



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 9, 2015
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

6:00 P.M. – Closed Session:

There will be a Closed Session Pursuant to Section 2.2-3711 A (3) of the Code of Virginia, 1950, as Amended, for Discussion and Consideration of the Acquisition and Disposition of Real Property for a Public Purpose, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Board.

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

Invocation

Pledge of Allegiance

Adoption of Agenda:

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

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: A, E, and G)

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

Board of Supervisors Comments

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

1. Regular Meeting, August 12, 2015.

County Officials:

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1. Resolution in Honor of the 2015 Junior League World Series National Champion Frederick County National Junior League All-Star Baseball Team. **(See Attached)** ----- **B**
2. Committee Appointments. **(See Attached)**----- **C**
3. Request from Commissioner of the Revenue for Refunds. **(See Attached)** ----- **D**
4. Request to Schedule Public Hearing Re: Granting of Deed of Easement Between County of Frederick and Winchester Regional Airport Authority. **(See Attached)** ----- **E**
5. Memorandum Re: October Meeting Schedule. **(See Attached)** ----- **F**

Committee Reports:

1. Parks and Recreation Commission. **(See Attached)** ----- **G**
2. Finance Committee. **(See Attached)**----- **H**
3. Transportation Committee Report of July 27, 2015. **(Action Postponed for 30 Days at Board Meeting of August 12, 2015.) (See Attached)**----- **I**

Public Hearing:

1. Outdoor Festival Permit Request of Cedar Creek Battlefield Foundation – 151st Anniversary of the Battle of Cedar Creek. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; for an Outdoor Festival Permit. Festival to be Held on Saturday, October 17, 2015 from 9:00 A.M.–7:00 P.M. and Sunday, October 18, 2015, from 9:00 A.M.-5:00 P.M., on the Grounds of Cedar Creek Battlefield, 8437 Valley Pike, Middletown, Virginia, Property Owned by Cedar Creek Battlefield Foundation. **(See Attached)** ----- **J**
2. Outdoor Festival Permit Request of Jim Bowie – Einherjar Rally (Celebrating Our Nation's Warriors) - Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; for an Outdoor Festival Permit. Festival to be Held on Saturday, October 3, 2015 from 10:00 A.M.–6:00 P.M., on the Grounds of

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Grove's Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia, Property Owned by Jobalie, LLC. **(See Attached)**----- **K**

3. Proposed School Bond Financings by the Board of Supervisors of the County of Frederick, Virginia. Notice is Hereby Given that 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 an Aggregate Principal Amount Not to Exceed \$29,100,000 to Finance Certain Capital Projects for Public School Purposes, Consisting Primarily of the Construction and Equipping of the Replacement of Frederick County Middle School. A Resolution Authorizing the Issuance of the Bonds will be Considered by the Board of Supervisors at Its Meeting on Wednesday, September 9, 2015. All Interested Parties are Invited to Attend and Present Oral or Written Comments. **(See Attached)** ----- **L**
4. Amendment to the 2015-2016 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 2015-2016 Budget to Reflect: Airport Capital Fund Supplemental Appropriation in the Amount of \$3,588,459 and a General Fund Supplemental Appropriation in the Amount of \$63,818 (Local Funds). These Amounts Represent the FY16 Airport Capital Budget and the County Contribution Respectively. **(See Attached)** ----- **M**

Planning Commission Business:

1. Jackson's Retreat Waivers and Subdivision Request. **(See Attached)**----- **N**
2. Discussion – Hiatt Run Condominiums Master Development Plan. **(See Attached)** ----- **O**
3. Discussion - Ordinance Amendment – Self Storage Facilities in the RA (Rural Areas) District. **(See Attached)**----- **P**
4. Discussion – Ordinance Amendment – Variance Requirements. **(See Attached)** ----- **Q**
5. Discussion – Ordinance Amendment – Setbacks from Agricultural and Forestal Districts. **(See Attached)** ----- **R**

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6. Discussion - Kernstown Area Plan. **(See Attached)** ----- **S**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A large, bold, black capital letter 'A' is centered on a solid pink background. The letter has a classic serif font style with a horizontal crossbar.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**CLOSED SESSION
AND REGULAR MEETING**

August 12, 2015

A Closed Session of the Frederick County Board of Supervisors was held on Wednesday, July 8, 2015 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.; Gene E. Fisher; Robert A. Hess; Gary A. Lofton; Jason E. Ransom; 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 Hess, the Board convened in closed session pursuant to Section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, for consultation with legal counsel and briefing by legal counsel, pertaining to a legal claim against the County, Lake Holiday Country Club, Inc. v. Frederick County Board of Supervisors, et al., currently pending in the Frederick County Circuit Court, and a legal claim against the County, Luenenberger v. Spicer, et al., currently pending in the United States District Court for the Western District of Virginia, and a matter involving Winchester Regional Airport, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, and the matter requires the provision of legal advice by such counsel; and pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, for discussion of personnel matter, specifically concerning one or more provisions of the County Administrator's Contract of Employment.

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	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 that only legal matters, pursuant to section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, specifically consultation with legal counsel and briefing by legal counsel, pertaining to a legal claim against the County, Lake Holiday Country Club, Inc. v. Frederick County Board of Supervisors, et al., currently pending in the Frederick County Circuit Court, and a legal claim against the County, Luenenberger v. Spicer, et al., currently pending in the United States District Court for the Western District of Virginia, and a matter involving Winchester Regional Airport, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, and the matter requires the provision of legal advice by such counsel; and personnel matters pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, specifically concerning one or more provisions of the County Administrator's Contract of

Employment were discussed.

The above motion was approved by the following recorded vote:

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

Upon a motion by Supervisor Hess, seconded by Vice-Chairman DeHaven, the Board approved the Lake Holiday Country Club settlement agreement, in substantially the same form as presented to the Board, also provide for a fee of \$100 per plat for lot consolidation, and direct staff to take all contemplated actions expeditiously.

The above motion was approved by the following recorded vote:

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

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the appropriation of \$200,000 from Sanitary District Funds for the purposes outlined in the agreement.

The above motion was approved by the following recorded vote:

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

REGULAR MEETING – CALL TO ORDER

Chairman Shickle called the regular meeting to order.

INVOCATION

Supervisor Hess delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

County Administrator Brenda G. Garton advised she 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

CONSENT AGENDA - APPROVED

Administrator Garton offered the following items for the Board's consideration under the consent agenda:

- Minutes - July 8, 2015 Closed Session and Joint Work Session with Frederick County School Board and July 8, 2015 Regular Meeting – **Tab A**;
- Resolution Authorizing Recreation Trails Program Grant Application for Trail at Rose Hill – **Tab F**;
- Request from Frederick County Schools to Participate in the Fall 2015 Virginia Public School Authority (VPSA) Bond Sale and to Schedule Public Hearing Date – **Tab G**;

- Request from GIS Manager for Road Name Change – **Tab H**;
- Memorandum and Resolution Re: Water and Sewer Connection Fees for New Round Hill Fire and Rescue Station and Event Center – Reduction in Loan Principal for Frederick County Sanitation Authority – **Tab I**;
- Parks and Recreation Commission Report – **Tab J**; and
- Public Works Committee Report – **Tab K**.

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

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

CITIZEN COMMENTS

Jay L. Marts, Gainesboro District, read the following statement:

"Chairman Shickle & Members of the Board:

The Fall 2015 VPSA Bond Sale for the continuing construction of Government Schools is on the agenda this evening.

I would ask that this representative body to instruct the School Board to provide you and the taxpayers of Frederick County with a serious, professional engineering estimate of alternatives to the construction of a \$90M 4th High School. Not just informal discussions.

Discussions, I and other Frederick County citizens have had with the School Board has left me with the impression that they are determined to build a 4th HS without consideration of other options such as expansion of existing facilities.

Here are a couple of examples... When members of the School Board were questioned about vertical construction at JWHS, it appeared obvious this had not been considered at any of the three HS. We are, after all, building a three (3) story Middle School.

Their statement that Sherando HS couldn't be expanded because it was "landlocked" seems disingenuous as it sits adjacent to our largest County Park. Land the taxpayers already own. I never could understand why we had to build a baseball field for this HS when there are eight (8)

fields right next door.

I would also suggest that a review of the census/population numbers be conducted. According to the FCPS membership history, from 2009-2015, over the last six (6) years we have actually dropped 56 HS students, -8 per year.

Additionally, I have not received a good answer on the "overnight" decision on 25Feb15 by the B&G committee to increase the capacity of the proposed 4th HS from 1250 to 725. What census projections justified this 475 seat increase?

I have provided Mr. Tibbs, Deputy County Administrator, with a PETITION signed by numerous Frederick County citizens.

No one doubts we will need a 4th HS. Just not now & not at this price.

Thank You for allowing me to address the Board."

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

MINUTES – APPROVED UNDER THE CONSENT AGENDA

1. Closed Session and Joint Work Session with Frederick County School Board, July 8, 2015.
2. Regular Meeting, July 8, 2015.

COUNTY OFFICIALS

EMPLOYEE OF THE MONTH AWARDS (AUGUST, SEPTEMBER, AND OCTOBER) – AARON E. JETER, CHESTER A. RENNER, AND CHRISTOPHER DARLINGTON APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved

Aaron E. Jeter as Employee of the Month for August, 2015.

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, Aaron E. Jeter, who serves as a Deputy for the Frederick County Sheriff's Department, was nominated for Employee of the Month; and

WHEREAS, on July 10th, 2015, a team of three deputies, that included Aaron Jeter, stopped a vehicle for speeding. After a complete investigation, the Deputies were able to seize 261 packets of heroin. Generally, a patrol deputy would not see this amount of drugs during their entire career. However, with the common trend of heroin tied to thefts, overdoses, and deaths, these deputies are to be commended for getting the heroin out of our community and quite possibly saving a life; and

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 12th day of August, 2015, that Aaron Jeter is hereby recognized as the Frederick County Employee of the Month for August 2015; and

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

BE IT FURTHER RESOLVED, that Aaron Jeter is hereby entitled to all of the rights and privileges associated with this award.

The above motion was approved by the following recorded vote:

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

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

Chester A. Renner as Employee of the Month for September 2015.

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, Chester A. Renner, who serves as a Corporal for the Frederick County Sheriff's Department, was nominated for Employee of the Month; and

WHEREAS, on July 10th, 2015, a team of three deputies, that included Chester Renner, stopped a vehicle for speeding. After a complete investigation, the Deputies were able to seize 261 packets of heroin. Generally, a patrol deputy would not see this amount of drugs during their entire career. However, with the common trend of heroin tied to thefts, overdoses, and deaths, these deputies are to be commended for getting the heroin out of our community and quite possibly saving a life; and

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 12th day of August, 2015, that Chester Renner is hereby recognized as the Frederick County Employee of the Month for August 2015; and

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

BE IT FURTHER RESOLVED, that Chester Renner is hereby entitled to all of the rights and privileges associated with this award.

The above motion was approved by the following recorded vote:

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

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved Christopher Darlington as Employee of the Month for October 2015.

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, Christopher Darlington, who serves as a Deputy for the Frederick County Sheriff's Department, was nominated for Employee of the Month; and

WHEREAS, on July 10th, 2015, a team of three deputies, that included Christopher Darlington, stopped a vehicle for speeding. After a complete investigation, the Deputies were able to seize 261 packets of heroin. Generally, a patrol deputy would not see this amount of drugs during their entire career. However, with the common trend of heroin tied to thefts, overdoses, and deaths, these deputies are to be commended for getting the heroin out of our community and quite possibly saving a life; and

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 12th day of August, 2015, that Christopher Darlington is hereby recognized as the Frederick County Employee of the Month for August 2015; and

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

BE IT FURTHER RESOLVED, that Christopher Darlington is hereby entitled to all of the rights and privileges associated with this award.

The above motion was approved by the following recorded vote:

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

COMMITTEE APPOINTMENTS

NOMINATION OF JOHN D. CLINE TO FILL UNEXPIRED TERM OF GARY R. OATES AS STONEWALL DISTRICT REPRESENTATIVE TO THE BOARD OF ZONING APPEALS. – APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board nominated John D. Cline to fill the unexpired term of Gary R. Oates as Stonewall District representative to the Board of Zoning Appeals. Term expires December 31, 2015.

The above motion was approved by the following recorded vote:

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

APPOINTMENT OF WILLIAM H. CLINE TO THE AGRICULTURAL DISTRICT ADVISORY COMMITTEE - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board appointed William H. Cline to replace John D. Cline as a member of the Agricultural District Advisory Committee.

The above motion was approved by the following recorded vote:

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

REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUNDS – APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved a refund and supplemental appropriation in the amount of:

1. \$5,404.94 for Ally Financial/VAULT;
2. \$2,929.53 for Ford Motor Credit Co.; and
3. \$4,070.00 for Opal Oil LLC.

The above motion was approved by the following recorded vote:

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

Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

**REQUEST FROM PARKS AND RECREATION COMMISSION RE: DONATION
AND NAMING OF PICNIC SHELTER AT ROSE HILL PARK - APPROVED**

Parks and Recreation Director Jason Robertson appeared before the Board regarding this item. He advised the Parks and Recreation Commission recommended acceptance of a \$26,000 donation from the Winchester-Frederick County Jaycees to construct and name a picnic shelter to be located at Rose Hill the “Tom Baldrige Winchester- Frederick County Jaycees” shelter. He concluded by saying staff was seeking approval from the Board to name the picnic shelter.

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board approved the request to name the picnic shelter at Rose Hill the “Tom Baldrige Winchester-Frederick County Jaycees” picnic shelter.

The above motion was approved by the following recorded vote:

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

**RESOLUTION AUTHORIZING RECREATION TRAILS PROGRAM GRANT
APPLICATION FOR TRAIL AT ROSE HILL – APPROVED UNDER CONSENT
AGENDA**

**RESOLUTION AUTHORIZING AN APPLICATION FOR FEDERAL
ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM TO THE
VIRGINIA DEPARTMENT OF CONSERVATION & RECREATION**

WHEREAS, under the provisions of Recreation Trails Program Fund (RTP), federal funding assistance is requested to aid in financing the cost of trail/trailhead /trailside construction and/or rehabilitation within Frederick County and

WHEREAS, Frederick County considers it in the best public interest to complete the project

described in the RTP application;

NOW, THEREFORE, BE IT RESOLVED that:

1. Frederick County staff be authorized to make formal application to Department of Conservation and Recreation (DCR) for funding assistance;
2. Any funding assistance received will be used for implementation and completion of construction of the Rose Hill Park trail within the specified time frame;
3. We certify that project funding is currently available and is committed for the completion of this project while seeking periodic reimbursement through the RTP. We are aware that the RTP funding, if approved, will be paid on a reimbursement basis meaning we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR.
4. We acknowledge that the assisted trail project will have an assigned life expectancy and that the facility must be maintained to standards suitable for public use.
6. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
7. We acknowledge that appropriate opportunity for public comment will be on this application and evidence of such is a required component for approval.

Adopted this 12th day of August, 2015.

REQUEST FROM FREDERICK COUNTY SCHOOLS TO PARTICIPATE IN THE FALL 2015 VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BOND SALE AND TO SCHEDULE PUBLIC HEARING DATE – APPROVED UNDER CONSENT AGENDA

The Board authorized a public hearing regarding participation in the Virginia Public School Authority bond sale program for September 9, 2015.

REQUEST FROM GIS MANAGER FOR ROAD NAME CHANGE – APPROVED UNDER CONSENT AGENDA

The Board approved the road name change from Estas Lane to Fallen Oak Lane.

MEMORANDUM AND RESOLUTION RE: WATER AND SEWER CONNECTION FEES FOR NEW ROUND HILL FIRE AND RESCUE STATION AND EVENT CENTER – REDUCTION IN LOAN PRINCIPAL FOR

**FREDERICK COUNTY SANITATION AUTHORITY – APPROVED UNDER
CONSENT AGENDA**

**RESOLUTION AUTHORIZING REDUCTION IN LOAN PRINCIPAL FOR
FREDERICK COUNTY SANITATION AUTHORITY - APPROVAL WITH
CONDITIONS**

WHEREAS, the Round Hill Fire and Rescue Company provides an essential service to Frederick County; and

WHEREAS, the existing Round Hill facilities could no longer meet the need of the Company and the surrounding community; and

WHEREAS, Frederick County and the Round Hill Fire and Rescue Company have partnered to establish a replacement station; and

WHEREAS, water and sewer connections are needed for the construction of the Fire Station and the associated Events Center; and,

WHEREAS, the Frederick County Sanitation Authority can provide said connections at total combined cost of \$77,856.00;

NOW, THEREFORE BE IT RESOLVED, the Frederick County Board of Supervisors hereby reduces the principle of the outstanding loan between the County and the Frederick County Sanitation Authority by \$77,856.00.

BE IT FURTHER RESOLVED, the Frederick County Sanitation Authority shall waive the water and sewer connection fee associated with the construction of the new Round Hill Fire and Rescue Station and Events Center and shall provide water and sanitary sewer service to the site.

Adopted the 12th day of August, 2015.

COMMITTEE REPORTS

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

The Parks and Recreation Commission met on July 14, 2015. Members present were: Randy Carter, Natalie Gerometta, Gary Longerbeam, and Ronald Madagan. Members absent were: Kevin Anderson, Patrick Anderson, Marty Cybulski, Charles Sandy, Jr., and Jason Ransom.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Play Fund – No action taken due to lack of a quorum.
2. Buildings and Grounds Committee – Frederick Heights Neighborhood Park – No action due to lack of quorum.

PUBLIC WORKS COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Public Works Committee met on Tuesday, July 28, 2015 at 8:00 a.m. All members were present except Gary Lofton. The following items were discussed:

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

1. Alleyway Adjacent to County Administration Building

The public works director presented a proposed plan to eliminate the ponding and repair the pavement associated with the alleyway located between the county administration building and the George Washington parking garage. The plan will include installing a concrete entrance apron and associated curbing adjacent to Kent Street and overlaying the existing distressed asphalt with three (3) inches of an intermediate bituminous mix. At the conclusion of the discussion, the committee unanimously endorsed a request from Mr. Kris Tierney, assistant county administrator, for a carryforward in the amount of \$30,000 to fund the project. This request will be forwarded to the finance committee for their review and action.

2. Closed Session

The committee convened into a closed session to discuss property acquisition for multiple citizens' convenience sites in accordance with the Code of Virginia §2.2-3711 Subsection A (3) Acquisition and Disposition of Real Estate. After reconvening from closed session, each committee member certified that only items related to property acquisition were discussed in closed session. No action resulted from the closed session.

3. Miscellaneous Reports

- a) Tonnage Report
- b) Animal Shelter Dog Report
- c) Animal Shelter Cat Report

PUBLIC SAFETY COMMITTEE - APPROVED

A meeting of the Public Safety Committee was held on Thursday July 16, 2015 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gary Lofton, Ron Wilkins, Gene Fisher, Chuck Torpy. Member Jason Ransom was absent. Also in attendance were County Administrator Brenda Garton, Fire & Rescue Chief Denny Linaburg, Communications Director LeeAnna Pyles, North Mountain Chief Josh Taylor, Fire & Rescue Association President Dan Cunningham, Gainesboro Supervisor Robert Hess and Deputy Fire Chief Larry Oliver. The

following items were discussed:

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

1. Revenue Recovery Vendor – APPROVED PREPARATION OF REQUEST FOR PROPOSALS

Chief Linaburg advised the county utilized the City of Winchester's contract for E.M.S. billing services when our program started in 2013. He noted during the 22 months that the Revenue Recovery program has been operational the 3rd party billing vendor Premier Accounts Receivable Management, a subsidiary of Valley Health Systems has been successful. However, the City's contract has expired. The City advertised a new request for proposals for E.M.S. Billing Services in April 2015 and has awarded a contract to Intermedix Corporation. Similar to the prior contract, there is a "ride-on" provision that would allow the County to utilize this vendor. Staff is seeking a recommendation from the Committee regarding the possibility of utilizing the City's contract with the new vendor or whether the County should issue its own request for proposals for third party E.M.S. Billing Services.. Mr. Wilkins suggested that we look into why the City changed vendors and their selection criteria. Ms. Garton advised that a letter would be issued by Frederick County to Premier Accounts Receivable Management to extend our current contract on a month to month basis until such time as the new R.F.P. could be issued and a vendor selected. Mr. Torpy and Mr. Fisher motioned that Frederick County prepare its own RFP and criteria for potential billing vendors. The Committee unanimously approved this recommendation.

It is the Committee's recommendation that the Board of Supervisors concur that Frederick County prepare its own RFP to select a new 3rd party billing company for the Revenue Recovery program.

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the preparation of a request for proposals to select a third party billing company for the revenue recovery program.

The above motion was approved by the following recorded vote:

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

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

2. Fire & Rescue Service Plan (See Attached):

Chief Linaburg sought the committee's feedback on the draft Fire & Rescue Department Service Plan. Chairman Lofton stated immediate needs should be identified so they can be obtained for the upcoming budget cycle. Chief Linaburg highlighted staffing and aging equipment as the most immediate needs within the department. Following a lengthy discussion of staff retention, 24 hour shifts, and aging apparatus/equipment, the Committee asked for a detailed report on these various topics.. Chairman Lofton asked who determines what and where the new equipment will be located. Chief Linaburg advised each station keeps track of their immediate needs. Mrs. Garton discussed the need to revisit Shenandoah County regarding mutual aid to assist Company 17 (Star Tannery). Mr. Fisher advised the County had made contact in May 2014 however the talks had stalled. Chairman Lofton advised the most immediate need for the upcoming budget cycle is staffing and he requested that Chief Linaburg provide a proposed budget request on staffing so those numbers can be reviewed at the next meeting.

Next Meeting: TBA

Adjourn: The meeting was adjourned at 10:00 a.m.

HUMAN RESOURCES COMMITTEE - APPROVED

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, July 24, 2015. All members were present.

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

1. The Committee recommends approval of the Employee of the Month award for August, September, and October.
2. The IT Director presented a reorganization plan to create an Applications Development Group within the IT Department. The Committee unanimously supports this reorganization as it will address both current and future IT needs for Frederick County. The IT Department maintains two separate budget department allocations, Management Information Systems (MIS) and Information Technology, both of which are under the IT Director. In order to achieve this reorganization, the HR Committee recommends approval to transfer \$70,671.00 from the IT Department into the MIS Department. Both departments under the IT Director are in the General Fund. - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the transfer from the IT Department into the MIS Department.

The above motion was approved by the following recorded vote:

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

Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

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

1. Update on the HR Committee projects and priorities. The HR Director provided to the group an update of the projects and priorities as discussed in our last meeting.

Effective July 1, 2015, the County officially began the practice of recognizing maximum thresholds as maximum amounts a position can achieve per the currently adopted salary chart. Mrs. Garton met with each employee who could have potentially been impacted by this decision prior to the payroll date. Also, the County Administrator has received sample Bonus Ordinances and have provided them to the HR Director and County Attorney. They will begin drafting the ordinance for Frederick County and once completed, will present drafted ordinance to HR Committee for feedback.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is currently scheduled for Friday, August 14, 2015.

FINANCE COMMITTEE- APPROVED

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 15, 2015 at 8:00 a.m. Member Gary Lofton was absent.

1. The Parks & Recreation Director requests an FY16 General Fund supplemental appropriation in the amount of \$95,000. This amount represents the use of proffer funds for a restroom building at Rose Hill Park. Proffer funds are available. The Proffer Policy is included. See attached information, p. 4-16. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

2. The Parks & Recreation Director requests an FY16 General Fund supplemental appropriation in the amount of \$168,000 for the construction of a trail at Rose Hill Park. This amount represents anticipated remaining FY15 funds. The current balance is \$168,000 and the appropriation will not exceed the FY15 yearend balance. See attached memo, p. 17. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

3. The Parks & Recreation Director requests an FY16 General Fund supplemental appropriation in the amount of \$22,780.36. This amount represents anticipated remaining FY15 funds for the completion of the Sherando Park Master Plan. The current balance is \$28,520.36 and the appropriation will not exceed the final FY15 yearend balance. See attached memo, p. 18. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

4. The Public Safety Communications Director requests an FY16 General Fund supplemental appropriation in the amount of \$2,000. This amount represents a grant from the Virginia E911 Wireless Education Program. No local funds required. See attached information, p. 19-21. The committee recommends approval. - **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
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Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

5. The Sheriff requests an FY15 General Fund supplemental appropriation in the amount of \$400. This amount represents two (2) donations to the DARE program. See attached memos, p. 22-23. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

6. The Sheriff requests an FY16 General Fund supplemental appropriation not to exceed the final FY15 year end balance for the Abbott Grant. The current balance is \$41,480.72. See attached memo, p. 24. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

7. The County Administrator requests authorization to engage in the services of a financial consultant. See attached memo, p. 25-26. The committee recommended authorization; however, the County Administrator requests postponement of board action awaiting further information.

INFORMATION ONLY

1. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement in Popular Annual Financial Report (PAFR). This is the 8th consecutive year that Frederick County has received this achievement. See attached, p. 27-28.
2. At the request of the committee, the EDA Executive Director will provide an overview of final reporting mechanism by the Economic Development Authority (EDA) on Local Economic Development Incentive Grants (LEDIG) at the next Finance Committee meeting. Mr. Barker is not available for the scheduled July meeting.
3. The Finance Director provides a Fund 10 Transfer Report for June 2015. See attached, p. 29-30.
4. The Finance Director provides a preliminary FY 2015 Fund Balance Report for the period ending June 30, 2015. See attached, p. 31.

TRANSPORTATION COMMITTEE

The Transportation Committee met on July 27, 2015 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
 James Racey (voting)
 Barry Schnoor (voting)
 Jason Ransom (voting)
 Gary Oates (liaison PC)
 Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)
 Gene Fisher (voting)

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

3. Russell 150 Revenue Sharing Funds – POSTPONED UNTIL SEPTEMBER MEETING

At the request of the Board of Supervisors, staff has been investigating ways to preserve funding procured for the Russell 150 Road projects but now in danger of being deallocated. See attached summary of those funds.

Staff advised the committee of the following:

1. Renaissance Drive would benefit from a transfer of \$400,000.
2. Route 11 North would benefit from the transfer of \$500,000.
3. Additionally, staff noted that the Board could submit a revenue sharing application with the intent of funding it via a transfer. Possible projects follow:
 - a. Coverstone Drive
 - b. Justes Drive

Based upon a motion by Mr. Ransom and seconded by Mr. Racey the committee recommended that the Board proceed with the transfers for items one and two and consider additional information which they have directed staff to gather for item 3 for possible action as well. Staff will be prepared to present at the meeting these items and potential additional projects.

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board postponed this item until the September meeting.

The above motion was approved by the following recorded vote:

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

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

1. Hollow Road Concerns

A number of citizens from the Hollow Road area attended the meeting to voice concerns over the condition of the roadway. Some of the items discussed included:

- A. Majority of culverts stopped up
- B. Runoff into the lake to the point where dredging is needed
- C. Safety concerns (1 travel lane)
- D. 3 school buses daily with no room to pass
- E. Inaccurate traffic count due to poor counter placement

The committee and VDOT staff heard and discussed the concerns with the citizens. It was noted that the roadway would be on the scheduled paving list if it had not been for a traffic count criteria they did not meet at the last update of the plan, which has since been relaxed by the state. VDOT staff indicated they will be looking into the situation as well as procuring updated traffic counts. Investigating alternative funding sources such as environmental funds was also discussed.

2. Kernstown Area Plan

Staff presented an update on the Kernstown Area Plan and mapping of the land uses and transportation in this area. The committee had few questions but noted the need for a definition of the Development Sensitive Area (DSA).

4. House Bill 2 Update

Staff updated the committee on the House Bill 2 process and will be doing the same for the Board of Supervisors under a separate agenda item.

5. Other

Mr. Oates requested that staff request an update on VDOT Route 37 work.

OUTDOOR FESTIVAL PERMIT REQUEST OF CONCERN HOTLINE – 16TH ANNUAL FRIDAY FISH FRY CELEBRATION. PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SELECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE, OR AN OUTDOOR FESTIVAL PERMIT. FESTIVAL TO BE HELD ON FRIDAY, SEPTEMBER 4, 2015, FROM 4:00 P.M. TO 9:00 P.M.; ON THE GROUNDS OF GROVE’S WINCHESTER HARLEY-DAVIDSON, 140 INDEPENDENCE DRIVE, WINCHESTER, VIRGINIA. PROPERTY OWNED BY JOBALIE, LLC. - APPROVED

Administrator Garton advised this was a request from Concern Hotline for an outdoor festival permit for the 16th Annual Fish Fry. She noted the applicant was present to discuss the application.

Rusty Holland, applicant, advised this was Concern’s 16th annual fish fry event. It would be held on the grounds of Grove’s-Winchester Harley Davidson. He advised that he had spoken with Millwood Station regarding EMS support and the Sheriff’s Department.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the outdoor festival permit request for Concern Hotline – 16th Annual Friday Fish Fry Celebration.

The above motion was approved by the following recorded vote:

Richard C. Shickle Aye

Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

Supervisor Hess stated he felt there was a need for the Board to look at the County Code regarding festivals, because it appeared events were being approved that might not require a permit. He suggested a review to see if some change should be made.

Chairman Shickle suggested sending this item to the Code & Ordinance Committee for review.

OUTDOOR FESTIVAL PERMIT REQUEST OF ROTARY CLUB OF WINCHESTER – SHENANDOAH VALLEY APPLE HARVEST FESTIVAL. PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE, FOR AN OUTDOOR FESTIVAL PERMIT. FESTIVAL TO BE HELD ON SATURDAY, SEPTEMBER 19, 2015, FROM 10:00 A.M. TO 5:00 P.M. AND SUNDAY, SEPTEMBER 20, 2015, FROM 10:00 A.M. TO 5:00 P.M.; ON THE GROUND OF THE FREDERICK COUNTY FAIRGROUNDS, 167 FAIRGROUNDS ROAD, (ROUTE 11 NORTH), CLEARBROOK, VIRGINIA. PROPERTY OWNED BY FREDERICK COUNTY FAIR. - APPROVED

Administrator Garton advised this was a request for an outdoor festival permit from the Rotary Club of Winchester. She noted the applicant was present to speak on behalf of this request.

Nancy “Tootie” Rinker, President of the Winchester Rotary Club, appeared before the Board regarding this item. She advised this was the first Apple Harvest Festival event to be held at the Frederick County fairgrounds, but this was the 42nd year of this event. The other 41 years this event was held in the city.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the outdoor festival permit request from the Rotary Club of Winchester for the Shenandoah Valley Apple Harvest Festival.

The above motion was approved by the following recorded vote:

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

AMENDMENTS TO THE FREDERICK COUNTY CODE, CHAPTER 7, ELECTIONS; ARTICLE II, ELECTION PRECINCTS; SECTION 7-7 PRECINCTS AND RESPECTIVE POLLING PLACES ENUMERATED. THE PURPOSE OF THIS PROPOSED AMENDMENT IS TO RELOCATE A POLLING PLACE IN THE BACK CREEK MAGISTERIAL DISTRICT: TO RELOCATE THE RUSSELLS PRECINCT POLLING PLACE FROM THE ROUND HILL FIRE HALL TO THE ROUND HILL FIRE EVENT CENTER. - APPROVED

Voter Registrar Rick Miller appeared before the Board on behalf of this item. He advised this was a proposal to move the Russells Precinct polling place from the old Round Hill Fire Hall to the new Round Hill Events Center.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Wells, seconded by Supervisor Hess, the Board approved the ordinance amending the Frederick County Code, Chapter 7, Elections.

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 7-7 (Precincts and respective polling places enumerated) of Article II (Election Precincts) of Chapter 7 (Elections) of the Code of Frederick County, Virginia be, and the same hereby is, amended by

enacting an amended Section 7-7 (Precincts and respective polling places enumerated) of Article II (Election Precincts) of Chapter 7 (Elections) of the Code of Frederick County, Virginia, as follows and to take effect immediately (deletions are shown in ~~strike through~~ and additions are shown in **bold underline**):

CHAPTER 7, Elections

ARTICLE II, Election Precincts

§ 7-7. Precincts and respective polling places enumerated. A.

Back Creek Magisterial District. [Amended xx-xx-2015]

Precinct

Polling Places

Russells Precinct

Round Hill Fire-Hall **Event Center**

Enacted this 12th day of August, 2015.

The above ordinance was approved by the following recorded vote:

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

PLANNING COMMISSION BUSINESS:

PUBLIC HEARING:

**ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE –
CHAPTER 1655 ZONING, ARTICLE VIII, DEVELOPMENT PLANS AND
APPROVALS, PART 802 – SITE PLANS §165-802.01 ACTIVITIES REQUIRING
STIE PLANS, §165-802.02 SITE PLAN APPLICATIONS; REVIEW, §165-802.03
SITE PLAN, §165-802.04 REQUIRED IMPROVEMENTS; ARTICLE I,
GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE
PERMITS, PART 101 – GENERAL PROVISIONS, §165-101.02 DEFINITIONS &
WORD USAGE. REVISIONS TO THE ZONING ORDINANCE TO UPDATE
THE SITE PLAN REQUIREMENTS. - APPROVED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposed ordinance amendment to allow minor site plans and illustrative sketch plans. Minor site plans have been commonly submitted and approved; however, the term

and requirements have never been codified. The illustrative sketch plans are new and would be applicable to agricultural businesses such as farm wineries, distilleries, and breweries, as well as conditional use permits that might not need an engineered site plan. She noted the Planning Commission recommended approval of this proposed amendment.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the ordinance amending the Frederick County Code Chapter 165 Zoning, Article VIII Development Plans and Approvals, Part 802 – Site Plans, §165-802.01 Activities Requiring Site Plans, §165-802.03 Site Plans Contents, §165-802.04 Required Improvements, Article I General Provisions; Amendments; and Conditional Use Permits, Part 101 – General Provisions, §165-101.02 Definitions & Word Usage.

WHEREAS, an ordinance to amend Chapter 165, Zoning to revise the site plan requirements to include provisions for minor site plans and illustrative sketch plans, and an update to the site plan definition to include minor site plans and a new definition for illustrative sketch plan was considered; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on July 15, 2015; and

WHEREAS, the Board of Supervisors held a public hearing on this ordinance on August 12, 2015; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of 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, Article VIII Development Plans and Approvals, Part 802 – Site Plans, §165-802.01 Activities Requiring Site Plans, §165-802.03 Site Plans Contents, §165-802.04 Required Improvements, Article I General Provisions; Amendments; and Conditional Use**

Permits, Part 101 – General Provisions, §165-101.02 Definitions & Word Usage is amended to include provisions for minor site plans and illustrative sketch plans, the site plan definition revised to include minor site plans and the inclusion of a new definition for illustrative sketch plans.

**ARTICLE VIII
DEVELOPMENT PLANS AND APPROVALS**

Part 802 – Site Plans

§ 165-802.01 Activities requiring site plans or illustrative sketch plans.

A. In order to ensure that the requirements of this chapter have been met, a site plan shall be required to be submitted to the County for the following uses:

- (1) Any use in the business or industrial zoning districts, the EM Extractive Manufacturing District, the MS Medical Support District, or the HE Higher Education District.
- (2) Any nonresidential uses ~~in which~~ with automobile parking spaces. ~~is to be used by more than one establishment.~~
- (3) Any of the following residential uses not required to submit a subdivision design plan for approval:
 - (a) Multiplexes;
 - (b) Townhouses, Back-to-Back Townhouses;
 - (c) Garden apartments;
 - (d) Multifamily residential buildings;
 - (e) Age-restricted multifamily housing;
 - (f) Other allowed multifamily residential uses;
 - (g) Mobile home parks.
- (4) Convalescent and nursing homes. ~~and allowed nonresidential uses in the RP, R4 and R5 Zoning Districts.~~
- (5) Public and semipublic uses and buildings.
- (6) Required landscaped buffers and landscaped screens.
- (7) Required recreational facilities.
- (8) Any parcel of land proposed to contain more than one dwelling unit, except those residential units allowed as agricultural accessory uses.
- (9) ~~Mobile home parks.~~ Non-residential uses permitted in the RP, R4 and R5 Zoning Districts.

- (10) The use, change of use or construction of any improvement or facility that is to be reviewed by the Planning Commission to determine conformance with the Comprehensive Plan under § 15.2-2232 of the Code of Virginia.
- B. The Zoning Administrator may require a site plan or illustrative sketch plan to be submitted with an application for a conditional use permit or any use specified under 165-204.
- C. No permit shall be issued for the construction of any building or improvement on the site of any of the above uses until the site plan or illustrative sketch plan is approved.
- D. All nonbusiness or nonindustrial uses in a residential subdivision shall submit a subdivision design plan, as required in the Frederick County Subdivision Ordinance, instead of a site plan.
- E. Illustrative sketch plan shall be required for the following uses:
(a) Farm Wineries;
(b) Farm Breweries;
(c) Farm Distilleries.

§ 165-802.02 Site plan applications; review.

- A. Applicants shall submit two copies of the site plan to the Zoning Administrator for review, along with applicable fees and completed application materials required by the Zoning Administrator. Final approval of the site plan shall be given by the Zoning Administrator. At least five copies of the site plan are required to be submitted to the Zoning Administrator for final approval.
- B. Applicants shall prepare and submit a Traffic Impact Analysis with all site plan applications, in accordance with the adopted Traffic Impact Analysis Standards.
- C. Applicants shall provide comments on the site plan from various agencies as required by the Department of Planning and Development.
- D. The Zoning Administrator may require the applicant to present the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Zoning Administrator concerning whether the plan meets the requirements of the Frederick County Code.
- E. A site plan submission shall be considered to be complete when the fees, plans, application materials and comments have been received and when the Technical Review Committee has reviewed the plan, if required.
- F. When the site plan submission is complete, the Zoning Administrator may submit the site plan to the Planning Commission for its review.
- (1) The Zoning Administrator shall determine whether to submit the site plan to the Planning Commission based on the following considerations:

- (a) The scale or intensity of the proposed use.
- (b) Potential impacts on surrounding properties.
- (c) Potential traffic hazards or congestion.

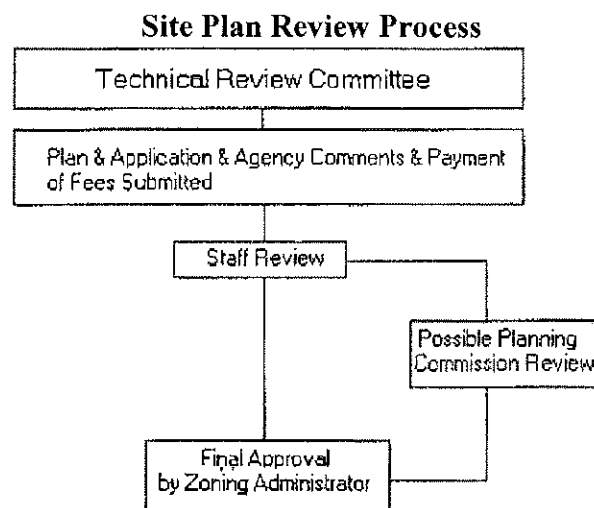
(2) In addition, the Planning Commission may request that the site plan be presented to the Commission for its review.

G. The Planning Commission may make recommendations to the Zoning Administrator concerning the site plan. The Zoning Administrator shall incorporate such recommendations into the review of the site plan. The site plan shall be finally approved or denied by the Zoning Administrator.

H. Approval of the site plan shall expire within five years of the approval date unless building permits have been obtained for construction.

I. The Zoning Administrator or his designated representative shall periodically inspect the site during construction to ensure that the site plan requirements are met.

J. No certificate of occupancy shall be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guaranties have been provided to insure that all approved improvements will be provided. Such guaranties shall be for a limited time period acceptable to the Zoning Administrator, during which time said improvement shall be completed.



K. The Board of Supervisors, by resolution, may establish a schedule of fees for the review of site plans.

§ 165-802.03 Site plan and illustrative sketch plan contents.

The site plan or illustrative sketch plan shall be clearly legible and shall be drawn at a scale acceptable to the Zoning Administrator. The site plan shall include three general sections, the project information section, the calculations section, and the site plan and details section. The information required for each section is listed below:

A. Project information section.

- (1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
- (2) The name, address, and phone number of the landowner, developer, and designer.
- (3) The Frederick County Property Identification Number (PIN) of all lots included on the site plan.
- (4) The number and type of dwelling units included on the site plan for residential uses.
- (5) The total land area and total developed land area of all lots included on the site plan.
- (6) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
- (7) A reference to any other site plan or master development plan approved by the County for the site.
- (8) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
- (9) A table of contents including all pages of the site plan.
- (10) A list of all proposed utility providers, with their address, name and phone number.
- (11) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
- (12) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a conditional use permit.
- (13) A description of setbacks or conditions placed on the site as a result of an approved variance.
- (14) The name of the Magisterial District within which property is located.

B. Calculations section.

- (1) Calculations showing the floor area ration (FAR) of the site, including the maximum allowed FAR, total ground floor area, total floor area, and total lot area.
- (2) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.
- (3) Calculations showing the total number of required handicap spaces, including the total number of existing and proposed spaces.
- (4) Calculations showing the total number of required loading spaces, including the total number of existing and proposed spaces.
- (5) Calculations showing the total number of required perimeter and interior trees required, including the number of provided trees.
- (6) Calculations showing the percentage of the property that will be landscaped and the

percentage of woodlands disturbed.

C. Site plan and details section.

- (1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
- (2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
- (3) All nearby entrances that are within 200 feet of any existing or proposed entrances to the site.
- (4) All existing and proposed driveways, parking and loading spaces, parking lots and a description of surfacing material and construction details to be used. The size and angle of parking spaces, aisles, maneuvering areas, and loading spaces shall be shown.
- (5) A North arrow.
- (6) A graphic scale and statement of scale.
- (7) A legend describing all symbols and other features that need description.
- (8) A boundary survey of the entire parcel and all lots included with distances described at least to the nearest hundredth of a foot.
- (9) The present zoning of all portions of the site, with the location of zoning boundaries.
- (10) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
- (11) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
- (12) Existing topographic contour lines at intervals acceptable to the Zoning Administrator. Proposed finished grades shall be shown by contour.
- (13) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
- (14) The location and boundaries of existing environmental features, including streams, floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes, and woodlands.
- (15) The location of outdoor trash receptacles.
- (16) The location of all outdoor lighting fixtures.
- (17) The location, dimensions, and height of all signs.
- (18) The location of required buffers, landscaping buffers, and landscaped screens, including examples, typical cross sections or diagrams of screening to be used. The location and dimensions of required fencing, berms, and similar features shall be specified.
- (19) The location of recreational areas and common open space.
- (20) The location of all proposed landscaping with a legend; the caliper, scientific name, and common name of all deciduous trees; the height at planting, scientific name, and common name of all evergreen trees and shrubs.
- (21) The height at planting, caliper, scientific name, and common name shall be provided for all proposed trees. The height at planting, scientific name and common name shall be provided for all shrubs.
- (22) The location of sidewalks and walkways.
- (23) The location and width of proposed easements and dedications.
- (24) A stormwater management plan describing the location of all stormwater management

facilities with design calculations and details.

- (25) A soil erosion and sedimentation plan describing methods to be used.
- (26) The location and size of sewer and water mains and laterals serving the site.
- (27) Facilities necessary to meet the requirements of the Fire Code.
- (28) A signed seal of the certified Virginia land surveyor, architect, or engineer who prepared the plan.
- (29) A space labeled "Approved by the Frederick County Zoning Administrator" for the signature of the Zoning Administrator, approval date, and a statement that reads "site plan valid for five years from approval date."

D. Minor Site Plans. A minor site plan may be submitted in lieu of a full site plan for additions to existing sites. A minor site plan shall constitute a revision that increases an existing structure area by 20% or less and does not exceed 5,000 square feet of disturbed area. Minor site plans, at a minimum shall include the following information:

- (1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
- (2) The name, address, and phone number of the landowner, developer, and designer.
- (3) The Frederick County Property Identification Number (PIN) of all lots included on the site plan.
- (4) The total land area and total developed land area of all lots included on the site plan.
- (5) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
- (6) A reference to any other site plan or master development plan approved by the County for the site.
- (7) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
- (8) A table of contents including all pages of the site plan.
- (9) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
- (10) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a conditional use permit.
- (11) A description of setbacks or conditions placed on the site as a result of an approved variance.
- (12) The name of the Magisterial District within which property is located.
- (13) Calculations showing the total number of required and proposed parking and loading spaces, including the total number of existing and proposed spaces.
- (14) Calculations showing the total number of required perimeter and interior trees required, including the number of provided trees. The Zoning Administrator shall determine the number of landscaping plants required, proportional to the additions shown on the minor site plan.
- (15) A signed seal of the certified Virginia land surveyor, architect, or engineer who prepared the plan.
- (16) Any other information determined by the Zoning Administrator necessary for the review of the minor site plan.
- (17) The Zoning Administrator may eliminate any of the above requirements on a minor site plan, if it is determined not to be warranted.

E. Illustrative sketch plan. An illustrative sketch plan may be submitted in lieu of a site plan for farm wineries, farm breweries and farm distilleries, or if required as part of a Conditional Use Permit. Illustrative sketch plans, at a minimum shall include the following information:

- (1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
- (2) The name, address, and phone number of the landowner, developer, and designer.
- (3) The Frederick County Property Identification Number (PIN) of all lots included on the sketch plan.
- (4) The total land area and total developed land area of all lots included on the sketch plan.
- (5) Illustrative Sketch plan shall include a drawing of all aspects of the business operations on the site.
- (6) Size and dimensions of parking areas and signs if any, location of any floodplains or other environmental features.
- (7) For cottage occupations, the sketch plan shall show the residence and all improvements associated with the cottage occupation.
- (8) Distances between on site structures and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements.
- (9) A statement listing all requirements and conditions placed on the land included in the sketch plan resulting from approval of a conditional use permit.
- (10) The name of the Magisterial District within which property is located.
- (11) The illustrative sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

- F. ~~D.~~—Other information or statements may be required on the site plan by the Zoning Administrator to ensure that all requirements of the Frederick County Code are met.
- G. ~~E.~~ All site plans shall conform with master development plans that have been approved for the land in question.
- H. ~~F.~~—When required, deed restrictions, deeds of dedication, agreements, contracts, guaranties or other materials shall be submitted with the site plan.

§ 165-802.04 Required improvements.

- A. All improvements and construction on the site shall conform with the approved site plan or illustrative sketch plan and the requirements of the Frederick County Code.
- B. The Zoning Administrator may require a bond with surety or other acceptable guaranties to insure the completion of required improvements. Such guaranties shall be in the estimated amount of the required improvements. Such guaranties shall be for a period of completion set by the Zoning Administrator with consultation with the applicant. Such guaranties shall be released when the required improvements have been completed.

ARTICLE I GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02 Definitions & word usage.

SITE PLAN - A ~~specific and detailed~~ plan of development *which contains detailed engineering drawings of the proposed uses and improvements required in the development of a given parcel or use* of development meeting the requirements of this chapter. *In all Articles of this Chapter, where the term 'site plan' is used, it shall also include the term 'minor site plan'.*

ILLUSTRATIVE SKETCH PLAN – An illustrative plan that accurately depicts the development of a parcel or use meeting the requirements of this chapter. Illustrative site plans may be required for agricultural uses or as part of a conditional use permit.

Passed this 12th day of August, 2015 by the following recorded vote:

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

**ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE –
CHAPTER 165 ZONING, ARTICLE IV – AGRICULTURAL AND
RESIDENTIAL DISTRICT, PART 401 – RA RURAL AREAS DISTRICT, §165-
401.02 PERMITTED USES; ARTICLE II – SUPPLEMENTARY USE
REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC
USES, PART 204 – ADDITIONAL REGULATIONS FOR SPECIFIC USES, § 165-
204.22 FARM WINERIES; ARTICLE I – GENERAL PROVISIONS
AMENDMENTS, AND CONDITIONAL USE PERMITS, PART 101 – GENERAL
PROVISIONS §165-101.02 DEFINITIONS AND WORD USAGE. REVISIONS
TO THE ZONING ORDINANCE TO INCLUDE FARM BREWERIES, FARM
DISTILLERIES AS PERMITTED USES IN THE RA (RURAL AREAS)
DISTRICT. - APPROVED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was an update to the zoning ordinance text to permit farm breweries and distilleries in the RA (Rural Areas) Zoning District. Other changes to the text include removal of those provisions already regulated by the Code of Virginia. The Planning Commission recommended approval of the proposed amendments.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the ordinance amending Frederick County Code Chapter 165 Zoning, Article IV – Agricultural and Residential Districts, Part 401 – RA Rural Areas District, §165-401.02 – Permitted Uses; Article II – Supplementary Use Regulations, Parking, Buffers, and Regulations for Specific Uses, Part 204 – Additional Regulations for Specific Uses, §165-204.22 – Farm Wineries; Article I – General Provisions, Amendments, and Conditional Use Permits, Part 101 – General Provisions, §165-101.02 – Definitions and Word Usage.

WHEREAS, an ordinance to amend Chapter 165, Zoning to the farm winery text to include allowances for farm breweries and farm distilleries, new and updated definitions, and revised regulations for wineries, breweries, and distilleries was considered; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on July 15, 2015; and

WHEREAS, the Board of Supervisors held a public hearing on this ordinance on August 12, 2015; 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 Article IV – Agricultural and Residential Districts, Part 401 – RA Rural Areas District, §165-401.02 – Permitted Uses; Article II – Supplementary Use Regulations, Parking, Buffers, and Regulations for Specific Uses, Part 204 – Additional Regulations for Specific Uses, §165-204.22 – Farm Wineries; Article I – General Provisions, Amendments, and Conditional Use Permits, Part 101 – General Provisions, §165-101.02 – Definitions and Word Usage;** to include allowances for farm breweries and farm distilleries, new and updated definitions, and revised regulations for wineries, breweries, and distilleries.

ARTICLE IV AGRICULTURAL AND RESIDENTIAL DISTRICTS

Part 401 – RA Rural Areas District

§ 165-401.02 Permitted uses.

Structures and land shall be used for one of the following uses:

EE. Farm Breweries.

FF. Farm Distilleries.

Article II

SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.22. Farm Wineries, Farm Breweries and Farm Distilleries.

Farm Wineries, Farm Breweries and Farm Distilleries in the RA (Rural Areas) District, shall meet the following requirements:

- A. Farm Wineries. A farm winery shall be licensed as a Class A or Class B farm winery in accordance with Section 4.1-207 of the Code of Virginia, as amended, and shall be located in the RA (Rural Areas) District. No farm winery shall be established until an illustrative sketch plan has been approved. All activities specified under 15.2-2288.3E of the Code of Virginia shall be permitted.
- B. Farm Breweries (limited brewery). A farm brewery shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and shall be located in the RA (Rural Areas) District. No Limited Brewery shall be established until an illustrative sketch plan has been approved. All activities specified under 15.2-2288.3:1 of the Code of Virginia shall be permitted.
- C. Farm Distillery (limited distiller's). A farm distillery shall be licensed as a Limited distiller in accordance with Section 4.1-206 of the Code of Virginia, as amended, and shall be located in the RA (Rural Areas) District. No Limited Distillery shall be established until an illustrative sketch plan has been approved. All activities specified under 15.2-2288.3:2 of the Code of Virginia shall be permitted.
- D. The following activities are permitted accessory uses at farm wineries, breweries and distilleries:
- (1) On site tours;
 - (2) Kitchen and catering activities;
 - (3) Providing light refreshments and appetizers (food preparation beyond this, excluding catering for events, shall require a Conditional Use Permit for a restaurant).

E. Special Events shall be permitted only on farm wineries, farm breweries and farm distilleries of ten acres or larger. Special Events for the purposes of this section shall include but are not limited to meetings, conferences, dinners, festivals, and wedding receptions. Any event at which more than 450 100 people are anticipated and will include music and entertainment will require a festival permit.

F. An illustrative sketch site plan in accordance with the requirements of Article VIII shall be submitted to and approved by Frederick County for all farm wineries, distilleries and breweries.

G. Farm wineries, breweries and distilleries that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.

ARTICLE I

GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02. Definitions and word usage.

FARM BREWERY - A brewery licensed as a limited brewery under subdivision 2 of Section 4.1-208 of the Code of Virginia (1950, as amended).

FARM DISTILLERY - A distillery licensed as a limited distillery under subdivision 2 of Section 4.1-206 of the Code of Virginia (1950, as amended).

FARM WINERY – A winery licensed as a farm winery under subdivision 5 of Section 4.1-207 and defined under 4.1-100 of the Code of Virginia (1950, as amended).

~~FARM WINERY – An establishment (i) located on a farm in the commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume or (ii) located in the commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. A minimum of 51% of the fresh fruits or agricultural products used at the winery for the production of wine shall be grown or produced on the farm; and no more than 25% of the fruits, fruit juices or other agricultural products may be grown outside of the commonwealth. Accessory uses shall include wine tasting rooms, accessory food sales related to wine tasting, and the sale of wines produced on-site.~~

Passed this 12th day of August, 2015 by the following recorded vote:

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

ADDITION TO THE SOUTH FREDERICK AGRICULTURAL AND FORESTAL DISTRICT – THE PROPOSED ADDITION IS A 175 +/- ACRE TRACT WITHIN ONE PARCEL AND IS LOCATED IN THE BACK CREEK MAGISTERIAL DISTRICT ALONG CONESTOGA LANE. - APPROVED

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request to add a parcel of 175 acres +/- to the South Frederick Agricultural and Forestal District. If approved, the district would have a total of 6,020.9 acres +/- . The Agricultural District Advisory Committee and the Planning Commission recommended approval of this addition.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the addition to the South Frederick Agricultural & Forestal District

WHEREAS, a proposal to increase the South Frederick Agricultural & Forestal District by 175 acres, was considered. The property is located in the Back Creek Magisterial District along Conestoga Lane and is identified by Property Identification Number 85-A-3.

WHEREAS, the Agricultural District Advisory Committee (ADAC) recommended approval of this proposal on June 24, 2015; and

WHEREAS, the Planning Commission held a public hearing on this proposal to increase the South Frederick Agricultural & Forestal District on August 12, 2015; and

WHEREAS, the Frederick County Board of Supervisors finds the addition to the South Frederick Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestall land in Frederick County;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby increases the 2015-2020 South Frederick Agricultural & Forestal Districts by 175 acres, to a total of 6,020.90 acres in the Back Creek Magisterial District, with an expiration and renewal date of May 27, 2020. This Agricultural & Forestal District is as described on the attached map.

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

Passed this 12th day of August, 2015 by the following recorded vote:

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

2015-2020 AGRICULTURAL AND FORESTAL DISTRICT ADDITION OF PARCELS LESS THAN 5 ACRES – THIS PUBLIC HEARING IS TO CONSIDER THE ADDITION OF 46 PARCELS EACH LESS THAN 5 ACRES IN SIZE TO THE FOLLOWING DISTRICTS: ALBIN, APPLE PIE RIDGE, DOUBLE CHURCH, RED BUD, SOUTH FREDERICK, AND SOUTH TIMBER RIDGE DISTRICTS. THIS COULD ADD UP TO AN ADDITIONAL 87 ACRES TO THE ESTABLISHED 11,425.93 ACRES WITHIN THE AGRICULTURAL AND FORESTAL DISTRICT PROGRAM FOR THE ENSUING FIVE YEAR PERIOD. PROPERTIES THAT ARE INCORPORATED INTO AN AGRICULTURAL AND FORESTAL DISTRICT ARE GUARANTEED CERTAIN PROTECTION AS SPECIFIED IN SECTION 15.2-4300 OF THE CODE OF VIRGINIA. – APPROVED INCLUSION OF PROPERTIES ENCAPSULATED BY EXISTING AG DISTRICT AND POSTPONED ACTION ON REMAINING PROPERTIES FOR 90 DAYS

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He gave a brief overview of the request. He advised the Agricultural District Advisory Committee reviewed each of the 46 parcels and there were ten property owners represented at the committee meeting. The Agricultural District Advisory Committee recommended the inclusion of all 46 parcels. The Planning Commission recommended 24 parcels be added to the districts with 22

parcels to be excluded.

Chairman Shickle convened the public hearing.

Sandra Ritenour, Double Church Agricultural and Forestal District, thanked the Board for the opportunity to speak. She appreciated the Agricultural District Advisory Committee being appointed to represent the agricultural districts. She stated that she agreed with the Committee's recommendation and hoped the Board would accept the recommendation. She stated she was concerned this might be the beginning of devaluing the ag districts. She noted that future farms would be very small and she was uneasy about the future of the ag districts. She concluded by saying she hoped the Board would include all 46 parcels.

Paul Anderson, past president of the Farm Bureau, stated the ag districts were not set up to recognize land use. He noted that parcels under 5 acres cannot be in land use, but they can be in the agricultural districts. He went onto say the ag districts protect farms from bothering their neighbors. He stated maybe the setbacks need to be changed and noted he had no problem with houses being 100 feet from his property.

Gary Oates, Stonewall District, spoke in support of including all 46 properties in the districts. He noted if the problems created by these small lots were due to setbacks, then the Board could have changed the ordinance.

George Hughes, Gainesboro District, stated that he understood both sides of the issue. He noted that every square foot of land that we do not allow to be developed saves the County money. He concluded by saying that we need to keep ag as a viable commodity.

John Toney, Back Creek District, appeared representing the H.B. and Doris Alexander Trust. He showed the Board a plat of this property prepared by Greenway engineering. He noted that if the adjacent property was not in the ag district then the Trust would have a buildable

lot. He stated the family needed to pay some medical bills and this lot, if buildable, could help meet those financial needs.

Joyce Earhart, Back Creek District, stated she was penalized by being taken out of the ag district because her property was not in ag use. She noted she was the owner of a small parcel and a large parcel. She concluded by requesting that all properties be kept in the ag district.

Chairman Shickle closed the public hearing.

Supervisor Hess asked what the setback requirements for the adjacent parcels would be if a lot was not in the ag district.

Zoning Administrator Cheran responded for lots less than six acres the side and front setbacks are 50 feet. For parcels greater than six acres the setbacks are 100’.

Supervisor Hess stated at the appropriate time he thought the Board should ask staff to bring back changes to the setbacks for lots less than 5 acres, adjacent to an ag district, to meet the RA District setback requirements.

Upon a motion by Supervisor Hess, seconded by Vice-Chairman DeHaven, the Board approved the inclusion of the 11 parcels less than 5 acres, which are encapsulated by existing ag districts into the 2015-2020 Agricultural and Forestal Districts.

WHEREAS, the inclusion of parcels, each less than 5 acres in size and fully encapsulated by existing Agricultural Districts, into the 2015-2020 Agricultural & Forestal Districts were considered. The properties are identified by Property Identification Numbers 42-A-61, 85-A-139A, 55-A-5B, 55-A-5D, 61-A-23A, 61-A-29, 74-A-15, 74-A-14, 74-A-15A, 72-A-83 and 26-A-61A shown on the table below; and

PIN	Owner	Acres	Ag & Forestal Districts
Encapsulated by existing Ag Districts			
42 A 61	DTS LC	2.50	Albin
85 A 139A	SCOTHORN, GARY L & LINDA O	1.29	Double Church
55 A 5B	HERRING, VERA J	1.00	Red Bud
55 A 5D	HERRING, KEVIN L	1.21	Red Bud
61 A 23A	BHS, LC	1.00	South Frederick

61	A	29	BHS, LC	1.25	South Frederick
74	A	15	HUMPHRIES, CHERYL W. & PAMELA LEWIS	3.00	South Frederick
74	A	14	HUMPHRIES, CHERYL W.	2.00	South Frederick
74	A	15A	HUMPHRIES, CHERYL W.	1.23	South Frederick
72	A	83	MEAGHER, CONSTANCE M	0.50	South Frederick
26	A	61A	CLW HOLDINGS LLC	2.00	South Timber Ridge

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this addition on June 24, 2015; and

WHEREAS, the Planning Commission held a public hearing and recommended approval of this addition on July 15, 2015; and

WHEREAS, the Board of Supervisors held a public hearing and recommended approval of this addition on August 12, 2015; and

WHEREAS, the Frederick County Board of Supervisors finds the inclusion of the 11 parcels, each less than 5 acres in size and fully encapsulated by existing Agricultural Districts, contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby adopts the inclusion of parcels less than 5 acres which are encapsulated by existing Ag Districts as shown on the table into the 2015-2020 Agricultural & Forestal Districts totaling 17± acres with an expiration date of May 27, 2020.

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

Passed this 12th day of August, 2015 by the following recorded vote:

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

Supervisor Hess moved to include the 19 parcels adjacent to an existing ag district in the 2015-2010 Agricultural and Forestal Districts.

The motion was seconded by Supervisor Lofton.

After some discussion concerning the Agricultural District Advisory Committee and Planning Commission recommendations, which were different, Supervisor Hess withdrew his motion and Supervisor Lofton withdrew his second.

Supervisor Ransom moved to include the 19 parcels adjacent to an existing ag district in the 2015-2010 Agricultural and Forestal Districts.

The motion died due to the lack of a second.

Vice-Chairman DeHaven moved to direct staff to look at all potential consequences of reducing the setbacks for lots adjacent to an ag district from 200 feet to 50 feet for those lots less than 5 acres in size and report back to the Board with a recommendation.

Chairman Shickle stated he was looking for a motion pertaining to the inclusion or exclusion of the remaining lots.

Vice-Chairman DeHaven withdrew his motion.

Supervisor Hess moved to include the 13 parcels recommended by the Planning Commission adjacent to an existing ag district.

The motion was seconded by Supervisor Lofton.

Supervisor Fisher stated the aerial photographs were not sufficient enough to make a decision.

Supervisor Lofton advised the Agricultural District Advisory Committee was concerned about the small lots' impact on adjacent properties and the Planning Commission shared the same concerns. He concluded by saying he was not sure that he liked the process and it needed to be changed.

Supervisor Wells stated he would like to see all 46 parcels included. He went on to say

he would like to see an adjustment to the setbacks.

Supervisor Hess withdrew his motion.

Supervisor Lofton withdrew his second.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board voted to postpone consideration of the remaining lots for 90 days.

Vice-Chairman DeHaven stated the small lots do not harm if the setback issue can be solved.

Supervisor Fisher stated he would like to know the process for inclusion in the agricultural districts.

The above motion was approved by the following recorded vote:

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

OTHER PLANNING ITEMS:

UPDATE OF HOUSE BILL 2 (HB2) – INFORMATION ONLY

Deputy Planning Director – Transportation John Bishop appeared before the Board regarding this item. He provided an update of House Bill 2, which requires a new process for determining which transportation projects will receive funding.

Chairman Shickle asked if staff could inventory and assess the readiness of our road projects.

Deputy Director Bishop responded that it would be quite an undertaking, but it could be done.

BOARD LIAISON REPORTS

Supervisor Lofton advised the EDA will meet on August 25, 2015 and hear a presentation from the Virginia Economic Development Partnership. He also advised that he attended the Frederick County Public Schools' convocation this morning. He noted this was an excellent event.

Supervisor Hess advised that he too attended the convocation and was encouraged by the teachers' enthusiasm.

CITIZEN COMMENTS

Blaine Dunn, Red Bud District, thanked the Board for postponing the transfer of \$900,000 to other transportation projects. He stated, as a taxpayer, he would like to see the money come back to the citizens. He asked the Board to give consideration to the highest priority use of these funds such as debt reduction and not just use it for VDOT projects.

Shawn Graber, Back Creek District, stated that he wanted to go back into history and speak. In the 1980s and 1990s Frederick County was very rural and if the farmers and merchants had an issue with the Board they could come to a board meeting and discuss their issues and get a resolution. It was a truly representative form of government. In the 2000s, Mr. Shickle got elected and there came changes with the form of government. It turned from a representative government into a "tyranny" type government. If you were a friend of Mr. Shickle's you could speak for three minutes, but if you were Shawn Graber you could not speak for your full three minutes. He then quoted from the Republican Party of Virginia Creed and referred to an article from the Winchester Star regarding Mr. Ransom and a debate with his election opponent. He concluded by asking if this was a representative government.

George Hughes, Gainesboro District, expressed his displeasure with the amplification in

the board room and said he could not hear what the board members were saying.

BOARD OF SUPERVISORS COMMENTS

Supervisor Hess reported that the Frederick County/City of Winchester basketball game will take place on Saturday night at James Wood High School. The proceeds from this event will benefit the Boys & Girls Club.

Supervisor Ransom advised that he and Mr. Dunn have been playing “phone tag”, but he is hopeful they can come to an agreement on a date and time for their debate. He stated it was important for constituents to hear the candidates’ positions and he thinks the debate will happen.

Supervisor Ransom addressed an article in the Winchester Star regarding fire and rescue. He stated that it was time to come to the realization that we have to move toward a full-time fire department. He noted the County does not have the numbers of volunteers today as in the past. He went on to say that generationally volunteerism is done. He stated the Board needs to look at getting more paid personnel on the force. He suggested generating revenue by allowing fire departments to bill for annual inspections and bill on a pro-rata basis. He noted this was done in other counties.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR LOFTON, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (9:30 P.M.)

B

**RESOLUTION IN HONOR OF THE
2015 JUNIOR LEAGUE WORLD SERIES
NATIONAL CHAMPION
FREDERICK COUNTY NATIONAL JUNIOR LEAGUE
ALL-STAR BASEBALL TEAM**

WHEREAS, on June 15, 2015 the Frederick County National Junior League All-Star Baseball Team set a goal of making it to the Junior League World Series; and

WHEREAS, during their title run, Frederick County finished with a 14-6 postseason record; and

WHEREAS, the Frederick County National Junior League All-Star Baseball Team became District 3 champions, Virginia state champions, Southeast Region champions, and Junior League World Series U.S. Champions; and

WHEREAS, the Frederick County National Junior League became the first team in Winchester, Frederick County, or Virginia District 3 to ever win a national title in baseball; and

WHEREAS, this team achieved this honor through a combination of hard work, dedication, true sportsmanship, team spirit, character, and hard play, which has brought favorable recognition upon themselves and their community.

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors offers its congratulations to the coaches and players of the 2015 National Champion Frederick County National Junior League All-Star Baseball Team for a job well done; and,

BE IT FURTHER RESOLVED, that a true copy of this resolution be presented to the coaches and the team.

ADOPTED this 9th day of September, 2015.

Richard C. Shickle
Chairman

Gene E. Fisher
Shawnee District Supervisor

Robert A. Hess
Gainesboro District Supervisor

Jason E. Ransom
Red Bud District Supervisor

Gary A. Lofton
Back Creek District Supervisor

Charles S. DeHaven, Jr.
Stonewall District Supervisor

Robert W. Wells
Opequon District Supervisor

Brenda G. Garton
Clerk

C



COUNTY of FREDERICK

Brenda G. Garton
County Administrator

540/665-6382
Fax 540/667-0370
E-mail: bgarton@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Brenda G. Garton, County Administrator
DATE: September 1, 2015
RE: Committee Appointments

Listed below are the vacancies/appointments due through December, 2015. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Extension Leadership Council

Dr. Robert R. Meadows – Red Bud District Representative
315 Asbury Road
Winchester, VA 22602
Home: (540)808-3304
Term Expires: 06/22/15
Four year term

(As the Board may recall, Dr. Robert Meadows was reappointed as the Red Bud District representative on the Extension Leadership Council at the May 13, 2015 Board meeting. Since that time, staff discovered Dr. Meadows had moved and now resides in Stonewall District, not Red Bud. Dr. Meadows believed he was still in the same district.)

Lord Fairfax Community College Board

Lynette L. Embree – County Representative
687 Front Royal Pike
Winchester, VA 22602
Home: (540)722-0133
Term Expires: 06/30/15
Four year term

(Mrs. Embree does not wish to be reappointed.)

SEPTEMBER 2015

Social Services Board

Susan W. Marsh – Stonewall District Representative
160 Canterbury Lane
Winchester, VA 22603
Home: (540)662-6423
Term Expires: 09/28/15
Four year term

(Ms. Marsh does not wish to be reappointed.) *(Members serve a four year term and are limited to two consecutive terms.)*

OCTOBER 2015

Regional Jail Authority

Brenda G. Garton – County Representative
Term Expires: 10/13/15
Four year term

(Frederick County has four seats on the Authority. Current county members are Supervisor Charles DeHaven who serves as Chairman of the Jail Authority, Supervisor Robert Wells, Sheriff Williamson and County Administrator Brenda Garton. Chairman Richard Shickle serves as the Alternate.)

NOVEMBER 2015

ShawneeLand Sanitary District Advisory Committee

Hugh B. Van Meter
106 Potomac Trail
Winchester, VA 22602
Home: (540)877-3522
Term Expires: 11/09/15
Two year term

Marianne Biviano
109 Doe Trail
Winchester, VA 22602
Home: (540)535-6574
Term Expires: 11/09/15
Two year term

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

Handley Regional Library Board

Nancy L. Comer – Frederick County Representative
100 Tyler Court
Stephens City, VA 22655
Home: (540)869-4026
Term Expires: 11/30/15
Four year term

(Ms. Comer has served two full terms and is not eligible for reappointment.)
(The County has five seats on the Handley Regional Library Board. As stated in the library by-laws, members serve a four year term and are limited to two consecutive terms.)

Economic Development Authority

Gary Lofton – County Representative
Term Expires: 11/10/15
Four year term

(As the Board may recall, the Industrial Development Authority was renamed the Economic Development Authority via public hearing at the Board of Supervisors meeting of January 8, 2014 and reorganization of the authority was completed during 2014. There are seven members on the authority and they serve a four year term.)

DECEMBER 2015

Northwestern Community Services Board

Ryan Clouse – County Representative
111 Rebecca Drive
Winchester, VA 22602
Home: (540)545-8970
Term Expires: 12/31/15
Three year term

(See Attached Resignation Letter from Mr. Clouse)

Tom Brubaker – County Representative
3407 Cedar Creek Grade
Winchester, VA 22602
Home: (540)539-0002
Term Expires: 12/31/15
Three year term

(The Northwestern Community Services Board is composed of representatives from each of the jurisdictions within the planning district. The county has three seats on the Northwestern Community Services Board. Members serve a three year term and are limited to three consecutive terms.

BGG/tjp

Attachment



August 21, 2015

Ryan A Clouse
111 Rebecca Dr
Winchester, VA 22602

Ms. Brenda Garton
County Administrator, Frederick County
107 North Kent St
Winchester, VA 22601

Dear Ms. Garton:

I am writing to let you know I am resigning my position as one of Frederick County's representatives to the Northwestern Community Services Board. I've been a part of this board since 2010. It's been an eye-opening experience of the opportunities and challenges this organization faces to serve its catchment area. My commitments with my employer and family have shifted in the past several months. I feel that it is in the best interests to NWCSB, Frederick County, and myself to step down from this board.

I am willing to continue service on the board until a replacement is named or no later than December 31, 2015.

Sincerely,


Ryan A Clouse

CC: Joan Richardson, NWCSB Board Chair

D



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

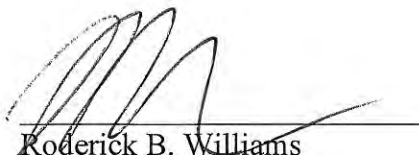
MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Brenda G. Garton, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: August 21, 2015
RE: Commissioner of Revenue Refund Requests



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

1. Undisclosed Taxpayer – Disabled Veteran's Relief – \$3,689.42
2. Greenway Engineering, Inc. – \$12,752.65
3. Navitus Engineering, Inc. – \$42,559.83
4. Citizens Asset Finance Inc. – \$5,735.77
5. Carrier Enterprise LLC – \$144,392.11


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: Brenda G. Garton, County Administrator

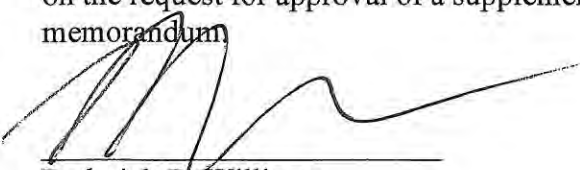
FROM: Roderick B. Williams, County Attorney

DATE: August 21, 2015

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

I am in receipt of the Commissioner's request, dated August 19, 2015, to authorize the Treasurer to refund a taxpayer the amount of \$3,689.42 for part of 2012, all of 2013, 2014 and the first half of 2015 real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer's name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner, the Treasurer, and the County Attorney on a confidential basis.

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



Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia
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



August 19, 2015

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

FROM: Ellen E. Murphy, Commissioner of the Revenue *gm*

RE: Exoneration Taxpayer name withheld – Veterans Admn rules.
MJK – Cross Junction

Please approve a refund of \$3,689.42 for real estate taxes for part of 2012, and all of 2013 and 2014 and the paid first half of 2015 for a taxpayer that qualified for the Disabled Veterans Relief on his residence and up to one acre. The taxpayer's name must be withheld by Veterans Administration rules because the relief is based on medical information that cannot be made public. Under the General Assembly legislation passed for 2011 and beyond the relief is retroactive to the effective date of the qualification of disability, the date of residence purchase, or January 1, 2011 whichever is later.

A copy of the treasurer's credit balance is provided with identifying information redacted.

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

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

Exoneration is \$3,689.42.

Date: 8/13/15

Cash Register: COUNTY OF FREDERICK

Time: 11:29:04

Customer Name:

Total Transactions: 864
Customer Transactions: 7

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2012	1	00067110001	\$155.66-	\$5.31-	\$160.97-
-	RE2012	2	00067110002	\$603.47-	\$0.00	\$603.47-
-	RE2013	3	00192770001	\$582.70-	\$0.00	\$582.70-
-	RE2013	4	00192770002	\$582.69-	\$0.00	\$582.69-
-	RE2014	5	00194960001	\$582.70-	\$0.00	\$582.70-
-	RE2014	6	00194960002	\$582.69-	\$0.00	\$582.69-
-	RE2015	7	00195550001	\$594.20-	\$0.00	\$594.20-

Total Paid : \$3,689.42

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

Needs Board Approval

Veterans Relief
Cross function



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: Brenda G. Garton, County Administrator

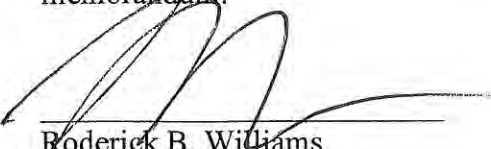
FROM: Roderick B. Williams, County Attorney

DATE: August 21, 2015

RE: Refund – Greenway Engineering, Inc.

I am in receipt of the Commissioner's request, dated August 19, 2015, to authorize the Treasurer to refund Greenway Engineering, Inc. in the amount of \$12,752.65, for business license taxes in 2012, 2013 and 2014. The taxpayer's business operations are both here and out of state. This refund resulted from the taxpayer paying out of state income taxes on part of its revenue reported to the Commissioner. Upon realizing that the business did not have to pay in more than one state on the same revenue, the taxpayer filed an appeal.

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



August 19, 2015

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

A handwritten signature in dark ink, appearing to be "EM", located to the right of the "FROM:" line.

RE: Exoneration Greenway Engineering, Inc.

Please approve a refund of \$12,752.65 for business license taxes for 2012, 2013, and 2014 for Greenway Engineering, Inc. Taxpayer's business operated both here and out of state. They paid out of state income taxes on part of the revenue filed with us. Upon realizing that the business would not have to pay in more than one state on the same revenue, an appeal was made.

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

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

Exoneration is \$12,752.65



FREDERICK COUNTY, VIRGINIA

OFFICE OF

COMMISSIONER OF THE REVENUE

BEV ROSATO
Business Division

brosato@fcva.us
www.fcva.us/biztax

Phone: 540-722-8336
Fax: 540-667-6487



**REQUEST FOR REFUND
OVER \$2,500**

Company: Greenway Engineering Inc

Business License Number: #6906

Amount: \$12,752.65

Reason for credit: CPA for company reported gross receipts to Frederick County for work done in other states where income tax returns were filed

Date of request submitted: August 14, 2015

Submitted by: Bev Rosato

Audited by Melinda Hillyard



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: Brenda G. Garton, County Administrator

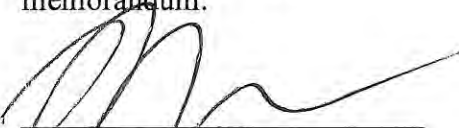
FROM: Roderick B. Williams, County Attorney

DATE: August 21, 2015

RE: Refund – Navitus Engineering, Inc.

I am in receipt of the Commissioner's request, dated August 19, 2015, to authorize the Treasurer to refund Navitus Engineering, Inc. in the amount of \$42,559.83, for business license taxes in 2013 and 2014. The taxpayer's business operations are both here and out of state. This refund resulted from the taxpayer paying out of state income taxes on part of its revenue reported to the Commissioner. Upon realizing that the business did not have to pay in more than one state on the same revenue, the taxpayer filed an appeal.

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



August 19, 2015

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

FROM: Ellen E. Murphy, Commissioner of the Revenue 

RE: Exoneration Navitus Engineering, Inc.

Please approve a refund of \$42,559.83 for business license taxes for 2013, and 2014 for Navitus Engineering, Inc. Taxpayer's business operated both here and out of state. They paid out of state income taxes on part of revenue filed with us. Upon realizing that the business would not have to pay in more than one state on the same revenue, an appeal was made.

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

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

Exoneration is \$42,559.83



BEV ROSATO
Business Division

FREDERICK COUNTY, VIRGINIA
OFFICE OF
COMMISSIONER OF THE REVENUE
brosato@fcva.us
www.fcva.us/biztax

Phone: 540-722-8336
Fax: 540-667-6487



**REQUEST FOR REFUND
OVER \$2,500**

Company: Navitus Engineering Inc

Business License Number: #21466

Amount: \$42,559.83

Reason for credit: CPA for company reported gross receipts to Frederick County for work done in other states where income tax returns were filed

Date of request submitted: August 14, 2015

Submitted by: Bev Rosato

Audited by Melinda Hillyard



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: Brenda G. Garton, County Administrator

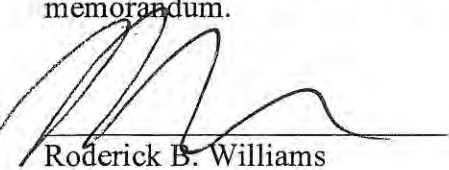
FROM: Roderick B. Williams, County Attorney

DATE: September 1, 2015

RE: Refund – Citizens Asset Finance Inc.

I am in receipt of the Commissioner's request, dated August 28, 2015, to authorize the Treasurer to refund Citizens Asset Finance Inc. in the amount of \$5,735.77, for business personal property taxes for all of 2015. This refund resulted from the taxpayer including assets in its 2015 return without realizing the items had moved out of state prior to January 1, 2015. The taxpayer had satisfied the entire 2015 year of liability with its June invoice.

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



August 28, 2015

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

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

RE: Exoneration Citizens Asset Finance Inc.

Please approve a refund of \$5,735.77 for business personal property taxes for 2015 for Citizens Asset Finance Inc. Taxpayer included assets in their associate's personal property in the 2015 rendition without realizing the items had moved out of state prior to January 1, 2015. This represents a refund of all of 2015 taxes because payer had satisfied the entire year of liability with the June invoice.

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

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

Exoneration is \$5,735.77.

8/26/2015

Abatement Register
COUNTY OF FREDERICK

-UPDATE-

***TX306ABP**

Page 1

FOR DATE - 8/26/2015

ACCOUNTING PERIOD - 2015/08

Type	Dept	Ticket#	Date	Amt. Charged	Customer	Tran#
----	----	-----	----	-----	-----	-----
ABA	PP2015	00096930001	8/26/2015	\$2,867.89-	CITIZENS ASSET FINANCE INC	
ABA	PP2015	00096930002	8/26/2015	\$2,867.88-	CITIZENS ASSET FINANCE INC	44265
						44266
			Total for Dept.	\$5,735.77-		
			Total for Tran Type	\$5,735.77-		
Abatement count -	2		Total for Company	\$5,735.77-		



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: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: September 1, 2015

RE: Refund – Carrier Enterprise LLC

I am in receipt of the Commissioner's request, dated August 28, 2015, to authorize the Treasurer to refund Carrier Enterprise LLC in the amount of \$144,392.11, for business license taxes for 2010 & 2011. The taxpayer filed as a retail establishment for 2010 & 2011 and later appealed before the deadline, stating that it was a wholesale operation. The Commissioner denied the appeal, on account of evidence that purchases had been made by the general public. The taxpayer made a further appeal to the Virginia Department of Taxation. I represented the Commissioner in the appeal. After having the matter under advisement for about one year, the Department of Taxation ultimately upheld the taxpayer's appeal, as a result of which the taxpayer is now entitled to a refund.

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

A handwritten signature in 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



August 28, 2015

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

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

RE: Exoneration Carrier Enterprise LLC

Please approve a refund of \$144,392.11 for business license taxes for 2010 & 2011 for Carrier Enterprises LLC. Taxpayer filed as a retail establishment for the years in question. Taxpayer appealed just short of the deadline and stated they are a wholesale operation. The Commissioner denied the request and a further appeal was made to the Virginia Department of Taxation as allowed by Code. Despite evidence to the contrary that purchases had been made by the general public, the Virginia Department of Taxation upheld the appeal. This represents a refund of 2010 and 2011 taxes – delay due to an extended time the appeal was with the Virginia Department of Taxation. A much smaller bill is being generated for a wholesale assessment that the Treasurer will keep out of these funds before cutting a check. Similar appeals were made elsewhere in Virginia with the same result.

The Commissioner, staff and the County Attorney have worked on this appeal. Staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

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

Exoneration is \$144,392.11.

8/27/2015

Abatement Register
COUNTY OF FREDERICK

-UPDATE-

TX306ABP

Page 1

FOR DATE - 8/27/2015

ACCOUNTING PERIOD - 2015/08

Type	Dept	Ticket#	Date	Amt. Charged	Customer	Tran#
ABA	BL2010	00032890001	8/27/2015	\$29,766.42-	CARRIER ENTERPRISE LLC	3829
		Total for Dept.		\$29,766.42-		
ABA	BL2011	00029910001	8/27/2015	\$114,625.69-	CARRIER ENTERPRISE LLC	3830
		Total for Dept.		\$114,625.69-		
		Total for Tran Type		\$144,392.11-		
Abatement count =	2	Total for Company		\$144,392.11-		

E



COUNTY of FREDERICK

Kris C. Tierney
Assistant County Administrator


540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors Members

FROM: Kris C. Tierney, Assistant County Administrator 

RE: Millwood Station Avigation Easement - Request to Schedule a Public Hearing

DATE: September 3, 2015

With the County's recent acquisition of the Millwood Fire and Rescue Station and the adjacent events center, the Winchester Regional Airport Authority has requested an avigation easement be placed on the properties. Since the easement would place certain restrictions on the height of structures to be erected on the property, staff is requesting that the Board schedule a public hearing at your October meeting to receive public input on granting the easement.

A copy of the easement is attached for your information.

9/1/15

THIS DEED OF EASEMENT AND RESTRICTIONS is made this ____ day of _____, 2015, by and between the **COUNTY OF FREDERICK, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “**Grantor**”) and the **WINCHESTER REGIONAL AIRPORT AUTHORITY**, a political subdivision of the Commonwealth of Virginia (the “**Grantee**”).

WHEREAS, the Grantee is the owner of the Winchester Regional Airport (“**Airport**”), located within Frederick County, Virginia;

WHEREAS, the Grantee is the owner of certain real property described on “Legal Description”, attached hereto and by this reference made a part hereof as if set out in full;

WHEREAS, the zoning ordinance of the County of Frederick requires an aviation easement for any properties that are subdivided that lie within or in close proximity to the airport support area as shown in the zoning regulations of the County; and,

WHEREAS, the parties desire to set out the rights and responsibilities of each related to the Winchester Regional Airport.

WITNESSETH:

THAT for and in consideration of the mutual benefits to the parties hereto, the Grantor does hereby grant to the Grantee a permanent aviation easement, subject to the terms and conditions set forth herein below, and in accordance with the regulations pursuant to Title 14, C.F.R. Part 77, to-wit:

1. THAT the Grantor, for itself, its heirs, successors and assigns, hereby grants unto Grantee for the benefit of the public in the use and operation of the Airport, a right of the public and specifically, without limitation of owners, operators and occupants of aircraft to use the airspace over the Property and for all said persons and entities to cause in the navigable airspace above the Property such light, sound, noise, smoke and vibration as maybe inherent in or related to the operation of aircraft using said airspace for landing at, taking off from, flying over or otherwise operating at or about the Airport; and,

2. That Grantor, for itself, its heirs, successors and assigns, and for the benefit of the public in the use and operation of the Airport and the airspace above the Airport, covenants and agrees that it will not use the Property, or permit any use of the Property, in a manner that would constitute an obstruction to the passage of aircraft using the navigable airspace above the Property for landing at, taking off from or otherwise operating at or about the Airport, and that they will not use the Property, or permit any use of the Property, in a

manner, including casting of light into the airspace above the Property, which would present a hazard to any aircraft using the navigable airspace above the Property for landing at, taking off from, or otherwise operating at or about the Airport.

- A. For the purpose of this restriction “object” including any mobile object, shall mean any natural growth, any terrain; any permanent or temporary construction or alteration of any structure, including equipment or materials used therein; any apparatus of a permanent or temporary character; and alteration of any permanent or temporary existing structure by a change in its height (including appurtenances) or lateral dimensions, including equipment or materials used therein.
- B. For the purpose of this restriction, “structure” shall mean any object including a mobile object, constructed or erected by man, including but not limited to: buildings, towers, communications towers, radio and television antennae, cranes, smokestacks, earth formations, overhead transmission lines, flag poles and ship masts.
- C. For the purpose of this restriction, “obstruction” shall mean any existing object or structure, any future object or structure, including a mobile object or structure, if such object or structure is of greater height than any of the following heights or surfaces:
 - (1) The Transitional Surface described herein or any imaginary surface of the Airport that may be applicable to the Property, as established by the Federal Aviation Regulations, Part 77, or any applicable successor regulations;
 - (2) Any other heights or surfaces established as standards for determining obstructions by the Federal Aviation Regulations, Part 77, or any applicable successor regulations, as such standards may apply to the Property; and
 - (3) That Grantor for itself, its heirs, successors and assigns, covenants and agrees with the Grantee that for the benefit of the public in the use and operation of the Airport, they will not hereafter establish, construct, erect or grow, or permit the establishment, construction, erection or growth of, any structure or vegetation, whether natural or man-made, which would penetrate into or through the Transitional Surface described herein, or any Airport clear zone, runway protection

zone, approach zone, imaginary surface, obstruction clearance surface, obstruction clearance zone, or other surface or zone (as such zones or surfaces may currently or hereafter be defined by applicable regulations of the Virginia Department of Aviation and/or the Federal Aviation Administration, and as such zones or surfaces are shown on the documents of the Grantee). Grantor and Grantee agree on behalf of themselves, their successors and assigns that a structure erected in such zone or surface pursuant to, and in accordance with, a permit issued by the Virginia Board of Aviation pursuant to Section 5.1-25.1 of the Virginia Code, 1950, as amended or any applicable successor statute, shall not violate this restriction.

THE GRANTEE TO HAVE AND TO HOLD such easement and all rights appertaining thereto under the Grantee, its successors and assigns, with the understanding and agreement that the covenants, restrictions and agreements set forth herein shall be binding upon the heirs, administrators, executors, successors in interest and assigns of the Grantee and Grantor, and that these covenants and agreements shall run with the land, unless and until the Airport is abandoned or ceases to be used as an airport. In the event the, Airport is abandoned or ceases to be used as an airport this easement shall automatically terminate without the need of any further action by the parties or their successors.

THIS DEED IS EXEMPT from the state recordation taxes imposed by Virginia Code §58.1-801, pursuant to Virginia Code §58.1-811(A)(3).

[Signature appears on the following page.]

WITNESS the following signatures and seals:

GRANTOR:

COUNTY OF FREDERICK, VIRGINIA

By: _____ (SEAL)
BRENDA G. GARTON, County
Administrator

Commonwealth of Virginia
City/County of _____, to-wit:

Before me, a Notary Public on this ____ day of _____, 2015, appeared
Brenda G. Garton, County Administrator of County of Frederick, Virginia, who
acknowledged her signature to the foregoing easement, dated _____, 2015.

My Commission expires: _____

Notary Public

GRANTEE:

WINCHESTER REGIONAL AIRPORT
AUTHORITY

By: _____ (SEAL)
SERENA MANUEL, Executive Director

Commonwealth of Virginia
City/County of _____, to-wit:

Before me, a Notary Public on this ____ day of _____, 2015, appeared
Serena Manuel as Executive Director of the Winchester Regional Airport Authority, who
acknowledged her signature to the foregoing easement, dated _____, 2015.

My Commission expires: _____

Notary Public

F

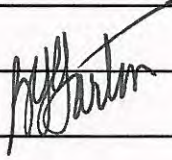


COUNTY of FREDERICK

Brenda G. Garton
County Administrator

540/665-6382
Fax 540/667-0370
E-mail: bgarton@fcva.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	Brenda G. Garton, County Administrator 
SUBJECT:	October Meeting Schedule
DATE:	September 2, 2015

At the April 22, 2015 meeting of the Board of Supervisors, the Board set the schedule for the remainder of 2015. At that time, the Board approved the cancellation of the October 28, 2015 meeting. Since that time, scheduling conflicts have arisen surrounding the October meeting. This is a request to amend the Board's meeting schedule to cancel the October 14, 2015 meeting and reinstate the October 28, 2015 meeting.

Staff is seeking Board approval of the above request.

In addition, staff has been asked to schedule a joint work session of the Board of Supervisors and the Economic Development Authority. Originally, staff was looking at holding this work session prior to the Board's October meeting, beginning at 5:30 p.m. If the Board is agreeable, staff would recommend scheduling the joint work session with the Economic Development Authority for October 28, 2015 beginning at 5:30 p.m.

Staff is seeking Board approval of the above request.

BGG/jet

G



COUNTY of FREDERICK

Parks and Recreation Department

540-665-5678

FAX: 540-665-9687

www.fcprd.net

e-mail: fcprd@fcva.us

MEMO



To: Brenda G. Garton, County Administrator
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: August 21, 2015

The Parks and Recreation Commission met on August 11, 2015. Members present were: Kevin Anderson, Patrick Anderson, Randy Carter, Gary Longerbeam, Ronald Madagan, Charles Sandy, Jr. and Jason Ransom. Members absent were: Natalie Gerometta and Marty Cybulski.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Play Fund – Mr. Madagan moved request a supplemental appropriation in the amount of \$452.25 from the Finance Committee to be included in FY15 and be disbursed to revenue codes where financial assistance was used, second by Mr. Gary Longerbeam, motion carried unanimously (6-0). This recommendation will be forwarded to the Finance Committee prior to requiring Board of Supervisor action.
2. Buildings and Grounds Committee – Frederick Heights Neighborhood Park - The Buildings and Grounds Committee recommended public meetings for input on the potential development of Frederick Heights Park, second by Mr. Longerbeam, carried unanimously (6-0).
3. Youth Sports Partners/Appeals/Public Relations Committee – The Youth Sports Partners/Appeals/Public Relations Committee recommended adopting the Youth Sports Partner Agreements for Frederick County American Little League, Frederick County National Little League and Blue Ridge Youth Soccer League as submitted, second by Mr. Patrick Anderson, carried unanimously (6-0).

cc: Charles R. Sandy, Jr., Chairman
Jason Ransom, Board of Supervisor Liaison
Cheryl Shiffler, Finance Committee

H



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: August 19, 2015
SUBJECT: Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 19, 2015 at 8:00 a.m. Members Angela Rudolph and Richard Shickle were absent. (b) Items 1 and 2 were approved under consent agenda.

1. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$3,457.87. This amount represents donations for the K-9 unit. No local funds required. See attached memo, p. 4.
2. (b) The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$500. This amount represents a Keep Virginia Beautiful grant. No local funds required. See attached memo, p. 5 – 6.
3. At the request of the committee, the EDA Executive Director will provide an overview of final reporting mechanism by the Economic Development Authority (EDA) on Local Economic Development Incentive Grants (LEDIG). See attached memo, p. 7. No action required.
4. The Assistant County Administrator requests a General Fund supplemental appropriation in the amount of \$30,000. This amount represents funds needed to repair the Treasurer's drive through lane. This request has been approved by the Public Works Committee. Local funds are required. See attached memo, p. 8. The committee recommends approval.

5. The Assistant County Administrator requests a General Fund budget transfer in the amount of \$85,900 from unallocated budget funds. This amount represents anticipated building maintenance expenses for the soon to be acquired Millwood Fire Station. See attached information, p. 9 – 11. The committee recommends approval.
6. The Frederick County Circuit Court Clerk requests a General Fund supplemental appropriation in the amount of \$43,243. This amount represents salary and fringes required to hire a Deputy Clerk-Operations. Of this amount, \$32,330 will be reimbursed by the State Compensation Board. The position has been approved by the HR Committee. Local funds are required. See attached memo, p. 12 – 13. The committee recommends approval.
7. The Red Bud District Supervisor requests a General Fund supplemental appropriation in the amount of \$19,000. This amount represents the County share of a \$200 per month salary supplement for the 19 clerks of the General District Court and the Juvenile and Domestic Relations Court for the remaining ten months of FY16. Local funds are required. See attached request and the City's response to the request, p. 14 – 17. The committee recommends denial.
8. The Winchester Regional Airport Authority requests a public hearing for an Airport Capital Fund supplemental appropriation in the amount of \$3,588,459 and a General Fund supplemental appropriation in the amount of \$63,818 (local funds). These amounts represent the FY16 Airport Capital budget and the County contribution respectively. See attached information, p. 18 – 25. The committee recommends holding a public hearing on September 9, 2015.
9. The Parks and Recreation Commission requests the donations received in FY15 for the PLAY Fund in the amount of \$7,384.50 be reserved, subject to future appropriations. The balance will be reduced by the financial assistance provided during FY15 in the amount of \$452.25. No local funds required. See attached memo, p. 26 – 31. The committee recommends approval.

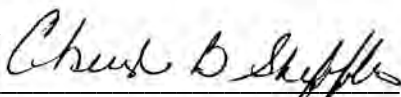
10. The Opequon District Supervisor requests a General Fund supplemental appropriation in the amount of \$35,000. This amount represents an increase to the Handley Library Board budget for FY16. Local funds are required. See attached letter, p. 32. The committee makes no recommendation.
11. The Finance Director requests discussion on the transfer policy pertaining to unallocated budget funds. See current transfer policy, p. 33 – 34. The committee recommends removing the \$25,000 limit on inter-departmental transfers.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for July 2015. See attached, p. 35.
2. The Finance Director provides a **preliminary** FY 2015 Fund Balance Report for the period ending June 30, 2015. See attached, p. 36.
3. The Frederick County Volunteer Fire & Rescue Association requests additional funding in the amount of \$3,840 for the FY16 Volunteer Length of Service program. The County Administrator has approved a transfer for the funding. See attached information, p. 37 – 46.
4. The FY15 year end open purchase orders have been provided by the County and the Schools. See attachments, p. 47 – 57.

Respectfully submitted,

FINANCE COMMITTEE
Charles DeHaven, Chairman
Judy McCann-Slaughter
Gary Lofton
Bill Ewing

By 
Cheryl B. Shiffler, Finance Director

FREDERICK COUNTY SHERIFF'S OFFICE

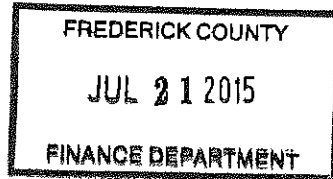
ROBERT T. WILLIAMSON
Sheriff



MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400



TO : Angela Whitacre, Treasurer's Office

FROM : Sheriff Robert T. Williamson *RTW*

SUBJECT : Donations

DATE : July 20, 2015

Attached please find checks totaling \$3,452.87 earmarked for the K-9 unit. These checks represent donations and proceeds from fundraisers initiated by area young adults participating in Destination Imagination Community Service Project. This money was raised to specifically support the department's K-9 program.

We are requesting this amount be posted to 10CR-3-010-018990-0006. A copy of this memo will be forwarded to the Finance department requesting appropriation into our operating budget.

Thank you.

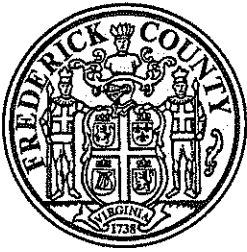
A handwritten signature in cursive script, appearing to read "Robert T. Williamson".

RTW/asw

Attachments

Cc: Finance: please appropriate into 3102-5402-000-001

C.S. 7/22/15



COUNTY of FREDERICK

Department of Public Works

540/665-5643

FAX: 540/678-0682

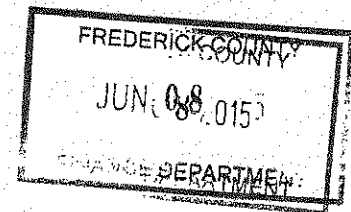
MEMORANDUM

TO: Cheryl Shiffler
Director of Finance

FROM: Gloria M. Puffinburger
Solid Waste Manager *gmp*

SUBJECT: KVB Grant; FY 15/16

DATE: June 5, 2015



Please find attached a check in the amount of \$500 which represents grant proceeds from Keep Virginia Beautiful. The grant is intended to fund the purchase of collection containers for the textile recycling program.

I am requesting that funds be appropriated to the Refuse Collection (4203) budget for expenditure during the 2015/2016 fiscal year. When you determine an appropriate line item, please let me know.

If you have any questions, please contact me at Extension 8219.

/gmp

cc: file

121. code

3-010-019040-0015

C.S. 7/22/15



May 8, 2015

Gloria Puffnburger
Frederick County Recycling
107 N. Kent St.
Winchester, VA 22601

Dear Gloria:

Congratulations again on being one of this year's prestigious winners of the 30 Grants in 30 Days program. I am happy to enclose a check in the amount of \$500 for your Recycling project.

I hope that you will contact your local media to get the word out about your project and the 30 Grants in 30 Days program! A Media Release was attached to the winners notification e-mail, and we can send it to you again if needed. Please make sure you sign up on KVB's website to receive our eNewsletter, as well as follow us on social media.

We look forward to seeing pictures of your progress and reading your report in the Fall. Please remember that projects should be completed before October 31st and final results should be reported online by November 15, 2015.

If you have any questions, please get in contact with me or Beckey Watson. Thank you for the impact that your group will have in Virginia!

Sincerely,

Michael G. Baum
Executive Director

Good Luck!

DATE August 12, 2015

TO: Cheryl Shiffler, Finance Director

FROM: Patrick Barker, CECD, Executive Director

CC: Brenda Garton, County Administrator

RE: Local Economic Development Incentive Grants & Actual Performance

As previously discussed, staff at the Economic Development Authority (EDA) perform the required audit process on Local Economic Development Incentive Grants (LEDIG), as well as those receiving the Governor's Opportunity Fund.

Like all LEDIGs, a table was developed for staff auditing purposes. Information is first collected by the company then cross checked two ways. The Frederick County Commissioner of Revenue's office is contacted to verify the status of capital investment values. Proprietary employment data is purchased by the EDA from the Virginia Employment Commission to verify status of employment goals. If necessary, on-site visits are also conducted to verify.

The following are the results from LEDIGs whose "Performance Date" occurred over the past 5 years. The "Performance Date" is the deadline when the company has to meet the stated "Targets."

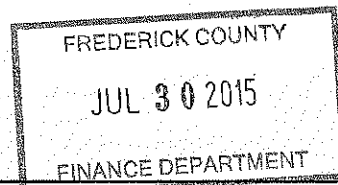
Name	Performance Date	Capital Investment Target	% Met	New Job Target	% Met
Thermo Fisher	December 31, 2012	\$8,900,000	106.9%	50 @ \$36,317	116.0%
World Color	December 31, 2012	\$35,000,000	100.5%	30 @ \$38,500	100.0%
Melnor	April 30, 2013	\$6,495,000	102.1%	43 @ \$51,163	107.0%
Kraft Foods	August 30, 2014*	\$40,000,000	100.0%	100 @ \$40,276	124.0%

*granted a 12 month extension

The following are the results from LEDIGs whose "Performance Date" will occur in the next 24 months. All progress reports to date show a favorable trend toward compliance.

Name	Performance Date	Capital Investment Target	% Met	New Job Target	% Met
Pactiv	January 1, 2016*	\$5,000,000		25 @ \$35,000	
Kraft Foods	June 1, 2015	\$25,000,000		25 @ \$38,500	
Navy Federal Credit	December 31, 2015	\$20,000,000		400 @ \$40,276	
Carmeuse	June 1, 2016	\$49,207,277		25 @ \$43,673	
HP Hood	July 31, 2016	\$84,628,856		75 @ \$44,080	

*granted a 12 month extension



COUNTY of FREDERICK

MEMORANDUM

Kris C. Tierney
Assistant County Administrator

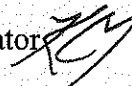
540/665-5666

Fax 540/667-0370

E-mail:

ktierney@co.frederick.va.us

TO: Finance Committee Members

FROM: Kris C. Tierney, Assistant County Administrator 

RE: Request for Supplemental Appropriation – Treasurer's Drive-through Repair

DATE: July 30, 2015

The surface of the Treasurer's drive-through lane, off of Kent Street, between the north end of the office complex and the George Washington Parking garage has deteriorated to the point that repairs are needed. The original design and layout of the drive-through have resulted in water ponding at the intersection with Kent Street. This problem has been exacerbated by the recent resurfacing of Kent Street which raised the finished elevation of the street a few inches.

Funds were budgeted in FY15 and staff explored a number proposed solutions. The preferred solution proved to be too costly. An alternative approach has subsequently been explored resulting in a much more economical solution; however this solution was not arrived at in time to bid the work prior to the close of the past fiscal year. As a result, staff is requesting a supplemental appropriation in the amount of \$ 30,000.00 to line item #4-010-043040-3004-000-003 in order to complete the repairs in the current fiscal year. This request was unanimously endorsed by the Public Works Committee at their July 28, 2015 meeting.

Please let me know if I can answer any questions.



COUNTY of FREDERICK

MEMORANDUM


Kris C. Tierney
Assistant County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

TO: Finance Committee

FROM: Kris C. Tierney, Assistant County Administrator 

RE: Millwood Station Maintenance Budget request

DATE: August 11, 2015

With VRA Bond sale completed and the loan scheduled to close on August 19, 2015, the acquisition of the Millwood Station property and buildings will be finalized. With ownership of the properties Frederick County will be responsible for assorted maintenance and upkeep on the Fire Station. Staff is requesting a transfer of \$85,900 from the contingency fund to our maintenance budget.

Attached is a breakdown of the proposed budget.

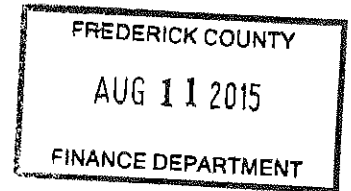
Please let me know if I can answer and questions.

2015-2016 BUDGET INFORMATION - EXPENDITURES

2015-2016 BUDGET INFORMATION - EXPENDITURES							
DEPARTMENT: MILLWOOD FIRE STATION BUDGET - 043040-021				ACTIVITY CODE: 043040-021			
GENERAL LEDGER NUMBER	DESCRIPTION	2014 APPROVED BUDGET	2015 DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)	2015 DEPT REQUEST	2015 APPROVED BUDGET	BUDGET DIFFERENCE
043040-3002-000-021	PROFESSIONAL SERVICES - OTHER Services Calls (i.e., Locksmith [Norvac Lock], Security Concepts)	\$0.00	\$1,000.00	\$1,000.00	\$1,000.00		\$1,000.00
043040-3004-000-021	REPAIR & MAINTENANCE - BUILDINGS & GROUNDS Covers electrical, plumbing, HVAC maintenance, unexpected repairs, etc.	\$0.00	\$2,500.00	\$2,500.00	\$2,500.00		\$2,500.00
043040-3004-000-021	REPAIR & MAINTENANCE - EQUIPMENT Security cameras, generator, etc.	\$0.00	\$2,000.00	\$2,000.00	\$2,000.00		\$2,000.00
043040-3005-000-021	MAINTENANCE CONTRACTS Kelly Generator BK Security HomeTeam Pest Control Fire Alarm Heating and Air Conditioning	\$0.00	\$10,000.00	\$10,000.00	\$10,000.00		\$10,000.00
043040-3010-000-021	OTHER CONTRACTUAL SERVICES Snow Removal Building and Ground Surveillance	\$0.00	\$1,000.00	\$1,000.00	\$1,000.00		\$1,000.00
-5100-000-000 043040-5101-000-021	UTILITIES ELECTRICAL SERVICES Portions of this building will be operating 7 days a week, some 24 hours a day. This will add an additional 104 extra days of utility usage. There are 52 weeks in a year. 52 weeks multiplied by 2 extra days a week = 104 extra days of utility usage.	\$0.00	\$20,000.00	\$20,000.00	\$20,000.00		\$20,000.00
043040-5102-000-021	HEATING SERVICES Gas is used for furnace and generator	\$0.00	\$12,000.00	\$12,000.00	\$12,000.00		\$12,000.00
043040-5103-000-021	WATER & SEWER Water and Sewer for Millwood Fire Station	\$0.00	\$12,000.00	\$12,000.00	\$12,000.00		\$12,000.00

2015-2016 BUDGET INFORMATION - EXPENDITURES

2015-2016 BUDGET INFORMATION - EXPENDITURES							
DEPARTMENT: MILLWOOD FIRE STATION BUDGET - 043040-021				ACTIVITY CODE: 043040-021			
GENERAL LEDGER NUMBER	DESCRIPTION	2014 APPROVED BUDGET	2015 DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)	2015 DEPT REQUEST	2015 APPROVED BUDGET	BUDGET DIFFERENCE
043040-5300-000-021	INSURANCE Fire Insurance	\$0.00	\$6,000.00	\$6,000.00	\$6,000.00		\$6,000.00
043040-5400-000-021	MATERIALS AND SUPPLIES Includes supplies purchased by our maintenance staff. Lowe's, Norvac Lock, Grainger, Battery Mart, Solenberger's, etc.	\$0.00	\$3,000.00	\$3,000.00	\$3,000.00		\$3,000.00
0430405401-000-021	PHONE/CABLE/INTERNET Phone, cable, internet	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00		\$5,000.00
043040-5403-000-021	AGRICULTURE SUPPLIES Landscaping - Mulch, plants and other supplies and upkeep	\$0.00	\$800.00	\$800.00	\$800.00		\$800.00
043040-5405-000-021	JANITORIAL SUPPLIES Routine purchase of janitorial supplies to clean building, stock paper supplies for use in building/restrooms	\$0.00	\$3,000.00	\$3,000.00	\$3,000.00		\$3,000.00
043040-5407-000-021	REPAIR & MAINTENANCE SUPPLIES Line items is used to purchase Snow Blowers, Lawn Mowers, Vacuum Cleaners, and any other repair and maintenance supplies that are required.	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00		\$5,000.00
043040-5408-000-021	POWERED EQUIPMENT SUPPLIES Gas and supplies for powered equipment	\$0.00	\$2,000.00	\$2,000.00	\$2,000.00		\$2,000.00
043040-5413-000-021	OTHER OPERATING SUPPLIES Includes replacement of flags, banners and other operating supplies	\$0.00	\$600.00	\$600.00	\$600.00		\$600.00
TOTAL 2015 - 2016 BUDGETED EXPENDITURES		\$0.00	\$85,900.00	\$85,900.00	\$85,900.00		\$85,900.00



FREDERICK COUNTY CIRCUIT COURT
FREDERICK WINCHESTER JUDICIAL CENTER
5 NORTH KENT STREET
WINCHESTER, VA 22601
(540)-667-5770
www.winfredclerk.com

August 10, 2015

Frederick County Finance Committee
107 N. Kent Street,
Winchester, Virginia, 22601

IN RE: Position in Frederick County Circuit Court Clerks Office

I am requesting a FY16 general fund supplemental appropriation in the amount of \$43,243. This amount represents the salary and fringes required to hire a Deputy Clerk-Operations with a hire date of October 2015.

Of this amount, \$32,330 will be reimbursed by the State Compensation Board.

This is a range 6 position with a starting yearly salary of \$40,400.

We are making this request because of the increase in Court docket work load. This individual will be responsible for the preparation of daily Court dockets, appearing in Courtroom to assist Judge, jury management, preparing orders, complete monthly reports, entering new cases in computer, issuing summons for witnesses, inputting continuation dates in the computer and creating & maintaining computer programs that conform with the Supreme Court's platforms. This will be a state position that has been vacant since 2008. I have felt until recently that we could handle the work with the personnel we have. However, in the past several years, our Circuit has received additional Circuit Court Judges, which means additional days in Court and we need personnel to handle the docket.

Thank you for your consideration.

Sincerely,

Rebecca P. Hogan
Clerk-Frederick County Circuit Court

POSITION: DEPUTY CLERK OPERATIONS RANGE 6

enter highlighted fields		FY16 rates:	7.65%	\$	9,120	10.61%	1.19%	0.59% HYBRID	0.10
	SALARY	FICA 2001	MEDICAL/DENTAL 2005	VRS 2002	GROUP LIFE 2006	DISABILITY* 2008	WORK COMP 2011	TOTAL COST	
12 months	40,400.00	3,090.60	9,120.00	4,286.44	480.76	238.36	40.40	57,656.56	total fringes
11 months	37,033.33	2,833.05	8,360.00	3,929.24	440.70	218.50	37.03	52,851.85	
10 months	33,666.67	2,575.50	7,600.00	3,572.03	400.63	198.63	33.67	48,047.13	
9 months	30,300.00	2,317.95	6,840.00	3,214.83	360.57	178.77	30.30	43,242.42	
8 months	26,933.33	2,060.40	6,080.00	2,857.63	320.51	158.91	26.93	38,437.71	
7 months	23,566.67	1,802.85	5,320.00	2,500.42	280.44	139.04	23.57	33,632.99	
6 months	20,200.00	1,545.30	4,560.00	2,143.22	240.38	119.18	20.20	28,828.28	
5 months	16,833.33	1,287.75	3,800.00	1,786.02	200.32	99.32	16.83	24,023.57	
4 months	13,466.67	1,030.20	3,040.00	1,428.81	160.25	79.45	13.47	19,218.85	
3 months	10,100.00	772.65	2,280.00	1,071.61	120.19	59.59	10.10	14,414.14	
2 months	6,733.33	515.10	1,520.00	714.41	80.13	39.73	6.73	9,609.43	
1 month	3,366.67	257.55	760.00	357.20	40.06	19.86	3.37	4,804.71	

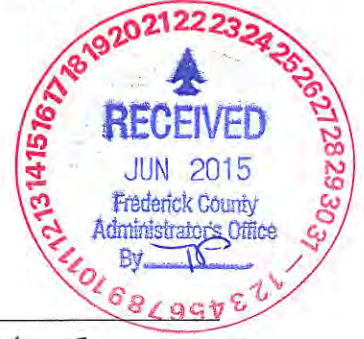
*Hybrid disability does not apply to sheriff deputy or firefighters (does apply to administrative staff).

OCT 2015 hire = 9 months

cc: Cheryl &
Paula N.

RANSOM LAW OFFICE

31 S. Braddock Street, Suite 101
Winchester, Virginia 22601
(540) 336-1437
www.ransomlawoffice.com



June 18, 2015

Eden E. Freeman
City Manager
15 N. Cameron Street
Winchester, Virginia 22601

Brenda G. Garton
County Administrator
107 N. Kent Street
Winchester, Virginia 22601

6/22/15
Paula & Cheryl: Please
advise as to the
appropriate mechanisms
for consideration of
this request.
Thank you
Brenda

Re: Salary Supplement for District Court Deputy Clerks

Dear Ladies:

As a member of the Frederick County Board of Supervisors, I am trying to get the localities to approve a salary supplement, as allowed by the Virginia Code, for the full-time deputy clerks of the General District Court and the Juvenile and Domestic Relations District Court. The localities already supplement the salaries of the deputy clerks of the Circuit Courts. I am proposing that the localities provide a supplement to each clerk in the amount of \$200.00 per month. There are currently eleven clerks in the General District Court and eight clerks in the Juvenile and Domestic Relations District Court. I am proposing that the supplement be shared equally between the localities. The localities should receive partial reimbursement from the State Compensation Board.

I am seeking this supplement for several reasons. Turnover in the District Courts is too high, which has a negative effect on the judges, attorneys, staff, litigants, and the efficiency of the judicial system. The District Courts have lost eight clerks within the past three years due to low compensation. The Circuit Courts have only lost two clerks within the same time period. According to information from the Virginia Supreme Court, the average salary for a clerk in the District Court is \$27,000.00. The average salary for a clerk in the Circuit Court, who receives a supplement, is \$29,000.00. Ninety-two percent of District Court clerks in the Commonwealth make below the average for all other state employees, which is approximately \$46,000.00. The overall increase in compensation for other state employees has risen an average of 34 percent within the last 11 years, but the increase in compensation for clerks has only risen 13 percent. The clerks in the District Court start below what employees, such as trash collectors and animal control officers, are paid. This is frustrating when the work of a clerk demands more education and responsibility. Legal secretaries and paralegals, whom rely on the clerks on a daily basis, earn thousands of dollars more than the clerks, whom have much more responsibilities. Moreover, clerks hired after 2012 must pay their own retirement match of five percent. The clerks' take-home pay is much less when you add in the recent healthcare costs.

Given the number of case filings per year, the clerks of the District Courts are tasked with more duties and responsibilities than the clerks of the Circuit Courts. The District Courts are currently understaffed. There were approximately 49,000 cases filed in the District Courts in 2014. While judges have been added to the District Courts due to the high caseload, no funding has been appropriated for additional clerks. Increases in law enforcement personnel to combat the heroin epidemic means an increase in the workload of the clerks, yet the District Courts do not receive additional staffing. Beginning October, 2015, the clerks will be given the added responsibility of collecting a local fee for the law enforcement agencies for electronic summonses. These funds will go to the law enforcement agencies while the clerks do all of the work.

The clerks of the District Courts handle more *pro se* litigants (litigants without an attorney) than the deputy clerks of the Circuit Courts. Ninety percent of the litigants in the Circuit Courts are represented by an attorney, whereas only twenty-five percent of the litigants in the District Courts are represented by an attorney. Working with a *pro se* litigant is cumbersome and time consuming, because the litigant is demanding and does not understand the judicial system. Thus, the clerks are working harder and longer and, most of the time, dealing with the most difficult litigants involving child support, custody, visitation, and protective orders.

The Districts Courts generate more income for the localities than the Circuit Courts. The Districts Courts collected \$12.6 million dollars from 2012 through 2014. They have already collected \$1.4 million for 2015.

Based on the foregoing reasons, I find it proper and only fair that the localities approve a supplement for the clerks of the District Courts. This request is small in dollar amounts, but huge in what it means to the clerks. As such, Eden, I would appreciate it if you would forward my proposal to the Council for consideration at the earliest possible convenience. Likewise, Brenda, I would appreciate it if you would forward my proposal to the appropriate committee for consideration and keep me advised of the date and time of such meeting.

I want to thank you both for your attention in this matter.

Very truly yours,



Jason E. Ransom

cc: Hon. Debra V. Bull, Clerk
Winchester/Frederick General District Court

Hon. Ann B. Lloyd, Clerk
Winchester/Frederick Juvenile and Domestic Relations District Court

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

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

July 28, 2015

Mr. Jason Ransom
Ransom Law Office
31 South Braddock Street
Suite 101
Winchester, VA 22601

RE: Salary Supplement for District Court Deputy Clerks

Dear Mr. Ransom:

Thank you for your recent correspondence requesting the City consider a salary supplement for full-time deputy clerks of the General District Court and Juvenile and Domestic Relations District Court. I did share your correspondence with the Common Council.

The request to supplement the salaries of the deputy clerks has come up multiple times in the past, but the City nor the County have committed the funds to do so. The City has a long standing policy of not supplementing salaries of state employees working at the locality level. This policy is largely in place because any increase would have to come from local funds as the State Compensation Board would not provide any reimbursement.

While we are sympathetic to the request, given that the City has just completed the budget process and our practice of not supplementing salaries for state positions, the City is unable to approve this request.

Sincerely,

A handwritten signature in blue ink, reading "Edén E. Freeman".

Edén E. Freeman
City Manager

Cc: Members of the Common Council

Ms. Brenda Garton,
County Administrator, County of Frederick

Ms. Debra Bull, Clerk,
Winchester/Frederick General District Court

Ms. Ann Lloyd, Clerk,
Winchester/Frederick Juvenile and Domestic Relations District Court



WINCHESTER REGIONAL AIRPORT

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

August 6, 2015

Cheryl Shiffler, Finance Director
County of Frederick
107 North Kent Street
Winchester, Virginia 22601

RE: FY 2016 Capital Budget Request
Winchester Regional Airport Authority

Dear Ms. Shiffler: *Cheryl*

Enclosed is the Winchester Regional Airport budget request for the Capital Budget for FY 2016.

The Winchester Regional Airport Authority will begin the annual financial audit process for FY 2015 performed by Robinson, Farmer Cox Associates of Charlottesville, Virginia sometime over the next several months. Upon completion of the audit, we will immediately mail the year-end financial statement to your office.

As established in the enabling legislation, contributions from the member jurisdictions of Clarke, Shenandoah and Warren Counties are earmarked for capital improvements only. The County of Frederick and the City of Winchester contribute monies to the operating budget in addition to the remaining local funds needed to balance the local funding levels in the capital budget.

Given the economic hardships of Federal, State and local government with projected revenue shortfalls we have been working diligently with the Federal Aviation Administration and the Virginia Department of Aviation in developing a capital budget program for FY 2016 to maximize grant funding to include only critical development projects.

The funding participation and continued support provided by the County of Frederick is invaluable and vital to the continued success of Winchester Regional Airport's operations and capital development program. The County's contribution to the Airport Authority and their ongoing support ensures continued success in acquiring Federal and State funding for large capital improvement projects.

Should you have any questions or need additional copies, please do not hesitate to contact my office.

Sincerely,

Serena R. Manuel
Executive Director

Enclosures

Winchester Regional Airport

The Winchester Regional Airport is a 425+ acre, all weather, 24 hour general aviation airport with a 5,500 -foot runway located southeast of the Route 50 interchange of Interstate 81. The facility currently has 75 tie down spaces, one 12,000 square foot public clear span hangar, 52 t-hangars and six private corporate hangars. Based aircraft average over 120 and range in size from single engine to corporate business jets. Services available include 24-hour U.S. Customs and Immigrations, 24-hour on call line service, rental car service, aviation fuels, automated weather observation system, computerized weather and flight planning equipment and a full precision instrument landing system that allows pilots all weather access.

The Virginia General Assembly formed the Winchester Regional Airport Authority on July 1, 1987. The Authority consists of representatives from the Counties of Frederick, Clarke, Warren, Shenandoah and the City of Winchester. It is a vital component of economic development attracting new industries/businesses to the region while enhancing existing industries/businesses. Within the legislation funding formulas were established for each participating jurisdiction.

To date, approximately \$40 million dollars have been invested in Airport capital improvements, equipment, and promotions through funding received from the Federal Aviation Administration, Virginia Department of Aviation and funding support from the member jurisdictions.

Collaborating with Frederick County and the Virginia Department of Transportation, the Authority has also made improvements to primary access roads to the airport. In addition, the Airport Authority gained a little more land to develop corporate hangars. Sewer and water service has also been established in the Airport area.

Future development plans include land acquisition projects along Bufflick Road of parcels that infringe on aircraft approach surfaces that need to be acquired for navigation safety and development of the northern side of the runway. Five properties have been acquired to date with approximately ten to twelve parcels left to be acquired.

A major capital improvement project Rehabilitate and Relocate South Apron ramp to meet FAA safety design standards is in progress. The project is part of the major taxiway relocation project that will be accomplished in phases over multi-years due to funding and the size of the overall project. This \$3.6 million dollar project was funded by the FAA/Virginia Department of Aviation/member jurisdictions on 95/3/2 basis.

The Airport Authority owns and operates the facility with eleven staff members with a current annual operating budget of over \$2 million providing 24 hour service and security. Six staff members provide airside service and five staff members work in administration.

Administrative staff members are responsible for all aspects of airport operations to include backup for airside service personnel, airfield lighting, pavement surfaces, snow removal, mowing, maintenance of airport owned buildings, monitoring of on airport activity, budget preparation, accounting functions, compliance with FAA regulations, grant application, ensuring compliance with Minimum Standards Rules and Regulations, compliance with Code of Virginia, compliance with local jurisdiction's rules and regulations, economic development, promotional events, staff training, establishment of emergency procedures, airport security and monitoring of navigational equipment. Salaries remained at FY 2009 funding levels until FY 2014 when merit increases were awarded on an average basis of 3% per person. In the interim slight increases were given to try to offset impact to employee's pay when legislation changed the employee funding participation level in the VSRS program.

Approximately 71% of all operating revenue is generated from the sale of fuel in addition to revenue from lease of land, hangars and offices. The remaining operating revenue to balance the operating budget is contributed by the City of Winchester and the County of Frederick.

Capital monies are received from the counties of Clarke, Warren and Shenandoah with the difference funded by Frederick County and the City of Winchester to cover local shares on capital improvement projects.

Through the support of the member jurisdictions, the Winchester Regional Airport will continue to evolve into a modern first class regional air transportation facility benefiting economic development in meeting the needs of existing industry and business growth and aiding in the attraction of new industries and commercial businesses to the region.



Winchester Regional Airport Authority

BUDGET PROPOSAL

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2014 published 1/27/2015

FY 2016 - Proposed Budget - Amendment 01

CAPITAL IMPROVEMENT FUND

Original Submission:	Amendment 01:
County of Frederick City of Winchester Counties of Clarke, Shenandoah & Warren	August 7, 2015 August 7, 2015
December 4, 2014 December 5, 2014	

FY 2016 CAPITAL IMPROVEMENTS FISCAL YEAR BUDGET REQUEST

AIRPORT AUTHORITY CAPITAL OUTLAY

ACQUIRE LAND - BUFFLICK ROAD:

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

NORTH SIDE CONNECTOR - BIDDING & CONSTRUCTION PHASE:

This project proposes to design/ construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

	FY 2014 BUDGET	FY 2015 BUDGET	FY 2016 BUDGET
COSTS:			
Personnel	0	0	0
Operating	0	0	0
Capital	4,959,210	5,070,000	3,588,459
TOTAL	4,959,210	5,070,000	3,588,459

GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

	FY 2014 BUDGET	FY 2015 BUDGET	FY 2016 BUDGET
REVENUES:			
Other Jurisdictions	103,616	39,118	28,652
State/Federal	4,633,276	4,950,600	3,495,989
County Funding	222,318	80,282	63,818
TOTAL	4,959,210	5,070,000	3,588,459

FY 2016 - CAPITAL IMPROVEMENT EXPENDITURES

August 7, 2015

Winchester Regional Airport

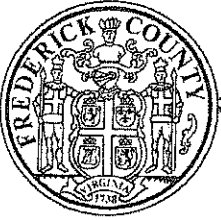
Description			DETAIL AMOUNT	TOTAL AMOUNT
	North Side Connector - Design Phase	North Side Connector - Design Phase	\$275,000	\$275,000
	General Aviation Terminal Building Study	Study to determine economic feasibility of renovation vs new structure	\$65,000	\$65,000
	Rehab & Relocate South Apron - Construction Phase	Project in progress at end of FY 2015 - balance encumbrance brought forward to FY 2016	\$1,717,816	\$1,717,816
	Environmental Assessment	Project in progress at end of FY 2015 - balance encumbrance brought forward to FY 2016	\$127,393	\$127,393
	Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	Acquire land Bufflick Road	\$155,000	\$155,000
	Acquire Land - Parcel 64 A 67: Nesselrodt, Richard	Acquire land Bufflick Road	\$275,000	\$275,000
	Acquire Land - Parcel 64B A 33A: Beaver	Acquire land Bufflick Road	\$175,000	\$175,000
	Acquire Land - Parcel 64 A 63: Fishel	Acquire land Bufflick Road	\$136,250	\$136,250
	Acquire Land - Parcel 64 A 70: Marston and Haynes	Acquire land Bufflick Road	\$250,000	\$250,000
	Acquire Land - Parcel 64 A 71: Marston and Haynes	Acquire land Bufflick Road	\$50,000	\$50,000
	Acquire Land - Parcel 64 A 69: Robertson	Acquire land Bufflick Road	\$212,000	\$212,000
	Professional Services - Capital Projects	Various legal services, independent fee estimates on Federal projects, etc.	\$100,000	\$100,000
	State Eligible Annual Maintenance Repairs	General Repairs	\$35,000	\$35,000
		F & E repairs, lighting supplies, etc	\$15,000	\$15,000
	TOTAL		\$3,588,459	\$3,588,459

FY 2016 - AMENDED CAPITAL IMPROVEMENT REVENUES					
Winchester Regional Airport					
August 7, 2015		REVENUE SOURCE			
Description		FEDERAL	STATE	LOCAL	TOTAL
North Side Connector - Design Phase	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
General Aviation Terminal Building Study	80/20 State/Local	0	52,000	13,000	65,000
Rehab & Relocate South Apron - Construction Phase	90/8/2 FAA/State/Local	1,546,035	137,425	34,356	1,717,816
Environmental Assessment	90/8/2 FAA/State/Local	114,653	10,191	2,548	127,393
Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	90/8/2 FAA/State/Local	139,500	12,400	3,100	155,000
Acquire Land - Parcel 64 A 67: Nesselrodt, Richard	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
Acquire Land - Parcel 64B A 33A: Beaver	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64 A 63: Fishel	90/8/2 FAA/State/Local	122,625	10,900	2,725	136,250
Acquire Land - Parcel 64 A 70: Marston and Haynes	90/8/2 FAA/State/Local	225,000	20,000	5,000	250,000
Acquire Land - Parcel 64 A 71: Marston and Haynes	90/8/2 FAA/State/Local	45,000	4,000	1,000	50,000
Acquire Land - Parcel 64 A 69: Robertson	90/8/2 FAA/State/Local	190,800	16,960	4,240	212,000
Professional Services - Capital Projects	90/8/2 FAA/State/Local	90,000	8,000	2,000	100,000
State Eligible Annual Maintenance Repairs	Funding 80/20 State/Local	0	28,000	7,000	35,000
	Annual State allotment	0	12,000	3,000	15,000
Total Revenue Breakdown		3,126,113	369,876	92,470	3,588,459

Local Revenue Breakdown	
Contribution Clarke County	2,500
Contribution Warren County	0
Contribution Shenandoah County	5,000
Frederick Co/City of Winchester	84,970
Local Revenue	92,470

County	City
75.1%	24.9%
63,818	21,152

	County Population	City Population	Total Population
**Population figures based on Weldon Cooper estimates for 2014 published 1/27/2015	82,059	27,200	109,259
FY 2016 Percentages for funding	75.1%	24.9%	



COUNTY of FREDERICK

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

MEMO

To: Finance Committee
From: Stacy Herbaugh, Operations Manager
Through: Jason Robertson, Director
Subject: Recreation Assistance Fund
Date: August 12, 2015

The Recreation Reserve Fund was created in FY 15 to provide financial assistance to Frederick County residents so that children could participate in recreation programs and to assist Frederick County in raising funds for future capital projects. There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund (PLAY Fund), specific capital project funds, and a general park improvement fund.

7384.50 (see attached G/L)
During FY 15 ~~\$7158.50~~ was donated to the PLAY Fund (3-010-018990-0027). The Parks and Recreation Commission is requesting that \$452.25 from the PLAY Fund be moved to the FY 15 revenue codes as outlined in attachment A.

The Parks and Recreation Department is requesting that the remaining balance of ~~\$6932.25~~[✓] be moved from the PLAY Fund to the Fund Balance Reserve-Parks and Recreation (0-010-000240-2444) to fund future requests for financial assistance.

*Rec Reserve Policy Fin Comm 9/30/13
BOS 10/9/13*

Attachment A

1613-13	\$17.50	Swim Lessons
1613-10	\$22.50	Flag Football
1613-10	\$55.00	PW Hoops, Youth Sports Sampler
1613-13	\$18.50	Art
1613-13	\$ 9.25	Art
1613-13	\$18.50	Art
1613-13	\$47.00	Art, Cheerleading
1613-13	\$35.00	Swim Lessons, Flag Football
1613-13	\$17.50	Swim Lessons
1613-10	\$25.00	Youth Basketball
1613-10	\$57.50	Volleyball
1613-13/1613-10	\$81.50	Swim Lessons, Summer Basketball
1613-10	\$25.00	Youth Basketball
1613-10	\$22.50	Flag Football

\$ 452.25

Company No: 915 Account Number: 3010 18990 27 Period: 0826
 Date: 8/13/15 PARKS & REC RESERVE REVENUE
 Budget Amount Year To Date Encumbrances Balance
 \$7,384.50- \$7,384.50

Date	Source	Reference	Number	PO#	Amount	Period	Description
08192014	CS	1	20140819		\$3,000.00	-201408	-TREASURER CASH REPORT-
09082014	CS	1	20140908		\$1,000.00	-201409	-TREASURER CASH REPORT-
09252014	CS	1	20140925		\$100.00	-201409	-TREASURER CASH REPORT-
10022014	CS	1	20141002		\$5.00	-201410	-TREASURER CASH REPORT-
10082014	CS	1	20141008		\$5.00	-201410	-TREASURER CASH REPORT-
10152014	CS	1	20141015		\$5.00	-201410	-TREASURER CASH REPORT-
10202014	CS	1	20141020		\$5.00	-201410	-TREASURER CASH REPORT-
10222014	CS	1	20141022		\$250.00	-201410	-TREASURER CASH REPORT-
10292014	CS	1	20141029		\$20.00	-201410	-TREASURER CASH REPORT-
11032014	CS	1	20141103		\$5.00	-201411	-TREASURER CASH REPORT-
11042014	CS	1	20141104		\$5.00	-201411	-TREASURER CASH REPORT-
11072014	CS	1	20141107		\$10.00	-201411	-TREASURER CASH REPORT-
11142014	CS	1	20141114		\$25.00	-201411	-TREASURER CASH REPORT-
11302014	CS	1	20141130		\$287.50	-201411	-TREASURER CASH REPORT-
12032014	CS	1	20141203		\$392.50	-201412	-TREASURER CASH REPORT-
12092014	CS	1	20141209		\$562.50	-201412	-TREASURER CASH REPORT-
12102014	CS	1	20141210		\$87.50	-201412	-TREASURER CASH REPORT-
12152014	CS	1	20141215		\$50.00	-201412	-TREASURER CASH REPORT-
12172014	CS	1	20141217		\$12.50	-201412	-TREASURER CASH REPORT-
01122015	CS	1	20150112		\$50.00	-201501	-TREASURER CASH REPORT-
01132015	CS	1	20150113		\$500.00	-201501	-TREASURER CASH REPORT-
02032015	CS	1	20150203		\$25.00	-201502	-TREASURER CASH REPORT-
02052015	CS	1	20150205		\$501.00	-201502	-TREASURER CASH REPORT-
02232015	CS	1	20150223		\$25.00	-201502	-TREASURER CASH REPORT-
03122015	CS	1	20150312		\$50.00	-201503	-TREASURER CASH REPORT-
03192015	CS	1	20150319		\$20.00	-201503	-TREASURER CASH REPORT-
03202015	CS	1	20150320		\$20.00	-201503	-TREASURER CASH REPORT-
04062015	CS	1	20150406		\$5.00	-201504	-TREASURER CASH REPORT-
04142015	CS	1	20150414		\$20.00	-201504	-TREASURER CASH REPORT-
05082015	CS	1	20150508		\$10.00	-201505	-TREASURER CASH REPORT-
05132015	CS	1	20150513		\$25.00	-201505	-TREASURER CASH REPORT-
05272015	CS	1	20150527		\$125.00	-201505	-TREASURER CASH REPORT-
05282015	CS	1	20150528		\$125.00	-201505	-TREASURER CASH REPORT-
06082015	CS	1	20150608		\$11.00	-201506	-TREASURER CASH REPORT-
06102015	CS	1	20150610		\$45.00	-201506	-TREASURER CASH REPORT-
*****			G/L Year-To-Date-		\$7,384.50-		

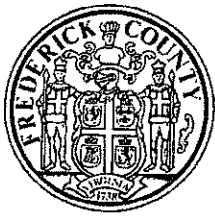
***** Encumbrance-

***** A/P Holding File-

***** P/R Holding File-

***** U/T Holding File-

***** A/R Holding File-



- COPY -

COUNTY of FREDERICK

Parks and Recreation Department

540-665-5678

FAX: 540-665-9687

www.fcprd.net

e-mail: fcprd@co.frederick.va.us

MEMO

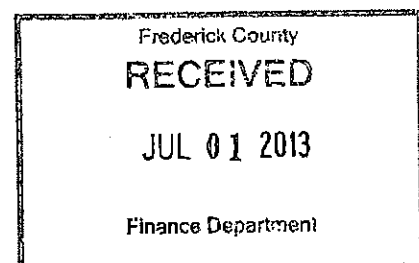
To: Finance Committee
From: Jason Robertson, Director
Subject: Recreation Reserve Fund Policy
Date: July 1, 2013

Please find enclosed the Recreation Reserve Fund Policy which was recommended for approval by the Frederick County Parks and Recreation Commission at its June 11, 2013 meeting.

The Recreation Reserve Fund utilizes an existing mechanism, the Frederick County Reserve Fund, to assist in providing alternative funding sources to support Frederick County youth participation in recreation programs, improve existing park facilities, and assist Frederick County in providing new facilities identified in the Frederick County Comprehensive Plan. There will be three types of funds within the Recreation Reserve Fund; the Recreation Assistance Fund, Capital Project Fund, and General Park Improvement Fund.

The creation of specific Capital Project Fund pools is subject to approval by the Board of Supervisors through recommendations of the Parks and Recreation Commission and Finance Committee and requires a minimum commitment. Donations to the Recreation Assistance and General Park Improvement Fund do not have any minimum commitment or approval process. Disbursement from all three funds will require Board of Supervisor approval.

Please feel free to contact me at 722-8294 with any questions regarding the above.



Recreation Reserve Fund

Goal:

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

Purpose:

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

Policy:

There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund, specific capital project funds, and a general park improvement fund.

A. Recreation Assistance Fund:

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

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

B. Capital Project Funds

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

The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick County Finance Committee to recommend to the Frederick County Board of Supervisors. The Frederick County Board of

Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

C. General Park Improvement Fund

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

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

Auditing/Accountability:

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

Mr. Robert W. Wells
Frederick County Board of Supervisors/ Supervisor Opequon District
5114 Laura Drive, Stephens City, Virginia 22655

August 13, 2015

Ms. Cheryl B. Shiffler, Finance Department
Chairman and Members of The Finance Committee
107 North Kent Street
Winchester, Virginia, 22601

Re: Handley Library request for funding necessary to reinstate full day Thursday operations at all locations.

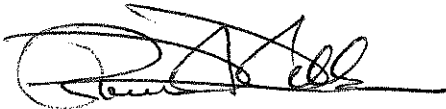
Mr. Chairman and Members of the Finance Committee:

On behalf of the Handley Library board I am requesting that the Finance Committee approve a \$35,000.00 dollar increase to the current Library budget. This increase in funding will be used to cover the cost necessary to allow full day library hours (9:00 to 5:00) on Thursdays.

At present the library is open on Thursdays until 1:00. By approving this request the library will be able to offer full day operations on Thursdays and provide consistency in the hours of operations to their customers.

Your approval of this request will be greatly appreciated by myself, the library board and the many customers of the libraries.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert W. Wells', with a stylized flourish at the end.

Robert W. Wells,
Frederick County BOS liaison to the Handley Library Board
Frederick County Supervisor, Opequon District

Cc: Mr. John Huddy, Handley Library

TRANSFER OF FUNDS

TRANSFER GUIDELINES:

Intra Departmental transfers have no annual limitation, but must be approved by Department Head AND County Administrator.

Inter Departmental transfers are subject to a \$25,000 per fiscal year limitation.

(BOS approval 7/26/2006)

1000 Codes - Personal Services	Can only transfer between line items and into line items. Board action required to transfer out of line items.
2000 Codes - Fringe Benefits (includes 2013 Education)	Can transfer into, but not out of line items. Cannot transfer with each other.
3000 Codes - Contractual	Can transfer into and out of line items
4001 Codes - Data Processing Services	Can transfer into, but not out of line item.
All other 4000 Codes	Can transfer into and out of line items.
All 5300 Codes	Can transfer into line item. Can only transfer out of line item after insurance charge-out.
All other 5000 Codes	Can transfer into and out of line items.
7000 and 8000 Codes	Can transfer into and out of line items.

TO PREPARE A REQUEST FOR INTRADEPARTMENTAL TRANSFER OF FUNDS (REVISED 5/1/11)

Intradepartmental Transfer of Funds requests must be submitted electronically through the [BAI.net](#) application.

Refer to the detailed instructions available on the Finance intranet page:

Electronic Fund Transfer Requestor Summary:

http://107.0.130.5/employee_intranet_IP_new/docs/finance/NetTransferSummaryForREQUESTORS.pdf

Electronic Fund Transfer Approver Summary:

http://107.0.130.5/employee_intranet_IP_new/docs/finance/NetTransferSummaryForAPPROVER.pdf

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

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Charles S. DeHaven, Jr.	Aye
Gary W. Dove	Aye
Gene E. Fisher	Aye
Philip A. Lemieux	Aye
Barbara E. Van Osten	Aye

22. Staff recommendation is provided for the proposed revision of the County's transfer of funds policy. See attached, p. 50. The committee recommends that intra departmental transfer limit be eliminated and the interdepartmental transfer limit be increased from \$10,000 to \$25,000. All transfers will follow current guidelines and are approved by the department head and the County Administrator.

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

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Charles S. DeHaven, Jr.	Aye
Gary W. Dove	Aye
Gene E. Fisher	Aye
Philip A. Lemieux	Aye
Barbara E. Van Osten	Aye

23. The Commissioner of the Revenue requests an FY 2006-20007 General Fund supplemental appropriation in the amount of \$5,341.24. This amount represents a carry-forward request for items purchased and projects initiated in FY 2005-2006, but billing not yet received. See attached memo, p.51. The committee recommends approval.

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

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Charles S. DeHaven, Jr.	Aye
Gary W. Dove	Aye
Gene E. Fisher	Aye
Philip A. Lemieux	Aye
Barbara E. Van Osten	Aye

*****For Information Only*****

1. Attached are letters sent, at the request of the committee, to Senator Potts, Delegate Athey, and Delegate Sherwood concerning future primary elections and the responsibility of the costs being transferred to the political party/parties. See attached, p. 52-54.

2. The Finance Director is providing a report on fund balance. See attached, p. 55.

PLANNING COMMISSION BUSINESS

OTHER PLANNING ITEMS

FY16 JULY 2015 BUDGET TRANSFERS

PAGE 1

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
7/1/2015	IT	PC REFRESH	1220	5401	000	004	(51,906.00)
	BOARD OF SUPERVISORS		1101	5401	000	000	847.00
	COUNTY ADMINISTRATOR		1201	5401	000	000	2,541.00
	HUMAN RESOURCES		1203	5401	000	000	1,024.00
	COMMISSIONER OF THE REVENUE		1209	5401	000	000	1,317.00
	TREASURER		1213	5401	000	000	3,388.00
	FINANCE		1214	5401	000	000	847.00
	IT		1220	5401	000	004	11,751.00
	MIS		1222	5401	000	000	847.00
	OTHER		1224	5415	000	000	8,447.00
	COMMONWEALTH'S ATTORNEY		2201	5401	000	000	6,106.00
	SHERIFF		3102	5401	000	000	4,766.00
	INSPECTIONS		3401	5401	000	000	1,024.00
	FIRE AND RESCUE		3505	5401	000	000	847.00
	PUBLIC SAFETY COMMUNICATIONS		3506	5401	000	000	847.00
	GENERAL ENGINEERING/ADMINISTRATION		4201	5401	000	000	2,048.00
	MAINTENANCE ADMINISTRATION		4301	5401	000	000	1,024.00
	PLANNING		8101	5401	000	000	1,694.00
	ECONOMIC DEVELOPMENT AUTHORITY		8102	5880	000	000	2,541.00
7/1/2015	PUBLIC SAFETY COMMUNICATIONS	PROMOTIONS 7/15	3506	1001	000	018	2,403.41
			3506	1001	000	003	(2,403.41)
7/1/2015	FIRE AND RESCUE	NEW COORDINATOR	3505	1001	000	099	28,974.71
			3505	1001	000	033	(28,974.71)
7/14/2015	PUBLIC SAFETY COMMUNICATIONS	NEW NOTIFICATION SYSTEM	3506	3005	000	000	(11,500.00)
	PUBLIC SAFETY COMMUNICATIONS		3506	3010	000	000	11,500.00
7/21/2015	MIS	COVER FIBER NETWORK	1222	5401	000	000	(1,400.00)
			1222	5299	000	000	1,400.00
8/3/2015	JUVENILE COURT PROBATION	CELL PHONES	3303	5401	000	000	(1,000.00)
			3303	5204	000	000	1,000.00

County of Frederick, VA
Report on Unreserved Fund Balance
June 30, 2015 *PRELIMINARY*

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)
C/F forfeited assets	(53,015)
C/F EDA incentives	(375,000)
	<hr/>
	(1,257,622)

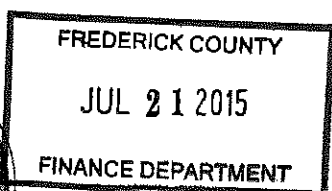
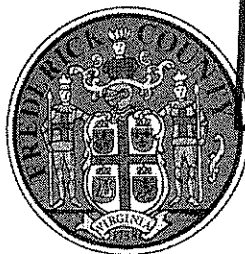
Other Funding / Adjustments

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)
Litigation settlement	(118,972)
COR refund - St Beach Spa	(2,670)
COR refund - Autotrademark of Winchester	(4,960)
COR refund - Michael Webber	(3,542)
Parks pools sand filters	(48,000)
COR refund - VFS Leasing Co	(17,575)
COR refund - Ryder Truck Rental Inc	(4,007)
COR refund - ARI Fleet LT	(6,589)
Litigation settlement	(33,321)
COR refund - Chemstone	(33,241)
COR refund - Disabled Veteran	(6,014)
Parks FT Rech Tech position	(18,770)
VJCCA funds returned	(20,488)
COR refund - Quantum	(2,565)
COR refund - Ryder Truck Rental Inc	(3,420)
EDA incentive - Chemstone	(150,000)
Bariatric Equipment - F&R	(16,406)
COR refund - Sonoco	(2,933)
COR refund - United Rentals	(5,523)
COR refund - BMW Financial Services	(2,796)
COR refund - mortgage company	(60,113)
F&R overtime	(160,000)
June 2015 primary election	(24,495)
EDA incentive reserve correction	550,000
COR refund - Dominion Self Storage	(4,012)
COR refund - RDM Hospitality LLC	(15,342)
DSS local share reduction	10,000
Airport operating	(37,550)
	<hr/>
	(1,650,860)

Year End Adjustments

Remove FY15 Budget	8,592,513
Reserve proffer funds	(1,112,929)
Reserve PEG funds	(70,941)
Reserve Courthouse Security funds	(46,894)
Reverse interest	(39)
	<hr/>
	7,361,711

Fund Balance, June 30, 2015 *PRELIMINARY* **43,745,579**



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Brenda G. Garton
County Administrator

FROM: Roderick B. Williams
County Attorney

DATE: July 13, 2015

RE: Fire and Rescue Volunteer Length of Service Program

*To Cheryl
for Finance Comm.
BGG
7/17/15*

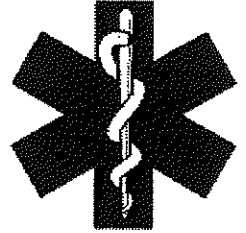
I received the attached during the time I served as Interim County Administrator. The Length of Service Program provides financial incentives to volunteer firefighters who have served the County for a specified number of years. The Finance Department indicated the possibility of an adjustment for FY16 to cover the additional amounts referenced in Mr. Cunningham's letter, but I did not reach a resolution of the matter.

It would appear that, for future years, the Volunteer Fire & Rescue Association should submit a budget request during the budget process, for the anticipated amount needed for the program for the then-ensuing fiscal year. The budget amount approved would then determine the availability of program benefits.

*Transfer from cont.
BGG
7/23/15*



**Frederick County
Volunteer Fire & Rescue Association
FREDERICK COUNTY, VIRGINIA**



Daniel C. Cunningham
President

1080 Coverstone Drive
Winchester, VA 22602

20 April 2015

Mr. Roderick B. Williams
County Administrator
107 North Kent Street
Winchester, VA 22601


Dear Mr. Williams,

This letter is to request \$3,840 funding for the Frederick County Volunteer Length of Service Program, for the year beginning 1 July 2015.

As you are aware the current length of service program is funded at \$92,040.00 per year. That amount is currently able to support the current volunteers enrolled in the program. Because no additional funds were received for this year and no one left the program we will be unable to add the two volunteers that are eligible to be enrolled. Both volunteers this year are eligible for the maximum quarterly payment of \$480 each. Without additional funds we will be forced to delay enrollment for these two volunteers.

I appreciate your consideration of this request. Please feel free to contact me if you have any additional questions.

Sincerely,


Dan Cunningham
President

•Volunteer Companies•

Stephens City Fire & Rescue ♦ Middletown Fire & Rescue ♦ Clear Brook Fire & Rescue ♦ Gore Fire & Rescue
Round Hill Community Fire & Rescue ♦ Gainesboro Fire & Rescue ♦ Star Tannery Fire & Rescue ♦ Greenwood Fire & Rescue
North Mountain Fire & Rescue ♦ Reynolds Store Fire & Rescue ♦ Millwood Station Fire & Rescue

**Frederick County Fire
and Rescue
Length of Service
Benefit Program**

Frederick County Fire and Rescue
Volunteer Length of Service Benefit Program

What is the goal of the of the Volunteer Length of Service Benefit Program?

To increase volunteer fire and rescue personnel recruitment.

When will the program be evaluated to determine if the goal is being meet?

After 36 months, recruitment will be reviewed to determine if the Length of Service Benefit Program has increased recruited fire and rescue personnel. If the program is considered successful after 36 months, the program could continue. If the program is considered unsuccessful, the program will be terminated.

If the Volunteer Length of Service Benefit Program is terminated, will the county lose all of the funds invested in the program?

All funds with the exception of those paid for benefits to the members will be retained. The county will self-insure the program to provide for the assurance that only funds paid for benefits will be disbursed. All other funds will remain property of the County of Frederick. The Fire and Rescue Association or any other party will claim no rights to the funds set aside for this program.

Who is eligible to participate in the program?

A roster will be submitted by the applicable organizations to the Frederick County Fire and Rescue Department for approval. To qualify for eligibility, the Frederick County Fire and Rescue Department has developed a point system that each member must accumulate a minimum of 50 points each year to qualify for benefits. After the initial roster, future years will be based on the organizations point system or other approved methods used to determine active status.

What are the benefits of the program?

At entitlement age, members are entitled to a monthly income from the plan payable for life, pending an annual appropriation by the Board of Supervisors. The benefit formula is as follows:

\$10.00 per month for each year past service (service before the plan begins) to a maximum of 10 years.

\$10.00 per month for each year of future service (service after the plan begins).

\$300.00 maximum monthly benefit (30 total years service)

When do members start receiving a monthly benefit?

A. Monthly entitlement benefits will begin at age 65, and after participating in the plan at least 1 year. The volunteer does not have to leave the organization or become less active to receive the benefit.

B. Any members reaching entitlement age during the first plan year begin receiving benefits on the plan anniversary date. If future years, monthly benefits begin on the plan anniversary following entitlement age.

How is a member's monthly benefit earned?

Each year of active service adds to a member's monthly benefit. The member becomes vested (guaranteed) after a period of 5 years of service. The following schedule illustrates benefits payable based on the number of years actually earned.

Years of Service (Including Past Service)	Earned Benefit	Vested Percentage	Benefit Payable
1	10.00	0	0.00
2	20.00	0	0.00
3	30.00	0	0.00
4	40.00	0	0.00
5	50.00	100%	50.00
6	60.00	100%	60.00

7	70.00	100%	70.00
8	80.00	100%	80.00
9	90.00	100%	90.00
10	100.00	100%	100.00
15	150.00	100%	150.00
30	300.00	100%	300.00

What happens to members who terminate before reaching entitlement age?

Members terminating before becoming vested will receive no benefits from the plan. It is the members responsibility to provide the county with current addresses and maintain records for future verification of members status. If member status can not be verified by the county, the member will not receive benefits.

What happens if a vested member dies prior to entitlement age?

Only members in the program are entitled to their benefits. They are non-transferable and will not be paid to beneficiaries of the deceased member.

**FREDERICK COUNTY
FIRE AND RESCUE DEPARTMENT**

**VOLUNTEER BENEFITS
POINT SYSTEM**

The following qualification system describes the participation categories and associated points credited for service toward benefit eligibility for each calendar year.

Each member must accumulate a minimum of 50 points each year to qualify for benefits.

PARTICIPATION CATEGORIES

Training Courses

25 Point Maximum

- A. Courses under 20 hours length - 5 pts. per course
(This includes one-day courses, seminars, etc).
- B. Courses of 20-45 hours length - 10 pts. per course
(This includes short courses, regional schools, etc).
- C. Courses over 45 hours length - 15 pts. per course
(This includes individual categories of state certification).

Company Drill or Training Session

20 Point Maximum

1 point per session (Minimum 2-hour drill or training session.)

Elected or Appointed Position

20 Point Maximum

20 points are awarded for completion of a full one year term in an approval elected or appointed office at the company or county level.

Business Meeting Attendance

20 Point Maximum

1 point per meeting for attendance at any official business meetings at the company or county level.

Fund Raising

20 Point Maximum

1 point is awarded for each 2-hours of participation in fund raising activities.

Fire Incident Response

15 Point Maximum

1 point is awarded for each response to a fire incident.

EMS Incident Response

15 Point Maximum

1 point is awarded for each response to an emergency medical incident.

Work Details

15 Point Maximum

1 point is awarded for each 2 hour work period during an official company or county work detail.

Committee Work

15 Point Maximum

1 point for attendance and work with officially designated committees at both the company and county level.

Certification:

It shall be the responsibility of each company to maintain an accurate and detailed record of participation in each category by each member.

At the completion of each calendar year, the company shall compile a report of each eligible member's activity on the appropriate county forms and forward them to the Fire and Rescue Department's Administrative Office.

The Company Chief or President must sign each member's report form and attest to its accuracy and the member's eligibility for associated benefits.

FREDERICK COUNTY FIRE AND RESCUE
PERSONAL PROPERTY TAX EXEMPTION PROGRAM FORM

COMPANY NAME: _____

PERIOD COVERED: _____ THROUGH _____

MEMBER: _____

SOCIAL SECURITY NUMBER: _____

<u>TYPE</u>	<u>MAXIMUM ALLOWABLE</u>	<u>POINTS EARNED</u>
Training Courses	25	_____
Training Sessions	20	_____
Elected Positions	20	_____
Business Meetings	20	_____
Fund Raising	20	_____
Fire Responses	15	_____
EMS Responses	15	_____
Work Details	15	_____
Committee Work	15	_____
TOTAL POINTS		_____

FIRE AND RESCUE MEMBER:

I, _____, hereby certify that the information submitted above is true and accurate.

(Signature)

COMPANY CHIEF/PRESIDENT:

I, _____, hereby certify that the above member has earned the point credits listed above and does qualify for the tax reduction.

(Signature)

COUNTY OFFICIAL:

I, _____, hereby approve the personal property tax exemption requested above.

(Signature)

FREDERICK COUNTY, VIRGINIA
FIRE AND RESCUE DEPARTMENT
PERSONAL VEHICLE
PROPERTY TAX EXEMPTION
REPORT FORM

In accordance with Section 58.1-3506 of the Code of Virginia, as amended, the Frederick County Board of Supervisors has declared that one vehicle owned by a volunteer rescue squad or volunteer fire department member shall constitute a separate class of property from other classifications in order that the Board of Supervisors may levy a tax on such property at a different rate from the tax levied on other tangible personal property. The one vehicle so classified must be owned by the fire and rescue volunteer.

Individual eligibility requirements established by the Volunteer Fire and Rescue Association are as follows:

All Members:

- * have at least one full year of membership with company
- * meet the minimum criteria under the eligibility point system
- * meet the volunteer company's requirements for active status
- * vehicle registered in Frederick County, VA

Vehicle Information (Please type or print clearly)

Owner's Name _____

Address _____

S.S.N. _____ Home Phone _____

Volunteer Fire Company _____

Year _____ Make _____

Model _____ I.D.# _____

County or Town Registration Sticker # _____

Under penalty of law, I certify that the information provided above is true and correct and that I meet the above stated eligibility requirements for the personal property tax exemption.

(Member Signature)

(Date)

Pursuant to Section 58.1-3506 of the Code of Virginia, as amended, I certify that the above named is a member in good standing of the _____ Volunteer Fire Company of Frederick County, Virginia, and that he/she meets the said eligibility requirements.

(Chief or President Signature)

(Title)

(Date)

ending 6/30/2015

AP240	7/28/2015	COUNTY OF FREDERICK VA.	OPEN PURCHASE ORDERS	* OPEN *	PAGE 1		
PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY PO Description
---	-----	----	-----	----	-----	-----	-----
21512	008706	DOMINION CONSTRUCTION	4010-042030-8900-000-000-	6/24/2013	119,200.00		CONCRETE WALL/SLAB/GAINESBORO
21512	008706	DOMINION CONSTRUCTION	4010-042030-8900-000-000-	9/25/2013	113,240.00-	5,960.00	

						5,960.00 *	
21612	007277	CPS	4010-071090-5413-000-000-	3/11/2014	7,480.00		LIQUID-CHLOR
21612	007277	CPS	4010-071090-5413-000-000-	3/11/2014	1,749.00		HYDROCHLORIC ACID
21612	007277	CPS	4010-071090-5413-000-000-	7/23/2014	1,070.90-		
21612	007277	CPS	4010-071090-5413-000-000-	8/19/2014	399.80-		
21612	007277	CPS	4010-071090-5413-000-000-	9/17/2014	249.80-		
21612	007277	CPS	4010-071090-5413-000-000-	10/22/2014	1,247.40-		
21612	007277	CPS	4010-071090-5413-000-000-	5/20/2015	798.40-		
21612	007277	CPS	4010-071090-5413-000-000-	7/22/2015	562.40-		
21612	007277	CPS	4010-071090-5413-000-000-	7/22/2015	4,900.30-	.00	
21612	007277	CPS	4010-071100-5413-000-000-	3/11/2014	7,480.00		LIQUID-CHLOR
21612	007277	CPS	4010-071100-5413-000-000-	3/11/2014	1,749.00		HYDROCHLORIC ACID
21612	007277	CPS	4010-071100-5413-000-000-	7/23/2014	2,733.30-		
21612	007277	CPS	4010-071100-5413-000-000-	8/19/2014	2,020.80-		
21612	007277	CPS	4010-071100-5413-000-000-	9/17/2014	897.60-		
21612	007277	CPS	4010-071100-5413-000-000-	10/22/2014	748.00-		
21612	007277	CPS	4010-071100-5413-000-000-	12/19/2014	508.40-		
21612	007277	CPS	4010-071100-5413-000-000-	5/20/2015	399.20-		
21612	007277	CPS	4010-071100-5413-000-000-	7/22/2015	1,639.10-		
21612	007277	CPS	4010-071100-5413-000-000-	7/22/2015	282.60-	.00	

						.00 *	
21685	008294	GAY AND NEEL INC	4010-071030-8900-000-000-	8/07/2014	12,000.00		ROSE HILL PARK ENGINEERING SVC
21685	008294	GAY AND NEEL INC	4010-071030-8900-000-000-	9/19/2014	1,000.00-		
21685	008294	GAY AND NEEL INC	4010-071030-8900-000-000-	10/27/2014	2,000.00-		
21685	008294	GAY AND NEEL INC	4010-071030-8900-000-000-	11/24/2014	1,000.00-	8,000.00	

						8,000.00 *	
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/07/2014	6,199,898.00		CONSTRUCTION OF NEW ROUND HILL
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/07/2014	369,930.23-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/07/2014	385,912.79-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/17/2014	4,683.71		RELOCATION OF EXISTING SVEC
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/17/2014	53,329.23		INSTALL MULTIPLE UTILITY
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	12/10/2014	357,379.82-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	1/27/2015	519,121.62-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	1/28/2015	2,364.74		ADD'L WORK REQUIRED
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	2/20/2015	492,502.50-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	3/20/2015	180,871.07-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	4/22/2015	296,802.59-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/18/2015	3,539.00		REMOVAL OF EXIST PHONE LINE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/22/2015	263,958.95-		
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/26/2015	9,547.14		UPGRADE SPINNING WHEEL IN
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/27/2015	14,560.81		CHG DR HOWARE, ADD'L WIRING
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/27/2015	.00		EXTEND CONTRACT DATE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	28,689.47		ELEC SERV ENTRANCE CHG
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	5,077.49		AID ELEC HOIST & TROLLEY BEAM
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	346.40		REL DOUBLE DRS & NEW FRAME
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/24/2015	685,140.52-		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
---	-----	----	-----	----	-----	-----		-----
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	7/24/2015	213,229.07-	2,557,186.83		

						2,557,186.83 *		
21691	005006	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	8/19/2014	425,000.00			CONSTRUCTION PHASE SOUTH APRON
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	10/07/2014	33,839.72-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	11/07/2014	16,110.31-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	11/21/2014	44,806.56-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	12/11/2014	39,132.31-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	1/27/2015	34,557.33-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	2/20/2015	8,057.82-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	3/20/2015	6,074.43-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	4/22/2015	2,426.96-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	5/22/2015	3,614.70-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	6/24/2015	18,014.21-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	7/24/2015	42,820.66-	175,544.99		

						175,544.99 *		
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	9/15/2014	2,983,401.36			CONSTR PHASE APRON SOUTH APRON
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	12/19/2014	87,129.00-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	12/19/2014	87,129.00-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	12/19/2014	87,129.00-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	12/19/2014	87,129.00-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	12/19/2014	87,129.00-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	2/20/2015	87,534.96-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	7/22/2015	98,185.09-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	7/22/2015	98,185.08-			
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	7/22/2015	98,185.08-	1,542,271.30		
21709	006204	W-L CONSTRUCTION &	4085-081030-8801-000-073-	7/22/2015	98,185.08-	-----		
						1,542,271.30 *		
21711	005006	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	9/19/2014	181,206.00			ENVIRONMENTAL ASSESSMENT
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	11/07/2014	6,850.47-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	11/21/2014	5,894.64-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	12/11/2014	6,055.13-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	1/27/2015	4,212.65-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	2/20/2015	6,395.47-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	3/20/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	4/22/2015	5,062.03-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	5/22/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	6/24/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	7/24/2015	4,205.00-	127,392.61		

						127,392.61 *		

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PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description	
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21734	007692	EAST COAST EMERGENCY	4030-013300-5413-000-000-	12/10/2014	3,520.06		00	TABLET MOUNTING PROJECT	
21734	007692	EAST COAST EMERGENCY	4030-013300-5413-000-000-	6/19/2015	3,520.06-	.00	00		

						.00 *			
21736	005793	DIGITAL VIDEO GROUP INC	4010-011010-8007-000-000-	12/17/2014	179,615.60			BOS SOUND ROOM EQUIPMENT	
21736	005793	DIGITAL VIDEO GROUP INC	4010-011010-8007-000-000-	5/20/2015	58,115.89-				
21736	005793	DIGITAL VIDEO GROUP INC	4010-011010-8007-000-000-	5/20/2015	58,121.12-	63,378.59			

						63,378.59 *			
21743	005611	JT PACKARD	4010-012220-8007-000-000-	12/24/2014	25,634.30		00	MITSUBISHI DIAMOND+ 1100 UPS	
21743	005611	JT PACKARD	4010-012220-8007-000-000-	4/21/2015	19,696.30-		00		
21743	005611	JT PACKARD	4010-012220-8007-000-000-	6/19/2015	5,938.00-	.00	00		

						.00 *			
21747	005329	COLONIAL FORD TRUCK SALES	4010-031020-8005-000-000-	1/27/2015	81,125.52	81,125.52		F150 4X4 SUPERCREW TRUCK	

						81,125.52 *			
21750	001230	ALBAN TRACTOR CO INC	4012-042040-8006-000-000-	2/20/2015	656,332.00	656,332.00		2015 CAT 826K COMP-GPS UPGRADE	

						656,332.00 *			
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	2/26/2015	11,210.00		00	DOUBLE STACK SS CAT CONDO	
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	2/26/2015	750.00		00	STAINLESS STEEL BACK	
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	2/26/2015	4,250.00		00	CABINET BASE	
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	2/26/2015	810.00-		00	SHELTER DISCOUNT ALL ITEMS	
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	2/26/2015	1,675.00		00	SHIPPING AND HANDLING	
21751	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	6/19/2015	17,075.00-	.00	00		

						.00 *			
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	2,094.00		00	39" HOVERMATT	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	4,460.00		00	EVACUATION HOVERJACK II	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	1,028.00		00	1100 W	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	809.98		00	RESCUE RANDY	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	2,085.00		00	RESCUE RANDY	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	129.00		00	RESUE RANDY	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	3/06/2015	300.00		00	SHIPPING & HANDLING	
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	5/20/2015	3,323.98-		00		
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	6/19/2015	2,094.00-		00		
21755	007875	QUAIMED INC	4010-035050-5404-000-000-	6/19/2015	5,488.00-	.00	00		
21755	007875	QUAIMED INC	4010-035050-8009-000-000-	3/06/2015	7,300.00		00	FERNO EZ GLIDE	
21755	007875	QUAIMED INC	4010-035050-8009-000-000-	5/20/2015	7,300.00-	.00	00		

						.00 *			
21762	005205	GALLS LLC	4010-031020-5410-000-000-	3/17/2015	3,390.00			HI LITE XPIIIA W/ TWO CARRIERS	

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PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY PO Description
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21762	005205	GALLS LLC	4010-031020-5410-000-000-	3/19/2015	1,130.00		HI LITE XPIIIIA W/ TWO CARRIERS
21762	005205	GALLS LLC	4010-031020-5410-000-000-	5/20/2015	565.00-		
21762	005205	GALLS LLC	4010-031020-5410-000-000-	7/22/2015	3,955.00-	.00	

						.00 *	
21763	004243	MARYLAND FIRE EQUIPMENT	4010-035050-5410-000-000-	3/19/2015	990.24		00 WORKRITE NOMEX PANTS
21763	004243	MARYLAND FIRE EQUIPMENT	4010-035050-5410-000-000-	3/19/2015	2,444.41		00 WORKRITE NOMEX PANTS
21763	004243	MARYLAND FIRE EQUIPMENT	4010-035050-5410-000-000-	3/19/2015	.00		00 SHIPPING & HANDLING
21763	004243	MARYLAND FIRE EQUIPMENT	4010-035050-5410-000-000-	6/19/2015	3,434.65-	.00	00

						.00 *	
21764	009450	QUALITY POLE INSPECTION &	4010-071090-3004-000-003-	3/20/2015	9,374.85		00 POLE INSPECTIONS CLEARCROOK PK
21764	009450	QUALITY POLE INSPECTION &	4010-071090-3004-000-003-	6/10/2015	9,374.85-	.00	00
21764	009450	QUALITY POLE INSPECTION &	4010-071100-3004-000-003-	3/20/2015	9,374.85		00 POLE INSPECTIONS SHERANDO PARK
21764	009450	QUALITY POLE INSPECTION &	4010-071100-3004-000-003-	6/10/2015	9,374.85-	.00	00

						.00 *	
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5404-000-000-	3/25/2015	39.15	39.15	GLOBE #D1253-G LETTERING
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	3/25/2015	5,341.60		GLOBE #D1253-G JACKET
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	3/25/2015	4,629.25		GLOBE #E1253-G TROUSERS
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	3/25/2015	.00		REQUEST
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	3/25/2015	.00		SHIPPING INCLUDED
21766	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	7/22/2015	10,010.00-	39.15-	

						.00 *	
21768	005095	BJ S CUSTOM CREATIONS	4011-033010-5410-000-000-	3/26/2015	9,247.50		UNIFORM PANTS
21768	005095	BJ S CUSTOM CREATIONS	4011-033010-5410-000-000-	3/26/2015	9,321.48		UNIFORM SHIRTS
21768	005095	BJ S CUSTOM CREATIONS	4011-033010-5410-000-000-	7/22/2015	19,283.04-		
21768	005095	BJ S CUSTOM CREATIONS	4011-033010-5410-000-000-	7/22/2015	714.06	.00	

						.00 *	
21773	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	4/14/2015	3,452.40		00 DARE T-SHIRTS
21773	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	4/14/2015	63.72		00 DARE T-SHIRTS
21773	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	6/19/2015	3,505.00-		00
21773	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	6/19/2015	11.12-	.00	00

						.00 *	
21775	005802	SHEEHY FORD OF RICHMOND	4010-031020-8005-000-000-	4/30/2015	178,787.00		2015 POLICE INTERCEPTOR
21775	005802	SHEEHY FORD OF RICHMOND	4010-031020-8005-000-000-	4/30/2015	791.28	179,578.28	DELIVERY CHARGE

						179,578.28 *	
21776	000581	FLOOR SHOP THE	4011-033010-3004-000-003-	5/06/2015	18,305.00		REMOVE AND INSTALL CARPET
21776	000581	FLOOR SHOP THE	4011-033010-3004-000-003-	7/22/2015	18,305.00-	.00	

.00 *

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21777	003943	MOORE MEDICAL LLC	4030-013300-5404-000-000-	5/07/2015	3,533.00			CYANOKIT
21777	003943	MOORE MEDICAL LLC	4030-013300-5404-000-000-	5/07/2015	.00			GROUND SHIPPING
21777	003943	MOORE MEDICAL LLC	4030-013300-5404-000-000-	7/22/2015	3,533.00-	.00		

						.00 *		
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-5407-000-000-	5/08/2015	5,250.00			HT1250
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-5407-000-000-	5/08/2015	288.75			REMOTE SPEAKER MIC
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-5407-000-000-	5/08/2015	.00			ACCESSORIES
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-5407-000-000-	7/22/2015	229.22-			
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-5407-000-000-	7/22/2015	4,520.25-	789.28		
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-8003-000-000-	5/08/2015	5,496.90			APX 7500
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-8003-000-000-	5/08/2015	4,821.65			APX 7500
21778	000390	MOTOROLA SOLUTIONS INC	4010-035050-8003-000-000-	7/22/2015	10,318.55-	.00		

						789.28 *		
21779	005802	SHEEHY FORD OF RICHMOND	4010-031020-8005-000-000-	5/11/2015	76,962.12	76,962.12		2015 FORD INTERCEPTORS

						76,962.12 *		
21780	000390	MOTOROLA SOLUTIONS INC	4010-031020-5409-000-000-	5/12/2015	29,758.50			MOBILE RADIOS
21780	000390	MOTOROLA SOLUTIONS INC	4010-031020-5409-000-000-	5/12/2015	12,452.40			PORTABLES
21780	000390	MOTOROLA SOLUTIONS INC	4010-031020-5409-000-000-	7/22/2015	40,042.80-			
21780	000390	MOTOROLA SOLUTIONS INC	4010-031020-5409-000-000-	7/22/2015	2,168.10-	.00		

						.00 *		
21781	009067	ELECTRONIC SYSTEMS INC	4026-012260-8800-000-003-	5/12/2015	37,975.95			CISCO SYSTEM & ASSOC SERVICES
21781	009067	ELECTRONIC SYSTEMS INC	4026-012260-8800-000-003-	7/22/2015	28,202.95-	9,773.00		

						9,773.00 *		
21782	002668	R K CHEVROLET INC	4010-042010-8005-000-000-	5/14/2015	25,800.00			2015 CHEVY COLORADO TRK
21782	002668	R K CHEVROLET INC	4010-042010-8005-000-000-	5/14/2015	485.00			OPTIONAL LOCKING DIFFERENTIAL
21782	002668	R K CHEVROLET INC	4010-042010-8005-000-000-	5/14/2015	347.40	26,632.40		DELIVERY FEE

						26,632.40 *		
21783	005329	COLONIAL FORD TRUCK SALES	4010-043010-8005-000-000-	5/14/2015	27,963.50	27,963.50		2015 FORD F150 PICK UP TRUCK

						27,963.50 *		
21784	009489	BIGDOGLOCKERS.COM	4011-033010-5413-000-000-	5/14/2015	2,987.40			PENCO VANGUARD 2 PERSON LOCKER
21784	009489	BIGDOGLOCKERS.COM	4011-033010-5413-000-000-	5/14/2015	195.34	3,182.74		SHIPPING

						3,182.74 *		
21785	002668	R K CHEVROLET INC	4010-034010-8005-000-000-	5/15/2015	26,632.40	26,632.40		2015 CHEVROLET COLORADO

26,632.40 *

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21786	006548	SHI	4010-012220-5413-000-000-	5/21/2015	4,757.36		00	SQL SERVER 2014
21786	006548	SHI	4010-012220-5413-000-000-	6/19/2015	4,757.36-	.00	00	

						.00 *		
21787	005859	CDW GOVERNMENT INC	4010-012100-5401-000-000-	5/22/2015	3,660.00		00	MS SURFACE PRO 3
21787	005859	CDW GOVERNMENT INC	4010-012100-5401-000-000-	6/19/2015	3,660.00-	.00	00	

						.00 *		
21788	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/27/2015	13,452.00			DOUBLE STACK SS CAT CONDO
21788	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/27/2015	900.00			STAINLESS STEEL BACK
21788	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/27/2015	5,100.00			SS BASE CABINET
21788	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/27/2015	972.00-			SALES DISCOUNT
21788	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/27/2015	1,997.00	20,477.00		SHIPPING AND HANDLING LTL

						20,477.00 *		
21789	003954	DELL MARKETING LP	4010-012220-8007-000-000-	5/27/2015	6,781.42			DELL NAS SERVER
21789	003954	DELL MARKETING LP	4010-012220-8007-000-000-	7/22/2015	6,781.42-	.00		

						.00 *		
21790	008157	STALLARD TECHNOLOGIES INC	4010-012200-5413-000-003-	5/29/2015	2,950.00			DELL POWEREDGE SERVER
21790	008157	STALLARD TECHNOLOGIES INC	4010-012200-5413-000-003-	7/22/2015	2,950.00-	.00		

						.00 *		
21791	005939	GASOLINE ALLEY AUTO SALES	4010-042050-8005-000-000-	5/29/2015	13,259.75			2008 FORD VAN
21791	005939	GASOLINE ALLEY AUTO SALES	4010-042050-8005-000-000-	7/22/2015	13,259.75-	.00		

						.00 *		
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	6/01/2015	356.64			KENSINGTON KEYBOARD AND CASE
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	6/01/2015	2,869.74			16GB APPLE IPAD AIR 2 WI-FI
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	6/01/2015	3,619.98			16GB IPAD AIR 2 WI-FI+CELLULAR
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	6/01/2015	183.42			TARGUS FLIP COVER FOR IPAD
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	7/22/2015	2,890.12-			
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	7/22/2015	3,619.98-			
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	7/22/2015	356.64-			
21792	005397	SOUTHERN COMPUTER	4010-081010-5413-000-000-	7/22/2015	163.04-	.00		

						.00 *		
21793	004343	MID-ATLANTIC EQUIPMENT	4010-042030-8006-000-000-	6/02/2015	9,350.00			30YD RECY CAN DELIVERED
21793	004343	MID-ATLANTIC EQUIPMENT	4010-042030-8006-000-000-	6/02/2015	8,125.00	17,475.00		43 YD COMPACTION CONTAINER

						17,475.00 *		

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21794	005205	CALLS LLC	4010-031020-5410-000-000-	6/04/2015	8,475.00	8,475.00	HI LITE XP1111A W/ TWO CARRIERS
						8,475.00 *	
21795	006532	DALY COMPUTERS	4010-013010-5401-000-000-	6/09/2015	24,582.00	24,582.00	DALY LAPTOP COMPUTERS
						24,582.00 *	
21796	008046	VIRGINIA BUSINESS SYSTEMS	4010-021060-5401-000-000-	6/09/2015	3,433.87	3,433.87	KONICA MINOLTA BIZHUB 364E
						3,433.87 *	
21797	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/16/2015	1,848.00		MES CROSSFIRE KNIGHT
21797	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/16/2015	2,265.62		PRO WARRINGTON STRUCTURAL
21797	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/16/2015	150.00		SHIPPING & HANDLING
21797	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	7/22/2015	4,113.62-		
21797	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	7/22/2015	150.00-	.00	
						.00 *	
21798	009172	THE HON COMPANY LLC	4011-033010-5401-000-000-	6/16/2015	13,492.80	13,492.80	HON DESKS PER QUOTE
						13,492.80 *	
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	1,998.95		LOCKERS
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	200.00		SHELF
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	170.00		QUICK DRYING COAT HANGERS
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	27.00		APPAREL HOOKS
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	430.00		LOCKER BENCH SEAT
21799	009269	JORGENSEN COMPANIES	4011-033010-5413-000-000-	6/16/2015	419.00	3,244.95	SHIPPING
						3,244.95 *	
21800	002497	TURF EQUIPMENT & SUPPLY	4010-071090-8001-000-000-	6/16/2015	13,057.65	13,057.65	TORO Z-TURN RIDING MOWER
						13,057.65 *	
21801	006548	SHI	4011-033010-5401-000-000-	6/16/2015	29,710.80	29,710.80	MS OFFICE 2013 STANDARD
						29,710.80 *	
21802	005969	EK SECURITY AND HOME	4010-035060-5413-000-000-	6/16/2015	3,801.24		CAMERAS AND CABLE FOR N MT SIT
21802	005969	EK SECURITY AND HOME	4010-035060-5413-000-000-	6/16/2015	1,521.37	5,322.61	(1/2) DW CUBE W/4 T HARD DRIVE
21802	005969	EK SECURITY AND HOME	4010-043040-5400-000-005-	6/16/2015	1,521.36	1,521.36	(1/2) DW CUBE W/4 T HARD DRIVE
						6,843.97 *	
21803	000025	STUTZMAN JIM CHEVROLET -	4010-012100-8005-000-000-	6/16/2015	19,684.00		2014 JEEP PATRIOT LATITUDE 4X4

AP240 7/28/2015

COUNTY OF FREDERICK VA.

OPEN PURCHASE ORDERS

* OPEN *

PAGE 8

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21803	000025	STUTZMAN JIM CHEVROLET -	4010-012100-8005-000-000-	6/24/2015	19,684.00-	.00	00	
						.00 *		
21804	002668	R K CHEVROLET INC	4010-071090-8005-000-000-	6/17/2015	23,900.00			2015 CHEVROLET SILVERADO 3500
21804	002668	R K CHEVROLET INC	4010-071090-8005-000-000-	6/17/2015	150.00			BEDLINER, UNDER THE RAIL
21804	002668	R K CHEVROLET INC	4010-071090-8005-000-000-	6/17/2015	325.00	24,375.00		STATIONARY TOOLBOX
						24,375.00 *		
21805	002668	R K CHEVROLET INC	4010-071100-8005-000-000-	6/17/2015	23,900.00			2015 CHEVROLET SILVERADO 3500
21805	002668	R K CHEVROLET INC	4010-071100-8005-000-000-	6/17/2015	150.00			BEDLINER UNDER THE RAIL
21805	002668	R K CHEVROLET INC	4010-071100-8005-000-000-	6/17/2015	325.00	24,375.00		STATIONARY TOOLBOX
						24,375.00 *		
21806	005039	TOWN POLICE SUPPLY	4010-031020-5409-000-000-	6/18/2015	6,970.00			SMITH WESSON M&P 40 PISTOL
21806	005039	TOWN POLICE SUPPLY	4010-031020-5409-000-000-	6/18/2015	5,511.73			SMITH & WESSON 15A RIFLE
21806	005039	TOWN POLICE SUPPLY	4010-031020-5409-000-000-	6/18/2015	190.89	12,672.62		BLACKHAWK 3 POINT UNIVERSAL
						12,672.62 *		
21807	004839	TACTICAL TECHNOLOGIES INC	4010-031020-5413-000-012-	6/18/2015	21,717.00	21,717.00		TIGER PRIDE CAMERA SYSTEM
						21,717.00 *		
21808	005205	GALLS LLC	4010-031020-5410-000-000-	6/18/2015	1,232.00			MENS TEX TROP2 SS ZIP SHIRTS
21808	005205	GALLS LLC	4010-031020-5410-000-000-	6/18/2015	1,316.00			MENS TEX TROP2 LS ZIP SHIRT
21808	005205	GALLS LLC	4010-031020-5410-000-000-	6/18/2015	1,120.00			PANT VA SHERIFF PINKTAN
21808	005205	GALLS LLC	4010-031020-5410-000-000-	6/18/2015	335.65			2 1/4IN SPW BROWN BELT
21808	005205	GALLS LLC	4010-031020-5410-000-000-	6/18/2015	770.00	4,773.65		SOFT SHELL JACKET
						4,773.65 *		
21809	009534	EASTERN PANHANDLE USED	4011-033010-5413-000-000-	6/18/2015	3,000.00			40' STORAGE CONTAINER
21809	009534	EASTERN PANHANDLE USED	4011-033010-5413-000-000-	6/18/2015	175.00	3,175.00		DELIVERY CHARGE
						3,175.00 *		
21810	005039	TOWN POLICE SUPPLY	4010-031020-5410-000-001-	6/19/2015	18,600.00			TACTICAL BALLISTIC VESTS
21810	005039	TOWN POLICE SUPPLY	4010-031020-5410-000-001-	6/19/2015	11,495.52	30,095.52		ARMOR PLATE
						30,095.52 *		
21811	002668	R K CHEVROLET INC	4010-035050-8005-000-000-	6/19/2015	32,787.50			2015 CHEVY TAHOE POLICE
21811	002668	R K CHEVROLET INC	4010-035050-8005-000-000-	7/13/2015	32,787.50-	.00		
						.00 *		

AP240	7/28/2015	COUNTY OF FREDERICK VA.	OPEN PURCHASE ORDERS	* OPEN *	PAGE	9	
PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY PO Description
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21812	005329	COLONIAL FORD TRUCK SALES	4010-035050-8005-000-000-	6/19/2015	29,943.88	29,943.88	2016 FORD F250 PICK-UP

						29,943.88 *	
21813	000581	FLOOR SHOP THE	4011-033010-3004-000-003-	6/22/2015	3,545.00	3,545.00	CARPET FOR RECORDS DEPT

						3,545.00 *	
21814	008286	BULLEX DIGITAL SAFETY	4010-035050-5413-000-000-	6/23/2015	3,790.50		SMART DUMMY
21814	008286	BULLEX DIGITAL SAFETY	4010-035050-5413-000-000-	6/23/2015	302.30	4,092.80	SHIPPING & HANDLING

						4,092.80 *	
21815	002497	TURF EQUIPMENT & SUPPLY	4010-071100-8001-000-000-	6/25/2015	13,057.65	13,057.65	TORO Z-TURN RIDING MOWER

						13,057.65 *	
21816	009549	HIGHWAY SAFETY SUPPLY INC	4010-035050-5413-000-000-	6/25/2015	1,149.00		TRAFFIC CONES
21816	009549	HIGHWAY SAFETY SUPPLY INC	4010-035050-5413-000-000-	6/25/2015	2,221.80	3,370.80	TRAFFIC CONES

						3,370.80 *	
21817	006416	EMERGENCY TRAINING	4010-035050-5411-000-000-	6/25/2015	8,753.65		TEXTBOOKS
21817	006416	EMERGENCY TRAINING	4010-035050-5411-000-000-	6/25/2015	.00	8,753.65	SHIPPING & HANDLING

						8,753.65 *	
21818	009550	HALEY FORD	4010-035050-8005-000-000-	6/26/2015	26,893.50	26,893.50	2016 FORD POLICE

						26,893.50 *	
21819	005859	CDW GOVERNMENT INC	4010-022010-8007-000-000-	6/29/2015	7,750.77	7,750.77	HP CLR LJ ENT FLOW MFP M680Z

						7,750.77 *	

						5,928,090.44 **	

Frederick County Public Schools: FY2015 Year-End Encumbrances

PO NUMBER	VENDOR NAME	DESCRIPTION	ENCUMBRANCE
48985 PO	COLLEGE-BOUND PUBLICATIONS	TESTING REPORTS FOR HIGH SCHOOLS	1,095.00
50.1100.2.1.000.006067.00.18		TESTING MATERIALS	1,095.00
49213 PO	CDW GOVERNMENT, INC.	ACER 16GB CHROMEBOOK	4,540.00
49213 PO	CDW GOVERNMENT, INC.	ACAD GOOGLE CHROME OS MGT LIC	500.00
50.1100.3.1.000.006050.20.00		TECHNOLOGY HARDWARE	5,040.00
48233 PO	RICOH USA, INC.	RICOH COPIER MONTHLY PAYMENT	455.26
50.1310.3.2.000.005401.00.00		LEASE/RENT OF EQUIPMENT	455.26
48235 PO	RICOH USA, INC.	RICOH COPIERS MONTHLY PAYMENT	890.68
50.1410.2.1.000.005401.07.00		LEASE/RENT OF EQUIPMENT	890.68
48805 PO	OWPR	FIRE PUMP & SPRINKLER SYSTEM	2,380.00
50.4200.9.0.000.003310.01.00		REPAIRS AND MAINTENANCE	2,380.00
48230 PO	OWPR	DESIGN FOR BACK FLOW PREVENTORS	18,640.00
50.4200.9.0.000.003310.16.00		REPAIRS AND MAINTENANCE	18,640.00
48869 PO	PARLIGHTS, INC.	SHERANDO AUDITORIUM LIGHTS	5,829.55
48870 PO	ANDERSON ROOFING	SHERANDO HS ROOF PROJECT	379,609.00
50.4200.9.0.000.008151.20.00		REPLACEMENT EQUIPMENT	385,438.55
48929 PO	MOBILE MODULAR MANAGEMENT	STONEWALL MODULAR INSTALLATION	56,027.00
50.4200.9.0.000.008251.11.00		NEW EQUIPMENT	56,027.00
48946 PO	MCGRANE FENCE CO INC	JAMES WOOD HIGH LABOR & MATERIAL	2,100.00
50.4300.9.0.000.003310.01.00		REPAIRS AND MAINTENANCE	2,100.00
48401 PO	OWPR	A&E FEE FOR SERVICES MS4 PROJECT	3,907.54
48628 PO	TRIAD ENGINEERING, INC.	SERVICES FOR WETLAND DELINEATION	1,326.24
48695 PO	OWPR	A & E SERVICES FOR STONEWALL MOD	2,750.00
50.6300.9.0.000.003194.00.00		PURCHASED SERVICES	7,983.78
48586 PO	OWPR	A&E SERVICES FOR PROJECT SCOPING	10,551.21
50.6300.9.0.000.003194.00.56		PURCHASED SERVICES	10,551.21
49021 PO	NCS TECHNOLOGIES, INC.	ASUS P53E SERVICE PART: MOTHERBOARD	340.00
50.8100.9.0.000.006007.00.00		REPAIR & MAINT PARTS/SUPP	340.00
49215 PO	MOHAWK USA	GTX 30002 PROTECTIVE BAG 12" RED	5,614.42
49215 PO	MOHAWK USA	GTX 30002 PROTECTIVE BAG 12" BLUE	19,674.06
49215 PO	MOHAWK USA	GTX 30002 PROTECTIVE BAG 12" BLACK	23,052.04
50.8100.9.0.000.006014.00.00		OTHER OPERATING SUPPLIES	48,340.52

Frederick County Public Schools: FY2015 Year-End Encumbrances

PO NUMBER	VENDOR NAME	DESCRIPTION	ENCUMBRANCE
49256 PO	CDW GOVERNMENT, INC.	SPECTRUM CLOUD 32 CART TIMER-BALLOON	3,987.00
49262 PO	CDW GOVERNMENT, INC.	SPECTRUM CLOUD 32 CART TIMER-BALLOON	2,658.00
49263 PO	CDW GOVERNMENT, INC.	SPECTRUM CLOUD 32 CART TIMER-BALLOON	6,645.00
49266 PO	CDW GOVERNMENT, INC.	SPECTRUM CLOUD 32 CART TIMER-BALLOON	21,264.00
50.8100.9.0.000.006050.00.00		TECHNOLOGY HARDWARE	34,554.00
49099 PO	DELL MARKETING, L.P.	DELL LATITUDE 3440 LAPTOPS	5,935.27
50.8100.9.0.000.008207.00.00		ADP EQUIP--NEW	5,935.27
49066 PO	NCS TECHNOLOGIES, INC.	ASUS P53E SERVICE PART: MOTHERBOARD	340.00
50.8300.9.0.000.006007.00.00		REPAIR & MAINT PARTS/SUPP	340.00
49160 PO	RICOH USA, INC.	20 AMP POWER PROTECTOR FOR COPIERS	1,156.00
50.8300.9.0.000.006014.00.00		OTHER OPERATING SUPPLIES	1,156.00
48870 PO	ANDERSON ROOFING	SHERANDO HS ROOF PROJECT	166,292.00
59.4200.9.0.000.008151.20.00		REPLACEMENT EQUIPMENT	166,292.00
47668 PO	PAYNE WELL DRILLING, INC.	WELL DRILLING SERVICES	40,684.50
60.6200.9.0.000.003000.02.00		PURCHASED SERVICES	40,684.50
46437 PO	STANTEC ARCHITECTURE INC.	A & E SERVICES FOR FCMS REPLACEMENT	381,160.15
47651 PO	GREENWAY ENGINEERING	ENVIRONMENTAL SERVICES	230.00
48708 PO	VIOLA ENGINEERING, PC	SERVICES OF THIRD PARTY TESTING	78,482.95
48922 PO	TRIAD ENGINEERING, INC.	CONDUCTING CONSTRUCTION SITE	1,055.20
60.6300.9.0.000.003000.02.00		PURCHASED SERVICES	460,928.30
46469 PO	OWPR	A & E SERVICES FOR 4TH HIGH SCHOOL	539,789.97
48971 PO	OWPR	A & E SERVICES FOR 4TH HIGH SCHOOL	1,711.75
60.6300.9.0.000.003000.29.00		PURCHASED SERVICES	541,501.72
48681 PO	BRANCH & ASSOCIATES, INC.	CONSTRUCTION FOR FCMS REPLACEMENT	32,380,646.20
48790 PO	SEBESTA, INC.	FEE FOR COMMISSIONING SERVICES	75,575.33
60.6500.9.0.000.003000.02.00		PURCHASED SERVICES	32,456,221.53
		FUND 000050 TOTAL	581,267.27
		FUND 000059 TOTAL	166,292.00
		FUND 000060 TOTAL	33,499,336.05
		ENCUMBRANCE GRAND TOTAL	34,246,895.32

I



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: July 27, 2015 TC Report Action Item 1 – Re: Revenue Sharing

DATE: September 2, 2015

At the August 12, 2015 Board meeting the Board considered the following action item from the Transportation Committee. The item was tabled until the September 9, 2015 Board meeting.

Russell 150 Revenue Sharing Funds

Below information digested by the Transportation Committee and Board of Supervisors.

At the request of the Board of Supervisors, staff has been investigating ways to preserve funding procured for the Russell 150 Road projects but now in danger of being deallocated. See attached summary of those funds.

Staff advised the committee of the following:

1. Renaissance Drive would benefit from a transfer of \$400,000.00.
2. Route 11North would benefit from a transfer of \$500,000.00.
3. Additionally, staff noted that the Board could submit a revenue sharing application with the intent of funding it via a transfer. Possible projects follow:
 - a. Coverstone Drive
 - b. Justice Drive

Based upon a motion by Mr. Ransom and seconded by Mr. Racey the committee recommended that the Board proceed with the transfers for items one and two and consider additional information which they have directed staff to gather for item 3 for possible action as well. Staff will be prepared to present at the meeting these items and potential additional projects.

JAB/pd
Attachments

I-81 Bridge and Surrounding Road for Revenue Sharing Summary

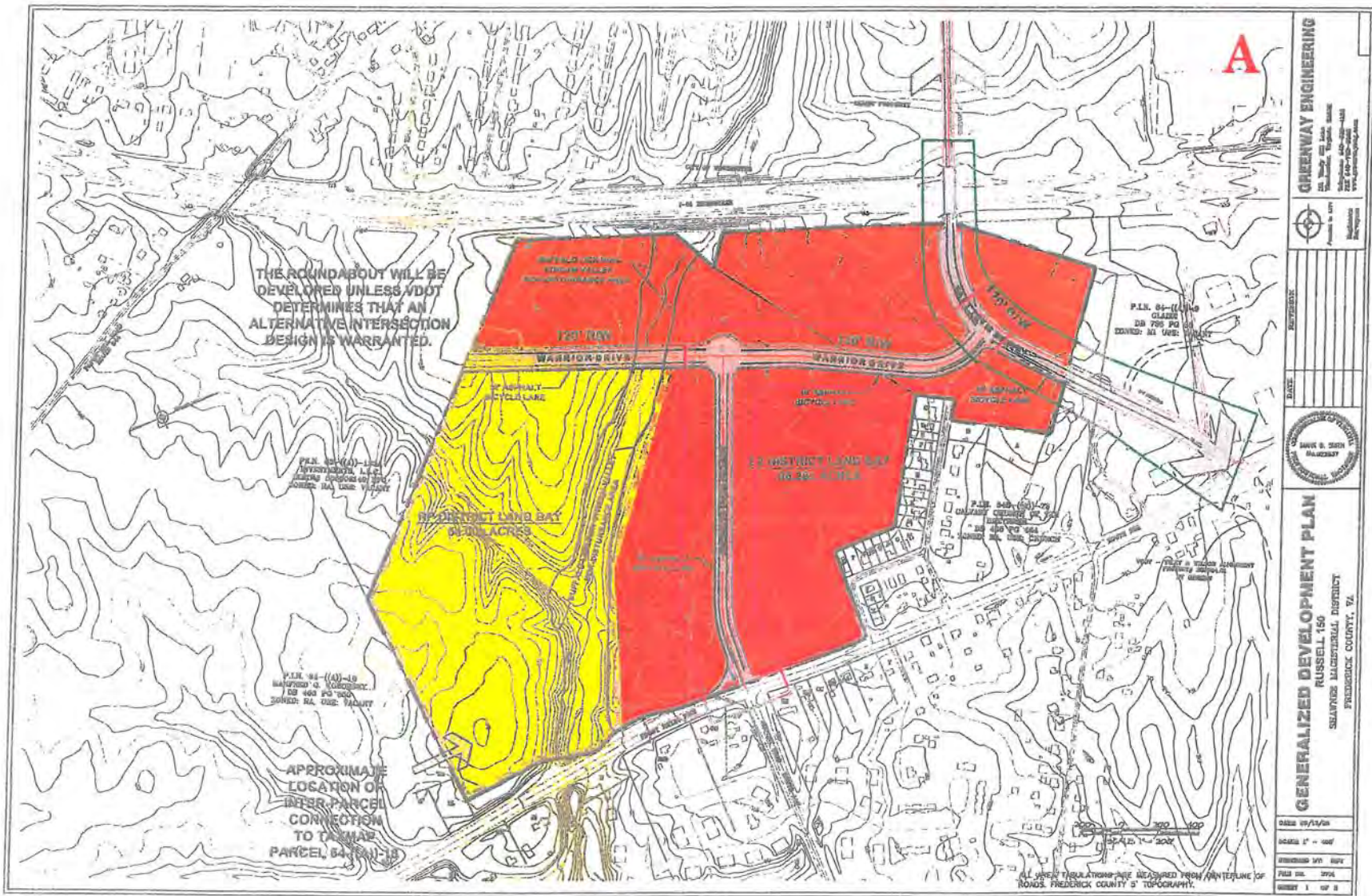
Below, please find a summary of the revenue sharing awards the County currently has for the 'Russell 150' road system. Included is an outline of what the funds are applicable toward and potential deallocation dates. Provided sufficient evidence of progress to satisfy Mr. Whitworth, our CTB member, there is a possibility of a 1 year extension on the funds in most imminent danger, specifically the \$4.5 M in bullet 2.

1. \$1.4 M applicable to bridge and Tevis across Glaize. This is what we have been billing design to. It is in no imminent danger of being deallocated due to the fact we have been spending from it.
2. \$4.5 M applicable to bridge and abutments as well as landing the bridge. Without project activity VDOT tells us this would be on the CTB's preliminary deallocation list in January '16. The key is keeping it off of that list so we really need to make progress by about October-November of this year.
3. \$2.8 M applicable to Airport, roundabout, Warrior stub out. Without project activity VDOT tells us this would be on the CTB's preliminary deallocation list in January '17.

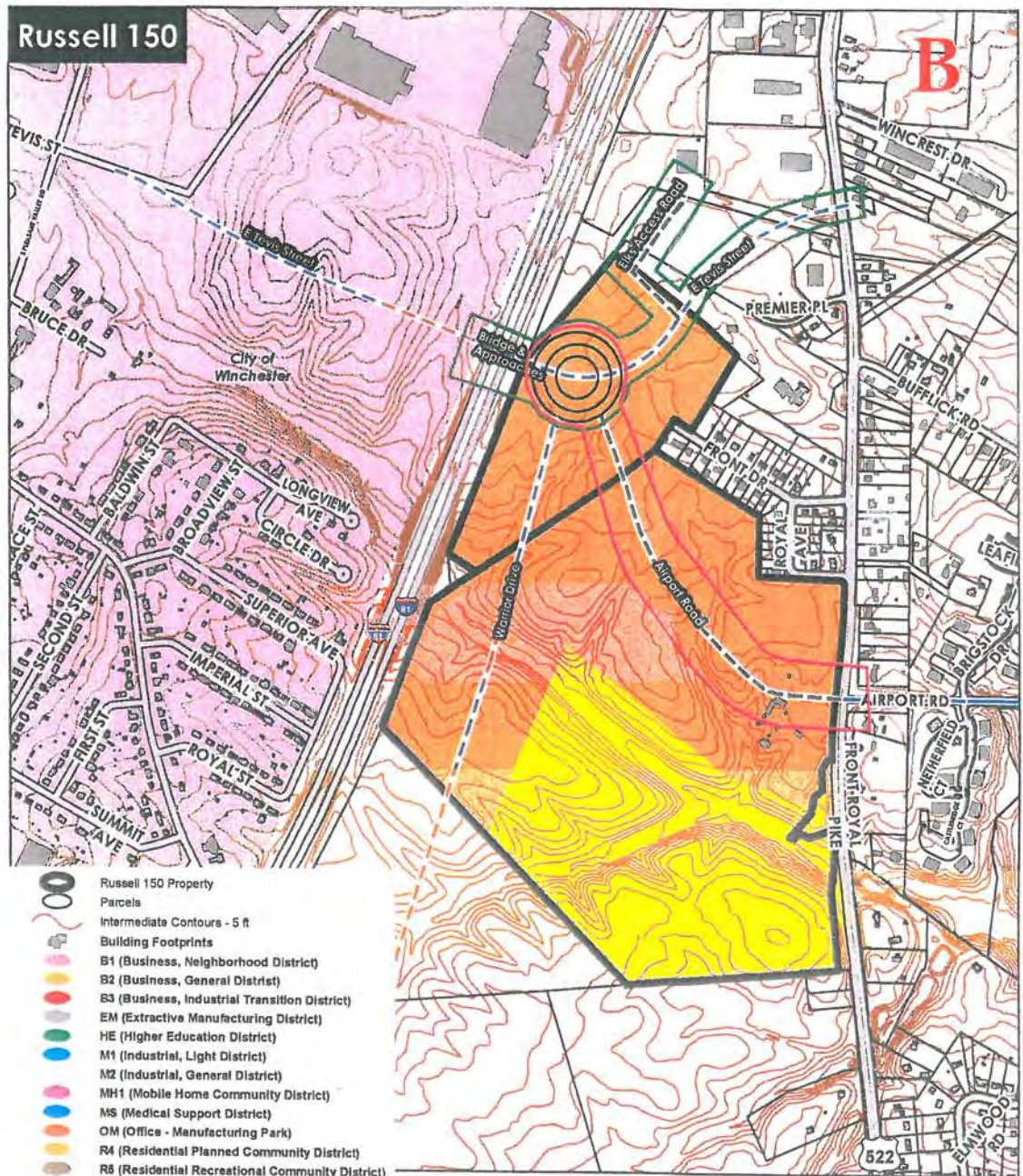
It should be noted that specific awards are tied to sections of roadway and not potential partners. Glaize is the partner for Tevis Extension across their property and its intersection with Route 522. Whoever controls the R150 property is the target partner for their proffered improvements.

Attached, please find two maps labeled A and B. These two maps represent the variations in the road system that has been considered to date. Map A is the Generalized Development Plan from the approved Russell 150 rezoning and Map B represents the road system that has been discussed more recently. On each map there are highlighted road segments. The roadway segments highlighted in green are those upon which revenue sharing funds noted in bullets 1 and 2 could be spent. The roadway segments highlighted in pink are those upon which the revenue sharing funds noted in bullet 3 could be spent.

To date, County design work has been limited to the areas outlined in green on Map B. The most recent cost estimate for construction of this segment is nearly \$12 million which does not include purchase of the house next to the current Elks entrance that would be needed for right of way. This translates to approximately \$8 million on Russell 150 and \$4 million on Glaize. There has not yet been design work on the airport extension from the roundabout to route 522. This is the portion that would be aided by revenue sharing in bullet 3 and would require further match from whoever controls Russell 150.



Russell 150



- Russell 150 Property
- Parcels
- Intermediate Contours - 5 ft
- 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)
- R8 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)

Eastern Road Plan

- New Major Collector
- Improved Major Collector
- New Minor Collector
- Roundabout

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 15, 2015



0 0.075 0.15 0.3 Miles

J



APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION				
Name of Applicant: <u>Cedar Creek Battlefield Foundation</u>				
Telephone Number(s): <u>540 869-2064</u> <input type="checkbox"/> home <input checked="" type="checkbox"/> office <input type="checkbox"/> cell <u>540 335 9518</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell				
Address: <u>P.O. Box 229, Middletown, VA 22645</u>				
Contact Email: <u>info@ccbf.us</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>151ST ANNIVERSARY of the Battle of Cedar Creek</u>			
Cost of Admission to Festival: <u>12⁰⁰/ADULT</u>		Business License Obtained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>OCT. 17, 2015</u>	<u>9⁰⁰ AM</u>	<u>7⁰⁰ PM</u>	<u>8000</u>	<u>5000</u>
<u>OCT. 18, 2015</u>	<u>9⁰⁰ AM</u>	<u>5⁰⁰ PM</u>	<u>6000</u>	<u>5000</u>
Location	Address: <u>8437 Valley Pike, Middletown, Va</u>			
Owner of Property	Name(s): <u>Cedar Creek Battlefield Foundation</u> Address: <u>PO Box 229, Middletown, VA 22645</u> <small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small>			
Promoter	Name(s): <u>Cedar Creek Battlefield Foundation</u> Address: <u>PO Box 229, Middletown, VA 22645</u> <small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small>			
Financial Backer	Name(s): <u>NONE</u> Address: _____			
Performer	Name of Person(s) or Group(s): <u>Civil War Reenactors</u> _____ _____ <small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small>			

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). ☐ copy attached OR ☒ copy to be provided as soon as available
Wrist bands instead of tickets will be used as proof of admission payment. A different color wristband will be used each day.
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
Outdoor restrooms will be provided by Johnny Blue; trash will be collected in dumpsters provided by D&M Container Services.
3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
Civil War reenactors will bring their own tents for lodging and their own food. Boyer Water Hauling provides water for event.
4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
Middletown Fire and Rescue will be on site during the daylight hours of the event and on standby in the nighttime hours.
5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
Middletown Fire and Rescue will be on site during the daylight hours of the event and on standby in the nighttime hours.
6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)
Parking will be on lands owned or leased by the Cedar Creek Battlefield Foundation
7. State whether any outdoor lights or lighting will be utilized: ☒ YES ☐ NO
If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.
One set of outdoor lights will be used on Friday evening at the reenactor registration tent from 6:00 to midnight.
A diagram is attached.
8. State whether alcoholic beverages will be served: ☐ YES ☒ NO
If yes, provide details on how it will be controlled.

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

FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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

Stanley M. Hirschberg, M.D.
Signature of Applicant

Stanley M. Hirschberg, M.D.
Printed Name of Applicant
President.

Date: Aug. 13, 2015

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







Battle of Cedar Creek 2015 - Spectators



SPECTATOR TICKETS ARE NOW AVAILABLE

Use the order form below to purchase your spectator tickets for 151st Anniversary of the Battle of Cedar Creek.

Adult tickets for one day are \$12.00 per person per day. Senior Citizen and students ages 7-17 are ½ price (\$6.00). Children 6 and under are free. Retired and Active Military with ID are also ½ price (\$6.00).

CCBF does not offer weekend passes. For groups of 20 or more, call in advance for ticket prices and arrangements.

This website utilizes a secure payment procedure hosted by PayPal (a PayPal account is not necessary). Visa, Mastercard, Discover, and American Express are accepted. You may also use your PayPal account if you have one.

PLEASE NOTE: This event will proceed rain or shine. All tickets sales are final and non-refundable.

Spectator Registration

Please fill out your information below to register for this event.

Name*

First Name

Last Name

Address*

City

State

Zip Code

Home Phone

Work Phone

Email*

How did you hear about this event?

☐ Friend or colleague ☐ Search Engine ☐ Previous Attendee ☐ Advertisement ☐ Other: _____

Ticket Pricing

* Adult tickets for one day are \$12.00 per person per day.

* Senior Citizen and students ages 7-17 are \$6.00.

☐ Children 6 and under are free.

K

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). ☒ copy attached OR ☐ copy to be provided as soon as available
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

We have sufficient bathroom and garbage disposal on site at the dealership.

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

We have local food vendor and submit forms for health permits. No lodging is required.

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

Millwood Fire company will be notified about the event.

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

Millwood Fire company will be notified about the event.

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

Dealership has more than sufficient parking facility.

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

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

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

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

Alcoholic beverages will be served by Virginia Eagle. All profits will benefit
charity (22-Needs A Face). ABC license will also be obtained by the vendor.

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

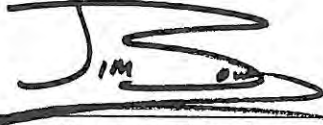
FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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


Signature of Applicant

Jim Bowie

Printed Name of Applicant

Date: 8/21/2015

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

Saturday, October 3, 2015
The Einherjar Rally 2015 :: General Admission

Presented By:
Roxtar, Inc.

Grove's Winchester Harley-Davidson
140 Independence Drive
Winchester, VA 22602

PRICE	ENTRY	TIME	TICKET ID
\$10.00	All Ages	10:00 AM	100



8308722050

10/03/15
The Einherjar Rally 2015 :: General Admission

\$10.00
All Ages
10:00 AM
Ticket ID: 100



Layout



Dates: October 3, 2015

Schedule of Events:

- | | |
|-----------|---|
| 1000-1500 | Bike Rally @ Grove's Winchester Harley-Davidson featuring live music, bikini team, custom bike show, food and beverage vendors. |
| 1500-1600 | Police-escorted awareness ride (route TBD) Initiated by Honor Guard |
| 1600-1730 | Project 22 Screening |
| 1730-1800 | Director Q&A |



L



Frederick County Public Schools

... to ensure all students an excellent education

Executive Director of Finance

fryel@fcpsk12.net

DATE: July 23, 2015
TO: Jay Tibbs, Deputy County Administrator
FROM: Lisa K. Frye, Executive Director of Finance
SUBJECT: Fall 2015 VPSA Bond Sale

The School Board requests, by way of the attached resolution, participation in the Virginia Public School Authority (VPSA) bond sale program for the remaining cash needs to complete the replacement Frederick County Middle School. The resolution for \$29.1 million will cover participation in the fall 2015 bond sale in the amount of \$20.1 million as well as participation in the spring 2016 bond sale in the amount of \$9 million.

To begin the governing body approval process, a public hearing is required and is requested to be set for September 9, 2015, after which an approving resolution can be considered by the Board of Supervisors. The approving resolution is being prepared by bond counsel and will be provided in advance of the September 9 agenda packet deadline.

Please do not hesitate to contact me should you have any questions. Thank you.

Attachment (1)

cc: David T. Sovine, Ed.D., Superintendent
Brenda G. Garton, County Administrator
Cheryl Shiffler, Frederick County Finance Director
Bond Counsel

Construction Fund

The active construction projects for FY 2015 were:

- construction of replacement for FCMS;
- continued design of the fourth high school;
- final project costs for the new transportation facility; and
- final expenditures for the elementary classroom project.

A project-to-date summary is shown below and is provided in a different format on the financial statement. The amounts shown in bold represent active project balances at year-end, which will be automatically re-appropriated in the next fiscal year to provide for the seamless continuation of the project.

Replacement FCMS:

Beginning project amount	\$ 49,500,000.00
Expenditures through June 30, 2015	\$(12,264,429.98)
① O/S Encumbrances @ June 30, 2015	\$(32,957,834.33)
② Remaining project balance	<u>\$ 4,277,735.69</u>

Cash received – bond proceeds	\$ 20,394,731.44
Cash received – premium proceeds	\$ 2,093,210.65
Cash received – interest earnings	\$ 41,441.75
Cash received – easement proceeds	\$ 120,000.00
Cash transferred to other sources	\$(2,199,765.29)
Cash disbursed for project	\$(10,037,592.88)
Accounts Payable @ June 30, 2015	\$(2,226,837.10)
③ Cash/A/P balance @ June 30, 2015	<u>\$ 8,185,188.57</u>

Fourth High School:

Beginning project amount	\$ 4,800,000.00
Expenditures through June 30, 2015	\$(3,978,391.48)
O/S Encumbrances @ June 30, 2015	\$(541,501.72)
Remaining project balance	<u>\$ 280,106.80</u>

Cash received – bond proceeds	\$ 2,734,850.00
Cash received – premium proceeds	\$ 209,216.97
Cash received – interest earnings	\$ 4,661.19
Cash transferred-undesignated fund	\$ 1,300,000.00
Cash received from other projects	\$ 230,199.17
Cash disbursed for project	\$(3,791,156.56)
Accounts Payable @ June 30, 2015	\$(187,234.92)
Cash/A/P balance @ June 30, 2015	<u>\$ 500,535.85</u>

Transportation Facility:

Beginning project amount	\$ 17,200,171.00
Expenditures through June 30, 2015	\$(17,200,171.00)
O/S Encumbrances @ June 30, 2015	\$(0.00)
Remaining project balance	<u>\$ 0.00</u>

Cash received – bond proceeds	\$ 15,843,205.00
Cash received – premium proceeds	\$ 925,788.15
Cash received – interest earnings	\$ 53,662.20
Cash received – other sources	\$ 359,568.38
Cash disbursed for project	\$(17,182,223.73)
Accounts Payable @ June 30, 2015	\$ 0.00
Cash/A/P balance @ June 30, 2015	<u>\$ 0.00</u>

Elementary Additions:

Beginning project amount	\$ 6,100,000.00
Expenditures through June 30, 2015	\$(6,008,704.73)
O/S Encumbrances @ June 30, 2015	\$(0.00)
Remaining project balance	<u>\$ 91,295.27</u>

Cash received – bond proceeds	\$ 5,635,755.00
Cash received – premium proceeds	\$ 452,140.19
Cash received – interest earnings	\$ 4,646.36
Cash received from other projects	\$ 7,912.85
Cash disbursed for project	\$(6,008,704.73)
Accounts Payable @ June 30, 2015	\$(0.00)
Cash/ A/P balance as of June 30, 2015	<u>\$ 91,749.67</u>

*

FCMS

$$\begin{array}{rcl}
 \textcircled{1} & 33.0 & \text{million encumbered} \\
 + \textcircled{2} & 4.3 & \text{" to be encumbered} \\
 & \underline{37.3} & \\
 \textcircled{3} & < 8.2 & \text{available} \\
 & \underline{29.1} & \text{to be borrowed (remaining cash needs)} \\
 & \underline{\underline{\hspace{1cm}}} &
 \end{array}$$

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$29,100,000 GENERAL OBLIGATION SCHOOL BOND OF THE
COUNTY OF FREDERICK, VIRGINIA, TO BE SOLD TO THE
VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$29,100,000 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 and equipping of the replacement of Frederick County Middle School (collectively, the "Project");

WHEREAS, the County held a public hearing, duly noticed, on September 9, 2015, 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 2015 or a future bond sale (the "VPSA Bonds");

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$29,100,000 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 the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than 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 bonds, on more than one occasion, in an aggregate principal amount of no more not to exceed \$29,100,000 (collectively, the "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of one or more 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 each 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 aggregate principal amount of all Local School Bonds issued under this Resolution set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, each 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 each Local School Bond to VPSA (each a "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, with such completions, insertions, omissions and changes not inconsistent with this Resolution as may be approved by the County officer executing the Bond Sale Agreement.

3. Details of the Local School Bond. Each 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 20__"; (or such other designation as the County Administrator may approve) shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning January 15, 2016 (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. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Interest Rates and Principal Installments. Each Delegate is hereby authorized and directed to accept the interest rates on each 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 each 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 such Local School Bond; provided, however, that the principal amount of all Local School Bonds shall not exceed the

amount authorized by this Resolution and the final maturity of each Local School Bond shall not exceed 31 years from the date of the issuance and delivery of such Local School Bond. The execution and delivery of each Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of such Local School Bond by the Delegate as authorized by this Resolution.

5. **Form of the Local School Bond.** Each 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 each Local School Bond:

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

(c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for each Local School Bond. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and Paying Agent for any Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

7. **Prepayment or Redemption.** With respect to any Local School Bond sold to VPSA in the fall 2015 sale, the Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2025, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2025, 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, 2026, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2026, 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, 2025, 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, 2025 through July 14, 2026	101%
July 15, 2026 through July 14, 2027	100½
July 15, 2027 and thereafter	100

Provided, however, that the Principal Installments of 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.

With respect to any Local School Bond sold to VPSA in a subsequent sale, the Principal Installments of such Local School Bond will be subject to similar prepayment or redemptions provisions as may be set forth by VPSA at the time of such sale.

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 each 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 each 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 such 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 such 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 a 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 each 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 each 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 each 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 a 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 a 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 undersigned Clerk of the Board of Supervisors of the County of Frederick, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 9, 2015, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Frederick, Virginia, this 9th day of September, 2015.

Brenda G. Garton
Clerk, Board of Supervisors
County of Frederick, Virginia

(SEAL)

Resolution No.: 016-15

EXHIBIT A
(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF FREDERICK
General Obligation School Bond
Series 20__**

Dated Date: October __ [16 days prior to issuance], 20 __
Issue Date: November __, 20 __

The **COUNTY OF FREDERICK, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** ("VPSA") the principal amount of _____ DOLLARS (\$ _____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 20__ and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the dated date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on January 15, 20__ (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Principal of and interest and premium, if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, U.S. Bank National Association, as bond registrar and paying agent (the "Bond Registrar"), shall make all payments of the principal of and interest and premium, if any, on this Bond, without the presentation or surrender hereof, to

VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of the principal of and interest and premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and interest and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be 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.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Virginia Code, and resolutions duly adopted by the Board of Supervisors of the

County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the VPSA, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the VPSA on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive bonds as hereinabove provided, such definitive bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 20____ and the definitive bonds for which this Bond may be exchanged that mature on or before July 15, 20____, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due on or after July 15, 20____, and the definitive bonds for which this Bond may be exchanged that mature on or after July 15, 20____, 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, 20____, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of this 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, 20__ through July 14, 20__	101%
July 15, 20__ through July 14, 20__	100½
July 15, 20__ and thereafter	100

Provided, however, that the principal installments of this Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of VPSA or other registered owner of this 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 its bonds issued in part to purchase this Bond in the future and such refunding causes this Bond to be deemed refunded, the prepayment or redemption of this 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 this Bond.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Frederick has caused this Bond to be issued in the name of the County of Frederick, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated October __ [16 days prior to the closing date], 2015.

**COUNTY OF FREDERICK,
VIRGINIA**

(SEAL)

ATTEST:

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

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

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for
definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive
bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Registered Owner

Signature Guaranteed:

(NOTICE: Signature(s) must be guaranteed
by an "eligible guarantor institution" meeting
the requirements of the Bond Registrar which
requirements will include Membership or
participation in STAMP or such other
"signature guarantee program" as may be
determined by the Bond Registrar in addition
to, or in substitution for, STAMP, all in
accordance with the Securities Exchange Act
of 1934, as amended.

(NOTICE: The signature above must
correspond with the name of the Registered
Owner as it appears on the front of this Bond
in every particular, without alteration or
change.)

VIRGINIA PUBLIC SCHOOL AUTHORITY

BOND SALE AGREEMENT

Name of County, City or Town (the "Locality"): County of Frederick, Virginia

VPSA Sale Date: Expected to be on or about October 27, 2015

Closing Date: Expected to be on or about November 19, 2015

Proceeds Requested: \$ _____

Maximum Authorized Par Amount: \$ _____

Amortization Period:

Please specify your preferred amortization
schedule (check one preference):

- ☐ Level Debt Service
☐ Level Principal
☐ Other (attach proposed amortization
structure)

Number of Years of Principal Amortization:
_____ years, beginning (Check requested date):

- ☐ July 15, 2016
☐ July 15, 2017
☐ Other

1. Virginia Public School Authority ("VPSA") hereby offers to purchase, solely from the proceeds of VPSA's 2015 Fall Pool Bonds (the "VPSA Bonds"), your general obligation school bond ("local school bond") at a price, determined by VPSA to be within the parameters set forth in your local resolution (as defined below) that, subject to VPSA's *purchase price objective* and market conditions described below, is substantially equal to your Proceeds Requested set forth above (as authorized by your local resolution). The sale date of the VPSA Bonds is tentatively scheduled for the week of October 26, 2015 but may occur, subject to market conditions, at any time between October 15, 2015 and December 31, 2015 (the "VPSA Sale Date"). You acknowledge that VPSA has advised you that its objective is to pay you a purchase price for your local school bond which in VPSA's judgment reflects its market value ("*purchase price objective*") taking into consideration such factors as the amortization schedule you have requested for your local school bond (as set forth above) relative to the amortization schedules requested by the other localities for their respective bonds, the purchase price received by VPSA for the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds. You further acknowledge that VPSA has advised you that such factors may result in your local school bond having a value other than par and that in order to receive an amount of proceeds that is substantially equal to your Proceeds Requested, you may need to issue your local school bond with a par amount that is greater or less than your Proceeds Requested. You, at the request of VPSA, agree to issue your local school bond in a par

amount not in excess of the Maximum Authorized Par Amount to provide, to the fullest extent practicable given VPSA's *purchase price objective*, a purchase price for your local school bond and a proceeds amount that is substantially equal to your Proceeds Requested. You acknowledge that the purchase price for your local school bond will be less than the Proceeds Requested should the Maximum Authorized Par Amount be insufficient, based upon VPSA's *purchase price objective*, to generate an amount of proceeds substantially equal to your Proceeds Requested.

2. You represent that on or before October 15, 2015, your local governing body will have duly authorized the issuance of your local school bond by adopting a resolution in substantially the form attached hereto as **Appendix B** (the "local resolution") and that your local school bond will be in the form set forth in the local resolution. Any changes that you or your counsel wish to make to the form of the local resolution and/or your local school bond must be approved by VPSA prior to adoption of the local resolution by your local governing body.
3. You represent that the information provided in your VPSA financing application under the Section entitled "Tax Matters," together with all attachments to such responses and supplemental and/or amendatory letters and information, is, *[except to the extent modified by the representations contained in Schedule I hereto]*², true, accurate and complete on the date hereof and there are no facts or circumstances that would cause such information to be materially inaccurate or incomplete.
4. You hereby covenant that you will comply with and carry out all of the provisions of the Continuing Disclosure Agreement in the form attached hereto as **Appendix D**, which agreement is hereby incorporated by reference herein and expressly made a part hereof for all purposes. VPSA has defined a Material Obligated Person ("MOP") for purposes of the Continuing Disclosure Agreement as any Local Issuer (as defined therein) the principal amount of whose local school bond(s) pledged under VPSA's 1997 Resolution comprises more than 10% of the total principal amount of all bonds of VPSA outstanding under the 1997 Resolution. MOP status with respect to the VPSA Bonds will be determined by comparing the principal amount of your local school bond(s) to the principal amount of the bonds outstanding under the 1997 Resolution. MOP status for future VPSA bonds issued under the 1997 Resolution will be determined by adding the principal amount of your local school bond(s) to be sold to VPSA and the principal amount of your local school bond(s) previously sold to VPSA and pledged under VPSA's 1997 Resolution and measuring the total against 10% of the face value of all bonds of VPSA outstanding as of a bond closing date under VPSA's 1997 Resolution. If you are or may be a MOP with respect to the VPSA Bonds, VPSA will require that you file all the information described in the following paragraph prior to VPSA's distribution of its Preliminary Official Statement, currently scheduled for the week of October 12, 2015.

¹ The form local resolution has been drafted for the issuance of bonds by a County. Bond counsel will need to make appropriate changes in the local resolution for the issuance of bonds by a City or Town.

² To the extent any information in the financing application has changed, please provide a revised application that clearly indicates the updated information.

You acknowledge that if you are, or in the sole judgment of VPSA may be, a MOP following the issuance of your local school bond that is the subject of this Bond Sale Agreement, VPSA will include by specific reference in its Preliminary Official Statements and final Official Statements (for this sale and, if you remain a MOP or become a MOP again after ceasing to be a MOP, for all applicable future sales) the information respecting you ("Your Information") that is on file with the Municipal Securities Rulemaking Board (the "MSRB") through its Electronic Municipal Market Access System. Accordingly, if VPSA has determined that you are at any time a MOP (I) following the delivery of your local school bond to VPSA in connection with this sale, or (II) during the course of any future sale, whether or not you are a participant in such sale, you hereby represent and covenant to VPSA that you will file such additional information, if any, as is required so that Your Information, as of each of (I)(A) the date of VPSA's applicable Preliminary Official Statement (in the case of this sale, expected to be October 16, 2015), (B) the date of VPSA's applicable final Official Statement (in the case of this sale, expected to be October 27, 2015) and (C) the date of delivery of VPSA's Bonds (in the case of this sale, expected to be November 19, 2015) and (II) such other dates associated with future sales as VPSA may specify to you, will be true and correct and will not contain any untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it is included by specific reference in VPSA's official statement or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading. You further agree to furnish to VPSA a copy of all filings related to your local school bond(s) you make with the MSRB subsequent to the date of this Agreement. Such copy will be furnished to VPSA on or before the day that any such filing is made.³

VPSA will advise you in writing within 60 days after the end of each fiscal year if you were a MOP as of the end of such fiscal year. Upon written request, VPSA will also advise you of your status as a MOP as of any other date. You hereby covenant that you will provide the certificate described in clause (e) of Section 5 below if VPSA includes Your Information by specific reference in its disclosure documents in connection with this sale or any future sale, whether or not you are a participant in such sale.

5. VPSA's commitment to purchase your local school bond is contingent upon satisfaction of the following conditions.
 - (a) VPSA's receipt on the Closing Date of
 - (i) your local school bond which shall include and otherwise meet the Standard Terms and Conditions contained in **Appendix A** hereto;

³ To provide you some perspective on this requirement, as of June 30, 2014, VPSA would have had to have pledged under its 1997 Resolution approximately \$271 million of your bonds for you to have been designated a MOP.

(ii) certified copies of the local resolution (see Appendix B attached hereto) and the school board resolution, if applicable (see Appendix C attached hereto);

(iii) an executed agreement, among VPSA, you and the other, if applicable, local units simultaneously selling their bonds to VPSA, the depository and the investment manager for the State Non-Arbitrage Program® ("SNAP®"), providing for the custody, investment and disbursement of the proceeds of your bonds and the other general obligation school bonds, and the payment by you and the other local units of the allocable, associated costs of compliance with the Internal Revenue Code of 1986, as amended, and any costs incurred in connection with your participation in SNAP® (the "Proceeds Agreement");

(iv) an executed copy of a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") in the form provided by VPSA's bond counsel;

(v) if you are a MOP and VPSA has included by specific reference Your Information into VPSA's Preliminary and final Official Statement, your certificate dated the date of the delivery of the VPSA Bonds to the effect that (i) Your Information was as of the date of VPSA's Preliminary and final Official Statements, and is as of the date of the certificate which shall be dated the closing date, true and correct and did not and does not contain an untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it is included by specific reference in VPSA's Official Statements or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading, and (ii) you have complied in all material respects with your undertakings regarding the amendments adopted on November 10, 1994 to Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, for the preceding five years;

(vi) an approving legal opinion from your bond counsel in form satisfactory to VPSA that:

(A) your local school bond is a valid and binding general obligation of the Locality;

(B) the current and expected use of the proceeds of your local school bond and the financed property by the Locality and the School Board of the Locality will not result in the local school bond being considered a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended;

(C) the terms and provisions of your local school bond conform to the requirements of this Bond Sale Agreement including the appendices attached hereto; and

(D) the Locality has duly authorized, executed and delivered this Bond Sale Agreement, the Continuing Disclosure Agreement, the Tax Compliance Agreement and the Proceeds Agreement, and the Continuing Disclosure Agreement, the Tax Compliance Agreement and the Proceeds Agreement are valid, binding and enforceable in accordance with their terms;

(vii) a transcript of the other customary closing documents not listed above; and

(viii) the proceeds of the VPSA Bonds.

(b) If you will be using the proceeds of your local school bond to retire a bond anticipation note, certificate of participation or other form of financing (the "Refunded Debt"), receipt by VPSA of:

(i) an opinion of your bond counsel that, as of the Closing Date, the Refunded Debt will have been paid in full or defeased according to the provisions of the instrument authorizing the Refunded Debt (in rendering such opinion bond counsel may rely on a letter or certificate of an accounting or financial professional as to any mathematical computations necessary for the basis for such opinion); and

(ii) an executed copy of the escrow deposit agreement/letter of instruction providing for the retirement of the Refunded Debt.

(c) Your compliance with the terms of this Bond Sale Agreement.

One complete original loose bound transcript (with tabs) of the documents listed above shall be provided by your counsel to McGuireWoods LLP, bond counsel to VPSA, on the Closing Date or, with VPSA's permission, as soon as practicable thereafter but in no event more than thirty (30) business days after the Closing Date.

6. [You hereby covenant that you will pay to VPSA the reasonable costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any amendment to or discretionary action that VPSA undertakes at the request of the Locality with respect to the local school bond, or the VPSA Bonds associated with the local school bond, and the Locality shall pay such amounts no later than 30 days after VPSA sends the Locality an invoice for such expenses.]
7. Subject to the conditions described in Section 4 hereto, this Bond Sale Agreement shall become binding as of the later of the VPSA Sale Date and the date you execute this Bond Sale Agreement.

Dated as of October 15, 2015.

VIRGINIA PUBLIC SCHOOL AUTHORITY COUNTY OF FREDERICK, VIRGINIA

By: _____
Authorized VPSA Representative

By: _____
Name: _____
Title: _____

DRAFT

M



BOARD OF SUPERVISORS

RESOLUTION FISCAL YEAR 2015-2016 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 September 9, 2015, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY 2015-2016 Budget be Amended to Reflect:

Airport Capital Fund Supplemental Appropriation in the Amount of \$3,588,459 and a General Fund Supplemental Appropriation in the Amount of \$63,818 (Local Funds). These Amounts Represent the FY16 Airport Capital Budget and the County Contribution Respectively.

Upon motion made by _____ and seconded by _____, the above was _____ by the following recorded vote:

Richard C. Shickle	_____	Robert W. Wells	_____
Charles S. DeHaven, Jr.	_____	Jason E. Ransom	_____
Gary A. Lofton	_____	Gene E. Fisher	_____
Robert A. Hess	_____		

A COPY ATTEST:

Brenda G. Garton
Clerk, Board of Supervisors
County of Frederick, Virginia

Resolution - Fiscal Year 2015-2016 Budget Amendment
Board of Supervisors Meeting of September 9, 2015
Page 2

Res. No.: 017-15

cc: Cheryl B. Shiffler, Finance Director
C. William Orndoff, Jr., Treasurer
Serena R. Manuel, Airport Director

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5. The Assistant County Administrator requests a General Fund budget transfer in the amount of \$85,900 from unallocated budget funds. This amount represents anticipated building maintenance expenses for the soon to be acquired Millwood Fire Station. See attached information, p. 9 – 11. The committee recommends approval.
6. The Frederick County Circuit Court Clerk requests a General Fund supplemental appropriation in the amount of \$43,243. This amount represents salary and fringes required to hire a Deputy Clerk-Operations. Of this amount, \$32,330 will be reimbursed by the State Compensation Board. The position has been approved by the HR Committee. Local funds are required. See attached memo, p. 12 – 13. The committee recommends approval.
7. The Red Bud District Supervisor requests a General Fund supplemental appropriation in the amount of \$19,000. This amount represents the County share of a \$200 per month salary supplement for the 19 clerks of the General District Court and the Juvenile and Domestic Relations Court for the remaining ten months of FY16. Local funds are required. See attached request and the City's response to the request, p. 14 – 17. The committee recommends denial.
8. The Winchester Regional Airport Authority requests a public hearing for an Airport Capital Fund supplemental appropriation in the amount of \$3,588,459 and a General Fund supplemental appropriation in the amount of \$63,818 (local funds). These amounts represent the FY16 Airport Capital budget and the County contribution respectively. See attached information, p. 18 – 25. The committee recommends holding a public hearing on September 9, 2015.
9. The Parks and Recreation Commission requests the donations received in FY15 for the PLAY Fund in the amount of \$7,384.50 be reserved, subject to future appropriations. The balance will be reduced by the financial assistance provided during FY15 in the amount of \$452.25. No local funds required. See attached memo, p. 26 – 31. The committee recommends approval.



WINCHESTER REGIONAL AIRPORT

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

August 6, 2015

Cheryl Shiffler, Finance Director
County of Frederick
107 North Kent Street
Winchester, Virginia 22601

RE: FY 2016 Capital Budget Request
Winchester Regional Airport Authority

Dear Ms. Shiffler: *Cheryl*

Enclosed is the Winchester Regional Airport budget request for the Capital Budget for FY 2016.

The Winchester Regional Airport Authority will begin the annual financial audit process for FY 2015 performed by Robinson, Farmer Cox Associates of Charlottesville, Virginia sometime over the next several months. Upon completion of the audit, we will immediately mail the year-end financial statement to your office.

As established in the enabling legislation, contributions from the member jurisdictions of Clarke, Shenandoah and Warren Counties are earmarked for capital improvements only. The County of Frederick and the City of Winchester contribute monies to the operating budget in addition to the remaining local funds needed to balance the local funding levels in the capital budget.

Given the economic hardships of Federal, State and local government with projected revenue shortfalls we have been working diligently with the Federal Aviation Administration and the Virginia Department of Aviation in developing a capital budget program for FY 2016 to maximize grant funding to include only critical development projects.

The funding participation and continued support provided by the County of Frederick is invaluable and vital to the continued success of Winchester Regional Airport's operations and capital development program. The County's contribution to the Airport Authority and their ongoing support ensures continued success in acquiring Federal and State funding for large capital improvement projects.

Should you have any questions or need additional copies, please do not hesitate to contact my office.

Sincerely,

Serena R. Manuel
Executive Director

Enclosures

Winchester Regional Airport

The Winchester Regional Airport is a 425+ acre, all weather, 24 hour general aviation airport with a 5,500 -foot runway located southeast of the Route 50 interchange of Interstate 81. The facility currently has 75 tie down spaces, one 12,000 square foot public clear span hangar, 52 t-hangars and six private corporate hangars. Based aircraft average over 120 and range in size from single engine to corporate business jets. Services available include 24-hour U.S. Customs and Immigrations, 24-hour on call line service, rental car service, aviation fuels, automated weather observation system, computerized weather and flight planning equipment and a full precision instrument landing system that allows pilots all weather access.

The Virginia General Assembly formed the Winchester Regional Airport Authority on July 1, 1987. The Authority consists of representatives from the Counties of Frederick, Clarke, Warren, Shenandoah and the City of Winchester. It is a vital component of economic development attracting new industries/businesses to the region while enhancing existing industries/businesses. Within the legislation funding formulas were established for each participating jurisdiction.

To date, approximately \$40 million dollars have been invested in Airport capital improvements, equipment, and promotions through funding received from the Federal Aviation Administration, Virginia Department of Aviation and funding support from the member jurisdictions.

Collaborating with Frederick County and the Virginia Department of Transportation, the Authority has also made improvements to primary access roads to the airport. In addition, the Airport Authority gained a little more land to develop corporate hangars. Sewer and water service has also been established in the Airport area.

Future development plans include land acquisition projects along Bufflick Road of parcels that infringe on aircraft approach surfaces that need to be acquired for navigation safety and development of the northern side of the runway. Five properties have been acquired to date with approximately ten to twelve parcels left to be acquired.

A major capital improvement project Rehabilitate and Relocate South Apron ramp to meet FAA safety design standards is in progress. The project is part of the major taxiway relocation project that will be accomplished in phases over multi-years due to funding and the size of the overall project. This \$3.6 million dollar project was funded by the FAA/Virginia Department of Aviation/member jurisdictions on 95/3/2 basis.

The Airport Authority owns and operates the facility with eleven staff members with a current annual operating budget of over \$2 million providing 24 hour service and security. Six staff members provide airside service and five staff members work in administration. Administrative staff members are responsible for all aspects of airport operations to include backup for airside service personnel, airfield lighting, pavement surfaces, snow removal, mowing, maintenance of airport owned buildings, monitoring of on airport activity, budget preparation, accounting functions, compliance with FAA regulations, grant application, ensuring compliance with Minimum Standards Rules and Regulations, compliance with Code of Virginia, compliance with local jurisdiction's rules and regulations, economic development, promotional events, staff training, establishment of emergency procedures, airport security and monitoring of navigational equipment. Salaries remained at FY 2009 funding levels until FY 2014 when merit increases were awarded on an average basis of 3% per person. In the interim slight increases were given to try to offset impact to employee's pay when legislation changed the employee funding participation level in the VSRS program.

Approximately 71% of all operating revenue is generated from the sale of fuel in addition to revenue from lease of land, hangars and offices. The remaining operating revenue to balance the operating budget is contributed by the City of Winchester and the County of Frederick.

Capital monies are received from the counties of Clarke, Warren and Shenandoah with the difference funded by Frederick County and the City of Winchester to cover local shares on capital improvement projects.

Through the support of the member jurisdictions, the Winchester Regional Airport will continue to evolve into a modern first class regional air transportation facility benefiting economic development in meeting the needs of existing industry and business growth and aiding in the attraction of new industries and commercial businesses to the region.



Winchester Regional Airport Authority

BUDGET PROPOSAL

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2014 published 1/27/2015

FY 2016 - Proposed Budget - Amendment 01

CAPITAL IMPROVEMENT FUND

Original Submission:		Amendment 01:	
County of Frederick		August 7, 2015	
City of Winchester		August 7, 2015	
Counties of Clarke, Shenandoah & Warren	December 4, 2014		
	December 5, 2014		

FY 2016 CAPITAL IMPROVEMENTS FISCAL YEAR BUDGET REQUEST

AIRPORT AUTHORITY CAPITAL OUTLAY

ACQUIRE LAND - BUFFLUCK ROAD:

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

NORTH SIDE CONNECTOR - BIDDING & CONSTRUCTION PHASE:

This project proposes to design/ construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

	FY 2014 BUDGET	FY 2015 BUDGET	FY 2016 BUDGET
COSTS:			
Personnel	0	0	0
Operating	0	0	0
Capital	4,959,210	5,070,000	3,588,459
TOTAL	4,959,210	5,070,000	3,588,459

GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

	FY 2014 BUDGET	FY 2015 BUDGET	FY 2016 BUDGET
REVENUES:			
Other Jurisdictions	103,616	39,118	28,652
State/Federal	4,633,276	4,950,600	3,495,989
County Funding	222,318	80,282	63,818
TOTAL	4,959,210	5,070,000	3,588,459

FY 2016 - CAPITAL IMPROVEMENT EXPENDITURES

August 7, 2015

Winchester Regional Airport

Description			DETAIL AMOUNT	TOTAL AMOUNT
	North Side Connector - Design Phase	North Side Connector - Design Phase	\$275,000	\$275,000
	General Aviation Terminal Building Study	Study to determine economic feasibility of renovation vs new structure	\$65,000	\$65,000
	Rehab & Relocate South Apron - Construction Phase	Project in progress at end of FY 2015 - balance encumbrance brought forward to FY 2016	\$1,717,816	\$1,717,816
	Environmental Assessment	Project in progress at end of FY 2015 - balance encumbrance brought forward to FY 2016	\$127,393	\$127,393
	Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	Acquire land Bufflick Road	\$155,000	\$155,000
	Acquire Land - Parcel 64 A 67: Nesselrodt, Richard	Acquire land Bufflick Road	\$275,000	\$275,000
	Acquire Land - Parcel 64B A 33A: Beaver	Acquire land Bufflick Road	\$175,000	\$175,000
	Acquire Land - Parcel 64 A 63: Fishel	Acquire land Bufflick Road	\$136,250	\$136,250
	Acquire Land - Parcel 64 A 70: Marston and Haynes	Acquire land Bufflick Road	\$250,000	\$250,000
	Acquire Land - Parcel 64 A 71: Marston and Haynes	Acquire land Bufflick Road	\$50,000	\$50,000
	Acquire Land - Parcel 64 A 69: Robertson	Acquire land Bufflick Road	\$212,000	\$212,000
	Professional Services - Capital Projects	Various legal services, independent fee estimates on Federal projects, etc.	\$100,000	\$100,000
	State Eligible Annual Maintenance Repairs	General Repairs	\$35,000	\$35,000
		F & E repairs, lighting supplies, etc	\$15,000	\$15,000
	TOTAL		\$3,588,459	\$3,588,459

FY 2016 - AMENDED CAPITAL IMPROVEMENT REVENUES

Winchester Regional Airport

August 7, 2015

REVENUE SOURCE

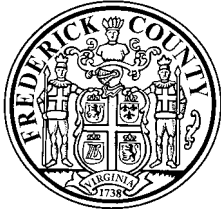
Description		FEDERAL	STATE	LOCAL	TOTAL
North Side Connector - Design Phase	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
General Aviation Terminal Building Study	80/20 State/Local	0	52,000	13,000	65,000
Rehab & Relocate South Apron - Construction Phase	90/8/2 FAA/State/Local	1,546,035	137,425	34,356	1,717,816
Environmental Assessment	90/8/2 FAA/State/Local	114,653	10,191	2,548	127,393
Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	90/8/2 FAA/State/Local	139,500	12,400	3,100	155,000
Acquire Land - Parcel 64 A 67: Nesselrodt, Richard	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
Acquire Land - Parcel 64B A 33A: Beaver	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64 A 63: Fishel	90/8/2 FAA/State/Local	122,625	10,900	2,725	136,250
Acquire Land - Parcel 64 A 70: Marston and Haynes	90/8/2 FAA/State/Local	225,000	20,000	5,000	250,000
Acquire Land - Parcel 64 A 71: Marston and Haynes	90/8/2 FAA/State/Local	45,000	4,000	1,000	50,000
Acquire Land - Parcel 64 A 69: Robertson	90/8/2 FAA/State/Local	190,800	16,960	4,240	212,000
Professional Services - Capital Projects	90/8/2 FAA/State/Local	90,000	8,000	2,000	100,000
State Eligible Annual Maintenance Repairs	Funding 80/20 State/Local	0	28,000	7,000	35,000
	Annual State allotment	0	12,000	3,000	15,000
Total Revenue Breakdown		3,126,113	369,876	92,470	3,588,459

Local Revenue Breakdown	
Contribution Clarke County	2,500
Contribution Warren County	0
Contribution Shenandoah County	5,000
Frederick Co/City of Winchester	84,970
Local Revenue	92,470

County	City
75.1%	24.9%
63,818	21,152

	County Population	City Population	Total Population
**Population figures based on Weldon Cooper estimates for 2014 published 1/27/2015	82,059	27,200	109,259
FY 2016 Percentages for funding	75.1%	24.9%	

N



WAIVERS and SUBDIVISION REQUEST
SUBDIVISION #02-15 FOR JACKSON'S RETREAT
Staff Report for the Board of Supervisors
Prepared: August 28, 2015
Staff Contact: Mark R. Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist in the review of this application. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	08/19/15	Recommended Approval of Waivers
Board of Supervisors:	09/09/15	Pending

LOCATION: The property is located 0.20 miles east of the intersection of Launchris Drive and Jones Road.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 62-A-50

PROPERTY ZONING & PRESENT USE: RP (Residential Performance) District
Land Use: Vacant

ADJOINING PROPERTY ZONING & USE:

North: RP (Residential Performance)	Use: Residential
South: RP (Residential Performance)	Use: Residential
East: RP (Residential Performance)	Use: Residential
West: RP (Residential Performance)	Use: Residential

EXECUTIVE SUMMARY: There was no Master Development Plan so the subdivision design plan is presented as information. This proposed subdivision of nine (9) lots utilizes the RP Zoning District dimensional requirements of the single-family detached rural traditional housing type; in particular, the minimum lot size of 100,000 square feet. The proposed subdivision will be accessed from Launchris Drive (Route 1120): This proposed subdivision is located outside the UDA and SWSA as indicated in the 2030 Frederick County Comprehensive Policy Plan, but the existing RP zoning permits the subdivision.

The Planning Commission at its August 19, 2015, meeting recommend approval of two (2) waiver requests for this subdivision.

- Elimination of §144-18 (A) (1) Sidewalks and pedestrian walkways (Board waiver)
- Elimination of §144-19 Streetlights (Board waiver)

For this subdivision design plan to be approved by staff, two (2) waiver requests are needed to be granted by the Board of Supervisors:

- §144 -18 (A) (1) Sidewalks and pedestrian walkways specifies that: **Sidewalks shall be installed along both sides of all local streets in any subdivision located in the RP (Residential Performance), R-4 (Residential Planned Community), R-5 (Residential Recreational Community) Districts, and residential areas in the MS (Medical Support) Districts. The surrounding residential subdivision does not have these improvements.**
- §144-19 Streetlights specifies that: **Streetlights of adequate type and intensity shall be required to promote public health and safety in any subdivision located in the RP (Residential Performance), R-4 (Residential Planned Community) R-5 (Residential Recreational Community) Districts and residential areas in the MS (Medical Support) Districts. The surrounding residential subdivision does not have these improvements.**
-

An action regarding the two (2) waivers from the Board of Supervisors is requested. Should the Board of Supervisors approve the two (2) waivers. Staff is prepared to administratively approve this subdivision.

SUBDIVISION SPECIFICS: Subdivision of 24.85+/- acres into nine (9) single-family detached rural traditional lots (maximum area of 100,000 square feet each).

REVIEW AGENCY COMMENTS:

Department of Transportation: *Please see attached email dated July 1, 2015 from Arthur R. Boyce, III, Land Development Engineer*

Frederick County Fire Marshall: Plans approved

Inspections: Dwellings shall comply with The Virginia Uniform Statewide Building Code (USBC) and The International Residential 2012 Codes. Engineer Design required on all foundation and/or slabs with greater than 8" fill or 24" clean sand/gravel. All garage slabs in excess of allowed fill required an engineered design as well. An approved sewage disposal system is required as approved by the Virginia Health Department. Grade shall be sloped away from foundations a minimum 6" in 10'. Any retaining walls in excess of 3' of unbalanced fill requires engineering and a building permit.

Parks and Recreation: Park and Recreation requirements appear to be met.

GIS: *Please see attached letter dated April 13, 2015 from Kyle Schwizer, GIS Technician.*

Frederick County Public Schools: No comments.

Planning Staff Review:

Public Meeting Requirement

The Subdivision Ordinance requires that land divisions in the RP (Residential Performance) Zoning District, without an approved Master Development Plan (MDP) be presented to the Board of Supervisors (Chapter 144-12-E). The MDP requirement may be waived under Section 165-801.03A of the Frederick County Zoning Ordinance provided:

- 1) A proposed subdivision contains ten (10) or less traditional detached single-family dwelling units.
- 2) The proposed subdivision is not an integral portion of a property proposed or planned for future development.
- 3) The proposed subdivision is harmonious with the surrounding properties and land uses.
- 4) The proposed subdivision does not affect the intent of the Frederick County Zoning Ordinance, and Code of Frederick County Chapter 144; Subdivision of Land.

This proposed subdivision appears to meet the requirements for a waiver from the MDP requirements. The applicant has been granted a waiver of the MDP requirements. This project contains land zoned RP and does not have an approved MDP; therefore, Planning Commission and Board of Supervisors review is necessary.

Background

The subject 24 acre subdivision is part of the original Dav-Mar Village Subdivision. The Board of Supervisors approved the Dav-Mar Village Subdivision on August 16, 1976. This subdivision was developed under the R-2 (Residential Limited) Zoning District, with lots of 1.0+/- acres in size. These lots were on private health systems and wells. This subdivision was approved for a total of 49 lots, within three (3) sections. A total of 31 lots have been platted within Sections 1 & 2. Section 3 was not created, the subject Jackson Chase subdivision is in the land identified as Section 3.

Frederick County amended its ordinance in 1989 to change the R-2 Zoning Districts to the current RP Zoning District; with new lot dimensional requirements. One of lot types is the single-family detached rural traditional, with minimum lot area of 100,000 square feet. This proposed subdivision (Exhibit "A") will create nine (9) single-family detached rural traditional lots. These proposed lots are allowed in the RP Zoning District, and will be served by private health systems and wells.

Requested Waivers

The Frederick County Subdivision Ordinance requires that RP subdivisions must provide: sidewalks and streetlights. The applicant has sought an exception from these requirements, as Sections 1 & 2 of the Dav-Mar subdivision does not have the identified improvements. The adjacent subdivisions of similar size do not have these identified improvements. Therefore, the applicant has requested a waiver of the improvements.

- §144 -18 (A) (1) Sidewalks and pedestrian walkways specifies that: **Sidewalks shall be installed along both sides of all local streets in any subdivision located in the RP (Residential Performance), R-4 (Residential Planned Community), R-5 (Residential Recreational Community) Districts, and residential areas in the MS (Medical Support) Districts.**
- §144-19 Streetlights specifies that: **Streetlights of adequate type and intensity shall be required to promote public health and safety in any subdivision located in the RP (Residential Performance), R-4 (Residential Planned Community) R-5 (Residential Recreational Community) Districts and residential areas in the MS (Medical Support) District.**

STAFF RECOMMENDATION FOR AUGUST 19, 2015 PLANNING COMMISSION

MEETING: This proposed subdivision of nine (9) lots complies with the dimensional requirements of the single-family detached rural traditional housing type; in particular, the minimum lot size of 100,000 square feet. 100,000 sq. ft. lots are not required to have curb and gutter. This proposed subdivision will be accessed directly onto Lauchris Drive (Route 1120); this proposed subdivision is located outside the UDA and SWSA as indicated in the 2030 Frederick County Comprehensive Policy Plan.

The subdivision design plan does have two (2) waiver requests. When considering the waiver requests, the Planning Commission should consider the surrounding properties and their existing improvements. A recommendation from the Planning Commission to the Board of Supervisors regarding the two (2) waiver requests is desired.

Action on two items would be appropriate:

- Elimination of §144-18 (A) (1) Sidewalks and pedestrian walkways (Board waiver)
- Elimination of §144-19 Streetlights (Board waiver)

PC Summary 8/19/15 – Waivers and Subdivision Request

Staff gave a brief overview of the proposed subdivision of nine (9) lots with the dimensional requirements of the single-family detached rural traditional housing type; in particular, the minimum lot size of 100,000 square feet. Staff explained the subdivision design plan has two (2) waiver requests:

- Elimination of §144-17 (L) Curb and Gutter (Board waiver)
- Elimination of §144-18 (A) (1) Sidewalks and pedestrian walkways (Board waiver)
- Elimination of §144-19 Streetlights (Board waiver)

Note: Elimination of §144-17 (L) Curb and Gutter (Board waiver) it should be noted that curb and gutter is not required in this development, as curb and gutter is only, required for lots smaller than 15,000 sq. ft.

A Commission Member inquired what the applicant has done in regards to stormwater runoff. The applicant came forward to offer comments regarding the issues raised by the citizens and Commission Members. He explained he has to meet County and the State requirements for stormwater management. Each lot will have a bio-retention pond to handle runoff from roof drains, driveways, etc... These ponds will hold water and are constructed to allow the water to

seep back into the ground. The applicant noted there will be two ponds built considerably larger than the others to hold road water. He continued, once complete, these ponds will be hardly noticeable and will resemble a mulched area with trees and shrubs. He intends for this to help with ground water in the replenishing of existing wells. He noted the bio-retention ponds are a fairly new concept and are part of the new State regulations to assist in resolving issues regarding stormwater runoff. The applicant addressed the concern of blasting rock in the area. He explained he has no intension of using dynamite. He stated he has laid the grade of the roads and there are not any deep cuts that would require blasting. He does not intend to use blasting in order to keep the level of force down for existing homeowners.

A Commission Member has viewed the property and feels it will be a very nice subdivision once complete. He inquired when the entrance is cut will it be fairly flat. The applicant explained the only place there will be a steep cut is near lot 8, basically in the center of the project.

He reiterated he will not use any dynamite for road building on this property. He noted after a lot is sold he has no control if someone blasts for a basement on their property. A Commission Member stated the condition of no blasting could be placed in the covenants if felt that strongly about. The applicant stated he does not see the need for blasting.

A Commission Member inquired if the large trees on the property are being considered and will they be saved. The applicant explained he has moved the road right-of-way to accommodate many of the large trees on the property. The applicant explained the drainage easement on lot 4 and noted in that area there will be one of the largest bio-retention ponds constructed on the property. A Commission Member suggested the applicant meet with neighbors and iron out some of the issues brought forth. The applicant agreed to do so and noted he intends on keeping the covenants the same in regards to the size of the homes and materials that will be used.

A Commission Member noted the citizens bring legitimate concerns and these concerns need to be passed on to the Board of Supervisors for their review.

A Commission Member recommended approval of the three (3) waiver requests, this was seconded, and unanimously approved.

Absent: Wilmot, Thomas, Marston, Dunlap, Molden

Citizen Comments

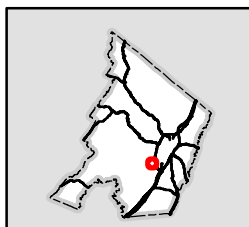
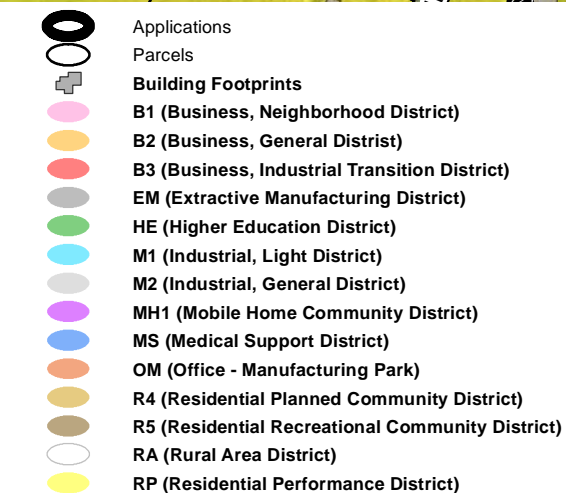
During the Public Comment portion of the meeting there were five citizens that spoke in regards to Subdivision #02-15 for Jackson's Retreat. The concerns that were raised by these citizens were: stability of existing wells and what protection the existing homeowners have; water runoff onto the existing properties; stability of existing foundations due to rock blasting that may occur. Two citizens inquired if restrictions would be applied to protect wells in regards to swimming

Waivers and Subdivision Request
Subdivision #02-15 for Jackson's Retreat
August 28, 2015
Page 7

pools and sprinkler systems. One citizen asked what is the timeframe for this development and how large will the houses be. There were no further comments at this time.

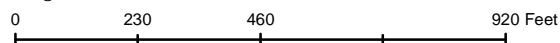
PINs:
62 - A - 50
144.18 Sidewalk
144.19 Streetlight

144.19 Streetlight

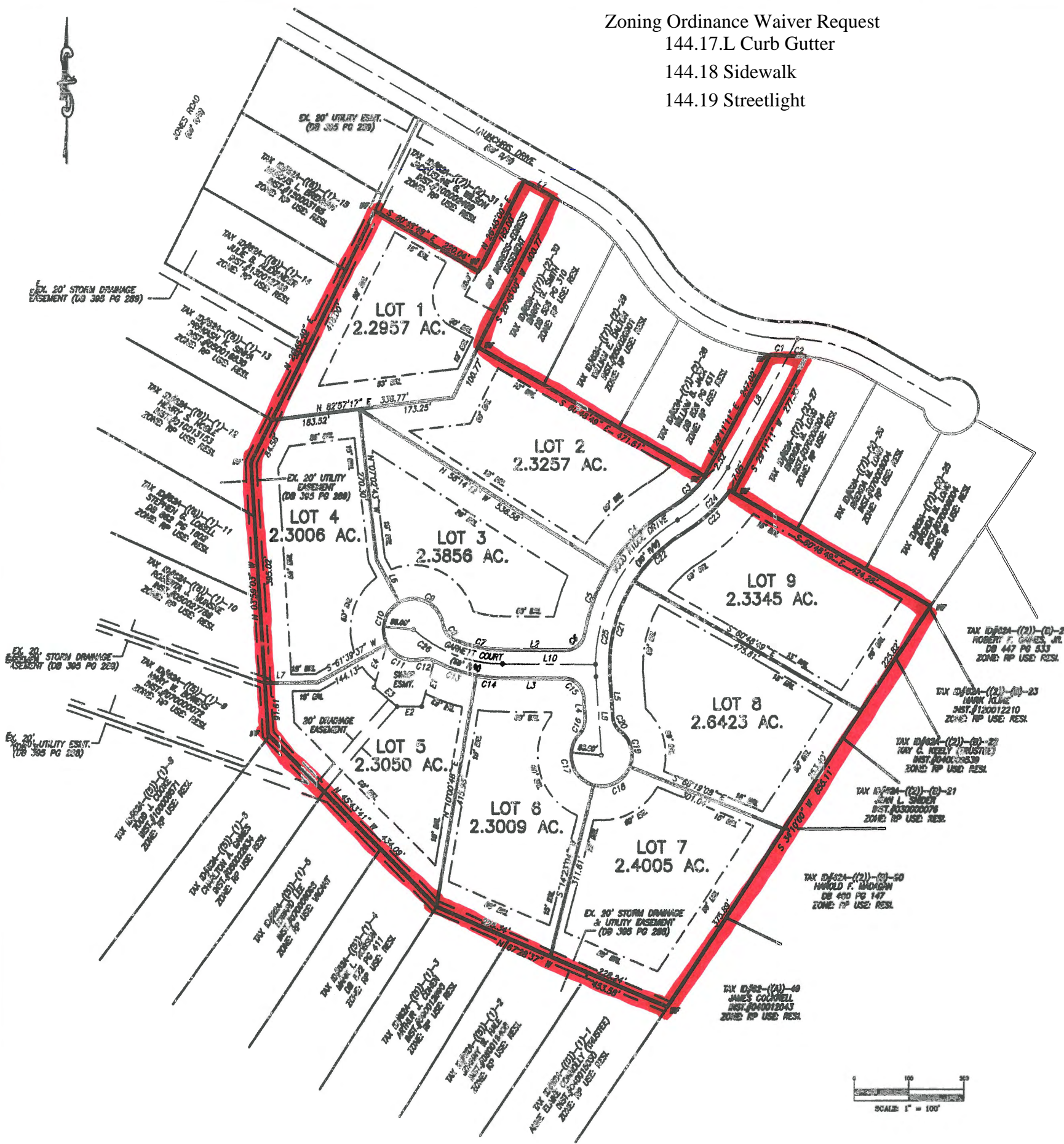


PINs:
62 - A - 50
144.18 Sidewalk
144.19 Streetlight

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: April 6, 2015
Staff: mcheran



Zoning Ordinance Waiver Request
144.17.L Curb Gutter
144.18 Sidewalk
144.19 Streetlight



EXISTING LOT DATA

LINE	BEARING	DISTANCE
L8	S 28°11'11" W	282.77'
L9	S 04°09'16" E	140.34'
L10	S 09°59'34" W	108.10'

EXISTING CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C24	250.00'	131.00'	133.97'	S 44°12'21" W	30°02'18"
C25	300.00'	331.85'	315.16'	S 37°32'07" W	63°22'48"
C26	250.00'	178.40'	174.84'	N 09°33'30" W	49°53'12"

- NOTES:**
- NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
 - NO PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON F.I.R.M. PANEL #51089C-0215-D, DATED SEPTEMBER 2, 2006.
 - CURRENT ZONING: RP
 - HOUSING TYPE: SINGLE-FAMILY DETACHED RURAL TRADITIONAL
 - SETBACKS: FROM ROAD RIGHT-OF-WAY = 60'
SIDE = 15'
REAR = 50'
- ABBREVIATIONS:**
IRF = IRON REBAR FOUND
BRL = BUILDING RESTRICTION LINE
RESL = RESIDENTIAL
RP = RESIDENTIAL PERFORMANCE
SWMP = STORM WATER MANAGEMENT POND

EXISTING LOT DATA

LINE	BEARING	DISTANCE
E1	S 18°41'34" W	84.38'
E2	S 28°00'40" W	48.14'
E3	N 09°48'34" W	54.13'
E4	N 10°59'10" E	80.71'

EXISTING LOT DATA

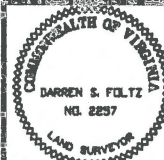
LINE	BEARING	DISTANCE
L1	S 07°48'48" E	60.00'
L2	S 09°39'34" W	113.14'
L3	S 09°39'34" W	111.81'
L4	N 07°00'18" W	36.41'
L5	N 07°00'18" W	73.80'
L6	N 09°39'34" W	84.38'
L7	S 09°39'34" W	88.49'

AREA TOTALS:
R/W DEDICATION = 1.7126 ACRES
LOT 1 = 2.2957 ACRES
LOT 2 = 2.3257 ACRES
LOT 3 = 2.3856 ACRES
LOT 4 = 2.3006 ACRES
LOT 5 = 2.3050 ACRES
LOT 6 = 2.3009 ACRES
LOT 7 = 2.4005 ACRES
LOT 8 = 2.6423 ACRES
LOT 9 = 2.3345 ACRES
TOTAL AREA = 23.0034 ACRES

EXISTING CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	34.80'	34.80'	N 07°38'14" E	06°21'18"
C2	270.00'	30.00'	30.00'	S 07°33'39" E	06°30'39"
C3	220.00'	84.38'	83.04'	S 48°28'18" W	51°28'31"
C4	300.00'	154.77'	154.20'	N 45°28'30" E	27°27'43"
C5	300.00'	154.77'	154.20'	N 30°40'30" E	27°10'30"
C6	30.00'	48.14'	48.14'	S 40°47'33" W	60°53'11"
C7	220.00'	81.03'	80.41'	N 78°34'59" W	33°10'34"
C8	30.00'	36.41'	33.78'	N 38°00'00" W	07°30'01"
C9	60.00'	104.08'	88.78'	S 43°01'28" E	100°21'44"
C10	60.00'	68.85'	77.50'	N 16°35'39" E	08°48'08"
C11	60.00'	73.81'	67.90'	N 09°28'19" W	78°19'44"
C12	30.00'	23.44'	24.50'	S 63°48'31" E	41°38'31"
C13	270.00'	81.78'	81.34'	N 71°25'24" W	17°01'37"
C14	270.00'	48.10'	48.03'	N 04°50'48" W	10°01'14"
C15	30.00'	36.44'	47.87'	S 47°04'31" E	68°51'10"
C16	30.00'	28.44'	28.59'	S 19°38'28" W	48°17'33"
C17	60.00'	114.44'	65.09'	N 19°47'28" W	116°37'03"
C18	60.00'	78.30'	72.67'	S 03°01'59" W	62°42'13"
C19	60.00'	71.05'	68.22'	S 19°18'34" E	74°01'31"
C20	30.00'	28.44'	28.59'	N 28°14'58" W	48°17'33"
C21	270.00'	178.05'	173.02'	N 14°17'28" E	36°50'46"
C22	270.00'	127.35'	126.23'	N 45°37'35" E	22°31'57"
C23	270.00'	110.58'	108.81'	S 47°43'28" W	23°08'03"

Foltz Land Surveying, Inc.
P.O. Box 23 Stephens City, Virginia 22655
Phone #: 540-323-1497 Fax #: 540-868-2963
email: foltz@visualink.com



GEOMETRIC PLAN
REVISED: APRIL 7, 2015

SUBDIVISION DESIGN PLAN
JACKSON'S RETREAT
BACK CREEK MAGISTERIAL DISTRICT,
FREDERICK COUNTY, VIRGINIA

Pam Foltz

From: Boyce, Arthur (VDOT) <Bobby.Boyce@VDOT.Virginia.gov>
Sent: Wednesday, July 01, 2015 7:07 AM
To: 'Pam Foltz'
Cc: Funkhouser, Rhonda (VDOT); Smith, Matthew, P.E. (VDOT); 'Mark Cheran'; 'cperkins@co.frederick.va.us'; 'jwilder@co.frederick.va.us'
Subject: Frederick County - Route 1120 - Jackson's Retreat Subdivision

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development
14031 Old Valley Pike
Edinburg, VA 22824

Dear Mr. Foltz:

We have reviewed your above referenced construction plan dated April 7, 2015. Our comments are as follows:

General

1. Use the latest version of the Subdivision Checklist with the revised and future submittals.
2. The average daily traffic for the pavement design should be 90 to include the Jack lot on Wood Ridge Drive.
3. Note on the plans the two approved connectivity requirement exceptions for multiple connections and connecting to a stub-out.
4. Sign and date the professional stamps throughout plan set.
5. Include design engineer's name, address, & phone number on title sheet.
6. Note the latest revision date for the VDOT General Notes.
7. Indicate how onsite parking is going to be addressed.
8. Provide geotechnical design information if available at this time. A soil analysis will be required to substantiate the preliminary pavement design.
9. Will a lot grading plan with house, well, and septic locations be available for review with the road construction plans?

Plan Sheet

10. A 45 foot pavement radius should be used on the cul-de-sacs, if standard 65 passenger school buses are expected to use by the County. This 30' minimum radius may be used only if approved by Frederick County Emergency Services (for fire trucks) and School Board Office (buses).
11. Show existing road Launchris Drive (Route 1120) spot elevations of both EPs and centerline at 25' intervals near connection.
12. Label Jones Road as Route 621 and provide a centerline to centerline reference to proposed Wood Ridge Drive to the nears 0.01 mile.
13. Show sight distance triangles, profiles, and trees/vegetation that need to be removed (east of the proposed street connection).
14. Continue roadway centerline stationing beyond the cul-de-sac center to the right-of-way line.
15. Show existing posted speed limit for Route 1120 and proposed speed limit signs on Wood Ridge Drive.
16. Entrance culverts must be a minimum 15" or equivalent.
17. Due to the minimal ditch depth and narrow shoulder width, provide a scaled entrance detail for the proposed Standard PE-1's and show them on the plans. All entrance grades shall start at back of shoulder line to maintain positive drainage away from the roadway pavement. The ditch may be moved back to provide at least 9" of cover over pipes. May want to

- consider maintaining a consistent offset instead of meandering back and forth since this is a higher density than rural farm land. The minimum culvert length of 30' shall be increased to obtain minimum entrance widths if necessary.
18. All private entrances should be installed by the contractor during road construction to ensure proper installation.
 19. Specify private entrance radii and width if the optional 12' radius is anticipated for this higher density lower speed roadway.
 20. Include Erosion and Sediment Control Plan Sheets and show any temporary or permanent erosion control measures.
 21. The existing stub-out entrance to Lot #1 should be paved at least to the back of the radius.
 22. Label the private road to Lot #1 and upgrade the entrance to include asphalt pavement.
 23. Show proposed utility crossings. Locate parallel utilities off the proposed right-of-way.
 24. Consider 10' slope and drainage easements along all property lines and 20' on road frontage.

Typical Sections

25. Typical road cross section is not to 1"=10' scale as labeled.
26. Woodridge Drive should have 90 ADT.
27. Show clearzone on typical section.
28. We recommend gentler 3:1 cut and fill slopes for stability and to promote homeowner maintenance of slopes and ditches.
29. Note that pavement design is preliminary until substantiated by an approved soil analysis.
30. Prime coat should be RC-250 and include 25 lbs./S.Y. #78 aggregate cover material.
31. The proposed 2' shoulder should be 8" 21-B where stabilized with prime and double seal.
32. Show on typical section and include VDOT Std. WP-2 detail in plan set.
33. Provide cross sections on 25' intervals starting at Culvert #1 to Station 1+00. Show existing ground line, proposed finished grade, right-of-way, edge of pavement, etc...

Profile

34. The scale for the roadway profile should be 1"=25' horizontal and 1"=5' vertical.
35. A landing, having a minimum of 50' in length and a maximum vertical grade of 2%, should be provided at each intersection.
36. Label culvert size, type, and invert on profile.
37. Extend ground line 100' minimum beyond tie-in.
38. Show locations of required cross drains Standard CD-1&2's (bottom of sag verticals, cut fill interfaces, intersections) and EW-12's.

Drainage

39. Are there any restrictive covenants, conservation easements, or local ordinances that will prevent owners or builders/developers from removing existing vegetation from the proposed building lots?
40. Since a large percentage (84.4%) of the drainage areas are shown to remain wooded and continue to have the same roughness coefficient for shallow sheet flow (woods with light underbrush), these areas should be marked on the plans and designated to remain undisturbed. If this is the case, how will these wooded areas be protected from disturbance and who will monitor and enforce this restriction?
41. Does the time of concentration decrease for the developed condition.
42. Overland flow should be limited to 200 feet per VDOT Drainage Manual.
43. Well and septic areas should be shown on the plans.
44. Show the outlet velocities for the culverts.
45. Outlet protection culverts should be VDOT Standard EC-1. Specify riprap size Class A1, I, II and minimum depth per EC-1 and length Type A or B.
46. Please verify the drainage area for Culvert #1. There appears to be a hollow draining to the end of the cul-de-sac of Launchrls Drive between the two existing driveways. It appears to drain to the Culvert #1 side of the cul-de-sac.

47. The 10-year design headwater elevation for Culvert #1 should be a minimum of 18 inches below the outer edge of the shoulder at its lowest point in the grade.
48. What impact will the water from Wood Ridge Drive ditchline have on Launchris Drive shoulders and Culvert #1 when it has to make a 130 degree turn to enter Culvert #1?
49. Groove end projecting is use in the calculations for Culvert #1, but there is no detail and/or note to ensure contractor installs the groove end and the length is 7 ½ joints long. How will this be addressed?
50. Verify that the other cross culverts have Groove end projecting as shown in calculations.
51. Provide a detailed culvert and channel analysis of the ditchline downstream of Culvert #1 all the way to the existing paved ditch. Cross sections should be shot every 25' and include culverts, right-of-way lines, and drainage easements if existing. Check capacity and lining.
52. What is the proposed ditch grade on the outlet end of Culvert #1? Check contour lines in this area.
53. There is a double 18" CMP crossing under the existing private road accessing Lot #1. What is the capacity of this culvert and will overtopping of the entrance enter the existing residence on 62A-((7))-(2)-31?
54. The cross culvert under the private road to Lot #1 should have the minimum required cover for the pipe type and 18 inches of freeboard below the edge of shoulder on the low-point of the road.
55. It appears in the field that some water from Drainage Area "D" may drain down the existing private road to 62A-((7))-(2)-31 and 62A-((7))-(2)-16. The structures on these lots appear to be constructed in the natural drainage swale and should be evaluated for impacts from a 100-year storm.
56. Finished floor elevations should be obtained on the structures on 62A-((7))-(2)-31 and 62A-((7))-(2)-16.
57. Lot 62A-((7))-(2)-16 appears to be constructed in the natural drainage swale but has a false berm constructed along Launchris Drive. The backwater should be evaluated along the false berm and at the existing 36" driveway culvert.
58. The existing 12" culvert Offsite Point #2 (post-development) does not maintain 18 inches of freeboard and H_w/D is greater than 1.5.

Please revise and resubmit 2 copies of the site plan for re-evaluation and/or approval. If the resolution does not concur with our comments, an explanation and adequate information/support for our evaluation must be given for review. Mark all changed items with a highlighter on 1 of the 2 sets. Large revised areas need only be circled with a highlighter. If you have any questions or need further information, please do not hesitate to give me a call at (540) 984-5631.

Sincerely,

Arthur R. Boyce, III

Arthur (Bobby) R. Boyce, III
Land Development Engineer
Clarke, Frederick, Shenandoah, & Warren Counties
14031 Old Valley Pike
Edinburg, VA 22824
(540)984-5631

Visual Link Spam Filter

Mark as Spam

REQUEST FOR SUBDIVISION PLAN COMMENTS



Request for Street Name Comment

Mail to:

Frederick County
Information Technologies, GIS Division
Attn: GIS Manager
107 North Kent Street,
Winchester, Virginia 22601

Hand deliver to:

Frederick County
Information Technologies, GIS Division
107 North Kent Street, 1st Floor
Winchester, Virginia 22601
Phone: (540) 665-5614

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach two (2) copies of the Subdivision Design Plan with this sheet.

Applicant's Name: DARREN FOLTZ Telephone: 540-323-1497

Mailing Address: P.O. Box 23
STEPHENS CITY VA
22655

Name of development and/or description of the request: JACKSON'S RETREAT

Location of Property: SOUTH SIDE OF LAUNCHRIS DRIVE
0.1 MI EAST OF INTX. W/ JONES ROAD

GIS Manager Comments:

Please see attached sheet for further comments
* Please call 540-722-8265 if you would like to double check
road names before submission *

-GIS MANAGER USE ONLY-

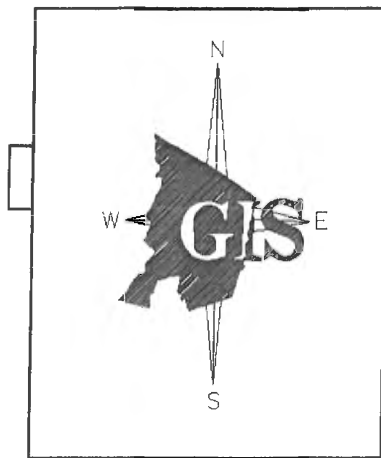
Date Received 4/8/15
Date Reviewed 4/13/15
Revision Required Yes

Review Number (1) 2 3 4 5 (circle one)

Date Approved _____

Signature & Date: [Signature] 4/13/15

**** Please Return Form to Applicant****



INFORMATION TECHNOLOGIES
COUNTY OF FREDERICK, VIRGINIA

**STREET NAME COMMENTS
MDP REVIEW**

DATE: April 13, 2015

SUBDIVISION: Jackson's Retreat

STAFF MEMBER: Kyle Schwizer, GIS Technician

APPLICANT: Darren Foltz
PO Box 23
Stephens City, VA 22655

Phase 3 Community Center

1. The following road names have been approved or are already in use in Frederick County.

Launchris Dr

2. The following **CORRECTIONS** must be made:

Wood Ridge Dr – similar road name with “Wood” and “Ridge” already used as a road name. Please choose a different road name.

Garnett Ct – similar form of “Garnett” already used as a road name. Please choose a different road name.

COMMENTS: Please refer to our “*Master Road Name List*” on our website to check for duplicate road names.

<http://www.fcva.us/departments/f-n/geographic-information-systems/road-naming>

Foltz Investment Group, Ltd.

P.O. Box 23
Stephens City, VA 22655
540-323-1497
foltz@visuallink.com

March 24, 2015

Frederick County Director of Planning and Development
107 North Kent Street
Winchester, VA 22601

Attn: Eric Lawrence

Dear Sir,

I formally request, on behalf of Foltz Investment Group, Ltd., a waiver of the Master Development Plan requirement for a subdivision of land zoned RP per §165-801.03. The project to be known as "Jackson's Retreat" is located on tax parcel 62-((A))-50, contains 23.0034 acres, and lies south of Launchris Drive and East of Jones Road.

The property is not an integral portion of a property proposed or planned for future development or subdivision.

The property is planned to be developed in a manner that is harmonious with surrounding properties and land uses.

The property development does not substantially affect the purpose and intent of the Zoning Ordinance.

Sincerely,



Darren S. Foltz, President
Foltz Investment Group, Ltd.

Foltz Investment Group, Ltd.

P.O. Box 23
Stephens City, VA 22655
540-323-1497
foltz@visuallink.com

March 24, 2015

Frederick County Director of Planning and Development
107 North Kent Street
Winchester, VA 22601

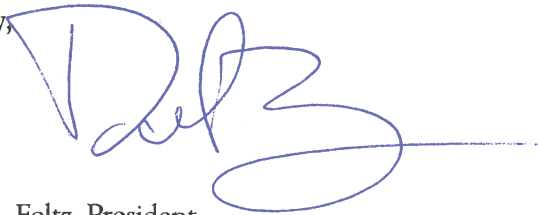
Attn: Mark Cheran

Dear Sir,

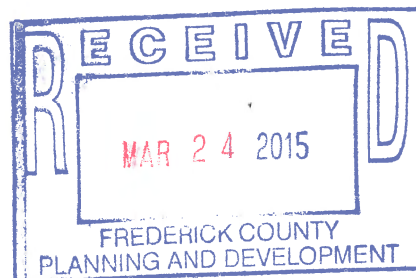
I formally request, on behalf of Foltz Investment Group, Ltd., a waiver of the following design details from the site plan for Jackson's Retreat:

- §144-17.L (Curb and Gutter), §144-18 (Sidewalk), and §144-19 (Streetlights)
 - This subdivision is situated in the middle of an existing RP subdivision that does not have these features. Aesthetically, the placement of curbing, sidewalks, and streetlights would not blend in with the surrounding neighborhood. The goal of this development is to compliment the existing subdivision.
 - Lot size is greater than 15,000 square feet so no curb and gutter would be required since this is a Single Family Detached Rural Traditional development.

Sincerely,



Darren S. Foltz, President
Foltz Investment Group, Ltd.





COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

March 30, 2015

Mr. Darren S. Foltz
Foltz Investment Group, Ltd.
P.O. Box 23
Stephens City, Virginia 22655

RE: MDP (Master Development Plan) Waiver Request
Jackson's Retreat Subdivision
Zoning District: RP (Residential Performance); Back Creek Magisterial District
Property Identification Number (PIN) 62-A-50 (23.0034 acres)

Dear Darren:

I am in receipt of your letter, dated March 24, 2015, which requests a waiver to the requirement for a master development plan for the development of a nine lot single family rural traditional subdivision on the above-referenced property. The subject property lies south of Launchris Drive and east of Jones Road.

Section 165-801.03A of the Frederick County Zoning Ordinance gives the Director of Planning and Development the ability to waive the requirement for a master development plan under certain conditions. The proposed development meets these conditions. The development contains 10 or less single-family detached rural traditional units, and is not an integral portion of a property proposed or planned for future development or subdivision. The development is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and it does not substantially affect the purpose and intent of its zoning district and the intent of the Zoning Ordinance

Therefore, your request for a waiver to the master development plan requirement is appropriate in this situation. Please be advised that this waiver does not eliminate any applicable development and design requirements of the Frederick County Subdivision and Zoning Ordinances.

Please contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Lawrence".

Eric R. Lawrence, AICP
Planning Director

ERL/CEP/pd

cc: Mark R. Cheran, Zoning & Subdivision Administrator

**SUBDIVISION APPLICATION
FREDERICK COUNTY, VIRGINIA**

- Office Use Only -

Date: 4/23/15 Application #: 02-15 MDP: yes ☒ no ☐

If no, has the MDP requirement been waived by the Planning Director?: yes ☒ no ☐

If the MDP has been waived, fill in the following public meeting dates for the final plats:

PC Meeting Date 8/19/15 BOS Meeting Date 09/09/15

1. Applicant:

Name: FOLTZ INVESTMENT Telephone: 540 323 1497
GROUP LTD

Address: _____
P.O. BOX 23 STEPHENS CITY VA 22655

2. Property Owner (if different than above)

Name: _____ Telephone: _____

Address: _____

3. Please list names of all owners, principals, and/or majority stockholders:

DARREN S. FOLTZ

JONATHAN J. FOLTZ

4. Contact person if other than above

Name: _____ Telephone: _____

5. Name of Proposed Subdivision: JACKSON'S RETREAT

6. Number of Lots: 9

7. Total Acreage: 23.0034 ACRES

8. Property Location: LAUNCHES DRIVE, 0.20 MI EAST OF

INTX LAUNCHES DR. & JONES ROAD

(Give State Route # and name, distance and direction from intersection)

9. Magisterial District: BACK CREEK
10. Property Identification Number (P.I.N.): 62-A-50
(Parent Tract)
11. Property zoning and present use: RP / VACANT

12. Adjoining property zoning and use:

	<u>USE</u>	<u>ZONING</u>
North	<u>RESIDENTIAL</u>	<u>RP</u>
East	<u>"</u>	<u>"</u>
South	<u>"</u>	<u>"</u>
West	<u>"</u>	<u>"</u>

13. Has a Master Development Plan been submitted for this project? ☐ Yes ☒ No
14. If yes, has the final MDP been approved by the Board of Supervisors? ☐ Yes ☐ No
15. What was the Master Development Plan title? _____
16. Does the plat contain any changes from the approved MDP? ☐ Yes ☐ No
17. If yes, specify what changes: _____

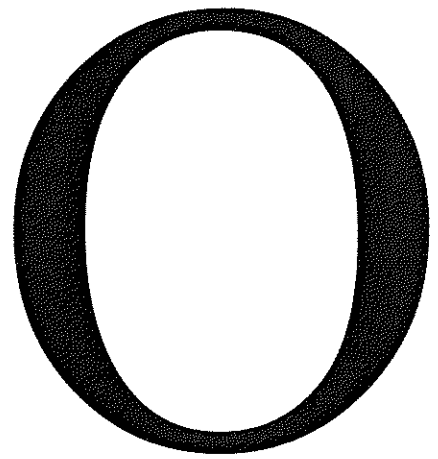
18. Minimum Lot Size (smallest lot): 100,000 SQFT
19. Number and types of housing units in this development: _____
9 SINGLE FAMILY DETACHED

* * * * *

I have read the material included in this package and understand what is required by the Frederick County Planning Department. I also understand that all required material will be complete prior to the submission of my site plan.

Signature: _____

Date: 3/20/15





MASTER DEVELOPMENT PLAN #04-15

Hiatt Run Condominiums

Staff Report for the Board of Supervisors

Prepared: August 26, 2015

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 in the review of this application. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	08/19/15	Reviewed
Board of Supervisors:	09/09/15	Pending

PROPOSAL: To develop 12 acres zoned RP (Residential Performance) with eight garden apartment buildings; six buildings containing 16 units each and two buildings containing 12 units each (total of 120 units with a total density of 10 units per acre).

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBERS: 44-A-17, 44-A-10

LOCATION: The property is located near Stephenson, on the northeast corner of the intersection of Martinsburg Pike (Route 11 North) and McCann Road (Route 838).

PROPERTY ZONING & PRESENT USE: RP (Residential Performance)/Vacant and Residential

ZONING & PRESENT USE OF ADJOINING PROPERTIES:

North:	RP (Residential Performance)	Use:	Residential
South:	RP (Residential Performance)	Use:	Residential
East:	RA (Rural Areas)	Use:	Agricultural
West:	RP (Residential Performance)	Use:	Residential

STAFF CONCLUSIONS FOR THE 09/09/15 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for the Hiatt Run Condominiums appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. While the land uses proposed with this plan are inconsistent with the Northeast Land Use Plan, the subject properties are currently zoned RP (Residential Performance); the residential zoning on the subject properties dates back to the original Frederick County Zoning Map. The subject properties are also located within the Sewer and Water Service Area (SWSA). Garden apartment uses (density of up to 10 units per acre) is as permitted use within the RP District. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant. This MDP is being presented as an informational item only, no action is needed.

It appears the application meets all requirements. Following presentation of the application to the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The Master Plan for this property appears to have a measurable impact on Route 11, the VDOT facility which would provide access to the property. The MDP is acceptable.

Before making any final comments, this office will require a complete set of site plans, drainage calculations and traffic flow data from the I.T.E. Trip Generation Manual, Seventh Edition for review. VDOT reserves the right to comment on all right-of-way needs, including right-of-way dedications, traffic signalization, and off-site roadway improvements and drainage. Prior to construction on the State's right-of-way the developer will need to apply to this office for issuance of appropriate permits to cover said work.

Frederick County Fire Marshal: Plans approved.

Frederick County Public Works: We have no comments regarding the proposed Master Development Plan for Hiatt Run Apartments.

Frederick County Inspections: No comments required at this time, shall comment on site plan review.

Frederick County Sanitation Authority: *Please see attached letter dated April 13, 2015, from Uwe E. Weindel, PE.*

Frederick County Parks and Recreation: Revisions added on 6/15/15 appear to satisfy Parks and Recreation concerns regarding Recreation Unit requirements. Revisions appear to meet Parks and Recreation requirements.

Virginia Department of Health: Health Department has no objection so long as public water and sewer are utilized.

Frederick County Public School: *Please see attached letter dated April 21, 2015, from K. Wayne Lee, Jr., LEED AP.*

Planning & Zoning:

A) Master Development Plan Requirement

A master development plan is required prior to development of this property. Before a master development plan can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the master development plan conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the master development plan is to promote orderly and planned development of property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) Site History

The original Frederick County Zoning Map (U.S.G.S. Stephenson Quadrangle) depicts the zoning for the subject parcel as R-3 (Residential Limited) District. The zoning changed to RP (Residential General) District on September 28, 1983 when the R1, R2, R3, and R6 Zoning Districts were reclassified. There are no proffers on these properties.

In 2004 a Master Development Plan (MPD#04-04) for Hiatt Run Adult Community was approved by the Board of Supervisors; this MDP was for 47 single family small lot dwelling units on parcel 44-A-17. A subdivision design plan was subsequently submitted by the previous property owner but the lots were never platted. Approval of the Hiatt Run Condominiums Master Development Plan will nullify the previous approvals for the single family small lot development.

C) Site Suitability & Project Scope

Comprehensive Policy Plan:

The 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 Compatibility:

The 2030 Comprehensive Plan and the Northeast Land Use Plan (Appendix I) provide guidance on the future development of the property. The properties are located in the SWSA (Sewer and Water Service Area). The 2030 Comprehensive Plan identifies the general area surrounding this property with a high density residential land use designation. The Northeast Land Use Plan shows the subject property with a designation of DSA – Historic Resources and Recreation. The Study of Civil War Sites in the Shenandoah Valley, published by the National Park Service, identifies the site as being part of the Second and Third Battles of Winchester core battlefield area. Specifically, the site is part of the area of Stephenson's Depot.

While the land uses proposed with this plan are inconsistent with the Northeast Land Use Plan, the subject properties are currently zoned RP (Residential Performance); the residential zoning on the subject properties dates back to the original Frederick County Zoning Map. The subject properties are also located within the Sewer and Water Service Area (SWSA). Garden apartment uses (density of up to 10 units per acre) is as permitted use within the RP District.

Environment:

Hiatt Run, a tributary to Opequon Creek, flows through the southern portion of parcel 44-A-17. There is a zoning ordinance requirement for a riparian buffer along natural waterways in Frederick County. No development or land disturbance is permitted in a riparian buffer, other than the recreational area and trails within the open space for this development. Floodplains also exist on the property.

Site Access and Transportation:

The Hiatt Run development will have two unsignalized entrances on Martinsburg Pike. The applicant is dedicating 20' of right-of way for Martinsburg Pike and 25' of right-of-way on McCann's Road. The applicant is also constructing a 5' sidewalk along Martinsburg Pike.

PLANNING COMMISSION SUMMARY FOR THE 8/19/15 MEETING:

Staff gave a brief overview of the proposed Master Development Plan #04-15 for the Hiatt Run Condominiums. No questions or issues were raised by the Planning Commission. No action was needed on the application.

(Note: Commissioners Wilmot, Thomas, Marston, Dunlap, Molden were absent.)

STAFF CONCLUSIONS FOR THE 09/09/15 BOARD OF SUPERVISORS MEETING:

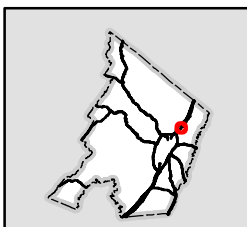
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It appears the application meets all requirements. Following presentation of the application to the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

PINs:
44 - A - 17, 44 - A - 10
Apartment Complex

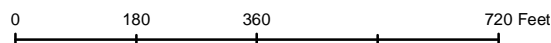


-
- Applications
Parcels
Sewer and Water Service Area
Future Rt 37 Bypass
Building Footprints
- B1 (Business, Neighborhood District)**
B2 (Business, General District)
B3 (Business, Industrial Transition District)
EM (Extractive Manufacturing District)
HE (Higher Education District)
M1 (Industrial, Light 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)



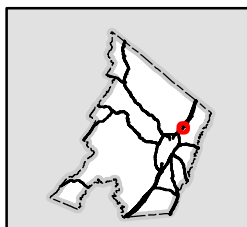
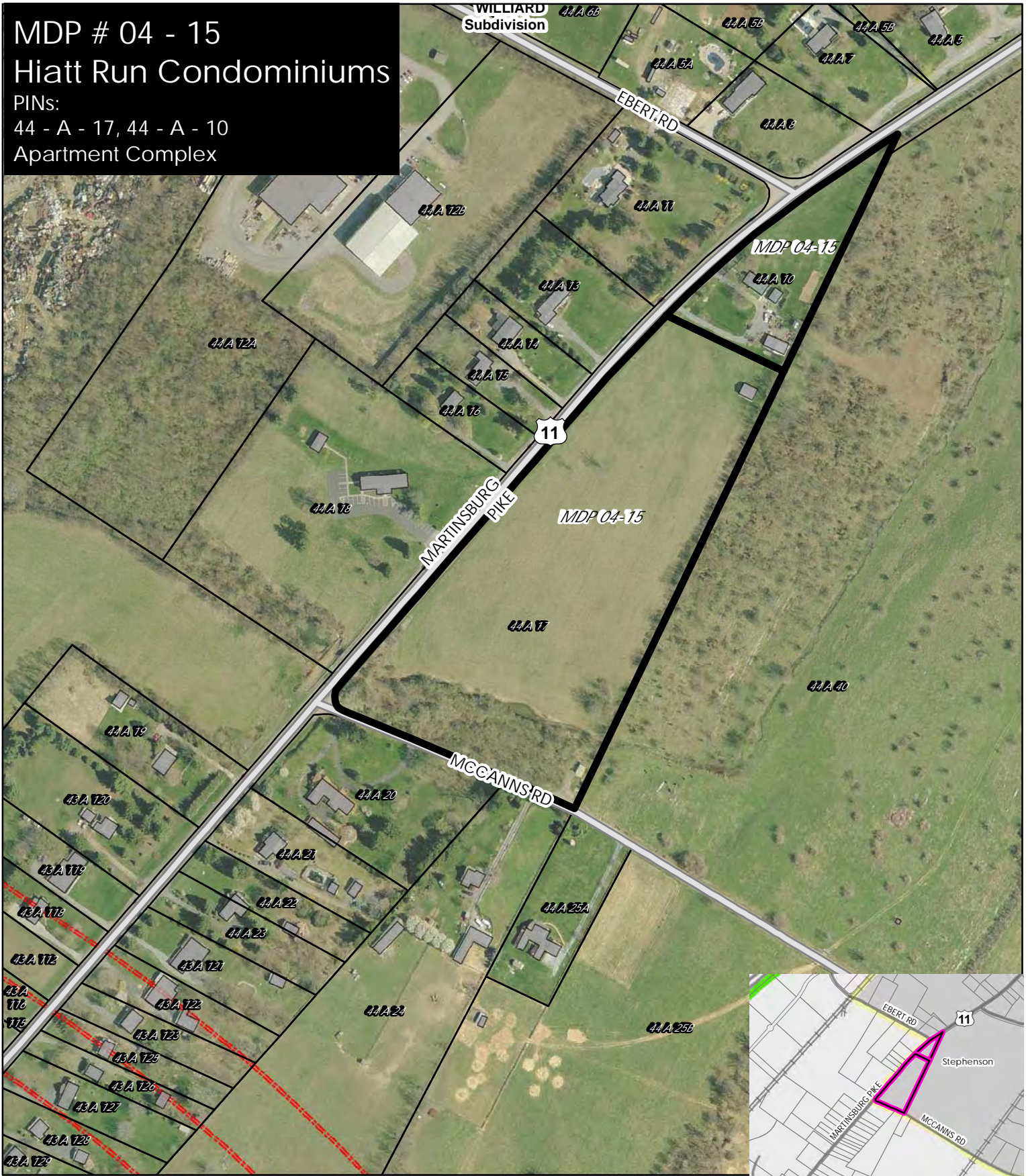
PINs:
44 - A - 17, 44 - A - 10
Apartment Complex

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: July 27, 2015
Staff: cperkins



MDP # 04 - 15 Hiatt Run Condominiums

PINs:
44 - A - 17, 44 - A - 10
Apartment Complex



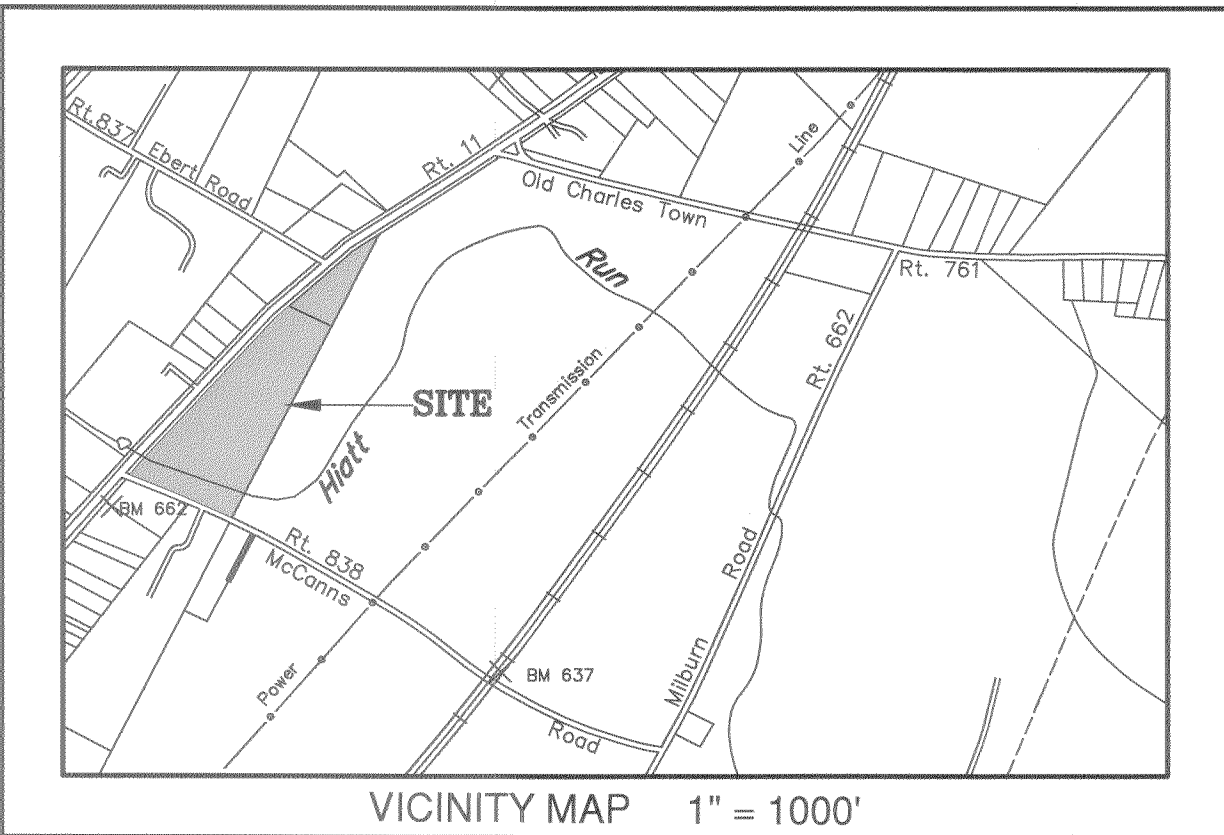
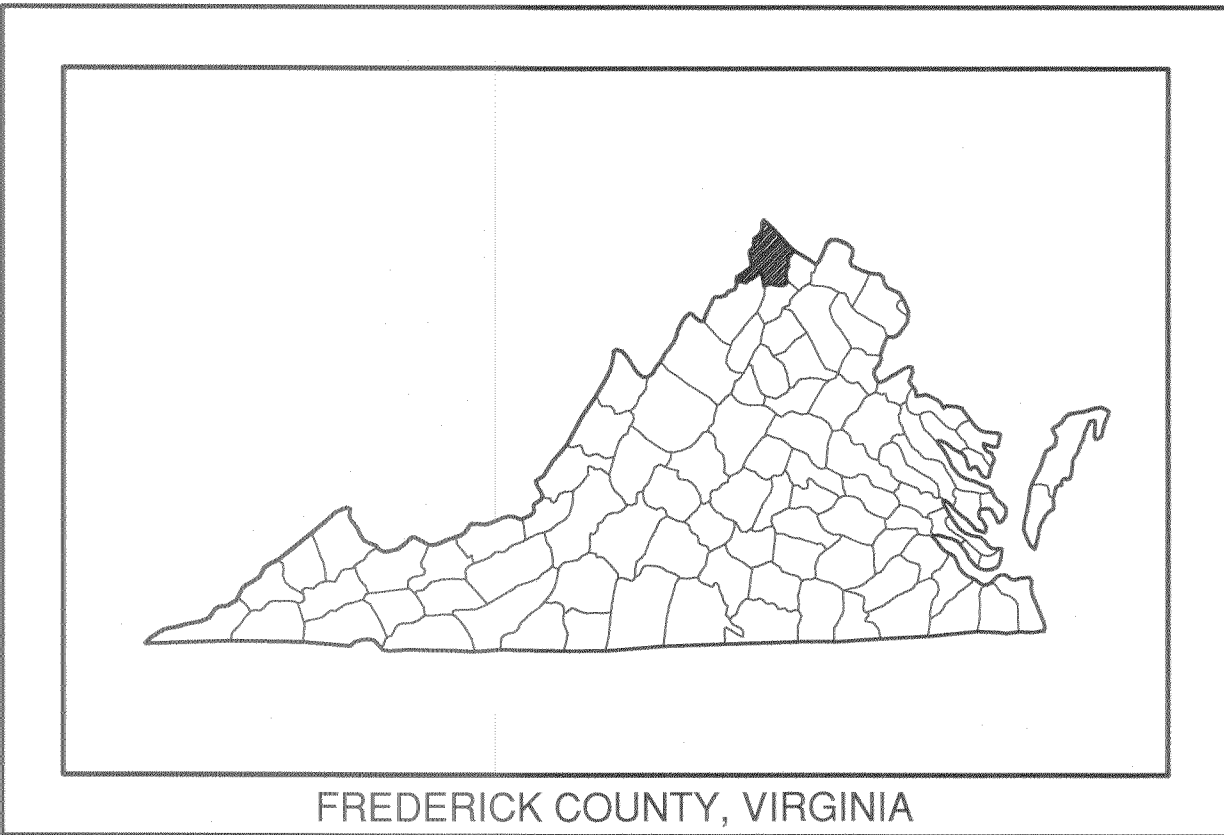
MDP # 04 - 15 Hiatt Run Condominiums

PINs:
44 - A - 17, 44 - A - 10
Apartment Complex

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: July 27, 2015
Staff: cperkins



0 180 360 720 Feet



GENERAL NOTES

- The property delineated on this plan is located at the intersection of U.S. Route 11 and VA. Rte. 838 (McCanns Road) near Stephenson, Frederick County, Virginia. This Master Development Plan encompasses two existing parcels, 44((A))17 and 44((A))10. Parcel 17 contains 10.325 acres and parcel 10 contains 1.68 acres. The total area of land to be developed is 12,005 acres. The project consists of the development of a condominium (Garden Apartment) complex over the entire site.
- Property Owner :
Hiatt Run Condos, LLC
821 Apple Pie Ridge Road
Winchester, Virginia 22603
Contact: Mr. Scott Rosenfeld
Telephone: (540) 247-6218
- Property Developer:
Hiatt Run Condos, LLC
821 Apple Pie Ridge Road
Winchester, Virginia 22603
Contact: Mr. Scott Rosenfeld
Telephone: (540) 247-6218
- Applicant/Engineer:
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601
Contact: Timothy G. Painter, P.E.
Telephone: (540) 662-5792
- Surveyor:
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601
Contact: David Spriggs
Telephone: (540) 662-5792
- Lot Data:
Tax Map Number: 44((A))17
Parcel Area: 10.325 acres
Zoning: RP, Residential Performance District
Proposed Use: Multi-Family Residential Condominium Complex
Current Use: Vacant
Tax Map Number: 44((A))10
Parcel Area: 1.68 acres
Zoning: RP, Residential Performance District
Proposed Use: Multi-Family Residential Condominium Complex
Current Use: Single-Family Residential
- Total Area of Land to be developed: 12,005 acres
Proposed dedication of public right-of-way: 0.900 acres
Adjusted development area: 11,105 acres
- Development of this project is proposed to be constructed in one phase.
- Historical Structures and Sites: This property is located in the area of the Second and Third Battles of Winchester. No historical structures are located on this site.
- Utilities: Public Water: Water is available along (U.S. Route 11) Martinsburg Pike
Public Sewer: Sewer connection will be made via a proposed forcemain connection along Ebert Road.
- Storm Water Management: Storm water runoff shall be controlled by the proposed storm sewer systems and existing channels.
- Zoning Requirements:
Garden Apartments (classification used for condominium use)
Open Space: Required - 30% min. (or) 3.60 acres
Provided - 60.10% (or) 6.675 acres
Front Yard Setback: Required - 35' Provided - 80.97'
Rear Yard Setback: Required - 25' Provided - 74.13'
Side Yard Setback: Required - 20' Provided - 74.13'
Rear for Balconies and Decks: Required - 20' Provided - 84.24'
Building Height: Principal - 55' Provided - 55' (4 Stories)
Accessory - 20' Provided - 20'
Density per Acre: Allowed - 10 Dwelling Units per Acre
(12,005 acres x 10 = 120 Units Allowed Max.)
Provided - 120 Dwelling Units total
Density per Building: Allowed - 16 Dwelling Units per Building Max.
Provided - 2 Buildings with 12 units total and 6 Buildings with 16 units total
Lot Area: Required - 2000 sq. ft. per TWO BEDROOM UNIT
120 two bedroom units X 2000 = 240,000 sq. ft. => 5.51 acres
Maximum Impervious Area Ratio: Provided: 12,005 acres existing - 0.9 acres R-O-W dedication = 11,105 acres
Allowed - 0.60 Provided - 0.40
(Total Impervious Area Proposed= 4.43 acres (or) 39.89% of site
Allowed - 20' side to side Provided - 96.35'
Allowed - 35' side to back Provided - 45.03'+
Allowed - 50' back to back Provided - 56.62'+

- Off Street Parking:
Setbacks: Required at R.O.W.: 20' Provided - 40'+
Required at boundary lines: 5' Provided - 10'+
Required from Buildings: 20' Provided - 20'+
Minimum Parking Required: 2 spaces per unit
120 x 2 = 240 spaces required
Parking Provided: 258 spaces total are provided for this development including, 17 HC accessible spaces. (All standard parking stalls are 9' wide by 20' deep, all HC accessible spaces are 8' wide by 20' deep with an 8' accessible aisle).

- Landscaping, Buffers, and Screening:
Residential Separation Buffer: 100' wide buffer and existing vegetation screen along western property line against existing single family homes across McCanns Road.
75' Inactive Buffer
25' Active Buffer
Full Screen - 524.70 linear feet of Full Landscape Screen in 75' inactive buffer area shall be fulfilled by the preservation of the existing plant material. (A WAIVER OF THE FULL LANDSCAPE SCREEN IS REQUESTED FROM THE FREDERICK COUNTY PLANNING COMMISSION.)
Reduced Road Efficiency Buffer:
80' wide residential separation buffer with a full landscape screen along the U.S. Route 11 right-of-way line.
40' Inactive Buffer
40' Active Buffer
Landscape Screen - 1,150.15 linear feet of a totally landscaped easement at least 10 feet in depth. Within the easement, there shall be a minimum landscaping density of three plants per 10 linear feet. The buffer shall consist of a combination of 1/3 deciduous trees, 1/3 evergreen trees and 1/3 shrubs. Deciduous trees shall be planted at a minimum of two-inch caliper, evergreen trees shall be a minimum of four feet in height, and shrubs shall be 18 inches in height at time of planting. The plant material and landscape easement shall be located on top of a 6' high earth berm. The berm and plant material shall be located within the 40' inactive buffer to screen the Route 11 corridor from the proposed residences.

- Parking Lot Landscaping: Per requirements set forth in the Frederick County Zoning Ordinance.
Residential Development Landscaping: Per requirements set forth in the Frederick County Zoning Ordinance.

- Existing Environmental Features:
Flood plains: According to the NFIP FIRM 510063 0105 AND 0110 B, the property contains areas within the "Zone A" 100 year flood way. Refer to the Analysis of The 100 Year Flood Estimation Of The Peak Water Elevations, Hiatt Run, conducted by Painter-Lewis, P.L.C. for additional information. Approximately 0.44 acres of the 2.78 acres of the existing floodplain will be disturbed as a result of this project. The area of the riparian buffer on this site is approximately 1.15 acres. Only a small portion of the proposed trail, that shall serve the proposed public interpretive area of the Recreational Area shall be constructed in the riparian buffer.

- Riparian Buffer:
Lakes and Ponds: None existing
Wetlands: None existing
Natural Storm Water Retention Areas: None existing
Streams and Natural Water Channels: The existing Hiatt Run shall not be disturbed.
Woodlands: None
Steep Slopes: None
Rock Outcroppings: Areas of Rock Outcroppings may be found across the site due to the existing soil types. (Frederick-Poplimento loams)

ABBREVIATIONS

ASSY.	ASSEMBLY
B.F.	BASEMENT FLOOR
B.L.C.	BLOCK
BC	BOTTOM OF CURB
BML	BUILDING MOUNTED LIGHT
BP	BREAK POINT
BSBD	BASEBOARD
CG-2	VDOT CURB
CG-6	VDOT CURB & GUTTER
CIP	CAST IN PLACE CONCRETE
CL	CLASS
CMF	CONCRETE MONUMENT FOUND
CPP	CORRUGATED POLYETHYLENE PIPE
CMP	CORRUGATED METAL PIPE
CMPA	CORRUGATED METAL PIPE ARCH
CO	CLEAN OUT
DIA.	DIAMETER
DS	DOWNSPOUT
EOP	EDGE OF PAVEMENT
EOG	EDGE OF GRAVEL
EX	EXISTING
F.F.	FIRST FLOOR
F.D.E.	FINISHED FLOOR ELEVATION
FDG	FIRE DEPARTMENT CONNECTION
FG	FACE OF GUTTER
PH	FIRE HYDRANT
F.L.S.	FIRE LANE SIGN
F.L.T.	FLOOD LIGHT
GA	GAUGE
GM	GAS METER
GV	GAS VALVE or GATE VALVE
HCR	HANDICAP RAMP
HB	HOSE BIB
HDR CURB	6" HEADER CURB
HP	HIGH POINT
HTR	HEATER
INC	INCREASER
INV	INVERT
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
LP	LOW POINT
LT	LIGHT
MLP	METAL LIGHT POLE
MPD	MULTI-PRODUCT DISPENSER
MP	METAL POST
MH	MANHOLE
NDC	NOSE DOWN CURB
N.I.C.	NOT IN CONTRACT
N.P.S.	NO PARKING SIGN
NLT	NO LEFT TURN
NRT	NO RIGHT TURN
NOT TO SCALE	NOT TO SCALE
OHE	OVERHEAD ELECTRIC
OHT	OVERHEAD TELEPHONE
PV	POST INDICATOR VALVE
PL	PROPERTY LINE
PP	POWER POLE
PROP.	PROPOSED
PVMT	PAVEMENT
RCF	REINFORCED CONCRETE PIPE
R.D.	ROOF DRAIN
RED.	REDUCER
R.O.	ROCK OUTCROP
SAN.	SANITARY
SEW.	SEWER
STD.	STANDARD
T.B.D.	TO BE DEMOLISHED
T.B.R.	TO BE REMOVED or TO BE REMOVED & RELOCATED
T.B.P.	TO BE PRESERVED or PROTECTED
TB or T.B.	THRUST BLOCK
TC	TOP OF CURB
TEL	TELEPHONE
TRB	TELEPHONE RISER BOX
TVRB	TELEVISION RISER BOX
TYP or TYP.	TYPICAL
UGE	UNDERGROUND ELECTRIC
UGG	UNDERGROUND GAS
UG CATV	UNDERGROUND CABLE T.V.
UGT	UNDERGROUND TELEPHONE
XFMR	ELECTRIC TRANSFORMER
WL	WATERLINE
WM	WATER METER
WPP	WOOD POWER POLE
WTP	WOOD TELEPHONE POLE
WV	WATER VALVE
5'R	RADIUS IN FEET
*00.00	PROPOSED SPOT ELEVATION
x(00.00)	EXISTING SPOT ELEVATION
	WATER COURSE - HIATT RUN
	EXISTING FLOODPLAIN TO BE DISTURBED

LIST OF DRAWINGS:

- | | |
|-----------|-------------------------|
| SHT. 1/2: | COVER SHEET |
| SHT. 2/2: | MASTER DEVELOPMENT PLAN |

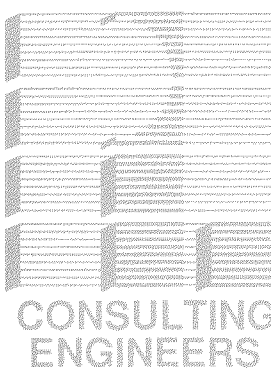
HIATT RUN APARTMENTS

MASTER DEVELOPMENT PLAN
TM # 44-A-17 & 44-A-10
U.S. ROUTE 11 (MARTINSBURG PIKE)
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

CERTIFICATION BY PROPERTY OWNER DATE

APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT DATE

APPROVED BY THE FREDERICK COUNTY ADMINISTRATOR DATE

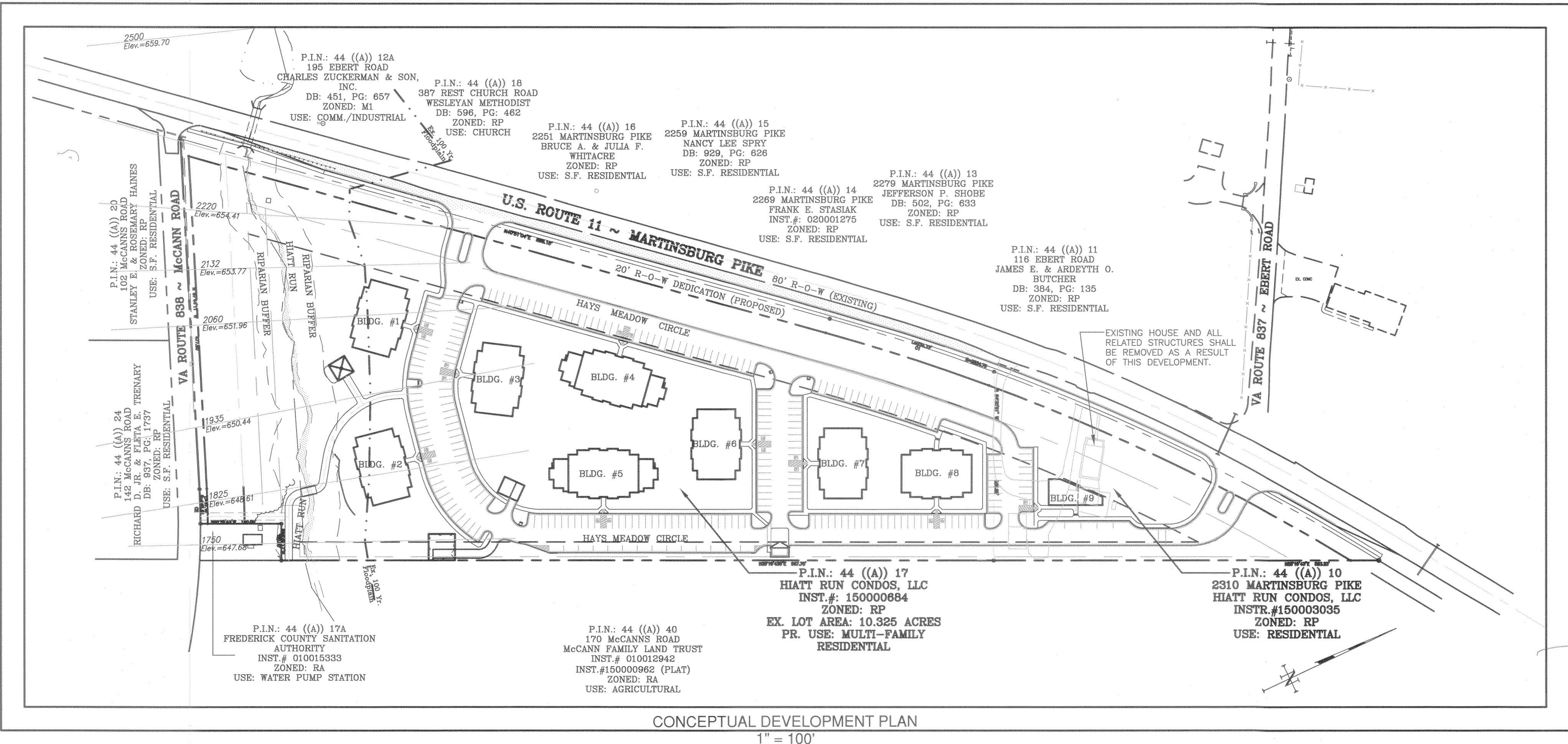


PAINTER-LEWIS, P.L.C.

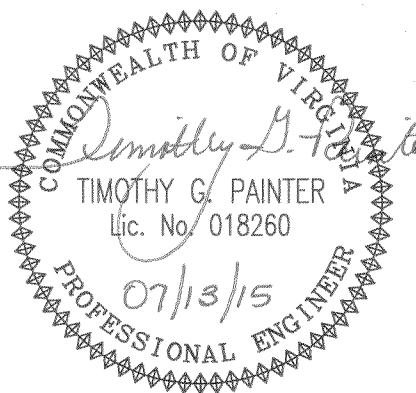
817 CEDAR CREEK GRADE, SUITE 120
WINCHESTER, VIRGINIA 22601
Telephone: (540) 662-5792
Facsimile: (540) 662-5793
Email: office@painterlewis.com

JOB NO.: 1412007
MARCH 26, 2015
Latest Revision Date: July 13, 2015

SHEET:
1/2



CONCEPTUAL DEVELOPMENT PLAN
1" = 100'



TRAFFIC IMPACT ANALYSIS

HIATT RUN CONDOMINIUMS
LAND USE: 230, Residential Condominium/Townhouse
Three Story Condominium Buildings
Total Units= 120 Dwelling Units

Average Trip Ends: (Weekday)
T = 6.06(X) + 123.56
T = Trips/Day
X = 120 dwelling units
Total:
T = 6.06(120) + 123.56
T = 727.2 + 123.56
T = 850.76 Trips/Day
TOTAL: 851 Trips/Day

Average Trip Ends: (Saturday)
T = 7.85(X) - 256.19
T = Trips/Day
X = 120 dwelling units
Total:
T = 7.85(120) - 256.19
T = 942.0 - 256.19
T = 685.81 Trips/Day
TOTAL: 686 Trips/Day

INTERPRETIVE RECREATIONAL AREA

Required Recreational Units Required: (1) per 30 dwelling units (120 units/30= 4 units required)

Proposed Recreational Units:
1. A community center.
2. An interpretive recreational facility.
The Interpretive Recreational Area shall serve as a representation of native aquatic stream and shall be used by the proposed residential development as well as the surrounding community.

Elements of the Interpretive Recreational Area:

1. Asphalt Walking Trail / Board Walk Loop (10' wide)
Length: Approximately 370 ft. (or) 0.07 miles
Area: 3700 Sq. Ft.
2. Interpretive Signs to be located along the trail, in the Pavilion, and on the bridges. The signs will have educational information regarding the stream and wetland habitats.

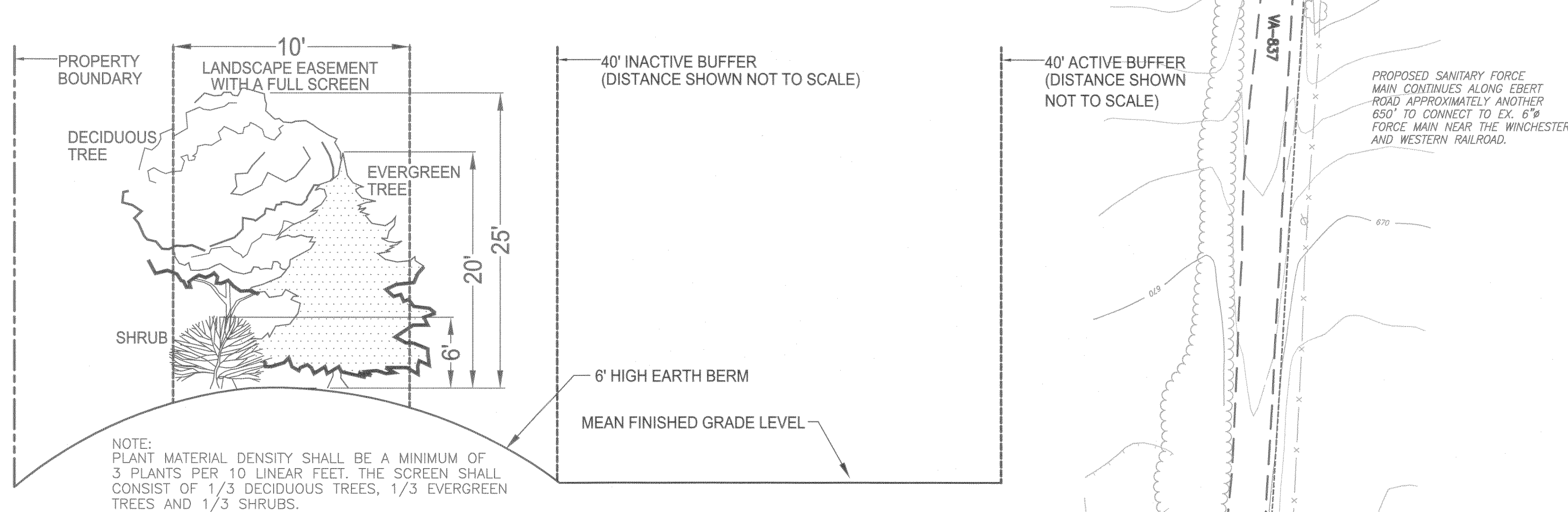
3. Waste Receptacles: 2 ea. Waste Receptacles

ENVIRONMENTAL FEATURES CHART

FEATURE	EXISTING AREA IN ACRES EXISTING AREA IN ACRES	ALLOWABLE DISTURBANCE (PERCENTAGE)	ALLOWABLE DISTURBANCE (ACRES)	PROPOSED DISTURBANCE (ACRES)
Floodplains	2.78 acres	0%	0.00 acres	0.44 acres
Lakes, Ponds	0.00 acres	0%	0.00 acres	0.00 acres
Wetlands	0.00 acres	0%	0.00 acres	0.00 acres
Waterways, Riparian Buffers	1.15 acres	0%	0.00 acres	0.02 acres
Sinkholes	0.00 acres	0%	0.00 acres	0.00 acres
Natural Stormwater Retention Areas	0.00 acres	10%	0.00 acres	0.00 acres
Steep Slopes	0.00 acres	25%	0.00 acres	0.00 acres
PROPOSED WETLANDS	0.14 ACRES TO BE CREATED WITH THIS PROJECT			

OPEN SPACE CHART

FEATURE	(ACRES)	(PERCENTAGE)
Project Area	11.105 acres	
Open Space (Required)	3.3 acres	30%
Open Space (Proposed)	6.675 acres	60.10%
Ex. protected areas within open space	2.61 acres	39.10% of proposed open space



ON-SITE 80' REDUCED FULL SCREEN ROAD EFFICIENCY BUFFER SECTION

NOT TO SCALE

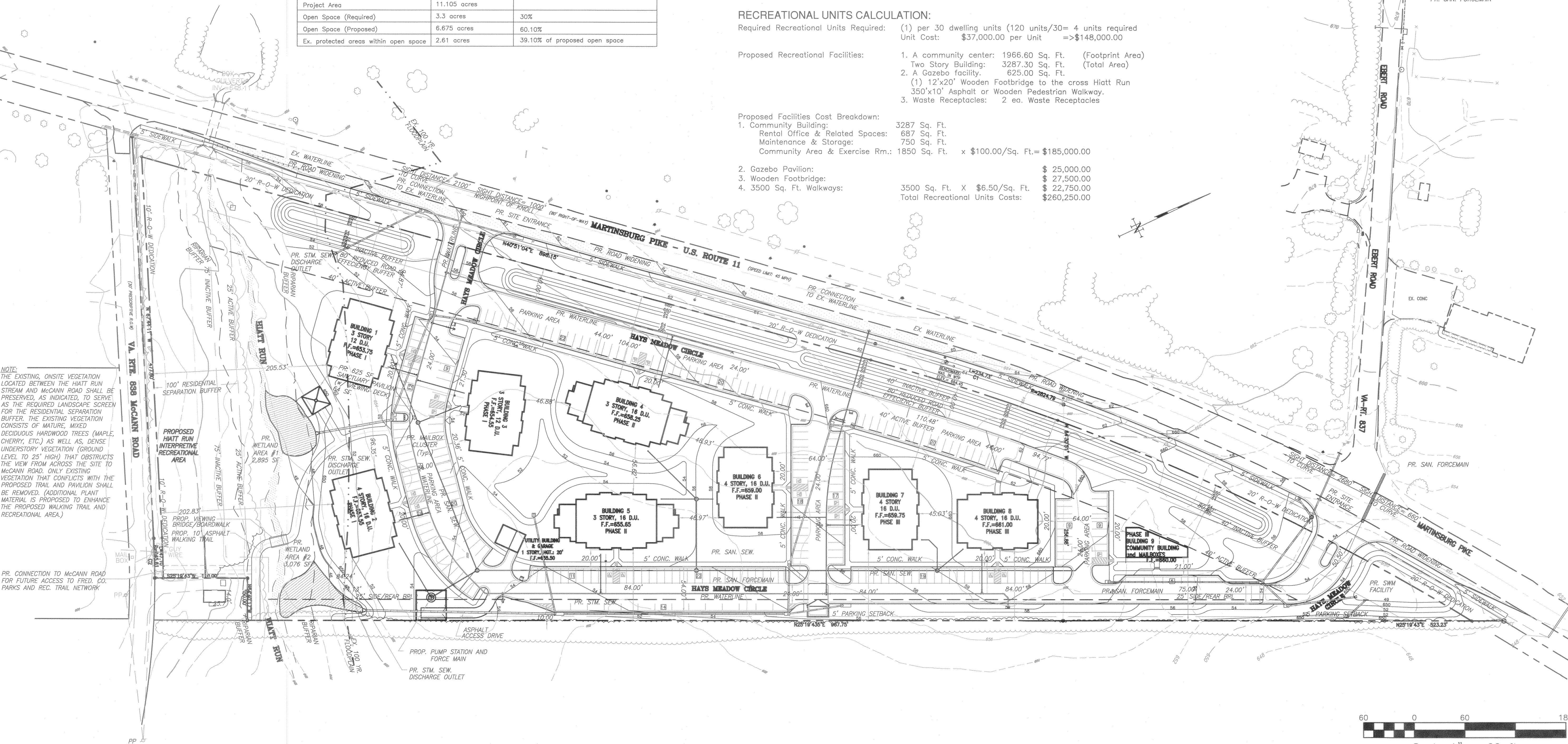
RECREATIONAL UNITS CALCULATION:

Required Recreational Units Required: (1) per 30 dwelling units (120 units/30= 4 units required)
Unit Cost: \$37,000.00 per Unit =>\$148,000.00

- Proposed Recreational Facilities:
1. A community center: 1966.60 Sq. Ft. (Footprint Area)
Two Story Building: 3287.30 Sq. Ft. (Total Area)
 2. A Gazebo facility. 625.00 Sq. Ft.
(1) 12'x20' Wooden Footbridge to the cross Hiatt Run
350'x10' Asphalt or Wooden Pedestrian Walkway.
 3. Waste Receptacles: 2 ea. Waste Receptacles

Proposed Facilities Cost Breakdown:
1. Community Building: 3287 Sq. Ft.
Rental Office & Related Spaces: 687 Sq. Ft.
Maintenance & Storage: 750 Sq. Ft.
Community Area & Exercise Rm.: 1850 Sq. Ft. x \$100.00/Sq. Ft.= \$185,000.00

2. Gazebo Pavilion: 625 Sq. Ft. \$ 25,000.00
 3. Wooden Footbridge: 750 Sq. Ft. \$ 27,500.00
 4. 3500 Sq. Ft. Walkways: 3500 Sq. Ft. X \$6.50/Sq. Ft. \$ 22,750.00
- Total Recreational Units Costs: \$260,250.00



NOTE: THE EXISTING, ON-SITE VEGETATION LOCATED BETWEEN THE HIATT RUN STREAM AND McCANN ROAD SHALL BE PRESERVED, AS INDICATED, TO SERVE AS THE REQUIRED LANDSCAPE SCREEN FOR THE RESIDENTIAL SEPARATION BUFFER. THE EXISTING VEGETATION CONSISTS OF MATURE, MIXED DECIDUOUS HARDWOOD TREES (MAPLE, CHERRY, ETC.) AS WELL AS, DENSE UNDERSTORY VEGETATION (GROUND LEVEL TO 25' HIGH) THAT OBSTRUCTS THE VIEW FROM ACROSS THE SITE TO McCANN ROAD. ONLY EXISTING VEGETATION THAT CONFLICTS WITH THE PROPOSED TRAIL AND PAVILION SHALL BE REMOVED. (ADDITIONAL PLANT MATERIAL IS PROPOSED TO ENHANCE THE PROPOSED WALKING TRAIL AND RECREATIONAL AREA.)

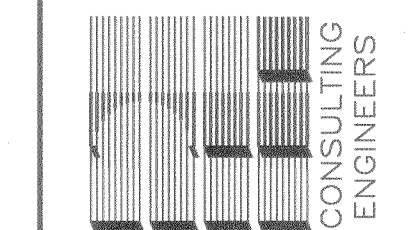
PR. CONNECTION TO McCANN ROAD FOR FUTURE ACCESS TO FRED. CO. PARKS AND REC. TRAIL NETWORK

REVISIONS	DATE	DESCRIPTION
1	06-15-15	AGENCY COMMENTS
2	07-13-15	PLANNING COMMENTS
TGP		
TGP		
BY		

TITLE: MASTER DEVELOPMENT PLAN

PROJECT: HIATT RUN LUXURY APARTMENTS
MASTER DEVELOPMENT PLAN
TM# 44-A-17 & 44-A-10
U.S. ROUTE 11 (MARTINSBURG PIKE)
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

Painter-Lewis, P.L.C.
817 CEDAR CREEK GRADE, SUITE 120
WINCHESTER, VIRGINIA 22601
Telephone (540)662-5792
Facsimile (540)662-5793
Email painterl@earthlink.net



COMMONWEALTH OF VIRGINIA
TIMOTHY G. PAINTER
Lic. No. 018260
07/13/15
PROFESSIONAL ENGINEER

SURVEY: PL-PLC C.I.: 2
DRAWN BY: TGP JOB NO.: 1412007
SCALE: 1"=60.0' DATE: 03/26/15
SHEET: 2/2

**MASTER DEVELOPMENT PLAN
APPLICATION FORM**

- Department of Planning & Development Use Only -

Application # 04-15 Date Application Received: 7/23/15
PC Meeting Date 8-19-15 BOS Meeting Date 9-9-15
Fee Amount Paid \$ 4200.50 Initials: RD Receipt # 583320

1. Project Title: Hiatt Run Condominiums

2. Applicant:

Name: Painter-Lewis, P.L.C. Telephone: 540-662-5792
Address: 817 Cedar Creek Grade, Suite 120
Winchester, VA 22601

3. Property Owner (if different than above):

Name: Hiatt Run Condos, LLC Telephone: 540-247-6218
Address: 821 Apple Pie Ridge Road
Winchester, VA 22603

4. Design Company:

Name: Painter-Lewis, P.L.C. Telephone: 540-662-5792
Address: 817 Cedar Creek Grade, Suite 120
Winchester, VA 22601

5. Please list names of all owners, principals, and/or majority stockholders:

Scott Rosenfeld

6. Magisterial District: Stonewall

7. **Property Location:** Intersection of Rt 11 and VA 838 (McCann Road) near Stephenson

(Give State Route # and name, distance and direction from intersection)

8. **Is this an original or amended Master Development Plan?**

Original ☒ Amended ☐, Previous MDP# _____

9. **Property Information:**

a)	Property Identification Number (PIN):	<u>44((A))17 + 44-A-10</u>
b)	Total Acreage:	<u>10.325 Acres 11.105 acres</u>
c)	Current Zoning:	<u>RP</u>
d)	Present Use:	<u>Vacant</u>
e)	Proposed Uses:	<u>Multi Family Residential</u> <u>Apartment Complex</u>

10. **If residential uses are proposed, provide the following:**

a)	Density:	<u>10 units per acre</u>
b)	Number of Units:	<u>120 Dwelling Units</u>
c)	Housing Types:	<u>Multi Family Residential Apartments (garden apt)</u>

11. **Adjoining Property use and zoning:**

	<u>USE</u>	<u>ZONING</u>
North	<u>Single Family Residential</u>	<u>RP</u>
East	<u>Agricultural</u>	<u>RA</u>
South	<u>Single Family Residential</u>	<u>RP</u>
West	<u>Single Family Residential</u>	<u>RP</u>

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plan shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Timothy D. Bunt Date: 07/23/15

Date: _____

Owner(s): _____ Date: _____

Date: _____



Special Limited Power of Attorney
County of Frederick, Virginia
 Frederick Planning Web Site: www.co.frederick.va.us

Department of Planning & Development, County of Frederick, Virginia,
 107 North Kent Street, Suite 202 Winchester, Virginia 22601
 Facsimile 540-665-6395 Phone 540-665-5651

Know All Men By Those Present: That I (We)

(Name) HIATT RUN CONDOS, LLC (Phone) 540-241-6218

(Address) 821 APPLE PIE RIDGE ROAD
 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 150000684 on Page _____, and is described as

Parcel: 44 Lot: _____ Block: A Section: 17 Subdivision: _____
 do hereby make, constitute and appoint:

(Name) PAINTER-LEWIS, PLC (Phone) 540-662-5792

(Address) 817 CEDAR CREEK GRADE SUITE 120 WINCHESTER VA 22601
 To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- _____ Rezoning (including proffers)
- _____ Conditional Use Permit
- ☒ Master Development Plan (Preliminary and Final)
- _____ Subdivision
- _____ Site Plan
- _____ Variance or Appeal
- _____ Comprehensive Policy Plan Amendment

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 6 day of July, 2015.

Signature(s) Scott Ruffell Scott Rosenfeld

State of Virginia, City/County of Frederick, To-wit:

I, Scott Ruffell, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 6 day of July, 2015.

Barbara A. VanGelder My Commission Expires: 9/30/16

MDP # 04-15
 Hiatt Run Condominiums
 PIN 44-A-17 +
 44-A-10

Adjoining Property Owners MASTER DEVELOPMENT PLAN

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number		Address
✓ Name Dorothy H. Shirley Trustee		114 Ebert Road
Property # 44 (CA) 8		
✓ Name Donald H. Shirley		2359 Martinsburg Pike
Property # 44 (CA) 7		
✓ Name Ardeyth O. Butcher Trustee		116 Ebert Road
Property # 44 (CA) 11		
✓ Name Jefferson P. Shobe		2279 Martinsburg Pike
Property # 44 (CA) 13		
✓ Name Frank Stasiak		2269 Martinsburg Pike
Property # 44 (CA) 14		
✓ Name Nancy Lee Spry		2259 Martinsburg Pike
Property # 44 (CA) 15		
✓ Name Bruce A & Julia F. Whitacre		2251 Martinsburg P. Ke
Property # 44 (CA) 16		
✓ Name Wesleyan Fellowship Church		2239 Martinsburg P. Ke
Property # 44 (CA) 18		
✓ Name Zuckerman Enterprises, Inc.		207 Ebert Road
Property # 44 (CA) 12		

POA
 Painter & Lewis
 Tim Painter
 817 Cedar Creek Grade
 Suite 120
 Winchester, VA 22601

Name and Property Identification Number		Address
Name	Peter C & Dartien Rose Morgan	102 McCanns Road
Property #	44 (CA) 20	
Name	Rita Wilson	142 McCanns Road
Property #	44 (CA) 24	
Name	Jack Wampler Sr & Jack Wampler Jr	170 McCanns Road
Property #	44 (CA) 25A	
Name	Frederick County Sanitation Authority	
Property #	44 (CA) 17A	
Name	Judith McCann Slaughter & Ellen L. Marshall Trustees	170 McCanns Road
Property #	44 (CA) 40	
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		



FREDERICK COUNTY **SANITATION AUTHORITY**

Post Office Box 1877
Winchester Virginia 22604-8377

PH. – (540)868-1061
Fax – (540)868-1429
www.fcsa-water.com

Uwe E. Weindel, P.E.
Engineer-Director

April 13, 2015

Mr. Timothy G. Painter
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Ste. 120
Winchester, Virginia 22601

Ref.: Master Development Plan Comments
Hiatt Run Condominiums
Tax Map # 44-A-17 & 44-A-10

Dear Sir:

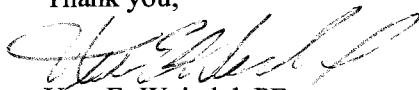
Per your request, a review of the proposed master plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcels are in the water and sanitary sewer area served by the Authority. Based on the location both water and sanitary sewer service is available within a reasonable distance from the site. Sanitary sewer treatment capacity at the waste water treatment plant is also presently available. Sanitary sewer conveyance capacity and layout will be contingent on the applicant performing a technical analysis of the existing sanitary sewer system within the area to be served and the ability of the existing conveyance system to accept additional load. Likewise, water distribution capacity will require the applicant to perform a technical analysis of the existing system within the area to be served to determine available capacity of both the potable water system and the ability to provide fire protection.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design. All easements should be free from any encumbrance including permanent structures (fences, signs, etc.) and landscaping (trees, shrubs, etc.).

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicant in support of or in conjunction with this plan, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the Applicant may hereafter provide to Frederick County.

Thank you;



Uwe E. Weindel, PE
Engineer-Director

April 21, 2015

Mr. Timothy G. Painter
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601

Re: Hiatt Run Condominiums Master Development Plan Application

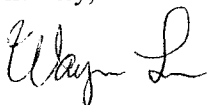
Dear Mr. Painter:

Frederick County Public Schools has reviewed the Hiatt Run MDP application submitted to us on March 27, 2015. We offer the following comment:

1. The cumulative impact of this development and other developments in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment. This development proposal includes 120 multi-family units. We estimate that this development will house 31 students: 8 high school students, 7 middle school students, and 16 elementary school students. In order to properly serve these additional students, Frederick County Public Schools would spend an estimated \$349,000 more per year in operating costs (or \$2,908 average per unit per year) and an estimated \$1,260,000 in one-time capital expenditures (or \$10,500 average per unit). You will find, enclosed with this letter, a more detailed assessment of the estimated impact of Hiatt Run on FCPS, including attendance zone information.

Please feel free to contact me at leew@frederick.k12.va.us or 540-662-3888 x88249 if you have any questions or comments.

Sincerely,



K. Wayne Lee, Jr., LEED AP
Coordinator of Planning and Development

enclosure

cc: Dr. David Sovine, Superintendent of Schools
Mr. Albert Omdorff, Assistant Superintendent for Administration
Mr. John Grubbs, Transportation Director

P



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *Cep*

SUBJECT: Ordinance Amendment - Self-Storage Facilities in the RA (Rural Areas) District

DATE: August 26, 2015

Staff has been requested to assess the potential to include self-storage facilities as a conditional use in the RA (Rural Areas) District. Currently self-storage is a permitted use in the B2, B3, M1 and M2 Districts. It has been requested that staff look into self-storage in the RA District due to this use requiring limited infrastructure (such as water and sewer). Currently other commercial uses permitted through a conditional use permit include:

- Country clubs, with or without banquet facilities.
- Country general stores.
- Service stations.
- Antique shops.
- Restaurants.
- Motels.
- Auction houses.
- Campgrounds, tourist camps, recreation areas and resorts.
- Commercial outdoor recreation, athletic or park facilities.
- Nationally chartered fraternal lodges or civic clubs, social centers and their related facilities.
- Sawmills and planing mills, Type B.
- Landscape contracting businesses.
- Veterinary office, clinic or hospital, including livestock services.
- Day-care facilities.
- Welding Repair (SIC 7692).
- Flea Markets, Operated Indoors or Outdoors.

The DRRC discussed this amendment at their July 2015 meeting. The DRRC had minor revisions and sent the proposed changes to the Planning Commission for discussion. The Planning Commission discussed this item on August 19, 2015; the Planning Commission agreed with the changes and sent the item forward for review by the Board of Supervisors.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments: **1. Revised ordinance with additions shown in bold underlined italics.**
 2. Resolution

CEP/pd

Original language

Draft revisions

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 401 – RA Rural Areas District

§ 165-401.03 Conditional uses.

The following uses of structures and land shall be allowed only if a conditional use permit has been granted for the use:

NN. Self-Service Storage Facilities

**Article II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES**

Part 204 – Additional Regulations for Specific Uses

§ 165-204.18 Storage facilities, self-service.

Where allowed, self-service storage facilities shall meet the following requirements:

- A. Self-service storage facility operations shall be permitted as a primary or accessory use in all zoning districts in which they are permitted.
- B. All parking areas, travel aisles and maneuvering areas associated with the self-service storage facility operations shall be paved with asphalt, concrete or similar material to provide a durable hard surface.
- C. Buildings are permitted that provide interior and exterior accessible units. Individual units within the self-service storage building shall not exceed 1,000 square feet in area.
- D. Minimum building spacing shall be 30 feet apart. Loading areas shall be delineated to ensure that adequate travel aisles are maintained between buildings.
- E. Recreational vehicles and boats shall be permitted to be stored within completely enclosed areas of the self-service storage facility, provided that the storage area is separate from the parking areas and travel aisles and is depicted on the approved site development plan. Areas utilized for this purpose shall be exempt from the surface requirements specified under § 165-204.18B.
- F. Self-service storage facilities shall meet the following landscaping or screening requirements:

- (1) Facilities located in the B-2 Business General District shall be completely screened around the perimeter of the property by a double row of evergreen trees that are staggered and planted a maximum of eight feet off center and are a minimum of six feet in height when planted.
 - (2) Facilities located in the B-3 Industrial Transition District or the M-1 Light Industrial District shall be required to landscape the yard area within the front yard setback to provide for a double row of evergreen trees that are staggered and planted a maximum of eight feet off center. The side and rear yards shall be planted with a single row of evergreen or deciduous trees that are planted a maximum of 40 feet off center. All trees shall be a minimum of six feet in height at the time of planting.
 - (3) Facilities located on parcels that are within a master planned industrial park or office park shall be required to landscape the perimeter of the facility with a single row of evergreen or deciduous trees that are planted a maximum of 40 feet off center. All trees shall be a minimum of six feet in height at the time of planting.
 - (4) The required planting of all trees described under this Subsection **F** shall occur in an area that is between the adjoining property boundary line and the placement of security fencing. The installation of an opaque wall or fence that is a minimum of six feet in height may substitute for required landscaped areas in all zoning districts.
- G. Self-service storage facility operations shall be designed to accommodate the storage of residential, commercial and industrial items, excluding hazardous, toxic and explosive materials. No use, sale, repair or activity other than storage shall be permitted to occur in self-service storage facility operations. A copy of the lease agreement which describes the requirements of this subsection shall be approved in conjunction with the site development plan for the self-service storage facility operation.
- H. In addition to the above, self-service storage facilities in the RA (Rural Areas) District shall adhere to the following requirements:**
- (1) All development shall conform to all B2 (General Business) District standards.**
 - (2) All development shall have direct access onto a paved state road.**



Action:

BOARD OF SUPERVISORS: September 9, 2015 ☐ APPROVED ☐ DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE IV – AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 401 – RA RURAL AREAS DISTRICT
§165-401.03 – CONDITIONAL USES**

**ARTICLE II – SUPPLEMENTARY USE REGULATIONS, PARKING,
BUFFERS, AND REGULATIONS FOR SPECIFIC USES
PART 204 – ADDITIONAL REGULATIONS FOR SPECIFIC USES
§165-204.18 – STORAGE FACILITIES, SELF-SERVICE**

WHEREAS, an ordinance to amend Chapter 165, Zoning to allow self-storage facilities as a conditional use in the RA (Rural Areas) District was considered along with supplemental use regulations pertaining to the use; and

WHEREAS, The Development Review and Regulations Committee (DRRC) reviewed the changes at their July 23, 2015 meeting and had minor revisions and sent the proposed amendment forward for review by the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the changes at their regularly scheduled meeting on August 19, 2015 and agreed with the amendment; and

WHEREAS, the Board of Supervisors discussed the changes at their regularly scheduled meeting on September 9, 2015; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165 ; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to include self-storage facilities as a conditional use in the RA (Rural Areas) District, including additional supplementary use regulations pertaining to the use.

Passed this 9th day of September, 2015 by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Charles S. DeHaven, Jr.	_____
Gene E. Fisher	_____	Jason E. Ransom	_____
Robert W. Wells	_____		

A COPY ATTEST


Brenda G. Garton
Frederick County Administrator

Q



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner 

SUBJECT: Ordinance Amendment – Variance Requirements

DATE: August 26, 2015

During the 2015 Session, the Virginia General Assembly passed amendments to the Code of Virginia pertaining to the operation of the local Board of Zoning Appeals. These changes require revisions to be made to the Zoning Ordinance to be compliant with the Code of Virginia pertaining to the Board of Zoning Appeals and the standards by which the Board reviews variance requests.

Specific changes include:

- The definition of “variance” has been revised.
- The administrative appeals section has been updated to be consistent with the Code of Virginia – the determination of the Zoning Administrator shall be presumed to be correct and the burden of proof falls on the applicant to rebut the presumption of correctness.
- Within Section C – Variances - the term “unnecessary hardships” has been replaced with the phrase “unreasonable restriction on the utilization of the property”.
- Several other minor revisions have been included that reformat the ordinance to comply with the changes.

The DRRC discussed this amendment at their July 2015 meeting. The DRRC endorsed the changes and sent the amendment forward to the Planning Commission for discussion. The Planning Commission discussed this item on August 19, 2015; the Planning Commission agreed with the changes and sent the item forward for review by the Board of Supervisors.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments:

1. Revised ordinance with additions shown in bold underlined italics.
2. Code of Virginia – BZA and Variances
3. Resolution

CEP/pd

Original language

Draft revisions

**ARTICLE X
BOARD OF ZONING APPEALS**

Part 1001 – Board of Zoning Appeals

§ 165-1001.01 Appointment; organization; terms.

A Board of Zoning Appeals shall be appointed by the Circuit Court according to the requirements and provisions of the Code of Virginia. The Board of Zoning Appeals shall organize and conduct itself according to all requirements of the Code of Virginia. The Board of Zoning Appeals shall consist of five members appointed for five-year terms.

§ 165-1001.02 Powers and duties.

A. Administrative appeals. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator, Director of Planning and Development or other administrative officer with authority to administer or enforce the requirements of this chapter. **The determination of the Zoning Administrator shall be presumed to be correct. At a hearing, the Zoning Administrator shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board of Zoning Appeals shall consider any applicable ordinances, laws and regulations in making its decision.**

(1) Procedures. An appeal to the Board of Zoning Appeals may be taken by any person, department, board, County or municipality aggrieved or affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision by filing with the Zoning Administrator and Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(2) The Board shall fix a reasonable time for the hearing of an application or appeal and shall give public notice thereof as well as due notice to the parties in interest. It shall decide the appeal within 60 days. The Board may reverse or affirm wholly or partly or may modify an order, requirement, decision or determination appealed according to the procedures described in the Code of Virginia.

B. Map interpretations. The Board of Zoning Appeals shall hear and decide applications for the interpretation of the Zoning District Map after notice to the owners of the property affected and after a public hearing held according to the requirements of the Code of Virginia. The Board shall

interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular district in question. The Board shall not have the power to change substantially the locations of district boundaries as established by this chapter. The Board shall not have power to rezone property.

C. Variances. The Board of Zoning Appeals shall hear and decide applications for variances from specific terms or requirements of this chapter in specific cases. Variances shall only be granted by the Board in the following cases:

(1) ~~When granting the variance will not be contrary to the public interest.~~ **The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that their application meets the standard for a variance as defined;**

(2) A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance and:

- a. The property interest for which the variance is being requested was acquired in good faith;**
- b. Any hardship was not created by the applicant for the variance;**
- c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**
- d. Condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;**
- e. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and**
- f. The relief or remedy sought by the variance application is not available through a Conditional Use Permit process or the process for modification of a zoning ordinance.**

~~(2) When owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances shall only be granted when the property owner can show that his property was acquired in good faith and where the owner can show that the hardship was not self-inflicted. Variances shall be granted where, by reason of the exceptional conditions on the property at the time of the effective date of this chapter, the strict application of the requirements of this chapter would effectively prohibit or unreasonably restrict the use of the property. Variances shall be granted to alleviate a clearly demonstrable hardship approaching confiscation. Variances shall not be granted to provide a special privilege or convenience sought by the applicant. A variance shall not be granted when the condition being alleviated is of a recurring nature so that the condition could better be alleviated by a zoning amendment.~~

~~(3) When the granting of the variance will maintain the intent of this chapter.~~

~~(4) Variances shall be granted to alleviate the following types of conditions:~~

- ~~(a) Narrowness, shallowness, size or shape of a specific piece of property.~~
- ~~(b) Exceptional topographic conditions.~~
- ~~(c) Extraordinary conditions concerning the use of adjacent properties.~~
- ~~(d) Other extraordinary conditions of the specific parcel of land.~~

~~(5) Variances shall only be authorized if the Board finds the following:~~

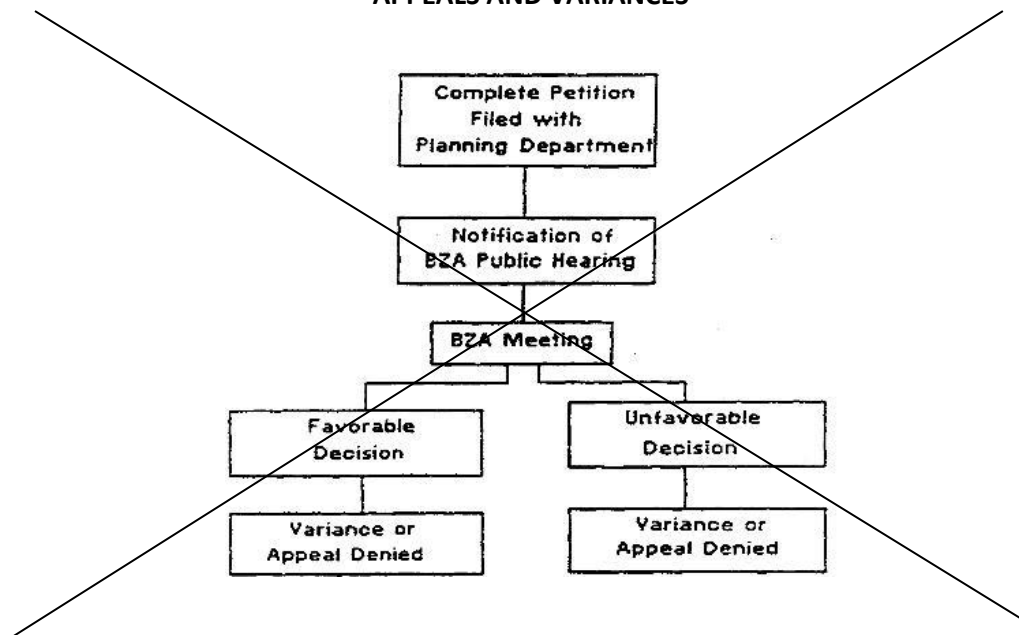
- ~~(a) That the strict application of this chapter would produce undue hardship as described above.~~
- ~~(b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.~~
- ~~(c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by granting the variance.~~

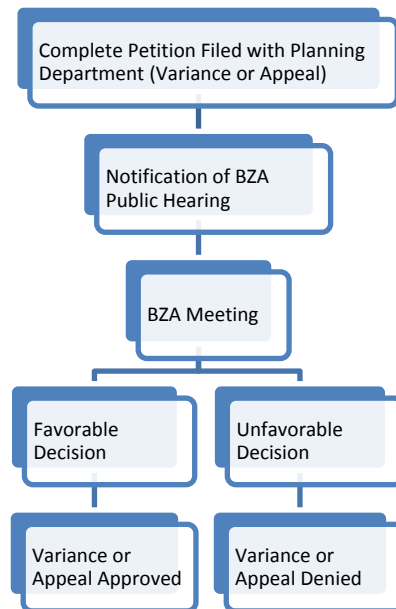
(3) No variance shall be granted for any proposed use, development or activity in the Floodway District that will cause any increase in flood levels during the one-hundred-year flood.

(4) When considering a variance application located within the floodplain districts, additional factors contained in ARTICLE VII, § 165-702.18, must be followed.

D. Procedures. Applications for variances shall be made to the Zoning Administrator in accordance with rules adopted by the Zoning Administrator. Plans, maps and other application materials shall be provided by the applicant as required. Variances; shall be promptly transmitted to the Board of Zoning Appeals for public hearing. No variance shall be granted until after notice and a public hearing is held according to the requirements of the Code of Virginia. Applications for variances shall be accompanied by a nonrefundable fee in an amount as set by resolution of the Board of Supervisors from time to time.

APPEALS AND VARIANCES





- E. Conditions. In granting a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with.
- F. Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court according to procedures set forth in the Code of Virginia.

ARTICLE I

GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02 Definitions and word usage.

VARIANCE - A reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of this chapter would ~~result in unnecessary or unreasonable hardship to the property owners~~ unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the ~~intended spirit and purpose of this chapter and would result in substantial justice being done.~~

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 597

An Act to amend and reenact §§ 15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2308.1, relating to variances.

[H 1849]

Approved March 26, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2308.1 as follows:

§ 15.2-2201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable

statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the *shape*, size, or area of a lot or parcel of land; or the size, *height*, area, bulk, or location of a building or structure when the strict application of the ordinance would ~~result in unnecessary or unreasonable hardship to the property owner~~ *unreasonably restrict the utilization of the property*, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the ~~intended spirit and purpose of the ordinance, and would result in substantial justice being done.~~ It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board

may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. ~~For~~ *Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body.* Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members of the board shall be appointed by the governing body. The governing body of such city shall also appoint at least one but not more than three alternates to the board.

§ 15.2-2308.1. Boards of zoning appeals, ex parte communications, proceedings.

A. *The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.*

B. *Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.*

C. *For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.*

D. *This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.*

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. *The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.* The board shall consider ~~the purpose and intent of~~ any applicable ordinances, laws, and regulations in making its decision. *For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.*

2. ~~To authorize~~ *Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance as defined in § 15.2-2201 from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows: the burden of proof shall be on the*

applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

~~When a property owner can show that his~~ Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and ~~where by reason of the exceptional and any hardship was not created by the applicant for the variance; narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.~~ (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

No such variance shall be authorized by the board unless it finds:

- a. That the strict application of the ordinance would produce undue hardship relating to the property;
- b. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- c. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be ~~authorized~~ considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In ~~authorizing~~ granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest; and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, *general or special*, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

§ 15.2-2314. Certiorari to review decision of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings *in the circuit court*. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

~~If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.~~ The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, ~~or application for a special exception,~~ the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by ~~showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning~~

appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.



Action:

BOARD OF SUPERVISORS: September 9, 2015 ☐ APPROVED ☐ DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE X – BOARD OF ZONING APPEALS
PART 1001 – BOARD OF ZONING APPEALS
§165-1001.02 – POWERS AND DUTIES**

**ARTICLE I – GENERAL PROVISIONS, AMENDMENTS, AND
CONDITIONAL USE PERMITS
PART 101 – GENERAL PROVISIONS
§165-101.02 – DEFINITIONS AND WORD USAGE**

WHEREAS, during the 2015 Session of the Virginia General Assembly passed amendment to the Code of Virginia pertaining to the operation of the local Board of Zoning Appeals; and

WHEREAS, The Frederick County Planning Department has drafted revisions to Article X and Article I of the Zoning Ordinance to be compliant with the Code of Virginia pertaining to the Board of Zoning Appeals and the standards by which the Board review variance requests; and

WHEREAS, The Development Review and Regulations Committee (DRRC) endorsed the changes at their July 23, 2015 meeting and sent the item forward for review by the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the amendment at their regularly scheduled meeting on August 19, 2015 and agreed with the changes; and

WHEREAS, the Board of Supervisors discussed the amendment at their regularly scheduled meeting on September 9, 2015; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165 ; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to make changes to the zoning ordinance to be compliant with the Code of Virginia pertaining to the Board of Zoning Appeals and the standards by which the Board reviews variance requests.

Passed this 9th day of September, 2015 by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Charles S. DeHaven, Jr.	_____
Gene E. Fisher	_____	Jason E. Ransom	_____
Robert W. Wells	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

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MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *CEP*

SUBJECT: Ordinance Amendment – Setbacks from Agricultural and Forestal Districts

DATE: August 28, 2015

During the 2015-2020 Agricultural and Forestal District update, concern was presented over the inclusions of parcels less than five (5) acres into the districts due to their impacts on adjacent parcels that were not in agricultural districts. The concern was that placement of these parcels of less than five (5) acres in size into the Agricultural District did not clearly further agriculture pursuits and interests, and often contained residences, yet the resulting 200-foot setback placed greater restrictions on their adjacent neighbors. Essentially, someone with a two (2) acre parcel could control development activity on their two (2) acres as well as their neighbor's two (2) acres (when the 200-ft setback was applied).

The Board of Supervisors held a public hearing for the inclusion of these parcels less than 5 acres into the agricultural districts at their August 12, 2015 meeting. At that meeting they deferred action on accepting or denying the inclusion of many of these parcels and directed staff to draft an ordinance amendment that would allow the inclusion of the parcels without impacting adjacent parcels.

Staff has drafted an amendment to the RA (Rural Areas) District setbacks to address this issue; the proposed amendment includes the following:

- Utilizes the RA setback requirement based on adjoining parcel size previously adopted in 2007.
- Includes setbacks for parcels that abut agricultural district, based on the size of the parcel within the adopted agricultural district.
- Parcels within an agricultural district that are 6 acres or less would require a 50' setback and parcels over 6 acres would require the 200' setback.

The Planning Commission discussed this item their August 19, 2015 meeting; at that meeting the Commission discussed the acreage cutoff at 6 acres or above and below 6 acres and felt this change addresses the issues raised with the Agricultural and Forestal District update.

The DRRC discussed this at their August 27, 2015 meeting; the DRRC requested that the acreage be changed from 6 acres to 2 acres. The DRRC felt that five and six acre parcels still have a high

potential for agricultural uses and the 200' setback is appropriate. The committee felt that reducing the acreage to two acres for the 50 foot building restriction line would be more acceptable.

The attached document shows the existing ordinance with the proposed changes supported by the Planning Commission (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments: 1. Revised ordinance with additions shown in bold underlined italics.
 2. Resolution

CEP/pd

Original language

Draft revisions

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 401 – RA Rural Areas District

§ 165-401.07 Setback requirements.

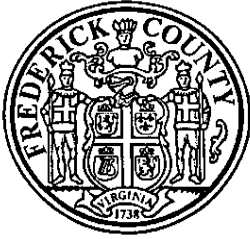
The following setback requirements shall apply to all parcels within the RA Rural Areas Zoning District:

A. Setbacks for all lots other than rural preservation lots shall be as set out below.

[Amended 2-28-2007; 4-27-2011]

- (1) Front setbacks. The front setback for any principal or accessory use or structure ~~located on a traditional five-acre lot~~ shall be 60 feet from the property line or right-of-way of the street, road or ingress/egress easement.
- (2) Side or rear setbacks. The minimum side or rear setback for any principal use or structure shall be determined by the primary use of the adjoining parcel as follows:

Adjoining Parcel Size	Setback (Side and Rear) (feet)
6 acres or less	50
More than 6 acres	100
<u>Agricultural and Forestal District, 6 acres or less</u>	<u>50</u>
<u>Agricultural and Forestal District, more than 6 acres</u>	<u>200</u>
Orchard <u>(regardless of parcel size)</u>	200



Action:

BOARD OF SUPERVISORS: September 9, 2015 ☐ APPROVED ☐ DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE IV – AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 401 – RA RURAL AREAS DISTRICT
§165-401.07 – SETBACK REQUIREMENTS**

WHEREAS, Staff has been directed to prepare an amendment to Chapter 165, Zoning to reduce the setbacks off of parcels within the Agricultural and Forestal District. Staff has drafted an amendment to the RA (Rural Areas) District setbacks that would require parcels abutting a property within an agricultural district that is six acres or less to have a 50' setback and parcels more than six acres would require a 200' setback; and

WHEREAS, the Planning Commission discussed this item at their regularly scheduled meeting on August 19, 2015 and agreed with the proposed amendment and sent the item forward; and

WHEREAS, The Development Review and Regulations Committee (DRRC) discussed this item at their August 27, 2015 meeting and recommended reducing the parcel size be reduced from six acres to two acres; and

WHEREAS, the Board of Supervisors discussed this item at their regularly scheduled meeting on September 9, 2015 and agreed with the proposed amendment; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165 ; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to revise the RA (Rural Areas) District setbacks to require parcels abutting a property within an agricultural district that is six acres or less to have a 50' setback and parcels more than six acres would require a 200' setback.

Passed this 9th day of September, 2015 by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Charles S. DeHaven, Jr.	_____
Gene E. Fisher	_____	Jason E. Ransom	_____
Robert W. Wells	_____		

A COPY ATTEST


Brenda G. Garton
Frederick County Administrator

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MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP
Deputy Director 

RE: Kernstown Area Plan – Board of Supervisors Discussion

DATE: August 28, 2015

The upcoming Board of Supervisors meeting will provide an opportunity for the Board of Supervisors to discuss the Kernstown Area Plan. The Kernstown Area Plan is a proposed amendment to the 2030 Comprehensive Plan; Appendix I – Area Plans. Staff is seeking direction from the Board of Supervisors to move this amendment to the 2030 Comprehensive Plan; the Kernstown Area Plan, through the public hearing process.

Prior to this being presented to the Board, the Planning Commission discussed the plan at their June 17, 2015 and August 19, 2015 meetings and offered valuable input that was incorporated into the plan and their endorsement of the Plan. The Comprehensive Plans and Programs Committee (CPPC) endorsed the draft plan at their August 10, 2015 meeting.

Overview

The Kernstown Area Plan looks to update/renew/expand the land use and transportation plans for the Kernstown area, generally located along Route 11, south of the City of Winchester and north of the Town of Stephens City, and west of I-81. This effort utilizes the previously adopted area plans (Southern Frederick Land Use Plan and Route 11 South Corridor Plan) as a basis to build upon and would integrate the C/I opportunities and the areas of mixed use with future transportation plans.

The Kernstown study area is located in the Back Creek Magisterial District.

Public Input

The Kernstown Area Plan, which kicked off in the beginning of 2015, has been worked on by the Comprehensive Plans and Programs Committee (CPPC). The draft is reflective of the work of a number of citizen volunteers who have previously worked on updating

the County's Area Plans as well as the input of the Comprehensive Plans and Programs Committee. In addition, the draft has incorporated input from the public through the public information meeting and more directly through individual correspondence and discussion with property owners in the area. The draft addresses residential development, business development, transportation, and historic resources, natural resources, and community facilities.

As mentioned, a public information and input meeting was held on May 26, 2015. The meeting was held at the MidAtlantic Farm Credit Building in Kernstown and was well attended with approximately fifty (50) stakeholders participating and engaging in a lively and thorough discussion during the meeting. Staff introduced the study, sought additional input, and encouraged further participation in the study throughout the public process.

The previously adopted area plans (Southern Frederick Land Use Plan and Route 11 South Corridor Plan) provided the basis that the updated Kernstown Area Plan was built upon. The additional work of the CPPC also sought to integrate the best of the more comprehensive and general components of the recently approved Southern Frederick Area Plan and the Senseny/Eastern Frederick Area Plan into the Kernstown Plan. This was reflective of the valuable public participation and effort from the working groups and the transferability of these previous plans.

The resulting land use plan continues to focus on the following four main areas as follows:

- 1. Urban Areas and Residential Development**
- 2. Business Development**
- 3. Transportation**
- 4. Natural Resources, Historic Resources, and Public Facilities**

The above four sections were then drafted into a cohesive draft version of the Kernstown Area Plan which was presented to the public at the aforementioned Public Information and Input meeting. The draft plan was further refined over the summer with the additional input received. Most recently, the draft was presented to the Transportation Committee on July 27, 2015 and the Historic Resources Advisory Board on July 28, 2015. Input from these two bodies was incorporated into the draft and has been highlighted accordingly.

As a result of this effort, the various input received, including that of the Planning Commission, the Kernstown Area Plan is presented to the Board of Supervisors for discussion and further input. Ultimately, Staff will be looking for direction from the Board of Supervisors to move the Kernstown Area Plan through the public hearing process.

Kernstown Area Plan – Board of Supervisors Discussion
August 28, 2015
Page 3

For more information about the study effort, please visit the website at www.fcva.us/kernstown or contact me directly.

MTR/pd

Attachments: 1. Input and Adjustments to the Draft Plan
2. Planning Commission Comments (June 17, and August 19, 2015)
3. Draft Kernstown Area Plan

INPUT AND ADJUSTMENTS TO THE DRAFT PLAN.

The following is provided in summary of the general questions and comments received during the public information and input meeting. Also, a general description of some of the changes and adjustments made following the meeting has been included to highlight those made in response to some of the comments provided.

General comments and questions.

- Enabling some form of reuse/development with the areas identified with DSA, Rural Historic Resources Area.
- North of Bartonsville, allow some additional commercial opportunity.
- Firm comments from residents of Bartonsville to protect this area from the encroachment of commercial. Also, expressed concern about widening of Route 11 and potential impact on historic properties.
- Pleased with “adaptive reuse” if allows sensitive projects e.g. restaurant, B & B.
- Water and sewer questions; Big picture - where is water coming from. Details- making sure it is available to allow development and adaptive reuse to occur.
- Praise for Creekside development context and quality encouraged by repeating this with new development in Kernstown area.
- Questions about details of trails and connections within study area. Talked about complete streets. Flexible approach to design. Recognized separate hike/bike trail on Route 11, example being in front of Kernstown Commons.
- Concerns were expressed about making sure the right-of-way was available, particularly along Route 11 in the northern area, to allow improvements to the roads in support of the anticipated development.
- Who was involved in preparation of plan?
- Shout out to Sherando students who helped. The Sherando High School Student Learning Group completed a project this spring that identified and evaluated the Historic Resources, in addition to the Natural Resources, in the Kernstown Area.

ADJUSTMENTS MADE TO THE DRAFT KERNTOWN AREA PLAN BASED ON INPUT RECEIVED.

Transportation Committee

An early draft of the Kerntown Area Plan was presented to the Frederick County Transportation Committee on Monday, April 27, 2015. At this meeting, members of the Transportation Committee offered comments including the following:

The current planned transportation network was maintained in the Kerntown Area Plan. In the future, changes may be considered if warranted based upon more in depth transportation analysis. The current planned transportation network in the vicinity of Route 11, Route 37, and Interstate 81 is extremely significant. Any modifications that may negatively impact this area should be avoided. The existing transportation network has been reinforced in the maps. Adjustments made to the text of the Plan to reflect future study if warranted (page 16)

Areas of DSA should be limited and should not hinder property owners from the development or use of their properties. Areas of identified DSA's have been reduced, in particular in the South Bartonsville area (pages 7, 19, 20).

More flexibility has been reinforced in the text of the Plan to encourage the sensitive development and adaptive reuse of the properties.

General Public Comments and Requests.

A more significant amount of flexibility was added in the identified Rural Historic Resource Areas description to encourage adaptive reuse and sensitive development of the areas where appropriate. Care was added to promote the flexible ability to develop properties in the identified DSA's in a manner that was respectful to the character and context of these areas (pages 7, 19, 20).

The area identified as the Bartonsville DSA/Rural Historic Resource Areas was reduced in size to allow additional areas of Commercial Recreation land use to the south and additional areas of commercial land use to the north specifically to address a property owner request.

Route 11 south in the vicinity of Bartonsville was maintained at its current designation with no additional improvements identified. Therefore, as a result of this plan, no additional widening of Route 11 in the immediate Bartonsville area was anticipated.

Planning Commission comments from June 17, 2015 meeting.

Immediately prior to the Planning Commission discussion, Staff had received input from a property owner in the south Bartonsville regarding the commercial recreation designation area of land use and general input from others regarding the DSA's. As a result, a draft land use map had been prepared and presented that reflected this input; the removal of the areas of DSA and the conversion of the commercial recreation land use to commercial.

Mr. Thomas: Posed the question when going from a historic designation to rural designation does that give the property owner the assumption that they can develop the property in the future, would it also allow the property to be broken into 5 acre lots at any given time without the County's input. He also asked is it truly a historic area we would be losing or is it peripheral historic areas.

Mr. Ruddy: Noted they are certainly historical areas but they would be able to do in the Bartonsville Area what the rural area zoning designation would allow. For instance, they would be able to subdivide if their density and lot acreage would allow. They would also be allowed to work with the County on a CUP if they felt a restaurant facility would be appropriate. The property owner would not be able to turn the property into a commercial or industrial location because the land use would not support it. In addition it's important to recognize the second area in the Kernstown Battlefield location that is recognized as a DSA but could revert back to RA designation is wholly protected by the Kernstown Battlefield Association through ownership of the property or future easements that they're obtaining on the adjacent properties. He noted rural area designation has been reinforced over the last few years and that is something to be supported.

Mr. Thomas: Asked is the future being given away too much that the historical area will be lost by using RA designation or should we use a combination of RA and historical area on some of this, such as the more significant historical areas. Keep the historical designation and the peripheral areas designate RA.

Mr. Ruddy: Noted that is a very good point. In the process we are always trying to balance that, to allow the property owners to do certain things but also to recognize our resources. Development Sensitive Areas have been a good tool for the County in identifying those places and locations, it's insuring that when everyone uses the DSA that they're reflecting what it is the County is looking to see and that is promoting those historic resources but also allowing things to happen in and around those resources creatively.

Mr. Thomas: Appreciates the property owner's rights and wants to keep those rights flexible. He stated maybe part of this should have some historical designation to preserve the significant parts of it.

Mr. Ruddy: Noted there have been discussions in that regard with the adjacent property owners in the area wanting to have commercial opportunity and citizens within the Bartonsville area in particular valuing what they have and valuing the future of that, as the resources that are there today and trying to find a balance.

Mr. Oates: Noted when he first came on the Planning Commission in 2005, the mapping was mainly white. He was pleased that over the last 10 years or so on the land use plans, colors have been added to identify areas that were to be preserved. He stated the color acted as a chip that noted the land had been looked at, was a DSA etc....He pointed out it gave citizens notice that the land was not to be used for high density residential or commercial/light industrial. He stated leaving the mapping white is going to reopen the door for confusion and the false sense the property can be developed. He noted in recent years we haven't had citizens think the property was missed being designated because maps were appropriately color coded. He elaborated if it was in the DSA and there was a legitimate reason why part of it should come out then a study could be done to analyze that. He noted keeping the colors on the maps will put everyone on notice that something exists there and it will prevent citizens from getting the false sense something can be done with the property (ex. Rezoning, serviced by SWSA, etc...) when it actually cannot.

Mr. Ruddy: Appreciated everyone's comments and input as this will continue to be a work in progress.

As a result of the additional Planning Commission input and the discussion of the above requests and changes, Staff added back the DSA designation to the draft land use plan. Flexibility in the adaptive reuse of properties and resources in these rural area identified with a DSA continues to be encouraged.

Planning Commission comments from August 19, 2015 meeting.

Staff noted that through this process, in particular, the public information meeting, there were useful comments, questions, and input obtained. Staff highlighted, at the previous meeting there was a considerable amount of discussion on the DSA's. DSA's being an important component of the County's planning efforts. The Planning Commission has provided good input and the Commission's noting that the DSA is a good tool that has been developed over time and really identifies the areas of the County that should be recognized. Staff explained these areas may enable development for a variety of things to occur and at the same time, recognizes there is something special there. Staff noted more flexibility was provided in the language for these development sensitive areas to ensure that the adaptive reuse and development in and around these areas was clearly enabled. Staff noted the Transportation Committee provided an excellent suggestion in that we further define what a Development Sensitive Area is and what it means. The current planned transportation network was maintained in the Kernstown Area Plan.

Staff noted the areas identified as the Bartonsville DSA/Rural Historic Resource Areas was reduced in size to allow additional areas of Commercial Recreation land use to the south and additional areas of Commercial land use to the north specifically to address a property owner's request.

A Commission Member inquired if there would be additional public input meetings. Staff stated there will be no public input meetings however there will be public hearings held at which time those who have been involved will be properly notified.

Please note that the input and adjustments suggested by the HRAB and Transportation Committee is noted in the text of the document.

- Transportation Committee Input; April 27, 2015 and July 27, 2015

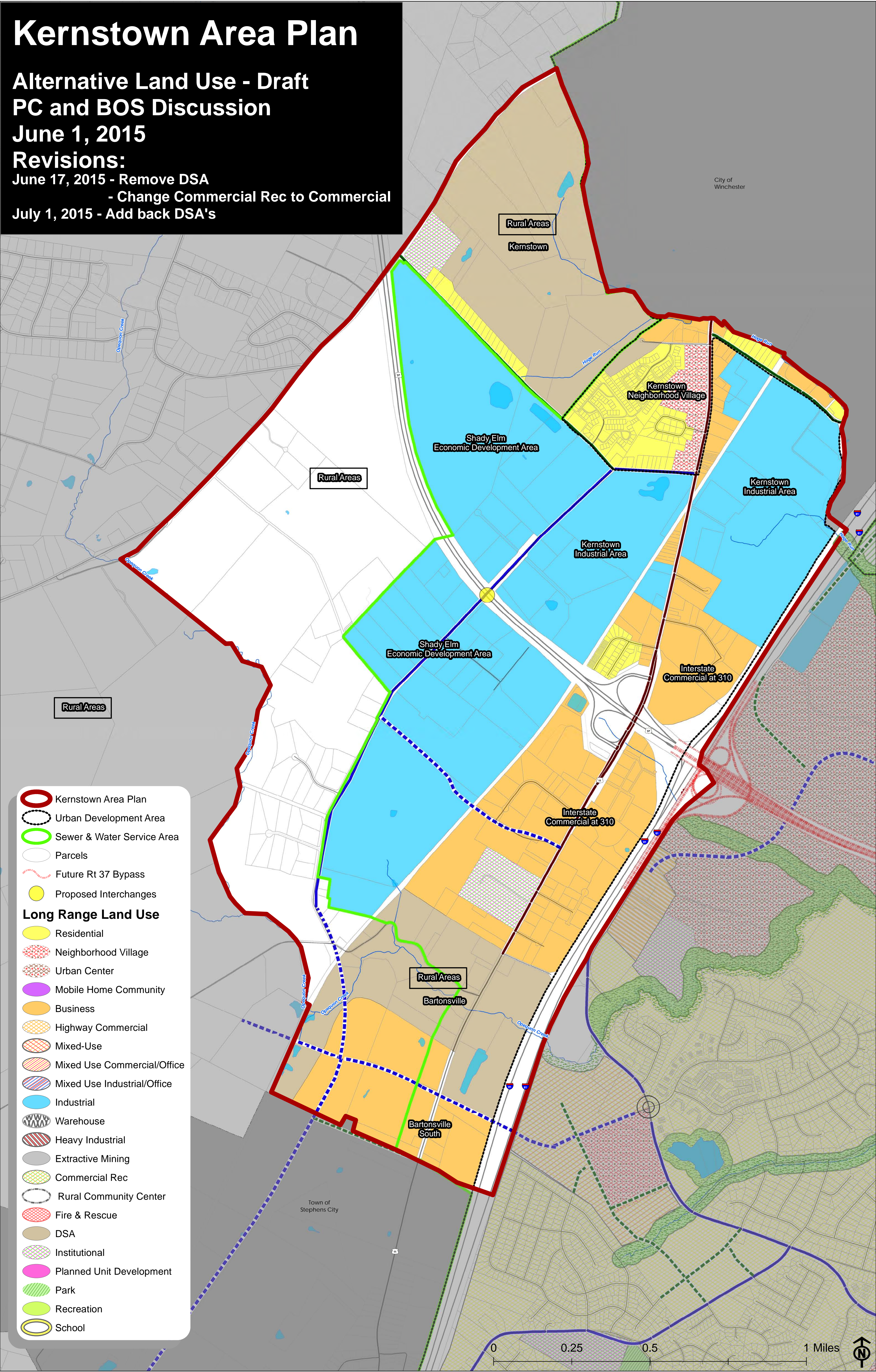
- Historic Resources Input; July 28, 2015

The Draft Kernstown Area Plan will be presented for information to the City of Winchester and the Town of Stephens City during the month of September.

Kernstown Area Plan

Alternative Land Use - Draft
PC and BOS Discussion
June 1, 2015

Revisions:
June 17, 2015 - Remove DSA
 - Change Commercial Rec to Commercial
July 1, 2015 - Add back DSA's

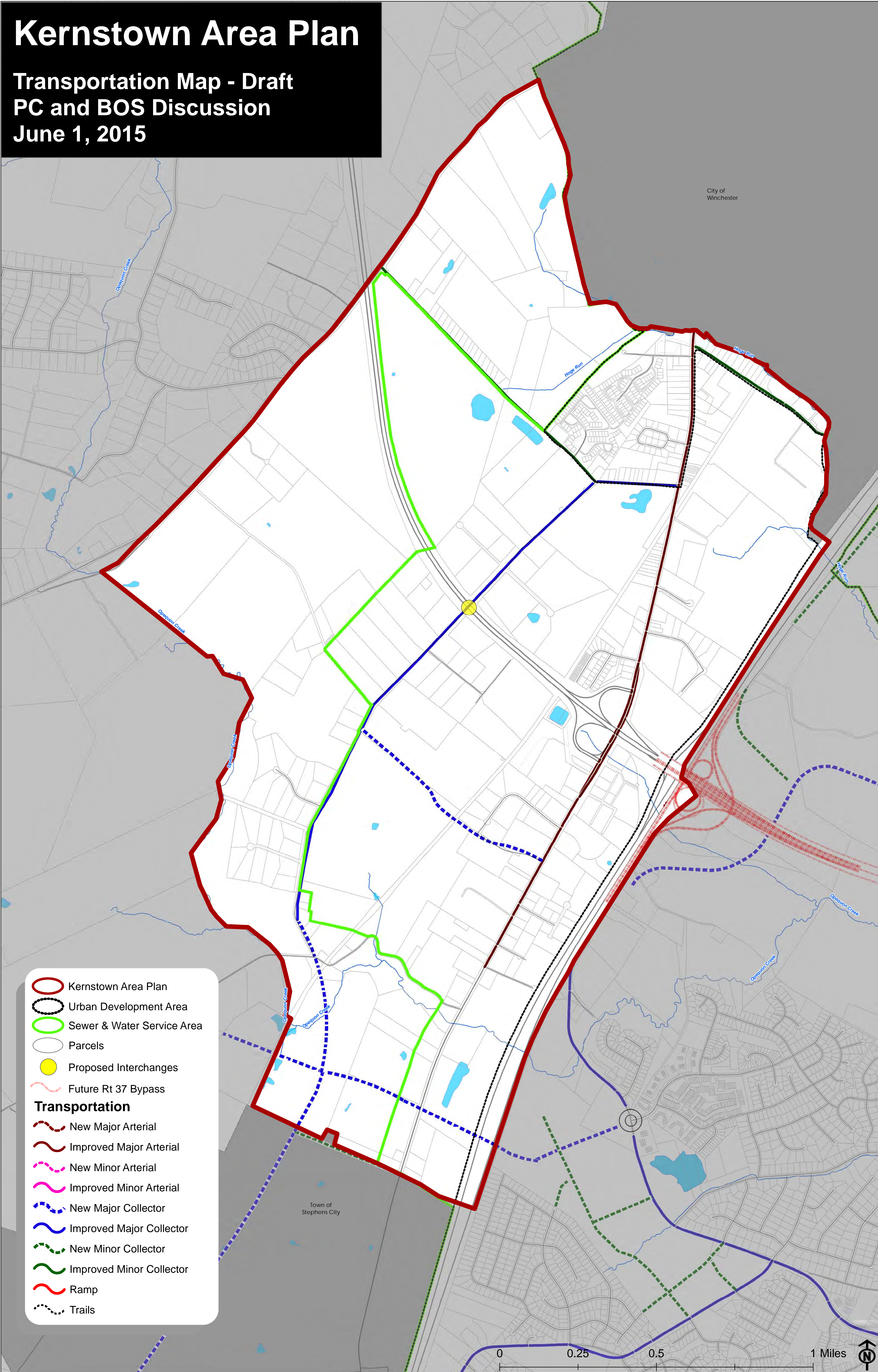


Kernstown Area Plan

Transportation Map - Draft
PC and BOS Discussion
June 1, 2015

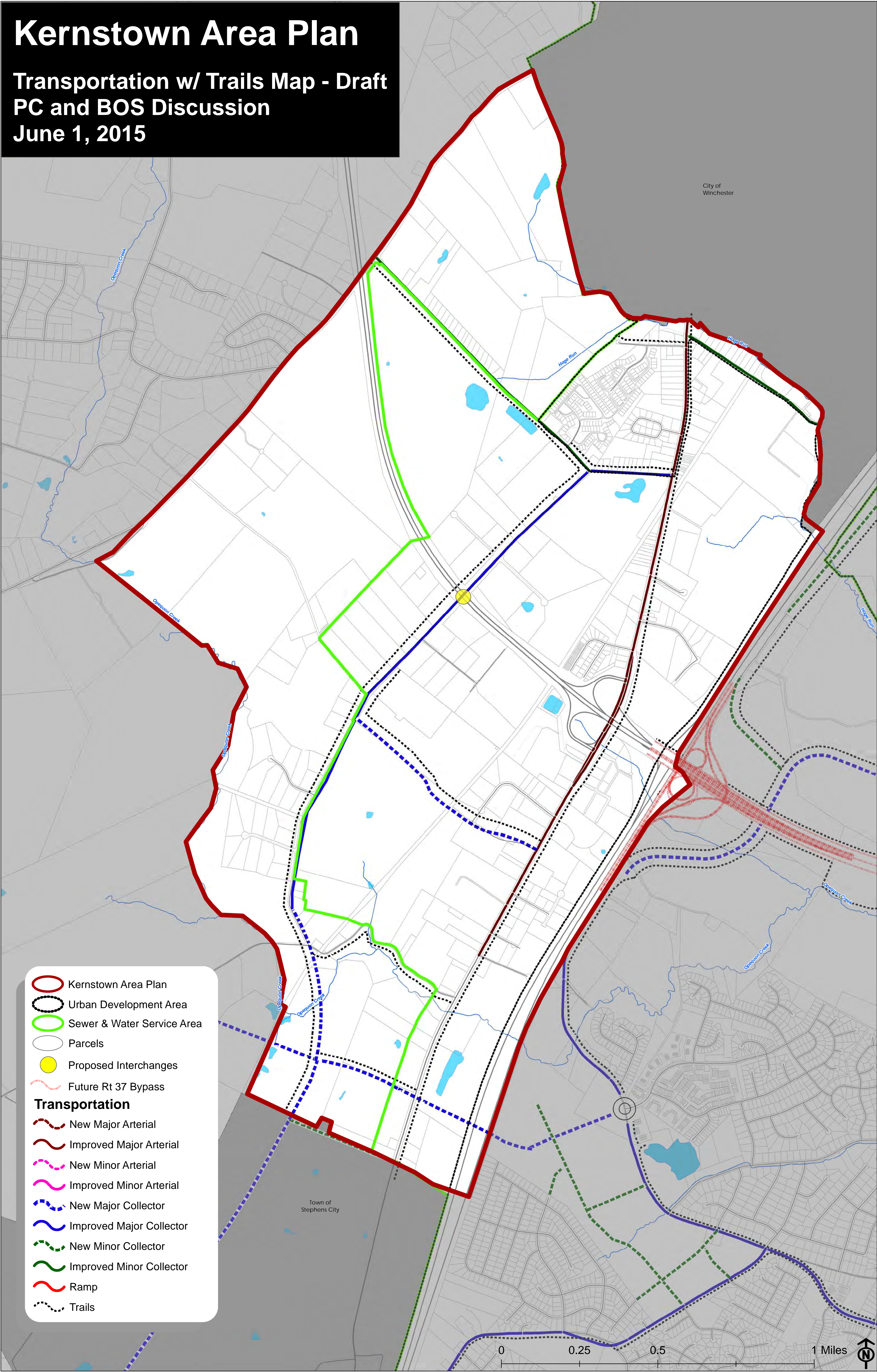
Kernstown Area Plan

Transportation Map - Draft
PC and BOS Discussion
June 1, 2015



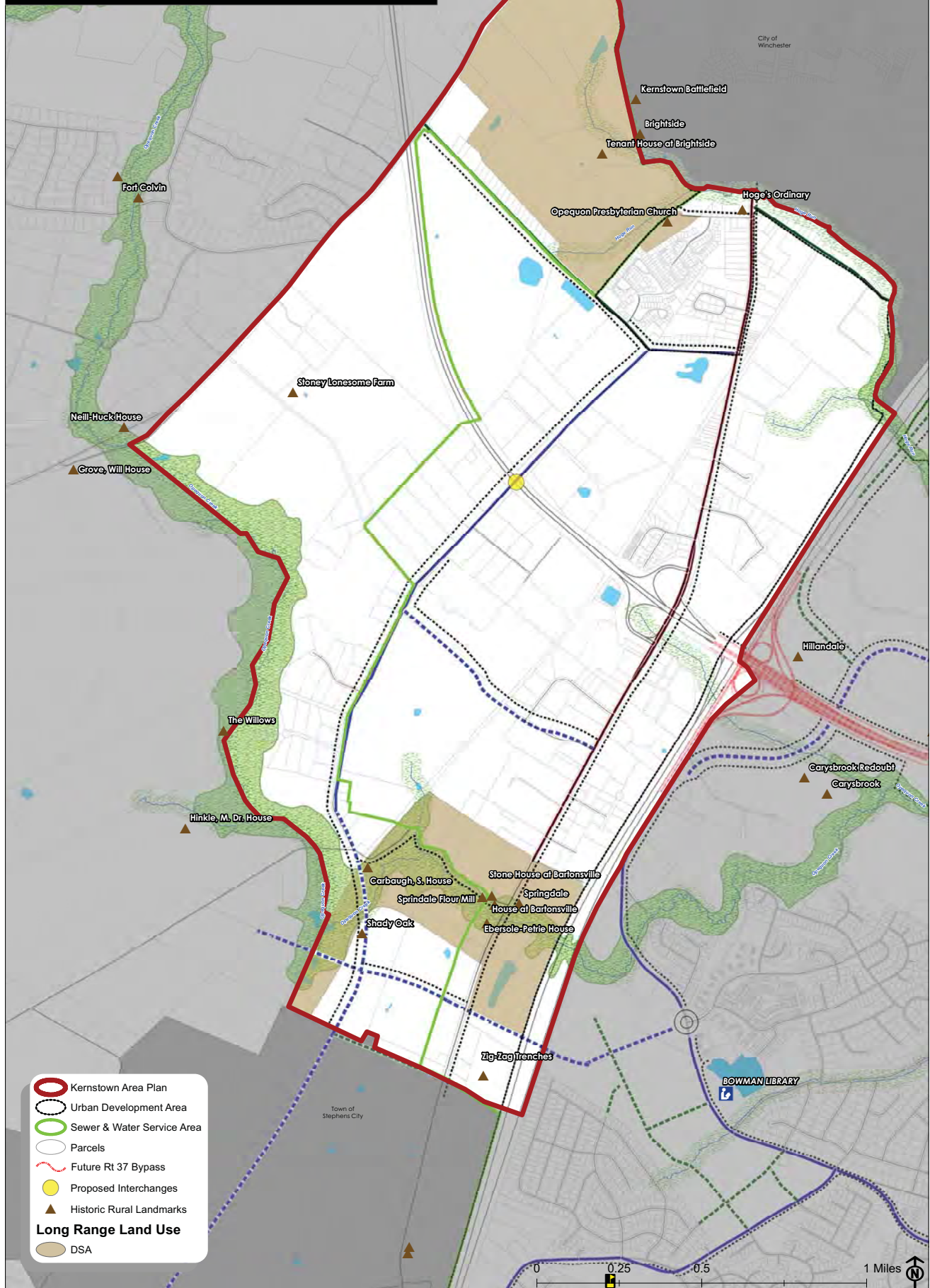
Kernstown Area Plan

Transportation w/ Trails Map - Draft
PC and BOS Discussion
June 1, 2015



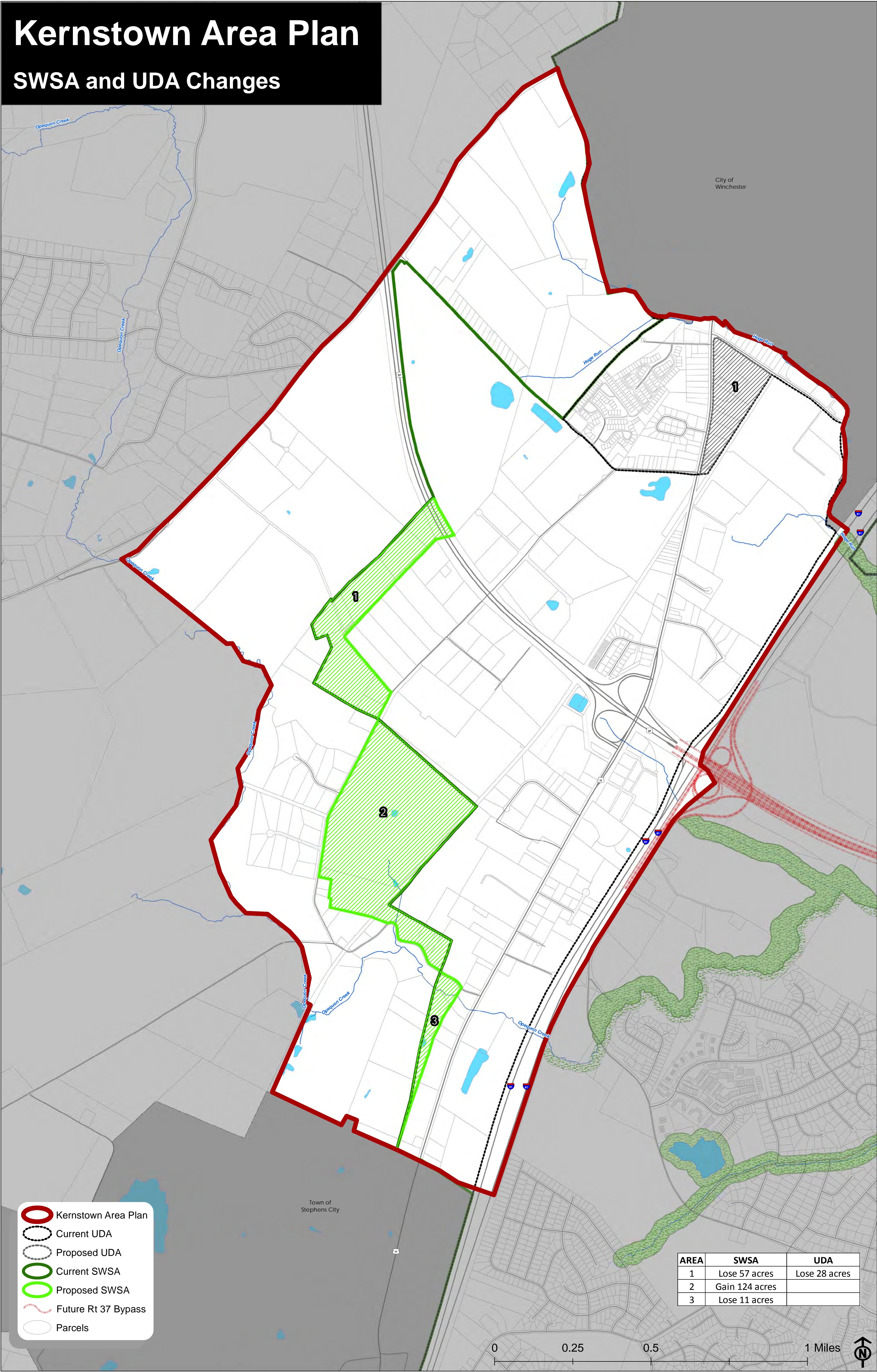
Kernstown Area Plan

Historic and Natural Resources Map
Draft - PC and BOS Discussion
June 1, 2015



Kernstown Area Plan

SWSA and UDA Changes



APPENDIX I - AREA PLANS

KERNSTOWN AREA PLAN

BOARD OF SUPERVISORS

APPROVED ON TBD, 2015

PLANNING COMMISSION

RECOMMENDED APPROVAL TBD, 2015

ENDORSED BY THE

COMPREHENSIVE PLANS AND PROGRAMS COMMITTEE

TBD, 2015

- Transportation Committee Input; April 27, 2015 and July 27, 2015

- Historic Resources Input; July 28, 2015

DRAFT

KERNSTOWN AREA PLAN

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

The goal of the plan is to bring the areas within the study boundary into a cohesive and proactive area plan. The Kernstown 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.

In this 2015 update, several changed or enhanced areas of land use focus were envisioned; the Shady Elm Road area continues its economic development emphasis, the Route 11 corridor seeks to capitalize on Interstate Commercial opportunities, the industrial land uses north of Route 37 and east of Route 11 are reinforced, and the Bartonsville and Kernstown historical and cultural areas have been identified with the Developmentally Sensitive Area (DSA) designation. **The Historic Resources Advisory Board (HRAB) suggested an alternate approach that further recognizes these resource areas as Heritage Resource Areas. Such an approach should be incorporated into the review of the 2035 Comprehensive Plan as it may be attributable to other areas of the Frederick County.**

The Kernstown Area Plan in the vicinity of Route 37 and Interstate 81 feeds directly into the Senseny/Eastern Frederick Urban Area Plan with the Crosspointe Development. Interstate 81 improvements at the 310 Interchange, Phase 1 of which is scheduled to commence in 2015, in

APPENDIX I - AREA PLANS

this location further supports this area plan. Route 11, Valley Pike, links the Kernstown Area Plan with the City of Winchester to the north and the Town of Stephens City to the south.

The Kernstown Area Plan promotes a new area of new land use focus; the Kernstown Neighborhood Village in the Creekside area, along the west side of Route 11. This area is within the Urban Development Area and seeks to incorporate the recently developed residential communities with new infill residential and commercial opportunities. This area should promote an attractive street presence along the frontage of Route 11 and reaffirm Kernstown as a distinct community, blending the old with the new, and building on the successful developments that have occurred in this area of the County.

An overview to planning in Frederick County.

Planning efforts, such as the Kernstown 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 goal of this area plan is to integrate the commercial and industrial (C/I) opportunities and the areas of mixed use with future transportation plans and to recognize the historical and natural resources abundant in this area plan.

Shady Elm Economic Development Area

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

Kernstown Interstate Commercial @ 310

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

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

APPENDIX I - AREA PLANS

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

Kernstown Industrial Area

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

Kernstown Creekside Neighborhood Village

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

Defined Rural Areas

The Kernstown Area Plan has sought to further define the boundary between the Rural and Urban Areas of the community. As noted, the above areas of proposed land use combine to frame the western **boundary of the County's urban areas**. In addition, the rural areas to the west of Shady Elm Road south of the industrial areas further define **the County's urban area in this location**. The plan provides enhanced recognition of the rural residential land uses, Hedgebrook Farm, and the agricultural areas adjacent to Middle Road. This recognition and the location and boundaries of the proposed land uses further promote **a clean separation between the County's rural and urban areas**. The continuation of agricultural uses west of Route 37 and Shady Elm Road will encourage the continuation of agribusiness activity and protect the integrity of the properties voluntarily placed in the South Frederick Agricultural and Forestal District.

Kernstown and Bartonsville Developmentally Sensitive Areas (DSA's) - *An alternate approach that recognizes these resource areas as **Heritage Resource Areas**, could be evaluated to more accurately reflect the role of these areas.*

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

A similar **State Historic District** designation should be pursued, in conjunction with property owners, in the Bartonsville **Heritage Resource Area**. In addition to its historical significance, much of the Bartonsville area is also within the 100 year flood plain and would therefore be otherwise limited in terms of development potential. In Bartonsville, the rehabilitation, adaptive reuse, or restoration of historic structures should be encouraged. Future development applications that have historic resources on the property should

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incorporate the resources on the site into development. Any future development should be sensitive to those resources present on the site.

The **County's** Historic Resources Advisory Board (HRAB) suggested creating a hierarchy evaluation for the preservation, adaptive reuse, continuation of existing property and use choices that may be available when evaluating these areas. In essence, a guide to the preferred approach to addressing the future of these identified heritage resources. Such an approach should be incorporated into the review of the 2035 Comprehensive Plan as it may be attributable to other areas of the Frederick County. Archeological resources should also be a consideration within these identified areas and in the County in general.

Bartonsville South

Perhaps the most outstanding feature of the land from Bartonsville south to the Stephens City limits is the relatively pristine state of the southern portion of the corridor. It remains relatively undeveloped. The majority of this segment of the study area is currently either used for agriculture or is vacant. Only two, small-scale commercial enterprises are situated in this portion of the corridor. The bigger of the two is a commercial recreational land use known as Appleland. This commercial recreation land use is expanded upon to further promote the expansion of this land use in this location. In addition, this area promotes the further expansion of general commercial land uses in the future by encouraging the conversion of the commercial recreation land uses to general commercial land uses.

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

One of the significant elements of this plan is the buffering of Route 11 South. This southern section of the corridor from Stephens City, north to Bartonsville is intended to be set apart from the existing commercial development along the northern third of the corridor. The intent is that, through a combination of setbacks, vegetative screening, planting of shade trees along the edge of the right-of-way, and the provision of bike way and pedestrian access, the corridor would have a parkway-like appearance. A planted median strip is also envisioned when this section of Route 11 South becomes four lane. Uses locating

within this section of the corridor would be expected to have no direct access to Route 11 South, but rather would access a proposed east-west connector road which in turn would intersect Route 11 South.

Valley Pike Trail

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

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

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

SWSA Adjustment.

The land use plan recommends an adjustment of the SWSA in the western portion of the study area in the proximity of Shady Elm Road, south of Route 37 and to the rear of the existing industrial parcels. This would bring the SWSA in line with the properties that are designated for industrial land uses. In addition, an adjustment of the SWSA is proposed just south of this location, adjacent to the east side of Shady Elm Road, to include the Carbaugh properties. This

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adjustment relocates the SWSA to cover properties that are designated with an industrial land use. This is to further the **Comprehensive Plan's goal to ensure that an adequate supply of** properties are available within the SWSA for economic development opportunities.

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Residential Development

The only area of urban residential development is located within the Urban Development Area in the location identified as the Kernstown Creekside Neighborhood Village. In recent years, the Woodbrook Village and Cross Creek Village communities have added value to this area. Currently under development is the Doonbeg community which sits adjacent to the existing Plainfield Heights neighborhood. New residential uses should complement the existing residential uses, should be generally of a higher residential density and should include a neighborhood commercial component as described in the Kernstown Creekside Neighborhood Village Land Use. It will be very important to mix residential development in this area with the right balance of commercial uses.

In this area, slightly higher residential densities that may fall within the 6-12 units per acre range are envisioned (this is generally attached houses and may also include multifamily and a mix of other housing types).

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

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

Business Development

The business development section of the plan seeks to identify items and locations 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 Authorities vision for this portion of Frederick County.

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

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

Business development group recommendations continue to identify desirable business types to draw to the area. Including, but not limited to;

- Light Industrial/High Tech targeted businesses.

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- Lodging / Event / Dining along the Route 11 corridor and at the interstate.
- Fast-Casual Dining (e.g. Panera, Chipotle)
- Higher-end dining (Chain and Local businesses) as well as casual **Pub's** and Cafes.
- Premium Grocery & Retail.

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 environment. In particular in the Kernstown Creekside Neighborhood Village which should be a highly 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 to the undeveloped land identified with the **DSA's**. These areas of cultural, natural, and recreational resources should include walking/biking trails.
2. 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.
3. 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 Neighborhood village commercial areas which are located within accessible distances from these areas.
4. The Kernstown area would be a natural fit for various outdoor events and festivals, especially associated with the Kernstown Battlefield Area DSA and once the road and walking path networks have been enhanced and more lodging and dining

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options are available. This type of business has a low impact on the environment and provides an external infusion of revenue.

Specific Implementation Steps have been identified which would further promote business development opportunities in the Kernstown Area Plan and Frederick County in general. This is consistent with those identified in the Senseny/Eastern Frederick County Urban Area Plan and the Southern Frederick 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. 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 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

The **County's 2030 Comprehensive Plan's Eastern Road Plan** identifies several significant transportation improvements within the study area boundaries. These plans call for improvements to existing road alignments and interchanges, the relocation of existing roadways, and the construction of new road systems and interchanges. Transportation improvements to the interstate, arterial and collector road systems will contribute to improved levels of service throughout the study area, and will shape the land use patterns in the short and long term.

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

The improvements to Interstate 81, Exit 310, provides an improved **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 Route 11 South, Shady Elm Road, and the future extension of Renaissance Drive to complete a key east-west connection south of Route 37. South of Bartonsville, in the area north of the Town of Stephens City, the road network provides for important connections into the Town and to the east to connect with the planned alignment of the Tasker Road flyover of Interstate 81.

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. A roundabout would be particularly effective at the intersection of Shady Elm Road and Renaissance Drive.

Access Management is a significant consideration of this study and general transportation planning in Frederick County. This concept is

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supportive of providing for key connections to the south. The use of frontage roads, minor collector roads, and inter parcel connections to bring traffic to access points is promoted.

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

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

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

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

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.

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Consideration of future development applications within the study area should only occur when an acceptable level of service has been achieved and key elements and connections identified in this plan have been provided.

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

Other recommendations from the transportation group:

- Emphasize the role of the State and the development community in the implementation of the planned road system.
- Promote areas of viable rail access for industrial uses.
- 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 UDA that are not part of the Primary System (ex. Shady Elm Road, Springdale Road).
 - 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.

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- 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. A perfect example of this is at the intersection of Shady Elm Road and Renaissance Drive. A roundabout in this location would effectively address the turning movements of the industrial and commercial traffic, while creating a separation, calming the traffic heading south on Shady Elm in front of the existing rural residential uses.
- 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 Kernstown 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 Kernstown area.

All types of urban open spaces like greenways, squares, plazas, urban parks, playgrounds and street medians should be considered as part of more urban development planning and implemented wherever reasonable, especially within the identified Kernstown Creekside Neighborhood Village.

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 Neighborhood Village centers, residential developments, commercial 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 Kernstown 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.

Two main Developmentally Sensitive Areas have been identified within the Kernstown Area Plan. These 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 Kernstown Area Plan is implementing the policies of the 2030 Comprehensive Plan. ~~*As an alternative approach to recognizing these resources, a designation such as Rural Historic Resource Areas, or some alternative description, could be evaluated to more accurately reflect the role of these areas.*~~

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 Native American** encampments, and waterways.

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The Rural Landmarks Survey should be updated and maintained regularly in order to keep current the inventory of structures older than fifty years.

Further in depth study should occur in the future, and by any applicant for a rezoning prior to the submission of rezoning applications, regarding the potential for additional historic landmarks located in the area covered by the Kernstown Area Plan. Consideration should be given to incorporating any identified landmarks that may qualify for future updates to the Rural Landmarks Survey into projects.

Encourage the protection of potentially significant historic structures and sites as identified by the Frederick County Rural Landmarks Survey.

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

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

Frederick County should assist property owners that want to register their properties with the State or National Register.

Encourage the establishment of historic districts and the protection of historic areas identified by the Battlefield Network Plan, particularly the Kernstown Battlefield site.

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 those areas identified in the Southern Frederick Area Plan. Opportunities for trail connections across or under the interstate should be evaluated. This would allow for a broader regional network connecting with similar

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resources in the Southern Frederick Area Plan and the Senseny/Eastern Frederick Area Plan.

Developers of Neighborhood Village development in the study area should integrate into the center's **development plans**, the preservation of prominent historical, natural, and architectural resources within the Neighborhood Village boundaries. Such examples include the restoration, rehabilitation, or adaptive reuse of historic homes, churches, other buildings, Civil War site markers, etc.

Community Facilities

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

The public facility element of the Kernstown Area plan should directly correlate to the Public Facilities chapter of the 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.

Recommendations from 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. In particular, those planned or existing in the Town of Stephens City or in the City of Winchester.

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

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

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

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

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.

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Developmentally Sensitive Areas (DSA's)

Developmentally Sensitive Areas encompass a variety of resources in the County, such as floodplains, steep slopes, karst terrain, agricultural areas, water resources, and historic resources, including archeological resources.

These developmentally sensitive areas and resources are further identified in the 2030 Comprehensive Plan and integrated into the Area Plans contained with Appendix I of the 2030 Comprehensive Plan.

Development consistent with those Area Plans should recognize these sensitive natural and historic resources and strive to preserve, protect, and enhance them through a range of preservation and adaptive reuse approaches. Each Area Plan provides an opportunity to further describe the methods to recognizing the County's Developmentally Sensitive Areas. The DSA designation by itself does not prohibit development (CPPC added 08/10/15).

- Transportation Committee Input; Define DSA's