



AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 14, 2016
6:00 P.M., 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

6:00 P. M. Closed Session:

There will be a Closed Session, Pursuant to Virginia Code Section 2.2-3711(A) (1), for Discussion and Consideration of Prospective Candidates for Appointment as Gainesboro District Representative to the Board of Supervisors.

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: H, I, J, K, L, M and N)

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

Board of Supervisors Comments

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

1. Board Retreat, October 20-22, 2016.
2. Work Session with Frederick County Finance Committee, November 2, 2016.

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3. Work Session, Board Retreat Follow Up, November 2, 2016.
4. Work Session with School Board, November 9, 2016.

County Officials:

1. Appointment of Board of Supervisors Gainesboro Magisterial District Seat.
2. Resolution Authorizing County Attorney to File a Petition for Writ of Election to Fill Vacancy in the Office of Gainesboro District Representative to the Board of Supervisors. **(See Attached)** ----- **B**
3. Employee of the Month Award. **(See Attached)** ----- **C**
4. Employee of the Year Award. **(See Attached)** ----- **D**
5. Committee Appointments. **(See Attached)** ----- **E**
6. Correspondence from Frederick County School Board Re: FY 2017 School Construction Fund – Budget Adjustments for CIP Projects. **(See Attached)** ----- **F**
7. Request from Commissioner of the Revenue for Refund. **(See Attached)** ----- **G**
8. Round Hill Fire Hall Construction Settlement Agreement. **(See Attached)** ----- **H**
9. Resolution of Appreciation for Robert A. Hess. **(See Attached)** ----- **I**
10. Acknowledgement of Receipt of Certified Copies of the Abstracts of Votes from the November 8, 2016 General Election. **(See Attached)** ----- **J**

Committee Reports:

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

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- 4. Transportation Committee. (See Attached)----- N**
- 5. Code and Ordinance Committee. (See Attached) ----- O
- 6. Human Resources Committee. (See Attached) ----- P

Public Hearing:

- 1. Twelve Month Outdoor Festival Permit Request of Belle Grove Plantation. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Belle Grove Plantation, 336 Belle Grove Road, Middletown, Virginia. Property Owned by the National Trust for Historic Preservation. (See Attached) ----- Q

Planning Commission Business:

- 1. Discussion – 2035 Comprehensive Plan Update Including the Kernstown Area Plan and the Leonard Property CPPA Amendment (CPPA #01-16). (See Attached) ----- R

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**Board Retreat
October 20-22, 2016**

The Frederick County Board of Supervisors held a strategic planning retreat on Thursday, October 20, 2016 through Saturday, October 22, 2016 in the James Wood Room, Holiday Inn Winchester Historic Gateway, 333 Front Royal Pike, Winchester, VA.

The retreat began on Thursday, October 20, 2016 at 4:00 p.m.

PRESENT

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

ABSENT

Judith McCann-Slaughter

OTHERS PRESENT

County Administrator Brenda G. Garton, Deputy County Administrator for Community Development Kris C. Tierney, and Deputy County Administrator for Human Services Jay E. Tibbs.

CALL TO ORDER

The retreat began with an overview of the purpose and goals. The purpose of the retreat was to assist the Frederick County Board of Supervisors in enhancing its working relationship and governance by developing a comprehensive vision for the County and setting short-term priorities that could be shared with citizens and addressed by staff in a strategic work plan

The session goals were:

1. Develop an enhanced working relationship that will help Board Members provide a new level of collective leadership and effective governance for the County
2. Develop a long range Vision for the County that captures a desired core identity and strategic target areas
3. Develop desired future states to create a comprehensive Vision that will provide policy guidance to the staff and community and enhance economic development efforts

4. Identify and agree on Board Priorities to address the Vision over the next 3 years
5. Identify a specific plan to communicate Board's long and short-term policy direction to stakeholders and to further the County's strategic efforts through a staff work plan
6. Identify next steps to provide specific accountability.

The Board recessed the retreat at approximately 9:45 p.m.

The Board reconvened the retreat on Thursday, October 21, 2016 at 8:30 a.m.

PRESENT

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

ABSENT

Judith McCann-Slaughter

OTHERS PRESENT

County Administrator Brenda G. Garton, Deputy County Administrator for Community Development Kris C. Tierney, and Deputy County Administrator for Human Services Jay E. Tibbs.

The Board conducted an initial brainstorm on a proposed vision and worked on a core vision and strategic targets.

The Board recessed at approximately 5:30 p.m.

The Board reconvened the retreat Saturday, October 22, 2016 at 8:30 p.m.

PRESENT

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

ABSENT

Gary A. Lofton and Judith McCann-Slaughter

OTHERS PRESENT

County Administrator Brenda G. Garton, Deputy County Administrator for Community Development Kris C. Tierney, and Deputy County Administrator for Human Services Jay E. Tibbs.

The final day of the retreat consisted of setting three year priorities and development of a plan to follow up on the vision and priorities.

The retreat adjourned at 12:15 p.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**Work Session
with
Frederick County Finance Committee
November 2, 2016**

A joint work session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, November 2, 2016 at 8:00 A.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

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

Finance Committee member Bill M. Ewing

OTHERS PRESENT

County Administrator Brenda G. Garton, Deputy County Administrator for Community Development Kris C. Tierney, Commissioner of the Revenue Ellen Murphy, Treasurer C. William Orndoff, Jr., Finance Director Cheryl B. Shiffler, Assistant Finance Director Sharon Kibler.

CALL TO ORDER

Chairman DeHaven called the meeting to order.

The purpose of the joint meeting was to discuss proposed debt policies. This item came from a September 14, 2016 presentation by Davenport & Company. The debt policy was one of four policies recommended for development. The other policies were Reserve policies, Budget Development policies, and Capital Improvement Budget policies.

It was noted the County currently does not have an adopted, formal debt policy. Items for the Board and Committee's consideration as part of the proposed policy included:

1. Acceptable purposes for debt issuance.
2. Acceptable level of debt.
3. Debt maturity schedules.

4. Mix use of pay-as-you-go and debt financing.

It was recommended that the following policy be forwarded to the Board of Supervisors:

Debt Management

Introduction

One of the keys to sound fiscal management is the development of a debt policy. The need is included in both recommended practices by the Government Finance Officers Association and by bond rating agencies.

Key Debt Ratio Guidelines

- Tax Supported 10-year Payout Ratio should be greater than 65%. The 10-year payout ratio measures the amount of principal to be retired in 10 years.
- Debt to Assessed Value should be in a range not to exceed 0.75% - 1.75%.
- Debt Service vs. Governmental Expenditures Ratio should be in a range not to exceed 8-12%. Governmental expenditures represent the ongoing operating expenditures of the County and School Board. In this calculation, debt service and capital expenditures are excluded from expenditures.

There being no further business, the meeting was adjourned at 9:22 a.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**Work Session
Board Retreat Follow Up**

November 2, 2016

A work session of the Frederick County Board of Supervisors was held on Wednesday, November 2, 2016 at 5:00 p.m. in the First Floor Conference Room of the Frederick County Administration Building, 107 North Kent Street, Winchester, Virginia.

PRESENT:

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

OTHERS PRESENT:

Brenda G. Garton, County Administrator and Kris C. Tierney, Deputy County Administrator for Community Development.

CALL TO ORDER

Chairman DeHaven called the work session to order.

The purpose of the work session to review the Board's draft vision and strategic targets in order to finalize the document so it could be formally adopted by the Board at its November 9, 2016 meeting.

The Board reviewed its proposed 2036 vision, which would be achieved through focusing on the following target areas:

- A Premier Business Location
- Balanced Land Use
- Fiscal Responsibility
- Communication and Citizen Engagement
- State of the Art Education
- Well Planned Infrastructure
- Safe Community.

The Board directed staff to prepare the final version of the 2036 vision and present it at the Board's November 9, 2016 meeting for adoption.

There being no further business, the work session was adjourned at 6:45 p.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**Work Session
with
Frederick County School Board**

November 9, 2016

A joint work session of the Frederick County Board of Supervisors and the Frederick County School Board was held on Wednesday, November 9, 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.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn (arrived at 5:05 p.m.); Robert A. Hess; Gary A. Lofton; Judith McCann-Slaughter and Robert W. Wells.

SCHOOL BOARD MEMBERS PRESENT

Dr. John Lamanna, Chairman; Jay Foreman; Kali Klubertanz; Michael A. Lake; Peggy Clark; Seth Thatcher; and Frank E. Wright

OTHERS PRESENT

Brenda G. Garton, County Administrator; Kris C. Tierney, Deputy County Administrator for Community Development; Jay E. Tibbs, Deputy County Administrator for Human Services; Roderick B. Williams, County Attorney; Cheryl B. Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Jennifer Place, Budget Analyst; C. William Orndoff, Jr., Treasurer; Ellen Murphy, Commissioner of the Revenue; Finance Committee member Bill M. Ewing; Dr. David Sovine, Superintendent of Schools; Dr. Albert Orndorff, Assistant Superintendent for Administration; Dr. James Angelo, Assistant Superintendent for Instruction; Patty Camery, Acting Director of Finance; Kristen Anderson, Budget Supervisor Frederick County Public Schools; Steve Edwards, Coordinator of Policy and Communications; and Tim Crisman, Frederick County Public Schools Director of Buildings and Grounds.

CALL TO ORDER

Chairman DeHaven and Dr. Lamanna called the joint meeting to order.

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

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

Dr. David Sovine, Superintendent of Frederick County Schools, thanked the boards for their willingness to receive an update on the capital improvements plan which focused on the 12th elementary school, 4th high school, and renovations to Armel Elementary School. He noted the projects were being driven by growth. He concluded by saying the School Board had discussed these projects at several meetings.

Dr. Al Orndorff reviewed the student growth trends and the costs of the projects. He then reviewed the options being considered should the projects be postponed.

Supervisor Hess asked about rezoning at the elementary school level.

Dr. Sovine responded when a rezoning was conducted they hoped the goal could be achieved, but it was hard to say. He went on to say a rezoning was a short-term fix, but in the long-term there could be a high probability of multiple rezonings.

Supervisor Slaughter asked about capacity at the old Frederick County Middle School.

Dr. Orndorff responded 720 students without the use of modular units.

Dr. Lamanna stated the School Board had put forward three projects they felt were a priority. He went on to say an appropriation was not expected at the meeting, but these were priorities for the school system. He concluded by saying the School Board's intent would be to bring the projects forward to the Board of Supervisors at the December 14, 2016 meeting.

Supervisor Fisher spoke about the design of the schools going forward, which was triggered by the new Frederick County Middle School. He noted the designs needed to be more efficient. He felt the money needed to be spent on the interior of the buildings (i.e. quality of the classrooms). He went on to say the architects needed to be more efficient with their designs and aware of the taxpayers' dollars. He believed the 4th high school could be built for \$83 million and he could not agree with the proposed \$93 million price tag. He stated he would like to see a schematic plan for the 12th elementary school.

Dr. Sovine stated the 12th elementary school, 4th high school, and new Frederick County Middle School could serve as prototypes going forward.

Chairman DeHaven thanked everyone for coming and expressed appreciation for the collaborative efforts.

ADJOURN

UPON A MOTION BY SUPERVISOR FISHER, SECONDED BY SUPERVISOR SLAUGHTER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (6:52 P.M.)

B



BOARD OF SUPERVISORS

AUTHORIZING THE COUNTY ATTORNEY TO FILE A PETITION FOR WRIT OF ELECTION TO FILL VACANCY IN THE OFFICE OF GAINESBORO DISTRICT REPRESENTATIVE TO THE BOARD OF SUPERVISORS

WHEREAS, Robert A. Hess has submitted his resignation as Gainesboro District representative to Board of Supervisors, effective November 30, 2016; and

WHEREAS, Virginia Code § 24.2-226(A) requires the Board of Supervisors to file with the Circuit Court a petition for a writ of election to fill the vacancy in the office of Gainesboro District representative to Board of Supervisors within 15 days of the vacancy; and

WHEREAS, state law provides for the Circuit Court to schedule such election concurrent with the next general election, scheduled for November 7, 2017, unless the Board requests a different date that complies with the provisions of Virginia Code § 24.2-682; and

WHEREAS, the Board finds it appropriate that the election to fill the vacancy in the office of Gainesboro District representative to Board of Supervisors take place concurrent with the next general election, scheduled for November 7, 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the County Attorney to file with the Circuit Court a petition seeking issuance of a writ of election, to fill the vacancy in the office of Gainesboro District representative to Board of Supervisors, such election to occur on November 7, 2017, concurrent with the general election that same day.

ADOPTED this 14th day of December, 2016.

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

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

C

Employee of the Month Resolution

Awarded to:

Dail D. Ritenour, Jr.

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, Dail D. Ritenour, Jr. who serves as a Communications Officer III with Public Safety Communications was nominated for Employee of the Month; and,

WHEREAS, On August 23, 2016, Communications Officer Ritenour received a call in reference to a suicidal male. He obtained all the necessary information from the caller and then placed a phone call directly to the suicidal individual. During the call, Communications Officer Ritenour was able to calmly build a rapport with the individual and convince him to pull over into a parking lot to speak with deputies where the individual was then transported to the Winchester Medical Center for evaluation. The extra initiative taken by Communication Officer Ritenour had a positive outcome for this call for service. Communications Officer Ritenour is a valuable asset to Frederick County; and

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 14th day of December, 2016, that Dail D. Ritenour, Jr. is hereby recognized as the Frederick County Employee of the Month for December 2016; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Dail D. Ritenour, Jr. for his outstanding performance and dedicated service and wishes his continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Dail D. Ritenour, Jr. is hereby entitled to all of the rights and privileges associated with his award.

County of Frederick, VA
Board of Supervisors

Charles S. DeHaven, Jr., Chairman



Dedication



County of Frederick

Employee of the Month

December 2016


Dail D. Ritenour, Jr.



Hardworking



Excellence



Professional

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



County of Frederick Employee of the Month Nomination Form

Received: (HR use)

10/19/16

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the County as a whole. Outstanding service includes job performance that clearly exceeds requirements. Nominations are not judged on how well you write. However, they are judged on the facts presented. Employee of the Month selection will be based on the following criteria:

1. Providing exceptional customer service.
2. Performing an act that is above and beyond normal duties.
3. Excellence in safe work practices.
4. Being innovative/creative.
5. Identifying areas of monetary savings to the County.
6. Cooperative effort between County departments.

Employee Name: Dail Ritenour

Department: Public Safety Communication

Nomination Submitted By: Tara Collis

Department: Public Safety Communication

Nominator's Signature: Tara R. Collis

Digitally signed by Tara R. Collis
DN: cn=Tara R. Collis, o=Frederick County, postal=Safety Communications, email=trcollis@frederick.org, c=US
Date: 2016.10.02 22:31:00-0400

Date: 10/19/2016

Describe the employee's accomplishments/contributions that were above and beyond the normal duties expected of their position. Include as much specific information as possible:

On Tuesday, August 23, 2016, Communications Officer Ritenour received a call in reference to a suicidal male. CO Ritenour obtained all the necessary information from the complainant and then placed a call to the suicidal subject. CO Ritenour was able to make contact with the suicidal subject. After speaking with the male CO Ritenour was able to convince him to pull over into the parking lot of a business to meet with deputies. The deputies were able to make contact with the male and transport him to the Winchester Medical Center to be evaluated.

Explain how the employee provided outstanding and exceptional service through his/her work:

Communication Officer Ritenour reached out to the suicidal subject by phone and was able to calmly talk to the male. CO Ritenour done an excellent job talking to the male. CO Ritenour was able to build a rapport with the caller and took the time to listen to the caller. Most often these callers just want someone to stop and listen to them and try to understand where they are coming from. CO Ritenour was able to acknowledge the issues this caller was having and convinced to pull over and speak with deputies. CO Ritenour made sure for the safety of the deputies and the caller that no weapons were in the vehicle with the caller. CO Ritenour explained to the caller what was going to happen and, in my opinion, had a major impact on the positive outcome of this call for service.

Describe the employee's recent achievement(s) that positively impacted the department (contribution to established goals, promoted cost-conscious or cost-cutting measures, etc.).

Communications Officer Ritenour has attended several classes on suicidal callers and negotiations classes. CO Ritenour, during his tenure, has talked to many suicidal and mental callers on the phone. He's been able to keep them calm until the arrival of law enforcement and fire & rescue. CO Ritenour has been with Frederick County Public Safety since 2005. CO Ritenour's exposure to these sort of high priority calls and emergency situations is quite extensive. CO Ritenour is definitely the voice you want on the other side of the radio during an emergency. His calm demeanor and attention to detail is the trademark of this seasoned veteran. He is a valuable asset to his profession.

D

Employee of the Year

Frederick County, VA

In Grateful Recognition of
Your Outstanding Performance and Dedicated Service

Jeff Jerome

2016



County Administrator

Date

Employee of the Month Resolution

Awarded to

Jeff Jerome

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

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

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

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

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

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

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

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



County of Frederick, VA
Board of Supervisors

Charles S. DeHaven, Jr., Chairman

E



Brenda G. Garton
County Administrator

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

MEMORANDUM

TO: Board of Supervisors
FROM: Brenda G. Garton, County Administrator *B. Garton*
DATE: December 8, 2016
RE: Committee Appointments

Listed below are the vacancies/appointments due through January, 2017. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Northwestern Community Services Board

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

(See Attached Application of Guss L. Morrison.)

Lord Fairfax Community College Board

Tara L. Woolever – County Representative
118 Plankwood Court
Stephens City, VA 22655
Term Expires: 06/30/20
Four year term

(Ms. Woolever has resigned.)

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

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

DECEMBER 2016

Board of Equalization

Rosalie Cornwell – Frederick County Representative
7995 Church Street
Middletown, VA 22645
Home: (540)869-1145
Term Expires: 12/31/16
Three year term

(See Attached Application of Kimberly S. Dodd.)

(Ms. Cornwell previously notified staff she did not want to be reappointed when her term expires.) *(Recommendation(s) for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment. The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a “permanent” board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term.)*

Board of Zoning Appeals

Eric F. Lowman – Red Bud District Representative
201 Heath Court
Winchester, VA 22602
Home: (540)678-1989
Term Expires: 12/31/16
Five year term

(Mr. Lowman is willing to continue serving.) (Recommendation(s) for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment. There are seven members on the Board of Zoning Appeals.)

JANUARY 2017

Historic Resources Advisory Board

Christopher Oldham – Member-At-Large Representative
155 Sterrett Lane
Clearbrook, VA 22624
Home: (540)667-1145
Term Expires: 01/12/17
Four year term

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

Parks and Recreation Commission

Gary E. Longerbeam – Back Creek District Representative
202 Greenfield Road
Winchester, VA 22602
Home: (540)667-0483
Term Expires: 01/17/17
Four year term

Memorandum – Board of Supervisors
December 8, 2016
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Attachments

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

_____ District Supervisor, would like to
nominate you to serve on the N.W. Community Service Bd.
As a brief personal introduction to the other Board members, please fill out the information requested below for
their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: Guss L. Morrison Home Phone: 540-450-8916

Address: 138 Cahille DR Office Phone: _____

Winchester, VA 22602 Cell/Mobile: 540-514-7870

_____ Fax: _____

Employer: Ret'd Email: GMORR2@comcast.net

Occupation: Ret'd

Civic/Community Activities: Winchester Rotary, Coalition for Racial
Unity, NAACP, Shen. Valley Tennis Asson, 1319 Brothers Big
Sister (BBBS)


Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:

Yes: No: _____

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

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

FORMER DIR. of Policy + Planning, Chief of Research + Evaluation,
Chief of NATIONAL PROGRAMS, AND NAT. DIR. of Job TRAINING
for the Homeless PROGRAM, FOR THE U.S. Dept of Labor,
Washington, D.C.

Applicant's Signature:  Date: 8-2-16

Nominating Supervisor's Comments: _____

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

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

Judith McCann-Slaughter, Stonewall District Supervisor, would like to nominate you to serve on the Historic Resources Advisory Board.

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

Name: A. Nicholas "Nick" Powers Home Phone: 540-247-8177
Address: Museum of the Shenandoah Valley, 901 Amherst Street, Winchester, VA 22601 Office Phone: 540-662-1473, ext. 205
Cell/Mobile: 540-247-8177
Fax: N/A

Employer: Museum of the Shenandoah Valley Email: npowers@themsv.org

Occupation: Curator of Collections

Civic/Community Activities: Former Scout leader for Shenandoah Area Council, Boy Scouts of America

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

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

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

Applicant's Signature:  Date: 12/11/2016

Nominating Supervisor's Comments: I have known Nick's family for many years. They have deep roots in Frederick County, dating back to the mid 1700's. Nick, has a great appreciation for history, having a college major in history and minor in historic archeology.

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

INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF SUPERVISORS
COMMITTEE APPOINTMENTS

James H. McCann-Slaughter Stoneham District Supervisor, would like to nominate you to serve on the Board of Equalization.
As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: Kimberly Schnabel Dodd Home Phone: 540-667-3648
Address: 474 Ruebuck Rd Office Phone: 540-550-5679
Clear Brook, Va Cell/Mobile: 540-550-5679
22624 Fax: 540-667-9202
Employer: Winchester Public Schools Email: dodd46@cumcast.net
Occupation: MEDICARE COORDINATOR
Civic/Community Activities: Served on Winchester / Frederick Co Tourism Board and also Board of Equalization For Frederick Co
Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On: _____
Yes: No:

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

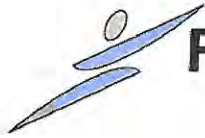
Additional Information Or Comments You Would Like To Provide (If you need more space, please use the reverse side or include additional sheets):
99 graduate of the Chamber Leadership Program
also attend the Winchester City Institutes Program

Applicant's Signature: Kimberly S. Dodd Date: 11/21/16

Nominating Supervisor's Comments: Kim has previously served on this Board a number of years ago. Experience in this position will be helpful.

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

F



Frederick County Public Schools

... to ensure all students an excellent education

TO: Cheryl Shiffler, Director of Finance – County of Frederick

FROM: Patty D. Camery, Acting Director of Finance - FCPS

DATE: December 7, 2016

SUBJECT: FY2017 School Construction Fund – Budget Adjustments for CIP Projects

At their meeting, December 6, 2016, the School Board approved a budget adjustment of \$123.8 million to the FY2017 School Construction Fund, subject to approval by the Board of Supervisors.

Requested Action:

FY2017 School Construction Fund budget adjustment in the amount of \$123,800,000, which is the remaining appropriation needed for the 4th high school, additional classes and renovation at Armel Elementary School, and the 12th elementary school.

#1 - Fourth high school

A budget adjustment to the FY2017 School Construction Fund for \$85.4 million for the remaining estimated project cost for the 4th high school.

The project currently has an appropriation of \$6 million for initial project costs for land and design. The remaining appropriation will fund the completion of the project which includes costs associated with engineering, site improvement, construction, equipment, and furniture. The total project is estimated to cost \$91.4 million with an opening date of Spring/Summer 2020.

#2 - Armel Elementary School additional classrooms and renovation

A budget adjustment to the FY2017 School Construction Fund for \$7.5 million for Armel Elementary School classroom additions and renovation.

The project currently has an appropriation of \$.5 million for initial project costs for design. The remaining appropriation will fund the completion of the project which includes costs associated with engineering, site improvement, construction, equipment, and furniture. The total project is estimated to cost \$8 million with an opening date of Spring/Summer 2018.

Continue on Page Two

Page Two

#3 - 12th elementary school project

A budget adjustment to the FY2017 School Construction Fund for \$30.9 million for the 12th elementary school.

The project currently has an appropriation of \$1.5 million for initial project costs for design. The remaining appropriation will fund the completion of the project which includes costs associated with engineering, site improvement, construction, equipment, and furniture. The total project is estimated to cost \$32.4 million with an opening date of Spring/Summer 2018.

It is requested consideration of this budget adjustment be placed on the agenda for the December 14, 2016 meeting of the Board of Supervisors, at which time a public hearing and subsequent action could be set for January 11, 2017.

Thank you.

C: David T. Sovine, Superintendent
Brenda Garton, County Administrator
Jay Tibbs, Deputy County Administrator for Human Services
Teresa Price, Administrative Assistant

G



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: November 29, 2016

RE: Refund – Ryder Truck Rental LT

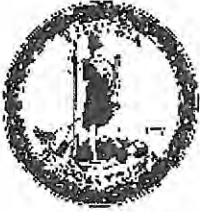


I am in receipt of the Commissioner's request, dated November 22, 2016, to authorize the Treasurer to refund Ryder Truck Rental LT the amount of \$3,185.28, for proration of personal property taxes for the first half of 2016. This refund resulted from adjustment to personal property filings in the normal course of business.

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

Roderick B. Williams
County Attorney

Attachment



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



November 22, 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 – Ryder Truck Rental LT

Please approve a refund of \$3,185.28 for personal property taxes for 2016 in the name of Ryder Truck Rental LT. This refund is for adjustment to personal property filings because of proration on vehicles owned by Ryder Truck Rental LT. This is in the normal course of business and not because of any other difficulty or appeal.

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 \$3,185.28.

Date: 11/18/16

Cash Register: COUNTY OF FREDERICK

Time: 11:48:30

Customer Name: RYDER TRUCK RENTAL LT Total Transactions: 870
Customer Transactions: 5

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2016	1	00497600007	\$228.11-	\$.00	\$228.11-
-	PP2016	2	00497600009	\$277.10-	\$.00	\$277.10-
-	PP2016	3	00497600011	\$277.10-	\$.00	\$277.10-
-	PP2016	4	00497600025	\$1,524.83-	\$.00	\$1,524.83-
-	PP2016	5	00497600043	\$878.14-	\$.00	\$878.14-

F3=Exit F14=Show Map# Total Paid : \$3,185.28
 F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

Needs Board Approval

CONSENT AGENDA

H



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail: rwillia@fcva.us

MEMORANDUM

TO: Board of Supervisors

FROM: Roderick B. Williams
County Attorney

DATE: December 8, 2016

RE: Round Hill Fire Station – Caldwell & Santmyer Contract/Settlement

In 2014, following a formal bidding process, the County entered into a contract with Caldwell & Santmyer (C&S) for the construction of the new Round Hill Fire Station and adjacent Event Center. Work on the facilities was substantially complete earlier this year, although a number of remaining contract performance issues remained with C&S, resulting in a protracted dispute between the County and C&S, including as to final payments from the County to C&S.

County staff and C&S representatives have now resolved the matter and the attached document represents a proposed form of settlement agreement between the County and C&S. To this point, the County has withheld significant payment amounts from C&S, pending completion by C&S of final contract items. The proposed agreement provides for the County to make the following final payment amounts to C&S:

- \$35,000.00 within 15 business days of execution of the agreement;
- \$315,000.00 within 15 business days of completing punch list items;
- \$40,000.00 within 15 business days of satisfying all other conditions, except tree and shrub items; and
- \$10,000.00 within 15 business days of completion of tree and shrub items.

Sufficient appropriated funds are available to pay the proposed payments and, upon completion of the payments, the total cost of the project remains anticipated to come in under the amount of planned appropriations for the project.

Staff requests Board approval for the County Administrator to execute a settlement agreement in substantially the same form as the attached document.

Attachment

SETTLEMENT AGREEMENT AND RELEASE

This SETTLEMENT AGREEMENT AND RELEASE (“AGREEMENT”), entered into the ____ day of _____, 2016, between the County of Frederick, Virginia (“County”) and Caldwell and Santmyer, Inc. (“CSI”), contains the entire agreement between the parties hereto (collectively, “the Parties”; and individually, as “Party”), and the terms of this AGREEMENT are contractual and not a mere recital.

I. DEFINITIONS.

A. SETTLING PARTIES

“Settling Parties” shall mean CSI and the County.

B. PERSON OR PERSONS

“Person” or “Persons” shall mean any natural person, firm, corporation, partnership, proprietorship, joint venture, organization, limited liability company, governmental agency or entity, nonprofit organization, trade association, group of natural persons, or other association separately identifiable, whether or not such association has a separate existence in its own right, as well as their successors in interest, heirs, executor, administrator, trustee in bankruptcy, or receiver of any such entity.

C. THE PROJECT

The “Project” means the construction project known as the Round Hill Fire Station and Event Center in Frederick County, Virginia that commenced in 2014.

D. CONTRACT

The “Contract” means all of the Contract Documents comprising the August 6,

2014, Agreement between the County and CSI, as modified, pursuant to which CSI as general contractor agreed to perform all Work for the construction of the Project.

E. CLAIM OR CLAIMS

“Claim” or “Claims” shall mean any direct or indirect past, present, or future, fixed or contingent, matured or unmatured, liquidated or unliquidated claims, causes of action, cross-claims, liabilities, rights, demands (including letter-demands, notices, or inquiries from any Person), penalties, assessments, damages, requests, suits, lawsuits, costs (including attorneys’ fees and expenses), actions, administrative proceedings, or orders of whatever nature, character, type or description, whenever and however occurring, whether at law or in equity, and whether sounding in tort or contract or any statutory or common law claim or remedy of any type including all claims, duties, causes of action, demands, duties to defend, duties to indemnify, obligations, liabilities, rights, damages, whether known or unknown, asserted or unasserted, whether at law or in equity, or of any type, nature, or description whatsoever related to:

- (i) any and all claims asserted or which could have been asserted by CSI against the County related to unpaid amounts due and owing under or arising out of the Contract for the Project, including but not limited to the CSI Delay Damages Claim and Unresolved Change Order Claim (as defined herein); and
- (ii) any and all claims asserted or which could have been asserted by the County against CSI or its subcontractors or subconsultants related to the Substantial Completion LD Claim, Extended A/E Fee Claim,

Utility Expense Claim, Final Completion LD Claim, and Unresolved Punch List/Warranty Claim (all as defined herein).

F. WORK

“Work” shall mean the construction and services required by the Contract Documents, including all labor, materials, equipment and services provided as to be provided by CSI to fulfill its obligations under the Contract.

II. AGREEMENT BETWEEN THE SETTLING PARTIES

WHEREAS, the Original Contract Sum for the Work of the Project was established in the Contract as \$6,199,898.00; and

WHEREAS, the Original Date of Substantial Completion (“SC Date”) was established in the Contract as August 13, 2015; and

WHEREAS, the scope of Work was increased during the construction phase of the Project by certain Agreed Change Orders (“ACOs”) 1-10 which increased the Original Contract Sum by \$166,242.48 to \$6,366,140.48; and

WHEREAS, the County has paid CSI \$5,879,792.23 to date against the Contract Sum, as adjusted, in connection with the Work of the Project; and

WHEREAS, as a result of ACOs 1-10, including certain weather delays claimed by CSI, the Parties agreed to add 64 days of Contract Time and established a revised SC Date of October 16, 2015 (“Revised SC Date”); and

WHEREAS, in addition to ACOs 1-10, the scope of Work was further changed as reflected on the summary of Potential Change Orders (“PCOs”) and Construction Change Directives (“CCDs”) attached as Exhibit A (“Unresolved Changes”); and

WHEREAS, the Parties have been unable to agree upon the adjustments both as to Contract Time and Contract Sum as a result of the Unresolved Changes associated with the Project; and

WHEREAS, CSI achieved Substantial Completion of the Work on April 22, 2016; and

WHEREAS, CSI has not yet achieved Final Completion of the Work; and

WHEREAS, the Contract provides for certain liquidated damages of \$3,000.00 per day (“LDs”) to be paid by Contractor to the County for delays in timely achieving both Substantial Completion and Final Completion of the Work of the Project; and

WHEREAS, the County claims that CSI owes it LDs of \$546,000.00 as a result of a delay of 182 days in achieving Substantial Completion after the Revised SC Date (“Substantial Completion LD Claim”); and

WHEREAS, the County further claims that CSI owes it at least an additional \$38,530.00 for the costs of extended architectural and engineering fees rendered by the Project Architect beyond the sixty-first day following the Revised SC Date (i.e. December 17, 2015) (“Extended A/E Fee Claim”); and

WHEREAS, the County further claims that CSI owes it for the costs of utilities and other expenses associated with delayed completion of the Project (“Utility Expense Claims”); and

WHEREAS, the County further claims that CSI owes it LDs as a result of the delay in achieving Final Completion within 30 days of achieving Substantial Completion (“Final Completion LD Claim”); and

WHEREAS, there remain unresolved and incomplete punch list items and warranty items as set forth in Exhibit B (“Unresolved Punch List/Warranty Claim”); and

WHEREAS, CSI claims that it has been delayed by the County and suffered substantial delay damages in excess of \$590,000.00 as a result thereof (“CSI Delay Damages Claim”); and

WHEREAS, CSI claims that the County should adjust the Contract Sum by increasing it in excess of \$107,000.00 in connection with the Work of the Unresolved Changes (“Unresolved Change Claim”); and

WHEREAS, CSI remains indebted to pay certain subcontractors and material suppliers who supplied labor and materials for the Project; and

WHEREAS, CSI has not provided the County with all record drawings, documents, as-builts and other documentation required by the Contract Documents to achieve Final Completion; and

WHEREAS, each Party denies the Claims asserted against it by the other Party; and

WHEREAS, the Parties desire to fully and finally resolve their differences in connection with the delays, costs, claims, counterclaims, and Work on the Project, as provided herein.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises contained in this AGREEMENT, and intending to be legally bound hereby, the Parties agree as follows:

1. The preamble and recitals set forth above are incorporated into and made

part of this AGREEMENT.

2. a. The Parties will execute a Change Order #11 establishing the Final Contract Sum for the Work of the Project as \$6,279,792.23 (“Final Contract Sum”).

Such Final Contract Sum shall be inclusive of all changes to the Work and amounts owed or claimed to be owed to CSI under or arising out of the Contract.

b. CSI shall submit a Final Pay Application in the amount of \$400,000.00.

3. The County shall pay CSI the unpaid balance of the Final Contract Sum of \$400,000.00 in full and final settlement of its payment obligations under or arising out of the Contract on the following schedule:

a. \$35,000.00 within fifteen (15) business days of execution of this AGREEMENT;

b. \$315,000.00 within fifteen (15) business days of meeting all conditions of Paragraph 4 below;

c. \$40,000.00 within fifteen (15) business days of meeting all conditions of Paragraph 5 below, except tree and shrub items; and

d. \$10,000.00 within fifteen (15) business days of completion of tree and shrub items.

4. As a condition of making the payment due in Paragraph 3.b., above, CSI shall do or perform all of the following:

a. Furnish the County with lien waivers in a form acceptable to the County from it and each subcontractor and material supplier who

provided labor or materials on the Project, verifying that each has been paid and that there is no outstanding indebtedness owed; and

- b. Furnish the County with a certified punchlist that all items on the punchlist, reflected in the letter dated September 26, 2016 and attached as Exhibit B, have been completed or resolved; and
- c. Withdraw and rescind its Virginia Freedom of Information Act request filed in connection with this Project.

5. As a condition of making the payment due in Paragraph 3.c., above, CSI shall do or perform the following:

- a. Resolve all outstanding warranty issues that have arisen since the SC Date, reflected in the letter dated September 26, 2016 and attached as Exhibit B; and
- b. Provide all remaining project documentation required by the Contract Documents, including but not limited to record drawings, as-builts, and O & M manuals; and
- c. Submit a copy of a certified pest control inspection report; and
- d. Achieve Final Completion and meet all requirements thereof as established in the Contract Documents, and as determined by the Architect.

6. CSI and its affiliates, successors, assigns, agents, officers, stockholders, sureties, and representatives hereby release the Claims against the County, except as specifically set forth in Paragraph 8 and 9 of this AGREEMENT.

7. The County and its assigns, agents, officers, and representatives hereby release the Claims against CSI, except as specifically set forth in Paragraphs 8 and 9 of this AGREEMENT.

8. Notwithstanding anything contained in this AGREEMENT, the Settling Parties each retain all claims for indemnification and contribution, and all affirmative defenses, counterclaims and third-party claims against each other in response to any timely filed action that may be brought against either of the Settling Parties by any third party for personal injury or property damage arising out of the Project. The Settling Parties expressly represent that they are unaware of any such personal injury or property damage claims at this time, and are reserving their rights solely in the event any such claim is made in the future.

9. Notwithstanding anything contained in this AGREEMENT, the County retains all (i) warranty claims arising out of the Contract and (ii) claims for defects in the Work. The County retains its right to seek to enforce CSI's obligations in connection therewith consistent with the terms and conditions of the Contract and applicable law.

10. The Parties agree and covenant not to allege any claim against each other or any non-party relating to the subject matter of this AGREEMENT, excepting any future claims as provided in Paragraphs 8 and 9 of this AGREEMENT. Further, except as provided in Paragraphs 8 and 9 of this AGREEMENT, should any of the Parties be sued or otherwise be made a party to a lawsuit or other dispute (e.g., arbitration) relating to the subject matter of this AGREEMENT and initiated by any person or entity not a Party to this AGREEMENT, the Parties hereto agree and covenant not to assert any claim (e.g.,

third-party claim) against any other Party to this AGREEMENT in such lawsuit or other demand. Should any such claim be brought against a Party to this AGREEMENT because of a Party's breach of this covenant not to sue, the Party initiating the claim agrees, to the extent permitted by applicable law to fully indemnify the Party against which the claim was brought, including the cost of defending such claim, reasonable attorneys' fees and costs, and the amount of any judgment or decree entered against the defending Party.

11. CSI and its affiliates, successors and assigns shall not bid on any construction project of any kind involving Frederick County, Virginia or the School Board of Frederick County, Virginia for a period of ten years following the execution of this AGREEMENT.

III. NATURE OF AGREEMENT AND INTERPRETATION

12. The Parties to this AGREEMENT do not intend for this AGREEMENT to confer any rights, legal or otherwise, upon any person or entity not a Party hereto.

13. The Parties to this AGREEMENT acknowledge that they are represented by legal counsel of their own choosing, and that they have carefully read and fully understand the provisions of this AGREEMENT, including the foregoing releases.

14. Each of the signatories hereto hereby warrants and represents that he or she is competent, and authorized to enter into this AGREEMENT on behalf of the Party for whom he/she purports to sign.

15. Except as amended in accordance with this AGREEMENT, the Contract shall remain in full force and effect.

16. In the event of any conflict between and among any provisions of this

AGREEMENT and the Original Contract, such agreements shall be accorded priority as follows:

- a. This AGREEMENT;
- b. the Contract.

17. The Parties represent that each participated in the drafting and preparation of this AGREEMENT and that each understands and agrees to be bound and abide by the terms herein. In the event of an ambiguity in the interpretation of any provision of this AGREEMENT, the Parties agree that the ambiguity shall not be interpreted against any party hereto on the basis that the party was the author of the AGREEMENT.

18. Nothing contained in this AGREEMENT shall constitute an admission of liability or of fact by any of the Parties.

19. This AGREEMENT is entered into by the Parties voluntarily and is not based on any representations, warranties or statements of any kind made by the Parties as to the merits, legal liability, or value of their respective claims or any other matter relating thereto and shall supersede and merge all prior understandings, whether written or oral, made in connection with the settlement of all claims by and among the Parties relating to or arising out of the Contract and the Project.

20. The Parties further agree that nothing herein is intended to create a claim that does not otherwise exist nor resurrect a claim which is or has been barred.

21. The releases of Paragraphs 6 and 7 of this AGREEMENT are general releases. This AGREEMENT is intended by the Parties to be interpreted by a Court

required to so interpret this AGREEMENT as being the broadest form of release cognizable under law except as may be limited by this AGREEMENT.

22. The parties to this AGREEMENT represent and warrant that they are the sole owners of the Claims released and the rights compromised in this AGREEMENT, and they have not sold, transferred, conveyed or assigned the same, or any interest or portion thereof to any third party. This AGREEMENT is intended to confer rights and benefits only with respect to the parties, who disavow any intention to create any rights or benefits in third parties under or in relation to this AGREEMENT.

23. There shall be no modification of this AGREEMENT except by writing signed by the Settling Parties. No Person is or shall be authorized to orally amend, change, supplement, vary or waive any of the terms thereof, either explicitly or implicitly, and the Parties agree not to rely on any oral amendment, change, supplement, variation or waiver, notwithstanding any provision of governing law that may allow for oral modification.

24. If any provision or any part of any provision of this AGREEMENT shall for any reason be held to be invalid, unenforceable, or contrary to public policy or any law, the remainder of the AGREEMENT shall not be affected thereby.

25. This AGREEMENT shall be governed by and interpreted in accordance with the laws of the Commonwealth of Virginia and the Parties agree that any action (e.g., enforcement) arising out of this AGREEMENT shall be brought in the Circuit Court of Frederick County, Virginia.

26. This AGREEMENT shall be binding upon each Party's affiliates, successors, assigns, agents, officers, stockholders, employees, sureties, and representatives.

27. Before and at all times following the execution of this AGREEMENT, the Parties agree to execute and deliver, or to cause to be executed or delivered, any documents or things, or cause to be done such other acts and things as might reasonably be requested to assure the benefits of this AGREEMENT are realized by the Parties.

28. This AGREEMENT may be executed in counterparts, each of which will be deemed an original document, but all of which will constitute a single document. This document will not be binding on or constitute evidence of a contract between the Parties until such time as a counterpart of this AGREEMENT has been executed by each signatory and a copy thereof delivered to each party to this AGREEMENT.

29. This AGREEMENT constitutes the entire understanding between the Parties with respect to the matters set forth herein. There are no representations, warranties, agreements, arrangements, understandings, oral or written, between or among the Parties hereto relating to this AGREEMENT that are not fully expressed herein.

IN WITNESS WHEREOF, the Parties have caused this AGREEMENT to be executed as of the date identified below.

FREDERICK COUNTY, VIRGINIA

Date: _____ By: _____

Name: _____

Title: _____

CALDWELL AND SANTMYER, INC.

Date: _____ By: _____

Name: _____

Title: President

16012117.DOCX

FINAL VERSIONS OF EXHIBITS
CONTAIN TECHNICAL CONSTRUCTION DETAILS
AND ARE PENDING

CONSENT AGENDA

I

**RESOLUTION OF APPRECIATION
SUPERVISOR ROBERT A. HESS,
GAINESBORO DISTRICT,
FREDERICK COUNTY, VIRGINIA**

WHEREAS, Robert A. Hess served the citizens of Frederick County, Virginia, for over four (4) years as Gainesboro District representative to the Board of Supervisors; and

WHEREAS, during his tenure he held seats on numerous committees, including that of member and chairman of the Human Resources Committee, Code & Ordinance Committee, Technology Committee, and Public Works Committee; Planning Commission Liaison (2013-2015); Air Quality Task Force (2013-2014); Northern Shenandoah Valley Regional Commission; and Winchester-Frederick County Tourism Board; and

WHEREAS, under Supervisor Hess's leadership as chairman of the Human Resources Committee, the Committee completed a revision to the County's Human Resource Policy Manual, completed and implemented a salary survey, and adopted a position allocation chart to assist in tracking existing and future positions; and

WHEREAS, Supervisor Hess was a tireless worker for not only the constituents in his district, but for all of the citizens of Frederick County; and

WHEREAS, this Board will always consider Supervisor Hess a colleague and friend.

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks to Supervisor Robert A. Hess and wishes him all of the best in his future endeavors.

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

ADOPTED this 14th day of December, 2016.

Charles S. DeHaven, Jr.
Chairman

Gene E. Fisher
Shawnee District Supervisor

Gary A. Lofton
Back Creek District Supervisor

Blaine P. Dunn
Red Bud District Supervisor

Robert W. Wells
Opequon District Supervisor

Judith McCann-Slaughter
Stonewall District Supervisor

Brenda G. Garton
Clerk

CONSENT AGENDA

J



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 *BGGarton*
DATE: November 16, 2016
RE: Certified Copies of the Abstracts of Votes from 2016 General Election

In compliance with Virginia Code Section 24.2-675, the Frederick County Electoral Board provided the attached certified copies of the Abstracts of Votes from the November 8, 2016 General Election to be recorded in the minutes.

It is requested the Board of Supervisors take action to acknowledge receipt of the certified copies at their meeting of December 14, 2016.

BGG/tjp

Attachments

U:\TJP\registrar\MmoBoardofSup(Abstractof2016Votes)BdMtgof121416.docx

ABSTRACT of REFERENDUM VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,



Proposed Constitutional Amendment Question 1

Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

QUESTION RESPONSE	TOTAL VOTES RECEIVED (IN FIGURES)
Total YES votes	18299
Total NO votes	18582
Total Number of Overvotes for Question	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

NOT PASSED

our hands this 14TH day of NOVEMBER, 2016

[Signature], Chairman

Marie F. Straub, Vice Chairman

J. Zerkow, Secretary



ABSTRACT of REFERENDUM VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Proposed Constitutional Amendment Question 2

Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

QUESTION RESPONSE

TOTAL VOTES RECEIVED
(IN FIGURES)

Total YES votes	31657
Total NO votes	7388
Total Number of Overvotes for Question	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

PASSED

our hands this 14TH day of NOVEMBER, 2016

[Signature], Chairman

Marie F. Straub, Vice Chairman

J. Zwickert, Secretary



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

President and Vice President

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Donald J. Trump - Republican	26083
Hillary Clinton - Democratic	11932
Gary Johnson - Libertarian	1280
Evan McMullin - Independent	543
Jill Stein - Green	325
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	277
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President and Vice President.

Donald J. Trump - Republican

Given under our hands this 14th day of NOVEMBER, 2016

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



ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Member House of Representatives

District: 10

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Barbara Jean Comstock - Republican	27900
LuAnn L. Bennett - Democratic	11677
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	158
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Barbara Jean Comstock - Republican

Given under our hands this 14th day of NOVEMBER, 2016



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

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Member Board of Supervisors

District: STONEWALL DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Judith McCann-Slaughter	5091
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	93
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

Judith McCann-Slaughter

Given under our hands this 14th day of NOVEMBER, 2016



[Signature], Chairman

Mario F. Strout, Vice Chairman

J. Zoulaclabo, Secretary

J. Zoulaclabo, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Member School Board

District: SHAWNEE DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Jay W. Foreman	5792
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	85
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Jay W. Foreman

Given under our hands this 14th day of NOVEMBER, 2016



[Signature], Chairman

Marie D. Staub, Vice Chairman

J. Zulaicko, Secretary

J. Zulaicko, Secretary, Electoral Board

ABSTRACT of VOTES

Cast in the Town of MIDDLETOWN in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Mayor

District: MIDDLETOWN

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Charles H. Harbaugh IV	546
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	10
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Mayor.

Charles H. Harbaugh IV

Given under our hands this 14th day of NOVEMBER, 2016

[Signature], Chairman

Marie F. Straub, Vice Chairman

J. Zwickler, Secretary

J. Zwickler, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in the Town of MIDDLETOWN in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Member Town Council

District: MIDDLETOWN

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Carolyn S. Aliff	337
Carole S. Snyder Jones	283
George Jay Smith	234
Marshall J. "Mark" Brown	229
Gilbert D. Barrington	190
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	18
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

1. Carolyn S. Aliff
2. Carole S. Snyder Jones
3. George Jay Smith

Given under our hands this 14th day of NOVEMBER, 2016

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



ABSTRACT of VOTES

Cast in the Town of STEPHENS CITY in FREDERICK COUNTY, VIRGINIA
at the 2016 November General Election held on November 08, 2016 for,

Member Town Council

District: STEPHENS CITY

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Kelly Ann Thatcher	458
Ronald L. Bowers	435
Joseph W. Hollis	386
Steven M. Happek	313
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	24
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

1. Kelly Ann Thatcher
2. Ronald L. Bowers
3. Joseph W. Hollis

Given under our hands this 14th day of November, 2016

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



CONSENT AGENDA

K



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: November 30, 2016



The Parks and Recreation Commission met on November 29, 2016. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Guss Morrison, Charles Sandy, Jr., Amy Strosnider and Blaine Dunn (Board of Supervisors' Non-Voting Liaison).

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Rose Hill Playground – Mr. Madagan moved to not use proffer funds to purchase playground equipment for Rose Hill Park at this time, second by Mr. Sandy, carried unanimously (8-0).
2. Buildings and Grounds Committee – Blue Ridge Sand Volleyball Court Construction – The Buildings and Grounds Committee recommended locating the proposed sand volleyball court at Sherando Park on the south side of Lakeview Circle, second by Mr. Fordney. After discussion, Mr. Sandy moved to table this request until the January 2017 meeting after more information is received, second by Mr. Madagan, carried unanimously (8-0).
3. Buildings and Grounds Committee – Frederick Heights Park – The Buildings and Grounds Committee recommended to hold a public information meeting prior to the Commission meeting in January 2017 to give residents a chance to voice their opinions on the development of Frederick Heights Park and then the Commission will make a recommendation at its meeting, second by Mr. Sandy, motion carried unanimously (8-0).
4. Buildings and Grounds Committee – 2018 Capital Improvements Plan – The Buildings and Grounds Committee recommended to accept the 2018 Capital Improvements Plan as submitted, second by Mr. Sandy, motion carried unanimously (8-0). The 2018 Parks and Recreation Capital Improvements Plan will be forwarded to the Planning Department for review by the Planning Commission.
5. Finance Committee – Fiscal 2018 Recommended Budget – The Finance Committee recommended to accept the attached 2018 Fees and Charges as submitted, second by Mr. Madagan, motion carried unanimously (8-0).

Page 2

Parks & Recreation Commission

November 29, 2016

The Finance Committee recommended to accept the Fiscal 2018 Recommended Operating Budget as submitted, second by Mr. Madagan, motion carried unanimously (8-0).

The Finance Committee recommended to accept the Fiscal 2018 Recommended Capital Budget as submitted, second by Ms. Gerometta, motion carried unanimously (8-0).

The recommended operating and capital budget has been forwarded to County Administration as part of the budget process.

6. Buildings and Grounds Committee – Snowden Bridge Park Easement Request - 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. Sandy, motion carried unanimously (8-0).

7. 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. Sandy, motion carried unanimously (8-0).

Mr. Madagan moved to exist closed session, second by Mr. Sandy, carried unanimously (8-0). All Commission members were polled re: any discussion besides matter for closed session, all said no.

Attachment

cc: Gary Longerbeam, Chairman

Blaine Dunn, Board of Supervisors' Non-Voting Liaison

**Frederick County Parks Recreation
Proposed Fees and Charges
FY 2017-18**

FY 18 Proposed Fees					
		Resident		Non resident	
Baseball and Softball Fields					
	Practice	\$ 10		\$ 15	per hr
	Game	\$ 20		\$ 25	per hr/ 2 hr min
	Tournament (9am-11pm)	\$ 150		\$ 190	per reservation
	Lights	\$ 15		\$ 15	per hr
Soccer Fields					
	Sherando 1-4	\$ 25		\$ 40	per hr
	Sherando 6-7	\$ 15		\$ 25	per hr
Open Space					
	per acre	\$ 62		\$ 93	per day
Disc Golf Course					
		\$ 103		\$ 155	per day
Paddleboat - 30 minute ride					
		\$ 2		\$ 2	per person
Racquetball Courts					
		\$ 7		\$ 7	per hr
Weight Room					
		\$ 2		\$ 2	per hr
Gymnasium					
		\$ 25		\$ 40	per hr/ 2 hr min
Greenwood/Gainesboro/Evendale					
	Activity Room	\$ 15		\$ 30	per hr/2hr min
Gainesboro/Evendale					
	Wooden Floor Room	\$ 12		\$ 27	per hr/2 hr min
Sherando					
	Activity Room w/ kitchen	\$ 20		\$ 35	per hr/2 hr min
Swimming Pool					
	Under 3	Free		Free	
	3 and older	\$ 4		\$ 4	entry
	Last Hr	\$ 1		\$ 1	entry
	Rent Entire Pool	\$ 200		\$ 250	2 hr rental

**Frederick County Parks Recreation
Proposed Fees and Charges
FY 2017-18**

Shelters					
	30 Capacity				
	Lock Gazebo (SH)	\$	41	\$	56 per day
	Lawrence Shelter (CB)	\$	41	\$	56 per day
	75 Capacity				
	FFA (SH)	\$	52	\$	68 per day
	Abex (SH)	\$	52	\$	68 per day
	Key Club (CB)	\$	52	\$	68 per day
	JW Colonel (CB)	\$	52	\$	68 per day
	Rubbermaid (CB)	\$	52	\$	68 per day
	Antique Car (CB)	\$	52	\$	68 per day
	Brill (CB)	\$	52	\$	68 per day
	150 Capacity				
	Ruritan (SH)	\$	63	\$	79 per day
	Sandy (SH)	\$	63	\$	79 per day
	Kiwanis II (CB)	\$	63	\$	79 per day
	Lions Club (CB)	\$	63	\$	79 per day
	200 Capacity				
	Lions Club (SH)	\$	74	\$	91 per day
	Kiwanis I (CB)	\$	74	\$	91 per day
	Discounts				
	20 % off for 50 or more hours rented of baseball/softball/soccer or gymnasium				
	20% off 10 or more visits for weight room or racquetball court				
	Fees effective January 1, 2017				

CONSENT AGENDA

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MEMORANDUM

TO: Landfill Oversight Committee Members

THROUGH: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works

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

SUBJECT: Landfill Oversight Committee Report for Meeting of November 16, 2016

DATE: December 1, 2016

The Landfill Oversight Committee met on Wednesday, November 16, 2016, at 9:00 a.m. The following committee members were present: Robert Wells, Brenda Garton, Tom Hoy, Mike Neese and David Ash. All members were forwarded a copy of the draft budget prior to the meeting.

Items Not Requiring Action

1. Project Update

Staff presented a brief update on the status of major projects currently being accomplished during Fiscal Year 2017-2018. We have completed the closure of approximately 10 acres of the Phase I Area in the Construction Demolition Debris (CDD) Landfill, Permit 591. Several other smaller projects were discussed as well.

2. Proposed Fiscal Year 2017-2018 Budget

Staff presented the proposed Fiscal Year 2017/2018 budget. In general, the proposed budget is based on an estimated waste flow of 160,000 tons for Fiscal Year 2017- 2018. We are proposing a Fiscal Year 2017/2018 budget amount of \$9,713,939.00. We are estimating revenue of \$6,734,695.00. The difference between the proposed expenditures and revenue will be obtained from the Landfill Unreserved Account in the amount of \$2,979,244.00.

In summary, we are not proposing any tipping fee changes in the proposed budget. We are proposing the following major projects:

Landfill Oversight Committee Report

Page 2

December 1, 2016

- a. Blasting/Rock removal in the MSW Landfill, Permit 529, Phase 3 Area
(Estimated cost \$1,500,000.00)
- b. Possible construction of a large holding pond for the leachate treatment facility
(Estimated cost \$1,500,000.00)

After some discussions, the committee unanimously endorsed the proposed Fiscal Year 2017/2018 budget. It will be forwarded to the respective governing bodies for their review and approval.

JCW/kco

cc: Committee Members
Kris Tierney, Deputy County Administrator for Community Development
Steve Frye, Landfill Manager
Ron Kimble, Environmental Manager
file

CONSENT AGENDA

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MEMORANDUM

TO: Board of Supervisors

THROUGH: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works

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

SUBJECT: Public Works Committee Report for Meeting of November 29, 2016

DATE: December 1, 2016

The Public Works Committee met on Tuesday, November 29, 2016, at 8:00 a.m. All members were present. The following items were discussed:

Items Not Requiring Action

1. Disposition of Glass Recycling

The committee met to discuss the recent elimination of the glass recycling program. This decision, based on declining conditions in the commodities market and significant cost increases to the county, was made by staff after canvassing the Public Works Committee and four board members. During contract negotiations, the county's recycler proposed a cost hike from zero to \$72 a ton for managing the county's 500 tons of glass each year. In addition, the recycler requested that the county reclaim any unmarketable glass at our expense. While the county generates 40 tons of glass each month, the recycler is currently only able to market 20 tons of glass each month. Ultimately, an arrangement that would require the county to take back its glass could result in the county paying approximately \$100 a ton to accept glass at the convenience sites only to landfill the material in the end. This overall cost would be attributed to tipping fees at the recycler, landfill, and additional transportation and handling.

The committee considered that landfilling glass while accepting the material at the convenience sites might tend to undermine the integrity of the recycling program as a whole. Markets outside of the county were explored. Staff presented its findings that three recyclers in Hagerstown and Manassas will not accept the county's glass. One, in fact, stated that it is landfilling all glass it receives because it is less expensive than processing the material. The committee also discussed a voluntary recycling fee which would help offset costs, however, that was dismissed as unmanageable and nearly impossible to collect.

Public Works Committee Report

Page 2

December 1, 2016

After much discussion, the committee asked that staff continue to look for potential viable uses for the county's glass, while endorsing staff's discontinuation of glass recycling as instituted on November 16, 2016.

2. Fiscal Year 2017/2018 Budget

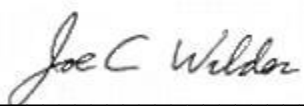
Staff presented the proposed Fiscal Year 2017/2018 budget for informational purposes only. The department's nine (9) budgets were each presented and discussed. A copy of the budget package was made available to all members of the committee prior to the meeting. The proposed budgets have been delivered to the Finance Department for further review. No action was necessary by the committee

3. Miscellaneous Reports:

- a) Tonnage Report
(Attachment 1)
- b) Recycling Report
(Attachment 2)
- c) Animal Shelter Dog Report
(Attachment 3)
- d) Animal Shelter Cat Report
(Attachment 4)

Respectfully submitted,
Public Works Committee

Gene E. Fisher, Chairman
Robert A. Hess
Robert W. Wells
David W. Ganse, AIA
Whitney "Whit" Wagner
James T. Wilson

By 

Joe C. Wilder
Public Works Deputy Director

JCW/kco

Attachments: as stated

cc: Brenda Garton, County Administrator
Kris Tierney, Deputy County Administrator for Community Development
file



MEMORANDUM

TO: Public Works Committee
FROM: Harvey E. Straswnyder, Jr., P.E., Director of Public Works
SUBJECT: Meeting of November 29, 2016
DATE: November 22, 2016

HES
kco

There will be a meeting of the Public Works Committee on Tuesday, November 29, 2016 at 8:00 a.m. **in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200.** The agenda thus far is as follows:

1. Discuss Disposition of Glass Recycling
2. Review Proposed FY17/18 Budgets
3. Miscellaneous Reports:
 - a. Tonnage Report: Landfill
(Attachment 1)
 - b. Recycling Report
(Attachment 2)
 - c. Animal Shelter Dog Report:
(Attachment 3)
 - d. Animal Shelter Cat Report
(Attachment 4)

HES/kco

Attachments: as stated

cc: file



MEMORANDUM

TO: Public Works Committee HES
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works HES
SUBJECT: Monthly Tonnage Report - Fiscal Year 15/16
DATE: November 22, 2016

The following is the tonnage for the months of July 2015, through June 2016, and the average monthly tonnage for fiscal years 03/04 through 16/17.

FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,468 TONS (UP 403 TONS)
FY 14-15:	AVERAGE PER MONTH:	13,133 TONS (UP 665 TONS)
FY 15-16:	AVERAGE PER MONTH:	13,984 TONS (UP 851 TONS)
FY 16-17:	AVERAGE PER MONTH:	14,481 TONS (UP 497 TONS)

MONTH	FY 2015-2016	FY 2016-2017
JULY	15,019	13,391
AUGUST	13,853	15,724
SEPTEMBER	14,103	14,649
OCTOBER	14,095	14,160
NOVEMBER	13,053	
DECEMBER	13,589	
JANUARY	11,191	
FEBRUARY	12,240	
MARCH	15,058	
APRIL	14,563	
MAY	15,198	
JUNE	15,845	

RECYCLING REPORT - FY 15/16

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	75,280	37,691	3,685	6,490	72,900	84,815		37,140	243,960	561,961
AUG	78,080	40,680	3,715	7,505	96,280	85,400		71,580	263,440	646,680
SEP	80,240	35,252	4,030	7,310	90,277	83,420	5,600	37,860	232,940	576,929
OCT	72,460	34,700	3,545	8,535	97,160	83,800	6,420	19,480	223,265	549,365
NOV										0
DEC										0
JAN										0
FEB										0
MAR										0
APR										0
MAY										0
JUN										0
TOTAL	306,060	148,323	14,975	29,840	356,617	337,435	12,020	166,060	963,605	2,334,935
FY 15-16	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
FY 14-15	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000					2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000					2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060					2,305,960
TO DATE	14,181,281	5,727,566	522,710	1,174,719	32,424,086	7,875,688	317,340	5,895,594	15,911,085	84,030,149

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	42	30	50	2	0	39	34	7	1	0	43
AUG	43	49	26	1	0	27	35	5	0	0	52
SEP	52	28	49	1	0	42	40	6	0	0	42
OCT	42	33	43	1	0	31	39	6	1	0	42
NOV											
DEC											
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	179	140	168	5	0	139	148	24	2	0	179

In the month of October - 119 dogs in and out of kennel. 1 dog transferred Clarke County, 1 dog transferred to Winchester SPCA.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	80	161	11	3	10	35	7	144	2	0	77
AUG	77	130	26	4	6	20	3	123	6	0	91
SEP	91	175	32	1	2	13	4	168	7	0	109
OCT	109	182	14	4	0	31	4	150	6	0	118
NOV											
DEC											
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	357	648	83	12	18	99	18	585	21	0	395

In the month of October - 309 cats in and out of shelter.

CONSENT AGENDA

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MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Assistant Director - Transportation *JB*
RE: Transportation Committee Report for Meeting of November 28, 2016
DATE: December 7, 2016

The Transportation Committee met on November 28, 2016 at 8:30 a.m.

Members Present

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

Members Absent

Mark Davis (liaison Middletown)

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

NONE

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

1. Comprehensive Plan Update

Staff has received VDOT's comments on the transportation component of the transportation section of the County Comprehensive Plan which are attached. All comments have been addressed and did not require any change to the County's stated desires or plans. However, the format is now more in keeping with the new legislative requirements.

The Committee reviewed and endorsed the updates to the plan section. This item will be coming to the board separately as its own agenda item.

2. Welltown Road Speed Concerns

The Sheriff's Office has been monitoring the roadways in question and provided reports from their activities (attached). The Committee has asked additional questions of VDOT regarding the original establishment of the 45 mph speed zone on Rest Church that Staff is following up on.

3. Warren County Truck Restriction Request

Warren County has requested that Frederick County join them in requesting a truck restriction for Reliance Road beginning at Exit 302. Staff presented their request to the Committee. The Committee has asked some follow up questions regarding truck volumes and the origination of the concern which Staff is following upon with Warren County and VDOT.

4. County Projects Update

Snowden Bridge Boulevard

Final items are being addressed as this project wraps up.

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

Bridge design in ongoing and environmental documents for VDOT are being completed.

Renaissance Drive:

Currently working with CSX on MOU for the future crossing. Engaged in communication with VDOT to answer questions that arise as we await a decision on Transportation Partnership Opportunity Fund application from the Governor's Office.

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.

5. Other

JAB/pd



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
811 COMMERCE ROAD
STAUNTON, VIRGINIA 24401-9029
www.VirginiaDOT.org

Charles A. Kilpatrick, P.E.
Commissioner

11/1/2016

John Bishop
Assistant Director – Transportation
Department of Planning and Development
Frederick County, VA

Dear Mr. Bishop:

In accordance with the Virginia Traffic Impact Analysis Regulations, 24VAC30-155, the Frederick County proposed 2035 Comprehensive Plan update was submitted to the Virginia Department of Transportation (VDOT) for review on August 8, 2016. Since the adoption of the current Frederick County 2030 Comprehensive Plan on July 14, 2011, Virginia passed amended legislation (Chapter 729) in the 2012 Acts of Assembly which changed the required transportation elements that must be included in a locality's comprehensive plan. VDOT Staunton District Planning has evaluated the updates to the transportation chapter for conformity with Chapter 729 regulations of state code 15.2-2223. Based on our review, the following revisions / additions to the transportation chapter are necessary to meet the minimum standards of the Chapter 729 regulations:

1. Chapter 729 requires that locality Comprehensive Plans include four (4) principle elements; an Inventory of the existing transportation network, planning Assumptions that will influence the transportation network, an existing and future Needs Assessment, and Recommendations that are consistent with VTrans, the SYIP (Six Year Improvement Program), and the selected location of state highways set by the CTB. Following our review, the transportation chapter could be improved with additional information addressing all four of the required elements above. However, the Inventory and Recommendation requirements in particular need considerable updating to meet the intent of Chapter 729. The Comprehensive Plan checklist from the VDOT TIA Administrative Guidelines is attached to this comment letter for the County's reference in updating the plan to contain the minimum requirements.
2. The current transportation chapter of the 2035 Comprehensive Plan update only addresses the existing transportation network and future needs of the Urban Development Area / Eastern Frederick County. The transportation chapter should include the entire County in all four of the required chapter elements provided in Comment #1 above.

WE KEEP VIRGINIA MOVING

3. In addition to the main transportation chapter, the County's 2030 Comprehensive Plan also contains numerous Area Plans that can be found on the County's website. Will these Area Plans be updated to reflect the proposed revisions associated with the 2035 Comprehensive Plan update? Additionally, does the 2035 Comprehensive Plan update capture all of the changes to the 2030 plan as a result of the numerous Comprehensive Plan amendments (since 2012) which are also located on the County's website?
4. Per Comment #3 above, the Eastern Frederick County Road Plan Cross Sections map needs to be updated based on changes that occurred in previously approved Comprehensive Plan amendments. For example, the McCann Slaughter Amendment changed Route 11 north of Exit 317 from a 4-lane, divided cross section to a 6-lane, divided cross section. Additionally, the Blain Amendment made modifications at Exit 321 at Clear Brook. Neither of these amendments is captured in the current Cross Section map.
5. The Eastern Frederick County Road Plan map and Existing Conditions Functional Classification map also need to be updated. The designated functional classification of roadways should be updated on both maps to be consistent with VDOT's approved 2014 Functional Classification map (http://www.virginiadot.org/projects/fxn_class/maps.asp). The Existing Conditions Functional Classification map should be expanded to show the entire county, identifying the designation of all facilities classified as a Major Collector or higher or is included within the National Highway System. Additionally, the Eastern Frederick County Road Plan map should be updated to identify projects that have been completed since the 2030 Comprehensive Plan. For example, the Tasker Road and Hillandale Lane relocation project can be revised on the map to remove the "New" future facility designation.
6. The Recommendations section of the transportation chapter needs to include a table that identifies the County projects contained in the FY17 Six Year Improvement Plan (SYIP) to conform to the requirements of the Comprehensive Plan checklist from the VDOT TIA Administrative Guidelines. At a minimum, the table should include route number, VDOT UPC number, a short description, and estimates for all "significant" projects (significant should be viewed as projects on roadway designated Major Collector or higher). A table of the County's current SYIP projects is attached for reference.
7. The Recommendations section needs to also include future project recommendations based on the Needs Assessment section of the transportation chapter. At a minimum, the future project recommendations should include all applications submitted for funding under this year's Smart Scale cycle. These future recommendation locations need to be mapped and contain construction estimates per the Comprehensive Plan checklist from the VDOT TIA Administrative Guidelines.

8. Consider updating the section in the transportation chapter that discusses the HB2 / Smart Scale process by providing a summary and results of the County's initial round of applications (projects selected for funding will be included in the table of current SYIP projects per Comment #6 above).

Finally, I ask that you arrange to have VDOT's official comments from this letter included in the locality's official public records (meeting minutes, staff report) and placed in the official file for the comprehensive plan. VDOT will make these documents available to the general public through various means such as posting them on our website.

Sincerely,



Adam Campbell, PLA
Assistant District Planner
Staunton District Planning

CC: Terry Short Jr., VDOT
Matt Smith, VDOT

Comprehensive Plan or Plan Amendment Package Checklist*

For a comprehensive plan or a transportation plan, the locality shall provide one paper and one electronic copy of the following:

- A COVER SHEET**, containing:
 - CONTACT INFORMATION** for the locality, and
 - A SUMMARY OF MAJOR CHANGES** made to the comprehensive plan or transportation plan;
- THE PROPOSED COMPREHENSIVE PLAN OR TRANSPORTATION PLAN and the following Elements:**
 - INVENTORY** – An inventory (written or graphic) of the existing transportation network, which shall include at a minimum all roadways within the Federal Aid system - any roadway classified as a Major or Urban Collector or higher functional classification or is included within the **National Highway System** (for more information on these terms see VDOT's web site). VDOT District staff can provide assistance regarding which roadways must be included in the inventory.
 - ASSUMPTIONS** – Planning assumptions directly influence the demand placed on the transportation system. Examples of planning assumptions that may be addressed include population growth, employment growth, and location of critical infrastructure such as water and sewer facilities.
 - NEEDS ASSESSMENT** – Written or graphic evaluation of the transportation systems current and projected performance and conditions. This evaluation should compare the existing transportation system with the future land use policies and maps in order to determine how future growth will affect the transportation system.

The needs assessment will identify specific deficiencies based on current conditions, as well as future improvements that will be needed to serve the anticipated development based on the future land use policies and maps.
 - RECOMMENDATIONS** – Proposed improvements or additions to transportation infrastructure.

Recommendations should be specific so that the need, location and nature of the proposed improvements are clear and understandable. The recommendations should address some or all of the needs identified in the needs assessment step, above. **The recommendations must be consistent with VTrans; significant new, expanded, or relocated highway projects in the SYIP; and the selected location of state highways set by the CTB.**

Localities are encouraged to include pedestrian, bicycle, transit, rail and other multi-modal recommendations as they deem appropriate.
 - MAP** - The transportation plan shall include a map showing road and transportation improvements, taking into account the current and future needs of residents in the locality while also considering the current and future needs of the planning district within which the locality is situated.
 - COST** - Recommended improvements shall include cost estimates as available from VDOT.
- FEES (SEE BELOW)**

For an amendment to a comprehensive plan or transportation plan, the locality shall provide one paper and one electronic copy of the following:

- A COVER SHEET**, containing:
 - CONTACT INFORMATION** for the locality;
 - A SUMMARY OF THE PROPOSED AMENDMENT** or amendments to the comprehensive plan or transportation plan;

Frederick County Sheriff's Office

1080 Coverstone Drive
Winchester, Va 22602

Speed Enforcement Evaluator

Location:
1274 Welltown Rd

Total Percentage of Enforceable Violations

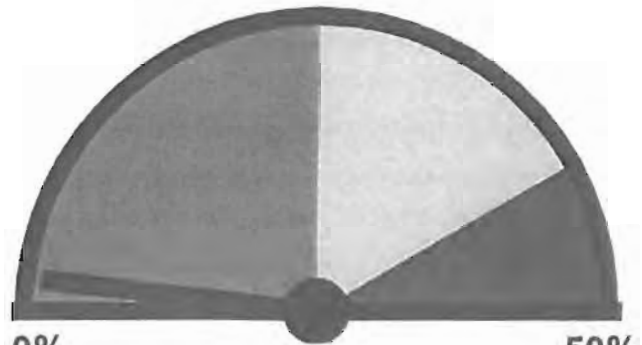
Closest Cross Street:
View West Ln

Analysis Dates:
Monday, October 24, 2016
Monday, October 31, 2016

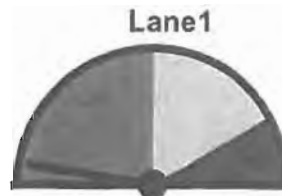
Equipment Used:
JAMAR Radar

Installed By:
Lt. W.W. Gosnell

Requested By:
Sheriff Millholland



0% 50%
Posted Speed Limit: 55 MPH
Enforcement Tolerance: 10 MPH
Enforcement Limit: 66 MPH & Up
Percentage Above Limit: 1.8%
Enforcement Rating: LOW



Percent Above Limit: 2.6%
Enforcement Rating: LOW



Percent Above Limit: 1.2%
Enforcement Rating: LOW

Combined

1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85
96	49	74	376	1833	5910	7906	4472	1337	292	76	22	14	7

85 percentile = 57

Lane1

1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85
77	28	30	139	668	2458	3650	2362	810	198	48	13	10	4

85 percentile = 58

Lane2

1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85
19	21	44	237	1165	3452	4256	2110	527	94	28	9	4	3

85 percentile = 56

Frederick Co. Sheriff's Office
Traffic Division
 1080 Coverstone Dr. Winchester, Va. 22602

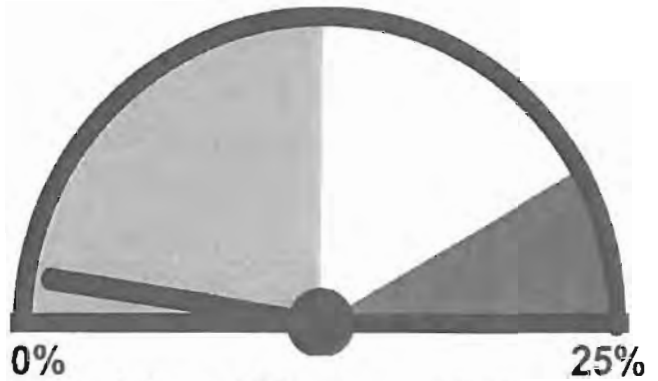
Speed Enforcement Evaluator

Location:
 1335 Rest Church Rd

**Total Percentage of
 Enforceable Violations**

Closest Cross Street:
 Ruebuck Rd

Analysis Dates:
 Tuesday, November 01, 2016
 Tuesday, November 08, 2016



Posted Speed Limit: 45 MPH
Enforcement Tolerance: 15 MPH
Enforcement Limit: 61 MPH & Up
Percentage Above Limit: 1.3%
Enforcement Rating: *LOW*

Equipment Used:
 JAMAR Radar

Installed By:
 Lt. W.W. Gosnell

Requested By:
 Sheriff Lenny Millholland



Combined

1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80
33	52	110	357	1491	3620	4243	2265	570	129	23	3	3	5

85 percentile = 51

Lane1

1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80
19	27	49	182	776	1771	2001	1020	244	66	14	1	0	5

85 percentile = 51

Lane2

1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80
14	25	61	175	715	1849	2242	1245	326	63	9	2	3	0

85 percentile = 52

Frederick Co. Sheriff's Office
Traffic Division
1080 Coverstone Dr. Winchester, Va. 22602

1335 REST CHURCH RD.

WB

Date/Speed (MPH)	1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80	Total
11/1/2016	4	0	3	17	68	195	194	117	27	2	2	0	0	1	630
11/2/2016	2	6	6	24	98	246	311	144	37	10	3	0	0	1	888
11/3/2016	2	3	11	32	115	261	285	133	34	12	1	0	0	0	889
11/4/2016	3	6	7	26	129	269	297	147	39	11	2	1	0	0	937
11/5/2016	2	4	6	19	116	262	313	165	28	7	1	0	0	0	923
11/6/2016	0	3	7	29	108	235	248	129	37	7	3	0	0	2	808
11/7/2016	3	4	6	31	110	233	278	136	35	12	2	0	0	0	850
11/8/2016	3	1	3	4	32	70	75	49	7	5	0	0	0	1	250
Lane1 Total	19	27	49	182	776	1771	2001	1020	244	66	14	1	0	5	6175

85 percentile = 51

EB

Date/Speed (MPH)	1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80	Total
11/1/2016	0	3	1	17	33	129	165	77	18	4	0	1	2	0	450
11/2/2016	1	4	7	25	113	284	314	159	40	11	4	0	0	0	962
11/3/2016	2	3	11	31	112	252	318	189	43	10	1	0	0	0	972
11/4/2016	2	7	7	23	99	288	366	213	53	6	1	1	0	0	1066
11/5/2016	2	2	9	21	108	271	317	164	56	7	1	0	0	0	958
11/6/2016	0	1	9	15	103	265	296	147	42	12	1	0	0	0	891
11/7/2016	4	2	12	28	109	253	330	196	41	8	1	0	1	0	985
11/8/2016	3	3	5	15	38	107	136	100	33	5	0	0	0	0	445
Lane2 Total	14	25	61	175	715	1849	2242	1245	326	63	9	2	3	0	6729

85 percentile = 52

Date/Speed (MPH)	1-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	>80	Total
11/1/2016	4	3	4	34	101	324	359	194	45	6	2	1	2	1	1080
11/2/2016	3	10	13	49	211	530	625	303	77	21	7	0	0	1	1850
11/3/2016	4	6	22	63	227	513	603	322	77	22	2	0	0	0	1861
11/4/2016	5	13	14	49	228	557	663	360	92	17	3	2	0	0	2003
11/5/2016	4	6	15	40	224	533	630	329	84	14	2	0	0	0	1881
11/6/2016	0	4	16	44	211	500	544	276	79	19	4	0	0	2	1699
11/7/2016	7	6	18	59	219	486	608	332	76	20	3	0	1	0	1835
11/8/2016	6	4	8	19	70	177	211	149	40	10	0	0	0	1	695
Combined Total	33	52	110	357	1491	3620	4243	2265	570	129	23	3	3	5	12904

85 percentile = 51

Frederick Co. Sheriff's Office
Traffic Division
1080 Coverstone Dr. Winchester, Va. 22602

Date\Speed (MPH)	1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85	Total
10/24/2016	0	2	0	13	38	126	190	116	36	10	2	1	0	0	534
10/25/2016	2	1	3	18	95	355	525	347	127	44	2	2	3	0	1524
10/26/2016	4	2	3	24	90	389	561	343	128	33	6	1	1	1	1586
10/27/2016	3	3	3	14	119	397	550	355	117	23	9	0	1	1	1595
10/28/2016	3	0	3	24	100	408	589	423	128	27	12	4	1	1	1723
10/29/2016	6	3	4	11	73	259	432	285	104	27	6	3	0	1	1214
10/30/2016	58	13	6	22	84	269	371	220	94	21	4	0	1	0	1163
10/31/2016	1	4	8	13	69	255	432	273	76	13	7	2	3	0	1156
Lane1 Total	77	28	30	139	668	2458	3650	2362	810	198	48	13	10	4	10495

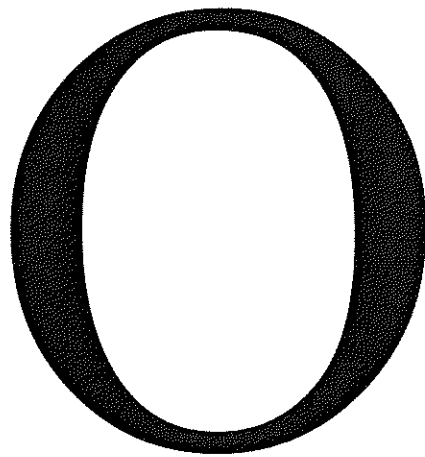
85 percentile = 58

Date\Speed (MPH)	1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85	Total
10/24/2016	4	4	6	13	92	280	401	228	57	6	2	0	0	0	1093
10/25/2016	1	2	12	78	297	781	797	321	61	12	4	0	1	0	2367
10/26/2016	4	5	6	26	154	537	672	306	65	16	4	1	1	0	1797
10/27/2016	2	2	5	33	179	492	650	323	72	16	6	1	0	0	1781
10/28/2016	3	3	3	34	169	484	626	335	79	19	4	0	1	2	1762
10/29/2016	1	2	4	13	93	287	440	263	81	11	6	2	1	1	1205
10/30/2016	1	1	0	15	90	341	362	202	62	4	2	4	0	0	1084
10/31/2016	3	2	8	25	91	250	308	132	50	10	0	1	0	0	880
Lane2 Total	19	21	44	237	1165	3452	4256	2110	527	94	28	9	4	3	11969

85 percentile = 56

Date\Speed (MPH)	1-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	>85	Total
10/24/2016	4	6	6	26	130	406	591	344	93	16	4	1	0	0	1627
10/25/2016	3	3	15	96	392	1136	1322	668	188	56	6	2	4	0	3891
10/26/2016	8	7	9	50	244	926	1233	649	193	49	10	2	2	1	3383
10/27/2016	5	5	8	47	298	889	1200	678	189	39	15	1	1	1	3376
10/28/2016	6	3	6	58	269	892	1215	758	207	46	16	4	2	3	3485
10/29/2016	7	5	8	24	166	546	872	548	185	38	12	5	1	2	2419
10/30/2016	59	14	6	37	174	610	733	422	156	25	6	4	1	0	2247
10/31/2016	4	6	16	38	160	505	740	405	126	23	7	3	3	0	2036
Combined Total	96	49	74	376	1833	5910	7906	4472	1337	292	76	22	14	7	22464

85 percentile = 57





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: December 1, 2016
RE: Code and Ordinance Committee Report

The Code & Ordinance Committee met on Monday, November 7, 2016 at 3:00 P.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 (**arrived at 3:30 p.m.**), Derek Aston, Stephen Butler, and James Drown. Also present were Deputy County Administrator for Human Services Jay E. Tibbs, County Attorney Rod Williams, Assistant County Attorney Erin Swisshelm, Treasurer C. William Orndoff, Jr., Commissioner of the Revenue Ellen Murphy, and Judith McCann-Slaughter, Stonewall District Supervisor.

The committee submits the following:

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

- 2. Proposed Amendment to the Frederick County Code, Chapter 155, Taxation, Article XVI, Business License Provisions, Section 155-81, Appeals and Rulings. (See Attached.)**

County Attorney Rod Williams provided a brief overview. He advised this proposed amendment would bring the County Code into conformance with the State Code.

Upon a motion by Mr. Hess, seconded by Mr. Butler, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval. The motion was approved 5-0 with Mr. Wells absent.

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

1. **Proposed Amendment to the Frederick County Code, Chapter 155, Taxation, Article I, General Provisions; Section 155-3, Tax Returns; Failure to File. (See Attached.)**

County Attorney Rod Williams provided a brief overview. He advised this proposed amendment contained various technical amendments, including machinery and tools and business equipment filing requirements, which had been suggested by the Commissioner of the Revenue.

In addition, the proposed amendment would eliminate the failure to report penalty for motor vehicles, trailers, airplanes, boats, and mobile homes. The penalty for business equipment would be maintained.

The committee discussed the pros and cons of this proposal. In addition, they asked about the number of taxpayers impacted by the current County Code and the proposed loss of revenue generated by this penalty.

Upon a motion by Mr. Hess, seconded by Mr. Butler, the committee voted not to send this proposal forward because it was not ready and asked staff to increase public awareness of the need to file, and investigate alternatives to the current penalty. The motion was approved unanimously 6-0.

There being no further business, the meeting adjourned at 4:10p.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

Jay E. Tibbs

Deputy County Administrator
for Human Services

540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@fcva.us

TO: Code and Ordinance Committee

FROM: Jay E. Tibbs, Deputy County Administrator for Human Services

A handwritten signature in blue ink that reads "Jay E. Tibbs".

DATE: October 28, 2016

RE: **Code & Ordinance Committee Meeting Agenda**

There will be a meeting of the Code and Ordinance Committee on **Monday, November 7, 2016 beginning at 3:00 p.m., First Floor Conference Room, County Administration Building, 107 North Kent Street.** The following items will be discussed:

1. Proposed Amendment to the Frederick County Code, Chapter 155, Taxation, Article 1, General Provisions; Section 155-3, Tax Returns; failure to file. **(See Attached.)**
2. Proposed Amendment to the Frederick County Code, Chapter 155, Taxation, Article XVI, Business License Provisions, Section 155-81, Appeals and rulings. **(See Attached.)**
3. Such other business as may come before the Committee.

Should you have any questions or if you are unable to attend the meeting, please do not hesitate to contact me.

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: October 13, 2016

RE: Personal Property Tax – Penalty for Failure to File Return

At the Committee's last meeting, Supervisor Wells expressed interest in an ordinance amendment that would eliminate the penalty for failure to file certain County personal property tax returns. Presently, the County Code, pursuant to the requirement of Va. Code § 58.1-3518, provides for anyone who moves into the County (and brings a motor vehicle), or who acquires a new motor vehicle in the County, to report the same to the Commissioner of the Revenue, so that the Commissioner may assess the personal property tax against the vehicle. The County Code imposes a penalty, in the lesser of the amount of \$50 or 10% of the tax due, for failure to make that report to the Commissioner.

Many citizens, as well as motor vehicle dealers, may be unaware of this requirement, with the result being that such citizens are then subject to the penalty. The imposition of the penalty occurs even when the Commissioner ultimately obtains the vehicle information from the Department of Motor Vehicles, through periodic data downloads from DMV, pursuant to procedures authorized by the Commonwealth.

The attached draft ordinance revision would eliminate the penalty so far as it applies to motor vehicles, trailers, airplanes, boats, and mobile homes. The draft would maintain the penalty for business equipment, as the Commissioner would have no other means to obtain such information.

The draft also maintains the actual requirement for the filing of County personal property tax returns for motor vehicles, trailers, airplanes, boats, and mobile homes, even though it proposes the elimination of the penalty for the failure to make the filings. This is generally for

two reasons. First, Va. Code § 58.1-3518 still imposes the filing requirement, though it does not require the imposition of a penalty (a separate provision of state law, Va. Code § 58.1-3518.1, allows the County to provide that a taxpayer need not file a return for any subsequent year in which there is no change in the taxpayer's vehicle ownership/location and the County has enacted such a provision, County Code § 158-3(D)). Second, we are also aware of one collateral issue that may result if the County Code did not include the requirement. Bankruptcy law provides that a debtor in a bankruptcy case may not receive a bankruptcy discharge for any tax "with respect to which a return, or equivalent report or notice, if required ... was not filed or given." 11 U.S.C. § 523(A)(1)(B)(i). Bankruptcy law in fact generally gives most taxes a preferred status over other debts, this being reflective of a policy decision that seeks to protect government revenue flow. While the County may ultimately elect, with the enactment of the ordinance revision, not to impose a penalty, the County would likely not wish to forego the benefit of such bankruptcy law provision for potential collection of actual tax revenue itself in those instances when taxpayers file bankruptcies.

Finally, the draft contains various technical amendments, including to the machinery and tools and business equipment filing requirements, these amendments having been suggested by the Commissioner of the Revenue.

Attachment



ORDINANCE

_____, 2016

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 155-3 (Tax returns; failure to file) of Article I (General Provisions) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Section 155-3 (Tax returns; failure to file) of Article I (General Provisions) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows (deletions are shown in **bold strikethrough** and additions are shown in **bold underline**):

§ 155-3. Tax returns; failure to file.

A. The annual return of taxable tangible personal property **for any motor vehicle, trailer, airplane, boat,** and mobile homes **for in** the County shall be filed with the Commissioner of Revenue for the County on or before the 15th day of February of each year, except as stated in Subsections D and E; provided, further, that the annual return of taxable personal property for any motor vehicle, trailer, airplane, **or boat, and mobile home** acquired after January 1 shall be filed with the Commissioner of Revenue **on or before the 15th day of February of each year or** within 60 days from the date of acquisition or situs in the County, **whichever occurs later.** Each return shall be signed by the owner of the property. If the property is owned by an association, partnership, limited liability company, or corporation, the return shall be signed by a member, partner, executive officer, or other person specifically authorized in writing by the association, partnership, limited liability company, or corporation to sign.

B. The annual return of taxable machinery and tools, **furniture and fixtures and of taxable business tangible personal property** employed in a business or trade **for in** the County **as of January 1** shall be filed with the Commissioner of Revenue for the County on or before the **15th 1st** day of March of each year; provided, further, that the annual return of taxable machinery and tools, **furniture and fixtures and of taxable business tangible personal property** acquired after January 1 shall be filed with the Commissioner of Revenue on or before the **15th 1st** day of March of **each the following** year **or within 60 days from the date of acquisition or situs in the County, whichever occurs later.** Each return shall be signed by the owner of the property. If the property is owned by an association, partnership, limited liability company, or corporation, the return shall be signed by a member, partner, executive

officer, or other person specifically authorized in writing by the association, partnership, limited liability company, or corporation to sign.

C. A penalty for failure to file ~~such return as required by this section shall be assessed as follows:~~

~~(1) — As to a return required by subsection A, at the rate of 10% of the tax assessable or due on such property, provided that such penalty shall not be less than a minimum of \$2 and shall not be more than a maximum of \$50; and~~

(2) — ~~As to~~ a return required by subsection B, shall be assessed at the rate of 10% of the tax assessable or due on such property or \$2, whichever shall be the greater.

D. Notwithstanding the provisions of § 155-3A, Frederick County provides for an alternative method of filing personal property tax returns for motor vehicles, trailers and boats. Such motor vehicles, trailers and boats may be assessed annually based on a previous personal property tax return filed by the owner or owners of such property. For those whose name or address has not changed since a previous filing and whose personal property has had no change in status or situs, the assessment and taxation of property shall be based on a personal property tax return previously filed with Frederick County, which hereby adopts this alternative method of filing. Personal property tax returns for mobile homes must, however, be filed annually, even if no change occurs.

E. Such owner or owners of motor vehicles, trailers, ~~and boats,~~ and mobile homes must file a new personal property tax return whenever there is:

(1) A change in the name or address of the person or persons owning such taxable personal property;

(2) A change in the situs of personal property;

(3) Any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers, ~~and boats,~~ and mobile homes for which a tax return has been filed previously; or

(4) Any change in which a person acquires one or more motor vehicles, trailers, ~~and boats,~~ and mobile homes and for which no personal property tax return has been filed.

Enacted this _____ day of _____, 2016.

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Blaine P. Dunn _____

Gene E. Fisher _____

Judith McCann-Slaughter _____

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: October 13, 2016

RE: BPOL Tax – Appeals and Rulings

As part of ongoing review of the County Code and in consultation with the Commissioner of the Revenue, we have determined that County Code § 155-81, regarding BPOL tax appeals and rulings, needs to be updated to correspond with the relevant provisions of the § 58.1-3703.1 of the Code of Virginia. Attached please find a draft ordinance revision and a copy of § 58.1-3703.1 of the Code of Virginia.

Attachments



ORDINANCE

_____, 2016

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 155-81 (Appeals and rulings) of Article XVI (Business License Provisions) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Section 155-81 (Appeals and rulings) of Article XVI (Business License Provisions) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows (deletions are shown in ~~strikethrough~~ and additions are shown in underline):

§ 155-81. Appeals and rulings.

~~A. Any person assessed with a licensing tax under this article as the result of an audit may apply within 90 days from the date of the assessment to the assessing official of Frederick County for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies and any other facts relevant to the taxpayer's contention. The Assessor may hold a conference with the taxpayer if requested by the taxpayer or require submission of additional information and documents, further audit or other evidence deemed necessary for a proper and equitable determination of the applications. The assessment shall be deemed prima facie correct. The Assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in the jurisdiction (e.g., the name and address to which an application should be directed).~~

~~B. Provided that an application is made within 90 days of an assessment, collection activity shall be suspended until a final determination is issued by the Assessor, unless the Assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires to depart quickly from the locality, to remove his property therefrom, to conceal himself or his property therein or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect the tax for the period in question.~~

~~C. Any person assessed with a license tax under this article as a result of an audit may apply within 90 days of the determination by the assessing official on an application pursuant under this article as detailed above to the Tax Commissioner of the Virginia Department of Taxation (hereinafter called the "Tax Commissioner") for a correction of such assessment. The Tax Commissioner shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to § 58.1-1821, Code of Virginia, and the Tax Commissioner may issue an order correcting such assessment pursuant to § 58.1-1822, Code of Virginia. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to § 58.1-3984, Code of Virginia. However, the burden shall be on the party making the application to show that the ruling of the Tax Commissioner is erroneous. Neither the Tax Commissioner nor the Virginia Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.~~

~~D. On receipt of a notice of intent to file an appeal to the Tax Commissioner under this article as detailed above, the assessing official shall further suspend collection activity until a final determination is issued by the Tax Commissioner, unless the Assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in this article.~~

~~E. Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the Assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if there is a change in the law or a court decision or if the Assessor notifies the taxpayer of a change in the policy or any interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.~~

A. Definitions. For purposes of this section:

"Amount in dispute," when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

"Appealable event" means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local

license tax where none previously was assessed, arising out of the commissioner of the revenue's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

An appealable event shall include a taxpayer's appeal of the classification applicable to a business, including whether the business properly falls within a business license subclassification established by the locality, regardless of whether the taxpayer's appeal is in conjunction with an assessment, examination, audit, or any other action taken by the locality.

"Frivolous" means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

"Jeopardized by delay" means a finding, based upon specific facts, that a taxpayer designs to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property therein; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

B. Filing and contents of administrative appeal.

1. Any person assessed with a local license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the commissioner of the revenue. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The commissioner of the revenue may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The commissioner of the revenue shall undertake a full review of the

taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

2. The taxpayer may at any time also file an administrative appeal of the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality. However, the appeal of the classification of the business shall not apply to any license year for which the Tax Commissioner has previously issued a final determination relating to any license fee or license tax imposed upon the taxpayer's business for the year. In addition, any appeal of the classification of a business shall in no way affect or change any limitations period prescribed by law for appealing an assessment.
- C. Notice of right of appeal and procedures. Every assessment made by the commissioner of the revenue pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction, the name and address to which the appeal should be directed, an explanation of the required content of the appeal, and the deadline for filing the appeal.
- D. Suspension of collection activity during appeal. Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute relating to any assessment by the commissioner of the revenue shall be suspended until a final determination is issued by the commissioner of the revenue, unless the treasurer (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the commissioner of the revenue that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of subsection A of section 58.1-3703.1 of the Code of Virginia (1950, as amended), but no further penalty shall be imposed while collection action is suspended.
- E. Procedure in event of nondecision. Any taxpayer whose administrative appeal to the commissioner of the revenue pursuant to the provisions of this section has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the commissioner of the revenue, elect to treat the appeal as denied and appeal the assessment or classification of the taxpayer's business to the Tax Commissioner in accordance with the provisions of subdivision 6 of subsection A of section 58.1-3703.1 of the Code of Virginia (1950, as amended). The Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the commissioner of the revenue was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the commissioner to

make his determination.

F. Rulings.

1. Any taxpayer or authorized representative of a taxpayer may request a written ruling regarding the application of a local license tax to a specific situation from the commissioner of the revenue. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. In addition, the taxpayer or authorized representative may request a written ruling with regard to the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality.

2. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

Enacted this _____ day of _____, 2016.

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

A COPY ATTEST

Brenda G. Garton
 Frederick County Administrator

P



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: November 18, 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, November 18, 2016. The HR Committee members present were: Supervisors Robert A. Hess, Chairman; Blaine P. Dunn and citizen member, Dorrie Greene. Supervisor Robert W. Wells and citizen members Don Butler and Beth Lewin were absent. Others present were: Brenda Garton, County Administrator; Kris Tierney, Deputy County Administrator; James Whitley, NRADC Superintendent; Barbara Allegra, Benefits Administrator; and Erin Swisshelm, Assistant County Attorney.

The HR Committee did not have a quorum; however, informal discussions took place for the agenda items.

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

1. HR Policy Revisions; see attachments:
 - Section X, §10.1 Service Awards Policy.
 - Section XIV, §14.7 Termination of Employment.The HR Committee members present unanimously agreed with the policy changes and recommend the policy revisions go to Board of Supervisors for final review and approval.
2. Bonus Ordinance: Discretionary Bonus Guidelines for Frederick County.
The HR Committee members present discussed the request from the County Attorney for the Employee Recognition program pursuant to Virginia Code §15.2-1508 that was previously approved unanimously by the HR Committee on May 13, 2016. The HR Committee members present reached a consensus to again move the request forward to the Board of Supervisors for review and approval with referral to Code & Ordinance.
3. Employee of the Month (December 2016).
The HR Committee present reviewed the nomination for employee of the month for December and recommend to the Board of Supervisors that Dail D. Ritenour, Jr. be recognized as December 2016 Employee of the Month.
4. Employee of the Year Selection (July 2015-June 2016).
The HR Committee will review and make their selection via electronically for employee of the year. The employee of the year will be recognized at the Frederick County Holiday Party on December 2, 2016 and at the Board of Supervisors meeting on December 14, 2016.

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

1. None.

The next HR Committee meeting is scheduled for December 9, 2017 at 8:00 a.m.

Respectfully submitted,

Human Resources Committee

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

By: 
Becky A. Merriner
HR Director

X. SERVICE AWARDS POLICY

10.1 Purpose

The purpose of the Service Awards Program is:

- a. to commend faithful and proficient service performed by County employees ([which includes Department of Social Services employees](#))
- b. to emphasize that each individual plays a key role in the County's progress
- c. to recognize that an employee's contribution grows with each additional year of service, and his performance of job duties
- d. to encourage career employment with the County

10.2 Basis for Awards

Determination of Awards

Service Awards will be based on continuous and proficient service (as defined below) by eligible, full-time employees.

Continuous and Proficient Service

Any break in service for a period of 160 consecutive working hours shall destroy the continuity of service. However, authorized leaves of absence such as paid leave, military leave, approved education leave and other approved leaves of absence shall not destroy continuity of service and credit for the time will be granted. The employee shall be required to exhibit a proficient performance rating to be eligible for such award.

Dismissal

No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later re-employed with the County shall not receive credit for previous employment with the County.

10.3 Awards

Service Awards

Service awards shall be made according to the following schedule: 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 years.

10.4 Administration

Presentation of Awards

Awards shall be presented at such time and date established by the County Administrator.

Computation of Length of Services

Time in service shall be computed annually based on the employee's hire date and shall take into account continuous time of service as defined in paragraph 10.2.

10.5 Employee of the Month Award

The Board of Supervisors, upon recommendation by the Human Resources Committee, may select and present this award to one employee each month. Candidates may be nominated by any other County employee. Nomination forms should be submitted to the HR Department by the 1st of the month in order to be considered for the award for the following month. Employees may be nominated more than one time during the award year, but are only eligible to receive the award one time per year. All employees are eligible regardless of their employment classification. Department Heads and Constitutional Officers are not eligible to receive this award.

The employee will be selected on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County. Civic activities may be considered. Recipients of this award will receive a certificate and a \$200 cash award and the recipient's name will be added to the Employee of the Month plaque located in the County Administration Building. Recipients over the past twelve month award period will be recognized at the Annual Awards Banquet.

10.6 Employee of the Year Award

The Board of Supervisors, upon recommendation by the HR Committee, select and present this award to one employee each year. Eligible candidates will be those employees who received an Employee of the Month award over the past twelve (12) month award period. This award will be presented to the employee whose service most serves as an example to all other employees within the County. The recipient of the award will receive an engraved plaque presented at the Annual Awards Banquet and a \$300 cash award.

Updated/Approved: 02/13/13

XIV. TERMINATION OF EMPLOYMENT

14.1 Resignation

A resignation shall be defined as a voluntary separation from employment through written notification to the employing authority initiated by the employee.

All employees desiring to resign their employment with the County shall submit written notification of such intent to their employing authority. This notification shall include the reason for resignation, the actual date the resignation is to become effective and shall be signed by the employee. A copy of the notification shall be forwarded to the HR Department for inclusion in the personnel file.

It is requested that all employees give at least fourteen (14) calendar days notice prior to the effective date of resignation, except where specific circumstances prohibit such advance notification. Such resignation may be withdrawn by the employee at any time prior to the effective date, with the approval of the Department Head.

For those employees who fail to submit the written notification prior to their resignation date, the employing authority shall forward a letter certified mail (return receipt requested) stating it is his understanding that the employee has voluntarily resigned employment. An employee's failure to respond within forty-eight (48) hours following receipt of the certified letter regarding any errors contained therein shall constitute a valid resignation.

14.2 Return of County Property

An employee leaving the service, whether through resignation, lay-off or dismissal is responsible for returning any County property which he may have in his possession. Upon termination, such property as HR manuals, ID cards, uniforms, badges, keys, etc., must be returned to the Department Head, the County Administrator or the HR Department.

14.3 Lay-Off

The County reserves the right to separate employees for lack of available work or funds. In such cases, the employees affected shall be given a minimum of two (2) weeks advance notice or two (2) weeks severance pay at the discretion of the County Administrator.

14.4 Administrative Termination

Employees who are hired by appointing authorities to fill positions that are later determined to be unavailable in the budget of the respective departments, or who are found not to meet the minimum qualifications of the position, following the actual start of work, shall have their employment administratively terminated as soon as convenient following the determination of the discrepancy.

14.5 Out-Take

In order to process a terminating/retiring employee's final pay and benefits options, they are required to schedule and complete the out-take process with the HR Department as soon as possible and prior to their last day of work.

14.6 Exit Interview

Frederick County is interested in knowing why an employee is leaving the County's work force. In order to improve our personnel policies and supervision, all terminating employees are urged to schedule an exit interview with the HR Director. Information received will not be made a part of the employee's personnel file.

14.7 Retirement

An employee may retire in accordance with the provisions of the Virginia Retirement System (VRS).

An employee who *retires* under VRS at or after age 50 years and with at least 20 years continuous service with Frederick County (*which includes Department of Social Services*), and with a hire date prior to July 1, 1995, will be provided 100% health insurance coverage until eligible for Medicare, at which time the County will provide 100% supplemental insurance.

An employee hired on/or after July 1, 1995 and who *retires* under VRS *with full benefits* (non-LEOs, at or after age 50 and with at least 30 years service; LEOs, at or after age 50 with at least 25 years service) and with at least 30 (or at least 25 for LEOs) years continuous service with Frederick County (*which includes Department of Social Services*) will be provided 100% health insurance coverage until eligible for Medicare, at which time the County will provide 100% supplemental insurance.

An employee hired on or after July 1, 2012 will not, upon retirement, be provided with healthcare coverage at the expense of the County, regardless of the employee's retirement conditions.

An employee who *retires* under VRS with reduced benefits, and who is not eligible for Medicare benefits, may participate at their own expense in the group health insurance plan under COBRA.

An employee who retires because of disability may participate at their own expense in the group health insurance plan for a period of twenty-nine (29) months under COBRA, or until they become eligible for Medicare, whichever shall occur first.

All payments shall be made in advance and sent to the County's Agent Of Record.

Updated/Approved: 02/13/2013



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Human Resources Committee

FROM: Roderick B. Williams
County Attorney

DATE: May 9, 2015

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

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

Attachments

Code of Virginia

Title 15.2. Counties, Cities and Towns

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

§ 15.2-1508. Bonuses for employees of local governments

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

1985, c. 142, § 15.1-7.4; 1997, c. 587; 2003, c. 204.



ORDINANCE
_____, 2016

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

CHAPTER 19 PERSONNEL POLICIES

§ 19-1 Employee recognition program.

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

Enacted this ____ day of ____, 2016.

Charles S. DeHaven, Jr.,
Chairman

Gary A. Lofton

Robert A. Hess

Robert W. Wells

Blaine P. Dunn

Gene E. Fisher

Judith McCann-Slaughter

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

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, County Administrator, County Attorney.

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.

Employee of the Month Resolution

Awarded to:

Dail D. Ritenour, Jr.

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, Dail D. Ritenour, Jr. who serves as a Communications Officer III with Public Safety Communications was nominated for Employee of the Month; and,

WHEREAS, On August 23, 2016, Communications Officer Ritenour received a call in reference to a suicidal male. He obtained all the necessary information from the caller and then placed a phone call directly to the suicidal individual. During the call, Communications Officer Ritenour was able to calmly build a rapport with the individual and convince him to pull over into a parking lot to speak with deputies where the individual was then transported to the Winchester Medical Center for evaluation. The extra initiative taken by Communication Officer Ritenour had a positive outcome for this call for service. Communications Officer Ritenour is a valuable asset to Frederick County; and

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 14th day of December, 2016, that Dail D. Ritenour, Jr. is hereby recognized as the Frederick County Employee of the Month for December 2016; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Dail D. Ritenour, Jr. for his outstanding performance and dedicated service and wishes his continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Dail D. Ritenour, Jr. is hereby entitled to all of the rights and privileges associated with his award.

County of Frederick, VA
Board of Supervisors

Charles S. DeHaven, Jr., Chairman



Dedication



County of Frederick

Employee of the Month

December 2016


Dail D. Ritenour, Jr.



Hardworking



Excellence



Professional

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



County of Frederick Employee of the Month Nomination Form

Received: (HR use)

10/19/16

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the County as a whole. Outstanding service includes job performance that clearly exceeds requirements. Nominations are not judged on how well you write. However, they are judged on the facts presented. Employee of the Month selection will be based on the following criteria:

1. Providing exceptional customer service.
2. Performing an act that is above and beyond normal duties.
3. Excellence in safe work practices.
4. Being innovative/creative.
5. Identifying areas of monetary savings to the County.
6. Cooperative effort between County departments.

Employee Name: Dail Ritenour Department: Public Safety Communication

Nomination Submitted By: Tara Collis Department: Public Safety Communication

Nominator's Signature: Tara R. Collis Date: 10/19/2016

Digitally signed by Tara R. Collis
DN: cn=Tara R. Collis, o=Frederick County, postalCode=, email=tarcollis@frederick.com, c=US
Date: 2016.10.02 22:31:00-0400

Describe the employee's accomplishments/contributions that were above and beyond the normal duties expected of their position. Include as much specific information as possible:

On Tuesday, August 23, 2016, Communications Officer Ritenour received a call in reference to a suicidal male. CO Ritenour obtained all the necessary information from the complainant and then placed a call to the suicidal subject. CO Ritenour was able to make contact with the suicidal subject. After speaking with the male CO Ritenour was able to convince him to pull over into the parking lot of a business to meet with deputies. The deputies were able to make contact with the male and transport him to the Winchester Medical Center to be evaluated.

Explain how the employee provided outstanding and exceptional service through his/her work:

Communication Officer Ritenour reached out to the suicidal subject by phone and was able to calmly talk to the male. CO Ritenour done an excellent job talking to the male. CO Ritenour was able to build a rapport with the caller and took the time to listen to the caller. Most often these callers just want someone to stop and listen to them and try to understand where they are coming from. CO Ritenour was able to acknowledge the issues this caller was having and convinced to pull over and speak with deputies. CO Ritenour made sure for the safety of the deputies and the caller that no weapons were in the vehicle with the caller. CO Ritenour explained to the caller what was going to happen and, in my opinion, had a major impact on the positive outcome of this call for service.

Describe the employee's recent achievement(s) that positively impacted the department (contribution to established goals, promoted cost-conscious or cost-cutting measures, etc.).

Communications Officer Ritenour has attended several classes on suicidal callers and negotiations classes. CO Ritenour, during his tenure, has talked to many suicidal and mental callers on the phone. He's been able to keep them calm until the arrival of law enforcement and fire & rescue. CO Ritenour has been with Frederick County Public Safety since 2005. CO Ritenour's exposure to these sort of high priority calls and emergency situations is quite extensive. CO Ritenour is definitely the voice you want on the other side of the radio during an emergency. His calm demeanor and attention to detail is the trademark of this seasoned veteran. He is a valuable asset to his profession.

Q



October 24, 2016

Ms. Brenda Garton, County Administrator
County of Frederick
107 North Kent St.
Winchester, VA 22601

Ms. Garton,

Please find attached Belle Grove Plantation's Application for an annual 'Outdoor Festival Permit'. This Application is for a 12 month January to December 2017 permit. Belle Grove intends to hold its usual schedule of events. Please contact me with any questions.

Many thanks

Sincerely,

Rich Coyle
Belle Grove Plantation
Cedar Creek & Belle Grove National Historical Park
National Trust for Historic Preservation
rcoyle@bellegrove.org
540.869.2028



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION				
Name of Applicant: <u>BELLE GROVE PLANTATION</u>				
Telephone Number(s): <u>540. 269. 2028</u> <input type="checkbox"/> home <input checked="" type="checkbox"/> office <input type="checkbox"/> cell _____ <input type="checkbox"/> home <input type="checkbox"/> office <input type="checkbox"/> cell				
Address: <u>PO BOX 537, 336 BELLE GROVE RD MIDDLETOWN, VA 22645</u>				
Contact Email: <u>RLOYE@BELLEGROVE.ORG</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>12 MONTH PERMIT JAN-DEC 2017</u>			
Cost of Admission to Festival: <u>VARIABLES</u>	Business License Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>12 MO. PERMIT 2017</u>	<u>JAN.</u>	<u>DEC. '17</u>		
Location	Address: <u>336 BELLE GROVE RD MIDDLETOWN, VA 22645</u>			
Owner of Property	Name(s): <u>NATIONAL TRUST FOR HISTORIC PRESERVATION</u> Address: <u>1758 MASS AVE N.W. WASH. DC. 20036</u> <small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small>			
Promoter	Name(s): <u>BELLE GROVE, INC.</u> Address: <u>S/A</u> <small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small>			
Financial Backer	Name(s): <u>BELLE GROVE, INC.</u> Address: <u>S/A</u>			
Performer	Name of Person(s) or Group(s): <u>TBD</u> _____ _____ <small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small>			

(over)

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).

COVERED DUMPSTER ; PORTABLE RESTROOMS

- 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).

QUALIFIED FOOD VENDORS

- 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.

MIDDLESEX FIRE ; RESCUE NOTIFIED OF EACH EVENT.

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

MIDDLESEX IS EQUIPPED W/ FIRE ALARM PROTECTION SYSTEM & EVACUATION PLAN. FIRE EXTINGUISHERS

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

FIELD PARKING AT THE PROPERTY FOR UP TO 2000 VEHICLES CONTROLLED BY STAFF & CONTRACTED SECURITY.

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

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

ABC BOND BY LICENSE ; CONTRACTED SECURITY ; 'GARDEN' BY TRAINED STAFF.

(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 **BELLE COVE**

Date: 10.24.16

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

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