



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 28, 2018
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda

Consent Agenda

Attachment

Minutes----- A

Budget Work Session of March 14, 2018
Closed Session & Regular Meeting of March 14, 2018

Hiatt Run Apartments – Resolution Requesting VHDA Funding----- B

Resolution of Appreciation for Judy Lynn Hesse----- C

Citizen Comments – Agenda Items that are not the subject of a Public Hearing

Board of Supervisors Comments

County Officials

Committee Appointments----- D

Handley Regional Library Board
One unexpired 4-year term ending 11/30/21, **2 applications received**

Committee Appointments, continued

Economic Development Authority

One unexpired 4-year term ending 9/10/18, **3 applications received**

Social Services Board

Red Bud District Representative -

One unexpired 4-year term ending 06/30/20

Board of Building Appeals

One unexpired 5-year term ending 11/10/2018, **No applications received**

Parks and Recreation Commission

Red Bud District Representative -

4-year term of Christopher Fordney ends 4/28/18

Requests from the Commissioner of the Revenue for Refunds----- **E**

Federal Express Corp. - \$2832.03

Merrimak Capital Company LLC - \$3934.76

D L Peterson Trust - \$7517.92

Judy Excavating & Landscaping - \$7693.04

Committee Business - None

Public Hearings (Non Planning Issues)

Outdoor Festival Permit Request of Waveland Farm, LLC----- **F**
(Cyndie Layman) – Ferguson Wedding.

Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, April 21, 2018, from 10:00 A.M. to 10:00 P.M. on the Grounds of 1211 Marlboro Road, Stephens City, Virginia, Back Creek Magisterial District. Property Owned by Waveland Farm, LLC.

Fiscal Year 2018-2019 Budget----- **G**

The Board of Supervisors of Frederick County invites comments on the Proposed Budget for the fiscal year ending June 30, 2019.

Planning Commission Business - None

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

MINUTES
Frederick County Board of Supervisors and Finance Committee
Budget Work Session
Wednesday, March 14, 2018
5:00 p.m.
Board Room, 107 North Kent Street, Winchester, VA

ATTENDEES

Board of Supervisors: Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Robert W. Wells and Shannon G. Trout were present.

Finance Committee Members present: Jeffrey Boppe; absent: Angela Rudolph

Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Ellen Murphy, Commissioner of the Revenue; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Becky Merriner, Director of Human Resources; Lenny Millholland, Sheriff; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

Chairman DeHaven called the meeting to order at 5:00 p.m.

DISCUSSION

The Board and Committee discussed the options for the \$1.4 million in excess funds budgeted in school debt. By consensus, the Board agreed the \$1.4 million will be used to reduce the use of the \$2.5 million fund balance.

The Board and Committee discussed the proposed one cent tax increase and by consensus agreed the expected \$1,000,000 should be held in the general fund until a decision on the use of the funds is made.

By consensus, the Board agreed to meet for a follow up budget work session on April 4, 2018, at 5:30pm.

PRESENTATION

Sheriff Millholland asked HR director Becky Merriner to provide background information on staffing levels in the Sheriff's Department as related to scheduled and

unscheduled leave and providing relief staff coverage. Ms. Merriner explained the process used to determine that the Sheriff's Department needs eight additional employees.

Sheriff Millholland explained calls for service and staffing shortages. He answered questions from Board members.

The Board discussed the staffing needs as presented by the Sheriff.

DISCUSSION

The Board returned to the discussion of the revenue expected from the one cent tax increase and whether to split the income with the schools in the same manner as has been done in the past. By consensus, the Board decided agreed the expected \$1,000,000 will be placed in the general fund without being split with the schools until a decision on the use of the funds is finalized at a later date.

ADJOURN

There being no further business, the meeting was adjourned at 5:59 p.m.

MINUTES
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 14, 2018
6:00 P.M. and 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: Charles S. DeHaven, Jr., Chairman; Gary A. Lofton, Vice Chairman; Blaine P. Dunn; J. Douglas McCarthy; Judith McCann-Slaughter; Shannon G. Trout; and Robert W. Wells were present.

Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Michael T. Ruddy, Director of Planning and Development; Candice Perkins, Assistant Planning Director; John Bishop, Assistant Planning Director for Transportation; Mark Cheran, Zoning & Subdivision Administrator, Planner; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors

CALL TO ORDER – Closed Session

Chairman DeHaven called the meeting to order at 6:00 p.m.

CLOSED SESSION

Vice Chairman Lofton moved that the Board of Supervisors convene in closed session pursuant to Section 2.2-3711 A (7) and (8) of the Code of Virginia, 1950, as Amended, for Consultation with Legal Counsel and Briefing by Staff Members Pertaining to a Litigation Matter, Stonewall Industrial Investors, LLC v. Frederick County, Virginia, currently pending in the Frederick County Circuit Court, Where Such Consultation or Briefing in an Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body, and for Consultation with Legal Counsel Employed or Retained by a Public Body Regarding the Matter, Requiring the Provision of Legal Advice by Such Counsel. Supervisor Wells seconded the motion which carried as follows on a roll call vote:

Blaine P. Dunn	Aye	Shannon G. Trout	Aye
Gary A. Lofton	Aye	Robert W. Wells	Aye
J. Douglas McCarthy	Aye	Charles S. DeHaven, Jr.	Aye
Judith McCann-Slaughter	Aye		

At 6:34 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Wells. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the

closed meeting were heard, discussed, or considered by the Board. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

Blaine P. Dunn	Aye	Shannon G. Trout	Aye
Gary A. Lofton	Aye	Robert W. Wells	Aye
J. Douglas McCarthy	Aye	Charles S. DeHaven, Jr.	Aye
Judith McCann-Slaughter	Aye		

Vice Chairman Lofton moved that that the Board authorize the County Administrator and the County Attorney to execute such documents as may be necessary to accomplish the settlement of the case of Stonewall Industrial Investors, LLC v. Frederick County, in a manner substantially consistent with the terms discussed in closed session. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

Blaine P. Dunn	Aye	Shannon G. Trout	Aye
Gary A. Lofton	Aye	Robert W. Wells	Aye
J. Douglas McCarthy	Aye	Charles S. DeHaven, Jr.	Aye
Judith McCann-Slaughter	Aye		

At 6:36 p.m., Chairman DeHaven recessed the meeting until 7:00 p.m.

CALL TO ORDER- Regular Meeting

Chairman DeHaven called the meeting to order at 7:00 p.m.

INVOCATION

Supervisor Wells delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Lofton led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Upon motion of Wells, seconded by Supervisor Slaughter, the agenda was adopted on a voice vote.

ADOPTION OF CONSENT AGENDA – APPROVED

Mr. Tierney noted that one of the Consent Agenda items is a Proclamation of Local Government Education Week which is planned for April 1-7. Vice Chairman Lofton moved that the Consent Agenda be approved. Supervisor Slaughter seconded the motion. The Consent Agenda was approved on a voice vote.

-Minutes: Budget Work Session of February 28, 2018 -CONSENT AGENDA APPROVAL

-Minutes: Regular Meeting of February 28, 2018 -CONSENT AGENDA APPROVAL

-Parks and Recreation Committee Report (Appendix 1) - CONSENT AGENDA APPROVAL

-Public Works Committee Report (Appendix 2) - CONSENT AGENDA APPROVAL

-Transportation Committee Report (Appendix 3) - CONSENT AGENDA APPROVAL

-Closing of County Offices for Annual Apple Blossom Festival - CONSENT AGENDA APPROVAL

-Proclamation: Local Government Education Week: April 1-7 - CONSENT AGENDA APPROVAL

PROCLAMATION

APRIL 1-7, 2017 AS LOCAL GOVERNMENT EDUCATION WEEK

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

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

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

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

NOW, THEREFORE BE IT PROCLAIMED, by the Board of Supervisors of the County of Frederick, Virginia, that April 1-7, 2017 is hereby designated as Local Government Education Week; and

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

ADOPTED this 14th day of March 2018.

+ + + + + + + + + + + +

- Proclamation: National Telecommunicators Week: April 8-14 - CONSENT AGENDA APPROVAL

PROCLAMATION

APRIL 8-14, 2018, AS NATIONAL TELECOMMUNICATORS WEEK

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Frederick County Department of Public Safety Communications Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Public Safety Dispatchers of Frederick County, Virginia, have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of his or her job in the past year,

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Frederick County, Virginia, does hereby proclaim the week of April 8-14, 2018, to be National Telecommunicators Week in Frederick County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Adopted this 14th day of March 2018

+ + + + + + + + + + + +

- Resolution Honoring Employee of the Month Travis Mitchell - CONSENT AGENDA APPROVAL

Employee of the Month Resolution

Awarded to:

Travis R. Mitchell

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, Travis R. Mitchell who serves as a Deputy with the Frederick County Sheriff's Department was nominated for Employee of the Month; and,

WHEREAS, early in 2017, Deputy Travis Mitchell who is assigned as a School Resource Officer

at Frederick County Middle School and the Director of Bright Futures began exploring the idea of a “Lunch Buddy” program. The goal was to create a mentoring program with elementary students to develop stronger relations between the community and law enforcement, all while providing students with a positive role model. The program requires a Deputy to have lunch with students 1 or 2 times a month. Deputy Mitchell began a trial run in three elementary schools with great success. At the end of the 2017 school year, the program was expanded to all eleven elementary schools in Frederick County. Deputy Mitchell has recruited and mentored fellow officers as well as officers from Middletown and Stephens City Police Departments. Deputy Mitchell continues to monitor the involvement of officers and has created an on-line tracking system to effectively monitor participation. So far during this school year, over 20 officers have participated in the program with positive results. It is Deputy Mitchell’s proactive approach and leadership that has made this program successful; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 14th day of March 2018, that Travis R. Mitchell is hereby recognized as the Frederick County Employee of the Month for March 2018; and,

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

BE IT FURTHER RESOLVED, that Travis R. Mitchell is hereby entitled to all of the rights and privileges associated with his award.

Adopted this 14th day of March 2018

+ + + + + + + + + + + +

- Resolution to Request that the Comprehensive Plan and Programs Committee (CPPC) Consider an Amendment to the 2035 Comprehensive Plan Outside of the Annual Amendment Process for St. Paul’s on the Hill Episcopal Church Located on Senseny Road - CONSENT AGENDA APPROVAL

RESOLUTION TO REQUEST THAT THE PLANNING COMMISSION AND COMPREHENSIVE PLAN AND PROGRAMS COMMITTEE (CPPC) CONSIDER AN AMENDMENT TO THE 2035 COMPREHENSIVE PLAN OUTSIDE OF THE ANNUAL AMENDMENT PROCESS FOR ST. PAUL’S ON THE HILL EPISCOPAL CHURCH LOCATED ON SENSENY ROAD

WHEREAS, the Frederick County Board of Supervisors has an approved protocol for the initiation of requests for an amendment of the Frederick County Comprehensive Policy Plan outside of the annual amendment process; and

WHEREAS, St. Paul’s on the Hill Episcopal Church, located on Senseny Road in the Redbud Magisterial District, has requested an amendment, outside of the annual amendment process, to the Comprehensive Plan; and

WHEREAS, the Supervisor for the Redbud District, Supervisor Dunn, sponsored the request of St. Paul’s on the Hill Episcopal Church to proceed outside of the annual amendment process; and

WHEREAS, the Frederick County Board of Supervisors expressed their support of Supervisor Dunn’s sponsorship of St. Paul’s on the Hill’s request to proceed outside of the annual amendment process.

NOW, THEREFORE, BE IT RESOLVED, that the Frederick County Board of Supervisors does hereby request that the Planning Commission and the Comprehensive Plans and Programs Committee (CPPC) consider an amendment to the 2035 Comprehensive Plan outside of the annual amendment process for St. Paul’s on the Hill Episcopal Church for its property located on Senseny Road, further identified by Property Identification Number 54-A-128.

Passed this 14th day of March 2018

+ + + + + + + + + + + +

CITIZEN COMMENTS

Kathleen Bochert, employee of Frederick County Public Schools, noted the current building problems at Aylor and asked the Board to address replacing the building.

Laonna Rauser, Back Creek District, said she is a Counselor at Aylor. She said the building is run down and the condition is stressful for students.

Amber Wallin, Opequon District, said there is a divide among Board members with some favoring needs of retirement age residents and others favoring needs of the younger population. She said there has been a long uphill battle to get the Aylor building replaced.

Stella Wallin, Opequon District, said she is a student at Aylor and wants to be able to stay warm in her classroom and not hear the beeping of the CO2 monitor, adding that her school should be safer.

Jessica Shostek and Sophia Guntang, Back Creek District, said they represented the Aylor SCA. They said they know that the Board is not in agreement about the need for replacement, but they are asking that the building be replaced.

Adeline Wallin, Opequon District, said she is a student at Aylor and thinks the building needs to be replaced.

Cora Rauser and Kate Guntang, said they are students and that it is hard to work in the Aylor building because it is dark, noisy, and smells like mold.

Maura Guntang, Back Creek District, parent of an Aylor student, said the bandaid of the CO2 monitors is very distracting to students and staff. She said other schools are in better condition and asked the Board members how they would feel if their child attended Aylor.

Kyle Sakai, Aylor student, said the building is in bad shape and asked the Board to stop delaying on replacing the building.

Gabi Sakai, said she had attended Aylor and was now at Sherando High School. She said the community is not looking for a \$30 million school like Frederick County Middle School but rather just a safe school building. She petitioned the Board to take care of all the students.

Tara Shostek, Back Creek District, asked the Board to take into consideration that there are many middle schoolers in attendance who feel passionately and are speaking to the Board. She said the building is in need of replacement. She noted that during an intruder alert last year the students spent an hour and a half under desks knowing their classroom doors would not lock. She said the CO2 monitors chirp every 45 seconds.

Annie Jones, Opequon, said it is patently false that the air quality issue is being used as a way to get a new building. She asked the Board members to listen to those who are in the building and know the problems. Her daughter, Katherine Jones, said she has suffered from headaches and congestion and now her family is moving out of the district to avoid her attending Aylor.

Jackson Stein, Opequon District and Middletown Elementary student, said he has a chronic illness and is concerned about attending Aylor next year. He said the County should plan ahead for buildings and the only solution is to build a new school.

Eva Stein, Opequon District and Middletown Elementary student, asked the Board to please not wait to build the new school.

Adam Stein, Opequon District, said he is the parent of Middletown Elementary students. He is hopeful his youngest child will attend a new Aylor School.

Ann Agregard, Red Bud District, said she truly hopes the Board will fund a new Aylor building. She invited the Board to her classroom at Aylor and described several problems in her room. She noted the fans that were placed to address the CO2 issue have been the subject of complaints by the Fire Marshal because of the electrical cords on the floor and the fact that the fans block doorways.

Joan Thorp, Back Creek District, said she spoke at an earlier meeting and now her daughter has missed 40 days of school at Aylor because of illness. She said her 20-year-old son had similar issues when he attended Aylor, and the problems have now become chronic. She noted that old school buildings had windows that opened allowing fresh air to circulate while the

Aylor building was built at a time when windows were designed not to open and added that a new school is a necessity.

Hanna Cadd, Opequon District, said she was a student and has now moved out of the district. She said she had health issues while attending Aylor. She asked the Board to consider building a new Aylor school.

Amber Wallin, Opequon District, continued her earlier remarks saying that she understands after the new Frederick County Middle School was built there may be reservations about letting the School Board build again. She said that the residents need the Board members to hear and say they understand that the current Aylor building is not acceptable. She said residents, both young and retirement age, may leave the area because of the Aylor situation.

+ + + + + + + + + + + +

BOARD OF SUPERVISORS COMMENTS

Vice Chairman Lofton said there is recurring theme of lack of maintenance at Aylor and he hopes the Schools will comment that this is not a trend at the other buildings.

+ + + + + + + + + + + +

COUNTY OFFICIALS:

PRESENTATION: RESOLUTION OF APPRECIATION TO JOSEPH G. DOVE

Chairman DeHaven and Vice Chairman Lofton read and presented a framed resolution of appreciation to Joseph G. Dove.

PRESENTATION: EMPLOYEE OF THE MONTH – TRAVIS MITCHELL

Chairman DeHaven and Vice Chairman Lofton read and presented the Employee of the Month Award to Travis Mitchell.

COMMITTEE APPOINTMENTS

HANDLEY REGIONAL LIBRARY BOARD – Appointment Postponed

Upon motion of Supervisor Dunn, seconded by Vice Chairman Lofton, the Board agreed to postpone making an appointment until the next regular meeting.

RE-APPOINTMENT OF CHRISTOPHER COLLINS TO THE FREDERICK WATER BOARD OF DIRECTORS - APPROVED

Upon motion of Supervisor Wells, seconded by Supervisor Trout, Christopher Collins was re-appointed to the Frederick Water Board of Directors for a four-year term ending April 15, 2022 on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

+ + + + + + + + + + + +

COMMITTEE BUSINESS

PUBLIC WORKS COMMITTEE

**ADOPTION OF REVISED CHARTER FOR THE SHAWNEELAND
SANITARY DISTRICT ADVISORY COMMITTEE – APPROVED**

Upon motion of Supervisor McCarthy, seconded by Vice Chairman Lofton, the Board adopted the Revised Charter for the Shawneeland Sanitary District. Supervisor Dunn said the agreement is fine, but he would like to see the Committee appoint its own members rather than having the Board of Supervisors appoint them. The roll call vote was as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

(See Appendix 2 for Revised Charter Text)

**ADOPTION OF PROPOSED VEHICLE REPLACEMENT PROGRAM –
APPROVED**

Upon motion of Supervisor McCarthy, seconded by Supervisor Trout, the Board adopted the proposed Vehicle Replacement Program on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

Supervisor Wells thanked the Committee Members and staff responsible for developing the program.

(See Appendix 2 for Vehicle Replacement Program Model)

**DISPOSITION OF THE OLD FREDERICK COUNTY MIDDLE SCHOOL –
APPROVED**

Upon motion of Supervisor McCarthy, seconded by Supervisor Dunn, the Board approved advertising to receive bids for the old Frederick County Middle School property located at 441 Linden Drive in the City of Winchester. The roll call vote was as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

Supervisor Trout noted she had received an email suggesting the school property be considered for recreational facility use.

+ + + + + + + + + + + +

TRANSPORTATION COMMITTEE

REVENUE SHARING AGREEMENT–NORTHERN Y - APPROVED

Vice Chairman Lofton moved that the Board direct staff to authorize the agreement and proceed to approximately 30% of the design with the associated cost estimate. Supervisor Wells seconded the motion. Supervisor Slaughter noted that the motion allows a better cost estimate to be determined at which time should the developer not proceed with the project, the County will be reimbursed for its portion of the expenses for the 30% design. The motion carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

SMARTSCALE APPLICATIONS RECOMMENDATION – APPROVED

Vice Chairman Lofton and Assistant Planning Director John Bishop provided background on VDOT SmartScale applications saying they allow the County prioritize requests based on needs and competitiveness of the applications. Upon motion of Vice Chairman Lofton, seconded by Supervisor Slaughter, the Board approved that the County should apply for four projects through the SmartScale Process and promote three projects at the Regional Commission level:

- | | |
|--|------------------|
| • Exit 317 and Redbud Road | Frederick County |
| • Route 11 North (lane widening) | Frederick County |
| • Route 522 Costello Drive left turns | Frederick County |
| • Route 11 South-Stars or Route 11 Shawnee | Frederick County |
| • Exit 313 Bridge | MPO/RC |
| • Exit 307 | MPO/RC |
| • Greater I-81 include Exit 317 NB on-ramp | MPO/RC |

The motion carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

+ + + + + + + + + + + +

PUBLIC HEARINGS (Non Planning Issues)

TWELVE MONTH OUTDOOR FESTIVAL PERMIT REQUEST: TRUMPET VINE FARM (DEMARCHI SPEARS) - APPROVED

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 Trumpet Vine Farm, 266 Vauclose Road, Stephens City, Virginia, Back Creek Magisterial District. Property Owned by DeMarchi Spears.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Vice Chairman Lofton noted the applicant has initiated the process for a conditional use permit but has planned events that will occur before the CUP process is complete. He moved for approval of the permit. Supervisor Slaughter seconded the motion which carried as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

OUTDOOR FESTIVAL PERMIT REQUEST: TYLER WAKEMAN – PEAK LEAF MUSIC & BREWERS FESTIVAL - APPROVED

Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday-Sunday, October 20 and October 21, 2018, from 9:00 A.M. October 20, 2018 Until 12:00 P.M. October 21, 2018 on the Grounds of 7180 Valley Pike, Middletown, Virginia, Back Creek Magisterial District. Property Owned by Wakeland Manor, Inc.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Upon motion of Vice Chairman Lofton, seconded by Supervisor Wells, the Board approved the permit on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

OUTDOOR FESTIVAL PERMIT REQUEST: GROVE’S WINCHESTER HARLEY-DAVIDSON – BATTLE OF THE BANDS AND VINTAGE BIKES - APPROVED

Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, May 19, 2018, from 10:00 A.M. to 5:00 P.M., (Rain Date to be Held on Saturday, June 9, 2018, from 10:00 A.M. to 5:00 P.M.), on the Grounds of Grove’s Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia, Shawnee Magisterial District. Property Owned by Jobalie, LLC.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Upon motion of Supervisor Trout, seconded by Supervisor Slaughter, the permit was approved on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

OUTDOOR FESTIVAL PERMIT REQUEST: GROVE’S WINCHESTER HARLEY-DAVIDSON – RHETT ROTTEN’S WALL OF DEATH – APPROVED

Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday and Sunday, June 16 and June 17, 2018, from 9:30 A.M. to 3:30 P.M. Each Day, on the Grounds of Grove’s Winchester Harley-Davidson, 140 Independence Drive, Winchester, Virginia, Shawnee Magisterial District. Property Owned by Jobalie, LLC.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Upon motion of Supervisor Trout, seconded by Supervisor Dunn, the permit was approved on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

PROPOSED SCHOOL BOND FINANCINGS BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA – APPROVED

Notice is Hereby Given that the Board of Supervisors (The "Board") of the County of Frederick, Virginia (the "County") will Hold a Public Hearing in Accordance with Section 15.2-2606 of the Code Of Virginia of 1950, as Amended, on the Issuance of General Obligation School Bonds (the "Bonds") of the County in an Aggregate Principal Amount Not to Exceed \$27,000,000 to Finance Certain Capital Projects for Public School Purposes, Consisting Primarily of the Construction and Equipping of the 12th Elementary School Located at Snowden Bridge. A Resolution Authorizing the Issuance of the Bonds will be Considered by the Board of Supervisors at Its Meeting on Wednesday, March 14, 2018. All Interested Parties are Invited to Attend and Present Oral or Written Comments.

Supervisor Trout stated she wants to disclose for the record, relative to this item and pursuant to the State and Local Government Conflict of Interests Act, that she is employed by Frederick County Public Schools as a teacher and therefore is a member of a group who is or may be affected by the item, and that she is able to participate in the transaction fairly, objectively, and in the public interest.

Mr. Tierney clarified the verbiage in the bond financing agreement saying the numbers allow for fluctuations in the bond markets and do not indicate that the County will borrow more than \$27 million.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Supervisor Wells moved to approve adopting the resolution authorizing the issuance of the bonds as requested. Supervisor Trout seconded the motion.

Supervisor Dunn clarified that prepayment is limited and encouraged the schools to find money with no prepayment penalty. Supervisor Slaughter reiterated the difference in the numbers in the agreement is strictly for the fluctuation in the markets and noted the County is not paying \$1.3 million for the issuance of the bonds.

The motion carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

+ + + + + + + + + + + + + + +

PLANNING COMMISSION BUSINESS:

PUBLIC HEARINGS

REZONING #05-17 FOR O-N MINERALS (CHEMSTONE) d/b/a CARMEUSE LIME & STONE – PUBLIC HEARING CONTINUED UNTIL APRIL 25, 2018

Submitted by Lawson and Silek, PLC., to Amend the Proffers for this Property; Rezoning 394.2 Acres from the EM (Extractive Manufacturing) District with Proffer to the EM (Extractive Manufacturing) District with Revised Proffers. The Properties are Situated Generally West of the Town of Middletown. Specifically, the Middle Marsh Property is Located East of Belle View Lane (Route 758), and West and Adjacent to Hites Road (Route 625) and is Further Traversed by Chapel Road (Route 627). The Northern Reserve is Bounded to the South by Cedar Creek and is West and Adjacent to Meadow Mills Road (Route 624). The Properties are Identified with Property Identification Numbers 83-A-109 and 90-A-23 in the Back Creek Magisterial District.

Assistant Director of Planning Candice Perkins said the Applicant is seeking to revise the proffers pertaining to viewshed plans, berms, landscaping and cemetery access related to Rezoning #03-06 for O-N Minerals (Chemstone) which was approved in 2008. She said this proffer amendment proposes to remove the previously proffered Overall Plan, Phasing I, II, III and IV Plans and six of the twelve viewshed plans, and proposes to utilize a Generalized Development Plan and nine viewshed plans. She continued saying this amendment seeks to revise the timing of the installation of the berms, revise the heights of the berms, seeks to remove the landscaping exhibit for the berms, revises the access for one of the two cemeteries and removes the water supply and reclamation proffers.

In reference to the berm timing revisions, Ms. Perkins said the proposed amendment states that the berms would be installed after permitting and one year prior to the extraction of material for processing. She said this greatly reduces the timing for the landscaping to become established and appears to allow for a significant earthwork prior to berm installation and added there is no timing for Berm C south of Chapel Road.

Ms. Perkins noted that the approved proffers state that “access via public secondary roads shall be limited to the quarry entrance on McCune Road,” Proffer 2.1 prohibits access to Chapel Road for quarry operations, and the proffered GDP also indicate a proposed tunnel under Chapel Road.

Ms. Perkins said the Planning Commission at their February 21, 2018 meeting unanimously recommended denial of this application. She noted that the Applicant submitted revised proffers following review by the Planning Commission (dated March 2, 2018). Ms. Perkins concluded saying that elements of the rezoning application have been identified that should be carefully evaluated to ensure that they fully address the impacts associated with this amendment, specifically elements pertaining to the timing of Berms C and D, the berm heights for Berm D and that the cemetery access should be evaluated.

Ty Lawson, representing Carmeuse, introduced Michael Wilmoth of Carmeuse who provided an overview of the request. Mr. Wilmoth said the company met with the neighbors of the property in question and the consensus was that moving the berm and changing the berm timeline were good things. He discussed a list of 11 items that were requested by the neighbors saying Carmeuse has been able to agree to eight of them.

Supervisor Dunn discussed berm heights and suggested that the third-party noise survey

report on berm heights be shared with the neighbors to alleviate some of their concerns.

Mr. Lawson said the re-zoning and amendment process was begun in 2016 and that County staff had suggested in 2017 that the company review what had been accomplished since the original rezoning in 2008. He highlighted the changes.

Dr. Clarence R. Geier discussed the Phase I Archeological Survey which was conducted on the property.

Supervisor Dunn inquired if there could be a change regarding the ten-year waiting period before operations begin. Mr. Lawson said the proffer amendment calls for the waiting period to be at least one year.

Chairman DeHaven opened the public hearing.

The public hearing speakers were as follows:

John Owens, Back Creek District, wonders why the proffers are being changed now saying the proffers are bad for the County and the citizens because they benefit Carmeuse and not the citizens. He noted the money spent at Clear Brook, the new truck traffic that would come and issues with water rights in the area. He asked the Board to think carefully before approving the amendment.

Richard Dye, Back Creek District, said he has concerns about the section 2 berm. He said he is in favor of the ten-year waiting period and the 30' berm, adding that he wants to see definitive language about what portion could encroach on the Middle Marsh Brook stream area.

Kevin Barrington, Back Creek District, said that blasting is the issue rather than berm heights. He said the original rezoning in 2008 was irresponsible and is the real problem. He said he had asked Carmeuse for several things and they are not compromising. He concluded saying the 30' berm is the way to go.

Bill Hunter, Back Creek District, said his concerns are with the documents. He said the citizens have not been able to get involvement from the Board of Supervisors, yet Carmeuse was able to meet with the Back Creek District Supervisor. He continued saying that Carmeuse was not compromising, the neighbors have worked hard to get to agreement with Carmeuse and the 2008 rezoning sealed the fate of the neighbors who are losing equity in their homes. He referred the Board members to the Vision Statement issued in March 2009 which speaks to attracting business to the County.

Mike Swigert, Back Creek District, said much of the controversy is the 2008 rezoning. He said each resident has different requests, and that moving the berm is a good idea.

Robin Young, Back Creek District, said that Carmeuse has been condescending and bullying to the neighbors. She reminded the Board that VDOT comments on the matter say access to Chapel Road is granted contingent upon the approval of VDOT.

Ed Streun, Back Creek District, said he prefers the berm be built later when excavation begins saying the revised proffer at least gets the dirty part of the job out of the way.

Kurt Burgoyne, Back Creek District, said the issue is money and Carmeuse wants to spend as little as possible. He said the 2008 rezoning was in favor of Carmeuse and now the new proffers allow Carmeuse to do less to protect their neighbors. He asked the Board not to allow Carmeuse to add to its bottom line at the expense of Frederick County residents. He asked the

Board to vote to deny the amendment or at least send it back for further review.

Bruce Neal, Back Creek District, said Carmeuse will be mining stone and if done under the original proffers it will be worse for the neighbors.

Keon Banks, Back Creek District, said in reference to the timing of the berms that 365 days is not long enough for a tree to become secure enough to withstand blasting. He said he would like to see more negotiations and that the proffer wording needs to be revised. He asked the Board to assist with the resident-Carmeuse negotiations, adding that the wording of the proffers is not yet where it should be.

Mary Bowser, Back Creek District, said the 2008 rezoning affected her. She said there are few ways residents can have an impact on what is happening to them and asked for help with the proffer language to assist in protecting the neighbors.

Paul Kisak, said he is a resident of Chapel Road, said he agrees with his neighbors that there will be damage to lifestyle and homes in the area. He suggested an extension to allow the Board to review the proffer language. Mr. Kisak said the residents literally will be living in an earthquake zone. He supplied a written statement to be distributed to the Board members.

Paul Clevenger, Back Creek District, thanked Chairman DeHaven for voting against the rezoning as a Board member in 2008. He said his biggest concern is the tree line area.

Bill Hunter added to his earlier remarks about the County's vision statement which mentions quality of life. He said the majority of the citizens want more time for the matter to be considered, and also want no more compromise with Carmeuse unless the Board helps with discussions.

Robin Young added to her earlier remarks reiterating that VDOT wants to be involved in the matter but were unaware of the project. She asked the Board to table the issue, adding that Supervisor Dunn has been out to visit with the residents and suggested more of that would be helpful.

Paul Kisak added to his earlier remarks saying the proffer language is not close to being completed. He said that test blasting should be performed because all neighbors are being put at risk.

Chairman DeHaven closed the public hearing.

Mr. Lawson responded to the public hearing comments. He said he appreciated the time and comments of the Board and the project's neighbors. He said there have been seven amendments to the proffers and highlighted the proposed changes.

Vice Chairman Lofton requested a sidebar conversation with Mr. Lawson and the Carmeuse representatives.

Chairman DeHaven called a three-minute recess.

Chairman DeHaven recognized Vice Chairman Lofton.

Vice Chairman Lofton said there were issues still outstanding and moved that the vote be postponed. Supervisor Wells agreed with the postponement. Supervisor Slaughter suggested that the public hearing be continued until April 25 stating that it would be helpful to hear from the citizens to ensure that an agreement has been reached. Vice Chairman Lofton amended his motion to request continuing the public hearing until April 25. Supervisor Dunn seconded the

motion which carried on a voice vote.

CONDITIONAL USE PERMIT #09-17:GREGORY A. BISHOP (SHENANDOAH MOBILE, LLC) COMMERCIAL TELECOMMUNICATION FACILITY-APPROVED

Submitted to Construct a Wireless Commercial Telecommunication Monopole Tower with Supporting Equipment in a Fenced Compound. The Property is Located at 219 Round Hill Road, Winchester, Virginia and is Identified with Property Identification Number 52-A-254 in the Back Creek Magisterial District.

Mark Cheran, Zoning & Subdivision Administrator, introduced the conditional use permit request. He said if the Board were to approve the permit, the following conditions are recommended by the Planning Commission:

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

In addition, Mr. Cheran said that should the Board of Supervisors find that the waiver to the required setback is acceptable, a motion to recommend approval of the setback reduction of 69' to allow the tower to be 134' from the identified property would be appropriate.

Supervisor Dunn inquired if the setback were big enough to accommodate the collapse of the tower. Mr. Cheran explained the structure is designed to collapse on itself. Supervisor Slaughter verified the tower height of 138'.

Lynn Koerner, site acquisition specialist with Shentel provided an overview of the process for choosing the proposed site.

Supervisor Dunn asked whether the surrounding property owners had been notified of the request, and Mr. Cheran replied affirmatively.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing.

Vice Chairman Lofton moved for approval of the conditional use permit #09-17 with the six conditions recommended by the Planning Commission and including the setback waiver as requested by the applicant. Supervisor Slaughter seconded the motion.

Supervisor Dunn asked whether the Planning Commission had received any objections to the permit. Mr. Cheran said that no objections had been received but one resident spoke in favor of the project because it will boost his wireless service.

The motion carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

PROPOSED SPRINGDALE ROAD TRUCK RESTRICTION – PROPOSAL TO CLOSE ROUTE 649 TO TRUCKS FROM ROUTE 11 TO ROUTE 651 – APPROVED

The Proposed Alternative Route is Route 651 and Route 11. This Restriction Will Apply to Commercial Vehicles Exceeding 30 Feet in Length.

Assistant Planning Director-Transportation John Bishop introduced the Truck Restriction Proposal. He said the section of Springdale Road in question is a rural secondary road with narrow pavement measuring approximately 20’ at the widest location. He said staff observed that the roadway is narrower than that along most of its length, resulting in insufficient area for trucks and passenger vehicles to pass without one or the other moving off of the roadway. Mr. Bishop added the roadway is very winding and includes a railroad crossing that is on a significant elevation change, and a reasonable alternative route exists in the form of Apple Valley Road to Shady Elm Road with an additional alternative expected to be implemented in the form of the Renaissance Drive Extension. Mr. Bishop concluded saying the Transportation Committee has considered this item and recommends approval.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing.

Vice Chairman Lofton moved that the Board of Supervisors adopt the resolution requesting that the Commonwealth Transportation Board, or its designee, consider restricting thru truck traffic on Springdale Road (Route 649), from Route 11 to Shady Elm Road (Route 651). Supervisor Slaughter seconded the motion which carried as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

2018-2023 CAPITAL IMPROVEMENT PLAN (CIP)

The CIP is a Prioritized List of Capital Projects Requested by Various County Departments and Agencies. The Plan is Created as an Informational Component of the 2035 Comprehensive Plan.

Assistant Planning Director Candice Perkins introduced the item. She said the CIP is a document that provides project recommendations from various County Agencies and tables that outline the projects and cost estimates for those projects, and shows projects for the ensuing five-year period, as well as long term projects (6 + years out). Ms. Perkins said the 2018-2023 CIP follows the format that was recently adopted with the 2017-2022 CIP. She said the inclusion of projects on the CIP is in no way an indication that Frederick County will be funding projects. She added that the CIP is strictly advisory; it is intended for use as a capital facilities planning document, and not for requesting funding allocations. Ms. Perkins said once adopted, project priorities and cost estimates may change throughout the year based on changing circumstances and it is also possible that particular projects may not be funded during the year that is indicated in the CIP. She said this year’s CIP continues to reinforce the connection between the CIP, the

2035 Comprehensive Plan, and future rezoning applications. Ms. Perkins concluded saying staff is seeking a decision from the Board of Supervisors on the adoption of the 2018-2023 Capital Improvements Plan.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing.

Supervisor Slaughter moved for approval of the 2018-2023 Capital Improvement Plan. Supervisor Trout seconded the motion.

Vice Chairman Lofton pointed out that while the document sets out dates and project schedules, it is not written in stone. Chairman DeHaven agreed that the document is a planning tool. He thanked staff for the hard work in producing the CIP.

The motion carried on a roll call vote as follows:

| | | | |
|--------------------------------|------------|--------------------------------|------------|
| Blaine P. Dunn | Aye | Shannon G. Trout | Aye |
| Gary A. Lofton | Aye | Robert W. Wells | Aye |
| J. Douglas McCarthy | Aye | Charles S. DeHaven, Jr. | Aye |
| Judith McCann-Slaughter | Aye | | |

+ + + + + + + + + + + +

BOARD LIAISON REPORTS

There were no reports.

CITIZEN COMMENTS

Dr. David Sovine, Superintendent of Frederick County Public Schools, responded to the earlier comments from the Board regarding the schools’ facilities and operations. He said his budget request for FY 19 addresses many capital needs, and he highlighted some of the larger needs. He reminded the Board that at the January 16 joint meeting, the high maintenance costs at Aylor since 2011 were discussed. He said the Aylor building first appeared on the School Board CIP in 2004. Dr. Sovine said that FCPS has a much lower ratio of maintenance personnel to student population than the state average and while the staff is talented, they have challenges with the limited budget.

Joy Kirk, Back Creek District, said the area is growing and the schools are becoming overcrowded which causes wear and tear on the buildings. She said the County needs to be funding the maintenance requests of the schools.

Brandi Hammond, Shawnee District, addressed Vice Chairman Lofton’s remarks about ongoing school maintenance. She said in other localities buildings are updated and renovated, but this can’t be done without adequate funding. She referred the Board members to the School budget document titled Impact of Reduced Funding and highlighted the item regarding costs rising because of lack of preventive maintenance.

Carrie Carmichael, Shawnee District, reiterated the importance of school funding and asked the Board to give the schools the funding they have requested.

Dana Newcomb, Gainesboro District, said the Board of Supervisors and tax payers have the responsibility for providing funding to construct and maintain the school facilities. He said the responsibility for identifying and executing the maintenance of the school buildings belongs to the School Board and administration. He said he was impressed with the School Board’s

ability to mobilize supporters of their cause to speak during the meeting, but their comments show the schools' inability to conduct routine building maintenance. He said it was unethical to reflect the maintenance responsibility back to the Board of Supervisors.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn recognized the Deputy County Administrator Jay Tibbs and Assistant Finance Director Sharon Kibler for their work in creating the Vehicle Replacement Program Model.

Supervisor Dunn said he has visited Aylor and talked to the students and teachers.

Supervisor McCarthy commended the young members of the audience for doing their civic duty by attending the meeting and sharing their views.

Supervisor Trout said the integrity of the School Board should not be questioned adding that the School Board did not manipulate or plan the attendance of the parents and students at the meeting. She thanked Ms. Hammond for her comments on maintenance adding that the Board members should be good stewards of the tax payers' money. Supervisor Trout said if funds for maintenance are not provided, then the Board of Supervisors is the reason for the school buildings failing.

By consensus, the Board agreed to a joint School Board-Board of Supervisors work session on March 28.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Trout the meeting was adjourned at 10:25 P.M.

BOS Minutes of March 14, 2018 Appendix 1

To: Jay Tibbs, Deputy County Administrator for Human Services
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: February 21, 2018

The Parks and Recreation Commission met on February 20, 2018. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Amy Strosnider, and Robert Wells (Board of Supervisors' Non-Voting Liaison). Members absent: Guss Morrison, Charles Sandy, Jr.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Buildings & Grounds Committee – Frederick Heights Plan – The Buildings and Grounds Committee recommended submitting the Frederick Heights Plan with the Preserved Open-Space option, then once bids are received, consider moving to the BMP filtration option if project budget allows, second by Mr. Fordney, motion carried unanimously (6-0).
2. Youth Sports Committee – Youth Sports Partners Agreements – The Youth Sports Committee recommended to accept the YSP Agreements with Blue Ridge Youth Soccer, Frederick County National Little League and Frederick County American Little League, second by Mr. Longerbeam motion carried unanimously (6-0).

cc: Randy Carter, Chairman
Robert Wells, Board of Supervisors' Non-Voting Liaison

MEMORANDUM

TO: Board of Supervisors
FROM: Joe C. Wilder, Director of Public Works *JCW*
SUBJECT: Public Works Committee Report for Meeting of February 27, 2018
DATE: March 22, 2018

The Public Works Committee met on Tuesday, February 27, 2018, at 8:00 a.m. All members were present. The following items were discussed:

Chairman McCarthy began the meeting with an acknowledgment of the great service of committee member Dave Ganse who recently and suddenly passed away. Mr. Ganse had served on this committee for four (4) years. A resolution honoring Mr. Ganse and recently deceased committee member James T. Wilson will be acknowledged at the February 28, 2018 Board of Supervisors meeting.

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

1. Adoption of the revised charter for the Shawneeland Sanitary District Advisor Committee:

At the request of Supervisor Lofton, Back Creek District Supervisor, staff was tasked with reviewing and updating the Shawneeland Advisory Committee procedures and guidance document that was most recently updated in 2005. Mr. Lofton felt that an update to this document could assist county staff in working with the Advisory Committee better and providing more structure to the committee. Over the last couple of years, there has been a decline in receiving adequate committee meeting agendas, lack of reporting, poor communication with advisory members and the fact that information wasn't being reported out of the advisory committee to county staff.

Recently, Supervisor Lofton, along with District Manager Kevin Alderman, Assistant County Attorney Erin Swisshelm and myself met to review the older document and make edits and updates to the procedure document. Through several edits, a proposed charter is being recommended for consideration by the Board of Supervisors. The revised charter outlines a much cleaner outline of how the Advisory Committee should function and how the advisory committee will be a part of the Public Works Committee structure.

County Staff will provide additional direction to the advisory committee and will provide draft agenda documents and ensure meeting minutes are reported to the Public Works Committee for passage onto the Board of Supervisors. The charter also assists Frederick County to ensure the advisory committee members are engaged and attend the quarterly advisory committee meetings.

Public Works Committee Report

Page 2

March 22, 2018

After some additional discussions, it was recommended that the attached charter for the Shawneeland Sanitary District Advisory Committee be forwarded on to the Board of Supervisors for consideration and approval. Supervisor Wells recommended approval of the motion and Supervisor Lofton seconded the motion. The committee unanimously approved the motion.

(Attachment 1)

2. Adoption of the Proposed Vehicle Replacement Program:

Jay Tibbs, Deputy County Administrator led a discussion about a proposed vehicle replacement program for vehicles owned by Frederick County. In the past, it has been difficult to know when a vehicle should be replaced. Staff has developed a model input/points system to evaluate vehicles and determine in a more systematic way when a vehicle should be replaced. Attached is a summary of the current vehicles that are proposed to be replaced in order to see how the model works.

There was wide support from the committee about the proposed vehicle replacement model and the committee endorsed the program. The committee recommended that the Vehicle Replacement Program Model be forwarded to the Board of Supervisors for their consideration and approval. Supervisor Wells recommended approval of the motion and committee member Gene Fisher seconded the motion. The committee unanimously approved the motion.

(Attachment 2)

3. Disposition of the old Frederick County Middle School:

Recently, the Frederick County School Board conveyed back to the Frederick County Board of Supervisors the old Frederick County Middle School located at 441 Linden Drive within the City of Winchester, Virginia. It is the intent of Frederick County to attempt to sell the property and the building. To fully know all the issues related to the property and the building, Frederick County engaged the services of Marsh & Legge Land Surveyors to perform a boundary survey, as-built survey, a review of all utilities and easements, etc. Scot Marsh, L.S. discussed his findings with the committee and provided a summary report and exhibit map that shows the entire property and improvements.

The entire tract of land is 22.7960 acres with the building being two stories with 64,000 square feet each floor. We discussed the status of all the utilities on the property and adjacent property owners. In summary, the property is valuable and there have been several inquiries from local companies with a strong interest in purchasing the property.

Therefore, it is the committee's recommendation that we place an advertisement to accept bids for the purchase of the old Frederick County Middle School. We have provided a draft advertisement that would be placed in the local papers to receive bids from companies. The committee recommends that the Board of Supervisors allow staff to receive bids for the property and buildings. It is noted that Frederick County has the right to reject any and all bids as so noted in the advertisement. Committee member Whit Wagner recommended approval of the motion to advertise for bid and Supervisor Wells seconded the motion. The committee unanimously approved the motion.

(Attachment 3)

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

1. Update on the new Stephenson Convenience Site:

Mike Stewart, Senior Project Manager gave an update on construction activities at the new site. Wet soil conditions have slowed grading operations at the site, however, some progress is being made. The lower parking area and slab have been graded to final elevations. All topsoil has been removed and grading along the entrance road has been on-going. Placing a new water main will begin this week and utility movements are on-going. We are anticipating that the project will be completed on-time.

2. Update on use of the existing Clearbrook Convenience Site:

We reported to the committee that in further discussions with Carmeuse, they have extended the date on use of the existing site. Their concern is that they have to perform blasting operations every day in close proximity to the existing site. They usually blast every day around 4:30 pm. Therefore, we have agreed to close the existing Clearbrook site at 4:00 pm each day starting on March 19, 2018. This will allow them to blast each day and not create a safety issue. The weekend hours will remain unchanged. By performing the early closing, we will be able to operate our existing site till the end of May 2018. We should be able to operate at the new Stephenson Convenience Site by then and cease operations at the Clearbrook site.

3. Update on Frederick County's Glass Recycling Program:

Staff gave an update on the status of glass recycling for Frederick County. We gave the committee a brief summary of why we stopped glass recycling in November 2016. Our only option was to pay a very expensive tipping fee with no guarantee that the material would be recycled. Under this option, there still would be a possibility that Frederick County would have to pick up and haul the material to the landfill.

Since that time, staff have continued to look for markets to recycle glass but there is still no viable market. Gloria Puffinburger, Solid Waste Manger has done additional research looking at local glass recycling markets. She has discussed options with the Department of Environmental Quality (DEQ), the Glass Recycling Institute, Virginia Recycling Association and Virginia Association of Counties (VACO). The attached memorandum from Ms. Puffinburger describes her research along with charts describing the local market options and what adjacent localities are doing.

In summary, there are no viable cost-effective options for the glass recycling program for Frederick County. Due to our remote location, there are no glass processors in the region that would allow our glass to be marketable. The committee took no additional action and we will continue to not recycle glass at this time. We will continue to look for possible markets and if something becomes available, we will inform the Board of Supervisors.

(Attachment 4)

Public Works Committee Report

Page 4

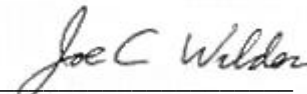
March 22, 2018

4. Miscellaneous Reports:
- a) Tonnage Report
(Attachment 5)
 - b) Recycling Report
(Attachment 6)
 - c) Animal Shelter Dog Report
(Attachment 7)
 - d) Animal Shelter Cat Report
(Attachment 8)

Respectfully submitted,

Public Works Committee

J. Douglas McCarthy, Chairman
Gary A. Lofton
Robert W. Wells
Whitney "Whit" L. Wagner
Gene E. Fisher

By 

Joe C. Wilder
Public Works Director

JCW/kco

Attachments: as stated

cc: Kris Tierney, County Administrator
Jay Tibbs, Deputy County Administrator
Ron Kimble, Landfill Manager
Gloria Puffinburger, Solid Waste Manager
Kevin Alderman, Shawneeland Sanitary District Manager
Mike Stewart, Senior Project Manager
file

MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Assistant Director - Transportation JB
RE: Transportation Committee Report for Meeting of February 26, 2018
DATE: March 1, 2018

The Transportation Committee met on Monday, February 26, 2018 at 8:30 a.m.

Members Present

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

Members Absent

Mark Davis (liaison Middletown)

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

1. Revenue Sharing Agreement-Northern Y (see attached):

An agreement governing revenue sharing funds and match for the Tevis Extension from the roundabout north and east to Route 522. The current project cost estimate is \$3,500,000.00. The state revenue sharing funds awarded \$2,193,145.00. The exit clause is at 30% design if the cost estimate is unacceptable. Glaise Development will provide up to \$1.2 million in matching funds. The County will have the option to cover the shortfall or end the project upon the update of the cost estimate at 30% design.

Staff is seeking a recommendation to the Board of Supervisors on whether to execute the agreement and authorize Staff to proceed to approximately 30% design and the associated updated cost estimate. It is noted that regardless of the amount of the cost estimate, Staff will bring the agreement back before the Committee and Board of Supervisors. Staff recommends approving the agreement to allow 30% design.

Upon a motion by Mr. Schnoor, seconded by Mr. Racey to forward ratification of the Revenue Sharing Agreement -Northern Y for the purposes of reaching 30% and to authorize Staff to proceed with 30% design to the Board of Supervisors for recommendation of approval. The motion was unanimously approved.

2. SmartScale Applications Recommendation:

Frederick County is allowed four (4) SmartScale applications. The Transportation Committee in coordination with VDOT Staff had provided a list of thirteen (13) projects to the Committee with one (1) added during the January meeting. The following are seven (7) potential projects on the Frederick County shortlist based on Committee feedback. The list is not in priority order:

- *Route 11 South-Stars* *Frederick County*
- *Exit 317 and Redbud Road* *Frederick County*
- *Exit 317Northbound on ramp* *Frederick County*
- *Route 522 Costello Drive-left turn* *Frederick County*
- *Route 37 (Lenoir Drive slip ramps)* *Frederick County*
- *Route 11 North (4 lane widening)* *Frederick County*
- *Exit 307 Improvements* *Frederick County*

The proposed project recommendations for Frederick County four (4) applications with the VDOT Staff evaluation for competitiveness and appropriateness were narrowed down to the following:

- *Exit 317 and Redbud Road* *Frederick County*
- *Exit 317Northbound on ramp* *Frederick County*
- *Route 522 Costello Drive left turns* *Frederick County*
- *Route 11 South-Stars* *Frederick County*

The proposed project recommendations for MPO applications are as follows:

- *Exit 313 Bridge* *MPO*
- *Exit 307* *MPO*
- *Greater I-81* *MPO*

The proposed recommendation for the Winchester application is as follows:

- *Route 11 South-Shawnee area* *Winchester*

The proposed projects recommended not to proceed are as follows:

- *Route 37 (Lenoir Drive slip ramps)*
- *Route 11 North (4 lane widening)*
- *Route 7*
- *Inverlee Way*
- *Route 277 (Sherando Park Entrance)*

The Committee thoroughly discussed the proposed recommendation list of SmartScale applications for Frederick County. The Committee recommended substituting the Exit 317-Northbound on-ramp with the Route 11 North (scope to be determined). Also, recommended was to include the Exit 317-Northbound on-ramp into the Greater I-81 project for the MPO applications. The following is the list recommended by the Committee for projects that Frederick County should apply for through the SmartScale application process and the MPO projects to be promoted at the Regional Commission level:

- *Exit 317 and Redbud Road* *Frederick County*
- *Route 11 North (lane widening)* *Frederick County*
- *Route 522 Costello Drive left turns* *Frederick County*
- *Route 11 South-Stars or Route 11 Shawnee* *Frederick County*

- *Exit 313 Bridge* *MPO/RC*
- *Exit 307* *MPO/RC*
- *Greater I-81 include Exit 317 NB on-ramp* *MPO/RC*

- *Note: If the City does not apply for Route 11 South-Shawnee area, the County would apply for this project and move Route 11 South-Stars to the MPO/Regional Commission list.*

Upon motion by Mr. Racey and seconded by Mrs. McCann-Slaughter the Committee forwarded the above list of SmartScale applications and MPO projects to be promoted at the Regional Commission to the Board of Supervisors for recommendation of approval. The motion was unanimously approved.

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

3. County Project Updates

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

Staff is in discussions with VDOT regarding roundabout design and expects to get key guidance this week that will impact that portion of the project. Airport Road design plans are moving forward from the 60% comments. The Northern Y is connected to this project and is on the earlier portion of the agenda.

Renaissance Drive:

Survey work on the site is nearly complete and discussions are ongoing with First Energy regarding powerline adjustments needed to accommodate the bridge. Bridge designer has provided some preliminary options. Staff is awaiting response from CSX regarding the design review agreement.

Coverstone Drive:

No activity at this time.

Jubal Early Drive Extension and Interchange with Route 37:

Staff has recently received phone calls from the private partner with questions on details and timelines.

4. Upcoming Agenda Items:

March

MPO Route 11 South-Stars Study

Oakdale Crossing Traffic Calming Study

April

Begin Interstate, Primary, and Secondary Road Plan updates (dependent on VDOT projections becoming available)

5. Other Business:

JAB/ks

REVENUE SHARING AGREEMENT

THIS AGREEMENT, made and dated this ___ day of _____, 2018, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “County”), a political subdivision of Virginia, and **FLG RESIDUAL TRUST PROPERTIES, LLC (“FLG”) and CAMPFIELD LLC (“Campfield”)** (collectively, FLG and Campfield are referred to as “Glaize”), a Virginia limited liability company.

RECITALS:

1. Glaize is the owner of tax parcel numbers 64-A-9 and 64B-A-73B (the “Property”).
2. The Virginia Department of Transportation (“VDOT”) administers the Revenue Sharing Program (“Revenue Sharing Program”), in cooperation with participating localities, under the authority of Section 33.2-357, effective Oct. 1, 2014, of the *Code of Virginia*.
3. The County and Glaize intend to fund the Project (defined below) using funds from Glaize and matching revenue sharing funds that the County has obtained from the Commonwealth’s Revenue Sharing Program.
4. The parties desire to arrange for the design and construction a street section as follows (the “Project”):

Tevis Street Extension, as a segment from the shared property boundary with parcel 64-A-10 to Route 522, relocation of the Elks lodge entrance, required upgrades to Route 522 as needed to accommodate the new intersection, right of way acquisition, VDOT approved entrance to the adjoining parcels with turn lanes, bicycle and pedestrian accommodations consistent with County requirements and within VDOT standards, required landscaping and streetlights allowable within the scope of the Revenue Sharing Program, and any unforeseen required items to implement the roadway. This segment shall be designed and constructed in a form mutually agreed upon by the County and Glaize that meets or exceeds VDOT standards that are in force at the time of final road design plan approval.

5. The parties desire to finance the Project using funds of up to \$1,200,000.00 Glaize will provide which can be matched on a dollar for dollar basis with VDOT revenue sharing funds (the “Matching Funds”) to be provided by VDOT within the rules and scope of the VDOT Revenue Sharing Program. In addition, the County shall provide such additional funds (the “County Funds”), which can be matched on a dollar for dollar basis by VDOT revenue sharing funds as available, as may be necessary in the event costs for the Project

exceed \$2,400,000.00. Expenditure of the County Funds will become applicable only after the Glaize Funds have been fully expended.

6. The Glaize Funds, County Funds, and the Matching Funds are collectively referred to herein as the "Project Funds."

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars, (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. **RECITALS:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.
2. **THE PROJECT:**
 - a. The Glaize Funds, County Funds, and the Matching Funds shall be applied and expended in order to design and construct the Project described in the Recitals.
 - b. In the event that unforeseen design, engineering, right of way, environmental, and/or construction issues are encountered that exceed a project budget of \$2,400,000 (\$1,200,000 in Glaize funds and \$1,200,000 in Matching funds), the County agrees to expend such additional funds as are necessary in order to address such unforeseen design, engineering, right of way, environmental, and/or construction issues.
3. **COUNTY RESPONSIBILITIES:**
 - a. The County shall act as fiscal agent and project manager for the Project. The County's responsibilities as fiscal agent and project manager shall include management and oversight of all roadway design, approvals and permitting, construction management, and right-of-way acquisition, as well as invoicing of Project costs to VDOT and to Glaize.
 - b. The County shall give notice to Glaize of the intended commencement of construction of the Project not less than fifteen (15) days prior to the commencement of construction.
 - c. The County shall arrange for use of Matching Funds once the Glaize \$1,200,000.00 is expended and 100% of project funding after all available VDOT funds are expended.
 - d. Upon receipt of the bids for the Project, if the bids show that the Project cost will exceed \$2,400,000.00, the County may elect not to proceed with the Project, in which

case this Agreement shall be deemed terminated and the parties shall have no further obligations to each with respect to the subject matter of this Agreement.

- e. The County may enter into agreements, if necessary, with utility companies, VDOT, or unforeseen others as may be necessary in relation to the Project.
- f. As project manager, the County shall supervise all aspects of the Project, which shall be done in a good and workmanlike fashion in accordance with applicable VDOT standards.
- g. In the event that a mechanic's lien or other claim is filed against the Property arising from or in connection with the Project, the County agrees to promptly bond off any such mechanic's lien or claim with a portion of the Project Funds, to the extent permissible under applicable law.
- h. The County shall return all unspent Glaize Funds to Glaize at the conclusion of the Project.
- i. The County shall request the new roadway to be adopted into the State system within 30 days of receiving final paperwork and clearances required for adoption from VDOT.

4. GLAIZE'S RESPONSIBILITIES:

- a. Glaize shall provide all required right of way dedication of property it controls, permanent grading and drainage easements, and temporary construction easements to the County prior to County award of the construction contract. Costs for provision of these items will be borne by Glaize and not be reimbursable with Matching Funds.
- b. The County shall undergo the design process in two phases, with Phase I being complete at the conclusion of approximately 60% of the design and associated updated cost estimate. Phase II shall be the completion of the design and subsequent bidding and construction of the project. The County will not proceed to Phase II without prior written consent of Glaize. In the event that Glaize fails to authorize Phase II within 45 days of County request, such lack of response shall be deemed a denial to proceed and the County shall have the ability to cancel the Project.
- c. Glaize's contribution to the total amount of incurred for Phase I road design services shall not exceed \$70,000.00. Glaize will pay the County \$35,000.00 toward Phase I costs upon execution of this Agreement. In the event the Project does not proceed to

Phase II, Glaize shall pay the County an additional \$35,000.00 for a total payment of \$70,000.00 for Phase I costs, within 10 days of receipt of written notice terminating this Agreement for failure to proceed to Phase II. Upon payment by Glaize in response to such notice, this Agreement shall thereupon be terminated.

- d. Upon issuing approval to proceed to Phase II of the project, Glaize shall provide to the County a letter of credit payable to the County in the amount of \$1,165,000.00 to secure the payments due from Glaize under the terms of this Agreement. In no event shall any institution issuing a letter of credit on behalf of Glaize be liable to the County for any amount greater than the amount to which Glaize may be liable to the County pursuant to the terms of this Agreement on the date the County makes claim for payment under the terms of any such letter of credit. Upon payment in full of all amounts due from Glaize under the terms of this Agreement the County consents to the release of any such letter of credit without further action from the County.
- e. Subject to the terms and conditions of this Agreement and so long as the County is not in default, Glaize shall remit one-half of the total amounts properly incurred by the County in the prior calendar month for the performance of services within the project description outlined in the recitals of this Agreement, up to \$1,200,000.00, within 30 days of receipt of an invoice for the same.
- f. Glaize shall provide full access to the Property for the purposes of construction, surveys, geotechnical work, or any other tasks related to design, engineering, environmental, and construction needs of the Project.

5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows:

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

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

Glaize: J.P. Carr, President
Glaize Developments, Incorporated
112 E. Piccadilly Street
Winchester, VA 22601

With a copy to:

Stephen L. Pettler, Jr.
Harrison and Johnston, PLC
21 South Loudoun Street
Winchester, VA 22601

6. ENTIRE AGREEMENT; AMENDMENTS; TIME:

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

7. GOVERNING LAW; VENUE: This Agreement shall be governed by and interpreted according to the laws of the Commonwealth of Virginia and any dispute hereunder shall be heard only in the Circuit Court of Frederick County, Virginia.

WITNESS the following signatures and seals:

COUNTY OF FREDERICK, VIRGINIA

By _____ (SEAL)

FLG RESIDUAL TRUST PROPERTIES, LLC

By _____ (SEAL)

CAMPFIELD LLC


By _____ (SEAL)

B



MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP, Director. 

RE: Resolution of support for Hiatt Run Apartments request for financing through the Virginia Housing Development Authority's (VHDA) Mixed Income Program.

DATE: March 22, 2018

Frederick County has received a request from Mr. Scott Rosenfeld, Manager/Member Hiatt Run Apartments. The request asks the Board of Supervisors to pass a resolution supporting the Hiatt Run Apartment project application for financing through the Virginia Housing Development Authority's (VHDA) Mixed Income Program.

As part of the resolution, Frederick County would be determining that the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced. Further, that private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe, and sanitary housing and supporting facilities that will meet the needs of low or moderate income persons and families in the surrounding area of the project. VHDA has stated that the content of the resolution cannot be amended as the statute is quite specific.

The resolution is attached for the Board's consideration. Staff has also included the request from Mr. Scott Rosenfeld and a letter from Mr. Dale Wittie, Director of Rental Housing Programs, VHDA, describing the program.

In summary, the intent of the VHDA Mixed Income Program is to create opportunities for development of affordable housing in areas that otherwise may have challenges for such development. The program requires that 20% to 30% of the units in the project are leased to families earning up to 80% of the area median income. The remaining units in the project have no such restrictions, and may be leased to families at any income level.

As an overview of the project, Hiatt Run is an apartment complex located on Martinsburg Pike in the Stonewall Magisterial District and is identified with PIN:44-A-17. The development of the project is nearly complete. In total, the project contains 120 Multi-family apartment units on 14.1 acres zoned RP (Residential Performance).

Please let me know if there are any additional questions.

MTR

Attachments:

BOS Resolution

Letter from Scott Rosenfeld

Letter from Dale Wittie, VHDA



RESOLUTION

Frederick County Board of Supervisors

RESOLUTION IN SUPPORT OF HIATT RUN APARTMENTS REQUEST FOR VHDA FINANCING. HIATT RUN APARTMENTS ARE LOCATED ON MARTINSBURG PIKE IN THE STONEWALL MAGISTERIAL DISTRICT

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia, desire to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the “Project”) described on Exhibit A attached hereto;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

(1) the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Passed this 28th day of March 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

J. Douglas McCarthy _____

Judith McCann-Slaughter _____

Shannon G. Trout _____

Blaine P. Dunn _____

Robert W. Wells _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

EXHIBIT A

Hiatt Run Apartments

PIN: 44-A-17
Martinsburg Pike
Stonewall Magisterial District

Zoning: RP (Residential Performance)
Use: 120 Multi-family Apartment Units

Site Plan #23-15
MDP #04-15
Rezoning #05-15

Hiatt Run Condos, LLC
179 Fenway Circle
Winchester, VA 22603
540-773-5836

March 23, 2018

Michael T. Ruddy, AICP
Director, Frederick County Department of Planning & Development
107 N. Kent Street
Winchester, VA 22601

Re: Hiatt Run Apartments & VHDA Financing Requirements

Mike,

Hiatt Run is approaching full build-out this summer and it has been well received as evidenced by the leasing velocity as each building is completed. Hiatt Run Condos, LLC, (Developer) wants to assure that the long-term, permanent, fixed rate, financing is secured prior to full completion, due to the ongoing rise in interest rates.

Our mortgage banker, Mike Lowry, Senior Vice President of NorthMarq Capital, out of their Richmond office, has submitted the permanent financing request to Fannie Mae, Freddie Mac and 25 life insurance company lenders. None of these lenders expressed interest in providing a forward commitment (locking the interest rate in the next month or so and then closing this summer). Fannie and Freddie would only consider the financing three months following completion of the last building (projected to be this July), and seven life companies would also be interested after the final building was complete. The biggest objection to providing financing was due to the smaller size of the Winchester MSA, regardless of the quality of the development, and this factor eliminated 18 life companies.

The Virginia Housing and Development Authority (VHDA), is very interested in providing this permanent financing, locking the interest rate in early May and funding in July, but it would be subject to Frederick County's Board of Supervisors passing a Resolution, in the form as attached, to ensure that 20% of the units (25) would be leased to those households making less than 80% of the MSA's median household income as published annually by the U. S. Housing and Urban Development agency (HUD). As of 2017, the median household income for the Winchester MSA was \$68,100. Therefore, the upper limit for qualifying would be those households making less than \$54,480 per year.

This VHDA taxable bond financing is **not** a voucher, rent restricted or low income housing tax credit (LIHTC) program. Instead, it is focused on high quality, Class A multifamily developments, like Hiatt Run, to provide a mixed income housing solution for the area's workforce.

Hiatt Run is the highest quality apartment community currently in existence in the MSA. It has also pioneered Frederick County's northern area in providing rental housing in close proximity to an area projected to be for major commercial and industrial growth, similar to the Amazon facility. With so many of the area's workforce being without quality housing options, the County would be making a commitment to its citizens in providing a small number of units under this VHDA program and likely helping lay the ground work for future developments elsewhere in the county.

If you have further questions or would like for VHDA and/or NorthMarq Capital to discuss this further or assist in the presentation to the Board of Supervisors please let Mike Lowry know at (804) 447-0475 or mlowry@northmarq.com

Thank you for your assistance.

Sincerely,

Handwritten signature of Scott Rosenfeld in black ink.

Scott Rosenfeld
Manager/Member



March 22, 2018

Michael T. Ruddy, AICP
Director, Frederick Co. Dept. of Planning & Development
107 N. Kent Street
Winchester, VA 22601

Re: Hiatt Run

Dear Mr. Ruddy:

The Virginia Housing Develop Authority's (VHDA) mission is to provide financing for the development of quality, affordable housing. As part of this mission, VHDA provides funding for construction and long-term loans for commercial multifamily developments which have units set aside for families meeting specified annual income limits. The need for affordable housing exists across a broad spectrum of family income levels. Localities across the Commonwealth each have their own needs and preferences for affordable housing as well. Local governments and developers need to be able to choose financing that fits the housing needs, preferences and demographic mix of their community. VHDA offers an array of financing products intended to provide such options.

We have received inquiries about permanent financing for Hiatt Run in Frederick County, with apparent interest in our Mixed-Income Program. Under this program, property owners are required to set aside 30% of the units to be leased to families earning up to 80% of area median income. In Frederick County median income is \$68,100; thus, those units would be made available to families earning up to \$54,480. The remaining units in the development have no such restrictions, and may be leased to families at any income level. These restrictions remain in place as long as VHDA financing remains on the property, but for a minimum of 10 years.

The intent of the Mixed Income Program is to create opportunities for the development of affordable housing in areas that may otherwise have challenges for such development. By targeting a mix of incomes, with a significant portion being unrestricted, this program does not create concerns regarding concentration of poverty.

VHDA's statutory authority to fund developments that have units with no income restrictions does come with a few conditions. While this discussion can be lengthy and complicated, for Hiatt Run it is relatively simple. The statute requires the local governing body to pass a resolution making certain assertions. The content of this resolution cannot be amended as the statute is quite specific.

VHDA has financed many Mixed Income developments in the last 10 years, and I would be happy to provide additional information, including photos of some of those developments if that would be helpful. I'm happy to any answer any questions you may have. My direct line is (804) 343-5876.

Sincerely,

Dale Wittie

Director of Rental Housing Programs

C

FREDERICK COUNTY RESOLUTION OF APPRECIATION

JUDY LYNN HESSE

WHEREAS, Judy Lynn Hesse served Frederick County, Virginia, for approximately 29 years as a dedicated employee; and

WHEREAS, Judy began her career as a Clerk Typist I in 1989 and received promotions to Secretary III in 1999, Administrative Assistant in 2000, and finally to Resource Management Specialist serving from 2013 until her retirement; and

WHEREAS, during her tenure, Judy progressively took on additional responsibilities and extra assignments and was noted for the quality and quantity of her work as well as her superior communication skills; and

WHEREAS, Judy was a successful multi-tasker who did exceptional work in keeping fire and rescue personnel outfitted with appropriate uniforms and personal protective equipment and excelled in building positive cooperative relationships with various County departments and volunteer firefighter leadership members,

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks to Judy Lynn Hesse for her dedication and dependability and wishes her all of the best in her 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 public servant.

ADOPTED this 28th day of March 2018.

Charles S. DeHaven, Jr.
Chairman

Gary A. Lofton
Back Creek District Supervisor

J. Douglas McCarthy
Gainesboro District Supervisor

Blaine P. Dunn
Red Bud District Supervisor

Robert W. Wells
Opequon District Supervisor

Judith McCann-Slaughter
Stonewall District Supervisor

Shannon G. Trout
Shawnee District Supervisor

Kris C. Tierney
Clerk

D



COUNTY of FREDERICK


Kris C. Tierney
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Kris C. Tierney, County Administrator 
DATE: March 23, 2018
RE: Committee Appointments

Listed below are the vacancies/appointments due through April, 2018. 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

Handley Regional Library Board

Gary A. Wygal – Frederick County Representative
311 Caroline Avenue
Stephens City, VA 22655
Term Expires: 11/30/21
Four year term

(See Attached Application of Amy Gray as Recommended by the Library Board/Staff and Application of Patricia L. Smith.) *(Mr. Wygal has resigned.) (The County has five seats on the Handley Regional Library Board. As stated in the library by-laws; members serve a four year term and are limited to two consecutive terms.)*

Economic Development Authority (EDA)

James L. Longerbeam
107 Cranberry Court
Winchester, VA 22602
Term Expires: 09/10/18
Four year term

(See Attached Applications of Heather McKay, Penny Mathias and Holly Combs.) *(Vacancy exists on the Economic Development Authority. There are seven members on the authority and members serve a four year term.)*

Social Services Board

Maximillion J. Press – Red Bud District Representative
117 Monticello Square
Winchester, VA 22602
Phone: (540)303-9404
Term Expires: 06/30/20
Four year term

(Staff has been notified that Mr. Press will be moving from the Red Bud District in February, 2018.)

Board of Building Appeals

David W. Ganse – Frederick County Representative
231 Soldiers Rest Lane
Winchester, VA 22602
Term Expires: 11/10/18
Five year term.

*(Vacancy Due to the Passing of Mr. Ganse.) (FYI - There are seven members on the Board of Building Appeals. One member serves as an alternate. Members serve a five year term. **Members should, to the extent possible, represent different occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect.**)*

MARCH 2018

No remaining appointments due.

APRIL 2018

Parks and Recreation Commission

Christopher Fordney – Red Bud District Representative
104 Rebels Circle
Winchester, VA 22602

Memorandum – Board of Supervisors
March 23, 2018
Page 3

Phone: (540)331-1995
Term Expires: 04/28/18
Four year term

KCT/tjp

Attachments

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(032818BdMtg).docx

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

Back Creek District Supervisor, would like to
nominate you to serve on the Hardley Regional Library 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: Amy K. Gray Home Phone: 540 533 2721
Address: 697 Clark Rd. Office Phone: 540 536 4728
Stephens City, VA Cell/Mobile: 540 533 2721
22655 Fax: _____

Employer: Vauey Health Sys, Email: akgray66@gmail.com

Occupation: Construction Project Coordinator

Civic/Community Activities: Sherando High School warrior club

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):

Very long-time member of Bowman Library
along with my children. Hope to be able to
contribute with project management and
construction knowledge.

Applicant's Signature: AS Date: 02/27/18

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**

Gary Lofton, Back Creek District Supervisor, would like to nominate you to serve on the

Handley Regional Library 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: Patricia L. Smith Home Phone: (540) 667-5256
Address: 144 Royal Ave Office Phone: _____
Winchester Cell/Mobile: _____
Virginia 22602 Fax: _____
Employer: Retired Email: _____

Occupation: _____

Civic/Community Activities: _____

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

Third Tuesday of each month at 4:30 p.m. 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):

Having retired from Bank of Clarke County, working for the President and Board of Directors I am interested in serving my community and being involved. I would enjoy serving in the capacity of being a member of the Handley Regional Library Board.

Applicant's Signature: Patricia L. Smith Date: 2-27-18

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**



Gary Lofton, Back Creek District Supervisor, would like to nominate you to serve on the **Frederick County Economic Development Authority**

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: Heather McKay Home Phone: 545-8698
 Address: 2965 Cedar Creek Bridge Office Phone: 642-1391
Winchester, VA 22602 Cell/Mobile: 533-2668
 Fax: 642-7308

Employer: Marker - Miller Orchards Email: hmckay@markermillerochards.com

Occupation: Co-Owner Marker-Miller Orchards; Manager Marker-Miller Orchards Farm Market

Civic/Community Activities: Co-chair 2 Apple Blossom Committees, Bright Futures, Round Hill United Methodist Church Extension Leadership Council, Virginia Apple Board

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:
First Thursday of each month at 8:00 am. 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):

I would enjoy being part of the Frederick County Economic Development Authority. I want to find ways to help current businesses thrive and prosper while looking at bringing new and beneficial businesses into our county. →

Applicant's Signature: Heather M. McKay Date: 2-12-2018

Nominating Supervisor's Comments:
 Heather McKay will bring direct representation of the largest industry in Frederick County, *agriculture*, to the Authority. Her family has a long history of agribusiness in the county and Heather's involvement in the business along with her other agriculture related activities will strengthen the collective perspective of promoting and supporting a well-rounded base of economic activity.

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**

District Supervisor, would like to

nominate you to serve on the Economic Development Authority.

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: Penny Mathias Home Phone: 304-261-3034
Address: 450 Opequon Woods Circle Office Phone: 304-261-3034
Stephenson, VA 22656 Cell/Mobile: 304-261-3034
Fax: _____

Employer: Ashworth Bros., Inc. Email: pmathias@ashworth.com

Occupation: HR Manager

Civic/Community Activities: WASHRM Legislative Chair,
Winchester, VA

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):

would like to work to help prepare students
to work in skilled manufacturing - technical
and leadership opportunities
(Business/School partnerships thru EDA)

Applicant's Signature: Penny Mathias Date: 2/22/18

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**

_____, District Supervisor, would like to nominate you to serve on the Economic Development Authority.
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: Holly K. Combs **Home Phone:** 540 869 6410

Address: 1744 Springdale Road **Office Phone:** _____

Winchester, VA 22602 **Cell/Mobile:** 540 247-6920

_____ **Fax:** _____

Employer: Ring Container Technologies **Email:** holly.combs@ringcontainer.com

Occupation: Plant Manager

Civic/Community Activities: Board Member - Bright Futures, Committee member - FCPS Career & Technical Education Committee (Previous Chair),

Previous Board Member Frederick County Economic Development Commission

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):

Please see attached description

Applicant's Signature: Holly K. Combs Digitally signed by Holly K. Combs
Date: 2017.12.21 13:43:00 -05'00' **Date:** 12/21/17

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

Holly K. Combs, MBA

Plant Manager RING Container Technologies

holly.combs@ringcontainer.com

Summary

Experienced Plastics Manager with a demonstrated history of working in the packaging and containers industry. Skilled in Plant & Operations Management, Quality & Customer Service, Scheduling, Personnel Management, Accounting, Leadership Development and Cross-functional Team Training & Leadership. Strong accounting and managerial professional with a Master of Business Administration (M.B.A.) focused in Business Administration, Management and Operations from Averett University as well as a Green belt in Six Sigma from VA Tech.

Experience

Plant Manager at Ring Container Technologies

September 2017 - Present

Injection Molding Operations Manager at Southeastern Container

September 2015 - September 2017 (2 years 1 month)

Blowmolding Operations Manager at Southeastern Containers

February 2010 - September 2015 (5 years 8 months)

Quality & Team Development Manager at Southeastern Containers

January 2002 - February 2010 (8 years 2 months)

Administrative & Team Development Manager at Southeastern Containers

January 1992 - January 2002 (10 years 1 month)

Co Owner

January 1992 - January 1992 (1 month)

Education

Averett University

Master of Business Administration (M.B.A.), Business Administration, Management and Operations

Shepherd University

Bachelor of Business Administration (B.B.A.), Accounting

Virginia Polytechnic Institute and State University

Lean Six Sigma Green Belt

Holly K. Combs, MBA

Plant Manager RING Container Technologies

holly.combs@ringcontainer.com



Contact Holly K. on LinkedIn

E



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney


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

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Kris Tierney, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: March 22, 2018
RE: Commissioner of Revenue Refund Requests

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

1. Federal Express Corp – \$2,832.03
2. Merrimak Capital Company LLC. – \$3,934.76
3. D L Peterson Trust – \$7,517.92
4. Judy Excavating & Landscaping – \$7,693.04



Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator


FROM: Roderick B. Williams, County Attorney

DATE: March 16, 2018

RE: Refund – Federal Express Corp

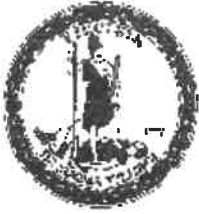
I am in receipt of the Commissioner's request, dated March 9, 2018, to authorize the Treasurer to refund Federal Express Corp the amount of \$2,832.03, for exoneration of personal property taxes from 2014 through 2017 and vehicle license fees from 2014 through 2017. This refund resulted from normal proration of vehicle taxes where vehicles were either sold or moved from this locality.

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



Roderick B. Williams
County Attorney

Attachment



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



March 9, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Federal Express Corp

A handwritten signature in cursive script, reading "E. Murphy".

Please approve a refund of \$2,832.03 for exoneration of personal property taxes and vehicle license fees for 2014 to 2017 in the name of Federal Express Corp. This refund is for vehicular personal property taxes for the periods shown. Vehicles were either sold or moved out during this period and all are the result of normal proration.

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 \$2,832.03.

Customer Name: FEDERAL EXPRESS CORP
 Total Transactions: 67
 Customer Transactions: 12

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2014 | 1 | 00169310033 | \$422.22- | \$.00 | \$422.22- |
| - | PP2014 | 2 | 00169310034 | \$422.21- | \$.00 | \$422.21- |
| - | PP2015 | 3 | 00171660031 | \$398.52- | \$.00 | \$398.52- |
| - | PP2015 | 4 | 00171660032 | \$398.52- | \$.00 | \$398.52- |
| - | PP2016 | 5 | 00175400029 | \$384.55- | \$.00 | \$384.55- |
| - | PP2016 | 6 | 00175400030 | \$384.55- | \$.00 | \$384.55- |
| - | PP2017 | 7 | 00180080029 | \$296.46- | \$.00 | \$296.46- |
| - | PP2017 | 8 | 00180080030 | \$25.00- | \$.00 | \$25.00- |
| - | VL2014 | 9 | 00234050001 | \$25.00- | \$.00 | \$25.00- |
| - | VL2015 | 10 | 00239330001 | \$25.00- | \$.00 | \$25.00- |
| - | VL2016 | 11 | 00245420001 | \$25.00- | \$.00 | \$25.00- |
| - | VL2017 | 12 | 00254190001 | \$25.00- | \$.00 | \$25.00- |

Total Paid : \$2,832.03

F3=Exit F14=Show Map#

F15=Show Balance

F18=Sort-Entered

F21=CmdLine
F20=Attach

Needs Board Approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 19, 2018

RE: Exoneration – Merrimak Capital Company LLC

I am in receipt of the Commissioner's request, dated March 9, 2018, to authorize the Treasurer to refund Merrimak Capital Company LLC the amount of \$3,934.76, for exoneration of personal property taxes for 2017. This refund resulted from leased business assets incorrectly reported by the leasing company for personal property taxes for 2017 discovered when the 2018 filing was made.

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



March 9, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Merrimak Capital Company LLC

A handwritten signature in cursive script that reads "E. Murphy".

Please approve a refund of \$3,934.76 for exoneration of business personal property taxes for 2017 in the name of Merrimak Capital Company LLC. This refund is for leased business assets incorrectly reported by the leasing company for personal property taxes for 2017 discovered when the 2018 filing was made..

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 \$3,934.76.

Date: 3/07/18

Cash Register: COUNTY OF FREDERICK

Time: 16:51:36

| | | |
|---|--|--------------------------|
| Customer Name: MERRIMAK CAPITAL COMPANY LLC | | Total Transactions: 67 |
| | | Customer Transactions: 2 |

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| - | PP2017 | 1 | 00390900001 | \$1,967.38- | \$.00 | \$1,967.38- |
| - | PP2017 | 2 | 00390900002 | \$1,967.38- | \$.00 | \$1,967.38- |

| | | | | | |
|---------|---------------|------------------|------------|------------------|-------------|
| F3=Exit | F14=Show Map# | Total Paid : | \$3,934.76 | F18=Sort-Entered | F21=CmdLine |
| | | F15=Show Balance | | | F20=Attach |

Needs Board Approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 19, 2018

RE: Refund – D L Peterson Trust

I am in receipt of the Commissioner's request, dated March 1, 2018, to authorize the Treasurer to refund D L Peterson Trust the amount of \$7,517.92, for exoneration of personal property taxes for 2016 and 2017 and vehicle license fee for 2017. This refund resulted from normal proration of vehicle taxes where vehicles were either sold or moved from this locality.

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

Roderick B. Williams
County Attorney

Attachment



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



March 1, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – D L Peterson Trust

A handwritten signature in cursive script, reading "E. Murphy", written over the "FROM:" line of the email header.

Please approve a refund of \$7,517.92 for exoneration of personal property taxes for 2016 and 2017 and registration fees in the name of D L Peterson Trust. This refund is for vehicular personal property taxes for the periods shown. Vehicles were either sold or moved out during this period and all are the result of normal proration.

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 \$7,517.92.

Cashier: _____ Total Transactions: 38
 Customer Name: D L PETERSON TRUST Customer Transactions: 16

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2016 | 1 | 00131230217 | \$360.29- | \$.00 | \$360.29- |
| - | PP2016 | 2 | 00131230218 | \$540.43- | \$.00 | \$540.43- |
| - | PP2017 | 3 | 00135110165 | \$266.09- | \$.00 | \$266.09- |
| - | PP2017 | 4 | 00135110166 | \$532.17- | \$.00 | \$532.17- |
| - | PP2017 | 5 | 00135110168 | \$210.20- | \$.00 | \$210.20- |
| - | PP2017 | 6 | 00135110172 | \$525.49- | \$.00 | \$525.49- |
| - | PP2017 | 7 | 00135110173 | \$454.41- | \$.00 | \$454.41- |
| - | PP2017 | 8 | 00135110174 | \$681.61- | \$.00 | \$681.61- |
| - | PP2017 | 9 | 00135110177 | \$391.54- | \$.00 | \$391.54- |
| - | PP2017 | 10 | 00135110178 | \$783.07- | \$.00 | \$783.07- |
| - | PP2017 | 11 | 00135110179 | \$302.23- | \$.00 | \$302.23- |
| - | PP2017 | 12 | 00135110180 | \$604.46- | \$.00 | \$604.46- |

Multiple Pages Total Paid : \$7,517.92
 F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| - | PP2017 | 13 | 00135110182 | \$867.71- | \$.00 | \$867.71- |
| - | PP2017 | 14 | 00135110183 | \$486.61- | \$.00 | \$486.61- |
| - | PP2017 | 15 | 00135110184 | \$486.61- | \$.00 | \$486.61- |
| - | VL2017 | 16 | 00191120001 | \$25.00- | \$.00 | \$25.00- |

Multiple Pages Total Paid : \$7,517.92
 F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

Needs Board Approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: Kris Tierney, County Administrator


FROM: Roderick B. Williams, County Attorney

DATE: March 22, 2018

RE: Exoneration – Judy Excavating & Landscaping

I am in receipt of the Commissioner's request, dated March 1, 2018, to authorize the Treasurer to refund Judy Excavating & Landscaping the amount of \$7,693.04, for exoneration of business license taxes for 2016. This refund resulted from adjustment to business license taxes originally filed under Judy Excavating & Landscaping but refiled under that entity's new business (an LLC). This resulted in the amounts being a wash for the County.

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

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
Winchester VA 22601

P.O. Box 552
Winchester VA 22604-0552

emurphy@fcva.us

www.fcva.us/cor



ELLEN E. MURPHY
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

March 1, 2018

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Judy Excavating & Landscaping

Please approve a refund of \$7,693.04 for exoneration of business license taxes for 2016 in the name of Judy Excavating & Landscaping. This refund is for an adjustment to business license taxes originally filed under Judy Excavating & Landscaping but refiled under that entity's new business (an LLC). This results in the amounts being a wash for the County.

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 \$7,693.04.

Date: 2/26/18

Cash Register: COUNTY OF FREDERICK

Time: 08:48:51

| | | |
|---|--|--------------------------|
| <u>Customer Name: JUDY EXCAVATING & LANDSCAPING</u> | | Total Transactions: 52 |
| ===== | | Customer Transactions: 1 |
| ===== | | ===== |

Options: 2=Edit 4=Delete 5=View

| <u>Opt</u> | <u>Dept</u> | <u>Trans</u> | <u>Ticket No.</u> | <u>Tax Amount</u> | <u>Penalty/Int</u> | <u>Amount Paid</u> |
|------------|-------------|--------------|-------------------|-------------------|--------------------|--------------------|
| - | BL2018 | 1 | 00070770001 | \$7,693.04- | \$.00 | \$7,693.04- |

| | | | | |
|---------|---------------|------------------|------------------|-------------|
| F3=Exit | F14=Show Map# | Total Paid : | \$7,693.04 | F21=CmdLine |
| | | F15=Show Balance | F18=Sort-Entered | F20=Attach |

Needs Board Approval

F

661-0310 -fax



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: Waveland Farm, LLC

Telephone Number(s): 540-333-6036 home office cell 540-869-1520 home office cell

Address: 1211 Marlboro Rd. Stephens City, VA 22655

Contact Email: clayman@fbvirginia.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Ferguson ~~Wedding~~ Wedding

Cost of Admission to Festival: N/A Business License Obtained: Yes No

| Date(s) | Start Time | End Time | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
|----------------|-----------------|-----------------|---|------------------------------------|
| <u>4-21-18</u> | <u>10:00 am</u> | <u>10:00 pm</u> | <u>N/A</u> | <u>100</u> |
| | | | | |
| | | | | |

Location Address: 1211 Marlboro Rd. Stephens City VA 22655

Owner of Property Name(s): Waveland Farm, LLC

Address: 1211 Marlboro Rd. Stephens City VA 22655

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

Promoter Name(s): N/A

Address: _____

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

Financial Backer Name(s): N/A

Address: _____

Performer Name of Person(s) or Group(s): N/A

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

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

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

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

Trash cans with bags portable on site trash pickup provided

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).

Event will be catered, bottled water provided

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

CALL 911 if needed. Medical Aid within 2.2 miles.

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

Fire extinguishers are on site. No open flames allowed Designated smoking areas only.

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

Paved Road area for parking. Valet parking provided.

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.

Lights inside the barn only. No outdoor lights

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

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

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

FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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


Signature of Applicant


Printed Name of Applicant

Date: 2-13-18

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

G

NOTICE OF PUBLIC HEARING
FREDERICK COUNTY, VIRGINIA

The Board of Supervisors of Frederick County invites comments on the Proposed Budget for the fiscal year ending June 30, 2019. Verbal comments may be presented at the Public Hearing scheduled at:

7:00 p.m., Wednesday, March 28, 2018 at County Administration Office Building

For the purpose of the public hearing on March 28, 2018, written comments may be mailed to the Office of the County Administrator, 107 North Kent Street, Winchester, Virginia 22601, or may be presented to the Board at its public hearing. Anyone wishing to address the Board on March 28, 2018, is encouraged to call the County Administrator's office (665-5600) and have their name placed on a speaker list. The following synopsis of the budget is published for information and planning purposes only. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an appropriation by the Board of Supervisors.

PROPOSED FY 2018-2019 BUDGET

| | ADOPTED
2017-2018 | PROPOSED
2018-2019 | DIFFERENCE |
|---|----------------------|-----------------------|-------------------|
| GENERAL OPERATING FUND: | | | |
| Revenue | 171,690,869 | 179,503,228 | 7,812,359 |
| Non-Revenue | 7,918,047 | 1,100,000 | -6,818,047 |
| | <u>179,608,916</u> | <u>180,603,228</u> | <u>994,312</u> |
| TOTAL REVENUE - GENERAL OPERATING FUND | | | |
| GENERAL OPERATING FUND: | | | |
| Expenditures | 72,843,778 | 75,869,389 | 3,025,611 |
| Board of Supervisors Contingency | 4,323,620 | 1,000,000 | -3,323,620 |
| Transfer to Adult Detention Center | 5,394,459 | 5,266,848 | -127,611 |
| Transfer to Airport Operating | 129,897 | 120,215 | -9,682 |
| Transfer to EDA Fund | 582,770 | 571,282 | -11,488 |
| Transfer to School Operating | 77,273,630 | 83,239,674 | 5,966,044 |
| Transfer to School Capital | 3,088,287 | 0 | -3,088,287 |
| Transfer to School Debt | 15,972,475 | 14,535,820 | -1,436,655 |
| | <u>179,608,916</u> | <u>180,603,228</u> | <u>994,312</u> |
| TOTAL EXPENDITURES - GENERAL OPERATING FUND | | | |
| NORTHWESTERN REGIONAL ADULT DETENTION CENTER FUND: | | | |
| Revenue | 15,961,378 | 16,205,919 | 244,541 |
| Non-Revenue | 1,008,000 | 1,316,409 | 308,409 |
| Transfer from General Operating Fund | 5,394,459 | 5,266,848 | -127,611 |
| | <u>22,363,837</u> | <u>22,789,176</u> | <u>425,339</u> |
| TOTAL REVENUE - NRADC FUND | | | |
| NORTHWESTERN REGIONAL ADULT DETENTION CENTER FUND: | | | |
| Expenditures | <u>22,363,837</u> | <u>22,789,176</u> | <u>425,339</u> |
| FREDERICK-WINCHESTER LANDFILL FUND: | | | |
| Revenue | 6,734,695 | 7,471,939 | 737,244 |
| Non-Revenue | 2,997,546 | 30,199 | -2,967,347 |
| | <u>9,732,241</u> | <u>7,502,138</u> | <u>-2,230,103</u> |
| TOTAL REVENUE - LANDFILL FUND | | | |
| FREDERICK-WINCHESTER LANDFILL FUND: | | | |
| Expenditures | <u>9,732,241</u> | <u>7,502,138</u> | <u>-2,230,103</u> |
| DIVISION OF COURT SERVICES FUND: | | | |
| Revenue | 651,446 | 551,634 | -99,812 |
| Non-Revenue | 0 | 10,714 | 10,714 |
| | <u>651,446</u> | <u>562,348</u> | <u>-89,098</u> |
| TOTAL REVENUE - DIVISION OF COURT SERVICES FUND | | | |

| | | | |
|---|-------------|-------------|-----------|
| DIVISION OF COURT SERVICES FUND: | | | |
| Expenditures | 651,446 | 562,348 | -89,098 |
| SHAWNEELAND SANITARY DISTRICT FUND: | | | |
| Revenue | 697,180 | 707,260 | 10,080 |
| Non-Revenue | 260,480 | 377,831 | 117,351 |
| TOTAL REVENUE-SHAWNEELAND SANITARY DISTRICT FUND | 957,660 | 1,085,091 | 127,431 |
| SHAWNEELAND SANITARY DISTRICT FUND: | | | |
| Expenditures | 957,660 | 1,085,091 | 127,431 |
| AIRPORT OPERATING FUND: | | | |
| Revenue | 1,426,061 | 1,526,227 | 100,166 |
| Transfer from General Operating Fund | 129,897 | 120,215 | -9,682 |
| TOTAL REVENUE - AIRPORT OPERATING FUND | 1,555,958 | 1,646,442 | 90,484 |
| AIRPORT AUTHORITY OPERATING FUND: | | | |
| Expenditures | 1,555,958 | 1,646,442 | 90,484 |
| LAKE HOLIDAY SANITARY DISTRICT FUND: | | | |
| Revenue | 779,998 | 779,998 | 0 |
| LAKE HOLIDAY SANITARY DISTRICT FUND: | | | |
| Expenditures | 779,998 | 779,998 | 0 |
| EMS REVENUE RECOVERY FUND: | | | |
| Revenue | 1,593,084 | 1,522,400 | -70,684 |
| EMS REVENUE RECOVERY FUND: | | | |
| Expenditures | 1,593,084 | 1,522,400 | -70,684 |
| ECONOMIC DEVELOPMENT AUTHORITY FUND: | | | |
| Revenue | 24,050 | 24,050 | 0 |
| Non-Revenue | 0 | 8,151 | 8,151 |
| Transfer from General Operating Fund | 582,770 | 571,282 | -11,488 |
| TOTAL REVENUE - ECONOMIC DEVELOPMENT AUTHORITY FUND | 606,820 | 603,483 | -3,337 |
| ECONOMIC DEVELOPMENT AUTHORITY FUND: | | | |
| Expenditures | 606,820 | 603,483 | -3,337 |
| SCHOOL OPERATING FUND: | | | |
| Revenue | 81,988,387 | 86,081,006 | 4,092,619 |
| Transfer from General Operating Fund | 77,273,630 | 83,239,674 | 5,966,044 |
| Transfer from School Debt Service Fund | 617,478 | 0 | -617,478 |
| TOTAL REVENUE - SCHOOL OPERATING FUND | 159,879,495 | 169,320,680 | 9,441,185 |
| SCHOOL OPERATING FUND: | | | |
| Expenditures | 159,301,983 | 168,777,382 | 9,475,399 |
| Transfer to School Nutrition Fund | 7,000 | 7,000 | 0 |
| Transfer to Textbook Fund | 570,512 | 536,298 | -34,214 |
| TOTAL EXPENDITURES - SCHOOL OPERATING FUND | 159,879,495 | 169,320,680 | 9,441,185 |
| SCHOOL CAPITAL PROJECTS FUND: | | | |
| Non-Revenue | 650,000 | 1,000,000 | 350,000 |

| | | | |
|--|------------|------------|------------|
| Transfer from General Operating Fund | 3,088,287 | 0 | -3,088,287 |
| TOTAL REVENUE - SCHOOL CAPITAL PROJECTS FUND | 3,738,287 | 1,000,000 | -2,738,287 |
| SCHOOL CAPITAL PROJECTS FUND: | | | |
| Expenditures | 3,738,287 | 1,000,000 | -2,738,287 |
| SCHOOL NUTRITION SERVICES FUND: | | | |
| Revenue | 5,269,149 | 5,317,512 | 48,363 |
| Non-Revenue | 2,276,431 | 2,675,981 | 399,550 |
| Transfer from School Operating Fund | 7,000 | 7,000 | 0 |
| TOTAL REVENUE - SCHOOL NUTRITION SERVICES FUND | 7,552,580 | 8,000,493 | 447,913 |
| SCHOOL NUTRITION SERVICES FUND: | | | |
| Expenditures | 7,552,580 | 8,000,493 | 447,913 |
| SCHOOL DEBT SERVICE FUND: | | | |
| Revenue | 403,125 | 418,662 | 15,537 |
| Non-Revenue | 20,629 | 11,923 | -8,706 |
| Transfer from General Operating Fund | 15,972,475 | 14,535,820 | -1,436,655 |
| TOTAL REVENUE - SCHOOL DEBT SERVICE FUND | 16,396,229 | 14,966,405 | -1,429,824 |
| SCHOOL DEBT SERVICE FUND: | | | |
| Expenditures | 15,778,751 | 14,966,405 | -812,346 |
| Transfer to School Operating Fund | 617,478 | 0 | -617,478 |
| TOTAL EXPENDITURES - SCHOOL DEBT SERVICE FUND | 16,396,229 | 14,966,405 | -1,429,824 |
| SCHOOL PRIVATE PURPOSE FUNDS: | | | |
| Revenue | 75,000 | 300,000 | 225,000 |
| SCHOOL PRIVATE PURPOSE FUNDS: | | | |
| Expenditures | 75,000 | 300,000 | 225,000 |
| SCHOOL TEXTBOOK FUND: | | | |
| Revenue | 907,978 | 851,030 | -56,948 |
| Non-Revenue | 2,458,893 | 2,873,709 | 414,816 |
| Transfer from School Operating Fund | 570,512 | 536,298 | -34,214 |
| TOTAL REVENUE - SCHOOL TEXTBOOK FUND | 3,937,383 | 4,261,037 | 323,654 |
| SCHOOL TEXTBOOK FUND: | | | |
| Expenditures | 3,937,383 | 4,261,037 | 323,654 |
| NREP OPERATING FUND: | | | |
| Revenue | 5,190,565 | 5,191,659 | 1,094 |
| Non-Revenue | 321,334 | 300,000 | -21,334 |
| TOTAL REVENUE - NREP OPERATING FUND | 5,511,899 | 5,491,659 | -20,240 |
| NREP OPERATING FUND: | | | |
| Expenditures | 5,511,899 | 5,491,659 | -20,240 |
| NREP TEXTBOOK FUND: | | | |
| Non-Revenue | 65,000 | 65,000 | 0 |
| NREP TEXTBOOK FUND: | | | |
| Expenditures | 65,000 | 65,000 | 0 |

| | | | |
|--------------------------------|-------------|-------------|-----------|
| CONSOLIDATED SERVICES FUND: | | | |
| Revenue | 3,600,000 | 3,600,000 | 0 |
| <hr/> | | | |
| CONSOLIDATED SERVICES FUND: | | | |
| Expenditures | 3,600,000 | 3,600,000 | 0 |
| <hr/> | | | |
| TOTAL REVENUE - ALL FUNDS | 418,605,833 | 424,099,578 | 5,493,745 |
| Less Transfers Between Funds | 103,636,508 | 104,277,137 | 640,629 |
| <hr/> | | | |
| NET REVENUE - ALL FUNDS | 314,969,325 | 319,822,441 | 4,853,116 |
| <hr/> | | | |
| TOTAL EXPENDITURES - ALL FUNDS | 418,605,833 | 424,099,578 | 5,493,745 |
| Less Transfers Between Funds | 103,636,508 | 104,277,137 | 640,629 |
| <hr/> | | | |
| NET EXPENDITURES - ALL FUNDS | 314,969,325 | 319,822,441 | 4,853,116 |
| <hr/> | | | |

TAX RATES

Property Taxes - Rates per \$100 of assessed value

| | <u>Current</u> | <u>Proposed</u> |
|---|----------------|-----------------|
| Real Estate | \$0.60 | \$0.61 |
| Personal Property | \$4.86 | \$4.86 |
| Qualifying Personal Property for Volunteer Firefighters | \$2.25 | \$2.25 |
| Antique Vehicles | \$0.00 | \$0.00 |
| Mopeds | \$0.00 | \$0.00 |
| Mobile Homes | \$0.60 | \$0.61 |
| Aircraft | \$0.01 | \$0.50 |
| Business Equipment | \$4.86 | \$4.86 |
| Machinery and Tools | \$2.00 | \$2.00 |
| Contract Carrier Classified Vehicles | \$2.00 | \$2.00 |

The total value of real estate in Frederick County that is exempt from real estate taxes is \$994,207,700. At the proposed tax rate of \$0.61/\$100, the foregone tax would be \$6,064,666.97.

Machinery and Tools are assessed on declining values based on acquisition year, as follows:

| <u>Year</u> | <u>Assessment Ratio</u> |
|----------------------------|-------------------------|
| 1 | 60% |
| 2 | 50% |
| 3 | 40% |
| 4 and all subsequent years | 30% |

Vehicle License Taxes

| | |
|---------------------------------|-----------|
| Vehicles other than motorcycles | \$25 each |
| Motorcycles | \$10 each |

Business and Professional Occupational License Taxes

| | |
|--|------------------------------------|
| Contracting, and persons constructing for their own account for sale | \$0.16 per \$100 of gross receipts |
| Retail sales | \$0.20 per \$100 of gross receipts |
| Financial, real estate, and professional services | \$0.58 per \$100 of gross receipts |
| Repair, personal, and business services | \$0.36 per \$100 of gross receipts |
| Wholesale merchants | \$0.05 per \$100 of purchases |

All other Business and Professional Occupational License Taxes will remain unchanged, all as currently set forth in Article XVI of Chapter 155 of the County Code.

| | <u>Current</u> | <u>Proposed</u> |
|---|----------------|-----------------|
| Meals Tax (of gross receipts) | 4.0% | 4.0% |
| Transient Occupancy Tax (of gross receipts) | 2.5% | 2.5% |

Shawneeland Sanitary District Taxes

| | <u>Current</u> | <u>Proposed</u> |
|-----------------------------|----------------|-----------------|
| Unimproved Lots | \$190 per lot | \$190 per lot |
| Improved Lots | \$560 per lot | \$560 per lot |
| Unimproved - External Users | \$190 per lot | \$190 per lot |
| Improved - External Users | \$560 per lot | \$560 per lot |

Lake Holiday Sanitary District Taxes

| | | |
|---|---------------|---------------|
| Buildable Lots | \$678 per lot | \$678 per lot |
| Unbuildable Lots | \$264 per lot | \$264 per lot |
| Lots owned by Lake Holiday Country Club, Inc. (property owners assoc.):
Buildable Lots | \$0 per lot | \$0 per lot |
| Unbuildable Lots | \$0 per lot | \$0 per lot |

| | | |
|---|--------------|--------------|
| <u>Star Fort Subdivision Taxes/Fees</u> | \$60 per lot | \$60 per lot |
|---|--------------|--------------|

Street Light Fees

| | | |
|----------------------------------|---------------|---------------|
| Oakdale Crossing, Fredericktowne | \$60 Annually | \$45 Annually |
| Green Acres | \$25 Annually | \$25 Annually |

Sanitary Landfill Fees

| | <u>Current</u> | <u>Proposed</u> |
|--------------------------------|----------------|-----------------|
| Commercial/Industrial | \$47 per ton | \$50 per ton |
| Construction Demolition Debris | \$42 per ton | \$45 per ton |
| Municipal Solid Waste | \$18 per ton | \$20 per ton |
| Municipal Sludge | \$36 per ton | \$38 per ton |
| Miscellaneous Rubble Debris | \$12 per ton | \$15 per ton |

All other taxes and fees imposed by Frederick County will remain unchanged, all as currently set forth in the County Code, otherwise previously adopted by the Board of Supervisors, or authorized pursuant to state law.