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**AGENDA**  
**CLOSED SESSION AND REGULAR MEETING**  
**FREDERICK COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY, NOVEMBER 8, 2017**  
**6:15 P.M., 7:00 P.M.**  
**BOARD ROOM, COUNTY ADMINISTRATION BUILDING**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**6:15 P.M. - Closed Session:**

There will be a Closed Session pursuant to Section 2.2-3711, Subsection A (3) and (8), of the Code of Virginia, 1950, as amended, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda:**

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

**Consent Agenda:**

(Tentative Agenda Items for Consent are Tabs: C and D)

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

**Board of Supervisors Comments**

**County Officials:**

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1. Presentation of Resolutions of Appreciation for Retirees with 25 or More Years of Service with Frederick County:
  - a. Charles "Steve" Frye
  - b. Karl H. Steudl
2. Committee Appointments. **(See Attached)**----- **A**
3. Resolution and Performance Agreement for Navy Federal Credit Union.  
**(See Attached)** ----- **B**
4. Resolution to Authorize the County Administrator to Execute an Addendum to the Northern Shenandoah Valley Substance Abuse Coalition MOU for the Use of the Timbrook House. **(See Attached)** ----- **C**

**Committee Reports:**

1. Public Works Committee. **(See Attached)**----- **D**
2. Transportation Committee. **(See Attached)**----- **E**

**Public Hearing:**

1. Twelve Month Outdoor Festival Permit Request of Belle Grove Plantation. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Belle Grove Plantation, 336 Belle Grove Road, Middletown, Virginia. Property Owned by the National Trust for Historic Preservation.  
**(See Attached)** ----- **F**
2. Proposed Conveyance to the Frederick County Sanitation Authority, d/b/a Frederick Water, of an Easement Over an Area of Approximately 134,171.75 Square Feet (3.08 acres), the Easement Area Being Over a Portion of Tax Parcel Number 33-A-162B Owned by the County.  
**(See Attached)** ----- **G**
3. Proposed Amendments to the Frederick County Code, Chapter 155 Taxation, Article III Senior Citizens and Disabled Persons Exemption and Deferral, Sections 155-16, 155-18, 155-19, and 155-21. The Proposed Amendments Would Permit Submission of Affidavits or Written Statements

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in Support of Applications Under the Program, Update Ownership Requirements to Correspond with Changes to State Law, and Make Minor Technical Amendments. **(See Attached)** ----- H

4. Proposed Dissolution and Termination of the Russell 150 Community Development Authority. The Board of Supervisors of the County of Frederick, Virginia (The "County") will Hold a Public Hearing in Accordance with Section 15.2-5156 of the Code of Virginia, 1950, as Amended, on the Proposed Dissolution and Termination of the Russell 150 Community Development Authority (The "CDA") and a Repeal of the March 9, 2005 Ordinance that Authorized the Creation of the CDA. **(See Attached)** ----- I

**Planning Commission Business:**

1. Master Development Plan #05-17 of Abrams Chase. **(See Attached)**----- J

**Board Liaison Reports (If Any)**

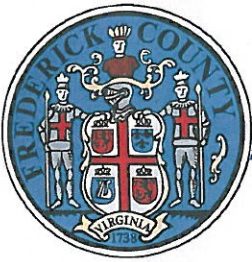
**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A





## 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 *KCT*  
**DATE:** November 2, 2017  
**RE:** Committee Appointments

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Listed below are the vacancies/appointments due through January, 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**

##### Historic Resources Advisory Board (HRAB)

Elizabeth B. Fravel – Opequon District Representative  
5211 Main Street  
Stephens City, VA 22655  
Home: (540)869-4378  
Term Expires: 04/26/17  
Four year term

William H. Schuller, Sr. – Red Bud District Representative  
915 Valley Mill Road  
Winchester, VA 22602  
Home: (540)6145  
Term Expires: 07/08/19  
Four year term

Clint Jones – Shawnee District Representative  
3108 Middle Road  
Winchester, VA 22602  
Phone: (540)667-6350  
Term Expires: 05/22/18  
Four year term

*(Staff has been advised that Mr. Schuller and Mr. Jones have resigned from the Historic Resources Advisory Board.)*

Community Policy and Management Team (CPMT)

Leslie Stewart - Parent Representative  
121 Garden Court  
Winchester, VA 22601  
Home: (540)336-8086  
Term Expires: 06/30/18  
Two year term

*(Staff has been advised that Ms. Leslie Stewart has resigned. The CSA Coordinator and CPMT staff is attempting to get recommendation(s) for appointment and, upon receipt, will forward same to the Board of Supervisors at a future meeting.)*

**NOVEMBER 2017**

Economic Development Authority

Dennis McNutt – Frederick County Representative  
HP Hood  
160 Hood Way  
Winchester, VA 22602  
Office: (540)869-0045  
Term Expires: 11/18/17  
Four year term

*(As the Board may recall, the Industrial Development Authority was renamed the Economic Development Authority via public hearing at the Board of Supervisors meeting of January 8, 2014 and reorganization of the authority was completed during 2014. There are seven members on the authority and they serve a four year term.)*

Shawneeland Sanitary District Advisory Committee

Marianne Biviano  
109 Doe Trail  
Winchester, VA 22602  
Home: (540)535-6574  
Term Expires: 11/09/17  
Two year term

Hugh B. Van Meter  
106 Potomac Trail  
Winchester, VA 22602  
Home: (540)877-3522  
Term Expires: 11/09/17  
Two year term

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

## **DECEMBER 2017**

### Board of Equalization

Betsy Brumback – Frederick County Representative  
540 Barley Lane  
Winchester, VA 22602  
Home: (540)545-8774  
Term Expires: 12/31/17  
Three year term

**Staff has been advised that Ms. Betsy Brumback is interested in continuing to serve if it is the desire of the Board of Supervisors.** *(The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a “permanent” board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term. **Recommendation for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.**)*

## **JANUARY 2018**

### Frederick County Planning Commission

Gary R. Oates – Stonewall District Representative  
1073 Red Bud Road  
Winchester, VA 22603  
Home: (540)667-2001  
Term Expires: 01/11/18

Four year term

Christopher M. Mohn – Red Bud District Representative  
316 Ridge Road  
Winchester, VA 22602  
Home: (540)678-1366  
Term Expires: 01/27/18  
Four year term

Kay Dawson – Red Bud District Representative  
203 Canyon Road  
Winchester, VA 22602  
Phone: (540)247-6926  
Term Expires: 01/27/18  
Four year term

*(Staff may recall that Ms. Dawson was appointed at the October 25, 2017 Board meeting to fill the unexpired term of Mr. Charles Dunlap who moved from the area.)*

KCT/tjp

B

DATE: November 2, 2017

TO: Frederick County Board of Supervisors

FROM: Patrick Barker, CEcD  
Executive Director

CC: Kris Tierney  
County Administrator

RE: Performance Agreement for NAVY FEDERAL CREDIT UNION

Attached please find a resolution and performance agreement for the expansion of NAVY FEDERAL CREDIT UNION. As you recall, NAVY FEDERAL CREDIT UNION will expand its operation in Frederick County. They will make an \$100 million investment through a building expansion and new business equipment and add 1,400 new jobs. The expansion will increase the company's production capacity. All parties' legal counsels (VEDP, County, EDA and NAVY FEDERAL CREDIT UNION) have reviewed and approved the performance agreement. Staff is seeking Board approval of the performance agreement and resolution.

Thanks for your support on this project. I am available if you have any questions or comments on the materials for this project.

Attachment:

- Performance Agreement
- BOS Resolution



## BOARD OF SUPERVISORS

### Resolution

#### NAVY FEDERAL CREDIT UNION

**WHEREAS**, NAVY FEDERAL CREDIT UNION has made known its intent to expand its operation by making new real property and furniture, fixtures and equipment improvements and retain and create jobs; and

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve a General Fund Supplemental Appropriation and an Economic Development Authority Supplemental Appropriation in the amount of \$2,000,000.00 for a Local Economic Development Incentive Grant as stated in the executed Performance Agreement to assist in expanding the operation for NAVY FEDERAL CREDIT UNION in Frederick County, Virginia.

**BE IT RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$2,000,000.00 to the Economic Development Authority of Frederick County, Virginia from the Commonwealth Opportunity Fund to assist in expanding the operation for NAVY FEDERAL CREDIT UNION in Frederick County, Virginia.

**BE IT RESOLVED**, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

Upon motion duly made by \_\_\_\_\_, seconded by \_\_\_\_\_, and on the votes hereafter recorded,

**ADOPTED**, this 8<sup>th</sup> day of November 2018.

Charles S. Dehaven, Jr. \_\_\_\_\_

Bill Ewing \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

Gary Lofton \_\_\_\_\_

Gene Fisher \_\_\_\_\_

Robert Wells \_\_\_\_\_

Blaine Dunn \_\_\_\_\_

**A COPY TESTE:**

\_\_\_\_\_  
Kris Tierney  
Clerk, Board of Supervisors



## COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

### PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered this 8<sup>th</sup> day of November 2017 by and among the **COUNTY OF FREDERICK, VIRGINIA** (the "Locality"), a political subdivision of the Commonwealth of Virginia (the "**Commonwealth**"), **NAVY FEDERAL CREDIT UNION** (the "**Credit Union**"), a federally chartered credit union, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA** (the "**Authority**"), a political subdivision of the Commonwealth.

#### WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive \$2,000,000 from the Commonwealth's Development Opportunity Fund (a "**COF Grant**") through the Virginia Economic Development Partnership Authority ("**VEDP**") for the purpose of inducing the Credit Union to expand, equip, improve, and operate its support and service operations center located in the Locality (the "**Facility**"), thereby making a significant Capital Investment, and creating and Maintaining a significant number of New Jobs, as such capitalized terms are hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the funds to or for the use of the Credit Union, provided that the Credit Union promises to meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality wishes to make a Local Economic Development Incentive Grant from its Financial Investment Fund in the amount of \$2,000,000 (the "**LEDIG**") through the Authority to the Credit Union for the purpose of inducing the Credit Union to expand, equip, improve, and operate the Facility, thereby making a significant Capital Investment, and creating and Maintaining a significant number of New Jobs;

WHEREAS, the Locality, the Authority and the Credit Union desire to set forth their understanding and agreement as to the payout of the COF Grant and the LEDIG (together, the "Grants"), the use of the proceeds of the Grants, the obligations of the Credit Union regarding Capital Investment and New Jobs, and the repayment by the Credit Union of all or part of the Grants under certain circumstances;

WHEREAS, the expansion, equipping, improvement, and operation of the Facility will entail a capital expenditure by or on behalf of the Credit Union of approximately \$100,000,000, of which approximately \$15,000,000 will be invested in furniture, fixtures and equipment, and approximately \$85,000,000 will be invested in the construction of a new building;

WHEREAS, the expansion, equipping, improvement, and operation of the Facility will further entail the creation and Maintenance of 1,400 New Jobs at the Facility; and



WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and the New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for each of the Grants:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

## **Section 1. Definitions.**

For the purposes of this Agreement, the following terms shall have the following definitions:

**“Capital Investment”** means a capital expenditure by or on behalf of the Credit Union in taxable real property, taxable tangible personal property, or both, at the Facility, excluding existing real property improvements. The purchase or lease of furniture, fixtures, machinery and equipment, including under an operating lease, by or on behalf of the Credit Union will qualify as Capital Investment. The Capital Investment must be in addition to the capital improvements at the Facility as of October 1, 2016. The total expected capital expenditure of \$100,000,000 is referred to in this Agreement as the “Capital Investment.”

**“Maintain”** means that the New Jobs will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Credit Union’s employment levels (so long as there is active recruitment for open positions), (ii) strikes, and (iii) other temporary work stoppages.

**“New Job”** means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are provided by the Credit Union for the employee, and for which the Credit Union pays an average annual wage of at least \$60,314 (W-2 wages, including without limitation, any annual Partners In Performance (“PIP”) bonus). Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Credit Union’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 1,408 full-time jobs at the Facility as of October 1, 2016.

**“Performance Date”** means December 31, 2022. The Performance Date shall not be subject to extension.

**“Targets”** means the Credit Union’s obligations to make Capital Investments at the Facility of at least \$100,000,000 and to create and Maintain at least 1,400 New Jobs at the Facility, all as of the Performance Date.

“**Virginia Code**” means the Code of Virginia of 1950, as amended.

## **Section 2.     Targets; Statutory Criteria.**

(a)     *Targets:* The Credit Union will expand, equip, improve, and operate the Facility in the Locality, make Capital Investments at the Facility of at least \$100,000,000, and create and Maintain at least 1,400 New Jobs at the Facility, all as of the Performance Date.

(b)     *Encouragement to Offer New Jobs to Residents of the Commonwealth:* The Locality and the Authority hereby strongly encourage the Credit Union to ensure that at least 30% of the New Jobs are offered to “Residents” of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

(c)     *Prevailing Wage; Unemployment and Poverty Rates:* The average annual wage of the New Jobs of at least \$60,314 is more than the prevailing average annual wage in the Locality of \$41,662. The Locality is not a high-unemployment locality, with an unemployment rate for 2015, which is the last year for which such data is available, of 4.0% as compared to the 2015 statewide unemployment rate of 4.4%. The Locality is not a high-poverty locality, with a poverty rate for 2014, which is the last year for which such data is available, of 7.7% as compared to the 2014 statewide poverty rate of 11.8%.

(d)     *Disclosure of Political Contributions:* The Credit Union acknowledges that the name of the Credit Union will be shared by VEDP with the Governor of Virginia, and any campaign committee or political action committee associated with the Governor. The Credit Union acknowledges that within 18 months of the date of this Performance Agreement, the Governor, his campaign committee, and his political action committee will submit to the Virginia Conflict of Interest and Ethics Advisory Council a report listing any contribution, gift, or other item with a value greater than \$100 provided by the Credit Union to the Governor, his campaign committee, or his political action committee, respectively, during the period from the date of the Credit Union’s application for the COF Grant through the one-year period immediately after the date of this Agreement.

## **Section 3.     Disbursement of the Grants; Use of Proceeds**

(a)     *Disbursement of the COF Grant:* By no later than December 31, 2017, the Locality will request the disbursement to it of the COF Grant. If not so requested by the Locality by December 31, 2017, this Agreement will terminate and the Credit Union will have no claim whatsoever against the Locality or the Authority. The Locality and the Credit Union will be entitled to reapply for a COF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The Locality anticipates that the COF Grant in the amount of \$2,000,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the COF Grant proceeds, the Locality will disburse the COF Grant proceeds to the Authority. Within 30 days of its receipt of

the COF Grant proceeds, the Authority will disburse the COF Grant proceeds to the Credit Union as an inducement to the Credit Union to achieve the Targets at the Facility. This Agreement shall terminate and shall be of no force or effect in the event that the COF Grant is not requested by the Locality on or before December 31, 2017.

(b) *Use of the COF Grant Proceeds:* The Credit Union will use the COF Grant proceeds to pay or reimburse itself for the costs of grading, drainage, paving and any other activity required to prepare the site for construction, road, rail or other transportation access costs beyond the funding capability of existing programs, and for construction of the Facility, all as permitted by Section 2.2-115(D) of the Virginia Code.

(c) *Disbursement of the LEDIG:* As an inducement to the Credit Union to achieve the Targets at the Facility and provided that the Credit Union is not in default under the terms of this Agreement, the Locality will disburse the \$2,000,000 of LEDIG proceeds through the Authority to the Credit Union in four equal installments as follows:

- (i) The first installment of \$500,000 will be paid by the Locality to the Authority and by the Authority to the Credit Union after January 1, 2018, but no later than March 31, 2018.
- (ii) The second installment of \$500,000 will be paid by the Locality to the Authority and by the Authority to the Credit Union after April 1, 2018, but no later than June 30, 2018.
- (ii) The third installment of \$500,000 will be paid by the Locality to the Authority and by the Authority to the Credit Union after January 1, 2019, but no later than June 30, 2019.
- (iv) The fourth installment of \$500,000 will be paid by the Locality to the Authority and by the Authority to the Credit Union after January 1, 2020, but no later than June 30, 2020.

(d) *Use of the LEDIG Proceeds:* The Credit Union will use the LEDIG proceeds for the costs of grading, drainage, paving and any other activity required to prepare the site for construction and for construction of the Facility.

#### **Section 4. Break-Even Point; State and Local Incentives.**

(a) *State-Level Incentives:* VEDP has estimated that the Commonwealth will reach its “break-even point” by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Commonwealth’s expenditures on incentives, including but not limited to the COF Grant. With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive:</u>	<u>Total Amount</u>
COF Grant	\$2,000,000
Virginia Jobs Investment Program (“ <b>VJIP</b> ”) (Estimated)	700,000
Virginia Economic Development Incentive Grant (“ <b>VEDIG</b> ”)	4,000,000

The proceeds of the COF Grant shall be used for the purposes described in Section 3(b). The VJIP proceeds shall be used by the Credit Union to pay or reimburse itself for recruitment and training costs. The VEDIG proceeds may be used by the Credit Union for any lawful purpose.

(b) *Locality-Level Incentives:* The Locality expects to provide the following incentives, as matching grants or otherwise, for the Facility:

<u>Category of Incentive:</u>	<u>Total Amount</u>
LEDIG	\$2,000,000

If, by the Performance Date, the proceeds of the LEDIG disbursed or committed to be disbursed by the Locality to the Credit Union, total less than the required \$2,000,000 COF Grant local match, the Locality, subject to appropriation, will make an additional grant through the Authority to the Credit Union of the difference at the Performance Date, so long as the Credit Union has met its Targets.

The proceeds of the LEDIG shall be used for the purposes described in Section 3(d).

The Locality will help facilitate with Credit Union and Virginia Department of Transportation regarding the transportation network around the Facility, including regarding potential installation of a traffic signal at Independence Drive and U. S. Route 50.

## **Section 5. Repayment Obligation.**

(a) *If Statutory Minimum Eligibility Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Credit Union make a Capital Investment of at least \$5,000,000 in the Facility and create and Maintain at least 50 New Jobs at the Facility in order to be eligible for the COF Grant, and the Locality’s policy is to administer its LEDIG similarly. Failure by the Credit Union to meet either of these statutory minimum eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire amount of both Grants must be repaid by the Credit Union to the Authority.

(b) *Allocation of COF and LEDIG Proceeds:* For purposes of repayment under subsection (c), each of the Grants are to be allocated as 50% for the Credit Union’s Capital Investment Target (\$1,000,000 for the COF Grant and \$1,000,000 for the LEDIG) and 50% for the Credit Union’s New Jobs Target (\$1,000,000 for the COF Grant and \$1,000,000 for the LEDIG).

(c) *If Statutory Minimum Eligibility Requirements are Met:* The provisions of this subsection 5 (c) shall become applicable only if the Credit Union has met the statutory minimum eligibility requirements set forth in subsection 5 (a). If the Credit Union has met at least 90% of both of the Targets as of the Performance Date, then and thereafter the Credit Union is no longer obligated to repay any portion of either Grant. If the Credit Union has not met at least 90% of either or both of its Targets as of the Performance Date, the Credit Union shall repay to the Authority that part of the Grants that is proportional to the Target or Targets for which there is a shortfall. For example, if at the Performance Date, the Capital Investment is only \$75,000,000 (reflecting achievement of 75% of the Capital Investment Target), and only 1,050 New Jobs have been created and Maintained (reflecting achievement of 75% of the New Jobs Target), the Credit Union shall repay to the Authority 25% of the moneys allocated to the Capital Investment Target (\$250,000 for the COF Grant + \$250,000 for the LEDIG = \$500,000) and 25% of the moneys allocated to the New Jobs Target (\$250,000 for the COF Grant + \$250,000 for the LEDIG = \$500,000), for a total repayment of \$1,000,000. Among other things, in the event that the Credit Union should file any amended tax return indicating, among other things, that the Credit Union did not meet the Capital Investment and/or the New Jobs Target, the Credit Union shall be obligated to repay all or a portion of the Grants, according to the formula set forth herein. The Credit Union's repayment obligation hereunder shall survive the Performance Date to the extent that the Locality or VEDP subsequently receives information to the effect that the Credit Union did not meet the Targets.

(d) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Credit Union is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality, the Authority or VEDP shall have promptly notified the Credit Union of such determination, the Credit Union must repay to the Authority all of the proceeds of the Grants previously disbursed to the Credit Union. Such a determination will be based on such circumstances as a filing by or on behalf of the Credit Union under the U.S. Bankruptcy Code, the liquidation of the Credit Union, an abandonment of the Facility by the Credit Union or other similar significant event that demonstrates that the Credit Union will be unable or is unwilling to satisfy the Targets for the Grants. Upon such determination, then and in that event, no further LEDIG installments shall be disbursed to the Credit Union and the COF Grant and LEDIG proceeds previously disbursed to the Credit Union will be required to be repaid as set forth in subsection 5(e).

(e) *Repayment:* In the event that the Credit Union is obligated to repay the Grants, or any portion thereof, as called for under the terms of this Agreement, the Credit Union shall pay such sums within 30 days after notification of the amount of the sums to be repaid by the Credit Union. Such determination of liability shall be made promptly as of the Performance Date or the Determination Date, or promptly upon receipt of the Progress Report, as hereinafter defined, or other information confirming lack of achievement of the Targets as of the Performance Date, whichever shall first occur.

Any COF Grant and LEDIG repayment shall be made as follows:

(i) *COF Grant:* Any COF Grant moneys repaid by the Credit Union to the Authority hereunder shall be repaid by the Authority to the Locality within 30 days after the repayment by the Credit Union to the Authority, and shall be repaid by the Locality promptly to VEDP for redeposit into the Commonwealth's Development Opportunity Fund.

(ii) *LEDIG:* Any LEDIG moneys repaid by the Credit Union to the Authority hereunder shall be repaid by the Authority to the Locality within 30 days after the repayment by the Credit Union to the Authority. In the event that the Credit Union fails or refuses to repay any of the LEDIG moneys as called for in this Section 5, such sums shall be assessed interest at the rate of 8.00% per annum until repaid in full by the Credit Union.

The Locality and the Authority shall use their best efforts to recover any proceeds of the Grants due, including judicial proceedings for any breach of this Agreement by the Credit Union. Neither the Locality nor the Authority shall have any responsibility for the repayment of any COF Grant sums payable by the Credit Union hereunder unless said sums have been received by the Authority from the Credit Union.

In the event that the Credit Union fails to make full repayment of any repayment due, any monies that are repaid shall be allotted as 50% to the COF Grant and 50% to the LEDIG.

(f) *Attorney's Fees with Respect to Repayment:* In the event that the Credit Union fails to comply with the repayment obligations set forth in this Section 5, the Locality and the Authority shall be entitled to recover their reasonable attorney's fees and costs incurred in connection with such default by the Credit Union, whether or not judicial proceedings are instituted to collect such funds.

## **Section 6. Credit Union Reporting.**

Commencing on July 1, 2018, and on July 1 of each year thereafter, the Credit Union shall provide, at the Credit Union's expense, an annual report on the progress of achievement of the Targets ("**Progress Report**"). Such Progress Report shall indicate the amount of Capital Investment, the number of New Jobs, the average annual wage paid to the New Jobs (W-2 wages, including PIP), and the standard fringe benefits provided to those New Jobs through the prior December 1. Such Progress Report also shall include an affirmative statement signed by an authorized Credit Union Officer or Director that the information provided in the report is true and correct and certifies the status of its efforts to achieve the Targets.

The Credit Union shall provide other reports on the progress of achievement of the Targets at such other times as the Locality, the Authority or VEDP may reasonably require.

The Credit Union hereby authorizes the Locality, including the Locality's Commissioner of the Revenue and Treasurer, to provide for review by the Locality and VEDP of the Credit

Union's real estate tax, business personal property tax and machinery and tools tax information. Such information shall be marked and considered confidential and proprietary and shall be used solely for verifying satisfaction of the Capital Investment Target. If the Locality, the Office of the Commissioner of the Revenue, or the Office of the Treasurer should require additional documentation or consents from the Credit Union to access such information, the Credit Union shall promptly provide, at the Credit Union's expense, such additional documentation or consents as the Locality, the Authority or VEDP may request. In accordance with Virginia Code Section 58.1-3122.3, VEDP is entitled to receive the Credit Union's real estate tax, business personal property tax and machinery and tools tax information from the Locality's Commissioner of the Revenue.

In addition to the verification data described above, the Locality, the Authority and VEDP may request such other documentation or audits as may be required to properly verify Capital Investment.

With each Progress Report, the Credit Union shall provide for review by the Locality and VEDP copies of the Credit Union's quarterly payroll tax filings with the Virginia Employment Commission covering the period from October 1, 2016 through the Performance Date. The Credit Union will denote on those filings which of the employees met the definition of New Jobs to confirm satisfaction with the New Jobs Target. Such information shall be marked and considered confidential and proprietary and shall be used solely for verifying satisfaction of the New Jobs Target. In accordance with Virginia Code Section 60.2-114, VEDP is entitled to receive the Company's employment level and wage information from the Virginia Employment Commission.

Since the Credit Union has more than one business location in the Commonwealth, the Credit Union agrees that it will report to the Virginia Employment Commission with respect to its employees at the Facility at the Facility-level and not at the Credit Union-level.

In addition to the verification data described above, the Locality, the Authority and VEDP may request such other documentation or audits as may be required to properly verify New Jobs.

## **Section 7.     Notices.**

Formal notices and communications between the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Credit Union, to:

Navy Federal Credit Union  
141 Security Drive  
Winchester, VA 22602  
Facsimile: 540.722.1649  
Email: susan\_brooks@navyfederal.org  
Attention: Susan Brooks

with a copy to:

Navy Federal Credit Union  
820 Follin Lane  
Vienna, VA 22180  
Facsimile: 703.206.4389  
Email: george\_eichert@navyfederal.org  
Attention: George E. Eichert

if to the Locality, to:

County of Frederick, Virginia  
107 North Kent Street  
Winchester, Virginia 22601  
Facsimile: 540-667-0370  
Email: ktierney@fcva.us  
Attention: County Administrator

with a copy to:

County of Frederick, Virginia  
107 North Kent Street, 3<sup>rd</sup> Floor  
Winchester, Virginia 22601  
Facsimile: 540-667-0370  
Email: rwillia@fcva.us  
Attention: County Attorney

if to the Authority, to:

Economic Development Authority of the  
County of Frederick, Virginia  
107 North Kent Street  
Winchester, Virginia 22601  
Facsimile: 540-722-0604  
Email: scrockett@vit.org  
Attention: Chair

with a copy to:

Economic Development Authority of the  
County of Frederick, Virginia  
107 North Kent Street  
Winchester, Virginia 22601  
Facsimile: 540-722-0604  
Email: pbarker@yesfrederickva.com  
Attention: Executive Director

if to VEDP, to:

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Post Office Box 798 (zip: 23218-0798)  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: smoret@yesvirginia.org  
Attention: President and CEO

with a copy to:

Virginia Economic Development Partnership  
One James Center, Suite 900  
901 East Cary Street  
Post Office Box 798 (zip: 23218-0798)  
Richmond, Virginia 23219  
Facsimile: 804.545.5611  
Email: smcninch@yesvirginia.org  
Attention: General Counsel

## **Section 8. Miscellaneous.**

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the Grants and may not be amended or modified, except in writing, signed by each of the parties hereto and consented to by VEDP. This Agreement shall be binding



upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Credit Union may not assign its rights and obligations under this Agreement without the prior written consent of the Locality, the Authority and VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving the COF Grant under the terms of this Agreement shall lie in the Circuit Court of the City of Richmond, Virginia, and such litigation shall be brought only in such court. Jurisdiction and venue for any litigation arising out of or involving the LEDIG under the terms of this Agreement shall lie in the Circuit Court of the County of Frederick, Virginia, and such litigation shall be brought only in such court.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Time:* Time is of the essence as to all matters set forth in this Performance Agreement.

(f) *Attorney Fees:* Except as noted in Section 5(f), attorney's fees shall be paid by the party incurring such fees.

(g) *Interpretation:* Should any provision of this Agreement require judicial interpretation, it is agreed that the Court interpreting the same shall not apply the presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that document is to be construed most strictly against the party who itself or through its counsel prepared the same, it being agreed that counsel for the Locality, the Credit Union and the Authority have participated in the preparation and review of this Agreement

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

**IN WITNESS WHEREOF**, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF FREDERICK, VIRGINIA**

By \_\_\_\_\_

Name: Charles S. DeHaven, Jr.

Title: Chair, Board of Supervisors of  
the County of Frederick, Virginia

Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY  
OF THE COUNTY OF FREDERICK,  
VIRGINIA**

By \_\_\_\_\_

Name: Stanley Crockett

Title: Chair, Economic Development  
Authority of the County of Frederick, Virginia

Date: \_\_\_\_\_

**NAVY FEDERAL CREDIT UNION**

By \_\_\_\_\_

Name: George E. Eichert

Title: Senior Vice President,  
Administrative Services

Date: \_\_\_\_\_

# CONSENT AGENDA

C



## COUNTY of FREDERICK


**Kris C. Tierney**  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: [ktierney@fcva.us](mailto:ktierney@fcva.us)

### MEMORANDUM

TO:	Board of Supervisors
FROM:	Kris C. Tierney, County Administrator 
SUBJECT:	Addendum to NSVSAC MOU
DATE:	November 2, 2017

At the June 22, 2016 meeting of the Board of Supervisors, the Board approved a Memorandum of Understanding between the various localities that make up the Northern Shenandoah Valley Substance Abuse Coalition. The purpose of the MOU was to outline the responsibilities and expectations of the various parties. Per the original MOU, neither Frederick County nor any of the other parties were required to provide any additional funding other than the awarded grant funds from the Bureau of Justice Assistance Adult Drug Court Discretionary Fund. This MOU was approved as part of the Board's consent agenda at that meeting.

Since that time, an addendum to the existing MOU has been proposed, which would enable the City of Winchester, at its sole discretion, to provide space located at 305 E. Piccadilly Street (aka the Timbrook House) to be used by the NSVSAC for office space for the operation of the Northwestern Regional Adult Drug Treatment Court for \$1.00 per year.

Because the original MOU was approved by the Board of Supervisors, the proposed addendum is being presented to the Board for consideration and action. If the Board concurs with the addendum, staff is seeking approval of the attached resolution to authorize the County Administrator to sign the addendum on behalf of the County.

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

KCT/jet

Attachment



## BOARD OF SUPERVISORS

### RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN ADDENDUM TO THE NORTHERN SHENANDOAH VALLEY SUBSTANCE ABUSE COALITION MOU FOR THE USE OF THE TIMBROOK HOUSE

**WHEREAS**, the Northern Shenandoah Valley Substance Abuse Coalition operates the Northwestern Regional Drug Treatment Court program and is in need of office space; and

**WHEREAS**, the City of Winchester currently owns the Timbrook House; and

**WHEREAS**, there is no current utilization of the Timbrook House; and

**WHEREAS**, execution of the attached addendum would provide the Northern Shenandoah Valley Substance Abuse Coalition with much needed office space in the Timbrook House for the operation of the Northwestern Drug Treatment Court program; and

**WHEREAS**, all terms and conditions cited within the attached addendum require strict adherence.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Frederick, Virginia hereby authorize the County Administrator to execute the attached addendum.

**ADOPTED** this 8<sup>th</sup> day of November, 2017.

**VOTE:**

Charles S. DeHaven, Jr. \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

Bill M. Ewing \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Blaine P. Dunn \_\_\_\_\_

Gene E. Fisher \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

A COPY ATTEST

\_\_\_\_\_  
Kris C. Tierney  
Frederick County Administrator



## THE COMMON COUNCIL

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
TDD 540-722-0782  
www.winchesterva.gov

*I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 26<sup>th</sup> day of October 2017 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 24<sup>th</sup> day of October 2017.*

### **RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE NSVSAC MOU FOR USE OF THE TIMBROOK HOUSE**

**WHEREAS**, the Northern Shenandoah Valley Substance Abuse Coalition operates the Northwestern Regional Drug Treatment Court program and is in need of office space; and,

**WHEREAS**, the City of Winchester currently owns the Timbrook House; and,

**WHEREAS**, all programming that was formerly housed in the Timbrook House ceased in January 2017; and,

**WHEREAS**, there is no current utilization of the Timbrook House; and,

**WHEREAS**, executing the attached addendum would provide the Northern Shenandoah Valley Substance Abuse Coalition with much needed office space in the Timbrook House for the operation of the Northwestern Regional Drug Treatment Court program; and,

**WHEREAS**, all terms and conditions cited within the attached addendum require strict adherence.

**NOW THEREFORE BE IT RESOLVED**, that the Winchester Common Council hereby authorizes the City Manager to execute the attached addendum.

**Resolution No. 2017-36.**

**ADOPTED** by the Common Council of the City of Winchester on the 24<sup>th</sup> day of October 2017.

*Witness my hand and the seal of the City of Winchester, Virginia.*



*Kari J. Van Diest*

**Kari J. Van Diest, MMC**  
**Deputy Clerk of the Common Council**



# ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING

*Northern Shenandoah Valley Substance Abuse Coalition  
FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program;*

On this \_\_\_\_ day of \_\_\_\_\_, 2017, the undersigned parties did agree to the terms contained in this *Addendum to the Memorandum of Understanding* between the City of Winchester (hereinafter referred to as the "City") and Clarke County, Virginia; and Frederick County, Virginia; Valley Health System; and the Northern Shenandoah Valley Substance Abuse Coalition, of the Commonwealth of Virginia (hereinafter referred to as the "NSVSAC"). The foregoing (and undersigned) being hereinafter referred to collectively as "the parties".

## TERMS

1. On June 20, 2016, the foregoing parties entered into a Memorandum of Understanding (**Exhibit A**), hereinafter "the MOU" regarding their respective duties associated with the Northern Shenandoah Valley Substance Abuse Coalition and associated Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program.
2. All terms described in the MOU are adopted and incorporated as if set forth fully herein.
3. Paragraph (18) of the MOU provides that "This document represents the entire agreement between the parties. All prior or subsequent agreements concerning these matters are hereby deemed to be null and void **unless said terms are incorporated into a written Addendum to this MOU signed by all parties.**" This Addendum has been prepared in accordance with the foregoing.
4. In addition to the terms described in the MOU, the City, at its sole discretion, has elected to provide the space located at 305 E. Piccadilly Street (hereinafter referred to as the "Timbrook House") to be used by NSVSAC for office space for the operation of the Northwest Regional Adult Drug Treatment Court for the nominal consideration of one dollar (\$1.00) per year;
5. The NSVSAC will be solely responsible the cost of all utilities for the building and will allow City staff and other authorized representatives access to the structure at all times;
6. The NSVSAC will be solely responsible for securing general liability insurance coverage at their sole cost for their use of the space in an amount and form acceptable to the City's Risk Manager with the City named as an additionally insured party. Alternative coverage arrangements acceptable to the City's Risk Manager may be permitted at the sole discretion of the City.
7. The City will continue to provide space located at the Timbrook House for a period of time not to exceed five (5) years upon the execution of the addendum by all parties;
8. The City's governing body may, at its sole discretion, with or without cause, terminate this addendum and revoke the NSVSAC's permission to operate in the space at any

time without notice, NSVSAC shall promptly vacate the property upon notification of such revocation.

9. The City's governing body may renew this addendum for additional terms not to exceed five (5) years at their sole discretion.
10. The provisions of this Addendum shall immediately terminate upon termination of the MOU.
11. At all times herein mentioned, the parties shall remain separate and distinct entities. Nothing in this Addendum shall be construed to form a *respondeat superior* relationship between the City and any of the parties including but not limited to NSVSAC, its employees, agents, and assigns.
12. NSVSAC shall indemnify and hold the City, its employees, agents, and assigns, harmless for any claims made by third parties arising from their use of the subject property.
13. NSVSAC shall be responsible for all damages, costs, and fees, including but not limited to attorney's fees incurred by the City on any claim arising as a result of NSVSAC's use of the property.

By executing this document, the undersigned parties represent that they are authorized to and hereby bind their respective entities to all terms of this MOU:

**CITY OF WINCHESTER**

 26 Oct 2017  
Eden Freeman, City Manager Date

**Frederick County, Virginia**

\_\_\_\_\_  
Kris Tierney, County Administrator Date

**Clarke County, Virginia**

\_\_\_\_\_  
David L. Ash, County Administrator Date

**NORTHERN SHENANDOAH VALLEY**



**SUBSTANCE ABUSE COALITION**

\_\_\_\_\_  
Lauren Cummings, Executive Director

\_\_\_\_\_  
Date

**VALLEY HEALTH SYSTEM**

\_\_\_\_\_  
Chris Rucker, Vice President, Date  
Ambulatory and Wellness Services

## **MEMORANDUM OF UNDERSTANDING**

*Northern Shenandoah Valley Substance Abuse Coalition  
FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program;*

On this 20 day of June, 2016, the undersigned parties did agree to the terms contained in this *Memorandum of Understanding* ("MOU") between the City of Winchester (hereinafter referred to as the "City"); Clarke County, Virginia; Frederick County, Virginia; Valley Health System; the *Northern Shenandoah Valley Substance Abuse Coalition*, (hereinafter referred to as the "NSVSAC"). The foregoing (and undersigned) being hereinafter referred to collectively as "the parties".

### **RECITALS**

1. WHEREAS, at all times herein mentioned, the City of Winchester, Virginia, was and remains a municipal corporation formed and operating under the laws of the Commonwealth of Virginia; and
2. WHEREAS, at all times herein mentioned Frederick County, Virginia and Clarke County, Virginia were and remain Counties formed and operating under the laws of the Commonwealth of Virginia.
3. WHEREAS, the Northern Shenandoah Valley Substance Abuse Coalition is a nonprofit entity formed under the laws of the Commonwealth of Virginia. One of the purposes of the NSVSAC is to facilitate the creation of a regional drug treatment court (hereinafter the "Northwest Regional Adult Drug Treatment Court") in accordance with the provisions of §18.2-254.1 of the Code of Virginia by the following localities: (1) City of Winchester, Virginia; (2) Frederick County, Virginia, and (3) Clarke County, Virginia; and
4. WHEREAS, the NSVSAC desires to compete to receive funding under the FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program; and
5. WHEREAS, said grant is limited to states, state and local courts, counties, units of local government, and federally recognized indigenous tribal governments on behalf of a single jurisdiction drug court; and
6. WHEREAS, the NSVSAC has requested that the City of Winchester apply for said grant and stand as fiscal agent for any funds awarded pursuant to said grant; and
7. WHEREAS, Common Council for the City of Winchester has expressed its support for the Drug Court Program and in furtherance thereof, the Manager has agreed to authorize the City's service as fiscal agent for the grant funds; and

8. WHEREAS, NSVSAC has represented that the grant provisions allow for a nonprofit organization like the NSVSAC to be a sub-recipient of funds received under the grant.

#### AGREEMENT

The parties understand that participating in this agreement will increase the ability of City of Winchester, Frederick County and Clarke County to promote overall public safety, prevent substance abuse, promote recovery services, and provide the best possible service to the citizens and visitors to those localities; and the parties hereto intend by this memorandum to enter into an understanding for cooperation in the establishment and utilization of such activity, subject to the specific terms and conditions herein. The parties jointly agree with one another as follows:

1. The NSVSAC will act as an umbrella organization to collaborate with community partners in the City of Winchester, Frederick County and Clarke County and take the lead in identifying and developing effective resources to ensure that the necessary continuum of care for substance abuse and addiction services are available to all members of the community.
2. The NSVSAC will promote prevention of substance abuse, treatment of current substance abusers, cooperation between law enforcement, services by treatment providers, the coordination of criminal justice system activity, and support from the medical community and recovery community as well as the community as a whole.
3. The NSVSAC will provide support and staffing to the Northwest Regional Adult Drug Treatment Court.
4. Contingent upon fiscal appropriation from Common Council for the City of Winchester, the City agrees to act as the applicant and fiscal agent for the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, which may be appropriated in accordance with performance metrics established by Common Council for the City of Winchester and which shall be consistent with grant requirements.
5. In order to properly administer the funds received from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, Valley Health System will be responsible for hiring an administrator for the Northwest Regional Adult Drug Treatment Court ("NWRADTC") program, and for the payment of substance abuse treatment services for participants in the NWRADTC program. The NSVSAC will provide quarterly invoices to the City of Winchester for the reimbursement of costs incurred for compensation of the drug treatment court administrator and for the

payment of substance abuse treatment services, which shall be paid for using funds from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program.

6. The collective monetary total of the provided invoices shall not exceed the dollar amount of the awarded grant.
7. The City, Frederick County, Clarke County, and Valley Health System shall not be required to provide any additional funding other than the awarded grant funds, and shall not receive invoices from NSVSAC outside the scope of the grant funds.
8. The City shall bear no funding responsibility for any services associated with this agreement or the aforementioned grant should the funding not be awarded, rescinded, or otherwise modified from its original expected scope.
9. At all times herein mentioned, NSVSAC; the City of Winchester, Virginia; Frederick County, Virginia; Clarke County, Virginia; Valley Health System, their respective employees, agents, and assigns, shall be construed and remain independent entities. Nothing in this Memorandum of Understanding shall be construed to form an employment relationship between any of the parties.
10. This document represents the entire agreement between the parties. All prior or subsequent agreements concerning these matters are hereby deemed to be null and void unless said terms are incorporated into a written Addendum to this MOU signed by all parties.
11. This *Memorandum of Understanding* shall automatically renew on January 1<sup>st</sup> of each year following execution for ten (10) years following execution and may be terminated without cause or recourse by the City of Winchester upon thirty (30) days written notice issued to NSVSAC effective upon mailing. This Agreement shall remain in effect despite the expiration of tenure of any of the representatives whose signatures appear hereon.
12. This document shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of the terms of this MOU shall be litigated solely in the Circuit Court for the City of Winchester, Virginia, or the U.S. District Court in Harrisonburg, Virginia.

By executing this document, the undersigned parties represent that they are authorized to and hereby bind their respective entities to all terms of this MOU:

CITY OF WINCHESTER

Eden Freeman 29 June 2016  
Eden Freeman, City Manager Date

FREDERICK COUNTY, VIRGINIA

Brenda G. Garton 6/28/16  
Brenda G. Garton, County Administrator Date

CLARKE COUNTY, VIRGINIA

David L. Ash 6/21/2016  
David L. Ash, County Administrator Date

NORTHERN SHENANDOAH VALLEY  
SUBSTANCE ABUSE COALITION

Lauren Cummings 6/20/16  
Lauren Cummings, Executive Director Date

VALLEY HEALTH SYSTEM

Chris Rucker 7/28/16  
Chris Rucker, Vice President,  
Ambulatory and Wellness Services Date

# CONSENT AGENDA

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MEMORANDUM

**TO:** Board of Supervisors

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

**SUBJECT:** Public Works Committee Report for Meeting of October 31, 2017

**DATE:** November 3, 2017

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The Public Works Committee met on Tuesday, October 31, 2017, at 8:00 a.m. All members were present except James T. Wilson. The following items were discussed:

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

1. We discussed Capital Improvement Plan (CIP) departmental request for 2018-2023. Recently, staff received packages from the Planning Department to submit any potential CIP projects. In looking at the Public Works Department needs, we determined there are two potential projects that should be included with the CIP request. Both projects are in the Refuse Collection budget and involve upgrades and/or a new site to replace an existing site.

Summary of CIP Request #1 (see attached CIP request): Proposing to relocate a new site for the Albin Convenience Center located near the intersection of Route 522 North and Indian Hollow Road across from the Virginia Farm Market. The site has been in operation for many years and is too small of a site and creates major safety concerns with traffic flow into and out of the site. The Albin site is also the most used site outside of the Landfill with an average of 654 vehicles per day.

We have proposed a total cost to relocate the site for \$1,359,000.00. This price includes purchasing property and design work in the Fiscal Year 2019 budget. The rest of the costs totaling \$1,224,000.00 would be applied in the Fiscal Year 2020 budget.

Summary of CIP Request #2 (see attached CIP request): Proposing to modify the existing Gore Convenience Site located along Sand Mine Road in the Gore community. Currently, the site has 10 boxes that are 8 years old. We are proposing to expand the site and locate a compactor unit on site. The current site would have to be enlarged, unit and hopper placed and other work performed. The upgrade to this site would reduce the overall hauling costs significantly. It would provide much greater service to the local community.

The proposed expenditures for this site would be \$30,000.00 in Fiscal Year 2020 for engineering and \$624,000.00 in Fiscal Year 2021 for construction with a total cost of \$654,000.00.

The Public Works Committee endorsed these CIP requests and I will be forwarding them to the Planning and Development staff for further consideration.

# Public Works Committee Report

Page 2

November 3, 2017

2. We updated the committee on the new Stephenson Convenience Site. Funding for the project has been secured and we anticipate awarding the contract within the next two weeks. Utility work has begun, and the site plan is approved. We anticipate construction beginning soon depending on the weather with a proposed project completion date of June 2018. We anticipate opening the new site by July 1, 2018. We continue to work with Carmeuse in extending use at the current Clearbrook site as long as we can. The lease for the site expires on December 31, 2017.
3. Staff presented updates on solid waste surveys, recycling and litter programs. The solid waste survey provided a recent vehicular poll of trips per day at our 10 convenience centers. We also updated the committee on our current recycling rates for Frederick County of 52.5% which exceeds the state mandate of 25%. Our regional electronics recycling program has had some increase of use over the past year with a total of 248 tons of materials recycled. Also, we updated the committee on the county's clean sweep program of roadside trash pick-up utilizing the Regional Jail trustees. They collected 26 tons of roadside litter during Fiscal Year 2017. The program is very successful and performs a very important service to the community.
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

Gene E. Fisher, Chairman  
Bill M. Ewing  
Robert W. Wells  
David W. Ganse, AIA  
Whitney "Whit" L. Wagner  
James T. Wilson

By 

Joe C. Wilder  
Public Works Director

JCW/kco

cc: Kris Tierney, County Administrator  
Jay Tibbs, Deputy County Administrator  
Ron Kimble, Landfill Manager  
Gloria Puffinburger, Solid Waste Manager  
Kathy Whetzel, Animal Shelter Manager  
file





## COUNTY of FREDERICK

Department of Planning and Development  
540/ 665-5651  
Fax: 540/ 665-6395

**MEMORANDUM**

**TO:** County of Frederick Departments and Agency Directors  
Frederick County Transportation Committee

**FROM:** Candice E. Perkins, AICP, CZA, Assistant Planning Director *Cep*

**RE:** **2018-2023 Capital Improvements Plan (CIP) –  
Departmental Project Requests**

**DATE:** September 28, 2017

---

Please find enclosed the 2018-2023 Capital Improvements Plan (CIP) departmental project summary sheet, the CIP individual project description and justification form, and a proposed timeline for the 2018-2023 CIP process.

In preparing this year's CIP, you are asked to provide the following pieces of information to my attention at the Planning Department:

1. Completed departmental project summary sheet;
2. Completed individual project description and justification forms for each project; and
3. If necessary, generalized facility location maps.

Projects that are anticipated to be initiated, and funded, in the upcoming 2018/2019 budget should be located in this first column (1<sup>st</sup> FY 2018/19). It is suggested that projects within this column are those of the highest priority and the most likely to proceed. The column labeled Beyond FY 2023 is for long range Comprehensive Plan projects. These projects should include those projects that are important and necessary to meet the long term goals of the community established in the Comprehensive Plan, but that are unlikely to be funded within the typical five-year window of the CIP.

On October 13, 2017, I will be holding an inter-departmental meeting to discuss the CIP. This is a good opportunity to understand the relationship between the CIP and the 2035 Comprehensive Plan. This meeting will ensure your projects are reflected in the adopted Comprehensive Plan. The meeting will be at 10:00 a.m. and will be held in the Planning Department Conference Room. Please mark your calendars and plan on attending this meeting.

Please submit the requested CIP items in a digital format by November 6, 2017; fillable pdf's of the documents are included. Before submitting your final project requests to the Planning Department in November, you should have already received an endorsement of the projects from any relevant Oversight Committee or Commissions you have. Additional coordination with volunteer groups you work with, such as the County's Volunteer Fire and Rescue

Companies, may be warranted. Please contact me if this becomes a scheduling issue for your department or agency.

As in previous years, individual departments and agencies, and the Transportation Committee, set their own major capital expenditure priorities. Once compiled, the document will go to the Comprehensive Plans and Programs Committee (CPPC) followed by the Planning Commission. These groups are tasked with ensuring that requests for capital improvements are consistent with the Comprehensive Plan. The review and approval of the CIP by the Planning Commission is necessary to satisfy the Code of Virginia requirements of §15.2-2232. To that end, please ensure that the project justification and conformance to the Comprehensive Plan sections are completed and are based on your department's method for establishing, analyzing, and quantifying community needs. Any supporting needs assessments should be available, as needed. The 2035 Comprehensive Plan is available for your review on the Planning Department website [www.fcva.us/planning](http://www.fcva.us/planning).

The 2018-2023 CIP seeks to further align the CIP with the County's budget process. While a similar process has been used in recent years, the potential does exist that adjustments will be made based on discussion with the Finance Committee and County Administration.

I am available to meet, as are other members of the Planning Department, with department and agency directors to discuss requests throughout the process. We will be coordinating with the Finance Department to ensure that the CIP spreadsheets are reviewed and accurate before it is presented to the CPPC. Please remember that the Finance Department, in working with the Finance Committee, has reiterated the CIP criteria for projects as follows:

**CIP Criteria**

***For the purpose of determining whether a project or item is appropriate for individual listing on the CIP only, a threshold value of \$100,000 and useful life of at least five years shall be utilized. This would not preclude the purchase of capital items valued at less than \$100,000 utilizing proffered funds, where other relevant criteria are met and procedures followed.***

Thank you in advance for your cooperation in meeting the dates on the timeline and for being available, as necessary, as the CIP moves through the public review process.

Please feel free to contact me with any questions.

Attachments

CEP/pd

**CIP**

**2018-2023 Capital Improvements Plan**

**Individual Project Description and Justification Form**

Project Name:

Department:

Department Contact Person:

Phone Number:

Email:

Location of Project:

Magisterial District:

Department Project #:

---

**Project Description:** Give a brief (1-2) paragraph description of what the project includes. Provide basic information, such as the location, size, acreage, floor area, capacity, etc.

---

**Project Justification:**

Please describe the need for this project and justify the proposed location of the project.

*Department of Planning and Development. Frederick County, VA*

**Construction Schedule:** If the project will take several years to complete, outline the schedule here. Be sure to include any work that might have been done in previous years, including studies or other planning.

**Estimate Cost** (in 2017 dollars):

**PROPOSED EXPENDITURES**

Element	1 <sup>st</sup> FY 2018/19	2 <sup>nd</sup> FY 2019/20	3 <sup>rd</sup> FY 2020/21	4 <sup>th</sup> FY 2021/22	5 <sup>th</sup> FY 2022/23	Beyond FY 2023	Total
Planning, Surveying, & Design							
Land Acquisition							
Site Preparation & Improvements							
Construction							
Furniture and Equipment							
Other							
<b>TOTAL</b>							

**Basis of Cost Estimates:** Check one of the following. *If you want to provide more detailed information on the estimate, please do so in the space provided.*

- \_\_\_ Cost of comparable facility or equipment
- \_\_\_ From cost estimate provided by an engineer, architect, or vendor
- \_\_\_ From bids received
- \_\_\_ "Preliminary" estimate, (e.g. no other basis for estimate, guesstimate)
- \_\_\_ Other (please explain)

*Department of Planning and Development. Frederick County, VA*

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**Source of Funding:** Indicate the projected amount for each funding source.

**PROPOSED FUNDING SOURCES**

<b>Element</b>	<b>1<sup>st</sup> FY 2018/19</b>	<b>2nd FY 2019/20</b>	<b>3rd FY 2020/21</b>	<b>4th FY 2021/22</b>	<b>5th FY 2022/23</b>	<b>Beyond FY 2023</b>	<b>TOTAL</b>
<b>General Fund</b>							
<b>Other Fund</b>							
<b>State Grants</b>							
<b>Bonds and Debts</b>							
<b>Other Fund-raising</b>							
<b>TOTAL</b>							

Please describe the source of funding (i.e. type of grant):

---

**Legal Requirement:**

Is the project required in order to meet a State or Federal mandate or some other legal requirement?

**Conformance to the Comprehensive Plan:**

Does the project conform to, or contribute to the attainment of the goals and objectives of the Comprehensive Plan? Is the project consistent with established policies?

---

**Public Health, Safety, or Welfare:**

Does the project improve conditions affecting health, safety, or welfare? Does it eliminate a clear health or safety risk?

# CIP

## 2018-2023 Capital Improvements Plan

### Individual Project Description and Justification Form

Project Name: Gore Citizens' Convenience Site

Department: Public Works

Department Contact Person: Gloria Puffinburger

Phone Number: 540-665-5643, ext. 1

Email: gpuffinb@fcva.us

Location of Project: Sand Mine Road

Magisterial District: Back Creek

Department Project #: 2

**Project Description:** Give a brief (1-2) paragraph description of what the project includes. Provide basic information, such as the location, size, acreage, floor area, capacity, etc.

The project will expand refuse capacity in the Gore community by installing a surplus trash compactor. Installation of a compactor at Gore will drive down collection costs at the site where trash is now collected in 10 8-yard boxes. In order to accomplish this, and account for improved traffic flow and the construction of compactor and recycling staging areas, the site will be expanded onto an adjoining parcel already owned by the county.

### **Project Justification:**

Please describe the need for this project and justify the proposed location of the project.

A total of 3,056 vehicles utilized the facility during the month of August 2017. On a typical Saturday, usage peaks at 151 vehicles.

The project will pay for itself in lower refuse collection costs through compaction of solid waste before transport. Also, with a compactor in place, refuse will be contained in an enclosed receiver can, reducing blowing litter and odor and vectors, all of which can be a challenge when using open collection cans.

The project will also provide much-needed capacity during heavy flow times such as weekends and holidays. All 10 containers now fill to capacity during Saturdays and Sundays. Numerous times, the site has closed early on Sundays when capacity is reached. A 40-yard roll-off container is used during holidays to contain excess trash and pulled multiple times, another additional expense. An upgraded site will meet the current and future solid waste needs of the Gore community.



*Department of Planning and Development. Frederick County, VA*

**Construction Schedule:** If the project will take several years to complete, outline the schedule here. Be sure to include any work that might have been done in previous years, including studies or other planning.

Design work is scheduled for FY 19/20 with construction planned for FY 20/21.

Additional land has been purchased by the county in order to accommodate future expansion. Existing pavement and fencing will help off-set costs.

**Estimate Cost (in 2017 dollars):**

**PROPOSED EXPENDITURES**

Element	1 <sup>st</sup> FY 2018/19	2nd FY 2019/20	3rd FY 2020/21	4th FY 2021/22	5th FY 2022/23	Beyond FY 2023	Total
Planning, Surveying, & Design		30,000					30,000
Land Acquisition							
Site Preparation & Improvements			350,000				350,000
Construction			259,000				259,000
Furniture and Equipment			15,000				15,000
Other							
<b>TOTAL</b>			624,000				654,000

**Basis of Cost Estimates:** Check one of the following. *If you want to provide more detailed information on the estimate, please do so in the space provided.*

☒  
☐  
☐  
☐  
☐

- Cost of comparable facility or equipment
- From cost estimate provided by an engineer, architect, or vendor
- From bids received
- "Preliminary" estimate, (e.g. no other basis for estimate, guesstimate)
- Other (please explain)



*Department of Planning and Development. Frederick County, VA*

**Source of Funding:** Indicate the projected amount for each funding source.

**PROPOSED FUNDING SOURCES**

Element	1 <sup>st</sup> FY 2018/19	2 <sup>nd</sup> FY 2019/20	3 <sup>rd</sup> FY 2020/21	4 <sup>th</sup> FY 2021/22	5 <sup>th</sup> FY 2022/23	Beyond FY 2023	TOTAL
General Fund		30,000	624,000				654,000
Other Fund							
State Grants							
Bonds and Debts							
Other Fund-raising							
TOTAL		30,000	624,000				654,000

Please describe the source of funding (i.e. type of grant):

Funding will be derived from the general fund.

**Legal Requirement:**

Is the project required in order to meet a State or Federal mandate or some other legal requirement?

No.

**Conformance to the Comprehensive Plan:**

Does the project conform to, or contribute to the attainment of the goals and objectives of the Comprehensive Plan? Is the project consistent with established policies?

The proposal conforms to the department's and county's goals of reducing operational costs while providing improved services whenever feasible. Currently, the county spends about \$36,000 a year in refuse hauling costs at this location. In comparison, with a compactor in place, the same 500 tons of refuse will be transported to the landfill for approximately \$6,400.

Besides the costs savings, this project has the added benefit of improving services and operations and providing for future solid waste demands in the Gore community.

---

**Public Health, Safety, or Welfare:**

Does the project improve conditions affecting health, safety, or welfare? Does it eliminate a clear health or safety risk?

The project will improve conditions at the Gore refuse collection site in that all trash will be compacted and contained in a single enclosed container, reducing odor, blowing litter, vectors and the early morning disruption to nearby neighbors created by the refuse truck when the current containers are serviced.

# CIP

## 2018-2023 Capital Improvements Plan

### Departmental Project Summary Sheet

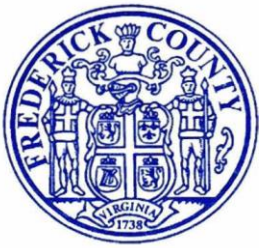
Department:

New and Carry Over (*Modified and Unmodified*) Project Requests:


Dept. Priority	Project Title	FY 2018/19 Cost	FY 2019/20 Cost	FY 2020/21 Cost	FY 2021/22 Cost	FY 2022/23 Cost	Long Range Comprehensive Plan Projects Beyond FY 2023	TOTAL CIP Cost
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

*Department of Planning and Development. Frederick County, VA*

<b>Dept. Priority</b>	<b>Project Title</b>	<b>FY 2018/19 Cost</b>	<b>FY 2019/20 Cost</b>	<b>FY 2020/21 Cost</b>	<b>FY 2021/22 Cost</b>	<b>FY 2022/23 Cost</b>	<b>Long Range Comprehensive Plan Projects Beyond FY 2023</b>	<b>TOTAL CIP Cost</b>
<b>11</b>								
<b>12</b>								
<b>13</b>								
<b>14</b>								
<b>15</b>								
<b>16</b>								
<b>17</b>								
<b>18</b>								
<b>19</b>								
<b>20</b>								

**COUNTY of FREDERICK****Department of Public Works****540/665-5643****FAX: 540/678-0682****MEMORANDUM**

**TO:** Public Works Committee

**FROM:** Gloria M. Puffinburger   
Solid Waste Manager

**RE:** FY 16/17 Site Usage Survey Results;  
Recycling/Litter Programs

**DATE:** October 25, 2017

---

***CONVENIENCE SITE USAGE:***

Usage at the county's ten convenience sites has experienced a decrease of 5 percent from last year based on an August 2017 survey. Overall, it is estimated that 862,164 vehicle trips per year occur at the various neighborhood sites. The more urban locations of Albin, Greenwood and Clear Brook continued to experience the heaviest usage. On its busiest day, 879 vehicles visited the Albin site; 586 traveled to Greenwood, and 523 used the Clear Brook location. For a usage summary, please see attached.

***RECYCLING PROGRAM:***

During FY 16/17, the county's recycling program collected 6.2 million pounds of materials at the various convenience sites and the landfill citizens' center. As reported to the Virginia Department of Environmental Quality, the county's recycling rate was 52.5 percent in 2016. The county rate reflects diversion efforts by local residents and businesses and far exceeds the state mandate of 25 percent.

Revenue from the sale of materials remained consistent with last year's figure at approximately \$62,000 due primarily to tighter quality controls instituted by overseas markets.

***REGIONAL ELECTRONICS RECYCLING PROGRAM:***

Tonnages of e-waste recycled during FY 16/17 increased slightly to 248 tons. Labor is provided during events by the regional detention center's Community Inmate Workforce (CIWF) in order to curtail operational costs. Fees paid to the county's vendor are offset by user fees collected for computer and television screens.

***LITTER PROGRAM:***

Frederick County Clean Sweep collected 26 tons of roadside litter during FY 16/17. Trustees from the regional jail (CIWF) are supervised by a part-time public works staffer and focus most of their efforts on Route 37, Sulphur Springs Road and the primary highways leading into the county with the exception of Interstate 81. Litter and illegally dumped debris is also removed from secondary roads on an as-needed basis. The combined efforts of the CIWF represented an in-kind contribution of \$41,339. All operational costs associated with the county's litter program are more than off-set by state grant funding of \$15,152. The Virginia Department of Transportation, Stephens City Office, transports bagged litter to the regional landfill.

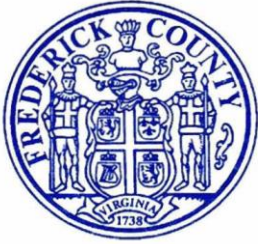
## 2017 USAGE SURVEY; CITIZENS' CONVENIENCE SITES

<i>Location</i>	<i>2017</i>	<i>Daily Avg</i>	<i>Peak Day</i>	<i>Sun Avg (5 hr)</i>		<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Change from 2016</i>
Greenwood	<b>13,655</b>	543	586	464		12,584	13,128	14,186	12,817	14,772	12,183	12,944	13,586	<1%
Bryarly	<b>17,006</b>	654	879	683		10,170	10,752	13,343	14,364	15,736	15,325	16,096	16,270	+4%
Middletown	<b>7394**</b>	284	403	278		9419	9492	10,266	8997	8753	8818	9419	8954	-2%
Clear Brook	<b>10,540</b>	405	523	361		8288	9302	9260	8952	9611	9820	10,637	10,246	+3%
DTG	<b>7556</b>	291	406	317		6181	6283	5770	6440	7518	7001	7578	7685	-2%
Shawneeland	<b>6025</b>	232	305	220		5068	5104	4638	5100	5207	4616	5595	6042	<1%
Back Creek	<b>4811</b>	185	232	166		4805	5317	4916	4937	5032	4674	4923	4899	-2%
Round Hill	<b>4151</b>	160	195	160		3359	3332	3622	3700	4131	3807	3988	4074	+2%
Gore	<b>3056</b>	118	151	95		2603	2849	2736	2932	3310	3118	3212	3140	-3%
Star Tannery*	<b>653</b>	31	47	39		651	644	589	562	630	619	632	584	+1 %
<b>AUG TOTAL:</b>	<b>71,847</b>					<b>63,128</b>	<b>66,203</b>	<b>69,326</b>	<b>68,801</b>	<b>74,700</b>	<b>69,981</b>	<b>75,024</b>	<b>75,480</b>	<b>-5%</b>
<b>YR AVG:</b>	<b>862,164</b>					<b>757,536</b>	<b>794,436</b>	<b>831,912</b>	<b>825,612</b>	<b>896,400</b>	<b>839,772</b>	<b>900,288</b>	<b>905,760</b>	

survey conducted 8/2017

\*closed two days/wk; open 31 hrs/wk

\*\*impacted by Sat. Yard Crawl

**COUNTY of FREDERICK****Department of Public Works****540/665-5643****FAX: 540/678-0682****MEMORANDUM**

**TO:** Public Works Committee

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

**SUBJECT:** Monthly Tonnage Report - Fiscal Year 16/17

**DATE:** October 4, 2017

The following is the tonnage for the months of July 2017, through June 2018, and the average monthly tonnage for fiscal years 03/04 through 17/18.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,348 TONS (UP 1,164 TONS)</b>
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,029 TONS (UP 681 TONS)</b>
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,785 TONS (UP 756 TONS)</b>
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,705 TONS (DOWN 1,080 TONS)</b>
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,904 TONS (DOWN 2,801 TONS)</b>
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,316 TONS (DOWN 588 TONS)</b>
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,219 TONS (DOWN 1,097 TONS)</b>
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,184 TONS (DOWN 35 TONS)</b>
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,013 TONS (DOWN 171 TONS)</b>
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,065 TONS (UP 52 TONS)</b>
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,468 TONS (UP 403 TONS)</b>
<b>FY 14-15:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,133 TONS (UP 665 TONS)</b>
<b>FY 15-16:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,984 TONS (UP 851 TONS)</b>
<b>FY 16-17:</b>	<b>AVERAGE PER MONTH:</b>	<b>14,507 TONS (UP 523 TONS)</b>
<b>FY 17-18:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,657 TONS (UP 2,150 TONS)</b>

<b>MONTH</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>JULY</b>	13,391	15,465
<b>AUGUST</b>	15,724	17,694
<b>SEPTEMBER</b>	14,649	16,813
<b>OCTOBER</b>	14,160	
<b>NOVEMBER</b>	13,834	
<b>DECEMBER</b>	16,821	
<b>JANUARY</b>	12,520	
<b>FEBRUARY</b>	12,542	
<b>MARCH</b>	13,216	
<b>APRIL</b>	14,252	
<b>MAY</b>	16,105	
<b>JUNE</b>	16,873	

JCW/gmp

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL		34,060	3,410	7,330	76,060	89,540	6,560	85,340	289,600	591,900
AUG		37,820	4,370	7,770	100,380	95,140		40,420	269,640	555,540
SEP		35,820	2,205	4,175	69,480	76,877	4,860	37,520	333,060	563,997
OCT										0
NOV										0
DEC										0
JAN										0
FEB										0
MAR										0
APR										0
MAY										0
JUN										0
<b>TOTAL</b>	0	107,700	9,985	19,275	245,920	261,557	11,420	163,280	892,300	1,711,437
<b>FY 16-17</b>	372,600	430,435	41,002	89,976	1,082,737	1,009,153	37,220	495,500	2,687,241	6,245,864
<b>FY 15-16</b>	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
<b>FY 14-15</b>	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
<b>FY 13-14</b>	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
<b>FY 12-13</b>	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
<b>FY 11-12</b>	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
<b>FY 10-11</b>	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
<b>FY 09-10</b>	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
<b>FY 08-09</b>	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
<b>FY 07-08</b>	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
<b>FY 06-07</b>	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
<b>FY 05-06</b>	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
<b>FY 04-05</b>	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
<b>FY 03-04</b>	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
<b>FY 02-03</b>	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
<b>FY 01-02</b>	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
<b>FY 00-01</b>	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
<b>FY 99-00</b>	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
<b>FY 98-99</b>	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
<b>FY 97-98</b>	485,294	136,110	13,307	29,775	1,830,000					2,494,486
<b>FY 96-97</b>	373,106	211,105	23,584	46,625	1,690,000					2,344,420
<b>FY 95-96</b>	511,978	167,486	28,441	44,995	1,553,060					2,305,960
<b>TO DATE</b>	14,247,821	6,009,678	548,737	1,234,855	33,150,206	8,547,406	342,540	6,225,034	17,634,721	87,941,078



## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2017-2018

## DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	50	28	47	4	0	38	39	8	0	0	44
AUG	44	25	51	2	0	43	44	7	0	0	28
SEP	28	21	38	1	0	24	32	3	1	0	28
OCT											
NOV											
DEC											
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	122	74	136	7	0	105	115	18	1	0	100

In the month of September - 88 dogs in and out of kennel. 1 dog transferred to rescue.

## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2017-2018

## CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	101	135	23	2	6	28	2	143	0	0	94
AUG	94	183	24	2	8	43	1	150	2	0	115
SEP	115	171	28	1	0	24	4	152	2	1	132
OCT											
NOV											
DEC											
JAN											
FEB											
MAR											
APR											
MAY											
JUN											
TOTAL	310	489	75	5	14	95	7	445	4	1	341

In the month of September - 315 cats in and out of shelter.

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**MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** John A. Bishop, AICP, Assistant Director - Transportation JB

**RE:** Transportation Committee Report for Meeting of October 30, 2017

**DATE:** October 31, 2017

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The Transportation Committee met on Monday, October 30, 2017 at 8:30 a.m.

Members Present

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

Members Absent

Mark Davis (liaison Middletown)  
Gene Fisher (voting)

The Committee submits the following:

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

**3. Secondary Funds Transfer (see attached):**

Staff is working with VDOT to avoid the loss of secondary funds to the SmartScale Program. To accomplish this, they are seeking full funding of the Redbud Road. The summary of the transfer is the existing funding of Redbud Road in the amount of \$349,067.00 along with transfers from Warrior Drive, Brucetown Road and Carter Lane in the amount of \$462,005.00. The future year allocations used in the amount of \$1,025,815.00.

**Upon a motion by Ms. Slaughter-McCann, seconded by Mr. James Racey, the Committee recommended to forward this transfer to the Board of Supervisors to authorize the County Administrator to request the transfer to Redbud Road. The motion was unanimously approved.**

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

**1. Capital Improvement Program Update (see attached):**

A brief overview of the Capital Improvement Program was presented to the Committee. This program is updated annually and is used as a guide in the planning and programming of the capital expenditures. It does not necessarily mean that the County directly funds the projects. The cost is updated by VDOT. The changes to the program are Fox Drive, Route 277 right turn lane at Warrior, Papermill Road right turn lane at Route 522 are being moved from unfunded to funded based upon the success of the SmartScale application. The project description has been updated for the Airport Road, Tevis Extension, and Bridge project. Also, the map has been updated. Staff noted this item will proceed to the Board of Supervisors as part of the overall CIP update.

**Upon a motion by Ms. Slaughter-McCann, seconded by Mr. Racey, the Committee forwarded this update of the transportation section of the Capital Improvement Program to the Board of Supervisors with recommendation for approval. The motion was unanimously approved.**

**2. Eastern Road Plan Update (see attached):**

The Eastern Road Plan is a foundation of the transportation component of the Frederick County Comprehensive Plan. It outlines a transportation network to serve the Board of Supervisors' long-range vision for the development of the County. The Eastern Road Plan update is to primarily incorporate VDOT's work on Route 37 and Route 522 and clean up and clarify a number of other items. Attached, are a series of maps with details of the updates. Each highlighted area has a zoom in map that shows the update and comparison to the plan in greater detail.

Updates are described as follows:

**1. Route 37**

Staff is seeking to incorporate updated VDOT work on Route 37 in order to have the needs shown be as up to date as possible. Included are ramps updated to more current standards ramp work where previously there had only been a note of a desire for an interchange, and updates to the centerline where needed for engineering purposes. At the proposed interchange for Snowden Bridge Boulevard there are two scenarios shown. One scenario shows an interchange with a spacing of 800 feet while the other interchange shows a spacing of 1,200 feet. There are positives and negatives to both designs. The 800 feet ramp spacing allows less room for stacking and as such would require future Snowden Bridge Boulevard to have features such as double lefts to adequately accommodate stacking. However, the reduced spacing results in a much smaller impact on the surrounding industrial property. The 1,200 feet ramp spacing scenario allows for better stacking and thus a narrower Snowden Bridge Blvd, but results in a much more significant right-of-way impact.

**2. Independence Drive alignment**

When zoomed in closely the current Eastern Road Plan shows an offset between

Independence Drive and what was formerly known as the Channing Drive Extension, now Constitution. This update corrects the offset.

3. Lenoir Drive – Slip ramp clarification

For many years a ramp has been shown on the plan connecting Lenoir Drive to Route 37 at Stonewall Industrial Park. However, as drawn currently, it gives the impression that a vehicle could only exit Lenoir Drive onto southbound Route 37. The update clarifies that traffic could exit to southbound Route 37 and also exit from southbound Route 37.

4. Route 522 Realignment

As part of their modeling and study surrounding Exit 313, VDOT analyzed the planned Route 522 realignment and has recommended the alignment shown in this update. The current plan has the Route 522 realignment intersecting with Route 50/17 at Ryco Lane while the proposed change realigns Route 522 to Prince Frederick Drive. The new alignment is preferable due to improved spacing from surrounding intersections and reduced direct impact on surrounding businesses. As part of this recommendation, VDOT vetted this improvement through the regional travel demand model.

5. Stephens City Bypass – Connector Road

The Stephens City bypass does not have access to Route 11 due to the close proximity to the future relocated Exit 307. This update incorporates the connector roadway from Stephens City planning that offers the first access back to Route 11 from the Stephens City bypass.

6. Tasker Road Alignment

This update adjusts the alignment of Tasker Road to match the work completed by VDOT in the vicinity of I-81 Exit 310.

Ms. Slaughter-McCann asked for clarification on the proffered amount of right-of-way for the Snowden Bridge interchange. Staffed noted that it was about 95% of the 800 feet proposed option.

**Upon a motion by Mr. Schnoor, the Committee recommend that the 800 feet alternative for the Snowden Bridge Boulevard, as Staff recommendation be forwarded to the Board of Supervisors for approval. Also, recommendation of the Committee to incorporate the changes outlined by Staff into the Comprehensive Plan. The motion was seconded by Mr. Racey and passed unanimously.**

4. County Project Updates

**Snowden Bridge Boulevard:**

The roadway is open to traffic and Staff is beginning project final close out. Staff is still waiting for sign placement and striping that needs to be completed.

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

Full Bridge plans are undergoing review for final comment. Airport Road and the Roundabout are expected to be at 60% within 2 weeks. Environmental surveys are complete. On site test boring for signal pole design is expected shortly.

**Renaissance Drive:**

The Board of Supervisors has authorized Staff to execute the TPOF agreement. The pending Carbaugh rezoning application also has potential to impact this project with matching funds for revenue sharing. This rezoning is proceeding to the Planning Commission.

**Valley Mill Road Realignment:**

No activity at this time.

**Coverstone Drive:**

No activity at this time.

**Jubal Early Drive Extension and Interchange with Route 37:**

Communication was sent to the Applicants and noted that the County could make no further moves forward on the project until a revenue sharing agreement is in place. Following, a meeting was held at which the agreement was discussed, and Staff is awaiting feedback from the Applicant. No new action as of this agenda. Staff has reached out to the Applicant's engineer and no update was provided.

**4. Upcoming Agenda Items:**

**November/December**

MPO Route 11 South Stars Study

**December/January**

Oakdale Crossing Traffic Calming Study

SmartScale Applications Discussion

**5. Other Business:**

Staff noted that the Transportation Forum is expected to be held on December 5, 2017.

JAB/pd





<b>VDOT UPC</b>	<b>DESCRIPTION</b>	<b>TOTAL ALLOCATIONS</b>	<b>EXPENDITURES</b>	<b>BALANCE</b>	<b>SUBJECT TO SWEEP</b>
101435	Redbud Road Relocation	\$512,180.00	\$163,113.00	\$349,067.00	\$272,130.00
104350	Carter lane residual	\$554,380.00	\$268,759.00	\$285,621.00	\$82,826.00
90973	Warrior Dr placeholder funds	\$101,993.00		\$101,993.00	
90972	Brucetown Rd placeholder funds	\$74,391.00		\$74,391.00	
100302	Countywide fertilizing and seeding	\$169,949.00	\$9,830.00	\$160,119.00	
100199	Countwide traffic calming	\$144,822.00	\$86,395.00	\$58,427.00	
100207	Engineering and Survey	\$2,876,246.00	\$391,689.00	\$2,484,557.00	
100149	Countywide traffic services	\$332,855.00	\$168,868.00	\$163,987.00	
100353	Countywide ROW	\$44,261.00		\$44,261.00	
105994	Countywide pipe replacement	\$439,567.00	\$184,967.00	\$254,600.00	
	<b>TOTAL</b>	\$5,250,644.00	\$1,273,621.00	\$3,977,023.00	\$354,956.00

## Redbud Transfer Summary

VDOT UPC	Description	Balance*	Transfer to Redbud this year	Allocate to Redbud FY 18/19	Allocate to Redbud FY 19/20	Allocate to Redbud FY 20/21	Allocate to Redbud FY 21/22	Allocate to Redbud FY 22/23	Resulting Balance
101435	Redbud Road relocation	\$ 349,067.00	\$ -						\$ 1,836,887.00
104350	Carter lane residual	\$ 285,621.00	\$ 285,621.00						\$ -
90973	Warrior Dr placeholder funds	\$ 101,993.00	\$ 101,993.00						\$ -
90972	Brucetown Rd placeholder funds	\$ 74,391.00	\$ 74,391.00						\$ -
100302	Countywide fertilizing and seeding	\$ 160,119.00	\$ -						\$ 160,119.00
100199	Countywide traffic calming	\$ 58,427.00	\$ -						\$ 58,427.00
100207	Engineering and Survey (old formula funds)	\$ 1,099,181.00	\$ -						\$ 1,099,181.00
100149	Countywide traffic services	\$ 163,987.00	\$ -						\$ 163,987.00
100353	Countywide ROW	\$ 44,261.00	\$ -						\$ 44,261.00
105994	Countywide pipe replacement	\$ 254,600.00	\$ -						\$ 254,600.00
	Future Telefee Allocation (approx 280,000 per year)			\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 25,815.00	\$ (1,025,815.00)
	<b>Total</b>	\$ 2,591,647.00	\$ 462,005.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 25,815.00	

\*Funds as of 10/26/2017 - billing can reduce numbers

Scenario begins with a base assumption that Carter Lane (UPC 104350) Warrior Drive (UPC 90973) and Brucetown Rd (UPC 90972) are being transferred to Redbud

Goal is to apply at total of \$1,836,887 which is the amount needed to show full funding based upon VDOT estimate of \$2,000,000 once previous VDOT spending is considered



## Existing Capital Improvement Plan

Table 2 - Transportation Projects - CIP Requests											
		Contribution Per Fiscal Year									
	Projects - Ranked by Agency	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022+	Long Range Comprehensive Plan Projects	County Contributions	Notes	Total Project Costs
		Ensuing Fiscal Year	Year 2	Year 3	Year 4	Year 5	Beyond Year 6+				
<b>Funded Priorities</b>	I-81 Exit 310 Improvements	\$49,121,000							\$49,121,000	E	\$49,121,000
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 1)	\$38,000,000							\$38,000,000	E	\$38,000,000
	East Tevis Street Extension and Bridge over 81	\$15,000,000							\$15,000,000	E	\$15,000,000
	Renaissance Drive, Phase 2	\$5,300,000							\$5,300,000	E	\$5,300,000
	Sulpher Springs Road Improvement project	\$5,000,000							\$5,000,000	E	\$5,000,000
<b>Unfunded Priorities</b>	Route 37 Engineering & Construction							\$300,000,000	\$300,000,000	E	\$300,000,000
	I-81 Exit 307 Relocation							\$60,000,000	\$60,000,000	E	\$60,000,000
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 2)							\$25,500,000	\$25,500,000	E	\$25,500,000
	Redbud Road Realignment and Exit 317 Ramp realignment							\$11,500,000	\$11,500,000	E	\$11,500,000
	Widening of Route 11 North (ph 1)							\$28,500,000	\$28,500,000	E	\$28,500,000
	Warrior Drive Extension (south)							\$23,200,000	\$23,200,000	E	\$23,200,000
	Channing Drive Extension							\$20,600,000	\$20,600,000	E	\$20,600,000
	Brucetown/Hopewell Realign.							\$3,000,000	\$3,000,000	E	\$3,000,000
	Widening of Route 11 North (ph2)							\$47,800,000	\$47,800,000	E	\$47,800,000
	Senseny Road Widening							\$22,800,000	\$22,800,000	E	\$22,800,000
	Inverlee Way							\$10,200,000	\$10,200,000	E	\$10,200,000
	Fox Drive							\$250,000	\$250,000	E	\$250,000
	Warrior Drive Extension (Crosspointe south)							\$12,000,000	\$12,000,000	E	\$12,000,000
	Route 277 right turn extension Warrior Drive							\$500,000	\$500,000	E	\$500,000
	Papermill Road right turn lane extension Route 522							\$500,000	\$500,000	E	\$500,000
	Senseny Road turn lanes/improvements Crestleigh Drive							\$2,600,000	\$2,600,000	E	\$2,600,000
	Eastern Road Plan Improvements							TBD	TBD	E	TBD
<b>Total</b>		<b>\$112,421,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$568,950,000</b>	<b>\$681,371,000</b>		<b>\$681,371,000</b>

Other Funding Sources: E= Partial funding anticipated through development & revenue sources

The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing

# Proposed Capital Improvement Plan

Table 2 - Transportation Projects - CIP Requests											
		Contribution Per Fiscal Year									
	Projects - Ranked by Agency	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022+	Long Range Comprehensive Plan Projects	County/VDOT/Private Contributions	Notes	Total Project Costs
		Ensuing Fiscal Year	Year 2	Year 3	Year 4	Year 5	Beyond Year 6+				
<b>Funded Priorities</b>	I-81 Exit 310 Improvements								\$54,200,000	E	\$54,200,000
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 1)	\$35,944,878							\$35,944,878	E	\$35,944,878
	Airport Road Extension, East Tevis Street Extension and Bridge over 81	\$24,703,788							\$24,703,788	E	\$24,703,788
	Renaissance Drive, Phase 2	\$5,791,500							\$5,791,500	E	\$5,791,500
	Sulpher Springs Road Improvement project	\$11,946,091							\$11,946,091	E	\$11,946,091
	Fox Drive	\$650,996							\$650,996	E	\$650,996
	Route 277 right turn extension Warrior Drive	\$476,644							\$476,644	E	\$476,644
	Papemill Road right turn lane extension Route 522	\$507,262							\$507,262	E	\$507,262
<b>Unfunded Priorities</b>	Route 37 Engineering & Construction							\$750,000,000	\$750,000,000	E	\$750,000,000
	I-81 Exit 307 Relocation with 4 In connection to Double Church and Stephens City Bypass							\$234,255,469	\$234,255,469	E	\$234,255,469
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 2)							\$25,428,550	\$25,428,550	E	\$25,428,550
	Redbud Road Realignment and Exit 317 Ramp realignment							\$11,239,132	\$11,239,132	E	\$11,239,132
	Widening of Route 11 North (ph 1)							\$28,346,120	\$28,346,120	E	\$28,346,120
	Warrior Drive Extension (south)							\$47,000,000	\$47,000,000	E	\$47,000,000
	Channing Drive Extension							\$45,000,000	\$45,000,000	E	\$45,000,000
	Brucetown/Hopewell Realign.							\$3,800,000	\$3,800,000	E	\$3,800,000
	Widening of Route 11 North (ph2)							\$192,000,000	\$192,000,000	E	\$192,000,000
	Senseny Road Widening							\$67,000,000	\$67,000,000	E	\$67,000,000
	Inverlee Way							\$27,300,000	\$27,300,000	E	\$27,300,000
	Warrior Drive Extension (Crosspointe south)							\$33,500,000	\$33,500,000	E	\$33,500,000
	Senseny Road turn lanes/improvements Crestleigh Drive							\$2,548,579	\$2,548,579	E	\$2,548,579
	Eastern Road Plan Improvements							TBD	TBD	E	TBD
<b>Total</b>		<b>\$80,021,159</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,467,417,850</b>	<b>\$1,601,639,009</b>		<b>\$1,601,639,009</b>

Other Funding Sources: E= Partial funding anticipated through development & revenue sources

The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing

# 2017 - 2022 Frederick County Capital Improvement Plan Transportation Projects

## 2017 - 2022 Capital Improvement Plan Transportation Projects

### Funded Priorities



1. I-81 EXIT 310 IMPROVEMENTS



2. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 1)



3. EAST TEVIS ST EXTENSION & BRIDGE OVER I-81



4. RENAISSANCE DR, PHASE 2



5. SULPHUR SPRINGS RD IMPROVEMENT FROM ROUTE 50 TO LANDFILL



6. FOX DR; INSTALL TURN LANES ONTO ROUTE 522



7. ROUTE 277; RT TURN LANE EXTENSION AT WARRIOR DR



8. PAPERMILL RD; RT TURN LANE EXTENSION AT ROUTE 522

### Unfunded Priorities



9. CONTINUE ROUTE 37 PLANNING & ENGINEERING WORK



10. I-81 EXIT 307 RELOCATION



11. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 2)



12. REDBUD RD & EXIT 307 RAMP REALIGNMENTS



13. ROUTE 11 N WIDENING FROM SNOWDEN BRIDGE BLVD TO OLD CHARLESTOWN RD



14. WARRIOR DR EXTENSION TO NEW EXIT 307



15. CHANNING DR EXTENSION TO ROUTE 50



16. BRUCETOWN RD/ HOPEWELL RD; ALIGNMENT AND INTERSECTION



17. ROUTE 11 N OF WINCHESTER WIDENING TO WV LINE



18. SENSENY RD WIDENING



19. INVERLEE WAY; CONNECTION FROM SENSENY RD TO ROUTE 50



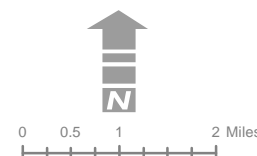
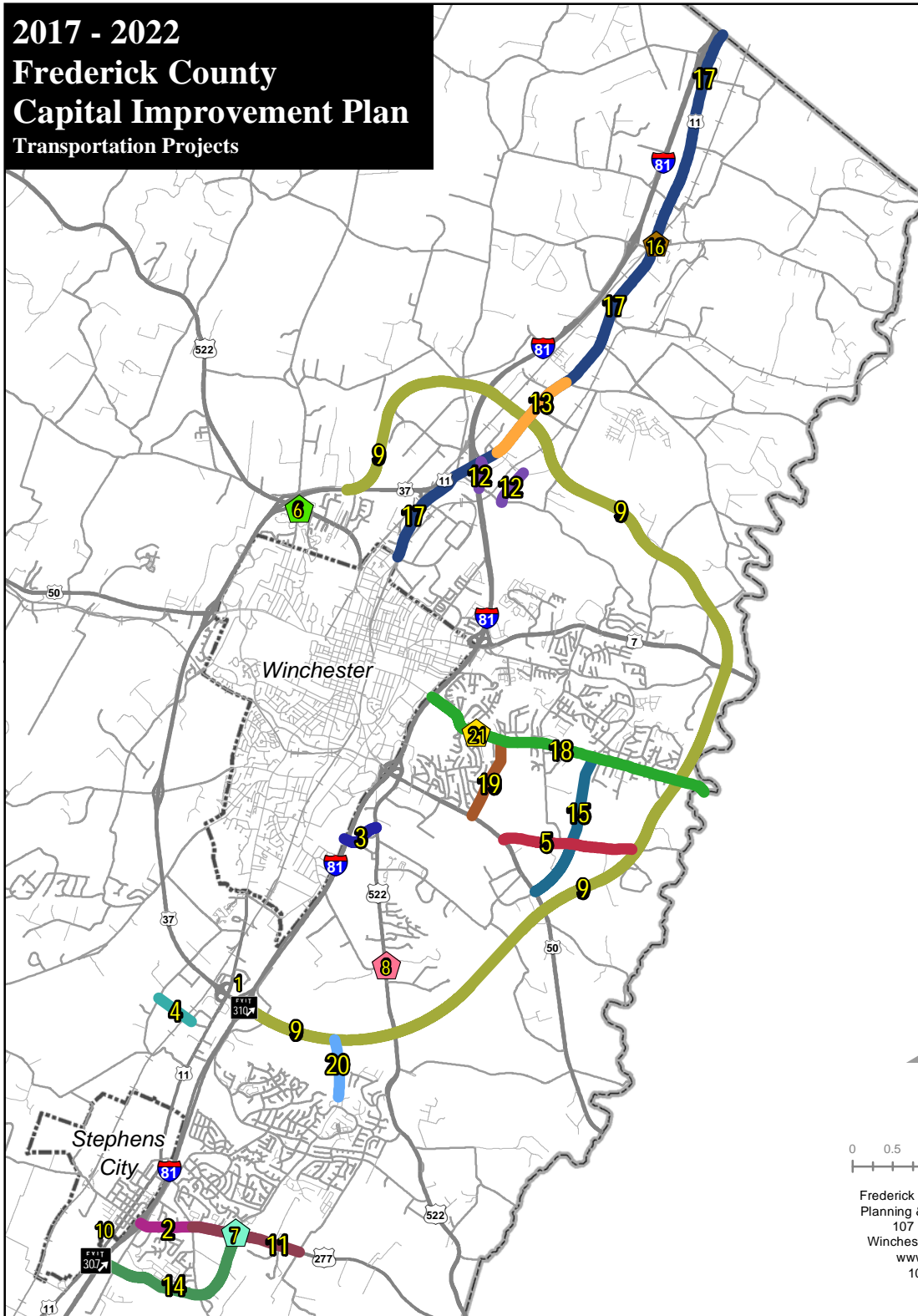
20. WARRIOR DR EXTENSION FROM ROUTE 37



21. SENSENY RD; TURN LANES AT CRESTLEIGH DR



22. EASTERN ROAD PLAN IMPROVEMENTS



Frederick County Dept of  
Planning & Development  
107 N Kent St  
Winchester, VA 22601  
www.fcva.us  
10/23/17

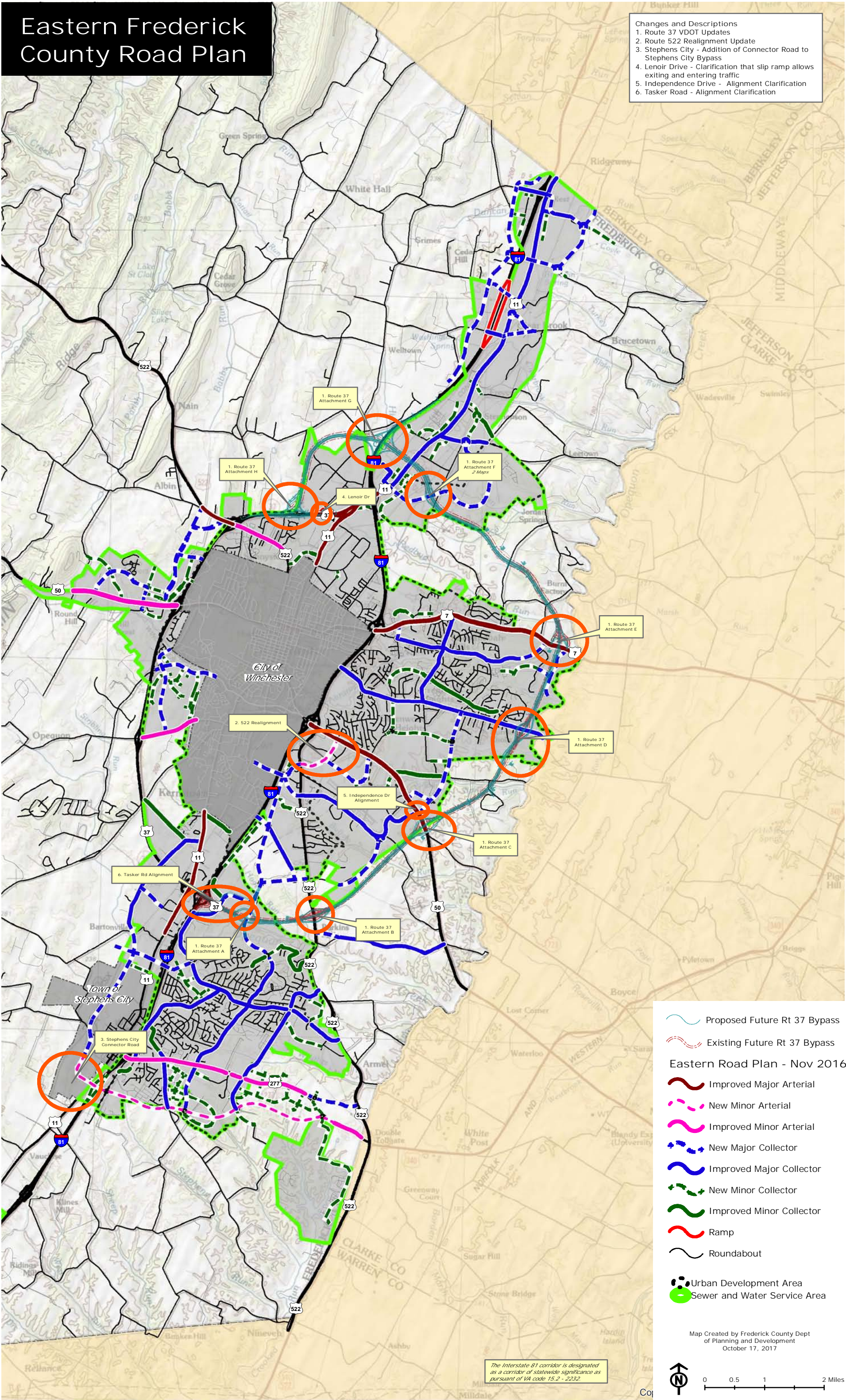






# Eastern Frederick County Road Plan

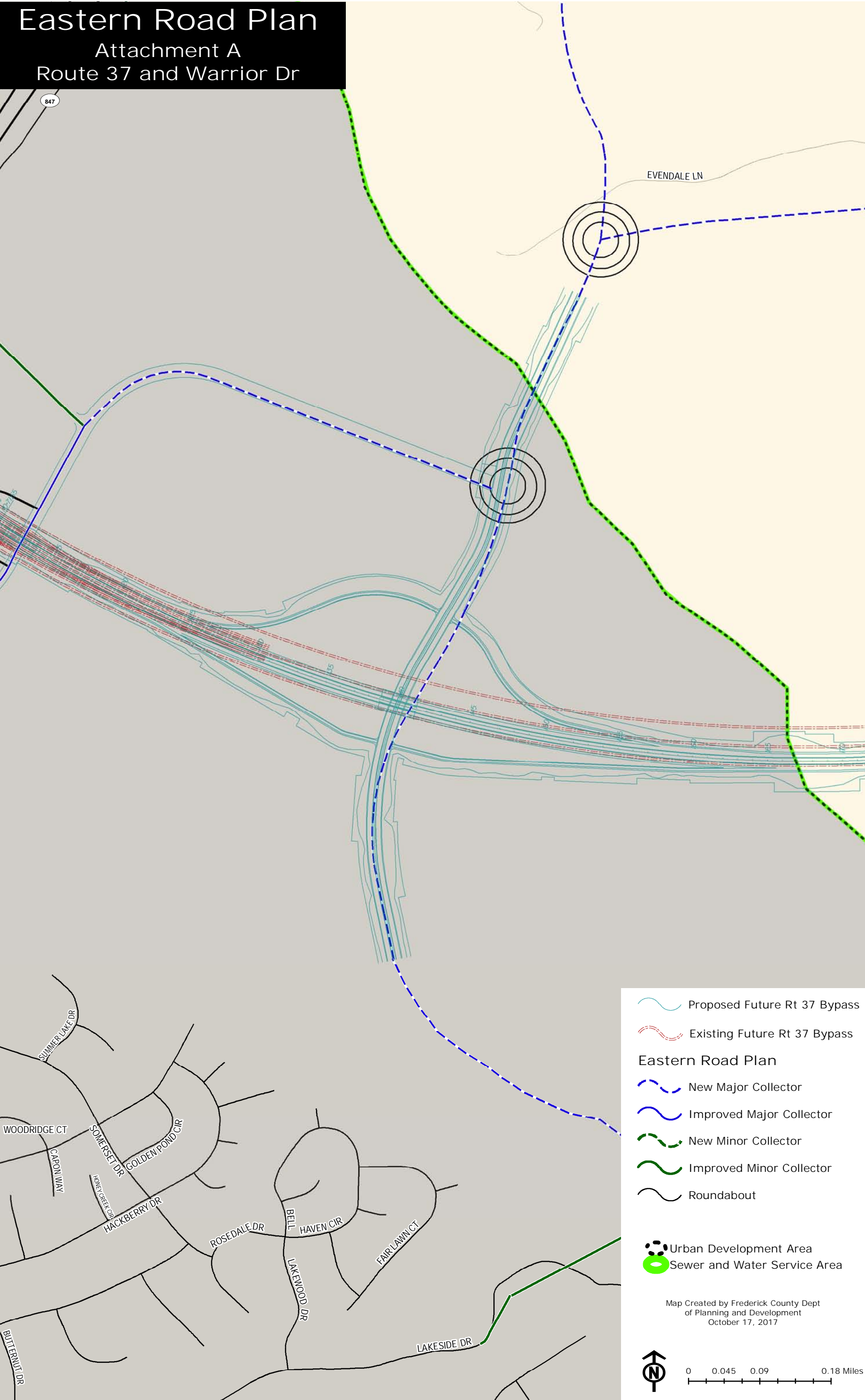
- Changes and Descriptions
1. Route 37 VDOT Updates
  2. Route 522 Realignment Update
  3. Stephens City - Addition of Connector Road to Stephens City Bypass
  4. Lenoir Drive - Clarification that slip ramp allows exiting and entering traffic
  5. Independence Drive - Alignment Clarification
  6. Tasker Road - Alignment Clarification





# Eastern Road Plan

Attachment A  
Route 37 and Warrior Dr



# Eastern Road Plan

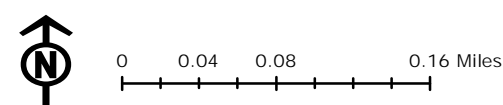
## Attachment B

### Route 37 and Route 522





## Route 37 and Route 50

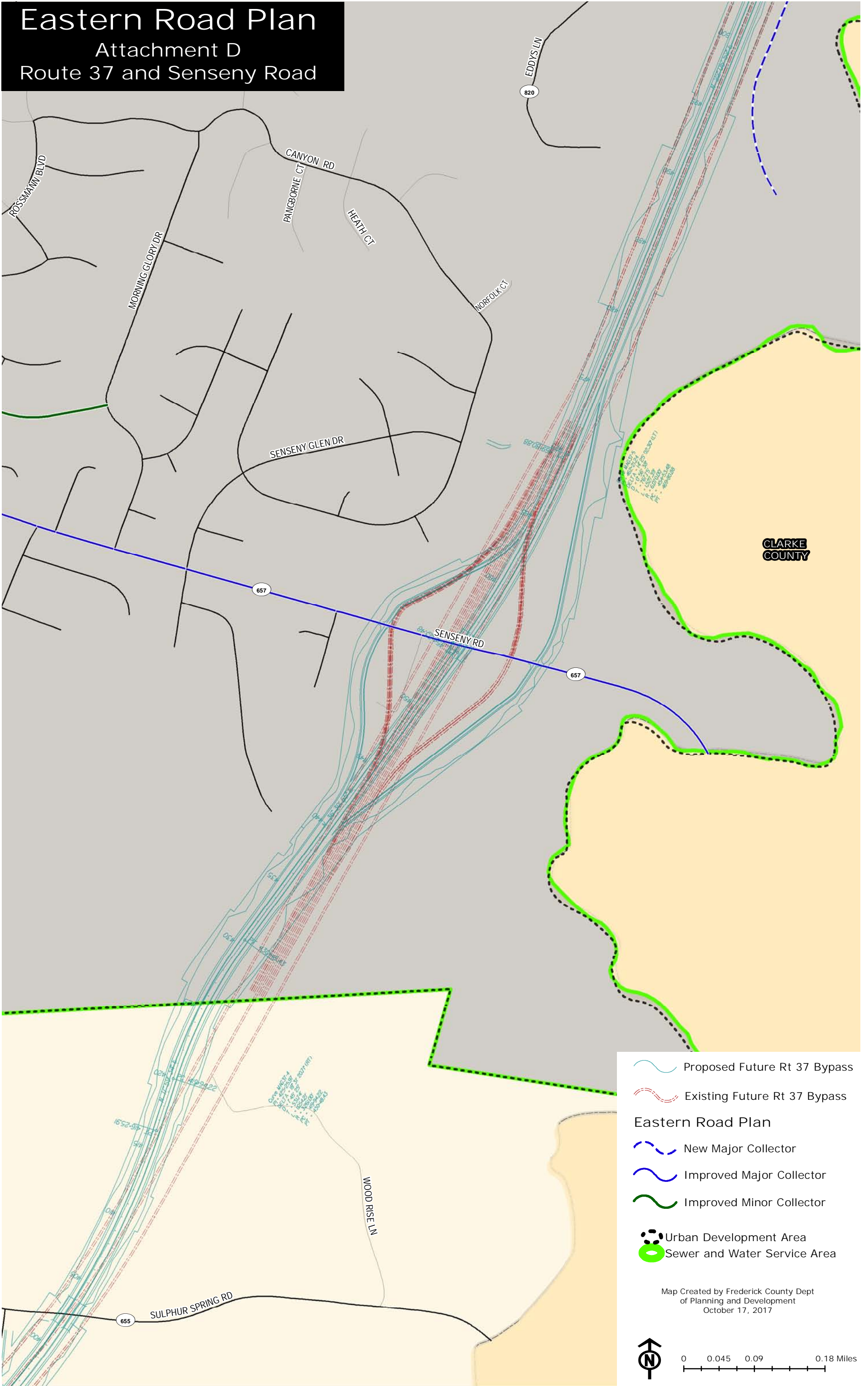




# Eastern Road Plan

## Attachment D

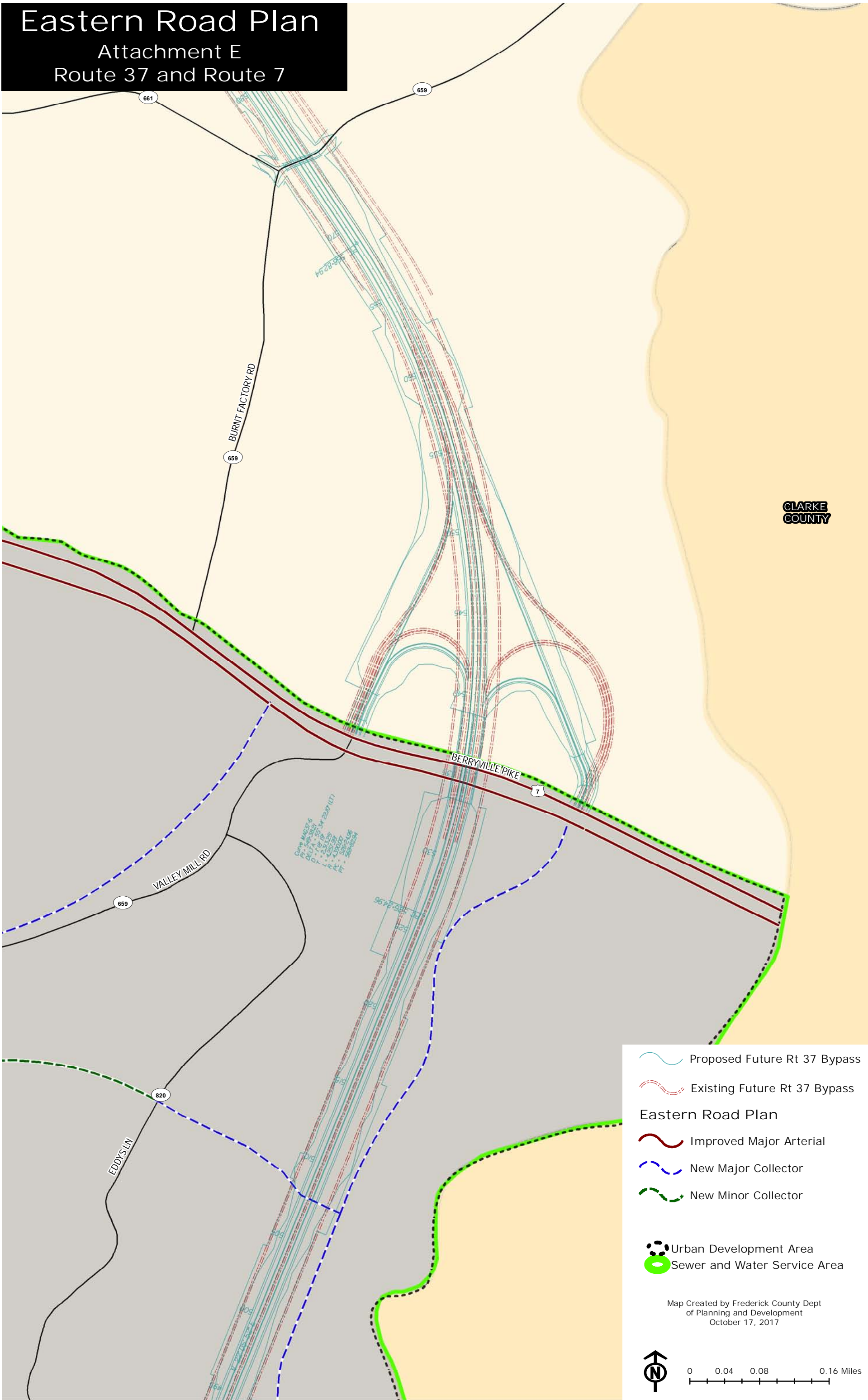
### Route 37 and Senseny Road





# Eastern Road Plan

Attachment E  
Route 37 and Route 7

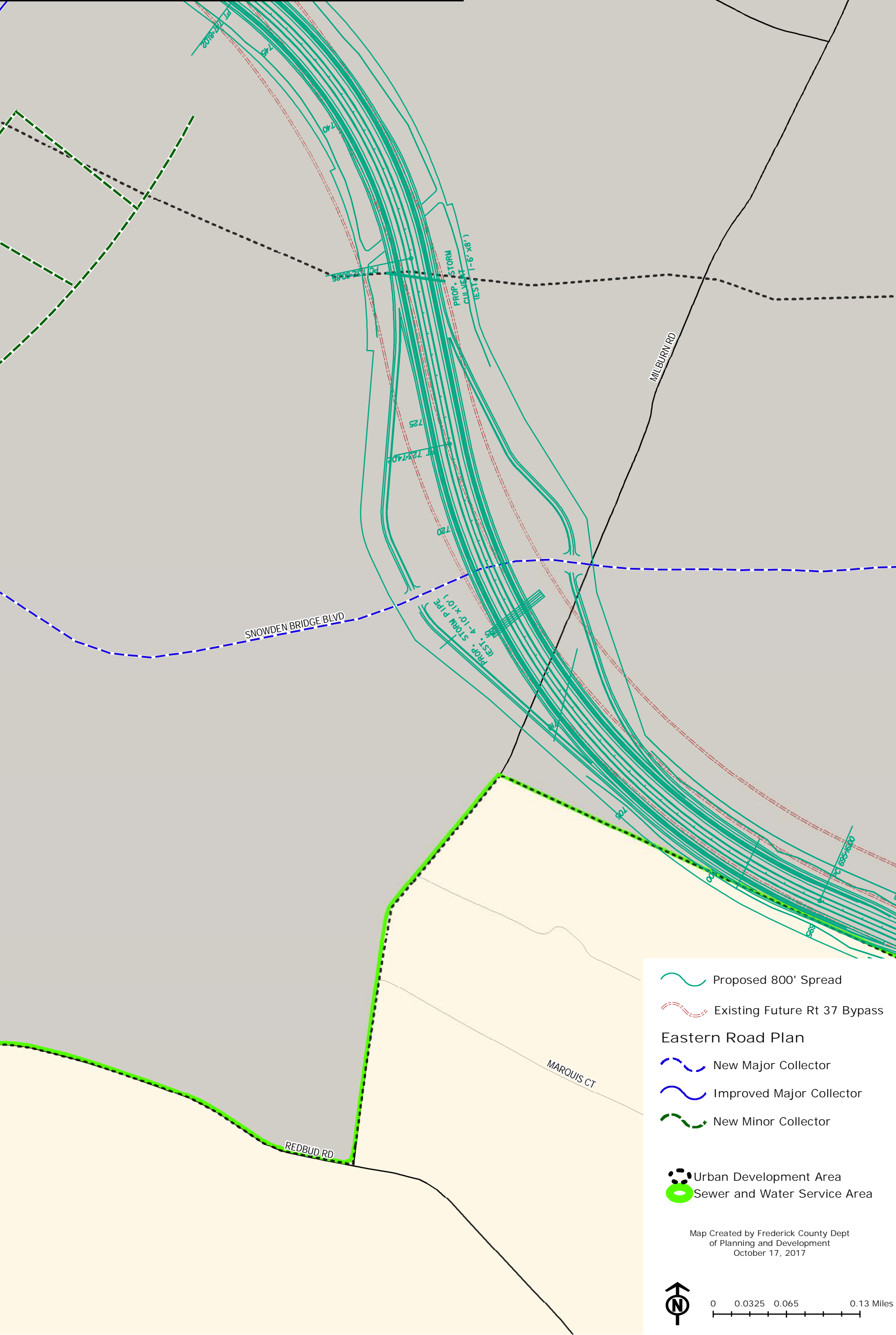


Eastern Road Plan

Attachment F-1

Route 37 and Snowden Bridge Boulevard

Map 1: 800' Spread



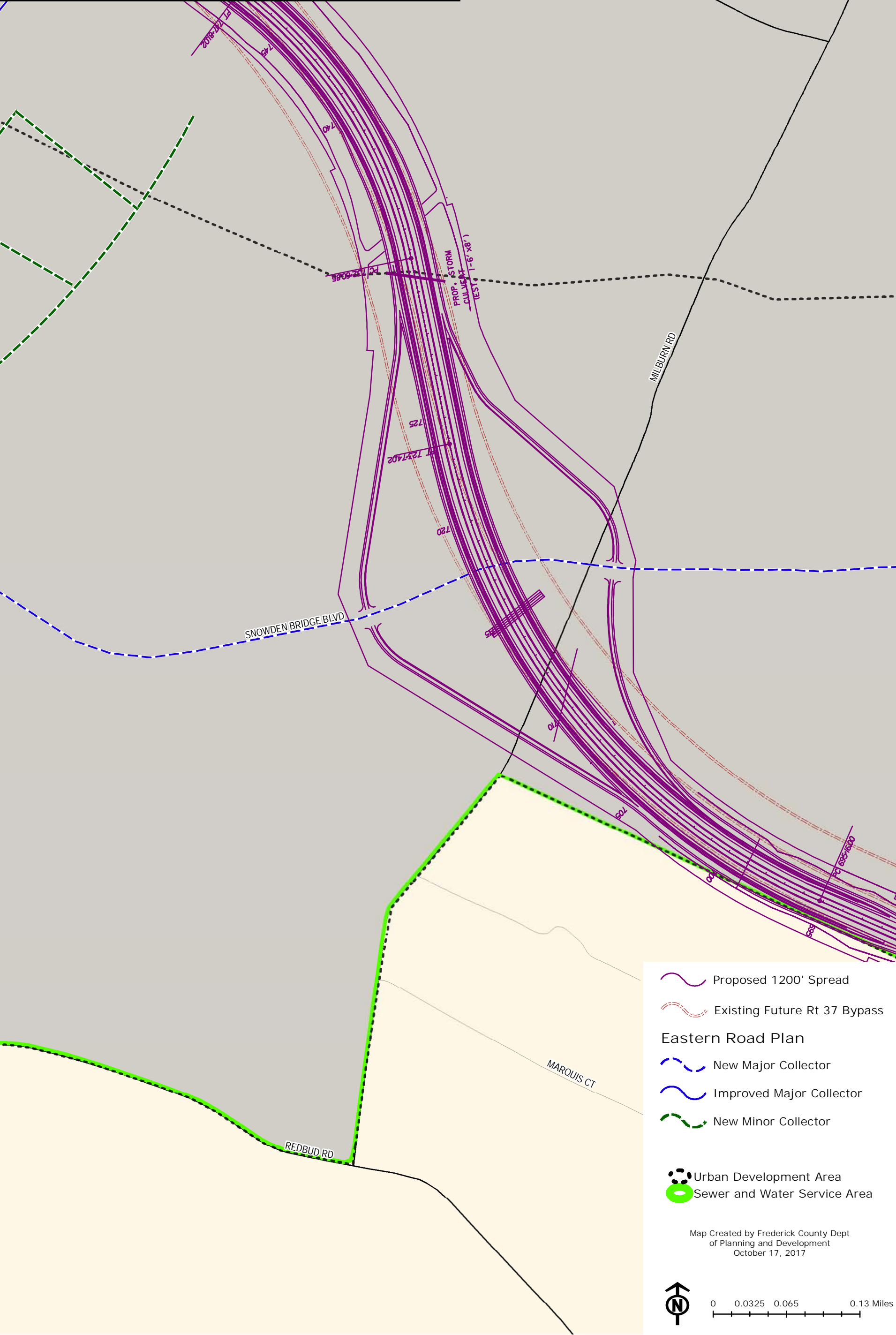


Eastern Road Plan

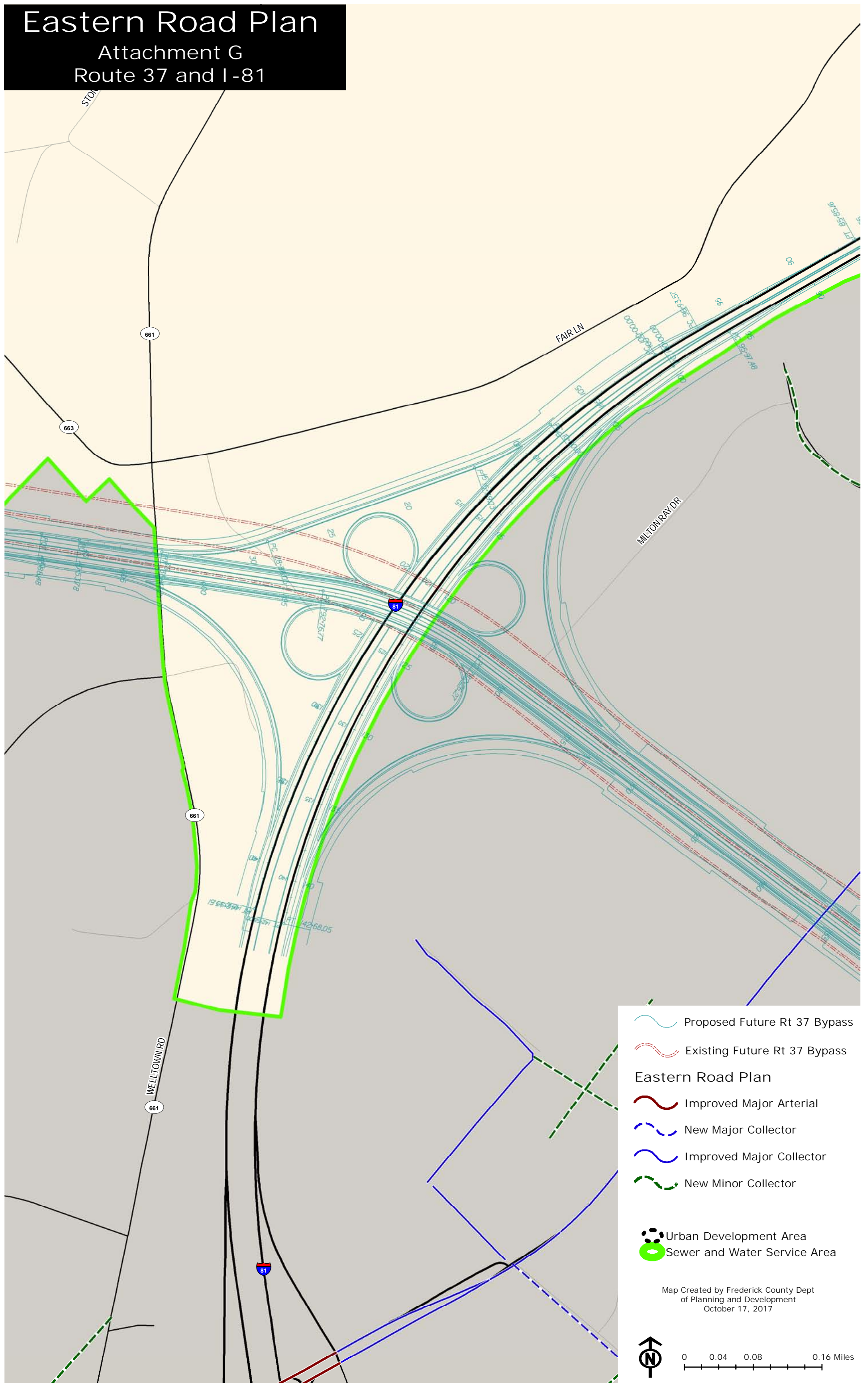
Attachment F-2

Route 37 and Snowden Bridge Boulevard

Map 2: 1200' Spread



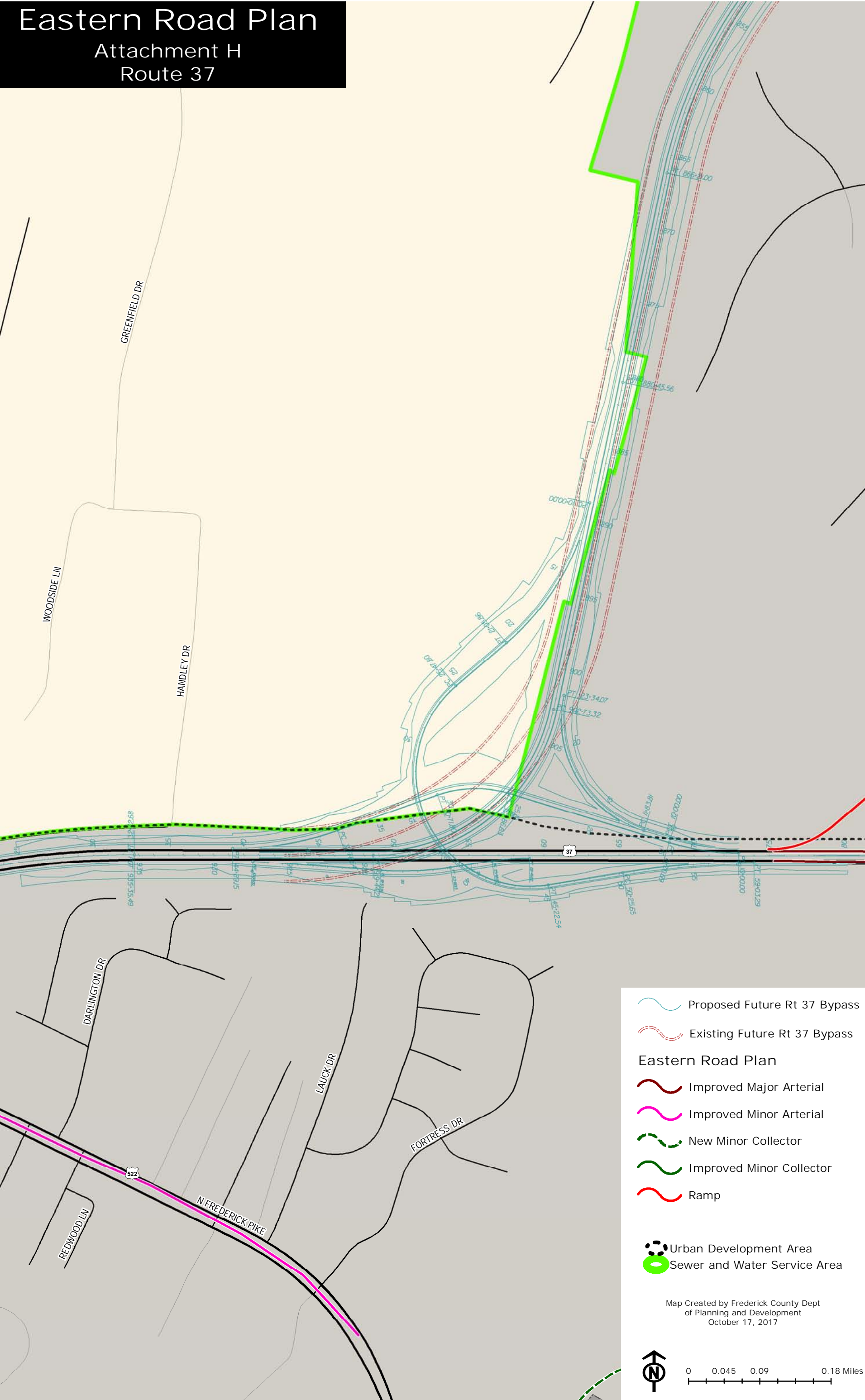
Attachment G  
Route 37 and I-81





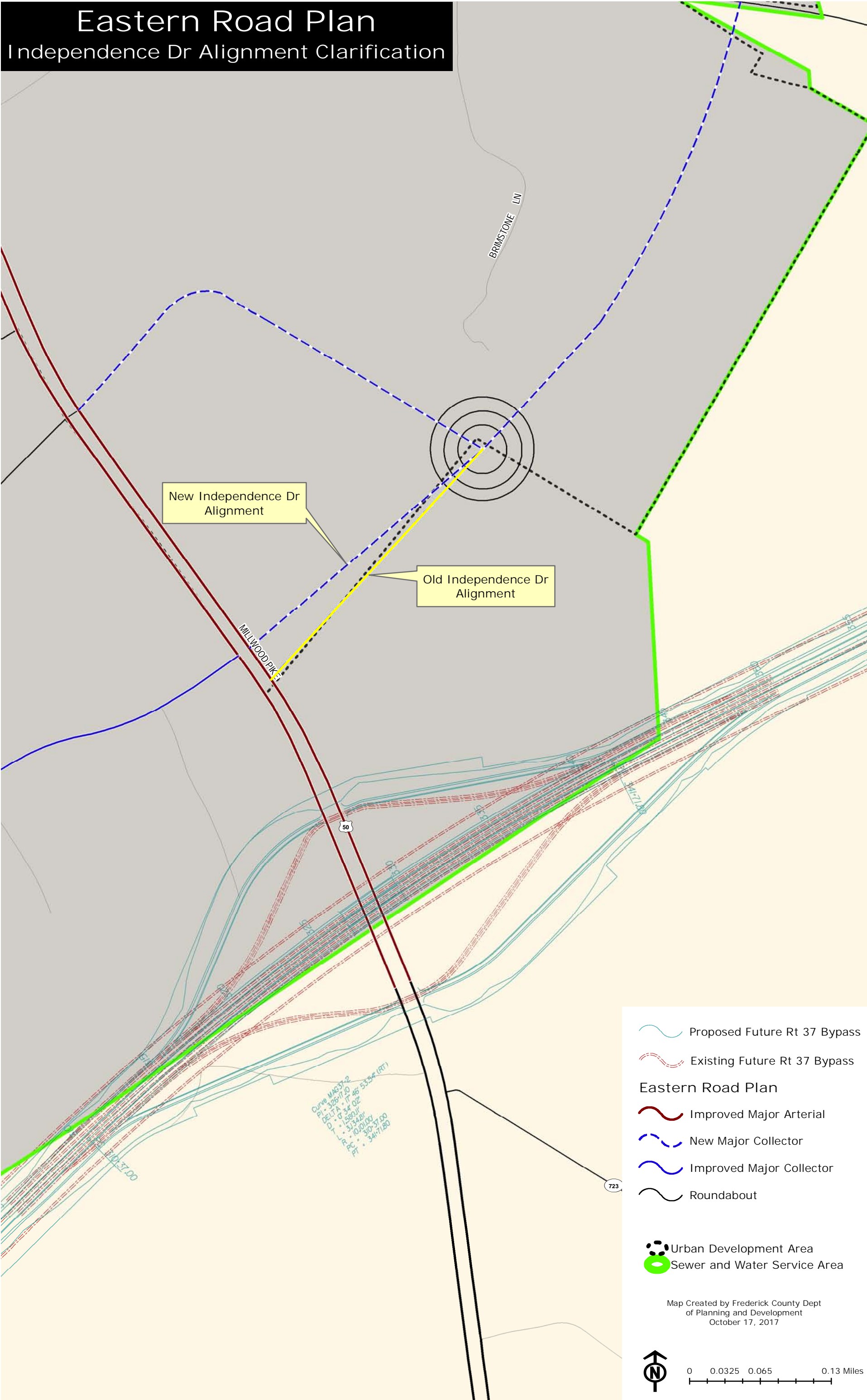
# Eastern Road Plan

Attachment H  
Route 37



# Eastern Road Plan

## Independence Dr Alignment Clarification





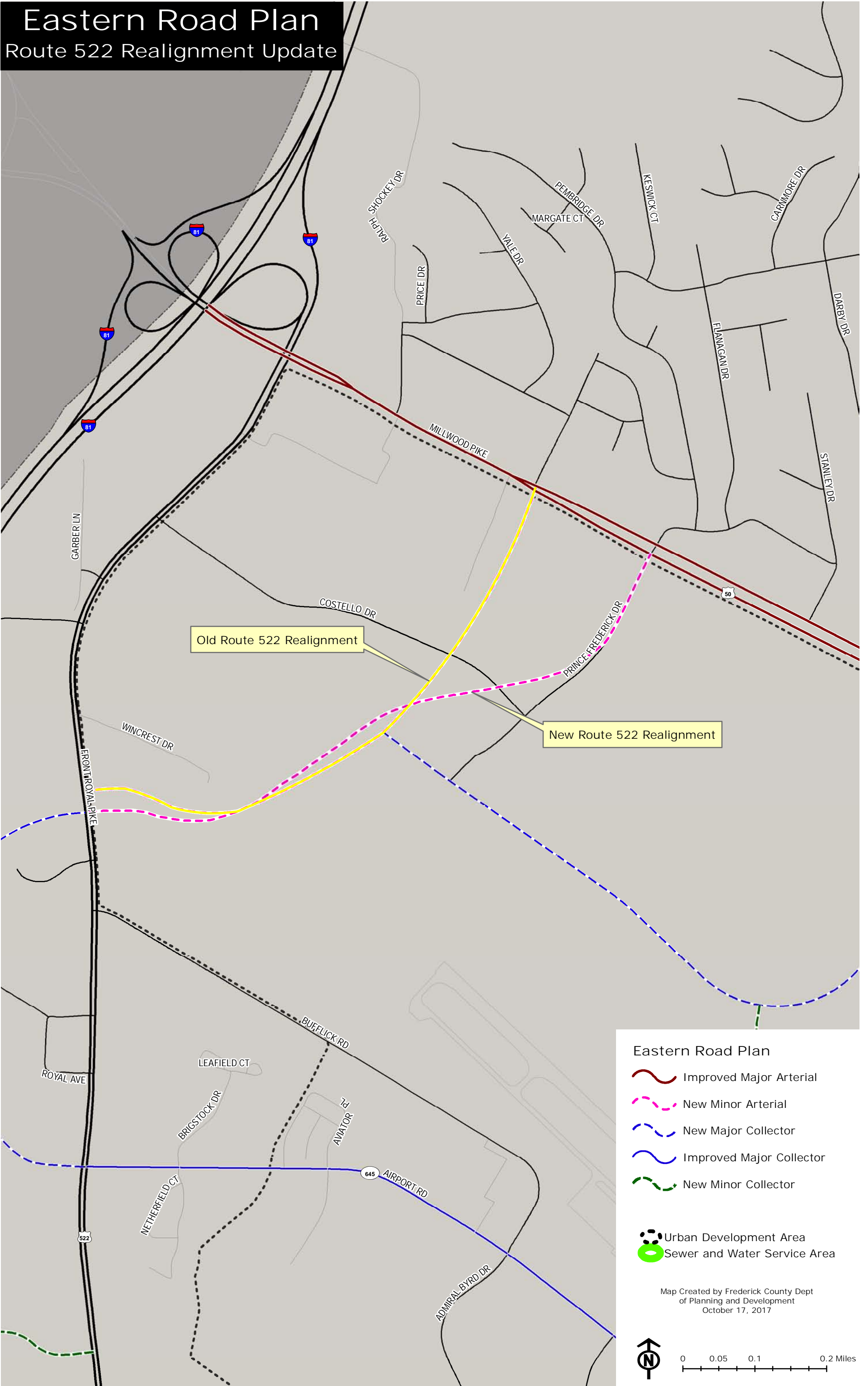
# Eastern Road Plan

## Lenoir Dr Slip Ramp Clarification



# Eastern Road Plan

## Route 522 Realignment Update



# Eastern Road Plan

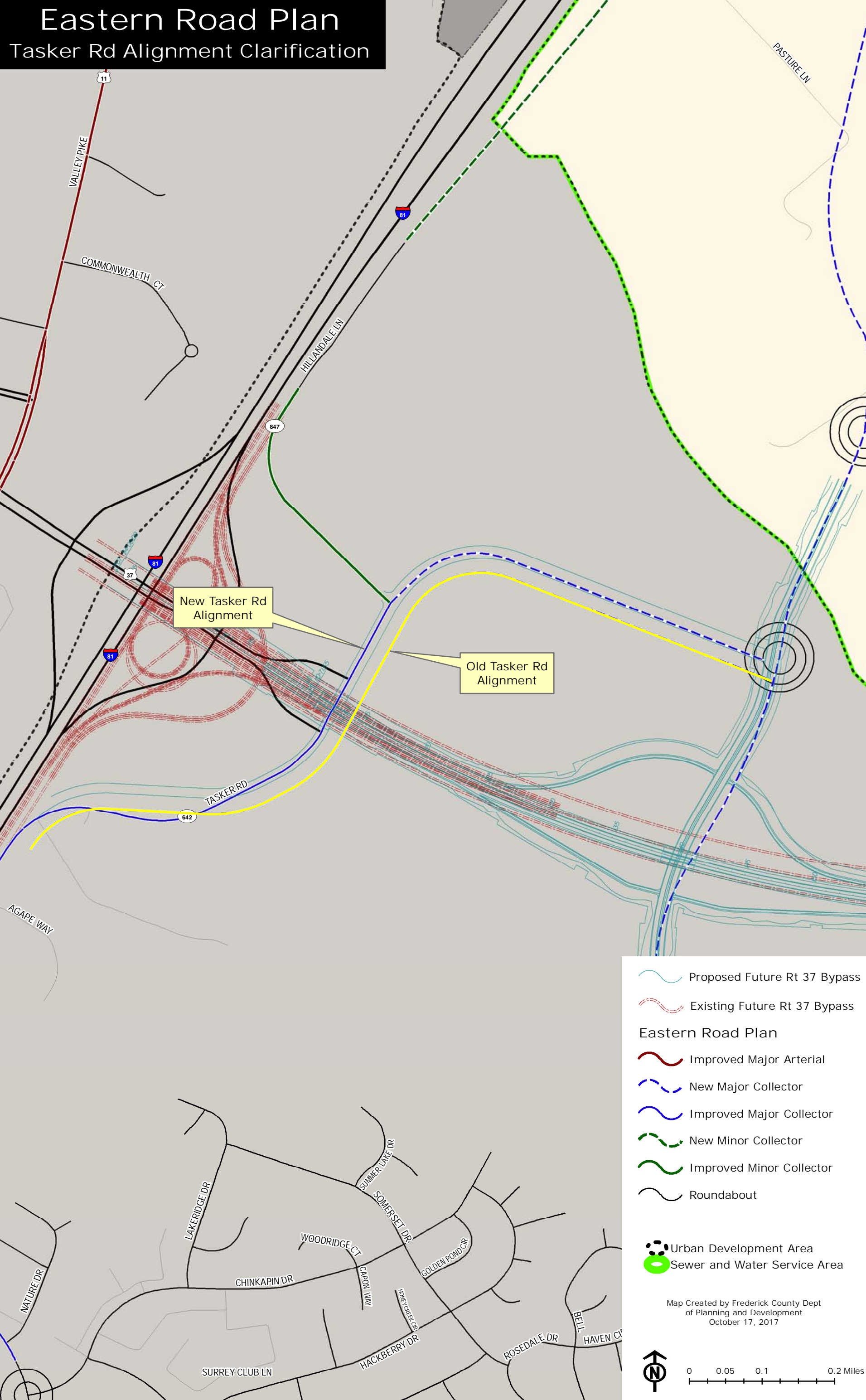
## Addition of Connector Road to Stephens City Bypass





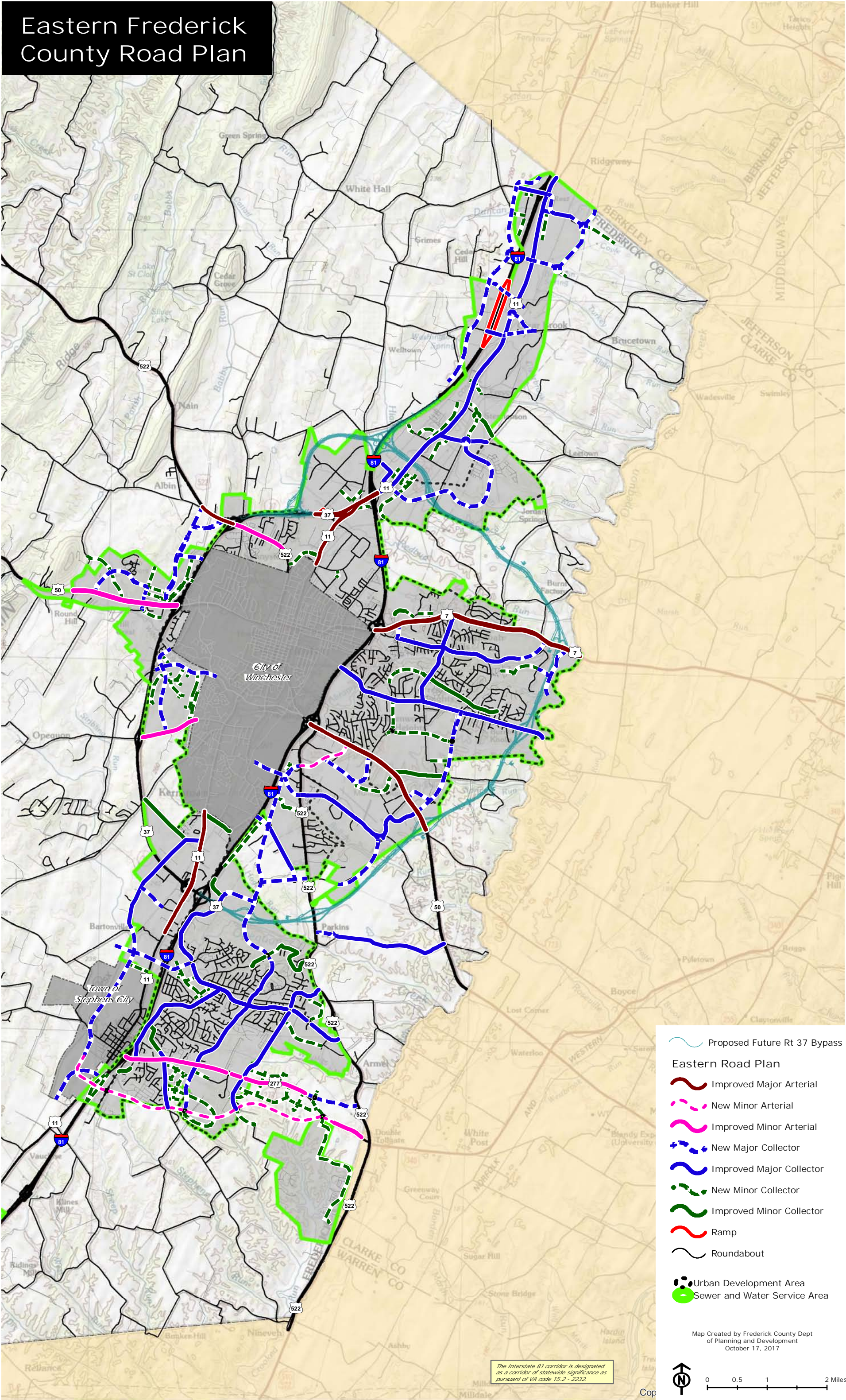
# Eastern Road Plan

## Tasker Rd Alignment Clarification





# Eastern Frederick County Road Plan





F



October 10, 2017

Mr. Kris Tierney, County Administrator  
County of Frederick  
107 North Kent St.  
Winchester, VA 22601

Mr. Tierney,

Please find attached Belle Grove Plantation's Application for an annual 'Outdoor Festival Permit'. This Application is for a 12 month January to December 2018 permit. Belle Grove intends to hold its usual schedule of events. Please contact me with any questions.

Many thanks

Sincerely,

Rich Coyle  
Belle Grove Plantation  
Cedar Creek & Belle Grove National Historical Park  
National Trust for Historic Preservation  
[rcoble@bellegrove.org](mailto:rcoble@bellegrove.org)  
540.869.2028



**APPLICATION FOR OUTDOOR FESTIVAL PERMIT  
COUNTY OF FREDERICK, VIRGINIA**

*(Please Print Clearly)*

APPLICANT INFORMATION				
Name of Applicant: <u>BELE GROVE PLANTATION</u>				
Telephone Number(s): <u>540 869-2028</u> <input type="checkbox"/> home <input checked="" type="checkbox"/> office <input type="checkbox"/> cell <input type="checkbox"/> home <input type="checkbox"/> office <input type="checkbox"/> cell				
Address: <u>PO BOX 537, 336 BELE GROVE RD. MIDDLETON, VA 22645</u>				
Contact Email: <u>RCOPE@BELEGROVE.ORG</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>12 MONTH JAN. - DEC. 2018</u>			
Cost of Admission to Festival: <u>VARIES</u>	Business License Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>12 Mo. PERMIT 2018</u>	<u>JAN.</u>	<u>DEC '18</u>		
Location	Address: <u>336 BELE GROVE RD, MIDDLETON VA</u>			
Owner of Property	Name(s): <u>NATALIA TRIST FOR HISTORIC PRESERVATION</u> Address: <u>1753 MASS. AVE. NW. WASH. DC 20036</u> <small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small>			
Promoter	Name(s): <u>BELE GROVE, INC.</u> Address: <u>S/A</u> <small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small>			
Financial Backer	Name(s): <u>BELE GROVE, INC.</u> Address: <u>S/A</u>			
Performer	Name of Person(s) or Group(s): <u>TBO</u>   <small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small>			

## FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). ☐ copy attached OR ☒ copy to be provided as soon as available
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

COVERED DUMPSTER & PORTABLE RESTROOMS

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

QUALIFIED FOOD VENDORS

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

MIDDLEBURY FIRE: RESCUE NOTIFIED OF EACH EVENT.

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

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

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

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

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

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

ABC BEVERAGE LICENSE & CONTRACTED SECURITY;  
'CROWD' BY TRAINED STAFF.

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

### **FESTIVAL PROVISIONS**

Applicant makes the following statements:

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

### **CERTIFICATION**

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

  
Signature of Applicant

  
Printed Name of Applicant

Date: 10.10.17

**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



## COUNTY of FREDERICK

**Kris C. Tierney**  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: [ktierney@fcva.us](mailto:ktierney@fcva.us)

### MEMORANDUM

TO:	Board of Supervisors
FROM:	Kris C. Tierney, County Administrator <i>KCT</i>
SUBJECT:	Proposed Easement Conveyance to Frederick Water
DATE:	November 1, 2017

The Parks and Recreation Commission considered a request from the Frederick Water (aka Frederick County Sanitation Authority) for an easement over an area of approximately 134,171.75 square feet (3.08 acres) at its September 19, 2017 meeting and recommended approval. Because this proposed easement is a conveyance of publicly held real property a public hearing is required.

The Board of Supervisors, at its October 11, 2017 meeting, approved scheduling a public hearing on the proposed easement conveyance.

A public hearing has been scheduled for the Board's November 8, 2017 meeting. At the conclusion of the hearing, the Board may act on the proposed easement.

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

Attachments





## COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: [fcprd@fcva.us](mailto:fcprd@fcva.us)

[www.fcprd.net](http://www.fcprd.net)

# MEMO

**To:** Jay Tibbs, Deputy County Administrator for Human Services  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** September 20, 2017

The Parks and Recreation Commission met on September 19, 2017. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Guss Morrison, Amy Strosnider and Robert Wells (Board of Supervisors' Non-Voting Liaison). Members absent: Charles Sandy, Jr.

### Items Requiring Board of Supervisors Action:

1. Frederick Water Easement Request – The Buildings and Grounds Committee recommended approval of the Frederick Water easement request as submitted, second by Ms. Natalie Gerometta, motion carried unanimously (7-0). Please find attached a copy of the Frederick Water Deed of Easement. Public hearing is needed to grant this easement.

### Submitted for Board Information Only:

None

Attachment

cc: Gary Longerbeam, Chairman  
Robert Wells, Board of Supervisors' Non-Voting Liaison

Tax Map No.:  
Project:

FREDERICK COUNTY SANITATION AUTHORITY  
DEED OF EASEMENT

THIS DEED OF EASEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between **FREDERICK COUNTY VIRGINIA** (collectively, "Owner"), as grantor for indexing purposes, and **FREDERICK COUNTY SANITATION AUTHORITY d.b.a. FREDERICK WATER**, a body politic and corporate (the "Authority"), as grantee for indexing purposes.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Owner does hereby grant and convey unto the Authority, its successors and assigns, an easement (the "Water Storage Easement") for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing one or more present or future water storage tanks, water mains and sanitary sewer lines, including, without limitation, fire hydrants, valves, vaults, meters, building service connections and connection lines, sanitary lateral lines, manholes and other appurtenant facilities (collectively, the "Facilities"), for the storage, transmission and distribution of water and the collection of sanitary sewer and its transmission through, upon and across the portion of the property of Owner bounded and described as "Dot-Shaded Area Denotes Proposed Easements For Waterlines, Tank and Equipment, and Access" (the "Water Storage Easement Area") on the plat entitled "**WATER TANK EASEMENT DEDICATION PLAT ON PARCEL 33-(A)-162B**", dated September 11, 2017 and prepared by Gary R. Oates (the "Plat"), attached hereto and made a part hereof, subject to the following conditions; and

FURTHER WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Owner does hereby grant and convey unto the Authority, its successors and assigns, an easement and right of way (the "Access Easement") for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing a vehicular access driveway and Facilities other than storage tanks, for access to the Water Storage Easement Area and for the transmission and distribution of water and the collection of sanitary sewer and its transmission through, upon and across the portion of the property of Owner bounded and described as "Hatched Area Denotes Proposed Easement for Access Only" (the "Access Easement Area") on the Plat.

1. All Facilities which are installed in the Water Storage Easement Area and Access Easement Area (collectively the "Easement Areas") shall be and remain the property of the Authority, its successors and assigns.

2. The Authority and its agents shall have full and free use of the Easements for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of

the Easement, including the right of access to and from the Easement Areas, and the right to use adjoining land within 100 feet of the Easement Areas when necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance; and further, this right shall not be construed to allow the Authority to erect any building or structure of a permanent nature on such adjoining land.

3. The Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions in or reasonably near the Easement Areas, including those existing at the time of execution of this Deed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of the Facilities; provided, however, that the Authority, at its own expense, shall restore, as nearly as possible, to their original condition all land or premises included within or adjoining the Easement Areas which are disturbed in any manner by the construction, operation and maintenance of the Facilities. Such restoration shall include (i) the backfilling of trenches, (ii) repaving of asphalt, concrete, composite, and other impervious areas, (iii) the reseedling or resodding of lawns or pasture areas, and (iv) the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, and other obstructions located outside the Easement Area, but shall not include the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, or other obstructions located within the Easement Areas.

4. Owner reserves the right to construct and maintain roadways over the Easement Area and to make any use of the Easement Area which may not be inconsistent with the Easement rights herein conveyed, or interfere with the use of the Easement by the Authority for the purposes named; provided, however, that Owner shall not erect any building or other structure, or install any underground facilities or utilities, or change existing ground elevation or impound any water on or within the Easement Areas without obtaining the prior written approval of the Authority. In the event a use of the Easement Areas by Owner is approved by the Authority, but requires the relocation of any of the Facilities or the adjustment of the depth of any of the Facilities, all costs required to accomplish such relocation or adjustment shall be paid by Owner. Owner agrees that no vegetation other than (i) grass, (ii) shrubbery, and (iii) flowers and vegetable plants with root systems that extend no more than 12 inches below the surface at maturity, may be planted in the Easement Area; provided, however, that such flowers, shrubbery and vegetable plants are planted at Owner's risk and the Authority shall have no obligation to replant such flowers, shrubbery and vegetable plants nor to compensate Owner for such vegetation in the event such vegetation is damaged or destroyed during the exercise of the Authority's rights under this Easement.

5. At such time as any portion of the land within the Easement Areas is accepted by the Commonwealth of Virginia or any appropriate agency thereof for maintenance into the state highway system, all easement rights acquired by the Authority by this instrument in such portion of land shall cease and terminate, provided that the Commonwealth of Virginia or any appropriate agency thereof concurrently grants to the Authority all necessary permits for the continued operation, maintenance, inspection, repair and replacement of its facilities in said location.

6. Owner covenants that it is seized of and has the right to convey said Easements, rights and privileges, that the Authority shall have quiet and peaceable possession, use and enjoyment of the Easement, rights and privileges, and that Owner shall execute such further assurances thereof as may be required.

7. Owner agrees that the agreements and covenants stated in this Deed are not covenants personal to Owner but are covenants running with the land which are and shall be binding upon Owner, its heirs, personal representatives, successors and assigns.

*[Signature appears on the following page]*

Witness the following signature and seal:

FREDERICK COUNTY SANITATION AUTHORITY  
d.b.a. FREDERICK WATER:

BY: \_\_\_\_\_

STATE OF \_\_\_\_\_,

CITY/COUNTY OF \_\_\_\_\_, TO-WIT:

I, \_\_\_\_\_, a notary public in and for the State and County  
aforesaid, do certify that \_\_\_\_\_, whose name is signed to the  
foregoing instrument dated \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Registration No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Witness the following signature and seal:

FREDERICK COUNTY VIRGINIA:

BY: \_\_\_\_\_

STATE OF \_\_\_\_\_,

CITY/COUNTY OF \_\_\_\_\_, TO-WIT:

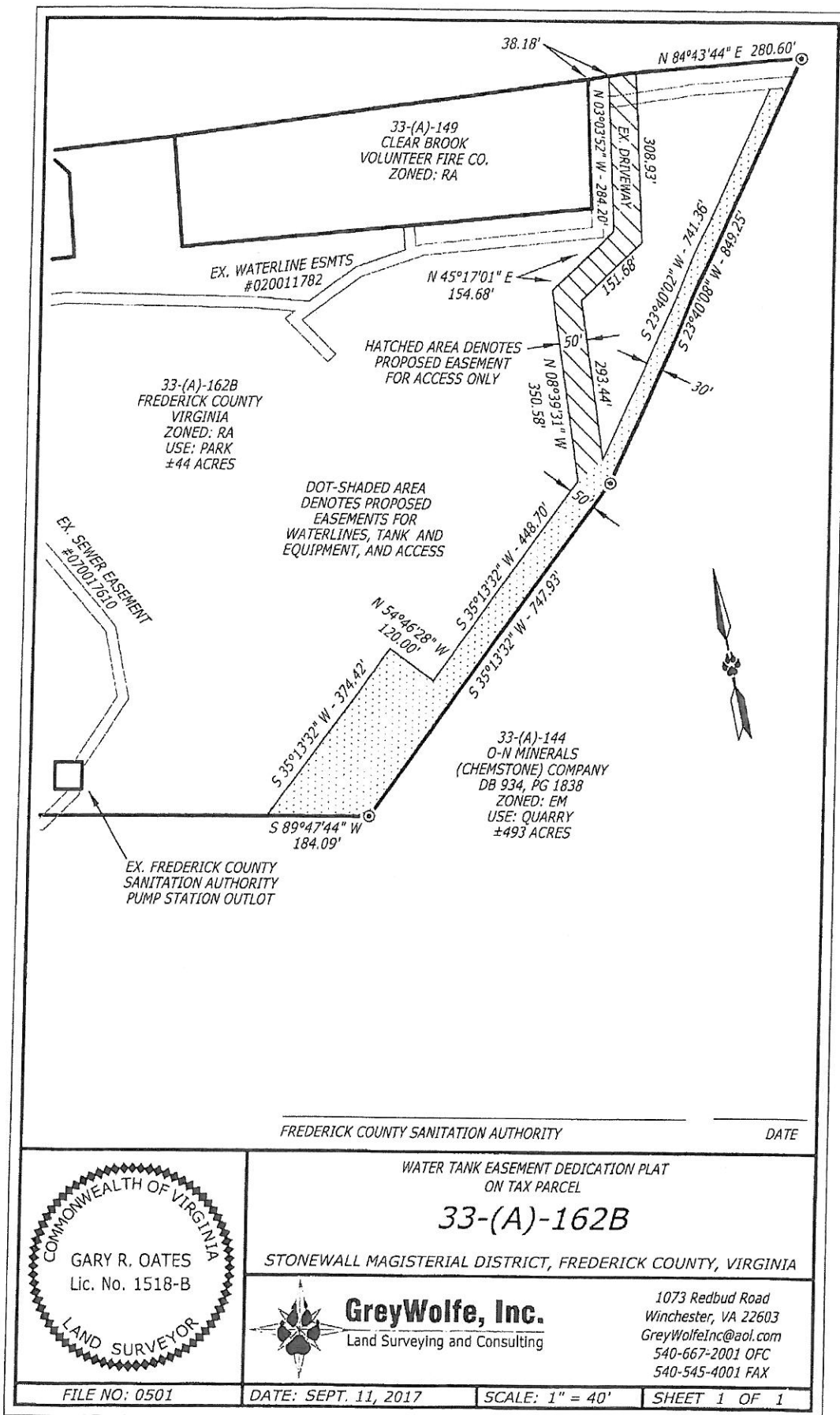
I, \_\_\_\_\_, a notary public in and for the State and County  
aforesaid, do certify that \_\_\_\_\_, whose name is signed to the  
foregoing instrument dated \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Registration No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



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## ORDINANCE November 8, 2017

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 155-16 (Definitions and word usage), 155-18 (Qualifications for exemption), 155-19 (Application for exemption; investigation of affidavit), and 155-21 (Changes in status) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, be and the same hereby is, amended by enacting amended Sections 155-16 (Definitions and word usage), 155-18 (Qualifications for exemption), 155-19 (Application for exemption; investigation of affidavit), and 155-21 (Changes in status) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows and to take effect on January 1, 2018 (deletions are shown in ~~bold strikethrough~~ and additions are shown in **bold underline**):

### CHAPTER 155 Taxation

#### ARTICLE III Senior Citizens and Disabled Persons Exemption and Deferral

##### § 155-16 Definitions and word usage.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless another meaning shall clearly appear from the context:

##### AFFIDAVIT OR WRITTEN STATEMENT

The real estate tax exemption affidavit **or written statement**.

##### DWELLING

The sole residence of the person claiming exemption; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real estate for which exemption is claimed ceases to be the sole dwelling of such person during such period of other residence, so long as the real estate in question is not used by or leased to others for consideration.

##### EXEMPTION

The percentage exemption, **allowable under the provisions of this article**, from the property tax imposed by the County ~~allowable under the provisions of this article~~.

## PERMANENTLY AND TOTALLY DISABLED

As applied to a person claiming an exemption under this article, a person furnishing the certification or medical affidavits required by § 155-19 of this article and who is found by the Commissioner of the Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

## TAXABLE YEAR

The calendar year, from January 1 through December 31, for which such property tax exemption is claimed.

## § 155-17 Purpose.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions or deferrals for qualified property owners who are not less than 65 years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of § 58.1-3210 et seq. of the Code of Virginia, the County finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income and financial worth.

## § 155-18 Qualifications for exemption.

Exemptions pursuant to this article shall be granted to persons and for property complying with the following provisions:

A. The title to the property for which exemption is claimed is held or partially held ~~by the person or persons claiming such exemption, as of January 1 of the taxable year for which such exemption is claimed.~~ (i) by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. An interest held under a leasehold or term of years does not qualify for relief under the provisions of this article.

B. The dwelling for which the exemption is claimed is occupied as the sole dwelling of such claimant or claimants.

C. If the dwelling for which the exemption is claimed is a mobile home, the dwelling must be a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

D. The person claiming such exemption is 65 years of age or older or permanently and totally disabled as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed.

E. Gross combined income.

(1) The gross combined income from all sources of such claimant owner or owners of such dwelling living therein, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, for the immediately preceding calendar year does not exceed the sum of \$50,000 regardless of whether an income tax return was filed or was required to be filed, provided that the first \$7,500 of any income received by any claimant owner as permanent disability compensation shall not be included in such total, and provided that the first \$8,500 of income of each relative, other than the spouse of such claimant owner or owners, who is living in such dwelling, and of each nonrelative, who is living in such dwelling and who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, shall not be included in such total.

(2) Such gross combined income of the claimant owner or owners shall not include life insurance proceeds, nor shall it include proceeds from borrowing or other debt.

F. The net combined financial worth of such claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed, does not exceed \$150,000. "Net combined financial worth" shall include the value of all assets, including equitable interests, exclusive of the fair market value of the dwelling for which exemption is claimed and of the land not exceeding one acre upon which it is situated. Furniture, fixtures and appliances in such exempt residence shall also be excluded from the net worth calculation, provided that they are normal and reasonable to the use and maintenance of the property as the residence of the **qualifying claimant** owner or owners. Net worth is computed by subtracting liabilities from assets.

G. If an owner qualifies for an exemption, and if the owner can prove by clear and convincing evidence that his physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a person move in and provide care for the owner, and if a person does then move in for that purpose, then none of the income of that person or of that person's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of \$10,000 without adequate consideration within a three-year period prior to or after that person moves into such residence.

**§ 155-19 Application for exemption; investigation of affidavit or written statement.**

- A. Annually and not later than April 1 of each taxable year, every person claiming an exemption under this article shall file a real estate tax exemption affidavit or written statement with the Commissioner of the Revenue of the County. The date for filing such an affidavit or written statement by an applicant may be extended by the Commissioner of the Revenue to July 1 of a taxable year in a hardship case in which the Commissioner of the Revenue determines that the applicant was unable to file by April 1 of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital or other medical facility or institution, provided that such real estate tax exemption affidavit or written statement is accompanied by a sworn affidavit of one medical doctor licensed to practice medicine in the commonwealth.
- B. The affidavit or written statement shall set forth the names of the **related persons occupying the real estate claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner** living in the dwelling for which exemption is claimed and the total combined net worth and combined income of such persons as defined in this article. The form of such affidavit or written statement shall be determined by the Commissioner of the Revenue and shall contain such other information as may be required adequately to determine compliance with the provisions of § 155-18 of this article. The affidavit or written statement of any person less than 65 years of age who is claiming an exemption under this article shall be accompanied by a certification from the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or, if such person is not eligible for certification by any of these agencies, a sworn affidavit from two medical doctors licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the applicant is permanently and totally disabled as defined in § 155-16 of this article. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability. In addition, the Commissioner of the Revenue may make such further inquiry of persons seeking to claim exemption requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary, to determine eligibility for an exemption.
- C. The Commissioner of the Revenue, after audit and investigation of such affidavits or written statements, shall certify a list of the persons and property qualifying for exemption and the amount thereof to the County Treasurer, who shall forthwith deduct the amounts of such exemption from the real estate tax chargeable for the taxable year to such persons and property.

**§ 155-20 Calculation of amount of exemption.**

The amount of the exemption granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:



<i>Total Combined Income</i>	<i>Percentage of Exemption</i>
\$0 to \$20,000	100%
\$20,001 to \$25,000	60%
\$25,001 to \$30,000	35%
\$30,001 to \$50,000	10%

#### **§ 155-20.1 Deferral.**

Any person who would otherwise be eligible for an exemption under this article but who, on account of his or her total combined income being in excess of \$20,000 but not greater than \$50,000, is only eligible for a partial exemption may request deferral of the remainder of the real estate tax due. In the event of a deferral of real estate taxes hereunder, the accumulated amount of taxes deferred shall be paid to the County by the vendor of the dwelling upon the sale of the dwelling, or from the estate of the decedent within one year after the death of the last owner thereof who qualifies for tax deferral by the provisions of this section. Such deferred real estate taxes shall be paid without penalty but shall accrue interest at the rate of 8% per annum on any amount so deferred, and such taxes and interest shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate 10% of the price for which such real estate may be sold, be inferior to all other liens of record.

#### **§ 155-21 Changes in status.**

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit or written statement is filed and having the effect of violating or exceeding the limitations and conditions of § 155-18 of this article shall nullify any exemption or deferral for the then current taxable year and for the taxable year immediately following, provided that a change in income shall only operate to decrease the percentage of exemption or deferral previously determined by the Commissioner of the Revenue pursuant to § 155-20 of this article to the extent that the income amount exceeds the relevant range for a percentage of exemption or deferral set out in §§ 155-20 and 155-20.1 of this article.

#### **§ 155-22 Filing false claims.**

It shall be unlawful for any person to falsely claim an exemption or deferral under this article.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

**A COPY ATTEST**

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Kris C. Tierney  
Clerk, Board of Supervisors  
County of Frederick, Virginia



## COUNTY of FREDERICK

Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610  
Fax: 540/667-0370  
E-mail: cshiffle@fcva.us

**TO:** Board of Supervisors  
**FROM:** Finance Committee  
**DATE:** September 20, 2017  
**SUBJECT:** Finance Committee Report and Recommendations

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A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, September 20, 2017 at 8:00 a.m. All members were present. (✓) Items 5, 6, and 7 were approved under consent agenda. (✗) Items 2, 9, 10, 11, 12, 14, and 17 require no action.

1. Shenandoah Valley Community Residences, Inc. requests real property tax exemption. See attached application and Code of Virginia Tax Exempt Property, p. 4 – 37. The committee recommends approval of the exemption. An ordinance amendment is required to reflect the change, draft attached, p. 38 – 40. A public hearing is required on the ordinance amendment.
2. (✗) Presentation by SCS Engineers of Pro Forma Analysis and FY 2019 budget recommendations for the Frederick County Regional Landfill. This item has been forwarded by the Landfill Oversight Committee. See attached information, p. 41 – 60. No action required.
3. The Public Works Director requests a General Fund supplemental appropriation in amount of \$50,000. This amount represents funds donated to the Frederick County Esther Boyd Animal Shelter and will be used for the engineering and architectural services to develop a site plan and architectural plans for a building addition at the shelter. No local funds required. This item was approved by the Public Works Committee. See attached information, p. 61 – 63. The committee recommends approval.
4. The Public Works Director requests a General Fund supplemental appropriation in the amount of \$10,000. This amount represents funds donated to the Frederick County Esther Boyd Animal Shelter and will be used to expand the existing spay/neuter program. No local funds required. This item was approved by the Public Works Committee. See attached information, p. 61 – 63. The committee recommends approval.



Finance Committee Report and Recommendations  
September 20, 2017  
Page 2

5. ☒ The Sheriff requests a General Fund supplemental appropriation in the amount of \$4,354.45. This amount represents an auto claim reimbursement. No local funds required. See attached memo, p. 64.
6. ☒ The Shawneeland Manager requests a Shawneeland Fund supplemental appropriation in the amount of \$13,692.56. This amount represents an auto claim reimbursement. No local funds required. See attached memo, p. 65.
7. ☒ The Superintendent of Parks request a General Fund supplemental appropriation in the amount of \$20,000. This amount represents a carry forward of unspent FY 2017 funds to be used for the installation of a fire hydrant at the Sherando Park maintenance facility. See attached memo, p. 66.
8. Discussion is requested on committee and commission compensation. The committee recommends the changes per the attached information, p. 67.
9. ☒ The committee will continue discussion on the airplane tax rate. See attached information, p. 68 – 74. The committee requested continued discussion at the next committee meeting.
10. ☒ The committee will continue discussion on real property tax relief. See attached information, p. 75 – 76. The committee concluded discussions on the topic.
11. ☒ The Finance Director presents FY 2017 Year End financial information. See attached, p. 77 – 92. No action required.
12. ☒ The FCPS Finance Director provides FY 2017 Year End financial information and is available for discussion. See attachment, p. 93 – 119. No action required.
13. The FCPS Finance Director requests School Operating Fund and General Fund supplemental appropriations in the amount of \$285,003.55. This amount represents grant funds received during FY 2017 for specific purposes. See attached memo, p. 120. The committee recommends approval.
14. ☒ The FCPS Finance Director requests School Operating Fund and General Fund supplemental appropriations in the amount of \$997,264.55. This amount represents unspent FY 2017 funds to be spent on buses. Local funds are required. See attached memo, p. 120. The committee postpones the request awaiting further information.

Finance Committee Report and Recommendations  
September 20, 2017  
Page 3

15. The FCPS Finance Director requests School Operating Fund supplemental appropriation in the amount of \$502,498.66. This amount represents the FY 2018 Preschool Expansion Grant. No local funds are required. See attached memo, p. 120. The committee recommends approval.
16. The FCPS Finance Director requests School Operating Fund supplemental appropriation in the amount of \$100,000. This amount represents a grant award from the National Oceanic and Atmospheric Administration. No local funds are required. See attached memo, p. 120. The committee recommends approval.
17. ☒ The Finance Director provides updated debt service information reflecting the \$27 million for the 12th elementary school, and is available for discussion. See attached information, p. 121 – 125. No action required.

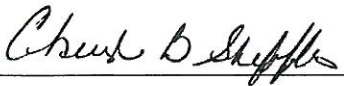
**INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for August 2017. See attached, p. 126.
2. The Finance Director provides financial statements ending August 31, 2017. See attached, p. 127 – 137.
3. The Finance Director provides an FY 2018 Fund Balance Report ending September 14, 2017. See attached, p. 138.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman  
Charles DeHaven  
Gary Lofton  
Angela Rudolph  
Jeffrey Boppe

By 

Cheryl B. Shiffler, Finance Director



## COUNTY of FREDERICK

Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610  
Fax: 540/667-0370  
E-mail: [cshiffle@fcva.us](mailto:cshiffle@fcva.us)

**TO:** Board of Supervisors  
**FROM:** Finance Committee  
**DATE:** August 16, 2017  
**SUBJECT:** Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, August 16, 2017 at 8:00 a.m. All members were present. (✓) Items 1, 2, and 3 were approved under consent agenda. (✗) Item 6 requires no action.

1. (✓) The Sheriff requests a General Fund supplemental appropriation in the amount of \$100. This amount represents a donation to the DARE program. No local funds required. See attached memo, p. 3 – 4.
2. (✓) The Sheriff requests a General Fund supplemental appropriation in the amount of \$5,080.92. This amount represents an auto claim reimbursement. No local funds required. See attached memo, p. 5 – 6.
3. (✓) The Public Safety Communications Director requests a General Fund supplemental appropriation in the amount of \$7,579.72. This amount represents a carry forward of unspent FY17 funds for the completion of the radio upgrade. See attached memo, p. 7.
4. Horizon Goodwill Industries, Inc. requests real property tax exemption. See attached application and Code of Virginia Tax Exempt Property, p. 8 – 64. The committee recommends denial of the exemption.
5. The Winchester Regional Airport Executive Director requests an FY18 Airport Capital Fund supplemental appropriation in the amount of \$2,165,000 and an FY18 General Fund supplemental appropriation in the amount of \$209,674. These amounts represent the Airport Capital budget for FY18 and the local contribution. See attached information, p. 65 – 88. The committee recommends approval.

Finance Committee Report and Recommendations  
August 16, 2017  
Page 2

6. ☒ The committee will discuss airplane tax rate. The committee requested additional information and will resume discussions at the next meeting.
7. The committee will continue discussion on real property tax relief and deferral. See attached information, p. 89 – 97. The committee recommends promotion of the deferral program and approval of the code updates as presented. The committee also requested additional information and will resume discussion of the tax relief ranges at the next meeting.
8. The committee will continue discussion on workman's compensation and accident/injury coverage for volunteer fire & rescue personnel. See attached information, p. 98 – 140. The committee recommends implementing VACORPs recommendation for workers' compensation for volunteer fire & EMS.
9. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. See attached charter, p. 141 – 143. The committee recommends no changes to the charter.

**INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for June 2017. See attached, p. 144.
2. Fund balance information will be provided after the County closes FY17.
3. The Finance Director provides the FY 2019 budget calendar. See attached, p. 145.
4. The Finance Director provides the updated outside agency funding request form. See attached, p. 146 – 148.
5. The FY17 year-end open purchase orders have been provided by the County and the Schools. See attachments, p. 149 – 159.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman  
Charles DeHaven  
Gary Lofton  
Angela Rudolph  
Jeffrey Boope

By   
Cheryl B. Shiffler, Finance Director





ELLEN E. MURPHY  
COMMISSIONER

## 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](mailto:emurphy@fcva.us)

[www.fcva.us/cor](http://www.fcva.us/cor)



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

## MEMORANDUM

TO: Finance Committee

FROM: Ellen Murphy, Commissioner of the Revenue

DATE: July 19, 2017

RE: Frederick County Code – Article III: Senior Citizens and Disabled Persons  
Exemption and Deferral

The following charts show the current and proposed changes and resulting financial impact estimate of the County's Senior Citizens and Disabled Persons tax relief program.

<b>CURRENT</b>		
<b>Total Combined Income</b>	<b>Percentage of Exemption</b>	<b>Current Financial Impact</b>
\$0 to \$20,000	100%	\$218,863.80
\$20,001 to \$25,000	60%	\$57,015.20
\$25,001 to \$30,000	35%	\$29,552.70
\$30,001 to \$50,000	10%	\$14,840.70
<b>TOTAL</b>		<b>\$320,272.40</b>

<b>PROPOSED</b>		
<b>Total Combined Income</b>	<b>Percentage of Exemption</b>	<b>Estimated Financial Impact</b>
\$0 to \$30,000	100%	\$398,324.44
\$30,001 to \$40,000	35%	\$65,000.00
\$40,001 to \$50,000	10%	\$8,000.00
<b>ESTIMATED TOTAL</b>		<b>\$471,324.44</b>
<i>(Increase of over \$150,000.00 per year)</i>		

Calculation of the impact of this relief is very labor intensive. Tax relief currently only applies to principal residences plus a garage or other necessary building and one acre. Therefore, properties over one acre are both taxed and given relief. Also factored into the tax amount is if the property is owned by anyone other than the spouse(s) thus creating a calculation that has to be a percentage of spouse(s) versus all other who are taxed as owners at 100% of the tax due. Because of this complicated calculation method, each property must be hand entered into the system to generate the tax bill. This does not allow us the option to recalculate the various percentages without staff looking at every single account.

Currently, the deferral program allowed by our Code is not being used. This deferral program allows qualifying persons getting less than 100% relief to postpone or defer payment of the tax amount as a debt against their property to be paid when the property is sold. Taxpayers qualifying for this relief have concerns that their home is their major asset so therefore they are hesitant to entail it. While the deferral program is unused, it remains an alternative for those not qualifying for 100% relief. If the Finance Committee should decide to go that route, I would still recommend that our initial bracket of relief at 100% be increased to \$30,000 total combined income.

Consideration was given to using more brackets or changing the higher income brackets, but with the use of a deferral, such relief should not be required. Also many of the homes in the higher brackets have larger assessed values and offer the homeowner other options.

Mr. Orndoff and I have discussed this proposal and he is agreeable to handling the deferral program if it becomes active. The Treasurer would have to be the one to facilitate and record such deferral so that proper collection could be made once the identified property is sold.

This proposal is being brought forward because taxpayers in financial distress are increasing, particularly in the lower income and asset brackets with costs rising on medicines, utilities, nursing care and general living expenses.

Your discussion and consideration are greatly appreciated.



ELLEN E. MURPHY  
COMMISSIONER

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Fax: 540-667-6487

Finance Committee  
C William Orndoff

<b>PROPOSED</b>		
<b>Total Combined Income</b>	<b>Percentage of Exemption</b>	<b>Estimated Financial Impact</b>
\$0 to \$25,000	100%	\$303,889.10
\$25,001 to \$40,000	35%	\$94,025.30
\$40,001 to \$50,000	10%	\$8,000.00
<b>ESTIMATED TOTAL</b>		<b>\$406,441.80</b>
<i>(Increase est \$86,000.00 per year)</i>		

Recalculation of Tax Relief as presented this morning, per Cheryl's request – makes 100% bracket to \$25,000 instead of \$30,000.

Ellen



I



## COUNTY of FREDERICK

**Kris C. Tierney**  
County Administrator

### MEMORANDUM

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

TO:	Board of Supervisors
FROM:	Kris C. Tierney, County Administrator <i>KCT</i>
SUBJECT:	Dissolution and Termination of the Russell 150 Community Development Authority
DATE:	November 1, 2017

The Board will conduct a public hearing and consider an ordinance concurring in the dissolution and termination of the Russell 150 Community Development Authority (CDA). By way of background, the Board of Supervisors, by ordinance, created the Russell 150 Community Development Authority (CDA) on March 9, 2005. The CDA was created to finance certain transportation, drainage, and other improvements in connection with a mixed-use development on the Russell 150 property.

The CDA issued bonds in 2007 in the amount of \$21,155,000 to finance the acquisition and construction of infrastructure on the Russell 150 property. On December 1, 2016, the landowner paid off all remaining outstanding bonds and a certificate of satisfaction was filed, which released the CDA's special assessment lien on all real property within the CDA district.

On December 2, 2016, the CDA met and adopted a resolution declaring that the purposes for which the CDA was created are no longer applicable. Since that meeting, the CDA has made a final accounting and the financial statements have been audited. With these steps complete, the next action is for the Board of Supervisors to adopt an ordinance dissolving and terminating the Russell 150 Community Development Authority. Because the original ordinance creating the CDA was approved following a public hearing, a public hearing has been scheduled on the ordinance dissolving and terminating the CDA. Following the public hearing, staff is seeking Board action on the proposed ordinance.

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

KCT/jet

Attachment



## **BOARD OF SUPERVISORS**

### **ORDINANCE CONCURRING IN THE DISSOLUTION AND TERMINATION OF THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY**

**WHEREAS**, the Russell 150 Community Development Authority (the Authority) was created pursuant to an ordinance, adopted by this Board on March 9, 2005 (the "CDA Ordinance"); and

**WHEREAS**, the Authority received its Certificate of Incorporation with the State Corporation Commission of the Commonwealth of Virginia on April 19, 2005, effective retroactively to the date of adoption; and

**WHEREAS**, the Authority was created to finance certain transportation, drainage, improvements (the CDA Infrastructure) in connection with a mixed-use development, on the property designated by the CDA Ordinance as being within the Authority's jurisdiction, specifically tax parcel numbers 63-A-150, 64-A-10, and 64-A-12, in the Shawnee Magisterial District of Frederick County; and

**WHEREAS**, on May 25, 2006, this Board adopted a further ordinance authorizing the levy and collection of special assessments within the boundaries of the Russell 150 CDA district (the "Special Assessment Ordinance"); and

**WHEREAS**, on May 1, 2007, the Authority issued \$5,470,000 in Series A Special Assessment Bonds and \$15,685,000 in Series B Special Assessment Bonds to finance acquisition and construction of the CDA Infrastructure; and

**WHEREAS**, thereafter, the original developer of the CDA District initiated acquisition and construction of the CDA Infrastructure, but defaulted before completing the same, leading to foreclosure proceedings, in the course of which the holder of the Special Assessment bonds became the owner of all property in the CDA District, and

**WHEREAS**, at the time of such foreclosure, the unspent portion of the bond proceeds was used to redeem a part of the bonds, and some payments of interest and principal have been made since that time but as of November 30, 2016, there remained an unredeemed amount of \$5,385,000 principal amount of bonds outstanding; and

**WHEREAS**, changes in the development plans for the property in the CDA District, changes in interest rates and other factors made it advisable for the Landowner to redeem the outstanding CDA Bonds and develop and market the property using other methods of financing, without the burdens or benefits of the special assessment district; and

**WHEREAS**, on December 1, 2016, upon payment by the Landowner and with the concurrence of the Bondholder, all the remaining outstanding bonds of the Authority were redeemed, and a certificate of satisfaction was thereafter filed releasing the Authority's Special Assessment lien on all property within the CDA District; and

**WHEREAS**, at a called meeting on December 2, 2016, by a majority vote, the Authority adopted a resolution (the "Authority Resolution"), declaring that the purposes for which the Authority was created are no longer applicable, and

**WHEREAS**, since the adoption of the Authority Resolution (i) a final arbitrage rebate calculation has been made, and it has been determined that no rebate is due to the Internal Revenue Service, (ii) all remaining obligations and expenses of the Authority have been paid, (iii) all the Authority's remaining assets have been distributed, and (iv) a final audit of the Authority's accounts has been completed, and

**WHEREAS**, there being nothing further needed to conclude the Authority's affairs, it has requested that the Board of Supervisors concur with the declarations made in the Authority Resolution and approve the Chairman of the Authority, with the assistance of the County Attorney, taking such action as may be necessary to dissolve the Authority; and

**WHEREAS**, the Board wishes to accept and concur in the declarations made in the Authority Resolution and the dissolution of the Authority;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors on the 8th day of November, 2017, that:

1. In accordance with Virginia Code § 15.2-5109, the Board: (a) determines that the affairs of the Russell 150 Community Development Authority (the Authority) have been concluded, and the Authority has no remaining assets or liabilities; (b) concurs with the declarations and findings in the Authority Resolution; and (c) concurs with the Authority's request to dissolve the Authority.
2. The Chairman of the Authority is authorized to execute any and all necessary documents to dissolve the Authority, including but not limited to Articles of Dissolution and Articles of Termination, and to take such further actions and execute and deliver such documents and instruments as may be necessary or desirable to accomplish the purposes of this Resolution, in accordance with the Authority Resolution.
3. The County Attorney is authorized and directed to take any further actions as may be necessary to dissolve the Authority, including but not limited to filing the Articles of Dissolution and Articles of Termination with the State Corporation Commission of the Commonwealth of Virginia.
4. This resolution shall take effect immediately upon its adoption.

VOTE:

Charles S. DeHaven, Jr. \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

Bill M. Ewing \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Blaine P. Dunn \_\_\_\_\_

Gene E. Fisher \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

A COPY ATTEST

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Kris C. Tierney  
Frederick County Administrator



**Russell 150 Community Development Authority**  
**December 2, 2016**

A meeting of the Russell 150 Community Development Authority was called to order on December 2, 2016 in the Board of Supervisors Closed Session Room, 107 North Kent Street, Winchester, Virginia, at 3:00 p.m.

CDA Board Members present:        John Marker  
   Whitney "Whit" Wagner  
   Frank Brumback  
   Scot Marsh  
   Walter Aikens

Also present were: Jay E. Tibbs, Deputy County Administrator; Rod Williams, County Attorney; Brooks Martin, representing the property owner; Faizan Habib, Municap; and Josh Janney, *The Winchester Star*.

Participating via telephone was: Roger Wiley, Hefty & Wiley.

Mr. Marker called the meeting to order.

The first item on the agenda was approval of the minutes. Upon a motion by Mr. Wagner, seconded by Mr. Aikens, the minutes from the April 21, 2016 meeting were unanimously approved.

The Board then considered a resolution regarding the dissolution of the Russell 150 Community Development Authority.

Mr. Wiley advised that the CDA bonds were paid off as of December 1, 2016; however, there were still a few things that needed to take place before CDA could be dissolved (e.g. audit, bond arbitrage, etc.). He stated that once these actions were completed the CDA could disband.

Upon a motion by Mr. Marsh, seconded by Mr. Wagner, the CDA approved the Resolution Regarding Dissolution of the Russell 150 Community Development Authority.

**WHEREAS**, the Russell 150 Community Development Authority (the Authority) was created pursuant to an ordinance, (the "CDA Ordinance"), adopted by Board of Supervisors of Frederick County, Virginia (the "County Board") on March 9, 2005; and

**WHEREAS**, the Authority filed its Articles of Incorporation with the State Corporation Commission of the Commonwealth of Virginia on March 9, 2005; and

**WHEREAS**, the Authority was created to finance certain transportation, utility drainage and other infrastructure improvements (the "CDA Infrastructure") in connection with the proposed mixed use development approved for the area designated in such Ordinance; and

**WHEREAS**, on May 25, 2006, this Board adopted a further ordinance authorizing the levy and collection of special assessments within the boundaries of the CDA district (the “Special Assessment Ordinance” and “Special Assessment District”); and

**WHEREAS**, on May 1, 2007, the Authority issued \$5,470,000 in Series A Special Assessment Bonds and \$15,685,000 in Series B Special Assessment Bonds (collectively, the “Authority Bonds”) to finance acquisition and construction of the CDA Infrastructure; and MuniMae TEI Holdings, LLC, a Maryland limited liability company (“Bondholder” or “MMA”), became the beneficial owner of the CDA Bonds: and

**WHEREAS**, thereafter, the original developer of property in the Special Assessment District, Russell 150 LC, a Virginia limited liability company, initiated acquisition and construction of the CDA Infrastructure, but defaulted before completing the same, leading to foreclosure proceedings, in the course of which, R 150 SPE, LLC, a Virginia limited liability company created by MMA, became the owner of all property in the Special Assessment District, and

**WHEREAS**, at the time of such foreclosure, some of the proceeds of the Authority Bonds had been expended for land acquisition, capitalized interest and other development expenses, the unspent portion of the bond proceeds was used to redeem a part of the Authority Bonds, and Landowner assumed responsibility for payment of the Special Assessments to service remaining indebtedness under the Authority Bonds still outstanding; and

**WHEREAS**, thereafter some payments of interest and principal have been made from special assessment proceeds from time to time, but as of November 30, 2016, there remained an unredeemed amount of \$5,358,000 unpaid principal amount of Authority Bonds;

**WHEREAS**, the Bondholder and Landowner have now determined that changes in the development plans for the property in the Special Assessment District, changes in interest rates and other factors make it advisable to redeem the outstanding Authority Bonds and develop and market the property using other methods of financing, without the burdens or benefits of the Special Assessment district; and

**WHEREAS**, on December 1, 2016, the Landowner, with the concurrence of the Bondholder, made an optional redemption of the outstanding Authority Bonds, by paying all principal and accrued interest due thereon, and

**WHEREAS**, the and there is no longer a need for the Authority to finance the CDA Infrastructure; and

**WHEREAS**, all outstanding Special Assessments have been paid in full, all liens of record related to such Special Assessments have been released, and sufficient funds have been

reserved by (the “Bond Trustee”) for payment of all remaining expenses and obligations of the Authority and the completion of the Authority’s business;

**NOW, THEREFORE, BE IT RESOLVED AND DECLARED BY THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY THAT:**

1. The Authority determines that the needs and purposes for which it was created no longer exist.

2. The Authority certifies (i) that all Bonds heretofore issued by the Authority have been redeemed in full at the request and direction of the Bondholders, (ii) that all outstanding liens for special assessments on properties within the Project Area have been eliminated and any other obligations that may have been incurred by the Authority have been paid, or sufficient funds have been retained by the Bond Trustee to pay them.

3. Municap, Inc. (the “Authority Administrator”) is directed to proceed with such steps as may be necessary to complete its business, including but not limited to completion of a final audit and comprehensive annual financial report, conducting a calculation of the Authority’s arbitrage liability and payment of rebates due, if any; filing tax reports or returns required by the Internal Revenue Service or any other governmental agency or entity, and securing payment by the Bond Trustee of any outstanding Authority expenses.

4. The Chairman of the Authority, John Marker, is authorized and directed to execute and deliver such documents and instruments and to take such further action and as may be necessary or desirable to assist the Authority Administrator in accomplishing the purposes of this Resolution.

5. Upon completion of all such pending matters, the Authority Administrator shall certify that all business of the Authority has been completed, and shall convey to the County Board the Authority’s request that it be dissolved and that the County Board concur in authorizing the Authority’s Chairman to file the Articles of Dissolution.

6. This Resolution shall take effect immediately.

This Resolution was adopted by a majority vote of the Authority, at a duly called and noticed meeting of the Authority, held on the 2nd day of December, 2016.

The above resolution was approved by the following recorded vote:

John Marker	Aye
Whitney “Whit” Wagner	Aye
Frank Brumback	Aye
Scot Marsh	Aye
Walter Aikens	Aye

Faizan Habib with Municap asked the CDA to authorize the chairman to review the final audit.

Upon a motion by Mr. Brumback, seconded by Mr. Aikens, the CDA authorized the chairman to review the final audit.

The above motion was unanimously approved.

Mr. Brooks Martin, representing MMA, provided a brief update on the status of the project. The property owner hoped to have shovels in the ground by late spring or early summer.

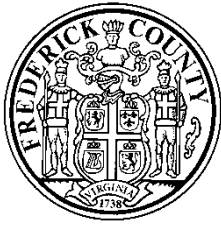
There being no further business, the meeting was adjourned at 3:12 p.m.

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John Marker, Chairman

J





**MASTER DEVELOPMENT PLAN #05-17**  
**Abrams Chase**  
**Staff Report for the Board of Supervisors**  
**Prepared: November 2, 2017**  
Staff Contact: M. Tyler Klein, AICP, Planner

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*This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist in the review of this application. It may also be useful to others interested in this zoning matter.*

	<u><b>Reviewed</b></u>	<u><b>Action</b></u>
<b>Planning Commission:</b>	11/01/17	Reviewed
<b>Board of Supervisors:</b>	11/08/17	Pending

**PROPOSAL:** The Applicant seeks to develop 3.25 acres of land zoned RP (Residential Performance) District with 13 single-family detached (SFD) age-restricted unit. This Master Development Plan (MDP) also includes 0.64 acres dedicated to public right-of-way for improvements along Senseny Road.

The Applicant also is seeking a waiver for the community center requirement specified in Frederick County Zoning Ordinance §165-204.08(A)(1) in single-family small lot subdivision that contain less than 25 lots.

**MAGISTERIAL DISTRICT:** Shawnee

**PROPERTY ID NUMBERS:** 65-A-27A and 65-A-28A

**LOCATION:** The properties are located west approximately 400 feet west of Channing Drive, immediately west of Parkwood Circle, and north of Senseny Road (Route 657).

**PROPERTY ZONING & PRESENT USE:**

Zoned: RP (Residential Performance)      Use: Residential/Vacant

**ZONING & PRESENT USE OF ADJOINING PROPERTIES:**

North:	RP (Residential Performance)	Use: Residential/Open Space
South:	RA (Rural Areas)	Use: Agricultural/Vacant
East:	RP (Residential Performance)	Use: Residential
West:	RA (Rural Areas)	Use: Residential

**STAFF CONCLUSIONS FOR THE 11/08/17 BOARD OF SUPERVISORS MEETING:**

The Master Development Plan for Abrams Chase appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for the approved Rezoning #04-15. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

The Applicant is requesting a waiver of the community center requirement under the Frederick County Zoning Ordinance §165-402.08(A)(1) as the proposed subdivisions contains less than 25 lots. The

Applicant will still provide equivalent recreational value within the development. **The Board of Supervisors would need to grant the waiver as part of consideration of the MDP.**

*It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.*

#### **REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** A VDOT review has been conducted for the Abram's Chase Master Development Plan Revision signature dated 8/23/2017. We have no objection to the plan. Please send one electronic set of the plans to this office for file.

**Frederick County Fire Marshal:** MDP approved provided that the turnaround be changed to meet Frederick County Fire Prevention Code.

**Frederick County Public Works:** We offer no additional comments at this time. A comprehensive review should occur at subdivision plan submission.

**Frederick County Inspections:** No comments required at this time. Comments shall be provided at the time of subdivision lot review.

**Frederick County Parks and Recreation:** Plan appears to meet or exceed Parks and Recreation requirements.

**Virginia Department of Health:** *Please see attached letter dated August 31, 2017 from Herbert Cormier, Environmental Health Supervisor.*

**Frederick Water:** Approved as noted.

#### **Planning & Zoning:**

##### **A) Master Development Plan Requirement**

A Master Development Plan is required prior to development of this property. Before a MDP can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the MDP conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the MDP is to promote orderly and planned development of the property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

The Applicant also is seeking a waiver for the community center requirement specified in Section 165-204.08(A) in single-family small lot subdivision that contain less than 25 lots. In lieu of a community center, the Applicant intends to fulfill the required recreation units for the

development with an outdoor pavilion for the public with other amenities to-be-determined at time of the subdivision design plan.

**B) Site History**

On January 10, 2007, the Board of Supervisors approved Rezoning #11-06 to rezone 3.25 acres from RA (Rural Areas) District to RP (Residential Performance) District to enable the construction of single-family residential lots with proffered improvements. On July 8, 2015, the Board of Supervisors approved Rezoning #04-15 modify the proffers approved with Rezoning #11-06 to restrict the residential uses to age-restricted residential uses and to reduce the monetary contributions for proffered improvements given the change to age-restricted units.

**C) Site Suitability & Project Scope**

***Comprehensive Plan:***

The 2035 Comprehensive Policy Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this Plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

***Land Use Compatibility:***

The *Senseny/Eastern Frederick Urban Area Plan* (SEFUAP) of the 2035 Comprehensive Plan identifies this property with residential and commercial land use designations. The current RP (Residential Performance) District designation is supported by the Comprehensive Plan for this area of the County.

The Master Development Plan for Abrams Chase is also generally consistent with the approved proffers with the most recent Rezoning #04-15, providing the required open space, access, sidewalks/trail section and future inter-parcel connection.

***Site Access and Transportation:***

Access, as shown on the MDP, will be provided to the site via Senseny Road. Future inter-parcel access (to Tax Map Parcel 65-A-25B) is provided to the west, should those properties develop into residential subdivisions; and a turnaround is provided for residents. Sidewalks will be included on either side of the internal street for pedestrian connectivity within the development, and a 10' trail will be provided along the property frontage on Senseny Road.

The right-of-way for the future condition of Senseny Road as a four-lane roadway is also reserved along the properties frontage as shown on the MDP.

**PLANNING COMMISSION SUMMARY FOR THE 11/01/17 MEETING:**

The Planning Commission discussed this item at their November 1, 2017 meeting. Staff provided a general overview of the proposed Master Development Plan (MDP), noting it was for information purposes only, and noted it also included a waiver request to allow other recreational amenities to be provided in lieu of a community center. Staff explained the MDP is in general conformance with the requirements of the Frederick County Zoning Ordinance and the approved rezoning applications. Staff highlighted proffered improvements including internal sidewalks, transportation improvements for

access and inter-parcel connectivity. The Applicant, Stuart Butler, also spoke noting conformance with the approved proffers. There were not comments from the Planning Commission on the MDP.

The Planning Commission voted 8-0-4 (Commissioners Cline, Oates, Thomas & Unger absent) to forward the request for a waiver of the community center requirement to the Board of Supervisors for approval.

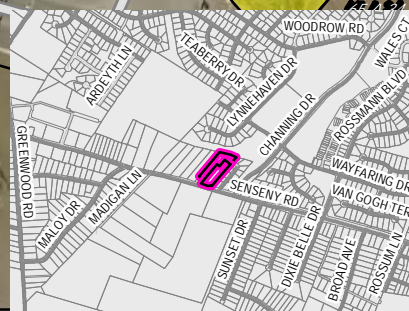
**STAFF CONCLUSIONS FOR THE 11/08/17 BOARD OF SUPERVISORS MEETING:**






The Master Development Plan for Abrams Chase appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for the approved Rezoning #04-15. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

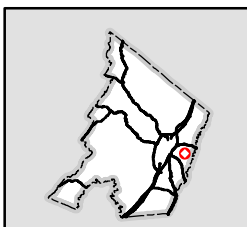
The Applicant is requesting a waiver of the community center requirement under the Frederick County Zoning Ordinance §165-402.08(A)(1) as the proposed subdivisions contains less than 25 lots. The Applicant will still provide equivalent recreational value within the development. **The Board of Supervisors would need to grant the waiver as part of consideration of the MDP.**

*It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.*

PINs:  
65 - A - 27A, 65 - A - 28A

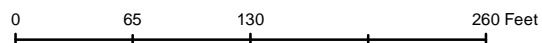


- 
-  Applications
  -  Parcels
  -  Building Footprints
  -  B1 (Neighborhood Business District)
  -  B2 (General Business District)
  -  B3 (Industrial Transition District)
  -  EM (Extractive Manufacturing District)
  -  HE (Higher Education District)
  -  M1 (Light Industrial District)
  -  M2 (Industrial General District)
  -  MH1 (Mobile Home Community District)
  -  MS (Medical Support District)
  -  OM (Office - Manufacturing Park)
  -  R4 (Residential Planned Community District)
  -  R5 (Residential Recreational Community District)
  -  RA (Rural Areas District)
  -  RP (Residential Performance District)



PINs:  
65 - A - 27A, 65 - A - 28A

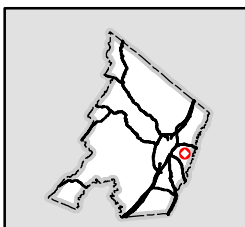
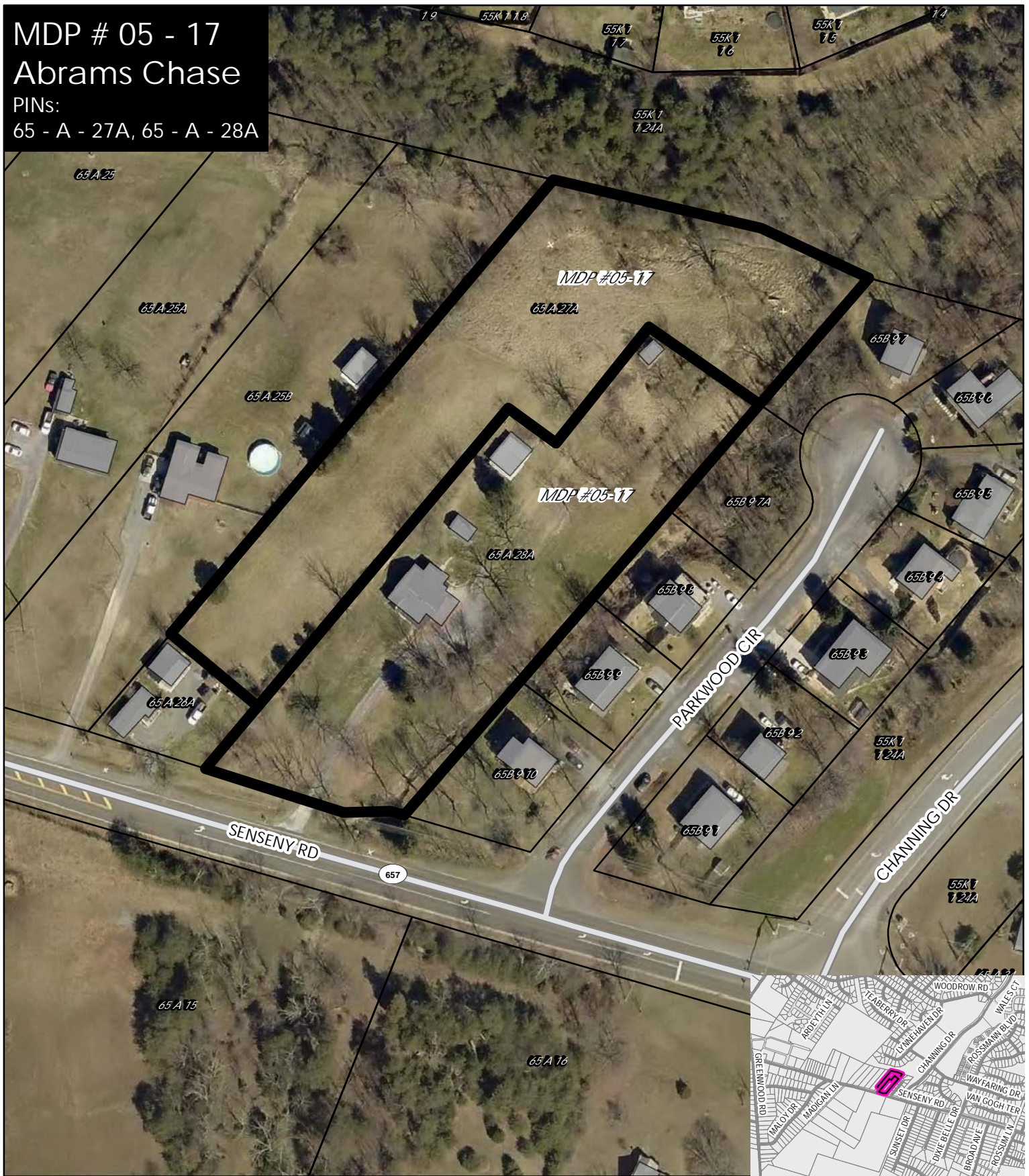
Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: September 15, 2017  
Staff: tklein





# MDP # 05 - 17 Abrams Chase

PINs:  
65 - A - 27A, 65 - A - 28A






## MDP # 05 - 17 Abrams Chase

PINs:  
65 - A - 27A, 65 - A - 28A

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: September 15, 2017  
Staff: tklein



0 65 130 260 Feet

-  Applications
-  Parcels
-  Building Footprints





## Lord Fairfax Health District

Frederick / Winchester Environmental Health

107 North Kent Street - Suite # 201

Winchester, Virginia 22601

Tel. (540) 722-3480 - Fax (540) 722-3479

[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



August 31, 2017

### Agency Comments:

This Health Department has reviewed the request for comments for a review of Abram's Chase Master Development Plan; Tax Map #65-A-27A & 65-A-28A. Based upon the information provided by the applicant/consulting engineer, the water supply and sewage disposal needs for the development will be provided by the Frederick County Sanitation Authority. Therefore, no further review of this development will need to be performed by this Health Department. This Health Department has no objections to the development at this time.

Agency Signature: *Robert Corbin* Date: 8-31-17

Title: EH Supervisor

(NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)

**MASTER DEVELOPMENT PLAN  
APPLICATION FORM**

- Department of Planning & Development Use Only -

Application # 05-17 Date Application Received: 9/13/17  
PC Meeting Date 11/1/17 BOS Meeting Date 12/13/17  
Fee Amount Paid \$ 3,204.00 Initials: B Receipt # 554217

1. Project Title: Abrams Chase

2. Applicant:

Name: Painter-Lewis, PLC Telephone: 540-662-5792

Address: 817 Cedar Creek Grade, Suite 120

Winchester, VA 22601

3. Property Owner (if different than above):

Name: Harvest Communities, Inc. Telephone: 540-533-2806

Address: 320 Harvest Blvd.

Winchester, VA 22601

4. Design Company:

Name: Painter-Lewis, PLC Telephone: 540-662-5792

Address: 817 Cedar Creek Grade, Suite 120

Winchester, VA 22601

5. Please list names of all owners, principals, and/or majority stockholders:

\_\_\_\_\_  
\_\_\_\_\_  
Stuart Butler

6. Magisterial District: Shawnee

## Adjoining Property Owners MASTER DEVELOPMENT PLAN

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property. The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number	Address
Name William J. Hummer	183 Madigan Lane
Property #65-A-15	Winchester, VA 22602
Name Edwin L., Sr. & Virginia C. Lambert	P.O. Box 2657
Property #65-A-26A	Winchester, VA 22604
Name Robert J. & Linda S. Byers	2159 Senseny Road
Property #65-A-25B	Winchester, VA 22602
Name Lynnhaven, LC	21S. Kent St., Suite 1
Property #55K-1-1-24A	Winchester, VA 22601
Name Diana Benitez Espinosa	101 Parkwood Circle
Property #65B-9-10	Winchester, VA 22602
Name Charles W. Marhenke	105 Parkwood Circle
Property #65B-9-9	Winchester, VA 22602
Name Nathan A. Zilke	109 Parkwood Circle
Property #65B-9-8	Winchester, VA 22602
Name William R. Ward, Jr.	P.O. Box 2071
Property #65B-9-7A	Winchester, VA 22604
Name JP Morgan Chase Bank NA	3415 Vision Drive
Property #65B-9-7	Columbus, OH 43219

7. Property Location: \_\_\_\_\_

Rt. 657, Senseny Road, 500' +/- west of intersection with Channing Drive

(Give State Route # and name, distance and direction from intersection)

8. Is this an original or amended Master Development Plan?

Original ☒ Amended ☐ Previous MDP# \_\_\_\_\_

9. Property Information:

a)	Property Identification Number (PIN):	65-((A))-27A & 65-((A))-28A
b)	Total Acreage:	3.24
c)	Current Zoning:	RA
d)	Present Use:	Residential
e)	Proposed Uses:	Age-restricted Single family

10. If residential uses are proposed, provide the following:


a)	Density:	4 per acre
b)	Number of Units:	13
c)	Housing Types:	Single family

11. Adjoining Property use and zoning:

	<u>USE</u>	<u>ZONING</u>
North	Vacant	RP
East	Residential	RP
South	Residential	RA
West	Residential	RA

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plan shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):  Date: 4-5-17

Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_





**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Website: [www.fcva.us](http://www.fcva.us)**

**Department of Planning & Development, County of Frederick, Virginia**  
**107 North Kent Street, Winchester, Virginia 22601**  
**Phone (540) 665-5651 Facsimile (540) 665-5395**

Know All Men By These Presents: That I (We)

(Name) Harvest Communities, Inc. (Phone) 540-533-2806

(Address) 320 Harvest Blvd., Winchester, VA 22601

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 050028946 on Page 263, and is described as

Parcel:        Lot: 27A&28A Block: 65 Section: A Subdivision:         
do hereby make, constitute and appoint:

(Name) Painter-Lewis, PLC (Phone) 540-662-5792

(Address) 817 Cedar Creek Grade, Suite 120, Winchester, VA 22601

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- ☐ Rezoning (including proffers)
- ☐ Conditional Use Permit
- ☒ Master Development Plan (Preliminary and Final)
- ☐ Subdivision
- ☐ Site Plan
- ☐ Variance or Appeal

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 31 day of MARCH, 2017.

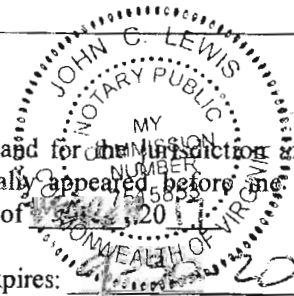
Signature(s) 

State of Virginia, City/County of WINCHESTER VA, To-wit:

I, John C. Lewis, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 31 day of MARCH, 2017.

  
Notary Public

My Commission Expires: 3-31-20



GENERAL NOTES:

**OWNER / DEVELOPER:**  
TM# 65-A-27A & 65-A-28A  
Harvest Communities, Inc.  
320 Handley Blvd.  
Winchester, VA 22601

**ENGINEER/LANDSCAPE ARCHITECT:**  
Painter-Lewis, PLC  
817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601

Contact: Mr. Stuart Butler  
Tel: 540-533-2806

Contact: John C. Lewis, P.E., L.L.A.  
Tel: 540-662-5792

**PARCEL DATA (OVERALL):**  
Zoning: RP-Residential Performance District  
(Rezoning Application #11-06)  
Area: 3.25 acres total  
(2.61 acres of RP, 0.64 acres dedicated to public R-O-W)  
Existing Use: Residential  
Proposed Use: Age-restricted Single-Family Residential

Historical Structures and Sites: None

Environmental Features:  
Wetlands - Wetlands have been identified as limited to the banks of the unnamed tributary of Opequan Creek on the site (approximately 208'). Approximately 150' to be disturbed during development.

Flood plains - FIRM Map No. 51069C0240D shows that the parcel is within Zone X. This zone is characterized by areas outside the 0.2% annual chance floodplain.

Steep Slopes - None

Buffers and Screening:  
Zoning District Buffers: RP against RP: no buffer required  
RP against (residential)RA: no buffer required

Road Efficiency Buffer: Reduced-distance buffer (40' inactive/10' active w/ full screen)

Storm Water Management: Storm water quantity and quality controls will be provided throughout the development in multiple surface facilities located within Green Space Areas.

Amount and percentage of disturbed area in common open space to be determined at time of storm water management design.

Development is to be serviced by public water and sewer.

**RP ZONING:**  
Area: 3.24 acres  
Existing Use: Residential  
Proposed Use: Age-restricted Single-Family Residential  
Residential Density: 13/3.25=4.0 units per acre  
Open Space Requirements: Required: 30%, 0.97 acres  
Proposed: 30%, 0.971 acres

Owner has requested a waiver from the requirement to build a community center as defined in Section 165-402.08.A(1).

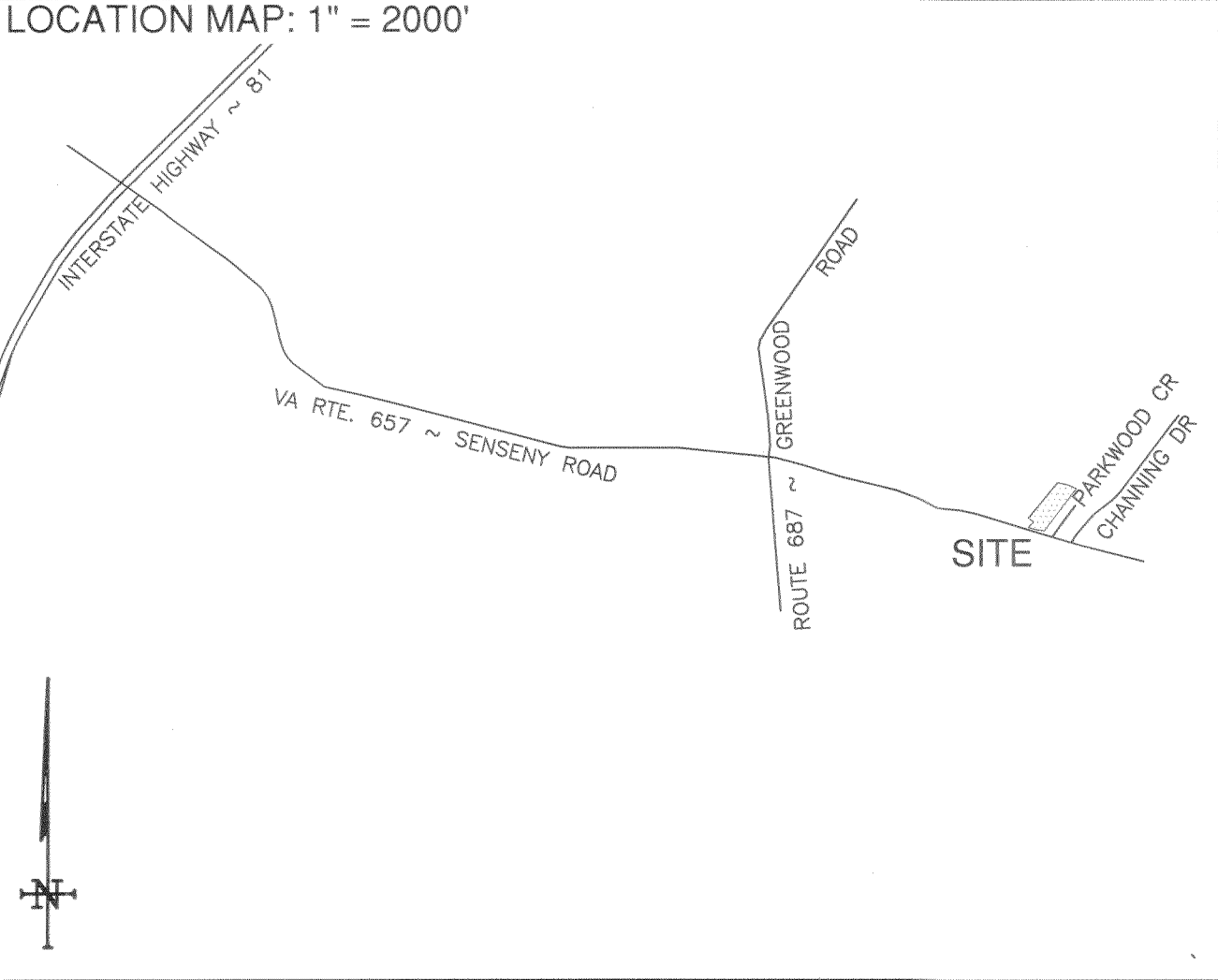
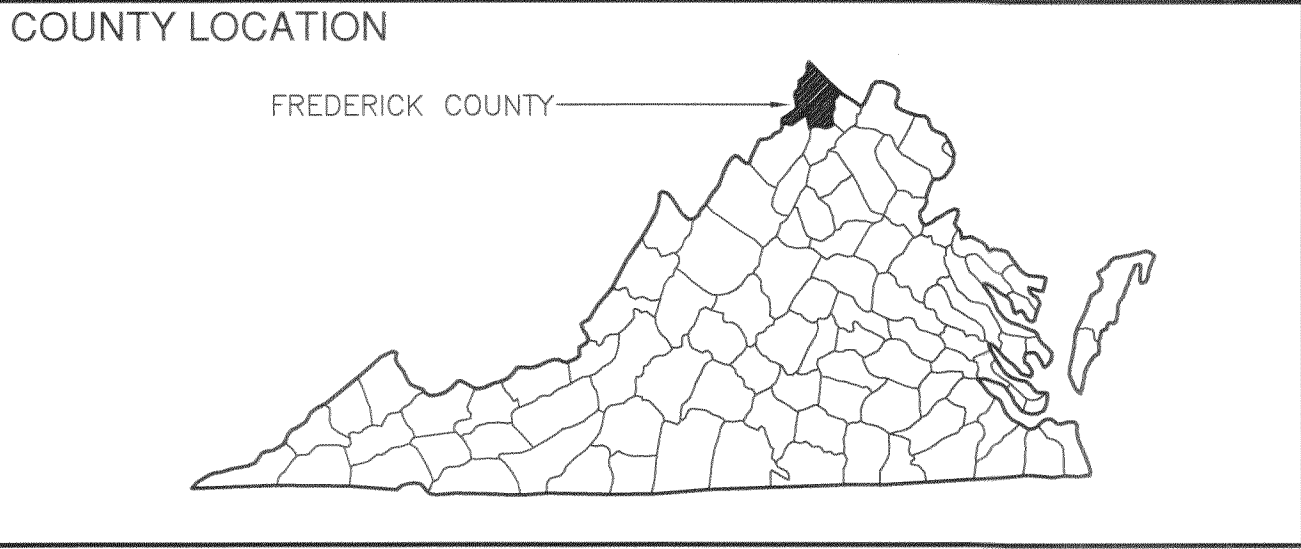
Recreational Units:  
Required: 1 rec. unit per 30 housing units  
Provided: 1 Outdoor Pavilion for public use with amenities equal value to three recreational units.

**Single-family Small Lot Dimensions:**  
Minimum Lot Size: 3,750 sf

Building Restriction Lines:  
From Public or Private Road right of way: 25'  
Side Yard Setback: 5'  
Rear Yard Setback: 15'  
Setbacks for Decks, stoops, landings: 5'  
Front from private/public road: 15'  
Side Yard: 5'  
Rear Yard: 10'  
Rear Yard (from open space): 5'

Minimum Parking Required: 2 spaces per unit  
Maximum Main Building Height: 35'  
Maximum Accessory Building Height: 20'

A minimum of 20 landscape plantings shall be provided on each individual lot. At least 1/4 of the landscape plantings shall be trees, with the remainder being shrubs. The trees shall be a minimum of two inches in caliper at time of planting, and the shrubs shall be a minimum of three. [Section 165-402.09 (F1)]



PROPERTY DEVELOPMENT BREAKDOWN

PROPERTY DESCRIPTION	AREA (acres)
Existing Total Parcel Area	3.24 acres
RP Zoned Area	3.24 acres
Proposed Public R-O-W Dedication	0.78 acres
Estimated Open Space Proposed	0.97 acres (30%)
Disturbed/protected land within common open space	NA

TRAFFIC IMPACT:

Frederick County Road Classification for Route 657: Major Arterial Road

2016 Existing Traffic Data-Route 657 Senseny Road  
AADT=4,600 trips

Data Source: ITE Manual, Ninth Edition

Land Use 210: Single-Family Detached Housing  
Trips based on Dwelling Units:  
Dwelling Units=13

Weekday:  
AM Peak Hour: 13x9.52=123.8 trips (50% entering, 50% exiting)  
PM Peak Hour: 13x1.02=13.26 trips (64% entering, 36% exiting)  
Saturday:  
Saturday Peak Hour: 13x0.93=12.1 trips (54% entering, 46% exiting)  
Sunday:  
Sunday Peak Hour: 13x8.62=112.1 trips (50% entering, 50% exiting)  
Sunday Peak Hour: 13x0.86=11.1 trips (53% entering, 47% exiting)

**WATER AND SEWER AVAILABILITY:**

The Frederick County Sanitation Authority has confirmed the availability of public water and sanitary sewer service to the proposed Abram's Chase development.

PROFFERS:

ABRAM'S CHASE PROFFER STATEMENT

REZONING: RZ# - Conditional Zoning Amendment  
RP, Residential Performance District with Proffers to RP, Residential Performance District with Revised Proffers

PROPERTIES: 3.25+acres  
Tax Parcels 65-(A)-27A & 65-(A)-28A

RECORD OWNERS: Harvest Communities, Inc.

APPLICANT: Harvest Communities, Inc.

PROJECT NAME: Abram's Chase Age-Restricted Subdivision

ORIGINAL DATE OF PROFFERS: January 11, 2007

REVISION DATE: April 21, 2015

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, (the "Code") and the provisions of the Frederick County Zoning Ordinance (the "Ordinance") with respect to conditional zoning, Harvest Communities, Inc., (the "Applicant") hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve conditional zoning amendments pertaining to Rezoning Application #11-06 for the 3.25+acres (the "Property") from the RP, Residential Performance District with approved proffers to RP, Residential Performance District with revised proffers, development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon these applicant and their legal successors, heirs, or assigns. The term "Applicant" herein shall also include within its meaning the owner of the properties that are subject to these proffers and such owner's legal successors, heirs, and assigns.

The subject Property, identified as the Abram's Chase Subdivision, and more particularly described as the lands owned by Harvest Communities, Inc., being all of Tax Map Parcels 65-(A)-27A and 65-(A)-28A, recorded as Instrument Number 050028946, and further identified by plat and survey dated June 22, 1998, prepared by Edward W. Dove, L.S., of Dove & Associates, recorded as Deed Book 910, Page 381.

A. Generalized Development Plan

The Applicant hereby proffers to develop the Property in substantial conformity with the attached Generalized Development Plan ("GDP") dated March 17, 2015 that will be approved as part of the rezoning application. The GDP shall identify the general location of the additional travel lane and turn lane on Senseny Road (Route 657), the 10-foot bicycle/pedestrian facility, the internal road system with inter-parcel connectivity, the general location of residential lots and the open space/buffer areas.

B. Residential Land Use

The Applicant hereby proffers to develop a maximum of 13 single-family small lot detached residential dwelling units that will be age-restricted.

C. Transportation Enhancements

- The Applicant hereby proffers to construct an internal public street with a temporary turnaround that will be designed to provide for inter-parcel connectivity to Tax Map Parcel 65-(A)-25B.
- The Applicant hereby proffers to construct a new westbound travel lane on Senseny Road (Route 657) that is 12-feet in width and is located along the Property frontage within the public right-of-way. The new westbound travel lane shall be designed to connect Parkwood Drive to the entrance serving the Property. This improvement shall be bonded and constructed concurrently with the internal public street serving the Property.
- The Applicant hereby proffers to construct a right turn and taper lane within the public right-of-way to the entrance serving the Property. This improvement shall be bonded and constructed concurrently with the internal public street serving the Property.
- The Applicant hereby proffers to dedicate right-of-way sufficient to provide for 45 feet from the existing Senseny Road (Route 657) centerline of record. This right-of-way dedication shall be incorporated into and approved concurrently with the final subdivision plat creating the age-restricted residential lots and internal public street system serving the Property.

- The Applicant hereby proffers to construct a 10-foot asphalt bicycle/pedestrian facility along the frontage of the Property. This improvement shall be bonded and constructed concurrently with the internal public street serving the Property.
- The Applicant hereby proffers to provide for a curb cut along the internal public street serving the Property to allow for ingress/egress for Tax Map Parcel 65-(A)-26A. The Applicant shall establish an ingress/egress easement for the benefit of Tax Map Parcel 65-(A)-26A that shall be incorporated into the final plat and deed for the Abram's Chase Age-Restricted Subdivision. Additionally, an easement shall be provided at this general location for the benefit of Tax Map Parcel 65-(A)-26A to allow for public water and sewer connections to the Abram's Chase Age-Restricted Subdivision public water and sewer lines at the expense of others.
- The Applicant hereby proffers to provide a monetary contribution of \$1,000.00 for each age-restricted residential lot to be used towards future improvements to the Senseny Road corridor. This monetary contribution will be paid to Frederick County at the time of issuance of the occupancy permit associated with each age-restricted residential lot and may be used by Frederick County as local matching funds for qualifying transportation projects at the discretion of the County.

D. Monetary Contribution to Offset Impact of Development

The Applicant will pay to the Treasurer of Frederick County, Virginia \$2,835.00 for each residential lot that is planned to completely mitigate Capital Facilities Impacts identified below. This monetary contribution will be paid at the time of issuance of the occupancy permit associated with each age-restricted residential lot and is to be distributed in the amounts as follows:

Fire and Rescue	\$ 554.00
General Government	\$ 43.00
Library	\$ 496.00
Parks and Recreation	\$ 1,742.00

E. Signature

The conditions proffered above shall be binding upon the Applicant and its assigns and successors in interest. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the proffered conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Ordinance.

Respectfully Submitted:

By:   
Stuart Butler, President  
Harvest Communities, Inc.

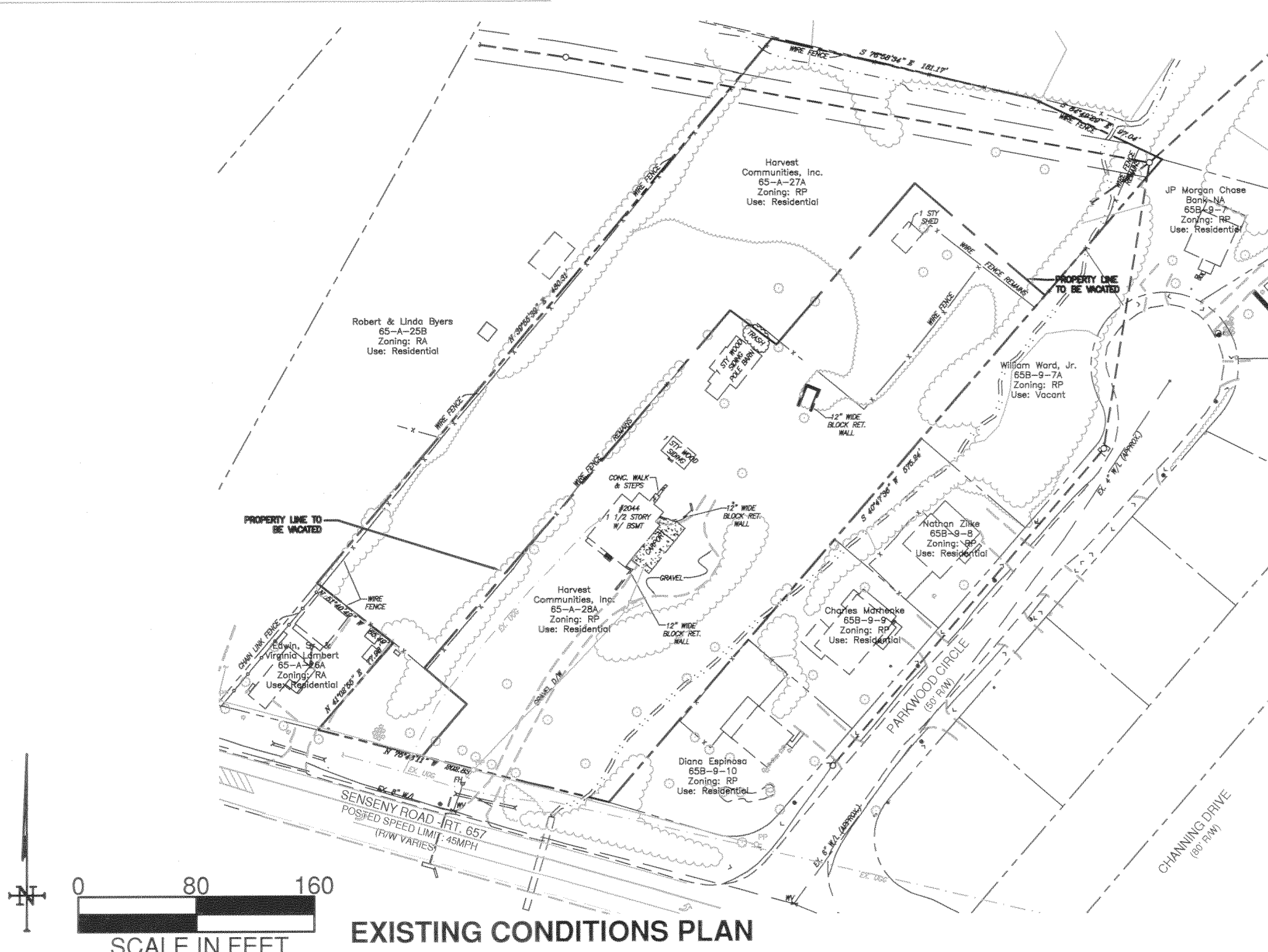
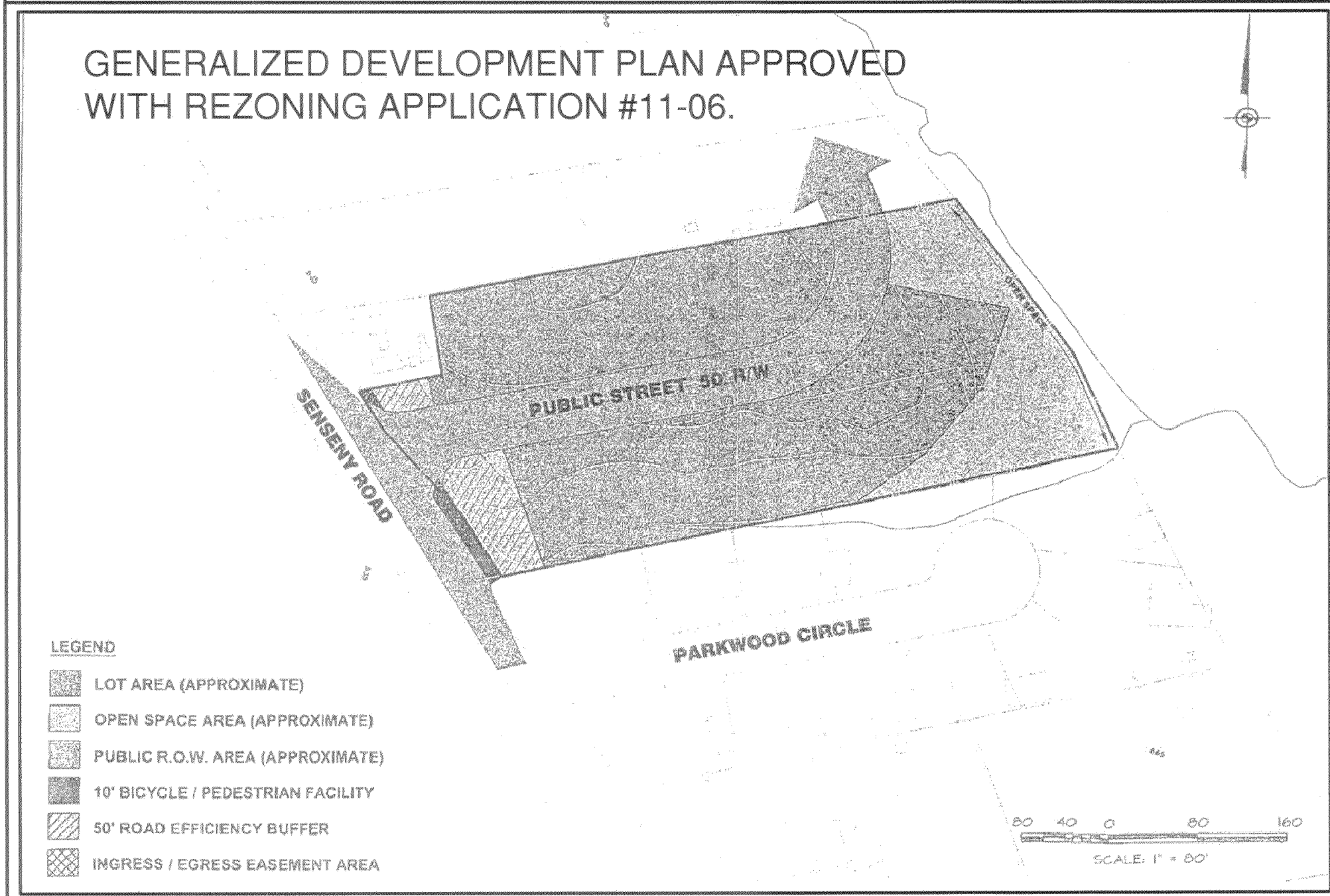
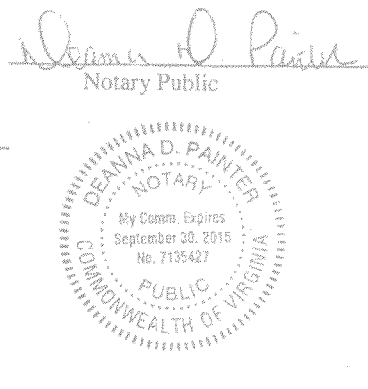
Commonwealth of Virginia,

City/County of Fredericks To Wit:


The foregoing instrument was acknowledged before me this 23 day of April

2015 by Stuart Butler

My Commission Expires 2017 30 2015

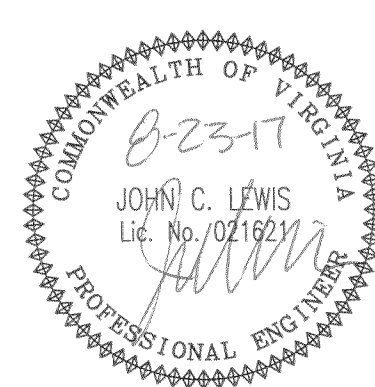


ABBREVIATIONS

ASSY.	ASSEMBLY
B.F.	BASEMENT FLOOR
BLK.	BLOCK
BOP	BOTTOM OF CURB
BML	BUILDING MOUNTED LIGHT
BP	BREAK POINT
BSBD.	BASEBOARD
CG-2	CAST IN PLACE CONCRETE
CG-6	CAST IN PLACE CONCRETE
CIP	CONCRETE MONUMENT FOUND
CMF	CORRUGATED POLYETHYLENE PIPE
CMP	CORRUGATED METAL PIPE
CMPA	CORRUGATED METAL PIPE ARCH
CO	CLEAN OUT
DIA.	DIAMETER
DS	DOWNSPOUT
EOP	EDGE OF PAVEMENT
EOG	EDGE OF GRAVEL
ESMT.	EASEMENT
EX.	EXISTING
F.F.E.	FIRST FLOOR FINISHED FLOOR ELEVATION
FDC	FIRE DEPARTMENT CONNECTION
FC	FACE OF GUTTER
FI	FIRE HYDRANT
F.L.S.	FIRE LANE SIGN
F.L.T.	FLOOD LIGHT
Go.	Gauge
GV	GAS METER
HCR	GAS VALVE or GATE VALVE
HB	HANDICAP RAMP
HDR	HOSE BIB
HDR	6" HEADER CURB
HP	HIGH POINT
HTR.	HEATER
INC	INCREASER
INV	INVERT
IPF	IRON PIPE FOUND
IPF	IRON PIPE SET
LP	LOW POINT
LT.	LIGHT
MLP	METAL LIGHT POLE
MPD	MULTI-PRODUCT DISPENSER
MP	METAL POST
MH	MANHOLE
NDC	NOSE DOWN CURB
N.P.S.	NO PARKING SIGN
NLT	NO LEFT TURN
NRT	NO RIGHT TURN
NOT	NOT TO SCALE
OHE	OVERHEAD ELECTRIC
OHT	OVERHEAD TELEPHONE
PV	POST INDICATOR VALVE
PL	PROPERTY LINE
PP	POWER POLE
PP	PROPOSED
PVMT	PAVEMENT
RCP	REINFORCED CONCRETE PIPE
R.D.	ROOF DRAIN
RED.	REDUCER
R.O.	ROCK OUTCROP
SAN.	SANITARY
SEW.	SEWER
STD.	STANDARD
T.B.D.	TO BE DEMOLISHED
T.B.R.	TO BE REMOVED
T.B.P.	TO BE PRESERVED or PROTECTED
TR	THRUST BLOCK
T.C.	TOP OF CURB
TEL.	TELEPHONE
TRB	TELEPHONE RISER BOX
TVRB	TELEVISION RISER BOX
TYP or TYP.	TYPICAL
UGE	UNDERGROUND ELECTRIC
UGG	UNDERGROUND GAS
UG CATV	UNDERGROUND CABLE T.V.
UGT	UNDERGROUND TELEPHONE
XFMR	ELECTRIC TRANSFORMER
WL	WATERLINE
WM	WATER METER
WPP	WOOD POWER POLE
WTP	WOOD TELEPHONE POLE
WV	WATER VALVE
25' R	RADIUS IN FEET (ALL CURB RADII 5' UNLESS OTHERWISE NOTED)
*00.00	PROPOSED SPOT ELEVATION
x(00.00)	EXISTING SPOT ELEVATION
	HATCHING INDICATES REVERSED PITCH
	IN THE GUTTER PAN: PITCH TO BE 1/2" PER FOOT. TRANSITION THE GUTTER OVER A 10' LENGTH (TYP.)

LIST OF DRAWINGS:

SHEET 1/2: COVER SHEET  
SHEET 2/2: MASTER DEVELOPMENT PLAN



ABRAM'S CHASE  
MASTER DEVELOPMENT PLAN  
SHAWNEE MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA  
TM # 65-A-27A & 65-A-28A

APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT DATE

APPROVED BY THE COUNTY ADMINISTRATOR DATE

OWNER DATE



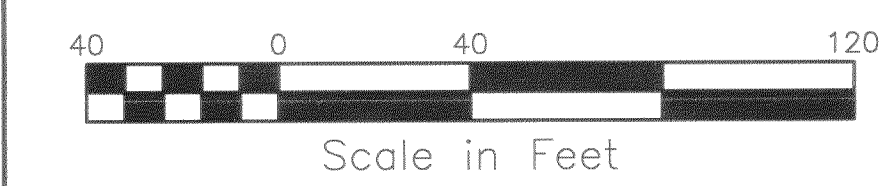
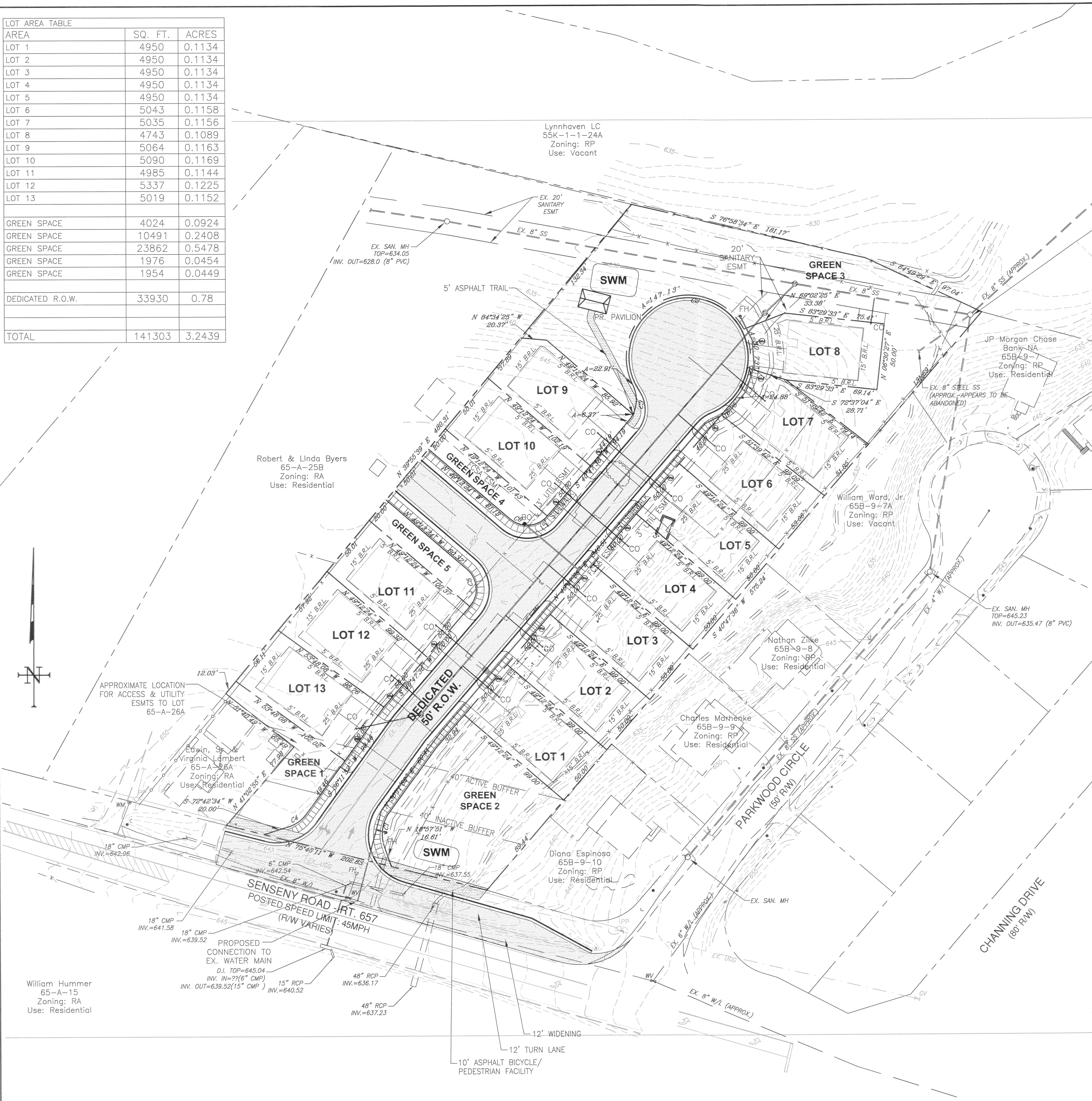
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601  
Telephone (540) 662-5792  
Facsimile (540) 662-5793  
Email: office@painterlewis.com  
JOB NO.: 1702002  
August 23, 2017

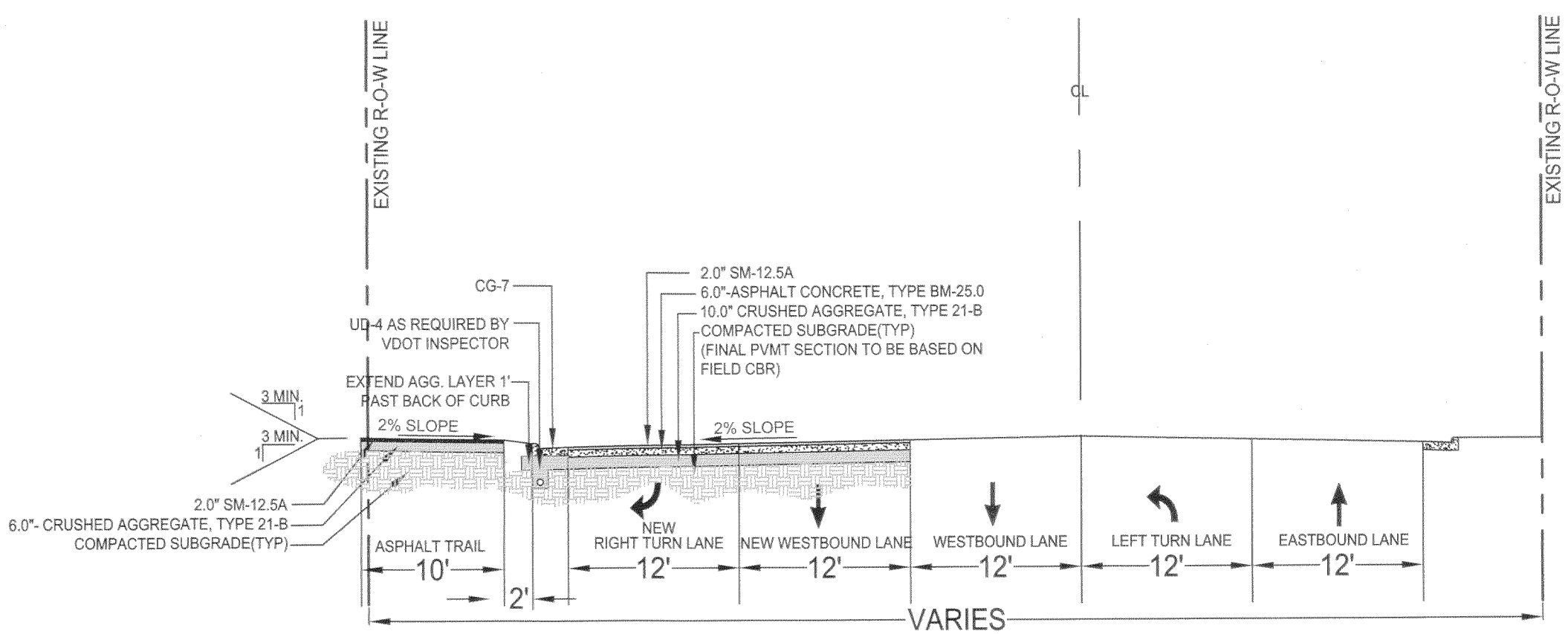
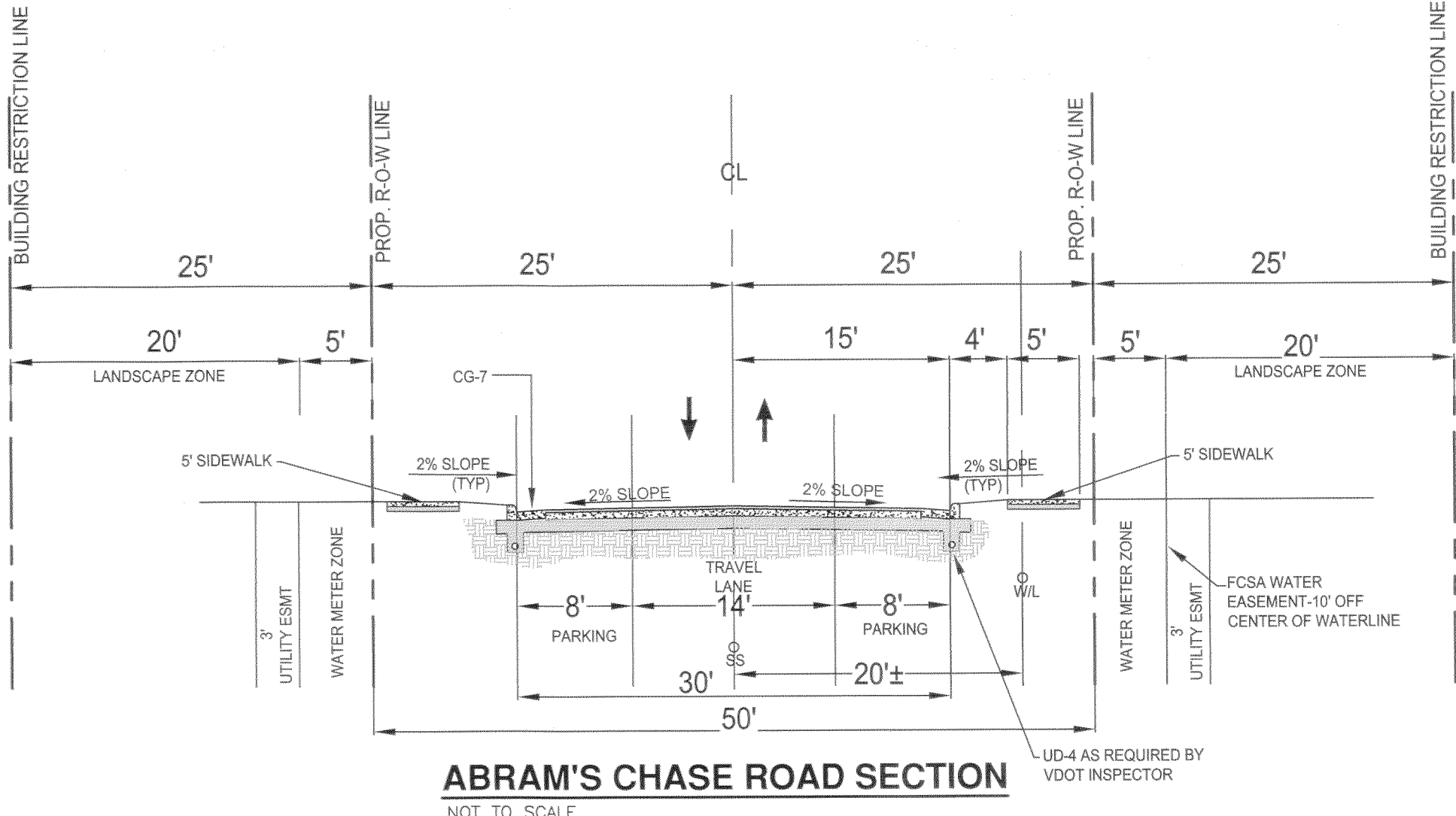
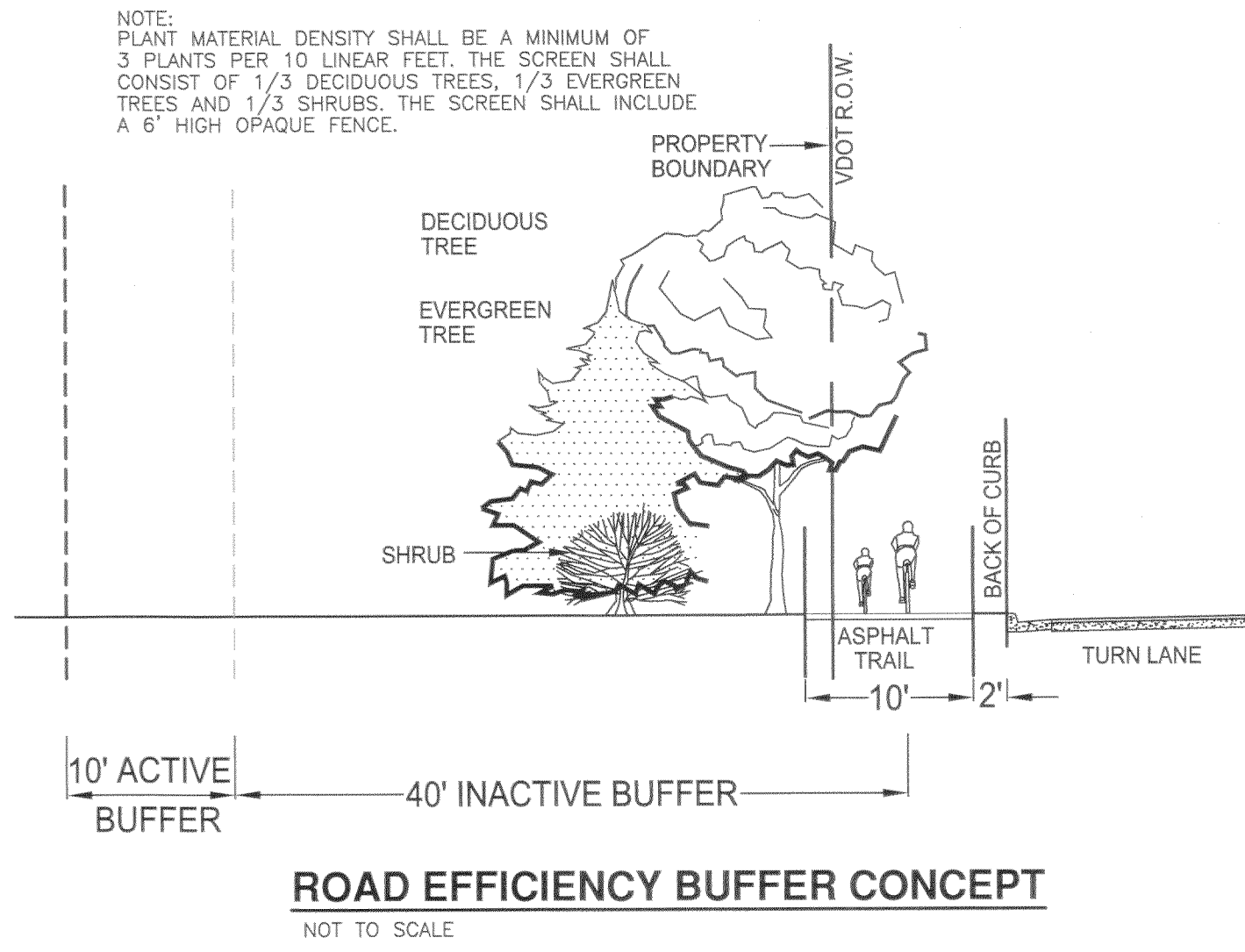
SHEET:  
1/2



LOT AREA TABLE		
AREA	SQ. FT.	ACRES
LOT 1	4950	0.1134
LOT 2	4950	0.1134
LOT 3	4950	0.1134
LOT 4	4950	0.1134
LOT 5	4950	0.1134
LOT 6	5043	0.1158
LOT 7	5035	0.1156
LOT 8	4743	0.1089
LOT 9	5064	0.1163
LOT 10	5090	0.1169
LOT 11	4985	0.1144
LOT 12	5337	0.1225
LOT 13	5019	0.1152
GREEN SPACE	4024	0.0924
GREEN SPACE	10491	0.2408
GREEN SPACE	23862	0.5478
GREEN SPACE	1976	0.0454
GREEN SPACE	1954	0.0449
DEDICATED R.O.W.	33930	0.78
TOTAL	141303	3.2439



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	25.99'	27.00'	55°09'46"	N 08°36'59" E	25.00'
C2	202.72'	47.00'	247°07'30"	N 82°45'31" W	78.33'
C3	29.28'	25.00'	67°06'53"	S 07°14'10" W	27.64'
C4	16.75'	27.00'	35°32'20"	S 53°58'03" W	16.48'
C5	31.42'	20.00'	90°00'00"	N 04°12'14" W	28.28'
C6	31.42'	20.00'	80°00'00"	S 85°47'37" W	28.28'



RTE. 657 IMPROVEMENTS SECTION VIEW- EAST SECTION  
NOTES:  
1. Drain all UD-4 to low invert of adjacent drainage structures.

REVISIONS		NO.	DATE	DESCRIPTION	BY

TITLE: MASTER DEVELOPMENT PLAN

PROJECT: ABRAM'S CHASE MASTER DEVELOPMENT PLAN  
TAX MAP #65-A-27A & 65-A-28A  
SHAWNEE MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

PAINTER-LEWIS, P.L.C.  
817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601  
Telephone: (540) 662-5792  
Facsimile: (540) 662-5793  
Email: office@painterlewis.com

CONSULTING ENGINEERS

COMMONWEALTH OF VIRGINIA  
JOHN C. LEWIS  
Lic. No. 021621  
PROFESSIONAL ENGINEER

SURVEY: P-L C.L.  
1' 1'

DRAWN BY: P-L JOB NO.: 1702002

SCALE: AS NOTED DATE: 08/23/17

SHEET: 2/2