



Finance Department Cheryl B. Shiffler Director

540/665-5610

Fax: 540/667-0370

E-mail: cshiffle@co.frederick.va.us

TO:

Board of Supervisors

FROM:

Finance Committee

DATE:

June 15, 2011

SUBJECT:

Finance Committee Report and Recommendations

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, June 15, 2011 at 8:00 a.m. Member Richie Wilkins was absent. (2) Items 2, 3 and 4 were approved on consent agenda.

- The Director of Parks and Recreation requests a <u>General Fund supplemental</u>
 appropriation in the amount of \$150,000. These funds are available through proffers
 and will be used to renovate the Sherando Park south ballfield complex comfort station
 and concession building. No additional local funds required. See attached memo, p. 1.
 The committee recommends approval.
- 2. (The Clerk of the Circuit Court requests a <u>General Fund supplemental appropriation</u> in the amount of \$4,000. This amount represents grant funds and will be used for redaction. No local funds required. See attached memo, p. 2.
- 3. (The Sheriff requests a <u>General Fund supplemental appropriation in the amount of \$3,315.19</u>. This amount represents funds received from the state for prisoner extraditions and is requested to be appropriated to travel. No additional local funds required. See attached memo, p. 3.

Finance Committee Report and Recommendations June 15, 2011

Page | 2

4. () The Sheriff requests a <u>General Fund supplemental appropriation in the amount of</u> \$100 for a DARE Program donation. No additional local funds required. See attached memo, p. 4.

5. The Registrar requests a <u>Fiscal Year 2011-2012 General Fund supplemental</u>

<u>appropriation in the amount of \$36,326.50</u> for the August 23rd primary elections. See attached memo, p. 5-6. The committee recommends approval.

6. The Assistant County Administrator requests a <u>Lake Holiday Sanitary District Fund</u> supplemental appropriation in the amount of \$9,045,000. This amount represents bond financing for the reconstruction of the Lake Holiday Dam Spillway. No additional local funds required. See attached memo, p. 7. The committee recommends a public hearing.

INFORMATION ONLY

1. A letter of appreciation from the AARP Foundation Tax-Aide is attached. See attached letter, p. 8.

- 2. The Finance Director provides a Fund 10 Transfer report for FY11. See attached, p. 9-16.
- 3. The Finance Director provides the Unreserved Fund Balance report. See attached, p. 17.
- 4. The County Administrator provides information on the request from the Kernstown Battlefield to release judgment. See attached, p. 18 28.

Respectfully submitted,

FINANCE COMMITTEE

Bill Ewing
Richard Shickle
Gary Lofton
Charles DeHaven
Ron Hottle
Stephen Swiger

Ву

Cheryl B. Shiffler, Finance Director



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, Parks and Recreation

Subject:

Proffer Funds

Date:

June 3, 2011

The Frederick County Parks and Recreation Commission is requesting \$150,000 in Parks and Recreation proffer funds to renovate the Sherando Park south ball field complex comfort station and concession building. The project will increase the current facility 253 square feet, provide seven more toilets, increase the functionality of the concession stand, update the electrical system, and bring the facility into compliance with current building code and ADA requirements for the number of users in this area of the Park. This facility supports four ball fields, nearby picnic shelters and other passive recreational amenities including the playground installed June 2005 with Parks and Recreation proffer funds.

This item is priority # 2 on the 2012 Parks and Recreation Capital Improvements Program project list. Sherando Park has many park visitors as a result of growth from its neighboring communities including developments in Old Dominion Greens, Musket Ridge, Canter Estates, Wakeland Manor, and The Camp at Mosby Station.

Please feel free to contact me in advance with any questions you may have regarding this request at (540) 665-5678.

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HON. REBECCA P. HOGAN Clerk



FREDERICK COUNTY CIRCUIT COURT

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

May 24, 2011

Finance Department Frederick County, VA

Attn: Cheryl Shiffler

Re: 021060-5401-000-002 (Supreme Court TTF Grant)

I would like to request an increase in the above referenced in the amount of \$4,000.00 for the current budget year.

Any funds spent from this account will be re-imbursed to the Locality by the State.

Thank you for your attention in this matter.

Sincerely,

Rebecca P. Hogan, Clerk

FREDERICK COUNTY CIRCUIT COURT

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Frederick County Sheriff's Office

ROBERT T. WILLIAMSON Sheriff



MAJOR R. C. ECKMAN Chief Deputy

1080 Coverstone Drive Winchester, Virginia 22602

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

TO

: Finance Department

FROM

: Sheriff R. T. Williamson A

SUBJECT

: Reimbursement - Prisoner Extraditions

DATE

: May 31, 2011

Enclosed please find two checks from the Commonwealth of Virginia-Circuit Courts totaling \$3,767.23.

These checks represent reimbursement for prisoner extraditions and we are requesting this amount be appropriated into 3102-5506-001.

Thank you.

RTW/asw

ER10\$452.04 1DFL\$3315.19

Enclosures

cc. fin comm

Frederick County Sheriff's Office

ROBERT T. WILLIAMSON
Sheriff



MAJOR R. C. ECKMAN Chief Deputy

1080 Coverstone Drive Winchester, Virginia 22602

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

TO

: Finance Department

FROM

: Sheriff R. T. Williamson

SUBJECT

: Donation to DARE Program

DATE

: June 1, 2011

Attached please find a check in the amount of \$100.00. This represents a donation to the DARE Program. We are requesting this amount be appropriated into the operating budget line for DARE; 3102-5413-001.

Thank you,

RTW/asw

COPY

cc. fin comm



OFFICE OF VOTER REGISTRATION & ELECTION ADMINISTRATION

General Registrar of Voters

E-mail: fcvotes@co.frederick.va.us

Rick Miller 540/665-5660 Fax 540/665-8976

MEMORANDUM

To: Frederick County Finance Committee

From: Rick Miller, Voter Registrar, Frederick County of Frederick

Subject: Supplemental Budget Request for August 23, 2011 Republican Primaries

Date: June 8, 2011 MM

The Voter Registrar requests to be placed on the Fredrick County Finance Committee agenda for the Wednesday, June 15, 2011 meeting. The purpose of this request is to seek approval of the Supplemental Budget Request for the August 23, 2011 Republican Primaries (Copy Enclosed). Republican Primaries have been called in Frederick County for the 10th, 29th and 33rd House of Delegates Districts and the 27th State Senate District. The State Board of Elections will certify to all localities the actual primaries they will hold on Monday, June 20, 2011. The amount of the Supplemental Budget Request is \$ 36,326.50. This amount will cover all expenses related to the Republican Primaries on August 23, 2011. This Supplemental Budget Request is be done from the 2011 – 2012 Budget year.



OFFICE OF VOTER REGISTRATION & ELECTION ADMINISTRATION

General Registrar of Voters

E-mail: fcvotes@co.frederick.va.us

Rick Miller 540/665-5660 Fax 540/665-8976

FREDERICK COUNTY FINANCE COMMITTEE

FREDERICK COUNTY ELECTORAL BOARD/VOTER REGISTRAR

SUPPLEMENTAL BUDGET REQUEST AUGUST 23, 2011 REPUBLICAN PRIMARIES

SUPPLEMENT FROM 2011 – 2012 BUDGET YEAR

EXPENSES

POLLWORKERS	\$ 17,660.00	CODE 13010-1006-000-002
ELECTORAL BOARD	\$ 1,800.00	13010-5506-000-000
MACHINE PROGRAMMING & TRAINING	\$ 9,210.00	13010-3010-000-000
VOTING MACHINE ELECTION SUPPLIES	\$ 4,606.50	13010-3010-000-000
PRINTING	\$ 2,600.00	13010-3010-000-000
NEWSPAPER AD	\$ 200.00	13010-3007-000-000
FREIGHT & INSURANCE	\$ 250.00	13010-5204-000-000
TOTAL	\$ 36,326.50	





Kris C. Tierney

Assistant County Administrator

540/665-5666 Fax 540/667-0370

E-mail:

ktierney@co.frederick.va.us

MEMORANDUM

TO:

Finance Committee

FROM:

Kris C. Tierney, Assistant County Administrator,

RE:

Request from Lake Holiday Sanitary District Supplemental Appropriation

DATE:

June 8, 2011

The County has been successful in obtaining bond financing through the Virginia Resources Authority in order to fund the required reconstruction of the Lake Holiday Dam Spillway. The financing, applied for by the County on behalf of the Lake Holiday Sanitary District, closed on June 2nd with the final bond financing amount being \$9,245,000. Funds for construction of a temporary access road to accommodate ingress and egress to residents on the south side of the lake in the amount of \$200,000 were previously appropriated, which leaves a remaining project balance of \$9,045,000. Staff is requesting a supplemental appropriation in the amount of \$9,045,000 to cover the remaining spillway construction and associated costs.

Break Down of Project Cost

Construction Bid	\$6,451,710
15% contingency	\$ 967,756
Debt Service Reserve Fund	\$ 729,888
Underwriter/insurance/fees	\$ 200,000
Construction Administration	\$ 170,000
Inspections/testing	\$ 100,000
Geo-tech Services	\$ 300,000
Access road Construction	\$ 250,000
Financial Advisory Services	\$ 25,000
Bond Counsel	\$ <u>50,000</u>
Total Amount Financed	\$9,245,000

Please let me know if I can answer any questions.



Helen Sperry – Local Coordinator for the AARP Tax Aide Program 606 Old Fort Road, Winchester VA 22601
Telephone: 540-722-8185, e-mail: Hgsperry@verizon.net



Mr. John Riley, County Administrator 107 N Kent Street Winchester VA 22601

Dear Mr. Riley

On behalf of the AARP Tax Aide Program, I would like to extend to you our sincere thanks and grateful appreciation for enabling us to work at the War Memorial Building in Jim Barrett Park this past tax season. It was another successful tax season, we prepared 1329 tax returns according to my site records. We answered questions, dispensed tax forms and instruction booklets to another 196 people that were recorded (this type of assist sometimes does not get recorded and this number could easily be doubles).

We are now looking forward to the next tax season that begins the first of January 2012. Will you be able to incorporate what has been our annual supplement of \$2100 into the Frederick County budget for 2012?

It was mentioned last year by one of the supervisors that he would like to know the number of people that are classified 'low-income elderly'. We are limited as to any type of personal information that we can keep. We have names, addresses and telephone numbers, that is it. We do mostly retired people, certainly low-income people and a few disabled. We have a few students working their way through college, who want to file to get their tax with-holding returned. As you know this is a much needed service for our low income citizens. They appreciate our help and truly need our services.

Again thank you very much for your past help and hopefully future help.

Helen Sperry

Sincerely

May 29, 2011

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County of Frederick, VA Report on Unreserved Fund Balance May 2011

Unreserved Fund Balance, Beginning of Year, July 1, 2010		24,111,233
Prior Year Funding & Carryforward Amounts IT carryforwards Fire Company Capital carryforward Forfeited Asset carryforward School carryforwards PPEA - Fire Station Extension carryforward	(138,834) (176,217) (26,995) (69,909) (50,000) (16,021)	
		(477,976)
Other Funding / Adjustments Chesapeake Bay Grant EDC incentive - World Color 2nd half EDC incentive - Kraft Audit Adjustment AARP Tax Aide School Capital Fd 60 Energy Performance Contract No DARE funding VJCCA refund Legal Services IDA Melnor Adjust DSS local funding Legal Services	(7,600) (150,000) (500,000) 31,049 (2,100) (2,300,000) (345,477) (5,000) (21,339) (100,000) (90,000) 24,257	
		(3,616,210)
Fund Balance, May 2011	_	20,017,047





COUNTY OF FREDERICK

Roderick B. Williams County Attorney

540/722-8383 Fax 540/667-0370 E-mail: rwillia@co.frederick.va.us

MEMORANDUM

TO:

Board of Supervisors

FROM:

Roderick B. Williams

County Attorney

DATE:

June 10, 2011

RE:

Kernstown Battlefield – request for approval of a resolution authorizing the release of a \$250,000 judgment in favor of the County in F&M Bank-Winchester, Trustee v. Grim, et al., Law No. 95-276 and Chancery No. 96-162 (Circuit Court

for the City of Winchester)

The County received a request from attorney Michael Bryan, acting as counsel for First Bank, for the County to release the 1997 judgment, entered in the above case, in favor of the County against the Charles Hardy Grim and Emily Grove Grim Trust, in the amount of \$250,000. A copy of the judgment is attached. The County previously obtained the judgment as the result of litigation with the Grim Trust regarding an option agreement between the Grim Trust and the County and the City of Winchester for the purchase of the Kernstown Battlefield property. In consideration for the option agreement, the County and the City each paid \$250,000, respectively, to the Grim Trust.

At the time of the judgment, the Grim Trust did not have sufficient funds to repay the \$250,000 and the judgment therefore served as a lien against the Kernstown Battlefield property. Thereafter, in 2000, the Kernstown Battlefield Association ("KBA") purchased the Kernstown Battlefield property from the Grim Trust, using the amount of \$250,000 owed by the Grim Trust to the County as a credit toward the purchase. Prior to KBA's purchase of the Kernstown Battlefield property, the Board, in 1998, passed a resolution reaffirming its commitment toward the purchase of the Kernstown Battlefield property, noting the County's previous payment of \$250,000 and that the payment then constituted part of a local match for an ISTEA grant of \$1.09 million for the purchase of the Battlefield property, and supporting the application of the \$250,000 to be used by KBA as part of the purchase price of the Kernstown Battlefield property. The Board's resolution further noted, however, that, prior to the actual expenditure of any County funds or the incurring of any financial obligation by the County, the Board would need to take further action on the matter. A copy of the Board's 1998 resolution is attached.

The release of the judgment is now necessary so that First Bank may proceed with a financing transaction for KBA. A proposed resolution to authorize the County Administrator and the County Attorney to take all necessary action, to release the 1997 judgment as having been fully paid and satisfied, is attached and submitted for action by the Board.

Attachments

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

GLD#26 PM= 1385-

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WINCHESTER

F & M BANK - WINCHESTER, TRUSTEE of the Cheries Hardy Grim and Emily Grove Orion Trust

Plaintiff.

At Law No. 95-L-276

STOCI -8 AND 26

EMILY GROVE GRIM, & ale

Defendants.

EMILY OROVE CRIM,

Plaintiff.

Chancery No. 96-CH-162

F & M BANK - WINCHESTER, of old.

Defindents.

ORDER

These cases were consolidated for trial. Trial communed on the consolidated cases on Tuesday, September 3, 1996, before a jury, and at the conclusion of the trial the following interrogatories were submitted to the jury with the following answers being given by them on Friday, September 13, 1996:

INSTRUCTION NO. 18

A trustee must exercise the same degree of care and discretion in the management of the trust that a reasonably

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1,063 te1015

product person of discretion and intelligence would exercise in that person's own life affairs.

Please seawar the following question:

i. Did Marshell Beverley manage the Grim Trust with the same degree of one and discretion that a responsibly product person of discretion and intelligence would ensure in that person's own life affairs:

Yes: No: X

- 2. If you answered "No" to Question #1, please answer the following question:
- a. (200) What was the fair market value of the 342-ecro Option tract on March 29, 1994: \$1.542.000

DISTRUCTION NO. 19

Taken the first was the fels market value of the entire 375 sens Orim
Figure on each of the following deten:

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legata, refered.	Value
July 3, 1989	\$4,758,000
January 1, 1990	4,758,000 4,758,000
January 1, 1991 January 1, 1992	4,519,000
Jaganny 1, 1993 January 1, 1994	4,258,000 4,258,000
Sammery 1, 1995	4,758,000
January 1, 1996	4,995,000

£4069 101073

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INSTRUCTION NO. 20

Is the Option Agreement dated March 29, 1994, between the Grim Trust, the City of Winchester and the County of Frederick for a full and fair amount and should it be confirmed?

		NT.	T
Yes:		No:	
1	_		

The Court adopts these findings of the jury as its own factual findings.

It is, therefore, ORDERED as follows:

- 1. That the Option Agreement between F & M Bank Winchester as
 Trustee of the Grim Trust, Frederick County and the City of Winchester be, and the same
 hereby is, declared void and of no further force and effect.
- 2. That the Grim Trust shall repay to Frederick County and the City of Winchester the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) each, together with instruct at 5.5%, calculated from the respective dates of the downpayments proviously made under the Option Agreement until date of repayment. It being understood that the Grim Trust does not, at the present time, have sufficient cash on hand to immediately repay those amounts to the City of Winchester and Frederick County, the smounts due to Frederick County and the City of Winchester shall be a lien against the real estate owned by the Grim Trust until paid.
- With respect to the other claims of Emily Grim against Frederick
 County and the City of Winchester, their respective Motions to strike their claims for

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SPA WILL

decreases are ORDERED granted, and they are hereby DISMISSED as parties defendant in Mitches to the second and will not to both cross.

This is An introduct to and end will not to both cross.

Final centic A Final Judgment order is entered hebein.

Lacome 4. The request of F & M Bank that it be relieved of its duties as Trustes

hescefurth, and Mrs. Grim's prayer that the Bank be removed as Trustee, it is hereby ORDERED granted, effective at such time as the Court shall appoint a substitute Trustee.

The issue of repsyment of respective legal fees and litigation expenses will be taken up at the hearing on Tuesday, October 15, 1996. Any other lesses with respect to the expensions of damages which might have resulted from the Trustee's entering into the Option Agreement shall be deferred to a later date. Nothing in this Order is intended to, car shall it, act us an adjudication on the merits of the remaining claims for damages by Emily Grove Grim.

ENTERED the 15

__ 1998

indge, Circuit Court of the City of Windhester, sitting

SEEN :

ment for the City of Winchester

Coursel for the County of Frederick

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C*069 rc1075



BOARD OF SUPERVISORS

RESOLUTION GRIM TRUST PROPERTY

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia, supports the preservation of 342 acre Kernstown Battlefield site owned by the Charles Hardy Grim Charitable Trust; and

WHEREAS, the Kernstown Battlefield Association is seeking to acquire the 342 acre Grim Trust property in order to preserve the battlefield site and to establish a battlefield park; and

WHEREAS, Frederick County previously made a contribution of \$250,000.00, which is being held by the Trustee of the Grim Trust, towards a proposed purchase of land from the Trust, which contribution is a part of the local match for the ISTEA grant of \$1.09 million dollars obtained for the purchase of the battlefield property, and which contribution is accruing interest pursuant to an order entered by the Circuit Court for the City of Winchester; and

WHEREAS, Frederick County desires to reaffirm its commitment toward the purchase of the battlefield property; however, prior to the expenditure of any funds or Frederick County being obligated in any financial way, the Board of Supervisors will have at least one additional hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the contribution of Frederick County with the Trustee of the Charles Hardy Grim Charitable Trust in the amount of \$250,000.00, plus accrued interest, shall be available to the Kernstown Battlefield Association to be used as a part of the purchase price for the purchase of Kernstown Battlefield property from the Trust.

ADOPTED this 8th day of July, 1998.

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

John-R. Riley, Jr.
Clerk, Board of Supervisors
County of Frederick, Virginia

RESOLUTION NO.: 002-98



BOARD OF SUPERVISORS

RESOLUTION KERNSTOWN BATTLEFIELD – RELEASE OF JUDGMENT AGAINST GRIM TRUST

WHEREAS, the County previously made a contribution in the amount of \$250,000 in 1994, toward the proposed purchase of property known as the Kernstown Battlefield; and

WHEREAS, the Charles Hardy Grim and Emily Grove Grim Trust held such funds pending the purchase of the Kernstown Battlefield from the Grim Trust; and

WHEREAS, a dispute arose wherein the Circuit Court for the City of Winchester, in F&M Bank-Winchester, Trustee v. Grim, et al., Law No. 95-276 and Chancery No. 96-162, ordered the Grim Trust to repay the County the \$250,000, pursuant to an Order entered January 15, 1997, which Order acted as a judgment (the "1997 Judgment") against the real property of the Grim Trust, including the Kernstown Battlefield; and

WHEREAS, at the time the judgment was entered, the Grim Trust had insufficient funds to repay the \$250,000; and

WHEREAS, the Board of Supervisors passed Resolution Number 002-98, on July 8, 1998, "reaffirming its commitment toward the purchase of the battlefield property" and resolving that "the amount of \$250,000 ... shall be available to the Kernstown Battlefield Association to be used as part of the purchase price for the purchase of the Kernstown Battlefield property"; and

WHEREAS, said funds were used by the Kernstown Battlefield Association as a credit toward the purchase of the Kernstown Battlefield; and

WHEREAS, First Bank (as a potential lien holder on the property), by its counsel, is requesting that the County release the judgment to facilitate a financing transaction for the Kernstown Battlefield Association; and

WHEREAS, Resolution Number 002-98 states that, prior to the actual expenditure of any County funds or the incurring of any financial obligation by the County, the Board would need to take further action on the matter.

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator and the County Attorney are authorized to take all necessary action to release the 1997 Judgment as having been fully paid and satisfied.

ADOPTED this 22nd day of June, 2011.

Richard C. Shickle		Gary A. Lofton	
Gary W. Dove		Bill M. Ewing	
Christopher E. Collins		Gene E. Fisher	
Charles S. DeHaven, Jr.			
	·		
		John R. Riley, Jr. Clerk, Board of Supervisors County of Frederick, Virgin	

