



AGENDA
WORK SESSION, CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 14, 2016
3:00 P.M., 5:30 P.M., 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

3:00 P.M. – 5:30 P.M. – Board of Supervisors Work Session with Financial Consultant (See Attached)----- **A**

5:30 P.M. – 7:00 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

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: B2 and F)

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

Board of Supervisors Comments

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

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1. Closed Session and Regular Meeting of July 27, 2016.

2. Closed Session and Regular Meeting of August 10, 2016.

County Officials:

1. Committee Appointments. **(See Attached)**----- C
2. Request from Commissioner of the Revenue for Refunds.
(See Attached) ----- D
3. Proposed 2017 Legislative Initiatives. **(See Attached)**----- E

Committee Reports:

1. Parks and Recreation Commission. **(See Attached)** ----- F
2. Human Resources Committee. **(See Attached)** ----- G
3. Public Safety Committee. **(See Attached)**----- H
4. Finance Committee. **(See Attached)**----- I
5. Transportation Committee. **(See Attached)**----- J

Public Hearing:

1. Outdoor Festival Permit Request of Top of Virginia Building Association – Chili Cook-Off. 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, October 8, 2016, from 11:00 A.M. to 6:00 P.M.; on the Grounds of the Stonewall District Ruritan Club, 136 Ruritan Way, Clear Brook, Virginia. Property Owned by Stonewall District Ruritan. **(See Attached)** ----- K
2. Proposed Amendment to the Frederick County Code, Chapter 158, Vehicles and Traffic; Article V, School Buses; Section 158-19, Passing Stopped School Buses; Penalty; Prima Facie Evidence; to Add this Section 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)** ----- L

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3. 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: The Winchester Regional Airport Executive Director Requests an FY17 Airport Capital Fund Supplemental Appropriation in the Amount of \$4,206,400. This Amount Represents the Airport Capital Budget for FY17. **(See Attached)**----- **M**

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #06-16 for Borden Real Estate, LLC, which Submitted for a Public Garage with Body Repair. The Property is Located at 151 Conestoga Lane, Stephens City, Virginia and is Identified with Property Identification Number 85-A-5 in the Back Creek Magisterial District. **(See Attached)**----- **N**
2. Conditional Use Permit #07-16 for Ginger Teets, which Submitted for a Cottage Occupation for Sales of Archery Supplies. The Property is Located at 3641 Green Spring Road, Winchester, Virginia and is Identified with Property Identification Number 13-3-16 in the Gainesboro Magisterial District. **(See Attached)**----- **O**
3. Conditional Use Permit #08-16 for Crossroad Grocery, Greenway Engineering Inc., Submitted for a Country General Store Addition. The Property is Located at Northwest Intersection of North Frederick Pike (Route 522 North) and Cedar Grove Road (Route 654) and is Identified with Property Identification Number 42-A-307 and 42-A-309A in the Gainesboro Magisterial District. **(See Attached)**----- **P**
4. Rezoning #07-16 of Senseny Road Rentals, LLC, Submitted to Rezone Two Acres from RP (Residential Performance) District to RA (Rural Areas) District. The Property is Located on Senseny Road (Route 657) Approximately 350' West of Ashley Drive and is Identified by Property Identification Number 65-A-46 in the Red Bud Magisterial District. **(See Attached)** ----- **Q**

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5. Request of Cumberland Properties IV, LLC. to Remove Parcels Total 407.48+/- Acres from the North Opequon Agricultural and Forestal District. These Parcels are Identified as Property Identification Numbers 45-A-10V, 45-A-10W, 45-A-30, 45-A-31, 45-A-32, and 45-A-32A and are Located in the Opequon Magisterial District. **(See Attached)**----- **R**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

Discussion Materials

Frederick County, Virginia



September 14, 2016

Contents / Agenda



<u>Tab</u>	<u>Section Title</u>
1	Peer Comparatives and Credit Rating Overview
2	General Fund Balance Overview
3	Existing Tax Supported Debt Profile
4	Analysis of Selected Capital Projects
Appendix A	Details: Existing Tax Supported Debt



1. Peer Comparatives and Credit Rating Overview

Peer Comparatives



Peer Comparative Introduction

- Currently, the County has an Issuer Long-term Rating of Aa2 from Moody's.
- The following pages contain peer comparatives based on the below Moody's rating categories.
 - National Counties
 - Aaa's 87 Credits
 - Aa's 484 Credits
 - A's 146 Credits
 - Virginia Counties
 - Aaa's 9 Credits
 - Aa's 22 Credits
 - A's 2 Credits
- The data shown in the peer comparatives is from Moody's Municipal Financial and Ratio Analysis (MFRA) database. The figures shown are derived from the most recent financial statement available as September 7, 2016 (mostly FY 2015 figures).

Moody's Investors Service	Standard & Poor's	Fitch Ratings
Aaa	AAA	AAA
Aa1	AA+	AA+
Aa2	AA	AA
Aa3	AA-	AA-
A1	A+	A+
A2	A	A
A3	A-	A-
Baa1	BBB+	BBB+
Baa2	BBB	BBB
Baa3	BBB-	BBB-
Non Investment Grade		

Virginia Credits: Moody's

Aaa		
Albemarle	Fairfax	James City
Arlington	Hanover	Loudoun
Chesterfield	Henrico	Prince William

Aa		
Appomattox	King George	Richmond
Carroll	Montgomery	Rockingham
Culpeper	Northumberland	Spotsylvania
Dinwiddie	Pittsylvania	Stafford
Fauquier	Powhatan	Warren
Fluvanna	Prince George	Washington
Frederick	Pulaski	Wise
Isle Of Wight		

A		
Patrick	Smyth	

Rating Agency Methodology Updates



Moody's

- On January 15, 2014, Moody's updated its US Local Governments General Obligation Debt methodology and assumptions.
- Under the new methodology, an initial indicative rating is calculated from a weighted average of four key factors:

US Local Governments General Obligation Debt Methodology	
1. Economy / Tax Base	30%
Tax Base Size (Full Value)	10%
Full Value Per Capita	10%
Wealth (Median Family Income)	10%
2. Finances	30%
Fund Balance (% of Revenues)	10%
Fund Balance Trend (5-Year Change)	5%
Cash Balance (% of Revenues)	10%
Cash Balance Trend (5-Year Change)	5%
3. Management	20%
Institutional Framework	10%
Operating History	10%
4. Debt / Pensions	20%
Debt to Full Value	5%
Debt to Revenue	5%
Moody's Adjusted Net Pension Liability (3-Year Average) to Full Value	5%
Moody's Adjusted Net Pension Liability (3-Year Average) to Revenue	5%

- Adjustments can be made to the indicative rating score based upon a series of qualitative factors, as determined by Moody's. Each factor has the potential to impact the indicative rating score by one-half notch or one full notch.

S&P

- On September 12, 2013, Standard & Poor's updated its US Local Governments General Obligation Ratings methodology and assumptions.
- Under the new methodology, an initial indicative rating is calculated from a weighted average of seven key factors:

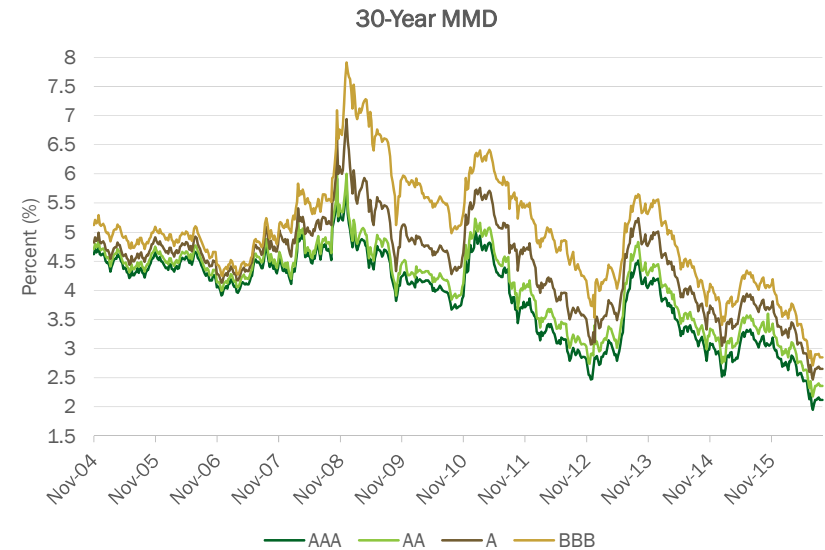
US Local Governments General Obligation Ratings Methodology	
1. Institutional Framework	10%
Legal and practical environment in which the local gov't operates	
2. Economy	30%
Total Market Value Per Capita	
Projected per capita effective buying income as a % of US projected effective buying income	
3. Management	20%
Impact of management conditions on the likelihood of repayment	
4. Budgetary Flexibility	10%
Available Fund Balance as a % of Expenditures	
5. Budgetary Performance	10%
Total Government Funds Net Result (%)	
General Fund Net Revenue	
6. Liquidity	10%
Total Gov't Available Cash as a % of Total Gov't Funds Debt Service	
Total Gov't Cash as a % of Total Gov't Funds Expenditures	
7. Debt and Contingent Liabilities	10%
Net Direct Debt as a % of Total Governmental Funds Revenue	
Total Governmental Funds Debt Service as a % of Total Governmental Funds Expenditures	

- Up to a one notch adjustment can be made from the indicative rating based on other qualitative factors.

Historical Credit Spreads



- The County's credit worthiness has a direct impact on the cost of borrowing, which in turn effects the County's debt capacity.
 - The credit spread is the premium an issuer pays to the purchaser of their bonds (i.e. higher interest rate) as compensation for increased credit risk.
 - Since the financial downturn in September 2008, credit quality of issuers has taken on a renewed importance to investors.
 - The average spread for an A rated borrower has increased from 0.33% from Nov 2004 – Dec 2008 to 0.71% since Dec 2008.



Credit Spreads (%) vs the 30-yr AAA MMD

Nov 2004 - Dec 2008

Rating	Min	Max	Average
AA	0.04	0.19	0.10
A	0.15	1.26	0.33
BBB	0.30	2.52	0.60

Dec 2008 - Sep 2016

Rating	Min	Max	Average
AA	0.09	0.56	0.22
A	0.27	1.11	0.71
BBB	0.69	2.58	1.37

Note: credit spreads compared to the 'AAA' equivalent



2. General Fund Balance Overview

General Fund Balance

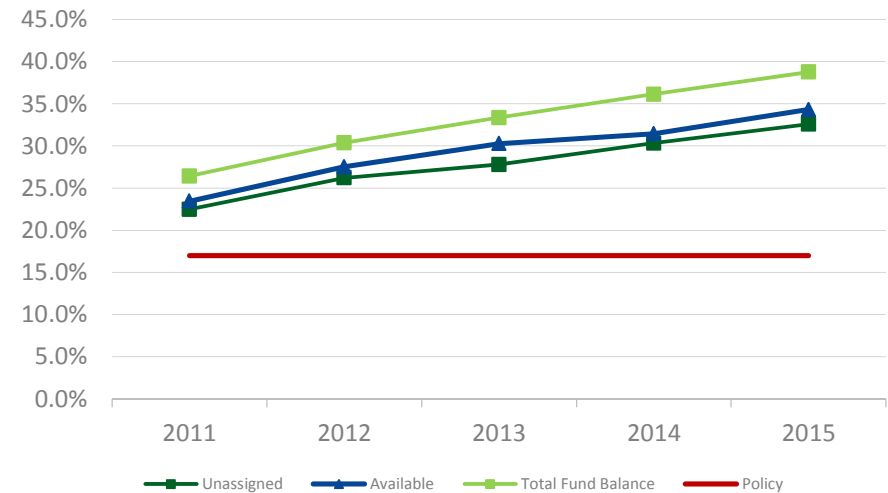


General Fund Balance

	2011	2012	2013	2014	2015
1 <u>General Fund Budget</u>					
2 Revenues	126,258,831	130,323,790	137,167,533	143,485,222	148,431,913
3					
4 <u>General Fund Balance</u>					
5 Nonspendable	740,576	736,632	739,911	737,911	738,854
6 Restricted	3,022,694	2,963,356	3,504,341	5,987,501	5,878,352
7 Committed	1,222,437	1,698,907	3,385,779	1,616,849	2,540,730
8 Assigned	1,635	2,135	2,135	4,780	4,780
9 Unassigned	28,372,870	34,175,579	38,127,444	43,513,213	48,376,225
10 Total	33,360,212	39,576,609	45,759,610	51,860,254	57,538,941
11 Increase / (Decrease) in Total Fund Balance	n/a	6,216,397	6,183,001	6,100,644	5,678,687
12					
13 Available Fund Balance ⁽¹⁾	29,596,942	35,876,621	41,515,358	45,134,842	50,921,735
14					
15 <u>General Fund Balance Ratios</u>					
16 Unassigned as a % of Revenues	22.5%	26.2%	27.8%	30.3%	32.6%
17 Available Fund Balance as a % of Revenues	23.4%	27.5%	30.3%	31.5%	34.3%
18 Total General Fund Balance as a % of Revenues	26.4%	30.4%	33.4%	36.1%	38.8%

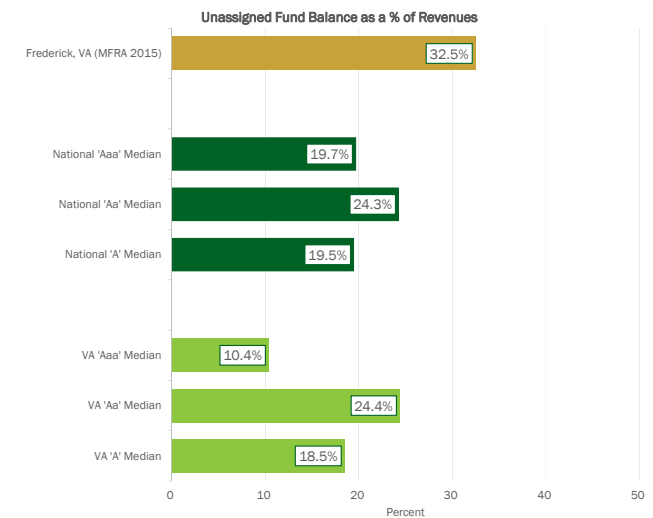
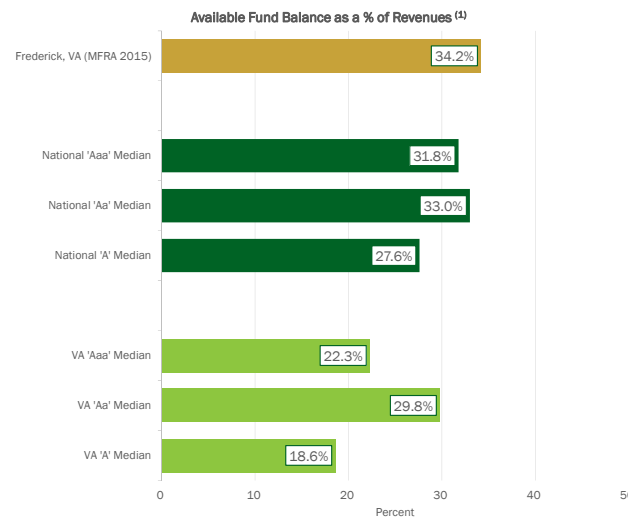
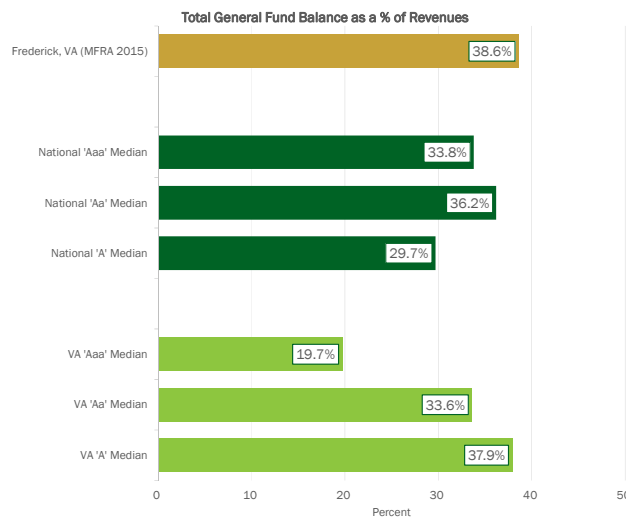
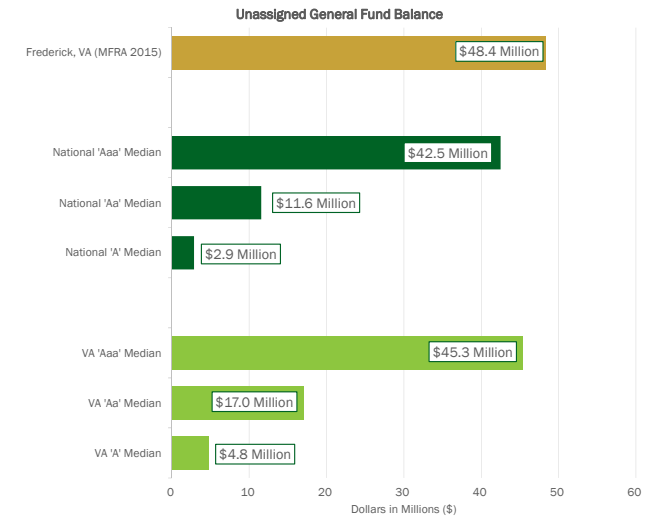
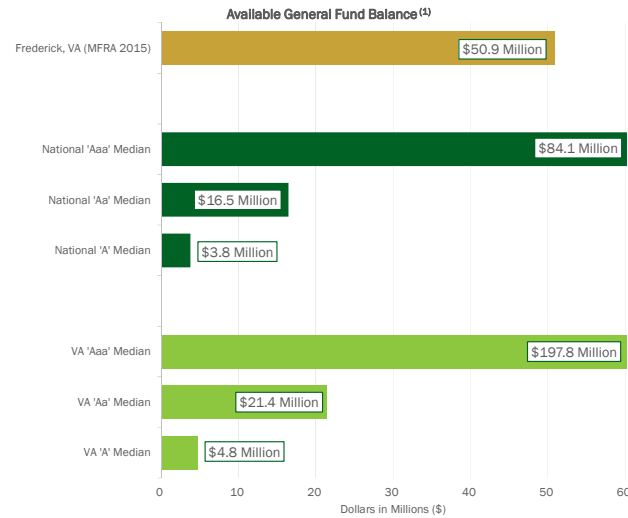
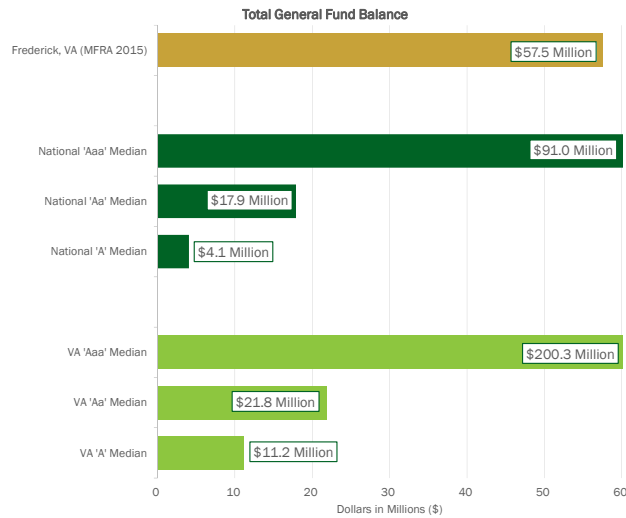
⁽¹⁾ Includes Committed, Assigned, and Unassigned Fund Balances.

General Fund Balance as a % of Revenues



- The County previously had an Unassigned Fund Balance policy of ten percent (10%) of the operating budget. This amount has been increased to seventeen percent (17%) as recommended by GFOA.

General Fund Balance





Fund Balance Overview

- Historically, the County's General Fund Balance levels have been healthy. This is primarily attributable to good management and strong requirements within the Adopted Policy.
- As measured by the Methodology used by Moody's Investor Services, "Finances" represent 30% of a locality's Rating Score. This includes the following weightings:
 - 10% for Fund Balance as a % of Revenues;
 - 5% for Fund Balance Trend (5-year change);
 - 10% for Cash Balance as a % of Revenues; and
 - 5% for Cash Balance Trend (5-year change).
 - How the County manages its reserves is a material factor when looking to the credit markets.
- Maintenance of a healthy Fund Balance, compliance with Adopted Policies, and appropriate use of reserves limited to Capital Investment is viewed favorably by Lenders and the Rating Agencies.

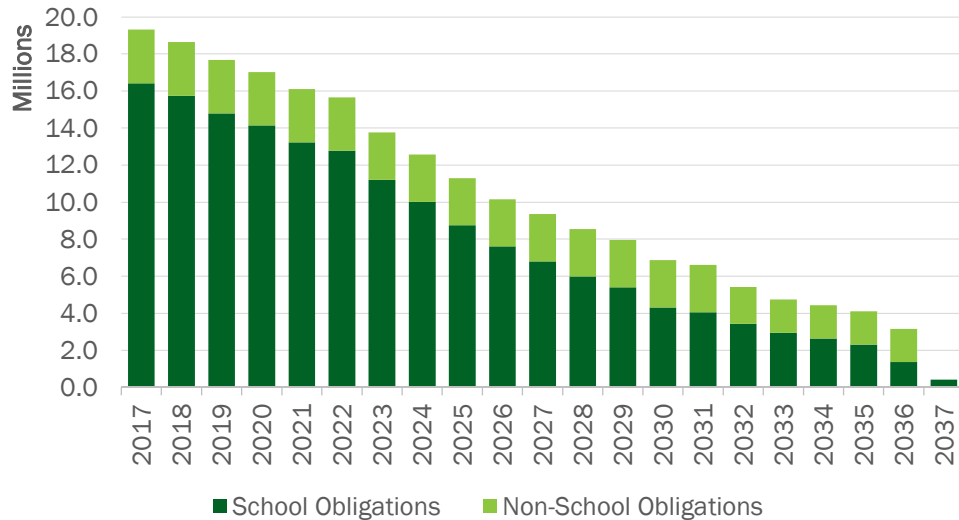


3. Existing Tax Supported Debt Profile

Existing Tax Supported Debt



Tax Supported Debt Service



Par Outstanding – Estimated as of 6/30/2016

Type	Par Amount
School General Obligations	\$ 123,394,245
School Literary Loans	1,196,169
Non-School General Obligations	1,803,582
County Lease/Revenue Obligations	31,721,500
Other Obligations	137,571
Total	\$158,253,067

Tax Supported Debt Service

FY	Principal	Interest	Total	10-yr Payout
Total	158,253,067	55,508,389	213,761,456	
2017	12,281,479	7,032,361	19,313,841	67.3%
2018	12,239,456	6,399,340	18,638,796	69.5%
2019	11,858,948	5,823,453	17,682,401	71.7%
2020	11,760,478	5,263,333	17,023,811	74.2%
2021	11,383,537	4,720,823	16,104,360	76.4%
2022	11,457,809	4,201,285	15,659,094	79.3%
2023	10,066,131	3,690,404	13,756,534	82.1%
2024	9,326,735	3,238,272	12,565,006	85.2%
2025	8,467,548	2,828,980	11,296,528	89.1%
2026	7,690,434	2,459,922	10,150,356	94.1%
2027	7,206,178	2,140,212	9,346,389	99.2%
2028	6,683,542	1,853,224	8,536,767	100.0%
2029	6,360,043	1,590,541	7,950,583	100.0%
2030	5,494,443	1,368,223	6,862,666	100.0%
2031	5,585,510	1,024,295	6,609,805	100.0%
2032	4,728,509	686,454	5,414,964	100.0%
2033	4,222,708	516,981	4,739,689	100.0%
2034	4,070,124	362,789	4,432,913	100.0%
2035	3,888,025	218,383	4,106,408	100.0%
2036	3,076,430	82,940	3,159,369	100.0%
2037	405,000	6,176	411,176	100.0%

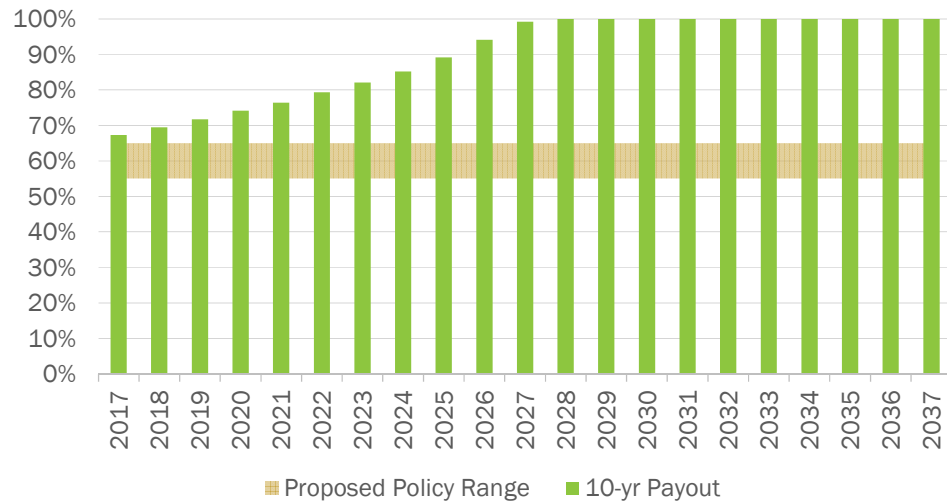
Notes:

- (1) Estimated debt outstanding includes up through the 2016 VPSA Spring Pool Issuance.
- (2) Existing Tax Supported debt is estimated based on information obtained in the County's 2015 CAFR, schedules provided by Staff, and official statements for publicly issued debt through VPSA and VRA.
- (3) 2011 QSCB interest is shown gross of federal subsidy.

Key Debt Ratio: Tax Supported Payout Ratio



10-Year Payout Ratio

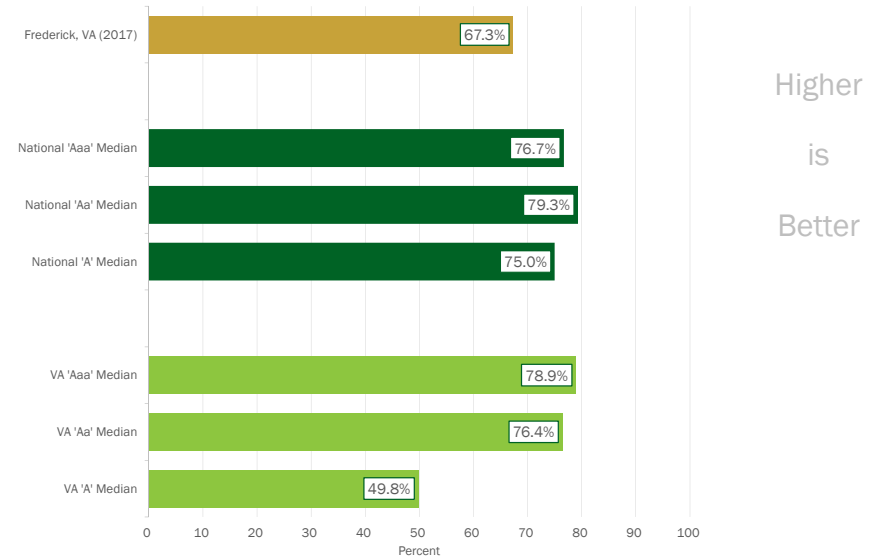


Existing 10-year Payout Ratio

— FY 2017: 67.3%

- The 10-Year Payout Ratio measures the amount of principal to be retired in the next 10 years.
- This ratio is an important metric that indicates whether or not a locality is back-loading its debt.
- The County may want to consider establishing a Financial Policy as it relates to a minimum 10-Year Payout Ratio policy.

10-Year Payout Ratio Peer Comparative



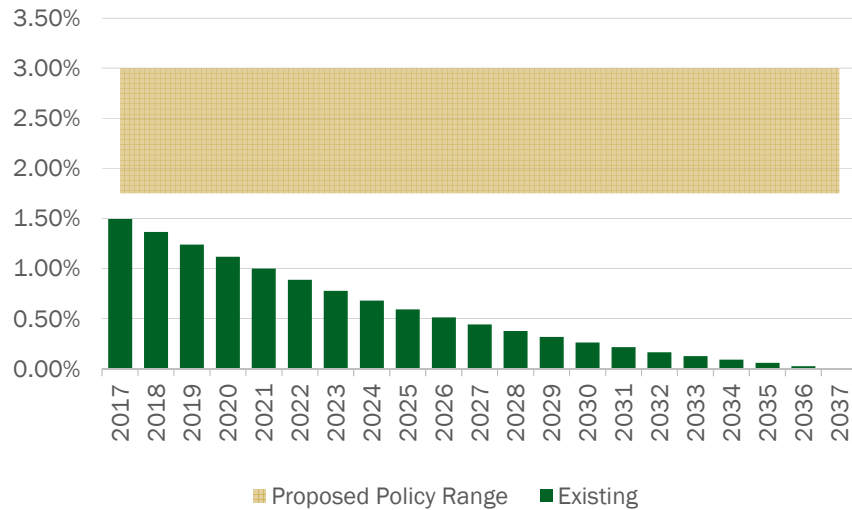
Rating Considerations

- **Moody's:** Moody's rating criteria for General Obligation credits allows for a scorecard adjustment if an issuer has unusually slow or rapid amortization of debt principal.
- **S&P:** A payout ratio greater than 65% results in a one point positive qualitative adjustment to the Debt & Contingent Liabilities section of S&P's General Obligation rating methodology.

Key Debt Ratio: Debt to Assessed Value



Debt to Assessed Value



Existing Debt to Assessed Value

— FY 2017: 1.50%

Assumed Future Growth Rates

— 1/1/2016 Assessed Value: \$10,469,863,397

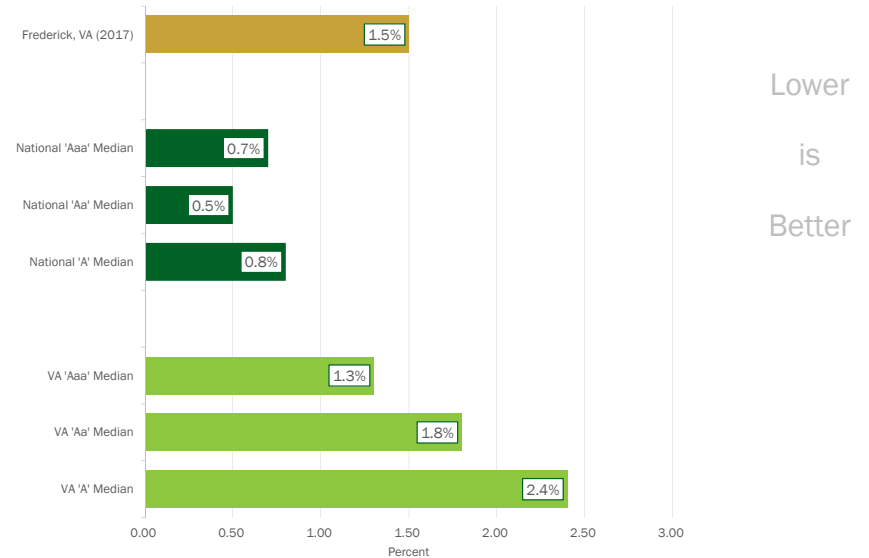
— 2017 & Beyond: 1.00%

— 5 Yr. Avg. Growth 2.27%

— 10Yr. Avg. Growth 2.35%

- The County may want to consider establishing a Financial Policy as it relates to a maximum Debt to Assessed Value ratio.

Debt to Assessed Value Peer Comparative



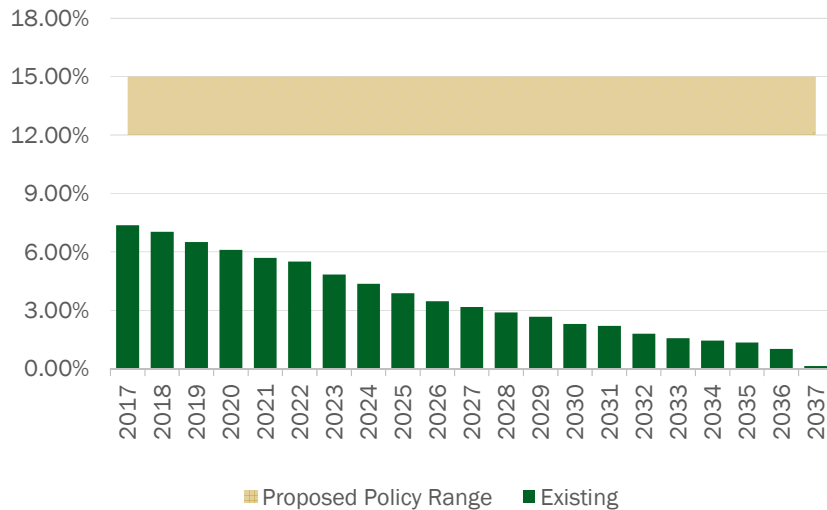
Rating Considerations

- **Moody's:** Under the Debt/Pensions section of Moody's methodology, debt to full value categories are defined as follows:
 - Aaa: <0.75%
 - Aa: 0.75% - 1.75%
 - A: 1.75% - 4.00%
 - Baa and below: >4.00%
- **S&P:** A positive qualitative adjustment is made to the Debt and Contingent Liabilities score for a debt to market value ratio below 3.00%, while a negative adjustment is made for a ratio above 10.00%.

Key Debt Ratio: Debt Service vs. Expenditures



Debt Service vs. Governmental Expenditures



Existing Debt Service vs. Expenditures

— FY 2017: 7.37%

Assumed Future Growth Rates

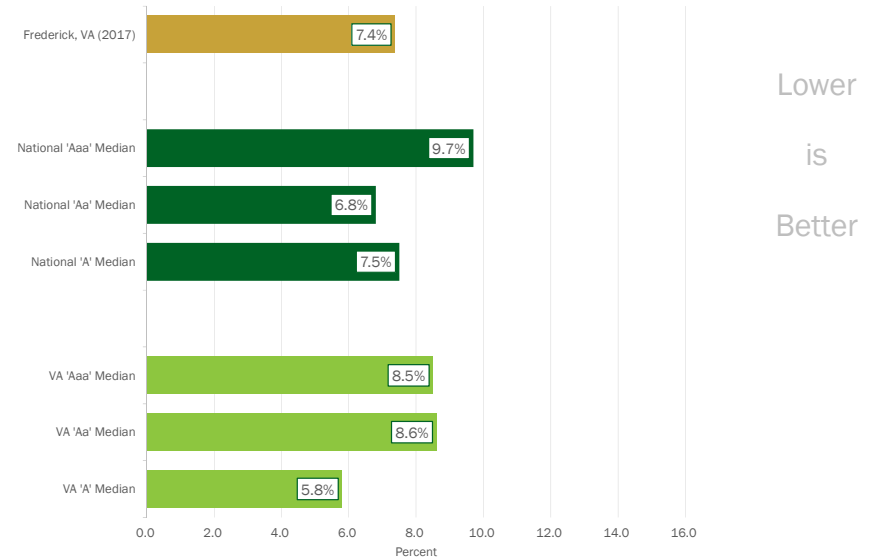
— 2015 Adj. Expenditures⁽¹⁾: \$220,088,658
 — 2016 ⁽²⁾: 4.30%
 — 2017 ⁽²⁾: 5.70%
 — 2018 & Beyond: 1.00%
 — 5 Yr. Avg. Growth: 4.10%
 — 10Yr. Avg. Growth: 3.40%

The County may want to consider establishing a Financial Policy as it relates to a maximum Debt Service vs. Expenditures ratio.

(1) Governmental Expenditures represent the ongoing operating expenditures of the County and School Board (net of transfers). In this analysis, debt service and capital outlay expenditures are excluded.

(2) Growth rates shown for 2016 & 2017 are based upon County expenditure growth included in the respective fiscal year budgets.

Debt Service vs. Expenditures Peer Comparative



Rating Considerations

■ **Moody's:** Moody's criteria allows for a scorecard adjustment if an issuer has very high or low debt service relative to its budget:

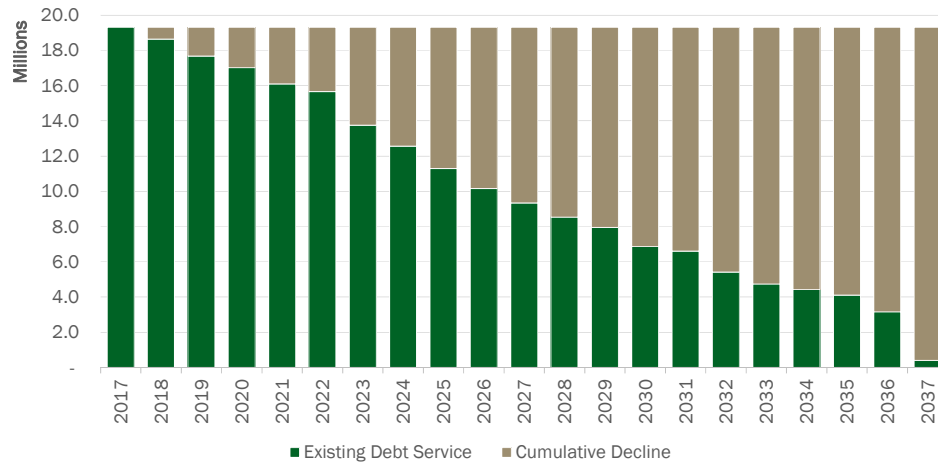
■ **S&P:** The Debt and Contingent Liabilities section defines categories of Net Direct Debt as a % of Total Governmental Funds Expenditures as follows:

— Very Strong:	<8%
— Strong:	8% - 15%
— Adequate:	15% - 25%
— Weak:	25% - 35%
— Very Weak:	> 35%

Decline in Tax Supported Debt Service



Existing Tax Supported Debt Service Decline



Existing Tax Supported Debt Service Decline

FY	Existing Debt Service	Cumulative Decline
Total	213,761,456	
2017	19,313,841	-
2018	18,638,796	675,045
2019	17,682,401	1,631,439
2020	17,023,811	2,290,030
2021	16,104,360	3,209,481
2022	15,659,094	3,654,747
2023	13,756,534	5,557,306
2024	12,565,006	6,748,834
2025	11,296,528	8,017,313
2026	10,150,356	9,163,485
2027	9,346,389	9,967,451
2028	8,536,767	10,777,074
2029	7,950,583	11,363,258
2030	6,862,666	12,451,175
2031	6,609,805	12,704,036
2032	5,414,964	13,898,877
2033	4,739,689	14,574,151
2034	4,432,913	14,880,928
2035	4,106,408	15,207,433
2036	3,159,369	16,154,471
2037	411,176	18,902,665

Debt Affordability Analysis

Existing Debt



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Debt Service Requirements						Revenue Available for DS							Debt Service Cash Flow Surplus (Deficit)					
FY	Existing Debt Service	CIP Debt Service	CIP Pay-Go Cash	CIP Operating Impact	Total	General Fund Budgeted Debt Service	General Fund Budgeted for Pay-Go Cash	Other Available Revenues	Round Hill Fire (35.35% of VFPF 2014)	Millwood Fire Reimbursement ⁽¹⁾	Credits for Series 2011 QSCBs ⁽²⁾	Total Revenues Available	Surplus/ (Deficit)	Revenue From Prior Tax Impact	Capital Reserve Utilized	Adjusted Surplus/ (Deficit)	Estimated Incremental Tax Equivalent	Capital Reserve Fund Balance
2017	19,313,841	-	-	-	19,313,841	18,830,782	-	-	131,088	74,999	276,973	19,313,841	-	-	-	-	-	-
2018	18,638,796	-	-	-	18,638,796	18,830,782	-	-	130,435	74,999	276,973	19,313,188	674,392	-	-	674,392	-	674,392
2019	17,682,401	-	-	-	17,682,401	18,830,782	-	-	131,149	74,999	276,973	19,313,902	1,631,500	-	-	1,631,500	-	2,305,892
2020	17,023,811	-	-	-	17,023,811	18,830,782	-	-	131,699	74,999	276,973	19,314,452	2,290,641	-	-	2,290,641	-	4,596,533
2021	16,104,360	-	-	-	16,104,360	18,830,782	-	-	130,354	74,999	276,973	19,313,107	3,208,747	-	-	3,208,747	-	7,805,280
2022	15,659,094	-	-	-	15,659,094	18,830,782	-	-	130,544	74,999	276,973	19,313,297	3,654,203	-	-	3,654,203	-	11,459,484
2023	13,756,534	-	-	-	13,756,534	18,830,782	-	-	130,456	74,999	276,973	19,313,209	5,556,675	-	-	5,556,675	-	17,016,158
2024	12,565,006	-	-	-	12,565,006	18,830,782	-	-	130,186	74,999	276,973	19,312,939	6,747,933	-	-	6,747,933	-	23,764,091
2025	11,296,528	-	-	-	11,296,528	18,830,782	-	-	131,458	74,999	276,973	19,314,211	8,017,683	-	-	8,017,683	-	31,781,774
2026	10,150,356	-	-	-	10,150,356	18,830,782	-	-	130,735	74,999	276,973	19,313,488	9,163,132	-	-	9,163,132	-	40,944,907
2027	9,346,389	-	-	-	9,346,389	18,830,782	-	-	131,837	74,999	276,973	19,314,590	9,968,200	-	-	9,968,200	-	50,913,107
2028	8,536,767	-	-	-	8,536,767	18,830,782	-	-	131,209	74,999	276,973	19,313,962	10,777,196	-	-	10,777,196	-	61,690,303
2029	7,950,583	-	-	-	7,950,583	18,830,782	-	-	130,401	74,999	276,973	19,313,154	11,362,571	-	-	11,362,571	-	73,052,873
2030	6,862,666	-	-	-	6,862,666	18,830,782	-	-	131,168	74,999	276,973	19,313,921	12,451,256	-	-	12,451,256	-	85,504,129
2031	6,609,805	-	-	-	6,609,805	18,830,782	-	-	130,442	74,999	276,973	19,313,195	12,703,390	-	-	12,703,390	-	98,207,519
2032	5,414,964	-	-	-	5,414,964	18,830,782	-	-	131,777	74,999	138,486	19,176,044	13,761,080	-	-	13,761,080	-	111,968,599
2033	4,739,689	-	-	-	4,739,689	18,830,782	-	-	131,143	74,999	-	19,036,924	14,297,234	-	-	14,297,234	-	126,265,833
2034	4,432,913	-	-	-	4,432,913	18,830,782	-	-	130,334	74,999	-	19,036,115	14,603,202	-	-	14,603,202	-	140,869,035
2035	4,106,408	-	-	-	4,106,408	18,830,782	-	-	131,126	74,999	-	19,036,907	14,930,499	-	-	14,930,499	-	155,799,535
2036	3,159,369	-	-	-	3,159,369	18,830,782	-	-	131,576	74,999	-	19,037,357	15,877,987	-	-	15,877,987	-	171,677,522
2037	411,176	-	-	-	411,176	18,830,782	-	-	-	74,999	-	18,905,781	18,494,604	-	-	18,494,604	-	190,172,126
2038	-	-	-	-	-	18,830,782	-	-	-	74,999	-	18,905,781	18,905,781	-	-	18,905,781	-	209,077,907
2039	-	-	-	-	-	18,830,782	-	-	-	74,999	-	18,905,781	18,905,781	-	-	18,905,781	-	227,983,688
2040	-	-	-	-	-	18,830,782	-	-	-	74,999	-	18,905,781	18,905,781	-	-	18,905,781	-	246,889,468
2041	-	-	-	-	-	18,830,782	-	-	-	74,999	-	18,905,781	18,905,781	-	-	18,905,781	-	265,795,249
2042	-	-	-	-	-	18,830,782	-	-	-	50,332	-	18,881,114	18,881,114	-	-	18,881,114	-	284,676,362
2043	-	-	-	-	-	18,830,782	-	-	-	-	-	18,830,782	18,830,782	-	-	18,830,782	-	303,507,144
2044	-	-	-	-	-	18,830,782	-	-	-	-	-	18,830,782	18,830,782	-	-	18,830,782	-	322,337,926
2045	-	-	-	-	-	18,830,782	-	-	-	-	-	18,830,782	18,830,782	-	-	18,830,782	-	341,168,707
Total	213,761,456	-	-	-	213,761,456								Total	-	-	Total Tax Effect	0.00¢	

- Assumed FY2017 Value of a Penny ⁽³⁾: \$800,000
- Assumed Growth Rate: 1.00%

(1) The 2015B VRA debt service matures in FY 2036; however, the reimbursement schedule from the Millwood Fire Department allows for payments through FY 2042.

(2) Note: 2011 QSCB debt service is shown per sinking fund requirements, gross of earnings and with gross interest expense. At the time of the issuance, the published QTCB (subsidy) rates were well above the stated coupon rates. Therefore, at issue, interest expense should be fully subsidized by the Federal Government. However, due to sequestration, a reduction in subsidy was implemented. For the period 10/1/2016 to 9/30/2017, the sequester reduction is 6.9%.

(3) Provided by Staff.



- The County's debt profile is well managed and exhibits material step down in annual debt service over the next several years.
- The County compares well to its Rated Peers.
- Within Key Debt Ratios, the County has Debt Capacity to fund future Capital Needs.
- Development of a long-range Capital Financing Model/Plan will be critical to understanding the County's future Debt Affordability. This creates the framework for developing and monitoring debt policies which enhance the County's ability to continue building upon the solid financial foundation achieved to date.
- The County participates in several regional government entities. The County is not directly involved with the daily operations nor is it financially responsible for these entities, as such these entities are not included in the County's CAFR. However, to the extent these entities pass-through capital and operational expenditures to the County at some level, it may be worthwhile discussing future participation and fiscal requirements that may potentially impact the County's budget. The entities which require further discussion and which have not been included in this analysis are:
 - Handley Regional Library Board;
 - Northwestern Regional Jail Authority;
 - Winchester Regional Airport Authority;
 - Frederick-Winchester Service Authority;
 - Northwestern Community Services Board; and
 - Frederick County Sanitation Authority.



4. Analysis of Selected Capital Projects



Analysis of Selected Capital Projects

Key Funding & Project Assumptions

Non-School Project

- Courthouse
 - Issue Date of 5/1/2023
 - Term/Amortization 20 Years (Level Principal)
 - Interest Rate 5.0%
 - **Total Estimated Project Amount \$50,000,000***
 - Incremental Operating Costs \$500,000*
 - Operating Impact Commences at Open FY 2025

Joint Project

- Joint Administration Facility (County/Schools)
 - Issue Date of 5/1/2018
 - Term/Amortization 20 Years (Level Principal)
 - Interest Rate 4.50%
 - **Total Estimated Project Amount \$40,000,000***
 - Incremental Operating Costs \$500,000*
 - Operating Impact Commences at Open FY 2020

School Projects

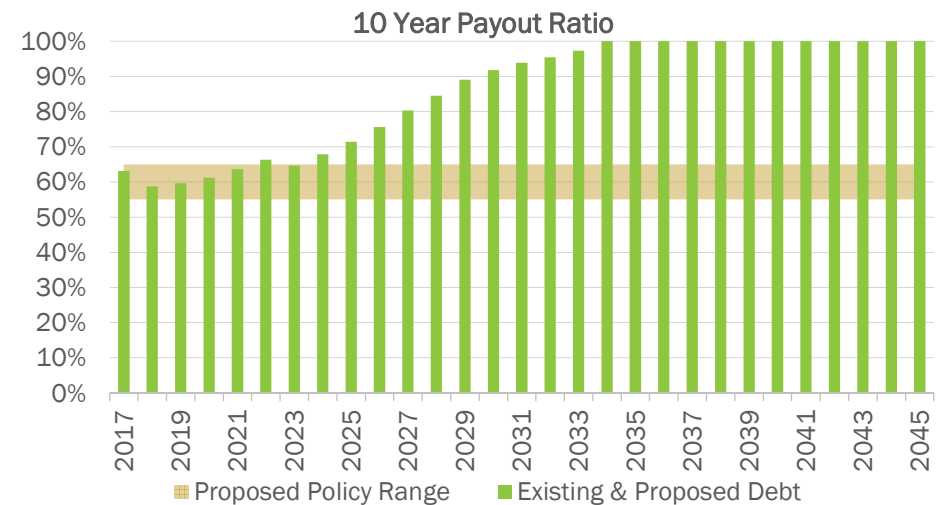
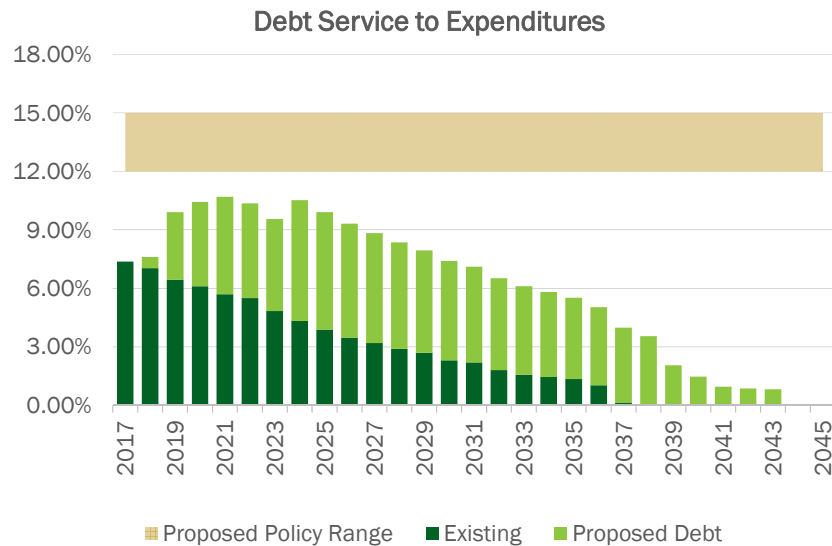
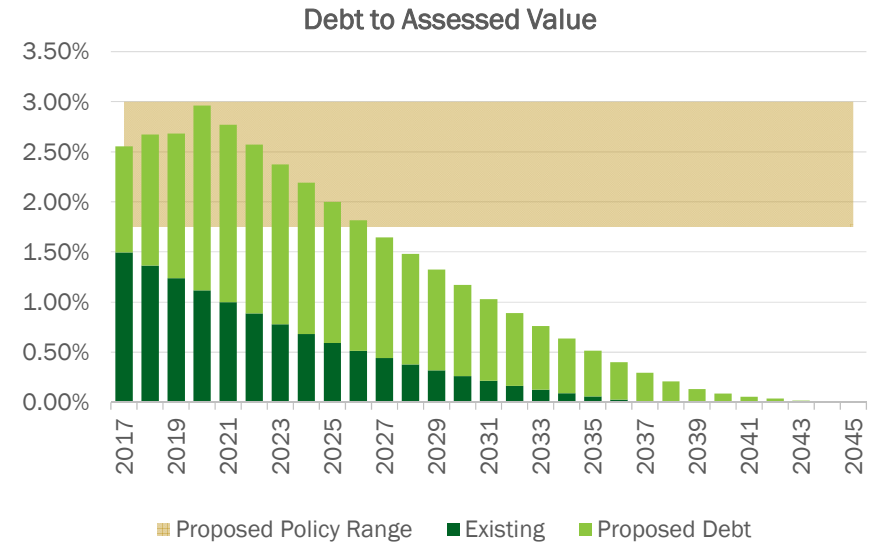
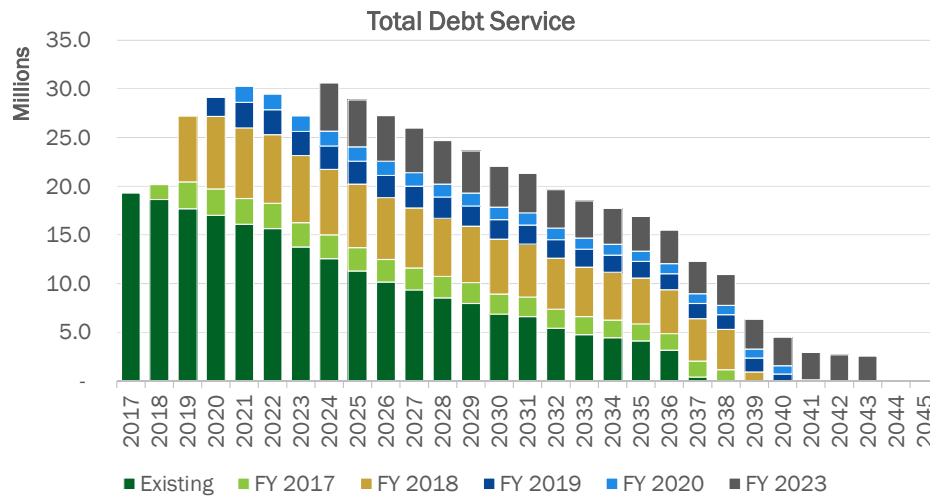
- 12th Elementary School and Armel Elementary School Addition
 - * *Note – Total Project Amount is spread over 4 bond issuances as follows:*
 - Issue Date of 11/1/2016 \$8,800,000 (at 4.0%)
 - Issue Date of 5/1/2017 \$8,800,000 (at 4.0%)
 - Issue Date of 11/1/2017 \$8,900,000 (at 4.50%)
 - Issue Date of 5/1/2018 \$4,400,000 (at 4.50%)
 - **Total Estimated Project Amount \$30,900,000***
 - Incremental Operating Costs \$2,300,000*
 - Operating Impact Commences at Open FY 2019
 - Term/Amortization 20 Years (Level Principal)
- 4th High School
 - * *Note – Total Project Amount is spread over 7 bond issuances as follows:*
 - Issue Date of 5/1/2017 \$13,700,000 (at 4.0%)
 - Issue Date of 11/1/2017 \$13,700,000 (at 4.50%)
 - Issue Date of 5/1/2018 \$13,700,000 (at 4.50%)
 - Issue Date of 11/1/2018 \$13,700,000 (at 4.50%)
 - Issue Date of 5/1/2019 \$13,700,000 (at 5.0%)
 - Issue Date of 11/1/2019 \$14,100,000 (at 5.0%)
 - Issue Date of 5/1/2020 \$2,600,000 (at 5.0%)
 - **Total Estimated Project Amount \$85,200,000***
 - Incremental Operating Costs \$7,200,000*
 - Operating Impact Commences at Open FY 2021
 - Term/Amortization 20 Years (Level Principal)

Total School Projects	\$116,100,000*
Non-School Project	50,000,000*
Joint Project	<u>40,000,000*</u>
GRAND Total Selected Projects	\$206,100,000*



Debt Profile and Key Debt Ratios

Existing & Proposed Debt



Debt Affordability Analysis

Existing & Proposed Debt



* The figures in the table below are based upon preliminary planning estimates and are subject to change.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
	Debt Service Requirements					Revenue Available for DS							Debt Service Cash Flow Surplus (Deficit)						
FY	Existing Debt Service	CIP Debt Service	CIP Pay-Go Cash	CIP Operating Impact ⁽¹⁾	Total	General Fund Budgeted Debt Service	General Fund Budgeted for Pay-Go Cash	Other Available Revenues	Round Hill Fire (35.35% of VFPF 2014)	Millwood Fire Reimbursement ⁽²⁾	Credits for Series 2011 QSCBs ⁽³⁾	Total Revenues Available	Surplus/ (Deficit)	Revenue From Prior Tax Impact	Capital Reserve Utilized	Adjusted Surplus/ (Deficit)	Estimated Incremental Tax Equivalent	Capital Reserve Fund Balance	
2017	19,313,841	-	-	-	19,313,841	18,830,782	-	-	131,088	74,999	276,973	19,313,841	-	-	-	-	-	-	
2018	18,638,796	1,546,200	-	-	20,184,996	18,830,782	-	-	130,435	74,999	276,973	19,313,188	(871,808)	-	-	(871,808)	1.08¢	-	
2019	17,682,401	9,509,800	-	2,300,000	29,492,201	18,830,782	-	-	131,149	74,999	276,973	19,313,902	(10,178,300)	880,526	-	(9,297,774)	11.39¢	-	
2020	17,023,811	12,094,325	-	2,800,000	31,918,136	18,830,782	-	-	131,699	74,999	276,973	19,314,452	(12,603,684)	10,280,083	-	(2,323,601)	2.82¢	-	
2021	16,104,360	14,170,450	-	10,000,000	40,274,810	18,830,782	-	-	130,354	74,999	276,973	19,313,107	(20,961,703)	12,729,721	-	(8,231,981)	9.89¢	-	
2022	15,659,094	13,808,950	-	10,000,000	39,468,044	18,830,782	-	-	130,544	74,999	276,973	19,313,297	(20,154,747)	21,171,320	-	1,016,573	-	1,016,573	
2023	13,756,534	13,457,950	-	10,000,000	37,214,484	18,830,782	-	-	130,456	74,999	276,973	19,313,209	(17,901,275)	21,383,033	-	3,481,757	-	4,498,330	
2024	12,565,006	18,044,450	-	10,000,000	40,609,456	18,830,782	-	-	130,186	74,999	276,973	19,312,939	(21,296,517)	21,596,863	-	300,346	-	4,798,676	
2025	11,296,528	17,568,450	-	10,500,000	39,364,978	18,830,782	-	-	131,458	74,999	276,973	19,314,211	(20,050,767)	21,812,832	-	1,762,065	-	6,560,741	
2026	10,150,356	17,092,450	-	10,500,000	37,742,806	18,830,782	-	-	130,735	74,999	276,973	19,313,488	(18,429,318)	22,030,960	-	3,601,642	-	10,162,383	
2027	9,346,389	16,616,450	-	10,500,000	36,462,839	18,830,782	-	-	131,837	74,999	276,973	19,314,590	(17,148,250)	22,251,270	-	5,103,020	-	15,265,403	
2028	8,536,767	16,140,450	-	10,500,000	35,177,217	18,830,782	-	-	131,209	74,999	276,973	19,313,962	(15,863,254)	22,473,782	-	6,610,528	-	21,875,931	
2029	7,950,583	15,664,450	-	10,500,000	34,115,033	18,830,782	-	-	130,401	74,999	276,973	19,313,154	(14,801,879)	22,698,520	-	7,896,641	-	29,772,572	
2030	6,862,666	15,188,450	-	10,500,000	32,551,116	18,830,782	-	-	131,168	74,999	276,973	19,313,921	(13,237,194)	22,925,505	-	9,688,311	-	39,460,883	
2031	6,609,805	14,712,450	-	10,500,000	31,822,255	18,830,782	-	-	130,442	74,999	276,973	19,313,195	(12,509,060)	23,154,760	-	10,645,700	-	50,106,583	
2032	5,414,964	14,236,450	-	10,500,000	30,151,414	18,830,782	-	-	131,777	74,999	138,486	19,176,044	(10,975,370)	23,386,308	-	12,410,938	-	62,517,521	
2033	4,739,689	13,760,450	-	10,500,000	29,000,139	18,830,782	-	-	131,143	74,999	-	19,036,924	(9,963,216)	23,620,171	-	13,656,955	-	76,174,476	
2034	4,432,913	13,284,450	-	10,500,000	28,217,363	18,830,782	-	-	130,334	74,999	-	19,036,115	(9,181,248)	23,856,373	-	14,675,125	-	90,849,602	
2035	4,106,408	12,808,450	-	10,500,000	27,414,858	18,830,782	-	-	131,126	74,999	-	19,036,907	(8,377,951)	24,094,937	-	15,716,986	-	106,566,588	
2036	3,159,369	12,332,450	-	10,500,000	25,991,819	18,830,782	-	-	131,576	74,999	-	19,037,357	(6,954,463)	24,335,886	-	17,381,423	-	123,948,011	
2037	411,176	11,856,450	-	10,500,000	22,767,626	18,830,782	-	-	-	74,999	-	18,905,781	(3,861,846)	24,579,245	-	20,717,399	-	144,665,410	
2038	-	10,949,250	-	10,500,000	21,449,250	18,830,782	-	-	-	74,999	-	18,905,781	(2,543,469)	24,825,037	-	22,281,568	-	166,946,977	
2039	-	6,328,775	-	10,500,000	16,828,775	18,830,782	-	-	-	74,999	-	18,905,781	2,077,006	25,073,288	-	27,150,293	-	194,097,271	
2040	-	4,502,000	-	10,500,000	15,002,000	18,830,782	-	-	-	74,999	-	18,905,781	3,903,781	25,324,020	-	29,227,801	-	223,325,072	
2041	-	2,945,750	-	10,500,000	13,445,750	18,830,782	-	-	-	74,999	-	18,905,781	5,460,031	25,577,261	-	31,037,291	-	254,362,363	
2042	-	2,687,500	-	10,500,000	13,187,500	18,830,782	-	-	-	50,332	-	18,881,114	5,693,614	25,833,033	-	31,526,647	-	285,889,010	
2043	-	2,562,500	-	10,500,000	13,062,500	18,830,782	-	-	-	-	-	18,830,782	5,768,282	26,091,364	-	31,859,645	-	317,748,655	
2044	-	-	-	10,500,000	10,500,000	18,830,782	-	-	-	-	-	18,830,782	8,330,782	26,352,277	-	34,683,059	-	352,431,714	
2045	-	-	-	10,500,000	10,500,000	18,830,782	-	-	-	-	-	18,830,782	8,330,782	26,615,800	-	34,946,582	-	387,378,295	
Total	213,761,456	303,869,750	-	265,600,000	783,231,206								Total	-	-	Total Tax Effect	25.18¢		

■ Assumed FY2017 Value of a Penny ⁽⁴⁾: \$800,000

■ Assumed Growth Rate: 1.00%

(1) The CIP Operating Impact represents the estimated incremental increase to annual operating expenses related to the Selected Projects: (a) \$2.3 Million commencing FY 2019 for the 12th Elementary School and Armel Elementary School Addition; (b) \$0.5 Million commencing FY 2020 for the Joint Administration Facility; (c) \$7.2 Million commencing FY 2021 for the 4th High School; and (d) \$0.5 Million commencing FY 2025 for the Courthouse.

(2) The 2015B VRA debt service matures in FY 2036; however, the reimbursement schedule from the Millwood Fire Department allows for payments through FY 2042.

(3) Note: 2011 QSCB debt service is shown per sinking fund requirements, gross of earnings and with gross interest expense. At the time of the issuance, the published QTCB (subsidy) rates were well above the stated coupon rates. Therefore, at issue, interest expense should be fully subsidized by the Federal Government. However, due to sequestration, a reduction in subsidy was implemented. For the period 10/1/2016 to 9/30/2017, the sequester reduction is 6.9%.

(4) Provided by Staff.

Financial Policy Guidelines



- As the County moves forward in assessing future capital projects and developing a plan of finance, Davenport recommends that the County Board of Supervisors consider adopting, amending, and/or enhancing a series of Financial Policy Guidelines that cover the following areas of County operations:
 - Capital Improvement Budget Policies;
 - Debt Policies;
 - Reserve Policies; and
 - Budget Development Policies.

- Financial Policy Guidelines can serve to:
 - Contribute to the County's ability to insulate itself from fiscal crisis;
 - Enhance short-term and long-term financial performance by helping to achieve the highest credit and bond ratings possible;
 - Promote long-term financial stability by establishing clear and consistent guidelines;
 - Direct attention to the total financial picture of the County rather than single issue areas;
 - Promote the view of linking long-term financial planning with day-to-day operations; and
 - Provide the County Staff, County Board of Supervisors, and Citizens a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.



Appendix A

Details: Existing Tax Supported Debt

Existing Tax Supported Debt



Total Tax Supported Debt Service

FY	Principal	Interest	Total
Total	158,253,067	55,508,389	213,761,456
2017	12,281,479	7,032,361	19,313,841
2018	12,239,456	6,399,340	18,638,796
2019	11,858,948	5,823,453	17,682,401
2020	11,760,478	5,263,333	17,023,811
2021	11,383,537	4,720,823	16,104,360
2022	11,457,809	4,201,285	15,659,094
2023	10,066,131	3,690,404	13,756,534
2024	9,326,735	3,238,272	12,565,006
2025	8,467,548	2,828,980	11,296,528
2026	7,690,434	2,459,922	10,150,356
2027	7,206,178	2,140,212	9,346,389
2028	6,683,542	1,853,224	8,536,767
2029	6,360,043	1,590,541	7,950,583
2030	5,494,443	1,368,223	6,862,666
2031	5,585,510	1,024,295	6,609,805
2032	4,728,509	686,454	5,414,964
2033	4,222,708	516,981	4,739,689
2034	4,070,124	362,789	4,432,913
2035	3,888,025	218,383	4,106,408
2036	3,076,430	82,940	3,159,369
2037	405,000	6,176	411,176

School (General Obligations)

FY	Principal	Interest	Total
Total	123,394,245	39,664,672	163,058,917
2017	10,049,127	5,512,068	15,561,195
2018	10,402,583	4,957,708	15,360,291
2019	10,341,220	4,453,035	14,794,255
2020	10,180,047	3,954,044	14,134,091
2021	9,733,540	3,491,494	13,225,034
2022	9,731,944	3,041,115	12,773,059
2023	8,590,784	2,607,867	11,198,651
2024	7,780,000	2,230,754	10,010,754
2025	6,855,000	1,895,969	8,750,969
2026	6,000,000	1,610,521	7,610,521
2027	5,425,000	1,373,569	6,798,569
2028	4,815,000	1,169,750	5,984,750
2029	4,410,000	995,019	5,405,019
2030	3,455,000	860,449	4,315,449
2031	3,455,000	603,800	4,058,800
2032	3,080,000	351,221	3,431,221
2033	2,685,000	255,205	2,940,205
2034	2,460,000	169,406	2,629,406
2035	2,210,000	91,711	2,301,711
2036	1,330,000	33,791	1,363,791
2037	405,000	6,176	411,176

School (Lit Loans)

FY	Principal	Interest	Total
Total	1,196,169	47,345	1,243,514
2017	814,169	35,885	850,054
2018	382,000	11,460	393,460
2019	-	-	-
2020	-	-	-
2021	-	-	-
2022	-	-	-
2023	-	-	-
2024	-	-	-
2025	-	-	-
2026	-	-	-
2027	-	-	-
2028	-	-	-
2029	-	-	-
2030	-	-	-
2031	-	-	-
2032	-	-	-
2033	-	-	-
2034	-	-	-
2035	-	-	-
2036	-	-	-
2037	-	-	-

Existing Tax Supported Debt



Non-School (General Obligations)

FY	Principal	Interest	Total
Total	1,803,582	157,776	1,961,357
2017	282,705	44,188	326,893
2018	289,631	37,261	326,893
2019	296,727	30,166	326,893
2020	303,997	22,896	326,893
2021	311,445	15,448	326,893
2022	319,075	7,817	326,893
2023	-	-	-
2024	-	-	-
2025	-	-	-
2026	-	-	-
2027	-	-	-
2028	-	-	-
2029	-	-	-
2030	-	-	-
2031	-	-	-
2032	-	-	-
2033	-	-	-
2034	-	-	-
2035	-	-	-
2036	-	-	-
2037	-	-	-

Non-School (Lease/Revenue Obligations)

FY	Principal	Interest	Total
Total	31,721,500	15,620,425	47,341,925
2017	1,101,250	1,435,592	2,536,842
2018	1,146,250	1,389,271	2,535,521
2019	1,206,250	1,337,157	2,543,407
2020	1,261,250	1,283,843	2,545,093
2021	1,325,561	1,212,204	2,537,765
2022	1,393,399	1,151,075	2,544,473
2023	1,461,543	1,081,673	2,543,215
2024	1,532,505	1,007,079	2,539,583
2025	1,612,548	933,011	2,545,559
2026	1,690,434	849,401	2,539,835
2027	1,781,178	766,643	2,547,821
2028	1,868,542	683,474	2,552,017
2029	1,950,043	595,522	2,545,564
2030	2,039,443	507,774	2,547,217
2031	2,130,510	420,495	2,551,005
2032	1,648,509	335,233	1,983,743
2033	1,537,708	261,776	1,799,484
2034	1,610,124	193,383	1,803,506
2035	1,678,025	126,672	1,804,697
2036	1,746,430	49,149	1,795,578
2037	-	-	-

Non-School (Other Obligations)

FY	Principal	Interest	Total
Total	137,571	18,172	155,744
2017	34,228	4,629	38,858
2018	18,992	3,639	22,631
2019	14,751	3,096	17,847
2020	15,184	2,550	17,734
2021	12,991	1,678	14,669
2022	13,391	1,277	14,669
2023	13,804	864	14,669
2024	14,230	439	14,669
2025	-	-	-
2026	-	-	-
2027	-	-	-
2028	-	-	-
2029	-	-	-
2030	-	-	-
2031	-	-	-
2032	-	-	-
2033	-	-	-
2034	-	-	-
2035	-	-	-
2036	-	-	-
2037	-	-	-

School: General Obligations



\$1,200,000

VPSA School Bonds, Series 1996

FY	Coupon	Principal	Interest	Total
Total		60,000	1,568	61,568
2017	5.349%	60,000	1,568	61,568
2018				
2019				
2020				
2021				
2022				
2023				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: ##### Next Call: Current
100%

Purpose: Stonewall/ Senseny Road Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2016

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$1,355,000

VPSA School Bonds, Series 1997

FY	Coupon	Principal	Interest	Total
Total		130,000	7,280	137,280
2017	5.600%	65,000	5,460	70,460
2018	5.475%	65,000	1,820	66,820
2019				
2020				
2021				
2022				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 5/1/1997 Next Call: Current
100%

Purpose: Repay 10M Bridge Loan Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2017

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$3,200,000

VPSA School Bonds, Series 1998

FY	Coupon	Principal	Interest	Total
Total		480,000	36,720	516,720
2017	5.100%	160,000	20,400	180,400
2018	5.100%	160,000	12,240	172,240
2019	5.100%	160,000	4,080	164,080
2020				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/1/1998 Next Call: Current
100%

Purpose: Additions Middletown/
Armel Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2018

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$4,650,000 VPSA School Bonds, Series 1999

FY	Coupon	Principal	Interest	Total
Total		920,000	95,565	1,015,565
2017	5.100%	230,000	41,630	271,630
2018	5.100%	230,000	29,900	259,900
2019	5.100%	230,000	18,026	248,026
2020	5.100%	230,000	6,009	236,009
2021				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/1999 Next Call: Current 100%

Purpose: Back Creek (3.9M), Southeastern Elem (.75M) Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2019

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$4,100,000 VPSA School Bonds, Series 1999

FY	Coupon	Principal	Interest	Total
Total		820,000	100,040	920,040
2017	6.100%	205,000	43,768	248,768
2018	6.100%	205,000	31,263	236,263
2019	6.100%	205,000	18,758	223,758
2020	6.100%	205,000	6,253	211,253
2021				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/14/1999 Next Call: Current 100%

Purpose: Back Creek (\$4.1 million) Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2019

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$18,600,000 VPSA School Bonds, Series 2001

FY	Coupon	Principal	Interest	Total
Total		5,040,000	771,120	5,811,120
2017	5.100%	840,000	235,620	1,075,620
2018	5.100%	840,000	192,780	1,032,780
2019	5.100%	840,000	149,940	989,940
2020	5.100%	840,000	107,100	947,100
2021	5.100%	840,000	64,260	904,260
2022	5.100%	840,000	21,420	861,420
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 5/17/2001 Next Call: Current 100%

Purpose: Third High School (15.M), 11th elem (.8M), 4th MS (1M) Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2021

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$6,150,000 VPSA School Bonds, Series 2001

FY	Coupon	Principal	Interest	Total
Total		1,830,000	252,540	2,082,540
2017	4.550%	305,000	79,453	384,453
2018	4.550%	305,000	63,898	368,898
2019	4.550%	305,000	48,343	353,343
2020	4.550%	305,000	32,788	337,788
2021	4.550%	305,000	20,283	325,283
2022	4.550%	305,000	7,778	312,778
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/15/2001 Next Call: Current 100%
 Purpose: Millbrook High School (5.15M), Insurance: n/a
 11th elem (1M)
 Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2021
 Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$8,385,000 VPSA School Bonds, Series 2002

FY	Coupon	Principal	Interest	Total
Total		2,925,000	520,583	3,445,583
2017	4.667%	420,000	138,465	558,465
2018	4.667%	420,000	117,045	537,045
2019	4.667%	420,000	95,625	515,625
2020	4.667%	420,000	74,205	494,205
2021	4.667%	415,000	52,913	467,913
2022	4.667%	415,000	31,748	446,748
2023	4.667%	415,000	10,583	425,583
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2002 Next Call: Current 100%
 Purpose: Third High School -(\$4.8MM), Insurance: n/a
 JWMS renov. (\$3.6MM)
 Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2022
 Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$3,315,000 VPSA School Bonds, Series 2002 (Non-Subsidy)

FY	Coupon	Principal	Interest	Total
Total		1,155,000	197,505	1,352,505
2017	4.770%	165,000	53,048	218,048
2018	4.770%	165,000	44,633	209,633
2019	4.770%	165,000	36,218	201,218
2020	4.770%	165,000	27,803	192,803
2021	4.770%	165,000	19,800	184,800
2022	4.770%	165,000	12,004	177,004
2023	4.770%	165,000	4,001	169,001
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/7/2002 Next Call: Current 100%
 Purpose: 3rd High School (\$1.515M), Insurance: n/a
 JWMS (\$.8 M), 4th MS (1 M)
 Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2022
 Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$3,782,296

VPSA School Bonds, Series 2002 (Subsidy)

FY	Coupon	Principal	Interest	Total
Total		1,434,245	250,052	1,684,297
2017	4.770%	194,127	66,084	260,211
2018	4.770%	197,583	56,096	253,679
2019	4.770%	201,220	45,926	247,146
2020	4.770%	205,047	35,566	240,613
2021	4.770%	208,540	25,541	234,081
2022	4.770%	211,944	15,605	227,549
2023	4.770%	215,784	5,233	221,017
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/7/2002 Next Call: Current

100%

Purpose: 3rd High School = \$3.8MM Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2022

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$12,655,000

VPSA School Bonds, Series 2003

FY	Coupon	Principal	Interest	Total
Total		5,040,000	974,610	6,014,610
2017	5.100%	630,000	228,375	858,375
2018	4.100%	630,000	199,395	829,395
2019	5.100%	630,000	170,415	800,415
2020	5.100%	630,000	138,285	768,285
2021	5.100%	630,000	106,155	736,155
2022	5.100%	630,000	74,025	704,025
2023	4.600%	630,000	43,470	673,470
2024	4.600%	630,000	14,490	644,490
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2003 Next Call: Current

100%

Purpose: Millbrook (\$7MM), JWMS (\$5.7MM), 4th MS (\$0 M), Transp (\$0)

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2023

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$5,980,000

VPSA School Bonds, Series 2003

FY	Coupon	Principal	Interest	Total
Total		2,380,000	479,730	2,859,730
2017	5.350%	300,000	113,355	413,355
2018	5.350%	300,000	97,305	397,305
2019	5.100%	300,000	81,630	381,630
2020	4.600%	300,000	67,080	367,080
2021	5.100%	295,000	52,658	347,658
2022	5.100%	295,000	37,613	332,613
2023	5.100%	295,000	22,568	317,568
2024	5.100%	295,000	7,523	302,523
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/14/2003 Next Call: Current

100%

Purpose: 4th middle school Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2023

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$8,580,000 VPSA School Bonds, Series 2004

FY	Coupon	Principal	Interest	Total
Total		3,850,000	881,025	4,731,025
2017	5.100%	430,000	185,385	615,385
2018	5.100%	430,000	163,455	593,455
2019	5.100%	430,000	141,525	571,525
2020	5.100%	430,000	119,595	549,595
2021	5.100%	430,000	97,665	527,665
2022	5.100%	425,000	75,863	500,863
2023	5.100%	425,000	54,188	479,188
2024	5.100%	425,000	32,513	457,513
2025	5.100%	425,000	10,838	435,838
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2004 Next Call: Current
100%

Purpose: 4th middle \$8.2MM, Insurance: n/a
11th elem \$1MM

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2024

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$8,550,000 VPSA School Bonds, Series 2004

FY	Coupon	Principal	Interest	Total
Total		3,825,000	790,547	4,615,547
2017	5.100%	425,000	169,894	594,894
2018	5.100%	425,000	148,219	573,219
2019	5.100%	425,000	126,644	551,644
2020	4.100%	425,000	104,869	529,869
2021	4.225%	425,000	85,319	510,319
2022	4.600%	425,000	67,628	492,628
2023	4.600%	425,000	48,875	473,875
2024	4.600%	425,000	29,325	454,325
2025	4.475%	425,000	9,775	434,775
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2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: ##### Next Call: Current
100%

Purpose: BMS \$8.2MM, Insurance: n/a
11th elem \$1MM

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2024

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$5,995,000 VPSA School Bonds, Series 2005

FY	Coupon	Principal	Interest	Total
Total		2,995,000	731,059	3,726,059
2017	5.100%	300,000	139,883	439,883
2018	5.100%	300,000	124,583	424,583
2019	5.100%	300,000	109,283	409,283
2020	4.100%	300,000	95,483	395,483
2021	5.100%	300,000	81,683	381,683
2022	5.100%	300,000	66,383	366,383
2023	5.100%	300,000	51,083	351,083
2024	5.100%	300,000	35,783	335,783
2025	5.100%	300,000	20,483	320,483
2026	4.350%	295,000	6,416	301,416
2027				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 5/12/2005 Next Call: Current
100%

Purpose: \$1.560 4th middle, Insurance: n/a
\$4.8 11th elem

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2025

Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$5,685,000 VPSA School Bonds, Series 2005

FY	Coupon	Principal	Interest	Total
Total		2,835,000	690,498	3,525,498
2017	5.100%	285,000	133,818	418,818
2018	5.100%	285,000	119,283	404,283
2019	5.100%	285,000	104,748	389,748
2020	5.100%	285,000	90,213	375,213
2021	5.100%	285,000	75,678	360,678
2022	5.100%	285,000	61,143	346,143
2023	5.100%	285,000	46,608	331,608
2024	4.600%	280,000	32,900	312,900
2025	4.850%	280,000	19,670	299,670
2026	4.600%	280,000	6,440	286,440
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2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: ##### Next Call: Current
100%
Purpose: \$5.685 11th elem Insurance: n/a
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2025
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$6,305,000 VPSA School Bonds, Series 2006

FY	Coupon	Principal	Interest	Total
Total		3,465,000	910,704	4,375,704
2017	5.100%	315,000	160,414	475,414
2018	5.100%	315,000	144,349	459,349
2019	5.100%	315,000	128,284	443,284
2020	5.100%	315,000	112,219	427,219
2021	5.100%	315,000	96,154	411,154
2022	4.475%	315,000	81,073	396,073
2023	4.600%	315,000	66,780	381,780
2024	4.600%	315,000	52,290	367,290
2025	4.600%	315,000	37,800	352,800
2026	4.600%	315,000	23,310	338,310
2027	5.100%	315,000	8,033	323,033
2028				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 5/10/2006 Next Call: 8/1/2016
100%
Purpose: \$5.7 gaines, Insurance: n/a
\$.830 -11th elem
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2026
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$5,830,000 VPSA School Bonds, Series 2006

FY	Coupon	Principal	Interest	Total
Total		3,190,000	788,981	3,978,981
2017	5.100%	290,000	136,228	426,228
2018	4.225%	290,000	122,706	412,706
2019	4.350%	290,000	110,273	400,273
2020	4.350%	290,000	97,658	387,658
2021	4.350%	290,000	85,043	375,043
2022	4.600%	290,000	72,065	362,065
2023	4.400%	290,000	59,015	349,015
2024	4.475%	290,000	46,146	336,146
2025	4.475%	290,000	33,169	323,169
2026	4.600%	290,000	20,010	310,010
2027	4.600%	290,000	6,670	296,670
2028				
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/9/2006 Next Call: 8/1/2016
100%
Purpose: Replacement Insurance: n/a
Gainesboro
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2026
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$4,370,000

VPSA School Bonds, Series 2007

FY	Coupon	Principal	Interest	Total
Total		2,610,000	750,872	3,360,872
2017	5.100%	220,000	121,376	341,376
2018	5.100%	220,000	110,156	330,156
2019	5.100%	220,000	98,936	318,936
2020	5.100%	220,000	87,716	307,716
2021	4.100%	220,000	77,596	297,596
2022	5.100%	220,000	67,476	287,476
2023	5.100%	215,000	56,384	271,384
2024	4.475%	215,000	46,091	261,091
2025	4.500%	215,000	36,443	251,443
2026	4.500%	215,000	26,768	241,768
2027	5.100%	215,000	16,448	231,448
2028	5.100%	215,000	5,483	220,483
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2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2007 Next Call: 8/1/2017
100%
Purpose: Gainesboro Insurance: n/a
final borrowing
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2027
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$3,800,000

VPSA School Bonds, Series 2007

FY	Coupon	Principal	Interest	Total
Total		2,280,000	688,418	2,968,418
2017	5.100%	190,000	110,010	300,010
2018	5.100%	190,000	100,320	290,320
2019	5.100%	190,000	90,630	280,630
2020	5.100%	190,000	80,940	270,940
2021	5.100%	190,000	71,250	261,250
2022	5.100%	190,000	61,560	251,560
2023	4.350%	190,000	52,583	242,583
2024	5.100%	190,000	43,605	233,605
2025	5.100%	190,000	33,915	223,915
2026	5.100%	190,000	24,225	214,225
2027	5.100%	190,000	14,535	204,535
2028	5.100%	190,000	4,845	194,845
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* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/4/2007 Next Call: 8/1/2017
100%
Purpose: 12th Elementary School Insurance: n/a
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2027
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$13,450,000

VPSA School Bonds, Series 2008

FY	Coupon	Principal	Interest	Total
Total		8,725,000	2,846,638	11,571,638
2017	5.100%	675,000	424,413	1,099,413
2018	5.100%	675,000	389,988	1,064,988
2019	5.100%	675,000	355,563	1,030,563
2020	5.100%	670,000	321,265	991,265
2021	5.100%	670,000	287,095	957,095
2022	5.100%	670,000	252,925	922,925
2023	5.100%	670,000	218,755	888,755
2024	5.100%	670,000	184,585	854,585
2025	5.100%	670,000	150,415	820,415
2026	5.100%	670,000	116,245	786,245
2027	5.100%	670,000	82,075	752,075
2028	5.100%	670,000	47,905	717,905
2029	4.600%	670,000	15,410	685,410
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2008 Next Call: 8/1/2018
100%
Purpose: 12th elem, transportation, Insurance: n/a
APR, Replacement FCMS
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2028
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$5,720,000

VPSA School Bonds, Series 2008

FY	Coupon	Principal	Interest	Total
Total		3,705,000	1,260,626	4,965,626
2017	5.100%	285,000	186,675	471,675
2018	5.100%	285,000	172,140	457,140
2019	5.100%	285,000	157,605	442,605
2020	5.350%	285,000	142,714	427,714
2021	5.350%	285,000	127,466	412,466
2022	5.250%	285,000	112,219	397,219
2023	5.250%	285,000	96,971	381,971
2024	5.250%	285,000	81,724	366,724
2025	5.250%	285,000	66,476	351,476
2026	5.250%	285,000	51,229	336,229
2027	5.100%	285,000	36,338	321,338
2028	5.100%	285,000	21,803	306,803
2029	5.100%	285,000	7,268	292,268
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/25/2008 Next Call: 8/1/2018
100%
Purpose: Schools Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2028
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$7,975,000

VPSA School Bonds, Series 2011

FY	Coupon	Principal	Interest	Total
Total		6,375,000	2,181,088	8,556,088
2017	5.100%	400,000	280,100	680,100
2018	5.100%	400,000	259,900	659,900
2019	5.100%	400,000	239,700	639,700
2020	5.100%	400,000	219,500	619,500
2021	5.100%	400,000	199,300	599,300
2022	5.100%	400,000	179,100	579,100
2023	5.100%	400,000	158,900	558,900
2024	5.100%	400,000	138,700	538,700
2025	4.100%	400,000	118,500	518,500
2026	4.100%	400,000	101,800	501,800
2027	4.100%	400,000	87,100	487,100
2028	4.100%	395,000	71,001	466,001
2029	4.100%	395,000	55,498	450,498
2030	4.225%	395,000	39,994	434,994
2031	4.350%	395,000	23,996	418,996
2032	4.350%	395,000	7,999	402,999
2033				
2034				
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/9/2011 Next Call: 8/1/2021
100%
Purpose: Schools New Transportation Facility & Land for High/Middle School Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2031
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$7,000,000

VPSA School Bonds, Series 2011 (QSCBS)

FY	Coupon	Principal	Interest	Total
Total		5,540,000	4,313,750	9,853,750
2017	5.100%	365,000	297,500	662,500
2018	5.100%	365,000	297,500	662,500
2019	5.100%	370,000	297,500	667,500
2020	5.100%	370,000	297,500	667,500
2021	5.100%	370,000	297,500	667,500
2022	5.100%	370,000	297,500	667,500
2023	5.100%	370,000	297,500	667,500
2024	5.100%	370,000	297,500	667,500
2025	5.100%	370,000	297,500	667,500
2026	3.350%	370,000	297,500	667,500
2027	4.100%	370,000	297,500	667,500
2028	4.100%	370,000	297,500	667,500
2029	3.850%	370,000	297,500	667,500
2030	4.100%	370,000	297,500	667,500
2031	4.100%	370,000	148,750	518,750
2032				
2033				
2034				
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 12/1/2011 Next Call: 8/1/2021
100%
Purpose: Schools New Transportation Facility Insurance: n/a

Coupon Dates: 6/1, 12/1 Maturity Date: 12/1/2030
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$4,435,000

VPSA School Bonds, Series 2012

FY	Coupon	Principal	Interest	Total
Total		3,760,000	1,025,215	4,785,215
2017	5.100%	225,000	130,199	355,199
2018	5.100%	225,000	118,836	343,836
2019	4.100%	225,000	108,599	333,599
2020	4.100%	225,000	99,486	324,486
2021	5.100%	220,000	89,375	309,375
2022	5.100%	220,000	78,265	298,265
2023	4.100%	220,000	68,255	288,255
2024	3.100%	220,000	60,445	280,445
2025	2.100%	220,000	54,835	274,835
2026	2.350%	220,000	50,050	270,050
2027	2.350%	220,000	44,990	264,990
2028	4.100%	220,000	38,005	258,005
2029	3.100%	220,000	30,195	250,195
2030	3.100%	220,000	23,485	243,485
2031	3.100%	220,000	16,775	236,775
2032	3.100%	220,000	10,065	230,065
2033	3.100%	220,000	3,355	223,355
2034				
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/4/2012 Next Call: 8/1/2022
100%
Purpose: JWHS Wall, Full Day KG, Insurance: n/a
Design 4HS & Rep. MS
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2032
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$5,025,000

VPSA School Bonds, Series 2013

FY	Coupon	Principal	Interest	Total
Total		4,515,000	1,676,503	6,191,503
2017	5.100%	255,000	186,431	441,431
2018	5.100%	255,000	173,554	428,554
2019	5.100%	250,000	160,803	410,803
2020	5.100%	250,000	148,178	398,178
2021	5.100%	250,000	135,553	385,553
2022	5.100%	250,000	122,928	372,928
2023	2.350%	255,000	113,683	368,683
2024	3.100%	250,000	106,938	356,938
2025	4.100%	250,000	98,063	348,063
2026	4.100%	250,000	87,938	337,938
2027	3.100%	250,000	79,063	329,063
2028	4.350%	250,000	69,875	319,875
2029	4.350%	250,000	59,125	309,125
2030	4.350%	250,000	48,375	298,375
2031	4.350%	250,000	37,625	287,625
2032	4.350%	250,000	26,875	276,875
2033	4.350%	250,000	16,125	266,125
2034	4.350%	250,000	5,375	255,375
2035				
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/4/2013 Next Call: 8/1/2023
100%
Purpose: Schools Elementary Insurance: n/a
additions for full-day kindergarten & FCMS replacement
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2033
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$4,390,000

VPSA School Bonds, Series 2014

FY	Coupon	Principal	Interest	Total
Total		4,170,000	1,434,087	5,604,087
2017	5.100%	220,000	163,661	383,661
2018	5.100%	220,000	152,551	372,551
2019	5.100%	220,000	141,441	361,441
2020	5.100%	220,000	130,331	350,331
2021	5.100%	220,000	119,221	339,221
2022	5.100%	220,000	108,111	328,111
2023	5.100%	220,000	97,001	317,001
2024	5.100%	220,000	85,891	305,891
2025	5.100%	220,000	74,781	294,781
2026	2.725%	220,000	66,284	286,284
2027	2.850%	220,000	60,261	280,261
2028	3.100%	220,000	53,826	273,826
2029	3.100%	220,000	47,116	267,116
2030	3.225%	220,000	40,269	260,269
2031	3.225%	220,000	33,284	253,284
2032	3.350%	220,000	26,161	246,161
2033	3.475%	220,000	18,764	238,764
2034	3.475%	215,000	11,314	226,314
2035	3.600%	215,000	3,816	218,816
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 4/30/2014 Next Call: 8/1/2024
100%
Purpose: Schools FCMS, Insurance: n/a
design of 4th high school
Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2034
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

School: General Obligations



\$13,375,000

VPSA School Bonds, Series 2014

FY	Coupon	Principal	Interest	Total
Total		12,705,000	5,001,271	17,706,271
2017	4.100%	665,000	551,436	1,216,436
2018	5.100%	670,000	521,053	1,191,053
2019	5.100%	670,000	487,218	1,157,218
2020	5.100%	670,000	453,383	1,123,383
2021	5.100%	670,000	419,548	1,089,548
2022	5.100%	670,000	385,713	1,055,713
2023	5.100%	670,000	351,878	1,021,878
2024	5.100%	670,000	318,043	988,043
2025	5.100%	670,000	284,208	954,208
2026	5.100%	670,000	250,373	920,373
2027	5.100%	670,000	216,538	886,538
2028	5.100%	670,000	182,703	852,703
2029	3.600%	670,000	153,893	823,893
2030	3.600%	670,000	130,108	800,108
2031	3.600%	670,000	106,323	776,323
2032	3.600%	665,000	82,626	747,626
2033	3.600%	665,000	59,019	724,019
2034	3.600%	665,000	35,411	700,411
2035	3.600%	665,000	11,804	676,804
2036				
2037				

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/4/2014 Next Call: 8/1/2024
100%
Purpose: Schools FCMS Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2034
Source: 2015 CAFR, schedules from Staff, and VPSA official statement.

\$18,535,000

VPSA School Bonds, Series 2015

FY	Coupon	Principal	Interest	Total
Total		18,535,000	7,032,829	25,567,829
2017	5.000%	930,000	883,109	1,813,109
2018	5.000%	930,000	685,045	1,615,045
2019	5.000%	930,000	638,080	1,568,080
2020	5.000%	930,000	591,115	1,521,115
2021	2.000%	930,000	558,100	1,488,100
2022	5.000%	930,000	525,085	1,455,085
2023	5.000%	930,000	478,120	1,408,120
2024	5.000%	925,000	431,281	1,356,281
2025	5.000%	925,000	384,569	1,309,569
2026	5.000%	925,000	337,856	1,262,856
2027	3.000%	925,000	300,394	1,225,394
2028	4.000%	925,000	267,556	1,192,556
2029	4.000%	925,000	230,094	1,155,094
2030	4.000%	925,000	192,631	1,117,631
2031	3.000%	925,000	159,794	1,084,794
2032	3.000%	925,000	131,581	1,056,581
2033	3.000%	925,000	103,369	1,028,369
2034	3.125%	925,000	74,578	999,578
2035	3.125%	925,000	45,209	970,209
2036	3.250%	925,000	15,263	940,263
2037				-

* Coupons and Interest include VPSA Annual Admin Fee.

Dated Date: 11/4/2015 Next Call: 8/1/2025
100%
Purpose: Schools FCMS Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2035
Source: Schedules from Staff.

\$8,100,000

VPSA School Bonds, Series 2016

FY	Coupon	Principal	Interest	Total
Total		8,100,000	2,973,251	11,073,251
2017			224,314	224,314
2018	5.050%	405,000	307,699	712,699
2019	5.050%	405,000	287,246	692,246
2020	5.050%	405,000	266,794	671,794
2021	5.050%	405,000	246,341	651,341
2022	5.050%	405,000	225,889	630,889
2023	5.050%	405,000	205,436	610,436
2024	5.050%	405,000	184,984	589,984
2025	5.050%	405,000	164,531	569,531
2026	5.050%	405,000	144,079	549,079
2027	5.050%	405,000	123,626	528,626
2028	2.050%	405,000	109,249	514,249
2029	3.050%	405,000	98,921	503,921
2030	2.300%	405,000	88,088	493,088
2031	3.050%	405,000	77,254	482,254
2032	2.550%	405,000	65,914	470,914
2033	3.050%	405,000	54,574	459,574
2034	2.800%	405,000	42,728	447,728
2035	3.050%	405,000	30,881	435,881
2036	3.050%	405,000	18,529	423,529
2037	3.050%	405,000	6,176	411,176

Dated Date: 5/1/2016 Next Call: 8/1/2026
100%
Purpose: Schools FCMS Insurance: n/a

Coupon Dates: 1/15, 7/15 Maturity Date: 7/15/2036
Source: Schedules from Staff.

School: Literary Loans



\$5,000,000

Literary Loan 1997

FY	Coupon	Principal	Interest	Total
Total		250,000	7,500	257,500
2017	3.000%	250,000	7,500	257,500
2018				
2019				
2020				
2021				
2022				
2023				
2024				

Dated Date: 5/30/1997 Next Call: unknown

Purpose: Redbud Run Elementary Insurance: n/a

Coupon Dates: Jul 1 Maturity Date: 7/1/2017

Source: 2015 CAFR and schedules from Staff.

\$1,500,052

Literary Loan 1997

FY	Coupon	Principal	Interest	Total
Total		75,014	2,250	77,264
2017	3.000%	75,014	2,250	77,264
2018				
2019				
2020				
2021				
2022				
2023				
2024				

Dated Date: 5/30/1997 Next Call: unknown

Purpose: Sherando High School Insurance: n/a

Coupon Dates: Jul 1 Maturity Date: 7/1/2017

Source: 2015 CAFR and schedules from Staff.

\$2,142,948

Literary Loan 1997

FY	Coupon	Principal	Interest	Total
Total		107,155	3,215	110,370
2017	3.000%	107,155	3,215	110,370
2018				
2019				
2020				
2021				
2022				
2023				
2024				

Dated Date: 5/30/1997 Next Call: unknown

Purpose: James Wood Ridge Campus Insurance: n/a

Coupon Dates: Jul 1 Maturity Date: 7/1/2017

Source: 2015 CAFR and schedules from Staff.

School: Literary Loans



\$3,000,000
Literary Loan 1997

FY	Coupon	Principal	Interest	Total
Total		300,000	13,500	313,500
2017	3.000%	150,000	9,000	159,000
2018	3.000%	150,000	4,500	154,500
2019				
2020				
2021				
2022				
2023				
2024				

Dated Date: 9/2/1997 Next Call: unknown

Purpose: Senseny Road Elementary Insurance: n/a

Coupon Dates: Sep 2 Maturity Date: 9/2/2017

Source: 2015 CAFR and schedules from Staff.

\$4,640,000
Literary Loan 1997

FY	Coupon	Principal	Interest	Total
Total		464,000	20,880	484,880
2017	3.000%	232,000	13,920	245,920
2018	3.000%	232,000	6,960	238,960
2019				
2020				
2021				
2022				
2023				
2024				

Dated Date: 9/2/1997 Next Call: unknown

Purpose: New Stonewall Elementary Insurance: n/a

Coupon Dates: Sep 2 Maturity Date: 9/2/2017

Source: 2015 CAFR and schedules from Staff.

Non-School: General Obligations



\$2,759,400

General Obligation Refunding Bonds, Series 2012

FY	Coupon	Principal	Interest	Total
Total		1,803,582	157,776	1,961,357
2017	2.450%	282,705	44,188	326,893
2018	2.450%	289,631	37,261	326,893
2019	2.450%	296,727	30,166	326,893
2020	2.450%	303,997	22,896	326,893
2021	2.450%	311,445	15,448	326,893
2022	2.450%	319,075	7,817	326,893
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				

Dated Date: 4/5/2012

Next Call: Unknown

Purpose: Bowman Library

Insurance: Unknown

Coupon Dates: 1/15, 7/15

Maturity Date: 1/15/2022

Source: 2015 CAFR and schedules from Staff.



Non-School: Lease/Revenue Obligations

\$9,245,000

VRA Infrastructure Revenue Bonds, Series 2011A

FY	Coupon	Principal	Interest	Total
Total	<i>Interp.</i>	7,726,500	3,611,324	11,337,824
2017	4.927%	356,250	380,657	736,907
2018	4.973%	371,250	366,511	737,761
2019	5.026%	386,250	351,769	738,019
2020	5.088%	401,250	336,431	737,681
2021	5.160%	420,000	320,496	740,496
2022	5.246%	440,000	303,823	743,823
2023	5.270%	460,000	282,022	742,022
2024	5.270%	487,500	257,780	745,280
2025	5.270%	513,750	232,087	745,837
2026	5.270%	542,500	205,013	747,513
2027	5.270%	568,750	176,424	745,174
2028	5.270%	601,250	146,448	747,698
2029	5.270%	632,500	114,764	747,264
2030	5.270%	666,250	81,429	747,679
2031	5.269%	701,250	46,314	747,564
2032	5.263%	177,750	9,355	187,105
2033				
2034				
2035				
2036				

* Coupons and Interest include VRA Annual Admin Fee.

Dated Date: 4/15/2011 Next Call: 11/1/2021
100%

Purpose: Lake Holiday Sanitary Dist. Insurance: n/a

Coupon Dates: 9/20/12/20/3/20/6/20 Maturity Date: 9/20/2031

Source: 2015 CAFR, schedules from Staff, and VRA official statement.

\$5,010,000

VRA Infrastructure Revenue Bonds, Series 2014

FY	Coupon	Principal	Interest	Total
Total	<i>Interp.</i>	5,010,000	2,399,100	7,409,100
2017	4.308%	155,000	215,828	370,828
2018	4.304%	160,000	208,981	368,981
2019	4.281%	170,000	201,000	371,000
2020	4.255%	180,000	192,556	372,556
2021	3.871%	200,561	168,192	368,753
2022	3.882%	208,399	160,892	369,291
2023	3.874%	216,543	152,498	369,041
2024	3.852%	225,005	143,273	368,278
2025	3.951%	233,798	138,077	371,875
2026	3.892%	242,934	126,897	369,831
2027	3.994%	252,428	120,519	372,947
2028	3.937%	262,292	108,879	371,172
2029	3.849%	272,543	96,342	368,884
2030	3.939%	283,193	87,863	371,056
2031	3.838%	294,260	74,740	369,000
2032	4.054%	305,759	67,019	372,778
2033	3.954%	317,708	53,276	370,984
2034	3.747%	330,124	38,573	368,697
2035	3.991%	343,025	27,913	370,938
2036	4.427%	356,430	15,780	372,209

* Coupons and Interest include VRA Annual Admin Fee.

Dated Date: 8/12/2014 Next Call: 11/1/2024
100%

Purpose: Round Hill Fire
County 65%, RH 35%

Coupon Dates: 4/1, 10/1 Maturity Date: 10/1/2035

Source: 2015 CAFR, schedules from Staff, and VRA official statement.

\$17,160,000

VRA Revenue Refunding Bonds, Series 2015A

FY	Coupon	Principal	Interest	Total
Total		16,605,000	8,264,157	24,869,157
2017	4.426%	515,000	726,478	1,241,478
2018	4.431%	540,000	703,119	1,243,119
2019	5.125%	570,000	676,550	1,246,550
2020	3.730%	595,000	650,847	1,245,847
2021	5.125%	620,000	623,863	1,243,863
2022	5.125%	655,000	591,191	1,246,191
2023	5.125%	690,000	556,725	1,246,725
2024	5.125%	720,000	520,594	1,240,594
2025	5.125%	760,000	482,669	1,242,669
2026	5.125%	795,000	442,822	1,237,822
2027	5.125%	840,000	400,925	1,240,925
2028	3.125%	880,000	365,650	1,245,650
2029	5.125%	915,000	328,453	1,243,453
2030	3.287%	955,000	289,309	1,244,309
2031	3.413%	990,000	256,719	1,246,719
2032	3.450%	1,015,000	222,316	1,237,316
2033	4.825%	1,065,000	179,116	1,244,116
2034	3.663%	1,115,000	133,006	1,248,006
2035	4.748%	1,160,000	85,050	1,245,050
2036	4.753%	1,210,000	28,756	1,238,756

* Coupons and Interest include VRA Annual Admin Fee.

Dated Date: 5/28/2015 Next Call: 11/1/2025
100%

Purpose: Public Safety,
Animal Shelter

Coupon Dates: 4/1, 10/1 Maturity Date: 10/1/2035

Source: 2015 CAFR, schedules from Staff, and VRA official statement.

Non-School: Lease/Revenue Obligations



\$2,485,000

VRA Revenue Refunding Bonds, Series 2015B

FY	Coupon	Principal	Interest	Total
Total		2,380,000	1,345,844	3,725,844
2017	2.125%	75,000	112,628	187,628
2018	3.125%	75,000	110,659	185,659
2019	4.125%	80,000	107,838	187,838
2020	5.125%	85,000	104,009	189,009
2021	5.125%	85,000	99,653	184,653
2022	5.125%	90,000	95,169	185,169
2023	5.125%	95,000	90,428	185,428
2024	5.125%	100,000	85,431	185,431
2025	5.125%	105,000	80,178	185,178
2026	5.125%	110,000	74,669	184,669
2027	5.125%	120,000	68,775	188,775
2028	5.125%	125,000	62,497	187,497
2029	5.125%	130,000	55,963	185,963
2030	5.125%	135,000	49,172	184,172
2031	4.125%	145,000	42,722	187,722
2032	4.250%	150,000	36,544	186,544
2033	5.125%	155,000	29,384	184,384
2034	4.375%	165,000	21,803	186,803
2035	5.125%	175,000	13,709	188,709
2036	5.125%	180,000	4,613	184,613

* Coupons and Interest include VRA Annual Admin Fee.

Dated Date: 7/13/2015 Next Call: 11/1/2025
 100%
 Purpose: Millwood Fire Station Insurance: n/a
 Coupon Dates: 4/1, 10/1 Maturity Date: 10/1/2035
 Source: 2015 CAFR, schedules from Staff, and VRA official statement.



Non-School: Other Obligations

\$723,269

Intergovernmental Loan (City of Winchester, VA)

FY	Coupon	Principal	Interest	Total
Total		112,196	17,631	129,827
2017	3.666%	13,726	4,113	17,839
2018	3.670%	14,119	3,614	17,733
2019	3.670%	14,751	3,096	17,847
2020	3.664%	15,184	2,550	17,734
2021	3.083%	12,991	1,678	14,669
2022	3.083%	13,391	1,277	14,669
2023	3.083%	13,804	864	14,669
2024	3.083%	14,230	439	14,669
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				

Dated Date: unknown Next Call: n/a

Purpose: City/County Joing
Courthouse Renovation

Coupon Dates: 3/1, 9/1 Maturity Date: 3/1/2024

Source: 2015 CAFR and schedules from Staff.

Capital Lease

IBM - AS400

FY	Coupon	Principal	Interest	Total
Total		25,375	541	25,916
2017	3.220%	20,502	516	21,018
2018	3.220%	4,873	25	4,898
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				

Dated Date: 9/1/2012 Next Call: n/a

Purpose: IBM - AS400 Insurance: n/a

Coupon Dates: Monthly Maturity Date: 9/1/2017

Source: 2015 CAFR and schedules from Staff.



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**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**CLOSED SESSION
AND
REGULAR MEETING**

July 27, 2016

A Closed Session and Regular Meeting of the Frederick County Board of Supervisors were held on Wednesday, July 27, 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; Gary A. Lofton; and Judith McCann-Slaughter.

ABSENT

Robert A. Hess and Robert W. Wells (Arrived at 5:45 p.m.)

CALL TO ORDER

Chairman DeHaven called the meeting to order.

CLOSED SESSION

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Lofton, 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 (7) of the Code of Virginia, 1950, as amended, for consultation with legal counsel and briefing by staff members pertaining to a litigation matter, Stonewall Industrial Investors, LLC v. Frederick County, Virginia, currently pending in the Frederick County Circuit Court, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body, and for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the

provision of legal advice by such counsel.

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

(Supervisor Wells arrived at 5:45 p.m. and entered the closed session.)

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

Upon a motion by Vice-Chairman Fisher, seconded by Supervisor Dunn, the Board certified that to the best of each board member's knowledge only acquisition of real property for a public purpose 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, consultation with legal counsel and briefing by staff member pertaining to a litigation matter pursuant to Section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, specifically consultation with legal counsel and briefing by staff members pertaining to a litigation matter,

Stonewall Industrial Investors, LLC V. Frederick County, Virginia, currently pending in the Frederick County Circuit Court, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel 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	Absent
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

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

PLEDGE OF ALLEGIANCE

Vice-Chairman Fisher led the Pledge of Allegiance.

ADOPTION OF AGENDA – APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, 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	Absent

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

CONSENT AGENDA - APPROVED

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

- Resolutions Authorizing Frederick County's Withdrawal from Membership in the Rappahannock Regional Criminal Justice Academy and to Establish Membership in the Skyline Regional Criminal Justice Academy.
- Request to Schedule Work Session.
- Parks and Recreation Commission Report – Meeting of June 14, 2016.
- Parks and Recreation Commission Report – Meeting of July 12, 2016.
- Transportation Committee Report.
- Resolution Re: Revenue Sharing Programmatic Agreement.

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	Absent
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

Upon a motion by Supervisor Lofton, seconded by Supervisor Slaughter, the Board approved the minutes from the June 22, 2016-regular meeting.

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

COUNTY OFFICIALS

PRESENTATION OF RESOLUTION IN MEMORIAM OF RICHARD G. DICK

The Board presented a framed copy of a Resolution in Memorial of Richard G. Dick to Mr. Dick's family. The board previously adopted this resolution at its April 27, 2016 meeting.

EMPLOYEE OF THE MONTH AWARD - APPROVED

Upon a motion by Supervisor Dunn, seconded by Supervisor Slaughter, the Board approved David Michael Ellinger as Employee of the Month for July 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, David Michael Ellinger who serves as a Sergeant for the Sheriff's Office was nominated for Employee of the Month; and,

WHEREAS, David Michael Ellinger was selected as employee of the month based on the merits of his outstanding performance and productivity, positive job attitude and other noteworthy contributions to their office and to the County; and

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 27th day of July, 2016, that David Michael Ellinger is hereby recognized as the Frederick County Employee of the Month for July 2016; and,

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

BE IT FURTHER RESOLVED, that David Michael Ellinger is hereby entitled to all of the rights and privileges associated with his 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	Absent
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

COMMITTEE APPOINTMENTS - NONE

REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED

Administrator Garton advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund General Motors LLC the amount of \$6,308.37, for personal property taxes and vehicle license fees in 2013, 2014, 2015, and 2016. This refund resulted from proration of vehicle taxes and fees where vehicles financed by this company were either sold or moved from this locality.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Fisher, the Board approved the above refund request and supplemental appropriation.

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

Administrator Garton advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund Wal-Mart Stores East LP/Wal-Mart Supercenter #3344 the

amount of \$3,811.97, for business equipment taxes for the first half of 2016. This refund resulted from an adjustment of this company filing for 2016 on business equipment.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board approved the above refund request and supplemental appropriation.

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

Administrator Garton advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund Andres Godinez, Jr. the amount of \$2,978.09, for proration of personal property taxes for the second half of 2015 and the first half of 2016. This refund resulted from the taxpayer moving out of this locality.

Upon a motion by Supervisor Slaughter, second by Supervisor Lofton, the Board approved the above refund request and supplemental appropriation.

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

RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE WINCHESTER-FREDERICK COUNTY TOURISM OFFICE TO APPLY FOR APPROPRIATE VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSING FOR THE PURPOSES OF SELLING LOCALLY PRODUCED BEER AND WINE IN THE WINCHESTER-FREDERICK COUNTY VISITOR CENTER GIFT SHOP. - APPROVED

Administrator Garton advised this was a request from the Convention & Visitors Bureau to allow the tourism director to apply for a Virginia ABC license in order to sell locally produced beer and wine in the visitor center gift shop. She went on to say the City of Winchester approved this resolution at their meeting last night.

Supervisor Dunn stated he was opposed to this proposal and would be offering a substitute motion. He went on to say that he would also be agreeable to a postponement if necessary.

Supervisor Slaughter stated she was okay with postponing action, if necessary. She advised that she had spoken with Justin Kerns, Director, as she had a couple of questions. She noted that Bath County does something similar, but recognized this was a new concept for this area. She advised that the alcohol would be locked up when the center was closed. She went on to say that Shenandoah University was okay with this proposal.

Supervisor Fisher advised that the e-mail provided by Mr. Kerns answered a lot of his questions. He went on to say the State does permit this.

Supervisor Dunn moved to approve a resolution authorizing the executive director of the Winchester-Frederick County tourism office to list the names and addresses, with their consent, of each business that produces locally produces beer and wines in the Winchester-Frederick County visitor center gift shop.

The motion died for the lack of a second.

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board approved the resolution to authorize the executive director of the Winchester-Frederick County tourism office to apply for appropriate Virginia Department of Alcoholic Beverage Control licensing for the purposes of selling locally produced beer and wine in the Winchester-Frederick County

visitor center gift shop.

WHEREAS, the Winchester-Frederick County Convention & Visitors Bureau currently sells locally produced products in their gift shop; and,

WHEREAS, selling these locally produced products in the Winchester-Frederick County Convention & Visitors Bureau has attracted visitors to Winchester and boosted tourism in the community; and,

WHEREAS, the Winchester-Frederick County region has a growing craft beer, wine and spirits industry that has progressively expanded and continues to attract a rapidly increasing number of visitors to the region; and,

WHEREAS, the Winchester-Frederick County Convention & Visitors Bureau would like to promote this growing industry by selling these locally produced beer and wine products inside the Winchester-Frederick County Convention & Visitors Center; and,

WHEREAS, the Winchester-Frederick County Convention & Visitors Bureau has contacted officials at Shenandoah University, local beer and wine retailers, and local beer and wine producers and received positive response; and,

WHEREAS, the Winchester-Frederick County Convention & Visitors Bureau lacks the necessary licensing from the Virginia Department of Alcoholic Beverage Control to sell these products onsite.

NOW THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors hereby authorizes the Executive Director of the Winchester-Frederick County Convention and Visitors Bureau to apply for the necessary licensing from the Virginia Department of Alcoholic Beverage Control to sell locally produced beer and wine in their gift shop; and,

BE IT FURTHER RESOLVED, that the beverages sold by the Winchester-Frederick County Convention & Visitors Bureau will be prohibited from onsite consumption.

ADOPTED, this 27th day of July, 2016.

The above motion was approved by the following recorded vote:

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

RESOLUTIONS AUTHORIZING FREDERICK COUNTY'S WITHDRAWAL

FROM MEMBERSHIP IN THE RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE ACADEMY AND TO ESTABLISH MEMBERSHIP IN THE SKYLINE REGIONAL CRIMINAL JUSTICE ACADEMY – APPROVED UNDER CONSENT AGENDA

Resolution Authorizing the Director of Frederick County Public Safety Communications to take all necessary steps to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy

WHEREAS, the County of Frederick has been a training member of the Rappahannock Regional Criminal Justice Academy since 1998 or thereafter; and

WHEREAS, the County of Frederick has enjoyed an excellent relationship with the other localities participating in the Academy, and has received thorough and effective training for its Communications Officers at the Academy; and

WHEREAS, an analysis of the current training needs by the Frederick County Public Safety Communications has revealed that participation in the Skyline Regional Criminal Justice Academy would provide a Department of Criminal Justice Services curriculum and result in cost savings; and

WHEREAS, the Director of the Frederick County Public Safety Communications has determined that it is in the best interest of the Frederick County Public Safety Communications and the County of Frederick to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and establish membership in the Skyline Regional Criminal Justice Academy; and

WHEREAS, Section 15.2-1747(D) of the Code of Virginia, 1950, as amended, provided that a governmental unit may withdraw from an academy created under this section or §15.2-1300 only by two-thirds vote of the board of directors of the academy. The governing body of the governmental unit seeking to withdraw from the academy shall signify its desire by resolution of ordinance. The board of directors shall consider requests to withdraw in October 2016, and in October of every fifth year thereafter. No requests to withdraw shall be considered at any other time, unless agreed to unanimously. Any withdrawal approved by the board of directors shall be effective on June 30 of the following year; and

WHEREAS, at the regular May 12, 2016 meeting of the Criminal Justice Services Board unanimous agreement was given to allow the withdrawal of the Frederick County Public Safety Communications from Rappahannock Regional Criminal Justice Academy membership and allow membership in Skyline Regional Criminal Justice Academy, effective June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the County of Frederick that it hereby expresses its desire for the County to withdraw from the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

BE IT FURTHER RESOLVED the Director of Public Safety Communications be, and is hereby, directed to take all actions necessary to effect the withdrawal from the membership of the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Rappahannock Regional Criminal Justice Academy and to the Director of the Virginia Department of Criminal Justice Services.

Adopted at a regular meeting of the Frederick County Board of Supervisors in Frederick County, Virginia held on July 27, 2016.

Resolution authorizing the Sheriff of the Frederick County Sheriff's Office to take all necessary steps to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy.

WHEREAS, the County of Frederick has been a training member of the Rappahannock Regional Criminal Justice Academy since 1998 or thereafter; and

WHEREAS, the County of Frederick has enjoyed an excellent relationship with the other localities participating in the Academy, and has received thorough and effective training for its law enforcement officers at the Academy; and

WHEREAS, an analysis of the current training needs by the Frederick County Sheriff's Office has revealed that participation in the Skyline Regional Criminal Justice Academy would provide a Department of Criminal Justice Services curriculum and result in cost savings; and

WHEREAS, the Sheriff of the Frederick County Sheriff's Office has determined that it is in the best interest of the Frederick County Sheriff's Office and the County of Frederick to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and establish membership in the Skyline Regional Criminal Justice Academy; and

WHEREAS, Section 15.2-1747(D) of the Code of Virginia, 1950, as amended, provides that a governmental unit may withdraw from an academy created under this section or § 15.2-1300 only by two-thirds vote of the board of directors of the academy. The governing body of the governmental unit seeking to withdraw from the academy shall signify its desire by resolution or ordinance. The board of directors shall consider requests to withdraw in October 2016, and in October of every fifth year thereafter. No requests to withdraw shall be considered at any other time, unless agreed to unanimously. Any withdrawal approved by the board of directors shall be effective on June 30 of the following year; and

WHEREAS, at the regular May 12, 2016 meeting of the Criminal Justice Service Board unanimous agreement was given to allow the withdrawal of the Frederick County Sheriff's

Office from Rappahannock Regional Criminal Justice Academy membership and allow membership in Skyline Regional Criminal Justice Academy, effective June 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the County of Frederick that it hereby expresses its desire for the County to withdraw from the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

BE IT FURTHER RESOLVED the Sheriff of the Frederick County Sheriff's Office be, and is hereby, directed to take all actions necessary to effect the withdrawal from the membership of the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Rappahannock Regional Criminal Justice Academy and to the Director of the Virginia Department of Criminal Justice Services.

Adopted at a regular meeting of the Frederick County Board of Supervisors in Frederick County, Virginia held on July 27, 2016.

REQUEST TO SCHEDULE WORK SESSION – APPROVED UNDER CONSENT AGENDA

The Board scheduled a work session for Wednesday, September 14, 2016 at 4:00 p.m. to hear a presentation from the financial consultant.

COMMITTEE REPORTS

PARKS AND RECREATION COMMISSION – MEETING OF JUNE 14, 2016 – APPROVED UNDER CONSENT AGENDA

The Parks and Recreation Commission met on June 14, 2016. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, and Blaine Dunn (BOS Liaison). Members absent were: Patrick Anderson and Charles Sandy, Jr.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Sherando Park Master Plan Update – Mr. Madagan moved to have Land Planning and Design Associates create the final Sherando Park Master Plan without the lake, second by Mr. Fordney, carried unanimously (5-0).
2. Policy/Procedure Revisions – Donations – Ms. Gerometta moved to allow any individual

or organization donating a shelter be granted three free usages of the shelter on an annual basis, second by Mr. Madagan, carried unanimously (5-0).

3. Policy/Procedure Revisions – Donations Request from Outside Entities – Mr. Carter moved to accept the Donation Request from Outside Entities procedure as submitted, second by Mr. Madagan, carried unanimously (5-0).
4. Public Relations Committee – Winter Wonderland – The Public Relations Committee recommended Winter Wonderland fees include value pricing of Adults \$5.00 and Children \$3.00 on Monday-Thursday and premium pricing of Adults \$10.00 and Children \$5.00 on Friday-Sunday to redistribute attendance, the motion was not passed due to lack of a second.

Mr. Madagan moved to table the Winter Wonderland fee adjustment until the July meeting, second by Ms. Gerometta, carried unanimously (5-0).

**PARKS AND RECREATION COMMISSION – MEETING OF JULY 12, 2016 –
APPROVED UNDER CONSENT AGENDA**

The Parks and Recreation Commission met on July 12, 2016. Members present were: Patrick Anderson, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Charles Sandy, Jr., and Blaine Dunn (BOS Liaison). Member absent was: Randy Carter.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Winter Wonderland – Mr. Madagan moved to charge Winter Wonderland fees which include value pricing of Adults \$5.00 and Children \$3.00 on twenty six nights and premium pricing of Adults \$10.00 and Children \$5.00 on nine nights to redistribute attendance, second by Mr. Anderson, carried unanimously (6-0).
2. Play Fund – Mr. Anderson moved to request a supplemental appropriation in the amount of \$717.25 from the Finance Committee to be included in FY16 and be disbursed to revenue codes where financial assistance was used, second by Mr. Madagan, carried unanimously (6-0). This recommendation will be forwarded to the Finance Committee prior to requiring Board of Supervisors action.
3. Youth Sports Partners/Appeals/Public Relations Committee – The Youth Sports Partners/Appeals/Public Relations Committee recommended adopting the Youth Sports Partner Agreements for Frederick County American Little League, Frederick County National Little League and Blue Ridge Youth Soccer Association as submitted, second by Ms. Gerometta, carried unanimously (6-0).

4. Buildings and Grounds Committee – Closed Session: Mr. Madagan 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 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 public body, second by Mr. Anderson, motion carried unanimously (6-0).

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

TRANSPORTATION COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Transportation Committee met on June 20, 2016 at 9:00 a.m.

Members Present Members

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

Absent

Mark Davis (liaison Middletown)
Gary Oates (liaison PC)

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

None

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

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

Staff presented the draft plans to the committee for their consideration and noted the updates from last year. On a Motion by Mrs. McCann-Slaughter that was seconded by Mr. Fisher the Committee unanimously recommended approval to the Board of Supervisors. This item will be before the Board under its own agenda item.

2. VDOT Project Updates

VDOT staff was on hand to update the Committee on a couple of items as follows:

Exit 313 Bridge – Noted that the study has proceeded and the deficient status of the bridge continues to be of concern. This project is expected to be an application for funding under SmartScale (formerly HB2) through the Metropolitan Planning Organization.

Exit 310 – VDOT staff addressed the backups that have been occurring along Tasker Road since the realigned Tasker was opened up and noted that once work at the top of the I-81 exit ramps

was completed and the remaining 37 lanes were able to reopen that this condition should be resolved.

3. County Project Updates

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 is actively engaged in negotiations on the agreement with frequent communication taking place.

Renaissance Drive:

Staff Coordinated with the EDA to complete an application for additional state funds.

In addition, since the Committee meeting, staff has been notified that CSX has approved the County's initial proposal for an at grade crossing should one be needed.

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 design through 100%. Upon approval by the private party partner, the next phase of design will begin.

Coverstone Drive:

No activity at this time.

4. Other

HUMAN RESOURCES COMMITTEE - APPROVED

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, May 13, 2016. All HR Committee members were present. Others present were: Brenda Garton, County Administrator; Kris Tierney, Deputy County Administrator; Lynsey Orndorff, HR Generalist; Delsie Jobe, Administrative Services Manager, DSS; Sharon Kibler, Asst. Finance Director; Steve Hawkins, Major for the Sheriff's Office; and Denny Linaburg, Fire Chief.

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

1. Employee of the Month. - APPROVED

The Committee reviewed the attached employee of the month for July. Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval; the motion was

approved unanimously.

2. HR Policy Revision, Section 8.3, Paid Time Off Policy. - **APPROVED**

The Committee reviewed the attached policy revision regarding a paid time off change for the Fire & Rescue Department. The accruals will be based on the recent schedule change from 2600 hours to 2756 hours per year worked. Upon a motion by Beth Lewin, seconded by Don Butler, the Committee recommended approval of the policy revision; the motion was approved unanimously.

Upon a motion by Supervisor Fisher, seconded by Supervisor Wells, the Board approved the proposed HR Policy Revision.

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

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

1. None

There being no further business, the meeting was adjourned. The next HR Committee meeting is scheduled for Friday, July 15, 2016 at 8:00 a.m.

CODE AND ORDINANCE COMMITTEE - APPROVED

The Code & Ordinance Committee met on Friday, July 1, 2016 at 9:00 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Code and Ordinance Committee members present were Blaine P. Dunn, Chairman; Robert A. Hess, Robert W. Wells, and James Drown. Committee members Derek Aston and Stephen Butler were absent. Also present were County Administrator Brenda G. Garton, Deputy County Administrator Jay E. Tibbs, County Attorney Rod Williams, Becky Merriner, HR Director, Sheriff Lenny Millholland, Major Steve Hawkins, Ann B. Lloyd, Clerk of the Frederick-Winchester JDR Court, Debra Bull, General District Court Clerk, Dr. Al Orndorff, Assistant Superintendent for Instruction for Frederick County Public Schools, John Grubbs, Transportation Director for Frederick County Public Schools, Beth Brown, Supervisor of Driver Operations for Frederick County Public Schools, and Elizabeth Keplinger, Director of Driver Training for Frederick County Public Schools.

The committee submits the following:

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

- 1. Proposed Amendment to the Frederick County Code, Chapter 158, Vehicles and Traffic, Article V, School Buses; Section 158-19, Passing Stopped School Buses; Penalty; Prima Facie Evidence; to Add this Section 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.) – SENT FORWARD FOR PUBLIC HEARING**

County Attorney Rod Williams provided a brief overview of this proposed amendment. He noted this enabling ordinance would allow Frederick County Public Schools to acquire and install video monitoring systems on the outside of their school buses to record and enforce violations of Code of Virginia §46.2-859, Passing a Stopped School Bus.

Dr. Orndorff advised the school system's interest in this program is safety of the students getting on and off of the school buses. Following Dr. Orndorff, Mr. John Grubbs, Transportation Director, gave a short presentation to the committee showing:

- National statistics regarding student injuries and deaths from vehicles passing stopped buses;
- Overview of the camera system to include mounting and sight coverage;
- How the summons process would work once a violation has been confirmed.

Mr. Grubbs reviewed results of the pilot program involving cameras on two buses. The cameras captured a total of 279 violations with 214 occurring on one bus route.

It was noted that any revenue generated from the fines assessed through this program would be split 75%-25% between the vendor and the locality with the vendor receiving 75%. Dr. Orndorff advised this system could not cost Frederick County schools anything because they did not have any available funds to implement this program.

Ms. Ann Lloyd, Clerk of the Frederick County-Winchester JDR Court, was supportive of the concept, but raised concerns about the possible strain the amount of additional summonses would put on the courts and staff.

Mr. Hess suggested possibly using the share of the funds received by the County to offset some of the impact on the clerks' offices.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval and with the funds collected to be used to offset a portion of the costs to the district courts. The motion was unanimously approved.

Upon a motion by Supervisor Dunn, seconded by Supervisor Slaughter, the Board sent

the proposed amendment forward for public hearing.

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

2. Proposed Amendment to the Frederick County Code, Chapter 19, Personnel Policies, Section 19-1 Employee Recognition Program; to Add this Section to Authorize the Payment of Monetary Bonuses to Officers and Employees. (See Attached.) – REFERRED BACK TO COMMITTEE

County Attorney Rod Williams provided a brief overview of this proposed amendment. He noted this authorizing ordinance would allow for bonus payments to county employees and officers.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval. The motion was unanimously approved.

Supervisor Dunn moved to send this item forward for public hearing. The motion was seconded by Supervisor Fisher.

Supervisor Lofton asked about the types of actions or level of performance that might make someone eligible for a bonus.

Administrator Garton noted this action would move the ordinance forward so it could be adopted by the Board. She stated staff would then need to develop guidelines to govern the program to include monetary limits, circumstances, and money in the budget.

Supervisor Lofton stated he would like to have the parameters of the program in place prior to enacting the ordinance.

Supervisor Slaughter concurred with Mr. Lofton. She stated she would have trouble supporting a program without understanding all of the particulars.

Supervisor Wells agreed. He went on to say that he had never been a proponent of bonuses.

Supervisor Dunn stated the item could be sent back to the Code & Ordinance and HR Committees for a review of the program parameters. Supervisor Fisher agreed.

The Board's consensus was to send the bonus ordinance back to the respective committees for a review of the proposed program parameters.

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

1. Review of the Committee Charter. (See Attached.)

The committee charter was reviewed. No changes were made to the current charter.

There being no further business, the meeting adjourned at 10:20 a.m.

FINANCE COMMITTEE - APPROVED

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 20, 2016 at 8:00 a.m. All members were present. Items 1, 2, and 4 were approved under consent agenda.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board approved the consent agenda by the following recorded vote:

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

1. The Sheriff requests an FY 2016 General Fund supplemental appropriation in the amount of \$100. This amount represents a DARE donation. No additional local funds required. See attached memo, p. 5. – **APPROVED UNDER CONSENT AGENDA**
2. The Sheriff requests an FY 2016 General Fund supplemental appropriation in the amount of \$887.70. This amount represents an investigation reimbursement. No local funds required. See attached memo, p. 6. – **APPROVED UNDER CONSENT AGENDA**

3. The EDA Executive Director requests an FY 2017 EDA Fund supplemental appropriation in the amount of \$16,800. This amount represents compensation for the EDA Board of Directors. No local funds required. See attached memo, p. 7. The committee recommends approval. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board approved the above request.

Supervisor Lofton stated that he was a member of the EDA, but would not receive the compensation; therefore, he would be voting on this proposal.

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

4. The Public Safety Communications Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$2,000. This amount represents a PSAP Education Program Grant. No local funds required. See attached memo, p. 8 – 9. – **APPROVED UNDER CONSENT AGENDA**
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. – **REFERRED BACK TO FINANCE COMMITTEE IN 90 DAYS**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board referred this item back to the Finance Committee in 90 days.

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	Absent
Gary A. Lofton	Aye

Judith McCann-Slaughter Aye
Robert W. Wells Aye

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. - **APPROVED**

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

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. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, 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 Absent
Gary A. Lofton Aye
Judith McCann-Slaughter Aye
Robert W. Wells Aye

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

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. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board approved sending this item forward for public hearing.

The above request was approved by the following recorded vote:

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

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. - **APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, 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	Absent
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

11. Greenwood Volunteer Fire & Rescue Company requests an FY 2017 General Fund supplemental appropriation in the amount of \$37,771. This amount represents proffer funds to assist with the purchase of a ladder truck. No local funds required. See attached Proffer Policy and letter, p. 42 – 43. The committee recommends approval. -

APPROVED

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, 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	Absent
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

12. The County Administrator requests an FY 2017 General Fund supplemental appropriation in the amount of \$2,366,365. This amount represents unspent FY 2016 capital contingency funds. See attached information, p. 44. The committee recommends approval. - **APPROVED**

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	Absent
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 June 2016. See attached, p. 45 – 46.
2. The Finance Director provides a **preliminary** FY 2016 Fund Balance Report ending June 30, 2016. See attached, p. 47.
3. The Voter Registrar provides information on the reimbursement received for the March 1, 2016 presidential primaries. See attached memo, p. 48.

4. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement in Popular Annual Financial Reporting for the June 30, 2015 Popular Annual Financial Report (PAFR). This is the 9th consecutive year that Frederick County has received this achievement. See attached, p. 49 – 50.
5. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Excellence in Financial Reporting for the June 30, 2015 Comprehensive Annual Financial Report (CAFR). This is the 30th consecutive year that Frederick County has received this achievement. See attached, p. 51 – 52.

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

CONDITIONAL USE PERMIT #03-16 FOR VERIZON WIRELESS COMMERCIAL TELECOMMUNICATIONS FACILITY SUBMITTED TO CONSTRUCT A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF A 150 FOOT MONOPOLE WITH CAPACITY FOR AT LEAST 3 CARRIERS (APPLICANT INCLUDED) AND 50 X 50 FOOT EQUIPMENT COMPOUND BASE. THE PROPERTY IS LOCATED AT GRACE BRETHREN CHURCH AT 143 GREENWOOD ROAD AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 55-A-79 IN THE REDBUD MAGISTERIAL DISTRICT. - APPROVED

Zoning and Subdivision Administrator Mark Cheran appeared before the Board regarding this item. He advised this was an application for a conditional use permit. The property is located at 143 Greenwood Road and is zoned RA (Rural Areas) District. The current land use is a church. The adjacent properties are zoned B2 (General Business) and RP (Residential Performance) Districts. Zoning Administrator Cheran advised that wireless telecommunications facilities were allowed in the RA District with an approved conditional use permit. The property is also located in the Urban Development Area and the Sewer and Water Service Area. The proposed site is in the vicinity of the 3rd Battle of Winchester. In addition to the conditional use permit, the application is seeking a setback waiver to reduce the setback requirement by 60 feet. He concluded by saying the Planning Commission recommended approval.

Supervisor Slaughter asked if the FAA requirements concerning lighting were met.

Zoning Administrator Cheran responded yes.

Supervisor Lofton asked about the waiver request and if it was needed because the property line distance did not meet that requirement.

Zoning Administrator Cheran responded yes.

Supervisor Dunn advised that in the future he would like to see multiple hearing notice signs on properties subject to public hearing rather one sign so residents would have ample opportunity to see them.

Traci Themak, representing Verizon, appeared before the Board to answer any questions. In response to comments concerning tower collapses, Ms. Themak responded that collapses were rare; however, the towers were designed to collapse on themselves. She noted that 37 adjacent property owners were notified of this application and hearing. She concluded by saying the applicant concurred with the conditions.

Supervisor Lofton stated that he would like some assurance there was a need for more coverage, data, etc.

Ms. Themak responded there was a need for more data in that area.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Dunn, seconded by Supervisor Fisher, the Board approved conditional use permit 03-16.

WHEREAS, Conditional Use Permit #03-16 of Celco Partnership d/b/a Verizon Wireless, submitted by Celco Partnership d/b/a Verizon Wireless, to enable the construction of a 150 foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound and a setback waiver for a 65 foot setback reduction was considered. The Property is located at

143 Greenwood Road and is further identified with Property Identification Number 55-A-79 in the Redbud Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on June 15, 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 July 27, 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 #03-16 to enable the construction of a 150 foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound and a setback waiver of a 65 foot setback reduction with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County
4. The tower shall be removed by the Applicant or Property Owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

Passed this 27th day of July, 2016 by the following recorded vote:

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

**CONDITIONAL USE PERMIT #05-16 FOR EDWIN ELVIRA, WHICH
SUBMITTED FOR A RETAIL NURSERY/LANDSCAPING STORE. THE
PROPERTY IS LOCATED AT 1590 FAIRFAX PIKE, WHITE POST, VIRGINIA
AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 87-1-B
IN THE OPEQUON MAGISTERIAL DISTRICT. - APPROVED**

Planner Tyler Klein appeared before the Board regarding this item. He advised this was an application for a conditional use permit for a retail nursery/landscaping store. The property is located in White Post and is zoned RA (Rural Areas) District. The proposed use is allowed in the RA District with an approved conditional use permit. He noted in this particular instance a new conditional use permit was required in order to reestablish this use. He concluded by saying the Planning Commission recommended approval.

Supervisor Lofton asked if four employees would be enough.

Planner Klein responded that number was set by the Health Department due to water/sewer reasons.

Edwin Elvira, applicant, responded that he was comfortable with four employees.

Chairman DeHaven convened the public hearing.

Rosella Fansler, Opequon District, asked how big the proposed store would be.

Chairman DeHaven closed the public hearing.

Planner Klein advised the applicant would use existing structures and there would be no new buildings constructed on site.

Upon a motion by Supervisor Wells, seconded by Supervisor Lofton, the Board approved conditional use permit #05-16.

WHEREAS, Conditional Use Permit #05-16 of Edwin Elvira, submitted by Edwin Elvira for a retail nursery/landscaping business in the RA (Rural Areas) Zoning District was considered. The Property is located at 1590 Fairfax Pike, White Post, Virginia and is further identified with Property Identification Number 87-1-B in the Opequon Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the

Conditional Use Permit on July 6, 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 July 27, 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 #05-16 for a retail nursery/landscaping business on the parcel identified by Property Identification Number (PIN) 87-1-B with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.
4. Hours of operation shall be limited to 8 a.m. to 8 p.m. seven (7) days a week.
5. The site should have no more than four (4) employees.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Passed this 27th day of July, 2016 by the following recorded vote:

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

REZONING #04-16 FOR SNOWDEN BRIDGE STATION SUBMITTED BY GREYWOLFE, INC., TO REZONE 11.340 ACRES FROM THE M1 (LIGHT INDUSTRIAL) DISTRICT TO THE B2 (GENERAL BUSINESS) DISTRICT, AND 2.629 ACRES FROM THE M1 (LIGHT INDUSTRIAL) DISTRICT TO THE B3

(INDUSTRIAL TRANSITION) DISTRICT WITH PROFFERS. THE PROPERTIES ARE LOCATED ON THE SOUTHEASTERN SIDE OF MARTINSBURG PIKE (ROUTE 11) AND SOUTHERN SIDE of SNOWDEN BRIDGE BOULEVARD AND ARE IDENTIFIED BY PROPERTY IDENTIFICATION NUMBERS 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43-A-150, 43-A-151A, AND 43-A-151B IN THE STONEWALL MAGISTERIAL DISTRICT. - APPROVED

Assistant Director Candice Perkins appeared before the Board regarding this item. She advised this was a proposal to rezone 13.9 acres from M1 (Light Industrial) District to the B2 (General Business) District and B3 (Industrial Transition) District with proffers. The property is located on the southeast side of Martinsburg Pike and is in the Sewer and Water Service Area and the Northeast Land Use Plan. She noted the Comprehensive Plan identified this area with industrial land uses. The proposed land uses are inconsistent with the current land use plan; however, this rezoning request may be acceptable. She went on to say the applicant has proffered to limit the number of restricted entrances on Martinsburg Pike to two and one on Snowden Bridge Boulevard. The maximum number of vehicle trips has been limited to 6,303 per day. The applicant has also proffered a 10 foot right-of-way dedication for Martinsburg Pike. In addition, the applicant has proffered a monetary contribution of \$0.10 per building square foot for Fire and Rescue. She concluded by saying the Planning Commission has recommended approval.

Gary Oates, Greywolfe, Inc., appeared before the Board to answer any questions.

Supervisor Lofton asked about the 6,303 vehicle trips per day.

Mr. Oates responded that the maximum trips were based on restaurant uses, which are allowed in the M1 and B2. He noted the owner was looking at other uses such as gas stations, pharmacy, etc., which have less traffic. He noted this cap would still allow a restaurant.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board approved rezoning #04-16.

WHEREAS, Rezoning #04-16 of Snowden Bridge Station, submitted by GreyWolfe, Inc., to rezone 11.340 acres from the M1 (Light Industrial) Zoning District to the B2 (General Business) Zoning District, and 2.629 acres from the M1 (Light Industrial) Zoning District to the B3 (Industrial Transition) Zoning District with Proffers final revision date of May 17, 2016 was considered. The Properties are located on the southeastern side of Martinsburg Pike (Route 11) and the southern side of Snowden Bridge Boulevard. The Properties are further identified by PIN(s) 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43-A-150, 43-A-151A and 43-A-151B in the Stonewall Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on June 15, 2016 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on July 27, 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 11.340 acres from the M1 (Light Industrial) Zoning District to the B2 (General Business) Zoning District, and 2.629 acres from the M1 (Light Industrial) Zoning District to the B3 (Industrial Transition) Zoning District with Proffers final revision date of May 17, 2016.

The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 27th day of July, 2016 by the following recorded vote:

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

REZONING #05-16 FOR CB VENTURES LLC, SUBMITTED BY GREENWAY ENGINEERING, TO REZONE 3.75 +/- ACRES FROM THE B3 (INDUSTRIAL TRANSITION) DISTRICT TO THE B2 (GENERAL BUSINESS) DISTRICT, AND 1.23 +/- ACRES FROM THE B2 (GENERAL BUSINESS) DISTRICT TO THE B2 (GENERAL BUSINESS) DISTRICT WITH PROFFERS. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF MARTINSBURG PIKE (US ROUTE 11) AND THE NORTHEAST SIDE OF AMOCO LANE (ROUTE 839) AT THE SOUTHWEST QUADRANT OF INTERSTATE 81 EXIT 317 AND IS IDENTIFIED BY PROPERTY IDENTIFICATION NUMBER 43-A-48A IN THE STONEWALL MAGISTERIAL DISTRICT. - APPROVED

Assistant Director Candice Perkins appeared before the Board regarding this item. She advised this was a proposal to rezone 4.98 acres from B2 (General Business) and B3 (Industrial Transition) to B2 (General Business) District with proffers. The property is located on the south side of Martinsburg Pike and is within the Sewer and Water Service Area and the limits of the Northeast Land Use Plan. The property is identified for commercial land uses and this proposal is consistent with the Comprehensive Plan. The applicant has proffered to construct upgrades to Amoco Lane, provide inter-parcel connection into the adjacent Sheetz property, and to construct a sewer pump station with a SCADA system. In addition, the applicant has proffered a monetary contribution of \$0.05 per building square foot for Fire & Rescue. She concluded by saying the Planning Commission recommended approval of this rezoning.

Supervisor Dunn asked Assistant Director Perkins if she was satisfied with the response received to the County's May letter.

Assistant Director Perkins responded that the issue was specific to landscaping and it was still a concern. With regard to the concerns raised about sewer, those have been satisfied per the Frederick County Sanitation Authority.

Evan Wyatt, Greenway Engineering, appeared before the Board on behalf of the applicant. He advised the proffered amount for building square footage was \$0.10 per square

foot instead of \$0.05. He noted this was a change from the original proffer. He concluded by saying that economic development projects have been viewed as a fiscal positive by the Board.

Supervisor Lofton asked if the screening issue had been resolved.

Mr. Wyatt responded yes. He stated the applicant offered to hold a neighborhood meeting and it was attended by a number of residents along Amoco Lane. He went on to say the applicant was willing to do a planting along their properties in an easement provided by the residents.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Wells, the Board approved Rezoning #05-16.

WHEREAS, Rezoning #05-16 of CB Ventures, LLC, submitted by Greenway Engineering, Inc., to rezone 3.75± acres from the B3 (Industrial Transition) Zoning District to the B2 (General Business) Zoning District, and 1.23± acres from the B2 (General Business) Zoning District to the B2 (General Business) Zoning District with Proffers, final revision date of July 1, 2016 was considered. The Property is located on the south side of Martinsburg Pike (US Route 11) and the northeast side of Amoco Lane (Route 839) at the southwest quadrant of Interstate 81, Exit 317. The Property is further identified with PIN 43-A-48A in the Stonewall Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on June 15, 2016 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on July 27, 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 3.75± acres from the B3 (Industrial Transition) Zoning District to the B2 (General Business) Zoning District, and 1.23± acres from the B2 (General Business) Zoning District to the

B2 (General Business) Zoning District with Proffers, final revision date of July 1, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 27th day of July, 2016 by the following recorded vote:

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

DRAFT UPDATE TO THE 2016-2017 FREDERICK COUNTY PRIMARY AND INTERSTATE ROAD IMPROVEMENT PLANS – THE PRIMARY AND INTERSTATE ROAD IMPROVEMENT PLANS ESTABLISH PRIORITIES FOR IMPROVEMENTS TO THE PRIMARY AND INTERSTATE ROAD NETWORKS WITHIN FREDERICK COUNTY. COMMENTS FROM THE TRANSPORTATION COMMITTEE WILL BE FORWARDED TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS. ULTIMATELY, THE PRIORITIES ADOPTED BY THE BOARD OF SUPERVISORS WILL BE FORWARDED TO THE COMMONWEALTH TRANSPORTATION BOARD FOR CONSIDERATION.

THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE BOARD OF SUPERVISORS FOR THE COUNTY OF FREDERICK, VIRGINIA, IN ACCORDANCE WITH SECTION 33.2-331 OF THE CODE OF VIRGINIA, WILL CONDUCT A JOINT PUBLIC HEARING. THE PURPOSE OF THIS PUBLIC HEARING IS TO RECEIVE PUBLIC COMMENT ON THE PROPOSED SIX YEAR PLAN FOR SECONDARY ROADS FOR FISCAL YEARS 2017 THROUGH 2022 IN FREDERICK COUNTY AND ON THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2017. COPIES OF THE PROPOSED PLAN AND BUDGET MAY BE REVIEWED AT THE EDINBURG OFFICE OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, LOCATED AT 14031 OLD VALLEY PIKE, EDINBURG, VIRGINIA OR AT THE FREDERICK COUNTY OFFICES LOCATED AT 107 NORTH KENT STREET, WINCHESTER, VIRGINIA. ALL PROJECTS IN THE SECONDARY ROAD IMPROVEMENT PLAN THAT ARE ELIGIBLE FOR FEDERAL FUNDS WILL BE INCLUDED IN THE STATEWIDE TRANSPORTATION IMPROVEMENT PLAN (STIP), WHICH DOCUMENTS HOW VIRGINIA WILL OBLIGATE FEDERAL TRANSPORTATION FUNDS. PERSONS REQUIRING SPECIAL ASSISTANCE TO ATTEND AND PARTICIPATE IN THIS HEARING SHOULD CONTACT THE VIRGINIA DEPARTMENT OF TRANSPORTATION AT 1-800-367-7623. - APPROVED

Assistant Planning Director – Transportation John Bishop appeared before the Board regarding this item. He began by reviewing the Interstate Road Improvement Plan. He noted that Exit 310 remains on this list. He advised that work on phase one of the three phase project had begun.

With regard to the Primary Road Improvement Plan, Assistant Director Bishop noted the projects had been updated per MPO modeling with Routes 50 and 7 on the east and west portions of the county being improved to six lanes.

On the Secondary Road Improvement Plan Sulphur Springs Road remains a number one priority.

Assistant Director Bishop reviewed the hard surface projects. He advised that the projects had been re-ranked because a project, Hollow Road, had been promoted to the top of the list. He went on to say a note had been added to point out that scheduling is based on VDOT's revenue projections. He stated there were 21 projects on the unscheduled list. He concluded by saying the Planning Commission and Transportation Committee recommended approval of the plans.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the 2016-2017 Frederick County Interstate Road, Primary Road, and Secondary Road Improvement Plans.

RESOLUTION 2016-2017 INTERSTATE ROAD

IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Interstate Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the interstate road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The 2016-2017 Interstate Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Interstate Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Interstate Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

RESOLUTION 2016-2017 PRIMARY ROAD IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Primary Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the primary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The 2016-2017 Primary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Primary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Primary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

**RESOLUTION
2016-2017 SECONDARY ROAD
IMPROVEMENT PLAN**

WHEREAS, Section 33.2-364 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and,

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Secondary Road Improvement Plan and the Construction Priority List; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the secondary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The 2016-2017 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Secondary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

Supervisor Wells stated he would like to see the Board send a letter to the General

Assembly seeking an expansion of state funding for these roads.

Supervisor Dunn agreed. He also noted that the State needs to take care of cutting its own grass as well.

OTHER PLANNING ITEMS

**RESOLUTION RE: REVENUE SHARING PROGRAMMATIC AGREEMENT –
APPROVED UNDER CONSENT AGENDA**

**RESOLUTION TO EXTEND PROGRAMMATIC PROJECT
ADMINISTRATION AGREEMENT AND PROVIDE SIGNATURE
AUTHORITY FOR REVENUE SHARING PROJECTS**

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 had an initial term of three fiscal years (each year beginning July 1st – June 30th), and expired 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 BE IT RESOLVED, in consideration of the mutual premises contained therein, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

BE IT FURTHER RESOLVED, that the Board of Supervisors of Frederick County hereby commit to fund their local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

BE IT FURTHER RESOLVED, that the County Administrator/or other named position designee is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Adopted this 27th day of July, 2016 by the Board of Supervisors for Frederick County, Virginia.

**REQUEST TO SCHEDULE WORK SESSION WITH PLANNING COMMISSION
– APPROVED**

The Board scheduled the work session with the Planning Commission for Wednesday,

August 17, 2016 beginning at noon.

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

Patsy Gochenour, Red Bud District, addressed the Board regarding the need for an adequate water supply. She stated Frederick County government needed to ensure an adequate supply of water. She noted that without water, everything discussed tonight would be to no avail. She advised that she attended the Comprehensive Plan meeting held in the Red Bud District at which several questions were raised about water. She concluded by asking if the community could trust the local governing body to ensure there would be “life giving water”.

BOARD OF SUPERVISORS COMMENTS

Supervisor Lofton advised that he attended the Extension Leadership Council meeting and it was reported that the AREC Center would hold an open house on Saturday, August 13, 2016 from 1:00-5:00 p.m. He stated that he was pleased that the revenue sharing agreement was approved tonight because this step had been a long time coming. He thanked staff and VDOT for their work on this project.

Supervisor Fisher stated he would like to have the Board and Planning Commission have a discussion about accessory uses in the M-1 District.

Supervisor Wells stated if there was any way possible he would like to get the light at the entrance to Lake Frederick operational because the community was booming and it would be a great move.

Supervisor Slaughter reported that the Sanitation Authority was having trouble with the Anderson Treatment Plant, but they hoped to have things back to normal tomorrow.

Supervisor Fisher responded to Supervisor Wells' comments regarding the light. He stated that he had spoken with VDOT in that past and that the developer made a mistake way back. The lights were proffered and installed, but it has been flashing for years.

ADJOURN

UPON A MOTION BY SUPERVISOR WELLS, SECONDED BY SUPERVISOR SLAUGHTER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (8:53 P.M.)

CONSENT AGENDA

B

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**CLOSED SESSION
AND
REGULAR MEETING**

August 10, 2016

A Closed Session and Regular Meeting of the Frederick County Board of Supervisors were held on Wednesday, August 10, 2016 at 6:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Charles S. DeHaven, Jr.; 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 Hess, 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 (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.

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 Hess, 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 Slaughter, 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, consultation with legal counsel and briefing by staff member pertaining to a probable litigation matter pursuant to Section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, specifically 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 consultation with legal counsel employed by the Board regarding specific legal matters requiring the provision of legal advice by such counsel 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 Wells, seconded by Supervisor Lofton, 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 Fisher, seconded by Supervisor Hess, the Board approved the following item under the consent agenda:

- Public Works Committee Report.

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.

COUNTY OFFICIALS

COMMITTEE APPOINTMENTS

APPOINTMENT OF LAUREN LOVING TO FILL THE UNEXPIRED TERM OF WILLIAM H. CLINE AS STONEWALL DISTRICT REPRESENTATIVE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Slaughter, seconded by Supervisor Lofton, the Board appointed Lauren Loving to fill the unexpired term of William H. Cline as Stonewall District representative to the Extension Leadership Council. Term expires June 23, 2018.

The above motion was approved by the following recorded vote:

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

APPOINTMENT OF MAXIMILLION PRESS AS RED BUD DISTRICT REPRESENTATIVE TO THE SOCIAL SERVICES BOARD - APPROVED

Upon a motion by Supervisor Dunn, seconded by Supervisor Lofton, the Board appointed

Maximillion Press as Red Bud District representative to the Social Services Board. Term expires June 30, 2020.

The above motion was approved by the following recorded vote:

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

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE – APPROVED UNDER CONSENT AGENDA

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:

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

1. Carry Forward Request:

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

- a. Landfill - \$25,000
- b. Inspections - \$12,560.00

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 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 project 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 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.

3. Miscellaneous Reports:

- a) Tonnage Report
- b) Recycling Report
- c) Animal Shelter Dog Report
- d) Animal Shelter Cat Report

PUBLIC HEARING

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. - APPROVED

Mr. Rusty Holland, Executive Director of Concern Hotline, appeared before the Board regarding this application. He advised this was the 17th year for Friday Fish Fry Celebration and he was seeking Board approval of this request.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved the outdoor festival permit request of Concern Hotline – Friday Fish Fry Celebration.

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

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. - APPROVED

Mr. Ron Hottle, Celebrating Patsy Cline, Inc., appeared before the Board regarding this application. He advised the organization was seeking approval for the second part of the Patsy Cline Music Festival. He noted this was the first time this event would be held outside of the City of Winchester. He concluded by saying his organization was sharing the facility and equipment with Concern Hotline.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved the outdoor festival permit request of Celebrating Patsy Cline, Inc. – Saturday Night Shindig.

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

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. - APPROVED

Mr. Scott Arthur, representing the Rotary Club of Winchester, appeared before the Board regarding this application. He advised this was the second year for this event at the Frederick County Fairgrounds and this year marked their 50th anniversary. He concluded by saying he was seeking Board approval of this request.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Wells, the Board approved the outdoor festival permit request of Rotary Club of Winchester – Shenandoah Valley Apple Harvest Festival.

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

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. - APPROVED

Mr. Zach Bard and **Mr. Artyom Wunder**, representing the Valley Fusion Festival, appeared before the Board regarding this application. They advised the event would be held at Willow Grove Farm.

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 Dunn, the Board approved the outdoor festival permit request for the Valley Fusion Festival.

The above motion was approved by the following recorded vote:

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

AMENDMENT TO THE 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/ROUNDBOUT/AIRPORT ROAD PROJECT. THE PROJECT COST WILL BE SHARED BY VDOT AND R 150 SPE LLC. NO LOCAL FUNDS REQUIRED. - APPROVED

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the budget amendment and supplement appropriation.

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.

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

BOARD LIAISON REPORTS

There were no board liaison reports.

CITIZEN COMMENTS

Ruth Perrine, Back Creek District, advised that at the May 11, 2016 Board of Supervisors meeting she spoke about the system of representation on the Shawneeland Sanitary District Advisory Committee. She hoped to address one aspect of the process this evening. She stated that on July 11, 2016 another committee member's term expired and no other community members were given an opportunity to serve. She noted there was no mention of the vacancy at the last advisory committee meeting. She stated an individual had applied for membership, but was not appointed. She was concerned because residents do not have a chance to serve unless the current members do not wish to be reappointed or they die. She concluded by asking that the Board consider appointing Ariel Banagan to the Shawneeland Sanitary District Advisory

Committee.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn gave a brief update on the work of the Clowser House committee. He stated they were trying to determine whether or not the structure was located in the dam inundation zone. He noted if the structure was outside dam inundation zone then the Clowser family might be interested in acquiring the property. He advised no specific uses had been identified at this time. Supervisor Dunn also reported on his walk through of the new Rose Hill Park.

Supervisor Lofton spoke in reference to Ms. Perrine's comments and stated several people had expressed an interest in the vacant advisory committee seat. He stated that the last time there was a vacancy he conducted interviews with the interested residents before recommending an appointment. He concluded by saying he hoped that would alleviate some of Ms. Perrine's concerns.

Vice-Chairman Fisher questioned the budget amendment for the revenue sharing project because there remained one easement on the property that had not yet been executed. He stated he was curious about what was going on and that as long as the easement remained unsigned the applicant should not be allowed to do anything on this property.

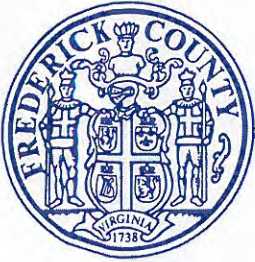
Supervisor Hess reported on his attendance at Frederick County Public Schools' convocation for school staff. He also noted that Roy and Carolyn Thrasher's granddaughter was the first gold medal winner in the 2016 Olympics.

Chairman DeHaven reminded the board members about the annual dinner with the Farm Bureau, which would be held on Thursday, August 11, 2016 beginning at 6:30 p.m.

ADJOURN

**UPON A MOTION BY SUPERVISOR WELLS, SECONDED BY SUPERVISOR
SLAUGHTER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS
BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:30 P.M.)**

C



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 
DATE: September 7, 2016
RE: Committee Appointments

Listed below are the vacancies/appointments due through October, 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

Board of Zoning Appeals

Bruce Carpenter – Gainesboro District Representative
455 Mountain Laurel Lane
Winchester, VA 22603
Term Expires: 12/31/19
Five year term

(Staff has been advised by Supervisor Hess that Mr. Carpenter has resigned.) (There are seven members on the Board of Zoning Appeals. Recommendation for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for consideration and final appointment.)

Lord Fairfax Emergency Medical Services Council

Tommy Price – Frederick County Representative
164 Michael Drive
Clearbrook, VA 22624
Term Expired: 06/30/16
(Per Revised EMS By-Laws, Now Annual Appointment by EMS Board of Directors.)

(See Attached Correspondence from Fire and Rescue Association Nominating Mark E. Barenklau. Staff has been advised that Mr. Tommy Price does not wish to continue serving on the Lord Fairfax Emergency Medical Services Council.)

*(According to Revised EMS By-Laws, members no longer have expiration dates, they are appointed annually by the EMS Board as a whole and serve until they resign or are removed. Locality would then **nominate** a candidate. Each locality has three representatives. One member shall be a paid provider, one member to be a volunteer, and the third member shall be either. Members shall be a representative of the professional and non-professional disciplines involved with providing emergency medical units of local governments and citizens, and those who make use of such services.) (See Attached Revised By-Laws.)*

Northwestern Community Services Board

Tom Brubaker – County Representative
3407 Cedar Creek Grade
Winchester, VA 22602
Home: (540)539-0002
Term Expires: 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

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

OCTOBER 2016

Shawneeland Sanitary District Advisory Committee

Michelle Landon
226 Graywolfe Trail
Winchester, VA 22602
Home: (540)877-1838
Term Expires: 10/08/16
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.)

Regional Jail Authority

Robert W. Wells - Frederick County Representative
114 Laura Drive
Stephens City, VA 22655
Home: (540)869-1168
Term Expires: 10/13/16
Four year term

(Frederick County has four seats on the Authority. Current county members are Supervisor Robert W. Wells, Judith McCann-Slaughter, Brenda Garton and Sheriff Lenny Millholland. Chairman Chuck DeHaven serves as the Alternate.)

BGG/tjp

Attachments



Frederick County
Volunteer Fire & Rescue Association
FREDERICK COUNTY, VIRGINIA



Daniel C. Cunningham
President

PO Box 3543
Winchester, VA 22604

Memorandum for Record

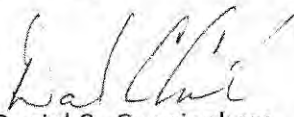
Subject: EMS Council Nomination

During the July 2016 Frederick County Fire and Rescue Association monthly meeting Mark E. Barenklau was nominated to be our representative on the Lord Fairfax EMS Council.

Mark is currently an active volunteer at the North Mountain Volunteer Fire and Rescue Company. He has been a member since 1994 and an EMS provider since 1998. Mark is currently certified at the EMT-Intermediate level.

By unanimous vote, the Frederick County Fire and Rescue Association recommend Mark Barenklau to be our representative on the Lord Fairfax EMS Council.

Sincerely,



Daniel C. Cunningham
President

•Volunteer Companies•

Stephens City Fire & Rescue ♦ Middletown Fire & Rescue ♦ Clear Brook Fire & Rescue ♦ Gore Fire & Rescue
Round Hill Community Fire & Rescue ♦ Gainesboro Fire & Rescue ♦ Star Tannery Fire & Rescue ♦ Greenwood Fire & Rescue
North Mountain Fire & Rescue ♦ Reynolds Store Fire & Rescue ♦ Millwood Station Fire & Rescue

Lord Fairfax Emergency Medical Services Council, Inc.

Amended & Restated Bylaws

Effective October 21, 2015

To the extent any provision of these bylaws conflicts with the Articles of Incorporation (as amended), the Articles shall control.

ARTICLE I - NAME

The name of this Corporation shall be the Lord Fairfax Emergency Medical Services Council, Inc. (the "Council").

ARTICLE II - PURPOSE

The purpose of the Council shall be to form a mechanism to bring together providers of emergency medical services, the public agencies involved with health and safety, and community leaders and citizens to plan and implement a comprehensive emergency medical services system in the area to be served.

The major objectives of this organization shall be, but not limited to, the following:

- a. To plan for and to implement a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery of health care services in the area to be served under emergency conditions occurring either as a result of the patient's condition, or of local or regional disasters and similar situations.
- b. To coordinate and improve the delivery of emergency medical services in the region, and thereby seek to have the highest possible quality of emergency medical services available to residents within the region.
- c. To provide assistance in coordinating the emergency medical services system with other public services, institutions, and agencies in the area of service.
- d. To develop goals and to facilitate broad, regional comprehensive emergency medical services plans and priorities, and to stimulate

action, coordination and otherwise ensure maximum use of existing and future emergency medical facilities, services, and manpower compatible with health delivery systems within the area served.

- e. To serve as the principle advisory group to governments and non-governmental agencies within the area served on matters that require inter-jurisdictional coordination, collaboration, and cooperation concerning emergency medical services.

ARTICLE III – AREA TO BE SERVED

The Council shall serve the areas consisting of the following Virginia political subdivisions, including incorporated towns therein:

- a. City of Winchester
- b. Clarke County
- c. Frederick County
- d. Page County
- e. Shenandoah County
- f. Warren County

The Council may serve additional political subdivisions as may be authorized by the Board of Directors.

ARTICLE IV – LOCATION OF OFFICE

The principal office of the Council shall be located within the Council's region. The Council may have additional offices at such other places as designated by the Board of Directors.

ARTICLE V – BOARD OF DIRECTORS

Section 1. No Members.

The Council shall have no members; rather, the entire voting power of the Council shall be vested in the Board of Directors.

Section 2. Nomination of Directors.

- a. Goals/Objectives. All Directors shall strive to (1) serve as representatives of the public in the public interest, and (2) represent the entire region served by this Council and (3) vote for the best

interest of the area as a whole - and not necessarily such person's geographic area. The Board is intended to be comprised of persons who are broadly representative of (1) professional and non-professional disciplines involved with providing Emergency Medical Services, (2) units of local government and citizens, and (3) those who make use of such services.

- b. Min/Max Directors. There shall be a minimum of 8 directors and a maximum of 50 directors. However, the desire is to have, on average, 22 Directors, consisting of individuals from consumers, government representatives, hospital administration, physicians, nurses and fire/rescue departments from the following areas/positions:

1. City of Winchester	3
2. County of Clarke	3
3. Frederick County	3
4. Page County	3
5. Shenandoah County	3
6. Warren County	3
7. Regional Medical Director, LFEMSC	1
8. Chairperson, LFEMSC Medical Direction Board	1
9. Valley Health Systems	1
10. Consumer	1

The Council shall strive to have each locality represented on the Board, with at least one being a volunteer and one a career EMS provider. It is anticipated the nominees for Board members from the various geographical areas will be provided by such areas local governing bodies (as provided below) - but Directors are always elected by the then sitting Board of Directors. The locality shall have no veto power or right of appointment/representation.

- c. Nomination Process. At least 60 days prior to the annual meeting at which officers and directors will be elected, The Nominating Committee shall fulfill the following charges:

1. Prepare a slate for the election of the Directors for each position to which a political subdivision is entitled from nominees submitted by the political subdivisions.
2. Prepare a slate nominating Directors to serve as Officers of the Board.

3. Prepare a slate nominating one (1) Director to serve on the Executive Committee.
4. Ensure that such slates are submitted in writing to each Director of the Council at least thirty (30) days in advance of each election.
5. Board members may make nominations at least 120 days prior to the election of such position; provided, however, (1) such nominee meets the qualifications for such position, (2) such person meets with the Executive Director and President to discuss duties and responsibilities of a director, and (3) agrees to serve if elected. Upon completion of the above, then such person's name shall be submitted to the Nominating Committee and all other Board members at least 60 days prior to the election for such position. If the above requirements are met, the Board member who recommended such person may submit such person's name for consideration of being elected at the meeting for which such election is to occur.

Section 3. Election of Directors & Term of Office.

- a. Directors shall be elected at the Annual Meeting by a majority vote of the Directors or a special meeting held in lieu thereof for the specific purpose of electing one or more Directors.
- b. Directors shall be elected for a term of one year at the annual meeting. A Director shall continue to serve as such until the end of his/her term and until his/her successor is elected and qualifies. There shall be no term limits on Directors.
- c. As provided above, the Council shall strive to have the Chairperson of the Lord Fairfax EMS Medical Direction Board and the Regional Operational Medical Director of the Lord Fairfax EMS Council as Board members.

Section 4. Resignation/Removal/Vacancy

- a. Resignation. A Director may resign at any time. Resignation mid-term from the Board must be in writing and delivered to the President or Secretary to be effective.
- b. Removal. A board member may be removed at any time for any reason, with or without cause, by a two-thirds vote of the remaining

directors in office (not just a two-thirds vote of those present at such meeting).

- c. Vacancies. If there is vacancy during a Director's term, the Board (by majority vote) may replace such Director to fill such remaining term – at any regular or special meeting – notice of which indicates a successor Director is being elected. It is anticipated (but not required) the nomination of such replacement be by the Nominating Committee as provided herein.

Section 5. Powers.

The Board shall have all powers inherent to corporate directors under Virginia law, including, but not limited to, the following:

- a. Manage and administer the affairs of the Council, each director being entitled to one vote.
- b. Elect the officers of the Council as provided in the Articles of Incorporation and these Bylaws.
- c. Empower the Executive Committee of the Board to manage the affairs of the Council during the interval between meetings of the Board.
- d. Appoint such committees as it may deem expedient for the carrying out of the objectives of the Council and as may be consistent with these Bylaws and to terminate the authority for any such committee at any time.
- e. Arrange for the funds to support the program of the Council and to control the disbursement of these funds.
- f. Employ an Executive Director and authorize the employment of such persons, as it may deem necessary or appropriate for the successful execution of the objectives of the Council, in accordance with its non-profit character.
- g. Enter into such agreements with any government or private philanthropic agencies and public or private consulting organizations, at its judgment, will further and be consistent with the objectives of this Council.
- h. Otherwise perform such acts and functions which will further the objectives and purposes of the Council which are not inconsistent with the Articles of Incorporation or these Bylaws.

Section 6. Voting & Quorum.

- a. Majority Vote. Except as otherwise provided herein requiring a higher vote, all decisions of the Board shall be majority vote of the Directors. A majority vote means more than 50% of Directors present at a duly called meeting at which a quorum is present.
- b. Vote In Person – No Proxies. Each member of the Board present at a meeting shall be entitled to one vote. No proxies are permitted – voting must be in person.
- c. Quorum. A quorum shall be present at a Board meeting if at least one-third of the then elected Directors are present. Less than a quorum may adjourn a meeting.

Section 7. Meetings & Notice.

- a. Annual and Special Meetings. The Annual Meeting of the Board shall be held in June of each year. The date, place, and exact time of each meeting shall be set by the Board. The Board shall have the power to set the date, time, and places of regular meetings of the Board. Special meetings of the Board shall be called by the President or by the Secretary on the written request of any five (5) Directors of the Council. Current income and expenditure statements shall be available at all governing Board meetings.

Nothing herein shall preclude action without a meeting as allowed under Virginia Code Section 13.1-865, as amended - unanimous written consent of all Directors.

- b. Notice. Notice of the time, place, and purpose of Annual or Special Meetings of the Board shall be served as provided by law, but in no case shall such notice be less than five (5) days unless agreed upon by all Directors of the Board. Attendance at such meetings shall constitute waiver of notice, unless such attendance is for the sole purpose of objecting to the notice provisions therefore. Notice is permitted by any means allowed under Virginia law – but at this time, the Council anticipates all notices will be sent by email at the last email address provided by each director/officer. An email notice is deemed received at such time as it is sent by the Council (even if not read by the recipient) to the latest email address provided to the Council by such Director. All Board members shall immediately

notify the President, Secretary and the Executive Director of any change in one's email address in writing. Notice to Committee Members may be made in the same manner.

Section 8. Attendance.

- a. Attendance Required. Regular, in person, attendance is critical to the operation of the Board and each Director should make every effort to attend every meeting. In that light, the following rules shall apply: If any member shall not be in attendance at two (2) or more regularly scheduled consecutive meetings, the President shall direct correspondence (by mail or email) to any and all affected members and their appointing body advising them of such person's record and the potential for removal hereunder. Attendance must be in person. Attendance by conference call/internet communication is not considered attendance.
- b. Removal If Fail To Attend After Notice. If after such notice, the member misses any one of the next three regular meetings, the Board shall have the authority to remove said individual(s) from their seat(s) and notify the appropriate local governing bodies (if applicable) of the action. The Board shall consider, at their discretion, any extenuating circumstances of the affected member(s), under this section.

Section 9. Nominations for Governor's Advisory Board.

Only Directors can be appointed to the Governor's Advisory Board. If the Director expires on the Council prior to their expiration on the Governor's Advisory Board, the appointed representative will be allowed to fulfill the obligation to the Governor's Advisory Board (even though no longer a Director hereunder).

ARTICLE VI - OFFICERS

Section 1. Elected Officers.

The officers shall be elected by and from the directorship of the Board except as hereinafter stated, and shall consist of the following:

- a. President

- b. Vice President
- c. Treasurer
- d. Secretary
- e. Such assistant treasurers and secretaries as the Board may elect.

Officers shall be elected for a term of office at the Annual Meeting of the Board. Officers shall serve until their successors are elected to and take office. An officer shall be eligible to serve unlimited consecutive terms. Officers may also be removed for any reason, with or without cause, at any time, by a majority vote of the Board.

Section 2. President.

The President of the Council shall preside at meetings of the Council and the Executive Committee. He/she shall have the power to make and execute contracts in the ordinary business of the Council and for and in the name of the Council to execute other legal instruments when authorized by the Board.

The President shall have such powers and duties as from time to time may be assigned to him/her by the Board.

Section 3. Vice President.

In the absence of the President, or in the event of his/her inability to act, or if that office is temporarily vacant, the Vice President shall exercise all the powers and perform all the duties of the President of the Council.

Section 4. Treasurer.

The Treasurer shall have general supervision over the care and custody of the funds and securities of the Council. He/she shall deposit the same or cause the same to be deposited in the name of the Council in such banks or other depositories as the Board may direct. He/she shall cause the funds of the Council to be disbursed by checks or drafts upon the authorized depositories of the Council and shall cause to be taken and preserved proper vouchers for all funds disbursed. He/she shall keep or cause to be kept, full and accurate accounts of all receipts and disbursements of the Council and shall present to the Board, whenever requested, a complete report of receipts and disbursements and of financial conditions. He/she shall perform such duties as may be assigned to him/her from time to time by the Board.

Section 5. Secretary.

He/she shall keep the minutes of all meetings of the Council. He/she shall be responsible for the giving and serving of all notices of meetings of the Council and, in general shall perform all duties incident to the Office of Secretary and shall have such other powers and duties as may be assigned to him/her by the Board.

Section 6. Vacancies.

A vacancy in any office shall be filled for the unexpired portion of the term by the Board at any regular meeting, or at a special meeting called for that purpose.

ARTICLE VII – COMMITTEES

Section 1. Executive Committee.

It shall be the purpose of the Executive Committee to conduct the necessary and routine business of the Board between meetings of the Board of Directors.

The Executive Committee shall consist of the following members of the Board:

- a. The President, who shall serve as Chairperson of the Executive Committee
- b. The Vice President
- c. The Treasurer
- d. The Immediate Past President
- e. Secretary
- f. The Chairperson of the Medical Direction Committee
- g. A Director at large (selected by the Board)
- h. The Executive Director, who shall serve in an ex-officio capacity without a vote (and the Executive Director may be asked to leave such meeting – by a majority vote of the other Directors present at that time – if the issue to be discussed is regarding such person's performance or compensation)

No more than two directors from any single political subdivision shall serve on the Executive Committee. A vacancy occurring on the Executive

Committee shall be filled at any regular meeting of the Board or at any special meeting called for that purpose.

Section 2. Nominating Committee.

The Nomination Committee shall be appointed by the President with the consent of a majority vote of the Board present at such meeting. The Nominating Committee shall be composed of not more than one (1) Director of the Board from any of the participating political subdivisions and shall have no fewer than three (3) members. The Nominating Committee shall be appointed sufficiently in advance of the election date so as to perform their duties in an orderly manner.

Section 3. Standing Committees.

The following Committees shall be standing Committees in existence at all times:

- a. There will be a Disaster Planning Committee whose mission is to provide guidance and coordination on a regional basis for a unified and immediate emergency medical services (EMS) mutual aid response by pre-hospital and hospital agencies to, and the effective emergency medical management of, the victims of any type of Mass Casualty Incident (MCI) or disaster.
- b. There will be a Performance Improvement Committee whose mission is to systematically review data of all agencies to improve the quality of patient care on an ongoing basis.
- c. There will be a Trauma Performance Improvement Committee whose mission is to systematically review trauma data of all agencies to improve the quality of trauma patient care.
- d. There will be a Stroke Triage Committee whose mission is to establish a uniform set of criteria for the pre-hospital and inter-hospital triage care and transport of acute stroke patients within the region.
- e. There will be a Regional EMS Instructor Network with the purpose of discussing regional educational performance improvement relating to EMS training, instructors, and Consolidated Test Sites (CTS).
- f. There will be a Medical Direction Board whose mission is to coordinate and oversee the medical direction function of the Council's EMS system.

- g. There will be a Training Committee whose mission is to develop and implement training programs for the various certification levels and specialty programs. The committee will be comprised of the Jurisdictional EMS Education Coordinators from each locality and/or agency represented within the Council region.

The President may appoint or authorize the appointment of such other committees as may be deemed necessary or appropriate to carry out the purpose of the Council.

Section 4. Committees at Discretion of the Board.

Each Committee shall be appointed by the Board, shall have at least two members, and shall serve at the pleasure of the Board. The Board may remove and replace committee members at any time for any reason by a majority vote.

The President shall have the power to name the committee chairpersons, who if possible, should be a member of the Board of Directors, and if not possible, should be a person who has expertise or knowledge in the committee's mission.

Section 5. Voting & Quorums.

- a. Vote In Person – No Proxies. Each Committee member at a meeting shall be entitled to one vote. No proxies are permitted – voting must be in person.
- b. Quorum Requirements.
 - 1. **Executive Committee Meetings.** A quorum shall be present if at least one-third of the Executive Committee Members are present.
 - 2. **Other Committee Meetings.** A quorum shall be present if at least one-half the committee members are present.

Less than a quorum may adjourn a meeting.

ARTICLE VIII – ANNUAL AND OTHER REPORTS

The President, Secretary, and Treasurer shall present to the Board at its Annual Meeting, a report, verified by them, showing the whole amount of

real estate and personal property owned by the Council, where located, and where and how invested, the amount and nature of the property acquired during the year immediately preceding the date of the report and the manner of its acquisition; the amount applied, appropriated or expended during such year and the purposes, objects and persons to or for which such application, appropriations and expenditures have been made; and the names and addresses of the Directors of the Board and Officers of the Council, which report shall be filed with the records of the Council and an abstract thereof entered in the minutes of the proceedings of the Annual Meeting of the Board of the Council. The Council shall also publish at least annually a report or reports adequately summarizing the activities of the Council and shall make such reports and the financial report specified above, available to each Director of the Board, the participating political subdivisions, and shall otherwise cause these reports to be given wide distribution.

Audit Required Each Year. A financial audit will be performed annually and presented to the Board.

ARTICLE IX - EXECUTIVE DIRECTOR

The Board shall be empowered to employ an Executive Director and such assistance as it may deem necessary for the carrying out of the purposes of the Council, at such salary or salaries as may be set by the Board. The Executive Director is the Chief Executive Officer of the staff and is responsible to the Board for the maintenance and operation of the Council's offices and acts under the immediate direction of the Board. The Executive Director is responsible for carrying out the policies and programs of the Council in accordance with the Articles of Incorporation, Bylaws, and policies adopted by the Board. The Executive Director shall be bonded in an amount sufficient to cover his/her responsibilities with the cost of such bond to be borne by the Council. The Executive Director is responsible for supervising/coordinating all staff and consultant services provided to the Council, and for preparing and presenting a proposed budget and work program to the Board. It is expected the Executive Director will attend all board meetings, report on the progress of the organization, answer questions of the Board members and carry out the duties described in the job description. The board can designate other duties as necessary. The Board

may ask the Executive Director to leave any meeting at any time, but it is anticipated this will only be done if the discussions involve the Executive Director.

ARTICLE X - EXECUTION OF INSTRUMENTS

All checks, bills of exchange, notes or other obligations or orders for payment of money shall be signed in the name of the Council by the Executive Director, President, Vice President or Treasurer or such other officer or officers as the Board may, from time to time, designate by resolution.

The Executive Director, President, Vice President, and Secretary shall have the authority to sign checks on behalf of the Council. All persons authorized to execute the instruments set forth in the Articles or to otherwise deal with the receipts and payments of funds of the Council shall be bonded by a corporate surety bond in an amount not less than the annual budget for this Council.

ARTICLE XI - FISCAL YEAR

Section 1. Period.

The fiscal year of the Council shall be from the first day of July to the thirtieth day of June, inclusive, or such other twelve-month period as the Board may designate by resolution.

Section 2. Budget.

Prior to the close of each fiscal year, the Board shall adopt a budget of income and expenses to control the finances of the Council during the next ensuing fiscal year. The adopted budget for any year may be revised from time to time at any meeting of the Board in light of changing conditions.

ARTICLE XII - DISSOLUTION AND DISTRIBUTION OF ASSETS

Should it become necessary for the Council to dissolve its organization, it will be done by a vote of two-thirds of all Board of Directors in office (not

just those present at that meeting) and in accordance to State of Virginia and federal regulations.

Upon the dissolution of the Council, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the IRS code, or corresponding section of any future federal tax code, or shall be distributed to the federal, state or local government which is served by the Council. Any such assets not disposed of shall be disposed of by the Court of the county in which the principal office of the Council is then located, exclusively for such purposes or to such organization(s) as said Court shall determine which are organized and operated exclusively for such purposes.

ARTICLE XIII - AMENDMENTS

These Bylaws may be amended or repealed at any meeting of the Board by an affirmative vote of two-thirds (2/3) of the Directors in office (not just those present) - but notice of the proposed change shall be sent out at least 15 days before the meeting at which such vote will occur.

ARTICLE XIV - INDEMNIFICATION

The Council may indemnify a director as allowed under Virginia Code Section 13.1-876, as amended.

The Council shall indemnify a director as required under Virginia Code Section 13.1-877, as amended.

The Council may pay for or reimburse reasonable expenses incurred by a director who is a party to a proceeding as allowed under Virginia Code Section 13.878, as amended.

A director may apply to the court for indemnification as provided for under Virginia Code Section 13.1-879.1

The determination and authorization of indemnification shall be made as provided for in Virginia Code Section 13.1-880, as amended.

Indemnification of officers shall be as provided for under Virginia Code Section 13.1-881, as amended.

The Corporation shall purchase a reasonable level of directors' and officers' liability insurance, the limits of which shall be determined by the Board.

Article XV - Virginia FOIA

The Council shall comply with the Virginia Freedom of Information Act (Chapter 37 of Title 2.2, as amended) as applicable when the requestor follows the outlined steps cited in the referenced document.

These amended and restated bylaws were adopted on October 21, 2015, to be effective as of that same date.

PRESIDENT, BOARD

SECRETARY, BOARD

Revision History

Description of Change	Change Effective Date
Revised & Approved by Board of Directors	10/2007
Revised & Approved by Board of Directors	5/2008
Revised & Approved by Board of Directors	9/2009
Approved by Board of Directors w/no revisions	12/2009
Approved by Board of Directors w/revisions	10/2015

D



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

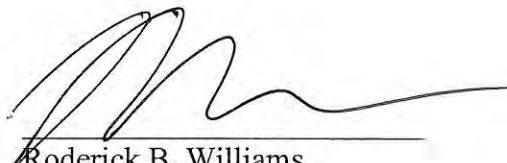
MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Brenda G. Garton, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: August 18, 2016
RE: Commissioner of Revenue Refund Requests



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

1. Interstate Rescue – \$9,267.20
2. Toyota Lease Trust – \$3,477.21



Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Brenda G. Garton, County Administrator

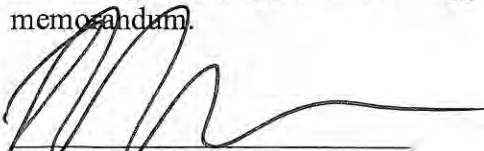
FROM: Roderick B. Williams, County Attorney

DATE: August 18, 2016

RE: Refund – Interstate Rescue

I am in receipt of the Commissioner's request, dated August 10, 2016, to authorize the Treasurer to refund Interstate Rescue the amount of \$9,267.20, for personal property taxes and penalties from 2013 through 2016. This refund resulted from an audit of the company on reported personal property filings that included non-taxable items.

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



August 10, 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 – Interstate Rescue

Please approve a refund of \$9,267.20 for personal property taxes and penalties for 2013 through 2016 in the name of Interstate Rescue. This refund is for adjustment of business personal property filings by Interstate Rescue that included non-taxable items, discovered after auditing their detail records.

To comply with requirements for the Treasurer to apply this refund board action is required.

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 \$9,267.20.

Date: 8/04/16

Cash Register: COUNTY OF FREDERICK

TIME: 10:00:00

Customer Name: INTERSTATE RESCUE

Total Transactions: 769
Customer Transactions: 7

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2013	1	00258470001	\$1,275.75-	\$139.27-	\$1,415.02-
-	PP2013	2	00258470002	\$1,275.75-	\$0.00	\$1,275.75-
-	PP2014	3	00265870001	\$1,275.75-	\$0.00	\$1,275.75-
-	PP2014	4	00265870002	\$1,275.75-	\$0.00	\$1,275.75-
-	PP2015	5	00269100001	\$1,275.75-	\$139.27-	\$1,415.02-
-	PP2015	6	00269100002	\$1,275.75-	\$0.00	\$1,275.75-
-	PP2016	7	00275950001	\$1,202.85-	\$131.31-	\$1,334.16-

Total Paid : \$9,267.20

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

Needs Board Approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Brenda G. Garton, County Administrator

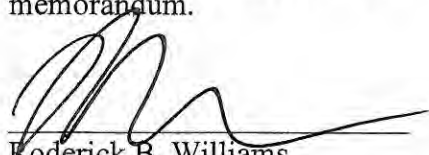
FROM: Roderick B. Williams, County Attorney

DATE: August 18, 2016

RE: Refund – Toyota Lease Trust

I am in receipt of the Commissioner's request, dated August 10, 2016, to authorize the Treasurer to refund Toyota Lease Trust the amount of \$3,477.21, for personal property taxes in 2016. This refund resulted from normal proration of vehicle taxes where vehicles financed by this company were either sold or moved from this locality.

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


Roderick B. Williams
County Attorney

Attachment



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



August 10, 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 – Toyota Lease Trust

Please approve a refund of \$3,477.21 for personal property taxes for 2016 in the name of Toyota Lease Trust. This refund is for proration of vehicles financed by Toyota Lease Trust but either sold or moved from our locality. All are part of the normal process of adding and deleting vehicles under proration rules.

To comply with requirements for the Treasurer to apply this refund board action is required.

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 \$3,477.21.

Date: 8/04/16

Cash Register: COUNTY OF FREDERICK

Time: 10:42:10

Customer Name: TOYOTA LEASE TRUST

Total Transactions: 769
Customer Transactions: 15

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2016	1	00580540025	\$109.96-	\$.00	\$109.96-
-	PP2016	2	00580540026	\$329.87-	\$.00	\$329.87-
-	PP2016	3	00580540031	\$37.51-	\$.00	\$37.51-
-	PP2016	4	00580540032	\$225.08-	\$.00	\$225.08-
-	PP2016	5	00580540038	\$397.41-	\$.00	\$397.41-
-	PP2016	6	00580540061	\$108.34-	\$.00	\$108.34-
-	PP2016	7	00580540062	\$650.02-	\$.00	\$650.02-
-	PP2016	8	00580540067	\$26.89-	\$.00	\$26.89-
-	PP2016	9	00580540068	\$161.36-	\$.00	\$161.36-
-	PP2016	10	00580540081	\$33.65-	\$.00	\$33.65-
-	PP2016	11	00580540082	\$201.88-	\$.00	\$201.88-
-	PP2016	12	00580540103	\$54.59-	\$.00	\$54.59-

Multiple Pages

Total Paid : \$3,477.21

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

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2016	13	00580540104	\$163.79-	\$.00	\$163.79-
-	PP2016	14	00580540135	\$244.22-	\$.00	\$244.22-
-	PP2016	15	00580540136	\$732.64-	\$.00	\$732.64-

Multiple Pages

Total Paid : \$3,477.21

Needs Board Approval

E



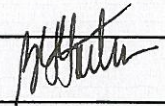
COUNTY of FREDERICK

Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

TO:	Board of Supervisors
FROM:	Brenda G. Garton, County Administrator 
SUBJECT:	Proposed 2017 Legislative Initiatives
DATE:	September 8, 2016

Attached please find a draft of proposed 2017 legislative initiatives for Frederick County. In an effort to differentiate between new initiatives and previously adopted initiatives, we have divided the document into two parts. Part I is proposed new items and Part II contains items from 2016 that are proposed to remain on the list for 2017. Many of the 2016 items are long standing positions of Frederick County (e.g. unfunded mandates, machinery & tools tax, equal taxing authority). Also, in order to help the Board in their decision making, this year we identified where the new items were initiated (e.g. board members, staff, etc.).

Staff is seeking three actions from the Board regarding the legislative initiatives. The first action is to determine those items that the Board would like to see included on its legislative agenda. The second action would be to establish a prioritization of three to five items, if desired, that will be the focus of the upcoming General Assembly session. The final action would be to adopt the legislative agenda and priorities. Once the Board has given its approval, staff will forward our agenda to our legislators.

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

Attachment

2017 LEGISLATIVE INITIATIVES
FREDERICK COUNTY, VIRGINIA

Proposed New Items:

1. **Medicaid coverage for jail inmates.** – Frederick County supports legislation to eliminate the ineligibility of incarcerated inmates to receive Medicaid benefits. Currently state law requires that incarcerated individuals lose their Medicaid coverage while they are in jail. This negatively impacts the locality's contribution to local or regional jail budgets, especially with the increasing numbers of chronically and mentally ill inmates on the rise. This proposed change would also allow state inmates to receive Medicaid benefits while incarcerated. -Initiated by NRADC Superintendent Jim Whitley and NRADC Chair Brenda Garton.
2. **Tax Incentives for Land Conservation** – Frederick County supports increasing the tax incentives in order to encourage landowners to participate in land conservation programs. – Initiated by Supervisor Slaughter.
3. **Funding for Public Education** – Frederick County supports the use of state lottery funds exclusively for public education. – Initiated by Supervisor Slaughter.
4. **Funding for transportation improvements** – Frederick County supports increased funding for transportation improvements, particularly additional lanes on Interstate 81. – Initiated by Supervisor Slaughter.
5. **Reconsideration of SB 549** – Frederick County encourages the General Assembly to reconsider the provisions of SB 549, which enacted § 15.2-2303.4 as an amendment to the Code of Virginia, so that localities might have the flexibility to better work with the development community in order to address the increased demand for public facilities and services (e.g. schools, roads, parks, and public safety services) caused by increased residential growth. At a minimum, the legislation needs to provide guidelines for localities to follow for implementation.– Initiated by County Attorney Rod Williams and Planning Director Michael Ruddy.
6. **Increased Funding for Revenue Sharing Projects** – Frederick County opposes the proposal to reduce the amount of funding available for revenue sharing projects. Frederick County supports increasing the amount money to be made available for revenue sharing projects. – Initiated by County Administration and Planning.
7. **Local Approval for Wireless Communications Facilities** – Frederick County supports the continuance of local government authority to approve the locations and conditions for the placement of wireless communications facilities. Any attachment or co-location of communications infrastructure on local government buildings and facilities and the fees for such attachment should be determined by the locality. – Recommended for inclusion by Thomas Dick, Frederick County's lobbyist.
8. **Commonwealth Opportunity Fund** – Frederick County supports maintaining existing funding levels the Commonwealth Opportunity Fund (COF). The COF has been the target of budget cuts over the past several years. Existing funding levels for the program must be, at a minimum, maintained. – Initiated by EDA Executive Director Patrick Barker.

9. **Economic Development Leadership** – Frederick County supports consistent leadership at the Virginia Economic Development Partnership because relationships are vital to economic development and maintaining those contacts over time is essential to a successful marketing program. Virginia's unique one-term gubernatorial term in the past led to a situation of frequent turnover of state economic development leadership. Consistency in leadership will maintain and enhance the business community's confidence as it makes decisions about investments in Virginia and will give Virginia's governors an experienced resource to accomplish their economic development goals and objectives. – **Initiated by EDA Executive Director Patrick Barker.**
10. **Career Technical and STEM Education** – Frederick County supports funding, access, and enhancements to Career Technical Education and Science, Technology, Engineering & Math (STEM) programs in order to enable employers to hire a quality workforce. – **Initiated by EDA Executive Director Patrick Barker.**
11. **Skill-Enhancing Non-Credit/Credentialing Courses** – Frederick County supports additional funding to increase opportunities for more non-credit credentialing courses provided through the Virginia Community College System in order to enhance the specific skills of workers needed by employers. – **Initiated by EDA Executive Director Patrick Barker.**
12. **Creating and Maintaining a Competitive Product** – Frederick County supports the Virginia Buildable Sites Initiative and other efforts to provide a more competitive product for those businesses looking to locate or expand in the Commonwealth. Site readiness is important to Virginia's economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites in the nation. – **Initiated by EDA Executive Director Patrick Barker.**
13. **Death with Dignity Act** – Frederick County encourages the General Assembly to consider and enact legislation to provide terminally ill residents the opportunity to end their life in a humane and dignified manner, similar to the Oregon Death with Dignity Act. – **Initiated Supervisor Fisher.**
14. **Definition of Meeting** - Code 2.2-3701. Change the definition of meeting to be one less than a majority or a quorum if a quorum is less than a majority. Draft changes below.

*"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § [2.2-3708](#) or [2.2-3708.1](#), as a body or entity, or as an informal assemblage of (i) ~~as many as three members~~ **one less than a majority** or (ii) a quorum, ~~if less than three~~ **if a quorum is less than a majority**, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. . .*

This change allows supervisors to get the input of more than one supervisor at a time when discussion an issue while still preventing back room deals. – **Initiated Supervisor Dunn.**

15. **Tax Returns Filed Electronically.** The Commonwealth states they would prefer electronic tax filings for simplicity and to expedite returns. Current law allows free tax filings for lower income earners and a fee for higher income earners. If the Commonwealth truly wants to encourage electronic filings for all taxpayers, change the law to have the same terms apply to all taxpayers. – **Initiated Supervisor Dunn.**

16. **Presidential primary** - Current law requires that to qualify for placement on the presidential ballot for primary elections, the candidates must get 5000 registered voters signatures including 200 signatures from each of the 11 congressional districts.

Change the law to eliminate the requirement that presidential candidates need to get signatures from each of the 11 congressional districts. All the states electoral votes go to the candidate who garners the most votes irrespective of which congressional district from which they were cast; and / or

Provide an alternative to the signature requirement: Change the law to state that any declared presidential candidate who campaigns in the Commonwealth three times on three separate days at three separate locations shall have his/her name put on the ballot with just 100 signatures. This will encourage candidates to campaign in Virginia so Virginians can hear their views without having to spend time and money gathering signatures. – **Initiated Supervisor Dunn.**

17. **Instant Run Offs or Alternative.** Frederick County supports legislation to enact instant run offs or an alternative run off for elected offices if no candidate achieves a majority of votes. . – **Initiated Supervisor Dunn.**

Items Previously Adopted as Part of 2016 Legislative Initiatives:

1. **Tax Exemptions** – Frederick County supports reverting authority to the locality to continue existing tax exemptions previously granted by the General Assembly, prior to January 1, 2003.
2. **Equal Taxing Authority for Counties Eligible for City Status** – Frederick County supports legislation to provide equal taxing authority for Counties based on population density (i.e. Counties that already have the population density to be eligible for city status should also be recognized for needing additional taxing authority to address the impacts of urbanization and higher density, as currently defined in the State Code).
3. **Machinery and Tools/BPOL Taxes** – Frederick County opposes any efforts to restrict local government revenue sources. Machinery and Tools Tax (M&T) represents \$5.7 million for the County and Business and Professional License Tax (BPOL) generates \$6 million in revenues.
4. **Education Funding** – Frederick County calls upon the Governor and General Assembly to fully fund the Virginia Standards of Quality as recommended by the Board of Education and the Standards of Accreditation.
5. **Cost of Competing** – Frederick County supports full reinstatement of the COCA (Cost of Competing Adjustment) for teachers and support staff.

6. **Nutrient Waste Load Allocations** – Frederick County opposes any reallocation of existing State Water Control Board (SWCB) approved nutrient allocations.
7. **High Speed Internet Availability** - Frederick County supports efforts that would improve access to high speed Internet for its citizens and businesses.
8. **Changes to Legal Notices** – With limited readership of the legal notices published in area newspapers, localities should be allowed to provide notice electronically and not be required to subsidize newspapers.
9. **Unfunded Mandates** – Frederick County opposes the enactment of any new mandates on local governments or school systems unless state appropriations are made to fully fund those mandates.
10. **Funding for State Mandated Positions** - Frederick County believes the state should meet its full funding obligations for constitutional officers and other state mandated positions. **Frederick County supports budget language that is clear and concise as it relates to any proposed pay increases for constitutional officers and other state mandated positions.** – Additional wording added by Finance and County Administration.
11. **Funding for Jails** – The state should fully fund any increased costs or operational issues faced by local or regional jails when a change to the definition of state-responsible prisoner or other term results in an increase.
12. **FOIA Rules** – Frederick County supports enactment of a FOIA provision to prohibit the release of home address, certification, and other personal information of law enforcement officers. Frederick County opposes the expansion of FOIA rules to provide for the release of County Administrator working papers and any requirement that the evaluation of the County Administrator and County Attorney take place in a public meeting.
13. **District Courts** – Frederick County supports legislation to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies. **Frederick County supports legislation to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies. This may include dividing the state into regional districts to account for the differences in housing and cost of living in different parts of the Commonwealth.** – new language added Supervisor Dunn.
14. **Election Costs and Districts** – Frederick County supports legislation that would decrease the costs of elections **and primaries** to localities and the provision of adequate funding to localities for optical scan and other voting equipment and registrar costs. The County also supports legislation to minimize and/or eliminate split voting precincts. **Frederick County supports legislation to for the General Assembly to fund 100% of the annual salaries of the General Registrars and Electoral Boards.** – Additional wording added by Voter Registrar Rick Miller.
15. ~~**Concussion Protocol for Parks and Recreation**~~ – The County supports the implementation of a baseline information system, in addition to doctors and trainers, as a means of clearing athletes

to return to the field of play following a concussion. - removed by Parks & Rec Director Jason Robertson

16. **Interest on Tax Refunds** – Frederick County supports legislation to eliminate the payment of interest on tax refunds resulting from taxpayer error.
17. **Alternative Septic System Inspections/Enforcement** – Frederick County requests the State provide adequate resources to local health departments to better enable them to track inspections and enforce inspection requirements for alternative septic systems **to include additional funding in order to hire sufficient staff to conduct inspections of alternative systems and ensure local offices are able to impose appropriate penalties for noncompliance.** – Additional wording added by staff for clarity.
- ~~18. **Ease of Ballot Access for President Primary Elections** – The County encourages that General Assembly to enact legislation to ease the ballot access requirements in order to enable more candidates to qualify for placement on the presidential ballot for primary elections. – **Removed by Voter Registrar Rick Miller. NOTE: (The General Assembly already lowered the standards in Virginia for candidates to qualify for placement on the presidential ballot for primary elections just in the last year or two. The standards went from 10,000 registered voter signatures, with 400 signatures coming from each of the 11 Congressional Districts to 5,000 signatures with 200 signatures from each of the 11 Congressional Districts.)**~~

CONSENT AGENDA

F



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO



To: Jay Tibbs, Deputy County Administrator for Human Services
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: August 10, 2016

The Parks and Recreation Commission met on August 9, 2016. Members present were: Patrick Anderson, Randy Carter, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Charles Sandy, Jr. and Blaine Dunn (Board of Supervisors' Non-Voting Liaison). Members absent was: Christopher Fordney

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Public Relations Committee – July 4th Celebration – Mr. Anderson updated the full commission of the Public Relations Committee meeting regarding July 4 and a merger with the Middletown event.
2. Mr. Madagan moved to not accept the Town of Middletown's request to combine our 4th of July events together and to keep both events separate with a caveat that our Public Relations Committee agrees to meet with Middletown's representative at their request to discuss ways to enhance each other's events that are acceptable and beneficial to both parties, second by Mr. Sandy, carried unanimously (6-0).

Attachments (2)

cc: Gary Longerbeam, Chairman
Blaine Dunn, Board of Supervisors' Non-Voting Liaison

G



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: August 12, 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, August 12, 2016. All HR Committee members were present. Others present were: Brenda Garton, County Administrator; Kris Tierney, Deputy County Administrator for Community Development; Jay Tibbs, Deputy County Administrator for Human Services; Melissa Rice, VW Program Manager; Lynsey Orndorff, HR Manager; Delsie Jobe, Administrative Services Manager, DSS; Sharon Kibler, Asst. Finance Director; Rod Williams, County Attorney; Gary Lofton, Board of Supervisors; Ashley Hicks, HR Recruiting Specialist; Jackie Jury, CSA Coordinator, and James Whitley, NRADC Superintendent.

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

1. HR Policy Revisions; see attachments:
 - a. Section VI, §6.1 Probationary Period Policy.
The Committee reviewed the attached policy revision. Upon a motion by Blaine Dunn, seconded by Beth Lewin, the Committee recommended approval of the policy revision; the motion was approved unanimously.
 - b. Section IX, Training & Tuition Assistance Policy.
The Committee reviewed the attached policy revision. Upon a motion by Beth Lewin, seconded by Robert Wells, the Committee recommended approval of the policy revision; the motion was approved unanimously.
 - c. Section XVI, §16.2, Part-Time Employment.
The Committee reviewed the attached policy revision. Upon a motion by Beth Lewin, seconded by Don Butler, the Committee recommended approval of the policy revision; the motion was approved with one opposed.
2. Request from the Commonwealth's Attorney's Office, Victim Witness Program Manager for an additional position allocation; see attachment.
Upon a motion by Robert Wells, seconded by Don Butler, the Committee recommended approval of the position; the motion was approved unanimously.
3. Request from the Deputy County Administrator, Children Services Act for an additional position allocation; see attachment.
Upon a motion by Don Butler, seconded by Dorrie Greene, the Committee recommended approval of the position; the motion was approved unanimously.

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

1. Bonus Ordinance: Discretionary Bonus Guidelines for Frederick County; see attached. The HR Committee will continue the discussion regarding the Bonus Ordinance.
2. The September 9th HR Committee Meeting has been cancelled.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Human Resources Committee

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

By: 
Becky A. Merriner
HR Director

VI. PROBATIONARY PERIOD

6.1 Objective

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work and all other attributes of the employee's performance required to perform the job in an acceptable manner, for securing the most effective adjustment of an employee to his position, for terminating any employee whose performance or other attributes of the employee's performance required to perform in an acceptable manner is not satisfactory, and for counseling and/or disciplining an employee and reviewing the work of such employee following counseling. Employees on disciplinary counseling and/or disciplinary probation are not eligible to apply for any open positions within Frederick County.

6.2 Duration

The probation period shall be six (6) calendar months for County employees and twelve (12) calendar months for law enforcement, correctional officers, communications officers, and firefighters/EMT's following an original employment or re-employment with the County, unless pursuant to 6.4 where probation will be extended. Counseling/disciplinary probation shall be such period up to six (6) calendar months as recommended by the Department Head and approved by the County Administrator, to commence after meeting with Department Head and employee.

6.3 Progress Meeting

The immediate supervisor/department head may request a progress meeting with the probationary employee at any time, to identify successes and shortcomings. The content of the meeting must be documented in writing and a copy made available to the employee. Subsequent follow-up may be requested to review the employee's progress toward a satisfactory performance evaluation.

6.4 Probationary Evaluation

The Department Head shall indicate in writing via the appropriate evaluation form:

- a. That he has discussed with the employee the employee's accomplishments, failures, strengths and weaknesses.
- b. Whether the employee is performing satisfactory work.
- c. Whether the employee should be placed on extended probation; or
- d. Whether the employee should be dismissed.

If at the end of the normal probationary period there is doubt about the employee's capability or willingness to perform satisfactorily, the probationary period may be extended to a maximum of an additional six (6) months, upon recommendation of the immediate supervisor and approval of the Department Head.

IX. TRAINING & TUITION ASSISTANCE POLICY

9.1 Training Policy

Participation in short courses, seminars, conferences, professional certification courses, meetings, etc., coincident with the employee's routine responsibilities will be paid for by the County at 100% subject to the availability of funds. With prior approval of the County Administrator or Department Head, in such forms as may be prescribed by the County, employees shall be reimbursed for all their expenses incurred such as meals per diem and mileage as defined in the Finance Department's Policies and Procedures guide for travel.

9.2 Tuition Assistance Policy

Tuition assistance benefits are available to all fulltime employees that have completed their probationary period with prior approval of the County Administrator. Employees may be reimbursed for the cost of tuition and books for courses taken through an accredited college or university and resulting college credits that relate directly to the employee's current job, or be a required core course to complete a job-related degree.

The amount appropriated to the tuition assistance program shall be determined each fiscal year. Reimbursement is subject to the availability of funds. Maximum reimbursement shall not exceed \$5,250 in a calendar year.

Eligibility for Reimbursement:

- a. The employee must successfully complete the course in the expected timeframe and receive a Grade "B" or better for graduate or undergraduate course; "Pass" if a Pass/Fail course.
- b. When the program or class is successfully completed the employee shall agree to remain employed with the County for a period of not less than 1 year for each 18 hours taken in the graduate program or from the end date of the last satisfactorily completed undergraduate class.
- c. Should the employee successfully complete the program or class but leave the employ of the County prior to completing his period of service as set forth above, the prorated amount of funding for service not rendered shall be repaid to the County.

With the approval of the County Administrator, the employee may be advanced the costs of tuition and books for approved courses, based upon written documentation by the Department Head and the employee that a financial hardship exists. Documentation shall include a written request for prepaid assistance by the employee and written approval by the Department Head. Costs to be incurred shall be set forth in full. The County Administrator shall review the request, and upon approval, shall require execution of a contract between the employee and the County whereby the employee will agree to reimburse the County, either through payroll deduction or surrender of sufficient accrued annual leave, the total cost of the prepaid assistance should the class not be completed with the required grade or better. In either case, the funds shall be reimbursed within ninety (90) days of the completion of the course.

9.3 In-Service Training

The County Administrator shall be responsible for the organization, conduct and execution of any other optional or mandatory training program which might be of value to County employees.

XVI. EMPLOYMENT CLASSIFICATIONS

16.1 Full Time Employment

Full time employment is defined as employment of any person who, in consideration of wages or salary, performs a service for the benefit and under the control of the County and whose position is authorized as full-time by the Board of Supervisors. Full time employment comprises a regularly scheduled workweek of at least 37.5 hours. Full time positions provide health and welfare benefits.

16.2 Part Time Employment

Part time employment is defined as employment of any person who is not in a position authorized as a full time position by the Board of Supervisors and works less than 37.5 hours per week. .

The County has established three categories of part time employment:

1. Regular Part Time- This type of part time employment is comprised of a workweek that averages 30 to less than 37.5 hours per week. Employees classified as regular part time will be entitled to personal leave at a rate of six (6) hours per month and may be entitled to healthcare benefits per the Affordable Care Act and/or other federal or state regulations. Hours worked will be measured during the period of May 1st – April 30th of each year.

Personal leave may not be used until it is earned. Personal leave hours must be used within the calendar year they are earned and will not be transferred to the subsequent year. Personal leave hours will be used only upon approval of the supervisor. Upon separation of employment, any unused personal leave hours will be paid out at the employee's hourly rate of pay at the time of separation.
2. Restricted Part Time- This type of part time employment is comprised of a workweek that averages less than 30 hours per week. Employees who retire from Frederick County and return to work on a part time basis will be eligible only for restricted part time employment.
3. Seasonal Part Time- This type of employment is intermittent in nature, irregular and infrequent, or based upon required work that is seasonal in nature. It generally has a specific and/or projected timeframe.



County of Frederick
Human Resources Department
Hiring Authorization Form

Department: Victim Witness Program

Job Title: Program Assistant

Reason: New Position Who?: _____

Budgeted Salary: \$ 29,500.⁰⁰ Line Item: _____

Would you recommend for internal posting only? ☐ YES ☒ NO

If Yes,
Why?:

Dept Head Signature: AEU Date: 8/8/2016

Submit this form to HR with current job description attached.

HR Section:

Received: 8/8/16 NO allocation - HR Committee 8/12/16

Approvals Required:

HR Director Signature: _____ Date: _____

County Administrator Signature: _____ Date: _____

Recruitment:

Date Posted: _____ Interview Date: _____

Date Position Offered: _____

Name of New Hire: _____

Start Date: _____ Salary: _____

County of Frederick, Virginia			
Position Details			
Position Title: Victim/Witness Program Office Assistant		Date Position Created:	
Department: Victim/Witness		Reports To: Victim/Witness Director	
<input type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	Date Prepared:	Prepared By:	
Range: 3		Salary: \$29,500-\$47,100	
G/L Line Item: 002-000-1001-2202-10			
Job Description			
Job Purpose: Responsible for assisting victim / witness Coordinator and Assistant Coordinator in administering the Victim / Witness program to include direct services and clerical support. Position receives general supervision.			
Essential Functions			
<ul style="list-style-type: none"> • Provides written materials to victims and witnesses which explain how to obtain services; • Assists victims in completing victim's compensation applications; • Maintains a system to assist victims in minimizing unnecessary trips to court; • Provides victims with information and assistance to facilitate the judicial process; • Provides accompaniment to court; • Assists victims in completing various forms and requests; • Assists victims in seeking restitution by providing information; • Coordinates direct services to crime victims; • Performs administrative and clerical functions. 			
Job Requirements:			
Education:			
Experience: Some knowledge of the state and local criminal justice system; Some knowledge of case management; Ability to assist clients by providing information, to perform complex clerical tasks, to work effectively with people. Ability to maintain confidentiality of information and security of records; ability to follow complex procedures.			
Knowledge/Skills: Skills in communicating clearly in both oral and written form. Skill and ability to use a personal computer, specifically with word processing and Windows '95 software. SPECIAL REQUIREMENTS A valid Commonwealth of Virginia driver's license may be required.			
Working Conditions:			
Physical Demands: Some office work but mostly working with people. Meeting people in their homes, transporting them to meetings and court. Regular contact with victims, daily contact with Sheriff's Office and Commonwealth's Attorney staff, occasional contact with members of other agencies. Communications will often be difficult and stressful for victims and witnesses.			

Supervisory Responsibilities:	
Number of Employees Supervised:	Number of Subordinate Supervisors Reporting to Job:
Approvals:	
Department Director:	Date:
HR Director:	Date:
Finance Director:	Date:
County Administrator:	Date:
Board of Supervisors Approval:	Date:



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator for Human Services

TO: Human Resources Committee

540/665-6382

FROM: Jay E. Tibbs., Deputy County Administrator for Human Services *JET* E-mail: jtibbs@fcva.us

Fax: 540/667-0370

DATE: August 11, 2016

RE: Request for Full-Time Position

This is a request to modify the current part-time CSA Assistant position into a full-time CSA Account Specialist. The current part-time position will become vacant at the end of the month and in conversations with the CSA Coordinator and the CSA Assistant, the responsibilities and workload for this position have grown such that it no longer lends itself to being a part-time position and it has evolved into more complex administrative tasks, which require a more defined skill set. A job description is attached for your reference.

By way of background, the part-time position was originally created to assist the CSA Coordinator by providing primarily financial responsibilities to include generating and monitoring purchase orders, vendor contracts, paying vendor invoices, completing case actions, maintaining CSA client files, completing co-payment assessments, and performing clerical duties. Since the position's creation we have increased the hours to 28 hours per week.

Over the same time period, the population served by CSA has increased nearly 40%. The maintenance of the necessary contracts and requirements of the contracting process have grown as well. As the population in Frederick County grows, the number of youth and families being served by the CSA office will follow suit. Based on information from prior years, it appears that these trends will continue. In addition, Commonwealth of Virginia mandates also continue to change and increase. As a result, CSA office requirements and responsibilities will continue to become more complex and add to the current workload.

It is anticipated that this position, should it be made full-time, will, in addition to existing duties, take on the responsibilities of maintaining the Family Assessment and Planning Team agenda and schedule, completing the Community Policy Management Team agenda and basic forms, maintaining client information in the Thomas Brothers software system, and will have more frequent contact with case managers, vendors, and other agencies.

It should be noted that we are seeking approval to create the full-time position not to create and then fund. The department has the money to fund this position and no appropriation or additional dollars are required.

We appreciate your consideration of this request.

Should you have any questions, please do not hesitate to contact me or Jackie Jury, CSA Coordinator.

Attachment

County of Frederick, Virginia**Position Details**

Position Title: CSA Account Specialist		Date Position Created:
Department: County Administration		Reports To: CSA Coordinator
<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non-Exempt	Date Prepared: 08/11/16	Prepared By: Deputy County Administrator for Human Services
Range: 4	Step:	Salary: \$32,300 – \$37,200
G/L Line Item: 4-018-53020-1001-000-002		

Job Description

Job Purpose: Performs financial, administrative, and clerical work pertinent to the department's function to ensure efficient operations. Performs related duties as assigned. Work is performed under regular supervision of the CSA Coordinator.

Essential Functions

- Data entry into client management information system;
- Generate and monitor vendor purchase orders, and process invoices and payments as they relate to client services, to include family co-payments;
- Maintain contracts and vendor files;
- Maintain Family Assessment and Planning Team meeting schedule and meeting agendas;
- Prepare Community Policy Management Team agenda, attend meetings and prepare meeting minutes;
- Maintain CSA case files;
- General filing;
- Processing incoming and outgoing mail;
- Other duties as assigned.

Job Requirements:

Education: Any combination of education and experience equivalent to graduation from a junior college, supplemented by extensive financial, secretarial, clerical and computer experience performed in a professional environment. Applicable experience or continued education in approved courses may be substituted on a year-to-year basis for any or all degree/experience requirements.

Experience: Considerable financial, clerical, and computer experience performed in a similar, professional environment.

Knowledge/Skills: Superior knowledge and use of standard office practices and procedures. Possess exceptional organizational skills. Ability to maintain schedules, disperse, monitor and prioritize work load. Possess strong communication skills. Ability to work independently with little supervision. Superior knowledge and use of business English, spelling and mathematics. Possess superior computer skills, using various programs. Ability to compose complex correspondence and other materials independently, or from marginal notes or drafts. Ability to follow complex oral and written instruction and the ability to produce, maintain and file complex records and reports. Proficient in the use of standard office equipment. Ability to serve as liaison with other departments, agencies and vendors. Attend meetings, report and disseminate information from such meetings. Ability to maintain a high level of confidentiality. Ability to establish and maintain professional and effective working relationships with co-workers, agencies, officials and vendors and possess professional telephone etiquette.

Working Conditions:

Physical Demands: Walking, talking, stooping, kneeling, bending, reaching, and gripping. Incumbent may be required on occasion to move and lift up to 30 lbs. (boxes, files, etc.); work long periods at a desk.

Supervisory Responsibilities:

Number of Employees Supervised: 0

Number of Subordinate Supervisors Reporting to Job: 0

Approvals:

Revision: 8/11/2016

Department Director: <i>Jay E. Till</i>	Date: 8/11/16
HR Director:	Date:
Finance Director:	Date:
County Administrator:	Date:
Board of Supervisors Approval:	Date:



County of Frederick
Human Resources Department
Hiring Authorization Form

Department: County Administrator's Office

Job Title: CSA Account Specialist

Reason: New Position Who?:

Budgeted Salary: \$ 0.00 Line Item: 4-018-53020-1001-000-002

Would you recommend for internal posting only? ☐ YES ☒ NO

If Yes,
Why?:

Dept Head Signature: Jay E. Tibbs Digitally signed by Jay E. Tibbs
DN: cn=Jay E. Tibbs, o=County of Frederick, VA, ou=County
Administration, email=jtibbs@fcva.us, c=US
Date: 2016.08.11 13:18:27 -04'00' Date: 08/11/16

Submit this form to HR with current job description attached.

HR Section:

Received: 8/11/16 no allocation - HR Committee 8/12/16

Approvals Required:

HR Director Signature: Date:

County Administrator Signature: Date:

Recruitment:

Date Posted: Interview Date:

Date Position Offered:

Name of New Hire:

Start Date: Salary:

Discretionary Bonus Guidelines for Frederick County

A discretionary bonus may be given to any county employee (full-time or part-time) as a special and immediate recognition and reward for exceptional performance, significant contributions, and substantial accomplishments well beyond normal or regular work responsibilities.

To ensure compliance, equity, and consistency when awarding a discretionary bonus, Department Heads shall submit appropriate documentation in writing to a review panel consisting of the Director of HR, Deputy County Administrator for Community Development, Deputy County Administrator for Human Services, and the County Administrator. The Board of Supervisors reviews and has final approval of discretionary bonuses for county officers and the County Administrator.

The taxable discretionary bonus amount, based on the availability of funds, shall be between \$25.00 and \$5,000.00. A discretionary bonus does not increase the base salary nor serve as a means to give a larger annual increase. This bonus is given at the discretion of management. Discretionary payments do not affect overtime pay of nonexempt employees. There is no guarantee or promise to pay a staff member a discretionary bonus.

Examples of situations where a discretionary bonus may be given include significant contribution and/or substantial accomplishment associated with:

- Major projects or initiatives (e.g., system implementation, new program implementation);
- Significant cost saving or cost avoidance realized beyond normally expected or established standards;
- Extraordinary effort during times of critical department need (e.g., meeting critical deadline that could otherwise have an adverse impact on critical business operations or major project);
- Contribution that clearly and significantly impacts the accomplishment of important and critical business operational goals, deliverables and/or timeline; or
- Significant health and safety contribution provided to the public or county employees.

A discretionary bonus is not appropriate for:

- Outstanding or excellent performance of ongoing, normal or regular job duties and responsibilities as well as achievements that may be reasonably expected from a staff member as these should be recognized as part of the annual performance and salary review process;
- Staff effort or work time that has no significant impact on a major project or initiative, or critical business need;
- Recognizing a staff member's long-term service, loyalty or commitment or
- Accomplishment of personal and career goals, skills and competencies, professional degree, certification, and registration.

H



COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Drive, Winchester, VA 22602

MEMORANDUM

TO: Board of Supervisors

FROM: LeeAnna Pyles,
Director Public Safety Communications

SUBJECT: Public Safety Committee Meeting.
Report for August 18, 2016

DATE: August 25, 2016

LeeAnna Pyles
Director,
Public Safety
Communications



A meeting of the Public Safety Committee was held on Thursday August 18, 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, Chuck Torpy, and Helen Lake. Also in attendance were County Attorney Rod Williams, Fire & Rescue Chief Denny Linaburg, Major Steve Hawkins, Communications Director LeeAnna Pyles, Deputy County Administrator for Human Services Jay Tibbs, Deputy Fire Chief Larry Oliver, Fire Marshal Jay Bauserman, Revenue Recovery Manager Chrissy Bauserman, Chief Chester Lauck and Assistant County Attorney Erin Swisshelm. The following items were discussed:

Item Requiring Board Action

1. **Review of Public Safety Committee Charter (See Attached):**

The Public Safety Committee unanimously recommended the verbiage under III Meetings: be changed to read: "The Committee shall meet bi-monthly or more or less frequently as circumstances dictate."

Discussion Items

2. **Fee for Service contract and MOU review (see attached):**

Revenue Recovery Manager Chrissy Bauserman informed the Committee that the fee for service program has been running smoothly and they have been getting very positive feedback from citizens. Chairman Fisher and the Committee, commended the department and staff on an outstanding effort in handling and running the fee for service program and making it very

positive and successful. Helen Lake recommended a press release be done to draw attention to the success of the program and those involved. Chairman Fisher requested Jay Tibbs to meet the County's PIO to work on this release. It was also recommended that Mr. Lofton, Chief Lauck, Chief Linaburg and Ms. Lake meet to review the current MOU and bring changes, if any, back to the committee at its next meeting.

3. Proposed ordinance regarding the clearing of fire hydrants in inclement weather:

Supervisor Dunn brought up the issue of clearing fire hydrants during inclement weather and who bears the responsibility. Fire Marshal Jay Bauserman read the sections from the Fire Code that addresses this issue and mentioned that laws are also in place for blocking/obstructing of hydrants. It was discussed that the City has "antenna rods" on top of their hydrants to help locate them during large snowstorms. The Committee made a motion for a PR campaign to run before and during snowy conditions to remind citizens to clear the hydrants, shovel sideways, etc. in their areas as it is a public safety concern. The Committee also asked staff to look into the "antenna rod" idea. Funding could possibly be obtained through a grant. Further information will be brought back at the next meeting.

4. Other Business:

Major Hawkins advised the Committee that in July the Sheriff's Department underwent an audit and has become accredited for 4 more years.

Chief Lauck mentioned that Chief Linaburg has recently been appointed to sit on the board of the State Fire Service Board.

Next Meeting: Date to be set for October 20, 2016 at 8:30 a.m.

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

Frederick County Board of Supervisor's Public Safety Committee Charter

I. Organization

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Public Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, and three (3) citizen members as appointed by the Chairman of the Board. Non-voting liaisons to the committee include: President of the Frederick County Fire & Rescue Association; Sheriff; Fire Chief; Director of Emergency Communications; County Administrator; County Attorney; Commonwealth's Attorney; and liaisons from the Winchester-Frederick General District Court and Winchester-Frederick Juvenile & Domestic Relations Court. This Charter shall govern the Committee with regard to its duties and responsibilities.

II. Purpose

The primary function of the Committee is to assist the Board in dealing with matters related to law enforcement and the criminal justice system of the county, court functions, fire and rescue functions, 911 service, the emergency communications center, and other related issues.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

III. Meetings

The Committee shall meet twelve (12) times annually or more or less frequently as circumstances dictate. The Chairman of the Board, the Chairman of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chairman of the Committee shall prepare or approve an agenda in advance of each meeting. Department heads or department representatives with items to be considered by the Committee shall be invited to the meetings. Other officials may be invited as necessary.

IV. Responsibilities

The Committee shall have the following duties and responsibilities:

1. Review and advise the Board of Supervisors with respect public safety and law enforcement initiatives.
2. Prepare minutes of all meetings of the Committee, and report to the Board on the matters discussed at each Committee meeting, as appropriate.
3. Forward all recommendation to the Board of Supervisors for final approval.
4. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.
5. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

**AGREEMENT BETWEEN
COUNTY OF FREDERICK, VIRGINIA
AND
ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX
CORPORATION
FOR AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES**

THIS AGREEMENT ("Agreement") is made and entered into this 22nd day of April, 2016 (the "Effective Date") by and between the County of Frederick, Virginia, a political subdivision of Virginia, with principal offices located at 107 North Kent Street, 3rd Floor, Winchester, Virginia 22601 ("Client") and Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, a Delaware Corporation with principal offices located at 6451 North Federal Highway, Suite 1000, Fort Lauderdale, Florida 33308 (Advanced Data Processing, Inc. is referred to herein as "Intermedix").

RECITALS

WHEREAS, Client provides emergency and non-emergency medical services, including ambulance transport ("EMS"), for residents and visitors in its jurisdiction, and charges for such services; and

WHEREAS, Intermedix provides billing, collection and related consulting services and equipment for municipalities and other providers of EMS; and

WHEREAS, the parties hereto now wish to enter into an agreement, pursuant to which Intermedix will render the Services as hereinafter provided;

NOW THEREFORE, the parties hereto agree as follows:

AGREEMENT

1. **ENGAGEMENT OF INTERMEDIX.** During the Term of this Agreement, except for accounts referred to a collection agency as provided herein, Intermedix shall be exclusively responsible for the billing and collection of all charges and fees resulting from the delivery of EMS by Client, including but not limited to all charges and fees to private insurers, Medicare, Medicaid, other governmental programs, individual patients and their responsible parties (collectively, "Payors").
2. **SCOPE OF SERVICES.** Intermedix shall perform and carry out Services as specifically described in Exhibit A (the "Scope of Services"; collectively the Scope of Services and the Billing Service (as defined in Section 3.01) are the "Services"), which is attached hereto and incorporated herein by this reference. Client reserves the right to request changes in the Scope of Services within Intermedix's capabilities, which changes shall be implemented upon mutual written agreement of the parties specifying such changes and any change in compensation attributable thereto.

3. ACCESS TO BILLING SYSTEM.

3.01 Right to Use. During the Term of this Agreement, Intermedix grants to Client, access to Intermedix billing system solely to view Client's accounts, run various reports, and access to all data associated with the billing and collection process which is wholly owned by Client ("Billing Service"). During the Term of this Agreement, Intermedix will not in any way transfer to any third party or use in direct or indirect competition with Client any information or data posted by or for the benefit of Client on Intermedix's website and acknowledges that all such information is confidential ("Confidential Information"). Intermedix further acknowledges that its handling of information on behalf of Client is or may be subject to federal, state or local laws, rules, regulation and restrictions regarding the privacy of consumer information. Intermedix agrees to comply with all of such laws, rules and regulations and restrictions, as is commercially reasonably possible, at its sole cost and expense. This Access to Billing System Section and all obligations contained therein will survive any termination or expiration of this Agreement.

3.02 User Restrictions. Client shall not, and shall not permit others to, without the express written consent of Intermedix: (i) use, receive, reproduce, copy, market, sell, distribute, license, sublicense, lease, timeshare, or rent the Billing Service, any other Service or any component thereof; (ii) modify, alter, translate or prepare derivative works based on the Billing Service or Documentation is permitted; (iii) disassemble, decompile, decrypt or reverse engineer the Billing Service or in any way attempt to discover or reproduce source code for the Billing Service, or any portion thereof; or (iv) develop or license any third party programs, applications, tools or other products which interface or interact with the Billing Service. Client agrees not to remove the copyright, trade secret or other proprietary protection legends or notices which appear on or in the Billing Service, any other Service or the Documentation.

3.03 Internet Access. Client shall be responsible for providing its own Internet access necessary to provide the Billing Service, and in no event shall Client be provided with direct access (by modem or otherwise) to the Billing Service server, other than access that is available to third parties generally through the Internet. The parties acknowledge that, since the Internet is neither owned nor controlled by any one entity, Intermedix makes no guarantee that any given user will be able to access the Billing Services at any given time. There are no assurances that access will be available at all times and uninterrupted, and Intermedix shall not be liable to Client for its inability to access the Billing Service.

3.04 Reporting. Operational and financial data reports for Client will be available on the Billing Services when the Billing Service is available. The format and content of the data will be established and defined by Intermedix and such reports may be added, modified or deleted without notice to Client. Notwithstanding the foregoing, Client may request that specific, custom reports be made available to it at an additional charge to be negotiated between Intermedix and Client.

3.05 Acknowledgement with Respect to Reports. With respect to each report generated for Client as part of the Billing Service, Client acknowledges and agrees: (i) such report represents a "snapshot" of a moment in time, and as such, the snapshot may not be accurate with respect to financial results on the whole; (ii) the underlying data may be subject to

correction from time-to-time, which may change the results of the report or its interpretation; and (iii) the data represented in the report constitutes only a limited portion of all data available regarding Client's business. Accordingly, any particular report may not accurately represent the Client's then-current or future financial condition.

3.06 Intellectual Property. Client agrees that the equipment, computer hardware and software, billing and collection processing, Services, Billing Service and other related systems and equipment are the property and trade secrets of Intermedix, and that Client will not release any information regarding such Confidential Information (as such term is defined in Section 11.01) and/or trade secrets of Intermedix to any third party without the prior written consent of Intermedix. Client further agrees that, in connection with the use of certain data entry devices, Client may gain access to the intellectual property of third parties. Client understands and agrees that it may be required to enter into agreements with respect to such intellectual property in order to use such equipment. Client agrees to enter into such arrangements at Intermedix's request.

3.07 Audit Rights. From time to time and upon reasonable prior written notice, Intermedix may audit Client's use of the Services to help ensure that Client is in compliance with the terms and conditions of this Agreement, including, but not limited to, any payment terms. Any such audit will be conducted during regular business hours at the applicable facilities of Client. Client will identify and cooperate with Intermedix (or its representatives) to provide Intermedix (or its representatives) with reasonable access to all relevant equipment, personnel and records.

4. CLIENT RESPONSIBILITY.

4.01 Generally. Client is responsible for all activity occurring under its User accounts and shall abide by all applicable laws and regulations in connection with its use of the Billing Service. Client will immediately (and in no event greater than twenty four (24) hours from Client's knowledge of the following) notify Intermedix and use best efforts to cease any further of the following: (i) any unauthorized use of a password or account or any other known or suspected breach of security; (ii) any copying or distribution of any content or other intellectual property of Intermedix related to the Services that is known or suspected by Client or its Users; (iii) any use of false identity information to gain access to or use the Billing Service or (iv) any loss or theft of a hardware device on which a User has access to the Billing Service (each of subsections (i) through (iv) a "Security Breach Event"). To the extent that any Security Breach Event involves Protected Health Information (as defined below), and is subject to the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936), including the privacy and security rules promulgated thereunder ("HIPAA"), as amended by the Health Information Technology for Clinical Health Act (Pub. L. No. 111-5, 123 Stat. 115) (the "HITECH Act"), Client shall comply with all applicable requirements under such laws, including any applicable breach notification requirements (i.e. notifications to affected individuals, the Department of Health and Human Services ("HHS"), and prominent media outlets) (the "HIPAA Notifications") triggered by the Security Breach Event. "Protected Health Information" means Individually Identifiable Health Information (defined at 45 C.F.R. § 160.103), transmitted or maintained in any form or medium, concerning individuals for whom the Client has performed EMS.

4.02 Rights Following Notification. Upon Intermedix's receipt of notification given by the Client of a Security Breach Event, Intermedix shall have the right to immediately, without notice to Client, suspend Client's access to the Billing Service until such time as the Security Breach Event has been fully resolved, and no longer presents a threat of inappropriate access to: (i) the Billing Services, (ii) any other intellectual property rights of Intermedix or its affiliates or (iii) the personal data or Protected Health Information gathered by Client in the performance of EMS by the Client. To the extent that a Security Breach Event requires Client to provide HIPAA Notifications, any such notifications shall not include a reference to Intermedix or any of its affiliates unless such a reference is specifically required by HIPAA or other applicable law. Further, if Client intends to reference Intermedix in a HIPAA Notification based on its belief that such a reference is required by HIPAA or other applicable law, Client shall provide Intermedix written notice of its intent to do so no later than ten (10) days prior to Client's provision of each required HIPAA Notification (i.e. no later than ten (10) days prior to Client's provision of notifications to affected individuals, HHS, and/or prominent media outlets, as applicable).

4.03 Security. Client acknowledges that it is solely responsible for providing security software, including without limitation, firewalls and similar applications, to prevent unauthorized access to its computer systems, including malware prevention software on User's computers. Client is responsible for requiring its Users to use a password to access the Billing Services in compliance with the Billing Security Characteristics. The "Billing Security Characteristics" means a password to access the Billing Services, which must be at least eight (8) characters in length, and contain three (3) of four (4) of the following characteristics: lowercase letter, uppercase letter, special character or a number. Intermedix shall use commercially reasonable efforts to maintain the security of the Billing Services, but shall not be responsible for the Client's loss or dissemination of passwords or other breaches beyond Intermedix's reasonable control.

5. COMPENSATION AND METHOD OF PAYMENT.

5.01 Fees. Intermedix shall be paid by Client a monthly amount representing fees for the Services provided by Intermedix hereunder, computed as follows:

(a) Five percent (5%) of all monies collected by Intermedix for EMS provided by Client less refunds ("Net Collections"), plus

(b) all amounts set forth in any Exhibit attached hereto.

5.02 Intermedix shall submit the monthly invoices for fees for the Services to: Frederick County Fire and Rescue Department, 1080 Coverstone Drive, Winchester, Virginia 22602 ATTN: Christine M. Bauserman, EMS Billing Manager. Client shall pay the amount invoiced within thirty (30) days of receipt of such invoice. In the event Client disputes any part of the invoiced amounts, such dispute shall be raised in writing to Intermedix within such thirty (30) day period or the invoice shall conclusively be deemed to be accurate and correct. Intermedix shall respond to any such notice of dispute within thirty (30) days of receipt thereof. Any overdue amounts which are not the subject of a good faith notice of dispute shall accrue interest at the rate of twelve percent (12%) per annum.

5.03 Bank Accounts. Client agrees that it will be solely responsible for the cost and maintenance of Client's bank accounts, lock-box and/or remote deposit services. Client, should it elect to participate in any credit card acceptance program, agrees to assume and be responsible for all costs associated with such program.

5.04 Taxes. All amounts payable under this Agreement are exclusive of all sales, use, value-added, withholding and other taxes and duties. Client shall promptly pay all taxes and duties assessed in connection with any such amounts, this Agreement and its performance by any authority within or outside of the U.S., except for taxes payable on Intermedix's revenue or net income.

6. COLLECTION EFFORTS.

6.01 Alternative Collection Arrangements. Intermedix will have the right, on Client's behalf, in its sole and complete discretion, to enter into an alternative collection arrangement with respect to any patient encounter performed by the Client if: (i) the total payments are for at least 80 percent of the amount of the bill; (ii) an insurance company offers at least 70% of the total amount billed with a stipulation that the insured not be billed for the balance; or (iii) Intermedix is able to make arrangements for the payment of patient account that provide a substantially similar economic benefit to Client, as Intermedix determines in its sole and complete discretion.

6.02 Scope of Collection Efforts. If reasonable efforts have been made to collect a patient account of Client and such efforts have not been successful, Intermedix shall have the right to terminate collection efforts and close the account as an unpaid debt. As used herein "reasonable efforts" shall be defined to mean at least but not limited to one hundred twenty (120) days of active collection efforts in the ordinary course of business. In addition, Intermedix may terminate or suspend collection efforts in the event that Client has supplied Intermedix with materially incomplete or inaccurate billing and/or patient information. Unless the Client specifically directs with respect to any patient encounter, Intermedix shall not forward accounts that it has deemed to be uncollectible to a third-party collection agency for further collection effort.

6.03 Administrative Fee/Third Party Collection Costs. Client will be responsible for engaging any third party collection service for uncollectible accounts after Intermedix has exhausted its collection efforts. Client will be directly liable for all fees of third party collection agency.

6.04 Excluded Persons. If any refunds of patient accounts of Client are required to be refunded to or offset by any government and commercial payor as a result of Client's violation of its obligations set forth in Exhibit A (Scope of Services), Section B.9. (an "Excluded Person Refund"), Intermedix shall not be required to refund to Client any commissions or fees earned or previously paid to Intermedix as a result of its collection of such Excluded Person Refund or otherwise include such Excluded Person Refunds in its calculation of Net Collections as set forth herein.

7. **SYSTEM SUPPORT.** Support and training of Client's Users will be provided subject to and in accordance with the terms of the Scope of Services.

8. **INDEPENDENT CONTRACTORS.** Intermedix is an independent contractor of Client and not an employee or agent of Client; provided, however, to the extent necessary to fulfill its billing and collection efforts under this Agreement, Intermedix is authorized to sign *in an administrative capacity* for Client the following types of standard forms and correspondence only; letters to patients or their representatives verifying that an account is paid in full; forms verifying the tax-exempt status of Client; and insurance filings and related forms. Intermedix has no authority to sign any document that imposes any additional liability on Client. Intermedix shall retain full control over the employment, direction, compensation and discharge of all persons assisting in the performance of the Services. Intermedix shall be fully responsible for all matters relating to payment of its employees, including compliance with social security, withholding tax and all other laws and regulations governing such matters. Each party shall be responsible for its own acts and those of its agents and employees during the Term of this Agreement.

9. **LIMITATION ON LIABILITY.** INTERMEDIX'S TOTAL CUMULATIVE LIABILITY UNDER THIS AGREEMENT WITH RESPECT TO THE BILLING SERVICES, EQUIPMENT OR OTHER SERVICES DELIVERED UNDER THIS AGREEMENT WILL BE LIMITED TO THE TOTAL FEES PAID (LESS ANY REFUNDS OR CREDITS) BY CLIENT TO INTERMEDIX PURSUANT TO THIS AGREEMENT DURING THE TWELVE (12) MONTHS IMMEDIATELY PRECEDING THE EVENT GIVING RISE TO THE LIABILITY. IN NO EVENT WILL INTERMEDIX BE LIABLE TO CLIENT UNDER, IN CONNECTION WITH, OR RELATED TO THIS AGREEMENT FOR ANY SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES, WHETHER BASED ON BREACH OF CONTRACT, WARRANTY, TORT, PRODUCT LIABILITY, OR OTHERWISE, AND WHETHER OR NOT INTERMEDIX HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. THE PARTIES ACKNOWLEDGE AND AGREE THAT THE FOREGOING LIMITATIONS OF LIABILITY ARE A CONDITION AND MATERIAL CONSIDERATION FOR THEIR ENTRY INTO THIS AGREEMENT.

10. **INSURANCE.** Intermedix shall procure and maintain for the duration of the Agreement, the following insurance coverage: (i) workers' compensation insurance in compliance with the applicable state and federal laws; (ii) general liability insurance in an amount no less than \$1,000,000 per occurrence; (iii) coverage for business interruption, destruction of data processing equipment and media, liabilities affecting accounts receivable, and valuable documents in an amount no less than \$100,000 aggregate; and (iv) liability coverage for all vehicles whether owned, hired or used in the amount of \$500,000.

11. **CONFIDENTIALITY AND HIPAA BUSINESS ASSOCIATE OBLIGATIONS.**

11.01 Confidential Information. Each party (the "Discloser") may disclose to the other party (the "Recipient") certain non-public information, specifically designated as confidential in compliance with the requirements of Va. Code § 2.2-4342(F) or that is confidential under HIPAA or the HITECH Act, relating to the Discloser's business, including technical, marketing, financial, personnel, planning, medical records and other information that is marked confidential

or which the Recipient should reasonably know to be confidential given the nature of the information and the circumstance of disclosure ("Confidential Information"). Confidential Information will not include any information: (i) lawfully obtained or created by the Recipient independently of, and without use of, Discloser's Confidential Information and without breach of any obligation of confidence or violation of HIPAA or the HITECH Act; or (ii) that is in or enters the public domain without breach of any obligation of confidence. Client shall be responsible for any breach by any of its Users, employees or agents of any of the confidentiality obligations set forth herein.

11.02 Use and Disclosure. Except as expressly permitted by this Agreement or the BA Agreement (as applicable) and subject to applicable law, the Recipient will:

(a) not disclose Discloser's Confidential Information except: (i) to the employees or contractors of the Recipient to the extent that they need to know that Confidential Information for the purpose of performing the Recipient's obligations under this Agreement, and who are bound by confidentiality terms with respect to that Confidential Information no less restrictive than those contained in this Section 11.02; or (ii) as required to be disclosed by law, to the extent required to comply with that legal obligation, provided that the Recipient will promptly notify the Discloser of such obligation;

(b) use the Discloser's Confidential Information only for the purpose of performing Recipient's obligations under this Agreement;

(c) use all reasonable care in handling and securing the Discloser's Confidential Information, and employ all reasonable data security measures that the Recipient ordinarily uses with respect to its own proprietary information of similar nature and importance; and

(d) use and disclose Confidential Information that contains Protected Health Information in accordance with the terms of the Business Associate Agreement attached hereto as Exhibit B (the "BA Agreement"), if applicable.

11.03 Return of Confidential Information. Subject to Intermedix's and Client's internal data retention policies and applicable law, the Recipient will return to the Discloser, and destroy or erase all of the Discloser's Confidential Information in tangible form, upon the expiration or termination of this Agreement, and the Recipient will promptly certify in writing to the Discloser that it has done so.

11.04 HIPAA Business Associate Exhibit/Changes In HIPAA. Each party agrees to the obligations set forth in the BA Agreement attached hereto as Exhibit B (the "BA Agreement"). Such BA Agreement constitutes the complete and exclusive agreement between the parties with respect to Intermedix's obligations regarding Protected Health Information, superseding and replacing any and all prior agreements, communications, representations, and understandings (both written and oral) regarding such subject matter; provided, however, that in the event of any additions, modifications or amendments to any statute or regulation including HIPAA or future federal regulations adopted pursuant thereto, then Intermedix and Client shall promptly enter into negotiations to revise the BA Agreement to reflect such changes. Upon the execution by the

parties of a revised BA Agreement (a "Revised BA Agreement"), such Revised BA Agreement will supersede the current BA Agreement in its entirety and such current BA Agreement will no longer be of any force or effect.

11.05 Right to Injunctive Relief. The parties expressly acknowledge and agree that the breach, or threatened breach, by a party of any provision of this Section 11 may cause the other party to be irreparably harmed and that the harmed party may not have an adequate remedy at law. Therefore, the parties agree that upon such breach, or threatened breach, the harmed party will be entitled to seek injunctive relief to prevent the other party from commencing or continuing any action constituting such breach without having to post a bond or other security and without having to prove the inadequacy of any other available remedies. Nothing in this paragraph will be deemed to limit or abridge any other remedy available to either party at law or in equity.

12. NON-SOLICITATION. For the Term of this Agreement and for one (1) year after its termination, Client or Intermedix shall not employ or hire any employee or former employees - who, pursuant to this Agreement, has had any contact with employees or representatives of either party or has worked on Client's accounts, without the prior written consent of Client and Intermedix.

13. ATTACHMENTS. The following named attachments are made an integral part of this Agreement:

- (a) Scope of Services (Exhibit A attached hereto and made a part hereof);
- (b) Business Associate Agreement (Exhibit B attached hereto and made a part hereof);

14. TERM AND TERMINATION.

14.01 Term. This Agreement shall be effective for an initial three-(3) year period, commencing on the Effective Date unless terminated as provided in Section 14.02 below (the "Initial Term"). Following the expiration of the Initial Term, subject to the payment of all fees due hereunder, this Agreement shall renew for successive, automatically renewable one (1) year periods ("Renewal Terms"; collectively, the Initial Term together with any Renewal Terms are the "Term"), unless either party provides the other party with written notice of termination of this Agreement as provided in Section 14.02 below. All terms and conditions hereof shall remain in full force and effect during the Term unless this Agreement is amended in a writing executed by each Party hereto.

14.02 Events Triggering Termination. This Agreement shall be subject to termination under the following conditions.

- (a) Termination without Cause. Following the period one (1) year from the Effective Date of this Agreement, either Client or Intermedix may terminate this Agreement without cause upon six (6) months prior written notice to the other party.

(b) Termination with Cause. If Intermedix materially fails to perform any obligation required hereunder, and such default continues for thirty (30) calendar days after written notice from Client specifying the nature and extent of the failure to materially perform such obligation, this Agreement shall terminate upon the expiration of said thirty (30) calendar day period.

(c) If Client materially fails to perform any obligation required hereunder, and such default continues for thirty (30) calendar days after written notice from Intermedix specifying the nature and extent of the failure to materially perform such obligation, this Agreement shall terminate upon the expiration of said thirty (30) calendar day period.

(d) Termination Due to Bankruptcy. If Client or Intermedix: (i) apply for or consent to the appointment of a petition in bankruptcy; (ii) make a general assignment for the benefit of creditors; (iii) file a petition or answer seeking reorganization or arrangement with creditors; or (iv) take advantage of any insolvency, or if any order, judgment, or decree shall be entered by any court of competent jurisdiction on the application of a creditor or otherwise adjudicating either party bankrupt or approving a petition seeking reorganization of either party or appointment of a receiver, trustee or liquidator of either party or all or a substantial part of its assets (subsections (i) through (iv), each a "Bankruptcy Event"), this Agreement shall terminate automatically and immediately upon written notice from the other party to the party who has incurred a Bankruptcy Event.

14.03 Rights Upon Termination. If this Agreement is terminated for any reason, including, without limitation, the breach of this Agreement by any party, Intermedix shall be entitled to recover when due and payable hereunder, all amounts owed to Intermedix hereunder accrued but unpaid as of the date of termination. Following termination of this Agreement, for a period of ninety (90) days (the "Transition Period"), Intermedix, at its sole discretion and upon written notice to Client of its election to do so, may continue its billing and collection efforts as to those accounts referred to Intermedix prior to the effective date of termination, subject to the terms and conditions of this Agreement, for the fee set forth in Section 5 above. At the end of the Transition Period, Intermedix shall return all records to Client in a commercially standard format on a commercially standard media as determined by Intermedix in its sole discretion; provided, however, that Intermedix may keep any copies of records in accordance with applicable law. The expiration or termination of this Agreement, for whatever reason, will not discharge or relieve either party from any obligation which accrued prior to such expiration or termination, will not relieve either party that has breached this Agreement from liability for damages resulting from such breach and will not destroy or diminish the binding force and effect of any of the provisions of this Agreement that expressly, or by reasonable implication, come into or continue in effect on or after expiration or termination hereof.

15. FORCE MAJEURE. Except for Client's obligation to pay, when due, the fees and compensation owed to Intermedix pursuant to the terms and conditions of this Agreement, neither Client nor Intermedix shall be considered to be in default of this Agreement if delays in or failure of performance shall be due to a Force Majeure Event (as defined below), the effect of which, by the exercise of reasonable diligence, the non-performing party could not avoid. The term "Force Majeure Event" shall mean any event which results in the prevention or delay of performance by a party of its obligations under this Agreement and which is beyond the

reasonable control of the non-performing party and includes, but is not limited to fire, flood, earthquakes, storms, lightning, natural disaster, epidemic, war, riot, civil disturbance, sabotage, terrorism and governmental actions. The non-performing party shall, within a reasonable time of being prevented or delayed from performance by an uncontrollable force, give written notice to the other party describing the circumstances and uncontrollable forces preventing continued performance of the obligations of this Agreement.

16. GOVERNING LAW. This Agreement will be governed by and construed in accordance with the laws of the State in which the Client is located, exclusive of its rules governing choice of law and conflict of laws.

17. GENERAL WARRANTIES AND DISCLAIMERS.

17.01 Corporate Authority. Each party warrants that it is a duly organized and validly existing corporation and has complete and unrestricted corporate power and authority to enter into this Agreement.

17.02 Disclaimer. THE WARRANTIES EXPRESSLY PROVIDED IN THIS AGREEMENT ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT, WHICH WARRANTIES ARE HEREBY SPECIFICALLY DISCLAIMED. NO REPRESENTATIVE OF INTERMEDIX SHALL HAVE THE RIGHT TO MAKE WARRANTIES ON INTERMEDIX'S BEHALF UNLESS THOSE WARRANTIES ARE IN WRITING AND EXECUTED BY A DULY AUTHORIZED OFFICER OF INTERMEDIX.

18. EXPORT LAWS. Client shall comply with all then current export laws and regulations of the U.S. Government and the government of the country in which Client receives access to the Services.

19. ASSIGNMENT OF AGREEMENT. This Agreement will bind and inure to the benefit of each party's permitted successors and assigns. Neither party shall assign this Agreement without the express written consent of the other party, and such consent shall not be unreasonably withheld. Notwithstanding the foregoing sentence, Intermedix may, upon notice to Client, assign this Agreement to any affiliate or any entity resulting from the sale, combination or transfer of all or substantially all of the assets or capital stock, or from any other corporate form of reorganization by or of Intermedix. Intermedix may subcontract any of its obligations under this Agreement, and may perform those obligations through personnel employed by or under contract with Intermedix.

20. NOTICES. Any notice directed to the parties' legal rights and remedies under this Agreement will be provided in writing and will reference this Agreement. Such notices will be deemed given if sent by: (i) facsimile, when complete transmission to the recipient is confirmed by the sender's facsimile machine; (ii) postage prepaid registered or certified U.S. Post mail, then five (5) working days after sending; or (iii) commercial courier, then at the time of receipt confirmed by the recipient to the courier on delivery. All notices to a party will be sent to its

address set forth below, or to such other address as may be designated by that party by notice to the other party in accordance with this Section:

To Client: Frederick County Fire and Rescue Department
107 North Kent Street, 3rd Floor
Winchester, Virginia 22601
Attn: Fire Chief Dennis D. Linaburg

To Intermedix: Intermedix Corporation
6451 North Federal Highway, Suite 1000
Fort Lauderdale, Florida 33308
Attn: Brad Williams, VP and CAO

21. SEVERABILITY. If all or a part of a provision of this Agreement is found illegal or unenforceable, it will be enforced to the maximum extent permissible, and the legality and enforceability of the remainder of that provision and all other provisions of this Agreement will not be affected.

22. ENTIRE AGREEMENT. This Agreement, including exhibits, attachments and written terms incorporated by reference, is the complete and exclusive agreement between the parties with respect to the subject matter hereof, superseding and replacing any and all prior agreements, communications, and understandings (both written and oral) regarding such subject matter. Pre-printed terms and conditions on or attached to any Client purchase orders or other business forms shall be of no force or effect, even if Intermedix acknowledges or accepts them.

23. AMENDMENT/WAIVER. This Agreement may be modified, or any rights under it waived, only by a written document executed by both parties. Any failure of a party to exercise or enforce any of its rights under this Agreement will not act as a waiver of such rights.

24. CONSTRUCTION OF AGREEMENT. This Agreement has been negotiated by the parties and its provisions will not be presumptively construed for or against the other party. The headings and Section titles in this Agreement are for convenience only, and will not affect the construction or interpretation of this Agreement.

25. NO THIRD PARTY BENEFICIARIES. Except as expressly provided in this Agreement, nothing in this Agreement shall confer upon any person other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities whatsoever.


26. COUNTERPARTS. The parties may execute this Agreement in one or more counterparts, each of which shall be an original, and which together shall constitute one instrument.

[Signature page to follow]

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their authorized representatives as of the Effective Date.

ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, a DELAWARE CORPORATION	COUNTY OF FREDERICK, VIRGINIA, A POLITICAL SUBDIVISION OF VIRGINIA
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By:


Name: Brad Williams
Title: Senior Vice President

By:

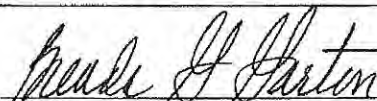

Name: Brenda G. Garton
Title: County Administrator

Exhibit A
Scope of Services

Base Services and Obligations:

- A. Intermedix shall provide revenue cycle management services for Client as described below. Intermedix shall, during the Term:
1. Prepare and submit initial claims and bills for Client promptly upon receipt thereof, and prepare and submit secondary claims and bills promptly after identification of the need to submit a secondary claim.
 2. Assist Client in identifying necessary documentation in order to process and bill the accounts.
 3. Direct payments to a lockbox or bank account designated by Client, to which Client alone will have signature authority.
 4. Pursue appeals of denials, partial denials and rejections when deemed appropriate by Intermedix.
 5. Respond to and follow up with Payors and respond to messages or inquiries from a Payor.
 6. Provide appropriate storage and data back-up for records pertaining to Client's bills and collections hereunder, accessible to Client at reasonable times.
 7. Maintain records of services performed and financial transactions.
 8. Meet, as needed, with representatives of Client to discuss results, problems and recommendations.
 9. Provide any Client-designated collection agency with the data necessary for collection services to be performed when an account is referred to such agency.
 10. Intermedix will support Client in filing and maintaining required documentation and agreements with commonly-used Payors (e.g. Medicare, Medicaid, Champus, etc.). The Provider will maintain responsibility for enrollment, required documentation, and agreements with Out of State Payors, such as Out of State Medicaid programs, and other payors not commonly billed
 11. Provide reasonably necessary training periodically, as requested by Client, to Client's emergency medical personnel regarding the gathering of the necessary information and proper completion of run reports.

12. Utilize up-to-date knowledge and information with regard to coding requirements and standards, to comply with applicable federal, state and local regulations.
13. Provide a designated liaison for Client, patient and other Payor concerns.
14. Provide a toll free telephone number for patients and other Payors to be answered as designated by Client.
15. Facilitate proper security of confidential information and proper shredding of disposed materials containing such information.
16. Establish arrangements with hospitals to obtain/verify patient insurance and contact information.
17. Respond to any Client, Payor or patient inquiry or questions promptly.
18. Maintain appropriate accounting procedures for reconciling deposits, receivables, billings, patient accounts, adjustments and refunds.
19. Provide reasonable access to Client for requested information in order for Client to perform appropriate and periodic audits. Reasonable notice will be given to Intermedix for any planned audit and will be conducted during normal business hours of Intermedix, all at the Client's expense.
20. Provide timely reports facilitating required aspects of monitoring, evaluating, auditing and managing the Services provided.
21. Process refund requests and provide Client with documentation substantiating each refund requested.
22. Assign billing to patient account numbers providing cross-reference to Client's assigned transport numbers.
23. Maintain responsibility for obtaining missing or incomplete insurance information.
24. Provide accurate coding of medical claims based on information provided by Client.
25. Negotiate and arrange modified payment schedules for individuals unable to pay full amount when billed.

26. Retain accounts for a minimum of twelve (12) months (unless otherwise specified by mutual agreement) and after twelve (12) months turn over accounts for which no collection has been made (unless insurance payment is pending) to an agency designated by Client.

27. Permit real-time read only electronic look-up access by Client to Intermedix's Billing Service to obtain patient data and billing information.

28. Maintain records in an electronic format that is readily accessible by Client personnel and that meets federal and state requirements for maintaining patient medical records.

29. Create, implement and comply with a Compliance Plan consistent with the Compliance Program Guidance for Third Party Medical Billing Companies 63 FR 70138; (December 18, 1998) promulgated by the Office of Inspector General of the Department of Health and Human

B. *Client's Responsibilities and Obligations:*

1. From each person who receives EMS from Client ("Patient"), Client shall use its best efforts to obtain and forward the following information ("Patient Information") to Intermedix:

- (i) the Patient's full name and date of birth;
- (ii) the mailing address (including zip code) and telephone number of the Patient or other party responsible for payment ("Guarantor");
- (iii) the Patient's social security number;
- (iv) the name and address of the Patient's health insurance carrier, name of policyholder or primary covered party, and any applicable group and identification numbers;
- (v) the auto insurance carrier address and/or agent's name and phone number if an automobile is involved;
- (vi) the employer's name, address and Workers Compensation Insurance information if the incident is work related;
- (vii) the Patient's Medicare or Medicaid HIC numbers if applicable;
- (viii) the Patient's or other responsible party's signed payment authorization and release of medical authorization form or other documentation sufficient to comply with applicable signature requirements;
- (ix) the call times, transporting unit, and crew members with their certification level, i.e. EMT, AEMT, Intermediate, or Paramedic;
- (x) odometer readings or actual loaded miles flown such that loaded miles may be calculated;

(xi) physician certification statements (PCS) for non-emergency transports that are to be billed to Medicare pursuant to CMS regulations; and

(xii) any other information that Intermedix may reasonably require to bill the Patient or other Payor.

2. Client represents and warrants that all information provided to Intermedix shall be accurate and complete. Intermedix shall have no obligation to verify the accuracy of such information, and Client shall be solely responsible for such accuracy. Client agrees to indemnify and hold Intermedix, its agents, and employees harmless from any and all liabilities and costs, including reasonable attorneys' fees, resulting from (a) any inaccurate or misleading information provided to Intermedix that results in the actual or alleged submission of a false or fraudulent claim or (b) any other actual or alleged violation of local, state or federal laws., including but not limited laws applicable to Medicare, Medicaid or any other public or private Payor or enforcement agency.

3. Client will provide Intermedix with necessary documents required by third parties to allow for the electronic filing of claims by Intermedix on Client's behalf.

4. Client will provide Intermedix with its approved billing policies and procedures, including dispatch protocols, fee schedules and collection protocols. Client will be responsible for engaging any third party collection service for uncollectible accounts after Intermedix has exhausted its collection efforts.

5. Client will timely process refunds identified by Intermedix for account overpayments and provide to Intermedix confirmation, including copies of checks and other materials sent.

6. Client will provide a lock box or bank account address to Intermedix and will instruct the lock box or bank custodian agency to forward all documents to Intermedix for processing.

7. Client will provide Intermedix with daily bank balance reporting capabilities via the bank's designated web site.

8. Client will cooperate with Intermedix in all matters to ensure proper compliance with laws and regulations.

9. Client represents and warrants that all of its employees, personnel and independent contractors involved in the delivery of EMS or otherwise performing services for Client: (i) hold the licensure or certification required to perform such services, (ii) have not been convicted of a criminal offense related to health care or been listed as debarred, excluded or otherwise ineligible for participation in a Federal health care program and (iii) are not excluded persons listed on any of the following: (a) the Office of the Inspector General List of Excluded Individuals and Entities; (b) the General Services Administration's Excluded Parties List; and (c) the Office of Foreign Asset Control's Specially Designated Nationals List.

10. Client agrees that it will forward to Intermedix copies of checks, or other payment documentation requested by Intermedix relating to the subject matter of this Agreement, within 10 days of the date of receipt of those payments.

11. Client agrees to notify Intermedix in the event that their Electronic Patient Care Reporting (ePCR) vendor performs any system upgrades. Notification may be made in writing to support@Intermedix.com.

Exhibit B
Business Associate Agreement

This Business Associate Agreement ("BA Agreement") supplements and is made part of the Underlying Agreement (as defined below).

This BA Agreement is entered into between **Frederick County Fire and Rescue Department, a Virginia municipal corporation** ("Covered Entity") and **Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, a Delaware Corporation** ("Business Associate"), effective as of the Effective Date of the Underlying Agreement.

WHEREAS, Covered Entity and Business Associate have entered into, or plan to enter into, a separate agreement, entitled Agreement for Ambulance Billing and Related Professional Services, as of the Effective Date, or other documented arrangement (the "Underlying Agreement"), pursuant to which Business Associate may provide services for Covered Entity that require Business Associate to access, create and/or use Protected Health Information ("PHI") that is confidential under state and federal law; and

WHEREAS, Covered Entity and Business Associate intend to protect the privacy and provide for the security of PHI disclosed by Covered Entity to Business Associate, or collected or created by Business Associate pursuant to the Underlying Agreement, in compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA"), and the regulations promulgated there under, including, without limitation, the regulations codified at 45 CFR Parts 160 and 164 ("HIPAA Regulations"); the Health Information Technology for Economic and Clinical Health Act, as incorporated in the American Recovery and Reinvestment Act of 2009, and its implementing regulations and guidance issued by the Secretary of the Department of Health and Human Services (the "Secretary") (the "HITECH Act"); and other applicable state and federal laws, all as amended from time to time, including as amended by the Final Rule issued by the Secretary on January 17, 2013 titled "Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules"; and

WHEREAS, the HIPAA Regulations require Covered Entity to enter into an agreement with Business Associate meeting certain requirements with respect to the Use and Disclosure of PHI, which are met by this BA Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein and the exchange of information pursuant to this BA Agreement, the parties agree as follows:

1. Definitions.

Capitalized terms used herein without definition shall have the meanings ascribed to them in the HIPAA Regulations or the HITECH Act, as applicable, unless otherwise defined herein.

2. Obligations of Business Associate.

a. Permitted Uses and Disclosures. Business Associate shall only Use or Disclose PHI for the purposes of (i) performing Business Associate's obligations under the Underlying Agreement and as permitted by this BA Agreement; or (ii) as permitted or Required By Law; or (iii) as otherwise permitted by this BA Agreement. Business Associate shall not Use or further Disclose PHI other than as permitted or required by this BA Agreement or as Required By Law. Further, Business Associate shall not Use or Disclose PHI in any manner that would constitute a violation of the HIPAA Regulations or the HITECH Act if so used by Covered Entity, except that Business Associate may Use PHI (i) for the proper management and administration of Business Associate; and (ii) to carry out the legal responsibilities of Business Associate. Business Associate may Disclose PHI for the proper management and administration of Business Associate, to carry out its legal responsibilities or for payment purposes as specified in 45 CFR § 164.506(c)(1) and (3), including but not limited to Disclosure to a business associate on behalf of a covered entity or health care provider for payment purposes of such covered entity or health care provider, with the expectation that such parties will provide reciprocal assistance to Covered Entity, provided that with respect to any such Disclosure either: (i) the Disclosure is Required By Law; or (ii) for permitted Disclosures when Required By Law, Business Associate shall obtain a written agreement from the person to whom the PHI is to be Disclosed that such person will hold the PHI in confidence and will not use and further disclose such PHI except as Required By Law and for the purpose(s) for which it was Disclosed by Business Associate to such person, and that such person will notify Business Associate of any instances of which it is aware in which the confidentiality of the PHI has been breached.

b. Creation and Use of De-Identified Data. Business Associate may de-identify any and all PHI, provided that any process or mechanism used to de-identify the data meets the requirements of 45 C.F.R. 164.514(a)-(b). Business Associate may use or disclose (and permit others to use or disclose) such de-identified data on a perpetual unrestricted basis, but in no case shall Business Associate attempt to run or develop any keys, codes or algorithms that may be used to re-identify the data.

c. Appropriate Safeguards. Business Associate shall implement administrative, physical and technical safeguards that (i) reasonably and appropriately protect the confidentiality, integrity and availability of electronic PHI that it creates, receives, maintains or transmits on behalf of Covered Entity; and (ii) prevent the Use or Disclosure of PHI other than as contemplated by the Underlying Agreement and this BA Agreement.

d. Compliance with Security Provisions. Business Associate shall: (i) implement and maintain administrative safeguards as required by 45 CFR § 164.308, physical safeguards as required by 45 CFR § 164.310 and technical safeguards as required by 45 CFR § 164.312; (ii) implement and document reasonable and appropriate policies and procedures as required by 45 CFR § 164.316; and (iii) be in compliance with all requirements of the HITECH Act related to security and applicable as if Business Associate were a "covered entity," as such term is defined in HIPAA.

e. Compliance with Privacy Provisions. Business Associate shall only Use and Disclose PHI in compliance with each applicable requirement of 45 CFR § 164.504(e). Business Associate shall comply with all requirements of the HITECH Act related to privacy and applicable as if Business Associate were a "covered entity," as such term is defined in HIPAA.

To the extent Business Associate is to carry out one or more of Covered Entity's obligation(s) under Subpart E of 45 CFR Part 164, Business Associate shall comply with the requirements of Subpart E that apply to Covered Entity in the performance of such obligation(s).

f. Duty to Mitigate. Business Associate agrees to mitigate, to the extent practicable and mandated by law, any harmful effect that is known to Business Associate of a Use or Disclosure of PHI by Business Associate in violation of the requirements of this BA Agreement.

g. Encryption. To facilitate Business Associate's compliance with this BA Agreement and to assure adequate data security, Covered Entity agrees that all PHI provided or transmitted to Business Associate pursuant to the Underlying Agreement shall be provided or transmitted in a manner which renders such PHI unusable, unreadable or indecipherable to unauthorized persons, through the use of a technology or methodology specified by the Secretary in the guidance issued under section 13402(h)(2) of the HITECH Act. Covered Entity acknowledges that failure to do so could contribute to or permit a Breach requiring patient notification under the HITECH Act and further agrees that Business Associate shall have no liability for any Breach caused by such failure.

3. Reporting.

a. Security Incidents and/or Unauthorized Use or Disclosure. Business Associate shall report to Covered Entity a successful Security Incident or any Use and/or Disclosure of PHI other than as provided for by this BA Agreement or permitted by applicable law within a reasonable time of becoming aware of such Security Incident and/or unauthorized Use or Disclosure (but not later than ten (10) days thereafter), in accordance with the notice provisions set forth herein. Business Associate shall take (i) prompt action to cure any such deficiencies as reasonably requested by Covered Entity; and (ii) any action pertaining to such Security Incident and/or unauthorized Use or Disclosure required by applicable federal and state laws and regulations. If such successful Security Incident or unauthorized Use or Disclosure results in a Breach as defined in the HITECH Act, then Covered Entity shall comply with the requirements of Section 3.b below. The Parties acknowledge and agree that this Section constitutes notice by Business Associate to Covered Entity of the ongoing existence and occurrence of attempted but Unsuccessful Security Incidents as defined herein. "Unsuccessful Security Incidents" will include, but not be limited to, pings and other broadcast attacks on Business Associate's firewall, port scans, unsuccessful log-on attempts, denials of service and any combination of the above, so long as no such incident results in unauthorized access, use or disclosure of PHI.

b. Breach of Unsecured PHI. The provisions of this Section 3.b are effective with respect to the Discovery of a Breach of Unsecured PHI occurring on or after September 23, 2009. With respect to any unauthorized acquisition, access, Use or Disclosure of Covered Entity's PHI by Business Associate, its agents or subcontractors, Business Associate shall (i) investigate such unauthorized acquisition, access, Use or Disclosure; (ii) determine whether such unauthorized acquisition, access, Use or Disclosure constitutes a reportable Breach under the HITECH Act; and (iii) document and retain its findings under clauses (i) and (ii). If Business Associate Discovers that a reportable Breach has occurred, Business Associate shall notify Covered Entity of such reportable Breach in writing within thirty (30) days of the date Business Associate Discovers such Breach. Business Associate shall be deemed to have discovered a

Breach as of the first day that the Breach is either known to Business Associate or any of its employees, officers or agents, other than the person who committed the Breach, or by exercising reasonable diligence should have been known to Business Associate or any of its employees, officers or agents, other than the person who committed the Breach. To the extent the information is available to Business Associate, Business Associate's written notice shall include the information required by 45 CFR § 164.410(c). Business Associate shall promptly supplement the written report with additional information regarding the Breach as it obtains such information. Business Associate shall cooperate with Covered Entity in meeting Covered Entity's obligations under the HITECH Act with respect to such Breach.

4. Business Associate's Agents. To the extent that Business Associate uses one or more subcontractors or agents to provide services under the Underlying Agreement, and such subcontractors or agents receive or have access to PHI, Business Associate shall sign an agreement with such subcontractors or agents containing substantially the same provisions as this BA Agreement.

5. Rights of Individuals.

a. Access to PHI. Within ten (10) days of receipt of a request by Covered Entity, Business Associate shall make PHI maintained in a Designated Record Set available to Covered Entity or, as directed by Covered Entity, to an Individual to enable Covered Entity to fulfill its obligations under 45 CFR § 164.524. Subject to Section 5.b below, (i) in the event that any Individual requests access to PHI directly from Business Associate in connection with a routine billing inquiry, Business Associate shall directly respond to such request in compliance with 45 CFR § 164.524; and (ii) in the event such request appears to be for a purpose other than a routine billing inquiry, Business Associate shall forward a copy of such request to Covered Entity and shall fully cooperate with Covered Entity in responding to such request. In either case, a denial of access to requested PHI shall not be made without the prior written consent of Covered Entity.

b. Access to Electronic Health Records. If Business Associate is deemed to use or maintain an Electronic Health Record on behalf of Covered Entity with respect to PHI, then, to the extent an Individual has the right to request a copy of the PHI maintained in such Electronic Health Record pursuant to 45 CFR § 164.524 and makes such a request to Business Associate, Business Associate shall provide such Individual with a copy of the information contained in such Electronic Health Record in an electronic format and, if the Individual so chooses, transmit such copy directly to an entity or person designated by the Individual. Business Associate may charge a fee to the Individual for providing a copy of such information, but such fee may not exceed Business Associate's labor costs in responding to the request for the copy. The provisions of 45 CFR § 164.524, including the exceptions to the requirement to provide a copy of PHI, shall otherwise apply and Business Associate shall comply therewith as if Business Associate were the "covered entity," as such term is defined in HIPAA. At Covered Entity's request, Business Associate shall provide Covered Entity with a copy of an Individual's PHI maintained in an Electronic Health Record in an electronic format and in a time and manner designated by Covered Entity in order for Covered Entity to comply with 45 CFR § 164.524, as amended by the HITECH Act.

c. Amendment of PHI. Business Associate agrees to make any amendment(s) to PHI in a Designated Record Set that Covered Entity directs or agrees to pursuant to 45 CFR § 164.526 at the request of Covered Entity or an Individual, and in the time and manner designated by Covered Entity.

d. Accounting Rights. This Section 5.d is subject to Section 5.e below. Business Associate shall make available to Covered Entity, in response to a request from an Individual, information required for an accounting of disclosures of PHI with respect to the Individual, in accordance with 45 CFR § 164.528, incorporating exceptions to such accounting designated under such regulation. Such accounting is limited to disclosures that were made in the six (6) years prior to the request and shall not include any disclosures that were made prior to the compliance date of the HIPAA Regulations. Business Associate shall provide such information as is necessary to provide an accounting within ten (10) days of Covered Entity's request. Such accounting must be provided without cost to the Individual or to Covered Entity if it is the first accounting requested by an Individual within any twelve (12) month period; however, a reasonable, cost-based fee may be charged for subsequent accountings if Business Associate informs Covered Entity and Covered Entity informs the Individual in advance of the fee, and the Individual is afforded an opportunity to withdraw or modify the request. Such accounting obligations shall survive termination of this BA Agreement and shall continue as long as Business Associate maintains PHI.

e. Accounting of Disclosures of Electronic Health Records. The provisions of this Section 5.e shall be effective on the date specified in the HITECH Act. If Business Associate is deemed to use or maintain an Electronic Health Record on behalf of Covered Entity, then, in addition to complying with the requirements set forth in Section 5.d above, Business Associate shall maintain an accounting of any Disclosures made through such Electronic Health Record for Treatment, Payment and Health Care Operations, as applicable. Such accounting shall comply with the requirements of the HITECH Act. Upon request by Covered Entity, Business Associate shall provide such accounting to Covered Entity in the time and manner specified by Covered Entity and in compliance with the HITECH Act. Alternatively, if Covered Entity responds to an Individual's request for an accounting of Disclosures made through an Electronic Health Record by providing the requesting Individual with a list of all business associates acting on behalf of Covered Entity, then Business Associate shall provide such accounting directly to the requesting Individual in the time and manner specified by the HITECH Act.

f. Agreement to Restrict Disclosure. If Covered Entity is required to comply with a restriction on the Disclosure of PHI pursuant to Section 13405 of the HITECH Act, then Covered Entity shall, to the extent necessary to comply with such restriction, provide written notice to Business Associate of the name of the Individual requesting the restriction and the PHI affected thereby. Business Associate shall, upon receipt of such notification, not Disclose the identified PHI to any health plan for the purposes of carrying out Payment or Health Care Operations, except as otherwise required by law. Covered Entity shall also notify Business Associate of any other restriction to the Use or Disclosure of PHI that Covered Entity has agreed to in accordance with 45 CFR § 164.522.

6. Remuneration and Marketing.

a. Remuneration for PHI. This Section 6.a shall be effective with respect to exchanges of PHI occurring six (6) months after the date of the promulgation of final regulations implementing the provisions of Section 13405(d) of the HITECH Act. On and after such date, Business Associate agrees that it shall not, directly or indirectly, receive remuneration in exchange for any PHI of Covered Entity except as otherwise permitted by the HITECH Act.

b. Limitations on Use of PHI for Marketing Purposes. Business Associate shall not Use or Disclose PHI for the purpose of making a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless such communication: (1) complies with the requirements of subparagraph (i), (ii) or (iii) of paragraph (1) of the definition of marketing contained in 45 CFR § 164.501, and (2) complies with the requirements of subparagraphs (A), (B) or (C) of Section 13406(a)(2) of the HITECH Act, and implementing regulations or guidance that may be issued or amended from time to time. Covered Entity agrees to assist Business Associate in determining if the foregoing requirements are met with respect to any such marketing communication.

7. Governmental Access to Records. Business Associate shall make its internal practices, books and records relating to the Use and Disclosure of PHI available to the Secretary for purposes of determining Covered Entity's compliance with the HIPAA Regulations and the HITECH Act. Except to the extent prohibited by law, Business Associate agrees to notify Covered Entity of all requests served upon Business Associate for information or documentation by or on behalf of the Secretary. Business Associate shall provide to Covered Entity a copy of any PHI that Business Associate provides to the Secretary concurrently with providing such PHI to the Secretary.

8. Minimum Necessary. To the extent required by the HITECH Act, Business Associate shall limit its Use, Disclosure or request of PHI to the Limited Data Set or, if needed, to the minimum necessary to accomplish the intended Use, Disclosure or request, respectively. Effective on the date the Secretary issues guidance on what constitutes "minimum necessary" for purposes of the HIPAA Regulations, Business Associate shall limit its Use, Disclosure or request of PHI to only the minimum necessary as set forth in such guidance.

9. State Privacy Laws. Business Associate shall comply with state laws to extent that such state privacy laws are not preempted by HIPAA or the HITECH Act.

10. Termination.

a. Breach by Business Associate. If Covered Entity knows of a pattern of activity or practice of Business Associate that constitutes a material breach or violation of Business Associate's obligations under this BA Agreement, then Covered Entity shall promptly notify Business Associate. With respect to such breach or violation, Business Associate shall take reasonable steps to cure such breach or end such violation, if possible. If such steps are either not possible or are unsuccessful, upon written notice to Business Associate, Covered Entity may terminate its relationship with Business Associate.

b. Breach by Covered Entity. If Business Associate knows of a pattern of activity or practice of Covered Entity that constitutes a material breach or violation of Covered Entity's

obligations under this BA Agreement, then Business Associate shall promptly notify Covered Entity. With respect to such breach or violation, Covered Entity shall take reasonable steps to cure such breach or end such violation, if possible. If such steps are either not possible or are unsuccessful, upon written notice to Covered Entity, Business Associate may terminate its relationship with Covered Entity.

c. Effect of Termination. Upon termination of this BA Agreement for any reason, Business Associate shall either return or destroy all PHI, as requested by Covered Entity, that Business Associate or its agents or subcontractors still maintain in any form, and shall retain no copies of such PHI. If Covered Entity requests that Business Associate return PHI, such PHI shall be returned in a mutually agreed upon format and timeframe. If Business Associate reasonably determines that return or destruction is not feasible, Business Associate shall continue to extend the protections of this BA Agreement to such PHI, and limit further uses and disclosures of such PHI to those purposes that make the return or destruction of such PHI not feasible. If Business Associate is asked to destroy the PHI, Business Associate shall destroy PHI in a manner that renders the PHI unusable, unreadable or indecipherable to unauthorized persons as specified in the HITECH Act.

11. Amendment. The parties acknowledge that state and federal laws relating to data security and privacy are rapidly evolving and that amendment of this BA Agreement may be required to ensure compliance with such developments. The parties specifically agree to take such action as is necessary to implement any new or modified standards or requirements of HIPAA, the HIPAA Regulations, the HITECH Act and other applicable laws relating to the security or confidentiality of PHI. Upon the request of Covered Entity, Business Associate agrees to promptly enter into negotiation concerning the terms of an amendment to this BA Agreement incorporating any such changes.

12. No Third Party Beneficiaries. Nothing express or implied in this BA Agreement is intended to confer, nor shall anything herein confer, upon any person other than Covered Entity, Business Associate and their respective successors or assigns, any rights, remedies, obligations or liabilities whatsoever.

13. Effect on Underlying Agreement. In the event of any conflict between this BA Agreement and the Underlying Agreement, the terms of this BA Agreement shall control.

14. Survival. The provisions of this BA Agreement shall survive the termination or expiration of the Underlying Agreement.

15. Interpretation. This BA Agreement shall be interpreted as broadly as necessary to implement and comply with HIPAA, the HIPAA Regulations and the HITECH Act. The parties agree that any ambiguity in this BA Agreement shall be resolved in favor of a meaning that complies and is consistent with such laws.

16. Governing Law. This BA Agreement shall be construed in accordance with the laws of the State of Florida.

17. Notices. All notices required or permitted under this BA Agreement shall be in writing and sent to the other party as directed below or as otherwise directed by either party, from time

to time, by written notice to the other. All such notices shall be deemed validly given upon receipt of such notice by certified mail, postage prepaid, facsimile transmission, e-mail or personal or courier delivery:

If to Covered Entity: Frederick County Fire and Rescue Department
107 North Kent Street, 3rd Floor
Winchester, Virginia 22601
Attn: Fire Chief Dennis D. Linaburg
Telephone no: (540) 665-5618
Facsimile no: (540) 678-4739
Email Address: dlinabur@fcva.us

If to Business Associate: Intermedix Corporation
6451 North Federal Highway, Suite 1000
Fort Lauderdale, Florida 33308
Attn: Chief Compliance Officer
Telephone no: (954) 308-8700
Facsimile no: (954) 308-8725

EXPENSE RECOVERY MEMORANDUM OF UNDERSTANDING

1. **Parties:** As of April 15, 2013, the parties to this Memorandum of Understanding ("MOU") are the County of Frederick, Virginia (the "County"), a political subdivision of Virginia, acting through its Fire and Rescue Department, the Frederick County Fire & Rescue Association (the "Association"), an unincorporated association, and the following "Participating Companies", each of which is a Virginia corporation: Stephens City Volunteer Fire and Rescue Company, Inc., Middletown Volunteer Fire and Rescue Company, Inc., Clear Brook Volunteer Fire and Rescue, Inc., Gore Volunteer Fire Company, Round Hill Community Fire and Rescue Company, Inc., Gainesboro Fire Company, Inc., Star Tannery Volunteer Fire Department, Greenwood Volunteer Fire and Rescue Company, Inc., North Mountain Volunteer Fire Company, Inc. and Millwood Station Volunteer Fire and Rescue Company 21, Inc. (each may be referred to individually herein as a "Participating Company"). The following "Non-Participating Companies", each of which is a Virginia corporation, join this MOU solely for purposes of Sections 1, 4, or 6: Reynolds Store Volunteer Fire and Rescue Company, Inc. (each may be referred to individually herein as a "Non-Participating Company"). As long as a company is a "Non-Participating Company", its consent shall not be required for amendments to this MOU, other than as to any amendment to Section 1, 4, or 6. The Participating Companies and the Non-Participating Companies are jointly referred to herein as a "Volunteer Company" or the "Volunteer Companies".
2. **Purpose:** The purpose of this MOU is to set forth the responsibilities of the County, the Association, and the Participating Companies for operation of the "Expense Recovery Program" (also referred to herein as the "Program"), under which program the County and the Participating Companies will seek to recover certain of their expenses incurred in providing emergency medical services ("EMS").
3. **County Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the County will:
 - A. Pay all costs, including salary and benefits, associated with the utilization of one County employee intended specifically to provide on-going administrative support for Program, including all costs of any third-party billing services provider and including the cost of consumable equipment and supplies used on EMS calls, with all costs under this Section 3A to be subtracted and paid from the gross revenue collected under the Program, before disbursements are made, pursuant to Section 3D, to the County and to the Participating Companies.
 - B. Maintain the revenue generated from the Program in an account dedicated to expense recovery and separate from any other County revenue.
 - C. Provide a quarterly accounting related specifically to revenues and expenses associated with the Program.
 - D. Distribute to the Participating Companies, no less frequently than quarterly, net revenue received under the Program, based on each individual Participating Company's actual

transports, to include 100% of billable mileage expenses and 50% of the net revenue after billable mileage expenses.

- E. The County will not increase, reduce, or eliminate funding (to any amount different from what a Participating Company receives) for Non-Participating Companies.

4. **Volunteer Company Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the Volunteer Companies will:

- A. Maintain apparatus in serviceable condition to meet Virginia State Police vehicle inspection requirements and the Virginia Department of Health, Office of Emergency Medical Services regulations.
- B. Have and follow a preventative maintenance program for all fire and rescue apparatus.
- C. Keep maintenance records on file for all fire and rescue apparatus, to meet federal and state regulations, and make such records available for review by the County upon request.
- D. Adhere to all Standard Operating Guidelines established by the Association as approved by the Chiefs Workgroup.
- E. Submit an annual Capital Improvement Plan (CIP) to the County as part of the County's annual CIP process.
- F. Use the revenue generated from the Program only for purposes of covering:
 - 1. operating expenses;
 - 2. existing debt service, and
 - 3. new debt service (i.e., apparatus), but not for new debt service of bricks and mortar.The Volunteer Companies shall not, however, pledge, as security for any debt, any revenue generated from the Program.
- G. Submit an annual financial statement to the County for audit by the County's auditor that includes particular items as requested by the County's auditor.
- H. Not change second, third, due etc. assignments to prevent Participating Companies from responding into first due areas of Non-Participating Companies.
- I. Complete all incident documentation in a timely fashion, i.e. within 24 hours from the time an incident is handled.

5. **Joint Responsibilities of the County and the Participating Companies:** As part of the shared responsibility for the Expense Recovery Program, the County and the Participating Companies will:

- A. Manage the Program generally and select a private "third-party" billing agency.
- B. Pay all costs associated with the utilization of a private "third-party" billing agency, with such costs to be subtracted from the gross revenue collected under the Program, before disbursements are made to the County and to the Participating Companies.

C. Adhere to the practice of "soft billing", as described in the Expense Recovery Policies as set forth in the Standard Operating Guidelines.

6. **Association Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the Association will:

A. Assist in ensuring compliance with all Standard Operating Guidelines established by the Association as approved by the Chiefs Workgroup.

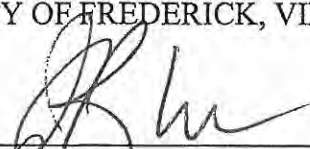
B. In the event amendments to this MOU are to be considered, the Association will act as the coordinator for the Volunteer Companies and as the representative between each Volunteer Company and the County.

7. **Amendments:**

A. The County and the Volunteer Companies do not intend to modify any items listed in this MOU for a minimum of 2 years, but agree that, in the event of unforeseen circumstances, they will proceed in good faith to consider appropriate modification at such sooner time as may be necessary. The parties recognize that this MOU cannot address every procedural issue that may be encountered and they state their intention to review this MOU at least once every two years to identify appropriate amendments. This MOU may be amended only by a written document signed by all parties hereto.

B. Should a Volunteer Company choose to opt in to become a "Participating Company" in the Expense Recovery Program or opt out from being a "Participating Company" in the Expense Recovery Program, it may only do so effective at the beginning of a fiscal year (July 1), upon 60 days advance written notice to the County and the Participating Companies and Non-Participating Companies. Opting in or opting out does not preclude a Volunteer Company from opting in or opting out for a future fiscal year.

COUNTY OF FREDERICK, VIRGINIA

By:  _____

Date: 4-16-2013

Title: County Administrator

FREDERICK COUNTY VOLUNTEER FIRE & RESCUE ASSOCIATION

By:  _____

Date: 4/15/13

Title: President

STEPHENS CITY VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: [Signature]
Title: President

Date: 4/15/2013

MIDDLETOWN VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: [Signature]
Title: FIRE Chief

Date: 4/15/2013

CLEAR BROOK VOLUNTEER FIRE AND RESCUE, INCORPORATED

By: [Signature]
Title: Fire Chief

Date: 4/15/2013

GORE VOLUNTEER FIRE COMPANY

By: B.H. McDonald
Title: safety off. / B.O.D.

Date: 4/15/2013

ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY, INCORPORATED

By: [Signature]
Title: President

Date: 4/15/2013

GAINESBORO FIRE COMPANY, INCORPORATED

By: [Signature]

Date: 4/15/2013

Title: PRESIDENT

STAR TANNERY VOLUNTEER FIRE DEPARTMENT

By: Josh W. Reed

Date: 4-15-2013

Title: President

GREENWOOD VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: Wad Clay

Date: 15 April 2013

Title: President

NORTH MOUNTAIN VOLUNTEER FIRE COMPANY, INCORPORATED

By: Roger L. Milburn

Date: 4-15-13

Title: Vice President

REYNOLDS STORE VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: James A. Miller JR

Date: 4-15-13

Title: Chief

MILLWOOD STATION VOLUNTEER FIRE AND RESCUE COMPANY 21,
INCORPORATED

By: Robert A. Jenkins

Date: 4-15-13

Title: Treasurer

I



COUNTY of FREDERICK

Finance Department
Cheryl B. Shiffler
Director

540/665-5610
Fax: 540/667-0370
E-mail: csuffle@fcva.us

TO: Board of Supervisors
FROM: Finance Committee
DATE: September 7, 2016
SUBJECT: Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 17, 2016 at 8:00 a.m. Member Angela Rudolph and non-voting liason C. William Orndoff, Jr. were absent. (b) Items 8, 9, 12, 13, and 14 were approved under consent agenda.

1. The Parks and Recreation Director requests an FY17 General Fund supplemental appropriation in the amount of \$13,163. This amount represents a carry forward of unspent FY16 funds for the completion of phase one development at Rose Hill Park. See attached memo, p. 5. The committee recommends approval.
2. The Parks and Recreation Director requests an FY17 General Fund supplemental appropriation in the amount of \$4,111.71. This amount represents a carry forward of unspent FY16 funds for the completion of the Sherando Park Master Plan update. See attached memo, p. 6. The committee recommends approval.
3. The NRADC Superintendent requests an FY17 NRADC Fund supplemental appropriation in the amount of \$105,475.42. This amount represents the first bond payment for the security system upgrades. See attached memo, p. 7. The committee recommends approval.
4. The Winchester Regional Airport Executive Director requests an FY17 Airport Capital Fund supplemental appropriation in the amount of \$4,206,400 and an FY17 General

- Fund supplemental appropriation in the amount of \$157,333. These amounts represent the Airport Capital budget for FY17 and the local contribution. The Airport Capital request requires a public hearing. See attached information, p. 8 – 24. The committee recommends approval.
5. The IT Director requests an FY17 General Fund supplemental appropriation in the amount of \$108,032. This amount represents a carry forward of unspent FY16 funds for the data center refresh lease. See attached memo, p. 25. The committee recommends approval.
 6. The Public Works Director requests an FY17 Landfill Fund supplemental appropriation in the amount of \$15,000. This amount represents a carry forward of unspent FY16 funds for chiller repair on the landfill gas treatment skid. See attached memo, p. 26 – 27. The committee recommends approval.
 7. The Public Works Director requests an FY17 General Fund supplemental appropriation in the amount of \$12,560. This amount represents funds for a scanner lease and software. See attached memo, p. 28 - 42. The committee recommends approval.
 8. (b) The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$100. This amount represents a donation to the Honor Guard. No local funds required. See attached memo, p. 43.
 9. (b) The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$300. This amount represents a donation to DARE. No local funds required. See attached memo, p. 44.
 10. The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$20,000. This amount represents career development funding that was inadvertently omitted from the FY17 budget request. Local funds are required. See attached memo, p. 45. The committee recommends the department transfer within current budget. No action required.

11. The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$25,000. This amount represents funds to implement an electronic summons system. No local funds required. See attached memo, p. 46. The committee recommends approval.
12. (b) The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$9,750.03. This amount represents an auto claim. No local funds required. See attached memo, p. 47.
13. (b) The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$514.08. This amount represents a carry forward of unspent FY16 Abbott grant funds. See attached memo, p. 48.
14. (b) The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$31. This amount represents a donation to the K-9 program. No local funds required. See attached memo, p. 49.
15. Per the Finance Committee's request, information on County committee/commission pay is provided for discussion. See attached, p. 50. The committee requests the County Administrator present a recommendation at the September Finance Committee meeting. No action required.
16. Per the Finance Committee's request, the County Transfer Policy is provided for discussion. See attached, p. 51. The committee made no recommendation. No action required.

INFORMATION ONLY

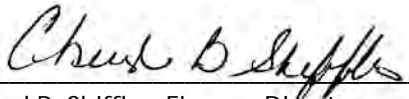
1. The Finance Director provides a Fund 10 Transfer Report for July 2017. See attached, p. 52.

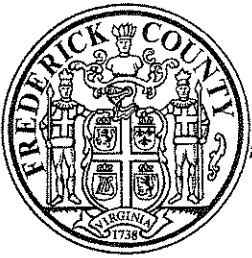
2. The Transportation Director provides an update on the Russell 150 project spending.
See attached, p. 53.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman
Charles DeHaven
Gary Lofton
Bill Ewing

By 
Cheryl B. Shiffler, Finance Director



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

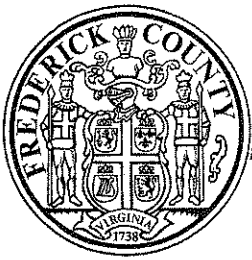
To: Frederick County Finance Committee
From: Jason Robertson, Director of Parks & Recreation
Subject: Fiscal 2016 Carry Forward
Date: August 11, 2016

The Parks and Recreation Department is requesting a fiscal 2016 fund carry forward of \$13,163 in line 4-010-071030-8900-000-000 to fiscal 2017.

The \$13,163 is needed for the completion of phase 1 development at Rose Hill Park. This will include the completion of the trail, restroom and shelter.

bal 8/10/16 15563
July pcard <2400>

\$13,163



COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: fcprd@fcva.us

www.fcprd.net

MEMO

To: Frederick County Finance Committee
From: Jason Robertson, Director of Parks & Recreation
Subject: Fiscal 2016 Carry Forward
Date: August 11, 2016

The Parks and Recreation Department is requesting a fiscal 2016 fund carry forward of \$4,111.71 in line 4-010-071030-3002-000-000 to fiscal 2017.

The \$4,111.71 is needed for the completion of the Sherando Park Master Plan update.

bal 8/10/16 7,711
July paid 0
\$7,711

Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent



141 Fort Collier Road, Winchester, VA 22603
(540) 665-6374 (540) 665-1615 FAX

MEMORANDUM

To: Cheryl Shiffler, Frederick County Finance Director
From: James F. Whitley, Superintendent *JFW*
Date: July 27, 2016
Subject: Fund Balance Transfer

Request approval to transfer \$105,475.42 from 11-000240-2530, Unreserved Fund Balance, to the following line item:

4-011-092010-5880-001 Transfer to Debt Service

This request is for the first payment of the 2016 Bond for the Security Systems Upgrade. Final numbers weren't received for the Bond until after the FY17 budget was approved.

Your consideration of this request is most appreciated.



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

July 18, 2016

Cheryl Shiffler, Finance Director
County of Frederick
107 North Kent Street
Winchester, Virginia 22601

RE: FY 2017 Capital Budget Request
Winchester Regional Airport Authority

Dear Ms. Shiffler:

Enclosed is the Winchester Regional Airport budget request for the Capital Budget for FY 2017.

The Winchester Regional Airport Authority will begin the annual financial audit process for FY 2016 performed by Robinson, Farmer Cox Associates of Charlottesville, Virginia sometime over the next several months. Upon completion of the audit, we will immediately mail the year-end financial statement to your office.

The development of the capital budget has been coordinated closely with representatives from the Federal Aviation Administration and the Virginia Department of Aviation for FY 2017 to maximize potential grant funding. This capital budget request for FY 2017 includes projects carried over from FY 2016 which are already under a federal and/or state grant or pending grants.

The funding participation and continued support provided by the County of Frederick and the City of Winchester is invaluable and vital to the continued success of Winchester Regional Airport's capital development program.

Jurisdictional ongoing contribution and support of the Winchester Regional Airport Authority ensures continued success in acquiring Federal and State funding for large capital improvement projects for development.

Should you have any questions or need additional copies, please do not hesitate to contact my office.

Sincerely,

Serena R. Manuel
Executive Director

Enclosures

EC: Mary Blowe, Finance Director City of Winchester
Kris Tierney, Deputy Administrator Frederick County
Eden Freeman, Manager City of Winchester

w/encl
w/encl
w/encl



Winchester Regional Airport Authority

BUDGET PROPOSAL

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2015 published 1/27/2016

FY 2017 - Budget

CAPITAL IMPROVEMENT FUND 85

Original Submission:	
County of Frederick City of Winchester Counties of Clarke, Shenandoah & Warren	

FY 2017 CAPITAL IMPROVEMENTS FISCAL YEAR BUDGET REQUEST

AIRPORT AUTHORITY CAPITAL OUTLAY

ACQUIRE LAND

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

NORTH SIDE CONNECTOR - BIDDING & CONSTRUCTION PHASE:

This project proposes to design/ construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

	FY 2015 BUDGET	FY 2016 BUDGET	FY 2017 BUDGET
COSTS:			
Personnel	0	0	0
Operating	0	0	0
Capital	5,070,000	3,588,459	4,206,400
TOTAL	5,070,000	3,588,459	4,206,400

	FY 2015 BUDGET	FY 2016 BUDGET	FY 2017 BUDGET
REVENUES:			
Other Jurisdictions	39,118	28,652	59,895
State/Federal	4,950,600	3,495,989	3,989,172
County Funding	80,282	63,818	157,333
TOTAL	5,070,000	3,588,459	4,206,400

FY 2017 - CAPITAL IMPROVEMENT REVENUES					
Winchester Regional Airport					
July 20, 2016		REVENUE SOURCE			
Description		FEDERAL	STATE	LOCAL	TOTAL
Acquire Land - Parcel 64 A 69: Robertson	90/8/2 FAA/State/Local	190,800	16,960	4,240	212,000
Acquire Land - Parcel 64B A 33A: Beaver	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
Acquire Land - Parcel 64 A 70: Marston and Haynes	90/8/2 FAA/State/Local	225,000	20,000	5,000	250,000
Acquire Land - Parcel 64 A 71: Marston and Haynes	90/8/2 FAA/State/Local	45,000	4,000	1,000	50,000
General Aviation Terminal Building Study	80/20 State/Local	0	52,000	13,000	65,000
North Side Connector - Design Phase	90/8/2 FAA/State/Local	4,860	432	108	5,400
Environmental Assessment - RW 14 Obstruction Removal	90/8/2 FAA/State/Local	66,600	5,920	1,480	74,000
Acquire Land - Parcel 64B A 40: Rosenberger	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64B A 51: Moreland	90/8/2 FAA/State/Local	211,500	18,800	4,700	235,000
North Side Connector - Construction Phase	90/8/2 FAA/State/Local	1,710,000	152,000	38,000	1,900,000
North Side - Gas Main Relocation	90/8/2 FAA/State/Local - ONLY IF FAA FUNDING BECOMES AVAILABLE	360,000	32,000	8,000	400,000
Professional Services - Capital Projects	LOCAL ONLY	0	0	100,000	100,000

FY 2017 - CAPITAL IMPROVEMENT REVENUES					
Winchester Regional Airport					
July 20, 2016		REVENUE SOURCE			
Description		FEDERAL	STATE	LOCAL	TOTAL
Survey Runway 14/32 Approaches	80/20 State/Local	0	64,000	16,000	80,000
Land Svcs - Runway 14 RPZ & Approaches (BRIDGE LOAN)	80/20 BRIDGE LOAN	0	128,000	32,000	160,000
Refund BRIDGE LOAN (Runway 14 RPZ & Approaches)	90% FAA Funding to reimburse 2017 Bridge Loan	144,000	(115,200)	(28,800)	0
State Eligible Annual Maintenance Repairs	80/20 State/Local	0	28,000	7,000	35,000
State Eligible Annual Maintenance Repairs	80/20 State/Local	0	12,000	3,000	15,000
Total Revenue Breakdown		3,520,260	468,912	217,228	4,206,400

Local Revenue Breakdown

Contribution Clarke County	2,500
Contribution Warren County	0
Contribution Shenandoah County	5,000
Frederick Co/City of Winchester	209,728
Local Revenue	217,228

County	City
75.0%	25.0%
157,333	52,395

	County Population	City Population	Total Population
**Population figures based on Weldon Cooper estimates for 2015 published 1/27/2016	82,623	27,515	110,138
FY 2017 Percentages for funding	75.0%	25.0%	

FY 2017 - CAPITAL IMPROVEMENT EXPENDITURES

July 20, 2016

Winchester Regional Airport

Description			DETAIL AMOUNT	TOTAL AMOUNT
	Acquire Land - Parcel 64 A 69: Robertson	Balance forward from FY 2016	\$212,000	\$212,000
	Acquire Land - Parcel 64B A 33A: Beaver	Balance forward from FY 2016	\$175,000	\$175,000
	Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	Balance forward from FY 2016	\$275,000	\$275,000
	Acquire Land - Parcel 64 A 70: Marston and Haynes	Balance forward from FY 2016	\$250,000	\$250,000
	Acquire Land - Parcel 64 A 71: Marston and Haynes	Balance forward from FY 2016	\$50,000	\$50,000
	General Aviation Terminal Building Study	Balance forward from FY 2016	\$65,000	\$65,000
	North Side Connector - Design Phase	Balance forward from FY 2016	\$5,400	\$5,400
	Environmental Assessment - RW 14 Obstruction Removal	Balance forward from FY 2016	\$74,000	\$74,000
	Acquire Land - Parcel 64B A 40: Rosenberger	Land Acquisition - Runway 14 Obstruction Removal	\$175,000	\$175,000
	Acquire Land - Parcel 64B A 51: Moreland	Land Acquisition - Bufflick Road	\$235,000	\$235,000
	North Side Connector - Construction Phase	North Side Connector - Construction Phase	\$1,900,000	\$1,900,000
	North Side - Gas Main Relocation	North Side Relocation of Gas Main	\$400,000	\$400,000
	Professional Services - Capital Projects	Various legal services, independent fee estimates on Federal projects, etc.	\$100,000	\$100,000

FY 2017 - CAPITAL IMPROVEMENT EXPENDITURES

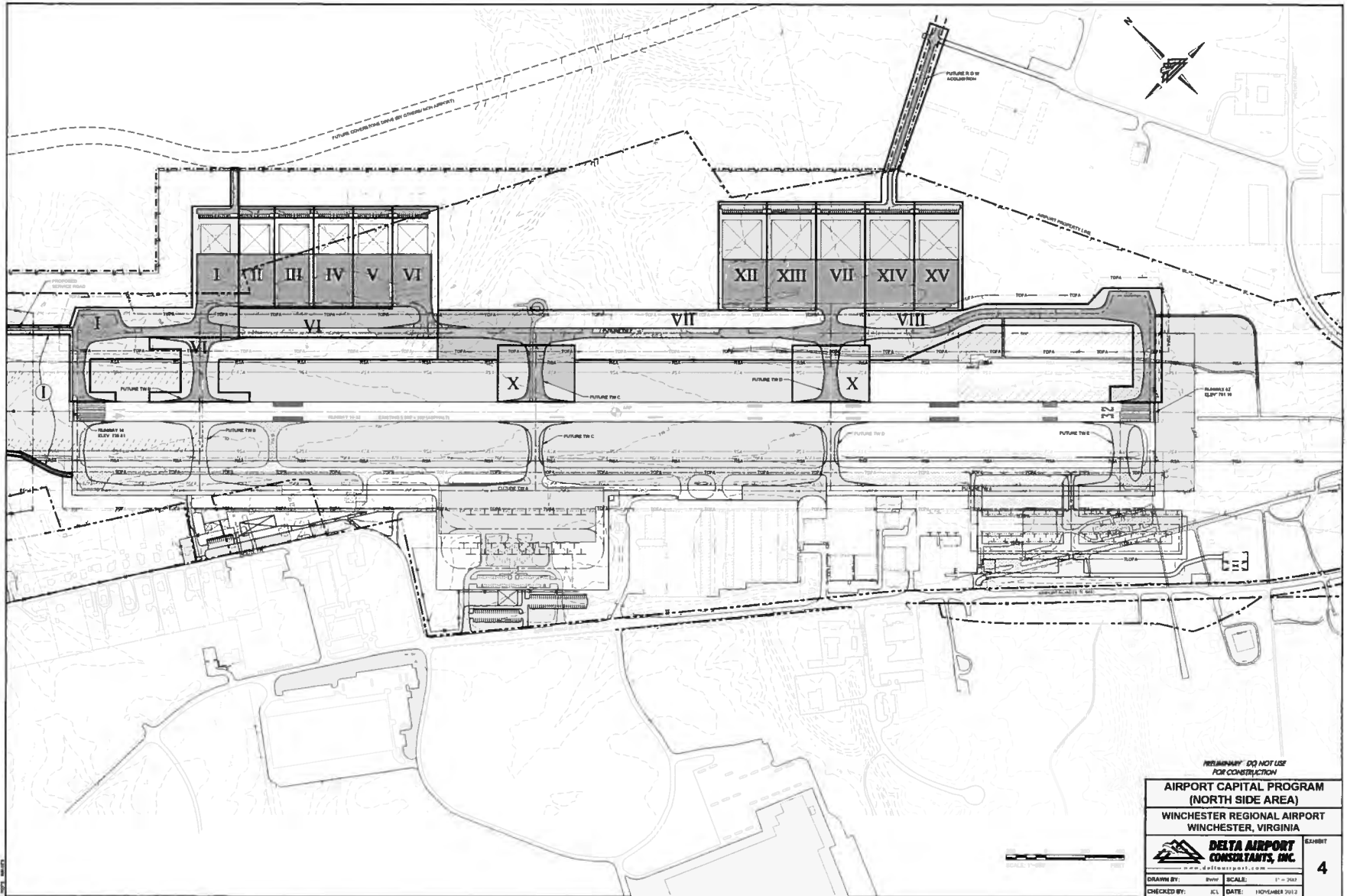
July 20, 2016

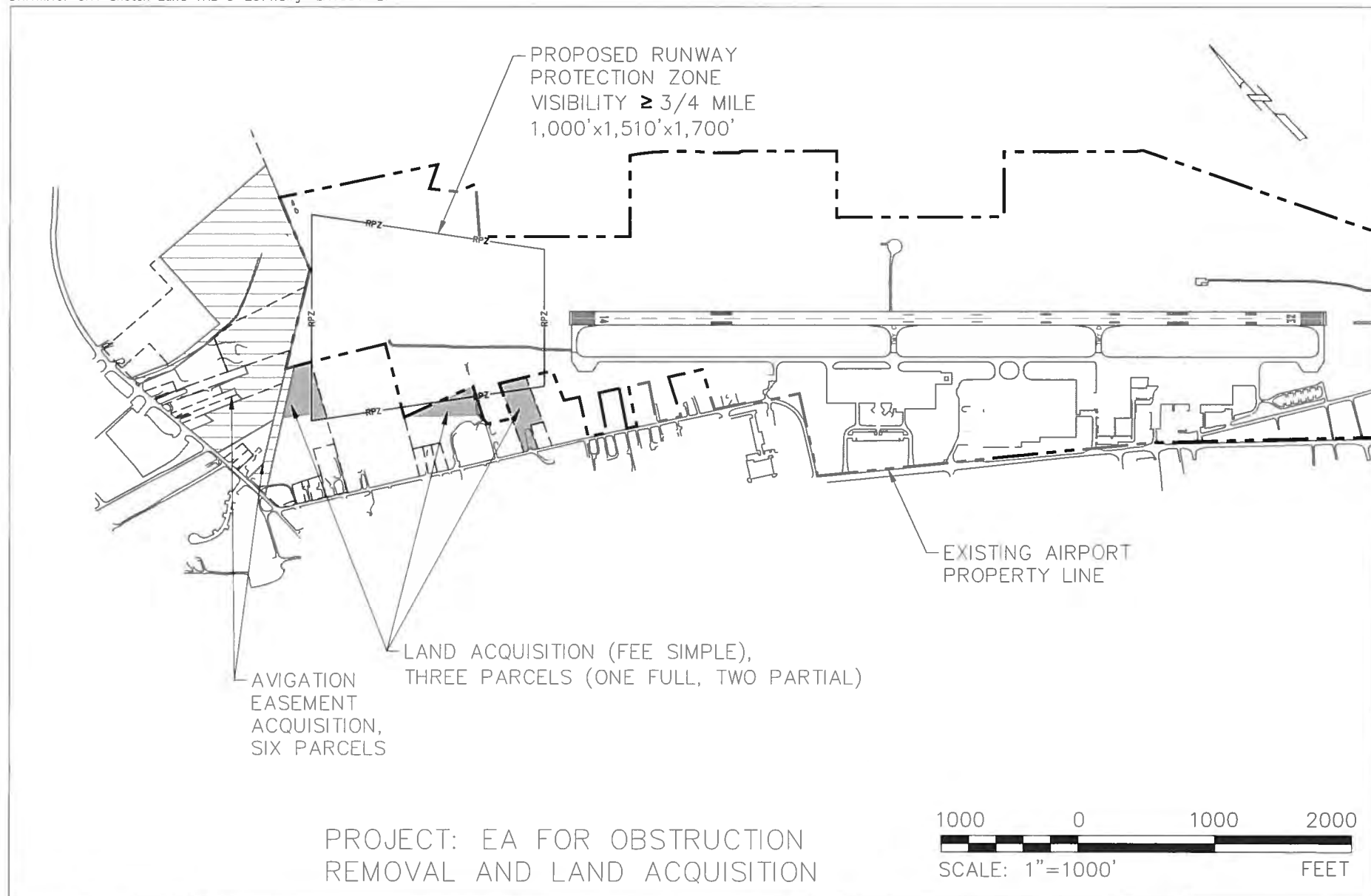
Winchester Regional Airport

Description			DETAIL AMOUNT	TOTAL AMOUNT
	Survey Runway 14/32 Approaches	Obstruction survey	\$80,000	\$80,000
	Land Svcs - Runway 14 RPZ & Approaches (BRIDGE LOAN)	Land Acquisition - Runway 14 RPZ Fee Simple and Easements for Obstruction Removal	\$160,000	\$160,000
	Refund BRIDGE LOAN (Runway 14 RPZ & Approaces	Reimbursement to State & Local upon receipt of FAA funds for land acquisition services Runway 14 RPZ	\$0	\$0
	State Eligible Annual Maintenance Repairs	General Repairs	\$35,000	\$35,000
	State Eligible Annual Maintenance Repairs	F & E repairs, lighting supplies, etc	\$15,000	\$15,000
	TOTAL		\$4,206,400	\$4,206,400

AIRPORT LAYOUT PLAN & PROJECT DIAGRAMS





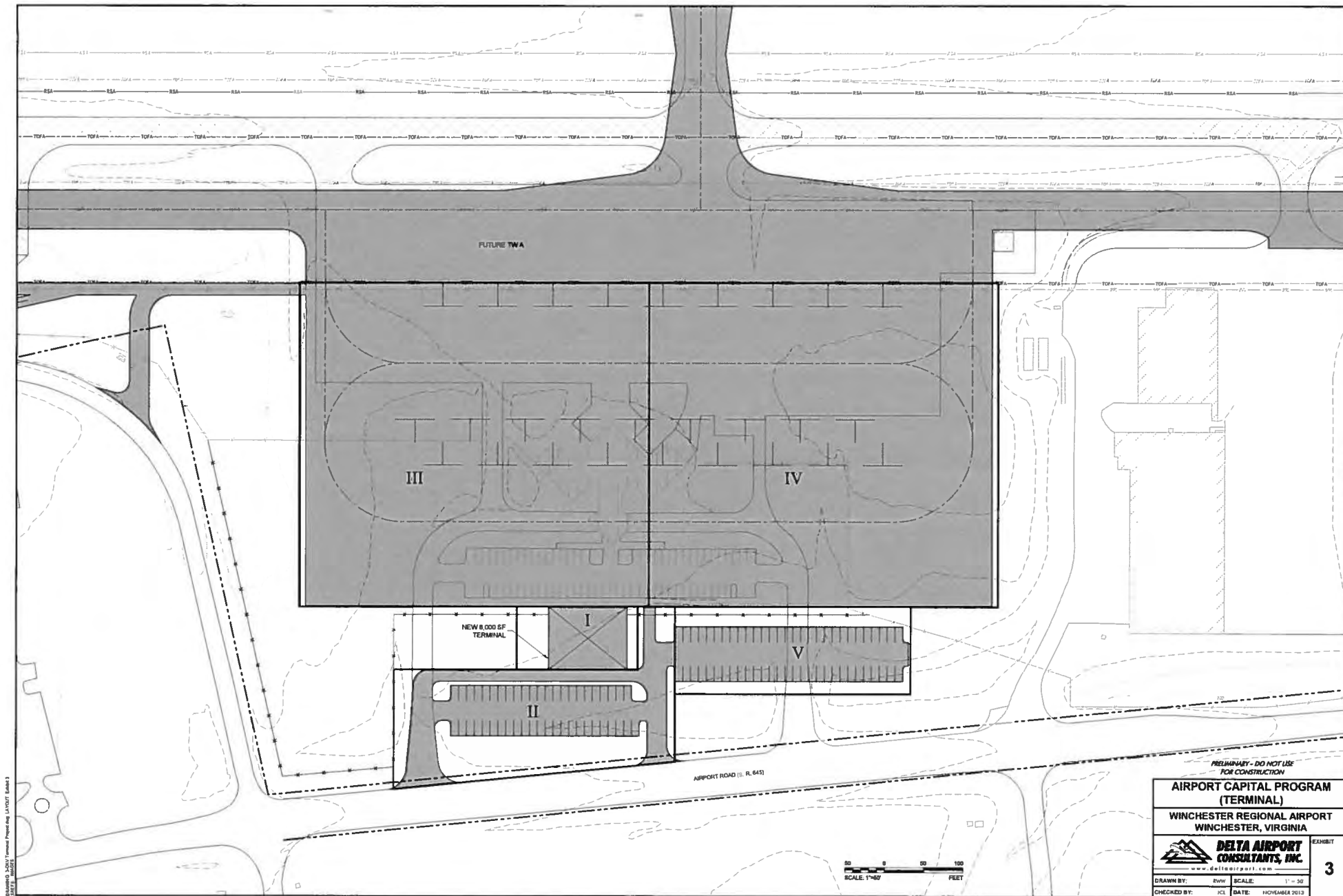


www.deltaairport.com

FY 2014 – MAY VAB
WINCHESTER REGIONAL AIRPORT, WINCHESTER, VIRGINIA

EXHIBIT
1

DRAWN BY: RWW CHECKED BY: MAP SCALE: 1"=1000' DATE: MARCH 2014



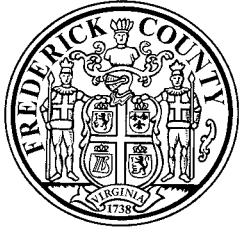
AIRPORT CAPITAL IMPROVEMENT PLAN THROUGH FY 2024

MASTER PLAN PROJECT LIST BY FISCAL YEAR							
WINCHESTER REGIONAL AIRPORT							
PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2017							
Acquire Land - Parcel 64 A 69: Robertson	2017	CF	\$212,000	\$190,800	\$16,960	\$4,240	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 33A: Beaver	2017	CF	\$175,000	\$157,500	\$14,000	\$3,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 67: Nesselrodt, Lawrence K	2017	CF	\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 70: Marston/Haynes	2017	CF	\$250,000	\$225,000	\$20,000	\$5,000	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 71: Marston/Haynes	2017	CF	\$50,000	\$45,000	\$4,000	\$1,000	90/8/2 FAA/State/Local
New General Aviation Terminal Building Study	2017	CF	\$65,000	\$0	\$52,000	\$13,000	80/20 State/Local
North Side Connector - (Design)	2017	CF	\$5,400	\$4,860	\$432	\$108	90/8/2 FAA/State/Local
Environmental Assessment - Runway 14 Obstruction Removal	2017	CF	\$74,000	\$66,600	\$5,920	\$1,480	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 40: Rosenberger	2017		\$175,000	\$157,500	\$14,000	\$3,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 51: Moreland (Old 50)	2017		\$235,000	\$211,500	\$18,800	\$4,700	90/8/2 FAA/State/Local
North Side Connector - (Construction)	2017		\$1,900,000	\$1,710,000	\$152,000	\$38,000	90/8/2 FAA/State/Local
North Side - Gas Main Relocation	2017		\$400,000	\$360,000	\$32,000	\$8,000	90/8/2 FAA/State/Local, if FAA funding available
Professional Services - Capital Projects	2017		\$100,000	\$0	\$0	\$100,000	Local only
Survey Runway 14-32 Approaches (Obstructions)	2017		\$80,000	\$0	\$64,000	\$16,000	80/20 State/Local
Land Services - Runway 14 RPZ & Approaches (BRIDGE LOAN)	2017		\$160,000	\$0	\$128,000	\$32,000	80/20 State/Local BRIDGE LOAN
Bridge Loan Refund (Runway 14 RPZ & Approaches)	2017		\$0	\$144,000	(\$115,200)	(\$28,800)	90% FAA funds to reimburse 2017 Bridge Loan
State Eligible Annual Maint Repairs - General	2017		\$35,000	\$0	\$28,000	\$7,000	80/20 State/Local
State Eligible Annual Maint Repairs - F & E Lighting	2017		\$15,000	\$0	\$12,000	\$3,000	80/20 State/Local

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2018							
Acquire Land - Parcel 64 A 64: Hott (Old 65)	2018		\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 60: Cooper (Old 61)	2018		\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
New General Aviation Terminal Building - Design	2018		\$300,000	\$0	\$225,000	\$75,000	75/25 state/Local assumed public/private space utilization
New General Aviation Terminal Building - Site (Design)	2018		\$80,000	\$0	\$64,000	\$16,000	80/20 state/Local assumed public/private space utilization
Fuel Storage Facility - Design/Build	2018		\$1,000,000	\$900,000	\$80,000	\$20,000	90/8/2 - FA/State/Local - assumes relocation is driven by other AIP project
Remark Runway 14/32	2018		\$100,000	\$0	\$8,000	\$92,000	80/20 State/Local
FY 2019							
North Side - Service Road (Design/Build)	2019		\$400,000	\$360,000	\$32,000	\$8,000	90/8/2 FAA/State/Local
New General Aviation Terminal Building - Construction	2019		\$2,000,000	\$0	\$1,500,000	\$500,000	75/25 state/Local assumed public/private space utilization
New General Aviation Terminal - Furniture Plan (Administrative)	2019		\$30,000	\$0	\$0	\$30,000	100% Local only
New General Aviation Terminal - Furniture Plan (Public Areas)	2019		\$50,000	\$0	\$50,000	\$0	100% State
New General Aviation Terminal Building & Parking Lot - Site Work (Construction)	2020		\$1,250,000	\$0	\$1,000,000	\$250,000	80/20 state/Local assumed public/private space utilization
Taxiway A Relocation - Section I - (Design Phase)	2019		\$200,000	\$180,000	\$16,000	\$4,000	90/8/2 FAA/State/Local
FY 2020							
Taxiway A Relocation - Section I - (Construction Phase)	2020		\$4,500,000	\$4,050,000	\$360,000	\$90,000	90/8/2 FAA/State/Local
New Terminal Building Opening Ceremony	2020		\$10,000	\$0	\$5,000	\$5,000	50/50 State/Local
Taxiway A Relocation - Section II - (Design Phase)	2020		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2021							
Taxiway A Relocation - Section II - (Construction Phase)	2021		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section III- (Design Phase)	2021		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local
FY 2022							
Taxiway A Relocation - Section III - (Construction Phase)	2022		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section IV - (Design Phase)	2022		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local
FY 2023							
Taxiway A Relocation - Section IV - (Construction Phase)	2023		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section V & TW C Shoulders	2023		\$1,200,000	\$1,080,000	\$96,000	\$24,000	90/8/2 FAA/State/Local
FY 2024							
Acquire Land - Parcel 64 A 59: Kyle (Old 69)	2024		\$300,000	\$270,000	\$24,000	\$6,000	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 52: Lee (Old 60)	2024		\$300,000	\$270,000	\$24,000	\$6,000	90/8/2 FAA/State/Local
	0	0	\$0	\$0	\$0	\$0	0
ACIP Grand Total			\$20,226,400	\$14,500,260	\$4,296,912	\$1,429,228	

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
MASTER PLAN PROJECT LIST BY FISCAL YEAR							
			TOTAL	FAA	STATE	LOCAL	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2017		\$4,206,400	\$3,520,260	\$468,912	\$217,228	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2018		\$2,030,000	\$1,395,000	\$421,000	\$214,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2019		\$3,930,000	\$540,000	\$2,598,000	\$792,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2020		\$4,660,000	\$4,185,000	\$377,000	\$98,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2021		\$1,250,000	\$1,125,000	\$100,000	\$25,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2022		\$1,250,000	\$1,125,000	\$100,000	\$25,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2023		\$2,300,000	\$2,070,000	\$184,000	\$46,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2024		\$600,000	\$540,000	\$48,000	\$12,000	
ACIP GRAND TOTAL			\$20,226,400	\$14,500,260	\$4,296,912	\$1,429,228	



COUNTY OF FREDERICK

Information Technologies
(540) 665-5614

MEMORANDUM

To: Finance Committee
From: Scott Varner, IT Director
Subject: Carry Forward Request
Date: September 7, 2016

This memo is to request the carry forward of FY16 funds in the amount of \$108,032 from 4-10-1220-9001-000-000 to the same line item in FY17.

These funds were approved and allocated from FY16 contingency funds for the Data Center Refresh initial five year lease payment. However, due to a delay with the contract, this purchase was not completed prior to year-end.

Thank you for considering this carry forward request.

Sincerely,

Scott Varner

Director of IT/ CIO County of Frederick

107 North Kent Street, Winchester, Virginia 22601-5039
ndunleav@co.frederick.va.us or fax 540-722-2169



MEMORANDUM

TO: Cheryl Shiffler, Director of Finance
FROM: Harvey E. Strawsnyder, Director of Public Works
SUBJECT: Carry Forward Requests
DATE: September 7, 2016

HES
kco

In a regularly scheduled meeting held on July 26, 2016, the Public Works Committee unanimously endorsed the following carry forward requests:

- a. Landfill - \$15,000 (Attachment #1)
- b. Inspections - \$12,560 (Attachment #2)

Please include the above supplemental appropriation requests on the next Finance Committee agenda. Justification for the above requests are included as attachments 1 and 2.

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**

FROM: **Steve Frye, Landfill Manager** 

THROUGH: **Harvey E. Strawsnyder, Director of Public Works**

SUBJECT: **Carry Forwards to 2016/2017**

DATE: **August 11, 2016**

We are requesting that funding be carried forward from the 2015/2016 budget into the new 2016/2017 budget. This funding is allocated in the following line item:

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

We are requesting that \$15,000 be carried forward within this line item. 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 was deferred and was completed on August 3rd.



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

FY16 total unspent Inspections: \$67,300
FY16 bal: 3401-9001 \$1,481; 3401-5413 \$1,702

To: John Trenary, Building Code Official

From: Amy Feltner

Date: April 27, 2016

Re: Scanner Demonstration

Our current plan scanning process is manual. Plans are scanned, one sheet at a time, into our current Puma scanner, then manually copied onto a portable drive. The plans are then uploaded to the network and manually transferred into the permit file locate in Laserfiche. The current Puma scanner is over ten years old and cannot be connected to the network due to the inability to upgrade the software.

The current scanner is in need of replacing based on (a) the current age, (b) the lack of technical support (software and repair), and (c) inability to connect to the network. The Konica Minolta scanner recently demonstrated at Loudon County offers numerous benefits including the reduction of personnel time needed to complete the process as a whole.

On an average we scan 160-200 24" x 36" sheets weekly¹. This is highlighted as a daily average consistent with our normal workflow which occurs 80%-85% of the year. Based on an average plan set of thirty (30) 24"x36" pages, our current process consumes approximately one (1) hour to complete from start to finish. Based on the performance of the Konica Monilta demonstration, the process would be thirty (30) minutes based on the following time saving tasks

- a. Paper sizing is automatic. No need to select from a drop down menu.
- b. You do not need to create a *filename* for *each* sheet prior to scanning.
- c. The transfer to Laserfiche will be automatic², thus eliminating the manual transfer by a portable device.
- d. The newer scanner has faster per-foot scan rate based on 400 dpi imaging.
- e. New scanner allows sheet feeds to stack, eliminating the task of catching each feed as our current process requires.
- f. The proposed package will create the permit file in Laserfiche prior to the issuance of the building permit (see item C)

Additionally, smaller plans³ are currently copied on the Konica Monilta copier and placed in the permit folder. The copies are then scanned into Laserfiche on our Fujitsu desktop scanner *after* the permit is issued. By utilizing the proposed software package and our current Konica Monilta copier, the copier can act as a scanner and place the material directly into Laserfiche. This process can eliminate the paper waste of copied plans and remove the time and effort needed to scan the documents into Laserfiche on

¹ Based on average weekly total of building plans larger than 11"x17" ,scanned on the large format scanner only

² Additional software is needed to make the full system automatic. This software may be acquired in house or through additional professional services

³ Building plan sizes 11" x 17" or smaller only

the Fujitsu desktop scanner. Also, the current Fujitsu is ten years old and may need replacing in the near future. Use of the existing copier may eliminate the need to replace the desktop top model.

Our current circumstances do not allow us time to scan plumbing, electrical, and/or mechanical plans. Although upgrading will not eliminate the need for the scanning of plans, there is a potential savings on manpower of over ten (10) hours monthly⁴ compared to the proposed package solution. This can be viewed as a monthly cost savings or an opportunity to work toward a more paperless environment by utilizing the time to process plans not currently scanned.

⁴ Based on reduced time in scanning on large format scanner and elimination of manual transfer of file into Laserfiche only. Does not include time savings on the Fujitsu or paper/ink savings

Please see attached the most recent proposal from Konica for the Inspections scanner and the quote for LaserFiche integration.

A few items to note:

- Outright scanner/software purchase price (includes 1 year of maintenance): \$20,983.
 - The yearly maintenance cost as quoted is \$1,847; however, it is usual for annual maintenance contracts to increase 5% annually.
- 5 year lease (includes all 5 years of maintenance): \$598.63/mo = \$35,917.80
 - This represents a 10.55% lease rate. The lease rate could vary slightly because it is based on the supplier's fixed rate spread added to the last business day of the most recent quarter current US Treasury Interest Rate Swap rate at the time of purchase, but the variation would be minimal.
- The quote from Unity Business, \$5,160, is to integrate the scanner and software with our current document management system, LaserFiche. This is a one-time cost, except for the \$300 annual maintenance. The \$300 annual maintenance will be picked up by IT after year 1.

I did a quick spreadsheet to try to do a summary explanation:

	60 month lease 10.55% includes 5 yrs maintenance	outright purchase
KONICA per VA State Contract		
Scanner	346.51	12,822.00
Software	193.04	5,361.00
Setup & Training	59.08	2,800.00
	<u>per month 598.63</u>	
Total	35,917.80 (60 months)	20,983.00
year 2 thru 5 maintenance		7,388.00 (\$1847/yr – does not include possible 5% increase annually)
UBS		
LaserFiche Integration	5,160.00	5,160.00
	<u>Total 41,077.80</u>	<u>33,531.00</u>
<hr/>		
FY17 Supplemental Appropriation needed		
Scanner/Software	5,986.30 (based on 10 months)	20,983.00
LF Integration	5,160.00	5,160.00
	<u>11,146.30</u>	<u>26,143.00</u>



KIP 2300 Scanner
w/ Color Scan to File
Plus Stand, Software, Services and Maintenance

Attention: Patrick Fly, Sharon Kibler
County of Frederick
107 Kent Street
Winchester, VA 22601-5039

September 1, 2016
Prepared by
Doug O'Brien
KMBS -Senior Account Executive Government and Education

The contents of this proposal are considered to be Konica Minolta private data and are provided for your exclusive use.



KONICA MINOLTA

Patrick,

Please review the attached quotes for a 60 month lease and an outright purchase using the VITA Contract VA- 130405-VBS (SWAM Approved) for the KIP 2300 Scanner w/ Color Scan to File, KIP 2300 Scanner Stand w/ Integrated Display, Phoenix Dispatcher – Government, with all maintenance and services included. I am pleased to present this information to Frederick County using the VITA Contract.

Answering the questions submitted by Sharon:

1. State that it is a lease-purchase and explain that at the end of the lease the machine will be available to purchase at the fair market value. Response: Yes.
2. Provide an outright purchase price and the 60 month lease price for the 2300 Scanner. Response: Yes, I will provide purchase pricing and 60 month lease using VITA Contract pricing which is based on VITA supplied interest rates.
3. State what the 2300 Service contract includes. Response: The Service Contract covers on-site labor, parts as well as ongoing software updates.
4. The terms and conditions as set forth in the VITA contract apply. Response: Yes.
5. The only item that I could find on the state contract was the actual scanner itself. Where are all the other items located in the contract? i.e. Dispatcher Phoenix Software, training. Response: You are correct - These additional items are not listed on the VITA Contract, only the 2300 Scanner is listed on the VITA contract as an accessory under KIP –Wide Format Printing - Section 41. These other items can be offered by KMBS under the VITA Managed Print Services section which allows vendors to provide a complete solution. This configuration was developed with input and participation from Frederick County GIS/IT, this evaluation included an on-site KMBS demonstration to The County of Frederick and a customer visit to Loudoun County. Phoenix Software, a division of KMBS, is not on the VITA contract. However, we sell and have the technical training and skills necessary to support this complimentary KIP offering as required under the VITA Managed Print Services category.
6. When I spoke to Mr. Scarce at VITA yesterday, he mentioned that the maintenance costs are included in the contract, why are they listed as additional charges? Response: Yes, you are correct – this information needs to be included in all proposals for all VITA offered copiers and printers. You are not purchasing a copier/printer; you are purchasing a scanner with a service contract. Scanners, like the 2300, do not charge per scan, scans are free so there is no maintenance or supply charge for



KONICA MINOLTA

copies. The monthly service fee is just for the on-going maintenance of the hardware, not usage. Service Plan covers on-site labor, parts as well as ongoing software updates.

If you seek additional information about 2300 Scanner Service or information about the complete KMBS- KIP Solution please contact Daniel Hannabass, National Manager- Production Print. His contact information is Office: 703- 760- 3576. Cell: 410- 703- 2714. Email: dhannabass@kmbs.konicaminolta.us
Note: I am very aware of the VITA requirement to clearly show the cost of maintenance with volume options. I always copy this information directly from the VITA Contract for all Printer/Copier proposals. This maintenance information is listed at the top of every VITA price sheet usually as an A, B or C maintenance option which allows the customer to see volume discounts, ability to include supplies, price per copy for B/W, Color and overage costs.

3. The VITA contract states that prices will be 30% off. The software costs are not at a 30% discount. Explain. Response: You are correct. The pricing I provided was obtained as the government price provided to us by the Phoenix division of KMBS – the government pricing they provided was not equal to the deep 30% discount available through VITA. I have requested management to approve a special VITA price consideration for Frederick County based on your request. Assuming my request will be approved I will use this new pricing. Phoenix list price is $\$3,300 \times .70 = \$2,310$. This is a savings of \$900 off list price which is an additional \$520 below the previously quoted price of \$2,830.

I hope I have answered these questions to everyone's satisfaction.

Doug



KONICA MINOLTA

**KIP 2300 Scanner w/color Scan to File
Phoenix Dispatcher - Government
Purchase and 60 Month Lease Information**

Customer: County of Frederick – Attention: Patrick Fly

pfly@fcva.us

P: 540-665-5614

County of Frederick

107 North Kent Street

Winchester, VA 22601-5039

Ship To: County of Frederick

Att: Patrick Fly P: 540-665-5614

Alternate POC: Andrew Farrar P: 540-665-5614

County of Frederick

107 North Kent Street

Winchester, VA 22601-5039

Requested Date of Delivery: By Friday, September 16, 2016.

Konica Minolta Contact:

Douglas O'Brien, Direct 703-637-1514, Cell: 703-967-4892

dobrien@kmbs.konicaminolta.us

Senior Account Manager- Government & Education Specialist

VITA Ordering Information:

- Commonwealth VA Customer can order by PO, State Credit Card or place a eVA order.
- All customer purchase orders must include: Model item Number, Lease (payment x term) or purchase pricing Cost Per Copy Volume and Cost per copy Price.
- Please address the purchase orders to:
 - o Virginia Business Systems c/o KMBS – Douglas O'Brien
 - o Attn: Debora Gregg
 - o 9899 Maryland Drive
 - o Richmond, VA 23233
 - o P: 804-270-7003

Note: PLEASE SEND Order Submission by Email to

dobrien@kmbs.konicaminolta.us

Doug O'Brien – Government, Education and Healthcare Specialist



KONICA MINOLTA

Description:

KIP 2300 Scanner with Phoenix Dispatcher Govt
Information on: (1) 60 mo. lease agreement and (2) Purchase
County of Frederick Virginia -
2300 Scanner has no click charge and makes no copies
Copies Included: 0 Copies Included
CPC: Cost per Copy billed at \$0.00
Color CPC - Color CPC billed at \$0.00

VITA CONTRACT Quote Contract # VA -130405-VBS (SWAM certified)

60 Month Lease Kip 2300 Scanner
60 Month Lease KIP 2300 Stand
Phoenix Dispatcher Govt./Support/Maintenance
Services and Training

Total Monthly Lease Payment for 60 Months includes Maintenance: \$ 598.63 per month for 60 months.

Total paid after 60 months is \$35,917.80

Total Purchase Price includes 1 year of maintenance: \$20,983

Note: to compare apples to apples add the cost of 4 years of additional maintenance = \$7,388= \$28,371

Not included the possibility of an annual 5 % increase in maintenance .

See pricing details on next page. This evening I submitted a VITA worksheet to VBS for review and approval. I expect we will have an answer by COB Friday. This is usually a formality as the VITA system calculates the lease rates, but this step is a requirement to make sure the quote is double checked for accuracy. I mentioned the 5 year rate of .1024 (5x.0248) requested by Sharon which is .0037 lower than the .1055 rate (5 x .0211) requested. I do not set the rates so this is totally a VITA determined rate. Usually I wait to have quotes and rates approved before I send a quote but because of my travel schedule tomorrow and your need to have this ready for next Wednesday I wanted to get everything finalized and receive any questions back from you as soon as possible.

Patrick and Sharon, please do not hesitate to contact me. I am traveling on Friday and Tuesday but can be reached on my cell phone at 703-967-4892

Sincerely,
Doug O'Brien
Senior Account Executive – Government & Education
Office: 703-637-1514
Cell: 703-967-4892 (Best)



KONICA MINOLTA

Wide Format	Quantity	Item No	Description	Notes	MSRP	Purchase Price- /Unit 1	Purchase Total	5 year Total	60 Month
		Hardware							
	1	7640012574	KIP 2300 SCANNER STAND w/INT. DISPLAY		\$ 395.00	\$ 696.50	\$ 696.50	\$ 696.50	\$ 14.70
	1	7640013813	KIP 2300 SCANNER w/ COLOR SCAN TO FILE		\$ 15,995.00	\$ 11,196.50	\$ 11,196.50	11,196.50	\$ 236.25
	1	7640013891	KIP 2300 Scanner Freight	Included - VITA-VBS	375	\$ -	\$ -		\$ -
	1	7640013880	KIP 2300 Scanner Installation - KMBS	Included -VITA- VBS	325	\$ -	\$ -		\$ -
	4	Maintenance on 2300	\$900 a year x 5 years	\$75 a month = \$900 yr.	\$900	\$ 900.00	\$ 900.00	\$4,500	\$ 94.95
	1	7640008086	Solutions Deliv Charge L-2		\$ 29.00	\$ 29.00	\$ 29.00	\$ 29.00	\$ 0.61
	Totals								\$ 346.51
		Software							
	1	7640019155	Dispatcher Phoenix Softw are Governmnet - (DP - GOVT)*		\$ 3,300.00	\$ 2,830.00	\$ 2,830.00	\$ 2,830.00	\$ 71.88
	3	7640014447	DP Active Input	3 additional Inputs-2 come with Govt version	\$ 600.00	\$ 528.00	\$ 1,584.00	\$ 1,584.00	\$ 40.23
	5	7640019156	Mintenance -DP Govt Software 1yr	Yearly cost \$617 for 5 years	\$ 660.00	\$ 617.00	\$ 617.00	\$ 3,085.00	\$ 78.36
	3	7640014449	Maintenance - DP Add. Active Input Softw	Yearly cost \$110 a year x 3 Inputs = \$330 a yr for 5 years= \$1650.	\$ 120.00	\$ 110.00	\$330	\$1,650	\$ 41.92
	Totals								\$ 193.04
		Services							
	16	7640014526	DP Integration & End User Training by KMBS	\$200 per hour x 16 hours vITA is \$175 hr.	\$ 3,200.00	\$ 2,800.00	\$ 2,800.00	\$ 2,800.00	\$ 59.08
	Totals								\$ 59.08
						Out Right Purchase		5 Yrs. w/ Maint.	
							\$ 20,983.00	\$ 28,371.00	\$ 598.63

Dispatcher Phoenix Government

DELIVERY: All DispatcherPhoenix/MinSoftware, MUST include item 7640008086 - Level 2 Solutions Delivery Charge.

CUSTOMIZATION: Any customization is at extra cost. All sales of Dispatcher Phoenix Software MUST include corresponding annual maintenance in 1, 3 or 5 year increments.

Government Version includes these additional features:

2 Active Inputs
 Advanced OCR
 1D Barcode Processing
 Convert to Microsoft Office
 Redact, Highlight and Strikeout
 Convert to PDF (PDF/A, PDF/a searchable, PDF, PDF searchable)
 Metadata Bundle (for metadata creation and routing)
 ODBC Processing
 SharePoint Connector
 Copy Defender
 CAC/PIV authentication
 Google Cloud Print Input



KONICA MINOLTA

Konica Minolta KIP 2300 Scanner

The KIP 2300 High Production Scanner is a high resolution, high speed solution that provides enhanced monochrome imaging and world-class color scan quality embodied in an exceptionally versatile and ergonomic design, ideal for both centralized and decentralized environments. The KIP 2300 scanners unique product design allows users to capture, archive, print and share monochrome and full color images at high speeds with either face up or face down document feeding for maximum productivity. In addition to the advanced dual document feed system the KIP 2300 features the following technological advancements:

- Direct connection support for multiple KIP 7700, 7900 and 9900 printer series as well as optional direct copying to inkjet printers.
- Rigid /thick stock support with automatic tension adjustment and front document assist tray.
- User selectable scanning modes – standard or production.
- High speed data transfer featuring KIP Tru-Speed technology.
- Three independent tri-linear CCD imaging cameras with an advanced single lens design
- Automatic imaging camera and integrated white balance calibration
- Distinctive white LED original illumination system for consistent image capture
-

Visual operator feedback system for stream-scanning monochrome or color images.

- Instant on- no warm up necessary
- Substantially built, rugged design with low maintenance operation
- Extended warranty covering KIP optical system
- Energy Star 2009 Compliancy



KONICA MINOLTA

Dispatcher Phoenix Government

At a time of shrinking budgets, rising costs and increasing expectations, government agencies are naturally looking for new ways to increase productivity, streamline processes and serve the public with greater speed, accuracy and efficiency. Konica Minolta's Dispatcher Phoenix Government provides government employees with the tools they need to handle their documents – quickly, efficiently and securely.

With Dispatcher Phoenix Government employees can have instant access to the information they need while complying with security regulations. And manual document processes can be automated, reducing the risk of human error while optimizing operational efficiency.

Fast, Efficient Document Distribution - Dispatcher Phoenix Government automatically collects, processes and distributes government documents such as records, applications, cross-agency communications and other filings to multiple outputs – all in a single step. Document files can be sent to network/local folders, email recipients, printers, and popular document management systems such as Microsoft SharePoint. With its visually appealing folder browsing feature at the MFP, Dispatcher Phoenix Government gives you a familiar, Windows Explorer-like view of your directory structure to help you select the correct folder as your scan destination.

To help public sector organizations optimize workflow efficiency, Dispatcher Phoenix Government includes automated processes that get the job done quickly and accurately. You can make information instantly retrievable by converting paper-based files into PDF Searchable. Read and route invoices based on barcode. Edit scanned images by converting files to Microsoft Office formats, such as Word or Excel. Rename files at the MFP. Other advanced automated processes include zonal OCR for data extraction, metadata routing, ODBC connectivity for integration with common databases – and much more.

Unity Business Systems
374 Wythe Creek Road
Poquoson, VA 23662
(757) 873-0233
www.unityecm.com



We have prepared a proposal for you

Frederick County - Import Agent 9/1/2016

Quote # 000400

Version 1

Frederick County

Frederick County - Import Agent 9/1/2016

Quote Information:

Quote #: 000400
 Version: 1
 Delivered: 09/02/2016
 Expires: 09/30/2016

Prepared for:

Frederick County
 Patrick Fly
 107 North Kent Street
 Winchester, VA 22601
 pfly@fcva.us
 5407228225

Prepared by:

Unity Business Systems
 Sarah
 (757) 873-0233
 sarah.haynes@unityecm.com

Software		Price	Qty	Ext. Price
IA	Laserfiche Import Agent	\$1,500.00	1	\$1,500.00
Software Subtotal				\$1,500.00

Annual Maintenance		Price	Qty	Ext. Price
IAB	LSAP Laserfiche Import Agent	\$300.00	1	\$300.00
Annual Maintenance Subtotal				\$300.00

Services		Price	Qty	Ext. Price
PS-01	Professional Services for installation and training on setting up profiles with Import Agent.	\$140.00	24	\$3,360.00
Services Subtotal				\$3,360.00

Quote Summary			Amount
Software			\$1,500.00
Annual Maintenance			\$300.00
Services			\$3,360.00
Total			\$5,160.00

Signature _____

Date _____

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

FREDERICK COUNTY

JUL 20 2016

FINANCE DEPARTMENT

TO : Angela Whitacre, Treasurer's Office

FROM : Sheriff Lenny Millholland

SUBJECT : Donation

DATE : July 19, 2016

Attached please find a check in the amount of \$100.00 made payable to the Sheriff's Office. The memo section indicates this is a donation to the Honor Guard.

We are requesting this amount be posted to revenue line: 3-010-018990-0006 (10CR)

A copy of this memo will be sent to Finance for appropriation.

Thank you.

LWM/asw

Cc: Finance - appropriation; 3102-5409-000-000

68-251-514		1774
TIMOTHY T. WEIR		
[REDACTED]		01 JULY 20 16
Pay To The Order Of	FREDERICK COUNTY SHERIFF'S OFFICE	\$ 100.00/XY
ONE HUNDRED	00/XY	Dollars
[REDACTED]		MP
For HONOR GUARD DONATION		
[REDACTED]		

C.S. 7/22/16

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

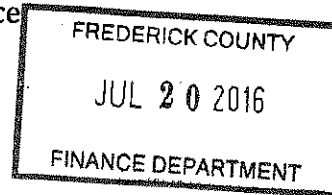
540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office

FROM : Sheriff Lenny Millholland

SUBJECT : Donation

DATE : July 19, 2016



Attached please find a check in the amount of \$300.00 made payable to the Sheriff's Office. The memo section indicates this is the Winchester-Shawnee Lions Club's annual donation to the DARE Program.

We are requesting this amount be posted to revenue line: 3-010-018990-0015 (100)

A copy of this memo will be sent to Finance for appropriation.

Thank you.

LWM/asw

Cc: Finance - appropriation; 3102-5413-000-001

C.S. 7/22/16

WINCHESTER-SHAWNEE LIONS CLUB

09-07

1109

68-258/514
12

DATE 6-21-16

PAY
TO THE
ORDER OF

Frederick County Sheriff's Department \$ 300.00
Three hundred and 00/100 DOLLARS



FOR Annual DARE Donation

FREDERICK COUNTY SHERIFF'S OFFICE

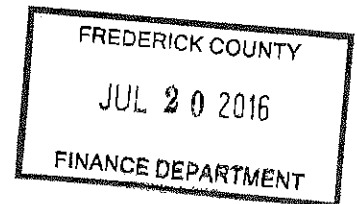


Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400



TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Supplemental Appropriation: Career Development
DATE : July 19, 2016

When preparing the department's FY17 budget proposal, we inadvertently overlooked requesting funding in the Career Development budget line (3102-1007-000-001). We will have 10 Deputy I positions that will be eligible for career advancement and 3 Deputy II positions that will be eligible for career advancement during this fiscal year. To cover the cost of the salary increases for these promotions, we are requesting a supplemental appropriation in the amount of \$20,000.00 to be appropriated into 3102-1007-000-001.

Thank you for your consideration in this request.

LWM/asw

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Transfer of Revenue Funds – E-Summons
DATE : August 10, 2016

Pursuant to §17.1-279.1 of the Code of Virginia, a fee is assessed as part of the costs in each criminal or traffic case in the Frederick County courts. Chapter 155, Article XII of the Code of Frederick County states the Treasurer shall hold the funds subject to disbursement by the Board of Supervisors to the Sheriff of Frederick County solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

We are requesting a supplemental appropriation in the amount of \$25,000 from the E-Summons revenue to be posted to our budget line 3102-5409-000-005 for the purpose of implementing the electronic summons system.

Thank you.

LWM/asw

0-010-000240-2506
8/11/16 bal: \$103,763

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Sharon Kibler – Finance Department
FROM : Sheriff Lenny Millholland
SUBJECT : Insurance Reimbursement
DATE : August 11, 2016

We are requesting the insurance check received from GEICO in the amount of \$9,750.03 for the auto claim dated July 28, 2016 involving Captain Singhas be appropriated into our operating budget line of 3102-3004-000-002.

Thank you.

LWM/asw

C.S.
3-010-018990-0001

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : Carry Forward Balance – Attorney General Grant
DATE : August 10, 2016

In our FY17 budget submission, we requested a carry forward of the remaining balance in the Attorney General grant budget line of 3102-5413-000-012. The grant term expires April 2017 and we are requesting the remaining balance, after all FY16 operating expenses have been deducted, be appropriated into our current budget line of 3102-5413-000-012 so they may be expended. The balance to be carried forward is \$514.08.

Thank you.

LWM/asw

8/11/16 bal: \$514.08

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Donation
DATE : August 11, 2016

Attached is an envelope containing \$31.00 in cash. This amount represents a donation to the department for the K-9 program. We are requesting this amount be posted to revenue line 10CR 3-010-018990-0006.

A copy of this memo will be forwarded to Finance for appropriation.

Thank you.

LWM/asw

Cc: Finance - 3102-5402-000-001

C.S.

Committee/Commission

Technology	\$30. per meeting
Code and Ordinance	\$30. per meeting
Human Resources	\$30. per meeting
Public Safety	\$30. per meeting
Finance	\$30. per meeting
Public Works	\$30. per meeting
Transportation	\$30. per meeting
Board of Zoning	\$30. per meeting
Social Services Board	\$50. per month

Board members not paid for committee meeting.

Large percentage of members forfeit committee pay.

Planning Commission	\$90. per meeting
Parks Commission	Not Paid
EDA Commission	\$200. per meeting

TRANSFER GUIDELINES

1000 Codes - Personal Services	Can only transfer between line items and into line items. Board action required to transfer out of line items.
2000 Codes - Fringe Benefits (includes 2013 Education)	Can transfer into, but not out of line items. Cannot transfer with each other.
3000 Codes - Contractual	Can transfer into and out of line items.
4001 Codes - Data Processing Services	Can transfer into, but not out of line item.
All other 4000 Codes	Can transfer into and out of line items.
All 5300 Codes	Can transfer into line item. Can only transfer out of line item after insurance charge-out.
All other 5000 Codes	Can transfer into and out of line items.
8000 and 9000 Codes	Can transfer into and out of line items.

INTRA-DEPARTMENTAL TRANSFERS HAVE NO ANNUAL LIMITATION, BUT
MUST BE APPROVED BY DEPARTMENT HEAD AND COUNTY ADMINISTRATOR.

BOS approved 7/26/06

9/9/15: BOS revised to remove \$25k inter-departmental limitation

FY2017 JULY BUDGET TRANSFERS

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
7/1/2016	INSPECTIONS	PROMOTIONS	3401	1001	000	012	2,436.48
	INSPECTIONS		3401	3002	000	000	(2,436.48)
7/1/2016	SHERIFF	SALARY INCREASES	3102	1001	000	049	16,917.14
	SHERIFF		3102	1001	000	016	(8,000.00)
	SHERIFF		3102	1002	000	010	(7,300.00)
	SHERIFF		3102	1002	000	026	(561.00)
	SHERIFF		3102	1002	000	011	(1,056.14)
7/18/2016	COUNTY ADMINISTRATOR	RECLASS DEPARTMENT COUNTY ADMINISTRATION	1201	1001	000	002	9,580.00
	COUNTY ADMINISTRATOR		1201	1001	000	021	7,106.00
	COUNTY ADMINISTRATOR		1201	2001	000	000	1,277.00
	COUNTY ADMINISTRATOR		1201	2002	000	000	1,535.00
	COUNTY ADMINISTRATOR		1201	2006	000	000	218.00
	COUNTY ADMINISTRATOR		1201	2011	000	000	17.00
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(19,733.00)
7/25/2016	PUBLIC SAFETY COMMUNICATIONS	TOWER AC UNIT	3506	5413	000	000	4,877.40
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(4,877.40)
7/26/2016	PUBLIC SAFETY COMMUNICATIONS	COVER LINE ITEM FOR SALARY	3506	1001	000	003	(1,711.40)
	PUBLIC SAFETY COMMUNICATIONS		3506	1001	000	008	1,711.40
7/27/2016	TRANSFERS/CONTINGENCY	REIMB FD 10 FOR VICTIM WITNESS MERIT 7/1 & COLA 12/1	9301	5807	000	001	1,821.84
	TRANSFERS/CONTINGENCY		9301	5807	000	002	164.64
	TRANSFERS/CONTINGENCY		9301	5807	000	001	2,607.86
	TRANSFERS/CONTINGENCY		9301	5807	000	002	85.48
	VICTIM WITNESS PROGRAM		2202	1001	000	001	(2,476.82)
	VICTIM WITNESS PROGRAM		2202	1001	000	002	(1,362.88)
	VICTIM WITNESS PROGRAM		2202	2001	000	000	(203.47)
	VICTIM WITNESS PROGRAM		2202	2006	000	000	(43.69)
	VICTIM WITNESS PROGRAM		2202	2011	000	000	(2.96)
	VICTIM WITNESS PROGRAM		2202	1001	000	003	(590.00)
7/29/2016	HUMAN RESOURCES	YR2 ACA REPORTING	1203	3010	000	000	6,849.50
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(6,849.50)
8/2/2016	SHERIFF	TO PURCHASE A USED VEHICLE	3102	3004	000	002	(16,000.00)
	SHERIFF		3102	8005	000	000	16,000.00



MEMORANDUM

TO: Kris Tierney, Deputy County Administrator

FROM: John A. Bishop AICP, Assistant Director – Transportation JB

RE: County funds spending on Russell 150 Roads project

DATE: July 22, 2016

In 2013 the Board allocated a total of \$470,233.50 to the Russell 150 Roads project. These were County funds that were to be used to forward design of the bridge, roundabout, and Tevis Extension to 522 across the Russell 150 and Glaize properties. This was primarily done to preserve VDOT revenue sharing funds that were in jeopardy of deallocation at that time as well as to make the project more attractive to a potential new developer by progressing the bridge which, due to complicated design and lengthy review times, can significantly impact project timelines. An attempt had been made to enter into a revenue sharing agreement with the property owner at that time for this effort, however, they were focused on selling the property and were not interested at that time.

Prior to the Heritage Commons rezoning of this property staff had been instructed to stop work on the design due to increasing uncertainty regarding the future outcome of the development. At that time a total of \$332,476.45. This consisted of \$806.00 in public works staff time and \$331,670.45 of consultant billing. Planning staff has not billed time to the project based on previous direction.

Based upon VDOT revenue sharing policy, expenditures were billed to VDOT for 50% reimbursement in the amounts of \$215.00, \$37,342.40, and \$128,680.82 for a total VDOT reimbursement on County expenditures of \$166,238.22.

In summary, the Board allocated \$470,233.50 of which \$332,476.45 was spent and \$166,238.22 was reimbursed by VDOT leaving the total actual Board expenditures at this time of \$166,238.23.

JAB/dlw

J



MEMORANDUM

TO: Board of Supervisors

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

RE: Transportation Committee Report for Meeting of August 22, 2016

DATE: September 6, 2016

The Transportation Committee met on August 22, 2016 at 8:30 a.m.

Members Present

Gary Lofton (voting)
Judith McCann-Slaughter (voting)
James Racey (voting)
Lewis Boyer (liaison Stephens City)
Kevin Kenney(PC Liaison fill in)

Members Absent

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

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

1. SmartScale (HB2) Applications

Attached, please find the map of proposed SmartScale applications for which we have begun the process as well as a draft prioritization of the projects. The committee considered this item and forwarded it to the Board for consideration. Please note, 2 of the projects shown (Exit 313 and Route 11 in the vicinity of Shawnee Drive) are MPO applications and are shown on this map for informational purposes only.

VDOT House Bill 2
Update

Route 11 North from Snowden Bridge Blvd to Old Charles Town Rd

Realignment of I-81 NB Ramp to Redbud Rd

Realignment of Redbud Rd to Snowden Bridge Blvd

Intersection of Senseny Rd and Crestleigh Dr

Sulphur Spring Rd from Route 50 to Landfill Rd

Route 11 South (vicinity of Shawnee Dr and Opequon Church Ln)

Extension of Warrior Dr to Route 37

Route 277 from Double Church Rd to Warrior Dr

Intersection of Warrior Dr and Route 277

Intersection of Papermill Rd and Route 522

Exit 313

Route 37 from Exit 310 to Route 522

The Interstate 81 corridor is designated as a corridor of statewide significance as pursuant of VA code 15.2 - 2232.

Map Produced by Frederick County Planning and Development
September 1, 2016



SmartScale (HB2) Draft Project Prioritization

1. Route 37 extension from Tasker Road to Route 522
2. (Variation of Project 1) Route 37 extension from Tasker Road to Future Warrior Drive location combined with construction of Warrior Drive from that location to current terminus of Warrior Drive
3. Exit 317 NB exit ramp relocation to location where Redbud Road currently ties into Route 11 North combined with the rerouting of Redbud Road to Snowden Bridge Boulevard
4. Route 277 from Double Church Road to Warrior Drive, widening and access management
5. Route 11 North, widening from Snowden Bridge Boulevard to Old Charlestown Road
6. Sulphur Springs Road, reconstruction and widening from Route 50 to the landfill
7. Intersection of Senseny Road and Crestleigh Drive, turn lanes on Senseny
8. Intersection of Route 277 and Warrior Drive, extend the eastbound right turn lane on Route 277 and pedestrian safety improvements along the southern part of Warrior Drive
9. Intersection of Papermill Road and Route 522, extend right turn lane on eastbound Papermill Road

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

2. County Project Updates

Snowden Bridge Boulevard:

Construction is underway and on schedule at this time. Expected completion is in approximately 2 months.

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

The revenue sharing agreement has been executed and design is once again underway on the bridge. In addition, the traffic impact analysis that will determine the design specifics for the Airport Road is underway and a draft is expected shortly.

Renaissance Drive:

Transportation Partnership Opportunity Fund application has been submitted which could change the project from a grade to a bridge crossing. Staff is coordinating with CSX and VDOT to complete an MOU for the process of getting the crossing as well as determining unimproved rail crossings for upgrade.

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 design through 100%. Upon approval by the private party partner, the next phase of design will begin.

Coverstone Drive:

No activity at this time.

Jubal Early Drive Extension and Interchange with Route 37:

Initial meetings regarding a draft agreement and follow up application for additional revenue sharing funds has been held with the private partner team.

3. Other

JAB/dw

K



APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)



APPLICANT INFORMATION

Name of Applicant: TOP OF VIRGINIA BUILDING ASSOCIATION

Telephone Number(s): 540-665-0365 ☐ home ☒ office ☐ cell 540-550-8092 ☐ home ☐ office ☒ cell

Address: 1830 MILLWOOD PIKE WINCHESTER VA 22602

Contact Email: info@tvba.org

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Chili Cook-off

Cost of Admission to Festival: 8.00/10.00

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
10/8/2016	11 ⁰⁰ AM	6 ⁰⁰ PM	1500	1500

Location Address: Stonewall District Ruritan Grounds

Owner of Property Name(s): Stonewall District Ruritan Club

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): TOP OF VIRGINIA BUILDING ASSOCIATION

Address: 1830 MILLWOOD PIKE WINCHESTER VA 22602

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

Financial Backer Name(s): TOP OF VIRGINIA BUILDING ASSOCIATION

Address: 1830 MILLWOOD PIKE WINCHESTER VA 22602

Performer Name of Person(s) or Group(s): THE FLASH BACK

THE RUST SHAKERS (subject to change)

(*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).

Securing dumpster and trash boxes along with clean up 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).

Vendors will have certification and inspection.

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.

Request EMT to be on site along with local fire department.

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.

All tents to have fire extinguishers to code. Working with local fire department for protection.

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

Site survey planned for placement.

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.

Daytime so lighting not applicable.

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

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

Servers to be at or above legal age and double check if customer appears questionable. Wristbanded for customers with proof of age 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:

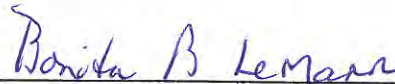
- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live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



Printed Name of Applicant

Date: 08/18/2016

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

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ORDINANCE
September 14, 2016

The Board of Supervisors of Frederick County, Virginia hereby ordains that 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, collected by the District Court, which penalty, when collected, shall be paid to the Treasurer of Frederick County.
- C. A summons, to appear in the District Court, for a violation of subsection A of § 46.2-844 of the Code of Virginia may be executed by the Sheriff as provided in § 19.2-76.2 of the Code of Virginia, based on information provided to the Sheriff regarding the violation, 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, as determined by the Sheriff. 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 in the District Court on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed by the Sheriff 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 14th day of September, 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



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator
for Human Services

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@fcva.us

TO: Board of Supervisors

FROM: Jay E. Tibbs., Deputy County Administrator for Human Services

DATE: July 6, 2016

RE: Code and Ordinance and Public Safety Committees Report

The Code & Ordinance Committee met on Friday, July 1, 2016 at 9:00 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Code and Ordinance Committee members present were Blaine P. Dunn, Chairman; Robert A. Hess, Robert W. Wells, and James Drown. Committee members Derek Aston and Stephen Butler were absent. Also present were County Administrator Brenda G. Garton, Deputy County Administrator Jay E. Tibbs, County Attorney Rod Williams, Becky Merriner, HR Director, Sheriff Lenny Millholland, Major Steve Hawkins, Ann B. Lloyd, Clerk of the Frederick-Winchester JDR Court, Debra Bull, General District Court Clerk, Dr. Al Orndorff, Assistant Superintendent for Instruction for Frederick County Public Schools, John Grubbs, Transportation Director for Frederick County Public Schools, Beth Brown, Supervisor of Driver Operations for Frederick County Public Schools, and Elizabeth Keplinger, Director of Driver Training for Frederick County Public Schools.

The committee submits the following:

Items Requiring Board Action

1. **Proposed Amendment to the Frederick County Code, Chapter 158, Vehicles and Traffic, Article V, School Buses; Section 158-19, Passing Stopped School Buses; Penalty; Prima Facie Evidence; to Add this Section 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 provided a brief overview of this proposed amendment. He noted this enabling ordinance would allow Frederick County Public Schools to acquire and install video monitoring systems on the outside of their school buses to record and enforce violations of Code of Virginia §46.2-859, Passing a Stopped School Bus.

Dr. Orndorff advised the school system's interest in this program is safety of the students getting on and off of the school buses. Following Dr. Orndorff, Mr. John Grubbs, Transportation Director, gave a short presentation to the committee showing:

- National statistics regarding student injuries and deaths from vehicles passing stopped buses;
- Overview of the camera system to include mounting and sight coverage;
- How the summons process would work once a violation has been confirmed.

Mr. Grubbs reviewed results of the pilot program involving cameras on two buses. The cameras captured a total of 279 violations with 214 occurring on one bus route.

It was noted that any revenue generated from the fines assessed through this program would be split 75%-25% between the vendor and the locality with the vendor receiving 75%. Dr. Orndorff advised this system could not cost Frederick County schools anything because they did not have any available funds to implement this program.

Ms. Ann Lloyd, Clerk of the Frederick County-Winchester JDR Court, was supportive of the concept, but raised concerns about the possible strain the amount of additional summonses would put on the courts and staff.

Mr. Hess suggested possibly using the share of the funds received by the County to offset some of the impact on the clerks' offices.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval and with the funds collected to be used to offset a portion of the costs to the district courts. The motion was unanimously approved.

2. Proposed Amendment to the Frederick County Code, Chapter 19, Personnel Policies, Section 19-1 Employee Recognition Program; to Add this Section to Authorize the Payment of Monetary Bonuses to Officers and Employees. (See Attached.)

County Attorney Rod Williams provided a brief overview of this proposed amendment. He noted this authorizing ordinance would allow for bonus payments to county employees and officers.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval. The motion was unanimously approved.

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

1. Review of the Committee Charter. (See Attached.)

The committee charter was reviewed. No changes were made to the current charter.

There being no further business, the meeting adjourned at 10:20 a.m.

Respectfully Submitted,

Code and Ordinance Committee

Blaine P. Dunn, Chairman

Robert W. Wells

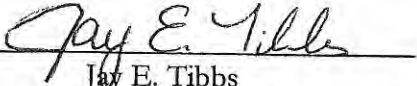
Derek Aston

Robert A. Hess

James Drown

Stephen Butler

By:



Jay E. Tibbs

Deputy County Administrator
for Human Services

Attachments



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 Miltholland
Denny Linaburg

Gary Lofton
Ann B. Lloyd
Rod Williams
Dan Cunningham

Chuck Torpy
Walt Cunningham
Blaine Dunn
Helen Lake

By 
Lee Anna 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

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

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.

Approved April 1, 2016

[S 120]

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 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.

M



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 September 14, 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:

The Winchester Regional Airport Executive Director Requests an FY17 Airport Capital Fund Supplemental Appropriation in the Amount of \$4,206,400. This Amount Represents the Airport Capital Budget for FY17.

Upon motion made by _____ and seconded by _____, the above budget amendment and supplemental appropriation 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

Resolution - Fiscal Year 2016-2017 Budget Amendment
Board of Supervisors Meeting of September 14, 2016
Page 2

Attachments

cc: Renny Manual, Airport Director
Cheryl B. Shiffler, Finance Director
C. William Orndoff, Jr., Treasurer

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COUNTY of FREDERICK

Finance Department
Cheryl B. Shiffler
Director

540/665-5610
Fax: 540/667-0370
E-mail: cshiffle@fcva.us

TO: Board of Supervisors
FROM: Finance Committee
DATE: September 7, 2016
SUBJECT: Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 17, 2016 at 8:00 a.m. Member Angela Rudolph and non-voting liason C. William Orndoff, Jr. were absent. ☒ Items 8, 9, 12, 13, and 14 were approved under consent agenda.

1. The Parks and Recreation Director requests an FY17 General Fund supplemental appropriation in the amount of \$13,163. This amount represents a carry forward of unspent FY16 funds for the completion of phase one development at Rose Hill Park. See attached memo, p. 5. The committee recommends approval.
2. The Parks and Recreation Director requests an FY17 General Fund supplemental appropriation in the amount of \$4,111.71. This amount represents a carry forward of unspent FY16 funds for the completion of the Sherando Park Master Plan update. See attached memo, p. 6. The committee recommends approval.
3. The NRADC Superintendent requests an FY17 NRADC Fund supplemental appropriation in the amount of \$105,475.42. This amount represents the first bond payment for the security system upgrades. See attached memo, p. 7. The committee recommends approval.
4. The Winchester Regional Airport Executive Director requests an FY17 Airport Capital Fund supplemental appropriation in the amount of \$4,206,400 and an FY17 General

Fund supplemental appropriation in the amount of \$157,333. These amounts represent the Airport Capital budget for FY17 and the local contribution. The Airport Capital request requires a public hearing. See attached information, p. 8 – 24. The committee recommends approval.

5. The IT Director requests an FY17 General Fund supplemental appropriation in the amount of \$108,032. This amount represents a carry forward of unspent FY16 funds for the data center refresh lease. See attached memo, p. 25. The committee recommends approval.
6. The Public Works Director requests an FY17 Landfill Fund supplemental appropriation in the amount of \$15,000. This amount represents a carry forward of unspent FY16 funds for chiller repair on the landfill gas treatment skid. See attached memo, p. 26 – 27. The committee recommends approval.
7. The Public Works Director requests an FY17 General Fund supplemental appropriation in the amount of \$12,560. This amount represents funds for a scanner lease and software. See attached memo, p. 28 - 42. The committee recommends approval.
8. ☒ The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$100. This amount represents a donation to the Honor Guard. No local funds required. See attached memo, p. 43.
9. ☒ The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$300. This amount represents a donation to DARE. No local funds required. See attached memo, p. 44.
10. The Sheriff requests an FY17 General Fund supplemental appropriation in the amount of \$20,000. This amount represents career development funding that was inadvertently omitted from the FY17 budget request. Local funds are required. See attached memo, p. 45. The committee recommends the department transfer within current budget. No action required.



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

July 18, 2016

Cheryl Shiffler, Finance Director
County of Frederick
107 North Kent Street
Winchester, Virginia 22601

RE: FY 2017 Capital Budget Request
Winchester Regional Airport Authority

Dear Ms. Shiffler:

Enclosed is the Winchester Regional Airport budget request for the Capital Budget for FY 2017.

The Winchester Regional Airport Authority will begin the annual financial audit process for FY 2016 performed by Robinson, Farmer Cox Associates of Charlottesville, Virginia sometime over the next several months. Upon completion of the audit, we will immediately mail the year-end financial statement to your office.

The development of the capital budget has been coordinated closely with representatives from the Federal Aviation Administration and the Virginia Department of Aviation for FY 2017 to maximize potential grant funding. This capital budget request for FY 2017 includes projects carried over from FY 2016 which are already under a federal and/or state grant or pending grants.

The funding participation and continued support provided by the County of Frederick and the City of Winchester is invaluable and vital to the continued success of Winchester Regional Airport's capital development program.

Jurisdictional ongoing contribution and support of the Winchester Regional Airport Authority ensures continued success in acquiring Federal and State funding for large capital improvement projects for development.

Should you have any questions or need additional copies, please do not hesitate to contact my office.

Sincerely,

Serena R. Manuel
Executive Director

Enclosures

EC: Mary Blowe, Finance Director City of Winchester
Kris Tierney, Deputy Administrator Frederick County
Eden Freeman, Manager City of Winchester

w/encl
w/encl
w/encl



Winchester Regional Airport Authority

BUDGET PROPOSAL

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2015 published 1/27/2016

FY 2017 - Budget

CAPITAL IMPROVEMENT FUND 85

Original Submission:

County of Frederick

City of Winchester

Counties of Clarke, Shenandoah & Warren

FY 2017 CAPITAL IMPROVEMENTS FISCAL YEAR BUDGET REQUEST

AIRPORT AUTHORITY CAPITAL OUTLAY

ACQUIRE LAND

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

NORTH SIDE CONNECTOR - BIDDING & CONSTRUCTION PHASE:

This project proposes to design/ construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

	FY 2015 BUDGET	FY 2016 BUDGET	FY 2017 BUDGET
COSTS:			
Personnel	0	0	0
Operating	0	0	0
Capital	5,070,000	3,588,459	4,206,400
TOTAL	5,070,000	3,588,459	4,206,400

GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

	FY 2015 BUDGET	FY 2016 BUDGET	FY 2017 BUDGET
REVENUES:			
Other Jurisdictions	39,118	28,652	59,895
State/Federal	4,950,600	3,495,989	3,989,172
County Funding	80,282	63,818	157,333
TOTAL	5,070,000	3,588,459	4,206,400

FY 2017 - CAPITAL IMPROVEMENT REVENUES					
Winchester Regional Airport					
July 20, 2016					
		REVENUE SOURCE			
Description		FEDERAL	STATE	LOCAL	TOTAL
Acquire Land - Parcel 64 A 69: Robertson	90/8/2 FAA/State/Local	190,800	16,960	4,240	212,000
Acquire Land - Parcel 64B A 33A: Beaver	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	90/8/2 FAA/State/Local	247,500	22,000	5,500	275,000
Acquire Land - Parcel 64 A 70: Marston and Haynes	90/8/2 FAA/State/Local	225,000	20,000	5,000	250,000
Acquire Land - Parcel 64 A 71: Marston and Haynes	90/8/2 FAA/State/Local	45,000	4,000	1,000	50,000
General Aviation Terminal Building Study	80/20 State/Local	0	52,000	13,000	65,000
North Side Connector - Design Phase	90/8/2 FAA/State/Local	4,860	432	108	5,400
Environmental Assessment - RW 14 Obstruction Removal	90/8/2 FAA/State/Local	66,600	5,920	1,480	74,000
Acquire Land - Parcel 64B A 40: Rosenberger	90/8/2 FAA/State/Local	157,500	14,000	3,500	175,000
Acquire Land - Parcel 64B A 51: Moreland	90/8/2 FAA/State/Local	211,500	18,800	4,700	235,000
North Side Connector - Construction Phase	90/8/2 FAA/State/Local	1,710,000	152,000	38,000	1,900,000
North Side - Gas Main Relocation	90/8/2 FAA/State/Local - ONLY IF FAA FUNDING BECOMES AVAILABLE	360,000	32,000	8,000	400,000
Professional Services - Capital Projects	LOCAL ONLY	0	0	100,000	100,000

FY 2017 - CAPITAL IMPROVEMENT REVENUES					
Winchester Regional Airport					
July 20, 2016		REVENUE SOURCE			
Description		FEDERAL	STATE	LOCAL	TOTAL
Survey Runway 14/32 Approaches	80/20 State/Local	0	64,000	16,000	80,000
Land Svcs - Runway 14 RPZ & Approaches (BRIDGE LOAN)	80/20 BRIDGE LOAN	0	128,000	32,000	160,000
Refund BRIDGE LOAN (Runway 14 RPZ & Approaches	90% FAA Funding to reimburse 2017 Bridge Loan	144,000	(115,200)	(28,800)	0
State Eligible Annual Maintenance Repairs	80/20 State/Local	0	28,000	7,000	35,000
State Eligible Annual Maintenance Repairs	80/20 State/Local	0	12,000	3,000	15,000
Total Revenue Breakdown		3,520,260	468,912	217,228	4,206,400

Local Revenue Breakdown

Contribution Clarke County	2,500
Contribution Warren County	0
Contribution Shenandoah County	5,000
Frederick Co/City of Winchester	209,728
Local Revenue	217,228

County	City
75.0%	25.0%
157,333	52,395

County Population	City Population	Total Population
82,623	27,515	110,138
FY 2017 Percentages for funding	75.0%	25.0%

**Population figures based on Weldon Cooper estimates for 2015 published 1/27/2016

FY 2017 - CAPITAL IMPROVEMENT EXPENDITURES

July 20, 2016

Winchester Regional Airport

Description		DETAIL AMOUNT	TOTAL AMOUNT	
	Acquire Land - Parcel 64 A 69: Robertson	Balance forward from FY 2016	\$212,000	\$212,000
	Acquire Land - Parcel 64B A 33A: Beaver	Balance forward from FY 2016	\$175,000	\$175,000
	Acquire Land - Parcel 64 A 66: Nesselrodt, Lawrence	Balance forward from FY 2016	\$275,000	\$275,000
	Acquire Land - Parcel 64 A 70: Marston and Haynes	Balance forward from FY 2016	\$250,000	\$250,000
	Acquire Land - Parcel 64 A 71: Marston and Haynes	Balance forward from FY 2016	\$50,000	\$50,000
	General Aviation Terminal Building Study	Balance forward from FY 2016	\$65,000	\$65,000
	North Side Connector - Design Phase	Balance forward from FY 2016	\$5,400	\$5,400
	Environmental Assessment - RW 14 Obstruction Removal	Balance forward from FY 2016	\$74,000	\$74,000
	Acquire Land - Parcel 64B A 40: Rosenberger	Land Acquisition - Runway 14 Obstruction Removal	\$175,000	\$175,000
	Acquire Land - Parcel 64B A 51: Moreland	Land Acquisition - Bufflick Road	\$235,000	\$235,000
	North Side Connector - Construction Phase	North Side Connector - Construction Phase	\$1,900,000	\$1,900,000
	North Side - Gas Main Relocation	North Side Relocation of Gas Main	\$400,000	\$400,000
	Professional Services - Capital Projects	Various legal services, independent fee estimates on Federal projects, etc.	\$100,000	\$100,000

FY 2017 - CAPITAL IMPROVEMENT EXPENDITURES

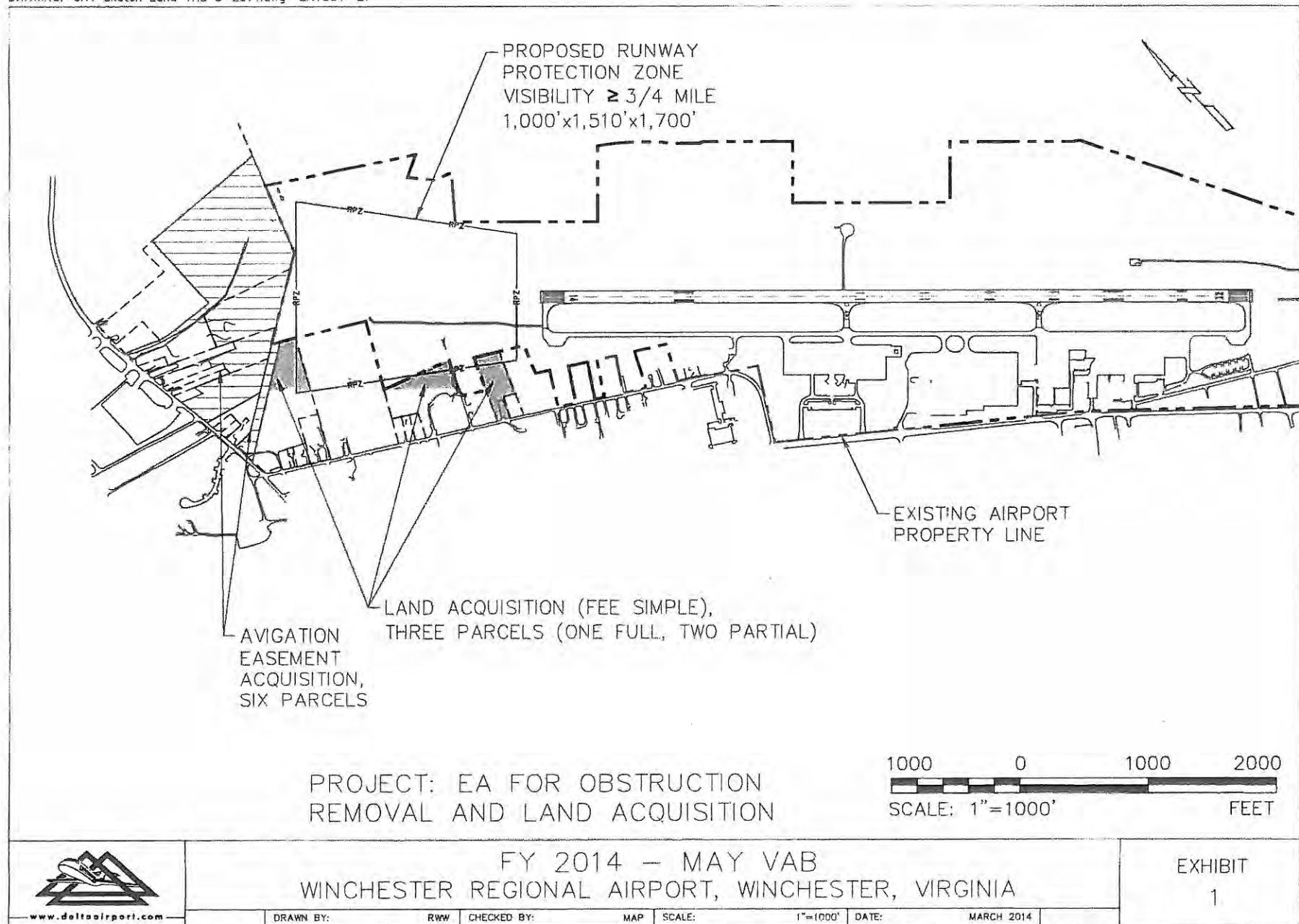
July 20, 2016

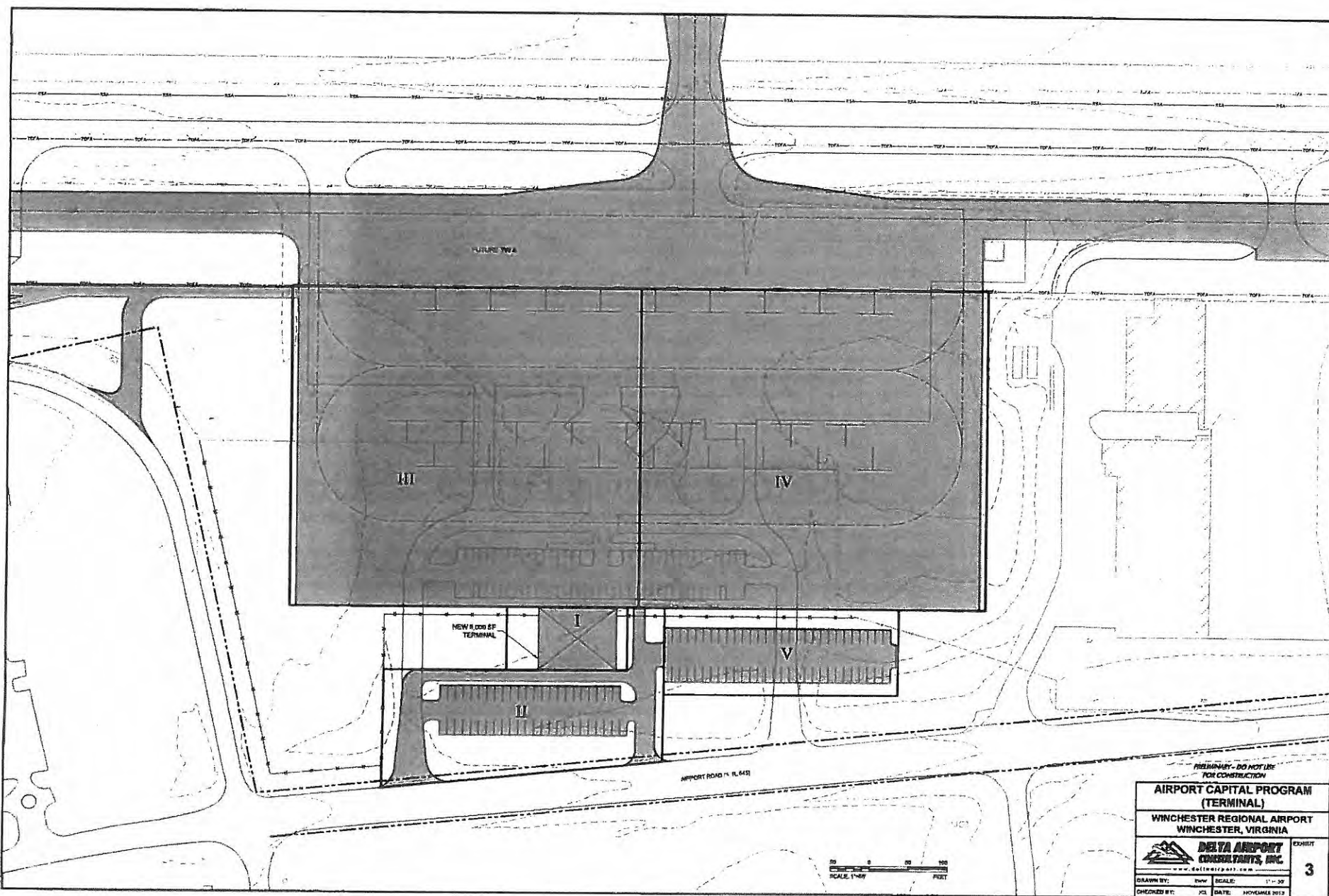
Winchester Regional Airport

Description			DETAIL AMOUNT	TOTAL AMOUNT
	Survey Runway 14/32 Approaches	Obstruction survey	\$80,000	\$80,000
	Land Svcs - Runway 14 RPZ & Approaches (BRIDGE LOAN)	Land Acquisition - Runway 14 RPZ Fee Simple and Easements for Obstruction Removal	\$160,000	\$160,000
	Refund BRIDGE LOAN (Runway 14 RPZ & Approaces	Reimbursement to State & Local upon receipt of FAA funds for land acquisition services Runway 14 RPZ	\$0	\$0
	State Eligible Annual Maintenance Repairs	General Repairs	\$35,000	\$35,000
	State Eligible Annual Maintenance Repairs	F & E repairs, lighting supplies, etc	\$15,000	\$15,000
	TOTAL		\$4,206,400	\$4,206,400

AIRPORT LAYOUT PLAN & PROJECT DIAGRAMS







AIRPORT CAPITAL IMPROVEMENT PLAN
THROUGH FY 2024

MASTER PLAN PROJECT LIST BY FISCAL YEAR							
WINCHESTER REGIONAL AIRPORT							
PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2017							
Acquire Land - Parcel 64 A 69: Robertson	2017	CF	\$212,000	\$190,800	\$16,960	\$4,240	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 33A: Beaver	2017	CF	\$175,000	\$157,500	\$14,000	\$3,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 67: Nesselrodt, Lawrence K	2017	CF	\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 70: Marston/Haynes	2017	CF	\$250,000	\$225,000	\$20,000	\$5,000	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 71: Marston/Haynes	2017	CF	\$50,000	\$45,000	\$4,000	\$1,000	90/8/2 FAA/State/Local
New General Aviation Terminal Building Study	2017	CF	\$65,000	\$0	\$52,000	\$13,000	80/20 State/Local
North Side Connector - (Design)	2017	CF	\$5,400	\$4,860	\$432	\$108	90/8/2 FAA/State/Local
Environmental Assessment - Runway 14 Obstruction Removal	2017	CF	\$74,000	\$66,600	\$5,920	\$1,480	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 40: Rosenberger	2017		\$175,000	\$157,500	\$14,000	\$3,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 51: Moreland (Old 50)	2017		\$235,000	\$211,500	\$18,800	\$4,700	90/8/2 FAA/State/Local
North Side Connector - (Construction)	2017		\$1,900,000	\$1,710,000	\$152,000	\$38,000	90/8/2 FAA/State/Local
North Side - Gas Main Relocation	2017		\$400,000	\$360,000	\$32,000	\$8,000	90/8/2 FAA/State/Local, if FAA funding available
Professional Services - Capital Projects	2017		\$100,000	\$0	\$0	\$100,000	Local only
Survey Runway 14-32 Approaches (Obstructions)	2017		\$80,000	\$0	\$64,000	\$16,000	80/20 State/Local
Land Services - Runway 14 RPZ & Approaches (BRIDGE LOAN)	2017		\$160,000	\$0	\$128,000	\$32,000	80/20 State/Local BRIDGE LOAN
Bridge Loan Refund (Runway 14 RPZ & Approaches)	2017		\$0	\$144,000	(\$115,200)	(\$28,800)	90% FAA funds to reimburse 2017 Bridge Loan
State Eligible Annual Maint Repairs - General	2017		\$35,000	\$0	\$28,000	\$7,000	80/20 State/Local
State Eligible Annual Maint Repairs - F & E Lighting	2017		\$15,000	\$0	\$12,000	\$3,000	80/20 State/Local

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2018							
Acquire Land - Parcel 64 A 64: Hott (Old 65)	2018		\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
Acquire Land - Parcel 64 A 60: Cooper (Old 61)	2018		\$275,000	\$247,500	\$22,000	\$5,500	90/8/2 FAA/State/Local
New General Aviation Terminal Building - Design	2018		\$300,000	\$0	\$225,000	\$75,000	75/25 state/Local assumed public/private space utilization
New General Aviation Terminal Building - Site (Design)	2018		\$80,000	\$0	\$64,000	\$16,000	80/20 state/Local assumed public/private space utilization
Fuel Storage Facility - Design/Build	2018		\$1,000,000	\$900,000	\$80,000	\$20,000	90/8/2 - FA/State/Local - assumes relocation is driven by other AIP project
Remark Runway 14/32	2018		\$100,000	\$0	\$8,000	\$92,000	80/20 State/Local
FY 2019							
North Side - Service Road (Design/Build)	2019		\$400,000	\$360,000	\$32,000	\$8,000	90/8/2 FAA/State/Local
New General Aviation Terminal Building - Construction	2019		\$2,000,000	\$0	\$1,500,000	\$500,000	75/25 state/Local assumed public/private space utilization
New General Aviation Terminal - Furniture Plan (Administrative)	2019		\$30,000	\$0	\$0	\$30,000	100% Local only
New General Aviation Terminal - Furniture Plan (Public Areas)	2019		\$50,000	\$0	\$50,000	\$0	100% State
New General Aviation Terminal Building & Parking Lot - Site Work (Construction)	2020		\$1,250,000	\$0	\$1,000,000	\$250,000	80/20 state/Local assumed public/private space utilization
Taxiway A Relocation - Section I - (Design Phase)	2019		\$200,000	\$180,000	\$16,000	\$4,000	90/8/2 FAA/State/Local
FY 2020							
Taxiway A Relocation - Section I - (Construction Phase)	2020		\$4,500,000	\$4,050,000	\$360,000	\$90,000	90/8/2 FAA/State/Local
New Terminal Building Opening Ceremony	2020		\$10,000	\$0	\$5,000	\$5,000	50/50 State/Local
Taxiway A Relocation - Section II - (Design Phase)	2020		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
FY 2021							
Taxiway A Relocation - Section II - (Construction Phase)	2021		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section III- (Design Phase)	2021		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local
FY 2022							
Taxiway A Relocation - Section III - (Construction Phase)	2022		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section IV - (Design Phase)	2022		\$150,000	\$135,000	\$12,000	\$3,000	90/8/2 FAA/State/Local
FY 2023							
Taxiway A Relocation - Section IV - (Construction Phase)	2023		\$1,100,000	\$990,000	\$88,000	\$22,000	90/8/2 FAA/State/Local
Taxiway A Relocation - Section V & TW C Shoulders	2023		\$1,200,000	\$1,080,000	\$96,000	\$24,000	90/8/2 FAA/State/Local
FY 2024							
Acquire Land - Parcel 64 A 59: Kyle (Old 69)	2024		\$300,000	\$270,000	\$24,000	\$6,000	90/8/2 FAA/State/Local
Acquire Land - Parcel 64B A 52: Lee (Old 60)	2024		\$300,000	\$270,000	\$24,000	\$6,000	90/8/2 FAA/State/Local
	0	0	\$0	\$0	\$0	\$0	0
ACIP Grand Total			\$20,226,400	\$14,500,260	\$4,296,912	\$1,429,228	

PROJECT DESCRIPTION	FAA FISCAL YEAR		TOTAL COST	FEDERAL FUNDS	STATE FUNDS	LOCAL FUNDS	REMARKS
MASTER PLAN PROJECT LIST BY FISCAL YEAR							
			TOTAL	FAA	STATE	LOCAL	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2017		\$4,206,400	\$3,520,260	\$468,912	\$217,228	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2018		\$2,030,000	\$1,395,000	\$421,000	\$214,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2019		\$3,930,000	\$540,000	\$2,598,000	\$792,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2020		\$4,660,000	\$4,185,000	\$377,000	\$98,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2021		\$1,250,000	\$1,125,000	\$100,000	\$25,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2022		\$1,250,000	\$1,125,000	\$100,000	\$25,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2023		\$2,300,000	\$2,070,000	\$184,000	\$46,000	
TOTAL BUDGET SUMMARY BY FISCAL YEAR	2024		\$600,000	\$540,000	\$48,000	\$12,000	
ACIP GRAND TOTAL			\$20,226,400	\$14,500,260	\$4,296,912	\$1,429,228	

N



CONDITIONAL USE PERMIT #06-16

Borden Real Estate, LLC

Public Garage (with Body Repair)

Staff Report for the Board of Supervisors

Prepared: September 1, 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:	08/03/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/14/16	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING: This is a request to update and amend Conditional Use Permit #001-90 for a Public Garage (with Body Repair) by deleting the following conditions in an effort to re-open an existing public garage:

Condition 3 This will be a one-year permit to be reviewed annually.

Condition 4 If the use, occupancy or ownership of property changes, this conditional use permit will expire and a new conditional use permit will be required.

Conditions 3 and 4 would no longer be required by Frederick County as a result of these two conditions a new CUP would be required. The original conditions are included for your reference.

Should the Board of Supervisors find this use appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. All repair activities shall occur entirely within the enclosed structures.
3. All exterior storage of parts and equipment shall be screened from view of the surrounding properties by an opaque fence or screen at least six (6) feet in height.
4. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Saturday.
5. No more than four (4) employees allowed.

6. No retailing or wholesaling of parts or vehicles on site.
7. No storage of inoperable vehicles on site.
8. No more than five (5) vehicles awaiting repair on site at any time.
9. An illustrative sketch plan shall be submitted to and approved by Frederick County, and all plan improvements shall be implemented prior to operating the business.
10. Any expansion or change of use will require a new Conditional Use Permit.
11. One business sign shall be allowed and shall conform to the Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height

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.

Page 3
CUP #06-16, Borden Real Estate, LLC
Public Garage (with Body Repair)
September 1, 2016

LOCATION: This property is located at 151 Conestoga Lane, Stephens City, Virginia.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 85-A-5

PROPERTY ZONING & PRESENT USE:

Zoned: RA (Rural Areas)
Land Use: Public Garage with/body repair (inactive)

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RA (Rural Areas)	Use: Church
South: RA (Rural Areas)	Use: Vacant
East: RA (Rural Areas)	Use: Vacant
West: RA (Rural Areas)	Use: Residential

PROPOSED USE: Conditional Use Permit for public garage with body repair.

REVIEW EVALUATIONS:

Virginia Department of Transportation: A VDOT review has been conducted for the Conditional Use Permit Application at 151 Conestoga Lane, Stephens City, Virginia to operate as a public garage with body repair. This office has no overall objection to this Conditional Use Permit Application. I would like to note that the existing private street connection for Conestoga Lane to Route 11 is being upgraded as part of a site plan for Lighthouse Full Gospel Church. A VDOT Land Use Permit for this project is currently active. We encourage the Applicants of this Conditional Use Permit to work together with the Church for the construction of the entrance improvements.

Winchester-Frederick County Health Department: The Frederick County Health Department has no objection as long as the conditions of the operating permit are met (cannot exceed four full time occupants and six maximum employees).

Frederick County Fire Marshall: Plans disapproved: Access road marked as "Asphalt Driveway" does not meet width of 20' requirement as per 2012 Frederick County Fire Prevention Code; 503.2.1 Dimensions.

At least 1 smoke detector shall be in all areas this permit references

Page 4
CUP #06-16, Borden Real Estate, LLC
Public Garage (with Body Repair)
September 1, 2016

At least 1-5 lb ABC fire extinguisher with 75' of all areas that this permit references

Please note amended Fire Marshall revised comment dated June 22, 2016, approving plans for this use.

Frederick County Inspections Department: Conditional Use request to use existing residential garage for commercial use. The area utilized shall comply with The Virginia Uniform Statewide Building Code, Virginia Mechanical Code 2012, and ANSI A117.1-09-Accessible and Usable Buildings and Facilities.

Please submit a permit application for the change of use. Please include a floor plan of the current garage layout and a future floor plan of the proposed layout.

Accessible parking shall be provided per ANSI A117.1-09. Accessible route from parking area/unloading to entrance shall be provided.

Final inspection/approval with certificate of occupancy shall be issued prior to new use of the facility.

Public restroom facilities shall be provided within 500'.

Other S-1 garage, CO Dated 1990 shall be maintained under the 1987 VUSBC as required in the Virginia Property Maintenance Code 2012. No change of use required for garage labeled 153 Conestoga Lane on site plan.

Winchester Regional Airport: No impact-no comments needed.

Planning and Zoning: This is a request to update and amend an existing Conditional Use Permit for a public garage. This property is subject to conditions of CUP #001-90 approved by the Board of Supervisors March 28, 1990, for a public garage. Currently, this public garage has not been in operation but meets all of the requirements of the conditions of CUP #001-90. However, there are two (2) assigned conditions of CUP #001-90 that will require a new CUP:

Condition 3 This will be a one-year permit to be reviewed annually.

Condition 4 If the use, occupancy or ownership of property changes, this conditional use permit will expire and a new conditional use permit will be required.

Conditions 3 and 4 would no longer be required by Frederick County as a result of these two conditions a new CUP would be required. The original conditions are included for your reference.

This use will be conducted on a five acre parcel in two (2) structures approximately 3,250 and

4,850 square feet in size. This use will be approximately 500 feet or more from any adjoining structures and properties. The structures were used as part of approved CUP # 001-90. All repair work will be conducted within the enclosed garages.

STAFF CONCLUSIONS FOR THE 08/03/16 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. All repair activities shall occur entirely within the enclosed structures.
3. All exterior storage of parts and equipment shall be screened from view of the surrounding properties by an opaque fence or screen at least six (6) feet in height.
4. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
5. No more than four (4) employees allowed.
6. No retailing or wholesaling of parts or vehicles on site.
7. No storage of inoperable vehicles on site.
8. No more than five (5) vehicles awaiting repair on site at any time.
9. An illustrative sketch plan shall be submitted to and approved by Frederick County, and all plan improvements shall be implemented prior to operating the business.
10. Any expansion or change of use will require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 08/03/16 MEETING:

Staff reported the property is located at 151 Conestoga Lane, Stephens City and is currently zoned RA (Rural Areas) and the current land use is a public garage with body repair which is inactive. Staff continued this is a request to update and amend an existing CUP (Conditional Use Permit) for a public garage. Staff explained this property is subject to conditions of CUP #001-90 which was approved by the Board of Supervisors on March 28, 1990. Staff noted this public garage has not been in operation however it meets all of the requirements of the conditions set forth with CUP #001-90.

Staff reported there are two assigned conditions of CUP #001-90 that need to be removed and therefore a new CUP is required:

- Condition 3 – This will be a one year permit to be reviewed annually.
- Condition 4 – If the use, occupancy or ownership of the property changes, this CUP will expire and a new CUP will be required.

Staff noted CUP's convey with the property and therefore conditions such as 3 and 4 are no longer recommended by Frederick County.

Staff reviewed the conditions recommended for the current CUP #06-16:

1. All review agency comments and requirements shall be complied with at all times.
2. All repair activities shall occur entirely within the enclosed structures.
3. All exterior storage of parts and equipment shall be screened from view of the surrounding properties by an opaque fence or screen at least six (6) feet in height.
4. Hours of operation shall be limited to 7 a.m. – 7 p.m., Monday – Saturday
5. No more than four (4) employees allowed.
6. No retailing or wholesaling of parts or vehicles on site.
7. No storage of inoperable vehicles on site.
8. No more than five (5) vehicles waiting repair on site at any time.
9. An illustrative sketch plan shall be submitted to an approved by Frederick County and all plan improvements shall be implemented prior to operating the business.
10. Any expansion or change of use will require a new CUP.

Staff noted the Applicant would like to add a Cottage Occupation sign as condition #11 if possible.

A Commission Member inquired regarding Condition #8; does this mean five (5) vehicles outside of the structure? Staff stated the five (5) vehicles does mean outside of the building.

The Applicant came forward for questions. He noted he is satisfied with the conditions set forth by Staff. A Commission Member asked if there is an existing six (6) foot fence in place. The Applicant explained there is a large hedge and concrete wall but here is no fence at this time.

A motion was made, seconded, and passed by unanimous vote to recommend approval of CUP #06-16 for Borden Real Estate LC with the addition of Condition #11 for a Cottage Occupation sign.

Page 7
CUP #06-16, Borden Real Estate, LLC
Public Garage (with Body Repair)
September 1, 2016

Abstain: Oates
Absent: Manuel and Molden

CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING:

This is a request to update and amend Conditional Use Permit #001-90 for a Public Garage (with Body Repair) by deleting the following conditions in an effort to re-open an existing public garage:

Condition 3 This will be a one-year permit to be reviewed annually.

Condition 4 If the use, occupancy or ownership of property changes, this conditional use permit will expire and a new conditional use permit will be required.

Conditions 3 and 4 would no longer be required by Frederick County, as a result of these two conditions a new CUP would be required. The original conditions are included for your reference.

Should the Board of Supervisors find this use appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. All repair activities shall occur entirely within the enclosed structures.
3. All exterior storage of parts and equipment shall be screened from view of the surrounding properties by an opaque fence or screen at least six (6) feet in height.
4. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Saturday.
5. No more than four (4) employees allowed.
6. No retailing or wholesaling of parts or vehicles on site.
7. No storage of inoperable vehicles on site.
8. No more than five (5) vehicles awaiting repair on site at any time.
9. An illustrative sketch plan shall be submitted to and approved by Frederick County, and all plan improvements shall be implemented prior to operating the business.

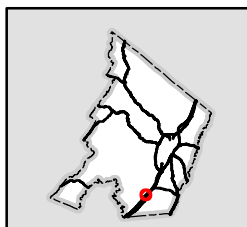
10. Any expansion or change of use will require a new Conditional Use Permit.
11. One business sign shall be allowed and shall conform to the Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height

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 # 06 - 16
Borden Real Estate, LLC
PIN:
85 - A - 5
Public Garage with Body Shop



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



CUP # 06 - 16
Borden Real Estate, LLC
PIN:
85 - A - 5
Public Garage with Body Shop

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 27, 2016
Staff: mcheran



0 125 250 500 Feet



COUNTY of FREDERICK

Department of Planning and Development

703/665-5651
FAX 703/667-0370

April 2, 1990

Roy R. & Patricia G. Beatty
Route 2, Box 289
Stephens City, Virginia 22655

Dear Mr. & Mrs Beatty:

This letter is to confirm action taken by the Frederick County Board of Supervisors at their meeting of March 28, 1990:

Approval of Conditional Use Permit #001-90 of Roy and Patricia Beatty for a garage with body repair. This property is located 1 and 3/4 miles on Route 11, south of Stephens City on the west side in the Opequon Magisterial District and is identified as parcel 5 on tax map 85.

This conditional use permit is issued with the following conditions:

1. All repair work shall take place entirely within an enclosed structure.
2. All exterior storage of parts shall be screened from view of surrounding properties by a solid artificial or compact natural screen of at least five (5) feet in height, which shall be maintained as long as such exterior storage is conducted.
3. This will be a one-year permit to be reviewed and renewed annually.
4. If the use, occupancy or ownership of the property changes, this conditional use permit shall expire and a new conditional use permit will be required.
5. Hours of operation shall be limited to 7:00 a.m. until 7:00 p.m., Monday through Saturday.
6. Adequate health facilities that meet code requirements must be provided.
7. Retailing or wholesaling of used vehicles will not be permitted from this site.
8. No inoperable vehicles will be stored on the site.

Page -2-
Beatty
March 30, 1990

If you have any questions regarding this conditional use permit do not hesitate to call this office.

Sincerely,

A handwritten signature in cursive script, reading "W. Wayne Miller". The signature is written in dark ink and is positioned above the typed name.

W. Wayne Miller
Zoning Administrator

WWM/slk

cc: Esten Rudolph, Commissioner of Revenue
Roy Jennings, Commissioner of Revenue Office
George Whitacre, Clerk of Circuit Court
William C. Orndoff, Jr., Treasurer



JUN 23 2016

Submittal Deadline
P/C Meeting
BOS Meeting

7/3/2016
7/3/2016
9/14/2016

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

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

NAME: Borden Real Estate, LLC - Clifton E. Borden (Manager)

ADDRESS: 308 Saint Andrews Court, Winchester, VA 22602

TELEPHONE: 540-974-8542

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

Borden Real Estate, LLC.

Clifton E. Borden, manager

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

151 Conestoga Lane, Stephens City, Va 22655

From intersection of Route 11 (Main St.) and Fairfax Street in Stephens City, head south 1.8 miles on Route 11

property will be on the right (Conestoga Lane).

4. The property has a road frontage of 329.06' feet and a depth of 552.81' feet and consists of 5.415 acres. (Please be exact)

5. The property is owned by Borden Real Estate, LLC. as evidenced by deed from Daniel and Gayle Ridings (previous owner) recorded in deed book no. 160002517 on page , as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 85-(A)-5
Magisterial District Back Creek
Current Zoning RA

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Church	RA
East	Agricultural	RA
South	Vacant	RA
West	Agricultural	RA

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

Public Garages with Body Repair

See attached illustrative sketch for Proposed Conditions for New CUP

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

No new buildings will be constructed

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 Trustees of Lighthouse Full Gospel Church, C/O Paul E. Markee, Trustee	800 Salem Church Rd
Property # 85-(A)-4A	Stephens City, Va 22655
Name William H.V. Pfahl	P.O. Box 582
Property # 85-(A)-3	Stephens City, Va 22655
Name Charles N. and Pauline L. Sydnor	2214 Coal Mine Rd.
Property # 85-(A)-5A	Strasburg, Va 22657
Name David W. Powers	1389 Apple Pie Ridge
Property # 85-(A)-15	Winchester, Va 22603
Name	
Property #	
Name	
Property #	
Name	
Property #	

12. Additional comments, if any: _____

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

BORDEN Real Estate

Signature of Owner

Clifton Borden

Owners' Mailing Address

308 Saint Andrews Court, Winchester, Va 22602

Owners' Telephone No.

540-974-8542

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____

 $5.71 \times 10^{-3} \text{ m} \cdot 0.4$

Abstract

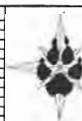
BORDEN RAIL, CORPTE, LLC
 20000177
 20000177
 20000177
 20000177
 20000177

65-(A)-4A
RIGHTHOUSE PUB
HISTORICAL BUILDING
STATION 12
TOWN OF
WEST CHATHAM
VIRGINIA

[illegible]

DATE	REVISION
6/22/16	REV PER FIRE MARSHAL

DATE:	APRIL 27, 2016
SCALE:	1" = 30'
FILE NO.	0487
SHEET 1 OF 1	



GreyWolfe, Inc.
Land Surveying and Consulting
1073 Reservoir Road
Winchester, VA 22603
GreyWolfe.com (540) 667-2001 OFC
(540) 545-4001 FAX



Frederick County
Department of Fire and Rescue
Office of the Fire Marshal
1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

Plan Review & Comments

Date Received
6/22/2016

Date Reviewed
6/22/2016

Plan/Permit Type

Condition Use Permit Revision 6/22/16

Name Borden Real Estate

Address 151 Conestoga LN

Stephens City VA 22655

Project Name

Conditional Use Permit 05/02/2016

Applicant Name & Number

GreyWolfe, Inc. 540-667-2001

RE#

Permit Number

Emergency Vehicle Access:

Adequate Inadequate N/A

Hydrant Location:

Adequate Inadequate N/A

Siamese Location:

Adequate Inadequate N/A

Fire Lanes Required:

Yes No N/A

Plan Approval Status

Approve

Comments

Plan Approved with the revision of the plan showing the driveway being widened to 20' also as part of the permit at least one smoke detector shall be installed and at least one 5lb multipurpose ABC Fire Extinguisher shall be installed in areas that apply to this permit.

Signature: Kenneth Scott, Jr.

Reviewed By: Kenneth Scott, Jr.

Title: Fire Inspector

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

Mail to:

Frederick County Fire Marshal
1800 Coverstone Drive
Winchester, Virginia 22602
(540) 665-6350

Hand deliver to:

Frederick County Fire & Rescue Dept.
Attn: Fire Marshal
Public Safety Building
1800 Coverstone Drive
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: Borden Real Estate, LLC - Clifton E. Borden (Manager)

Telephone: 540-974-8542

Mailing Address:

c/o GrayWolfe, Inc
1073 Redbud Road, Winchester, VA 22603
(540) 667-2001

Name of development and/or description of the request:

Borden Real Estate, LLC. - Conditional Use Permit

Location of Property:

151 Conestoga Lane, Stephens City, Va 22655. West side of Route 11 at Conestoga Lane

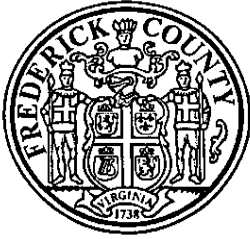
Fire Marshal's Comments:

See Attachment

Fire Marshal's Signature & Date:

[Signature] 6/22/16

Notice to Fire Marshal - Please Return This Form to the Applicant



RESOLUTION

Action:

PLANNING COMMISSION: August 3, 2016 Recommended Approval

BOARD OF SUPERVISORS: September 14, 2016 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #06-16 BORDEN REAL ESTATE, LLC PUBLIC GARAGE (WITH BODY REPAIR)

WHEREAS, Conditional Use Permit #06-16 for Borden Real Estate, LLC, submitted by Borden Real Estate, LLC to update and amend Conditional Use Permit #001-90 for a Public Garage (with Body Repair) was considered. The Property is located at 151 Conestoga Lane, Stephens City, Virginia and is further identified with Property Identification Number 85-A-5, in the Back Creek District; and,

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on August 3, 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 September 14, 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 #06-16 for a Public Garage (with Body Repair) on the parcel identified by Property Identification Number 85-A-5 with the following conditions:

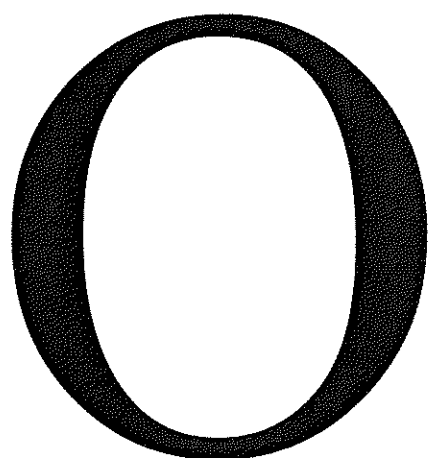
1. All review agency comments and requirements shall be complied with at all times.
2. All repair activities shall occur entirely within the enclosed structures.
3. All exterior storage of parts and equipment shall be screened from view of the surrounding properties by an opaque fence or screen at least six (6) feet in height.
4. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
5. Not more than four (4) employees allowed.
6. No retailing or wholesaling of parts or vehicles on site.
7. No storage of inoperable vehicles on site.
8. No more than five (5) vehicles awaiting repair on site at any time.
9. An illustrative sketch plan shall be submitted to and approved by Frederick County, and all plan improvements shall be implemented prior to operating the business.
10. Any expansion or change of use will require a new Conditional Use Permit.
11. One business sign shall be allowed and shall conform to the Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.

Passed this 14th day of September, 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





CONDITIONAL USE PERMIT #07-16
Ginger Teets (GT Archery - Cottage Occupation)
Staff Report for the Board of Supervisors
Prepared: September 1, 2016
Staff Contact: M. Tyler Klein, AICP, Planner

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:	08/03/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/14/16	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING: This is a request for a Conditional Use Permit (CUP) for a cottage occupation in the RA (Rural Areas) Zoning District for the sale of archery supplies and equipment. Should the Board of Supervisors find this application for a cottage occupation 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. One, small, cottage occupation sign permitted with approval of the Conditional Use Permit.
3. Hours of operation shall be 11:00 a.m. to 6:00 p.m. Tuesday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. The business shall not operate on Sundays and Mondays.
4. No more than twenty-five (25) 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.

The Planning Commission unanimously recommended approval with conditions of CUP #07-16 for Ginger Teets for a cottage occupation for sale of archery equipment and supplies.

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 3641 Green Spring Road, Winchester, Virginia

MAGISTERIAL DISTRICT: Gainesboro

PROPERTY ID NUMBER: 13-3-16

PROPERTY ZONING & PRESENT USE:

Zoned: Rural Areas (RA)

Land Use: Rural Areas; residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North: Rural Areas (RA) Use: Residential

South: Rural Areas (RA) Use: Residential

East: Rural Areas (RA) Use: Residential

West: Rural Areas (RA) Use: Residential

PROPOSED USE: The Applicant proposes a cottage occupation for the sale of archery equipment and supplies. The Applicant intends to use an existing outbuilding (shed) on-site for the business. No additional employees are proposed beyond those residing on the premise and one small cottage occupation sign is allowed.

REVIEW EVALUATIONS:

Virginia Department of Transportation: *Please see the attached email from Timothy Rhodes, VDOT Land Development Engineer dated June 17, 2016.*

Frederick County Inspections: Change of use for the existing storage building shall comply with the 2012 Virginia Rehabilitation Code. The new use classification shall be Business for the archery repair and supply operation. Other codes that apply are ICC/ANSI A117.1-2009 Accessible and Usable Buildings and Facilities, and Virginia Energy Code 2012. Please submit a floor plan of the area being utilized at the time of building permit application. Permit shall be issued, final inspection conducted with approval and a new certificate of use and occupancy shall be issued prior to operation.

New occupancy shall comply with Virginia Mechanical Code for proper ventilation.

Van accessible parking and unloading provided as required. Van signage must comply with USBC 1106.8. Accessible route shall be provided to the main entrance. Maximum slope for accessible route is 1:20 (5%).

Winchester-Frederick County Health Department: Health Department has no objection to the above request. No employees may work on-site. No customers may access bathroom facilities.

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 sale of archery equipment and supplies business is in a part of the County that is planned to remain primarily rural in nature, and not part of any current land use study. The Frederick County Zoning Ordinance allows a cottage occupation in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP). The proposed use will take place within an existing structure (an outbuilding/shed) on the Applicant's property and is generally compatible with surrounding rural residential uses. The Applicant anticipates three (3) to four (4) customers per day, and will operate 11 a.m. to 6 p.m. Tuesday through Friday and 8 a.m. to 6 p.m. on Saturdays. The Applicant is also requesting a single cottage occupation sign that will not exceed four (4) square feet (SF) in area. The site has not been previously approved for a Conditional Use Permit.

Staff notes that cottage occupations are typically lower-intensity uses, with a low volume of traffic and customers. Staff further notes that the number of customers permitted on-site per day is ultimately limited by the number of parking spaces and compliance with health department comments regarding use of on-site restroom facilities.

STAFF CONCLUSIONS FOR THE 08/03/16 PLANNING COMMISSION MEETING:

Should the Planning Commission find this application for a cottage occupation 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. One, small, cottage occupation sign permitted with approval of the Conditional Use Permit.
3. Hours of operation shall be 11:00 a.m. to 6:00 p.m. Tuesday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. The business shall not operate on Sundays and Mondays.
4. No more than four (4) 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 08/03/16 MEETING:

Staff presented CUP #07-16 at the August 3, 2016 Planning Commission public hearing, noting the site is a rural residence zoned RA and the Applicant is seeking a conditional use permit for a cottage occupation for the sale of archery equipment and supplies. Staff presented mapping identifying the location and an outline of the property and the proposed illustrative sketch for the cottage occupation. Staff continued that the property is surrounded by RA properties on all sides including residences and is well shielded from neighboring properties.

Staff explained cottage occupations are permitted in the RA Zoning District with an approved CUP. Staff continued this proposed cottage occupation is for a retail business specializing in the sale of archery equipment and supplies that will take place in existing structures (an outbuilding/shed) on the property. Staff reviewed the conditions attached to this CUP, and noted that the Applicant had agreed to all conditions recommended:

1. All review agency comments and requirements shall be complied with at all times.
2. One, small, cottage occupation sign permitted with approval of the Conditional Use Permit.
3. Hours of operation shall be 11:00 a.m. to 6:00 p.m. Tuesday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. The business shall not operate on Sundays and Mondays.
4. No more than four (4) 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.

The primary topic discussed by the Planning Commission was a condition of approval limiting the number of customers that could visit the site on any given day. A Commission Member inquired on condition #4, stating four (4) customers per day is extreme and how will this be regulated. Staff explained this number was set by the Applicant and he can explain this further. Shawn Teets, representing the Applicant explained it was a misprint on his part. A Commission Member inquired if condition #4 can be removed and it appears VDOT would be the only agency to raise concerns if any. Mr. Teets explained VDOT gave him a total number of fifty (50) per day; meaning twenty-five (25) in and twenty-five (25) out.

A Commission Member recommended amending condition #4 to twenty-five (25) customers per day, which was seconded by a Commission Member. The Applicant agreed to the amended condition #4.

One (1) member of the public spoke in favor of the application, noting that a business specializing in “high end” archery equipment and service was needed in Frederick County, as this is a very specialized hobby.

A motion was made, seconded, and unanimously passed to recommend approval with conditions (as modified) of CUP #07-16 for Ginger Teets (GT Archery) for a cottage occupation.

Absent: Commissioners Manuel and Molden

CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING:

Should the Board of Supervisors find this application for a cottage occupation 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. One, small, cottage occupation sign permitted with approval of the Conditional Use Permit.
3. Hours of operation shall be 11:00 a.m. to 6:00 p.m. Tuesday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. The business shall not operate on Sundays and Mondays.
4. No more than twenty-five (25) 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.

The Planning Commission unanimously recommended approval with conditions of CUP #07-16 for Ginger Teets (GT Archery) for a cottage occupation for sale of archery equipment and supplies.

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.

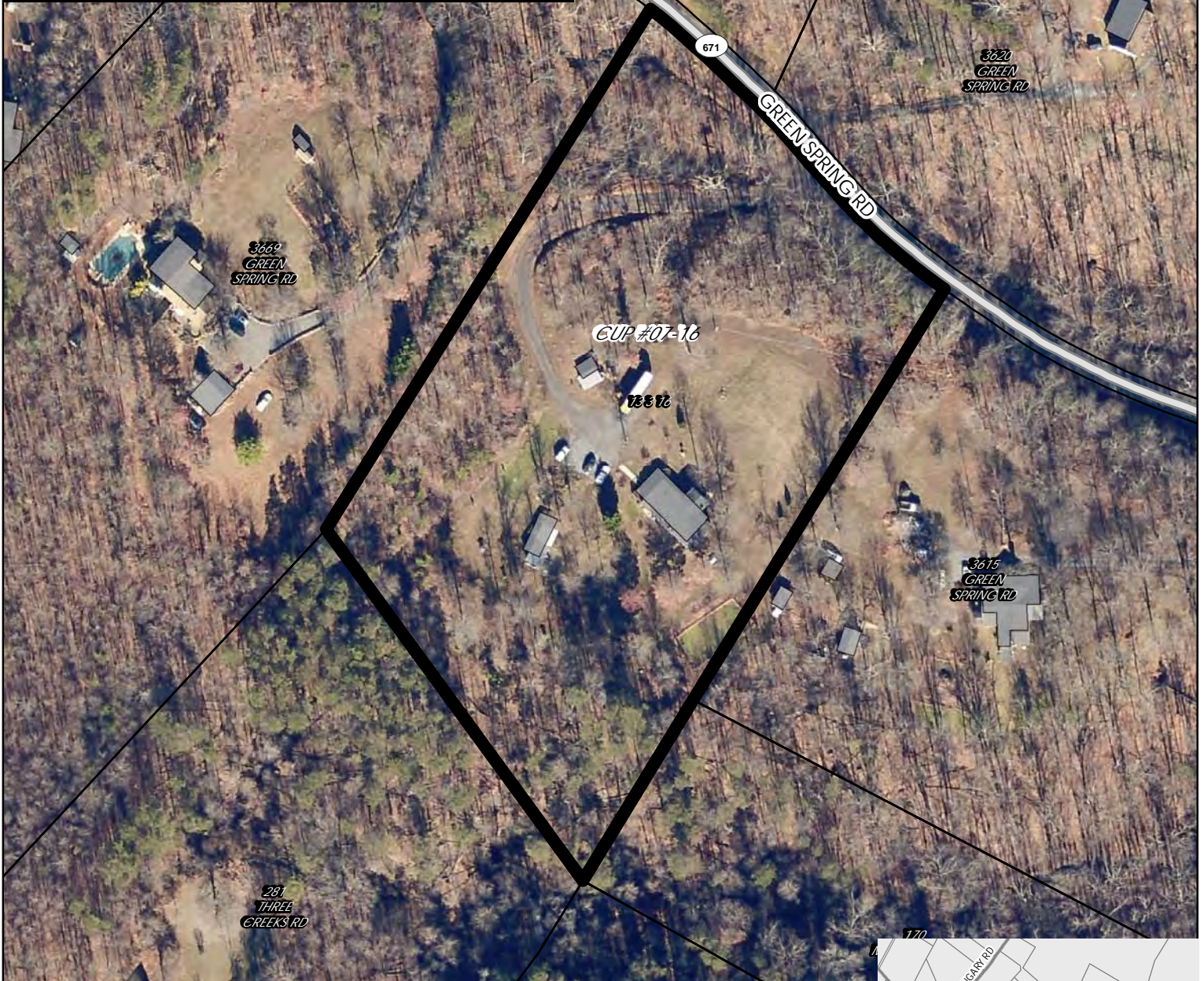
CUP # 07 - 16

Ginger Teets

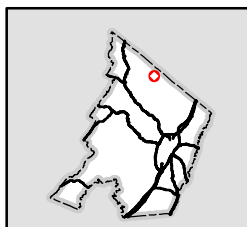
PIN:

13 - 3 - 16

Cottage Occupation - Sale of Archery Supplies



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



CUP # 07 - 16
Ginger Teets

PIN:

13 - 3 - 16

Cottage Occupation - Sale of
Archery Supplies

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 30, 2016
Staff: mcheran/tklein



0 80 160 320 Feet

CUP # 07 - 16

Ginger Teets

PIN:

13 - 3 - 16

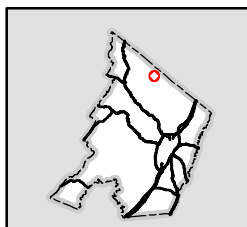
Cottage Occupation - Sale of Archery Supplies



Applications

Parcels

Building Footprints



CUP # 07 - 16
Ginger Teets

PIN:

13 - 3 - 16

Cottage Occupation - Sale of
Archery Supplies

Note:

Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651

Map Created: June 30, 2016
Staff: mcheran/tklein



0 80 160 320 Feet

David Burke

From: Cletus Teets <gtarchery15@gmail.com>
Sent: Tuesday, June 28, 2016 1:01 PM
To: David Burke
Subject: FW: Cletus & Ginger Teets- CT Archery CUP Application

Sent from [Mail](#) for Windows 10

From: [Rhodes, Timothy \(VDOT\)](#)
Sent: Friday, June 17, 2016 11:20 AM
To: '[Cletus Teets](#)'
Cc: [Smith, Matthew, P.E. \(VDOT\)](#); [Funkhouser, Rhonda \(VDOT\)](#); '[mcheran@co.frederick.va.us](#)'; '[Candice Perkins](#)'
Subject: Cletus & Ginger Teets- CT Archery CUP Application

DEPARTMENT OF TRANSPORTATION
Staunton/Edinburg Land Development
14031 Old Valley Pike
Edinburg, VA 22824

Mr. & Ms. Teets,

We have reviewed the Conditional Use Permit Application received June 24, 2016 for impacts to the transportation system. The application is for GT Archery LLC to operate a cottage occupation selling archery supplies, located at 3641 Green Spring Rd, Winchester Va. (Rte. 671) Route 671 is an un-posted 55 MPH local roadway with 1100 vehicle trips per day. A VDOT speed analysis was performed at the proposed location. The results of this analysis show the 85th percentile operating speed in both directions is 48 MPH. Based on our field review, only stopping sight distance has been met to the west of the existing entrance, therefore we can only permit a Low Volume Commercial Entrance allowing a maximum of 50 vehicle trips per day (25 entering, 25 exiting). As a condition of this CUP, this office request the county limit the number of trips to and from this business to a maximum of 50 per day.

We would like to note that the existing private entrance meets the minimum design dimensions for a Low Volume Commercial Entrance. Therefore, no entrance improvements will be needed.

We appreciate the opportunity to provide comments on this Conditional Use Permit Application. If you have any questions or need further information, please do not hesitate to give me a call at (540) 984-5630.

Thank You,

Timothy Rhodes

VDOT~Land Development Engineer
Clarke, Frederick, Shenandoah & Warren Counties
14031 Old Valley Pike
Edinburg, VA. 22824
(540)-984-5630



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Submittal Deadline

P/C Meeting

BOS Meeting

7/22/16
8/3/16
9/14/16

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

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

NAME: Ginger Teets

ADDRESS: 3641 GreenSpring Rd. Winchester, Va. 22603

TELEPHONE: 540-888-9111

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

Cletus S. Teets (husband)

Ginger L. Teets

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

3641 GreenSpring Rd. Winchester, Va. 22603

4. The property has a road frontage of 300 feet and a depth of 300 feet and consists of 4.80 acres. (Please be exact)

5. The property is owned by Cletus S. + Ginger L. Teets as evidenced by deed from William + Freda Shiley (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 13-3--16-
Magisterial District Gainesboro
Current Zoning _____

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Bob McFarland	RA
East	William + Freda Shiley	
South	SHEPARD	
West	Gus + Claudia Nusu	

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

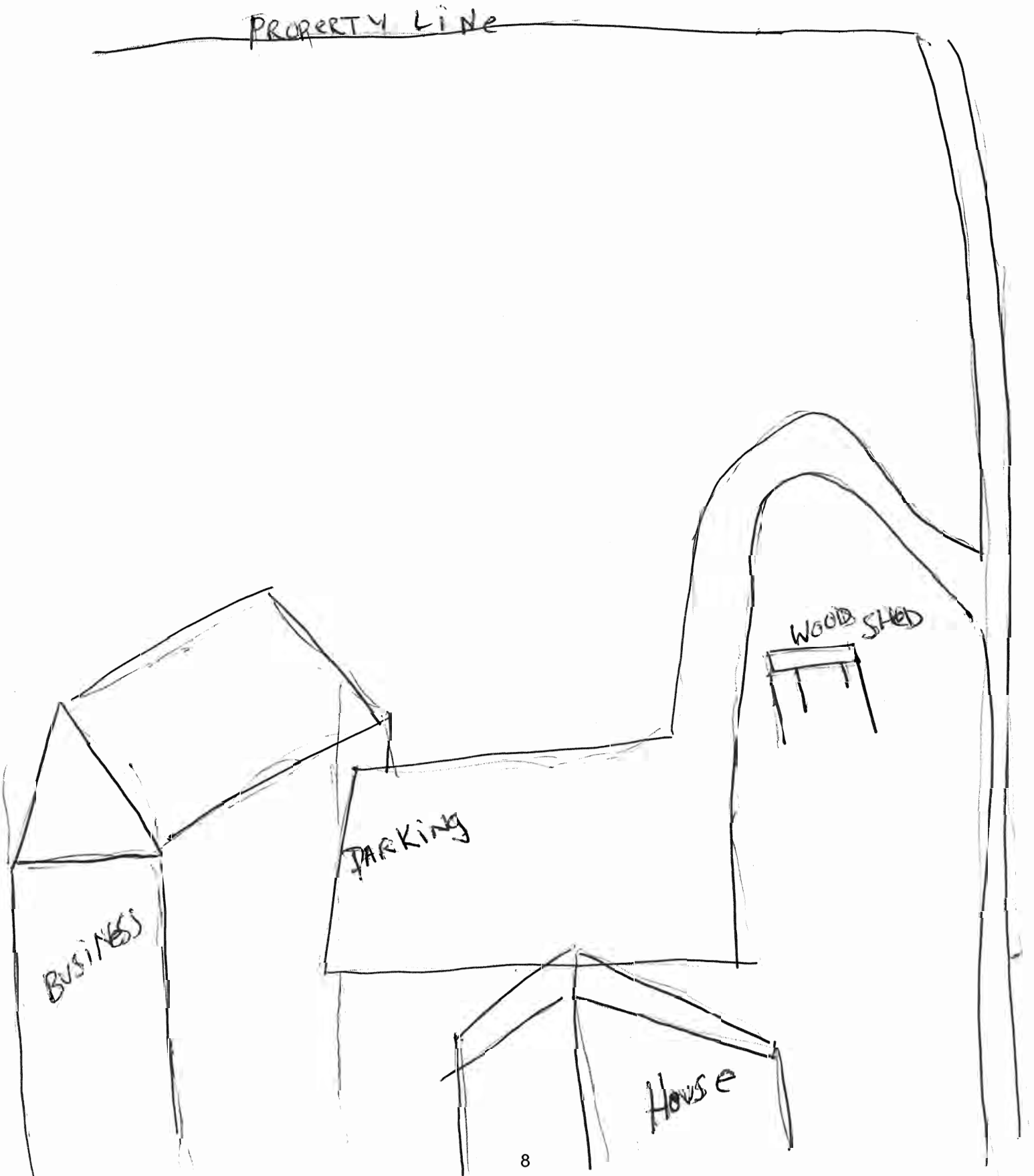
COTTAGE OCCUPATION - ARCHERY RETAIL

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

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 GUS + CLAUDIA NUSU	3669 GREEN SPRING ROAD
Property # 13 A 58A	
Name MICHAEL + CHERLY SHEPARD	179 GEORGE DRIVE
Property # 13 A 58B	
Name ANNE REED	204 MONARCH CANE
Property # 13 3 13	
Name KEVIN + CANDI WAYNE	170 MONARCH CANE
Property # 13 3 14	
Name WILLIAM + FREDA SHILEY	3615 GREEN SPRING ROAD
Property # 13 3 15	
Name LEWIS MCFARLAND	3620 GREEN SPRING ROAD
Property # 13 A 68A	
Name MARK LOVECKY	3680 GREEN SPRING ROAD
Property # 13 A 67A	

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.



12. Additional comments, if any: 3-4 CUSTOMERS PER ~~WEEK~~ DAY;

11-6 TUES THROUGH FRIDAY; 8-6 SAT

SMALL COTTAGE OCCUPATION SIGN

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 Minger L. Teets

Signature of Owner Minger L. Teets

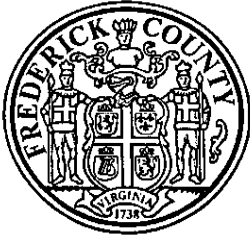
Owners' Mailing Address 3641 Green Spring Rd. Winchester, Va. 22603

Owners' Telephone No. 540-888-9111

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



RESOLUTION

Action:

PLANNING COMMISSION: August 3, 2016 Recommended Approval

BOARD OF SUPERVISORS: September 14, 2016 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #07-16 GINGER TEETS

WHEREAS, Conditional Use Permit #07-16 of Ginger Teets, submitted by Ginger Teets for a cottage occupation for the sale of archery supplies and equipment in the RA (Rural Areas) Zoning District was considered. The Property is located at 3641 Green Spring Road, Winchester, Virginia and is further identified with Property Identification Number 13-3-16 in the Gainesboro District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on August 3, 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 September 14, 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 #07-16 for the sale of archery supplies and equipment on the parcel identified by Property Identification Number 13-3-16 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. One small cottage occupation sign permitted with approval of the Conditional Use Permit.
3. Hours of operation shall be 11:00 a.m. to 6:00 p.m. Tuesday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays. The business shall not operate on Sundays and Mondays.
4. No more than twenty-five (25) 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 14th day of September, 2016 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Judith McCann-Slaughter _____

Gene E. Fisher _____

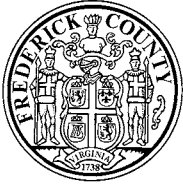
Blaine P. Dunn _____

Robert W. Wells _____

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

P



CONDITIONAL USE PERMIT #08-16

CROSSROAD GROCERY

Staff Report for the Board of Supervisors

Prepared: September 2, 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:	08/17/16	Public Hearing Held; Recommend Approval
Board of Supervisors:	09/14/16	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING: This is a request for a Conditional Use Permit (CUP) for a Country General Store with Fuel Sales. Should the Board of Supervisors find this application for a Country General Store with Fuel Sales to be appropriate, the Planning Commission 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. An engineered site plan shall be submitted to, and approved by Frederick County, and site improved accordingly, prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards.
3. One (1) monument sign shall be allowed on the property; sign shall be limited to fifty (50) square feet in area. The sign shall not exceed ten (10) feet in height.
4. Store and fuel sales hours of operation shall be 5:00 a.m. to 11:00 p.m. Monday-Sunday. Gas canopy lighting shall only be permitted to occur during store hours of operation.
5. No outdoor display of goods will be permitted.
6. Fueling of commercial over the road trucks (tractor trailer) will not be permitted. Fueling for delivery trucks, automobiles, and farm vehicles shall be permitted. Final site development shall not allow for tractor trailer parking and diesel speed pump installation.
7. Any expansion or change of use will 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: These properties are located at the intersection of North Frederick Pike (Route 522 North) and Cedar Grove Road (Route 654).

MAGISTERIAL DISTRICT: Gainesboro

PROPERTY ID NUMBERS: 42-A-307 and 42-A-309A

PROPERTY ZONING & PRESENT USE:

Zoned: RA (Rural Areas)
Land Use: Country Store with Fuel Sales

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RA (Rural Areas)	Use: Residential / Commercial
South: RA (Rural Areas)	Use: Residential
East: RA (Rural Areas)	Use: Residential
West: RA (Rural Areas)	Use: Residential

PROPOSED USE: Expansion of Country General Store

REVIEW EVALUATIONS:

Virginia Department of Transportation: *Please see attached email from Timothy Rhodes, VDOT-Land Development Engineer dated July 20, 2016. Please see email from John Bishop, Frederick County Assistant Director Transportation dated August 8, 2016.*

Frederick County Inspections: Building shall comply with The Virginia Uniform Statewide Building Code and Section 309, use group M (Mercantile) and Section 302, use group B (Business) of the International Building Code/2012. Other code that applies are ICC/ ANSI A117.1-2009 Accessible and Usable Buildings and Facilities, National Fire Protection Agency 30 and International Fire Code 2012.

Demolition permit is required to remove existing structure. Asbestos inspection is required for buildings built prior to 1985.

Addition to an existing M-Mercantile Building shall meet height and area per T503 with allowable increases. Building plans submitted for permitting for proposed canopy shall be designed by a registered design professional licensed in the state of Virginia.

Installation of gas fueling equipment and fuel storage tanks shall be in accordance with the International Fire Code 2009 & NFPA 30. Emergency fuel shut off is required within 100' of the fueling station. Underground and/or above ground tanks shall meet distance requirements for the size as applicable in NFPA 30 and IFC 2012.

Handicap parking shall comply with ANSI A117-09. A minimum of two accessible parking and unloading space are required. One van accessible space is required per 1106.5 IBC 09. Van accessible parking shall have a minimum of 11' width with 5' unloading area or a minimum of 8' unloading area with an 8' width per Section 502 ANSI. Maximum 2% slope required for parking and unloading. Please provide elevations at the four corners of the parking area and four corners of the unloading area to main entrance of facility.

Additional comments may be requires upon site plan submittal.

Please note the requirements in Chapter 17 of USBC/IBC for special inspection requirements on the type of structure (Soils, Concrete etc.) Compaction/soil bearing/soil testing shall be required for placement of new store.

Winchester-Frederick County Health Department: The Frederick County Health Department has no objection to the request so long as water use is not increased.

Frederick County Fire Marshall: Plans approved.

Planning and Zoning: A Country General Store is a permitted use in the Rural Areas (RA) Zoning District with an approved Conditional Use Permit (CUP). The Crossroads Grocery provides general grocery and beverage merchandise, fuel sales, and small prepared food service area without seating. This Country General Store has been operating for more than fifty (50) years, and research of County records revealed that a CUP had never been approved for the existing Country General Store. Therefore, this use was established prior to this requirement; and is considered to be a legally non-conforming use. This increase in the level of non-conformity may be accomplished through the approval of a CUP.

The CUP enables the County to place restrictions/conditions on a use when a use is considered appropriate in an effort to mitigate proposed impacts. It is the Applicant's desire to expand the size of this use by adding a 1,500 sq. ft. addition to the store and 3,000 sq. ft. fueling canopy and fuel area. The 1,500 sq. ft. addition to the store will allow for additional merchandise sales and storage, as well as the ability to expand the existing restroom facility; to provide for a handicap accessible unisex restroom. Store hours shall be 5:00 a.m. to 10:00 p.m. Monday-Sunday. The additional fuel area will add eight (8) additional fueling stations providing gasoline and diesel fuel sales. Fueling hours shall be the same as the store hours. Only takeout food preparations will be allowed, and outdoor display of goods will not be permitted with this use.

Any new signage will be limited to one (1) freestanding monument sign; not to exceed fifty (50)

square feet in area, and ten (ten) feet in height. An engineered site plan shall be submitted to and approved by Frederick County, and the site improved accordingly, prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards. The site plan shall be in conformance with all requirements of the CUP and Frederick County Zoning Ordinance.

The 2030 Comprehensive Policy Plan of Frederick County ("Comprehensive Plan") provides guidance when considering land use actions. The location of this proposed country general store is not in an area where a small area land use study has been adopted by the County. Nevertheless, the proposed country general store is consistent with the goals of the Comprehensive Plan. Specifically, land use goals for the rural areas of the County identify the importance of maintaining a rural character in areas outside of the Urban Development Area (UDA).

STAFF CONCLUSION FOR THE 08/17/16 PLANNING COMMISSION MEETING:

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

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to, and approved by Frederick County, and site improved accordingly, prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards.
3. One (1) monument sign shall be allowed on the property; sign shall be limited to fifty (50) square feet in area. The sign shall not exceed ten (10) feet in height.
4. Store and fuel sales hours of operation shall be between 5:00 a.m. to 10:00 p.m. Monday –Sunday.
5. No outdoor display of goods will be permitted.
6. Fueling of commercial over the road trucks (tractor trailer) will not be permitted.
7. Any expansion or change of use will require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 08/17/16 MEETING:

Staff reported the proposed use is an expansion of an existing Country General Store. Staff continued the adjoining properties to the north, south, east, and west are zoned RA (Rural Areas) and the uses are Residential/Commercial. Staff presented a locations map of the property. It was explained a Country General Store is a permitted use in the RA (Rural Areas) District with an

approved CUP (Conditional Use Permit). Staff continued the Crossroads Grocery provides general grocery, beverage merchandise, fuel sales, and a small prepared food service area without seating. Staff reported this County General Store has been in operation for more than fifty (50) years, and research of County records revealed that a CUP had never been approved for the existing Country General Store. Staff explained the use was established prior to this requirement; and is considered to be a legally non-conforming use or in layman's terms "grandfathered". He noted the increase in the level of non-conformity may be accomplished through the approval of a CUP.

Staff reported the CUP enables the County to place restrictions/conditions on a use when a use is considered appropriate in an effort to mitigate proposed impacts. He explained it is the Applicant's desire to expand the size of this use by adding a 1,500 sq. ft. addition to the store and a 3,000 sq. ft. fueling canopy and fuel area. Staff noted the addition to the store will allow for additional merchandise sales and storage, as well as the ability to expand the existing restroom facility to provide for a handicap accessible unisex restroom. Staff presented an illustrative sketch plan that was provided by the Applicant for the proposed addition. Staff reviewed the following conditions recommended for the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County, and the site improved accordingly prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards.
3. One (1) monument sign shall be allowed on the property; sign shall be limited to fifty (50) square feet in area. The sign shall not exceed ten (10) feet in height.
4. Store and fuel sales hours of operation shall be between 5:00 a.m. to 11:00 p.m. and Monday – Sunday. Gas canopy lighting shall only be permitted to occur during store hours of operation.
5. No outdoor display of goods will be permitted.
6. Fueling of commercial over the road trucks (tractor trailer) will not be permitted.
7. Any expansion or change of use will require a new CUP.

A Commission Member inquired has the Applicant agreed to comply with the concerns raised by VDOT. Staff elaborated there were two (2) comments, one from VDOT and one from Mr. John Bishop. Staff noted these comments will be addressed with the site plan the Applicant must submit.

A Commission Member asked for clarification; the sketch plan is not being approved. Staff noted that is correct, a site plan will be submitted for approval.

Mr. Evan Wyatt of Greenway Engineering representing the Applicant came forward. He reported basically the Applicant is proposing a simple expansion, however they cannot do just the structure; they must do the site as well. Mr. Wyatt presented an illustrative sketch plan of the property highlighting the entrances. He noted the entrances are being relocated for safety reasons further away from the intersection. In regards to questions raised pertaining to traffic; Mr. Wyatt explained if this CUP is approved the Applicant will have to prepare a site plan and VDOT will have to process and approve an Access Management Exception Request. In reference to the Staff report, Mr. Wyatt confirmed the Applicant is satisfied with the conditions set forth with possibly more specificity. He highlighted two (2) conditions recommended by Staff that the Applicant would like to have adjusted to state: Condition #4, to read "Store sale hours of operation shall be 5:00 a.m. to 11:00 p.m. Monday – Sunday; gas canopy lighting shall only be permitted to occur during store hours of operation" and Condition #6 "Fueling for delivery trucks and automobiles shall be permitted, final site development shall not allow for tractor trailer parking and diesel speed pump installation".

A Commission Member raised concern of safety if the lighting is turned off at the gas pumps and they remain off through the night. Mr. Wyatt elaborated Crossroads Grocery has historically not left the outside lighting on. He continued the motive of the Applicant is not to attract a lot of late night business however there are individuals in the community that the pumps remaining on would benefit. A Commission Member requested clarification that the gas pumps would be on 24 hours a day and this will not be advertised. Mr. Wyatt confirmed that is correct.

A Commission Member asked what the "DF" on the plans stands for. Mr. Wyatt explained that is for "drain field" and there is a 20 ft. buffer around that to make sure it is protected. A Commission Member inquired if the store would remain operational during the construction/renovation process. The Applicant explained it is his intent to remain as operational as possible. He continued, the construction would start in the rear of the property and move forward to the store. The Commission Member asked if the 1,500 sq. ft. addition will be solely for merchandise. The Applicant responded that is correct; there will not be any sit down food service. He noted it may not go the full 1,500 sq. ft. however he wanted to make sure he allotted for enough room. He feels once diesel fuel is brought in this will increase business on the agricultural side of the community and he has no intention of catering to the truck stop world.

The Public Hearing was opened and a citizen came forward to speak. She explained she is concerned with: proper regulation of the septic system; the entrances in and out are and will continue to be dangerous in her opinion. Another citizen came forward and inquired how the first entrance will be marked in the future. The Public Hearing was closed.

Mr. Wyatt explained regarding the concern for the septic system. He noted the system is and will be monitored and regulated by the Virginia Health Department. Mr. Wyatt continued and addressed the traffic concerns. He explained VDOT is not anticipating prohibiting access off of Route 654 however they have made it clear an Access Management Exception Request process will be completed in order to permit new entrances and to modify existing entrances. He concluded regarding the configuration of the right in right out and how it would be marked; typically if VDOT approves a right in right out entrance they require it be developed with a raised type median with a rolled curb and not just an open entrance with a sign.

Commission Members agreed with the assistance of an engineering firm and the Planning Staff they feel these issues will be mitigated and it will satisfy all parties involved.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #08-16 for Crossroads Grocery with changes to Condition #4 and Condition #6.

Absent: Thomas

CONCLUSION FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a Country General Store with Fuel Sales. Should the Board of Supervisors find this application for a Country General Store with Fuel Sales to be appropriate, staff recommends that the following conditions be attached to the CUP:

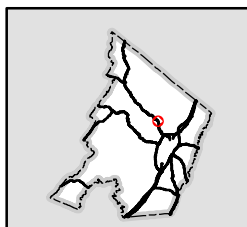
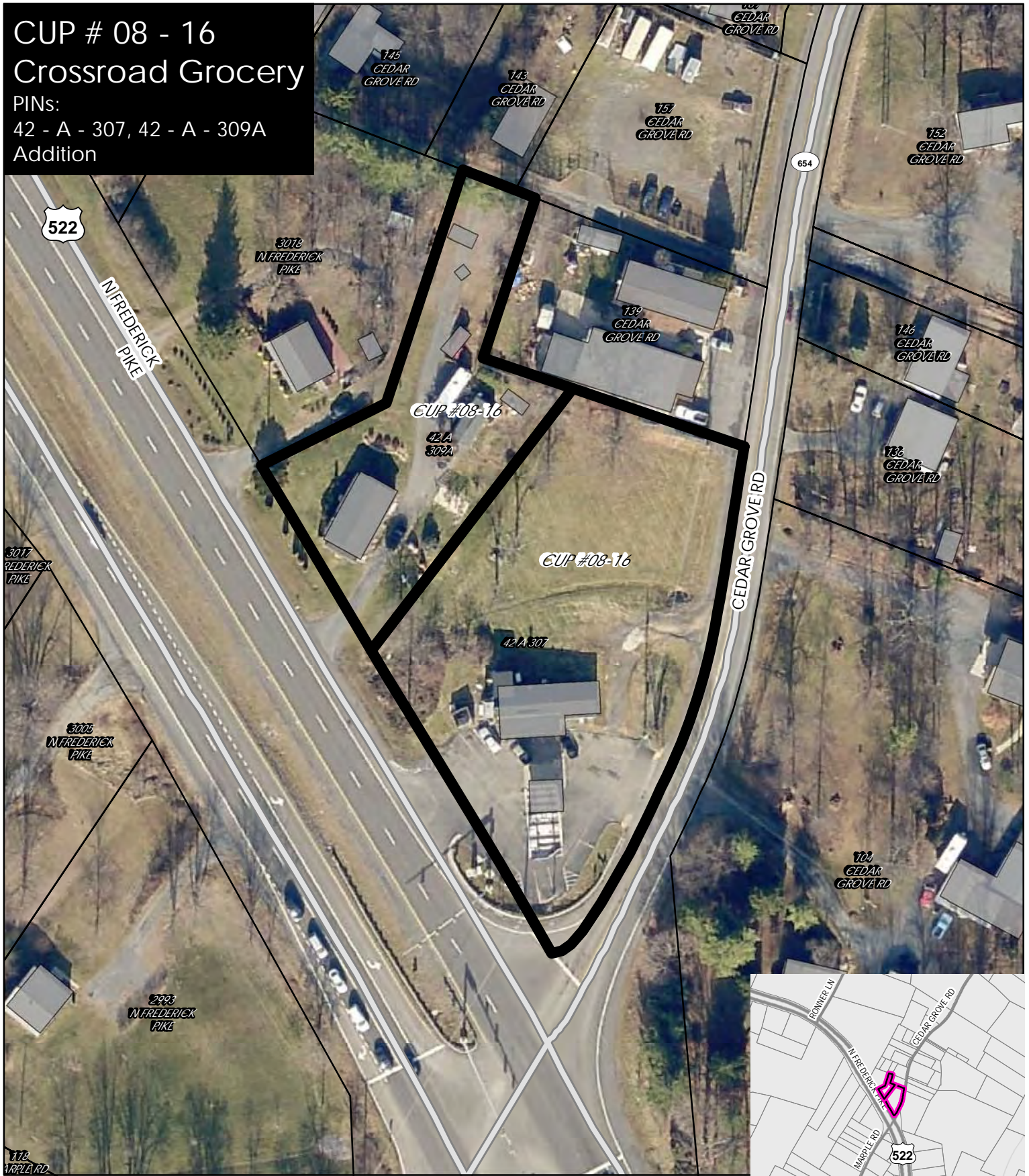
1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to, and approved by Frederick County, and site improved accordingly, prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards.
3. One (1) monument sign shall be allowed on the property; sign shall be limited to fifty (50) square feet in area. The sign shall not exceed ten (10) feet in height.
4. Store and fuel sales hours of operation shall be 5:00 a.m. to 11:00 p.m. Monday-Sunday. Gas canopy lighting shall only be permitted to occur during store hours of operation.
5. No outdoor display of goods will be permitted.
6. Fueling of commercial over the road trucks (tractor trailer) will not be permitted. Fueling for delivery trucks, automobiles, and farm vehicles shall be permitted. Final site development shall not allow for tractor trailer parking and diesel speed pump installation.
7. Any expansion or change of use will require a new Conditional Use Permit.

Page 8
CUP #08-16, Crossroad Grocery
September 2, 2016

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 # 08 - 16 Crossroad Grocery

PINs:
42 - A - 307, 42 - A - 309A
Addition






CUP # 08 - 16 Crossroad Grocery

PINs:
42 - A - 307, 42 - A - 309A
Addition

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: July 27, 2016
Staff: mcheran



0 50 100 200 Feet

-  Applications
-  Parcels
-  Building Footprints

Evan Wyatt

From: Rhodes, Timothy (VDOT) <Timothy.Rhodes@vdot.virginia.gov>
Sent: Wednesday, July 20, 2016 9:51 AM
To: Evan Wyatt
Cc: Smith, Matthew, P.E. (VDOT); Funkhouser, Rhonda (VDOT); 'John Bishop'; 'mcheran@co.frederick.va.us'; 'Candice Perkins'
Subject: REVISED Crossroads Grocery Conditional Use Permit Application Commets

COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION
Staunton/Edinburg Land Development
14031 Old Valley Pike
Edinburg, VA 22824

Evan,

A VDOT review has been conducted on the Crossroads Grocery Conditional Use Permit Application dated June 13, 2016. The following comments are a revision to the previous comments sent on July 13:

- 1) We are recommending closure of the existing Rte. 654 full access entrance, as it does not meet current VDOT Access Management spacing requirements from the Rte. 522 signalized intersection. At a minimum, VDOT is looking to eliminate left turn movements into the site from Rte. 654. A right-out only may be supported to allow circulation on site of the fuel delivery trucks. Auto Turn exhibits at the time of Site Plan submission will need to verify turning movements.
- 2) All proposed entrance locations shall meet sight distance requirements at Site Plan submission. Any proposed entrance locations that does not meet Access Management Spacing requirements will require an Access Management Exception for consideration. As such, we recommend the CUP state that all proposed entrance locations be considered conceptual until the above mentioned conditions can be validated.
- 3) Currently Rte. 522 has an ADT of 21,000 with 12% trucks at this intersection. Will the diesel pumps be accommodating or prohibitive to tractor trailers?
- 4) Please provide an additional exhibit with the application that identifies truck auto turn movements in and out of the site. There are truck ingress and egress concerns associated with the existing condition of Rte. 654, particularly with trucks potentially accessing the site from southbound Rte. 522 and then exiting the site with a right turn on Rte. 654. The site layout and potential entrance locations need to adequately accommodate truck turning movements.

Please let me know if you have any questions.

Thank You,

Timothy Rhodes

VDOT~Land Development Engineer

Clarke, Frederick, Shenandoah & Warren Counties

14031 Old Valley Pike

Edinburg, VA. 22824

(540)-984-5630

Evan Wyatt

From: Rhodes, Timothy (VDOT) <Timothy.Rhodes@vdot.virginia.gov>
Sent: Wednesday, July 13, 2016 2:51 PM
To: Evan Wyatt
Cc: Smith, Matthew, P.E. (VDOT); Funkhouser, Rhonda (VDOT); 'John Bishop'; 'mcheran@co.frederick.va.us'; 'Candice Perkins'
Subject: Crossroads Grocery Conditional Use Permit Application

COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION
Staunton/Edinburg Land Development
14031 Old Valley Pike
Edinburg, VA 22824

Evan,

A VDOT review has been conducted on the Crossroads Grocery Conditional Use Permit Application dated June 13, 2016. We offer the following comments:

- 1) We are recommending closure of the existing Rte. 654 full access entrance, as it does not meet current VDOT Access Management spacing requirements from the Rte. 522 signalized intersection.
- 2) We recommend a condition in the application that states all entrances and associated turn arrows are conceptual and will be designed to meet spacing and sight distance requirements for review at final site plan.
- 3) Currently Rte. 522 has an ADT of 21,000 with 12% trucks at this intersection. Will the diesel pumps be accommodating or prohibitive to tractor trailers?
- 4) Please provide an additional exhibit with the application that identifies truck auto turn movements in and out of the site. There are truck ingress and egress concerns associated with the existing condition of Rte. 654, particularly with trucks potentially accessing the site from southbound Rte. 522 and then exiting the site with a right turn on Rte. 654. The site layout and potential entrance locations need to adequately accommodate truck turning movements.

Please let me know if you have any questions.

Thank You,

Timothy Rhodes

VDOT~Land Development Engineer
Clarke, Frederick, Shenandoah & Warren Counties
14031 Old Valley Pike
Edinburg, VA. 22824
(540)-984-5630

Mark Cheran

From: John Bishop
Sent: Monday, August 08, 2016 8:40 AM
To: Mark Cheran
Subject: FW: Crossroads Grocery

Forgot one thing, Please also verify that the diesel fueling station is not being set up to accommodate tractor trailers.

John A. Bishop AICP
Assistant Director – Transportation
Frederick County Planning and Development
107 N. Kent Street
Winchester, VA 22601
540-665-5651

From: John Bishop
Sent: Monday, August 08, 2016 8:39 AM
To: Mark Cheran
Subject: Crossroads Grocery

Mark;

Here are some quick thoughts on crossroads grocery.

1. Entrance on 522 should probably just be right out, however , if it does end up as right in right out the right turn lane that is proposed needs to fully meet the VDOT standard. The language referring to use of existing pavement made me wonder if the pavement is there to adequately address the standard. If it does, then great, but if not improvements would need to be made.
2. The new proposed entrance should be the only entrance on Cedar Grove Road (Rt. 654). Also, for the new entrance please provide site distance.

John A. Bishop AICP
Assistant Director – Transportation
Frederick County Planning and Development
107 N. Kent Street
Winchester, VA 22601
540-665-5651



Submittal Deadline	7/22/16
P/C Meeting	8-17-16
BOS Meeting	9-14-16

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

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

NAME: Greenway Engineering

ADDRESS: 151 Windy Hill Lane Winchester, VA 22602

TELEPHONE: (540) 662-4185

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

James & Rebecca Alkire

Blaine J. Alkire

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

Located at the northwest intersection of North Frederick Pike (US Route 522N) and Cedar Grove Road (Route 654)

4. The property has a road frontage of 340' & 350' feet and a depth of 320' & 250' feet and consists of 1.30 +/- acres acres. (Please be exact)

5. The property is owned by Crossroads Grocery Inc., & Blaine J. Alkire as evidenced by deed from Inst.#050022420 & 110005963 (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 42-A-307 & 42-A-309A

Magisterial District Gainesboro District

Current Zoning RA, Rural Areas District

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Residential & Commercial	RA District
East	Residential	RA District
South	Residential	RA District
West	Residential	RA District

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

Country General Store Addition - approximately 1,500 square feet for merchandise and storage

Additional gasoline and diesel fueling - approximately 3,000 square feet canopy with 8 new fueling stations

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

One-story building addition on the north side of the existing Country General Store that is approximately 1,500 square feet

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 Bobby Anderson	104 Cedar Grove Rd
Property # 42-A-301	Winchester, VA 22603
Name Darian Anderson	136 Cedar Grove Rd
Property # 42-A-302	Winchester, VA 22603
Name Robert K. & Sharyn L. Minnick	2787 Apple Pie Ridge Rd
Property # 42-A-304, 305 & 310	Winchester, VA 22603
Name Pat Burke	3018 North Frederick Pike
Property # 42-A-309	Winchester, VA 22603
Name Timothy W. Dennis	174 Hopewell Rd
Property # 42-A-10	Clear Brook, VA 22624
Name Ronald R. & Rosalea D. Horwath	118 Marple Rd
Property # 42-A-11	Winchester, VA 22603
Name Larry & Margaret Kump	127 Marple Rd
Property # 42-A-31	Winchester, VA 22603

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.

PLEASE REFER TO CROSS ROADS GROCERY EXPANSION
LAYOUT EXHIBIT DATED 6/29/15 FOR INFORMATION
PERTAINING TO EXISTING AND PROPOSED CONDITIONS
FOR STRUCTURAL AND SITE DEVELOPMENT.

12. Additional comments, if any: Please refer to attached project summary letter dated June 1, 2016

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

Ewan A. Wyatt 6/1/16

Signature of Owner

J. M. C.

Owners' Mailing Address

119 CEDAR GROVE ROAD WINCHESTER, VA 22603

Owners' Telephone No.

(540) 327-0016

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: 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 These Presents: That I (We)

(Name) Blaine J. Alkire (Phone) (540) 327-0016

(Address) 119 Cedar Grove Road Winchester, VA 22603

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

050022420 / 0225 TM # 42-A-307 110005963 / 0146 TM # 42-A-307A

Instrument No. _____ on Page _____, and is described as

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____
do hereby make, constitute and appoint:

(Name) Greenway Engineering, Inc. (Phone) (540) 662-4185

(Address) 151 Windy Hill Lane Winchester, VA 22602

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 Permit
- ☐ Master Development Plan (Preliminary and Final)
- ☐ Subdivision
- ☐ Site Plan
- ☐ Variance or Appeal

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 21 day of July, 2016.

Signature(s) 

State of Virginia, City/County of Frederick, To-wit:

I, Deanna D. Painter, 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 21 day of July, 2016.

 My Commission Expires: Sept. 30, 2020
Notary Public



Crossroads Grocery – Country General Store & Fuel Expansion Project

Summary

Crossroads Grocery is a long-time established Country General Store that has served residents of the County for more than 50 years. Cross Roads Grocery is located at the northwest intersection of North Frederick Pike (US Route 522 North) and Cedar Grove Road (Route 654) in the Gainesboro Magisterial District. The Country General Store currently provides general grocery and beverage merchandise, fuel sales and a small prepared food service area without seating to residents of the County and serves as a landmark in the Nain community.

Crossroads Grocery has engaged Greenway Engineering to assist in the development of a Conditional Use Permit Application to allow for the future expansion on the facility. The property owners desire to expand the existing Country General Store to provide for a building addition that is approximately 1,500 square feet in gross floor area. The proposed building addition will be located to the rear of the existing structure and will allow for additional merchandise sales and storage area, as well as the ability to expand the existing restroom facility to provide for a unisex restroom that is handicap accessible. Additionally, the property owners desire to incorporate a new fuel service area and canopy located behind the Country General Store that will include eight new fueling stations providing gasoline and diesel fuel sales.

Greenway Engineering has worked with the property owners to prepare a conceptual layout plan for the proposed improvements described above. The plan entitled Crossroads Grocery Expansion Layout Exhibit dated 6-29-15, identifies the existing and proposed site conditions that would be applicable to Tax Map Parcels 42-A-307 and 42-A-309A through an approved Conditional Use Permit. The information below is relevant to this project and is intended to assist the review agencies with their consideration of comments for the Conditional Use Permit.

Transportation Improvements

- ❖ The future site improvements will provide for a new right-in/right-out entrance on North Frederick Pike approximately 275' north of the signalized intersection. The property owner will provide turn lane arrows on the existing pavement between the signalized intersection and the new entrance to incorporate a right-turn lane into the new entrance.
- ❖ The future site improvements will provide for the closure of the existing right-in/right-out entrance on North Frederick Pike that is approximately 150' north of the signalized intersection.
- ❖ The future site improvements will provide for a new commercial entrance on Cedar Grove Road that is approximately 285' north of the signalized intersection. This new entrance is needed for fuel delivery and for improved customer access to the project site. The new entrance will need to be located close to the northern property boundary to allow for safe sight-distance for traffic traveling south on Cedar Grove Road.

- ❖ If the property owners need to process an Access Management Exception Request with VDOT to obtain approvals for the proposed entrances, this will be accomplished during the Site Plan process.

Site Improvements

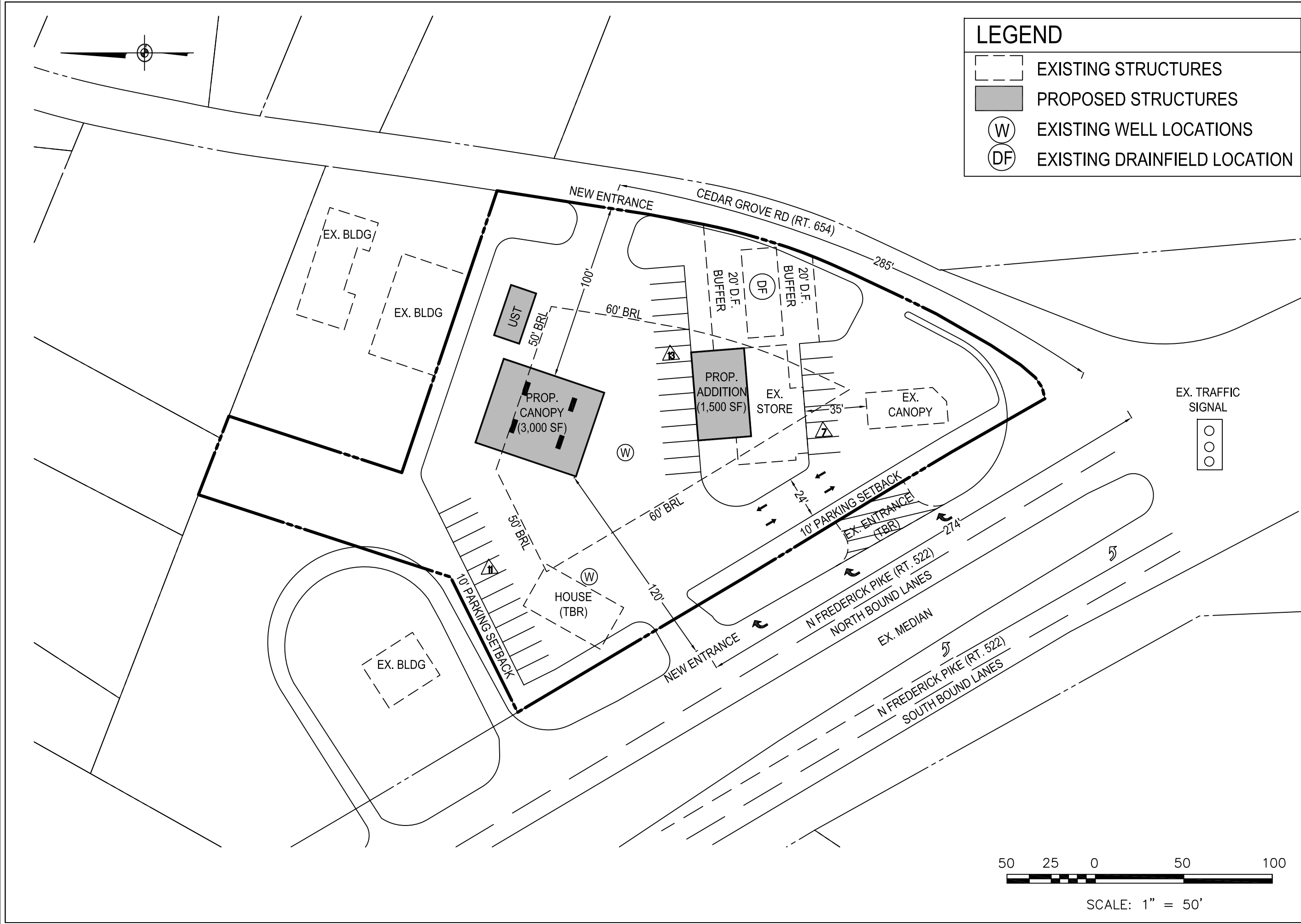
- ❖ The future site improvements will include removal of the existing residential structure located on the property. This will be accomplished prior to the issuance of a Certificate of occupancy Permit for the proposed improvements.
- ❖ The future improvements will include new parking lot areas that will allow for sufficient parking spaces, handicap spaces, travel aisles and maneuvering areas to effectively accommodate vehicular access throughout the site.
- ❖ The future site improvements will not impact the existing drain field area and a drain field buffer area will be established on the Site Plan that complies with Health Department standards.

Structural Improvements

- ❖ The future structural improvements will allow for the replacement of the existing unisex bathroom with a new unisex bathroom that is handicap accessible.
- ❖ The future structural improvements will include additional space for merchandise and storage, but will not include seating areas for prepared food service.

Health Department Matters

- ❖ The future improvements will not increase impacts to the existing septic system and well system. There will not be an increase in restroom or food preparation facilities above what is currently permitted by the Health Department.
- ❖ The future improvements will not impact the existing drain field area. The Site Plan that will be prepared for the proposed improvements will include a drain field buffer area.



LEGEND

EXISTING STRUCTURES

PROPOSED STRUCTURES

W

EXISTING WELL LOCATIONS

DF

EXISTING DRAINFIELD LOCATION

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

END

1971

GREENWAY

ENGINEERING

CROSS ROADS GROCERY

EXPANSION LAYOUT EXHIBIT

TM 42-A-307

Frederick County, Virginia

DATE: 6/29/2015

SCALE: 1"=50'

DESIGNED BY: EW/JM

JOB NO. 0815C

SHEET 1 OF 1

5025050100

SCALE: 1" = 50'

050022420

DEED

0225

THIS DEED, dated this 28th day of September, 2005, is made by and between DEBRA A. OATES, party of the first part hereinafter called the Grantor, and CROSSROADS GROCERY, INC., a Virginia corporation, party of the second part hereinafter called the Grantee.

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey, with general warranty and English Covenants of title, unto the party of the second part, in fee simple, all of his interest in the following realty:

All that certain lot or parcel of land, together with all rights, rights of way, and appurtenances thereunto belonging and improvements thereon, lying and being situate at the intersection of U.S. Route 522 and Virginia Route 654 in Gainesboro Magisterial District, Frederick County, Virginia, containing 0.877 acre, and more particularly described by survey drawn by H. Bruce Edens, C.L.S., dated September 8, 1989, attached to a deed dated October 10, 1989, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 728 at Page 36. BEING the same property conveyed unto Tony A. Oates and Debora A. Oates by Deed dated November 20, 2000, and recorded in the aforesaid Clerk's Office as Instrument No. 000012239. By the death of Tony Oates on June 7, 2004 (see probate file No. 04-164) title was vested solely in Debora A. Oates.

A reference to the aforesaid records, and to the references therein contained, is here made for a further and more particular description of said land. It is expressly stipulated that said land is conveyed subject to all applicable or legally enforceable restrictions, easements, reservations and obligations, if any, of record affecting same.

119 Cedar Grove Rd
Winchester, VA 22602

FM 42-A-307

\$270,000

Except as noted above the aforesaid grantor covenants that she has the right to convey the said land to the aforesaid grantee; that the said grantee shall have quiet possession of the said land, free from all encumbrances; that she has done no act to encumber the said land; and that she will execute all such further assurances as may be requisite.

WITNESS the following signature and seal:

Debra A. Oates (SEAL)
DEBRA A. OATES

STATE OF Virginia
CITY/COUNTY OF Winchester, to-wit:

I, Andrea M. Nock, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Debra A. Oates, whose name is signed to the foregoing Deed bearing date this 28th day of September, 200~~5~~⁷, has this day personally appeared before me and acknowledged the same.

Given under my hand this 28th day of September, 200~~5~~⁷.

My commission expires 11/30/2007.

Andrea M. Nock
Notary Public

This instrument was prepared by
Frederick S. Vondy (VSB 39515)
Adrian & Vondy, P.L.C.
125 West Boscawon Street
Winchester, Va. 22601

VIRGINIA, FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

9-28-05 at 1:30 p.m.

and with certificate of acknowledgement thereto annexed was admitted to record. T imposed by Sec. 58.1-802 of

\$ 270.00, and 58.1-801 have been paid, if assessable

Rebecca P. Hogan, Clerk

110005963

DEED

9710

THIS DEED, dated this 13 day of July, 2011, is made by and between JOSEPH L. FROMME, party of the first part hereinafter called the Grantor, and BLAINE JACKSON ALKIRE, party of the second part hereinafter called the Grantee.

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey, with general warranty and English Covenants of title, unto the party of the second part, in fee simple, all of his interest in the following realty:

All that certain tract or parcel of land, lying and being situate in Gainesboro Magisterial District, Frederick County, Virginia, improved by dwelling designated 3016 North Frederick Pike, Winchester, Virginia, and being the same land designated LOT 1 containing 0.477 acres, on that certain plat of survey drawn by David M. Fursteneau, L.S. dated October 29, 2001, of record in the Clerk's Office of the Circuit of Frederick County, Virginia as Land Record 020002493.

BEING the same property conveyed unto the Grantor herein by a deed from Margaret Matz, dated October 3, 2005, recorded in the aforesaid Clerk's Office as Instrument No. 050024537.

A reference to the aforesaid records, and to the references therein contained, is here made for a further and more particular description of said land. It is expressly stipulated that said land is conveyed subject to all applicable or legally enforceable restrictions, easements, reservations and obligations, if any, of record affecting same.

313 Trasher Dr.
Charlottesville, VA 22904

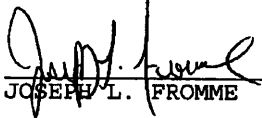
T442-A-309A

Consideration \$172,500
Assessed at \$91,900

0147

Except as noted above the aforesaid grantor covenants that he has the right to convey the said land to the aforesaid grantee; that the said grantee shall have quiet possession of the said land, free from all encumbrances; that he has done no act to encumber the said land; and that he will execute all such further assurances as may be requisite.

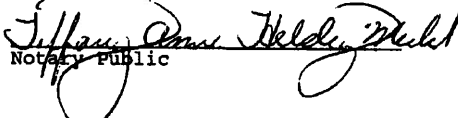
WITNESS the following signature and seal:

 (SEAL)
JOSEPH L. FROMME

STATE OF VIRGINIA
CITY OF WINCHESTER, to-wit:

I, TIFFANY ANNE HELSLEY MERKEL, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Joseph L. Fromme, whose name is signed to the foregoing Deed, has this day personally appeared before me and acknowledged the same.

Given under my hand this 13th day of July, 2011.
My commission expires 4/30/14.


Notary Public

This instrument was prepared by
Frederick S. Vondy (VSB 39515)
Adrian & Vondy, P.L.C.
125 West Boscawen Street
Winchester, Va. 22601

TIFFANY ANNE HELSLEY MERKEL
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7318372
My Commission Expires April 30, 2014

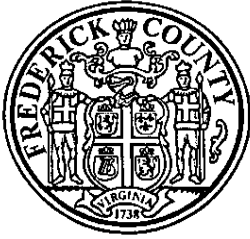
VIRGINIA: FRÉDERICK COUNTY.SCT.

This instrument of writing was produced to me on

7-13-11 at 4:13 PM
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ 172.50, and 58.1-801 have been paid, if assessable.

, Clerk



RESOLUTION

Action:

PLANNING COMMISSION: August 17, 2016 Recommended Approval

BOARD OF SUPERVISORS: September 14, 2016 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #08-16 CROSSROAD GROCERY

WHEREAS, Conditional Use Permit #08-16 for Crossroad Grocery, submitted by Greenway Engineering for a Country General Store with Fuel Sales was considered. The Properties are located at the intersection of North Frederick Pike (Route 522 North) and Cedar Grove Road (Route 654) and are further identified with Property Identification Numbers 42-A-307 and 42-A-309A, in the Gainesboro District; and,

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on August 17, 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 September 14, 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 #08-16 for a Country General Store with Fuel Sales on the parcels identified by Property Identification Numbers 42-A-307 and 42-A-309 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County, and site improved accordingly, prior to operating store activities on site. The project site will adhere to commercial parking and landscaping standards.
3. One (1) monument sign shall be allowed on the property; sign shall be limited to fifty (50) square feet in area. The sign shall not exceed ten (10) feet in height.
4. Store and fuel sales hours of operation shall be 5:00 a.m. to 11:00 p.m. Monday-Sunday. Gas canopy lighting shall only be permitted to occur during store hours of operation.
5. No outdoor display of goods will be permitted.
6. Fueling of commercial over the road trucks (tractor trailer) will not be permitted. Fueling for delivery trucks, automobiles, and farm vehicles shall be permitted. Final site development shall not allow for tractor trailer parking and diesel speed pump installation.
7. Any expansion or change of use will require a new Conditional Use Permit.

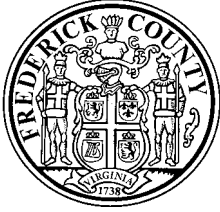
Passed this 14th day of September, 2016 by the following recorded vote:

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

Q



REZONING APPLICATION #07-16

SENSENY ROAD RENTALS, LLC

Staff Report for the Board of Supervisors

Prepared: September 1, 2016

Staff Contact: Candice E. Perkins, Assistant Director

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:	08/03/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/14/16	Pending

PROPOSAL: To rezone 2 acres from RP (Residential Performance) District to RA (Rural Areas) District.

LOCATION: The property is located on Senseny Road (Route 657) approximately 350' west of Ashley Drive (Route 1145).

EXECUTIVE SUMMARY & STAFF CONCLUSIONS FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING:

The Senseny Road Rentals application seeks to downzone 2 acres from the RP (Residential Performance) District with proffers to the RA (Rural Areas) District without proffers. This rezoning seeks to eliminate the proffers associated with Rezoning #07-06 which rezoned the property from the RA District to the RP District with proffers. The 2006 rezoning allowed for four single-family dwellings and required the construction of a new public road. The Applicant is seeking to rezone the property back to the RA District and eliminate the proffers to allow for the construction of one single-family dwelling. One dwelling (mobile home) currently exists on the property which would be removed to allow for the new dwelling.

The Senseny/Eastern Frederick Urban Area Plan of the 2030 Comprehensive Plan identifies this general area with residential land uses. The current RP Zoning of the subject property is in conformance with the goals of the Comprehensive Plan; however the current proffers associated with this property could make development of the site impractical due to the proffer for a new public road to serve the four lots and the requirement for a homeowners association. Therefore, the downzoning of the site to allow for one single-family dwelling that would replace the existing mobile home may be preferable. This requested downzoning would also eliminate the allowance for the three additional dwelling units which would reduce the impact on capital facilities. At the public hearing, the Applicant proposed to dedicate the necessary right-of-way for Senseny Road, consistent with what was proffered with the 2006 rezoning. **The Planning Commission recommended approval of the application at their August 3, 2016 meeting with the understanding that the Senseny Road right-of-way be dedicated prior to the Board of Supervisors meeting as offered by the Applicant.**

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.

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:	08/03/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/14/16	Pending

PROPOSAL: To rezone 2 acres from RP (Residential Performance) District to RA (Rural Areas) District. This rezoning seeks to eliminate the proffers associated with Rezoning #07-06 which rezoned the property from the RA (Rural Areas) District to the RP (Residential Performance) District with proffers. The 2006 rezoning allowed for four single-family dwellings and required the construction of a new public road. The Applicant is seeking to rezone the property back to the RA District and eliminate the proffers to allow for the construction of one single-family dwelling. One dwelling (mobile home) currently exists on the property which would be removed to allow for the new dwelling.

LOCATION: The property is located on Senseny Road (Route 657) approximately 350' west of Ashley Drive (Route 1145).

MAGISTERIAL DISTRICT: Redbud

PROPERTY ID NUMBER: 65-A-46

PROPERTY ZONING: RP (Residential Performance) District

PRESENT USE: Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RP (Residential Performance)	Use:	Residential
South:	RP (Residential Performance)	Use:	Residential
East:	RA (Rural Areas)	Use:	Residential
West:	RP (Residential Performance)	Use:	Residential

PROPOSED USE: One single-family dwelling

REVIEW EVALUATIONS: None Required.

Planning & Zoning:

1) Site History

The original Frederick County Zoning Map (U.S.G.S. Stephenson Quadrangle) identifies the parcel as being zoned A-2 Agricultural. The County's A-1 and A-2 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 property and all other A-1 and A-2 zoned land to the RA (Rural Areas) District. Rezoning #07-06 for Senseny Road rentals was approved by the Board of Supervisors on August 23, 2006 which rezoned the property to the RP (Residential Performance) District with proffers.

2) Comprehensive Policy Plan

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.

Land Use

The parcel comprising this rezoning application is located within the County's Urban Development Area (UDA) and Sewer and Water Service Area (SWSA). The Urban Development Area defines the general area in which more intensive forms of residential development will occur. In addition, the Senseny/Eastern Frederick Urban Area Plan of the 2030 Comprehensive Plan identifies this general area with residential land uses.

The current RP Zoning of the subject property is in conformance with the goals of the Comprehensive Plan, however the current proffers associated with this property could make development of the site impractical due to the proffer for a new public road to serve the four lots and the requirement for a homeowners association. Therefore, the downzoning of the site to allow for one single-family dwelling that would replace the existing mobile home may be preferable. Also, this would eliminate the allowance for the three additional dwelling units which would reduce the impact on capital facilities.

3) Potential Impacts

The rezoning from 2006 proffered a right-of-way dedication for Senseny Road, frontage improvements to Senseny Road that included widening and paving of the roadway. With this downzoning, these proffers would be eliminated if approved. It should be noted that with the increased dwelling setback (60 foot building restriction line from the edge of the Senseny Road right-of-way), there would be sufficient area to widen this road in the future but VDOT would need to work with the property owner to gain the necessary dedication.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 08/03/16 MEETING:

Staff reported this application seeks to downzone 2 acres from the RP (Residential Performance) District with proffers to the RA (Rural Areas) District without proffers. Staff continued this rezoning seeks to eliminate the proffers associated with Rezoning #07-06 which rezoned the property from the RA District to the RP District with proffers. Staff reported the 2006 rezoning allowed for four single-family dwellings and required the construction of a new public road. It was explained the Applicant is seeking to rezone the property back to the RA District and eliminate the proffers to allow for the construction of one single-family dwelling. Staff noted one dwelling (mobile home) currently exists on the property which would be removed to allow for the new dwelling.

Staff continued the Senseny/Eastern Frederick Urban Area Plan of the 2030 Comprehensive Plan identifies this general area with residential land uses. It was explained the current RP Zoning of the subject property is in conformance with the goals of the Comprehensive Plan; however the current proffers associated with this property could make development of the site impractical due to the proffer for a new public road and the requirement for a homeowners association. Staff concluded this downzoning would also eliminate the allowance for the three additional dwelling units which would reduce the impact on capital facilities and due to the site's proximity to planned Route 37, this would allow for additional studies to identify future acceptable land uses.

A Commission Member mentioned an email that was received and was not in favor of this rezoning. He noted his concern of losing the right-of-way dedication by eliminating the proffers. Staff explained with the 2006 rezoning it was proffered with the right-of-way; this has been discussed with the Applicant and he has agreed to address this. A Commission Member stated he did not see any comments from VDOT for this rezoning. Staff noted that is correct; agency comments were not provided due to this being a downzoning.

The Applicant came forward to address questions and concerns. He explained when this property was rezoned in 2006 things were looking very promising within the market. He continued with the downward turn of the market the proffers make it nearly impossible to develop the property. The Applicant noted he is willing to dedicate the right-of-way that is needed along Senseny Road. The Applicant continued he is also willing to include a deed restriction that would not permit livestock. A Commission Member noted his appreciation of the Applicant continuing with the right-of-way dedication. A Commission Member noted he supports the right-of-way dedication and does not see an issue with allowing livestock on the property.

A motion was made, seconded, and unanimously passed to recommend approval of Rezoning #07-16 for Senseny Road Rentals LLC.

Absent: Commissioner Manuel and Commissioner Molden

EXECUTIVE SUMMARY & STAFF CONCLUSIONS FOR THE 09/14/16 BOARD OF SUPERVISORS MEETING:

The Senseny Road Rentals application seeks to downzone 2 acres from the RP (Residential Performance) District with proffers to the RA (Rural Areas) District without proffers. This rezoning seeks to eliminate the proffers associated with Rezoning #07-06 which rezoned the property from the RA District to the RP District with proffers. The 2006 rezoning allowed for four single-family dwellings and required the construction of a new public road. The Applicant is seeking to rezone the property back to the RA District and eliminate the proffers to allow for the construction of one single-family dwelling. One dwelling (mobile home) currently exists on the property which would be removed to allow for the new dwelling.

The Senseny/Eastern Frederick Urban Area Plan of the 2030 Comprehensive Plan identifies this general area with residential land uses. The current RP Zoning of the subject property is in conformance with the goals of the Comprehensive Plan; however the current proffers associated with this property could make development of the site impractical due to the proffer for a new public road to serve the four lots and the requirement for a homeowners association. Therefore, the downzoning of the site to allow for one single-family dwelling that would replace the existing mobile home may be preferable. This requested downzoning would also eliminate the allowance for the three additional dwelling units which would reduce the impact on capital facilities. At the public hearing, the Applicant proposed to dedicate the necessary right-of-way for Senseny Road, consistent with what was proffered with the 2006 rezoning. **The Planning Commission recommended approval of the application at their August 3, 2016 meeting with the understanding that the Senseny Road right-of-way be dedicated prior to the Board of Supervisors meeting as offered by the Applicant.**

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.

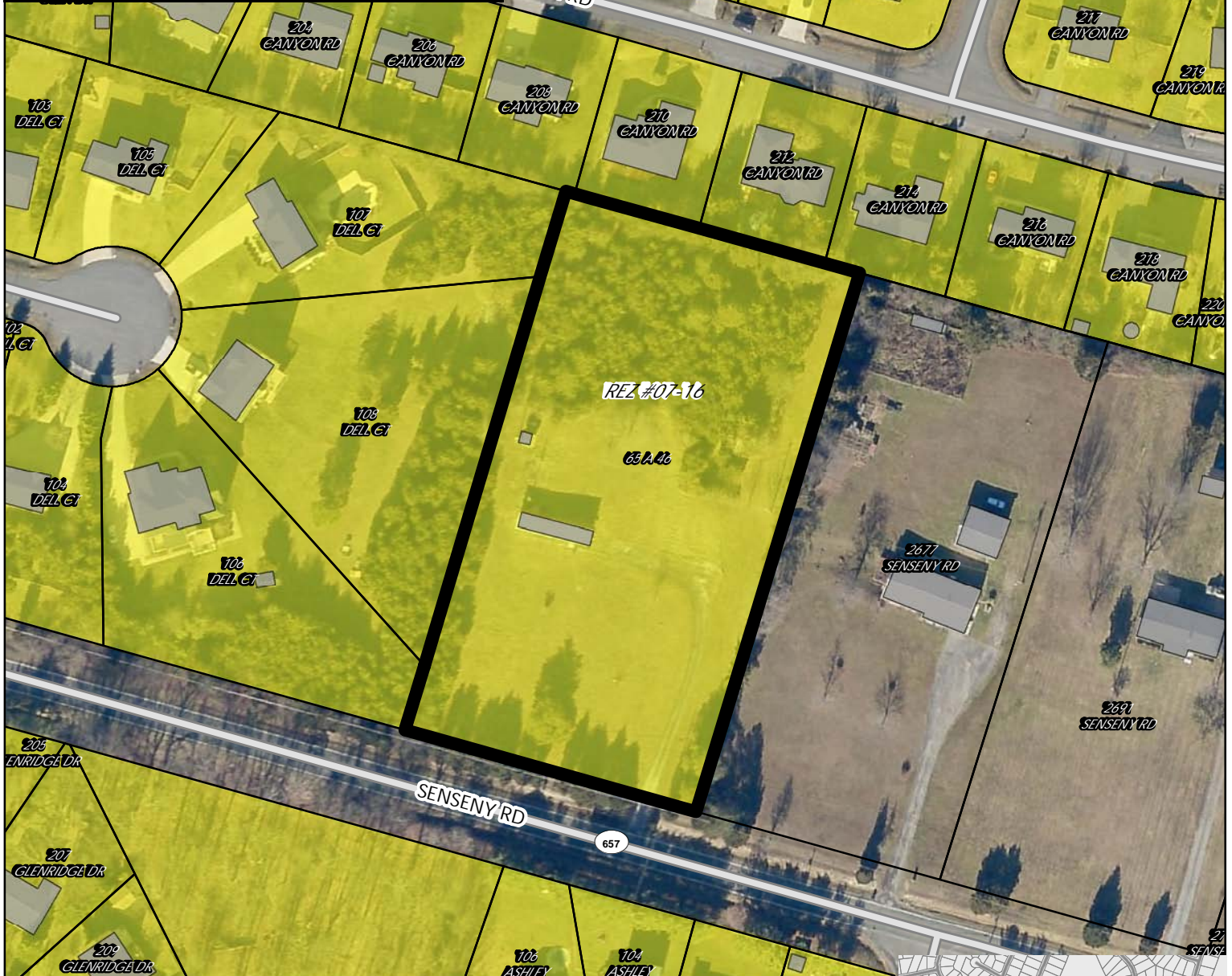
REZ # 07 - 16















Senseny Road Rentals LLC

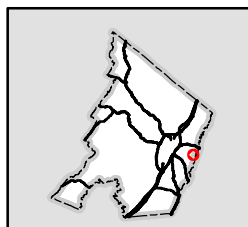
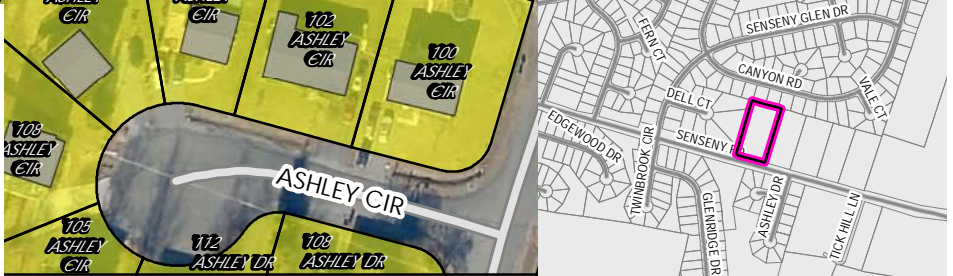
PIN:

65 - A - 46

Rezoning from RP to RA



-  Applications
-  Parcels
-  Sewer and Water Service Area
-  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)



REZ # 07 - 16

Senseny Road Rentals LLC

PIN:

65 - A - 46

Rezoning from RP to RA

Note:

Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: July 11, 2016
Staff: cperkins



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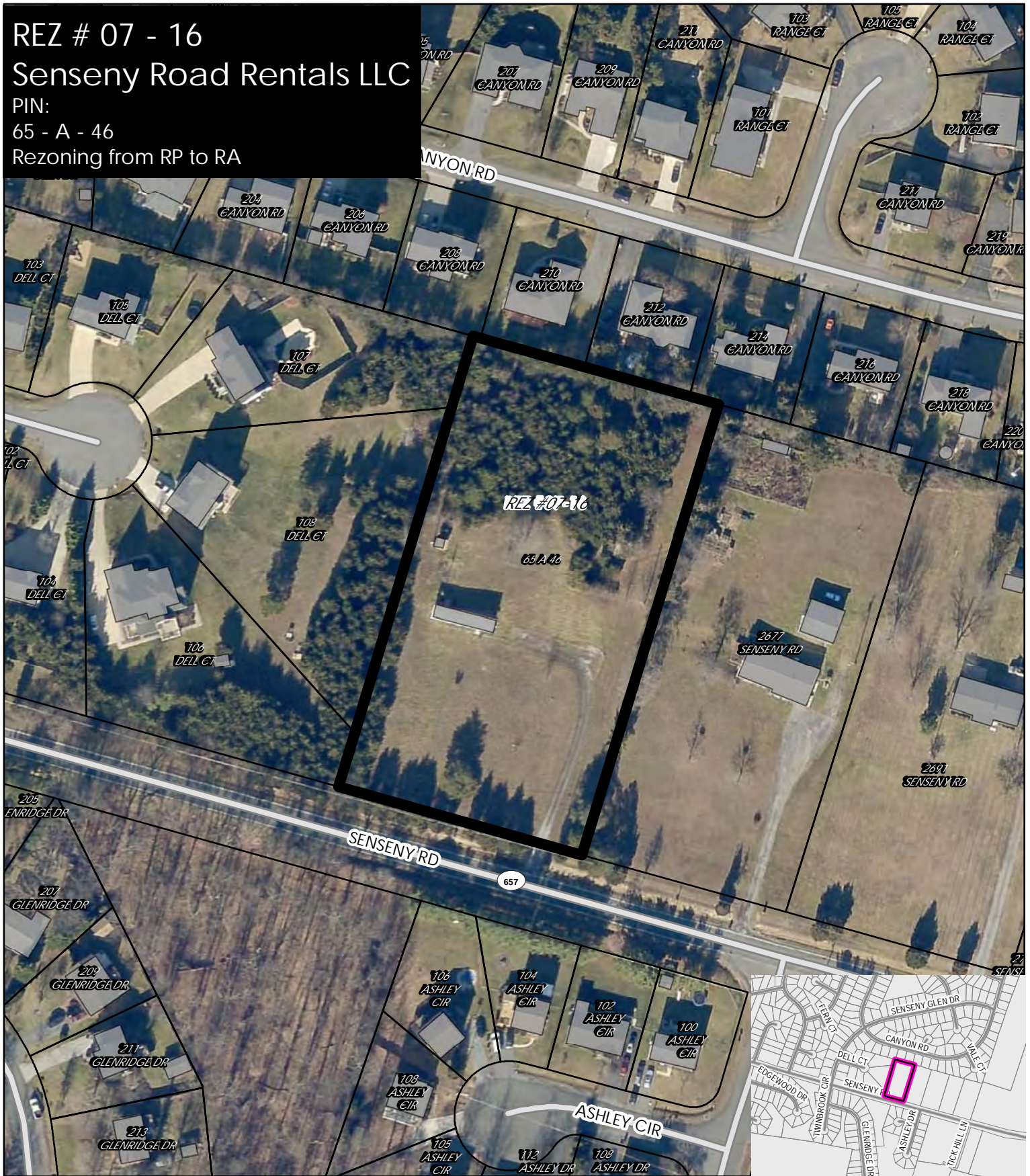
REZ # 07 - 16





Senseny Road Rentals LLC

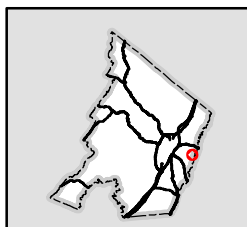
PIN:

65 - A - 46

Rezoning from RP to RA



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



REZ # 07 - 16

Senseny Road Rentals LLC

PIN:

65 - A - 46

Rezoning from RP to RA

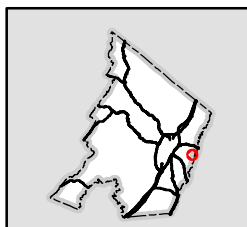
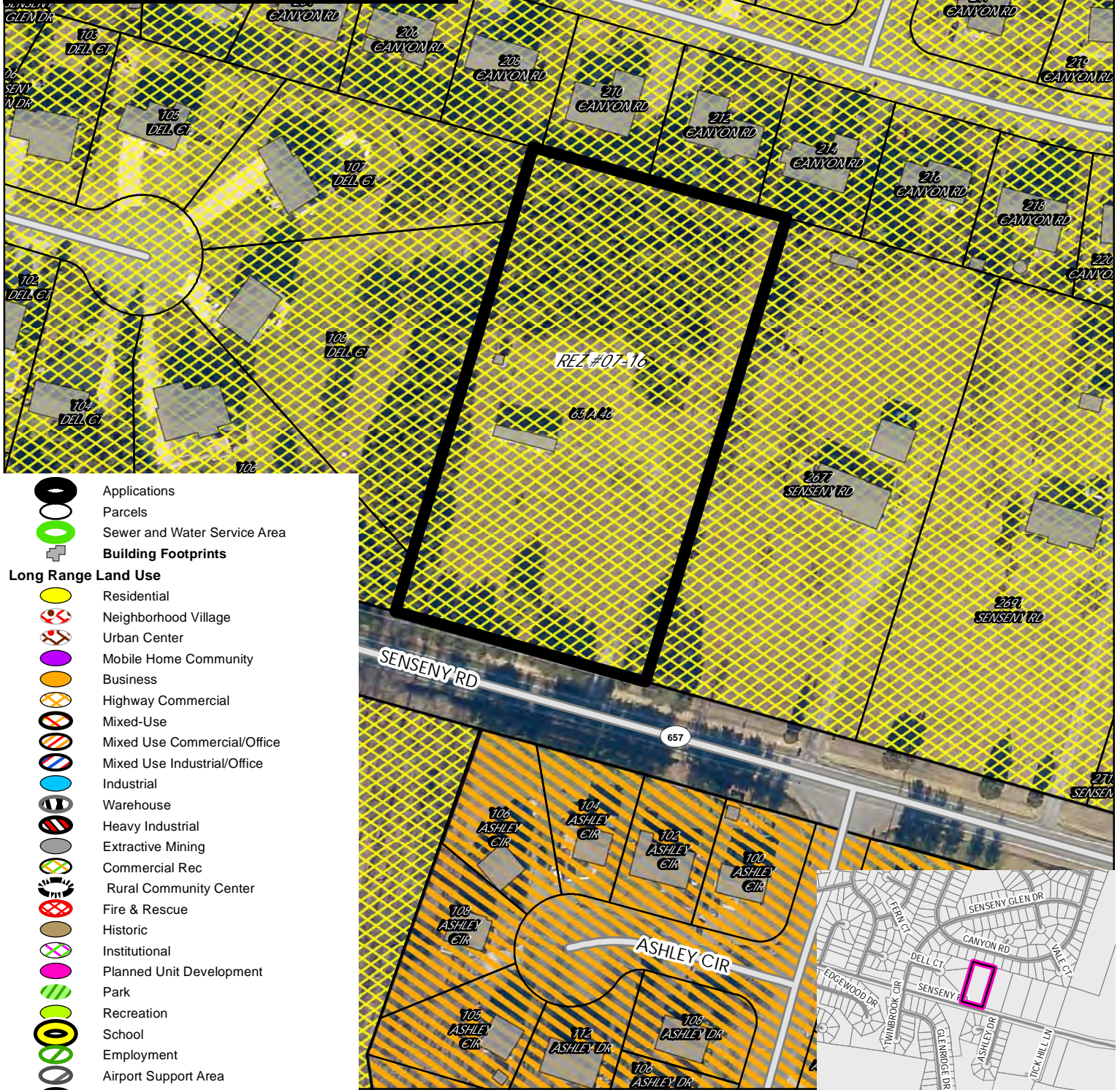
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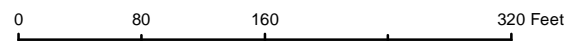
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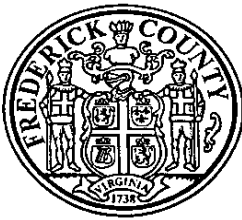
REZ # 07 - 16 **Senseny Road Rentals LLC** PIN: 65 - A - 46 Rezoning from RP to RA



REZ # 07 - 16
Senseny Road Rentals LLC
 PIN:
 65 - A - 46
 Rezoning from RP to RA

Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: July 11, 2016
 Staff: cperkins





AMENDMENT

Action:

PLANNING COMMISSION: August 3, 2016 - Recommended Approval

BOARD OF SUPERVISORS: September 14, 2016 ☐ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #07-16 SENSENY ROAD RENTALS, LLC

WHEREAS, Rezoning #07-16 of Senseny Road Rentals, LLC, submitted by Senseny Road Rentals, LLC, to downzone 2 acres from the RP (Residential Performance) District with proffers to the RA (Rural Areas) District without proffers, was considered. This rezoning seeks to eliminate the proffers for Rezoning #07-06 to allow for the construction of one single-family dwelling. The property is located on Senseny Road (Route 657) approximately 350' west of Ashley Drive (Route 1145). The property is further identified with PIN 65-A-46 in the Red Bud Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on August 3, 2016 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on September 14, 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 downzone 2 acres from the RP (Residential Performance) District with proffers to the RA (Rural Areas) District without proffers.

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

Passed this 14th day of September, 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



AMENDMENT

Action:

PLANNING COMMISSION: August 16, 2006 - Recommended Approval

BOARD OF SUPERVISORS: August 23, 2006 ☒ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #07-06 OF SENSENY ROAD RENTALS, LLC

WHEREAS, Rezoning #07-06 of Senseny Road Rentals, LLC, submitted by Painter-Lewis, PLC, to rezone 2 acres from RA (Rural Areas) District to RP (Residential Performance) District with proffers for four single family homes, was considered. The property is located on Senseny Road (Route 657) approximately 350 feet west of Ashley Drive, in the Red Bud Magisterial District, and is identified by Property Identification Number (PIN) 65-A-46.

WHEREAS, the Planning Commission held a public hearing on this rezoning on August 16, 2006; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on August 23, 2006; 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;

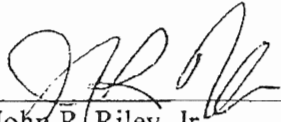
NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to change 2 acres from RA (Rural Areas) District to RP (Residential Performance) District with proffers for four single family homes, as described by the application and plat submitted, subject to the attached conditions voluntarily proffered in writing by the applicant and the property owner.

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

Passed this 23rd day of August, 2006 by the following recorded vote:

Richard C. Shickle, Chairman	<u>Aye</u>	Barbara E. Van Osten	<u>Aye</u>
Gary Dove	<u>Aye</u>	Bill M. Ewing	<u>Aye</u>
Gene E. Fisher	<u>Aye</u>	Charles S. DeHaven, Jr.	<u>Aye</u>
Philip A. Lemieux	<u>Abstained</u>		

A COPY ATTEST



John R. Riley, Jr.
Frederick County Administrator

Senseny Road Rentals Proffer Statement

Rezoning #:

Property: 2.0 acres
PARCEL ID - 65-A-46

Recorded Owner: Senseny Road Rentals, LLC

Applicant: Mr. Carl Hales
Senseny Road Rentals, LLC
2400 Valley Avenue, Suite 8
Winchester, Virginia 22601

Project Name: Greg Allen Realty
Senseny Road Rentals

**Original Date
of Proffers:** October 16, 2005

Revision Date(s): January 11, 2006
March 15, 2006
April 19, 2006

Prepared by: **PAINTER-LEWIS, P.L.C.**
116 South Stewart Street
Winchester, VA 22601
Tel.: (540) 662-5792
email: office@painterlewis.com
Job Number: 0502018

**PROFFER STATEMENT
PARCEL ID 65-A-46**

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned applicant proffers that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application # 07-06 for the rezoning of parcel TM# 65-A-46 from RA to RP, the use and development of the subject property shall be in strict conformance with the following conditions set forth in this proffer except to the extent that such conditions may be subsequently amended or revised by the applicant and such are approved by the Board of Supervisors in accordance with the Code of Virginia and the Frederick County Zoning Ordinance. These terms and conditions may be subsequently amended or revised by the owner of the property with the permission from the Frederick County Board of Supervisors in accordance with Frederick County codes. These proffers shall be binding on the owner and their legal successors or assigns.

PROFFERS

1.) Single Family Homes

The applicant will develop the parcel to support four single-family, detached residential dwellings.

2.) Home Owners' Association

The applicant will facilitate the creation of a Home Owners' Association for the proposed development. At a minimum, the HOA will establish covenants to (1) manage common open space, and (2) require all homeowners to pay for curb side pick up of solid waster.

3.) Fiscal Impact Mitigation

The applicant agrees to cause the payment of \$23,290.00 for each lot to the Treasurer of Frederick County, as per the Frederick County Capital Facilities Impact Model, to mitigate fiscal impacts associated with residential development. (Emergency Services; \$720.00, Parks and Rec; \$2,136.00, Public Library; \$267.00, School Construction; 1,989.00, Public Safety; \$658.00, and General Government; \$320.00 per lot). Payable at time of issuance of building permit.

4.) Frontage Improvements on Route 657

The applicant will make the necessary dedication of right-of-way and the required frontage improvements to Route 657 in support of the proposed development. The dedication and improvements will be designed and submitted for approval to the Virginia Department of Transportation during the subdivision review process.

5.) Generalized Development Plan

The applicant agrees to proffer a Generalized Development Plan (GDP) for the purpose of identifying the general configuration of four (4) single-family detached lots and road/subdivision street location.

6.) Offsite Transportation Mitigation

PROFFER STATEMENT
PARCEL ID 65-A-46

The applicant agrees to proffer monetary contribution in the amount of \$5,000.00 for each detached single-family dwelling to mitigate impacts to future development. Payable at time of issuance of building permit.

The conditions proffered above shall be binding on the heirs, executors, administrators, assigns, and successors in the interest of the owner. In the event that the Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

Submitted By:

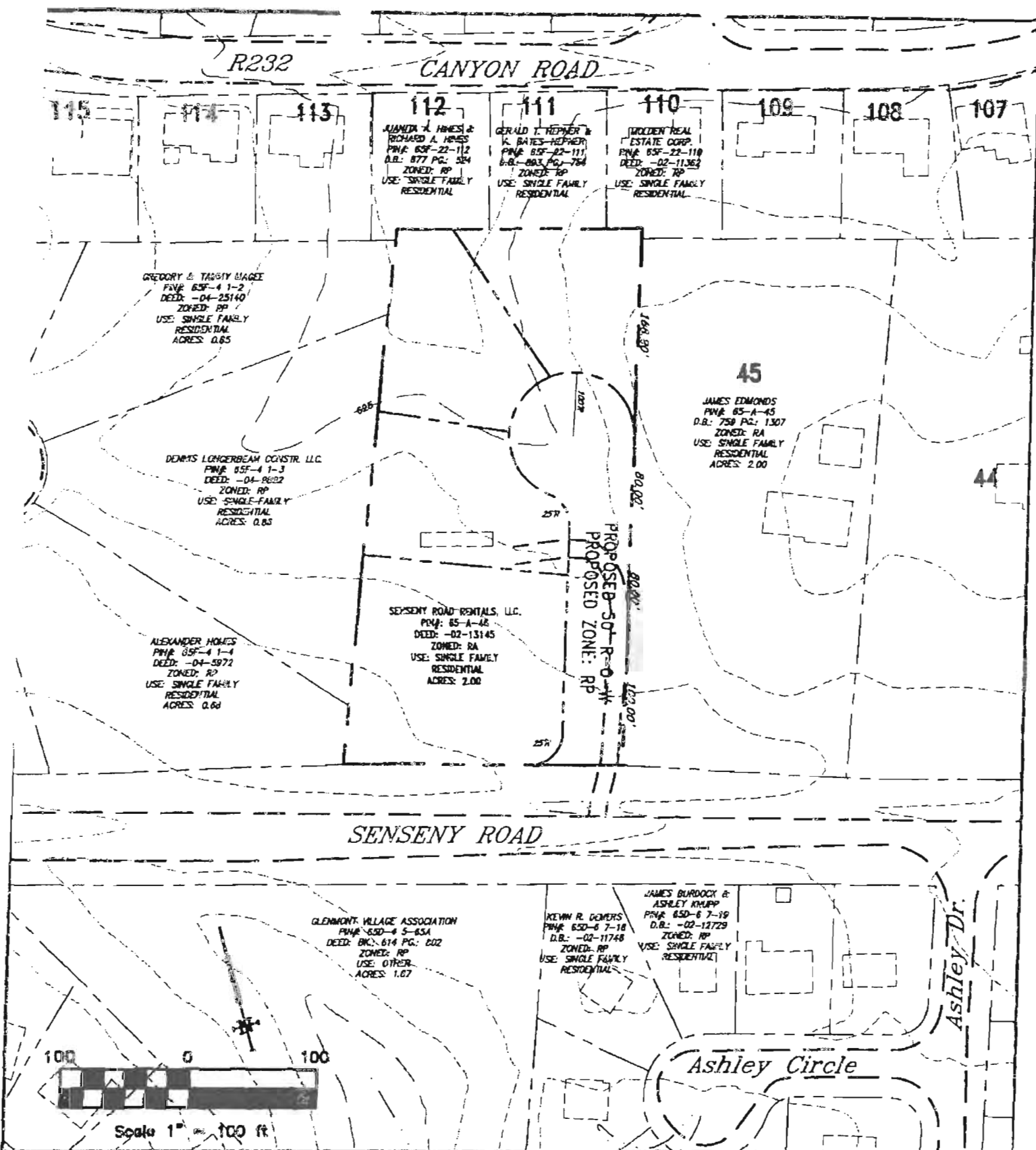
Carl J. Haler Member Manager
for Senseny Road Rentals, LLC

City/County of Frederick, Commonwealth Of Virginia.

The foregoing instrument was acknowledged before me this 19 day of
April, 2006

Julie Ann Gier
Notary Public

My commission expires: 10-31-07



DRAWN BY:

PAINTER-LEWIS, P.L.C.

116 South Stewart Street
WINCHESTER, VIRGINIA 22601
TELEPHONE (540) 662-5792
FACSIMILE (540) 662-5793
EMAIL: office@painterlewis.com

GREG ALLEN REALTY

GENERALIZED DEVELOPMENT PLAN
2659 SENSENY RD.
WINCHESTER, VIRGINIA 22602

SCALE: 1"=100'

DATE: 05/21/05

JOB #0502018

DRAWN BY: CBS

PRELIMINARY
GENERALIZED SITEPLAN

DRAWING NO.:
EXHIBIT 1

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number <u>07-16</u>	Fee Amount Paid \$ <u>N/A</u>
PC Hearing Date <u>8/3/16</u>	Date Received <u>7/8/16</u>
	BOS Hearing Date <u>9/14/16</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: CARL HALES, AGENT
SENSENY ROAD Telephone: 540-664-1796
RENTALS, LLC
Address: 241 PROVIDENCE LANE
BLUEMONT, VA 20135

2. Property Owner (if different than above):

Name: SENSENY ROAD RENTALS Telephone: 540-664-1796
LLC
Address: 241 PROVIDENCE LANE
BLUEMONT, VA 20135

3. Contact person if other than above:

Name: _____ Telephone: _____

4. Property Information:

- a. Property Identification Number(s): 65-A-46 ID 21211
- b. Total acreage to be rezoned: 2
- 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: RP
- e. Proposed zoning designation(s) and acreage(s) in each designation: RA
- f. Magisterial District(s): REP BUD

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

Location map	<input checked="" type="checkbox"/>	Agency Comments	<input checked="" 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"/>		

- previous included

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:

SENSENY ROAD RENTALS, LLC

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
65-A-45	Residential	RA
65F-4-1-3,4,2	Residential	RP
65D-4-5-65A	Open Space	RP
65D-6-7-18,19	Residential	RP
65D-6-7-20	Residential	RP
65F-2-2-112,111,110	Residential	RP

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):

2659 SENSENY ROAD, 1/4 MILE EAST OF
SENSENY GLEN 1

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

Number of Units Proposed

Single Family homes: 1 Townhome: _____ Multi-Family: _____
Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
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): Carl Haler, MEMBER Date: 7/7/16
MANAGER, SENSEN ROAD Date: _____
RENTALS, LLC
Owner(s): SENSENY ROAD RENTALS, LLC Date: 7/7/16
_____ Date: _____

Name and Property Identification Number		Address
Name	James Edmonds	
Property #	65-A-45	
Name	Jolen & Ryle Irwin	
Property #	65F-4-1-4	
Name	William & Shari Flesher	
Property #	65F-4-1-3	
Name	Gregory & Tammy Magee	
Property #	65F-4-1-2	
Name	David Harrison	
Property #	65D-6-7-19	
Name	Sally Geroge & James Power	
Property #	65D-6-7-18	
Name	Walker & Paula Beard	
Property #	65F-2-2-113	
Name	Sandra Shipe	
Property #	65F-2-2-112	
Name	Gerald & Autumn Hepner	
Property #	65F-2-2-111	
Name	Molden Real Estate	
Property #	65F-2-2-110	
Name	Glenmont Village Association	
Property #	65D-4-5-65A	
Name		
Property #		
Name		
Property #		
Name		
Property #		

R232

CANYON ROAD

115

114

113

112

111

110

109

108

107

JUANITA A. HINES &
RICHARD A. HINES
PIN# 65F-22-112
D.B.: 877 PG.: 524
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL

GERALD T. HEPNER &
A. BATES-HEPNER
PIN# 65F-22-111
D.B.: 893 PG.: 756
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL

MOLDEN REAL
ESTATE CORP.
PIN# 65F-22-110
DEED: 02-11362
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL

GREGORY & TAMMY MAGEE
PIN# 65F-4 1-2
DEED: 04-25140
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL
ACRES: 0.65

DENNIS LONGERBEAM CONSTR. LLC.
PIN# 65F-4 1-3
DEED: 04-9892
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL
ACRES: 0.66

ALEXANDER HOMES
PIN# 65F-4 1-4
DEED: 04-5972
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL
ACRES: 0.68

46
SENSENY ROAD RENTALS, LLC.
PIN# 65-A-46
DEED: 02-13145
ZONED: RA
USE: SINGLE FAMILY
RESIDENTIAL
ACRES: 2.00

45
JAMES EDMONDS
PIN# 65-A-45
D.B.: 759 PG.: 1307
ZONED: RA
USE: SINGLE FAMILY
RESIDENTIAL
ACRES: 2.00

44

SENSENY ROAD

GLENMONT VILLAGE ASSOCIATION
PIN# 65D-4 5-65A
DEED: BK.: 614 PG.: 802
ZONED: RP
USE: OTHER
ACRES: 1.87

KEVIN R. DEMERS
PIN# 65D-6 7-18
D.B.: 02-11746
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL

JAMES BURDOCK &
ASHLEY KNAPP
PIN# 65D-6 7-19
D.B.: 02-12729
ZONED: RP
USE: SINGLE FAMILY
RESIDENTIAL

100 0 100

Scale 1" = 100 ft

Ashley Dr. Rt. 1145

Ashley Circle Rt. 1146

DRAWN BY:
PAINTER-LEWIS, P.L.C.

116 South Stewart Street
WINCHESTER, VIRGINIA 22601
TELEPHONE (540) 662-5792
FACSIMILE (540) 662-5793
EMAIL: office@painterlewis.com

GREG ALLEN REALTY
2659 SENSENY RD.
WINCHESTER, VIRGINIA 22602

SCALE: 1"=100'

DATE: 05/21/05

JOB #0502018

DRAWN BY: CBS

OVERALL SITE
MAP

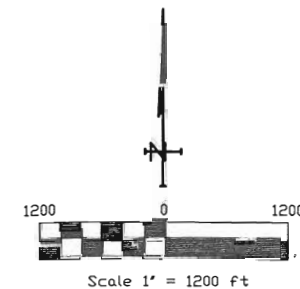
DRAWING NO.:
EXHIBIT 1



HISTORICAL PROPERTY KEY

- 108 - VALLEY MILL FARM**
- 396 - HOUSE, ROUTE 659
- 397 - ADAMS FARM
- 398 - HAGGERTY HOUSE
- 423 - BRAITHWAITE HOUSE
- 1133 - FULLER-CHAPMAN HOUSE**
- 1134 - CARPENTER HOUSE
- 1150 - CARTER-LEE-DAMRON HOUSE
- 1151 - FORD-BRAITHWAITE**
- 1152 - OUTBUILDINGS, RT. 657
- 1153 - CARPER HOUSE
- 1154 - TICK HILL
- 1155 - HOUSE, RT. 657

NOTE: ** INDICATES A POTENTIALLY SIGNIFICANT SITE AS DENOTED BY THE RURAL LANDMARKS SURVEY REPORT OF FREDERICK COUNTY



PROJECT:

**GREG ALLEN REALTY
SENSENY ROAD PROP.
HISTORICAL PROP. MAP
FREDERICK COUNTY, VA**

PAINTER-LEWIS, P.L.C.

116 South Stewart Street
Winchester, Virginia 22601
Telephone (540)662-5792
Facsimile (540)662-5793
Email : office@painterlewis.com



SURVEY: NA C.I.: NONE

DRAWN BY: JOB NO.:
SEM 0502018

SCALE: DATE:
1"=1200' 09/28/05

SHEET: EX. 2

R



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R. Cheran, Zoning Administrator *MRC*

RE: Request to Remove Parcels 45-A-10V, 45-A-10W, 45-A-30, 45-A-31, 45-A-32 and 45-A-32A, owned by Cumberland Properties IV, LLC. from the North Opequon Agricultural and Forestal District.

DATE: September 1, 2016

Please find attached a letter from agent for Cumberland Properties IV, LLC, dated July 15, 2016. Mr. Cumberland has requested the removal of the above-referenced parcels from the North Opequon Agricultural and Forestal District. The North Opequon Agricultural and Forestal District was established in 2013 and has been renewed one time. The most recent renewal of this District occurred in 2015 for a period of five years. Currently, 407.48+/- acres are contained in this District.

Section 15.2-4314 of the Code of Virginia, 1950, as amended, provides property owners with the ability to request removal of land from an Agricultural and Forestal District through a public process via the local governing body. Mr. Cumberland desires to remove six (6) parcels totaling 407.48+/- acres from the North Opequon Agricultural and Forestal District. The removal of these parcels will extinguish the District.

The Agricultural District Advisory Committee (ADAC) considered this request during their meeting on July 26, 2016. The ADAC unanimously recommended that the six (6) parcels totaling 407.48+/- acres be removed from the North Opequon Agricultural and Forestal District. Staff will present mapping during the Board of Supervisors Meeting which delineates the location of this acreage.

PLANNING COMMISSION SUMMARY – 8/17/16

Staff reported this is a request to remove six (6) parcels totaling 407.48+/- acres from the North Opequon Agricultural and Forestal District. The North Opequon Agricultural and Forestal District was established in 2013 and has been renewed one time; with the most recent renewal occurring in 2015 for a period of five (5) years. Staff noted the removal of these parcels will extinguish the District. Staff presented a location map of the parcels.

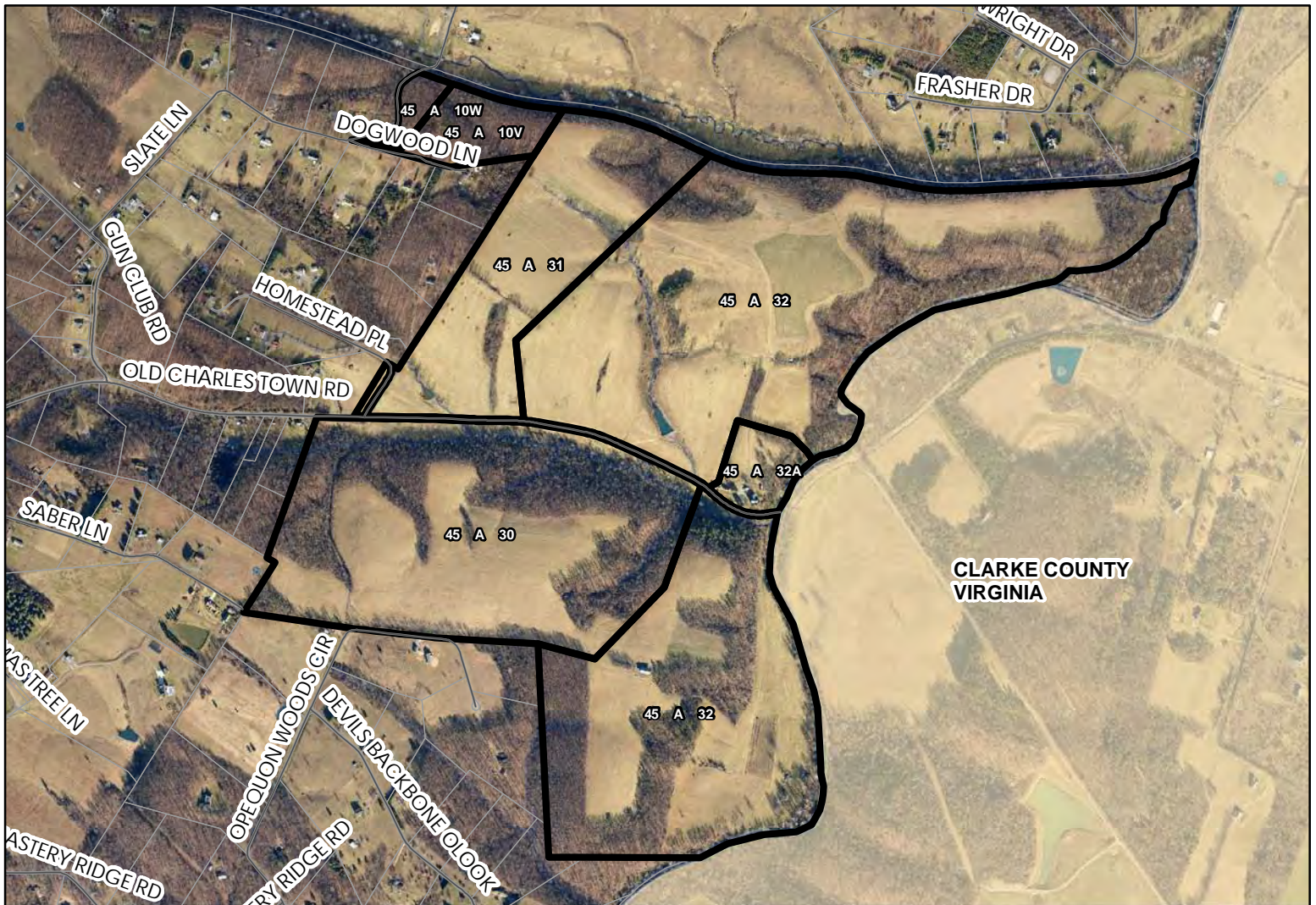
It was reported that the Agricultural District Advisory Committee (ADAC) considered this request during their meeting on July 26, 2016. Staff noted the ADAC unanimously recommended that the six (6) parcels totaling 407.48+/- acres be removed from the North Opequon Agricultural and Forestal District.

A citizen came forward and inquired why the parcels were added and now being removed. Staff explained the Agricultural and Forestal Districts in Frederick County are all voluntary; a property owner can request at any time to have a property removed. Staff concluded this property owner is looking into Conservation Easements and also some development through boundary line adjustments.

A motion was made, seconded, and unanimously passed to recommend approval for the removal of six (6) parcels totaling 407.48+/- acres from the North Opequon Agricultural and Forestal District.

Absent: Thomas

Property Pending Removal from the 2015-2020 Agricultural & Forestal Districts



○ Parcels

PIN	Owner	Acres	Ag & Forestal Districts
45 A 10V	CUMBERLAND PROPERTIES IV INC	6.50	North Opequon
45 A 10W	CUMBERLAND PROPERTIES IV INC	6.62	North Opequon
45 A 30	CUMBERLAND PROPERTIES IV LLC	98.91	North Opequon
45 A 31	CUMBERLAND PROPERTIES IV LLC	50.75	North Opequon
45 A 32	CUMBERLAND PROPERTIES IV LLC	237.41	North Opequon
45 A 32A	CUMBERLAND PROPERTIES IV LLC	7.29	North Opequon



Note:
Frederick County Dept of Planning & Development
107 N Kent St. Suite 202, Winchester, VA 22601
540 - 665 - 5651
Map Created: July 14, 2016

0 0.1 0.2 0.4 Miles

**"THE NORTH OPEQUON"
AGRICULTURAL & FORESTAL DISTRICT
FREDERICK COUNTY, VIRGINIA**

Name: Cumberland Properties IV, LLC – Bill Cumberland

Mailing Address: 3201 Burton Way, Herndon, Virginia, 20171

Property Address: 1649 Old Charlestown Road, Stephenson, Virginia, 22656

Phone: (703)-906-0526

I would like to have the following tracts in the North Opequon Agricultural and Forestal District removed from the district in order to perform boundary line adjustments needed to prepare the land for conservation easements:

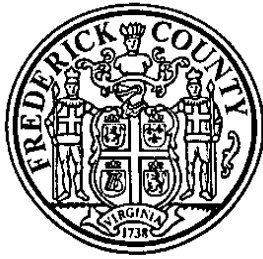
<u>Tax Map #</u>	<u>Acreage</u>	<u>Tax Map #</u>	<u>Acreage</u>
45-(A)-10V	6.502 ✓	45-(A)-31	50.748
45-(A)-10W	6.615 ✓	45-(A)-32 Parcel 1	148.103
45-(A)-30	98.906	45-(A)-32 Parcel 2	89.312
		45-(A)-32A	7.289



Signature –Owner
Bill Cumberland
Cumberland Properties IV, LLC
(703) 906-0526

7/15/2016

Date



REMOVAL OF PARCELS

Action:

PLANNING COMMISSION: August 17, 2016 - Recommended Approval

BOARD OF SUPERVISORS: September 14, 2016 ☐APPROVED ☐DENIED

REMOVAL OF PARCELS FROM THE NORTH OPEQUON AGRICULTURAL & FORESTAL DISTRICT

WHEREAS, a proposal to remove parcels from the North Opequon Agricultural & Forestal District by 407.48 acres, was considered. The property is located in the Stonewall Magisterial District along Old Charleston Road and is identified by Property Identification Numbers 45-A-10V, 45-A-10W, 45-A-30, 45-A-31, 45-A-32, and 45-A-32A.

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this proposal on July 26, 2016; and

WHEREAS, the Planning Commission held a public hearing and recommended approval on this proposal to remove parcels from the North Opequon Agricultural & Forestal District on August 17, 2016; and

WHEREAS, the Board of Supervisors held a public hearing on this proposal to remove parcels from the North Opequon Agricultural & Forestal District on September 14, 2016; and

WHEREAS, the Frederick County Board of Supervisors finds the removal of these parcels from the North Opequon Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby decreases the 2015-2020 North Opequon Agricultural & Forestal District by 407.48 acres, which extinguishes the District.

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

Passed this 14th day of September, 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