



AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 10, 2016
6:00 P.M., 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

6:00 P.M. – Closed Session:

There will be a Closed Session Pursuant to 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) (7) of the Code Of Virginia, 1950, as Amended, for Consultation with Legal Counsel and Briefing by Staff Members Pertaining to Probable Litigation Where Such Consultation or Briefing in an Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Board; and for Consultation with Legal Counsel Employed by the Board Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel.

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

Invocation

Pledge of Allegiance

Adoption of Agenda:

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

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: B)

**AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 10, 2016
PAGE 2**

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

Board of Supervisors Comments

County Officials:

1. Committee Appointments. **(See Attached)**----- **A**

Committee Reports:

1. Public Works Committee. **(See Attached)**----- **B**

Public Hearing:

1. Outdoor Festival Permit Request of Concern Hotline – Friday Fish Fry Celebration. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Friday, September 2, 2016, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove’s Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property Owned by Jobalie, LLC. **(See Attached)**----- **C**
2. Outdoor Festival Permit Request of Karen Helm and Ron Hottle for Celebrating Patsy Cline, Inc. – Saturday Night Shindig (Part of the Patsy Cline Music Festival). Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, September 3, 2016, from 5:00 P.M. to 9:00 P.M.; on the Grounds of Grove’s Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property Owned by Jobalie, LLC. **(See Attached)** ----- **D**
3. Outdoor Festival Permit Request of Rotary Club of Winchester – Shenandoah Valley Apple Harvest Festival. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday and Sunday, September 17 and 18, 2016, from 10:00 A.M. to 5:00 P.M. Each Day; on the Grounds of the Frederick County Fairgrounds, 250 Fairground Road, (Route 11 North), Clearbrook, Virginia. Property Owned by Frederick County Fair. **(See Attached)** ----- **E**

**AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 10, 2016
PAGE 3**

4. Outdoor Festival Permit Request of Artyom Wunder – Valley Fusion Festival. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, September 17, 2016, from 12:00 P.M. to 10:00 P.M.; on the Grounds of 740, 750 and 760 Merrimans Lane, Winchester, Virginia. Property Owned by 740 LLC, 750 LLC and Willow Grove V LLC. **(See Attached)**----- **F**

5. Amendment to the 2016-2017 Fiscal Year Budget - Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2016-2017 Budget to Reflect: Development Projects Fund (Fund 27) Supplemental Appropriation in the Amount of \$12,751,872. This Amount Represents an Executed Revenue Sharing Agreement for the I-81 Bridge/Tevis/-Roundabout/Airport Road Project. The Project Cost will be Shared by VDOT and R 150 SPE LLC. No Local Funds Required. **(See Attached)** ----- **G**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A



Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Brenda G. Garton, County Administrator
DATE: August 4, 2016
RE: Committee Appointments

Listed below are the vacancies/appointments due through September, 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

Extension Leadership Council

William H. Cline – Stonewall District Representative
781 Hopewell Road
Clearbrook, VA 22624
Term Expires: 06/23/18
Four year term

(Staff has been advised that Mr. Cline has resigned.)

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.)

AUGUST 2016

Conservation Easement Authority (CEA)

Todd B. Lodge – County Representative
3390 Apple Pie Ridge Road
Winchester, VA 22603
Home: (540)662-5488
Term Expires: 08/24/16
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Shawneeland Sanitary District Advisory Committee

Jeff Stevens
114 Rappahannock Trail
Winchester, VA 22602
Home: (540)327-3112
Term Expires: 08/13/16
Two year term

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

SEPTEMBER 2016

Conservation Easement Authority (CEA)

John R. Marker – County Representative
3335 Cedar Creek Grade
Winchester, VA 22602
Home: (540)662-4013
Term Expires: 09/26/16
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Parks and Recreation Commission

Patrick Anderson – Shawnee District Representative
102 Trent Court
Winchester, VA 22602
Home: (540)722-3676
Term Expires: 09/12/16
Four year term

BGG/tjp

CONSENT AGENDA

B



MEMORANDUM

TO: Board of Supervisors HES
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works hco
SUBJECT: Public Works Committee Report for Meeting of July 26, 2016
DATE: August 1, 2016

The Public Works Committee met on Tuesday, July 26, 2016, at 8:00 a.m. All members were present except Bob Hess and Jim Wilson. The following items were discussed:

*****Item Not Requiring Action*****

1. Carry Forward Request:

The committee reviewed and unanimously endorsed the following carry forward requests:

- a. Landfill - \$25,000 (Attachment #1)
- b. Inspections - \$12,560.00 (Attachment #2)

These requests will be forwarded to the Finance Committee for their review and action.

2. Project Update:

- a. Snowden Bridge Boulevard Extension: This revenue sharing project is approximately two (2) months ahead of schedule. The beams for the railroad crossing were placed last week. Asphalt will be placed on the road located west of the bridge this week. Subbase stone has been placed on the road on the east side of the bridge.
- b. CDD Closure: The contractor for the CDD Closure has completed the fine grading in preparation for the placement of the 40 mil textured liner. They are also completing the installation of the storm drainage system and gas vents. This projects is also ahead of schedule.
- c. Roundhill Fire Station: The fire company has occupied the new Roundhill Fire Station and Event Center. Several minor deficiencies have been experienced including problems with the operation of the overhead doors, balancing the hot/cold water in the showers, controls associated with one of the HVAC zones and other minor electrical issues. These deficiencies have been conveyed to the contractor for immediate resolution.

Public Works Committee Report

Page 2

August 1, 2016

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,

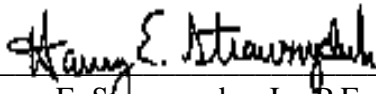
Public Works Committee

Gene E. Fisher, Chairman

Gary Lofton

David W. Ganse, AIA

Whit L. Wagner

By 

Harvey E. Strawsnyder, 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 July 26, 2016
DATE: July 21, 2016

HES
kco

There will be a meeting of the Public Works Committee on Tuesday, July 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:

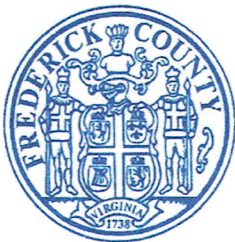
1. Review the following carry forward requests:
 - a. Landfill - \$25,000 (Attachment 1)
 - b. Refuse Collection - \$9,300 (Attachment 2)
 - c. Inspections - \$12,560 (Attachment 3)

2. Miscellaneous Reports:
 - a. Tonnage Report: Landfill
(Attachment 4)
 - b. Recycling Report
(Attachment 5)
 - c. Animal Shelter Dog Report:
(Attachment 6)
 - d. Animal Shelter Cat Report
(Attachment 7)

HES/kco


Attachments: as stated

cc: file



MEMORANDUM

TO: Public Works Committee

FROM: Steve Frye, Landfill Manager 

THROUGH: Harvey E. Strawsnyder, Director of Public Works

SUBJECT: Carry Forwards to 2016/2017

DATE: July 15, 2016

We are requesting that the following funds be carried over from the 2015/2016 budget into the new 2016/2017 budget. The total amount of this request is \$ 25,000 and is itemized as follows:

12-4204-3004-04 Repair and Maintenance - Generators

We are requesting that \$15,000 be carried forward and allocated to line item 12-4204-3004-04. These funds will be used to cover costs associated with repairing the chiller on the landfill gas treatment skid. Work for this repair was originally scheduled for the first part of June, but due to weather conditions and other conflicts the work has been deferred and is scheduled to be completed in July.

12-4204-9001-00 Lease and Rent of Equipment

We are requesting that \$10,000 be carried forward in this line item. Landfill management has decided to dispose of the backup 826 C trash compactor that is currently in the equipment fleet. This machine has become unsafe to operate, and based on the limited use it would be more costly to repair than to rent a replacement during periods that one of the primary compactors is down for repair.



COUNTY of FREDERICK

Inspections Department

John S. Trenary, Building Official
540-665-5650
Fax 540-678-0682

TO: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works
THRU: John Trenary, Building Official/Code Administrator
FROM: Amy L Feltner, Plans Examiner
SUBJECT: Request for Finance Carry Forward
DATE: July 20, 2016

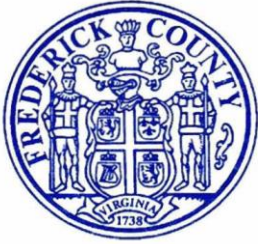
The large format scanner currently used by the inspections department is outdated. Maintenance and repair options are obsolete. Working with the IT Department, we found a more economical and reliable scanner that also offers an affordable solution to our current scanning procedures.

The proposed scanner is offered through a 60-month lease in the VITA contracts for \$598.63 (five hundred ninety eight dollars and sixty three cents) per month. In addition, a software purchase is needed to automate the scanning process. This software will be a onetime estimated purchase cost of \$5160.00 (five thousand one hundred sixty dollars) and includes fees for training/setup. Our 2016/2017 budget does not include the monthly leasing cost nor needed funds to purchase the software, therefore, I am requesting a carry forward of funds in the amount of \$12,560 (twelve thousand five hundred sixty dollars) from our 2015/2016 budget into our 2016/2017 budget year. Funds to be carry forward to the following line items:

34010-000-9001-000 (lease/rent of equipment)	\$ 7,400.00
34010-000-5413-000 (other operating supplies)	<u>\$ 5,160.00</u>
	\$12,560.00

Funds to support this would be transferred from unencumbered funds from FY 16 Inspections Department budget.

alf



MEMORANDUM

TO: Public Works Committee
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES*
SUBJECT: Monthly Tonnage Report - Fiscal Year 14/15
DATE: July 21, 2016

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.

FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,468 TONS (UP 403 TONS)
FY 14-15:	AVERAGE PER MONTH:	13,133 TONS (UP 665 TONS)
FY 15-16:	AVERAGE PER MONTH:	13,984 TONS (UP 851 TONS)

MONTH	FY 2014-2015	FY 2015-2016
JULY	14,029	15,019
AUGUST	13,585	13,853
SEPTEMBER	13,274	14,103
OCTOBER	14,339	14,095
NOVEMBER	11,194	13,053
DECEMBER	12,132	13,589
JANUARY	10,297	11,191
FEBRUARY	9,369	12,240
MARCH	12,768	15,058
APRIL	14,826	14,563
MAY	16,461	15,198
JUNE	15,321	15,845

RECYCLING REPORT - FY 15/16

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL CANS</u>	<u>STEEL 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	34,560	250,400	560,290
MAY	71,680	34,160	3,290	7,410	124,120	86,840	1,020	1,780	35,940	236,100	602,340
JUN	97,060	44,320	4,510	9,330	130,400	85,700	1,680	2,640	64,680	273,200	713,520
TOTAL	919,540	428,300	52,077	97,252	1,275,060	974,493	17,220	31,600	480,400	2,376,344	6,652,286
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	13,875,221	5,579,243	507,735	1,144,879	32,067,469	7,538,253	149,930	155,470	5,729,534	14,947,480	81,695,214

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	36	39	35	1	0	38	33	2	0	0	38
JUN	38	46	35	2	0	35	40	4	0	0	42
TOTAL	453	378	350	11	8	390	320	37	1	1	451

In the month of June - 121 dogs in and out of kennel. 1 dogs transferred to the SPCA, 2 dog transferred to rescue, 1 dogs transferred to Clarke County.

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	111	184	48	4	2	24	0	174	6	0	145
JUN	145	210	34	3	0	28	2	276	5	1	80
TOTAL	1156	1747	214	22	42	373	24	1575	75	2	1132

In the month of June - 392 cats in and out of shelter.

C

Rec'd
2/18/16



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: Concern Hotline, Inc.

Telephone Number(s): 540-536-1632 home office cell 540-328-3170 home office cell

Address: 301 N. Cameron St Suite 201 Winchester, VA 22601

Contact Email: rholland@concernhotline.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event

Name of Festival: Friday Fish Fry Celebration

Cost of Admission to Festival: _____

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
Fri. Sept. 2 nd 2016	4pm	9pm	2,000	2,000

Location

Address: 140 Independence Dr Winchester 22602

Owner of Property

Name(s): Mrs Barbara Grove

Address: 140 Independence Dr Winchester 22602

(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

Promoter

Name(s): Concern Hotline

Address: _____

(*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): Concern Hotline

Address: _____

Performer

Name of Person(s) or Group(s): Cathy Kerns; Karaoke Contest

(*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).

Garbage - Republic Services; Frederick Landfill
Water/Sewer - Johnny Blue

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).

Fried Fish and fixings, Partially prepared on site, partially delivered. Water provided by Calligan

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

Millwood Station on sight; FCSD on site

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.

Necessary extinguishers present, including Ansul

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

parking assisted by SU baseball team (15) in local adjoining property.

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.

Sunbelt Generator tower - X - 3

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

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

Fenced Area ID Station/BAND; TIPS trained leader for server cut station.

(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:

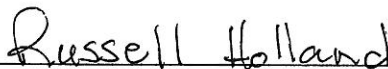
- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live 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



Printed Name of Applicant

Date: 7/1/16

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

Concern Hotline's

FRIDAY NIGHT FISH FRY

17th Annual

4PM-9PM

\$20⁰⁰ at the Gate

\$15⁰⁰ Advanced

#1001

Powered By SunBelt Rentals

FRIDAY SEPT 2ND 2016

Rain or Shine • No Pets or Coolers • Lawn Chairs Welcomed
140 Independence Drive • Off Route 50 East • Winchester, VA



D



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: Karen Helm and Ron Hottle, for Celebrating Patsy Cline, Inc

Telephone Number(s): 540-327-2467 KH home office cell (540) 662-6911 RH home office cell

Address: 608 South Kent Street, Winchester VA

Contact Email: karenhelm@hotmail.com and rhottle@winchesterprinters.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Saturday Night Shindig, part of the Patsy Cline Music Festival

Cost of Admission to Festival: \$10 adv/\$15 gate 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
Saturday, September 3, 2016	5:00 pm	9:00 pm	800	500

NOTE: we are piggy-backing with Concern Hotline's Friday night event. Same table/tents/lighting/porta potties

Location Address: 140 Independence Dr, Winchester, VA

Owner of Property Name(s): Barbara Grove, Hardley Davidson
 Address: 140 Independence Dr, Winchester, VA
 (*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): Celebrating Patsy Cline, Inc.
 Address: 608 South Kent St, Winchester, VA. 22601 / PO Box 3900, Winc, VA 22604
 (*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): Celebrating Patsy Cline
 Address: PO Box 3900, Winchester, VA 22604

Performer Name of Person(s) or Group(s): Viva la Muerte.

 (*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).

Have hired Johnny Blue, Inc of Winchester to provide portabel rentals.

All of our food vendors will be required to remove their trash from their units.

Event volunteers will collect and haul away garbage and trash. We only expect trash generated by food vendors.

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).

No lodging is needed for persons.

We are having 3 self-contained food vendors. Event participants will have access to purchase food and water at vendors.

Bottled water will be provided for event volunteers.

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.

We will contact the county fire and reseuce department and advise them of the event.

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

Fire extinguishers will be on-site at each tent.

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 provided on surface lots at nearby businesses, per the already garnered approval of those busiensses. We will have volunteers helping direct particpants to those dedicated parking areas and will have directional signage.

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.

We are using SUNBELT generated lighting. Same locations as the Concern Hotline Fish Fry set-up.

The lights will be dark after 10:30 pm, when we expect to have completed our clean-up.

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

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

We will ID attendees at the gate and arm-band those that are over 21. Tickets for beer/wine sales will be sold only to those will arm bands. TIPS trained volunteers will monitor alcoholic distribution by the vendor and consumption in the event area.

(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.)

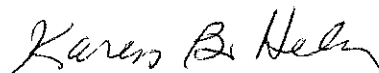
FESTIVAL PROVISIONS

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

Karen Helm, Celebrating Patsy Cline

Printed Name of Applicant

Date:

July 31, 2014

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

E

Rec'd
7/15/16



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: Rotary Club of Winchester

Telephone Number(s): 540.336.9114 home office cell home office cell

Address: P.O. Box 412, Winchester, VA, 22604

Contact Email: darla.mccrary1@gmail.com Club President
 scott.arthur@bankatunion.com (Scott Arthur)

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Shenandoah Valley Apple Harvest Festival (^{41st} ~~40th~~ Annual)

Cost of Admission to Festival: \$5.00 or less 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
<u>9/17/16</u>	<u>10AM</u>	<u>5pm</u>	<u>not limited</u>	<u>3,500</u>
<u>9/18/16</u>	<u>10AM</u>	<u>5pm</u>	<u>" "</u>	<u>3,500</u>

Location Address: Frederick County Fairgrounds Clearbrook

Owner of Property Name(s): Fairgrounds Assoc.
 Address: _____
 (*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): Rotary Club of Winchester
 Address: P.O. Box 412, Winchester, VA 22604
 (*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): Rotary Club of Winchester
 Address: _____

Performer Name of Person(s) or Group(s): The Judy Chops, Jimmy Lee, The Shockers, The Wayfarers

(*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

NO tickets. Hand stamp provided for anyone wanting to re-enter.

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).

Use on site fixed restrooms, plus Johnny Blues, wash stations, brown water tank for concessions, grease drum, dumpsters, cleanup crew

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).

*Pre-screened concessions
No lodging provided*

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.

On-site Clearbrook EMS

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.

On-site fire extinguishers

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

*Parking committee in place.
Plenty of parking for crowd expected.*

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

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

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

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

"Top & Cork" area completely screened with orange fencing with controlled access. By ticket only.

(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

B. Scott Arthur
Printed Name of Applicant

Date: 7/12/16

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

Lee, Mary (VDH)

From: Darla McCrary <darla.mccrary1@gmail.com>
Sent: Tuesday, July 12, 2016 12:46 PM
To: Lee, Mary (VDH)
Subject: Application for Outdoor Festival Permit
Attachments: Darla Scan 07122016.pdf

Hi Mary,

I represent the Rotary Club of Winchester for their Apple Harvest Festival. If the attached needs Board of Supervisors approval, I would very much appreciate it being added to the agenda for tomorrow. I will be traveling alot over most of the summer and would like to get it approved before I leave. I don't anticipate any delays as the festival has been approved in the past.

Thanks for your help!
Darla McCrary
540.336.9114

F



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION				
Name of Applicant: <u>Artyom Wunder</u>				
Telephone Number(s): <u>(703) 966-0148</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell _____ <input type="checkbox"/> home <input type="checkbox"/> office <input type="checkbox"/> cell				
Address: <u>405 Bryarly Road Winchester, VA 22603</u>				
Contact Email: <u>info@valleyfusionfest.com</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>Valley Fusion Festival</u>			
Cost of Admission to Festival: <u>\$30 - \$40 - \$45</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
September 17, 2016	12:00 pm	10:00 pm	1000	500
Location	Address: <u>740 Merrimans Lane Winchester, VA 22601</u>			
Owner of Property	Name(s): <u>Alaya White</u> Address: <u>740 Merrimans Lane Winchester, VA 22601</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>Valley Thunder Productions LLC</u> Address: <u>405 Bryarly Rd. Winchester, VA 22603</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>Valley Thunder Productions LLC</u> Address: <u>405 Bryarly Rd. Winchester, VA 22603</u>			
Performer	Name of Person(s) or Group(s): <u>Dynamo, Drymill Road, Brokedown Hustlers, Bud's Collective, The Fritz, Plank Stompers, Sono Lumini, Bees?, Strung Like A Horse, Litz, Threesound, Lee Turley</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).
Boxes lined with trash bags will be provided at every vendor booth, one at the art gallery, and two at both stages
Trash will be disposed of at the dumpster at venue.

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).
Food will be provided by food vendors. Water will be provided by local well water located at venue. No lodging will be provided.

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.
Medical staff provided by a third party company to be named.

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.
Food Vendors are required to bring their own fire extinguishers, fire troop has trained personnel on site.
Exit plan has been established with the assistance of the venue.

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)
Designated parking lots have been established by venue, volunteers will direct traffic during festival hours.

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.
Diagram will be submitted by audio production company, Braken Audio.

8. State whether alcoholic beverages will be served: YES NO
If yes, provide details on how it will be controlled.
Alcohol will be controlled by breweries involved in the festival with their own ABC licensing. The festival will not be involved in handling alcohol in any way.

(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.)

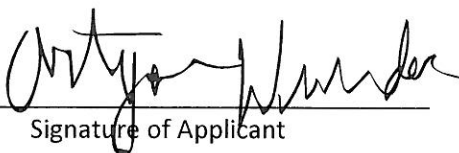
FESTIVAL PROVISIONS

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

Artyom Wunder

Printed Name of Applicant

Date: June 29, 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.

G



BOARD OF SUPERVISORS

RESOLUTION FISCAL YEAR 2016-2017 BUDGET AMENDMENT

WHEREAS, Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on August 10, 2016, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY 2016-2017 Budget be Amended to Reflect:

Development Projects Fund (Fund 27) Supplemental Appropriation in the Amount of \$12,751,872. This Amount Represents an Executed Revenue Sharing Agreement for the I-81 Bridge/Tevis/Roundabout/Airport Road Project. The Project Cost will be Shared by VDOT and R 150 SPE LLC. No Local Funds Required.

Upon motion made by _____ and seconded by _____, the above was _____ by the following recorded vote:

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

A COPY ATTEST:

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

5. The Public Works Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$82,000. This amount represents funds needed for the purchase of three mid-size pickup trucks (2 for Inspections, 1 for Engineering). See attached information, p. 10 – 18. The committee recommends approval.
6. The Director of Public Works requests an FY 2017 General Fund supplemental appropriation in the amount of \$35,000. This amount represents unspent FY 2016 funds to be used for site testing to relocate the Clearbrook citizens' convenience site. See attached information, p. 19. The committee recommends approval.
7. The Victim Witness Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$100,173. This amount represents an increase in grant funds for FY 2017. No local funds required. See attached information, p. 20 – 24. The committee recommends approval.
8. The Fire & Rescue Chief requests an FY 2016 EMS Recovery Fund (Fund 30) supplemental appropriation in the amount of \$324,465. This amount represents funds needed for 4th quarter mileage and 3rd quarter revenue recovery payments. No local funds required. See attached memo, p. 25. The committee recommends approval.
9. The Transportation Director requests an FY 2017 Development Projects Fund (Fund 27) supplemental appropriation in the amount of \$12,751,872. This amount represents an executed revenue sharing agreement for the I-81 Bridge/Tevis/Roundabout/Airport Road project. The project will be shared by VDOT and R 150 SPE LLC. No local funds required. This item will require a public hearing. See attached information, p. 26 – 37. The committee recommends advertising for a public hearing.
10. The Parks and Recreation Commission requests the donations received in FY16 for the PLAY Fund in the amount of \$2877.76 be reserved, subject to future appropriations. This amount represents the collection of \$3,595 reduced by the financial assistance provided during FY16 in the amount of \$717.24. No local funds required. See attached memo, p. 38 – 41. The committee recommends approval.

MEMORANDUM

TO: Finance Committee
FROM: John A. Bishop AICP, Assistant Director - Transportation
RE: Project Increase Request – I-81 Bridge/Tevis/Roundabout/Airport Road
DATE: July 14, 2016

Staff has recently received the executed revenue sharing agreement (attached) from MMA which allows the County to proceed with the full construction project of the I-81 Bridge, Roundabout, and Airport Road. In keeping with this development staff is requesting that the board increase the line item for this project by \$12,751,872 to allow for the construction portion of the current project. Please note, these construction funds do not include the Tevis Street Extension across the Glaize Property which will need to be negotiated under an agreement with that property owner.

Attachments: Revenue Sharing Agreement, Map of project area, construction cost breakdown

JAB/bhd

REVENUE SHARING AGREEMENT

THIS AGREEMENT, made and dated this 17th day of June , 2016, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “County”), a political subdivision of Virginia, and **R 150 SPE, LLC** (“R 150 SPE”), a Virginia limited liability company.

RECITALS:

R 150 SPE is the owner of the following lots or parcels of land encompassed by Frederick County Rezoning #10-15 (the “Rezoning”): tax parcel numbers 63-A-150, 64-A-10, and 64-A-12 (collectively, the “Property”).

1. The parties desire to arrange for the design and construction of multiple street sections as follows (the “Project”):
 - a. Airport Road, as a segment from Route 522 to a roundabout intersection with the Tevis Street extension, the segment being more fully identified as Section A on the Generalized Development Plan (the “GDP”), the GDP having been included as Exhibit A to the Proffer Statement approved as part of the Rezoning. This segment shall be designed and constructed as an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed Virginia Department of Transportation (“VDOT”) entrance spacing requirements that are in force at the time of final road design plan approval.
 - b. Tevis Street, as a segment including a bridge over Interstate 81 from the City of Winchester to a roundabout intersection with the Tevis Street extension and including the roundabout intersection, the segment being more fully identified as Section B on the GDP. This segment shall be designed and constructed as a bridge with four travel lanes, a raised concrete median, and sidewalks; an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk for East Tevis Street between the Interstate 81 bridge and the roundabout; and a dual-lane roundabout with a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed VDOT entrance spacing requirements that are in force at the time of final road design plan approval.
2. The parties desire to finance the Project using funds that R 150 SPE will provide (the “R 150 SPE Funds”), along with funds to be provided by VDOT (the “VDOT Funds”). In

- d. The County shall enter into agreements, if necessary, with: utility companies, VDOT, railroad companies, or unforeseen others as relate to the Project.
- e. As project manager, the County shall supervise all aspects of the Project, which shall be done in a good and workmanlike fashion in accordance with applicable VDOT standards.
- f. The County shall give written notice to R 150 SPE of any unforeseen design, engineering, construction, or environmental issues that are encountered within forty-eight hours of discovery of such issues. Thereafter, the County shall promptly provide written notice to R 150 SPE of the intended remediation measures and costs thereof prior to commencement of such work. Such notice shall specify the recommended remediation work which shall be verified and approved by the County and shall further set forth the date upon which the remediation work shall commence, which date shall be not less than five days after the date that notice of the intended commencement of the remediation work is given to R 150 SPE. Following approval of the remediation work by R 150 SPE, or in the event that R 150 SPE fails to object to the remediation work within the five-day period referenced above, R 150 SPE shall provide payment of the Additional Funds through the usual and customary invoicing procedures under this Agreement. In the event that R 150 SPE objects to the Remediation Work during the five-day period referenced above, then such dispute shall be submitted to a neutral engineering firm to be agreed upon by R 150 SPE and the County, whose decision shall be final and binding upon the County and R 150 SPE.
- g. In the event that a mechanic's lien or other claim is filed against the Property arising from or in connection with the Project, the County shall promptly bond off any such mechanic's lien or claim with a portion of the Project Funds, to the extent permissible under applicable law.
- h. The County will make a good faith effort to procure the VDOT Funds from VDOT. In the event the County is unable to procure the VDOT Funds from VDOT, which results in a decision not to continue the Project, any funds provided by the parties hereto shall be returned to the respective parties, to the extent not used for the Project, and the parties hereto shall have no further obligations under this Agreement
- i. The County shall return all unspent R 150 SPE Funds to R 150 SPE at the conclusion of the Project.

- h. In the event that unforeseen costs are encountered, R 150 SPE agrees to expend Additional Funds as are necessary in order to address such unforeseen issues and the County agrees to match these Additional Funds with the VDOT Funds, if available.
5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows:

County: Department of Planning and Development
107 North Kent Street, Suite 202
Winchester, VA 22601
Attn: John A. Bishop, AICP

With a copy to: Roderick Williams, Esquire
County Attorney
107 North Kent Street
Winchester, VA 22601

R 150 SPE:

R 150 SPE, LLC
c/o MMA Capital Management, LLC
3600 O'Donnell Street, Suite 600
Baltimore, MD 21224
Attention: Brooks Martin

With a copy to: Gallagher Evelius & Jones, LLP
218 N. Charles Street, Suite 400
Baltimore, MD 21201
Attention: Philip F. Diamond, Esquire

6. **ENTIRE AGREEMENT; AMENDMENTS; TIME:**

- a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement and no amendment to this Agreement shall be effective unless made in writing and signed by both parties.
- b. Time is of the essence with respect to all matters set forth in this Agreement.

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

PHILIP F. DIAMOND
pdiamond@gejlaw.com
direct dial: 410 347 1350
fax: 410 468 2786

June 16, 2016

BY FEDERAL EXPRESS

Kris C. Tierney
Deputy County Administrator for Community Development
Frederick County, Virginia
107 North Kent Street
Winchester, VA 22601
(540) 665-6382

*Re: R 150 SPE, LLC—Performance Bond, Revenue Sharing
Agreement*

Dear Kris:

With respect to the Russell 150 development, please find enclosed the following **original** documents:

1. Performance Bond (SUR60000785) executed by Ironshore Indemnity Inc., as surety, and by R 150 SPE, LLC, as principal, effective June 17, 2016; and
2. Revenue Sharing Agreement, dated June 17, 2016, executed by R 150 SPE, LLC.

Please deliver one **original** signature page to the Revenue Sharing Agreement executed by the County to my attention, so that R 150 SPE, LLC can keep an original agreement for its records.

MMA and I look forward to working with you and the County on the development of the property.

#562162
011322-0046

Performance Bond
Frederick County, Virginia

Bond Number: SUR60000785

Owners of Property: R 150 SPE, LLC

Property Description and Name of Project: Frederick County, Virginia Residential Planned

Community (R4) District, Tax Map Parcels 63-A-150, 64-A-10, and 64-A-12, approximately 150.59 acres.

KNOW ALL MEN BY THESE PRESENTS, That we, R 150 SPE, LLC,
PRINCIPAL; and Ironshore Indemnity Inc., SURETY, are obligated by this bond dated
June 17, 2016, to pay Frederick County, Virginia ("County"), a political subdivision of the
Commonwealth of Virginia, the sum of Six Million Three Hundred Seventy-Five Thousand Nine
Hundred Thirty-Six and 00/100
Dollars (\$ 6,375,936.00). Heirs, executors, administrators, successors and assigns of the Principal,
and the Surety are also obligated to pay the designated sum. The Principal and the Surety waive any
homestead exemption related to payment of this obligation.

This bond shall be in effect for a period of one (1) year from the date hereof and shall
automatically renew for additional terms of six (6) months from the present or future expiration date,
unless and until (Ironshore Indemnity Inc.) shall give sixty (60) days prior written notice to the
County to: "Zoning and Subdivision Administrator, Frederick County Planning Department, Suite
202, 107 North Kent Street, Winchester, Virginia 22601", by certified mail, return receipt requested, of
its intent to terminate same at the expiration of the sixty (60) day period. This bond shall also be
terminated upon the Subdivision Administrator (or Designee) giving written release stating that
(R 150 SPE, LLC) has well and truly performed and fulfilled the obligations of the agreement.

The condition of the above Obligation is such, that if the Principal complies with the provisions of
Chapter 144, subdivision Ordinance, Chapter 165, Zoning Ordinance and/or Chapter 79, Erosion and
Sediment Control Ordinance, of the Frederick County, Virginia Code related to all physical
improvements that include, but are not limited to, streets, curbing, gutter, sidewalks, above ground
utilities and facilities, recreational facilities, drainage systems, erosion and sediment control measures,
designated open space and other required improvements located in or on
Residential Planned Community (R4) District,
Tax Map Parcels 63-A-150, 64-A-10 and 64-A-12
the approved subdivision or site plan.

If Principal fails to complete its obligations, the County shall notify the Principal and Surety. If
such obligations are not completed by the Principal or Surety or their agents within fifteen (15) days after
date of notification by the County, the Surety shall pay the full amount of the bond, or such lesser amount
as may be demanded by the County, to the County, within thirty (30) days of the date of initial
notification referenced above. The amount payable may include administrative or other costs. Payment by
the Surety shall not be conditional on suit by the County.

The drawing will be held by the County for the sole purpose of providing for the completion
and/or maintenance of the site plan and/or subdivision requirements to the satisfaction of the Subdivision
Administrator or their authorized Representative. This bond shall be terminated upon the Subdivision
Administrator or their authorized representative giving written release to (Permittee or Developer)
R 150 SPE, LLC stating that they have satisfactorily performed and
fulfilled the obligations and requirements of the approved site or subdivision plan.

**COUNTY OF FREDERICK
PERFORMANCE BOND**

BOND NO.

SUR60000785

PRINCIPAL(S)/CO-PRINCIPAL(S)

(Legal Name(s), Status, and Business Address(es) and Telephone Number(s))

R 150 SPE, LLC
3600 O'Donnell Street
Suite 600
Baltimore, MD 21224
(443) 263-2900

(Hereinafter "Principal" whether one or more than one)

SURETY(IES):

(Name(s) and Business Address(es) and Telephone Number(s))

Ironshore Indemnity Inc.
28 Liberty Street
4th Floor
New York, NY 10004
(615) 553-9500

(Hereinafter "Surety" whether one or more than one)

DATE BOND EXECUTED:

June 17, 2016

TYPE OF ORGANIZATION: (Check One)

- Individual
 Partnership
 Limited Liability Company
 Corporation
 Other (Specify) _____

STATE OF INCORPORATION OR ORGANIZATION:

Virginia

SUM OF BOND

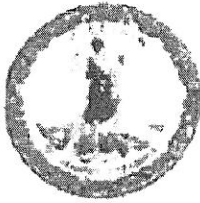
Million(s)	Thousand(s)	Hundred(s)
6	375	936

DATE OF AGREEMENT: June 17, 2016

PLAN NAME:

PLAN NO.: CPAP-_____-_____
[STPL-_____-_____]]

and any and all revisions of such plans however numbered or designated.



COMMONWEALTH OF VIRGINIA
BUREAU OF INSURANCE

JACQUELINE E. CUNNINGHAM
COMMISSIONER OF INSURANCE
STATE CORPORATION
COMMISSION
BUREAU OF INSURANCE
P.O. BOX 1157
RICHMOND, VIRGINIA 23218
TELEPHONE: (804) 371-9631
TDD/VOICE: (804) 371-9206
www.scc.virginia.gov/boi

Licenses shall report to the Bureau within 30 days any change in residence at www.scc.virginia.gov/boi/online.aspx

A producer licensee is entitled to be appointed as an agent to transact the business of insurance on behalf of Virginia licensed insurers pursuant to Title 38.2 of the Code of Virginia.

This license is perpetual and is in effect from its issue date unless surrendered, terminated, suspended, revoked or an expiration date is noted.

Nonresidents only: This license is limited to the authority granted by the licensee's home state.

Producer
Property & Casualty

BROOK THOMAS SMITH
19 POPLAR HILL RD
LOUISVILLE, KY 40207


is authorized to transact business as described above

License No: 640506

Issue Date: 08-06-1997

Expiration Date:

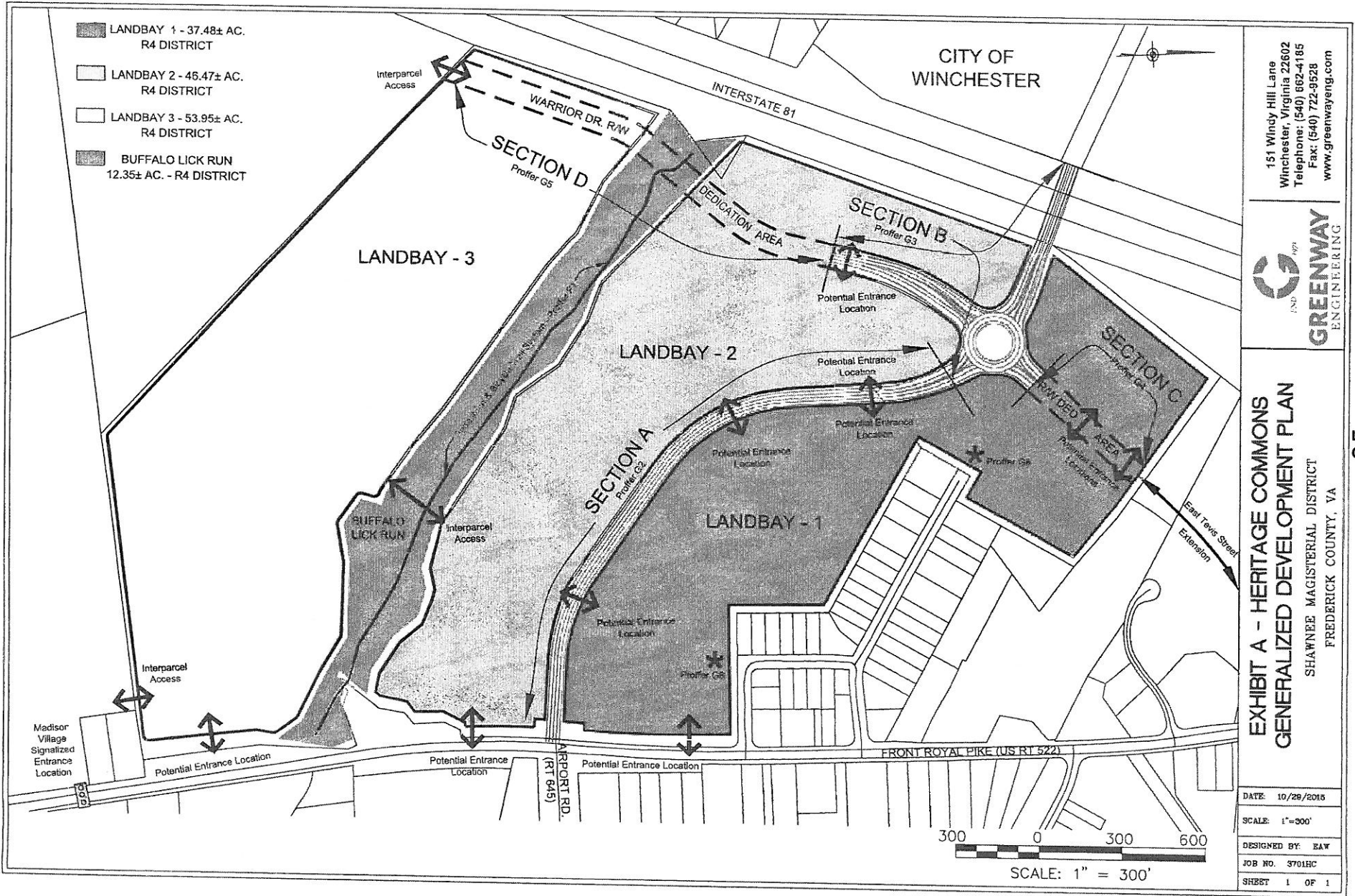
Generated by Sircon 96073635

<p>COMMONWEALTH OF VIRGINIA BUREAU OF INSURANCE THIS IS TO CERTIFY THAT</p>  <p>BROOK THOMAS SMITH 19 POPLAR HILL RD, LOUISVILLE, KY 40207</p> <p>LICENSE NUMBER: 640506</p>	<p>IS HEREBY AUTHORIZED TO TRANSACT BUSINESS IN ACCORDANCE TO THE LICENSE DESCRIPTION SHOWN BELOW:</p> <p>Producer Property & Casualty</p> <p>Issue Date: 08-06-1997 Generated by Sircon 96073635 Expiration Date:</p>
--	---

state or when failing to pay the statutorily required continuance fee by November 30 of every even-numbered year. Visit www.VirginiaInsuranceCE.com to pay the continuance fee and to review additional continuing education information.

Active Appointment Information

	Appointment Type	Effective Date	Company Affiliation	Company Number
View Company	Property & Casualty	2/27/2016	ACE AMERICAN INSURANCE COMPANY	22667
View Company	Property & Casualty	2/27/2016	ACE PROPERTY AND CASUALTY INSURANCE COMPANY	20699
View Company	Property & Casualty	12/26/2013	ALLIED WORLD INSURANCE COMPANY	22730
View Company	Property & Casualty	12/26/2013	ALLIED WORLD SPECIALTY INSURANCE COMPANY	16624
View Company	Property & Casualty	4/25/2016	ARGONAUT INSURANCE COMPANY	19801
View Company	Property & Casualty	5/1/2013	ATLANTIC SPECIALTY INSURANCE COMPANY	27154
View Company	Property & Casualty	6/23/2005	BOND SAFEGUARD INSURANCE COMPANY	27081
View Company	Property & Casualty	3/24/2010	COLONIAL AMERICAN CASUALTY AND SURETY COMPANY	34347
View Company	Property & Casualty	8/1/2006	CONTINENTAL HERITAGE INSURANCE COMPANY	39551
View Company	Property & Casualty	6/16/2005	DEVELOPERS SURETY AND INDEMNITY COMPANY	12718
View Company	Property & Casualty	8/1/2006	EVERGREEN NATIONAL INDEMNITY COMPANY	12750
View Company	Property & Casualty	10/25/2013	FEDERAL INSURANCE COMPANY	20281
View Company	Property & Casualty	3/24/2010	FIDELITY AND DEPOSIT COMPANY OF MARYLAND	39306
View Company	Property & Casualty	2/27/2016	INDEMNITY INSURANCE COMPANY OF NORTH AMERICA	43575
		4/23/2013		23647



- LANDBAY 1 - 37.48± AC.
R4 DISTRICT
- LANDBAY 2 - 46.47± AC.
R4 DISTRICT
- LANDBAY 3 - 53.95± AC.
R4 DISTRICT
- BUFFALO LICK RUN
12.35± AC. - R4 DISTRICT

CITY OF WINCHESTER

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com



**EXHIBIT A - HERITAGE COMMONS
GENERALIZED DEVELOPMENT PLAN**

SHAWNEE MAGISTERIAL DISTRICT
FREDERICK COUNTY, VA

DATE:	10/28/2015
SCALE:	1"=300'
DESIGNED BY:	EAW
JOB NO.:	3701HC
SHEET:	1 OF 1

I-81 Bridge/Roundabout/Airport Road
Construction Estimate Breakdown

Bridge and abutments Estimate (Pennoni 4/15/16)	\$6,331,165.00
Roundabout Estimate (Pennoni 4/15/16)	\$820,707.00
Airport to 522/Signalization at 522 and associated improvements for new intersection (based on revenue sharing application amounts)	<u>\$5,600,000.00</u>
TOTAL:	\$12,751,872.00

APPENDIX B 3

Locality Frederick County Original Agreement Date 3/13/2014
 Date Appendix B Modified _____

Locality Program Coordinator: John Bishop (540) 665-5643
 Department Program Coordinator: Steve Damron (540) 332-7389

CONSTRUCTION PROJECTS (Include all existing and new projects that are part of the Programmatic Project Administrative Agreement for Revenue Sharing)

UPC	Project #	ORIGINAL State Match Approved Amount	Date of CTB Approval	Date ORIGINAL Appendix A Signed by District	Date REVISED Appendix A Signed by District*	Appendix A Version #	Modified State Match
104262	RS14-034-R35	\$2,800,000	6/19/2013	3/27/2014			
101204	0659-034-R00	\$1,000,000	6/15/2011	4/8/2014		R-1	\$3,600,000
105633	0000-034-R15	\$4,068,350	6/18/2014	8/28/2014			
87616	0788-034-R13	\$4,545,702	6/20/2012				
107227	1538-034-R16	\$2,000,000	6/17/2015				

MAINTENANCE PROJECTS (include all existing and new projects that are part of the Programmatic Project Administrative Agreement for Revenue Sharing)

UPC	Project #	State Match Approved Amount	Date of CTB Approval	Signed by District	Date Appendix A Revised	Modified State Match

NOTE: Transfers between construction and maintenance projects should not be assumed but will be evaluated on a case-by-case basis.

Brenda J. Harte 4/13/16
 Authorized Locality Official Date

A. R. D. 4/18/16
 Authorized VDOT Official Date