



BOARD OF SUPERVISORS OF FAUQUIER COUNTY

WARREN GREEN BUILDING
10 HOTEL STREET
WARRENTON, VIRGINIA 20186

MINUTES

*A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
JULY 8, 2010 AT 11:00 A.M. IN WARRENTON, VIRGINIA*

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO CONSIDER A RESOLUTION TO ADOPT CPAM10-MA-001 - A COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN FOR THE REINTRODUCTION OF THE ROUTE 211 - ROUTE 17 CONNECTOR CORRIDOR RESERVATION

Frederick P.D. Carr, Director of Community Development, reviewed with the Board of Supervisors a Comprehensive Plan Amendment that proposes the reservation of a corridor area between Route 211 and Route 17, where in the future a road may be considered, designed and constructed when warranted. The amendment has been subject to Board of Supervisors work sessions on March 11, 2010, April 8, 2010, as well as a public hearing on the latter date. Minor refinements were identified at the May 13, 2010 meeting; those refinements are reflected in the staff report and the proposed plan amendment pending Board action at the regular meeting.

A WORK SESSION TO REVIEW THE FISCAL YEAR 2011 PROGRAM PLAN FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING

Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA), presented the 2011 Program Plan for RRCSB-AAA operations, for citizens who are elderly and those with disabilities related to mental illness, mental retardation, and substance abuse problems. In June 2010, this plan was reviewed and

approved by the full RRCSB-AAA Board of Directors. The Board of Supervisors was also asked to consider approving a resolution acknowledging their receipt and review of this plan.

A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) TO CONSULT WITH LEGAL COUNSEL TO DISCUSS POTENTIAL LITIGATION INVOLVING THE COUNTY'S NOISE ORDINANCES AND CODES, AND TO DISCUSS THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY, AND TO DISCUSS TIMING OF ACCEPTANCE OF PROFFERS

Mr. Nyhous moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding potential litigation involving the County's Noise Ordinances and Codes, and to discuss the Vint Hill Economic Development Authority, and to discuss timing of acceptance of proffers. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; 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>

Upon reconvening from the closed meeting, Mr. Nyhous moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8th day of July 2010, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-504 AND 5-1403 TO ALLOW THE PARKING OF AUTOMOBILES AND FARM EQUIPMENT IN REQUIRED YARD AREAS IN A COMMERCIAL OR INDUSTRIAL DISTRICT

Kimberley Johnson, Zoning Administrator, reviewed with the Board of Supervisors the existing Zoning Ordinance regulations prohibit the by-right display and storage of goods offered for sale in required yard areas in any Commercial or Industrial zoning district. This limitation includes the storage of motorized vehicles such as automobiles and tractors that are available for

sale, unless approved in conjunction with a special permit, although the Ordinance does allow off-street parking requirements for customers and/or employees to occur within required yard areas. The proposed text amendment would allow the Zoning Administrator to approve the by-right display of automobiles and similar motorized vehicles that are offered for sale within required yard areas subject to specific standards.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Stribling led the pledge of allegiance.

ADOPTION OF THE AGENDA

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

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Remove Consent Agenda Item #6(l), A Resolution to Authorize the Chairman to Enter into Open Space Use Agreement with Landowners, and add as new Regular Agenda item #9.
- Add new Consent Agenda Item #6(p), A Resolution to Authorize the County Administrator to Execute a Lease on Behalf of Fauquier County with Andre Gaunoux for 32 Waterloo Street.
- Add new Consent Agenda Item #6(q), A Resolution Authorizing the County Administrator to Accept on Behalf of Fauquier County a Grant Awarded by the Virginia Department of Emergency Management.
- Add new Consent Agenda Item #6(r), A Resolution in Support of the Location of Underground Utilities in Streets Designed and Intended as Public Streets within the Virginia Department of Transportation (VDOT) Secondary System of State Highways.

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

There were no presentations.

CONSENT AGENDA

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

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes of the June 10, 2010 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Authorizing An Application For Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funding

RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE

WHEREAS, grant funding is available through the Edward Byrne Memorial Justice Assistance Grant Program of the Department of Justice for the purpose of supporting all components of the criminal justice system by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures; and

WHEREAS, the \$11,583 allocated to Fauquier County through this program will be used by the Fauquier County Sheriff's Office to purchase one Mobile Data Terminal (MDT), as well as software for one desktop terminal to facilitate reporting by deputies who do not have access to MDT's; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July, 2010, That the Board of Supervisors does hereby authorize staff to submit an application to the Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application on behalf of Fauquier County.

A Resolution to Advertise a Public Hearing to Consider Exempting the Personal Property of Community Touch, Inc. from Taxation

RESOLUTION

A RESOLUTION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE
TO CLASSIFY PERSONAL PROPERTY OWNED BY COMMUNITY TOUCH, INC.
EXEMPT FROM TAXATION

WHEREAS, Community Touch, Inc. is a 501(c)(3) organization owning personal property in Fauquier County; and

WHEREAS, Community Touch, Inc. has requested an exemption from real and personal property taxation in order to permit it to be better able to use its financial resources for charitable purposes; and

WHEREAS, prior to granting a charitable organization an exemption from property tax the Board of Supervisors must conduct a public hearing and adopt an ordinance granting the exemption; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider the request of Community Touch, Inc. for a personal property tax exemption.

A Resolution to Approve the Purchase of Two Additional Development Rights on the Herbert F. Wilson Farm in the Purchase of Development Rights (PDR) Program

RESOLUTION

A RESOLUTION TO APPROVE THE PURCHASE OF TWO ADDITIONAL
DEVELOPMENT RIGHTS ON THE HERBERT F. WILSON FARM IN THE PURCHASE OF
DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors approved the Purchase of Development Rights Program to acquire conservation easements on qualifying farmland; and

WHEREAS, on October 8, 2009, the Fauquier County Board of Supervisors approved the purchase of development rights on the Herbert F. Wilson farm; and

WHEREAS, on May 19, 2010, the Community Development Department issued a corrected subdivision potential letter for PIN #7921-29-1329 indicating the existence of two additional development rights and the purchase of these rights has been recommended by the Purchase of Development Rights Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the purchase of two additional development rights on the Herbert F. Wilson farm be, and is hereby, approved as recommended by the Purchase of Development Rights Committee.

A Resolution to Increase Ambulance Billing Fees

RESOLUTION

A RESOLUTION TO INCREASE AMBULANCE BILLING FEES

WHEREAS, the Board of Supervisors has established a policy to bill for emergency services vehicles use pursuant to the authority set forth in Section 32.1-111.14(B) of the Code of Virginia; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and in the public interest to increase the fees charged for Advanced Life Support from \$450 to \$500; Basic Life Support from \$350 to \$400 and Mileage from \$9 to \$12 per mile; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the fees for emergency services vehicle be, and are hereby, increased as set forth in this resolution.

A Resolution Establishing a Board of Supervisors/School Board Liaison Committee

RESOLUTION

A RESOLUTION ESTABLISHING A BOARD OF SUPERVISORS / SCHOOL BOARD
LIAISON COMMITTEE

WHEREAS, the Fauquier County Board of Supervisors and the School Board desire to continue and expand the communication between the Boards; and

WHEREAS, budgetary, Capital Improvement Projects, and other matters of joint interest require close cooperation and coordination between the Board of Supervisors and the School Board; and

WHEREAS, in order to facilitate the desired close cooperation and coordination between the Board of Supervisors and the School Board, the Boards desire to create a joint liaison committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the Board of Supervisors/School Board Liaison Committee be, and is hereby, established as a standing committee of the Board of Supervisors; and, be it

RESOLVED FURTHER, That Board of Supervisors' Chairman Terrence L. Nyhous and Supervisor Peter B. Schwartz be, and are hereby, appointed as the Board of Supervisors representatives on the joint liaison committee.

A Resolution to Authorize the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Fauquier County Code Sections 13-37

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING CONCERNING A REVISION OF
FAUQUIER COUNTY CODE SECTION 13-37

WHEREAS, there were changes to the enabling legislation authorizing localities to enact ordinances regulating solicitation from and to others within rights-of-way; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That, the County Administrator is hereby directed to schedule a public hearing to obtain citizen input regarding the revision of Fauquier County Code Sections 13-37.

A Resolution to Provide \$1,000 to Fauquier Babe Ruth Baseball

RESOLUTION

A RESOLUTION TO PROVIDE \$1,000 TO FAUQUIER BABE RUTH BASEBALL

WHEREAS, Fauquier County will host the 2010 Rookie Baseball Virginia State Tournament from July 1-6, 2010, at Liberty High School; and

WHEREAS, Fauquier Babe Ruth Baseball has requested that the Board of Supervisors provide a contribution to help defray expenses associated with the tournament, including compensation for officiating services; and

WHEREAS, the Board of Supervisors wishes to express its support for youth sports and Fauquier Babe Ruth's efforts to enhance the youth baseball experience in Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors, this 8th day of July 2010, That \$1,000 be, and is hereby, transferred from the Board of Supervisors' FY 2011 Contingency Reserve and designated as a contribution to Fauquier Babe Ruth Baseball.

A Resolution to Correct the Language to Add This As a No-Cost Rural Addition for Subdivision Street Acceptance for the Lee's Glen Subdivision: Confederate Boulevard, Flag Rock Drive, and Battle Ridge Drive Lee Magisterial District

RESOLUTION

A RESOLUTION TO CORRECT THE LANGUAGE TO ADD THIS AS A NO-COST RURAL
ADDITION FOR SUBDIVISION STREET ACCEPTANCE FOR THE LEE'S GLEN
SUBDIVISION: CONFEDERATE BOULEVARD, FLAG ROCK DRIVE, AND BATTLE
RIDGE DRIVE – LEE MAGISTERIAL DISTRICT

WHEREAS, Confederate Boulevard, Flag Rock Drive, and Battle Ridge Drive as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, at its February 18, 2010 meeting, the Fauquier County Board of Supervisors passed a resolution for each of the referenced streets; and

WHEREAS, additional language is added to the resolution; and

WHEREAS, the revised information has been verified through the Virginia Department of Transportation to be correct and has been incorporated into a combined resolution; and

WHEREAS, the Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street(s) described on the attached Additions Form AM-4.3 to meet current minimum design or maintenance standards of the Department; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Secondary System of State Highways as a no cost rural addition for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted February 18, 2010

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision Lee's Glen Subdivision

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Confederate Boulevard, State Route Number 1119**

Old Route Number: 0

- From: CL of James Madison Hwy, Bus Rte 15/29
To: 200 ft E to CL Flag Rock Dr, Rte 1114, a distance of: 0.04 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-Way width (feet) = 80

► **Flag Rock Drive, State Route Number 1114**

Old Route Number: 0

- From: CL of Confederate Blvd, Rte 1119
To: 644 ft N to Cul-de-sac, a distance of: 0.12 miles.
Recordation Reference: DB 910 PG1266
Right-of-Way width (feet) = 50

► **Flag Rock Drive, State Route Number 1114**

Old Route Number: 0

- From: CL of Confederate Blvd, Rte 1119
To: 738 ft S to CL Battle Ridge Dr, Rte 1117, a distance of: 0.14 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-Way width (feet) = 50

Report of Changes in the Secondary System of State Highways

► **Battle Ridge Drive, State Route Number 1117**

Old Route Number: 0

- From: CL of James Madison Hwy, Bus Rte 15/29
To: 265 ft E to CL Flag Rock Dr, Rte 1114, a distance of: 0.05 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-Way width (feet) = 50

► **Battle Ridge Drive, State Route Number 1117**

Old Route Number: 0

- From: CL Flag Rock Dr, Rte 1114
To: 150 ft E to Cul-de-sac, a distance of: 0.03 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-Way width (feet) = 50

A Resolution to Approve a Waiver for a Right-of-Way Less Than Fifty Feet in Width (WAVR10-MA-030) - Marshall District

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER FOR A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH (WAVR10-MA-030), MARSHALL DISTRICT

WHEREAS, Robin Fetsch, owner, and William Fetsch, applicant, are seeking a waiver to Zoning Ordinance Section 7-302.1.A.3 to allow a right-of-way that is less than fifty feet in width; and

WHEREAS, the applicant proposes to create an administrative lot and a residual lot from the 31.3890-acre parcel identified as PIN #6010-06-2105-000, with access via a less than fifty-foot easement which connects at the intersection of Fiery Run Road (Route 726) and Cherry Hill Road (Route 638); and

WHEREAS, on June 24, 2010, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That Zoning Ordinance Section 7-302.1.A.3 be, and is hereby, waived to permit Robin Fetsch and William Fetsch to create an administrative subdivision lot on the above-referenced parcel that will be accessed by a right-of-way that is less than fifty (50) feet in width.

A Resolution to Transfer \$900,000 from the County Capital Reserve

RESOLUTION

A RESOLUTION TO TRANSFER \$900,000 FROM THE COUNTY CAPITAL RESERVE

WHEREAS, the Fauquier County Board of Supervisors authorized the County Administrator to purchase land as identified in the County Attorney's Confidential Memorandum of May 13, 2010; and

WHEREAS, the land to be purchased has been publicly identified as the Remington Land, LLC Parcels, located in Remington and more particularly identified as Parcel Numbers PIN 6889-21-0063 and PIN 6888-19-5365, consisting of approximately 201 acres; and

WHEREAS, Remington Land, LLC, the property's owner, and the County have agreed upon a price of \$900,000 for purchase of the entire parcel; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors, this 8th day of July 2010, That \$900,000 be, and is hereby, transferred from the County Capital Reserve to complete the transaction.

A Resolution to Authorize the Revision of Finance Department Policy FC-4: Debt Issuance and Management

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF POLICY FC-4 DEBT ISSUANCE AND MANAGEMENT

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Financial and Debt Management Policies; and

WHEREAS, the Fauquier County Government Financial and Debt Management Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, in order to formalize existing procedures and document the County's adherence to IRS guidelines and GFOA best practices, revisions are recommended to the Management and Budget Department Policy FC-4, Debt Issuance and Management Policy, dated December 10, 2009; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the attached Policy FC-4, Debt Issuance and Management is hereby adopted.

A Resolution Authorizing the County Administrator to Donate Funds Received from the Foresting of Trees at Whitney State Forest to the Virginia Department of Forestry to be Used for Improvements to Whitney State Forest

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO DONATE FUNDS RECEIVED FROM THE FORESTING OF TREES AT WHITNEY STATE FOREST TO THE VIRGINIA DEPARTMENT OF FORESTRY TO BE USED FOR IMPROVEMENTS TO WHITNEY STATE FOREST

WHEREAS, the Virginia Department of Forestry has determined that certain trees in Whitney State Forest, which is located within the boundaries of the County, must be forested; and

WHEREAS, the Virginia Department of Forestry will receive funds from the foresting of Whitney State Forest, said funds being estimated at approximately \$28,000; and

WHEREAS, the County of Fauquier is entitled to receive one-quarter of any funds received from the foresting of trees within Whitney State Forest, said funds being estimated at approximately \$7,000; and

WHEREAS, the County of Fauquier wishes to donate any funds received from the foresting at Whitney State Forest to the Virginia Department of Forestry for the purpose of making improvements to Whitney State Forest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That any funds received from the foresting at Whitney State Forest be, and are hereby, donated to the Virginia Department of Forestry to be used for the sole purpose of making improvements to Whitney State Forest, said donation to be made in amounts and for such purposes as generally set forth in the letter dated June 28, 2010, from Terrance Lasher, Assistant Regional Forester, Central Region, Virginia Department of Forestry.

A Resolution to Receive the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (RRCSB-AAA) FY 2011 Performance Contract with the Department of Behavioral Health and Developmental Services and the Area Plan for Aging Services

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING (RRCSB-AAA) FY 2011 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2010, the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (RRCSB-AAA) adopted its Performance Contract with the Department of Behavioral Health and Developmental Services and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Fauquier County Board of Supervisors has received a request from the RRCSB-AAA that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the Fauquier County Board of Supervisors does hereby receive the FY 2011 RRCSB-AAA Performance Contract with the Department of Behavioral Health and Developmental Services and the 2011 Area Plan for Aging Services, and acknowledges that the Fauquier County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

A Resolution Increasing the Work Hours of the Water Resource Officer from 20 to 30 Per Week

RESOLUTION

A RESOLUTION INCREASING THE WORK HOURS OF THE WATER RESOURCE OFFICER FROM 20 TO 30 PER WEEK

WHEREAS, Fauquier County employs a Water Resource Officer at 30 hours per week; and

WHEREAS, the County's FY 2011 budget sets the Water Resource Officer's work hours at 20 hours per week; and

WHEREAS, by this resolution, the Water Resource Officer's work hours will be continued at 30 hours per week; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the work hours of the Water Resource Officer shall continue to be 30 hours effective July 1, 2010.

A Resolution Authorizing the County Administrator to Accept on Behalf of Fauquier County a Grant Awarded by the Virginia Department of Emergency Management

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT ON BEHALF OF FAUQUIER COUNTY A GRANT AWARDED BY THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

WHEREAS, the Fauquier County Department of Fire/Rescue and Emergency Management was awarded a grant for 2009 Local Emergency Planning in the amount of \$13,000 and does require a 1:1 ratio of local funding or in-kind match; and

WHEREAS, the use of these funds will be for the support/development and maintenance of a comprehensive Emergency Management Plan to be used by Fauquier County as required by the State of Virginia, Department of Emergency Management; and

WHEREAS, it is the policy of the Board of Supervisors and Fauquier County that a Governing Body Resolution be done in order to obtain grant funds from the Virginia Department of Emergency Management; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, the 2009 Local Emergency Planning grant award from the Virginia Department of Emergency Management.

A Resolution to Authorize the County Administrator to Execute a Lease on Behalf of Fauquier County with Andre Gaunoux for 32 Waterloo Street

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE ON BEHALF OF FAUQUIER COUNTY WITH ANDRE GAUNOUX FOR 32 WATERLOO STREET

WHEREAS, the previous lease with Fauquier County to locate the Office of the General Registrar at 32 Waterloo Street with Andre Gaunoux has expired; and

WHEREAS, the Department of General Services and Andre Gaunoux have agreed upon the basic tenets of the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the County Administrator be, and is hereby, authorized to execute a lease on behalf of Fauquier County with Andre Gaunoux, consistent with the terms and conditions agreed to in the lease document, at such time as the lease has been approved by the County Attorney.

A Resolution in Support of the Location of Underground Utilities in Streets Designed and Intended as Public Streets Within the Virginia Department of Transportation (VDOT) Secondary System of State Highways

RESOLUTION

A RESOLUTION IN SUPPORT OF THE LOCATION OF UNDERGROUND UTILITIES IN
STREETS DESIGNED AND INTENDED AS PUBLIC STREETS WITHIN THE VDOT
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Fauquier County Board of Supervisors designated the County's six major service districts as compact areas and the three village service districts as suburban areas by ordinance pursuant to Section 15.2-2223 of the Code of Virginia on February 18, 2010 and received Virginia Department of Transportation (VDOT) approval of those designations on June 11, 2010; and

WHEREAS, one of the County's goals as delineated within the Fauquier County Comprehensive Plan is "to concentrate and guide growth in and around Service Districts and Villages" and, in most areas, this involves applying more traditional town principles in order to create and define a "sense of place"; and

WHEREAS, with smaller lot development that is increasingly a component of new development projects in the service districts, the location of all utilities outside of the right-of-way is becoming increasingly difficult with each utility's need for separate placement and easements, while trying to maintain the County's desire for more compact development, sidewalks and street tree planting; and

WHEREAS, VDOT's Secondary Street Acceptance Requirements, that became effective on July 1, 2009, state in 24VAC30-92-120(M)(5) with regard to underground utilities, "The department allows the placement of underground utilities within the dedicated right-of way of streets, but normally restricts placement to areas outside of travel lanes."; and

WHEREAS, the County has a number of projects that pre-date the new 2009 requirements and are still subject to the 2005 requirements, which have a similar provision regarding the placement of utilities, except that they are "desirably beyond pavement areas"; and

WHEREAS, both the 2009 and 2005 requirements further provide that if the governing body has established adequate requirements for the design, location and construction of underground utilities within the right-of-way, those requirements shall become the department's requirements; and

WHEREAS, the Fauquier County Water and Sanitation Authority has adopted enhanced construction standards for the location of water and sewer lines under roadway pavement, including adequate testing and inspection requirements; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the Board of Supervisors supports and encourages the location of facilities within the VDOT secondary street right-of-way outside of the traveled way for development of more than 400 vpd and within the pavement generally for development of less than 400 vpd, provided that the development is located within the County's service district boundaries, and the utilities and streets are constructed in accordance with VDOT's construction standards; and be it

RESOLVED FURTHER, That a certified copy of this resolution shall be forwarded to the District Administrator, Culpeper District of the Virginia Department of Transportation.

APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR THREE HUNDRED FORTY-EIGHT (348) LOTS. THE PROPERTY ASSEMBLAGE (PINS 6889-89-6214-000, 6899-05-7716-000, AND 6899-18-3742-000) IS LOCATED AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF MARSH ROAD (ROUTE 17) AND CATLETT ROAD (ROUTE 28), IN THE BEALETON SERVICE DISTRICT, LEE MAGISTERIAL DISTRICT

Mr. Stribling moved to postpone action on this matter indefinitely. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO ADOPT CPAM10-MA-001 - A COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN FOR THE REINTRODUCTION OF THE ROUTE 211 - ROUTE 17 CONNECTOR CORRIDOR RESERVATION

Mr. Nyhous moved to adopt, as amended, a Resolution to Adopt CPAM10-MA-001, a Comprehensive Plan Amendment to the Warrenton Service District Plan for the Reintroduction of the Route 211 - Route 17 Connector Corridor Reservation. Mr. Graham seconded and, following discussion, the motion failed by a vote of 2 to 3 as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous
Nays: Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Absent During Vote: None
Abstention: None

A RESOLUTION TO AUTHORIZE THE CHAIRMAN TO ENTER INTO OPEN SPACE USE AGREEMENT WITH LANDOWNER

Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded. Mr. Schwartz stated that he will recuse himself from this vote because one of the Open Space Use

Agreements relates to an Open Space Use Agreement Renewal for land that he owns. Following discussion, the vote for the motion was 4 to 0 as follows:

Ayes:	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>Mr. Peter B. Schwartz</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO OPEN SPACE AGREEMENT WITH LANDOWNER

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a nonqualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That the Chairman be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
<u>RENEWAL</u> Duszka, Darrell E. Duszka, Joan H.	6022-55-7978-000 2527 Leeds Manor Rd. Markham, VA 22643	38.972
<u>RENEWAL</u> Lysy, Frank J. Lysy, Frank J. Revocable Trust and Others	6042-37-9273-000 6042-38-6099-000 PO Box 199 Delaplane, VA 20144	25.0 26.3
<u>RENEWAL</u> Hansen, Curtis R. Hansen, Shelia A.	6042-18-8092-000 PO Box 157 Delaplane, VA 20144	72.25
<u>RENEWAL</u> Miqdadi, Khaled c/o Hammer, Norman F., Jr. Attorney	6938-47-2621-000 PO box 339 Ophelia, VA 22530	73.473
<u>RENEWAL</u> Schwartz, Peter B Moser, Anna M	6042-09-3352-000 PO Box 159 Delaplane, VA 20144	53.3168
<u>NEW</u> Neese, Donald J. Neese, Melinda J.	6022-79-0855-000 2283 Leeds Manor Rd. Markham, VA 22643	40.5696
<u>NEW</u> Prow, Charles L. Prow, Angela	6042-58-5855-000 10299 Possum Hollow Dr. Delaplane, VA 20144	29.3311
<u>NEW</u> Puckett, John A. Puckett, Carlotta L.	7803-26-3252-000 14725 Rogers Ford Rd. Sumerduck, VA 22742	2.2159

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- OPEB Trust Finance Committee - Citizen Member: Ari Sky was reappointed for a two-year term that ends July 8, 2012.
- OPEB Trust Finance Committee - Citizen Member: Sally Murray was reappointed for a two-year term that ends July 8, 2012.

- Architectural Review Board - Planning Commission: Kenneth Alm was reappointed for a term to run concurrent with his Planning Commission term, which ends March 1, 2014.
- Towing & Recovery Board - Virginia State Police: Sergeant Charlie Crummett, Jr.
- Towing & Recovery Board - Warrenton Police Department: Officer Sam Tilley

SUPERVISORS' TIME

- Mr. Stribling stated that last Saturday he went to *An American Celebration* at Ritchie Lake and that it was well attended, and he encouraged citizens to attend the local functions within their communities this summer.
- Mr. Graham added (regarding Saturday's event at Ritchie Lake) there are many citizens in the community that have historic backgrounds and he had an opportunity to join the Messick family for the firing of the Civil War cannons; Jimmy Eustace had his Indian artifacts and teepee displays; there was a Civil War encampment and a World War II encampment; there were reenactments of a Civil War sword fight and skirmishes; the fireworks were stupendous; there was a lot of food and fun; and, it was quite a day with between 2,000 to 4,000 visitors. Mr. Graham stated there are numerous people who have donated time to the community, including many of our older citizens who are passing on, which is a generation that we will never see again. He continued that even though we are currently living in difficult economic times, these older citizens have lived through a true depression era and were able to sustain themselves by growing their own food; he added that we have farmers who are growing their own gardens, and he suggested that everyone try growing something and share it with their neighbors. Mr. Graham announced that thirdly, and perhaps most important, today is the birthday of one of the members at the dais, and Mr. Graham was joined by other Board members in singing a chorus of "Happy Birthday" to Mr. Nyhous. Mr. Graham then announced that the Flying Circus Air Show will be celebrating its 40th Anniversary on July 25, 2010, and he encouraged citizens to come to the Air Show and join the festivities.
- Mr. Schwartz noted with sadness the passing of Tom Lodahl last week, who was serving on the Airport Committee at the time he died. Mr. Schwartz added that Mr. Lodahl was a relentless participant in many of the causes that many in the County hold dear and will be missed, and he appreciates all of the good works that Mr. Lodahl did for our County. Mr. Schwartz stated that at last month's Commonwealth Transportation Board meeting all of the transportation enhancement grants for the current year were voted on and the Marshall Main Street application was fully funded for a second year in a row, which now gives Marshall Main Street a funded budget of transportation enhancement money of \$1.7 million dollars for Main Street improvements; he added that the preliminary engineering work is underway and will continue over the course of the next few months, while the design team for the project begins meetings with Main Street property owners and business owners to make sure they are all fully involved in the process of what gets designed and how it gets constructed so that it is done in a way that does not disrupt their business.

- Mr. Nyhous announced the Fauquier County Fair is coming July 15th through 18th and there are tons of activities, it is a family friendly affair, and he invited everyone to attend the Blue Ribbon Dinner on Saturday where Board members will be serving the food. Mr. Nyhous stated that the County's Water Resources Project Manager has put together a pamphlet that will be made available to all of the residents in the coming weeks; he added that this pamphlet contains some interesting facts about Fauquier County, such as the fact that only the Town of Warrenton has reservoir water, everyone else gets their water through wells, and the fact that in 2009 Fauquier County's population was 67,702, which equates to 4.7 million gallons per day of water usage by residents on an annual average; there are lots of conservation tips.

ANNOUNCEMENTS

- Mr. Hooper announced that the Virginia Agribusiness Council will be holding one of five statewide meetings on July 19, 2010, from 2:30 until 4:30 PM at the Farm Credit Office in Warrenton.
- Mr. Hooper announced that through the Social Services Department there is special cooling assistance during the summer heat for those in a category of elderly, low income or disabled, and anyone needing assistance may contact the Social Services Department at (540)347-2316 to determine eligibility.
- Mr. Hooper announced that the new schedule at the landfill convenience sites go into effect on Monday, July 12, 2010. He added that the sites will be closed every Monday and Tuesday, and generally the sites will be open the rest of the week from 7:00 AM until 3:00 PM, except on Thursdays, the hours will be from 11:00 AM until 7:00 PM.
- Mr. Hooper announced that the Board of Supervisors plans to reconvene this evening's meeting on Thursday, July 22, 2010, at 1:00 PM at the Warrenton Visitors Center to discuss issues pertaining to the Vint Hill Economic Development Authority.

AN ORDINANCE TO AMEND CPAM08-CR-005 - AN UPDATE TO THE CATLETT, CALVERTON, MIDLAND VILLAGE SERVICE DISTRICT PLAN, CHAPTER 6 OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN

A public hearing was held to consider an Ordinance to update the Catlett, Calverton, Midland Village Service District Plan, Chapter 6 of the Fauquier County Comprehensive Plan. The proposed Plan before the Board of Supervisors, dated June 10, 2010, reflects the majority of the recommendations made by the Planning Commission in April 2009 for land use designations and transportation. Susan Eddy, Chief of Planning, summarized the proposed Comprehensive Plan Amendment. Thomas Nutt, Cedar Run District, read a letter from his father supporting the pending development and requesting that the Board of Supervisors postpone a decision. Needham Kelly, Jr., Cedar Run District, representing Oak Shade Baptist Church Board of Trustees, requested the Board of Supervisors delay action until full consideration is given to an application by Catlett Farms, LLC. Andrew McGeorge, Cedar Run District, representing Catlett

Farms, LLC, encouraged the Board of Supervisors to postpone a decision on the proposed Comprehensive Plan Amendment until after the project application can be presented and considered for approval in December. Chuck Medvitz, Scott District, urged the Board of Supervisors to take action on the Comprehensive Plan Amendment. Gilbert Slaughter, Cedar Run District, requested that the Board of Supervisors delay action on the Comprehensive Plan Amendment until full consideration is given to the Catlett Farms, LLC. Suzanne Scheer, Cedar Run District, spoke in favor of the proposed Comprehensive Plan Amendment, and presented a petition to the Board of Supervisors for review and citing there are over 200 residents who oppose the development. No one else spoke. Mr. Graham moved to postpone a decision on the matter for up to 90 days, to allow for the submission of the Catlett Farm LLC plan. Mr. Nyhous seconded, and following discussion, the vote for the motion was 3 to 2 as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Chester W. Stribling*
Nays: *Mr. Peter B. Schwartz; Mr. R. Holder Trumbo*
Absent During Vote: *None*
Abstention: *None*

A RESOLUTION TO AUTHORIZE CONVEYANCE OF PROPERTIES ACQUIRED UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM

A public hearing was held to consider a resolution to authorize conveyance of properties acquired under the Neighborhood Stabilization Program. The County has acquired foreclosed property located at 11262 Cedar Lee Court, Bealeton; 10984 Southcoate Village Drive, Bealeton and 11118 South Windsor Court, Bealeton under the Neighborhood Stabilization Grant. In accordance with program guidelines, the County is seeking to sell this property to eligible participants. Anthony I. Hooper, Deputy County Administrator, summarized the program. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF PROPERTIES ACQUIRED UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM

WHEREAS, the County has acquired, under the Neighborhood Stabilization Program, residential property located at 11262 Cedar Lee Court, Bealeton; 10984 Southcoate Village Drive, Bealeton and 11118 South Windsor Court, Bealeton; and

WHEREAS, the purpose of the program is to help stabilize neighborhoods through the acquisition, rehabilitation and resale of property to eligible buyers under the grant guidelines; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 8th day of July 2010, That the County Administrator be, and is hereby, authorized to convey property located at 11262 Cedar Lee Court, Bealeton; 10984 Southcoate Village Drive, Bealeton and 11118 South Windsor Court, Bealeton in a manner consistent with grant guidelines.

A RESOLUTION TO APPROVE SPEX10-CT-018 GROVER, LC (OWNER)/STEVE & RETA RODGERS (APPLICANTS) - MORIAH FARM HORSE SHOWS APPLICANTS WISH TO OBTAIN A CATEGORY 18 SPECIAL EXCEPTION TO ALLOW FOR HORSE SHOWS ON A PORTION OF THE PARCEL (PIN #6993-48-1217-000, CENTER DISTRICT)

A public hearing was held to consider an application for a Category 18 Special Exception to hold forty-eight (48) horse shows each year (May through October) on approximately 10.87 acres of a 100.8-acre parcel. Melissa Dargis, Assistant Chief of Planning, summarized the application. Amy Pritchard, Scott District, of Carson Ashley & Associates, spoke on behalf of the applicant requesting favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-CT-018: A CATEGORY 18 SPECIAL EXCEPTION TO ALLOW FOR HORSE SHOWS ON A PORTION OF THE PARCEL

WHEREAS, Grover, LC, owner, and Steve & Reta Rodgers, applicants, are seeking Special Exception approval of a Category 18 Special Exception to hold forty-eight (48) horse shows each year (May through October) on approximately 10.87 acres of a 100.8-acre parcel on PIN #6993-48-1217-000; and

WHEREAS, on May 27, 2010, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on July 8, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1800; and

WHEREAS, the Board of Supervisors also finds, per the Fauquier County Zoning Ordinance Section 5-1801.2.3 that the existing riding warm up ring which is located closer than 100 feet to the lot line will not negatively impact the adjoining property owners; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of July 2010, That SPEX10-CT-018 be, and is hereby, approved, subject to the following conditions:

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat, “Moriah Farms Horse Shows, LC” approved with the applications, as qualified by these development conditions.
3. The term of this Special Exception shall be for two and one half (2.5) years with one (5) five-year extension by the Zoning Administrator.
4. The applicants shall have the ability to conduct the following uses on the site:
 - Twenty-four (24) full-day weekend shows (Saturday and Sunday) from May through October; and
 - Twenty-four (24) half-day shows (Tuesday and/or Thursday) in the summer months of June, July and August.
5. The hours of operation and maximum number of staff and attendees for activities shall be as follows:

Full-Day Shows:

Hours of Operation: 6:00 a.m. until dusk
Staff arrival – 6:00 a.m.
Trailer/Participant arrival – 7:00 a.m.
Open Schooling – 7:00 a.m. – 8:00 a.m.
Show Start – 8:00 a.m.

Staff: 1 Show Manager
1 Announcer
1 Show Secretary
1 Judge
3 Ring Crew
1 Emergency Medical Technician (EMT)

Attendees: 175 People (per day)
80 Horses

Half-day shows:

Hours of Operation: 2:00 p.m. until dusk
Staff arrival – 2:00 p.m.
Trailer/Participant arrival – 3:00 p.m.
Open Schooling – 3:00 p.m. – 4:00 p.m.
Show Start – 4:00 p.m.

Staff: 1 Show Manager/Announcer
1 Show Secretary
1 Judge
1 Ring Crew

Attendees: 75 People (per day)
40 Horses

6. The entrance off Old Auburn Road shall be used for horse shows. The horse shows may not use the entrance on Eastwood Drive.
7. The applicant shall comply with VDOT commercial entrance standards and obtain an entrance permit.
8. The applicant shall comply with Virginia Department of Health standards and conform to all state and local requirements and obtain any required permits.
9. Moriah Farms Horse Shows shall be limited to one directional sign along the property frontage that meets Zoning Ordinance requirements. Directional signs, internal to the property, shall be allowed to direct traffic, parking and pedestrians.

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3 AND ARTICLE 5 TO MODIFY REQUIREMENTS AND LIMITATIONS IN THE C-1 ZONING DISTRICT, TO INCLUDE CHANGES TO SETBACKS, ADDITION OF USE LIMITATIONS, ALLOWING UPPER-STORY RESIDENTIAL USES BY-RIGHT, AND ALLOWING UP TO 100,000 SQUARE FEET OF RETAIL/SHOPPING CENTER WITH APPROVAL OF A SPECIAL EXCEPTION

A public hearing was held to consider a proposed text amendment that seeks to modify the provisions of the C-1 Zoning District in order to facilitate development within the District more in keeping with the neighborhood scale commercial and mixed use centers envisioned by the Comprehensive Plan. Key changes include: (1) Allow an increase in size for a shopping center from 50,000 to 100,000 square feet (with special exception approval) in order to facilitate mixed use development with upper story uses; (2) Allow residential units to be located over commercial uses by-right instead of requiring special exception approval; (3) Require buildings to be set closer to the street, with sidewalks and street-trees on street frontages and parking areas located to the side and rear of buildings; (4) Add standards for all development in the C-1 Zoning

District related to building orientation and massing, as well as access and parking, to require development consistent with a neighborhood scale. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on this matter for up to 90 days. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

APPLICATION TO REZONE APPROXIMATELY 97.13 ACRES FROM RURAL AGRICULTURE (RA), COMMERCIAL-NEIGHBORHOOD (C-1), AND RESIDENTIAL - 4 (R-4) TO THE MIXED USE SPECIAL DISTRICT BEALETON SERVICE DISTRICT (MU-BEALETON) - PIN #6990-10-5075-000, 6899-19-6609-000, 6899-29-1470-000, AND 6990-20-9359-000, LEE DISTRICT

A public hearing was held to consider an application to rezone 97 acres to the Mixed Use - Bealeton District. The White Marsh project is proposed to be a mixed-use, walkable community. The proposal consists of a Mixed Use - Core of 25 acres and a Mixed Use - Residential area of 72 acres. Commercial uses include retail, office, hotel and assisted living/nursing home facilities. Institutional uses include a museum and a church. Housing types include single-family detached, townhouses, live-work and multi-family units. Holly Meade, Senior Planner, summarized the application, and added that the application is currently not ready for action; however, public input is being sought to help the applicant finalize the details associated with the rezoning request, hopefully within the next 90 days. Don Tharpe, Applicant, Lee District, offered to answer any questions and thanked the Board of Supervisors for their consideration of this application. Amy Trotto, Scott District, representing Citizens for Fauquier County, spoke in opposition to the application and asked the Board of Supervisors to either deny the application or make certain that all issues raised by the Planning Commission have been resolved before any action is taken. James Flannigan, Lee District, presented the Board of Supervisors with a petition and stated there are 50 signatures in support of this rezoning request. Johnny James, Cedar Run District, spoke in favor of the White Marsh development and in support of the rezoning application; Beverly Flannigan, Lee District, spoke in favor of rezoning application; Chuck Medvitz, Scott District, stated the plan needs additional work and offered to make his feedback available on the applicant's proffer package; Chuck Floyd, Scott District, of Carson Ashley & Associates, requested favorable consideration of the application, and will consider public comments for project refinement. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone action on this matter for up to 90 days. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-504 AND 5-1403 TO ALLOW THE PARKING OF AUTOMOBILES AND FARM EQUIPMENT IN REQUIRED YARD AREAS IN A COMMERCIAL OR INDUSTRIAL DISTRICT

A public hearing was held to consider a Zoning Ordinance text amendment to allow the parking of automobiles and farm equipment in required yard areas in a Commercial or Industrial District. The existing Zoning Ordinance regulations prohibit the by-right display and storage of goods offered for sale in required yard areas in any Commercial or Industrial zoning district. This limitation includes the storage of motorized vehicles such as automobiles and tractors that are available for sale, unless approved in conjunction with a special permit, although the Ordinance does allow off-street parking requirements for customers and/or employees to occur within required yard areas. The proposed text amendment would allow the Zoning Administrator to approve the by-right display of automobiles and similar motorized vehicles that are offered for sale within required yard areas subject to specific standards. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. Madge Eicher, Marshall District, expressed her appreciation for the Board of Supervisors deliberation on this matter and suggested that keeping the ordinance short and simple will make it more workable and stated that no financial impact analysis was done on negative impact of this proposal on businesses, landowners or the County. Christer Carshult, Center District, stated this is a very business positive move to try to amend this text component of the ordinance that is very limiting to the ability of people's use of their property to be able to display goods; he added that it would be helpful if the ordinance could be kept simpler and more understandable, as well as to distinguish the application between developed parcels versus undeveloped parcels; Chuck Medvitz, Scott District, stated that the current draft might be interpreted differently in various parts of the community, and that he would get back to the Board of Supervisors with a more complete analysis. No one else spoke. Mr. Graham moved to postpone action on this matter for thirty days until the next regular meeting on August 12, 2010. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

With no further business, the meeting was adjourned at 8:20 P.M. to reconvene on July 22, 2010.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 8, 2010.

Paul S. McCulla
Clerk to the Board of Supervisors