

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD JUNE 21, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

**P R E S E N T** Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**DISCUSSION OF COMPENSATION FOR CONSTITUTIONAL OFFICERS**

Mr. Atherton discussed various methods of compensation for Constitutional Officers.

**A WORK SESSION TO DISCUSS THE PROCESS BY WHICH THE TERMS FOR THE BOARD OF SUPERVISORS MAY BE STAGGERED**

Mr. McCulla reviewed the process by which the terms for the Board of Supervisors may be staggered.

**A WORK SESSION TO REVIEW THE COUNTY LANDFILL AND RECYCLING PROGRAMS**

Anthony Hooper, Deputy County Administrator, and Ellis Bingham, Director of Environmental Services, reviewed the County landfill and recycling programs.

**VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE**

Garrett Moore, Resident Engineer for the Virginia Department of Transportation (VDOT), introduced Morteza Salehi, Culpeper District Administrator, who discussed VDOT's plans to address transportation concerns.

**A WORK SESSION WITH THE FAUQUIER COUNTY WATER & SANITATION AUTHORITY BOARD TO DISCUSS THE MARSHALL WATER SYSTEM AND RELATED WATER STORAGE TANK SPECIAL EXCEPTION APPLICATION**

Joe Winkelmann, of the Fauquier County Water and Sanitation Authority Board, provided an overview of the Authority's Water System Services and Asset Purchase Agreement with Marshall Waterworks II, Inc.

**A WORK SESSION TO DISCUSS THE SIZE OF THE PROPOSED NEW HIGH SCHOOL - PRESENTATION BY SUPERINTENDENT DAVID MARTIN**

David Martin, Superintendent of Schools, discussed the size of the proposed new high school.

**A WORK SESSION TO ALLOW THE BOARD OF SUPERVISORS TO ATTEND THE DEDICATION OF THE 320 HOSPITAL HILL BUILDING IN HONOR OF ALICE JANE CHILDS**

The Board of Supervisors reconvened at 4:00 p.m. to attend a dedication ceremony at the County office building located at 320 Hospital Drive in Warrenton, Virginia, renaming the

building the Alice Jane Childs Building in honor of Mrs. Childs' years of service to the citizens of Fauquier County.

The meeting was reconvened in Regular Session at 6:30 p.m. at Warrenton Community Center.

### **CONSENT AGENDA**

Mr. Graham moved to adopt the consent agenda with the following changes. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

- Remove Consent Agenda item "p", A Resolution to Abandon a Portion of Cedar Run Drive in Fauquier County.
- Add new Consent Agenda item "q", A Resolution to Authorize the Addition of New Position Titles and Grade Changes to the Fauquier County Classification and Compensation Plan and the Addition of Three Custodian Positions within the Department of General Services.
- Accept substitute resolution for Regular Agenda item #8, A Resolution Authorizing the County Administrator and the County Attorney to Execute All Documents Necessary to Acquire a 9.61 Acre Parcel of Land Owned by George R. Thompson, Jr. by Purchase, or by Condemnation, Consented to by the Landowner, Upon the Terms and Conditions as Set Forth in this Resolution.

### **CITIZENS' TIME**

- Jennifer Showalter, Marshall District, expressed concern with the condition of Claude Thompson Elementary School.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Robison presented A Proclamation Commending Citizens for Fauquier County for a Successful County-Wide Litter Clean-Up Initiative.
- Mr. Downey presented A Proclamation to Recognize Virginia Dorkey for Her Outstanding Service to the Fauquier County Public Library and the Citizens of Fauquier County.
- Mr. Graham presented A Proclamation to Recognize the 50th Anniversary of Wilson's Farms Meat Company, Inc.
- Mr. Atherton presented A Proclamation to Designate June 26-27, 2004 as Amateur Radio Weekend in Fauquier County.

- Mr. Atherton and Ellis Bingham recognized winners of the 2004 Litterbug Shutterbug Photo Contest.
- Mr. Atherton and Mr. Graham recognized coaches and members of the Fauquier High School Boys' Track Team and Fauquier High School Junior Sarah Bowman for outstanding achievement in the State Championship Competition.

**CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

**Approval of the Minutes for the May 17, 2004 Regular Meeting and June 7, 2004, June 10, 2004, June 17, 2004, and June 18, 2004 Adjourned Meetings of the Fauquier County Board of Supervisors**

**A Resolution to Authorize the County Administrator to Execute a Surety Bond Release to the Hanover Insurance Company**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SURETY BOND RELEASE TO THE HANOVER INSURANCE COMPANY

WHEREAS, on December 17, 2001, the Fauquier County Board of Supervisors executed a Cable System Franchise Agreement with Adelphia Cable Communications; and

WHEREAS, Section 11.2 of this Agreement provides that Adelphia Cable Communications shall deposit and maintain with the County a Cash Surety Bond as described in Section 6-16 of the Code of Fauquier County; and

WHEREAS, Adelphia Cable Communications wishes to replace and exonerate the Hanover Insurance Company bond currently on file and replace it with a \$100,000 cable franchise bond issued by Travelers Casualty and Surety Company of America; and

WHEREAS, the County Attorney has reviewed this proposed transaction and finds it in accordance with the Cable System Franchise Agreement and the Code of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the County Administrator be, and is hereby, authorized to execute a Surety Bond Release to the Hanover Insurance Company.

**A Resolution to Adopt the 6-Year Capital Improvement, Maintenance and Furniture & Equipment (F & E) Programs Pre-Application for the Warrenton-Fauquier Airport**

RESOLUTION

A RESOLUTION TO ADOPT THE 6-YEAR CAPITAL IMPROVEMENT, MAINTENANCE AND FURNITURE & EQUIPMENT (F & E) PROGRAMS PRE-APPLICATION FOR THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, on May 24, 2004, the Fauquier County Airport Committee approved and adopted the 6-Year Capital Improvement, Maintenance and F & E Pre-Application for the Warrenton-Fauquier Airport; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the 6-Year Capital Improvement, Maintenance and F & E Pre-Application for the Warrenton-Fauquier Airport be, and is hereby, approved and adopted; and, be it

RESOLVED FURTHER, That the Deputy County Administrator be, and is hereby, authorized to forward the pre-application to the Virginia Department of Aviation for final consideration.

**A Resolution to Authorize the Chairman of the Board of Supervisors to Execute an Ingress/Egress Easement over Property Located at the Warrenton-Fauquier Airport**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE AN INGRESS/EGRESS EASEMENT OVER PROPERTY LOCATED AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Fauquier County Board of Supervisors, by Order of the Circuit Court of Fauquier County, acquired certain real property, further described as PIN #7809-78-6301, from Theodore G. Pilcher, Robert M. Pilcher and James T. Pilcher; and

WHEREAS, the aforesaid real property is now a part of the Warrenton-Fauquier Airport, said property being more specifically described on that certain plat of survey by James W. Landolt, C.L.S., dated February 5, 2003; and

WHEREAS, the Order of the Circuit Court vesting ownership of the property in the County required the County to grant to the Pilchers a non-exclusive, perpetual easement of right-of-way fifty feet (50') in width; and

WHEREAS, the said right-of-way is shown on the aforesaid survey; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Deed of Easement granting unto Theodore G. Pilcher, Robert M. Pilcher and James T. Pilcher a non-

exclusive perpetual easement of right-of-way fifty feet (50') in width as shown on that certain plat of survey by James W. Landolt, C.L.S., dated February 5, 2003.

**A Resolution to Approve a Comprehensive Agreement to Develop, Design and Construct a Work Release Facility to Expand the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center**

RESOLUTION

A RESOLUTION TO APPROVE A COMPREHENSIVE AGREEMENT TO DEVELOP, DESIGN AND CONSTRUCT A WORK RELEASE FACILITY TO EXPAND THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL ADULT DETENTION CENTER

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center (hereafter referred to as the Regional Jail) is overcrowded, and public safety and efficient operations are deleteriously impacted by the inmate populations that exceed the design capacity; and

WHEREAS, the jurisdictions that own and operate the Regional Jail are willing, with appropriate State partnership, to expand the Regional Jail to address public safety and operational requirements; and

WHEREAS, the City of Winchester serves as the Regional Jail's fiscal agent; and

WHEREAS, the Regional Jail has submitted to its member jurisdictions a draft of a Comprehensive Agreement by and between Howard Shockey and Sons, Inc. and the City of Winchester to Develop, Design and Construct a Work Release Facility; and

WHEREAS, this Agreement has been reviewed by both the County Attorney's Office to ensure legality of form, and by the County Budget Office for funding impact; and

WHEREAS, the estimated maximum cost impact to Fauquier County if the project is terminated would be approximately \$172,000 payable during FY 2005; and

WHEREAS, any project cost in excess of \$172,000 shall be submitted in advance to the Board of Supervisors for approval; and

WHEREAS, any other changes in the form or substance of the Comprehensive Agreement shall be submitted in advance to the Board of Supervisors for approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004 That the Comprehensive Agreement between the City of Winchester and Howard Shockey and Sons, Inc. to Develop, Design and Construct a Work Release Facility to Expand the Regional Jail be, and is hereby, approved.

**A Resolution to Approve the Memorandum of Understanding with Quantico Marine Base**

RESOLUTION

A RESOLUTION TO APPROVE THE MEMORANDUM  
OF UNDERSTANDING WITH QUANTICO MARINE BASE

WHEREAS, the Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Quantico Marine Base have developed a Memorandum of Understanding (MOU) for providing fire, rescue and emergency service resources; and

WHEREAS, each of the parties hereto provides, has or maintains certain equipment and personnel for use in response to emergency situations through paid and/or volunteer companies within their jurisdictions and areas; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association and the Quantico Marine Base hereto desire to define their cooperative arrangement for fire protection and rescue service and augment the fire protection and rescue service available in their various jurisdictions and areas in the event of large fires or conflagration or disasters; and

WHEREAS, it is the policy of the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Quantico Marine Base to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Chairman be, and is hereby, authorized to sign the approved Agreement on behalf of Fauquier County with implementation effective this date.

**A Resolution to Approve the Memorandum of Understanding with Warrenton Training Center**

RESOLUTION

A RESOLUTION TO APPROVE THE MEMORANDUM  
OF UNDERSTANDING WITH WARRENTON TRAINING CENTER

WHEREAS, the Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Warrenton Training Center have developed a Memorandum of Understanding (MOU) for providing fire, rescue and emergency service resources; and

WHEREAS, each of the parties hereto provides, has or maintains certain equipment and personnel for use in response to emergency situations through paid and/or volunteer companies within their jurisdictions and areas; and

WHEREAS, the Board of Supervisors, the Fauquier Fire and Rescue Association and the Warrenton Training Center hereto desire to define their cooperative arrangement for fire protection and rescue service and augment the fire protection and rescue service available in their various jurisdictions and areas in the event of large fires or conflagration or disasters; and

WHEREAS, it is the policy of the Board of Supervisors, the Fauquier Fire and Rescue Association, and the Warrenton Training Center to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Chairman be, and is hereby, authorized to sign the approved Agreement on behalf of Fauquier County with implementation effective this date.

**A Resolution to Authorize the County Administrator to Advertise a Public Hearing to Receive Public Comment on the Proposed Vacation of an Easement and Grant of an Easement to the Fauquier County Water and Sanitation Authority at Bealeton Library**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED VACATION OF AN EASEMENT AND GRANT OF AN EASEMENT TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AT BEALETON LIBRARY

WHEREAS, the Fauquier County Board of Supervisors owns property at Bealeton Station which is the site of a public library; and

WHEREAS, the Fauquier County Water and Sanitation Authority has requested an easement to permit the provision of public sewer to the site; and

WHEREAS, a recorded plat shows an easement for sewer purposes, but does not adequately describe the easement or properly grant the easement to the Water and Sanitation Authority; and

WHEREAS, Section 15.2-1800 of the Code of Virginia requires the Board of Supervisors to conduct a public hearing before public property can be conveyed for this purpose; and

WHEREAS, the proposed easement is necessary to permit sewer service for the site and does not adversely affect the site; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day June 2004, That the County Administrator be, and is hereby, authorized to advertise a public hearing to permit the grant of the proposed easement and the vacation of any interest which may have been granted by the easement previously recorded on July 19, 2004.

**A Resolution to Authorize the Execution of an Addendum to the Memorandum of Understanding Between the Warrenton Training Center and Fauquier County**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE WARRENTON TRAINING CENTER AND FAUQUIER COUNTY

WHEREAS, Fauquier County and the Warrenton Training Center entered into a Memorandum of Understanding dated September 9, 2002; and

WHEREAS, the Memorandum of Understanding authorized the County to construct and use a tower on View Tree Mountain as part of its emergency radio system; and

WHEREAS, the Warrenton Training Center must locate its equipment on the tower on a temporary basis, and has requested an addendum to the Memorandum of Understanding to permit it to do so; and

WHEREAS, the Federal Bureau of Investigation also requests that the County enter into a temporary license agreement to permit it to relocate an antennae to the County's tower; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the County Administrator be, and is hereby, authorized to execute the addendum to the Memorandum of Understanding and a temporary license agreement to the Federal Bureau of Investigation.

**A Resolution to Approve a Cooperative Agreement with the Virginia Outdoors Foundation for Conservation Easements Acquired Under the Purchase of Development Rights (PDR) Program**

RESOLUTION

A RESOLUTION TO APPROVE A COOPERATIVE AGREEMENT WITH THE VIRGINIA OUTDOORS FOUNDATION FOR CONSERVATION EASEMENTS ACQUIRED UNDER THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to support the agricultural economy of Fauquier County; and

WHEREAS, it is desired to have conservation easements acquired under the PDR Program co-held by another conservation organization to add certainty to the conservation purposes of such conservation easements; and

WHEREAS, on June 16, 2004, the Cooperative Agreement was approved by the Virginia Outdoors Foundation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Cooperative Agreement with the Virginia Outdoors Foundation be, and is hereby, approved.

**A Resolution to Approve a Contract with Miller Brothers, Inc. to Construct an Addition to the Marshall Community Center**

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT WITH MILLER BROTHERS, INC. TO CONSTRUCT AN ADDITION TO THE MARSHALL COMMUNITY CENTER

WHEREAS, the Fauquier County Board of Supervisors has appropriated funding for an addition to the Marshall Community Center; and

WHEREAS, through reallocation of funds, additional funding has been made possible to provide for the construction contract as well as construction administration, contingencies and other costs associated with the project; and

WHEREAS, Miller Brothers, Inc. has submitted the low bid of \$444,850 for the project; and

WHEREAS, the Parks and Recreation Board and the Facilities Planning and Implementation Committee have identified changes that reduce the cost to \$434,850; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That a contract with Miller Brothers, Inc. in the amount of \$434,850 for construction of an addition to the Marshall Community Center be, and is hereby, approved.

**Consider Preliminary Plat Subdivision Application #PPLT04-MA-003: Alls Subdivision**

No action was taken.

**Consider Preliminary Plat Subdivision Application #PPLT04-CR-004: Heddings Springs Estates**

No action was taken.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on the Application of Piedmont Child Care Center, Inc., for an Exemption of its Real and Personal Property from Taxation**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO

SCHEDULE A PUBLIC HEARING ON THE APPLICATION OF PIEDMONT  
CHILD CARE CENTER, INC., FOR AN EXEMPTION OF ITS REAL AND  
PERSONAL PROPERTY FROM TAXATION

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations which use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance on the application of Piedmont Child Care Center, Inc., for an exemption of its real and personal property from taxation.

**A Resolution to Abandon a Portion of Mosby Street in Fauquier County**

RESOLUTION

A RESOLUTION TO ABANDON A PORTION OF MOSBY STREET  
IN FAUQUIER COUNTY

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon a portion of Mosby Street along a parcel of land now owned by Gary Garrett and Joanne Western Garrett, identified as PIN 6969-68-8479-000; and

WHEREAS, the stated portion of road is shown on the specified Plat dated August 21, 2002, entitled "BOUNDARY SURVEY PLAT OF A PORTION OF MOSBY STREET RENALDS SUBDIVISION", prepared by David R. Hall, L.S.; and

WHEREAS, a public notice was posted as prescribed under §33.1-156 et seq., Code of Virginia, concerning abandoning the section of road described herein; and

WHEREAS, after considering all evidence available, the Fauquier County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Mosby Street, a distance of approximately 168.30 feet, and hereby deems that section of road is no longer necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Board of Supervisors does hereby abandon the above-described section of road, pursuant to § 33.1-156 *et seq.*, Code of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute any Quitclaim Deeds or other documents necessary to transfer any title or interest the

Fauquier County Board of Supervisors may have acquired in the portion of the street which was abandoned.

**A Resolution Authorizing the County Administrator to Execute a Road Agreement Regarding Inclusion of Blantire Road Into the State Secondary Road System**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A ROAD AGREEMENT REGARDING INCLUSION OF BLANTIRE ROAD INTO THE STATE SECONDARY ROAD SYSTEM

WHEREAS, the Fauquier County Board of Supervisors accepted 110 feet of right-of-way for Relocated Route 605 with the Lake Whippoorwill Subdivision Plat, which has not been accepted into the State System of Highways; and

WHEREAS, the developer of the Lake Whippoorwill Subdivision is seeking acceptance of the subdivision streets into the State System of Highways and the Virginia Department of Transportation will not accept portions of right-of-ways that do not include all road improvements; and

WHEREAS, the Fauquier County Board of Supervisors would retain a fee interest in the unimproved fifty (50) foot section, which will not be included in the State Secondary System of Highways at this time; and

WHEREAS, on May 26, 2004, the Fauquier County Transportation Committee recommended the abandonment of the aforesaid section of the right-of-way; and

WHEREAS, the Board of Supervisors wishes to clarify the agreement between it and the Lake Whippoorwill Home Owners Association regarding the maintenance of the unimproved fifty (50) foot section of road and the trail to be located thereon; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the County Administrator be, and is hereby, authorized to execute a Road Agreement in form and content acceptable to the Director of Community Development and the County Attorney concerning the inclusion of a sixty (60) foot improved section of Blantire Road into the State Secondary System of Highways and the maintenance of the fifty (50) foot unimproved section of road by the Lake Whippoorwill Home Owners Association.

**A Resolution to Authorize the Addition of New Position Titles and Grade Changes to the Fauquier County Classification and Compensation Plan and the Addition of Three Custodian Positions within the Department of General Services**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADDITION OF NEW POSITION TITLES AND GRADE CHANGES TO THE FAUQUIER COUNTY CLASSIFICATION AND COMPENSATION PLAN AND THE ADDITION OF THREE CUSTODIAL POSITIONS WITHIN THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, Fauquier County Human Resources Policy 23, Position Classification Plan, governs the administration of the Fauquier County Classification and Compensation Plan; and

WHEREAS, Fauquier County Human Resources Policy 23, Position Classification Plan, provides guidance on review, analysis, and reclassification of employment positions; and

WHEREAS, in conformance with Fauquier County Human Resources Policy 23, Position Classification Plan, Springsted conducted a review and analysis of selected employment positions; and

WHEREAS, as a result of its review and analysis, Springsted recommends the following changes/additions to the Fauquier County Classification and Compensation Plan:

<u>Current Position Title</u>	<u>Reclassified Position Title</u>	<u>Grade</u>
Fire Rescue, Assistant Chief	New Classification	43
Fire Rescue, Training Captain	New Classification	36
Office Associate III	Permit Center Supervisor	25
Executive Assistant	Economic Development Coord.	28
County Soil Scientist	No Change	From 40 to 43
Env. Engineer/Planner	No Change	From 33 to 35
Supv., Scale House/Conv. Recycling	No Change	From 21 to 26
Recycling Technician	Recycling Education Coordinator	From 21 to 24

; and

WHEREAS, using Departments and Procurement have requested that contracted custodial services be replaced with in-house services beginning with the new fiscal year; and

WHEREAS, this request is based on sub-standard level of performance by the current vendor; and

WHEREAS, this request has been approved by both the Finance and Personnel Committees; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the recommended changes to the Fauquier County Classification and Compensation Plan be, and are hereby, approved effective June 21, 2004; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors approves the addition of three custodial positions within the Department of General Services.

**A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO EXECUTE A BOUNDARY ADJUSTMENT AGREEMENT WITH THE TOWN OF WARRENTON**

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

## RESOLUTION

### A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO EXECUTE A BOUNDARY ADJUSTMENT AGREEMENT WITH THE TOWN OF WARRENTON

WHEREAS, the Estate of Walter N. Arrington is the owner of a certain portion of land containing 16.73869 acres, more or less, said parcel being more particularly described as a portion of PIN 6983-46-3320-000 (hereinafter the "Home Depot parcel"), as shown on the Plat Showing Boundary Line Adjustment Between the Town of Warrenton and the County of Fauquier by Franklin E. Jenkins, L.S., dated February 27, 2004; and

WHEREAS, a 1.81948 acre portion of Alwington Boulevard is located in the County of Fauquier; and

WHEREAS, on March 17, 2004, and March 24, 2004, the County of Fauquier and Town of Warrenton jointly published notice of their intention to adopt a Boundary Adjustment Agreement relocating the aforesaid Home Depot parcel and the aforesaid portion of Alwington Boulevard within the corporate limits of the Town of Warrenton; and

WHEREAS, the Board of Supervisors, by the adoption of this resolution, has determined it to be in the best interest of the citizens of this County to adjust the Home Depot parcel and that portion of Alwington Boulevard into the corporate limits of the Town of Warrenton; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the Chairman of the Fauquier County Board of Supervisors be, and is hereby, authorized to execute a Boundary Adjustment Agreement with the Town of Warrenton locating the tract of land containing 16.73869 acres, more or less, said parcel being more particularly described as a portion of PIN 6983-46-3320-000 (hereinafter the "Home Depot parcel") and that 1.81948 acre portion of Alwington Boulevard, within the corporate limits of the Town of Warrenton; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to take all actions necessary to locate the Home Depot parcel within the corporate limits of the Town of Warrenton, including, but not limited to, the preparation, filing and prosecution, jointly with the Town of Warrenton, of a petition to adjust the boundaries of the County of Fauquier and the Town of Warrenton to include the Home Depot parcel and that portion of Alwington Boulevard, within the corporate limits of the Town of Warrenton.

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE A 9.61 ACRE PARCEL OF LAND OWNED BY GEORGE R. THOMPSON, JR. BY PURCHASE, OR BY CONDEMNATION, CONSENTED TO BY THE**

**LANDOWNER, UPON THE TERMS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE A 9.61 ACRE PARCEL OF LAND OWNED BY GEORGE R. THOMPSON, JR. BY PURCHASE, OR BY CONDEMNATION CONSENTED TO BY THE LANDOWNER, UPON THE TERMS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION

WHEREAS, by previous resolution, the Board of Supervisors authorized the purchase of real Property in the northern portion of Fauquier County to provide for the swimming and recreation needs of its citizens; and

WHEREAS, the Board of Supervisors has requested that George R. Thompson, Jr., sell to the County a 9.61 acre parcel owned by him and more particularly identified as PIN 6060-70-2278-000; and

WHEREAS, George R. Thompson, Jr. has indicated a willingness to consider the sale of his Property to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the County Administrator and County Attorney be, and are hereby, authorized to execute all documents necessary to acquire that certain 9.61 acre tract of land owned by George R. Thompson, Jr., and more particularly described as PIN 6060-70-2278-000 (the "Property") by purchase, or by condemnation consented to by the landowner, for a sum not to exceed \$28,108.80 per acre (the "Purchase Price"); and, be it

RESOLVED FURTHER, That the purchase or condemnation of the Property shall be subject to the following terms and conditions which are hereby approved by the Board of Supervisors:

- a. Upon the recordation of a General Warranty Deed, or the entry of a condemnation order, transferring fee simple ownership of the 9.61 acre parcel to the County, the County will pay to an Escrow Agent mutually agreeable to the County and Mr. Thompson the agreed compensation to be disbursed by the Escrow Agent in accordance with these terms and conditions.
- b. The Escrow Agent will hold funds in an interest bearing account, and shall disburse the funds upon the occurrence of any of the following events:

- i. If none of the following events occur then, after ten years from the date of this resolution, the Purchase Price and any accumulated interest shall be paid to Mr. Thompson.
  - ii. If the Board of Supervisors, at the request of Mr. Thompson, rezones a parcel of land to a density that includes 18 additional dwelling units over the parcel's then current by-right zoning density, then the Escrow Agent shall disburse the Purchase Price and all accumulated interest to the County. If the Board denies the rezoning request, the Purchase Price and all accumulated interest shall be paid to Mr. Thompson. If the Board rezones the Property to fewer than 18 additional dwelling units, Mr. Thompson's compensation shall be calculated as the difference between the Purchase Price and the number of lots approved divided into the Purchase Price. A proportionate share of any accumulated interest shall also be paid to Mr. Thompson. The remainder of the funds and interest shall be disbursed to the County.
  - iii. Mr. Thompson may sell to any other developer or landowner any or all of the 18 dwelling unit rights, which rights may be applied to other property owned, or contracted for by such developer, and which shall be extinguished on the Property by the developer as an offset against such additional zoning density as may be sought by the developer as part of a rezoning proposal for such other property. Mr. Thompson shall promptly inform the County of such sale and, thereupon, the Purchase Price will be calculated as the difference between the Purchase Price and the number of dwelling unit rights sold to others, divided into the Purchase Price. A proportionate share of any accumulated interest shall also be paid to Mr. Thompson. The remainder of the Purchase Price and interest shall be disbursed to the County. Mr. Thompson shall have ten years from the date of this resolution in which to sell said development rights.
  - iv. At any time during the ten years from the date of this resolution, Mr. Thompson may inform the Board of Supervisors in writing that he wishes to have the Purchase Price paid to him with any accumulated interest.
- c. Interest on account will be paid out to the parties in proportion to the principal payments.

; and, be it

RESOLVED FURTHER, That the County states its intent to agree to reasonable requests for access to the remaining Thompson Property, at a mutually agreeable location; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to expend such funds from fund #3-100-419000-0010 as are necessary to acquire, on the terms and conditions set forth above, the Property for a sum not to exceed \$28,108.80 per acre, plus any normal and proper land acquisition and settlement expenses.

**AN ORDINANCE TO APPROVE OR A RESOLUTION TO DENY THE 13TH ADDITION TO MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Downey moved to table until the next regular meeting on July 19, 2004, An Ordinance to Approve or a Resolution to Deny the 13<sup>th</sup> Addition to Marshall/Warrenton Agricultural and Forestal District. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF THAT CERTAIN COURT LITIGATION STYLED DONALD R. THARPE, TRUSTEE V. THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, LAW NO. 02-382**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*  
*Nays: Mr. Richard W. Robison*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THAT CERTAIN COURT LITIGATION STYLED DONALD R. THARPE, TRUSTEE v. THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, LAW NO. 02-382

WHEREAS, Donald R. Tharpe, Trustee, owns an 85 acre parcel of land identified as PIN 6899-29-5691-000; and

WHEREAS, Donald R. Tharpe, Trustee, filed a rezoning request seeking to rezone the 85 acres; and

WHEREAS, on November 18, 2002, the Fauquier County Board of Supervisors adopted a resolution amending the Bealeton Service District Comprehensive Plan to include, among other changes, the removal of the aforesaid 85 acres from the Bealeton Service District and the Comprehensive Plan designated as Rural Agricultural, or "R-A"; and

WHEREAS, on November 18, 2002, the Fauquier County Board of Supervisors adopted a resolution denying the aforesaid rezoning request; and

WHEREAS, on December 17, 2002, Donald R. Tharpe, Trustee, filed a *Motion for Declaratory Judgment, Compensatory Damages, and Other Relief* action in the Circuit Court of Fauquier County seeking to invalidate the decision of the Board of Supervisors adopting the aforesaid resolution; and

WHEREAS, the parties wish to settle and resolve the litigation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute that certain Settlement Agreement attached hereto and made a part hereof; and, be it

RESOLVED FURTHER, That the County Attorney be, and is hereby, authorized to execute all necessary Court Orders and documents necessary to place into effect the terms of the Settlement Agreement.

### SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2004, by and between DONALD R. THARPE, TRUSTEE, and the FAUQUIER COUNTY BOARD OF SUPERVISORS.

#### R E C I T A L S:

WHEREAS, Donald R. Tharpe, Trustee, owns an 85 acre parcel of land identified as PIN 6899-29-5691-000; and

WHEREAS, Donald R. Tharpe, Trustee, filed a rezoning request seeking to rezone the 85 acres; and

WHEREAS, on November 18, 2002, the Fauquier County Board of Supervisors adopted a resolution amending the Bealeton Service District Comprehensive Plan to include, among other changes, the removal of the aforesaid 85 acres from the Bealeton Service District; and

WHEREAS, on November 18, 2002, the Fauquier County Board of Supervisors adopted a resolution denying the aforesaid rezoning request; and

WHEREAS, on December 17, 2002, Donald R. Tharpe, Trustee, filed a *Motion for Declaratory Judgment, Compensatory Damages, and Other Relief* action in the Circuit Court of Fauquier County seeking to invalidate the decision of the Board of Supervisors adopting the aforesaid resolution; and

WHEREAS, the parties wish to settle and resolve the litigation.

#### T E R M S:

IN CONSIDERATION of the mutual covenants and promises contained herein, Donald R. Tharpe, Trustee, and the Fauquier County Board of Supervisors, on behalf of themselves, their heirs, successors, assigns and designees do hereby covenant and agree:

(1) The parties will execute a Consent Order which (a) vacates the November 18, 2002 resolution as it relates to the 85 acre parcel further identified as PIN 6899-29-5691-000, and places the decision on the comprehensive planning of the parcel before the Board of Supervisors; and (b) dismisses with prejudice all demands, claims, causes of action arising in and out of the claims asserted in the certain course of action styled *Donald R. Tharpe, Trustee of The Donald R. Tharpe Trust v. The Board of Supervisors of Fauquier County, Virginia, at Law No. 02-382*, filed in the Circuit Court of Fauquier County, upon entry of a resolution placing the 85 acre parcel into the Bealeton Service District with 60 acres comprehensively planned for Low Density Residential (R-1 to R-3) and 25 acres comprehensively planned for Commercial Office (C-O).

(2) Upon the entry of the Order and the resolution set forth in (1) above, each party shall be released from any and all cost, damages and liability of whatever nature and kind arising out of, or pertaining to, the litigation styled *Donald R. Tharpe, Trustee, v. The Board of Supervisors of Fauquier County, Virginia, Law No. 02-382*, the November 18, 2002 resolution of the Board of Supervisors removing the aforesaid parcel from the Bealeton Service District and the resolution dated November 18, 2002, of the Board of Supervisors denying the rezoning request of Donald R. Tharpe, Trustee.

(3) Each party shall bear its own costs, including attorney's fees, arising out of the facts set forth in this litigation and the proposed rezoning and removal from the comprehensively planned Bealeton Service District.

DONALD R. THARPE, TRUSTEE  
of the Donald R. Tharpe Trust

By: \_\_\_\_\_  
James P. Downey, Esq.  
Counsel for Donald R. Tharpe, TR.

THE BOARD OF SUPERVISORS OF  
FAUQUIER COUNTY, VIRGINIA

By: \_\_\_\_\_

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN DESIGNATION FOR AN 85 ACRE PARCEL DESIGNATED AS PIN #6899-29-5691-000 FROM 60 ACRES OF MEDIUM DENSITY RESIDENTIAL AND 25 ACRES OF COMMERCIAL OFFICE TO 60 ACRES OF LOW DENSITY RESIDENTIAL AND 25 ACRES AS COMMERCIAL OFFICE**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*  
**Nays:** *Mr. Richard W. Robison*  
**Absent During Vote:** *None*  
**Abstention:** *None*

RESOLUTION

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN DESIGNATION FOR AN 85 ACRE PARCEL DESIGNATED AS PIN 6899-29-5691-000 FROM 60 ACRES OF MEDIUM DENSITY RESIDENTIAL AND 25 ACRES OF COMMERCIAL OFFICE TO 60 ACRES OF LOW DENSITY RESIDENTIAL AND 25 ACRES AS COMMERCIAL OFFICE

WHEREAS, Donald R. Tharpe, Trustee, owns an 85 acre parcel of land identified as PIN 6899-29-5691-000; and

WHEREAS, said parcel was designated as part of the Bealeton Service District in the Comprehensive Plan with a designation of 60 acres of Medium Density Residential and 25 acres of Commercial Office; and

WHEREAS, on November 18, 2002, the Fauquier County Board of Supervisors adopted a resolution amending the Bealeton Service District Comprehensive Plan to include, among other changes, the removal of the aforesaid 85 acres from the Bealeton Service District and the Comprehensive Plan of the 85 acres as Rural Agricultural; and

WHEREAS, on December 17, 2002, Donald R. Tharpe, Trustee, filed a *Motion for Declaratory Judgment, Compensatory Damages, and Other Relief* action in the Circuit Court of Fauquier County seeking to invalidate the decision of the Board of Supervisors adopting the aforesaid resolution as it relates to the aforesaid 85 acre parcel; and

WHEREAS, Donald R. Tharpe, Trustee, and the Board of Supervisors have agreed to settle the aforesaid litigation in accordance with the terms and conditions of a Settlement Agreement executed by the parties; and

WHEREAS, in accordance with the aforesaid Settlement Agreement, the Board of Supervisors and Donald R. Tharpe, Trustee, have submitted a Consent Order to the Circuit Court vacating the aforesaid November 18, 2002, resolution of the Board of Supervisors as it relates to the 85 acre parcel; and

WHEREAS, the aforesaid Consent Order places the vacated decision on the Comprehensive Planning of the 85 acre parcel back before the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the 85 acre parcel designated as PIN 6899-29-5691-000 be, and is hereby, included in the Bealeton Service District with a Comprehensive Planning Designation of 60 acres as Low Density Residential (1-3 units per acre) and 25 acres as Commercial Office; and, be it

RESOLVED FURTHER, That this resolution shall be effective upon the entry of the aforesaid Consent Order by the Circuit Court of Fauquier County; and, be it

RESOLVED FINALLY, That, except as modified herein, the Board of Supervisors does hereby ratify and reaffirm its November 18, 2002 resolution on the Bealeton Service District Plan as it relates to all other parcels and designations, with the exception of the 85 acre parcel designated herein.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Purchase of Development Rights (PDR) Selection Review Committee – Lee District: Donald Huffman, with a term to expire December 31, 2007.
- Purchase of Development Rights (PDR) Selection Review Committee – Center District: Roger Martella, with a term to expire December 31, 2007.
- Purchase of Development Rights (PDR) Selection Review Committee – Scott District: Ike Broaddus, with a term to expire December 31, 2007.
- Purchase of Development Rights (PDR) Selection Review Committee – Cedar Run District: John Schied, with a term to expire December 31, 2007.
- Purchase of Development Rights (PDR) Selection Review Committee – Marshall District: Leslie Grayson, with a term to expire December 31, 2007.
- Industrial Development Authority – Scott District: Clayton Lescalleet, to fill an unexpired term ending December 6, 2006.
- Rappahannock Emergency Medical Services Council: Ray Tricarico reappointed with a term to expire June 31, 2007.
- Board of Assessors – Center District: Adrienne Stone, with a term to expire December 31, 2007.

### **SUPERVISORS' TIME**

- Mr. Graham announced the dedication of the Alice Jane Childs Building and expressed accolades for her public service to Fauquier County since 1951.

- Mr. Stribling stated that the Board of Supervisors is seeking four interested individuals to serve on the Local Workforce Investment Board. Mr. Stribling also said that Board members participated in an excellent retreat at Vint Hill and came to some agreement and reconciliation.
- Mr. Robison thanked fellow Board members for participating in the retreat at Vint Hill and stated he felt quite a bit was accomplished. Mr. Robison also stated that as the County population has increased the percentage of volunteers has decreased, and he encouraged citizens to become more involved in the community through volunteer efforts.

## **ANNOUNCEMENTS**

- Mr. Lee announced that the next regular meeting of the Board of Supervisors will be held on July 19, 2004, at the newly renovated Warren Green Building meeting room located at 10 Hotel Street in Warrenton, Virginia.

## **A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE (REC) IN CONJUNCTION WITH THE REMOVAL OF OVERHEAD ELECTRICAL SERVICE LINES AND INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE LINES AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider a resolution to grant Rappahannock Electric Cooperative (REC) an easement at the Warrenton-Fauquier Airport for removal of overhead electrical service lines and the installation of underground electrical service lines. Anthony Hooper, Deputy County Administrator, summarized the proposed application for easement. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

## RESOLUTION

### A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE (REC) IN CONJUNCTION WITH THE REMOVAL OF OVERHEAD ELECTRICAL SERVICE LINES AND INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE LINES AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, as a part of the improvements underway at the Warrenton-Fauquier Airport, it is necessary to provide an easement to Rappahannock Electric Cooperative for the removal of overhead electrical service lines and the installation of underground electric service lines; and

WHEREAS, on June 21, 2004, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That the County Administrator, or his designee, be, and is hereby, authorized to execute a Right-

of-Way Easement Agreement with Rappahannock Electric Cooperative for the removal of overhead electrical service lines and the installation of underground electrical service lines.

**FAUQUIER COUNTY 2004 SOLID WASTE MANAGEMENT PLAN**

A public hearing was held to consider the Fauquier County 2004 Solid Waste Management Plan, which outlines the long-term strategy and goals for Fauquier County and the Towns of The Plains, Remington, and Warrenton. Major components of the State guidelines that will be implemented pertain to recycling and operation of the sanitary and construction demolition and debris landfills. Anthony Hooper, Deputy County Administrator, provided a summary of the plan. Mimi Moore, Marshall District, spoke in favor of the plan. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION TO ADOPT THE THE FAUQUIER COUNTY SOLID WASTE MANAGEMENT PLAN, 2004

WHEREAS, the Virginia Waste Management Board has adopted regulations which require every City, County, and Town or region in the Commonwealth of Virginia to develop a solid waste management plan in accordance with 9VAC20-130-10 et seq., and that this plan demonstrate how the locality or region will meet State mandated recycling objectives; and

WHEREAS, Fauquier County has prepared a “Fauquier County Solid Waste Management Plan, 2004” and conducted a public hearing in accordance with State regulation; and

WHEREAS, the County intends to continue existing programs and to improve programs designed to achieve State mandated recycling objectives in Fauquier County, including the Towns of Remington, Warrenton and The Plains; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the “Fauquier County Solid Waste Management Plan, 2004” be, and is hereby, adopted.

**A RESOLUTION TO BORROW \$4,000,000 TO UPGRADE THE HVAC MECHANICAL SYSTEMS AT LIBERTY HIGH SCHOOL**

A public hearing was held to consider a proposal to borrow \$4,000,000 to upgrade the HVAC mechanical systems at Liberty High School. Bryan Tippie, Budget Director, provided a summary of the funding request. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO BORROW \$4,000,000 TO UPGRADE THE HVAC MECHANICAL SYSTEMS AT LIBERTY HIGH SCHOOL

WHEREAS, for several years, the Fauquier County School Board has had air quality concerns, including mold, at Liberty High School; and

WHEREAS, the Fauquier County Board of Supervisors appropriated \$1,061,341 in FY 2002 for air quality improvements at Liberty High School, of which \$653,072 was spent on mold remediation; and

WHEREAS, the School Board has determined that the Liberty High School HVAC system continues to be inadequate to provide the necessary air quality and climate control; and

WHEREAS, the School Board contracted with the firm of Setty and Associates, Ltd., to provide recommendations for mechanical systems upgrades to Liberty High School; and

WHEREAS, the School Board chose the recommended option to replace the unit ventilators with the new fan coil units having chilled water cooling coils, hot water heating coils, plus heat reclaim makeup air units, costing \$4,769,996; and

WHEREAS, on March 8, 2004, the School Board adopted a resolution requesting that the Board of Supervisors fund this project; and

WHEREAS, approximately \$770,000 is available for this project from the residual of the initial funding for the HVAC project and from an adjustment to FY 2005 School Capital Improvements Plan projects; and

WHEREAS, \$4,000,000 in unfunded (not supported by actual dollars) appropriation is in the Capital Improvements Plan projects for Warrenton and Taylor Middle Schools renovations; and

WHEREAS, due to the significant increase in estimated costs for the Taylor and Warrenton Middle School renovations, the School Division has decided not to pursue those projects at this time; and

WHEREAS, on May 20, 2004, the County Finance Committee considered this issue and recommended the transfer of \$4,000,000 from the Taylor/Warrenton Middle Schools renovations projects to the Liberty High School HVAC project, and that the borrowing to support this action be taken at the earliest opportunity; and

WHEREAS, on June 21, 2004, a public hearing was held on the proposed funding to solicit comments from Fauquier County citizens on borrowing \$4,000,000 to upgrade the Liberty High School HVAC mechanical systems; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That \$4,000,000 is authorized to be transferred within the Capital Improvements Plan from the Warrenton/Taylor Middle Schools renovations projects to the Liberty High School HVAC project to support the upgrade option chosen by the School Board; and, be it

RESOLVED FURTHER, That the Finance Director is to initiate the process to borrow the necessary funds in a timely manner; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors does hereby authorize the School Board to take those actions necessary, within the funding appropriated, to complete the HVAC mechanical upgrades at the earliest opportunity.

**A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,547,252 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$2,143,603**

A public hearing was held to consider various budget related issues in the amount of \$1,516,206 in appropriations and \$31,046 in transfers for FY 2004, and \$2,022,658 in appropriations and \$120,945 in transfers for FY 2005 which have been identified for consideration. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,547,252 AND TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$2,143,603

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget and on March 29, 2004, adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its May 2004 meeting, the Finance Committee recommended FY 2004 budget adjustments of \$1,547,252 and FY 2005 budget adjustments of \$2,143,603 for the purposes set forth below; and

WHEREAS, on June 21, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$1,547,252 and that the FY 2005 Budget be, and is hereby, amended in the amount of \$2,143,603 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<b>FY 2004</b>					
Federal Funds	3-205-332000-0042	\$10,000	School Division	4-205-061124-1151-200-200	\$9,200
				4-205-061124-2100-200-200	\$704
				4-205-061124-2720-200-200	\$25
				4-205-061124-6001-200-200	\$71
Capital Funds	4-302-94605-8210	\$42,901	School Division	4-205-064210-3310-900-000	\$42,901
Federal Funds	3-100-331500-0010	\$1,280	Sheriff's Office	4-100-031200-6011	\$760
				4-100-031200-3311	\$520
Insurance Recovery	3-100-411000-0010	\$8,319	Sheriff's Office	4-100-031200-3311	\$8,319
Local Funds	3-100-160500-0001	\$21,377	Sheriff's Office	4-100-033200-3310	\$11,865
				4-100-033200-6047	\$3,859
				4-100-033200-8102	\$5,653
State Funds	3-100-230000-0070	\$27,430	Information Technology	4-100-012511-6050	\$27,430
Local Funds	3-270-189900-0050	\$1,172	Fire & Rescue Association	4-270-032250-6013	\$1,172
Federal Funds	3-100-331500-0010	\$2,176	Fire & Emergency Services	4-271-032420-5420	\$2,176
Fire & Rescue Association Funds	4-270-32250-3160	\$2,445	Fire & Emergency Services	4-271-32420-1201	\$2,445
Local Revenues	3-100-133000-0062	\$25,000	Community Development	4-100-081200-3160	\$25,000
P&R Revenues	3-150-100650-0002	\$42,125	P&R	4-150-100650-3160	\$27,000
	3-150-500670-0002	\$7,909		4-150-500670-3160	\$8,000
				4-150-100680-3160	\$997
				4-150-300640-3160	\$2,890
				4-150-500680-3160	\$4,277
				4-150-900003-6001	\$5,500
				4-150-321100-3160	\$200
				3-230-189300-0040	\$1,170
Federal Funds	3-100-335000-0010	\$159,425	Social Services	4-100-053120-5706	\$307,736
State Funds	3-100-24100-0050	\$148,311			

Real Estate Revenue	3-100-111001-0001	\$491,619	Reassessment	4-100-012320-1702	\$30,570
				4-100-012320-2100	\$2,340
				4-100-012320-3160	\$2,320
				4-100-012320-3175	\$3,680
				4-100-012320-3180	\$413,055
				4-100-012320-3320	\$400
				4-100-012320-3500	\$1,550
				4-100-012320-4200	\$50
				4-100-012320-5210	\$50
				4-100-012320-5230	\$5,850
				4-100-012320-5410	\$1,104
				4-100-012320-5420	\$11,600
				4-100-012320-6001	\$2,700
				4-100-012320-6025	\$700
				4-100-012320-6047	\$950
				4-100-012320-6050	\$14,700
Fund Balance	3-100-419000-0010	\$234,000	Budget Office, Warren Green Building	4-302-94402-8215	\$234,000
Legal Services Revenue	3-100-160100-0005	\$1,340	General District Court	4-100-021200-3150	\$1,340
Capital Funds	4-271-32000-8450	\$35,000	Fire & Rescue Association	4-270-32302-5647	\$35,000
Contingency Reserve	4-100-091400-9999	\$39,072	School Division	4-302-66600-8724	\$39,072
Fund Balance	3-100-419000-0010	\$215,305	Budget Office	4-302-66610-8717 4-302-66610-8716	\$71,575 \$143,730
Contingency Reserve	4-100-091400-9999	\$3,090	General District Court	4-100-021200-5230	\$3,090
Contingency Reserve	4-100-091400-9999	\$4,160	General District Court	4-100-021200-3150	\$4,160
P&R Funds	4-150-900001-5640	\$7,796	P&R	4-150-910300-3160	\$23,796
	4-150-910300-1302	\$6,382			
	4-150-910300-2100	\$609			
	4-150-910300-3160	\$4,260			
	4-150-910300-5110	\$475			
	4-150-910300-5130	\$1,266			
	4-150-910300-5230	\$238			
	4-150-910300-6003	\$1,900			
	4-150-910300-6007	\$870			
<b>FY 2005</b>					
State Funds	3-205-242000-0001	\$1,466,658	School Division	4-205-61804-6050- 900-000	\$594,500
	3-205-242000-0034	\$518,000		4-205-61802-6050- 900-000	\$518,000
				4-205-63200-4210- 900-000	\$310,605
				4-205-63200-4220- 900-000	\$253,419
				4-205-63200-4230- 900-000	\$308,134
Fire and Rescue Association Funds	4-270-032200-9999	\$38,000	Fire and Emergency Services	4-271-032420-1101	\$38,000

Federal Funds (Transfer)	4-100-053130-5717	\$5,803	Social Services	4-100-053190-2210 4-100-053190-2310	\$1,704 \$4,099
Contingency Reserve (Transfer)	4-100-091400-9999	\$40,142	Sheriff's Office	4-100-031200-1101 4-100-031200-2100 4-100-031200-2210 4-100-031200-2310 4-100-031200-2400	\$29,116 \$3,392 \$3,203 \$4,099 \$332
Non-Departmental Salary Reserve (Transfer)	4-100-091400-9601	\$75,000	Human Resources	4-100-012600-3160	\$75,000
TOTAL		\$3,690,855			\$3,690,855

**A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE**

A public hearing was held to consider a proposed revision of the Department of Community Development's fee schedule. This update adds, for example, fees for the GIS Department street addressing responsibilities, residential/non-residential subdivision potential requests (all categories other than RA/RC), and fees for special report requests. Rick Carr, Director of Community Services, provided a summary of the proposed fee schedule. No one spoke. The public hearing was closed. Mr. Graham moved to table a decision on the matter until the next regular meeting on July 19, 2004. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE**

A public hearing was held to consider a proposed text amendment to the Fauquier County Zoning Ordinance to amend Sections 3-313 and 5-1301 to add Kennel/Animal Shelter with a Special Use Permit in the R-1/Residential zoning district. The proposed text amendment would add "kennel/animal shelter" as a use permitted in the R-1 zoning district through the special permit process, with additional standards limiting such a kennel to parcels at least 20 acres in size and requiring larger setbacks. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Norbert Fromenshenkle, Center District; Jay Cocker, Marshall District; and Casey Doss, Cedar Run District, spoke in favor of the text amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***

**Abstention:** *None*

**ORDINANCE**

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-313 AND 5-1301 TO ADD “KENNEL/ANIMAL SHELTER” WITH A SPECIAL USE PERMIT IN THE R-1/RESIDENTIAL ZONING DISTRICT**

WHEREAS, the Fauquier County Zoning Ordinance currently does not allow a “Kennel/Animal Shelter” in the R-1/Residential zoning district; and

WHEREAS, the Paws Awhile Pet Motel (kennel) has been operating in the R-1 residential district for over 30 years in Scott District, having been established legally when the property was zoned RA/Rural Agriculture; and

WHEREAS, a “Kennel” may be an appropriate use in the R-1 zoning district where additional standards and limitations protecting adjoining properties are provided; and

WHEREAS, as a legal non-conforming use, the Paws Awhile Pet Motel can continue to operate but is limited in making desired improvements to the business; and

WHEREAS, the proposed text amendment will allow the kennel to apply for a special permit in order to authorize proposed improvements to the business; and

WHEREAS, on April 29, 2004, the Planning Commission held a public hearing on the issue; and

WHEREAS, on April 29, 2004, the Planning Commission voted to recommend approval of an amendment to allow a “Kennel/Animal Shelter” in the R-1 zoning district with approval of a special permit, subject to certain additional standards; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That Sections 3-313 and 5-1301 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

<b>3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)</b>																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	II	I2
1. Kennel/ Animal Shelter	X	SP	SP	SP		<u>SP</u>							SP	P		SP		

5-1301 Additional Standards For Kennels

1. The minimum lot size requirement shall be two (2) acres, **except in the R-1 zoning district, where the minimum lot size shall be twenty (20) acres.**
2. a. **In all zoning districts other than R-1/Residential,** no structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed, and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
  - b. **In the R-1/Residential zoning district, all dog confinement areas and dog runs shall be located within enclosed structures, and no such structure shall be located closer than 200 feet to any lot line.**
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may preserve conditions with respect thereto.
5. Maximum of (10) dogs per acre.

**PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE**

A public hearing was held to consider a proposed text amendment to the Fauquier County Zoning Ordinance to amend Section 5-1503.1, Additional Standards for Livestock Exchanges, to eliminate the 25 acre minimum requirement for the use in the RA/Rural Agriculture zoning district. The proposed text amendment eliminates the minimum lot size requirement for a “Livestock Exchange.” Rick Carr, Director of Community Development, summarized the proposed text amendment. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ELIMINATE A MINIMUM LOT SIZE REQUIREMENT FOR A “LIVESTOCK EXCHANGE”

WHEREAS, the Fauquier County Zoning Ordinance currently requires a “Livestock Exchange” to have a minimum of 25 acres when such use is located in the RA/Rural Agriculture zoning district; and

WHEREAS, the Zoning Ordinance has no such minimum lot requirement for a “Livestock Exchange” located in the I-2 zoning district; and

WHEREAS, the existing Fauquier Livestock Exchange is located in the RA zoning district on less than 25 acres; and

WHEREAS, the existing Fauquier Livestock Exchange has operated in the RA zoning district on lesser land since its inception without impact on adjoining properties; and

WHEREAS, the existing Fauquier Livestock Exchange wishes to further reduce the area on which it operates; and

WHEREAS, on April 29, 2004, the Planning Commission held a public hearing on the issue; and

WHEREAS, on April 29, 2004, the Planning Commission voted to recommend approval of the elimination of a minimum acreage requirement; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of June 2004, That Section 5-1503 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

**Section 5-1503      Additional Standards For Livestock Exchanges**

- ~~1. The minimum lot size requirement for such uses located in Rural Zoning Districts shall be twenty five (25) acres.~~
12. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
23. An arena to be utilized for Livestock Business may be approved as part of a Livestock Exchange. The arena may be utilized for other events specifically involving livestock, if such other events are specifically authorized as part of the Livestock Exchange special permit. Any such arena shall be set back a minimum of 100 feet from all property lines, except that the Board of Zoning Appeals may reduce the setback to 50 feet upon a finding that a lesser setback is adequate given the specific layout of the arena and types of adjoining uses.

**SPECIAL EXCEPTION AMENDMENT #SPEX04-CR-016 – FAUQUIER 904, INC.,  
OWNER AND APPLICANT – SENECA LAKE ESTATES**

A public hearing was held to consider an application to obtain a Special Exception Amendment under Category 23, which would allow for the relocation of a previously approved floodplain crossing for the construction of a private road to serve the approved large lot subdivision of Seneca Lake Estates. Rick Carr, Director of Community Development, summarized the application for special exception amendment. Frank McDermott, Esquire, requested favorable consideration on behalf of the applicant. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-CR-016, A CATEGORY 23  
SPECIAL EXCEPTION TO ALLOW FOR THE RELOCATION OF A PREVIOUSLY  
APPROVED FLOODPLAIN CROSSING**

WHEREAS, the owners of the property identified by PINs: 7848-48-4521-000; 7848-39-6484-000; 7849-20-4323-000; 7849-20-8866-000; 7849-31-2378-000; 7849-31-5944-000; 7849-32-5649-000; 7849-33-8392-000; 7849-44-4073-000; 7849-54-6276-000; 7849-64-4262-000; 7849-74-2019-000; 7849-73-6267-000; 7849-72-9417-000; 7849-92-0229-000 and 7849-70-4823-000 have requested a Category 23 Special Exception to allow for the relocation of a previously approved floodplain crossing; and

WHEREAS, the requested Special Exception would allow the Applicants to relocate a previously approved floodplain crossing and build a road at that location; and

WHEREAS, at its April 29, 2004 meeting, the Planning Commission voted unanimously to recommend denial of the Special Exception SPEX04-CR-016 to the Board of Supervisors for the following reasons:

1. The Applicant has not provided Staff with adequate information regarding the status of classification or required repairs for the dam. This data is integral to completion of the review and evaluation of the application as it may effect the proposed road location.
2. The Applicant has submitted an application to the Division of Dam Safety and Floodplain Management, Department of Conservation and Recreation (DCR), for the dam to be taken into the State's classification system; however, the Applicant has not provided Staff with any information from DCR regarding its status. The conditions (for repair) that DCR provides to the Applicant will become part of the Special Exception conditions of approval.

; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing and considered the Special Exception application, and did not concur with the judgment of the Planning Commission; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That Special Exception SPEX04-CR-016, Fauquier 904, Inc., Owners/Applicants, be, and is hereby, approved, subject to the following conditions that the owner's have obligated themselves to:

1. Appropriate information shall be submitted to FEMA for a conditional letter of map revision and evidence for this submission will be given to the County prior to issuance of land disturbing permits for work associated with the construction of Seneca Lake Drive between station 54+00 and station 69+00.
2. Final design for Seneca Lake Drive shall be submitted to the Army Corps of Engineers for a wetlands permit prior to issuance of land disturbing permits for any construction of Seneca Lake Drive.
3. Evidence of the Army Corp of Engineers permit and the conditional letter of the FEMA map revision shall be submitted to Community Development prior to the issuance of land disturbing permits for the construction of Seneca Lake Drive.
4. "As built" of the Seneca Lake Drive crossing of the floodplain shall be submitted to FEMA for final map revision after completion of this project.
5. Guardrails shall be provided as determined appropriate by the County Engineer's office, during review of the final construction plans for Seneca Lake Drive.
6. The Applicant shall provide a copy of the Conditional Operation and Maintenance Certificate issued by the Virginia Soils and Water Board, prior to issuance of final construction plan approval for Seneca Lake Drive.
7. At the time of application for approval of final construction plans for Seneca Lake Drive between station 54+00 and station 69+00, Applicant shall demonstrate that the 10-year headwater from Culvert 10-9 does not back-up onto the ultimate toe of slope of the dam as outlined in the Data Sheet – Operations and Maintenance Certificate issued by the Division of Dam Safety & Floodplain Management (DCR).
8. Prior to any construction of Seneca Lake Drive between station 54+00 and station 69+00, Applicant shall have DCR approval of its construction plan for the dam repair and approval by Community Development of the final construction plans for that portion of Seneca Lake Drive. The dam repairs shall have been completed and approved by DCR prior to the opening of this portion of Seneca Lake Drive, i.e., Seneca Lake Drive shall remain barricaded until such approval is obtained from DCR.
9. Prior to issuance of any land disturbing permit for construction of Seneca Lake Drive, Applicant shall provide a copy of the US Army Corp of Engineers' permit for disturbance of wetlands; the Department of Environmental Quality and/or Virginia

Marine Resources Commission permits for relocation of the stream, if applicable; and a copy of the Operation and Maintenance Certificate issued by the DCR.

10. Applicant shall post a bond for the construction of Seneca Lake Drive and repair of the dam in accordance with the requirements of DCR prior to the issuance of any land disturbing permit for the construction of Seneca Lake Drive.
11. No land disturbing permit for the construction of Seneca Lake Drive shall be issued until evidence of all necessary permits has been furnished to Community Development and the land development bond documents have been approved.
12. If the road location in the floodplain changes materially, as determined by Community Development, from the location shown on the plat dated July 2003, this Special Exception is no longer valid.
13. An initial set of construction plans for Seneca Lake Drive shall be filed within one (1) year after the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that such construction plans have been filed within one year of approval of this Special Exception.

**SPECIAL EXCEPTION AMENDMENT #TWSE03-CT-005 – GEORGE C. & HELEN F. ELMORE, OWNERS, AND AT&T WIRELESS, INC., APPLICANT**

A public hearing was held to consider an application to obtain a Special Exception Amendment under Category 20 in order to amend a previously approved condition, which would allow for the relocation of an access road to its leased premises and to renew the previously approved Special Exception, #SE03-C-11. The property is located beyond the end of Elmore's Lane south of Dumfries Road (Route 605) near its intersection with Marigold Lane, in Center District. Rick Carr, Director of Community Development, summarized the application for special exception amendment. Terence Cooke, Esquire, spoke on behalf of the applicant to request favorable consideration. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO APPROVE TWSE03-CT-005, A CATEGORY 20 SPECIAL EXCEPTION AMENDMENT FOR A PREVIOUSLY APPROVED CONDITION, WHICH WOULD ALLOW FOR THE RELOCATION OF AN ACCESS ROAD WITHIN THE LEASED PREMISES AND RENEWAL OF SE03-C-11**

WHEREAS, the Owners of the property identified by PINs 7904-15-6717-000 and 7904-36-3160-000 have requested a Category 20 Special Exception Amendment to allow for the

relocation of an access road within the leased premises and renewal of the original Special Exception SE03-C-11, which allows for the construction of a 110-foot monopole, antennas, and related equipment; and

WHEREAS, the requested Special Exception will allow the Applicant to relocate the proposed access road alignment within the leased premises; and

WHEREAS, the renewal of SE03-C-11, subject to the original conditions of approval from April 21, 2003, will allow the Applicant a one year extension; and

WHEREAS, on April 29, 2004, the Planning Commission voted unanimously to forward Special Exception TWSE03-CT-005 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That Special Exception TWSE03-CT-005, AT&T Wireless, Inc., Applicant, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. An initial Site Plan shall be filed within one (1) year of the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that a Site Plan is filed within one year of approval.
5. The development of the property shall be in general conformance with the Special Exception Plat entitled "AT&T Wireless Services, Site Number: 005-009, Elmore's Raw Land, Amendment to SE03-C-11" Special Exception Plat dated February 6, 2004, and received in the Planning Office on March 9, 2004, except as modified by these conditions.
6. The limits of clearing and grading for the road shall be indicated on the site plan. To the extent possible, existing mature trees shall remain. There shall be no disturbance beyond the indicated limits of clearing and grading.
7. The Applicant will comply with the Fauquier County Stormwater Management Ordinance.
8. The road is to be gravel and will not exceed 15% grades.
9. No culvert is to be less than 15" in diameter.

**SPECIAL EXCEPTION #SPEX04-CR-017 – MABEL V. LUNCEFORD ESTATE, OWNER, AND FAUQUIER COUNTY WATER AND SANITATION AUTHORITY, APPLICANT – ROGUES ROAD WATER STORAGE AND PUMPING FACILITY**

A public hearing was held to consider an application to obtain Special Exception approval under Category 20, which would allow for the operation of a water booster pumping station and ground storage tank. The property is located on the south side of Rogues Road (Route 602), in Cedar Run District. Rick Carr, Director of Community Services, summarized the application for special exception amendment. Barney Durrett, General Manager of the Fauquier County Water and Sanitation Authority, spoke in favor of the amendment. David Jerge, Marshall District; Mary Ann Hanback, Marshall District; Melvin Cephas, Cedar Run District; Chuck Medvitz, Scott District; Chad Coombs; and Kitty Smith, Marshall District, spoke in opposition to the amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX04-CR-017, A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR THE OPERATION OF A WATER BOOSTER PUMPING STATION AND GROUND STORAGE TANK**

WHEREAS, the Fauquier County Water and Sanitation Authority (WSA) and the owners of the property located on the south side of Rogues Road (Route 602), further identified by PIN 7914-79-2156-000, have requested a Category 20 Special Exception to allow for the operation of a water booster pumping station and ground water storage tank; and

WHEREAS, the requested Special Exception will allow the applicants to construct and operate the water booster pumping station and ground water storage tank; and

WHEREAS, on April 29, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-CR-017 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of June 2004, That Special Exception SPEX04-CR-017, Fauquier County Water and Sanitation Authority, Applicant, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.

3. The development of the property shall be in general conformance with the Special Exception Plat entitled "Rogues Road Water Storage and Pumping Station Special Exception Plat" dated February 2004 and received in the Planning Office on February 13, 2004.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Applicant shall provide an access easement to the tank site and parking area to allow for access by Fauquier County Water and Sanitation Authority or other government agencies.
6. The maximum water storage tank height shall be 45 feet.
7. The maximum storage capacity of the water storage tank shall be 344,000 gallons.
8. The tower storage facility shall be constructed of green glass coated bolted steel walls and with an aluminum geodesic roof.
9. The two buildings on the site shall have brick-faced architecture, as indicated in the Applicant's submittal from February 13, 2004.

**SPECIAL EXCEPTION #SPEX04-MA-020 – DOUGLAS E. & SHARON Y. DARLING, OWNERS, AND FAUQUIER COUNTY WATER AND SANITATION AUTHORITY, APPLICANT – CANNON RIDGE WATER STORAGE SILO**

And

**SPECIAL EXCEPTION AMENDMENT #SPEX03-MA-016 – DOUGLAS E. & SHARON Y. DARLING, OWNERS AND APPLICANTS – CANNON RIDGE**

A public hearing was held to consider both an application to obtain approval of a Special Exception (#SPEX04-MA-020) under Category 20, which would allow for the construction of an above-ground water storage silo, and also to consider an application to obtain a Special Exception Amendment (#SPEX03-MA-016) under Category 27, in order to amend a previously approved condition, which would allow for a further incremental reduction in open space in order to accommodate the placement of a water storage silo on the site. The property, which is in the Marshall Service District, is located off West Main Street in Marshall, Virginia, across from the Marshall Rescue Squad and east of Lunceford Lane, in Marshall District. Rick Carr, Director of Community Development, provided a summary of both applications. Jennifer Showalter, Marshall District; Barney Durrett, General Manager of the Fauquier County Water and Sanitation Authority, representing the applicant; Mark Moorestein, Esquire, representing the owners; Sheldon Showalter, Marshall District; George Coleman, Marshall District; and Doug Darling, owner; spoke in favor of the applications. Kitty Smith, Marshall District, representing the Piedmont Environmental Council; and Duke Yowell, Marshall District, spoke in opposition to the applications. No one else spoke. Mr. Atherton moved to hold open the public hearings and to table a decision on the matters until the next regular meeting on July 19, 2004. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**COMPREHENSIVE PLAN AMENDMENT #CPAM04-CR-003 AND REZONING #REZN04-CR-007 – VIRGINIA CRANE RENTAL, INC., OWNER, AND R.L. RIDER & COMPANY, APPLICANT**

A public hearing was held to consider an application to obtain a Comprehensive Plan Amendment, which would allow the property to be developed for light industrial and contractor yard uses. The applicant also wishes to rezone approximately 29.25 acres from RA (Rural Agriculture to I-1 (Industrial Park). The property is located in the Opal Service District on the east side of Routes 15, 29 & 17, in Cedar Run District. Rick Carr, Director of Community Development, summarized both applications. Bob Counts of Carson & Harris, representing the applicant, and Merle Fallon, Esquire, representing the applicant, requested favorable consideration of the applications. Inez Huber, Lee District; Chuck Medvitz, Scott District; and Kitty Smith, Marshall District, spoke in opposition to the applications. No one else spoke. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST REZN04-CR-007,  
VIRGINIA CRANE RENTAL, INC.

WHEREAS, Virginia Crane Rental, Inc., Owner and R.L. Rider & Company, Applicant, have initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Section 13-202 to rezone ±29.25 acres of Rural Agricultural (RA) to Industrial Park (I-1) to permit the development of a mix of industrial uses; and

WHEREAS, the Owner and Applicant have initiated a request to rezone approximately ±29.25 acres from RA to I-1, the portion of the parcel that is Commercial Highway (C-2) shall maintain that designation; and

WHEREAS, on April 29, 2004, the Fauquier County Planning Commission held the first of several public hearings on the rezoning request of R.L. Rider & Company; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing on this rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed Rezoning is in conformance with the Fauquier County Comprehensive Plan as amended by this Ordinance; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Comprehensive Plan; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of June 2004, That Rezoning Request REZ04-CR-007, Virginia Crane Rental, Inc., to change the Zoning Map designation of ±29.25 acres of Rural Agricultural (RA) to Industrial Park (I-1) be, and is hereby, approved subject to the Comprehensive Plan Amendment CPAM04-CR-003, R.L. Rider Rezoning and Concept Development Plan prepared by Carson Harris dated June 7, 2004, and the Statement of Proffered Conditions R.L. Rider Rezoning PIN 6981-32-7629-000, REZN04-CR-007 dated June 7, 2004 and signed by Charles W. Rider, President, R.L. Rider & Company, Applicant, June 7, 2004.

Mr. Graham then moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

#### RESOLUTION

#### A RESOLUTION TO APPROVE CPAM04-CR-003 A COMPREHENSIVE PLAN AMENDMENT FOR THE OPAL SERVICE DISTRICT

WHEREAS, the Owners of property located in the Opal Service District on the east side of Routes 15/29 & 17, Cedar Run District, further identified by PIN 6981-32-7629-000, have requested a Comprehensive Plan Amendment to allow for the rezoning of the Rural Agricultural (RA) portion of the parcel to Industrial Park (I-1); and

WHEREAS, the requested Comprehensive Plan Amendment will allow the Applicant to develop ±29.25 acres of the property for light industrial and contractor yard uses; and

WHEREAS, on May 27, 2004, the Planning Commission voted unanimously to forward Comprehensive Plan Amendment CPAM04-CR-003 to the Board of Supervisors with a recommendation of approval with the following text change for Section 3.a. Overall Layout, Opal Service District Plan:

“Land in the northeast quadrant of the district also offers an excellent location for local contractors, with much of the property already appropriately zoned for industrial use. The Plan configuration of internal roadways running behind properties fronting on US Route 15/29 makes this area well suited for business development that will contribute to the County’s non-residential tax base through a mixture of industrial uses. Such uses will take advantage of easy access to major thoroughfares, while being oriented away from the

existing US Route 15/29 corridor. The Opal Plan encourages development of such industrial uses in the area.

This section encourages development of such industrial uses in the area, along with the novel 'Live Work' district for craftsmen as represented in the 'Mixed Use' designation in the Opal Service District Land Use Plan. It needs to be noted that the 'Live Work' district will require amendment to the Zoning and Subdivision Ordinances {refer to Section 4. Overall Policy for the Live Work Zone."}

; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing and considered the Comprehensive Plan Amendment, and concurred with the judgment of the Planning Commission; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21<sup>st</sup> day of June 2004, That Comprehensive Plan Amendment CPAM04-CR-003, Virginia Crane Rental, Inc., Owner and R.L. Rider & Company, Applicant, be, and is hereby, approved.

With no further business, the meeting was adjourned at 9:42 p.m.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on June 21, 2004.*

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*G. Robert Lee*  
*Clerk to the Board of Supervisors*