



AGENDA
REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 12, 2018
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

7:00 P.M. Regular Meeting Call to Order

Invocation

Pledge of Allegiance

Adoption of Agenda

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

Consent Agenda

Attachment

1. Minutes----- A
 Joint Work Session with School Board of August 6, 2018
 Regular Meeting of August 8, 2018
 Joint Work Session with Planning Commission of August 15, 2018
2. Committee Reports
 Finance Committee ----- B
 Public Safety Committee ----- C
 Transportation Committee ----- D
3. Resolution - Volunteer Fire & Rescue Departments' Eligibility for LODA Benefits ----- E
4. Resolution Honoring Serena "Renny" Manuel ----- F
5. Resolution to Remove Ramsuer Lane and Royston Court from the County Road Naming System ----- G

Consent Agenda - continued

6. Resolution Changing the Board of Building Appeals from Six to Five Members ----- H

Board of Supervisors Comments

County Officials

1. Committee Appointments----- I

- a. Local Emergency Planning Committee
Requests Board nomination of Anthony Campbell of HP Hood LC
- b. Extension Leadership Council
Red Bud District - Unexpired 4-year term ending 9/9/19
- c. Planning Commission
Member-At-Large Unexpired 4-year term ending 11/14/21
- d. Conservation Easement Authority
3-year term of Elaine Cain, Co. Representative, ends 8/24/18 (Eligible and willing to be reappointed)
3-year term of Charles Triplett, Planning Comm. Representative ends 8/24/18 (Eligible and willing to be reappointed)
3-year term of Robert Solenberger, Co. Representative ends 8/24/18 (Does not wish to be reappointed, application of Lowell Henderson is attached)
- e. Shenandoah Area Agency on Aging
4-year term of current representative ends 9/30/18 (Not eligible for reappointment)
- f. Northern Shenandoah Valley Regional Commission
3-year term of Kris Tierney as Frederick County Representative ends 9/30/18 (Jay Tibbs is proposed for appointment)
3-year term of Eric Lawrence as Frederick County Representative ends 9/30/18 (Eligible for reappointment)
3-year term of Frederick County Alternate ends 9/30/18 (New appointee needed)

2. Requests from the Commissioner of the Revenue for Refunds ----- J

Acar Leasing LTD –	\$ 3,025.97
Toyota Lease Trust --	\$ 4,087.41

3. Acceptance of Fire & Rescue Study conducted by Fitch and Associates

Committee Business

Finance Committee

(See Tab_B_ for additional information)

Items 5, 6, and 7 were approved under the Committee's consent agenda.

1. The Public Works Director requests an FY19 General Fund supplemental appropriation in the amount of \$538,090. This amount represents carry forwards of the following unspent FY18 funds:
 - a. \$19,500 to rehab the old Clearbrook compactor to be used at a future site;
 - b. \$45,000 for site improvements at the Middletown Convenience site;
 - c. \$75,000 for anticipated increased collection costs of refuse and recycling;
 - d. \$385,342 for the completion of the Stephenson Convenience Center;
 - e. \$6,521 for spay/neuter shelter animals; and
 - f. \$6,727 for the Animal Shelter building addition design.These items have been approved by the Public Works Committee. ***The Committee recommends postponement of item C, and approval of the remaining requests.***
2. The Public Works Director requests a public hearing for an FY19 Landfill Fund supplemental appropriation in the amount of \$3,706,000. ***This item is the subject of a Public Hearing later on this meeting agenda.***
3. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$5,000. This amount represents a Byrne/JAG grant that has been awarded for Narcan. No local funds are required. ***The Committee recommends approval.***
4. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$18,000. This amount represents a grant that has been awarded for crime prevention pamphlets and Police to Citizen software. The local match of \$2,000 is being met with a current position's salary. ***The Committee recommends approval.***
5. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$9,352.43. This amount represents auto insurance claims. No local funds required. ***Approved by Committee consent agenda.***
6. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$400. This amount represents DARE donations. No local funds required. ***Approved by Committee consent agenda.***
7. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$750. This amount represents a donation for a K9 vest. No local funds required. ***Approved by Committee consent agenda.***
8. The Sheriff requests an FY19 General Fund supplemental appropriation in the amount of \$175,000. This amount represents maximum funds needed for a SWAT Truck Conversion vehicle. This request has been approved by the Public Safety Committee. Local funds are required. ***The Committee recommends approval.***
9. The Deputy County Administrator requests an FY19 General Fund supplemental appropriation in the amount of \$31,044. This amount represents carry forwards of the following unspent FY18 funds:
 - a. \$13,780 for sealant replacement at the County Administration Building;
 - b. \$2,616 for carpet replacement in the Health Department; and
 - c. \$14,648 for carpet replacement in the Treasurer's office.***The Committee recommends approval of the entire request.***
10. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. ***The Committee recommends no changes to the charter.***

Committee Business

Finance Committee - continued

- 11. Information on School categorical funding is provided for discussion. *The Committee recommends requiring the Schools to present the School Operating Fund budget by major classifications as listed in the Code of Virginia 22.1-115.*

Public Hearings (Non Planning Issues)

1. Proposed School Bond Financings by the Board of Supervisors of the County of Frederick, Virginia ----- K

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 \$45,500,000 to Finance Certain Capital Projects for Public School Purposes, Consisting Primarily of the Construction and Equipping of the Replacement Robert E. Aylor Middle School. A Resolution Authorizing the Issuance of the Bonds will be Considered by the Board of Supervisors at Its Meeting on Wednesday, September 12, 2018. All Interested Parties are Invited to Attend and Present Oral or Written Comments.

2. Amendment to the 2018-2019 Fiscal Year Budget ----- L

Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2018-2019 Budget to Reflect: Landfill Fund Supplemental Appropriation in the Amount of \$3,706,000 for the Carry Forward of Unspent Funds for Generator Maintenance, Gas Treatment Skid Parts Replacement, a Trash Compactor, and a Leachate Collection Pond.

3. Proposed Amendments to the Frederick County Code, Chapter 48 Animals and Fowl, Article I Dog Licensing; Rabies Control, Section 48-18 License Taxes ----- M

The Proposed Amendments Would Allow for Lifetime Licensing of Dogs and would Permit Zero Cost Lifetime Licenses for Dogs Adopted from the Esther Boyd Animal Shelter. The Intent of the Proposed Ordinance Amendments Would Be to Reduce the Administrative Burden of the County's Current Dog Licensing System and Encourage Adoptions from the Shelter.

4. Proposed Amendments to the Frederick County Code, Chapter 48 Animals and Fowl, Article II Noise, Section 48-23 Unreasonable Noise Unlawful, Section 48-24 Enforcement, and Section 48-25 Violations and Penalties; and Chapter 118 Noise, Section 118-1 Unreasonable Noise Unlawful, Section 118-2 Enforcement, Section 118-3 Violations and Penalties, and the Additions of Section 118-4 Specific Prohibitions and Section 118-5 Exceptions. ----- N

The Proposed Amendments Would Revise the Noise Ordinance to Adopt as the Standard for Prohibited Noise as "Plainly Audible" at Certain Points Beyond Its Source. Also, with Respect to Barking Dogs, the Proposed Revisions Further Require that Barking Occur at Least Once a Minute for Ten Consecutive Minutes in Order to be Prohibited. The Proposed Amendments do not Generally Deviate from the General Principles of the Current Ordinance and Keeps the General Noise Prohibition Limited to the RP, R4, R5 and MH Zoning Districts, with the Noise Prohibition being Applicable 9:00 P.M. to 6:00 A.M. The Proposed Amendments Also Expressly Provide that the Noise Prohibition Does Not Apply to a Bona Fide Agricultural Activity and Includes a Further List of other Activities that are not Subject to the Prohibition.

Public Hearings (Non Planning Issues) - continued

- 5. Proposed Amendments to the Frederick County Code, Chapter 52 Building Construction, Section 52-5 Issuance of Permits and Chapter 143 Stormwater/ Erosion and Sediment Control, Section 143-195 Issuance, Time Limit, Modification, Maintenance, Transfer and/or Termination of Frederick County Land-Disturbing Permit and VSMP Authority Permit. ----- O**

The Proposed Amendments Would Require that any Delinquent Real Estate Taxes and Other Charges that Constitute a Lien on a Property, that are Owed to the Locality, be Paid before the Locality Accepts an Application for a Building Permit or Stormwater/Erosion and Sediment Control Permit for the Property. The Proposed Ordinance Amendments Would Apply to New Construction and Additions but Would not be Applicable to Emergency Work.

- 6. Proposed Amendments to the Frederick County Code, Chapter 155 Taxation, Article VIII Tax on Purchasers of Utility Service, Section 155-34 Tax Imposed ----- P**

This Proposed Amendment Would Correct a Typographical Error within Section 155-34 (A)(1)(a)(2)(c) which Provides the Formula by which the Tax on Electricity is Calculated when the Electricity is being Consumed by Multiple Dwellings or Units through a Master Meter. The Subsection, Currently, Erroneously Refers to Apartment Houses or Multiple-Family Dwellings Utilizing Gas Service, not Electric Service.

Planning Commission Business

Public Hearings

- 1. Rezoning #05-17 for O.N. Minerals (Chemstone) d/b/a Carmeuse Lime & Stone----- Q**

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.

- 2. Rezoning #02-18 for St. Paul's on the Hill ----- R**

Submitted by Greenway Engineering, Inc., to Rezone 4.971+/- Acres from the RP (Residential Performance) District to the RP (Residential Performance) District with Proffers. The Property is Located at 1527 Senseny Road and is Identified by Property Identification Number 54-A-128 in the Red Bud Magisterial District.

- 3. CPPA #01-18 St. Paul's on the Hill – Land Use Designation Amendment Request ----- S**

This is a Request to Change the Land Use Designation for One Parcel of Land that Totals 4.971 Acres. The Property is Identified by Property Identification Number 54-A-128 and is Located at 1527 Senseny Road in the Red Bud Magisterial District. The Property is Located within the Sewer and Water Service Area (SWSA) and the Urban Development Area (UDA). The Property is Currently Designated in the Senseny/Eastern Frederick Urban Area Plan of the 2035 Comprehensive Plan for Institutional Land Use with Environmental Resources. The Applicant is Requesting to Change the Current Institutional Designation to Urban Center.

Public Hearings - continued

4. Conditional Use Permit #08-18 for Trailer Drop, LLC ----- T

Submitted by GreyWolfe, Inc., for a Tractor Truck and Tractor Truck Trailer Parking Use as a Conditional Use in the M1 (Light Industrial) District. The Property is in Stonewall Industrial Park at the End of McGhee Road (Route 861), Winchester, Virginia and is Identified with Property Identification Number 43-19-64 in the Stonewall Magisterial District.

5. Conditional Use Permit #13-96 (Hogue Creek Country Market) for Winchester 101 LLC ----- U

This Conditional Use Permit is Proposed to be Revoked Due to Violations of Conditions 4 and 7 from Conditional Use Permit #13-96 which Pertains to Buffers, Lighting Pollution, Noise, Debris and Hours of Operation. The Property is Located at 4780 Northwestern Pike, Winchester, Virginia and is Identified with Property Identification Number 40-A-66D in the Gainesboro Magisterial District in the RA (Rural Areas) Zoning District.

Other Planning Business

1. Discussion – 2018 Comprehensive Plan Amendments ----- V

- a. CPPA #02-18 Carter Tract Proposal -Clearbrook (near Brucetown)
- b. CPPA #03-18 Waverly Farm (south of Hopewell Road and west of Interstate 81)

2. Pump and Haul – 165 Caldwell Lane ----- W

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn