



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, NOVEMBER 12, 2014
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

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: G, H, J, K, L, and M)

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

Board of Supervisors Comments

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

1. Regular Meeting of October 8, 2014.

County Officials:

1. Employee of the Month Award. **(See Attached)** ----- B
2. Committee Appointments. **(See Attached)** ----- C
3. Request from Frederick County School Board for Approval to Sell the Robinson School Property and to Apply the Sale Proceeds to Existing School Construction Debt. **(See Attached)**----- D

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4. Resolution of the Board of Supervisors of the County of Frederick, Virginia on the Issuance of Up to \$55,000,000 of Revenue Bonds By the Economic Development Authority of the City of Winchester, Virginia for the Benefit of Westminster-Canterbury of Winchester, Inc. **(See Attached)** ----- E
5. Resolution of the Board of Supervisors of the County of Frederick, Virginia on the Issuance of Up to \$70,000,000 of Revenue Bonds by the Frederick County Economic Development Authority for The Village at Orchard Ridge. **(See Attached)**----- F
6. Resolution Regarding Middletown/Lord Fairfax Sewer and Water Service Area and Reliance Road Area Land Use Plan. **(See Attached)**----- G
7. Resolution for Authorization to Participate in Aqua Virginia, Inc. Rate Increase Case. **(See Attached)** ----- H
8. Request from the Commissioner of the Revenue for Refunds. **(See Attached)** ----- I

Committee Reports:

1. Parks and Recreation Commission. **(See Attached)** ----- J
2. Joint Code and Ordinance and Public Safety Committees. **(See Attached)** ----- K
3. Human Resources Committee. **(See Attached)** ----- L
4. Transportation Committee. **(See Attached)**----- M
5. Technology Committee. **(See Attached)**----- N
6. Finance Committee. **(See Attached)**----- O

Public Hearing:

1. Amendment to the 2014-2015 Fiscal Year Budget - Pursuant to Section 15.2-2507 of the *Code of Virginia*, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2014-2015 Budget to Reflect: Transportation Director Request for a

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Development Projects Fund Supplemental Appropriation in the Amount of \$8,136,700 for the Construction of Snowden Bridge Boulevard. The Project will be Funded Through Virginia Department of Transportation (VDOT) Revenue Sharing and Matching Developer Funds.

(See Attached) ----- P

Planning Commission Business:

Public Hearing:

1. Rezoning #04-14 Baker and Lepley Properties, Submitted by Lewis and Melissa Baker, Fred and Alice Baker, and Krista Lepley to Rezone 8.59+/- Acres from the MH1 (Mobile Home Community) District and RA (Rural Area) District to the RA (Rural Area) District. The Properties are Located on Sinking Springs Lane in Gore (Travel Route 50 West Approximately 15 Miles to Gore Road on Left; Continue .5 miles on Gore Road to Sinking Spring Lane on the Left). The Properties are Identified by Property Identification Numbers 28-A-75, 28-A-76, and 28-A-82 in the Back Creek Magisterial District. **(See Attached)**----- Q
2. Southern Frederick Area Plan – The Plan Encompasses the Area Generally East of Interstate 81 to the Clarke County Line and from the Opequon Creek in the North to Lake Frederick in the South. The Plan Contains Four Maps and a Narrative Text that Covers the Following Areas: Urban Areas and Residential Development, Business Development, Transportation, and Natural Resources, Historic Resources, and Public Facilities, and is an Update to Appendix I of the 2030 Comprehensive Plan and the Eastern Frederick County Long Range Land Use Plan, a Component of the 2030 Comprehensive Plan. This Plan Represents the Work of a Large Number of Citizen Volunteers Who have Been Working Over the Past Several Months in Collaboration with Each Other. **(See Attached)**----- R
3. Ordinance Amendment to the Frederick County Code, Chapter 165 Zoning, Article II Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses, Part 203-Buffers and Landscaping, Section 165-203.02 Buffer and Screening Requirements. Revisions to the Frederick County Zoning Ordinance to Allow for a Zoning District Buffer Waiver when the Planned Land Use Shown in the Comprehensive Plan is Compatible. **(See Attached)** ----- S

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4. Ordinance Amendment to the Frederick County Code, Chapter 165 Zoning, Article II Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses, Part 201-Supplementary Use Regulations, Section 165-201.10 Outdoor Storage and Processing. Revisions to the Frederick County Zoning Ordinance to Revise the Outdoor Storage Screening Requirements. **(See Attached)** ----- T

Other Planning Items:

1. Memorandum and Resolution - Revenue Sharing Application.
(See Attached) ----- U

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

October 8, 2014

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, October 8, 2014 at 6:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

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

CALL TO ORDER

Chairman Shickle called the meeting to order.

CLOSED SESSION

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Frederick County Board of Supervisors convened in closed session pursuant to Virginia Code Section 2.2-3711 A (1) and (7) to discuss personnel matters and involving consultation with legal counsel and briefing by staff, pertaining to a legal claim against the County and probable litigation on such claim, the claim and probable litigation being related to the personnel matter, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, the matter requiring the provision of legal advice by such counsel..

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board

came out of closed session and reconvened in open session.

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board certified that to the best of each board member's knowledge the Board discussed only matters involving personnel matters and involving consultation with legal counsel and briefing by staff, pertaining to a legal claim against the County and probable litigation on such claim, the claim and probable litigation being related to the personnel matter, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, the matter requiring the provision of legal advice by such counsel., pursuant to Virginia Code Section 2.2.-3711 A (1) and (7).

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board appropriated the sum of \$152,500.82 for settlement of a pending employment law claim.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye

Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

RECESS

The Board recessed until 7:00 p.m.

CALL TO ORDER

Chairman Shickle called the meeting order.

INVOCATION

Pastor Phil Roby, Amazing Grace Fellowship, delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

County Administrator John R. Riley, Jr. advised he had no additions or changes to the agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the agenda by the following recorded vote:

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

CONSENT AGENDA - APPROVED

Administrator Riley offered the following item for the Board's consideration under the consent agenda:

- Parks and Recreation Commission Report – **Tab E**.

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board approved the consent agenda by the following recorded vote:

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

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors' comments.

MINUTES - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the minutes from the September 10, 2014 regular meeting.

The above motion was approved by the following recorded vote:

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

COUNTY OFFICIALS

LIFE SAVING AWARDS - APPROVED

Chairman Shickle read the following:

“On behalf of the Board of Supervisors, it is my pleasure to present these gentlemen, for presentation of a life saving award. Mr. Oliver and Mr. Spencer are employees at the Frederick

County Landfill Citizens' Convenience Center and Mr. Byrne is the Division Chief for Division 7, Virginia Department of Fire Programs in Fairfax. On the afternoon of August 21, 2014, all three of these gentlemen performed above and beyond their normal responsibilities when they assisted an injured customer.

On August 21, 2014 a customer, Mr. Dennis White, was involved in a very serious accident at the Landfill Citizens' Convenience Center. While attempting to dispose of a 4 foot x 4 foot piece of glass, the glass broke and severed the brachial artery and the muscle in the Mr. White's arm. Mr. Spencer and Mr. Oliver came to his aid. They laid him down, wrapped Mr. Oliver's shirt around the wound and made a tourniquet. Mr. Byrne was at the facility disposing of garbage at that time and assisted these gentlemen by making a tourniquet from his belt. They stayed with Mr. White until the ambulance arrived.

We are happy to report that Mr. White is doing well after emergency surgery to repair his arm. Fortunately, there was no nerve damage. As a result of the quick actions of staff and bystanders, Mr. White was able to attend his son's wedding and enjoy an already planned vacation at the beach. Their quick action helped save his life.

On behalf of the Board of Supervisors, I would like to extend our thanks to Mr. Spencer, Mr. Oliver, and Mr. Byrne. Their conduct on that day helped save a life; therefore, it is my privilege to present Jordan L. Oliver, Tom Spencer, and Melvin Byrne with this Life Saving Award."

Upon a motion by Supervisor Wells, seconded by Supervisor Hess, the Board approved Life Saving Awards for employees Jordan L. Oliver and Tom Spencer and citizen Melvin Byrne.

The above motion was approved by the following recorded vote:

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

EMPLOYEE OF THE MONTH AWARDS - APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved Avery J. Kenney and Stephen D. Gregory as Employees of the Month for September 2014.

**Employee of the Month Resolution
For
AVERY J. KENNEY**

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, Deputy Avery J. Kenney who serves in the Sheriff's Department was nominated for Employee of the Month; and,

WHEREAS, Deputy Avery J. Kenney is being recognized for his commitment to the County of Frederick; due to his high level of dedication, the life of suicidal subject was spared on the 21st day of August, 2014. Avery portrayed an exceptional act of compassion and willingness to assist those in the county.

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 8th day of October, 2014, that Deputy Avery J. Kenney is hereby recognized as the Frederick County Employee of the Month for September 2014; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors extends its gratitude to Deputy Avery J. Kenney for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Deputy Avery J. Kenney is hereby entitled to all of the rights and privileges associated with his award.

**Employee of the Month Resolution
For
STEPHEN D. GREGORY**

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, Deputy Stephen D. Gregory who serves in the Sheriff's Department was nominated for Employee of the Month; and,

WHEREAS, Deputy Stephen D. Gregory is being recognized for his commitment to the County of Frederick; due to his high level of dedication, the life of suicidal subject was spared on the 21st day of August, 2014. Avery portrayed an exceptional act of compassion and willingness to assist those in the county.

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of

Supervisors this 8th day of October, 2014, that Deputy Stephen D. Gregory is hereby recognized as the Frederick County Employee of the Month for September 2014; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors extends its gratitude to Deputy Stephen D. Gregory for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Deputy Stephen D. Gregory is hereby entitled to all of the rights and privileges associated with his award.

The above motion was approved by the following recorded vote:

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

COMMITTEE APPOINTMENTS

APPOINTMENT OF J. STANLEY CROCKETT TO THE FREDERICK COUNTY ECONOMIC DEVELOPMENT AUTHORITY – APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board appointed J. Stanley Crockett to the Frederick County Economic Development Authority. Mr. Crockett will fill the unexpired term of Josh Phelps. Term expires November 10, 2016.

The above motion was approved by the following recorded vote:

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

APPOINTMENT OF JOHN R. RILEY, JR. TO THE FREDERICK COUNTY ECONOMIC DEVELOPMENT AUTHORITY – APPROVED EFFECTIVE JANUARY 1, 2015

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board appointed John R. Riley, Jr. to the Frederick County Economic Development Authority, effective January 1, 2015. Mr. Riley will fill the unexpired term of Richard G. Dick. Term expires November 10, 2016.

The above motion was approved by the following recorded vote:

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

**APPOINTMENT OF GARY LOFTON AS ECONOMIC DEVELOPMENT
AUTHORITY REPRESENTATIVE TO THE DEVELOPMENT IMPACT
MODEL OVERSIGHT COMMITTEE – APPROVED**

Supervisor Lofton currently serves on the Development Impact Model Oversight Committee. He is also a member of the Economic Development Authority and could represent the EDA on the committee.

The Board's consensus was to allow Supervisor Lofton to serve in both capacities.

**REAPPOINTMENT OF JOHN R. CLAWSON AS FREDERICK COUNTY
REPRESENTATIVE TO THE HANDLEY REGIONAL LIBRARY BOARD -
APPROVED**

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board reappointed John R. Clawson as Frederick County representative to the Handley Regional Library Board. This is four year appointment. Term expires November 30, 2018.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye

Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

**REAPPOINTMENT OF JACK ALKIRE AS FREDERICK COUNTY
REPRESENTATIVE TO THE CHAPTER 10 BOARD - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board reappointed Jack Alkire as a Frederick County representative to the Chapter 10 Board. This is a three year appointment. Term expires December 31, 2017.

The above motion was approved by the following recorded vote:

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

**BRUCE CARPENTER NOMINATED AS GAINESBORO DISTRICT
REPRESENTATIVE TO THE BOARD OF ZONING APPEALS - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board nominated Bruce Carpenter for reappointment as Gainesboro District representative to the Board of Zoning Appeals. This is five year appointment. Term expires December 31, 2019.

The above motion was approved by the following recorded vote:

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

COMMITTEE REPORTS

**PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT
AGENDA**

The Parks and Recreation Commission met on September 9, 2014. Members present were: Kevin Anderson, Patrick Anderson, Randy Carter, Marty Cybulski, Gary Longerbeam, Ronald Madagan, and Charles Sandy, Jr. Members absent were: Greg Brondos, Jr. and Christopher Collins.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Tree Removal Policy – No action taken due to lack of motion.
2. Policy Changes – Athletic Field Use and Facility Rental Policies – Mr. Cybulski moved to accept the Athletic Field Use and Facility Rental policies as submitted, second by Mr. Longerbeam, motion carried unanimously (6-0). Please find attached copies of the approved policies.
3. Finance Committee – Fees and Charges – The Finance Committee recommended changing the FY 16 fees and charges as indicated on the attached fee chart, second by Mr. Madagan, motion carried unanimously (5-0).
4. Buildings and Grounds Committee – Proffered Snowden Bridge Site Plan – The Buildings and Grounds Committee recommended to endorse the site plan submitted, second by Mr. Cybulski, motion carried unanimously (5-0). Please find attached a copy of the approved site plan.

HUMAN RESOURCES COMMITTEE - APPROVED

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, September 12, 2014 at 8:00 a.m. All members were present:

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

1. The HR Committee recommends approval for conversion of a part time position to a full time position. The HR Committee unanimously supported the request from Mr. Ed Strawsnyder, Public Works Director, to convert a part time position to a full time Office Assistant III position for the Inspections Department. The funding request for the position was forwarded to the Finance Committee for consideration. (See attachment) - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board approved the above request by the following recorded vote:

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

2. The HR Committee recommends approval for conversion of a part time position to a full time position. The HR Committee unanimously supported the request from Ms. Ellen Murphy, Commissioner of the Revenue, to convert a part time position to a full time Account Clerk I position for the Personal Property Department. The funding request for the position was forwarded to the Finance Committee for consideration. (See attachment) - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Vice-Chairman DeHaven, the Board approved the above request by the following recorded vote:

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

3. The Committee recommends approval to begin the County's right sizing staffing project. (See attachment) - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved the above request by the following recorded vote:

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

4. The Committee recommends approval of the revised HR Committee Charter. (See attachment) – **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

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

5. The Committee recommends approval for Employee of the Month award.

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

1. None

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, October 10, 2014.

FINANCE COMMITTEE - APPROVED

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Monday, September 29, 2014 at 8:00 a.m. Non-voting liaison C. William Orndoff was absent. Items 3 and 4 were approved under consent agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the consent agenda by the following recorded vote:

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

1. The Finance Director presents FY 2014 Year End financial information. See attached, p. 4-20. No action required.
2. The Transportation Director requests to advertise for public hearing a Development Projects Fund supplemental appropriation in the amount of \$8,136,700 for the construction of Snowden Bridge Boulevard. The project will be funded through VDOT

revenue sharing and matching developer funds. See attached memo, p. 21. The committee recommends advertising for public hearing. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the above request by the following recorded vote:

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

3. The Sheriff requests a General Fund supplemental appropriation in the amount of \$659,32. This amount represents a reimbursement for an extradition. No local funds required. See attached memo, p. 22. – **APPROVED UNDER CONSENT AGENDA**
4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$33,347. This amount represents a DMV grant for alcohol enforcement. See attached information, p. 23-24. – **APPROVED UNDER CONSENT AGENDA**
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$175,000. This amount represents funds needed for increased part time needs for court bailiffs with the addition of three judges. Local funds are required. See attached letter, p. 25-26. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

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

6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$284,781 in order to purchase (10) ten vehicles and associated equipment. Local funds are required. See attached letter, p. 27. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board

approved the above request by the following recorded vote:

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

7. The EDA Executive Director requests an EDA Fund and a General Fund supplemental appropriation in the amount of \$375,000. This amount represents EDA incentives remaining in FY 2014. See attached memo, p. 28. Item was postponed.
8. The School Director of Finance requests a General Fund and School Operating Fund supplemental appropriations in the amount of \$108,938.58. This amount represents designated funds received during FY2014. See attached memo, p. 29. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board approved the above request by the following recorded vote:

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

9. The School Director of Finance requests a General Fund supplemental appropriation in the amount of \$542,593.92 and a School Capital Fund supplemental appropriation in the amount of \$722,202.80. These amounts represent unspent, unobligated FY 2014 funds remaining at year end to be used for capital maintenance needs. See attached memo, p. 29. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye

Gary A. Lofton	Aye
Robert W. Wells	Aye

10. The School Director of Finance provides FY2014 Year End Financial Reports. See attached, p. 30-56. No action required.
11. The Public Works Director requests a General Fund supplemental appropriation in the amount of \$11,843 in order to convert a part time position to a full time Office Assistant III position. Also required is a transfer in the amount of \$14,920 from currently budgeted part time funds. Local funds are required. The position has been approved by the HR Committee. See attached memo, p. 57-58. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above request by the following recorded vote:

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

12. The Commissioner of the Revenue requests a General Fund supplemental appropriation in the amount of \$14,393 in order to convert a part time position to a full time Account Clerk I position. Also required is a transfer in the amount of \$11,264 from the currently budgeted part time funds. Local funds are required. The position has been approved by the HR Committee. See attached memo, p. 59-61. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board approved the above request by the following recorded vote:

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

13. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. See attached charter, p. 62-64. The committee

recommends approval of the charter with no changes. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

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

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for August. See attached, p. 65.
2. The Finance Director provides financial statements for the month ending August 31, 2014. See attached, p. 66-76.
3. The Finance Director provides an FY2015 Fund Balance Report for the period ending September 16, 2014. See attached, p. 77.

JOINT FINANCE COMMITTEE - APPROVED

The Joint Finance Committee met on Friday, October 3, 2014 at 9:00 A.M., in the Board of Supervisors' Closed Session Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Present were Charles S. DeHaven, Jr., Frederick County representative; and John Willingham, and Milt McInturff, City of Winchester representatives; Chairman Richard Shickle, Frederick County representative (**arrived at 9:15 a.m.**). Others present: John R. Riley, Jr., County Administrator; Jay E. Tibbs, Deputy County Administrator; Eden Freeman, City Manager; Roderick B. Williams, County Attorney; Anthony Williams, City Attorney; Mary Blowe, Finance Director City of Winchester; Cheryl Shiffler, Finance Director, Frederick County; Perry Eisenach, Public Services Director, City of Winchester, Corey MacKnight, Facilities Director, City of Winchester; Tom Hoy, Assistant Public Services Director; Judge Clifford L. Athey, Jr.; Board of Supervisors members: Christopher E. Collins, Robert A. Hess, Gary A. Lofton, and Gene E. Fisher; Sheriff Robert T. Williamson; Commonwealth's Attorney Ross P. Spicer; and Raya Zimmerman, *The Winchester Star*.

Mr. Willingham called the meeting to order.

*****For Board Action*****

DISCUSSION OF JOINT JUDICIAL CENTER RENOVATIONS – PROJECT APPROVED

Judge Clifford L. Athey, Jr. appeared before the committee to discuss the need to renovate the Joint Judicial Center to accommodate the new judges, who were approved by the General Assembly. He stated he was seeking assistance from the localities to address specific needs in the interim, which would allow the localities to work towards a long term plan to accommodate space needs over the next 30 years.

Perry Eisenach reviewed the proposal to accommodate the space needs. He noted that staff would engage Moseley Architects to begin the actual development of plans for the proposed renovations. He then presented two preliminary cost estimates for this project. The in-house staff estimate was \$3,144,900 and the Moseley estimate was \$4,065,500. The total project cost would be shared on a 50-50 basis by both the city and the county.

Upon a motion by Mr. Shickle, seconded by Mr. McInturff, the Joint Finance Committee recommended approval of the renovations to the Joint Judicial Center at a cost not to exceed \$4,065,500, with costs to be shared on a 50-50 basis or \$2,032,750 per locality.

There being no further business, the meeting was adjourned at 9:43 a.m.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board approved the renovations to the Joint Judicial Center at a cost not to exceed \$4,065,500, with costs to be shared on a 50-50 basis or \$2,032,750 per locality.

Supervisor Collins stated he would like to see the creation of a joint committee to look at what do in the future regarding the space needs at the Joint Judicial Center.

Chairman Shickle stated he thought that would be an appropriate topic for discussion at a future Joint Finance Committee meeting.

Supervisor Lofton asked if there were any other costs associated with the relocation of offices.

Chairman Shickle responded there would be additional costs to the city, but not the County.

There being no further discussion, the above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye

Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

TRANSPORTATION COMMITTEE - APPROVED

The Transportation Committee met on September 22, 2014 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
James Racey (voting)
Gene Fisher (voting)
Thom Ruffin (voting)
Lewis Boyer (liaison Stephens City)
Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)
Christopher Collins (voting)

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

1. Rail Crossing Support Request - APPROVED

Winchester and Western Railroad is in need of an additional crossing at Sinking Spring Lane in Gore, to access a maintenance shop which they will be constructing. Please see attached graphics. They are requesting a resolution of support from the County as they go through their VDOT approval process.

After discussion with staff and VDOT regarding the application the following motion was made.

MOTION by Mr. Racey and seconded by Mr. Ruffin to recommend the Board approve a resolution of support provided the resolution requires VDOT requirements be met. Motion passed unanimously. (resolution attached)

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the resolution of support for Winchester and Western Railroad.

WHEREAS, Winchester and Western Railroad is constructing a new maintenance facility and is in need of an additional or modified crossing of Sinking Spring Lane, a public roadway in Frederick County; and

WHEREAS, the Frederick County Board of Supervisors is supportive of increased use of rail to move freight.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Frederick County, Virginia, are supportive of a new or modified rail crossing of Sinking Spring Lane, a public roadway in Frederick County, provided that VDOT standards and requirements are met.

Adopted this 8th day of October, 2014.

The above motion was approved by the following recorded vote:

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

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

2. Signal programming discussion

Mr. Grant Sanders of VDOT was on hand to discuss traffic signal programming and methodologies in the County. The primary topic discussed was greater use of permissive left turns in form of a flashing yellow arrow along sections of Route 522. Mr. Sanders indicated that VDOT is increasing its use of these treatments and noted he would look into the areas suggested.

3. HB 2 Implementation Update

Staff gave a brief update on the activities taking place surrounding HB2 and its implementation. Staff would note that more up-to-date information has recently been forwarded to the Transportation Committee and Board.

4. Revenue Sharing Application

The Transportation Committee authorized staff to proceed in developing an application that includes phase II of Valley Mill Road realignment and Coverstone Drive from its existing terminus just past the public safety building to an intersection with Route 50 and Inverlee Drive. This item will appear for resolution on a future Board agenda.

5. October 8, 2014 CTB Meeting

Staff noted that there will be a public comment opportunity on October 8, 2014 which staff will be attending. Staff noted that as of the date of the meeting no draft plan was yet available to respond to. Since that time, information has been received and forwarded to the Board and Transportation Committee that indicates 98% (\$24.5 Million) of HB2 cuts to the Staunton District are based in Frederick County.

PUBLIC HEARING

**PROPOSED SCHOOL BOND FINANCINGS BY THE BOARD OF
SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA. THE BOARD**

OF SUPERVISORS (THE "BOARD") OF THE COUNTY OF FREDERICK, VIRGINIA (THE "COUNTY") WILL HOLD A PUBLIC HEARING IN ACCORDANCE WITH SECTION 15.2-2606 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS (THE "BONDS") OF THE COUNTY IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 TO FINANCE CERTAIN CAPITAL PROJECTS FOR PUBLIC SCHOOL PURPOSES, CONSISTING PRIMARILY OF THE CONSTRUCTION OF A REPLACEMENT MIDDLE SCHOOL. A RESOLUTION AUTHORIZING THE ISSUANCE OF THE BONDS WILL BE CONSIDERED BY THE BOARD OF SUPERVISORS AT ITS MEETING ON WEDNESDAY, OCTOBER 8, 2014. ALL INTERESTED INDIVIDUALS ARE INVITED TO ATTEND AND PRESENT ORAL OR WRITTEN COMMENTS. - APPROVED

Administrator Riley advised this was a request from Frederick County schools to apply for a bond financing in an amount not to exceed \$15 million for the construction of the replacement Frederick County Middle School.

Dr. David Sovine, Superintendent of Schools, advised this amount was to cover site development and foundation work through May 2015.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Wells, the Board approved the bond financing.

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 \$15,000,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing certain capital projects for public school purposes, consisting primarily of the construction of a replacement middle school (collectively, the "Project");

WHEREAS, the County held a public hearing, duly noticed, on October 8, 2014, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code");

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond;

WHEREAS, Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2014 (the "VPSA Bonds");

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$15,000,000 is the amount of proceeds requested (the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond;

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration of such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA 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 circumstances the proceeds from the sale of the Local School Bond received by the County will be less than the Proceeds Requested since the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested.

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

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in an aggregate principal amount not to exceed \$15,000,000 (the "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them (each a "Delegate") and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. **Details of the Local School Bond.** The Local School Bond shall be dated 16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be

designated "General Obligation School Bond, Series 2014B"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning July 15, 2015 (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 acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

4. Interest Rates and Principal Installments. Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be 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 VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of the Local School Bond does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall not exceed 21 years from the date of the issuance and delivery of the Local School Bond. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

5. Form of the Local School Bond. The Local School Bond 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 Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond 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 Local School Bond.

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

7. Prepayment or Redemption. The Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2024, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2024, are

not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2025, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2025, 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, 2024, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond 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, 2024 through July 14, 2025	101%
July 15, 2025 through July 14, 2026	100½
July 15, 2026 and thereafter	100

Provided, however, that the Local School Bond 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 other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other 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.

If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

8. Execution of the Local School Bond. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond 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 premium, if any, and the interest on the Local School Bond 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 and Tax Compliance Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance

Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond 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 VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest 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 Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either 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 Local School Bond 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 submitted to the Board at this meeting, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D 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 to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

13. Refunding. The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

14. 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.

15. Election to Proceed under Public Finance Act. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

16. Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

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

The above motion was approved by the following recorded vote:

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

AN ORDINANCE TO AMEND THE FREDERICK COUNTY CODE, CHAPTER 155, TAXATION, ARTICLE XII ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM, SECTION 155-47 ASSESSMENT OF COSTS IN CRIMINAL AND TRAFFIC CASES FOR THE COSTS OF AN ELECTRONIC SUMMONS SYSTEM. THIS AMENDMENT IS ENABLED BY LEGISLATION ENACTED BY THE 2014 GENERAL ASSEMBLY AND PERMITS THE IMPOSITION OF A \$5 FEE PER CASE IN ALL CRIMINAL AND TRAFFIC CASES RESULTING IN CONVICTION. THE PROPOSED FEE WOULD BE RETAINED LOCALLY TO PAY FOR THE COSTS OF IMPLEMENTATION AND MAINTENANCE OF AN ELECTRONIC SUMMONS SYSTEM. - APPROVED

County Attorney Rod Williams addressed the Board regarding this item. He advised this proposed ordinance was enabled through legislation passed by the 2014 Virginia General Assembly. The ordinance allows for the imposition of a \$5 fee for use by the Sheriff for an electronic summons system.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Collins, seconded by Supervisor Lofton, the Board approved the ordinance to amend the Frederick County Code, Chapter 155, Taxation, Article XII Assessment for Electronic Summons System, Section 155-47 Assessment of Costs in Criminal and Traffic Cases for the Costs of Electronic Summons System.

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article XII (Assessment for Electronic Summons System) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, to read as follows and to take effect immediately:

CHAPTER 155 TAXATION

Article XII Assessment for Electronic Summons System

155-47 Assessment of costs in criminal and traffic cases for the costs of an electronic summons system

Pursuant to § 17.1-279.1 of the Code of Virginia, 1950, as amended, there is hereby assessed a fee of \$5.00 as part of the costs in each criminal or traffic case in either one of the district courts or the circuit court of the County of Frederick and which results in conviction of violation of any statute or ordinance. The clerk of the court in which the case is heard shall collect these assessments and remit them to the Treasurer of the Frederick County. The Treasurer shall hold the funds subject to disbursements by the Board of Supervisors to the Sheriff of Frederick County and/or other local law enforcement agencies in Frederick County solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Enacted this 8th day of October, 2014.

The above motion was approved by the following recorded vote:

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

AN ORDINANCE TO AMEND THE FREDERICK COUNTY CODE, CHAPTER 155, TAXATION, ARTICLE VI PROBATE OF WILLS; GRANTS OF ADMINISTRATION, SECTION 155-29 TAX IMPOSED. THIS PROPOSED AMENDMENT WOULD ADD A NEW SUBSECTION B TO PERMIT THE

IMPOSITION OF A \$25 FEE BY THE CLERK OF THE CIRCUIT COURT FOR EACH LIST OF HEIRS OR AFFIDAVIT RELATING TO REAL ESTATE FILED IN PROBATE CASES IN WHICH THE DECEDENT DID NOT LEAVE A WILL. THIS PROPOSED AMENDMENT REPRESENTS AN EFFORT TO TREAT ESTATES WITH WILLS AND THOSE WITHOUT MORE EQUITABLY. - APPROVED

County Attorney Rod Williams addressed the Board regarding this item. He advised this proposed ordinance was enabled through legislation passed by the 2014 Virginia General Assembly. The ordinance allows the Clerk of the Circuit Court to impose a \$25 fee for the recordation of a list of heirs or affidavit relating to real estate in probate cases in which the decedent does not leave a will. The proposed amendment represents an effort to treat estates with wills and those without more equitably.

Supervisor Lofton asked if the fee would stay with Frederick County.

Rebecca Hogan, Clerk of the Circuit Court, responded yes.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board approved the ordinance to amend the Frederick County Code, Chapter 155, Taxation, Article VI Probate of Wills; Grants of Administration; Section 155-29 Tax Imposed.

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article VI (Probate of Wills; Grants of Administration) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Article VI (Probate of Wills; Grants of Administration; Lists of Heirs; Affidavits Relating to Real Estate of Intestate Decedents) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows and to take effect immediately (additions are shown in **bold underline**):

CHAPTER 155 TAXATION

ARTICLE VI Probate of Wills; Grants of Administration; Lists of Heirs; Affidavits Relating to Real Estate of Intestate Decedents

§ 155-29 Tax or fee imposed.

- A.** There is hereby imposed a County tax on the probate of every will or grant of administration in an amount equal to 1/3 of the amount of the state tax on such probate of a will or grant of administration.
- B. There is hereby imposed a County fee of \$25 for the recordation of a list of heirs pursuant to § 64.2-509 of the Code of Virginia, 1950, as amended, or an affidavit pursuant to § 64.2-510 of the Code of Virginia, 1950, as amended, as provided in § 58.1-1717.1 of the Code of Virginia, 1950, as amended.**

§ 155-30. Disposition of taxes collected.

The Clerk of the Circuit Court of the County collecting the tax imposed under § 155-29 shall pay the same into the treasury of the County.

Enacted this 8th day of October, 2014.

The above motion was approved by the following recorded vote:

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

PLANNING COMMISSION BUSINESS

REZONING #03-14 GOVERNORS HILL – PROFFER REVISION - APPROVED

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a request to revise the proffers associated with Rezoning #05-13. This proposed revision relates specifically to the Transportation section of the proffers and applies only to parcels owned by JGR Three LLC within the Governor's Hill project, specifically parcels 64-A-86 and 64-A-87. Deputy Director Ruddy noted this was a minor proffer revision to change the amount of office space that may be developed on the property utilizing access to the existing completed portion of Coverstone Drive. The applicant was seeking to increase the current

amount of office from 200,000 square feet to 300,000 square feet. This proposed increase affects trigger for the the design and construction of Phase I of Coverstone Drive from Route 50 into the property. He concluded by saying there was no public hearing requirement because this was a minor proffer amendment and the Planning Commission recommended approval.

Chairman Shickle asked if it was still the counsel of staff that this was a minor proffer amendment.

County Attorney Williams responded yes.

Upon a motion by Supervisor Fisher, seconded by Supervisor Collins, the Board approved the ordinance amending the Zoning District Map, Rezoning #03-14 Minor Proffer Revision of Governors Hill.

WHEREAS, Rezoning #03-14 Minor Proffer Revision of Governors Hill, submitted by William H. Gordon Associates, to revise the proffers associated with Rezoning #10-08 and #05-13 relating to the “Transportation” section of the proffers was considered. The proffer revision, originally proffer statement dated September 2, 2008, with a final revision dated September 18, 2014 applies only to the properties owned by JGR Three, L.L.C. (64-A-86 and 64-A-87) and does not impact other properties identified under the Governors Hill Proffer Statement. These modifications include the increase from 200,000 to 300,000 square feet of office floor space which may be developed utilizing access from the completed portion of Coverstone Drive. This increase in floor space is located in Sections 15.2 and 15.11 of the proffer statement.

WHEREAS, the Planning Commission held a public meeting on this rezoning on October 1, 2014, and forwarded a recommendation of approval; and

WHEREAS, the Board of Supervisors held a public meeting on this rezoning on October 8, 2014; 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 RESOLVED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the proffers associated with Rezoning #10-08 and #05-13 relating to the “Transportation” section of the proffers. This minor proffer revision, originally proffer statement dated September 2, 2008, with a final revision dated September 18, 2014, modifies the square feet of office floor space from 200,000 to 300,000 which may be developed using access from the completed portion of Coverstone

Drive.

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

Passed this 8th day of October, 2014 by the following recorded vote:

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

BLACK DIAMOND WAREHOUSE SITE PLAN (STONEWALL INDUSTRIAL PARK) – INFORMATION ONLY

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this site plan was being presented to the Board for information only due to its impact on the Route 37 right-of-way. The property is located on McGee Road and two building additions are to be located within the Route 37 right-of-way.

Chairman Shickle stated he felt compelled to say something because in prior meetings he had said the industrial park should work with us. He went on to say that in light of the funding reductions enacted by the state, in particular funding for Route 37, it was not reasonable to hold these landowners up. He concluded by saying he believed they did try.

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

Supervisor Lofton advised the 150th commemoration of the Battle of Cedar Creek would be taking place October 15-19, 2014. He noted there would be lots of programs and activities.

Supervisor Hess reported the Farm Bureau held a very successful Main Street Day in September.

Supervisor Fisher stated he was proud to be a small part of this organization, in light of the staff recognized earlier in the evening. He concluded by saying he could not say thank you enough to the dedicated employees and staff.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:50 P.M.)

B

Employee of the Month Resolution

for:

Barbara Johnson

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, Barbara Johnson who serves in the Fire & Rescue Department was nominated for Employee of the Month; and,

WHEREAS, Barbara Johnson has the compassion, drive and organizational skills that are beyond compare. She will tackle any task put in her path. She is responsible for leading all the research for improving storage, reporting and daily administrative operations through laser fiche. Barbara Johnson is not only an asset to the Fire Marshal's division of Fire & Rescue, but receives nothing but praise from other departments and the public; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 12th day of November 2014, that Barbara Johnson is hereby recognized as the Frederick County Employee of the Month for October 2014; and,

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

BE IT FURTHER RESOLVED, that Barbara Johnson is hereby entitled to all of the rights and privileges associated with his award.

County of Frederick, VA
Board of Supervisors

Richard C. Shickle, Chairman

Dedication

County of Frederick

Employee of the Month

October 2014

Barbara A. Johnson

Hardworking

Excellent

Professional

Richard C. Shickle
Chairman, Board of Supervisors



County of Frederick Employee of the Month Nomination Form

October

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.

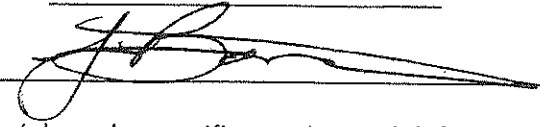
Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : Barbara Johnson

Department: Fire & Rescue

Nomination Submitted By: Deputy Chief John Bauserman

Department: Fire & Rescue

Nominator's Signature: 

Date: 09/30/2014

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

In October 2013, Barbara came to us after 10 years with the Frederick County Public Schools. In her short time in the Life Safety Division she has been able to improve our daily operations while preparing us to improve into the future. She has been instrumental in the implementation and use of laser fiche for storing and accessing plans and inspection information. She has led all of the research into improving our file storage, reporting, and daily administrative operations.

Her organizational skills are beyond compare and further aide our ability to run seamlessly. She has a pleasant and fun loving personality that makes her a joy to work with. She works well with every member of the Fire and Rescue Department and I receive nothing but praises from other departments as well as the public. She has the drive and ambition to tackle any task. She is always willing to help with any project. Her commitment to not only this division, but to Frederick County and its residents, is a testament to the type of employees that will lead this county into the future.

Please join me in recognizing her ability to excel in her position and to assist all of us in ensuring the safety of the citizens of Frederick County.

November 12th Bd Mtg.

HR Section: Received: 9/30/14 Emailed to HR Committee: _____

C



COUNTY of FREDERICK

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: November 6, 2014
RE: Committee Appointments

Listed below are the vacancies/appointments due through December, 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

Board of Zoning Appeals

James W. Givens – Back Creek District Representative
860 Laurel Grove Road
Winchester, VA 22602
Home: (540)678-0291
Term Expires: 12/31/16
Five year term

(Mr. Givens has Resigned. See Attached Correspondence.) (There are seven members on the Board of Zoning Appeals. Recommendations for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.)

Lord Fairfax Community College (LFCC)

Mary E. Greene – County Representative
1201 Lakeview Drive
Cross Junction, VA 22625
Home: (540)888-4918
Term Expires: 06/30/16

Four year term

(Ms. Greene has Resigned. See Attached Correspondence from President Cheryl Thompson-Stacy.)

Extension Leadership Council

William H. Grim – Opequon District Representative
913 Salem Church Road
Stephens City, VA 22655
Home: (540)869-2765
Term Expires: 01/24/16
Four year term

(See Attached Application of Mr. Raymond Cross.) (Mr. Grim has resigned per Extension Agent Mark Sutphin.)

Helen Lake – Member-At-Large
861 Valley View Drive
Winchester, VA 22603
Home: (540)665-0108
Term Expires: 04/24/16
Four year term

(Ms. Lake has Notified Extension Agent Mark Sutphin her desire to step down. He will work with VCE staff and faculty to forward a recommendation for replacement.) *(The Extension Leadership Council is composed of one citizen member from each district appointed by the Board of Supervisors and three members-at large recommended by the Virginia Tech Extension Service.)*

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

Mary M. Turner – Back Creek District Representative
2344 Jones Road
Winchester, VA 22602
Office: (540)665-9692

Term Expires: 09/14/14
Four year term

NOVEMBER 2014

No remaining appointments.

DECEMBER 2014

Board of Equalization

James I. Brumback – County Representative
5699 Middle Road
Winchester, VA 22602
Home: (540)869-3724
Term Expires: 12/31/14
Three year term

(See Attached Application of Betsy Brumback.) (Mr. Brumback has advised staff he does not wish to be reappointed.)

Leon W. Strosnider – County Representative
743 Grim Road
Stephens City, VA 22655
Home: (540)869-1187
Term Expires: 12/31/16
Three year term

(Staff has been advised Mr. Strosnider has passed away.)

*(The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a "permanent" board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term. **Recommendations for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.**)*

Memorandum – Board of Supervisors
November 6, 2014
Page 4

Attachments

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JAMES W. GIVENS
860 LAUREL GROVE ROAD
WINCHESTER, VA 22602



October 13, 2014

Mr. Gary A. Lofton, Supervisor
Back Creek Magisterial District
711 Buffalo Marsh Road
Middletown, VA 22645

RE: Resignation from Board of Zoning Appeals

Dear Gary:

Please be advised that I am submitting my resignation from the Board of Zoning Appeals as Sandy and I are relocating to Powhatan, Virginia. We are scheduled to relocate in early to mid December, although if we sell and close on our property prior to December the move could be sooner. Because of this uncertainty, I feel the resignation should be effective October 31, 2014, although I will continue to serve through November if it is the desire of the County and if I'm still in residence for the November 18, 2014 BZA meeting.

It has been a pleasure working with the County staff and citizens of Frederick County on the Board of Zoning Appeals. Thank you for the opportunity to serve.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Givens".

James W. Givens

cc: John R. Riley, Jr., County Administrator
Mark Cheran, Zoning & Subdivision Administrator



Office of the President



October 7, 2014

John R. Riley, Jr.
Frederick County Administrator
107 North Kent Street
Winchester, VA 22601

Dear Mr. Riley:

Mrs. Mary E. Greene has notified me that she will unfortunately be unable to complete her second four-year term as a member of the Lord Fairfax Community College Board representing Frederick County due to complications from a health condition.

Mrs. Greene has been a very supportive and active member of our College Board during her seven years of dedicated service. She provided leadership to the Board serving as chair from 2012 to 2014 and vice chair from 2010 to 2012. Mrs. Greene has been a great asset to LFCC and a strong advocate for the community college system.

Reappointed in July 2012, Mrs. Greene's second four-year term was scheduled to expire June 30, 2016. Please present this information to the Frederick County Board of Supervisors with the request for appointment of a new College Board member to fill Mrs. Greene's two-year unexpired term from October 2014 to June 30, 2016. This individual may then be reappointed for two successive four-year terms.

I have enclosed a copy of our College Board Bylaws and a list of current College Board members. Please contact me if you have any questions.

Sincerely,

Cheryl Thompson-Stacy
President

Cc: Richard M. Galecki, College Board chair

Middletown Campus

173 Skirmisher Lane
Middletown, VA 22645-1745
540-868-7000
540-868-7100 Fax

Fauquier Campus

6480 College Street
Warrenton, VA 20187-8820
540-351-1505
540-351-1540 Fax

Luray-Page County Center

334 North Hawksbill Street
Luray, VA 22835-1130
540-843-0722
540-843-0322 Fax



BYLAWS OF
LORD FAIRFAX COMMUNITY COLLEGE BOARD

President's Office
173 Skirmisher Lane
Middletown, VA 22645
(540) 868-7101

ARTICLE ONE

Section 1. These Bylaws are subject to all rules, regulations, directives, policies and procedures as established by the State Board for Community Colleges of the Commonwealth of Virginia.

ARTICLE TWO

COLLEGE BOARD

Section 1. The local affairs of the College shall be managed by its College Board.

Section 2. The Lord Fairfax Community College Board shall exercise the responsibilities prescribed for local community college boards by the Code of Virginia and the State Board for Community Colleges.

Section 3. The number of Board members shall be fourteen (14). The Board members shall be appointed by the political subdivisions participating in the support of the

College. These political subdivisions are the Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah and Warren and the City of Winchester. Each political subdivision shall be represented by two members on the Board, with the exceptions of the Counties of Clarke and Rappahannock, which shall have one member, each subject, however, to the provisions for reallocation of Board members as established by the State Board for Community Colleges. Each member shall serve for a term of four (4) years and may serve two successive terms.

Section 4. Regular meetings of the Board shall be held during the months of August, October, December, February, April, and June, the time and place for holding said regular meetings to be as directed by resolution of the Board.

Section 5. Special meetings of the Board may be called by or at the request of the Chair, the President of the College, or any two Board members.

Section 6. All meetings, both regular and special, shall be held at the Middletown or Fauquier Campus of the College, or at such other place as the members of the Board may determine.

Section 7. Notice of any special meeting of the Board shall be given at least five (5) days previously thereto by written notice delivered personally or sent by mail, e-mail or fax to each Board member at his/her address as shown by the records of the College. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. Any Board member may waive notice of any meeting. The attendance of a Board member at any meeting shall constitute a waiver of notice of such meeting except where a Board member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be

specified in the notice or waiver of notice of such meeting, unless specifically required by law, by these Bylaws, or by order of the State Board for Community Colleges.

Section 8. A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Board members are present at any meeting, a majority of the Board members present may adjourn the meeting from time to time without further notice.

Section 9. The act of a majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law or by these Bylaws.

Section 10. Any vacancy occurring in the Board shall be filled by the political subdivision that the vacating Board member represented. Any College Board member who misses three (3) consecutive regularly scheduled meetings, may be dismissed by the College Board. For purposes of this section, attendance during any part of the official meeting is considered attending the meeting. The Secretary of the Board shall notify the Chair of the Board of any member who has missed three (3) consecutive regular meetings. The Chair shall investigate to determine if there were extenuating circumstances that caused the member to miss the three (3) meetings. The investigation must include a discussion with the member and the Chair may consult the Vice Chair concerning the member and the circumstances. If after consultation, it is the opinion of the Chair that the member does not have good cause for missing the meetings, the Chair shall request the Board to consider whether replacement of the member is in the best interest of the college. If the Board votes to replace the member, the Board shall notify the sponsoring subdivision of the need for a replacement.

ARTICLE THREE

OFFICERS

Section 1. The officers of the Board shall be a Chair, Vice Chair, a Secretary and such other officers as may be elected in accordance with the provisions of this article. The Vice Chair will be considered to be the Chair Elect. The Secretary shall be the President of the College. The Board may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board.

Section 2. The officers of the Board shall be elected biennially by the Board at its June meeting to serve from July 1 immediately following. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. Nominations for the offices of Chair and Vice Chair during an election year will be proposed by a nominations committee consisting of the Chair, Vice Chair and a Board member appointed by the Chair, preferably a past Chair if available. The nominations committee shall be sensitive to locality representation and Board rotation in its proposed nominations which will be provided in writing to the Board prior to the election. New offices may be created and filled at any meeting of the Board. Each officer shall hold office until his successor has been duly elected and qualifies, except that an officer whose term of office on the Board has expired and who is not eligible for re-appointments shall hold office only until his term has expired.

Section 3. Any officer elected or appointed by the Board may be removed by the Board by a two thirds vote of the Board whenever in its judgment the best interest of the College would be served thereby.

Section 4. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the members of the Board for the unexpired portion of the term.

Section 5. The several officers shall have such powers and perform such duties as may from time to time be specified in resolutions or other directives of the Board or of the State Board for Community Colleges or the Commonwealth of Virginia and that publication in the Minutes shall constitute sufficient notice.

ARTICLE FOUR

COMMITTEES

Section 1. The Board, by resolution adopted by a majority of the members of the Board-in office, may designate one or more committees, not having and exercising the authority of the Board in the management of the College. Except as otherwise provided in such resolution, members of each such committee shall be members of the Board and the Chair of the Board shall appoint the members thereof. Any member thereof may be removed by the Chair whenever in his/her judgment the best interests of the College shall be served by such removal.

ARTICLE FIVE

EDUCATIONAL FOUNDATION BOARD MEMBER

The College Board will recommend a College Board member, to be considered for membership on the Foundation Board to serve a one-year term. The recommendation will be made after the College Board member is approached by the chair and vice chair and agrees to be nominated for membership on the Foundation Board. The Foundation Board will follow

its normal Board member selection process. The Foundation Board chair will inform the nominated College Board member and College Board chair of the Foundation Board's decision in writing. For College Board members who do not serve full terms on the Foundation Board, their successors will be selected using the aforementioned process.

ARTICLE SIX

WAIVER OF NOTICE

Whenever any notice is required to be given under the provisions of the law, these Bylaws or under any provision or regulation formulated by the State Board for Community Colleges, a waiver thereof signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE SEVEN

AMENDMENT OF BYLAWS

These Bylaws may be altered, amended, or repealed, and new Bylaws may be adopted by a majority of the Board members present at any regular meeting or at any special meeting, if at least ten (10) days notice is given of intention to alter, amend, or repeal or to adopt new Bylaws at such meeting.

I, Cheryl Thompson-Stacy, Secretary of the College Board of Lord Fairfax Community College, do certify that the foregoing is a true and correct copy of the Bylaws of the Board duly adopted at a meeting of the Board held on the eighth day of February, 2007. I further certify that a quorum was present at said meeting.

Cheryl Thompson-Stacy
President of the College and Secretary to the
Lord Fairfax Community College Board

Barbara P. Lee
College Board Chair

Revised June 14, 2007
Revised February 8, 2007
Revised February 9, 2006
Revised January 14, 1988



Lord Fairfax Community College Board 2014-15

Richard M. Galecki, Chair
Fran L. Jeffries, Vice Chair
Cheryl Thompson-Stacy, Secretary

City of Winchester

Fran L. Jeffries
Vacancy

County of Clarke

William C. Daniel

County of Fauquier

Mary W. Barton
Richard M. Galecki

County of Frederick

Lynnette L. Embree
Vacancy

County of Page

Thomas R. "Ikey" Rosazza
Bruce S. Short

County of Rappahannock

Paula L. Howland

County of Shenandoah

Rhonda G. Taylor
Lee D. Sterner

County of Warren

James R. Cobb, Jr.
John E. Vance

INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF SUPERVISORS
COMMITTEE APPOINTMENTS

Robert W. Wells (Bob) Opequon District Supervisor, would like to nominate you to serve on the EXTENSION LEADERSHIP COUNCIL. 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: RAYMOND P CROSS Home Phone: 540 869 4963
Address: 437 S. Buckton Rd. Office Phone: _____
Fax: _____
Employer: _____ Email: RCROSS567@GMAIL.COM
Occupation: Retired - farmer (beef cattle)
Civic/Community Activities: Member: The Beekeepers of the Northern Shenandoah

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:
3RD WEDNESDAY at 6:30pm (Quartley) 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: Raymond P Cross Date: Nov. 2, 2014

Nominating Supervisor's Comments: I SPOKE WITH MR. CROSS AND RAISED ON OUR CONVERSATION & THE RECOMMENDATION OF MR. MARK J. LITVIN I AM PLEASED HE IS WILLING TO SERVE.
(06/09/06) Wells

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

_____, District Supervisor, would like to nominate you to serve on the Board of Equalization. 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: Betsy Brumback Home Phone: 540-545-8774
Address: 540 BARLEY LN Office Phone: 540-247-2325
Winchester VA 22602 Fax: —
Employer: MID ATLANTIC FARM CREDIT Email: bbrumback@mafc.com
Occupation: Real Estate Appraiser
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:

I have permission from my employer.

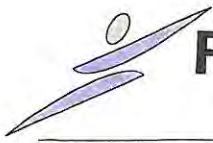
Additional Information Or Comments You Would Like To Provide (If you need more space, please use the reverse side or include additional sheets):

I have been in the real estate appraisal business for 24 years. I am a Frederick County native, JwHS & VA Tech graduate. My husband & I have 4 daughters & 3 grandchildren.

Applicant's Signature: Betsy Brumback Date: 10/15/14

Nominating Supervisor's Comments: _____

D



Frederick County Public Schools

... to ensure all students an excellent education

Superintendent of Schools

sovined@frederick.k12.va.us

October 8, 2014

Mr. John R. Riley, Jr.
Frederick County Administrator
107 N. Kent St.
Winchester, VA 22601



Dear Mr. Riley:

At its meeting on October 7, 2014, the County School Board of Frederick County approved the attached resolution declaring the Robinson School property as surplus pursuant to Code of Virginia Section 22.1-129. The resolution also requests that the Frederick County Board of Supervisors authorize the School Board to sell the Robinson School property and retain all of the proceeds to be applied toward future school construction debt.

I respectfully request that you provide a copy of the attached resolution to the members of the Board of Supervisors and that the matter be added to the agenda of an upcoming Board of Supervisors meeting for possible action.

Should you need additional information or have any questions regarding this request, please let me know.

Respectfully,

Dr. David T. Sovine
Superintendent of Schools

Attachment

cc: Mr. Albert L. Orndorff, Assistant Superintendent for Administration
Mr. Steve Edwards, Clerk, Frederick County School Board
Mr. Jay Tibbs, Deputy County Administrator

**School Board of Frederick County, Virginia
Resolution Declaring As Surplus
the Robinson School Property**

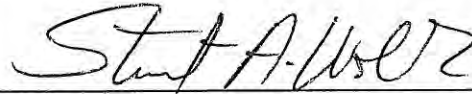
WHEREAS, upon study and review, the Superintendent of Schools, Dr. David T. Sovine, has recommended that the Robinson School property (as described on Exhibit A attached hereto) be declared surplus;

NOW, THEREFORE BE IT RESOLVED that the County School Board of Frederick County, Virginia, pursuant to section 22.1-129 of the Code of Virginia (1950) as amended, hereby determines that it has no further use for and declares as surplus the Robinson School property described on Exhibit A;


AND BE IT FURTHER RESOLVED that the School Board of Frederick County, Virginia sell the property and retain all the proceeds of such sale, to be applied toward future school construction debt, and hereby requests that such sale be approved by the County Board of Supervisors, also pursuant to section 22.1-129 of the Code of Virginia.

AND BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Board of Supervisors of Frederick County, Virginia, and be recorded along with any deed to the property in the Clerk's Office of the Circuit Court of Frederick County, Virginia.

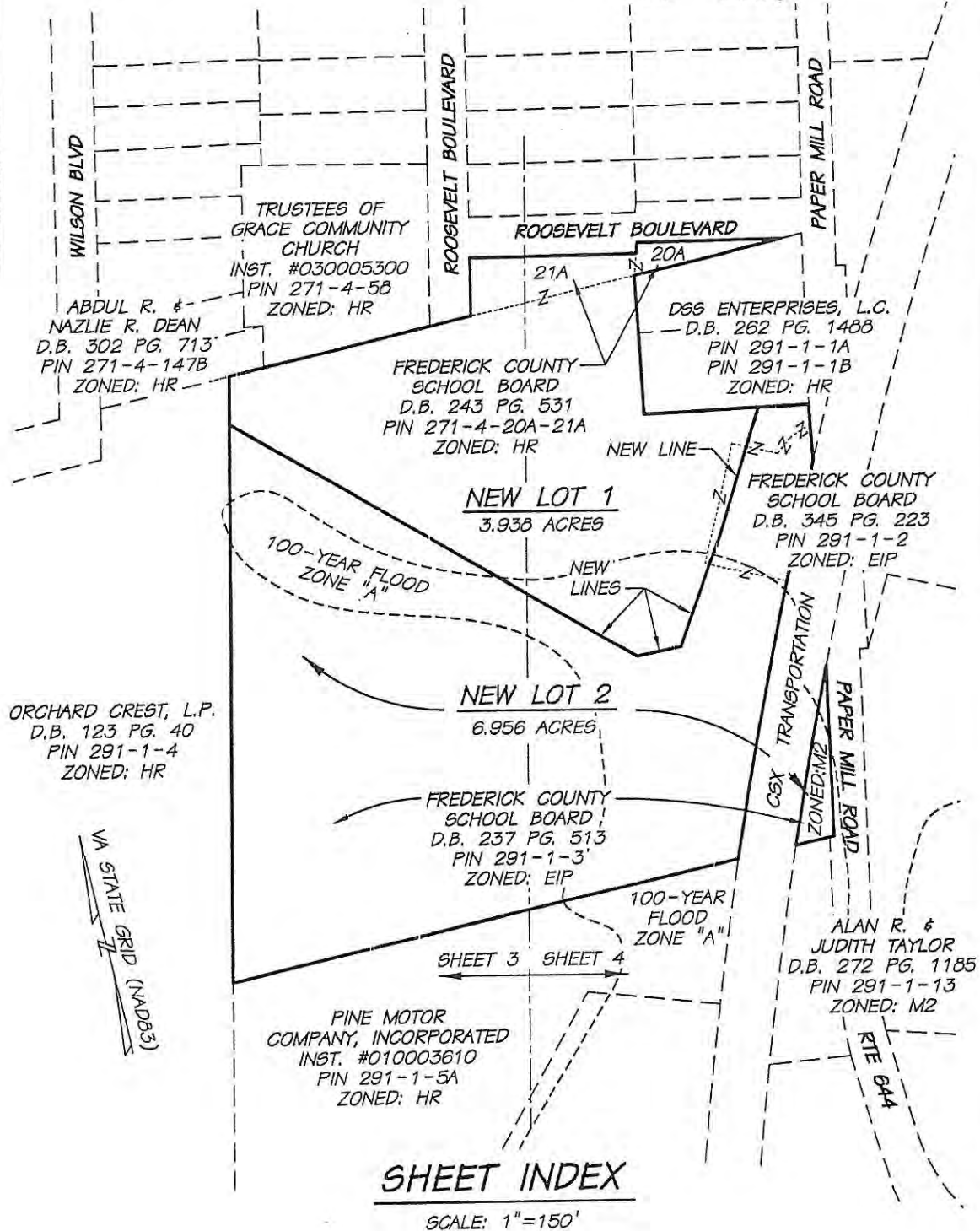
Resolution dated this 7TH day of OCTOBER, 2014.



Chairman, Frederick County School Board



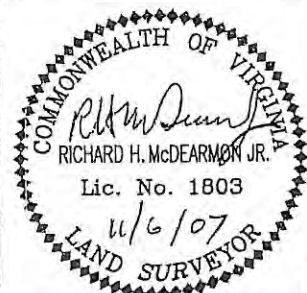
Clerk, Frederick County School Board



MINOR SUBDIVISION
COMBINATION OF LAND &
SUBDIVISION OF LAND INTO TWO NEW LOTS
BY THE
FREDERICK COUNTY SCHOOL BOARD
CITY OF WINCHESTER, VIRGINIA

SCALE: AS NOTED HSM COMM. 607106 NOVEMBER 6, 2007

HAYES, SEAY, MATTERN & MATTERN, INC.
ARCHITECTS-ENGINEERS-PLANNERS
1315 FRANKLIN ROAD, S.W.
ROANOKE, VIRGINIA 24016



Code of VA

§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

A. Whenever a school board determines that it has no use for some of its real property, the school board may sell such property and may retain all or a portion of the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on such sale and retention of proceeds, or may convey the title to such real property to the county or city or town comprising the school division or, if the school division is composed of more than one county or city, to the county or city in which the property is located. To convey the title, the school board shall adopt a resolution that such real property is surplus and shall record such resolution along with the deed to the property with the clerk of the circuit court for the county or city where such property is located. Upon the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

B. A school board shall have the power to exchange real and personal property, to lease real and personal property either as lessor or lessee, to grant easements on real property, to convey real property in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell personal property in such manner and upon such terms as it deems proper. As lessee of real property, a school board shall have the power to expend funds for capital repairs and improvements on such property, if the lease is for a term equal to or longer than the useful life of such repairs or improvements.

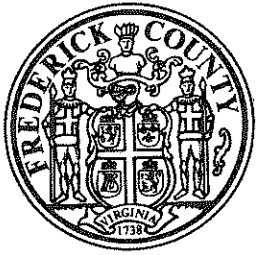
C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to sell career and technical education projects and associated land pursuant to § 22.1-234.

Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia Beach shall have the power to sell property to the Virginia Department of Transportation or the Commissioner of Highways when the Commissioner has determined that (i) such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be required.

D. School boards may donate obsolete educational technology hardware and software that is being replaced pursuant to subdivision B 4 of § 22.1-199.1. Any such donations shall be offered to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth. In addition, elected school boards may donate such obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(Code 1950, § 22-161; 1968, c. 261; 1973, c. 220; 1980, c. 559; 1989, c. 102; 1991, c. 298; 1995, c. 513; 1997, c. 686; 2000, c. 93; 2001, c. 483; 2005, c. 446; 2007, c. 813; 2010, c. 763; 2012, cc. 805, 836.)

E



BOARD OF SUPERVISORS

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA
ON THE ISSUANCE OF UP TO \$55,000,000 OF REVENUE BONDS
BY THE ECONOMIC DEVELOPMENT AUTHORITY OF
THE CITY OF WINCHESTER, VIRGINIA
FOR THE BENEFIT OF WESTMINSTER-CANTERBURY OF WINCHESTER, INC.**

WHEREAS, the Economic Development Authority of the City of Winchester, Virginia (the "Authority") has approved the application of Westminster-Canterbury of Winchester, Inc. (the "Company"), a Virginia non-stock, not-for-profit corporation, requesting that the Authority issue up to \$55,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds") to assist the Company to:

(a) finance certain capital improvements at the Company's facilities (the "Facilities") located at 300 Westminster Canterbury Drive, Winchester, Virginia 22603, and a portion of which is located in Frederick County, Virginia (the "County"), including, but not limited to, (i) the construction and equipping of a new approximately 15,900 square foot two story health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new approximately 12,100 square foot two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation of approximately 37,000 square feet of the existing health care center and the addition of approximately 2,300 square feet, (iv) the renovation of approximately 6,000 square feet of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities (collectively, the "Project");

(b) refund the outstanding principal amount of the Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005A (the "Series 2005A Bonds") and the Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005B (the "Series 2005B Bonds" and, together with the Series 2005A Bonds, the "Series 2005 Bonds") originally issued by the Authority for the purpose of (i) financing certain capital improvements at the Facilities, including the acquisition, construction, renovation and expansion of (A) approximately 64 independent living apartments in an approximately 177,000 square foot residential building, (B) an approximately 15,000 square foot vitality center including fitness, pool and recreational areas, (C) existing dining, kitchen and fitness areas at the Facilities and (D) other capital improvements at the Facilities and (ii) refunding the outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1998, which were originally issued for the purposes of refunding the Authority's Replacement Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1991, which were originally issued

to refund the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1985, which were originally issued to (A) finance the acquisition, construction and equipping of the Facilities, (B) finance the construction and equipping of an approximately 47,000 square foot independent living apartment building at the Facilities, and (C) finance the costs of renovations to the health center;

(c) fund capitalized interest on the Bonds; and

(d) finance costs of issuance incurred in connection with the refunding of the Series 2005 Bonds and the issuance of the Bonds (collectively, the "Plan of Finance");

WHEREAS, the Authority held a public hearing on November 4, 2014;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act") sets forth the procedure for such approval;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the second locality;

WHEREAS, a portion of the Project is located in the County and the Board of Supervisors of the County of Frederick, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority is issuing the Bonds on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds, in an aggregate principal amount up to \$55,000,000, by the Authority for the benefit of the Company, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended, to permit the Authority to assist in accomplishing the Plan of Finance.

2. The Board concurs with the resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.

3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company. In accordance with the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the County.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Frederick, Virginia this ____ day of November, 2014.

Board of Supervisors
County of Frederick, Virginia

[SEAL]



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

November 4, 2014

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

Board of Supervisors
County of Frederick, Virginia
107 N. Kent Street
Winchester, Virginia 22601

**Economic Development Authority of the City of Winchester, Virginia
Approval of Proposed Revenue Bond Financing
for Westminster-Canterbury of Winchester, Inc.**

Westminster-Canterbury of Winchester, Inc. (the "Company"), a Virginia non-stock, not-for-profit corporation, whose principal place of business is 300 Westminster Canterbury Drive, Winchester, Virginia 22603, has requested that the Economic Development Authority of the City of Winchester, Virginia (the "Authority") issue up to \$55,000,000 of its revenue bonds, in one or more series at one time or from time to time (the "Bonds"), the proceeds of which will be loaned to the Company to:

(a) finance certain capital improvements at the Company's facilities (the "Facilities") located at 300 Westminster Canterbury Drive, Winchester, Virginia 22603, and a portion of which is located in Frederick County, Virginia, including, but not limited to, (i) the construction and equipping of a new approximately 15,900 square foot two story health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new approximately 12,100 square foot two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation of approximately 37,000 square feet of the existing health care center and the addition of approximately 2,300 square feet, (iv) the renovation of approximately 6,000 square feet of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities;

(b) refund the outstanding principal amount of the Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005A (the "Series 2005A Bonds") and the Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005B (the "Series 2005B Bonds") and, together with the Series 2005A Bonds, the "Series 2005 Bonds") originally issued by the Authority for the purpose of (i) financing certain capital improvements at the Facilities, including the acquisition, construction, renovation and expansion of (A) approximately 64 independent living apartments in an approximately 177,000 square foot

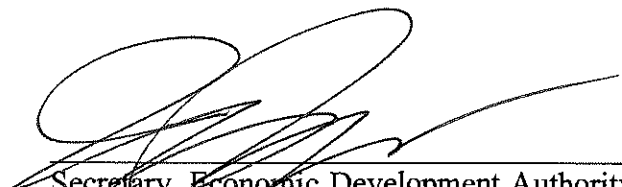
residential building, (B) an approximately 15,000 square foot vitality center including fitness, pool and recreational areas, (C) existing dining, kitchen and fitness areas at the Facilities and (D) other capital improvements at the Facilities and (ii) refunding the outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1998, which were originally issued for the purposes of refunding the Authority's Replacement Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1991, which were originally issued to refund the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1985, which were originally issued to (A) finance the acquisition, construction and equipping of the Facilities, (B) finance the construction and equipping of an approximately 47,000 square foot independent living apartment building at the Facilities, and (C) finance the costs of renovations to the health center;

(c) fund capitalized interest on the Bonds; and

(d) finance costs of issuance incurred in connection with the refunding of the Series 2005 Bonds and the issuance of the Bonds (collectively, the "Plan of Finance").

As set forth in the approving resolution of the Authority attached hereto (the "Resolution"), the Authority has authorized the issuance of the Bonds to accomplish the Plan of Finance. The Authority has conducted a public hearing on the Plan of Finance and has recommended that you approve the Plan of Finance and the issuance of the Bonds by the Authority as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Sections 15.2-4905 and 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Section 15.2-4907 of the Virginia Code, (3) the form of resolution suggested by counsel to evidence your approval and (4) a copy of the Authority's resolution authorizing the issuance of the Bonds to accomplish the Plan of Finance.



Secretary, Economic Development Authority of the
City of Winchester, Virginia

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Winchester, Virginia (the "Authority") certifies as follows:


1. A meeting of the Authority was duly called and held on Tuesday, November 4, 2014, at 8:00 a.m. in the Common Council Chambers in Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Westminster-Canterbury of Winchester, Inc., a Virginia non-stock, not-for-profit corporation organized under the laws of the Commonwealth of Virginia, and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Winchester, Virginia and the County of Frederick, Virginia (the "Notice"), with the second publication appearing not less than six days nor more than twenty-one days prior to the hearing date. A copy of the Notice is attached and has been filed with the minutes of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of an approving resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 4th day of November, 2014.



Secretary, Economic Development Authority of the
City of Winchester, Virginia

[SEAL]

Exhibits:

- A - Copy of Certified Notice
- B - Summary of Statements
- C - Approving Resolution

EXHIBIT A

NOTICE OF PUBLIC HEARING TO BE HELD BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WINCHESTER, VIRGINIA ON THE ISSUANCE OF UP TO \$55,000,000 OF ITS REVENUE BONDS FOR THE BENEFIT OF WESTMINSTER-CANTERBURY OF WINCHESTER, INC.

Notice is hereby given that the Economic Development Authority of the City of Winchester, Virginia (the "Authority") whose address is 15 North Cameron Street, Winchester, Virginia 22601, will hold a public hearing on the application and plan of financing of Westminster-Canterbury of Winchester, Inc. (the "Company"), whose principal place of business is 300 Westminster Canterbury Drive, Winchester, Virginia 22603, requesting the Authority issue up to \$55,000,000 of its revenue bonds (the "Bonds"), in one or more series at one time or from time to time, the proceeds of which will be loaned to the Company to:

(a) finance certain capital improvements at the Company's facilities (the "Facilities") located at 300 Westminster Canterbury Drive, Winchester, Virginia 22603, and a portion of which is located in Frederick County, Virginia, including, but not limited to, (i) the construction and equipping of a new approximately 15,900 square foot two story health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new approximately 12,100 square foot two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation of approximately 37,000 square feet of the existing health care center and the addition of approximately 2,300 square feet, (iv) the renovation of approximately 6,000 square feet of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities;

(b) refund the outstanding principal amount of the Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005A (the "Series 2005A Bonds") and the Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005B (the "Series 2005B Bonds" and, together with the Series 2005A Bonds, the "Series 2005 Bonds") originally issued by the Authority for the purpose of (i) financing certain capital improvements at the Facilities, including the acquisition, construction, renovation and expansion of (A) approximately 64 independent living apartments in an approximately 177,000 square foot residential building, (B) an approximately 15,000 square foot vitality center including fitness, pool and recreational areas, (C) existing dining, kitchen and fitness areas at the Facilities and (D) other capital improvements at the Facilities and (ii) refunding the outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1998, which were originally issued for the purposes of refunding the Authority's Replacement Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1991, which were originally issued to refund the Authority's Residential Care Facility First Mortgage Revenue Bonds

(Westminster-Canterbury of Winchester, Inc.), Series 1985, which were originally issued to (A) finance the acquisition, construction and equipping of the Facilities, (B) finance the construction and equipping of an approximately 47,000 square foot independent living apartment building at the Facilities, and (C) finance the costs of renovations to the health center;

(c) fund capitalized interest on the Bonds; and

(d) finance costs of issuance incurred in connection with the refunding of the Series 2005 Bonds and the issuance of the Bonds (collectively, the "Plan of Finance").

The issuance of the Bonds as requested by the Company will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, the Authority, the City of Winchester, Virginia or the County of Frederick, Virginia, but will be payable solely from revenues derived from the Company and pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivisions, including the Authority, the City of Winchester, Virginia and the County of Frederick, Virginia, is pledged to the payment of the Bonds. The Authority has no taxing power.

The public hearing, which may be continued or adjourned, will be held at 8:00 a.m. on Tuesday, November 4, 2014, before the Authority, in the Common Council Chambers in Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601. Any person interested in the issuance of the Bonds or the Plan of Finance may appear at the hearing and present his or her views. A copy of the Company's application may be inspected at the Authority's office at the address stated above during business hours.

Economic Development Authority
of the City of Winchester, Virginia

EXHIBIT B

Summary of Statements

A representative of Westminster-Canterbury of Winchester, Inc. was present but did not speak during the public hearing. No one appeared in opposition to the proposed bond issue.

**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING**

Date: November 4, 2014

To the Board of Supervisors
of the County of Frederick, Virginia

Applicant: Westminster-Canterbury of Winchester, Inc. (the "Company")

**Facility/
Plan of
Finance:** (a) finance certain capital improvements at the Company's facilities (the "Facilities") including, but not limited to, (i) the construction and equipping of a new health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation and expansion of the existing health care center, (iv) the renovation of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities, (b) refund existing indebtedness, (c) fund capitalized interest on the bonds to be issued and (d) finance costs of issuance.

1.	Maximum amount of financing sought	\$55,000,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	N/A
3.	Estimated real property tax per year using present tax rates.	N/A
4.	Estimated personal property tax per year using present tax rates.	N/A
5.	Estimated merchants' capital tax per year using present tax rates.	N/A
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$125,000
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$2,766,250
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	\$93,750
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$722,500
7.	Estimated number of regular employees on year round basis.	218 FTEs
8.	Average annual salary per employee.	\$32,100



Chairman, Economic Development Authority of the City
of Winchester, Virginia

EXHIBIT C

**RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF WINCHESTER, VIRGINIA
AUTHORIZING THE ISSUANCE OF UP TO \$55,000,000
REVENUE BONDS FOR THE BENEFIT OF
WESTMINSTER-CANTERBURY OF WINCHESTER, INC.**

WHEREAS, the Economic Development Authority of the City of Winchester, Virginia, a political subdivision of the Commonwealth of Virginia (the "Authority"), is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds to protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia by assisting in the financing and refinancing of medical facilities and facilities for the residence or care of the aged, owned and operated by organizations which are exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Authority has received a request from Westminster-Canterbury of Winchester, Inc., a Virginia non-stock, not-for-profit corporation (the "Company"), requesting that the Authority issue its revenue bonds, in one or more series at one time or from time to time, to assist the Company in:

(a) financing certain capital improvements at the Company's facilities (the "Facilities") located at 300 Westminster-Canterbury Drive, Winchester, Virginia 22603, and a portion of which is located in Frederick County, Virginia, including, but not limited to, (i) the construction and equipping of a new approximately 15,900 square foot two story health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new approximately 12,100 square foot two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation of approximately 37,000 square feet of the existing health care center and the addition of approximately 2,300 square feet, (iv) the renovation of approximately 6,000 square feet of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities (collectively, the "Project");

(b) refunding the outstanding principal amount of the Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005A (the "Series 2005A Bonds") and the Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005B (the "Series 2005B Bonds" and, together with the Series 2005A Bonds, the "Series 2005 Bonds") originally issued by the Authority for the purpose of (i) financing certain capital improvements at the Facilities, including the acquisition, construction, renovation and expansion of (A) approximately 64 independent living apartments in an approximately 177,000 square foot residential building, (B) an approximately 15,000 square foot vitality center including fitness, pool and recreational areas, (C) existing dining, kitchen and fitness areas at the Facilities and (D) other capital improvements at the Facilities and (ii) refunding the outstanding principal amount of the Authority's Residential Care Facility First Mortgage

Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1998, which were originally issued for the purposes of refunding the Authority's Replacement Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1991, which were originally issued to refund the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1985, which were originally issued to (A) finance the acquisition, construction and equipping of the Facilities, (B) finance the construction and equipping of an approximately 47,000 square foot independent living apartment building at the Facilities, and (C) finance the costs of renovations to the health center;

(c) funding capitalized interest on the Bonds; and

(d) financing costs of issuance incurred in connection with the refunding of the Series 2005 Bonds and the issuance of the Bonds (collectively, the "Plan of Finance");

WHEREAS, such assistance will benefit the inhabitants of the City of Winchester, Virginia (the "City"), the County of Frederick, Virginia (the "County") and the Commonwealth of Virginia, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, preliminary plans for the Plan of Finance have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Code and Section 15.2-4906 of the Act;

WHEREAS, the Company has represented that the estimated cost of undertaking the Plan of Finance will require an issue of revenue bonds in the aggregate principal amount not to exceed \$55,000,000;

WHEREAS, (a) no member of the Board of Directors of the Authority is an officer or employee of the City, (b) each member has, before entering upon his duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, to the best of the Authority's knowledge, no member of the Board of Directors of the Authority has any personal interest or business interest in the Company or the bonds or has otherwise engaged in conduct prohibited under the Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended, in connection with this resolution or any other official action of the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WINCHESTER, VIRGINIA:

1. It is hereby found and determined that the Plan of Finance will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the City, the County and their citizens and in particular will promote

the providing of health care facilities and other facilities for the residence and care of the aged in accordance with their special needs.

2. The Authority hereby agrees to assist the Company in undertaking the Plan of Finance by issuing its revenue bonds in an aggregate principal amount not to exceed \$55,000,000 upon terms and conditions mutually agreeable to the Authority and the Company. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.

3. It having been represented to the Authority that it is necessary to proceed immediately with the Plan of Finance, and the planning therefor, the Authority agrees that the Company may proceed with the Plan of Finance, enter into contracts for land, construction, materials and equipment for the Project, and take such other steps as it may deem appropriate in connection with the Plan of Finance, provided, however, that nothing in this resolution shall be deemed to authorize the Company to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Plan of Finance. The Authority agrees that the Company may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

4. At the request of the Company, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

5. All costs and expenses in connection with the undertaking of the Plan of Finance, including the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Company or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by the Company and that the Authority shall have no responsibility therefor.

6. The Authority recommends that the governing bodies of the City and the County approve the issuance of the bonds for the purpose of undertaking the Plan of Finance.

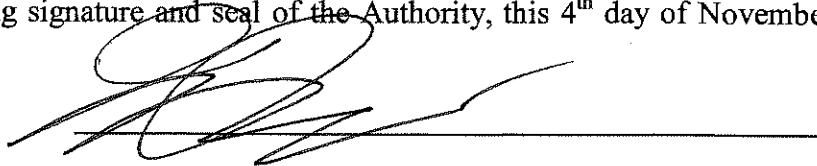
7. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the governing bodies of the City and the County.

8. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Winchester, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on November 4, 2014, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 4th day of November, 2014.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a few trailing strokes.

Secretary of the Economic Development Authority of the
City of Winchester, Virginia



THIS ADMINISTRATIVE FEE AGREEMENT, made and dated this 5th day of November, 2014, by and between the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WINCHESTER, VIRGINIA** (the "**City EDA**") and the **ECONOMIC DEVELOPMENT AUTHORITY OF FREDERICK COUNTY, VIRGINIA** (the "**County EDA**").

RECITALS:

- A. The City EDA has approved the issuance of up to \$55,000,000.00 of its Revenue Bonds for the benefit of Westminster-Canterbury of Winchester, Inc. (the "**WCW Bonds**").
- B. As provided in the Loan Agreement by and between the City EDA and Westminster-Canterbury of Winchester, Inc. ("**Westminster-Canterbury**"), Westminster-Canterbury is obligated to pay to the City EDA an annual administrative fee of 0.001 (1/10 of 1%) of the outstanding principal sum due upon the WCW Bonds (the "**WCW Administrative Fees**").
- C. A portion of the facilities owned by Westminster-Canterbury are located in the City of Winchester, Virginia and a portion of the facilities owned by Westminster-Canterbury are located in Frederick County, Virginia.
- D. The City EDA and the County EDA have agreed upon a division of the WCW Administrative Fees, as more fully set forth hereinafter.

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

1. **Recitals:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.
2. **Division of WCW Administrative Fees:** The City EDA agrees that, upon receipt of the WCW Administrative Fees, to disburse to the County EDA a sum equal to 29% of the WCW Administrative Fees received by the City EDA, such payment to take place within fifteen (15) days after receipt of the WCW Administrative Fees by the City EDA.
3. **Term:** This Agreement shall remain in effect until the WCW Bonds are paid and satisfied in full.

4. **Miscellaneous:**

a. This Agreement contains the entire agreement between the City EDA and the County EDA and supersedes any prior and/or contemporaneous negotiations, understandings and agreements, written or oral, between City EDA and the County EDA. This Agreement shall not be amended or modified except by written instrument executed by the parties hereto.

b. This Agreement shall be governed by the laws of the Commonwealth of Virginia. It is understood and agreed by the parties to this Agreement that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the Commonwealth of Virginia, the validity of the remaining portions or provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the part, term or provision held to be invalid.

c. Time is of the essence in respect to all matters set forth in this Agreement.

d. This Agreement is and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

e. The City EDA and the County EDA acknowledge and agree that City EDA and the County EDA have had adequate opportunity to have this Agreement and other documents executed in connection herewith reviewed by counsel of their choice, prior to signing this Agreement and any other documents executed in connection herewith, so that in the event of a dispute as to the terms hereof, no presumption shall arise for or against either party concerning the terms and/or the interpretation of this Agreement.

f. This Agreement may be executed in two or more counterparts, each of which together shall constitute one and the same Agreement. Signatures obtained via facsimile shall be considered binding upon the signatory as sufficiently as an original signature of such signatory.

WITNESS these signatures and seals:

**ECONOMIC DEVELOPMENT AUTHORITY OF
THE CITY OF WINCHESTER, VIRGINIA**

By:  (SEAL)
Ronald A. Mislowsky, Chairman

COMMONWEALTH OF VIRGINIA
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 5TH day of November, 2014 by Ronald A. Mislowsky as Chairman of the Economic Development Authority of the City of Winchester, Virginia.

My commission expires MAY 31, 2018.


NOTARY PUBLIC



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

By: J. Stanley Crockett (SEAL)
Vice Chairman

COMMONWEALTH OF VIRGINIA
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 6 day of November, 2014 by J. Stanley Crockett as Vice Chairman of the Economic Development Authority of Frederick County, Virginia.

My commission expires My Commission Expires November 30, 2016.

[Signature]
NOTARY PUBLIC

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November 6, 2014

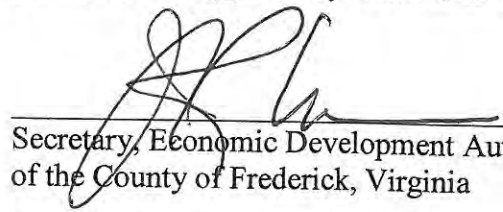
Board of Supervisors
County of Frederick, Virginia
107 N. Kent Street
Winchester, Virginia 22601

**Economic Development Authority of the County of Frederick, Virginia
Proposed Financing for The Village at Orchard Ridge, Inc.**

The Village at Orchard Ridge, Inc. (the "Borrower") has requested that the Economic Development Authority of the County of Frederick, Virginia (the "Authority"), assist the Borrower in financing: (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the "Project"), by the issuance of its revenue bonds, in one or more series from time to time, in an amount not to exceed \$70,000,000 (the "Bonds").

As set forth in the resolution of the Authority attached hereto (the "Resolution"), the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval.



Secretary, Economic Development Authority
of the County of Frederick, Virginia


CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the County of Frederick, Virginia (the "Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on November 6, 2014, at 8:00 o'clock a.m. at 107 N. Kent Street, Winchester, Virginia 22601, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.
2. The Vice-Chairman announced the commencement of a public hearing on the application of The Village at Orchard Ridge, Inc. and that notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Frederick, Virginia (the "Notice"), with the second publication appearing not less than seven days and no more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.
3. A summary of the statements made at the public hearing is attached as Exhibit B.
4. Attached as Exhibit C is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 6th day of November, 2014.

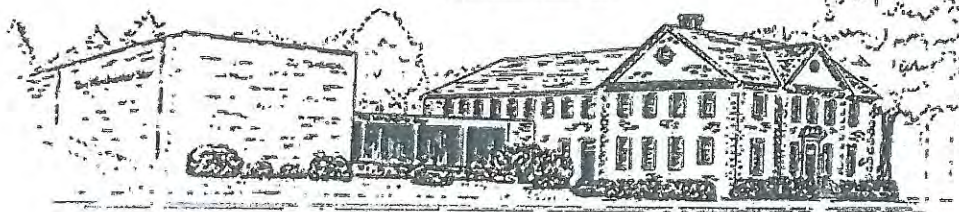
(SEAL)


Secretary, Economic Development Authority
of the County of Frederick, Virginia

Exhibits:

- A - Copy of Certified Notice from Newspaper
- B - Summary of Statements
- C - Public Hearing Resolution

EXHIBIT A



The Winchester Star

**NOTICE OF PUBLIC HEARING
TO BE HELD BY THE
ECONOMIC DEVELOPMENT AUTHORITY OF
THE COUNTY OF FREDERICK, VIRGINIA
ON THE ISSUANCE OF UP TO \$70,000,000
OF ITS REVENUE BONDS
FOR THE BENEFIT OF THE
VILLAGE AT ORCHARD RIDGE, INC.**

Notice is hereby given that the Economic Development Authority of the County of Frederick, Virginia (the "Authority") will hold a public hearing at the request of The Village at Orchard Ridge, Inc. (the "Borrower"), a Virginia corporation exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Borrower's current business address is 1803 Research Boulevard, Suite 508, Rockville, Maryland 20850. The Borrower has requested that the Authority issue its tax exempt revenue bonds (the "Bonds") in an amount up to \$70,000,000, in one or more series, at one time or from time to time, and to loan the proceeds thereof to the Borrower. The Borrower will in turn use the proceeds of such Bonds for the following purposes (collectively the "Plan of Finance"): financing (i) capital improvements at the Borrower's facilities located at 400 Clocktower Ridge Drive, Winchester, Virginia 22602 in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures.

The issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Authority, the County of Frederick, Virginia, the Commonwealth of Virginia or any other political subdivision thereof and neither the faith and credit nor the taxing power of the County of Frederick, Virginia, the Commonwealth of Virginia or any other political subdivision, including the Authority, thereof will be pledged to the payment of such bonds but will be payable solely from the revenues derived from the Borrower and pledged to the payment thereof. The Authority has no taxing power.

The public hearing, which may be continued or adjourned, will be held at 8:00 a.m. on Thursday, November 6, 2014, before the Authority in the First Floor Conference Room, Frederick County Administration Building at 107 N. Kent Street, Winchester, Virginia 22601. Any person interested in the issuance of the Bonds or the Plan of Finance may appear at the hearing and present his or her views. A copy of the application of the Borrower may be obtained from the Authority's offices at 107 N. Kent Street, Winchester, Virginia 22601.

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

CERTIFICATE OF PUBLICATION

We certified that the attached advertisement
in the cause of: _____

Public Hearing
Eco Dev. Fred. Co. VA.

appeared in The Winchester Star, a newspaper published in the City of Winchester, Virginia, with a general circulation over 23,000 in the areas of the City in Winchester, and the counties of Frederick, Clarke and Warren, Virginia.

Oct. 22 + 29, 2014

Signature: Lauran Hinkle

Title: Bookkeeping

Date: 10-29-14

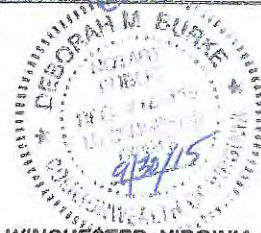
STATE OF VIRGINIA

City of Winchester

Sworn and subscribed to before me 29th

day of October 2014

Notary Public



VT STREET

WINCHESTER, VIRGINIA 22601

EXHIBIT B

Summary of Statements

A representative of The Village at Orchard Ridge, Inc. appeared before the Authority to explain the project and the financing. No one appeared in opposition to the proposed bond issue.

EXHIBIT C

RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA, APPROVING THE ISSUANCE OF UP TO \$70,000,000 REVENUE BONDS FOR THE BENEFIT OF THE VILLAGE AT ORCHARD RIDGE, INC.

A. The Economic Development Authority of the County of Frederick, Virginia (the "Authority") is duly organized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). To further the Act's purposes, the Authority, at the request of The Village at Orchard Ridge, Inc. (the "Borrower"), has determined to issue and sell its Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014A (Fixed Rate Bonds) (the "2014A Bonds"), Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014B (Adjustable Rate Bonds) (the "2014B Bonds"), Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014C (Index Floating Rate Bonds) (the "2014C Bonds") and Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014D (Adjustable Rate Bonds) (the "2014D Bonds," and together with the 2014A Bonds, the 2014B Bonds and the 2014C Bonds, the "Bonds"), in an original aggregate principal amount not to exceed \$70,000,000.

B. The Authority will issue the Bonds pursuant to the terms of a Bond Trust Indenture (the "Indenture") between the Authority and Wells Fargo Bank, National Association, as bond trustee and will lend the proceeds of the issuance and sale of the Bonds to the Borrower under the Loan Agreement (the "Loan Agreement"), between the Authority and the Borrower, and the Borrower will apply the proceeds under the terms of the Loan Agreement to finance (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the "Project").

C. Preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended and Section 15.2-4906 of the Act.

D. The Borrower will evidence its obligations with respect to the (i) 2014A Bonds with its promissory note (the "2014A Note") in the principal amount equal to the principal amount of the 2014A Bonds, (ii) the 2014B Bonds and the 2014D Bonds with its promissory note (the "2014B/D Note") in the principal amount equal to the aggregate principal amount of the

2014B Bonds and the 2014D Bonds and (iii) the 2014C Bonds with its promissory note (the "2014C Note") in the principal amount equal to the principal amount equal to the principal amount of the 2014C Bonds.

E. The Bonds are expected to be sold by the Authority to Cross Point Capital LLC (the "Underwriter"), pursuant to the terms of one or more bond purchase agreements (collectively, the "Bond Purchase Agreement") among the Authority, the Underwriter and the Borrower.

F. The foregoing arrangements are expected to be reflected in the following documents:

- (a) the Indenture;
- (b) the Loan Agreement;
- (c) the Bond Purchase Agreement;
- (d) an offering document in final form, to be dated the date of the sale of the Bonds, to be prepared in connection with the offering and sale of the Bonds (the "Official Statement");
- (e) a tax compliance agreement between the Authority and the Borrower; and
- (f) a continuing disclosure agreement delivered by the Borrower.

All of the documents listed above, except the Bonds, are referred to in this resolution as the "Authority Documents."

G. The Authority desires to authorize the issuance of the Bonds and their sale to the Underwriter.

H. The Bonds are expected to be sold to the Underwriter, pursuant to the Bond Purchase Agreement and (1) the 2014A Bonds shall bear interest at fixed rates which shall be calculated pursuant to the formula to be set forth in the Indenture, (2) the 2014B Bonds and the 2014D Bonds shall bear an adjustable interest rate pursuant to the formula to be set forth in the Indenture, (3) the 2014C Bonds shall bear interest at a variable rate pursuant to the formula to be set forth in the Indenture, (4) the final maturity on the 2014A Bonds, 2014B Bonds and the 2014D Bonds shall not be more than 36 years from the date of issuance, and (5) the final maturity date on the 2014C Bonds shall not be more than 11 years from the date of issuance.

I. The Bonds are expected to be sold in a maximum aggregate principal amount not to exceed \$70,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA:

1. It is hereby found and determined that the construction and equipping of the Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the County of Frederick, Virginia and their citizens and will assist in providing for the residence and care of the aged in accordance with their special needs.

2. The issuance and sale of the Bonds are hereby authorized and approved. The Bonds may be issued in one or more series at one time or from time to time on such terms which do not conflict with the expectations described in recitals H and I above (the "Bond Terms").

3. The Chairman and Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bond Purchase Agreement and the Official Statement upon approval by such executing officer of their final forms, terms and conditions, provided that such forms, terms and conditions are consistent with the Bond Terms. The use and distribution of the Official Statement by the Underwriter is authorized, and the Chairman and Vice Chairman, either of whom may act, are each authorized to deem the Official Statement final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to approve the preparation and distribution of such amendments or supplements to the Official Statement as may be necessary to comply with the Bond Purchase Agreement. The sale of the Bonds to the Underwriter is hereby approved and authorized, provided the terms of such sale shall be consistent with the Bond Terms.

4. The execution, delivery and performance by the Authority of the Authority Documents with principal amounts, maturities and interest rates consistent with the Bond Terms are authorized, in such forms to be approved by the Chairman or the Vice Chairman of the Authority, whose approval shall be evidenced conclusively by their execution and delivery thereof. The execution of the Bonds and their delivery against payment therefor, the amount of such payment to be disbursed in accordance with the terms of the Indenture, are authorized.

5. The Chairman and the Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bonds and the Authority Documents, with terms consistent with the Bond Terms, and the Secretary and the Assistant Secretary of the Authority, either of whom may act, are each hereby authorized and directed to affix the seal of the Authority to the Bonds and, if required, the Authority Documents and to attest such seal. The signatures of the Chairman, the Vice Chairman, the Secretary, and the Assistant Secretary, and the seal of the Authority may be by facsimile. The Chairman, Vice Chairman, Secretary and Assistant Secretary is each authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates consistent with the Bond Terms, including without limitation documents that may be necessary to obtain credit enhancement and/or liquidity facilities for the Bonds, and to do and perform such other things and acts, as such officer deems necessary or appropriate to carry out the transactions authorized by this resolution or such other instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

6. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

7. All costs and expenses in connection with the financing of the Project and the construction and equipping of the Project, including the fees of the Authority, the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason such Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor. Neither the Authority, including its officers, directors, attorneys, employees and agents, nor the County of Frederick, Virginia, shall be liable and wholly disclaims all liability to the Borrower and its affiliated entities for any damages, direct or consequential, resulting from the failure of the Authority to issue the Bonds for any reason.

8. By submitting this resolution to the Authority, the Borrower has agreed to indemnify and save harmless the Authority and its officers, directors, attorneys, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the Bonds.

9. The Authority recommends that the Board of Supervisors of the County of Frederick County, Virginia, approve the issuance of the Bonds.

10. The Bonds may not be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the Board of Supervisors of the County of Frederick, Virginia.

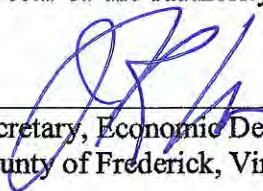
11. All other acts of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the construction, and equipping of the Project are hereby ratified, approved and confirmed.

12. This resolution shall be effective immediately.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the County of Frederick, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority at a meeting duly called and held on November 6, 2014 in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the Authority this 6th day of November, 2014.



Secretary, Economic Development Authority of the
County of Frederick, Virginia



**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING**

Date: November 6, 2014

To the Board of Supervisors of the County of Frederick, Virginia

Name of Applicant: The Village at Orchard Ridge, Inc.

Facility: Financing (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures.

- | | |
|--|----------------------|
| 1. Maximum amount of financing sought | \$ <u>70,000,000</u> |
| 2. Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>26,284,000</u> |
| 3. Estimated real property tax per year using present tax rates | \$ <u>153,764</u> |
| 4. Estimated personal property tax per year using present tax rates | \$ <u>N/A</u> |
| 5. Estimated merchants' capital tax per year using present tax rates | \$ <u>N/A</u> |
| 6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$ <u>360,400</u> |
| (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$ <u>65,100</u> |
| (c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$ <u>541,500</u> |
| (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$ <u>335,700</u> |
| 7. Estimated number of regular employees on year round basis | <u>95</u> |
| 8. Average annual salary per employee | \$ <u>41,300</u> |


Vice Chairman, Economic Development
Authority of the County of Frederick, Virginia

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

At a regular meeting of the Board of Supervisors of the County of Frederick, Virginia, held on the 12th day of November, 2014, the following members were recorded as present:

PRESENT:

On motion by _____, seconded by _____,
the attached Resolution was adopted by a majority of the members of the Board of Supervisors
of the County of Frederick, Virginia by a roll call vote, the votes being recorded as follows:

MEMBER

VOTE

BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA

November 12, 2014

A. The Economic Development Authority of the County of Frederick, Virginia (the "Authority") has considered the application of The Village at Orchard Ridge, Inc., a Virginia non-stock, non-profit corporation (the "Borrower"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$70,000,000 (the "Bonds") to be issued at one time or from time to time to assist the Borrower in financing (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the "Project").

B. The Authority held a public hearing on the Borrower's application on November 6, 2014, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"). Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds.

C. The Authority issues its bonds on behalf of the County of Frederick, Virginia (the "County"); the Project is located in the County; and the Board of Supervisors of the County of Frederick, Virginia (the "Board") constitutes the highest elected governmental unit of the County.

D. The Authority has recommended that the Board approve the issuance of the Bonds.

E. A copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to permit the Authority to assist the Borrower in financing the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Frederick, Virginia this 12th day of November, 2014.

[SEAL]

Clerk, Board of Supervisors
County of Frederick, Virginia

**RESOLUTION OF
THE ECONOMIC DEVELOPMENT AUTHORITY
OF THE COUNTY OF FREDERICK, VIRGINIA,
APPROVING THE ISSUANCE OF UP TO \$70,000,000
REVENUE BONDS FOR THE BENEFIT OF THE
VILLAGE AT ORCHARD RIDGE, INC.**

A. The Economic Development Authority of the County of Frederick, Virginia (the "Authority") is duly organized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). To further the Act's purposes, the Authority, at the request of The Village at Orchard Ridge, Inc. (the "Borrower"), has determined to issue and sell its Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014A (Fixed Rate Bonds) (the "2014A Bonds"), Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014B (Adjustable Rate Bonds) (the "2014B Bonds"), Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014C (Index Floating Rate Bonds) (the "2014C Bonds") and Residential Care Facility Revenue Bonds (The Village at Orchard Ridge, Inc.), Series 2014D (Adjustable Rate Bonds) (the "2014D Bonds," and together with the 2014A Bonds, the 2014B Bonds and the 2014C Bonds, the "Bonds"), in an original aggregate principal amount not to exceed \$70,000,000.

B. The Authority will issue the Bonds pursuant to the terms of a Bond Trust Indenture (the "Indenture") between the Authority and Wells Fargo Bank, National Association, as bond trustee and will lend the proceeds of the issuance and sale of the Bonds to the Borrower under the Loan Agreement (the "Loan Agreement"), between the Authority and the Borrower, and the Borrower will apply the proceeds under the terms of the Loan Agreement to finance (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the "Project").

C. Preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended and Section 15.2-4906 of the Act.

D. The Borrower will evidence its obligations with respect to the (i) 2014A Bonds with its promissory note (the "2014A Note") in the principal amount equal to the principal amount of the 2014A Bonds, (ii) the 2014B Bonds and the 2014D Bonds with its promissory note (the "2014B/D Note") in the principal amount equal to the aggregate principal amount of the

2014B Bonds and the 2014D Bonds and (iii) the 2014C Bonds with its promissory note (the "2014C Note") in the principal amount equal to the principal amount equal to the principal amount of the 2014C Bonds.

E. The Bonds are expected to be sold by the Authority to Cross Point Capital LLC (the "Underwriter"), pursuant to the terms of one or more bond purchase agreements (collectively, the "Bond Purchase Agreement") among the Authority, the Underwriter and the Borrower.

F. The foregoing arrangements are expected to be reflected in the following documents:

- (a) the Indenture;
- (b) the Loan Agreement;
- (c) the Bond Purchase Agreement;
- (d) an offering document in final form, to be dated the date of the sale of the Bonds, to be prepared in connection with the offering and sale of the Bonds (the "Official Statement");
- (e) a tax compliance agreement between the Authority and the Borrower; and
- (f) a continuing disclosure agreement delivered by the Borrower.

All of the documents listed above, except the Bonds, are referred to in this resolution as the "Authority Documents."

G. The Authority desires to authorize the issuance of the Bonds and their sale to the Underwriter.

H. The Bonds are expected to be sold to the Underwriter, pursuant to the Bond Purchase Agreement and (1) the 2014A Bonds shall bear interest at fixed rates which shall be calculated pursuant to the formula to be set forth in the Indenture, (2) the 2014B Bonds and the 2014D Bonds shall bear an adjustable interest rate pursuant to the formula to be set forth in the Indenture, (3) the 2014C Bonds shall bear interest at a variable rate pursuant to the formula to be set forth in the Indenture, (4) the final maturity on the 2014A Bonds, 2014B Bonds and the 2014D Bonds shall not be more than 36 years from the date of issuance, and (5) the final maturity date on the 2014C Bonds shall not be more than 11 years from the date of issuance.

I. The Bonds are expected to be sold in a maximum aggregate principal amount not to exceed \$70,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA:

1. It is hereby found and determined that the construction and equipping of the Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the County of Frederick, Virginia and their citizens and will assist in providing for the residence and care of the aged in accordance with their special needs.

2. The issuance and sale of the Bonds are hereby authorized and approved. The Bonds may be issued in one or more series at one time or from time to time on such terms which do not conflict with the expectations described in recitals H and I above (the "Bond Terms").

3. The Chairman and Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bond Purchase Agreement and the Official Statement upon approval by such executing officer of their final forms, terms and conditions, provided that such forms, terms and conditions are consistent with the Bond Terms. The use and distribution of the Official Statement by the Underwriter is authorized, and the Chairman and Vice Chairman, either of whom may act, are each authorized to deem the Official Statement final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to approve the preparation and distribution of such amendments or supplements to the Official Statement as may be necessary to comply with the Bond Purchase Agreement. The sale of the Bonds to the Underwriter is hereby approved and authorized, provided the terms of such sale shall be consistent with the Bond Terms.

4. The execution, delivery and performance by the Authority of the Authority Documents with principal amounts, maturities and interest rates consistent with the Bond Terms are authorized, in such forms to be approved by the Chairman or the Vice Chairman of the Authority, whose approval shall be evidenced conclusively by their execution and delivery thereof. The execution of the Bonds and their delivery against payment therefor, the amount of such payment to be disbursed in accordance with the terms of the Indenture, are authorized.

5. The Chairman and the Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bonds and the Authority Documents, with terms consistent with the Bond Terms, and the Secretary and the Assistant Secretary of the Authority, either of whom may act, are each hereby authorized and directed to affix the seal of the Authority to the Bonds and, if required, the Authority Documents and to attest such seal. The signatures of the Chairman, the Vice Chairman, the Secretary, and the Assistant Secretary, and the seal of the Authority may be by facsimile. The Chairman, Vice Chairman, Secretary and Assistant Secretary is each authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates consistent with the Bond Terms, including without limitation documents that may be necessary to obtain credit enhancement and/or liquidity facilities for the Bonds, and to do and perform such other things and acts, as such officer deems necessary or appropriate to carry out the transactions authorized by this resolution or such other instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

6. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

7. All costs and expenses in connection with the financing of the Project and the construction and equipping of the Project, including the fees of the Authority, the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason such Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor. Neither the Authority, including its officers, directors, attorneys, employees and agents, nor the County of Frederick, Virginia, shall be liable and wholly disclaims all liability to the Borrower and its affiliated entities for any damages, direct or consequential, resulting from the failure of the Authority to issue the Bonds for any reason.

8. By submitting this resolution to the Authority, the Borrower has agreed to indemnify and save harmless the Authority and its officers, directors, attorneys, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the Bonds.

9. The Authority recommends that the Board of Supervisors of the County of Frederick County, Virginia, approve the issuance of the Bonds.

10. The Bonds may not be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the Board of Supervisors of the County of Frederick, Virginia.

11. All other acts of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the construction, and equipping of the Project are hereby ratified, approved and confirmed.

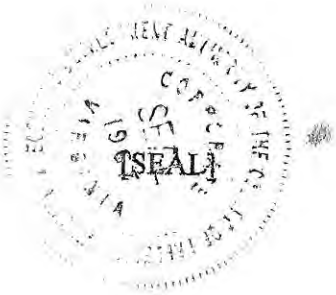
12. This resolution shall be effective immediately.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the County of Frederick, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority at a meeting duly called and held on November 6, 2014 in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the Authority this 6th day of November, 2014.


Secretary, Economic Development Authority of the
County of Frederick, Virginia



G



BOARD OF SUPERVISORS

RESOLUTION REGARDING MIDDLETOWN/LORD FAIRFAX SEWER AND WATER SERVICE AREA AND RELIANCE ROAD LAND USE PLAN AREA

WHEREAS, The 2030 Comprehensive Plan was adopted by the Board of Supervisors on July 14, 2011; and

WHEREAS, the Board of Supervisors adopted the Reliance Road Land Use Plan as a part of the 2030 Comprehensive Plan on December 14, 2011; and

WHEREAS, the Board of Supervisors adopted the following amendments to Appendix I of The 2030 Comprehensive Plan - Middletown/Reliance Road Land Use Plan Sewer and Water Service Area and the Middletown/Lord Fairfax Sewer and Water Service Area expansion - on August 13, 2014; and

WHEREAS, The 2030 Comprehensive Plan is a future looking document and is a 20-year plan for development within Frederick County; and

WHEREAS, the Board of Supervisors action of August 13, 2014 was strictly to amend The 2030 Comprehensive Plan to reflect the Board's long-term desire for future development within the Reliance Road Land Use Plan Area to be served through the Frederick County Sanitation Authority; and

WHEREAS, the Board of Supervisors' action of August 13, 2014 was applicable to the Sewer and Water Service Area (SWSA) as defined in general not to those property owners currently being served by the Town of Middletown.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors reinforces their approval of the continued provision of water and sewer service by the Town of Middletown to those customers currently being served.

BE IT FURTHER RESOLVED that any new development within the Reliance Road Land Use Plan Area and the Middletown/Lord Fairfax Sewer and Water Service Area will be served by the Frederick County Sanitation Authority.

ADOPTED this _____ day of _____, 2014.

VOTE:

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

Resolution No.:



**Town Of Middletown
7875 Church Street
Middletown VA, 22645
(540) 869-2226**

Charles H. Harbaugh IV, Mayor

October 8, 2014

The Honorable Chairman Shickle & Frederick County Board of Supervisors:

At our October 6, 2014 work session, the Middletown Town Council wanted me to reiterate their request of the Board of Supervisors to pass a resolution stating that Middletown can service the areas out of town limits. The reasoning behind the action is that we currently service those areas and Council feels that language in the recently voted on Reliance Road Land Use Plan and the Middletown/ Lord Fairfax Sewer Water Service Area document contradicts us from being able to serve the water and sewer needs of the proposed area.

For example, in Appendix I- Area plans, the town of Middletown is crossed out and it states that the Frederick County Sanitation Authority will be responsible for providing water and sewer in the area. The Middletown Town Council would like to see language passed by the Board of Supervisors stating that we can continue to service those areas for the foreseeable future.

Thank you for your time and assistance with this matter and we look forward to hearing back from you.

Sincerely,

Mayor Charles Harbaugh IV

H



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Board of Supervisors

FROM: Roderick B. Williams
County Attorney

DATE: November 6, 2014

RE: Aqua Virginia, Inc. – Petition to State Corporation Commission for Rate
Increases

Aqua Virginia, Inc., the provider of water and sewer service in the Lake Holiday community and water service in the Shawneeland community, has filed with the State Corporation Commission an application for increases in its rates. The requested increases range from approximately 7% to 14%. Participation by the Board of Supervisors as a respondent in the proceeding before the State Corporation Commission would be beneficial toward seeking the accomplishment of fair and reasonable water and sewer rates for County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities. Accordingly, attached is a proposed resolution, for the Board's consideration, authorizing the County Attorney to participate on behalf of the Board in the proceeding on the application filed by Aqua Virginia, Inc.

Attachment



BOARD OF SUPERVISORS

RESOLUTION November 12, 2014

WHEREAS, Aqua Virginia, Inc. provides water and sewer service to County residents in the Lake Holiday community and water service to County residents in the Shawneeland community; and

WHEREAS, Aqua Virginia, Inc. has filed with the State Corporation Commission an application, docketed as Case Number PUE-2014-00045, for increases in its water and sewer rates, such increases ranging from approximately 7% to 14%; and

WHEREAS, County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities pay rates for water and sewer, as applicable, that exceed those of the Frederick County Sanitation Authority; and

WHEREAS, water and sewer costs represent a significant burden to County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities; and

WHEREAS, participation by the Board of Supervisors as a respondent in State Corporation Commission Case Number PUE-2014-00045 would be beneficial toward seeking the accomplishment of fair and reasonable water and sewer rates for County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors authorizes the County Attorney to file a Notice of Participation as a Respondent on its behalf in State Corporation Commission Case Number PUE-2014-00045 and to take such action as is appropriate in such proceeding to seek the accomplishment of fair and reasonable water and sewer rates for County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities.

Adopted this 12th day of November, 2014.

Richard C. Shickle, Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Christopher E. Collins _____

Gene E. Fisher _____

Charles S. DeHaven, Jr. _____

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

I



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: John R. Riley, Jr., County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: October 30, 2014
RE: Commissioner of Revenue Refund Requests

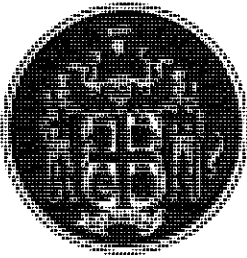
Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. ST Beach Spa LLC – \$2,670.36
2. Autotrademark of Winchester – \$4,959.88
3. Michael Smith Weber – \$3,542.16

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

Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: October 27, 2014

RE: Refund – ST Beach Spa LLC

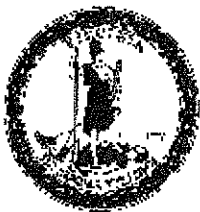
I am in receipt of the Commissioner's request, dated October 15, 2014, to authorize the Treasurer to refund ST Beach Spa LLC the amount of \$2,670.36, for adjustment to business license taxes for tax year 2014. This refund is a result of the business reorganizing to another name and identification number.

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

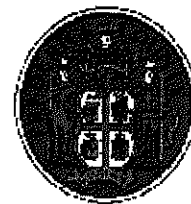
A handwritten signature in black ink, appearing to be "Roderick B. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachment



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



October 15, 2014

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration ST Beach Spa LLC

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

Please approve a refund of \$2,670.36 for business license taxes in 2014 for ST Beach Spa LLC. Taxpayer has reorganized another name and identification number.

The Commissioner's staff person has verified all required data and the paperwork is in the care of the Commissioner of the Revenue. The replacement organization has properly filed.

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

Exoneration is \$2,670.36.

9/18/2014

Abatement Register
COUNTY OF FREDERICK

-EDIT-

TX306ABP

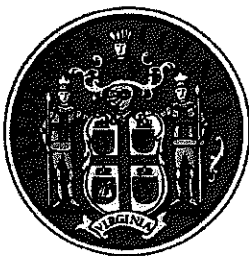
Page 1

FOR DATE - 9/18/2014

ACCOUNTING PERIOD - 2014/09

Type	Dept	Ticket#	Date	Amt. Charged	Customer
ABA	PF2014	00526570001	9/18/2014	\$2,670.36-	ST BEACH SPA LLC
ABA	PF2014	00526570002	9/18/2014	\$2,670.35-	ST BEACH SPA LLC
Total for Dept.				\$5,340.71-	
Total for Tran Type				\$5,340.71-	
Abatement count =	2	Total for Company		\$5,340.71-	

- Paid 1/2



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: John R. Riley, Jr., County Administrator

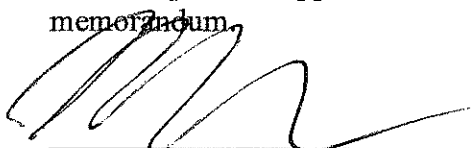
FROM: Roderick B. Williams, County Attorney

DATE: October 29, 2014

RE: Refund – Autotrademark of Winchester

I am in receipt of the Commissioner's request, dated October 27, 2014, to authorize the Treasurer to refund Autotrademark of Winchester the amount of \$4,959.88, for adjustment to business license taxes for tax year 2014. This business opened and closed during 2014. This refund is a result of the company over estimating their gross receipts to what was actually received during their period of operation in the county.

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

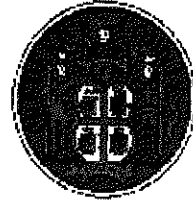


Roderick B. Williams
County Attorney

Attachment



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



October 27, 2014

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Autotrademark of Winchester

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

Please approve a refund of \$4,959.88 for business license taxes in 2014 for Autotrademark of Winchester. Business opened and closed during 2014. They had estimated their gross receipts in excess of what was actually received during their period of operation in the county.

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

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

Exoneration is \$4,959.88.

10/27/2014

Abatement Register
COUNTY OF FREDERICK

-UPDATE-

TX306ABP

Page 1

FOR DATE -10/27/2014

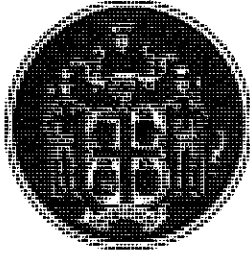
ACCOUNTING PERIOD - 2014/10

Type	Dept	Ticket#	Date	Amt. Charged	Customer	Tran#
----	----	-----	----	-----	-----	-----
ABA	BL2014	00043070001	10/27/2014	\$4,959.88-	AUTOTRADEMARK OF WINCHESTER	3525
			Total for Dept.	\$4,959.88-		
			Total for Tran Type	\$4,959.88-		
Abatement count =	1	Total for Company		\$4,959.88-		

Closed Aug 10, 2014

over-estimated

Bw L.



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: John R. Riley, Jr., County Administrator

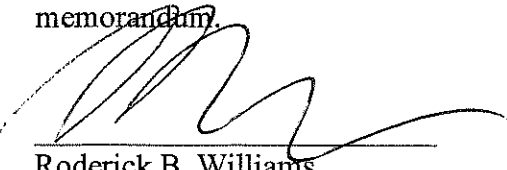
FROM: Roderick B. Williams, County Attorney

DATE: October 29, 2014

RE: Refund – Michael Smith Weber

I am in receipt of the Commissioner's request, dated October 27, 2014, to authorize the Treasurer to refund Michael Smith Weber the amount of \$3,542.16, for adjustment to real estate taxes for tax years 2011, 2012, 2013 and 2014. This refund is a result of structural improvements removed from one site and replaced on another parcel. Supplemental bills were issued by the Commissioner.

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

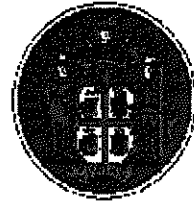


Roderick B. Williams
County Attorney

Attachment



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



October 27, 2014

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Michael Smith Weber

A handwritten signature in cursive script, appearing to read "E. Murphy", written over the "FROM:" line of the email header.

Please approve a refund of \$3,542.16 for real estate taxes for 2011, 2012, 2013, and 2014 for Michael Smith Weber on structural improvements removed at one site. The taxpayer has replaced these improvements on another parcel and supplemental bills are issued.

The Commissioner's staff person has verified all required data.

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

Exoneration is \$3,542.16.

Date: 10/ /14

Cash Register: COUNTY OF FRED LCK

Time: 09:42:56

Cashier: [REDACTED]

Customer Name: WEBER MICHAEL SMITH

Total Transactions: 158

Customer Transactions: 7

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
—	RE2011	1	00406650001	\$558.08-	\$.00	\$558.08-
—	RE2011	2	00406650002	\$558.08-	\$.00	\$558.08-
—	RE2012	3	00407530001	\$599.04-	\$.00	\$599.04-
—	RE2012	4	00407530002	\$599.04-	\$.00	\$599.04-
—	RE2013	5	00409060001	\$610.74-	\$.00	\$610.74-
—	RE2013	6	00409060002	\$610.74-	\$.00	\$610.74-
—	RE2014	7	00411230001	\$6.44-	\$.00	\$6.44-

Memo Added

Total Paid : \$3,542.16

F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine

J



COUNTY of FREDERICK

Parks and Recreation Department
540-665-5678
FAX: 540-665-9687
www.fcprd.net
e-mail: fcprd@fcva.us

MEMO

To: John R. Riley, Jr., County Administrator
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: October 27, 2014



The Parks and Recreation Commission met on October 21, 2014. Members present were: Patrick Anderson, Greg Brondos, Jr., Randy Carter, Ronald Madagan and Charles Sandy, Jr.. Members absent were: Kevin Anderson, Marty Cybulski and Christopher Collins

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Pool Sand Filter Replacement – Mr. Madagan moved to request a supplemental appropriation in the amount of \$48,000 for the purchase of two (2) new sand filter systems for the Sherando and Clearbrook Pool Complexes, second by Mr. Carter, motion carried unanimously (5-0). Request will be forwarded to the Finance Committee for review at their next meeting.
2. FY 2015-16 Capital Improvement Program – The Buildings and Grounds Committee recommended the approval of the Capital Improvements Plan for FY 2016 as submitted, second by Mr. Carter, motion carried unanimously (5-0). The Parks and Recreation FY 16 Capital Improvements Program recommendation will be forwarded to the Planning Department for review by the Planning Commission. Please see attached FY 16 Capital Improvements Program.
3. Park Rule Recommendations – The Buildings and Grounds Committee recommended changes to the following park rules:
 - a. Original Rule
 - Tobacco products are prohibited within 50 feet of athletic complexes or fields, playgrounds, and swimming pool areas.

Approved Rule

- Smoking/E-Cigarettes are prohibited at athletic complexes or fields, playgrounds, and swimming pool areas.

b. Original Rule

- Digging or excavating on park property is prohibited unless written permission is granted by the Parks and Recreation Director or his designee.

Approved Rule

- Metal detecting, digging or excavating on park property is prohibited unless written permission is granted by the Parks and Recreation Director or his designee.

Motion was second by Mr. Brondos, carried unanimously (5-0).

4. Advertising Committee – No report as this time. Committee will meet at a later date.

5. Executive Session – A motion was made by Mr. Madagan to go into Executive Session, second by Mr. Carter, based on Virginia Code 2.2-3711A (3) Property Acquisition, carried unanimously (5-0).

A motion was made by Mr. Anderson to come out of Executive Session, second by Mr. Longerbeam, carried unanimously (5-0).

cc: Charles R. Sandy, Jr., Chairman
Christopher Collins, Board Liaison
Cheryl Shiffler, Finance Director

Proposed 15/16 CIP

1	Water Slide/Spray Ground & Complex Renovation	increased to include siding
2	Access Road w/ Parking/ Trails (SH)	
3	Indoor Aquatic Facility	Moved up in recognition of FCPS land opportunity
4	Snowden Bridge Park Development	Moved up due to endorsed site plan
5	Softball Complex (SH)	Moved up in recognition of scheduling needs
6	Abrams Creek Greenway Trail	Prelim engineer cost
7	Lake/Trails/Parking - 2 Fields (SH)	
8	Community Parks (3)	Down to 3 parks - Snowden separated, still includes funding need for Rose Hill playground & shelter (\$6,416,000)
9	Neighborhood Parks (3)	
10	District Parks (4)	Consolidated District Parks into one category (\$15,717,000)
11	Picnic Areas (SH)	
12	Ice Rink	
13	Community Center	
14	Open Play Areas (CB)	
15	Baseball Field Lighting Upgrade	Moved down
16	Soccer/Multi Use Fields (SH)	
17	Tennis/Basketball Complex (CB)	
18	Skateboard park (SH)	
19	Shelter Stage (CB)	
20	Fleet Trip Vehicles	
21	Maintenance Compound (SH)	

K



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@co.frederick.va.us

TO: Board of Supervisors

FROM: Jay E. Tibbs., Deputy County Administrator

DATE: October 7, 2014

RE: Code and Ordinance and Public Safety Committees Report

The Code & Ordinance Committee and Public Safety Committee held a joint meeting on Friday, October 3, 2014 at 8:30 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Code and Ordinance Committee members present were Christopher E. Collins, Chairman; Robert A. Hess; and Derek Aston. Committee members James Drown; Stephen Butler; and Robert Wells were absent. Public Safety Committee members present were: Gary A. Lofton, Chairman; Gene E. Fisher; Charles S. DeHaven, Jr.; Ronald Wilkins, and Charles Torpy. Committee member Michael Lindsey was absent. Also present were Deputy County Administrator Jay E. Tibbs; County Attorney Rod Williams; Sheriff Robert Williamson; Stefanie Salvato, Public Safety Communications; and David Samuel, RedFlex Traffic Signals.

The committee submits the following:

*****Items Not Requiring Board Action*****

1. Discussion of Photo Red Enforcement System

Sheriff Williamson briefed the Committee on the issue of motorists running red lights and the possible use of red light cameras. He stated this was a project undertaken by his Government Service Learning group this past year and they would like the County to look at this issue. He then introduced David Samuel with RedFlex Traffic Signals.

Mr. Samuel provided an overview of the RedFlex company and their equipment. He then showed the committees video from several intersections in Frederick County where numerous red light violations occurred during their 12 hour test/monitoring. He noted no citations were issued based on this data and that it was more for illustrative purposes for the committees' deliberations.

Sheriff Williamson stated he did not believe any additional personnel would be required, as the traffic enforcement division could absorb this service.

Mr. Samuel advised there was no taxpayer funding of this program. The fines incurred would be used to pay for the equipment.

Mr. Torpy noted a number of northern Virginia localities made use of this type of enforcement. He stated Frederick County was a different community and asked why we would want to bring this type of approach to Frederick County.

Chairman Lofton stated he could not support this proposal until VDOT took steps to address the current timing of the stop lights. He believed coordination of the timing would facilitate driver behavior modification.

Mr. Fisher spoke in support of the cameras as a way of modifying driver behavior. He went on to say he had driven the intersection of Route 50/Route 522 every day and had seen the large trucks travelling at high rates of speed running the lights.

Mr. Wilkins agreed with Mr. Lofton regarding the timing of the traffic lights. He stated there were pros and cons to this proposal, but he felt there were other things out there to help modify driver behavior.

Mr. Aston raised several questions regarding the draft ordinance. He asked:

- Who would prosecute the red light violations?
- Who does the jury trial?
- Who would testify at the hearing?

He stated the draft ordinance was not clear on these matters or how to prevent fraud.

Chairman Collins suggested the two committees review the information presented today to see where this proposal might go. He went on to suggest the two committee chairmen communicate at a later date to see where the respective committees ended up in their deliberations.

There being no further business, the meeting adjourned at 9:15 a.m.

Respectfully Submitted,

Code and Ordinance Committee

Christopher E. Collins, Chairman
Robert A. Hess
Derek Aston

Public Safety Committee

Gary A. Lofton, Chairman
Gene E. Fisher
Charles S. DeHaven, Jr.
Charles Torpy
Ronald Wilkins

By: Jay E. Tibbs
Jay E. Tibbs, Deputy County Administrator

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Code and Ordinance Committee
Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: September 25, 2014

RE: Draft Ordinance re: Photo-Red Enforcement System

In conjunction with the presentation to the committee on photo red light enforcement, attached please find a draft ordinance that would be appropriate for the implementation of a photo-red enforcement system in the County, if the Board wishes to adopt a photo-red enforcement system. The draft ordinance largely tracks the provisions of Section 15.2-968.1 of the Code of Virginia, the section that provides the enabling authority for local photo-red enforcement systems.

Key points of the draft ordinance include:

- The County may install the system at no more than one intersection per 10,000 residents; therefore, the County may install the system at no more than 7 intersections.
- A vehicle owner may rebut the presumption of having operated the vehicle in violation of the ordinance by filing an appropriate affidavit with the General District Court. A vehicle owner also has the option of rebutting the presumption by giving live testimony in the General District Court.
- The summons for a violation of the ordinance must include a notice informing the recipient that the recipient may file the rebuttal affidavit. The summons must also include instructions for filing the affidavit. This appears to mean that the summons may also include a copy of the affidavit form.

- An offense under the ordinance is not a moving violation and does not result in the assessment of any “points” against the owner, lessee, or renter of the vehicle. The legal effect of an offense under the ordinance is no different than that of a parking ticket.
- The maximum fine that may be imposed under the ordinance is \$50.00. State law prohibits the collection of any court costs in addition to a fine under such an ordinance. By way of comparison, the maximum fine for a red light violation cited in person by a law enforcement officer is \$100.00, plus court costs.
- The County must destroy information collected on a violation of the ordinance within 60 days of collection of the penalty and, as to information collected but for which no violation is charged within 10 business days of its collection, the County must destroy the information within two business days thereafter.
- Any private contractor engaged by the County to install and/or operate the system may not be compensated based on the number of violations or monetary penalties imposed.
- The system must include a 0.5 second grace period between the time the signal at an intersection turns red and the time the first violation at that intersection is recorded.
- The County must place notification signs at all intersections where the system is in operation.
- The County must conduct a public awareness program concerning the system prior to or coincident with implementation or expansion of the system.

Also attached please find a copy of the state enabling legislation.

Attachments



ORDINANCE
[date]

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article I (General Provisions) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting a new § 158-3.1, to read as follows and to take effect immediately:

CHAPTER 158 ARTICLE I General Provisions

§ 158-3.1. Use of photo-monitoring systems to enforce traffic light signals; penalty.

- A. The County Administrator or County Administrator's designee may install and operate traffic light signal violation monitoring systems at no more than one intersection in the County for every 10,000 residents within the County, for the purpose of imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in the County in accordance with the provisions of this section.
- B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the County.
- C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by the sheriff or a deputy sheriff of the County, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.
- D. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to

subsection D above was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by first-class mail with the Clerk of the General District Court for Frederick County that he or she was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in the General District Court for Frederick County, under oath that he or she was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the General District Court for Frederick County.

- E. For purposes of this section, "owner" means the registered owner of a vehicle on record with the department of motor vehicles. "Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time that the operator of the vehicle fails to stop or remain stopped at a steady red traffic light signal in violation of §§ 46.2-833, 46.2-835, or 46.2-836 of the Code of Virginia, 1950, as amended. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.
- F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed pursuant to this section shall exceed \$50.00, nor shall it include court costs.
- G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2 of the Code of Virginia, 1950, as amended. Notwithstanding the provisions of § 19.2-76.2 of the Code of Virginia, 1950, as amended, the summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle as shown, in the case of vehicle owners, in the records of the department of motor vehicles or, in the case of the vehicle lessees or renters, in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he or she was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in

subsection D and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3 of the Code of Virginia, 1950, as amended. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

- H. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of the County, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208 of the Code of Virginia, 1950, as amended, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of §§ 46.2-833, 46.2-835, or 46.2-836 of the Code of Virginia, 1950, as amended, or is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If the County does not execute a summons for a violation of this section within ten business days, all information collected pertaining to that suspected violation shall be purged within two business days thereafter. The County shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the commonwealth transportation commissioner or the commissioner of the department of motor vehicles or his or her designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000.00 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement

between the Department of Motor Vehicles and the private entity.

- I. A private entity may enter into an agreement with the County to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations, and administration. However, only a law enforcement officer employed by the County may swear to or affirm the certificate required by subsection C. The County shall not enter into an agreement for compensation based on the number of violations or monetary penalties imposed.
- J. When selecting potential intersections for a traffic light signal violation monitoring system, the County shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law enforcement officers to apprehend violators safely within a reasonable distance from the violation. The County may consider the risk to pedestrians as a factor, if applicable.
- K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the County shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red at an intersection and the time the first violation is recorded at that intersection. If recommended by the engineering safety analysis, the County shall make reasonable location-specific safety improvements, including signs and pavement markings.
- L. The County shall evaluate the traffic light signal violation monitoring system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.
- M. The County shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

- N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, the County shall conduct a public awareness program, advising the public that the County is implementing or expanding a traffic light signal violation monitoring system.
- O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

Enacted this ____ day of _____, 201__.

Richard C. Shickle, Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Christopher E. Collins _____

Gene E. Fisher _____

Charles S. DeHaven, Jr. _____

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

Text in effect from and after July 1, 2014

Title 15.2 Counties, Cities and Towns

Chap. 9 General Powers of Local Governments, §§ 15.2-900 — 15.2-981

Art. 5 Additional Powers, §§ 15.2-950 — 15.2-982

§ 15.2-968.1. Use of photo-monitoring systems to enforce traffic light signals. —

A. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic light signal violation monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection C. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes. (2007, cc. 836, 903; 2010, c. 175; 2012, cc. 805, 836; 2014, c. 163.)

History

Caught by the Red Lights

Sherando High School Service Learning Government

The Frederick County Sheriff's Department

by Eric Pfeifer, Chelsey Benitez, Haley Ziese, and
Kayla Hard

FCSO & Traffic Safety

-One of the most important roles of any the sheriff's office is to ensure the safety of roads

~The most documented collisions in Frederick County occur at intersections in which one party fails to come to a stop at a red light

- 638 citations issued for red light violations in 2014

Red Light Cameras in Frederick County

- The Frederick County Sheriff's Office is interested in the potential benefits of implementing red light cameras as a tool of *safety enhancement* - **not** revenue generation
- Previously brought up for debate in 2009
 - ~Tabled due to an insufficiency of funds, lack of research, and overall controversy



Red Light Cameras

-Red light cameras are a modern and widely-used instrument to ensure intersection safety across the United States

- ~Virginia Code: 1 intersection per 10,000 citizens
- ~Flat rate charged by third party operator
- ~Photographic and video evidence is reviewed by three (3) entities



Location: NAK-DEST-02 Westbound Delancy and Stockton Street Newark, NJ (v4.12.18.0)
Date: Friday 03 February 2012 Time: 07:51:23 Frame: 7 SpeedLimit: 25 MPH
Lane: 1 Vehicle Speed: 25 MPH RED : 0.21 Elapsed Time: 0.00



Location: NAK-DEST-02 Westbound Delancy and Stockton Street Newark, NJ (v4.12.18.0)
Date: Friday 03 February 2012 Time: 07:51:24 Frame: 7 SpeedLimit: 25 MPH
Lane: 1 Vehicle Speed: 25 MPH RED : 1.33 Elapsed Time: 1.11



Our Task

- Research the pros and cons of implementing red light cameras in Frederick County
 - Only interested in cameras to increase safety, not as a tool to generate revenue
- Research drawn from interviews with other counties in Virginia that have used red light cameras as well as statistical analysis

Research

-Six jurisdictions in Virginia are currently utilizing red-light cameras

- Albemarle County
- Arlington County (4 red-light cameras)
- City of Vienna
- City of Alexandria
- City of Falls Church
- City of Virginia Beach

The Interview Process

- A series of interviews were conducted with counties implementing red-light cameras to determine their purpose, efficiency, and potential success in Frederick County

 - ~Unbiased questions*

- Interview with RedFlex, the largest service provide of red light cameras in the United States



Red Light Camera Effectiveness (Continued)

Customer satisfaction & expanding traffic systems

Counties in Virginia, have been satisfied with red light camera effectiveness and are expanding their systems:

-The City of Fairfax has expanded its program to six intersections since its conception in 1997

"I believe we have been successful at changing driver behavior, and it shows because the violations at the existing intersections have slowed down."

- Police Chief Rick Rappaport, Fairfax City

Interview Questions

How long have cameras been implemented?

How many cameras have been implemented?

How was it decided where to implement the cameras?

What administrative processes does running the cameras entail?

What private company runs the cameras?

- ~Financial policies

- ~Customer support



Data Analysis

- In addition to interviews, collision statistics were analyzed at specific intersection *before* and *after* the red light cameras were implemented
 - ~Decrease in overall collisions would suggest camera effectiveness
 - ~Potential increase in rear-end collisions - *supported or myth?*

Red Light Violations in 2013: 5,899

Not Applicable	5	1	9	28	32	34	39	552	457	387	131	5,110	6,785
Other	32	55	710	1,256	1,487	1,608	1,507	15,461	7,860	5,566	2,661	771	38,974
Ran Traffic Control	15	6	79	145	169	212	223	1,962	1,223	1,025	746	94	5,899
Speed To Fast	3	8	126	204	238	234	230	2,086	905	570	147	124	4,875
Lights Not On	0	1	4	2	1	5	3	37	14	9	5	2	83
Avoiding Other Vehicle	0	0	23	57	55	76	70	733	477	333	104	23	1,951
Avoiding Pedestrian	0	0	1	3	3	0	1	26	18	14	7	6	79
Illegal or Improper Parking	0	0	4	11	7	6	8	110	75	64	25	37	347
Total	129	194	2,594	4,869	5,624	6,281	6,360	75,070	52,678	40,012	17,398	11,630	222,839

Report Created : 4/22/2014 11:03:48 AM

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In 2014: 638

Left of Center - Not Passing	0	0	4	1	4	4	0	0	44	33	23	3	183
Not Applicable	0	0	2	2	5	3	3	60	57	45	15	429	621
Ran Traffic Control	0	0	10	26	15	18	20	203	138	114	92	2	638
Speed To Fast	0	0	23	43	58	54	65	548	255	160	37	3	1,246
Improper Passing	0	0	0	2	1	4	5	42	27	29	13	3	126
Lights Not On	0	0	0	1	0	0	0	5	1	2	0	0	9
Avoiding Pedestrian	0	0	0	0	0	0	0	0	2	5	1	1	9
Total	2	13	305	635	721	719	696	8,728	6,493	5,103	2,158	775	26,348

Report Created : 4/22/2014 11:02:44 AM

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RedFlex Survey of Rt. 50 and Rt. 522

Frederick County, VA 05/15/14								
12 hour survey								
City	Date	Count Street	Approach	LT	Through	RT	Total	Comment
Frederick County VA	5/8/2014	RT 522 S -T EC	NB	2	8	10	20	7 hr survey
		RT 522 S -T EC	SB	22	16	0	38	Sur plane or LT light
		RT 522 S -T EC	WB	0	21	51	72	Sur plane or LT light

Total: 129 red light traffic violations

Red Light Camera Effectiveness

- **Improving safety and modifying driver behavior**

Study by the New Jersey Department of Transportation

- After implementing red light cameras...

- ~ Right angle crashes down 86%

- ~ Rear-end crashes down 58%

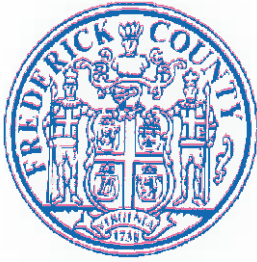
- ~ Total crashes down 72%



Special Thanks

- Sheriff Robert Williamson
- Mrs. Tara Woolever
- Mrs. Jennifer McKannan
- Mr. John Nelson
- Ms. Doreen Pauley

L



County of Frederick

Paula A. Nofsinger
Director of Human Resources

Office : (540) 665-5668
Fax: (540) 665-5669
pnofsinger@fcva.us

TO: Board of Supervisors
FROM: HR Committee
DATE: October 22, 2014
SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, October 10th, 2014, at 8:00a.m. All members were present.

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

1. The Committee recommends approval for Employee of the Month award (see attachment).

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

1. Presentation by the Director of the Winchester Regional Airport, Serena Manuel.
At the request of the Committee, Ms. Manuel presented an overview of the objectives and responsibilities of the Winchester Regional Airport. The presentation also provided the Committee an understanding of her department's role, authority, projects, and topics of importance within her department; Presentation Attached.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, November 14th, 2014.

Respectfully Submitted,

Human Resources Committee

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

By:

Paula A. Nofsinger
Director of Human Resources



County of Frederick Employee of the Month Nomination Form

October

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 : Barbara Johnson

Department: Fire & Rescue

Nomination Submitted By: Deputy Chief John Bauserman

Department: Fire & Rescue

Nominator's Signature: 

Date: 09/30/2014

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

In October 2013, Barbara came to us after 10 years with the Frederick County Public Schools. In her short time in the Life Safety Division she has been able to improve our daily operations while preparing us to improve into the future. She has been instrumental in the implementation and use of laser fiche for storing and accessing plans and inspection information. She has led all of the research into improving our file storage, reporting, and daily administrative operations.

Her organizational skills are beyond compare and further aide our ability to run seamlessly. She has a pleasant and fun loving personality that makes her a joy to work with. She works well with every member of the Fire and Rescue Department and I receive nothing but praises from other departments as well as the public. She has the drive and ambition to tackle any task. She is always willing to help with any project. Her commitment to not only this division, but to Frederick County and its residents, is a testament to the type of employees that will lead this county into the future.

Please join me in recognizing her ability to excel in her position and to assist all of us in ensuring the safety of the citizens of Frederick County.

November 12th Bd Mtg.

HR Section: Received: 9/30/14 Emailed to HR Committee: _____

Winchester Regional Airport Authority



d/b/a

Winchester Aviation

Winchester Municipal Airport 1987
Beginning of Master Development Plan



- 1987 Airport Authority formed – member jurisdictions Counties of Clarke, Frederick, Shenandoah and Warren and the City of Winchester
- Goal – to establish a modern first class general aviation all weather facility as an **economic development tool** for the region
- Over \$33 million dollars invested to date in capital improvements with funding by local member jurisdictions, the FAA, Virginia Department of Aviation and VDOT
- The Winchester Regional Airport is **a vital link** in the National Air Transportation System and the Virginia Air Transportation System
- Future improvements have been identified at approximately \$115,625,000 and will allow the airport to continue to prosper and accommodate the region's needs

- Regional status elevates Authority's ranking in securing State and Federal funds for capital improvement projects
- The WRAA owns, operates and maintains over 360 acres of the Winchester Regional Airport in accordance with FAA regulations
- Responsible for: maintaining: airfield lighting, NAVAIDS, asphalt pavements, mowing operations, snow removal operations, building maintenance, perimeter fences, access gates, bulk fuel storage facility and security of the airport
- WRAA owns and operates Winchester Aviation providing fuel and line services to based and transient aircraft on a 24/7 basis – fuel sales generate approximately 84% of revenue needed to maintain the airport

Winchester Airport Based Businesses

- AV-Ed Flight School
- Aero Engines LLC
- Aero Services of Winchester
- Brite Air Aircraft Parts
- Integer Aviation
- On Wing LLC
- Telford Aviation
- Winchester Aviation
- Cole Construction

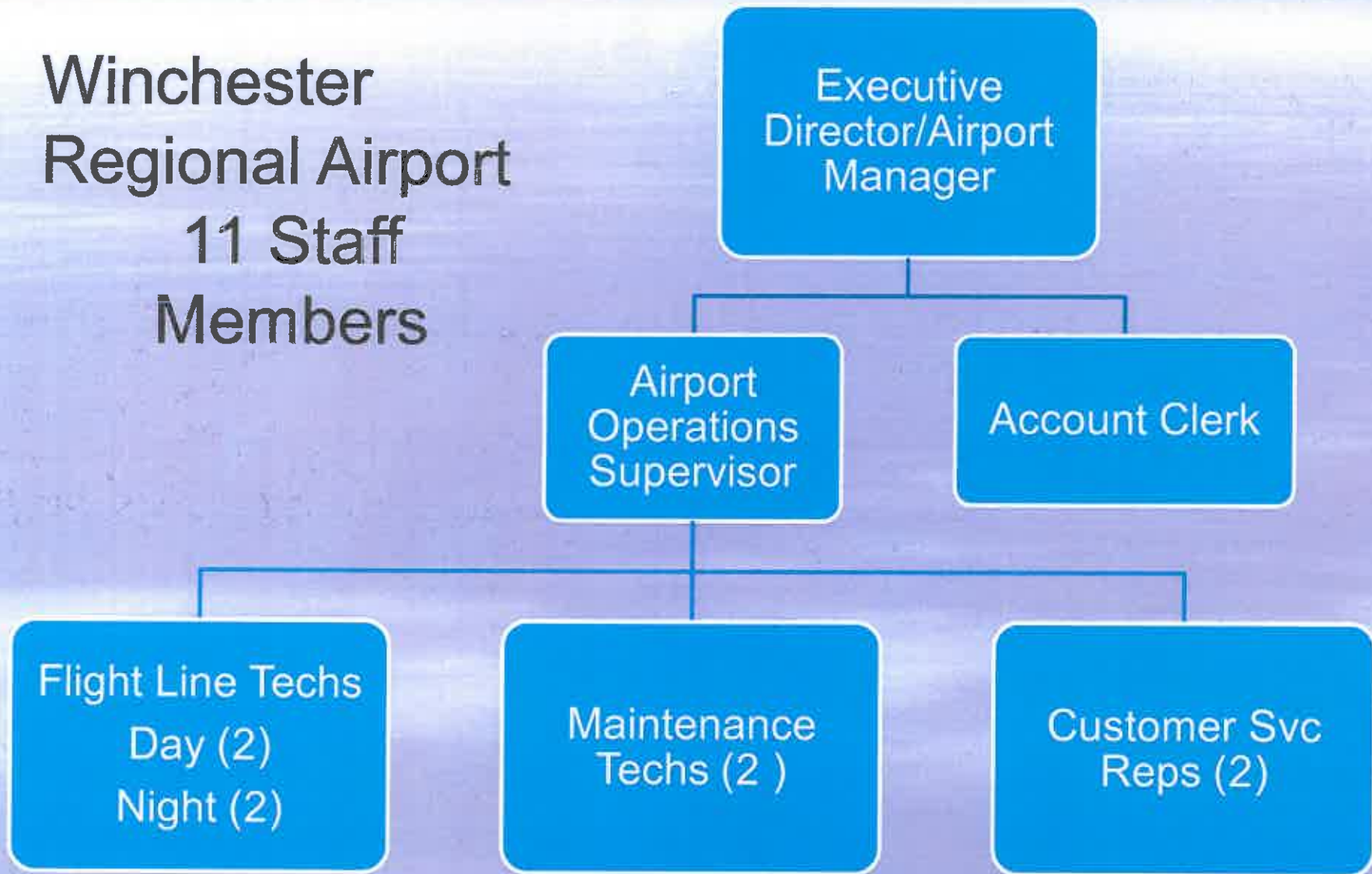
Winchester Regional

2010 Economic Contributions of On-Airport Activities and Visitor Spending

	Local Region			State		
	Jobs	Payroll	Economic Activity	Jobs	Payroll	Economic Activity
Direct Impacts						
On-Airport Activities	45	\$2,324,000	\$10,499,000	45	\$2,324,000	\$10,499,000
Visitor Spending	<u>61</u>	<u>\$1,346,000</u>	<u>\$3,955,000</u>	<u>61</u>	<u>\$1,346,000</u>	<u>\$3,955,000</u>
Total Direct	106	\$3,670,000	\$14,454,000	106	\$3,670,000	\$14,454,000
Indirect & Induced Impacts						
Due to On-Airport Aviation	36	\$1,210,000	\$4,776,000	39	\$1,302,000	\$5,096,000
Due to Visitor Spending	<u>23</u>	<u>\$861,000</u>	<u>\$2,703,000</u>	<u>23</u>	<u>\$910,000</u>	<u>\$2,988,000</u>
Total Spin-off	58	\$2,071,000	\$7,479,000	62	\$2,212,000	\$8,084,000
Total	164	\$5,741,000	\$21,933,000	168	\$5,882,000	\$22,538,000

2010 Activity Data	
Airline Departures	0
Airline Enplanements	0
Commercial Airline Visitors	0
GA Operations	44,924
GA Visitors	39,084
Based Aircraft	133

**Winchester
Regional Airport
11 Staff
Members**



Winchester Aviation

Current Staffing Levels (6)

2 Customer Service Representatives

2 Day Flight Line Technicians

2 Night Flight Line Technicians

Winchester Aviation Staff

Customer Service Representative – Provides essential customer service coordinating aircraft flight line services and related tasks under the general supervision of the Executive Director

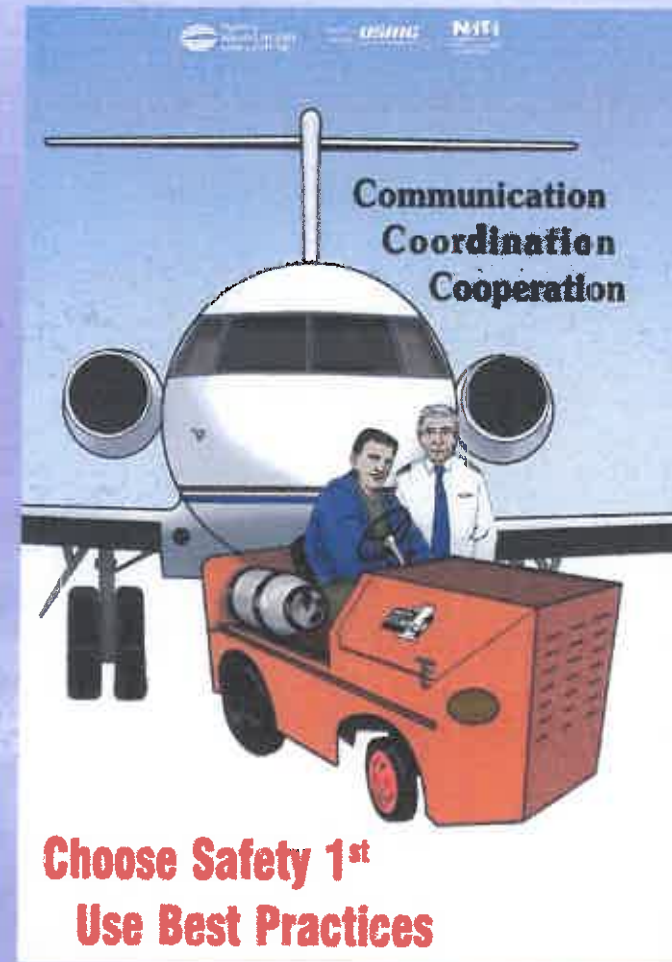
- Serves as airport receptionist; coordinates customer needs; responsible for reservation requests for catering, lodging, rental cars, etc.
- Processes sales and payment invoices; performs simple computer tasks to maintain logs, sales records, fuel reports, customer lists, etc.
- Reconciles and monitors inventory levels of all fuels daily
- Coordinate conference room reservations and set up room for meetings
- Operates UNICOM radio to provide airport advisories to pilots of arriving and department aircraft
- Operates two-way radio coordinating flight line service information with the Flight Line Technician
- Reconciles daily sales paperwork, fuel reports and accounts receivable entries; reconcile credit card transactions; apply payments to customer accounts
- Must be able to work in adverse weather conditions; ability to work flexible shifts including nights, holiday hours, weekends and overtime as needed or scheduled

Flight Line Technician – Performs responsible semi-skilled work by coordinating and providing aircraft flight line services and related work. Must pass NATA Safety 1st Line Service Training Course. Day position and night position.

- Provides qualified flight line services for aircraft including greeting customers, provide services on demand, fueling aircraft, aircraft towing, marshalling and proper send off
- Operates and performs daily safety inspections of the fuel farm facility, aircraft refuelers and airport equipment on prepared forms
- Performs daily inspections of airport grounds and recording of parked aircraft on prepared form; tops off refuelers
- Operate credit card terminal and process sales information on computer
- Operates UNICOM radio to provide airport advisories to pilots arriving or department the airport
- Assists in snow removal operations to include shoveling walkways at terminal and the FBO building
- Perform regular security patrols in airport grounds
- Ability to work flexible shifts including nights, holidays, weekends and overtime as needed
- Must report to work during adverse weather conditions

Professional Line Service Training & Certification Program

- Required certified training for new employees
- Develop the skills necessary to successfully perform the duties of the line service specialist and customer service specialist positions
- Promote, establish and maintain a safe ramp and working environment
- Reduce costly accidents through the use of safe and uniform procedures
- Required bi-annual recurrent training for all employees



NATA Safety First Certified Training Courses

- Introduction and Ground Servicing (Module 1)
- Safety (Module 2)
- Refueling Piston Aircraft (Module 3)
- Refueling Turboprop Aircraft (Module 4)
- Refueling Jet Aircraft (Module 5)
- Towing (Module 6)
- Fuel Farm Management (Module 7)
- Customer Service (Module 8)
- Fire Safety (Module 9)
- Aviation Security (Module 10)

Line Service Equipment

- 1,500 Gallon Avgas Refueler
- Two 3,000 Gallon Jet A Refuelers
- 28v 1600 Amp Ground Power Unit
- 115v 3 Phase 60KVA Ground Power Unit
- 6K Forklift
- 32 Gallon Lavatory Servicing Cart
- 500 Gallon Type One (1) Aircraft Deicer
- 4,000 DBP Aircraft Two Tractor
- 12' Aircraft Stairs

Line Services Provided

- Fuel service (Jet A & Avgas 100LL)
- Ground power service
- Aircraft towing
- Lavatory service
- Baggage handling
- Fork lift service
- Cargo handling
- Aircraft deicing

Winchester Regional Airport Authority

Current Staffing Levels (5)

Executive Director/Airport Manager

Airport Operations Manager

Account Clerk

Maintenance Technician I

Maintenance Technician II

Executive Director – Performs difficult technical and administrative functions relating to the operation of the Winchester Regional Airport. Exercises such powers and duties as may be delegated by the Airport Authority. Performs independently under the general direction of the Airport Authority and as a Frederick County Department Head.

- Manages the airport in accordance with current standards of the Federal Aviation Administration (FAA); ensures compliance with Federal and State Grant Assurances; keeps abreast of rules and regulations issued by the FAA and Virginia Department of Aviation for general aviation operations.
- Oversees the business operation of Winchester Aviation; establish inventories, pricing and operating policies; maintains airport operations safely and efficiently in accordance with FAA, Department of Aviation and Airport Authority regulations and policies
- Monitor and ensure compliance with EPA and Virginia DEQ regulations for airport operations
- Perform duties of subordinates as needed during absences; ability to work irregular hours, weekends and holidays
- Respond to airport/aircraft emergencies
- Report to work during adverse weather conditions; assist in snow removal operations as needed

Airport Operations Supervisor – Supervising and maintaining the daily operations of the Winchester Regional Airport. Moderate supervision exercised over subordinate personnel. Work is performed under the general supervision of the Executive Director/Airport Manager. Acts independently as instructed in absence of the Executive Director/Airport Manager.

- Serves as Operations Manager in absence of Executive Director/Airport Manager to assure airport compliance with Local, State and FAA regulations and to maintain continuous operations of the Winchester Regional Airport
- Oversees and supervises lines services including but not limited to: training, supervision of all line personnel; maintenance and safety of fueling operations and equipment; assist in scheduling; backup flight line or customer service personnel during absences or as needed
- Responsible for inspections and maintenance of: airport owned buildings, grounds, airport pavement surfaces, airfield lighting, NAVAIDs, airport equipment, vehicles, fuel facilities, security systems, fencing and gates, etc. and delegate authority to ensure all property is well maintained
- Respond and oversee operations in Airport or aircraft emergencies
- Ability to work irregular hours including nights, holidays and weekends as needed
- Report to work during adverse weather conditions

Account Clerk – Performs general bookkeeping and clerical work in the maintenance of various and related records pertinent to the department functions for Winchester Aviation and the Winchester Regional Airport Authority. Performs related duties as assigned and works under the direct supervision of the Executive Director or his/her designee.

- Review and process billing invoices and **statements** for **accounts receivable**; maintains customer account information; **reconcile** accounts receivable records
- Process accounts payables and financial data; prepare **daily deposit**; prepare purchase order requisitions, budget transfers, travel vouchers, **maintain** and **reconcile** purchasing program transactions; monitor budget balances and cash flows; reconcile Airport financial records to County **financial** records; monitor inventory levels; reconcile and maintain inventory levels of fuel, supplies, etc.
- Process monthly closing procedures, generate monthly financial reports for management and for WRAA business meetings, prepare meeting **agendas**
- Maintains financial and capital improvement files, process reimbursement requests with the FAA and Department of Aviation for grant funded projects
- Perform duties of Customer **Service Representative** during absences as needed
- Ability to work flexible shifts including nights, holidays, **weekends** and overtime as needed. Must be able to report to work during adverse weather conditions as needed

Facility Maintenance Technician – Performs semi-skilled work in the maintenance and repair of all airport equipment and facilities including grounds, airfield lighting and buildings. Performs related duties as assigned. Work is performed under minimum supervision of the Airport Operations Supervisor.

- Operation and maintenance of motorized equipment ranging from light lawn and garden equipment to snow removal equipment and tractors with attachments
- Conduct routine inspections, service and general maintenance of all airfield lighting; airport equipment and vehicles; buildings; grounds; fuel farm; perimeter fences; airport gates; advise Airport Ops Supervisor of major repairs needed
- Maintenance and upkeep of service records, equipment manuals and related files
- Know and understand all emergency procedures and plans that are policy for the WRAA; assist in airport or aircraft emergencies; know hazards and safety precautions applicable to work within the vicinity of airport runways, taxiways, safety areas, ramps and aprons
- Must meet all training requirements in perform duties of Flight Line Technician
- Perform duties of co-workers during absences and/or provide on call service for flight line service as needed
- Ability to work flexible schedule including nights, holidays, weekends and overtime as needed or directed. Must be able to report to work during adverse weather conditions and work additional hours during snow removal operations



- Over 360 acres of land to maintain
- Over 135,000 square yards of pavement
- 19,000 square feet of Office/Public use space
- 71,000 square feet of hangar space
- 4.55 miles of chain link fence
- 377 Airfield light fixtures and signs
- Hundreds of interior and exterior lights
- 150+ locks

- 14 Vehicles include refuelers, plow trucks, pickups, staff and crew cars
- 6+ Specialty equipment for flight line support (tugs, GPUs, deicer, etc.)
- 7 Mowing and maintenance pieces include tractors, mowers and over a dozen various attachments
- Miscellaneous equipment including office equipment and computers

Snow Removal Operations & Equipment



Maintenance Runway, Buildings, Grounds



Emergency Responses



Emergency Responses



24 Hour Services

- Customer Service
- Fueling
- Rental car
- Hotel reservations



Minor Rehab Projects

Pilot's lounge kitchenette



Lobby rehab



Flight planning rehab



Pilot Lounge Rehab



WRAA STAFF - SECONDARY TASKS:

Perform basic duties of Winchester Aviation staff members during absences

Backup the operations of Winchester Aviation personnel - Customer Service Representatives, Flight Line Techs Day and Night Shifts

To Maintain 24 Hours Operations Providing Flight Line Services and Security

Community Promotional Educational Events



Cargo Handling





Providing Support to Medical, Military, Forestry and Law Enforcement Aircraft





Corporate and Charter Aircraft





Airport Capital Improvement Projects

- Runway Rehabilitation Project
- Airfield Equipment Building
- South Apron Rehabilitation Project
- Land Acquisition on Bufflick Road
- T-hangar taxi lanes rehabilitation
- Upgrade AWOS system
- Relocation of Airport Road
- Environmental Assessment Update
- Terminal Building Roof Replacement
- Aircraft Wash Rack to meet DEQ Requirements
- Fuel Truck Secondary Containment Parking Pad

Winchester Regional Airport

2007



Challenges & Wish List

- Applying policies established for Monday through Friday departments to a 24/7 operation
- Split shift is best suited for Winchester Aviation staffing but a hindrance on certain major holidays when the actual holiday falls on a weekend
- Upgrade of pay scales comparable to similar airport operations within the region
- Addition of future positions as airport operations expand and increase
- Flexibility in establishing a future administrative position not within the existing job classification system of the County
- Inability to allow all personnel to attend County functions held during "office" hours

Thank you for allowing us the opportunity to
share with you information on the daily
operations and importance of the
staff at the
Winchester Regional Airport



M



COUNTY of FREDERICK

Department of Planning and Development

540/665-5651

FAX: 540/665-6395

MEMORANDUM

TO: Board of Supervisors

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

RE: Transportation Committee Report for Meeting of October 27, 2014 *JAB*

DATE: November 4, 2014

The Transportation Committee met on October 27, 2014 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)

James Racey (voting)

Gene Fisher (voting)

Christopher Collins (voting)

Lewis Boyer (liaison Stephens City)

Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)

Thom Ruffin (voting)

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

None

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

1. Revenue Sharing Application Update

Staff proposed addition of a 3rd project (Haggerty Blvd) to this year's revenue sharing application. This brings the application to the limit of \$10 M. Motion approving the addition was made by Mr. Collins and seconded by Mr. Racey. Motion passed unanimously. The resolution for this item is appearing separately on the Board agenda for November 12, 2014.

2. Capital Improvement Program

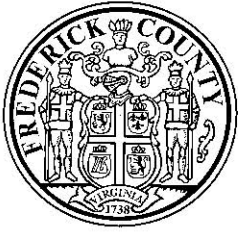
Staff gave a brief update on the upcoming Capital Improvement Program update and noted that no change in priorities is recommended at this time. A motion was made to approve the priorities without change by Mr. Fisher and seconded by Mr. Racey. Motion passed unanimously.

3. Other

Mr. Oates noted tractor trailer GPS routing issues causing trucks to go up Hollow Road (Route 707), which are then getting stuck, and have to back out onto Route 259 to get back on track. Staff is following up with VDOT on this.

Mr. Racey noted signal programming issues including the lack of permissive left at Tasker and White Oak and also at Macedonia Church and 522. Mr. Racey also noted there is a left turn signal operating at Tasker and Rainville that allows left turns into a dead end driveway. Staff is following up with VDOT.

N



COUNTY OF FREDERICK

Information Technologies
(540) 665-5614

MEMORANDUM

TO: Board of Supervisors

FROM: Walter T. Banks, IT Director

DATE: November 5, 2014

RE: Broad of Supervisors Information Technology Committee Report

The Board of Supervisors Information Technology Committee met on Wednesday, November 5th, 2014 at 8:30 A.M., in the Closed Session Conference Room, County Administration Building 107 North Kent Street, Winchester, Virginia. Present were Gary A. Lofton, Chairman, Charles S. Dehaven, Jr., Board Member, Lorin Sutton, County Representative, Quaiser Absar, County Representative, Kris Tierney, Assistant County Administrator, Jay Tibbs, Deputy County Administrator, Eric Lawrence, Planning Director, Walter T. Banks, IT Director, Patrick Fly, GIS Manager, Jeremy Coulson, Webmaster, Karen Vacchio, Parks and Recreation PIO, Alisa Scott, Administrative Assistant, and Rick Ours, RCO Productions. Absent was Bob Wells, Board Member, and Todd Robertson, County Representative.

The committee submits the following:

*****Items Requiring Board Action*****

- 1. Approval of the Upgrade Board Room Audio Visual and Broadcasting Equipment in the amount of \$178,122.95 appropriated from Comcast provided PEG funds.**

The proposed quote provides the Board of Supervisor's Board Room with a digital upgrade and the ability to broadcast in HD upon a motion by Mr. Dehaven, seconded by Mr. Sutton the Committee unanimously recommended this item be forwarded to the Finance Committee with a recommendation for approval and forwarded to the Board of Supervisors for their consideration. (**See Attachment.**)

Respectfully Submitted,

Broad of Supervisors Information Technology Committee Report

Gary A. Lofton, Chairman
Charles Dehaven Jr.

By:

Walter T. Banks IT Director

Attachments
WTB

107 North Kent Street, Winchester, Virginia 22601-5039

BOS Tech Committee

A G E N D A

**Date: Wednesday
November 5th, 2014**

Time: 8:30 am

**Closed Session &
Board Room
107 N Kent Street**

- Actionable Item to move forward to Finance
Committee: Upgrade Board Room Audio Visual and
Broadcasting Equipment





COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@co.frederick.va.us

TO: Technology Committee Members

FROM: Jay E. Tibbs, Deputy County Administrator

DATE: October 17, 2014

RE: Boardroom and Cable Channel Equipment Upgrades

Staff has contracted with Mr. Rick Ours, RCO Productions, to provide project management, oversight, and training assistance for Phase 1 upgrades to the Board of Supervisors' meeting room audio and video systems. This is in response to numerous technical issues which have arisen over the past few months.

Much of the current audio and video broadcasting equipment was obtained from Frederick County Public Schools in the late 1990s to early 2000s. Over the years, we have tried to respond to various broadcasting issues via a piecemeal approach. As technology has advanced, it has become more and more problematic to integrate 20th century and 21st century technologies. The result has been dropped signals, loss of video, and a Gordian knot of wires, cables, and adapters that make it practically impossible to determine faulty parts or find a fix for the various issues.

The attached proposal is a complete overhaul of much of the audio and video systems in the board room and broadcast booth. The total cost of this upgrade is \$178,122.95, which includes:

- New robotic cameras, = **\$86,548.50**;
- Control room upgrades to include audio/video switcher and converters for the cable channel broadcast, and construction of a broadcast cabinet/table to contain all of the audio/video equipment, cables, etc. = **\$53,294.45**; and
- Engineering, installation, testing, system commissioning, training = **\$38,280.00**.

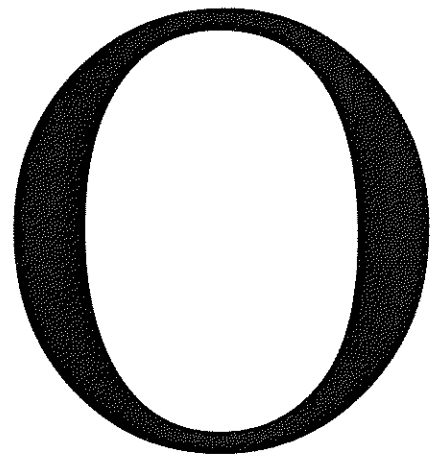
The funding would come from the PEG grant funds, per our franchise agreement with Comcast. The PEG funds are restricted funds received from Comcast and can only be used for capital purchases for the betterment of our cable channel. Staff recognizes this is a large sum of money; however, until recently, there have been minimal funds expended on the cable channel or its equipment.

To provide some history, staff replaced the stand alone cameras in 2005 with remote controlled mounted cameras. The equipment and installation totaled approximately \$6,700.00. The cameras were refurbished at the time of purchase. We spent \$1,500 about the same time for wireless assistive listening devices in order to comply with the Americans with Disabilities Act. In 2011, we purchased and installed updated computer

equipment and speakers, totaling \$35,000.00, to improve the broadcast of the Planning Commission and Board of Supervisors' meetings, allow access to meeting videos via the Internet, enable the scheduling of programming on the cable channel to allow the rebroadcasting of meetings, and to enable the advertisement of services and special events, which we have implemented. Finally, in 2014 we purchased portable camera equipment, in the amount of \$9,000.00, to allow departments to begin filming their own video segments.

Staff is seeking a recommendation from the Technology Committee to forward this request to the Finance Committee regarding the appropriation of PEG funds in the amount of \$178,122.95 for this project.

Staff and our consultant will be present at the November 5, 2014 meeting to answer any questions you might have.





COUNTY of FREDERICK

Finance Department
Cheryl B. Shiffler
Director

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

TO: Board of Supervisors
FROM: Finance Committee
DATE: October 15, 2014
SUBJECT: Finance Committee Report and Recommendations

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, October 15, 2014 at 8:00 a.m. Chairman Charles DeHaven was absent. Member Richard Shickle served as chairman. Non-voting liaison C. William Orndoff was absent. Item 1 requires action.

1. The EDA Executive Director requests an EDA Fund and a General Fund supplemental appropriations in the amount of \$375,000. This amount represents EDA Incentives remaining in FY 2014. See attached memo, p. 3. The committee recommends approval.
2. The County Attorney provides information for review of property tax exemptions previously granted by the County. See attached information, p. 4 – 24. The committee delays action awaiting further information from the County Attorney and the Commissioner of the Revenue.
3. The County Administrator briefed the committee on a tax exempt refinancing resolution for Westminster Canterbury that will be presented to the Board of Supervisors through the Winchester City Council and the Winchester Economic Development Authority. No action required.
4. The Finance Committee Chairman presents a memo concerning the FY 2016 budget and the Finance Director provides a budget calendar. See attached information, p. 25 – 26. No action required.

5. Lord Fairfax Community College provides a response to the Committee following discussions at the August 2014 Finance Committee meeting. See attached letter, p. 27 – 28. The committee postpones action until the next Finance Committee meeting.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for September. See attached, p. 29.
2. The Finance Director provides financial statements for the month ending September 30, 2014. See attached, p. 30 – 40.
3. The Finance Director provides an FY 2015 Fund Balance Report ending October 9, 2014. See attached, p. 41.

Respectfully submitted,

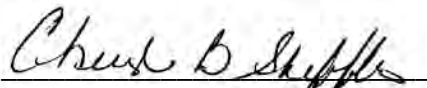
FINANCE COMMITTEE

Richard Shickle

Gary Lofton

Judy McCann-Slaughter

Angela Rudolph

By 
Cheryl B. Shiffler, Finance Director

DATE September 4, 2014

TO: Cheryl Shiffler
Frederick County Finance Director

FROM: Patrick Barker, CEcD
Executive Director

RE: Carryover Request for FY 14

The Economic Development Authority is requesting to carryover \$375,000.00 from FY14 remaining in line item 10-8102-5600-000-001, EDA Incentives, to our FY15 budget for the same line item

These funds represent the balance of funds

These monies are future installments of the Local Economic Development Incentive Grants for business expansions. All projects have executed Performance Agreements.

Thank you for your consideration.



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Finance Committee

FROM: Roderick B. Williams
County Attorney

DATE: October 8, 2014

RE: Property Tax Exemptions Previously Granted by County – Review for Continued Exempt Status or Revocation of Exempt Status

Sixty-one organizations in the County currently hold exemptions from property taxation.¹ Of these 61 organizations, 34 hold exemptions by classification, that is, exemptions that automatically apply to them under state law on the basis of the particular activities in which they engage, and 27 hold exemptions by designation, that is, exemptions by which state law or county ordinance specifically names the organization.

Exemptions by designation were generally the province of the General Assembly until 2003, at which time the General Assembly delegated the consideration of further exemption requests to the localities. Accordingly, of the 27 organizations in Frederick County exempt by designation, 20 hold General Assembly-granted exemptions and seven hold Board of Supervisors-granted exemptions.²

Because exemptions by designation are just that, by designation, the legislative body granting the exemption (the General Assembly or the locality governing body) can likewise revoke the exemption. The County Administrator has asked me to forward to the Committee, to

¹ The indicated total generally does not include churches, due to the large number of churches and the fact of the automatic qualification, for exemption by classification, of property used for church purposes. For similar reasons, the total does not include government property nor instances such as property owned by Shenandoah University.

² Some of the 20 organizations with General Assembly-granted exemptions also received parallel exemptions from the Board of Supervisors.

review for consideration of continued exempt status or recommendation of revocation of exempt status, the names of the seven organizations holding Board of Supervisors-granted exemptions. Review of exemptions granted by the General Assembly will likely be requested a later date (they must first file a report with the Commissioner of the Revenue, as to the justification for exempt status, before the Board of Supervisors might request General Assembly revocation of a General Assembly-granted exemption).

The organizations for which review is now requested are (copies of the minutes reflecting the Board's granting of each of the exemptions are attached):

- Woodmen of the World

Exemption granted May 26, 1976.

Organization currently owns tax parcel number 54E-8-33, 109 Boundary Avenue, in the Shawnee District, with improvements, zoned RP.

Tax assessed value is \$332,000.

- Leary Educational Foundation, Inc.

Exemption granted October 13, 1993 (amended December 8, 1993).

Organization currently owns tax parcel numbers 6-A-17 and 6-A-18, 1340 and 1463 New Hope Road, in the Gainesboro District, both with improvements, both zoned RA.

Tax assessed value is \$10,854,100.

- Kernstown Battlefield Association

Exemption granted January 10, 2001.

Organization currently owns tax parcel numbers 63-A-6A, 63-A-7A, 63-A-18, 63-A-18A, 63-A-18B, 63-A-18C, and 63-A-18D, 2877 and 3075 Middle Road, in the Back Creek District, one with improvements, all zoned RA.

Tax assessed value is \$2,185,000.

- Winchester-Frederick County Conservation Club, Inc.

Exemption granted August 8, 2011.

Organization currently owns tax parcel numbers 19-A-27, 19-A-49, 19-A-50, 19-A-51, 19-A-52E, 19-A-53A, 19-A-81A, 29-A-37B, 29-A-38, and 29-A-43B, 307 Whitetail Lane and 527 Siler Road, in the Gainesboro District, one with improvements, all zoned RA.

Tax assessed value is \$1,539,000.

- Fort Collier Civil War Center, Inc.

Exemption granted May 14, 2003.

Organization currently owns tax parcel number 54-A-81G, 922 Martinsburg Pike, in the Stonewall District, with improvements, zoned M1.

Tax assessed value is \$920,900.

- Young Life

Exemption granted June 9, 2004.

Organization does not own real or personal property in Frederick County. Purpose of exemption was to exempt from business license tax for sale of fireworks.

- Blue Ridge Hospice

Exemption granted September 12, 2007.

Organization does not own real property in Frederick County. Purpose of exemption was to exempt personal property from taxation.

Should the Committee wish to forward to the Board of Supervisors a recommendation for revocation of one or more of the exemptions, the Board would then need to schedule a public hearing for an ordinance to revoke exemption(s).

Attachments

Transfer To:	
19-014B-603	\$18,400.00
14-014B-215B	600.00
	<hr/>
Total	\$19,000.00

Transfer From:	
19-010G-499A	\$ 5,000.00
19-014A-603	1,000.00
01-001A-226	7,500.00
11-011A-326	5,500.00
	<hr/>
Total	\$19,000.00

The above resolution was passed by the following recorded vote: Aye - S. Roger Koontz, Thomas B. Rosenberger, Dr. Raymond L. Fish, Will L. Owings, R. Thomas Malcolm, and Dennis T. Cole.

REQUEST FOR REFUNDS - RICHARD C. AND KAY DIXON GORDON - COUNTY STICKERS - APPROVED

Upon motion made by R. Thomas Malcolm and seconded by Will L. Owings,
BE IT RESOLVED, That the Board of Supervisors of the County of Frederick, Virginia does hereby approve the following refunds for the erroneous purchase of County automobile stickers:

Richard C. Gordon	\$10.00
Route 2, Box 168-J	
Stephens City, Va.	
Kay Dixon Gordon	\$10.00
Route 2, Box 168-J	
Stephens City, Va.	

The above resolution was passed by the following recorded vote: Aye - S. Roger Koontz, Thomas B. Rosenberger, Dr. Raymond L. Fish, Will L. Owings, R. Thomas Malcolm, and Dennis T. Cole.

NOTICE OF RURAL COUNTY RALLY

Mr. Renalds advised the Board that a Rural County Rally sponsored by the Virginia Association of Counties and the National Association of Counties would be held in Fredricksburg on June 4, 1976. He advised that he had information on this Rally in his office should any of the Board members care to attend.

RESOLUTION OF APPRECIATION PRESENTED TO S. ROGER KOONTZ FOR SERVICE ON THE FREDERICK COUNTY SANITATION AUTHORITY

Mr. Rosenberger presesnted a resolution of appreciation, executed by Mr. Rosenberger as Vice Chairman of the Board of Supervisors and attested by J. O. Renalds, III, County Administrator, to S. Roger Koontz for his service on the Frederick County Sanitation Authority as approved by the Board at their last regular meeting.

MEETING DATES FOR FINANCE COMMITTEE ESTABLISHED

The Board agreed to set the meeting date for the Frederick County Finance Committee for the Wednesday of the first week of each month beginning in July, 1976. The meeting for June will be held on June 1, 1976.

ANNOUNCEMENT OF STUDENT GOVERNMENT DAY - MAY 27, 1976

Mr. Renalds announced that Student Government Day would be held on May 27, 1976 and invited the Board members to attend should they so desire.

NEED FOR ADDITIONAL OFFICE SPACE DISCUSSED

Mr. Koontz stated that several County offices are quite crowded. He told the Board that they would be faced with this problem in the very near future and he requested that they be looking at the space which is available in the County Administration Building.

TAX EXEMPT STATUS GRANTED TO WOODMEN OF THE WORLD

Mr. Malcolm requested that the Board consider granting tax exempt status to the Woodmen of the World.

Mr. Ambrogi advised that he had researched this request and felt it would be permissible and that this organization did comply with provisions set forth in the Code as an exemption.

Upon motion made by R. Thomas Malcolm and seconded by Thomas B. Rosenberger,

BE IT RESOLVED, That the Board of Supervisors of the County of Frederick, Virginia, does herein grant tax exempt status to the Woodmen of the World Organization effective for tax year 1976.

The above resolution was passed by the following recorded vote: Aye - S. Roger Koontz, Thomas B. Rosenberger, Dr. Raymond L. Fish, Will L. Owings, R. Thomas Malcolm, and Dennis T. Cole.

REPORT - BOUNDARY LANE

Mr. Malcolm advised the Board that he had met with Mr. Eckles and Mr. Maccubbin regarding the donation of right-of-ways for the improvement of Boundary Lane. He cited the demands made by Mr. Eckles and stated that because of these excessive demands, the project is probably lost.

REPORT - VIRGINIA LAKESIDE WATER AND SEWER COMPANY/RALPH WAKEMAN

Mr. Koontz stated that he had talked with the attorneys for Danac and it appears that a contract has been drawn and the matter is being worked out. He requested that Board action be delayed in order to allow sufficient time for negotiations between the parties to progress. The Board agreed to this request.

UPON MOTION DULY MADE, SECONDED AND PASSED UNANIMOUSLY, IT IS ORDERED THAT THE BOARD OF SUPERVISORS DO NOW ADJOURN.

A. Roger Koontz
Chairman Bd. of Supervisors

J. O. Reynolds III
Secretary Bd. of Supervisors

A Special Meeting of the Frederick County Board of Supervisors was held on Monday, June 7, 1976 at 4:30 P.M. at the location of the proposed Forest Lakes Estates Mobile Home Park.

BOARD OF SUPERVISORS: Present: S. Roger Koontz, Thomas B. Rosenberger, Will L. Owings, R. Thomas Malcolm, Dennis T. Cole, and Dr. Raymond L. Fish.

PLANNING COMMISSION: Present: Langdon Gordon, Manuel DeHaven, and James Golladay, Jr. Absent: Elmer Venskoske, Keith Williams, and Frank Brumback.

WAIVER OF NOTICE OF SPECIAL MEETING

We, the undersigned Members of the Board of Supervisors of Frederick County, Virginia, the Commonwealth Attorney and Clerk of the Board do hereby waive Notice of Special Meeting to be held on Monday, June 7, 1976 at 4:30 P.M. at the site of the proposed Forest Lake Estates east of Stephens City, Virginia, for the following purposes:

1. To view the site of the proposed Forest Lake Estates located off Route 636 in Opequon Magisterial District
2. Such other business as may come before the Board

/s/ S. Roger Koontz
S. Roger Koontz
Chairman

/s/ Thomas B. Rosenberger
Thomas B. Rosenberger
Vice Chairman
Back Creek District

Mr. Orndoff stated that he feels the citizens need to know what the cost is going to be before the board makes a final decision.

RESOLUTION RE: ROUTE 600, NORTH HAYFIELD ROAD - APPROVED UNDER CONSENT AGENDA

WHEREAS, the Virginia Department of Transportation has constructed North Hayfield Road, Route 600, on a new alignment under Project 0600-034-214, C501.

WHEREAS, the project sketch, attached and incorporated herein as a part of this resolution, defines adjustments required in the Secondary System of State Highways as a resolution of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add Links A-C to the Secondary System of State Highways, pursuant to Section 33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right-of-way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board hereby abandons Links, A-B and B-C from the Secondary System of State Highways, pursuant to Section 33.1-155 of the Code of Virginia, and

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

Public Hearing:

REQUEST FROM LEARY EDUCATIONAL FOUNDATION, INC., A NON-PROFIT VIRGINIA ORGANIZATION TO BE DESIGNATED AS A CHARITABLE AND BENEVOLENT ORGANIZATION WITH THE CONTEXT OF SECTION 6(A) 6 OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA - APPROVED

There was no public input.

WHEREAS, Leary Educational Foundation, Inc. a non-profit organization, has requested the Board of Supervisors of the County of Frederick, Virginia, to support its request for the General Assembly to grant a tax exemption pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia for certain real property owned by said organization in the County of Frederick, and

WHEREAS, on October 13, 1993, a public hearing was held by the Board of Supervisors after being properly advertised; and

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 30-19.04 (B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, hereby supports legislation, pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia, to provide:

1. That they be classified and designated as a charitable and benevolent organization; and
2. That property owned by the Leary Educational Foundation, Inc. and used by it exclusively for charitable and

benevolent purposes on a non-profit basis be determined to be exempt from taxation, state and local, including inheritance taxes.

ADOPTED this 13th day of October, 1993.

I, John R. Riley, Jr., Clerk of the Board of Supervisors for the County of Frederick, Virginia, hereby certify on this day of , 1993, that the above resolution is a true and exact copy of one and the same adopted by the Board of Supervisors of the County of Frederick, Virginia, assembled in regular session on October 13, 1993.

Upon motion made by James L. Longerbeam, seconded by Charles W. Orndoff, Sr., the above request from Leary Educational Foundation, Inc. was approved as presented by the following recorded vote:

Richard G. Dick - Aye
W. Harrington Smith, Jr. - Aye
James L. Longerbeam - Aye
Beverly J. Sherwood - Aye
Robert M. Sager - Aye
Charles W. Orndoff, Sr. - Aye

AN AMENDMENT TO THE FREDERICK COUNTY CODE, CHAPTER 158, VEHICLES AND TRAFFIC; ARTICLE IV, LAW ENFORCEMENT OF PRIVATE ROADS AND STREETS; TO ADD SECTION 158-18, THE SUMMIT. THIS AMENDMENT WILL ALLOW FOR STREETS AND ROADS IN THE SUMMIT TO BE DESIGNATED AS HIGHWAYS FOR LAW ENFORCEMENT PURPOSES - APPROVED

Mr. Riley presented this information to the board and explained that meetings had been held in The Summit. As a result of these meetings petitions had been received in the office from residents of the Summit and the count was overwhelmingly in favor of having the roads patrolled by the Sheriffs Department.

Mr. Smith asked if the Sheriff had been included in these meetings.

Mr. Riley replied yes.

Mrs. Sherwood explained about the meeting and what was discussed.

Mr. Dick asked if the ballots were mailed only to those residents currently residing in the Summit.

Mr. Gilbert replied that only those living in the Summit received the ballot.

Mr. Gilbert addressed the board at this time noting that most of the citizens want to keep the Summit private, but they also realize the increase in crime and they hope having a deputy patrol will help to reduce this ever increasing problem.

A General Fund Supplemental Appropriation in the amount of \$175,000 was approved as the anticipated reimbursement from the Virginia Department of Transportation for the installation of road signs.

GENERAL OBLIGATION REFUNDING BOND SERIES 1994A APPROVED UNDER CONSENT AGENDA

AMENDMENT OF TAX EXEMPTION RESOLUTIONS FOR LEARY EDUCATIONAL FOUNDATION, INC., AND NORTHWESTERN WORKSHOP, INC. - APPROVED UNDER CONSENT AGENDA

BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, does hereby amend their resolution of October 13, 1993, regarding the request by Leary Educational Foundation, Inc. for exemption from taxation, to include the following paragraph:

WHEREAS, the property at 1463 New Hope Road, Winchester, Virginia, has an assessed value of \$1,642,100.00 and was taxed in 1992 for \$9,031.55 in county real estate taxes.

BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, does hereby amend their resolution of November 10, 1993, regarding the request by Northwestern Workshop, Inc. for exemption from taxation, to include the following paragraph:

WHEREAS, the property at 828 Smithfield Avenue, Winchester, Virginia has an assessed value of \$768,400.00 and was taxed in 1992 for \$4,226.20 in county real estate taxes.

REQUEST BY THE LEARY EDUCATIONAL FOUNDATION, INC. FOR EXEMPTION FROM TAXATION PURSUANT TO ARTICLE X, SECTION 6 (A) 6 OF THE CONSTITUTION OF VIRGINIA

WHEREAS, Leary Educational Foundation, Inc., a non-profit organization, has requested the Board of Supervisors of the County of Frederick, Virginia, to support its request for the General Assembly to grant a tax exemption pursuant to Article X, §6 (a) (6) of the Constitution of Virginia for certain real property owned by said organization in the County of Frederick, and

WHEREAS, on October 13, 1993, a public hearing was held by the Board of Supervisors after being properly advertised; and

WHEREAS, the property at 1463 New Hope Road, Winchester, Virginia, has an assessed value of \$1,642,100.00 and was taxed in 1992 for \$9,031.55 in county real estate taxes.

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 30-19.04 (B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby supports legislation, pursuant to Article X, §6 (a) (6) of the Constitution of Virginia, to provide:

1. That they be classified and designated as a charitable and benevolent organization; and
2. That property owned by the Leary Educational Foundation, Inc. and used by it exclusively for charitable and benevolent purposes on a non-profit basis be determined to be exempt from taxation, state and local, including inheritance taxes.

ADOPTED this 8th day of December, 1993.

I, John R. Riley, Jr., Clerk of the Board of Supervisors for the County of Frederick, Virginia, hereby certify on this _____ day of _____, 1993, that the above resolution is a true and exact copy of one and the same adopted by the Board of Supervisors of the County of Frederick, Virginia, assembled in regular session on December 8, 1993.

REQUEST BY THE NORTHWESTERN WORKSHOP, INC. FOR EXEMPTION FROM TAXATION PURSUANT TO ARTICLE X, SECTION 6 (A) 6 OF THE CONSTITUTION OF VIRGINIA

WHEREAS, Northwestern Workshop, Inc., a non-profit organization, has requested the Board of Supervisors of the County of Frederick, Virginia, to support its request for the General Assembly to grant a tax exemption pursuant to Article X, §6 (a) (6) of the Constitution of Virginia for certain real property owned by said organization in the County of Frederick, and

WHEREAS, on November 10, 1993, a public hearing was held by the Board of Supervisors after being properly advertised; and

WHEREAS, the property at 828 Smithfield Avenue, Winchester, Virginia has an assessed value of \$768,400.00 and was taxed in 1992 for \$4,226.20 in county real estate taxes.

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 30-19.04 (B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby supports legislation, pursuant to Article X, §6 (a) (6) of the Constitution of Virginia, to provide:

1. That they be classified and designated as a charitable and benevolent organization; and
2. That property owned by Northwestern Workshop, Inc. and used by it exclusively for charitable and benevolent purposes on a non-profit basis be determined to be exempt from taxation, state and local, including inheritance taxes.

ADOPTED this 8th day of December, 1993.

I, John R. Riley, Jr., Clerk of the Board of Supervisors for the County of Frederick, Virginia, hereby certify on this _____ day of _____, 1993, that the above resolution is a true and exact copy of one and the same adopted by the Board of Supervisors of the County of Frederick, Virginia, assembled in regular session on December 8, 1993.

PROPOSAL FROM THE HANDLEY LIBRARY ON REPRINTING OF BOOKS ON THE COUNTY OF FREDERICK, VIRGINIA - APPROVED UNDER CONSENT AGENDA

Public Hearing:

Proposal To Increase the Landfill's Commercial Rate from \$32.00 Per Ton to \$36.00 Per Ton - Approved

Mr. Riley presented this information to the Board.

There was no public input.

Upon motion made by W. Harrington Smith, Jr., seconded by Charles W. Orndoff, Sr., the following resolution was approved:

WHEREAS, these plans involve new and private manufacturing equipment investments of approximately \$3,349,494, and creates 45 new jobs; and

WHEREAS, these expansions are expected to be fully operational on or about December 31, 2001; and

WHEREAS, the properties on which these facilities are located require improved access to a public street or highway which would connect to U.S. 11, and improved public safety by redirecting truck traffic from a residential area; and

WHEREAS, the proposed improved new public access involves a right-of-way located in Frederick County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Frederick, Virginia, hereby agrees that the new roadway so constructed will be added to and become part of the road system of the County of Frederick Secondary System of Highways provided: 1) the Virginia Department of Transportation makes industrial road access funds available for the improvement of this road; and 2), that the right-of-way for this new road and any utility adjustments will be borne by others than the County of Frederick.

PASSED this 10th day of January, 2001.

Upon motion made by Supervisor Orndoff, seconded by Supervisor Reyes, the above resolution was approved by the following recorded vote:

Richard C. Shickle - Aye
Charles W. Orndoff, Sr. - Aye
W. Harrington Smith, Jr. - Aye
Robert M. Sager - Aye
Margaret B. Douglas - Aye
Sidney A. Reyes - Aye

PUBLIC HEARING:

PUBLIC HEARING - TAX EXEMPT STATUS REQUEST - REQUEST FROM THE KERNSTOWN BATTLEFIELD ASSOCIATION, A NON-PROFIT VIRGILIA ORGANIZATION, TO BE CLASSIFIED AND DESIGNATED AS AN HISTORICAL ORGANIZATION WITHIN THE CONTEXT OF SECTION 6(a) (6) OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA. THE CURRENT ASSESSED VALUE FOR THE PROPERTY OWNED BY THE KERNSTOWN BATTLEFIELD ASSOCIATION, INC., LOCATED IN FREDERICK COUNTY, IS \$2,093,200.00, AND THE CURRENT FREDERICK COUNTY ANNUAL REAL ESTATE TAX FOR THAT PROPERTY, WITHOUT LAND USE, WOULD BE \$13,396.48 - APPROVED

County Administrator Riley presented this request to the Board.

Larry Duncan, President of the Kernstown Battlefield Association, appeared before the Board at which time he explained to the Board this request and the fact that this property is used exclusively for historical purposes on a non-profit basis, and thus the request for exemption from local taxation.

There was no public input.

Upon motion made by Supervisor Douglas, seconded by Supervisor Smith, the following

resolution was approved:

WHEREAS, the Kernstown Battlefield Association, Inc. has made application for tax exemption, as permitted by Article X, Section 6(a)(6) of the Constitution of Virginia; and

WHEREAS, the Board of Supervisors of Frederick County, Virginia has examined and considered all of the provisions of subsection B of Virginia Code Section 30-19.04; and

WHEREAS, the current assessed value for the property owned by the Kernstown Battlefield Association, Inc. located in Frederick County is \$2,093,200.00, and the current Frederick County annual real estate tax for that property, without land use, would be \$13,396.48; and

WHEREAS, the Board of Supervisors of Frederick County, Virginia supports the application for tax exemption made by the Kernstown Battlefield Association, Inc.

RESOLVED, that the Board of Supervisors of Frederick County, Virginia, does hereby request that the General Assembly for the Commonwealth of Virginia pass legislation that would provide:

1. That the Kernstown Battlefield Association, Inc., a non-profit Virginia corporation, be classified and designated as an historical organization within the context of Article X, Section 6(a)(6) of the Constitution of Virginia; and
2. That property owned by the Kernstown Battlefield Association, Inc. and used by it exclusively for historical purposes on a non-profit basis be determined to be exempt from local taxation.

ADOPTED this 10th day of January 2001.

The above motion was approved by the following recorded vote:

Richard C. Shickle - Aye
 Charles W. Orndoff, Sr. - Aye
 W. Harrington Smith, Jr. - Aye
 Robert M. Sager - Aye
 Margaret B. Douglas - Aye
 Sidney A. Reyes - Aye

PLANNING COMMISSION BUSINESS:

PUBLIC HEARINGS:

PUBLIC HEARING - PROPOSED AMENDMENTS TO THE FREDERICK COUNTY CODE, CHAPTER 165, ZONING, AMENDING ARTICLE X, BUSINESS AND INDUSTRIAL ZONING DISTRICTS, SECTION 165-82.B (1) AND 165-82.C, ALLOWED USES. THE PROPOSED AMENDMENTS WOULD PERMIT ANIMAL SPECIALITY SERVICES, EXCEPT VETERINARY (SIC #0752) IN THE B2 AND B3 ZONING DISTRICTS - APPROVED

Zoning Administrator Eric Lawrence presented this request to the Board.

There was no public input.

Upon motion made by Supervisor Smith, seconded by Supervisor Orndoff, the following amendment was approved:

AN ORDINANCE AMENDING

**GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARDS CERTIFICATE
OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORT TO COUNTY
FINANCE DEPARTMENT - RECEIVED AS INFORMATION**

Administrator Riley presented this information to the Board and also recognized Finance Director Cheryl Shiffler.

**DISCUSSION OF PROPOSED LEGISLATIVE ISSUES FOR 2002 GENERAL
ASSEMBLY SESSION - WORKSESSION TO BE SCHEDULED FOR FURTHER
DISCUSSION**

PUBLIC HEARING

**PUBLIC HEARING - TAX EXEMPT STATUS REQUEST FROM WINCHESTER-
FREDERICK COUNTY CONSERVATION CLUB, INC. A NON-PROFIT VIRGINIA
ORGANIZATION, TO BE DESIGNATED AS A CHARITABLE AND
BENEVOLENT ORGANIZATION WITHIN THE CONTEXT OF SECTION 6(A)(6)
OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA - RESOLUTION (#009-
01) - APPROVED**

Chairman Shickle stated that he is an official member of the Winchester-Frederick County Conservation Club, Inc.; however, he did plan on voting on this request.

Administrator Riley presented this request to the Board.

Bob Pope, Vice President, of the local club, appeared before the Board on behalf of this request and explained there are no fees collected, and the only funds received are through donations.

There was no public input.

Upon motion made by Supervisor Reyes, seconded by Supervisor Orndoff, the following resolution was approved:

WHEREAS, Winchester-Frederick County Conservation Club, Inc., a non-profit organization, has requested the Board of Supervisors of the County of Frederick, Virginia, to grant its request for a tax exemption pursuant to Article X §6(a)(6) of the Constitution of Virginia for certain property owned by said organization in the County of Frederick; and

WHEREAS, the property in Gainesboro Magisterial District totaling 296.28 acres, (Tax Map 29A, Lot 37B; Tax Map 29A, Lot 43B; Tax Map 19A, Lot 53A; Tax Map 19A, Lot 81A; Tax Map 19A, Lot 49; Tax Map 19A, Lot 52E; and Tax Map 29A, Lot 38) has an assessed value of \$607,000.00 and was taxed \$1,415.14 in 2000 in county real estate taxes; and

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 30-19.04 (B) of the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby supports, pursuant to Article X, §6 (a) (6) of the Constitution of Virginia, to provide:

1. That they are classified and designated as a charitable and benevolent organization pursuant to the *Code of Virginia*, Section 58.1-3622; and
2. That property owned by Winchester-Frederick County Conservation Club, Inc. and used by it exclusively for charitable and benevolent purposes on a non-profit basis is

determined to be exempt from taxation, state and local, including inheritance taxes.

ADOPTED this 8th day of August 2001.

Upon motion made by Supervisor Reyes, seconded by Supervisor Orndoff, the above resolution was approved by the following recorded vote:

Richard C. Shickle - Aye
Charles W. Orndoff, Sr. - Aye
W. Harrington Smith, Jr. - Aye
Robert M. Sager - Aye
Margaret B. Douglas - Aye
Sidney A. Reyes - Aye

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

PUBLIC HEARING - CONDITIONAL USE PERMIT #03-01 OF KITTY B. HOCKMAN AND KITTY HOCKMAN-NICHOLAS FOR A COTTAGE OCCUPATION FOR A BED AND BREAKFAST. THIS PROPERTY IS LOCATED AT 688 SHADY ELM ROAD (HEDGEBROOK FARM LOG GUEST HOUSE) - APPROVED

Planner I Jeremy Camp presented this request to the Board advising that staff and planning commission recommended approval with conditions.

There was no public input.

Upon motion made by Supervisor Douglas, seconded by Supervisor Smith, CUP #03-01 was approved, as presented, by the following recorded vote:

Richard C. Shickle - Aye
Charles W. Orndoff, Sr. - Aye
W. Harrington Smith, Jr. - Aye
Robert M. Sager - Aye
Margaret B. Douglas - Aye
Sidney A. Reyes - Aye

PUBLIC HEARING - CONDITIONAL USE PERMIT #08-01 OF RODNEY LYNN HOFFMAN FOR A COTTAGE OCCUPATION WELDING BUSINESS. THIS PROPERTY IS LOCATED AT 1339 EBENEZER CHURCH ROAD AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 18-A69C IN THE GAINESBORO MAGISTERIAL DISTRICT - APPROVED

Zoning Administrator Patrick Davenport presented this request to the Board, advising that staff and planning commission recommended approval with conditions.

There was no public input.

Upon motion made by Supervisor Reyes, seconded by Supervisor Douglas, CUP #08-01 was approved, as presented, by the following recorded vote:

Richard C. Shickle - Aye

this request, advising of the many times this camp meeting has been held at this location, and there has never been any problems, only positive remarks.

Supervisor Tyler asked about this type of request being done in house, and where is staff on this project?

Upon motion made by Supervisor Douglas, seconded by Supervisor Smith, the Outdoor Festival Permit of Amazing Grace Fellowship was approved by the following recorded vote:

Richard C. Shickle - Aye
Robert M. Sager - Aye
Sidney A. Reyes - Aye
Gina A. Forrester - Aye
W. Harrington Smith, Jr. - Aye
Margaret B. Douglas - Aye
Lynda J. Tyler - Aye

PUBLIC HEARING - OUTDOOR FESTIVAL PERMIT - REQUEST OF ROCKY TOP RIDING CLUB FOR ANNUAL TRAIL RIDE, PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3 C, PERMIT REQUIRED; APPLICATION, ISSUANCE OR DENIAL; FOR AN OUTDOOR FESTIVAL PERMIT FOR ROCKY TOP RIDING CLUB, ANNUAL TRAIL RIDE. FESTIVAL TO BE HELD ON SATURDAY, JUNE 7, 2003, FROM 1:00 P.M. - 1:00 A.M. ON PROPERTY OWNED BY ROSE MCDONALD, ROCKY TOP RIDING CLUB, INC., 1085 COLLINSVILLE ROAD, CROSS JUNCTION, VA - APPROVED

Susan ?, Treasurer of Rocky Top Riding Club, appeared before the Board on behalf of this request.

There was no public comment.

Upon motion made by Supervisor Reyes, seconded by Supervisor Tyler, the Outdoor Festival Permit request of Rocky Top Riding Club was approved by the following recorded vote:

Richard C. Shickle - Aye
Robert M. Sager - Aye
Sidney A. Reyes - Aye
Gina A. Forrester - Aye
W. Harrington Smith, Jr. - Aye
Margaret B. Douglas - Aye
Lynda J. Tyler - Aye

PUBLIC HEARING - RESOLUTION (#060-03) REQUESTING TAX EXEMPT STATUS REQUEST FROM FORT COLLIER CIVIL WAR CENTER, INC., A NONPROFIT VIRGINIA ORGANIZATION, TO BE DESIGNATED AS A HISTORICAL ORGANIZATION WITHIN THE CONTEXT OF SECTION 6(a) (6) OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA. THE PROPERTY SUBJECT TO THE REQUEST HAS A 2002 ASSESSED REAL ESTATE VALUE OF \$506,900.00 AND WAS TAXED \$3,092.09 - APPROVED

Administrator Riley presented this request to the Board advising that the General Assembly has delegated this action and decision back to the local Board of Supervisors.

George Sempeles, Red Bud District, advised the Board that he did not feel now was the time to be forgiving \$3,092.09 in taxes.

Upon motion made by Supervisor Tyler, seconded by Supervisor Reyes, the following tax exempt status request from Fort Collier Civil War Center, Inc. was approved:

WHEREAS, the Fort Collier Civil War Center, Inc., a nonprofit organization, has requested the Board of Supervisors of the County of Frederick to grant a tax exemption pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia for a ten acre parcel of land owned by said organization in the County of Frederick; and

WHEREAS, the property is located in the Stonewall Magisterial District (Tax Map 54-(A)-parcel 81G), has an assessed value of \$506,900, and was taxed \$3,092.09 in 2002 in county real estate taxes; and

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 58.1-3651 (B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Frederick, Virginia, hereby grants to the Fort Collier Civil War Center, Inc., a real estate tax exemption, pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia provided:

1. That the property owned by the organization maintains its historical character and that it is used by the organization in accordance with the purpose for which the organization is classified and designated pursuant to the Code of Virginia, Section 58.1-3651 (A); and
2. That the organization currently, and continuously, satisfactorily meets the provisions of section 58.1-3651 (B).

ADOPTED by the Frederick County Board of Supervisors on the 14th day of May 2003, by the following recorded vote:

Richard C. Shickle - Aye
 Robert M. Sager - Aye
 Sidney A. Reyes - Aye
 Gina A. Forrester - Aye
 W. Harrington Smith, Jr. - Aye
 Margaret B. Douglas - Aye
 Lynda J. Tyler - Aye

PUBLIC HEARING - PROPOSED ORDINANCE - SALARIES OF THE BOARD OF SUPERVISORS - PURSUANT TO SECTION 15.2-1414.3 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO FIX THE ANNUAL SALARIES OF THE BOARD OF SUPERVISORS AS FOLLOWS: CHAIRMAN, \$10,800; VICE CHAIRMAN, \$10,200; AND REMAINING MEMBERS AT \$9,000 - APPROVED

Administrator Riley presented this proposed ordinance to the Board.

Upon motion made by Supervisor Smith, seconded by Supervisor Tyler, to raise the \$9,000 to \$9,500.

The above motion was defeated by the following recorded vote:

Richard C. Shickle - Nay
 Robert M. Sager - Nay

Head and then be sent through the proper channels, beginning with the Finance Committee.

Administrator Riley advised that this request came forward last month as part of the Finance Committee report with a recommendation of approval; however, the Board denied the request as the proposed funds were to come from stormwater improvements. The Department has found that revenues in land disturbance permits have exceeded estimates; therefore, these monies would be used to fund the request.

Upon a motion by Supervisor Tyler, seconded by Supervisor Forrester, the Board approved the request for a supplemental appropriation in the amount of \$22,000 to be made to Public Works' Fiscal Year 2003-2004 Budget for the purchase of a new 4 x 4 extended cab pickup to replace the 1995 Chevrolet S-10.

The above motion was approved by the following recorded vote:

Richard C. Shickle - Aye
Barbara E. Van Osten - Aye
Gary W. Dove - Aye
Bill M. Ewing - Nay
Gina A. Forrester - Aye
W. Harrington Smith, Jr. - Aye
Lynda J. Tyler - Aye

DISCUSSION OF PROPOSALS FOR VACO'S 2005 LEGISLATIVE PROGRAM

Administrator Riley advised that this was an information item, which was being presented to give the Board an opportunity to think about proposals for the 2005 VACo Legislative Program. He asked that the Board submit items to him for consideration at the July 14, 2004 meeting.

Supervisor Tyler advised that she would prefer to have individual board member priorities circulated prior to the Board meeting.

Chairman Shickle asked the Board to submit their legislative priority lists to Administrator Riley by July 6, 2004 for inclusion in the July 14, 2004 meeting agenda packet.

PUBLIC HEARING

PUBLIC HEARING - TAX EXEMPT STATUS REQUEST FROM YOUNG LIFE-NORTHERN SHENANDOAH VALLEY, A NON-PROFIT, NON-DENOMINATIONAL CHRISTIAN VIRGINIA ORGANIZATION, TO BE DESIGNATED AS A CHARITABLE AND BENEVOLENT ORGANIZATION WITHIN THE CONTEXT OF § 6 (A) OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA - (RESOLUTION #067-04) - APPROVED

Administrator Riley advised that this was a request pursuant to *Virginia Code* section 58.1-3650 et. seq. for tax exempt status for Young Life-Northern Shenandoah Valley. He advised that

after discussions with the Commissioner of Revenue, it was determined that this was the most appropriate course of action. He concluded by saying that it was appropriate for the Board to take up this request.

Paul Burkholder appeared before the Board on behalf of Young Life-Northern Shenandoah Valley.

Chairman Shickle asked Mr. Burkholder if his organization owned any real or personal property or intended to acquire such in the future.

Mr. Burkholder responded no and advised that the organization had no intention of acquiring any real or personal property in the future.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Vice-Chairman Van Osten, seconded by Supervisor Smith, the Board approved the Resolution Granting Tax Exempt Status Pursuant to Article X, Section 6(A)(6) of the Constitution of Virginia Young Life-Northern Shenandoah Valley:

WHEREAS, Young Life is a national non-profit organization and a recognized 501(c)(3) organization; and

WHEREAS, Young Life-Northern Shenandoah Valley, a part of the parent non-profit organization, has requested the Board of Supervisors of the County of Frederick to grant a tax exemption pursuant to Article X, Section 6(A)(6) of the Constitution of Virginia ; and

WHEREAS, neither Young Life nor Young Life-Shenandoah Valley own real and/or personal property within the County of Frederick; and

WHEREAS, Young Life-Northern Shenandoah Valley has requested a license exemption to sell fireworks at a stand in the County as a fund-raiser, which said license has a value of \$500; and

WHEREAS, the Board of Supervisors examined and considered the provisions of Section 58.1-3651(B) of the Code of Virginia, 1950.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby grant to Young Life-Northern Shenandoah Valley, a real estate and personal property tax exemption, pursuant to Article X, Section 6(A)(6) of the Constitution of Virginia provided:

1. Any property acquired by the organization and used in accordance with the purpose for which the organization is classified and designated pursuant to the Code of Virginia, 1950, Section 58.1-3651 (A).
2. That the organization currently, and continuously, satisfactorily meets the provisions of Section 58.1-3651 (B).

BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Frederick,

Virginia, that Young Life-Northern Shenandoah Valley's request for a license exemption is hereby granted.

The foregoing was approved this 9th day of June, 2004 by the following recorded vote:

Richard C. Shickle - Aye
 Barbara E. Van Osten - Aye
 Gary W. Dove - Aye
 Bill M. Ewing - Aye
 Gina A. Forrester - Aye
 W. Harrington Smith, Jr. - Aye
 Lynda J. Tyler - Aye

PUBLIC HEARING - PURSUANT TO SECTION 33.1-62 ET. SEQ. OF THE CODE OF VIRGINIA, 1950, PUBLIC INPUT WILL BE RECEIVED ON THE PROPOSED NOMINATION OF REDBUD ROAD (STATE ROUTE 661), FROM ROUTE 11 RUNNING SOUTHEASTERLY TO WOODS MILL ROAD (STATE ROUTE 660), FOR DESIGNATION AS A VIRGINIA BYWAY - (RESOLUTION #061-04) - APPROVED

Administrator Riley advised that the resolution before the Board was pursuant to *Virginia Code* section 33.1 and tonight's public hearing was to receive public input regarding the proposed designation of Red Bud Road as a Virginia Byway.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Tyler, seconded by Vice-Chairman Van Osten, the Board approved the Resolution Nominating Redbud Road for Virginia Byway Designation:

WHEREAS, The Commonwealth Transportation Board is empowered to designate an existing road within the Commonwealth as a "Virginia Byway"; and

WHEREAS, the Frederick County Board of Supervisors has examined the Red Bud Road (State Route 661) from Route 11 running southeasterly to Woods Mill Road (State Route 660); and

WHEREAS, upon consideration of the scenic landscape, historic civil war battlefields and environmentally significant nature of the area which Redbud Road traverses, providing an opportunity for recreational and cultural enrichment.

IT IS, ACCORDINGLY, RESOLVED, that the Frederick County Board of Supervisors does hereby request the Virginia Department of Transportation take all necessary actions to effect a designation of Redbud Road as a Virginia Byway.

Supervisor Dove asked about the benefits of this proposed designation.

Supervisor Tyler responded that the designation offers us an opportunity to access federal grant money for walking trails, safety improvements, etc. She reminded the Board that there was a Civil War battlefield along this route as well.

Supervisor Dove stated that he still had concerns and he would like to hear any concerns the

planning operations, though there is the possibility for impact on timelines as VDOT comment is made. In addition, staff will be attending upcoming training sessions on the new regulations.

3. Enhancement Grants

Staff presented the following information to the committee and sought guidance on whether they would prefer to continue trying to accrue funds for the Senseny Road project or to look at other opportunities.

The November deadline to make application for enhancement grants is approaching. As you will recall from last year we applied for funds to make improvements to the Senseny Road Corridor. That request was partially funded at \$140,000. Staff is preparing a new application for the Senseny Road Corridor to continue to work toward fully funding that project. Additional materials will be presented at the meeting.

After some discussion and slight modification to the map to include a small area not completed by the Orrick Commons project, the committee recommended that staff continue with the Senseny Road project. Staff will prepare an application for the September Committee meeting.

4. Access Management

As you may recall, some time ago the Board of Supervisors authorized staff and the Transportation Committee to create an access management plan. In our first of what will be a series of agenda items working toward this goal, please find the attached literature which discusses what access management is and also describes some of the primary techniques used.

The basic format that staff plans to follow is to take one or two primary considerations, such as signal or intersection spacing, each month. Staff will bring recommendations to the committee for discussion and refinement. There will be many issues to consider in addition to whether the proposed guidelines are too weak or too harsh. Among these are what, if any, waiver opportunities should accompany each section and how existing uses can be "grandfathered" in and what would trigger the need for compliance.

Once the plan is complete, it would be forwarded to the Board of Supervisors for consideration. Staff would expect that should the Board look favorably upon the plan, it would be adopted and forwarded to the DRRS committee for codification.

Staff presented the above information to the committee to seek input on whether this would be their preferred course of action. The committee directed staff to continue as outlined above.

5. Article Review

Staff regularly submits copies of transportation related articles to the committee from various news outlets.

6. Other

Mr. Racey requested a review of the signal timing at Commonwealth Court to see whether Route 11 is receiving adequate green time. This request has been passed along to VDOT.

PUBLIC HEARING

PUBLIC HEARING TAX EXEMPT STATUS REQUEST FROM BLUE RIDGE HOSPICE. REQUEST FROM THE BLUE RIDGE HOSPICE, A NON-PROFIT VIRGINIA ORGANIZATION, TO BE CLASSIFIED AND DESIGNATED AS A CHARITABLE AND BENEVOLENT ORGANIZATION WITHIN THE CONTEXT OF §6(a) (6) OF ARTICLE X OF THE CONSTITUTION OF VIRGINIA. THE ESTIMATED ASSESSED VALUE FOR THE PERSONAL PROPERTY OWNED BY

THE BLUE RIDGE HOSPICE IS \$10,000 AND THE ANNUAL ESTIMATED PERSONAL PROPERTY TAX TO BE EXEMPT WOULD BE \$420.00 - (RESOLUTION #013-07) - APPROVED

Administrator Riley advised this was a request from Blue Ridge Hospice for tax exemption for property owned by them in Frederick County. The estimated value of personal property is \$10,000 with annual estimated personal property tax to be exempt of \$420.00.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor DeHaven, seconded by Supervisor Van Osten, the Board approved the request by Blue Ridge Hospice for exemption from taxation pursuant to Article X, Section 6(A)(6) of the Constitution of Virginia.

WHEREAS, Blue Ridge Hospice, a non-profit organization, has requested the Board of Supervisors of the County of Frederick, Virginia, to grant its request for a tax exemption pursuant to Article X §6(a) (6) of the Constitution of Virginia for certain property owned by said organization in the County of Frederick; and

WHEREAS, no real property is owned by Blue Ridge Hospice that is part of this appeal; and

WHEREAS, Blue Ridge Hospice may have an estimated personal property value of \$10,000 and the annual estimated personal property tax to be exempt would be \$420.00; and

WHEREAS, Blue Ridge Hospice does not anticipate unrelated income gross receipts under *IRC Code §511 et seq.* and therefore requests exemption from any annual business license; and

WHEREAS, The Board of Supervisors examined and considered the provisions of Section 58.1-3651 (B) of the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby supports, pursuant to Article X, §6 (a) (6) of the Constitution of Virginia, to provide:

1. That Blue Ridge Hospice is classified and designated as a charitable and benevolent organization pursuant to the *Code of Virginia*, Section 58.1-3651 (A); and
2. That personal property owned by Blue Ridge Hospice and used by it exclusively for charitable and benevolent purposes on a non-profit basis is determined to be exempt from taxation, state and local, including inheritance taxes; and
3. That Blue Ridge Hospice will not conduct business that is unrelated business taxable income and what business it conducts will be used by it exclusively for charitable and benevolent purposes on a non-profit basis is determined to be exempt from taxation on state sales tax and local license taxes.

ADOPTED this 12th day of September 2007.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Gene E. Fisher	Aye
Charles S. DeHaven, Jr.	Aye
Gary W. Dove	Absent
Bill M. Ewing	Aye
Philip A. Lemieux	Aye
Barbara E. Van Osten	Aye

PUBLIC HEARING - PROPOSED SCHOOL BOND FINANCING BY THE COUNTY OF FREDERICK, VIRGINIA. THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA (THE "COUNTY") WILL HOLD A PUBLIC HEARING IN ACCORDANCE WITH SECTION 15.2-2606 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS (THE "BONDS") OF THE COUNTY IN AN AMOUNT NOT TO EXCEED \$4,000,000 TO FINANCE CERTAIN CAPITAL PROJECTS FOR PUBLIC SCHOOL PURPOSES. A RESOLUTION (#014-07) AUTHORIZING THE ISSUANCE OF THE BONDS WILL BE CONSIDERED BY THE BOARD OF SUPERVISORS AT ITS MEETING ON SEPTEMBER 12, 2007. - APPROVED

Administrator Riley advised this was a resolution authorizing the issuance and sale of \$4,000,000 general obligation school bonds. The purpose of the bonds is to provide financing for the 12th elementary school.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Van Osten, seconded by Supervisor Fisher, the Board approved the resolution authorizing the issuance and sale of not to exceed \$4,000,000 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 in an amount not to exceed \$4,000,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes.

WHEREAS, the Board held a public hearing on September 12, 2007 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 ("Virginia Code").

WHEREAS, the School Board of the County has requested, by resolution, the Board to authorize the issuance of the Bonds and has consented to the issuance of the Bonds.

WHEREAS, the objective of the Virginia Public School Authority (the "VPSA") 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, 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.

Charles S. DeHaven Jr.
2075 Martinsburg Pike
Winchester, VA 22603-4715

6 October, 2014

John R. Riley Jr., Finance Staff, and Committee Members
107 N. Kent Street
Winchester, VA 22601

IE: FY 2016 Budget Priorities.

Dear John,

Thank you and Finance Staff for meeting with Robert Williamson, Denny Linaburg, and David Sovine to discuss upcoming budget priorities. As Public Safety and Education represent over 85 percent of the general fund budget their thoughts should be insightful.

The Sheriff identified staffing issues as the primary priority in the upcoming budget. For the Sheriff, the state Compensation Board identifies the need to fund an additional 8.77 deputies to support the county's growing population. While crime in the area is currently down, service calls continue to increase putting a strain on the current workforce. There is also an urgent need to address "special crime" in the area. This past year we received a grant to start to focus on these crimes. It is estimated that the department will need an additional three employees to continue to address organized crime in the area. With the upcoming court system changes and the hiring of additional judges, the Sheriff estimates that additional 6 to 8 deputies will be needed to support these changes. It was stressed that additional employees will result in the need for additional equipment, uniforms, vehicles and gasoline.

The Fire and Rescue Director echoed staffing issues as the department's upcoming budget priority. Doubling staff at the busy stations to cover calls for service is crucial. These stations would include Stephens City, Greenwood, Round Hill, and Millwood. It is estimated that an additional 15 positions would be needed along with required equipment and uniforms.

The School Superintendent focused on several different priorities. First, the funds needed in FY16 to sustain the salary increases in FY15 with one-time funds would need to be funded. This is estimated at \$ 1.5 million. Salary initiatives and the ability to keep pace with surrounding areas is always a priority. To keep pace it is estimated that an additional \$ 2 million would be required. Debt service for the schools is expected to increase by approximately \$ 1.8 million above the current funding level. For the past several years, debt service has decreased for the schools with funding from the county remaining constant. This has allowed for the transfer from debt service to fund school operating needs. The need for restoration of these funds was emphasized and would include class sizes, buses, and technology. Restoration can start at any level and move forward. The Superintendent suggested starting at a level of \$ 1.5 million.

The above mentioned priorities should allow for some idea as to the needs that the county will be facing during upcoming budget discussions. We should also consider what is currently being developed that will also need to be addressed during this same timeline. Currently, the county salary survey is moving forward and is estimated to reach committee level this fall. The reassessment and its impact will also be on the table and be included along with the budget for public hearing.

There is still a desire to identify and quantify deferred capital investments to accomplish the development of a prioritized plan to catch up on these issues.

While committed to minimizing the size of government where ever possible, the Public Safety and Educational needs of our community should be a priority.

Sincerely,

Chuck DeHaven

Budget Calendar - PRELIMINARY FY 2015-2016

Month	Action
October 15, 2014	Budget discussion at Finance Committee meeting outlining priorities including budget memo from Finance Committee Chairman
November 2014	Budget materials sent to all departments and outside agencies
December 2014	Budget requests from departments and outside agencies due back to Finance Department
January 21, 2015	Finance Committee/Budget Work Session; Budget Scenario discussion 8:00 a.m.; REASSESSMENT DISCUSSION
January 28, 2015	Joint budget meeting with School Board and Board of Supervisors; School Board presents School Board budget to Board of Supervisors/Possible Budget Work Session
February 4, 2015	Budget Work Session – Board of Supervisors 8:00 a.m.
February 11, 2015	Budget Work Session – Board of Supervisors 6:00 p.m.
February 17, 2015	School Board budget public hearing
February 18, 2015	Finance Committee/Board of Supervisors Budget Work Session 8:00 a.m.
February 25, 2015	Budget Work Session – Board of Supervisors 6:00 p.m. REASSESSMENT DISCUSSION
March 4, 2015	Final Board of Supervisors Budget Work Session before budget advertisement 8:00 a.m.;
March 9, 2015	Budget Advertisement to Winchester Star for publishing
March 16, 2015	Public Hearing Advertisement in newspaper
March 25, 2015	FY 2015 – 2016 Budget/Tax Rates Public Hearing
April 8, 2015	FY 2015 – 2016 Budget Adoption
May-July, 2015	Preparation of Adopted Budget Document and submission of budget for award
April 15-29, 2015	Prepare and Insert Tax Bills
April 30, 2015	Tax Bills mailed
July 1, 2015	Implementation of Fiscal Year 2015 – 2016

Dates are preliminary and are subject to change



Office of the President

October 13, 2014

Mr. John R. Riley, Jr.
Frederick County Administrator
107 North Kent Street
Winchester, VA 22601

Dear Mr. Riley:

In response to your letter dated September 26, 2014 and the discussions held at the Frederick County Finance Committee on August 20, 2014, the LFCC College Board discussed at its October 9th board meeting the request from Frederick County to establish two separate budgets (one for scholarships and one for operations). Your letter was provided to the Board as well as a summary from college staff on the comments received at the August Finance Committee meeting.

After much discussion, the College Board voted unanimously to not move forward with the request from Frederick County. The Board felt strongly that the governance structure currently in place, which allows College Board members appointed by the local governing bodies to make decisions on how funding received from the localities is spent, was fair to all eight localities served by the College. The Board felt that this governance structure has worked very effectively in the past. There were concerns noted that if LFCC made a special arrangement with Frederick County the college would have to do the same for the other seven governing bodies that provide us funding.

The College Board is just as concerned as the Frederick County Finance Committee that scholarships have to be adjusted for localities that do not fully fund their allocation. The College respectfully requests that the Finance Committee, and full Board of Supervisors, consider a budget amendment to fully fund the College for 2014/2015 just as our other seven localities are fully funding the college. These additional funds would help students of Frederick County receive much needed financial support in their pursuit of higher education. Although our tuition remains about one-third the cost of a public four-year school in Virginia, many of our students struggle to come up with the needed tuition to attend LFCC.

The College Board is very disappointed that the locality where LFCC serves the most number of students, and in which our largest campus is located, continually underfunds our budget request when our other seven localities consistently full fund us. A couple of board members asked me and vice president Chris Boies if we knew why this was the case and we were unable to provide a good answer as all of our service region faces similar economic environments.

The College has an exceptional working relationship with Frederick County Public Schools (FCPS). We partner with the public schools in a variety of ways including providing free space on campus for Mountain Vista Governor's School, splitting salary costs for the career coaches located in FCPS, and providing dual enrollment college credit for high school students at a fraction of the tuition cost enabling these students to save as much as tens of thousands of dollars in tuition money when earning their bachelor's degree – these are just a very few of our partnerships with FCPS as we have many more shared initiatives. In addition, the amount of tax revenue the college brings in to the county when students from surrounding counties attend

Middletown Campus

173 Skirmisher Lane
Middletown, VA 22645-1745
540-868-7000
540-868-7100 Fax

Fauquier Campus

6480 College Street
Warrenton, VA 20187-8820
540-351-1505
540-351-1540 Fax

Luray-Page County Center

334 North Hawksbill Street
Luray, VA 22835-1130
540-843-0722
540-843-0322 Fax

classes in Middletown and purchase gas, food, classroom supplies, etc. is substantial. The college also employs many people who live in Frederick County as we are one of the larger employers in the county which also means additional revenue for the County. The College Board believes that these benefits are certainly worth the additional \$25,000 from the County to provide full funding to LFCC for 2014/2015.

In closing, we are very proud that our largest campus is located in Frederick County and we hope that Frederick County officials are equally proud of the location of the college's largest campus and the benefits the College brings to the community.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl", written in dark ink.

Cheryl Thompson-Stacy
President

Cc: Mr. Charles DeHaven, Chair, Finance Committee, Frederick County
Mr. Rich Galecki, Chair, LFCC College Board
Ms. Fran Jeffries, Vice Chair, LFCC College Board

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
9/1/2014	FIRE AND RESCUE	SALARY ADJUSTMENTS 9/14	3505	1001	000	005	1,850.00
	FIRE AND RESCUE		3505	1001	000	020	1,940.00
	FIRE AND RESCUE		3505	1001	000	102	1,600.00
	FIRE AND RESCUE		3505	1001	000	010	(5,390.00)
	FIRE AND RESCUE		3505	1001	000	002	3,035.00
	FIRE AND RESCUE		3505	1001	000	081	1,910.00
	FIRE AND RESCUE		3505	1001	000	042	3,261.00
	FIRE AND RESCUE		3505	1001	000	024	(8,206.00)
	FIRE AND RESCUE		3505	1001	000	019	1,940.00
	FIRE AND RESCUE		3505	1001	000	015	1,963.00
	FIRE AND RESCUE		3505	1001	000	022	1,965.00
	FIRE AND RESCUE		3505	1001	000	030	2,925.00
	FIRE AND RESCUE		3505	1001	000	091	(8,793.00)
	FIRE AND RESCUE		3505	1001	000	048	1,945.00
	FIRE AND RESCUE		3505	1001	000	032	1,930.00
	FIRE AND RESCUE		3505	1001	000	096	1,646.00
	FIRE AND RESCUE		3505	1001	000	080	3,451.00
	FIRE AND RESCUE		3505	1001	000	097	(8,972.00)
	FIRE AND RESCUE		3505	1001	000	060	1,650.00
	FIRE AND RESCUE		3505	1001	000	097	(1,650.00)
9/9/2014	BOARD OF SUPERVISORS	FOR BOARD OF SUPERVISORS IPAD REFRESH	1101	3004	000	001	(400.00)
	BOARD OF SUPERVISORS		1101	5401	000	000	400.00
	BOARD OF SUPERVISORS		1101	3002	000	000	(1,000.00)
	BOARD OF SUPERVISORS		1101	5401	000	000	1,000.00
	BOARD OF SUPERVISORS		1101	5506	000	000	(2,167.87)
	BOARD OF SUPERVISORS		1101	5401	000	000	2,167.87
9/10/2014	COUNTY ADMINISTRATOR	FOR BOARD OF SUPERVISORS/ADMIN. IPAD REFRESH	1201	3004	000	002	(400.00)
	COUNTY ADMINISTRATOR		1201	5401	000	000	400.00
	COUNTY ADMINISTRATOR		1201	5305	000	000	(500.00)
	COUNTY ADMINISTRATOR		1201	5401	000	000	500.00
	COUNTY ADMINISTRATOR		1201	4003	000	002	(286.23)
	COUNTY ADMINISTRATOR		1201	5401	000	000	286.23
9/15/2014	INFORMATION TECHNOLOGY	BALANCE LINE ITEM	1220	5401	000	003	1,200.00
	INFORMATION TECHNOLOGY		1220	3005	000	000	(2,500.00)
	INFORMATION TECHNOLOGY		1220	5506	000	000	2,500.00
	MANAGEMENT INFORMATION SYSTEMS		1222	3005	000	000	(1,200.00)
9/19/2014	REGISTRAR	PAYROLL FOR PART TIME	1302	1005	000	000	(300.00)
	REGISTRAR		1302	1003	000	001	300.00
10/2/2014	REFUSE COLLECTION	PURCHASE PAPER RECYCLING CANS	4203	3010	000	000	(14,850.00)
	REFUSE COLLECTION		4203	5407	000	000	14,850.00
10/3/2014	COUNTY OFFICE BUILDING/COURTHOUSE	FIRE INSURANCE AT NEW ROUND HILL FIRE STATION	4304	5302	000	000	(3,871.00)
	COUNTY OFFICE BUILDING/COURTHOUSE		4304	5302	000	007	3,871.00

County of Frederick
General Fund
September 30, 2014

ASSETS	FY15 <u>9/30/14</u>	FY14 <u>9/30/13</u>	Increase (Decrease)
Cash and Cash Equivalents	48,673,050.71	44,008,666.59	4,664,384.12 *A
Petty Cash	1,555.00	1,555.00	0.00
Receivables:			
Taxes, Commonwealth, Reimb. P/P	40,571,325.87	39,496,763.22	1,074,562.65
Streetlights	16,842.75	16,845.09	(2.34)
Commonwealth, Federal, 45 day Taxes	50,322.47	73,190.77	(22,868.30)
Due from Fred. Co. San. Auth.	734,939.23	734,939.23	0.00
Prepaid Postage	2,815.67	1,788.02	1,027.65
GL controls (est. rev / est. exp)	<u>(6,676,667.23)</u>	<u>(7,808,723.86)</u>	<u>1,132,056.63</u> (1) Attached
TOTAL ASSETS	<u>83,374,184.47</u>	<u>76,525,024.06</u>	<u>6,849,160.41</u>
LIABILITIES			
Accrued Liabilities	10,858.82	393,554.52	(382,695.70) *B
Performance Bonds Payable	399,414.35	384,180.06	15,234.29
Taxes Collected in Advance	89,404.88	323,722.68	(234,317.80)
Deferred Revenue	<u>40,625,744.82</u>	<u>39,574,065.04</u>	<u>1,051,679.78</u> *C
TOTAL LIABILITIES	41,125,422.87	40,675,522.30	449,900.57
EQUITY			
Fund Balance			
Reserved:			
Encumbrance General Fund	327,794.42	536,768.05	(208,973.63) (2) Attached
Conservation Easement	4,779.85	2,135.00	2,644.85
Peg Grant	244,254.00	190,138.00	54,116.00
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	222,145.76	177,748.15	44,397.61
Historical Markers	17,283.35	17,244.80	38.55
Transportation Reserve	0.00	377,396.00	(377,396.00) *D
Animal Shelter	335,530.02	335,530.02	0.00
Proffers	4,023,780.67	2,843,610.60	1,180,170.07 (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>35,257,913.85</u>	<u>29,553,651.46</u>	<u>5,704,262.39</u> (4) Attached
TOTAL EQUITY	<u>42,248,761.60</u>	<u>35,849,501.76</u>	<u>6,399,259.84</u>
TOTAL LIAB. & EQUITY	<u>83,374,184.47</u>	<u>76,525,024.06</u>	<u>6,849,160.41</u>

NOTES:

*A The cash increase can be attributed to an increase in fund balance.

*B Health insurance deposits were moved to the Health Insurance Fund July 1, 2014.

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

*D The \$377,396 balance was transferred to the Project Development Fund for various road projects.

BALANCE SHEET

(1) GL Controls	FY15	FY14	Inc/(Decrease)
Est.Revenue	138,309,377	129,130,021	9,179,356
Appropriations	(59,188,386)	(56,724,081)	(2,464,305)
Est.Tr.to Other fds	(86,125,452)	(80,751,432)	(5,374,021)
Encumbrances	327,794	536,768	(208,974)
	(6,676,667)	(7,808,724)	1,132,057

(2) General Fund Purchase Orders Outstanding @9/30/14

DEPARTMENT	Amount	Description
Board of Supervisors	6,842.50	A/V Switching for Broadcast and BOS Room
	4,167.87	(7)IPAD,WiFi,Cellular
County Administrator	1,786.23	(3)IPAD,WiFi,Cellular
Commonwealth's Attorney	61,211.64	Criminal Case Management System
Fire & Rescue	1,114.51	Motorola Radios
	1,500.00	APX Dual Band&VHF Radio System
	3,958.25	Advantage Learning Management System
	39,356.48	Uniforms
	5,081.00	(30) Carbon Monoxide Detectors
IT	15,056.89	Dell Kase Applications
	8,954.00	Dell Kase Licensing
	1,534.30	(2)IPAD,Wi-Fi,Cellular
Parks	11,085.80	Chemicals for Pools
	17,646.30	Repair Electrical Systems at Clearbrook and Sherando
	15,375.00	Resurface Sherado Pool
	9,940.00	Toro Workman Utility Vehicle
	11,000.00	Rose Hill Park Engineering Service
	4,245.20	Staff Uniforms
	4,295.00	Tree Animated Lighting
	3,996.00	Event Shirts for Half Marathon
	18,960.00	Program Uniforms
	9,200.00	Driveway Installation at Sherando Park
Refuse Collection	5,960.00	Concrete Wall/Slab for Gainesboro Citizens Site
	24,718.00	2015 Ford Superduty Pickup
Sheriff	3,385.01	Sungard OSSI Software
	6,504.00	Body Armour
	23,301.25	Ammunition
	3,749.95	Dell Precision Desktop Computer
Treasurer	3,869.24	Envelopes
Total	327,794.42	

(3)Proffer Information	SCHOOLS	PARKS	FIRE & RESCUE	Designated Other Projects	TOTAL
Balance@9/30/14	2,245,305.93	387,660.93	401,711.57	989,102.24	4,023,780.67

Designated Other Projects Detail

Administration	189,462.24	
Bridges	600.00	
Historic Preservation	99,000.00	12/11/14 Board Action designated \$50,000 for final debt payment
Library	72,712.00	on the Huntsberry property.
Rt.50 Trans.Imp.	10,000.00	
Rt. 50 Rezoning	25,000.00	
Rt. 656 & 657 Imp.	25,000.00	
RT.277	162,375.00	
Sheriff	36,953.00	
Solid Waste	12,000.00	
Stop Lights	26,000.00	
BPG Properties/Rt.11 Corridor	330,000.00	
Total	989,102.24	

Other Proffers@9/30/14

(4) Fund Balance Adjusted	
Ending Balance 9/30/14	38,192,735.56
Revenue 9/14	13,947,207.40
Expenditures 9/14	(15,149,496.37)
Transfers 9/14	(1,732,532.74)
9/14 Adjusted Fund Balance	35,257,913.85

County of Frederick
Comparative Statement of Revenues, Expenditures
and Changes in Fund Balance
September 30, 2014

REVENUES:	<u>Appropriated</u>	<u>FY15 9/30/14 Actual</u>	<u>FY14 9/30/13 Actual</u>	<u>YTD Actual Variance</u>	
General Property Taxes	93,490,226.00	3,850,742.17	3,675,049.11	175,693.06	(1)
Other local taxes	30,213,611.00	3,309,804.07	3,237,064.38	72,739.69	(2)
Permits & Privilege fees	1,248,473.00	463,583.51	365,502.27	98,081.24	(3)
Revenue from use of money and property	131,780.00	70,331.47	56,293.47	14,038.00	(4)
Charges for Services	2,372,232.00	557,966.12	548,960.49	9,005.63	
Miscellaneous	495,706.00	124,908.96	85,845.90	39,063.06	
Recovered Costs	1,601,074.00	882,754.41	547,315.25	335,439.16	(5)
Intergovernmental:					
Commonwealth	8,712,775.00	4,681,148.69	4,192,369.21	488,779.48	(6)
Federal	43,500.00	5,968.00	8,066.71	(2,098.71)	(7)
Transfers	.	0.00	0.00	0.00	
TOTAL REVENUES	<u>138,309,377.00</u>	<u>13,947,207.40</u>	<u>12,716,466.79</u>	<u>1,230,740.61</u>	
EXPENDITURES:					
General Administration	9,137,168.85	1,979,488.46	1,953,227.34	26,261.12	
Judicial Administration	2,372,824.69	480,805.30	482,501.47	(1,696.17)	
Public Safety	29,693,529.60	7,996,678.88	7,424,568.54	572,110.34	
Public Works	4,273,857.12	765,727.92	1,008,518.97	(242,791.05)	
Health and Welfare	7,227,185.00	1,689,220.00	1,499,411.91	189,808.09	
Education	56,000.00	14,000.00	14,123.25	(123.25)	
Parks, Recreation, Culture	5,742,632.19	1,417,049.04	1,365,115.26	51,933.78	
Community Development	2,452,290.10	806,526.77	419,968.84	386,557.93	
TOTAL EXPENDITURES	<u>60,955,487.55</u>	<u>15,149,496.37</u>	<u>14,167,435.58</u>	<u>982,060.79</u>	(8)
OTHER FINANCING SOURCES (USES):					
Operating transfers from / to	84,358,351.10	1,732,532.74	650,411.77	1,082,120.97	(9)
Excess (deficiency)of revenues & other sources over expenditures & other uses	(7,004,461.65)	(2,934,821.71)	(2,101,380.56)	833,441.15	
Fund Balance per General Ledger		<u>38,192,735.56</u>	<u>31,655,032.02</u>	<u>6,537,703.54</u>	
Fund Balance Adjusted to reflect Income Statement @9/30/14		35,257,913.85	29,553,651.46	5,704,262.39	

(1)General Property Taxes	FY15	FY14	Increase/Decrease
Real Estate Taxes	1,368,737	1,329,630	39,106
Public Services	-	(3,315)	3,315
Personal Property	2,239,959	2,144,195	95,764
Penalties and Interest	129,237	119,551	9,687
Credit Card Chgs./Delinq.Advertising	(18,554)	(16,556)	(1,998)
Adm.Fees For Liens&Distress	131,364	101,544	29,820
	3,850,742	3,675,049	175,693

(2) Other Local Taxes

Local Sales and Use tax	1,046,724.23	993,182.63	53,541.60
Communications Sales Tax	112,870.43	114,225.97	(1,355.54)
Utility Taxes	417,507.81	350,032.16	67,475.65
Business Licenses	514,230.36	582,537.39	(68,307.03)
Auto Rental Tax	21,871.64	19,940.08	1,931.56
Motor Vehicle Licenses Fees	82,811.90	78,547.34	4,264.56
Recordation Taxes	322,039.10	335,812.60	(13,773.50)
Meals Tax	718,109.47	681,886.58	36,222.89
Lodging Tax	72,583.38	79,800.63	(7,217.25)
Street Lights	815.75	885.00	(69.25)
Star Fort Fees	240.00	214.00	26.00
Total	3,309,804.07	3,237,064.38	72,739.69

(3)Permits&Privileges

Dog Licenses	14,689.00	12,948.00	1,741.00
Transfer Fees	739.80	706.27	33.53
Development Review Fees	94,353.50	104,459.20	(10,105.70)
Building Permits	263,472.56	186,748.08	76,724.48
2% State Fees	11,582.15	4,399.22	7,182.93
Electrical Permits	20,395.00	22,152.00	(1,757.00)
Plumbing Permits	2,565.00	2,555.00	10.00
Mechanical Permits	14,017.50	11,269.50	2,748.00
Sign Permits	720.00	540.00	180.00
Permits for Commercial Burning	75.00	75.00	-
Explosive Storage Permits	200.00	-	200.00
Blasting Permits	90.00	120.00	(30.00)
Land Disturbance Permits	40,384.00	18,880.00	21,504.00
Sewage Installation License	300.00	-	300.00
Transfer Development Rights	-	650.00	(650.00)
Total	463,583.51	365,502.27	98,081.24

(4) Revenue from use of

Money	65,466.62	47,859.60	17,607.02
Property	4,864.85	8,433.87	(3,569.02)
Total	70,331.47	56,293.47	14,038.00

(5) Recovered Costs	FY15	FY14	Increase/Decrease
Recovered Costs Treas.Office	-	41,340.00	(41,340.00)
Worker's Comp	300.00	300.00	-
Purchasing Card Rebate	98,068.29	-	98,068.29
Reimbursement Circuit Court	2,558.14	3,283.02	(724.88)
Clarke County Container Fees	11,684.90	16,073.58	(4,388.68)
City of Winchester Container Fees	8,110.50	10,356.13	(2,245.63)
Refuse Disposal Fees	15,506.01	21,777.27	(6,271.26)
Recycling Revenue	22,563.00	30,869.97	(8,306.97)
Container Fees Bowman Library	430.26	417.23	13.03
Restitution Victim Witness	5,916.61	1,944.99	3,971.62
Reimb.of Expenses Gen.District Court	7,767.24	7,091.12	676.12
Reimb.Task Force	16,069.72	5,097.38	10,972.34
Sign Deposits Planning	(50.00)	150.00	(200.00)
Reimbursement-Construction Projects	385,799.69	-	385,799.69
Westminster Canterbury Lieu of Taxes	12,225.05	-	12,225.05
Comcast PEG Grant	17,741.25	15,749.60	1,991.65
Proffer-Other	449.50	5,000.00	(4,550.50)
Fire School Programs	11,275.00	16,921.00	(5,646.00)
Proffer Sovereign Village	-	10,976.19	(10,976.19)
Proffer Redbud Run	12,908.00	45,178.00	(32,270.00)
Clerks Reimbursement to County	2,142.43	3,530.89	(1,388.46)
Proffer Canter Estates	-	4,087.97	(4,087.97)
Proffer Village at Harvest Ridge	3,078.00	3,078.00	-
Proffer Snowden Bridge	115,279.89	143,484.44	(28,204.55)
Proffer Meadows Edge Racey Tract	120,864.00	130,936.00	(10,072.00)
Sheriff Reimbursement	7,185.77	24,791.47	(17,605.70)
Proffer Cedar Meadows Proffer	4,881.00	4,881.00	-
Total	882,754.25	547,315.25	335,439.00

*1 FY14 Rebate received 10/13

*2 Reimbursement for the Round Hill Fire and Rescue Station and Event Center design.

(6) Commonwealth Revenue	9/30/14	9/30/13	
	FY15	FY14	Increase/Decrease
Motor Vehicle Carriers Tax	36,948.73	37,981.90	(1,033.17)
Mobile Home Titling Tax	21,558.45	13,211.19	8,347.26
Recordation Taxes	90,332.37	86,438.33	3,894.04
P/P State Reimbursement	2,610,611.27	2,610,611.27	-
Shared Expenses Comm.Atty.	65,924.35	61,300.18	4,624.17
Shared Expenses Sheriff	378,874.27	359,567.51	19,306.76
Shared Expenses Comm.of Rev.	34,412.57	33,521.44	891.13
Shared Expenses Treasurer	25,196.37	25,434.39	(238.02)
Shared Expenses Clerk	57,074.99	65,043.06	(7,968.07)
Public Assistance Grants	893,063.10	741,758.00	151,305.10
Litter Control Grant	15,515.00	15,502.00	13.00
Emergency Services Fire Program	239,007.00	33,557.00	205,450.00
DMV Grant Funding	12,342.03	6,054.78	6,287.25
DCJS & Sheriff State Grants	99,064.88	-	99,064.88
JJC Grant Juvenile Justice	32,090.00	32,090.00	-
Rent/Lease Payments	50,885.27	51,707.72	(822.45)
VDEM Grant Sheriff	-	5,600.58	(5,600.58)
Wireless 911 Grant	14,033.91	11,674.25	2,359.66
State Forfeited Asset Funds	4,080.25	1,315.61	2,764.64
Fire and Rescue OEMS Reimb.	133.88	-	133.88
Total	4,681,148.69	4,192,369.21	488,779.48

*1

*2

*3

*1 Increase in revenue for special needs and adoptions

*2 Timing of receipt of \$203,293 revenue received in December in prior years.

*3 Abbott Grant \$99,064.88

County of Frederick
General Fund
September 30, 2014

(7) Federal Revenue	FY15	FY14	Increase/Decrease
Federal Forfeited Assets	-	8,066.71	(8,066.71)
Federal Grants Sheriff	5,509.00	-	5,509.00
Emergency Services Grant-Federal	459.00	-	459.00
Total	5,968.00	8,066.71	(2,098.71)

(8) Expenditures

Expenditures increased \$982,060.79 in total. **Public Safety** increased \$572,110.34 and includes a \$87,971 increase in contributions to the Fire Departments and Rescue Squads, \$23,578 for a 2014 Ford Escape for Inspections, and \$33,508 for a 2015 Ford F250 truck for Fire and Rescue. Additionally, the contribution for the local share for the Jail though the first quarter increased \$178,741.12. **Public Works** decreased \$242,791.05 reflects the \$186,853.33 Gainesboro Citizen's Site in the previous year. The **Community Development** increase of \$386,557.93 reflects the \$500,000 Economic Development Commission incentive for HP Hood. Transfers increased \$1,082,120.97. See chart below:

(9) Transfers Increased \$1,082,120.97	FY15	FY14	Increase/Decrease
Transfer to School Operating	109,448.47	218,891.94	(109,443.47) *1
Transfer to Debt Service County	195,196.63	144,378.37	50,818.26
Transfer to Capital Projects Fund	1,000,000.00	-	1,000,000.00 *2
Operational Transfers	427,887.64	287,141.46	140,746.18 *3
Total	1,732,532.74	650,411.77	1,082,120.97

*1 FY14 School Carry Forward Encumbrances

*2 Proffer for Round Hill Fire and Rescue and Event Center Site Plan Development.

*3 Timing of Insurance Charge Outs.

County of Frederick
FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
September 30, 2014

ASSETS	FY2015 <u>9/30/14</u>	FY2014 <u>9/30/13</u>	Increase (Decrease)
Cash	4,747,859.10	4,770,096.19	(22,237.09) *1
GL controls(est.rev/est.exp)	<u>(433,487.65)</u>	<u>(359,876.37)</u>	<u>(73,611.28)</u>
TOTAL ASSETS	<u>4,314,371.45</u>	<u>4,410,219.82</u>	<u>(95,848.37)</u>
 LIABILITIES			
Accrued Operating Reserve Costs	<u>2,115,099.00</u>	<u>2,077,528.07</u>	<u>37,570.93</u>
TOTAL LIABILITIES	<u>2,115,099.00</u>	<u>2,077,528.07</u>	<u>37,570.93</u>
 EQUITY			
Fund Balance			
Reserved			
Encumbrances	91,202.02	17,863.36	73,338.66
Undesignated			
Fund Balance	<u>2,108,070.43</u>	<u>2,314,828.39</u>	<u>(206,757.96) *2</u>
TOTAL EQUITY	<u>2,199,272.45</u>	<u>2,332,691.75</u>	<u>(133,419.30)</u>
 TOTAL LIABILITY & EQUITY	<u>4,314,371.45</u>	<u>4,410,219.82</u>	<u>(95,848.37)</u>

NOTES:

*1 Cash decreased \$22,237.09. Refer to the following page for comparative statement of revenues, expenditures, and changes in fund balance.

*2 Fund balance decreased \$206,757.96. The beginning fund balance was \$2,738,357.11 that includes adjusting entries, budget controls for FY15(\$510,200), and the year to date revenue less expenditures of (\$120,086.68)

Current Unrecorded Accounts Receivable-	<u>FY2015</u>
Prisoner Billing:	26,990.63
Compensation Board Reimbursement 9/14	<u>455,343.37</u>
Total	482,334.00

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

REVENUES:		FY2015 9/30/14 <u>Actual</u>	FY2013 9/30/13 <u>Actual</u>	YTD Actual <u>Variance</u>
	<u>Appropriated</u>			
Credit Card Probation		39.88		
Interest	-	-	-	-
Sale of Salvage&Surplus	-	-	-	-
Supervision Fees	43,446.00	10,608.00	9,777.30	830.70
Drug Testing Fees	5,000.00	325.00	915.00	(590.00)
Work Release Fees	405,150.00	54,140.51	64,289.19	(10,148.68)
Federal Bureau Of Prisons	0.00	1,110.48	1,045.00	65.48
Local Contributions	6,253,129.00	2,003,330.68	2,629,662.75	(626,332.07)
Miscellaneous	15,000.00	1,259.37	2,365.88	(1,106.51)
Phone Commissions	300,000.00	0.00	0.00	0.00
Food & Staff Reimbursement	115,000.00	11,729.61	9,579.83	2,149.78
Elec.Monitoring Part.Fees	144,000.00	15,829.17	1,755.50	14,073.67
Employee Meal Supplements	200.00	0.00	42.50	(42.50)
Share of Jail Cost Commonwealth	1,066,042.00	0.00	0.00	0.00
Medical & Health Reimb.	50,000.00	12,410.51	12,557.53	(147.02)
Shared Expenses CFW Jail	4,973,170.00	842,843.23	805,255.14	37,588.09
State Grants	263,263.00	0.00	0.00	0.00
Local Offender Probation	252,286.00	0.00	0.00	0.00
DOC Contract Beds	0.00	0.00	0.00	0.00
Bond Proceeds	0.00	0.00	221,000.00	(221,000.00)
Transfer From General Fund	4,991,484.00	1,295,491.62	1,116,750.50	178,741.12
TOTAL REVENUES	18,877,170.00	4,249,118.06	4,874,996.12	(625,917.94)
EXPENDITURES:	19,401,859.67	4,369,204.74	4,194,456.53	174,748.21
Excess(Deficiency)of revenues over expenditures		(120,086.68)	680,539.59	(800,626.27)
FUND BALANCE PER GENERAL LEDGER		<u>2,228,157.11</u>	<u>1,634,288.80</u>	<u>593,868.31</u>
Fund Balance Adjusted To Reflect Income Statement 9/30/14		2,108,070.43	2,314,828.39	(206,757.96)

County of Frederick
Fund 12 Landfill
September 30, 2014

ASSETS	FY2015 9/30/14	FY2014 9/30/13	Increase (Decrease)
Cash	30,907,105.37	29,690,077.20	1,217,028.17
Receivables:			
Accounts Receivable			
Fees	632,349.41	566,571.02	65,778.39 *1
Accounts Receivable Other	248.00	68.00	180.00
Allow.Uncollectible Fees	(84,000.00)	(84,000.00)	0.00
Fixed Assets	43,682,208.64	43,287,786.24	394,422.40
Accumulated Depreciation	(25,115,864.21)	(23,311,767.48)	(1,804,096.73)
GL controls(est.rev/est.exp)	<u>(3,047,323.16)</u>	<u>(2,513,233.00)</u>	<u>(534,090.16)</u>
 TOTAL ASSETS	 <u>46,974,724.05</u>	 <u>47,635,501.98</u>	 <u>(660,777.93)</u>
 LIABILITIES			
Accounts Payable	-	-	
Accrued VAC.Pay and Comp TimePay	178,911.24	159,728.90	19,182.34
Accrued Remediation Costs	11,938,535.78	11,791,736.42	146,799.36 *2
Retainage Payable	9,244.62	0.00	9,244.62
Deferred Revenue Misc.Charges	<u>248.00</u>	<u>68.00</u>	<u>180.00</u>
 TOTAL LIABILITIES	 <u>12,126,939.64</u>	 <u>11,951,533.32</u>	 <u>175,406.32</u>
 EQUITY			
Fund Balance			
Reserved:			
Encumbrances	433,066.06	0.00	433,066.06 *3
Land Acquisition	1,048,000.00	1,048,000.00	0.00
New Development Costs	3,812,000.00	3,812,000.00	0.00
Environmental Project Costs	1,948,442.00	1,948,442.00	0.00
Equipment	3,050,000.00	3,050,000.00	0.00
Undesignated			
Fund Balance	<u>24,556,276.35</u>	<u>25,825,526.66</u>	<u>(1,269,250.31) *4</u>
 TOTAL EQUITY	 <u>34,847,784.41</u>	 <u>35,683,968.66</u>	 <u>(836,184.25)</u>
 TOTAL LIABILITY AND EQUITY	 <u>46,974,724.05</u>	 <u>47,635,501.98</u>	 <u>(660,777.93)</u>

NOTES:

*1 Landfill receivables increased \$65,778.39 at 9/30/14. Landfill charges for 9/14 were \$442,305.19 compared to \$416,962.36 at 9/13 for an increase of \$25,342.83. The delinquent fees at 9/14 were \$186,168.23 compared to \$145,897.71 at 9/13 for an increase of \$40,270.52.

*2 Remediation increased \$146,799.36 and includes \$117,232.00 for post closure and \$29,567.36 for interest.

*3 The encumbrance balance at 9/30/14 was \$433,066.06 and includes \$193,956.00 for a 2014 Caterpillar model 963D with track loader, \$180,586.06 for Landfill improvements for roadway, leachate lagoon, and drainage improvements project. Additionally, \$33,426.00 for a LED monument sign, and \$25,098.00 for a Ford F-350 XL.

*4 Fund balance decreased \$1,269,259.31. The beginning balance was \$26,789,927.14 and includes adjusting entries budget controls for FY15(\$1,705,018.00), (2) positions(\$84,734.00), (\$420,000.00) carry forward funds for the final phase of Permit 40, to purchase as used motor grader, and unexpected changes in work to reconstruct the leachate holding pool, and the year to date revenue less expenses(\$23,898.79).

County of Frederick
Comparative Statement of Revenue,Expenditures
and Changes in Fund Balance
9/30/14

FUND 12 LANDFILL REVENUES		FY15 9/30/2014	FY14 9/30/2013	YTD Actual
	<u>Appropriated</u>	<u>Actual</u>	<u>Actual</u>	<u>Variance</u>
Interest Charge	0.00	1,167.69	759.63	408.06
Interest on Bank Deposits	20,000.00	4,988.49	2,422.91	2,565.58
Salvage and Surplus	0.00	45,033.10	31,260.70	13,772.40
Sanitary Landfill Fees	4,653,000.00	1,207,860.63	1,167,993.70	39,866.93
Charges to County	0.00	88,889.42	89,608.98	(719.56)
Charges to Winchester	0.00	24,699.16	23,537.32	1,161.84
Tire Recycling	54,000.00	50,399.13	37,340.42	13,058.71
Reg.Recycling Electronics	60,000.00	11,832.00	11,875.60	(43.60)
Miscellaneous	0.00	0.00	0.00	0.00
Wheel Recycling	144,000.00	0.00	0.00	0.00
Charges for RTOP	0.00	0.00	787.89	(787.89)
Renewable Energy Credits	116,262.00	34,894.30	0.00	34,894.30
Landfill Gas To Electricity	363,925.00	123,649.53	88,581.68	35,067.85
Waste Oil Recycling		5,020.41	3,298.30	1,722.11
State Reimbursement Tire Operation	0.00	0.00	0.00	0.00
TOTAL REVENUES	5,411,187.00	1,598,433.86	1,457,467.13	140,966.73
Operating Expenditures	4,771,404.44	664,207.58	637,548.42	26,659.16
Capital Expenditures	4,120,171.78	958,125.07	0.00	958,125.07
TOTAL Expenditures	8,891,576.22	1,622,332.65	637,548.42	984,784.23
Excess(deficiency)of revenue over expenditures		(23,898.79)	819,918.71	(843,817.50)
Fund Balance Per General Ledger		24,580,175.14	25,005,607.95	(425,432.81)
FUND BALANCE ADJUSTED		24,556,276.35	25,825,526.66	(1,269,250.31)

County of Frederick, VA
Report on Unreserved Fund Balance
October 9, 2014

Unreserved Fund Balance, Beginning of Year, July 1, 2014 **39,292,350**

Prior Year Funding & Carryforward Amounts

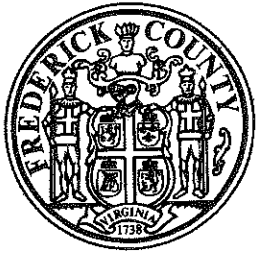
C/F Dare	(2,065)
C/F sign materials	(4,500)
C/F Shelter van accessories	(1,330)
C/F K9 unit accessories	(3,000)
C/F Fire Company Capital	(167,180)
C/F Designated School Operating funds	(108,939)
C/F School Operating to School Capital	(542,594)
	<hr/>
	(829,608)

Other Funding / Adjustments

HP Hood incentive	(500,000)
Airport capital	(80,282)
COR refund - Disabled Veteran	(2,793)
(7) DSS positions	(221,648)
COR refund - Disabled Veteran	(3,817)
OSSI licenses - Sheriff	(53,693)
COR refund - New World Pasta	(44,457)
Recycling cans	(14,850)
Sheriff PT - court bailiffs	(175,000)
Sheriff - 10 vehicles & equipment	(284,781)
Inspections PT to FT position	(11,843)
COR PT to FT position	(14,393)
	<hr/>
	(1,407,556)

Fund Balance, October 9, 2014 **37,055,186**

P



BOARD OF SUPERVISORS

RESOLUTION FISCAL YEAR 2014-2015 BUDGET AMENDMENT

WHEREAS, Pursuant to Section 15.2-2507 of the *Code of Virginia*, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on November 12, 2014, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY 2014-2015 Budget be Amended to Reflect:

Transportation Director Request for a Development Projects Fund Supplemental Appropriation in the Amount of \$8,136,700 for the Construction of Snowden Bridge Boulevard. The Project will be Funded Through Virginia Department of Transportation (VDOT) Revenue Sharing and Matching Developer Funds.

Upon motion made by _____ and seconded by _____
the above was _____ by the following
recorded vote:

Richard C. Shickle _____

Robert A. Hess _____

Charles S. DeHaven, Jr. _____

Robert W. Wells _____

Gene E. Fisher _____

Christopher E. Collins _____

Gary A. Lofton _____

A COPY ATTEST:

John R. Riley, Jr.
Clerk, Board of Supervisors
County of Frederick, Virginia

Resolution - Fiscal Year 2014-2015 Budget Amendment
Board of Supervisors Meeting of November 12, 2014
Page 2

Res. No.:

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

U:\TJP\resolutions\BudgetAmendmnt(FY2014-2015Budget-SnowdenBridge)111214BdMtg).docx



Frederick County
RECEIVED

AUG 14 2014

Finance Department

COUNTY of FREDERICK

Department of Planning and Development

540/665-5651

FAX: 540/665-6395

MEMORANDUM

TO: Finance Committee
FROM: John A. Bishop AICP, Deputy Director - Transportation *JAB*
RE: Snowden Bridge Boulevard Revenue Sharing Project
DATE: August 13, 2014

Staff is seeking creation of a budget line item and appropriation of \$8,136,700 for the construction of Snowden Bridge Boulevard from Route 11 to approximately .1 miles west of Milburn Road which includes a bridge over the CSX railroad tracks.

This project will be funded through a VDOT revenue sharing award of \$4,068,350 and matching funds provided by the developers of the Graystone rezoning 09-09 and 03-12. The VDOT award is a reimbursement award meaning funds must be expended and then submitted to VDOT for reimbursement.

The project management agreement with VDOT has been executed and the partnership agreement with the developers is being finalized. No project expenditures will take place until both agreements are in place.

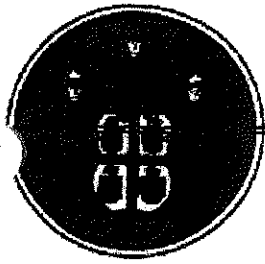
Staff is seeking a recommendation to the Board of Supervisors regarding the creation of the budget line item and appropriation.

JAB/pd

4-027-012270-5413-000-009 \$ 8,136,700

3-027-019110-0001 \$ 4,068,350

3-027-024040-0001 \$ 4,068,350



COUNTY of FREDERICK

Finance Department
Cheryl B. Shiffler
Director

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

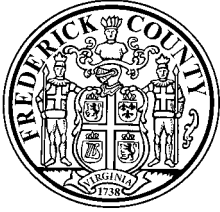
TO: Board of Supervisors
FROM: Finance Committee
DATE: September 29, 2014
SUBJECT: Finance Committee Report and Recommendations

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Monday, September 29, 2014 at 8:00 a.m. Non-voting liaison C. William Orndoff was absent.

☒ Items 3 and 4 were approved under consent agenda.

1. The Finance Director presents FY 2014 Year End financial information. See attached, p. 4 – 20. No action required.
2. ☒ The Transportation Director requests to advertise for public hearing a Development Projects Fund supplemental appropriation in the amount of \$8,136,700 for the construction of Snowden Bridge Boulevard. The project will be funded through VDOT revenue sharing and matching developer funds. See attached memo, p. 21. The committee recommends advertising for public hearing.
3. ☒ The Sheriff requests a General Fund supplemental appropriation in the amount of \$659.32. This amount represents a reimbursement for an extradition. No local funds required. See attached memo, p. 22.
4. ☒ The Sheriff requests a General Fund supplemental appropriation in the amount of \$33,347. This amount represents a DMV grant for alcohol enforcement. See attached information, p. 23 – 24.

Q



REZONING APPLICATION #04-14

Baker & Lepley Properties

Staff Report for the Board of Supervisors

Prepared: November 6, 2014

Staff Contact: Candice E. Perkins, AICP, Senior Planner

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	11/05/14	Recommended Approval
Board of Supervisors:	11/12/14	Pending

PROPOSAL: To rezone 8.59 +/- acres from the MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning District to the RA (Rural Areas) Zoning District.

LOCATION: The three properties are located on Sinking Springs Lane in Gore (travel Route 50 West approximately 15 miles, turn left onto Gore Road, continue .5 miles on Gore Road, left onto Sinking Spring Lane).

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBERS: 28-A-75, 28-A-76 and 28-A-82

PROPERTY ZONING: MH-1 (Mobile Home Community) District and RA (Rural Areas) District

PRESENT USE: Single Family Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RA (Rural Areas) B2 (Business General)	Use:	Residential
South:	RA (Rural Areas)	Use:	Residential
East:	RA (Rural Areas)	Use:	Residential
West:	RA (Rural Areas)	Use:	Residential & Railroad Facility

STAFF CONCLUSIONS FOR THE 011/12/14 BOARD OF SUPERVISORS MEETING:

The land use proposed in this application is consistent with the Comprehensive Policy Plan and promotes the County's rural areas. This is a positive rezoning application as it removes an area of MH-1 Zoning from a location that would not be typically used for a mobile home park because of its location outside the UDA and SWSA.

Following the required public hearing, a recommendation regarding this rezoning application to the Board of Supervisors would be appropriate. The applicant should be prepared to adequately address all concerns raised by the Planning Commission.

REVIEW EVALUATIONS: None Required.

Planning & Zoning:

1) **Site History**

The original Frederick County Zoning Map (U.S.G.S. Gore Quadrangle) depicts parcels 28-A-75 and 28-A-82 as being split zoned MH (Mobile Home) District and A-1 (Agricultural Limited) District and parcel 28-A-76 as entirely zoned MH (Mobile Home) District. The County's agricultural zoning districts were subsequently combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. Each of the properties contains one residential dwelling unit each. Parcel 28-A-75 (151 Sinking Spring Lane) has one mobile home, parcel 28-A-76 (175 Sinking Spring Lane) contains one mobile home and 28-A-82 (171 Sinking Spring Lane) has one manufactured home.

2) **Comprehensive Policy Plan**

The Frederick County 2030 Comprehensive Plan is an official public document that serves as the community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

Land Use

The properties are located outside the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA). It is not within the limits of any small area land use plan. The properties are located in an area that is designated as a rural area. The rural areas of Frederick County are anticipated to promote agricultural and large lot residential uses without public water and sewer. Goals for the rural areas include maintaining the rural character of areas outside the Urban Development Area and protecting the rural environment. Therefore removal of the historical mobile home zoning from the three properties is consistent with the goals of the 2030 Comprehensive Plan.

- 3) **Potential Impacts:** No impacts are anticipated. This is a positive rezoning request that minimizes potential future impacts and addresses the Comprehensive Plan. Due to the scope of this rezoning request a detailed impact statement was not required. A proffer statement was not provided with this rezoning request.

PLANNING COMMISSION SUMMARY & ACTION OF THE 11/5/14 MEETING:

Staff presented an overview of the applicant's request to rezone 8.59 +/- acres from the MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning District to the RA Zoning District. Staff noted that this rezoning consists of three parcels that are currently split zoned and the proposal is to down zone all to the RA District. Staff and a member of the Commission reiterated that this is a positive rezoning application. No additional comments were made from the Commission, the applicant, or the public concerning this rezoning.

A motion was made, seconded, and unanimously passed to recommend approval of this Rezoning Application #04-14, Baker & Lepley Properties.

STAFF CONCLUSIONS FOR THE 011/12/14 BOARD OF SUPERVISORS MEETING:

The land use proposed in this application is consistent with the Comprehensive Policy Plan and promotes the County's rural areas. This is a positive rezoning application as it removes an area of MH-1 Zoning from a location that would not be typically used for a mobile home park because of its location outside the UDA and SWSA.

Following the required public hearing, a recommendation regarding this rezoning application to the Board of Supervisors would be appropriate. The applicant should be prepared to adequately address all concerns raised by the Planning Commission.

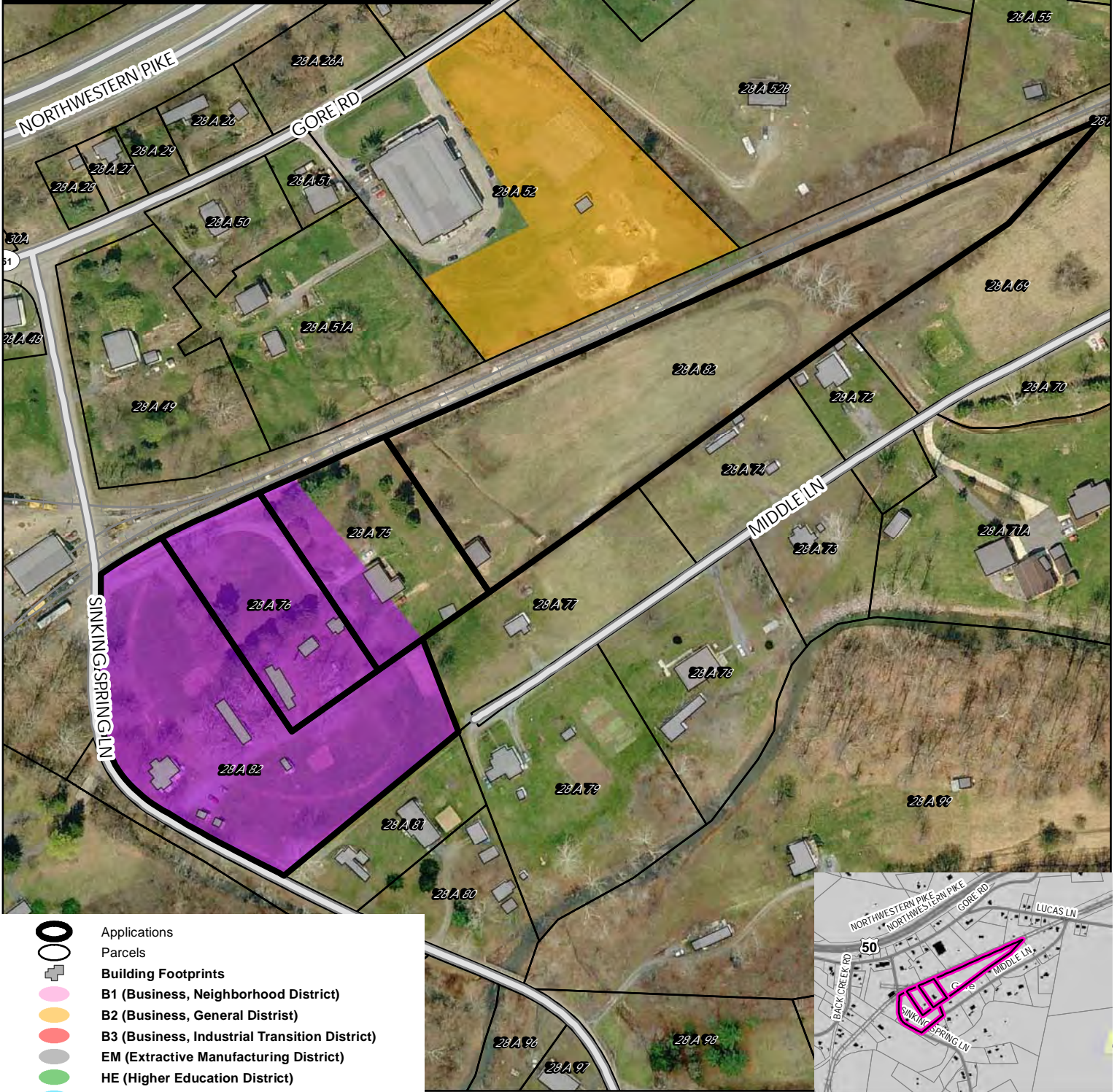
REZ # 04 - 14

Baker and Lepley Properties

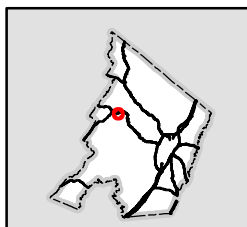
PINs:

28 - A - 75, 28 - A - 76, 28 - A - 82

Rezoning from MH1 to RA



- 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)



REZ # 04 - 14 Baker and Lepley Properties

PINs:

28 - A - 75, 28 - A - 76, 28 - A - 82

Rezoning from MH1 to RA

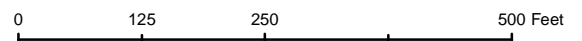
Note:

Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601

540 - 665 - 5651

Map Created: September 25, 2014

Staff: cperkins



**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number <u>04-14</u>	Fee Amount Paid \$ <u>N/A</u>
PC Hearing Date <u>11/5/14</u>	Date Received <u>9/22/14</u>
	BOS Hearing Date <u>11/12/14</u>

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

Name: Krista & Eric Lepley, Lewis & Melissa Baker, Fred & Alice Baker Telephone: _____

Address: 171 Sinking Springs Ln, Gore VA - (540) 686-2918

1353 Hollow Road, Gore (540) 858-2701 151 Sinking Springs Ln

2. Property Owner (if different than above):

Name: _____ Telephone: _____

Address: _____

3. Contact person if other than above:

Name: _____ Telephone: _____

4. Property Information:

- a. Property Identification Number(s): 28-A-75, 28-A-76, 28-A-82
- b. Total acreage to be rezoned: 8.59 +/-
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____
- d. Current zoning designation(s) and acreage(s) in each designation: MH1 and RA
- e. Proposed zoning designation(s) and acreage(s) in each designation: RA (Rural Areas)
8.59 +/-
- f. Magisterial District(s): Back Creek

5. Checklist: Check the following items that have been included with this application.

Location map	<input type="checkbox"/>	Agency Comments	<input type="checkbox"/>
Plat	<input checked="" type="checkbox"/>	Fees	<input type="checkbox"/>
Deed to property	<input checked="" type="checkbox"/>	Impact Analysis Statement	<input type="checkbox"/>
Verification of taxes paid	<input checked="" type="checkbox"/>	Proffer Statement	<input type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input type="checkbox"/>		<input type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits	<input type="checkbox"/>		<input type="checkbox"/>

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

Krista Lepley

Melissa Baker

Lewis Baker

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
28-A-49	Residential	RA
28-A-51A	Residential	RA
28-A-52	Commercial	B2
28-A-52B	Residential	RA
28-A-55	Residential	RA
28-A-65	Residential	RA

8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

Drive 30 west past Live Stock exchange about 15 miles
 Until you reach Gate Rd. on left. Travel .5 miles on
 Gate Rd. until you reach Sinking Springs Ln. on left. Cross
 Rail Road Tracks. we are 2nd drive way on left.

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
 Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Existing Family

Square Footage of Proposed Uses

Office: _____ Service Station: _____
 Retail: _____ Manufacturing: _____
 Restaurant: _____ Warehouse: _____
 Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owners:
 Applicant(s): *[Signature]* _____

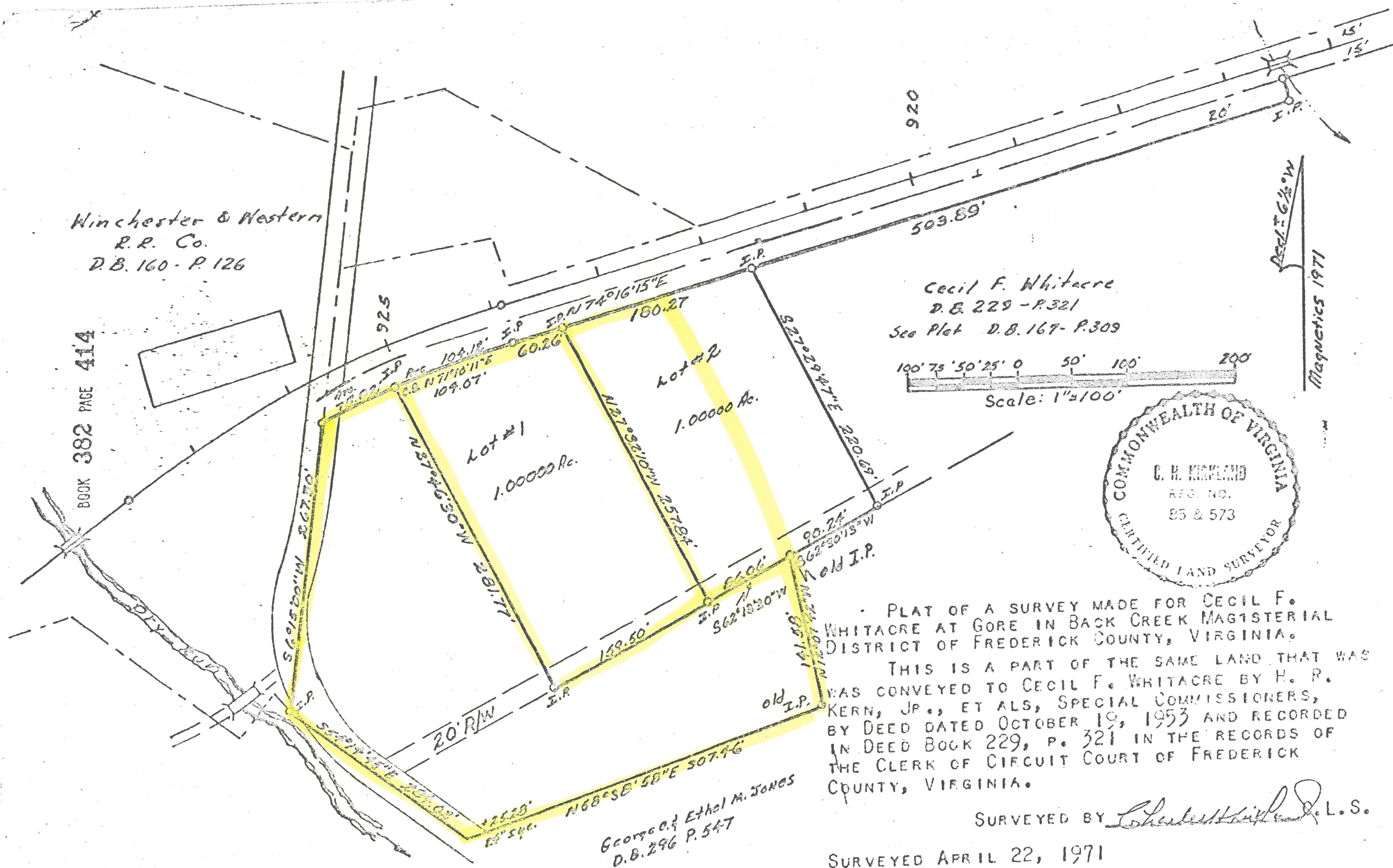
Date: 9-22-14
 Date: _____

Owner(s): *[Signature]* _____
[Signature] _____
Alice F. Baker _____
Fred L. Baker Jr. _____

Date: 9-22-14
 Date: 9-22-14
9-25-14
9-25-14

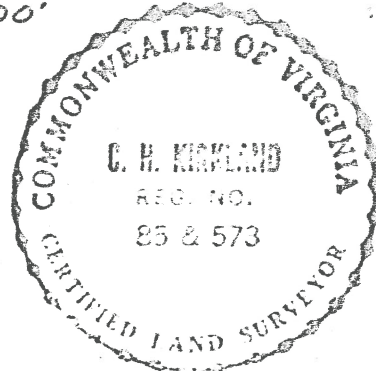
Winchester & Western
R.R. Co.
D.B. 160 - P. 126

BOOK 382 PAGE 414



Cecil F. Whitacre
D.B. 229 - P. 321
See Plat D.B. 167 - P. 309

100' 75' 50' 25' 0' 50' 100' 200'
Scale: 1" = 100'



PLAT OF A SURVEY MADE FOR CECIL F. WHITACRE AT GORE IN BACK CREEK MAGISTERIAL DISTRICT OF FREDERICK COUNTY, VIRGINIA.
THIS IS A PART OF THE SAME LAND THAT WAS CONVEYED TO CECIL F. WHITACRE BY H. R. KERN, JR., ET AL., SPECIAL COMMISSIONERS, BY DEED DATED OCTOBER 19, 1953 AND RECORDED IN DEED BOOK 229, P. 321 IN THE RECORDS OF THE CLERK OF CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA.

SURVEYED BY *Charles H. Kirkland* L.S.

SURVEYED APRIL 22, 1971

George O. & Ethel M. Jones
D.B. 296 P. 547

VIRGINIA, FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on the 8th day of October 1971 at 2:45 P.M. and with certificate of acknowledgment thereto annexed was admitted to record.

George B. Whitacre Notary



AMENDMENT

Action:

PLANNING COMMISSION: November 5, 2014 - Recommended Approval

BOARD OF SUPERVISORS: November 12, 2014 ☐ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #04-14 BAKER & LEPLEY PROPERTIES

WHEREAS, Rezoning #04-14 of the Baker & Lepley Properties, to rezone 8.59± acres from the MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning Districts to the RA (Rural Areas) Zoning District was considered. The three properties, with addresses of 151 Sinking Springs Lane, 175 Sinking Springs Lane and 171 Sinking Springs Lane, are located on Sinking Spring Lane in Gore, in the Back Creek Magisterial District, and are further identified by Property Identification Numbers 28-A-75, 28-A-76 and 28-A-82.

WHEREAS, the Planning Commission held a public hearing on this rezoning on November 5, 2014, and recommended approval of this request; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on November 12, 2014; 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 8.59± acres from MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning Districts to the RA (Rural Areas) Zoning District.

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

Passed this 12th day of November, 2014 by the following recorded vote:

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

A COPY ATTEST


John R. Riley, Jr.
Frederick County Administrator

R



MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP
Deputy Director 

RE: **Southern Frederick Area Plan - An amendment to the 2030 Comprehensive Plan; Appendix I – Area Plans**
– Board of Supervisors Public Hearing.

DATE: October 27, 2014

The Board of Supervisors, at their September 10, 2014 meeting, directed the Planning Commission to hold a public hearing on the Southern Frederick Area Plan - An amendment to the 2030 Comprehensive Plan; Appendix I – Area Plans. Following a Public Hearing, action on this item by the Board of Supervisors would be appropriate.

The Planning Commission recommended approval to the Board of Supervisors of this amendment on October 1, 2014. The Comprehensive Plans and Programs Committee (CPPC) formally reviewed and endorsed the Southern Frederick Area Plan at their September 8, 2014 meeting.

A recent work session with the Board of Supervisors, held on August 12, 2014, provided an opportunity for the Board of Supervisors and Planning Commission to discuss the Southern Frederick Area Plan. At the work session, the Board wanted additional clarification regarding the changes and improvements to the mapping to highlight those changes. Staff has prepared such a clarification in the form of a brief presentation which was provided to the Planning Commission and Board of Supervisors under a separate attachment. It will also be made available on-line. It is hoped that this is helpful to those interested in this Area Plan. This item is again included for your information.

Overview

The Southern Frederick Area Plan, which kicked off in 2013, was worked on by a group of volunteers over the winter and into 2014. Most recently a public review and input meeting was held on July 1, 2014. Additional outreach has continued and staff received direction to move the Southern Frederick Area Plan through the public process as an amendment to the 2030 Comprehensive Plan, as discussed at the work session.

The study area encompasses the area generally east of Interstate 81 to the Clarke County line and from the Opequon Creek in the north to Lake Frederick in the south. This study area includes the Route 277 Triangle Study, Tasker Woods, and many of the existing residential communities of the Stephens City area from Lakeside to Shenandoah and everything in between. The study area includes both the Opequon and Shawnee Magisterial Districts.

Public Input

The Southern Frederick Area Plan has provided an exciting opportunity for the community to participate in and guide the future growth, development, and redevelopment of this urbanizing area of the County. A Public Introduction meeting was held at Robert E. Aylor Middle School to introduce the study, seek early input, and to encourage participation in the study and working groups. Initial input was offered by many of the participants and additional input was received following the meetings, both in the mail and via the County's website.

As a result of the initial recruiting effort, we were able to establish and fill the study's facilitator group and four working groups. The four working groups are as follows:

- 1. Urban Areas and Residential Development**
- 2. Business Development**
- 3. Transportation**
- 4. Natural Resources, Historic Resources, and Public Facilities**

The Working Groups completed their work and turned it over to the Facilitator Group who met in March of 2014 to begin their compilation of the four sections into a cohesive draft version of the Southern Frederick Area Plan.

The Facilitator Group draft was presented to the public at a Public Review and Input meeting, again held at Robert E. Aylor Middle School, on July 1, 2014. In addition, Staff presented the draft Southern Frederick Area Plan to the residents of Lake Frederick at their Town Hall Meeting on July 21, 2014.

Please find the resolution attached to this memorandum.

Please contact me if you have any questions regarding this item.

Attachments

MTR/pd

Planning Commission summary of 10/1/14.

Action – Recommended Approval

Deputy Planning Director, Michael T. Ruddy, presented an overview of the Southern Frederick Area Plan. Mr. Ruddy reported that after a work session with the Planning Commission and Board of Supervisors it was requested that more illustration and clarification be provided on a couple of items. The first item was areas of change to the original 277 plan. Staff identified there were two main areas that had changed. The first area of change is the Lakeside/Tasker Road area, and the second change is the White Oak Road to the northern entrance of the Lake Frederick Area.

Mr. Ruddy clarified the changes for the proposed areas. The Lakeside/Tasker Road area is primarily residential in land use and the adjustment includes commercial neighborhood village focal points in areas such as Artrip, Bowman Library at Lakeside, Warrior Drive, and Tasker Road. The second area of changed land use is at White Oak Road and the northern entrance to Lake Frederick in the future. Mr. Ruddy commented that the structure of the area is basically the same but there is now a different orientation of land uses in that area.

Mr. Ruddy commented on the public participation that has transpired through this project with several meetings held at Robert E. Aylor Middle School, forming working groups, and public review meetings.

Chairman Wilmot asked if the current mapping would be part of the appendix, Mr. Ruddy clarified that the maps prepared for the presentation are for informational purposes only. The four main maps would be part of the appendix. Chairman Wilmot commented that the text and mapping was superb and requested that we keep these on hand for future use.

Chairman Wilmot opened the public hearing and called for anyone who wished to speak regarding this request to come forward. No one came forward to speak and Chairman Wilmot closed the public comment portion of the hearing.

Upon motion made by Commissioner Thomas and seconded by Commissioner Molden,

BE IT RESOLVED, the Frederick County Planning Commission does hereby unanimously recommended approval of the Southern Frederick Area Plan.

(Note: Commissioners Kenny and Mohn were absent from the meeting)



RESOLUTION

Action:

PLANNING COMMISSION: October 1, 2014 - Recommended Approval

BOARD OF SUPERVISORS: November 12, 2014 ☐ APPROVED ☐ DENIED

**RESOLUTION TO ADOPT AN AMENDMENT TO APPENDIX I OF
THE 2030 COMPREHENSIVE PLAN
APPENDIX 1 – AREA PLANS
THE SOUTHERN FREDERICK AREA PLAN**

WHEREAS, The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on July 14, 2011; and

WHEREAS, The Plan encompasses the area generally east of Interstate 81 to the Clark County line and from the Opequon Creek in the north to Lake Frederick in the south. The study area includes the Route 277 Triangle Study, Tasker Woods, and many of the existing residential communities of the Stephens City area from Lakeside to Shenandoah and everything in between. The study area includes both the Opequon and Shawnee Magisterial Districts; and

WHEREAS, The Plan contains four maps and narrative text that covers the following areas: Urban Areas and Residential Development, Business Development, Transportation, and Natural Resources, Historic Resources and Public Facilities; and

WHEREAS, The Plan provides a guide for future land use and was a collaborative effort of the citizens of Frederick County, County Planning Staff, Planning Commissioners and the Board of Supervisors; and

WHEREAS, the Comprehensive Plans and Program Committee formally reviewed and endorsed the Southern Frederick Area Plan at their September 8, 2014 meeting; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this proposed amendment on October 1, 2014 and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on November 12, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans, to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice; and

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors that **THE AMENDMENT TO THE 2030 COMPREHENSIVE PLAN, APPENDIX I – AREA PLANS**, is adopted.

This amendment will provide a guide for land use in the Southern Frederick Area.

Passed this 12th day of November 12, 2014 by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

SOUTHERN FREDERICK AREA PLAN

The Southern Frederick Area Plan builds on the Route 277 Triangle and Urban Center Plan, consolidates the Tasker Woods Plan, and incorporates previously unplanned areas within the study boundary into a cohesive and proactive area plan.

The Southern Frederick Area Plan continues to identify opportunities to create new communities, integrate land use and transportation choices, address community infrastructure needs, and expand the County's goals for economic development.

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

The Southern Frederick Area Plan originally promoted five main areas of new land use focus; the Sherando Center, the Route 277 Triangle; Center of Economy, Interstate Commercial @ 307, White Oak Woods Neighborhood Village, and Tasker Woods. In the 2014 update, several additional areas of land use focus were envisioned; Lakeside Neighborhood Village, Artrip Neighborhood Village, Warrior and Tasker Neighborhood Village, and Lake Frederick Neighborhood Village.

The above areas combine to frame the southern boundary of the **County's urban areas**. In addition, Route 522 South within the study area defines **the eastern boundary of the County's urban areas**. South and east of this study area; **the County's** rural areas are strengthened as the primary land use designation. The Lake Frederick Sewer and Water Service Area (SWSA) is recognized in this area plan.

An overview to planning in Frederick County.

Planning efforts, such as the Southern Frederick Area Plan, enable the community to anticipate and deal constructively with changes occurring in the community. Planning helps guide the future growth of the community and is intended to improve the public health, safety, convenience, and welfare of its citizens.

The Plan provides a guide for future land use and was a collaborative effort of the citizens of Frederick County, County Planning Staff, Planning Commissioners, and Board of Supervisors. However, it is the property owners who are the ones who make the decision as to whether or not to implement the Plan as it applies to their property.

Future rezoning is a means of implementing the Plan. Rezoning in Frederick County have historically been initiated by the property owner, or with their consent. There is no reason to expect that this will change in the future.

Therefore, it is important to remember that the Plan is a guide for the future of the community, but that the property owner is ultimately the one who controls the future use of their property.

Land Use.

The Sherando Center

The Sherando Center is envisioned to be an intensive, walkable urban area that is well integrated with the surrounding community. The center should be based on the principles of New Urbanism or Traditional Neighborhood Design promoted in the 2030 Comprehensive Plan. It shall contain a large commercial core, generally higher residential densities with a mix of housing types, an interconnected street system, and public open space around which the center is designed. Community facilities shall also provide a focal point for the center and surrounding community. Presently, Sherando High School and Sherando Park provide this function. In the future, these resources shall be complemented by a new Elementary School which shall serve the existing and future population and be located within the center. Public spaces in the form of pocket parks, plazas, or greens shall be further integrated into the design of the Sherando Center.

The Sherando Center is centrally located to the community and is in the short term, respectful to the Agricultural District. The commercial and residential mix of land uses shall have a strong street presence and shall relate to existing Route 277, Warrior Drive and Double Church Road. The mix of commercial, residential, employment, and community uses shall be linked to the surrounding community with inter modal transportation choices and public open spaces.

Route 277 Triangle; Centers of Economy

Route 277 Triangle; Centers of Economy is designed to be a significant area of commercial and industrial opportunity that is fully supportive of **the County Economic Development Commission's targeted goals and strategies.** The intent of the mixed use designation is to further **enhance the County's commercial and industrial areas and to provide focus to the County's future regional employment centers.** In specific areas a mix of flexible uses, with office uses in prominent locations is encouraged. Such areas are supported by substantial areas of industrial and commercial opportunity, and provide for areas that are well designed with high quality architecture and site design. It is the

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intent of such areas to promote a strong positive community image. Residential land uses are not permitted.

Lake Frederick Neighborhood Village

Lake Frederick Neighborhood Village serves as a focal point to the 277 Triangle; Centers of Economy and as a gateway feature for the Shenandoah/Lake Frederick community and on a broader scale, a gateway feature for Frederick County as citizens and visitors approach the County from the east. This neighborhood village should promote a strong positive community image. Residential land uses would be permitted only as an accessory component of the neighborhood village commercial land uses. Previously, a small area of neighborhood village commercial was identified on the south side of Route 277 in the general vicinity of the future entrance of Shenandoah and the existing **Sandy's Mobile Home Park**. The 2014 update to the Plan provides for an overall greater area and greater mix of uses in this area that is reflective of a stronger desire to create a more substantial focal point for activity. This is primarily based on the growth and development of the Lake Frederick Community and the involvement of new residents from this area.

Interstate Commercial @ 307

Located at a highly visible location on a prominent interstate interchange, this area of land use shall be designed specifically to accommodate and promote highway commercial land uses. Particular effort must be made to ensure that access management for the supporting transportation network is a key priority as the function of the interstate and primary road network is of paramount importance. Access to the areas of interstate commercial land uses shall be carefully designed. The building and site layout and design of the projects shall be of a high quality. In addition, an enhanced buffer and landscaping area shall be provided adjacent to the Interstate 81 right-of-way, its ramps, and the new arterial road, the South Frederick Parkway, and adjacent to Route 11.

White Oak Woods Neighborhood Village

The White Oak Woods Neighborhood Village is a neighborhood village commercial area that is proposed at White Oak Road and Route 277 which is sensitive to the existing character and scale of the location, adjacent to Sherando Park and the White Oak Campground. The orientation of this neighborhood commercial shall be to the park and adjoining street network. A new Fire and Rescue Facility and Community Facility shall provide an additional focal point to this area. This facility and the commercial land uses shall be of a general scale and context similar to projects such as Creekside. High quality building and site design is a priority. Accessory residential uses are only permitted as an accessory component of the neighborhood village commercial land uses.

Tasker Woods

The Tasker Woods area provides guidance on the future land use for all of the land area between Route 522, Tasker Road, and White Oak Road. An area of Neighborhood Village Commercial is proposed between the originally proposed residential areas and Route 522, serving the Tasker Woods area. An internal access road serving this area has been provided with the Tasker Woods project. Therefore, no new commercial entrances shall be permitted on Route 522. Access Management is a priority along the Route 522 corridor. A significant corridor appearance buffer is proposed along Route 522 similar to that established for Route 50 West corridor in the Round Hill Land Use Plan **which consisted of a 50' buffer area, landscaping, and bike path.** Accessory residential uses are only permitted as an accessory component of the neighborhood village commercial land uses within the Neighborhood Village area.

The area of natural resources connecting Tasker Woods with Route 522, including the existing pond shall continue to be recognized in this plan. An extension of the neighborhood commercial land uses may be appropriate on the east and west sides of the existing pond if a balance is achieved between protecting the environmental features and allowing compatible neighborhood commercial uses, which may also include commercial recreational uses.

In addition to the Neighborhood Village Commercial land uses, an area of commercial land use is proposed generally north of Tasker Road. This is an extension of the previously planned commercial area on Tasker Road. Two areas have been identified as recreational and natural resources and have been connected together in an effort to protect the existing natural resources and provide additional recreational opportunities for the Tasker Woods area.

Lakeside Neighborhood Village

A Neighborhood Village Commercial area is proposed along Tasker Road in the in the Lakeside area, in the vicinity of the Lakeside Library. This small scale commercial area is sensitive to the existing character and scale of the location, the Lakeside Library and the adjacent lake, and the historic and natural resources in this area. The orientation of this neighborhood commercial shall be on the opposite side of Tasker Road to the library and lake with a new street network providing the framework for the new neighborhood. The Lakeside Library, an invaluable community facility for the area shall provide a focal point to this area. The commercial land uses shall be of a general scale and context similar to projects such as Creekside. High quality building and site design is a priority. Accessory residential uses are only permitted as an accessory component of the neighborhood village commercial land uses within the core area. An area of residential land use is proposed to surround the core neighborhood village area that shall be of a higher density than that typically found in this general area.

Artrip Neighborhood Village

The Villages at Artrip contains approximately 170 acres of land designed as a neo-traditional village community. This neighborhood village was designed to provide an urban feel in what was historically a rural setting. This development was rezoned in 2006 and is anticipated to include a mix of 900 single family homes and townhouses, over 100,000 square feet of retail, as well as numerous restaurants and office space. A future elementary school is proposed in this area which will ensure that such an important community facility will provide a

focal point and valuable community resource for this area of new development.

Warrior & Tasker Neighborhood Village

A Neighborhood Village Commercial area is proposed along Warrior Drive, adjacent to the intersection of Warrior Drive and Tasker Road. This small scale commercial area is sensitive to the existing residential character of the area, in particular the scale of the adjacent neighborhoods, yet seeks to build upon the existing commercial character of this intersection. The commercial land uses shall be of a general scale and context similar to projects such as Creekside. High quality building and site design is a priority. Accessory residential uses are only permitted as an accessory component of the neighborhood village commercial land uses within the core area.

Defined Rural Areas

The Southern Frederick Area Plan has sought to further define the boundary between the Rural and Urban Areas of the community. As noted, the above areas of proposed land use combine to frame the **southern boundary of the County's urban areas**. In addition, the rural areas to the east of **Route 522 south further define the County's urban area** in this location. The plan provides enhanced recognition of Double Church Agricultural District. This recognition and the location and boundaries of the proposed land uses further promote a clean **separation between the County's rural and urban areas**.

Armel Rural Community Center

The general location of the Armed Rural Community center was identified in earlier versions of the Comprehensive Plan as one of several rural community centers in Frederick County that have a role **to play as service centers for the County's Rural Areas**. This identification was largely based on the historical role they played to that end. The Southern Frederick Area Plan seeks to further define the Armel Rural Community Center and promote future consideration of this unique area, an area that should remain distinct from the general urban development occurring in the urban areas of the plan. Future

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policies for this rural community center should reflect the particular characteristics of the center and the desires of its residents. This could **be achieved through a broader effort to plan the County's Rural Community Centers.**

Sherando-Lake Frederick Trailway

For the Southern Frederick Area Plan, it is recommended that a new multi-purpose path be constructed from the planned lakeside path at Lake Fredrick westward along Crooked Run and other connecting areas to intersect with a Sherando Park trail. This pathway surface should be consistent with that of the Sherando Park paths and trails. The new pathway will connect large segments of Southern Frederick trails **and provide additional public to access Lake Frederick's lakeside trails** and other constructed facilities. Such an environmental and recreational resource would provide an excellent example for other opportunities in the County.

Residential Development

Outside of the Sherando Center and Neighborhood Villages described above, the residential land uses in the Southern Frederick study area are defined in two main categories:

- R4 – these are generally reflective of our existing residential densities at approximately 4 units per acre.
- R6 – these are slightly higher residential densities that may fall within the 6-12 units per acre range (this is generally attached house and may also include multifamily and a mix of other housing types).

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

The residential land uses east of Route 522 South within the study area are envisioned to be rural area residential in character. Route 522 South may generally be considered as the boundary between the urban areas and rural areas within the eastern part of this study area. This provides a transition area to the Opequon Creek and Wrights Run and to the well-established rural character of adjacent Clarke County.

Business Development

The business development section of the plan seeks to identify items that would be complementary to the Urban Areas and Residential Development, Transportation and Natural Resources, Historic Resources and Public Facilities portion of the plan.

The business development recommendations are also intended to implement the 2030 Comprehensive Plan by promoting the efficient utilization of existing and planned land areas and transportation networks. Further, the recommendations promote commercial, **industrial, and employment land use areas to assure the County's** desired taxable value ratio of 25 percent commercial/industrial to 75 percent residential and other land use is achieved.

The Plan provides for new industrial park and employment center **areas to match the Economic Development Commission's vision for** this portion of Frederick County.

The Plan identifies a prime area for Mixed Use development, the Sherando Center, to capitalize on future commercial and employment opportunities. In addition, areas are identified for neighborhood village commercial use, including retail, to accommodate existing residential communities.

The relocation of the Exit 307 Interchange on interstate 81 provides a significant commercial opportunity that the Plan seeks to take advantage of by identifying the Interstate Commercial @ 307 area of land use.

The business development recommendations identified desirable business types to draw to the area. Including, but not limited to;

- Light Industrial/High Tech targeted businesses.
- Lodging / Event / Dining along the Route 522 corridor and at the interstate.
- Home Office (versus home based)
- Fast-Casual Dining (EG - Panera, Chipotle)

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- Higher-end dining (Chain and Local businesses) as well as casual **Pub's** and Cafes.
- Premium Grocery & Retail in the UDA Center area (EG - **Wegman's**)

The business development group also provided the following general comments:

1. All areas should be designed to promote/support pedestrian and bike access, making this a walkable community. This will decrease reliance on cars and enable residents to more readily access business and employment centers.
 - a. To expand the pedestrian & bike access the undeveloped land zoned as Natural Resource / Flood Plain should include walking/biking trails.
2. Identify ways to leverage abundant supply of natural gas in the RT 522 corridor.
3. Determine if incentives to rezone to commercial uses for land owners with agricultural zoned property should be made available.
4. Promote development of small parcels of land that already contain residential structures along transportation corridors for business purposes, examples of which may include doctors, dentist offices, and other professional offices. Promotion could be in the form of incentives or credits to offset the cost of site improvements and transportation improvements required by the site development.
5. Restaurants and community based businesses such as Dry Cleaners, Convenience Stores, and the like, should be located close to and easily accessible by car or by foot to the areas targeted as industrial, commercial and office uses. This could also be within the Sherando Center or Neighborhood village commercial areas which are located within accessible distances from these areas.

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6. Identify ways to draw more Light Manufacturing and targeted economic development businesses to the area around the FBI facility off of Tasker Rd.
7. The Southern Frederick County area would be a natural fit for various outdoor events and festivals, especially once the road and walking path networks have been enhanced and more lodging and dining options are available. This type of business has a low impact on the environment and provides an external infusion of revenue.

The business development group identified several additional areas east of Route 522 South for potential modifications to the Southern Frederick Area Plan that would better promote the business development objectives of the 2030 Comprehensive Plan. However, it was determined through the facilitator group stage of this planning effort that these areas should remain rural in character.

Specific Implementation Steps have been identified which would further promote business development opportunities in the Southern Frederick Area Plan and Frederick County in general. This is consistent with those identified in the Senseny/Eastern Frederick County Urban Area Plan. These include:

- The creation of a Future Land Use Revenue Incentive Program that provides property owners with the ability to sell residential density rights to keep their property available for future employment, commercial, or industrial land use as recommended by the Comprehensive Policy Plan. This program would incentivize the property owner by providing a revenue income source in the near term and future revenue income when the property is zoned for employment, commercial or industrial land use.
- Incentivize the property owner with automatic placement of the property into the Sewer and Water Service Area (SWSA) if a rezoning application is processed for future employment, commercial, or industrial land use.
- Incentivize the property owner with County endorsement of Economic Development Access (EDA) funds and/or Revenue Sharing Funds to assist in the financing of major road infrastructure needed to serve the development project.

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Additionally, provide for County-managed support of the major road infrastructure projects to streamline the approval process for project design and construction management.

- Incentivize the property owner through the implementation of expedited rezoning processes for future employment, commercial, or industrial land use as recommended by the Comprehensive Policy Plan.
- The creation of new Zoning Ordinance requirements that facilitate more intensive FAR and height allowances for future employment, commercial or industrial land use, especially in the urban centers.
- The County should support and partner with various athletic organizations to sponsor regional or state tournaments and events using existing facilities to promote tourism in support of existing hotels, restaurants, and attractions.

Transportation

In support of the new areas of land use, a transportation network has been proposed which relates to the location and context of the areas of land use, promotes multi-modal transportation choices and walkability, furthers the efforts of the Win-Fred MPO, and reaffirms the planning done as part of the Route 277 Triangle Area plan. In this study there is a direct nexus between transportation and land use.

The relocation of Interstate 81, Exit 307, provides a new orientation **for the County's primary road system and** provides new opportunities to create a transportation network which supports the future growth of the community in the right locations. This area is also heavily influenced by the ongoing and future improvements to I-81 Exit 310 and the future extension of Warrior Drive. Minor modifications are proposed to the alignment of the Tasker Road flyover of I-81.

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

Roundabouts will be considered as a priority preference for intersection design. Roundabouts are particularly effective when used in series and when used where intersection spacing may be an issue.

The context of the collector road network is proposed to be significantly different with the focus being placed on a more walkable and complete street thoroughfare design. The change in context is based upon classification of road and to ensure compatibility with adjacent land uses and community goals. Particular attention should be paid to street network within the Urban Centers. The surrounding land use, site design, and building design are features that will help create context and promote the creation of new communities, places, and focal points. Attention should also be provided to the context of the street in the Neighborhood Village Commercial Areas to ensure that these prominent locations are safe and accessible to all modes of transportation. Bicycle and pedestrian accommodations should be fully integrated to achieve complete streets. Appropriately designed

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intersection accommodations should include pedestrian refuge islands and pedestrian actualized signals.

More specific transportation considerations for Sherando Park include taking a proactive approach in creating safe interconnected routes to the park from the adjacent areas and creating additional access points. Traffic calming across the entire frontage of Sherando Park is warranted with special attention placed on providing a safe and efficient main entrance to the park.

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

Other recommendations from the transportation group:

- Emphasize the role of the State and the development community in the implementation of the planned road system.
- Use modeling to determine lane needs based upon build out of planned land uses, but consider plans of neighboring localities when making recommendations. Consider the needs of bicycle users and pedestrians in the following ways:
 - **Continue to plan all streets as “complete” streets which** consider all users.
 - Within residential neighborhoods, this would mean that sidewalks be used and cyclists share the roads. Use of striping that defines parking bays or cycling areas would be preferred.
 - On collector roadways or higher, make use of separated multi-use paths at least 10 feet in width.
 - Incorporate wide shoulders or bike lanes into roadways that have budgetary or right-of-way limitations. This would be viewed as a step toward the ultimate goal of a separated facility.
 - Make use of paved shoulders with striping on rural roadways as a long term measure. Rural roadways would be defined by traffic count or as roadways outside of the

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UDA that are not part of the Primary System (ex. Route 522).

- Bike paths should be constructed on the same grade as the adjacent roadway.
 - Bike path maintenance should be addressed by adjacent property owner groups whenever possible.
- Continue to enforce improved access management with redevelopment or new development.
 - This includes, but is not limited to, entrance location and spacing as well as traffic signal location and spacing.
- Roundabout use is preferred over signalization of intersections where traffic control is needed.
- Attractive median treatments (as alternative to standard grey concrete median) other than grass or other landscaping should be considered when maintenance agreements with VDOT cannot be achieved.
 - Treatments should be reasonably consistent
- Street sections could be modified due to DCR changes specific to drainage requirements.

Natural Resources, Historic Resources, and Public Facilities

Natural Resources

Frederick County should be a community that understands, values, and protects its natural resources.

The natural resources element of the Southern Frederick Area Plan should directly correlate to the Natural Resources chapter of the 2030 Comprehensive Plan.

To that end, Frederick County should focus on the creation of greenways, stream valley parks and stream buffers around waterways. Shared use trails should be constructed that connect these features to other public facilities. Consideration should be given to creating linear parks with shared use trails along major streams, particularly the Opequon Creek, with buffering vegetation appropriate for preventing erosion, filtering pollutants, and providing wildlife habitat.

Shared use trails should provide connections to other shared use trails as well as other public facilities in the study area.

New construction within the study area should take into account the natural resources located on and around their property.

Ensure that when new developments are planned, connectivity of greenways is included through the project.

Preserve and maintain existing natural wetlands, woodlands, and grasslands to the maximum feasible extent to provide wildlife habitats for animals and plants. Buffer wetlands and creeks using latest water management principles to promote environmental protection of those localities, stabilize stream banks, and promote such protective steps during residential development throughout the South Frederick County area.

All types of urban open spaces like greenways, squares, plazas, urban parks, playgrounds and street medians should be considered as part of urban development planning and implemented wherever reasonable.

Ensure that storm water is managed in **accordance with the County's Erosion and Sediment Control Ordinance and Virginia's** storm water Requirements, and work to implement Low Impact Development (LID) measures where appropriate.

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Provide for best storm water management practices at urban centers, residential developments, and industrial areas to facilitate environmental protection.

Protect floodplains and steep slopes from unsuitable uses and recognize their value for storm water management and ecological functions.

Ensure that with new development, people and wildlife are protected from unhealthy levels of noise and light.

Historic Resources

Frederick County should recognize and protect the historic structures and sites within the study area.

The historic element of the Southern Frederick Area Plan should directly correlate to the Historic Resources chapter of the 2030 Comprehensive Plan.

To that end, the rehabilitation, adaptive reuse, or restoration of historic structures should be increased. The Comprehensive Plan calls for the adaptive reuse of historic structures, future development applications that have historic resources on the property should incorporate the site into development.

Developmentally Sensitive Areas, including historic areas are shown on the land use map for the study area. By recognizing these historic sites and structures, the Southern Frederick Area Plan is implementing the policies of the Comprehensive Plan.

Significant structures and properties shown with a developmentally sensitive/historic designation should be buffered from adjacent development activity.

Require archaeological surveys to be conducted prior to development, particularly any that involve battlefield areas, homesteads, Indian encampments, and waterways.

The Rural Landmarks Survey should be updated and maintained regularly in order to keep current the inventory of structures older than fifty years.

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

The Melvin Sandy house is located immediately adjacent to Sherando Park and would be ideal for use as an element of the Park. In the event that it cannot be included as part of the park, it would be appropriate for the use on the property to develop as something which would encourage the protection of the structure and provide a use which encourages park users to utilize the property.

Frederick County should assist property owners that want to register their properties with the State or National Register.

Increasing shared use trails throughout the study area would give emphasis to the preservation and rehabilitation of nearby historic sites and structures. Developments should incorporate and/or convert historic properties into recreational elements, including shared use trails, parks, and museums. The Zig-Zag trenches should be preserved and connected via a linear park/trail network to Crosspointe.

Developers of any urban center developed in the study area should **integrate into the center's development plans both the preservation** and prominence of historical and natural resources within the urban center boundaries such as the restoration, rehabilitation, or adaptive reuse of historic homes, churches, other buildings, Civil War site markers, Civil War earth works, significant stone outcroppings, etc..

Community Facilities

The need for public spaces within the study area needs to be acknowledged.

The public facility element of the Southern Frederick Area plan should directly correlate to the Public Facilities chapter of the 2030 Comprehensive Plan. The public facilities element should also expand upon the existing 2030 Comprehensive Plan and ensure that opportunities for needed public facilities, which are not currently identified, are not missed.

To that end, the following recommendations are offered.

The development community should work with FCPS, Fire & Rescue, and Parks and Recreation to determine future public facility needs.

A potable water tank will be needed within the study area to accommodate future growth (Lake Frederick area).

The County should focus on the development of the north side of Sherando Park (north of Route 277).

The 2007 Win-Fred MPO Bicycle & Pedestrian Mobility Plan should be adopted by the Board of Supervisors and pedestrian facilities shown in the plan should be constructed. This plan should also be utilized as a reference for accommodation recommendations and guidelines.

Ensure connectivity with existing or proposed bicycle or pedestrian transportation accommodations wherever possible.

Pedestrian facilities should be constructed that connect neighborhoods to school and park facilities to promote access and walkability.

Trails should be planned and constructed that connect Sherando Park, the proposed S. Frederick Parkway and Lake Frederick (see the Sherando-Lake Frederick Trailway example described in the land use section).

A trail network should be constructed around the Lake at the Bowman Library.

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

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A new Fire & Rescue station is needed within the study area. As proposed, a new Fire and Rescue Facility and Community Facility shall provide an additional focal point to the White Oak Woods Neighborhood Village area.

The 13 acre parcel owned by the Frederick County adjacent to Bass Hoover Elementary should be planned as a combined school, park and recreation facility.

The existing schools within the study area, including Bass Hoover, Aylor, and Sherando need to be upgraded as outlined in the CIP. New schools identified in this plan and in the CIP should be pursued and may be used as focal points for future community development.

Zoning Amendments to implement the plan

Revised/more flexible B2 Overlay concept

Neighborhood Village Commercial areas are envisioned to be compact commercial centers that focus and complement the surrounding neighborhoods, are walkable and designed at a human scale, and which are supported by existing and planned road networks.

Accessory residential uses within the neighborhood Villages are only permitted as an accessory component of the commercial land uses within the core area. ***However, the residential uses are allowed in a variety of configurations and are not just limited to the second and third floors of commercial buildings. They may also be located in separated buildings, again provided that they are accessory to the commercial uses.*** This provides a greater amount of flexibility with the residential design, while still affording the commercial land uses primary status. *Previously, residential land uses were only permitted on the second floor and above commercial buildings.*

Traditional Neighborhood Design Zoning Classification

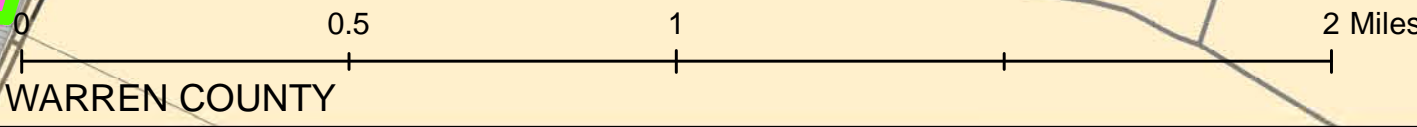
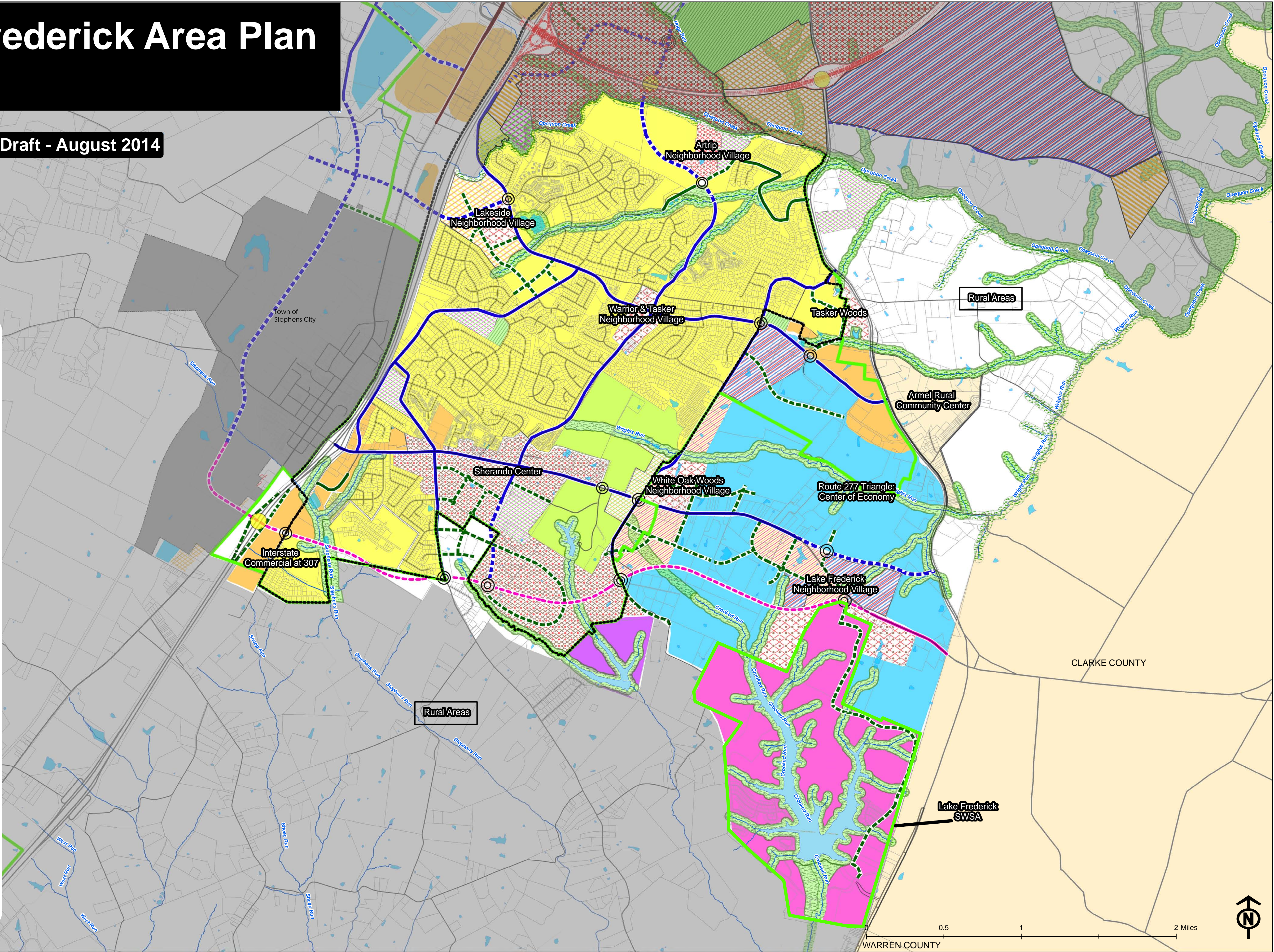
This flexible zoning classification is intended to enable Neighborhood and Urban Village Centers, or a part thereof, to be developed.

Southern Frederick Area Plan

Land Use

SoFred Public Hearing Draft - August 2014

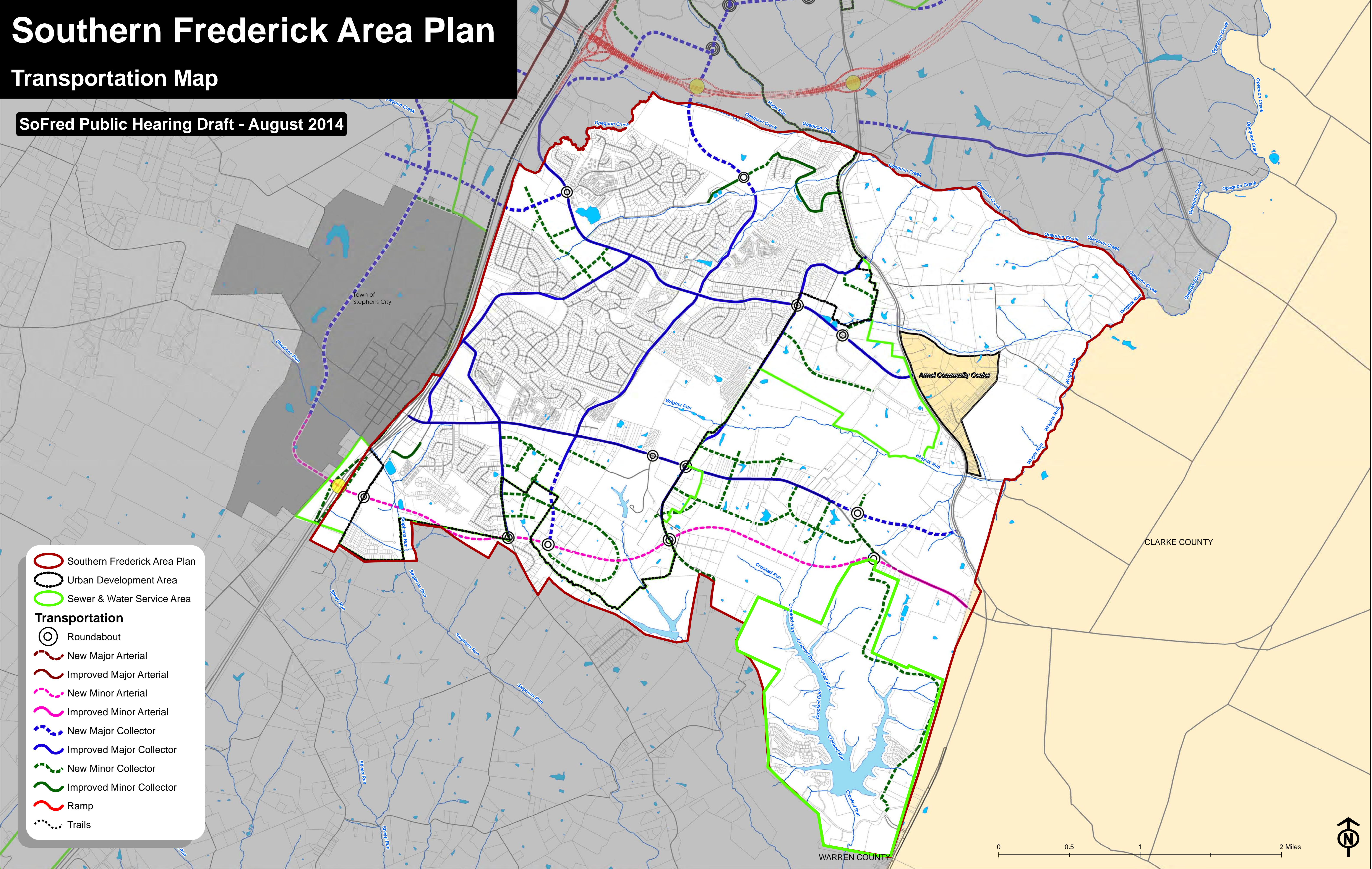
- Southern Frederick Area Plan
- Urban Development Area
- Sewer & Water Service Area
- Parcels
- Long Range Land Use Plan
- Residential
- High Density Residential
- Neighborhood Village
- Urban Center
- Mobile Home
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Minin
- ERR
- Commercial Rec
- Community Center
- Fire & Rescue
- Historic
- Institutional
- PUD
- Park
- Recreation
- School



Southern Frederick Area Plan

Transportation Map

SoFred Public Hearing Draft - August 2014



- Southern Frederick Area Plan
- Urban Development Area
- Sewer & Water Service Area
- Transportation**
- Roundabout
- New Major Arterial
- Improved Major Arterial
- New Minor Arterial
- Improved Minor Arterial
- New Major Collector
- Improved Major Collector
- New Minor Collector
- Improved Minor Collector
- Ramp
- Trails

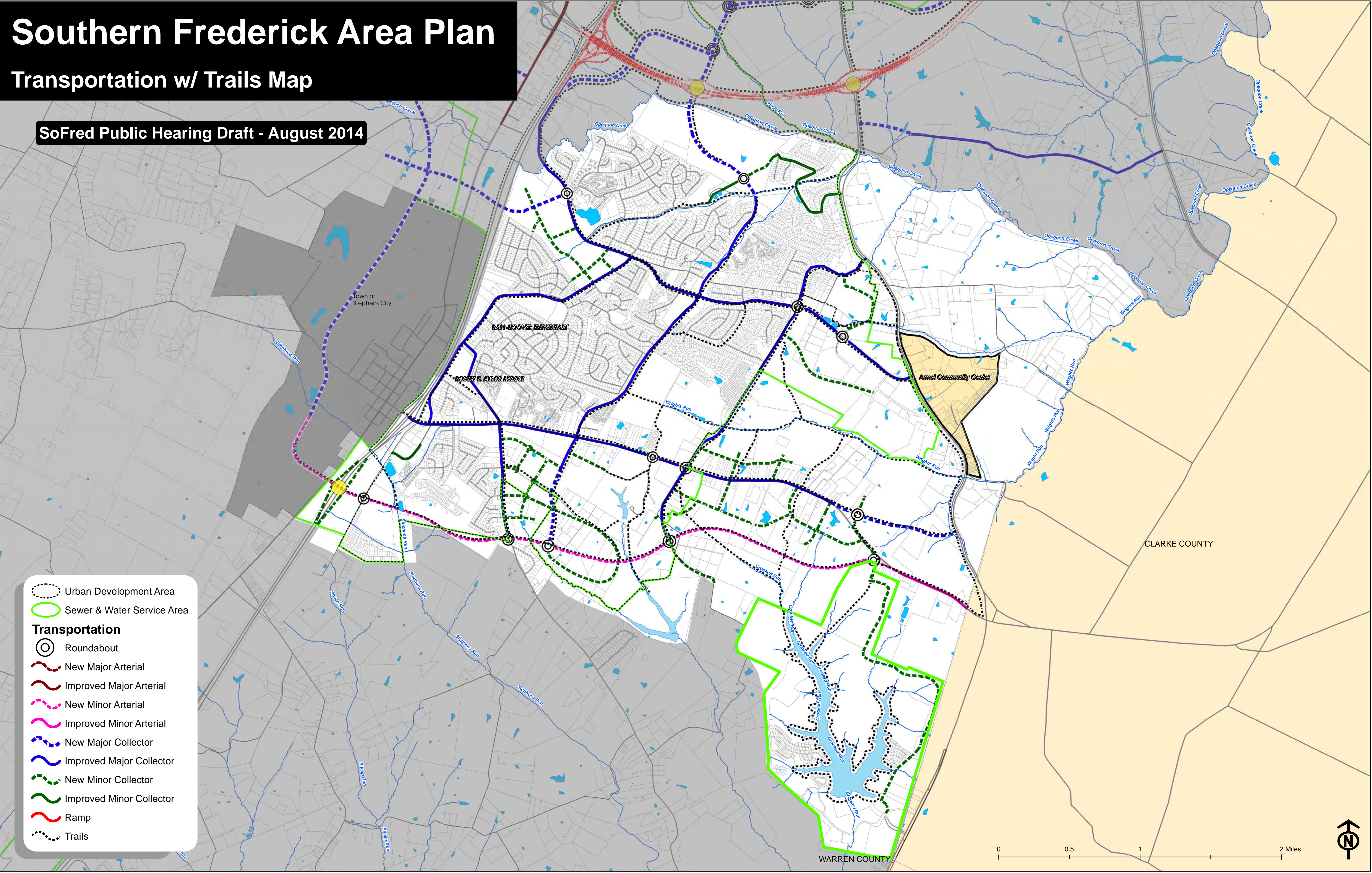
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Southern Frederick Area Plan

Transportation w/ Trails Map

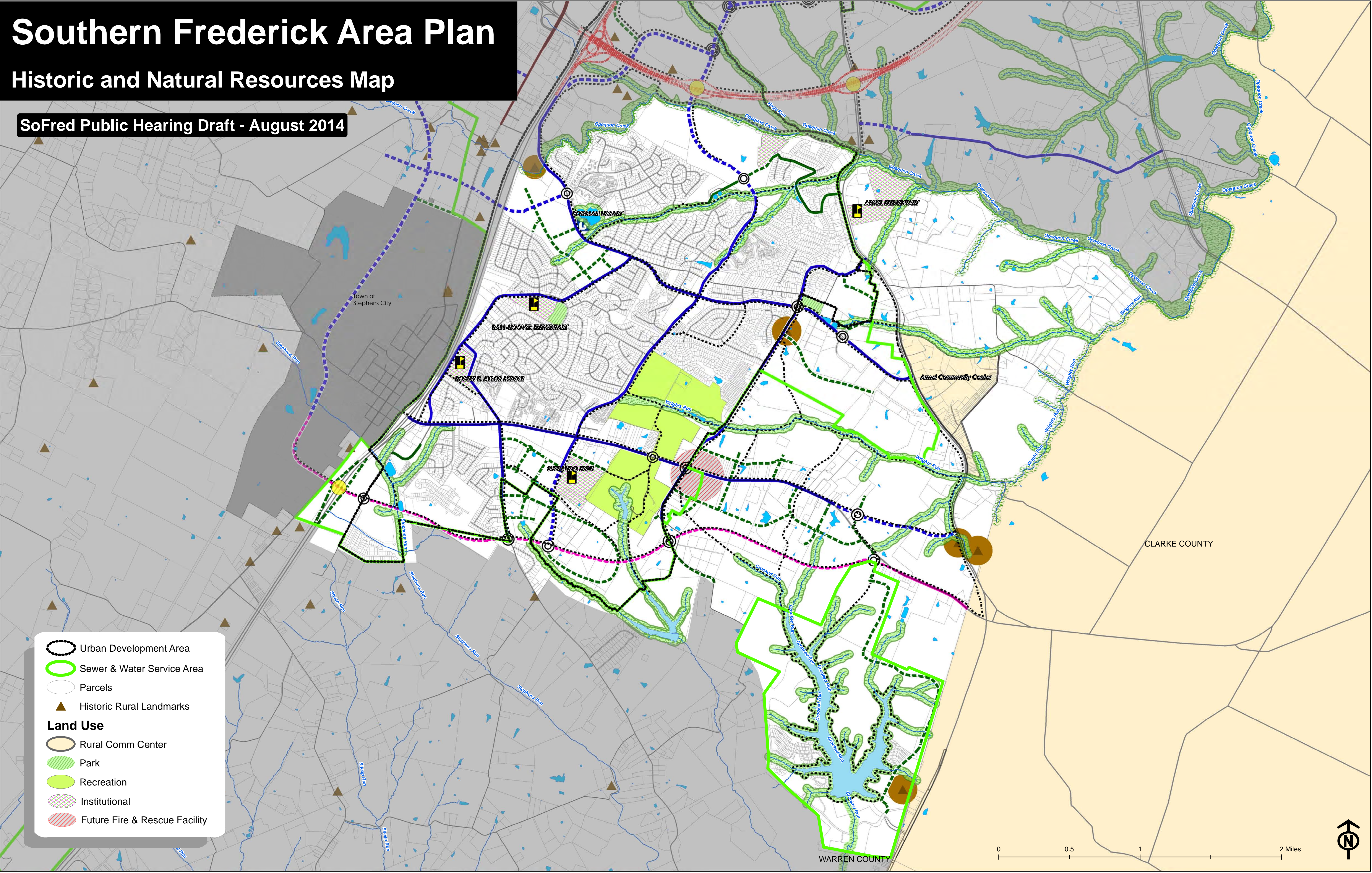
SoFred Public Hearing Draft - August 2014



Southern Frederick Area Plan

Historic and Natural Resources Map

SoFred Public Hearing Draft - August 2014



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MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *Cep*

SUBJECT: **Public Hearing** - Zoning District Buffer Waivers

DATE: November 4, 2014

Staff has received a request to revise the Zoning Ordinance to include a zoning district buffer waiver that allows the Board of Supervisors to eliminate or modify the buffer, if the adjoining land is designated in the adopted Comprehensive Plan for a use which would not require a buffer. The waiver as drafted would require support from the adjacent property owner.

This item was discussed by the Development Review and Regulations Committee (DRRC) at their June 26, 2014 meeting. The DRRC endorsed the proposed revision as drafted and recommended it be sent to the Planning Commission for discussion. The Planning Commission discussed the request at their August 20, 2014 meeting. Commission members were in favor of reducing the amount of buffers to lessen the impact on developers, but were concerned about possible repercussions with future property transitions and suggested the need for a signed agreement between the two property owners. They noted that despite the fact the two adjoining property owners may now get along and share a vision, it doesn't guarantee that situation into the future. A standard form, or some form of County record, were considered as ways to make sure the future adjacent property owners know about any waivers granted. Commissioners agreed that any flexibility which can be provided within the ordinance relative to buffers is good and they were in favor of this amendment, but working out the details was the next challenge, especially as attention moves toward mixed uses in future developments. (Commissioner Oates abstained from discussion; Commissioners Crockett and Dunlap were absent.) The Board of Supervisors discussed the request at their September 10, 2014 meeting. The Board questioned why the RA District wasn't included in the buffer matrix and requested changes to the waiver text. The changes requested by the Board of Supervisors have been incorporated into Attachment 1. The Planning Commission held a public hearing for this item on October 1, 2014; there were no citizen comments and the Commission recommended approval of the amendment.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (with strikethroughs for text eliminated and bold italic for text added). **This proposed amendment is being presented to the Board of Supervisors as a public hearing item. A decision by the Board of Supervisors on this proposed Zoning Ordinance text amendment is sought.** Please contact me if you have any questions.

Attachments:

- 1. Revised ordinance with additions shown in bold underlined italics.**
- 2. Graphic**
- 3. Resolution**

CEP/pd

Chapter 165
Article II - SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS,
AND REGULATIONS FOR SPECIFIC USES

Part 203 – Buffers and Landscaping

§ 165-203.02 Buffer and screening requirements.

D. Zoning district buffers. Buffers shall be placed on land to be developed when it adjoins land in certain different zoning districts.

(1) Buffers shall be provided on the land to be developed according to the categories in the following tables:

(a) Buffer categories:

Distance Buffer Required				
Category	Screening Provided	Inactive (Minimum) (feet)	Active (Maximum) (feet)	Total (feet)
A	No screen	25	25	50
B	Full screen	25	25	50
B	Landscape screen	75	25	100
B	No screen	150	50	200
C	Full screen	75	25	100
C	Landscape screen	150	50	200
C	No screen	350	50	400

- (b) Buffer categories to be provided on land to be developed according to the zoning of the adjoining land:

Zoning of Adjoining Land													
Zoning of Land to be Developed	RP	R4	R5	MH1	B1	B2	B3	OM	M1	M2	EM	MS	<i>RA(Primarily used for residential purposes)</i>
RP	-	-	-	-	A	A	A	A	A	A	A	A	<u>-</u>
R4	-	-	-	-	A	A	A	A	A	A	A	A	<u>-</u>
R5	-	-	-	-	A	A	A	A	A	A	A	A	<u>-</u>
MH1	C	C	C	-	B	B	B	B	B	A	A	C	<u>-</u>
B1	B	B	B	B	-	-	A	A	A	A	A	B	<u>B</u>
B2	B	B	B	B	-	-	-	A	A	A	A	B	<u>B</u>
B3	C	C	C	C	B	-	-	-	-	-	-	C	<u>C</u>
OM	C	C	C	C	B	B	-	-	-	-	-	C	<u>C</u>
M1	C	C	C	C	B	B	-	-	-	-	-	C	<u>C</u>
M2	C	C	C	C	B	B	B	B	B	-	-	C	<u>C</u>
EM	C	C	C	C	B	B	B	B	B	-	-	C	<u>C</u>
MS	C	C	C	C	B	B	B	B	B	B	C	-	<u>C</u>

- (2) If a lot being developed is adjacent to developed land which would normally be required to be provided with a buffer but which does not contain the buffer, the required buffer shall be provided on the lot being developed. The buffer to be provided shall be of the larger category required on either the lot being developed or the adjacent land. Such buffer shall be in place of the buffer normally required on the lot being developed. The buffer may include required setbacks or buffers provided on the adjacent land.
- (3) ~~Whenever land is to be developed in the B-1 (Neighborhood, Business) or B-2 (Business, General) Zoning District that is adjacent to land primarily used for residential use in the RA (Rural Areas) Zoning District, a B Category buffer shall be provided on the land to be developed.~~ The Board of Supervisors may grant a waiver to reduce the required buffer distance requirements **between land primarily used for residential purposes and the B-1 (Neighborhood, Business) or B-2 (Business, General) Zoning District** with the consent of the adjacent (affected) property owners.

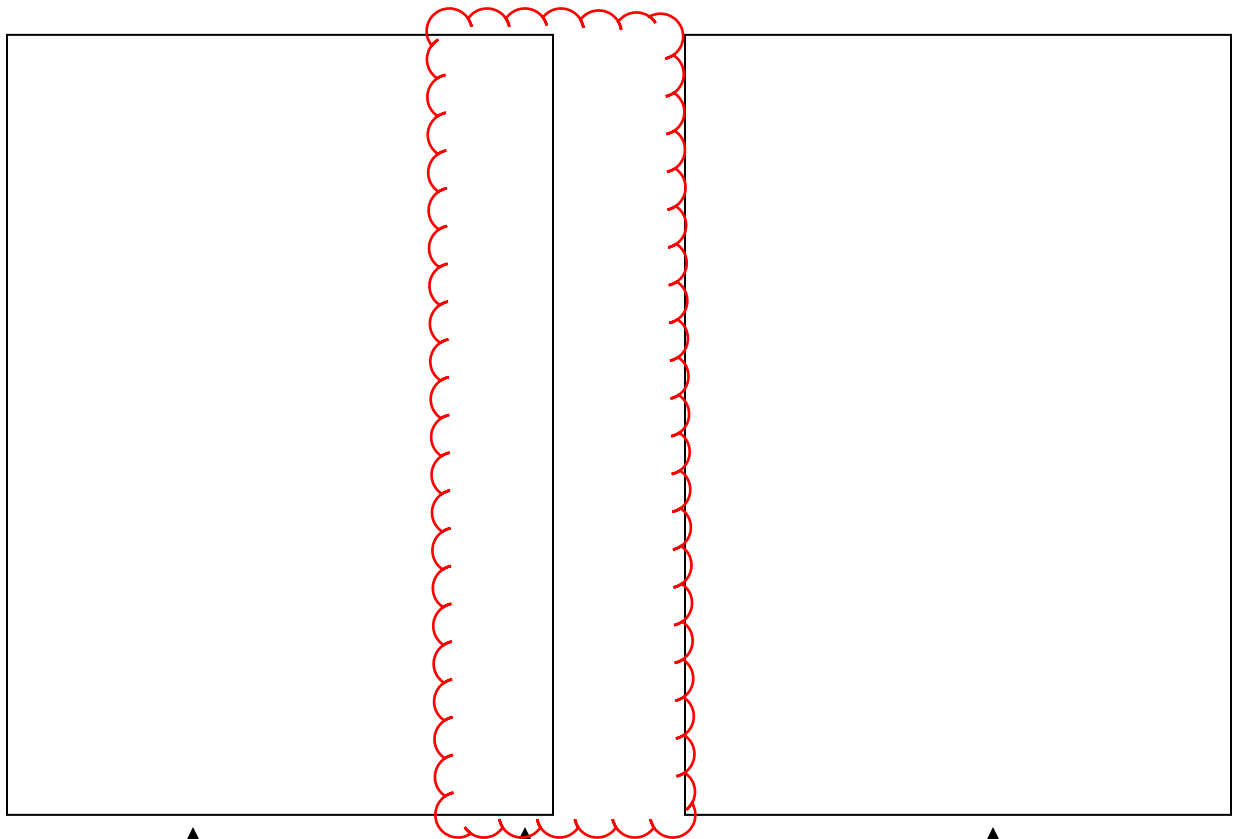
Should a waiver be granted by the Board of Supervisors, the distance requirements of § 165-203.02D(1)(a) may be reduced, provided the full screening requirements of this section are met.

- ~~(4) Whenever land is to be developed in the B3, OM, M1 or M2 Zoning District that is adjacent to land primarily used for residential purposes in the RA Rural Areas Zoning District, a C Category buffer shall be provided on the land to be developed.~~
- ~~(5) Whenever land is to be developed in the MS Zoning District that is adjacent to land primarily used for residential purposes in the RA (Rural Areas) Zoning District, a C Category buffer shall be provided on the land to be developed. Whenever land is to be developed in the MS Zoning District that is adjacent to all other land zoned RA (Rural Areas) Zoning District, the requirements for buffer and screening shall be provided in accordance with §165-402.07 of this chapter.~~
- (4) The Zoning Administrator may waive any or all of the requirements for the zoning district buffers on a particular site plan when all uses shown on the site plan are allowed in the zoning district in which the development is occurring and in the adjoining zoning districts.
- (5) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements (distance and landscaping) if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required yard would not be effective. The buffer may also be modified to maintain highway sight distances.
- (6) Land proposed to be developed in the OM (Office-Manufacturing Park), the M1 Light Industrial District and the M2 Industrial General District may be permitted to have a reduced buffer distance that is consistent with the required side or rear building setback line, provided that the following requirements are met:
 - (a) The property to be developed with a reduced buffer distance is part of an approved master planned industrial park.
 - (b) There are no primary or accessory uses within the reduced buffer distance area, including driveways, access drives, outdoor storage areas, parking areas, staging areas, loading areas and outdoor dumpster areas. All-weather surface fire lanes necessary to meet the requirements of Chapter 90, Fire Prevention, of the Code of Frederick County, Virginia, shall be exempt from this performance standard.
 - (c) A full screen is required to be created within the reduced buffer distance area which shall be comprised of a continuous earth berm that is six feet higher in elevation than the highest elevation within the reduced buffer distance area and a double row of evergreen trees that are a minimum of six feet in height and planted a maximum of eight feet from center to center.
- (9) Proposed developments required to provide buffers and screening as determined by § 165-203.02D(1)(b) of this chapter may be permitted to establish a common shared buffer and screening easement with the adjoining property. The common shared buffer and screening easement shall include all components of a full screen which shall be clearly indicated on a site design plan. A legal agreement signed by all appropriate property owners shall be provided to the Department of Planning and Development and shall be maintained with the approved site design

plan. This agreement shall describe the location of the required buffer within each property, the number and type of the plantings to be provided and a statement regarding the maintenance responsibility for this easement. The required buffer distance may be reduced by 50% for a common shared buffer easement if existing vegetation achieves the functions of a full screen.

- (7) When a flex-tech development is split by a zoning district line, the Zoning Administrator may allow for a reduction of the distance buffer and the relocation of the screening requirements. Such modifications shall be allowed at the Zoning Administrators discretion, provided that all of the following conditions are met:
 - (a) The zoning district boundary line for which the modification is requested is internal to the land contained within the master development plan.
 - (b) The required landscape screen is relocated to the perimeter of the flex-tech development. This relocated landscape screen shall contain the same plantings that would have been required had the screen been placed along the zoning district boundary line.
- (8) Whenever land is to be developed in the B1, B2, B3, OM, M1 or M2 Zoning District that is adjacent to a railroad right-of-way that has property zoned B1, B2, B3, OM, M1 or M2 on the opposite side, zoning district buffers shall not be required. In the event that residential uses are located on the opposite side of the railroad right-of-way, a zoning district buffer as required by § 165-203.02D shall be provided. In the event that a zoning district buffer is required, the width of the railroad right-of-way may be counted towards the required zoning district buffer distance.
- (9) **The Board of Supervisors may grant a waiver that modifies or eliminates a required zoning district buffer between land being developed in the B1, B2, B3, OM, M1 or M2 Zoning Districts that is adjacent to land primarily used for residential purposes in the RA Rural Areas Zoning District provided that:**
 - (a) The adjoining land is designated in the adopted Comprehensive Plan for a use which would not require a buffer between the land under site plan and the adjoining property.**
 - (b) The owner of the adjoining RA property provides written and notarized consent to the waiver of the required buffer.**

**Zoning District Buffer
Waiver Detail**



Property Zoned M1

Category C Buffer waived
With adjacent owner's consent

Property Zoned RA but planned
for future industrial



RESOLUTION

Action:

PLANNING COMMISSION: October 1, 2014

Recommended Approval

BOARD OF SUPERVISORS: November 12, 2014

☐ APPROVED ☐ DENIED

**AN ORDINANCE AMENDING
THE FREDERICK COUNTY CODE
CHAPTER 165 ZONING**

**PART 203 – BUFFERS AND LANDSCAPING
ARTICLE II – SUPPLEMENTARY USE REGULATIONS, PARKING,
§165-203 – BUFFERS AND REGULATIONS FOR SPECIFIC USES
§165-203.02 BUFFER AND SCREENING REQUIREMENTS**

WHEREAS, an ordinance to amend Chapter 165, Zoning to include a zoning district buffer waiver that allows the Board of Supervisors to eliminate or modify a zoning district buffer, if the adjoining land is designated for a similar zoning district in the adopted Comprehensive Plan would not require a buffer, was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on October 1, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on November 12, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to modify Part 203 – Buffers and Landscaping, Article II – Supplementary Use Regulations, Parking, §165-203 – Buffers and Regulations for Specific Uses, §165-203.02 Buffer and Screening Requirements to include a zoning district buffer waiver that allows the Board of Supervisors to eliminate or modify a zoning district buffer, if the adjoining land is designated for a similar zoning district in the adopted Comprehensive Plan would not require a buffer.**

This amendment shall be in effect on the day of adoption.

Passed this 12th day of November, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

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COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *C&P*

SUBJECT: **Public Hearing** - Screening for Outdoor Storage Areas

DATE: November 4, 2014

Staff has received a request to revise the Zoning Ordinance to modify the screening requirements for outdoor storage areas. The current ordinance requires that all outdoor storage areas be completely screened from the view of road and street right-of-way and from surrounding properties by a fence, wall, mound or screening (landscaping).

Staff has prepared a revision that would eliminate the screening element when an outdoor storage area adjoins a property also utilized for outdoor storage; screening shall not be required for their common property lines. Other amendments include surface material specifications and a landscaping exemption.

The DRRC discussed the request at their June meeting; the DRRC agreed with the change and sent the amendment forward to the Planning Commission for discussion. The Planning Commission discussed this request at their August 20, 2014 meeting. An issue was raised concerning a situation where a property owner in an industrial area desires to redevelop their property from outdoor storage to usable property. In this particular scenario, the property which converted the use would be required to install screening on their property. An observation was made that once a building is constructed for a particular purpose in an industrial area, the use rarely changes; however, if this occurs, the parcels are still both located within an industrially-zoned area. Comments were made about excessive and redundant screening between properties within some of the existing industrial parks. Commission members believed the proposed amendment was appropriate. (Commissioner Oates abstained from discussion; Commissioners Crockett and Dunlap were absent from the meeting.) The Board of Supervisors discussed this item at their September 10, 2014 meeting. The Board discussed the potential conversion of a storage area to another use and who would install the buffer at that time. Ultimately the Board of Supervisors sent the amendment forward for public hearing as drafted. The Planning Commission held a public hearing for this item on October 1, 2014; there were no citizen comments and the commission recommended approval of the amendment.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (with strikethroughs for text eliminated and bold italic for text added). **This proposed amendment is being presented to the Board of Supervisors as a public hearing item. A decision by the Board of Supervisors on this proposed Zoning Ordinance text amendment is sought.** Please contact me if you have any questions.

Attachments:

- 1. Revised ordinance with additions shown in bold underlined italics.**
- 2. Graphic**
- 3. Resolution**

CEP/pd

Article II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 201 – Supplementary Use Regulations

§ 165-201.10 Outdoor storage and processing.

The outdoor storage or processing of products, equipment or raw materials is allowed in the business and industrial districts or in association with business uses allowed in any other zoning district only if the outdoor storage is directly associated with the primary uses of the property.

A. In such cases, the outdoor storage or processing shall be completely screened from the view of road and street right-of-way and from surrounding properties by a six foot tall opaque fence, wall, berm or by screening, or evergreen screen. In no case shall chain link fencing with slats be utilized for screening.

1. When an outdoor storage area adjoins a property also utilized for outdoor storage, screening shall not be required for their common property lines.

B. Outdoor storage surface areas shall consist of asphalt, concrete, stone, gravel or any other impervious surface approved by the Zoning Administrator.

B. C. Such outdoor storage and processing shall not be permitted in any required front setback yard.

C. D. The Zoning Administrator may require that the storage of hazardous materials or any materials which may contribute to contaminated runoff be fully enclosed. Where such materials are stored outdoors, they shall be contained within an impervious structure designed to contain spillage or contaminated runoff.

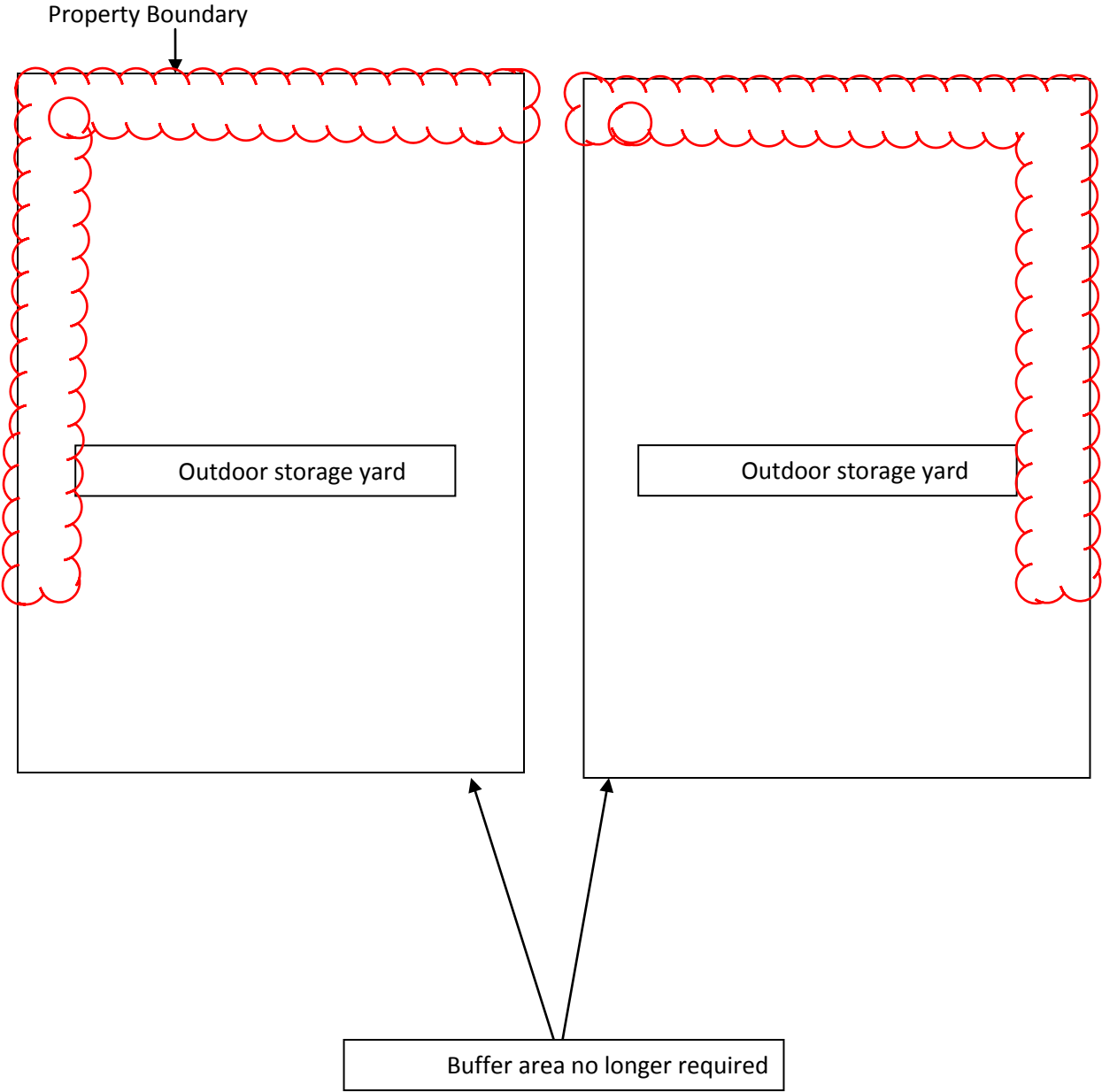
D. E. The display of vehicles for sale by a vehicle dealer or nursery stock by a commercial nursery, along with other products for sale that are normally displayed outdoors, shall be exempt from the above requirements.

E. F. Agricultural and forestry operations shall be exempted from the above requirements.

F. G. Such requirements shall not apply to motor vehicle parking and loading areas.

H. Landscaping shall not be required for impervious areas designated for outdoor storage.

Outdoor Storage Requirements





RESOLUTION

Action:

PLANNING COMMISSION: October 1, 2014

Recommended Approval

BOARD OF SUPERVISORS: November 12, 2014

☐ APPROVED ☐ DENIED

**AN ORDINANCE AMENDING
THE FREDERICK COUNTY CODE
CHAPTER 165 ZONING**

**PART 201 – SUPPLEMENTARY USE REGULATIONS
ARTICLE II – SUPPLEMENTARY USE REGULATIONS, PARKING,
BUFFERS, AND REGULATIONS FOR SPECIFIC USES
§165-201.10 OUTDOOR STORAGE AND PROCESSING**

WHEREAS, an ordinance to amend Chapter 165, Zoning to modify screening requirements for outdoor storage areas to eliminate the screening requirement when an outdoor storage area adjoins a property also utilized for outdoor storage, was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on October 1, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on November 12, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to modify Part 201 – Supplementary Use Regulations, Article II – Supplementary Use Regulations for Specific Uses, §165-201.10 Outdoor Storage and Processing to eliminate the screening requirement when an outdoor storage area adjoins a property also utilized for outdoor storage.**

This amendment shall be in effect on the day of adoption.

Passed this 12th day of November, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

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COUNTY of FREDERICK

Department of Planning and Development

540/665-5651

FAX: 540/665-6395

MEMORANDUM

TO: Board of Supervisors

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

RE: Revenue Sharing Application

DATE: November 5, 2014

Attached please find draft applications and a resolution of support for the 2015-2016 VDOT Revenue Sharing Application cycle. The application seeks funding toward the following projects:

1. Coverstone Drive: 4 lanes of Coverstone Drive from the existing terminus near the Public Safety Building to an intersection with Route 50 across from Inverlee Way.
2. Valley Mill Road Realignment: Realign Valley Mill from its current location across the Overlook Property (Formerly known as Carriage Park) to a new intersection with Route 7.
3. Phase I of Haggerty Blvd from Route 7 to approximately .6 miles south.

Each of these projects will be County managed and matching funds will be provided by private partners.

The application is for \$10,000,000.00 in revenue sharing dollars from VDOT with a \$10,000,000.00 local match to be provided by private partners for a total project of \$20,000,000.00.

Staff is seeking action on the resolution.

Attachment

JAB/dlw

REVENUE SHARING DETAILED APPLICATION FOR FUNDS

SEPARATE APPLICATION REQUIRED FOR EACH PROJECT TO BE CONSIDERED

FY: 2015-16 County Frederick of Frederick **District:** Staunton
 # of Applications Locality is submitting: 3

PLEASE NOTE: **Projects receiving funding under this program are to be initiated and a portion of the Revenue Sharing funds expended within one year of the allocation.**

PROJECT INFORMATION (Please TAB from field to field)

Locality's Priority #: 1 Route #: _____ and local road name, if available: Coverstone Drive
 State Project Number: NA UPC #: 0

Type of Project: Construction If Type of Project is "**Maintenance**", has appropriate analysis been provided confirming the pavement or structure is below VDOT maintenance performance targets? >select<
 If Type of Project is "**Construction**", will the requested funds accelerate advertisement of the project that is already in the Six-Year Improvement Plan or in the locality's capital plan? Yes
 If this is a Construction project AND the advertisement date will be accelerated, please fill in dates below:
 Current Advertisement Date: 01/01/2025 Advanced Advertisement Date: 03/01/2016

Scope of Work: New Road

Description of Work/Scope: Extend Coverstone Drive from it's current terminus to a new intersection with Route 50 across from inverle.

From: Existing Coverstone Drivel To: Route 50

Length: .85 (miles)

Is this project in another locality? No If yes, please identify the locality and reason for request on the line below.

PROJECT ESTIMATES (Please TAB from field to field)

PHASE	*Total Estimated Project Cost	Sections below pertain to Revenue Sharing funded portion only:		
		Estimated Eligible Project Costs	*Estimated Eligible VDOT Project Expenses	****Estimated Reimbursement to Locality
PE	\$ 1,000,000	\$ 1,000,000	\$ 150000	\$ 500,000
RW	\$ 0	\$ 0	\$ 0	\$ 0
CN	\$ 9000000	\$ 9000000	\$ 225000	\$ 4500000
TOTAL	\$10,000,000	\$10,000,000	\$375,000	\$5,000,000

LOCALLY ADMINISTERED PROJECT – Please answer on each line corresponding to each phase for this project below

Please note that indicating any phase of project work to be administered by the locality and reimbursed using Revenue Sharing Program funding constitutes a "*Locally Administered Project*". Submission of this application represents the locality's request to administer the project work.

PE Phase: Yes; Reimbursement will be Requested
 RW Phase: No; Reimbursement will NOT be Requested
 CN Phase: Yes; Reimbursement will be Requested

PROJECT FINANCIAL INFORMATION (Please TAB from field to field)

VDOT Revenue Sharing matching funds UP TO \$1M requested for CONSTRUCTION project FY 2016: \$ 1,000,000

VDOT Revenue Sharing matching funds OVER \$1M requested for CONSTRUCTION project FY 2016: \$ 4000,000

VDOT Revenue Sharing matching funds UP TO \$1M requested for MAINTENANCE project FY 2014: \$ 0

VDOT Revenue Sharing matching funds OVER \$1M requested for MAINTENANCE project FY 2014: \$ 0

VDOT Revenue Sharing matching TOTAL request (this application) (right click on "\$0" to the right & "Update Field" for total) **\$5,000,000**

Note: CONSTRUCTION projects total or combined CONSTRUCTION & MAINTENANCE projects total requested must not exceed \$10M; Also, MAINTENANCE projects total requested must not exceed \$5M

Locality Revenue Sharing MATCHING funds TOTAL (for this application & must equal or match VDOT TOTAL above) **\$ 5,000,000**

Project has previously received Revenue Sharing state funds: No If Yes, FY(s): _____ Totaling: \$ 0

Total of other State / Federal / Local funds (enter amount to the right): \$ 0

List types of other funds: _____

Total funding to be programmed on Project (should equal total estimated cost above): (right click on "\$0" & "Update Field" for total) **\$10,000,000**

COMMENTS

4 Lane divided roadway in new location.

Submitted by: John Bishop - Deputy Director Transportation

Reviewed by: >type in VDOT Official name & title<

sign here for original hard-copy submission

sign here for original hard-copy submission

Signature of Locality Official

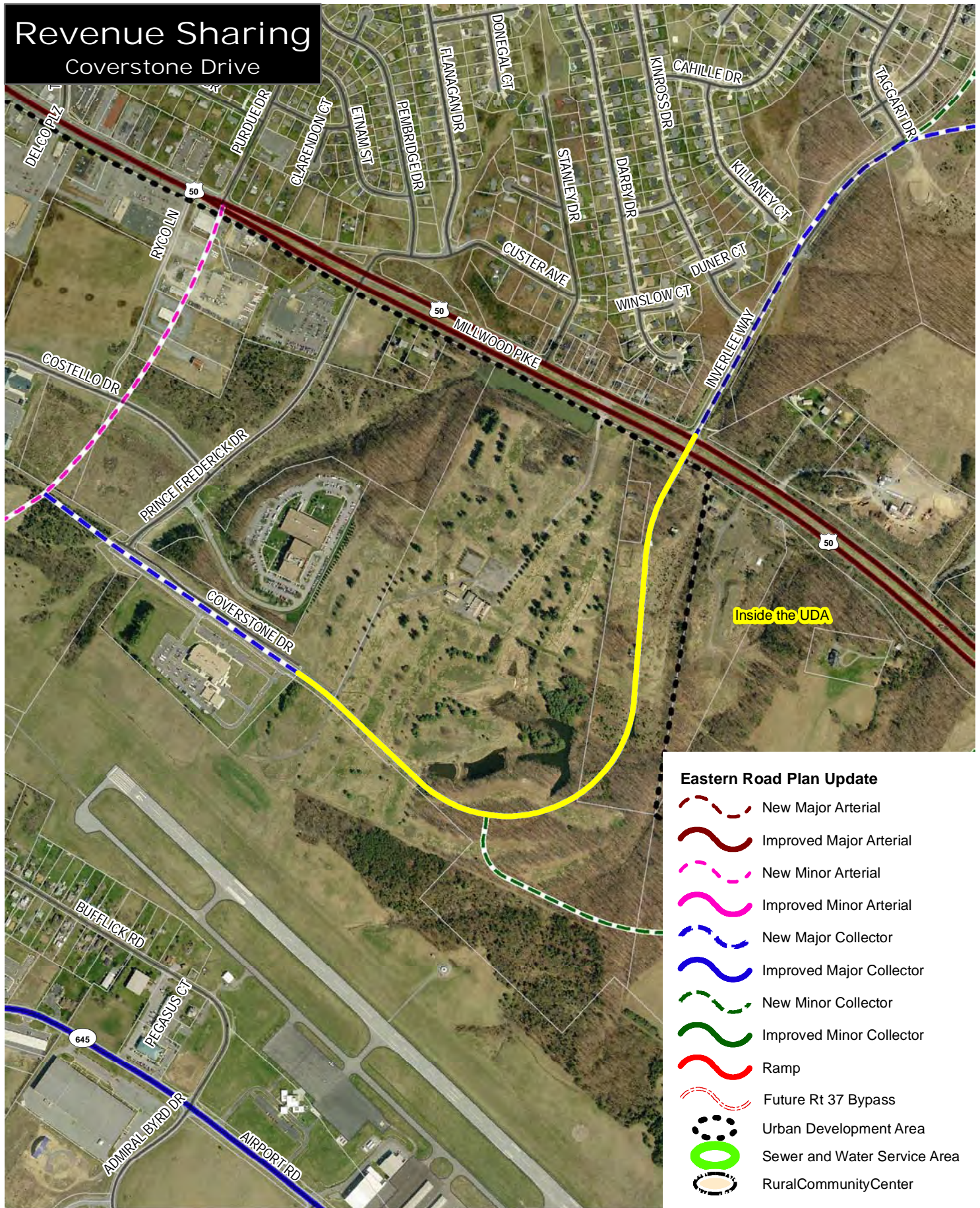
Date

Signature of VDOT Official

Date

Revenue Sharing

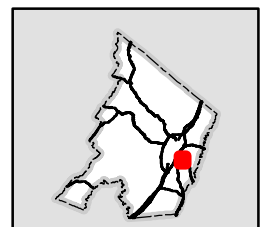
Coverstone Drive



Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: November 3, 2014
 Staff: jbishop



0 0.075 0.15 0.3 Miles



REVENUE SHARING DETAILED APPLICATION FOR FUNDS

SEPARATE APPLICATION REQUIRED FOR EACH PROJECT TO BE CONSIDERED

FY: 2015-16 County Frederick of Frederick **District:** Staunton
 # of Applications Locality is submitting: 3

PLEASE NOTE: **Projects receiving funding under this program are to be initiated and a portion of the Revenue Sharing funds expended within one year of the allocation.**

PROJECT INFORMATION (Please TAB from field to field)

Locality's Priority #: 2 Route #: 659 and local road name, if available: Valley Mill Road
 State Project Number: 0659-034-R00 UPC #: 101204

Type of Project: Construction If Type of Project is "**Maintenance**", has appropriate analysis been provided confirming the pavement or structure is below VDOT maintenance performance targets? >select<
 If Type of Project is "**Construction**", will the requested funds accelerate advertisement of the project that is already in the Six-Year Improvement Plan or in the locality's capital plan? Yes
 If this is a Construction project AND the advertisement date will be accelerated, please fill in dates below:
 Current Advertisement Date: 01/01/2020 Advanced Advertisement Date: 01/01/16

Scope of Work: New Road

Description of Work/Scope: Realign Valley Mill Road to a new intersection with Route 7 and improve Route 7 at Intersection as needed.

From: Existing Valley Mill To: Route 7

Length: .50 (miles)

Is this project in another locality? No If yes, please identify the locality and reason for request on the line below.

PROJECT ESTIMATES (Please TAB from field to field)

PHASE	*Total Estimated Project Cost	Sections below pertain to Revenue Sharing funded portion only:		
		Estimated Eligible Project Costs	*Estimated Eligible VDOT Project Expenses	****Estimated Reimbursement to Locality
PE	\$ 0	\$ 0	\$ 0	\$ 0
RW	\$ 0	\$ 0	\$ 0	\$ 0
CN	\$ 5,200,000	\$ 5,200,000	\$ 260,000	\$ 2,600,000
TOTAL	\$5,200,000	\$5,200,000	\$260,000	\$2,600,000

LOCALLY ADMINISTERED PROJECT – Please answer on each line corresponding to each phase for this project below

Please note that indicating any phase of project work to be administered by the locality and reimbursed using Revenue Sharing Program funding constitutes a "*Locally Administered Project*". Submission of this application represents the locality's request to administer the project work.

PE Phase: No; Reimbursement will NOT be Requested
 RW Phase: No; Reimbursement will NOT be Requested
 CN Phase: Yes; Reimbursement will be Requested

PROJECT FINANCIAL INFORMATION (Please TAB from field to field)

VDOT Revenue Sharing matching funds UP TO \$1M requested for CONSTRUCTION project FY 2016: \$ 1,000,000

VDOT Revenue Sharing matching funds OVER \$1M requested for CONSTRUCTION project FY 2016: \$ 1,600,000

VDOT Revenue Sharing matching funds UP TO \$1M requested for MAINTENANCE project FY 2014: \$ 0

VDOT Revenue Sharing matching funds OVER \$1M requested for MAINTENANCE project FY 2014: \$ 0

VDOT Revenue Sharing matching TOTAL request (this application) (right click on "\$0" to the right & "Update Field" for total) **\$2,600,000**

Note: CONSTRUCTION projects total or combined CONSTRUCTION & MAINTENANCE projects total requested must not exceed \$10M; Also, MAINTENANCE projects total requested must not exceed \$5M

Locality Revenue Sharing MATCHING funds TOTAL (for this application & must equal or match VDOT TOTAL above) \$ 2,600,000

Project has previously received Revenue Sharing state funds: Yes If Yes, FY(s): 2012 Totaling: \$ 1,000,000

Total of other State / Federal / Local funds (enter amount to the right): \$ 0

List types of other funds: _____

Total funding to be programmed on Project (should equal total estimated cost above): (right click on "\$0" & "Update Field" for total) \$6,200,000

COMMENTS

Previous award being used toward design.

Submitted by: John Bishop - Deputy Director Transportation Reviewed by: >type in VDOT Official name & title<

sign here for original hard-copy submission

Signature of Locality Official

Date

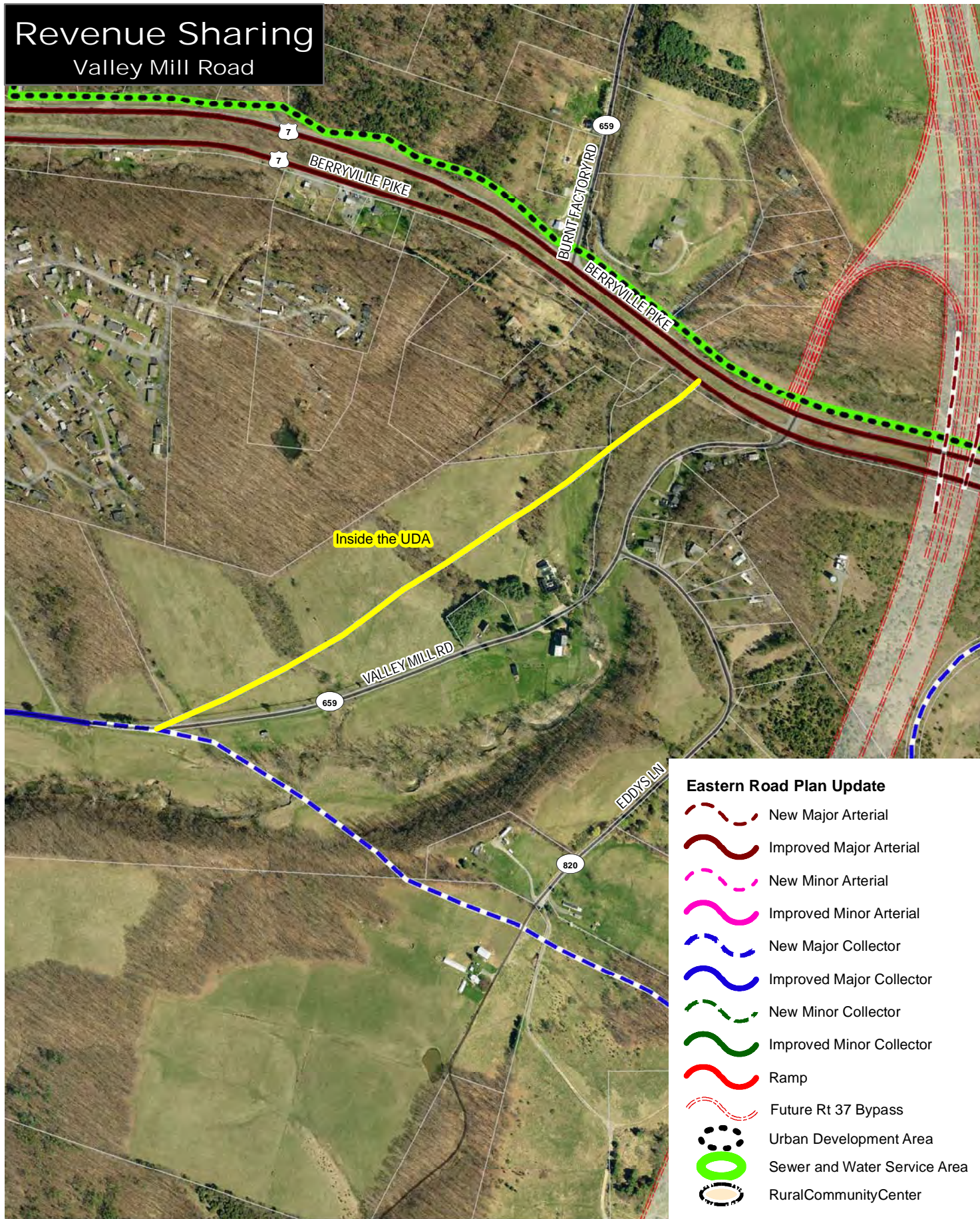
sign here for original hard-copy submission

Signature of VDOT Official

Date

Revenue Sharing

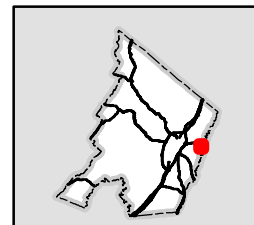
Valley Mill Road



Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: November 3, 2014
 Staff: jbishop



0 0.05 0.1 0.2 Miles



REVENUE SHARING DETAILED APPLICATION FOR FUNDS

SEPARATE APPLICATION REQUIRED FOR EACH PROJECT TO BE CONSIDERED

FY: 2015-16 County Frederick of Frederick **District:** Staunton
 # of Applications Locality is submitting: 3

PLEASE NOTE: **Projects receiving funding under this program are to be initiated and a portion of the Revenue Sharing funds expended within one year of the allocation.**

PROJECT INFORMATION (Please TAB from field to field)

Locality's Priority #: 3 Route #: na and local road name, if available: Haggerty Blvd
 State Project Number: _____ UPC #: _____

Type of Project: Construction If Type of Project is "**Maintenance**", has appropriate analysis been provided confirming the pavement or structure is below VDOT maintenance performance targets? >select<
 If Type of Project is "**Construction**", will the requested funds accelerate advertisement of the project that is already in the Six-Year Improvement Plan or in the locality's capital plan? Yes
 If this is a Construction project AND the advertisement date will be accelerated, please fill in dates below:
 Current Advertisement Date: 01/01/2025 Advanced Advertisement Date: 01/01/16

Scope of Work: New Road
 Description of Work/Scope: New Roadway on new location. Phase I of connection to Eddy Lane and intersection with Route 7.
 From: Route 7 To: Route 7
 Length: 0.60 (miles)
 Is this project in another locality? No If yes, please identify the locality and reason for request on the line below.

PROJECT ESTIMATES (Please TAB from field to field)

PHASE	*Total Estimated Project Cost	Sections below pertain to Revenue Sharing funded portion only:		
		Estimated Eligible Project Costs	*Estimated Eligible VDOT Project Expenses	****Estimated Reimbursement to Locality
PE	\$ 0	\$ 0	\$ 0	\$ 0
RW	\$ 0	\$ 0	\$ 0	\$ 0
CN	\$ 5,000,000	\$ 5,000,000	\$ 250,000	\$ 2,400,000
TOTAL	\$5,000,000	\$5,000,000	\$250,000	\$2,400,000

LOCALLY ADMINISTERED PROJECT – Please answer on each line corresponding to each phase for this project below

Please note that indicating any phase of project work to be administered by the locality and reimbursed using Revenue Sharing Program funding constitutes a "*Locally Administered Project*". Submission of this application represents the locality's request to administer the project work.

PE Phase: No; Reimbursement will NOT be Requested
 RW Phase: No; Reimbursement will NOT be Requested
 CN Phase: Yes; Reimbursement will be Requested

PROJECT FINANCIAL INFORMATION (Please TAB from field to field)

VDOT Revenue Sharing matching funds UP TO \$1M requested for CONSTRUCTION project FY 2016: \$ 1,000,000
 VDOT Revenue Sharing matching funds OVER \$1M requested for CONSTRUCTION project FY 2016: \$ 1,400,000
 VDOT Revenue Sharing matching funds UP TO \$1M requested for MAINTENANCE project FY 2014: \$ 0
 VDOT Revenue Sharing matching funds OVER \$1M requested for MAINTENANCE project FY 2014: \$ 0

VDOT Revenue Sharing matching TOTAL request (this application) (right click on "\$0" to the right & "Update Field" for total) **\$2,400,000**

Note: CONSTRUCTION projects total or combined CONSTRUCTION & MAINTENANCE projects total requested must not exceed \$10M; Also, MAINTENANCE projects total requested must not exceed \$5M

Locality Revenue Sharing MATCHING funds TOTAL (for this application & must equal or match VDOT TOTAL above) \$ 2,400,000

Project has previously received Revenue Sharing state funds: No If Yes, FY(s): _____ Totaling: \$ 0

Total of other State / Federal / Local funds (enter amount to the right): \$ 0

List types of other funds: _____
 Total funding to be programmed on Project (should equal total estimated cost above): (right click on "\$0" & "Update Field" for total) \$4,800,000

COMMENTS

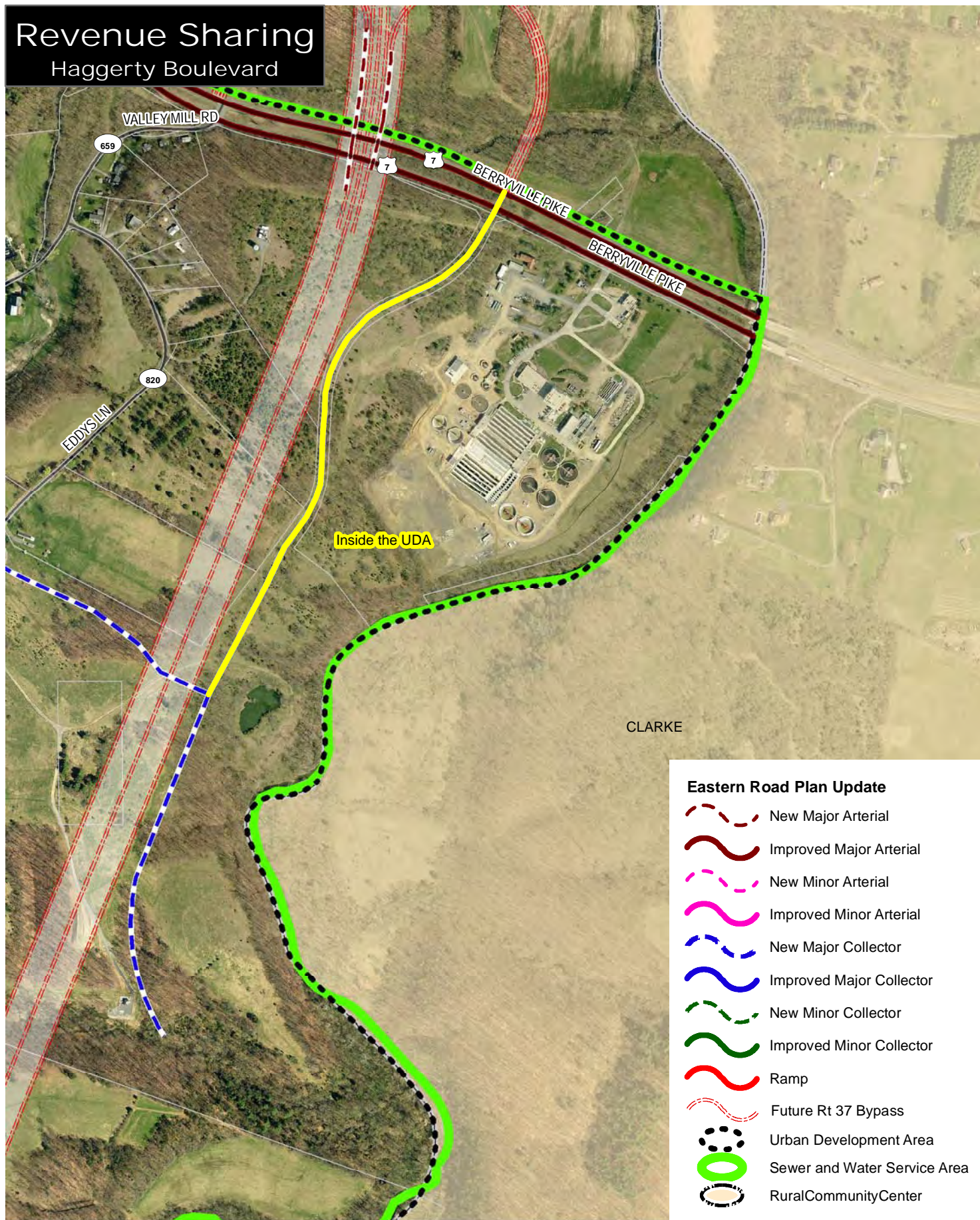
Phase I of a two phase project that will connect property with little access to an improve transportation system between Route 7/Eddy .

Submitted by: John Bishop - Deputy Director Transportation Reviewed by: >type in VDOT Official name & title<

sign here for original hard-copy submission _____ sign here for original hard-copy submission _____
 Signature of Locality Official _____ Date _____ Signature of VDOT Official _____ Date _____

Revenue Sharing

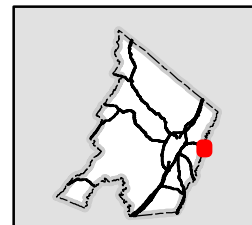
Haggerty Boulevard



Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: November 3, 2014
 Staff: jbishop



0 0.075 0.15 0.3 Miles





**RESOLUTION OF SUPPORT
FREDERICK COUNTY BOARD OF SUPERVISORS
“REVENUE SHARING PROGRAM” FOR
FISCAL YEAR 2015 - 2016**

Action:

BOARD OF SUPERVISORS: November 12, 2014 ☐ APPROVED ☐ DENIED

WHEREAS, the County of Frederick desires to submit an application for an allocation of funds of up to \$10,000,000 through the Virginia Department of Transportation Fiscal Year 2015 - 2016, Revenue Sharing Program; and

WHEREAS, \$10,000,000 of these funds are requested to fund Coverstone Drive from its current dead end to an intersection with Route 50 and Inverlee Way, Valley Mill Road Realignment to a new intersection with Route 7, Phase I of Haggerty Boulevard from a new intersection with Route 7 to approximately .6 miles south of that intersection; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Frederick County Board of Supervisors hereby supports this application for an allocation of up to \$10,000,000 through the Virginia Department of Transportation “Revenue Sharing Program”.

ADOPTED, this 12th day of November 2014.

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator