AGENDA
BOARD OF SUPERVISORS
WEDNESDAY, JUNE 10, 2026
7:00 PM
BOARD MEETING ROOM
107 NORTH KENT STREET, WINCHESTER, VIRGINIA 22601

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Adoption of Agenda**
5. **Citizen Comments - For agenda items that are not the subject of a Public Hearing**
6. **Consent Agenda - *Roll Call Vote***

6.A. Approval of Minutes of May 13, 2026

BOS06-10-26Minutes260513.pdf

6.B. Acceptance of the Finance Committee Report of May 13, 2026

BOS06-10-26FinanceCommReportMay2026.pdf

6.C. Acceptance of Transportation Committee Report of June 1, 2026

BOS06-10-26TransportationCommReport.pdf

6.D. Acknowledgment of Receipt of Certified Copies of Abstract of Votes from the Special Election of April 21, 2026

BOS06-10-26AbstractOfVotes.pdf

6.E. Appropriation of Public, Educational, and Governmental (PEG) Funds to Offset Expenses for Updating and Renovating the Board of Supervisors Meeting Room

BOS06-10-26AppropPEG_funds.pdf

Consent Agenda, *continued*

6.F. Finance Committee Item: The IT Director requests an FY 2027 General Fund carry forward appropriation not to exceed $ 55,000. It is anticipated that the BerryDunn software study project that is in process will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required. The Finance Committee recommends approval.

BerryDunn_CarryForward.pdf

6.G. Finance Committee Item: The Sheriff requests a $45,106 General Fund supplemental appropriation representing unbudgeted reimbursements received from the DEA for overtime expenses. No local funds required. The Finance Committee recommends approval. The Finance Committee recommends approval.

DEA Reimbursement request.pdf

6.H. Finance Committee Item: The Sheriff requests a $24,399 General Fund supplemental appropriation representing auto insurance claims. No local funds required. The Finance Committee recommends approval.
Sheriff auto claims.pdf

6.I. Finance Committee Item: The Sheriff requests a $1,879 General Fund supplemental appropriation representing donations received for the Honor Guard and the impound lot building. No local funds required. The Finance Committee recommends approval.

Sheriff donations request.pdf

6.J. Finance Committee Item: The WRA Executive Director requests a $475,000 Airport Capital Fund supplemental appropriation representing a grant offer from Go Virginia Regional Council 8. No local funds required. The Finance Committee recommends approval.
Airport GoVA grant.pdf
Airport GoVA grant2.pdf

6.K. Finance Committee Item: The Parks & Recreation Director requests an FY 2027 General Fund carry forward appropriation in the amount of $2,353,328 for the Abrams Creek Trail and Trailhead Parking projects that will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required. The Finance Committee recommends approval.

Abrams Creek CarryForward.pdf

Consent Agenda, *continued*

6.L. Finance Committee Item: The Parks & Recreation Director requests a $900 General Fund supplemental appropriation representing a donation for a memorial bench at Clearbrook Park. No local funds required. The Finance Committee recommends approval.

CB Memorial Bench.pdf

6.M. Finance Committee Item: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $456,000 to expand the parking area at Clearbrook Park. Funds are available in the Parks Proffer Reserve. The Finance Committee recommends approval.

Proffer Request CB Parking Expansion.pdf

6.N. Finance Committee Item: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $105,819 for grounds maintenance equipment. Funds are available in the Parks & Recreation Reserve Fund. The Finance Committee recommends approval.

SGEMF Reserve Fund Use FY 26.pdf
Rec Res Fund -SGMEF.pdf

6.O. Finance Committee Item: The Fire & Rescue Chief requests a $11,571 General Fund supplemental appropriation representing funds from the sale of surplus equipment. No local funds required. The Finance Committee recommends approval.

Surplus FireRescue request.pdf

6.P. Finance Committee Item: The EMS Billing Manager requests a $564,281 EMS Expense Recovery Fund supplemental appropriation. This amount represents unbudgeted revenues expected to be received through FY 2026 year end. No local funds required. The Finance Committee recommends approval.

Expense Recovery request.pdf

7. **Board of Supervisors Comments**

8. **County Officials**

8.A. Virginia Cooperative Extension - Introduction of new Agriculture and Natural Resources Agents serving the Northern Shenandoah Valley

8.B. Amendment of Memorandum of Understanding Concerning the Winchester-Frederick County Convention and Visitors Center Bureau (Tourism Board)

BOS06-10-26TourismBd_MOU_Amendment.pdf

8.C. County Administrator's Update on FY 26 Revenues

BOS06-10-26UpdateRevenuesFY26.pdf

9. **Appointments to Boards, Committees, and Commissions**

9.A. Winchester Regional Airport Authority
4-year term of Gene Fisher expires 6/30/26.
Mr. Fisher is eligible and willing for reappointment.

9.B. Social Services Board - Back Creek District Rep.
4-year term of Kermit Gaither expires 6/30/26.
Mr. Gaither is not eligible for reappointment. See attached application of Juli Ferrell.

BOS06-10-26App_FerrellJuli_Redacted.pdf

9.C. Northwestern Community Services Board
Unexpired 4-year term ending 12/31/29.
See attached application of John Lamanna.

BOS06-10-26App_LamannaJohn.pdf

10. **Committee Business** - None

11. **Public Hearings (Non Planning Issues)**

11.A. Amendment to the Articles of Incorporation of the Frederick-Winchester Service Authority to revise and restate the Amended Articles of Incorporation dated April 13, 1995

BOS06-10-26FWSA_ArticlesOfIncorporationAmendments.pdf

11.B. **Action Items for Consideration Following the Public Hearing:**

1- Proposed Amendments to the Opequon Wastewater Reclamation Facility Intermunicipal Agreement

FWSA has identified a number of areas that need to be updated to simplify and modernize how the wastewater treatment operations are managed under the agreement.

Approval of the revised agreement is requested.

BOS06-10-26FWSA_IntermunicipalAgreementUpdate.pdf

2- Frederick-Winchester Service Authority Board Member Appointments

With the proposed changes to the Articles of Incorporation, the Board is proposed to be reduced to five members – two County, two City, and one joint member.

The FWSA Board recommends that the Board of Supervisors appoint the following members to serve on the Board with the specified term dates:

Eric Lawrence (current member) – June 10, 2026-July 1, 2030

Cheryl Whittle (current member) – June 10, 2026-July 1, 2028

Proposed Joint Member - John Willingham (current member and FWSA Board Chairman), Term - June 10, 2026-July 1, 2028

BOS06-10-26FWSA_BoardMembershipUpdate.pdf

12. **Planning Commission Business - Public Hearings**

12.A.

Rezoning #03-26 of 1818 Martinsburg Pike (Snowden Bridge Station, LLC) to Rezone 1.61+/- Acres from B2 (General Business) Zoning District with Proffers to B2 (General Business) Zoning District with Proffers and the Interstate Area (IA) Overlay Zoning District. The Property is Located at 1818 Martinsburg Pike on the Southeast Corner of Martinsburg Pike and Snowden Bridge Boulevard and is Identified by Property Identification Number 43-A-150 in the Stonewall Magisterial District.

BOS06-10-26_REZ03-26_Redacted.pdf

12.B.

Conditional Use Permit #01- 26 for Ricky E. and Eric A. Chase to Utilize an Existing Detached Garage for an Automotive Repair/Public Garage. The Subject Property is Located at 541 Ruebuck Road, Clearbrook, Virginia and is Identified with Property Identification Number (PIN) 23-4-3-5 in the Gainesboro Magisterial District.

BOS06-10-26 _CUP01-26_Redacted.pdf

12.C.

Ordinance to Amend the Frederick County Code – Modifications to Amend Design Requirements Contained in §165-802.08(C)(2) Table VIII-6 for Residential Separation Distance Buffer Type Required.

Article VIII – Community Development Standards

Part 802 Buffers and Landscaping

- 165-802.08(C)(2) – Table VIII-6 Residential Separation Distance Buffer Type Required

BOS06-10-26_OA_ResidSepBuffer.pdf

Planning Commission Business - Public Hearings, *continued*

12.D.

Draft Update of the 2026-2027 Frederick County Interstate, Primary and Secondary Road Improvement Plans – The Interstate and Primary Road Improvement Plans Establish Priorities for Improvements to the Interstate and Primary Road Networks within Frederick County. Ultimately, the Priorities Adopted by the Board of Supervisors will be Forwarded to the Commonwealth Transportation Board for Consideration.

The Virginia Department of Transportation and the Board of Supervisors for the County of Frederick, Virginia, in Accordance with Section 33.2-331 of the Code of Virginia, will Conduct a Joint Public Hearing. The Purpose of this Public Hearing is to Receive Public Comments on the Proposed Six Year Plan for Secondary Roads for Fiscal Years 2027 Through 2032 in Frederick County and on the Secondary System Construction Budget for Fiscal Year 2027. Copies of the Proposed Plan and Budget May be Reviewed at the Edinburg Office of the Virginia Department of Transportation Located at 14031 Old Valley Pike, Edinburg, Virginia or at the Frederick County Offices Located at 107 North Kent Street, Winchester, Virginia. All Projects in the Secondary Road Improvement Plan that are Eligible for Federal Funds will be Included in the Statewide Transportation Improvement Program (STIP), which Documents How Virginia will Obligate Federal Transportation Funds. Persons Requiring Special Assistance to Attend and Participate in this Hearing Should Contact the Virginia Department of Transportation at 1-800-367-7623.

BOS06-10-25_InterstatePrimarySecondaryRoadPlans.pdf

13. **Planning Commission Business - Other Planning Business** - None

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of May 13, 2026

Attachments:
BOS06-10-26Minutes260513.pdf

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 13, 2026
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: Robert W. Wells, Vice Chairman; Robert T. Liero; Jason C. Aikens; Albert L. Orndorff; Michael D. Guevremont; and Gary R. Oates were present. John F. Jewell, Chairman, was absent.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Andrew R. Fox, County Attorney; Karen Vacchio, Public Information Officer; Wyatt Pearson, Planning Director; John Bishop, Assistant Director of Planning; Tyler Klein, Senior Planner; Mark Cheran, Zoning & Subdivision Administrator; Stacy Herbaugh, Director of Parks and Recreation; Tonya Sibert, Commissioner of the Revenue; Patrick Fly, Director of Information Technologies; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

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

INVOCATION

Pastor Kyle Hunter of Waypoint Church offered the invocation.

PLEDGE OF ALLEGIANCE

Supervisor Liero led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Supervisor Liero moved for the adoption of the draft agenda. Supervisor Oates seconded the motion, which carried on a voice vote.

CITIZEN COMMENTS - None

ADOPTION OF CONSENT AGENDA – APPROVED

Supervisor Liero moved for the adoption of the consent agenda. Supervisor Oates seconded the motion, which carried on the following recorded vote:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Absent**		

- Approval of Closed Session & Regular Meeting Minutes of April 22, 2026 - CONSENT AGENDA APPROVAL

- Approval of Closed Session & Work Session Minutes of May 6, 2026 - CONSENT AGENDA APPROVAL

- Acceptance of Parks & Recreation Commission Report of April 14, 2026 - CONSENT AGENDA APPROVAL, Appendix 1

- Acceptance of Transportation Committee Report of April 27, 2026 - CONSENT AGENDA APPROVAL, Appendix 2

-Eastern Frederick County Transportation Study (EFCTS): Phase II Authorization - CONSENT AGENDA APPROVAL

- Approval of Mitigation Agreement for Smithfield Avenue Public Safety Radio Tower - CONSENT AGENDA APPROVAL

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BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS

PUBLIC INFORMATION OFFICER KAREN VACCHIO RECOGNIZED

Vice Chairman Wells recognized Public Information Officer Karen Vacchio upon her impending retirement and thanked her for 30 years of service to Frederick County.

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

DOLORES STOTTLEMYER REAPPOINTED TO SOCIAL SERVICE BOARD AS SHAWNEE DISTRICT - APPROVED

On motion of Supervisor Liero, seconded by Supervisor Aikens, Dolores Stottlemyer was reappointed by a voice vote to the Social Services Board as Shawnee District Rep. for a 4-year term ending June 30, 2030.

CHRISTOPHER LUEBCKE APPOINTED TO PARKS & RECREATION COMMISSION AS STONEWALL DISTRICT REP. - APPROVED

On motion of Supervisor Oates, seconded by Supervisor Aikens, Christopher Luebcke was appointed by voice vote to the Parks & Recreation Commission for a 4-year term ending June 23, 2030, as the Stonewall District representative.

ROBERT JOHNSON REAPPOINTED TO COMMUNITY POLICY & MANAGEMENT TEAM (CPMT) - APPROVED

On motion of Supervisor Aikens, seconded by Supervisor Liero, Robert Johnson was reappointed by voice vote to the Community Policy & Management Team (CPMT) as a Private Provider Rep. for a 2-year term ending June 30, 2028.

LAUREN MORRISON APPOINTED TO EXTENSION LEADERSHIP COUNCIL AS STONEWALL DISTRICT REP. - APPROVED

On motion of Supervisor Oates, seconded by Supervisor Guevremont, Lauren Morrison was appointed by voice vote to the Extension Leadership Council for a 4-year term ending July 13, 2030, as the Stonewall District representative.

COMMITTEE BUSINESS – None

PUBLIC HEARINGS (NON PLANNING ISSUES)

PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN THE COUNTY AND THE TOWN OF STEPHENS CITY, VIRGINIA CONCERNING A SINGLE PARCEL LOCATED AT 5145 PASSAGE LANE, STEPHENS CITY, VIRGINIA, TAX MAP # 74-A-44, - APPROVED

County Attorney Andrew Fox explained the requested boundary adjustment and the proposed resolution authorizing an agreement between the County and the Town of Stephens City for a minor boundary adjustment concerning an approximately ten-acre property located at 5145 Passage Lane, Tax Map 74-A-44, whereby approximately three acres currently situated in Frederick County would fall within the adjusted boundary of the Town of Stephens City. He said the Stephens City Town Council authorized the Agreement at its April 7, 2026, business meeting after advertising and conducting a public hearing.

Vice Chairman Wells opened the public comment period.

Margaret Wolfrays, representing the applicants, spoke in favor of the boundary line adjustment.

Vice Chairman Wells closed the public comment period.

Vice Chairman Wells moved to adopt the resolution authorizing an agreement between the County and the Town of Stephens City for a minor boundary adjustment concerning an approximately ten-acre property located at 5145 Passage Lane, Tax Map 74-A-44. Supervisor Liero seconded the motion which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Absent**		

RESOLUTION
TO APPROVE AN AGREEMENT BETWEEN THE COUNTY OF FREDERICK AND THE TOWN OF STEPHENS CITY, A BOUNDARY LINE ADJUSTMENT

WHEREAS, a certain parcel of land is located straddling the existing corporate limits of the Town of Stephens City, Virginia, totaling 10.0319 acres, of which 6.7289 acres lie within the Town and 3.3030 acres lie outside the Town within Frederick County, further described on the Exhibit Plat prepared by Greenway Engineering on March 19, 2026, a copy of which is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Town desires to provide services to the parcels and the affected property owners have agreed to be brought into the Town; and

WHEREAS, the Town of Stephens City, pursuant to authority granted to it under Code of Virginia §15.2-3106, as amended, desires to enter into an agreement to change the boundary line at the location of the subject parcel to place the parcel wholly within the Town; and

WHEREAS, the Town held a public hearing in accordance with Code of Virginia §15.2-3107, as amended, on April 7, 2026, and at that meeting resolved to approve an agreement between the County of Frederick and the Town of Stephens City to conduct a Boundary Line Adjustment for the parcel in question; and

WHEREAS, Frederick County held a public hearing on May 13, 2026, on the Agreement to Change the Boundary Line, a copy of which is attached hereto as Exhibit B and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED that the Frederick County Board of Supervisors approves the Agreement to Change the Boundary Line between the County and the Town.

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PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS

ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE – MODIFICATIONS TO CHAPTER 165 – ZONING ORDINANCE – APPROVED

Senior Planner Tyler Klein said that Frederick County had enlisted the support of the Berkley Group to restructure the County's Zoning and Subdivision Ordinances and update the provisions for compliance with the Code of Virginia.

Caroline Vanterve of the Berkley Group said the updated ordinances will achieve the following: provide a streamlined and user-friendly ordinance format; incorporate current Code of Virginia requirements; and prepare the County to efficiently address policy items, as guided by the Comprehensive Plan, in a future phase. She concluded by saying that the process was initiated by County staff, serves as a technical update focused on clarity, and as a Phase I update, does not consist of policy changes but is intended solely for compliance with the mandatory items of state code, reorganizational purposes, or to remove redundant or conflicting provisions.

Vice Chairman Wells opened the public comment period.

No one addressed the Board.

Vice Chairman Wells closed the public comment period.

Supervisor Oates and Mr. Pearson discussed whether setbacks had changed in the updated ordinance text.

Supervisor Liero moved to adopt the proposed Ordinance Amendment to the Frederick County Code – Modifications to Chapter 165 – Zoning Ordinance. Supervisor Oates seconded the motion which carried on a recorded vote as follows:

Michael D. Guevremont **Aye** **Robert T. Liero** **Aye**

Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Absent**		

ORDINANCE
TO AMEND CHAPTER 165

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to reorganize the chapter, to remove any redundant and conflicting language, and to convert narrative standards into tables and graphics, and where appropriate to add or modify provisions and references from Chapter 22 of Title 15.2 of the Code of Virginia that are not codified in the current Zoning Ordinance; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed the proposed amendment at their March 26, 2026, regular meeting; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance amendment on April 15, 2026, and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment on May 13, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 – Zoning Ordinance to reorganize the chapter, to remove any redundant and conflicting language, and to convert narrative standards into tables and graphics, and where appropriate to add or modify provisions and references from Chapter 22 of Title 15.2 of the Code of Virginia that are not codified in the current Zoning Ordinance.

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ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE – MODIFICATIONS TO CHAPTER 144 – SUBDIVISION ORDINANCE – APPROVED

Planning Director Wyatt Pearson said that Frederick County had enlisted the support of the Berkley Group to restructure the County's Zoning and Subdivision Ordinances and update the provisions for compliance with the Code of Virginia.

Caroline Vanterve of the Berkley Group said the updated Ordinances will achieve the following: provide a streamlined and user-friendly ordinance format; incorporate current Code of Virginia requirements; and prepare the County to efficiently address policy items, as guided by the Comprehensive Plan, in a future phase. She said the process was initiated by County staff, and this serves as a technical update focused on clarity and usability. She concluded, saying that this Phase I process does not consist of policy changes, and that any and all changes made as part of this phase were introduced solely for compliance with the mandatory items of state code, reorganizational purposes, or to remove redundant or conflicting provisions.

Vice Chairman Wells opened the public comment period.

No one addressed the Board.

Vice Chairman Wells closed the public comment period.

Supervisor Liero moved to adopt the proposed ordinance amendment to the Frederick County Code – Modifications to Chapter 144 – Subdivision Ordinance. Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Absent**		

ORDINANCE
TO AMEND CHAPTER 144

WHEREAS, a proposal to amend Chapter 144 – Subdivision Ordinance to reorganize the chapter, to remove any redundant and conflicting language, and to convert narrative standards into tables and graphics, and where appropriate to add or modify provisions and references from Chapter 22 of Title 15.2 of the Code of Virginia that are not codified in the current Subdivision Ordinance; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed the proposed amendment at their March 26, 2026, regular meeting; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance amendment on April 15, 2026, and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment on May 13, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 144 – Subdivision Ordinance to reorganize the chapter, to remove any redundant and conflicting language, and to convert narrative standards into tables and graphics, and where appropriate to add or modify provisions and references from Chapter 22 of Title 15.2 of the Code of Virginia that are not codified in the current Subdivision Ordinance.

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ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE – MODIFICATION TO AMEND CHAPTER 161 – SEWAGE DISPOSAL AND SEWERS – APPROVED

Zoning and Subdivision Administrator Mark Cheran explained the request by the Lake Holiday Country Club, Inc., to allow for the use of temporary toilets (porta toilets) within the Lake Holiday community. He said the proposed change to Chapter 161 will affect sporting events, festivals and fairs, community activities, community trails, and Frederick County Parks and Recreation activities. He continued saying that

Frederick County updated Chapter 161 in 2010 and requires the County to review and approve all pump and haul systems, and these systems are to be permanent systems. Mr. Cheran explained that the strict application of Chapter 161 does allow for temporary toilets for any of the above-referenced activities, and the use of temporary toilets is allowed only at active construction sites and approved special event centers via an approved Conditional Use Permit. He concluded, saying the above-referenced activities could be treated as a seasonal use with the proposed changes to Chapter 161 Section (s) 101.02 & 201.05.

Supervisor Oates and staff discussed the enforcement of the six-month limit for the temporary toilets.

Vice Chairman Wells opened the public comment period.

Caris Dueweke, Gainsboro District, spoke on behalf of Lake Holiday residents in favor of the ordinance amendment.

Vice Chairman Wells closed the public comment period.

Supervisor Aikens moved to adopt the proposed Ordinance Amendment to the Frederick County Code – Modification to Amend Chapter 161 – Sewage Disposal and Sewers. Supervisor Guevremont seconded the motion which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Absent**		

ORDINANCE
TO AMEND CHAPTER 161

Article I – General Provisions; Definitions; Appeals
Part 101. General Provision
§161-101.02. Definition

Article II. General Requirements and Maintenance of On-Site Sewage Systems
Part 201. On-Site Sewage Systems
§161-201.05 Permanent pump and haul systems

WHEREAS, a proposal to amend Chapter 161- Sewage Disposal and Sewers to consider clarifying how and when portable restrooms can be utilized and not be classified as an illegal pump and haul. More specifically, clarify allowances for seasonal and special event-related use for public or community spaces and events; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment on May 13, 2026; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, and general welfare, the amendment to Chapter 161 – Sewage Disposal and Sewers to amend definitions and additional regulations for clarifying how and when portable restrooms can be utilized and not be classified as an illegal pump and haul. More specifically, clarify allowances for seasonal and special event-related use for public or

community spaces and events for specific uses for permanent pump and haul to include performance standards is adopted.

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PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS - None

BOARD LIAISON REPORTS

Supervisor Liero provided an update from the Parks & Recreation Commission.

Supervisor Orndorff provided updates from the Conservation Easement Authority, the Shawneeland Sanitary District Advisory Committee, and the Planning Commission.

Supervisor Aikens provided an update from the Economic Development Authority.

CITIZEN COMMENTS

Vicki Michaels, Stonewall District, discussed her concerns about locating data centers in Frederick County and about the current tax rate on data center equipment, which is lower than in other localities.

Kurt Creager, Back Creek District, reviewed the new initiatives approved by the Economic Development Authority, offering comment on the site readiness objective. He said the Board should consider attracting businesses to smaller sites as well as larger sites.

Linda Reed, Shawnee District, spoke in opposition to data centers being located in Frederick County.

Rebecca Rager, Gainesboro District, spoke in opposition to data centers being located in Frederick County.

Paige Feliciano, Gainesboro District, spoke in opposition to data centers being located in Frederick County.

Alexander Ritter, Opequon District, said there are citizens willing to run against any Board members who vote in favor of allowing data centers to locate in the County.

Leslie Spencer, Gainesboro District, said the citizens are concerned that they are not hearing responses from the Board members about their stances on allowing data centers in the County. She repeated the previous speaker's comments, saying that they have candidates willing to run against those who support data centers.

BOARD OF SUPERVISORS COMMENTS

Supervisor Liero read a statement recognizing National Police Week.

Supervisor Aikens referenced the earlier comment about the data center tax rate and discussed having the Finance Committee review the matter. By consensus, the Board agreed to have the Finance Committee review the tax rate and a possible increase.

Supervisor Oates referenced the earlier comment that the Board members are not responding to citizens about data centers. He said the Board members are hearing the comments from the citizens but cannot respond while data center rezoning applications are in the process of coming to the Board for a vote.

Supervisor Guevremont agreed with Supervisor Oates that the Board members are listening and looking at all the issues surrounding data centers.

ADJOURN

On motion of Supervisor Liero, seconded by Vice Chairman Wells, the meeting was adjourned at 8:23 p.m.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Acceptance of the Finance Committee Report of May 13, 2026

Attachments:
BOS06-10-26FinanceCommReportMay2026.pdf

REPORT AND RECOMMENDATIONS

FINANCE COMMITTEE

WEDNESDAY, MAY 13, 2026

8:30 AM

BOARD OF SUPERVISORS MEETING ROOM

107 NORTH KENT STREET

WINCHESTER, VA 22601

ATTENDEES

Committee Members Present: Gary Oates, Chairman; Al Orndorff; Jason Aikens; Angela Wiseman; and Don Price.

Committee Member Absent: Chad DeHaven.

Non-Voting Liaisons Present: Tonya Sibert, Commissioner of the Revenue; and William Orndoff, Treasurer.

Staff Present: Sharon Kibler, Finance Director; Melody Ramey, Payroll Manager; Michael Bollhoefer, County Administrator; Andrew Fox, County Attorney; David Foley, Airport Operations Supervisor; Lenny Millholland, Sheriff; Stacy Herbaugh, Parks & Recreation Director; Steve Majchrzak, Fire & Rescue Chief, Patrick Fly, IT Director; and Missi Neal, Budget Analyst; Nicholas Pearson, Finance Specialist.

Others Present: none.

A. **Consent Agenda** – The following item(s) could be considered on consent if the committee chooses. All are 'no local funds required'.

The committee recommends approval of the consent agenda.

A.1. The IT Director requests an FY 2027 General Fund carry forward appropriation not to exceed $55,000. It is anticipated that the BerryDunn software study project that is in process will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required.

BerryDunn_CarryForward.pdf

A.2. The Sheriff requests a $45,106 General Fund supplemental appropriation representing unbudgeted reimbursements received from the DEA for overtime

expenses. No local funds required.

DEA Reimbursement request.pdf

A.3. The Sheriff requests a $24,399 General Fund supplemental appropriation representing auto insurance claims. No local funds required.

Sheriff auto claims.pdf

A.4. The Sheriff requests a $1,879 General Fund supplemental appropriation representing donations received for the Honor Guard and the impound lot building. No local funds required.

Sheriff donations request.pdf

A.5. The WRA Executive Director requests a $475,000 Airport Capital Fund supplemental appropriation representing a grant offer from Go Virginia Regional Council 8. No local funds required.

Airport GoVA grant.pdf
Airport GoVA grant2.pdf

A.6. The Parks & Recreation Director requests an FY 2027 General Fund carry forward appropriation in the amount of $2,353,328 for the Abrams Creek Trail and Trailhead Parking projects that will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required.

Abrams Creek CarryForward.pdf

A.7. The Parks & Recreation Director requests a $900 General Fund supplemental appropriation representing a donation for a memorial bench at Clearbrook Park. No local funds required.

CB Memorial Bench.pdf

B. **Discussion & Action Items** – The following item(s) are presented for committee discussion and action.

B.1. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $456,000 to expand the parking area at Clearbrook Park. Funds are available in the Parks Proffer Reserve.

The committee recommends approval.

Proffer Request CB Parking Expansion.pdf

B.2. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $105,819 for grounds maintenance equipment. Funds are available in the Parks & Recreation Reserve Fund.

The committee recommends approval.

SGEMF Reserve Fund Use FY 26.pdf
Rec Res Fund -SGMEF.pdf

B.3. The Fire & Rescue Chief requests a $11,571 General Fund supplemental appropriation representing funds from the sale of surplus equipment. No local funds required.

The committee recommends approval.

Surplus FireRescue request.pdf

B.4. The EMS Billing Manager requests a $564,281 EMS Expense Recovery Fund supplemental appropriation. This amount represents unbudgeted revenues expected to be received through FY 2026 year end. No local funds required.

The committee recommends approval.

Expense Recovery request.pdf

C. **Information & Discussion Items (No Action Required)** – The following item(s) are presented for committee information. No formal action is required.

C.1. The Finance Director provides General Fund financial information for the third quarter of fiscal year 2026. Feedback and direction on the types of financial information the Finance Committee finds most valuable is welcomed.

FY26 Q3_SnapShot.pdf
FY26 Q3_Revenue.pdf
FY26 Q3_Expenditure.pdf
FY26 Q3_FundBalance.pdf

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: ATTENDEES

Title: Committee Members Present: Gary Oates, Chairman; Al Orndorff; Jason Aikens; Angela Wiseman; and Don Price.

Committee Member Absent: Chad DeHaven.

Non-Voting Liaisons Present: Tonya Sibert, Commissioner of the Revenue; and William Orndoff, Treasurer.

Staff Present: Sharon Kibler, Finance Director; Melody Ramey, Payroll Manager; Michael Bollhoefer, County Administrator; Andrew Fox, County Attorney; David Foley, Airport Operations Supervisor; Lenny Millholland, Sheriff; Stacy Herbaugh, Parks & Recreation Director; Steve Majchrzak, Fire & Rescue Chief, Patrick Fly, IT Director; and Missi Neal, Budget Analyst; Nicholas Pearson, Finance Specialist.

Others Present: none.

Attachments:

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The IT Director requests an FY 2027 General Fund carry forward appropriation not to exceed $55,000. It is anticipated that the BerryDunn software study project that is in process will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required.

Attachments:
BerryDunn_CarryForward.pdf

COUNTY OF FREDERICK
Information Technologies
(540) 665-5614

M E M O R A N D U M

To: Finance Committee
Sharon Kibler, Director of Finance
Michael Bollhoefer, County Administrator

From: Patrick Fly, Director of Information Technology

Subject: Request for Carry Forward Funds for BerryDunn Software Study Project

Date: May 6, 2026

The Information Technology Department formally requests the carry forward of unspent funds for the BerryDunn software study Project. We request that any remaining balance, not to exceed $55,000, be carried forward into line item 4-10-01220-3002-000-000.

These funds will be used to complete outstanding project items that will extend beyond the end of the current fiscal year. Please let me know if any additional information is needed to support this request.

Thank you for your consideration.

Sincerely,

Patrick Fly

Patrick Fly
County of Frederick
Director of Information Technology

107 North Kent Street, Winchester, Virginia 22601-5039
pfly@fcva.us

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The Sheriff requests a $45,106 General Fund supplemental appropriation representing unbudgeted reimbursements received from the DEA for overtime expenses. No local funds required.

Attachments:
DEA Reimbursement request.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : DEA Federal Reimbursements
DATE : May 6, 2026

Frederick County Sheriff's Office has received reimbursements totaling $36,122.17. The reimbursements are from the DEA from June 2025 – April 4, 2026. This amount has been posted to 3-010-033010-0025.

We have $8,983.80 pending in reimbursements that we are expecting to receive by the end of June. This amount will be posted to 3-010-033010-0025

Total amount $45,105.97

We are requesting the following amount to be appropriated in line item 4-010-031020-1005-000-000 (Overtime)

Thank you.

LWM

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The Sheriff requests a $24,399 General Fund supplemental appropriation representing auto insurance claims. No local funds required.

Attachments:
Sheriff auto claims.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance
FROM : Sheriff Lenny Millholland
DATE : April 28, 2026
SUBJECT : Insurance Reimbursement

The Frederick County Sheriff's Office received reimbursement checks from VACoRP totaling **$24,398.94** related to auto claims. These funds have been posted into **Revenue Line Item 3-010-018990-001 (Miscellaneous)**. The claims and associated amounts are as follows:

- Auto claim dated November 11, 2025 involving vehicle #22-09 - $9,000.28
- Auto claim dated December 16, 2025 involving vehicle #22-05 - $3,407.83
- Auto claims dated March 2, March 4, and March 6 2026 involving vehicles #21-06, #24-29, and #19-19 = $11,990.83

We are requesting that the following appropriation be made from the deposited reimbursement funds to Line Item **31020-3004-000-002 (Motor Vehicles Maintenance)** to support the repairs of the vehicle.

Thank you,
LWM/adc

c.s. 3/10/26
c.s. 3/25/26
c.s. 4/28/26

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The Sheriff requests a $1,879 General Fund supplemental appropriation representing donations received for the Honor Guard and the impound lot building. No local funds required.

Attachments:
Sheriff donations request.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance

FROM : Sheriff Lenny Millholland

SUBJECT : Appropriation of Funds – Donation

DATE : April 8, 2026

The Frederick County Sheriff's Office has received donations totaling $1,879.00. This amount has been posted to 3-010-018990-0006

We are requesting the following to be appropriated in line item 31020-5409-000-003 (Honor Guard).

- 3/26/26 - $75.00 from Mr. Weir. This amount will go toward supplies for the Honor Guard.

We are requesting the following to be appropriated in line item 31020-8900-000-000 (Improvements other than buildings).

- 3/23/26 – $1,804.00 from Mission BBQ MGMT LLC.

Totaling $1,804.00. This amount will go towards the building at the impound lot.

Thank you,

LWM/adc

c.s. 3/25/26
c.s. 3/27/26

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The WRA Executive Director requests a $475,000 Airport Capital Fund supplemental appropriation representing a grant offer from Go Virginia Regional Council 8. No local funds required.

Attachments:
Airport GoVA grant.pdf
Airport GoVA grant2.pdf

WINCHESTER REGIONAL AIRPORT
491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

MEMORANDUM

To: Sharon Kibler, Frederick County Finance Director

From: Nick Sabo, Winchester Regional Airport Authority Executive Director

Date: May 5, 2026

RE: Finance Committee Agenda Item | Go Virginia Grant Award

The Winchester Regional Airport Authority (WRAA) anticipates receiving a grant offer from Go Virginia Regional Council 8. The project will fund initiatives that support career and technical education programs at Frederick County Public Schools, in addition to funding support for Winchester Public Schools, Laurel Ridge Community College, and Shenandoah University. No local funds are required.

Expense: 4 - 085 - 081030 - 3002 - 000 - 000, Professional Services – Other, $475,000
Revenue: 3 - 085 - 024040 - 0012, State Reimbursement, $475,000

We sincerely appreciate the support of Frederick County. Please advise if you have questions or need additional information.

5/5/26 per Nick Sabo: this is a reimbursement grant and will span 2 years.

Grant Application Request Form

The Grant Application & Acceptance Policy, adopted by the Board of Supervisors on March 23,2016, outlines the policies for submitting grant applications on behalf of Frederick County and for the acceptance and appropriation of all grant awards. This policy applies to any Frederick County program, department or constitutional office preparing and submitting grant applications to agencies outside the County government for funds, materials or equipment to be received and administered by the County or by an agency for which the County acts as fiscal agent.

Please refer to the policy flow chart on the back of this form to assist in determining the appropriate course of action. The policy in its entirety can be found on the Finance intranet page.

Complete the information below and attach as the cover to all grant applications sent to the County Administrator for approval.

Requesting Department	Winchester Regional Airport				
Name of Grant	Shenandoah Valley Aerospace Workforce Accelerator				
Grantor	Go Virginia Region 8				
Grant deadline for submission	06/30/2026				
Total Amount of Anticipated Award	$ 475,000.00				
Purpose of grant (summary)	Provides funding for CTE programs at FCPS, WPS, and certification programs at Laurel Ridge Community College and Shenandoah University				
Grant approved through budget process? (Yes/No)	No				
Local Match Requirement (Yes/No)	Yes	Amount:	$ 237,500.00		
If yes, Source(s) & amount(s) of local match (fin comm/BOS approval required if match requires a budget amendment)	Federal funds from terminal project and in-kind services				
Other associated costs	All project costs included in above amounts				
Continuing obligation and cost (fin comm/BOS approval required)	No continuing financial obligation after grant closeout				
Addition of Staff and cost (Yes/No) (fin comm/BOS approval required)	No	How many?		Total cost, including fringes:	
Revenue and Expenditure codes & amounts	Expense: 4 - 085 - 081030 - 3002 - 000 - 000, Professional Services – Other, $475,000 Revenue: 3 - 085 - 024040 - 0012, State Reimbursement, $475,000				
Department Contact (name, email, phone)	Nick Sabo, nsabo@flyokv.com, 540-662-2422				
Department Head approval to apply for grant	Digitally signed by Nick Sabo Date: 2026.05.05 14:53:40 -04'00'			Date	05/05/2026
BOS approval date (if applicable)					
Finance review of grant policy compliance				Date	
County Administrator approval to apply for grant				Date	

Notes:

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The Parks & Recreation Director requests an FY 2027 General Fund carry forward appropriation in the amount of $2,353,328 for the Abrams Creek Trail and Trailhead Parking projects that will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required.

Attachments:
Abrams Creek CarryForward.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: FY 26 to FY 27 Carryforward Request; Abrams Creek Trail
Date: May 6, 2026

The Parks and Recreation Department is requesting a fiscal 2026 fund carryforward of $2,353,327.57 in line 4-010-071010-8009-00 to fiscal 2027.

This amount represents remaining FY26 funds for the Abrams Creek Trail and Trailhead Parking. The project is currently out to bid with award anticipated in early FY27.

The current FY26 line balance is: $2,353,327.57.

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Consent Agenda

Title: The Parks & Recreation Director requests a $900 General Fund supplemental appropriation representing a donation for a memorial bench at Clearbrook Park. No local funds required.

Attachments:
CB Memorial Bench.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director Parks and Recreation SH
Subject: Supplemental Appropriation
Date: April 7, 2026

Please transfer $900 from Donation Line 3-010-01899-0003 to Expenditure Line 4-010-071090-5407-000-000 which represents a donation from Robert and Virginia Bonometti who wish to place a memorial bench at Clearbrook Park.

Please contact me should you have any questions, (540)722-8304.

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Discussion & Action Items

Title: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $456,000 to expand the parking area at Clearbrook Park. Funds are available in the Parks Proffer Reserve.

The committee recommends approval.

Attachments:
Proffer Request CB Parking Expansion.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director SH
Subject: Proffer Request: Parking Expansion; Clearbrook Park
Date: May 6, 2026

The Parks and Recreation Commission is requesting $456,000 in proffer funds be used to expand the parking area at Clearbrook Park. The expansion will add an additional 150 spaces to the existing 321 spaces.

The $456,000 request consists of $250,000 proffered by Carmeuse for Stonewall District projects only along with $206,000 in general Parks and Recreation proffer funds to complete the project. The current proffer account balance is $1,150,228.35. The Frederick County Proffer Policy is attached for reference (Attachment 1).

Frederick County
Cash Proffer Policy
As approved by the Board of Supervisors on January 28, 2009.

Proffered funds received by Frederick County will be held for the use specified by the proffer language. In the case of funds proffered to offset impacts to fire and rescue services, in the absence of other proffered specifications, the funds will be earmarked for the first due company in the area of the subject rezoning at the time the proffered funds are received. All proffered funds will be collected, held, and will accumulate until such time as a capital project funding request is received from a qualifying County department, agency, or volunteer fire and rescue company.

Qualifying agency or departmental **requests to access proffered funds shall be submitted to the County=s Finance Department** for processing. In order to qualify as a capital project the following criteria must be met:

1) the item or project must have a minimum value of five thousand dollars ($5,000), and;

2) the item/project must have an anticipated useful life of at least five (5) years.

The Finance Department will forward requests to the Finance Committee for a recommendation to the Board of Supervisors on the appropriateness of the use of proffered funds for the requested purpose. To assist the Finance Committee and Board in their deliberations requests to utilize proffered funds should include the following: 1) the amount of funds requested, 2) the total project cost, 3)a detailed description of the desired capital project or purchase including a discussion of how recent or anticipated development contributes to the need for the expenditure, and, 4) indicate whether or not the item or project is listed on the County=s Capital Improvements Plan (CIP).

In order to comply with State Code ' 15.2-2-2298 (A) the Planning staff, working in conjunction with the County Attorney, will attempt to insure that cash proffers associated with future rezonings are appropriately addressed through inclusion of relevant capital projects in the County=s CIP prior to acceptance of the proffered funds.

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 year 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.)

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Discussion & Action Items

Title: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $105,819 for grounds maintenance equipment. Funds are available in the Parks & Recreation Reserve Fund.

The committee recommends approval.

Attachments:
SGEMF Reserve Fund Use FY 26.pdf
Rec Res Fund -SGMEF.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: School Grounds Maintenance Equipment Fund
Date: March 26, 2026

The School Grounds Maintenance Equipment Fund (SGMEF) was established to support the purchase of equipment used to maintain school grounds from revenue received for maintenance of Frederick County Public School grounds.

Annually revenues in excess of budgeted expenditures are transferred to the Reserve Fund Balance for future use. At this time, the Parks and Recreation Department is requesting a transfer of $105,819 from G/L (0-010-00240-2444) into the following lines:

- $21,000 into 4-010-071090-8001-000 for a Riding Field Line Striper
- $9,300 into 4-010-071090-8001-000 for a Gravity Tilt Hauler Trailer
- $2,372 into 4-0101-071090-8001-000 for a Ventrac Power Bucket attachment
- $3,147 into 4-010-071090-8001-000 for a Ventrac Blower attachment
- $35,000 into 4-010-071090-8005 for a 4WD Regular Cab Pick-Up Truck
- $35,000 into 4-010-071100-8005 for a 4WD Regular Cab Pick-Up Truck

Cost estimates are based on quotes received from a supplier. Staff will follow County procurement policy to secure the purchase of the above equipment; any unused funds will be returned to the Parks and Recreation Reserve Fund.

Current Reserve Fund Balance is; $106,466.07.

Please contact me should you have any questions.

RECREATION RESERVE FUND
500.20

PURPOSE:
The Recreation Reserve Fund within the Frederick County Reserve Fund will be used for Frederick County residents who need financial assistance for their children to participate in recreation programs and to assist Frederick County in raising funds to fund capital projects identified in the Frederick County Comprehensive Plan. This fund is not intended to provide funds which can be substituted for traditional tax base funding.

GOAL:
Increase Frederick County youth participation in recreation for those who are unable to afford recreation programs and provide recreation facilities identified in the Frederick County Comprehensive Plan.

POLICY:
There are four types of funds within the Recreation Reserve Fund: Recreation Reserve Fund, Capital Projects Fund, General Park Improvement Fund, and School Grounds Maintenance Equipment Fund.

A. Recreation Assistance Fund:

Funds dedicated for Recreation Assistance will be placed in the Recreation Reserve Fund within Frederick County's Reserve Fund as they are received. Each donation will be noted in a revenue code (10GL-3-010-018990-0027). Donations are non-refundable.
These funds will be utilized for individuals seeking recreation assistance based on their income level according to the Economic Assistance Policy (#500.08). Each time an individual requests assistance, Parks and Recreation staff will apply the standards from Policy #500.08. If the individual is eligible to receive assistance and funds are available, assistance will be provided and accounted for in the department's registration system. Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund's Recreation Assistance Fund at the July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.

B. Capital Project Funds

A capital project fund may be created for any capital project approved by the Frederick County Parks and Recreation Commission and Frederick County Board of Supervisors. Twenty percent of the total project cost must be pledged prior to the establishment and acceptance of donations for a specific capital project fund in a revenue code (10GL-3-010-018990-0027).
The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick County Finance Committee to recommend to the Frederick County Board of Supervisors. The

Frederick County Board of Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

C. General Park Improvement Fund

The general park improvement fund is for donations made to improve existing parks or facilities. Donations may be of any amount, deposited into revenue code (10GL-3-010-018990-0027), and are non-refundable.
The Parks and Recreation Commission will recommend the use of General Park Improvement Funds to the Finance Committee and the Board of Supervisors specifying the particular improvement.

D. School Ground Maintenance Equipment Fund

The school ground maintenance equipment fund is revenues collected from the Frederick County Public School system to purchase equipment used to maintain the school system's grounds. Revenues represent an equipment rate billed to the school system and will be deposited into revenue code (10GL-3-010-019110-0064).

Offsetting expenditures and revenues will be included within the Department's fiscal year budget request to fund future purchases of replacement equipment. At the July Parks and Recreation Commission meeting, staff will request to the Commission to either utilize funds from the Reserve Fund Balance (0-010-000240-2444) to offset expenditures exceeding revenue or to reserve revenues exceeding expenditures. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors.

Auditing/Accountability:
All funds within the Recreation Reserve Fund will be accounted for annually by the Parks and Recreation Department based on the balance provided by the Frederick County Finance Department and the Parks and Recreation Department. This balance and activity will be reported to the Parks and Recreation Commission annually.

Approved: Jan 2024

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Discussion & Action Items

Title: The Fire & Rescue Chief requests a $11,571 General Fund supplemental appropriation representing funds from the sale of surplus equipment. No local funds required.

The committee recommends approval.

Attachments:
Surplus FireRescue request.pdf

COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Steven A. Majchrzak
Chief

MEMORANDUM

TO: Sharon Kibler, Director
Finance Department

FROM: Steven Majchrzak
Fire and Rescue Department

Date: March 23, 2026

SUBJECT: Surplus Equipment Sales Funds

The department sold the following vehicles and equipment:

- 2006 Chevy Impala on 02/05/2026 for $1,525.00
- 2006 Atlas Trailer on 02/05/2026 for $3,600.00
- 1991 Thomas SH Passenger Buson 01/12/2026 for $1,075.00
- 2013 Chevy Tahoe on 12/22/2025 for $2,721.25
- 2004 Chevy Tahoe on 03/06/2026 for $2,650.00

This is for a total of $11,571.25. The bill of sales is attached. These funds are currently in revenue line item 3-010-015020-0006 (Sale of Salvage & Surplus). We are requesting a supplemental appropriation in the amount of $11,571.25 to be placed in line item 4-010-035050-5413-000-000 for the loose equipment to go on fire engine for station 22.

If you have any questions or need additional information, please feel free to contact me, x6443. Thank you!

c.s. 2/6/26
c.s. 3/10/26
c.s. 4/6/26

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Discussion & Action Items

Title: The EMS Billing Manager requests a $564,281 EMS Expense Recovery Fund supplemental appropriation. This amount represents unbudgeted revenues expected to be received through FY 2026 year end. No local funds required.

The committee recommends approval.

Attachments:
Expense Recovery request.pdf

COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Justin A. Shifflett
EMS Billing Manager

The EMS Expense Recovery Fund (Fund 30) budgeted estimated revenue in the amount of $2,738,362 for Fiscal Year 26. Through April 30, 2026, revenue has been collected in the amount of $2,798,008.65.

EMS Recovery Fund (30) is separate from the County's General Fund (10). The County's share of the 50-50 split is 'paid' to the General Fund and recognized as revenue in the General Fund and an expense in the EMS Recovery Fund. Revenue is collected for EMS transports from patient insurance coverage. Budgeted revenue is an estimate. 50-50 split is based on actual transports (revenue received).

EMS Expense Recovery fund zeros out at the end of each fiscal year:
+ All revenue collected
- less: all expenses
- less: mileage for transports paid to fire company
= Remainder split 50-50 between County & fire companies

These totals show a projected revenue surplus of $564,281 over the estimated budget. Since revenues less expenses are split 50-50 between the County and the Volunteer Companies, a supplemental appropriation in the amount of $564,281 is requested. No local funds are required.

FY26 – Fund 30	
Budgeted Revenue	$2,738,362
Total Revenue Received as of 4/30/2026	- 2,798,008
Additional Revenue Expected through 6/30/26	- 504,635
Supplemental Appropriation Request	$564,281

Thank you,

Justin A. Shifflett
EMS Billing Manager

Office: (540) 665-5618 justin.shifflett@fcva.us Fax (540) 678-4739

Finance Committee
Agenda Item Detail
Meeting Date: May 13, 2026
Agenda Section: Information & Discussion Items (No Action Required)

Title: The Finance Director provides General Fund financial information for the third quarter of fiscal year 2026. Feedback and direction on the types of financial information the Finance Committee finds most valuable is welcomed.

Attachments:
FY26 Q3_SnapShot.pdf
FY26 Q3_Revenue.pdf
FY26 Q3_Expenditure.pdf
FY26 Q3_FundBalance.pdf

FY 2026 Q3 Snapshot

March 31, 2026

(A) General Fund Revenues

Fiscal Year	Annual Revenues (1)	YTD Revenues	% of Annual Revenues
2023	250,377,248	143,834,221	57%
2024	259,207,630	150,810,669	58%
2025	267,493,031	152,991,933	57%
2026	270,109,815	159,945,789	59%

(1) Prior years = total audited actual revenues.
Current year = total appropriated.

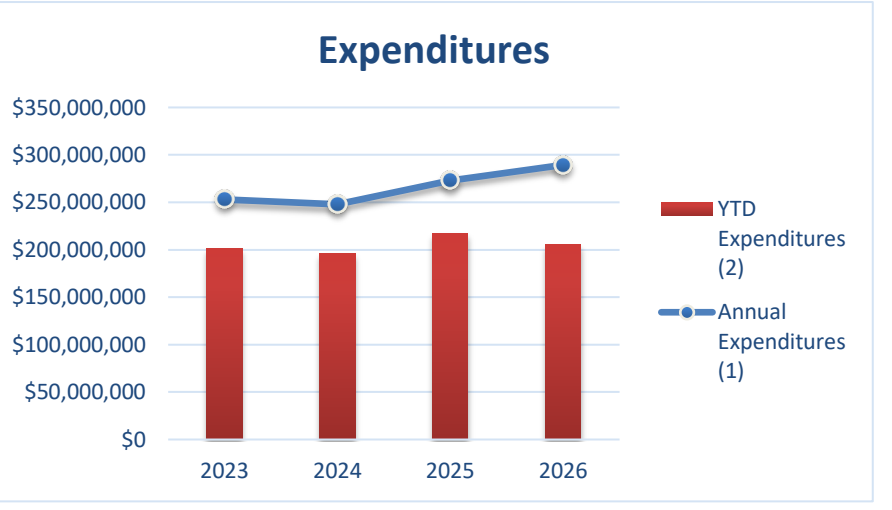


(B) General Fund Expenditures

Fiscal Year	Annual Expenditures (1)	YTD Expenditures (2)	% of Annual Expenditures
2023	253,193,590	201,586,122	80%
2024	247,888,986	196,078,659	79%
2025	272,999,153	217,283,459	80%
2026	289,430,162	205,305,787	71%

(1) Prior years = total audited actual expenditures.
Current year = total appropriated.

(2) Open purchase orders not included.
Open PO Balance at 3/31/26 = $2,330,052

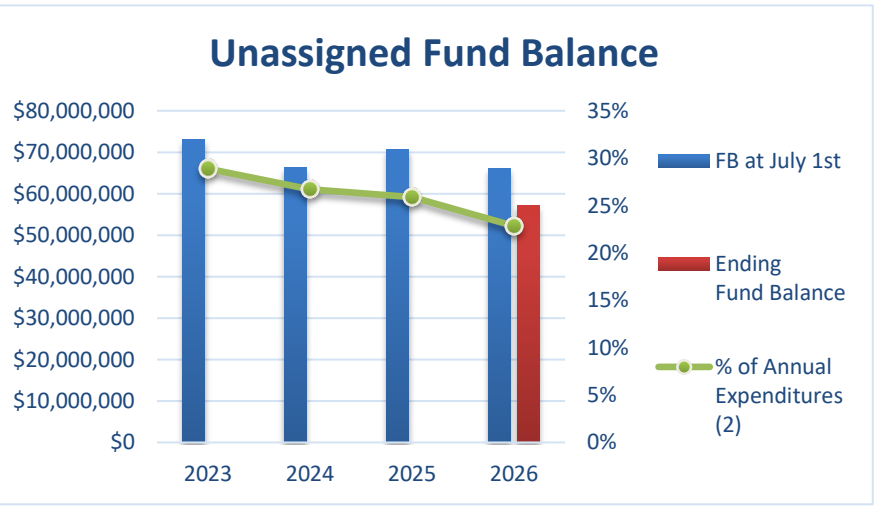


(C) General Fund Unassigned Fund Balance

Fiscal Year	FB at July 1st	Ending Fund Balance	% of Annual Expenditures (2)
2023	73,138,931		29%
2024	66,222,292		27%
2025	70,674,165		26%
2026	66,121,808	57,244,947	23%
		20% (1)	

(1) As of 3/31/26, fund balance is 20% of total appropriated expenditures. GFOA recommends 17%.

(2) County policy requires that any General Fund fund balance in excess of 20% of annual expenditures be transferred to the county capital fund following the close of the prior year.



County of Frederick
GENERAL OPERATING FUND REVENUE DETAIL
Monthly Finance Report to Council for March 2026

	Estimated 2025-2026 Budget to Date	Actual 2025-2026 Budget to Date	(Over) Under Budget to Date
REVENUES			
General Property Taxes	$ 176,225,816	$ 87,857,388	$ 88,368,429
Other Local Taxes	56,564,743	36,135,011	20,429,732
Permits & Privilege Fees	2,808,500	1,900,741	907,759
Fines & Forfeitures	262,000	187,494	74,506
Revenue from use of money and property	4,377,545	4,388,427	(10,882)
Charges for Services	4,418,024	2,726,561	1,691,463
Miscellaneous	372,389	605,465	(233,076)
Recovered Costs	2,110,026	3,916,635	(1,806,609)
Intergovernmental:			-
Commonwealth	17,283,297	16,536,915	746,382
Federal	344,002	229,881	114,121
Transferred from County Capital	5,461,271	5,461,271	-
TOTAL REVENUES	**$ 270,227,613**	**$ 159,945,789**	**$ 110,281,824**

GENERAL OPERATING FUND REVENUES

Monthly Financial Report To Council For March 2026

	Estimated 2025/2026 Budget to Date	Actual 2025/2026 Budget to Date	(Over) or Under Budget to Date
Revenue			
Balance Forward			
Fund Revenue	270,227,613.22	159,945,789.15	110,281,824.07
Total Revenue	270,227,613.22	159,945,789.15	110,281,824.07
Expenditures			
BOARD OF SUPERVISORS	466,493.36	326,379.39	140,113.97
COUNTY ADMINISTRATOR	1,134,433.86	761,497.59	372,936.27
COUNTY ATTORNEY	549,135.48	338,718.83	210,416.65
HUMAN RESOURCES	1,163,970.44	683,971.36	479,999.08
INDEPENDENT AUDITOR	86,400.00	86,400.00	
COMMISSIONER OF THE REVENUE	2,224,412.64	1,593,116.60	631,296.04
REASSESSMENT/BOARD OF ASSESSORS	643,830.79	368,695.52	275,135.27
TREASURER	2,357,250.66	1,557,109.06	800,141.60
FINANCE DEPARTMENT	1,430,657.94	1,096,474.87	334,183.07
INFORMATION TECHNOLOGY	3,362,994.53	2,604,702.69	758,291.84
MANAGEMENT INFORMATION SYSTEMS	725,099.82	449,708.84	275,390.98
OTHER	5,795,801.47	4,923,026.23	872,775.24
ELECTORAL BOARD AND OFFICIALS	306,575.72	230,021.59	76,554.13
REGISTRAR	391,150.66	241,038.73	150,111.93
CIRCUIT COURT	156,368.00	99,556.16	56,811.84
GENERAL DISTRICT COURT	24,544.00	7,708.53	16,835.47
JUVENILE AND DOMESTIC COURT	34,735.00	11,705.77	23,029.23
CLERK OF THE CIRCUIT COURT	1,302,633.85	840,139.90	462,493.95
LAW LIBRARY	12,200.00		12,200.00
COMMONWEALTH'S ATTORNEY	2,459,179.42	1,677,493.66	781,685.76
VICTIM WITNESS PROGRAM	244,831.64	179,675.50	65,156.14
SHERIFF	28,037,292.73	17,585,163.08	10,452,129.65
VOLUNTEER FIRE DEPARTMENTS	2,577,474.99	1,521,703.93	1,055,771.06
AMBULANCE AND RESCUE SERVICE	430,959.84	426,709.84	4,250.00
JAIL	7,122,643.00	6,883,610.00	239,033.00
JUVENILE COURT PROBATION	159,729.00	69,601.21	90,127.79
INSPECTIONS	1,993,343.15	1,425,566.58	567,776.57
FIRE AND RESCUE	27,500,909.64	18,535,335.37	8,965,574.27
PUBLIC SAFETY COMMUNICATIONS	3,182,058.65	1,686,066.58	1,495,992.07
ROAD ADMINISTRATION	23,500.00	10,683.00	12,817.00
STREET LIGHTS/STAR FORT FEES	32,350.00	15,203.54	17,146.46
GENERAL ENGINEERING/ADMINISTRATION	761,419.15	558,863.45	202,555.70
REFUSE COLLECTION	1,902,116.87	1,198,098.48	704,018.39
REFUSE DISPOSAL	913,908.00	609,434.81	304,473.19
LITTER CONTROL GRANT	41,762.00	3,887.84	37,874.16
MAINTENANCE ADMINISTRATION	948,918.10	646,144.03	302,774.07
COUNTY OFFICE BUILDINGS/COURT	4,055,360.84	1,382,879.82	2,672,481.02
ANIMAL SHELTER	1,285,751.93	622,518.72	663,233.21
LOCAL HEALTH DEPARTMENT	679,091.00	509,318.25	169,772.75
CHAPTER 10 BOARD	506,265.00	379,698.75	126,566.25
AREA AGENCY ON THE AGING	69,300.00	51,975.00	17,325.00
PROPERTY TAX RELIEF FOR THE ELDERLY	1,342,699.00		1,342,699.00

GENERAL OPERATING FUND REVENUES

Monthly Financial Report To Council For March 2026

	Estimated 2025/2026 Budget to Date	Actual 2025/2026 Budget to Date	(Over) or Under Budget to Date
Expenditures			
DEPARTMENT OF SOCIAL SERVICES	10,164,000.75	6,167,106.96	3,996,893.79
PUBLIC ASSISTANCE	1,879,443.00	1,116,497.90	762,945.10
COMMUNITY COLLEGES	91,983.00	68,987.25	22,995.75
PARKS AND RECREATION ADMINISTRATION	3,810,574.28	1,080,901.62	2,729,672.66
RECREATION CENTERS AND PLAYGROUNDS	4,855,150.69	3,151,389.43	1,703,761.26
CLEARBROOK PARK	2,518,843.39	1,716,794.07	802,049.32
SHERANDO PARK	4,474,951.10	2,801,862.58	1,673,088.52
REGIONAL LIBRARY	1,627,323.00	1,220,492.25	406,830.75
PLANNING	1,831,543.80	1,317,738.60	513,805.20
ECONOMIC DEVELOPMENT COMMISSION	5,745,601.00	5,745,601.00	
ZONING BOARD	12,421.00	5,832.22	6,588.78
BUILDING APPEALS BOARD	561.00		561.00
N. S. V. REGIONAL COMMISSIONS	98,852.00	74,139.00	24,713.00
SOIL AND WATER CONSERVATION DISTRIC	15,000.00	9,962.25	5,037.75
AGRICULTURE	381,707.96	224,713.99	156,993.97
TRANSFERS	139,988,127.99	106,162,051.44	33,826,076.55
TRANSFERS/CONTINGENCY	3,744,635.69	2,242,112.90	1,502,522.79
Total Expenditure	289,680,271.82	205,305,786.56	84,374,485.26
Total Revenues			
Less Total Expenditures	(19,452,658.60)	(45,359,997.41)	25,907,338.81

County of Frederick, VA
Report on Undassigned Fund Balance
Ending March 31, 2026

Unassigned Fund Balance, Beginning of Year, July 1, 2025		**66,121,808**
Prior Year Funding & Carryforward Amounts		
C/F IT Cognos project	(72,084)	
C/F COR CAMA project	(30,000)	
C/F Fire Company Capital	(313,783)	
C/F forfeited asset funds	(247,884)	
VJCCCA return upsent FY25 funds	(131)	
C/F Smithfield HVAC and roof projects	(1,050,000)	
C/F Cost of Land Uses Fiscal Impact Analysis	(22,772)	
C/F Zoning ordinance update phase 1	(37,590)	
C/F Abrams Creek project	(968,790)	
C/F Sherando soccer/softball fields project	(243,624)	
C/F Rose Hill exercise equipment (proffer)	(60,179)	
C/F School restricted funds	(273,610)	
C/F Clearbrook Park sprayground	(109,464)	
C/F Old Charlestown Rd Park	(94,505)	
C/F Inspections vehicle insurance claim	(25,335)	
C/F DSS replacement vehicle	(30,000)	
Unclaimed Property	408	
C/F Sheriff impound lot building funds	(122,619)	
C/F Sheriff vehicle insurance claim	(8,594)	
C/F Sheriff vehicle equipment	(2,932)	
C/F Sheriff scrap metal recycling funds	(2,695)	
C/F FCPS Op Unobligated to FCPS Capital	(2,815,185)	
C/F Sheriff donations	(325)	
Animal Shelter restitution FY25	(4,005)	
Parks encumbrance returned	17,899	
		(6,517,799)
Other Funding / Adjustments		
DSS (3) positions	(137,162)	
COR refund - Fedex	(224,932)	
COR refund - GenEx Services	(40,575)	
COR refund - James River	(10,486)	
COR refund - Valley Proteins	(37,644)	
Transfer to County Capital Fund (F/B above 20%)	(2,240,347)	
COR refund - Amankrah & Co	(34,836)	
COR refund - Byte Systems	(18,191)	
COR refund - Geodis Logistics	(19,567)	
Fleming Trust funds budgeted (correction)	20,000	
Commonwealth's Attorney comp board position	(13,728)	
Sunnyside Registrar renovations	(75,000)	
Frederick Water debt fund balance reserve	657,083	
COR refund - Warfel Construction	(35,098)	
COR refund - Accurate Employment	(84,244)	
COR refund -Winc Anesthesiologists	(10,137)	
April 2026 special election	(54,200)	
		(2,359,063)
Unassigned Fund Balance per GL		**57,244,947**

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Acceptance of Transportation Committee Report of June 1, 2026

Attachments:
BOS06-10-26TransportationCommReport.pdf

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS
Monday, June 1, 2026
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Robert Liero (Voting) Dustin Simkhovitch (Voting) Kevin Kenney (Voting), Jason Aikens (Voting) and Tim Stowe (Voting)

Committee Members Absent: John Jewell Chair (Voting)

Staff Present: John Bishop, Assistant Director and Kathy Smith

ITEMS FOR INFORMATION ONLY:

SmartScale Resolution: Staff presented an overview of the SmartScale Resolution, outlining its purpose in supporting transportation funding applications through the statewide SmartScale process. The committee reviewed the supporting document and discussed project readiness, scoring expectations, and coordination needs. A motion was made and approved the resolution.

Six Year Improvement Program Update: An update was provided on the Six Year Improvement Program (SYIP). Staff summarized current funding allocations, noted recent adjustments, and explained potential implications for county projects. The county had a successful cycle with several projects that received recommended or full funding, including the Hopewell/Brucetown alignment which received nearly the full amount requested and Back Mountain Road. These two projects now qualify as higher priority for funding projects in future application cycles. The Revenue Sharing applications for Shawnee Drive, Warrior Drive extension, and Brandy Lane were also funded and two Transportation Alternatives projects Tasker Road improvements and a crossing near Westminster Canterbury were approved as well

County Projects Update: Renaissance Drive Project is complete. Staff are waiting for the final invoice and CSX reimbursement to complete closeout and seek previously discussed additional funds from VDOT (unchanged).

Gainesboro Road: 30% of the plan set comments have been received and shared with our consultant. Plans were also separately submitted to VDOT.

Other Business: Hunting Ridge Road – Citizen Speed Concerns: Staff reported receiving citizen concerns related to speeding on Hunting Ridge Road. The committee discussed next steps, including potential speed studies or coordination with county law enforcement.
Rescheduling of June 22, 2026, Meeting: The committee reviewed and acknowledged the need to reschedule the June 22 meeting to June 29, 2026, with no objections noted.

Public Meeting – Exit 317 and I-81 Widening: Staff announced an upcoming public meeting to share information and receive feedback on improvements at Exit 317 and the associated segment of the I-81 widening project. The meeting will be on June 23 at 4:00 pm at Millbrook High School.
VDOT Update: On Route 7 and I-81 Exit 315 Bridge will be reduced to one lane in each direction from Friday (June 5) 8:00 pm through Monday (June 8) 6:00 am. for three weekends. Crews will mill the surface and install a durable steel-fiber concrete due to ongoing structural issues. Drivers are advised to use alternate routes.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title:

Acknowledgment of Receipt of Certified Copies of Abstract of Votes from the

Special Election of April 21, 2026

Attachments:
BOS06-10-26AbstractOfVotes.pdf

ABSTRACT of REFERENDUM VOTES

Cast in FREDERICK COUNTY, VIRGINIA
at the 2026 April 21 Special held on April 21, 2026 for,

Proposed Constitutional Amendment

Question: Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections, while ensuring Virginia's standard redistricting process resumes for all future redistricting after the 2030 census?

QUESTION RESPONSE	TOTAL VOTES RECEIVED (IN FIGURES)
Total YES votes	12959
Total NO votes	24293
Total Number of Overvotes for Question	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on April 21, 2026, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

Given under our hands this 27th *day of* April, 2026

Mary F. Strenko, Chairman

H C [illegible], Vice Chairman

Mary F. Strenko, Secretary/Acting

Certified True Copy

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Appropriation of Public, Educational, and Governmental (PEG) Funds to Offset Expenses for Updating and Renovating the Board of Supervisors Meeting Room

Attachments:
BOS06-10-26AppropPEG_funds.pdf

COUNTY of FREDERICK

Michael Bollhoefer
County Administrator

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

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator

SUBJECT: Request to appropriate Public, Educational and Governmental (PEG) funds to refurbish Board room

DATE: June 4, 2026

At the May 6th workshop, the BOS agreed to use (PEG) funds (funds received from Comcast franchise agreement to pay for broadcast equipment and facilities) to refurbish the Board room. Staff received an estimate of $10,170 for wallpaper removal & painting and a $26,780 estimate to replace the carpet. The County will have to bid out the work to replace the ceiling tiles; however, the Building Maintenance Manager has estimated the cost to be approximately $30,000.

The total appropriation of PEG funds requested is $66,950.

Attachments: Estimate from The Floor Shop
Estimate from Elite Link LLC

THE FLOOR SHOP
TILES VINYL CARPET
130 FOXRIDGE LANE
WINCHESTER, VA 22603.

Phone (540) 662-0752 FAX (540) 722-6593

PROPOSAL

TO	PHONE	DATE
Frederick County Administration		**05/05/2026**
	JOB NAME / LOCATION: **Board Room, 107 N. Kent ST**	
	JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

Carpet Tile: Tarkett Primary Colors or Shaw Change in Attitude
In the color TBD. To be installed in the Board Room, Storage Closets, Room 1401, Executive Board Room, and Closet. Pricing includes Remove and Dispose existing Carpet, Skim Coat and Prime Floor for Carpet Tile, Patch off edge of the Ramp, Carpet to Tile Reducer, Remove & Reset Pews, Johnsonite Nosing VCD in the color TBD, Johnsonite 4" Base in the color TBD.

Total Pricing $26,779.71

What To Expect

1. **Payment**
- Our term is 20 days.
- To accept the proposal, please sign and return with a 50% deposit.
- If you choose to pay by credit/debit card, please be aware there will be a 2.5% convenience fee.
- The final invoice will be sent based on completion and acceptance of all work, balance due 20 days from invoice.
- Late Fee will be charged Based on Interest of 18% on the outstanding balance due for each month's payment is late.

2. **Timeline**
- The installation date will be scheduled after we have received all the material in our warehouse.
- Estimated arrival and finish times are only a guide. Many circumstances during the day can cause our crews to run ahead or behind schedule.
- We shall in no event be held liable for delay, cancellation, or damage due to unforeseen circumstances.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

dollars ($) .

This Year The Floor Shop Will Donate 5% of All Residential Sales to Henry & William Evans Home For Children
"Giving Back to The Community One Floor @ a Time"

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature *Dee Dee Ricketts*

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. (Past due balances over 30 days will be assessed at 1½% service charge or 18% per annum.) All reasonable attorney fees needed to collect past due balances shall be owed and paid by customer.

Signature _____

Signature _____

Date of Acceptance: _____

THE FLOOR SHOP
TILES VINYL CARPET
130 FOXRIDGE LANE
WINCHESTER, VA 22603.

Phone (540) 662-0752 FAX (540) 722-6593

PROPOSAL

TO	PHONE	DATE
	JOB NAME / LOCATION	
	JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

3. **Material**
- Products made from natural materials (marble, stone, wool, wood, etc.) have natural variations. These natural variations are not defects, and no refund or replacement will be made for natural products that have normal color, texture, and appearance variations.
- Hardwood must be acclimated to normal living conditions (Permanent AC/Heat) 2 days before installation.
- All materials are special order. We do not accept returns and refunds.

4. **Job Site**
- Areas to receive work must have PERMANENT heating and/or air conditioning AND they MUST be maintained at acceptable temperature and humidity levels for warranties to be valid.
- Electrical power must be available at the job site.
- If the job includes moving furniture, we only move furniture (not small pieces such as knick-knacks, electronics, lamps, books, personal effects).
- The customer is responsible for securing all pets prior to the installer's arrival and for the duration of the installation.
- Customer is aware that dust in the air is expected, and Customer has taken precautions, as he/she feels adequate to protect the surrounding area from such dust. The Floor Shop shall not be held responsible for any damage resulting from the dust, The Floor Shop nor shall be responsible for cleaning up such dust.
- Customer is aware of some surface scuffs/ scratches may happen, touch up is the homeowner's responsibility.

5. **Exclusions:**
- We will quote you for any subfloor treatments that appear, however we cannot be held responsible for unforeseen situations. We will stop work until a change order can be approved.
- In the event of a major subfloor issue a licensed contractor must be used.
- We are not responsible for any pet stains and pet smells under existing flooring. We will advise and address at the owner's request.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

dollars ($).

This Year The Floor Shop Will Donate 5% of All Residential Sales to Henry & William Evans Home For Children
"Giving Back to The Community One Floor @ a Time"

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. (Past due balances over 30 days will be assessed at 1½% service charge or 18% per annum.) All reasonable attorney fees needed to collect past due balances shall be owed and paid by customer.

Signature _____

Signature _____

Date of Acceptance: _____

THE FLOOR SHOP
TILES VINYL CARPET
130 FOXRIDGE LANE
WINCHESTER, VA 22603.

Phone (540) 662-0752 FAX (540) 722-6593

PROPOSAL

TO	PHONE	DATE
	JOB NAME / LOCATION	
	JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

- We are not responsible for any Mold issue found under existing flooring. We will advise and address at the owner's request.
- Asbestos: We are not licensed to remove asbestos flooring. Customer must hire an asbestos removal company.
- If removing old Base Board/Shoe mold/Quarter Round it could be brittle and break. If so, we will provide a quote to replace as needed.

6. Warranty

- The Floor Shop offers a 1-year Warranty on flooring installation. This covers defects to materials (covered under manufacture warranty) and the installation itself but requires Customer performs manufactures recommended upkeep to the flooring once it is installed. The guarantee does not cover issues unrelated to defective materials or installations.
- Shark and Dyson vacuum cleaner will void the Carpet manufacture warranty.
- Proper maintenance is essential for best results and warranty service. You can find maintenance instructions for all products at manufacture web page or requests from our team.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

See Above

dollars ($).

This Year The Floor Shop Will Donate 5% of All Residential Sales to Henry & William Evans Home For Children

"Giving Back to The Community One Floor @ a Time"

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. (Past due balances over 30 days will be assessed at 1½% service charge or 18% per annum.) All reasonable attorney fees needed to collect past due balances shall be owed and paid by customer.

Signature _____

Signature _____

Date of Acceptance: _____

Elite Link LLC

11506 Enchanted Woods Way
Fredericksburg, Virginia 22407
(703)342-6848
management@elitelinkteam.com

RECIPIENT:

County of Frederick

107 North Kent Street
Winchester, Virginia 22601
Phone: 5405046545

Estimate #20626

Sent on	May 04, 2026
Total	**$10,170.00**

Product/Service	Description	Qty.	Unit Price
Wallpaper Removal & Interior Painting	1. Remove wallpaper and prep walls: A. Conference room B. Conference room bathroom 2. Courtroom A. Ceilings (drywall only) B. Walls C. Trim: wainscoting, crown molding, trim around panels, outsides of benches, decorative molding *Do not remove wallpaper panels **Sherwin Williams Pro Mar 200 or Sherwin Williams Super Paint to be used	1	$10,170.00

Total **$10,170.00**

This quote is valid for the next 30 days, after which values may be subject to change.
By signing client agrees to the above work done and agrees to the terms and conditions set forth on the link below:
https://elitelinkteam.com/terms-conditions/

Signature: _____ **Date:** _____

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The IT Director requests an FY 2027 General Fund carry forward appropriation not to exceed $55,000. It is anticipated that the BerryDunn software study project that is in process will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required. The Finance Committee recommends approval.

Attachments:
BerryDunn_CarryForward.pdf

COUNTY OF FREDERICK
Information Technologies
(540) 665-5614

M E M O R A N D U M

To: Finance Committee
Sharon Kibler, Director of Finance
Michael Bollhoefer, County Administrator

From: Patrick Fly, Director of Information Technology

Subject: Request for Carry Forward Funds for BerryDunn Software Study Project

Date: May 6, 2026

The Information Technology Department formally requests the carry forward of unspent funds for the BerryDunn software study Project. We request that any remaining balance, not to exceed $55,000, be carried forward into line item 4-10-01220-3002-000-000.

These funds will be used to complete outstanding project items that will extend beyond the end of the current fiscal year. Please let me know if any additional information is needed to support this request.

Thank you for your consideration.

Sincerely,

Patrick Fly

Patrick Fly
County of Frederick
Director of Information Technology

107 North Kent Street, Winchester, Virginia 22601-5039
pfly@fcva.us

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Sheriff requests a $45,106 General Fund supplemental appropriation representing unbudgeted reimbursements received from the DEA for overtime expenses. No local funds required. The Finance Committee recommends approval. The Finance Committee recommends approval.

Attachments:
DEA Reimbursement request.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance
FROM : Sheriff Lenny Millholland
SUBJECT : DEA Federal Reimbursements
DATE : May 6, 2026

Frederick County Sheriff's Office has received reimbursements totaling $36,122.17. The reimbursements are from the DEA from June 2025 – April 4, 2026. This amount has been posted to 3-010-033010-0025.

We have $8,983.80 pending in reimbursements that we are expecting to receive by the end of June. This amount will be posted to 3-010-033010-0025

Total amount $45,105.97

We are requesting the following amount to be appropriated in line item 4-010-031020-1005-000-000 (Overtime)

Thank you.

LWM

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Sheriff requests a $24,399 General Fund supplemental appropriation representing auto insurance claims. No local funds required. The Finance Committee recommends approval.

Attachments:
Sheriff auto claims.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance
FROM : Sheriff Lenny Millholland
DATE : April 28, 2026
SUBJECT : Insurance Reimbursement

The Frederick County Sheriff's Office received reimbursement checks from VACoRP totaling **$24,398.94** related to auto claims. These funds have been posted into **Revenue Line Item 3-010-018990-001 (Miscellaneous)**. The claims and associated amounts are as follows:

- Auto claim dated November 11, 2025 involving vehicle #22-09 - $9,000.28
- Auto claim dated December 16, 2025 involving vehicle #22-05 - $3,407.83
- Auto claims dated March 2, March 4, and March 6 2026 involving vehicles #21-06, #24-29, and #19-19 = $11,990.83

We are requesting that the following appropriation be made from the deposited reimbursement funds to Line Item **31020-3004-000-002 (Motor Vehicles Maintenance)** to support the repairs of the vehicle.

Thank you,
LWM/adc

c.s. 3/10/26
c.s. 3/25/26
c.s. 4/28/26

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Sheriff requests a $1,879 General Fund supplemental appropriation representing donations received for the Honor Guard and the impound lot building. No local funds required. The Finance Committee recommends approval.

Attachments:
Sheriff donations request.pdf

FREDERICK COUNTY SHERIFF'S OFFICE

Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Sharon Kibler Director of Finance

FROM : Sheriff Lenny Millholland

SUBJECT : Appropriation of Funds – Donation

DATE : April 8, 2026

The Frederick County Sheriff's Office has received donations totaling $1,879.00. This amount has been posted to 3-010-018990-0006

We are requesting the following to be appropriated in line item 31020-5409-000-003 (Honor Guard).

- 3/26/26 - $75.00 from Mr. Weir. This amount will go toward supplies for the Honor Guard.

We are requesting the following to be appropriated in line item 31020-8900-000-000 (Improvements other than buildings).

- 3/23/26 – $1,804.00 from Mission BBQ MGMT LLC.

Totaling $1,804.00. This amount will go towards the building at the impound lot.

Thank you,

LWM/adc

c.s. 3/25/26
c.s. 3/27/26

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The WRA Executive Director requests a $475,000 Airport Capital Fund supplemental appropriation representing a grant offer from Go Virginia Regional Council 8. No local funds required. The Finance Committee recommends approval.

Attachments:
Airport GoVA grant.pdf
Airport GoVA grant2.pdf

WINCHESTER REGIONAL AIRPORT
491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

MEMORANDUM

To: Sharon Kibler, Frederick County Finance Director

From: Nick Sabo, Winchester Regional Airport Authority Executive Director

Date: May 5, 2026

RE: Finance Committee Agenda Item | Go Virginia Grant Award

The Winchester Regional Airport Authority (WRAA) anticipates receiving a grant offer from Go Virginia Regional Council 8. The project will fund initiatives that support career and technical education programs at Frederick County Public Schools, in addition to funding support for Winchester Public Schools, Laurel Ridge Community College, and Shenandoah University. No local funds are required.

Expense: 4 - 085 - 081030 - 3002 - 000 - 000, Professional Services – Other, $475,000
Revenue: 3 - 085 - 024040 - 0012, State Reimbursement, $475,000

We sincerely appreciate the support of Frederick County. Please advise if you have questions or need additional information.

5/5/26 per Nick Sabo: this is a reimbursement grant and will span 2 years.

Grant Application Request Form

The Grant Application & Acceptance Policy, adopted by the Board of Supervisors on March 23,2016, outlines the policies for submitting grant applications on behalf of Frederick County and for the acceptance and appropriation of all grant awards. This policy applies to any Frederick County program, department or constitutional office preparing and submitting grant applications to agencies outside the County government for funds, materials or equipment to be received and administered by the County or by an agency for which the County acts as fiscal agent.

Please refer to the policy flow chart on the back of this form to assist in determining the appropriate course of action. The policy in its entirety can be found on the Finance intranet page.

Complete the information below and attach as the cover to all grant applications sent to the County Administrator for approval.

Requesting Department	Winchester Regional Airport				
Name of Grant	Shenandoah Valley Aerospace Workforce Accelerator				
Grantor	Go Virginia Region 8				
Grant deadline for submission	06/30/2026				
Total Amount of Anticipated Award	$ 475,000.00				
Purpose of grant (summary)	Provides funding for CTE programs at FCPS, WPS, and certification programs at Laurel Ridge Community College and Shenandoah University				
Grant approved through budget process? (Yes/No)	No				
Local Match Requirement (Yes/No)	Yes	Amount:	$ 237,500.00		
If yes, Source(s) & amount(s) of local match (fin comm/BOS approval required if match requires a budget amendment)	Federal funds from terminal project and in-kind services				
Other associated costs	All project costs included in above amounts				
Continuing obligation and cost (fin comm/BOS approval required)	No continuing financial obligation after grant closeout				
Addition of Staff and cost (Yes/No) (fin comm/BOS approval required)	No	How many?		Total cost, including fringes:	
Revenue and Expenditure codes & amounts	Expense: 4 - 085 - 081030 - 3002 - 000 - 000, Professional Services – Other, $475,000 Revenue: 3 - 085 - 024040 - 0012, State Reimbursement, $475,000				
Department Contact (name, email, phone)	Nick Sabo, nsabo@flyokv.com, 540-662-2422				
Department Head approval to apply for grant	Digitally signed by Nick Sabo Date: 2026.05.05 14:53:40 -04'00'			Date	05/05/2026
BOS approval date (if applicable)					
Finance review of grant policy compliance				Date	
County Administrator approval to apply for grant				Date	

Notes:

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Parks & Recreation Director requests an FY 2027 General Fund carry forward appropriation in the amount of $2,353,328 for the Abrams Creek Trail and Trailhead Parking projects that will not be complete by June 30, 2026. No additional local funds above the existing appropriation are required. The Finance Committee recommends approval.

Attachments:
Abrams Creek CarryForward.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: FY 26 to FY 27 Carryforward Request; Abrams Creek Trail
Date: May 6, 2026

The Parks and Recreation Department is requesting a fiscal 2026 fund carryforward of $2,353,327.57 in line 4-010-071010-8009-00 to fiscal 2027.

This amount represents remaining FY26 funds for the Abrams Creek Trail and Trailhead Parking. The project is currently out to bid with award anticipated in early FY27.

The current FY26 line balance is: $2,353,327.57.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Parks & Recreation Director requests a $900 General Fund supplemental appropriation representing a donation for a memorial bench at Clearbrook Park. No local funds required. The Finance Committee recommends approval.

Attachments:
CB Memorial Bench.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director Parks and Recreation SH
Subject: Supplemental Appropriation
Date: April 7, 2026

Please transfer $900 from Donation Line 3-010-01899-0003 to Expenditure Line 4-010-071090-5407-000-000 which represents a donation from Robert and Virginia Bonometti who wish to place a memorial bench at Clearbrook Park.

Please contact me should you have any questions, (540)722-8304.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $456,000 to expand the parking area at Clearbrook Park. Funds are available in the Parks Proffer Reserve. The Finance Committee recommends approval.

Attachments:
Proffer Request CB Parking Expansion.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director SH
Subject: Proffer Request: Parking Expansion; Clearbrook Park
Date: May 6, 2026

The Parks and Recreation Commission is requesting $456,000 in proffer funds be used to expand the parking area at Clearbrook Park. The expansion will add an additional 150 spaces to the existing 321 spaces.

The $456,000 request consists of $250,000 proffered by Carmeuse for Stonewall District projects only along with $206,000 in general Parks and Recreation proffer funds to complete the project. The current proffer account balance is $1,150,228.35. The Frederick County Proffer Policy is attached for reference (Attachment 1).

Frederick County
Cash Proffer Policy
As approved by the Board of Supervisors on January 28, 2009.

Proffered funds received by Frederick County will be held for the use specified by the proffer language. In the case of funds proffered to offset impacts to fire and rescue services, in the absence of other proffered specifications, the funds will be earmarked for the first due company in the area of the subject rezoning at the time the proffered funds are received. All proffered funds will be collected, held, and will accumulate until such time as a capital project funding request is received from a qualifying County department, agency, or volunteer fire and rescue company.

Qualifying agency or departmental **requests to access proffered funds shall be submitted to the County=s Finance Department** for processing. In order to qualify as a capital project the following criteria must be met:

1) the item or project must have a minimum value of five thousand dollars ($5,000), and;

2) the item/project must have an anticipated useful life of at least five (5) years.

The Finance Department will forward requests to the Finance Committee for a recommendation to the Board of Supervisors on the appropriateness of the use of proffered funds for the requested purpose. To assist the Finance Committee and Board in their deliberations requests to utilize proffered funds should include the following: 1) the amount of funds requested, 2) the total project cost, 3)a detailed description of the desired capital project or purchase including a discussion of how recent or anticipated development contributes to the need for the expenditure, and, 4) indicate whether or not the item or project is listed on the County=s Capital Improvements Plan (CIP).

In order to comply with State Code ' 15.2-2-2298 (A) the Planning staff, working in conjunction with the County Attorney, will attempt to insure that cash proffers associated with future rezonings are appropriately addressed through inclusion of relevant capital projects in the County=s CIP prior to acceptance of the proffered funds.

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 year 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.)

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of $105,819 for grounds maintenance equipment. Funds are available in the Parks & Recreation Reserve Fund. The Finance Committee recommends approval.

Attachments:
SGEMF Reserve Fund Use FY 26.pdf
Rec Res Fund -SGMEF.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: School Grounds Maintenance Equipment Fund
Date: March 26, 2026

The School Grounds Maintenance Equipment Fund (SGMEF) was established to support the purchase of equipment used to maintain school grounds from revenue received for maintenance of Frederick County Public School grounds.

Annually revenues in excess of budgeted expenditures are transferred to the Reserve Fund Balance for future use. At this time, the Parks and Recreation Department is requesting a transfer of $105,819 from G/L (0-010-00240-2444) into the following lines:

- $21,000 into 4-010-071090-8001-000 for a Riding Field Line Striper
- $9,300 into 4-010-071090-8001-000 for a Gravity Tilt Hauler Trailer
- $2,372 into 4-0101-071090-8001-000 for a Ventrac Power Bucket attachment
- $3,147 into 4-010-071090-8001-000 for a Ventrac Blower attachment
- $35,000 into 4-010-071090-8005 for a 4WD Regular Cab Pick-Up Truck
- $35,000 into 4-010-071100-8005 for a 4WD Regular Cab Pick-Up Truck

Cost estimates are based on quotes received from a supplier. Staff will follow County procurement policy to secure the purchase of the above equipment; any unused funds will be returned to the Parks and Recreation Reserve Fund.

Current Reserve Fund Balance is; $106,466.07.

Please contact me should you have any questions.

RECREATION RESERVE FUND
500.20

PURPOSE:
The Recreation Reserve Fund within the Frederick County Reserve Fund will be used for Frederick County residents who need financial assistance for their children to participate in recreation programs and to assist Frederick County in raising funds to fund capital projects identified in the Frederick County Comprehensive Plan. This fund is not intended to provide funds which can be substituted for traditional tax base funding.

GOAL:
Increase Frederick County youth participation in recreation for those who are unable to afford recreation programs and provide recreation facilities identified in the Frederick County Comprehensive Plan.

POLICY:
There are four types of funds within the Recreation Reserve Fund: Recreation Reserve Fund, Capital Projects Fund, General Park Improvement Fund, and School Grounds Maintenance Equipment Fund.

A. Recreation Assistance Fund:

Funds dedicated for Recreation Assistance will be placed in the Recreation Reserve Fund within Frederick County's Reserve Fund as they are received. Each donation will be noted in a revenue code (10GL-3-010-018990-0027). Donations are non-refundable.
These funds will be utilized for individuals seeking recreation assistance based on their income level according to the Economic Assistance Policy (#500.08). Each time an individual requests assistance, Parks and Recreation staff will apply the standards from Policy #500.08. If the individual is eligible to receive assistance and funds are available, assistance will be provided and accounted for in the department's registration system. Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund's Recreation Assistance Fund at the July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.

B. Capital Project Funds

A capital project fund may be created for any capital project approved by the Frederick County Parks and Recreation Commission and Frederick County Board of Supervisors. Twenty percent of the total project cost must be pledged prior to the establishment and acceptance of donations for a specific capital project fund in a revenue code (10GL-3-010-018990-0027).
The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick County Finance Committee to recommend to the Frederick County Board of Supervisors. The

Frederick County Board of Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

C. General Park Improvement Fund

The general park improvement fund is for donations made to improve existing parks or facilities. Donations may be of any amount, deposited into revenue code (10GL-3-010-018990-0027), and are non-refundable.
The Parks and Recreation Commission will recommend the use of General Park Improvement Funds to the Finance Committee and the Board of Supervisors specifying the particular improvement.

D. School Ground Maintenance Equipment Fund

The school ground maintenance equipment fund is revenues collected from the Frederick County Public School system to purchase equipment used to maintain the school system's grounds. Revenues represent an equipment rate billed to the school system and will be deposited into revenue code (10GL-3-010-019110-0064).

Offsetting expenditures and revenues will be included within the Department's fiscal year budget request to fund future purchases of replacement equipment. At the July Parks and Recreation Commission meeting, staff will request to the Commission to either utilize funds from the Reserve Fund Balance (0-010-000240-2444) to offset expenditures exceeding revenue or to reserve revenues exceeding expenditures. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors.

Auditing/Accountability:
All funds within the Recreation Reserve Fund will be accounted for annually by the Parks and Recreation Department based on the balance provided by the Frederick County Finance Department and the Parks and Recreation Department. This balance and activity will be reported to the Parks and Recreation Commission annually.

Approved: Jan 2024

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Fire & Rescue Chief requests a $11,571 General Fund supplemental appropriation representing funds from the sale of surplus equipment. No local funds required. The Finance Committee recommends approval.

Attachments:
Surplus FireRescue request.pdf

COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Steven A. Majchrzak
Chief

MEMORANDUM

TO: Sharon Kibler, Director
Finance Department

FROM: Steven Majchrzak
Fire and Rescue Department

Date: March 23, 2026

SUBJECT: Surplus Equipment Sales Funds

The department sold the following vehicles and equipment:

- 2006 Chevy Impala on 02/05/2026 for $1,525.00
- 2006 Atlas Trailer on 02/05/2026 for $3,600.00
- 1991 Thomas SH Passenger Buson 01/12/2026 for $1,075.00
- 2013 Chevy Tahoe on 12/22/2025 for $2,721.25
- 2004 Chevy Tahoe on 03/06/2026 for $2,650.00

This is for a total of $11,571.25. The bill of sales is attached. These funds are currently in revenue line item 3-010-015020-0006 (Sale of Salvage & Surplus). We are requesting a supplemental appropriation in the amount of $11,571.25 to be placed in line item 4-010-035050-5413-000-000 for the loose equipment to go on fire engine for station 22.

If you have any questions or need additional information, please feel free to contact me, x6443. Thank you!

c.s. 2/6/26
c.s. 3/10/26
c.s. 4/6/26

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The EMS Billing Manager requests a $564,281 EMS Expense Recovery Fund supplemental appropriation. This amount represents unbudgeted revenues expected to be received through FY 2026 year end. No local funds required. The Finance Committee recommends approval.

Attachments:
Expense Recovery request.pdf

COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Justin A. Shifflett
EMS Billing Manager

The EMS Expense Recovery Fund (Fund 30) budgeted estimated revenue in the amount of $2,738,362 for Fiscal Year 26. Through April 30, 2026, revenue has been collected in the amount of $2,798,008.65.

EMS Recovery Fund (30) is separate from the County's General Fund (10). The County's share of the 50-50 split is 'paid' to the General Fund and recognized as revenue in the General Fund and an expense in the EMS Recovery Fund. Revenue is collected for EMS transports from patient insurance coverage. Budgeted revenue is an estimate. 50-50 split is based on actual transports (revenue received).

EMS Expense Recovery fund zeros out at the end of each fiscal year:
+ All revenue collected
- less: all expenses
- less: mileage for transports paid to fire company
= Remainder split 50-50 between County & fire companies

These totals show a projected revenue surplus of $564,281 over the estimated budget. Since revenues less expenses are split 50-50 between the County and the Volunteer Companies, a supplemental appropriation in the amount of $564,281 is requested. No local funds are required.

FY26 – Fund 30	
Budgeted Revenue	$2,738,362
Total Revenue Received as of 4/30/2026	- 2,798,008
Additional Revenue Expected through 6/30/26	- 504,635
Supplemental Appropriation Request	$564,281

Thank you,

Justin A. Shifflett
EMS Billing Manager

Office: (540) 665-5618 justin.shifflett@fcva.us Fax (540) 678-4739

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: County Officials

Title:

Virginia Cooperative Extension - Introduction of new Agriculture and Natural Resources Agents serving the Northern Shenandoah Valley

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: County Officials

Title: Amendment of Memorandum of Understanding Concerning the Winchester-Frederick County Convention and Visitors Center Bureau (Tourism Board)

Attachments:
BOS06-10-26TourismBd_MOU_Amendment.pdf

COUNTY of FREDERICK

Michael Bollhoefer
County Administrator

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

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator

SUBJECT: Amendment to the MOU with the City of Winchester regarding the Winchester-Frederick County Tourism Board (CVB)

DATE: June 4, 2026

The proposed amendment to MOU with the City of Winchester changes the Fiscal Agent responsibility for the CVB from Winchester City to Frederick County. The Fiscal Agent is responsible for the finance, payroll and some human resource functions for the CVB. The proposed amended MOU also includes language detailing Frederick County's allocation of the 6% Tourism tax.

Attachment: Amended MOU

MEMORANDUM OF UNDERSTANDING

FREDERICK COUNTY AND CITY OF WINCHESTER JOINT AGREEMENT RE: WINCHESTER-FREDERICK COUNTY CONVENTION AND VISITORS' BUREAU

I. PURPOSE

The County of Frederick and the City of Winchester are entering into this Memorandum of Understanding (MOU) to reflect the allocation of membership to the Winchester-Frederick County Tourism Board (Tourism Board) and to establish the funding contribution for the Winchester-Frederick County Convention and Visitors' Bureau (CYB).

This MOU shall supersede all existing agreements effective upon date of adoption.

II. MEMBERSHIP COMPOSITION, APPOINTMENT, AND TERM

The Tourism Board shall consist of 9 voting members. Five of these members shall be appointed by Frederick County. Four members shall be appointed by the City of Winchester.

The Tourism Board shall follow the process for new voting board members as dictated in Article VII of the Tourism Board bylaws. The bylaws detail the voting and non-voting member composition, membership requirements, limits and internal evaluation and recommendation process.

Henceforth, the Tourism Board shall recommend voting members for appointment to either the City or the County based upon which locality is being represented. The current board members and their assigned positions as detailed below are attached in Addendum A.

Public/Non-profit position 1 - County
Public/Non-profit position 2 - City
Public/Non-profit position 3 - County
Public/Non-profit position 4 - City
Private sector lodging position **1** - County
Private sector lodging position 2 - City
Private sector position 1 - County
Private sector position 2 - City
Private sector position 3 - County

As detailed in the Tourism Board's bylaws, candidates shall first be evaluated by the Tourism Board, and then recommended to the appropriate governing body for final appointment.

III. FUNDING

The County's annual contribution to the CVB shall be a function of the County's transient occupancy tax assessment as dictated by the Virginia General Assembly. All County transient occupancy tax receipts received in excess of the base 2%, up to the ~~maximum 5%,~~ 4.25% transient occupancy tax rate shall constitute the County's contribution to the CVB. At the time of this MOU, the County's transient occupancy tax rate is ~~3.5~~ 6%, thus those receipts collected from the ~~additional 1.5~~ 2.25% comprise the County's contribution to the CVB. The County's transient occupancy tax will be allocated as follows: the first 2% will go to the General Fund; the next 2.25% will be allocated to the CVB, the next .75% will be held by the County in a separate account to fund a future tourism related facility or other tourism project, and the final 1% will be allocated to General Fund.

The City's annual contribution to the CVB shall increase or decrease annually based on a formula which compares the City's transient occupancy tax revenue totals from the previous two fiscal years. Beginning with FY23, a percentage change in transient occupancy tax receipts between the previous two fiscal years shall be calculated and applied to the previous year's contribution. For the first year, FY23, the percent change shall be applied to the previously established base contribution to the CVB, which is $150,500.00.

~~The change in the City's annual contribution to the CVB shall be 50% of the amount calculated using the above noted formula until the City's total overall transient occupancy tax revenues exceed $1,000,000.00.~~

IV. FISCAL AGENT

The ~~City of Winchester~~ County shall serve as the fiscal agent for the undertaking(s) covered by this MOU beginning on or about August 1, 2026. The Convention and Visitors' Bureau Board may opt to become its own fiscal agent or use another entity with the approval of the Frederick County Board of Supervisors and the Common Council of the City of Winchester.

V. TERM

The term of this MOU shall be July 1 through June 30 of each fiscal year. Unless otherwise terminated as herein provided, this agreement shall automatically renew and continue in full force and effect from year to year unless terminated by either party in such manner and at such time as hereinafter provided for termination.

VI. TERMINATION

This MOU may be terminated by either party only upon written notice to the other party by certified or registered mail, return receipt requested, at least 90 days prior to the expiration of the initial term or any renewal term; otherwise this MOU shall renew and continue as provided.

Upon termination of this MOU, the parties shall mutually agree as to the disposition of the personal property of the operation and of any jointly owned real property of the operation.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: County Officials

Title: County Administrator's Update on FY 26 Revenues

Attachments:
BOS06-10-26UpdateRevenuesFY26.pdf

COUNTY of FREDERICK

Michael Bollhoefer
County Administrator

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

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator

SUBJECT: Update on the increase in FYE 2026 tax revenues

DATE: June 4, 2026

The tax increase approved by the BOS in FYE 2027 budget increased the real estate property tax and personal property tax revenues for FYE 2026 by approximately nine million dollars. These funds will be rolled over into the fund balance when fiscal year 2026 is closed out (undesignated fund balance that exceeds 20% of General Operating Fund revenues will be rolled over into the Capital Fund). At the May 6th workshop, the BOS discussed possibly using a portion of these funds for other purposes, and staff is seeking direction from the BOS on the use, if any, of these funds.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Winchester Regional Airport Authority

4-year term of Gene Fisher expires 6/30/26.

Mr. Fisher is eligible and willing for reappointment.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Social Services Board - Back Creek District Rep.

4-year term of Kermit Gaither expires 6/30/26.

Mr. Gaither is not eligible for reappointment. See attached application of Juli Ferrell.

Attachments:
BOS06-10-26App_FerrellJuli_Redacted.pdf

Application Form

Profile

Juli
First Name

Ferrell
Last Name

Email Address

7120 Middle Rd
Home Address

Middletown
City

VA
State

22645
Postal Code

Magisterial District:

- [x] Back Creek

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Social Services Board: Submitted

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

- (•) Yes
- ( ) No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

- ( ) Yes
- (•) No

Civic/Community Activities:

- Association of Fundraising Professionals - Member since 2009; Board President (2022-2024); Current board member - Top of Virginia Regional Chamber - Board Member (2023-present) - Public Policy Committee Chair (2023-24 Chamber Leadership Program - Class of 2012) - Virginia Fundraising Institute - conference hospitality committee (2026 to present).

Interests & Experiences

Why are you interested in serving on a board or commission?

I have extensive leadership experience and can contribute quality direction to the Social Services Department. For more than 25 years I've worked with children and teens to help create a positive path for them. I know that DSS has challenges and I would be honored to help resolve some of them.

Additional Information Or Comments You Would Like To Provide:

I believe that the Back Creek District deserves quality representation from an involved leader. I would be humbled to serve in that capacity to support the Board of Supervisors and the Department of Social Services as a proud resident of Frederick County's largest district.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Northwestern Community Services Board

Unexpired 4-year term ending 12/31/29.

See attached application of John Lamanna.

Attachments:
BOS06-10-26App_LamannaJohn.pdf

Application Form

Profile

John
First Name

J
Middle Initial

Lamanna
Last Name

Email Address

215 Union View Ln
Home Address

Winchester
Suite or Apt

Winchester
City

VA
State

22603
Postal Code

Magisterial District:

☑ Gainesboro

Primary Phone

Alternate Phone

retired
Employer

Which Boards would you like to apply for?

Northwestern Community Services Board: Submitted

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

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

Currently serve as Chair of the Frederick County DSS Board of Directors. Currently Chair of the Child Advocacy Center. Current Chair of the of the Nonprofit Alliance. Current Committee Chair of the Human Trafficking Regional Task Force, Awareness/Prevention committee. Immediate Past President of Winchester Rotary Club. Past Chair of the Top of Virginia Regional Chamber. Frederick County School Board member for eighteen years and served as Chair for eight years. Supporter of the Small Business Freedom Alliance and supporting member of the Frederick County Farm Bureau. These experiences have allowed me to understand the importance of welcoming Corporate Business and the value of small businesses as the driving engine of our local community. I have recognized the importance of the services our non-profit agencies provide to our most vulnerable citizens. I am an advocate for quality public education. I recognize the responsibility we have to preserve and protect our rural land and culture inherited to us.

Interests & Experiences

Why are you interested in serving on a board or commission?

The "why" one does anything is more important than the "what" we finally decide to do. I came to Frederick County in 1976 working for Timber Ridge School and worked there for 45 years, serving as CEO for 13 years. It has been these many years in our county that has led to the "why" I wish to serve on the Frederick County Planning Commission. The county is at a crossroads at which it needs to develop a comprehensive, strategic plan which will manage and prepare for growth, while maintaining necessary services and infrastructure in a manageable and cost-effective way,

Question applies to multiple boards

Please Agree with the Following Statement

You agree that you will file a Real Estate Disclosure Statement as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Public Hearings (Non Planning Issues)

Title: Amendment to the Articles of Incorporation of the Frederick-Winchester Service Authority to revise and restate the Amended Articles of Incorporation dated April 13, 1995

Attachments:
BOS06-10-26FWSA_ArticlesOfIncorporationAmendments.pdf

Frederick-Winchester Service Authority

Mailing Address: P.O. Box 43
Winchester, Virginia 22604

Office: 2 N Cameron Street
Winchester, Virginia 22601
(540) 7913-3049

MEMORANDUM

TO: **Frederick County Board of Supervisors**

FROM: **Candice Perkins, FWSA Executive Director**

DATE: **May 28, 2026**

SUBJECT: **Public Hearing - Frederick-Winchester Service Authority Modifications to the Articles of Incorporation**

The Frederick Winchester Service Authority (FWSA) is governed by their Articles of Incorporation which outline the purpose, powers, Board member composition, and auditing provisions for the authority. The articles were originally drafted in 1974 with the creation of the Authority and have been amended numerous times since. The primary amendments previously approved include the removal of water supply provisions, the membership of the Board, and compensation provisions.

FWSA has reviewed the articles to ensure they meet the current needs and operation of the Authority and have proposed changes for consideration. Proposed changes to the articles include:

- The FWSA Board is made up of nine members; the City of Winchester appoints five members and Frederick County appoints three members and the City and County appoint the ninth member jointly. The FWSA has recommended a reduction Board from nine members to five members, two members would be appointed by the City of Winchester, two members by Frederick County, and one jointly appointed member. Two members would initially be appointed for four-year terms and three members for two-year terms with subsequent appointments for four years.
- Updates to the compensation provision to state that the Authority would set compensation and that City/County employees would serve without compensation.
- Revision to the engineering studies and estimates provision.

The FWSA Board discussed these changes at their April 20, 2026 meeting and recommended approval of the amended articles. The City of Winchester held a public hearing for these amendments at their May 26, 2026 meeting and approved the proposed changes. With the review and approval of the proposed changes both entities recommended approval of new board members and term limits.

Requested Action: The FWSA is seeking approval from the Frederick County Board of Supervisors on the requested amendments to the Frederick-Winchester Service Authority's Articles of Incorporation and appointment of the following:

Eric Lawrence (current member), Frederick Water, Term –June 10, 2026-July 1, 2030

Cheryl Whittle (current member), Frederick Water, Term – June 10, 2026-July 1, 2028

Proposed Joint Member - John Willingham (current member and FWSA Board Chairman), Term – June 10, 2026-July 1, 2028

Attachment: FWSA Articles of Incorporation with proposed changes

Articles of Amendment - Draft

CONCURRENT RESOLUTION SIGNIFYING THE INTENTION OF THE COMMON COUNCIL OF THE CITY OF WINCHESTER, VIRGINIA AND THE BOARD OF SUPERVISORS OF FREDERICK COUNTY, VIRGINIA TO AMEND THE ARTICLES OF INCORPORATION OF THE FREDERICK-WINCHESTER SERVICE AUTHORITY

WHEREAS, by Concurrent Resolution of the City of Winchester, Virginia (the "City") and the Board of Supervisors of Frederick County, Virginia (the "County) and a Certificate of Incorporation issued by the State Corporation Commission pursuant to the Virginia Water and Waste Authorities Act (the "Act"), the Frederick-Winchester Service Authority) (the "Authority") was incorporated as a public body politic and corporate in 1974, and subsequently amended from time to time; and

WHEREAS, the City and County desire to further amend and restate the Articles of Incorporation to reduce the number of Board members of the Authority and to modify the compensation provision of the Articles of Incorporation, as more fully set forth hereinafter.

NOWFORE, THEREFORE, BE IT RESOLOVED by the Common Council of the City of Winchester, Virginia and the Board of Supervisors of Frederick County, Virginia, in separate meetings assembled, that the Articles of Incorporation of the Frederick-Winchester Service Authority be amended and restated in the following manner:

a) The name of the Authority is "Frederick-Winchester Service Authority"

b) The term of the Authority shall expire January 1, 2058

c) The names of the ~~incorporating~~ amending and restating political subdivisions are the City of Winchester, Virginia, and Frederick County, Virginia.

d) The purposes for which the Authority is created are:

(1) To acquire, finance, construct, operate and maintain facilities for the abatement of pollution by the treatment of sewage collected from the City and all portions of the County that are not being or will not be served by Frederick County Sanitation Authority, including treatment plants, trunks or interceptors and pumping stations, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by the Authority for their operation, but not including sewage collection facilities.

(2) The Authority may undertake any project in furtherance of the foregoing purposes.

(3) The Authority may contract with the City, the County, or any authority therein created pursuant to the Act to treat sewage delivered to the Authority's facilities upon such terms as the Authority shall determine; provided, however, that any such contract shall include as parties thereto the Authority, the City and the County (or any agency of the County designated for that purpose by its Board of Supervisors). The Authority is expressly prohibited from contracting with any other party desiring service, except upon the written consent of the City and the County (or any agency of the County designated for that purpose by its Board of Supervisors).

(4) The governing bodies of the City of Winchester, Virginia and Frederick County, Virginia have determined that pending completion of necessary engineering studies and estimates, it is not practicable to provide preliminary engineering studies and estimates, it is not practicable to provide preliminary capital costs, proposals for any specific projects to be undertaken by the Authority, and preliminary estimates of initial rates for service of such projects certified by responsible engineers at this time. The governing bodies of the City of Winchester, Virginia and Frederick County, Virginia find that the inclusion of such information is impracticable at this time.

(e) The powers of the Authority shall be exercised by a Board of ~~nine (9)~~ five (5) members, as follows:

(1) ~~Five (5)~~ Two (2) members appointed by the Common Council of the City of Winchester, Virginia with one of said members to service for an initial term of for (4) years and thereafter serve terms of four (4) years, and the second member to service an initial term of two (2) years and thereafter serve terms of four (4) years;

(2) ~~Three (3)~~ Two (2) members appointed by the Board of Supervisors of Frederick County, Virginia, with concurrent approval by the Frederick County Sanitation Authority, d.b.a. Frederick Water, with one of said members to service for an initial term of for (4) years and thereafter serve terms of four (4) years, and the second member to service an initial term of two (2) years and thereafter serve terms of four (4) years;

(3) One member appointed by the concurrent action of the Common Council of the City and of the Board of Supervisors of the County, for an initial term of two (2) years and thereafter to serve terms of four (4) years,

Any member may be removed by the governing body or bodies appointing him or her, without cause. Vacancies shall be filled only for the unexpired term. Members shall hold office until their successors have been appointed and qualified. Members shall be eligible for re-appointment to succeed themselves. ~~Each member of the Authority shall serve without compensation, except that the Chairman elected by the members of Authority Board may be compensated not more than Two~~

~~Thousand, Four Hundred Dollars ($2,400.00) per annum, or such greater amount as may be determined by Resolution of the governing body or bodies which are Members of the Authority.~~ Members of the Board of the Authority shall serve with compensation as shall be fixed from time to time by the Authority. Those members of the Board who are employees of the City, the County or Frederick Water, shall serve without compensation. Members may be reimbursed for actual expenses necessarily incurred in the performance of their duties.

(h) The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the Common Council of the City of Winchester and the Board of Supervisors of Frederick County.

~~(i) Pending completion of necessary engineering studies and estimates, it is not practical to set forth herein preliminary estimates of capital costs and initial rates for services of proposed projects.~~

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Public Hearings (Non Planning Issues)

Title: Action Items for Consideration Following the Public Hearing:

1- Proposed Amendments to the Opequon Wastewater Reclamation Facility Intermunicipal Agreement

FWSA has identified a number of areas that need to be updated to simplify and modernize how the wastewater treatment operations are managed under the agreement. Approval of the revised agreement is requested.

2- Frederick-Winchester Service Authority Board Member Appointments

With the proposed changes to the Articles of Incorporation, the Board is proposed to be reduced to five members – two County, two City, and one joint member. The FWSA Board recommends that the Board of Supervisors appoint the following members to serve on the Board with the specified term limits:
Eric Lawrence (current member), Frederick Water, Term – June 10, 2026-July 1, 2030
Cheryl Whittle (current member), Frederick Water, Term – June 10, 2026-July 1, 2028
Proposed Joint Member - John Willingham (current member and FWSA Board Chairman), Term - June 10, 2026-July 1, 2028

Attachments:
BOS06-10-26FWSA_IntermunicipalAgreementUpdate.pdf
BOS06-10-26FWSA_BoardMembershipUpdate.pdf

Frederick-Winchester Service Authority

Mailing Address: P.O. Box 43
Winchester, Virginia 22604

Office: 2 N Cameron Street
Winchester, Virginia 22601
(540) 7913-3049

MEMORANDUM

TO: **Frederick County Board of Supervisors**

FROM: **Candice Perkins, FWSA Executive Director**

DATE: **May 28, 2026**

SUBJECT: **Frederick-Winchester Service Authority – Proposed Amendments to the Opequon Wastewater Reclamation Facility Intermunicipal Agreement**

The Opequon Water Reclamation Facility Intermunicipal Agreement is the document that outlines the operation of the Opequon Plant and any construction projects and bonds for the plant. This agreement was originally approved in 1983 and amended in 1998 and 2008. Over the past two years the FWSA has been reviewing the document and has identified a number of areas that need to be updated to simplify and modernize how the wastewater treatment operations are managed under the agreement.

The revised agreement includes the following primary provisions:

- Removal of refuse/landfill language
- Addition of language for the document to be reviewed every five years
- Addition of language stating that future wastewater improvements shall be outlined in a Memorandum of Understanding
- Removal of references to Biological Oxygen Demand (BOD). Future charges to Frederick Water and the City for treating wastewater at the OWRF will be based strictly on flow. The current charges are based on a combination of flow and biological strength of the wastewater.
- Wholesale user rates will be eliminated with this change which simplifies the billing process.
- The ownership of the Opequon Water Reclamation Facility (OWRF) will become 50% owned by the City and 50% owned by Frederick Water. To accomplish this, Frederick Water is purchasing excess flow capacity from the City, and the City is purchasing excess biological capacity from Frederick Water.

The FWSA Board discussed these changes at their April 20, 2026 meeting and recommended approval of the amendment Intermunicipal Agreement. Frederick Water Board approved at their April 2026 meeting, and the City of Winchester approved the amendments at their meeting on May 26, 2026.

Requested Action: The FWSA is seeking approval from the Frederick County Board of Supervisors on the requested amendments to the OWRF Intermunicipal Agreement

Frederick-Winchester Service Authority

Attachments:

- Current Approved Intermunicipal Agreement
- Intermunicipal Agreement with proposed changes (strikethrough for deleted text and red for added text)
- Intermunicipal Agreement (Clean)

OPEQUON WATER RECLAMATION FACILITY

INTERMUNICIPAL AGREEMENT

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OPEQUON WATER RECLAMATION FACILITY

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made as of the 16th day of April, 2008, by and between the **CITY OF WINCHESTER, VIRGINIA**, a municipal corporation (the **CITY**), acting by and through its Common Council, the **COUNTY OF FREDERICK, VIRGINIA** (the **COUNTY**), acting by and through its **BOARD OF SUPERVISORS, FREDERICK COUNTY SANITATION AUTHORITY**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended, (the **SANITATION AUTHORITY**) and the **FREDERICK-WINCHESTER SERVICE AUTHORITY**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended (**FREDERICK-WINCHESTER**) provides that:

WHEREAS, the **CITY** formerly owned and operated wastewater treatment facilities which provided wastewater treatment for all of the City and certain outlying areas in the County, and the **SANITATION AUTHORITY** likewise owned and operated wastewater treatment facilities which provided wastewater treatment for certain areas of the County; and

WHEREAS, in the interest of efficient water quality management for the Opequon Creek

drainage basin and other basins within the confines of Frederick County, the **CITY** and the **COUNTY** caused **FREDERICK-WINCHESTER** to be formed by Concurrent Resolution adopted by the County on January 24, 1974 and by the City on February 12, 1974 and by a certificate of incorporation issued by the State Corporation Commission of Virginia on March 8, 1974; and

WHEREAS, the **CITY** and the **COUNTY** subsequently revised the purposes for which **FREDERICK-WINCHESTER** was formed by the passage of Addendum #2 to the Concurrent Resolution on April 12, 1983 and April 13, 1983, respectively; such purposes are to provide the following services:

(1) To acquire, finance, construct, operate and maintain facilities for the abatement of pollution by the treatment of sewage collected from the **CITY** and the **COUNTY**, including treatment plants, trunks or interceptors and pumping stations, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by **FREDERICK-WINCHESTER** for their operation, but not including sewage collection facilities; and

(2) To acquire, finance, construct, operate and maintain garbage and refuse disposal facilities for the **CITY** and the **COUNTY**, including landfills, incineration and other disposal facilities, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by **FREDERICK-WINCHESTER** for their operation, but not including garbage and refuse collection facilities.

WHEREAS, the parties desire to enter into this Agreement to provide for the

construction of such wastewater treatment facilities as are agreed upon from time to time and the financing, operation and maintenance of all such facilities and recognize that this Agreement will be used to facilitate interim financing, and/or the issuance of revenue bonds by **FREDERICK-WINCHESTER** to finance the cost of such construction; and

WHEREAS, the parties heretofore entered into that certain Intermunicipal Agreement dated September 12, 1983, subsequently amended June 22, 1998. This document is a further amendment and constitutes a restatement of the entire agreement as so amended.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties agree as follows:

ARTICLE I

Definitions and Warranties

SECTION 1.1. DEFINITIONS. The following words as used in this Agreement shall have the following meanings:

"Act" shall mean the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended.

"BOD" is the abbreviation for biochemical oxygen demand: the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions; a standard test used in assessing wastewater strength.

"BONDS" shall mean the revenue bonds issued from time to time by **FREDERICK-WINCHESTER** to obtain funds, together with other available funds, to pay a portion of the cost

of the Project and shall include any notes or other obligations issued for such purpose.

"CITY" shall mean the **CITY OF WINCHESTER**, a municipal corporation of the Commonwealth of Virginia, and shall include the Common Council as its governing body.

"COST", when used with respect to the Project, shall have the meaning specified in Section 15.2-5101 of the Act (including the definition of "cost" and "cost of improvements").

"COUNTY" shall mean **FREDERICK COUNTY**, a County of the Commonwealth of Virginia, and shall include the County Board of Supervisors as its governing body.

"POINTS OF DELIVERY" shall mean such points as **FREDERICK-WINCHESTER** may establish from time to time for receipt of wastewater from the **CITY** and the **SANITATION AUTHORITY.**

"POLITICAL SUBDIVISION" shall mean the **CITY**, the **COUNTY** and the **SANITATION AUTHORITY.**

"PROJECT" shall mean the existing Opequon Water Reclamation Facility **(OWRF)** and the facilities to be hereafter constructed in connection therewith by **FREDERICK-WINCHESTER** pursuant to Article III, whether by purchase, lease or otherwise, and the facilities to be provided by **FREDERICK-WINCHESTER** pursuant to Article IV, as the same may from time to time exist.

"FREDERICK-WINCHESTER" shall mean **FREDERICK-WINCHESTER SERVICE AUTHORITY**, a public body politic and corporate and organized and existing under the provisions of the Act.

"SANITATION AUTHORITY" shall mean **FREDERICK COUNTY SANITATION AUTHORITY**, a public body politic and corporate organized and existing under the provisions of the Act.

"TRUSTEE" shall mean the trustee under the resolution or indenture authorizing or securing the Bonds.

SECTION 1.2. REPRESENTATIONS AND WARRANTIES. Each of the parties represents and warrants that it has full power and authority to enter into and perform this Agreement.

ARTICLE II

Term of Agreement

SECTION 2.1. INITIAL TERM. This Agreement shall be in full force and effect from the date of its execution until June 30, 2038; provided, however, that if on such date the Bonds have not been paid or provisions made for their payment, the term of this Agreement shall continue until the Bonds shall have been paid or provisions made for their payment.

SECTION 2.2. CONTINUATION OF AGREEMENT. This Agreement shall continue in effect beyond June 30, 2038 (or such later date as provided above), until terminated by the **CITY**, the **COUNTY**, the **SANITATION AUTHORITY** or **FREDERICK-WINCHESTER**. No such termination shall become effective until two years after written notice thereof shall have been given to each of the other parties hereto.

ARTICLE III

Construction of Facilities

SECTION 3.1. PROJECT. FREDERICK-WINCHESTER will provide the wastewater facilities existing and to be constructed in accordance with this Agreement, as the same may be modified to meet requirements of appropriate regulatory bodies. **FREDERICK-WINCHESTER** may also undertake the provisions of such additional facilities as may be agreed upon from time to time by the **CITY**, the **COUNTY,** the **SANITATION AUTHORITY** and **FREDERICK-WINCHESTER.**

SECTION 3.2. PAYMENT FOR FACILITIES. The obligation of **FREDERICK-WINCHESTER** to provide the facilities described in Section 3.1 is limited to the funds available to it from time to time for such purpose. **FREDERICK-WINCHESTER** shall be under no obligation to provide funds for such purpose except in accordance with Section 4.1.

SECTION 3.3. ADDITIONAL FACILITIES. In the event that the **CITY**, the **COUNTY**, or the **SANITATION AUTHORITY** determines the need for additional wastewater interceptors or treatment facilities that have not been agreed upon by each of the **CITY**, the **COUNTY,** the **SANITATION AUTHORITY** and **FREDERICK-WINCHESTER,** then **FREDERICK-WINCHESTER** shall provide the requested facilities at the sole cost of the **CITY**, the **COUNTY**, or the **SANITATION AUTHORITY** as the case may be.

ARTICLE IV

Obligations of Authority

SECTION 4.1. SALE OF BONDS. FREDERICK-WINCHESTER shall, from time to time, issue and sell Bonds pursuant to the Act in an amount, together with other available funds, which will be sufficient to pay the cost of constructing and placing the initial Project in operation, as well as any subsequent expansions; provided, however, that nothing contained in this Agreement shall require **FREDERICK-WINCHESTER** to issue the Bonds except upon terms deemed reasonable by it.

SECTION 4.2. ACQUISITION AND CONSTRUCTION OF PROJECT. FREDERICK-WINCHESTER shall, as soon as may be practicable and with all reasonable dispatch after the necessary funds are made available to it, acquire, construct and place the initial Project, as well as any subsequent expansions, in operation.

SECTION 4.3. ACCEPTANCE AND TREATMENT OF WASTEWATER. FREDERICK-WINCHESTER shall accept and treat all sewage delivered by the **CITY** and **SANITATION AUTHORITY** at Point of Delivery up to their respective allocated plant capacities as set forth herein, provided the sewage complies with the requirements of the Rules and Regulations from time to time adopted by **FREDERICK-WINCHESTER. FREDERICK-WINCHESTER** shall be under no obligation to treat wastewater delivered by the **CITY** or the **SANITATION AUTHORITY** in excess of their allocated daily plant capacities.

SECTION 4.4. FORMULA FOR ALLOCATION OF CAPACITY. The allocation of the existing and future capacity of the Opequon Water Reclamation Facility shall be measured

in both flow and biological treatment in such proportion as **FREDERICK-WINCHESTER** shall from time to time determine.

SECTION 4.5. EXISTING CAPACITY AND ALLOCATION. The capacity of the Opequon Water Reclamation Facility immediately prior to the amendment of this Agreement is 8.25 million gallons per day **(MGD)** flow capacity and 18,000 pounds per day of biological capacity **(BOD)**. These capacities (hereafter sometimes called "existing capacity") are presently allocated between the **CITY** and the **SANITATION AUTHORITY** in the following manner:

1. The **CITY** is allocated 6.125 MGD of the existing flow capacity and 10,000 pounds per day of BOD.
2. The **SANITATION AUTHORITY** is allocated 2.125 MGD of the existing flow capacity and 8,000 pounds per day of BOD.

SECTION 4.6. FUTURE CAPACITY AND ALLOCATION. Present needs of the **CITY** and the **SANITATION AUTHORITY** require an additional capacity at the Opequon Water Reclamation Facility which has been authorized and is expected to be completed in 2010. The planned expansion is to provide an additional 4.35 MGD of flow capacity and an additional 6,000 pounds per day of BOD. Effective January 1, 2011, or the date that the presently planned expansion and upgrade goes into service, whichever occurs first, the then existing capacity shall be allocated between the **CITY** and the **SANITATION AUTHORITY** in the following manner:

1. The **CITY** shall be allocated 7.125 MGD of the existing flow capacity and 11,000 pounds per day of BOD.

2. The **SANITATION AUTHORITY** shall be allocated 5.475 MGD of the existing flow capacity and 13,000 pounds per day of BOD.

SECTION 4.7. OPERATION OF PROJECT. The **CITY,** by contractual agreement with **FREDERICK-WINCHESTER**, shall operate and maintain the Project in an efficient and economical manner, making all necessary and proper repairs, replacements and renewals, consistent with good business and operating practices for comparable facilities and in accordance with applicable standards of regulatory bodies. Treatment of wastewater shall meet or exceed all applicable standards of regulatory bodies.

SECTION 4.8. ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS. FREDERICK-WINCHESTER shall adopt and enforce such reasonable rules and regulations as may be necessary or desirable to insure the efficient operation and maintenance of its facilities and the compliance with allocable regulations and orders of regulatory bodies.

ARTICLE V

Obligation of Political Subdivisions

SECTION 5.1. FREDERICK-WINCHESTER TO TREAT ALL WASTEWATER. All publicly owned wastewater treatment facilities except septic tank tile field systems owned by the **COUNTY** or the **SANITATION AUTHORITY** shall be operated by **FREDERICK-WINCHESTER** under this Agreement. The **CITY** and the **SANITATION AUTHORITY** shall deliver to **FREDERICK-WINCHESTER** at Points of Delivery all wastewater collected by

them which will drain or can be economically pumped to **FREDERICK-WINCHESTER** and shall not permit or provide for the treatment of wastewater collected by them in any other manner.

SECTION 5.2. LIMITATION ON PLANT CAPACITY. The Political Subdivisions recognize that the capacity of **FREDERICK-WINCHESTER'S** advanced wastewater treatment plant will be regulated by the State Water Control Board and that reallocation of plant capacity may have to be made in order to avoid overloading.

The **CITY** and the **SANITATION AUTHORITY** each covenants and agrees not to exceed its plant capacity as allocated from time to time. The **CITY** and the **SANITATION AUTHORITY** have the primary responsibility for the necessary action to insure that their wastewater flows remain within their allocations.

At such time as **FREDERICK-WINCHESTER** has been advised by the Virginia Department of Environmental Quality **(DEQ)** or the State Water Control Board **(SWCB)** that there is inadequate existing capacity or other conditions of the permit are not met requiring improvement or expansion of its facilities, the **CITY** and/or the **COUNTY**, as the case may be, shall suspend, if necessary, the issuance of permits which allow start of construction of projects in the affected area until capacity is increased by reason of reallocation or it is advised by **FREDERICK-WINCHESTER** that additional wastewater may be delivered to **FREDERICK-WINCHESTER**.

SECTION 5.3. EXCEEDING CAPACITIES. Each Political Subdivision recognizes

that limitations on capacity, both flow and biological, exist at the Opequon Water Reclamation Facility and that the **CITY** and **SANITATION AUTHORITY** are entitled to reserve both existing and future capacities and allocations for their sole use as set forth in Sections 4.4, 4.5 and 4.6 of this Agreement. To insure that the **CITY** and **SANITATION AUTHORITY** remain within those established allocations **FREDERICK-WINCHESTER** shall at the end of each calendar year calculate the actual daily capacity utilization for both BOD loading and Flow for both parties. BOD shall be measured in pounds per day and Flow in units of million gallons per day.

It is also recognized by each entity that reserved capacities are estimates of each entity's anticipated future capacity needs and transfer of ownership and cost responsibility of reserve capacity may be necessary to maintain each party within capacity limits.

Following the annual review of actual utilized daily capacity of the **CITY** and **SANITATION AUTHORITY** the following evaluation shall be undertaken.

1) If the actual daily capacity utilization of the **CITY** and **SANITATION AUTHORITY** is less than their reserved capacities, no modifications to reserve capacity allocations will be necessary, unless agreed upon.

2) If a party exceeds its BOD capacity, the exceeding party shall compensate the other party by the average daily amount (in pounds per day) in excess of reserved capacity multiplied by the Unit Debt Service Costs for BOD reserved capacity. This compensation will not transfer the ownership of the reserved capacity.

3) If a party exceeds its Flow capacity, the exceeding party will compensate the other party by the average daily amount (in gallons per day) in excess of reserved capacity multiplied by the Unit Debt Service Costs for Flow reserved capacity. This compensation will not transfer the ownership of the reserved capacity.

4) If a party exceeds its BOD capacity by more than ten (10) percent of the reserved capacity, the exceeding party may purchase capacity from the other party, provided the other party is willing to sell. The purchasing party shall assume the annual principal and interest payments for the amount of BOD capacity purchased. In addition, the purchasing party shall reimburse the selling party for prior principal and interest payments made to reserve such capacity. This reimbursement shall be in the form of equal annual payments for the remaining years of the Bonds at an interest rate equal to the bond interest rate.

   The purchased capacity shall increase the amount of the reserved capacity of the purchasing party. The reserved capacity for the selling party will decrease by the corresponding amount.

5) If a party exceeds its Flow capacity by more than fifteen (15) percent of the reserved capacity, the exceeding party may purchase capacity from the other party, provided the other party is willing to sell. The purchasing party shall assume the annual principal and interest payments for the

amount of flow capacity purchased. In addition, the purchasing party shall reimburse the selling party for prior principal and interest payments made to reserve such capacity. This reimbursement shall be in the form of equal annual payments for the remaining years of the Bonds at an interest rate equal to the bond interest rate.

The purchased capacity shall increase the amount of the reserved capacity of the purchasing party. The reserved capacity for the selling party will decrease by the corresponding amount.

6) If one party should exceed its reserved capacity for flow and/or BOD as set forth in paragraphs 4 and 5 above and the total utilized capacity of the facility for flow and/or BOD exceeds 80%, then capacity must be either purchased or constructed.

7) The Unit Debt Service Costs for BOD shall be determined by taking all construction costs associated with BOD and BNR capacity and dividing this total by the total construction cost of the Project to determine the percentage of the cost associated with BOD capacity. This percentage shall be used to determine the amount of the annual debt service (principal and interest) that provides for the biological capacity. The unit cost shall be calculated by taking the portion of the annual debt service divided by the units of available capacity created in pounds per day to establish a unit debt service cost for BOD capacity.

8) The Unit Debt Service Costs for Flow capacity shall be determined by taking all construction costs associated with Flow capacity and dividing this total by the total construction cost of the Project to determine the percentage of the cost associated with Flow capacity. This percentage shall be used to determine the amount of the annual debt service (principal and interest) that provides for the hydraulic capacity. The unit cost shall be calculated by taking the portion of the annual debt service divided by the units of available capacity created in gallons per day to establish a unit debt service cost for Flow capacity.

SECTION 5.4. PAYMENT OF CHARGES. The **CITY** and the **SANITATION AUTHORITY** each covenants and agrees to pay promptly when due the charges of **FREDERICK-WINCHESTER** as determined pursuant to Article VI and billed to it from time to time; provided, however, that the **CITY** and the **SANITATION AUTHORITY** shall not be obligated to pay such charges except from revenues received by the **CITY** and the **SANITATION AUTHORITY**, respectively, from the charges to be paid by the users of its sewerage systems and available to them for such purposes, including availability, connection, consumption and service charges or fees and other revenues of such systems. **FREDERICK-WINCHESTER** shall provide the **CITY** and the **SANITATION AUTHORITY** with information as to the minimum charges necessary for their respective required payments.

SECTION 5.5. OBSERVANCE OF REGULATIONS. The Political Subdivisions each covenant and agree to observe all reasonable rules and regulations respecting the use of and

services furnished by the Project in accordance with Section 4.8 or legally required by any other authorized regulatory body.

ARTICLE VI

Rates and Charges

SECTION 6.1. RATES AND CHARGES IN GENERAL. FREDERICK-WINCHESTER shall fix and determine from time to time operational rates and debt service charges. Such operational rates shall be established by **FREDERICK-WINCHESTER** to provide funds, together with other funds that may be available, at all times to pay (a) the cost of operating and maintaining the Project, and (b) reserves for purposes such as replacements and improvements to the Project. Such debt service charges shall be established by **FREDERICK-WINCHESTER** to provide necessary funds, together with other funds that may be available, at all times to pay (a) the principal of, premium, if any, and interest on the Bonds, (b) reserves required by the Bonds and (c) trustee's, administrative, and other fees required by the Bonds. Debt service charges shall be charged to the **CITY** and the **SANITATION AUTHORITY** regardless of whether the Project is completed or operational.

SECTION 6.2. OPERATIONAL RATES AND CHARGES. FREDERICK-WINCHESTER shall fix and determine from time to time a wholesale operational rate for BOD. Such rates shall be established at such levels as shall be necessary to provide funds, together with other funds that may be available, sufficient at all times to pay (a) the cost of operation and maintenance of the Project and (b) provide reserves for purposes such as

replacements and improvements to the Project. The wholesale operational rates shall be designed and calculated so as to recover two-thirds of the necessary funds for the aforesaid purposes from charges for flow and one-third for charges for BOD. **FREDERICK-WINCHESTER** shall charge the **CITY** and the **SANITATION AUTHORITY** the same wholesale rate for flow and the same wholesale rate for BOD.

SECTION 6.3. DETERMINATION OF OPERATIONAL CHARGES. **FREDERICK-WINCHESTER** shall determine operational charges associated with the operations and maintenance of the Project by applying the operational rates determined pursuant to Section 6.2 to the total gallons of wastewater received from the **CITY** and the **SANITATION AUTHORITY**, as obtained by their respective wholesale meter readings, and the BOD received from the **CITY** and the **SANITATION AUTHORITY** as obtained by monthly average of weekly samples.

SECTION 6.4. DETERMINATION OF DEBT SERVICE CHARGES. **FREDERICK-WINCHESTER** shall determine the debt service charges by (1) prorating the annual debt service due on the Bonds, including any deposits to any reserve Funds, on the same basis as the allocation of existing capacity as established in Section 4.5 and (2) prorating additional debt service based on the allocation of flow and biological capacities and their associated capital costs with regard to flow and BOD as established in Section 4.6 as modified by Section 5.3.

SECTION 6.5. RATES CHARGED BY CITY AND SANITATION AUTHORITY TO THEIR RETAIL CUSTOMERS. The **CITY** and the **SANITATION AUTHORITY**

shall establish retail sewer rates; said rates to be independent and at the sole discretion of the **CITY** and the **SANITATION AUTHORITY**. The rates established shall recover charges made by **FREDERICK-WINCHESTER** and capital and operational costs and reserves needed to operate and maintain the respective sewerage collection systems.

The **CITY** agrees that the retail sewer rate established by it shall be the rate charged both **CITY** customers and **COUNTY** customers on the **CITY** sewer system.

SECTION 6.6. PAYMENT OF CHARGES. FREDERICK-WINCHESTER may present charges based on budget estimates, subject to adjustment on the basis of an independent audit at the end of each fiscal year. All charges of **FREDERICK-WINCHESTER** shall be billed and shall be payable upon presentation. In the event the **CITY** or the **SANITATION AUTHORITY** shall fail to make payment in full within thirty (30) days after presentation, interest on such unpaid amounts shall occur at the highest rate of interest payable by **FREDERICK-WINCHESTER** on any of the Bonds then outstanding.

FREDERICK-WINCHESTER shall bill the **CITY** and the **SANITATION AUTHORITY**, and no one else, for the wastewater treated or the charges set forth in this Article VI. The charges to the **CITY** and the **SANITATION AUTHORITY** are several and not joint obligations.

SECTION 6.7. EFFECTIVE DATE OF RATES AND CHARGES. Any revised rates and charges provided for in this amendment shall be effective the first full month following completion of the facilities necessary to provide additional capacity, but in no event later than the

due date of the first payment on debt services to pay for the facilities. Until such time, the existing rates and charges shall remain in effect.

SECTION 6.8. INDUSTRIAL SURCHARGE. Surcharges collected by **FREDERICK-WINCHESTER** from customers of the **CITY** and **SANITATION AUTHORITY** shall reduce the charges determined under Section 6.3 for the respective provider of retail service.

ARTICLE VII

Miscellaneous

SECTION 7.1. AMENDMENTS. It is recognized by the parties hereto that this Agreement will constitute an essential part of the **FREDERICK-WINCHESTER** financing plan and that, after the Bonds are sold, this Agreement cannot be amended, modified, or otherwise altered in any manner that will impair or adversely affect the security afforded hereby for the payment of the principal of, premium, if any, and interest on the Bonds, but that this Agreement can be modified or amended only with the consent of the Political Subdivisions, **FREDERICK-WINCHESTER** and the Trustee given in accordance with the resolution or indenture under which it has been designated.

SECTION 7.2. BOOKS AND RECORDS. FREDERICK-WINCHESTER shall keep proper books and records in accordance with accepted accounting practice which shall be available for inspection at all reasonable times by the Political Subdivisions through their duly authorized agents. **FREDERICK-WINCHESTER** shall cause an annual audit of its books and

records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing bodies of the Political Subdivisions.

SECTION 7.3. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

SECTION 7.4. SEVERABILITY. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision hereof.

SECTION 7.5. COUNTERPARTS. This Agreement shall be executed in several counterparts, any of which shall be regarded for all purposes as one original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and their seals to be affixed and attested by their duly authorized officers, all as of the date first above written.

CITY OF WINCHESTER

(SEAL)

By _____
President of Common Council

_____
Clerk of Council

APPROVED AS TO FORM:

3/31/08
CITY ATTORNEY

COUNTY OF FREDERICK

(SEAL)

By _____
Chairman, Its Board of Supervisors

_____
County Administrator

FREDERICK COUNTY SANITATION AUTHORITY

(SEAL)

By _____
Chairman

_____
Secretary-Treasurer

FREDERICK-WINCHESTER SERVICE AUTHORITY

(SEAL)

By _____
Chairman

_____
Secretary-Treasurer

OPEQUON WATER RECLAMATION FACILITY
INTERMUNICIPAL AGREEMENT

Draft – April 2026

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OPEQUON WATER RECLAMATION FACILITY
INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made as of the _____day of _____2026, by and between the **CITY OF WINCHESTER, VIRGINIA**, a municipal corporation (the **CITY**). acting by and through its Common Council, the **COUNTY OF FREDERICK, VIRGINIA** (the **COUNTY**). acting by and through its **BOARD OF SUPERVISORS, FREDERICK COUNTY SANITATION AUTHORITY (dba Frederick Water)**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended, **FREDERICK WATER** and the **FREDERICK-WINCHESTER SERVICE AUTHORITY(FWSA)**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended (**FWSA**) provides that:

WHEREAS, the **CITY** formerly owned and operated wastewater treatment facilities which provided wastewater treatment for all of the City and certain outlying areas in the County, and **FREDERICK WATER** likewise owned and operated wastewater treatment facilities which provided wastewater treatment for certain areas of the County; and

WHEREAS, in the interest of efficient water quality management for the Opequon Creek drainage basin and other basins within the confines of Frederick County, the **CITY** and the **COUNTY** caused **FWSA** to be formed by Concurrent Resolution adopted by the County on January 24, 1974 and by the City on February 12, 1974 and by a certificate of incorporation issued by the State Corporation Commission of Virginia on March 8, 1974; and

WHEREAS, the **CITY** and the **COUNTY** subsequently revised the purposes for which **FWSA** was formed by the passage of Addendum #2 to the Concurrent Resolution on April 12, 1983 and April 13, 1983, respectively; such purposes are to provide the following services:

(1) To acquire, finance, construct, operate and maintain facilities for the abatement of pollution by the treatment of sewage collected from the **CITY** and the **COUNTY**, including treatment plants, trunks or interceptors and pumping stations, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by **FWSA** for their operation, but not including sewage collection facilities; and

~~(2) To acquire, finance, construct, operate and maintain garbage and refuse disposal facilities for the **CITY** and the **COUNTY**, including landfills, incineration and other disposal facilities, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by **FREDERICK WINCHESTER** for their operation, but not including garbage and refuse collection facilities.~~

WHEREAS, the parties desire to enter into this Agreement to provide for the construction of such wastewater treatment facilities as are agreed upon from time to time and the financing, operation and maintenance of all such facilities and recognize that this Agreement will be used to facilitate interim financing, and/or the issuance of revenue bonds by **FWSA** to finance the cost of such construction; and

WHEREAS, the parties heretofore entered into that certain Intermunicipal Agreement dated September 12, 1983, subsequently amended June 22, 1998, **and April 16, 2008.** This document is a further amendment and constitutes a restatement of the entire agreement as so amended

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties agree as follows:

ARTICLE I
Definitions and Warranties

SECTION 1.1. DEFINITIONS. The following words as used in this Agreement shall have the following meanings:

"Act" shall mean the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended.

~~**"BOD"** is the abbreviation for biochemical oxygen demand: the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions; a standard test used in assessing wastewater strength.~~

"BONDS" shall mean the revenue bonds issued from time to time by **FWSA** to obtain funds, together with other available funds, to pay a portion of the cost of the Project and shall include any notes or other obligations issued for such purpose.

"CITY" shall mean the **CITY OF WINCHESTER**, a municipal corporation of the Commonwealth of Virginia, and shall include the Common Council as its governing body.

"COST", when used with respect to the Project, shall have the meaning specified in Section 15.2-5101 of the Act (including the definition of "cost" and "cost of improvements").

"COUNTY" shall mean **FREDERICK COUNTY**, a County of the Commonwealth of Virginia, and shall include the County Board of Supervisors as its governing body.

"POINTS OF DELIVERY" shall mean such points as **FWSA** may establish from time to time for receipt of wastewater from the **CITY** and **FREDERICK WATER**.

"POLITICAL SUBDIVISION" shall mean the **CITY**, the **COUNTY**, **FREDERICK WATER** and ~~the~~ **FWSA**.

"PROJECT" shall mean the existing Opequon Water Reclamation Facility (**OWRF**) and the facilities to be hereafter constructed in connection therewith by **FWSA** pursuant to Article III, whether by purchase, lease or otherwise, and the facilities to be provided by **FWSA** pursuant to Article IV, as the same may from time to time exist.

"FWSA" shall mean **FREDERICK-WINCHESTER SERVICE AUTHORITY**, a public body politic and corporate and organized and existing under the provisions of the Act.

"FREDERICK WATER" shall mean the **FREDERICK COUNTY SANITATION AUTHORITY**, a public body politic and corporate organized and existing under the provisions of the Act.

"TRUSTEE" shall mean the trustee under the resolution or indenture authorizing or securing the Bonds.

SECTION 1.2. REPRESENTATIONS AND WARRANTIES. Each of the parties represents and warrants that it has full power and authority to enter into and perform this Agreement.

ARTICLE II
Term of Agreement

SECTION 2.1. INITIAL TERM. This Agreement shall be in full force and effect from the date of its execution until June 30, 2038 provided, however, that if on such date the Bonds have not been paid or provisions made for their payment, the term of this Agreement shall continue until the Bonds shall have been paid or provisions made for their payment.

SECTION 2.2. CONTINUATION OF AGREEMENT. This Agreement shall continue in effect beyond June 30, 2038 (or such later date as provided above), until terminated by the **CITY**, the **COUNTY**, **FREDERICK WATER** or **FWSA**. No such

termination shall become effective until two years after written notice thereof shall have been given to each of the other parties hereto.

SECTION 2.3. REVIEW OF AGREEMENT. The agreement shall be reviewed by the **CITY**, **FREDERICK WATER** and **FWSA** every five years from the date of this amendment.

ARTICLE III

Construction of Facilities

SECTION 3.1. PROJECT. **FWSA** will provide the wastewater facilities existing and to be constructed in accordance with this Agreement, as the same may be modified to meet requirements of appropriate regulatory bodies. **FWSA** may also undertake the provisions of such additional facilities as may be agreed upon from time to time by the **CITY**, ~~the **COUNTY**~~, **FREDERICK WATER** and **FWSA**.

SECTION 3.2. PAYMENT FOR FACILITIES. The obligation of ~~**FREDERICK- WINCHESTER**~~ **FWSA** to provide the facilities described in Section 3.1 is limited to the funds available to it from time to time for such purpose. **FWSA** shall be under no obligation to provide funds for such purpose except in accordance with Section 4.1.

SECTION 3.3. ADDITIONAL FACILITIES. In the event that the **CITY**~~, the **COUNTY**~~, or **FREDERICK WATER** determines the need for additional wastewater interceptors or treatment facilities that have not been agreed upon by each of the **CITY,** ~~the **COUNTY,**~~ **FREDERICK WATER** and **FWSA**, then **FWSA** shall provide the requested facilities at the sole cost of the **CITY**, ~~the **COUNTY,**~~ or **FREDERICK WATER** as the case may be.

Any future additional wastewater interceptors, treatment facilities, and facility upgrades that have been agreed upon by the **CITY, FREDERICK WATER and FWSA** shall be outlined in a Memorandum of Understanding.

ARTICLE IV

Obligations of Authority

SECTION 4.1. SALE OF BONDS. **FWSA** shall, from time to time, issue and sell Bonds pursuant to the Act in an amount, together with other available funds, which

will be sufficient to pay the cost of constructing and placing the initial Project in operation, as well as any subsequent expansions; provided, however, that nothing contained in this Agreement shall require **FWSA** to issue the Bonds except upon terms deemed reasonable by it.

SECTION 4.2. ACQUISITION AND CONSTRUCTION OF PROJECT. **FWSA** shall, as soon as may be practicable and with all reasonable dispatch after the necessary funds are made available to it, acquire, construct and place the initial Project, as well as any subsequent expansions, in operation.

SECTION 4.3. ACCEPTANCE AND TREATMENT OF WASTE WATER. **FWSA** shall accept and treat all sewage delivered by the **CITY** and **FREDERICK WATER** at Point of Delivery ~~up to their respective allocated plant capacities as set forth herein~~, provided the sewage complies with the requirements of the Rules and Regulations ~~from time to time~~ adopted by **FWSA**. **FWSA** shall be under no obligation to treat wastewater delivered by the **CITY** or **FREDERICK WATER** in excess of ~~their allocated daily~~ **the total** plant capacities.

~~**SECTION 4.4. FORMULA FOR ALLOCATION OF CAPACITY.** The allocation of the existing and future capacity of the Opequon Water Reclamation Facility shall be measured in both flow and biological treatment in such proportion as **FWSA** shall from time to time determine.~~

SECTION 4.4. ~~EXISTING~~ PREVIOUS CAPACITY AND ALLOCATION. The capacity of the Opequon Water Reclamation Facility ~~immediately prior to the amendment~~ prior to 2011 was ~~of this Agreement is~~ 8.25 million gallons per day (MGD) flow capacity ~~and 18,000 pounds per day of biological capacity (BOD)~~. The capacities (hereafter ~~sometimes~~ called "~~existing~~ previous capacity") ~~are presently~~ were allocated between the **CITY** and **FREDERICK WATER** in the following manner:

1. The **CITY** was allocated 6.125 MGD of the existing flow capacity ~~and 10,000 pounds per day of BOD~~

2. **FREDERICK WATER** was allocated 2.125 MGD of the existing flow capacity ~~and 8,000 pounds per day of BOD~~

SECTION 4.5. ~~FUTURE~~ EXISTING CAPACITY ~~AND ALLOCATION~~. ~~Present needs of the **CITY** and **SANITATION AUTHORITY** require an additional capacity at the Opequon Water Reclamation Facility which has been authorized and is expected to be completed in 2010. The planned expansion is to provide an additional 4.35 MGD of flow capacity and an additional 6,000 rounds per day of BOD. Effective January 1, 2011, or the date that the presently planned expansion and upgrade goes into service, whichever occurs first, the then existing capacity shall be allocated between the **CITY** and the **SANITATION AUTHORITY** in the following manner:~~ The existing capacity of the Opequon Water Reclamation Facility is 12.6 million gallons per day (MGD) flow capacity.

~~1. The **CITY** shall be allocated 7.125 MGD of the existing flow capacity and 11,000 pounds per day of BOD~~

~~2. **FREDERICK WATER** shall be allocated 5.475 MGD of the existing flow capacity and 13,000 pounds per day of BOD~~

The existing Flow capacity shall be divided between the **CITY** and **FREDERICK WATER;** all amounts paid by each entity identified as reserved capacity in the 2008 agreement shall be recalculated and each entity shall pay or reimburse their applicable monetary amount to achieve equal capacity ownership. All future operational billing will be based on the monthly flow usage for each entity.

SECTION 4.6. OPERATION OF PROJECT. The **CITY**, by contractual agreement with **FWSA**, shall operate and maintain the Project in an efficient and economical manner, making all necessary and proper repairs, replacements and renewals, consistent with good business and operating practices for comparable facilities and in accordance with applicable standards of regulatory bodies. Treatment of wastewater shall meet or exceed all applicable standards of regulatory bodies.

SECTION 4.7. ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS. **FWSA** shall adopt and enforce such reasonable rules and regulations as may be necessary or desirable to ensure the efficient operation and maintenance of its facilities and the compliance with allocable regulations and orders of regulatory bodies.

ARTICLE V

Obligation of Political Subdivisions

SECTION 5.1. FWSA TO TREAT ALL WASTEWATER. All publicly owned wastewater treatment facilities ~~except septic tank tile field systems~~ owned by ~~the~~ ~~**COUNTY or**~~ **FREDERICK WATER** shall be operated by **FWSA,** or it's agent, under this Agreement. The **CITY** and **FREDERICK WATER** shall deliver **FWSA** at Points of Delivery all wastewater collected by them which will drain or can be economically pumped to **FWSA** ~~and shall not permit or provide for the treatment of wastewater collected by them in any other manner.~~

SECTION 5.2. LIMITATION ON PLANT CAPACITY. The Political Subdivisions recognize that the capacity of **FWSA's** advanced wastewater treatment plant will be regulated by the State Water Control Board and that reallocation of plant capacity may have to be made in order to avoid overloading.

The **CITY** and **FREDERICK WATER** each covenants and agrees not to exceed ~~its~~ plant capacity ~~as allocated from time to time~~. The **CITY** and **FREDERICK WATER** have the primary responsibility for the necessary action to ensure that their wastewater flows do not exceed the plant capacity ~~remain within their allocations~~.

At such time as **FWSA** has been advised by the Virginia Department of Environmental Quality (**DEQ**) or the State Water Control Board (**SWCB**) that there is inadequate existing capacity or other conditions of the permit are not met requiring improvement or expansion of its facilities, the **CITY** and/or the **FREDERICK WATER** ~~**COUNTY**~~, as the case may be, shall suspend, if necessary, the issuance of permits which allow start of construction of projects in the affected area until capacity is increased by reason of reallocation or it is advised by **FWSA** that additional wastewater may be delivered to **FWSA**.

~~**SECTION 5.3. EXCEEDING CAPACITIES**. Each Political Subdivision recognizes that limitations on capacity, both for flow and biological, exist at the Opequon Water Reclamation Facility and that the **CITY** and **FREDERICK WATER** are entitled~~

~~to reserve both existing and future capacities and allocations for their sole use as set forth in Sections 4.4, 4.5 and 4.6 of this Agreement. To ensure that the **CITY** and **FREDERICK WATER** remain within those established allocations **FWSA** shall at the end of each calendar year calculate the actual daily capacity utilization for both BOD loading and Flow for both parties. BOD shall be measured in pounds per day and Flow in units of million gallons per day.~~

~~It is also recognized by each entity that reserved capacities are estimates of each entity's anticipated future capacity needs and transfer of ownership and cost responsibility of reserve capacity may be necessary to maintain each party within capacity limits.~~

~~Following the annual review of actual utilized daily capacity of the **CITY** and **FREDERICK WATER** the following evaluation shall be undertaken.~~

~~1) If the actual daily capacity utilization of the **CITY** and **FREDERICK WATER** is less than their reserved capacities, no modifications to reserve capacity allocations will be necessary, unless agreed upon.~~

~~2) If a party exceeds its BOD capacity, the exceeding party shall compensate the other party by the average daily amount (in pounds per day) in excess of reserved capacity multiplied by the Unit Debt Service Costs for BOD reserved capacity. This compensation will not transfer the ownership of the reserved capacity.~~

~~3) If a party exceeds its Flow capacity, the exceeding party will compensate the other party by the average daily amount (in gallons per day) in excess of reserved capacity multiplied by the Unit Debt Service Costs for Flow reserved capacity. This compensation will not transfer the ownership of the reserved capacity.~~

~~4) If a party exceeds its BOD capacity by more than ten (10) percent of the reserved capacity, the exceeding party may purchase capacity from the other party, provided the other party is willing to sell. The purchasing party shall assume the annual principal and interest payments for the amount of BOD capacity purchased. In addition, the purchasing party shall reimburse the selling party for prior principal and interest payments made to reserve such capacity. This reimbursement shall be in the form of~~

~~equal annual payments for the remaining years of the Bonds at an interest rate equal to the bond interest rate.~~

~~The purchased capacity shall increase the amount of the reserved capacity of the purchasing party. The reserved capacity for the selling party will decrease by the corresponding amount.~~

~~5) If a party exceeds its Flow capacity by more than fifteen (15) percent of the reserved capacity, the exceeding party may purchase capacity from the other party, provided the other party is willing to sell. The purchasing party shall assume the annual principal and interest payments for the amount of flow capacity purchased. In addition, the purchasing party shall reimburse the selling party for prior principal and interest payments made to reserve such capacity. This reimbursement shall be in the form of equal annual payments for the remaining years of the Bonds at an interest rate equal to the bond interest rate.~~

~~The purchased capacity shall increase the amount of the reserved capacity of the purchasing party. The reserved capacity for the selling party will decrease by the corresponding amount.~~

~~6) If one party should exceed its reserved capacity for flow and/or BOD as set forth in paragraphs 4 and 5 above and the total utilized capacity of the facility for flow and/or BOD exceeds 80%, then capacity must be either purchased or constructed.~~

~~7) The Unit Debt Service Costs for BOD shall be determined by taking all construction costs associated with BOD and BNR capacity and dividing this total by the total construction cost of the Project to determine the percentage of the cost associated with BOD capacity. This percentage shall be used to determine the amount of the annual debt service (principal and interest) that provides for the biological capacity. The unit cost shall be calculated by taking the portion of the annual debt service divided by the units of available capacity created in pounds per day to establish a unit debt service cost for BOD capacity.~~

~~The Unit Debt Service Costs for Flow capacity shall be determined by taking all construction costs associated with Flow capacity and dividing this total by the total~~

~~construction cost of the Project to determine the percentage of the cost associated with Flow capacity. This percentage shall be used to determine the amount of the annual debt service (principal and interest) that provides for the hydraulic capacity. The unit cost shall be calculated by taking the portion of the annual debt service divided by the units of available capacity created in gallons per day to establish a unit debt service cost for Flow capacity.~~

SECTION 5.3. PAYMENT OF CHARGES. The **CITY** and **FREDERICK WATER** each covenants and agrees to pay promptly when due the charges of **FWSA** as determined pursuant to Article VI and billed to it from time to time; provided, however, that the **CITY** and **FREDERICK WATER** shall not be obligated to pay such charges except from revenues received by the **CITY** and **FREDERICK WATER**, respectively, from the charges to be paid by the users of its sewerage systems and available to them for such purposes, including availability, connection, consumption and service charges or fees and other revenues of such systems. **FWSA** shall provide the **CITY** and **FREDERICK WATER** with information as to the minimum charges necessary for their respective required payments.

SECTION 5.4. OBSERVANCE OF REGULATIONS. The Political Subdivisions each covenant and agree to observe all reasonable rules and regulations respecting the use of and services furnished by the Project in accordance with Section 4.7 or legally required by any other authorized regulatory body.

ARTICLE VI

~~Rates and Charges~~ Operational and Debt Service Charges

SECTION 6.1. ~~RATES AND~~ OPERATIONAL AND DEBT SERVICE CHARGES IN GENERAL. FWSA shall set operational and debt service charges annually. ~~fix and determine from time to time operational rates and debt service charges.~~ Such operational ~~rates~~ charges shall be established by **FWSA** to provide funds, together with other funds that may be available, at all times to pay (a) the cost of operating and maintaining the Project, and (b) reserves for purposes such as replacements and improvements to the Project. Such debt service charges shall be established by **FWSA** to provide necessary funds, together with other funds that may be a at all times to pay (a)

the principal of, premium, if any, and interest on the Bonds, (b) reserves required by the Bonds and (c) trustee's, administrative, and other fees required by the Bonds. Debt service charges shall be charged to the **CITY** and **FREDERICK WATER** regardless of whether the Project is completed or operational. The operational rates shall be calculated as to recover the necessary funds for aforesaid purposes from charges for flow use for each entity as calculated over a twelve-month period.

~~**SECTION 6.2. OPERATIONAL RATES AND CHARGES. FWSA** shall fix and determine from time to time a wholesale operational rate for BOD. Such rates shall be established at such levels as shall be necessary to provide funds, together with other funds that may be available, sufficient at all times to pay (a) the cost of operation and maintenance of the Project and (b) provide reserves for purposes such as replacements and improvements to the Project. The wholesale operational rates shall be designed and calculated so as to recover two-thirds of the necessary funds for the aforesaid purposes from charges for flow and one-third for charges for BOD. **FWSA** shall charge the **CITY** and **FREDERICK WATER** the same wholesale rate for flow and the same wholesale rate for BOD.~~

SECTION 6.2. DETERMINATION OF OPERATIONAL CHARGES. **FWSA** as part of the fiscal year budget shall prepare an annual estimate of the Operational Costs expected to be incurred during the following year, and the estimated share of these costs for **FREDERICK WATER** and the **CITY**. The operational costs for billing shall be based on the operational costs identified in the FWSA budget divided by the projected monthly billing flow for each entity.

Quarterly, the actual flow percentage utilized by each entity shall be determined, and any overpayments or underpayments shall be prorated to the **CITY** and **FREDERICK WATER**-with the next subsequent monthly payment.

~~shall determine operational charges associated with the operations and maintenance of the Project by applying the operational rates determined pursuant to Section 6.2 to the total gallons of wastewater received from the **CITY** and **FREDERICK WATER** as obtained by their respective wholesale meter readings, and the BOD~~

~~received from the **CITY** and **FREDERICK WATER** as obtained by monthly average of weekly samples.~~

SECTION 6.3. DETERMINATION OF DEBT SERVICE CHARGES. FWSA shall determine the debt service charges by (1) prorating the annual debt service due on the Bonds, including any deposits to any reserve Funds. The Debt Service Costs shall be determined by taking all construction costs associated with the Project to determine the amount of the annual debt service (principal and interest) and dividing those costs between **FREDERICK WATER** and the **CITY (See Exhibits A and B)**. ~~, on the same basis as the allocation of existing capacity as established in Section 4.5 and (2) prorating additional debt service based on the allocation of flow and biological capacities and their associated capital costs with regard to flow and BOD as established in Section 4.6 as modified by Section 5.3.~~

SECTION 6.4. RATES CHARGED BY CITY AND FREDERICK WATER TO THEIR RETAIL CUSTOMERS. The **CITY** and **FREDERICK WATER** shall establish retail sewer rates; said rates to be independent and at the sole discretion of the **CITY** and **FREDERICK WATER**. The rates established shall recover charges made by **FWSA** and capital and operational costs and reserves needed to operate and maintain the respective sewerage collection systems.

The **CITY** agrees that the retail sewer rate established by it shall be the rate charged both **CITY** customers and **COUNTY** customers on the **CITY** sewer system.

SECTION 6.5. PAYMENT OF CHARGES. FWSA may present charges based on budget estimates, subject to adjustment on the basis of an independent audit at the end of each fiscal year. All charges of **FWSA** shall be billed and shall be payable upon presentation. In the event the **CITY** or **FREDERICK WATER** shall fail to make payment in full within thirty (30) days after presentation, interest on such unpaid amounts shall occur at the highest rate of interest payable by **FWSA** on any of the Bonds then outstanding.

FWSA shall bill the **CITY** and **FREDERICK WATER**, and no one else, for the wastewater treated or the charges set forth in this Article VI. The charges to the **CITY** and **FREDERICK WATER** are several and not joint obligations.

SECTION 6.6. EFFECTIVE DATE OF ~~RATES AND~~ CHARGES. Any revised ~~rates and~~ charges provided for in this amendment shall be effective the first full month following completion of the facilities necessary to provide additional capacity, but in no event later than the due date of the first payment on debt services to pay for the facilities. Until such time, the existing ~~rates and~~ charges shall remain in effect.

SECTION 6.7. INDUSTRIAL SURCHARGE. Surcharges collected by **FWSA** from customers of the **CITY** and **FREDERICK WATER** shall ~~reduce the charges determined under Section 6.3 for the respective provider of retail service~~.be included in operational budget revenue utilized to determine the estimated yearly budget.

ARTICLE 'VII
Miscellaneous

SECTION 7.1. AMENDMENTS. It is recognized by the parties hereto that this Agreement will constitute an essential part of the **FWSA** financing plan and that, after the Bonds are sold, this Agreement cannot be amended, modified, or otherwise altered in any manner that will impair or adversely affect the security afforded hereby for the payment of the principal of, premium, if any, and interest on the Bonds, but that this Agreement can be modified or amended only with the consent of the Political Subdivisions, **FWSA** and the Trustee given in accordance with the resolution or indenture under which it has been designated.

SECTION 7.2. BOOKS AND RECORDS. **FWSA** shall keep proper books and records in accordance with accepted accounting practice which shall be available for inspection at all reasonable times by the Political Subdivisions through their duly authorized agents. **FWSA** shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing bodies of the Political Subdivisions.

SECTION 7.3. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

SECTION 7.4. SEVERABILITY. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision hereof.

SECTION 7.5. COUNTERPARTS. This Agreement shall be executed in several counterparts, any of which shall be regarded for all purposes as one original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and their seals to be affixed and attested by their duly authorized officers, all as of the date first above written.

CITY OF WINCHESTER

(SEAL)

By_____
President of Common Council

_____
Clerk of Council

COUNTY OF FREDERICK

(SEAL)

By_____
Chairman, Its Board of Supervisors

_____
County Administrator

FREDERICK WATER

(SEAL)

By_____
Chairman

_____
Secretary-Treasurer

FREDERICK-WINCHESTER SERVICE AUTHORITY

(SEAL)

By_____
Chairman

_____
Secretary-Treasurer

EXHIBIT A

Frederick-Winchester Service Authority
Proposal for Equalizing Capacity in OWRF
Between the City and Frederick Water

1. Frederick Water will pay $2,039,469 in additional capital improvement costs from the expansion and upgrade project completed in 2008-2009. See Attachment A.

2. To date, the City has already paid 54.04% of this $2,039,469, which is $1,102,129. See Attachment B. ($2,039,469*.5404 = $1,102,129)

a. To reimburse the City this amount, Frederick Water will pay an additional $84,779.15 in principal payments over the next 13 years until the debt service is paid off for this project (City's principal payments will be reduced this same amount).

$1,102,129/13 years = $84,779.15 per year

3. The remaining balance of the $2,039,469, or $937,340, will be paid for by adjusting the split of the debt service payments as follows – see Attachment C. ($2,039,460-$1,102,129 = $937,340)

Entity	Current Split	New Split
City of Winchester	36.1%	30.9%
Frederick Water	63.9%	69.1%

EXIBIT B

Proposed Debt Service Schedule to Achieve 50-50 Ownership

		Series 2009						
Bond Year (6/30/XX)		Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
			30.90%	69.10%		30.90%	69.10%	
2027		$ 1,164,379.21	$ 359,793.18	$ 804,586.03	$ 100,456.23	$ 31,040.98	$ 69,415.25	$ 1,264,835.44
2028		$ 1,184,845.00	$ 366,117.11	$ 818,727.90	$ 79,990.44	$ 24,717.05	$ 55,273.39	$ 1,264,835.44
2029		$ 1,205,670.49	$ 372,552.18	$ 833,118.31	$ 59,164.95	$ 18,281.97	$ 40,882.98	$ 1,264,835.44
2030		$ 1,226,862.04	$ 379,100.37	$ 847,761.67	$ 37,973.40	$ 11,733.78	$ 26,239.62	$ 1,264,835.44
2031		$ 1,248,426.15	$ 385,763.68	$ 862,662.47	$ 16,409.38	$ 5,070.50	$ 11,338.88	$ 1,264,835.53
2032		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2033		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2034		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2035		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2036		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2037		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2038		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2039		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2040		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2041		$ -	$ -	$ -	$ -	$ -	$ -	$ -
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2044		$ -	$ -	$ -	$ -	$ -	$ -	$ -
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Total		$ 6,030,182.89	$ 1,863,326.51	$ 4,166,856.38	$ 293,994.40	$ 90,844.27	$ 203,150.13	$ 6,324,177.29

Series 2015A

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%	
$ 705,000.00	$ 217,845.00	$ 487,155.00	$ 179,390.63	$ 55,431.70	$ 123,958.93	$ 884,390.63
$ 735,000.00	$ 227,115.00	$ 507,885.00	$ 149,840.63	$ 46,300.75	$ 103,539.88	$ 884,840.63
$ 760,000.00	$ 234,840.00	$ 525,160.00	$ 118,881.26	$ 36,734.31	$ 82,146.95	$ 878,881.26
$ 795,000.00	$ 245,655.00	$ 549,345.00	$ 86,337.51	$ 26,678.29	$ 59,659.22	$ 881,337.51
$ 820,000.00	$ 253,380.00	$ 566,620.00	$ 59,278.13	$ 18,316.94	$ 40,961.19	$ 879,278.13
$ 845,000.00	$ 261,105.00	$ 583,895.00	$ 30,709.38	$ 9,489.20	$ 21,220.18	$ 875,709.38
$ -	$ -	$ -	$ 16,131.26	$ 4,984.56	$ 11,146.70	$ 16,131.26
$ 445,000.00	$ 137,505.00	$ 307,495.00	$ 8,065.63	$ 2,492.28	$ 5,573.35	$ 453,065.63
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$ 5,105,000.00	$ 1,577,445.00	$ 3,527,555.00	$ 648,634.43	$ 200,428.04	$ 448,206.39	$ 5,753,634.43

Series 2016B

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Admin Fee	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%		30.90%	69.10%	
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 128,118.76	$ 39,588.70	$ 88,530.06	$ 4,568.75	$ 1,411.74	$ 3,157.01	$ 142,687.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 127,693.76	$ 39,457.37	$ 88,236.39	$ 4,556.25	$ 1,407.88	$ 3,148.37	$ 142,250.01
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 127,293.76	$ 39,333.77	$ 87,959.99	$ 4,543.75	$ 1,404.02	$ 3,139.73	$ 141,837.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,943.76	$ 39,225.62	$ 87,718.14	$ 4,531.25	$ 1,400.16	$ 3,131.09	$ 141,475.01
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,568.76	$ 39,109.75	$ 87,459.01	$ 4,518.75	$ 1,396.29	$ 3,122.46	$ 141,087.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,168.76	$ 38,986.15	$ 87,182.61	$ 4,506.25	$ 1,392.43	$ 3,113.82	$ 140,675.01
$ 465,000.00	$ 143,685.00	$ 321,315.00	$ 117,887.51	$ 36,427.24	$ 81,460.27	$ 4,209.38	$ 1,300.70	$ 2,908.68	$ 587,096.89
$ 480,000.00	$ 148,320.00	$ 331,680.00	$ 101,368.76	$ 31,322.95	$ 70,045.81	$ 3,618.76	$ 1,118.20	$ 2,500.56	$ 584,987.52
$ 500,000.00	$ 154,500.00	$ 345,500.00	$ 84,131.26	$ 25,996.56	$ 58,134.70	$ 3,006.26	$ 928.93	$ 2,077.33	$ 587,137.52
$ 505,000.00	$ 156,045.00	$ 348,955.00	$ 68,803.13	$ 21,260.17	$ 47,542.96	$ 2,378.13	$ 734.84	$ 1,643.29	$ 576,181.26
$ 525,000.00	$ 162,225.00	$ 362,775.00	$ 55,268.75	$ 17,078.04	$ 38,190.71	$ 1,734.38	$ 535.92	$ 1,198.46	$ 582,003.13
$ 550,000.00	$ 169,950.00	$ 380,050.00	$ 36,481.25	$ 11,272.71	$ 25,208.54	$ 1,062.51	$ 328.32	$ 734.19	$ 587,543.76
$ 575,000.00	$ 177,675.00	$ 397,325.00	$ 12,350.00	$ 3,816.15	$ 8,533.85	$ 359.38	$ 111.05	$ 248.33	$ 587,709.38
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$ 3,660,000.00	$ 1,130,940.00	$ 2,529,060.00	$ 1,239,078.22	$ 382,875.17	$ 856,203.05	$ 43,593.80	$ 13,470.48	$ 30,123.32	$ 4,942,672.02

Series 2021'Series 2015A Refunded

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%	
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 84,685.26	$ 26,167.75	$ 58,517.51	$ 124,685.26
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 84,097.06	$ 25,985.99	$ 58,111.07	$ 124,097.06
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 83,409.06	$ 25,773.40	$ 57,635.66	$ 123,409.06
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 82,659.86	$ 25,541.90	$ 57,117.96	$ 122,659.86
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 81,849.46	$ 25,291.48	$ 56,557.98	$ 121,849.46
$ 45,000.00	$ 13,905.00	$ 31,095.00	$ 80,929.78	$ 25,007.30	$ 55,922.48	$ 125,929.78
$ 470,000.00	$ 145,230.00	$ 324,770.00	$ 75,048.45	$ 23,189.97	$ 51,858.48	$ 545,048.45
$ 30,000.00	$ 9,270.00	$ 20,730.00	$ 69,305.95	$ 21,415.54	$ 47,890.41	$ 99,305.95
$ 490,000.00	$ 151,410.00	$ 338,590.00	$ 62,844.35	$ 19,418.90	$ 43,425.45	$ 552,844.35
$ 510,000.00	$ 157,590.00	$ 352,410.00	$ 50,134.35	$ 15,491.51	$ 34,642.84	$ 560,134.35
$ 520,000.00	$ 160,680.00	$ 359,320.00	$ 36,530.70	$ 11,287.99	$ 25,242.71	$ 556,530.70
$ 525,000.00	$ 162,225.00	$ 362,775.00	$ 22,286.48	$ 6,886.52	$ 15,399.96	$ 547,286.48
$ 535,000.00	$ 165,315.00	$ 369,685.00	$ 7,519.43	$ 2,323.50	$ 5,195.93	$ 542,519.43
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$ 3,325,000.00	$ 1,027,425.00	$ 2,297,575.00	$ 821,300.19	$ 253,781.76	$ 567,518.43	$ 4,146,300.19

City of Winchester						Frederick Water					
Principal	Principal Reduction for 50 – 50 Ownership	Net Principal	Interest	Total		Principal	Additional Principal for 50 – 50 Ownership	Net Principal	Interest	Total	Total Debt Service
$ 593,088.18	$ (84,779.15)	$ 508,309.03	$ 153,640.87	$ 661,949.89		$ 1,326,291.03	$ 84,779.15	$ 1,411,070.18	$ 343,578.76	$1,754,648.95	$ 2,416,598.84
$ 608,682.11	$ (84,779.15)	$ 523,902.96	$ 137,869.05	$ 661,772.00		$ 1,361,162.90	$ 84,779.15	$ 1,445,942.05	$ 308,309.09	$1,754,251.14	$ 2,416,023.14
$ 622,842.18	$ (84,779.15)	$ 538,063.03	$ 121,527.47	$ 659,590.50		$ 1,392,828.31	$ 84,779.15	$ 1,477,607.46	$ 271,765.31	$1,749,372.77	$ 2,408,963.27
$ 640,205.37	$ (84,779.15)	$ 555,426.22	$ 104,579.75	$ 660,005.97		$ 1,431,656.67	$ 84,779.15	$ 1,516,435.82	$ 233,866.03	$1,750,301.85	$ 2,410,307.82
$ 654,593.68	$ (84,779.15)	$ 569,814.53	$ 89,184.96	$ 658,999.49		$ 1,463,832.47	$ 84,779.15	$ 1,548,611.62	$ 199,439.52	$1,748,051.14	$ 2,407,050.63
$ 278,100.00	$ (84,779.15)	$ 193,320.85	$ 74,875.08	$ 268,195.93		$ 621,900.00	$ 84,779.15	$ 706,679.15	$ 167,439.09	$ 874,118.24	$ 1,142,314.17
$ 288,915.00	$ (84,779.15)	$ 204,135.85	$ 65,902.47	$ 270,038.32		$ 646,085.00	$ 84,779.15	$ 730,864.15	$ 147,374.13	$ 878,238.28	$ 1,148,276.60
$ 295,095.00	$ (84,779.15)	$ 210,315.85	$ 56,348.96	$ 266,664.81		$ 659,905.00	$ 84,779.15	$ 744,684.15	$ 126,010.14	$ 870,694.29	$ 1,137,359.10
$ 305,910.00	$ (84,779.15)	$ 221,130.85	$ 46,344.40	$ 267,475.25		$ 684,090.00	$ 84,779.15	$ 768,869.15	$ 103,637.47	$ 872,506.62	$ 1,139,981.87
$ 313,635.00	$ (84,779.15)	$ 228,855.85	$ 37,486.52	$ 266,342.37		$ 701,365.00	$ 84,779.15	$ 786,144.15	$ 83,829.09	$ 869,973.24	$ 1,136,315.61
$ 322,905.00	$ (84,779.15)	$ 238,125.85	$ 28,901.95	$ 267,027.80		$ 722,095.00	$ 84,779.15	$ 806,874.15	$ 64,631.88	$ 871,506.03	$ 1,138,533.83
$ 332,175.00	$ (84,779.15)	$ 247,395.85	$ 18,487.54	$ 265,883.39		$ 742,825.00	$ 84,779.15	$ 827,604.15	$ 41,342.70	$ 868,946.85	$ 1,134,830.24
$ 342,990.00	$ (84,779.15)	$ 258,210.85	$ 6,250.70	$ 264,461.55		$ 767,010.00	$ 84,779.15	$ 851,789.15	$ 13,978.11	$ 865,767.26	$ 1,130,228.81
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5,599,136.51	$ (1,102,128.95)	$ 4,497,007.56	$ 941,399.72	$ 5,438,407.28		12,521,046.38	1,102,128.95	13,623,175.33	2,105,201.32	15,728,376.65	$ 21,166,783.93

OPEQUON WATER RECLAMATION FACILITY
INTERMUNICIPAL AGREEMENT

Draft – April 2026

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OPEQUON WATER RECLAMATION FACILITY
INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made as of the _____day of _____2026, by and between the **CITY OF WINCHESTER, VIRGINIA**, a municipal corporation (the **CITY**). acting by and through its Common Council, the **COUNTY OF FREDERICK, VIRGINIA** (the **COUNTY**). acting by and through its **BOARD OF SUPERVISORS, FREDERICK COUNTY SANITATION AUTHORITY (dba Frederick Water)**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended, **FREDERICK WATER** and the **FREDERICK-WINCHESTER SERVICE AUTHORITY(FWSA)**, a public body politic and corporate organized and existing under the provisions of the Virginia Water and Waste Authorities Act, Sections 15.2-5100, et seq., Code of Virginia (1950), as amended (**FWSA**) provides that:

WHEREAS, the **CITY** formerly owned and operated wastewater treatment facilities which provided wastewater treatment for all of the City and certain outlying areas in the County, and **FREDERICK WATER** likewise owned and operated wastewater treatment facilities which provided wastewater treatment for certain areas of the County; and

WHEREAS, in the interest of efficient water quality management for the Opequon Creek drainage basin and other basins within the confines of Frederick County, the **CITY** and the **COUNTY** caused **FWSA** to be formed by Concurrent Resolution adopted by the County on January 24, 1974 and by the City on February 12, 1974 and by a certificate of incorporation issued by the State Corporation Commission of Virginia on March 8, 1974; and

WHEREAS, the **CITY** and the **COUNTY** subsequently revised the purposes for which **FWSA** was formed by the passage of Addendum #2 to the Concurrent Resolution on April 12, 1983 and April 13, 1983, respectively; such purposes are to provide the following services:

(1) To acquire, finance, construct, operate and maintain facilities for the abatement of pollution by the treatment of sewage collected from the **CITY** and the **COUNTY**, including treatment plants, trunks or interceptors and pumping stations, together with all appurtenant equipment and appliances and properties, rights, easements and franchises related thereto or deemed necessary or convenient by **FWSA** for their operation, but not including sewage collection facilities; and

WHEREAS, the parties desire to enter into this Agreement to provide for the construction of such wastewater treatment facilities as are agreed upon from time to time and the financing, operation and maintenance of all such facilities and recognize that this Agreement will be used to facilitate interim financing, and/or the issuance of revenue bonds by **FWSA** to finance the cost of such construction; and

WHEREAS, the parties heretofore entered into that certain Intermunicipal Agreement dated September 12, 1983, subsequently amended June 22, 1998, **and April 16, 2008.** This document is a further amendment and constitutes a restatement of the entire agreement as so amended

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties agree as follows:

ARTICLE I
Definitions and Warranties

SECTION 1.1. DEFINITIONS. The following words as used in this Agreement shall have the following meanings:

"Act" shall mean the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended.

"BONDS" shall mean the revenue bonds issued from time to time by **FWSA** to obtain funds, together with other available funds, to pay a portion of the cost of the Project and shall include any notes or other obligations issued for such purpose.

"CITY" shall mean the **CITY OF WINCHESTER**, a municipal corporation of the Commonwealth of Virginia, and shall include the Common Council as its governing body.

"COST", when used with respect to the Project, shall have the meaning specified in Section 15.2-5101 of the Act (including the definition of "cost" and "cost of improvements").

"COUNTY" shall mean **FREDERICK COUNTY**, a County of the Commonwealth of Virginia, and shall include the County Board of Supervisors as its governing body.

"POINTS OF DELIVERY" shall mean such points as **FWSA** may establish from time to time for receipt of wastewater from the **CITY** and **FREDERICK WATER**.

"POLITICAL SUBDIVISION" shall mean the **CITY**, the **COUNTY, FREDERICK WATER** and **FWSA**.

"PROJECT" shall mean the existing Opequon Water Reclamation Facility (**OWRF**) and the facilities to be hereafter constructed in connection therewith by **FWSA** pursuant to Article III, whether by purchase, lease or otherwise, and the facilities to be provided by **FWSA** pursuant to Article IV, as the same may from time to time exist.

"FWSA" shall mean **FREDERICK-WINCHESTER SERVICE AUTHORITY**, a public body politic and corporate and organized and existing under the provisions of the Act.

"FREDERICK WATER" shall mean the **FREDERICK COUNTY SANITATION AUTHORITY**, a public body politic and corporate organized and existing under the provisions of the Act.

"TRUSTEE" shall mean the trustee under the resolution or indenture authorizing or securing the Bonds.

SECTION 1.2. **REPRESENTATIONS AND WARRANTIES**. Each of the parties represents and warrants that it has full power and authority to enter into and perform this Agreement.

ARTICLE II
Term of Agreement

SECTION 2.1. INITIAL TERM. This Agreement shall be in full force and effect from the date of its execution until June 30, 2038 provided, however, that if on such date the Bonds have not been paid or provisions made for their payment, the term of this Agreement shall continue until the Bonds shall have been paid or provisions made for their payment.

SECTION 2.2. CONTINUATION OF AGREEMENT. This Agreement shall continue in effect beyond June 30, 2038 (or such later date as provided above), until terminated by the **CITY**, the **COUNTY**, **FREDERICK WATER** or **FWSA**. No such termination shall become effective until two years after written notice thereof shall have been given to each of the other parties hereto.

SECTION 2.3. REVIEW OF AGREEMENT. The agreement shall be reviewed by the **CITY**, **FREDERICK WATER** and **FWSA** every five years from the date of this amendment.

ARTICLE III
Construction of Facilities

SECTION 3.1. PROJECT. FWSA will provide the wastewater facilities existing and to be constructed in accordance with this Agreement, as the same may be modified to meet requirements of appropriate regulatory bodies. **FWSA** may also undertake the provisions of such additional facilities as may be agreed upon from time to time by the **CITY**, **FREDERICK WATER** and **FWSA**.

SECTION 3.2. PAYMENT FOR FACILITIES. The obligation of **FWSA** to provide the facilities described in Section 3.1 is limited to the funds available to it from time to time for such purpose. **FWSA** shall be under no obligation to provide funds for such purpose except in accordance with Section 4.1.

SECTION 3.3. ADDITIONAL FACILITIES. In the event that the **CITY** or **FREDERICK WATER** determines the need for additional wastewater interceptors or treatment facilities that have not been agreed upon by each of the **CITY, FREDERICK WATER** and **FWSA**, then **FWSA** shall provide the requested facilities at the sole cost of the **CITY**, or **FREDERICK WATER** as the case may be.

Any future additional wastewater interceptors, treatment facilities, and facility upgrades that have been agreed upon by the **CITY, FREDERICK WATER and FWSA** shall be outlined in a Memorandum of Understanding.

ARTICLE IV
Obligations of Authority

SECTION 4.1. SALE OF BONDS. FWSA shall, from time to time, issue and sell Bonds pursuant to the Act in an amount, together with other available funds, which will be sufficient to pay the cost of constructing and placing the initial Project in operation, as well as any subsequent expansions; provided, however, that nothing contained in this Agreement shall require **FWSA** to issue the Bonds except upon terms deemed reasonable by it.

SECTION 4.2. ACQUISITION AND CONSTRUCTION OF PROJECT. **FWSA** shall, as soon as may be practicable and with all reasonable dispatch after the necessary funds are made available to it, acquire, construct and place the initial Project, as well as any subsequent expansions, in operation.

SECTION 4.3. ACCEPTANCE AND TREATMENT OF WASTE WATER. **FWSA** shall accept and treat all sewage delivered by the **CITY** and **FREDERICK WATER** at Point of Delivery, provided the sewage complies with the requirements of the Rules and Regulations adopted by **FWSA**. **FWSA** shall be under no obligation to treat wastewater delivered by the **CITY** or **FREDERICK WATER** in excess of **the total** plant capacities.

SECTION 4.4. PREVIOUS CAPACITY AND ALLOCATION. The capacity of the Opequon Water Reclamation Facility prior to 2011 was 8.25 million gallons per day (MGD) flow capacity. The capacities (hereafter called "previous capacity") were allocated between the **CITY** and **FREDERICK WATER** in the following manner:

1. The **CITY** was allocated 6.125 MGD of the existing flow capacity
2. **FREDERICK WATER** was allocated 2.125 MGD of the existing flow

SECTION 4.5. EXISTING CAPACITY. The existing capacity of the Opequon Water Reclamation Facility is 12.6 million gallons per day (MGD) flow capacity.

The existing Flow capacity shall be divided between the **CITY** and **FREDERICK WATER;** all amounts paid by each entity identified as reserved capacity in the 2008 agreement shall be recalculated and each entity shall pay or reimburse their applicable monetary amount to achieve equal capacity ownership. All future operational billing will be based on the monthly flow usage for each entity.

SECTION 4.6. OPERATION OF PROJECT. The **CITY**, by contractual agreement with **FWSA**, shall operate and maintain the Project in an efficient and economical manner, making all necessary and proper repairs, replacements and renewals, consistent with good business and operating practices for comparable facilities and in accordance with applicable standards of regulatory bodies. Treatment of wastewater shall meet or exceed all applicable standards of regulatory bodies.

SECTION 4.7. ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS. **FWSA** shall adopt and enforce such reasonable rules and regulations as may be necessary or desirable to ensure the efficient operation and maintenance of its facilities and the compliance with allocable regulations and orders of regulatory bodies.

ARTICLE V
Obligation of Political Subdivisions

SECTION 5.1. FWSA TO TREAT ALL WASTEWATER. All publicly owned wastewater treatment facilities owned by **FREDERICK WATER** shall be operated by **FWSA,** or it's agent, under this Agreement. The **CITY** and **FREDERICK WATER** shall deliver **FWSA** at Points of Delivery all wastewater collected by them which will drain or can be economically pumped to **FWSA**.

SECTION 5.2. LIMITATION ON PLANT CAPACITY. The Political Subdivisions recognize that the capacity of **FWSA's** advanced wastewater treatment plant will be regulated by the State Water Control Board and that reallocation of plant capacity may have to be made in order to avoid overloading.

The **CITY** and **FREDERICK WATER** each covenants and agrees not to exceed ~~its~~ plant capacity. The **CITY** and **FREDERICK WATER** have the primary responsibility for the necessary action to ensure that their wastewater flows do not exceed the plant capacity.

At such time as **FWSA** has been advised by the Virginia Department of Environmental Quality (**DEQ**) or the State Water Control Board (**SWCB**) that there is inadequate existing capacity or other conditions of the permit are not met requiring improvement or expansion of its facilities, the **CITY** and/or the **FREDERICK WATER**, as the case may be, shall suspend, if necessary, the issuance of permits which allow start of construction of projects in the affected area until capacity is increased by reason of reallocation or it is advised by **FWSA** that additional wastewater may be delivered to **FWSA**.

SECTION 5.3. PAYMENT OF CHARGES. The **CITY** and **FREDERICK WATER** each covenants and agrees to pay promptly when due the charges of **FWSA** as determined pursuant to Article VI and billed to it from time to time; provided, however, that the **CITY** and **FREDERICK WATER** shall not be obligated to pay such charges except from revenues received by the **CITY** and **FREDERICK WATER**, respectively, from the charges to be paid by the users of its sewerage systems and available to them for such purposes, including availability, connection, consumption and service charges or fees and other revenues of such systems. **FWSA** shall provide the **CITY** and **FREDERICK WATER** with information as to the minimum charges necessary for their respective required payments.

SECTION 5.4. OBSERVANCE OF REGULATIONS. The Political Subdivisions each covenant and agree to observe all reasonable rules and regulations respecting the use of and services furnished by the Project in accordance with Section 4.7 or legally required by any other authorized regulatory body.

ARTICLE VI
Operational and Debt Service Charges

SECTION 6.1. OPERATIONAL AND DEBT SERVICE CHARGES IN GENERAL. FWSA shall set operational and debt service charges annually. Such operational charges shall be established by **FWSA** to provide funds, together with other funds that may be available, at all times to pay (a) the cost of operating and maintaining the Project, and (b) reserves for purposes such as replacements and improvements to the Project. Such debt service charges shall be established by **FWSA** to provide necessary funds, together with other funds that may be a at all times to pay (a) the principal of, premium, if any, and interest on the Bonds, (b) reserves required by the Bonds and (c) trustee's, administrative, and other fees required by the Bonds. Debt service charges shall be charged to the **CITY** and **FREDERICK WATER** regardless of whether the Project is completed or operational. The operational rates shall be calculated as to recover the necessary funds for aforesaid purposes from charges for flow use for each entity as calculated over a twelve-month period.

SECTION 6.2. DETERMINATION OF OPERATIONAL CHARGES. **FWSA** as part of the fiscal year budget shall prepare an annual estimate of the Operational Costs expected to be incurred during the following year, and the estimated share of these costs for **FREDERICK WATER** and the **CITY**. The operational costs for billing shall be based on the operational costs identified in the FWSA budget divided by the projected monthly billing flow for each entity.

Quarterly, the actual flow percentage utilized by each entity shall be determined, and any overpayments or underpayments shall be prorated to the **CITY** and **FREDERICK WATER**-with the next subsequent monthly payment.

SECTION 6.3. DETERMINATION OF DEBT SERVICE CHARGES. **FWSA** shall determine the debt service charges by (1) prorating the annual debt service due on the Bonds, including any deposits to any reserve Funds. The Debt Service Costs shall be determined by taking all construction costs associated with the Project to determine the amount of the annual debt service (principal and interest) and dividing those costs between **FREDERICK WATER** and the **CITY (See Exhibits A and B)**.

SECTION 6.4. RATES CHARGED BY CITY AND FREDERICK WATER TO THEIR RETAIL CUSTOMERS. The **CITY** and **FREDERICK WATER** shall establish retail sewer rates; said rates to be independent and at the sole discretion of the **CITY** and **FREDERICK WATER**. The rates established shall recover charges made by **FWSA** and capital and operational costs and reserves needed to operate and maintain the respective sewerage collection systems.

The **CITY** agrees that the retail sewer rate established by it shall be the rate charged both **CITY** customers and **COUNTY** customers on the **CITY** sewer system.

SECTION 6.5. PAYMENT OF CHARGES. FWSA may present charges based on budget estimates, subject to adjustment on the basis of an independent audit at the end of each fiscal year. All charges of **FWSA** shall be billed and shall be payable upon presentation. In the event the **CITY** or **FREDERICK WATER** shall fail to make payment in full within thirty (30) days after presentation, interest on such unpaid amounts

shall occur at the highest rate of interest payable by **FWSA** on any of the Bonds then outstanding.

FWSA shall bill the **CITY** and **FREDERICK WATER**, and no one else, for the wastewater treated or the charges set forth in this Article VI. The charges to the **CITY** and **FREDERICK WATER** are several and not joint obligations.

SECTION 6.6. EFFECTIVE DATE OF CHARGES. Any revised ~~rates and~~ charges provided for in this amendment shall be effective the first full month following completion of the facilities necessary to provide additional capacity, but in no event later than the due date of the first payment on debt services to pay for the facilities. Until such time, the existing ~~rates and~~ charges shall remain in effect.

SECTION 6.7. INDUSTRIAL SURCHARGE. Surcharges collected by **FWSA** from customers of the **CITY** and **FREDERICK WATER** shall be included in operational budget revenue utilized to determine the estimated yearly budget.

ARTICLE 'VII
Miscellaneous

SECTION 7.1. AMENDMENTS. It is recognized by the parties hereto that this Agreement will constitute an essential part of the **FWSA** financing plan and that, after the Bonds are sold, this Agreement cannot be amended, modified, or otherwise altered in any manner that will impair or adversely affect the security afforded hereby for the payment of the principal of, premium, if any, and interest on the Bonds, but that this Agreement can be modified or amended only with the consent of the Political Subdivisions, **FWSA** and the Trustee given in accordance with the resolution or indenture under which it has been designated.

SECTION 7.2. BOOKS AND RECORDS. **FWSA** shall keep proper books and records in accordance with accepted accounting practice which shall be available for inspection at all reasonable times by the Political Subdivisions through their duly authorized agents. **FWSA** shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing bodies of the Political Subdivisions.

SECTION 7.3. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

SECTION 7.4. SEVERABILITY. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision hereof.

SECTION 7.5. COUNTERPARTS. This Agreement shall be executed in several counterparts, any of which shall be regarded for all purposes as one original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and their seals to be affixed and attested by their duly authorized officers, all as of the date first above written.

CITY OF WINCHESTER

(SEAL)

By_____
President of Common Council

_____
Clerk of Council

COUNTY OF FREDERICK

(SEAL)

By_____
Chairman, Its Board of Supervisors

_____
County Administrator

FREDERICK WATER

(SEAL)

By_____
Chairman

_____
Secretary-Treasurer

FREDERICK-WINCHESTER SERVICE AUTHORITY

(SEAL)

By_____
Chairman

_____
Secretary-Treasurer

EXHIBIT A

Frederick-Winchester Service Authority
Proposal for Equalizing Capacity in OWRF
Between the City and Frederick Water

1. Frederick Water will pay $2,039,469 in additional capital improvement costs from the expansion and upgrade project completed in 2008-2009. See Attachment A.

2. To date, the City has already paid 54.04% of this $2,039,469, which is $1,102,129. See Attachment B. ($2,039,469*.5404 = $1,102,129)

a. To reimburse the City this amount, Frederick Water will pay an additional $84,779.15 in principal payments over the next 13 years until the debt service is paid off for this project (City's principal payments will be reduced this same amount).

$1,102,129/13 years = $84,779.15 per year

3. The remaining balance of the $2,039,469, or $937,340, will be paid for by adjusting the split of the debt service payments as follows – see Attachment C. ($2,039,460-$1,102,129 = $937,340)

Entity	Current Split	New Split
City of Winchester	36.1%	30.9%
Frederick Water	63.9%	69.1%

EXIBIT B

Proposed Debt Service Schedule to Achieve 50-50 Ownership

		Series 2009						
Bond Year (6/30/XX)		Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
			30.90%	69.10%		30.90%	69.10%	
2027		$ 1,164,379.21	$ 359,793.18	$ 804,586.03	$ 100,456.23	$ 31,040.98	$ 69,415.25	$ 1,264,835.44
2028		$ 1,184,845.00	$ 366,117.11	$ 818,727.90	$ 79,990.44	$ 24,717.05	$ 55,273.39	$ 1,264,835.44
2029		$ 1,205,670.49	$ 372,552.18	$ 833,118.31	$ 59,164.95	$ 18,281.97	$ 40,882.98	$ 1,264,835.44
2030		$ 1,226,862.04	$ 379,100.37	$ 847,761.67	$ 37,973.40	$ 11,733.78	$ 26,239.62	$ 1,264,835.44
2031		$ 1,248,426.15	$ 385,763.68	$ 862,662.47	$ 16,409.38	$ 5,070.50	$ 11,338.88	$ 1,264,835.53
2032		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2033		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2034		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2035		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2036		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2037		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2038		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2039		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2040		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2041		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2042		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2043		$ -	$ -	$ -	$ -	$ -	$ -	$ -
2044		$ -	$ -	$ -	$ -	$ -	$ -	$ -
		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total		$ 6,030,182.89	$ 1,863,326.51	$ 4,166,856.38	$ 293,994.40	$ 90,844.27	$ 203,150.13	$ 6,324,177.29

Series 2015A

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%	
$ 705,000.00	$ 217,845.00	$ 487,155.00	$ 179,390.63	$ 55,431.70	$ 123,958.93	$ 884,390.63
$ 735,000.00	$ 227,115.00	$ 507,885.00	$ 149,840.63	$ 46,300.75	$ 103,539.88	$ 884,840.63
$ 760,000.00	$ 234,840.00	$ 525,160.00	$ 118,881.26	$ 36,734.31	$ 82,146.95	$ 878,881.26
$ 795,000.00	$ 245,655.00	$ 549,345.00	$ 86,337.51	$ 26,678.29	$ 59,659.22	$ 881,337.51
$ 820,000.00	$ 253,380.00	$ 566,620.00	$ 59,278.13	$ 18,316.94	$ 40,961.19	$ 879,278.13
$ 845,000.00	$ 261,105.00	$ 583,895.00	$ 30,709.38	$ 9,489.20	$ 21,220.18	$ 875,709.38
$ -	$ -	$ -	$ 16,131.26	$ 4,984.56	$ 11,146.70	$ 16,131.26
$ 445,000.00	$ 137,505.00	$ 307,495.00	$ 8,065.63	$ 2,492.28	$ 5,573.35	$ 453,065.63
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$ 5,105,000.00	$ 1,577,445.00	$ 3,527,555.00	$ 648,634.43	$ 200,428.04	$ 448,206.39	$ 5,753,634.43

Series 2016B

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Admin Fee	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%		30.90%	69.10%	
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 128,118.76	$ 39,588.70	$ 88,530.06	$ 4,568.75	$ 1,411.74	$ 3,157.01	$ 142,687.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 127,693.76	$ 39,457.37	$ 88,236.39	$ 4,556.25	$ 1,407.88	$ 3,148.37	$ 142,250.01
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 127,293.76	$ 39,333.77	$ 87,959.99	$ 4,543.75	$ 1,404.02	$ 3,139.73	$ 141,837.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,943.76	$ 39,225.62	$ 87,718.14	$ 4,531.25	$ 1,400.16	$ 3,131.09	$ 141,475.01
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,568.76	$ 39,109.75	$ 87,459.01	$ 4,518.75	$ 1,396.29	$ 3,122.46	$ 141,087.51
$ 10,000.00	$ 3,090.00	$ 6,910.00	$ 126,168.76	$ 38,986.15	$ 87,182.61	$ 4,506.25	$ 1,392.43	$ 3,113.82	$ 140,675.01
$ 465,000.00	$ 143,685.00	$ 321,315.00	$ 117,887.51	$ 36,427.24	$ 81,460.27	$ 4,209.38	$ 1,300.70	$ 2,908.68	$ 587,096.89
$ 480,000.00	$ 148,320.00	$ 331,680.00	$ 101,368.76	$ 31,322.95	$ 70,045.81	$ 3,618.76	$ 1,118.20	$ 2,500.56	$ 584,987.52
$ 500,000.00	$ 154,500.00	$ 345,500.00	$ 84,131.26	$ 25,996.56	$ 58,134.70	$ 3,006.26	$ 928.93	$ 2,077.33	$ 587,137.52
$ 505,000.00	$ 156,045.00	$ 348,955.00	$ 68,803.13	$ 21,260.17	$ 47,542.96	$ 2,378.13	$ 734.84	$ 1,643.29	$ 576,181.26
$ 525,000.00	$ 162,225.00	$ 362,775.00	$ 55,268.75	$ 17,078.04	$ 38,190.71	$ 1,734.38	$ 535.92	$ 1,198.46	$ 582,003.13
$ 550,000.00	$ 169,950.00	$ 380,050.00	$ 36,481.25	$ 11,272.71	$ 25,208.54	$ 1,062.51	$ 328.32	$ 734.19	$ 587,543.76
$ 575,000.00	$ 177,675.00	$ 397,325.00	$ 12,350.00	$ 3,816.15	$ 8,533.85	$ 359.38	$ 111.05	$ 248.33	$ 587,709.38
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$ 3,660,000.00	$ 1,130,940.00	$ 2,529,060.00	$ 1,239,078.22	$ 382,875.17	$ 856,203.05	$ 43,593.80	$ 13,470.48	$ 30,123.32	$ 4,942,672.02

Series 2021'Series 2015A Refunded

Principal	City of Winchester	Frederick County Sanitation Authority	Interest	City of Winchester	Frederick County Sanitation Authority	Debt Service
	30.90%	69.10%		30.90%	69.10%	
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 84,685.26	$ 26,167.75	$ 58,517.51	$ 124,685.26
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 84,097.06	$ 25,985.99	$ 58,111.07	$ 124,097.06
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 83,409.06	$ 25,773.40	$ 57,635.66	$ 123,409.06
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 82,659.86	$ 25,541.90	$ 57,117.96	$ 122,659.86
$ 40,000.00	$ 12,360.00	$ 27,640.00	$ 81,849.46	$ 25,291.48	$ 56,557.98	$ 121,849.46
$ 45,000.00	$ 13,905.00	$ 31,095.00	$ 80,929.78	$ 25,007.30	$ 55,922.48	$ 125,929.78
$ 470,000.00	$ 145,230.00	$ 324,770.00	$ 75,048.45	$ 23,189.97	$ 51,858.48	$ 545,048.45
$ 30,000.00	$ 9,270.00	$ 20,730.00	$ 69,305.95	$ 21,415.54	$ 47,890.41	$ 99,305.95
$ 490,000.00	$ 151,410.00	$ 338,590.00	$ 62,844.35	$ 19,418.90	$ 43,425.45	$ 552,844.35
$ 510,000.00	$ 157,590.00	$ 352,410.00	$ 50,134.35	$ 15,491.51	$ 34,642.84	$ 560,134.35
$ 520,000.00	$ 160,680.00	$ 359,320.00	$ 36,530.70	$ 11,287.99	$ 25,242.71	$ 556,530.70
$ 525,000.00	$ 162,225.00	$ 362,775.00	$ 22,286.48	$ 6,886.52	$ 15,399.96	$ 547,286.48
$ 535,000.00	$ 165,315.00	$ 369,685.00	$ 7,519.43	$ 2,323.50	$ 5,195.93	$ 542,519.43
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$ 3,325,000.00	$ 1,027,425.00	$ 2,297,575.00	$ 821,300.19	$ 253,781.76	$ 567,518.43	$ 4,146,300.19

City of Winchester					Frederick Water					
Principal	Principal Reduction for 50 – 50 Ownership	Net Principal	Interest	Total	Principal	Additional Principal for 50 – 50 Ownership	Net Principal	Interest	Total	Total Debt Service
$ 593,088.18	$ (84,779.15)	$ 508,309.03	$ 153,640.87	$ 661,949.89	$ 1,326,291.03	$ 84,779.15	$ 1,411,070.18	$ 343,578.76	$1,754,648.95	$ 2,416,598.84
$ 608,682.11	$ (84,779.15)	$ 523,902.96	$ 137,869.05	$ 661,772.00	$ 1,361,162.90	$ 84,779.15	$ 1,445,942.05	$ 308,309.09	$1,754,251.14	$ 2,416,023.14
$ 622,842.18	$ (84,779.15)	$ 538,063.03	$ 121,527.47	$ 659,590.50	$ 1,392,828.31	$ 84,779.15	$ 1,477,607.46	$ 271,765.31	$1,749,372.77	$ 2,408,963.27
$ 640,205.37	$ (84,779.15)	$ 555,426.22	$ 104,579.75	$ 660,005.97	$ 1,431,656.67	$ 84,779.15	$ 1,516,435.82	$ 233,866.03	$1,750,301.85	$ 2,410,307.82
$ 654,593.68	$ (84,779.15)	$ 569,814.53	$ 89,184.96	$ 658,999.49	$ 1,463,832.47	$ 84,779.15	$ 1,548,611.62	$ 199,439.52	$1,748,051.14	$ 2,407,050.63
$ 278,100.00	$ (84,779.15)	$ 193,320.85	$ 74,875.08	$ 268,195.93	$ 621,900.00	$ 84,779.15	$ 706,679.15	$ 167,439.09	$ 874,118.24	$ 1,142,314.17
$ 288,915.00	$ (84,779.15)	$ 204,135.85	$ 65,902.47	$ 270,038.32	$ 646,085.00	$ 84,779.15	$ 730,864.15	$ 147,374.13	$ 878,238.28	$ 1,148,276.60
$ 295,095.00	$ (84,779.15)	$ 210,315.85	$ 56,348.96	$ 266,664.81	$ 659,905.00	$ 84,779.15	$ 744,684.15	$ 126,010.14	$ 870,694.29	$ 1,137,359.10
$ 305,910.00	$ (84,779.15)	$ 221,130.85	$ 46,344.40	$ 267,475.25	$ 684,090.00	$ 84,779.15	$ 768,869.15	$ 103,637.47	$ 872,506.62	$ 1,139,981.87
$ 313,635.00	$ (84,779.15)	$ 228,855.85	$ 37,486.52	$ 266,342.37	$ 701,365.00	$ 84,779.15	$ 786,144.15	$ 83,829.09	$ 869,973.24	$ 1,136,315.61
$ 322,905.00	$ (84,779.15)	$ 238,125.85	$ 28,901.95	$ 267,027.80	$ 722,095.00	$ 84,779.15	$ 806,874.15	$ 64,631.88	$ 871,506.03	$ 1,138,533.83
$ 332,175.00	$ (84,779.15)	$ 247,395.85	$ 18,487.54	$ 265,883.39	$ 742,825.00	$ 84,779.15	$ 827,604.15	$ 41,342.70	$ 868,946.85	$ 1,134,830.24
$ 342,990.00	$ (84,779.15)	$ 258,210.85	$ 6,250.70	$ 264,461.55	$ 767,010.00	$ 84,779.15	$ 851,789.15	$ 13,978.11	$ 865,767.26	$ 1,130,228.81
$ -			$ -	$ -	$ -			$ -	$ -	$ -
$ -			$ -	$ -	$ -			$ -	$ -	$ -
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				$ -	$ -			$ -	$ -	$ -
5,599,136.51	$ (1,102,128.95)	$ 4,497,007.56	$ 941,399.72	$ 5,438,407.28	12,521,046.38	1,102,128.95	13,623,175.33	2,105,201.32	15,728,376.65	$ 21,166,783.93

Frederick-Winchester Service Authority

Mailing Address: P.O. Box 43
Winchester, Virginia 22604

Office: 2 N Cameron Street
Winchester, Virginia 22601
(540) 7913-3049

MEMORANDUM

TO: **Frederick County Board of Supervisors**

FROM: **Candice Perkins, FWSA Executive Director**

DATE: **May 28, 2026**

SUBJECT: **Frederick-Winchester Service Authority Board Member Appointments**

The Frederick-Winchester Service Authority, as part of the proposed changes to their Articles of Incorporation is requesting the Board of Supervisors appoint three members to the FWSA Board with new term limits. The current membership includes a total of nine members, three County appointments, five City appointments, and one joint appointment. With the proposed changes to the Articles of Incorporation, the Board is proposed to be reduced to five members – two County, two City, and one joint member.

The FWSA Board and the Frederick Water Board discussed the changes to the Articles of Incorporation at their April 2026 meetings and recommended the Board of Supervisors appoint the following members to serve on the Board with the specified term limits:

Eric Lawrence (current member), Frederick Water, Term – June 10, 2026-July 1, 2030

Cheryl Whittle (current member), Frederick Water, Term – June 10, 2026-July 1, 2028

Proposed Joint Member - John Willingham (current member and FWSA Board Chairman), Term - June 10, 2026-July 1, 2028

Requested Action:
FWSA is seeking the appointment of Eric Lawrence, Cheryl Whittle, and John Willingham (joint member) to serve on the FWSA Board for the specified term limits.

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #03-26 of 1818 Martinsburg Pike (Snowden Bridge Station, LLC) to Rezone 1.61+/- Acres from B2 (General Business) Zoning District with Proffers to B2 (General Business) Zoning District with Proffers and the Interstate Area (IA) Overlay Zoning District. The Property is Located at 1818 Martinsburg Pike on the Southeast Corner of Martinsburg Pike and Snowden Bridge Boulevard and is Identified by Property Identification Number 43-A-150 in the Stonewall Magisterial District.

Attachments:
BOS06-10-26_REZ03-26_Redacted.pdf

REZONING #03-26
Snowden Bridge Station Interstate Overlay
Staff Report for the Planning Commission
Prepared: June 1, 2026
Staff Contact: Eric Bittner, Planner II

Executive Summary: **Meeting Schedule**	
Planning Commission: May 6, 2026	Action: Recommend Approval
Board of Supervisors: June 10, 2026	Action: Pending
Property Information	
Property Identification Number (PIN)	43-A-150
Address	1818 Martinsburg Pike, Winchester
Magisterial District	Stonewall
Acreage	+/- 1.61acres
Zoning & Present Land Use	Zoning: B2 (General Business) with proffers Land Use: Commercial
Proposed Zoning	B2 (General Business) with proffers and with Interstate Area (IA) Overlay District
Adjoining Property Zoning & Present Land Use	
North: B2 (General District) District	Land Use: Commercial
South: B2 (General Business) District	Land Use: Commercial
East: B2 (General Business) District	Land Use: Vacant
West: B2 (General Business) District	Land Use: Commercial
Proposed Use	
This is a request to rezone 1.61± acres from B2 (General Business) Zoning District with proffers to B2 Zoning District with proffers and to the Interstate Area (IA) Overlay District. The proposal is intended to allow for an interstate sign to display gasoline prices above the standard height limit of the district.	
Positives	**Concerns**
The proposed rezoning is in conformance with the Comprehensive Plan and advances the *Northeast Frederick Area Plan* for interstate businesses.	While the property does not adjoin any properties that would trigger an increased setback, it is near residential uses, which the proposal could impact. While the applicant is proposing a sign approximately 46 feet in

	height, if approved, a sign could be allowed approximately 110 feet in height.

Review Agency Comments:

Review Agency	Comment Date	Comment Summary	Status
Virginia Department of Transportation (VDOT)	4/1/2026	"VDOT has no comments."	
Frederick County Inspections	3/2/2026	"No comment."	
Frederick County Public Works	3/17/2026	"No comments- no proposed changes to grading or stormwater infrastructure."	
Frederick County Fire Marshal	3/16/2026	"All applicable sections of the Frederick County Fire Prevention Code Shall apply to any and all future development."	
Frederick County Attorney	4/2/2026	"The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. "	Legal form.

Planning & Zoning Staff Analysis:

Site History:
The property has an approved site plan (SP#02-23) approved for a 5,800 square foot convenience store with gasoline fueling stations. The property was rezoned in 2022 (REZ#01-22; approved 06/22/2022) and was changed from the M1(Light Industrial) Zoning District to the B2 (General Business) Zoning District with proffers.

The property is currently permitted one monument sign which is capped at 25'. The Interstate Area (IA) Overlay District would permit an additional monument sign regulated by §165-704.05.I.(2); this code section assigns sign heights by interchange area and is capped by height above of mean sea level. The site's location near Exit 317 allows a maximum business sign height of 815' above

mean sea level. At current grading based on the County's Geographic Informational Systems (GIS), if approved, the property could have a sign approximately ±105' in height.

Comprehensive Plan Conformance:
The Comprehensive Plan (adopted November 2021) and the *Northeast Frederick Area Plan* provide guidance on the future development of the subject property. The Plan identifies the subject properties with a "business" land use designation and as being within the limits of the Urban Development Area (UDA). The property is in the "*Interstate and Martinsburg Pike Commercial and Industrial Areas"* sub-area. The *Northeast Frederick Area Plan* provides guidance on the development patterns for this area as follows.

> "*...Properties west of the rail corridor may be well suited to meet community needs for anchor retail, and further study of these properties may be appropriate to determine whether the inclusion of residential uses would be necessary to support such activity. Existing residential uses are located along Martinsburg Pike, in close proximity to transition in the future to higher intensity uses, development applications should seek to mitigate their impact on these residences near term.*

The site is also located in close proximity to Exit 317, and the plan offers the following guidance regarding development in this area.

> "*Located at highly visible locations on interstate interchanges, these areas should be designed to accommodate and promote highway commercial land uses particular effort must be made to ensure that access management for the supporting transportation network is a key priority as the function of the Interstate and Primary road network is critical. As these areas are highly visible, building and site design should be of a high quality to ensure that these areas put forth an attractive view for both residents and visitors; enhanced buffers and screening are also important along Interstate 81 and adjoining roadways.*"

The intent of the Interstate Area Overlay Zoning District is described in §165-604.01 as

> "*... to provide commercial businesses within an identified area the ability to utilize business signs that are in excess of the limits specified in § **165-201.06** of this chapter. This flexibility is provided to inform the traveling public of business service opportunities at specific interstate interchange areas. The standards within this Part 704 are designed to allow for additional visibility for commercial businesses while minimizing negative impacts to view sheds, the traveling public and residential properties that are adjacent to or within the proximity of the overlay district. Established boundaries are based on reasonable sight distances and policies set forth in the Comprehensive Plan and are intended to designate each interstate interchange area and provide guidance for considering the addition of subsequent properties*."

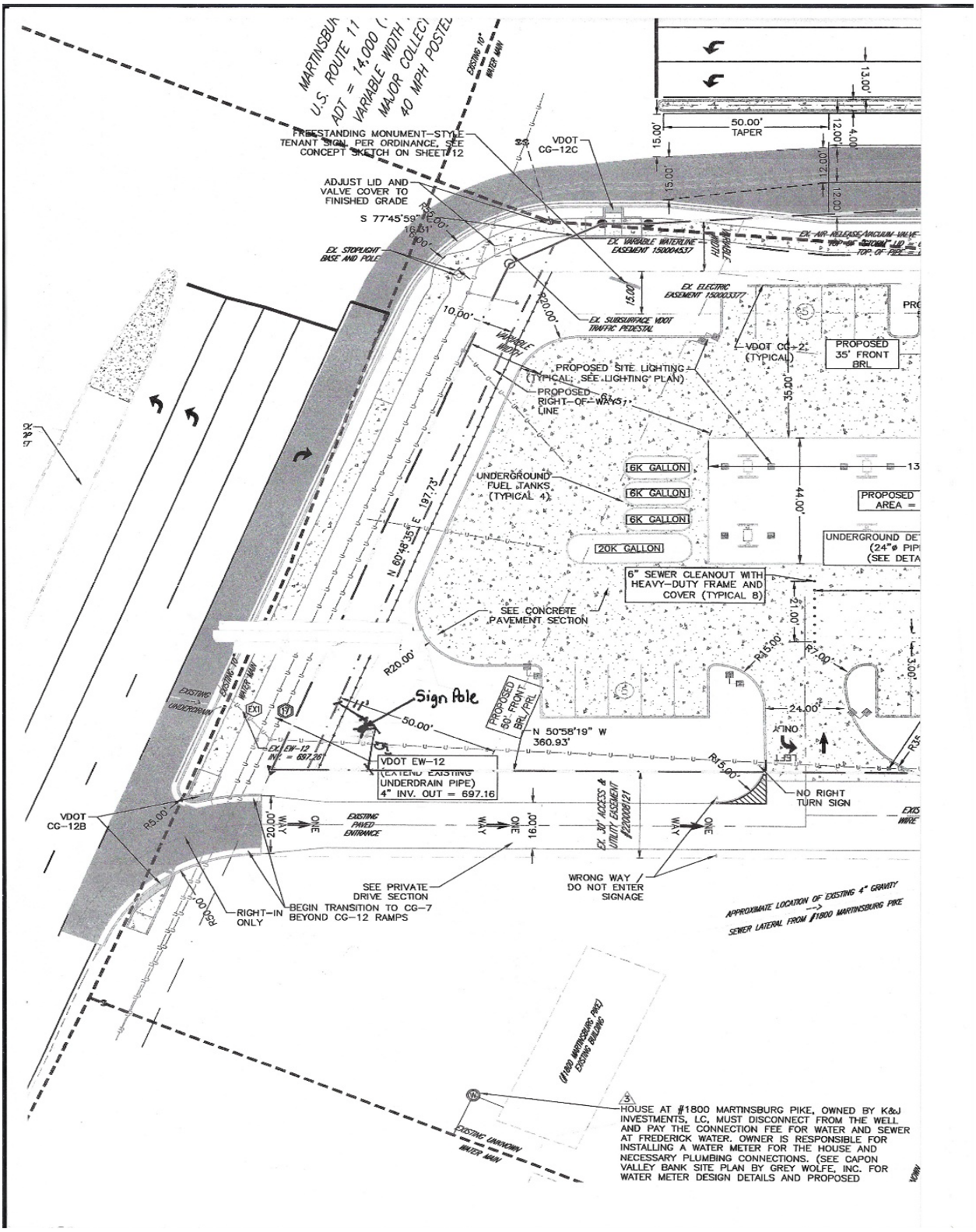
Given the property's current zoning of B2 (General Business), the future land use designation ("business"), and proximity to Exit 317/I-81, the Interstate Area (IA) Overlay District may align with the policies contained in the Comprehensive Plan. Consideration should be given to the residential uses close to the property and the impact on those residences should be adequately

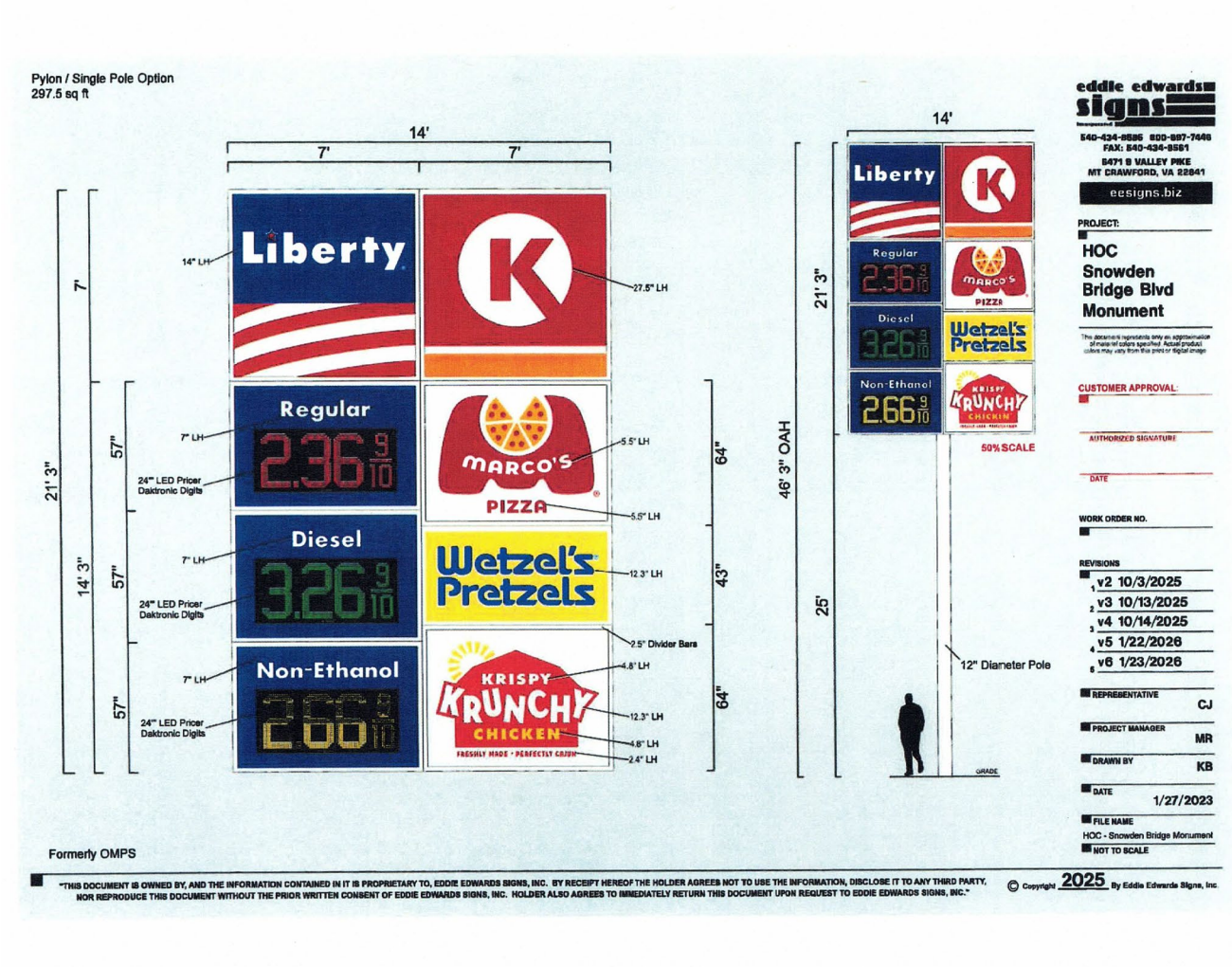
mitigated. The proposed sign currently conforms to minimum zoning requirements for a minimum setback of 10 feet, being sited at 11 feet from Martinsburg Pike (Route 11) but is *disproportionately* close to the adjoining roadway in comparison to other IA Overlay District Signs along the same corridor, the closest neighboring sign at 1544 Martinsburg Pike, the Wawa gas station and convenience store, is located ±196' from Martinsburg Pike.

Transportation & Site Access:
The request does not propose any alterations to the current approved entrances. Proffer Statement, Generalized Development Plan (GDP), & Impact Analysis:
All proffers from the previously approved rezoning (REZ#01-22) are proposed to remain unaltered, with the exception of Proffer 2.C.

Proffers (June 2, 2022)	**Staff Comment**
2. C. Land Use Restrictions	The proffer prevents no more than two signs being erected on the property, with only one sign to be subject to the Interstate Area Overlay Design Requirements.

Below are the sketch plan of the location and the proposed sign. Staff note that there is no condition requiring the sign to match the proposal. While the proposed plan is a 46' 3" sign, a ±110' high sign would be permitted on the property.


MARTINSBURG PIKE
U.S. ROUTE 11
ADT = 14,000 (±)
VARIABLE WIDTH
MAJOR COLLECTOR
40 MPH POSTED
EXISTING 12" WATER MAIN
FREESTANDING MONUMENT-STYLE TENANT SIGN PER ORDINANCE, SEE CONCEPT SKETCH ON SHEET 12
VDOT CG-12C
ADJUST LID AND VALVE COVER TO FINISHED GRADE
S 77°45'59" E 16.51'
EX. STOPLIGHT BASE AND POLE
EX. VARIABLE WATERLINE EASEMENT 150004537
EX. AIR-RELEASE/VACUUM VALVE
TOP OF STORM LID = TOP OF PIPE
50.00' TAPER
13.00'
12.00'
4.00'
15.00'
EX. ELECTRIC EASEMENT 150003377
EX. SUBSURFACE VDOT TRAFFIC PEDESTAL
R20.00'
10.00'
VARIABLE WIDTH
PROPOSED SITE LIGHTING (TYPICAL; SEE 'LIGHTING' PLAN)
PROPOSED RIGHT-OF-WAY LINE
VDOT CG-2 (TYPICAL)
PROPOSED 35' FRONT BRL
35.00'
UNDERGROUND FUEL TANKS (TYPICAL 4)
6K GALLON
6K GALLON
6K GALLON
20K GALLON
N 60°48'35" E 197.73'
44.00'
PROPOSED AREA =
UNDERGROUND DE
(24"ø PIP
(SEE DETA
6" SEWER CLEANOUT WITH HEAVY-DUTY FRAME AND COVER (TYPICAL 8)
SEE CONCRETE PAVEMENT SECTION
R15.00'
R7.00'
10.00'
R20.00'
EXISTING UNDERGROUND
EXISTING 12" WATER MAIN
Sign Pole
PROPOSED 50' FRONT BRL/PRL
N 50°58'19" W 360.93'
24.00'
STOP
R35.00'
EX. EW-12 INV. = 697.76'
50.00'
VDOT EW-12 (EXTEND EXISTING UNDERDRAIN PIPE) 4" INV. OUT = 697.16
R15.00'
NO RIGHT TURN SIGN
VDOT CG-12B
R5.00'
20.00'
ONE WAY
EXISTING PAVED ENTRANCE
ONE WAY
16.00'
EX. 30' ACCESS & UTILITY EASEMENT #220008121
ONE WAY
WRONG WAY / DO NOT ENTER SIGNAGE
SEE PRIVATE DRIVE SECTION
R50.00'
RIGHT-IN ONLY
BEGIN TRANSITION TO CG-7 BEYOND CG-12 RAMPS
APPROXIMATE LOCATION OF EXISTING 4" GRAVITY SEWER LATERAL FROM #1800 MARTINSBURG PIKE
(#1800 MARTINSBURG PIKE) EXISTING BUILDING
EXISTING UNKNOWN WATER MAIN
5
HOUSE AT #1800 MARTINSBURG PIKE, OWNED BY K&J INVESTMENTS, LC, MUST DISCONNECT FROM THE WELL AND PAY THE CONNECTION FEE FOR WATER AND SEWER AT FREDERICK WATER. OWNER IS RESPONSIBLE FOR INSTALLING A WATER METER FOR THE HOUSE AND NECESSARY PLUMBING CONNECTIONS. (SEE CAPON VALLEY BANK SITE PLAN BY GREY WOLFE, INC. FOR WATER METER DESIGN DETAILS AND PROPOSED



Planning Commission Summary and Action From 5/6/2026 Public Hearing:

The Planning Commission held a public hearing during their regular meeting on May 6, 2026. The Planning Commission suggested the applicant provide a statement from the Battlefield Association that they have no concern with the proposed sign height.

The Planning Commission recommended **approval** of the proposed rezoning application (12-0).

This is a rezoning requiring a public hearing.

Following a public hearing, staff is seeking a decision from the Board of Supervisors on this rezoning application.

REZ # 03 - 26: Snowden Bridge Station Interstate Area Overlay

PIN: 43 - A - 150

Rezoning from B2 to B2 with Proffers and Interstate Area Overlay Zoning District

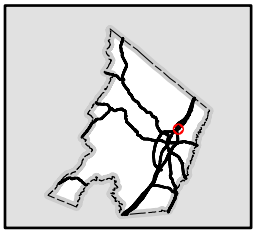
Location Map



Application

Sewer and Water Service Area

Parcels



N

W E

S

0 50 100 200 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

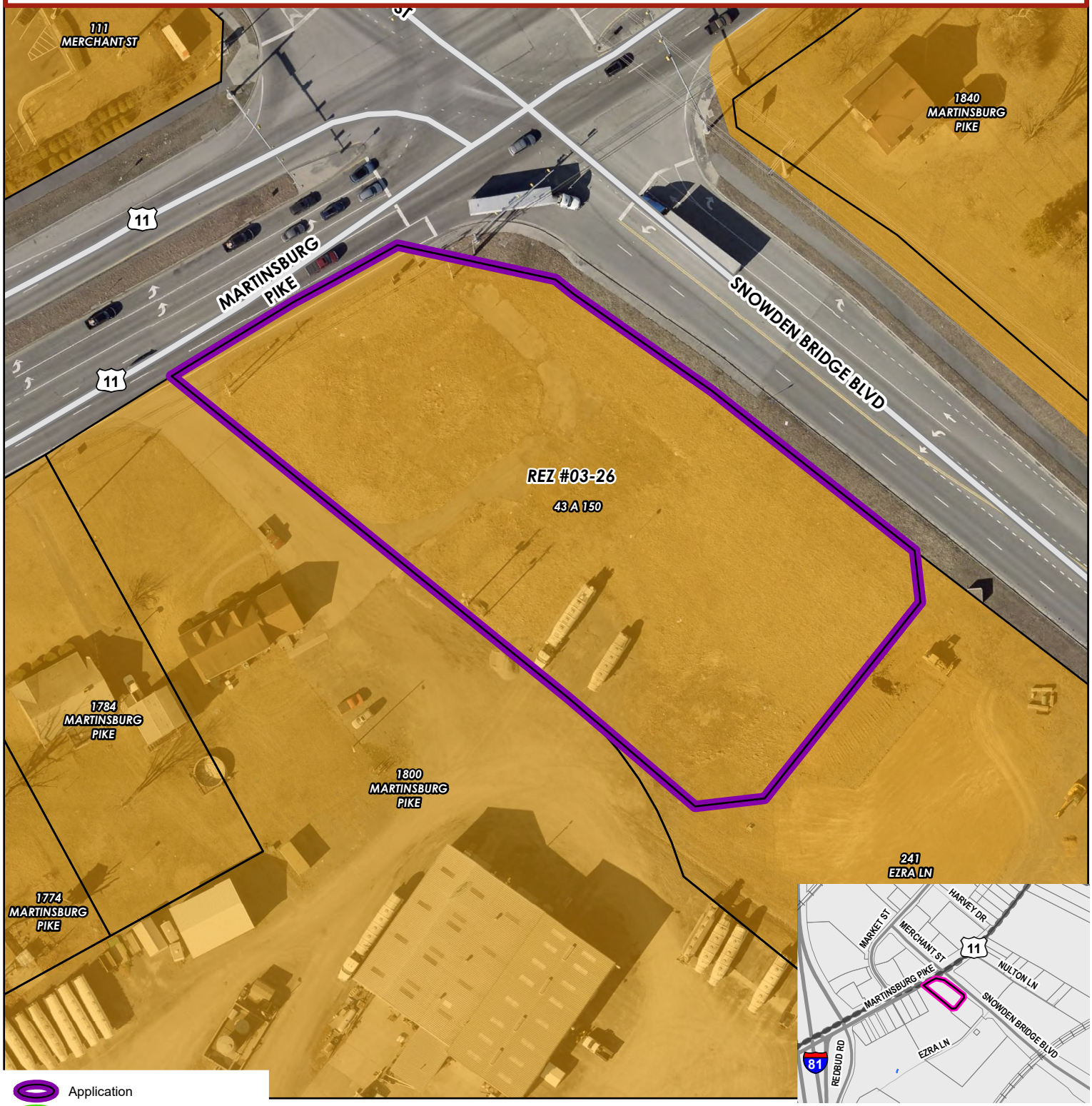
Map Created: April 16, 2026

REZ # 03 - 26: Snowden Bridge Station Interstate Area Overlay

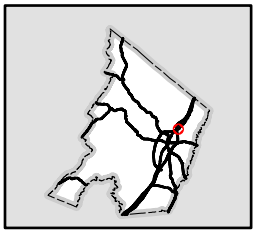
PIN: 43 - A - 150

Rezoning from B2 to B2 with Proffers and Interstate Area Overlay Zoning District

Zoning Map



- Application
- Sewer and Water Service Area
- Parcels
- **B2 (General Business District)**



N
W E
S

0 50 100 200 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

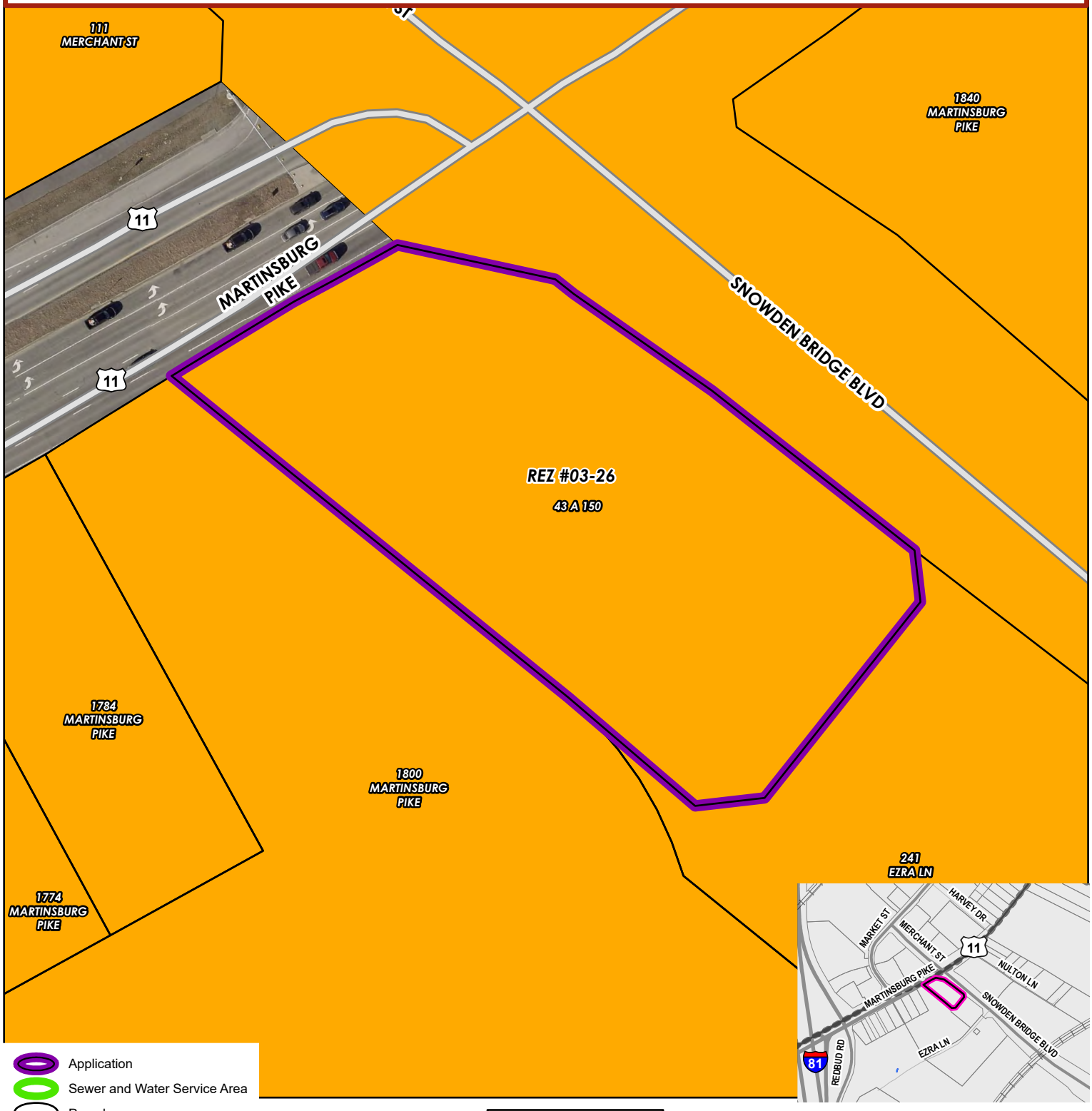
Map Created: April 16, 2026

REZ # 03 - 26: Snowden Bridge Station Interstate Area Overlay

PIN: 43 - A - 150

Rezoning from B2 to B2 with Proffers and Interstate Area Overlay Zoning District

Long Range Land Use Map



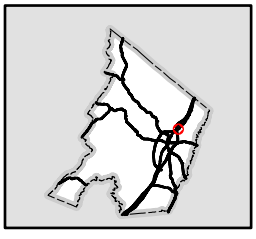
Application

Sewer and Water Service Area

Parcels

Long Range Land Use

Business



N

W E

S

0 50 100 200 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: April 16, 2026

REZONING APPLICATION
FREDERICK COUNTY, VIRGINIA

Submittal Deadline	
P/C Meeting	
BOS Meeting	

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: Snowden Bridge Station, LLC

Specific Contact Person if Other than Above: H. Dexter Mumaw

Address: 5534 Main Street, Mount Jackson, VA 22842

Telephone: (540) 4[redacted] Email: [redacted]

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

2. Other Interested Parties (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Thomas Moore Lawson, P.C.

Specific Contact Person at Firm: Thomas Moore Lawson, Esquire

Address: P.O. Box 2740, Winchester, VA 22604

Telephone: (540) 665-0050 Email: tlawson@lsplc.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. Project Name: Snowden Bridge Station, LLC

5. Property Information:

Property Identification Number(s):	43-A-150
Total acreage of the parcel(s):	1.61 acres
Total acreage of the parcel(s) to-be-rezoned:	1.61 acres
Current zoning designation(s) and acreage(s) in each designation:	B2
Proposed zoning designation(s) and acreage(s) in each designation:	B2 with Interstate Area Overlay
Magisterial District(s):	Stonewall

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

1818 Martinsburg Pike

Is this property within ½ miles of the Town of Stephens City, the Town of Middletown, the City of Winchester, Clarke County, or Shenandoah County (specify which):

No

Adjoining Properties:

	Zoning:	Use:
North:	B2	Commercial
South:	B2	Commercial
East:	B2	Vacant
West:	B2	Commercial

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

William B. Holtzman, P.O. Box 8, Mt. Jackson, VA 22842

Please attach additional page(s) if necessary.

7. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

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

Owner: [redacted] Date 2/18/26

If signing on behalf of an entity, please state name of entity and your title:

H. Dexter Mumaw, Operating Agent

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

If additional signature lines are necessary, such as if more than two people are owners, please use additional copies of this page.

**A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.*

Adjoining Property Owners

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For 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. These can be obtained from Frederick County's GIS Interactive Maps.

**The Town of Stephens City, Middletown, the City of Winchester, Clarke County, or Shenandoah County shall be notified if the proposal is within ½ mile of their boundary.*

Name and Property Identification Number	Address
Name Levine Investments Limited Partnership Property # 43-A-100L	2801 E. Camelback Road, Suite 450 Phoenix, AZ 85016
Name TP Thirteen LLC c/o 888 Realty Investors LLC Property # 43-A-100O	888 17th Street NW, Suite 210 Washington, DC 20006-3313
Name K & J Investments LC Property # 43-A-149	234 Ezra Lane Winchester, VA 22603
Name Capon Valley Bank Property # 43-A-151E	2 West Main Street Wardensville, WV 26851
Name K & J Investments LC Property # 43-A-151B	1800 Martinsburg Pike Winchester, VA 22603
Name Property #	
Name Property #	
Name Property #	
Name	

Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

Amended Proffer Statement for Snowden Bridge Station

Rezoning: **RZ #_____**

Property: **Area: 1.61 acres**

Tax Parcel 43-(A)-150

Record Owner: **Snowden Bridge Station, LLC**

Project Name: **Snowden Bridge Station**

Original Date of Proffers: **March 22, 2016**

Revisions: **May 17, 2016, April 28, 2022, May 11, 2022, June 2, 2022, _____, 2026**

Magisterial District: **Stonewall**

Pursuant to section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owner hereby offers the following amended proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve these amended proffers for Rezoning Application #_____ for rezoning of 1.61-acres from Business (B-2) to Business (B-2) with Interstate Area Overlay District, 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 owners and such are approved by the Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these amended proffers shall be deemed withdrawn and have no effect whatsoever. These amended proffers shall be binding upon the owners and their legal successors, heirs, or assigns.

These amended proffers amend only Proffer 2.c of the Amended Proffer Statement approved with Rezoning Application #01-22 as it relates to the Property. All other proffers of the Amended Proffer Statement approved with Rezoning Application #01-22 remain in full force and affect.

The "Property" is more particularly described as the land conveyed to Snowden Bridge Station, LLC from K & J Investments, L.C. by Deed per instrument 220009189, as recorded in the Frederick County Circuit Court Clerk's Office.

The Generalized Development Plan approved with Rezoning Application #01-22 remains in full force and effect.

Proffers:

2. Corridor Enhancement along Route 11 – Martinsburg Pike

   c. The owner hereby proffers that in addition to one freestanding monument style tenant sign along the frontage of Martinsburg Pike, the owners of Tax Map No. 43-(A)-150 shall be allowed to have a ~~second~~ one interstate overlay ~~monument~~ sign along the frontage of Martinsburg Pike ~~which will be of the same general design and materials as the monument sign referenced above~~ as allowed under existing Ordinances for on-site signage for a convenience store with fuel pricing. No additional free standing signage will be allowed on the Property along Martinsburg Pike ~~other than one interstate overlay sign on Tax Map No. 43-(A)-150~~.

[signatures on the following pages]

Respectfully submitted,

SNOWDEN BRIDGE STATION, LLC

_____
By: H. Dexter Mumaw
Its: Operating Agent

COMMONWEALTH/STATE OF _____, AT LARGE
CITY/COUNTY OF _____, To-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2026 by H. Dexter Mumaw, Operating Agent of SNOWDEN BRIDGE STATION, LLC.

_____
NOTARY PUBLIC

My commission expires: _____
Registration Number: _____

SNOWDEN BRIDGE STATION, LLC

IMPACT ANALYSIS STATEMENT
February 20, 2026

GENERAL SITE INFORMATION

Location:	1818 Martinsburg Pike
Magisterial District:	Stonewall District
Tax Map Number:	43-A-150
Current Zoning:	B2
Current Use:	Convenience market with gasoline fueling stations
Proposed Zoning:	B2 with Interstate Area Overlay
Proposed Use:	Convenience market with gasoline fueling stations
Total Rezoning Area:	1.61 acres

INTRODUCTION

This statement has been prepared for the purpose of assessing the impact on Frederick County by the rezoning of property identified as Tax Map Number 43-A-150 (the "Property") to B2 (General Business District) with Interstate Area Overlay. The subject parcel is located at 1818 Martinsburg Pike across from the Rutherford Crossing Shopping Center.

The property is currently zoned B2 (General Business District). This application proposes to rezone the Property from B2 (General Business District) to B2 (General Business District) with Interstate Area Overlay.

The Property is already subject to proffers as part of Rezoning #01-22 which was approved by the Board of Supervisors on June 8, 2022. The Property also has site plan approval for a 5,800 square foot convenience market with gasoline fueling stations (Site Plan #02-23). The purpose of this rezoning application is to add the Property to the Exit 317 Interstate Area Overlay District so that Snowden Bridge Station, LLC (the "Owner") may install an interstate overlay sign on the Property in the location generally shown on "Exhibit A."

> The IA Interstate Area Overlay District (the "IA District") is intended to provide commercial businesses within an identified area the ability to utilize business signs that are in excess of the limits specified in [the Zoning Ordinance]. This flexibility is provided to inform the traveling public of business service opportunities at specific interstate interchange areas.

Frederick County Zoning Ordinance § 165-704.01.

The Exit 317 IA District already includes numerous properties located to the west of I-81 but only one property (Target in Rutherford Crossing) on the east side of I-81. The property on the west side of I-81 furthest from Exit 317 is located approximately 1,400 feet from the southbound exit ramp and 1,800 feet from the northbound exit ramp. The Property is well within that distance from the Exit 317 exit ramps being located approximately 1,300 feet from the northbound exit ramp and 1,700 feet from the southbound exit ramp. Further, Exit 317 has already been approved for a significant redesign, realignment, and reconfiguration which when completed will shorten these distances dramatically.

Owner submits that rezoning the Property to B2 with Interstate Area Overlay is a compatible use with the business character of this section of Martinsburg Pike. The Comprehensive Plan states that business development land uses in the area of Exit 317 of I-81 should be "designed to accommodate and promote highway commercial land uses." *See* Northeast Land Use Plan, p. 2. Adding the Property to the IA District will permit Owner to install an interstate overlay sign similar to the interstate overlay signs already located on the west side of I-81. This will have the benefit of informing the traveling public of the additional business service opportunities located on the east side of Exit 317 in conformance with the intent of the IA District and the Comprehensive Plan. The interstate overlay sign will make the Property more visible to those traveling northbound on I-81 who can easily exit and re-enter I-81 while remaining on the east side of the interchange.

Pursuant to Frederick County Zoning Ordinance § 165-704.03(A), the Property is in conformance with the idealized interchange development pattern recommendation of the Comprehensive Plan which currently proposes the re-alignment of Red Bud Road and the existing northbound exit ramp. Adding the Property to the IA District will not interfere with the County's re-alignment plans. Further and as discussed below, the placement of an interstate overlay sign on the Property will not have an adverse impact on any adjoining properties whose primary use is residential because this area of Martinsburg Pike is primarily commercial. Lastly, the Property has met the requirements of Article I of the Frederick County Zoning Ordinance as well as the requirements of § 15.2-2286 of the Code of Virginia 1950, as amended.

USE OF SURROUNDING LAND

The properties surrounding the Property are zoned B2. This area of Martinsburg Pike is primarily commercial in nature. There will be no economic, physical, visual, or nuisance impacts to surrounding properties. In fact, other businesses located in the vicinity of the Property may benefit from the Property's inclusion in the Interstate Overlay District as an interstate overlay sign will draw customers to the east side of Exit 317.

TRAFFIC

Owner has already addressed any traffic impacts which may arise as a result of this rezoning as part of the prior rezoning approval and site plan approval.

SEWER AND WATER FACILITIES

The Sewer and Water Service Area (SWSA) defines the areas of the County to which public water and sewer services may be extended. The Property is located inside of the SWSA.

POPULATION

There will not be an increase in the Frederick County population as a result of this rezoning.

ADDITIONAL DEMANDS

There will be no demand on school facilities, public parks or recreational facilities, solid waste facilities, or other public facilities as a result of this rezoning. The Property is subject to proffers approved with the prior rezoning which provides for a monetary contribution for fire and rescue services.

STORMWATER IMPACTS

There are no stormwater impacts as a result of this rezoning.

ENVIRONMENTAL FEATURES AND IMPACTS

There are no impacts to the Property's environmental features as a result of this rezoning.

HISTORIC STRUCTURES

There are no historic structures located on the Property.

OTHER IMPACTS

Owner does not anticipate any other impacts resulting from this rezoning.

MARTINSBURG PIKE
U.S. ROUTE 11
ADT = 14,000 (
VARIABLE WIDTH
MAJOR COLLECT
40 MPH POSTE

EXISTING 10" WATER MAIN

FREESTANDING MONUMENT-STYLE TENANT SIGN, PER ORDINANCE, SEE CONCEPT SKETCH ON SHEET 12

VDOT CG-12C

ADJUST LID AND VALVE COVER TO FINISHED GRADE

S 77°45'59" E
16.31'

R5.00'

8.00'

EX. STOPLIGHT BASE AND POLE

EX. VARIABLE WATERLINE EASEMENT 150004537

VARIABLE WIDTH

EX. AIR-RELEASE/VACUUM VALVE
TOP OF "STORM" LID =
TOP OF PIPE =

13.00'

50.00' TAPER

15.00'

12.00'

4.00'

12.00'

15.00'

12.00'

15.00'

EX. ELECTRIC EASEMENT 150003377

R20.00'

10.00'

EX. SUBSURFACE VDOT TRAFFIC PEDESTAL

VARIABLE WIDTH

VDOT CG-2 (TYPICAL)

PROPOSED 35' FRONT BRL

PROPOSED SITE LIGHTING (TYPICAL; SEE LIGHTING PLAN)

PROPOSED RIGHT-OF-WAY LINE

35.00'

13

44.00'

PROPOSED AREA =

UNDERGROUND DE
(24"ø PIP
(SEE DETA

UNDERGROUND FUEL TANKS (TYPICAL 4)

6K GALLON

6K GALLON

6K GALLON

20K GALLON

6" SEWER CLEANOUT WITH HEAVY-DUTY FRAME AND COVER (TYPICAL 8)

SEE CONCRETE PAVEMENT SECTION

21.00'

R15.00'

R1.00'

3.00'

24.00'

ONLY

LEFT

R35

N 60°48'35" E 197.73'

R20.00'

Sign Pole

50.00'

PROPOSED 50' FRONT BRL/PRL

N 50°58'19" W
360.93'

R15.00'

NO RIGHT TURN SIGN

EXISTING UNDERDRAIN

EXISTING 10" WATER MAIN

EX1

17

EX. EW-12
INV. = 697.26'

VDOT EW-12
(EXTEND EXISTING UNDERDRAIN PIPE)
4" INV. OUT = 697.16

VDOT CG-12B

R5.00'

20.00'

WAY ONE

EXISTING PAVED ENTRANCE

WAY ONE

16.00'

EX. 30' ACCESS & UTILITY EASEMENT #220008121

WAY ONE

EXIS
WIRE

R50.00'

RIGHT-IN ONLY

BEGIN TRANSITION TO CG-7 BEYOND CG-12 RAMPS

SEE PRIVATE DRIVE SECTION

WRONG WAY / DO NOT ENTER SIGNAGE

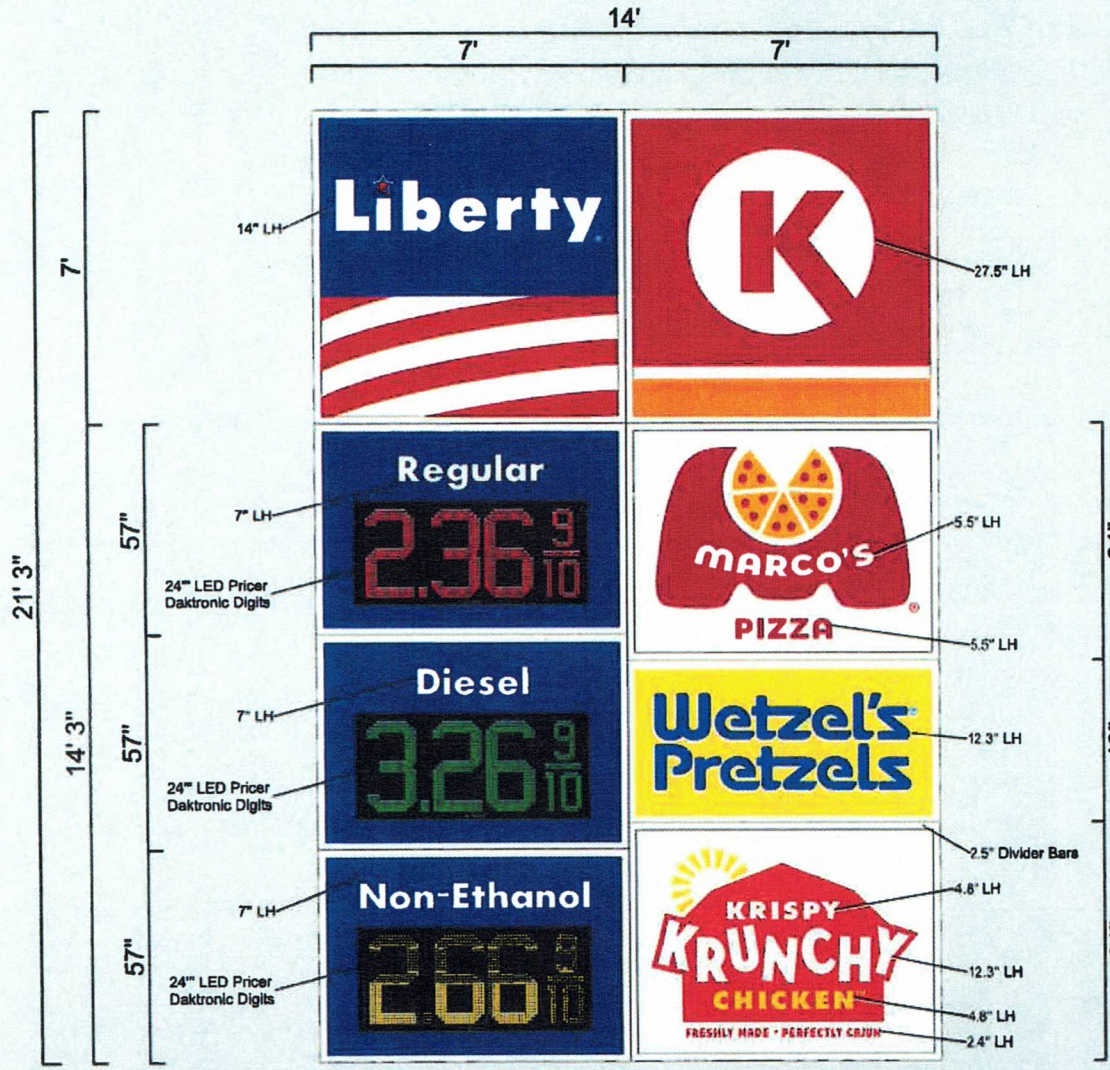
APPROXIMATE LOCATION OF EXISTING 4" GRAVITY --> SEWER LATERAL FROM #1800 MARTINSBURG PIKE

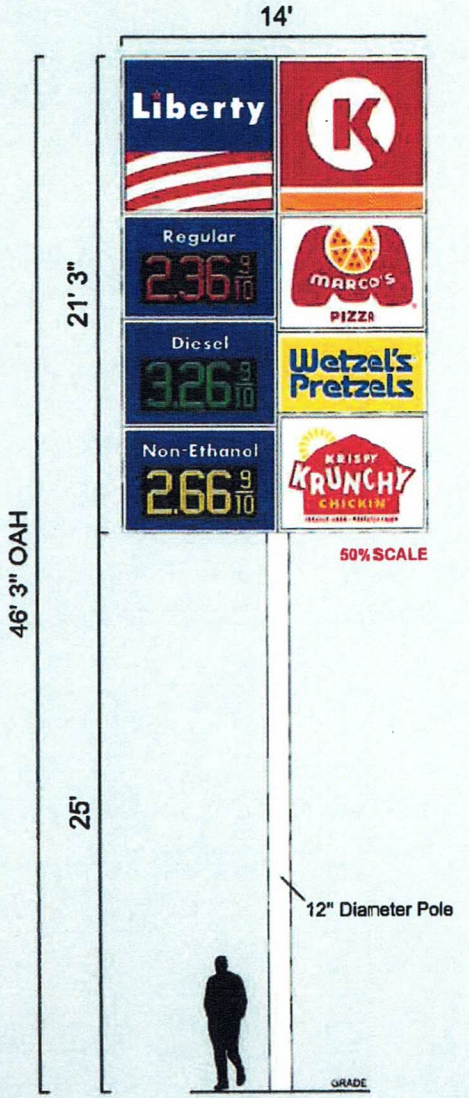
(#1800 MARTINSBURG PIKE) EXISTING BUILDING

EXISTING UNKNOWN WATER MAIN

3 HOUSE AT #1800 MARTINSBURG PIKE, OWNED BY K&J INVESTMENTS, LC, MUST DISCONNECT FROM THE WELL AND PAY THE CONNECTION FEE FOR WATER AND SEWER AT FREDERICK WATER. OWNER IS RESPONSIBLE FOR INSTALLING A WATER METER FOR THE HOUSE AND NECESSARY PLUMBING CONNECTIONS. (SEE CAPON VALLEY BANK SITE PLAN BY GREY WOLFE, INC. FOR WATER METER DESIGN DETAILS AND PROPOSED

Pylon / Single Pole Option
297.5 sq ft





Formerly OMPS

eddie edwards signs
Incorporated
540-434-8586 800-897-7446
FAX: 540-434-8561
6471 B VALLEY PIKE
MT CRAWFORD, VA 22841
eesigns.biz

PROJECT:
HOC
Snowden
Bridge Blvd
Monument

This document represents only an approximation of material colors specified. Actual product colors may vary from this print or digital image

CUSTOMER APPROVAL:

AUTHORIZED SIGNATURE

DATE

WORK ORDER NO.

REVISIONS
1 v2 10/3/2025
2 v3 10/13/2025
3 v4 10/14/2025
4 v5 1/22/2026
5 v6 1/23/2026

REPRESENTATIVE CJ
PROJECT MANAGER MR
DRAWN BY KB
DATE 1/27/2023
FILE NAME HOC - Snowden Bridge Monument
NOT TO SCALE

"THIS DOCUMENT IS OWNED BY, AND THE INFORMATION CONTAINED IN IT IS PROPRIETARY TO, EDDIE EDWARDS SIGNS, INC. BY RECEIPT HEREOF THE HOLDER AGREES NOT TO USE THE INFORMATION, DISCLOSE IT TO ANY THIRD PARTY, NOR REPRODUCE THIS DOCUMENT WITHOUT THE PRIOR WRITTEN CONSENT OF EDDIE EDWARDS SIGNS, INC. HOLDER ALSO AGREES TO IMMEDIATELY RETURN THIS DOCUMENT UPON REQUEST TO EDDIE EDWARDS SIGNS, INC."

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THOMAS MOORE LAWSON, P.C.

*OF COUNSEL - WILLIAMS MULLEN

120 EXETER DRIVE, SUITE 200
POST OFFICE BOX 2740
WINCHESTER, VA 22604
TELEPHONE: (540) 665-0050
FACSIMILE: (540) 722-4051

*THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

April 8, 2026

Eric Bittner, Planner II
Frederick County Department of Planning & Development
107 N. Kent Street
Winchester, VA 22601

Re: Rezoning Application –
Tax Map No. 43-A-150
Our File No. 1466.001

VIA E-MAIL AND HAND-DELIVERY

Dear Eric:

This is a response to your letter dated March 25, 2026 regarding the rezoning application filed by Snowden Bridge Station, LLC ("Snowden Bridge Station") for the property known as Frederick County Tax Map Number 43-A-150 (the "Property"). Below is a summary of the agency comments received to the application and Snowden Bridge Station's responses to the same.

Frederick County Fire Marshal: All applicable sections of the Frederick County Fire Prevention Code shall apply to any and all future development.

- This is to confirm that all applicable sections of the Frederick County Fire Prevention Code shall apply to any and all future development on the Property.

Frederick County Inspections: No comment.

Frederick County Public Works: No comment as there are no changes proposed to the Property's site grading or stormwater management.

Virginia Department of Transportation: No comment.

Frederick County Attorney: The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. The County Attorney has not reviewed the substance of the proffers as to whether they are suitable and appropriate for this specific development, as my that review is undertaken by staff and the Planning Commission.

Frederick County Planning:

- **Consideration should be given to the residential uses close to the Property and the impact on those residences should be adequately mitigated.**
  - Snowden Bridge Station does not foresee any impacts to the residences located close to the Property that are not already being mitigated by the requirements of the prior rezoning of this Property.

- **The proposed sign should be setback 196' from Martinsburg Pike.**
  - It is not only impractical to setback the high-rise sign 196' from Martinsburg Pike but it is also not required by the Frederick County Zoning Ordinance. Locating the sign 196' back from Martinsburg Pike would place the high-rise sign within the interior travelways of the Property or designated parking spaces for the convenience store. Section 165-704.05(D)(1) requires only a setback of 10 feet from any property line. Further, the Property does not adjoin any properties that are zoned Residential Performance, Higher Education, or which has a residence as its primary use which would trigger the increased setbacks required by Section 165-704.05(D)(2). Snowden Bridge Station proposes to set the high-rise sign back 11' from Martinsburg Pike and 15' from the southern side property line in conformance with the Zoning Ordinance.

- **Only one electronic sign is permitted on the Property.**
  - If Snowden Bridge Station desires to install an electronic sign on the Property, it will only install one.

- **As written, the Proffer would allow for up to three signs, two monument and one high-rise. The monument sign for fuel pricing should be removed to prevent sign congestion.**
  - Snowden Bridge Station is only proposing to install two signs on the Property, one monument and one high-rise. The high-rise sign will replace the southern-most monument sign shown on the site plan for the Property. Enclosed please find a revised Proffer Statement clarifying the same.

- The application fee is enclosed with this correspondence.

Thank you for your assistance and cooperation. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

[redacted]

Thomas Moore Lawson

TML:ln
Enclosures
cc: Snowden Bridge Station, LLC

COUNTY of FREDERICK

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

March 25, 2026

Thomas Lawson,, Esquire
Thomas Moore Lawson, P.C.
P.O. Box 2740, Winchester, Va, 22604

RE: Proposed Rezoning for Snowden Bridge Station IA rezoning
Property Identification Numbers (PIN):43-A-150

Dear Mr. Lawson:

Planning and Development staff had the opportunity to review the draft rezoning application (REZ). This application seeks to rezone approximately +/1.61 acres zoned as B2 (General Business) Zoning District with proffers to be included in the Interstate Area (IA) Overlay district. The subject property is located at 1818 Martinsburg Pike in the Stonewall Magisterial District. Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

- **Comprehensive Plan Conformance.** The Comprehensive Plan (adopted November 2021) and the *Northeast Frederick Area Plan* provides guidance on the future development of the subject property. The Plan identifies the subject properties with a "business" land use designation and as being within the limits of the Urban Development Area (UDA). The property is in the area of the "*Interstate and Martinsburg Pike Commercial and Industrial Areas"* sub-area. The *Northeast Frederick Area Plan* provides guidance on the development patterns for this area as follows.

  > "*...Properties west of the rail corridor may be well suited to meet community needs for anchor retail, and further study of these properties may be appropriate to determine whether the inclusion of residential uses would be necessary to support such activity.*
  > *Existing residential uses are located along Martinsburg Pike, in close proximity to transition in the future to higher intensity uses, development applications should seek to mitigate their impact on these residences near term.*

  The site is also located in close proximity to Exit 317, and the plan offers the following guidance regarding development in this area.

  > "*Located at highly visible locations on interstate interchanges, these areas should be designed to accommodate and promote highway commercial land uses Particular effort must be made to ensure that access management for the supporting transportation network is a key priority as the function of the interstate and primary road network is critical. As these areas are highly visible, building and site design should be of a high quality to ensure that these areas put forth an*

attractive view for both residents and visitors; enhanced buffers and screening are also important along Interstate 81 and adjoining roadways."

The intent of the Interstate Overlay zoning district is described in §165-604.01 as "... *to provide commercial businesses within an identified area the ability to utilize business signs that are in excess of the limits specified in § 165-201.06 of this chapter. This flexibility is provided to inform the traveling public of business service opportunities at specific interstate interchange areas. The standards within this Part 704 are designed to allow for additional visibility for commercial businesses while minimizing negative impacts to view sheds, the traveling public and residential properties that are adjacent to or within the proximity of the overlay district. Established boundaries are based on reasonable sight distances and policies set forth in the Comprehensive Plan and are intended to designate each interstate interchange area and provide guidance for considering the addition of subsequent properties.*"

Given the property's current zoning of B2 (General Business), the future land use designation, and proximity to Exit 317 on I-81, the Interstate Area Overlay district could align with the policies contained in the Comprehensive Plan. Consideration should be given to the residential uses close to the property and the impact on those residences should be adequately mitigated.

- **Setbacks.** The proposed sign has a proposed setback of 11' from the front property line along Martinsburg Pike. A recent high-rise sign at 1544 Martinsburg Pike (Parcel ID: 43-A-46) was setback 196' from Martinsburg Pike. The proposed sight should be moved to have a similar distance.

- **Digital signs:** As an advisory note, only one electronic sign is permitted, the proposed monument side on the other side of the property may not be digital if the proposed sign is digital.

    - **Proffer Statement.** The following revisions are offered for consideration as they relate to the proffer statement dated November 26, 2025:

    - Proffer C.2: As written, the proffer would allow for up to three signs, two monument and 1 high-rise, on the property. The monument sign for fuel pricing should be removed to prevent sign congestion.

- **Other Application Materials & Fee.**

    - Based on the fees adopted by the Board of Supervisors, the rezoning fee for this rezoning application would be $5,161.

All the above comments and reviewing agency comments should be appropriately addressed before staff can accept this rezoning application for a public hearing. The Applicant should verify with Planning & Development staff application completeness prior to final submission.

Please feel free to contact me with questions regarding this application.

Sincerely,

[redacted]

Eric Bittner,
Planner II

Cc: H. Dexter Mumaw, Snowden Bridge Station LLC, 5534 Main Stret, Mount Jackson, VA, 22842
William B Holtzman, P.O. Box 8, Mt. Jackson, VA, 22842

REQUEST FOR REZONING COMMENTS

Project Name: Snowden Bridge Station, LLC

Acreage: 1.61

PIN(s): 43-A-150

Address (or general location):
1818 Martinsburg Pike

Existing Zoning District: B2

Proposed Zoning District: B2 with Interstate Area Overlay

Staff Name (Email Address): _____

Agency Name Completing Comments (select one):

- [ ] Frederick Water
- [ ] Virginia Department of Transportation
- [ ] Winchester Regional Airport
- [ ] Virginia Department of Health
- [ ] Historic Resources Advisory Board
- [ ] Frederick County (FC) Public Schools
- [ ] FC Public Works
- [ ] FC Inspections
- [ ] FC Fire Marshal
- [ ] FC Parks & Recreation
- [x] FC County Attorney
- [ ] Other (Specify): _____

Reviewer Name (Email Address): _____

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review is being undertaken by staff and the Planning Commission.

Resubmission to address comments requested? Y [ ] or N [x]

REQUEST FOR REZONING COMMENTS

Project Name: Snowden Bridge Interstate Overlay

Acreage: 1.61

PIN(s): 43-A-150

Address (or general location):
1818 Martinsburg Pike

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B2(with proffers) with Interstate Overlay

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☑ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): Ryan Spielman

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

VDOT has no comments.

Resubmission to address comments requested? Y ☐ or N ☑

RECEIVED
FEB 27 2026
By

REQUEST FOR REZONING COMMENTS

Project Name: Snowden Bridge Interstate Overlay

Acreage: 1.61

PIN(s): 43-A-150

Address (or general location):
1818 Martinsburg Pike

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B2(with proffers) with Interstate Overlay

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☒ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): T. V. E. Piferr FM@fcva.us

Review Agency Comments:
Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.

See report attached [redacted]

Resubmission to address comments requested? Y ☐ or N ☒

Frederick County Fire and Rescue Department

Office of the Fire Marshal
1080 Coverstone Drive
Winchester, VA 22602
Phone: 540-665-6350 Fax: 540-678-4739
fmo@fcva.us

Plan Review

Rezoning

Status: Approved with Conditions

Business Name
Snowden Bridge Interstate Overlay
1818 Martinsburg Pike
Winchester, Virginia 22603

Other:
Thomas Moore Lawson. P.C.

Printed Date: 03/16/2026

General Information

Received Date:	02/27/2026	Occupancy Type:	
Review Begin Date:	03/16/2026	Property Use:	
Review End Date:	03/16/2026	Activity Number:	I0210162
Hours:	0.5000	Review Cause:	Application

Comments:
ALL applicable sections of the Frederick County Fire Prevention Code Shall apply to any and all future development.



William Pifer
Lieutenant/Assistant Fire Marshal

REQUEST FOR REZONING COMMENTS

Project Name: Snowden Bridge Interstate Overlay

Acreage: 1.61

PIN(s): 43-A-150

Address (or general location):
1818 Martinsburg Pike

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B2(with proffers) with Interstate Overlay

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☑ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): 3/2/26. John Lee. Johnathan.Lee@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No Comment.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR REZONING COMMENTS

Project Name: Snowden Bridge Interstate Overlay

Acreage: 1.61

PIN(s): 43-A-150

Address (or general location):
1818 Martinsburg Pike

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B2(with proffers) with Interstate Overlay

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- [ ] Frederick Water
- [ ] Virginia Department of Transportation
- [ ] Winchester Regional Airport
- [ ] Virginia Department of Health
- [ ] Historic Resources Advisory Board
- [ ] Frederick County (FC) Public Schools
- [x] FC Public Works
- [ ] FC Inspections
- [ ] FC Fire Marshal
- [ ] FC Parks & Recreation
- [ ] FC County Attorney
- [ ] Other (Specify): _____

Reviewer Name (Email Address): bwhitlock@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments from Public Works. No changes proposed to site grading/stormwater.

Resubmission to address comments requested? Y [ ] or N [x]

Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents That:

Snowden Bridge Station, LLC

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.
If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

5534 Main Street, Mount Jackson, VA 22842 — Mailing Address of Property Owner/Applicant

(540) 477-2686 — Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

43-A-150

do hereby make, constitute, and appoint:

Thomas Moore Lawson, Esquire

Name of Attorney-In-Fact

P.O. Box 2740, Winchester, VA 22604 — Mailing Address of Attorney-In-Fact

(540) 665-0050 — Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

- [x] **Rezoning**
- [ ] **Conditional Use Permit**
- [ ] **Master Development Plan (prelim. or final)**
- [ ] **Subdivision Appeal or Waiver/Exception**
- [ ] **Subdivision**
- [ ] **Site Plan**
- [ ] **Variance or Zoning Appeal**

and, further, 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 appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature [redacted]

Title (if sign[redacted] H. Baxter Mumaw, Operating Agent of Snowden Bridge Station, LLC

State of Virginia, County/City of Shenandoah, To wit:

I, Heather B. Kibler, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 18 day of February, 2026

[redacted]

Notary Public

My Commission Expires: 6/30/2027

Registration Number: 7182687

Heather Betty Kibler
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7182687
My Commission Expires 6/30/2027

220009189

THIS DEED, made and dated this 30th day of July, 2022, by and between K & J INVESTMENTS, L.C., a Virginia limited liability company, hereinafter called the Grantor; and SNOWDEN BRIDGE STATION, LLC, a Virginia limited liability company, hereinafter called the Grantee.

WITNESSETH, that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant and convey with general warranty and English covenants of title, unto Snowden Bridge Station, LLC, a Virginia limited liability company, the Grantee, in fee simple, all of the following property:

All that certain tract or parcel of land, containing 1.610 acres, more or less, together with any improvements thereon, and all rights, privileges, easements, appurtenances and rights-of-way thereunto belonging or in anywise appertaining, lying and being situate on the east side of Martinsburg Pike (U.S. Route 11) in Stonewall Magisterial District, Frederick County, Virginia, as shown in the Deed of Dedication and Deed of Boundary Line Adjustment, dated June 27, 2022, with plat attached thereto entitled "Final Boundary Line Adjustment Plat of Snowden Bridge Station Tax Parcels 43-(A)-150 & 151B, Stonewall Magisterial District, Frederick County, Virginia", prepared by Gary R. Oates, L.S., and dated January 31, 2022, recorded as Instrument No. 220008121, in the Clerk's Office of the Circuit Court of Frederick County, Virginia. A title survey made by Randall K. Newman, L.S., dated June 29, 2022, and more particularly described by a metes and bounds description are attached hereto and included as a part hereof.

TOGETHER WITH a nonexclusive 30' access and utility easement from Martinsburg Pike (US Route 11) as being shown on the aforesaid Newman title survey.

FURTHER, TOGETHER WITH an additional nonexclusive access and utility easement across and along the 50' Access Easement known as "Ezra Lane Private" from the aforesaid 30' access and utility easement to Snowden Bridge Boulevard (Route 883) across the Grantor's TMP 43-A-151A.

AND BEING part of that property acquired from North Stephenson, Inc., by deeds dated October 29, 1993, and recorded in the said Clerk's Office in Deed Book 807, at Page 1551 and dated March 29, 2006, and recorded in the said Clerk's Office as Instrument No. 060005964.

Grantee Address: 5534 S. Main St, Mt Jackson, VA 22842
Consideration: $1,600,000.00 Assessed Value: $273,000.00
Tax Map No: 43-(A)-150

GREGORY F. HUTCHINSON
ATTORNEY AT LAW
124 S. BRADDOCK ST.
WINCHESTER, VA 22601

Reference is hereby made to the aforesaid instruments and the attachments thereto and the references therein contained, for a more particular description of the property hereby conveyed.

This conveyance is made subject to all easements, rights of way and restrictions of record, if any, affecting the subject property.

Witness the following signatures and seals:

K & J INVESTMENTS, L.C.,
a Virginia limited liability company

BY: [redacted] (SEAL)
JESSIE O. GULICK, Managing Member

BY: [redacted] (SEAL)
MICHAEL V. OMPS, Managing Member

STATE OF VIRGINIA,

CITY/COUNTY OF Winchester, TO-WIT:

I, Rita G. Fawley, a notary public in and for the State and County aforesaid, do certify that JESSIE O. GULICK and MICHAEL V. OMPS, Managing Members of K & J INVESTMENTS, L.C., a Virginia liability company, whose names are signed to the foregoing instrument dated July 20, 2022, has acknowledged the same before me.

GIVEN under my hand this 20th day of July, 2022.

[redacted]
Notary Public

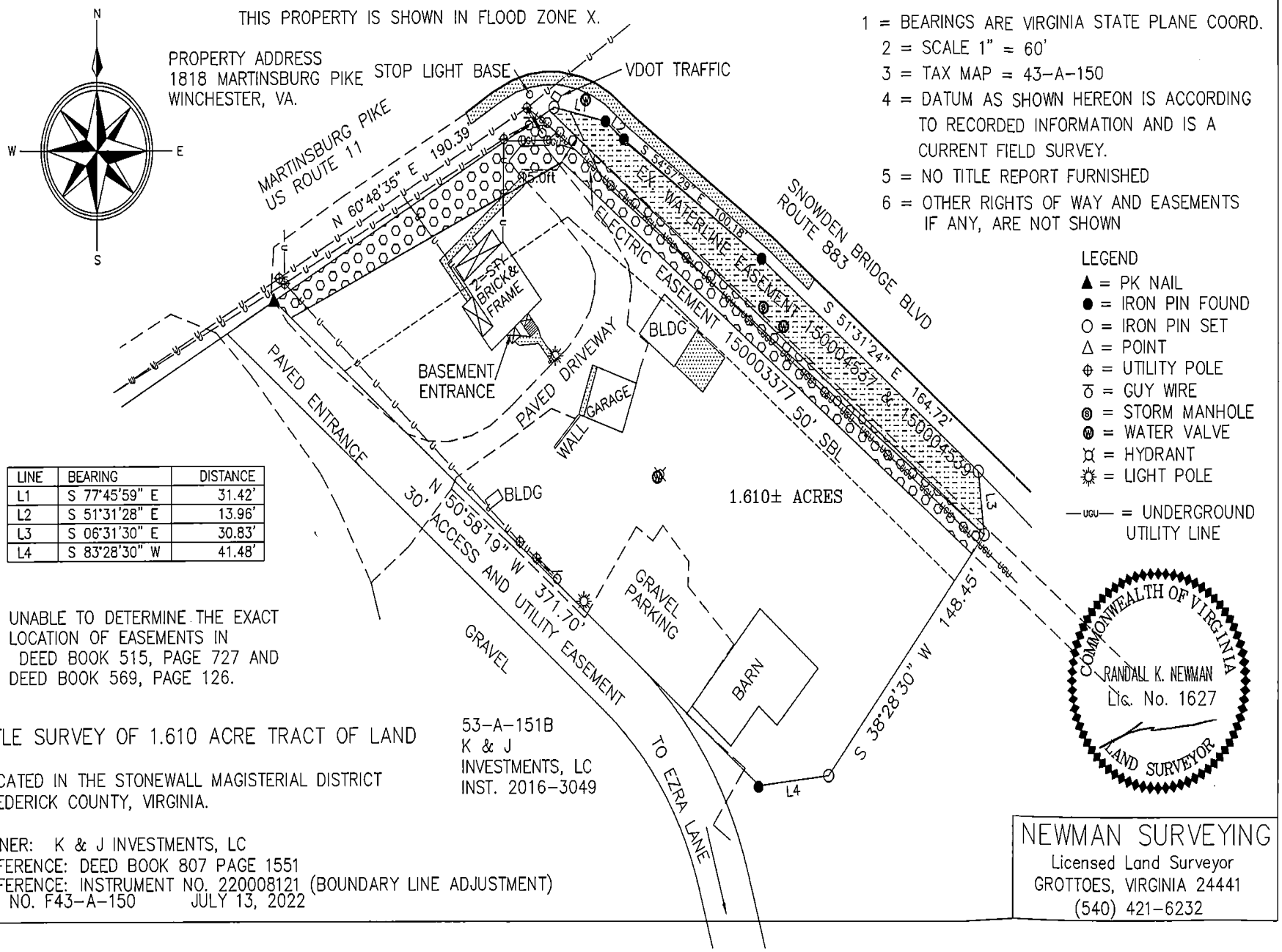
My Commission Expires: 3-31-2026

RITA G. FAWLEY NOTARY PUBLIC REG. # 360361 COMMONWEALTH OF VIRGINIA

GREGORY F. HUTCHINSON
ATTORNEY AT LAW
124 S. BRADDOCK ST.
WINCHESTER, VA 22601

Deed prepared by
Gregory F. Hutchinson
VSB #15489
124 South Braddock Street
Winchester, VA 22601
Insured by Fidelity National Title Insurance Company

GREGORY F.
HUTCHINSON
ATTORNEY AT LAW
124 S. BRADDOCK ST.
WINCHESTER, VA 22601



LINE	BEARING	DISTANCE
L1	S 77°45'59" E	31.42'
L2	S 51°31'28" E	13.96'
L3	S 06°31'30" E	30.83'
L4	S 83°28'30" W	41.48'

UNABLE TO DETERMINE THE EXACT LOCATION OF EASEMENTS IN DEED BOOK 515, PAGE 727 AND DEED BOOK 569, PAGE 126.

TITLE SURVEY OF 1.610 ACRE TRACT OF LAND

LOCATED IN THE STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA.

53-A-151B
K & J
INVESTMENTS, LC
INST. 2016-3049

OWNER: K & J INVESTMENTS, LC
REFERENCE: DEED BOOK 807 PAGE 1551
REFERENCE: INSTRUMENT NO. 220008121 (BOUNDARY LINE ADJUSTMENT)
JOB NO. F43-A-150 JULY 13, 2022

NEWMAN SURVEYING
Licensed Land Surveyor
GROTTOES, VIRGINIA 24441
(540) 421-6232

NEWMAN SURVEYING

P.O. Box 13
Office: (540) 477-3730
Grottoes, VA 24441

Randall Newman

Licensed Land Surveyor

The following is a metes and bounds description of a 1.610 acre tract of land, located in the Stonewall District, Frederick County, Virginia.

Beginning at an iron pin set on a corner of Route 883;
Thence S 06°31'30" E a distance of 30.83'to an iron pin set on a corner of Route 883 and K & J Investments, LC ;
Thence S 38°28'30" W a distance of 148.45'to an iron pin set on a corner of K & J Investments, LC;
Thence S 83°28'30" W a distance of 41.48'to an iron pin found on a corner of K & J Investments, LC;
Thence N 50°58'19" W a distance of 371.70'to a PK nail on a corner of K & J Investments, LC and US Route 11;
Thence N 60°48'35" E a distance of 190.39'to an iron pin set on a corner of US Route 11;
Thence S 77°45'59" E a distance of 31.42'to an iron pin found on a corner of Route 883;
Thence S 51°31'28" E a distance of 13.96'to an iron pin found on a corner of Route 883;
Thence S 54°57'29" E a distance of 100.18'to an iron pin found on a corner of Route 883;
Thence S 51°31'24" E a distance of 164.72'to an iron pin set;
Which is the point of beginning, having an area of 1.610 acres

INSTRUMENT 220009189
RECORDED IN THE CLERK'S OFFICE OF
FREDERICK CIRCUIT COURT ON
JULY 22, 2022 AT 10:45 AM
$1600.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $800.00 LOCAL: $800.00
REBECCA P. HOGAN, CLERK
RECORDED BY: MLS

Frederick Home

Frederick County Virginia LIFE AT THE TOP

Pay/Lookup Taxes

Payment Home | Personal Property | Real Estate | Dog Tags | Pay Parking Violation | Pay FOIA Charges | Other Payments | ShoppingCart(0)

Pin Options

Inquiry of Real Estate

Map Number: **43 A 150** View Map Name: **SNOWDEN BRIDGE STATION LLC**

		Account#	Dept#	Ticket#	Seq#	Due Date	Detailed Information (Click Below)	Amount Due
ViewBill	View Back of Bill	8008672	RE2022	20620	1	6/6/2022	2022 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2022	20620	2	1/18/2023	2022 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2023	39111	1	6/5/2023	2023 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2023	39111	2	12/5/2023	2023 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2024	40023	1	6/5/2024	2024 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2024	40023	2	12/5/2024	2024 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2025	40703	1	6/5/2025	2025 REAL ESTATE	$0.00
ViewBill	View Back of Bill	8008672	RE2025	40703	2	12/5/2025	2025 REAL ESTATE	$0.00

Total Due: $0.00

Return to Search

ORDINANCE

Action:

PLANNING COMMISSION:	May 6, 2026	Recommended Approval
BOARD OF SUPERVISORS:	June 10, 2026	Pending

AMENDING THE ZONING DISTRICT MAP
REZONING #03-26 FOR SNOWDEN BRIDGE INTERSTATE OVERLAY
(SNOWDEN BRIDGE STATION, LLC)

WHEREAS, REZONING #03-26 of Snowden Bridge Station Interstate Overlay (Snowden Bridge Station, LLC) submitted to rezone 1.61+/- acres from B2 (General Business) Zoning District with proffers to the B2 (General Business) Zoning District with proffers and to the Interstate Area (IA) Overlay District to allow for an interstate sign. The property is located at 1818 Martinsburg Pike, Winchester and is identified by Property Identification Number 43-A-150 in the Stonewall Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on May 6, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on June 10, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of public health, safety, and welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #03-26 of Snowden Bridge Station Interstate Overlay (Snowden Bridge Station, LLC) submitted to rezone 1.61+/- acres from B2 (General Business) Zoning District with proffers to the B2 (General Business) Zoning District with proffers and to the Interstate Area (IA) Overlay District with proffers dated April 8, 2026. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 10th day of June 2026 by the following recorded vote:

John F. Jewell, Chairman — Jason C. Aikens

Albert L. Orndorff — Robert W. Wells

Michael D. Guevremont

Robert T. Liero

Gary R. Oates

A COPY ATTEST

_____

Michael Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Conditional Use Permit #01-26 for Ricky E. and Eric A. Chase to Utilize an Existing Detached Garage for an Automotive Repair/Public Garage. The Subject Property is Located at 541 Ruebuck Road, Clearbrook, Virginia and is Identified with Property Identification Number (PIN) 23-4-3-5 in the Gainesboro Magisterial District.

Attachments:
BOS06-10-26 _CUP01-26_Redacted.pdf

CONDITIONAL USE PERMIT #01-26
Ricky Chase (Repair Garage)
Public Garage/Automotive Repair
Staff Report for the Board of Supervisors
Prepared: May 20, 2026
Staff Contact: Amy Feltner, Planner

Executive Summary:

Meeting Schedule	
Planning Commission: May 6, 2026	Action: Recommended Approval
Board of Supervisors: June 10, 2026	Action: Pending
Property Information	
Property Identification Number (PIN)	23-4-3-5
Address	541 Ruebuck Road
Magisterial District	Gainesboro
Acreage	+/- 0.96 acres
Zoning & Present Land Use	Zoning: RA (Rural Areas) Land Use: Residence
Adjoining Property Zoning & Present Land Use	
North: RA (Rural Areas) District	Land Use: Residential
South: RA (Rural Areas) District	Land Use: Residential
East: West Virginia	Land Use: West Virginia
West: RA (Rural Areas) District	Land Use: Residential
Proposed Use	
This is a request for a conditional use permit (CUP) for a public garage for automotive repair in the RA (Rural Areas) Zoning District.	

Review Agency Comments:

Review Agency	Comment Date	Comment Summary

Virginia Department of Transportation (VDOT)	March 17, 2026	Approved – no negative impact on the transportation network. If the use increases or changes, an opportunity to review the CUP again would be necessary.
Frederick-Winchester Health Department	March 31, 2026	Approved. The existing sewage appears to be functioning properly as specified in an inspection completed by a licensed sewage system contractor.
Frederick County (FC) Inspections	March 18, 2026	Handicap with correct signage is required near building entrance.
FC Fire Marshal	March 24, 2026	Smoke detectors and fire extinguishers shall be present throughout the building.
FC Public Works	March 25, 2026	No comment. No proposed land disturbance.

Planning & Zoning:

Application Proposal:

This is a request for a conditional use permit (CUP) for a public garage for automotive repair in the RA (Rural Areas) Zoning District on +/-0.96-acres. The proposed repair garage will be operated inside an existing 1200 square foot structure (garage). The repairs and services will consist of replacing brakes, steering, suspension components, replacement engines, and transmissions. The applicant is requesting a repair garage which is not a performance garage. Waste and scrap materials are stored inside the facility. The hours of operation as proposed in the application are 9 a.m. – 5 p.m. Monday through Friday. No weekend hours of operation are proposed. The anticipated number of customers in the application is three (3) customers daily. The vehicles are placed in the gravel parking area outside the garage and will be completely screened on all four sides by a six-foot tall wooden fence and gate. The work is completed on a drop-off basis per the applicant and there are no customers waiting. Inoperable vehicles may be dropped off by a towing service provided by the vehicle owners.

Staff would note that a new sketch has been provided which limits access to the property by Ruebuck Lane only. The applicant does not have legal access to Sassafras Lane. The sketch has been revised to remove access to the gravel parking located at the rear of the property accessible only by Sassafras Lane. The Planning Commission also added a condition prohibiting access to the property via Sassafras Lane and this condition is reflected in the list of conditions below.

Staff Analysis:

§165-304.02 of the Federick County Zoning Ordinance for Conditional Use Permits (CUP) states that the Planning Commission and Board shall consider the following standards when considering Conditional Use Permits:

A. The conditional use shall not tend to change the character and established pattern of development of the area of the proposed use.

- Public Garage is designed for use of *servicing, repairing, or equipping motor vehicles*. (§165-1105.04). The proposed use is permitted in the RA (Rural Area) District with an approved conditional use permit. The property is surrounded by other RA (Rural Area) zoned properties, which includes vacant agricultural and single-family detached residences. The property is zoned RA (Rural Area) and, and if all conditions are adhered to, will not change the character and established development of the area.

B. The conditional use shall be in harmony with and shall not adversely affect the use and enjoyment of surrounding properties.

- The property is surrounded by other RA (Rural Area) zoned properties, which includes vacant agricultural and single-family detached residences. The proposed use will not adversely affect the use and enjoyment of the surrounding properties if operated under the conditions specified.

C. The conditional use shall be in accord with the policies expressed in the Comprehensive Plan of the County and with the intent of this chapter.

- The Comprehensive Plan identifies this area of the County as "rural" and is to remain agricultural in nature and is not part of any land use study.

D. The conditional use shall not adversely affect the natural character and environment of the County.

- No new structures are proposed, and if the operation is conducted inside an existing facility as proposed and in accordance with all conditions, the proposal would not adversely affect the nature and character of the environment.

E. The conditional use permit shall be approved only if adequate facilities, roads, safe access and drainage are provided.

- The property is accessed via an existing private driveway located at 541 Ruebuck Road.

F. The conditional use shall conform with all applicable regulations of the district in which it is located.

- The Zoning Ordinance provides additional regulations for motor vehicle service uses, automotive repair shops, and public garages in §165-704.02. The additional regulation for specific uses is as follows:
    - All repairs shall take place within the enclosed structure.

- All exterior storage of parts and equipment shall be screened from view of surrounding properties by an opaque fence or screen of at least six feet in height.
- Inoperative vehicles shall be stored within a totally enclosed building or screened on all sides by a six-foot tall opaque element such as a fence, wall or berm. The sale of automobiles is prohibited.

Staff would note that the Conditional Use Permit (CUP) is being requested to mitigate a zoning violation of operating a repair garage without a Conditional Use Permit. The applicant is currently operating as a mobile repair service. The applicant has applied for the building permit and is working to obtain permit approval for the existing pre-engineered metal building. Staff conducted a site inspection on April 17, 2026. The parking area is currently screened on the south and east sides with a six-foot tall opaque fence. Additional screening would be required on the north and west sides. The location and type of the screening will be noted on the illustrative sketch.

Planning Commission Summary & Action from the May 6, 2026 Meeting:

The Planning Commission held a public hearing at their regular scheduled meeting on May 6, 2026. Several residents provided comments, both negative and positive, for the proposed public garage. Issues such as noise abatement, traffic concerns, unwanted trespassing, and outdoor storage of trash & tires were discussed.

One resident stated that noise was not an issue as his bedroom was located fifty feet from the place of business and sleeping was not an issue. He acknowledged that Mr. Chase was making improvements to clean up the outdoor area of tires and car parts.

Another resident stated businesses were not permitted under the restrictive covenants for the subdivision. The Planning Commission questioned Frederick County's liability should a covenant exist. The County Attorney stated it was a private matter amongst landowners which Frederick County would not be a party to the issue.

Finally, a resident stated that he was neither for nor against the proposed public garage, but Sassafras Lane was privately owned right-of-way in which Mr. Chase could not use.

The Planning Commission addressed the applicant concerning access to Sassafras Lane, noise mitigation, outdoor storage, and questioned the applicants understanding of the conditions imposed should the application be approved. Mr. Chase acknowledged that noise could be dampened by the addition of insulation within the open stud cavities and operating with the doors in the closed position. Mr. Chase further added that no pneumatic tools were used but an air compressor was the cause of any noise. Mr. Chase acknowledged having no legal access to Sassafras Lane and has ceased utilizing the right-of-way to access the back of his property. Ruebuck Lane is the sole access to 541 Ruebuck Road.

The applicant clarified that he requested no additional employees and requested the stated hours of operation, clarifying that no after-hour drop offs are being requested nor would be permitted. The applicant stated that all outdoor storage of tires would be removed to his commercial site and any parts would be stored inside the facility.

The Planning Commission questioned the need for the conditional use permit if commercial property existed for the operation of the business. The applicant stated the CUP is a temporary measure to provide income without violating County ordinances and to pacify his current inability to drive.

It was recommended by the Planning Commission to prohibit outdoor storage of tires and to access the property solely by Ruebuck Lane.

The Planning Commission unanimously recommended **approval (12-0)** (Chairman Stowe absent).

Staff notes both conditions recommended by the Planning Commission in their discussion, the prohibition of outdoor storage of tires and access via Ruebuck Lane, have been incorporated into the list of conditions of approval recommended to the Board below.

Conditions of Approval:

Should the Board of Supervisors find the public garage use to be appropriate, the Planning Commission would suggest the following conditions for the CUP:

1. All review agency comments and requirements shall be complied with at all times.

2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.

3. All automotive repair related activities, including repairs, shall occur entirely within an enclosed structure. Any exterior storage of parts and equipment shall be screened from view by an opaque fence or screen at least six (6) feet in height. *Exterior storage of tires are prohibited.*

4. All parking areas shall have a gravel or hard surface.

5. The business is not permitted employees beyond those residing on the property.

6. The hours of operation shall be from 9 a.m. to 5 p.m. Monday through Friday.

7. A maximum of eight vehicles awaiting service is permitted inside the fenced parking area.

8. *Access to the property is limited to Ruebuck Lane*.

9. Any expansion or change of use shall require a new Conditional Use Permit.

Following a public hearing, staff is seeking a decision by the Board of Supervisors on this CUP application.

CUP # 01 - 26: Eric Chase

PIN: 23 - 4 - 3 - 5

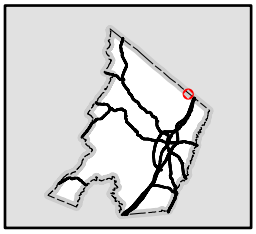
Repair Garage

Zoning Map



Application

Parcels



N
W E
S

0 45 90 180 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: April 16, 2026

CUP # 01 - 26: Eric Chase

PIN: 23 - 4 - 3 - 5

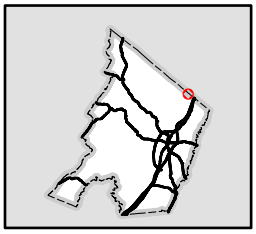
Repair Garage

Location Map



Application

Parcels



N

W E

S

0 45 90 180 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: April 16, 2026

Submittal Deadline	_____
P/C Meeting	_____
BOS Meeting	_____

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Property Owner(s) (please attach additional page(s) if more than two owners):

   Name: Ricky E. Chase

   Specific Contact Person if Other than Above: Eric A. Chase

   Address: 541 Ruebuck rd, clear brook, va 22624

   Telepho [redacted] Ema e[redacted]

   Name: Eric A. Chase

   Specific Contact Person if Other than Above: _____

   Address: 541 Ruebuck rd, clear brook, va 22624

   Telephone: 540[redacted] Ema e[redacted]

2. Other Interested Parties (such as a contract purchaser) (please attach additional page(s) if necessary):

   Name: _____

   Specific Contact Person if Other than Above: _____

   Address: _____

   Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

   Firm Name: _____

   Specific Contact Person at Firm: _____

   Address: _____

Telephone: _____ Email: _____

4. The property has a road frontage of 118 feet and a depth of 352 feet and consists of 1 acres. (Please be exact)

5. The property is owned by Ricky E. Chase as evidenced by deed from Ricky E. Chase (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number(s) (P.I.N.): 23-4-3-5
Magisterial District: Gainesboro Current Zoning: RA

7. Adjoining Properties:

	Zoning:	Use:
North:	RA	residential
South:	RA	residential
East:	RA	residential
West:	unavailable	agriculture/ business

8. Conditional use(s) proposed: (consult with the Planning Dept. before completing):

Public Garage

9. Describe, if applicable, any new buildings to-be-constructed associated with this use (attach additional documentation as necessary):

10. The following are all of the individuals, firms, or corporations owning property adjacent to all sides (including across street from) the property where the requested use will be conducted. These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name Phillip Dodson & Susan Alane Phillip	553 Ruebuck Rd, Clear Brook, VA 22624
Property #23 4 3 6	
Name Darrel Shaw & Lonnie Sue Shaw	529 Ruebuck Rd, Clear Brook, VA 22624
Property #23 4 3 4	

Name Mitchell Shumaker & Debbie Kane Property #23 5 G	151 Sassafras Ln, Clear Brook, VA 22624
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	

10. Please attach a sketch of the property (refer to "Application Steps").

11. Please attach a written description of the proposed use (refer to "Application Steps").

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

*All owners listed on the property record shall sign the application.

Signature of Applicant [redacted]

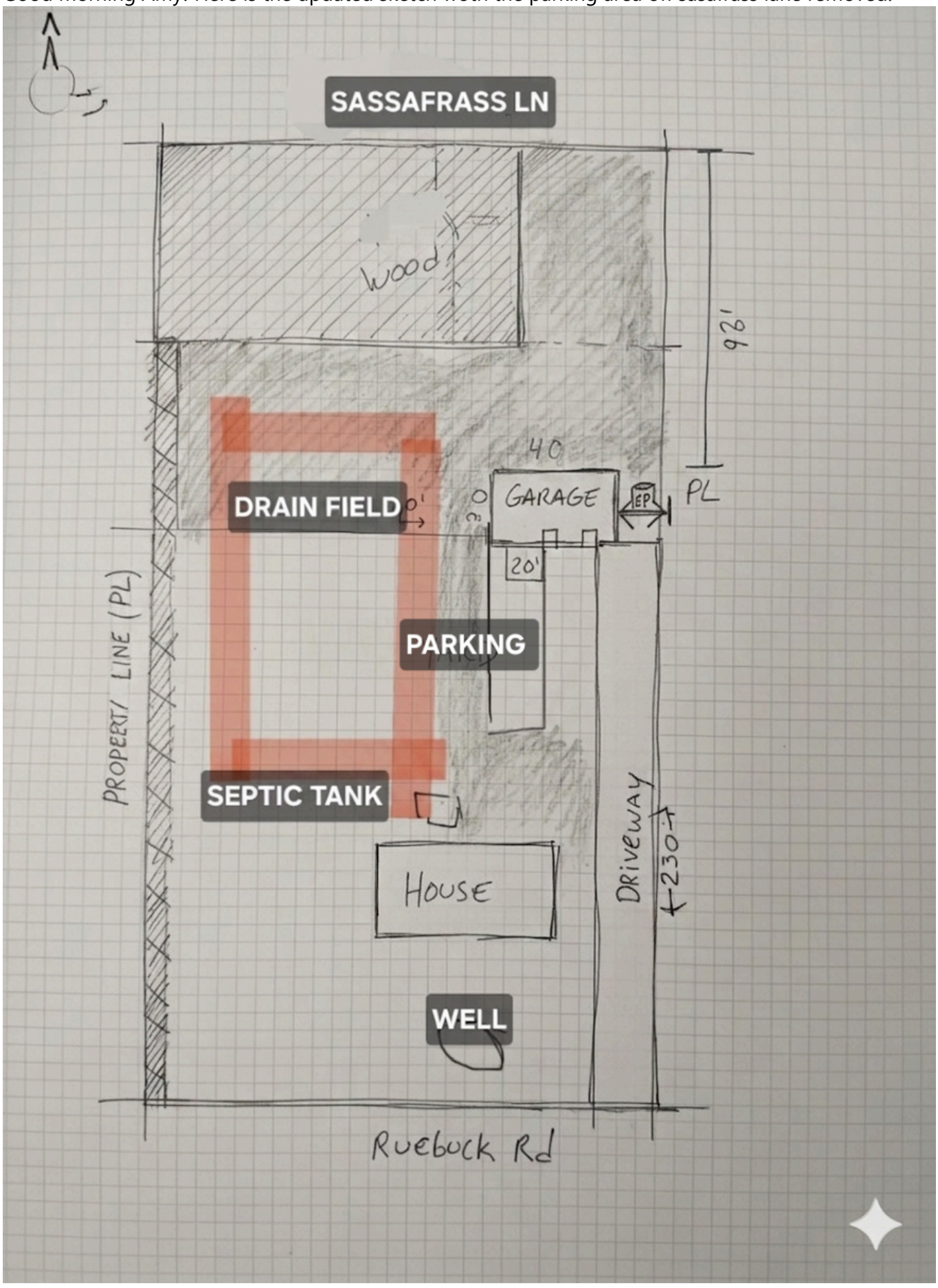
Signature of Owner(s) [redacted]

Owners' Mailing Address 541 Ruebuck rd, Clear Brook, Va 22624

Owners' Telephone No. 5[redacted]

**A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.*

Good morning Amy! Here is the updated sketch woth the parking area off sasafrass lane removed.



Outlook

'[External]'Eric Chase business plan

From Eric Chas[redacted]
Date Sun 4/19/2026 11:51 AM
To Amy Feltner <alight@fcva.us>

Hello, this message will serve as my operating agreement. I have attached all listed documents as well.

I am planning to open an automotive repair shop and repair customer vehicles inside the existing 1200 square foot garage at 541 Ruebuck rd, Clearbrook, VA 22624

I am planning to be open from 9-5 Monday through Friday to the public.
I will be the sole employee. I have a restroom within 200 feet of the work area. I do not plan on building a restroom or having plumbing to this building.
The repairs will consist of replacing brakes, steering, and suspension components. I will also replace engines and transmissions. This is not a performance shop so noise will be in a normal range.

All work to be completed is on a drop off basis only, that being said there will be no waiting customers permitted. All vehicles that come to the garage will either be driven in under their own power or dropped off via an outside towing company. "Usually that is done by the customer's insurance company".

I have a parking area behind the garage that is for my personal vehicles as well as 2 directly behind the house. There are 8 spaces in front of the garage for cars awaiting repairs, the spot closest to the garage will be designated handicap. All vehicles except personal operable vehicles will be stored in the fenced area.

The property is served by a well and septic drawn out on the attachment.
I do not plan on putting signage out on Ruebuck rd., unless required.

Sincerely,
Eric Allen Chase
5[redacted]

Amy Feltner

From: Eric Chase <[redacted]>
Sent: Tuesday, March 10, 2026 3:14 PM
To: Amy Feltner
Subject: '[External]'Re: '[External]'Re: 541 Ruebuck Lane, Clear Brook Auto Repair Cup, Attachments

Hey Amy, I will be storing all waste oil inside the garage in the 1 gallon plastic containers up to 10 gallons at a time in the containers they are supplied in. If this is does not suffice, I will store waste oil in an approved 55 gallon drum with secondary containment tank inside the back of the shop.

On Fri, Jan 30, 2026, 1:27 AM Eric Chase <ericchase9415@gmail.com> wrote:

> Hey Amy, I have reached out to Jodi Fox owner of structural concepts and I am in the process of have the building plans recreated. I am waiting to here back from him I have the money set aside for that and the c.u.p. I will reach out this afternoon and touch base with him.
>
> On Tue, Jan 27, 2026, 2:06 PM Amy Feltner <alight@fcva.us> wrote:
>
> > Just checking on your progress with building inspections.
> >
> > Amy
>
> **From:** Eric Chase <[redacted]>
> **Sent:** Thursday, January 8, 2026 2:06 PM
> **To:** Amy Feltner <alight@fcva.us>
> **Subject:** '[External]'Re: 541 Ruebuck Lane, Clear Brook Auto Repair Cup, Attachments
>
> Okay, thank you. I will reach out to the permit office today.
>
> On Wed, Jan 7, 2026, 4:04 PM Amy Feltner <alight@fcva.us> wrote:
>
> > Eric,
> >
> > I reached out to building inspections. They are showing your initial permit application as opened. I have copied Steven Marcus in on the email. He can get with you and explain what they need for the plans. He can be reached at 540.665.5650

In accordance with code I will fence in said parking areas if approval is granted.

Please let me know something as soon as possible.

Sincerely,

Eric Allen Chase

54[redacted]

Frederick County Fire and Rescue Department

Office of the Fire Marshal
1080 Coverstone Drive
Winchester, VA 22602
Phone: 540-665-6350 Fax: 540-678-4739
fmo@fcva.us

Plan Review

Conditional Use

Status: Approved

Business Name
Public Garage
541 Ruebuck Lane
Clearbrook, Virginia 22624

Owner:
Eric Chase

Printed Date: 03/24/2026

General Information

Received Date:	03/12/2026	Occupancy Type:	
Review Begin Date:	03/24/2026	Property Use:	
Review End Date:	03/24/2026	Activity Number:	I0310183
Hours:	0.5000	Review Cause:	Application

Activity Details

Project Name: Automotive Repair Shop

Comments:
Smoke detectors and fire extinguishers shall be present throughout the building.

[redacted]
Justin Laidler
Assistant Fire Marshal

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: Eric Chase (Public Garage CUP)

Acreage (Disturbed Area Acreage): _____

PIN(s): _____

Address (or general location):
541 Ruebuck Lane, Clearbrook, Virginia

Existing Zoning: Existing 1 acre parcel

Proposed Conditional Use: Public Garage

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- [ ] Frederick Water
- [ ] Virginia Department of Transportation
- [ ] Winchester Regional Airport
- [ ] Virginia Department of Health
- [ ] Historic Resources Advisory Board
- [ ] Frederick County (FC) Public Schools
- [x] FC Public Works
- [ ] FC Inspections
- [ ] FC Fire Marshal
- [ ] FC Parks & Recreation
- [ ] FC County Attorney
- [ ] Other (Specify): _____

Reviewer Name (Email Address): bwhitlock@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments from Public Works. No proposed land disturbance.

Resubmission to address comments requested? Y [ ] or N [x]

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: Eric Chase (Public Garage CUP)

Acreage (Disturbed Area Acreage): _____

PIN(s): _____

Address (or general location):
541 Ruebuck Lane, Clearbrook, Virginia

Existing Zoning: Existing 1 acre parcel

Proposed Conditional Use: Public Garage

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- [ ] Frederick Water
- [ ] Virginia Department of Transportation
- [ ] Winchester Regional Airport
- [ ] Virginia Department of Health
- [ ] Historic Resources Advisory Board
- [ ] Frederick County (FC) Public Schools
- [ ] FC Public Works
- [x] FC Inspections
- [ ] FC Fire Marshal
- [ ] FC Parks & Recreation
- [ ] FC County Attorney
- [ ] Other (Specify): _____

Reviewer Name (Email Address): 3-18-26 John Lee Johnathan.Lee@FCVA.US

Review Agency Comments:
Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.

1. Handicap with correct Signage is required Near Building entrance

Resubmission to address comments requested? Y [ ] or N [X]

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: Eric Chase (Public Garage CUP)

Acreage (Disturbed Area Acreage): _____

PIN(s): _____

Address (or general location):
541 Ruebuck Lane, Clearbrook, Virginia

Existing Zoning: Existing 1 acre parcel

Proposed Conditional Use: Public Garage

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☒ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): [redacted] joseph.spielman@vdot.virginia.gov

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

VDOT has reviewed this CUP and believes it will not have a negative impact on the transportation network. We would like the opportunity to review this again if anything changes.

Resubmission to address comments requested? Y ☐ or N ☒

REQUEST FOR SITE PLAN COMMENTS

Project Name: Eric Chase (Public Garage CUP)

Acreage (Disturbed Area Acreage): _____

PIN(s): _____

Address (or general location):
541 Ruebuck Lane, Clearbrook, VA

Existing Zoning: Existing 1 acre parcel

Proposed Use: Public Garage

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☑ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): kevin d yost kevin.yost@vdh.virginia.gov

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

The Frederick County Health Department has no objection to the proposed public garage. It appears to have no increase to the usage of the existing sewage disposal system. The proposed public garage appears to have no plumbing and meets all the required setbacks to the existing sewage disposal system. The existing sewage system appears to be functioning properly as specified in an inspection completed by a licensed sewage system contractor. kdy 3-31-2026

Resubmission to address comments requested? Y ☐ or N ☑

240002978

Map Parcel # 23-4-3-5

Consideration:$0.00

Prepared by:
Cheryl Carlson Wood, VSB #19389
Law Office of Wood & Wood, P.C.
1801 Libbie Avenue, Suite 102
Richmond, VA 23226

Title insurance provider: Stewart Title Guaranty Company

THIS INSTRUMENT IS EXEMPT FROM RECORDATION TAXES PURSUANT TO SEC. 58.1-811(D) OF THE CODE OF VIRGINIA, AS AMENDED.

THIS DEED OF GIFT, made this 5th day of April, 2024, by and between **RICKY E. CHASE,** Grantor, and **RICKY E. CHASE and ERIC A. CHASE,** Grantees.

W I T N E S S E T H:

THAT for and in consideration of the natural love and affection the Grantor bears for the Grantee, the said Grantor does hereby grant and convey, with GENERAL WARRANTY and English Covenants of Title, unto the Grantees, as joint tenants with the right of survivorship as at Common Law, the following described real estate, to-wit:

SEE SCHEDULE "A"

ATTACHED HERETO AND MADE A PART HEREOF

This deed is made expressly subject to all other covenants, restrictions, and easements now of record on said property as the same may lawfully apply.

WITNESS the following signature and seal:

[redacted] (SEAL)
Ricky E. Chase

STATE OF ~~VIRGINIA~~ West Virginia
CITY/COUNTY of Berkeley to- wit:

The foregoing deed was acknowledged before me by **Ricky E. Chase.** this 5th day of April, 2024.

My Commission Expires: 10-10-28

[redacted]
Notary Public

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
Paige Antoinette Wenner
PO Box 738, Martinsburg, WV 25402
My Commission Expires October 19, 2028

Grantee's address: 541 Ruebuck Road
Clear Brook, VA 22624

EXHIBIT "A"
Property Description

Closing Date: **April 5, 2024**

Borrower(s): **Ricky E. Chase and Eric A. Chase**

Property Address: **541 Ruebuck Road, Clear Brook, VA 22624**

PROPERTY DESCRIPTION:

All that certain lot or parcel of real estate with its improvement and appurtenances, located in Gainesboro District, Frederick County, Virginia in Gordondale, Section 3, Lot 5 as more particularly shown and described on plats of survey recorded in the office of the Clerk of the Circuit Court of Frederick County, Virginia in Deed Book 441 at page 686 and in Deed Book 826 at page 706.

INSTRUMENT 240002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICK CIRCUIT COURT ON
APRIL 11, 2024 AT 02:55 PM
SARAH J. KAHLE, CLERK
RECORDED BY: MLS

Frederick County Virginia LIFE AT THE TOP

Pay/Lookup Taxes

Payment Home | Personal Property | Real Estate | Dog Tags | Pay Parking Violation | Pay FOIA Charges | Other Payments | ShoppingCart(0)

Pin Options

Real Estate Ticket Detail

Previous

2025 REAL ESTATE

Dept/Ticket#	RE2025 / 67960002	Frequency	2	Supplement#	0
Name	CHASE RICKY E	Map#	23 4 3 5	Account#	8004805
Name 2	CHASE ERIC A	Bill Date	04/15/2025	Acreage	1.000
Address	541 RUEBUCK RD	Due Date	12/05/2025	Improvements	$195,900.00
		Desc	GORDONDALE L5 S3	Land Value	$93,000.00
	CLEAR BROOK VA		1.00 ACRE	Land Use	$0.00
Zip	22624 1433			Minerals	$0.00

Penalty Paid $0.00 Interest Paid $0.00 Last Transaction Date 11/24/2025

Current Payment Status

Original Bill	Payments	Principal Balance Due	Penalty	Interest	Balance Due
$693.36	($693.36)	$0.00	$0.00	$0.00	$0.00

Transaction History

Date	Type	Transaction#	Amount	Balance
4/15/2025	Charge	0	$693.36	$693.36
11/24/2025	Principal Paid	14884	($693.36)	$0.00

Previous

ORDINANCE

Action:

PLANNING COMMISSION:	May 6, 2026	Recommended Approval
BOARD OF SUPERVISORS:	June 10, 2026	Pending

CONDITIONAL USE PERMIT #01-26
PUBLIC GARAGE (Ricky Chase)

WHEREAS, **CONDITIONAL USE PERMIT APPLICATION #01-24** was submitted by Ricky Chase for a Public Garage. The property is located at 541 Ruebuck Road, Clearbrook, Virginia and is identified with Property Identification Number 23-4-3-5 in the Gainesboro Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on May 6, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on June 10, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, and welfare, and in conformance with the Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in accordance with Chapter 165 of the Frederick County Code, Zoning, Conditional Use Permit #01-26 to allow for public garage on the parcel identified with Property Identification Number 23-4-3-5 is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.

2. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.

3. All automotive repair related activities, including repairs, shall occur entirely within an enclosed structure. Any exterior storage of parts and equipment shall be screened from view by an opaque fence or screen at least six (6) feet in height. Exterior storage of tires is prohibited.

4. All parking areas shall have a gravel or hard surface.

5. The business is not permitted employees beyond those residing on the property.

6. The hours of operation shall be from 9 a.m. to 5 p.m. Monday through Friday.
7. A maximum of eight vehicles awaiting service is permitted inside the fenced parking area.
8. Access to the property is limited to Ruebuck Lane.
9. Any expansion or change of use shall require a new Conditional Use Permit.

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

Passed this 10th, day of June 2026 by the following recorded vote:

John F. Jewell, Chairman	Jason C. Aikens
Albert L. Orndorff	Robert W. Wells
Michael D. Guevremont	Gary R. Oates
Robert T. Liero	

A COPY ATTEST

_____
Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance to Amend the Frederick County Code – Modifications to Amend Design Requirements Contained in §165-802.08(C)(2) Table VIII-6 for Residential Separation Distance Buffer Type Required.

Article VIII – Community Development Standards

Part 802 Buffers and Landscaping

- 165-802.08(C)(2) – Table VIII-6 Residential Separation Distance Buffer Type Required

Attachments:
BOS06-10-26_OA_ResidSepBuffer.pdf

ZONING ORDINANCE TEXT AMENDMENT
Residential Buffer Separation Amendment
Staff Report for the Board of Supervisors
Prepared: May 20, 2026
Staff Contact: Amy Feltner, Planner

Executive Summary:

Meeting Schedule	
Development Review and Regulations Committee:	Action: None
Planning Commission: May 6, 2026	Action: Recommended Denial
Board of Supervisors: June 10, 2026	Action: Pending

Proposal

This is a proposal to amend Chapter 165 - Zoning Ordinance to modify residential separation buffer relating to certain housing types in the RP (Residential Performance) Zoning District. The proposal is to amend the minimum buffer requirements for multifamily structures when placed adjacent to pre-existing residential developments or proposed developments with different housing types.

Current Standard

Table VIII-6. Residential Separation Distance Buffer Type Required.

	Proposed Use/Development	Adjoining Existing Use/Development				
		1	2	3	4	5
1	Single-family detached			A	B	B
2	Single-family zero lot line or small lot			A	B	B
3	Townhouse	A	A		B	B
4	Garden apartment or multifamily buildings (35' or less in height)	C	C	B		A
5	Age-restricted multifamily	C	C	C		

Planning & Zoning Staff Analysis:

This ordinance amendment was requested by a developer. Frederick County Zoning Ordinance defines requirements for Category A, Category B, or Category C residential buffer screening as a

combination of linear distances and the density of landscaping. The denser the landscaping or screening, the less linear separation distance is required. Frederick County Zoning Ordinance requires a linear separation distance of 100 feet (Category C full screen), 50 feet (Category B full screen), and 25 feet (Category A full screen) with the densest planting, known as *full screen,* requirements.

The current ordinance requires a category C buffer at the property line where a new multifamily building or garden apartment development is placed adjacent to an existing single-family detached, single-family zero lot line, or small lot housing type developments. The ordinance permits a lesser buffer, category B, when multifamily buildings are erected adjacent to a townhouse development. Staff would note that multifamily developments are separated into *age-restricted multi-family* and *multi-family/garden apartments.*

The proposed ordinance amendment incorporates age-restricted multifamily with multifamily buildings/garden apartment buildings and provides two categories for multifamily buildings: multifamily building thirty-five feet (35) or less in height and multifamily buildings greater than thirty-five feet (35) in height.

The proposed amendment will permit a Category B separation buffer for multifamily buildings where the multifamily structure is less than thirty-five in height. Multifamily structures greater than thirty-five feet (35) have retained the current separation buffer requirement.

The ordinance establishes residential separation buffers to adequately buffer different housing types from dissimilar housing types within adjacent separate developments. A two to three story multifamily building, regardless of age, can be constructed adjacent to an existing single-family detached, single-family zero lot line, or small lot housing type developments and share the same characteristics of that of a townhouse development.

If approved, this amendment would require the residential separation buffer based on the height of the new multifamily structure and not by development type/housing type.

Staff would note that development of multifamily developments can only occur within the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA) and must meet additional requirements including road efficiency buffers, open space requirements, density requirements, and recreational amenity requirements required in the Frederick County Zoning Ordinance.

<u>Other Jurisdictions:</u>

Staff reviewed other Virginia localities which require separation buffers, also termed transitional screening, between different housing types. Many jurisdictions require buffer screening between residential zoning and commercial zoning with no distinction between different housing types. The comparison with localities used were comparable to the Frederick County RP (Residential Performance District). Majority of the localities that required residential separation buffers require a twenty-five (25) feet separation distance between multifamily developments and single-family units.

A cross-comparison of other Virginia localities is included as an attachment to this report.

Proposed Standard

Article VIII. Community Development Standards

Part 802. Buffer and Landscaping

Section §165-802.08– Buffer and Screening Requirements.

Table VIII-6. Residential Separation Distance Buffer Type Required.							
Proposed Use/Development		Adjoining Existing Use/Development					
		1	2	3	4	5
1	Single-family detached			A	B	B
2	Single-family zero lot line or small lot			A	B	B
3	Townhouse	A	A		B	B
4	Garden apartment or multifamily buildings (35' or less in height)	~~C~~ B	~~C~~ B	~~B~~ A		A
5.	Garden apartments or multifamily buildings (greater than 35' in height)	C	C	B		
~~5~~	~~Age-restricted multifamily~~	~~C~~	~~C~~	~~C~~		

Summary & Requested Action:

The proposal was forwarded to the Development Review and Regulations Committee (DRRC) by the Board of Supervisors. The committee reviewed the proposal on March 26, 2026. The committee discussed an additional increase of separation distance based on the height of adjacent structures. Consideration also included the footprint, or size of the building envelopes. The committee was not supportive of modifying and examining only one housing type and would prefer to examine the change as a broader community design. Staff stated that a Phase II Zoning Ordinance update is proposed pending the adoption of the Phase I Zoning Ordinance update/reorganization that is scheduled for the May 13, 2026, Board Meeting. If the Phase I is adopted, a Phase II Zoning Ordinance is planned. The Phase II ordinance update proposal will include the re-examination of the landing and buffer on the broader scale.

The Planning Commission held a public hearing on May 6, 2026. Three (3) members of the public spoke on the proposed amendment. The speakers were not supportive of the amendment. Several of the Planning Commission recognized the need to reduce the buffer distance for housing density purposes but the residential separation distance, as well as the zoning district buffer, would need to be addressed simultaneously and as a community whole rather than one housing type. A need for multifamily housing with greater density is needed in the county to accommodate the growth, especially if preservation of the RA (Rural Area) is to be successful. The Planning Commission recommended denial. (11-1).

This item is presented to the Board of Supervisors for Public Hearing.

Questions regarding the proposal should be directed to the Planning and Development Department Staff.

Following a public hearing, staff is seeking a decision from the Board of Supervisors on this Zoning Text Amendment.

Article VIII. Community Development Standards

Part 802. Buffer and Landscaping

Section 165-802.08. Buffer and Screening Requirements.

C. **Residential Separation Buffers**. When different housing types are adjoining within the same development, buffers shall be provided in accordance with Table VIII-6 and Table VIII-7. This shall be in addition to the zoning district buffer types required in F., below.

(1) General.

i. Buffers shall be placed between the lot line of the proposed housing type and the lot line of the existing adjoining use or development. When placed on individual lots, the buffer shall be located within a permanent landscape easement and shall be maintained by the property owners' association.

ii. When age-restricted multifamily housing adjoins other housing types, the evergreen element of the residential separation buffer shall be planted at a height of six (6) feet.

iii. When existing mature woodlands are located within the entire buffer area (total distance if active and inactive buffer), preservation of that woodland will be allowed to substitute for the required plant material.

iv. Housing types contained within a mixed-use development as outlined in the Comprehensive Plan, or developments that contain a mixture of housing types but approved with the same MDP, shall not require residential separation buffers between housing types contained within the same development.

a. The Zoning Administrator may require residential separation buffers when a MDP is revised and the housing types are modified after construction has already commenced within the development.

(2) **Waivers, Reductions, and Modifications**. The Board of Supervisors may waive, reduce, and/or modify the residential separation buffer requirements (distance or landscaping) if:

i. The topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective; or

ii. Utility conflicts preclude the installation of the buffer and would result in unnecessary or otherwise unreasonable hardship to the developer.

Table VIII-6. Residential Separation Distance Buffer Type Required.

Proposed Use/Development		Adjoining Existing Use/Development				
		1	2	3	4	5
1	Single-family detached			A	B	B
2	Single-family zero lot line or small lot			A	B	B
3	Townhouse	A	A		B	B
4	Garden apartment or multifamily buildings (35' or less in height)	~~C~~ B	~~C~~ ~~B~~	~~B~~ A		A
5.	Garden apartments or multifamily buildings (greater than 35' in height)	C	C	B		
~~5~~	~~Age restricted multifamily~~	~~C~~	~~C~~	~~C~~		

Table VIII-7. Residential Separation Distance Buffer Minimums.

Type	Screen Type	Inactive (Minimum) (feet)	Active (Maximum) (feet)	Total (feet)
A	Full screen	15	10	*25*
	Landscape screen	30	20	*50*
	No screen	75	25	*100*
B	Full screen	30	20	*50*
	Landscape screen	45	30	*75*
	No screen	75	25	*100*
C	Full screen	75	25	*100*
	Landscape screen	100	50	*150*
	No screen	150	50	*200*

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ORDINANCE

Action:		
PLANNING COMMISSION:	May 6, 2026	Recommended Denial
BOARD OF SUPERVISORS:	June 10, 2026	Pending

TO AMEND CHAPTER 165

ARTICLE VIII
Community Development Standards
Part 802 – Buffer and Landscaping
§165-802.08. Buffer and Screening Requirements

WHEREAS, a proposal was presented to amend Chapter 165 – Zoning Ordinance to modify the residential separation buffer requirements between residential developments contained in §165-802.08; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed the proposed amendment at their March 26, 2026, regular meeting; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance amendment on May 6, 2026, and recommended denial of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment June 10, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 – Zoning Ordinance to: modify the residential separation buffer requirements between residential developments is adopted.

Passed this 10th, day of June 2026, by the following recorded vote:

John F. Jewell, Chairman	Jason C. Aikens
Albert L. Orndorff	Robert W. Wells
Michael D. Guevremont	Gary R. Oates
Robert T. Liero	

A COPY ATTEST

_____
Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: June 10, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Draft Update of the 2026-2027 Frederick County Interstate, Primary and Secondary Road Improvement Plans – The Interstate and Primary Road Improvement Plans Establish Priorities for Improvements to the Interstate and Primary Road Networks within Frederick County. Ultimately, the Priorities Adopted by the Board of Supervisors will be Forwarded to the Commonwealth Transportation Board for Consideration.

The Virginia Department of Transportation and the Board of Supervisors for the County of Frederick, Virginia, in Accordance with Section 33.2-331 of the Code of Virginia, will Conduct a Joint Public Hearing. The Purpose of this Public Hearing is to Receive Public Comments on the Proposed Six Year Plan for Secondary Roads for Fiscal Years 2027 Through 2032 in Frederick County and on the Secondary System Construction Budget for Fiscal Year 2027. Copies of the Proposed Plan and Budget May be Reviewed at the Edinburg Office of the Virginia Department of Transportation Located at 14031 Old Valley Pike, Edinburg, Virginia or at the Frederick County Offices Located at 107 North Kent Street, Winchester, Virginia. All Projects in the Secondary Road Improvement Plan that are Eligible for Federal Funds will be Included in the Statewide Transportation Improvement Program (STIP), which Documents How Virginia will Obligate Federal Transportation Funds. Persons Requiring Special Assistance to Attend and Participate in this Hearing Should Contact the Virginia Department of Transportation at 1-800-367-7623.

Attachments:
BOS06-10-25_InterstatePrimarySecondaryRoadPlans.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Frederick County Planning Commission

FROM: John A. Bishop, AICP, Assistant Director

RE: Update of the Interstate, Primary, and Secondary Road Improvement Plans

DATE: June 2, 2026

This is a public hearing item to consider the update of the 2026 – 2027 Interstate, Primary, and Secondary Road Improvement Plans.

Summary of Changes:
Interstate Plan: Update of language to note areas under study and to designate the widening segment from Exit 310 to Exit 313.

Primary Plan: No changes at this time.

Secondary Plan: Removal of completed road paving projects for Fishel Road and Canterburg Road. Promotion of Grace Church Road from the Unscheduled list to the Scheduled list with an anticipated date of 2031. Addition of Veterans Road and Shady Creek Road to the Unscheduled list.

The Transportation Committee reviewed this item on April 27, 2026, and recommended approval. The Planning Commission reviewed it on June 3, 2026, and recommended approval.

Attachments

2026/27-2031/32

INTERSTATE ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA

Frederick County Transportation Committee:4/27/26

Frederick County Planning Commission: 6/3/26

Frederick County Board of Supervisors: 6/10/26

I-81 Improvements:

Provide additional travel lanes on the main line, modifications to existing interchange areas, and develop new interchange areas and bridge crossings of the main line as recommended by the WinFred MPO Long Range Plan.

All projects in the vicinity of future I-81 connections for Route 37 should be scoped to consider that project to prevent conflicting improvements and make sure to accommodate that future connection.

Moreover, the County of Frederick supports exploration and expansion of the potential for freight rail transportation as a component of the Interstate 81 Corridor improvements to aid in removing more trucks from the road.

Interchange Priorities

1. Exit 317 – Interchange Upgrade to Diverging Diamond and Redbud Road realignment to accommodate interchange upgrade. Improvements to bridges and the north end of the interchange should work to accommodate the future Route 37 north connection.

2. Exit 307 – Bridge replacement and widening as well as ramp upgrades to existing facility while continuing to promote the future relocation further south to the South Frederick Parkway.

3. Exit 313 - Bridge reconstruction, safety improvements, and capacity expansion.

4. Exit 323 – Interchange Upgrade – Currently under MPO study.

5. Exit 310 - Phase 2 of the FHWA approved interchange modifications.

6. Exit 307 – Interchange Relocation.

7. Exit 321 – Upgrade to split interchange between Hopewell Rd and Cedar Hill Rd – Currently under MPO study.

Interstate Widening Priorities

1. Widen I-81 from mile marker 312.2 to mile marker 318.8.
   Note: This project is funded via the I-81 fund.
2. Widen I-81 from Exit 310 to mile marker 312.2
   Note: This project is funded via the I-81 fund.

3. Widen I-81 from Route 277 Exit 307 to Route 37 Exit 310. This should include the relocation of Exit 307.

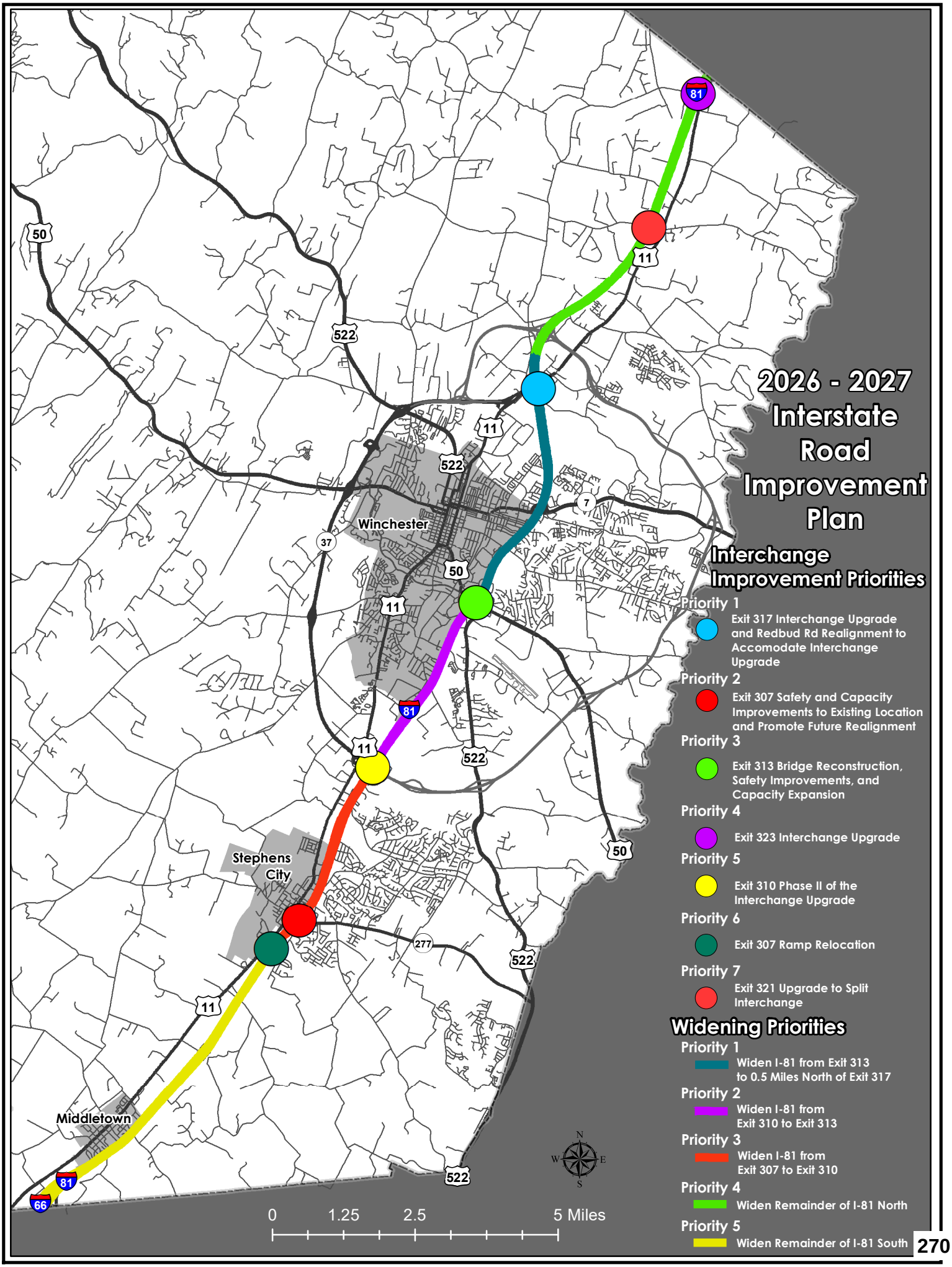
4. Widen I-81 in Frederick County from .5 Miles north of Route 11 Exit 317 to the West Virginia State line.

5. Widen I-81 in Frederick County from Route 277 Exit 307 to the Warren County Line in the South.

Intelligent Transportation Systems and Incident Management

1. Increase of VDOT safety patrols.

2. Implement more variable message signs along the I-81 corridor and approaches.


2026 - 2027
Interstate
Road
Improvement
Plan
Interchange
Improvement Priorities
Priority 1
Exit 317 Interchange Upgrade and Redbud Rd Realignment to Accomodate Interchange Upgrade
Priority 2
Exit 307 Safety and Capacity Improvements to Existing Location and Promote Future Realignment
Priority 3
Exit 313 Bridge Reconstruction, Safety Improvements, and Capacity Expansion
Priority 4
Exit 323 Interchange Upgrade
Priority 5
Exit 310 Phase II of the Interchange Upgrade
Priority 6
Exit 307 Ramp Relocation
Priority 7
Exit 321 Upgrade to Split Interchange
Widening Priorities
Priority 1
Widen I-81 from Exit 313 to 0.5 Miles North of Exit 317
Priority 2
Widen I-81 from Exit 310 to Exit 313
Priority 3
Widen I-81 from Exit 307 to Exit 310
Priority 4
Widen Remainder of I-81 North
Priority 5
Widen Remainder of I-81 South
Winchester
Stephens City
Middletown
0
1.25
2.5
5 Miles
N
W
E
S
81
11
522
50
7
37
277
66

RESOLUTION
2026-2027 INTERSTATE ROAD IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 27, 2026; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on June 3, 2026; and,

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

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2026-2027 Interstate Road Improvement Plan; and,

WHEREAS, the Frederick County Board of Supervisors support the priorities of the Interstate Road Improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors as follows: The 2026-2027 Interstate Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Interstate Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2026-2027 Interstate Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on June 10, 2026.

This resolution was approved by the following recorded vote:

John F. Jewell, Chairman	Albert L. Orndorff
Robert W. Wells, Vice Chairman	Michael D. Guevremont
Robert T. Liero	Jason C. Aikens

Gary R. Oates

A COPY ATTEST

_____

Michael L. Bollhoefer
Frederick County Administrator

2026/27-2031/32

PRIMARY ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA

Frederick County Transportation Committee: 4/27/26

Frederick County Planning Commission: 6/3/26

Frederick County Board of Supervisors: 6/10/26

All upgrades to primary system roadways that are not limited access should include implementation of access management principles to improve safety and efficiency wherever possible.

1) Route 37 Bypass (Phase 1 and 2)

In 2024 the County completed the Eastern Frederick County Transportation Study (EFTCS) which took an in-depth look at the feasibility, phasing, and best mode of implementation of Route 37. Results of that analysis were used to update the phasing priorities and what form initial construction of early phases should take. In Phase 1 and 2 a limited access Parkway style roadway is recommended. Phases 3,4, and 5 do not generate sufficient additional traffic for implementation prior to 2050 based upon modeling results at this time so additional detail for initial phasing of those segments is not included at this time, but interim improvements are noted where applicable.

A. Route 37 – Phase 1

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between existing Route 11 North and Route 7 after completion of VDOT required new road on new location analysis. Per the EFCTS an initial development of this project would be a limited access parkway concept starting with 2 lanes of the ultimate 4 lanes from Route 11 North to Route 7.

B. Route 37 - Phase 2

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the southern segment of the Route 37 Eastern Bypass from Interstate I-81 to Front Royal Pike (Route 522 South) after completion of VDOT required new road on new location analysis. Per the Eastern Frederick County Transportation Study (EFCTS) an initial development of this project would be a limited access parkway concept with 4 lanes from existing 37 at Exit 310 to future Warrior Drive and 2 lanes of the ultimate 4 lanes from future Warrior Drive and Route 522.

2) Route 11 (North and South of Winchester)

A) Upgrade to Six Through Lane System:

From: Northern limits of the City of Winchester
To: Intersection of Cedar Hill Road

B) Upgrade to Four Through Lane System:

From: Southern limits of the City of Winchester
To: Renaissance Drive

C) Upgrade to Four Through Lane System:

From: Intersection of Cedar Hill Road
To: West Virginia line

3) Route 277 (East of Stephens City)
Upgrade of the overall corridor to a 4-lane system with improved access management and bicycle and pedestrian facilities.

A) Establish an Urban Divided Four Lane System:

From: Double Church Road
To: Warrior Drive

B) Upgrade to a Four Through Lane System:

From: Warrior Drive
To: White Oak Road

C) Upgrade to a Four Through Lane System:

From: White Oak Road
To: Route 522

4) Route 7 – Establish a 6 Through Lane Cross Section:

From: Exit 315 Interchange
To: Future Route 37 Interchange

5) Route 50 East and West

A) Upgrade Interchange at Route 50 and Route 37 to a Diverging Diamond Interchange (DDI)

B) Safety Upgrades to Intersections at Back Mountain Road, Hayfield Road, Wardensville Grade, Stony Hill Road, and Dicks Hollow Road

C) Establish a 6 Through Lane Cross Section:

From: The Interchange at Exit 313
To: The Future Route 37 Interchange

D) Establish a 6 Through Lane Cross Section:

From: The Interchange with Route 37
To: Poorhouse Road

6) Route 37 Phases 3, 4, and 5

In 2024 the County completed the Eastern Frederick County Transportation Study (EFTCS) which took an in-depth look at the feasibility, phasing, and best mode of implementation of Route 37. Results of that analysis were used to update the phasing priorities and what form initial construction of early phases should take. Phases 3, 4, and 5 do not generate sufficient additional traffic for implementation prior to 2050 based upon modeling results at this time so additional detail for initial phasing of those segments is not included at this time, but interim improvements are noted where applicable.

A) Route 37 – Phase 3

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Existing Route 50/17 and Route 522. As noted in the EFTCS study, the Comprehensive Planned Justes Drive Extension to Airport Road will likely serve as an important interim improvement prior to this connection.

B) Route 37 - Phase 4

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Route 7 and Route 50/17. Extension of Hallowed Crossing Way (formerly Haggerty Blvd) to Senseny Road would likely serve as an important interim improvement prior to this connection.

C) Route 37 – Phase 5

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Existing Route 37 around Stonewall Industrial Park to Route 11 North.

7) South Frederick County Parkway:

From: Relocated Exit 307
To: Intersection with Route 277 approximately 1 mile west of the intersection of Route 277 and Route 522

This long term planned roadway has limited access points serving a mixture of predominantly commercial and industrial development.

There is a need to study this project in conjunction with the Exit 307 relocation and planning for Route 277 improvements noted in item 3.

Phasing of this project is not yet clearly defined; however general phasing would be from West to East with the clear first phase being from relocated Exit 307 to Warrior Drive.

8) Route 522 and Costello Drive

Add additional left turn lane capacity on Route 522 southbound for turns onto Costello Drive.

9) Gateway Drive Extension and Intersection with Valley Mill Road

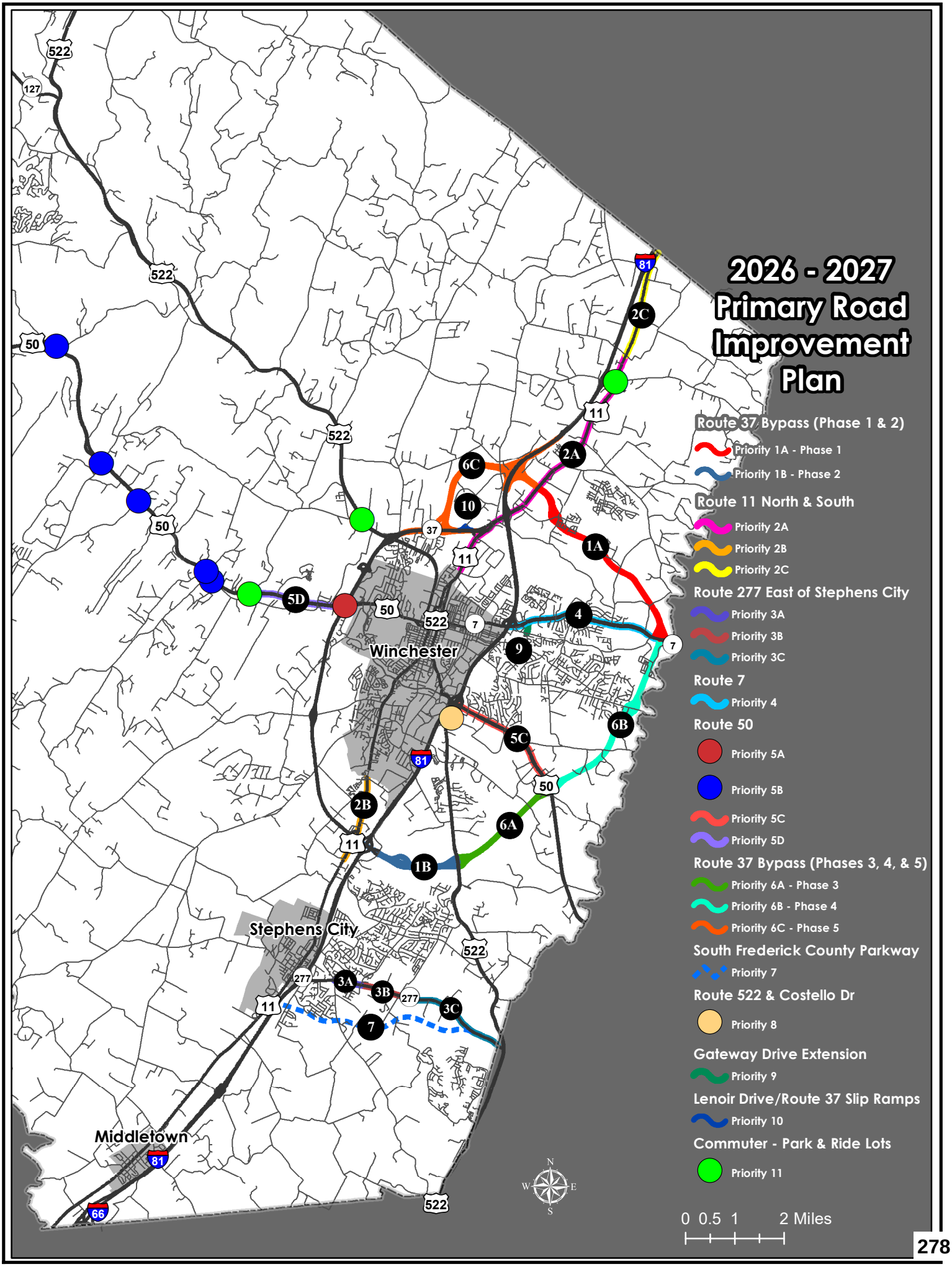
This project will establish an intersection on Valley Mill Road and connection to Gateway Drive approximately 150 to the south of the new intersection with the remainder of the Gateway Drive extension to be constructed by development via proffer.

10) Route 37 Slip Ramps to Lenoir Drive

Construct ramps to allow traffic to enter and exit the southbound side of Route 37 from Lenoir Drive.

11) Commuter Park and Ride Lots

Determine appropriate locations for park and ride facilities at other strategic locations within the County's Urban Development Area. For Park and Ride locations in Frederick County, the primary goal should be that they are situated in such a manner that they reduce traffic in Frederick County in addition to adjacent localities and ideally strengthen SmartScale applications.


2026 - 2027
Primary Road Improvement Plan
Route 37 Bypass (Phase 1 & 2)
Priority 1A - Phase 1
Priority 1B - Phase 2
Route 11 North & South
Priority 2A
Priority 2B
Priority 2C
Route 277 East of Stephens City
Priority 3A
Priority 3B
Priority 3C
Route 7
Priority 4
Route 50
Priority 5A
Priority 5B
Priority 5C
Priority 5D
Route 37 Bypass (Phases 3, 4, & 5)
Priority 6A - Phase 3
Priority 6B - Phase 4
Priority 6C - Phase 5
South Frederick County Parkway
Priority 7
Route 522 & Costello Dr
Priority 8
Gateway Drive Extension
Priority 9
Lenoir Drive/Route 37 Slip Ramps
Priority 10
Commuter - Park & Ride Lots
Priority 11
Winchester
Stephens City
Middletown
0 0.5 1 2 Miles

RESOLUTION
2026-2027 PRIMARY ROAD IMPROVEMENT PLAN

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 27, 2026; and

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on June 3, 2026; and

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

WHEREAS, the Frederick County Board of Supervisors supports the priorities of the Primary Road Improvement Plan projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

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

The 2026-2027 Primary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Primary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2026-2027 Primary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on June 10, 2026.

This resolution was approved by the following recorded vote:

John F. Jewell, Chairman

Robert W. Wells, Vice Chairman

Robert T. Liero

Gary R. Oates

Albert L. Orndorff

Michael D. Guevremont

Jason C. Aikens

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator

2026/27-2031/32

SECONDARY ROAD IMPROVEMENT PLAN

for

FREDERICK COUNTY, VIRGINIA

Frederick County Transportation Committee: 4/27/26

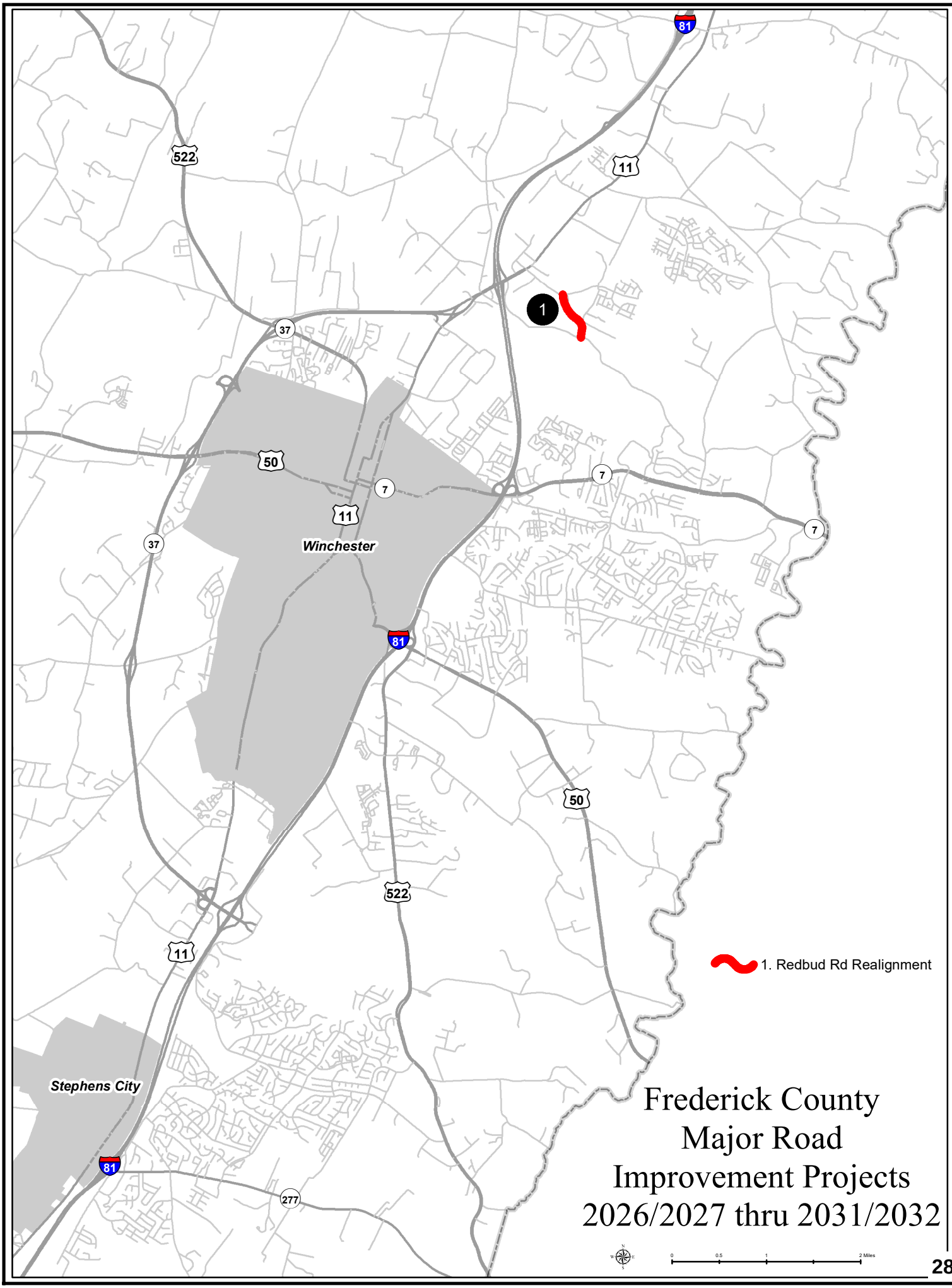
Frederick County Planning Commission: 6/3/26

Frederick County Board of Supervisors:6/10/26

MAJOR ROAD IMPROVEMENT PROJECTS
2026/2027 through 2031/2032

Major road improvement projects command the reconstruction of hardsurfaced roads to enhance public safety. Improvements required for road width, road alignment, road strength, and road gradient are considered major road improvements projects.

ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS
661	Red Bud Road	.47 Mi South Route 11	Int. Snowden Bridge Blvd.	2000	0.5 miles	ST	$6,497,399	2025	R/S Funds


81
522
11
1
37
50
7
11
Winchester
37
7
81
50
522
11
Stephens City
81
277
1. Redbud Rd Realignment
Frederick County
Major Road
Improvement Projects
2026/2027 thru 2031/2032
0
0.5
1
2 Miles

NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS
2026/2027 through 2031/2032

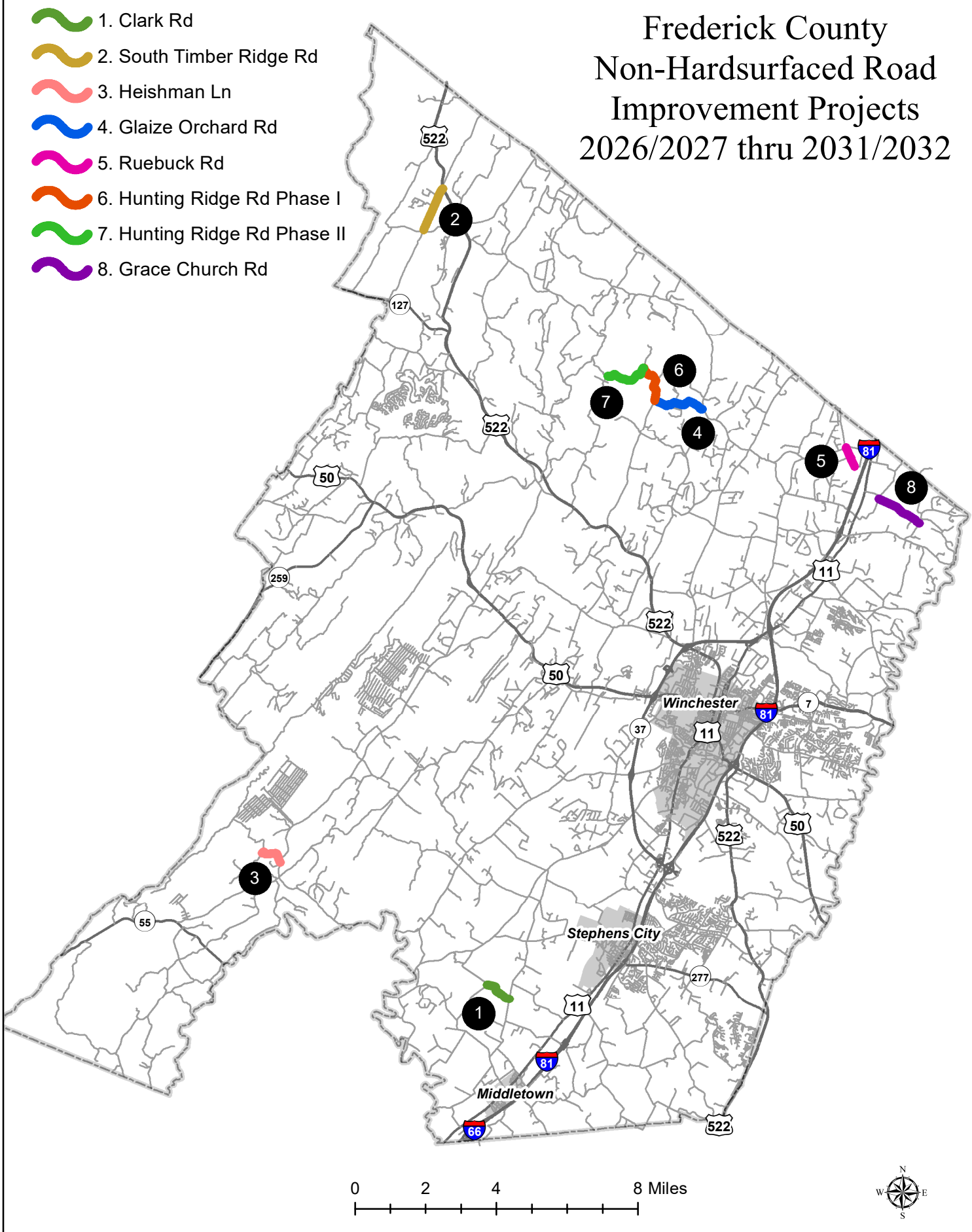
Non-Hardsurface road improvement projects provide impervious resurfacing and reconstruction of non-hardsurfaced secondary roads. Non-Hardsurface improvement projects are prioritized by an objective rating system, which considers average daily traffic volumes; occupied structures; physical road conditions including geometrics, drainage, and accident reports; school bus routing; and the time that project requests have been on the Secondary Road Improvement Plan.

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS**
1	638	Clark Road	625	759	140	.8 mile	BC	$331,000	2026	District Grant Unpaved Road
2	696	S. Timber Ridge Road	522	694	220	1.3 Miles	GA	$570,000	2027	District Grant Unpaved Road
3	607	Heishman Road	600	End of Maint.	60	0.78	BC	$350,000	2027	District Grant Unpaved Road
4	682	Glaize Orchard Road	608	654	240	1.54	GA	$700,000	2028	District Grant Unpaved Road
5	670	Ruebuck Lane	669	End of Maint.	160	0.35	ST	$192,000	2029	District Grant Unpaved Road
6	608	Hunting Ridge Road Phase I	682	End of Paving	90	1.00	GA	$485,963	2029	District Grant Unpaved Road
7	608	Hunting Ridge Road Phase II	End of Paving	681	90	1.44	GA	$689,000	2030	District Grant Unpaved Road
8	668	Grace Church Road	667	671	210	1.35	ST	$650,000	2031	District Grant Unpaved Road

**NOTE: Projects are placed on the scheduled list based upon VDOT revenue projections. Changes to those projections can lead to projects being delayed or removed from the scheduled list.*

***NOTE: Projects primarily funded via District Grant Unpaved Road funds which are distributed to localities on a formula basis by the state. The formula is based upon miles of unpaved roads in the County compared to miles of unpaved roads in counties across the state and available funds for use on unpaved roads. Due to the volatility of cost estimates, when projected cost estimates compared to unpaved roads actual cost lead to a shortfall, this is sometimes addressed using telefee funds allocated to the County.*

Frederick County Non-Hardsurfaced Road Improvement Projects 2026/2027 thru 2031/2032



UNSCHEDULED
NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS
2026/2027 through 2031/2032

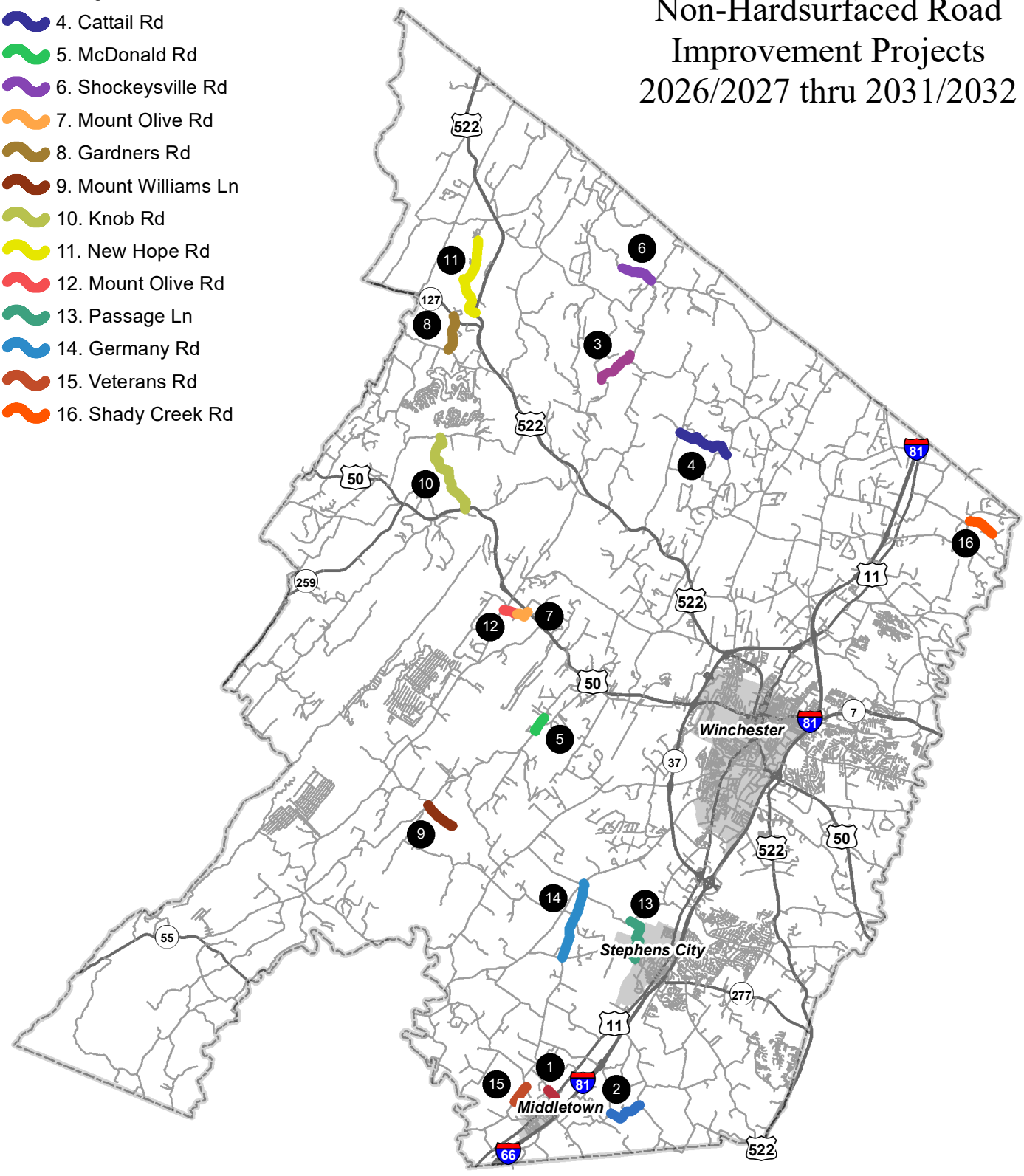
RANK	ROAD NAME	ROUTE	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE (MILES)	MAGISTERIAL DISTRICT	RATING	COMMENTS
1	Cougill Rd	634	635	11	120	0.25	BC	61.00	
2	Huttle Rd	636	709	735	160	1.1	OP	60.05	
3	Light Rd	685	600	681	40	1.3	GA	58.46	
4	Cattail Rd	731	608	654	100	1.7	GA	58.24	
5	McDonald Rd	616	608	.44 N. of 608	90	0.45	BC	54.33	
6	Shockeysville Rd	671	690	.90 miles west of 690	80	0.9	GA	53.67	
7	Mount Olive Rd	615	50	Hammack Lane	120	0.37	BC	52.00	
8	Gardners Rd	700	127	701	80	1	GA	51.50	
9	Mt. Williams Ln	612	608	End of maintenance	60	1.0	BC	44.00	
10	Knob Rd	752	Route 50	705	60	2.7	BC	43.40	
11	New Hope Rd	699	522	Timber Ridge School	40	2.35	GA	42.44	
12	Mount Olive Rd	615	Hammack Lane	600	120	0.4	BC	41.00	
13	Passage Ln	648	631	649	192	1.35	BC	TBD	
14	Germany Rd	625	631	628	136	2.15	BC	TBD	
15	Veterans Rd	625	627	Fourth St.	180	0.52	BC	TBD	
16	Shady Creek Rd	668	667	Sister Chipmunk Ln	170	0.75	ST	TBD	

Note: Project ratings are updated only when funding is available to promote projects to the scheduled list.

*Indicated that a roadway doesn't currently have sufficient traffic count to qualify for state funds. Trips will have to increase to 50 per day prior to state funds being allocated.

Frederick County Unscheduled Non-Hardsurfaced Road Improvement Projects 2026/2027 thru 2031/2032

1. Cougill Rd
2. Huttle Rd
3. Light Rd
4. Cattail Rd
5. McDonald Rd
6. Shockeysville Rd
7. Mount Olive Rd
8. Gardners Rd
9. Mount Williams Ln
10. Knob Rd
11. New Hope Rd
12. Mount Olive Rd
13. Passage Ln
14. Germany Rd
15. Veterans Rd
16. Shady Creek Rd



0 2 4 8 Miles

RESOLUTION
2026-2027 SECONDARY ROAD IMPROVEMENT PLAN

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and,

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 27, 2026; and,

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on June 3, 2026; and,

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

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2026–2027 Secondary Road Improvement Plan; and,

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

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

The 2026-2027 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2026-2027 Secondary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on June 10, 2026.

This resolution was approved by the following recorded vote:

John F. Jewell, Chairman

Robert W. Wells, Vice Chairman

Robert T. Liero

Gary R. Oates

Albert L. Orndorff

Michael D. Guevremont

Jason C. Aikens

A COPY ATTEST

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Michael L. Bollhoefer
Frederick County Administrator

Secondary System
Frederick County
Construction Program
Estimated Allocations

Fund	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	Total
CTB Formula - Unpaved State	$0	$0	$0	$0	$0	$0	$0
Formula Secondary State	$0	$0	$0	$0	$0	$0	$0
TeleFee	$233,243	$233,243	$233,243	$233,243	$233,243	$233,243	$1,399,458
STP Converted from IM	$0	$0	$0	$0	$0	$0	$0
Federal STP - Bond Match	$0	$0	$0	$0	$0	$0	$0
Formula STP	$0	$0	$0	$0	$0	$0	$0
MG Formula	$0	$0	$0	$0	$0	$0	$0
BR Formula	$0	$0	$0	$0	$0	$0	$0
State Funds	$0	$0	$0	$0	$0	$0	$0
Federal STP	$0	$0	$0	$0	$0	$0	$0
District Grant - Unpaved	$573,032	$573,032	$573,032	$568,931	$568,931	$538,739	$3,395,697
Total	$806,275	$806,275	$806,275	$802,174	$802,174	$771,982	$4,795,155

Board Approval Date:

Residency Administrator Date

County Administrator Date

Staunton

Frederick County

Frederick County (034)

UPC	Description
59259	RTE 655 - RECONSTRUCTION

0001.00 Project 0655034274 0.691 Mi. W. Rte 656 0.288 Mi. E. Rte 656

Previous	Budget	Projected	Total
$6,343,821	$0	$0	$6,343,821
		Total Estimate:	$5,473,750
		Balance:	-$870,071

	PE	RW	CN
Schedule:	06/04/07	09/11/12	11/06/18
Estimate:	$1,243,898	$789,997	$3,439,855

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030601	.Formula - Secondary :Federal/State - Frederick (CNS601)	$324	$0	$0	$0	$0	$0	$0
6030606	Secondary Formula - Telecommunications : Frederick	$535	$0	$0	$0	$0	$0	$0
6030626	Secondary Formula - IM to STP : Frederick (CNF626)	$167	$0	$0	$0	$0	$0	$0
6030653	Federal Formula - Secondary Bond Match : Frederick (CNB653)	$660	$0	$0	$0	$0	$0	$0
6030667	Secondary Formula - STP : Frederick (CNF667)	$128	$0	$0	$0	$0	$0	$0
6030668	Secondary Formula - EB(MG) : Frederick (CNF668)	$239	$0	$0	$0	$0	$0	$0
6030669	Secondary Formula - Bridge : Frederick (CNF669)	$300	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Frederick (CNB670)	$437	$0	$0	$0	$0	$0	$0
6030675	Federal Formula STP - Secondary : Frederick (CNF675)	$3,554	$0	$0	$0	$0	$0	$0

UPC	Description
101435	Relocate Rt.661 Red Bud Road

0002.01 Project 0661034801 0.600 Miles West of Snowden Bridge Blvd. 0.214 Miles West of Snowden Bridge Blvd.

Previous	Budget	Projected	Total
$5,834,782	$153,364	$0	$5,988,146
		Total Estimate:	$6,497,399
		Balance:	$509,253

	PE	RW	CN
Schedule:	01/07/15	06/10/25	03/10/26
Estimate:	$1,264,275	$255,198	$4,977,926

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
3001500	CTB Formula: Unpaved - Frederick	$83	$0	$0	$0	$0	$0	$0
6030201	Revenue Sharing Funds :Local Match	$1,787	$0	$0	$0	$0	$0	$0
6030202	Revenue Sharing Funds :State Match (CNS202)	$1,787	$0	$0	$0	$0	$0	$0
6030606	Secondary Formula - Telecommunications : Frederick	$1,329	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Frederick (CNS672)	$435	$0	$0	$0	$0	$0	$0
6071700	HB2 DG: Unpaved - Frederick	$0	$153	$0	$0	$0	$0	$0
9030622	Accounts Receivable - Secondary	$415	$0	$0	$0	$0	$0	$0

Frederick County

Frederick County (034)

UPC	Description
115231	Fishel Road - Rural Rustic - Frederick County

0003.16 Project 0612034923 Rt. 600 - Back Mountain Road Rt. 600 - Back Mountain Road

Previous	Budget	Projected	Total
$630,000	$0	$0	$630,000
		Total Estimate:	$630,000
		Balance:	$0

	PE	RW	CN
Schedule:			03/31/25
Estimate:	$0	$0	$630,000

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6071700	HB2 DG: Unpaved - Frederick	$630	$0	$0	$0	$0	$0	$0

UPC	Description
115232	Canterburg Road - Rural Rustic - Frederick County

0003.17 Project 0636034924 Rt. 640 - Refuge Church Road Rt. 641 - Double Church Road

Previous	Budget	Projected	Total
$408,586	$0	$0	$408,586
		Total Estimate:	$408,586
		Balance:	$0

	PE	RW	CN
Schedule:			12/05/25
Estimate:	$0	$0	$408,586

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$63	$0	$0	$0	$0	$0	$0
6071700	HB2 DG: Unpaved - Frederick	$346	$0	$0	$0	$0	$0	$0

UPC	Description
124889	Rte. 638 Clark Road - Rural Rustic

0003.18 Project 0638034938 Various Various

Previous	Budget	Projected	Total
$206,414	$124,586	$0	$331,000
		Total Estimate:	$331,000
		Balance:	$0

	PE	RW	CN
Schedule:			12/01/25
Estimate:	$0	$0	$331,000

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$25	$0	$0	$0	$0	$0	$0
6071700	HB2 DG: Unpaved - Frederick	$181	$125	$0	$0	$0	$0	$0

UPC	Description
121193	FY27 & FY28 Frederick County Rural Rustic Roads Projects

0003.19 Project 9999034953 various various

Previous	Budget	Projected	Total
$0	$295,082	$624,918	$920,000
		Total Estimate:	$920,000
		Balance:	$0

	PE	RW	CN
Schedule:			09/23/26
Estimate:	$0	$0	$920,000

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$0	$0	$128	$0	$0	$0	$0
6071700	HB2 DG: Unpaved - Frederick	$0	$295	$497	$0	$0	$0	$0

Frederick County

Frederick County (034)

UPC	Description
124890	FY29 & FY30 FREDERICK COUNTY RURAL RUSTIC ROADS PROJECTS

0003.20 Project 9999034960 Various Various

Previous	Budget	Projected	Total
$0	$0	$1,377,963	$1,377,963
		Total Estimate:	$1,377,963
		Balance:	$0

	PE	RW	CN
Schedule:			03/27/28
Estimate:	$0	$0	$1,377,963

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$0	$0	$0	$136	$24	$0	$0
6071700	HB2 DG: Unpaved - Frederick	$0	$0	$76	$573	$569	$0	$0

UPC	Description
127181	FY31 FREDERICK COUNTY RURAL RUSTIC ROADS PROJECTS

0003.21 Project 9999034977 Various Various

Previous	Budget	Projected	Total
$0	$0	$689,000	$689,000
		Total Estimate:	$689,000
		Balance:	$0

	PE	RW	CN
Schedule:			02/25/30
Estimate:	$0	$0	$689,000

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$0	$0	$0	$0	$50	$140	$0
6071700	HB2 DG: Unpaved - Frederick	$0	$0	$0	$0	$0	$499	$0

UPC	Description
-31667	FY32 FREDERICK COUNTY RURAL RUSTIC ROADS PROJECTS

0003.22 Project 9999034992 Various Various

Previous	Budget	Projected	Total
$0	$0	$650,000	$650,000
		Total Estimate:	$650,000
		Balance:	$0

	PE	RW	CN
Schedule:			
Estimate:	$0	$0	$650,000

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$0	$0	$0	$0	$0	$8	$33
6071700	HB2 DG: Unpaved - Frederick	$0	$0	$0	$0	$0	$70	$539

UPC	Description
122228	COUNTYWIDE - TRANSPORTATION SERVICES

0004.01 Project 9999034

Previous	Budget	Projected	Total
$1,061,295	$233,243	$646,999	$1,941,537
		Total Estimate:	$1,440,823
		Balance:	-$500,714

	PE	RW	CN
Schedule:	07/01/22	06/30/23	07/01/24
Estimate:	$50,000	$50,000	$1,340,823

Funding Detail (in $1000s)		Previous	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
6030606	Secondary Formula - Telecommunications : Frederick	$1,061	$233	$105	$97	$160	$85	$200