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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 22, 2016  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**7:00 P.M. – Call To Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda:**

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

**Consent Agenda:**

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

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

**Board of Supervisors Comments**

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

1. Closed Session and Regular Meeting, May 25, 2016.

**County Officials:**

1. Committee Appointments. **(See Attached)----- B**
2. Request from Commissioner of the Revenue for Refund. **(See Attached)--- C**
3. Performance Agreement: Kingspan Insulation, LLC. **(See Attached)----- D**
4. MEMORANDUM OF UNDERSTANDING - Northern Shenandoah Valley

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Substance Abuse Coalition FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program. **(See Attached)**----- E

**Committee Reports:**

1. Public Safety Committee. **(See Attached)**----- F
2. Public Works Committee. **(See Attached)**----- G
3. HR Committee. **(See Attached)**----- H
4. Transportation Committee. **(See Attached)**----- I

**Public Hearing:**

1. Twelve Month Outdoor Festival Permit Request of Cedar Creek Battlefield Foundation. 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 Cedar Creek Battlefield, 8437 Valley Pike, Middletown, VA. Property Owned by the Cedar Creek Battlefield Foundation. **(See Attached)** ----- J

**Planning Commission Business:**

**Public Hearing:**

1. **Conditional Use Permit #04-16 for Vicki Nash**, which Submitted for a Cottage Occupation Nail Salon. The Property is Located at 215 Fruit Orchard Drive, Gore, Virginia and is Identified with Property Identification Number 17-22A-19 in the Gainesboro Magisterial District. **(See Attached)**----- K
2. **Ordinance Amendment to the Frederick County Code – Chapter 165 Zoning, ARTICLE IV AGRICULTURAL AND RESIDENTIAL DISTRICTS; Part 401 – RA Rural Areas District §165-401.06 Permitted lot sizes.** Revision to the Frederick County Zoning Ordinance to provide for an allowance to permit divisions from rural preservation lots for public road dedications or utility dedications. **((See Attached))**----- L

**Other Planning Items:**

1. **Rezoning #06-16 Sempeles Property** submitted by Pennoni, to revise

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proffers associated with Rezoning #02-04. This revision relates to the “on site development” sections of the proffers for the M1 (Light Industrial) District zoned portion of the site. The Applicant is requesting to revise the proffers to allow the use of tilt-up concrete walls and to remove proffers that have been completed. The property is located adjacent to Martinsburg Pike (Route 11), approximately 250 feet north of the intersection of Woodbine Road (Route 669) and Martinsburg Pike in the Stonewall Magisterial District, and is identified by Property Identification Number 34-A-4. **(See Attached)**-----M

2. Resolution Re: Programmatic Project Administration Extension Addendum for Revenue Sharing Projects. **(See Attached)**-----N

**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

# CONSENT AGENDA

# A



**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**CLOSED SESSION  
AND  
REGULAR MEETING**

**May 25, 2016**

A Closed Session of the Frederick County Board of Supervisors was held on Wednesday, May 25, 2016 at 5:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Charles S. DeHaven, Jr.; 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.

**CLOSED SESSION**

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Dunn, the Board convened in closed session pursuant to Section 2.2-3711 A (3) of the Code of Virginia, 1950, as amended, for discussion or consideration of the acquisition of real property for a public purpose, and of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and, pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, for discussion of personnel matters, specifically, the annual evaluation of the county administrator and county attorney.

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

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Lofton, the Board came out of closed session and reconvened in open session.

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Lofton, the Board certified that to the best of each board member's knowledge only acquisition of real property for a public purposed pursuant to Section 2.2-3711 A (3) of the Code of Virginia, 1950, as amended, specifically discussion or consideration of the acquisition of real property for a public purpose, and of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and, personnel matters pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, specifically the annual evaluation of the county administrator and county attorney were discussed.

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

### **RECESS**

Chairman DeHaven recessed the meeting until 7:00 p.m.

## **REGULAR MEETING – CALL TO ORDER**

Chairman DeHaven called the regular meeting to order.

## **INVOCATION**

Supervisor Hess delivered the invocation.

## **PLEDGE OF ALLEGIANCE**

Vice-Chairman Fisher led the Pledge of Allegiance.

## **ADOPTION OF AGENDA – APPROVED**

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

- Minutes – **Tab A**;
- Amendment to County Administrator's Contract – **Tab D**;
- Parks and Recreation Commission Report – **Tab F**; and
- Road Resolutions: Snowden Bridge, Section 2 and Meadows Edge, Phase 1B – **Tab J**.

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 May 11, 2016 closed session and regular meeting were approved under the consent agenda.

#### **COUNTY OFFICIALS**

#### **EMPLOYEE OF THE MONTH AWARDS (MAY AND JUNE) - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board approved Barbara G. Hummer as Employee of the Month for May 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 upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

**WHEREAS**, Barbara G. Hummer who serves as an Administrative Assistant for the Commissioner of the Revenue's Office was nominated for Employee of the Month; and,

**WHEREAS**, Barbara G. Hummer was selected as employee of the month based on the merits of her outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Frederick County Board of Supervisors this 25<sup>th</sup> day of May, 2016, that Barbara G. Hummer is hereby recognized as the Frederick County

Employee of the Month for May 2016; and,

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

**BE IT FURTHER RESOLVED**, that Barbara G. Hummer is hereby entitled to all of the rights and privileges associated with her 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

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

Allena Kovak as Employee of the Month for June 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 upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

**WHEREAS**, Allena V. Kovak who serves as a Licensed Practical Nurse for the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

**WHEREAS**, Allena V. Kovak was selected as employee of the month based on the merits of her outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Frederick County Board of Supervisors this 25<sup>th</sup> day of May, 2016, that Allena V. Kovak is hereby recognized as the Frederick County Employee of the Month for June 2016; and,

**BE IT FURTHER RESOLVED**, that the Board of Supervisors extends gratitude to Allena V. Kovak for her outstanding performance and dedicated service and wishes her continued success

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**CLOSED SESSION  
AND  
REGULAR MEETING**

**May 25, 2016**

A Closed Session of the Frederick County Board of Supervisors was held on Wednesday, May 25, 2016 at 5:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Charles S. DeHaven, Jr.; 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.

**CLOSED SESSION**

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Dunn, the Board convened in closed session pursuant to Section 2.2-3711 A (3) of the Code of Virginia, 1950, as amended, for discussion or consideration of the acquisition of real property for a public purpose, and of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and, pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, for discussion of personnel matters, specifically, the annual evaluation of the county administrator and county attorney.

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



Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Lofton, the Board came out of closed session and reconvened in open session.

The above motion was approved by the following recorded vote:

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

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Lofton, the Board certified that to the best of each board member's knowledge only acquisition of real property for a public purposed pursuant to Section 2.2-3711 A (3) of the Code of Virginia, 1950, as amended, specifically discussion or consideration of the acquisition of real property for a public purpose, and of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and, personnel matters pursuant to Section 2.2-3711 A (1) of the Code of Virginia, 1950, as amended, specifically the annual evaluation of the county administrator and county attorney were discussed.

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

### **RECESS**

Chairman DeHaven recessed the meeting until 7:00 p.m.

## **REGULAR MEETING – CALL TO ORDER**

Chairman DeHaven called the regular meeting to order.

## **INVOCATION**

Supervisor Hess delivered the invocation.

## **PLEDGE OF ALLEGIANCE**

Vice-Chairman Fisher led the Pledge of Allegiance.

## **ADOPTION OF AGENDA – APPROVED**

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

- Minutes – **Tab A**;
- Amendment to County Administrator's Contract – **Tab D**;
- Parks and Recreation Commission Report – **Tab F**; and
- Road Resolutions: Snowden Bridge, Section 2 and Meadows Edge, Phase 1B – **Tab J**.

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 May 11, 2016 closed session and regular meeting were approved under the consent agenda.

#### **COUNTY OFFICIALS**

#### **EMPLOYEE OF THE MONTH AWARDS (MAY AND JUNE) - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board approved Barbara G. Hummer as Employee of the Month for May 2016.

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

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**WHEREAS**, Barbara G. Hummer who serves as an Administrative Assistant for the Commissioner of the Revenue's Office was nominated for Employee of the Month; and,

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Employee of the Month for May 2016; and,

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

**BE IT FURTHER RESOLVED**, that Barbara G. Hummer is hereby entitled to all of the rights and privileges associated with her 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

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

Allena Kovak as Employee of the Month for June 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 upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

**WHEREAS**, Allena V. Kovak who serves as a Licensed Practical Nurse for the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

**WHEREAS**, Allena V. Kovak was selected as employee of the month based on the merits of her outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Frederick County Board of Supervisors this 25<sup>th</sup> day of May, 2016, that Allena V. Kovak is hereby recognized as the Frederick County Employee of the Month for June 2016; and,

**BE IT FURTHER RESOLVED**, that the Board of Supervisors extends gratitude to Allena V. Kovak for her outstanding performance and dedicated service and wishes her continued success

in future endeavors; and,

**BE IT FURTHER RESOLVED**, that Allena V. Kovak is hereby entitled to all of the rights and privileges associated with her 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 WILLIAM H. CLINE TO FILL THE UNEXPIRED TERM OF J. STANLEY CROCKETT AS STONEWALL DISTRICT REPRESENTATIVE TO THE PLANNING COMMISSION - APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board appointed William H. Cline to fill the unexpired term of J. Stanley Crockett as Stonewall District representative to the Planning Commission. 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

#### **REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUND - APPROVED**

Assistant County Administrator Kris Tierney advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund Regional Ceilings, Inc. the amount of \$2,600.35, for business license taxes in 2014 and 2015. This refund resulted from the

company erroneously filing for business license with Frederick County instead of other Virginia localities.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board approved the above refund request and supplemental appropriation 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 COUNTY ADMINISTRATOR'S CONTRACT – APPROVED  
UNDER CONSENT AGENDA**

**COMMITTEE REPORTS**

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

The Parks and Recreation Commission met on May 10, 2016. Members present were: Kevin Anderson, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Charles Sandy, Jr., and Blaine Dunn (BOS Liaison). Members absent were: Patrick Anderson and Randy Carter.

**Items Requiring Board of Supervisors Action:**

None

**Submitted for Board Information Only:**

1. Northwestern Sherando Park VDOT Recreation Access Grant – The Buildings and Grounds Committee recommended applying for a Virginia Department of Transportation Recreation Access Grant in the amount of \$322,500 and the use of \$348,500 from the Parks and Recreation proffer account to develop access to Northwest Sherando Park contingent on being awarded the grant, second by Mr. Sandy, carried unanimously (6-0). This recommendation will be forwarded to the Finance Committee.
2. Closed Session: Ms. Gerometta moved to convene into closed session under Virginia Code 2.2-3711A(3) for discussion or consideration of the acquisition of real property for

a public purpose, or for the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, second by Mr. Sandy, motion carried unanimously (6-0).

Ms. Gerometta moved to exit closed session, second by Mr. Madagan, carried unanimously (6-0). All commission members were polled re: any discussion besides the matter for closed session, all said no.

#### **FINANCE COMMITTEE - APPROVED**

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, May 18, 2016 at 8:00 a.m. Non-voting liaison C. William Orndoff was absent. All other members were present. Items 3, 4, and 5 were approved under consent agenda.

1. The Village at Orchard Ridge requests an alternative real estate tax consideration. Mr. Ewing recused himself from this item. The committee took no action. – **NO ACTION TAKEN.**
2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$1,461. This amount represents Byrne JAG grant and will be used to purchase outer carrier vests. No additional local funds required. The \$162 match can be met with current budgeted funds. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board  
approved the above 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. The Sheriff requests a General Fund supplemental appropriation in the amount of \$2,938.65. This amount represents prisoner extradition reimbursement. No additional local funds required. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board  
approved the above 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

4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$2,992.62. This amount represents reimbursement for DARE t-shirts. No additional local funds required. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Fisher, the Board approved the above 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

5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$5,202.66. This amount represents a reimbursement for an auto claim. No additional local funds required. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Fisher, the Board approved the above 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

6. The Department of Social Services requests a General Fund supplemental appropriation in the amount of \$245,000. This amount represents budget adjustments required for FY16. No additional local funds required. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board approved the above 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

7. The Victim Witness Coordinator requests a General Fund supplemental appropriation in the amount of \$15,485. This amount represents a 15% increase in grant funds. No additional local funds required. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board

approved the above 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

8. The NRADC Superintendent requests a NRADC Fund budget transfer in the amount of \$45,000. This amount represents funds needed for overtime. Policy states that Board approval is required to transfer out of a fringe benefit line item. No additional local funds required. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board

approved the above 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

9. The Parks & Recreation Director requests the following actions relating to a VDOT Recreation Access Grant as part of the Northwest Sherando Park project. The committee recommends approval of all items. - **APPROVED**
- Approval of the use of \$348,500 in proffer funds designated to parks;
  - Approval of the grant application and required resolution;

- c. An FY2017 General Fund supplemental appropriation not to exceed \$671,000. No additional local funds are required. The appropriation entry would be subject to a final grant award.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Wells, the Board approved the above 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

10. The EDA Executive Director requests an EDA Fund supplemental appropriation in the amount of \$8,100. This amount represents contributions received in excess of budgeted to be used for The Widget Cup and the Business & Education Summit. No additional local funds required. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board approved the above 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

#### **INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for April 2016.
2. The Finance Director provides an FY 2016 Fund Balance Report ending May 11, 2016.
3. The Finance Director provides financial statements for the month ending April 30, 2016.

#### **TRANSPORTATION COMMITTEE - APPROVED**

The Transportation Committee met on April 4, 2016 at 8:30 a.m.

##### Members Present

Gary Lofton (voting)  
Judith McCann-Slaughter (voting)

##### Members Absent

Mark Davis (liaison Middletown)  
Barry Schnoor (voting)

Gene Fisher (voting)  
James Racey (voting)  
Lewis Boyer (liaison Stephens City)  
Gary Oates (liaison PC)

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

**1. Traffic Calming in Oakdale Crossing - APPROVED**

Staff presented the petition filed by the residents of Oakdale Crossing requesting that their key neighborhood streets be studied under VDOT's traffic calming program. The petition is attached.

It was noted that in addition to a Board resolution requesting the area be studied that there are data requirements which staff will coordinate with the Frederick County Sheriff's department and VDOT to satisfy. There was also discussion of requesting VDOT look as far beyond the borders of the Oakdale Crossing neighborhood as their program and good planning judgment would allow in considering the totality of potential cut through traffic.

**MOTION**

On a motion by Mr. Fisher and seconded by Mrs. McCann-Slaughter the committee recommended the Board adopt a resolution requesting the study of the neighborhood under the VDOT traffic calming program. Staff is working with VDOT to obtain a sample resolution but has not received it as of this date. A resolution will be forwarded to the Board prior to or at this meeting.

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board approved the resolution requesting the study of Oakdale Crossing under the VDOT traffic calming program.

**WHEREAS**, the Board of Supervisors of Frederick County, Virginia has received a petition from over 80% of impacted property owners in the Oakdale Crossing neighborhood requesting relief from traffic safety issues; and

**WHEREAS**, the Virginia Department of Transportation has an adopted policy and program from conducting traffic calming studies; and

**WHEREAS**, the Board of Supervisors has requested that Frederick County staff coordinate with the Virginia Department of Transportation in the Department's completion of a traffic calming study with this neighborhood and its surrounding area; and

**WHEREAS**, the Virginia Department of Transportation traffic calming program requires a resolution of request from the local Board of Supervisors to be considered for study.

**NOW, THEREFORE, BE IT RESOLVED**, that the Frederick County Board of Supervisors hereby requests entry into the Traffic Calming Program for study of the Oakdale Crossing neighborhood and any relevant surrounding area by the Virginia Department of Transportation and directs County staff to coordinate with the Virginia Department of Transportation in providing any needed data and assistance in the completion of the requested study.

**ADOPTED** this 25<sup>th</sup> day of May, 2016.

The above motion and resolution were 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\*\*\***

**2. Eastern Road Plan Map Discussion**

Staff provided draft updates to the Eastern Road plan map for the committee to consider. The changes were minor in nature and designated as a cleanup exercise. Chairman Lofton requested clarification of the process and staff noted that from the Transportation Committee the map would go to the Comprehensive Plan Committee and then through the public meeting process, Planning Commission and Board of Supervisors. By consensus, the committee forwarded the draft changes.

**3. HB2 Application Development Update**

Staff provided a map detailing the draft list of potential HB2 applications for the upcoming application period. It was noted that the only project on the draft map that the Committee had not previously seen was the intersection of Crestleigh Drive and Senseny Road. Staff noted that this intersection came under increased discussion and scrutiny during the recent discussion of the Ravens Masterplan. Staff further noted that while indications are that the intersection likely still does not meet the warrants for a traffic signal but that turn lanes would improve safety at the intersection in addition to fully vetting out the possibility of signalization.

**4. County Project Update**

Staff provided the following update on the County's revenue sharing projects.

**Snowden Bridge Blvd:**

Construction is underway and on schedule at this time.

**Tevis Street Extension/Airport Road/I-81 Bridge:**

The Applicant has the draft revenue sharing agreement but has not yet executed it. The Applicant has been working through issues with VDOT regarding entrances on the masterplan. Staff has been participating in these discussions.

**Renaissance Drive**

Staff is coordinating with EDA staff to complete a grant application which could change the project from a grade to a bridge crossing. In addition, efforts continue to forward conversations with CSX regarding the potential crossing.

**Valley Mill Road**

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete design through 100%. Upon approval by the private party partner, the next phase of design will begin.

**Coverstone Drive**

No activity at this time.

**5. Other**

Staff updated the Committee on their recent meeting with VDOT engineering staff regarding the entrances to Gainesboro Elementary/Middle School and Armel Elementary School. Each school is experiencing safety issues with exiting left turn traffic that is being studied.

VDOT updated the Committee on Exit 310 improvements.

Mr. Oates requested staff to look into TDR's from the perspective of transportation and using them for commercial uses instead of residential. Mrs. McCann-Slaughter requested some more time to speak with Mr. Oates about the issue and Mr. Lofton asked that the item return for discussion at the June meeting.

**PLANNING COMMISSION BUSINESS****PUBLIC HEARING**

**REZONING #03-16 FOR SHAWNEE CANNING COMPANY, INC., SUBMITTED BY PAINTER-LEWIS, PLC, TO REZONE 2.0 ACRES FROM THE RA (RURAL AREAS) DISTRICT TO THE B2 (GENERAL BUSINESS) DISTRICT WITH PROFFERS. THE PROPERTY IS LOCATED AT 231 CROSS JUNCTION ROAD, LESS THAN 0.3 MILES FROM THE INTERSECTION WITH US ROUTE 522 NORTH (NORTH FREDERICK PIKE) IN THE GAINESBORO MAGISTERIAL DISTRICT, AND IS IDENTIFIED BY PROPERTY IDENTIFICATION NUMBER 18-A-41 - APPROVED**

Assistant Planning Director Candice Perkins appeared before the Board regarding this

item. She advised this was a proposal to rezone 2.10 acres, more or less, from RA (Rural Areas) District to B2 (General Business) District with proffers for an office use in an existing structure. The property is located in the Cross Junction rural community center. The proffers limit the uses on the property to office uses with up to 25 employees. The applicant also proffered a \$500 contribution to Fire & Rescue. She went on to say the proposal was consistent with the Comprehensive Plan. She concluded by saying the Planning Commission recommended approval.

**John Lewis**, Painter-Lewis, appeared before the Board on behalf of the applicant. He noted the applicant needed the office space and parking for their employees.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Slaughter, the Board approved rezoning #03-16.

**WHEREAS, Rezoning #03-16 of Shawnee Canning Company, Inc.**, submitted by Painter-Lewis, Inc., to rezone 2.10 acres from RA (Rural Areas) District to B2 (General Business) District with Proffers, final revision date of March 1, 2016 was considered. The property is located at 231 Cross Junction Road, less than 0.3 miles from the intersection with US Route 522 North (North Frederick Pike). The property is further identified with PIN 18-A-41 in the Gainesboro Magisterial District; and

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on May 4, 2016 and recommended approval; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on May 25, 2016; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that

Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 2.10 acres from RA (Rural Areas) District to the B2 (General Business) District with proffers, final revision date March 1, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 25<sup>th</sup> day of May, 2016 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

#### **OTHER PLANNING ITEMS**

#### **ROAD RESOLUTIONS – APPROVED UNDER CONSENT AGENDA**

#### **SNOWDEN BRIDGE, SECTION 2 – APPROVED UNDER CONSENT AGENDA**

**WHEREAS**, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and

**WHEREAS**, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

**WHEREAS**, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia and the Department's Subdivision Street Requirements; and

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and

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

## **MEADOWS EDGE, PHASE 1B – APPROVED UNDER CONSENT AGENDA**

**WHEREAS**, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and

**WHEREAS**, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

**WHEREAS**, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia and the Department's Subdivision Street Requirements; and

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and

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

### **BOARD LIAISON REPORTS**

There were no Board liaison reports.

### **CITIZEN COMMENTS**

**Patsy Gochenour**, Red Bud District, addressed the Board regarding the need for infrastructure planning for a sustainable drinking water supply for Frederick County. She stated that every community should have a good growth plan, but for the last 50 years Frederick County has had no plan for infrastructure to provide water. She went on to say the County should be looking at building reservoirs not roads. She concluded by asking the Board to form a real committee to look at workable solutions to the water crisis.

**Ruth Perrine**, Back Creek District, addressed the Board regarding the Clowser House. She expressed concern about statements made to the media about the house. She stated she



probably had the most comprehensive set of documents about this structure. She expressed concern about the lack of prepared minutes from the monthly meetings of the Sanitary District Advisory Committee, which were held between the regular quarterly meetings. She concluded by saying the house did not sit in a flood zone.

#### **BOARD OF SUPERVISORS COMMENTS**

Supervisor Lofton advised that he had spoken with a member of the Shawneeland Sanitary District Advisory Committee regarding a plan the committee had received. He stated that he had misspoke previously and there was a plan that was ready to be submitted.

Supervisor Dunn advised that he would be holding a meeting of interested parties regarding the Clowser House on June 2, 2016 beginning at 7:00 p.m. in the Board of Supervisors' meeting room.

Supervisor Hess advised that he was the liaison to the tourism board and it has been a real eye opener to see the impact tourism has on Frederick County. He also noted that the City/County basketball game would be held on Saturday, June 11, 2016 at Handley High School.

Supervisor Wells reported on his attendance at the Top of Virginia Builders' Association legislative breakfast and he congratulated Delegate Chris Collins on being selected as Freshman delegate of the year.

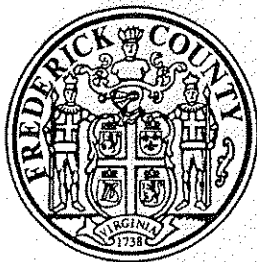
Supervisor Lofton stated Delegate Minchew should be congratulated on his Internet bill, which was signed earlier in the day by the Governor. He concluded by saying that all of our legislators have done a good job for Frederick County.

#### **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. (7:54 P.M.)**

B



## COUNTY of FREDERICK

**Brenda G. Garton**  
County Administrator

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

### MEMORANDUM

**TO:** Board of Supervisors  
**FROM:** Brenda G. Garton, County Administrator *B. Garton*  
**DATE:** June 15, 2016  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through July, 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**

##### Northwestern Community Services Board

Tom Brubaker – County Representative  
3407 Cedar Creek Grade  
Winchester, VA 22602  
Home: (540)539-0002  
Term: 12/31/18  
Four year term

*(Staff has been advised that Mr. Brubaker has resigned.)*

#### **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.)*

**MAY 2016**

Parks and Recreation Commission

Kevin L. Anderson – Member-At-Large  
180 Thurston Court  
Clearbrook, VA 22624  
Home: (540)665-1212  
Term Expires: 05/09/16  
Four year term

**JUNE 2016**

Social Services Board

Joanne Leonardis – Red Bud District Representative  
117 Sesar Court  
Winchester, VA 22602  
Home: (540)665-3110  
Term Expires: 06/30/16  
Four year term

*(Members may only serve two terms. Ms. Leonardis is not eligible for reappointment.)*

Development Impact Model Committee

The Development Impact Model Committee was established at the June 28, 2006 Board of Supervisors Meeting. Appointments are for a one year term. The following will expire June 28, 2016:

Kris C. Tierney – County Administration Representative

Gary A. Lofton – Board of Supervisors and EDA Representative

Robert A. Hess – Board of Supervisors Representative

**(Supervisor Lofton currently serves on the Development Impact Model Oversight Committee and is current member of Economic Development Authority (EDA); therefore serves in both capacities.)**

H. Paige Manuel – Planning Commission Representative

Roger L. Thomas – Planning Commission Representative

**(The above Planning Commissioners agreed to continue to serve on this committee.)**

Memorandum – Board of Supervisors  
June 15, 2016  
Page 3

Seth Thatcher - School Board Rep.  
**(Received correspondence earlier in year dated January 7, 2016 from School Board Office that Seth Thatcher would serve for 2016.)**

Stephen Pettler – Top of Virginia Building Association Representative  
J.P. Carr – Top of Virginia Building Association Representative  
**(Planning staff has been advised that Mr. Pettler and Mr. Carr will represent the Top of Virginia Building Association.)**

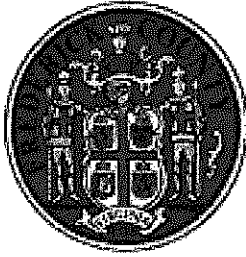
**JULY 2016**

No appointments due for July.

BGG/jet

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C



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

## MEMORANDUM

TO: Frederick County Board of Supervisors

CC: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 7, 2016

RE: Commissioner of Revenue Refund Requests

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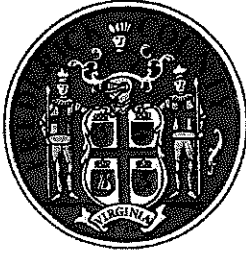
Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. D L Peterson Trust – \$6,268.75
2. Valley Proteins, Inc. – \$6,052.64

Roderick B. Williams  
County Attorney

Attachments





COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

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

CC: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 3, 2016

RE: Refund – D L Peterson Trust

I am in receipt of the Commissioner's request, dated May 23, 2016, to authorize the Treasurer to refund D L Peterson Trust the amount of \$6,268.75, for proration of personal property taxes in 2014 and 2015. This refund resulted from trucks and vehicles financed by this company but either sold or moved from this locality. Different divisions of this company are involved with registration and taxation of the vehicles resulting in a time lapse for refund requests.

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

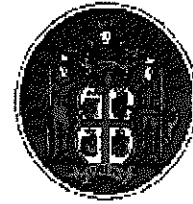
A handwritten signature in black ink, appearing to be "Roderick B. Williams", is written over a horizontal line.

Roderick B. Williams  
County Attorney

Attachment



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



May 23, 2016

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – D. L. Peterson Trust

Please approve a refund of \$6,268.75 for personal property taxes for 2014 and 2015 in the name of D L Peterson Trust. This refund is for proration of trucks and vehicles financed by D L Peterson Trust but either sold or moved from our locality.

Considerable time usually lapses between billings and the resulting appeal by D L Peterson Trust with relocation or sale information on the vehicles. Different divisions of D L Peterson Trust are involved with registration and taxation of the vehicles resulting in a time lapse for refund requests. To comply with requirements for the Treasurer to apply this refund board action is required.

Additional vehicles may also be provided that result in supplemental billings due which do not require board action.

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

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

Exoneration is \$6,268.75.

Customer Name: D L PETERSON TRUST

Total Transactions: 463  
Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2014	1	00126340021	\$47.49-	\$ .00	\$47.49-
-	PP2014	2	00126340022	\$284.92-	\$ .00	\$284.92-
-	PP2014	3	00126340115	\$171.32-	\$ .00	\$171.32-
-	PP2014	4	00126340116	\$513.94-	\$ .00	\$513.94-
-	PP2014	5	00126340117	\$232.37-	\$ .00	\$232.37-
-	PP2014	6	00126340118	\$278.84-	\$ .00	\$278.84-
-	PP2014	7	00126340178	\$278.84-	\$ .00	\$278.84-
-	PP2014	8	00126340185	\$252.11-	\$ .00	\$252.11-
-	PP2014	9	00126340186	\$302.53-	\$ .00	\$302.53-
-	PP2015	10	00128250015	\$225.39-	\$ .00	\$225.39-
-	PP2015	11	00128250016	\$225.38-	\$ .00	\$225.38-
-	PP2015	12	00128250053	\$444.09-	\$ .00	\$444.09-

Multiple Pages

Total Paid : \$6,268.75

Customer Name: D L PETERSON TRUST

Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2015	13	00128250054	\$444.08-	\$ .00	\$444.08-
-	PP2015	14	00128250055	\$233.28-	\$ .00	\$233.28-
-	PP2015	15	00128250056	\$233.28-	\$ .00	\$233.28-
-	PP2015	16	00128250105	\$233.28-	\$ .00	\$233.28-
-	PP2015	17	00128250106	\$233.28-	\$ .00	\$233.28-
-	PP2015	18	00128250111	\$249.08-	\$ .00	\$249.08-
-	PP2015	19	00128250112	\$249.07-	\$ .00	\$249.07-
-	PP2015	20	00128250127	\$59.33-	\$ .00	\$59.33-
-	PP2015	21	00128250128	\$355.99-	\$ .00	\$355.99-
-	PP2015	22	00128250129	\$270.85-	\$ .00	\$270.85-
-	PP2015	23	00128250130	\$325.01-	\$ .00	\$325.01-
-	VL2015	24	00178780001	\$25.00-	\$ .00	\$25.00-

Multiple Pages

Total Paid : \$6,268.75

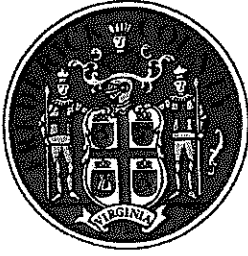
Customer Name: D L PETERSON TRUST

Customer Transactions: 28

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	VL2015	25	00178970001	\$25.00-	\$ .00	\$25.00-
-	VL2015	26	00178980001	\$25.00-	\$ .00	\$25.00-
-	VL2015	27	00179180001	\$25.00-	\$ .00	\$25.00-
-	VL2015	28	00179210001	\$25.00-	\$ .00	\$25.00-

Needs Board Approval



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

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

CC: Brenda G. Garton, County Administrator

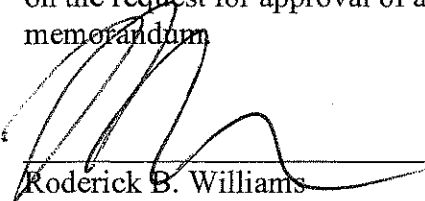
FROM: Roderick B. Williams, County Attorney

DATE: June 3, 2016

RE: Refund – Valley Proteins, Inc.

I am in receipt of the Commissioner's request, dated May 23, 2016, to authorize the Treasurer to refund Valley Proteins, Inc. the amount of \$6,052.64, for business equipment taxes in 2013 and 2014. This refund resulted from an audit of the company for 2013-2016 on reported business equipment. An additional billing was also made and is due from this company.

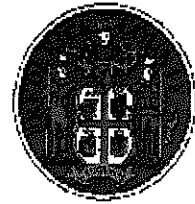
The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request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

  
Roderick B. Williams  
County Attorney

Attachment



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



May 23, 2016

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Valley Proteins, Inc.

A handwritten signature in black ink, appearing to be 'EM', located next to the 'FROM' line.

Please approve a refund of \$6,052.64 for business equipment taxes for 2013 and 2014 in the name of Valley Proteins, Inc. This is the result of an audit of the company for 2013-2016 on reported business equipment. This is the credit portion only. An additional billing was also made and the net effect was a balance due from Valley Proteins. However to comply with the required actions for the Treasurer to apply this refund to the outstanding audit balance, board action is required

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

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

Exoneration is \$6,052.64.

Date: 5/23/16

Cash Register: COUNTY OF FREDERICK

Time: 09:58:17

Customer Name: VALLEY PROTEINS INC

Total Transactions: 465  
Customer Transactions: 4

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2013	1	00548990005	\$1,542.42-	\$ .00	\$1,542.42-
-	PP2013	2	00548990006	\$1,542.42-	\$ .00	\$1,542.42-
-	PP2014	3	00566380005	\$1,483.90-	\$ .00	\$1,483.90-
-	PP2014	4	00566380006	\$1,483.90-	\$ .00	\$1,483.90-

Total Paid : \$6,052.64

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

Needs Board Approval

D

DATE: June 9, 2016

TO: Frederick County Board of Supervisors

FROM: Patrick Barker, CEcD  
Executive Director

CC: Brenda Garton  
County Administrator

RE: Performance Agreement for KINGSPAN INSULATION LLC

Attached for your review and comment are the Performance Agreement and Board of Supervisors resolution for the expansion of KINGSPAN INSULATION LLC. As you recall, the Board of Supervisors seemed favorable in executive discussion to providing funds from Frederick County Economic Development Incentive Fund to secure this project.

KINGSPAN INSULATION LLC will expand its manufacturing operation in Frederick County. They will make an \$25 million investment through a building expansion and new machinery and add 15 new jobs. The expansion will increase the company's production capacity.

I would like to request these items be inserted into the Board of Supervisors' next available meeting. All parties' legal counsels (County, EDA and KINGSPAN INSULATION LLC) have reviewed and approved the performance agreement.

Thanks for your support on this project. I am available if you have any questions or comments on the materials for this project.

Attachment:

- Performance Agreement
- BOS Resolution



**Resolution**  
**KINGSPAN INSULATION LLC**

**WHEREAS**, KINGSPAN INSULATION LLC. has made known its intent to expand its operation by making new taxable machinery and equipment and real property improvements and retain and create jobs; and

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$300,000 as stated in the executed Performance Agreement to the Economic Development Authority of Frederick County, Virginia from Frederick County's Fund Balance to assist in expanding the operation for KINGSPAN INSULATION LLC. in Frederick County, Virginia.

**BE IT RESOLVED**, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

Upon motion duly made by \_\_\_\_\_, seconded by \_\_\_\_\_, and on the votes hereafter recorded,

**ADOPTED**, this 22<sup>th</sup> day of June 2016.

Charles S. Dehaven, Jr. \_\_\_\_\_

Bob Hess \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

Gary Lofton \_\_\_\_\_

Gene Fisher \_\_\_\_\_

Robert Wells \_\_\_\_\_

Blaine Dunn \_\_\_\_\_

**A COPY TESTE:**

\_\_\_\_\_  
Brenda Garton  
Clerk, Board of Supervisors

## **LOCAL ECONOMIC DEVELOPMENT INCENTIVE GRANT PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 22nd day of June 2016 by and among the **COUNTY OF FREDERICK, VIRGINIA** (the “Locality”) a political subdivision of the Commonwealth of Virginia (the “Commonwealth”), **KINGSPAN INSULATION LLC** (the “Company”), a Delaware limited liability company, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA** (the “Authority”), a political subdivision of the Commonwealth.

### **RECITALS:**

WHEREAS, the Locality wishes to make a Local Economic Development Incentive Grant in the amount of \$300,000 (the “LEDIG”) through the Authority to the Company for the purpose of inducing the Company to construct the Facility (as hereinafter defined), thereby making a significant Capital Investment (as hereinafter defined) and creating and retaining a significant number of new Jobs (as hereinafter defined);

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the LEDIG to or for the use of the Company, provided that the Company promises, covenants and agrees to meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality, the Authority and the Company desire to set forth their understanding and agreement as to the payout of the LEDIG, the use of the LEDIG proceeds, the obligations of the Company regarding Capital Investment and New Job creation, and the repayment by the Company of all or part of the LEDIG under certain circumstances;

WHEREAS, the expansion, improvement and operation of the Facility will entail a capital expenditure of approximately \$25,000,000, of which approximately \$20,000,000 will be invested in machinery and equipment and approximately \$5,000,000 will be invested in real property improvements;

WHEREAS, the expansion, improvement and operation of the Facility will further include and support the creation of 15 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the LEDIG; and

WHEREAS, the LEDIG will increase commerce and will benefit the citizens of the Locality:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

## **Section 1. Definitions.**

For the purposes of this Agreement, the following terms shall have the following definitions:

“Capital Investment” means a capital expenditure by the Company in taxable real property and taxable tangible personal property, or both, at the Facility excluding the purchase of land or existing taxable tangible personal property. The Capital Investment must be in addition to the capital improvements at the Company’s existing location in Frederick County as of May 27, 2015. The total expected capital expenditure of \$25,000,000 is referred to in this Agreement as the “Capital Investment.”

“Maintain” means that the New Jobs created pursuant to the LEDIG will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company’s employment levels (so long as there is active recruitment for open positions), (ii) strikes and (iii) other temporary work stoppages.

“Facility” means that certain industrial facility operated by the Company situate in Frederick County, Virginia at 172 Pactiv Way.

“New Job” means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are paid by the Company for the employee, and for which the Company pays an average annual wage of at least \$34,320. Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 100 full-time jobs at the Facility as of May 27, 2015.

“Performance Date” means January 1, 2018. If the Locality, in consultation with the Authority, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets as hereinafter defined, the Locality in its sole and absolute discretion may agree to extend the Performance Date by up to 15 months. The Locality shall have no obligation whatsoever to extend the Performance Date. If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority and the Company and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement.

“Targets” means the Company’s obligations to make the Capital Investment at the Facility of at least \$25,000,000 and to create and Maintain at least 15 New Jobs at the Facility, Jobs, in addition to maintaining the current 100 jobs at the Facility, all as of the Performance Date.

“Temporary” means a period of not to exceed 42 days.

“Virginia Code” means the Code of Virginia, (1950, as amended).

## **Section 2.     Targets.**

The Company shall expand, improve and operate the Facility in the Locality, make or cause to be made the Capital Investment of at least \$25,000,000, and create and Maintain at least 15 New Jobs at the Facility, in addition to maintaining the current 100 jobs at the Facility, all as of the Performance Date.

The Locality and the Authority hereby strongly encourage the Company to ensure that at least 30% of the New Jobs are offered to “Residents” of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

The average annual wage of the New Jobs of at least \$34,320 is less than the prevailing average annual wage in the Locality of \$39,800.

## **Section 3.     Disbursement of LEDIG.**

As an inducement to the Company to achieve the Targets at the Facility and provided that the Company is not in default under the terms of this Performance Agreement, the LEDIG in the amount of \$300,000 will be paid by the Locality through the Authority in two installments; and thereafter disbursed by the Authority to the Company in two installments. The first installment of \$200,000 will be paid by the Locality to the Authority and by the Authority to the Company after July 1, 2016 but no later than June 30, 2017. The second installment of \$100,000 will be paid by the Locality to the Authority and thereafter by the Authority to the Company after July 1, 2017 but no later than June 30, 2018. The Company will use the LEDIG proceeds to upgrade public and private utilities at and around the Facility.

## **Section 4.     Break-Even Point; Local Incentives.**

The Locality has estimated that it will reach its “break-even point” by the Performance Date. The break-even point compares new tax revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Locality’s expenditures on incentives. With regard to the Facility, the Locality will provide incentives in the following amounts:

<u>Category of Incentive</u>	<u>Total Amount</u>
LEDIG	\$300,000

The proceeds of the LEDIG shall be used for the purposes described in the Recitals and in Section 2.

With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive</u>	<u>Total Amount</u>
Virginia Investment Partnership Grant (“VIP”) (Estimated)	\$500,000

## **Section 5. LEDIG Allocation/Proration**

(a) (i) For purposes of payment, the LEDIG is to be allocated as 50% (\$150,000) for the Company’s Capital Investment Target and 50% (\$150,000) for its New Jobs Target. If the Company has met at least ninety percent (90%) of both of the Targets as of the Performance Date, then the Company shall retain the entire LEDIG provided, however, that in the event that the Company should thereafter file any amended tax return indicating that the Company did not meet the Capital Investment Target and/or the New Jobs Targets, the Company shall be obligated to repay all or a portion of the LEDIG according to the formula set forth in Section 5 (a) (ii) below.

(ii) If the Company has not met at least ninety percent (90%) of both of the Targets by the Performance Date, the Company shall receive only from the Authority that part of the LEDIG that is proportional to the Target or Targets which it has met as of the Performance Date. For example, if on the Performance Date, the Capital Investment is only \$12,500,000 and only 7 New Jobs have been created, the Authority shall pay the Company fifty percent (50%) of the moneys allocated to the Capital Investment Target (\$75,000) and fifty-three percent (53%) of the moneys allocated to the New Jobs Target (\$80,000). Whether the New Jobs Target has been met will be determined by comparing the anticipated increase in payroll (to-wit: 15 New Jobs at an average annual salary of at least \$34,320) to the actual number of Jobs in effect as May 27, 2015 and by comparing the actual average annual salary of New Jobs reported on at the Performance Date. The Company’s repayment obligation hereunder shall survive the Performance Date to the extent that the Locality subsequently receives information to the effect that the Company did not meet the Targets as of the Performance Date within 15 months after the Performance Date.

(b) **Determination of Inability to Comply:** If the Locality shall determine at any time prior to the Performance Date (a “Determination Date”) that the Company is unable or unwilling to meet and Maintain the Targets by and through the Performance Date, and if the Locality or the Authority shall have promptly notified the Company of such determination, the Company must repay the entire amount of the LEDIG to the Authority that has been disbursed by the Authority

to the Company. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 or Chapter 11 of the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates the Company will be unable or is unwilling to satisfy the Targets for the LEDIG, as reasonably determined by the Locality.

(c) In the event that the Company is obligated to repay LEDIG, or any portion thereof, as called for under the terms of this Agreement, the Company shall pay such sums within 30 days after written notification from the Locality or the Authority of the amount of the sums to be repaid by the Company. Such determination of liability shall be made on the Performance Date or the Determination Date or promptly upon receipt of the Progress Report (as hereinafter defined) or other information deemed reasonable by the Locality or the Authority confirming lack of achievement both of the Targets as of the Performance Date, whichever shall first occur. Any sums that the Company is obligated to repay shall be paid to the Authority within thirty days after request for such sums by the Locality or the Authority.

(d) In the event that the Company fails to comply with the repayment obligations set forth in this Section 5, the Locality and the Authority shall be entitled to recover their reasonable attorney's fees and costs incurred in connection with such default by the Company, whether or not judicial proceedings are instituted to collect such funds. The Locality/or and the Authority shall use their best efforts to recover such funds, including the institution of judicial proceedings for any breach of this Agreement by the Company.

(e) LEDIG: Any LEDIG moneys repaid by the Company to the Authority hereunder shall be repaid by the Authority to the Locality within 30 days after repayment by the Company to the Authority.

(f) Interest: In the event that the Company fails or refuses to repay any of the LEDIG moneys as called for in this Section 5, such sums shall be assessed interest at the rate of 10.00% per annum until repaid in full by the Company.

## **Section 6. Company Reporting.**

Commencing on January 1, 2017, and on each year thereafter until the Performance Date, the Company shall provide an annual report confirming progress on achieving the Targets for Capital Investment and New Jobs (the "Progress Reports"). The Progress Reports shall confirm Capital Investment incurred by or on behalf of the Company and the number of New Jobs created and maintained by the Company at the Facility through the prior July 31<sup>st</sup>. The Progress Reports shall include an affirmative statement signed by an authorized Company Officer or Director that the information provided in Progress Reports is true and correct and shall certify the status of its efforts to achieve the Targets for New Jobs and Capital Investment.

As part of the Progress Reports, the Company shall provide for review by the Locality of the Company's quarterly Virginia unemployment tax return filing confirmation page, which sets forth the number of employees and total wages paid for the quarter, to confirm satisfaction

with the Company's progress on achieving the Targets for New Jobs. The Company shall also permit the Locality to review annual business personal property filings to confirm reasonable satisfaction with the Company's progress on achieving the Capital Investment Targets.

## **Section 7. Notices.**

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

if to the Company, to:

Kingspan  
172 Pactiv Way  
Winchester, VA 22602

Attention: Plant Manager

with a copy to:

Kingspan  
2100 River Edge Parkway  
Suite 175  
Atlanta, GA 30328  
Attention: Managing Director

if to the Locality, to:

County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: County Administrator

with a copy to:

County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: County Attorney

if to the Authority, to:

Economic Development Authority  
of the County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: Chair

with a copy to:

Economic Development Authority  
of the County of Frederick, Virginia  
107 North Kent St  
Winchester, VA 22601  
Attention: General Counsel

## **Section 8. Miscellaneous.**

(a) Entire Agreement; Amendments: This Agreement constitutes the entire agreement between the parties hereto as to matters set forth herein and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without, conditioned or delayed the prior written consent of the Locality and the Authority, which consent may be withheld by the Locality and/or the Authority in the Locality's and/or the Authority's sole discretion.

(b) Governing Law; Venue: This Agreement is made, and is intended to be performed, in the Commonwealth of Virginia and shall be construed and enforced in accordance with the laws and judicial decisions of the Commonwealth of Virginia. Jurisdiction shall lie exclusively in the Circuit Court of the County of Frederick, Virginia and any litigation shall be brought only in such court.

(c) Counterparts: This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) Severability: If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) Time: Time is of the essence as to all matters set forth in this Performance Agreement.

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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF FREDERICK, VIRGINIA**

Witness

\_\_\_\_\_

By

Name: Charles S. DeHaven, Jr.

Title: Chair, Board of Supervisors of  
the County of Frederick, Virginia

Date: \_\_\_\_\_

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

Witness

\_\_\_\_\_

By

Name: Stanley Crockett

Title: Chair, Economic Development  
Authority of the County of Frederick, Virginia

Date: \_\_\_\_\_

**KINGSPAN INSULATION, LLC**

Witness

\_\_\_\_\_

By

Name: Alswinn Kieboom

Title: Director, Kingspan Insulation LLC

Date: \_\_\_\_\_

## CONSENT AGENDA

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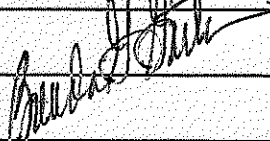


## COUNTY of FREDERICK

**Brenda G. Garton**  
County Administrator

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

### MEMORANDUM

<b>TO:</b>	Board of Supervisors
<b>FROM:</b>	Brenda G. Garton, County Administrator 
<b>SUBJECT:</b>	MOU – Northern Shenandoah Valley Substance Abuse Coalition Grant Funding
<b>DATE:</b>	June 15, 2016

Attached please find a proposed Memorandum of Understanding between the various localities and entities that make up the Northern Shenandoah Valley Substance Abuse Coalition. The Coalitions has requested that the City of Winchester apply for a Bureau of Justice Assistance Adult Drug Court Discretionary Grant and to serve as fiscal agent for any funds awarded under this program. The City is agreeable to this arrangement.

The purpose of this MOU is to outline the responsibilities and expectations of the parties. Per the MOU, neither Frederick County nor any of the other parties will be required to provide any additional funding other than the awarded grant funds and the Coalition will not submit invoices outside of the scope of the grant funds.

The proposed agreement has 10 annual one year renewals after the initial year and may be terminated with 30 days written notice to the Coalition.

Staff is seeking Board approval of this proposed MOU and authorization for the county administrator to sign on behalf of the County.

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

BGG/jet

Attachment

# MEMORANDUM OF UNDERSTANDING

*Northern Shenandoah Valley Substance Abuse Coalition  
FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program;*

On this \_\_\_\_ day of \_\_\_\_\_, 2016, the undersigned parties did agree to the terms contained in this *Memorandum of Understanding* ("MOU") between the **City of Winchester (hereinafter referred to as the "City"); Clarke County, Virginia; Frederick County, Virginia; Valley Health System; the Northern Shenandoah Valley Substance Abuse Coalition, (hereinafter referred to as the "NSVSAC")**. The foregoing (and undersigned) being hereinafter referred to collectively as "the parties".

## RECITALS

1. WHEREAS, at all times herein mentioned, the City of Winchester, Virginia, was and remains a municipal corporation formed and operating under the laws of the Commonwealth of Virginia; and
2. WHEREAS, at all times herein mentioned Frederick County, Virginia and Clarke County, Virginia were and remain Counties formed and operating under the laws of the Commonwealth of Virginia.
3. WHEREAS, the Northern Shenandoah Valley Substance Abuse Coalition is a nonprofit entity formed under the laws of the Commonwealth of Virginia. One of the purposes of the NSVSAC is to facilitate the creation of a regional drug treatment court (hereinafter the "Northwest Regional Adult Drug Treatment Court") in accordance with the provisions of §18.2-254.1 of the Code of Virginia by the following localities: (1) City of Winchester, Virginia; (2) Frederick County, Virginia, and (3) Clarke County, Virginia; and
4. WHEREAS, the NSVSAC desires to compete to receive funding under the FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program; and
5. WHEREAS, said grant is limited to states, state and local courts, counties, units of local government, and federally recognized indigenous tribal governments on behalf of a single jurisdiction drug court; and
6. WHEREAS, the NSVSAC has requested that the City of Winchester apply for said grant and stand as fiscal agent for any funds awarded pursuant to said grant; and
7. WHEREAS, Common Council for the City of Winchester has expressed its support for the Drug Court Program and in furtherance thereof, the Manager has agreed to authorize the City's service as fiscal agent for the grant funds; and

8. WHEREAS, NSVSAC has represented that the grant provisions allow for a nonprofit organization like the NSVSAC to be a sub-recipient of funds received under the grant.

### **AGREEMENT**

The parties understand that participating in this agreement will increase the ability of City of Winchester, Frederick County and Clarke County to promote overall public safety, prevent substance abuse, promote recovery services, and provide the best possible service to the citizens and visitors to those localities; and the parties hereto intend by this memorandum to enter into an understanding for cooperation in the establishment and utilization of such activity, subject to the specific terms and conditions herein. The parties jointly agree with one another as follows:

1. The NSVSAC will act as an umbrella organization to collaborate with community partners in the City of Winchester, Frederick County and Clarke County and take the lead in identifying and developing effective resources to ensure that the necessary continuum of care for substance abuse and addiction services are available to all members of the community.
2. The NSVSAC will promote prevention of substance abuse, treatment of current substance abusers, cooperation between law enforcement, services by treatment providers, the coordination of criminal justice system activity, and support from the medical community and recovery community as well as the community as a whole.
3. The NSVSAC will provide support and staffing to the Northwest Regional Adult Drug Treatment Court.
4. Contingent upon fiscal appropriation from Common Council for the City of Winchester, the City agrees to act as the applicant and fiscal agent for the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, which may be appropriated in accordance with performance metrics established by Common Council for the City of Winchester and which shall be consistent with grant requirements.
5. In order to properly administer the funds received from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, Valley Health System will be responsible for hiring an administrator for the Northwest Regional Adult Drug Treatment Court ("NWRADTC") program, and for the payment of substance abuse treatment services for participants in the NWRADTC program. The NSVSAC will provide quarterly invoices to the City of Winchester for the reimbursement of costs incurred for compensation of the drug treatment court administrator and for the

payment of substance abuse treatment services, which shall be paid for using funds from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program.

6. The collective monetary total of the provided invoices shall not exceed the dollar amount of the awarded grant.
7. The City, Frederick County, Clarke County, and Valley Health System shall not be required to provide any additional funding other than the awarded grant funds, and shall not receive invoices from NSVSAC outside the scope of the grant funds.
8. The City shall bear no funding responsibility for any services associated with this agreement or the aforementioned grant should the funding not be awarded, rescinded, or otherwise modified from its original expected scope.
9. At all times herein mentioned, NSVSAC; the City of Winchester, Virginia; Frederick County, Virginia; Clarke County, Virginia; Valley Health System, their respective employees, agents, and assigns, shall be construed and remain independent entities. Nothing in this Memorandum of Understanding shall be construed to form an employment relationship between any of the parties.
10. This document represents the entire agreement between the parties. All prior or subsequent agreements concerning these matters are hereby deemed to be null and void unless said terms are incorporated into a written Addendum to this MOU signed by all parties.
11. This *Memorandum of Understanding* shall automatically renew on January 1<sup>st</sup> of each year following execution for ten (10) years following execution and may be terminated without cause or recourse by the City of Winchester upon thirty (30) days written notice issued to NSVSAC effective upon mailing. This Agreement shall remain in effect despite the expiration of tenure of any of the representatives whose signatures appear hereon.
12. This document shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of the terms of this MOU shall be litigated solely in the Circuit Court for the City of Winchester, Virginia, or the U.S. District Court in Harrisonburg, Virginia.

By executing this document, the undersigned parties represent that they are authorized to and hereby bind their respective entities to all terms of this MOU:

**CITY OF WINCHESTER**

\_\_\_\_\_  
Eden Freeman, City Manager

\_\_\_\_\_  
Date

**FREDERICK COUNTY, VIRGINIA**

\_\_\_\_\_  
Brenda G. Garton, County Administrator

\_\_\_\_\_  
Date

**CLARKE COUNTY, VIRGINIA**

\_\_\_\_\_  
David L. Ash, County Administrator

\_\_\_\_\_  
Date

**NORTHERN SHENANDOAH VALLEY  
SUBSTANCE ABUSE COALITION**

\_\_\_\_\_  
Lauren Cummings, Executive Director

\_\_\_\_\_  
Date

**VALLEY HEALTH SYSTEM**

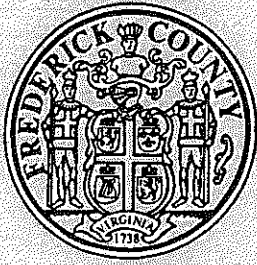
\_\_\_\_\_  
Chris Rucker, Vice President,  
Ambulatory and Wellness Services

\_\_\_\_\_  
Date

## CONSENT AGENDA

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## COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Drive, Winchester, VA 22602

### MEMORANDUM

LeeAnna Pyles  
Director,  
Public Safety  
Communications

**TO:** Board of Supervisors

**FROM:** LeeAnna Pyles,  
Director Public Safety Communications

**SUBJECT:** Public Safety Committee Meeting.  
Report for June 2, 2016

**DATE:** June 7, 2016

A meeting of the Public Safety Committee was held on Thursday June 2, 2016 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gene Fisher, Gary Lofton, Walter Cunningham, Blaine Dunn, and Helen Lake. Member Chuck Torpy was absent. Also in attendance were Fire & Rescue Association President Dan Cunningham, County Attorney Rod Williams, Fire & Rescue Chief Denny Linaburg, Major Steve Hawkins, Communications Director LeeAnna Pyles, Sheriff Lenny Millholland, Deputy County Administrator for Human Services Jay Tibbs and Assistant Superintendent for Administration Dr. Al Orndorff from Frederick County Public Schools. The following items were discussed:

#### \*\*\*Item Not Requiring Action\*\*\*

1. **Discussion of draft ordinance to authorize the use of a video-monitoring system to record and enforce violations of Code of Virginia §46.2-859, Passing a stopped school bus. (See Attached):**

County Attorney Rod Williams, with input from the Frederick County Public Schools, presented a draft ordinance to address the issue of drivers passing stopped school buses when the flashing red stop sign is extended. The ordinance would enable the installation of a video monitoring system that would capture, via video, images of vehicles- coming and going- who do not stop thus warranting a summons and fine. Dr. Orndorff said the schools have run a trial using the vendor Red Flex on 2 buses and in a one month period they had over 200 violations. All video would be sent to Red Flex who would review them to spot possible violators. Red Flex would then forward those videos to the Sheriff's office for further review to determine appropriate action. Dr. Orndorff noted that safety is the number one priority and that once the cameras were

installed there should be a noticeable decrease in violations. Mr. Lofton made a request for Red Flex to provide a more in depth demonstration of the system.

*The Public Safety Committee unanimously recommends the concept of the school bus camera ordinance to the Code & Ordinance Committee. The County Attorney and Frederick County Public Schools will work on a detailed list to address concerns and questions from the Public Safety Committee for implementation of an ordinance.*

### **\*\*\*Discussion Items\*\*\***

#### **2. Fire & Rescue Service Plan:**

Chief Linaburg provided an update on the Fire & Rescue Department's Service Plan. The plan, which is an all-encompassing comprehensive document which outlines all levels of service, apparatus, staffing, volunteer system, etc. showing how it all works as a cohesive department, was distributed to the Committee last year. Chief Linaburg advised that County Administrator Brenda Garton is assembling a Steering Committee to review the service plan more in depth and provide feedback and comments. Chairman Fisher requested Chief Linaburg keep the Committee apprised of the progress.

Mr. Walt Cunningham expressed his concern with the long downtimes at the hospital which affects the availability of companies in their respective first due area. Chief Linaburg is aware of this issue and has been working on it in conjunction with additional staffing needs.

#### **3. Other Business:**

Chairman Fisher asked the 3 Public Safety department heads to update the Committee on current staffing levels and vacancies within their departments. Chief Linaburg stated the Fire & Rescue Department is short 3 EMTs, but there are 3 offers currently on the table for consideration. In addition, 10 new positions were allocated in the FY17 budget. Communications Director Pyles advised she has 2 openings in the center with interviews pending in July. She also has a shift supervisor position available. Sheriff Millholland noted he has 6 new deputies going to the academy in July. .

#### **4. Meeting Date**

Chairman Fisher has requested that the Public Safety Committee start meeting on a bi-monthly basis. He requested Mr. Tibbs check available dates to hold regular future meetings.

**Next Meeting: Date to be set for August**



**Adjourn:**

The meeting was adjourned at 9:40 a.m.

Respectfully submitted,

Public Safety Committee

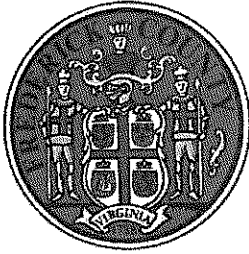
Gene Fisher  
Brenda Garton  
Sheriff Lenny Millholland  
Denny Linaburg

Gary Lofton  
Ann B. Lloyd  
Rod Williams  
Dan Cunningham

Chuck Torpy  
Walt Cunningham  
Blaine Dunn  
Helen Lake

By   
LeeAnna Pyles, Director Public Safety Communications

LP/sds



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Public Safety Committee

FROM: Roderick B. Williams  
County Attorney

DATE: May 20, 2016

RE: Draft Ordinance to authorize the use of a video-monitoring system to record and enforce violations of Code of Virginia § 46.2-859, Passing a stopped school bus

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Frederick County Public Schools has identified an issue pertaining to vehicles passing stopped school buses. FCPS has asked for an ordinance that would authorize the implementation of a video-monitoring system to record and enforce violations of Code of Virginia § 46.2-859. The system would operate in a manner similar to those used for photo enforcement of red traffic signals: the system would generate a violation notice to be mailed to the owner of the vehicle. For your consideration please find attached a draft ordinance.

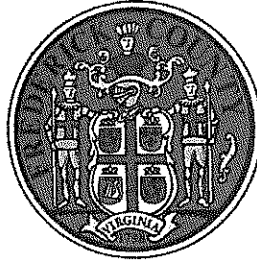
By way of background, FCPS previously identified safety concerns in favor of the enactment of this ordinance, but the Attorney General of Virginia, in an official Opinion to Albemarle County, found that the state enabling legislation for school bus cameras did not contain the same language as that for red light cameras and, as a result, violation notices could not be mailed, but would have to be personally served. This effectively rendered the school bus cameras of limited utility. In the 2016 General Assembly session, legislation passed to correct the problem (one of the patrons of the legislation was Delegate LaRock, who patroned the legislation at the County's request). Copies of the legislation are attached (the two items – Chapter 637 (S 120) and Chapter 700 (H 168) – are identical).

Key points of the draft ordinance include:

- The school division may install and operate a video-monitoring system on any school bus operated by the division for the purpose of recording violations of Code of Virginia § 46.2-859. The school division may contract with a private vendor to install and operate such video-monitoring systems on behalf of the school division.

- Any violation of Code of Virginia, § 46.2-859 identified through a video-monitoring system, shall subject the operator of the vehicle to a \$250.00 civil penalty, pursuant to the authority granted in the Code of Virginia § 46.2-844(A).
- Upon occurrence of a violation, a summons may be mailed to the registered owner of the vehicle. The summons must inform the owner of his right to rebut the presumption that he was the operator at the time of the violation by submitting an affidavit to such effect. The owner may elect to accept the violation by paying the penalty.
- In the event that the owner does not respond to the mailed summons, the ordinance, pursuant to the enabling legislation, requires that the owner then receive personal service of the summons.

#### Attachments



## **ORDINANCE** **\_\_\_\_\_, 2016**

The Board of Supervisors of Frederick County, Virginia hereby ordains that, effective July 1, 2016, Article V (School Buses) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, as follows:

### **CHAPTER 158 VEHICLES AND TRAFFIC**

#### **Article V School Buses**

#### **§ 158-19 Passing stopped school buses; penalty; prima facie evidence.**

- A. Pursuant to the authority and provisions of § 46.2-844 of the Code of Virginia, 1950, as amended, the Frederick County school division is hereby authorized to install and operate a video-monitoring system in or on school buses operated by the school division or may contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A of § 46.2-844 of the Code of Virginia, which provision of the Code of Virginia has been duly incorporated by reference in § 158-1 of this Code.
- B. The driver of any motor vehicle who violates subsection A of § 46.2-844 of the Code of Virginia is subject to a civil penalty of \$250.00, which penalty, when collected, shall be paid to the Treasurer of Frederick County.
- C. A summons, to appear in the General District Court, for a violation of subsection A of § 46.2-844 of the Code of Virginia may be executed as provided in § 19.2-76.2 of the Code of Virginia and, notwithstanding the provisions of § 19.2-76 of the Code of Virginia, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department of Motor Vehicles. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A of § 46.2-844 of the Code of Virginia and (ii) instructions for filing such an affidavit,

including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3 of the Code of Virginia. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

D. The term "video-monitoring system" shall have the meaning given it in subsection B of § 46.2-844 of the Code of Virginia.

Enacted this \_\_\_\_ day of \_\_\_\_, 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

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 637

*An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.*

[S 120]

Approved April 1, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ *that* is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway, is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ *10* days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.*

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.



# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 700

*An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.*

[H 168]

Approved April 6, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ *that* is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway; is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

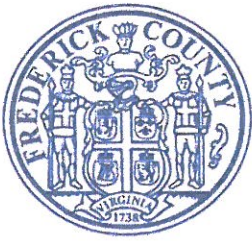
In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ *10* days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.*

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

G



MEMORANDUM

TO: Board of Supervisors HES  
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works HES  
SUBJECT: Public Works Committee Report for Meeting of May 31, 2016  
DATE: June 7, 2016

The Public Works Committee met on Tuesday, May 31, 2016, at 8:00 a.m. All members were present. The following items were discussed:

\*\*\*Item Requiring Action\*\*\*

1. Disposition of Shawneeland Council House (Clouser House):

In their regularly scheduled meeting on May 11, 2016, The Board of Supervisors requested that the status of the Council House be referred to the Public Works Committee for their review and recommendations. In anticipation of this review, the committee members were offered opportunities to inspect the existing condition of the building as well as review any associated historical information. After a lengthy discussion of the status of the subject building, the committee unanimously endorsed a motion presented by Mr. Bob Wells to grant the individuals wanting to preserve the Council House a 90 day study period with the following stipulations:

- a. The study shall identify who will assume ownership and/or liability for the house. The ownership option may or may not be available depending on the requirements specified by the Department of Conservation and Recreation (DCR) related to the classification of the Cherokee Dam.
- b. The study shall identify and secure a funding source and/or sources for the construction/renovation and continuing maintenance of the house.
- c. The study shall identify potential uses for the house and determine in writing from DCR that these uses will not jeopardize the current Cherokee Dam classification. These potential uses shall also be reviewed and approved by the Shawneeland Advisory Committee to verify compliance with the Sanitary District requirements.

The 90 day study period shall commence on the date of approval by the Board of Supervisors.

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

**1. Purchase of Replacement Vehicles for Inspections and Engineering (Attachment #1):**

The committee reviewed and unanimously endorsed requests for supplemental appropriations to purchase two (2) vehicles for Inspections (\$54,000) and one (1) vehicle for Engineering (\$28,000) to replace older, high mileage trucks that are incurring higher maintenance costs. It should be noted that these vehicles are subject to a great deal of off road travel on roughly graded construction sites which greatly increases maintenance costs. In addition to the age, high mileage and increased maintenance costs, the requests highlight the significant increase in revenue as justification for the purchases. The request will be referred to the Finance Committee for their review and action.

**2. Carry Forward Request for Roundhill Fire Station Funds:**

The committee reviewed and unanimously endorsed a request from the Deputy Director Mr. Joe Wilder, to carry forward any remaining unencumbered funds associated with the Roundhill Fire Station project. As of May 23, 2016, the unencumbered amount was \$82,916.27.

**3. Miscellaneous Reports:**

- a) Tonnage Report  
(Attachment 3)
- b) Recycling Report  
(Attachment 4)
- c) Animal Shelter Dog Report  
(Attachment 5)
- d) Animal Shelter Cat Report  
(Attachment 6)

Respectfully submitted,

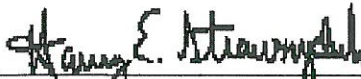
Public Works Committee

Gene E. Fisher, Chairman

Gary Lofton

David W. Ganse, AIA

Whit L. Wagner

By 

Harvey E. Stawsnyder, Jr., P.E.

Public Works Director

HES/kco

Attachments: as stated

cc: file



MEMORANDUM

TO: Public Works Committee

FROM: Harvey E. Straswnyder, Jr., P.E., Director of Public Works

SUBJECT: Meeting of May 31, 2016

DATE: May 26, 2016

HES  
kco

There will be a meeting of the Public Works Committee on Tuesday, April 26, 2016 at 8:00 a.m. in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200. The agenda thus far is as follows:

1. Discuss Disposition of Shawneeland Council House.
2. Discuss Purchase of Replacement Vehicles for Inspections and Engineering  
(Attachment 1)
3. Carry Forward Request for Roundhill Fire Station Funds  
(Attachment 2)
4. Miscellaneous Reports:
  - a. Tonnage Report: Landfill  
(Attachment 3)
  - b. Recycling Report  
(Attachment 4)
  - c. Animal Shelter Dog Report:  
(Attachment 5)
  - d. Animal Shelter Cat Report  
(Attachment 6)

HES/kco

Attachments: as stated

cc: file



**COUNTY of FREDERICK****Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee HES  
**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works HCO  
**SUBJECT:** Request to Purchase Replacement Vehicles  
**DATE:** May 26, 2016

The attachment memoranda from the Building Official and Deputy Director highlight requests for supplemental appropriations to purchase replacement vehicles in the current Fiscal Year 2016 budget. These requests justify the need to replace older, high mileage vehicles and provide a means to fund those purchases. It should be noted that these requests were included in next year's Fiscal Year 2017 budget in keeping with Frederick County's long term capital purchase requirements for vehicle purchases. However, these requests were eliminated during the budget process.

Because Inspections and Engineering have generated revenue far in excess of the Fiscal Year 2016 budget projections, we believe that there is sufficient funding available to purchase the replacement vehicles in the current budget. To highlight the excess revenue, we offer the following comparisons:

<u>Department</u>	<u>Fiscal Year 2016 Projection</u>	<u>Anticipated Fiscal Year 2016 Revenue</u>
Inspections	\$850,000	\$1,500,000
Engineering	\$92,700	\$140,000

Because of the limited window of opportunity to purchase vehicles in the current fiscal year, we recommend that the supplemental appropriations be carried forward to the next fiscal year so that we can utilize the economics of the state contract.

HES/kco

Attachments: as stated

cc: file



## COUNTY of FREDERICK

### Inspections Department

John S. Trenary, Building Official


540-665-5650

Fax 540-678-0682

### MEMORANDUM

**TO:** Public Work Committee

**THROUGH:** Harvey E. Strawsynder Jr., PE, Director of Public Works

**FROM:** John S. Trenary, Building Code Official 

**SUBJECT:** Funding Request for Replacement Vehicles

**DATE:** May 25, 2016

The Building Inspection Department is requesting a supplemental appropriation in the amount of \$54,000 be placed into Capital line item, Motor Vehicles and Equipment #34010-8005-000, to fund the replacement of two compact four / all-wheel drive vehicles. The purchases will replace two of the Departments vehicles that currently have extensive mileage and are at least nine years old. The replacement vehicles were requested within the Fiscal Year 2017 Inspections budget (see attached). Without replacement, the projected mileage range of the vehicles will be between 124,000 miles and 143,000 miles with an average of ten plus service years by the end of FY 2017.

The Inspection Department has collected \$1,431,632 thru May 25, 2016 with projected revenue exceeding \$1,500,000 by the end of the current fiscal year. This amount has already far exceeded the FY2016 projected budget revenue of \$850,000. We are anticipating an approximate expenditure of \$1,195,500 for the Department's operations. The appropriated amount funded within the FY2016 budget for the Inspections Department is \$1,250,288.

Thank you for consideration on the matter and if you have any questions or need additional information please contact me.



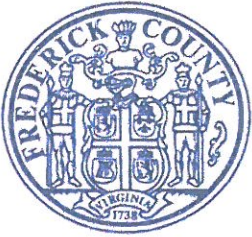
## 2014/2015 - 2019/2020 CAPITAL REQUESTS

DEPARTMENT	Inspections	DEPARTMENT CODE 3401		
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)	
FY 14/15 3401-8005-000	1 Extended Cab Pickup Truck 4x4 (Replace 2006 truck - 7 years old with 123,200 miles)	25,000	25,000	25,000
FY15/16 3401-8005-000	2 Extended Cab Pickup Trucks 4x4 (Replace 2004 truck - 12 years old with 125,000 miles and 2006 truck - 10 years old with 125,000 miles) Replace six secretarial chairs at \$275 each	52,000	1,650	53,650
FY16/17 3401-8005-000	2 Extended Cab Pickup Trucks 4x4 (Replace 2006 truck - 11 years old with 121,500 miles and 2007 truck - 10 years old with 133,000 miles) Replace 12 chairs in lobby at \$275 each	54,000	3,300	57,300
3401-8002-000	*All mileage is estimated based on current use.			



# 2016-2017 CAPITAL REQUESTS

EPARTMENT	Inspections	DEPARTMENT CODE		3401
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)	
401-8005-00	<p><b>Motor Vehicles and Equipment</b></p> <p><b>2 Extended Cab Pickup Trucks 4x4 or Sport Utility Vehicle</b>                      (Replace 2005 truck - 12 years old with 125,000 miles and 2007 truck - 10 years old with 125,000 miles)                      (Note: 2014/2015 - 2019/2020 Capital Requests submitted)                      (Department will be operating 6 vehicles in excess of 110,000 miles in FY17)</p>	54,000	54,000	
101-9001-00	<p><b>Lease Equipment</b></p> <p>This money is requested for lease of our copier under state contract.                      This copier replaced our old copier with high maintenance.</p>	3,534	3,534	



MEMORANDUM

**TO:** Public Works Committee

**FROM:** Joe C. Wilder, Deputy Director of Public Works *JCW*

**SUBJECT:** Request to Purchase Replacement Vehicle

**DATE:** May 24, 2016

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We requested a replacement vehicle in the Fiscal Year 2017 Engineering budget (see attached). This vehicle was intended to replace a 2007 GMC Canyon four wheel drive truck which has approximately 150,000 miles. We requested an amount of \$28,000 to purchase a new four wheel drive pickup truck. . The request was subsequently cut during the budget review process.

During preparation of the current 2016 Engineering budget, a revenue amount of \$92,700 was projected for the issuance of land disturbance and stormwater permits. To date, we have collected a total amount of \$129,350 and anticipate total revenue of at least \$140,000 by the end of the current fiscal year. That amounts to more than \$47,300 over our projected revenue.

Therefore, I am requesting a supplemental appropriation for the purchase of a replacement four wheel drive vehicle. I am requesting a transfer in the amount of \$28,000 from line item 10-1303-44 Land Disturbance Permit Revenue to line item 10-4201-8005-00 Motor Vehicle and Equipment. Also, I am requesting a carry forward of these funds into Fiscal Year 2016/2017 budget. Obtaining a new vehicle through the state contract is very difficult at this time of the year with changing of model years.

If you should have any questions, I will be in attendance at the Public Works meeting.

JCW/kco

cc: File



## 2016-2017 CAPITAL REQUESTS

DEPARTMENT		Engineering		DEPARTMENT CODE		10-4201	
EXPENDITURE LINE ITEM		DESCRIPTION		DETAIL AMOUNT		TOTAL AMOUNT (PER LINE ITEM)	
10-4201-8005-00		One (1) crew cab 4x4 pickup truck * (Replace 2007 truck - with approximately 150,000 miles)		28,000		28,000	



## 2014-2015 CAPITAL REQUESTS

DEPARTMENT		Engineering	DEPARTMENT CODE		10-4201
EXPENDITURE LINE ITEM		DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)	
Fiscal Year 2015-2016 10-4201-8005-00		One (1) crew cab pickup truck 4x4 (Replace 2006 truck - nine (9) years old with 150,000 miles)	25,000	25,000	
Fiscal Year 2016-2017		One (1) crew cab pickup truck 4x4 (Replace 2004 truck - 12 years old with 120,000 miles)	26,000	26,000	
Fiscal Year 2017-2018		One (1) crew cab pickup truck 4x4 (Replace 2007 truck - ten (10) years old with 140,000 miles)	27,000	27,000	
		*It should be noted that all mileage is estimated based on current usage.			





**COUNTY of FREDERICK**

**Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee

**FROM:** Joe C. Wilder, Deputy Director of Public Works *JCW*

**SUBJECT:** Carry Forward Request Fiscal Year Budget 2015/2016 to Fiscal Year Budget 2016/2017 – Round Hill Fire Station and Event Center Project

**DATE:** May 24, 2016

---

Currently, we have not completed the Round Hill Fire Station and Event Center project. There are some items that need to be completed and they will not be finished by June 30, 2016. We have to finish installing some equipment within the Fire Station and pay ongoing professional services.

It is anticipated that the project will be completed this summer. Consequently, we are requesting that all unencumbered funds for this project be carried forward and placed in the Fiscal Year 2016/2017 budget line item 26-1226-8800-03 – Buildings/ Round Hill F&R. As of May 23, 2016, an unencumbered amount of \$82,916.27 remains. Please carry this amount forward for completion of the subject project.

JCW

cc: Kris Tierney, Deputy County Administrator of Community Development  
File

**COUNTY of FREDERICK****Department of Public Works**

540/665-5643

FAX: 540/678-0682

**MEMORANDUM**

**TO:** Public Works Committee

**FROM:** Harvey E. Strawsnyder, Jr., P.E., Director of Public Works HES  
JCS

**SUBJECT:** Monthly Tonnage Report - Fiscal Year 14/15

**DATE:** May 26, 2016

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The following is the tonnage for the months of July 2015, through June 2016, and the average monthly tonnage for fiscal years 03/04 through 15/16.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,348 TONS (UP 1,164 TONS)</b>
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,029 TONS (UP 681 TONS)</b>
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,785 TONS (UP 756 TONS)</b>
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,705 TONS (DOWN 1,080 TONS)</b>
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,904 TONS (DOWN 2,801 TONS)</b>
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,316 TONS (DOWN 588 TONS)</b>
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,219 TONS (DOWN 1,097 TONS)</b>
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,184 TONS (DOWN 35 TONS)</b>
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,013 TONS (DOWN 171 TONS)</b>
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,065 TONS (UP 52 TONS)</b>
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,468 TONS (UP 403 TONS)</b>
<b>FY 14-15:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,133 TONS (UP 665 TONS)</b>
<b>FY 15-16:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,676 (UP 543 TONS)</b>

<b>MONTH</b>	<b>FY 2014-2015</b>	<b>FY 2015-2016</b>
<b>JULY</b>	14,029	15,019
<b>AUGUST</b>	13,585	13,853
<b>SEPTEMBER</b>	13,274	14,103
<b>OCTOBER</b>	14,339	14,095
<b>NOVEMBER</b>	11,194	13,053
<b>DECEMBER</b>	12,132	13,589
<b>JANUARY</b>	10,297	11,191
<b>FEBRUARY</b>	9,369	12,240
<b>MARCH</b>	12,768	15,058
<b>APRIL</b>	14,826	14,563
<b>MAY</b>	16,461	
<b>JUNE</b>	15,321	

HES/gmp

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES</u>	<u>TEXTILE</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	80,860	40,800	11,220	7,580	102,320	81,200	2,520	3,160	21,660	226,280	577,600
AUG	78,120	37,240	3,525	6,955	109,900	79,533	1,160	3,140	43,240	225,901	588,714
SEP	79,020	34,400	3,505	7,395	99,320	71,200	1,220	2,640	62,780	193,600	555,080
OCT	73,600	32,180	3,381	7,992	92,620	75,540	1,420	3,000	16,640	183,160	489,533
NOV	66,420	32,420	3,230	7,250	109,100	78,040	1,860	3,000	50,360	171,040	522,720
DEC	82,760	35,280	3,795	9,505	130,320	97,620	1,460	1,920	33,740	142,663	539,063
JAN	69,520	29,140	3,825	7,815	95,440	86,180	880	2,420	31,000	120,680	446,900
FEB	70,600	38,380	3,960	8,575	84,660	72,890	800	2,020	14,900	109,760	406,545
MAR	86,400	33,620	4,611	10,300	115,300	81,010	1,540	2,740	70,900	243,560	649,981
APR	63,500	36,360	3,225	7,145	81,560	78,740	1,660	3,140	17,600	250,400	543,330
MAY											0
JUN											0
TOTAL	750,800	349,820	44,277	80,512	1,020,540	801,953	14,520	27,180	362,820	1,867,044	5,319,466
FY 14-15	895,600	407,703	40,060	97,515	1,272,660	893,380	25,900	23,540	532,283	1,890,729	6,079,370
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	15,230	22,650	611,580	1,639,225	5,932,937
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	15,020	24,680	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	8,200	29,720	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	18,420	23,280	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160		435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780		404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0		498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0		382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162				381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111				273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461				156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195				62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206				54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731					9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587					44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950					48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000						2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000						2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060						2,305,960
TO DATE	13,706,481	5,500,763	499,935	1,128,139	31,812,949	7,365,713	147,230	151,050	5,611,954	14,438,180	80,362,394

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2015-2016

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	44	36	28	1	0	23	29	3	0	1	53
AUG	53	22	41	0	0	36	29	5	0	0	46
SEP	46	18	32	0	0	30	31	5	1	0	29
OCT	29	30	33	2	0	31	21	1	0	0	41
NOV	41	35	18	1	0	28	22	6	0	0	39
DEC	39	32	30	0	0	47	21	3	0	0	30
JAN	30	29	16	0	0	31	21	1	0	0	22
FEB	22	25	28	2	8	25	21	0	0	0	39
MAR	39	31	27	1	0	34	25	3	0	0	36
APR	36	35	27	1	0	32	27	4	0	0	36
MAY											
JUN											
TOTAL	379	293	280	8	8	317	247	31	1	1	371

In the month of April - 99 dogs in and out of kennel. 1 dog transferred to the SPCA, 1 dog transferred to rescue.



FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2015-2016

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	104	204	27	1	0	41	0	183	12	1	99
AUG	99	225	29	1	15	38	4	213	2	0	112
SEP	112	210	17	1	7	32	3	205	11	0	96
OCT	96	240	16	5	3	33	5	185	21	0	116
NOV	116	101	6	1	0	32	0	96	10	0	86
DEC	86	104	6	0	0	39	2	59	3	0	93
JAN	93	52	6	0	0	19	2	63	2	0	65
FEB	65	42	6	3	0	29	2	29	0	0	56
MAR	56	75	7	1	0	29	1	36	0	0	73
APR	73	100	12	2	15	29	3	56	3	0	111
MAY											
JUN											
TOTAL	900	1353	132	15	40	321	22	1125	64	1	907

In the month of April - 202 cats in and out of shelter.

H



## County of Frederick

**Becky A. Merriner**  
Director of Human Resources

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

To: Board of Supervisors  
From: Becky A. Merriner, HR Director  
Date: June 6, 2016  
Subject: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, May 13, 2016. HR Committee members present were: Supervisors Robert Hess, Chairman, Robert Wells, Blaine Dunn and citizen members Beth Lewin, and Dorrie Greene; Citizen Member Don Butler was absent. Others present were: Brenda Garton, County Administrator; Kris Tierney, Asst County Administrator; Lynsey Orndorff, HR Generalist; Delsie Jobe, Administrative Services Manager, DSS; Billy Orndoff, Treasurer; Cheryl Shiffler, Finance Director; Lenny Millholland, Sheriff; Rod Williams, County Attorney; and Denny Linaburg, Fire Chief.

### \*\*\*Items Requiring Board Action\*\*\*

1. Employee Compensation & Performance Philosophy; see attachment.

The Committee reviewed the attached employee compensation and performance philosophy to set a standard to attract, motivate, and retain quality employees who support Frederick County's mission.

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

### \*\*\*Items Not Requiring Action\*\*\*

1. Reorganization of the County Administrator's Office; see attachment.
2. Bonus Ordinance; see attachment.

The Committee reviewed request from the County Attorney for an Employee Recognition program pursuant to Virginia Code, § 15.2-1508.

Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval of this request from the Board with referral to Code & Ordinance. The motion was approved unanimously.

There being no further business, the meeting was adjourned. The next HR Committee meeting is scheduled for Friday, June 17, 2016 at 8:00 a.m.

Respectfully submitted,

### Human Resources Committee

Robert A. Hess, Chairman  
Robert W. Wells  
Blaine P. Dunn  
Don Butler  
Beth Lewin  
Dorrie Greene

By: Becky Merriner  
Becky A. Merriner  
HR Director



## Employee Compensation & Performance Philosophy

Frederick County's (FC's) Employee Compensation & Performance Philosophy is to attract, motivate and retain quality employees who support the County mission of providing high-quality, cost-effective public services. Our goal is to compete in comparable markets for high performing employees and recognize that public service has rewards beyond a base salary. We strive to provide employees with competitive compensation, benefits and retirement programs that reflect current market practices and are fiscally responsible.

As part of the annual budget process, the Frederick County Board of Supervisors approves the:

- A. Pay Grades and Salary Ranges;
- B. Position Allocation Chart Summary by Department;
- C. Percent of payroll to be used by the County Administrator for general/merit increases.

The County Administrator will support FC's employee compensation & performance philosophy by:

- A. Conducting market surveys, as needed, in FC's primary labor market using comparator organizations to maximize external market competitiveness with a pay posture of "Median plus 5" and if necessary, recommending an adjustment to the pay classification system to be effective July 1st;
- B. Awarding a General Increase for all eligible full-time employees effective July 1<sup>st</sup> (unless an alternate effective date is recommended by the County Administrator);
  - subject to availability of funds approved by the Board of Supervisors with adoption of the budget; and,
  - based on the Cost of Living Index provided by the Bureau of Labor Statistics for the Mid-Atlantic region (Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore) or upon compensation levels required by the General Assembly action, whichever is greater.
- C. Awarding an overall amount of Merit Increase for all eligible full-time employees effective July 1<sup>st</sup> (unless an alternate effective date is recommended by the County Administrator);
  - subject to availability of funds approved by the Board of Supervisors with adoption of the budget, and,
  - based on FC's structured performance management process and eligibility criteria established by the County Administrator and with the County Administrator approving individual employees raises on the recommendations of Department Heads.



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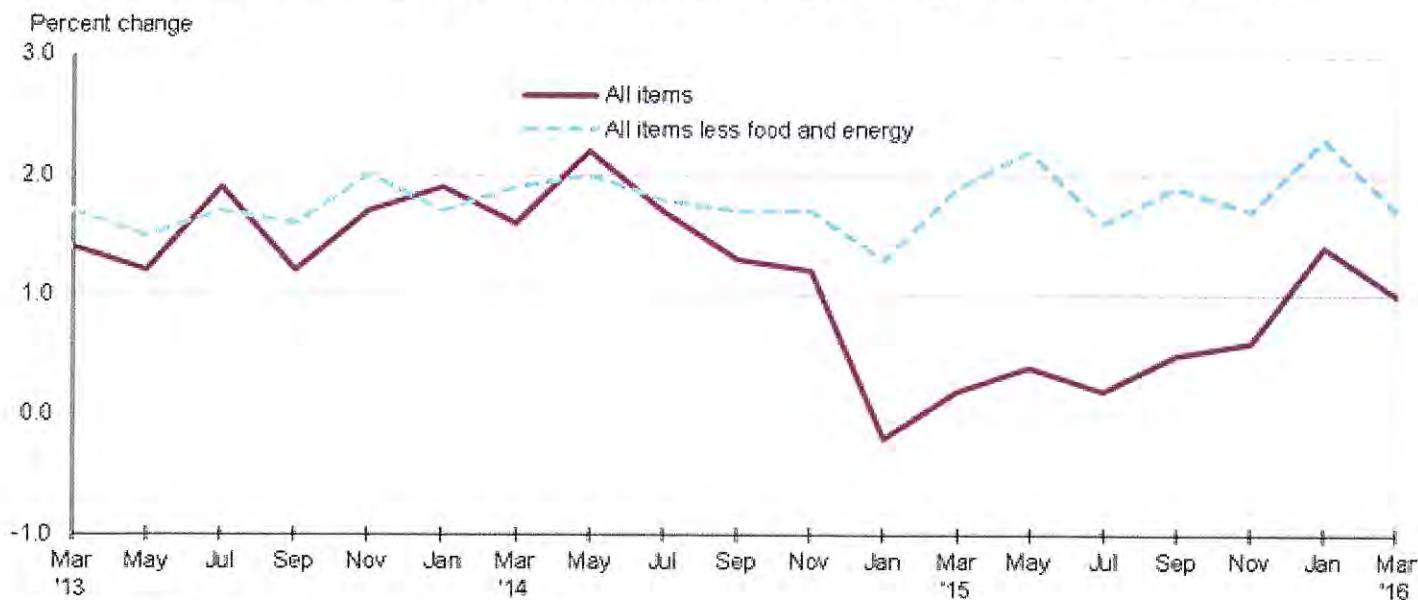
### Consumer Price Index, Washington-Baltimore – March 2016

Area prices up 0.6 percent since January and 1.0 percent over the year

The Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore increased 0.6 percent over the last two months, the U.S. Bureau of Labor Statistics reported today. Regional Commissioner Sheila Watkins noted the rise was led by a 0.6-percent increase in the all items less food and energy index. The energy index and the food index also rose since January, up 1.0 and 0.3 percent, respectively. (Data in this report are not seasonally adjusted. Accordingly, month-to-month changes may reflect the impact of seasonal influences.)

Over the last 12 months, the CPI-U increased 1.0 percent, due largely to a 1.7-percent rise in the all items less food and energy index. (See [chart 1](#) and [table A](#).) Since March 2015, the food index rose 1.3 percent, while the energy index fell 9.1 percent. (See [table 1](#).)

**Chart 1. Over-the-year percent change in CPI-U, Washington, D.C., March 2013–March 2016**



Source: U.S. Bureau of Labor Statistics.

### Food

After declining 0.4 percent from November to January, the food index increased 0.3 percent over the last two



months. Prices for food away from home rose 0.6 percent over the last two months; those for food at home inched up 0.1 percent. Higher prices for cakes, cupcakes, and cookies; soups; and breakfast cereal contributed to the increase in the food at home index.

Food prices rose 1.3 percent over the year, as prices for both components also increased. Prices for food away from home advanced 2.1 percent and those for food at home increased 0.6 percent since last March.

### Energy

Since January, the energy index, which includes prices for household and transportation fuels, rose 1.0 percent due to increases in both utility (piped) gas service and electricity prices, up 9.9 and 1.3 percent, respectively. Prices for gasoline declined 1.4 percent over the last two months.

Energy prices fell 9.1 percent over the year, led by a 20.9-percent drop in gasoline prices. Utility (piped) gas service prices also declined, dropping 12.6 percent, while electricity prices rose 6.3 percent since last March.

### All items less food and energy

The index for all items less food and energy increased 0.6 percent since January. The increase was due largely to higher prices for shelter (0.9 percent) and apparel (4.4 percent). Moderating the increase in the all items less food and energy index were lower prices for education and communication (-0.7 percent) and household furnishings and operations (-1.1 percent) over the last two months.

Since March 2015, the index for all items less food and energy rose 1.7 percent. The increase was due largely to an over-the-year rise in shelter prices (2.3 percent), as the owners' equivalent rent of residences index was up 1.9 percent. Higher prices for medical care (3.9 percent) and education and communication (3.7 percent) also contributed to the rise. Lower prices for household furnishings and operations (-2.4 percent), among others, moderated the increase in the all items less food and energy index since last March.

**Table A. Washington, D.C. CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2012		2013		2014		2015		2016	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
January.....	0.4	2.7	0.1	1.8	0.4	1.9	-1.0	-0.2	-0.2	1.4
March.....	1.3	2.8	0.9	1.4	0.6	1.6	1.0	0.2	0.6	1.0
May.....	0.1	1.8	-0.2	1.2	0.4	2.2	0.6	0.4		
July.....	-0.2	1.4	0.5	1.9	0.0	1.7	-0.2	0.2		
September.....	1.3	2.8	0.6	1.2	0.2	1.3	0.5	0.5		
November.....	-0.7	2.1	-0.2	1.7	-0.4	1.2	-0.3	0.6		

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**The Consumer Price Index for May 2016 is scheduled to be released on Thursday, June 16, 2016, at 8:30 a.m. (EDT).**

### **Technical Note**

The Consumer Price Index for Washington-Baltimore is published bi-monthly. The Consumer Price Index (CPI) is a measure of the average change in prices over time in a fixed market basket of goods and services. The Bureau of Labor Statistics publishes CPIs for two population groups: (1) a CPI for All Urban Consumers (CPI-U) which covers approximately 89 percent of the total population and (2) a CPI for Urban Wage Earners and Clerical Workers (CPI-W) which covers approximately 28 percent of the total population. The CPI-U includes, in addition to wage earners and clerical workers, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees and others not in the labor force.

The CPI is based on prices of food, clothing, shelter, and fuels, transportation fares, charges for doctors' and dentists' services, drugs, and the other goods and services that people buy for day-to-day living. Each month, prices are collected in 87 urban areas across the country from about 4,000 housing units and approximately 26,000 retail establishments--department stores, supermarkets, hospitals, filling stations, and other types of stores and service establishments. All taxes directly associated with the purchase and use of items are included in the index.

The index measures price changes from a designated reference date (1982-84) that equals 100.0. An increase of 16.5 percent, for example, is shown as 116.5. This change can also be expressed in dollars as follows: the price of a base period "market basket" of goods and services in the CPI has risen from \$10 in 1982-84 to \$11.65. For further details see the CPI home page on the Internet at [www.bls.gov/cpi](http://www.bls.gov/cpi) and the BLS Handbook of Methods, Chapter 17, The Consumer Price Index, available on the Internet at [www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf).

In calculating the index, price changes for the various items in each location are averaged together with weights that represent their importance in the spending of the appropriate population group. Local data are then combined to obtain a U.S. city average. Because the sample size of a local area is smaller, the local area index is subject to substantially more sampling and other measurement error than the national index. In addition, local indexes are not adjusted for seasonal influences. As a result, local area indexes show greater volatility than the national index, although their long-term trends are quite similar. **Note:Area indexes do not measure differences in the level of prices between cities; they only measure the average change in prices for each area since the base period.**

The **Washington-Baltimore, D.C.-Md.-Va.-W.Va., Consolidated Metropolitan Statistical Area** includes the District of Columbia; Baltimore City and the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, and Washington in Maryland; the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park and the counties of Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudoun, Prince William, Spotsylvania, Stafford, and Warren in Virginia; and the counties of Berkeley and Jefferson in West Virginia.

Information in this release will be made available to sensory impaired individuals upon request. Voice phone: (202) 691-5200; Federal Relay Service: (800) 877-8339.



**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods, Washington-Baltimore, D.C.-Md.-Va.-W.Va., (December 1997=100 unless otherwise noted) (not seasonally adjusted)**

Expenditure category	Indexes				Percent change from		
	Historical data	Jan. 2016	Feb. 2016	Mar. 2016	Mar. 2015	Jan. 2016	Feb. 2016
<b>All items <sup>(1)</sup></b>		155.519		156.493	1.0	0.6	
Food and beverages <sup>(1)</sup> .....		156.080		156.506	1.2	0.3	
Food <sup>(1)</sup> .....		157.432		157.971	1.3	0.3	
Food at home.....		147.966	148.193	148.146	0.6	0.1	0.0
Food away from home <sup>(2)</sup> .....		166.771		167.780	2.1	0.6	
Alcoholic beverages <sup>(2)</sup> .....		137.112		135.989	-0.2	-0.8	
Housing <sup>(1)</sup> .....		168.587		169.966	1.9	0.8	
Shelter.....		180.545	181.232	182.138	2.3	0.9	0.5
Rent of primary residence <sup>(1) (3)</sup> .....		200.173	200.100	200.947	1.6	0.4	0.4
Owners' equivalent rent of residences <sup>(3) (4)</sup> .....		180.808	181.081	181.501	1.9	0.4	0.2
Owners' equivalent rent of primary residence <sup>(3) (4)</sup> .....		180.799	181.073	181.490	1.9	0.4	0.2
Fuels and utilities.....		183.726		187.463	2.4	2.0	
Household energy.....		172.076	174.102	176.685	1.2	2.7	1.5
Gas (piped) and electricity <sup>(3)</sup> .....		165.696	167.752	170.322	1.9	2.8	1.5
Electricity <sup>(3)</sup> .....		181.515	182.987	183.905	6.3	1.3	0.5
Utility (piped) gas service <sup>(3)</sup> .....		103.862	107.309	114.162	-12.6	9.9	6.4
Household furnishings and operations.....		88.203		87.209	-2.4	-1.1	
<b>Apparel <sup>(1)</sup></b>		95.831		100.029	-1.1	4.4	
Transportation <sup>(1)</sup> .....		135.458		135.805	-4.5	0.3	
Private transportation.....		132.919		133.611	-4.4	0.5	
Motor fuel.....		166.830	154.640	164.492	-21.0	-1.4	6.4
Gasoline (all types).....		166.603	154.386	164.345	-20.9	-1.4	6.5
Gasoline, unleaded regular <sup>(5)</sup> .....		163.625	150.680	161.480	-22.2	-1.3	7.2
Gasoline, unleaded midgrade <sup>(5)</sup> .....		181.428	170.720	179.213	-16.3	-1.2	5.0

**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods, Washington-Baltimore, D.C.-Md.-Va.-W.Va., (December 1997=100 unless otherwise noted) (not seasonally adjusted) - Continued**

Expenditure category	Indexes				Percent change from		
	Historical data	Jan. 2016	Feb. 2016	Mar. 2016	Mar. 2015	Jan. 2016	Feb. 2016
Gasoline, unleaded premium <sup>(5)</sup> .....		188.259	178.829	185.272	-15.5	-1.6	3.6
<b>Medical care <sup>(1)</sup></b>		182.506		183.828	3.9	0.7	
<b>Recreation</b>		118.290		120.453	1.6	1.8	
<b>Education and communication</b>		154.163		153.058	3.7	-0.7	
<b>Other goods and services <sup>(1)</sup></b>		178.837		177.702	0.5	-0.6	
Commodity and service group.....							
Commodities.....		124.144		124.742	-1.6	0.5	
Commodities less food and beverages.....		106.728		107.387	-3.5	0.6	
Nondurables less food and beverages.....		131.027		132.062	-5.5	0.8	
Durables.....		79.989		80.348	-0.6	0.4	
Services.....		176.669		177.903	2.3	0.7	
Special aggregate indexes.....							
All items less shelter.....		143.132		143.825	0.2	0.5	
All items less medical care <sup>(1)</sup> .....		153.797		154.747	0.7	0.6	
Commodities less food.....		108.118		108.727	-3.3	0.6	
Nondurables.....		143.376		144.088	-1.9	0.5	
Nondurables less food.....		131.603		132.489	-5.0	0.7	
Services less rent of shelter.....		173.124		173.962	2.2	0.5	
Services less medical care services.....		176.053		177.282	2.1	0.7	
Energy <sup>(1)</sup> .....		169.582	165.687	171.291	-9.1	1.0	3.4
All items less energy.....		153.228		154.153	1.7	0.6	

**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods, Washington-Baltimore, D.C.-Md.-Va.-W.Va., (December 1997=100 unless otherwise noted) (not seasonally adjusted) - Continued**

Expenditure category	Indexes				Percent change from		
	Historical data	Jan. 2016	Feb. 2016	Mar. 2016	Mar. 2015	Jan. 2016	Feb. 2016
All items less food and energy <sup>(1)</sup> .....		153.520		154.506	1.7	0.6	

(1) Indexes on a November 1996=100 base.

(2) Indexes on a November 1997=100 base.

(3) This index series was calculated using a Laspeyres estimator. All other item stratum index series were calculated using a geometric means estimator.

(4) This index series underwent a change in composition in January 2010. The expenditure class now includes weight from secondary residences, and has been re-titled "Owners' equivalent rent of residences." The item stratum "Owners' equivalent rent of primary residence" excludes secondary residences.

(5) Special index based on a substantially smaller sample.

Note: Index applies to a month as a whole, not to any specific date.

## SALARY RANGES

*Adopted January 2015*

Range	Minimum	Progress	Midpoint	Advance	Maximum
13	\$96,200	\$110,600	\$125,000	\$139,400	\$153,800
12	\$85,600	\$98,500	\$111,300	\$124,100	\$137,000
11	\$76,800	\$88,300	\$99,800	\$111,300	\$122,800
10	\$65,800	\$75,700	\$85,600	\$95,500	\$105,400
9	\$56,900	\$65,500	\$74,000	\$82,500	\$91,100
8	\$50,100	\$57,600	\$65,100	\$72,600	\$80,100
7	\$45,200	\$52,000	\$58,800	\$65,600	\$72,400
6	\$40,400	\$46,400	\$52,500	\$58,600	\$64,600
5	\$36,800	\$42,300	\$47,800	\$53,300	\$58,800
4	\$32,300	\$37,200	\$42,000	\$46,800	\$51,700
3	\$29,500	\$33,900	\$38,300	\$42,700	\$47,100
2	\$25,800	\$29,700	\$33,600	\$37,500	\$41,400
1	\$22,200	\$25,600	\$28,900	\$32,200	\$35,600



# Position Allocation Chart

Budget Dept #	Department	2015-2016 Position Allocation	Position Request Approved 2016-2017	Total Position Allocation	2016-2017 Funded	2016-2017 Unfunded
2106	Clerk's Office	9		9	9	
1209	Comm of the Revenue	21		21	21	
2201	Commonwealth's Attorney's Office	13		13	13	
2202	Victim Witness	2		2	2	
1201	County Administrator's Office	8		8	8	
1202	County Attorney's Office	2	1	3	3	
5316	Department of Social Services	66	1	67	67	
8102	Economic Development	3	1	4	3	1
8301	Extension Office	2		2	2	
1214	Finance Department	7		7	7	
3505	Fire & Rescue Department	96	23	119	106	13
1203	HR Department	5	1	6	6	
1220	IT Department	14		14	14	
3303	Juvenile Probation Office	2		2	2	
4301	Maintenance	9		9	9	
3301	NRADC	201	3	204	204	
2109	NRADC/DCS	12		12	12	
7104	Parks & Recreation Department	40		40	40	
8101	Planning & Development	11	1	12	11	1
3506	Public Safety Communications	16		16	16	
4201	Public Works/Administration	4		4	4	
4305	Public Works/Animal Shelter	7		7	7	
3401	Public Works/Inspections	14		14	14	
4204	Public Works/Landfill	27		27	27	
4203	Public Works/Recycling	2		2	2	
8108	Public Works/Shawneeland	6	1	7	7	
1302	Registrar's Office	2		2	2	
3102	Sheriff's Office	134	18	152	140	12
1213	Treasurer's Office	11		11	11	
8109	Winchester Regional Airport	11		11	11	
	<b>Grand Total</b>	<b>757</b>	<b>50</b>	<b>807</b>	<b>780</b>	<b>27</b>



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Human Resources Committee

FROM: Roderick B. Williams  
County Attorney

DATE: May 9, 2015

RE: Frederick County Code, Chapter 19 (Personnel Policies), Section 19-1 Employee recognition program

From time to time, the County may find it appropriate, in advancing its interests as an employer, to make certain bonus payments to its employees, for recruitment, retention, and/or recognition purposes. Virginia Code, §15.2-1508 (copy attached) requires an ordinance that authorizes the payment of monetary bonuses to officers and employees. The County Code currently does not contain an authorization provision for monetary bonuses. Attached please find a draft proposed ordinance that would provide such authorization.

Attachments

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers

## § 15.2-1508. Bonuses for employees of local governments

Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees. The payment of a bonus shall be authorized by ordinance.

1985, c. 142, § 15.1-7.4; 1997, c. 587; 2003, c. [204](#).





**ORDINANCE**  
**\_\_\_\_\_, 2016**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 19-1 (Employee recognition program) of Chapter 19 (Personnel Policies) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, as follows:

**CHAPTER 19 PERSONNEL POLICIES**

**§ 19-1 Employee recognition program.**

The Board of Supervisors may authorize payment of monetary bonuses to county officers and the County Administrator may authorize payment of monetary bonuses to county employees, as part of an employee recruitment, retention, and/or recognition program, pursuant to the County's Human Resources Policies and provided that appropriated funds are available.

Enacted this \_\_\_\_ day of \_\_\_\_, 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



## **FREDERICK COUNTY REORGANIZATION**

**Effective May 4, 2016**

**County Administrator – Brenda Garton**

### **Direct Reports:**

- Deputy County Administrator for Community Development – Kris Tierney
- Deputy County Administrator for Human Services – Jay Tibbs
- Director of Finance – Cheryl Shiffler
- Director of Human Resources – Becky Merriner
- Director of Information Technology – Scott Varner
  - MIS Director – Benny Tyson
- Fire and Rescue Chief – Denny Linaburg
  - Deputy Emergency Management Coordinator – Chester Lauck
- Public Information Officer – Karen Vacchio

### **Liaison with:**

- Board of Supervisors
- School Superintendent – Dave Sovine
- County Attorney – Rod Williams
- Constitutional Officers
  - Sheriff – Lenny Millholland
  - Clerk of the Circuit Court – Becky Hogan
  - Commonwealth's Attorney – Ross Spicer
  - Treasurer – Bill Orndoff
  - Commissioner of the Revenue – Ellen Murphy
- Federal and State Legislators
- Northwestern Regional Adult Detention Center Executive Director – Jim Whitley
  - Chair of Jail Board – Directly Supervise Director
- Local, Regional, State, and National Officials

### **Meetings:**

- Board of Supervisors
- Code and Ordinance Committee
- Economic Development Authority (EDA) – Secretary/Treasurer
- Finance Committee
- Fire and Rescue Association
- Human Resources Committee
- Joint Finance Committee (Frederick County and City of Winchester)
- Juvenile Detention Center Commission (alternate)
- Landfill Oversight Committee
- Northern Shenandoah Valley Regional Commission (NSVRC)
- Northern Shenandoah Valley Regional Commission CAOs
- Old Dominion ASAP Policy Board
- Old Dominion Community Criminal Justice Board
- Public Safety Committee
- Public Works Committee
- Russell 150 Community Development Authority
- School Board
- Technology Committee
- Transportation Committee
- Winchester-Frederick Metropolitan Planning Organization

## **Deputy County Administrator for Community Development – Kris Tierney**

### **Direct Reports:**

- Director of Planning and Community Development – Mike Ruddy
  - Planning – Candace Perkins
  - Zoning – Mark Cheran
  - Transportation – John Bishop
- Director of Public Works – Ed Strawsnyder
  - Animal Shelter – Kathy Whetzel
  - Landfill – Steve Frye
  - Building Inspections – John Trenary
  - Engineering – Ed Strawsnyder
  - Environmental Programs – Ron Kimble
- Director of Economic Development – Patrick Barker

### **Liaison with:**

- Economic Development Authority
- Frederick County Sanitation Authority – Eric Lawrence
- Health Department with regard to Community Development Issues
- Winchester-Frederick Regional Airport – Airport Executive Director Renny Manuel

### **Meetings:**

- Agricultural District Advisory Committee
- Board of Building Appeals
- Board of Supervisors
- Board of Zoning Appeals (BZA)
- Code and Ordinance Committee
- Conservation Easement Authority (CEA)
- Development Impact Model Oversight Committee (DIMOC)
- Economic Development Authority (EDA)
- Finance Committee
- Frederick-Winchester Service Authority
- Historic Resources Advisory Board
- Landfill Oversight Committee (alternate)
- Northern Shenandoah Valley Regional Commission (NSVRC) (alternate)
- Planning Commission
- Public Works Committee
- Russell 150 Community Development Authority
- Shawneeland Sanitary District Advisory Committee
- Transportation Committee
- Winchester-Frederick Metropolitan Planning Organization
- Winchester Regional Airport Authority

### **Special Duties:**

- Serves as County Administrator in the absence of the County Administrator
- Handles Special Projects as Assigned by County Administrator, especially large scale projects
- Participates in various internal meetings, committees, and leadership groups as assigned by the County Administrator
- Coordinates activities related to Lake Holiday Sanitary District

## **Deputy County Administrator for Human Services – Jay Tibbs**

### **Direct Reports:**

- Director of Parks and Recreation – Jason Robertson
- Director of Public Safety Communications – LeeAnna Pyles
- Maintenance Supervisor – Steve Richman

### **Liaison with:**

- Liaison with:
  - Health Department with regard to Human Services Issues
  - Northwestern Community Services Board – Executive Director Michael Elwell
  - Social Services – Director of Social Services Tami Green
  - Voter Registrar – Voter Registrar Rick Miller
  - VPI Extension – Unit Coordinator Mark Sutphin
  - Winchester-Frederick County Tourism – Tourism Director Justin Kerns
  - Winchester Regional Library – Library Executive Director John Huddy
- Legislative Liaison:
  - Coordinates with Legislators
  - Develops Legislative Agenda

### **Meetings:**

- Board of Supervisors
- CSA Community Policy and Management Team (CPMT) (as appointed member)
- Extension Leadership Council
- Finance Committee
- Handley Regional Library Board
- Joint Finance Committee
- Parks and Recreation Commission
- Public Safety Committee
- Shenandoah Area Agency on Aging
- Social Services Board
- Winchester-Frederick County Tourism Board

### **Special Duties:**

- Serves as Deputy Clerk to the Board
- Serves as County's Records Manager
- County Administration Office Manager – supervises County Administration staff
- Serves as County Administrator in the absence of the County Administrator and the Deputy County Administrator for Community Development
- Handles Special Projects as assigned by County Administrator
- Participates in various internal meetings, committees, and leadership groups as assigned by the County Administrator
- Serves as County's Service Learning Coordinator

I



**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John A. Bishop, AICP, Assistant Director - Transportation *JB*  
**RE:** Transportation Committee Report for Meeting of May 23, 2016  
**DATE:** June 7, 2016

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The Transportation Committee met on May 23, 2016 at 8:30 a.m.

Members Present

Gary Lofton (voting)  
Judith McCann-Slaughter (voting)  
Gene Fisher (voting)  
James Racey (voting)  
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)  
Gary Oates (liaison PC)  
Barry Schnoor (voting)

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

**2. Korean War Veterans Memorial Highway**

The Committee reviewed the attached request from the Korean War Veterans Association. As noted, a request from the Board of Supervisors to the Commonwealth Transportation Board is required to help move this along if the Board sees fit. The County would be responsible for the cost of installation and upkeep for the signs, however the association has noted they are willing to reimburse this cost.

After some brief discussion Mr. Fisher motioned and Mrs. McCann-Slaughter seconded to recommend the Board approve the request.

**3. Bicycle and Pedestrian Restriction on Route 37**

VDOT contacted staff upon receiving a request from the State Police that Route 37 be closed to pedestrians and cyclist as well as other forms of transportation not suitable for

high speed conditions. In order to take this request to the Commonwealth Transportation Board, VDOT is in need of a letter of support from the locality. Staff has attached the relevant state code section.

On a motion by Mrs. McCann-Slaughter seconded by Mr. Fisher the Committee recommended that the Board support the request.

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

**1. Interstate, Primary, and Secondary Road Plan updates**

Staff updated the Committee on the status of these updates and advised that they should have actionable drafts at their next meeting.

**4. County Projects Update**

**Snowden Bridge Blvd:**

Construction is underway and on schedule at this time.

**Tevis Street Extension/Airport Road/I-81 Bridge:**

The Applicant has the draft revenue sharing agreement but has not yet executed it. The Applicant has been working through issues with VDOT regarding entrances on the masterplan. These masterplan discussions appear to be complete and Staff is awaiting the new masterplan submission. In addition, Staff submitted revised language to the revenue sharing agreement approximately two weeks prior to this mailing and has not yet received feedback.

**Renaissance Drive:**

Staff is coordinating with EDA staff to complete a grant application which could change the project from a grade to a bridge crossing. In addition, efforts continue to forward conversations with CSX regarding the potential crossing. Staff is meeting with CSX and VDOT staff on May 18, 2016 regarding the potential crossing.

**Valley Mill Road Realignment:**

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete the design through 100%. Upon approval by the private party partner, the next phase of design will begin.

**Coverstone Drive:**

No activity at this time.

## **5. Other**

Due to a scheduling conflict the Committee has rescheduled their June meeting to June 20, 2016 in the Board of Supervisors Closed session room.

JAB/pd



## KOREAN WAR VETERANS ASSOCIATION INC.

Shenandoah Valley Chapter #313

Jack Keep, Member Board of Directors

3416 Mountain Road, Front Royal, VA 22630

(540) 631-9213 email [jkeepsr@centurylink.net](mailto:jkeepsr@centurylink.net)

Charles S. DeHaven Jr.  
Chairman Frederick County  
Board of Supervisors  
2075 Martinsburg Pike  
Winchester VA 22630

As members of the Board of Directors of Korean War Veterans Chapter 313 we are submitting the following request to the Board of Supervisors of Frederick County Virginia.

It is our desire to have a section of US 50 from VA37 west to the West Virginia State line as a Korean War Veterans Memorial Highway in order to perpetuate the memory of all those who sacrificed their lives, and particularly those from the upper Shenandoah Valley, in the bloody conflict of the years 1950-1953, and which has become known as the "Forgotten War."

We have been in consultation with Mr. Cliff Balderson of VDOT regarding the particulars of fulfilling this goal. Mr. Balderson advised us that the most efficient manner of gaining approval is to have the County Board of Supervisors endorse the project by making request by letter to the Commonwealth Transportation Board.

We, the Korean War Veterans Association Chapter 313 therefore request the Frederick County Board of Supervisors to submit a letter of request to said Board of Transportation on our behalf.

We appreciate your consideration of this appeal.

Sincerely,

Jack Keep  
Marshall DeHaven

Korean War Veterans Association  
Shenandoah Chapter 313

Contact:  
Jack Keep  
3416 Mountain Road  
Front Royal, VA 22630  
Phone: 540-631-9213  
email [jkeepsr@centurylink.net](mailto:jkeepsr@centurylink.net)



CODE OF VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD MAY PROHIBIT CERTAIN USES OF CONTROLLED ACCESS HIGHWAYS; PENALTY. (Â§ 46.2-808)

A. The Commonwealth Transportation Board may, when necessary to promote safety, prohibit the use of controlled access highways or any part thereof by any or all of the following:

1. Pedestrians,
2. Persons riding bicycles, electric power-assisted bicycles, electric personal assistive mobility devices, or mopeds,
3. Animal-drawn vehicles,
4. Self-propelled machinery or equipment, and
5. Animals led, ridden or driven on the hoof.

B. The termini of any section of controlled access highways, use of which is restricted under the provisions of this section, shall be clearly indicated by a conspicuous marker.

C. This section shall not apply to any vehicle or equipment owned or controlled by the Virginia Department of Transportation, while actually engaged in the construction, reconstruction, or maintenance of highways or to any vehicle or equipment for which a permit has been obtained for operation on such highway.

Any person violating a restriction or prohibition imposed pursuant to this section shall be guilty of a traffic infraction.

HISTORY: 1964, c. 239, Â§ 46.1-171.1; 1966, c. 365; 1981, c. 585; 1983, c. 262; 1989, c. 727; 1991, c. 55; 2004, cc. 947, 973; 2006, cc. 529, 538; 2007, cc. 209, 366.

J



# APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

## APPLICANT INFORMATION

Name of Applicant: Cedar Creek Battlefield Foundation

Telephone Number(s): 540 869-2064 ☐ home ☒ office ☐ cell (540) 335-9518 ☐ home ☐ office ☒ cell

Address: P.O. Box 229 Middletown, VA 22645

Contact Email: info@ccbf.us

## FESTIVAL EVENT ORGANIZATIONAL INFORMATION

**Festival Event**

Name of Festival: Annual Event Permit

Cost of Admission to Festival: TBD

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
TBD	9:00 AM Typical	TBD	10,000 Typically	TBD
July 22-24, 2016	9:00 AM	7:00 PM	10,000	10,000
Oct. 15-16, 2016	9:00 AM	5:00 PM	10,000	5,000

**Location**

Address: 8437 Valley Pike, Middletown, VA 22645

**Owner of Property**

Name(s): Cedar Creek Battlefield Foundation

Address: P.O. Box 229, Middletown, VA 22645

(\*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): Cedar Creek Battlefield Foundation

Address: P.O. Box 229, Middletown, VA 22645

(\*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): None

Address: \_\_\_\_\_

**Performer**

Name of Person(s) or Group(s): Reenactors of Historical Events, Civil War, Living History, Revolutionary War, and others.

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

### **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

Patrick Kehoe, CCBF Manager

Printed Name of Applicant

Date: 5/26/16

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

## Jay Tibbs

---

**From:** Cedar Creek Battfield <info@ccbf.us>  
**Sent:** Friday, May 27, 2016 12:31 PM  
**To:** Jay Tibbs  
**Subject:** Cedar Creek Battlefield Foundation Event Permit  
**Attachments:** ANNUAL Event Permit to Frederick County signed.pdf

Jay,

Per our conversation this week, I have attached our Event Permit submittal for an annual permit. Please attach the previous submittals or, as you see fit.

The different events will have different admission fees (Manassas \$15.00, 152<sup>nd</sup> Cedar Creek \$12.00, the REV WAR that Charles Harbaugh submitted is \$7.00 with kids 12 and under free, etc.) By and large the template for our camp layout would be the 152<sup>nd</sup> event map, with some variations. The night lighting will more or less be the same for all our events, with lighting used for our registrations tent.

Patrick





**APPLICATION FOR OUTDOOR FESTIVAL PERMIT  
COUNTY OF FREDERICK, VIRGINIA**

*(Please Print Clearly)*



APPLICANT INFORMATION				
Name of Applicant: <u>Cedar Creek Battlefield Foundation</u>				
Telephone Number(s): <u>(540) 869-2064</u> <input type="checkbox"/> home <input checked="" type="checkbox"/> office <input type="checkbox"/> cell <u>(540) 335-9518</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell				
Address: <u>P.O. Box 229, Middletown, VA. 22645</u>				
Contact Email: <u>info@ccbf.us</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>152nd Anniversary of the Battle of Cedar Creek</u>			
Cost of Admission to Festival: <u>\$12.00</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
October 15, 2016	9:00 AM	6:00 PM	10,000	10,000
October 16, 2016	9:00 AM	5:00 PM	10,000	8,000
Location	Address: <u>8437 Valley Pike, Middletown, VA 22645</u>			
Owner of Property	Name(s): <u>Cedar Creek Battlefield Foundation</u> Address: <u>P.O. Box 229 Middletown, VA. 22645</u> <small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small>			
Promoter	Name(s): <u>Cedar Creek Battlefield Foundation</u> Address: <u>P.O. Box 229 Middletown, VA 22645</u> <small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small>			
Financial Backer	Name(s): <u>None</u> Address: _____			
Performer	Name of Person(s) or Group(s): <u>Civil War Reenactors</u> _____ _____ <small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small>			



## FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

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

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



### **FESTIVAL PROVISIONS**

Applicant makes the following statements:

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

### **CERTIFICATION**

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



Signature of Applicant

Patrick Kehoe, Manager

Printed Name of Applicant

Date: July 24, 2016

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



727

841

11

300

81

Creek Grove

CSA CAVALRY CAMP

Neeson Brook

USA CAVALRY CAMP

NORTH ENTRY

MAIN ENTRY

Spectator Parking

Food Vendors

EMT

Suiters

Living History

CAMPS

CSA

CAMPS

USA

USA

CAMPS

CEDAR CREEK  
BATTLEFIELD  
FOUNDATION  
HOOTERS

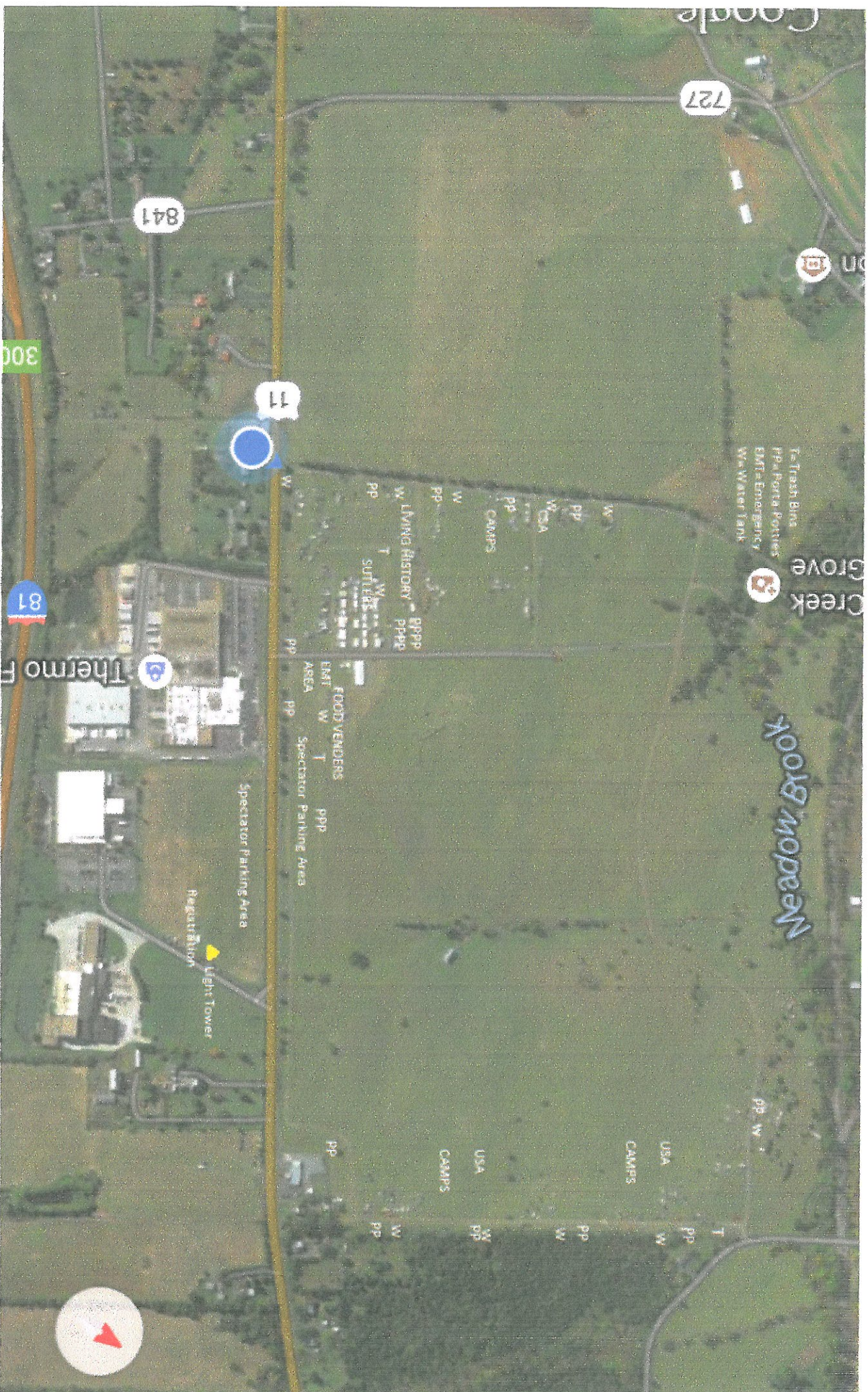
Spectator Parking

LIGHT TOWER  
REGISTRATION

Thermo F











APPLICATION FOR OUTDOOR FESTIVAL PERMIT  
COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)



APPLICANT INFORMATION

Name of Applicant: Cedar Creek Battlefield Foundation

Telephone Number(s): (540) 869-2064 ☐ home ☒ office ☐ cell (540) 335-9518 ☐ home ☐ office ☒ cell

Address: P.O. Box 229 Middletown, VA 22645

Contact Email: info@ccbf.us

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: 155th Anniversary Reenactment of 1st Bull Run

Cost of Admission to Festival: \$15.00 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
July 22, 2016	4:00 PM	8:00 PM	10,000	5,000
July 23, 2016	9:00 AM	7:30 PM	10,000	10,000
July 24, 2016	9:00 AM	5:00 PM	10,000	10,000

Location Address: 8437 Valley Pike, Middletown, VA

Owner of Property

Name(s): Cedar Creek Battlefield Foundation  
Address: P.O. Box 229, Middletown, VA 22645

(\*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): Cedar Creek Battlefield Foundation  
Address: P.O. Box 229, Middletown, VA 22645

(\*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): None  
Address: \_\_\_\_\_

Performer

Name of Person(s) or Group(s): Civil War Reenactors

(\*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).

Outdoor restrooms will be provided by Johnny Blue; trash will be collected in dumpsters provided by D&M Container Services

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

Civil War Reenactors will bring their own tents for lodging and their own food. Boyer Water Hauling provides water for the event. Food Vendors licensed through Frederick Co. will provide vendor services for spectators attending the event.

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

Middletown Fire and Rescue will be on-site during open hours throughout the event. They will be on standby in off hours and during the nighttime hours.

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

Middletown Fire and Rescue will be on-site during open hours throughout the event. They will be on standby in off hours and during nighttime hours.

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

Parking will be on lands owned or leased by the Cedar Creek Battlefield Foundation.

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

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

One set of outdoor lights will be used Thursday and Friday nights at the reenactor registration tent from 8:00 PM to midnight. See the attached diagram.

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.

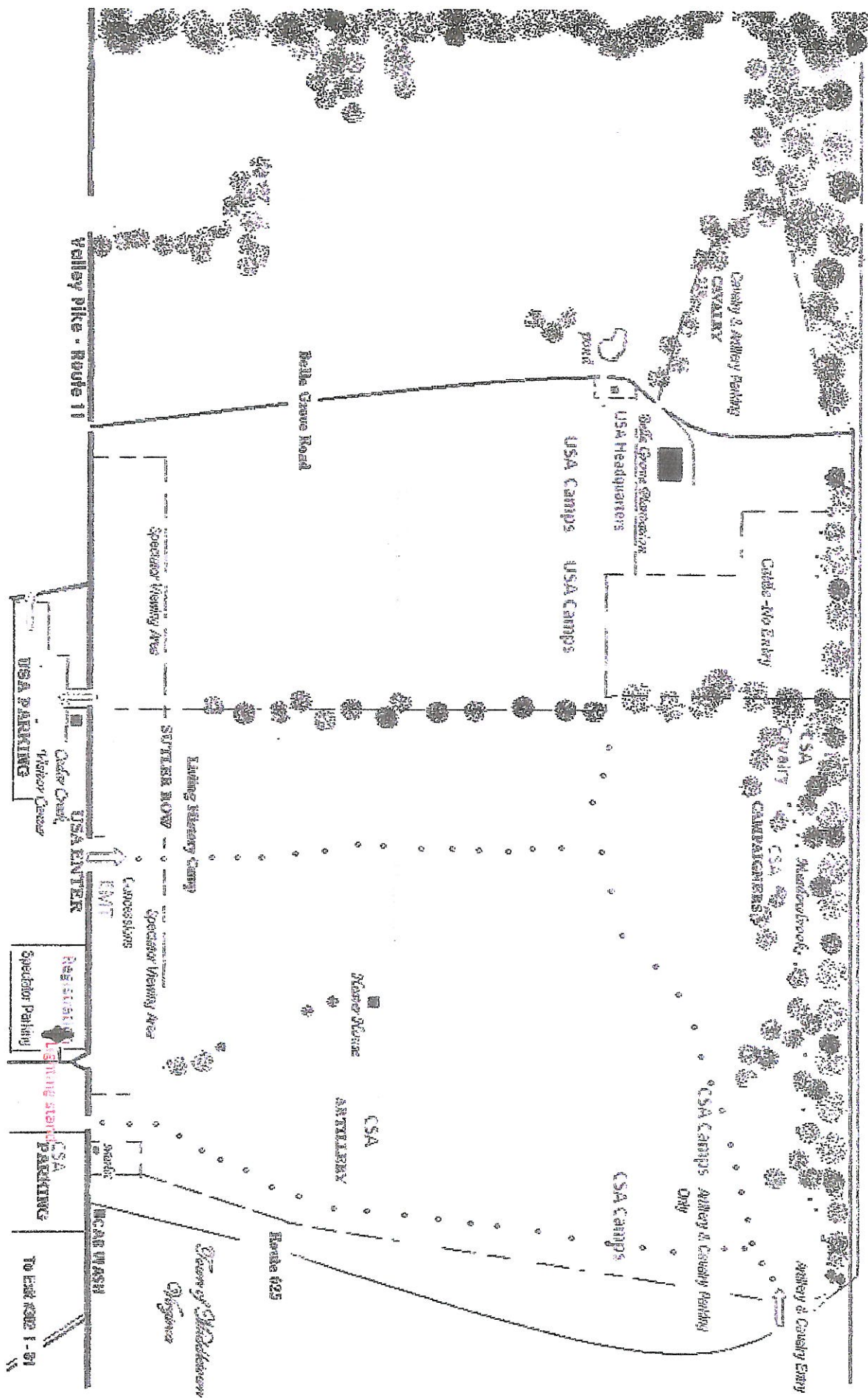
  
Signature of Applicant

Patrick Kehoe, Manager, CCBF  
Printed Name of Applicant

Date: May 23, 2016

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





K



## CONDITIONAL USE PERMIT #04-16

VICKI NASH

Staff Report for the Board of Supervisors

Prepared: June 13, 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:	06/01/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	06/22/16	Pending

**EXECUTIVE SUMMARY:** This is a request for a Conditional Use Permit (CUP) for a Nail Salon. Should the Board of Supervisors find this application for a nail salon to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m. Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require 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 215 Fruit Orchard Drive, Gore, VA

**MAGISTERIAL DISTRICT:** Gainesboro

**PROPERTY ID NUMBER:** 17-22A-19

**PROPERTY ZONING & PRESENT USE:**

Zoned: R-5 (Residential Recreational Community)

Land Use: Residential

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North: R-5 (Residential Recreational Community)	Use: Residential
South: R-5 (Residential Recreational Community)	Use: Residential
East: R-5 (Residential Recreational Community)	Use: Residential
West: State of West Virginia	Use: N/A

**PROPOSED USE:** Nail salon

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** Driveway entrance access to be located in West Virginia. Therefore, VDOT has no comments.

**Frederick County Inspections:** Area shall comply with The Virginia Existing Building Code, The Virginia Uniform Statewide Building Code and Section 302-B, Business Use Group of the International Building Code/2012. Other Code that applies is ICC/ANSI A117.1-09 Accessible and Usable Buildings and Facilities.

Conditional Use of existing basement area as nail spa. A change of use permit is required. Please submit a detailed floor plan with your permit. A plumbing permit is required for the foot sink installation. Sink shall drain to an approved waste disposal system. A mechanical permit is required for the installation of the required ventilation. (T403.3, IMC 12-20 cfm/person is required for Beauty Salons). Each nail station shall be provided exhaust with a source caption system of 50 cfm per station. Lever type hardware shall be provided on all doors along the accessible route and business areas. 20% ANSI A117-09 rule applies.

**Winchester-Frederick County Health Department:** The Frederick County Health Department cannot approve a commercial business to be added to an existing drainfield. Please consult with a private onsite evaluator (OSE) to submit an application for approval with a permit.

**Frederick County Fire Marshall:** Plans approved.

**Planning and Zoning:** The 2030 Comprehensive Policy Plan of Frederick County ("Comprehensive Plan") provides guidance when considering land use actions. The location of this proposed nail salon business is in a part of the County that is to remain rural in nature, and not part of any current land use study. The Frederick County Zoning Ordinance allows a nail salon as a cottage occupation in the R-5 (Residential Recreational Community) zoning district with an approved Conditional Use Permit. The proposed use will take place within the Applicant's dwelling. There will be no employees with use, and the customer base five of (5) customers per day, with hours of operation will be Monday through Friday from 10:00 a.m. 6:00 p.m. The Applicant has agreed to the customer base, hours, and days of operation. There will be no signs with this Conditional Use Permit. Based upon the limited scale of the proposed use and evaluation of the property, it appears this use would not have any significant impacts on the adjoining properties.

**STAFF CONCLUSIONS FOR THE 06/01/16 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 signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m. Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

**PLANNING COMMISSION SUMMARY AND ACTION OF THE 06/01/16 MEETING:**

Staff reported this property is currently zoned R5 (Residential Recreational Community) and the current land use is residential. Staff presented mapping identifying the location and an outline of the property. Staff continued, the property is surrounded by R5 properties on three sides and the State of West Virginia on the remaining portion.



Staff explained Cottage Occupations are permitted in the R5 zoning district with an approved CUP. Staff continued this proposed Cottage Occupation is for a nail salon that will take place in the applicant's residence using one room. Staff reviewed the conditions attached to this CUP and noted a minor revision to the hours of operation:

1. All review agency comments and requirements shall be complied with at all times
2. No signage allowed with this Conditional Use Permit
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m. Monday – Saturday
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

A Commission Member referred to condition #2 and inquired why no signage is allowed. Staff noted the Applicant did not want any signs on the property. The Applicant came forward to address the question raised; she explained her home is part of an HOA which does not permit signage in yards and she will continue to respect that.

A Commission Member inquired as to why the Frederick County Health Department could not comment on this application. Staff explained the health department did not comment because the Applicant's drainfield is in the front yard of the property which is actually in West Virginia. Staff continued, they spoke to the Hampshire County Health Department as a courtesy requesting their opinion on this application. Staff concluded the Applicant provided documentation from Hampshire County noting the drainfield and its location.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #04-16 for Vicki Nash for a cottage occupation nail salon with a revision to the condition for the hours of operation from Monday – Friday to Monday – Saturday.

Absent: Ambrogi, Unger, Manuel

#### **CONCLUSIONS FOR THE 06/22/16 BOARD OF SUPERVISORS MEETING:**

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

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.

3. Hours of operation shall be 10:00 a.m. to 6:00 p.m. Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require 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 # 04 - 16

Vicki Nash

PIN:

17 - 22A - 19

Nail Salon



HAMPSHIRE  
COUNTY  
WEST VIRGINIA

FRUIT ORCHARD DR

CUP #04-16

17-22A-19

181  
FRUIT  
ORCHARD DR

120  
TIMBER  
RIDGE RD

230  
SAWMILL DR

270  
SAWMILL DR



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)



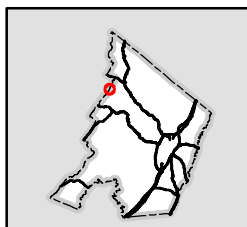
R5 (Residential Recreational Community District)



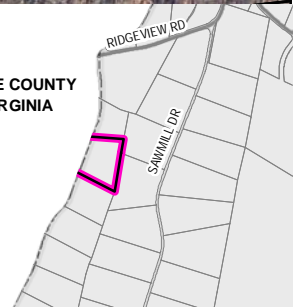
RA (Rural Area District)



RP (Residential Performance District)



HAMPSHIRE COUNTY  
WEST VIRGINIA



CUP # 04 - 16

Vicki Nash

PIN:

17 - 22A - 19

Nail Salon

Note:

Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: May 9, 2016  
Staff: mcheran



0 90 180 360 Feet



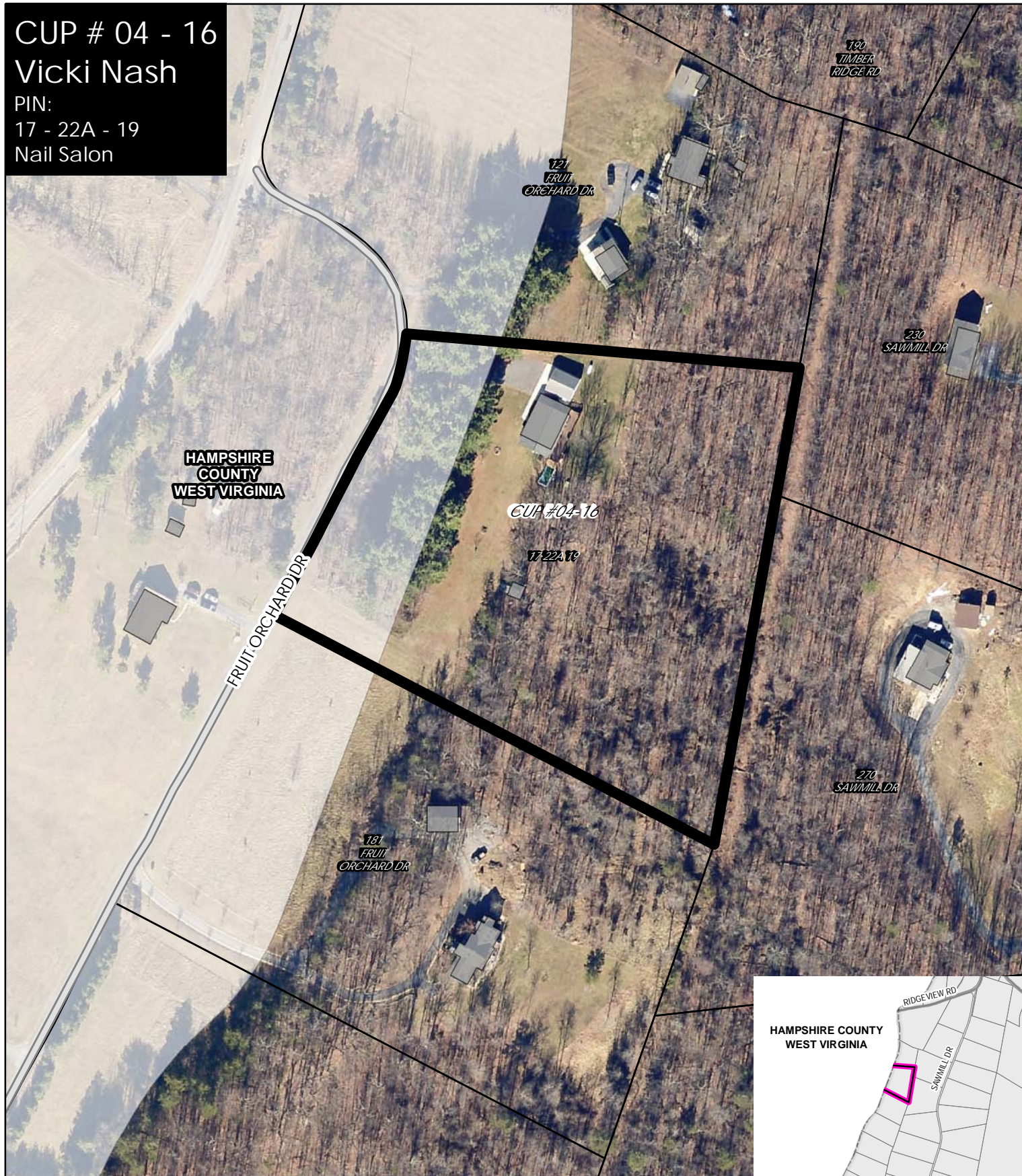
CUP # 04 - 16

Vicki Nash

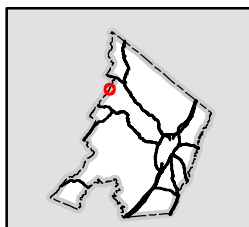
PIN:

17 - 22A - 19

Nail Salon



HAMPSHIRE COUNTY  
WEST VIRGINIA



Applications

Parcels

Building Footprints

CUP # 04 - 16

Vicki Nash

PIN:

17 - 22A - 19

Nail Salon

Note:

Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: May 9, 2016  
Staff: mcheran



0 90 180 360 Feet





DEC 4 2015

Submittal Deadline

4/25/16

P/C Meeting

6/1/16

BOS Meeting

6/22/16

# APPLICATION FOR CONDITIONAL USE PERMIT FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner ☒ Other ☐

NAME: Vicki Nash

ADDRESS: 215 Fruit Orchard Dr. Gore, VA 22637

TELEPHONE: 540-327-9964(C) (VICKI NA540@aol.com)

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

Donald Nash

Vicki Nash

3. The property is located at: (please give exact directions and include the route number of your road or street) 522 N - Lt on Red Oak Lt on Redland Lt on Whitacre Rt on (OR) 50 W - Rt on Whitacre (703) Approx 3-5 miles (Follow Lt @ intersection W/705) Lt on Ridgeview (becomes Timber Ridge) Lt on Fruit Orchard @ 215 Second Driveway on Lt Whitelhouse W/ Red door & Shutters 2+0 Garage

4. The property has a road frontage of 500 feet and a depth of 500 feet and consists of 5.04 acres. (Please be exact)

5. The property is owned by Donald NASH as evidenced by deed from MARGARET ALICE BURKE (previous owner) recorded in deed book no. 494 on page 589, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 17-22A-19, 42-22 Map Ref# 5-F-7  
Magisterial District Frederick County  
Current Zoning Residential



7. Adjoining Property:

	USE	ZONING
North	R	RA
East	R	RA
South	R	RA
West	R	RA

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

Cottage Application For nail Salon

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

NONE

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 Stacey M. McPeak	121 Fruit Orchard Drive
Property # 17-22A-20	Gore, VA 22637
Name Larry & Mary Peer	230 Sawmill Drive
Property # 17-22A-11	Gore, VA 22637
Name Carmela Innocenzi	270 Sawmill Drive
Property # Roseanne Amari 17-22A-12	Gore, VA 22637
Name Natalie Nawroz	181 Fruit Orchard Drive
Property # 17-22A-18	Gore, VA 22637
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

12. Additional comments, if any: I'm a Nail Tech. I would like  
to Request to have a small Home Business, Specialize  
in the Natural Nail Spa Manicure's & Spa Pedicure's..  
With a Spa Pedi-Chair w/massage & jets, and one w/out.  
A Nail tech table, Double Hot towel cabinet, product/Supplies  
w/Services I also do pressure points, massage w/Reflexology  
on Hands/Feet along w/Healthy nail care to pamper and  
enhance of your Natural Beauty. Would like to keep it small  
no more than 4-5 clients a day, with hours 10-6 Keeping it  
Respectful to my neighbors and our Home (4-5 days wky)

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

Vicki Spach

Signature of Owner

Donald W. Nash

Owners' Mailing Address

215 Fruit Orchard Dr. Gore VA 22637

Owners' Telephone No.

540-327-9964

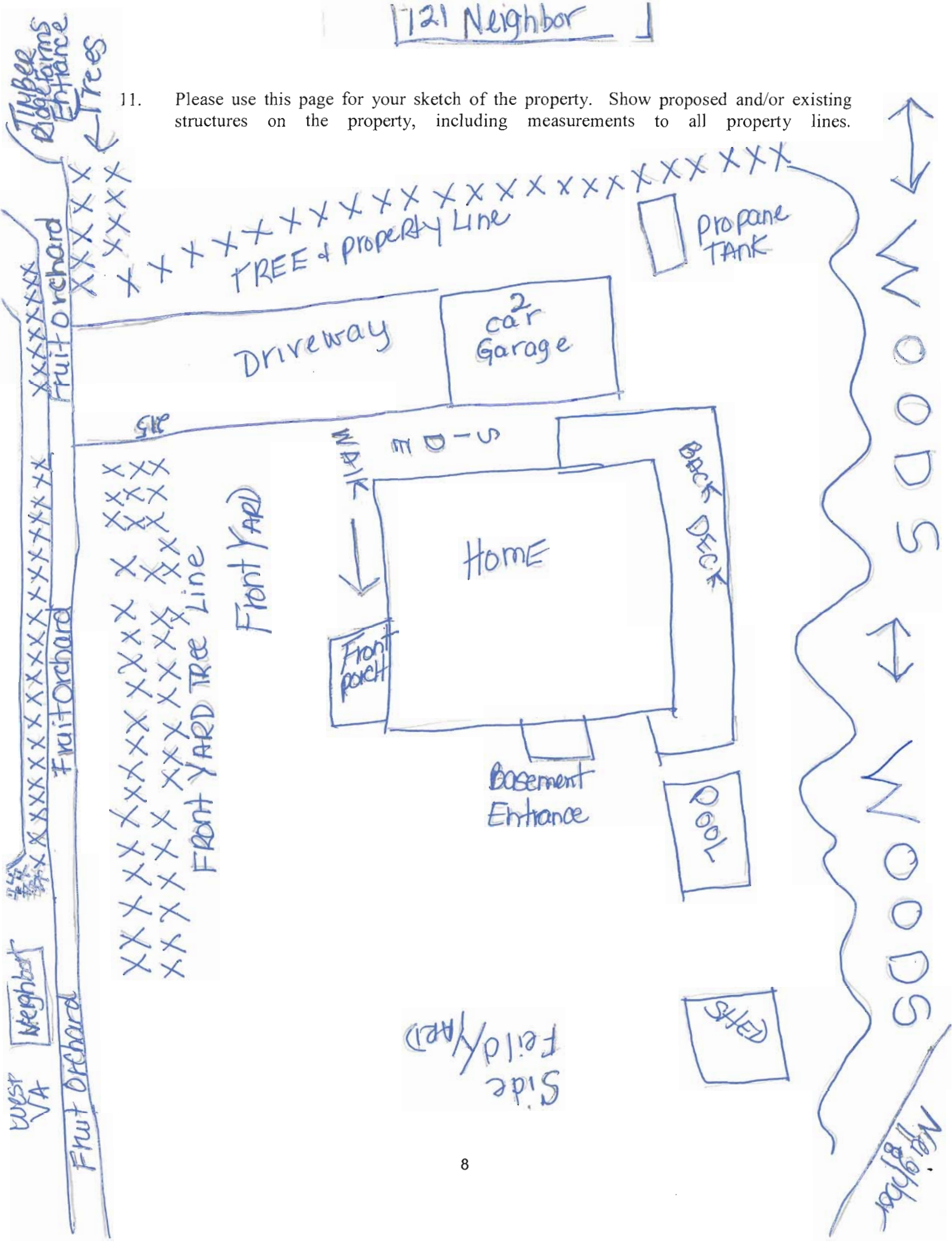
**TO BE COMPLETED BY THE ZONING ADMINISTRATOR:**

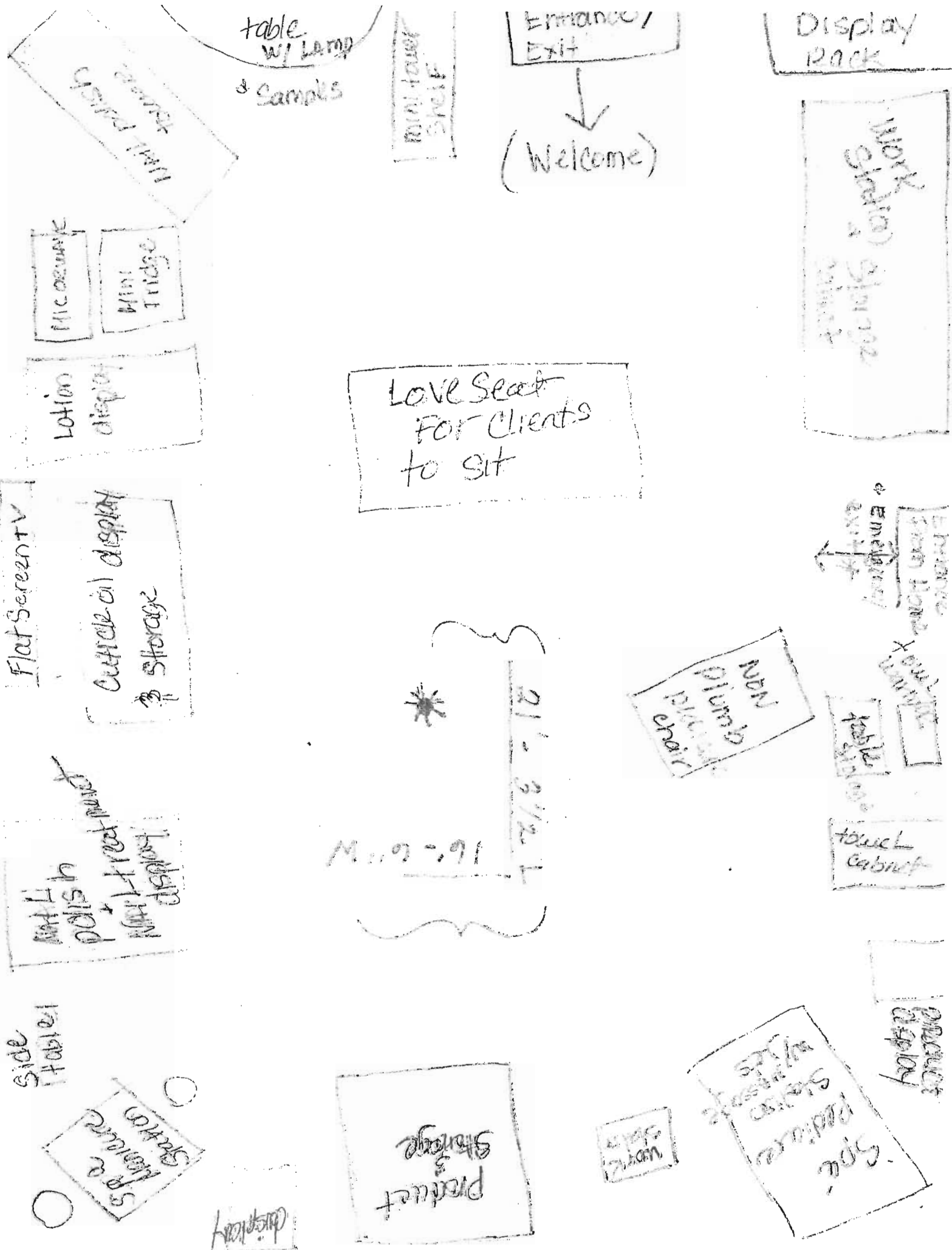
**USE CODE:** \_\_\_\_\_

**RENEWAL DATE:** \_\_\_\_\_



11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.





VA 702

WE are @ Lot #19

N  
W  
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Quarterhorse Lane

Fruit Orchard Drive

Sawmill Drive

Woodpecker Court

VA 703

Logger Drive

Goldfinch Lane

Deep Pine Ct.

Barn Owl Ct.

Laurel Ridge Ct.

Blackberry Lane

Grapevine Court

Good Earth Property

Cross Property

WV Rt 50/26 (Timber Ridge Road)

State Lot Lane

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# RESOLUTION

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**Action:**

PLANNING COMMISSION: June 1, 2016 - Recommended Approval

BOARD OF SUPERVISORS: June 22, 2016 ☐ APPROVED ☐ DENIED

---

## RESOLUTION

### CONDITIONAL USE PERMIT #04-16 VICKI NASH

**WHEREAS, Conditional Use Permit #04-16 Of Vicki Nash**, submitted by Vicki Nash for a Cottage Occupation – Nail Salon was considered. The Property is located 215 Fruit Orchard Drive and is further identified with Property Identification Number 17-22A-19 in the Gainesboro Magisterial District; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on June 1, 2016, and recommended approval of the Conditional Use Permit with conditions: and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on June 22, 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 #04-16 for a Cottage Occupation – Nail Salon on the parcel identified by Property Identification Number (PIN) 17-22A-19 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.

2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m., Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Passed this 22nd day of June, 2016 by the following recorded vote:

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

**A COPY ATTEST**

---

Brenda G. Garton  
Frederick County Administrator

L



## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Candice E. Perkins, AICP, CZA, Assistant Director *CEP*

**SUBJECT:** **Public Hearing** - Ordinance Amendment  
Dedication of Public Utilities on Rural Preservation Lots

**DATE:** June 13, 2016

---

Staff has received a request to revise the Zoning Ordinance to provide for an allowance to permit divisions from rural preservation lots for public road dedications or utility dedications. Currently the Zoning Ordinance prohibits all future divisions from rural preservation tracts.

Staff has prepared a minor revision to provide an allowance for the boundaries of rural preservation lots to be modified, provided that the future division (subdivision) would only be allowed for the widening of an existing VDOT owned road or for a public utility dedication.

The DRRC discussed this amendment at their February 2016 meeting. The DRRC agreed with the proposed changes, with minor revisions, and the item was forwarded to the Planning Commission for discussion. The Planning Commission discussed this item on April 6, 2016. A Commission Member inquired why we would eliminate new roads from consideration. Staff explained that they didn't want to create a way to circumvent the ordinance and provide an allowance for lots that previously did not have access to dedicate a roadway through an existing rural preservation lot. Staff stated that the ordinance was crafted to limit the allowance for utilities and existing state roads to ensure the protection of the platted rural preservation lot. Ultimately, the Planning Commission agreed with the changes and sent the item forward for review by the Board of Supervisors. The Board of Supervisors discussed this item on April 27, 2016; the Board of Supervisors agreed with the proposed changes and sent the amendment forward for public hearing. The Planning Commission held a public hearing for this item at their June 1, 2016 meeting; there were no citizen comments and the Planning Commission unanimously recommended approval of the amendment.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (with bold italic for text added) and the Planning Commission. **This proposed amendment is being presented to the Board of Supervisors as a public hearing item. A**

Ordinance Amendment  
Rural Preservation Lots - Utilities  
June 13, 2016  
Page 2

**decision by the Board of Supervisors on this proposed Zoning Ordinance text amendment is sought.** Please contact me if you have any questions.

---

**Attachments:**    1. Revised ordinance with additions shown in bold underlined italics.

2. Resolution

CEP/pd



Original language

**Draft revisions**

## Chapter 165 – Zoning

### ARTICLE IV AGRICULTURAL AND RESIDENTIAL DISTRICTS

#### Part 401 – RA Rural Areas District

##### § 165-401.06 Permitted lot sizes.

#### C. Rural preservation lots.

- (1) Within the RA Rural Areas District, lots as small as two acres shall be permitted on tracts over 20 acres in size, subject to the following:
  - (a) Sixty percent or more of the parent tract shall remain intact as a contiguous parcel (Rural Preservation Tract).
  - (b) This acreage must be designated prior to the division of the fourth lot.
  - (c) No future division of this designated Rural Preservation Tract shall be permitted, **other than for the widening of existing VDOT road right-of-ways or public utility dedications,** unless all the following are met:
    - i. The division results in an overall acreage increase to the Rural Preservation Tract; and
    - ii. Acreage added to the preservation tract may come from areas internal or external to the rural preservation subdivision; and
    - iii. Acreage from the preservation tract may not be adjusted into parcels outside of the rural preservation subdivision; and
    - iv. The Rural Preservation Tract continues to meet all requirements of Chapter 165 and 144.



# ORDINANCE AMENDMENT

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**Action:**

PLANNING COMMISSION: June 1, 2016

Recommended Approval

BOARD OF SUPERVISORS: June 22, 2016

☐ APPROVED ☐ DENIED

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## **AN ORDINANCE AMENDING THE FREDERICK COUNTY CODE CHAPTER 165 ZONING**

### **ARTICLE IV - AGRICULTURAL AND RESIDENTIAL DISTRICTS PART 401 – RA RURAL AREAS DISTRICT §165-401.06 – PERMITTED LOT SIZES**

**WHEREAS**, Staff has been directed to prepare an amendment to Chapter 165, Zoning to provide an allowance to permit divisions from rural preservation lots for the widening of an existing VDOT owned road or for a public utility dedication;

**WHEREAS**, the Planning Commission held a public hearing on this ordinance amendment on June 1, 2016; and

**WHEREAS**, the Board of Supervisors held a public hearing on this ordinance amendment on June 22, 2016; and

**WHEREAS**, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to modify Article IV – Agricultural and Residential Districts, Part 401 – RA Rural Areas District; §165-401.06 – Permitted Lot Sizes**, to allow divisions from rural preservation lots for the widening of an existing VDOT owned road or for a public utility dedication

Passed this 22nd day of June, 2016 by the following recorded vote:

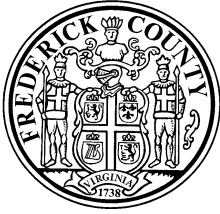
Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Judith McCann-Slaughter	_____
Gene E. Fisher	_____	Blaine P. Dunn	_____
Robert W. Wells	_____		

**A COPY ATTEST**

---

Brenda G. Garton  
Frederick County Administrator

M



## REZONING APPLICATION #06-16

### SEMPELES PROPERTY

#### Staff Report for the Board of Supervisors

Prepared: June 16, 2016

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

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	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	06/15/16	Public Meeting Held: Recommend Approval
Board of Supervisors:	06/22/16	Pending

**PROPOSAL:** To revise proffers associated with Rezoning #02-04. This revision relates to the “on site development” sections of the proffers for the M1 (Light Industrial) District zoned portion of the site. The Applicant is requesting to revise the proffers to allow the use of tilt-up concrete walls and to remove proffers that have been completed.

**LOCATION:** The site is located adjacent to Martinsburg Pike (Route 11), approximately 250 feet north of the intersection of Woodbine Road (Route 669) and Martinsburg Pike.

#### **EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 06/22/16 BOARD OF SUPERVISORS MEETING:**

This request to amend the proffer statement for the Sempeles Property (Whitehall Commerce Center) to allow the use of concrete tilt-up walls within the M1 (Light Industrial) Zoned portion of the property. The site was originally rezoned in 2004 to the M1 District and the B2 (General Business) District with proffers. Those proffers limited the façade materials to concrete masonry (CMU) brick, architectural block, dryvit or other simulated stucco, real or simulated wood or glass. The Applicant has also updated the proffer to remove improvements that have been previously completed. It should be noted that this proffer amendment only applies to the M1 zoned parcel, the parcels that were rezoned to the B2 District will still be covered by the 2004 proffer statement.

The industrial zoning for the property continues to be consistent with the land use identified in the 2030 Comprehensive Plan and the Northeast Land Use Plan and the property is within the Sewer and Water Service Area (SWSA). The impacts associated with the change of use are very limited; no additional impacts to Frederick County or the surrounding property owners are anticipated. **The Planning Commission did not identify any issues or concerns with the request and recommended approval of the application at their June 15, 2016 meeting.**

**Following the public meeting, a decision regarding this rezoning 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.**



*This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.*

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	06/15/16	Public Meeting Held; Recommend Approval
Board of Supervisors:	06/22/16	Pending

**PROPOSAL:** To revise proffers associated with Rezoning #02-04. This revision relates to the “on site development” sections of the proffers for the M1 (Light Industrial) District zoned portion of the site. The Applicant is requesting to revise the proffers to allow the use of tilt-up concrete walls and to remove proffers that have been completed.

**LOCATION:** The site is located adjacent to Martinsburg Pike (Route 11), approximately 250 feet north of the intersection of Woodbine Road (Route 669) and Martinsburg Pike.

**MAGISTERIAL DISTRICT:** Stonewall

**PROPERTY ID NUMBERS:** 34-A-4

**PROPERTY ZONING:** M1 (Light Industrial)) District

**PRESENT USE:** Vacant

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North:	Berkeley County, WV	Use:	Vacant/Residential
South:	RA (Rural Areas)	Use:	Residential
	M1 (Light Industrial)	Use:	Industrial
East:	B2 (General Business)	Use:	Commercial/Vacant
	RA (Rural Areas)	Use:	Residential
West:	RA (Rural Areas)	Use:	Residential/Agricultural

## REVIEW EVALUATIONS:

### **Planning & Zoning:**

#### **1) Site History**

The original Frederick County zoning map (U.S.G.S. Inwood Quadrangle) identifies the subject parcel as being zoned A-2 (Agricultural General). The County's agricultural zoning districts were combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding revision of the zoning map resulted in the re-mapping of the subject properties and all other A-1 and A-2 zoned land to the RA District. On April 28, 2004 the Board of Supervisors approved Rezoning #02-04 for the Sempeles Property, which rezoned the property to the M1 (Light Industrial) District with proffers.

#### **2) Comprehensive Policy Plan**

**The 2030 Comprehensive Plan is the guide for the future growth of Frederick County.**

The 2030 Comprehensive Plan is an official public document that serves as the community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

The Area Plans, Appendix I of the 2030 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

#### **Land Use.**

The 2030 Comprehensive Plan and the Northeast Frederick Land Use Plan identify this property with an industrial land use designation. The current M1 (Light Industrial) Zoning of the subject property is supported by the Comprehensive Plan. The property is also located within the (Sewer and Water Service Area (SWSA)).

#### **3) Proffer Statement – Dated June 2, 2016:**

- ***Street Improvements:*** Proffers “a” and “c” have been removed as they have been completed.
- ***Landscape Design Features:*** the bulleted proffer has been deleted as it applies to the B2 zoned properties still covered by the 2004 proffer.
- ***On Site development:*** Proffer “a” has been modified to allow “tilt-up concrete walls” to the permitted façade materials.
- ***Monetary Contribution to Offset Impacts of Development:*** This proffer has been removed as the monetary proffer has already been paid.

**PLANNING COMMISSION SUMMARY AND ACTION FROM THE 06/15/16 MEETING:**

Staff presented an overview of the Applicant's request to revise the proffers for the M1 zoned site previously rezoned in 2004. The Planning Commission briefly discussed the requested addition of tilt-up concrete walls and the reasons for the previous architectural proffers. The property owner was present and available for questions from the Planning Commission. There were no questions at that time. A motion was made, seconded and unanimously passed to recommend approval of REZ #06-16 for the Sempeles Property.

Absent: Commissioners Dunlap, Triplett, Kenney

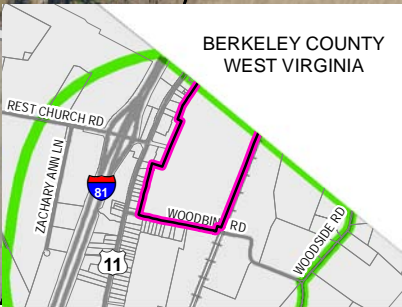
**EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 06/22/16 BOARD OF SUPERVISORS MEETING:**

This request to amend the proffer statement for the Sempeles Property (Whitehall Commerce Center) to allow the use of concrete tilt-up walls within the M1 (Light Industrial) Zoned portion of the property. The site was originally rezoned in 2004 to the M1 District and the B2 (General Business) District with proffers. Those proffers limited the façade materials to concrete masonry (CMU) brick, architectural block, dryvit or other simulated stucco, real or simulated wood or glass. The Applicant has also updated the proffer to remove improvements that have been previously completed. It should be noted that this proffer amendment only applies to the M1 zoned parcel, the parcels that were rezoned to the B2 District will still be covered by the 2004 proffer statement.

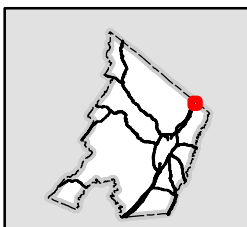
The industrial zoning for the property continues to be consistent with the land use identified in the 2030 Comprehensive Plan and the Northeast Land Use Plan and the property is within the Sewer and Water Service Area (SWSA). The impacts associated with the change of use are very limited; no additional impacts to Frederick County or the surrounding property owners are anticipated. **The Planning Commission did not identify any issues or concerns with the request and recommended approval of the application at their June 15, 2016 meeting.**

**Following the required public hearing, a decision regarding this rezoning 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.**

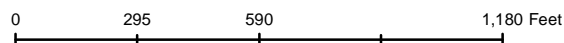
## Proffer Amendment



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

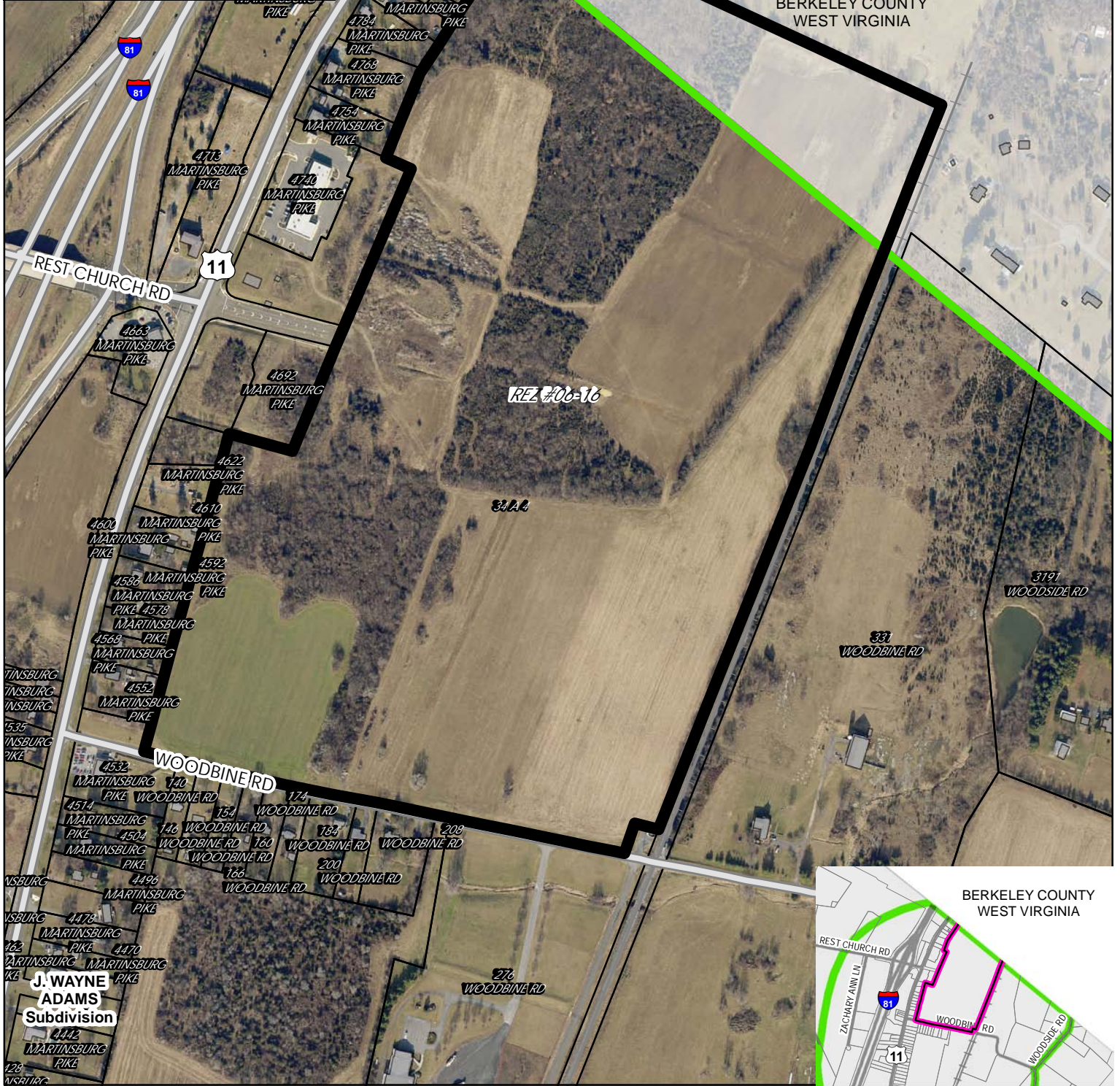






Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: June 6, 2016  
Staff: cperkins

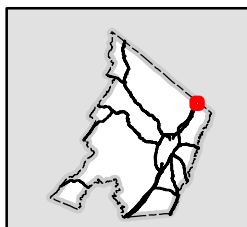




# REZ # 06 - 16 Sempeles Property PIN: 34 - A - 4 Proffer Amendment



-  Applications
-  Parcels
-  Sewer and Water Service Area
-  Building Footprints



REZ # 06 - 16  
 Sempeles Property  
 PIN:  
 34 - A - 4  
 Proffer Amendment

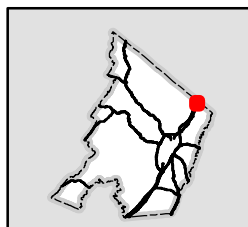
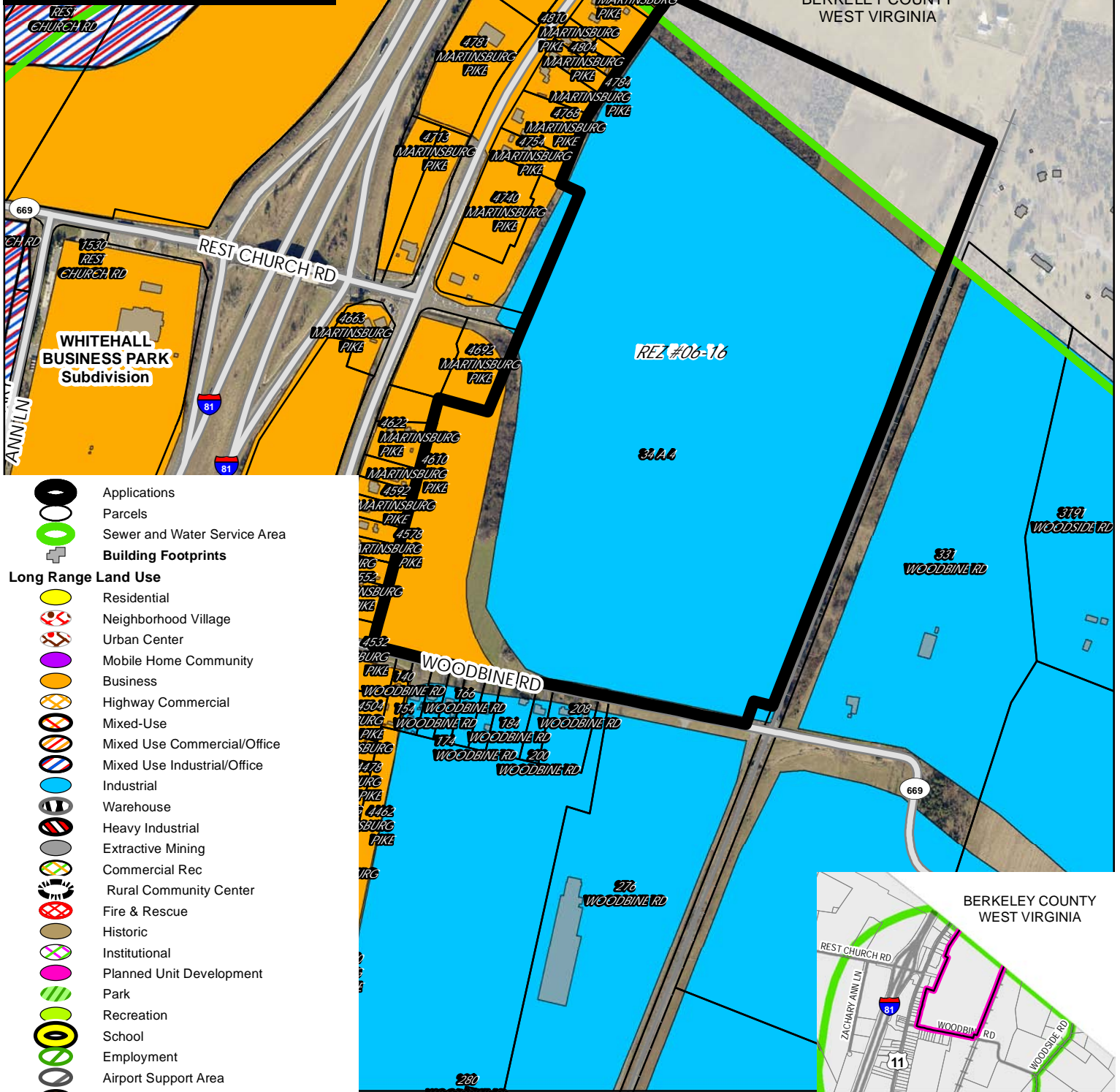
Note:  
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 Winchester, VA 22601  
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 Staff: cperkins



0 295 590 1,180 Feet

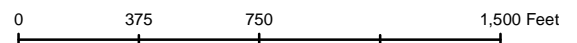


# REZ # 06 - 16 Sempeles Property PIN: 34 - A - 4 Proffer Amendment



REZ # 06 - 16  
 Sempeles Property  
 PIN:  
 34 - A - 4  
 Proffer Amendment

Note:  
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 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: June 6, 2016  
 Staff: cperkins



# **PROFFER AMENDMENT - FINAL PROFFER**

**Property Identification Number 34-A-4**

**Stonewall Magisterial District**

**Frederick County, Virginia**

## **Sempeles Property**

### Preliminary Matters

Pursuant to Section 15.1 - 491.1 et. seq., of the code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia (the "Board"), shall approve Rezoning Application # 06-16 to amend the proffers associated with Rezoning Application #02-04 as approved by the Board on April 27, 2004 for 100.48 acres of Light Industrial (M-1) identified by Frederick County as tax map parcel 34-A-4 (the "Property"), development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Frederick County Board of Supervisors in accordance with Virginia law. These proffers shall supersede any/all proffers previously approved for the Property. Should this petition for a proffer amendment not be approved by the Board of Supervisors then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

### General Development Plan

The development of the subject property, and the submission of any Master Development Plan shall be in conformance with all pertinent County regulations and shall be in substantial conformity with the Generalized Development Plan (GDP), dated March 8, 2004, which is attached hereto and incorporated herein by reference.

### Street Improvements

The Applicant shall design and construct an industrial access road including entrance improvements on U.S. Route 11 consistent with the County's adopted North East Land Use Plan for the area, and according to uniform standards established by the Virginia Department of Transportation (VDOT), and as may be provided in these proffers as illustrated on the Generalized Development Plan which is attached hereto and incorporated herein by reference. The road improvements shall include the following:

- a. Proffer completed and/or related to other property.
- b. The applicant shall construct an industrial access road to VDOT standards with centerline intersection equal to the centerline intersection of Rest Church Road and U.S. Route 11. The industrial access shall connect with Woodbine Road. (See 2 on the GDP). The configuration and location of this collector road addition to the road system shall be adjusted to conform with actual proposed use of the site subject to Frederick

County and VDOT approval at the site plan stage of development. The right of way width for this road shall be 80'.

- c. Proffer completed and/or related to other property.
- d. The applicant shall enter into a signalization agreement involving partial cost sharing for the Woodbine Road/Route 11 intersection. Establishment of the signalization agreement will correspond with development of the industrial (M1) portion of the site, and will therefore occur prior to approval of the first site plan for M1 development. The timing for ultimate signalization of the intersection will be determined by VDOT.
- e. The applicant agrees to provide a TIA for each industrial (M-1) use at the time of site plan. Additional street improvements suggested by the TIA will be negotiated with VDOT as a part of the land use permit.

#### Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan shall include the following landscape design features provided in these proffers and as illustrated on the Generalized Development Plan dated March 8, 2004 which is attached hereto and incorporated herein by reference:

- Proffer completed and/or related to other property.

#### On Site Development

The applicant expects the industrial zoned portion of the site to develop with a minimum of 1 and maximum of 8 end users depending on marketing conditions at the time of sale. Covenants and restrictions of record shall control the standards of construction to include:

- a. Façade materials of buildings facing street to be tilt-up concrete walls, concrete masonry (CMU) brick, architectural block, dry vit or other simulated stucco, real or simulated wood or glass.
- b. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
- c. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

#### Additional Site Proffers

In addition to the proffers above, the applicant shall implement the following design standards in construction on this site.

- a. All utilities to be underground.
- b. 2" caliper street trees on 50' centers along both sides of industrial access road.
- c. Stormwater management pond facilities shall be lined with impervious liner materials to preclude groundwater impacts.
- d. All commercial and industrial structures shall have a geotechnical analysis and study prepared prior to site plan approval.
- e. Any use involving the retail or wholesale sale of diesel fuel for over the road truck carriers shall not be conducted or performed on the Property.

Monetary Contribution to Offset Impact of Development


Proffer completed and/or related to other property.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Frederick County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully submitted,

PROPERTY OWNER

By:   
George M. Sempeles

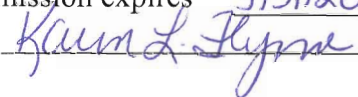
By:   
Carol T. Sempeles

Date: 6-3-16

Date: 6-3-16

STATE OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of JUNE, 2016,  
by GEORGE & CAROL SEMPELES.

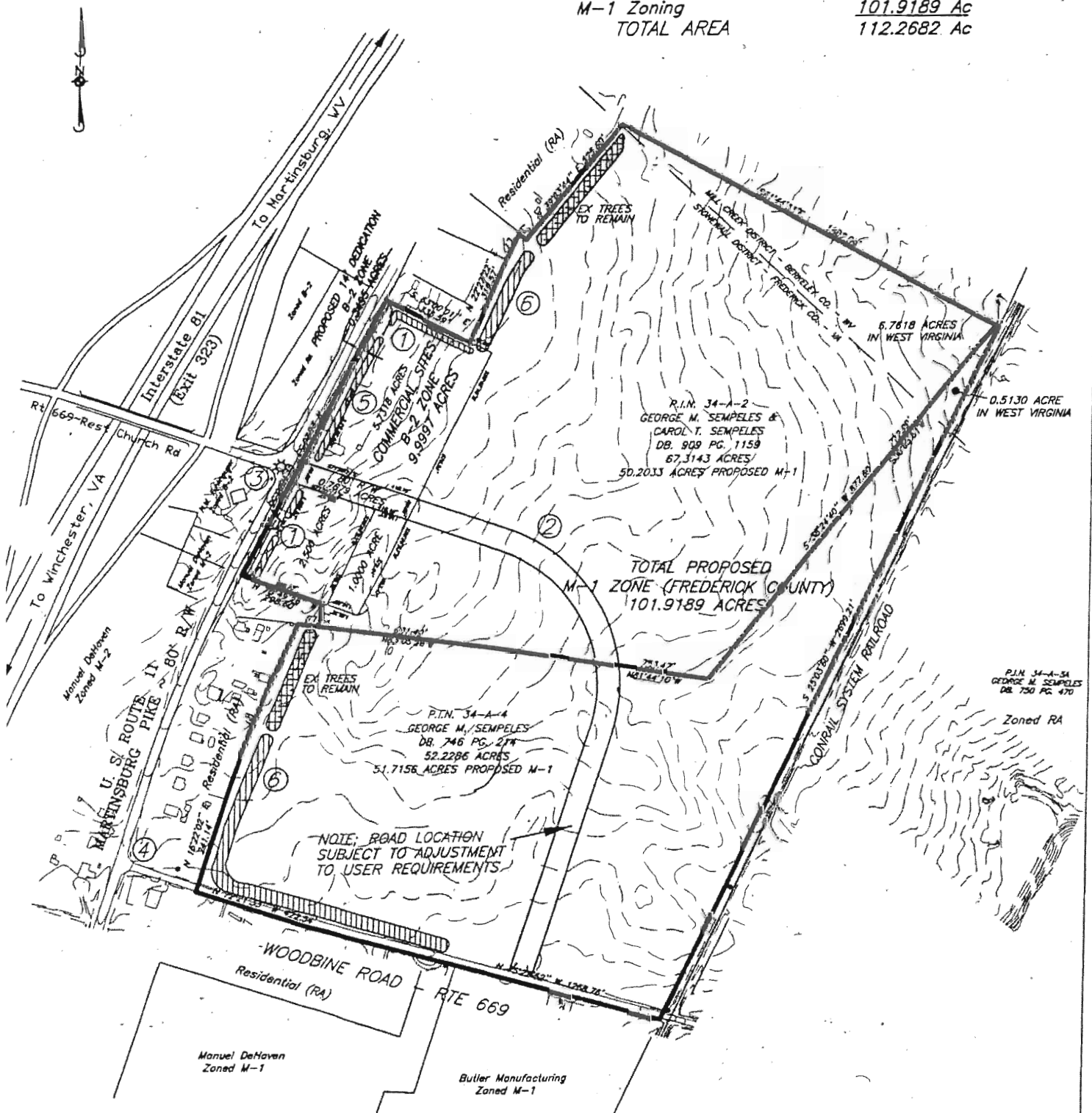
My commission expires 5/31/2018  
Notary Public 





# PROPOSED ZONING AREA

B-2 Zoning (Commercial Sites)	9.9997 Ac
B-2 Zoning (R/W Dedication)	0.3495 Ac
M-1 Zoning	101.9189 Ac
<b>TOTAL AREA</b>	<b>112.2682 Ac</b>



SEMPELES PROPERTY

GENERALIZED DEVELOPMENT PLAN

FREDERICK COUNTY, VIRGINIA

gilbert w. clifford & associates, inc.

Engineers Land Planners Water Quality

117 E. Picadilly St. Winchester, Virginia 22601

VOICE: (540) 667-2139 FAX: (540) 665-0493 EMAIL: gwcaram@earthlink.com



## RESOLUTION

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**Action:**

PLANNING COMMISSION: June 15, 2016 - Recommended Approval

BOARD OF SUPERVISORS: June 22, 2016 ☐ APPROVED ☐ DENIED

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### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #06-16 SEMPELES PROPERTY

**WHEREAS, Rezoning #06-16 Sempeles Property**, submitted by Pennoni Associates, to revise the proffers associated with Rezoning #02-04 relating to the “On-Site Development” section of the proffers was considered. The proffer revision, originally proffer statement dated April 27, 2004, with a final revision dated June 2, 2016, applies only to PIN 34-A-4. The request is to amend the proffer statement for the Sempeles Property (Whitehall Commerce Center) to allow the use of concrete tilt-up walls within the M1 (Light Industrial) zoned portion of the property. The Applicant has also updated the proffer to remove improvements that have been previously completed.

**WHEREAS**, the Planning Commission held a public meeting on this rezoning on June 15, 2015, and forwarded a recommendation of approval; and

**WHEREAS**, the Board of Supervisors held a public meeting on this rezoning on June 22, 2016, and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the proffers associated with Rezoning #02-04 relating to the “On-Site Development” section of the proffers. This minor proffer revision, original proffer statement dated April 27, 2004, with a final revision dated June 22, 2016, allows the use of concrete tilt-up walls within the M1 (Light Industrial) zoned portion of the property and removes the proffers that have been previously completed.

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

Passed this 22nd day of June, 2016 by the following recorded vote:

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

**A COPY ATTEST**

---

Brenda G. Garton  
Frederick County Administrator

# **REZONING REQUEST PROFFER AMENDMENT - FINAL PROFFER**

**Property Identification Number ~~34-A-2 and 34-A-4~~  
Stonewall Magisterial District  
Frederick County, Virginia**

## **Sempeles Property**

### **Preliminary Matters**

Pursuant to Section 15.1 - 491.1 et. seq., of the code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia (the "Board"), shall approve Rezoning Application # \_\_\_\_\_ to amend the proffers associated with Rezoning Application #02-04 as approved by the Board on April 27, 2004 for the rezoning of 101.9189100.48 acres of from Rural Area (RA) Zoning District to Light Industrial (M-1) identified by Frederick County as tax map parcel 34-A-4 (the "Property"), and 10.3492 acres from Rural Areas (RA) to Business General (B-2) development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Frederick County Board of Supervisors in accordance with Virginia law. These proffers shall supersede any/all proffers previously approved for the Property. Should this petition for rezoning a proffer amendment not be approved by the Board of Supervisors then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

### **General Development Plan**

The development of the subject property, and the submission of any Master Development Plan shall be in conformance with all pertinent County regulations and shall be in substantial conformity with the Generalized Development Plan (GDP), dated March 8, 2004, which is attached hereto and incorporated herein by reference.

### **Street Improvements**

The Applicant shall design and construct an industrial access road including entrance improvements on U.S. Route 11 consistent with the County's adopted North East Land Use Plan for the area, and according to uniform standards established by the Virginia Department of Transportation (VDOT), and as may be provided in these proffers as illustrated on the Generalized Development Plan which is attached hereto and incorporated herein by reference. The road improvements shall include the following:

- a. Along the property frontage on U.S. Route 11, the applicant shall construct curb and gutter and storm sewer with a 12' or wider lane widening consistent with VDOT commercial entrance standards. The applicant shall dedicate an additional 14' of right of way along property frontage with U.S. Route 11. Two 36' or larger commercial entrances shall be installed in approved locations, one south and one north of the industrial access road intersection. (See 1 on the GDP). The southern commercial

~~entrance shall be right in/out in accordance with VDOT requirements. Proffer completed and/or related to other property.~~

- b. The applicant shall construct an industrial access road to VDOT standards with centerline intersection equal to the centerline intersection of Rest Church Road and U.S. Route 11. The industrial access shall connect with Woodbine Road. (See 2 on the GDP). The configuration and location of this collector road addition to the road system shall be adjusted to conform with actual proposed use of the site subject to Frederick County and VDOT approval at the site plan stage of development. The right of way width for this road shall be 80'.
- c. ~~The applicant shall modify the VDOT proposed stoplight from 3 way to 4 way intersection. (See 3 on the GDP). Proffer completed and/or related to other property.~~
- d. The applicant shall enter into a signalization agreement involving partial cost sharing for the Woodbine Road/Route 11 intersection. Establishment of the signalization agreement will correspond with development of the industrial (M1) portion of the site, and will therefore occur prior to approval of the first site plan for M1 development. The timing for ultimate signalization of the intersection will be determined by VDOT.
- e. The applicant agrees to provide a TIA for each industrial (M-1) use at the time of site plan. Additional street improvements suggested by the TIA will be negotiated with VDOT as a part of the land use permit.

#### Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan shall include the following landscape design features provided in these proffers and as illustrated on the Generalized Development Plan dated March 8, 2004 which is attached hereto and incorporated herein by reference:

- ~~A twenty foot (20') landscaped green strip along the US Route 11 frontage portion of the site. (See 5 on the GDP). Features within the landscape green strip include a low berm (30" or less) with suitable low profile landscaping that will not conflict with sight distance at entrances. Proffer completed and/or related to other property.~~

#### On Site Development

The applicant expects the industrial zoned portion of the site to develop with a minimum of 1 and maximum of 8 end users depending on marketing conditions at the time of sale. Covenants and restrictions of record shall control the standards of construction to include:

- a. Façade materials of buildings facing street to be tilt-up concrete walls, concrete masonry (CMU) brick, architectural block, dry vit or other simulated stucco, real or simulated wood or glass.



- b. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
- c. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

#### Additional Site Proffers

In addition to the proffers above, the applicant shall implement the following design standards in construction on this site.

- a. All utilities to be underground.
- b. 2" caliper street trees on 50' centers along both sides of industrial access road.
- c. Stormwater management pond facilities shall be lined with impervious liner materials to preclude groundwater impacts.
- d. All commercial and industrial structures shall have a geotechnical analysis and study prepared prior to site plan approval.
- e. Any use involving the retail or wholesale sale of diesel fuel for over the road truck carriers shall not be conducted or performed on ~~this site either in the commercial or industrial zones~~ the Property.

#### Monetary Contribution to Offset Impact of Development

~~\_\_\_\_\_The undersigned, who owns the above described property hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 112.2681 acre site lying on the east side of U.S. Route 11 in the Stonewall Magisterial District of Frederick County, Virginia from RA to M-1 and B-2, the undersigned will pay to Frederick County for the Clearbrook Fire and Rescue Company the sum of \$15,000.00, the Sheriff's Office the sum of \$3,000.00 and the Administration Building the sum of \$2,000.00 for a total payment of \$20,000.00, at the time the first building permit is issued. Proffer completed and/or related to other property.~~

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Frederick County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully submitted,

PROPERTY OWNER

By: \_\_\_\_\_ By: \_\_\_\_\_  
George M. Sempeles Carol T. Sempeles

Date: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
~~2004~~2016, by \_\_\_\_\_.

My commission expires \_\_\_\_\_  
Notary Public \_\_\_\_\_

**REZONING REQUEST PROFFER**  
**Property Identification Number 34-A-2 and 34-A-4**  
**Stonewall Magisterial District**  
**Frederick County, Virginia**

**Sempeles Property**

Preliminary Matters

Pursuant to Section 15.1 - 491.1 et. seq., of the code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #~~02-07~~ for the rezoning of 101.9189 acres from Rural Area (RA) Zoning District to Light Industrial (M-1) and 10.3492 acres from Rural Areas (RA) to Business General (B-2) development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Frederick County Board of Supervisors in accordance with Virginia law. Should this petition for rezoning not be approved by the Board of Supervisors then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

General Development Plan

The development of the subject property, and the submission of any Master Development Plan shall be in conformance with all pertinent County regulations and shall be in substantial conformity with the Generalized Development Plan (GDP), dated March 8, 2004, which is attached hereto and incorporated herein by reference.

Street Improvements

The Applicant shall design and construct an industrial access road including entrance improvements on U.S. Route 11 consistent with the County's adopted North East Land Use Plan for the area, and according to uniform standards established by the Virginia Department of Transportation (VDOT), and as may be provided in these proffers as illustrated on the Generalized Development Plan which is attached hereto and incorporated herein by reference. The road improvements shall include the following:

- a. Along the property frontage on U.S. Route 11, the applicant shall construct curb and gutter and storm sewer with a 12' or wider lane widening consistent with VDOT commercial entrance standards. The applicant shall dedicate an additional 14' of right of way along property frontage with U.S. Route 11. Two 36' or larger commercial entrances shall be installed in approved locations, one south and one north of the industrial access road intersection. (See 1 on the GDP). The southern commercial entrance shall be right in/out in accordance with VDOT requirements.

**Rezoning Request Proffer**  
**Property Identification Number 34-A-2 and 34-A-4**  
**Stonewall Magisterial District**

- b. The applicant shall construct an industrial access road to VDOT standards with centerline intersection equal to the centerline intersection of Rest Church Road and U.S. Route 11. The industrial access shall connect with Woodbine Road. (See 2 on the GDP). The configuration and location of this collector road addition to the road system shall be adjusted to conform with actual proposed use of the site subject to Frederick County and VDOT approval at the site plan stage of development. The right of way width for this road shall be 80'.
- c. The applicant shall modify the VDOT proposed stoplight from 3 way to 4 way intersection. (See 3 on the GDP).
- d. The applicant shall enter into a signalization agreement involving partial cost sharing for the Woodbine Road/Route 11 intersection. Establishment of the signalization agreement will correspond with development of the industrial (M1) portion of the site, and will therefore occur prior to approval of the first site plan for M1 development. The timing for ultimate signalization of the intersection will be determined by VDOT.
- e. The applicant agrees to provide a TIA for each industrial (M-1) use at the time of site plan. Additional street improvements suggested by the TIA will be negotiated with VDOT as a part of the land use permit.

Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan shall include the following landscape design features provided in these proffers and as illustrated on the Generalized Development Plan dated March 8, 2004 which is attached hereto and incorporated herein by reference:

- A twenty foot (20') landscaped green strip along the US Route 11 frontage portion of the site. (See 5 on the GDP). Features within the landscape green strip include a low berm (30" or less) with suitable low profile landscaping that will not conflict with sight distance at entrances.

On Site Development

The applicant expects the industrial zoned portion of the site to develop with a minimum of 1 and maximum of 8 end users depending on marketing conditions at the time of sale. Covenants and restrictions of record shall control the standards of construction to include:

- a. Façade materials of buildings facing street to be concrete masonry (CMU) brick, architectural block, dry vit or other simulated stucco, real or simulated wood or glass.

- b. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
- c. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

#### Additional Site Proffers

In addition to the proffers above, the applicant shall implement the following design standards in construction on this site.

- a. All utilities to be underground.
- b. 2" caliper street trees on 50' centers along both sides of industrial access road.
- c. Stormwater management pond facilities shall be lined with impervious liner materials to preclude groundwater impacts.
- d. All commercial and industrial structures shall have a geotechnical analysis and study prepared prior to site plan approval.
- e. Any use involving the retail or wholesale sale of diesel fuel for over the road truck carriers shall not be conducted or performed on this site either in the commercial or industrial zones.

#### Monetary Contribution to Offset Impact of Development

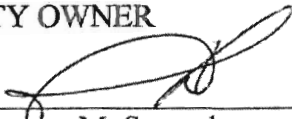
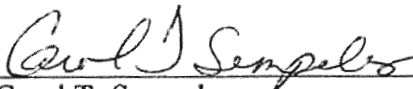
The undersigned, who owns the above described property hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 112.2681 acre site lying on the east side of U.S. Route 11 in the Stonewall Magisterial District of Frederick County, Virginia from RA to M-1 and B-2, the undersigned will pay to Frederick County for the Clearbrook Fire and Rescue Company the sum of \$15,000.00, the Sheriff's Office the sum of \$3,000.00 and the Administration Building the sum of \$2,000.00 for a total payment of \$20,000.00, at the time the first building permit is issued.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Frederick County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.



Respectfully submitted,

PROPERTY OWNER

By:  By:   
George M. Sempeles Carol T. Sempeles

Date: 5/3/04 Date: 5/3/04

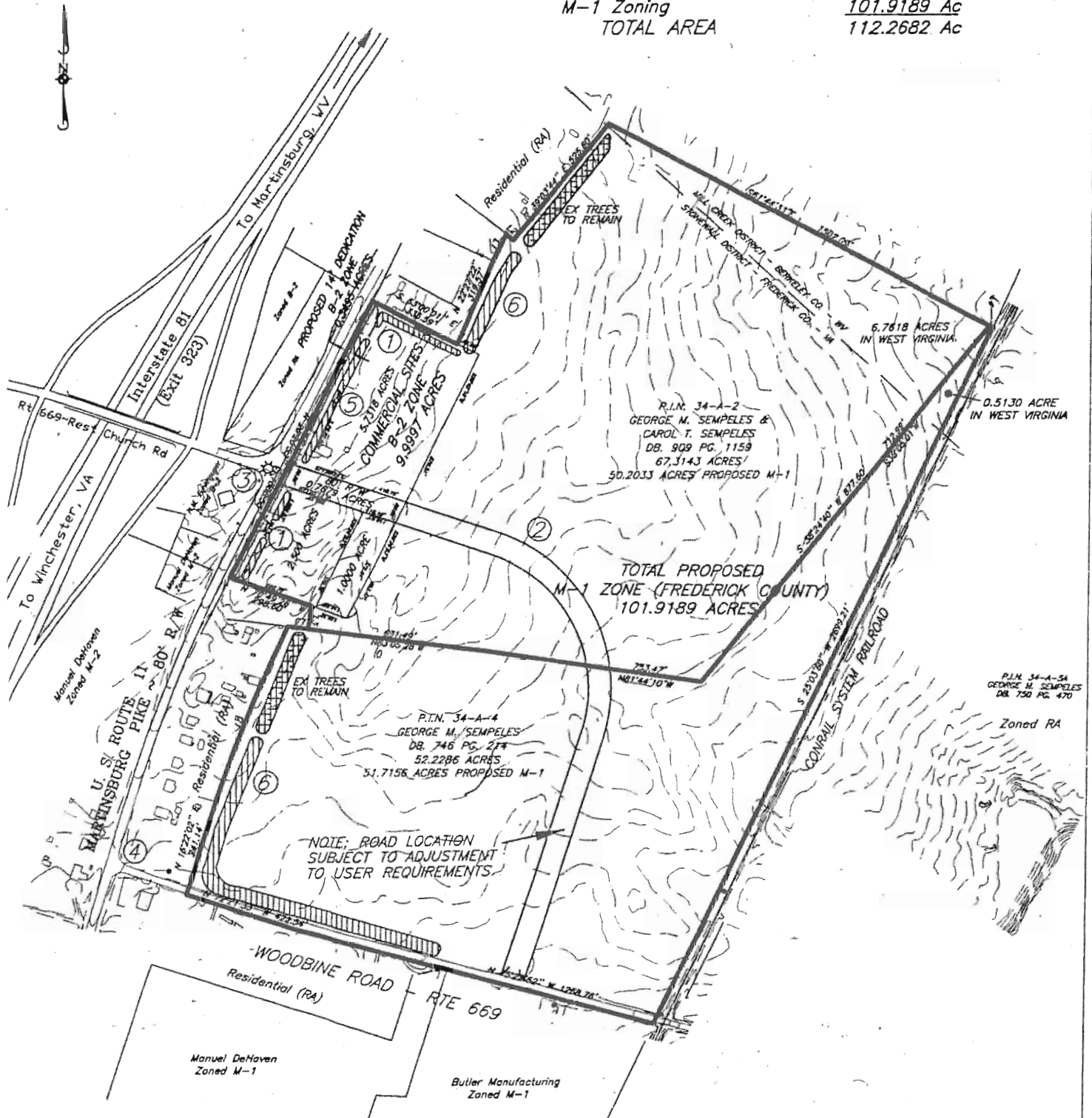
STATE OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of May,  
2004, by George M. & Carol T. Sempeles

My commission expires April 30, 2007  
Notary Public Maureen Monahan

# PROPOSED ZONING AREA

B-2 Zoning (Commercial Sites)	9.9997 Ac
B-2 Zoning (R/W Dedication)	0.3495 Ac
M-1 Zoning	101.9189 Ac
<b>TOTAL AREA</b>	<b>112.2682 Ac</b>



SEMPELES PROPERTY

GENERALIZED DEVELOPMENT PLAN

FREDERICK COUNTY, VIRGINIA

gilbert w. clifford & associates, inc.  
Engineers Land Planners Water Quality

117 E. Piccadilly St. Winchester, Virginia 22601  
VOICE: (540) 667-2139 FAX: (540) 665-0493 EMAIL: gwcaram@earthlink.com

**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number <u>06-16</u>	Fee Amount Paid \$ <u>1,000.00</u>
PC Hearing Date <u>6/15/16</u>	Date Received <u>6/3/16</u>
	BOS Hearing Date <u>6/22/16</u>

*The following information shall be provided by the applicant:*

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

**1. Applicant:**

Name: Pennoni Associates c/o Patrick Sowers Telephone: 540-667-2139

Address: 117 E. Piccadilly Street, Suite 200

Winchester, VA 22601

**2. Property Owner (if different than above):**

Name: George Sempeles & Carol Sempeles Telephone: 540-539-8198

Address: 331 Woodbine Road

Clearbrook, VA 22624

**3. Contact person if other than above:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

**4. Property Information:**

- a. Property Identification Number(s): 34-A-4
- b. Total acreage to be rezoned: 100.48
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): \_\_\_\_\_
- d. Current zoning designation(s) and acreage(s) in each designation: M1 - 100.48 Ac Existing
- e. Proposed zoning designation(s) and acreage(s) in each designation: M1 - 100.48 Ac Proposed
- f. Magisterial District(s): Stonewall

**5. Checklist:** Check the following items that have been included with this application.

Location map _____	<input checked="" type="checkbox"/>	Agency _____	Comments _____	<input type="checkbox"/>
Plat _____	<input checked="" type="checkbox"/>	Fees _____		<input checked="" type="checkbox"/>
Deed to property _____	<input checked="" type="checkbox"/>	Impact Analysis Statement _____		<input checked="" type="checkbox"/>
Verification of taxes paid _____	<input checked="" type="checkbox"/>	Proffer Statement _____		<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district				<input checked="" type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits				<input checked="" type="checkbox"/>

**6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.**

Please list below all owners or parties in interest of the land to be rezoned:

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**7. Adjoining Property:**

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
-------------------------	------------	---------------

North _____	Agriculture _____	West Virginia _____
South _____	Residential/Industrial _____	RA & M1 _____
East _____	Agriculture _____	RA _____
West _____	Residential/Commercial _____	RA & B2 _____
_____	_____	_____
_____	_____	_____

**8. Location:** The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

North of Woodbine Road (Route 669) approximately 250 east of the intersection of Woodbine Road and Martinsburg Pike (Route 11).

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**9. The following information should be provided according to the type of rezoning proposed:**

Number of Units Proposed

Single Family homes: \_\_\_\_\_ Townhome: \_\_\_\_\_ Multi-Family: \_\_\_\_\_  
Non-Residential Lots: \_\_\_\_\_ Mobile Home: \_\_\_\_\_ Hotel Rooms: \_\_\_\_\_

Square Footage of Proposed Uses

Office: \_\_\_\_\_ Service Station: \_\_\_\_\_  
Retail: \_\_\_\_\_ Manufacturing: \_\_\_\_\_  
Restaurant: \_\_\_\_\_ Warehouse: 1,500,000 SF (approx)  
Commercial: \_\_\_\_\_ Other: \_\_\_\_\_

**10. Signature:**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):



Date:

6/3/16

Date: \_\_\_\_\_

Owner(s):

Date: \_\_\_\_\_

Date: \_\_\_\_\_





**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Web Site: [www.co.frederick.va.us](http://www.co.frederick.va.us)**

**Department of Planning & Development, County of Frederick, Virginia,**  
**107 North Kent Street, Winchester, Virginia 22601**  
**Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) George M. Sempeles & Carol T. Sempeles (Phone) 540-539-8198

(Address) 331 Woodbine Road, Clearbrook, VA 22624  
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the  
Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Deed Book 746, Page 212 and is described as

Tax Map Parcel 34-A-4 Subdivision: \_\_\_\_\_  
do hereby make, constitute and appoint:

(Name) Pennoni Associates (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, Virginia 22601

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and  
authority I (we) would have if acting personally to file planning applications for my (our) above described  
Property, including

- ☒ **Rezoning (including proffers)**
- ☐ **Conditional Use Permits**
- ☐ **Master Development Plan (Preliminary and Final)**
- ☐ **Subdivision**
- ☐ **Site Plan**
- ☐ **Comprehensive Policy Plan Amendment**

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered  
conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or  
modified.

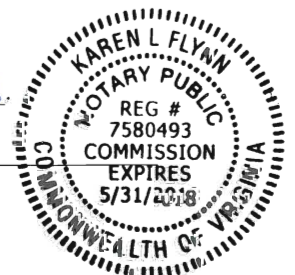
In witness thereof, I (we) have hereto set my (our) hand and seal this 3<sup>rd</sup> day of JUNE, 20 16.

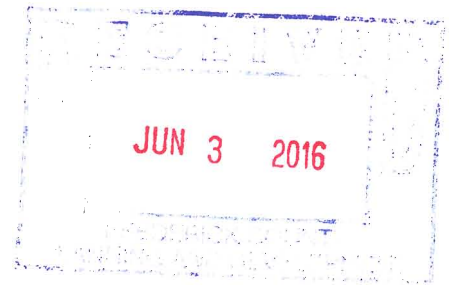
Signature(s) \_\_\_\_\_

State of Virginia, City/County of FREDERICK, To-wit: \_\_\_\_\_

I, KAREN L. FLYNN, a Notary Public in and for the jurisdiction  
aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me  
and has acknowledged the same before me in the jurisdiction aforesaid this 3<sup>rd</sup> day of JUNE, 20 16.

Karen L. Flynn My Commission Expires: 5/31/2018  
Notary Public





June 3, 2016

Mr. John Bishop, AICP  
Deputy Director, Transportation  
Frederick County Planning and Development  
107 N Kent Street, Suite 202  
Winchester, VA 22601

**RE: Sempeles Property (Whitehall Commerce Center) – Minor Proffer Revision**

Dear Mr. Bishop,

Please find attached the application materials for a minor proffer revision for the Sempeles Property (also known as Whitehall Commerce Center) located in the northeast quadrant of the intersection of Woodbine Road and Martinsburg Pike. The proposed proffer revision is specific to the M-1 zoned portions of the site, totaling 100.48 acres and identified by Frederick County (the "County") as tax map parcel 34-A-4 (the "Property").

**Background**

On April 27, 2004, the Frederick County Board of Supervisors approved rezoning application RZ 02-04 resulting in 10.35 acres of B-2 zoning along Route 11 at its intersection with Rest Church Road as well as 101.92 acres of M-1 zoning immediately east and adjacent to the commercial zoning area with access provided via frontage on Woodbine Road and the extension of a new roadway, Business Boulevard from Route 11 at the Rest Church Road intersection. The approved proffer statement and GDP from the 2004 rezoning area attached as *EXHIBIT A* for reference.

**Proposed Proffer Revision**

The approved proffer statement includes a proffered design materials palette for building facades facing streets. The existing materials palette includes concrete masonry (CMU) brick, architectural block, dryvit or other simulated stucco, real or simulated wood or glass. The proposed minor proffer amendment adds concrete tilt-up walls as an additional materials option in order to be consistent with common building practices for industrial users. This application affects only the M-1 zoning at Whitehall Commerce Center. Accordingly, other portions of the 2004 proffer that relate to the adjoining B-2 areas and/or have already been completed have been noted as such by the revised proffer statement. The existing 2004 proffer would remain in effect for those areas.

For reference, a clean and redlined version of the proposed proffers are attached.

If you have any questions or comments, please feel free to contact me at (540) 667-2139.

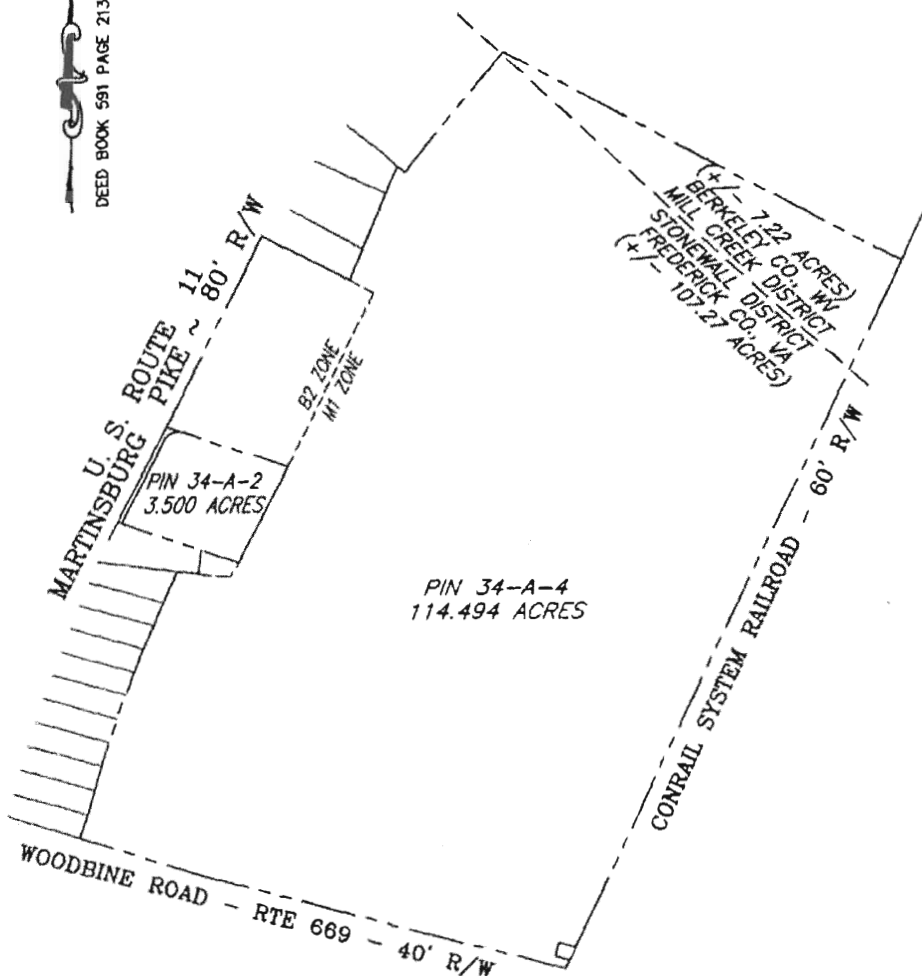
Sincerely,

**PENNONI ASSOCIATES INC.**



Patrick Sowers  
Senior Project Engineer

Attachments



**KEY MAP**  
RESULTANT CONDITIONS

BOUNDARY LINE ADJUSTMENT  
BETWEEN THE LANDS OF  
**GEORGE M. & CAROL T. SEMPELES**

STONEWALL MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

500 0 500



DATE: JUNE 21, 2005

SCALE: 1"=500'

SHEET 3 OF 4

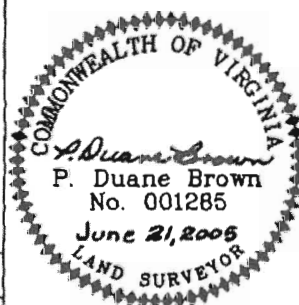


**Marsh & Legge Land Surveyors, P.L.C.**

580 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601

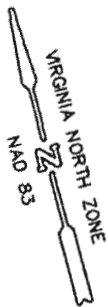
PHONE (540) 667-0488 ~ FAX (540) 667-0489

EMAIL office@marshandlegge.com



DRAWN BY: POB

DWG NAME: ID7096



R/W  
DEDICATION  
(VDOT/COMM  
OF VA)

U.S. ROUTE  
11  
MARTINSBURG PIKE

PIN 24-A-11  
N/F STROSNIDER  
INST #040012282  
ZONED: RA

NEW LOT 2E  
(HEREBY  
CREATED)  
ZONED: B2

SHEET 5

SHEET 3

SHEET 6

SHEET 4

NEW LOT 2F  
(HEREBY CREATED)  
ZONED: B2

BUSINESS BOULEVARD  
(R/W DEDICATION)

PIN 34-A-2  
N/F CLAYTOR  
INST #050014500  
ZONED: B2

ZONED RA  
ZONED M1

ZONED M1

ZONED B2  
ZONED M1

REMAINDER  
PIN 34-A-4  
DB 746 PG 214  
DB 909 PG 1159  
INST #050014500  
ZONED: B2/M1

0050

#### AREA SUMMARY

PARENT PARCEL:  
34-A-4, ZONED B2/M1

34-A-4 (INST #050014500)	114.494 AC
NEW LOT 2E	-2.2533 AC
NEW LOT 2F	-3.4240 AC
R/W DEDICATION	-0.2324 AC
(VDOT/COMM OF VA)	
R/W DEDICATION	-0.8871 AC
(FOR PUBLIC STREET PURPOSES)	

34-A-4 107.6972 AC  
(REMAINDER-AS  
COMPUTED, NOT SURVEYED)

#### LEGEND

DB	DEED BOOK
PG	PAGE
INST	INSTRUMENT
PIN	PARCEL IDENTIFICATION NUMBER
R/W	RIGHT OF WAY
ESMT	EASEMENT
SAN	SANITARY SEWER
STM	STORM DRAINAGE
WTR	WATER LINE
BRL	BUILDING RESTRICTION LINE
VDOT	VIRGINIA DEPT OF TRANSPORTATION
COMM	COMMONWEALTH
VA	VIRGINIA

SHEET INDEX  
SCALE: 1"=200'

#### NOTES:

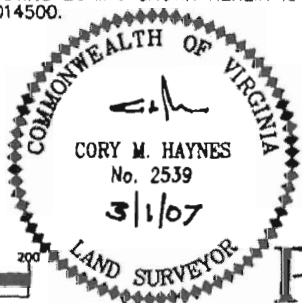
1. PARENT PARCEL IS FREDERICK COUNTY PIN: 34-A-4, ZONED B2/M1.
2. PROPOSED LOTS, EASEMENTS AND RIGHT OF WAY DEDICATION SHOWN HEREIN IS BASED ON THE SUBDIVISION DESIGN PLAN FOR WHITEHALL COMMERCE CENTER, CERTIFIED JAN. 27, 2006 (PREPARED BY PHR&A).
3. EXISTING PROPERTY INFORMATION SHOWN HEREIN IS BASED ON THE BOUNDARY SURVEY PLAT ATTACHED TO THAT CERTAIN DEED OF CONVEYANCE RECORDED IN DEED BOOK 591 AT PAGE 211, THE BOUNDARY LINE ADJUSTMENT PLAT ATTACHED TO THAT CERTAIN DEED OF CONVEYANCE RECORDED AS INST #050014500 (BOTH AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA) AND THE UNRECORDED BOUNDARY SURVEY PLAT DATED JULY 15, 1998 (CERTIFIED JULY 20, 1998), PREPARED BY MARSH & LEGGE LAND SURVEYORS, P.L.C.
4. BASIS OF MERIDIAN IS NAD83, VIRGINIA NORTH ZONE, PURSUANT TO A CURRENT FIELD RUN GPS SURVEY BY PHR&A.
5. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
6. PERMANENT MONUMENTATION TO BE SET AT ALL LOT CORNERS IN COMPLIANCE WITH COMMONWEALTH OF VIRGINIA AND FREDERICK COUNTY REGULATIONS.
7. PURSUANT TO AN EXAMINATION OF HUD FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510063 0075 B, WITH AN EFFECTIVE DATE OF JULY 17, 1978, THIS PROPERTY LIES IN ZONE "C", AN AREA OF MINIMAL FLOODING.
8. SUBJECT PROPERTY EXISTING ZONING SHOWN HEREIN IS AS DEPICTED ON THE BOUNDARY LINE ADJUSTMENT ATTACHED TO INST. #050014500.

#### FINAL PLAT

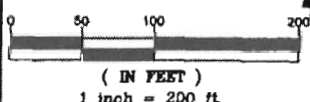
A PORTION OF THE PROPERTY OF  
**GEORGE M. & CAROL T. SEMPELES**  
STONEWALL MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

SCALE: AS SHOWN DATE: DECEMBER 5, 2006  
REVISED: JANUARY 12, 2007  
REVISED: MARCH 1, 2007  
**Patton Harris Rust & Associates**  
Engineers. Surveyors. Planners. Landscape Architects.

117 East Piccadilly Street, Suite 200  
Winchester, Virginia 22601  
T 540.667.2139  
F 540.665.0493 SHEET 2 OF 6



GRAPHIC SCALE



PHR&A

129871-0\Survey\Work Area\1258710-SUBD REV2 030107.dwg



**CONSENT AGENDA**

**N**



## COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** John A. Bishop AICP, Assistant Director - Transportation *JAB*

**RE:** Revenue Sharing Programmatic Agreement

**DATE:** June 7, 2016

---

Attached, please find a VDOT resolution for extension of our existing programmatic agreement for management of revenue sharing projects. Staff did not have this for the Transportation Committee meeting; however VDOT has indicated that the extension is time sensitive. This extension results in no changes to our existing processes or obligations, but extends for three more years what the County and VDOT are already doing.

JAB/pd



**PROGRAMMATIC PROJECT ADMINISTRATION  
EXTENSION ADDENDUM  
Revenue Sharing Projects**

**THIS ADDENDUM** is made and executed in triplicate this **22<sup>nd</sup>** day of **June, 2016**, by and between the County of Frederick, Virginia, hereinafter referred to as the **LOCALITY** and the Commonwealth of Virginia, Department of Transportation hereinafter referred to as the **DEPARTMENT**.

**WHEREAS**, the **LOCALITY** and the **DEPARTMENT**, entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on April 18, 2014; and

**WHEREAS**, said agreement has an initial term of three fiscal years (each year beginning July 1<sup>st</sup> – June 30<sup>th</sup>), and will expire on June 30, 2016 and may be extended for one additional term of three fiscal years; and

**WHEREAS**, the parties to the agreement hereby declare their intent to extend said agreement as provided in Paragraph 1 of said agreement and further declare that such terms and provisions provided therein shall remain unchanged.

**NOW THEREFORE**, in consideration of the mutual premises contained therein and in this Addendum, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

**IN WITNESS WHEREOF**, each party hereto has caused this Addendum to be executed as of the day, month, and year first herein written.

**COUNTY OF FREDERICK, VIRGINIA:**

\_\_\_\_\_

\_\_\_\_\_  
Typed or printed name of signatory

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

NOTE: The official signing for the **LOCALITY** must attach a certified copy of his or her authority to execute this addendum.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

---

Chief of Policy  
Commonwealth of Virginia  
Department of Transportation

---

Date

---

Signature of Witness

---

Date