



AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 09, 2015
6:00 P.M., 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 Virginia Code Section 2.2-711(A)(7), for Consultation with Legal Counsel and Briefing by Staff Members Pertaining to Probable Litigation, where such Consultation or Briefing in an Open Meeting would Adversely Affect the Negotiating or Litigating Posture of the Public Body, and for Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by such Counsel.

Closed Session, Pursuant to Virginia Code Section 2.2-3711(A)(1), for Discussion and Consideration of Prospective Candidates for Appointment as Stonewall District Representative to the Board of Supervisors Effective January 1, 2016, and for Discussion and Consideration of the Terms and Conditions of Employment of a Prospective Candidate for Employment.

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, C, H, I, J, K, L, and M)

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

AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 09, 2015
PAGE 2

Board of Supervisors Comments

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

1. Closed Session and Regular Meeting of October 28, 2015.

County Officials:

1. Appointment of Board of Supervisors Stonewall Magisterial District Seat.
(See Attached) ----- B
2. Resolution of Appreciation of Eric R. Lawrence. **(See Attached) ----- C**
3. Introduction of New Tourism Director.
4. Committee Appointments. **(See Attached) ----- D**
5. Request from Commissioner of the Revenue for Refunds.
(See Attached) ----- E
6. Reconsideration of the Board's Action Regarding the Special Election
Slated for March 2016. **(See Attached) ----- F**
7. Consideration of Additions to the 2016 Legislative Initiatives.
(See Attached) ----- G
8. Resolution of the Board of Supervisors of Frederick County Concurring
with a Financing to be Undertaken by the Economic Development Authority
of the Town of Mount Jackson, Virginia, to Benefit Shenandoah University.
(See Attached) ----- H
9. Acknowledgement of Receipt of Certified Copies of the Abstracts of Votes
from the November 3, 2015 General Election. **(See Attached) ----- I**

Committee Reports:

1. Parks and Recreation Commission. **(See Attached) ----- J**
2. Public Works Committee. **(See Attached) ----- K**
3. Landfill Oversight Committee. **(See Attached) ----- L**

**AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 09, 2015
PAGE 3**

- 4. Transportation Committee. (See Attached)----- M**
- 5. Human Resources Committee. (See Attached) ----- N
- 6. Finance Committee. (See Attached)----- O

Public Hearing:

- 1. Twelve Month Outdoor Festival Permit Request of Belle Grove Plantation. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Belle Grove Plantation, 336 Belle Grove Road, Middletown, Virginia. Property Owned by the National Trust for Historic Preservation. (See Attached) ----- P
- 2. Proposed Disposition to the Frederick County School Board of the County's Interest in a 20-Acre Portion of the Real Property Known as 532 Old Charles Town Road, Stephenson, Virginia, and Identified by County Property Identification Number 44-A-292. The Hearing is Pursuant to Virginia Code Section 15.2-1800 and the Purpose of the Hearing is to Receive Public Comment on the Proposed Disposition of the Real Property. (See Attached) ----- Q
- 3. An Ordinance to Amend Section 155-153 of Article XXV of Chapter 155 of the Code of Frederick County, Virginia to Designate Certain Real or Personal Property of Each of the Following Organizations as Exempt from Taxation: The ARC - Northern Shenandoah Valley, Incorporated, Belle Grove, Inc., Blue Ridge Hospice, Inc., Cedar Creek Battlefield Foundation, Inc., Conservation Club (Winchester-Frederick County Conservation Club, Inc.), Fort Collier Civil War Center, Inc., Frederick United Methodist Housing Development Corp., Kernstown Battlefield Association, Inc., Leary Educational Foundation, Inc., The Nature Conservancy, NW Works, Inc., The People-to-People Health Foundation, Inc., (Project Hope), Potomac Appalachian Trail Club, The Salvation Army, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Community Residences, Inc., Stone House Foundation, The Wayside Foundation for the Arts, Inc., Winchester Chapter of the Izaak Walton League, Woodmen of the World, and The Youth Development Center, Inc. (See Attached)----- R

Planning Commission Business:

Public Hearing:

1. Rezoning #09-15 Artillery Business Center Submitted by Pennoni Associates, to Revise Proffers Associated with Rezoning #07-08. This Revision Relates Specifically to the Transportation Proffers. The Properties are Located East and Adjacent to Shady Elm Road Approximately 4,500 Feet South of the Intersection of Shady Elm Road and Apple Valley Drive. The Properties are Identified with Property Identification Numbers 75-A-1 and 75-A-1F in the Back Creek Magisterial District. **(Continued Public Hearing from October 28, 2015 Board Meeting and Postponed from November 12, 2015 Board Meeting.) (See Attached)** ----- S

2. Rezoning #07-15 Woodside Land Company, LLC., Submitted by GreyWolfe, Inc., to Rezone 20 Acres of Property from RA (Rural Areas) District to M2 (Industrial General) District with Proffers. The Property is Located on the Southern Side of Route 669 (Woodbine Road) about 2000' East of Route 11 and Adjacent to the Winchester & Western Railroad and is Identified by Property Identification Number 34-A-6D in the Stonewall Magisterial District. **(Continued from November 12, 2015 Board Meeting.) (See Attached)**----- T

3. Rezoning #06-15 Opequon Crossing Submitted by Pennoni Associates, to Revise Proffers Associated with Rezoning #04-07 and Rezoning #12-07. This Revision Relates Specifically to the Monetary Transportation Credits. The Properties are Located South of the Existing Terminus of Eddys Lane (Route 820), South of Route 7 and Adjacent to Opequon Creek. The Properties are Identified with Property Identification Numbers 55-A-210, 55-A-212 and 55-A-212A in the Redbud Magisterial District. **(See Attached)** ----- U

4. Rezoning #10-15 Heritage Commons, L.L.C., Submitted by Greenway Engineering, Inc., to Rezone 96.28+/- Acres from B2 (Business General) District to R4 (Residential Planned Community) District with Proffers and 54+/- Acres from RP (Residential Performance) District to R4 (Residential Planned Community) District with Proffers and .31+/- Acres from the RA (Rural Areas) District to the R4 (Residential Planned Community) District with Proffers. The Properties are Located West of the Intersection of Front Royal Pike (Route 522) and Airport Road (Route 645) and are Identified by

**AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 09, 2015
PAGE 5**

the Property Identification Numbers 63-A-150, 64-A-10, and 64-A-12 in the Shawnee Magisterial District. **(See Attached)**----- **V**

Other Planning Items:

1. Subdivision Request #07-15 for Regents Crest. **(See Attached)** ----- **W**
2. Resolution Re: Virginia Department of Transportation (VDOT) Signatory Authority. **(See Attached)**----- **X**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

CONSENT AGENDA

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

October 28, 2015

A Closed Session of the Frederick County Board of Supervisors was held on Wednesday, October 28, 2015 at 6:30 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 (5) of the Code of Virginia, 1950, as amended, for discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the county.

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 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 Lofton, the Board certified that to the best of each board member's knowledge that only acquisition and disposition of real property and legal matters, pursuant to section 2.2-3711 A (5) of the Code of Virginia, 1950, as amended, specifically discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the county.

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, 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

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

- Minutes – Regular Meeting, September 9, 2015 – **Tab A**;
- Correspondence from Virginia Association of Counties (VACo) re: Voting Credentials for the Annual Business Meeting – Request to Designate County Administrator to Vote – **Tab C**; and
- Parks and Recreation Commission Report – **Tab F**.

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

SPECIAL PRESENTATION BY DELEGATE MINCHEW

Delegate J. Randall Minchew appeared before the Board to present a signed copy of House Joint Resolution 908 to former Frederick County Administrator John R. Riley, Jr. in honor of his 32 years of service to the citizens of Frederick County.

Delegate Minchew also presented a signed copy of House Joint Resolution 900 to Frederick County Sheriff Robert T. Williamson to honor his service to the citizens of Frederick County.

CITIZEN COMMENTS

Ann Lloyd, Clerk of the Winchester-Frederick County Juvenile and Domestic Relations Court, and **Debra Bull**, Winchester-Frederick County General District Court Clerk, appeared before the Board regarding a request for a salary supplement for the deputy clerks. Ms. Lloyd advised the request was for \$200 a month to supplement the salaries of the deputy clerks. She cited high turnover and an increased case load as a few of the reasons for this request. She noted the average salary for these positions was less than the salaries for less skilled positions. She advised the deputy clerks should be treated equally. Ms. Lloyd went on to say the Code of Virginia allows for localities to provide salary supplements. She noted the Juvenile-Domestic relations court was staffed at 60% while the General District Court was staffed at 75%. She concluded by asking the Board to support this request.

Blaine Dunn, Red Bud District, asked what had changed that was so significant that a supplemental appropriation was needed now. He asked if this request could be addressed in next year's budget. He encouraged the Board to stick to the budget.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors' comments.

MINUTES – APPROVED UNDER CONSENT AGENDA

The minutes from the September 9, 2015 regular meeting were approved under the consent agenda.

COUNTY OFFICIALS

COMMITTEE APPOINTMENTS

APPOINTMENT OF J. DOUGLAS MCCARTHY AS FREDERICK COUNTY REPRESENTATIVE TO THE LORD FAIRFAX COMMUNITY

COLLEGE BOARD - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board appointed J. Douglas McCarthy as Frederick County representative to the Lord Fairfax Community College Board. This is a four year appointment. Term expires June 30, 2019.

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 DR. ROBERT MEADOWS AS MEMBER-AT-LARGE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board appointed Dr. Robert Meadows as Member-At-Large to the Extension Leadership Council. This is a four year appointment. Term expires October 28, 2019.

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

REAPPOINTMENT OF HUGH B. VAN METER TO THE SHAWNEELAND SANITARY DISTRICT ADVISORY COMMITTEE - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board reappointed Hugh B. Van Meter to the Shawneeland Sanitary District Advisory

Committee. This is a two year appointment. Term expires November 9, 2017.

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

REAPPOINTMENT OF TOM BRUBAKER AS FREDERICK COUNTY REPRESENTATIVE TO THE NORTHWESTERN COMMUNITY SERVICES BOARD - APPROVED

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board reappointed Tom Brubaker as Frederick County representative to the Northwestern Community Services Board. This is a three year appointment. Term expires December 31, 2018.

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

TIMOTHY W. MCKEE NOMINATED TO THE BOARD OF EQUALIZATION – APPROVED

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board nominated Timothy W. McKee to be reappointed to the Board of Equalization. This is a three year appointment. Term expires December 31, 2018.

The above motion was approved 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

JOHN D. CLINE NOMINATED TO THE BOARD OF ZONING APPEALS AS STONEWALL DISTRICT REPRESENTATIVE - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board nominated John D. Cline for reappointment as Stonewall District representative to the Board of Zoning Appeals. This is a five year appointment. Term expires December 31, 2020.

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

REAPPOINTMENT OF MARGARET B. DOUGLAS AS BACK CREEK DISTRICT REPRESENTATIVE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board reappointed Margaret B. Douglas as Back Creek District representative to the Extension Leadership Council. This is a four year appointment. Term expires January 14, 2020.

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

REAPPOINTMENT OF ROSE G. MCDONALD AS GAINESBORO DISTRICT REPRESENTATIVE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board reappointed Rose G. McDonald as Gainesboro District representative to the Extension Leadership Council. This is a four year appointment. Term expires January 26, 2020.

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

REAPPOINTMENT OF RAYMOND P. CROSS AS OPEQUON DISTRICT REPRESENTATIVE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Wells, seconded by Supervisor Lofton, the Board reappointed Raymond P. Cross as Opequon District representative to the Extension Leadership Council. This is a four year appointment. Term expires January 26, 2020.

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 JERRY ZEMLACHENKO AS A CITIZEN MEMBER TO THE PUBLIC SAFETY COMMITTEE - APPROVED

Chairman Shickle asked the Board to approve the appointment Jerry Zemlachenko as a citizen member to the Public Safety Committee.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board appointed Jerry Zemplachenko as a citizen member to the Public Safety 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

CORRESPONDENCE FROM VIRGINIA ASSOCIATION OF COUNTIES (VACO) RE: VOTING CREDENTIALS FOR THE ANNUAL BUSINESS MEETING – REQUEST TO DESIGNATE COUNTY ADMINISTRATOR TO VOTE – APPROVED UNDER CONSENT AGENDA

REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED

Administrator Garton reviewed the following requests from the Commissioner of the Revenue to authorize the Treasurer to credit the following:

1. Daimler Trust in the amount of \$8,678.65 for personal property prorated taxes in 2014 and 2015 and one 2014 license fee for Daimler Trust. This refund reflects normal proration of vehicular taxes not previously requested by the financing company.
2. Aqua Lake Holiday Utilities, Inc. in the amount of \$2,759.46 for utility taxes for 2012, 2013, 2014, and 2015. This refund resulted from duplication of taxation by the State Corporation Commission on water facilities and the commissioner's assessment of real estate tax. This duplication was discovered by the State and reported to the Commissioner.
3. ProBuild Company, LLC in the amount of \$13,282.35 for business license taxes in 2015. This refund resulted from the taxpayer's business being changed to another entity. New ownership has already been filed and the financial impact is less than \$300.00.
4. Lawrence Fabrications, Inc. in the amount of \$6,532.96 for prorated personal property taxes in 2011 through the first half of 2015 and license fees for 2011 through 2015. This refund resulted from duplicate taxation with the City of Winchester. The business is located in Frederick County but vehicles are housed at the residence of the owner in the City of Winchester.

5. Washington Gas in the amount of \$89,696.59 for consumer use taxes in 2014 and 2015. The taxpayer had database issues that resulted in the payment of consumer use taxes to the wrong localities. This amount reflects the differences in their reconciliation for Frederick County.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above refunds and supplemental appropriations.

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 REJECTING UNSOLICITED PROPOSAL UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 FROM FREDERICK COUNTY CENTER, LLC, TO CONSTRUCT A 150,000 SQUARE FOOT COUNTY OFFICE BUILDING - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the resolution rejecting the unsolicited proposal under the Public-Private Education Facilities and Infrastructure Act of 2002 from Frederick County Center, LLC, to construct a 150,000 square foot county office building.

WHEREAS, the County received an unsolicited proposal under the Public-Private Education Facilities and Infrastructure Act of 2002 (“PPEA”), VA Code §56-575.1, et seq., from Frederick County Center, LLC to provide financing for, land for, and design and construction of a new County office building, and purchase of the existing County office building at 107 North Kent Street, Winchester, Virginia; and

WHEREAS, at the April 24, 2013 meeting of the Board of Supervisors of the County of Frederick, Virginia, the Board accepted for consideration by the County, the PPEA proposal from Frederick County Center, LLC; and

WHEREAS, the Board authorized the County Administrator to cause an appropriate Notice to be issued and published, as required by the PPEA and the County’s PPEA procedures, and to cause an appropriate Receipt of Unsolicited PPEA Proposal and Solicitation of Competing Proposals to be issued; and

WHEREAS, the June 25, 2013 deadline for receiving Competing Proposals passed and no Competing Proposals were received; and

WHEREAS, on July 10, 2013, the Board referred the Unsolicited PPEA Proposal of Frederick County Center, LLC, to the Public Works Committee for further evaluation and negotiation of a Comprehensive Agreement; and

WHEREAS, to date a Comprehensive Agreement has not been negotiated and no further actions have been taken by the Board relative to the Unsolicited PPEA Proposal from Frederick County Center, LLC; and

WHEREAS, on October 16, 2015, the County received a request from Frederick County Center, LLC, seeking the return of their PPEA deposit; and

WHEREAS, a refund of the PPEA deposit can only be considered under the following conditions (1) the applicant advised the Board that they wish to withdraw their request; or (2) the Board of Supervisors rejects the PPEA Proposal; and

WHEREAS, the applicant has not submitted a request to withdraw their PPEA Proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, hereby rejects the Unsolicited PPEA Proposal from Frederick County Center, LLC to provide financing for, land for, and design and construction of a new County office building, and purchase of the existing County office building at 107 North Kent Street, Winchester, Virginia.

ADOPTED this 28th day of October, 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

COMMITTEE REPORTS

PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT

AGENDA

The Parks and Recreation Commission met on October 13, 2015. Members present were: Kevin Anderson, Randy Carter, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, and Charles Sandy, Jr. Members absent were: Patrick Anderson and Jason Ransom.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Tenth Recreation Technician – Mr. Madagan moved to fund a Recreation Technician position to effectively manage the additional summer location and provide a quality experience to an increased number of children, second by Ms. Gerometta, motion carried unanimously (6-0). Request will be forwarded to the Human Resources Committee for review at their next meeting.

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, October 9, 2015. All members were present with the exception of Supervisor Wells.

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

1. The Committee recommends approval to create two (2) new Assessor positions within the Commissioner of the Revenue's office. - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the two new Assessor positions within the Commissioner of the Revenue's office.

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 advised that HR Director Paula Nofsinger would be leaving Frederick County to take a job in another locality. He commended her for an outstanding job during her years as HR Director.

Chairman Shickle asked that a resolution be prepared to recognize her service.

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

1. The HR Director provided to the group an update of the projects and priorities and the position allocation chart.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is currently scheduled for Friday, November 13, 2015.

**FINANCE COMMITTEE REPORT ITEM Tabled FROM SEPTEMBER 9, 2015
BOARD MEETING RE: GENERAL DISTRICT AND JUVENILE AND
DOMESTIC RELATIONS COURT CLERKS SALARY SUPPLEMENT – COURT
CLERKS TO ADDRESS THE BOARD. - DENIED**

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. The committee recommends denial.

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

Supervisor Ransom stated that he was in favor of the supplement because there was a real problem happening with turnover at the courts level. He noted they were losing three deputy clerks a year. He went on to say the reason for the turnover was the low pay. He advised that the turnover affects the judges, attorneys, public, and staff. These positions require 8 to 9 months of training. He stated it was only fair and equitable to do the same as we do for the circuit court clerks. He concluded by saying we should give the supplement and it is the right thing to do.

Supervisor Hess asked about the Commonwealth's responsibility in this matter and how the deputy clerks' responsibilities compared to other county employees.

Supervisor Wells agreed with Supervisor Ransom regarding the low pay and hard work; however, he felt this was an item for budget discussions and should be looked at as part of that

process.

Supervisor Lofton stated that bringing this item between budget cycles was not a good idea. He agreed with the comments made, both pro and con, but felt this was a budget item.

Vice-Chairman DeHaven stated it might be beneficial to ask the HR Committee to look at this. He noted this was a large increase at one time.

Supervisor Hess advised the committee would consider this matter.

Chairman Shickle noted he had been a three to four year supporter of this effort and he would vote against denial. He concluded by saying it was time to help these people out.

There being no further discussion, the motion to deny the request was approved by the following recorded vote:

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

FINANCE COMMITTEE REPORT OF SEPTEMBER 16, 2015 - APPROVED

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, September 16, 2015 at 8:00 a.m. All members were present. Items 5 and 6 were approved under consent agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, 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

1. The FCPS Finance Director provides FY 2015 Year End financial information and is available for discussion. See attachment, p. 5 - 30. No action required.
2. The FCPS Finance Director requests a School Operating Fund and a General Fund supplemental appropriations in the amount of \$123,737.04. This amount represents unspent obligated FY 2015 School Operating funds. See attached memo, p. 31. 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

3. The FCPS Finance Director requests a School Capital Projects Fund and a General Fund supplemental appropriations in the amount of \$314,746.72. This amount represents unspent FY 2015 School Operating funds. See attached memo, p. 31. 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

4. The Finance Director presents FY 2015 Year End financial information. See attached, p. 32 - 48. No action required.
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$1,011.58. This amount represents reimbursements for an investigation and an extradition. No local funds required. See attached memos, p. 49 - 50. -**APPROVED UNDER CONSENT AGENDA**
6. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$2,000. This amount represents a donation for the

conversion of two mowers to propane fuel. No local funds required. See attached memo, p. 51. – **APPROVED UNDER CONSENT AGENDA**

7. The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$40,000. This amount represents a carry forward of unspent FY 2015 funds to be used for outfitting three new vehicles. See attached memo, p. 52. 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
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

8. The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$64,000. This amount represents a carry forward of unspent FY 2015 funds to be used to outfit ten new employees. See attached memo, p. 53. 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

9. During the FY 2016 budget discussions it was requested that two outside agencies be revisited after FY 2015 year end. Those agencies were Handley Library and the Northern Shenandoah Valley Regional Commission (NSVRC). Handley Library was discussed at the August committee meeting. Budget information for the NSVRC is attached. See information, p. 54 - 86. The committee recommends approval of a General Fund supplemental appropriation in the amount of \$1,216. Members Lofton and Ewing vote no. - **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	Nay
Robert A. Hess	Aye
Gary A. Lofton	Nay
Jason E. Ransom	Aye
Robert W. Wells	Nay

10. The EDA Director requests an EDA Fund supplemental appropriation in the amount of \$100,000. This amount represents incentive funds for ON Minerals (Chemstone). See attached memo, p. 87. 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

11. The EDA Director requests an EDA Fund supplemental appropriation in the amount of \$250,000. This amount represents incentive funds for HP Hood. See attached memo, p. 88. 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

12. The Shawneeland District Manager requests a Shawneeland Fund supplemental appropriation in the amount of \$50,000. This amount represents a carry forward of unspent FY 2015 funds to be used for the purchase of a vehicle and equipment. See attached memo, p. 89. This item was removed from the agenda.

13. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. See attached charter, p. 90 - 92. The committee delays action pending further input from committee members.

14. Fire & Rescue Fee for Service MOU, company MOUs and joint agreements, and county payments to companies, information is being provided for discussion per committee request. See attached information, p. 93 - 140. The committee desires to continue discussions and recommends the County Administrator and the Assistant County Administrator outline a structure to facilitate the review of agreements and goals for the future relationship between the County and the volunteer companies.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for August 2015. See attached, p. 141.

2. The Finance Director provides an FY 2016 Fund Balance Report ending September 10, 2015. See attached, p. 142.

3. The Finance Director provides financial statements for the month ending August 31, 2015. See attached, p. 143 - 153.

FINANCE COMMITTEE REPORT OF OCTOBER 21, 2015 - APPROVED

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, October 21, 2015 at 8:00 a.m. Member Richard Shickle was absent. Non-voting liaison William Orndoff was absent. Items 1, 2 and 8 were approved under consent agenda.

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

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

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$250. This amount represents a donation from the Exchange Club of Winchester to the K-9 program. No local funds required. See attached memo, p. 4. – **APPROVED UNDER CONSENT AGENDA**

2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$13,049. This amount represents the unbudgeted portion of the DMV grants for alcohol enforcement and occupant protection. No local funds required. See attached information, p. 5 – 9. – **APPROVED UNDER CONSENT AGENDA**

3. The Commissioner of the Revenue requests a General Fund supplemental appropriation in the amount of \$85,945. This amount represents salary and fringes for the remaining eight months of FY 2016 in order to hire two assessors. The addition of the positions has been approved by the HR Committee. Local funds are required. See attached, p. 10 – 14. The committee made a motion to support a budget transfer of \$85,945 from contingency funds. – **INFORMATION ONLY.**

4. The County Attorney provides information for discussion on tax exempt property/organizations. See attached, p. 15 - 80. The committee recommends removing #19 from the proposed ordinance. (Mr. Ewing abstained) - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the sending the above item forward for public hearing 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

5. The County Administrator requests discussion on the involvement of Finance Committee in the Capital Improvements Plan (CIP) process. The committee recommends that the County Administrator formulate a proposed process for further discussion.

6. The Finance Director requests discussion on unfunded FY16 capital requests. See attached list of requests, p. 81 – 84. The committee made a motion to support a budget transfer from contingency funds in the amount of \$294,250 to purchase ten (10) police cruisers and associated equipment. The committee also postpones action on the remainder of the list pending prioritization.

7. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. Per the Committee's request, a survey was distributed to members and a summary of the results is provided. See attached, p. 85 – 88. The committee recommends approval of the charter with no changes. The committee also recommends increasing involvement with the internal audit per the charter. – **INFORMATION ONLY.**

8. The County Administrator requests a General Fund supplemental appropriation in the amount of \$47,897.40. This amount represents a PPEA review fee refund to R150

SPE, LLC. Local funds are required. See attached information, p. 89 – 94. –
APPROVED UNDER CONSENT AGENDA

9. The Finance Committee Chairman provides FY 2017 budget priorities. See attached letter, p. 95.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for September 2015. See attached, p. 96.

2. The Finance Director provides an FY 2016 Fund Balance Report ending October 15, 2015. See attached, p. 97.

3. The Finance Director provides financial statements for the month ending September 30, 2015. See attached, p. 98 – 108.

4. At the request of the Committee, the Northern Shenandoah Valley Regional Commission (NSVRC) provides supplemental information per discussions at the August Finance Committee meeting. See attached information, p. 109 – 128.

5. The Airport will provide an update on the Airport's budget at the November Finance Committee meeting.

TRANSPORTATION COMMITTEE - APPROVED

The Transportation Committee met on September 28, 2015 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
Gene Fisher (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)

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

1. Valley Pike/Shawnee Drive Intersection Improvement Study - APPROVED

The Committee reviewed the attached study and its recommendations. Mr. Fisher noted that there was a clear short term and long term fix beginning with alternative I and progressing through the other alternatives. Mr. DeHaven noted that the MPO steering committee had also determined a phased approach ending with alternative 2B would be most appropriate.

The Committee asked staff to follow up with VDOT regarding the capabilities of the equipment

put in place when signal upgrades were last done at the intersection of Shawnee and Route 11. Mr. Racey also noted that the equipment needs to be more sensitive to current traffic conditions and adjust green time for appropriate legs depending upon existing flows. Staff agreed and noted that even in times of heavy flow from side street that Route 11 would still get priority.

MOTION: Mr. Fisher moved to recommend a phased approach beginning with Alternative I and ending with Alternative 2B. The motion was seconded by Mr. Racey and passed with 1 no vote.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the above recommendation 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. House Bill 2 Update

Staff outlined the projects in process for House Bill 2 applications and noted in the update memo sent to the Board of Supervisors as follows:

1. Route 11 North at Exit 317
2. Construction of Route 37 from Exit 310 to Route 522
3. Restoration of Route 277 Improvements to the Plan
4. Route 11 South Intersection with Apple Valley Road – Intersection Improvements
5. Fox Drive at Route 522 – Turn Lane Improvements
6. Tevis Street Extension and Bridge over I-81

Staff noted that, given the current activity on the Russell 150 projects, that application number 6 could probably be tabled at this time.

MOTION: Mr. Racey moved to recommend Board approval of the list as presented without number 6. The motion was seconded by Mr. Schnoor. Motion passed unanimously.

Staff has requested sample language for Board support resolutions for these projects but has not received them as of yet. If the language is received in time, resolutions will accompany this item. Otherwise, they will be on a future agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above recommendation.

Chairman Shickle asked if it was a good idea to drop number 6.

John Bishop, Deputy Director of Planning-Transportation, responded yes. He noted that VDOT did not feel we should proceed.

Supervisor Lofton felt the Board should ask for as much as they could knowing we might not get it.

Deputy Director Bishop responded that application was not submitted based on guidance received from the Transportation Committee. He went on to say that we would be “hard pressed” to get it in now.

There being no further discussion, the Board approved the above motion 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*****

3. Other

Mr. Racey had a number of signal timing concerns. Mr. Carter of VDOT asked that he e-mail him directly.

Mr. Carter of VDOT noted that the construction project at 310 was creating some additional delays and that with the shortened ramps adjustments had to be made to the signals to avoid traffic backing up into the I-81 travel lanes.

Staff updated the committee on a new source of safety money that will be available to the County and noted that he would be coordinating with public safety and VDOT to bring recommendations to the Committee.

PUBLIC HEARING

PROPOSED CONVEYANCE OF AN AVIGATION EASEMENT TO

WINCHESTER REGIONAL AIRPORT AUTHORITY ON THE REAL PROPERTY KNOWN AS THE MILLWOOD STATION VOLUNTEER FIRE AND RESCUE AND THE MILLWOOD STATION EVENTS CENTER, LOCATED AT 250 AND 252 COSTELLO DRIVE, WINCHESTER, VIRGINIA, AND IDENTIFIED BY FREDERICK COUNTY PROPERTY IDENTIFICATION NUMBERS 64-10-5A AND 64-10-5B. THE HEARING IS PURSUANT TO VIRGINIA CODE SECTION 15.2-1800 AND THE PURPOSE OF THE HEARING IS TO RECEIVE PUBLIC COMMENT ON THE CONVEYANCE OF THE AVIGATION EASEMENT TO THE WINCHESTER REGIONAL AIRPORT AUTHORITY. - APPROVED

Assistant County Administrator Kris Tierney advised this was a proposed lease with the Winchester Regional Airport Authority for a portion of the Millwood Station Events Center parking lot, which is located on property owned by the Airport Authority. Millwood Fire and Rescue Company previously leased this property from the Airport Authority. The proposed lease has a five year term with an option for three five year renewals. Assistant Administrator Tierney advised that staff would have preferred a longer lease term; however, the FAA was unwilling to extend the agreement further. He went on to say the “Deed of Easement and Restrictions” is a condition of the lease previously discussed. The proposed easement references Federal Regulations “Part 77” which pertains to airspace in proximity to airports and utilizes a “Transitional Surface” elevation along with the associated ground elevation to determine the allowable height of objects on the ground. For the fire station and events center parcels the height restrictions imposed by the easement are actually less restrictive than the height limits imposed by the current County B-2 zoning that exists on the property. He concluded by saying that following the Board’s public hearing, staff was seeking action on the resolution authorizing approval of both the lease and the deed of easement.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Wells, the Board approved the Deed of Easement and Restrictions between the County of Frederick and the Winchester Regional Airport Authority.

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

PARKING LOT LEASE AGREEMENT (NOT A REQUIRED PART OF THE PUBLIC HEARING)

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved the resolution authorizing the execution of a parking lot lease agreement and deed of easement and restrictions between the County of Frederick and the Winchester Regional Airport Authority.

WHEREAS, the County is the owner of real property and improvements located on the south side of Costello Drive in Shawnee Magisterial District, containing approximately four (4) acres more or less and identified as Frederick County property identification numbers 64-10-5A and 64-10-5B (the "Property"), which contains the Millwood Fire and Rescue Station and events center; and

WHEREAS, the Property is situated adjacent to the Winchester Regional Airport with a portion of the parking associated with the events center located on land owned by the Airport Authority; and

WHEREAS, the County and the Airport wish to enter into a lease agreement regarding terms for the use of the land for a parking lot as well as into a separate Deed of Easement and Restrictions granting an avigation easement on the Property to the Airport Authority.

NOW, THEREFORE, BE IT RESOLVED that the Frederick County Board of Supervisors does hereby approve the Parking Lot Lease and Deed of Easement and Restriction and authorizes the County Administrator to execute said agreements.

ADOPTED this 28th day of October, 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

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

CONDITIONAL USE PERMIT #02-15 FOR JAMES AND SUSAN BROWN, FOR A KENNEL. THIS PROPERTY IS LOCATED AT 719 BARLEY LANE. THE PROPERTY IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 61-A-23 IN THE BACK CREEK MAGISTERIAL DISTRICT. - APPROVED

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request for a conditional use permit to allow a dog kennel for breeding. The property is located on Barley Lane in the Back Creek Magisterial District. Zoning Administrator Cheran advised this proposed use was permitted in the RA (Rural Areas) Zoning District with a conditional use permit. The proposed kennel is not for the boarding of dogs, only breeding. He then reviewed the proposed conditions:

1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the breeding of dogs on this property.
3. No more than twenty (20) adult dogs shall be permitted on the property at any given time.
4. No employee other than those residing on the property shall be allowed.
5. All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.
6. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m.
7. Any proposed business sign shall conform to the Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
8. Any expansion or modification of this use will require the approval of a new CUP.

Zoning Administrator Cheran advised the applicant was also present to answer any questions the Board might have.

James Brown, applicant, appeared before the Board. He stated that he and his wife

thought they would try their hands at this business and they were seeking Board approval of this request.

Supervisor Hess asked for clarification on the purpose for breeding the dogs.

Mr. Brown advised the dogs were hypo-allergenic and could be used as therapy dogs.

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 Conditional Use Permit #02-15.

WHEREAS, Conditional Use Permit #02-15 of James and Susan Brown, submitted by James M. Brown and Susan K. Brown for a Kennel-Dog Breeding facility was considered. The property is located at 719 Barley Lane. The property is further identified with Property Identification Number 61-A-23 in the Back Creek Magisterial District. The conditional use is a permitted use in the RA (Rural Areas) Zoning District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the conditional use permit on September 16, 2015 and recommended approval of the Conditional Use Permit with conditions; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on the conditional use permit during their regular meeting on October 28, 2015; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #02-15 – James and Susan Brown for a Kennel-Dog Breeding facility is permitted on the parcel identified by Property Identification Number (PIN) 61-A-23 with the following conditions:

1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the breeding of dogs on this property.
3. No more than twenty (20) adult dogs shall be permitted on the property at any given time.
4. No employee other than those residing on the property shall be allowed.

5. All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.
6. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m.
7. Any proposed business sign shall conform to the Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
8. Any expansion or modification of this use will require the approval of a new CUP.

Passed this 28th day of October, 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

REZONING #05-15 HIATT RUN CONDOS, LLC SUBMITTED BY GREYWOLFE, INC., TO REZONE 3.00 ACRES FROM RA (RURAL AREAS) DSITRICT TO THE RP (RESIDENTIAL PERFORMANCE) DISTRICT WITH PROFFERS. THIS PROPERTY IS LOCATED ON THE EASTERN SIDE OF MARTINSBURG PIKE (ROUTE 11) JUST BEFORE OLD CHARLESTOWN ROAD (ROUTE 761). THE PROPERTY IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 44-A-17 IN THE STONEWALL MAGISTERIAL DISTRICT. - APPROVED

Vice-Chairman DeHaven advised that he would abstain from consideration of this item due to a potential conflict.

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a request to rezone three acres from RA (Rural Areas) District to RP (Residential Performance) District with proffers. The property is located in the Stonewall Magisterial District. He noted no residential buildings would be constructed on this three acre site and no additional density would be gained by this development. He went on to say this property would accommodate additional open space and recreational facilities. The Planning Commission recommended approval of this rezoning. Deputy Director Ruddy advised there was a minor editorial revision to the proffers that would not allow public use of the trail facility until

the development was built out.

Gary Oates, appeared before the Board on behalf of the applicant. He reiterated there would be no additional density resulting from this three acres. The recreational amenities would be expanded to make this a better development. He concluded by saying the proffer change was more of a safety concern.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved Rezoning #05-15 of Hiatt Run Condos, LLC.

WHEREAS, Rezoning #05-15 Hiatt Run Condos, LLC, submitted by GreyWolfe, Inc. to rezone 3.00 acres of land from the RA (Rural Areas) District to the RP (Residential Performance) District with proffers dated June 24, 2015, last revised on September 10, 2015, was considered. The property is located on the eastern side of Martinsburg Pike (Route 11) just before Old Charlestown Road (Route 761). The property is further identified with PIN 44-A-17 in the Stonewall Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on October 7, 2015 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on October 28, 2015; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 3.00 acres of land from RA (Rural Areas) District to the RP (Residential Performance) District with proffers. The conditions voluntarily proffered in writing by the applicant and the property owner are attached.

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

Passed this 28th day of October, 2015 by the following recorded vote:

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

REZONING #09-15 ARTILLERY BUSINESS CENTER SBUMITTED BY PENONI ASSOCIATES, TO REVISE PROFFERS ASSOCIATED WITH REZONING #07-08. THIS REVISION RELATES SPECIFICALLY TO THE TRANSPORTATION PROFFERS. THE PROPERTIES ARE LOCATED EAST AND ADJACENT TO SHADY ELM ROAD APPROXIMATELY 4,500 FEET SOUTH OF THE INTERSECTION OF SHADY ELM ROAD AND APPLE VALLEY DRIVE. THE PROERTIES ARE IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBERS 75-A-1 AND 75-A-1F IN THE BACK CREEK MAGISTERIAL DISTRICT. – POSTPONED ACTION UNTIL NOVEMBER 12, 2015 MEETING AND CONTINUED PUBLIC HEARING

Deputy Planning Director – Transportation John Bishop appeared before the Board regarding this item. He advised this was a request to modify proffers associated with Rezoning proffers. He advised the proposed modified proffers would replace the commitments for transportation improvements to Shady Elm Road, \$250,000 cash contribution for transportation proffers, and provide right-of-way across parcel 74-A-68 with a commitment to participate in revenue sharing to complete Renaissance Drive from Prosperity Drive to Shady Elm Road. Building permits would be limited to one per parcel for a total of two until the applicant enters into a revenue sharing agreement with the County. He advised that VDOT was cautiously satisfied. The Planning Commission recommended approval, but also recommended the Board consider a timeline trigger for the revenue sharing agreement. He advised that staff was seeking Board action on this request. Deputy Director Bishop noted staff had not received a new proffer statement; therefore, the one before the Board was the same one reviewed by the Planning Commission.

Patrick Sowers, Penoni & Associates, appeared before the Board on behalf of the applicant. He advised the applicant would like to request a two week postponement of this application to provide time for the applicant to formalize an agreement with the County.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the request to postpone action on this item until the Board's November 12, 2015 meeting and to continue the public hearing. 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

Chairman Shickle convened the public hearing.

Blaine Dunn, Red Bud District, asked if this proposal called for a \$250,000 reduction in proffers and would it cost the County.

There being no further comments, Chairman Shickle continued the public hearing.

OTHER PLANNING ITEMS

DISCUSSION – I-81 DISTRIBUTION PARK – STONEWALL (STONEWALL INDUSTRIAL PARK) – INFORMATION ONLY

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a site plan review for the I-81 Distribution Park. It was being presented to the Board for information only and was to show the Board potential impacts on the Route 37 right-of-way. She concluded by saying no action was required.

DISCUSSION – ORDINANCE AMENDMENT RE: SUPPLEMENTARY USE REGULATIONS – SETBACK EXTENSIONS – SENT FORWARD FOR PUBLIC HEARING

Senior Planner Candice Perkins appeared before the Board regarding this item. She

advised this was a minor revision to remove the R5 from the supplementary use regulation setback extension to ensure that R5 developments utilize the RP Zoning District deck and stoop setback extension as intended. The Development Review and Regulations Committee and Planning Commission agreed with the proposed changes. She concluded by saying staff was seeking Board direction to send this item forward for public hearing.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved sending this item forward for public hearing.

WHEREAS, an ordinance to amend Chapter 165, Zoning to remove the R5 District from the supplementary use regulations setback extension provision; and

WHEREAS, the Development Review and Regulations Committee (DRRC) reviewed the changes at their August 27, 2015 meeting and agreed with the proposed changes 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 September 9, 2015 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the changes at their regularly scheduled meeting on October 28, 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 remove the R5 District from the supplementary use regulations setback extension provision.

Passed this 28th day of October, 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

RESOLUTION RE: RAIL ACCESS FUNDING APPLICATION FOR TREX - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the resolution of support for the utilization of Industrial Access Railroad Track funds.

WHEREAS, Trex has expressed its intent and desire to the Board of Supervisors to locate its commercial, business, or industrial operations in Frederick County; and

WHEREAS, Trex and its operation will require rail access; and

WHEREAS, the officials from Trex have reported to Frederick County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$300,000.00; and

WHEREAS, Trex has requested that the Board of Supervisors provide a Resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Frederick County, Virginia, hereby endorses and supports the application of Trex for \$300,000.00 in Industrial Access Railroad Track Funds; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Trex for the purpose of locating its business, commercial, or industrial facility in Frederick County.

ADOPTED this 28th day of October, 2015.

This resolution 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 RE: REVENUE SHARING APPLICATION SUPPORT FOR REVENUE SHARING PROGRAM FOR 2016-2017. - APPROVED

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

approved the resolution of support for the Revenue Sharing Program for fiscal year 2016-2017.

WHEREAS, the County of Frederick desires to submit an application for an allocation of funds of up to \$10,000,000 through the Virginia Department of Transportation Fiscal Year 2016-2017, Revenue Sharing Program; and

WHEREAS, \$10,000,000 of these funds are requested to complete funds for Route 11 North between Exit 317 and Route 37, complete and right-of-way funds for Renaissance Drive and minor design and construction funding for Jubal Early Extension and interchange with Route 37.

NOW, THEREFORE, BE IT RESOLVED THAT, that Frederick County Board of Supervisors hereby supports this application for an allocation of up to \$10,000,000 through the Virginia Department of Transportation "Revenue Sharing Program".

ADOPTED this 28th day of October, 2015.

This resolution 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

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

Stan Crockett, Stonewall District, appeared before the Board and read the following statement:

"My name is Stan Crockett and I'm a resident of the Stonewall Magisterial District. I'm a citizen volunteer, appointed by the Board of Supervisors, serving on the Frederick County Sanitation Authority Board of Directors.

There has been information in a recent media article concerning the FCSA that is simply incorrect and I feel it is my obligation to this Board, the citizens of Frederick County and the FCSA that I set the record straight.

I have served on the FCSA Board of Directors for eight years and on several committees. I'm currently Vice-Chairman of the Board and Chairman of the Personnel Committee and as such

very involved in all HR and personnel issues with the Authority to include the recent resignation of the Engineer Director. I am not aware of any "campaign" to remove any current or past employees of the FCSA and to suggest otherwise is misleading at best.

Decisions regarding the operation and management of the FCSA are made by a board of directors, not ANY single individual, for obvious reasons. No individual has legal authority to speak for, negotiate for, or in any other way represent the FCSA with an entity.

For any individual, other than a director of the FCSA following the policies objectives, and authorized by the full FCSA Board of Directors, to negotiate on the FCSA's behalf is unacceptable. Such action could potentially put the citizens of Frederick County at risk of increased costs by damaging established relationships and entering negotiations or making promises which cannot be kept.

Mr. Chairman, I want to assure you that the FCSA board of directors is fully committed to providing the best possible service at the lowest cost to all Frederick County citizens, but we will do so by following appropriately sanctioned business practices.

Thank you for your attention and the opportunity to speak.

BOARD OF SUPERVISORS COMMENTS

Supervisor Hess commended Hudson Price and Lt. Eli Carr for the professional and caring manner in which they handled an emergency situation. He went on to say that on September 17, 2015 he attended a seminar at Lord Fairfax Community College regarding the Inland Port. On October 12-16, 2015 he participated in School Lunch week at Frederick County Middle School, James Wood High School, and Apple Pie Ridge Elementary School. He advised that he participated in the Kids Voting program and commended the folks who sponsor and support this program.

Supervisor Lofton advised that he had received numerous calls from citizens regarding the status of the roads in their neighborhoods. He asked if the Board could do something to lobby our delegates and senator to expand the pot of money for road maintenance. He went on to say he would like to have a transportation forum on the status of roads and let the citizens come out and engage their elected officials regarding their concerns.

Chairman Shickle stated it was a noble idea, but the Chamber had tried a similar event and had to cancel it due to a lack of interest.

Supervisor Hess stated that he liked the idea.

Supervisor Wells agreed.

Deputy Planning Director-Transportation John Bishop suggested the Transportation Committee might be the appropriate body to facilitate this event.

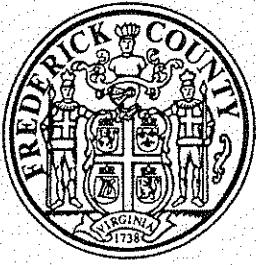
Vice-Chairman DeHaven suggested holding the forum in the board room in either early or mid-evening time frame to allow more citizen participation.

Chairman Shickle assigned this initiative to the Transportation Committee.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (9:00 P.M.)

B



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 <i>Brenda G. Garton</i>
SUBJECT:	Appointment of Stonewall District seat
DATE:	December 3, 2015

Pursuant to the Board's procedure for filling the soon to be vacant Stonewall District seat, which the Board approved at its November 12, 2015 meeting, this item was placed on the Board's agenda. It was noted as part of the procedure that the Board would make the appointment at the December 9, 2015 meeting. The application deadline was Wednesday, November 25, 2015. All applications were sent to the Board for review.

If the Board is prepared, per your established procedure, it would be appropriate to act on the appointment to fill this seat.

BGG/jet

Attachment



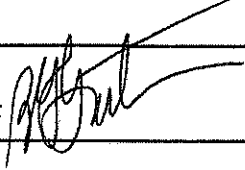
Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	Brenda G. Garton, County Administrator 
SUBJECT:	Process to Fill Soon to be Vacant Stonewall District seat
DATE:	November 5, 2015

As the Board is aware, Supervisor DeHaven's election to the office of Chairman-At-Large will result in a vacancy in the Stonewall District seat effective January 1, 2016. In anticipation of this upcoming vacancy, a process is being recommended whereby the Board will seek applications from residents of the Stonewall District who are interested in being considered to fill this vacancy. The appointee would serve until a special election is held to fill the remainder of the unexpired term, December 31, 2017.

Interested residents of the Stonewall District would be asked to complete the attached data sheet and return it to the County Administrator's Office, along with a letter of interest, resume, or any other information they believe would be beneficial to the Board's deliberations. Any applications received would be forwarded to the Chairman and Chairman-elect. Everyone submitting an application would be provided with the contact information for each board member. It would be the responsibility of each applicant to contact the members of the Board.

The deadline to submit an application is **Wednesday, November 25, 2015 at 12:00 p.m.**

It is the Board's intent to select a replacement at its December 9, 2015 regular meeting.

Applications will be available through the County website at www.fcva.us/stonewallbos or may be picked up in person at the County Administrator's Office, 107 N. Kent Street, Winchester, VA.

Staff is seeking Board action to approve this process.

BGG/jet

Attachment

**INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF
SUPERVISORS STONEWALL DISTRICT
INTERIM APPOINTMENT**

I, _____, a resident of the Stonewall District, would like to serve on the Board of Supervisors as the interim representative to the Stonewall District.

As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. **(Please Print Clearly. Thank You.)**

Name: _____ **Home Phone:** _____

Address: _____ **Office Phone:** _____

_____ **Cell/Mobile:** _____

_____ **Fax:** _____

Employer: _____ **Email:** _____

Occupation: _____

Civic/Community Activities: _____

Will You Be Able To Attend The Board's Regularly Scheduled Meetings On: the second and fourth Wednesdays of each month _____ **Yes:** _____ **No:** _____

Will You Be Able To Attend The Various Committee Meetings On: scheduled at various times and dates depending on the respective committee _____ **Yes:** _____ **No:** _____

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On The Board? **Yes:** _____ **No:** _____ **Explain:** _____

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

Applicant's Signature: _____ **Date:** _____

Please submit form to:
Frederick County Administrator's Office
107 North Kent Street
Winchester, VA 22601
or email to: bgarton@fcva.us or
jtibbs@fcva.us
(11/12/15)

CONSENT AGENDA

C

**RESOLUTION OF APPRECIATION
ERIC R. LAWRENCE,
DIRECTOR OF PLANNING & DEVELOPMENT
FREDERICK COUNTY**

WHEREAS, Eric R. Lawrence served the citizens of Frederick County, Virginia, for approximately 20 years in the Department of Planning & Development; and

WHEREAS, Mr. Lawrence began his career with Frederick County first as a Planner, then serving as Zoning Administrator, Deputy Director, and, finally, rising to the level Director of Planning & Development; and

WHEREAS, through his leadership the department completed the Rural Areas Study, culminating in the adoption of the Rural Areas Recommendation and Report; established the Conservation Easement Authority and secured the first conservation easement through a partnership with Potomac Conservancy; and completed a comprehensive rewrite of the Comprehensive Plan; and

WHEREAS, Mr. Lawrence oversaw and established the First Transfer of Development Rights (TDR) program in the Commonwealth of Virginia.

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks to Eric R. Lawrence for his leadership and wishes him all of the best in his future endeavors.

BE IT FURTHER RESOLVED, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishments of this public servant.

ADOPTED this 9th day of December, 2015.

Richard C. Shickle
Chairman

Gene E. Fisher
Shawnee District Supervisor

Robert A. Hess
Gainesboro District Supervisor

Blaine P. Dunn
Red Bud District Supervisor

Robert W. Wells
Opequon District Supervisor

Charles S. DeHaven, Jr.
Stonewall District Supervisor

Gary A. Lofton
Back Creek District Supervisor

Brenda G. Garton
Clerk

D



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: December 3, 2015
RE: Committee Appointments

Listed below are the vacancies/appointments due through January, 2016. 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

Social Services Board

Susan W. Marsh – Stonewall District Representative
160 Canterbury Lane
Winchester, VA 22603
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.)*

Parks and Recreation Commission

Martin J. Cybulski – Red Bud District Representative
134 Likens Way
Winchester, VA 22602
Term Expires: 04/28/18
Four year term

(Mr. Cybulski has resigned.)

Northwestern Community Services Board

Ryan Clouse – Frederick County Representative
111 Rebecca Drive
Winchester, VA 22602
Term Expires: 12/31/15
Three year term

(Mr. Clouse will resign at the end of his term.)

Blaine J. “Jack” Alkire – Frederick County Representative
313 Frasher Drive
Clearbrook, VA 22624
Term Expires: 12/31/17
Three year term

(Mr. Alkire has resigned.)

(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.)

NOVEMBER 2015

Handley Regional Library Board

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

(See Attached Application of Brian J. Hester.) (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.)*

JANUARY 2016

Parks and Recreation Commission

Ronald Madagan – Opequon District Representative
120 West Street
Stephens City, VA 22655
Phone: (540)869-4733
Term Expires: 01/14/16
Four year term

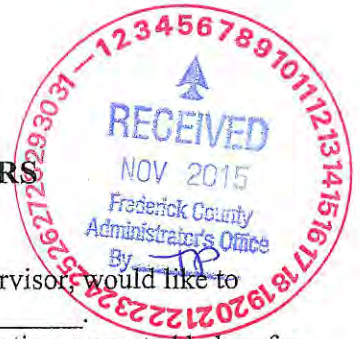
Planning Commission

Kevin W. Kenney – Gainesboro District Representative
292 Thwaite Lane
Winchester, VA 22603
Phone: (540)662-5390
Term Expires: 01/26/16
Four year term

BGG/tjp

Attachment

INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF SUPERVISORS
COMMITTEE APPOINTMENTS



ROBERT W. NEWS, GAINESBORO District Supervisor, would like to
nominate you to serve on the LIBRARY BOARD

As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: BRIAN J. HESTER Home Phone: 540-667-6443
Address: 165 BABBS RUN LANE Office Phone: 540-665-4300
WINCHESTER, VA 22603 Cell/Mobile: 540-336-9629
Employer: BB+T Email: BRIANJHESTER@GMAIL.COM
Occupation: COMMERCIAL BANKER
Civic/Community Activities: SEE ATTACHED RESUME

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

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

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

I'VE LIVED IN THE AREA MY ENTIRE LIFE AND
LOOK FORWARD TO SERVING AND HELPING WITH THE
LIBRARY BOARD. THANK YOU FOR THE CONSIDERATION.

Applicant's Signature: [Signature] Date: 10-5-15

Nominating Supervisor's Comments: _____

Please submit form to:
Frederick County Administrator's Office
107 North Kent Street
Winchester, VA 22601
or email to: tprice@fcva.us or jtibbs@fcva.us

BRIAN J. HESTER

165 Babbs Run Lane
Winchester, Virginia 22603
540-667-6443 - Home
540-336-9629 - Cell
brianjhester@gmail.com

WORK EXPERIENCE

- BB&T Winchester, Virginia March 2014 – Present
Assistant Vice President – Business Services Officer II
- Solicit, generate, and handle commercial loan applications
 - Maintain, service and grow profitable lending portfolio
 - Solicit and cultivate business relationships for all sectors of the bank
 - Attend community events on behalf of the bank
 - Meet with potential loan clients to determine product fit and suitability
- First Bank Winchester, Virginia May 2010 – February 2014
Assistant Vice President – Loan Officer
- Solicit, generate, and handle commercial loan applications
 - Solicit, generate, and handle residential mortgage loan applications
 - Maintain, service and grow profitable lending portfolio
 - Solicit and cultivate business relationships for all branches of the bank
 - Attend community events on behalf of the bank
 - Meet with potential loan clients to determine product fit and suitability
 - National Mortgage Licensing System #460158
- First Bank Winchester, Virginia October 2008 – May 2010
Assistant Vice President – Mortgage Sales
- Solicit and cultivate residential mortgage loan business
 - Build a network of contacts
 - Meet with potential loan clients to determine appropriate mortgage products
 - Cultivate leads and relationships with clients
 - Attend community events on behalf of the bank
- Heritage Home Funding Winchester, Virginia January 2005 – August 2008
Co-Owner/President - Broker
- Responsible for strategic planning and goals as well as daily operations
 - Manage, interview, and hire loan officers and support staff
 - Research and select various lender portfolios and services
 - Seek out and implement marketing opportunities beneficial to the company
 - Prepare and review paper work for approved loans
- First Bank Strasburg, Virginia June 2001 - August 2001
Bank Teller
- Interacted with customers on a daily basis
 - Performed daily transactions for bank customers
 - Responsible for maintaining a bank drawer

EDUCATION

Virginia Bankers School of Bank Management, University of Virginia, Charlottesville, Virginia	August 2012
Shenandoah University, Winchester, Virginia Master of Business Administration	December 2009
Randolph Macon College, Ashland, Virginia Bachelor of Arts in Accounting	May 2004

SKILLS

- Financial Management and Accounting Skills
- Microsoft Office (Word, Excel, PowerPoint, Access)
- Point

LEADERSHIP AND VOLUNTEER EXPERIENCE

Evans Home of Winchester Board Member Vice-Chairman	May 2010 - Present
Salvation Army of Winchester Board Member	June 2005 – November 2011
Healthy Families of Winchester Board	June 2005 – January 2007
Rotary Club of Winchester's Latest - Member	January 2005 – 2014
Rotary Club of Winchester's Latest - Board	August 2006 - 2014
Rotary Club of Winchester's Latest - President	January 2009 – July 2010 & July 2013 – May 2014
Rotary Club of Frederick County – Member	May 2014 - Present
Board of Trustees – Braddock Street UMC	January 2009 – January 2012
Church Counsel – Braddock Street UMC	January 2013 – Present
Judges Athletic Association Board	September 2008 – August 2011
Winchester Board of Zoning Appeals	January 2009 – March 2013
Winchester Board of Zoning Appeals Chairman	July 2011 – March 2013
Virginia Certified Board of Zoning Appeals Program	June 2010
Shenandoah Apple Blossom Festival – Co-Chair – Out of Town Guests	November 2008 - 2010
Shenandoah Apple Blossom Festival – Co-Chair – Gentleman's Luncheon	November 2011 – Present
Shenandoah University Business School Advisory Board	January 2014 - Present

E



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: December 1, 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. Britt Louis Nemeth – \$3,019.47
2. Admiral Security Services – \$2,815.49
3. Shenandoah Gas – \$17,705.80



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

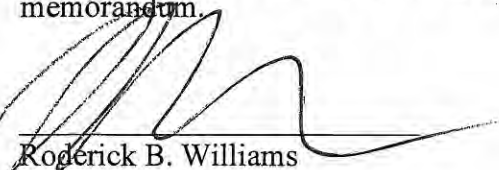
FROM: Roderick B. Williams, County Attorney

DATE: November 17, 2015

RE: Refund – Britt Louis Nemeth

I am in receipt of the Commissioner's request, dated November 13, 2015, to authorize the Treasurer to refund Britt Louis Nemeth the amount of \$3,019.47, for personal property taxes in 2014 and 2015 and vehicle license fees for 2015. This refund is a result of normal proration of vehicle taxes for vehicles paid here but actually located in another Virginia locality.

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



November 13, 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 Nemeth, Britt L

A handwritten signature in cursive script that reads "E. Murphy".

Please approve a refund of \$3,019.47 for personal property prorated taxes in 2014 and 2015 including two license fees for Britt Louis Nemeth. This refund reflects normal proration of vehicular taxes for vehicles paid here but actually located in another Virginia locality.

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 request.

Exonerated is \$3,019.47.

Date: 11/13/15

Cash Register: COUNTY OF FREDERICK

Time: 09:52:41



Customer Name: NEMETH BRITT LOUIS

Total Transactions: 10
Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2014	1	00395540002	\$486.61-	\$0.00	\$486.61-
-	PP2014	2	00395540004	\$1,040.65-	\$0.00	\$1,040.65-
-	PP2015	3	00401860001	\$439.83-	\$0.00	\$439.83-
-	PP2015	4	00401860003	\$1,002.38-	\$0.00	\$1,002.38-
-	VL2015	5	00556570001	\$25.00-	\$0.00	\$25.00-
-	VL2015	6	00556580001	\$25.00-	\$0.00	\$25.00-

Total Paid : \$3,019.47

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

Needs Board Approval

*moved to
Fairfax*



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

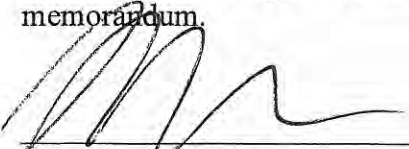
FROM: Roderick B. Williams, County Attorney

DATE: November 18, 2015

RE: Refund – Admiral Security Services

I am in receipt of the Commissioner's request, dated November 17, 2015, to authorize the Treasurer to refund Admiral Security Services the amount of \$2,815.49, for business license taxes for part of 2015. This refund is a result of the business moving their operation to the City of Winchester.

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



November 17, 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 Admiral Security Services

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

Please approve a refund of \$2,815.49 for business license taxes for part of 2015 in the name of Admiral Security Services, who moved their operation to the City of Winchester. This refund reflects normal proration of business license taxes as reflected by the move and taxation by Winchester.

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 request.

Exoneration is \$2,815.49.

Trans. Type: PAY
 Dept/Bill#: BL2015 / 00067880001 Penalty/Interest
 Business: ADMIRAL SECURITY SERVICES
 Address: _____

Customer Transactions:
 Acct: 22266
 Date: 11/17/2015 / 11/17/2015
 Due Date: 4/01/2015
 Status Codes: _____

4401 EAST WEST HWY SUITE 500
 BETHESDA MD
 Applicant: RED COATS INC
 Address: _____
 158 FRONT ROYAL PIKE
 WINCHESTER VA

Zip Code: 20814 - 0000

Fed ID#/SSN#: _____

Zip Code: 22602

Original Bill:	\$8,821.18	Payments:	\$11,636.67	Setoff Claim #:	00000000
Penalty Paid:	\$.00	Int Paid:	\$.00	Last Date:	11/17/2015
Amount Owed:	\$2,815.49-	Other:	\$.00		
Total Owed:	\$2,815.49-	Penalty:	\$.00	Interest:	\$.00
Prin. being Paid:	2815.49-	Pen Rate	% Int Fact	Dept	Code
Penalty being Paid:	_____	Interest being Paid:	_____	_____	_____
Total Amount Paid:	2815.49-	Aging:	_____	_____	_____

Promise to Pay Date: _____ Supplement No: 02

F1=Amt Tender

F2=Next Ticket

F3=Exit

F10=Func Menu



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

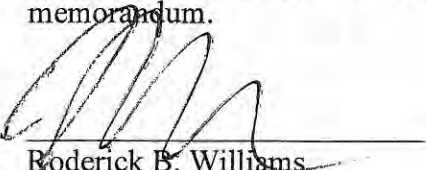
FROM: Roderick B. Williams, County Attorney

DATE: December 1, 2015

RE: Refund – Shenandoah Gas

I am in receipt of the Commissioner's request, dated December 1, 2015, to authorize the Treasurer to refund Shenandoah Gas in the amount of \$17,705.80, for consumer use taxes in 2014 and 2015 as part of the Washington Gas adjustment previously requested. The taxpayer had database issues that resulted in the payment of consumer use taxes to the wrong localities. This amount reflects the difference in their reconciliation for Frederick County.

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


Roderick B. Williams
County Attorney

Attachment



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



December 1, 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 – Shenandoah Gas

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

Please approve a refund totaling \$17,705.80 for consumer use taxes for 2014 and 2015 for Shenandoah Gas as part of the Washington Gas adjustment previously requested. Taxpayer had data base problems that resulted in the payment of consumer use taxes to the wrong localities. This amount is the net difference in their reconciliation for Frederick County payments.

The Commissioner's staff person has verified to the best of our ability that addresses used were incorrect and therefore payment improperly made to us. 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.

Exonerated amount is \$17,705.80.

DATE: 11/03/15

CASH REGISTER COUNTY OF FREDERICK

TIME: 10:40:51

Trans type: PAY Dept#/Bill#: CU03 Acct#: _____ Cust Transactions:
 Name: SHENANDOAH GAS Half: 1 Pen Date: 11/03/2015
 Name 2: _____ Sup#: 00 Int Date: 11/03/2015
 Address: _____ Status Codes: _____

Description: JAN 2001 Zip Code: 00000 - 0000
 Soc. Sec. #: 000 - 00 - 0000
 Soc. Sec. #: 000 - 00 - 0000 Class: _____
 Map. #: _____

Original Bill: \$.00 Payments: \$80,690.45
 Penalty Paid: \$.00 Int. Paid: \$.00 Last Date: 9/30/2015
 Amount Owed: \$80,690.45 Other: \$.00
 Total Owed: \$80,690.45 Penalty: \$.00 Interest: \$.00
 Prin. being Paid: 17705.80 Pen Rate % Int Fact.
 Corrected Penalty: _____ Corrected Interest: _____
 Total Amount Paid: 17705.80 Aging: _____
 G/L Account to Charge: 0 0 0 0 OvrDpt: _____ ActCd: _____
 Promise to Pay Date: _____
 ANOTHER SALE?.....: N (Y/N)

F1=Amt Tender F2=Next Ticket F3=Exit F9=Search DMV

F



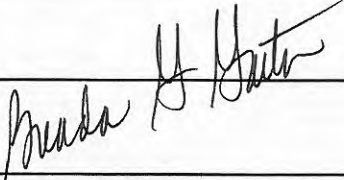
Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	Brenda G. Garton, County Administrator 
SUBJECT:	Reconsideration of Board Action Relative to Special Election
DATE:	December 2, 2015

Attached for the Board's consideration please find correspondence from Supervisor Lofton seeking a reconsideration of the Board's action from its November 12, 2015 meeting relative to the special election slated for March 8, 2016. Per Robert's Rules of Order, a member who voted on the prevailing side can move to reconsider an item. Given that Supervisor Lofton was on the prevailing side, he has properly requested a reconsideration of this matter and that it be placed on the Board's December 9, 2015 agenda.

In addition to Mr. Lofton's correspondence, you will also find attached a memorandum from the Voter Registrar.

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

BGG/jet

Attachments

Jay Tibbs

Subject: FW: discussion of special election vote

From: Gary Lofton
Sent: Sunday, November 22, 2015 6:05 PM
To: Brenda Garton
Cc: Jay Tibbs
Subject: discussion of special election vote

Brenda,

After reviewing the information sent by you from Rick Miller, Registrar and speaking with Mr. Miller in person, I have concerns about the vote that was taken regarding the special election slated for March.

Since I voted in the majority to ask for a March date for this election, I believe, according to Robert's Rules of Order, that I may ask to revisit this matter with the thought of changing my vote.

I therefore ask that this item be added to the December 9 meeting of the BOS for further discussion and review.

Thank you,
Gary Lofton

MEMORANDUM

To: Brenda Garton, County Administrator
From: Rick Miller, Voter Registrar
Date: Friday, November 23, 2015
Subject: Conducting a Special Election for the Member, Board of Supervisors, Stonewall District on Tuesday, March 8, 2016

Cost

The cost of the Special Election on **Tuesday March 8, 2016** will be approximately **\$ 14,800.00**. If this Special Election was held with the General Election on **Tuesday, November 8, 2016** the cost will be approximately **\$ 500.00** of the total Election cost – a savings of \$ 14,300.00.

Voter Turnout

Frederick County is planning on conducting a dual county-wide Presidential Primary on Tuesday, March 1, 2016, for 52,000 registered voters with a large estimated voter turnout. To conduct a Special Election one week later, Tuesday March 8, 2016, will result in a lower than normal voter turnout in a single Magisterial District of 8,300 voters. Based on the cost of \$ 14,800:
10 % voter turnout of 830 voters - \$ 17.83 per vote, 20 % voter turnout of 1,660 voters - \$ 8.92 per vote and 30 % voter turnout of 2,490 voters - \$ 5.94 per vote.

Voter Confusion and Voter Burden

Voters will be confused with having a dual Presidential Primary and a Special Election being held within one week of each other. For example a voter in the Stonewall Magisterial District who would be out of town from February 15, 2016 through March 15, 2016 and wishes to vote in both the dual Presidential Primary and Special Election would have to complete 2 separate Absentee Ballot applications – one for the Presidential Primary and one for the Special Election, whether they wanted the ballots mailed to their residence or they voted in-person in our office.

Increasing Voter Participation

Conducting the Special Election in November 2016 with the Presidential Election will definitely increase the number of voters voting in this Special Election. In the 2008 and 2012 Presidential Elections, the Stonewall Magisterial District voting percentage was 63 % in both Elections. Based on the cost of \$ 500.00: 60 % turnout of 4,980 voters - \$ 0.10 per vote.

Election Timelines for Special Election on Tuesday, March 8, 2016

Thursday, January 7, 2016 – All Candidates (party or independent) must file all Candidate forms including Party Certification at least 60 days before the election.

Election Timelines for Special Election on Tuesday, March 8, 2016 (continued)

Friday, January 22, 2016 – Absentee voting for Special Election must start 45 days before the election.

Tuesday, February 9, 2016 – The last day to register to vote. Registrations close 21 days before a primary or general election. Registrations shall be closed during the 13 days before a special election. Due to the overlap of the Presidential Primaries and the Special Election registrations will be closed 14 days earlier than normal for citizens in the Stonewall District to register to vote in the Special Election.

Tuesday, March 1, 2016 – This is dual Presidential Primary day with our office helping to resolve voter questions from the 21 precincts and from the general public. Our office would also be open for absentee voting both by mail and in-person for the Special Election on the same day.

G



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 <i>Brenda G. Garton</i>
SUBJECT:	Proposed Additional Legislative Initiatives for 2016 General Assembly Session
DATE:	December 2, 2015

Attached for the Board's consideration please find correspondence from Albemarle County and supporting documentation supporting the position that counties in Virginia should have equal taxing authority to cities. Staff is bringing this item to the Board for consideration as an addition to the County's legislative program.

You will also find attached correspondence from Supervisor Dunn outlining his suggested additions to the County's legislative program. At your November 12, 2015 meeting the Board briefly discussed these items, but ultimately postponed any consideration or action until its December 9, 2015 meeting.

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

BGG/jet

Attachment

Jay Tibbs

From: Brenda Garton
Sent: Monday, November 30, 2015 12:06 PM
To: Blaine P. Dunn; Brenda G. Garton; Brenda Garton; Chuck Dehaven; Gary Lofton; Gene E. Fisher; Richard Shickle; Robert Hess; Robert Wells
Cc: Rod Williams; Kris Tierney; Jay Tibbs
Subject: FW: Equal Taxing Authority for Counties Eligible for City Status
Attachments: Equal Taxing Authority - Rev Sources.pdf; 2016 VACo Legislative Program.pdf; 151116 Frederick County 2016 Proposed Legislative Initiatives and Cover Letter to Legislators.pdf

Importance: High

Dear Board Members,

I received the email below and attachment from Tom Foley, who is the County Executive of Albemarle County. Based on his request, I have responded to him that I would share Albemarle County's position with my Board to see if you all have an interest in joining this effort.

While VACo has long held the position that counties in Virginia should have equal taxing authority to cities, so far, this idea has not gained traction in the General Assembly. As you can see from the 2016 VACo Legislative Program attached, this initiative is one of the priorities in the Finance section of VACo's Legislative Program. (That's the steering committee of which I am a member.) A copy of Frederick County's current adopted Legislative Initiatives is also attached. You have not specifically addressed this issue.

If any of you are interested in discussing this in conjunction with the other items you will be considering adding to your Legislative Agenda at your Dec. 9 meeting, I will be happy to put this email and the attached document in your Board packets. If we don't hear from anyone, we won't include it.

Brenda

From: Tom Foley [mailto:tfoley@albemarle.org]
Sent: Monday, November 30, 2015 11:39 AM
To: Brenda Garton
Subject: FW: Equal Taxing Authority for Counties Eligible for City Status

Brenda,

We had the old email on the original contact. Wanted to make sure you all were aware of this effort.

Thanks,
Tom

Thomas C. Foley
County Executive
Albemarle County, VA
(434) 296-5841

From: Tom Foley

Sent: Monday, November 30, 2015 11:25 AM

To: 'mschwartz@arlingtonva.us' <mschwartz@arlingtonva.us>; 'Edward.long@fairfaxcounty.gov' <Edward.long@fairfaxcounty.gov>; 'vit@henrico.us' <vit@henrico.us>; 'mpeacor@pwcgov.org' <mpeacor@pwcgov.org>; 'stegmaierjay@chesterfield.gov' <stegmaierjay@chesterfield.gov>; 'tim.hemstreet@loudoun.gov' <tim.hemstreet@loudoun.gov>; 'aromanello@staffordcountyva.gov' <aromanello@staffordcountyva.gov>; 'bryan.hill@jamescitycountyva.gov' <bryan.hill@jamescitycountyva.gov>; 'tgates@roanokecountyva.gov' <tgates@roanokecountyva.gov>; 'neil.morgan@yorkcounty.gov' <neil.morgan@yorkcounty.gov>; 'ndickinson@spotsylvania.va.us' <ndickinson@spotsylvania.va.us>; 'meadowsfc@montgomerycountyva.gov' <meadowsfc@montgomerycountyva.gov>; 'rharris@hanovercounty.gov' <rharris@hanovercounty.gov>; 'jriley@fcva.us' <jriley@fcva.us>; 'thall@co.henry.va.us' <thall@co.henry.va.us>

Subject: Equal Taxing Authority for Counties Eligible for City Status

I've spoken to a few of you recently about an effort by Albemarle County to pursue equal taxing authority for Counties based on population density. This idea came from a meeting between our Board of Supervisors and local legislators prior to last year's General Assembly session. Virginia Code already establishes a threshold for Counties with a certain population density to be eligible for City status. The concept for a new approach regarding equal taxing authority is that Counties that already have the population density to be eligible for City status should also be recognized for needing additional taxing authority to address the impacts of urbanization and higher density, as currently defined in State Code. While the Virginia Association of Counties has a long standing position regarding equal taxing authority for all Counties, considering the impact of higher density and the challenges it creates is an approach members of our legislative delegation felt would be more supportable and successful. Based on the latest population information, there appear to be 16 counties that have the population density of at least 140 persons per square mile necessary to be eligible for city status pursuant to Virginia Code § 15.2-3907. . <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-3907> Based on descending order by density, they are:

1. Arlington
2. Fairfax
3. Henrico
4. Prince William
5. Chesterfield
6. Loudoun
7. Stafford
8. James City
9. Roanoke
10. York
11. Spotsylvania
12. Montgomery
13. Hanover
14. Frederick
15. Henry
16. Albemarle

Albemarle is currently working with one of our legislators to gain his commitment to introduce a bill to create some level of additional taxing authority for Counties based on density. I've attached a brief overview of the revenue sources under consideration. We hope to receive positive news regarding this legislator's willingness to introduce a bill, but there has been no commitment up to this point. If he does agree, I'll be back in contact with you to determine if your County might support this effort. If there's not a willingness to introduce a bill this year, I at least wanted to bring this to your attention in the hope that effort by our sixteen counties, with a new and perhaps more supportable approach, might make a difference in the future.

Thanks,

Tom

*Thomas C. Foley
County Executive
Albemarle County, VA
(434) 296-5841*

Meals Tax

- Virginia Code § 58.1-3840 grants any city or town having general taxing powers established by charter the power to impose an excise tax on meals with no rate limitation.
- Virginia Code § 58.1-3833 authorizes any county to levy a tax on food and beverages by a restaurant at a rate not to exceed 4% of the amount charged for such food and beverages if approved by referendum. (Arlington, Frederick, Montgomery, Roanoke and Rockbridge Counties are exempt from the referendum requirement).
- 46 counties levy a meals tax at the maximum 4% rate.
- 32 cities and 68 towns levy a meals tax over 4%, with 14 cities and towns levying a meals tax between 7.1-8%.

Transient Occupancy Tax

- Virginia Code § 58.1-3840 grants any city or town having general taxing powers established by charter the power to impose an excise tax on transient room rentals with no rate limitation.
- Counties cannot levy such a tax unless specifically enabled.
- Virginia Code § 58.1-3819 enables any county to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days at a rate of 2%.
- Virginia Code § 58.1-3819 grants additional authority to 50 counties, including Albemarle, to levy a transient occupancy tax not to exceed 5% with any excess over 2% designated and spent solely for tourism and travel.
- 12 counties have been granted authority to impose additional transient occupancy taxes at varying rates up to 5% with the revenue used for restricted purposes related to tourism. (Arlington; Bath, Fairfax, Franklin, Nelson, Hanover, Henrico, Chesterfield, James City County, York, Rockbridge, and Roanoke County)
- In 2012 the General Assembly authorized Roanoke County SB 103 (Edwards) to levy a transient occupancy tax rate not to exceed 7%. The revenues in excess of 5% must be used solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau.
- In the 2015 General Assembly a bill SB 759 (Lucas) was introduced to authorize all counties to impose a transient occupancy tax of 5% and to eliminate the requirement that the excess over 2% go to tourism. The bill was amended and adopted to only add the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to 5%, with any excess over 2% to be designated and spent solely for tourism purposes.

Cigarette Tax

- Virginia Code § 58.1-3840 provides that cities and towns having general taxing powers established by their charters may impose an excise tax on cigarettes with no rate limitation.
- Counties cannot levy such a tax unless specifically enabled. Albemarle County does not have the enabling authority.
- Virginia Code § 58.1-3831 specifically enables Fairfax and Arlington counties to levy a cigarette tax, not to exceed either 5 cents per pack or the state maximum rate, whichever is greater. Both counties currently impose the state maximum 30 cents per pack tax.
- Charlottesville increased its excise tax from 35 cents per pack to 55 cents per pack in 2015.
- Recent legislative attempts by counties to obtain cigarette tax authority:
 - General Assembly 2015 session bill SB 1414 (Edwards) would have added Montgomery and Pulaski counties to the list of counties authorized to impose a local cigarette tax under Virginia Code § 58.1-3831 and would have required the revenue from such tax be used solely for public education. The bill failed in the Senate Finance Committee
 - General Assembly 2015 session bill SB 784 (Lucas) would have authorized *all* localities to impose a cigarette tax with a maximum rate of 5¢ per pack or the amount levied under state law, whichever is greater. The bill was defeated in the Senate Finance Committee
 - General Assembly 2015 session bill HB 2348 (Yost) would have added Montgomery and Pulaski counties to the list of counties authorized to impose a local cigarette tax under Virginia Code § 58.1-3831 and would have required the revenue from such tax be used solely for school maintenance and construction. The bill failed in the House Finance Committee.

Admissions Tax

- Virginia Code § 58.1-3840 provides that any city or town having general taxing powers established by their charters may impose an excise tax on admissions with no rate limitation.
- Counties cannot levy such a tax unless specifically enabled. Albemarle County does not have the enabling authority.
- Virginia Code § 58.1-3818 enables thirteen counties (Arlington, Brunswick, Charlotte, Clarke, Culpeper, Dinwiddie, Fairfax, Madison, Nelson, New Kent, Prince George, Stafford, and Sussex) to levy admissions taxes at a rate not to exceed 10 percent and Roanoke County is enabled by its charter to levy an admissions tax. The Weldon Cooper tax book reports that only three counties levy an admissions tax (Dinwiddie (4%), New Kent (4%), and Roanoke (5%)).
- Virginia Code § 58.1-3818(C) authorizes Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants, in order to participate in any event.
- Virginia Code § 58.1-3818 authorizes Fairfax, Arlington, Dinwiddie, Prince George and Brunswick counties to levy a tax on admissions charged for any event.
- Virginia Code § 58.1-3818.01 authorizes Scott County to impose a tax on admissions to any off-track horse wagering facility located in the county in the amount of \$0.25 for each patron admitted.
- Virginia Code § 58.1-3817 establishes six (6) classes of events that can be used to establish admissions taxes.
- Nineteen cities and towns report levying the tax with the amounts ranging from 2 percent to 10 percent. Although enabled to do so, Charlottesville does not levy an admissions tax.
- Recent legislative attempts by counties to extend admissions tax authority:
 - General Assembly 2012 session bill SB 1262 (Stuart) authorized Stafford County to impose an admissions tax for attendance at entertainment venues, beginning July 1, 2014. The authority to impose the tax was set to expire on July 1, 2015, if no entertainment venues existed in Stafford County by that date.
 - General Assembly 2015 session bill SB 1185 (Stuart) would have extended the expiration of the admissions tax in Stafford County from July 1, 2015, to July 1, 2019. The bill was stricken at the request of the patron and did not become law.
- A 2001 Attorney General's Opinion, Opinion OP 01-106, opined that a locality cannot compel a state university to collect and remit an admissions tax finding that it is not expressly authorized by the admissions tax statute and that without express enabling authority a locality cannot "impose a tax or the economic incidence of a tax on the Commonwealth or its agencies and instrumentalities." To date, that authority has not been granted by the General Assembly.
- To levy an admissions tax on UVA events, the County would need both the enabling authority to levy an admissions tax and express authority for it to apply to UVA. Under the Three Party Agreement (formally entered into by the County, the City and the University in 1986), the County has agreed not to seek any tax legislation that would impact the University except by mutual agreement.

FINANCE

Priority

Local Finances

VACo supports the authority of county governments to levy and collect revenue from local business taxes. VACo requests county government representation on all study or legislative commissions that impact local government revenues or services. VACo opposes mandated new or expanded funding requirements on counties.

Positions

County Authority Including Equal Taxation

VACo supports granting counties equal taxing authority enjoyed by cities and towns to enact local excise taxes without referendum.

Eliminate the State capture of local fines and forfeitures

VACo requests the repeal of budget language authorizing the capture of local fines and forfeitures to the state treasury. The money to be seized in FY 2016 is not budgeted for any purpose in the Appropriation Act. This legislative action removed a source of local revenue for many localities.

Fiscal Impact Statements

VACo supports changes to the rules of the House and Senate that would require proposed legislation that may have a fiscal impact on localities to be introduced no later than the first day of session.

Funding for State Mandated Positions and Jails

VACo urges the Commonwealth to meet its full funding obligations for constitutional officers and state mandated positions. VACo further requests that the state budget increase jail per diems in the FY 2015-2018 biennial budget to 2010 levels. Additionally, VACo requests the state reinstate the definition of state-responsible inmates to felons with sentences of one year or more, fully fund its share of per diem payments in the introduced budget, and pay the medical costs of inmates using a cost-effective program jointly funded at the federal and state levels.

Line of Duty

VACo calls on the General Assembly to fully fund the Line of Duty Act (LODA) obligations and adopt the recommendations proposed by JLARC to improve the administration of the act in order to ensure the long-term fiscal stability of the program.

Jay Tibbs

From: Dunn, Blaine <bpdunn@dunnadvisors.com>
Sent: Tuesday, November 10, 2015 10:31 PM
To: Brenda Garton; Brenda G. Garton; Chuck Dehaven; Gary Lofton; Gene Fisher; Richard Shickle; Robert Hess; Robert Wells; Redbud District
Cc: Kris Tierney; Jay Tibbs; Cheryl Shiffler; Rod Williams
Subject: RE: Proposed Legislative Agenda

Dear Board of Supervisor members and staff:

In a normal circumstance, as a newly elected member of the Board of Supervisors, I would have liked to have sat down with each of you who are Board members and Brenda Garton and her staff, and asked about your thoughts and goals for the county. I would appreciate your input on how to best serve Frederick County. I also would have shared my views with you and sought your input and comments.

However, since I won a special election, I am taking office immediately. Under normal circumstances, I would have asked Richard Shickle for direction, but since his mother has just died, Chuck DeHaven was kind enough to help me set up two days of meetings with Brenda Garton and her staff on Thursday and Friday. She and her staff also gave me an overview of county business. Thank you Brenda and your staff for your help. However, I have a lot still to learn.

On the Board agenda for Thursday are two items of interest to me. The first is legislative initiatives. These suggestions may be able to be added later in December, but I will raise the issues and you as a Board can discuss the merits as you see fit. The second issue is how to fill the vacant Stonewall seat when Chuck DeHaven becomes chair.

Under legislative initiatives, I would propose adding three items pertaining to election law. (The singular masculine includes both masculine and feminine).

1. Ballot Access for Presidential candidates in primary elections. Current law states that for a candidate for President to be on the ballot, he must collect at least 200 signatures in all 11 congressional districts and have a total of at least 5000 signatures state wide. This is a 50% reduction from four years ago.

Proposal: Change the law to make it significantly easier for a citizen to vote for a candidate of his choice. I would be glad to submit draft language if this helps to move this proposal forward. A simple draft would be to state that a presidential candidate can either pay a fee of \$1000 or have 1000 signatures from any registered voter in the state in order for his name to be placed on the ballot. (I would be glad to welcome revisions or improvement).

Reason: In 2012, citizens of Virginia in the Republican primary had only two choices (Romney and Paul) from which to choose. At the time, ten candidates were seeking the nomination (Romney, Paul, Gingrich, Santorum, Roemer, Perry, Huntsman, Bachman, Cain, and Johnson). I and many others were not able to vote for the candidate we wanted to. Virginia law also prohibited write in ballots. Virginia had the least candidates on the ballot in all 50 states. New Hampshire had the most with 30 candidates.

Currently the Republican Party has 15 active candidates and two suspended campaigns and the Democratic Party has 3 active candidates and two suspended campaigns. I fear that I again will not be able to vote for the candidate of my choice because of the law which makes it difficult for presidential candidates to get on the ballot for the Virginia presidential primary. I also understand the desire to limit access to serious candidates and eliminate those candidates who only want to file in a few states to say they have run for President. However, voters should determine the nominee, not arbitrary law that severely limits choice.

The ability to be on the ballot in some states is very easy. For example,

- New Hampshire requires a presidential candidate seeking the nomination of a major party to file a declaration of candidacy and pay a \$1,000 filing fee in order to have his or her name printed on the primary ballot.
- Louisiana says a candidate can submit a filing fee of \$1,125 or 1000 signatures from members of their respective party throughout the state.
- Texas requires a filing fee of \$5000 or 300 signatures from 15 of the 36 total congressional districts.
- Arizona simply requires that a candidate submit a nomination paper complete with a notarized signature from the candidate.
- Iowa has no filing requirements. All a candidate has to do is win the caucus.

I would like to see a similar easy law implemented so the citizens of Virginia can determine who they would like to have as their nominee for president.

2. Instant Runoff Voting. Currently, a candidate with a higher vote count than any opponent wins an election. I would favor instant runoff voting if a candidate for office does not receive more than 50% of a vote in a primary or general election. Currently, five states including Florida, Indiana, Maryland, Wisconsin, and Minnesota use versions of an instant runoff in party primary elections. Also, a number of cities also use instant runoffs including San Francisco, Oakland, and Berkeley, CA; Burlington, VT; Takoma Park, MD; Portland, ME; and Hendersonville, NC.

Proposal: Change state law to require that in any election, a system is employed to require an instant run off so that a 50% plus one majority will determine the winner.

Reason: Many times, more than two people seek the same office. The winner is the person who has the most votes cast. However, that person often does not have a majority of the voters. For example, five candidates run for office and the top vote getter wins with 22% of the vote. However that also means that 88% of the voters preferred someone else. In northern Virginia (Arlington or Alexandria), a Democratic candidate won a multi person race with less than 30% of the vote. That means that more than 70% favored someone else. Those that are governed should be governed by the consent of the governed. An instant run off would allow a majority of voters to determine who should govern them.

3. Party Registration. Virginia does not require party registration to vote in a primary election.

Proposal: Change the law to require voters to register by party if they want to participate in a primary election. A primary election would include mass meetings, fire house primaries, conventions, or any other preliminary election to determine a party nominee.

Reason: People in a political party who basically share common values should be able to select the best and strongest candidates for a general election. The opposition party should not have a say in their opponent's selection process. To use a sports analogy, if Team A and Team B competed in football, should the coach of Team A determine who the starting lineup should be for Team B? If he could, he would from a competitive standpoint choose the worst players on Team B so he could win in the competing contest (i.e. general election). Therefore, for fairness for all sides, I strongly favor party registration for political parties so they can choose the candidates of their choice.

The other item is the **method or replacing the supervisor for Stonewall** when Mr. DeHaven becomes chairman. Historically, the Board has appointed a supervisor until the next election.

Proposal. I would favor having the Board request a special election from the court and having the voters of Stonewall elect a new supervisor instead of a Board appointment.

I fully understand that this may be a minority position. However let me give you my reasons for this proposal.

Reason. When the Board appoints a person to fill a vacancy, the selected candidate is beholden to the Board, not the voters. It is the Board who the candidate is trying to please since it is they who will select the person. Just as in a job interview, the candidate cites his reason on why he should be selected and how he will perform his job. In the most recent example in Red Bud, the Board selected a candidate to represent them. That new supervisor then began to vote on behalf of those citizens without even introducing himself to that electorate or asking them what they thought on

various issues. He had won the job and was trying to please his employer, namely the Board, not the people he was meant to represent.

When I decided to run against that supervisor, I also realized that I was running against the person that the Board had selected and who had the endorsement of the political party he represented. That is not an ideal place to be when all parties concerned are in the same political party. (As current Board members, you may disagree with my assessment, but I am simply conveying my thoughts as this process began). In my opinion, a better approach would have been to have selected an interim appointment and let all who wanted the seat to fight for it on a level playing field.

In my opinion, an incumbent always will have an advantage over a challenger. Let me give you two examples of the advantage of an incumbent who has been appointed, but never elected. First, as an incumbent, he is often invited to church meetings which want to introduce office holders to their congregation (actual example) or to groups such as the Chamber of Commerce, Elks Club, Lions Club, etc. to discuss county issues. That provides an advantage of getting to know an electorate even before a primary political season begins. Second, the appointed person can vote. His favorable vote on policies can gain him support because of his ability to have a say in governance. Most voters will vote for the status quo unless they have a reason to change. Normally, the incumbent has an advantage.

I believe that the voters of a magisterial district should have the opportunity to select whom they want to represent them. Under current Virginia law, if a member of the state legislature dies (Delegate or Senator) or the seat becomes vacant for any reason, the state holds a special election to fill that vacancy. Therefore, I would like to suggest a similar process in that the Board requests the court to hold a special election sometime in March or early April 2015 to fill the Stonewall vacancy when it occurs. That would allow political parties to hold some type of primary, mass meeting, fire house election etc. in January and then have a special election in March or April. Independents also would have the opportunity to decide if they wanted to run for the seat. (If you are open to the idea, I am open to dates for an election that you may favor).

The cost for this election would be approximately \$10,000 involving 3 precincts according to Brenda Garton. That was her quick estimate which I appreciate. The cost represents .0027% of the county budget. I will help find that money if you support this idea.

In closing, I expect that I will have a normal government email address later this week or early next week. I need to sit down with the IT staff to work out the details. In the meantime, please contact me through bpdunn@dunnadvisors.com or call me at 540-665-8006 until the middle of next week. Please keep the email for your use but not for public use.

Thank you for your consideration of these ideas. I would like to again express my condolences to Mr. Shickle, and a thank you to Chuck DeHaven and Bob Hess for your help. I look forward to getting to know the rest of you on the Board and county staff in the coming weeks.

Again, I look forward to working with you in the coming year to help make Frederick County a wonderful place to live.

Cordially,

Blaine

Blaine P. Dunn, CFP®
NAPFA Registered Financial Advisor
Dunn Financial Advisors, LLC
115 Bedford Drive
Winchester, VA 22602
540-665-8006
bpdunn@dunnadvisors.com



COUNTY of FREDERICK

Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

November 16, 2015

The Honorable Jill Holtzman Vogel
Senate of Virginia
117 E. Piccadilly Street, Suite 100B
Winchester, VA 22601

The Honorable J. Randall Minchew
Virginia House of Delegates
P.O. Box 385
Leesburg, VA 20178

The Honorable David A. LaRock
Virginia House of Delegates
P. O. Box 6
Hamilton, VA 20159

The Honorable Christopher E. Collins
Delegate-Elect
21 S Kent Street, Suite 204
Winchester, VA 22601-5079

Re: Frederick County 2016 Legislative Initiatives

Dear Senator Vogel, Delegate Minchew, Delegate LaRock, and Delegate-Elect Collins:

Attached please find a copy of Frederick County's legislative initiatives for the 2016 General Assembly Session. We would appreciate the opportunity to meet with you in advance of the upcoming session so we can talk about some of our priorities in greater detail. We look forward to working with you and your respective staffs.

Thank you for all that you do for Frederick County.

Respectfully yours,


Brenda G. Garton
County Administrator

BGG/jet

Attachment

2016 LEGISLATIVE INITIATIVES
FREDERICK COUNTY, VIRGINIA

1. **Machinery and Tools/BPOL Taxes** – Frederick County opposes any efforts to restrict local government revenue sources. Machinery and Tools Tax (M&T) represents \$5.7 million for the County and Business and Professional License Tax (BPOL) generates \$6 million in revenues.
2. **Education Funding** – The County supports full funding for the Virginia Standards of Quality.
3. **Cost of Competing** – The County supports full reinstatement of the COCA (Cost of Competing Adjustment) for teachers and support staff.
4. **Line of Duty Act** – The County supports legislative action on recommendations to JLARC Report on Virginia’s Line of Duty Act that would improve the program’s design and implementation.
5. **Tax Exemptions** – Frederick County supports reverting authority to the locality to continue existing tax exemptions previously granted by the General Assembly, prior to January 1, 2003.
6. **Water Treatment Nutrient Allocations** – The County opposes any reallocation of existing State Water Control Board (SWCB) approved nutrient allocations.
7. **Extension of Annexation Moratorium** – The County supports extending the state’s annexation moratorium for an additional two years.
8. **High Speed Internet Availability** - The County supports efforts that would improve access to high speed Internet for its citizens and businesses.
9. **Changes to Legal Notices** – With limited readership of the legal notices published in area newspapers, localities should be allowed to provide notice electronically and not be required to subsidize newspapers.
10. **Unfunded Mandates** – The County opposes the enactment of any new mandates on local governments or school systems unless state appropriations are made to fully fund those mandates.
11. **Funding for State Mandated Positions** -- The state should meet its full funding obligations for constitutional officers and other state mandated positions.
12. **Funding for Jails** – The state should fully fund any increased costs or operational issues faced by local or regional jails when a change to the definition of state-responsible prisoner or other term results in an increase.
13. **FOIA Rules** – The County supports enactment of a FOIA provision to prohibit the release of home address, certification, and other personal information of law enforcement officers. The County opposes the expansion of FOIA rules to provide for the release of County Administrator working papers and any requirement that the evaluation of the County Administrator and County Attorney take place in a public meeting.

14. **District Courts** – The County supports legislation to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies.
15. **Election Costs and Districts** – The County supports legislation that would decrease the costs of elections to localities and the provision of adequate funding to localities for optical scan and other voting equipment and registrar costs. The County also supports legislation to minimize and/or eliminate split voting precincts.
16. **Concussion Protocol for Parks and Recreation** – The County supports the implementation of a baseline information system, in addition to doctors and trainers, as a means of clearing athletes to return to the field of play following a concussion.
17. **Interest on Tax Refunds** – The County supports legislation to eliminate the payment of interest on tax refunds resulting from taxpayer error.
18. **School Bus Cameras** – School Bus Cameras Legislation needs to be written to conform with the legislation for red light cameras.
19. **Qualified Contractors for Methamphetamine Remediation** – The County supports legislation to require the use of a qualified contractor to remediate structures where the production of Methamphetamine was known to have taken place. Virginia lags behind other states, including West Virginia, in addressing this issue.
20. **Transient Occupancy Tax** – Frederick County requests to be added to State Code §58.1-3819. Transient Occupancy Tax, as one of the localities authorized to levy a transient occupancy tax not to exceed five percent.
21. **Alternative Septic System Inspections/Enforcement** – The County requests the State provide adequate resources to local health departments to better enable them to track inspections and enforce inspection requirements for alternative septic systems.

CONSENT AGENDA

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HUNTON & WILLIAMS LLP
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
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CHRISTOPHER G. KULP
DIRECT DIAL: 804-788-8742
EMAIL: ckulp@hunton.com

November 11, 2015

FILE NO: 54410.7

Via Email & U.S. Mail

Mr. Jay E. Tibbs
Deputy County Administrator
For Frederick County
107 North Kent Street
Winchester, VA 22601



Re: Shenandoah University – 2015/2016 financings

Dear Jay:

In our firm's capacity as bond counsel to Shenandoah University, I wanted to follow up on our telephone discussion last week and formally request that the County Board of Supervisors place on its agenda for its December 9th meeting a resolution concurring in the issuance of bonds by the Mount Jackson Economic Development Authority for the benefit of Shenandoah University. Similar to the financings undertaken by the University in 2012 and 2013, the University has decided to undertake a \$20 million new money financing, with up to \$10 million in bank-qualified bonds to be issued by December 31, 2015, and up to \$10 million in bank-qualified bonds to be issued in early 2016.

The University wanted to pursue the lowest cost financing option and was able to secure bank-qualified financing through the Mount Jackson EDA for both calendar years, which would not have been available from either the Frederick County EDA or the Winchester EDA because of bank-qualification capacity limits. I have attached the form of TEFRA public hearing notice that is scheduled to appear in the Northern Virginian Daily newspaper on November 13 and November 20 for purposes of a public hearing before the Mount Jackson EDA on November 30, 2015, at 5:00 pm. I have also attached a draft inducement resolution that will be considered by the Mount Jackson EDA following the public hearing.

As you are aware, state law requires that the governing body of the jurisdiction(s) in which a project is to be located concur in the issuance of bonds by an economic/industrial development authority from outside the jurisdiction. Hence, the University is seeking concurrence from both the County Board of Supervisors as well as from the Common Council of the City of Winchester since portions of the project may be located in the County and portions may be located in the City.

**HUNTON &
WILLIAMS**

Mr. Jay E. Tibbs
November 11, 2015
Page 2

I am attaching a draft resolution that we have prepared for the County Board of Supervisors. I would appreciate your reviewing this draft and conveying any comments or concerns that you or others at the County may have. My colleague, Martha Warthen, and I will try to address them as quickly as we can.

On behalf of the University, thank you for your assistance with this request.

Very truly yours,



Christopher G. Kulp

**NOTICE OF PUBLIC HEARING BY THE
ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF MOUNT JACKSON,
VIRGINIA, ON A PROPOSED PLAN OF FINANCE AND REVENUE BOND
FINANCING FOR SHENANDOAH UNIVERSITY**

Notice is hereby given that the Economic Development Authority of the Town of Mount Jackson, Virginia (the "Authority"), will hold a public hearing on the application submitted by Shenandoah University (the "University") requesting the Authority to issue, pursuant to the Virginia Industrial Development and Revenue Bond Act, as amended (the "Act"), revenue bonds in an aggregate amount now estimated not to exceed \$20,000,000 (the "Bonds"), in one or more series and pursuant to a common plan of finance. The University is a not-for-profit Virginia non-stock corporation whose principal address is 1460 University Drive, Winchester, Virginia 22601.

The proceeds of the Bonds will be loaned to the University to finance the design, acquisition, construction, renovation, rehabilitation and equipping of various capital improvement projects including (without limitation) (1) an athletics and events center of approximately 105,000 sq. ft., which is expected to be both a performance and practice facility for all the University's sports teams and accommodate athletic offices, locker rooms and other student related amenities, and a three-story parking garage containing approximately 350 parking spaces, both facilities to be located on Tulane Drive on the University's main campus within the boundaries of the County of Frederick, Virginia (the "County"), (2) a student housing facility to accommodate up to approximately 200 students to take the form of either (a) the acquisition and conversion of one or more existing hotel or similar facilities located in the block bounded by Millwood Pike, Tulane Drive, Purdue Drive and Princeton Drive, within the County or (b) the construction of a new student housing facility of approximately 40,000 sq. ft. to 70,000 sq. ft. on the University's main campus, a portion of which is in the City of Winchester, Virginia (the "City"), and a portion of which is in the County.

As required by the Act, the Bonds will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia (the "Commonwealth"), the Town of Mount Jackson, Virginia (the "Town"), the County, or the City. Neither the Commonwealth nor any political subdivision thereof, including the Authority, the Town, the County, and the City, shall be obligated to pay the Bonds, or the interest thereon, or other costs incidental thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth nor any political subdivision thereof will be pledged to the payment of principal of the Bonds or the interest thereon or other costs incidental thereto.

The public hearing shall be held by the Authority on behalf of itself, the Town, the County, and the City, as part of the approval process with respect to the issuance of the Bonds. If, following the hearing, the Authority recommends approval of the issuance of the Bonds, a record of the public hearing will be forwarded to the Town Council of the Town of Mount Jackson, Virginia, the Board of Supervisors of Frederick County, Virginia, and the Common Council of the City of Winchester, Virginia, all of which must approve of, or concur in, the issuance of the Bonds.

The public hearing (which may be continued or adjourned to a later date), will be held before the Authority at 5:00 p.m. on Monday, November 30, 2015, in the Town Council Chambers at the Mount Jackson Town Office located at 5901 Main Street, Mount Jackson, Virginia 22842. Residents of the Town, the County, the City, as well as any other person interested in the issuance of the Bonds or the location or nature of the projects to be financed thereby may attend and speak at the hearing or may send written comments before such hearing to the Authority, c/o the Secretary of the Authority, 5901 Main Street, Mount Jackson, Virginia 22842.

**ECONOMIC DEVELOPMENT
AUTHORITY OF THE TOWN OF
MOUNT JACKSON, VIRGINIA**

**RESOLUTION OF THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE TOWN OF MOUNT JACKSON, VIRGINIA**

WHEREAS, there have been described to the Economic Development Authority of the Town of Mount Jackson, Virginia (the "Authority"), the plans of Shenandoah University, a non-profit, Virginia nonstock corporation (the "University"), to finance (a) the design, acquisition, construction, renovation, rehabilitation and equipping of various capital improvement projects including (without limitation) (1) an athletics and events center, (2) a three-story parking garage and (3) a student housing facility and (b) issuance expenses incurred in connection with the issuance of the Bonds (collectively, the "Project");

WHEREAS, the University in its appearance before the Authority and in its application has described the benefits of the financing, and has requested the Authority to issue its educational facilities revenue bonds (as more particularly described below, the "Bonds") under the Virginia Industrial Development and Revenue Bond Act in Section 15.2-4900, *et. seq.* of the Code of Virginia of 1950, as amended (the "Act") in such amounts as may be necessary to finance costs to be incurred in constructing, equipping, improving and developing the Project; and

WHEREAS, a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF MOUNT JACKSON, VIRGINIA:

1. It is hereby found and determined that the financing of the Project for the University will be in the public interest of the Town of Mount Jackson, Virginia (the "Town"), and its environs, and will enable the University to provide improved educational facilities for the use of the inhabitants of the Commonwealth of Virginia (the "Commonwealth") and the Town, and will be in furtherance of the purposes of the Act.

2. The Authority hereby agrees to assist the University to finance the construction, improvement, equipping and development of the Project by undertaking the issuance of its educational facilities revenue bonds, in one or more series pursuant to a common plan of finance, in an aggregate principal amount not to exceed \$20,000,000, upon terms and conditions to be mutually agreed upon between the Authority and the University.

3. The proceeds of the Bonds shall be loaned to the University to enable it to construct, improve, equip, and develop the Project, pay any costs of issuance for the Bonds and, if necessary, pay capitalized interest on the Bonds during and after any construction of the Project. The University shall agree to provide payments to the Authority sufficient to pay the principal of, premium, if any, and interest on and purchase price of, if any, the Bonds and to pay all other expenses in connection with financing the Project. The Bonds shall be issued in form and pursuant to terms to be approved by the Authority, and the payment of the Bonds shall be secured by an assignment, for the benefit of the holders thereof, of the Authority's rights to

payments (other than rights to fees, expenses and indemnification) under the agreement pursuant to which the proceeds of the Bonds will be loaned to the University.

4. It having been represented to the Authority that it may be necessary to proceed immediately with the construction, improvement, equipping, and development of the Project, the Authority hereby agrees that the University may proceed with plans for the Project, enter into contracts for construction, improvement, equipping, and development of the Project, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the University to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project. The Authority agrees that the University may be reimbursed from the proceeds of the Bonds for all lawful costs so incurred by it.

5. The Authority hereby agrees with the recommendation of the University that Hunton & Williams LLP be appointed as bond counsel in connection with the issuance of the Bonds, and hereby appoints such firm to supervise the proceedings and approve the issuance of the Bonds.

6. All lawful costs and expenses in connection with the financing and the construction, improvement, equipping and development of the Project, including the fees and expenses of bond counsel, counsel for the Authority and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the University. If for any reason the Bonds are not issued, or the Bonds are issued but it is determined that a part or all of such costs are not lawfully payable out of Bond proceeds, it is understood that all such expenses shall be paid by the University and that the Authority shall have no responsibility therefor.

7. The financing instruments shall provide for payment by the University to the Authority of an annual fee consistent with the Authority's policy for such fees by not-for-profit entities; provided, however, that the amount so paid shall not equal or exceed an amount that would cause the "yield" on the obligation of the University to the Authority or any other "acquired purpose obligation" to be "materially higher" than the yield on the Bonds, as the terms are defined in Section 148 of the Code.

8. The University shall indemnify and save harmless the Authority, its officers, directors, employees, and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs, and expenses in any way connected with the University or the issuance of the Bonds.

9. The Authority agrees, at the request of the University, to designate the Bonds as "qualified tax-exempt obligations" (within the meaning of Section 265(b)(3) of the Code), provided that no more than \$10 million principal amount of Bonds shall be issued in calendar year 2015 and no more than \$10 million principal amount of Bonds shall be issued in calendar year 2016.

10. The Authority hereby recommends that the Council of the Town of Mount Jackson approve the issuance of the Bonds in accordance with the provisions of Section 147(f) of the Code and Section 15.2-4906 of the Act. The Authority hereby recommends further that, in

accordance with the Act, the Common Council of the City of Winchester, Virginia, and the Board of Supervisors of Frederick County, Virginia, concur with the issuance of the Bonds.

11. The Authority hereby directs the Secretary or Assistant Secretary of the Authority to submit to the Council of the Town of Mount Jackson, the Common Council of the City of Winchester and the Board of Supervisors of Frederick County copies of this resolution, the University's Fiscal Impact Statement, and a summary of the public hearing held by the Authority prior to the adoption of this resolution.

12. Any action heretofore or hereafter taken by any officer of the Authority in conformity with the purposes and intent of this resolution and the issuance of the Bonds is hereby ratified, approved and confirmed.

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

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the Town of Mount Jackson, Virginia, hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on November 30, 2015, in accordance with law, at which meeting a quorum was present and acting throughout, and such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand and seal of the Authority this ____ day of November, 2015.

Secretary, Economic Development Authority of
the Town of Mount Jackson, Virginia

[SEAL]

**RESOLUTION OF THE BOARD OF SUPERVISORS OF FREDERICK COUNTY
CONCURRING WITH A FINANCING TO BE UNDERTAKEN BY THE ECONOMIC
DEVELOPMENT AUTHORITY OF THE TOWN OF MOUNT JACKSON, VIRGINIA,
TO BENEFIT SHENANDOAH UNIVERSITY**

WHEREAS, the Economic Development Authority of the Town of Mount Jackson, Virginia (the "Authority"), has received an application from Shenandoah University, a not-for-profit Virginia non-stock corporation (the "University"), requesting the Authority to issue one or more series of Educational Facilities Revenue Bonds in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds") to finance (a) the design, acquisition, construction, renovation, rehabilitation and equipping of various capital improvement projects including (without limitation) (1) an athletics and events center, (2) a three-story parking garage and (3) a student housing facility and (b) issuance expenses incurred in connection with the issuance of the Bonds (collectively, the "Project");

WHEREAS, Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"), states that an industrial development authority may not finance facilities in another jurisdiction that has created its own industrial development authority "unless the governing body of such county, city or town in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the Authority, and shows such concurrence in a duly adopted resolution;"

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") requires that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

WHEREAS, on November 30, 2015, in accordance with the requirements of Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, the Authority held a public hearing and adopted a resolution (the "Resolution"), a copy of which has been filed with the records of the Clerk of the Board of Supervisors of the County; and

WHEREAS, the University has requested the Board of Supervisors of the County to express its concurrence with the Resolution so that a portion of the net proceeds of the Bonds may be loaned to the University to finance such portions of the Project to be located in the County.

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

1. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the University, as required by Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, and concurs with the Resolution adopted by the Authority for the benefit of the University to the extent required by Section 15.2-4905 of the

Virginia Code to permit the Authority to loan the proceeds of the Bonds to the University to finance the portion of the Project to be located in the County.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the University. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. All acts and doings of the officers of the County and members of the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

4. This Resolution shall take effect immediately.

CONSENT AGENDA

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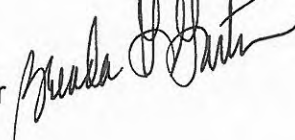
Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Brenda G. Garton, County Administrator 
DATE: December 2, 2015
RE: Certified Copies of the Abstracts of Votes from 2015 General Election

In compliance with Virginia Code Section 24.2-675, the Frederick County Electoral Board provided the attached certified copies of the Abstracts of Votes from the November 3, 2015 General Election to be recorded in the minutes.

It is requested the Board of Supervisors take action to acknowledge receipt of the certified copies at their meeting of December 9, 2015.

BGG/tjp

Attachments

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ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Chairman Board of Supervisors

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Charles S. DeHaven, Jr.	11965
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	200
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Chairman Board of Supervisors.

Charles S. DeHaven, Jr.

Given under our hands this 3rd day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Marie P. Straub, Secretary

Marie P. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,
Clerk of Court

NAMES OF CANDIDATES ON THE BALLOT

*TOTAL VOTES RECEIVED
(IN FIGURES)*

Rebecca P. Hogan	12183
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	109
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Clerk of Court.

Rebecca P. Hogan

Given under our hands this 5TH day of November, 2015

[Signature], Chairman
[Signature], Vice Chairman
Maile P. Straub, Secretary
Maile P. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Commissioner of Revenue

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Ellen E. Murphy	12281
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	94
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Commissioner of Revenue.

Ellen E. Murphy

Given under our hands this 5TH day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Marie P. Straub, Secretary

Marie P. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Commonwealth's Attorney

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Ross P. Spicer	11566
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	122
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Commonwealth's Attorney.

Ross P. Spicer

Given under our hands this 25TH day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Maive F. Straub, Secretary

Maive F. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member Board of Supervisors

District: BACK CREEK DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Gary A. Lofton	1313
Shawn L. Graber	1267
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	15
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

Gary A. Lofton

Given under our hands this 5TH day of November, 2015

[Signature]

, Chairman

[Signature]

, Vice Chairman

[Signature]

, Secretary

[Signature]

, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member Board of Supervisors

District: GAINESBORO DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Robert A. "Bob" Hess	2031
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	54
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

Robert A. "Bob" Hess

Given under our hands this 5TH day of November, 2015



[Signature], Chairman
[Signature], Vice Chairman
Marie F. Straub, Secretary
Marie F. Straub, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member Board of Supervisors

District: OPEQUON DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Robert W. "Bob" Wells	1797
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	11
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

Robert W. "Bob" Wells

Given under our hands this 5TH day of November, 2015

[Signature], Chairman
[Signature], Vice Chairman
Mavis P. Straub, Secretary
Mavis P. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member Board of Supervisors - Special

District: RED BUD DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Blaine P. Dunn	1246
Jason E. Ransom	849
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	8
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors - Special.

Blaine P. Dunn

Given under our hands this 15TH day of November, 2015

Janet H. Galt, Chairman
Mark M. Allen, Vice Chairman
Marie F. Strout, Secretary
Marie F. Strout, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member House of Delegates

District: 010

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

J. Randy Minchew - Republican	1920
Peter C. Rush - Democratic	530
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	17
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

J. Randy Minchew - Republican

Given under our hands this 5TH day of November, 2015

J. Randy Minchew, Chairman
Peter C. Rush, Vice Chairman
Marie G. Straub, Secretary
Marie G. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member House of Delegates

District: 029

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Christopher E. Collins - Republican	6099
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	1168
** Please submit a Write-Ins Certification **	
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Christopher E. Collins - Republican

Given under our hands this

5TH day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Maria F. Straub, Secretary

Maria F. Straub, Secretary, Electoral Board





**WRITE-INS CERTIFICATION
AND CONTINUATION**

COMPLETE THIS FORM **ONLY** IF (i) TOTAL NUMBER OF WRITE-INS IS 5% OR MORE OF THE TOTAL NUMBER OF VOTES CAST FOR OFFICE **OR** (ii) A WRITE-IN CANDIDATE WAS ELECTED TO THE OFFICE.

WRITE-INS CERTIFICATION

FREDERICK COUNTY

COUNTY CITY TOWN

Member, House of Delegates

OFFICE TITLE
29th District

DISTRICT NAME OR NUMBER, IF APPLICABLE

General **Special Election**

November 3, 2015
ELECTION DATE

Page 1 of 6

TOTAL VOTES
RECEIVED
(IN FIGURES)

WRITE-INS - SUMMARY

1. Invalid Write-Ins	<u>44</u>
2. Valid Write-Ins	ENTER TOTAL INVALID <u>1,124</u>
3. Total Write-Ins	ENTER TOTAL VALID <u>1,168</u>
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
(IN FIGURES)

<u>Sally Anderson</u>	<u>1</u>
<u>Chris Barltrap</u>	<u>1</u>
<u>Bastiat</u>	<u>1</u>

CONTINUED ON PAGES 2 THROUGH 6

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on Tuesday, November 3, 2015, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 5TH day of November, 2015.

A copy



[Signature] , Chairman
[Signature] , Vice Chairman
Marie P. Street , Secretary
Marie P. Street Secretary, Electoral Board



WRITE-INS CERTIFICATION - CONTINUATION

FREDERICK COUNTY

COUNTY CITY TOWN

Member, House of Delegates

OFFICE TITLE

29th District

DISTRICT NAME OR NUMBER, IF APPLICABLE

General Special Election

November 3, 2015

ELECTION DATE

Page 2 of 6

VALID WRITE-INS - DETAIL (continued)

CONTINUE TO LIST **VALID** WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON ADDITIONAL CONTINUATION PAGES, AS NEEDED. ALL **VALID** WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 OF PAGE 1.

**TOTAL VOTES
RECEIVED
(IN FIGURES)**

Mark J. Beeg	.....	1
Mark J. Berb	.....	1
Mark J. Berd	.....	1
J. Berg	.....	2
Ma9k Berg	.....	1
Mark Berg Jr.	.....	1
Mark D. Berg	.....	1
Mark E. Berg	.....	2
Mark J. Berg	.....	1,041
Michael Berg	.....	1
Michael J. Berg	.....	1
Mike Berg	.....	1
Ron Berg	.....	1
Ron J. Berg	.....	1
Scott Berg	.....	1
Mark Berk	.....	1
George D. Bishop	.....	1



WRITE-INS CERTIFICATION - CONTINUATION

FREDERICK COUNTY

COUNTY CITY TOWN
Member, House of Delegates

OFFICE TITLE

29th District

DISTRICT NAME OR NUMBER, IF APPLICABLE

General **Special Election**

November 3 , 2015
ELECTION DATE

Page 3 of 6

VALID WRITE-INS - DETAIL (continued)

CONTINUE TO LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON ADDITIONAL CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 OF PAGE 1.

**TOTAL VOTES
RECEIVED
(IN FIGURES)**

Bernie Blankenship	1
Misty Blue	1
Jame K. Bryant II	2
Michael J. Burg	1
Byrd	1
Bobby Byrd	1
Mark Byrd	1
Mark J. Byrd	2
Adam Carr	1
Billy Cline	1
Bill Clinton	1
Christopher E. Collins	1
Mark J. Collins	1
John Copeland	1
Connor Daily	1
Sheila Davis	1
Robert Denitto	1



WRITE-INS CERTIFICATION - CONTINUATION

FREDERICK COUNTY

COUNTY CITY TOWN

Member, House of Delegates

OFFICE TITLE

29th District

DISTRICT NAME OR NUMBER, IF APPLICABLE

General Special Election

November 3, 2015

ELECTION DATE

Page 4 of 6

VALID WRITE-INS - DETAIL (continued)

CONTINUE TO LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON ADDITIONAL CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 OF PAGE 1.

**TOTAL VOTES
RECEIVED
(IN FIGURES)**

Robin Dick	.....	1
Deanne Dove	.....	1
Daniel Drew	.....	1
Ricky Dutrow	.....	1
Jack Fascist	.....	1
Jonathan C. Foster	.....	1
Layla Gore	.....	1
Dr. Greg	.....	1
Ann Grogg	.....	1
Greg Groves	.....	1
Kevin Harris	.....	1
Craig Hawkins	.....	1
Patrick Henry	.....	1
Hess	.....	1
Josh Howell	.....	1
Lois Kirkwood	.....	1
Dave LaRock	.....	1



WRITE-INS CERTIFICATION - CONTINUATION

FREDERICK COUNTY

COUNTY CITY TOWN

Member, House of Delegates

OFFICE TITLE

29th District

DISTRICT NAME OR NUMBER, IF APPLICABLE

General **Special Election**

November 3 , 2015

ELECTION DATE

Page 5 of 6

VALID WRITE-INS - DETAIL (continued)

CONTINUE TO LIST **VALID** WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON ADDITIONAL CONTINUATION PAGES, AS NEEDED. ALL **VALID** WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 OF PAGE 1.

**TOTAL VOTES
RECEIVED
(IN FIGURES)**

<u>A. S. Scott Madigan Sr.</u>	.....	<u>1</u>
<u>Mapkjberg</u>	.....	<u>1</u>
<u>John Gregory McGowan</u>	.....	<u>1</u>
<u>Robert McKew</u>	.....	<u>1</u>
<u>Minchew</u>	.....	<u>1</u>
<u>Randy Minchew</u>	.....	<u>1</u>
<u>Mary Nelson</u>	.....	<u>1</u>
<u>Miles Orndorff</u>	.....	<u>1</u>
<u>Richard Palowski</u>	.....	<u>1</u>
<u>Steve Pettler</u>	.....	<u>1</u>
<u>George Rampey</u>	.....	<u>1</u>
<u>Reagen</u>	.....	<u>1</u>
<u>Robert M. Rhodes</u>	.....	<u>1</u>
<u>Peter Rush</u>	.....	<u>1</u>
<u>David Salyers</u>	.....	<u>1</u>
<u>Sanders</u>	.....	<u>1</u>
<u>Paula Shipman</u>	.....	<u>1</u>

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member House of Delegates

District: 033

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Dave A. LaRock - Republican	2362
D. Chuck Hedges - Democratic	745
Mark D. Anderson - Libertarian	190
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	6
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Dave A. LaRock - Republican

Given under our hands this

5TH day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Marie F. Straub, Secretary

Marie F. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member School Board

District: BACK CREEK DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Kali C. Klubertanz	2148
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	19
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Kali C. Klubertanz

Given under our hands this 5TH day of November, 2015



[Signature], Chairman
[Signature], Vice Chairman
Marie J. Straub, Secretary
Marie J. Straub, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member School Board

District: GAINESBORO DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Michael A. Lake	1919
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	52
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Michael A. Lake

Given under our hands this 5TH day of November, 2015

[Signature], Chairman
[Signature], Vice Chairman
Marie G. Straub, Secretary
Marie G. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member School Board

District: OPEQUON DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Seth T. Thatcher	1724
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	13
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Seth T. Thatcher

Given under our hands this 5TH day of November, 2015

Joseph G. Gymborn, Chairman

[Signature], Vice Chairman

Marie P. Straub, Secretary

Marie P. Straub, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member School Board At Large

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

John J. Lamanna	11356
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	143
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board At Large.

John J. Lamanna

Given under our hands this 5th day of November, 2015

[Signature], Chairman
[Signature], Vice Chairman
Marie F. Shaul, Secretary
Marie F. Shaul, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Member Senate of Virginia

District: 027

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Jill Holtzman Vogel - Republican	12264
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	288
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member Senate of Virginia.

Jill Holtzman Vogel - Republican

Given under our hands this 3TH day of November, 2015



[Signature], Chairman
[Signature], Vice Chairman
Marie P. Straub, Secretary
Marie P. Straub, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Sheriff

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

L. W. "Lenny" Millholland	6241
Terrence P. Bohan	5526
A. S. "Scott" Madigan, Sr.	2254
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	26
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Sheriff.

L. W. "Lenny" Millholland

Given under our hands this 5TH day of November, 2015



[Signature], Chairman
[Signature], Vice Chairman
Marie F. Straub, Secretary
Marie F. Straub, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Soil and Water Conservation Director Lord Fairfax District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Kitty Hockman-Nicholas	8953
Marietta Cather Walls	7828
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	121
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Soil and Water Conservation Director Lord Fairfax District.

1. Kitty Hockman-Nicholas

2. Marietta Cather Walls

Given under our hands this 15TH day of November, 2015

[Signature], Chairman
[Signature], Vice Chairman
Marie F. Strait, Secretary
Marie F. Strait, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2015 November General Election held on November 03, 2015 for,

Treasurer

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

C. William Orndoff, Jr.	12458
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	87
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 03, 2015, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Treasurer.

C. William Orndoff, Jr.

Given under our hands this 5TH day of November, 2015

[Signature], Chairman

[Signature], Vice Chairman

Marie G. Straub, Secretary

Marie F. Straub, Secretary, Electoral Board

