



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 9, 2016
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda:

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

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: A, B, C, D and E)

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

Board of Supervisors Comments

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

1. Budget Work Session, February 22, 2016.
2. Budget Work Session, February 24, 2016.
3. Regular Meeting, February 24, 2016.

County Officials:

1. Proclamation Re: April 9-15, 2016 as Disability Awareness Week.
(See Attached) ----- B

**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 9, 2016
PAGE 2**

2. Memorandum Re: Closing of County Offices for Annual Apple Blossom Festival. **(See Attached)**----- **C**
3. Request to Schedule a Public Hearing on Proposed Ordinance Amendment to Increase the Transient Occupancy Tax Limit for the March 23, 2016 Board Meeting. **(See Attached)** ----- **D**
4. Acknowledgement of Receipt of Certified Copies of the Abstracts of Votes from the March 1, 2016 Presidential Primary Election. **(See Attached)** ----- **E**
5. Committee Appointments. **(See Attached)**----- **F**

Public Hearing:

1. Twelve Month Outdoor Festival Permit Request of Grove's Winchester Harley-Davidson. 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 Grove's Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property Owned by Jobalie, LLC. **(See Attached)**---- **G**

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #01-16 for Sharlyn D. Moore, which Submitted for a Rooming House. The Property is Located at 216 Talamore Drive, Stephens City and is Identified with Property Identification Number 75O-4-6-212 in the Shawnee Magisterial District. **(See Attached)** ----- **H**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

CONSENT AGENDA

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

BUDGET WORK SESSION

FEBRUARY 22, 2016

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Monday, February 22, 2016 at 6:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn; Robert A. Hess; Judith McCann-Slaughter; and Robert W. Wells.

ABSENT:

Gary A. Lofton (**Arrived at 6:15 P.M.**)

OTHERS PRESENT

Finance Committee members Angeal Rudolph and Bill M. Ewing; County Administrator Brenda G. Garton; Assistant County Administrator Kris C. Tierney; Deputy County Administrator Jay E. Tibbs; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl B. Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; County Attorney Rod Williams; Superintendent of Schools Dr. David Sovine; School Board Members Mike Lake, Peggy Clark, and Frank Wright; Executive Director of Finance for Frederick County Public Schools Lisa Frye; Handley Regional Library Director John Huddy; and Helen Lake.

CALL TO ORDER

Chairman DeHaven called the work session to order.

Administrator Garton began by reviewing the materials that were distributed to include revised tax rate scenarios, position allocation chart, County capital requests, and outside agency requests.

With regard to the revised tax rate scenarios, Administrator Garton advised that she had added a column reflecting a \$0.12 tax increase, which would increase the school's portion of the tax revenue. She advised that she would like to have some discussion on a proposal to increase the personal property tax rate on airplanes. She stated it was suggested that the rate be increased from \$0.01 to \$1.00, which would add about \$75,000 in new revenue. With regard to the transient occupancy tax rate, should the county's proposed legislation allowing the cap to be raised pass, she recommended considering raising the rate from 2% to 2.5%, which would generate approximately \$130,000, which could be used to fund tourism.

Supervisor Hess asked staff to try to identify some other expenditures, which could be categorized as tourism and then increase the rate to more than .5% to pay for them.

Administrator Garton advised the Board that unless she was directed otherwise she would be proposing a budget with a tax increase.

Vice-Chairman Fisher stated he could not support an increase in the personal property tax rate on airplanes. He went on to say the airport was an economic development tool and this increase could have a negative effect.

Supervisor Wells expressed his support for the airport as an economic development tool.

Commissioner Murphy advised that the reduction in the tax rate to \$0.01 a few years ago had not resulted in a change in the number of aircraft at the airport.

Chairman DeHaven stated he was opposed to a jump to \$1.00 but he was open to discussion.

Supervisor Lofton wanted a tax on pleasure aircraft that would make help to make the airport viable. He went on to say that he felt that rate should be \$1.00.

Vice-Chairman Fisher did not support changing the rate.

Chairman DeHaven stated he would be okay with \$0.50.

Mr. Ewing stated he could support \$1.00 because pleasure aircraft needed to pay for some use of the airport. He acknowledged that \$75,000 was not a lot of money, but was more of a principle. He concluded by saying he would support \$1.00 for advertising purposes.

Supervisor Wells supported \$1.00.

Supervisor Dunn suggested going back to the prior rate of \$0.42.

Supervisor Hess supported \$1.00, but he understood the importance of the airport from an economic development standpoint.

Supervisor Slaughter stated she would like to have more information regarding planes and fuel sales. She went on to say that she was not disagreeing that this was a fairness issue.

Supervisor Lofton stated he would like to have the EDA see what affect having an airport has on business location decisions. He concluded by saying that compared to other personal property and pleasure vehicles the tax rate seems out of balance.

Supervisor Dunn stated that he would like to see something put in this budget for debt reduction and he would like to see that money put against the principle in order to bring down costs.

Administrator Garton reviewed the position allocation chart, which was recommended for approval by the HR Committee.

Administrator Garton then reviewed the County's capital requests.

Supervisor Dunn expressed support for funding the school's critical needs of \$4.1, but he did not agree with funding the county side at this time.

The Board briefly reviewed the outside agency requests to include those agencies with an MOU or funding formula. They recommended not funding any new requests and no increases for those without a formula or MOU.

Chairman DeHaven opened the work session for Board comments.

Supervisor Dunn stated he might agree with a tax increase, but would like to see \$5 million to toward debt only.

Supervisor Hess hoped to advertise a higher rate than in the past as that would give time for additional discussion.

There being no further discussion, the work session was adjourned at 7:27 p.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

BUDGET WORK SESSION

FEBRUARY 24, 2016

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, February 24, 2016 at 6:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn; Robert A. Hess; Gary A. Lofton; and Judith McCann-Slaughter

ABSENT

Robert W. Wells (**Arrived at 6:10 P.M.**).

OTHERS PRESENT

Finance Committee members Angela Rudolph and Bill M. Ewing; County Administrator Brenda G. Garton; Assistant County Administrator Kris C. Tierney; Deputy County Administrator Jay E. Tibbs; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl B. Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; County Attorney Rod Williams; Public Information Officer Karen Vacchio; Superintendent of Schools Dr. David Sovine; Assistant Superintendent of Administration Dr. Al Orndorff; School Board Members Dr. John Lamanna and Mike Lake; and Executive Director of Finance for Frederick County Public Schools Lisa Frye.

CALL TO ORDER

Chairman DeHaven called the work session to order.

Administrator Garton gave a brief overview of her proposed FY2017 budget. The proposal contained a proposed \$0.08 real estate tax increase and an increase in the transient occupancy tax. She reviewed the positions proposed to be funded under this plan and discussed

the local dollars for schools. She advised that she was looking for direction regarding the personal property tax rate on airplanes.

Supervisor Dunn stated he would be comfortable with a rate that does not drive out planes.

Vice-Chairman Fisher recommended not changing the rate at this time.

Supervisor Slaughter concurred with Vice-Chairman Fisher. She went on to say that if the Board were to increase the tax rate, but lose fuel sales then it could result in no gain or maybe lost revenue.

Supervisor Lofton noted the Board did not study the rate when they decided to decrease it. Lowering the rate has not shown any improvement and he wished we had taken the time to study it when it was reduced the last time. He concluded by saying that he would like to see some action on this going forward.

The Board's consensus was to take this proposal off of the table for this year but look at it again next year.

Supervisor Dunn stated there were some things in the budget that he really liked, but he was concerned that we have \$120 million in debt coming along in the next five years. He was concerned about continuing tax increases. He went on to say if the Board could put \$5 million in a fund over the next five years it would have \$25 million to put towards the payment of the next school. He concluded by saying he would prefer that any extra money be used to pay down bonds, if possible.

Supervisor Hess agreed with Supervisor Dunn's concern of possible debt down the road, but he would rather set aside money to reduce future borrowing costs.

Supervisor Lofton noted that historically the County has mirrored Frederick County Schools regarding raises. With that in mind, he thought the proposed raise should be 2.6% instead of 3%. He went on to say that, according to the State Compensation Board, Frederick County has double the amount of recommended road and court deputies. He noted the Comp Board was not carrying the costs of the approved positions. He went on to say he was not sure where the discrepancy was or why there was a discrepancy. He concluded by saying he could not recommend funding any new deputy positions for the Sheriff's Department.

Supervisor Dunn stated that after giving the matter some additional thought he would recommend cutting the Sheriff's Department and Fire and Rescue position requests by half, based on the need. He suggested that they should have to come back next year to get the other positions created.

With regard to school funding, Supervisor Dunn stated that if the schools have significant capital needs this year he thought the Board should move away from the historic split of 57%-43% in order to address the school needs.

Administrator Garton stated her final item was getting a consensus from the Board regarding the proposed increase in the transient occupancy tax rate.

The Board's consensus was to go with a 0.05% increase.

There being no further business, the work session was adjourned at 6:50 P.M.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

FEBRUARY 24, 2016

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, February 24, 2016 at 7:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn; Robert A. Hess; Gary A. Lofton; Judith McCann-Slaughter; and Robert W. Wells.

CALL TO ORDER

Chairman DeHaven called the meeting to order.

INVOCATION

Pastor Ross Halbersma, New Hope Church, delivered the invocation.

PLEDGE OF ALLEGIANCE

Supervisor Fisher led the Pledge of Allegiance.

Chairman DeHaven recognized Tim Braghini, Scoutmaster, and the members of Boy Scout Troop 31.

ADOPTION OF AGENDA – APPROVED

County Administrator Brenda Garton suggested the Board move the request from Frederick County Schools to participate in the Spring 2016 VPSA Bond Sale until after the budget amendment public hearing.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board approved the agenda as amended by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye

Robert W. Wells Aye

CONSENT AGENDA – APPROVED

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board approved the following items under the consent agenda:

- Minutes – Regular Meeting of January 27, 2016; Budget Work Session of February 3, 2016; Budget Work Session of February 10, 2016; and Regular Meeting of February 10, 2016; - **Tab A**;
- Proclamation re: April 1-7, 2016 as Local Government Education Week – **Tab B**;
- Technology Committee Report – **Tab F**; and
- Joint Finance Committee Report – **Tab G**.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors' comments.

MINUTES – APPROVED UNDER CONSENT AGENDA

The minutes from the Regular Meeting of January 27, 2016, Budget Work Session of February 3, 2016, Budget Work Session of February 10, 2016, and Regular Meeting of February 10, 2016 were approved under the consent agenda.

COUNTY OFFICIALS

PROCLAMATION RE: APRIL 1-7, 2016 AS LOCAL GOVERNMENT EDUCATION WEEK – APPROVED UNDER CONSENT AGENDA

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of Supervisors of the County of Frederick, Virginia, that April 1-7, 2016 is hereby designated as Local Government Education Week; and

BE IT FURTHER PROCLAIMED that the Board of Supervisors of the County of Frederick, Virginia and the Frederick County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

ADOPTED this 24th day of February, 2016.

EMPLOYEE OF THE MONTH AWARD

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board approved Jeff Jerome as Employee of the Month for February 2016.

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

WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,

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

WHEREAS, Jeff Jerome who serves as a Recreation Technician at Redbud Run Elementary School where he leads the before and after school basicREC program for the Parks and Recreation Department was nominated for Employee of the Month; and,

WHEREAS, on December 17, 2015, at the holiday party for the kids attending the program, Jeff was alerted to a participant choking on a piece of food. He responded immediately to the struggling child and performed the Heimlich Maneuver to free the piece of food from the child's airway to avoid a tragic outcome. Jeff responded appropriately and timely to this TRUE emergency and used his training and expertise to solve a traumatic event in a matter of seconds. Jeff showed that the training the Frederick County Parks and Recreation Department puts each staff person through is vitally important.

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 24th day of February, 2016, that Jeff Jerome is hereby recognized as the Frederick County Employee of the Month for February 2016; and,

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

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

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

COMMITTEE APPOINTMENTS

APPOINTMENT OF MICHAEL RUDDY TO THE MPO TECHNICAL ADVISORY COMMITTEE (TAC) – APPROVED

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board appointed Michael Ruddy, Planning Director, to the MPO Technical Advisory Committee (TAC).

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye

Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

APPOINTMENT OF DEBORAH BLACKWELL TO FILL THE UNEXPIRED TERM OF BLAINE J. "JACK" ALKIRE AS FREDERICK COUNTY REPRESENTATIVE TO THE NORTHWESTERN COMMUNITY SERVICES BOARD - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board appointed Deborah Blackwell to fill the unexpired term of Blaine J. "Jack" Alkire as Frederick County representative to the Northwestern Community Services Board. This is a three year appointment. Term expires December 31, 2017.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

REAPPOINTMENT OF J. STANLEY CROCKETT AS STONEWALL DISTRICT REPRESENTATIVE TO THE PLANNING COMMISSION - APPROVED

Upon a motion by Supervisor Slaughter, seconded by Supervisor Wells, the Board reappointed J. Stanley Crockett as Stonewall District representative to the Planning Commission. This is a four year term. Term expires February 12, 2020.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**REAPPOINTMENT OF JUDY WOLFREY AS MEMBER-AT-LARGE TO THE
EXTENSION LEADERSHIP COUNCIL - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board reappointed Judy Wolfrey as Member-At-Large to the Extension Leadership Council. This is a four year appointment. Term expires April 24, 2020.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

COMMITTEE REPORT

TECHNOLOGY COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Board of Supervisors Information Technology Committee met in the First Floor Conference Room at 8;15 a.m. on Tuesday, February 9, 2016. All members were present with the exception of citizen representative Lorin Sutton.

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

1. None

*****Items NOT Requiring Board Action*****

1. Mr. Fly, Interim IT Director, presented the Committee with information regarding the virtualization 5 year refresh update for purposes of replacing end of life enterprise equipment, disaster recovery , expanded storage, development environment, and virtual desktop enterprise.
2. Ms. Nugent presented the Committee with information regarding the FY16-17 PC Refresh.
3. Mr. Fly presented the Committee with the Information Technologies FY 16-17 budget requests.

4. Mr. Fly presented the Committee with the Information Technologies responsibilities regarding the Round Hill Fire Station Phone System.
5. Mr. Fly presented the Committee with the Information from FEMA to update the 100 Year Flood Plain.

There being no further business, the meeting was adjourned.

JOINT FINANCE COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Joint Finance Committee met on Monday, February 8, 2016 at 9:00 A.M., in the Board of Supervisors' Closed Session Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Present were Charles S. DeHaven, Jr. and Judith McCann-Slaughter, Frederick County representatives; and John Willingham, and Bill Wiley, City of Winchester representatives. Others present: Brenda G. Garton, County Administrator; Jay E. Tibbs, Deputy County Administrator; Kris C. Tierney, Assistant County Administrator; Eden Freeman, City Manager; Roderick B. Williams, County Attorney; Mary Blowe, Finance Director City of Winchester; Cheryl Shiffler, Finance Director, Frederick County; Corey MacKnight, Facilities Director, City of Winchester; Celeste Broadstreet, Financial Services Director, City of Winchester; Tyler Schenck, Program Manager, City of Winchester Lieutenant Mark Webber, Frederick County Sheriff's Office; Les Taylor, Winchester City Sheriff; Al Sibert, Winchester City Sheriff's Office; Justin Kerns, Executive Director of the Winchester-Frederick County Tourism Office; and Josh Janney, *The Winchester Star*.

Ms. Freeman called the meeting to order.

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

ELECTION OF CHAIRMAN

Upon a motion by Mr. DeHaven, seconded by Mr. Wiley, John Willingham was elected chairman of the Joint Finance Committee. The motion passed unanimously.

JOINT JUDICIAL CENTER CONSTRUCTION PROJECT UPDATE

Winchester Facilities Director Corey MacKnight reviewed the progress of the Joint Judicial Center renovation project. He noted that phase I should be completed by mid-March. The project estimate was originally \$3.7 million, but has since been revised to \$3.4 million. Approximately \$563,000 has been spent to date. He provided a brief overview of the remaining work and advised the entire project should be completed by October 2016.

WINCHESTER SHERIFF RENOVATION REQUEST

Winchester Sheriff Les Taylor stated he would like to construct an "L" shaped wall at the end of the existing counter in his office in order to provide an additional buffer between patrons and employees. He had received one bid for this project.

Ms. Freeman advised this project was outside of the current renovation project. The cost would be approximately \$6,000. She noted maintenance had always been a jointly shared cost between

the city and county.

Mr. Wiley suggested considering this as part of the renovations, if there was any extra money left from the project.

Mr. DeHaven stated he would like to leave it flexible but asked that the committee communicate back and forth, as it gets closer, regarding the cost.

OUTSIDE AGENCY UPDATE (BUDGET REQUESTS)

Ms. Shiffler and Ms. Blowe reviewed the requests received by the county and city from the various outside agencies.

Ms. Blowe noted these requests have not yet gone to city council for consideration.

Ms. Freeman provided a brief overview of the process the city uses to handle outside agency requests.

TOURISM REQUEST FOR FY 2017

Justin Kerns, Executive Director of the Winchester-Frederick County Tourism Office, appeared before the committee to review his department's FY 2017 budget request. He thanked both localities for historically funding tourism and then reviewed the spending numbers associated to tourism and associated taxes paid. He then provided a brief overview of the current tourism budget situation. He stated he was seeking additional funding to increase marketing and the current proposal of an additional \$50,000 per locality would allow him to increase advertising to 25% of the budget.

Ms. Freeman stated the city would work to try to get an increase in the budget to assist with marketing.

Ms. Garton updated the committee on Frederick County's request before the General Assembly to be added to list of counties who could increase the transient occupancy tax rate up to 5%. If the legislation were to pass then those additional monies above the current 2% rate would be allocated to tourism.

Chairman Willingham asked the county to keep the dialogue open if the legislation passes.

AIRPORT AUTHORITY

Ms. Freeman stated, over the last two fiscal years, the city has seen requests from the Airport to subsidize their budget due to decreased fuel sales. She suggested the Authority review the staffing and structure of the airport to try to address this issue.

Mr. DeHaven expressed his desire to have a continuing discussion on this issue because the way "we" are going is not sustainable.

There being no further business, the meeting was adjourned at 9:48 a.m.

JOINT HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEES -

APPROVED

The HR and Public Safety Committees met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, February 12, 2016. HR Committee members present were: Supervisors Robert Hess, Chairman, Robert Wells, Blaine Dunn and citizen members Don Butler, Beth Lewin, and Dorrie Greene. Public Safety Committee members present were: Supervisors Gary Lofton and Blaine Dunn and citizen member Charles Torpy. Others present were: Jay Tibbs, Interim HR Director; Lynsey Orndorff, HR Generalist; Ashley Hicks, HR Specialist; Roderick Williams, County Attorney; Ross Spicer, Commonwealth's Attorney; Andrew Robbins, Deputy Commonwealth's Attorney; Patrick Barker, Executive Director of the Frederick County EDA; Delsie Jobe, Administrative Services Manager, DSS; Tamara Green, Director of Frederick County Department of Social Services; Sharon Kibler, Assistant Director Finance; Jason Robertson, Parks & Recreation Director; Michael Ruddy, Director of Planning & Development; Ed Strawsnyder, Public Works Director; Kevin Alderman, Shawneeland Manager; James Whitley, NRADC Superintendent; Sheriff Lenny Millholland; Major Steve Hawkins, Sheriff's Department; Dennis Linaburg, Fire Chief; Larry Oliver, Deputy Chief of Training and Operations; Jay Bauserman, Deputy Chief, Fire Marshal Division; Melissa Neal, Administrative Assistant with Fire and Rescue; C. William Orndoff, Jr., Treasurer; Angela Whitacre, Deputy Treasurer; Dan Cunningham, President of the Frederick County Fire and Rescue Association; and Judith McCann-Slaughter, Stonewall District Supervisor.

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

1. Employee of the Month Award.

Upon a motion by Don Butler, seconded by Beth Lewin, the Committee unanimously selected Jeff Jerome, a Recreation Technician with the Frederick County Parks and Recreation Department, as Employee of the Month for February 2016.

2. Request from Old Dominion Alcohol and Safety Action Program to Create Full-time Records Clerk Position. - APPROVED

The Committee considered a request from the Director of the Old Dominion Alcohol and Safety Action Program to create a full-time records clerk position. The creation of this position will help bring the department into audit compliance and will help address non-payment of fees and will increase the department's ability to successfully collect fees not currently being collected.

Upon a motion by Don Butler, seconded by Beth Lewin, the Committee recommended approval of this request. The motion was approved unanimously.

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

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

3. Fiscal Year 2016-2017 Requests for New Positions – Presentations by Department Directors. - APPROVED

In an effort to involve the HR Committee as part of the budget process, this year the County Administrator recommended that all new position requests submitted as part of the FY2016-2017 budget be brought to the HR Committee for review and a recommendation as to the need for the position(s) and whether or not the position(s) should be created. Because of the significant number of public safety positions being requested as part of the FY2016-2017 budget, the Public Safety Committee was invited to attend this meeting and offer their input and recommendation concerning those public safety requests.

The only action being sought from the committees was a recommendation regarding the creation of any new positions. Funding consideration for any new positions will be dealt with separately as part of the overall budget process.

After listening to the presentations from the various department directors, the Committees approved the creation of 51 of the 52 requested positions. The attached position allocation chart shows the current number of funded positions for each department. The chart also contains columns reflecting the number of new positions being requested by the various departments and the Committees' recommendations. The Committee is seeking Board approval of the position allocation chart and with the newly recommended positions.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the position allocation chart and the creation of the new positions.

Supervisor Dunn moved to reduce the number of new Fire and Rescue positions and Sheriff's Department positions to nine each.

The motion died for lack of a second.

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

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye

Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

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

NONE

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, March 11, 2016.

PUBLIC HEARING

OUTDOOR FESTIVAL PERMIT REQUEST OF OPEQUON PRESBYTERIAN CHURCH – OPEQUON ON THE LAWN. PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE; FOR AN OUTDOOR FESTIVAL PERMIT. FESTIVAL TO BE HELD ON SATURDAY, APRIL 9, 2016 FROM 12:00 NOON – 5:00 P.M., ON THE GROUNDS OF OPEQUON PRESBYTERIAN CHURCH, 217 CHURCH LANE, WINCHESTER, VIRGINIA 22602, PROPERTY OWNED BY OPEQUON PRESBYTERIAN CHURCH. - APPROVED

Chairman DeHaven convened the public hearing on the request by Opequon Presbyterian Church for an outdoor festival permit.

Mike Butler appeared before the Board on behalf of the application and advised he would be happy to answer any questions the Board might have.

Chairman DeHaven convened the public hearing.

Rebecca Morrison, Gainesboro District, spoke against this application. She stated the ad was not published correctly because the ad reflected the owner of the property as Opequon Presbyterian Church. She went on to say that Presbyterian churches cannot own their property without having paid the Shenandoah Presbytery. She stated that unless the county attorney was prepared to rule that all Frederick County Presbyterian USA churches own their own property

and do not have to make payment to the Shenandoah Presbytery then the public hearing should not be held. She concluded by saying if the Board approves the application it is in violation of the proper advertising.

There being no further public comments, Chairman DeHaven closed the public hearing.

Chairman DeHaven asked the county attorney about the ownership question.

County Attorney Rod Williams advised that he had searched the Commissioner of the Revenue property records and the property owner is shown as Opequon Presbyterian Church of Winchester, Inc., so it was appropriate for the Board to move forward with this item.

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board approved the outdoor festival permit request of Opequon Presbyterian Church, Opequon on the Lawn.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

AMENDMENT TO THE 2015-2016 FISCAL YEAR BUDGET – PURSUANT TO SECTION 15.2-2507 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO AMEND THE FISCAL YEAR 2015-2016 BUDGET TO REFLECT: GENERAL FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$7,000,000 AND A SCHOOL CAPITAL FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$4,000,000. THESE FUNDS WILL BE APPROPRIATED FOR CAPITAL. - APPROVED

Administrator Garton advised, as a result of the budget work session with the school board and the Board of Supervisors, there was a consensus to amend this years' budget to fund capital projects.

Chairman DeHaven convened the public hearing.

Shawn Graber, Back Creek District, stated he had a little heartburn with this. He had heard there would be \$3 to \$4 million left over from the Frederick County Middle School Project, which could be re-appropriated for these items. He asked that those additional funds be used for these projects. He concluded by asking the School Board to cut its budget 1/100% to cover these expenses.

Dr. David Sovine, Superintendent of Schools, highlighted the action of the School Board and stated they took action on the \$5.2 million of capital requests. He then highlighted some of the highest capital needs. He concluded by saying that the School Board acted on the VPSA application to fund the remainder of the projects if the Board of Supervisors appropriates the \$4 million from Fund Balance.

There being no further public comments, Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the amendment to the Fiscal Year 2015-2016 budget.

WHEREAS, Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on February 24, 2016, took the following action:

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

General Fund Supplemental Appropriation in the Amount of \$7,000,000 and a School Capital Fund Supplemental Appropriation in the Amount of 4,000,000. These Funds will be Appropriated for Capital.

Supervisor Dunn amended the motion to appropriate only the \$4 million for schools and that the County's amount to be addressed at a later date.

The motion died for lack of a second.

Supervisor Lofton stated the action on the \$4 would address actual needs and the remaining \$1.2 million of the school's request could be addressed at a later time. He concluded

by saying this was the right move to make at this time.

Supervisor Slaughter noted the County's request included the refurbishing of a pool facility, which needed to be done prior to July 1.

Supervisor Dunn stated the County's request came because Frederick County Schools had actual requests. He went on to say if the school's request was never made then we would not be having this discussion.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Nay
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**REQUEST FROM FREDERICK COUNTY SCHOOLS TO PARTICIPATE IN
SPRING 2016 VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BOND SALE
AND SCHEDULE PUBLIC HEARING DATE FOR MARCH 23, 2016. – BOARD
VOTED TO TAKE NO ACTION TAKEN ON THE REQUEST**

Supervisor Lofton stated he did not think the Board should act on this request for the Spring bond sale. He felt the actual needs were being addressed by the prior action, but the remainder could be addressed at year end.

Upon a motion by Supervisor Lofton, seconded by Supervisor Slaughter, the Board took no action on this request.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Nay
Gene E. Fisher	Aye
Robert A. Hess	Nay
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Nay

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

CONDITIONAL USE PERMIT #15-05 FOR THE WINCHESTER CHAPTER OF THE IZAAK WALTON LEAGUE, WHICH SUBMITTED FOR AN EXPANSION OF A NON-CONFORMING USE, FOR THE EXPANSION OF AN OUTDOOR RECREATION/SHOOTING AREA. THE PROPERTY IS LOCATED AT 2863 MILLWOOD PIKE, AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 77-A-72 IN THE SHAWNEE MAGISTERIAL DISTRICT. - APPROVED

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was an application for a conditional use permit for an outdoor recreation, non-conforming use, to expand a shotgun shooting range. The property is located at 2863 Millwood Pike and is zoned RA (rural areas) District. He stated this property showed no existing conditional use permit for the 149 acres; however, the use was established prior to this requirement being in place. He stated no increase in the intensity of the non-conforming use was permitted. The Planning Commission held a public hearing and recommended approval with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Shooting activities shall be supervised by qualified personnel at all times.
3. Any expansion or change of use shall require a new conditional use permit.

He concluded by noting the airport did have an adverse comment relative to this proposal.

Supervisor Dunn asked if there would be a supervisor at the rifle range.

Zoning Administrator Cheran responded the range would have supervision.

Joan Fine, attorney for the Izaak Walton League, appeared before the Board on behalf of her client. She noted the shotgun range in addition to fishing and conservation programs on this property have been in existence since the 1960s.

Jim Sherry, President of the Winchester Izaak Walton League, stated the league had

addressed all of the problems and he did not expect any problems with the shotgun range. He noted as part of the conditional use permit application process, the league requested an FAA evaluation and the agency found the shotgun range did not pose a hazard. He advised a designated range supervisor would be present when the range was in use. He went on to say the facility is only available to members as long as a range supervisor is present. He concluded by saying the league had reached out to the nearest neighbors so they understand how the club operates and to address their concerns.

Warren Golightly, Shawnee District, stated the Izaak Walton League was morphing into a gun club with a lot of rapid fire weapons being fired from morning to evening, even on Sundays. This use disturbed the quiet enjoyment of his property to include his residence and the tenants in his rental properties. He stated this use affected the amount of rent he was able to charge. He concluded by saying he did not think the FBI would appreciate all of this shooting near their proposed new facility.

Ed Keenan, Shawnee District, noted he was an adjoining property owner and on February 21, 2016 he was called by Supervisor Dunn and met with him on Monday to look at the property. They also met with John Doyle, who was in charge of the high powered rifle range. He noted the league had installed a gate and he commended them for this addition. He stated that instead of seven days a week, he would like to see those hours reduced.

Carl Golightly, Shawnee District, stated he was concerned about safety. He went on to say that he had met with Ms. Manuel at Winchester Regional Airport and she was adamantly opposed to this application. He concluded by saying it was important to get some rules regarding the times people shoot.

Jeffrey Mitchell, III, Opequon District, in response to some comments concerning water

on the site advised there was a pond on this property and the property was bordered by the Opequon Creek. He stated no clay pigeons drop into the water.

Ed Keenan, Shawnee District, reiterated his concerns about safety. He noted alcohol could be on the property, but not on the ranges. He stated he would like to see the hours on Sunday start at noon due to the proximity of a church to this property.

There being no further comments, Chairman DeHaven closed the public hearing.

Supervisor Lofton asked Mr. Keenan about week day hours.

Mr. Keenan responded that he was not too concerned during the week because most people have jobs.

Ms. Fine stated, with regard to the pistol and rifle range, the league is working on rules to make sure it is handled safely. She noted there were no illegal guns being used on the property. She reminded everyone that the league was here tonight about the shotgun range. She went on to say the trap launchers are locked in a building that can only be accessed when a range officer is present.

Upon a motion by Supervisor Fisher, seconded by Supervisor Dunn, the Board approved Conditional Use Permit #05-15.

Supervisor Fisher stated the application was for the shotgun range. He noted some cooperative effort had been going on and he understood the situation. He advised that he had spoken with Ms. Manuel and he understood why she issued her opinion. He stated that towers were not as tall as the trees and there was no obstruction to existing flight paths. He concluded by saying the shotgun range had no effect on the runway approach.

Supervisor Dunn stated he did not think there was a problem with the shotgun range.

Supervisor Hess moved to amend the hours of operation so shooting could not occur

before noon on Sunday.

Supervisor Lofton seconded the motion.

Supervisor Fisher stated he did not think the amendment was appropriate because the noise was coming from the grandfathered rifle range.

Supervisor Lofton withdrew his second.

The motion to amend died for lack of a second.

There being no further discussion, the motion approving CUP 05-15 was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

BOARD LIAISON REPORTS

There were no board liaison reports.

CITIZEN COMMENTS

Alan Morrison, Gainesboro District, spoke regarding the budget discussions. He noted the Board and staff are working on a budget at this difficult time. He stated the Board has tried to hold the line on taxes in hopes of the economy improving; however, there has not been significant improvement. He stated many county residents were retired and on fixed incomes and would receive no increase this year. He believed many of the budget requests had no resemblance to reality. He stated the taxpayers can only be squeezed so far. He concluded by saying there needed to be a degree of realism in the budget request.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn reiterated his concern that going forward the Board will have a \$120 million bill that might come due soon.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN FISHER, SECONDED BY SUPERVISOR LOFTON, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (8:23 P.M.)

CONSENT AGENDA

B



BOARD OF SUPERVISORS

PROCLAMATION:

disABILITY Awareness Week

Whereas, the United States Congress enacted the American with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation, and telecommunications; and

Whereas, the Commonwealth of Virginia enacted the Virginia with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

Whereas, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

Whereas, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self determination, make choices, contribute to society and participate fully in the American experience; and

Whereas, the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers, and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

Whereas, millions of people in the United States have disabilities and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and

Whereas, it is the goal of Access Independence, Inc. to involve the community in all aspects of disABILITY Awareness Week and establish an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of, and appreciation for, abilities possessed by those of us who experience life with disabilities..

Now, Therefore Be It Proclaimed, that the week of April 9-15, 2016 is hereby proclaimed disABILITY Awareness Week, in Frederick County, Virginia and I call this observance to the attention of all our citizens and urge all residents to raise awareness and understanding of the abilities of people with disabilities.

Charles S. DeHaven, Jr., Chairman
Frederick County Board of Supervisors

January 8, 2016

Frederick County Board of Supervisors
Chairman Charles DeHaven
107 North Kent St.
Winchester, VA 22601

Dear Chairman Charles DeHaven,



NSV dAW 2016
April 9 - 15
Access Independence, Inc. Winchester VA
Northern Shenandoah Valley disAbility Awareness Week

Please find attached Access Independence's
proclamation request for the observance of April 9 through 15, 2016 as

NORTHERN SHENANDOAH VALLEY disABILITY AWARENESS WEEK 2016.

The theme of NSV dAW 2016 is "**Leap for the GOLD!**" This was chosen as the year 2016 is a leap year and an Olympic year. We appreciate your support of this observance which focuses attention on conditions that affect all of us.

Central to our activities this year are various events which will bring attention to the successes of people with disabilities in our community, as well as recognition to businesses and individuals who have gone the extra mile in breaking down barriers which limit the access to many people, such as architectural structures, prejudices, and ignorance.

Some of those who are or have been involved in former disAbility Awareness Week activities include: Clarke County Parks and Recreation Department; Grafton Schools; Virginia Department of Vocational Services, VATS, Shenandoah University; Lord Fairfax Community College; Handley Regional Library; the public schools of the Northern Shenandoah Valley Regional Commission; the Frederick County Parent Resource Center; Boy Scout Troop 107; Barry Lee and WINC Radio; Valley Health Systems; HN Funkhouser Co.; and a variety of other community members, both individual and group involvement.

Thank you for your assistance.

Sincerely,

Donald K Price

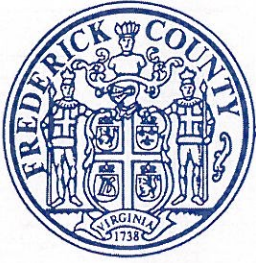
Donald K Price
Executive Director
Access Independence, Inc.
www.accessindependence.org
Facebook: <http://www.facebook.com/pages/Access-Independence-Inc/193121722897>

Enclosed: *Sample of Proclamation Statement*

promoting independent living

CONSENT AGENDA

C



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 *BG Garton*
DATE: February 29, 2016
RE: Closing of County Offices for Annual Apple Blossom Festival

As in the past, the Board of Supervisors will need to take action on the closing of county offices on Friday, April 29, 2016, for the 89th Shenandoah Apple Blossom Festival. This is a regularly scheduled holiday for county employees; however, the court offices need official action by the Board in order to close their offices for this day. Action at the March 9, 2016 meeting will give the courts time to arrange their schedules accordingly.

Thank you.

BGG/tjp

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CONSENT AGENDA

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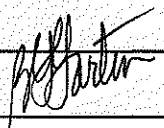
Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	Brenda G. Garton, County Administrator 
SUBJECT:	Request to Schedule a Public Hearing on Proposed Ordinance to Amend Section 155-51 (Tax imposed) of Article XIV (Transient Occupancy Tax) for March 23, 2016
DATE:	March 4, 2016

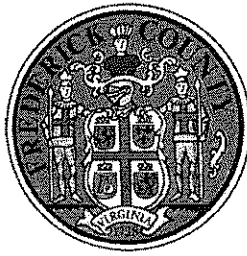
At the budget work session held on Wednesday, February 24, 2016, the Board and Finance Committee discussed a possible 0.5% increase to the current 2% transient occupancy tax rate. This increase was enabled by legislation adopted by the General Assembly during the 2016 session and signed into law by the governor. The General Assembly legislation becomes effective July 1, 2016.

In order for the County to increase the transient occupancy tax rate, the County Code must be amended to reflect this increase. A public hearing is required in order to amend the County Code. At the February 24, 2016 budget work session, the Board's consensus was to move forward with the increase to the transient occupancy tax rate. In order for this proposed increase to be included as part of the FY 2016-2017 budget, the County Code amendment must be in place prior to budget adoption. Based on the Board's consensus, staff has advertised this matter for public hearing; however, we are seeking formal board endorsement of the public hearing request.

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

BGG/jet

Attachment



**ORDINANCE
March 23, 2016**

The Board of Supervisors of Frederick County, Virginia hereby ordains that, effective July 1, 2016, Section 155-51 (Tax imposed) of Article XIV (Transient Occupancy Tax) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Section 155-151 (Tax imposed) of Article XIV (Transient Occupancy Tax) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows (deletion is shown in ~~strikethrough~~ and addition is shown in **bold underline**):

CHAPTER 155 TAXATION

Article XIV Transient Occupancy Tax

§ 155-51 Tax imposed.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to ~~2%~~ **2.5%** of the total amount paid for room rental by or for any such transient to any motel.

Enacted this 23rd day of March, 2016.

Charles S. DeHaven, Jr.,
Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Blaine P. Dunn _____

Gene E. Fisher _____

Judith McCann-Slaughter _____

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

CONSENT AGENDA

E



Brenda G. Garton
County Administrator

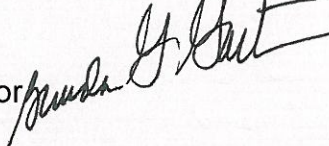
540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO: Board of Supervisors

FROM: Brenda G. Garton, County Administrator 

DATE: March 3, 2016

RE: Certified Copies of the Abstracts of Votes from March 1, 2016
Presidential Primary 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 March 1, 2016 Presidential Primary 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 March 9, 2016.

BGG/tjp

Attachments

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ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 March Democratic Presidential Primary Election held on March 01, 2016 for,
President

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Hillary Clinton	2114
Bernie Sanders	2072
Martin J. O'Malley	31
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
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 March 01, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.

Hillary Clinton

Given under our hands this 2ND day of MARCH, 2016



[Signature], Chairman

Marie P. Straub, Vice Chairman

J. Zolachenko, Secretary

J. Zolachenko, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
 at the 2016 March Republican Presidential Primary Election held on March 01, 2016 for,
President

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
 (IN FIGURES)

Donald Trump	4732
Marco Rubio	3341
Ted Cruz	2957
Ben Carson	939
John Kasich	780
Jeb Bush	45
Rand Paul	29
Chris Christie	15
Mike Huckabee	15
Carly Fiorina	12
Lindsey Graham	7
Jim Gilmore	5
Rick Santorum	5
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
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 March 01, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.

Donald Trump

Given under our hands this 2ND day of MARCH, 2016

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



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
DATE: March 3, 2016
RE: Committee Appointments

Listed below are the vacancies/appointments due through April, 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

Public Safety Committee

(See Attached Applications of Helen Lake and Walter Cunningham). (The Chairman submits these applications to fill the two citizen vacant seats on the Public Safety Committee that are annual appointments.)

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 resigned at the end of his term. Staff has been in contact with Northwestern Community Services in seeking their continued assistance in finding a possible candidate(s) and will forward any recommendation(s) received to the Board of Supervisors.) *(The Northwestern Community Services Board is comprised 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.)*

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

(See Attached Application of Christopher Fordney)

MARCH 2016

No appointments due.

APRIL 2016

Historic Resources Advisory Board

Lauren Krempa Murphy – Member-At-Large
106 Dollie Mae Lane
Stephens City, VA 22655
Phone: (540)338-2304
Term Expires: 04/09/16
Four year term

(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)

Sanitation Authority

Stan Crockett – Frederick County Representative
139 Panorama Drive
Winchester, VA 22603
Phone: (540)533-9581
Term Expires: 04/15/16
Four year term

Martha W. Dilg – Frederick County Representative
5220 Main Street
Stephens City, VA 22655
Phone: (540)869-4813

Memorandum – Board of Supervisors
March 3, 2016
Page 3

Term Expires: 04/15/16
Four year term

(The Sanitation Authority is comprised of five members as stated in their Articles of Incorporation.)

BGG/tjp

Attachments

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(030916BdMtg).docx

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

Robert (Bob) Hess, Gainesboro District Supervisor, would like to nominate you to serve on the Public Safety Committee.

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

Name: Helen Lake **Home Phone:** 540 665 0108

Address: 861 Valley View Drive **Office Phone:** _____

Winchester, Virginia 22603 **Cell/Mobile:** 540 533 2215

_____ **Fax:** _____

Employer: Retired/Federal Government **Email:** alyena@shentel.net

Occupation: Consultancy Services in Therapeutic Horticulture

Civic/Community Activities: Prior membership on Public Safety Committee; Extension Leadership Council; VCE Master Gardener;

Red Cross as Board Member and Disaster Services volunteer; Literacy Volunteer Tutor for Citizenship Test

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

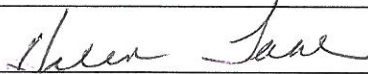
Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee? **Yes:** _____ **No:** **Explain:**

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

Experience with coordinating and working Emergency Preparedness exercises and plans in Frederick County;

Continued relationships with Frederick County Sheriff's office and Chief/Fire and Rescue in other projects/programs

Continued interest in adding value to the community in public safety based on first hand real world experience in the federal sector

Applicant's Signature:  **Date:** 9 February 2016

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

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

Charles S. DeHaven Jr. _____, Chairman at Large _____ District Supervisor, would like to nominate you to serve on the Public Safety Committee

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

Name: Walter Cunningham Home Phone: 540-667-7825

Address: 1366 Greenwood Road Office Phone: _____

Winchester Va Cell/Mobile: _____
22602

Fax: _____

Employer: Retired Email: _____

Occupation: _____

Civic/Community Activities: Greenwood Fire + Rescue Greenwood
Methodist church

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

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

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

Applicant's Signature: Walter Cunningham Date: March 3 2016

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

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

BLAINE DUNN, RED BUD District Supervisor, would like to nominate you to serve on the PARKS AND RECREATION COMMITTEE.
As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: CHRISTOPHER FORDNEY Home Phone: _____

Address: 104 REBELS CIRCLE Office Phone: _____

WINCHESTER, 22602 Cell/Mobile: 540-331-1995

_____ Fax: _____

Employer: _____ Email: chrisfordney@gmail.com

Occupation: RETIRED

Civic/Community Activities: VOLUNTEER, SHENANDOAH RIVER KEEPER,
FORMER VOLUNTEER, KEANSTOWN BATTLEFIELD, DARR^{*}ESSAS JUDGE

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

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

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

Applicant's Signature: Chris Fordney Date: 2/18/16

Nominating Supervisor's Comments: CHRIS FORDNEY HAS A STRONG
BACKGROUND AND INTEREST IN PARKS, RECREATION,
BIKE TRAILS, AND RELATED AREAS OF INTEREST

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

* DAUGHTERS OF THE
AMERICAN REVOLUTION

G



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)



APPLICANT INFORMATION

Name of Applicant: GROVE'S WINCHESTER HARLEY-DAVIDSON

Telephone Number(s): 540 662 4468 home office cell 240 394 2329 home office cell

Address: 140 INDEPENDENCE DRIVE WINCHESTER, VA 22602

Contact Email: TRISH@WINCHESTERHARLEY.COM

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event	Name of Festival: <u>FRONT ROYAL FRIENDS DAY, FREE SURGERY WORKSHOP, CHILCOCK CAFE BLESSING OF BIKES (BIKE SHOW) PROJECT 22 RALLY, BIKENWASH, FISH Fry, OPEN HOUSE, WINCHESTER RACING</u>		
Cost of Admission to Festival: <u>FREE</u>	Business License Obtained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>1/9/16, 1/23/16, 2/27/16</u>	<u>10:00AM</u>	<u>3:00pm</u>	<u>N/A</u>	<u>500</u>
<u>4/23/16, 5/14/16, 6/25/16</u>	<u>10:00AM</u>	<u>3:00pm</u>	<u>N/A</u>	<u>500</u>
<u>7/11/16, 9/2/16, 9/10/16</u>	<u>10:00AM</u>	<u>3:00pm</u>	<u>N/A</u>	<u>500</u>

Location Address: 140 INDEPENDENCE DRIVE WINCHESTER, VA 22602

Owner of Property Name(s): BARBARA GROVE - Jubilee, LLC
 Address: 190 BALLYGAR DRIVE WINCHESTER, VA 22602
 (*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

Promoter Name(s): GROVE'S WINCHESTER HARLEY-DAVIDSON
 Address: 140 INDEPENDENCE DRIVE WINCHESTER VA 22602
 (*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

Financial Backer Name(s): BARBARA GROVE
 Address: 190 BALLYGAR DRIVE WINCHESTER VA 22602

Performer Name of Person(s) or Group(s): HARLEY-DAVIDSON MOTOR COMPANY DEMO FLEET, HIGH OCTANE, INTERNATIONAL BIKINI TEAM, FAIRFAX COUNTY MOTOR SQUAD
 (*NOTE: Applicant may need to update information as performers are booked for festival event.)

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). copy attached OR copy to be provided as soon as available

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

WE HAVE SUFFICIENT BATHROOM AND GARBAGE DISPOSAL ON SITE AT THE DEALERSHIP.

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

WE HAVE LOCAL FOOD VENDOR AND SUBMIT FORMS FOR HEALTH PERMITS. NO LODGING IS REQUIRED.

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

MILLWOOD FIRE COMPANY WILL BE NOTIFIED OF EVENTS

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

MILLWOOD FIRE COMPANY WILL BE NOTIFIED OF EVENTS.

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

DEALERSHIP HAS MORE THAN SUFFICIENT PARKING FACILITY.

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

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

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

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

ALCOHOLIC BEVERAGES WILL BE SERVED BY MEMBERS OF THE CHILD PARENT CENTER AND ALSO PROFITS WILL BENEFIT THE LOCAL CHARITY. ABC LICENSE WILL ALSO BE OBTAINED BY THEM.

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

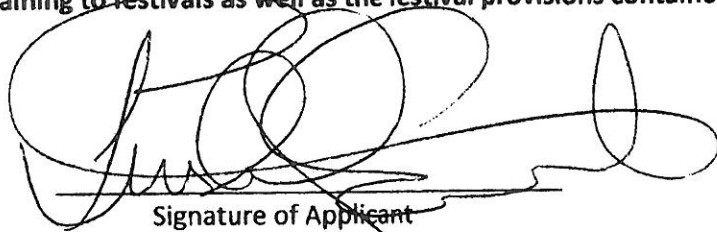
FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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



Signature of Applicant

TRISHA FISCHBERGER

Printed Name of Applicant

Date: 12/21/15

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



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: Grove's Winchester Harley Davidson

Telephone Number(s): 540-662-4468 home office cell _____ home office cell

Address: 140 Independence Drive, Winchester, VA 22602

Contact Email: barbara@winchesterharley.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Blessing of the Bikes, Bike Show, B.A.C.A. Event, Demo Fleet, History in the Hills Rally, Einherjar Rally, Bike Wash, Fall Open House

Cost of Admission to Festival: Free Business License Obtained: Yes No

Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
April 23, 2016	8:30AM	4:00 PM	N/A	500
May 14, 2016	8:30AM	4:00PM	N/A	500
May 21, 2016	8:30AM	4:00PM	N/A	500

Location Address: 140 Independence Drive, Winchester, VA 22602

Owner of Property Name(s): Barbara Grove
 Address: 190 Ballygar Drive, Winchester, VA 22602
 (*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

Promoter Name(s): Grove's Winchester Harley-Davidson
 Address: 140 Independence Drive, Winchester, VA 22602
 (*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

Financial Backer Name(s): Barbara Grove
 Address: 190 Ballygar Drive, Winchester, VA 22602

Performer Name of Person(s) or Group(s): _____

 (*NOTE: Applicant may need to update information as performers are booked for festival event.)

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). copy attached OR copy to be provided as soon as available

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
We have sufficient bathroom and garbage disposal on site at the dealership.

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
We have local food vendor and submit forms for health permits. No lodging is required.

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

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

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)
Dealership has more than sufficient parking at the facility.

7. State whether any outdoor lights or lighting will be utilized: YES NO
If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

8. State whether alcoholic beverages will be served: YES NO
If yes, provide details on how it will be controlled.

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

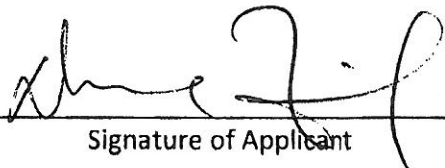
FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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


Signature of Applicant

Duane Filey
Printed Name of Applicant

Date: 2/12/2015

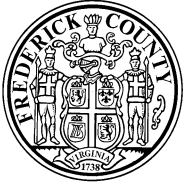
THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.

Grove's Winchester Harley Davidson

Dates (continued)

Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
June 18- June 19, 2016	8:30AM	4:30PM	N/A	500
June 19, 2016	11:00AM	4:00PM	N/A	500
June 25, 2016	8:30AM	4:00PM	N/A	500
July 16, 2016	11:00AM	3:00PM	N/A	500
September 10	11:00AM	3:00PM	N/A	500

H



CONDITIONAL USE PERMIT #01-16
SHARLYN D. MOORE
Staff Report for the Board of Supervisors
Prepared: February 26, 2016
Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	02/17/16	Recommended Denial
Board of Supervisors:	03/09/16	Pending

EXECUTIVE SUMMARY: This is a request for a Conditional Use Permit (CUP) for a Rooming House. Should the Board of Supervisors find this application for a rooming house to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. No more than two (2) rooms rented at any given time.
3. No employees allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located at 216 Talamore Drive, Stephens City, VA

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER: 75O-4-6-212

PROPERTY ZONING & PRESENT USE:

Zoned: RP (Residential Performance)
Land Use: Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RP (Residential Performance)	Use: Residential
South: RP (Residential Performance)	Use: Residential
East: RP (Residential Performance)	Use: Residential
West: RP (Residential Performance)	Use: Residential

PROPOSED USE: Rooming house

REVIEW EVALUATIONS:

Virginia Department of Transportation: This office has no objection to the proposed conditional use.

Frederick County Inspections: Proprietor occupied bed and breakfast and other transient boarding facilities not more than three stories above grade plan in height, that are also occupied as the residence of the proprietor, with a maximum of five guest room sleeping units provided for the transient occupants are permitted to be classified as either Group R-3 or R-5 provided that smoke alarms are installed in compliance with Section 907.2.11.2 for Group R-3 or Section 314 of the IRC for Group R-5

(R-5) Smoke alarms shall be listed and labeled in accordance with UL 217 and shall be installed in the following locations:

- In each sleeping area
- Outside each separate sleeping area in the immediate vicinity of the bedrooms
- On each story of the dwelling, including basements and habitable attics

Winchester-Frederick County Health Department: The Frederick County Health Department

has no objection due to no increase of usage to an onsite sewage system. Property appears to be served by public sewer system.

Frederick County Sanitation Authority: No comments.

Frederick County Fire Marshall: Plans approved.

Winchester Regional Airport: No impact-no comments needed.

City of Winchester: No comments.

Planning and Zoning: This application for a Conditional Use Permit (CUP) is in response to a zoning violation complaint of a rooming house that was received by staff. Obtaining a CUP for this use is an available option to resolve the violation. A rooming house is permitted in the RP (Residential Performance) Zoning District with an approved CUP. This proposed use will take place within a four (4) bedroom house with two (2) rooms being rented at any given time. There will be no employees or signage associated with this CUP. The clientele of this use will be via the internet. The property is located within the Wakeland Manor subdivision. The property is surrounded by like dwellings. The 2030 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as part of the Southern Frederick Area Plan and is to remain residential in nature and is not part of any land use study.

STAFF CONCLUSIONS FOR THE 02/17/16 PLANNING COMMISSION MEETING:

Should the Planning Commission find this use appropriate, Staff would recommend the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. No more than two (2) rooms rented at given time.
3. No employees allowed with this use.
4. No signage allowed with this use.
5. Any expansion or change of use shall require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 02/17/16 MEETING:

Staff reported this is a request for a Conditional Use Permit (CUP) for a Rooming House. Staff explained a rooming house is permitted in the RP (Residential Performance) Zoning District with an approved CUP. Staff continued the proposed use will take place within a four (4) bedroom

house with two (2) rooms being rented at any given time. It was noted, there will not be employees or signage associated with this CUP. Staff concluded the property is located within the Wakeland Manor subdivision and is surrounded by like dwellings.

A Commission Member referred to the definition of a boarding or rooming house; if a family sponsors a foreign exchange student and they receive compensation for lodging and meals would that be considered a boarding/rooming house. The Member feels this is getting too deep into the privacy of citizens. Staff responded as the definition reads, it would be considered a boarding/rooming house when foreign exchange students are housed.

A Commission Member inquired how this CUP came about; was the Applicant cited for a violation. Staff explained this CUP transpired in response to a zoning violation complaint that was received by staff. A Commission Member inquired if a CUP would be required for foster care of children. Staff noted foster care would not require a CUP, and would be considered family.

A Commission Member asked how this CUP and the conditions would be monitored. Staff commented this would be addressed on a complaint basis. A Commission Member noted the conditions state two(2) rooms can be rented at a given time; he pointed out there is nothing listed citing how many people per room. Staff responded the conditions can be amended to add a number of persons per room.

A Commission Member noted according to legislation, this could turn into a by-right use by the summer of 2016.

The Applicant came forward to address questions and concerns. She presented an overview of the property and how she initially started renting a room to individuals. She noted she uses Airbnb to locate renters and feels comfortable with the security procedures they have in place. The Applicant highlighted the relationships she has established with her renters is outstanding.

A Commission Member asked if meals will be served as part of the renters stay. The Applicant replied the renters have access to the kitchen to prepare their own meals and the use of the kitchen has rules. A Commission Member inquired what the average length of stay is for the renters. The Applicant stated the average length of stay is approximately one (1) month. This Commission Member also requested clarification of what type of parking is available. The Applicant explained that both on-street and drive-way parking are options and VDOT is well aware of this.

A Commission Member inquired how many individuals usually occupy a room. The Applicant noted that one of the house rules is that only one (1) individual can occupy a room at a time.

The Public Hearing was opened and at that time seven (7) citizens came forward to speak. A variety of concerns were voiced by these citizens: An HOA is in place and the homeowner is

expected to abide by the rules of the HOA; Trespassing through neighboring yards; Fear more homeowners will want to open a rooming house; Not a good fit for a family oriented community such as Wakeland Manor; Security failures associated with Airbnb. The major concern of these citizens is the safety of the many children residing in this neighborhood. Chairman Wilmot noted the HOA does matter however the covenants and rules associated within cannot be part of the Planning Commission's decision.

A Commission Member requested clarification that a CUP is for the property and it would convey should the property be sold. Staff noted that is correct. A Commission Member expressed his feeling that the County should not be involved in this and that the property is not a good location to operate a rooming house.

A Commission Member noted the citizens may have civil recourse regarding the HOA.

A motion was made, seconded, and failed by majority vote to recommend approval of CUP #01-16 Sharlyn D. Moore for a rooming house.

An alternative motion was made, seconded, and passed by majority vote to recommend denial of CUP #01-16 Sharlyn D. Moore for a rooming house.

CONCLUSIONS FOR THE 3/9/16 BOARD OF SUPERVISORS MEETING:

Should the Board of Supervisors find this application for a rooming house to be appropriate, staff recommends that the following conditions be attached to the CUP:

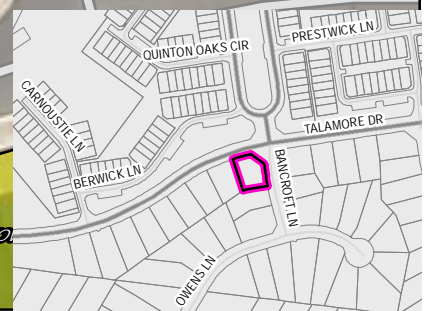
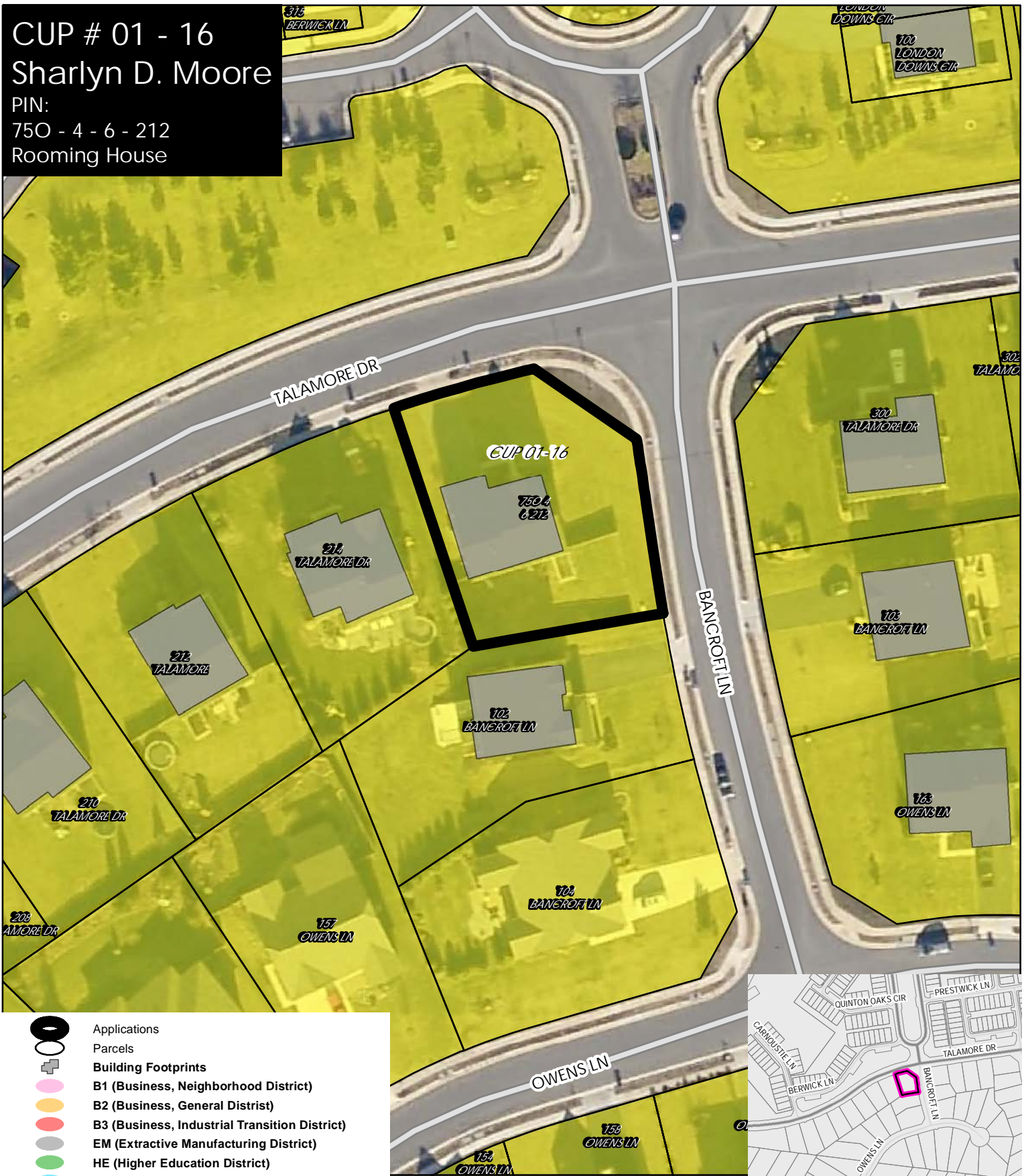
1. All review agency comments shall be complied with at all times.
2. No more than two (2) rooms rented at any given time.
3. No employees allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

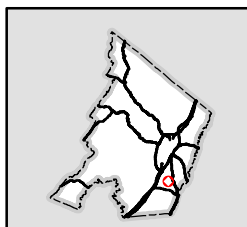
CUP # 01 - 16

Sharlyn D. Moore

PIN:
750 - 4 - 6 - 212
Rooming House

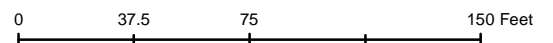


-  Applications
-  Parcels
-  Building Footprints
-  B1 (Business, Neighborhood District)
-  B2 (Business, General District)
-  B3 (Business, Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Industrial, Light District)
-  M2 (Industrial, General District)
-  MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



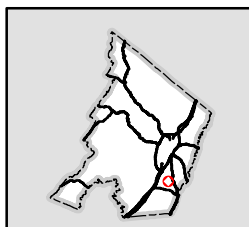
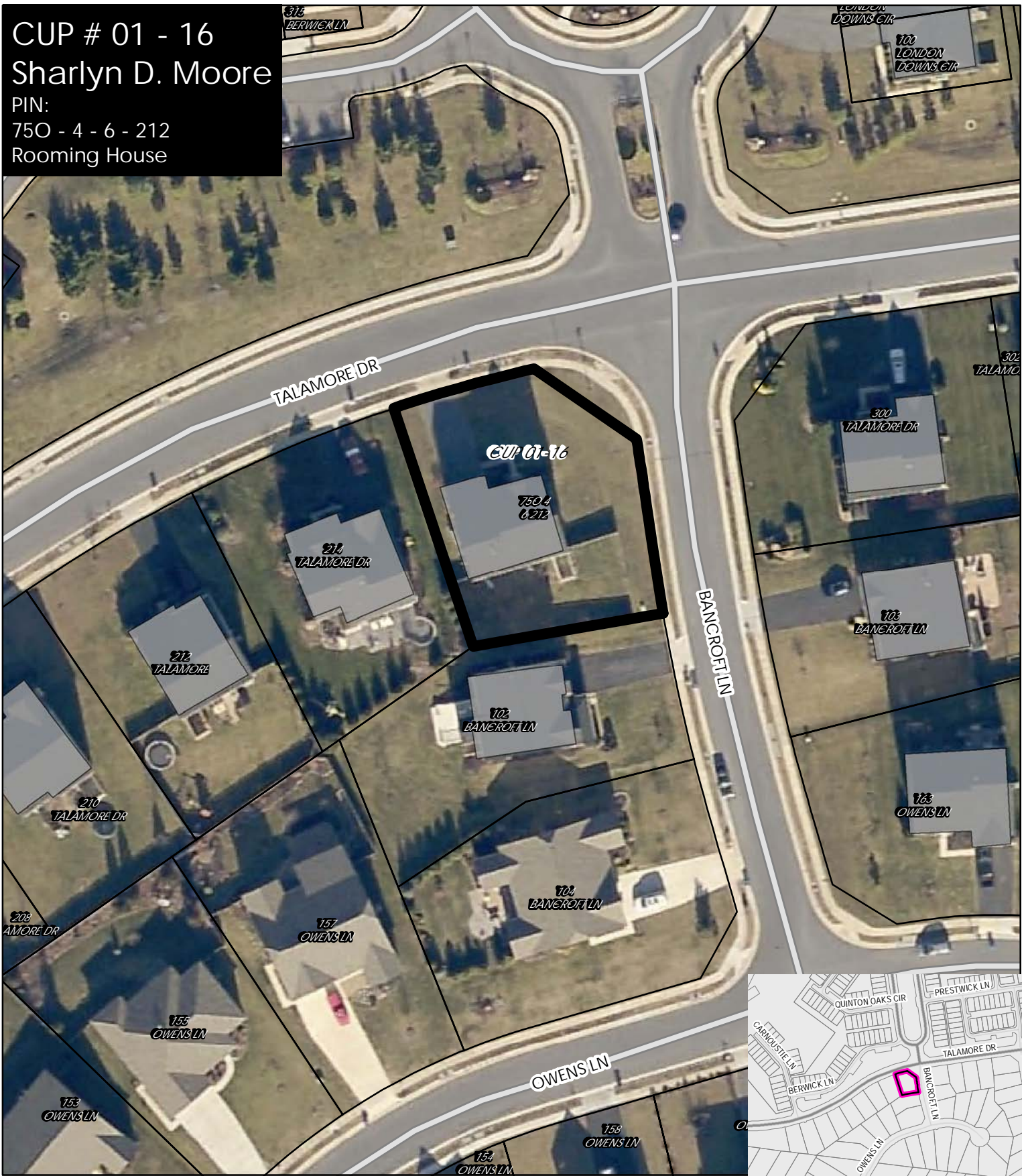
CUP # 01 - 16
Sharlyn D. Moore
PIN:
750 - 4 - 6 - 212
Rooming House

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: January 22, 2016
Staff: mcheran



CUP # 01 - 16 Sharlyn D. Moore




PIN:
750 - 4 - 6 - 212
Rooming House



CUP # 01 - 16
Sharlyn D. Moore
PIN:
750 - 4 - 6 - 212
Rooming House

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
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Map Created: January 22, 2016
Staff: mcheran



-  Applications
-  Parcels
-  Building Footprints

0 37.5 75 150 Feet



Submittal Deadline	1/21/16
P/C Meeting	2/17/16
BOS Meeting	3/4/16

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner Other

NAME: SHARLYN D. MOORE

ADDRESS: 216 TALAMORE DR., STEPHENS CITY, VA 22655

TELEPHONE: 703-855-8962

2. Please list all owners, occupants, or parties in interest of the property:

SHARLYN D. MOORE

3. The property is located at: (please give exact directions and include the route number of your road or street)

FROM RT 522 (FRONT ROYAL PIKE) → TURN WEST ON TASKER → TURN RIGHT (NORTH) ON WARRIOR → TURN RIGHT (EAST) ON TALAMORE → 216 IS AT STOP SIGN

FROM I-91 → TAKE EXIT 310 → MERGE ON TO TASKER (RIGHT @ STOP LIGHT) → TURN LEFT AT WARRIOR (NORTH) → TURN RIGHT (EAST) ON TALAMORE → 216 IS AT STOP SIGN

4. The property has a road frontage of _____ feet and a depth of _____ feet and consists of .28 acres. (Please be exact)

5. The property is owned by SHARLYN D. MOORE as evidenced by deed from JOHN E. POVERTE & ANNE POVERTE (previous owner) recorded in deed book no. 130007837 on page 1, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.
→ 750-4-6-212

6. Property Identification Number (P.I.N.) ~~750-46-212~~ 750-4-6-212
Magisterial District SHANNON
Current Zoning RP

CUUP # 01-16

Sharlyn D. Moore

PIN# 750-46-212

Lance
To: Barbara-Data Processing
From: Pam-Planning Dept.
Please print 4 sets of labels
by 2/11/16 Thanks!

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	_____	_____
East	_____	_____
South	_____	_____
West	_____	_____

8. The type of use proposed is (consult with the Planning Dept. before completing):

ROOMING HOME FOR 2 Rms

9. It is proposed that the following buildings will be constructed:

N/A

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name CRAIG TRENT Property # KAREN MALINOWSKI 750-4-6-211	214 TALAMORE DR. STEPHENS CITY, VA 22655
Name MICHAEL PAYNE Property # 750-4-6-213	102 BANCROFT LN. STEPHENS CITY, VA 22655
Name STEPHEN GUNTANG Property # MAURAL GUNTANG 750-4-6-233	300 TALAMORE DR. STEPHENS CITY, VA 22655
Name	
Property #	
Name	
Property # 750-4-5-243A	HOA (open space)
Name	
Property #	
Name	
Property #	

Please verify
AM

12. Additional comments, if any: AS THE SOLE OWNER AND OCCUPANT OF THE PROPERTY, I AM REQUESTING A CONDITIONAL USE PERMIT FOR A ROOMING HOME. MY HOME HAS 4 BED-ROOMS, WHICH I OCCUPY THE MASTER BEDROOM. OCCASIONALLY, IN THE LAST 14 MONTHS, I HAVE NETWORKED AND ASSISTED WORKING PROFESSIONALS BY ALLOWING THEM TO TEMPORARILY STAY IN ONE OF MY TWO VACANT ROOMS. THESE INDIVIDUALS WERE A TRAVELING NURSE ASSIGNED TO WINCHESTER MEDICAL CENTER, VP OF MACYS WHO WAS RELOCATING FROM KENTUCKY, AND A PRODUCTION MANAGER FOR CARMELUSE (LIME & STONE MANUFACTURE) WHO WAS RELOCATING FROM ALABAMA.

RECENTLY, IT WAS BROUGHT TO MY ATTENTION THAT I NEED TO POSSIBLY PURSUE A ROOMING HOME PERMIT IN ORDER TO ALLOW INDIVIDUALS TO STAY AND RENT ROOMS TEMPORARILY. BY PURSUING THIS PERMIT, I RESPECTFULLY REQUEST THE OPTION TO ASSIST PROFESSIONAL INDIVIDUALS AS I NETWORK AND LEARN ABOUT THE NEED FOR TEMPORARY STAY OPPORTUNITIES. ONLY TWO ROOMS WILL BE RENTED AT A TIME AND IN MOST CASES ONLY ONE RENTER WILL BE ALLOWED, PERIODICALLY. IT IS ALSO MY INTENT TO ENSURE I ABIDE BY THE APPROPRIATE ZONING LAWS.

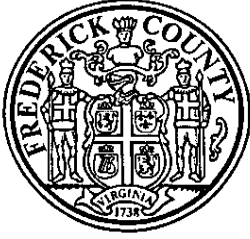
I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant Sharlyn Moore
 Signature of Owner Sharlyn Moore
 Owners' Mailing Address 216 TALAMORE DR., STEPHENS CITY VA 22655
 Owners' Telephone No. 703-855-8962

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



RESOLUTION

Action:

PLANNING COMMISSION: February 17, 2016 - Recommended Denial

BOARD OF SUPERVISORS: March 9, 2016 - APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #01-16 SHARLYN D. MOORE

WHEREAS, Conditional Use Permit #01-16 of Sharlyn D. Moore, submitted by the Sharlyn D. Moore, requesting a Conditional Use Permit for a rooming house was considered. The property is located at 216 Talamore Drive in Stephens City. The property is further identified with Property Identification Number 75O-4-6-212 in the Shawnee Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the conditional use permit on February 17, 2016, and recommended denial of the Conditional Use Permit; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on March 9, 2016; 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 #01-16 of Sharlyn D. Moore for a rooming house is permitted on the parcel identified by Property Identification Number 75O-4-6-212 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. No more than two (2) rooms rented at any given time.
3. No employees allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new Conditional Use Permit.

Passed this 9th day of March, 2016 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Blaine P. Dunn	_____
Gene E. Fisher	_____	Robert W. Wells	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator