.24	(19,756.04)
Building Permits	374,272.49	352,804.78	21,467.71
2% State Fees	1,183.45	1,466.01	(282.56)
Electrical Permits	40,380.00	38,706.00	1,674.00
Plumbing Permits	4,870.00	6,295.00	(1,425.00)
Mechanical Permits	27,962.64	28,634.17	(671.53)
Sign Permits	2,250.00	2,391.60	(141.60)
Permits for Commercial Burning	175.00	325.00	(150.00)
Explosive Storage Permits	200.00	600.00	(400.00)
Blasting Permits	270.00	225.00	45.00
Land Disturbance Permits	31,760.00	33,500.00	(1,740.00)
Septic Haulers Permit	200.00	-	200.00
Sewage Installation License	300.00	300.00	-
Residential Pump And Haul Fee	50.00	50.00	-
Transfer Development Rights	3,050.00	-	3,050.00
<b>Total</b>	<b>703,821.65</b>	<b>702,546.10</b>	<b>1,275.55</b>

**(4) Revenue from use of**

Money	54,536.85	55,310.55	(773.70)
Property	50,854.56	130,435.05	(79,580.49) *1
	105,391.41	185,745.60	(80,354.19)

\*1 The Sale of Stephens City School(\$99,025 in FY13)

(5) Recovered Costs	FY14	FY13	Increase/Decrease
Recovered Costs Treas.Office	44,582.00	42,577.25	2,004.75
Worker's Comp	700.00	750.00	(50.00)
Purchasing Card Rebate	117,213.04	96,305.09	20,907.95
Recovered Costs-IT/GIS	25,421.90	5,000.00	20,421.90
Reimbursement Circuit Court	7,391.68	7,683.94	(292.26)
Clarke County Container Fees	26,133.44	33,418.13	(7,284.69)
City of Winchester Container Fees	22,055.17	11,901.15	10,154.02
Refuse Disposal Fees	39,271.51	39,953.53	(682.02)
Recycling Revenue	56,803.54	69,736.22	(12,932.68)
Sheriff Restitution	9.36	-	9.36
Fire&Rescue Merchandise (Resale)	-	178.18	(178.18)
Container Fees Bowman Library	1,128.18	823.21	304.97
Restitution Victim Witness	5,248.05	3,073.12	2,174.93
Reimb.of Expenses Gen.District Court	15,826.00	19,431.98	(3,605.98)
Reimb.Public Works Salaries	-	41,682.00	(41,682.00)
Winchester EDC	54,000.00	54,000.00	-
Reimb.Task Force	31,222.56	32,000.93	(778.37)
C&P Jail	-	(60.00)	60.00
EDC/Recovered Costs	1,400.00	480.00	920.00
Sign Deposits Planning	150.00	(250.00)	400.00
Reimbursement Elections	2,640.65	4,043.36	(1,402.71)
Westminster Canterbury Lieu of Taxes	-	12,260.55	(12,260.55)
Reimbursement Street Signs	1,394.40	2,471.89	(1,077.49)
Grounds Maintenance Frederick Co.School	108,986.26	104,677.61	4,308.65
Comcast PEG Grant	47,286.80	46,288.40	998.40
Proffer-Other	55,000.00	345,000.00	(290,000.00) *1
Fire School Programs	16,971.00	13,840.00	3,131.00
Proffer Sovereign Village	21,952.38	18,293.65	3,658.73
Proffer Lynnehaven	-	16,891.55	(16,891.55)
Proffer Redbud Run	90,356.00	90,356.00	-
Clerks Reimbursement to County	6,473.96	6,496.19	(22.23)
Proffer Canter Estates	8,175.94	-	8,175.94
Proffer Village at Harvest Ridge	10,773.00	7,695.00	3,078.00
Proffer Snowden Bridge	359,704.43	306,534.94	53,169.49
Proffer Meadows Edge Racey Tract	382,736.00	40,288.00	342,448.00
Sheriff Reimbursement	78,832.81	44,245.14	34,587.67
Proffer Cedar Meadows Proffer	24,405.00	-	24,405.00
Proffer Westbury Commons	-	1,000.00	(1,000.00)
Total	1,664,245.06	1,519,067.01	145,178.05

\*1 \$330,000 FY13 Transportation Proffer from BPG Properties for Rt.11 Corridor

(6) Commonwealth Revenue	1/31/14	1/31/13	
	FY14	FY13	Increase/Decrease
Motor Vehicle Carriers Tax	37,981.90	34,612.37	3,369.53
Mobile Home Titling Tax	13,211.19	52,974.07	(39,762.88)
State PP/Reimbursement	6,526,528.18	6,526,528.18	-
State Non-Categorical Funding	95,034.88	-	95,034.88
Recordation Taxes	257,690.12	235,589.00	22,101.12
Shared Expenses Comm.Atty.	196,706.36	217,545.09	(20,838.73)
Shared Expenses Sheriff	1,150,260.82	1,143,612.53	6,648.29
Shared Expenses Comm.of Rev.	104,727.20	99,226.41	5,500.79
Shared Expenses Treasurer	80,689.83	74,167.96	6,521.87
Shared Expenses Clerk	219,528.25	205,227.21	14,301.04
Public Assistance Grants	1,979,735.75	1,922,630.91	57,104.84
Litter Control Grant	15,502.00	17,573.00	(2,071.00)
Emergency Services Fire Program	223,725.00	209,360.00	14,365.00
Recycling Grant	-	5,489.94	(5,489.94)
DMV Grant Funding	11,875.76	18,907.66	(7,031.90)
DCJS & Sheriff State Grants	27,269.40	44,314.79	(17,045.39)
JJC Grant Juvenile Justice	96,269.00	96,269.00	-
Rent/Lease Payments	145,657.20	137,909.68	7,747.52
Spay/Neuter Assistance-State	2,511.25	272.65	2,238.60
State Reimbursement EDC	400,000.00	-	400,000.00
VDEM Grant Sheriff	6,598.33	223,500.00	(216,901.67)
Wireless 911 Grant	30,666.06	27,176.12	3,489.94
State Forfeited Asset Funds	11,375.02	26,352.65	(14,977.63)
Victim Witness Commonwealth Office	-	50,111.00	(50,111.00)
Social Services VOCA Grant	-	3,325.00	(3,325.00)
F/R OEMS Reimb.	2,142.00	5,102.00	(2,960.00)
IT/GIS Grant	25,000.00	-	25,000.00
Total	11,660,685.50	11,377,777.22	282,908.28

**County of Frederick**

**General Fund**

**January 31, 2014**

<b>(7) Federal Revenue</b>	FY14	FY13	Increase/Decrease
Federal Forfeited Assets	21,693.77	182.80	21,510.97
Housing Illegal Aliens	18,814.00	24,595.00	(5,781.00)
Federal Grants Sheriff	-	123,869.33	(123,869.33)
<b>Total</b>	<b>40,507.77</b>	<b>148,647.13</b>	<b>(108,139.36)</b>

**(8) Expenditures**

Expenditures increased \$4,672,433.46 in total. General Administration increased \$711,443.01 and reflects the \$273,899.92 telephone system upgrade to Cisco VOIP solutions. **Public Safety** increased \$2,470,503.89 and included the Sheriff's department cost of the IT Virtualization Project, implementation of the Sungard OSSI software, and equipment for IT upgrades including servers, PC's, printers and licenses totaling \$434,065.26 year to date. The Sheriff's department also purchased a 2014 Ford Explorer for \$25,875 and (3) unmarked police sedans for \$72,933.00. Additionally, Inspections purchased a 2013 Ford F150 for \$20,952 and Fire and Rescue a Lifepak 15 for \$65,995.97, two Chevrolet Tahoes totaling \$58,747 and a 2014 Ford F-250 for \$32,711. Contributions to Fire Departments and Rescue Squads increase \$106,301. The timing of the third quarter contribution for the local share for the Jail reflects an increase of \$1.2 million over the previous year when the contribution was disbursed a month later. **Public Works** increased \$210,989.54 due to the earthwork and concrete wall/slab costs of \$319,813.38 for the Gainesboro citizen's site. The **Community Development** increase of \$1,159,476.55 reflects the \$1,150,000 Economic Development Commission incentive for McKesson Medical Surgical, Navy Federal Credit Union, and HP Hood (See previous page (6) on Commonwealth revenue for \$400,000 State Reimbursement EDC). Transfers decreased \$1,427,670.84. See chart below:

<b>(9) Transfers Decreased \$1,427,670.84</b>	FY14	FY13	Increase/Decrease
School Operating	30,679,564.15	32,274,604.34	(1,595,040.19) *1
Debt Service School	7,313,075.50	7,313,075.50	-
Shawneeland	0.00	597.36	(597.36)
Debt Service County	1,425,149.91	1,404,483.91	20,666.00
School Capital Projects Fund	800,882.79	-	800,882.79 *2
Jail Fund	0.00	972.98	(972.98)
Operational Transfers	(10,306.62)	642,302.48	(652,609.10) *3
<b>Total</b>	<b>40,208,365.73</b>	<b>41,636,036.57</b>	<b>(1,427,670.84)</b>

\*1 Decrease includes \$1.1 million Reappropriation in FY13

\*2 Increase represents one time funding for capital purchases from FY2013 year surplus

\*3 Decrease includes one time employer payments and timing of insurance charge outs

County of Frederick  
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER  
 January 31, 2014

ASSETS	FY2014 <u>1/31/14</u>	FY2013 <u>1/31/13</u>	Increase <u>(Decrease)</u>
Cash	5,290,326.24	4,466,560.12	823,766.12 *1
Accounts Receivable Other	0.00	0.00	0.00
GL controls(est.rev/est.exp)	<u>(299,441.86)</u>	<u>(1,119,118.13)</u>	<u>819,676.27</u>
<b>TOTAL ASSETS</b>	<b><u>4,990,884.38</u></b>	<b><u>3,347,441.99</u></b>	<b><u>1,643,442.39</u></b>
LIABILITIES			
Accrued Operating Reserve Costs	<u>2,077,528.07</u>	<u>2,004,040.97</u>	<u>73,487.10</u>
<b>TOTAL LIABILITIES</b>	<b><u>2,077,528.07</u></b>	<b><u>2,004,040.97</u></b>	<b><u>73,487.10</u></b>
EQUITY			
Fund Balance			
Reserved			
Encumbrances	78,297.87	117,059.94	(38,762.07)
Undesignated			
Fund Balance	<u>2,835,058.44</u>	<u>1,226,341.08</u>	<u>1,608,717.36</u> *2
<b>TOTAL EQUITY</b>	<b><u>2,913,356.31</u></b>	<b><u>1,343,401.02</u></b>	<b><u>1,569,955.29</u></b>
<b>TOTAL LIABILITY &amp; EQUITY</b>	<b><u>4,990,884.38</u></b>	<b><u>3,347,441.99</u></b>	<b><u>1,643,442.39</u></b>

**NOTES:**

\*1 The increase in cash can be attributed to the increase in fund balance.

\*2 Fund balance increased \$1,608,717.36. The beginning fund balance was \$2,151,080.44 and includes adjusting entries, budget controls for FY2014(\$521,421.00), and the year to date revenue less expenditures of \$1,205,399.00.

<b>Current Unrecorded Accounts Receivable-</b>	<u>FY2014</u>
Prisoner Billing:	25,516.10
Compensation Board Reimbursement 1/14	<u>467,766.85</u>
<b>Total</b>	<b>493,282.95</b>

County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 1/31/14

**FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER**

<b>REVENUES:</b>	<u>Appropriated</u>	FY2014 1/31/14 <u>Actual</u>	FY2013 1/31/13 <u>Actual</u>	YTD Actual <u>Variance</u>
Interest	-	5,387.49	4,748.72	638.77
Sale of Salvage&Surplus	-	76.00	-	76.00
Supervision Fees	45,000.00	21,568.30	24,897.50	(3,329.20)
Drug Testing Fees	5,500.00	1,425.00	2,952.46	(1,527.46)
Work Release Fees	384,616.00	187,967.67	199,613.05	(11,645.38)
Federal Bureau Of Prisons	0.00	1,509.32	165.00	1,344.32
Local Contributions	5,888,444.00	4,148,073.75	3,839,041.00	309,032.75
Miscellaneous	15,000.00	3,653.48	28,613.12	(24,959.64)
Phone Commissions	120,000.00	53,968.96	58,793.95	(4,824.99)
Food & Staff Reimbursement	100,000.00	61,735.95	49,616.93	12,119.02
Elec.Monitoring Part.Fees	83,767.00	58,623.98	33,535.04	25,088.94
Employee Meal Supplements	200.00	42.50	0.00	42.50
Share of Jail Cost Commonwealth	997,975.00	101,029.44	515,569.00	(414,539.56)
Medical & Health Reimb.	57,600.00	33,754.23	28,679.19	5,075.04
Shared Expenses CFW Jail	4,947,976.00	2,591,147.56	2,584,277.03	6,870.53
State Grants	249,551.00	136,612.00	139,178.00	(2,566.00)
Local Offender Probation	242,437.00	125,432.00	125,568.00	(136.00)
DOC Contract Beds	0.00	1,464.00	13,292.00	(11,828.00)
Bond Proceeds	0.00	221,000.00	0.00	221,000.00
Transfer From General Fund	4,755,887.00	3,350,251.50	2,100,721.98	1,249,529.52
<b>TOTAL REVENUES</b>	<b>17,893,953.00</b>	<b>11,104,723.13</b>	<b>9,749,261.97</b>	<b>1,355,461.16</b>
<b>EXPENDITURES:</b>	<b>18,271,692.73</b>	<b>9,899,324.13</b>	<b>9,980,178.52</b>	<b>(80,854.39)</b>
<b>Excess(Deficiency)of revenues over expenditures</b>		1,205,399.00	(230,916.55)	1,436,315.55
<b>FUND BALANCE PER GENERAL LEDGER</b>		<u>1,629,659.44</u>	<u>1,457,257.63</u>	<u>172,401.81</u>
<b>Fund Balance Adjusted To Reflect Income Statement 1/31/14</b>		2,835,058.44	1,226,341.08	1,608,717.36

County of Frederick  
Fund 12 Landfill  
January 31, 2014

ASSETS	FY2014 1/31/14	FY2013 1/31/13	Increase (Decrease)
Cash	30,391,862.20	28,986,215.27	1,405,646.93 *1
Receivables:			
Accounts Receivable			
Fees	579,775.48	477,708.99	102,066.49 *2
Accounts Receivable Other	56.00	1,089.86	(1,033.86)
Allow.Uncollectible Fees	(84,000.00)	(84,000.00)	0.00
Fixed Assets	43,287,786.24	42,516,271.35	771,514.89
Accumulated Depreciation	(23,311,767.48)	(21,543,603.09)	(1,768,164.39)
GL controls(est.rev/est.exp)	<u>(2,314,264.30)</u>	<u>(4,418,853.95)</u>	<u>2,104,589.65</u>
<b>TOTAL ASSETS</b>	<b><u>48,549,448.14</u></b>	<b><u>45,934,828.43</u></b>	<b><u>2,614,619.71</u></b>
<b>LIABILITIES</b>			
Accounts Payable	-	-	
Accrued VAC.Pay and Comp TimePay	159,728.90	134,423.76	25,305.14
Accrued Remediation Costs	11,791,736.42	11,653,036.50	138,699.92 *3
Retainage Payable	0.00	47,620.17	(47,620.17)
Deferred Revenue Misc.Charges	<u>56.00</u>	<u>1,089.86</u>	<u>(1,033.86)</u>
<b>TOTAL LIABILITIES</b>	<b><u>11,951,521.32</u></b>	<b><u>11,836,170.29</u></b>	<b><u>115,351.03</u></b>
<b>EQUITY</b>			
Fund Balance			
Reserved:			
Encumbrances	198,968.70	182,858.22	16,110.48 *4
Land Acquisition	1,048,000.00	1,048,000.00	0.00
New Development Costs	3,812,000.00	3,812,000.00	0.00
Environmental Project Costs	1,948,442.00	1,948,442.00	0.00
Equipment	3,050,000.00	3,050,000.00	0.00
Undesignated			
Fund Balance	<u>26,540,516.12</u>	<u>24,057,357.92</u>	<u>2,483,158.20</u> *5
<b>TOTAL EQUITY</b>	<b><u>36,597,926.82</u></b>	<b><u>34,098,658.14</u></b>	<b><u>2,499,268.68</u></b>
<b>TOTAL LIABILITY AND EQUITY</b>	<b><u>48,549,448.14</u></b>	<b><u>45,934,828.43</u></b>	<b><u>2,614,619.71</u></b>

**NOTES:**

\*1 The increase in cash can be attributed to the increase in fund balance.

\*2 Landfill receivables increased \$102,066.49. Landfill fees at 1/14 were \$388,658.56 compared to \$368,921.74 at 1/13 for an increase of \$19,736.82. Delinquent fees at 1/14 were 187,369.03 compared to \$106,219.12 at 1/13 for an increase of \$81,149.91.

\*3 Remediation increased \$138,699.92, and includes \$111,998.00 for post closure costs and \$26,701.92 interest.

\*4 The encumbrance balance at 1/31/14 was \$198,968.70 and includes \$1,237.95 for (5) Microsoft office 2013 licenses, \$3,774.75 for (5) Dell computers w/software & accessories, and \$193,956 for a 2014 Caterpillar Model 963D with track loader.

\*5 The fund balance increased \$2,483,158.20. The beginning balance was \$28,478,302.42 that includes adjusting entries, budget controls for FY14(\$1,320,360.00), (\$1,178,000.00) carry forwards of unused FY13 funds for projects, (\$974,334.47), for FY13 audit adjustments that include depreciation, equipment and capital projects, and the year to date revenue less expenses \$1,534,908.17.



County of Frederick  
 Comparative Statement of Revenue, Expenditures  
 and Changes in Fund Balance  
 January 31, 2014

<b>FUND 12 LANDFILL REVENUES</b>	<u>Appropriated</u>	FY14 1/31/14 <u>Actual</u>	FY13 1/31/13 <u>Actual</u>	YTD Actual <u>Variance</u>
Interest Charge	0.00	1,921.72	3,600.97	(1,679.25)
Interest on Bank Deposits	40,000.00	35,145.21	29,145.63	5,999.58
Salvage and Surplus	0.00	71,423.60	73,059.50	(1,635.90)
Sanitary Landfill Fees	4,632,600.00	2,577,270.03	2,522,127.02	55,143.01
Charges to County	0.00	188,208.44	193,014.31	(4,805.87)
Charges to Winchester	0.00	53,332.52	56,233.08	(2,900.56)
Tire Recycling	70,000.00	79,132.17	62,637.46	16,494.71
Reg. Recycling Electronics	40,000.00	22,618.60	28,467.00	(5,848.40)
Miscellaneous	0.00	3,490.70	4,478.00	(987.30)
Wheel Recycling	120,000.00	0.00	8,637.50	(8,637.50)
Charges for RTOP	0.00	3,383.89	0.00	3,383.89
Renewable Energy Credits	0.00	71,668.80	0.00	71,668.80
Landfill Gas To Electricity	403,660.00	240,584.15	284,025.60	(43,441.45)
Waste Oil Recycling	0.00	14,943.80	11,439.89	3,503.91
State Reimbursement Tire Operation	0.00	0.00	6,120.00	(6,120.00)
<b>TOTAL REVENUES</b>	<b>5,306,260.00</b>	<b>3,363,123.63</b>	<b>3,282,985.96</b>	<b>80,137.67</b>
Operating Expenditures	4,928,993.00	1,736,308.46	1,788,774.59	(52,466.13)
Capital Expenditures	2,890,500.00	91,907.00	787,212.00	(695,305.00)
<b>TOTAL Expenditures</b>	<b>7,819,493.00</b>	<b>1,828,215.46</b>	<b>2,575,986.59</b>	<b>(747,771.13)</b>
<b>Excess(deficiency)of revenue over expenditures</b>		1,534,908.17	706,999.37	827,908.80
<b>Fund Balance Per General Ledger</b>		<u>25,005,607.95</u>	<u>23,350,358.55</u>	1,655,249.40
<b>FUND BALANCE ADJUSTED</b>		26,540,516.12	24,057,357.92	2,483,158.20

**County of Frederick, VA**  
**Report on Unreserved Fund Balance**  
**February 11, 2014**

**Unreserved Fund Balance, Beginning of Year, July 1, 2013** **33,888,096**

**Prior Year Funding & Carryforward Amounts**

C/F Dare	(71)	
C/F Fire Company Capital	(217,280)	
Return unspent Parks proffer	(13,681)	
C/F Forfeited Assests	(62,561)	
Return unspent SCFR proffer	(29,004)	
C/F DSS phone system	(50,000)	
C/F VDEM grant	(7,008)	
C/F designated School Operating funds	(97,012)	
		(476,618)

**Other Funding / Adjustments**

Kraft incentive	(325,000)	
Tax refunds	(13,472)	
Sheriff gap pay	(135,062)	
Round Hill station design	(403,648)	
Airport capital	(499,004)	
New 911 phone system	(50,000)	
Gainesboro Convenience Center	(99,061)	
Parks & Rec maintenance building donation	(25,000)	
Fire & Rescue reimbursement Gear Clean	(4,429)	
ICAC grant	78,614	
Eliminate Kelly Day	(354,506)	
Capital purchases from FY13 surplus	(1,526,666)	
BMW refund (COR)	(4,484)	
GE Capital refund (COR)	(3,294)	
Navy Federal incentive	(250,000)	
American Telephone & Telegraph refund (COR)	(4,536)	
TW Wallace refund (COR)	(2,537)	
LaSalle Systems refund (COR)	(3,062)	
BB&T Leasing refund (COR)	(2,593)	
Disabled Veteran's Relief refund (COR)	(3,317)	
Comm Atty Case Mgmt software & hardware	(140,000)	
PC refresh - general fund	(158,243)	
Return unspent VJCCCA funds	(6,657)	
Darien LLC refund (COR)	(5,920)	
Charon refund (COR)	(3,781)	
		(3,945,658)

**Fund Balance, February 11, 2014** **29,465,820**



Frederick County  
RECEIVED

JAN 31 2014

COUNTY of FREDERICK

MEMORANDUM

Kris C. Tierney  
Assistant County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

ktierney@co.frederick.va.us

**TO:** Finance Committee  
**FROM:** Kris C. Tierney, Assistant County Administrator *KCT*  
**RE:** Lake Holiday Sanitary District, Assessment Rates for 2014  
**DATE:** January 29, 2014

The LHSD Dam Working Committee met on Tuesday, January 28, 2014 at 10:00 a.m. Members present: Dave Buermeyer, Dave Burlison, Ed Strawsnyder, Kris Tierney

The primary purpose of the meeting was to determine whether any change to the annual assessment on lots with in Lake Holiday was needed or desired. Funds derived from the current assessments continue to exceed the minimum required to cover the annual debt service (roughly \$174,000) and expenses by approximately \$180,000 per year. Although a healthy reserve now exists, the LHSD Working Group did not feel compelled to adjust the annual assessment.

The matter of setting the 2014 assessments for the Sanitary District will go to Board of Supervisors at their first meeting and February, under the LHSD WC report. Rates will be formally established as part of the FY15 budget adoption process.

Please see the attached LHSD WC 1/28/14 agenda materials for additional detail.

Item #1

LHSD Collections Update as of 1/17/12

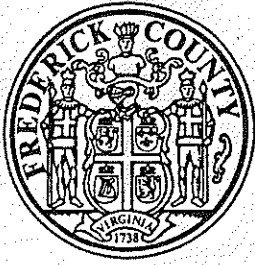
The table below indicates the amounts collected and delinquent as of January 17, 2012 for buildable and membership lots. The table indicates both the first and second half billings, along with where we were with collections of the first half billing as of August 30, 2011.

**Summary of 2011 Tax Billing and Collections**

Table shows results of 1<sup>st</sup> half billing at two points in time, August 30, 2011 and January 17, 2012  
 Second half billing results are for January 17, 2012 only

Lots billed	# Delinquent lots			\$ Billed Total for both halves	Amount delinquent			Percent Delinquent		
	First 1/2		2 <sup>nd</sup> 1/2		First 1/2		2 <sup>nd</sup> 1/2	First 1/2		2 <sup>nd</sup> 1/2
	8/30	1/17	1/17		8/30	1/17	1/17	8/30	1/17	1/17
1535	863	808	867	\$405,240	\$112,322	\$105,603	\$113,102	55.4	52.1	55.8
1222	135	77	135	\$828,516	\$43,741	\$25,301	\$42,848	10.5	6.1	10.3
						\$130,904 +	\$155,950			
	Total billed			\$1,233,756	Total delinquent			\$286,854		

Total collections for the second half billing are quite similar to where we were in August with collections for the 1<sup>st</sup> half billing. Looking at the number of delinquent lots we have 867 delinquent membership lots versus 863 in August and the 135 buildable lots for both the 1<sup>st</sup> and 2<sup>nd</sup> half billing.



## COUNTY of FREDERICK

**Kris C. Tierney**  
Assistant County Administrator

540/665-5666

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ktierney@co.frederick.va.us

**Item # 2**

### MEMORANDUM

**TO:** LHSD Dam Working Committee  
**FROM:** Kris C. Tierney, Assistant County Administrator  
**RE:** 2012 LHSD Tax Rate  
**DATE:** January 19, 2012

#### Background

At the December meeting the Committee discussed the need to develop a recommendation on a tax rate structure for the LHSD for 2012. Following the discussion of collections to date and possible scenarios for future tax rates and delinquencies there seemed to be consensus among the Committee that the amount being charged under the current tiered structure should not be reduced at this time. The Committee however went on to discuss concerns over the possibility of increasing delinquencies if the existing tiered, flat levee remains in place. The issue of the regressive nature of the tiered tax structure versus an ad valorem approach was also raised along with issues associated with the feasibility of successfully collecting delinquencies on membership lots. As a result of the conversation, the Committee requested that staff bring back information indicating what the LHSD tax would look like if it were switched from the current tiered structure to an ad valorem tax.

#### Ad Valorem Tax

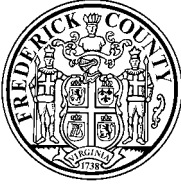
As a reminder, in order to satisfy the rate covenant specified in the bond financing agreement the LHSD revenue account will need to contain a total of \$839,614.28 in 2012. Under an ad valorem structure the amount owed on individual properties would be based on the assessed value of the property. Presently, the total assessed value of properties within the LHSD is approximately \$206,000,000, therefore in order to satisfy the rate covenant the ad valorem tax rate would need to be 42 cents per \$100 dollars of assessed value (assuming delinquency similar to what is currently being experienced) in order to derive the \$840,000 needed.

Under the existing tiered structure buildable lots are charged \$678 per year, whereas the charge for membership lots is \$264. For comparison sake, under a 42 cent ad valorem rate the tax for a property with an assessed value of \$160,000.00 would be \$672.00, whereas a property assessed at \$5,000.00 would have a tax of \$21.00. Obviously, the amount of the SD tax owed on any individual property would vary in correlation to the assessed value of the property.

### Setting the Tax Rate

By state code the Board of Supervisors is charged with the responsibility of setting the tax rate for the sanitary district however, it would be appropriate for the Committee to recommend either sticking with the current tiered assessment or switching to an ad valorem structure. The Board of Supervisors has begun discussions regarding county tax rates and budgets and is tentatively scheduled to hold a public hearing on tax rates in March, with the adoption of rates scheduled for April. A recommendation from the Committee would be considered as part of the Boards' deliberations. In light of the Boards' schedule, the Committee should attempt forward a recommendation at your January meeting.

J



**CONDITIONAL USE PERMIT #01-14**

**WESLEY W. RUDOLPH**

**Staff Report for the Board of Supervisors**

**Prepared: February 11, 2014**

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>
<b>Planning Commission:</b>	02/05/14	Recommended Approval
<b>Board of Supervisors:</b>	02/26/14	Pending

**EXECUTIVE SUMMARY:**

This application is for a Public Garage without Body Repair. (Small engine & compact tractors repair)

The Planning Commission recommended approval with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
3. Operation limited to the applicant and one employee.
4. All repair activities shall occur entirely within the enclosed structure.
5. Hours of operation shall be Monday-Saturday 8:00 am to 6:00 pm, no repair activities will take place on Sunday.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Following the Commission discussion, it was noted that the revised conditions may not permit outdoor storage of vehicles. It is suggested that an additional condition be considered that clarifies that no more than 5 vehicles may be stored outdoors.

***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:** This property is located at 2360 S. Pifer Road.

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBER:** 81-A-50

**PROPERTY ZONING & PRESENT USE:**

Zoned: RA (Rural Areas)  
Land Use: Residential

**ADJOINING PROPERTY ZONING & USE:**

North: RA (Rural Areas)	Land Use: Residential
South: RA (Rural Areas)	Land Use: Residential
East: RA (Rural Areas)	Land Use: Residential
West: RA (Rural Areas)	Land Use: Residential

**PROPOSED USE:** This application is for a Public Garage without Body Repair. (Small engine repair & compact tractors)

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** We have no concerns and the existing entrance is adequate for the proposed use. Should use change or volumes increase to more than fifty trips per day the entrance may be reevaluated at that time.

**Frederick County Fire Marshall:** Plans approved provided that a 5# (2A-10BC) fire extinguisher be in the garage “in service” at all times.

**Frederick County Inspections:** Existing buildings shall comply with The Virginia Uniform Statewide Building Code and Section 304-B , (Business) Use Group of the International Building Code/2003. Other Code that applies is ICC/ANSI A117.1-03 Accessible and Usable Building and Facilities. Change of Use for Conditional Use of existing residential garage to public garage shall comply with ANSI A117 & International Building Code for HC accessible entrance and parking. Electrical, Mechanical, and Plumbing permits may be required. Mechanical ventilation is required per International Mechanical Code at 1.5 cfm. per square foot of repair area. Please submit floor plan at the time of building permit application for change of use. Please locate the accessible route and egress doors on the plan. Permit shall be issued, inspections approved and new certificate of use and occupancy granted prior to operation.

**Winchester-Frederick County Health Department:** The water use and waste cannot increase. Public may not access restrooms. No additional employees besides occupants of home.

**Planning and Zoning:** Public garages without auto body repair are permitted in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP), provided that all repair work takes place entirely within an enclosed structure. This proposed use will be for small engine, equipment, and tractor repair. This area of the County is to remain rural in nature and is not subject to any land use study as noted within the Comprehensive Policy Plan. This proposed use will be conducted in an existing structure on a 29 acre parcel. This property and the surrounding properties are currently zoned RA, with nearest buildings or dwellings more than five hundred (500) feet from this property. There will be no vehicle sales, or parts sales, allowed with this Conditional Use Permit.

**STAFF CONCLUSIONS FOR THE 02/5/14 PLANNING COMMISSION MEETING:**

Should the Planning Commission find this use appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
3. One (1) employee allowed other than the applicant.
4. No more than to five (5) customers per day.
5. The applicant will be limited to repairing only five (5) vehicles or equipment on site at anytime.
6. All repair activities shall occur entirely within the enclosed structure.
7. Hours of operation shall be from 8:00 am to 6:00 pm, no repair activities will take place on Sunday.
8. Any expansion or change of use shall require a new Conditional Use Permit.

***Following the requisite public hearing, it would be appropriate for the Planning Commission to offer a recommendation concerning this application to the Board of Supervisors.***

**PLANNING COMMISSION SUMMARY AND ACTION OF FEBRUARY 5, 2014:**

The applicant, Mr. Wesley Rudolph, said he is requesting the CUP for a small engine repair shop to be located in an existing garage on property he co-owns in Star Tannery. Mr. Rudolph said he typically does small engine repair, such as lawn mowers, chain saws, small compact tractors, and other small equipment the average homeowner would use around his home and property. He is the only employee at this time.

Several of the Commission members commented that Conditions #4 and #5 were too restrictive in that they limited the number of pieces of equipment to five on site at any time and also limited the number of customers to five per day. Commissioners commented they personally could take five pieces of equipment for repair on any given occasion and they asked the applicant if he felt that number was too restrictive. Mr. Rudolph believed that number could be restrictive, but he would abide by whatever conditions were set forth.

Commissioners agreed that since all repair activities would take place in an enclosed structure, there was no reason to include Condition #4 (No more than five customers per day) and Condition #5 (The applicant will be limited to repairing only five vehicles or equipment on site at any time). They also recommended that Condition #6 be amended to include that all repair activities "and storage" shall occur entirely within the enclosed structure.

There were no citizen comments, either in favor or opposition.

The Planning Commission voted unanimously to recommend approval of the CUP, with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four square feet in size and five feet in height.
3. One employee allowed, other than the applicant.
4. All repair activities and storage shall occur entirely within the enclosed structure.
5. Hours of operation shall be from 8:00 a.m. to 6:00 p.m.; no repair activities will take place on Sunday.
6. Any expansion or change of use shall require a new conditional use permit.

Following the Commission discussion, it was noted that the revised conditions may not permit outdoor storage of vehicles. It is suggested that an additional condition be considered that clarifies that no more than 5 vehicles may be stored outdoors.

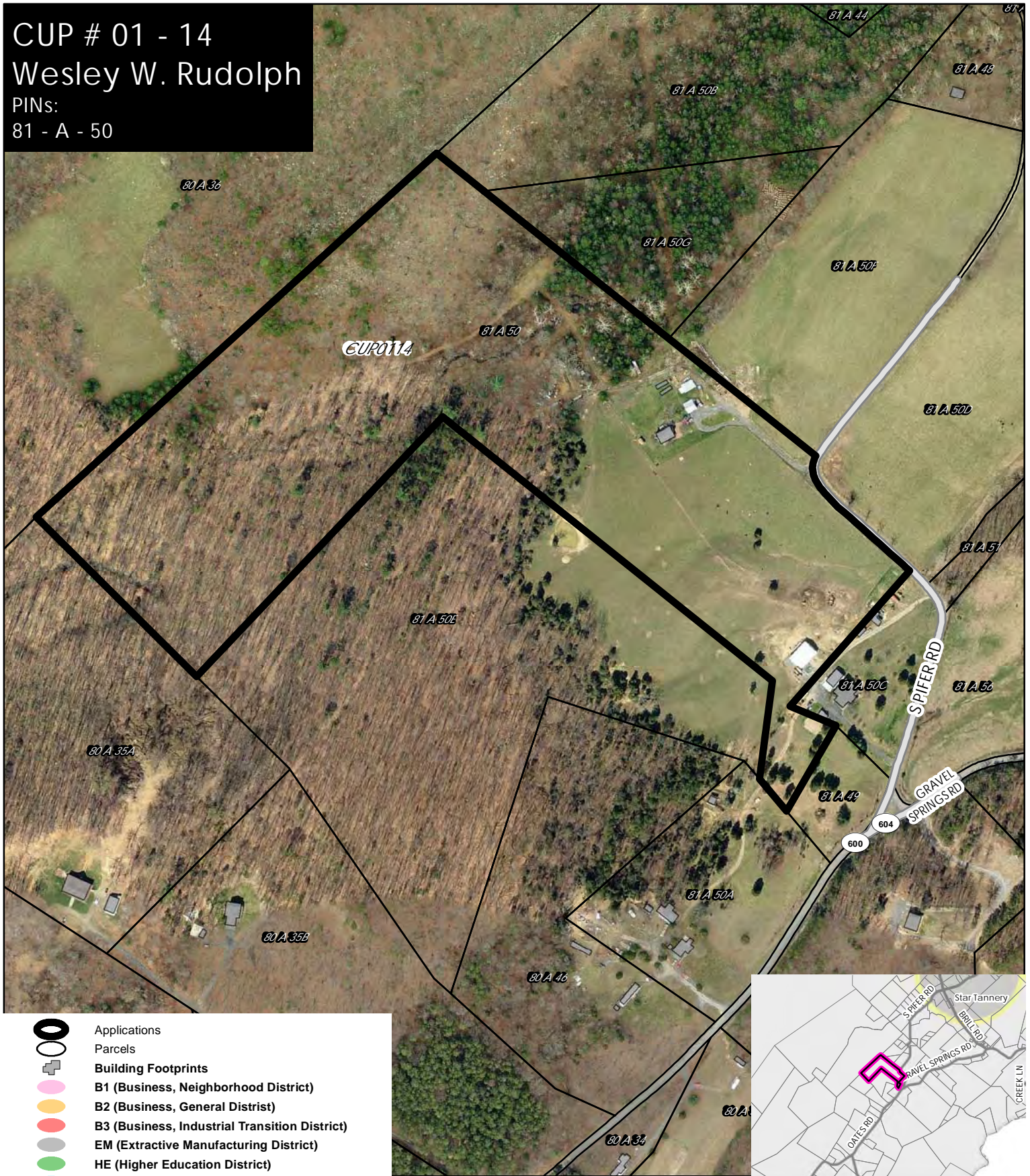
Page 5  
CUP #01-14, Wesley W. Rudolph  
February 11, 2014

***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.***

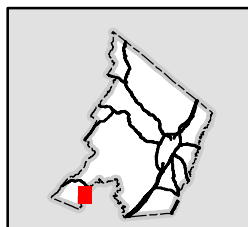
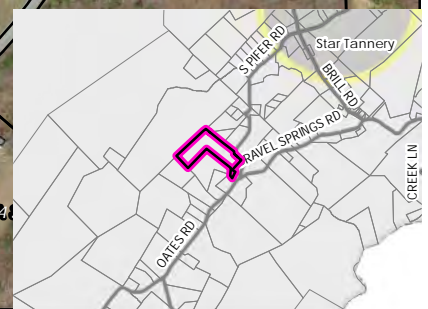
(Note: Commissioner Marston was absent from the meeting.)

# CUP # 01 - 14 Wesley W. Rudolph

PINs:  
81 - A - 50



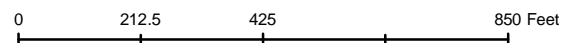
- Applications
- Parcels
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- M2 (Industrial, General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



CUP # 01 - 14  
Wesley W. Rudolph

PINs:  
81 - A - 50

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: January 13, 2014  
Staff: macheran





Submittal Deadline	1/10/14
P/C Meeting	Feb 5 2014
BOS Meeting	Feb 26, 2014

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

1. Applicant (check one): Property Owner  Other

NAME: Wesley W Rudolph

ADDRESS: 2360 S. Pifer Rd Star Tanner Va 22654

TELEPHONE: 540-233-3726 or 540-465-2644

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

Joseph W Rudolph

Wesley W Rudolph

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

1 mile South on Rt 600 From the intersection of Rt 600 to Rt 604

4. The property has a road frontage of 368 feet and a depth of 447 feet and consists of 29.25 acres. (Please be exact)

5. The property is owned by Joseph W + Wesley W Rudolph as evidenced by deed from Norma M Rudolph (previous owner) recorded in deed book no. 945 on page 478, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 81 A 50  
Magisterial District Back Creek  
Current Zoning RA

JAN 8  
JAN 3

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Farm	RA
East	Farm	RA
South	Farm	RA
West	Farm	RA

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

Public Garage

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9. It is proposed that the following buildings will be constructed:

NONE

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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 Joseph W/Denise Rudolph	2456 S. Pifer Rd
Property # 81 A 50 C	Star Tannery Va 22654
Name Joseph W/Denise Rudolph	2456 S. Pifer Rd
Property # 81 A 49	Star Tannery Va 22654
Name Curtis L/Shirley McIlwec	158 Oats Rd
Property # 81 A 50 E	Star Tannery Va 22654
Name Curtis L/Shirley McIlwec	158 Oats Rd
Property # 81 A 50 A	Star Tannery Va 22654
Name Curtis L/Shirley McIlwec	158 Oats Rd
Property # 81 A 50 G	Star Tannery Va 22654
Name Dennis L/Tina McIlwec	164 Indian Rock Rd
Property # 81 A 50 F	Lebanon church Va 22641
Name Dennis L/Tina McIlwec	164 Indian Rock Rd
Property # 81 A 50 D	Lebanon Church VA 22641

Name and Property Identification Number		Address
Name	Lawsence / Lynne Natcher	393 Municipal Rd Ebensburg Pa 15931
Property #	81 A 50 B	
Name	Allen Ashwood	1226 Stewartstown Rd New Freedom Pa 17349
Property #	80 A 36	
Name	Denise Blake Martha Hannon	224 Oats Rd Star Tenney Va 22654
Property #	80 A 35 A	
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
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Property #		



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.

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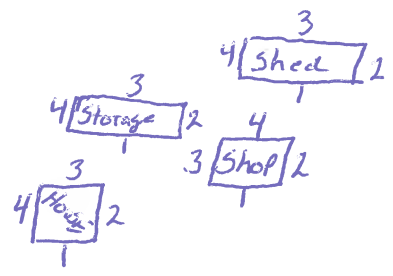
Proposed Usage is for Building Marked Shop.

- House
- 1. 620 Ft
  - 2. 140 Ft
  - 3. 1083 Ft
  - 4. 288 Ft

- Shop
- 1. 655 Ft
  - 2. 60 Ft
  - 3. 1046 Ft
  - 4. 371 Ft

- Shed
- 1. 703 Ft
  - 2. 21 Ft
  - 3. 1002 Ft
  - 4. 392 Ft

- Storage Shed / wood shop
- 1. 683 Ft
  - 2. 91 Ft
  - 3. 1028 Ft
  - 4. 328 Ft



1

12. Additional comments, if any: Usage of "Public Garage"  
Repairs will focus on Small Engines and Light Compact  
tractors. No Automotive (Vehicle) Repairs other than  
personal or business vehicles. Traffic and other  
Impact are Expected to be minimal as most repairs  
will be picked up at customers location by myself

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 Wesley W Rudolph

Signature of Owner Wesley W Rudolph / Jack W. [Signature]

Owners' Mailing Address 2360 S. Piter Rd Star Tannery Va 22654

Owners' Telephone No. 540-233-3726 or 540-465-2644

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


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## MEMORANDUM

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**TO:** Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** Public Facilities and the 2030 Comprehensive Plan – 2<sup>nd</sup> Discussion

**DATE:** February 20, 2014

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The Public Facilities and the 2030 Comprehensive Plan proposed amendment to the 2030 Comprehensive Plan is returned to the Board of Supervisors for further discussion.

Staff received input from the Board of Supervisors during their previous discussion of this item to further evaluate the location expectations part of this amendment. Concern was expressed that the proposed language may have been too restrictive in guiding placement of future administrative facilities. A potential solution to address the concerns would be to add the Sewer and Water Service Area (SWSA) tag to the draft comprehensive plan language, and be able to accommodate all the sites where the zoning ordinance would permit an administrative building that is connected to public water and sewer.

The current zoning ordinance enables public buildings in the B2 and M1 zoning districts. Government service offices are also permitted in the RA zoning district, if the property is located within the SWSA. Therefore, presuming future administrative buildings would be sized so that public water and sewer would be warranted/logical, the building could be accommodated in these three zoning districts, which are all captured within either the UDA or SWSA.

Attached is the slightly revised language that appears to provide additional flexibility for the placement of public buildings, while adhering to the zoning ordinance and Chapter 2232 requirements of the Code of Virginia. The attached language is offered as a potential addition to the 2030 Comprehensive Plan. The proposed addition would be inserted into the Plan within Chapter VI, Public Facilities – Creating Community with Public Facilities.

Please contact me if you have any further questions.

MTR/pd  
Attachments

# FREDERICK COUNTY GOVERNMENT SERVICES

## FUTURE FOCUS

Frederick County government shall continue to provide accessible, effective, and high quality government services to its citizens, business owners, and community partners. Community facilities providing administrative and judicial services shall be located in urban areas which may include the County's Urban Development Area, Sewer and Water Service Area, and/or ~~and~~ areas identified as future Urban Centers. Advances in technology shall be embraced as a means of further advancing government services to those citizens, business owners, and community partners. In addition, a variety of communication methods shall be used to engage the community and promote the accessibility of government services.

In general, the County shall strive to improve access to government services through a variety of creative and proactive approaches. This may include, but is not limited to, physically building community facilities in urban areas and those locations including the County's Urban Development Area, Sewer and Water Service Area, and/or areas identified as future Urban Centers identified in the Comprehensive Plan that are highly accessible, and also through the use of technology that connects the County with the community.

Projects and proposals aimed at enhancing the County's ability to provide accessible, effective, and high quality government services, either by Frederick County or by private entities through allowable programs such as PPEA, should be considered as being consistent with the Comprehensive Plan of the County. Such community facilities shall generally also be included in the Capital Improvement Plan.

The goal of any community facility is to allow for an improvement to general governmental facilities and services for the benefit of the residents of Frederick County, meeting their increasing needs for accessible government services in appropriate locations.

## POLICIES/IMPLEMENTATION

**POLICY:           IMPROVE SERVICES TO CITIZENS THROUGH THE EFFICIENT AND EFFECTIVE PROVISION OF COMMUNITY FACILITIES.**

## **IMPLEMENTATION:**

- County government services, including but not limited to County and School Administration facilities, should be provided as needed to provide citizens, business owners, and community partners with accessible government services.
- Community facilities should generally be located within urban areas which may include the County's Urban Development Area, Sewer and Water Service Area, and/or ~~and~~ areas identified as future Urban Centers.
- The community facilities should further the goals of the 2030 Comprehensive Plan by creating community with public facilities and implementing those Neighborhood Design Principles expressed in the 2030 Comprehensive Plan.
- Community facilities should create a sense of community and serve as community focal points.
- Collaboration between County agencies should continue to be a priority goal in order to ensure that the investment made in the County's community facilities will continue to provide the best possible environment for positive and vibrant community growth.
- The development of community facilities should promote a visually unified, coordinated, and identifiable area of particular significance to the community.